H 5

# CONGRESSIONAL RECORD:

Pat 2
2546
4571




CONTAINING

## THE PROCEEDINGS AND DEBATES

2

OF THE

## FORTY-NINTH CONGRESS, SECOND SESSION.

---

## VOLUME XVIII.

---

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1887.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

J11
.R5
24 ret



SURPLUS - 1
LIBRARY OF CONGRESS
DUPLICATE

VOLUME XVIII, PART III.

# CONGRESSIONAL RECORD AND APPENDIX,

## FORTY-NINTH CONGRESS, SECOND SESSION.

ratio of these to the bulk of material from which they had been selected was too small to be determined. At the mouths of rivers which are rapidly extending their deltas, one does not find the sand sifted out in recent deposits; but at some ancient mouth, long since closed to the discharge of river-floods, he may find a belt of beach sand, having a very foreign aspect, but really sifted from the river muds in the long course of time.

The Lower San Juan has so extended its delta as to merge its mud, of late years, with the sands of Punta Arenas (or Isla Castilla, as the eastern portion of the beach is called), but the ground over which it advances is much of it shallow, so that a small volume of sediments makes considerable area. We have not succeeded in making any satisfactory computation of the amount of *débris* brought down by this river, but it does not, I think, exceed a hundred thousand cubic yards per annum as measured in the Greytown basin.

The plan already proposed by Commander Lull for restoring the harbor comprises three important works, namely, the dredging away of a portion of Punta Arenas and its aproning of shallow ground; the construction of a jetty to windward of the new opening, so as to shelter the approach from the sea and protect the channel from the wash of the waves; and the diversion of the waters now flowing through the Lower San Juan into the Colorado by obstructions at or near the forks. The object of the last-named work is to prevent sediments from encumbering the Greytown basin, &c.

This plan, as far as regards the main points stated above, is not inconsistent with the view I have adopted relative to the causes of injury heretofore and the obvious means of resisting them in the future, and I purpose to discuss this plan, not to present any fundamental objections, but to see how it answers criticisms from this different standpoint:

First. A jetty designed to arrest the traveling sands of the coast most effectually should extend in a direction nearly normal to the shore, and yet have a tendency to turn the sea slightly shoreward, so as to prevent the sands from escaping by the race round the end of the pier. The jetty plotted upon the map sent to me answers these tests pretty well. A position has been chosen where a line at right-angles to the general shore-line (which trends southwest in this neighborhood) is slightly inclined toward the direction of the sea, which, although created by the northeast trade-wind, is modified in the direction of its onset as it approaches the coast so as to strike at a less angle than it would if driven directly before the wind.

Second. The jetty intended to shelter the approach to the interior basin should serve as a breakwater to vessels obliged to come to anchor outside when unable to come in by reason of darkness or when waiting for a tow.

The jetty, as plotted, 3,000 feet long, will shelter nine ships under its lee, as the bottom now lies, and double this number if dredging is done within a reasonable distance of the beach and the entrance. These estimates are based upon the consideration that the wind is nearly constant, so that vessels may be expected to swing together over on octant of 500 feet radius, and that the least depth of water required will be 18 feet.

We are told at Greytown that vessels anchor at all seasons of the year on this coast, and escape injury, although they lie uncomfortably, even in ordinary weather, while the trade-winds prevail.

The sea of the Caribbean is very high, but it is very short from rear to front, so that a wave has no great volume, and under the shelter of a breakwater no considerable swell may be expected. Captain Selfridge informed me that he had found the water perfectly quiet in Porto Bello when the sea outside was running very high with the northeast trade-wind. This harbor is a good illustration, because it is scarcely 2 miles long, and opens divergently toward the sea. The exposure is, however, to the southward of west, so that the sea runs away from it. We shall have occasion to refer to this again when we come to speak of ports on the Pacific side of the isthmus.

It may be found necessary to extend the jetty at Greytown; to add a kant running westward from its extremity; but this could only be decided upon after ascertaining how fast the sands are disposed to creep out on the windward side, and how they may be inclined to deposit themselves beyond or within the end of the structure.

We may venture, not without misgivings, because of the inadequacy of our information, to make an estimate of the time that may elapse before the sands would accumulate as dry beach out to the end of the proposed jetty. We have already seen how rapidly the accumulations have taken place against the west shore, and we know that we have to resist the movement of nearly three-quarters of a million of cubic yards per annum. It is an important question how far the reaction of the jetty may extend to the eastward, because upon this reaction depends the form which the bank will take. At Port Saïd, which is situated on the flank of the delta of the Nile, much in the same way that Greytown is placed relative to the main delta of the San Juan, the accumulations have taken place in long triangular banks with bold fore shores.

Instead of piling up directly against the jetty, the shore, for perhaps a mile, has moved outward, each deposit against the mole having reacted and formed another deposit farther back. In this way the advance toward the end of the structure has been very slow. In a very general way, perhaps, we can detect a similar reaction along the shore since Punta Arenas completed its advance westward; at all events, the outward movements, although irregular from point to point, are not in any respect confined to the immediate vicinity of the obstruction (the main shore). On the contrary they happen to be less there than farther eastward, although the volume of accumulation is greater. Rejecting the shore-line, however, as being the least important contour, because the most liable to accidental movement, we shall descend to the 4 and 5 fathom curves and observe how they have advanced.

In the interval between the survey of Captain West and that of Commander Lull, seven and a quarter years, we find that the fore slope of the beach between the 4 and 5 fathom lines moved out, in the average 100 feet per annum. At these depths it is hardly likely that the washing away of the beach in storms has had much effect; and, of course, one of the first steps taken (should improvements be decided upon) will be to secure this beach, so that we need not take these accidents into account.

Now comes the report of Major McFarland:

WASHINGTON, D. C., *November* 18, 1874.

Bvt. Maj. Gen. A. A. HUMPHREYS, *Chief of Engineers, U. S. A.*; Professor BESY, *U. S. Coast Survey*; Commodore DANIEL AMMEN, *U. S. N., U. S. Interoceanic Canal Commission, Washington, D. C.*:

GENTLEMEN: I have the honor to present herewith my report upon the examination made by me, under your instructions, of the two proposed routes of water communication between the Atlantic and Pacific Oceans, known as the Nicaragua and the Darien, or Alrato-Napipi routes, and which were surveyed and reported upon respectively by Commander E. P. Lull and Thomas P. Selfridge of the United States Navy.

Under Special Order No. 34, War Department, Adjutant-General's Office, dated Washington, February 16, 1874, I was directed by the Hon. Secretary of War, in addition to my other duties, to report to the president of the United States Isthmus Canal Commission for duty in connection with the examination of proposed routes of communication by canal between the Atlantic and Pacific Oceans, and Capt. William H. Heuer, Corps of Engineers, was directed to report to me temporarily for the same service.

Having reported to you in accordance with the terms of this order, I was furnished with a letter of instructions, of which the following is a copy:

UNITED STATES INTEROCEANIC CANAL COMMISSION,
*Washington, D. C., February* 17, 1874.

Maj. WALTER MCFARLAND,
*Corps of Engineers, United States Army, Painesville, Ohio:*

SIR: The object of the commission in asking for the detail of officers of engineers of the Army to aid them in the examination of the reports upon the Nicaragua and Alrato Interoceanic Canal route was that these officers might make such examination, measurements, and investigation of the two routes as would enable them to present a professional opinion upon the degree of practicability and the cost of each.

The Secretary of War has detailed you for that purpose, and directed Captain Heuer of the Engineers to report to you for duty.

The Secretary of the Navy has directed every arrangement to be made that is requisite to enable you to perform this duty, and copies of the instructions issued are inclosed herewith for your guidance.

You will proceed to Pensacola, Fla., accompanied by Captain Heuer, whom you will instruct accordingly, to meet the Gettysburg, which will leave there on the 25th instant. The usual mileage will be paid to yourself and Captain Heuer by Assistant Paymaster C. F. Eastman, of the Gettysburg.

Upon the completion of the examinations you will proceed to this place and submit your report.

The commission deemed it unnecessary to give you detailed instructions relative to the proposed examinations; the great question on any route being the practicability, cost of construction, and the permanency of the harbor at each end; the elevation of the summit dividing the two oceans, and the manner and cost of passing it; the supply of water, and, finally, the cost of the whole route.

The proposed locations of the canals are submitted as approximative, and not final, and you are, therefore, authorized to make such surveys as you may consider expedient to correct the details of location, in order to reduce the estimated cost of construction.

The extent of the exploration is necessarily subject to the limitations of time.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
*Brevet Major-General U. S. A., for the Commission.*

THE NICARAGUA ROUTE.

The scheme for opening this route to navigation provides for a harbor at Brito on the Pacific coast; a canal 16½ miles long thence to Lake Nicaragua, with a rise of 107 feet, which is to be overcome by ten locks; an open passage through Lake Nicaragua, 56 miles in length; 63 miles of slack-water navigation in the San Juan River, secured by the construction of four dams, at Castillo, Balas, and Machuca Rapids, and at the mouth of the San Carlos, respectively, around the upper three of which are to be constructed short sections of canal, whose united length is 3½ miles; a canal about 42 miles in length leading from the basin formed by the lower dam directly to Greytown; and lastly, the formation of a harbor at that place.

SUMMARY.

| | Miles of— | | | |
|---|---|---|---|---|
| | Canal. | Lake. | Slack-water. | Total. |
| Pacific to Lake Nicaragua | 16.33 | ..... | ..... | 16.33 |
| Lake Nicaragua | ..... | 56.50 | ..... | 56.50 |
| San Juan River | 3.51 | ..... | 63.02 | 66.53 |
| San Juan River to Greytown | 41.90 | ..... | ..... | 41.90 |
| | 61.74 | 56.50 | 63.02 | 181.26 |

The general design of this route, which is essentially the same as that adopted by O. W. Childs in his survey of 1857, seemed to be good. The lake and the river are both made use of as far as possible; and where the latter becomes too much obstructed by sand deposits to admit of its further use, which occurs at the mouth of the San Carlos, the first large tributary received after leaving the lake, it is boldly abandoned and a canal is run through the valley, the swamps, and the lowlands by the most direct route to Greytown. So far there seems to be no choice, nature having marked the route which must be pursued.

Between the lake and the Pacific coast, however, the route to be followed has not been so easily determined. Examinations of routes to the sea by the valleys of the Lapoa, Lajas, Del Medio, Gonzales, and Ochomongo Rivers, show that the choice lay between the route by the Rio Lajas and that by the Rio Del Medio.

Mr. Childs, in his survey, chose the former route, the highest point of which is only 49 feet above the level of Lake Nicaragua. On the latter, or Del Medio route, the summit is 85 feet higher than on the Lajas route, being 134 feet above the level of the lake; but, notwithstanding this, this route was chosen by Commander Lull for the reasons mentioned in his report, namely, that, although the cutting on this route would be deeper than on the other, the line would be shorter and straighter; deep water would be found nearer its lake terminus than on the other line, and the crossing of many troublesome streams would be avoided. Those reasons I consider sound, and I regard the route by the valley of the Rio Del Medio, therefore, as the best one for canal purposes yet discovered between the lake and the Pacific.

The level of Lake Nicaragua, at its highest stage, is taken as the height of the summit-level. This level is taken as 107 feet above mean tide in either ocean, and the level is to be kept at the height by means of the dam which it is proposed to construct at Castillo Rapids, which will prevent the fall of 5 or 6 feet in the lake level, which usually occurs during the dry season.

Ten locks on each side will effect the descent to the sea; those on the Pacific side being distributed over the distance of 16 miles between the lake and the ocean, with a tide lock in addition at Brito; and those on the Atlantic side being placed, one at each of the three upper dams, and the remaining seven distributed over the 42 miles of canal which would be between the San Carlos and Greytown.

The dams by which it is proposed to secure slack-water navigation in the San Juan appear to be well placed, and are calculated to raise the water from 19 to 27 feet; their heights will vary from 21 to 34 feet, depending upon the depth of water in which they are to be built.

The question yet to be determined in respect to these dams is whether there are any outlets in the banks through which the water which is to be backed up might escape. There appear to be no difficulties in the way of constructing any part of this proposed canal which the resources of engineering skill may not readily overcome, and the whole project seems to have been well considered.

The survey, from its extent and from the limited time which could be given to it, was something in the nature of a preliminary one, and some points yet remain

to be determined, as, for instance, the nature of the material to be excavated, the exact locations of locks, &c., which subsequent examinations will fix.

HARBORS.

As was anticipated, the most serious question to be encountered in making a project for a ship-canal by this route is that of the formation of suitable harbors at its extremities.

The Pacific terminus of the projected canal is at Brito, called by courtesy a harbor, although it possesses none of the characteristics of one, and is, in fact, nothing more than a slight indentation in the short line.

It is proposed to form a harbor here by the construction of breakwaters or jetties, which, in connection with the excavation of a basin in the sandy deposit along the shore, would give an inclosed area of 67 acres, as estimated by the engineer.

This I regard as entirely inadequate to the wants of a great interoceanic canal, for it would afford neither room for vessels to lie at anchor nor enough protection for ocean vessels to admit of their lying at a wharf, and the delay, inconvenience, and cost (pilotage, &c.) of being compelled to run for safety or from necessity into the harbor of San Juan del Sur, as suggested, make it expedient and very desirable to construct, at the Pacific terminus of the canal, such a harbor as will answer all the purposes of commerce.

I am unable to offer at present any suggestion as to the mode in which this is to be accomplished, other than that of a detached breakwater for reducing the swell, for the necessary data in relation to prevailing winds, currents, swells, and depths upon which a complete scheme must depend, are not in my possession; but it may be set down as a certainty that the cost will be much greater than the amount which has been estimated as sufficient for the formation of a harbor at this point.

GREYTOWN OR SAN JUAN DEL NORTE.

The fine harbor which once existed at this port has long since been destroyed by the accumulation of sand, which has closed its entrance, and in place of the opening a mile and three-quarters wide, with 5 fathoms depth, which the charts show in 1832, there are now, commonly, no entrance at all, excepting where the penned-up waters of the bay break through the sand-spit which has closed the entrance, and form a channel-way 2 or 3 feet in depth, through which small boats and canoes may pass in and out when the breakers will permit them to do so. Seagoing vessels nowadays, in receiving or delivering freight at Greytown, lie outside and make use of lighters entirely in moving their cargoes between ship and shore.

The report made to the National Academy of Sciences in 1866 by a committee of its members, to whom had been assigned "the duty of examining into the practicability and best means of improving the navigation of the lower San Juan River, and reclaiming the harbor of San Juan del Norte, or Greytown, in Nicaragua," shows that between 1832, when the entrance was between a mile and three-quarters broad, and 1859, when it had a breadth of but one-eighth of a mile, the advance of Punta Arenas, or Isla Castilla, as it was formerly called, was at a rate varying from 266 feet to 1,100 feet per year, averaging about 400 feet per year.

It is of very little consequence to the present discussion where this destructive sand originally came from—whether brought down by the waters of the San Juan directly through the harbor of Greytown, or deposited by the other mouths and brought along the coast by the action of the prevailing winds and seas.

The one fact that we are sure of is this, that for a period of over twenty years these sands moved to the westward at the rates just mentioned until the harbor at Greytown was destroyed, and it may be set down as an absolute certainty that the same motion had continued for years before, though perhaps unobserved, just as it now continues, although the outlet from the harbor is closed; and as it will undoubtedly continue for years to come, until, indeed, the relative directions of the shore line and of the prevailing winds and waves are changed.

No measurements have ever yet been made with sufficient care or sufficient frequency to enable us to determine with precision what are the changes now actually taking place on the shore lines of this sand-spit. That it is moving westwardis certain, but whether it is moving outward or increasing permanently in volume nothing but a long series of minute surveys, made year after year, referred to the same bases and benches, and carefully compared with each other, can determine. Its movement appears to be one of translation only from east to west, with the usual building out seaward and washing away against the sea slope; constantly varying, with permanent accumulation only where obstructions occur, and therefore, of course, in the resultant angle formed by this growing sand-spit, and the nearly north and south coast line with which it comes in contact in its progress westward.

The question which at once arises is whether the scheme of improvement suggested in the report upon this route is sufficient to secure a permanent harbor here.

That scheme consists generally of the construction of a pier running out 3,000 feet in a northwesterly direction from Punta Arenas; the formation of a harbor or basin by dredging under the lee of this pier, as well as inside the former harbor, and the cutting off of the waters of the lower San Juan by the construction of a dam or dike across its head, thus throwing them in the Colorado branch.

The improvement as suggested is based upon the supposition that all the injury done to this harbor has been done by direct deposits from the lower San Juan, and that if these were cut off and a harbor were excavated where one formerly existed, there would be nothing again to destroy it.

Supposing that could be done, I am of the opinion that it would be ineffectual, because the sands already deposited are so great in volume that under the movement produced by the east winds and seas which here prevail, they would speedily choke up and destroy any harbor constructed to the westward of the mouth of Tauro Pass, unless thrown well into the sea.

The difficulties in the way of accomplishing the desired object by the means indicated are:

First. The impossibility of dredging in an open sea where, although there may be no gales, there is a constant ocean swell sufficient to prevent the use of any dredge whose usefulness up to the present time has been successfully and certainly established.

A swell of 2 feet is enough to prevent the dredge from working, and any swell increases the cost.

The construction of a single pier would not produce the necessary stillness in the waters behind it.

Secondly. The certainty that the westward progression of the shore sands would speedily fill in the angle between the pier and the shore to windward, and the sands then working around the other end of the pier would hug it and soon close any channels that might have been constructed inside of it.

Thirdly. The uncertainty of our being able to close the upper opening of the San Juan branch. The material of this whole delta formation is soft, and floods even now frequently rise above the banks. The Colorado branch can not receive and discharge more than it now receives without changing its regimen; and to attempt to compel it to receive the waters which now flow through the lower San Juan by shutting them off from their natural course, by the construction of a dam across its head, would be simply to test the relative resisting powers of the bed and banks of the Colorado on one hand and of the artificial obstruction on the other, a trial in which in this soft material the chances would be altogether against the artificial work around the ends of and under which the obstructed waters would almost certainly make their way.

The harbor of Greytown is, in my opinion irretrievably ruined, and the only question relating to it which remains to be determined is whether an artificial harbor can here be formed which may be expected to be permanently valuable for canal purposes.

I believe this can be done, but in one way only, and that is by carrying the canal boldly out through the harbor of Greytown and into the sea, into 30 feet of water, and by constructing outside of it and at a convenient distance from its extremity a detached breakwater so situated as to form a deep-water harbor behind it, and to give to the entrance to the canal a sufficient protection against the action of the waves.

Of course the westerly movement of the shore sands before described will gradually cause an accumulation of sand against the weather side of the most easterly of the two dikes or piers herein proposed; and this action will continue until the outer extremity of this pier is reached, where the sand will pass around it, and leaving a bar at the mouth of the canal, the mass of the sand will pass on to the westward and find a resting place under the lee of the most westerly pier, which will prevent it from encroaching upon the channel-way to the sea. The entrance to the canal being narrow, say not over 150 feet in breadth, and being protected by the breakwater from the swell of the sea, it will not be difficult to keep it open by dredging the bar which may here form.

It will be observed in examining a chart of the coast between the Colorado mouth and the Greytown outlet, that the general direction of the shore-line varies from northwest between the mouth of the Colorado and the mouth of the Tauro Pass, to west, between that point and the coast-line north of Greytown; and as the prevailing winds are from the east to northeast, as are also the seas which produce the trend of the beach from east to west, which depends upon the obliquity of the angle at which the wave strikes the beach, and consequently the rate at which the sand accumulates behind any obstruction, such as a pier, will be much more rapid between Harbor Head and the coast north of Greytown than it would be at Harbor Head or between that point and the Colorado mouth, where the prevailing seas strike the beach in a direction nearly normal to the shore-line. For this reason the dykes which form the seaward extremity of the proposed canal should run out from a point near Harbor Head or from a point to the eastward of it; and the canal would therefore cross the harbor or lagoon of Greytown somewhere near its head.

The waters brought down by the lower San Juan and dispersed through the lagoon would find their way to the sea over the low grounds or swamp lands lying to the southward of the canal dykes and through the Tauro Pass.

This scheme would, of course, add very materially to the cost of the canal project, but I am unable to state, without a more minute discussion of the question than I have yet been able to make of it, what the increased cost would probably be; and this, with some other questions of cost and detail, I am compelled to defer for the present.

To sum up, then, my conclusions in regard to the proposed Nicaragua ship-canal are these:

First. The general scheme is good, and the route is certainly practicable.

Secondly. Further examinations need to be made of the country in rear of the proposed dams in the San Juan River—this question affecting not the practicability of the proposed work, but the probable cost of it.

Thirdly. Additional and extensive borings need to be made in order to determine the nature of the material to be excavated.

Fourthly. The proposed harbor at Brito should be enlarged.

Fifthly. The harbor at San Juan del Norte, or Greytown, can not be restored, and the proposed remedy is inadequate.

A harbor must be constructed here in deep water, and the canal led out to it.

JANUARY 12, 1875.

COST OF THE NICARAGUA ROUTE—QUANTITIES.

It has not been thought necessary to recalculate the amount of work which, according to the published report of this survey, will be necessary in order to open the canal route.

The maps, profiles, and original sheets of estimates have been freely placed at my service, and I have compared them together as well as the time at command would permit.

The dimensions in general appear to have been reduced as low as possible, and, in some instances, to such an extent as to impair the efficiency of the canal if constructed in accordance with them; and the calculations of quantities have been determined from dimensions of the proposed sections with a degree of mathematical exactness that can not be adhered to in practice, and which must often be largely exceeded.

The depth of water proposed for this canal is 26 feet, which is about the same as that which has been given on the Suez Canal.

The width varies according to the nature of the construction, as follows, namely:

| | At bottom. | At water surface. |
|---|---|---|
| | *Feet.* | *Feet.* |
| In earth cutting | 50 | 126 |
| In rock | 60 | 106 |
| In earth embankment | 72 | 150 |

In the Suez Canal, which is all in cutting, the widths are as follows:

| | Feet. |
|---|---|
| Least width at bottom | 72 |
| Least width at water surface | 196 |
| Usual width at water surface | 328 |

The side slopes proposed for the Nicaragua Canal are in earth, the steepest admissible, namely, one upon one and a half. Those adopted for the Suez Canal are from one upon two to one upon four or five, and I think it certain that in the light soil of that part of Nicaragua which the canal must traverse in its course from the lake to the Pacific coast, and also in its passage through 10 or 12 miles of low overflowed lands, which lie between Silico Lagoon and Greytown, these slopes will have to be increased to one upon two or three, materially increasing the amount of excavation to be accomplished.

In the proposed improvement of the San Juan River between Lake Nicaragua and Castillo, a distance of 37 miles, 80 feet has been taken as the bottom width of the channel which it would be necessary to dredge. This is too narrow. The least width that should be given, even to the entrance of a harbor with plenty of sea room inside and outside of it, or to a passage across a bar, is three times the width of the larger class of vessels which make use of it; and where the channel is to be of considerable length, and is crooked and affected by currents, and especially where it passes through a river or a bay where its limits can not be fixed permanently and conspicuously, as by the banks of an ordinary canal, its breadth should be increased much beyond this, in order to guard, as well as may be, against the accidents of grounding and collisions. In this case it is my opinion that the width of the cut should be not less at the bottom than 200 feet, which would give an average width of 240 feet at the top of the cut, assuming its depth to be 5 feet, with slopes of one upon four.

The calculators presume that the exact depth of 26 feet, with side slopes of one upon three or four, can be attained by dredging; in practice, however, this can not be accomplished, for under the most favorable circumstances the dredge, from its mode of action, will have to work to an average depth of a foot below the depth it is desired to secure, and this is true also in regard to the removal of rock under water, as the blast must be sunk to a depth of 1 or 2 feet below the bottom which it is desired to secure in order to shatter the rock down to that level. Taking this increased depth and width into consideration, the amount of material to be removed from this part of the route will be between two and a half and three times that given in the original estimate.

In the opening of that part of the route which passes through Lake Nicaragua, it is proposed to cut channels from either shore out to the 26-foot curve, distant 1,200 feet from the shore line on the west side and about 7 miles from the shore line on the east side. This makes no allowance for reduction of depth due to wave action. Without knowing from observation what height the waves attain in this part of the lake, it is yet certain that in a strong wind it can not be less than 4 feet, for this is the amount given by calculation, when the line of exposure is taken at 7 miles, the least possible being the length of the channel itself. This would require an increased depth of 2 feet, which would require the channel to be carried out to the 28-foot curve, which, if the slope of the bottom be taken as nearly uniform, would be found between 1 and 2 miles out of the 26-foot curve.

The bottom through which this channel is to be cut is reported as soft mud, and this, in the single instance in which we tried it, we found to be the case.

It is my opinion that it would be impracticable to keep a channel open through this soft material by dredging alone. In order to prevent it from filling up again immediately, it would be necessary to protect its sides for their entire lengths from the shore to its outer extremity; and if this part of the lake is exposed to no heavier wave action than has just been mentioned, this protection may be given by a combination of ordinary and sheet piling, strengthened at intervals by piers or brace piles. It would not be safe to estimate the cost of this mode of construction at less than $20 per linear foot of structure, and unless the circumstances prove favorable, it will not be possible to do it for this.

An extension of the channel on the west side would also be necessary for the same reason that makes it necessary at the east side; and, for the same reason also, it will be necessary to make it deeper throughout, unless side protections are given to it.

PRICES.

The prices in general seem to be fair, and are apparently based upon those paid for similar work in the United States, taking $1 as the rate of pay of an ordinary laborer for one day's work of ten hours. In some instances, however, the rate is too low.

The rate per cubic yard for excavating rock under water is put at $5. It would cost nearly this to excavate rock in comparatively shallow water, and as in this work the depth to be attained is 26 feet, the rate will be at least double, and I have therefore taken it at $10 per cubic yard.

In the estimates for locks no provision is made for the use of dressed stone in the construction of the walls, concrete being proposed as a substitute. Ordinary concrete will not answer for this purpose, not possessing sufficient hardness to resist the wear and tear resulting from the impact and rubbing of the heavy vessels which would immediately come in frequent contact with it. If any material of this nature be used instead of stone, it must be the hardest kind of Beton agglomerate, made with the very least quantity of Portland cement as a matrix; and this would cost not less than $14 per cubic yard, and even then the hollow quoins and gate recesses should be built in the best manner of dressed stone. The cost of this dressed stone would probably not fall below $25 per cubic yard, while good rubble would cost $10.

Each lift lock should have a third pair of gates placed midway between the other two, to be used in passing the smaller vessels that may make use of the canal, both for the purpose of preventing too great a draught upon the waters of the intermediate levels and for saving as much time as possible in the passage.

In regard to the harbors at Brito and at Greytown, it is not possible now to give an exact estimate of their probable cost; for neither the position nor the length of the exterior breakwaters, which I consider necessary at both harbors for breaking the swell at the canal entrances, are determined; nor are the lengths of the canal and harbor piers, nor the depth of the water in which these obstructions would be placed. It is possible, however, that the Greytown breakwater would be placed in not less than 40 feet of water, and that its length would be not less than half a mile; and if we assume that it is to be built of *pierres perdues*, that its crest is 25 feet broad and is 15 feet above the mean level of the sea and that its outer and inner slopes are respectively one upon four and one upon one, we shall have the basis for the formation of an approximate estimate of its cost.

In comparing the cost of breakwaters which have already been constructed, it has been usual to state that their cost per linear foot, which varies from about $750 to $800 in the case of the Portland, England, and Delaware, United States, breakwaters, to $1,100 and $1,500 for the Cherbourg, France, and Plymouth, England, breakwaters (authorities differing, however, from 25 to 50 per cent.), but as this method of comparison is entirely independent of the depth of water in which the work is situated, and of the cross-sections of the work, it affords absolutely no means of comparing their relative cost and economy. For this purpose some fixed standard, such as a cubic yard, should be known.

The cost of the Delaware breakwater has been about $8 per cubic yard. That of the Cherbourg breakwater has been probably much less, as a workman's wages in France are not much more than half of those paid in the United States.

As there are no harbor facilities at Greytown to aid the construction, and as the natural stone, if used, must be quarried in blocks large enough to resist the dispersive action of the sea, and as it must be brought from great distances, it will probably cost not less than $10 per cubic yard, which would make the cost of the breakwater about $5,000,000.

If the two canal piers have a breadth of 20 feet each, with their crests 10 feet above the water level, and their side slopes of one upon one and reach the 30 feet curve at a distance of 3,000 feet from the shore line, their cost at the same rate would be about $3,000,000. No timber whatever should be used in these structures, and the blocks of which they are composed should be as large as can be conveniently managed. The piers at Port Said, at the Mediterranean end of the Suez Canal, are built of blocks of artificial stone, composed of dredged sand and hydraulic lime of theil. And these blocks, which weigh 20 tons each and measure about 12 cubic yards each, cost in final position $15.75 per cubic yard. It may be found convenient or necessary to resort to the use of artificial stone in the construction now under consideration.

The necessary dredging and pile protection of the channel in the passage across the harbor will probably cost not less than $1,500,000, making the total approximate cost of constructing a harbor here $9,500,000.

In regard to the proposed harbor at Brito, there is the same want of data necessary for forming a reliable estimate of cost, as in the case of the harbor at Greytown; but as the breakwater and piers here would probably be much shorter than those required at Greytown. I have assumed the probable cost of constructing a harbor at this point to be $5,000,000.

It is to be borne in mind that the survey upon which the estimates have been based was made in the nature of a preliminary rather than of a final locating survey, and the data obtained are, therefore, necessarily incomplete. Accepting, however, as a basis, the statements of amounts given in the published reports, and making such changes in quantities and prices as shall be herein indicated, the following will be the probable cost of the opening of this route on the supposition that as much work will be accomplished by a laborer in one day when engaged upon this work as is commonly done in the same time by a workman, and that this work costs $1:

ESTIMATES.

| | |
|---|---|
| Western division | $25,500,000 |
| Middle division | 3,000,000 |
| Eastern division | 45,000,000 |
| Harbor at Brito | 5,000,000 |
| Harbor at Greytown | 9,500,000 |
| | 88,000,000 |
| Contingencies, 25 per cent | 22,000,000 |
| Total | 110,000,000 |

As the country through which this route passes is not densely enough peopled to furnish the ten thousand laborers required for a speedy construction of the canal, it will be necessary to import the required workmen, and these will probably be found among the Chinese, or among the negroes of our own Southern States. The Chinese, however, are better adapted for work which requires skill and ingenuity than for the hard laboring work which the construction of this canal would require; and, although they are usually hired at a lower rate than is demanded by our Northern laborers, they accomplish much less of this work than do the latter, and there is, therefore, no economy in their employment. This is the testimony given me by the chief engineer of a Southern road on which between three thousand and four thousand Chinese laborers were employed at one time. These men are employed chiefly where the services of Irishmen and Germans are not to be had. Our Southern negroes would be far better for this purpose than the Chinese, if they could be induced to undertake it, for they are hardy, industrious, and tractable when well treated, and the climate of Nicaragua would suit them admirably. It would probably be difficult, however, to get them to leave their homes in the United States.

Concerning the relative amount of work that can be accomplished in a temperate and in a tropical climate by a laborer in one day, I have but scanty means of judging. It is certain, however, that the relaxing effect will not admit of the continued physical effort which may be sustained under the more bracing climate of the North.

From what I have seen of this relaxing effect in our own country, along the Gulf coast, I am compelled to believe that the amount of work which a laborer in Central America would accomplish in a day would not exceed two-thirds of that which he would accomplish in our own Northern States; and if this be the case the cost of the labor employed in the opening of this route would be increased 50 per cent. Finally, however pleasant and healthy the climate of Nicaragua may be, it is certain that delays and damages must occur during the rainy season, and that sickness must arise in the breaking up of virgin soil and in the employment of unacclimated persons, all of which will necessarily add to the expense.

Omitting these latter considerations, however, which do not admit of calculation, and assuming that $60,000,000 of the amount which it has been estimated the canal would cost would be paid for labor, the reduced value of this labor, as indicated above, will require this addition of $30,000,000 to the amount previously given as the approximate cost of this canal, and the estimate becomes:

| | |
|---|---|
| Cost on basis of Northern rates | $110,000,000 |
| Increase due to decreased value of labor in tropics | 30,000,000 |
| Total | 140,000,000 |

Which I regard as the probable cost of opening this route. This is at the rate of $772,000 per mile. The Suez Canal, with no locks, cost a little less than $1,000,000 per mile.

Now, Mr. President, you will see that even this immense sum of money, stated to be necessary by Colonel McFarland, will not be sufficient, for the reason, first, that he has assumed the cost of labor to be $1 per day, whereas it will be from $2 per day and upwards, if we may judge from the cost of labor at present at the Panama Canal; and second, the canal designed by Colonel McFarland is altogether inadequate in size, if we may judge from what the experience on the Suez Canal has shown to be necessary. The increase to Colonel McFarland's estimate by making the labor $2 per day instead of $1 will be $60,000,000, which alone makes a grand total in cash cost of $200,000,000. If this canal be built according to the proposed enlargement of the Suez Canal, the total cost will be $264,500,000.

Now, this company, Mr. President, which we are asked to charter, must necessarily float its bonds and stock in the money markets of the world. The securities will, no doubt, be sold at a large discount, and it may reasonably be expected that at least 25 per cent. of the face value of stock and bonds will be lost in commissions and discount, leaving only $75,000,000 in cash to pay for a work that will certainly cost in cash $264,500,000. The loss by discount alone on the bonds and shares of the Panama Canal Company already amount to $88,000,000, which is a loss of 33 per cent. Is it reasonable to suppose that a scheme with much less merit and without the prestige of a great name can sell its securities at a less discount?

I have given this question of the practicability of the Nicarauga Canal, according to its present plans, very careful consideration, and have read the numerous reports and statements for and against its practicability, and I have come to the conclusion that the present plan is not only entirely inadequate to do the business which may be expected of the canal, but that it is utterly impracticable to force vessels of even ordinary size through certain parts of it.

There is not to my knowledge anywhere in the world a ship-canal excavated through 7 miles of rock. The Suez Canal, which was excavated its entire distance through sand, and whose least dimensions at the surface of the water is nearly 200 feet, is incapable of safely passing vessels through it. The bed and sides of this canal, however, being of sand, do not often injure the vessels when they get aground, but that they do get aground and that it is a common sight along the length of that canal is well known. It is a fact that from 1870 to 1883 11 per cent. of all vessels, large or small, that went through the canal got aground. The most of them remained aground until they were

pulled off by the powerful tugs that are kept in the canal for that purpose. So inadequate is this canal (and it is the largest in the world and by far the most important) that it is a fact, so stated in evidence taken before a canal committee of Parliament, that in 1882 the passage of ten ships through the canal chokes it.

The principal reason why vessels get aground in this or any other channel of like, or smaller dimensions, is, that there is not sufficient water in the canal prism to enable the vessel to be guided by its helm, or to attain the speed necessary for safe guidance. A steamer passing through such a restricted channel churns up the water with its propeller to such an extent very often, that though there are two feet or more of space between the bed of the canal and the kneel of the steamer, she often grounds by the removal of the water under her by her own wheel and her motion through the water. Any navigator or sailor is familiar with these phenomena, but the reasons for them are not generally known. For this reason I think it would be well for us to consider a moment the scientific reasons for this peculiar action of the vessel. We find in a book by Mr. Scott Russell, one of the leading authorities on naval architecture, the following statement of the reasons for a ship behaving in the manner I have described in a narrow channel:

The water excavated from the way of the ship causes a continual accumulation of water in the region of the canal towards which the ship is moving. * * * If this wave travel ahead of the ship only one-fourth of the pace of the ship, the accumulation will be quadrupled; one-eighth will make it eightfold, and so on, until the progress of the ship becomes extremely difficult, or impossible. This is what constantly takes place as the rise of the ship and the pace in a narrow and shallow channel becomes greater. Practically, working at high speed becomes not difficult or costly, but impracticable. * * * The consequences of this rapid increase of head accumulation, which takes place as the speed of the wave in advance of the vessel diminishes, are very serious.

First, it throws the ship's head up out of trim; next, it increases the pressure of water on her bow; third, it makes her travel up-hill; fourth, it produces a backward current along her sides. And these hindrances to speed accumulate rapidly, much more rapidly than as the square of the resistance, until the amount becomes insuperable; that is, many times the resistance due to the law of the square of the speed. * * * It is now necessary to notice the complementary effect to that of accumulation in advance of the vessel; it is subsidence of water astern. It being known that the excavated water is sent on in advance of the vessel, it becomes plain that the channel out of which this water has been taken must have its height lowered by the subsidence of the water into the vacant channel out of which the ship has been drawn.

The difficulty of propelling a vessel through a narrow channel is shown by the following extract from the transactions of the Institution of Civil Engineers of Great Britain, volume 76, page 162, 1883:

A vessel in its progress is continually displacing a mass of water equal to its own submerged bulk, and proportional to the greatest immersed cross-section of the vessel. In open water the vacuum that would otherwise be left in the wake of the vessel, is filled by the water rushing in from all sides. When the movement of a vessel takes place in a restricted channel, the case is altered. There is no longer an indefinite supply of water all around the vessel to rush into the hollow at the wake. This hollow must be filled by water which flows backwards, as a counter current driven by the head due to the height of the wave caused by the vessel. This backward current will be directly as the speed and the cross-section of the vessel, and inversely as the free water way. Consequently, a boat encounters continually an opposing current, so that her speed will be the difference between her own proper one and that of the opposing current.

In order that we may more fully understand this very important question I submit two sketches, furnished me by an engineer, one being a comparison between the Nicaragua Canal and the Suez Canal, with an accompanying table of dimensions, and with a ship such as the promoters of the Nicaragua Canal expect to put through it, and the other a cross-section of the seven miles of rock cutting at Nicaragua with the mid-ship section of three vessels shown in it, one being a Peninsula and Oriental steamer, such as passes through the Suez Canal, another the United States iron-clad Miantonomoh, and the other the Italian iron-clad Italia. If the Senate will bear in mind that in order for a vessel to navigate a canal, whether straight or crooked, with safety, the water prism must be at least six times as great as that of the vessel passing through. The utter impracticability of even ordinary size vessels navigating with safety, if they could do it at all, this narrow rock through with its projecting points is very clearly seen.

Mr. President, I wish to call the attention of the Senate to the official report of 1885 on the Nicaragua Canal. This is found in Senate Document No. 99, Forty-ninth Congress, first session.

The difficulties to be overcome in the construction of the canal, although touched upon as lightly as possible, yet reveal themselves to the careful reader, who will fully appreciate them after the statements that I have just made on the difficulty of moving a vessel through a restricted channel.

The engineer who made the last survey and report evidently intended to so remodel the Isthmus as to give his canal free chance, regardless of any natural obstacles.

The main drainage channel of Lake Nicaragua and of the whole eastern slope of the isthmus is conveniently turned aside by a huge dam, whose foundations have never been examined, and whose height, as planned by the engineer, is 75 feet, and whose length is nearly a quarter of a mile. Further on he is obliged, in order to retain the immense floods, to build an embankment over a mile and a quarter in length and 51 feet high, and with it provide waste weirs to accommodate the surplus water, and in addition to this a tunnel through the rock with adjustable gates. Between Lake Nicaragua and the Pacific the same methods are adopted; mountain torrents are entirely diverted from their accustomed channels by dams and embankments and artificial channels, and on the Atlantic slope the canal is to be protected, if protection is possible, by a series of embankments and lateral artificial channels.

At this point the Deseado will be diverted by a channel north of the canal a distance of 43,000 feet (8 miles); the latter will be protected on both sides by drainage channels formed partly by the present bed of the stream and partly by ditches. The remainder of the canal, also about 43,000 feet, from the Deseado to the sea, will be protected by embankments, an artificial channel being cut south of the canal to divert the river San Juanillo, and another north of the canal to give Laguna Bernard and its tributaries an independent outlet to the sea.

I do not believe, Mr. President, that any experienced civil engineer would be willing to stake his reputation upon the approval of these plans, or pronounce them practicable; and yet we are asked to legislate upon a most important matter, and to charter a company to build a great interoceanic transit-way, when no adequate surveys or study has been given to the subject by men experienced and skilled in this class of work.

For one, I am opposed to granting a charter to this company until all these doubts which I have set forth are removed, and until the dispute between the two petty States of Central America in regard to their territorial limits and rights shall be fully settled, and until our serious misunderstanding with Great Britain in reference to the Clayton-Bulwer treaty be entirely removed, and until these people who ask for a charter shall come here with a concession as a basis for our action. Until all these doubts are removed and the proper action taken by the different governments interested Congress has no right to legislate upon this subject; and if it does so, and the result of the legislation is a granting of this charter, we will only add to the already embarrassing complications that now exist in reference to the Nicaragua Canal.

The Secretary of State has expressed his opinion to Congress upon this subject, that until this territorial difficulty was adjusted we could not act intelligently upon this matter.

In conclusion, fully aware of what has been said here in favor of the immediate passage of this bill, that we should give opportunity to anybody and everybody to build any sort of transit across that isthmus, I repeat now that there is no analogy between this case and that of the Tehuantepec ship-railway. In the Tehuantepec ship-railway case there is a concession known to all men, placed before the Senate, given to Captain Eads by our sister southern Republic, Mexico.

In this case there is no concession, and there are engineering difficulties fully as great as in the case of Tehuantepec, if not greater. In addition to this, we are plunging ourselves, without knowing what has been done, into the internecine and international strife of Costa Rica and Nicaragua, committing ourselves in advance to whatever terms Nicaragua may impose upon this company. In my judgment the ultimate end will be that the Government of the United States will be called upon to construct this canal and to make good to Nicaragua any terms which that government may impose.

For these reasons I am opposed to the bill.

Mr. EDMUNDS. Mr. President, I agree not to take five minutes, although I should like to take an hour, to restate to the Senate all the grounds upon which the Senate has hitherto acted by a large majority in favor of the ship-canal by Nicaragua; and I wish to say in passing, lest it should hereafter be quoted as admitted by agreement, that I dissent entirely from the observations of the Senator from Massachusetts [Mr. HOAR] on the subject of the Clayton-Bulwer treaty. Having said that, I will just in three minutes reply to my friend from Missouri [Mr. VEST].

In the first place, he seems to impute to the Committee on Foreign Relations some occult and improper purpose in suddenly reporting this bill after the Eads performance had got onto the Calendar. He does the Committee on Foreign Relations great injustice. Senator Miller, of California, years and years before Eads's scheme was ever conceived of in his own mind, introduced a bill in substance just like this, to provide for a United States corporation to build this canal at Nicaragua, and it went to the Committee on Foreign Relations, and it provided, just as the Eads bill did in the first instance, for national aid. That seemed to be a difficulty as to any private corporation canal, and the matter did not get through. Therefore this had nothing to do with Mr. Eads at all.

Then at a former Congress there was a treaty pending, as everybody knows, which was to take it out of private hands altogether, and then at this present Congress this bill was introduced in the regular way, just as it had been years before by the then Senator from California.

Mr. MORGAN. Last June.

Mr. EDMUNDS. It was introduced last June. Then, again, as to the nature of the concession, that we do not know what it is going to be, I find in the Eads bill that the Senator has had passed, that his company is not only to have the concession that it already has, but such others as may hereafter be secured from the Government of Mexico. That is in the Eads bill. Therefore that bill is a precise precedent for this one on that point.

Mr. VEST. Eads has a concession already.

Mr. EDMUNDS. Yes, but the charter which Congress has given to Eads is not only for that but for any other kind of concession, without

any limitation and without any control by the United States over the nature of it, whereas in this bill it is provided in the fourth section that the company is to exercise such concessions as are not "inconsistent with this act or the laws of the United States, or the then existing treaty stipulations of the United States with the Government of Nicaragua," and then, in another place, with Costa Rica.

So the opposition to this bill upon such grounds, I must say with great respect, has not a single leg to stand upon. The simple question is whether the private ambition of Mr. Eads on a scheme that has never yet been tried on the face of the globe and which nobody yet knows can be accomplished, is to turn over the Nicaraguan canal to some foreign government instead of having it in some sense under the influence of citizens of the United States.

That is all I have to say.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. EDMUNDS. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, he would vote "yea" and I should vote "nay."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. EDMUNDS. I am authorized by the Senator from Rhode Island [Mr. CHACE] to say that if the Senator from Georgia [Mr. COLQUITT] desires to vote in favor of the bill, the Senator from Rhode Island is quite willing that he should.

Mr. COLQUITT. I vote "yea."

Mr. WHITTHORNE (when Mr. CULLOM'S name was called). The Senator from Illinois [Mr. CULLOM] is paired with the Senator from Delaware [Mr. GRAY]. If present, the Senator from Illinois would vote "yea," and the Senator from Delaware would vote "nay."

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from New York [Mr. MILLER]. If I were not paired, I should vote "yea." I understand the Senator from New York, if present, would vote "yea." Therefore I vote "yea."

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. Can his colleague tell me how he would vote if present?

Mr. KENNA. I am not positive about what my colleague would do, but I think the Senator may feel at liberty to vote.

Mr. RIDDLEBERGER. I vote "yea."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, he would vote "yea," as I am informed. Therefore I vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. GEORGE (when Mr. WALTHALL'S name was called). My colleague [Mr. WALTHALL] is absent unavoidably. If he were present, he would vote "yea."

The roll-call was concluded.

Mr. BECK. I am authorized to say that the Senator from Nebraska [Mr. MANDERSON] is paired with my colleague [Mr. BLACKBURN]. The Senator from Nebraska would vote "yea," and my colleague would vote "nay," if present.

Mr. PLATT. My colleague [Mr. HAWLEY] is absent, paired on political questions with the Senator from Maryland [Mr. WILSON]. If my colleague were present, he would vote "yea" on this bill.

Mr. CAMERON (after having voted in the affirmative). I desire to withdraw my vote. I am paired with the Senator from South Carolina [Mr. BUTLER]. Not knowing how he would vote, I prefer not to vote.

Mr. MORGAN. The Senator from South Carolina would vote "yea" on this bill.

Mr. CAMERON. Then I shall let my vote stand.

The result was announced—yeas 38, nays 5; as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Allison, | Edmunds, | Mahone, | Sawyer, |
| Beck, | George, | Mitchell of Oreg., | Sherman, |
| Brown, | Gorman, | Morgan, | Spooner, |
| Call, | Hampton, | Morrill, | Teller, |
| Cameron, | Harris, | Payne, | Whitthorne, |
| Cheney, | Harrison, | Platt, | Williams, |
| Colquitt, | Hoar, | Plumb, | Wilson of Iowa, |
| Conger, | Kenna, | Pugh, | Wilson of Md. |
| Dawes, | McMillan, | Ransom, | |
| Dolph, | McPherson, | Riddleberger, | |

NAYS—5.

| | | | |
|---|---|---|---|
| Berry, | Jones of Arkansas, | Maxey, | Vest. |
| Coke, | | | |

ABSENT—33.

| | | | |
|---|---|---|---|
| Aldrich, | Eustis, | Ingalls, | Sewell, |
| Blackburn, | Evarts, | Jones of Florida, | Stanford, |
| Blair, | Fair, | Jones of Nevada, | Vance, |
| Bowen, | Farwell, | Manderson, | Van Wyck, |
| Butler, | Frye, | Miller, | Voorhees, |
| Camden, | Gibson, | Mitchell of Pa., | Walthall. |
| Chace, | Gray, | Palmer, | |
| Cockrell, | Hale, | Sabin, | |
| Cullom, | Hawley, | Saulsbury, | |

So the bill was passed.

The PRESIDENT *pro tempore*. The amendment to the preamble will be reported.

The CHIEF CLERK. The amendment reported by the Committee on Foreign Relations is to strike out the preamble, in the following words:

Whereas the United States has entered into certain treaty stipulations with the Republic of Nicaragua for the protection of a ship-canal constructed within its territory; and

Whereas the Government of the United States has, through a series of years, executed sufficient surveys to establish the fact that great commercial advantages are realizable through the constructure of a ship-canal via Lake Nicaragua and a considerable length of the river San Juan, and that these advantages are not to be found over any other route between the two seas; and

Whereas the commercial interests of the United States demand that the coasting trade of its citizens between the Atlantic and Pacific coasts shall not be subject to tolls imposed by a company other than one incorporated and controllable by Congress; and

Whereas certain persons have assurances that they will receive favorable concessions for the construction of a ship-canal provided they have corporate powers and can give satisfactory assurances to the Government of Nicaragua that they have the ability to construct the work without unreasonable delay: Therefore.

And in lieu thereof to insert:

Whereas it is deemed desirable for the public interest of the United States that a ship-canal be constructed between the Atlantic and Pacific Oceans, on what is known as the Nicaragua route: Therefore.

The amendment to the preamble was agreed to.

The preamble as amended was agreed to.

Mr. EDMUNDS. I move that the bill be printed as passed, for the convenience of the Senate and other people.

The motion was agreed to.

## DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I move now that the Senate proceed to the consideration of the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

The motion was agreed to.

Mr. HARRIS. The appropriation bill is now before the Senate.

The PRESIDENT *pro tempore*. It is.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. I suppose this bill will come up to-morrow at 2 o'clock.

The PRESIDENT *pro tempore*. It will. It is the unfinished business.

Mr. HARRIS. That being so, I move an executive session.

Mr. HOAR. I move that the Senate adjourn.

Mr. HARRIS. If the Senator from Massachusetts will withdraw that motion for a single moment I wish to say that an executive session of a few minutes is all that I desire. It will not take many minutes to dispose of the matter I have in mind.

Mr. HOAR. Very well. I withdraw my motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session, the doors were reopened and (at 6 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 22, at 12 o'clock m.

---

## NOMINATIONS.

*Executive nominations received by the Senate February* 21, 1887.

### MILITARY PROMOTIONS.

To be Chief Signal Officer, with the rank of brigadier-general, Capt. Adolphus W. Greely, Fifth Cavalry, *vice* Hazen, deceased.

*First Regiment of Cavalry.*

First Lieut. Frederick K. Ward, to be captain, February 11, 1887, *vice* Parnell, retired from active service.

Second Lieut. J. F. Reynolds Landis, to be first lieutanant, February 11, 1887, *vice* Ward, promoted.

*Fourth Regiment of Cavalry.*

First Lieut. Alexander Rogers, to be captain, February 11, 1887, *vice* Callahan, retired from active service.

Second Lieut. Alexander T. Dean, to be first lieutenant, February 11, 1887, *vice* Rogers, promoted.

*Ninth Regiment of Cavalry.*

First Lieut. John Conline, to be captain, February 11, 1887, *vice* Valois, retired from active service.

COLLECTORS OF CUSTOMS.

Horace E. Morse, of New York, to be collector of customs for the district of Cape Vincent, in the State of New York, to succeed George W. Warren, whose term of office will expire by limitation on March 2, 1887.

Arthur K. Delaney, of Wisconsin, to be collector of customs for the district of Alaska, in the Territory of Alaska, in place of Peter French, suspended.

SURVEYORS OF CUSTOMS.

Owen McGloughlin, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa, to succeed Robert Armstrong, whose term of office will expire by limitation March 2, 1887.

John M. Mercer, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, to succeed George Frazee, whose term of office will expire by limitation March 2, 1887.

ASSISTANT TREASURERS.

Samuel N. Aldrich, of Massachusetts, to be assistant treasurer of the United States at Boston, in the State of Massachusetts, in place of Martin Parry Kennard, whose commission will expire by limitation March 1, 1887.

Henry Overstolz, of Missouri, to be assistant treasurer of the United States at Saint Louis, in the State of Missouri, in place of Albert G. Edwards, whose commission will expire by limitation March 2, 1887.

REGISTER OF LAND OFFICE.

Charles E. Broyles, of Alamosa, Colo., to be register of the land office at Del Norte, Colorado, *vice* Samuel C. Williams, who was confirmed at the last session of the Senate, but has failed to qualify.

DISTRICT JUDGE.

Amos M. Thayer, of Missouri, to be United States district judge for the eastern district of Missouri, in the place of Samuel Treat, resigned.

POSTMASTERS.

James L. Hanna, to be postmaster at Oakland, in the county of Alameda and State of California, in the place of William E. Dargie, whose commission expires February 27, 1887.

William H. Cheney, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut, in the place of William H. Cheney, whose commission expired February 15, 1887.

Thomas Buckley, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut, in the place of Heber S. Ives, whose commission expires February 24, 1887.

H. A. Tanner, to be postmaster at De Land, in the county of Volusia and State of Florida, in place of Basil B. Bennett, removed.

George W. McDonald, to be postmaster at Attica, in the county of Fountain and State of Indiana, in the place of Albert S. Peacock, whose commission expires February 24, 1887.

Frederick A. Cummings, to be postmaster at Bangor, in the county of Penobscot and State of Maine, in the place of Augustus B. Farnham, whose commission expires February 19, 1887.

Charles Walker, to be postmaster at Lewiston, in the county of Androscoggin and State of Maine, in the place of Horace C. Little, whose commission expired February 12, 1887.

Simon Farnsworth, to be postmaster at Millbury, in the county of Worcester and State of Massachusetts, in the place of Mary F. Bowen, whose commission expires February 21, 1887.

Hugh McLaughlin, to be postmaster at Iron Mountain, in the county of Menominee and State of Michigan, in the place of Charles E. Parent, whose commission expired February 15, 1887.

Willett W. DeKay, to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota, in the place of Amherst F. Graves, whose commission expires February 27, 1887.

Richard M. Scott, to be postmaster at Ashland, in the county of Saunders and State of Nebraska, in the place of Thomas J. Pickett, jr., whose commission expired February 5, 1887.

Joel H. Johnson, to be postmaster at Woodstock, in the county of McHenry and State of Illinois, in the place of Gardner S. Southworth, whose commission expires March 2, 1887.

Jonas W. Olson, to be postmaster at Galva, in the county of Henry and State of Illinois, in the place of James Gaster, whose commission expires February 27, 1887.

Robert S. Randall, to be postmaster at Bushnell, in the county of McDonough and State of Illinois, in the place of Elnathan K. Westfall, whose commission expires March 2, 1887.

Martin V. B. Smith, to be postmaster at Morrison, in the county of Whiteside and State of Illinois, in the place of Frank Clendenin, whose commission expired February 12, 1887.

Sumner R. Sanderson, to be postmaster at Plano, in the county of Kendall and State of Illinois, in the place of David G. Graham, whose commission expires March 1, 1887.

William W. Bogue, to be postmaster at Portland, in the county of Ionia and State of Michigan, in the place of F. M. Cutcheon, whose commission expired January 29, 1887.

Jacob G. Van Putten, to be postmaster at Holland, in the county of Ottawa and State of Michigan, in the place of William Verbeck, whose commission expired January 2, 1887.

Adolph F. Hitchler, to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania, in the place of Charles H. Wilson, whose commission expired January 2, 1887.

Myer M. Kauffman, to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania, in the place of Miller Beatty, whose commission expires February 21, 1887.

George A. Rush, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania, in the place of Martha A. McClintock, whose commission expires February 21, 1887.

Edward N. Stebbins, to be postmaster at Coudersport, in the county of Potter and State of Pennsylvania, in the place of Melville S. Thompson, whose commission expires February 21, 1887.

William W. Armstrong, to be postmaster at Cleveland, in the county of Cuyahoga and State of Ohio, in the place of Thomas Jones, jr., whose commission expires March 3, 1887.

Charles W. McCrone, to be postmaster at Alexandria, in the county of Hanson and Territory of Dakota, in the place of Florence B. Southmayd, resigned.

---

## HOUSE OF REPRESENTATIVES.

### MONDAY, *February* 21, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

PROPERTY OF AMERICANS DESTROYED AT ASPINWALL.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

*To the House of Representatives of the United States:*

I transmit herewith to the House of Representatives a report from the Secretary of State, in response to a resolution of that body of the 16th instant, inquiring as to the action of this Department to protect the interests of American citizens whose property was destroyed by fire caused by insurgents at Aspinwall in 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, February* 19, 1887.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. LAFFOON, for two days, on account of important business.

To Mr. GROSVENOR, for three days, on account of professional business.

To Mr. JAMES, for two days.

To Mr. WINANS, indefinitely, on account of severe sickness in his family.

To Mr. FREDERICK, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. The Chair finds that House bill 1630 with the Senate amendments thereto, to increase the pension of the widow of the late Capt. Dominick Lynch, has been improperly referred to the Committee on Naval Affairs. If there be no objection that committee will be discharged from its consideration and the bill will be referred to the Committee on Invalid Pensions.

There was no objection, and it was so ordered.

CONTESTED ELECTION—KIDD VS. STEELE.

Mr. HENDERSON, of North Carolina, from the Committee on Privileges and Elections, presented a report in the contested-election case of Kidd *vs.* Steele, concluding with the following resolutions:

*Resolved*, That Meredith H. Kidd was not elected a Representative in the Forty-ninth Congress from the eleventh district of Indiana, and is not entitled to a seat therein.

*Resolved*, That George W. Steele was duly elected such representative, and is entitled to retain his seat.

Mr. HENDERSON, of North Carolina. Mr. Speaker, I give notice that I shall ask the House to consider this report on Thursday next immediately after the morning hour.

The SPEAKER. The Chair will state to the gentleman that there is another privileged matter postponed until next Thursday—what is known as the dependent pension bill, with the President's veto message.

Mr. HENDERSON, of North Carolina. I will state, Mr. Speaker, that this is the unanimous report of the committee, and need not occupy more than a few minutes.

REPEAL OF THE PRE-EMPTION LAWS, ETC.

Mr. COBB. Mr. Speaker, I desire now to call up the conference report on the bill (H. R. 7887) to repeal all laws providing for the preemption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes.

Mr. PERKINS. Mr. Speaker, the discussion of that conference report is likely to consume some time. Those of us who are interested in the matter are quite willing that it shall be considered to-day, provided we can have sufficient time for its full discussion. I understand, however, that this is the day when motions by committees to suspend the rules are in order, and we who differ from the gentleman from Indiana [Mr. COBB] as to what action the House should take on this bill are not willing that he and those who agree with him shall have an opportunity to present their views unless we can have an opportunity of presenting the other side. If we can have the matter fully considered to-day, and can have a full hearing, there is no disposition on our part to oppose the present consideration of the report; but otherwise we must object to its consideration at this time.

Mr. COBB. That is a matter for the House to determine.

Mr. SPRINGER. I want to raise the question of consideration.

The SPEAKER. The Chair thinks the question of consideration can not be raised, for the reason that this matter has been partially considered already, and has been postponed by a vote of the House. It is in order, however, to move to postpone it.

Mr. SPRINGER. Mr. Speaker, this is the one day in the month when motions on the part of committees to suspend the rules are allowed, and this report can be called up any day. Therefore I do not think it is fair for gentlemen to come in here and press the consideration of this bill on the one day in the month which is set apart for motions by committees to suspend the rules, when, as I have said, this is a matter of privilege that they can call up for consideration at any time.

Mr. COBB. Regular order.

Mr. SPRINGER. If necessary, I shall move to postpone the consideration of this conference report; but, before making that motion, I ask unanimous consent that, if we consider the report to-day, debate upon it shall be closed at 2 o'clock. If we can have that order made, I shall be satisfied.

Mr. STRAIT. I object.

Mr. PERKINS. That will not be satisfactory.

Mr. SPRINGER. Then I move to postpone the further consideration of this report until to-morrow.

Mr. DUNN. I wish to make a parliamentary inquiry: Is not to-morrow after 3 o'clock set aside for eulogies on the late Senator Pike?

Mr. SPRINGER. There will be plenty of time to dispose of this report before the arrival of that hour.

The SPEAKER. The Chair understands that the gentleman from Arkansas [Mr. DUNN] is correct.

Mr. DUNN. This subject will involve a long debate and perhaps can not be finished before 3 o'clock. I hope that the House will proceed with it to-day.

Mr. STONE, of Missouri. I ask unanimous consent that the debate be limited to two hours and a half, one hour on this side and an hour and a half on the other.

The SPEAKER. The gentleman from Missouri asks that debate on this report be limited to two hours and a half, one hour on one side and one hour and a half on the other.

Mr. STRAIT. That will be satisfactory on this side.

Mr. DUNHAM. I object.

The SPEAKER. The question is then on the motion of the gentleman from Illinois [Mr. SPRINGER] that the further consideration of this report be postponed until to-morrow.

Mr. SPRINGER. After the reading of the Journal.

The SPEAKER. It is privileged, and can be called up at any time.

The question being taken on the motion of Mr. SPRINGER, there were—ayes 40, noes 54.

Mr. SPRINGER. No quorum has voted. I call for tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. COBB were appointed.

The House again divided; and the tellers reported—ayes 64, noes 81.

So the motion of Mr. SPRINGER was not agreed to.

The SPEAKER. The House refuses to postpone the consideration of the report. The gentleman from Missouri [Mr. STONE] is entitled to the floor.

Mr. STONE, of Missouri. Mr. Speaker, if I can have the attention of the House I will endeavor to so elucidate the points of difference between the Senate and House on the pending measure as to enable every gentleman to judge of the merits of the controversy and to vote here to-day with a full knowledge of the true state of the case. I take it for granted that the members of the House are generally familiar with the existing public land laws. But with a view to starting right I will ask the indulgence of the House while I get before us the substantial provisions of such of these laws as are important to the present consideration. I read as follows:

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding section, to wit:

First. No person who is the proprietor of 320 acres of land in any State or Territory.

Second. No person who quits or abandons his residence on his own land to reside on the public lands in the same State or Territory.

SEC. 2261. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section 2259; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands he shall make oath before the receiver or register of the land district in which the land is situated that he has never had the benefit of any right of pre-emption under section 2259; that he is not the owner of 320 acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of *bona fide* purchasers, for a valuable consideration, shall be null and void, except as provided in section 2288. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

SEC. 2263. Prior to any entries being made under and by virtue of the provisions of section 2259, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land district in which such lands lie, agreeably to such rules as may be prescribed by the Secretary of the Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

That is the pre-emption law.

The commutation clause of the homestead law is simply another name for pre-emption, since it provides that the homesteader may at any time before the expiration of the five years' residence upon the land required by the homestead law pay the minimum price in cash for the land and obtain a patent "on making proof of settlement and cultivation as provided by law granting pre-emption rights."

The timber-culture law, which I will not consume time in reading, provides substantially that any person having the qualifications of a pre-emptor as to citizenship may enter not exceeding 160 acres of prairie land for the purpose of planting and cultivating trees thereon. If the entryman enters 160 acres of land he is required "to plant, protect, and keep in a healthy, growing condition for eight years 10 acres of timber;" if the entry is for only 80 acres he is required to plant 5 acres of trees; and if the entry be for 40 acres or less he is required to cultivate 2½ acres of trees. By making proof of compliance with the provisions of the act the entryman becomes entitled to a patent.

The desert-land law, which applies to the States of California, Oregon, and Nevada and to the several Territories of the United States, is short, and I will read it.

[SECTION 1]. That it shall be lawful for any person of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such," and upon payment of 25 cents per acre, to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter.

*Provided, however*, That the right to the use of water by the person so conducting the same on or to any tract of desert land of 640 acres shall depend upon *bona fide* prior appropriation; and such right shall not exceed the amount of water actually appropriated and necessarily used for the purposes of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands, and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights.

Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey.

At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of $1 per acre for a tract of land not exceeding 640 acres to any one person, a patent for the same shall be issued to him: *Provided*, That no person shall be permitted to enter more than one tract of land, and not to exceed 640 acres, which shall be in compact form.

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

These are the four laws which have occasioned so much discussion in Congress, in the press, and throughout the country.

Now, Mr. Speaker, what did we start in to do? Let us keep clearly before us the purpose we had in view at the inception of the pending legislation. We started in to repeal these laws. We started in to blot them out and eliminate them from the statute-books of the country, of course reserving unimpaired any rights already vested. We started in to repeal these laws, and preserve the public lands remaining for homestead settlements only.

Why? Why did we desire to repeal these laws? There are at least two reasons that induced your Committee on Public Lands to report a bill repealing them, and the same reasons, I presume, induced this House to pass it. First, under the operation of the existing statutes,

even when honestly observed and administered, according to the practice which has obtained, whether that be in harmony with the original purpose of these laws or not, a single individual may make a commuted homestead entry of 160 acres, a pre-emption entry of 160 acres, a timber-culture entry of 160 acres, and a desert-land entry of 640 acres, making a total of 1,120 acres.

In view of the marvelous augmentation of our population and the constantly increasing demand for homes upon the one hand and the rapid decrease in the area of our public lands upon the other, it is deemed wisest and best to remove the opportunity of acquiring the public lands in large holdings by single individuals and to distribute them in less quantities to greater numbers. The United States certainly have the right to dispose of their lands as they please, but they should please to dispose of them in that way best calculated to promote the highest public good.

I took occasion once before to say in this House what I now beg leave to repeat, that whenever a citizen becomes a land-owner, sheltered by his own roof and with the means of comfortable subsistence at his command, he has a personal interest in maintaining social and public order, in preserving the institutions of his country, and thereafter may be relied upon as a safe, conservative, and law-abiding citizen. It is wise and best, therefore, and humane as well, that these common lands of the people should be so distributed as to furnish the greatest number of homes possible to those who seek them.

Eleven hundred and twenty acres are equal to seven homesteads of 160 acres each; or if we exclude the 640 acres that may be taken under the desert-land law, as not being adapted to ordinary homesteads because of their desert character, there will still remain 480 acres which may be taken by a single person under the commutation homestead, pre-emption, and timber-culture laws, equal in amount to three ordinary homesteads of 160 acres each. Is it right, or fair, or just, where three or seven men, as the case may be, come seeking homes upon these lands that one should be permitted to take them all, and acquire a lordly estate to the exclusion of the rest?

We have thought not, and that is one of the reasons why we have regarded it of the highest moment that the proposed legislation should be enacted at the earliest possible period, even if it was true, which it is not, that there are no violations of the letter or the spirit of the present laws.

But there is a second reason, and a very urgent and imperative one, why these laws should be repealed, founded on the vast abuses that have grown up under them. These laws, enacted to subserve purposes the most beneficent and patriotic, have been, and are being, misused to defraud and despoil the people on a gigantic scale of their most precious inheritance. They were designed solely for the purpose of inducing actual settlement and occupancy of our public domain by thrifty and industrious farmers; but they have been seized upon and employed to serve the dishonest purposes of cormorants and land-grabbers, who, by sharp practices, are absorbing millions of acres of the public lands for speculative or unlawful purposes, to the deprivation and detriment of thousands of homeless men.

I know there are gentlemen in Congress and out who antagonize this policy inaugurated by the House, who assert that all this talk about the fraudulent appropriation of the public lands is a distortion and exaggeration of the truth. I do not believe it is. I believe fraudulent entries have been and are being made to an enormous and startling extent. It is a question of fact that ought to be susceptible of ascertainment, and I regard it as a fact already very definitely ascertained. And it is a fact which I now invite the House to aid me for a short time in examining, in anticipation of what I intend presently to say with reference to the deliberations of the conference committee.

I desire now to read from Executive Document No. 61, transmitted to the second session of the Forty-seventh Congress by the President of the United States:

*To the Senate and House of Representatives:*

I herewith transmit a communication from the Secretary of the Interior of the 7th instant, with accompanying papers, setting forth the urgent necessity of stringent measures for the repression of the rapidly increasing evasions and violations of the laws relating to public lands, and of a special appropriation for this purpose, both in the current and approaching fiscal years.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 8, 1883.

---

DEPARTMENT OF THE INTERIOR,
*Washington, February* 7, 1883.

SIR: I have the honor to submit herewith copy of letter addressed to me, on the 3d instant, by the Commissioner of the General Land Office, with accompanying papers, in which he sets forth the urgent necessity of stringent measures to repress the rapidly increasing evasion and violation of the laws relating to public lands, and the need of a special appropriation for this purpose, both in the current and approaching fiscal years.

The evidences of fraudulent entry and illegal appropriation of public lands have of late accumulated to an alarming extent. As the quantity of public lands diminishes, their value naturally appreciates, so that now their market value frequently exceeds greatly the Government price for them. This stimulates entries for speculative purposes, and laws intended to benefit settlers in good faith are so perverted for fraudulent purposes that the actual settler finds it difficult, if not impossible, to get title to public lands without first paying tribute to the dishonest claimant. No sooner is the plat of survey filed in the local land office than claims (pre-emption, homestead, and timber-culture) are at once filed covering all the agricultural lands; claims that will, however, many of them, be relinquished for a consideration. This wholesale offer of relinquishment is, of course, *prima facie* proof of fraud. This class of claimants have been specially numerous and busy in the Territory of Dakota, where large bodies of public lands have recently been opened to settlement so that the territorial governor has felt constrained to call the attention of the Legislative Assembly to the subject.

Under the desert-land act, too, large tracts of public lands have been unlawfully secured.

Forged soldiers' additional homestead certificates have been located on a large belt of the most valuable timber lands in California, and the timber cut and removed.

In the grazing districts thousands and even hundreds of thousands of acres have been unlawfully inclosed, and *bona fide* settlers shut out.

In the views set forth in the Commissioner's letter I fully concur.

Very respectfully,

H. M. TELLER, *Secretary.*

The PRESIDENT.

---

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
*Washington, D. C., February* 3, 1883.

SIR: In my annual report for 1882 I made the following reference to fraudulent entries of public lands:

Investigations made during the past year have developed the existence of much fraud under the shield of the pre-emption, homestead, and timber-culture laws.

These investigations have been based upon complaints made to this office that great quantities of valuable coal and iron lands, forests of timber, and the available agricultural lands in whole regions of grazing country have been monopolized by persons who have caused fraudulent pre-emption and homestead entries to be made by their agents and employés.

A proper investigation of the numerous complaints that are constantly being received would require the employment of a large force of special agents, and involve an expense far beyond the customary appropriation by Congress available for that purpose. Efforts have been made to check unlawful acts of this character in the coal and iron regions of Alabama, the timber regions of Minnesota, the grazing country of California, and on agricultural lands in the Territory of Dakota by the special investigation of cases of alleged frauds, trials before local land officers to cancel illegal entries, and the institution of civil and criminal suits. These proceedings have, however, necessarily been confined to one or two localities in each of said States and Territories, owing to the limited facilities of this office for such service.

The rapid absorption of public lands under the various acts for their appropriation and disposal has brought the remaining lands into great request, and the marketable price of unimproved land in many parts of the country much exceeds the Government price.

This fact stimulates entries for speculative purposes, and the exceedingly liberal legislation of Congress designed to favor actual settlers has become an instrumentality for the fraudulent acquirement of titles and claims by means of which the actual settler is prevented from making settlement unless he enters into an expensive contest to clear the land from a fraudulent claim, or purchases at a speculative price the relinquishment of some claim of that character.

My information is that desirable agricultural lands in new States and Territories are, in many instances, and in some portions of the country apparently in all instances, covered with claims simultaneously with the filing in the local land office of the plats of township surveys.

These claims consist of pre-emption filings, soldiers' homestead filings, timber-culture entries, and homestead entries. Such filings and entries are frequently made by professed agents or attorneys, who in many cases immediately thereafter advertise relinquishments of the same for sale. The offering of relinquishments in this wholesale manner is *prima facie* evidence of the fraudulent character of claims proposed to be so relinquished. And yet such claims hold the land until the parties controlling the relinquishments can find customers in the persons of actual settlers or other parties who will buy the relinquishments from them, unless the fraudulent claims are removed by individual contests, or by an investigation and hearing at the instance of the Government.

Settlers seeking lands can not usually afford to expend the means or time necessary to the prosecution of a contest, and they are, therefore, compelled by the circumstances of the case either to abandon an attempt to make settlement or to buy their way to the public lands from persons who unlawfully control such lands.

In the Territory of Dakota, which cast 50,000 votes at the last election, the number of agricultural entries to the present date exceeds 150,000, and such entries are now being made at the rate of more than 50,000 yearly. As a very considerable portion of the inhabitants are settled on railroad lands and school sections, it is manifest that the number of entries of public lands is far beyond the actual occupation of such lands, and far beyond the entries that could legally have been made. The governor of this Territory in his last annual message to the Legislative Assembly makes the following statement:

"The well-intended acts of Congress, allowing the entry of 160 acres of land as a tree claim, have been so completely nullified by the manipulations of land-sharks that our broad and fertile prairies are comparatively treeless."

The governor recommends that a certain number of acres of land be exempted from Territorial and local taxation in order to encourage the growth of trees and homesteads, for the reason expressly given, that frauds have been so extensively perpetrated under the timber-culture act that the practical operation of that act has been to prevent instead of to promote the cultivation of trees.

These frauds are not confined to the Territory of Dakota, but extend to other States and Territories as well.

Under the desert-land act entries are procured to be made in the interest of others than the professed entryman, in violation of the restriction to one entry by any one person, and large tracts of land are thus unlawfully secured.

Desert entries are also frequently made upon good grass or agricultural lands which are leased for grazing or other purposes, or held for speculation. Such entries are also used to control the water supply upon which larger areas of country are dependent when no intention of complying with the law exists, or little or no attempt at such compliance is made.

Forged soldiers' additional homestead certificates have been located on a large belt of the most valuable timber land in California, and the timber cut and removed.

In the grazing districts of Western Kansas, in Colorado, New Mexico, Arizona, California, Nevada, Idaho, Wyoming, and Montana, the title to agricultural lands and water rights is in large classes of cases obtained by perjury and fraud, followed or preceded by the unlawful inclosure of tracts of public lands, varying from some thousands to several thousand acres each, over which dominion is exercised by private parties to the exclusion of valid settlement rights under the laws of the United States. It appears also, in some cases, that lands so fenced in are parceled out according to the number of the cattle possessed by individual ranchmen, and the right to herd upon such public lands leased to them for a money consideration.

In California, Oregon, and Washington Territory collusive entries are made under the timber-land act for the purpose of procuring or controlling the timber

in large quantities, contrary to the restrictions of the law. It is also represented that lands valuable for agriculture as well as for timber are entered under the timber-land act, and that titles to large bodies of timbered farming lands are thus illegally obtained by single individuals.

Valuable timber lands, and lands unfit for anything but timber, are fraudulently entered under the homestead and pre-emption laws in the above and other States and Territories.

Timber lands in Northern Minnesota have been so largely entered by false affidavits of settlement under these laws that I felt compelled during the past year to place 3,000,000 acres on the market at the minimum price on agricultural land to avoid such wholesale criminality.

A partial investigation in Alabama has disclosed the fact that the Government has been defrauded out of some millions of dollars through the unlawful entry of coal and iron lands under agricultural laws. Information of similar frauds committed in Colorado and elsewhere has been pressed upon my attention, but not investigated for want of means.

Complaints of frauds and appeals for the protection of *bona fide* settlers from the exactions and oppressions of those who commit or cause these frauds to be committed, are constantly coming up to this office. A flood-tide of illegal appropriations seems to be sweeping over the new States and Territories, threatening to engulf the entire public domain.

The time has arrived when, in my serious judgment, either a complete radical change in public land laws and administration, or some adequate means for enforcing the penalties of existing law, has become an alternative that can no longer be disregarded.

This office has never been furnished with facilities or means to secure a compliance with the requirements of the public-land laws.

I have been able to make investigations no further than to the extent of dem onstrating the necessity and utility of such service, but the little that has been done has produced such results as to satisfy me that it is within the administrative power of this Department to materially check these frauds, and that the cost of such service, however apparently large, is trifling in view of the pecuniary results alone that may be achieved, irrespective of larger considerations of the promotion of the general welfare.

There are now before this office claims in some initiative or progressive stage covering titles to more than 200,000,000 acres of land, of which some 50,000,000 acres are embraced in individual entries under general laws.

That a very considerable proportion of these claims are without validity or merit is indisputably true. Yet this office has been compelled for years past to treat doubtful claims as valid, and to pass over to claimants the title of the United States because it could not investigate the facts.

The same course must largely be continued unless a change in means and measures shall be effected.

* * * * * * *

Very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. H. M. TELLER,
*Secretary of the Interior.*

That, Mr. Speaker, is what a Republican President, Secretary, and Commissioner had to say on this subject. Now let us turn to the other side. President Cleveland, in his message to Congress at the beginning of the present session, has this to say:

The recommendations of the Secretary of the Interior and the Commissioner of the General Land Office looking to the better protection of public lands and of the public surveys, the preservation of national forests, the adjudication of grants to States and corporations and of private land claims, and the increased efficiency of the public land service, are commended to the attention of Congress. To secure the widest distribution of public lands in limited quantities among settlers for residence and cultivation and thus make the greatest number of individual homes, was the primary object of the public land legislation in the early days of the Republic. This system was a simple one. It commenced with an admirable scheme of public surveys, by which the humblest citizen could identify the tract upon which he wished to establish his home. The price of lands was placed within the reach of all the enterprising, industrious, and honest pioneer citizens of the country. It was soon, however, found that the object of the laws was perverted, under the system of cash sales, from a distribution of land among the people to an accumulation of land capital by wealthy and speculative persons.

To check this tendency a preference right of purchase was given to settlers on the land, a plan which culminated in the general pre-emption act of 1841. The foundation of this system was actual residence and cultivation. Twenty years later the homestead law was devised to more surely place actual homes in the possession of actual cultivators of the soil. The land was given without price, the sole conditions being residence, improvement, and cultivation. Other laws have followed, each designed to encourage the acquirement and use of land in limited individual quantities. But in later years these laws, through vicious administrative methods and under changed conditions of communication and transportation, have been so evaded and violated that their beneficent purpose is threatened with entire defeat. The methods of such evasions and violations are set forth in detail in the reports of the Secretary of the Interior and Commissioner of the General Land Office. The rapid appropriation of our public lands without *bona fide* settlements or cultivation, and not only without intention of residence, but for the purpose of their aggregation in large holdings, in many cases in the hands of foreigners, invites the serious and immediate attention of the Congress.

The energies of the land department have been devoted during the present administration to remedy defects and correct abuses in the public land service. The results of these efforts are so largely in the nature of reforms in the processes and methods of our land system as to prevent adequate estimate; but it appears by a compilation from the reports of the Commissioner of the General Land Office that the immediate effect in leading cases which have come to a final termination has been the restoration to the mass of public lands of 2,750,000 acres; that 2,370,000 acres are embraced in investigations now pending before the Department or the courts, and that the action of Congress has been asked to effect the restoration of 2,790,000 acres additional; besides which 4,000,000 acres have been withheld from reservation, and the rights of entry thereon maintained.

I recommend the repeal of the pre-emption and timber-culture acts, and that the homestead laws be so amended as to better secure compliance with their requirements of residence, improvement, and cultivation for the period of five years from date of entry, without commutation or provision for speculative relinquishment. I also recommend the repeal of the desert-land laws unless it shall be the pleasure of the Congress to so amend these laws as to render them less liable to abuses. As the chief motive for an evasion of the laws, and the principal cause of their result in land accumulation instead of land distribution, is the facility with which transfers are made of the right intended to be secured to settlers, it may be deemed advisable to provide by legislation some guards and checks upon the alienation of homestead rights and lands covered thereby until patents issue.

I thought I had the last annual report of the Secretary of the Interior, but I do not find it among my papers here. However, it is to the same general effect. It is corroborative of what the President and the Commissioner say.

I desire now to read from the reports of the present Commissioner of the Land Office. He says:

At the outset of my administration I was confronted with overwhelming evidences that the public domain was being made the prey of unscrupulous speculation and the worst forms of land monopoly through systematic frauds carried on and consummated under the public land laws. My predecessor had for three years called the attention of Congress to the extent and magnitude of fraudulent appropriations of public lands, and, as shown by his general and special reports, had found it necessary to suspend the issue of patents in several States and Territories, either wholly or in certain classes of entries and special districts of country. Reports of special agents, registers and receivers, and inspectors of surveyors-general, and local land officers, communications from United States attorneys and other officials, and letters from public men and private citizens throughout the country, were laid before me, all detailing one common story of widespread, persistent public land robbery committed under guise of the various forms of public land entry.

I desire especially to call attention to the fact that the predecessor of Commissioner Sparks, in view of the magnitude of the frauds committed on the public lands, had found it necessary "to suspend the issue of patents in several States and Territories, either wholly or in certain classes of entries and special districts of country." It would be well for gentlemen to remember that fact when they come to assail the present administration. Perhaps if gentlemen were more familiar with the facts or more attentive to the truth of history, they would be less personal if not more moderate in their denunciations.

Here, then, we have the concurring testimony of Republican and Democratic Presidents, Secretaries, and Commissioners, all breathing the same common story of spoliation and robbery. But let us go a little farther still. I read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., July 19, 1886.*

SIR: During the fiscal year ending June 30, 1886, there were canceled or held for cancellation for fraud two hundred and eighty-five entries in Nebraska and one hundred and fourteen in Kansas, embracing about 63,000 acres of land. There are still a large number of cases not yet acted on for the want of sufficient force. A large majority of these entries were made in the interest of cattle companies or by individuals for cattle and sheep ranches.

Fifty-five entries of land lying within the Brighton and Finlin ranches in the North Platte district, Nebraska, have been canceled or held for cancellation upon report of agents or testimony taken at hearings, showing that all the entries were made by members of the companies or by their employés for the companies, and that the claimants neither improved nor resided upon their claims.

A number of other entries of land within said companies' ranches are awaiting action and are of the same character as those examined.

In the McCook and North Platte districts, Nebraska, one hundred and sixty-six entries were made by procurement of one Arnold in the interest of cattlemen. These entries have all been canceled or held for cancellation, and Arnold is now a fugitive from justice.

Alleged claimants have relinquished during the last year about nineteen hundred entries in the Wa Keeney office, Kansas; six hundred in the Larned office, Kansas; sixteen hundred in the McCook office, Nebraska, and eighteen hundred in the Valentine office, Nebraska, embracing in all about nine hundred thousand acres of land.

It is estimated that during the fiscal year ending June 30, 1886, at least six thousand entries were relinquished in Nebraska.

The greater portion, if not all, of these entries were made solely for speculation and with no intention of complying with the law, and the relinquishments were undoubtedly caused by the investigations that were being made by special agents.

Very respectfully,

B. B. SIMMES,
*Chief of Special Service Division.*

Hon. WILLIAM A. J. SPARKS,
*Commissioner of the General Land Office.*

Again, on the 3d day of November, 1884, which was prior to Mr. Cleveland's election, Inspector A. R. Greene, who is a reputable citizen of Kansas, and a Republican, made an exhaustive report to the Department, in which he says:

Generally speaking, I believe that fraudulent entries of the public lands include a large per cent. of the whole number, excepting possibly cash entries.

As to the proportion of land entered under the timber-culture act that is not improved as required by that act, I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly successful cultivation.

Special agent Webster Eaton, writing to the Department from Duluth, Minn., October 28, 1884, says:

I think I am fully warranted in saying that less than one-thirtieth of the claims taken in the Duluth United States land district are taken for actual settlement.

Special Agent Thomas W. Jaycox, writing officially from Aberdeen, Dak., October 25, 1884, says:

In my opinion, not more than 30 per cent. of the land in this district entered under the provisions of the pre-emption and homestead laws is occupied by actual settlers. The practice largely prevails of immediately abandoning the land when cash entry is made for the same. Fully 75 per cent. of the entries made under the provisions of the pre-emption laws are made for speculative purposes, and not for a home and for cultivation.

The register and receiver at Garden City, Kans., in a report dated November 20, 1884, have this to say:

We believe that in the territory situated between the Arkansas River and the Southern Kansas line there are many fraudulent or evasive entries of public lands, and through the medium of such entries title to Government lands passes into the hands of large cattle and land companies.

And this from the register and receiver at McCook, Nebr., November 26, 1884:

All or nearly all the lands bordering on streams have been taken under the homestead, pre-emption, and timber-culture laws. Proofs are made, and we

hear it reported that deeds are executed soon after to other parties, but to whom we have no means of knowing at this office.

And the following, from the report of Special Agent W. H. Goucher, dated San Francisco, November 17, 1884:

I would estimate that but 5 per cent. of the entries made under the timber-culture and desert-land laws are in good faith and with the intent of accomplishing the purposes contemplated in those acts. Ninety per cent. of all the entries under these laws made in this district were filed within the past two years.

I call especial attention to the fact that these reports, coming from every section of the West where there are public lands, are the reports of Republican officials made under a Republican administration. They show what Commissioner Sparks meant when he said:

At the outset of my administration I was confronted with overwhelming evidences that the public domain was being made the prey of unscrupulous speculation and the worst forms of land monopoly.

They are a complete answer to his traducers who charge that the allegations of fraud in the entry of public lands are given out by disreputable officials of his own creation, employed to prepare fictitious reports in justification of a wanton and wicked war inaugurated and waged by the Commissioner against the poor and honest settlers of the West, and they ought to close their lips if they have aught of shame.

Mr. Speaker, I could consume an hour in reading reports of like tenor from nearly every inspector, agent, register, receiver, and all other officials of the Government connected with this service throughout the country under this and previous administrations. But it would be a mere repetition of what I have read. I think I have read enough. It may be objected, however, that all this is rather an expression of opinion of these officers than specific evidence of the frauds alleged. That may be true, but it is the unanimous opinion of all the sworn officers of the law connected with this service, of both political parties, from the President down, based upon personal observation or upon overwhelming evidence in their possession. In the last report of Commissioner Sparks there are over twenty pages of printed matter detailing specific instances of fraudulent entries, which are illustrative of hundreds and thousands of others which have been or are now pending before the Department. Let me read a little of that:

Some time ago a prominent public man in the Northwest employed an agent to go to the Duluth district and hire men to pre-empt lands for his benefit. He placed the requisite amount of money in a bank to the agent's credit to enable him to pay each entryman a specified sum and his own expenses while engaged in the business. The agent, after selecting the lands, procured men to make entries, offering each person $125, a part to be paid when the entry was made and the balance at a subsequent date. Thirty-one men were induced to accept this offer, and they were taken to the lands, where they remained three days and then left, after having piled up a few logs on the land and covered them with brush. The parties shortly afterwards made their proofs and entries and were paid the sum agreed upon, and they then conveyed the lands, in accordance with the contract, to a company of which the principal in the transaction was a member. The proofs were false in every particular, and the entries were obtained by perjury and fraud.

The evidence recently furnished in these cases is particularly explicit as to all of the details, and was given by men who took a leading part in the commission of the crime. The agent testified to the agreement with his principal and to all the steps taken by him to carry it out. He furnished his employer's original letters, directing him to hire the men to pre-empt the lands, and the drafts on the bank by which each entryman was paid the first installment of the sum agreed upon, together with the account kept by him at the time, showing each payment. The entrymen themselves corroborate the agent in every particular, and give all the facts and circumstances of their being hired to make the entries, their utter failure to comply with the law in any respect, and the conveyance of the land in accordance with the agreement made prior to entry. These witnesses are unimpeached, and their evidence is in no way contradicted, although the parties in interest have had ample opportunity to do so if they desired. By this single exposure nearly 5,000 acres of pine timber land has been, or soon will be, restored to market.

Again:

In Dakota fraudulent entries are generally made for purposes of individual speculation by residents of towns, and by visitors, traveling persons, temporary sojourners, and others having actual residence in other States and Territories. Inhabitants of towns erect on their respective claims an unsubstantial house, which they designate a dwelling, make a pretense of breaking a few acres, visit the lands occasionally, and make their final proofs without ever having an actual residence on their claims, their places of business and homes being in town.

Again:

In the Garden City district, Kansas, and elsewhere, a number of land firms have been reported for disbarment on account of their illegitimate practices and unprofessional conduct. It seems that these men first procure parties, who have no expectation of going upon the public lands or complying with the law, to make homestead and timber-culture entries and pre-emption filings, or make the entries and filings themselves of the valuable lands. The entryman then relinquishes the entry to the United States and places the relinquishment in the hands of the land agent, who holds it until he can get a purchaser. If it is not sold before the entry becomes subject to forfeiture, a collusive contest is brought against it in the interest of the holder of the relinquishment for the purpose of retaining control over the land. The ultimate purchaser of the relinquishment procures the right of entry by filing the relinquishment and immediately presenting his application to enter the land. These firms all advertise relinquishments for sale, in many cases specifying the lands and the prices asked for the relinquishment, the prices varying from fifty to five hundred dollars and upward. They also employ "rustlers" to induce or force settlers to purchase relinquishments from their employers.

The settler, who is generally a stranger and unacquainted in the county, spends a few days in riding over the country and examining the vacant lands. He finds, as the "rustlers" had told him, that all the vacant Government lands are worthless, and that his only opportunity to get a home is to buy a relinquishment or to contest an entry. The latter course he soon learns is expensive and the result doubtful, as the land agents will throw every obstacle in his way to defeat him. One of these firms hire five or six "rustlers" and clerks. They have a cot or bed in front of the land office door for their men to sleep upon at night, so that when the hour arrives for opening the office they may be able to enter first and manipulate their relinquishments and contests and keep out legitimate claimants. It is shown that by this means they held possession of the land office door on one occasion for thirty days, and intimidated all actual settlers who attempted to make entries, and defeated them in every effort to do so. On one occasion the head "rustler" rushed into the office with his crowd of followers and presented, among other papers, a relinquishment executed before a notary public in the firm's office, together with an application of one of the parties to enter the tract. The register attempted to question the applicant, but he was warned by the "rustler" to answer no questions, and was immediately hurried away to prevent the Government agent, who was also present, from interviewing him. This firm appear as attorneys of record for two different contestants against the same entry, the same grounds of contest being alleged in both cases. These and similar contests are filed to enable the attorneys to retain control of the land.

I will call attention to but one other case:

A case in another section of Wyoming will be cited to further illustrate the abuses and manner of violating the provisions of the desert-land act.

Three brothers and two other parties associated themselves together for the purpose of taking up a cattle ranch upon the public lands. One of the brothers was a resident of Massachusetts, and another member of the association was a resident of Denver, Colo. The tracts selected lie along a stream, and are good agricultural lands, producing crops without irrigation. Each of the parties made a desert entry, with a view to a single or consolidated ranch, and in such manner as to control the water-rights and thereby render the adjacent lands valueless to any other person. Something over 2,000 acres were thus entered, and the control of the water-rights and a large ranch in the vicinity obtained.

After holding the lands less than a year the claims were concertedly sold to third parties for $48,000; and in the course of three or four months the grantees constructed a water ditch down the valley across a portion of the claims, and then had the final proofs made, showing the reclamation of each tract, without ever conducting or distributing water over the lands. The proofs were false in showing the lands to be desert in character, false in alleging that they had been reclaimed, and false in swearing that the entries were made in good faith for the benefit of entrymen, they having previously conveyed the lands. The two members of the firm who had charge of the ranch admitted to the agent that they had sold out prior to entry and had not reclaimed the lands.

Time will not allow me to multiply these instances, which can be done almost indefinitely; but this is sufficient. It ought to satisfy this House and the country that our public lands have been plundered, under the pretense and form of law, to an enormous extent. It was to escape these evils and to terminate these larcenies that your Committee on Public Lands brought in here a bill repealing the laws under cover of which these outrages were perpetrated. The remedy we proposed was plain, simple, immediate, and complete.

The House passed the bill under a suspension of the rules by a vote of nearly 5 to 1, and sent it over to the Senate. That body was not satisfied with the bill. It struck out all after the enacting clause and substituted a bill of its own. The House declined to accept the Senate substitute, and a committee of conference was appointed, and the Speaker did me the honor to name me as one of the conferees on the part of the House. We had various ineffectual conferences during the last session, and finally reported that we could not agree. An earnest effort was then made by several gentlemen upon this floor to induce the House to recede from its disagreement, but happily without success.

A new conference committee was appointed, of which I was also a member, and we have had repeated conferences during the present session, but have been wholly unable to agree. Our report is before you, and that the House may act with the most perfect intelligence I propose now to unfold the nature and results of our deliberations, so that the points of difference may be clearly disclosed.

The House bill did two important things. It repealed the pre-emption, timber-culture, homestead-commutation, and desert-land laws, and then provided that hereafter no public lands, with some very limited and special exceptions, should be sold at public sale or be subject to private cash entry, the idea being to preserve them for homesteads only, or in cases where they are not adapted to such uses to save them from unlawful appropriation until some new and better method of disposition can be devised.

The Senate substitute also repeals the pre-emption, timber-culture, and homestead-commutation laws. To that extent the bills agree. The Senate substitute does not repeal the desert-land law, but amends it, and amends it so as very greatly to improve the present law. Personally I should greatly prefer to repeal the desert-land act, but the judgment of many Senators and Representatives is so emphatic against such a course that your committee have felt disposed to yield this point and accept the Senate amendments of the desert law with some modifications, about which there would be, probably, no trouble in reaching an agreement. Now, in this view of the case, if the Senate had kept to the track we would have reached our destination long ago, and have accomplished in the main what we started out to do.

But the Senate did not keep to the track. The substitute embraces some additional propositions. In the first section of the Senate substitute this clause appears:

That all entries made under the pre-emption or homestead laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the General Land Office of such sale.

To that the House conferees objected as simply amounting to a confirmation of all the fraudulent entries heretofore made under the pre-emption and homestead laws.

Mr. OATES. As I understand it the Senate amendment only requires proof of the naked fact of sale, and does not require proof as to

the manner of acquiring title, whether in pursuance of the law, in good faith, or otherwise.

Mr. WEAVER, of Iowa. The law would presume it was a *bona fide* transaction in the absence of proof.

Mr. STONE, of Missouri. The amendment of the Senate says the sale must be to a *bona fide* purchaser for value, and the only thing that would be necessary to be shown by the claimant in order to receive his patent would be that such a sale was made.

Mr. OATES. The naked fact of sale!

Mr. STONE, of Missouri. Yes; the naked fact of sale without going back of that—without inquiring beyond the *bona fides* of the sale.

However, Mr. Speaker, this is not now a matter of much practical importance, because in our more recent conferences during the present session, as I understand it, the Senate conferees have agreed that that provision might be eliminated. In the colloquy which took place on Saturday between my colleagues on the committee, Mr. COBB and Mr. STRAIT, the latter gentleman stated that the Senate managers had agreed that this provision might go out; and the gentleman from Indiana said that it was to go out on condition that the eighth section was agreed to. I am inclined to the opinion that the gentleman from Indiana was substantially correct. But it is immaterial——

Mr. COBB. That is just what I said, that it was immaterial.

Mr. STONE, of Missouri. It is immaterial, because the eighth section reiterates substantially the same provision.

We got rid of the provision which I have read by the Senate conferees agreeing that it might be stricken out.

But the seventh section of the Senate substitute also contains a proposition to which the House conferees objected. I will read it:

SEC. 7. That any person entitled to enter a homestead under section 2289 of chapter 5 of the Revised Statutes shall, by complying with all the provisions of said chapter relating to the entry of homesteads, be entitled to make one entry as a homestead of one-half section or less of unappropriated mountainous land, as defined by this section, and in a compact form. Any 40-acre tract of the surveyed public lands, exclusive of mineral lands, three-fourths of which is so mountainous and rough that it can not be plowed and cultivated, shall be deemed mountainous land within the meaning of this section, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the proper land office. The determination of what is mountainous land shall be subject to the decision and regulations of the Secretary of the Interior, who may provide for cross-examination of witnesses and for the production of proof on behalf of the United States before the register and the receiver as to the character of the lands at the date of the application or of final entry: *Provided*, That all the provisions of the homestead law relating to final proof, fees, contests, citizenship, relinquishments, residence, death, and transfers of the homestead claim shall apply to entries under this section: *And provided further*, That this section shall only apply to and take effect in the States of California, Oregon, Colorado, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, and New Mexico.

This is a new departure. It proposes to establish an entirely new classification of the public lands. It is illy conceived and unsound in theory, and would be open to great abuses in practice. But disposed to compromise where we could, with the hope of reaching some agreement, the House conferees proposed to accept this section.

That left but two substantial points of disagreement or dispute between us, and they are predicated on the eighth and tenth sections of the Senate substitute.

The tenth section, as far as I need to read it, is as follows:

That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section 2455 of the Revised Statutes, and mineral and other lands, the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

The proposition embodied in the tenth section differs from the House proposition in this: Under the law as it now stands whenever any lands have been offered at public sale and not sold, they are thereafter subject to private cash entry. There are vast bodies of lands now in that condition, principally in the Southern States. If the House proposition should be accepted those lands would be withdrawn from private entry, and be held for homestead entries only. If the Senate proposition prevails their present status will not be affected.

It is claimed by those who favor the Senate bill that these Southern lands can not be used for agriculture, not being adapted to homestead purposes, and are valuable only for the timber growing upon them. It is argued that if we exclude the right of cash entry they will go to waste, the timber be stolen, and all that. This I can neither affirm nor deny.

Mr. OATES. Will the gentleman allow me to interrupt him here?

Mr. STONE, of Missouri. Certainly.

Mr. OATES. What I wish to say is in the line of his argument. I hold in my hand a letter from a receiver of public moneys in my own State in which he informs me that there are several syndicates formed that are taking up now daily all of the lands in that State by cash entry so that there will be, if they are permitted to go on, in a short time no public lands for homesteads.

Mr. COBB. That is the way things are all over the country.

Mr. STRAIT. That, I suppose, relates to the offered lands only.

Mr. OATES. All have been offered in the Southern States.

Mr. STONE, of Missouri. I know it to be a fact that large companies or syndicates, both from the North and South, within the last year have acquired hundreds of thousands of acres of these lands, and such operations are constantly going on and vast tracts being concentrated in single holdings. They may not be useful for the purposes of agriculture, but they have large timber value, and these gentlemen who are purchasing them will dispose of them by and by at a large profit, or else denude them of timber and amass great fortunes out of the beneficence and charity of the Government, and neither the General Government nor the States will realize any substantial benefit. Hence it is better in any view of the case to withdraw these lands from sale and put an end to the present abuses, and if it is necessary that they should be sold in order to utilize them we can in the future devise some method for their disposition more in harmony with the public interests.

Mr. OATES. If they can be held all will soon be taken up for homesteads.

Mr. STONE, of Missouri. The gentleman from Alabama says if they could be held they would nearly all be taken up for homesteads; and he is far more familiar with the facts than I am, and perhaps as familiar with the facts and the conditions surrounding these lands as any gentleman upon the floor.

This section, however, was not very fully discussed. We might have reached some agreement with regard to it, had it not been for the irreconcilible differences between us upon the provisions of the eighth section. That is the stumbling block which the Senate has put in the pathway of this important legislation. If this legislation fails it will be because of that section, whose monstrous provisions I, for one, will never consent to.

Let us examine this section a little in detail; let us analyze it and see whether the House ought to accept it. Perhaps, however, it is proper I should state that an agreement was substantially arrived at as to the first clause of the section. That clause, as it came from the Senate, is as follows:

SEC. 8. That in all cases under the pre-emption and homestead laws, and under this act, all contests or protests on the part of the Government, or any individual, concerning the land entered, shall be instituted within nine months after final entry and issue of the duplicate receiver's receipt, and not afterwards.

The Senate conferees agreed to strike out the words "or protests," in the second line, and the words "the Government or," in the third line; so as to limit the application to individual contests alone, and the House conferees consented to reduce the time within which such contests might be instituted from nine months, as it appears in the text, to six months, so that the clause as thus modified would read:

That in all cases under the pre-emption and homestead laws, and under this act, all contests * * * on the part of * * * any individual concerning the land entered shall be instituted within six months after final entry and issue of the duplicate receiver's receipt, and not afterwards.

Mr. STRAIT. Did not the Senate conferees agree to strike out all in section 8 down to the word "provided" in the sixth line?

Mr. STONE, of Missouri. They agreed to amend it, as I have stated.

Mr. STRAIT. To strike it out down to line 6?

Mr. STONE, of Missouri. I did not so understand it.

Mr. STRAIT. I did.

Mr. STONE, of Missouri. What the Senate conferees agreed to, what the understanding reached was, if any was reached, in conference in regard to that, I think I have correctly stated. The Senate conferees agreed to strike out the words "or protest," in the second line, and the words "the Government or," in the third line, and the House conferees agreed to reduce the time within which the contest might be entered from nine months to six months.

Mr. STRAIT. That was in the first conference. In the second they proposed to strike out all down to the word "provided."

Mr. STONE, of Missouri. Whether we agreed to strike it out or amend it is not material. It is sufficient if we agreed. After we had conferred there was no disagreement between us with regard to the provision I have read.

I read further:

*Provided*, That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, such entry may be suspended, upon proper notification to the claimant, through the local land office, until such error has been corrected.

We agreed to that provision, which merely contemplates the correction of clerical errors. So far no public or private interest is jeopardized by these provisions, with the amendments I have suggested in the second and third lines as having been agreed to in the conference.

But the remainder of the section, from the beginning of the second proviso to the end, is the part about which we have been wholly unable to reach any satisfactory conclusion. With all due respect to the Senate which proposes it, and to the estimable and distinguished gentlemen in both Houses who advocate it, it seems to me this section announces propositions and contemplates results which are wholly indefensible, and in open conflict with every correct principle of sound administration, and puts in imminent peril the most important public interests.

Unless we believe that all the Presidents, Secretaries, Commissioners, registers, receivers, and all other officials associated with the administration of our public-land laws for the last six years, are endeavoring deliberately to impose upon the Congress, or else are themselves the silly dupes of a most strange and inexplicable deception, we are forced to believe that individuals and corporations are to-day demand-

ing patents for hundreds of thousands of acres of land, and using every artifice to secure them, whose claims are permeated with the grossest fraud and the rankest perjury. And now, with this knowledge and this conviction full and fresh upon us, how can we entertain a proposition which seeks to recognize and confirm, by legislative action, these fraudulent titles, and enable these rascals to triumph instead of sending them to the penitentiary for their crimes?

Sir, I will never consent to convert this Capitol into an arena where fraud may come with brazen and unblushing cheek and overthrow public right or private virtue and receive reward from the hand of power or applause from the public agents of the people. I state this strongly, but not too strongly; and I do so with the knowledge that some gentlemen at both ends of the Capitol, for whom I entertain the highest respect and who are in every way above reproach, have indicated a purpose to support this Senate bill rather than have this legislation fail; but I can not believe they have fully matured the force and effect of the section I am now discussing.

Can I be mistaken in my judgment as to the effect of this section? Will any gentleman seriously contend that I am? Let us see; let us examine it. I will read the objectionable part of the section:

*Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption and homestead acts: *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead or pre-emption laws or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

Let me read the first clause again:

*Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend, &c.

Now, what does that clause mean—unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration.

In the construction of statutes the intention of the legislature is the controlling principle. The general purpose contained in this proposition is to transfer entries contested after final proof, on account of fraud, from the Land Department to the Attorney-General and the courts. That general rule is to apply to all entries where the Commissioner is satisfied of the existence of fraud, except in cases where the land has been sold or conveyed to a *bona fide* purchaser for value. What purpose can there be in making that exception, unless it be to confirm the title in such cases to the purchaser?

It could not be the intention to leave such cases still subject to the jurisdiction and present practice of the Land Department. The avowed purpose of transferring these contests to the Law Department is to obtain a judicial settlement of the disputes, and the burden of proof and of the whole controversy is thrown upon the Government. It is intended to confer some benefit and advantage upon the claimant; and it can not be the intention to confer any benefit or advantage upon the entryman which is denied to his purchaser. It can not be the intention to send the entryman to court and keep his purchaser in the Department.

The logical construction of this proposition leads inevitably to the conclusion that the intention is to confirm the title where the entered lands have been sold to an innocent purchaser for value. Now, I think it entirely safe and reasonable to say that in nearly every case of fraudulent entry the claimant who will appear to demand a patent will be "a *bona fida* purchaser for a valuable consideration;" and his papers and proofs will be as nearly perfect as human ingenuity can make them.

If "it shall appear that the land has been sold or conveyed to a *bona fide* purchaser," is the language. Of course it will always so appear; there will be no lack of tip-top *prima facie* cases. But suppose the Commissioner has facts in his possession which may make any given case appear otherwise to him. What is he to do? Issue the patent or send it over to the Attorney-General? If he is not bound by the *prima facie* case presented, but can sit as a sort of intermediate judge upon the *bona fides* of all these transactions, we can see at a glance the inextricable confusion into which all this great business would be thrown and the immense disadvantage to which the Government would be subjected. No, sir; the result of this clause will be to confirm and perfect the title in all cases where the original entryman has conveyed the land and the purchaser appears as the claimant.

Again, take the last proviso:

That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him.

There can not be any dispute about that provision. It makes a receiver's receipt which is two years old conclusive; and in the absence of a contest or protest instituted before the expiration of two years from the date of the receipt, the Commissioner will have no discretion about issuing a patent when the claimant comes to demand it, either in the person of the entryman himself or his assignee. The section has a retrospective as well as a prospective operation.

That is to say, it refers to cases where the receiver's receipts have been already issued as well as to cases where they may be hereafter issued; and all outstanding receipts two years old would be conclusive and entitle the holders to patents. The proposed enactment would put such cases beyond the reach of investigation, unless it should happen that a contest or protest was now pending.

But, looking alone to the future, let us see what the practical operation of this provision would be should it become a law. A man may employ twenty or thirty men to go somewhere on the vast public domain in the Western States or Territories, at a point remote from the land office, and enter ten or fifteen thousand acres of land. In due time the witnesses go fifty or a hundred miles or more across the country to the land office, and some smart lawyer is employed to prepare their papers and proofs. Everything is made to appear in ship-shape. The receiver, without any means or opportunity of inquiry, hurried along by the press of business, completes the transaction, so far as he has authority to act, and issues his receipt. The entrymen thereupon convey the lands to their employer, who "lays low" for two years and then turns up to demand his patents. The Commissioner, when he comes to examine the papers, may discover a great deal to excite his suspicions. The location of all the tracts in the same vicinity, the similarity of the proofs, the simultaneous conveyance to the same purchaser of all the entries, the uniformity of method in the whole proceeding may convince him to a moral certainty that fraud has entered into the transaction. But he would be powerless.

He could not, as he now may, hold the entries for investigation. He would have no authority to dispatch an agent to see whether any improvements had been made on the lands, to examine the entrymen, or to take any steps to ascertain whether the law had been complied with. He could do nothing but shut his eyes, grit his teeth, and certify the lands for patent. The claimant would be master of the situation.

Mr. Speaker, this is an immense business over which the Commissioner of the Land Office presides. Our public lands cover a vast territory, and in the present overcrowded condition of business in the Land Office, with the small force at his command, it is simply impossible for the Commissioner, within the period of two years, to so investigate the thousands upon thousands of entries now pending in his Department as to act upon them with any sort of safety or satisfaction.

I know of no way by which the Commissioner can satisfactorily investigate suspicious entries except by employing the services of a special agent. Now there are only some fifteen or twenty of these special agents, and in view of the attacks made upon them here an appropriation for their support may be withheld at any time by one branch of Congress, and thus close the door to every avenue of investigation. But under the most favorable circumstances the work that could be done would be imperfect and incomplete, and every day would carry a greater or less number of entries beyond the range of investigation and under the protection of this last proviso of the eighth section.

No, sir. Enact this proposition into law, and the result will be to confirm practically all the entries heretofore made, except the comparatively few in which formal protests or contests have been already filed; and those few would be sent to the Attorney-General for his examination, and be either returned to the Commissioner for patent or transmitted to a district attorney for suit.

And now that brings me to the "court clause" of the eighth section, to which I ask your attention for a few moments, and then I shall conclude. The section provides that, whenever the Commissioner is satisfied that fraud has entered into the title acquired by any claimant, unless the claimant be one of those heavenly creatures known as an "innocent purchaser"—

The Commissioner shall suspend the issuing of the patent and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained.

According to the language of this provision, whenever the Commissioner suspends an entry and certifies it to the Attorney-General that officer will have but one thing to do, namely, to determine whether the facts laid before him make out a good case of fraud. If he decides that question affirmatively he is required "to commence proceedings at once in the proper court to set aside the title" of the claimant, with a view to restoring the lands to the public. That provision is imperative, and imposes a duty on the Attorney-General which he is required to perform at once.

Now, the truth is, Mr. Speaker, that under the present departmental practice, which has been in force for years, less than 10 per cent. of the claimants whose claims have been held for cancellation ever appear to make any contest or show any cause why the suspension should be vacated and a patent issued, even after they have been given personal notice and ample opportunity to appear either at the local office or before the Commissioner, as they prefer, and establish their right.

The fact is that the Department acts with great deliberation and care, so as to protect the public interest and inflict as little injury upon innocent and honest claimants as possible. And the result is that very few mistakes are made. When mistakes do occur the honest claimant is not slow to bring it to the attention of the Department, and every opportunity is given him to do so; and, on the other hand, the Department always hastens to make all necessary and proper corrections.

Suspensions of this character are rarely made except in cases where the charge of fraud is well founded in fact. Hence it is the fraudulent claimant does not care to make a contest, and invite not only a prosecution for his fraud in the first instance, but incur the danger of an additional prosecution for perjury. He simply abandons the claim and lets the cancellation go by default. But if the proposition, as it now appears in the eighth section, should be enacted into law, these rascals who are detected in their frauds would not be permitted to sneak away and abandon their claims.

The Attorney-General would examine the facts submitted to him by the Commissioner, and, if he should deem those facts sufficient to establish fraud, he would transmit the papers to the proper district-attorney, and that officer would institute a proceeding of some kind, in chancery I presume, against the claimant, to set aside his "title." There may be no improvements whatever on the lands, no pretence of complying with the law, and the fraudulent claimant, alarmed at discovery, may have thrown up the sponge and abandoned the field. Still these suits must go on, the business of the courts be encumbered and delayed by them, and the Government mulcted in the costs.

This proposition would not let the poor villains quit if they wanted to. In one sense we ought not to let them quit. But we should send an officer after them with a *capias* in his hands, and not writs summoning them to civil contests before a chancellor.

It is fair and proper, however, that I should state that when attention was called to this defect it was suggested by some of the Senate conferees that the provision might be modified so as not to require certifications to the Attorney-General except in cases where the claimant should, within a limited time, request the Commissioner in writing to take that action. That might be an improvement on the text, though I doubt it. I am not sure but that it would be even worse than it now is. At all events we could not accept the proposition, and ought not to have done so. Why? Under the law as it now stands these claimants have no legal title to the lands they claim under the pre-emption and homestead laws as against the United States.

Mr. OATES. Is there any such thing known to the law as an innocent purchaser for value, in the absence of a patent, the Government never having parted with title? Would not the legislation which the gentleman is discussing, if passed, make a new creature in the law—an innocent purchaser standing in a category which has never been known in the law heretofore?

Mr. STONE, of Missouri. Not only so, but it would create a new title that does not now exist under the law. By the law as it now stands a man without a patent has not the legal title to the lands. He may have, and doubtless has, something more than a bare equity; but the legal title is not vested until the patent issues.

I know there are gentlemen with some pretensions to learning who assert the law to be otherwise. But I venture modestly to insist that the authorities and the reason of the thing are the other way. The conditions are somewhat anomalous, but pretty well defined. I know that in the courts of many States, in all individual contests, the certificate of final entry is evidence of title in the hands of the holder, and that such lands are subject to local taxation. All that is entirely proper and in no necessary sense inconsistent with the view I am maintaining. When any citizen who is entitled and eligible to make an entry does so, and complies in all respects with the law, he is entitled to the possession and use of the lands entered against all comers, including the United States.

Still, the strict legal title remains in the United States until the patent is issued and the right of the United States to inquire into the *bona fides* of the entry, and to vacate it if found fraudulent, is not destroyed or disturbed by the fact that a local land officer may have issued a certificate of final entry. If in point of fact the entryman has observed and complied with the law he is entitled to a patent on demand conveying to him the legal title, and if it be wrongfully denied him he can go into court and by a proper proceeding enforce his rights against the delinquent officers of the Government.

If an entryman sells or assigns his claim or right the purchaser stands in his shoes. The status is in no wise changed. The purchaser is in no better or worse condition than the entryman himself. The pre-emption act of September 4, 1841, now a part of the Revised Statutes, contained this provision: That "all assignments and transfers of the rights hereby secured prior to the issuing of the patent shall be null and void."

Mr, COBB. And that is the law to-day.

Mr. STONE, of Missouri. When that provision was incorporated in the act of 1841, which was the culminating act perfecting and gathering together the attempts at pre-emption laws theretofore made, the supreme courts of many of the States in which public lands were located—notably in Louisiana, Mississippi, Alabama, Indiana, and Missouri—repeatedly held that an assignment of a pre-emption claim prior to patent passed no title or right to the purchaser, but was null and void.

But subsequently the Supreme Court of the United States, in the case of Myers *vs.* Croft, reported in 13 Wallace, construed the clause I have just quoted from the act of 1841 to mean that the assignment of the right to make an entry was the thing prohibited, and not the right to assign after entry and final proof. In other words, never having exercised my right of pre-emption, I could, if I chose, go out upon the public domain and make a pre-emption entry. My right to do that I can not assign. That right is purely personal, and must be exercised by me in person if exercised at all. But if I should go and make such and entry and prove it up, I could then transfer my right and interest in the land; that is, my right to the possession and use of the land and my right to receive a patent. My assignee, however, would simply stand in my shoes. An assignment confers no right, advantage, or benefit upon the assignee which the entryman does not himself enjoy.

Mr. OATES. Before his patent is issued.

Mr. STONE, of Missouri. He simply takes the place of the entryman; and if the right exists in the Land Department to inquire into the good faith of the transaction in the hands of the original entryman, and to vacate it if fraudulent, that right is not disturbed by an assignment.

Mr. WEAVER, of Iowa. And ought not to be by this legislation.

Mr. STONE, of Missouri. And ought not to be.

In the case to which I have referred the court said:

> The object of Congress was attained when the pre-emptor went with clean hands to the land office and proved up his right and paid the Government for his land.

And that the pre-emptor was—

> Free to sell his land after the entry, if at that time he was in good faith the owner of the land, and had done nothing inconsistent with the provisions of the law on the subject.

The authorities of the Interior Department have always held that the Commissioner has a right to review an entry at any time before the patent is issued, without regard to the question of assignment. In Chrisinger's case (4 L. D., 247) it was held that—

> The purchaser takes no better claim for title than the entryman has to confer, and whatever right is thus acquired is subject to the subsequent action of the Land Department.

And this right of the Land Department to review entries, to inquire if the law has been substantially complied with, to examine into the good faith of the transaction, and to vacate the entry in cases of actual fraud and gross irregularity, has been repeatedly upheld by the Supreme Court of the United States.

Now, then, if I understand this eighth section as it now stands, it proposes to vest the legal title in the entryman before he receives his patent. In other words, it proposes to make the certificate of final entry the evidence of final title. A patent would not be necessary to pass the title from the United States, but would be simply an additional and more convenient evidence of a title already complete. The provision reads:

> That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained.

The jurisdiction of the Land Department to hear and determine questions of fact affecting the *bona fides* of an entry and to set it aside for any cause whatever, would be withdrawn. We would create and establish a title, and then put the machinery of the courts in motion to set it aside.

If the provision should be modified as the gentleman from Minnesota [Mr. STRAIT] says was suggested by one of the Senate conferees, it would read:

> That after final proof of the claimant and the issuing of the duplicate receivers' receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, the Commissioner shall hold the entry for cancellation, which action shall become final unless within sixty days from notice thereof the claimant or other party in interest shall ask in writing for a judicial investigation of the case, and thereupon the Commissioner shall suspend action in the case of issuing the patent for the same, and file with the United States Attorney-General notice of such suspension, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title if in his judgment such proceedings can be maintained.

That at least would have the virtue of suggesting to the Commissioner that it is his duty to issue a patent to every claimant justly entitled to receive one, and, of course, to that extent would be unobjec-

tionable. But that is the law now. A claimant who has made his entry and proved up his claim in compliance with the law, and is an honest, *bona fide* claimant, is entitled to a patent under existing law, and if it is denied him he is wronged, and he can enforce his rights in the courts. The Commissioner does not now—never has and never will—withhold a patent unless it is "proved to his satisfaction" that the entry is fraudulent or illegal.

The passage of the modified proposition which I have just read would in no wise change his relations to or authority over honest and lawful entries. If he should now deliberately withhold patents without cause he would be subject to impeachment. I can not see that this last suggestion would in any respect change the law with regard to that class of entries.

But with respect to fraudulent and illegal entries this last proposition of the Senate conferees, conveyed through the gentleman from Minnesota, provides that—

> The Commissioner shall hold such entries for cancellation, which action shall become final, unless within sixty days from notice thereof the claimant or other party in interest shall ask in writing for a judicial investigation of the case.

In which event the Commissioner shall certify the papers over to the Attorney-General, who shall institute a proceeding to set aside the title, if, in his judgment, such a proceeding can be maintained. To set aside his title! What title? What character or degree of title does this propose to recognize in the claimant? Does the claimant have a legal title before he gets his patent? Is the certificate of final proof and payment *prima facie* evidence of legal title? Have the United States nothing left to convey by patent? In the absence of fraud is the title complete without a patent, and does the patent serve no other purpose than merely to furnish evidence of a title already vested?

If that be true, then we already have laws for bringing suits to vacate patents and titles fraudulently acquired from the United States. But those laws are predicated on the notion that the whole title has departed from the Government. Are you ready now to make that sort of concession? Are you ready now to overturn the well-settled law of the past, and create and recognize a full, complete legal title in every entryman who has made his final proof? That is the import of the proposition.

It proposes to recognize title—a good, *prima facie* legal title—in the entryman who has made final proof, and directs the Attorney-General to proceed in court to set it aside when the Commissioner thinks there is fraud behind it and the entryman graciously requests the United States to proceed against him. Or is it proposed to regard and treat his title as a conditional title, or title on condition? What condition? That he has complied with all the antecedent requirements of the law? But those are conditions-precedent. They must be complied with before title passes at all.

It is too abstruse for me. I can not exactly understand it. You create and vest a title; you recognize the certificate of final proof as *prima facie* evidence of full compliance with all the precedent conditions of the law, and then these gentlemen, who are so valiant and vehement in their assaults upon the Commissioner, propose to clothe him with the arbitrary power of canceling the entry and overthrowing the title on *ex parte* evidence, or no evidence at all, and without due process of law or the chance of defense, and to make his action final unless the claimant shall within sixty days request the United States to appeal from the favorable decision of the Commissioner to the courts. That is rather a novel proceeding which requires an appeal to be taken by the successful party. I may be altogether in error, Mr. Speaker, but it seems to me that the very moment we go off into that line of legislation we will be led into all sorts of absurdities.

Again, after the issuance of the receiver's receipt the entryman either has the title or he has not. If the title is still in the United States I do not see how or why they should move to set it aside. If you propose to change the law and confess and recognize title in the entryman, how can the Commissioner—whether you regard him in the light of a ministerial or quasi-judicial officer—arbitrarily divest a man of his title without process or hearing?

Would the courts sustain any such proceeding? Could not a claimant whose entry should be held for cancellation because of fraud or illegality ignore the action of the Commissioner, prefer no requests for an invitation to court, remain in possession, use, and enjoyment of the disputed lands, and defy the United States? And what could the United States do in response to such a defiance in the way of ejecting him from the land and opening it again to honest settlement? I do not know; I can not answer.

These are some of the reasons, Mr. Speaker, why I cannot agree to the eighth section. It is a novel and dangerous departure. It revolutionizes our entire public land system. It overturns the established law and the long-established and well-understood practice of the Department. It will embarrass the administration of the law and imperil the public interests. It should not be agreed to. I do not believe the honest, actual, *bona fide* settlers—the men for whose benefit these homestead and pre-emption laws were enacted—desire any such departure. Self-preservation and self-interest, if nothing else, would array them against it.

As I have already said, the law as it now exists is amply sufficient. If any claimant's patent is wrongfully withheld he can go into court and by mandamus, or some similar proceeding, enforce his rights. I would be perfectly willing to give him every facility and opportunity to get into court and prosecute his own proceeding against the Secretary of the Interior or the Commissioner of the Land Office, and I so stated in the conference. If the existing law needs any amendment in that direction, I am willing to see every proper amendment made. But I am unwilling to face about and go the other way, in the direction indicated by the eighth section of the Senate bill.

The Commissioner of the General Land Office and his administration have been outrageously maligned and misrepresented, and a great effort made to array public sentiment against him and break him down. Only a few days ago it was gravely stated in the Senate, and the statement telegraphed over the country, that the Commissioner had absolutely suspended the issuing of all patents and that the whole Western country was going headlong to the "demnition bow-wows" in consequence.

The statement is utterly without foundation in fact. The truth is, the Commissioner is constantly certifying entries for patents at the rate of about three thousand per month, which is in advance of the average work of previous administrations. I can not understand how any gentleman who favors correct methods of administration can object to the present practice of the department.

I confidently assert the fact to be that no eligible entryman, who goes upon 160 acres of land and homesteads or pre-empts the tract in conformity to law, lives upon, improves, and cultivates it, with a view to making it his home or reducing it to the actual uses of agriculture, is ever wronged or interfered with, but on the contrary is treated with the greatest fairness and liberality. And the same is true of a *bona fide* assignee of such an entryman.

I have looked pretty thoroughly into this matter, and did so with the greatest candor and impartiality, and I seriously doubt whether a single well-authenticated case can be found among all the thousands in the Department, in which such an entryman has any just ground for reasonable complaint. I do not mean to say that such people are not sometimes temporarily inconvenienced by delay; but the delay is either unavoidable or some good reason exists for it.

When the Commissioner becomes satisfied that any entry is fraudulent or illegal he holds it for cancellation and gives the claimant, whoever he may be, original entryman or assignee, sixty days after notice within which to appear before the local register and receiver or before the Department here in Washington, and show cause why the entry should be sustained, with the right of appeal all the way up to the Secretary. Let me read a brief extract from the rules of the Department, showing how ample is the provision for the service of notice upon the claimants:

> Notice of hearings will be given by the register and receiver by registered letter addressed to the last known place of residence of the party to be notified; and, where his residence is unknown, to the post-office within the delivery of which the land is situated. The register and receiver will post a copy of the notice in their office for not less than thirty days prior to date of hearing. *Personal service* of notice (which may be given by the special agent) will also be made within the time fixed for hearing if the residence of claimant is known or can be ascertained. If the party can not be found the notice will be advertised once a week for four weeks in a paper of general circulation in the vicinity of the land.
>
> Proof of mailing, posting, and service of notice (or publication) must be filed with the papers in the case. When personal service is not made, a statement by the register and receiver, or a certificate from the special agent, or the affidavit of an officer or other person, must be filed, showing due diligence has been used and that the party could not be found.

Besides this the claimant is put in full possession of all the facts upon which his entry is held for cancellation, so that he can act with thorough information.

And the notice is certainly broad enough. There is not a statute in any State more ample in its provisions for the service of notice in civil suits. And when a claimant appears in response to this notice the rules prescribe the most liberal opportunities for a full and complete hearing, and if he is not satisfied with the ruling of any subordiate the claimant can appeal in successive stages to the Secretary; and if he is still dissatisfied with the final ruling of the Secretary he can go into court and proceed against the Secretary or Commissioner by mandamus or otherwise.

What more could any honest man demand or desire? Is not this ample protection for every private right? I grant you that private right should be protected at any cost, but I think the facilities here afforded for that purpose are sufficient to meet every honest demand. And that being true, I can discover no reason for going farther in that direction. The public interests are entitled to some consideration also. Private right is already abundantly protected by the existing conditions, and we shall discharge our duty, both to the individual and the public, by simply repealing the several statutes whose generous and well-intended provisions have been so grossly abused; and I fear we shall not perform our duty fully if we do either more or less.

Mr. STRAIT. Mr. Speaker, as there seems to be a misunderstand-

ing on the part of the House conferees as to what was proposed by the Senate conferees, I desire, for the information of the House, to have read section 8 as was proposed to be amended by the Senate conferees. My understanding is that the only difference in fact between the conferees is whether an entryman shall be allowed to go to the courts after the cancellation of his final certificate by the Commissioner of the General Land Office. I ask the Clerk to read.

The Clerk read as follows, from House bill 7887 as passed by the Senate:

SEC. 8. That in all cases under the pre-emption and homestead laws, and under this act, all contests or protests on the part of the Government, or any individual, concerning the land entered, shall be instituted within nine months after final entry and issue of the duplicate receiver's receipt, and not afterwards: *Provided*, That whenever it shall appear upon the face of the papers returned to the commissioner's office that a clerical error has been committed, such entry may be suspended, upon proper notification to the claimant, through the local land office, until such error has been corrected: *Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption and homestead acts: *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead or pre-emption laws or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

Mr. STRAIT. Now I propose to have it read as it will read when amended.

The Clerk read as follows:

SEC. 8. *Provided*, That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, such entry may be suspended, upon proper notification to the claimant, through the local land-office, until such error has been corrected: *Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, the Commissioner shall hold the entry for cancellation, which action shall become final unless within sixty days from notice thereof the claimant or other party in interest shall ask in writing for a judicial investigation of the case, and thereupon the Commissioner shall suspend further action in the case and file with the United States Attorney-General notice of such suspension, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained: *Provided*, That nothing herein shall be held or construed to impair the rights of any *bona fide* purchaser or mortgagee of any such land under existing laws, and all purchasers and morgagees of record, and all other persons claiming an interest in any such lands under the original claimant, shall be made parties to such proceedings and may defend in their own right. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption, timber-culture, and desert land and homestead acts: *Provided*, That after the lapse of two years after the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, and desert land or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

Mr. STRAIT. That amendment as read proposed on the part of the Senate conferees to allow an entryman after the cancellation of his entry by the Commissioner of the General Land Office, to go to the courts and there have his rights adjusted. That was what was proposed on the part of the Senate and which the House conferees refused to accept. I for one think the Senate conferees offered a very fair and just proposition, and it is one, so far as I am concerned, which I am willing this House should accept.

### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I ask the gentleman from Minnesota to yield to me for one moment to submit a report from the Committee on Appropriations.

Mr. STRAIT. I will yield for that purpose.

Mr. HOLMAN by unanimous consent submitted from the Committee on Appropriations an additional report on the Legislative, Executive and Judicial appropriation bill; which was ordered to be printed, and recommitted.

### CONFEREES ON PENSION APPROPRIATION BILL.

The SPEAKER appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes, Mr. TOWNSHEND, Mr. CABELL, and Mr. LONG.

### ALBERT H. EMERY.

The SPEAKER also appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (S. 929) for the relief of Albert H. Emery, Mr. TRIGG, Mr. DOUGHERTY, and Mr. GALLINGER.

### ALPHEUS R. FRENCH.

The SPEAKER also appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (S. 1582) for the relief of Alpheus R. French, Mr. ELDREDGE, Mr. THOMPSON, and Mr. STRUBLE.

### REPEAL OF PRE-EMPTION AND TIMBER-CULTURE LAWS, ETC.

Mr. STRAIT. I now yield for thirty minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, the repeal of the pre-emption and timber-culture laws seems to have been decided on by a majority of the members of the Senate and House. So far as the pre-emption law is concerned, I have not in the past and do not now agree with that decision. The pre-emption law has been beneficent in its results, and it has supplied a deficiency wherein the homestead law was inapplicable. Much of the public domain remaining and subject to be taken under the pre-emption and homestead laws could not and would not be taken if the pre-emption law should be repealed.

But I will not discuss the merits of the pre-emption law, only so far as it is necessary to do so incidentally in discussing the difference between the conferees on the part of the House and Senate.

The first material difference between the House conferees and the conferees on the part of the Senate arises on the question of the protection of innocent purchasers. The position of the Senate is that persons who have purchased from pre-emptors in good faith and for a valuable consideration should be protected in the rights they have acquired by such purchases. The position of the House conferees is virtually to punish the innocent that the guilty may not escape or may not go unpunished. It does not propose one innocent man shall be punished that ninety-nine guilty persons shall not go unpunished, but it proposes to reverse the rule of morality and fundamental justice and to punish ninety-nine innocent persons in order that one rogue may not go unwhipped by justice.

By some remarks made in the discussion of the question in the House and in the Senate, I am led to believe the difference, so far as this point is concerned, might be reconciled, but in my judgment it is dishonorable to repeal the pre-emption law and not provide for the protection of innocent purchasers.

It would be dishonorable, because the Government is responsible for the fraud, if any fraud has been committed upon it, under the pre-emption laws. I am willing to concede that some frauds have been committed under this law. I am willing to concede that title to some portions of the public domain has been acquired by perjury, if you please, placing it in the strongest light you can. But I say that under a just and proper administration of the law there could not have been more fraud committed under the pre-emption than under the homestead law, and that the reason for the commission of fraud is, not because of a fault in the law, but in the administration of the law.

Now one cause of these frauds is to be found in the penurious appropriations made under the pretense of what is in fact a dishonest economy. The clerical force of the local land offices is entirely inadequate to do the legitimate business of the Government, to do that business which properly belongs to the Government to do, and what is the result? The registers and the receivers, who should be the judges who are to try the cases, have not the time to devote to examining the proof or evidence in any case brought before them.

The intent of the law was, and is, that one of the local land officers should personally supervise and personally hear the evidence that was to be adduced by the homesteader or pre-emptor in favor and support of his claim to a portion of the public domain. Yet the fact is, that neither the register nor the receiver can devote a single moment of time to hearing or examining the proofs, and they are taken outside of the office and before some other party—before the clerk of the district court, where neither one of these land officers of the Government can see or examine the witnesses face to face, to determine by their appearance, their utterances, their candor, their demeanor, whether they are testifying to the truth or not. It is beyond the power of the governmental officer charged with that duty and made responsible for the discharge of that duty, if you please. It is placed beyond his power because of a lack of sufficient clerical force to perform the duty, because of the penurious appropriations made and which are being made for help in the large land offices of the country.

But you say this would cost something. It would require additional room, and additional clerks and land offices. Ah! and there is the miserable, miserly secret of the whole matter. The Government has been speculating in its own public domain, and there is just where the fault rests.

The primal intent and object of these laws was to settle the public domain and furnish homes for the homeless. That was the primal intent of the homestead law as well as the pre-emption law.

The public domain was to be a safety-valve to relieve the overcrowded localities of the Eastern section. The man out of employment and out of capital in the East often becomes a criminal rather than starve. Hunger and want dethrone reason and reverence for law, and make anarchists and communists. The public domain was intended to be the magnet to draw these men, who are out of employment, to the

Western prairies upon the public domain, in order that our civilization might be enlarged, our interests diversified, and the happiness of the greatest number of people in this country assured.

It was never intended that the public domain should put millions of money into the coffers of the Government. It was never intended that the public treasury of the United States should be filled to repletion by money made out of the public domain of the United States. The receipts at the Garden City land office, in my district in Kansas, are over $100,000 a month, or more than a million dollars a year; and yet the clerical force of that office is so insufficient that neither the register nor receiver can devote a moment's attention to the taking of proofs. The officers of the Government can not take the proof for the want of time. The homesteader and pre-emptor must get somebody to do the Government's work—the legitimate work of the Government—and the homesteader and pre-emptor must pay for the doing of this work which the Government properly and justly ought to do. The Government not only compels the homesteader and pre-emptor to pay for doing its own work, but even then, if the work is not done right, of which the Government must be the judge, it robs him, not only of the money he pays for doing the work, but also of his home and his land. It takes the land for which he has paid and sells it to another and then to another, and so on, until its insatiate greed is partly mollified, but, apparently, never satisfied.

That is not all. Not only are the forces of the local land offices entirely inadequate to do the business of the Government, but the appropriations for the Land Department in Washington are either totally inadequate, or they are not properly expended. After final proofs have been made, final receipts given, and the papers sent in to the General Land Office, they do not receive immediate attention. They are there pigeon-holed instead of receiving the immediate attention of the Commissioner of the General Land Office. The claimant must wait a year, sometimes two years, before any consideration is given to his proofs; and why? It is stated at the General Land Office that this is because the appropriations for the clerical force in that office are not sufficient. The pre-emptor can not ascertain whether anything is wrong with his proof, or whether he has failed to comply with the law, until one or two years after his papers have been sent from the local land office.

He can not learn what, if anything, is lacking often for two years after the local land officers have accepted his proof. Now if the Government had done its duty in seeing that proper improvements had been made; if the Government had done its duty by making it possible for one of its land officers to have acted as a judge upon the trial of the cause, so that he could have examined the witnesses in person, then if the pre-emptor had failed to comply with the law either in substance or in some technicality, he could have been notified of it at the time and saved much time and expense; because if there was a technical defect, he could have corrected it there at once; if there was a defect in substance, then he could have been notified and could have increased the amount of his improvements, or extended the length of his residence.

But what is the system now in practice? The papers are sent to Washington. Then they are pigeon-holed for a year or more until in the slow routine of the office the case is reached in its turn for examination. In the mean time this grand and good Government sends out its company of spies and detectives to stir up strife and envy and discord among the neighbors of the homesteader and pre-emptor. Some anonymous scrawler, who does not sign his name, writes to the Commissioner and charges that a fraud has been committed; and the Commissioner of the General Land Office influenced by an unworthy and ill-begotten prejudice suspends the entry. Then for the first time does this homesteader or pre-emptor learn that his proof had been suspicioned; that the examination of his proof at the local land office was a farce. Then for the first time he learns that though the local land officers are the agents of the Government to look after its interest, to see he has complied with the law, still their acts are not binding and will be repudiated on the merest pretense.

Then for the first time he learns that he must gather his witnesses together again and hie away some 50 miles, perhaps, to the special agent, and there await the nod and beck of that official until he shall see fit to conduct an *ex parte* inquisition. The verdict in these cases is often made up in advance, because these special agents are appointed to convict under the present administration. If the harvest of fraud which they are expected to reap when they get into the field is not ripened they are expected to ripen it. If the seed has not been sown they are expected to plant it and nurture it, and finally garner it into the Department at Washington, in proof of the assertion that 90 per cent. of the entries under this public land law have been fraudulent.

The wrongs of the Irish tenants are as nothing compared with the wrongs and outrages that have been perpetrated on the homesteader and pre-emptor on the prairies of the West. But the claim for the repeal of this law has been put forth, apparently, in the interest of the poor man and the homesteader. The repeal of this law is in fact in the interest of the cattle syndicates and the cattle kings. Why, sir, a brief recital of the facts will illustrate and support this allegation. Years ago a man or company desiring to engage in the cattle industry on the Western prairies, located a ranch upon some stream; in most cases not even an attempt was made to get title to the land upon which the ranch or headquarters was located. These cattle-men were mere squatters. As they increased in numbers they apportioned out the public domain among themselves and adopted a code of rules for their own government.

In all this cattle domain the rainfall was either insufficient for agricultural purposes or it was not seasonable for crops. These cattle-men knew that no man would or could go upon this land if compelled to reside upon it and cultivate it for five years under the homestead law. Some attempts were made to homestead in Western Kansas in 1878 and 1879, but on account of the drought failures resulted. The cattle-men held possession, almost undisputed, in the country referred to until 1883. Meanwhile climatic changes, brought about by irrigation and the construction of railroads, affected the rainfall, and the home-seeker, eager to acquire a home, again began to venture, not under the homestead law but under the pre-emption law. If he failed it was only a loss of six months' time and a couple of hundred dollars' worth of improvements, most of it accomplished by his own labor. He never would have made the venture under the homestead law. The experience of the preceding years made a second attempt under that law supreme folly. If the efforts to repeal this pre-emption law in the first session of the Forty-eighth Congress had been successful the rule of the cattle-man in that vast area of the public domain would have been supreme.

Nothing that could have taken place would have brought such joy to the camp of the cattle syndicates as the repeal of the pre-emption law in the first or even in the second session of the Forty-eighth Congress. The shrewd and far-seeing ones among the cattle-men favored its repeal. They even visited Washington and lobbied in favor of its repeal. They cheered to the echo, in their quiet, discrete way, the speeches made in favor of its repeal. They secretly encouraged the efforts that were made to render the pre-emption law odious. When the gentleman from Indiana [Mr. HOLMAN] sought to increase the army of spies and detectives in the Land Department these cattle-men, knowing that this would make the pre-emption law more odious, indorsed and approved his action and wished him success.

Persistent opposition by the Western members, which at times, both in the Forty-eighth Congress and in the first session of the Forty-ninth, was denounced as "filibustering," prevented the passage of the bill. What has been the result? More than fifty thousand farms have been opened in Kansas alone during the past three years, which land, if the pre-emption law had been repealed, would to-day be in possession of the cattle-men. In Southwestern Kansas more than a dozen counties have been organized in the last three years, having now populations varying from 5,000 to 20,000, which counties would not have been settle dif the pre-emption law had been repealed, and cattle-men and cattle syndicates would still have had complete control over the miles of prairie which now constitute the area of those counties.

Mr. WEAVER, of Iowa. Will the gentleman yield for a question?

Mr. PETERS. My time is pretty nearly up, but I will hear the gentleman's question.

Mr. WEAVER, of Iowa. If the pre-emption law had been repealed and the homestead law left intact, could not those same men have gone upon the land and taken up homesteads, and had their money left with which to improve their farms?

Mr. PETERS. No, sir, they could not; because, as I have already stated, they tried it under the homestead law in 1878, and had to abandon it because of the drought. They would not have taken the risk again under the homestead law.

Mr. PAYSON. I wish to ask the gentleman a question. What is the difference between the pre-emption law and the homestead law with the commutation feature in it? There is not a particle of difference.

Mr. PETERS. I am speaking of the difference between the homestead law itself and the pre-emption law. The commutation law is an entirely different thing. I will say, in further answer to the gentleman's question, that at that time a great many of the people out upon the prairies knew nothing of the commutation feature. Knowledge of that was generally acquired out in that country a long time after the attempt was made in 1878 to settle up the Western domain under the homestead law.

Mr. LAIRD. I do not think the commutation feature existed in 1878.

Mr. PETERS. No, sir, it did not, because it was enacted June 15, 1880.

Mr. Speaker, the growth and development of Kansas, especially of the southwestern portion of the State, in the last three years, has been the wonder of the century. Ask the careful observer what one cause has done more to work this miracle than all others, and he will answer: "The pre-emption law." Ask the cattle-men what it was that destroyed his range, scattered his herds, and ignored his wire fences, and he will answer: "It was the pre-emption law." Write to your old constituent who left Illinois or Iowa and went out upon the Western domain and ask him what it was that induced him to go out there, and he will answer you from a Kansas farm: "It was the pre-emption law." I have no doubt that some gentlemen here would like well enough to

cut off that emigration to Kansas and retain these emigrants in their own districts, and therefore there may be some consistency in their efforts to repeal the pre-emption law. But, Mr. Speaker, let us hear no more declamation against the pre-emption law upon the ground that it has been favorable to these cattle-men and cattle syndicates and opposed to the interests of the poor men seeking homes in the West.

A word now in regard to "innocent purchasers." In nine cases out of ten the innocent purchaser is a home-seeker, who has some money, and who does not desire, and does not find it necessary, to go out upon vacant land and improve it. He is not compelled to be the advance-guard of civilization; he is not compelled to make the first tracks upon the almost boundless prairies. He is able to purchase from some frontiersman who has been less fortunate. The final receipt of the Government officer is to him conclusive. He knows that under the law some improvements must be made, and the Government says to him, by its receipt, those improvements have been made. It says to him through that final receipt there is a house upon that land, and there is a certain amount of cultivation upon that land. It is out upon the open prairie, where hundreds of quarter-sections are alike in their general surface and in the character of the soil.

It is not necessary for him to go out there and examine it. He knows, perhaps, that his neighbor from the State where he now lives has gone out there, and his neighbor writes back to him and gives a description of the general character of the soil. Upon this information many times the citizen purchases a quarter section of land and then prepares to move out there and occupy it. He goes there with his family; he journeys westward and takes possession. He may be a hundred miles or more from the land office. Then some anonymous scribbler sends in a letter to the Commissioner of the General Land Office stating that the pre-emptor from whom this man purchased had committed a fraud against the Government. The entry of the land which this man purchased is suspended. But the innocent purchaser all this while knows nothing about the action of this great and good Government for which possibly he fought.

The original pre-emptor has sold out, obtained his money, and perhaps moved farther on toward the frontier; and he alone receives notice of the suspension of this entry. The innocent purchaser gets no notice. He awaits the slow routine of the General Land Office at Washington. He knows the patent can not be issued for a year or two years, but in the mean time he works; he turns over the sod, improves his house, plants his orchard, sets out his hedge; and all in blissful ignorance of the, to him, secret proceeding on the part of his Government to rob him of his money and his home. One day there comes to him a man, who, living near the land office, has been apprised of the proceeding, and who, after the cancellation of the entry of the original pre-emptor, placed his own filing upon the land, and now demands possession. Then this innocent purchaser awakens to the fact that he must buy his home over again or abandon it and his improvements.

This is no fancy sketch. There are thousands of just such cases in Kansas to-day; thousands of men who have been living in that State for ten years are to-day in this situation.

But I hear reiterated that stale assertion that 90 per cent. of the entries under that law are fraudulent. I stand here to say in the light of the past and the present that that declaration, by whomsoever made, is false. But suppose it is true, can the Government afford to take advantage of its own wrong?

Mr. COBB. The gentleman will permit me to say that the assertion which he has just pronounced false was made by the Secretary of the Interior under Republican administration, and was reiterated time and again by the late Commissioner of the General Land Office, Mr. McFarland.

Mr. PETERS. I am not making any political or partisan speech.

Mr. COBB. And I am not; I am simply referring to the fact.

Mr. PETERS. Well, I say distinctly that the declaration, by whomsoever reiterated, is false.

Mr. COBB. The proof is overwhelming against you.

Mr. PETERS. I say it is not.

Mr. COBB. I say it is, and I refer the gentleman to the records of the Department.

Mr. PETERS. I say an examination of the records in the General Land Office shows that the statement is not true.

Mr. HENDERSON, of Illinois. I do not believe that 25 per cent. of the entries are fraudulent.

Mr. COBB. It does not make any difference what you believe; there are thousands of affidavits to the contrary.

Mr. PETERS. They are *ex parte* affidavits. Now, I want to call the attention of the gentleman from Indiana to the fact that thousands of entries were suspended last summer and a committee was appointed of subordinates in the General Land Office, for the purpose of investigating those entries and fixing upon those which were supposed to be suspicious. After this committee had gone over about twenty thousand entries, only about 10 per cent. were regarded as suspicious and were held for cancellation. I say this is conclusive evidence that 90 per cent. of those entries were not fraudulent. I am informed that even of the 10 per cent. of those entries which were held for cancellation as being suspicious, not more than 7 per cent. would be canceled upon final investigation.

The SPEAKER *pro tempore* (Mr. COX, of North Carolina). The gentleman's time has expired.

Mr. PETERS. I would like about five minutes more.

Mr. STRAIT. I yield that much additional time to the gentleman.

Mr. PETERS. But suppose that 10 per cent. of these entries are fraudulent, what a magnificent act of a great and good Government to punish 90 per cent. of innocent persons in order that 10 per cent., constituting the evil-doers, shall not escape. How much more grand and magnificent the act appears when you consider that the Government itself is responsible for the wrong. If I were one of the conferees on this bill, so long as reason remained in me and my right hand retained its cunning, I should never attach my name to a report which directly or indirectly countenanced or recognized the perpetration of such an outrage upon the innocent purchaser of the public domain.

The second and only further point of difference to which I shall call attention is the first amendment to the eighth section of the House bill, which provides for a trial of the cause in the United States court, provided the claimant or either party in interest shall ask in writing for a judicial investigation. The whole question is, shall the authorities in the Land Department have the absolute power to deprive the pre-emptor or homesteader of his land, or shall he have the right to be heard in the courts of the country if he so desires?

Mr. COBB. Now, if the gentleman will pardon me, I want to ask him this question, whether that amendment does not require the Government to bring suit for its own property; whether it does not throw upon the Government the burden of proving the fraud?

Mr. PETERS. No, sir; it does not.

Mr. COBB. Certainly that amendment does so, as the gentleman will find if he will read it.

Mr. PETERS. I have only five minutes and can not yield for further interruption.

Mr. PETERS. I am opposed to making the Commissioner of the General Land Office a dictator; and that the House bill does, while, on the contrary, the Senate bill proposes that the homesteader and pre-emptor who has been deprived of his land by the decision of the Commissioner of the General Land Office shall have the right to a trial before the courts of his own State.

Aside from this, Mr. Speaker, there is another question which I desire to discuss. You know, and every man here knows, who is at all familiar with the General Land Office in this city, that the Commissioner can not devote personal attention to the examination of every claim pending in his department. You know, and we all know, the party who does devote attention to the examination of these cases is some subordinate clerk in the General Land Office, and the most that the Commissioner does, or can do, is to give a cursory reading and sign his name to the decision made up by the subordinate.

Now what is proposed by the House bill? It is proposed to take away the land of the pre-emptor on the the decision of a clerk and refuse any appeal.

Mr. COBB. The House bill leaves the law where it has been for fifty years?

Mr. PETERS. Yes, sir.

Mr. COBB. And you want to change it?

Mr. PETERS. I want the law changed.

Mr. COBB. From what it has been for fifty years?

Mr. PETERS. Because I say the Government is not blameless, and I want the law changed so as to protect these people in their rights.

Mr. COBB. I think I agree with you.

Mr. PETERS. And that is the reason I am in favor of the conference report being sent back, to see whether, on further conference, we can not reach just such a proposition as will be satisfactory. I want to see whether it is not possible to reach a result without perpetrating wrongs upon these people who hold pre-emption rights.

Mr. HOPKINS. Do I understand the gentleman to say that has been the statute in force for fifty years under which these wrongs have been done?

Mr. COBB. The law under which most of the frauds have been perpetrated has been upon the statute-book.

Mr. PAYSON. Since 1841.

Mr. PETERS. I can not yield further.

Mr. COBB. It can not be gainsaid.

Mr. REED. Did not the Commissioner establish a different system for a period of about forty days?

Mr. COBB. No, he has not changed the practice of the Land Office in the slightest degree.

Mr. REED. Why then did the Secretary of the Interior overrule his opinion?

Mr. COBB. He did not overrule the Commissioner of the General Land Office except as to the withdrawal of entries on the ground of fraud.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. PETERS. I ask the gentleman to yield to me for a few minutes longer.

Mr. STRAIT. I will yield to the gentleman for four minutes longer.

Mr. PETERS. I have only four minutes more and do not want to be interrupted. I want to say in those four minutes, Mr. Speaker, that the dearest spot on earth is home, but it is especially dear to the homesteader and pre-emptor.

To secure it, he has faced danger, suffered want, and endured privation. To secure it, he has severed the associations of childhood and manhood, battled with hunger and cold; toiled early and late, in sunshine and in storm; and yet, it is proposed to try his title to the proceeds of this toil, and labor, and suffering, and privation, upon written statements, largely *ex parte* in their nature, before some clerk in the Land Department in Washington, a thousand or more miles away from the land, and make this trial a finality.

And is this the justice that is to be meted out to the free American citizen?

Is this the kind of a Government he fought to maintain?

I will not yet believe that even a Democratic House of Representatives will commit such an outrage as this.

Give the homesteader and pre-emptor a chance to go into the United States courts in his State. Let him have a jury of his countrymen to decide upon the facts and a judge to declare the law, and then if his home is taken from him he can at least have the consolation of seeing how it is done. [Laughter.]

Give him a chance to present his witnesses and to face his accusers, and if then he be found to have committed a fraud against the Government he will have had a fair trial and must be content.

If he is proven guilty the facts will be known and his fate will deter others from the commission of like offenses.

Above all, Mr. Speaker, it will be dealing honorably with our fellow man. [Applause.]

Mr. PERKINS. Mr. Speaker, I regret exceedingly in the closing days of the session we are brought to the consideration of this important matter when other bills of importance are being pressed for consideration and are demanding the attention of members of the House. This to the people of the West is an important matter indeed, and deserves at the hands of the House the most careful investigation. In the little time I shall trespass on the attention of the House I shall endeavor, if possible, clearly to indicate to the members the difference which exists between the conferees of the House and the conferees of the Senate.

The conferees of the Senate and the House, as I understand it, have agreed upon the most of the amendments put upon the House bill by the Senate.

They agree that the pre-emption and timber-culture acts shall be repealed.

They agree that the homestead law shall remain upon the statute-books of the country, and they virtually agree that the desert-land act shall remain upon the statute-books, with an amendment protecting the Government of the United States from fraud. Under these circumstances the only difference and controversy between the two Houses is whether or not the honest settler upon the public domain shall be protected against the arbitrary decisions of the Commissioner of the General Land Office and shall be given an opportunity of having his rights investigated in the courts of the country. In other words, the difference is as to whether or not he shall be given a chance, an opportunity, of speaking in his own defense, and an opportunity of a hearing in the courts of the land before his property is taken from him and he stricken down a bankrupt and a pauper. That is the whole question, and I want to address myself to the House for a few moments in the discussion of this proposition which at this time divides the two bodies of Congress.

The conferees representing the House say that the settler upon the public lands shall be stricken down at the arbitrary discretion and by the arbitrary rulings of the Commissioner of the General Land Office, and shall be given no hearing in support of his rights in the courts of the country. No matter how long he resided there, no matter how many dollars have been invested by him in his home, how many may be dependent upon him in his daily toil and efforts, or the character or extent of his improvements, he shall be stricken down by an arbitrary decision of the Commissioner of the General Land Office on *ex parte* testimony and his property forfeited without giving him the right to go into the courts and defend the *bona fides* of his settlement.

I say, Mr. Speaker, that such a proposition is wrong. Its mere statement here shows it to be wrong. But it has been suggested here, in answer, that such has been the law for forty-five years. Conceded. But when did this practice of sending out spies, of sending out informers, and of sending out the paid employés of the Department, who are dependent, as suggested by my colleague, for the retention of their places upon the favorable reports which they may make and send to the Commissioner—when did it come into being? When was it inaugurated, and when pressed with such vigor and cruel pertinacity as at the present time? The Senate amend the House bill in some important respects. In the first section, which it passed as a substitute for the House bill, it is provided that where the settler had sold in good faith to an honest *bona fide* purchaser his claim, that title, passing to the *bona fide* purchaser, should be confirmed. In other words, a man from the State of Iowa, or from the State of Indiana, or a man from the State of Illinois or any other State, goes to a community in Kansas and finds a pre-emption settler who is willing to sell, and on an investigation of the records of the land office ascertains that the settler has been to the office and has made his filings and his proofs, satisfying all of his compliance with the conditions of the law, and that his settlement is honest and *bona fide*, and the inquirer finds that the settler paid his money, and has secured from the officers of the land office a receipt certifying to all this.

When this inquiry has been made and the settler on pre-emption is found in the condition suggested with this evidence and title in his possession and favor, and the man from Illinois or the man from Iowa or from Indiana, upon these facts, not having it suggested to him that the pre-emptor is in any manner in the wrong, or that he has defrauded the Government of the United States by violating the land laws of the country, purchases from him his land, pays him his money, and moves there with his family and remains in occupancy of the land for years, improving it, cultivating the fields, building houses and barns, and in other ways doing all he can to contribute to the growth and development of the country and the maintenance of his rights as a citizen—under all of these circumstances these gentlemen representing the House say that, notwithstanding all this, that man should be stricken down and his home despoiled because the original occupant did not in some particular conform to the land laws.

The Senate said in the first instance that this honest purchaser, going in under such circumstances, should be protected and his title confirmed; but they are willing to recede at the suggestion and demand of the House conferees, and, as I understand it will, abandon the amendment if an argument can be had upon the bill, notwithstanding the fact they believe the innocent purchaser should be protected. But they will consent that he, too, shall be stricken down, if needs be, and they only ask, and that is the variance between the two bodies, that before the honest purchaser shall be finally stricken down, or the honest pre-emptor irrevocably destroyed, he shall be permitted to go to court and demonstrate, if he can, the *bona fides* and the honesty of his settlement. That is all. Shall it be said by a Democratic Congress, by a body representing the intelligence and decency of this nation, that this man shall not be given such an opportunity to defend his rights? It is for this and this only that we now contend; and I protest against the practices of this wrecker who now controls the business of the General Land Office, as I protest against the demands of all who would violate and destroy the home of the pioneer on the prairies of the West without judicial inquiry or investigation.

Mr. LONG. Will my friend yield to me for a moment?

Mr. PERKINS. Certainly.

Mr. LONG. That position seems so eminently fair that I asked my seat-mate from Illinois [Mr. PAYSON] why there was a refusal to allow these parties to go into court; and he assured me that such power existed now.

Mr. PERKINS. That is a mistake.

Mr. LONG. And I wish the gentleman would meet that question and explain this difference more fully. The gentleman from Illinois informs me that the pre-emptor can go to court and ask a writ of mandamus and demand a hearing on the facts.

Mr. PERKINS. A mandamus on whom?

Mr. PAYSON. A mandamus against the local land officer, against the Commissioner of the General Land Office, and also against the Secretary of the Interior, as he may happen to see proper to secure the issuance of his patent.

Mr. PERKINS. The gentleman from Illinois knows that the local land officers have no power to issue patents. He knows that they have no power to confirm an entry, and that no mandamus could lie against them under any circumstances to compel the performance of such a function. He knows that the Commissioner of the General Land Office, or the Secretary of the Interior can not be controlled in their judicial discretion by a mandamus, and the gentleman from Illinois is too good a lawyer not to know that judicial discretion can not be controlled by the courts. He knows very well that when the Commissioner of the General Land Office or the Secretary of the Interior has investigated one of these entries through their special agents, and have considered the case, they have exercised their judicial discretion, and if they decide against the settler or occupant they can not be controlled by mandamus, nor can their decision be reviewed in the courts by mandamus.

The gentleman from Illinois [Mr. PAYSON] and the gentleman from Indiana [Mr. COBB] can not point to an instance where a settler ever got a remedy or redress from the court under such circumstances.

Mr. REED. And to come to Washington to get a mandamus in a case involving 160 acres of land would be rather expensive, especially considering the way in which the deserving profession here charge for their services.

Mr. STONE, of Missouri. The conferees on the part of the House could settle that beyond all question. They proposed to the Senate conferees to so amend the law that needed amendment in their judgment as to give the local land officers jurisdiction of any proceeding that any claimant might desire to institute to enforce his rights.

Mr. HOPKINS. I desire to ask a question of the gentleman from

Missouri. In a mandamus proceeding would a settler have an opportunity to face his accusers and put them on the rack of cross-examination as in a suit at common law? In a mandamus proceeding parties have not the same rights of cross-examination and testing the character and veracity of a witness as in an action at common law.

Mr. PERKINS. I think I shall be compelled to proceed without yielding further to interruptions.

Of course, I can not say what propositions were made by the House conferees or what propositions were made by the Senate conferees. But, as I understood on Saturday, the gentleman from Indiana who presented this report argued the right should not be given to the settlers to go into court because, he said, it would result in perpetuating fraud and in ratifying fraud. Why should it result in that? Are the courts of the country not to be trusted? Is this Democratic House afraid to give to the settlers an opportunity of going into the courts of the country and vindicating their rights to their homes, and answering the slanders of this administration? Who are the prosecuting officers now throughout the land representing the Government of the United States? I question whether there is a Republican officer retained anywhere. They are all in sympathy with the majority of this House politically, and in sympathy with the administration.

Mr. PAYSON. May I correct the gentleman, who I am sure desires always to be accurate?

Mr. PERKINS. Certainly.

Mr. PAYSON. Let me call the gentleman's attention to the fact that the oldest inspector in the fraud service, Mr. Hobbs, appointed by Secretary Teller, holds that position still, and the Secretary of the Interior and the Commissioner of the General Land Office have stated he shall not be interfered with except for cause. And does not the gentlemen know that five others out of eighteen are in the same position?

Mr. PERKINS. I was not suggesting that there was not a Republican inspector in the service. That was not my statement.

Mr. PAYSON. Then I misunderstood you.

Mr. PERKINS. My statement was that the prosecuting officers representing the Government of the United States are in sympathy with the majority of this House and with the administration, and the Senate amendment proposes to confer upon them the duty, as well as the right, to go into court and vacate and set aside these entries upon competent evidence if they are wrongful or fraudulent. That is all there is of it. Is it to be the decision of this Democratic House that these Democratic officers can not be trusted?

Now, Mr. Speaker, the Senate and we who speak for these people of the West, say that this man who has brought such consternation to the doors of the humble cottagers of the great prairies should not be permitted to continue that work. He deprives himself of sleep that he may strike down some poor settler on the public lands; he deprives himself of food that he may devote himself to this to him pleasant duty, and if a man goes to his office to speak in behalf of these outraged settlers he is met with insult and indignity, as men on both sides of this House can testify. Personally I have no complaint to make of him. The Assistant Commissioner of the General Land Office is a gentleman, and I do my business with him. [Laughter.] I never went to intrude on the presence of his majesty the Commissioner but once and then I found him engaged in marking and sending out a cheap Washington publication that had given a fulsome notice of him with a portrait; and I thought the work he was then engaged in was less harmful to the country than anything else he was likely to do, and I withdrew without disturbing him. [Laughter.]

Mr. Speaker, in this debate I will be glad to have some gentleman tell me why in decency, why in good morals, why in law, the man who has gone to the prairies of the West and purchased land from the preemptor he found there, under the circumstances I suggested a few minutes ago, should not be protected. Yet this House says he should not be, and, as I suggested, the Senate is willing to recede from its proposition. But it does insist that the man who has purchased under the circumstances I have suggested, that the settler who has gone upon the land in good faith, shall be given an opportunity of confronting his accusers and their witnesses, and shall be given an opportunity of meeting the charges that are made against him, and given an opportunity of vindicating his rights in the courts of his country, to his home and to his possessions. If he has been guilty of perjury or of violating the law in any way, if he is the wrong-doer that has been described upon this floor, is it to be presumed that he will invite the interposition of the courts in his behalf? And the House will remember that it is only for such claimants as do invite the interposition of the courts that the Senate bill provides.

The conditions prescribed are these, that when the Commissioner of the General Land Office, after an investigation, is satisfied that fraud has been committed, he shall suspend further action and inform the settler of the fact, and then, if within sixty days the settler says to him, "I invite an investigation in the courts of my country"—then, and only in that case, the Senate bill provides that the Commissioner shall certify the fact to the Attorney-General of the United States, who, through his subordinates, shall direct proceedings to be instituted to set aside the entry. That is all there is of it. Is that wrong? Will any man here, speaking for this House, tell me in what that is wrong?

Gentlemen say it will flood the courts with business. Well, what are courts organized for, what are judges appointed for, what are attorneys employed and compensated for, except to investigate wrongs and to have charges of violations of law judicially investigated and determined? And is an exception to be made against these settlers? Is everything that they have to be taken from them upon the arbitrary dictum of the Commissioner of the General Land Office, while to the man who has merely a claim to a few dollars involved in a controversy with a neighbor is given the right to go into court and have the question at issue investigated and judicially determined? This bill does not propose that these questions shall be brought into the State courts. It does not change the law in that respect. It simply proposes that the representatives of the Government of the United States shall go into courts of the United States and there confront with their accusations and their witnesses the parties who are accused of wrong, and establish, if they can, the fraud or the wrong which they allege has been committed.

Mr. DOUGHERTY. If the gentleman will permit me, I will state to him what I think is one difficulty in this matter. I think one difficulty is that this great mogul up in the General Land Office thinks that every citizen of the United States who applies for a piece of Government land——

Mr. BROWN, of Pennsylvania. Must be a scoundrel.

Mr. DOUGHERTY. Yes; that every citizen who applies for a piece of Government land must be a scoundrel and a thief trying to steal something from the Government; and furthermore, this man, not upon evidence, but upon mere statements of irresponsible parties, not backed up even by affidavits, will stop the patenting to a State of lands which belong to her under acts of Congress.

Mr. PERKINS. There is no doubt, Mr. Chairman, that what the gentleman from Florida [Mr. DOUGHERTY] states is one great difficulty in the case, and it is in part for that reason that we ask this legislation, and that this legislation becomes so important. The presumptions of the common law are all reversed by the Commissioner of the General Land Office. Perhaps that is the case because he does not know what they are. [Laughter.] He may be excused upon that ground, but I say the presumptions of the common law are all reversed by this man. The presumption of the common law is that a man does right; the presumption of the common law is that officers of the Government respect the law; the presumption of the common law is that when a man testifies he tells the truth. But instead of these presumptions being respected in the Land Office this man proceeds upon the presumption that every man who gives testimony testifies falsely, that every man who makes a location upon the public land makes it for the purpose of defrauding the Government, that every man who goes out to the West to make a home for himself and his family goes there for the purpose of perpetrating some wrong or outrage, and these presumptions are assumed to be true until the contrary is established.

Mr. BROWN, of Pennsylvania. Did you ever know an honest man to put all the presumptions in that way?

Mr. PERKINS. I hope I have never been charged with ascribing that characteristic to this Commissioner. [Laughter.]

Now, Mr. Speaker, to show the House something of the character of these men who are influenced by cupidity, who are moved by malice and by the desire of pecuniary gain to institute these vexatious proceedings against settlers, I will ask the Clerk to read a brief statement of testimony given not long since in a hearing in a Western Territory. It is a matter to which Senator PLUMB recently called attention in the Senate, and I ask the House to listen to its reading.

The Clerk read as follows:

I will state what recently occurred in a public hearing in a Western Territory to illustrate the character of the proceedings that are being carried on under the sanction of the Land Department's present construction of the law, when I say that the witness on the stand, who was the contestant in the pending case for a piece of land which had been valuably improved and was then in the honest *bona fide* occupation of the claimant, admitted that he kept a bawdy-house near there and that the special agent at whose instance he had made the contest had solicited him to make such contest, and had promised him that if he would make it he should have the land under consideration, and which had been made valuable by the labor of another, as the reward for instituting the contest. That is not one case alone; it is one of hundreds of cases that are taking place all over the frontier.

Mr. PERKINS. Now, Mr. Speaker, it is against those practices that we are protesting; it is to correct such injuries and such injustice that we are pleading; and it is to perpetuate them that the gentleman representing the majority of this conference committee is asking further indulgence of this House.

Mr. Speaker, as I have already briefly indicated, all that those who protest against the action of the House are asking is that when, by these investigations which are made, fraud is, in the judgment of the Commissioner, established, the occupant of the land shall be advised of the fact, and if he signifies in writing to the Commissioner in sixty days that such is his desire, he shall have an opportunity of defending himself in the courts against these accusations made by paid employés of the Department upon *ex parte* testimony, obtained without his knowledge and without any opportunity on his part for cross-examination.

Why, Mr. Speaker, I have here a statement taken from the last report

of the Commissioner of the General Land Office to the effect that there were last year 61,638 homestead entries, 34,996 timber-culture entries, 15,712 pre-emption entries, 2,500 desert-land entries, and 429 entries under the timber and stone act, making in the aggregate 115,275 entries last year. As has been suggested by my colleague [Mr. PETERS] the Commissioner in his report made to the Secretary of the Interior in December, 1885, charged that 90 per cent. of these entries in the West have been fraudulent. Supposing for the sake of argument that this suggestion is true, and taking into consideration the fact that there were last year 115,275 entries of the kinds I have suggested, when under existing law and existing practices is this question as to the fraudulent character of these entries to be determined and ascertained?

How long must these people be kept in suspense? How long must they be deprived of the evidences of their title and of the opportunity of transferring their homes, if they so desire, to honest *bona fide* purchasers? The Commissioner, in his report made last December, says that last year only 2,606 cases were investigated through the special investigating agency of his Department, and that the office acted upon 2,591 cases. This is the work of one year in the way of investigation. During the same period there are more than 115,000 entries of the public lands. If only 2,606 entries can be investigated in one year, when is all this accumulated business to be disposed of, and when are the men who are making their entries now, each day and each month, to have a hearing? In the despotism created and organized by this Commissioner when are their improvements to be taken from them; when are they to be pauperized and dethroned without a hearing and without an opportunity of defending their rights?

I want to call attention to one other point. A man settles upon 160 acres in the West and establishes his right to that land in the local land office. He pays his money; he gets his certificate; he prosecutes his efforts to make a home; he adds to his improvements; and when such a man as I spoke of a few minutes ago from Illinois, or Indiana, or Iowa, comes and finds these facts, buys from him his right, enters upon the possession, and continues the improvements, an agent who has been sent out by the Commissioner reports on *ex parte* testimony that the original occupant was a fraudulent one and did not conform to the law, and this *bona fide* purchaser, who, under existing law and existing practices, has gone there and invested everything he has in the world, is allowed no opportunity of defending his property, no opportunity of making an entry upon that quarter section of land as an original occupant.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. PERKINS. Certainly.

Mr. PAYSON. Does the gentleman make that assertion upon newspaper reports or upon inquiry at the Department as to the practice? I wish to correct the gentleman because I know he desires to be accurate in his statement of facts.

Mr. PERKINS. I do, indeed.

Mr. PAYSON. I wish to say that there is not in the practice of the Interior Department a shadow of foundation for the statement the gentleman has just made, as I will proceed to demonstrate, when my time shall come, from official documents now in my hand. I interpose now simply for the purpose of correcting the gentleman from Kansas, who, I know, desires always to be accurate in his statement of facts.

Mr. PERKINS. The gentleman may attempt to demonstrate his position by the assertions or statements of the Commissioner——

Mr. PAYSON. I will show it by official documents.

Mr. PERKINS. But, notwithstanding the demonstration which the gentleman promises, I know that people living on these public lands are complaining by the hundred of just such outrages. I know they do not make these complaints without foundation. All that we ask for is honesty and decency in the proceedings on the part of the Government. All that we ask for is that these honest settlers and honest purchasers shall be protected.

As has been suggested, whenever we speak in behalf of these settlers we are met by the cry of "fraud." Whenever we utter a protest against these practices we are charged with being in the interest of fraudulent pre-emptors. This suggestion is brought before the House as a specter with which to frighten members. It is the stock in trade of gentlemen who are attempting to perpetrate this wrong against the settlers, and is presented in the hope that we may be deterred from doing our duty conscientiously. But I am not to be intimidated in that way. We have here simply a repetition of the old device—the thief crying "Stop thief!" I am not impugning the honesty of these gentlemen here; but I know what are the effects of the practice now pursued.

I wish to call the attention of my friend from Illinois to this proposition: When an original entry is found by the Commissioner of the General Land Office to be fraudulent, he vacates and sets it aside; and the man who, before that decision was made, before the entry was canceled or set aside, or frauds suggested by any one, bought from the original entryman—the man who in innocence and good faith has paid his money in this way—is not permitted, if there is an adverse claimant, to establish his right as a pre-emptor or as original settler to that quarter-section of land, notwithstanding he may have invested there everything he has in the world.

As was shown by the evidence read from the Clerk's desk, these informers and agents go and they find some evidence upon which they can base a charge of fraud.

Mr. FELTON. And which they live upon.

Mr. PERKINS. Yes; and then they advise some friend of the fact, advise some friend in sympathy with them, or in league with them in the business—they advise them of the fact that they are going to make an adverse report against this entry. When they advise their pal, so to speak, of that fact, he moves on the land—he takes possession as an original settler. Then the report is sent in to the Commissioner of the General Land Office, and the Commissioner strikes down the original pre-emption. He cancels and sets aside the entry. Then when the man who purchased in good faith, who has lived there for years, who has invested everything he possesses in it, comes forward as an original pre-emptor and wants to be recognized as such, he is informed this man who went into partnership with the agent who investigated it and made the adverse report on it—this pal in this infamous work—he is informed that such man has a prior right and must be respected. And the gentleman from Illinois knows that the practice in the Land Office as now administered protects the man who went on the land under these circumstances and as a paid informer, and strikes down the man who lived there as an honest settler for years and helped to contribute to the growth and development of the country and to the making of a home for himself and family.

Mr. Speaker, it is against such wrongs that we protest. Is there anything unjust in what the Senate proposes? Is there anything unreasonable? Is there anything which should not meet the approval of the House? I think not.

Mr. Speaker, there is much we would like to say in speaking of the situation there so as to impress upon the attention of this House the wrongs perpetrated upon the settlers which we by this legislation propose to remedy and correct.

I, like my colleague [Mr. PETERS], was not in favor of the repeal of the pre-emption law. I thought it was that law which gave to these great Western communities their thrift, their prosperity, their wonderful development. I knew there were thousands of acres which never would be taken under the homestead law. I knew the man who went there to make his home preferred, generally speaking, to secure title to his land in six months, in order that he might have some credit at the country stores and with his neighbors, and in order that he might have his land taxed and contribute to the growth of the community, and especially that he might, if misfortune befell him, be able to sell his home for something, and save something from his misfortunes. I knew they were anxious to have that pre-emption law retained, but the House and Senate have virtually decided it shall be repealed.

And we only ask in connection with the repeal of these laws this manifestly just and reasonable legislation we are now contending for.

Not one cattle syndicate, as suggested, is here protesting against the General Land Office. They are not disturbed, so far as I know. For them a special immunity seems to be given. It is the honest settler, the man who claims merely 160 acres of land, who is poor and unable to reach the court personally, that is crying against these decisions and arbitrary practices, and praying that some legislation shall be passed which will give him some immunity and some security to his home. These cattle syndicates, of which so much is said, did not obtain their land under the pre-emption or timber-culture laws, but generally in direct violation of all statutes. They made their selections and then surrounded their inclosures with wire fences, and bid defiance to settlers and Government. They did this in violation of the law and in defiance of the rulings of the General Land Office; and if they are not removed it is because this administration refuses to carry out the law of Congress, which directs that these inclosures and wire fences shall be stricken down, and the lands so wrongfully occupied restored to the public domain and opened to the honest settlers of the country. It is not for these cattle syndicates we speak, but for the pioneer, the honest pre-emptor and homesteader, the *bona fide* purchaser, the home, and the family that we are pleading and speaking to-day.

As I was observing, there is much we would like to say on this subject, but in doing so we would take more time than can be given to us at this late day of the session.

Now some of these land-grant railroad companies really want this legislation. I do not mean the legislation protecting the innocent purchaser and settler, but the legislation advocated by the majority here, because it will be just what they want. Where there is no law by which settlers on the public lands can enter or obtain title except under the homestead law, hundreds and thousands will go to these land-grant railroad companies, who have land to sell, and buy lands from them, because by so doing they can pay cash, and obtain in a brief time a title to their homes.

One word more. The Senate bill also provides that where there is no suggestion of fraud for two years after final proof, where no accusation is made within such time by the Government or others that the settler violated the law in making his proof and establishing his claim, the same shall be confirmed to him or to his heirs by the Commissioner of the General Land Office, and shall not thereafter be disturbed.

Is that wrong? Would you have the homesteader live there more than seven years, conforming to the laws of the country, making his improvements, doing all he could for the development of the country, before the land shall be confirmed to him? I appeal only for this as against the arbitrary decisions of the present Commissioner of the General Land Office, and ask only for reason and justice.

How much time have I remaining?

The SPEAKER. Twenty-two minutes of the gentleman's time remain.

Mr. PERKINS. I yield ten minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD withholds his remarks for revision. [See Appendix.]

Mr. PERKINS. Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has three minutes remaining.

Mr. PERKINS. I reserve that time, and I now yield the floor to the gentleman from Illinois [Mr. PAYSON] if he desires to proceed in his own right.

Mr. PAYSON. Mr. Speaker, I do not entertain any doubt that the House of Representatives intends always to do the proper thing. Never since I have been a member of this body have I entertained a suspicion that a majority of the House did not intend to reflect public sentiment in its action upon any matter with which it had to deal. In the question which we shall soon be called upon to vote I trust that the action of this House will be based on the recognition of what the existing condition of things really is, without regard to any feeling of personal hostility or manufactured sentiment which may be manifested on the part of any gentleman claiming the attention of this body as against any one occupying a subordinate position in either of the Executive Departments of this Government.

With the gentleman who now occupies the position of Commissioner of the General Land Office I have never been politically in sympathy. He and I have been as diverse in our views as men could well be upon party questions as such. I submit that the question of politics ought not to enter into this discussion in the most remote degree. And I regret to observe, Mr. Speaker, that all the gentlemen who oppose the adoption of the report of the conference committee seem to regard as their highest duty and their strongest point the denunciation of the Commissioner of the General Land Office and his administration of the affairs committed to his trust.

I protest, sir, that the matters involved in this report are too weighty to be associated with any question of either criticism or justification of the performance of duty by a subordinate officer of a department. But since it has been made to appear prominent I take a single moment to reply to what has been said upon this point.

I do know, from my committee assignment, that the Commissioner of the General Land Office, Mr. Sparks, has been endeavoring, to the best of his ability, to perform his duty as an executive officer under the law. It is due to him that I should say this, because I believe it. Nor has my attention ever been called to any fact in his administration of the duties pertaining to his office in a single instance which could be attributed to a sentiment on his part other than that which I have indicated. I am at a loss, Mr. Speaker, to understand what is meant by the gentleman from Kansas [Mr. PERKINS] when he says that this cry of fraud which comes up from the Interior Department, and is re-echoed from the room of the Committee on Public Lands is but a repetition of the old fable of "stop thief." Who is it that is being benefited by the stopping of the frauds which are being perpetrated under the public land system? Who is it that would be benefited by the carrying out of the ideas of the Commissioner of the General Land Office, assuming that he bases his action upon the law and the official reports made to him, except the people of this country? What private interest has he to subserve by administering the law as he finds it upon the statute-book? Is any money put in his pocket by deciding that entries are or are not fraudulent? And bear in mind, Mr. Speaker, that none of the critics of this bill find any fault with the sustaining of entries in the Land Office. It is only when entries are canceled that any criticism is made; when the land is restored to the people.

Mr. Speaker, I confess to a feeling of weariness at the repeated attempts of a few gentlemen in the House to make the Commissioner of the Land Office the central figure of discussion whenever any matter of land reform is presented here; they talk about "his policy" and "his methods" in generalities and in fierce personal denunciation.

Let us be candid about this. Every one knows, who has any information on the subject, that the Commissioner can have no policy. The policy of his bureau is fixed by the Secretary; the Commissioner is only a subordinate officer, and all policies, all methods of administration, all general rules as to bureau operations must be approved fully by the Secretary before being executed; and I assert here emphatically that this is the case in the Land Office to-day.

In individual cases the Commissioner decides, but there is always a right of appeal, speedy and inexpensive, to the Secretary, so that every act of the Commissioner must, before it becomes operative, have the approval of the Secretary.

And you have not failed to notice, Mr. Speaker, that not a specific charge of criticism has been made in all this storm against the Commissioner except that he issued an order suspending the right of entry in certain localities for a limited time, for reasons stated. This I will notice later.

He simply administers the law as he finds it; more he could not do; less he would not; and he deserves credit and honor for it.

Would gentlemen have him do less?

Do they desire a weak, lax, inefficient enforcement of the law, such as has resulted in all this great loss to the Government—losses of lands conceded by all?

The statute requires *bona fide* settlement on public lands that they may be secured under the pre-emption and homestead laws; settlement, and not speculation; and he enforces it.

The law is the same precisely as it was when he came into office; and, mark you, Mr. Speaker, the only cause for complaint against General Sparks is his impartial, earnest, conscientious enforcement of the law as he finds it.

Do gentlemen know any middle ground that would be safe for the people, or permitted by Congress if known? Do they think the power could be safely confided to any Commissioner to wink at evasions of the plain requirements of the statute?

Can he do aught but follow the statute and the decisions of the Supreme Court, and merit approval? And I emphatically assert that that is precisely what he has done, and with the approval of the Secretary of the Interior.

He knew and saw, as we in Congress all have seen, the necessity for a reform of existing abuses; and he had the stalwart courage to attempt to execute it; his fault is a vigorous, possibly impetuous, honesty in enforcing proper, because existing, law; and he is succeeding, where a weaker, less courageous man would fail.

I repeat, sir, and I challenge denial, that the same rules are in force in the bureau under this administration that were in force under the last, with only two exceptions, and these unimportant; but the difference is they are now enforced, and with characteristic vigor and earnestness, as they should be.

I challenge, in justice to the Commissioner, these gentlemen who attack him to assert, to place on the record of this debate, some specific act of bad administration of his, except the suspension to which I have alluded and which I will justify by the precedents.

They will not, Mr. Speaker, because they can not; mark the prediction.

I do not mean the alleged inefficiency of a subordinate, to which his attention has not been called, but I mean a case where he is responsible.

I repeat, sir, that I have not an iota of sympathy with the political views of General Sparks. There is nothing between us except such relations as should exist between gentlemen and public servants desiring the public good. That he is a Democrat, ardent and partisan, and I a Republican makes no difference with me, however, in the matter here involved. I do not stop to consider whether the few words I say here in his defense against unwarranted sneers and innuendos are good politics. I know what I do is just, and only just to him as an officer and a citizen, and I am glad to have the opportunity and content with the exercise of it to treat him as I would expect to be treated by honorable gentlemen if I were in his place.

I said, Mr. Speaker, that I would notice the criticism of the act of suspension of entries in certain localities under the order of June 2, 1886.

I shall take only a moment. That order was based on what was believed to be an urgent necessity and was issued only after full conference, formal and full, with the Secretary of the Interior, and duly became operative by his formal approval, the signing of his name to it and ordering its promulgation. And more, this was not done till after the President and the Attorney-General had been consulted about it, and it was not disapproved by them.

It was in the line of precedent of almost sixty years, numerous and important, but with this difference: In all the earlier cases the withdrawals and suspensions were all for the benefit of railroad, canal, wagon-road, or other corporations, and had the support, indeed were generally made on the request of eminent men in public life, for the benefit always of the corporations, and covering millions of acres of lands taken out of the operation of law.

I have one list here under my hand of withdrawals of 54,000,000 of acres for sixty-seven railroads not authorized by law, and made in the discretion of the executive officer, all before this administration.

The history of this practice is found in Senate Executive Document No. 170, first session Forty-ninth Congress, to which I call the attention of the House.

But this is the point I make: So long as the corporations of the country were the beneficiaries of this action not a voice was ever raised against it, nor have any of these gentlemen since even criticised these earlier acts so far as I know.

But so soon as a suspension is made to stop thieving and robbery and protect the public domain for the people Rome howls.

I undertake to say that no gentleman who has addressed this House will undertake to deny upon his knowledge of the situation that the reports made by the officials of the Interior Department are substantially true. The gentleman from Kansas [Mr. PERKINS], in his eager, earnest, and somewhat florid denunciation of the Commissioner of the

General Land Office, asks, "When was it that this infamous spy system was inaugurated in the Interior Department, and who are the men who are engineering it?"

He asks, "When did this practice of sending out spies, of sending out informers, of sending out paid employés of the Department who are dependent, as suggested by my colleague, for the retention of their positions upon favorable reports which they make and send to the Commissioners?" When did it come into being? When was it inaugurated, and when pressed with such vigor and cruel pertinacity as at the present time?"

This inquiry, Mr. Speaker, the gentleman from Kansas [Mr. PERKINS] made with vehement earnestness, and assuming that it covered a criticism on the Commissioner, I noticed it was applauded by a few gentlemen sitting near.

The "spy system" referred to is the appointment of agents, eighteen in number, I believe, whose duty it is to report on all frauds they may discover to the Commissioner, and two inspectors, with like duty, to report to the Secretary of the Interior.

Now, sir, I answer the gentleman; and I speak by the card when I say that the "spy system" was introduced by a Republican Congress. The first provision of law for the allowance of special agents to the Interior Department was passed in the Forty-seventh Congress on an appropriation bill, and under the leadership of the distinguished gentleman from New York [Mr. HISCOCK], recently elected to the Senate of the United States.

Mr. PERKINS. The gentleman will permit me to say that when it was inquired how long these practices had existed I understood the gentleman from Illinois or some other gentleman to say, "Ever since 1841."

Mr. PAYSON. That is another proposition; the language of the gentleman's inquiry will speak for itself.

Mr. PERKINS. What I said in reply to that suggestion was that this practice of investigating by sending out spies, &c., was a recent one. It is true it was inaugurated four or six years ago; but still it is recent.

Mr. PAYSON. Precisely; and what was the necessity for it? That is the question with which this House is confronted. Is it new in the history of this Government for special agents to be sent out to ascertain and report upon any despoiling of the public substance? When was the time in the history of the Treasury Department when special agents were not traveling over this whole land for the purpose of detecting frauds upon the public revenue? And who ever criticised that practice? There is not a gentleman here whose memory runs back to the time when special agents of the Treasury Department were not appointed for such purposes. How is it in the Interior Department—in the Pension Bureau? Special agents are sent all over the country under the general pension laws to detect frauds upon the pension service. Let some crippled soldier undertake to get an increase of his pension by an affidavit from a neighbor, which is perhaps a little colored, and the man is arrested, prosecuted for perjury, and convicted; and nobody disapproves it.

Mr. GILFILLAN. But they allow the accused his day in court, do they not?

Mr. PAYSON. I am coming to that; and I beg gentlemen not to anticipate me. I will answer in my own way and in a manner which I believe to be candid and truthful every criticism made upon the bill now in conference. I desire to do this to the satisfaction of every gentleman who listens to me, and I hope I may be permitted to do so in my own way. At the same time, if on any point connected with this legislation I should fail to make my views clearly understood, I will regard it as a favor rather than an interruption if any gentleman will interrogate me.

As I was about to say, what was the necessity for the introduction of this system into the Interior Department? It was because during the administration of President Hayes, when Mr. Teller was Secretary of the Interior, it was found that the public lands were being rapidly reduced, so that men going out to settle upon them found that great areas of those lands were being grasped by syndicates of capitalists who had obtained a foothold, in consequence of which those who desired to settle upon the lands were compelled to get them by purchase from somebody who, without proper warrant, asserted a claim to them. When this matter was brought to the attention of the Interior Department a recommendation came to this House signed by Mr. Teller as Secretary, asking an appropriation for the payment of fifteen agents to investigate this character of land transactions. The gentleman from New York [Mr. HISCOCK] was then chairman of the Committee on Appropriations. An appropriation was made in a general appropriation bill for the pay of these agents, and they were sent into the field.

Did this cry of "fraud" originate for a political purpose and on the part of somebody who desired to perpetuate himself in office? I answer no, emphatically, no; and I have personal knowledge of the facts, having been a member of the Committee on Public Lands, and having had the matter brought to my attention.

Sir, the system began because there was a necessity for it, because it was plainly apparent, and which has since been demonstrated, that a system of public plunder, never equalled in the history of crime against the Government, was being carried on, and to detect the details of it agents were necessary.

It was inaugurated by a Republican Congress to correct palpable abuses, not as a party matter, but a measure of administrative reform, and in which there was practical unanimity of action on both sides of the Chamber.

At the last session I had the honor, in a speech which I then made, to call the attention of the House to an interview which had been had with Mr. McFarland, then Commissioner of the General Land Office, as to how this system of special agents was working, whether or not it was satisfactory to the Department, the amount of land that was discovered to have been fraudulently acquired, and various matters of that sort. I do not now propose to take up the time of the House by going over that interview again, as it is enough for me to say, Mr. Speaker, that the then Commissioner of the General Land Office was in favor of its continuance, and he, in the criticism made, said there were not enough of them provided by the law to accomplish the results which he knew could be achieved if a sufficient force was placed at his disposal for that purpose.

Now, as to the extent to which this has gone, I will enter into no dispute with gentlemen who say they know that not 25 per cent. of the entries are fraudulent. I do not care what the percentage is, Mr. Speaker; I do not care whether it is 10, 20, 40, or 90 per cent. of fraudulent entries, it is enough for me to know with certainty which amounts to absolute conviction that frauds exist; that frauds on the public-land system to an enormous extent are being daily perpetrated. Gentlemen concede that to some degree.

Let me ask you, Mr. Speaker, conceding that these things are done, conceding that to some extent the public domain is being despoiled by thieves, how else is that fact to be determined except by special agents of the General Government? That is the question I ask.

What other method can be adopted? Certainly none other has been suggested.

In the criticism of the Interior Department and of its methods in unearthing the frauds which are practiced against the public land system there has come no suggestion of remedy by the gentlemen who oppose this bill; no such suggestion has been made in reference to it. But it is said there is favoritism in it, that these special agents are corrupt men, that they use the power of their office for their own purposes—that some are guilty of bribery and corruption, and others of favoritism; indeed, so far as the criticism has gone in another place, at the other end of this Capitol, the charges made that the attempt on the part of the special agents to unearth the frauds against the public land system are only leveled against the poor men, the occupants of 80 acres and quarter sections, and that the great thieves of the country, the cattle syndicates and associations of capitalists, are allowed to go, and are never investigated.

I see in the RECORD that it is said at the other end of the Capitol, in the same line of statement as that indulged in here by the opponents of this bill, "Every agency which cupidity, which hate, which malice, self-seeking and private revenge can suggest has been exerted against the honest settler on the frontier, not, mind you, against the cattle-man, but against the individual entry-man," &c.

And in the same line the gentleman from Kansas [Mr. PERKINS] assents:

> Not one cattle syndicate, as suggested, is here protesting against the General Land Office. They are not disturbed so far as I know. For them a special immunity seems to be given.

Mr. Speaker, I was greatly astonished when I read the first abstract just given, and I am utterly amazed that it should be repeated now and here.

The gentleman should know, for he can ascertain the fact on the merest inquiry at the Department, that exactly the reverse is the truth, that the cattle-men and their methods are the principal objects of inquiry by the Department (for the frauds there are greater as to area of land than elsewhere), and more results are attained as to them than as to any others.

"No cattle syndicate is protesting against the Land Office," says the gentleman.

"No effort is made, mind you, against him," comes from the Senate—and doubtless very many gentlemen sitting here believe this.

I have here, sir, a set of resolutions adopted by the "Consolidated Association of the Cattle-Growers of the United States," held at Chicago, in my State, in November last:

> *Resolved*, That this convention, composed of men from more than thirty of the States and Territories of the Union, representing the farming and stock-growing interests of the entire country, and especially of the Western States and Territories, hereby declare:
>
> That they cordially indorse the statements made by Governor Hauser, of Montana, Governor Warren, of Wyoming, and Governor Stevenson, of Idaho, in their recent official reports to the Secretary of the Interior upon the question of the use and disposition of the Government lands in the West.
>
> That they pronounce the policy of Hon. W. A. J. Sparks, Commissioner of the General Land Office, to have been detrimental to the true interests of farmings settlers throughout that section; that his action has been productive of great injury, injustice, and suffering to the men who are endeavoring to create homes and support their families under the privations and trials of frontier life.
>
> That the broad charges of fraud made by the Commissioner against these men are not founded in fact.

That the isolated instances of fraud present no ground for the universal proscription that he has declared against these men; and, lastly,

That, under the cover of an intention to preserve the lands for the actual settlers, he is in reality and in fact instigating and conducting through his special agents a system of espionage foreign to our institutions, unworthy of American citizenship, and by suspicion of illegality thus cast upon the entries and titles of the farming class as a whole, a vast injustice is done them by which no public good is subserved or obtained.

The newspaper report of the meeting shows that the passage of the resolution was urged by two gentlemen, their names given, and that at a subsequent stage of the proceedings, on motion of one of these gentlemen, this action was had:

The Chair was authorized to name a committee of five to attend the next Congress and lobby in the interest of legislation for the cattle interests.

The association then adjourned.

And on this committee of five the same gentleman was appointed, and I have seen him here in the Capitol during this session, I assume "lobbying in the interest of legislation for the cattle interests."

I have taken occasion to look up the record of this gentleman at the Land Office, for it is a singular fact, which can be demonstrated by any gentleman here, that in almost every instance—understand me, in almost every instance—where a party rushes into the press to denounce the Land Office, or the Department, that party has a record in the Department as a land grabber, and on a large scale!

So I looked him up, and I find that he is one of a corporation formed out of two partnerships in which he was named and largely interested, which corporation is engaged in acquiring vast areas of land in one of the Territories, and that quite recently at one land office final proofs were offered on thirty-nine entries, aggregating 24,960 acres—all the proofs of compliance with the law made by only four men in the whole thirty-nine cases; these were employés of the corporation and made the entries before a notary public who is also its employé, nearly all the alleged entrymen being non-resident of the Territory and residing in the city of Boston, and have never been nearer the land than that city!

The register rejected the entries because they were palpably in the interest of the cattle company.

Thousands and thousands of acres of public land—I think over 45,000 acres—are in like condition as to fraudulent attempt to secure title by this same corporation, the record as to which may be referred to by any member of this House.

Of course, Mr. Speaker, it is with the best of grace and from the purest and most disinterested of motive that this man prepares and urges the passage in a convention of cattle-men of a resolution denouncing the methods of Mr. Commissioner Sparks, and that his policy is detrimental to the true interests of the farmers of that section!

"Let us see, Mr. Speaker, as to the farmers of that section." I have in my mind the holding of land of another great corporation in that part of the Union.

A section of the country nearly 50 miles in width and nearly 100 in length, an area larger than the area of each of several of the States in the Union, is under the control of this company, a portion of which largely less than one-half being railroad land and procured from it by this company; but upon all this vast area of land there is not to-day a single free holder, not a man upon it except at the will and pleasure of this company as a visitor or an employé!

Think of it, an area larger than Rhode Island or Delaware, a large portion of it secured, as I have good reason to believe, by fraud, ay, crime, and not a free holder there! Not a spot on which an American foot can rest without permission of this corporation! A large part of its capital owned by aliens, too.

I am told that the man who is at the head of this enterprise, who has been in this city for some time during this session, doubtless "lobbying in the interest of the cattle-growers," and cursing Sparks, is now in the gallery listening to my remarks [laughter and applause], and he doubtless voted in the convention that the policy of the Department is prejudicial to the best interests of the "farming community" in his section of the Union!

Let it be so. But, sir, knowing the methods of these men, an attack from them is one of the most satisfactory testimonials that the commissioners can have.

Mr. PERKINS. Why was this case not investigated?

Mr. PAYSON. It is being investigated. The Interior Department is now investigating the matter; and the reason why more of these frauds have not been discovered is because of the parsimony of the House of Representatives, which demands of the Interior Department the scouring of an area of country as large as the whole of Europe with only eighteen men.

We stand here, Mr. Speaker, and when an appropriation bill comes up we quibble and haggle as to whether or not we will give fifteen or sixteen men to aid in this work in the Interior Department to determine such questions and to discover by actual observation such frauds as are being perpetrated. That is the reason why more are not discovered; the Department has not the force and the House refuses to furnish it.

Why, it needs only the sending out of a man of ordinary intelligence anywhere upon the public lands, the occupancy of which has been desirable within the past four years, and start him in any direction on horseback or on a buck board and he can stretch out his hands in this manner, and every one of his fingers will point in the direction of a fraudulent entry.

But, resuming, I have another case in mind in that part of the Union. One company has procured in a very few years over 30 miles of continuous water front on the North Platte River and sufficient land behind this to control hundreds of thousands of acres there.

Now, sir, in all seriousness I ask any of the gentlemen from the Territories here how it is possible for any one, individual or corporation, under a proper administration of the public land laws, which require as to that country either settlement or reclamation these vast areas of land?

There is but one answer, sir; nor are these isolated cases.

Believing that some such statement might be made that the rich were not being interferred with, I have collected a few cases of that character of land entries which are being investigated by the Land Office, from which the House can see whether these statements are sustained by the facts, and I only cite such cases as are of record in the Department of the Interior.

Twenty-seven entries in Bent County, Colorado, covering 4,320 acres, made in the interest of a cattle company, reported and adversely acted upon.

Two hundred and ten entries in Bent and Las Animas Counties, Colorado, covering 32,000 acres, made in the interest of a cattle company, of which 104 have been reported upon, all adversely, and 47 canceled.

Two hundred and forty-three entries in Custer County, Nebraska, covering 36,000 acres, made in the interest of a cattle company, 61 of which have been reported upon, and 18 canceled.

Twenty-eight entries in Albany County, Wyoming, made in the interest of a cattle-man, covering 8,000 acres; 10 reported upon, and adverse action taken.

Thirty entries in Bent County, Colorado, covering 4,500 acres, made in the interest of cattle-men; 27 of which have been reported, and 16 adversely acted upon.

Three hundred and sixty-five entries in the Humboldt District, California, made in the interest of a lumber company, covering 58,000 acres; 320 reported, and 249 adversely acted upon.

Eighty entries in Pueblo County, Colorado, covering 12,000 acres, made in the interest of a cattle company; 22 reported, and 8 adversely acted upon at date.

Twenty-five entries in Pueblo County, Colorado, covering 4,000 acres, made in the interest of a cattle-man; not reported individually as yet. Agent investigating.

Twenty-five desert entries in Laramie County, Wyoming, covering 45,000 acres, made in the interest of a cattle company; 38 adversely reported, and final proof tendered in 37 cases for the reason that the entries were not *bona fide*.

One hundred and seventeen desert entries in Laramie County, Wyoming, made in the interest of a speculative company, covering 74,000 acres; general adverse report in all, and individual adverse reports in 19 cases. Remainder being investigated.

In the two cases last preceding the entries were made almost wholly in the names of non-residents, principally of the Eastern States, who never saw the lands, and were simply made use of to obtain title, signing their names for a consideration to the papers presented, and which could only be used through perjury.

Twenty-one entries in Umatilla County, Oregon, covering 3,000 acres, made in the interest of one speculator, all adversely reported, and acted upon.

Thirty-six entries in Finney County, Kansas, covering 5,700 acres, made in the interest of a cattle company. At the trial of the suit to compel removal of fences maintained by said company, the manager testified that the entries were made at the solicitation of the company and were controlled by it.

Sixteen entries in Grant County, Oregon, covering 1,500 acres, made in the interest of a cattle company; 12 reported, and all acted adversely upon.

Twenty-one entries in Geneva County, Alabama, covering 2,500 acres, made in the interest of a lumber firm; all reported upon, and adverse action taken.

Forty-five entries in Cowlitz County, Washington Territory, covering 7,000 acres, made in the interest of a lumber man, all adversely acted upon.

Twenty-five entries in Bent County, Colorado, covering 3,800 acres made in the interest of a cattle-man all reported and adversely acted upon.

Forty-eight entries in Saint Louis County, Minnesota, made in the interest of an iron company, aggregating 6,500 acres, all adversely acted upon.

Twenty-eight entries in Brown County, Dakota, covering 4,400 acres, made in the interest of a live-stock company, ten entries acted upon, all adversely.

Thirteen entries in Bent County, Colorado, covering 2,000 acres, made in the interest of a cattle-man, eight cases reported and all acted upon adversely.

Twenty-five entries in the Duluth district, Minnesota, made in the

interest of a lumber company, covering 4,000 acres, all acted upon adversely.

Ten entries in Chehalis County, Washington Territory, covering 1,€00 acres, made for one speculator, all adversely acted upon.

Sixteen entries in Whatcom County, Washington Territory, covering 2,500 acres, made in the interest of a mill company, all adversely acted upon.

Two tracts in Saint Louis County, Minnesota, covered by entries aggregating 25,000 acres, all made in the interest of two lumber companies, adverse reports in each case.

Six entries in Klamath County, Oregon, covering 1,200 acres, made in the interest of a cattle-man, all adversely acted upon.

Twelve entries in Cowlitz County, Washington Territory, covering 2,000 acres, made in the interest of a lumber company, all adversely acted upon.

From these statements, Mr. Speaker, it will be seen that the twenty-five cases specified, where the fraudulent entries were made for the benefit of large operators, include 1,522 entries, covering 350,520 acres, and that to date 753 of the entries have been adversely acted upon. The remainder of the number with a few exceptions are awaiting action.

And these are only indicative of the situation. This day could be exhausted in reciting the details of the records of the Department, the facts of which, sir, are not disputed by those in interest, and these all occur in so limited a section of the Union that on an ordinary map of the United States you may cover it with your hands.

In other sections of the Union the work of robbery by the wealthy and respectable has been going on.

I heard that a prominent citizen of Oregon was here denouncing Commissioner Sparks and his methods, and I took occasion to look him up, and found at the Department a letter from a reputable citizen of Portland, a portion of which is as follows:

In this city, which is in the county of Multnomah, one George Mizner, a livery-stable keeper in this city, in the employ of one J. B. Montgomery, a railroad contractor, hired a hundred or more of the irresponsible classes in this city, composed of gamblers, negroes, and others of the vicious order to be found in the purlieus of all cities, of which we have a full share, to apply to the above-named land offices to enter timber lands in the manner of the inclosed printed application. (Under act June 3, 1878.)

This agent of Montgomery furnished them with the numbers of the tracts they were to severally enter, to be followed by a deed to Montgomery as the ostensible title was perfected. For this service they received from $15 to $25 each, and all expenses incurred, till returned back to Portland. Others are engaged in the like fraud here, but I instance this as a leading representative of what is now going on in these two land districts. The greed of fees seems to have blinded the integrity of the land office officials, for the well-known infamous character of many of the applicants could not have been unknown to them.

The testimony, so-called and simulated for the several occasions, was taken for Cowlitz County, Washington Territory, before one S. W. Beall, probate judge, whose antecedents will entitle him to the confidence of those in this fraud or any other.

Believing it my duty as a citizen to place these facts before you,

I am, yours, respectfully,

——— ———.

An agent was sent to look into this, and I have here a list of entries, fifty-one in number, embraclng 8,012 acres, nearly all reported on as fraudulent, and made upon criminal acts as to entries and proofs so strong that this man has been indicted by the grand jury of his neighbors for his part in the transaction, and, I am advised, is now here trying to secure delay, if not dismissal, of the criminal proceeding without trial, and damning Sparks. [Laughter and applause.]

In the Northwest criminal proceedings have been instituted—indictments found against the officers of the Montana Improvement Company, an immensely wealthy corporation, which has doubtless robbed the Government of millions of dollars' worth of timber—eighteen indictments found, and by the unanimous verdict of the grand jury.

Now, will the gentleman from Kansas say that no cattle-men or wealthy syndicates are protesting? That they are not disturbed? That there seems to be a special immunity to them? He speaks, sir, on this point clearly without having examined the records, and I hope the information which I have given will silence such attacks and charges hereafter.

Mr. PERKINS. Would the Senate amendment, if accepted by the House, confirm in any manner or ratify or validate such possession?

Mr. PAYSON. Practically, yes. I will be glad to tell you why.

Mr. PERKINS. I will be glad to have you tell me why. I ask the gentleman to tell me if there is anything in this eighth section of the Senate amendment which in any way validates or legalizes or ratifies the title.

Mr. PAYSON. If adopted it would do it. It would prevent the Government of the United States from ever acquiring an acre of the public lands back again, and I will give you that presently if you will be patient.

Mr. PETERS. I would like to know from the gentleman how these two men, this company he speaks of, obtained the land.

Mr. PAYSON. I can tell the gentleman how I believe it was done. But in that particular instance I can not tell, because it is now being investigated, and the facts are not made public. But I am asking information myself, and want an answer from somebody who will tell me how it is possible under a proper administration of the public land laws for these two gentlemen to legally acquire that amount of the public lands within five years, and I yield the floor to have an answer.

Mr. PETERS. I will tell the gentleman.

Mr. PAYSON. I would be glad to yield for the information.

Mr. PETERS. They could not have obtained the lands unless there was collusion in the local land office.

Mr. PAYSON. First, doubtless, perjury in the proofs, and possibly collusion in the local land office. I have no doubt about it. I think that is the way it was done; and I will tell you how it can be done and how I know it was done in many cases, if I may believe those men who were personally interested in the transaction. It was done by men of means hiring men to go on the lands and make colorable entries, paying them a monthly salary for their services. I may take three minutes in explaining for the edification of members around me how this is done. [Cries of "Go on."]

The desert land act allows a man to take a quantity of land for himself only, not exceeding 640 acres, upon due proof of reclamation. Here is a stream running, we will say for the sake of illustration, from this point around to where my friend from Kansas [Mr. PETERS] sits.

I want to get possession of this property, and I hire Tom, Dick, and Harry, hire men everywhere, to go and make desert-land claims with an agreement on their part that as soon as the proof is presented and recognized in the local land office they will turn the evidence of title over to me. That is done. It is true the men have got to commit perjury in order to accomplish it, but what does that amount to when you are robbing the Government? It does not amount to anything apparently. The desert-land act requires that there shall be reclamation, that there shall be water conducted upon the land. I hold here in my hand official records to show that men who have made entries in this way take a plow and go and run a line, plow a dead furrow up hill and down, around and about, and go back to the local office and swear that a ditch has been constructed, no matter how steep the hill may be, for water is presumed to run up a hill for the benefit of a man who desires to rob the Government—that a ditch has been constructed and is ready to have the water conveyed into it as soon as the head works are constructed. The conveyances are then made to the employer and the men are paid off.

As to the land which requires actual settlement as is required by the homestead and the pre-emption laws, here is a favorite way of doing it. The law requires there shall be proof of a house being erected, and that the man making the proof is the actual occupant of the land and resides in the house. They will build a house and put it on wheels. The man hired by the party desiring to make the entry goes and in sleeps in the house one night, then goes to the nearest land office, and swears he lived in the house situated on the land 9 feet by 12, with a second story, and all that sort of thing, giving a minute description of what for that country would be a pretty excellent house. Next morning a pair of oxen are attached to the house and haul it on to the neighboring piece of land, and the same process is gone through. My colleague sitting near me [Mr. PLUMB] tells me a man in his town was one of a party of capitalists who, by just such methods, secured in one county in Nebraska 27,000 acres of the public lands, and the records in the Department show it.

Mr. PETERS. Is the title those men have obtained to this land worth the snap of your finger?

Mr. PAYSON. Legally, no—because it is reported on by agents, and the entries are suspended, and the land will probably never be patented, but the entryman will have his compensation in denouncing Sparks—but under the Senate bill, legally, yes. And I may as well come to that now as at any other time.

The new proposed eighth section is as follows:

SEC. 8. *Provided*, That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, such entry may be suspended, upon proper notification to the claimant, through the local land-office, until such error has been corrected: *Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, the Commissioner shall hold the entry for cancellation, which action shall become final unless within sixty days from notice thereof the claimant or other party in interest shall ask in writing for a judicial investigation of the case, and thereupon the Commissioner shall suspend further action in the case and file with the United States Attorney-General notice of such suspension, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained; *Provided*, That nothing herein shall be held or construed to impair the rights of any *bona fide* purchaser or mortgagee of any such land under existing laws, and all purchasers and mortgagees of record, and all other persons claiming an interest in any such lands under the original claimant, shall be made parties to such proceedings and may defend in their own right. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption, timber-culture, and desert-land and homestead acts: *Provided*, That after the lapse of two years after the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, and desert-land or pre-emption laws, or under this act, and when there shall be no pending contest or protest againt the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

It proposes an entire revolution of existing law. What the present system is I may assume is known without going further than to say that it holds that the title is in the Government to all public lands until patent issues, that the receipt of the local land office is only the evidence of a right, and that so long as the title is in the Government the Department of the Interior has jurisdiction to investigate all ques-

tions connected with the entry and compliance with the law on the part of the entryman.

This new section proposes to divest the Department of all power of that character if the entryman or party in interest shall, in writing, request the transfer of the matter to the courts. Then all matters pertaining to the case must go to the Department of Justice and a suit be brought formally by the United States to cancel this certificate, and this applies to all cases now pending as well as to come.

Now, sir, has any gentleman in this House ever tried to move the Department of Justice to bring suit for the benefit of the General Government in anything? I can not illustrate my own views in reference to it better than to relate a little personal experience.

Mr. PERKINS. I have heard of a pan-electric company which succeeded in moving the Government.

A MEMBER. Electricity can do anything.

Mr. PAYSON. In the Forty-seventh Congress, in investigating this kind of transaction, I came upon what is known as the Earl of Dunraven entries of Estes Park in Colorado, and with which my friend in front of me [Mr. WEAVER, of Iowa] is somewhat familiar. We ascertained the fact was that this gentleman, a nobleman abroad, coming over here on a hunting expedition, went down into Estes Park, a beautiful spot, I am told—I have never been there—embracing an area of many thousand acres included in the mountains, a perfect oasis in the desert; and he suggested he wished he could own all the land he could see.

There happened to be an accommodating gentleman in the party who knew how these things could be done, and before that party separated a contract was made with a land agent in Colorado who contracted for so much pay in addition to the Government price of the land to secure a patent title to this land for this nobleman, and that thing was done. The official papers with reference to the transaction on the investigation I have had in my desk until about four or five weeks ago. That was done by means of mythical entries and the use of names of men who never existed and by perjury that was waist deep to the men who were in it, and through a man of the name of Thomas White the Earl of Dunraven was vested in the title of that property, and controls it to-day.

In my verdancy, in my early experience in Washington, I supposed that when a thing of that kind was brought to the attention of the officials something could be done to cause a reversion of that land to the Government. I went to the Department of Justice several times, backed with a letter from the Secretary of the Interior, Mr. Teller, and tried to get the ex-Attorney-General, Mr. Brewster, to file a bill to set aside the title to this land. I met with a failure. I have tried it twice under this administration. I am done. [Laughter.] The record is open. Whether any suits ever will be commenced I have no means of knowing.

Mr. SYMES. Will the gentleman yield to me for a statement?

Mr. PAYSON. Certainly.

Mr. SYMES. I understand the gentleman from Illinois intimates there never have been any suits brought in the courts of Colorado to set aside fraudulent entries of public lands.

Mr. PAYSON. I said no such thing. I said I have never been able to move the Department of Justice here in a plain case. I understand the gentleman from Colorado himself was attorney for the Government in that State and prosecuted many cases successfully after patent had issued.

Mr. SYMES. The Department of Justice has often been moved and acted upon in this matter, and by proceedings in court fraudulent entries of land have been set aside and the lands restored to the public domain. As far back as 1877 I was employed myself by the Government as special counsel and took charge of twenty-six suits. I gained every one of them by a decision of Judge Dillon, and there was restored to the public domain one of the finest tracts of land in the Arkansas valley.

Mr. PAYSON. Set aside on account of fraudulent entries?

Mr. SYMES. Yes, sir.

Mr. PAYSON. Well, it seems there are some frauds in Colorado.

Mr. SYMES. Have I denied it?

Mr. PAYSON. Perhaps not; but others have

Mr. SYMES. Let me make this further statement.

Mr. PAYSON. I can not yield further.

Mr. SYMES. Then you do not want to know the facts.

Mr. PAYSON. I do want to know the facts. Does the gentleman from Colorado intimate that we of that committee are not in favor of land reform?

Mr. SYMES. But you are intimating no other gentleman is; and because there have been big frauds in Colorado, frauds which I have denounced and have helped to unearth, that by a sweeping order of the Commissioner every honest settler must have his title suspended after having obtained a legal title to his land by entry. This is what you are doing.

Mr. PAYSON. Can the gentleman distinguish any difference between that and the line that we have been pursuing? Can he point to a single fact or a single instance in the history of the present Commissioner of the Land Office that is not in the interest of the people of this country under the law as it stands to-day? If he will tell me how much time he wants to point out such an instance I will yield it to him if he does not ask too much.

Mr. SYMES. It will take me only a minute or two.

Mr. PAYSON. I will yield the gentleman one minute to point out such an instance.

Mr. SYMES. Give me three minutes.

Mr. PAYSON. Oh, no.

Mr. SYMES. Give me five. [Laughter.]

Mr. PAYSON. Oh, no.

Mr. Speaker, the same state of facts which the gentleman from Colorado says he has helped to unearth in that State exists in every Territory in this Union, and when I say that you can not move the Department of Justice in Washington in cases of that kind, as a matter of practical operation of law, I believe it.

Mr. SYMES. You believe it, but you do not know it.

Mr. PAYSON. I believe that I know it. Does the gentleman from Colorado know what the eighth section of this bill provides? I will ask him whether he has even read it?

Mr. SYMES. I have read——

Mr. PAYSON. Yes or no?

Mr. SYMES. I have not read it [laughter]; but other gentlemen who have read it have explained it to me.

Mr. PAYSON. Gentlemen insist here that the House conferees have not done their duty, although they confess that they have not even read the bill and do not know what the difference is between the House and the Senate conferees with reference to this eighth section.

But, Mr. Speaker, I pass now to another point that has been overlooked by every one in this discussion, as to the difference between the House and the Senate. Did political parties mean what they said in their platforms when they all resolved that the public domain was the heritage of the people for the establishment of homes in the future? Political parties have been tumultuous in coming to the front in the last six or eight years upon that proposition, and how do they say that the public domain is to be distributed? In small allotments for actual occupants.

In obedience to that sentiment, the Committee on Public Lands of this House recommended, and the House passed, in the last Congress a law providing that thereafter no public lands should be subject to private entry at $1.25 per acre. Great areas of public land exist to-day which are subject to entry at $1.25 an acre, in quantities limited only by the desire of the purchaser and his capacity to pay. We thought that ought to be stopped, and we recommended that it should be stopped and that thereafter no lands should be subject to entry in that way. That bill went over to the Senate and in the last Congress they concurred with us.

In this Congress, at its last session, we adopted the same provision in our bill and sent it to the Senate, and then the Senate struck out that provision, thus saying that all the public land that is now subject to private entry shall continue to be so; and, in a speech which I had the honor to deliver here last July, I published a list of men who, in anticipation of this bill becoming a law, had made entries in the States of Mississippi and Louisiana aggregating 1,800,000 acres in less than four days. The bill, however, did not pass, and the gentleman from Alabama [Mr. OATES], as he stated in a low tone when the gentleman from Missouri [Mr. STONE] was addressing the House, is in receipt of a communication from the local land office in his State informing him that, in anticipation of some legislation of this kind, great areas of lands in his own State are being taken up by speculators at $1.25 per acre, a large proportion of which lands are fit for homesteads.

Now there is a difference upon this subject between the Senate and the House. The Senate desire that these things shall go on, but the House of Representatives is determined that they shall be stopped, if we have the power to stop them.

Mr. PERKINS. Will the gentleman permit a question?

Mr. PAYSON. Yes, sir.

Mr. PERKINS. Do not the Senate conferees agree with you that the pre-emption law and the timber-culture law shall be repealed?

Mr. PAYSON. They do; but they couple that agreement with a condition. While they agree that the evils resulting from the operation of the pre-emption law and the timber-culture law and the desert-land law, as those laws stand upon the statute-books, are of such a character that they should be brought to an end by repealing the laws, yet they couple that agreement with the condition that the House conferees shall accept their idea of what the proper remedy is for any supposed invasion of individual rights in connection with this subject.

In other words, the Senate agrees with the House that these laws are vicious and should be repealed; that the evils grow out of the infirmity of the laws themselves, but because, in the judgment of a few Senators, there should be a new remedy for the enforcement of individual rights as against the Government in public land cases, this remedy must be adopted or the whole bill shall fail. Notwithstanding, the proposed remedial legislation is earnestly opposed by the officers of the Interior Department, all of them, as impolitic, inexpedient, and impracticable.

Secretary Lamar has given several opinions with reference to it, one a formal letter to a Senator, and others on conference with regard to it, and all adverse to it.

Yet these Senators, assuming to regard this question of remedy (and about which there is such conflict of judgment and the overwhelming weight of judgment against the proposed change) as paramount, persistently attach it to our bill, a bill which the people demand and have demanded for years, and prefer that the bill should fail utterly unless their demands are complied with and the House yield its convictions.

Mr. Speaker, I do not impute motives to any one, but I do not believe the Senate cares to pass any bill repealing these obnoxious laws. Look at the history of the attempt we have made to comply with the people's wishes.

In the last Congress the House passed the same bill in substance that we passed here—a repealing act, pure and simple; the Senate committee recommended the same bill, with some amendments perfecting it, but involving no new principles—a repeal of these laws and a suspension of the privilege of purchasing Government lands at private entry in large quantities.

In the Senate an amendment was added, not germane to the bill, to confirm certain private entries of public land in Michigan, about which there was then, and possibly now, grave doubts in the minds of many Senators and Representatives as to its propriety. It was purely a private matter, affecting only a few individuals, and yet, against the earnest protest of the friends of the bill, this amendment was loaded on it, and the bill failed because of it.

In this Congress we passed, in the House, the same old bill. Later experience emphasized the necessity for it. It went to the Senate. All but the enacting clause was stricken out, and this bill passed, loaded down with new schemes, some of which, involving vast areas of land, like the "mountain homestead," never heard of outside the room of the Committee on Public Lands till the bill was reported. Conferences were had, and because the House conferees would not yield in these matters the bill went over the vacation.

During the very last days of the session the announcement was made in the Senate that the Senate conferees had offered to strike out of the bill the clause validating fraudulent entries, and had agreed to yield so far as to confirm only such entries as were in the hands of persons who held 320 acres; and this was refused, it is said.

It was also asserted that the House conferees declined to sign a report setting forth the points of disagreement. So it was not in the power of the Senate conferees to report.

Mr. Speaker, the first knowledge I had of these statements was recently, since my return from Illinois, and my attention was called to them by you.

In justice to myself, I feel called upon to state that I was present at every conference last session, and it is strange, but true, that I never heard of these proposals till I read them recently in your room in this Capitol since my return.

I do know that we, the House conferees, made the offer to the Senate, in order to reach an agreement on the proposal in the Senate bill to validate fraudulent entries, that we would agree to a clause validating all such entries where they had been sold to *bona fide* purchasers, who were actual settlers to the extent of 160 acres, and we practically agreed to enlarge the amount to 320 acres, if the Senate would agree.

I prepared the offer for the House conferees, and hold the identical paper in my hand containing the offer by interlining in the printed Senate bill.

These offers came from us, sir, in every case.

I have in my hand, also, as corroborating evidence, a statement which I prepared for a member of the press, giving our understanding of the situation as to the difference on this and the eighth section of the bill, and I submitted it to Mr. COBB for his indorsement; this was immediately after the last conference at the last session; we then talked as to whether it would be proper to give to the public the substance of matters in conference, before final report, and finally concluded that it might not be proper; so the paper was placed in my desk, where it has since remained, and this is it:

The new section (8) provides a rule of practice for the Commissioner of the General Land Office in all cases where fraud is alleged in entries under the general land laws; it requires in all such cases, first, that the Commissioner shall suspend the issue of patent and send the case to the Department of Justice for legal proceedings in the courts to vacate the receiver's certificate. The action has an exception in these cases of fraudulent entries, "unless the lands have been sold to a *bona fide* purchaser for a valuable consideration." In such case the matter can not be transferred to the Department of Justice for litigation, but the title must stand. The effect, of course, is to deprive the Commissioner of all power to investigate and adjudicate questions of fraud in public land entries; it deprives the Commissioner of all power to cancel entries after final certificate—a power that officer has had and exercised since 1834, and approved by every Secretary of the Interior since then, including Mr. Secretary Teller, in the Cogswell case, 3d Dec., 23; the Tower case, 2d Dec., 779; and Mr. Secretary Lamar in the Chrisinger case, decided January 25, 1886, by requiring in all such cases the certification of them to the Department of Justice for litigation, except in case of sale as stated, which sales are by the section impliedly validated.

The new rule proposed would place the entire burden on the Government of requiring in all cases the making of formal pleadings in court proceedings, of details of fraudulent entries, and of the proofs as well, instead of the easy, practicable method hitherto practiced, of hearings at the local land office, and would require the long formal proceedings in court on confessed fraudulent entries, which have been found very numerous.

Besides, it creates the new rule, a total innouation, that a sale of the entryman's equity, however barefaced and fraudulent, for a valuable consideration passes the title to the purchaser, and the Government is bound.

The law and rule of decision of the Department has always been that the Government only dealt with the entry-man; if he had performed and came with "clean hands" and had sold, the title to him would inure to the purchaser; but the purchaser must use care and see to it that the entry-man performed, because the Government only deals with him. This proposed new rule would be an incentive to fraud, by the prior announcement that all frauds must be certified to the courts, except where the land was sold, in which case the buyer would be protected.

Of course every fraudulent entry would go into the hands of a "purchaser for value."

The old rule is the safest, most expeditious, and best, and has the advantage of being settled and well understood. The House conferees appreciate the force of the argument that it sometimes happens that an innocent settler buys but a fraudulent entry-man's claim and is put to hardship; to relieve this class we have offered the Senate this compromise for their general validating proposal.

We agree to a provision, which we offer, that no matter how fraudulent an entry may have been, we will validate it if it has been sold to a *bona fide* purchaser who is in possession of the land, by himself or tenant, to the extent of 160 acres, and have intimated that we would raise the amount to 320, possibly, rather than have the bill fail; and also, to guard against any alleged harsh rulings by this administration, that the rules in force when the entries were made shall be the rules by which they shall be closed. This protects every honest settler fully, and relieves the purchaser from all frauds of his vendor, the entryman, and modifies the law for his benefit.

But the Senate refuses this.

I prefer that the bill should fail, deeply as I regret it, rather than to see section 8, either as originally presented or as modified, adopted into the law.

I feel sure that if it were adopted there would be no use for the division of the Department for the detection of fraudulent entries, and that every entry hereafter would be made good against the Government.

The old law and rules, with whatever imperfections they may have or whatever occasional hardships they may impose, are infinitely to be preferred to the new rule proposed, if the public lands are worth preserving from unlawful acquisition.

The public demand is for the repeal of these laws. This the House bill meets. The Senate concede this by passing the repeal, but connect with the repeal these condoning provisions which the House refuses, and which have not the approval of any of the officers of the Interior Department.

Nor is the statement true that I declined to sign a report setting forth the disagreement between the committees. I would gladly have done so. I regret that there should be an attempt to fix any responsibility for the defeat of the House bill upon us, and I also regret that there has appeared to be a necessity for raising a question of veracity in the case, but I am compelled to state my knowledge of the facts and present the papers made at the time, in support of it, and in which statement my co-conferees fully concur.

Mr. LONG. Now tell us why we should not agree to that remedy?

Mr. PAYSON. I will tell you why you should not. First, because there is no necessity whatever for it. These laws having been enforced as they have been for the last forty years and more, how does it happen that for the first time in the history of the nation there comes up a demand that there should be an overturning of a well-established, perfectly satisfactory, and orderly proceeding in the Public Land Office?

Mr. WEAVER, of Nebraska. Will the gentleman inform us at some point in his remarks how these Senate amendments would ratify fraudulent entries?

Mr. PAYSON. I will first get through the point I am discussing. The difficulty with the Senate conferees is that in insisting on their amendments they base their position upon the assertion—and this is the ground also of the gentleman from Nebraska [Mr. LAIRD]—that the receiver's certificate as between the entryman himself and the United States is evidence of title. The gentleman from Nebraska, whom I do not now see in his seat, asserts that it is held that the receiver's certificate is evidence of title on the part of the entryman; that the courts have so decided everywhere. I say to you, Mr. Speaker, that I hold in my hand—I will not consume time with it, but will incorporate it in my remarks—a brief of the authorities on this question, and this brief presents numerous and uniform decided cases holding the contrary doctrine.

The Supreme Court of the United States has thus held time and time again until now it is so fully accepted as the settled law that no case is presented in that court asking for a review of the doctrine that the title never passes from the General Government until a patent issues as between the Government and the entryman. Furthermore it has been repeatedly held that the receiver's certificate is simply evidence of the entryman's right—to what? To receive from the General Government a patent for his land, not because the receiver and register have passed upon the matter, but, after it shall have been examined and approved by the superior officers in the Department of the Interior, and that he can not convey any better right than he has. That has always been the practice under the Government.

In the early history of the land laws the question was made in the courts as to whether or not the Commissioner of the Land Office first, and after him the Secretary of the Interior, had any revising power under the public land laws to protect the Government against imposition; and I repeat, the Supreme Court of the United States has always affirmed that doctrine; there has never been a decision even squinting toward the contrary view. The leading case on this question is that of Myers *vs.* Croft, in 13 Wallace. The Supreme Court there lays down the doctrine that as between the entryman and the Government his right to the patent is secure, provided he comes with "clean hands" to the Interior Department.

The brief to which I alluded is as follows: First, on the point that

the entryman can not convey a better right than he has; that the purchaser stands in his shoes:

As against the United States the purchaser takes only what his vender has to convey. In Yost *vs.* Shields (1 Woolworth, 353) the court said:

"It is further insisted on behalf of the defendants that they are *bona fide* purchasers, and that they, as such, are entitled to the protection of the court. I think it pretty clear that some at least of these defendants purchased and paid their money without any knowledge in fact of any defect in the title. Yet they are not *bona fide* purchasers for a valuable consideration, without notice, in the sense in which the terms are employed in courts of equity. And this for several reasons:

"They all purchased before the issue of the patent. The more meritorious purchased after the entry had been assailed and decided against by the Land Office. But this is a circumstance not material to this consideration. Until the issue of the patent the legal title remained in the United States. Had his entry been valid, Shields would have taken only an equity. His grantees took only an equity. They did not acquire the legal title. And in order to establish in himself the character of a *bona fide* purchaser, so as to be entitled to the protection of chancery, a party must show that in his purchase and by the conveyance to him he acquired the legal title. * * * After he had gone through with the process of making the entry, after he received the patent certificate, Shields had no more right or title or interest in the land than he had before. As he had none he could convey no interest in the land. By the deed which he made and by the successive deeds which they received, his grantees took no more than he had, which was nothing at all."

This is a declaration of the law which governs judicial determinations in all this class of cases. It is the law itself as declared by all authorities on jurisprudence, and as settled by legal opinions and judicial decisions from the earliest period of the general pre-emption system to the present day. In 1836 Mr. Attorney-General Butler (3 Op., 92) said:

"The assignee of the pre-emption certificate (supposing it, for the purposes of this opinion, to be assignable) takes it subject to all the equities existing between the original parties—the United States and the settler to whom it was given—even though he had no notice of such equities at the time of the assignment and payment of the purchase-money; and that he can acquire a specific execution of the engagement contained in the pre-emption laws on no other terms than could have been insisted on by his assignor, the original vendee.

"The error of the argument in favor of the assignee consists in assuming that the equities of the parties are merely equal, and that the legal title is in the assignee. The legal title, until letters patent shall have issued, is in the United States; and if their equity is merely equal to that of the assignee, yet it must be preferred, because they have the legal title. The doctrine as to purchasers for a valuable consideration without notice is applicable for another reason. If this were a case in which the parties were both suable the appropriate remedy of the assignee to compel the vendor to complete the title would be a bill for a specific performance. In other words, as the United States are in possession, and refuse to convey, the assignee must necessarily be the plaintiff. But a purchase for a valuable consideration, without notice, is not ground on which to maintain a suit. It can only be used as a defense; it is a mere shield, and not a weapon of attack.

"In all cases of this sort the rule *caveat emptor* is particularly applicable; and if the assignee has chosen to part with his money without providing suitable means of indemnification to meet the contingency of a failure of title in his assignor, he must submit to the consequences of his indiscretion."

In a recent decision by this Department (R. M. Chrisinger, 4 L. D., 347), the honorable Secretary of the Interior said:

"It is insisted by counsel and ably argued at length that the assignees of Chrisinger, being *bona fide* purchasers after entry, are entitled to intervene and have their interests protected, as they took without notice of any defect in the final proof.

"This proposition is not tenable. It involves the principle that although the claim for title while in the hands of the entrymen is worthless on account of his failure to comply with the law, such claim may be strengthened and made a matter of absolute right by virtue of a transfer to an innocent purchaser. The converse of this, however, is true. Conceding the right of sale after the issuance of final certificate and prior to patent, the purchaser takes no better claim for title than the entrymen has to confer, and whatever right is thus acquired is subject to the subsequent action of the Land Department."

It is obviously proper to apply the same rule to the Government in the matter of pre-emption claims that regulates the transfer of property from one individual to another. That rule is *caveat emptor*. It is uniformly so applied.

In the case of Whitaker *vs.* Railroad Company (7 Copp., 86) it was said by this Department under Mr. Secretary Schurz:

"In all cases of purchases of pre-empted lands before the issuance of patents therefor the rule *caveat emptor* is particularly applicable; and if the entries are fraudulent or void the purchasers acquire nothing. And it has been held in cases of entries under the early pre-emption laws having like provisions to those of section 13, act of 1844, and section 2262 Revised Statutes, as well as under later acts, that the doctrine of *bona fide* purchaser is not applicable to one who purchases of a pre-emptor before patent, and that such purchasers must abide by the disposition of the cases by your office or this Department, that they take no better title than their vendors have, and that your office and the Department had full authority to cancel pre-emption entries for invalidity or fraud. The foregoing conclusions will be found to be fully supported by the following authorities, the numerous decisions cited in United States Digest, volume 14, page 59, paragraph 1242 especially,

"Barnes *vs.* Childs, 10 Peters, 179, and Vattier *vs.* Hinde, 5 Peters, 271; Arnold *vs.* Grimes and Chapman, 2 Iowa (Clarke's) Rep., 99; Anketel *vs.* Convers, 17 O. St., 11; 3 Opinions Attorneys-General, 91 and 664; Dupont *vs.* Waterman, 10 Cal., 354; Chew *vs.* Barnet, 11 Serg. & R. (Pa.), 2893; Barnard *vs.* Ashley, 18 How., 43; De Mott *vs.* Starkey, 8 Bard. (N. Y.), Ch., 403; Smith *vs.* Shane *et al.*, 1 McLean, 27; Randal *vs.* Ebert, 7 Minn., 450; Carrol *vs.* Safford, 3 How., 461, 462; Sampeyreac and Stewart *vs.* U. S.,—Pet., 241; Pinson *vs.* Ivey, 1 Yerger, 9 (Tenn.), 302; Craig *vs.* Peeiper *et al.*, 10 Tenn., 193; Oakley *vs.* Ballard *et al.*, 1 Hempstead, 476; Root *vs.* Shields, 1 Wool, 363-365; Shepley *vs.* Cowan, 1 Otto, 340; Moore *vs.* Robbins, 6 Otto, 530; and Timlins *vs.* Elliott, above cited."

"Further decisions upon the same point are: Harkness *vs.* Underhill, 1 Black, 31; Garland *vs.* Wynn, 20 How., 6; Gray *vs.* Stockton, 8 Minn., 472; Hill vs. Miller, 36 Mo., 183; Bettis *vs.* Amonett, 4 La., 363; Pepper *vs.* Dunlap, 9 Rob. (La.), 283; Kittridge *vs.* Herbert, 9 La. An., 154; Souddy *vs.* Shaffer, 10 La. An., 134; McLane *vs.* Bovee, 35 Wis., 27; Haydel *vs.* Nixen, 5 La. An., 558; Guidney *vs.* Woods, 19 La., 337; Vance *vs.* Kohlberg, 50 Cal., 346; Hesters *vs.* Breunan, 50 Cal., 211; Smiley *vs.* Sampson, 1 Nebr., 56; Franklin *vs.* Kelley, 2 Nebr., 79; Kellon *vs.* Easley, 1 Dillon C. C., 281, and numerous others."

It must be conceded that the law is well settled that the same rule not only ought to be applied but is applied to the Government that regulates the transfer of private property from one individual to another. What is sought by spoliators of the public domain is to induce Congress to ingraft in the statutes the principle that the Government cannot avail itself of the common rules of law applicable to transfers of property between individuals, to assert the somewhat exploded doctrine that the United States has no power to protect its own property.

In private transactions *bona fide* purchasers for value after deed are protected. So in respect to public lands. *Bona fide* purchasers for value, after patent, are protected. But neither in private nor in public transactions can purchasers before deed or patent demand a conveyance from the legal owner of the property, nor do they possess the character or have the standing of *bona fide* purchasers.

The propositions that the transfer of a claim adds anything to its efficacy against the United States, or that a certificate of purchase is in the nature of an investiture of title, or that the purchaser of an entry before patent is in any legal sense an innocent purchaser, are refuted by decisions hereinbefore cited. Many others might be referred to.

In Irvine *vs.* Marshall, 20 How., 555, it was held that although a certificate may be the subject of bargain and sale yet the United States can take care that conveyance shall be to him who is in good faith its vendee, and the court said:

"The reception of the certificate of purchase as evidence of title may be regular and convenient as a rule of business, but it has not been anywhere established as conclusive evidence, much less has it been adjudged to forbid or exclude proofs of the real and just rights of claimants."

A mere declaration in writing by a vendor that the vendee has paid the purchase-price of land, and that he intends to give him a deed, is not a document purporting to convey title. (Osterman *vs.* Baldwin, 6 Wall., 116.)

Legal title does not pass by contract of purchase without deed, and one who holds or claims by contract only is not protected as a *bona fide* purchaser for value. (Boone *vs.* Chiles, 10 Pet., 177.)

It will not do for a purchaser to close his eyes to facts which are open to his investigation for the exercise of that diligence which the law imposes. Such purchasers are not protected. (Boush *vs.* Wall, 15 Pet., 111.)

Purchasers by quitclaim deed even are not regarded as *bona fide* purchasers without notice. (Oliver *vs.* Piatt, 3 How., 333; May *vs.* Le Claire, 11 Wall., 217; Dickerson *vs.* Colgrove, 100 U. S., 578.)

Party without title can not acquire it by payment of taxes on land. (Homestead Co. *vs.* Valley R. R., 17 Wall., 153.)

A purchaser of land must look to every part of the title which is essential to its validity. (Brush *vs.* Ware, 15 Pet., 112.)

States have no power to declare certificates of purchase of equal dignity with a patent. (Bagnell *vs.* Broderick, 13 Pet., 436.)

If, before patent issues, the land department finds the entry erroneous it may treat the assignment as void, and, notwithstanding it, set the entry aside. (Franklin *vs.* Kelley, 2 Nebr., 79.)

The act of 1841 provides that the entry shall be made with the register of the land office. The acts organizing the Land Department of the Government provide that the action of the register shall be subject to revision and supervision by the Commissioner of the General Land Office; and entry with the register is dependent upon the approval of his superior, so far as the course and order of the business go; and, without the affirmative action of the Commissioner, the patents issue. It would be a great evil if a party claiming a pre-emption right could, as soon as his entry was made, convey the land to a third party, and thereby prevent the Commissioner from re-examining and disapproving the entry if it was erroneously allowed. Such course would expose the Government to serious loss, and pervert a statute conceived in a wise policy and a generous spirit into a means of perpetrating the greatest frauds. This is the mischief aimed at. The object was to protect the Government, and in this view the language—that the right secured by the act should not be assigned—is apt. As between the claimant and the Government, his interest is a right merely until the patent issues. It is subject to reinvestigation and, on inquiry, to be disregarded by the Department. Until the patent issues, it is treated by the Government not as a title, but as a right or a claim of right.

I admit that if an entry under the act is made with the register, and the Commissioner finds that it was illegally allowed, as, for instance, if the entry is upon lands not subject to pre-emption, and he sets it aside, a conveyance intermediate the entry and the official act of vacating it would be void. Such a conveyance would be within the mischief. But if a valid entry be made, and a patent issued upon it, a conveyance intermediate those two acts would not be within the mischief. The issue of the patent is a confirmation of the entry; it relates back to it, and takes effect from it. (Astrom *vs.* Hammond, 3 McLean, 107.)

The courts have often ruled that where the right to a patent has once become vested in a purchaser of public lands it is equivalent, so far as the Government is concerned, to a patent issued. (Stark *vs.* Starrs, 6 Wall., 402; Simmons *vs.* Wagner, 101 U. S., 260.) But none of these decisions hold that the certificate and receipt of the register and receiver is conclusive evidence that a right has vested, nor that a patent is not necessary for the conveyance of the legal title. In Myers *vs.* Croft, 13 Wall., 291, the court says that the pre-emptor could sell after entry if he came up and made his proof and payment "with clean hands." But he must be in good faith the owner of the land and have "done nothing inconsistent with the provisions of the law on the subject."

Again, on the question of the power of the department to cancel entries, it may be said that the validity of a conveyance depends upon the validity of the entry, and that has always been a proper subject of inquiry by the Land Department at any time before patent issues, and by the courts in a proper proceeding afterward.

In the case of Harkness *vs.* Underhill (1 Black., 316), counsel for plaintiff urged that—

"The register and receiver having sold the land to Waters in conformity with the instructions of the Commissioner of the General Land Office had no further power or jurisdiction over it. Neither had the Commissioner of the General Land Office power to set aside the sale even for fraud. This could only be done by judicial authority."

Counsel for defendant in reply cited the language of the supreme court of Missouri in Green *vs.* Hill, 9 Mo., 322:

"It is the duty of the Commissioner of the General Land Office to revise the proceedings of the register and receiver and vacate entries which may have been illegally made, and thereby arrest the completion of a title originating in fraud, mistake, or violation of law." And to the same effect: Perry *vs.* O'Hanlon, 11 Mo., 585; Huntsucker *vs.* Clark, 12 Mo., 333; Nelson *vs.* Simms, 23 Miss., 383; Glen *vs.* Thistle, 23 Minn., 42; Mitchell *vs.* Cobb, 13 Ala., 137; Dickinson *vs.* Brown, 9 Smeade & Marshall, 130; Gray *vs.* McCance, 4 Ill."

The court (Mr. Justice Catron) said: "The question is again raised whether this entry having been allowed by the register and receiver could be set aside by the Commissioner.

"This question has several times been raised and decided in this court upholding the Commissioner's powers. (Garland *vs.* Winn., 20 How., 8, Lytle *vs.* The State of Arkansas, 22 How)."

In Barnard *vs.* Ashley (18 How., 43), the court said that the power of supervision by the Commissioner of the General Land Office "is exercised by virtue of the act of July 4, 1836, which provides 'that from and after the passage of this act the executive duties now prescribed, or which may hereafter be prescribed by law appertaining to the survey and sale of the public lands of the United States, or in any wise respecting such public lands, and also such as relate to private claims of land and the issuing of patents for all grants of land under the authority of the Government of the United States, shall be subject to the supervision and control of the Commissioner of the General Land office, under the direction of the President of the United States.'

"The necessity of 'supervision and control,' vested in the Commissioner acting under the direction of the President, is too manifest to require comment, further than to say that the facts found in this record show that nothing is more easily done than apparently to establish, by *ex parte* affidavits, cultivation and possession of particular quarter-sections of lands, when the fact is untrue. That the act of 1836 modifies the powers of registers and receivers to the extent of

the Commissioner's action in the instance before us, we hold to be true. But if the construction of the act of 1836 to this effect were doubtful, the practice under it for nearly twenty years could not be disturbed without manifest impropriety.

"The case relied on, of Wilcox *vs.* Jackson (13 Pet., 511), was an ejectment suit, commenced in February, 1836; and as to the acts of the register and receiver, in allowing the entry in that case, the Commissioner had no power of supervision, such as was given to him by act of July 4, 1836, after the case was in court.

"In the next case, 9 How., 333, all the controverted facts on which both sides relied had transpired and were concluded before the act of July 4, 1836, was passed; and therefore its construction, as regards the Commissioner's powers under the act of 1836, was not involved, whereas, in the case under consideration, the additional proceedings were had before the register and receiver in 1837, and were subject to the new powers conferred on the Commissioner.

"In Vaquire *vs.* Tyler (1 Black, 195), the court recognized and affirmed the 'plenary powers conferred upon the Commissioner by the act of July 4, 1836,' and said that the powers of the Secretary of the Interior under the act of March 3, 1849, to revise on appeal is 'necessarily coextensive with the powers to adjudge by the Commissioner.'"

In Shepley *vs.* Cowan (91 U. S., 340), the court say:

"The officers of the Land Department are specially designated by law to receive, consider, and pass upon proofs presented with respect to settlement upon the public lands with a view to secure the rights of pre-emption."

In the case of C. P. Cogswell, decided by Secretary Teller July 21, 1884, it was said:

"In the case of Moore *vs.* Robbins (96 U. S., 530) as to one 40-acre tract there under consideration, there had been two sales and two final certificates issued; one to the pre-emptor and one to a purchaser at a public sale. The court held that the Secretary of the Interior (the contest having reached him on appeal) 'had the authority undoubtedly to decide finally for the Land Department who was entitled to the patent; and though no patent has been issued, that decision remains the authoritative judgment of the Department as to who has equitable title to the land.' As to the other forty, patent having been issued, the decision held that all jurisdiction had passed to the courts.

"In the case of Harkness *vs.* Underhill (1 Black, 316) an entry had been made and a final certificate issued and recorded in the county recorder's office, when the question was raised whether the entry, having been allowed by the register and receiver, could be set aside by the Commissioner. The court held that the question had several times been raised and decided in the affirmative by that court, and cited Garland *vs.* Wynn (20 How., 6) and Lytle *vs.* State of Arkansas, 9 How., 314).

"In the case of Horace Whitaker, *ex rel.* Nathan H. Garretson, *vs.* Southern Pacific Railroad Company, decided by this Department in July, 1880 (2 C. L. L., 919), Whitaker was the pre-emptor, who had made proof and payment and had received a final receipt. Garretson was a *bona fide* purchaser of the land from Whitaker, and held under a deed executed by him some months after he received the final certificate. Upon a hearing ordered and had subsequently to the issuing of the final certificate, it was found that Whitaker's pre-emption affidavit and pre-emption proofs were false and fraudulent, and upon such finding it was held that 'Garretson's claim, so far as the Department was concerned, was defeated.' It was further held, 'that the doctrine of *bona fide* purchaser is not applicable to one who purchases of a pre-emptor before patent; that such purchasers must abide by a disposition of the cases by your office or this Department; that they take no better title than their vendors have; and that your office and the Department had full authority to cancel pre-emption entries for invalidity and fraud.'

"The case of Margaret S. Kissack, decided by this Department in September, 1880 (2 C. L. L., 421) was that of a commutation of a homestead entry. Kissack purchased the land by deed, and claimed 'that patent ought to issue for her benefit as a *bona fide* purchaser for a valuable consideration.' It was found that Frazier, the entry-man 'had failed to comply with the requirements of the homestead law,' and it was again held that 'Kassack purchased no better title than Frazier had, and took subject to the action of your office upon the entry.'

"In Root *vs.* Shields (1 Wool., 340) the sale was made after entry, but before patent. Mr. Justice Miller states in his opinion that some at least of the 'defendants purchased and paid their money without any knowledge in fact of any defect in the title. Yet they are not *bona fide* purchasers for a valuable consideration without notice in the sense in which the terms are employed in courts of equity.'

"Congress has assumed that your office has the power to cancel entries after payment and final receipt, by providing, in many instances, for the repayment of the purchase-money 'upon the surrender of the duplicate receipt.'

"The petition sets forth that the laws of Minnesota, where the lands in question are situated, declare that thefinal receipts shall be received in the courts as *prima facie* evidence of title. But the courts of Minnesota have repeatedly decided that 'parties purchasing from pre-emptors before the issuance of the patent take subject to the authority of the Commissioner of the General Land Office to cancel the pre-emption entry and defeat the rights acquired by it.' See Randall *vs.* Edert (7 Minn., 369), Gray *vs.* Stockton (8 Minn., 472). Both of these cases show that after payment and final receipt the lands had been transferred several times, and at the time the entries were canceled were obviously held by *bona fide* purchasers for valuable consideration.

"The practice of your office and the law as settled by the courts is not inconsistent with the character of the title which arises upon payment and final certificate, conceding, as we do, that the 'right to a patent once vested' is 'equivalent to a patent issued,' and that a certificate can no 'more be canceled by the United States than a patent.'

"Generally, then, a patent may be canceled for the same causes that would authorize the cancellation of a certificate. For instance, a patent may be canceled 'if there be any equitable reason as against the Government' why the patentee should not retain the patent; 'if it has been issued without authority of the law or by mistake of facts or by fraud of the grantee, the United States can by a bill in chancery have a decree in chancery annullinge the patent.' 'Nor is fraud the only ground upon which a bill will be sustained. Patents are sometimes issued unadvisedly or by mistake, where the officer has no authority in law to grant them, or where another party has a higher equity and should have received the patent; in such cases courts of law will pronounce them void.' (See United States *vs.* Stone (2 Wall., 535), United States *vs.* Schurz (102 U. S., 404).

"If the patent has issued, the jurisdiction to make cancellation is in the courts; and if your office has improperly issued a patent, it can not issue a second while the first remains outstanding (Moore *vs.* Robbins, 96 U. S., 530).

"But, as we have seen, your office has jurisdiction for proper cause to cancel entries, after payment and final certificate, before patent. The principle upon which the cancellation proceeds in the case of either final certificate or patent is essentially the same; the tribunals are different.

"Although your office may be informed of the fact that a pre-emptor (who has complied with the law) has sold his land after final certificate, nevertheless it will issue the patent to the pre-emptor. The instances are exceptional, and are expressly pointed out by statute, where the patent for public lands issues to the transferee.

"The Land Department deals directly with the pre-emptors, with its own vendees, with the persons with whom it contracts. It can not undertake to follow the transfers of the grantees, to settle the questions which may arise upon such transfers, and attempt to adjust the character of alleged *bona fide* purchasers for value from its own grantees. The Government issues the patent to the pre-emptor, and such questions, if they arise, must be determined by the courts. See Kissack's case (*supra*).

"Purchasers from persons who hold final certificates purchase with notice that the Land Department is but an administrator of the law, and that it has no authority to issue patents to pre-emptors or entrymen who have not complied with the law or have procured their certificates by fraud.

"The petition, therefore, so far as it proceeds upon the ground that the petitioner is a *bona fide* holder for a valuable consideration, and should therefore be protected and patent issue without regard as to whether the pre-emptor complied with the law or procured his final certificate by fraudulent practices, must be denied.

"The petitioner, however, alleges that the final proofs of the pre-emptors complied strictly with the law; that the proofs taken upon the hearing ordered, and upon which the entries were canceled by your office, were uncertain, indefinite, and not sufficient to authorize such action; and that he had no notice of such hearing.

"This Department has recognized the right of the purchasers to appear and be heard upon the question whether the entry-man has complied with the law (Whitaker, *ex rel.* Garretson, *vs.* Railroad, *supra.*) Such a purchaser would be a proper if not necessary party in a bill to cancel a patent alleged to have been procured by fraud."

Therefore, the principles settled by the courts are that the action of registers and receivers in admitting an entry of public lands is not conclusive, but is subject to review by the superior officers of the Land Department, by appeal in cases of contest between private parties, and as a matter of executive supervision in cases not of individual contest; that the latter are cases between the Government and the entry-man alone; that assignees before patent have no standing as innocent purchasers; that the right of the entry-man to sell after certificate has issued and before patent, is simply of such interest as he has; no more; that until patent issues on public-land entries the legal title to the land remains in the United States; that the Commissioner of the General Land Office may reject and cancel unpatented entries for illegality and fraud; that this is necessarily an act of executive jurisdiction; that the duties of supervising the disposal of public lands are executive duties and are not the subject of judicial interference; that the question of passing the title of the United States upon an entry of public lands under the public-land law is essentially a question of executive and not of judicial determination; that the point where the jurisdiction of the courts begins is the point at which executive jurisdiction ceases, namely, after patent has been issued, when, in a proper proceeding, the courts may intervene to correct the errors of executive action; and that it is only after the conveyance of legal title by patent that purchasers for value are protected by the courts.

This, sir, is, as I believe, the settled law of this matter; it is well understood and works well in the Department, and is only complained of among those interested, by such as are evading the plain, easy terms of the law.

There never has been any difficulty in the execution of the law until the last year of Mr. McFarland's administration as Commissioner of the General Land Office. Then applications for patents upon these fraudulent entries came in so rapidly, volume after volume, that finally it came to be noticed in the Interior Department that there was something wrong.

The inquiry was suggested, "Why is it that so many of these entries are coming in?" For it was noticed that frequently hundreds and hundreds of them were made on the same day—made by men living in a locality thousands of miles away from the land. I have now in my mind one made by citizens of Cook County, Illinois, in the interest of a prominent merchant of that city; ninety-eight entries, I think, purporting to have been made in a single day by citizens of that county.

Upon an investigation, these gentlemen said, "We were never out there at all, and do not know anything about it." Some of them were employés of this merchant, who stated that they signed the paper because they had been requested to do so.

Thus, when the Department began to look into the matter, it was found that these things were being done in a manner to constitute a fraud upon the system. These applications were held up, not by a formal suspension, but there was delay for the purpose of examination. And there never has been a complaint made of the practice of the Department in this matter—a practice authorized by the law of 1842, and sustained by uniform decisions of the Supreme Court of the United States—until within the past two or three years, when the cry has gone up for a change in the remedy, and when made by parties in interest, always, mark the word, always by those holding doubtful claims.

For, Mr. Speaker, in all my experience here I have never known of a half dozen cases of complaint against the present system made by men claiming 160 acres or less of public land; the complaints that have come to my knowledge are always by speculative holders, moneylenders, or parties claiming large areas of land.

Again, gentlemen here assume that the settler is deprived of any hearing; that every proceeding before the local land office is *ex parte.* The gentleman from Kansas [Mr. PETERS]—and what he said was said deliberately, for I noticed that he was reading a prepared speech from manuscript—cited a case which he said was typical of the entire situation—a case in which the original entry-man sells out to another man, who goes into possession, builds his house, plows his land, plants his orchard, and does everything of that kind in entire ignorance of the fact that some special agent has made a report upon which the original entry was canceled, and he hears for the first time the fact after the entry is canceled, so that this innocent settler is compelled to buy his land from somebody who contests his title. Now, let me be understood by everybody in this House. There never was a time in the history of the Interior Department except, perhaps, about fifteen days, during which a decision of the Commissioner of the General Land Office, subsequently overruled by the Secretary of the Interior, was in operation—with this exception, there never was a time when under the practice of the Department, in case of a contest, the entryman has not been

notified; and not only he, but every party who may be in possession—and everybody whom the Department can ascertain as a transferee or mortgagee—is notified not only with reference to the fact that there is a contest as against the land, but more than that, every one interested is put in possession of the knowledge of what the special agent's report is.

I have before me a copy of the notice which is served in such cases. Here is a form of notice such as was served upon a cattle company in Wyoming. This is the notice:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., February* 11, 1887.

GENTLEMEN: Henry R. Hudson made pre-emption cash entry No. 147 December 8, 1883, of the S. E. ¼ Sec. 1, T. 5, R. 38 W., alleging in his proof to have settled December, 1882, surveyed the land, and built a house; has 300 posts for fencing; broke 2 acres, 1½ acres cultivated; value of improvements, $75; residence continuous; is a single man; used land for stock-raising.

On December 24, 1886, Special Agent George B. Coburn reported that he had made a personal examination of said tract and found no improvements of any value on the tract in April, 1886, except wire fence, which, according to claimant's own statement, was made subsequent to proof. Claimant never established a residence on the land. He now has a wife, and is residing at Culbertson, Nebr. The entry was made at the instance and in the interest of one Thomas Cooper, who was a stockman having heavy interests in the vicinity of the land in controversy.

Entryman also admits that the declaratory statement upon which entry was based was not signed by himself; it is, therefore, a forgery. Land was conveyed to Cooper September 7, 1883, by warranty deed for $500, from Cooper to W. J. McGillen two months prior to September 7, 1883, and has since been conveyed to the "Harlem Cattle Company."

Said entry is accordingly held for cancellation.

You will give claimant and transferees due notice of this action, informing them of the nature and substance of the special agent's report, as set forth above, and advising them that they will be allowed sixty days in which to apply for a hearing to show cause why said entry should be sustained, in accordance with circular instructions of July 31, 1885, and that if they fail to show cause why this entry should be sustained the same will be finally cancelled.

Respectfully,

WM. A. J. SPARKS, *Commissioner.*

REGISTER AND RECEIVER,
*McCook, Nebr.*

Similar notice is given in all cases under an imperative order of the Commissioner.

What more can be asked? The claimant and transferees are given due notice of this action. They are informed of the nature and substance of the special agent's report, as set forth above. Not that there is simply suspicion against him, but the substance of every fact the General Government has against that man, and advising them that they will be allowed sixty days in which to apply for a hearing and show cause why said entry should be sustained in accordance with circular instructions.

These notices are served on everybody interested. Then comes the hearing. Now, members will assume from what has been said by gentlemen living in the West these hearings are *ex parte*, and that the burden of proof is upon the entry-man to show what he has done was done in good faith. Everybody, I doubt not, within the hearing of my voice, listening to this debate, with the exception of the gentleman from Maine [Mr. REED], to whom I showed this paper—but we will come to that after awhile—everybody, I say, within hearing of my voice believes that the entry-man has to go there and make what proof he can. Now, what has been the settled law by the Department—and I have a decision in my hand showing exactly what it is; and perhaps I can not occupy the time of the House better than in correcting misapprehension as to what the proof is. In the first place, there must be notice in it, the substance of the report of the special agent, stating the facts, and setting apart a time for the hearing.

If the claimant or party in interest, purchaser or mortgagee fails to appear at the hearing, then the entry is canceled, but in all cases with the right of appeal; but if in reply to the notice the claimant or any party in interest offers to show cause, the hearing is ordered. Then before the claimant is required to offer evidence on his part the Government presents its testimony, and instead of the burden of proof being upon the entry-man the burden of proof is put upon the Government, and it is required to establish the truth of the charge by such witnesses as may be produced.

A MEMBER. Then the report is only advisory.

Mr. PAYSON. It is only advisory; is not treated as proof on the hearing; and, moreover, the entryman is put in possession of every fact the Government has. It notifies the entryman of exactly what charges he is required to meet.

This, sir, is the official direction to officers in cases of alleged fraud, or contest on account of it:

When from the report of a special agent it appears that an entry is fraudulent, or from any other cause its validity should be inquired into, such entry should not be canceled upon the report of the agent or the testimony accompanying it, but should be held for cancellation, and the entry-man should be notified of such action and allowed sixty days in which to apply for a hearing to show cause why the entry should be sustained; and if it appears from the report of the special agent that the entry has been transferred, the transferee shall also be notified as well as the original entry-man. If at the expiration of such time the claimant fails to apply for a hearing to show cause, the entry should then be canceled by the action of your office.

But if in response to such notice, the claimant offers to show cause why the entry should be sustained, a hearing should be ordered, at which the Government should offer proof to sustain the allegation that the entry is illegal or fraudulent before the entry-man shall be required to present his defense. Such hearing is a proceeding *de novo*, at which the register and receiver should not consider the *ex parte* testimony contained in the agent's report, but in all such cases where the entry has been regularly made and final certificate issued, the burden of proof is on the Government, and it will be required to establish the truth of the charge at the time of the hearing by the examination of the special agent or such other witnesses as may be produced, so that the entry-man may have the opportunity of cross-examination as allowed by law. This rule was clearly announced in the case of George T. Burns (4 L. D., 62), and will be strictly adhered to. See also James Copeland (Ib., 275).

You can see, sir, how accurate the statements are which have been made with reference to these proceedings by gentlemen who oppose this bill.

The gentleman from Nebraska [Mr. WEAVER] asks why this should not go to the courts, as provided in the eighth section. The eighth section overturns the law of the land by assuming the title is in the hands of the entry-man when he gets his certificate, as I have shown in the brief I have presented. That has never been held to be the law. It puts the burden on the Government in a slow, formal, legal proceeding against the party, and in order to show in what the fraud consists and set out all details of it.

In the second place, the Senate bill provides that in cases of fraud the case must be certified to the Attorney-General, unless the land has been sold, &c., then it can not be, thus validating everything that has been disposed of by the entry-man.

Mr. PERKINS. Is not the gentleman mistaken as to that?

Mr. PAYSON. No, sir. I have the printed bill before me, and it so reads.

Mr. COBB. No; it has not been stricken out; not a word of it.

Mr. PAYSON. In the bill which I have here it is provided—

That unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor.

Mr. STRAIT says so, and Mr. COBB says not.

Mr. COBB. I assert as a matter of fact it never was stricken out or agreed to be stricken out.

Mr. PERKINS. The gentleman is mistaken in that, I think.

Mr. STRAIT. The Senate conferees did agree to strike it out.

Mr. COBB. I say they did not.

Mr. STRAIT. Well, I say they did.

Mr. PAYSON. Mr. Speaker, whether that is true or not, it does not weaken the argument, because it provides (that is, the amendment as now written) that in those cases wherever there is fraud discovered to the satisfaction of the Commissioner, if the party claiming the title shall request it in writing, it shall be the duty of the Commissioner of the Land Office to hold the entry for cancellation, and certify the entire matter in dispute to the Department of Justice for adjudication by legal proceedings, in which case the United States shall be made the plaintiff, throwing the burden of proof upon the Government, and the party claiming title the defendant, and the trial shall be proceeded with under all the ordinary forms of law. Now how will this operate if this provision of the bill should be adopted by the House?

Take, for instance, the Swan Cattle Company, of Wyoming, covering an area as large as Rhode Island. They hold their lands by assignment from men who have removed—no one knows where. Nobody knows where they are, and it would be impossible to reach them. You have then to assume the responsibility of filing a bill that there was something wrong in the original entry, and undertaking to litigate as against the parties in possession who merely assert in response to your plea that they are purchasers in good faith and that they are to be protected in every right. I think that is the exact language of the bill:

And all purchasers under the original claimant shall be made parties to such proceedings, and may defend in their own right.

That is the language they put in. Now, where is the necessity for such a proceeding? It is practically an impossibility on the part of the Government to do this. The Government practically makes a present of the lands to the men who will go and occupy them under the present laws. It imposes no hardship upon them to make the proof required to the satisfaction of the officers of the Government, and if at the end the Secretary of the Interior shall refuse to recognize their rights upon appeal, the party may always, for the courts are always open, go into the courts for the maintenance of the rights he may claim to have, and which he alleges are interfered with. The Government should have control of the land till the title passes, as a matter of public policy, and purchasers from the entry-man should see that he has performed. This is the well understood law and it ought not to be changed.

Every person with whom I have been brought in contact who is in favor of the perpetuation of the present system, and others who are in ignorance of the exact condition, but who doubtless desire to do right in protecting the public domain, admits that only by such means as the House proposes can we retain the small remnant of our public lands for the benefit of future settlement.

The Secretary of the Interior has carefully examined this section, and summarizes his objections to it as follows:

The provision in section 8, lines 17 to 22, requiring judicial proceedings to cancel a final entry, I totally disapprove of for the following reasons: First, it is a radical departure from the letter and the spirit of all former land laws; second, it assumes that title passes out of the United States by an entry or location, whereas both the Department and the courts have almost invariably held to the contrary; third, it divests the Land Department of a jurisdiction over entries

which it has always exercised, which does and of right ought to belong to it until the issue of patent, and for the exercise of which adequate quasi-judicial machinery has been or may be devised; fourth, it will provoke a multiplicity of suits, since it contemplates a complete trial in the Land Department and another in the courts, with the result of an increase of expense both to the claimant and to the Government; fifth, it will prolong controversies over the issue raised, often for several years, whereas the preliminary trial, with the appeals, must also usually consume one or more years, and it will thus tie up the land for an unnecessarily long period in the hands of persons adjudged by the Department to have entered by fraud, and to the great and often irreparable damage of other and *bona fide* adverse claimants; sixth, it will result in flooding the courts with the already great quantity of contested entries, whose number will be vastly augmented by the resistance of those fraudulent entry-men who now never take an appeal when their wrongdoings have been exposed; seventh, it will discourage the institution of contests, for it will create delays and finally take the conduct of the cases away from the contestants, who are under existing laws the best safeguards against fraudulent entries, which are so readily made by reason of the *ex parte* proceedings at final proof; eighth, it is opposed to sound policy, for the reason that the surest guarantee of *bona fide* settlement and entry is facility of contest, followed by a swift, sure trial, and a summary cancellation upon proof of the fraud.

I am of opinion that this provision, which would be an incentive to and a protector of fraud, should be eliminated, and that instead thereof the following provision should be inserted: "The Commissioner shall suspend the issue of patent and hold the entry or location for cancellation, with right of appeal to the Secretary of the Interior; and if appeal be not taken as prescribed by the regulations, or if the Secretary should affirm the decision of the Commissioner, the entry shall be canceled and the land and all moneys paid therefor shall be forfeited to the United States."

Where, then, is the demand for this kind of legislation proposed by the Senate? I do not know, except the three or four gentlemen from Kansas and the gentleman from Nebraska. I do not know of anybody who is opposing the proposition of the Public Lands Committee; but I do know, sir, that there has been a demand from all over the land for the repeal of these vicious laws as independent propositions that this House and the Senate of the United States ought to heed.

I speak within bounds when I say that now in the room of the Committee on the Public Lands there are petitions filed by more than 150,000 voters of this country demanding the entire repeal of these laws. More than 150,000 voters of the laboring men of this country have petitions for the passage of this bill repealing the pre-emption law, the timber-culture law, the commutation feature of the homestead law, and the desert-land act. It seems as though that wave of public sentiment is spending itself without results.

It is the old contest of capital against popular sentiment, and, as usual, it looks as if capital would win.

It is the struggle of the monopolist against the people, and, as usual, the people must, it seems, yield.

By delay, inaction, and insisting upon all sorts of amendments, this bill will probably be killed again, and under the provisions of these laws and the frauds rendered possible by them, the process of making millionaires and paupers at the same time will be continued.

Immense estates are being created which will in time breed trouble in this land.

It seems to be regarded by some that it is of more importance to have grazing grounds for immense herds of cattle, secured by capitalists illegally, than to preserve the lands for homes for men and their families; but I shall continue to keep up my protest and perform my duty so long as my voice can command attention or my vote exert an influence.

Sir, no attention is paid to these monster petitions of the laboring men, nor to public sentiment as shown by the newspapers of the land and the votes in this House; but we, your committee, and the strong majority in this House, on both sides of the Chamber, are endeavoring, in obedience to that sentiment, to pass this bill; and if the time shall come when a change in the form of remedy shall be deemed expedient we propose to present for the consideration of this body that kind of a bill which we believe to be proper and right to pass. We do not believe that this is such a bill. We believe that it would be subversive of the very best interests of the Government, and in that we have the approval of the Secretary of the Interior, Mr. Lamar, and the Commissioner of the General Land Office, Mr. Sparks, and their predecessors in office for four years.

Mr. LONG. If the eighth section is objectionable, can you not put it in some form so as to preserve to actual settlers or purchasers the right to go into court for the purpose of settling title?

Mr. PAYSON. I have said, Mr. Speaker, that we have offered that to the Senate in our proposal to it, to validate all entries in the hands of purchasers who were settlers, and that has been refused, and a careful section was drawn by the gentleman from Missouri [Mr. STONE] and I had something to do with suggesting it, the substance of which was that in any case such as the gentleman from Massachusetts suggests, the party would have the right on his own motion to go into any court he might choose, and a notice sent by the clerk of that court to the Secretary of the Interior should be regarded as a sufficient notice to the Government, and thereupon the court should have jurisdiction, and could go on and settle the question according to the judicial practice of the country in other cases.

That proposition was offered the Senate conferees, and they, I was about to say, almost scornfully refused to entertain it. They asserted, as do some gentlemen on this floor, that they never would assent to any proposition that allowed the Interior Department to have any revising power over the entries of the public lands as to facts presented after the receiver had issued his certificate; that everything of the kind must go to the court and the United States Government must be plaintiff. I appeal to my colleague, the gentleman from Missouri, as to the accuracy of my statement.

Mr. STONE, of Missouri. The gentleman's statement is entirely correct.

Mr. PAYSON. It is intended by the Senate to divest the Interior Department of this power which it has exercised rightfully and properly under the law since the origin of the land system. But I believe with the firmness of a religious conviction that the best interests of this country would be endangered by divesting the Department of all that power and setting all these things afloat on the sea of litigation, under the direction of the Department of Justice, putting the entire burden on the United States Government as plaintiff in formal litigation. How long would it take to flood every court in the land with all these cases now pending in the Interior Department?

Under the eighth section thousands of entries involving many millions of acres of lands in the Territories would be transferred to the Department of Justice.

Mr. Speaker, I yield to no man in my desire to stand by the workingmen of this country, and by the men who are out on the frontiers endeavoring to make their homes there under the beneficent laws of the General Government.

I have lived too long in the great West, and have had too many experiences in common with them, to have any other feeling.

I have not forgotten the days of my early boyhood. I went to Illinois when it was the frontier; while the Indians were still in the Green River country and in sight from the door of the little log-cabin erected by my father for our home. My experience till early manhood was that of all others who in poverty led the life of toil incident to all farmers under like circumstanees.

With these experiences fresh still in my memory, let no man say that by any act of mine a straw shall be laid in the way of the man who has endured the privations of building up a home under such circumstances. But I stand here as I have done for six years, in the way of the torrent of robbery, perjury, and crime that has swept over the land despoiling the Government of what it should preserve to future generations for the benefit of the homeless and the landless. [Applause.]

[Here the hammer fell.]

Mr. STRAIT. I have section 8 here as proposed to be amended by the Senate and the clause which was referred to is stricken out as the gentleman from Illinois found when he came to read it; lines 15 and 16 have been stricken out of the bill, and that was as proposed by the Senate conferees.

Mr. COBB. I do not think it amounts to much what we have agreed to or what we have not agreed to as we have not agreed on the main proposition. But I say emphatically no such proposition came from the Senate conferees as the one suggested by my colleague on the conference committee, and in making that statement I think I will be borne out by the gentleman from Missouri [Mr. STONE].

Mr. STRAIT. The gentleman from Indiana is entirely mistaken. I have the bill here as prepared by the Senate conferees.

Mr. COBB. Yes; but it never was presented to us.

Mr. STRAIT. The proposition was made to the House conferees.

Mr. COBB. I do not desire to engage in a controversy about it. I say it is not true, and I stand by that assertion.

Mr. STRAIT. I say it is true. They did propose it.

I yield to the gentleman from Nebraska [Mr. LAIRD] for five minutes.

Mr. LAIRD withholds his remarks for revision. [See Appendix.]

Mr. PERKINS. Mr. Speaker, I believe I have three minutes left?

The SPEAKER. The gentleman has four minutes remaining.

Mr. PERKINS. Mr. Speaker, I simply desire now, in conclusion, to call the attention of the House to the fact that the controversy, as I have before suggested, is as to whether or not these men occupying these lands, these innocent purchasers, whether these settlers shall be given a hearing in court before they are stricken down and all they have in the world is taken from them. That is the question and the only one. The gentleman from Illinois [Mr. PAYSON] admits that the Senate conferees have agreed that the timber-culture act and the pre-emption act shall be repealed, and the only question between them and the House conferees is, shall this right which we are contending for be extended to these settlers and *bona fide* purchasers?

Has the gentleman from Illinois given any reason why that should not be done? He has indulged, as I suggested he would, in the cry of "fraud." He has attempted to frighten gentlemen upon the floor of this House by that specter; but shall we be deterred from discharging our duty by such an appeal as that? Does the present law give any relief to these people? The gentleman will consent, if he consents to that which is true, that these settlers have no appeal from the decision of the Commissioner of the Land Office to the Secretary of the Interior when their interests are stricken down. They have no compulsory process by which they can bring their witnesses into court, or into the Land Office to defend their rights. The register and receiver have no power to compel the attendance of a witness in the interest of the settler, and, as I have suggested, when the right of the settler is stricken down by the decision of the Commissioner, the settler has no appeal to the Secretary of the Interior.

All that is conceded to him under the present practice is the poor privilege of bringing his witnesses to the local land office and establishing his right again, if he can. The original settler may have moved away, the witnesses may have died—no matter what the circumstances are, the man has no opportunity to defend himself, and no remedy except the inadequate one which I have stated. Under the present practice the decisions in the Secretary's office are much delayed, and if these entries are to be suspended and the present practice is to continue, when can the settlers have an opportunity of being heard? In what vista of time can they have a chance to defend their rights? All that we ask on their behalf is that they, as honest men, which we know the very great majority of them to be, shall have an opportunity to vindicate themselves and their rights in court. That is all, and that is the point of controversy, and the only point of controversy at issue here. [Cries of "Vote!" Vote!"]

Mr. STRAIT. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has five minutes.

Mr. STRAIT. I yield the balance of my time to the gentleman from Minnesota [Mr. GILFILLAN].

Mr. GILFILLAN. Mr. Speaker, I have listened as patiently as I could to the discussion of this bill, pro and con, hoping that some result or conclusion might be reached in the way of practical legislation that would be in the line of reform and progress. We have come to the point in this discussion where we must recognize the actual condition of things as it exists to-day. It is alleged that in practice under existing law for the administration of the Land Department and in the procurement of title to the public lands, fraudulent practices are resorted to and do exist whereby the Government is defrauded. It is also alleged, on the other hand, that wrongs and hardships are inflicted upon honest and *bona fide* settlers upon the public lands by secret agents of the Government, and that the rights and titles of such settlers are invaded and placed in jeopardy by such officers upon *ex parte* reports or affidavits, and without an opportunity to be heard or other adequate remedy for the redress of such wrongs. Now, if these allegations be true, it is certainly high time that we should find some remedy for the existing evils. If all the frauds portrayed here by the distinguished gentleman from Illinois [Mr. PAYSON] are going on as he alleges, then I appeal to him and to the Public Lands Committee, of which he is a member, in Heaven's name to give us some practical legislation to stop them.

Mr. PAYSON. We will do that by repealing the laws under which they are practiced.

Mr. GILFILLAN. And I appeal to him not to be biased by any prejudice or prevented by any pride of opinion from acting upon any practical suggestion, even though it may come from the other end of the Capitol.

As near as I can understand it from the arguments upon this floor and from the conferees of the two Houses, they all agree upon the repeal of these existing laws, and the only substantial difference between them is whether the question of alleged fraud in case of any entry of land heretofore made shall be finally tried by and in the Department of the Interior, as contended by the House conferees, or whether the settler or his grantee or mortgagee, as the case may be, in case his title is attacked for alleged fraud, shall have the right to remove the cause into the proper court and there have his rights adjudicated and determined by due course of law, as proposed by the conferees of the Senate. This is practically the only question of difference between the conferees.

Now I have listened patiently and carefully to the labored and able argument of the gentleman from Illinois [Mr. PAYSON], and I certainly am unable to see why the interests of all parties can not be fully and fairly protected under the operation of the amendment tendered by the Senate conferees. Why this House or the Government should be afraid or unwilling to give anybody a fair hearing in its courts passes my comprehension.

I have listened carefully to the discussion to hear whether any valid reason could be urged by the distinguished gentleman from Illinois against that mode of procedure, but I have heard no such reason. The only question here is whether or not this question of alleged fraud which enters into the validity or invalidity of these land titles shall be tried by any executive officer of the Government upon evidence which is more or less *ex parte*, or whether we shall give to any party who desires it an opportunity, where the title to his property is attacked, to go into court, where he can have the privilege of confronting his accusers and the witnesses produced against him and subjecting them to the crucial test of a cross-examination.

Why should the Government fear the result of such a proceeding? Why, sir, that is a privilege which is not denied to the meanest sneak-thief who seeks to rob your chicken-roost under cover of the darkness, or to any other accused person up through all the gradations of crime to the miserable crank who shoots down a President at noonday. To none of these is the right of trial by jury denied. Why, then, will you deny it to the poor settler upon the frontier, whose home, whose substance, whose all, perhaps, is threatened to be taken away from him upon the testimony of witnesses whom he can not have an opportunity to confront?

It seems to us beneath the dignity of this great nation to deny such a remedy to its humblest citizen. I appeal to this House, I appeal to the Public Lands Committee that they will not let their bias or their pride of opinion, which may be bias, for the gentleman says he has stood here in opposition to this thing for six years—I appeal to them that they will not let their bias or pride of opinion stand in the way of any wholesome or adequate remedy for such wrongs as they have portrayed here as being perpetrated in procuring title to the public lands of the United States. I appeal to that committee again that they accept this amendment, wholesome as it seems to be, so that we may have some remedy for the existing evils. For it is now evident that they must do so or we shall have no repeal or other legislation by this Congress, which is now fast drawing to a close. I suggest that their present position in this matter if persisted in and adhered to will but result in no relief at all, as has their action upon another measure pending in this Congress—I refer to their action upon the bill to declare a forfeiture of lands granted to the Northern Pacific Railway Company.

When the Senate bill forfeiting about 6,000,000 of acres of the unearned lands of that grant came over to this House and was referred to this same Public Lands Committee, they substituted for it and reported to this House another bill (which they well knew never would pass the Senate) declaring a forfeiture of over 30,000,000 acres of that grant, five-sixths of which had been fairly and in good faith earned by the railway company, and in that form the committee urged and procured the passage of the bill by this House. It went to the Senate, and of course was non-concurred in, and went into conference, where it sleeps to this day and probably will sleep there forever. In the mean time the railway company is pushing the construction of its road and earning more of the granted lands, and thus placing them beyond the power of Congress to declare a forfeiture. The policy of the committee seemed to be to go too far and perpetrate a great wrong, or else to do nothing at all.

Now, I submit in all candor, Mr. Speaker, that by this course of procedure, which this committee seems wedded to in both of these matters, to do things in their own way or not do anything, the country will get no relief whatever from the evils complained of and acknowledged to exist. It will result in no legislation whatever, and the country will justly hold us responsible for doing nothing and for affording them no relief, when a just measure of relief is at hand, and offered to us to accept, but which we refuse. I hope the House will instruct its conferees to recede from their position and accept the amendment tendered by the conferees of the Senate, to the end that a repeal may be had of these laws, which have become obnoxious by reason of the abuses which have grown up under them, and to the end that the remainder of our public domain may be reserved and preserved for actual settlement by *bona fide* settlers.

The SPEAKER. The gentleman from Indiana [Mr. COBB] has now twenty minutes.

Mr. COBB. I yield five minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, I do not wish to delay unnecessarily a vote on this question. It seems to be admitted on both sides of the Chamber that frauds have been perpetrated under the provisions of the land laws which it is now proposed to repeal; and the general sentiment of the House, agreeing with the general sentiment of the country, seems to be almost unanimous in favor of their repeal. The House passed a bill whereby these laws were repealed and the settler upon the public lands was left to deal with his benefactor, the Government of the United States. Title to the public lands is acquired primarily by honest settlers, and free of charge. The settler goes upon those lands free of cost. The Government, representing the people, owns the land; and I, for one, can see no injustice in leaving him and those who acquire title by purchase from him to deal with the Government of whose beneficence he and they reap the fruit in taking advantage of these laws and becoming the possessor of those lands of the people. No honest, upright settler in good earnest is afraid that the United States Government will cheat him out of his lands, provided he fulfills the necessary conditions of settlement. No such settler was ever so cheated.

The Government has cheated no one; but a whole tribe of freebooters, shylocks, and foreign landlords have been cheating the people.

Who are crying out in favor of this amendment and against the bill as originally passed by the House? Not the *bona fide* settlers on the public lands. Where are the petitions before this House to back the indignant statements of gentlemen who are in favor of this Senate amendment? What is the meaning of this amendment? It simply means circumlocution, delay, and red tape, and final escape of the dishonest land thieves, as against the direct method of allowing the Land Commissioner to deal with these settlers on the public lands, and the prevention of frauds. I venture the assertion here to-day that never in the history of the administration of the public land laws was one honest man, a *bona fide* resident of the land which he settled, injured by the administration of these laws by the Land Office. Misunderstandings and delays in a few cases may be, but actually robbery of the honest pioneer, never!

The people who are indignant against this bill as it passed the House, and who are in favor of this Senate amendment, which means security

to past frauds, hinderance of honest methods, and general circumlocution, are the loan brokers and land grabbers of the West, and the land pirates of the East and of Europe, who have gone out into the great western country and absorbed millions of acres of the public domain.

Why, Mr. Speaker, under the corrupt practices and the mythical and fraudulent settlements that have taken place under the pre-emption and timber-culture acts, we have to-day a number of British noblemen who own princely estates in the Territories of the West. And such noblemen! If the British aristocracy are to get a foothold upon the public lands of the United States, in the name of all that is good let us have a choice as to the quality and kind of such nobility that shall make these entries through the instrumentality of their agents or servants. I have before me the English Financial Almanac for 1887. Referring to the list of the House of Lords I find it stated here, in connection with the peerage of Great Britain, that the Duke of Sutherland owns to-day one-half million acres of land in the United States—gotten how? Gotten in all probability as the result of fraudulent entries under the timber-culture and pre-emption acts, through the assistance of a hired gang of swearers, resorting to all the means depicted so graphically and ably by the gentleman from Illinois [Mr. PAYSON].

And who is the Duke of Sutherland? A man whose ancestors cleared from the Highlands of Scotland over fifteen thousand people under the guise of English law, and with a barbarous cruelty scarcely credible, almost the entire population of his vast estate, from their hereditary holdings under Gaelic customs; expatriated and exiled from their beloved mountain country one of the bravest, simplest, and most industrious and virtuous portions of the Celtic race on the globe, to give place to cattle and sheep—who made a region of happy hamlets and fertile farms into a wilderness to gratify their cupidity, burning the homes of the evicted with an inhumanity that was savage. Traveling free of expense on the land-grant railroads of the United States, and finding landlordism and feudalism now unpopular in the British Islands, the vulture-like claw of these hereditary land pirates and feudal barons is reached out to take the princely inheritance of the people of the United States. Our domestic land monopolists seem to have called in these British landlords as experts. They certainly do credit to their teaching. A few people in Great Britain own the most of Ireland and almost all of the old feudal kingdom of Scotland.

[Here the hammer fell.]

Mr. COBB. I yield the gentleman one minute more.

Mr. MCADOO. Where and how grew up these princely estates in the land from whence comes the Duke of Sutherland? Originally just as these great possessions are being obtained here in the United States. It was by fraud, and force, and the rule of might of an iron age that the ancestors of these British and Irish landlords robbed the aboriginal inhabitants of those lands. These great estates, as with us, grew and multiplied almost invisibly until they became so secured and strong that even the growing intelligence of an enlightened age has not as yet been able to throw off their feudal bondage, and multiply on their ruins happy homes and individual owners who shall be actual occupants.

Among other noblemen who have taken advantage of these laws I find the Marquis of Tweeddale credited with being largely interested in a company that owns in the United States 1,750,000 acres; also Baron Dunmore, 100,000 acres; Baron Kemy, 60,000 acres, and a number of others. Why, Mr. Speaker, I am astonished that any member of this body would prefer the Senate amendment to delay the execution of such a just and righteous law as that proposed here by the House for the protection of our public lands. [Applause.]

[Here the hammer fell.]

Mr. COBB. I yield now five minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, this debate has taken a very wide range, and in what I propose to say I shall confine myself strictly to what I conceive to be at issue between the two Houses.

At the last session of this Congress this House passed a bill repealing the pre-emption, the timber-culture, and desert-land act, and also that portion of the law providing for the commutation of homestead entries. That bill went to the Senate and was there amended by a substitute striking out all after the enacting clause, and incorporating into it, under language somewhat different from that employed in the House bill, a repeal of the pre-emption law and also the commutation clause of the homestead law, and amending the timber-culture and desert-land act. As to the latter, in fact, so far as I have named the changes, I believe the conferees are in accord between the two Houses. But the Senate in the first section proposes the confirmation of all entries made to which no adverse claim appears up to the 9th day of June last. That, I understand, however, from one of the House conferees, they propose to recede from, in the event they can reach an agreement upon the eighth section. The trouble, therefore, is simply upon that section.

Heretofore, by the terms of existing law, the rule has been to contest and vacate fraudulent entries before the local land office, from which an appeal may be sent up to the Commissioner of the General Land Office, who decides upon the question, confirming the action of the local officer or reversing it, as the case may be; and his decision was finally taken on an appeal to the Secretary of the Interior. The decision of the Secretary on such appeal is final, except by some of the processes that have been resorted to and which are objected to by some gentlemen on account of their expensiveness.

Now, the eighth section of the Senate amendment proposes to take these cases out of the general course, if the entryman desires it, and compel the General Land Office to certify the case to the Attorney-General, who shall under such circumstances take certain steps which are prescribed by the act in question, as follows:

And it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title if in his judgment such proceedings can be maintained.

That is the trouble. Now, sir, this is a new departure. The rule has been, and is now, that in respect to patents granted on fraudulent entries the Attorney-General must for that reason file his bill on the equity side of the docket of the United States court for the purpose of vacating it. This proposition would change the rule and make him file the bill to test the question of fraud, when the title has not yet been given to the entryman, but is held by the Government in abeyance. It makes the Government of the United States take the initiative; and, in my judgment, would be unwise and involve the Government in a number of suits brought by the Attorney-General to test the question of whether these entries were fraudulent or otherwise. It seems to me it would be infinitely better to let the law stand as it is, with the addition of a provision that in the event of the affirmation of a declaration that the entry was fraudulent, by the lower officers on the part of the Secretary of the Interior, for the conferees to provide some cheap and easy method for the entryman to go before the court and have his rights there litigated and decided; and to that end I have draughted a resolution of instructions, which I will offer at the proper time, if in order.

The SPEAKER. The time of the gentleman has expired.

The Chair will state, however, that this is not the time to offer resolutions of instructions. The report has not yet been disposed of.

Mr. OATES. I merely wish to state the substance of it, and hope the gentleman from Indiana will yield to me additional time.

Mr. COBB. I yield two minutes more to the gentleman from Alabama.

Mr. OATES. Mr. Speaker, I do not know that the resolution is in proper form, but I think it is. It provides for a further conference between the two Houses, with instructions to the House conferees not to accede to this proposition, but to propose some provision to be incorporated in the bill by which an entryman whose entry is canceled, and the cancellation affirmed by the Secretary of the Interior, may have the means by which his right will be made clear by bringing it before the courts of the United States for litigation and an ultimate decision.

The only objection I have heard to the present rule is that it is too expensive. I have not attempted to indicate in that resolution to the conferees the mode by which this shall be done. It is for them to devise a method; but it seems to me that proposition, if embodied in the bill, would meet the difficulties and would also secure all that the Senate conferees are contending for as well as what gentlemen here are contending for—the right of the entryman to have his case passed upon by the judicial tribunals of the country.

Mr. LONG. That is right.

Mr. OATES. I ask now that the proposed resolution be read.

The Clerk read as follows:

*Resolved*, That a further conference be ordered, with instruction to the House conferees to reject the provisions of the Senate amendment which in case of contested entry requires the Commissioner of the General Land Office to certify the same to the Attorney-General, who is required to bring suit to test the question of fraud, &c.; and in lieu thereof propose a clause allowing an entryman sixty days after the adverse decision of the Secretary of the Interior to file a bill in equity in the United States court for the district in which the land in controversy is situated, which shall have precedence over all other cases upon the equity docket.

Mr. COBB. I will state this for the benefit of the gentleman from Alabama, that the substance of his proposition was tendered on the part of the conferees of the House and rejected by the Senate committee. I think, however, it would be well to leave the committee on the part of the House free to act on the disagreement between the two Houses. Therefore, I now move that the House insist upon its disagreement to the Senate amendments, and agree to the conference asked by the Senate; and upon that I move the previous question.

The SPEAKER. The House must first dispose of this report.

Mr. PERKINS. Is it in order at this time to move to recede from disagreement to the eighth section of the Senate with an amendment?

The SPEAKER. The first question is, Will the House accept the report?

Mr. COBB. Upon that I demand the previous question.

The previous question was ordered.

The question being taken on accepting the report, the Speaker stated that the "ayes" seemed to have it.

Mr. PERKINS. I call for a division.

The House divided; and there were—ayes 96, noes 38.

So (further count not being called for) the report was accepted.

Mr. COBB. I now move that the House insist on its disagreement

to the Senate amendments, and upon that I move the previous question.

Mr. PERKINS. Pending that motion, I move that the House recede from its disagreement to the eighth section of the bill as amended by the Senate, and that the House assent to the same with an amendment, which I will offer.

Mr. PAYSON. Is the motion of the gentleman from Kansas [Mr. PERKINS] in order?

The SPEAKER. It is; and motions having a tendency to bring about an agreement between the two bodies have preference over others.

Mr. ADAMS, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of Illinois. Is it in order to offer an amendment in substance like that offered by the gentleman from Kansas? The Chair, I think, will find that it is not in the precise form that it could properly go into an amendment of the bill; and yet it expresses a principle which the gentleman from Kansas undoubtedly had in his mind when he made the motion in this form.

The SPEAKER. The motion is in order when made in this form; but a motion to instruct the conferees would not be in order till the motion of the gentleman from Indiana was disposed of. The motion, however, to recede and agree with an amendment has priority. The Clerk will read the amendment of the gentleman from Kansas.

The Clerk read the eighth section as proposed to be amended by Mr. PERKINS, as follows:

SEC. 8. That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, such entry may be suspended, upon proper notification to the claimant, through the local land-office, until such error has been corrected: *Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, the Commissioner shall hold the entry for cancellation, which action shall become final unless within sixty days from notice thereof the claimant or other party in interest shall ask in writing for a judicial investigation of the case, and thereupon the Commissioner shall suspend further action in the case of issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained: *Provided*, That nothing herein shall be held or construed to impair the right of any *bona fide* purchaser or mortgagee of any such land under existing laws and all purchasers and mortgagees of record, and all other persons claiming an interest in any such lands under the original claimant, shall be made parties to such proceeding, and may defend in their own right. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption, timber culture, and desert land and homestead acts: *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber culture, and desert land or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

The SPEAKER. The gentleman from Kansas seems to have sent to the Clerk's desk more than one amendment. There seems to be something stricken out from the text in two or three places.

Mr. PERKINS. The effect of my motion is that the House recede from its disagreement to the eighth section, with an amendment which amends the section so as to make it conform to the reading of the Clerk. My amendment does amend the section in two or three particulars.

The SPEAKER. The gentleman from Kansas moves that the House recede from its disagreement to the eighth section of the Senate amendment, and agree to the same with the amendment as read.

The House divided; and there were—ayes 68, noes 98.

Mr. PETERS. I call for the yeas and nays.

The yeas and nays were not ordered, only seven members voting therefor.

So the motion was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Indiana [Mr. COBB] that the House insist on its disagreement to the Senate amendments and agree to the further conference asked by the Senate.

The motion was agreed to.

Mr. COBB moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. COBB, Mr. STONE of Missouri, and Mr. PAYSON as conferees on the part of the House on the disagreeing votes on the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes.

### HOUR OF MEETING.

Mr. MORRISON. I ask unanimous consent that on and after to-morrow the hour of meeting be 11 o'clock.

There was no objection, and it was so ordered.

### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4535) granting a pension to Adeliza Perry;

A bill (H. R. 5652) for the relief of James W. Goodrich;

A bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss.;

A bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond national cemetery, near Richmond, Va.;

A bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.;

A bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives;

A bill (S. 1170) granting a pension to Nancy C. Smith;

A bill (S. 1326) granting a pension to Caroline E. Pratt;

A bill (S. 1930) granting a pension to John Duffy; and

A bill (S. 2308) granting a pension to Henry Lafner.

### ORDER OF BUSINESS.

Mr. DUNN. I move that the House do now adjourn.

Mr. SINGLETON. I have a Senate joint resolution which I am sure every member will vote for frankly when he hears it read. I ask the gentleman from Arkansas to withdraw his motion. The resolution I am satisfied will provoke no discussion.

Mr. STORM. I ask unanimous consent that gentlemen having bills to introduce for reference may be allowed to hand them to the Clerk, and have them duly referred.

Under the leave granted bills were introduced, as follows:

### MONUMENT AT OLD FORT TICONDEROGA.

Mr. JOHNSON, of New York, introduced a bill (H. R. 11205) for the erection of a monument on the site of Old Fort Ticonderoga, New York; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

### SUSAN A. LEMON.

Mr. BURLEIGH introduced a bill (H. R. 11206) granting an increase of pension to Susan A. Lemon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### ALEXANDER CURD.

Mr. McCREARY introduced a bill (H. R. 11207) for the relief of Alexander Curd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### UNITED STATES COURTS IN KENTUCKY.

Mr. LAFFOON introduced a bill (H. R. 11208) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky, at Owensborough, in the said district, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### DANIEL WARD.

Mr. TOWNSHEND introduced a bill (H. R. 11209) for the relief of Daniel Ward; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### JOHN KIMMEL.

Mr. TOWNSHEND also introduced a bill (H. R. 11210) for the relief of John Kimmel; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### RED LAKE CHIPPEWA INDIANS.

Mr. NELSON introduced a bill (H. R. 11211) for the relief and civilization of the Red Lake Chippewa Indians, in the State of Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

### DANIEL THOMAS.

Mr. CABELL introduced a bill (H. R. 11212) for the relief of Daniel Thomas, of Carroll County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

### ADDITIONAL JUSTICE OF IDAHO SUPREME COURT.

Mr. HAILEY presented a memorial of the Legislative Assembly of Idaho Territory, praying for an additional justice of the supreme court of that Territory; which was referred to the Committee on the Judiciary, and ordered to be printed.

### GEORGE W. RAPLE.

Mr. EDEN introduced a bill (H. R. 11213) to place on the pension-rolls the name of George W. Raple, of Company F, Third Regiment Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### EMILY MILLHOUR.

Mr. HALL (by request) introduced a bill (H. R. 11214) granting a pension to Emily Millhour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATE BANK OF HARTFORD, CONN.

Mr. BUCK introduced a bill (H. R. 11215) directing the Secretary of State to deliver two drafts to the State Bank of Hartford, Conn.; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PROTECTION OF THE PUBLIC SERVICE.

Mr. GALLINGER introduced a bill (H. R. 11216) for the protection of the public service; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

JAMES COLE.

Mr. FLEEGER introduced a bill (H. R. 11217) to increase the pension of James Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COAST DEFENSES, ETC.

Mr. ELY presented a joint resolution of the Legislature of Massachusetts, in favor of coast defenses and the building of a navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LEGISLATION FOR NEW MEXICO.

Mr. JOSEPH presented a joint resolution of the Legislative Assembly of New Mexico, indorsing resolution of the House of Representatives for appointment of a committee to investigate the status and needs of the Territory and report to the next Congress suitable legislation for the Territory; which was referred to the Committee on the Territories, and ordered to be printed.

LIFE-SAVING STATION.

Mr. LORE introduced a bill (H. R. 11218) to establish and maintain a life-saving station on the Atlantic coast, in Delaware, between Indian River and Ocean City; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ARMAMENT.

Mr. MORROW introduced a bill (H. R. 11219) to provide mortars and heavy guns for the armament of the forts, coast defenses, and vessels of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WATCHMEN IN EXECUTIVE DEPARTMENTS.

Mr. FORAN introduced a bill (H. R. 11220) to regulate the compensation of watchmen in the Executive Departments of the Government; which was read a first and second time, referred to the Committee on Expenditures on Public Buildings, and ordered to be printed.

SARAH R. SANKS.

Mr. HOLMAN introduced a bill (H. R. 11221) granting a pension to Sarah R. Sanks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT SMITH AND EL PASO RAILWAY.

Mr. ROGERS introduced a bill (H. R. 11222) to grant to the Fort Smith and El Paso Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committtee on Indian Affairs, and ordered to be printed.

PENSION TO WIDOW OF JOHN A. LOGAN.

Mr. JOHNSTON, of Indiana, presented a joint resolution of the Legislature of Indiana in favor of the passage of the bill granting a pension to the widow of John A. Logan; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE RELATIONS WITH CANADA.

Mr. BOUTELLE presented resolutions of the Legislature of the State of Maine in regard to trade relations with the Dominion of Canada; which were referred to the Committee on Foreign Affairs, and ordered to be printed.

COMMEMORATION OF THE DISCOVERY OF AMERICA.

Mr. SINGLETON. Mr. Speaker, the motion to adjourn has been withdrawn, and I now ask that the resolution to which I have referred be taken from the House Calendar and immediately considered.

Mr. STORM. Regular order.

Mr. WARNER, of Ohio. Let it be read, subject to objection.

The SPEAKER. If the demand for the regular order is withdrawn the resolution can be read.

Mr. STORM. I withdraw it.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 18, 1887.

*Resolved by the Senate (the House of Representatives concurring)*, That a joint committee of five members of the Senate and eight members of the House of Representatives be appointed to take into consideration the expediency of holding, in 1892, in commemoration of the discovery of America, an international exhibition of the industries and products of all nations; and, if such an exhibition should be deemed expedient, to consider the time, place, circumstances, and general plan thereof, and to report by bill or otherwise.

Mr. SINGLETON. There can be no objection to this resolution, Mr. Speaker. More than forty governors of States and Territories have indicated their approval of it.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. SINGLETON]?

Mr. MILLS. I object.

Several MEMBERS. Regular order.

Mr. McMILLIN. I move that the House adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock p. m.) adjourned.

---

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Resolutions of Post 172, Grand Army of the Republic, of Bolton, Mass., respecting the veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. BLAND: Petition of John W. Edwards, president Board of Trustees First Baptist church of Jefferson City, Mo., asking the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOUTELLE: Petition of citizens of Pembroke, Me., in favor of granting a pension to Alvaretta Wilbur—to the Committee on Invalid Pensions.

Also, resolutions of Edwin Libby Post, No. 16, Grand Army of the Republic, of Rockland, Me., urging the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. BUNNELL: Resolutions of Moody Post, No. 53, Grand Army of the Republic, of Pennsylvania, condemning the action of the President in vetoing the dependent pension bill, and requesting its passage over the veto—to the same committee.

By Mr. BURROWS: Petition of Orcutt Post, No. 79, Grand Army of the Republic, of Michigan, for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. J. E. CAMPBELL: Petition of soldiers of Clermont County, Ohio, for the passage of the dependent pension bill over the veto—to the same committee.

By Mr. CONGER: Petition of Crocker Post, Grand Army of the Republic, of Des Moines, Iowa, urging the immediate passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. CUTCHEON: Petition of citizens and ex-soldiers of Utica; of McGinley Post, No. 201; of Colonel Jefferds Post, No. 330; and of Andrews Post, No. 294, Grand Army of the Republic, of Michigan, for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. DINGLEY: Petition of Sedgwick Post, and of Edwin Libby Post, Grand Army of the Republic, of Bath and Rockland, Me., asking for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. DOCKERY: Petition of Captain Stanley Post, No. 79, and of Neal Post, No. 124, Grand Army of the Republic, of Missouri, for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. ELY: Resolutions of Abraham Lincoln Post, No. 11, Grand Army of the Republic, of Massachusetts, in favor of the dependent pension bill—to the same committee.

By Mr. FORAN: Petition of the Nebraska State Humane Society in favor of Senate bill 2434, for the care of the National Park—to the Committee on the Public Lands.

By Mr. GALLINGER: Petition of Storer Post, No. 1, Grand Army of the Republic, of Portsmouth, N. H.; O. W. Lull Post, No. 11, of Milford, and of Col. A. S. Twitchell, president of the New Hampshire Veterans' Association, against the veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of Jarvis Post and of William P. Russell Post, Grand Army of the Republic, of Vermont, in favor of the dependent soldiers' pension bill—to the same committee.

By Mr. HAYNES: Memorial of John L. Perley, jr., Post, No. 37, Grand Army of the Republic, of Laconia, N. H., in favor of the dependent pension bill—to the same committee.

By Mr. D. B. HENDERSON: Resolution of the Women's Christian Temperance Union of Waverly, Iowa, urging the passage of Senate bill 2362—to the Committee on Foreign Affairs.

Also, resolutions of E. C. Buckner Post, Grand Army of the Republic, of Eldora, Iowa, urging the passage of the dependent soldiers' pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of Davis City Post, No. 306, Grand Army of the Republic, praying for the passage of the dependent pension bill over the President's veto—to the same committee.

Also, petition of the Women's Christian Temperance Union of Shenandoah, and of Humeston, Iowa, praying for the passage of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. HOLMAN: Petition of S. E. O'Neel, and 33 others, citizens of Jefferson County, Indiana, in favor of the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

Also, paper in support of House bill 11138 for the relief of Frank Wempe—to the Committee on Military Affairs.

Also, petition of Peter Richmond and 57 others, citizens of Ohio County, Indiana, praying for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. LYMAN: Petition of the New York Society for the Suppression of Vice, in favor of the passage of House bill 7544—to the Committee on Military Affairs.

Also, resolutions of Post No. 9, of Griswold, and of Post No. 123, of Owen, Iowa, Grand Army of the Republic, for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. MCCREARY: Petition of Mary L. Cleveland, widow of John H. Cleveland, for a pension—to the Committee on Pensions.

By Mr. MAHONEY: Petition of the New York Society for the Suppression of Vice, relating to the forwarding of obscene matter through the United States mails—to the Committee on the Post-Office and Post-Roads.

Also, letter of N. J. Rice, regarding the rights of commercial travelers in the United States—to the Committee on Commerce.

Also, protest against the British extradition treaty, from the Geraldine Club of New York city—to the Committee on Foreign Affairs.

Also, petition of surveyors of New York, earnestly asking the passage of House bill 10523—to the Select Committee on American Shipbuilding and Ship-owning Interests.

By Mr. MATSON: Petition of George G. Mead Post, No. 48, of Lebanon, Mo.; of George Strong Post, No. 19, of Fairfield, Iowa; and of Augustine Post, No. 197, of Smithfield, Ill., Grand Army of the Republic; and of George W. Tuley and 107 others, citizens of Tipton, Ind., for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

Also, petition of John A. Forsyth and 22 others, for the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. MILLARD: Petition of Mrs. Mary C. Henderson, of Washington, D. C., for relief—to the Committee on the District of Columbia.

By Mr. NELSON: Petition of Austin D. Carroll Post, of H. W. Van Rensalaer Post, and of A. Edwards Welch Post, Grand Army of the Republic, of Minnesota, for the passage of dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. O'HARA: Petition of Board of Trade of Socorro, N. Mex., for the passage of an act to quiet certain land titles—to the Committee on the Public Lands.

By Mr. OSBORNE: Resolutions of the Grand Army of the Republic of Pennsylvania, for the repeal of the limitations in the arrears act of 1879, so that all invalid soldiers shall share alike and their pensions begin with date of disability or discharge and not date of application—to the Committee on Invalid Pensions.

By Mr. RANDALL: Memorial of the Rhode Island Radical Peace Society, against expenditures for war vessels and fortifications—to the Committee on Appropriations.

By Mr. ROMEIS: Petition of Forsyth Post, No. 15, Grand Army of the Republic, of Toledo, Ohio, for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions

By Mr. SHAW: Memorial of the American Forestry Congress, relative to timber lands, &c.—to the Committee on the Public Lands.

By Mr. STEELE: Petition of J. M. Bosworth, commander Grand Army of the Republic of Pennville, Ind., for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Petition of Mrs. R. J. Peirce and Mrs. A. B. Schalffer, president and vice-president of the Women's Christian Temperance Union of Ida Grove, Iowa, in favor of Senate bill No. 2362, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. E. B. TAYLOR: Petition of Giddings Post, Grand Army of the Republic, of Ohio, for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. THOMPSON: Resolutions of Codot Post, Grand Army of the Republic, of Gallipolis, Ohio, for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. TOWNSHEND: Papers relating to the bill for the relief of John Kimmel—to the Committee on Military Affairs.

By Mr. WAKEFIELD: Resolutions of the A. Edward Welch Post, No. 75, Grand Army of the Republic, of Red Wing, Minn., condemning the President's veto of the dependent pension bill, &c.—to the Committee on Invalid Pensions.

By Mr. WARD: Resolutions of the Board of Directors of the Public Library of Chicago, Ill., relative to Dearborn Park for a public library building—to the Committee on the Public Lands.

Also, petition of the Traveler's Protective Association of the United States in favor of House bill 1621—to the Committee on Commerce.

Also, petition of N. K. Fairbank & Co., of Chicago, Ill., for a change in the oleomargarine law—to the Committee on Agriculture.

By Mr. WILLIAM WARNER: Petition of J. W. Sanford of Jackson County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. A. J. WEAVER: Petition of the Nebraska State Humane Society, asking for the passage of the Senate bill 2436 for the protection of the National Park—to the Committee on the Public Lands.

By Mr. WEBER: Resolutions of Sprout Post, No. 76, Grand Army of the Republic, of New York, asking for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of John Edgar, of Thomas Langston, of Hiram Langston, of Henry Greene, and of Jas. A. Gattis, of Jackson County; and of Lucy A. Stovall, of Franklin County, Alabama, asking reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Petition of A. E. Welch Post, of Burnside Post, Grand Army of the Republic, of Red Wing and Kassen, Minn., and of J. C. Butler, of Madison, Wis., favoring the passage of the dependent pension bill over the veto—to the Committee on Invalid Pensions.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BOUND: Of 87 citizens of Harrisburg, Pa.

By Mr. HALL: Of 40 citizens of Clay, Iowa.

By Mr. JACKSON: Of 44 citizens of New Castle, Pa.

By Mr. MARKHAM: Of 169 citizens of San Buenaventura, Cal.

By Mr. J. R. THOMAS: Of 139 citizens of Anna, Ill.

---

## SENATE.

### TUESDAY, *February* 22, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### RACHEL ANN PIERPONT—VETO MESSAGE.

The President *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed.

*To the Senate:*

I herewith return without approval Senate bill No. 2452, entitled "An act granting a pension to Rachel Ann Pierpont."

At the time this bill was introduced and passed an application for pension on behalf of the beneficiary named was pending in the Pension Bureau. This application was filed in December, 1879. Within the last few days, and on the 17th day of February, 1887, a pension was granted upon said application and a certificate issued at precisely the same rate which the bill herewith returned authorizes.

But the pension under the general laws dates from the time of filing the application in 1879, while under a special act it would date only from the time of its passage.

In the interest of the beneficiary and for her advantage the special bill is therefore disapproved.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 21, 1887.

### JACOB SMITH—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

*To the Senate:*

I return herewith without approval Senate bill No. 2111, entitled "An act granting a pension to Jacob Smith."

The beneficiary named in this bill filed his claim for a pension November 11, 1882. He seems upon the facts presented to be justly entitled to it; and since this bill has been in my hands the Commissioner of Pensions has reported to me that a certificate therefor would at once be issued.

Under such a certificate this disabled soldier's pension will commence November 11, 1882. Under this bill, if approved, it would date only from the time of its approval. I suppose his certificate has already been issued; and I am unwilling to jeopardize the advantages he has gained thereunder, as might be done if the bill herewith returned became a law.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 21, 1887.

### JOHN D. FINCHER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

*To the Senate:*

I herewith return without approval Senate bill No. 1768, entitled "An act granting a pension to John D. Fincher."

The beneficiary named in this bill enlisted August 6, 1862, and was discharged for disability February 24, 1863.

The surgeon's certificate of disability given at the time of the soldier's discharge recites "general debility which will disable him from performing the duties of a soldier for a good period of time. The disease was contracted by exposure and fatigue while performing the duties of a soldier."

The claimant filed his application for pension in September, 1882, nearly twenty years after his discharge, alleging that in November, 1862, he was attacked with bilious fever, followed by chronic diarrhea and lung trouble.

In support of his application an affidavit of a comrade was filed setting forth the fact that the claimant was taken sick, as he alleged, in the fall of 1862, and that he was sent to the hospital on that account. The affidavit further expresses

the belief that the claimant still suffers from the effects of his sickness and exposure.

So far as I am informed and so far as the committee's report discloses, this is the only proof furnished of any continuance of disability at the time of filing the application for pension; and this proof, if it may be so regarded, is the mere expression of an opinion or belief, not necessarily based upon any personal knowledge, and which might have been honestly expressed if derived from representations of the claimant himself.

In this condition of the case the claimant was examined by a surgeon in 1882, whose report seems to negative all ailments except as one may be found in the fact alleged therein that he had pneumonia in 1868, and that there might be some pleuritic adhesions—plainly inferring that if such adhesions existed they were the result of the sickness to which he refers.

In February, 1885, the claimant was again examined by a board of surgeons. This examination seems to have been very carefully and thoroughly made, and as a result of the same the board reported that there was no disability. On this ground the claim was rejected.

There is no doubt as to the sickness of the claimant during his service, and his disability at the time of his discharge; but unless the report of the board of surgeons is to be impeached without apparent reason, there is as little doubt of the claimant's complete recovery.

No case has been presented to me in which the evidence afforded of a continuance of disability seems so inconclusive. In these circumstances the report of the board of surgeons appears to be upon the evidence before me almost uncontradicted.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 21, 1887.

## EXTRA HOURS OF CLERICAL EMPLOYÉS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War in reply to a resolution of February 15, 1887, inclosing reports of the Adjutant-General and Surgeon-General, in relation to requiring clerks in the Adjutant-General's Office and the Surgeon-General's Office to work extra hours; which was read, as follows:

WAR DEPARTMENT, WASHINGTON CITY, *February* 21, 1887.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate of the 15th instant:

"*Resolved*, That the Secretary of War be directed to inform the Senate as to what unusual necessity, if any, now exists for requiring a certain part of the clerks in the offices of the Adjutant-General and Surgeon-General to work extra hours, the number of hours so worked, and what is considered extra hours."

In reply, I beg to state that early in November last the Secretary of the Interior wrote to me that there were a large number of calls from the Pension Office unanswered at this Department. Upon examination it appeared that there were some discrepancies between the two Departments as to the number of unanswered calls, but there were, on November 1, 1886, in round numbers, 9,654 cases in the office of the Surgeon-General, and 50,439 cases in the office of the Adjutant-General unanswered, from the Pension Bureau of the Interior Department. I immediately called the attention of the Adjutant-General and the Acting Surgeon-General to this state of affairs and directed that immediate action be taken to hasten the work and to take such steps as were necessary to improve the methods and increase the efficiency of the investigations. The Adjutant-General at once called for volunteers for extra work, and his clerks readily responded. The result was that there was a decided increase in the out-turn of business, 16,750 calls being answered in December, against 9,989 in November. This result was increased in January, there being 16,938 answers sent in during that month. The schedule annexed, marked "A," shows the work in the Adjutant-General's Bureau from the 1st of June, 1886, to the 15th of February, 1887, the improvement being from December 1, when the unanswered calls amounted to 50,449, to February 15, when they had been reduced to 31,345. It is evident that with the full force of his office upon the work the arrearages will be made up, and all calls in future will be answered in a short time.

The latter part of January the Adjutant-General informed me that he could not keep up with his work unless the whole of the force of the pension division of his office was put upon this extra work. In view, therefore, of the increased volume of work thus imposed upon these two bureaus, and the absence of any authority of law for the employment of an additional number of clerks, no other course was open to the Department than to extend temporarily the number of working hours, in order to meet the pressing demands from soldiers throughout the country for the speedy adjudication of their pension claims.

Under volume 22 of the Statutes at Large, chapter 128, section 4, page 563, I was of opinion that the emergency existed requiring me, as the head of the War Department, to extend, under this section, for a period the hours of labor in this bureau. It was accordingly done and the clerks were ordered to perform extra work, beginning on February 1, and work has since been continued under that order.

In the office of the Surgeon-General there was delay in taking hold of the work with the vigor and efficiency that the emergency demanded. A change was made in the officer in charge of the division, and Dr. Ainsworth, assistant surgeon, was appointed and assumed charge of the division on December 8. He at once called for volunteers, who responded, and the change in the amount of work accomplished will be noticed in Schedule B, herewith annexed. The number of calls answered from December 1 to February 15 has reduced the number on hand December 1, 1886, 8,569 to 2,972 on February 15, 1887.

The irregularity of attendance of volunteers made it necessary to issue an order similar to that issued in the Adjutant-General's Bureau, and under the provision of the above statute such order was issued by me, which went into effect on February 2.

The only provision found in the statutes for the employment of extra clerks is in section 171 of the Revised Statutes, which permits such employment only during the sessions of Congress in answering the calls of either House. The provisions of this section could not, however, be applied in the present case, as the information was not for Congress, but for one of the Executive Departments. The section indicated, however, is regarded as repealed by section 4 of the act of August 5, 1882 (22 Statutes, page 265), which provides that no greater number of clerks and other employés shall be employed than is specifically appropriated for by Congress each fiscal year; but even if the section were not so construed, it could not be made operative, as it makes no appropriation to pay for the services of such extra clerks.

It is proper to add that in the office of the Secretary of War a standing order exists requiring the clerks of the several divisions to work beyond the usual office hours when the business is of such volume and character as to demand it. Work beyond the usual hours in accordance with this order is of frequent occurrence, and such a power in the head of a Department is necessary for the proper dispatch of the public business.

I inclose to you herewith a report made to me by the Adjutant-General on the 15th instant, and also one by the Surgeon-General on the 16th instant, showing the necessity for the extra hours of labor imposed upon the clerks of their bureaus. I also inclose, marked A, a detailed statement prepared by the Adjutant-General, which exhibits the results of the extra work performed in his office since it began on the 1st of December, 1886; and also a similar statement prepared by the Surgeon-General, marked B.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
*Secretary of War.*

The PRESIDENT *pro tempore of the United States Senate.*

Mr. CULLOM. Mr. President, I desire to say a few words before asking that the communication be referred to the Committee on Appropriations, where I think it should go.

My object in offering the resolution of inquiry and calling on the Secretary of War for the information was not to criticise that Department or any other, but to ascertain what the emergency was that required extra work by a portion of the clerks, and to call the attention of the Senate to the actual condition of affairs that exists there, so that if it is the judgment of the Senate to do so, appropriations may be made to enable the Secretary of War to get whatever force is necessary to carry on the work of that Department so as to meet the emergencies in reference to pensions and everything else that it is required that their attention should be called to.

I have been aware for some time that the Adjutant-General's Bureau and the Surgeon-General's are constantly called upon by the Pension Office and are worked beyond what they had the capacity to perform, and that the condition of the papers in those two bureaus is such that there ought to be some immediate attention to them so as to put the papers in those Departments in a condition where they can be handled, and at the same time preserved.

Mr. PLATT. Will the Senator from Illinois allow me to make a suggestion?

Mr. CULLOM. Yes, sir.

Mr. PLATT. Is it not quite possible that under that condition of things the legislative, executive, and judicial appropriation bill, which is to come from the other House, may contain some provision for an increase of force there?

Mr. CULLOM. I indicated that I intend to ask that this document be printed and referred to the Committee on Appropriations, so that when the proper bill comes before that committee they may have these facts before them and make such provision as is necessary to carry on the work of that Department without requiring a portion of the clerks to work all day and then all night in order to catch up with the work and carry on the important business of the Department.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. CULLOM. Yes, sir.

Mr. EDMUNDS. In connection with what he is saying, I wish to ask whether, in calling upon these clerks for extra work (which the law referred to by the Secretary of War clearly authorizes, and by implication requires, when the public service demands it) the clerks in that branch of the work are all treated fairly and alike in that way, or whether personal favors are applied to one and discriminations against another. Somebody has mentioned to me that the administration, under the fourth section of the act referred to, was an administration of favoritism, and unfair. I have no reason to suppose that that can be so, but I have heard it stated.

Mr. CULLOM. I do not understand that that is the case. The only thing I complain about is that taking the Adjutant-General's Office, for instance, it is crowded with work so that the clerks in that bureau can not perform it in seven hours of day labor, but they are called upon to go there at night.

Mr. INGALLS. Do they get extra pay for it?

Mr. CULLOM. No, sir; they do not get a cent of extra pay.

Mr. EDMUNDS. The law forbids it.

Mr. CULLOM. In other bureaus of the same Department, that are not so pressed with work, the clerks simply work seven hours a day, or whatever the time may be, and then have their nights off without work.

I think it is unfair to require one bureau of a Department or one Department as between it and another to perform extra work unless the whole establishment does the same thing. All I ask is that the Committee on Appropriations shall examine into this subject and so provide that all clerks in the service of the Government shall be treated alike, and that the men who are required now to go to the Department and work extra hours, some of whom can scarcely perform it without great danger to their health and lives, shall not be required to do so.

Mr. DAWES. Does not the Senator know that they have authority to detail from all the other branches of the Department to that service, and if they come here and ask us to cut down the number of clerks, as they have in every one of these appropriation bills, why should they complain that one particular bureau is overworked?

Mr. CULLOM. I do not know what the law is in reference to that, but I do understand that in the Adjutant-General's Bureau, for instance, the clerks in the different rooms there are simply informed that their work is behind and that they are expected to come back after dinner or during the night and work a given number of hours. I do not understand that the clerks of any other bureau are called in to relieve them from any part of that duty.

Mr. DAWES. What is to hinder that being done?

Mr. CULLOM. I do not know that anything is, but I do understand that it is not done, and I think there ought to be fair play among the clerks.

I wish to say further that the Government is not so poor as to require a poor fellow to work all day and then work all night also in order to carry on the business of a Department. There is no occasion for it, and while I want every clerk to do his whole duty and work the given number of hours required by law, yet I say that we have no right to demand that those clerks shall go there and work half the night in order to catch up with the business of the Government.

Mr. SAWYER. Without extra pay.

Mr. CULLOM. And without extra pay. It is an outrage upon them.

Mr. ALLISON. If the Senator from Illinois thinks that the Committee on Appropriations can report a measure which will enable the Secretary of War to administer his Department, I think he will be mistaken. The trouble about this whole matter is that the Departments do not seem to have force enough.

Mr. CULLOM. Then give it to them.

Mr. ALLISON. It is not an emergency. This is not a new thing. There has been a lack of force in the Adjutant-General's Office for some time. There is a lack of force now in several of the auditors' offices; that is to say, if clerks are to work but seven hours a day. The Committee on Appropriations have been aware of this from time to time, and have endeavored to furnish a sufficient force, but the Senator knows perfectly well how difficult it is to secure an increase of the force of a Department.

Mr. CULLOM. With information of the condition of things before the Committee on Appropriations, can not the committee provide an item in the appropriation bill appropriating a given amount of money for so many additional clerks, whatever the number required may be?

The PRESIDENT *pro tempore*. If there be no objection the communication, with the accompanying papers, will be printed and referred to the Committee on Appropriations.

REJECTION OF PENSION CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in reply to a resolution of February 11, 1887, a report in regard to applicants for pension being denied a hearing in the Pension Office by reason of having petitioned Congress for relief; which, with the accompanying papers, was referred to the Committee on Pensions, and ordered to be printed.

PENSION APPEALS.

Mr. EDMUNDS. Mr. President, I think this is the proper time to do it; I ask leave to present a letter from the Secretary of the Interior addressed to me on the subject of the condition of pension appeals in his office, together with an accompanying statement, that is very interesting, as to the thousands of cases there pending and the insufficiency of the force apparently to get on with them and clear them off.

It will be remembered that at the last session we provided for six additional officers in the office of the Secretary to aid him in disposing of these appeals. He has made this communication to me in response to my inquiry in regard to how they were getting on, there having been very great delay before, just as it has been shown there is in the Adjutant-General's office. There ought to be some way of providing force enough to clear off these delayed pension cases.

I notice in the statements accompanying this letter that in a very large number of instances comparatively, after the Commissioner had rejected claims and appeals were taken to the Secretary, cases have been again re-examined by him and the appeals withdrawn and the matters allowed, which would seem to show that the first examinations had not been so careful as they should have been. But at any rate the three or four thousand appeals of the poor people who apply for their pensions ought to be disposed of one way or the other.

I move that the paper be printed, as it is of valuable public information, and referred to the Committee on Appropriations.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of McMillen Post, No. 122, Grand Army of the Republic, Department of Ohio; a petition of Richard Chambers Post, No. 535, Grand Army of the Republic, Department of Ohio; a petition of Harker Post, No. 146, Grand Army of the Republic, Department of Ohio; a petition of Morrison Post, No. 167, Grand Army of the Republic, Department of Ohio; a petition of Kinsman Post, Grand Army of the Republic, of Kinsman, Ohio; a petition of Thomas Lilley Post, No. 345, Grand Army of the Republic, of Georgesville, Ohio; a petition of Minerva Post, No. 106, Grand Army of the Republic, of Minerva, Ohio; a petition of Lewis Post, No. 347, Grand Army of the Republic, of Xenia, Ohio; a petition of Buckley Post, No. 12, Grand Army of the Republic, Department of Ohio; resolutions of H. G. Blake Post, No. 69, Grand Army of the Republic, of Medina, Ohio; a petition of Dan W. Williams Post, No. 369, Grand Army of the Republic, of Pleasant Hill, Ohio; a petition of G. M. Neighbor Post, No. 494, Grand Army of the Republic, Department of Ohio; a petition of Milliken Post, No. 228, Grand Army of the Republic, Department of Ohio; and a petition of Joe Hooker Post, No. 21, Department of Ohio, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. WILSON, of Iowa, presented resolutions adopted by John T. Drake Post, No. 321, Grand Army of the Republic, of Brooklyn, Iowa; resolutions adopted by Huston Post, Grand Army of the Republic, of Redding, Iowa; and resolutions adopted by Iseminger Post, No. 18, Grand Army of the Republic, of Chariton, Iowa, urging the passage of the dependent pension bill, notwithstanding the objections of the President; which were ordered to lie on the table.

He also presented a memorial of the mayor and city council of the city of Socorro, in the Territory of New Mexico, remonstrating against the passage of House bill 9985, providing for the confirmation of private land claim No. 107, which includes the present site of the city of Socorro; which was referred to the Committee on Private Land Claims.

Mr. DOLPH. I present a petition similar to the one just presented by the Senator from Iowa, and move that it be referred to the Committee on Private Land Claims.

The motion was agreed to.

Mr. CONGER presented a preamble and resolutions of Henry Demming Post, No. 192, Grand Army of the Republic, of Laingsburg, Mich., in favor of the passage of the dependent pension bill, notwithstanding the veto of the President; which were ordered to lie on the table.

He also presented a joint resolution of the Legislature of Michigan, in favor of the passage of a law to adjust certain accounts between the United States and the several States and Territories and the District of Columbia; which was ordered to lie on the table.

Mr. McMILLAN presented a preamble and resolutions adopted by A. S. Welch Post, No. 75, Department of Minnesota, Grand Army of the Republic, praying for the passage of the dependent pension bill, notwithstanding the veto of the President; which were ordered to lie on the table.

Mr. MITCHELL, of Pennsylvania, presented resolutions adopted by George C. Wilson Post, No. 442, Grand Army of the Republic, of Alexandria, Pa.; resolutions adopted by Beaver Post, No. 473, Grand Army of the Republic, of Beaver, Pa.; resolutions adopted by John D. Musser Post, No. 66, Grand Army of the Republic, of Muncy, Pa.; resolutions adopted by Adjutant Martin Post, No. 510, Grand Army of the Republic, at New Oxford, Pa.; resolutions adopted by Mallory Post, No. 285, Grand Army of the Republic, of Sayre, Pa.; resolutions adopted by Col. P. B. Honsum Post, No. 309, Grand Army of the Republic, of Chambersburg, Pa.; a petition of 60 soldiers of Argyle, N. Y.; resolutions adopted by George Simpson Post, No. 44, Grand Army of the Republic, of Milton, Pa., and resolutions adopted by Eben N. Ford Post, No. 336, Grand Army of the Republic, of Warren, Pa., praying for the passage of the dependent pension bill notwithstanding the objections of the President; which were ordered to lie on the table.

Mr. BLAIR. I present 64 petitions, signed by 4,800 citizens of the State of Michigan, praying for the better protection of women; a petition of citizens of Minnesota, signed by 124 citizens, praying for the better protection of women; and a petition of the Woman's Christian Temperance Union, of Dover, N. H., all praying for an investigation into the alleged traffic in young girls for immoral purposes. I move the reference of the petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. CHENEY presented a petition of Storer Post, No. 1, Grand Army of the Republic, Department of New Hampshire, praying for the passage of the dependent pension bill over the President's veto; which was ordered to lie on the table.

Mr. MILLER presented a petition of Candor Post, No. 383, Grand Army of the Republic, Department of New York, praying for the passage of the dependent pension bill over the President's veto; which was ordered to lie on the table.

Mr. RIDDLEBERGER presented two petitions of citizens of the District of Columbia, and three petitions of citizens of Virginia, praying for the passage of the so-called Colquitt bill, regulating certain licenses in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the twentieth session of the National Grange, Patrons of Husbandry, favoring the passage of such laws as shall furnish the benefits of the Signal Service to the farmers of the country; which were referred to the Committee on Education and Labor.

He also presented a petition of druggists of the city of Richmond, Va., praying for the repeal of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. RIDDLEBERGER. I present resolutions in the nature of a memorial of the Geraldine Club, New York city, remonstrating against the proposed extradition treaty with the British Government. I ask that the memorial be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That reference will be made if there be no objection.

Mr. RIDDLEBERGER. I will state that I have a score or more of the same kind of memorials from the city of New York and the city of Boston. I was not quite sure that the Senate would be prepared to receive these memorials in open session, so I offered this one this morning, and finding the Senate does not object I shall present the rest in a few days.

The PRESIDENT *pro tempore*. The Chair did not make any objection, but ordinarily such petitions or memorials have been presented in executive session.

Mr. ALLISON presented resolutions of John Dillon Post, No. 233, Department of Iowa, located at Marengo, Iowa; resolutions adopted by

Crocker Post, No. 12, Grand Army of the Republic, Department of Iowa, located at Des Moines, Iowa; resolutions adopted by Isemonger Post, No. 18, Grand Army of the Republic, located at Chariton, Iowa; resolutions of Huston Post, Grand Army of the Republic, located at Redding, Iowa; and resolutions of John T. Drake Post, No. 321, Department of Iowa, located at Brooklyn, Iowa; all requesting that the dependent pension bill may be passed over the President's veto; which was ordered to lie on the table.

Mr. EVARTS presented the petition of George K. Otis, of New York city, late mail messenger and transfer contractor, praying compensation for his services under contract with the Postmaster-General; which was referred to the Committee on Appropriations.

Mr. FRYE. I present the resolutions of the American Shipping and Industrial League, adopted at a recent national convention in the city of Washington. The secretary of the convention is very desirous that the resolutions shall be published in the RECORD. I ask that the resolutions and the accompanying information be published in the RECORD—it is important information, and the resolutions are important; and then that reference be had to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

AMERICAN SHIPPING AND INDUSTRIAL LEAGUE,
OFFICE OF THE SECRETARY,
*Washington*, D. C., *February* 3, 1887.

MY DEAR SIR: The American Shipping and Industrial League at its recent national union convention assembled in this city unanimously passed the following resolutions, and ordered that the undersigned should present the same to both Houses of Congress:

RESOLUTIONS.

The American Shipping and Industrial League in national convention assembled in the city of Washington, D. C., do declare:

First. The object of the league is to promote the development and distribution of products of American labor by the extension of the merchant marine of the United States, and to establish thereby more intimate commercial intercourse with other countries by frequent and direct mail service.

Second. That an increase of our merchant marine is demanded by considerations of the most momentous character, among which may be mentioned:

1. The fact that the people of the United States are now producing so much more of the raw materials from farm and mine, and such superabundance of manufactured goods, that our home markets are glutted, and stagnation thereby produced. Stagnation, experience has shown, is the parent of financial crises, which bring ruin to the producing classes of every community.

2. Our best markets should be those of Central and South America, the West Indies, and Australasia, from which we are practically excluded at this time by the inadequate facilities we have for transporting our products to their seaports.

3. The distribution of all American products could be more promptly and economically effected through the instrumentality of American shipping, if such facilities were at all adequate for the needs of the hour. The economic fact is generally overlooked by those not in immediate contact with practical commerce that the nationality of a ship in which goods are transported carries with it command of the market to which the goods are consigned, and also controls the exchanges by which payments are effected.

Third. That the decay of American shipping and its injurious effect upon all industries demands not alone the thoughtful attention of intelligent men, but the adoption also of measures, both prompt and efficient, for arresting the evil, and restoring our merchant marine to its former prosperous condition.

It was the birthplace of the Navy, and should be the nursery for the gallant men who are to make our flag respected and feared upon every sea.

Fourth. The rapidly developing industries of the Gulf States in the mining of coal and iron and in the manufacture of cotton goods make the demand for new outlets and increased facilities of transportation imperatively necessary. The proximity of the Gulf ports of our Southern States to the various Spanish and Portuguese American countries gives the United States an insurmountable advantage over all foreign countries in point of distance and time for the supply of the provisions, breadstuffs, and other products of the great Mississippi Valley, of which said countries are large consumers, and which, for want of a properly sustained merchant marine, are now supplied to a great extent from foreign countries. This need the General Government should satisfy, and in doing so the benefits would be distributed to every portion of our common country.

Fifth. That this convention should urge upon the Congress of the United States the passage of what is known as the "bounty bill," which provides that every vessel, sail or steam, built and owned in the United States, trading with foreign ports, shall be allowed 30 cents per ton for each 1,000 miles sailed or steamed for a period of twenty years, one-third reduction of said rate to be made at the end of the first ten years from the date the act of Congress shall take effect.

We have the honor therefore to present these resolutions, in conformity with the instructions of that convention, that they may have the attention necessary, and in behalf of which we beg your kind interest.

Very respectfully, your obedient servants,

JOHN M. MARTIN, of Alabama, *Chairman.*
DANDRIDGE McRAE, of Arkansas.
CHARLES S. FELTON, of California.
WARD LAMON, of Colorado.
L. M. MERRITT, of Florida.
CHARLES B. LORE, of Delaware.
R. W. TOWNSHEND, of Illinois.
N. D. WALLACE, of Louisiana.
J. C. LAVENSALTER, of Maine.
J. B. GILFILLAN, of Minnesota.
J. P. JONES, of Nevada.
JAMES H. WINCHESTER, of New Jersey.
JAMES E. WARD, of New York.
JOHN A. GANNO, of North Carolina.
JOSEPH N. DOLPH, of Oregon.
H. H. BINGHAM, of Pennsylvania.
JONATHAN CHACE, of Rhode Island.
JOHN M. KEATING, of Tennessee.
P. G. WELLFORD, of Virginia.
PHILIP PENDELTON, of West Virginia.
CURTIS C. BEAN, of Arizona.
P. DONAN, of Dakota.
CHARLES S. VOORHEES, of Wash. Ter.
S. W. DOWNEY, of Wyoming.

The above is a true copy.

JOSEPH WHEELER, of Alabama, *President.*
CHARLES S. HILL, *Secretary.*

Hon. JOHN SHERMAN,
*President United States Senate.*

*Interests and delegates present or accredited to the national union convention of the American Shipping and Industrial League assembled at Washington January* 18 *and* 19, 1887:

RECAPITULATION.

Number States and Territories represented..... 47

| Interests represented. | Number. | Delegates. |
|---|---|---|
| Chambers of commerce | 11 | 41 |
| Boards of trade | 10 | 45 |
| Merchants exchanges and associations | 5 | 7 |
| Shipping interests | 35 | 35 |
| Maritime associations | 3 | 6 |
| Maritime interests | 8 | 10 |
| Railroad interests | 8 | 10 |
| Mining interests | 5 | 5 |
| Insurance interests | 3 | 3 |
| Manufacturing interests | 6 | 11 |
| Legal professions | 23 | 23 |
| Banking interests | 7 | 7 |
| State officials | 9 | 9 |
| Journal interests | 14 | 14 |
| Land interests | 5 | 5 |
| Labor organizations | 2 | 2 |
| Cotton industry | 19 | 19 |
| Sugar industry | 12 | 12 |
| Rice industry | 3 | 3 |
| Cattle interests | 2 | 2 |
| Lumber interests | 10 | 10 |
| Grain interests | 9 | 9 |
| League delegates | | 41 |
| | | 329 |

Mr. EDMUNDS. I present copies of the petition of Thomas Clark, a soldier of the war of the Revolution, addressed to the General Assembly of New Hampshire, with statistics and papers attached, and a copy of the will, and probate of it, of the same Thomas Clark, and the statement of the town clerk where some records are upon the subject. I move that all these papers be referred to the Committee on Revolutionary Claims, which has a petition of a descendant of Thomas Clark before it asking for relief.

The motion was agreed to.

Mr. SABIN presented a joint resolution of the Legislature of the State of Minnesota; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA.

Twenty-fifth session.] S. F. [No. 341.

Joint resolution asking Congress to appropriate $10,000 for the improvement of the Minnesota River at the borough of Belle Plaine.

*Resolved by the senate of the State of Minnesota (the house of representatives concurring)*, That whereas the borough of Belle Plaine has, by a vote of its people, built a free-toll iron draw-bridge across the Minnesota River, within its limits; and

Whereas the consent of the National Government was obtained before the Minnesota River could be bridged; and

Whereas the importance of continuing the work of the improvement of the Minnesota River in the interest of cheap transportation is a matter of national interest; and

Whereas there is a large amount of travel and intercourse between the citizens of the United States carried on across the said "free-toll bridge;" and

Whereas the highway leading to said bridge on the north side is apparently in imminent danger of being cut in twain by reason of the Minnesota River changing its present bed or channel and running north of said bridge, thereby rendering said bridge useless to the public at large, and at this point the navigation of the Minnesota River endangered, if not made worthless, which would be a great calamity: Therefore,

*Be it resolved*, That our Senators and Representatives in Congress be, and they are hereby, requested to use all reasonable efforts to secure an appropriation of $10,000, to be expended under the directions of the engineer of the United States, in such a manner as to save to and for the public at large the use of said "free-toll iron bridge," and the unimpaired navigation of the Minnesota River at this place.

*Be it further resolved*, That the secretary of state be requested to send a copy of these resolutions and preambles to each of our Senators and Representatives in Congress.

A. E. RICE,
*President of the Senate.*
WILLIAM R. MERRIAM,
*Speaker of the House of Representatives.*

Approved February 12, 1887.

STATE OF MINNESOTA, *Department of State:*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 19th day of February, A. D. 1887.

[SEAL.] H. MATTSON, *Secretary of State.*

Mr. SABIN presented a joint resolution of the Legislature of the State of Minnesota; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA.

Twenty-fifth session.] S. F. [No. 201.

A joint resolution requesting Congress to appropriate money for the improvement of the navigation of the Red River of the North and its tributary waters.

Whereas the improvement of the Red River of the North has been greatly benefited by a wise expenditure of money heretofore appropriated; and

Whereas surveys have demonstrated the practicability, and experience has

demonstrated the necessity, of the further improvement of the navigation of said river by the construction of a lock and dam at Goose Rapids; and

Whereas it is believed that the navigation of said river may be extended up the Red Lake River, and up the Bois de Sioux through Lake Traverse to the head of Big Stone Lake, by creating a reservoir at that lake and also at Red Lake, and improving the streams leading therefrom to said Red River; and

Whereas the improvements contemplated, and known to be feasible, would tend to greatly cheapen the transportation of the cereal products of Minnesota and Dakota, and greatly aid in building up and fostering international traffic with British North America: Therefore,

*Be it resolved by the Legislature of the State of Minnesota*, That our Senators and Representatives in Congress be requested to use all their influence to secure an appropriation for the construction of a lock and dam at Goose Rapids, and to further prosecute the dredging of said river between Breckenridge and the international boundary, and to make a survey of Red Lake and river and of the Bois de Sioux River, and Lake Traverse and Big Stone and the intermediate country with a view to connecting said lakes by canal.

*Resolved further*, That the secretary of state be requested to forward copies of this resolution to each of our Senators and Representatives in Congress.

A. E. RICE,
*President of the Senate.*
WILLIAM R. MERRIAM,
*Speaker of the House of Representatives.*

Approved February 12, 1887.

STATE OF MINNESOTA, *Department of State:*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 19th day of February, A. D. 1887.

[SEAL.] H. MATTSON, *Secretary of State.*

Mr. SABIN also presented a joint resolution of the Legislature of the State of Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA.

Twenty-fifth session.] S. F. [No. 185.

Joint resolution requesting our Senators and Representatives in Congress to secure the canceling of entries of the public lands made by the Winona and Saint Peter Railroad Company and other land-grant companies of this State in excess of their grants, or compel payment by said companies therefor.

Whereas it appears from the report of the honorable Commissioner of the General Land Office of the United States that the amount of lands approved to the Winona and Saint Peter Railroad Company, by virtue of the grant of lands made by the Congress of the United States to the State of Minnesota to aid in the construction of said road, over and above and in excess of the lands so granted, reaches from 300,000 to 600,000 acres of land wrongfully abstracted from the public domain, in defiance of the rights of the people, the settlers of this State, and injurious to the welfare and prosperity of the citizens and tax-payers thereof; and

Whereas it further appears from said report that the amount of lands approved under the acts of Congress to other land-grant roads reaches thousands of acres in excess of the terms of the granting acts; and

Whereas upon the statements set forth in said report of the honorable Commissioner of said Land Office, large numbers of our citizens, believing that said lands were unlawfully withheld from the public domain by said railroad companies, have in good faith settled thereon, at great cost to themselves, yet liable to be ejected therefrom unless relief be afforded them by Congress or the proper authorities; and

Whereas said entries should be canceled, and said companies compelled to restore said excess lands to the public domain to be open for entry for actual settlers, or that said companies should be required to account and pay therefor by legal process, methods, and means: Now, therefore,

*Be it resolved by the Legislature of the State of Minnesota*, That our Senators and Representatives in Congress be requested to urge the enactment of such legislation (if any be deemed necessary to secure such end or the needful representations made to the proper officers of the Government) that will compel the said railroad companies to restore to the public domain all lands found by the Department of the Interior to have heretofore been approved to said railroad companies in excess of the amount heretofore granted to the State of Minnesota to aid in the construction of said railroads or the cancellation of such excess entries; or that in case of *bona fide* sales to actual purchasers of any of said excess lands, that the proper judicial officers be requested to take the necessary steps and proceedings in law or otherwise against said railroad companies to recover the value of all such excess lands sold as aforesaid to *bona fide* purchasers.

*Resolved*, That a copy of the above and foregoing joint resolution be forwarded by the governor of this State to our Senators and Representatives in Congress.

A. E. RICE,
*President of the Senate.*
WILLIAM R. MERRIAM,
*Speaker of the House of Representatives.*

Approved February 12, 1887.

STATE OF MINNESOTA, *Department of State:*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 19th day of February, A. D. 1887.

[SEAL.] H. MATTSON, *Secretary of State.*

Mr. SABIN also presented a joint resolution of the State of Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA.

Twenty-fifth session.] S. F. [No. 290.

A joint resolution asking immediate adjustment of land grants to railroads in this State.

Whereas large areas of land in this State have been granted to railroads; and

Whereas in consequence of which still larger areas have been withdrawn from settlement for the purpose of making good to said companies any deficiency which might possibly arise in the adjustment of said grants by reason of sales or prior claims of settlers; and

Whereas all of these railroads have long since been completed and in operation, notwithstanding which all of said grants still remain unajusted; and

Whereas these lands have remained withdrawn and untaxed for from twenty to thirty years, to the great detriment of the State and the settlers residing on the even sections adjoining said lands; and

Whereas year after year the people and the Legislature of this State have repeatedly petitioned Congress for some action in this matter to have the same decided, so that settlers could obtain title to said lands either from the Government or the railroad companies to which said lands might be awarded: Therefore,

*Be it resolved by the Legislature of the State of Minnesota*, That the interest of the State and the citizens requires that all land grants to railroads in this State should be adjusted at the earliest possible day, and that our Senators and Representatives in Congress are requested to use all honorable means to secure an immediate adjustment of said grants, and that they urge upon Congress the necessity of instructing the Secretary of the Interior to cause the immediate adjustment of said grants, so that the lands may become subject to settlement or sale and taxation.

*Resolved further*, That the secretary of state be, and is hereby, requested to forward a copy of this resolution to our Senators and Representatives in Congress at as early a day as practicable.

A. E. RICE,
*President of the Senate.*
WILLIAM R. MERRIAM,
*Speaker of the House of Representatives.*

Approved February 12, 1887.

STATE OF MINNESOTA, *Department of State:*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 19th day of February, A. D. 1887.

[SEAL.] H. MATTSON, *Secretary of State.*

## REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8620) granting relief to Henry Durkee, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 834) for the relief of John A. London, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Orrin R. McDaniel, of Shumway, Ill., praying that he be granted an honorable discharge from the Army, submitted a report thereon, accompanied by a bill (S. 3333) for the relief of Orrin R. McDaniel; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of George W. Bolton, of Montpelier, Vt., praying for the passage of an act removing charge of desertion against him, submitted a report thereon, accompanied by a bill (S. 3334) for the relief of George W. Bolton, alias Charles W. Andrews; which was read twice by its title.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 8319) for the relief of Martin Coughlin, have instructed me to report the same back to the Senate with the information that the Secretary of War has already corrected the military record of this claimant as provided for in the House bill. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred the bill (S. 2885) donating fifty unserviceable muskets and bayonets to Wallace Brown's Post, No. 190, Grand Army of the Republic, of Birch Run, Mich., have instructed me to report it back to the Senate and to recommend the indefinite postponement of the bill on the ground that the War Department is now and has been for some time furnishing Grand Army posts with unserviceable muskets at the price of $1, and the accouterments, bayonets, cartridge-boxes, &c., for 50 cents; and it is believed that the Grand Army posts will cheerfully purchase them at those low prices, without the passage of special relief bills. The letter of the Chief of Ordnance, with the schedule prices of muskets and accouterments, is attached to the report. I move that the report be printed and the bill indefinitely postponed.

The motion was agreed to.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 3006) authorizing and directing the Secretary of War to send to Wallace Brown's Post, No. 190, of Birch Run, Mich., 50 unserviceable muskets and accouterments, have instructed me to report the same adversely, and ask that it be indefinitely postponed, for the same grounds stated in the report just made.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8331) to regulate the pay of the officers of the Army and Navy who refuse or neglect to provide for the support of their families, reported it without amendment.

Mr. HARRIS, from the Committee on Epidemic Diseases, to whom was referred the joint resolution (S. R. 102) establishing a national quarantine station at Key West, Fla., reported it with amendments.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7176) for the relief of Isaac Crawford, reported it without amendment, and submitted a report thereon.

Mr. MORRILL. I am directed by the Committee on Finance to report adversely the bill (S. 2903) to provide for the retirement of United States legal-tender and national-bank notes of small denominations and the issue of coin certificates, and for other purposes. I ask to have it placed on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar with the adverse report.

Mr. BECK. That bill is reported adversely by a majority of the committee barely. I desire to have it placed on the Calendar, and I give notice that I shall call it up at a very early day.

The PRESIDENT *pro tempore*. The bill has been placed on the Calendar.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6162) granting a pension to Joseph M. Potter;
A bill (H. R. 6823) granting a pension to Peter P. Hoffman;
A bill (H. R. 7952) granting a pension to Mary Parrott;
A bill (H. R. 9248) to increase the pension of Richard Foreman;
A bill (H. R. 8828) granting a pension to Giles Wright; and
A bill (H. R. 9213) granting a pension to Mary Corbett.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8437) granting a pension to Thomas Weekly;
A bill (H. R. 3963) granting a pension to Henry P. Reed;
A bill (H. R. 8355) for the relief of Sarah A. Jones;
A bill (H. R. 6423) for the relief of Mary Kaylor;
A bill (H. R. 5171) granting a pension to Missouri Anderson;
A bill (H. R. 9301) granting a pension to Joseph Jones; and
A bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment, Pennsylvania Volunteers.

Mr. CONGER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 9414) for the relief of John A. Thompson, reported it with an amendment.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3931) to grant a pension to Nancy Gunsales; and
A bill (H. R. 6656) for the relief of Mary Tarbell.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the bill (H. R. 7418) granting a pension to Emily Threadgill, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6066) to authorize the sale of the United States barracks property in the city of Newport, Ky., and the purchase of a new site and the erection of buildings thereon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2718) for the detail of officers of the Army for colleges and schools, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3202) to amend section 1121 of the Revised Statutes relating to the appointment of chaplains, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10991) to quiet title to certain land in the city of Washington, D. C., reported it without amendment.

### WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That 4,000 additional copies of Wharton's Digest of International Law be printed and bound, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 1,000 copies for the use of the Department of State.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property.

The message also announced that the House insisted upon its amendment to the bill (S. 2451) for the relief of Mrs. Julia De Quindre disagreed to by the Senate, agreed to the conference asked by the two Houses thereon, and had appointed Mr. LOVERING, Mr. TAULBEE, and Mr. MORRILL managers at the conference on the part of the House.

The message further announced that the House had passed the bill (H. R. 10421) to provide for a term of court at Duluth, Minn.; in which it requested the concurrence of the Senate.

### DEATH OF NEW YORK REPRESENTATIVES.

The message also announced that the House had passed resolutions commemorative of the life and character of the late Representatives Arnot, Beach, and Dowdney, of New York; which were transmitted to the Senate.

### PUBLIC BUILDING AT ABINGDON, VA.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same.

That the House agree to the Senate amendment numbered 1, with the following amendment: At the end of said amendment numbered 1 add the following: "But nothing in this act shall be construed to require an exchange of site;" and that the Senate agree to the same.

WM. MAHONE,
JOHN C. SPOONER,
*Managers on the part of the Senate.*

C. P. SNYDER,
BERIAH WILKINS,
W. W. BROWN,
*Managers on the part of the House.*

The report was concurred in.

### PUBLIC BUILDING AT DETROIT, MICH.

Mr. MAHONE submitted the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885; which was read.

Mr. EDMUNDS. I should like to hear that explained, to see what it means. We can not understand it from the report.

Mr. MAHONE. It means the reduction of the appropriation $200,000.

Mr. EDMUNDS. I am satisfied.

The PRESIDENT *pro tempore*. The conference report is not formal. It has not been signed by the members of the conference on the part of the House of Representatives.

Mr. MAHONE. I will withdraw it for the moment.

The PRESIDENT *pro tempore*. When signed it will be again presented.

Mr. EDMUNDS. The Senator from Virginia withdraws it for the time being so that it can be placed in form.

### SALE OF PUBLIC DOCUMENTS.

Mr. MANDERSON. The Committee on Printing, to whom was referred the joint resolution (S. R. 108) providing for the sale of public documents, instruct me to report it favorably with an amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of the Interior to sell, at cost price, to any party wishing to purchase the same, any public document of which copies available for this purpose, not required for official use, remain; but only one copy of any document shall be sold to any one person.

The amendment reported by the Committee on Printing was to add as a new section:

SEC. 2. That the Secretary of the Interior shall have kept a detailed statement of each and every public document sold, the name of the purchaser and date of the purchase, and that he shall annually publish among the documents accompanying his annual report a statement showing the number of each public document sold during the fiscal year, and the price thereof.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

### MAP OF THE UNITED STATES AND TERRITORIES.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred the joint resolution (S. R. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed, to report it favorably without amendment. I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### PRINTING OF "FLAGS OF ALL NATIONS."

Mr. MANDERSON. I am also directed by the Committee on Printing, to whom was referred a concurrent resolution for printing the "Flags of all Nations," prepared by order of the Secretary of the Navy by the Bureau of Navigation, to report it favorably without amendment. I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House concurring)*, That the "Flags of all Nations," prepared by order of the Secretary of the Navy by the Bureau of Navigation, be printed, and that 3,000 additional copies be printed, of which 800 copies shall be for the use of the Senate, 1,200 copies for the use of the House of Representatives, and 1,000 copies for the use of the Navy Department, for issue to vessels of the Navy, and for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes.

ALLEN'S REPORT ON ALASKA.

Mr. MANDERSON. I am also instructed by the Committee on Printing, to whom was referred a concurrent resolution to print the report of Lieut. Henry T. Allen of his explorations in Alaska, to report it favorably without amendment. I ask its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the report of Lieut. Henry T. Allen of his explorations in Alaska, transmitted by the Secretary of War in response to a request therefor from the Senate, be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the Secretary of War.

COMPILATION OF VOTES OF THANKS.

Mr. MANDERSON. I am also instructed by the Committee on Printing, to whom was referred a resolution directing the Committee on Printing to have prepared a compilation of the votes of thanks by the Continental Congress and by the Congress of the United States for military, naval, and civil service, to report the same favorably without amendment. I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the Senate Committee on Printing be, and hereby, is directed to have prepared a compilation of the votes of thanks by the Continental Congress and by the Congress of the United States for military, naval, and civil services, with abstracts of the resolutions, showing what prompted their passage, and to report the same in print before the 10th day of December next; and the expense for compiling, copying, and indexing the same, not to exceed $500, shall be paid from the contingent fund of the Senate.

Mr. EDMUNDS. I think that had better go over. I want to inquire a little about it.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

COMMITTEE ON COAST DEFENSES.

Mr. CAMERON. I am instructed by the Committee on Coast Defenses to report a resolution, which I ask may be printed and placed on the Calendar.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the Committee on Coast Defenses be, and they are hereby, authorized to sit, by subcommittee or otherwise, during the recess of Congress, at such places in the United States as they may deem proper; and that they be, and they are hereby, authorized to inquire into all matters connected with the subject of sea-coast fortifications and other works of defense, with power to administer oaths and take testimony, and to employ a stenographer and a clerk; and that the actual necessary expenses of the said committee, properly incurred in the execution of this resolution, shall be paid out of the contingent fund of the Senate in the usual manner, upon the order of the chairman of the committee.

Mr. CAMERON. I move that the resolution lie on the table, and I will call it up to-morrow.

The PRESIDENT *pro tempore*. It will lie on the table.

HOUR OF MEETING.

Mr. ALLISON. The Committee on Appropriations instruct me to report back the resolution submitted by the Senator from Florida [Mr. CALL] on the 17th instant relating to the hour of meeting, &c., with an amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa, from the Committee on Appropriations, reports a resolution, which will be read.

The Chief Clerk read the resolution, as follows:

*Resolved*, That for the remainder of the session the Senate will convene at 11 o'clock a. m., and, with a recess of one hour, will continue in session until 9 p. m.

The amendment reported by the Committee on Appropriations was to substitute for the resolution the following:

*Resolved*, That for the remainder of the session the Senate will meet at 11 o'clock in the morning, and the morning hour shall terminate at 1 o'clock p. m.

Mr. EDMUNDS. Let that go over subject to points of order.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule. The Chair supposes, it being a report of a committee, it will be placed on the Calendar subject to be taken up on motion.

Mr. EDMUNDS. Certainly; let it go on the Calendar regularly.

Mr. HARRIS. I suggest to the Senator from Iowa that he to-day give notice and reintroduce his resolution because it is a change of the standing rules of the Senate, and if the question of order is to be made his resolution will go down under the question of order. I would give the notice to-day.

Mr. ALLISON. I will look into it.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 3335) to amend section 993 of the Revised Statutes of the United States for the District of Columbia so as to make the 12th day of February a holiday within said District; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY introduced a bill (S. 3336) for the relief of Sterling H. Tucker and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON, of Iowa, introduced a bill (S. 3337) to confirm a grant of land to the city of Socorro, N. Mex; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. SABIN introduced a bill (S. 3338) relative to the Minneapolis Industrial Exposition to be held annually in the city of Minneapolis, State of Minnesota; which was read twice by its title, and referred to the Committee on the Library.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3339) for the relief of Michael Conlan; which was read twice by its title, and referred to the Committee on Claims.

Mr. SABIN introduced a joint resolution (S. R. 114) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO BILLS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations.

CHANGE OF REFERENCE.

Mr. WHITTHORNE. I ask a change of reference of the bill which I introduced yesterday, being the bill (S. 3332) to authorize the construction of an arsenal for the manufacture of ordnance and ordnance stores for the use of the Government of the United States, at Columbia, Tenn., from the Select Committee on Ordnance and War Ships to the Committee on Coast Defenses.

The PRESIDENT *pro tempore*. If there be no objection, that change of reference will be made.

REPORT OF CIVIL SERVICE COMMISSION.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

*Resolved by the Senate of the United States*, That there be printed 500 additional copies of the report of the reply of the Civil Service Commissioners to Senate resolution of July 22, 1886, for the use of said commission.

AWARD AGAINST REPUBLIC OF HAYTI.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the President be, and he hereby is, requested to communicate to the Senate, if not inconsistent with the public interests, copies of the letters dated respectively June 8, 1886, and September 20, 1886, addressed by the counsel of A. H. Lazare to the Secretary of State, and filed in the Department of State, in the matter of the award against the Republic of Hayti in favor of A. H. Lazare, under the protocol made by and between the Secretary of State of the United States and the minister plenipotentiary for the Republic of Hayti, dated 24th May, 1884.

ORDER OF PROCEEDING.

Mr. CALL submitted the following resolution; which was read:

*Resolved*, That for the remainder of the session the Senate, at the conclusion of the morning business, will consider Senate bills favorably reported by the committees until 2 o'clock on each alternate day, and House bills on the other alternate day, commencing first with the Senate bills.

Mr. HARRIS. Let that go over.

The PRESIDENT *pro tempore*. The resolution goes over under the rule.

RESIGNATION OF PRESIDENT PRO TEMPORE.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read:

*To the Senate of the United States:*

SENATORS: My office as President *pro tempore* of the Senate will necessarily terminate on the 4th of March next with my present term as Senator. It will promote the convenience of the Senate and the public service to elect a Senator as President *pro tempore* whose term extends beyond that date, so that he may administer the oath of office to Senators-elect and aid in the organization. I, therefore, respectfully resign that position to take effect at 1 o'clock p. m., on Saturday next, February 26.

Permit me in doing so to express my heartfelt thanks for the uniform courtesy and forbearance shown me while in the discharge of my duties as Presiding Officer by every member of the Senate.

Very truly, yours,

JOHN SHERMAN.

The PRESIDENT *pro tempore*. The communication will lie on the table.

Mr. EDMUNDS. I think an order ought to be made that that be entered in the Journal and placed on file, instead of merely laid on the table.

The PRESIDENT *pro tempore*. If there be no objection, the communication will be entered in the Journal and placed among the files of the Senate.

LIMITATION OF DEBATE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Pennsylvania [Mr. CAMERON], which comes over under objection. The resolution will be read.

The Chief Clerk read as follows:

*Resolved*, That during the remainder of this session no Senator shall speak on any question more than once, and shall confine his remarks to five minutes' duration.

Mr. EDMUNDS. I make the point of order under Rule XL. That changes the rules of the Senate and is not in order.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the resolution is not in order. It does not define the rule to be changed, or come within the terms of the rule authorizing a change of rules.

INDIAN TRADERS.

The PRESIDENT *pro tempore*. The Chair presents also the resolution submitted yesterday by the Senator Connecticut [Mr. PLATT], which comes over under objection, and which will be read.

The Chief Clerk read as follows:

*Resolved*, That the select committee directed to investigate the subject of the appointment of Indian traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, &c. (appointed under resolution of June 3, 1886), be, and it is hereby, authorized and directed to continue the said investigation during the coming recess of Congress, with all the powers and authorities granted to said committee by the resolution of June 3, 1886.

Mr. VAN WYCK. May I inquire to how many committees the privilege has been granted of continual and perpetual session? I only desire to know. It takes time to be passing these resolutions in detail; and had we not better have one resolution which shall embrace them all?

If an amendment be in order I would suggest that all the committees, regular and special, be authorized to sit during the recess of the Senate. That will give them all an opportunity to gallopade at the public expense.

Mr. PLATT. Perhaps I ought to say a single word with reference to this resolution.

Shortly before the close of the last session of Congress this committee was raised by direction of the Senate to conduct an investigation. That investigation is partially concluded, but not entirely concluded. It has been impossible to conclude the investigation, and this resolution is the result of a belief on the part of the committee that it ought to discharge the duty which the Senate has imposed upon it, which it has been unable to discharge up to this time. I believe that it is agreed to by the whole committee.

I happened to be appointed, very much against my wishes, chairman of the committee, and I want to say with regard to it that I present the resolution at the request of the committee. I leave the question with the Senate. I shall be very much relieved if the Senate does not wish the investigation to be further conducted, but I want to discharge my duty in the matter, and that is all.

Mr. EDMUNDS. I wish to ask the Senator from Connecticut whether this committee will be to any extent disorganized by the termination of the terms of any of the gentlemen who now compose it?

Mr. PLATT. All the members of the committee will be members of the next Senate.

Mr. VAN WYCK. We spend much time on questions like this at a very unfortunate period in the history of the Senate, in the last few concluding days, when the time should be really occupied for other and more important purposes. Then it is that we find generally these resolutions come in quietly one after another. The most unobjectionable I notice always and that supposed to be the most popular and as to which no objection is suggested comes from the Committee on Education and Labor. That seems to be a sort of John the Baptist in this matter. It is the leader, the precursor of all the rest. Nobody feels at liberty in the easy *far niente* manner in which it comes to say a word in objection. Then they all follow on.

I asked for information a moment ago. I think that committee came first quietly; and then the Committee on Commerce. Of course the largeness and importance of that committee probably gives it a little more attention. That committee precipitates a resolution to sit during the recess, that the Committee on Commerce shall roam all through the long summer months on the Atlantic and the Pacific. That resolution went back to the Committee on Commerce I think, and I believe it has not been reported yet. I would ask the Secretary about the resolution authorizing the Committee on Commerce to sit during the long weary months of the recess.

Mr. EDMUNDS. You had better ask the Chair.

Mr. VAN WYCK. I will ask the Chair.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair is without information on that subject.

Mr. VAN WYCK. Does the chairman of the Committee on Commerce know anything about that? Probably not. [Laughter.] Then we are without information on that point. Then I understand the Committee on Coast Defenses precipitated a resolution that has passed the committee. The Committee on Appropriations ought to take some interest in this matter.

Mr. EDMUNDS. The commerce resolution has not been reported.

Mr. VAN WYCK. That for the Committee on Coast Defenses, I am told, has passed, but the resolution for the Committee on Commerce has not been reported back. This is for the Indian traderships committee.

Mr. DOLPH. That for the Committee on Coast Defenses was not passed.

Mr. VAN WYCK. Not passed! So much the better for the people. Then nothing but Education and Labor has wormed itself through unanimously, I believe. Now, as to this proposition in relation to the committee on Indian traderships, the resolution to raise the committee was adopted at the last session, I think. Will it be in order to inquire how much time this committee has devoted to the examination of that very important and interesting subject of Indian traderships during the session of the Senate?

Mr. PLATT. At the last session of the Senate the committee took testimony which probably fills 100 or 150 pages of print. The committee did not travel during the recess for that purpose, and did not sit during the recess, and did not summon witnesses during the recess. At this session of the Senate it has been impossible for the members of the committee with their other duties to pursue that investigation.

There are some matters connected with the subject which, as I said before, I think ought to be investigated. I think the whole law and the method of procedure under the law and the question whether there should not be a change of the law, ought to be thoroughly examined; but with the pressure there has been upon members of the committee, it has been utterly impossible for them to conclude the investigation up to this time.

I simply repeat now what I said before, that if this Senate does not want the investigation continued I hope they will vote down this resolution. They can not gratify me any more personally than by doing it, but I feel that I am simply discharging a duty in this matter.

Mr. DAWES. The Committee on Indian Affairs who were originally instructed to pursue this investigation went into it so far as to find that it would take so much of their time that it would be impossible for them to pursue it in the manner in which it ought to be pursued, and they came back to the Senate and requested the Senate to appoint a special committee of members of the Senate to pursue the investigation. The committee were satisfied that it was an important matter, which ought to be thoroughly investigated, and they were in the hope that that investigation would result in some measure which would reform the Indian-trader service of this great Government, which stands, in my opinion, in great need of such reform.

Mr. VAN WYCK. Did the special committee sit during the last recess?

Mr. DAWES. Since the committee was appointed, as I am not a member of it, I have not kept track of the proceedings; but the character of the committee is such that I think the Senate will have confidence in it.

Mr. VAN WYCK. When was the last session of this committee?

Mr. PLATT. Just about the close of the last session. We sat during the session perhaps ten or twelve days, and of course the adjournment of the last session broke in upon our investigation. We have not been able to continue it since.

Mr. VAN WYCK. Then there has not been a session of this committee in about nine months. This committee may be very important; but if it is important it ought to have some relation to current history and close up its affairs during this generation. May I inquire whether this is the first introduction of this resolution this morning, or does it come over?

The PRESIDING OFFICER. The resolution was introduced on a previous day, comes over under the rule, and is under consideration this morning.

Mr. VAN WYCK. I do not approve of all the committees of this body sitting during the recess of the Senate; yet I feel it necessary to offer such an amendment to this resolution, because I take it that if it is important for this committee to sit, it is probably important for nearly every other committee of the body to sit during the recess. The Committee on Coast Defenses, the Committee on Commerce, and I suppose the regular Indian Affairs Committee, are prepared with resolutions of the same kind. I might ask my friend from Massachusetts, as there is generally a resolution that the Committee on Indian Affairs sit during the recess, whether the Indian Committee expect to have a resolution of that kind passed this session.

Mr. DAWES. The Senate Committee on Indian Affairs have not matured any resolution on the subject yet. Whether they will or not will depend upon their sense of duty as to whether there should be imposed upon them the labor which is involved in pursuing the investigations which they have pursued in the recess from time to time in years past. The Indian Committee have never taken that duty upon themselves voluntarily and they never felt that it was a recreation like that in which my friend from Nebraska is so fond of indulging throughout the country. They have spent very many days of labor and endured a good deal of buffeting about the plains and in tents by night and by day when other members of the Senate have had no such duty imposed upon them during the recess, but have contented themselves with criticisms on committees that have been engaged.

Mr. VAN WYCK. I notice that the Senator is not desirous that the Indian committee shall meet until their convictions of duty, as I understand, make it necessary.

Mr. DAWES. That may be a singular idea to the Senator.

Mr. VAN WYCK. Yes; it is in view of the past history of this body. I notice the convictions of duty on the part of committees get very lively in the last few days of a session generally. The conviction of duty runs on the recess.

Of course I know it is an unpleasant duty to antagonize all these pleasant resolutions that are offered, but yet convictions of duty which the Senator from Massachusetts referred to seem to render it necessary that it should be done.

For this body to make a continuing session of part of its members, for nine months nearly until the next session meets, would seem to be asking just a little more than I think convictions of duty should require at this time, and I only desire now—not to specify, because I think it is just as meritorious for this committee to meet during the recess as for any other committee of this body, and probably a little more so—but my point is if possible to have some system about this matter; not that they shall come in one upon another. Therefore I propose as an amendment, if the Secretary will take it down, for the purpose of having a system. I am opposed to it, and I am opposed to the amendment as much as I am to the resolution, but I think it will be pleasant probably for the Senate to put them all in one body—that all the committees of the Senate, the regular and special committees of the Senate, shall be authorized to sit during the recess of the Senate.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be reported.

The SECRETARY. It is proposed to strike out all of the resolution after the word "Resolved" and insert:

That all the regular and special committees of the Senate shall be authorized to sit during the recess of the Senate.

The PRESIDING OFFICER. The question is on this amendment.

The amendment was rejected.

Mr. VAN WYCK. I am very happy with that vote, Mr. President. Now, I trust that the Senate will give attention to the proposition in the resolution that this committee specially designated to examine into Indian traderships, because they think and the chairman of the Committee on Indian Affairs thinks that some reform should be had in the system of traderships, shall have authority to sit during the recess. Our friends on the Indian Committee spent, I think, nearly the whole summer before last in the Indian country, and a portion of last summer they were out, engaged in this work——

Mr. DAWES. No.

Mr. VAN WYCK. Not last summer? The summer before, then.

Mr. DAWES. One month.

Mr. VAN WYCK. The gentleman seems to fail to remember definitely as to last summer, but they were probably not out. I supposed that had fixed itself so firmly on his memory that he would recollect if they were in the Indian country last summer. I do not remember whether they were chased by the Indians the summer before last.

The Committee on Indian Affairs discovered that there should be some reform in the matter of traderships and they thought it so important a subject that a select committee should be appointed for the purpose of looking into it. It was done, and the special committee engaged in that work it seems have been here during this whole session, and for the last nine months there has been no meeting of the committee. For the last nine months these gentlemen have been where information could be obtained, I suppose at the Department where all the information could be obtained. If not, they have power to send for witnesses.

It is remarkable that here is a committee having charge of an important matter, with authority to send to the agencies and bring in witnesses, and yet it has done nothing for months. It will not do to say that there is no power or that they have not had time. When there was something supposed to be in the way of an outrage at an election far off in Texas, there was no difficulty in having a special committee organized to send for witnesses, and witnesses have been sent for from Texas and been examined by the special committee in session.

It costs a great deal of money, as my friend from Illinois [Mr. CULLOM] suggests; undoubtedly it does, but there is time to do that important work. Now, here was a special committee appointed to examine into Indian traderships, and for nine months they have had no session. For three months during this session there certainly must have been time. They could have sent for witnesses. My friend says it costs money. Certainly, but probably not so much as to employ a committee of this body and give them power to occupy nine months of the recess.

I have said all I desire to say on this. I have discharged my convictions of duty, as the Senator from Massachusetts has his on this matter. I call the attention of this body and the country to it in order that we may see at the outset whether we are to do as we have been so often in the habit of doing—give each committee that chooses to come and ask for it power to sit during vacation. They always come, generally hoping it will be done. They would generally like to be excused from the labor, toil, and heat of the summer campaign, as they very properly tell us, but then at the same time they prefer that the Senate should adopt their resolutions.

I have discharged my duty, and now it is for the Senate to say whether they intend to inaugurate the system of authority to the special and general committees of this body to sit during the recess of the Senate.

Mr. PLATT. Mr. President, I am glad that the Senator from Nebraska has discharged his duty. It is a gratification undoubtedly to the whole Senate. I do not think it is necessary to go into any further explanation in the way of defense of the action of this committee. I am very frank about it. A committee of this kind can only investigate by inquiry preliminary to taking testimony. During the recess the clerk of this committee did make such inquiries as convinced the committee that further testimony ought to be taken. I think the recess of the Senate was well employed in that matter.

It is true that at this session of the Senate we could have summoned twenty-five or thirty witnesses from the Indian Territory. It would have cost three to five times as much as it would for this committee to go to the Indian Territory and take their testimony. The committee believing that it was best to save the expense to the Government have asked to be continued during the recess, and some members of the committee, if it be continued, will go to the Indian Territory or near there for the purpose of continuing this investigation and examining the witnesses. If the Senate think it ought not to be done, do not pass the resolution. If the Senate think it ought to be done, then pass the resolution.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

## NOMINATION OF JAMES C. MATTHEWS.

Mr. RIDDLEBERGER. I offer the following resolution:

*Resolved*, That all the papers and documents on the files of the Senate or of any of the committees thereof relating to the matter of or pertaining to the nomination of James C. Matthews to be recorder of deeds in the District of Columbia be published in document form for the use of the Senate.

Mr. EDMUNDS. I object to that as not being proper in open session.

The PRESIDING OFFICER. The resolution goes over under the rule.

Mr. RIDDLEBERGER. I ask the Senator to allow me to make a brief statement, and then he can interpose his objection.

Mr. EDMUNDS. I think this is a matter that should be considered in executive session, not with open doors.

Mr. RIDDLEBERGER. The injunction of secrecy has been removed.

Mr. EDMUNDS. From the action of the Senate, but not from these papers.

Mr. RIDDLEBERGER. Yes, sir; entirely.

Mr. EDMUNDS. Then I withdraw the objection if the Senator is right. I do not object to the present consideration of the resolution.

The PRESIDING OFFICER. The resolution is before the Senate.

Mr. RIDDLEBERGER. When this nomination was first presented for the consideration of the Senate, it was referred to the Committee on the District of Columbia, of which I was a member at that time. Before the committee reported the nomination back to the Senate certain charges were made against Mr. Matthews from his own home. There was a report from that committee against the confirmation, a majority report, and the nomination was rejected. After the adjournment of the Senate the President again appointed Mr. Matthews, and when the Senate reconvened the President nominated him a second time and wrote a letter for the public assigning his reasons therefor. The propriety of that letter I am not called upon here to discuss. It was a matter that was executive, and executive only because it proceeded from the executive head of this Government, and ought to have rested in quiet and in secrecy until the Senate in executive session had disposed of the matter a second time.

The same committee reported the nomination adversely the second time, and a second time the nomination was rejected. Since then we have heard nothing but that Matthews was rejected because he was a colored man or that he was rejected because he was a colored Democrat.

Now, sir, the injunction of secrecy having been removed, I want my vote in committee and in executive session to go to my constituents. I voted against him in committee and in executive session, and I do not subscribe to either of the reasons that have been assigned by some gentlemen and by some portions of the press of this country for his rejection.

Until we removed the injunction of secrecy there could not be given here nor to the country the real reason that actuated Senators here and in committee for the rejection of this nomination.

I held first that this nomination ought to have been made of some citizen of the District of Columbia, for the recorder of deeds occupies the same relation to the property-holders of this District that the recording clerk or the county clerk in the State of Virginia and in other States of this Union occupies to the property-holders of their several counties.

There were charges preferred against him of the gravest character, one of which was that while colored men were engaged, and white men,

too, as laborers in the construction of a public building in the city of Albany, this man went to them and told them that unless they voted a certain ticket on the next day they would be discharged. I would have voted against him if he had been as white as any man, under such circumstances. I will vote against any man's confirmation who will go around among the men engaged in labor upon public buildings and notify them that unless they vote either the Republican or Democratic ticket they shall be discharged.

My reason for offering the resolution that brings the papers that are in the custody of the Committee on the District of Columbia to light and secures their publication, is to expose that fact, and let not only the colored people, but the white people of Virginia know that there were higher reasons for the rejection of this nomination than such as have been assigned by some portions of the press of this country and by some gentlemen on the hustings.

If there be a Senator here who voted for this confirmation knowing these facts, I ask him to state it to the country, and let all these papers go there and let the public read the papers as they were presented to the committee, and as they are sustained by citizens of the city of Albany, who sent them to the committee and who appeared here to affirm them.

Do I understand the Senator from Tennessee to have something to say? I see that he is rising.

Mr. HARRIS. I shall have something to say when the Senator is through, but not now.

Mr. RIDDLEBERGER. Lest I should not give the Senator time before 2 o'clock, I am almost inclined to say that I have about finished now. I think I have about given the facts of this case. If I have not, when there shall come a response to the resolution the facts will be sent out.

Mr. HARRIS. Mr. President, I shall most cheerfully vote for the resolution of the Senator from Virginia. He does not desire more than I do that every fact connected with the nomination of J. C. Matthews and the report of the committee and the action of the Senate should go to the public.

It is due to the truth of history, however, inasmuch as the Senator has emphasized the fact that certain charges were filed before the Committee on the District of Columbia against James C. Matthews, that some other facts should be stated in that connection. It is true that charges were made, but it is equally true that the chairman of the committee [Mr. INGALLS], the Senator who now occupies the chair, and myself were appointed a subcommittee to investigate those charges. It is equally true that we summoned from Albany, N. Y., every person that the man who made the charges indicated as one who could probably sustain them. We also summoned such witnesses as the accused chose to designate as having knowledge upon the subject. You and I, sir, sat for a whole day, and examined and cross-examined the various witnesses so brought to this city, under the solemn sanctions of their oaths. The evidence taken in that examination is now on file in the committee-room, and I shall be glad to see every word of it go into print and go to the public. But you and I, sir, agreed and reported to the full committee that there was not the shadow of foundation in truth for any one of the charges that had been so made against James C. Matthews.

I know not what the motives were of any Senator for voting against his confirmation, nor do I choose to inquire into their motives; but if there was a member of the Committee on the District of Columbia who doubted or had reason to doubt the personal respectability of the man or his qualifications to perform the duties of that office, no such doubt was ever expressed within my hearing.

Let these facts go to the public with the statement of the Senator from Virginia.

Mr. RIDDLEBERGER. Mr. President, if such examination were had and it is a matter of record in the room of the District Committee, then I am willing to add after the word "papers" in the resolution the word "evidence."

The PRESIDING OFFICER. The Senator has a right to modify his resolution.

Mr. RIDDLEBERGER. I want to enlarge it so as to meet the views of the Senator from Tennessee, for I inquired specifically about that, and I never could get it.

Mr. HARRIS. If the Senator will allow me, he raised the same question upon the first occasion when the Senate considered the nomination of Mr. Matthews, and when he did so I sent to the committee-room and had the testimony brought into this Chamber and laid upon the desk of the Senator from Virginia—a fact that the Senator ought not to have forgotten.

Mr. RIDDLEBERGER. If I have forgotten it, then my memory fails me now when refreshed. When I asked for it I was told that it was not taken down; and if it was not taken down how could it have been printed? I was told so, sir, by yourself, the chairman of the committee, appealed to by the Senator from Tennessee. A committee of two of investigation, at any rate, was an irregular proceeding, and I say that without intending to reflect upon either of the gentlemen.

I should like to be able to see a copy of that testimony now. I should like to know if these witnesses were summoned here, by what authority it was done, and whether done with the knowledge or consent of the Senate.

Mr. HARRIS. If the Senator wants information on that subject, I can inform him that it was with the full authority and upon the order of the Senate that it was done, as the Senator from Kansas, the chairman of the committee, will remember.

Mr. RIDDLEBERGER. I wanted it so that I could further develop the facts of this case. There was an investigating committee appointed in this matter, of which I was chairman, and of which Senator SPOONER, and, I believe, Senator BROWN, of Georgia, were members, and it was suggested that we should not have such authority. On that that subcommittee retired from the further consideration of it.

If the Senator wants to have both of our records laid open and laid bare, he can not satisfy me better than to invite it, for I recollect that at the first meeting of that committee (which is a part now of the whole proceedings which are to be laid open under this movement here to remove the injunction of secrecy) he opposed Matthews's confirmation, in my opinion, with all the vim that characterizes him on this floor and elsewhere where his convictions lead him, and at the subsequent meeting, after the charges had been preferred, he turned in favor of Matthews, and advocated his confirmation from that time on without any reason given, so far as I know, for that wonderful, that miraculous change.

Sir, I repeat that my object in bringing this matter to the notice of the Senate is to get it to the attention of the country and to stop the prejudicial statements which are intended to affect votes in a certain section of this country, and intended to misrepresent gentlemen who voted against this confirmation for reasons that might influence them to vote against the confirmation of any man, without regard to race or color. That is my only object, not to criticise the action of any Senator or any member of a committee. I think I stated with sufficient particularity, that I only wanted this to go to the country to give me my opportunity, and to give every other Senator his opportunity who voted against the confirmation, to show that the representations which proceed from the head of this Government now are founded in error of fact.

There is scarcely a morning that we do not see it circulated over the Southern country that Matthews was rejected because he was a colored man. I never heard the word "colored" suggested in committee or in executive session of the Senate, and I dare say that the Senator from Tennessee will say as much that he never heard the word "colored" suggested as a reason for rejecting this nomination. It was done for the two reasons I state here now. The peculiar relationship that the recorder of deeds occupies to the people of the District of Columbia led us to believe that that office ought to be filled from among the people of the District of Columbia; and second, these charges stood so far as I know now—not only knew then but so far as *I know now*—unrefuted, and I believe to-day that if the Senate had been in possession of those papers from the outset he would not have got half a dozen votes, if any, in this body.

Now, sir, if there was any report of what occurred before the committee, I should like to see where it came from, and I should like to know who took it down; for when the subject was before the Senate, I am quite sure I was told that the evidence had not been taken down. If it was printed, I ask whether it was printed by direction of the committee, and I would ask if any Senator on this floor saw the evidence. He may have seen the paper, but the evidence, I was assured, was not taken down; and if that is the fact it could not have been printed for the use of the Senate. I do not deny the fact, but I say I have never seen it, and the chairman of the committee assured me that it was not taken down.

Mr. HARRIS. If the Senator was assured of any such fact he was assured of what was absolutely false. Every word of the testimony was taken down and now exists, and is on file in the committee room and subject to the inspection of the Senator at any and every moment that he may desire to look at it; in addition to which the testimony was laid on his table in manuscript during the last session of this Congress.

Mr. RIDDLEBERGER. In manuscript?

Mr. HARRIS. In manuscript; I ordered it carried, and saw it laid upon his desk when the matter was under consideration in the Senate during the last session of this Congress.

Mr. RIDDLEBERGER. I shall require more provocation than the Senator from Tennessee has had before I shall use the word "false" in the discussion of a matter of this kind, because I did not state——

Mr. HARRIS. I say that if the Senator was informed of such a fact he was informed of what was false, because the fact is exactly the reverse of what he says he was informed, and therefore the information was false.

Mr. RIDDLEBERGER. I state here again that I never saw any such manuscript on this desk or anywhere else, and that the chairman of the committee told me that the evidence was not taken down.

Now, sir, whether a Senator says "true" or "false," I care not. I know it is true that I never saw any such manuscript on my desk, and I would like to know by what authority a committee will take down evidence and lay one copy of it upon my desk in manuscript. There

are seventy-six Senators here. When did one of them become so great that he, after retiring from the committee, should be allowed to have the only copy of the evidence taken in this matter? I have not measured myself up to that stature nor weighed myself up to that weight. If it was evidence that ought to have been submitted to one Senator, it ought to have been submitted to all. If there was a manuscript copy of the evidence taken down in that case, it ought to have been printed for the use of the Senate, and it ought not to have been laid upon the desk of any one Senator.

Mr. President, the object of the resolution is almost accomplished now, but still I want it to pass so that if there be manuscript evidence it can be yet printed in document form for the use of the Senate, and then the facts will stand out and we shall see and know, and the country will know, for what reason this man was rejected.

I admit that it is a small subject to have assumed so much public attention as it has, but it has been forced by a design, it seems to me, to use it for political purposes in certain sections of this country; and hence my object in offering this resolution is that the facts may go before the country so that we may all know them and know them as they are.

Mr. HARRIS. Mr. President, one word, and only one. The Senator has chosen to state to the Senate that when this nomination was first under consideration in committee he understood me as opposing the confirmation of Mr. Matthews.

Mr. RIDDLEBERGER. As at first opposing it.

Mr. HARRIS. That was your statement. That statement is true. I did state to the committee—and I was perhaps the first Senator who expressed his opinion about it in the committee—that while perfectly satisfied as to the respectability and qualifications of Matthews, I believed that a District of Columbia man ought to have been nominated to fill that position. I did so believe, and I so believe still; but I found myself in the minority, as I then thought, as to the propriety of selecting a District man. When we came to a vote, the Senator very well remembers that we stood exactly equally divided. Subsequently, and after Mr. Matthews had been made the victim of false charges, and was being persecuted in respect to the matter, I resolved to forego the only consideration which had prompted me to oppose his confirmation; but when I expressed myself as opposed to confirmation, for the reason above stated, I insisted that the committee should make a written report showing that it was satisfied as to his respectability and qualifications, and that he was rejected only because he was a non-resident of the District.

But after these other events had transpired I resolved to forego that one consideration and to sustain his confirmation. There were a number of other changes of votes as well as my own. The Senator from Virginia, I will say however, had opposed him from the beginning to the end, as he is opposing him still, for what reason I know not. The Senator from Virginia perhaps may know.

Mr. RIDDLEBERGER. I do not oppose him now.

Mr. HARRIS. You did oppose him while confirmation was pending, and you pursue him even now, after he has gone down.

Mr. RIDDLEBERGER. No, sir.

Mr. HARRIS. I simply desire to state that fact. I raise no question about other members of the committee having changed their votes, nor do I choose to personate the members of the committee who did so change; but on the first occasion he was rejected by a tie vote, and subsequently he was rejected by a decided majority. Let all the facts go to the public.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Virginia [Mr. RIDDLEBERGER].

The resolution was agreed to.

## ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

Mr. McPHERSON. Before the consideration of this bill is proceeded with, I ask the Senator from Kansas to yield to me for a moment.

I desire to give notice that, immediately after the consideration of this appropriation bill is concluded, it is my purpose to ask the Senate to take up House joint resolution 170, being a resolution to investigate the Pacific railroad companies.

One of the reasons why I wish to ask it is that, in the first place, it is the most important measure pending to-day before the Senate upon its Calendar. I understand that I am not violating any of the agreements which have been entered into between the two sides of the Chamber as to the order of business, but it is perfectly competent for me to call for the consideration of this resolution. Owing to its importance I think I am entitled to ask and demand it as a right, it being a matter of great public interest.

I shall ask its consideration, further, because I am recently in possession of information which will probably call me from the Senate after to-morrow, and as I have taken a great deal of interest in the matter and am desirous of being present during its consideration, I shall ask the Senate to accord it to me as a privilege that the resolution may be brought up and decided by the Senate.

I give this notice in order that Senators who may take an interest in the matter may be here.

Mr. MILLER. I presume the Senator from Kansas will yield to me as he has yielded to the Senator from New Jersey to give the notice in regard to taking up the particular measure he has stated.

It has been the general understanding, at least on this side of the Chamber, that the next bill to be taken up after the passage of the District appropriation bill would be the bill creating a Department of Agriculture, and I now give notice that immediately following the conclusion of the pending bill I shall move to take up that bill; and it has also been understood that immediately after the consideration of the bill creating a Department of Agriculture the next bill to be taken up is the bill in regard to the extirpation of the disease known as pleuro-pneumonia, a bill which is being demanded by nearly the whole country. If the Senate shall agree with me to take up the bill establishing the Department of Agriculture, as I trust it will, I shall then move immediately after that bill has been disposed of to take up the bill for the extirpation of pleuro-pneumonia.

I do not propose to take the time of the Senate at this moment in discussing the importance of these bills, or even in speaking of their importance. I will do that when they are taken up and are before the Senate; but I give this notice simply because I am compelled to do it in defense of the position of the Committee on Agriculture upon these questions, because the Senator from New Jersey saw fit to notify the Senate in advance what measure he proposed to bring forward.

That is all I have to say at the present time.

Mr. CALL. I ask the Senator from Kansas to allow me to have a vote upon Senate bill 3300, which has been reported from the Committee on Public Lands, and which concerns the judicial settlement of titles to a large quantity of land in the State of Florida. I ask this upon the condition that there shall be no debate and nothing but the reading of the bill and the taking of the vote.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the Senate may now proceed to the consideration of the bill named by him.

Mr. PLUMB. I am placed in rather an embarrassing position on account not only of the debate that has taken place but on account of the request of the Senator from Florida. I do not want to put myself in the attitude of farming out the time of the Senate or of in any way impeding the consideration of the appropriation bills which are necessary to be passed and promptly, as they will have to be further considered in the other House.

Mr. MILLER. I do not desire to interfere with the bill of the Senator from Florida, but as I see my colleague [Mr. EVARTS] is not in his seat, and I understand that he desires to speak upon this bill, and is interested in it, I shall have to object to its present consideration, at all events until my colleague shall come into the Senate and speak for himself upon it.

Mr. CALL. The Senator is mistaken. I think his colleague makes no objection to a judicial settlement of the matter.

Mr. MILLER. I shall have to make the objection now, but if my colleague does not object at some other time I, of course, will present no objection.

## PUBLIC BUILDING AT DETROIT.

Mr. MAHONE. With the consent of the Senator from Kansas, I ask leave to present the conference report on the Detroit public building bill.

The PRESIDING OFFICER. The conference report will be received. It has been previously read, and withdrawn on account of informality. The necessary signatures having been obtained, it will be now received.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same with an amendment, as follows:

In line 16, page 1, strike out the word "three" and insert "one."

In line 11, page 2, strike out the word "three" and insert "one."

In line 18, page 2, strike out the word "three" and insert "one."

And that the House agrees to the same.

WILLIAM MAHONE,
G. G. VEST,
*Managers on the part of the Senate.*

N. E. WORTHINGTON,
W. L. MAYBURY,
*Managers on the part of the House*

The report was concurred in.

## INDIAN TRADERS.

Mr. PLATT. I ask the Senator from Kansas to yield to me that I may appeal to the Senate for unanimous consent that the resolution which was passed this morning about the committee on Indian traderships may be reconsidered, and that a formal amendment may be made to it by inserting the words "continued and" after "hereby."

The PRESIDING OFFICER. If there be no objection that order will be made.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

Mr. PLUMB. I ask that the formal reading of the bill be dispensed with and that it be read for amendments, the amendments of the Committee on Appropriations being first disposed of.

The PRESIDING OFFICER. That course will be pursued unless objection be made.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations "for salaries and contingent expenses," in section 1, line 22, after the word "expenses," to strike out "two thousand five hundred" and insert "three thousand;" and, in line 23, after the word "thousand," to strike out "four" and insert "nine;" so as to make the clause read:

For executive office: For two commissioners, at $5,000 each; one engineer commissioner, $924 (to make salary $5,000); one secretary, $2,160; one clerk, $1,500; one clerk, $1,400; two clerks, at $1,200 each; one messenger, $600; one messenger, $480; one driver, $480; for contingent expenses, including printing, books, stationery, horseshoeing, and other necessary expenses, $3,000; in all, $22,944.

The amendment was agreed to.

The next amendment was, in section 1, line 38, after the word "cashier," to insert "who shall, in the necessary absence or inability from any cause of the collector, perform his duties, without additional compensation;" in line 44, after the word "dollars," to insert "for services necessary for preparing an exhibit of all outstanding taxes in arrears, $2,000;" and in line 48, before the word "thousand," to strike out "fifteen" and insert "seventeen;" so as to make the clause read:

For collector's office: For one collector, $4,000; one cashier, who shall, in the necessary absence or inability from any cause of the collector, perform his duties, without additional compensation, $1,800; one book-keeper, $1,600; four clerks, at $1,400 each; one clerk, $1,200; one messenger, $600; for services necessary for preparing an exhibit of all outstanding taxes in arrears, $2,000; for contingent expenses, including printing, books, stationery, and other necessary items, $700; in all $17,500.

The amendment was agreed to.

The next amendment was, in section 1, line 63, before the word "hundred," to strike out "one" and insert "four;" in line 64, after the word "thousand," to insert "two hundred;" and in line 68, after the word "all," to strike out "eight thousand seven" and insert "nine thousand two;" so as to make the clause read:

For attorney's office: For one attorney, $4,000; one assistant attorney, $2,000; one special assistant attorney, $1,400; one law clerk, $1,200; one messenger, $200; for rent of office, $100; for contingent expenses, including books, stationery, printing, and other necessary items, $300; in all, $9,200.

The amendment was agreed to.

The next amendment was, in the appropriations "for engineer's office," in line 94, after the word "dollars," to insert:

One assistant inspector of buildings, $1,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 113, after the word "dollars," to strike out "that" and insert "and;" so as to read:

And the fees collected by said harbor-master shall be paid to the collector, for payment into the Treasury, to the credit of the United States and the District of Columbia in equal parts.

The amendment was agreed to.

The next amendment was, in the same clause, after the word "exceed," at the end of line 128, to strike out "four thousand five hundred" and insert "five thousand;" so as to read:

Contingent expenses, including rent of property-yards, books, stationery, binding and preservation of records in the engineer's and surveyor's offices, printing, transportation (vehicles, animals, saddlery, forage, and repairs), and other necessary items and services, in all not to exceed $5,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 132, to increase the total amount of the appropriation "for engineer's office" from $60,690 to $62,190.

The amendment was agreed to.

The next amendment was, in the appropriations for "improvements and repairs," in section 1, line 145, to increase the appropriation "for repairs to concrete pavements, with the same or other not inferior material," from $75,000 to $90,000.

The amendment was agreed to.

The next amendment was, in section 1, line 146, to increase the appropriation "for materials for permit work" from $75,000 to $90,000.

The amendment was agreed to.

The next amendment was in section 1, line 159, to increase the appropriation "for continuation of surveys of the District of Columbia with reference to the extension of various avenues to the District line," from $4,000 to $7,500.

The amendment was agreed to.

The next amendment was in section 1, after the words "contained in," at the end of line 163, to strike out:

House Executive Document No. 18, Forty-ninth Congress, second session, as follows: In Georgetown, $40,000; in the northwest section, substituting New Jersey avenue from M street to the Boundary for New Hampshire avenue from Q street to Sixteenth street, $115,000; in the southwest section, $40,000; in the southeast section, $55,000; in the northeast section, $40,000; and for filling streets below grade, at not exceeding 10 cents per cubic yard, $10,000; in all, $300,000.

And in lieu thereof to insert:

The annual report of the commissioners of the District of Columbia for the year ended June 30, 1886, pages 146 and 147, being part 6, House Executive Document No. 1, Forty-ninth Congress, second session, and including also the pavement of New Jersey avenue from M street to O street northwest, $400,000: *Provided*, That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2 per square yard for a quality equal to the best laid in the District prior to July 1, 1886.

So as to make the clause read:

For improvement of streets and avenues named in the schedule of work on city streets and avenues proposed for the fiscal year 1888, contained in the annual report of the commissioners of the District of Columbia for the year ended June 30, 1886, pages 146 and 147, being part 6, House Executive Document No. 1, Forty-ninth Congress, second session, and including also the pavement of New Jersey avenue from M street to O street northwest, $400,000: *Provided*, That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2 per square yard for a quality equal to the best laid in the District prior to July 1, 1886.

The amendment was agreed to.

The next amendment was to strike out the clause from line 187 to line 196, inclusive, of section 1, as follows:

For constructing, maintaining, lighting, and repairs of bridges, $12,000; and the money appropriated for new sewers and for work on sundry avenues and streets shall become available on the approval of this act: *Provided also*, That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2 per square yard for a quality equal to the best laid in the District prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

And in lieu thereof to insert:

For ordinary care of bridges, including keepers, oil, lamps, and matches, $2,500; for construction and repairs of bridges, $9,500; in all, $12,000.

The amendment was agreed to.

The next amendment, was in section 1, line 206, to increase the appropriation "for sprinkling, sweeping, and cleaning streets, avenues, and alleys" from $60,000 to $70,000.

The amendment was agreed to.

The next amendment was, in section 1, line 208, to increase the appropriation "for current work of repairs of streets, avenues, and alleys" from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was, after the word "streets," at the end of line 209, to strike out "including any road that may be opened by reason of the building of a bridge over the Eastern Branch at the termination of Pennsylvania avenue;" so as to read:

For current work on county roads and suburban streets, $40,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 212, after the word "dollars," to strike out:

*Provided*, That the Tenallytown, Seventh street, and Bladensburg roads be first completed up to the limits of the District of Columbia out of this sum.

The amendment was agreed to.

Tho next amendment was, after line 215, to insert:

For constructing county roads and suburban streets, $60,000.

The amendment was agreed to.

The next amendment was, in section 1, line 221, after the word "items," to strike out "eighteen" and insert "twenty-two;" so as to make the clause read:

For the parking commission: For contingent expenses, including laborers, cart-hire, trees, tree-boxes, tree-stakes, tree-straps, planting and care of trees, whitewashing, care of parks, and miscellaneous items, $22,000.

The amendment was agreed to.

The next amendment was, in section 1, line 227, after the word "service," to strike out "ninety-five" and insert "one hundred and twenty;" and in line 228, after the word "dollars," to strike out "for electric light, $20,000; in all, $115,000;" so as to make the clause read:

For lighting: For illuminating material and lighting, extinguishing, repairing, and cleaning lamps on avenues, streets, and alleys, and for purchasing and erecting new lamp-posts, and replacing such lamp-posts as may be damaged or unfit for service, $120,000.

The amendment was agreed to.

The next amendment was, in the proviso to the same clause, after the word "purpose," at the end of line 238, to insert:

But not exceeding $20,000 of the above amount may be used in providing electric lights on one or more of the principal thoroughfares of the city, without regard to this limitation, but at the lowest reasonable price obtainable;

So as to make the proviso read:

*Provided*, That no more than $20 per annum for each street-lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning, under any expenditure provided for in this act; and said lamps shall burn not less than two thousand six hundred hours per annum; and the commissioners are authorized, in their discretion, to substitute other illuminating material at the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose; but not exceeding $20,000 of the above amount may be used in providing electric lights on one or more of the principal thoroughfares of the city, without regard to this limitation, but at the lowest reasonable price obtainable.

Mr. PLUMB. I move in the amendment of the committee, com-

mencing in line 239, to strike out the word "twenty" and insert "ten."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, after line 249, to insert:

Ice-boat for the harbor of Washington and the Potomac River: For the purchase or construction, and equipment of an ice-boat for the purpose of keeping the harbor of Washington and the navigation of the Potomac River free from obstructions by ice, and for the enforcement of the laws and regulations governing such harbor, for the relief of vessels in distress, and to serve as an auxiliary to the fire department of the city of Washington, $75,000; for the maintenance of said boat, $10,000; in all, $85,000.

The amendment was agreed to.

The next amendment was in section 1, line 275, after the words "obstructed sewers," to strike out "two" and insert "ten;" in line 276, after the words "pipe sewers," to strike out "forty-five" and insert "seventy;" after the word "dollars," at the end of line 276, to insert "construction of suburban sewers, $25,000;" and in line 278, after the word "all," to strike out "seventy-seven" and insert "one hundred and thirty-five;" so as to make the clause read:

For sewers: For cleaning and repairing sewers and basins, $30,000: *Provided*, That the expenditures heretofore made and to be made on account of "repairs to sewers and basins" during the fiscal year ending June 30, 1887, shall be paid from the appropriation entitled "Cleaning sewers and basins" for said year; replacing obstructed sewers, $10,000; main and pipe sewers, $70,000; construction of suburban sewers, $25,000; in all, $135,000.

The amendment was agreed to.

The next amendment was in section 1, after line 279, to insert:

The sums herein appropriated for materials for permit work, current work on county roads and suburban streets, constructing county roads and suburban streets, for harbor and river front, for ice-boat, for sewers, purchase of sites and construction and equipment of school buildings, and for procurement of mains, engines, and boilers for the water department shall be immediately available.

The amendment was agreed to.

The next amendment was in the appropriations for "public schools," in section 1, line 292, after the word "items," to strike out "six hundred and sixty-two thousand nine" and insert "seven hundred and fourteen thousand one;" so as to make the clause read:

For salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and other necessary items, $714,120, namely:

The amendment was agreed to.

The next amendment was in section 1, line 308, at the end of the clause making appropriations for the compensation of teachers of public schools, to add the following proviso:

*Provided*, That the number of teachers who are receiving $900 and over, and their present compensation under the existing schedule, shall not be increased, and the minimum compensation shall not be less than at the rate of $300 per annum; and the actual compensation paid to each teacher under this provision shall be reported to Congress at its next session by the commissioners of the District.

Mr. PLUMB. In view of some discussion which ensued in the Senate some days ago on the presentation of a petition by the Senator from Nebraska [Mr. VAN WYCK], and also on account of some statements which have been made in the public prints recently, it is proper that I should state the position of the subcommittee and of the Committee on Appropriations on the subject of school accommodations for the District of Columbia, including the question of teachers' salaries.

It will, perhaps, be safe to assume that the committee were justified in taking, in the absence of any statement to the contrary, the representations which were made to them by the commissioners of the District and by the school officials who might appear for the purpose of making representations in regard to the needs of their department.

So far as I am aware, during the time I have had to do with this bill, which embraces the entire period of my service upon the Committee on Appropriations, the committee has given always everything and sometimes more than has been asked for for school accommodations, and, in fact, until the last year there had been no special representations made in regard to the inadequacy of such accommodations, and nothing to indicate that more was desired or necessary than was asked for by the commissioners in their annual estimates.

At the time when the last District of Columbia appropriation bill, now nearly one year ago, was under consideration in the Appropriations Committee of the Senate, the present superintendent of schools was before the subcommittee for the purpose of making such representations as he thought were necessary looking to an increase in the efficiency of the schools and generally to enable them more certainly and fully to accomplish the purposes for which they were established. But the only thing he asked was that the salaries of the teachers should be increased. In the course of the conversation which ensued upon that subject he expressed to the committee with very considerable force the alleged fact that in Washington city there was less proportionate need for teaching in the primary grades than there was in communities usually in this country, rather insinuating perhaps than saying that the people of Washington had children who were already either educated beyond the primary grades, or who had special need for high-grade education as compared with the needs of an equal number of children elsewhere in the cities of the United States, and upon that based an argument for an increase in the compensation to be paid to teachers in the higher grade schools. Neither then nor at any prior or subsequent time did he or the commissioners of the District of Columbia make any representation to the committee that additional school accommodations were needed beyond those provided for in the bill as it came from the House until the present year. The first that was heard, except perhaps some indistinct muttering from outside, was what was stated in the Senate by the Senator from Connecticut [Mr. HAWLEY] on the occasion of the consideration of the District appropriation bill last year.

This year, the matter having been brought to the attention of the Committee on Appropriations by reason of the debate in the Senate on the presentation of the memorial of which I have spoken, and by reason of the various publications which had been made in local prints, and in representations and solicitations made by citizens of the District to individual members of the committee, and by reason of representations made by a committee of citizens who came before the subcommittee for the purpose of bringing to its attention this matter especially, the committee became convinced that there was a lack of school buildings whereby the children of school age in the District of Columbia could be adequately sheltered while they were receiving tuition, and in fact that they were by reason of the lack of school room prevented from receiving that tuition which the law intended they should have.

Thereupon they addressed themselves somewhat thoroughly to the consideration of this question, and they asked of the superintendent of schools what he had to say about the various representations which had been made. He said in reply very promptly and emphatically that no child had ever been turned away from any school in the District of Columbia, thereby intending to convey, as we thought, the idea that the school accommodations of the District were adequate. It being suggested to him in response to this remark that that might not be the question, that perhaps the children did not appear where they knew they were not wanted and where they knew they could not be provided for, and that back of that was the question as to whether there were adequate accommodations for them if they did appear in such a way that the law which requires parents to send their children to school above a certain age might be enforced, he did say, but without any degree of alacrity or emphasis, that more school buildings were required, but, as before, he was chiefly concerned about the salaries and urged upon the subcommittee nothing except the increase of the average of teachers' compensation, as fixed by the House.

A somewhat similar admission was obtained from the commissioners themselves, this subject being brought to their attention as well; but the noise, the argument, the solicitation was then, as it always has been, on the subject of salaries.

Something has been said about longevity pay for teachers. In the District of Columbia appropriation bill for 1883, as it passed the House, in the item under the head of "public schools of the District of Columbia" there occurred this provision in the enumeration of the objects of appropriation, "and increase in teachers' pay by continuous service." After duly considering the question and being advised that that meant the establishment of longevity pay the committee struck it out. The Senate ratified this action, and the House receded. It was stated to those persons who came before the committee on that occasion to speak about school affairs that it was the intention of the committee in striking it out to prevent longevity pay hereafter, and to leave in the place of it, so far as the absence of the provision would affect it, the plan of promotion and increased pay dependent upon merit and not upon length of service.

That provision thus omitted has never been inserted in any District of Columbia appropriation bill or in any other bill since that time, but it came to the knowledge of the committee last year that notwithstanding the fact that the law had practically prohibited longevity pay, this principle had been applied to the force of teachers in the District as it had been before the time I have named, and that there was an intention, the law to the contrary notwithstanding, to keep it up. So we were urged to increase the average compensation as fixed by the House, backed by the statement that if we did not a deficiency would result—a statement in effect that the law would not be obeyed if enacted as proposed by the House—and it was in effect admitted that the law would be violated for the purpose of longevity pay; that is, increased pay based upon length of service and not upon merit.

We ascertained also that for the purpose of violating the spirit of the law of last year while pretending to observe it a considerable number, about twenty, I believe, of teachers had been employed at a nominal compensation, say $250 a year, whereby the average of the salaries of the whole number of teachers had been kept nearly within the limit provided by law. But even that did not operate to quite comply with the letter of the law, and so after the promotions had been made on account of longevity the commissioners razeed each one of the salaries, the highest and the lowest alike, 3 per cent., thereby, as the committee thought, committing a most serious injury upon the lower-grade teachers already receiving a very modest if not a somewhat inadequate compensation.

That question naturally came to the front somewhat this year, not upon a proposition to destroy the high schools, or to take away any

facilities which were afforded to high-school scholars, but on a proposition that, as we intended to maintain, with our present light, at least the average compensation established by the bill as it came from the House, the new appointments to the force of teachers provided for by the bill should be in the lower grades, believing, as we do, that it is in those grades that increased force and increased efficiency are necessary, and that there has been too much of a tendency on the part of those who have had to do with the management of schools in the District to give increased efficiency to high-school grades at the expense of the lower grades. It did not enter into the mind of any member of the committee, nor was it suggested by any one, to take anything from the high schools. The whole plan and purpose was to increase the school facilities in the primary grades—and it was fully competent to do this without taking anything from the existing establishment. The committee was simply determined to recommend the appropriation of enough money to make it perfectly sure that hereafter, or at all events within such limit of time as should be necessary for the erection of proper buildings, there should be no lack of school room for every scholar of school age in the District of Columbia, both in the high schools and in the primary schools. I may say in behalf of the committee that if the lack of school accommodations had been brought to the attention of the committee a year ago or two years ago, as I have no doubt they should have been, the same adequate provision would have been made in the appropriation bills of those years that has been made in the present bill.

Unfortunately the schools have not apparently received very much attention at the hands of the District commissioners. A school board composed of I do not know how many persons, nor who has been chiefly in charge, perhaps without power and responsibility, but at all events with enough of it to relieve the commissioners from any sense of responsibility on their own part. I judge, too, from some recently developed facts that there has been too much tender solicitude for the interests of the saloons, bawdy-houses, and kindred establishments of the District, to leave much time to look after those of the common schools. Certain it is that the schools have been neglected, that thousands of children have been practically denied admission to them, and that the upper grades have been promoted at the expense of the lower ones. That vice and crime out of proportion to the population should have ensued is not to be wondered at.

When we come to the item for the buildings for schools it will be observed that the committee has recommended the substitution of an entirely new paragraph. In that paragraph provision is made for a cash appropriation to erect an eight-room school-house, in addition to the school-houses provided by the bill as it came from the House. In addition to that the commissioners are authorized to sell property belonging to the District and not needed for District purposes which is said to be of the value of about $150,000, and with this money to erect new school-houses. With these new facilities, a large portion of which will be available by the beginning of the fall term of the schools in September next, there will be added to the facilities now existing in the District room for between 7,500 and 8,000 scholars, enough, as we believe, to entirely fill the want now existing and to provide, as ought to be provided everywhere, ample facilities for every scholar of school age.

I do not make this statement so far as I am concerned because of any publications which have been recently made in the newspapers concerning the attitude of myself or of other members of the subcommittee. Hearings before the subcommittee have always been regarded and treated to be practically private. And so far as I know the resulting obligation has not heretofore been violated. The incorrect statements which have been made, with no doubt an ulterior purpose, while serving the purpose of a caution as to the matter of confidence hereafter, do not call for reply. It is action formulated in results which possess public interest, and efforts at notoriety through controversy can properly be permitted to fail of their designed effect, however tempting the opportunity to puncture them.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, in the clause making appropriations "for janitors and care of buildings and grounds," in line 329, after the name "Addison," to insert "Amidon;" in line 331, after the name "Cranch," to strike out "Amidon;" and in line 339, after the word "hundred," to strike out "four" and insert "six;" so as to make the clause read:

For janitors and care of buildings and grounds: For care of the high-school building, $1,600; of the Jefferson building, $1,400; of the Stevens building, $1,100; of the Franklin building, $1,100; of the Force, Seaton, Henry, Webster, Gales, Peabody, Wallach, Garnett, Sumner, Analostan, Curtis, and Dennison buildings, at $900 each; of the Lincoln and Miner buildings, at $800 each; of the Twining, Abbot, John F. Cook, Addison, Amidon, and Randall buildings, at $700 each; of the Cranch, Morse, Brent, Bannaker, Blair, Wormley, Anthony Bowen, and three new buildings, at $500 each; for messenger to the superintendent of the first six divisions, $300; for messenger to the superintendent of the seventh and eighth divisions, $200; for care of smaller buildings and rented rooms, at a rate not to exceed $48 per annum for the care of each school-room, $7,300; in all, $34,600.

The amendment was agreed to.

The next amendment was, in section 1, line 343, after the word "grounds," to strike out "twenty" and insert "twenty-five;" and after the word "all," at the end of line 349, to strike out "ninety" and insert "ninety-five;" so as to make the clause read:

For miscellaneous: For rent of school buildings, $15,000; repairs and improvements to school buildings and grounds, $25,000; for sanitary improvements in old buildings, $10,000; for contingent expenses, including furniture, books, stationery, printing, insurance, and other necessary items, $20,000; for fuel, $20,000; for the purpose of industrial instruction, including tools, machinery, material, and apparatus, $5,000; in all, $95,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 351 to line 368, inclusive, as follows:

For buildings for schools: For building and furnishing an addition to the Columbia road school, $3,000; for building and furnishing an addition to the Hamilton road school, $3,000; for building and furnishing an eight-room school building on the lot adjoining the Wallach school building, $25,600; for building and furnishing an eight-room school building on the lot adjoining the Sumner school building, $28,400; for building and furnishing an eight-room school building in school division No. 4, $25,000; and the commissioners are authorized to sell and convey any lot now owned by the District in said division and to apply the proceeds of such sale to the purchase of a more eligible building lot, if in their judgment expedient; and for such purpose the additional sum of $3,000, or so much thereof as may be necessary, is also appropriated; in all, $88,000.

And in lieu thereof to insert:

For buildings for schools, and for furniture for the same: For building an addition to the Columbia road school, $3,000; for building an addition to the Hamilton road school, $3,000; for building an eight-room school building on the lot adjoining the Wallach school building, $25,600; for building an eight-room school building on the lot adjoining the Sumner school building, $28,400; for building an eight-room school building in school division No. 4, $25,000; for the purchase of a site and building a school building in school division No. 8, $35,000; for the purchase of proper and sufficient furniture for the several buildings aforesaid, $8,000; for providing and causing to be erected and affixed to such of the school buildings in the District of Columbia as require the same, under the provisions of the act approved January 26, 1887, entitled "An act for the further protection of property from fire, and safety of lives, in the District of Columbia," such iron fire-escapes and combined stand-pipes and ladders, or either of said appliances, as may be approved and adopted by the commissioners of said District, $6,000; in all, $134,000. And the said commissioners are authorized to sell and convey to the purchaser or purchasers thereof any lot or parcel of land now owned by the District of Columbia in any part of the said District and not necessary for the present use of the District, and to apply the proceeds of such sales to the purchase of eligible sites and the erection thereon of such eight-room buildings for public schools as in the judgment of the said commissioners shall be required to furnish school accommodations for all the children of school age in the District of Columbia, not otherwise provided for, as need such school accommodation, so far as the said proceeds will accomplish said object.

Mr. PLUMB. In line 381 the word "eight" should be "two;" so as to read: "A school building in school division No. 2, $35,000." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. PLATT. I see the last line of the amendment reads, "so far as the said proceeds will accomplish said object;" and that leads me to inquire of the Senator in charge of the bill whether he thinks that by the adoption of this bill with the amendment proposed there will be provided sufficient accommodations for all the children who desire to attend school, so that they can all have an opportunity to attend school during the whole day without dividing the time between the forenoon and afternoon?

Mr. PLUMB. I believe that such will be the effect of the provision we have inserted in the bill. It will certainly provide school facilities for somewhere between 7,500 and 8,000 children not now provided for.

Mr. PLATT. I understood the Senator to so announce when on his feet before, but I wanted to have the statement brought out distinctly.

Mr. PLUMB. It was the design to do that thing most absolutely.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations, was in the appropriations "for Metropolitan Police," in section 1, line 415, before the word "inspectors," to strike out "night;" so as to read:

Two lieutenants, inspectors, at $1,500 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 416, after the word "one," to insert "chief clerk, who shall also be;" so as to read:

One chief clerk, who shall also be property clerk, $1,800.

The amendment was agreed to.

The next amendment was, in the same clause, line 427, before the word "privates," to strike out "ten" and insert "thirty;" so as to read:

One hundred and thirty privates, class 1, at $900 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 439, before the word "drivers," to strike out "three" and insert "four;" so as to read:

Four drivers of patrol-wagons, at $360 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 446, after the word "office" to insert "purchase of van;" and after the word "items," at the end of line 450, to strike out "ten thousand five hundred" and insert "twelve thousand;" so as to read:

Miscellaneous and contingent expenses, including stationery, books, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs to same, beds and bed-clothing, insignia of office,

purchase of van, purchase and care of horses, police equipments and repairs to same, harness, forage, repairs to vehicles, van, ambulance, and patrol-wagons, and expenses incurred in prevention and detection of crime, and other necessary items, $12,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 452, after the word "second," to strike out "or fifth precinct" and insert "and fifth precincts;" and in line 453, after the word "horses," to strike out "four thousand five hundred" and insert "nine thousand;" so as to read:

Police signal and telephone system in second and fifth precincts, including wagons and horses, $9,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 455, to increase the total amount of the appropriation "for Metropolitan police" from $344,700 to $352,860.

The amendment was agreed to.

The next amendment was, in the appropriations "for the fire department," in section 1, line 471, to increase the appropriation for "purchase of hose" from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 473, to increase the appropriation for "forage" from $5,000 to $5,500.

The amendment was agreed to.

The next amendment was, in the same clause, line 478, to increase the total amount of the appropriation "for the fire department" from $108,920 to $110,420.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 513.

Mr. PLUMB. In line 511, in the appropriations for the health department, after the words "and other necessary items," I move to strike out "three thousand five hundred" and insert "four thousand;" so as to read:

And for contingent expenses, including books, stationery, fuel, rent, repairs to pound and vehicles, forage, meat for dogs, horseshoeing, maintenance of ambulance service, painting, and other necessary items, $4,000.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Kansas to a necessary change in the footing in line 513.

Mr. PLUMB. In line 513, after the word "thousand," I move to insert "five hundred," so as to read, "in all $42,580."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 551.

Mr. PLUMB. In line 540 I move to strike out "three thousand six hundred" and insert "ten thousand;" so as to read:

For rent of District offices, $10,000.

The amendment was agreed to.

Mr. PLUMB. I will furnish to the clerks in a moment the necessary addition to make up the total in line 551.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations "for reformatories and prisons," to strike out lines 610 and 611 of section 1, as follows:

For the Georgetown almshouse: For the support of inmates, $1,800.

The amendment was agreed to.

The next amendment was, in the appropriations for "charities," in section 1, line 633, to increase the appropriation "for the National Association for Destitute Colored Women and Children," from $6,500 to $7,000.

The amendment was agreed to.

The next amendment was, in section 1, line 636, to increase the appropriation "for St. Ann's Infant Asylum" from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 639, to insert:

For the erection of a new wing for the Church Orphanage of the District of Columbia, $6,000.

The amendment was agreed to.

The next amendment was, in section 1, line 643, to reduce the appropriation "for the Washington Hospital for Foundlings" from $7,000 to $5,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 647, to insert:

To complete the payment for the building of and repairs to the House of the Good Shepherd, $3,000.

Mr. PLUMB. I move to change the construction of the paragraph.

The PRESIDING OFFICER. Does the Senator desire to have the amendment of the committee adopted?

Mr. PLUMB. I desire to amend the paragraph by transposing the words "and repairs to" and adding the words "the same," so as to read:

To complete the payment for the building of the House of the Good Shepherd, and repairs to the same, $3,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, line 654, after the word "thousand," to insert "six hundred;" so as to make the clause read:

To enable the board of managers of the Association for Works of Mercy to discharge so much of the indebtedness of said association incurred in the purpose of a building, $3,600.

The amendment was agreed to.

The next amendment was, in section 1, after line 656, to insert:

The several institutions included under the head of asylums, reformatories, industrial schools, and charities named in this act, shall report to the commissioners of the District, on or before the 1st day of December next, a full and detailed account of receipts and expenditures, and all their operations, and said commissioners shall transmit the same to Congress, with a report as to what legislation is necessary to increase the efficiency and economy of said institutions, and to effect the general purpose for which they are organized.

The amendment was agreed to.

The next amendment was in the appropriations for "Water Department," in section 1, line 692, after the word "mains," to strike out "eighty" and insert "one hundred and twenty-five;" so as to make the clause read:

For engineers and firemen, fuel, and for high service, pipe-distribution to high and low service, including public hydrants, fire-plugs, material and labor, repairing and laying new mains, and lowering mains, $125,000.

The amendment was agreed to.

The Chief Clerk resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Kansas to one amendment that was withheld for changing the total.

Mr. PLUMB. That is on line 551. That total should be $21,200.

The PRESIDING OFFICER. This will be agreed to if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I desire to have inserted in the RECORD at the close of the proceedings in regard to this bill a statement showing the items of the bill and the difference between the two Houses.

The PRESIDING OFFICER. The statement will be inserted in the RECORD.

The statement is as follows:

DISTRICT OF COLUMBIA, 1888.

| | |
|---|---|
| Amount of estimates | $4,383,695 66 |
| Amount of House bill | 3,928,130 66 |
| Amount of increase made by Senate committee (net) | 483,160 00 |
| Amount as reported to the Senate | 4,411,290 66 |
| Amount of appropriation for 1887 | $3,578,262 97 |
| Amount of estimated revenues of the District for 1888, exclusive of the water department | 2,096,500 00 |
| The bill as reported exceeds the estimates | 27,595 00 |
| The bill as reported exceeds the appropriation for 1887 | 833,027 69 |
| The estimated revenues of the District, exclusive of the water department, exceed the amounts required to be paid by the District under the bill as reported to the Senate, exclusive of the water department | 37,455 52 |

The changes in amounts of House bill, made by the Senate committee, are as follows, namely:

INCREASE.

| | |
|---|---|
| Commissioners' office | $500 |
| Collector's office | 2,000 |
| Attorney's office | 500 |
| Engineer's office | 1,500 |
| Repairs to concrete pavements | 15,000 |
| Materials for permit-work | 15,000 |
| Continuation of district surveys | 3,500 |
| Improvement of streets and avenues | 100,000 |
| Sprinkling, sweeping, and cleaning streets, avenues, and alleys | 10,000 |
| Current work of repairs of streets, avenues, and alleys | 10,000 |
| Constructing county roads | 60,000 |
| Parking commission | 4,000 |
| For lighting streets, avenues, and alleys | 5,000 |
| For ice-boat and maintenance of same | 85,000 |
| Replacing obstructed sewers | 8,000 |
| Main and pipe sewers | 25,000 |
| Suburban sewers | 25,000 |
| Care of school buildings | 200 |
| Repairs to school buildings | 5,000 |
| New school buildings and furniture for same | 40,000 |
| Fire-escapes for school buildings | 6,000 |
| Metropolitan police | 8,160 |
| Fire department | 1,500 |
| For House of the Good Shepherd | 3,000 |
| For National Association for Colored Women and Children | 500 |
| For Saint Ann's Infant Asylum | 1,000 |
| For Church Orphanage of the District of Columbia | 6,000 |
| For Association for Works of Mercy | 600 |
| | 441,960 |
| For the water department | 45,000 |
| Total increase | 486,960 |

REDUCTION.

| | |
|---|---|
| Georgetown Almshouse | 1,800 |
| Washington Hospital for Foundlings | 2,000 |
| Total reduction | 3,800 |
| Net increase | 483,601 |

*District of Columbia*, 1888.—*Comparative statement showing the appropriations for* 1887; *the estimates for* 1888; *the amounts provided by the House bill, and the amount recommended by the Senate Committee on Appropriations for* 1888.

| Object. | Appropriations, 1887. | Estimates, 1888. | House bill, 1888. | Senate committee, 1888. |
|---|---|---|---|---|
| SALARIES AND CONTINGENT EXPENSES. | | | | |
| Executive office | $22,444 00 | $22,784 00 | $22,444 00 | $22,944 00 |
| Assessor's office | 14,600 00 | 16,500 00 | 16,300 00 | 16,300 00 |
| Collector's office | 19,200 00 | 16,600 00 | 15,500 00 | 17,500 00 |
| Auditor's office | 16,500 00 | 16,900 00 | 16,500 00 | 16,500 00 |
| Attorney's office | 8,700 00 | 9,300 00 | 8,700 00 | 9,200 00 |
| Sinking-fund office | 2,700 00 | 2,700 00 | 2,700 00 | 2,700 00 |
| Coroner's office | 2,500 00 | 2,650 00 | 2,650 00 | 2,650 00 |
| Market-master's and contingent expenses | 65,690 00 | 4,100 00 | 4,100 00 | 4,100 00 |
| Engineer's office | | 64,820 00 | 60,690 00 | 62,190 00 |
| Total salaries and contingent | 152,334 00 | 156,854 00 | 149,584 00 | 154,084 00 |
| IMPROVEMENTS AND REPAIRS. | | | | |
| Repairs to concrete pavements | 65,000 00 | 90,000 00 | 75,000 00 | 90,000 00 |
| Materials for permit work | 60,000 00 | 90,000 00 | 75,000 00 | 90,000 00 |
| Continuation of surveys of the District | 4,000 00 | 15,000 00 | 4,000 00 | 7,500 00 |
| Improvement of streets and avenues | 266,000 00 | 405,000 00 | 300,000 00 | 400,000 00 |
| Constructing, repairing, lighting, &c., bridges | 12,660 00 | 13,500 00 | 12,000 00 | 12,000 00 |
| Total improvements and repairs | 407,660 00 | 613,500 00 | 466,000 00 | 599,500 00 |
| Washington Aqueduct, maintaining, &c. | 20,000 00 | 20,000 00 | 20,000 00 | 20,000 00 |
| FOR STREETS. | | | | |
| Sweeping, cleaning, &c., streets and avenues | 58,000 00 | 70,000 00 | 60,000 00 | 70,000 00 |
| Repairs of streets, avenues, and alleys | 25,000 00 | 35,000 00 | 25,000 00 | 35,000 00 |
| Repairs of suburban streets and county roads | 40,000 00 | 50,000 00 | 40,000 00 | 40,000 00 |
| Constructing county roads and suburban streets | | | | 60,000 00 |
| Opening and extending suburban streets | 30,000 00 | 60,000 00 | | |
| | 153,000 00 | 215,000 00 | 125,000 00 | 205 000 00 |
| Parking commission | 18,000 00 | 25,000 00 | 18,000 00 | 22,000 00 |
| Lighting streets, avenues, and alleys | 90,000 00 | 100,000 00 | 95,000 00 | 100,000 00 |
| Lighting streets, avenues, and alleys by electric lights | 10,000 00 | 20,000 00 | 20,000 00 | 20,000 00 |
| Purchase and repair of hay-scales | 500 00 | 750 00 | 500 00 | 500 00 |
| Improvement and protection of harbor and river front | | 10,000 00 | 10,000 00 | 10,000 00 |
| Ice-boat and maintenance | | | | 85,000 00 |
| Purchase and repair of pumps | 3,000 00 | 3,000 00 | 3,000 00 | 3,000 00 |
| Total for streets | 274,500 00 | 373,750 00 | 271,500 00 | 445,500 00 |
| FOR SEWERS. | | | | |
| For sewers | 45,000 00 | | | |
| Cleaning and repairing sewers and basins | 25,000 00 | 35,000 00 | 30,000 00 | 30,000 00 |
| Replacing obstructed sewers | | 10,000 00 | 2,000 00 | 10,000 00 |
| Suburban sewers | | 25,000 00 | | 25,000 00 |
| Main and pipe sewers | | 70,000 00 | 45,000 00 | 70,000 00 |
| Total for sewers | 70,000 00 | 140,000 00 | 77,000 00 | 135,000 00 |
| PUBLIC SCHOOLS. | | | | |
| For officers | 6,950 00 | 7,500 00 | 6,950 00 | 6,950 00 |
| For teachers | 415,400 00 | 448,675 00 | 438,270 00 | 438,270 00 |
| For teachers of night schools and contingent expenses | 2,500 00 | 5,500 00 | 5,300 00 | 5,300 00 |
| For janitors and care of school buildings | 31,900 00 | 33,200 00 | 34,400 00 | 34,600 00 |
| Rent of school buildings | 7,500 00 | 9,000 00 | 15,000 00 | 15,000 00 |
| Fuel | 20,000 00 | 20,000 00 | 20,000 00 | 20,000 00 |
| Repairs and improvements of school buildings | 20,000 00 | 25,000 00 | 20,000 00 | 25,000 00 |
| Sanitary improvements in old buildings | | 15,000 00 | 10,000 00 | 10,000 00 |
| Tools and machinery for industrial instruction | | 5,000 00 | 5,000 00 | 5,000 00 |
| Contingent expenses, including furniture, &c. | 20,000 00 | 25,000 00 | 20,000 00 | 20,000 00 |
| Purchase of sites and erection of new school buildings | 75,000 00 | 100,000 00 | 88,000 00 | 128,000 00 |
| For iron fire-escapes, stand-pipes, &c. | | | | 6,000 00 |
| Total for public schools | 599,250 00 | 693,875 00 | 662,920 00 | 714,120 00 |
| Metropolitan police | 344,780 00 | 417,280 00 | 344,700 00 | 352 860 00 |
| Fire department | 116,420 00 | 114,420 00 | 108,920 00 | 110,420 00 |
| Telegraph and telephone service | 15,840 00 | 28,060 00 | 23,340 00 | 23,340 00 |
| Health department | 42,280 00 | 44,570 00 | 42,080 00 | 42,080 00 |
| Police court | 16,218 00 | 17,224 00 | 16,224 00 | 16,224 00 |
| Defending suits against District in Court of Claims | | 2,850 00 | 2,500 00 | 2,500 00 |
| Interest and sinking fund | 1,213,947 97 | 1,213,947 97 | 1,213,947 97 | 1,213,947 97 |
| Miscellaneous expenses | 14,100 00 | 20,500 00 | 14,800 00 | 14,800 00 |
| | 1,763,585 97 | 1,858,851 97 | 1,766,511 97 | 1,776,171 97 |
| INSTITUTIONS OF CHARITY, REFORMATORIES, AND PRISONS. | | | | |
| Washington Asylum | 57,385 00 | 59,555 00 | 53,305 00 | 53,305 00 |
| Reform School | 56,116 00 | 56,176 00 | 47,176 00 | 47,176 00 |
| Georgetown Almshouse | 1,800 00 | 1,800 00 | 1,800 00 | |
| Transportation of paupers and prisoners | 4,000 00 | 4,000 00 | 4,000 00 | 4,000 00 |
| Industrial Home School (support) | 10,000 00 | 10,000 00 | 10,000 00 | 10,000 00 |
| Industrial Home School (new building) | 3,500 00 | | | |
| Support of indigent insane of the District in Government Hospital for Insane | 75,132 00 | 75,132 00 | 75,132 00 | 75,132 00 |
| Relief of the poor | 15,000 00 | 15,000 00 | 15,000 00 | 15,000 00 |
| Columbia Hospital for Women | 15,000 00 | | 15,000 00 | 15,000 00 |
| Women's Christian Association | 4,000 00 | | 4,000 00 | 4,000 00 |
| National Association for Destitute Colored Women and Children | 9,000 00 | | 6,500 00 | 7,000 00 |
| Children's Hospital | 5,000 00 | | 5,000 00 | 5,000 00 |
| St. Ann's Infant Asylum | 5,000 00 | | 5,000 00 | 6,000 00 |
| Church Orphanage of the District of Columbia | 1,500 00 | | 1,500 00 | 7,500 00 |
| Washington Hospital for Foundlings, building | 3,500 00 | | 7,000 00 | 5,000 00 |
| St. Rose Industrial School, building | 5,000 00 | | 5,000 00 | 5,000 00 |
| House of the Good Shepherd, building | 5,000 00 | | | 3,000 00 |
| Association for Works of Mercy, building | 5,000 00 | | 3,000 00 | 3,600 00 |
| National Homœopathic Hospital Association, District of Columbia, building | 5,000 00 | | 3,000 00 | 3,000 00 |
| Total charities, reformatories, and prisons | 266,433 00 | 203,463 00 | 261,413 00 | 268,713 00 |

*District of Columbia*, 1888.—*Comparative statement showing the appropriations for* 1887, &c.—Continued.

| Object. | Appropriations, 1887. | Estimates, 1888. | House bill, 1888. | Senate committee, 1888. |
|---|---|---|---|---|
| For emergency fund | $5,000 00 | $5,000 00 | $5,000 00 | $5,000 00 |
| For water department | 188,788 02 | 300,201 69 | 248,201 69 | 293,201 69 |
| Total for the District of Columbia | 3,767,050 99 | 4,383,695 66 | 3,928,130 66 | 4,411,290 66 |
| Deduct water department payable from its revenues | 188,788 02 | 300,201 69 | 248,201 69 | 293,201 69 |
| Total, exclusive of water department | 3,578,262 97 | 4,083,493 97 | 3,679,928 97 | 4,118,088 97 |

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill No. 10395, being the Military Academy appropriation bill.

The motion was agreed to.

Mr. MCPHERSON. May I ask the Senator from Iowa how long the bill will probably take?

Mr. ALLISON. A very few minutes; probably not more than twenty minutes; very little time beyond the reading. I ask that the bill be read for amendment, and that the single amendment proposed by the Committee on Appropriations may be first considered.

The PRESIDING OFFICER. That course will be pursued.

Mr. CALL. I ask the Senator from Iowa to allow me to have this bill informally laid aside, and to call up the bill to make a port of entry at Tampa, Fla. It will only require the reading of the bill.

Mr. ALLISON. I will do that with pleasure, if it will take no time.

The PRESIDENT *pro tempore*. Will the Senator from Florida repeat his request?

PORT OF ENTRY AT TAMPA.

Mr. CALL. I ask for the consideration of Senate bill No. 2992.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2992) to make Tampa, Fla., a port of entry.

Mr. CALL. I am requested by the Senator from Oregon to offer an amendment to add as a new section the following:

That Port Angeles is hereby created a port of delivery in the district of Puget Sound, Washington Territory.

Mr. ALLISON. Does that come from the Committee on Commerce?

Mr. CALL. If any Senator objects I will withdraw it.

Mr. ALLISON. If that is the matured judgment of the Committee on Commerce I have no objection to it.

Mr. CALL. I understand it is reported from the Committee on Commerce. I so understood the Senator from Oregon, though I do not know the fact.

Mr. ALLISON. I think the Senator's bill had better be kept independent.

Mr. CALL. Very well. I withdraw the amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888.

The bill was reported from the Committee on Appropriations with an amendment after line 229 to add—

For the erection of a gymnasium for cadets, and for repairs and alterations of the present gymnasium, $35,000, to be immediately available.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CALL subsequently entered a motion to reconsider the vote by which the bill was passed.

ORDER OF BUSINESS.

Mr. MILLER and Mr. MCPHERSON addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from New York.

Mr. MILLER. I move that the Senate now proceed to the consideration of House bill 5190, Order of Business 2035.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the Department of Agriculture and Labor.

Mr. MCPHERSON. I gave notice a few moments ago of my intention to call up the Pacific Railroad accounts joint resolution. For three days I have persistently sought the eye and recognition of the Chair, but I find it impossible to gain it. Senators on the other side of the Chamber can have recognition whenever it is demanded. I know on three or four occasions I have first addressed the Chair, but for some reason, which perhaps the Chair can explain, I have failed of recognition, and it has been accorded to the other side of the Chamber.

When I first gave notice of my intention to call up this measure I was immediately antagonized by the Senator from New York. The Chair now elects to recognize the Senator from New York instead of myself.

Mr. MILLER. The Senator will pardon me for a moment. I do not desire to make——

The PRESIDENT *pro tempore*. Does the Senator rise to a question of order?

Mr. MILLER. Not just this moment, because of course the remarks of the Senator from New Jersey are out of order. The motion which I have made does not admit of any discussion except by unanimous consent. I do not care to cut the Senator off from any proper remarks which he may desire to make in advance on this subject, but I think it will be much better if we take a vote on this motion without going into any discussion, because if the Senator from New Jersey desires the courtesy of the Senate to speak upon it, of course other Senators will desire to be heard on the opposite side.

The PRESIDENT *pro tempore*. The motion of the Senator from New York is not debatable, and the Senator from New Jersey will on a moment's reflection, the Chair thinks, feel that his criticism of the Chair is unjust. The Chair endeavors to be entirely impartial. If the motion of the Senator from New York shall prevail, it will be then in the power of the Senator from New Jersey at any time, or during any appropriation bill, or any bill that is pending, to move to proceed to the consideration of the resolution he proposes to have considered; but in the mean time the Chair is bound to recognize the Senator from New York, because he addressed the Chair first; and the question is not debatable.

The question recurs on the motion of the Senator from New York to proceed to the consideration of the bill relative to the Department of Agriculture. If it is taken up it will then be in order for the Senator from New Jersey to move to proceed to the consideration of any other subject on the Calendar.

Mr. MCPHERSON. I admit the fact that I am not proceeding in order, but I will only say this, as to the action of the Chair to-day and for several days past, as stated, I am surprised and grieved.

I know full well that I can not amend the motion of the Senator from New York under the rules. Therefore I will wait until the bill of the Senator from New York is before the Senate, and then I will make my motion.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to.

Mr. MCPHERSON. I now move to postpone the consideration of the bill before the Senate and proceed to the consideration of House joint resolution 170.

The PRESIDENT *pro tempore*. The Senator is in order.

Mr. MILLER. I was on my feet and had addressed the Chair. I thought that, having charge of the bill, I was entitled to the floor.

The PRESIDENT *pro tempore*. The Senator from New Jersey has a right to move to proceed to the consideration of any other subject, but he can not take another Senator off his feet to make a motion of that kind.

Mr. HARRIS. The Senator from New Jersey was recognized by the Chair.

The PRESIDENT *pro tempore*. The right of the Senator from New York to the floor was exhausted when the motion he made was agreed to by the Senate and the bill was taken up.

Mr. MCPHERSON. Now, that I may know whether it is the intention——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. MILLER. Will the President please state the question before the Senate now?

The PRESIDENT *pro tempore*. The motion of the Senator from New Jersey is to postpone the pending order and take up the House joint resolution 170.

Mr. CULLOM. Is that debatable?

The PRESIDENT *pro tempore*. It is not debatable.

Mr. MCPHERSON. On that question I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to postpone the pending order and proceed to the consideration of House joint resolution 170.

Mr. CULLOM. May I make an inquiry?

The PRESIDENT *pro tempore*. As soon as the resolution is stated.

The CHIEF CLERK. A joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

Mr. CULLOM. The inquiry I desire to make is this: The Senate has just voted to take up the bill called up by the Senator from New York on motion. Now, without that being laid aside, the Senator from New Jersey moves to take up another bill.

The PRESIDENT *pro tempore*. The Senate may postpone one bill at any time and take up another.

Mr. CULLOM. I think the motion ought to include a motion to lay aside the one we have just taken up for consideration.

Mr. MCPHERSON. It includes that.

The PRESIDENT *pro tempore*. The motion would include that. It is a motion to postpone and take up. On this question the Senator from New Jersey asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS] generally. I do not know how he would vote on this question if he were present, and I decline to vote.

Mr. RIDDLEBERGER (when his name was called.) My pair with the Senator from West Virginia [Mr. CAMDEN] has been tranaferred to the Senator from California [Mr. STANFORD]. Therefore I vote "nay."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "yea" and he would vote "nay."

The roll-call having been concluded; the result was announced—yeas 22, nays 33;

YEAS—22.

| | | | |
|---|---|---|---|
| Beck, | Fair, | McPherson, | Van Wyck, |
| Blackburn, | Gorman, | Maxey, | Vest, |
| Brown, | Gray, | Morgan, | Voorhees, |
| Cockrell, | Hampton, | Pugh, | Whitthorne. |
| Coke, | Harris, | Ransom, | |
| Eustis, | Kenna, | Saulsbury, | |

NAYS—33.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Jones of Arkansas, | Sherman, |
| Allison, | Dolph, | Jones of Nevada, | Spooner, |
| Berry, | Edmunds, | McMillan, | Teller, |
| Blair, | Evarts, | Manderson, | Walthall, |
| Bowen, | Farwell, | Miller, | Williams, |
| Call, | Frye, | Morrill, | Wilson of Iowa. |
| Cameron, | George, | Platt, | |
| Cheney, | Harrison, | Riddleberger, | |
| Conger, | Hoar, | Sabin, | |

ABSENT—21.

| | | | |
|---|---|---|---|
| Butler, | Hale, | Mitchell of Pa., | Stanford, |
| Camden, | Hawley, | Palmer, | Vance, |
| Chace, | Ingalls, | Payne, | Wilson of Md. |
| Colquitt, | Jones of Florida, | Plumb, | |
| Dawes, | Mahone, | Sawyer, | |
| Gibson, | Mitchell of Oreg., | Sewell, | |

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The bill before the Senate will be read.

Mr. MILLER. At the suggestion of some of the Senators immediately about me I feel called upon before proceeding with the bill to make a statement in regard to the order of business, under which it now comes up.

It is no secret at all. It is well known to the Senate that a committee of Senators, some upon this side and some upon the other side, have been consulting at different times in regard to the order of business for the closing days of this session. An order of business was agreed upon by a committee of this side, and also, I believe, an order of business prepared by a committee on the other side, and those two committees, acting together, agreed upon a majority of the bills which should be taken up, and upon the order in which they should be taken up; but upon all of the bills, or upon the order in all cases, they did not agree.

The bill which I have moved is in accordance with the order prepared by the committee on the Republican side of the Chamber. Down to this point in the consideration of bills of importance, I believe the two committees have agreed; but on this particular bill the committees I understand have not fully agreed, leaving every one free to vote as he saw fit as regards taking up this measure or any other.

That is as I understand the condition of affairs. The measure moved by the Senator from New Jersey is upon the order of business as prepared by the committee on this side, and upon the order of business as prepared by the committee on the other side; but the two committees did not agree as to the precise point where that measure should come in.

I say this in order that the Senators near me who are in favor of taking up the measure of the Senator from New Jersey in its proper order as agreed upon by this side may not be put in a false light of voting against the consideration of that measure at any time that measure will under any circumstances come up, because the two committees have agreed that it shall be considered, but thus far they have not agreed as to the place or the time when it shall be considered.

Mr. HARRIS. The Senator from New York will allow me a word?

Mr. MILLER. Certainly.

Mr. HARRIS. The resolution that the Senator from New Jersey moved that the Senate proceed to consider at this time, the committees on both sides of the Chamber agreed should be considered, but did not agree as to the order in which it should be considered.

Mr. MILLER. That is just what I stated.

Mr. HARRIS. The Committee on this side of the Chamber insisted that it should come in immediately before or after the consideration of pensions upon the list, while the Committee on that side of the Chamber placed it far down upon the list. Hence there has been no agreement as to the order in which it should be considered, but both sides agree that the resolution shall be considered.

Mr. MCPHERSON. Will the Senator from New York yield to me now a moment after that statement?

Mr. MILLER. Certainly.

Mr. MCPHERSON. I understood when I made the motion to bring this resolution up that it was entirely in order to make the motion. I understood from the committee on this side of the Chamber that they had insisted upon the early consideration of the Pacific railroad resolution. I now understand from the Senator from New York that the committee on that side of the Chamber determined that it should have very late consideration.

In other words, a bill now proposed by the Senator from New York, which has been before the Senate for four successive years and has been rejected every time, is made in the estimation of the committee and of the distinguished gentlemen on that side of the Chamber of much more importance than attempting to save to this Government $2,500,000 a year, which probably the investigation will save to it. If there is any reason why the investigation of the Pacific railroad matters, which probably will provoke some discussion, and that, too, within eight or ten days of the end of the session, is to be subordinated to a bill creating a department of agriculture, then I have nothing further to say. Let the people judge for themselves.

Mr. MILLER If the Senator has finished, I will say simply another word in regard to this order of business. It does not appear that the order as arranged by the committee on this side put the measure of the Senator from New Jersey far down upon the list. These bills are considered in their regular order without interference. I should say that not more than two or three days would elapse at furthest before the measure which the Senator from New Jersey moved to take up would be reached. As to the importance of these measures, I do not care to go into that question at all. The importance of the bill which is now before the Senate is conceded by the whole country, and along with it and following it according to the order of business as prepared by the committee on this side comes the pleuro-pneumonia bill, which, in my judgment, if it is enacted into a law and faithfully executed, will save more to this country than all the money that the United States has invested in the Union Pacific or all other railroads combined.

That is all I care to say about the order of business.

Mr. VAN WYCK. Will the Senator now allow me a moment?

Mr. MILLER. Certainly.

Mr. VAN WYCK. Some days since the order of programme was laid out by these committees or by one committee. Some suggestion was made and I think this very proposition was urged which the Senator from New Jersey now has in charge, and I supposed it was understood distinctly that when he returned from New Jersey the resolution should be taken up. I think that was so understood by the Senator from Massachusetts [Mr. HOAR], that when the Senator from New Jersey returned it should be considered.

Mr. MCPHERSON. Not only that, but I have asked, as a personal favor to myself because of my necessary absence, that the resolution should be considered, and for the first time since I have been acquainted with the proceedings of the Senate that favor has been denied.

Mr. VAN WYCK. I felt it my duty to make that suggestion.

Mr. MILLER. If the Senator will permit me, I think the Senator from Massachusetts was not listening to what was said, for if he had heard what was said I believe he would not consent to the correctness of the statement, because I did not so understand it at the time the matter was brought up before.

Mr. VAN WYCK. Then I will repeat it. I do not actually suppose it necessary that I should give any excuse for voting as I did on the proposition of the Senator from New Jersey, but that would seem to be directly intimating that I should do so. I did not vote according to the programme, and I was about stating the reasons why I did not do so, that higher and above the programme I thought was the action of the Senate a day or two ago when the joint resolution was reached on the Calendar. It was asked by some one on the other side that it should be deferred until the Senator from New Jersey returned. Then I understood the Senator from Massachusetts [Mr. HOAR] said that when the Senator from New Jersey returned the joint resolution should be called

up immediately. So I understood him. However, I may be in error as to that.

Mr. HOAR. I will state what actually happened. If the Senator from New Jersey [Mr. McPHERSON] and the Senator from Maryland [Mr. GORMAN] are both present I should like to have them hear what I say.

The joint resolution was reached in the morning hour under the Anthony rule one morning when the Senator from New Jersey was absent, and it went over. Those cases which were to be considered under the five-minute rule subject to a single objection were being called. This case was reached. Somebody objected to it; I do not know who. The Senator from Maryland then rose and stated that he desired to have it go over till the next morning, retaining its place under that rule; that is, to be considered the next morning under the five-minute rule, subject to a single objection. I rose and stated that it ought not to come up in the absence of the Senator from New Jersey, who took a great interest in it, and that it could not come up under the Anthony rule, because it was a measure which of course would give rise to a discussion of more than five minutes and would be objected to.

I further stated, I think, to the Senate (I am not sure now from my memory, but whether I stated it to the Senate then or did not, I will now state it), that I had had a conference with the Senator from New Jersey, who expressed the desire to have the matter come up early, as soon as he got back, and I engaged that I would aid in the furtherance of that wish. I told the Senator from New Jersey that I was bound by the order which the Republican caucus had made, but that I would agree that if the Senators who represented prior measures upon that order of business were willing I would consent that the joint resolution might be advanced, and if the Senator from Kansas, who had charge of several of these measures, was seen. I saw him myself, and he told me that he could not be sure that day whether he would consent that his land bill should give way, but he would let me know the next day. I think it was yesterday morning, Monday morning, that I saw him. But, however that was, at any rate the substance of the whole thing is that I proposed to be bound in honor by the order of business adopted by the Republican caucus, but that if the gentlemen representing previous orders of business would consent I proposed to do what I could to have this matter brought forward, as I consider myself bound to it.

Mr. VAN WYCK. The Agricultural Department bill was taken up as provided in this order. Then, as is very usual with bills which are recognized, it was laid temporarily aside for the purpose of considering some other matter. That of course is not, I think, a violation of the order here, because the right of way was given to the department bill in charge of the Senator from New York. He had the right of way upon that measure, and, therefore, it was not unusual, neither do I think it is in conflict with the programme, I say in justice to myself, to lay it aside temporarily to take up the joint resolution.

Mr. HOAR. The Senator will pardon me; I made no criticism on the Senator from Nebraska.

Mr. VAN WYCK. I know you did not.

Mr. HOAR. I do not know how he voted. All I have to say is that what he has quoted related solely to bringing it up under the five-minute rule, and I stated to the Senator from Maryland [Mr. GORMAN], who proposed to have it retain its place under the five-minute rule, that there would be no use in doing that, because it was a measure which could not be considered under that rule, and, further, that it could not be considered while the Senator from New Jersey was absent. That is all that I said.

Mr. VAN WYCK. The Senator's explanation is satisfactory and is fully understood. I said that according to the programme the bill of the Senator from New York had the right of way, and a motion was made, as is ordinarily done, to lay it aside temporarily for the purpose of giving consideration to some other matter.

Mr. EDMUNDS. That cannot be done by a motion.

Mr. VAN WYCK. Very well; that was done.

The importance of the joint resolution, I take it, is perfectly evident. There are many bills on the programme between the bill here named and this bill which are important, but this measure is important in this aspect, that it is an amendment of a proposition of the House of Representatives. The House joint resolution went to the Committee on the Judiciary, and I understand the Committee on the Judiciary unanimously proposed a substitute, which is reported, and it is important, as it is an amendment to the House proposition, and therefore necessarily must go back to the House before there can be final action upon it; and if it meets with any degree of hostility in the House it can not be passed at this session of Congress.

Its importance is increased by the fact that there should be early action on the joint resolution. It comes unanimously from the Committee on the Judiciary; and it certainly can not take many minutes to dispose of it in the Senate, and it may go back to the House with a possibility of its passage. But if it is deferred until it is reached in its proper place in the programme, the danger is that if it goes back passed even in five or ten minutes in this body, whatever opposition it may meet in the other House, where it will probably be opposed to a certain extent, will be able to defeat it entirely,

Mr. McPHERSON. Can the Senator give me an assurance that it is not the intention that the joint resolution shall not pass, by placing it down at 14 upon the list, as your side of the Chamber have done?

Mr. VAN WYCK. The Senator must draw his own conclusion as to that. A proposition, the importance of which is recognized in this body and throughout the whole country, which was so important that it came unanimously from the Judiciary Committee, would seem certainly to be entitled to early consideration on the part of the Senate, so as to insure its passage, if its passage is desired by both bodies.

Mr. McPHERSON. I supposed the joint resolution would provoke some discussion in the Senate, and I knew quite well it would in the other House, as it at present appears before the Senate, having been reported by the Judiciary Committee. Therefore I desired, and only desired, early consideration of the measure, that it might go to the other House and have consideration there.

When I left Washington last week I did not expect on my return to find the measure in the position it is in to-day.

I supposed that the caucus committee would certainly give it early consideration, because of the fact that the Judiciary Committee considered it of so much importance that they held daily sessions in order that some agreement might be reached by the committee, and the measure was promptly reported back to the Senate. I find now that after it is reported there seems to be a persistent, determined effort that it shall not have consideration. In my opinion if inventive men were paid at public cost to devise some way by which the other House should not have an opportunity to act upon the joint resolution at all, no better plan could have been devised.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New York yield?

Mr. MILLER. Certainly.

Mr. EDMUNDS. I did not intend to interrupt my friend from New York.

Mr. MILLER. Certainly; I yield.

Mr. EDMUNDS. This investigating resolution or bill, whatever it was, as it came from the House of Representatives, was in my opinion calculated—I do not say, as my friend from New Jersey seemed to intimate, designed—to prevent getting forward with this Pacific Railroad business in a definite and decisive way; but it was calculated to do precisely what the railroad companies, if they did not wish to have anything accomplished in the way of coming to a decisive determination of this matter, would have devised.

So far as the investigation went about old transactions, no matter how bad they were, it is of no possible consequence in respect of the things that Congress has to do—not the slightest. You may grant that they would discover that millions have been stolen and expended for improper objects, buying the Senator from Vermont, and the Senator from New Jersey, and other Senators, and buying members of the House of Representatives. That would be a very useful investigation by either House, which has the sole jurisdiction over its own members, by a committee of its own, and to expel the Senator from Vermont and the Senator from New Jersey if they were found, or even suspected, I will say, to have been engaged in any such thing. But so far as the House resolution went, when it came to us it was purely a performance that if carried on in the way proposed by the House would result in a delay of a year, or two, or three in bringing these matters to a decisive resolution.

Now, then, the Committee on the Judiciary amended the House proposition so as to rectify the investigation to a certain extent and to bring it somewhat within limits that could be accomplished within the life of man; and secondly, it added provisions which are of real and immediate consequence to be adopted, as I think, though all the members of the committee do not agree with me about that. Pending any final disposition of the matter, the thing ought not to be sent along by investigation after investigation, without anything being done in certain other respects.

Therefore, as the matter was reported I was for it, not on account of the investigating part of it, which I think is utterly useless, it will not help any, but in respect of the other matters that the Committee on the Judiciary thought proper to add as a means of trying to get some legislation at this session.

Anybody who supposes that any gentleman on this side, even some of the members of the Committee on the Judiciary who did not agree with me and with the majority of the committee about these additional provisions, agreed that we ought to take action. I say that anybody who supposes that the gentlemen on this side who voted to take this out of its order of what was thought to be the importance of measures and their arrangement on any idea that we are trying to hold up this matter and to keep Congress from having some action about it which would be of some advantage to the people of the United States, is entirely mistaken.

I voted against taking it up now and for taking up the agricultural bill—and would have preferred much to vote to take up the pleuro-pneumonia bill—in order that we may go on in some order or other and get something done, for the joint resolution as amended by the Committee on the Judiciary is of importance, not of importance as it came from the House, I repeat, but of importance one way or the other in respect

of the additional provisions that the Committee on the Judiciary put in it, and it is an entire injustice to suggest that any gentleman on this side has voted against taking it up now on the ground that we do not want to act, for that is not the truth.

SUNDRY CIVIL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, and had concurred in other amendments of the Senate with amendments, in which it requested the concurrence of the Senate.

Mr. ALLISON. I ask the Senator from New York to yield to me a moment that I may ask the Chair to lay before the Senate the action of the House on the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 22, 1887.

*Resolved*, That the House concur in the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, numbered as follows: 3, 4, 154, 158, 161, 172, 189, 193, 197, 205, 206, 207, 208, 212, 218, 219, 220, 221, 229, 232, 255, 256, and 257.

And concur in the thirty-ninth amendment of the Senate to said bill with an amendment, as follows:

Page 8, line 23, of the bill, after the word "Louisiana," insert the words "at Chicot Pass and to mark navigable channel along Grand Lake, Louisiana."

Concur in the fifty-fifth amendment of the Senate to said bill, with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

"For post-office, custom-house, and court-house at Wilmington, N. C.: For purchase of site and commencing the erection of building, $50,000.

"For court-house and post-office at Jefferson, Tex.: For purchase of site and commencing the erection of building, $25,000.

"For post-office at Houston, Tex.: For purchase of site and commencing the erection of building, $25,000.

"Public building at Santa Fé, N. Mex.: For completion of the building, $52,148.

"For post-office and custom-house at Portsmouth, Ohio: For purchase of site and commencing the erection of building, $12,000."

Concur in the fifty-eighth amendment of the Senate to said bill with an amendment, as follows:

Page 9 of the bill, after line 2, insert the following:

"Lighting the Statue of Liberty in New York Harbor: For building for engines and boilers, $10,000; incandescent-light plant, $2,500; dynamos, lamps, and lens for torch, $4,000; removing present machinery to new building, additional houses for side lamps, putting grounds in order, fencing and incidentals, $3,000; in all, $19,500."

Concur in the one hundred and seventy-ninth amendment of the Senate to said bill, with an amendment, as follows: After the matter proposed by said amendment insert the following:

"Elevator for the House wing of theCapitol: For the construction of an elevator, for the use of the public, in the House wing of the Capitol, to be located at the south end of the western corridor, and to run from the basement to the upper story, $12,000; and the Architect is directed to have the same completed for use by December 1, 1887."

And non-concur in the amendments of the Senate to said bill numbered as follows: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 155, 156, 157, 159, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 194, 195, 196, 198, 199, 200, 201, 202, 203, 204, 209, 210, 211, 213, 214, 215, 216, 217, 222, 223, 224, 225, 226, 227, 228, 230, 231, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 258, 259, 260, 261, and 262.

Mr. ALLISON. In hastily looking over the amendments made by the other House, I think some of them ought to be concurred in, perhaps most of them; but in order to facilitate the consideration of the bill, I ask the Senate to disagree to the amendments proposed by the House of Representatives, and insist upon the Senate amendments, and ask the House for a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate disagree to the amendments proposed by the House of Representatives to amendments of the Senate, and insist upon its amendments disagreed to by the House, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

DEPARTMENT OF AGRICULTURE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the department of agriculture and labor, which had been reported from the Committee on Agriculture and Forestry with amendments.

The PRESIDENT *pro tempore*. The amendments proposed by the committee will be stated in their order. The Senator from New York, however, has the floor.

Mr. MILLER. Mr. President, before taking up the amendments I will detain the Senate for a short time only in making a brief explanation of the bill and of its importance.

For many years the agricultural interests of this country have been seeking the creation in the Government here at Washington of a department with a full secretary at its head. Bills for this purpose have repeatedly passed the House of Representatives and at times the Senate, but never up to the present time has a bill for this purpose passed both Houses during any one session of Congress; consequently the objects sought in this bill have failed of realization up to the present time.

It will be seen upon a reference to the bill that the scope of it is somewhat enlarged from what it has been in similar bills heretofore presented to the Congress of the United States. It is proposed by this bill to create an executive department to be known as the department of agriculture and labor.

It will be remembered that two years ago Congress created in the Department of the Interior a bureau known as the Bureau of Labor, and a commissioner was appointed at its head. By this bill the Bureau of Labor is transferred from the Interior Department to the department to be created by this proposed act, and thus we shall have, if the act becomes a law, a department here at Washington, with a secretary at its head, which shall have for its object the consideration of the interests of a vast majority of the people of our whole country.

It has also been proposed by an amendment to the bill to transfer to this new department, when it shall be created, what is known as the United States Signal-Service Bureau, or Weather Bureau, taking it out of the Army and putting into this new department. For a long time there has been a desire expressed both by the head of the Army and by many officials connected with the Government, and generally by Senators in this body, that the Weather Bureau or Signal-Service Bureau should be taken out of the Army and put into some one of the other Departments. It has not seemed proper heretofore that it should go to any one of the Departments as now organized, and the committee acting upon the suggestion made to it has proposed an amendment to the bill which will transfer the Weather Bureau to this new department.

Mr. BECK. I wish to ask the Senator to explain that a little more fully. The Signal-Service Bureau, I understand, is a military bureau for the purpose of training young men of the Army in signaling for military service, and the Weather Bureau is separate and distinct from it. Will there not have to be some distinction made in the bill, so as to leave that portion of the Signal Service which is purely military in the hands of the Army for army purposes, and transfer only the Weather Bureau, which is now under the Signal Service, to this new department? I desire to call the Senator's attention to that point, because I am somewhat confused about it.

Mr. MILLER. When we come to take up the amendment of the committee on that point and consider it I will then make the best explanation I can, and the best answer I can to the question which the Senator has proposed; but in my preliminary remarks I simply desire to refer to it in the most general terms. I will say that the committee have had great difficulty in drafting an amendment which would properly bring about the results which are desired; but I will refer to that later on.

Mr. HALE. May I ask the Senator if the amendment to which he refers is printed?

Mr. MILLER. The amendment was printed when the bill was reported.

Mr. BECK. If the Senator will allow me, it was because I thought he was going to speak of it, and on account of the confusion we have had in the Appropriations Committee in regard to this matter that I desired him to explain it a little more fully.

Mr. MORGAN. The whole difficulty suggested by the Senator from Kentucky will be removed by an amendment on which we are all practically agreed.

Mr. MILLER. Several members of the committee desire to transfer to this department other bureaus now actively at work in some other of the Executive Departments of the Government. Some desire to transfer to it all matters relating to the commerce of the country, and it would seem most appropriate that all questions relating to internal commerce and to transportation should belong to a Department which has to do with the productive energies of the country, with those energies which give us our commerce and which produce the articles of commerce; but fearing that we might overload the bill and thus break it down, the committee decided to go no further than it has in offering amendments, believing that if this department shall be created, within a very few years a number of important bureaus will be added to it Some members of the committee believe that the Census Bureau should become a part of this new department.

For one I shall be glad to see the time when all the laws under which the public lands can be taken up shall have been repealed except the homestead act, and then the arable public lands of this country which are to be occupied by the farmers and the laboring men of our country should be put directly under the charge and control of the Agricultural Department. But, as I have said, the committee did not desire and did not think it wise at this time to make any such general or sweeping changes. Therefore they have contented themselves with reporting back a bill creating a department of agriculture and labor,

transferring to it the Labor Bureau from the Interior Department and the Weather Bureau from the War Department.

It is scarcely necessary, but still I will venture for a few moments to refer to the great interests which are involved and which are to be affected by this bill. The census of 1880 gives us the statistics of agriculture and labor in this country. There we learn that there were in 1880 four million separate farms in the United States; that they were valued, with their improvements, with the agricultural machinery and the live-stock upon them, in round numbers, at $12,000,000,000, which is more than one-quarter of the entire property of our country and our people. The value of our farm products in 1880 as given by that census was $2,212,540,927. Without going into too great detail, I may here refer to some of the principal products and the quantities that were produced in that year. Of wheat there were produced 459,483,137 bushels, equal to more than 9 bushels per capita for the entire population of the country; of Indian corn there were produced 1,754,591,676 bushels; of oats, 407,858,999 bushels; of potatoes of all kinds, 202,837,232 bushels; of hay there were produced 35,205,712 tons; of cotton there were produced 5,755,359 bales; of the dairy products, of butter there were produced 806,672,071 pounds, of cheese, 243,157,850. The clip of wool in 1880 in this country was 240,681,781, being an increase over the production of 1870 of 147 per cent.

As I stated a moment ago, the bill affects, directly and indirectly, nearly all our people. There are engaged in agriculture, either as owners of farms or as laborers upon them, about 8,000,000 people, producing, as I have already stated, a total valuation of products of more than $2,000,000,000 per annum. These 4,000,000 farmers and their laborers not only produce food for the farmers and their laborers but also for our whole 60,000,000 people. Not only do we supply all our own wants but we are enabled to supply very largely the wants of the rest of the world. Whatever shortage there may be in the crops of Europe always finds a ready supply from our own markets.

It is estimated that the United States is producing to-day more than 30 per cent. of all the grain or cereals produced in the world. We owe to the surplus product of our farms the fact that the balance of trade between ourselves and the rest of the world is largely in our own favor. The great bulk of the exports from our country are farm products, and the amount of our exports has been steadily growing for many years.

Let me briefly call the attention of the Senate to the part that the agriculturists of our country have played in our foreign commerce and in the maintenance of the balance of trade in our favor. In 1850 the agricultural exports from the United States were $108,605,713 in value, which was then equal to 80.5 per cent. of the total exports of our country. Ten years later, in 1860, those exports had grown to $256,560,972, being 81 per cent. of the total exports of the country. Ten years later, in 1870, they had grown to $361,188,483, amounting, however, to only 79 per cent. of the total exports of the country. Ten years later, in 1880, they had substantially doubled in value. The exports in that year of agricultural products were $683,010,976, being 82.9 per cent. of the total exports of the United States. In 1881 they were still higher, being $729,650,016, or 82.5 per cent. of the total exports. In 1882 they had fallen somewhat; the total exports that year were $552,219,819, being 75.3 per cent. of the total exports. In 1883 they advanced and were $619,269,449, being 77 per cent. of the total exports. In 1884 they receded again and were $536,315,318, being 74 per cent. of the total exports. In 1885 they were nearly stationary, being $530,172,835, or 73 per cent. of the total exports. In 1886 they fell somewhat; they were $484,954,595, or 72 per cent. of the total exports. The total amount of the exports in the seven years from 1880 to 1886, inclusive, was $4,135,593,008, or an average of $590,800,000 yearly.

Mr. BECK. Does that include petroleum?

Mr. MILLER. This includes simply agricultural products.

Mr. BECK. It does not include petroleum?

Mr. MILLER. It does not include petroleum, nothing but agricultural products. Of course it includes meats and provisions, but it has nothing to do with our mining exports, or manufacturing exports, or with petroleum.

Mr. President, I need not pause here to attempt to describe what would be the condition of our country to-day, what the condition of our finances, had it not been for the large surplus products of the farms which have gone abroad and given us the large balance of trade. We owe it to this trade that we were able in 1879 to resume specie payments and to maintain them to the present time. We owe it to this large exportation of our surplus products that we are able to-day to go on coining silver and maintain it at a parity with gold. If the balance of trade should turn largely against this country, and we should be called upon to pay our foreign exchange in coin, and in gold coin as we certainly should be, how long would it be before we should be compelled either to suspend specie payments or to come entirely to the use of silver as a currency?

I do not care to open up that question, and I shall not discuss it here. I simply refer to it to call the attention of the Senate to the importance of the vast industry of agriculture and to say that in my judgment we can not give it too much attention. We can not give it too much consideration. We can not devote too much time to it, I believe, in the councils of our nation.

Certainly an industry of this kind should have at the head of it in the Government one of our ablest financiers, a man skilled and versed in commerce, a man having a knowledge of the wants of the other nations of the world, and who would be able in his investigations and in his recommendations to Congress to do very much to develop our agriculture, to improve it, and to increase it in value, and thereby add still more to our ability to maintain the balance of trade in our own favor.

How much this has had to do with our ability to pay the great war debt which has been weighing upon the nation for a quarter of a century I need not stop to discuss, but instead of having paid off one-half of that vast debt, if our agricultural industry had not been as prosperous as it has, if instead of the surplus product which has been exported in the past seven years of more than $4,000,000,000 worth, there had been no surplus, does any Senator here believe that we could have met the requirements of the sinking fund, or that we could have gone on and paid off one-half of our debt and have come to the point now when there is little more of our debt left in sight which we can reach even in a reasonable time?

Mr. President, it needs no argument to make that fact patent to every one. Not only have we thus shown our capacity to supply the wants of our own 60,000,000 people and to send this vast surplus abroad, but as yet we have scarcely drawn upon the great agricultural resources of this country.

I desire to call the attention of the Senate for a single moment to our capacity to increase our agricultural products in this country, and it is upon that fact that I base one of my chief arguments for asking for the passage of this bill and the creation of a new department.

In 1880 our farms contained 837,628 square miles, which was 28 per cent. of our entire territory, not including Alaska. But of this only about one-half was improved at all, or, in other words, there were 444,955 square miles of improved lands in our farms in 1880, which was only 15 per cent. of our total area, not including Alaska. Who shall tell us what might be the production of our country if all the arable land was under improvement, or if we had good farming and good agriculture upon the lands which our farmers now occupy? I will read from an estimate which has been made by Mr. Edward Atkinson, the noted statistician, upon the power of our country to increase its agricultural products and to maintain an increased population:

> The crops of 1879, after feeding our 50,000,000 inhabitants, furnished more than 283,000,000 bushels of grain for export. The corn, wheat, oats, barley, rye, buckwheat, and potatoes—that is, the food crops—were that year produced on 105,097,750 acres, or 164,215 square miles. But that is less than one-ninth of the smallest estimate of our arable lands. If, therefore, it were all brought under the plow, it would feed 450,000,000 and afford 2,554,000,000 bushels of grain for export. But this is not all. So excellent an authority as Mr. Edward Atkinson says that where we now support 50,000,000 people, "100,000,000 could be sustained without increasing the area of a single farm, or adding one to their number, by merely bringing our product up to our average standard of reasonably good agriculture; and then there might remain for export twice the quantity we now send abroad to feed the hungry in foreign lands." If this be true (and it will hardly be questioned by any one widely acquainted with our wasteful American farming), 1,500,000 square miles of cultivated land—less than one-half of our entire area this side of Alaska—are capable of feeding a population of 900,000,000 and of producing an excess of 5,100,000,000 bushels of grain for exportation, or, if the crops were all consumed at home, it would feed a population one-eighth larger, namely, 1,012,000,000. This corresponds very nearly with the results obtained by an entirely different process from data afforded by the best scientific authority.

I have read this and referred to it simply for the purpose of emphasizing my statement that we have as yet scarcely begun to develop the great agricultural resources of this country. It is believed that if instead of the weak and feeble efforts our Government has made through a bureau of agriculture and by appropriations to agricultural colleges in various States throughout the Union, it had created a department of agriculture fully equipped in all its branches and had supported it with any sort of liberality, giving to it anything like the proportion which should go to this great interest, the agricultural industries of this country would to-day be from twenty-five to fifty per cent. more valuable than they are.

We do not hesitate to appropriate $25,000,000 or $30,000,000 to maintain a little army even in times of peace. We do not hesitate here in the Senate to appropriate $10,000,000, ay $21,000,000, in a single day to the building of coast defenses and of armored vessels, and we do it without even calling the yeas and nays—we do it by a unanimous vote; but when the agricultural interests of this country come here and ask for appropriations we debate for a day or two over a little appropriation bill which usually has carried from $50,000 to $100,000. In the last few years we have been a little more liberal; we have reached half a million and sometimes $600,000. We have given $40,000, $50,000, or $75,000 for experiments in the matter of producing sugar in our country. The Congress of the United States has treated the agricultural interests of this country as though they were of very little account, or as though they were entirely able to care for themselves.

By this bill it is proposed to create here a department which shall be equal in importance and in power to any of the other great Executive Departments of the Government, and the department which we are now attempting to create is to deal not only with the great interests

of which I have spoken and some of the statistics of which I have given, but coupled with it and going with it comes the great question of labor or of production not only upon the farms but in all our workshops and manufactories and in all our transportation lines throughout the length and breadth of the country.

It will be seen by reading the bill that it transfers to this Department the Bureau of Labor, with all of its power for collecting statistics, and that it makes it the duty of the Department to investigate into all the causes of strikes and all the difficulties which are arising between labor and capital in this country. This is a new question. It is a question which the governments of the world have not been able fully to grapple with or to understand or to legislate intelligently about. Nevertheless it is demanding the attention of all legislative bodies throughout the world, and to-day nearly all the States of this Union have departments of labor or labor bureaus and have commissioners whose duties are to investigate into the causes of strikes, into the dullness of the times, and into all the questions which are constantly arising. In many States bills have been passed creating arbitration commissions and thus responding to the demands of the laboring classes themselves. This bill is a movement in that direction.

As I said, the number of people engaged in agriculture, either as owners or as laborers upon the farms, is, in round numbers, 8,000,000. Those engaged in all the other industries, such as manufacturing, mining, transportation, and other services, swell the total number of laborers in this country to something over 17,000,000, which is 50 per cent. of all the people of the country above ten years of age. Certainly it is not too much to ask that the interests of this vast multitude of people shall have an executive department here fully equipped, and with appropriation sufficient to enable it to carry on its investigations in such directions as the interests of our people may seem to demand.

Engaged directly in manufacturing industries there are over three million laborers. They produced, as the record shows us, in 1880 over $5,000,000,000 worth of products, and they received in wages in round numbers $950,000,000. We know that the laboring people in this country are in a far better condition than are those of any other civilized nation, but never in the history of our country has the unrest of our people and the friction between labor and capital been so great as at the present time. Within the past year or two we have seen the industries of large sections of our country entirely paralyzed by great conflicts between labor and capital, and within the past few weeks a strike in the city of New York became at one time of such vast proportions that it threatened entirely to paralyze the commerce of that great metropolis. It is not believed by the committee that this department, if created, could prevent all strikes, or that it could command at all times harmony between labor and capital.

But the question now involved and now confronting the people in regard to this conflict is a new one. It requires careful consideration and study. We must not forget that two centuries have not yet passed in the history of the world since the time when substantially all labor was performed by slaves, and even in our own country twenty-five years have not passed since four million laborers, who were also slaves, have been taken from that position, and put into the position of governing-citizens. To-day the destinies of our country are in the hands of those who earn their daily bread by the sweat of their brow. I have repeated, and I repeat again, that laborers of all kinds in this country amount to seventeen million, or 50 per cent. of all our people above ten years of age.

Mr. President, we do not believe it possible that this department should in a day, or in a year, or perhaps in ten years, by its own operations bring about a solution of all these difficulties, for some of them are as old as the human race and will undoubtedly continue with it through all its pilgrimage; but by the wise management of a department here in Washington, which shall bring together all that shall be collected by the different States and which shall present these great questions in all their importance to all of our people, it is believed that with such an authority here very much might be done to bring about a better state of feeling, and very much might be done to prevent the most disastrous wars which are constantly taking place between capital and labor in our own country; and having created a Bureau of Labor, it was thought wise that it should be taken from the Department of the Interior and put into this, which heretofore has been called the Department of Agriculture, and that the two together, combining the great interests of all our people substantially, would create a department which should be second in its importance to none of the Executive Departments of this Government, and which from the beneficial results that we hope will come from it shall be second to none in the Government.

It is not believed that the department of agriculture and labor, so organized, can do everything for the improvement of agriculture. We know that for its great results it must depend upon the individual efforts of our farmers, but they are scattered abroad over the entire surface of our country. As a class they have the least of organization, the least of concerted action of any of our people. The labor organizations are to be found principally in our larger cities and larger towns, and there by their closer contact they are enabled to thoroughly organize and to present to the Legislatures of our various States and to the legislative body here their particular wants and necessities; but the agriculturists of our country, as I have said, are scattered over the entire surface of the country and have little of organization. While they compose so large and important a portion of our people, they have up to the present time asked very little in the way of legislation, and they have up to the present time had very little control in the councils of our States or in the councils of the nation. If you go over the list you will find that of all our people the agriculturists have the fewest number of members in our Legislatures and the fewest representatives in our national councils, and this has been so from the very beginning of the Government. They have been petitioning here year after year for more than twenty-five years for the organization of this great department in order that they might receive, together with all of our citizens, the benefits which follow from this our central Government.

Mr. President, in my judgment no more important measure can come before the present Congress than this, and it is chiefly because of the unrest of which I have spoken, which prevails among the laboring people of this country, not only mechanics and those engaged in manufacturing establishments, but it has extended also to agricultural laborers throughout the length and breadth of our country; one and all they are demanding this measure.

It seems a small measure of relief; it is a small measure of relief. The committee feel that the bill does not contain perhaps all that it should; but at this late day in the session of this Congress it was thought wise not to amend the bill to any greater extent than the committee has done, and to leave to future Congresses, after having once established this executive department, to go on and add to it, taking from the other Departments these various bureaus which should be taken from them, and perhaps adding to this other and newer powers; for, Mr. President, there is no more striking thing in the public life of our people to-day than the fact that the powers and functions of our Government are rapidly increasing.

No matter how much we may fight against it, no matter how much we may oppose a paternal government, no matter how much we may stand upon the theory of State rights, yet it is true that our people are demanding that the Government shall do more and more for the people, that it shall increase its functions, and go into new departments. We may stand in the way of it here for a year, or for ten years, or for a quarter of a century, as the Congress of the United States has stood in the way of a measure of this kind, but the time is rapidly approaching when the governing powers and those who control and make legislative bodies will see to it that if their wishes are not granted men shall take our places who will grant them. I trust that when we come to a measure of this kind we shall pause and not interpose any of the objections which have defeated such a measure during the years which have passed and gone; that we shall be willing to meet the demands of the vast majority of our people, and give to the laboring classes of this country a fair representation in the Executive Departments of the Government.

Mr. CULLOM. I understand there are some amendments to be offered to the bill, and it can hardly be finished to-night. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator to withdraw that motion for a moment. I have a bill which I ask the consent of the Senator from New York to have considered by the Senate. It will require no time beyond simply reading the title.

Mr. CULLOM. I withdraw the motion for that purpose.

Mr. CALL. I ask——

Mr. JONES, of Arkansas. I rose to discuss the Agricultural Department bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas will be recognized as entitled to the floor on that bill.

Mr. CALL. I ask the Senator from Arkansas to yield to me for the consideration of Senate bill 3300.

## FLORIDA LAND GRANTS.

The PRESIDENT *pro tempore*. The Senator from Florida asks consent to lay aside the pending bill informally and proceed to the consideration of the bill (S. 3300) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads, under an act of Congress approved May 17, 1856, and for other purposes.

The bill was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. McPHERSON. Will the Senator yield to me a moment?

Mr. CULLOM. I have yielded to the Senator from Florida.

Mr. McPHERSON. I wish to ask the Senate to take a recess at 6 o'clock until 7.30 p. m.; that will give us an hour and a quarter for executive session, and then a recess until 7½ o'clock, in order that we may consider important bills this evening.

Mr. CULLOM. I think we have done enough for one day. I only yielded to the Senator from Florida to consider his bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill of the Senator from Florida?

Mr. FRYE. Has that bill been considered by a committee?

Mr. CALL. It comes from the Committee on Public Lands. There is no objection to it on the part of anybody.

Mr. FRYE. Unanimously reported?

Mr. CALL. Unanimously reported. Everybody is satisfied.

Mr. DOLPH. I desire to say that I see the bill is reported from the Committee on Public Lands, but I think I was engaged before the Commerce Committee on the river and harbor bill and was not present when it was considered.

Mr. MILLER. This bill came up earlier in the day and I objected to it then on the ground that I understood my colleague [Mr. EVARTS] was opposed to it, and was out of the Chamber. The Senator from Florida tells me he has seen my colleague since and he makes no objection to the bill. The objection I made then I withdraw.

Mr. CALL. I submitted the bill to him. He read it carefully, and makes no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3300) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads, under an act of Congress approved May 17, 1856, and for other purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 10421) to provide for a term of court at Duluth, Minn., was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT TO A BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

VIRGINIA FOURTH COLLECTION DISTRICT.

Mr. CULLOM. I will yield to the Senator from Virginia and I give notice that I will not yield any further.

Mr. MAHONE. There is a bill before the Senate reported by the Committee on Commerce defining the customs districts of Yorktown and Norfolk. It is very important that it should be passed in order that it may go to the House. It is Order of Business 2267. There is no objection to the bill anywhere, and I should like very much to have it considered. It will only take a moment.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3268) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia.

The bill was reported from the Committee on Commerce, with amendments.

The first amendment was in section 1, line 10, after the words "along the" to strike out "coast" and insert "south shore;" and in line 11, after the word "Bay," to strike out the words:

To Back River Light-house; thence to a point south of Old Point Comfort midway in the channel of Hampton Roads; thence in a southwesterly direction to Pig Point Light-house.

And in lieu thereof to insert:

To Fortress Monroe; thence along the east shore of Hampton Roads to Newport News Point; thence directly across James River to the west bank of Nansemond River.

So as to make the section read:

That an act entitled "An act to amend section 2552 of the Revised Statutes, and to change the boundaries of the fourth collection district of Virginia," approved June 15, 1882, be, and the same is hereby, further amended so that it shall read:

"That the district of Newport News shall comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, along the south shore of the Chesapeake Bay to Fortress Monroe; thence along the east shore of Hampton Roads to Newport News Point; thence directly across James River to the west bank of Nansemond River; thence along the south shore of James River to a point on the peninsula formed by the James and York Rivers opposite Williamsburg, and thence across said peninsula to the south bank of the York River, so as to embrace in said district, in addition to the ports heretofore included, Hampton and Newport News; in which Newport News shall be the port of entry, and Yorktown a port of delivery."

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "waters," to insert the words "including Hampton Roads;" so as to make the section read:

SEC. 2. That section 2 of the said act be, and the same is hereby, amended so as to read:

"The district of Norfolk and Portsmouth, to comprise all the waters, including Hampton Roads, and shores within the State of Virginia southward of the district of Newport News, as above described, and not included in the districts of Petersburg and Richmond; in which Norfolk and Portsmouth shall be the sole port of entry, and Suffolk and Smithfield the ports of delivery.

The amendment was agreed to.

The next amendment was to add to section 2:

*Provided*, That any vessel destined for or departing from any interior customs district of Virginia, or any vessel destined for or departing from Newport News, shall have the right of passage through or anchorage in the waters of Hampton Roads, as though the waters of Hampton Roads were wholly embraced in such customs districts, or of the Yorktown district, as herein defined, and in no respect shall be subject to the customs jurisdiction of the Norfolk district: *And provided further*, That there shall be stationed at Old Point Comfort a deputy collector of the Norfolk district, with authority to enter and clear all vessels anchoring in Hampton Roads for orders or in distress, and not bound to any Virginia port; and to such deputy collector the master of any vessel so anchoring in the waters of Hampton Roads shall report, as provided in section 2774 of the Revised Statutes, and comply with the requirements thereof, and for any neglect so to report and comply with such requirements of the said section, shall be liable for the penalty prescribed by the same.

The amendment was agreed to.

Mr. RIDDLEBERGER. I have not seen the bill before, and if there be no objection I should like to have it lie over until to-morrow.

Mr. MAHONE. This bill is to define the customs districts of Yorktown and Norfolk. It is agreed to unanimously by the Committee on Commerce, and by all parties interested.

Mr. RIDDLEBERGER. The Committee on Commerce may have reported it——

The PRESIDENT *pro tempore*. Does the Senator from Virginia object to its present consideration?

Mr. RIDDLEBERGER. I do not like to do that, but I should like to ask my colleague how it suits the people of Norfolk?

Mr. MAHONE. As I stated, it suits all parties in interest, the city of Norfolk and all the commercial interests relating thereto.

Mr. RIDDLEBERGER. Very well, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. MCPHERSON. Pending that motion, I move that the Senate now take a recess until 7 o'clock.

Mr. CAMERON and others. That you can not do.

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion to take a recess has priority.

Mr. CULLOM. I hope the motion will be voted down, and that we shall come to a vote on my motion for an executive session.

Mr. MILLER. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate do now adjourn.

Mr. MCPHERSON. I ask for the yeas and nays on that.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The first question is on the motion to adjourn, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 29; as follows:

YEAS—21.

| | | | |
|---|---|---|---|
| Blackburn, | Harrison, | Miller, | Walthall, |
| Bowen, | Hoar, | Platt, | Whitthorne, |
| Brown, | Ingalls, | Ransom, | Williams. |
| Cameron, | Jones of Arkansas, | Riddleberger, | |
| Gibson, | Jones of Nevada, | Sherman, | |
| Hampton, | McMillan, | Teller, | |

NAYS—29.

| | | | |
|---|---|---|---|
| Allison, | Cullom, | Harris, | Sawyer, |
| Beck, | Dawes, | Kenna, | Spooner, |
| Berry, | Dolph, | McPherson, | Vest, |
| Blair, | Evarts, | Manderson, | Voorhees, |
| Call, | Fair, | Morgan, | Wilson of Md. |
| Chace, | Farwell, | Morrill, | |
| Cheney, | Frye, | Payne, | |
| Cockrell, | Gorman, | Sabin, | |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Eustis, | Maxey, | Sewell, |
| Butler, | George, | Mitchell of Oreg., | Stanford, |
| Camden, | Gray, | Mitchell of Pa., | Vance. |
| Coke, | Hale, | Palmer, | Van Wyck, |
| Colquitt, | Hawley, | Plumb, | Wilson of Iowa. |
| Conger, | Jones of Florida, | Pugh, | |
| Edmunds, | Mahone, | Saulsbury, | |

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from New Jersey [Mr. MCPHERSON] to take a recess.

Mr. CULLOM. If that is voted down the motion to go into executive session will be next in order.

The PRESIDENT *pro tempore*. It will. What hour does the Senator from New Jersey name?

Mr. MCPHERSON. Until 7 o'clock. I am asked by several Senators about me not to press the motion to take a recess to-night, but I give notice now that I shall press it to-morrow evening in order that we may dispose of the business on the Calendar.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. MCPHERSON. I withdraw it.

Mr. CULLOM. Now I ask that my motion be put.

Mr. CALL. I ask the Senator from Illinois to withdraw his motion.

["No, no!"]

Mr. CULLOM. I shall not withdraw any more.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 24 minutes spent in executive session, the doors were reopened; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 23, at 12 o'clock m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate, February 14, 1887.*

FOR PROMOTION IN THE ARMY.

*Ordnance Department.*

Lieut. Col. James M. Whittemore, to be colonel, January 3, 1887, *vice* McAllister, deceased.

Maj. Francis H. Parker, to be lieutenant-colonel, January 3, 1887, *vice* Whittemore, promoted.

Capt. John A. Kress, to be major, January 3, 1887, *vice* Parker, promoted.

*Corps of Engineers.*

First Lieut. Walter L. Fisk, to be captain, January 10, 1887, *vice* Adams, promoted.

Second Lieut. Cassius E. Gillette, to be first lieutenant, January 10, 1887, *vice* Fisk, promoted.

FIRST REGIMENT OF INFANTRY.

Capt. Edward Moale, Third Infantry, to be major, February 1, 1887, *vice* Collins, promoted to the Seventh Infantry.

THIRD REGIMENT OF INFANTRY.

First Lieut. John W. Hannay, to be captain, February 1, 1887, *vice* Moale, promoted to the First Infantry.

Second Lieut. Frank B. McCoy, to be first lieutenant, February 1, 1887, *vice* Hannay, promoted.

SEVENTH REGIMENT OF INFANTRY.

Maj. Edward Collins, First Infantry, to be lieutenant-colonel, February 1, 1887, *vice* Chipman, retired from active service.

FOR APPOINTMENT IN THE ARMY.

*Post chaplains.*

Rev. William F. Hubbard, of New York, January 21, 1887, *vice* Brady, deceased.

Rev. Henry Swift, of Dakota, January 21, 1887, *vice* Crockett, retired from active service.

FOR APPOINTMENT BY TRANSFER IN THE ARMY.

*Corps of Engineers.*

Second Lieut. Charles L. Potter, Fifth Cavalry, to be second lieutenant, February 2, 1887, *vice* Gillette, promoted.

PROMOTIONS IN THE NAVY.

Commander Henry B. Seely, to be a captain from the 13th December, 1886, *vice* Law, retired.

Lieut. Commander Thomas Nelson, to be a commander from the 13th December, 1886, *vice* Seely, promoted.

Medical Inspector David Kindleberger, to be a medical director from the 30th of January, 1887, *vice* Dungan, retired.

Surg. Benjamin H. Kidder, to be a medical inspector from the 30th of Jannary, 1887, *vice* Kindleberger, promoted.

Passed Assist. Surg. Benjamin F. Rogers, to be a surgeon from the 30th of January, 1887, *vice* Kidder, promoted.

COLLECTORS OF INTERNAL REVENUE.

James A. Hanlon, of New York, to be collector of internal revenue for the twenty-eighth district of New York.

George L. Johnson, of Ohio, to be collector of internal revenue for the tenth district of Ohio, *vice* John F. Kumler, suspended.

RECEIVERS OF PUBLIC MONEYS.

Zachary T. Crawford, of Pine Level, Fla., to be receiver of public moneys at Gainesville, Fla., *vice* John F. Rollins, suspended.

William A. Imes, of Bozeman, Mont., to be receiver of public moneys at Bozeman, Mont., *vice* John T. Carlin, suspended.

Frederick W. Smith, of Yuma, Ariz., to be receiver of public moneys at Tucson, Ariz., *vice* Wallace, suspended.

UNITED STATES CONSULS.

Fred. Ellison, of Indianapolis, Ind., to be consul of the United States at St. Helena, *vice* James A. MacKnight, recalled.

Edward W. Mealey, of Hagerstown, Md., to be consul of the United States at Munich, to fill a vacancy.

UNITED STATES CONSUL-GENERAL.

E. C. More, of Missouri, to be consul-general of the United States at the city of Mexico, *vice* James W. Porch, recalled.

DEPUTY AUDITOR OF THE TREASURY.

Hugh A. Haralson, of Georgia, to be deputy auditor of the Treasury for the Post-Office Department, *vice* Edwin A. Clifford, resigned.

GENERAL APPRAISER OF MERCHANDISE.

Philip W. Downes, of Maryland, to be general appraiser of merchandise in the district of Baltimore, in the State of Maryland, *vice* H. Wheeler Combs, suspended.

APPRAISER OF MERCHANDISE.

Thaddeus S. Sharretts, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland, *vice* Henry H. Goldsborough, suspended.

UNITED STATES MARSHALS.

Thomas W. Scott, of Virginia, to be marshal of the United States for the eastern district of Virginia.

Thomas B. Yancey, of Tennessee, to be marshal of the United States for the western district of Tennessee.

UNITED STATES MINISTER.

Thomas C. Manning, of Louisiana, to be Envoy Extraordinary and Minister Plenipotentiary of the United States to Mexico.

SECRETARY OF LEGATION.

Thomas B. Connery, of New York, to be secretary of the legation of the United States to Mexico.

COMMISSIONER OF NAVIGATION.

Charles B. Morton, of Maine, to be commissioner of navigation.

SURVEYORS-GENERAL.

John F. Norrish, of Minnesota, to be surveyor-general of Minnesota.

Calhoun Fluker, of Clinton, La., to be surveyor-general of Louisiana.

PROMOTION IN THE REVENUE SERVICE.

Second Assistant Engineer James Fitzpatrick, to be first assistant engineer in the revenue service of the United States, vice Laws, deceased.

APPOINTMENT IN THE REVENUE SERVICE.

James I. Brereton, of the District of Columbia, to be a second assistant engineer in the revenue service of the United States, vice Fitzpatrick, promoted.

William H. Culver, of Kansas, to be a third lieutenant in the revenue service of the United States, to fill a vacancy.

INDIAN AGENTS.

Timothy A. Byrnes, of Atlantic City, N. J., to be agent for the Indians of the Uintah and Ouray agency, in Utah.

W. Levin Powell, of Winchester, Va., to be agent for the Indians of the Neah Bay agency, in Washington Territory.

Thomas M. Jones, of Fauquier County, Virginia, to be agent for the Indians of the Shoshone agency, in Wyoming Territory.

POSTMASTERS.

Edwin W. Callis, to be postmaster at Martinsville, Morgan County, Indiana.

Eli W. Brown, to be postmaster at Columbia City, Whitley County, Indiana.

Charles Wiesmann, to be postmaster at Warsaw, Hancock County, Illinois.

David Hammer, to be postmaster at Mitchell, Davison County, Territory of Dakota.

James A. Able, to be postmaster at Auburn, Sangamon County, Illinois.

Sextus H. Shearer, to be postmaster at Huntington, Huntington County, Indiana.

W. T. Cox, to be postmaster at McKinney, Tex., *vice* James W. Thomas, time expired.

Marion M. Callan, to be postmaster at Coleman, in the County of Coleman and State of Texas.

Sylvester N. Clark, to be postmaster at Cleburne, Johnson County, Texas.

Edward Sorin, to be postmaster at Notre Dame, Saint Joseph County, Indiana.

L. P. Bowes, to be postmaster at Eldora, Hardin County, Iowa, *vice* Marcus W. Moir.

E. J. Higgins, to be postmaster at Ackley, Hardin County, Iowa.

William G. Brading, to be postmaster at Gallipolis, Gallia County, Ohio.

Daniel B. Smith, to be postmaster at Mount Holly, Burlington County, New Jersey.

William A. Wheeler, to be postmaster at Atkinson, Holt County, Nebraska.

August E. Kammerer, to be postmaster at Beardstown, Cass County, Illinois.

George C. Middlebrook, to be postmaster at Millbank, Grant County, Territory of Dakota.

Robinson M. Jones, to be postmaster at Chico, Butte County, California.

Emily T. Helm, to be postmaster at Elizabethtown, Hardin County, Kentucky.

Aaron F. Vedder, to be postmaster at White Hall, Greene County' Illinois.

Gilbert B. Foster, to be postmaster at National Stock-Yards, Saint Clair County, Illinois.

John E. Banta, to be postmaster at Muncie, Delaware County, Indiana.

John A. Lingo, to be postmaster at Lebanon, in the county of Warren and State of Ohio.

Robert L. Foard, to be postmaster at Columbus, in the county of Colorado and State of Texas.

Arthur Meerscheidt, to be postmaster at La Grange, in the county of Fayette and State of Texas.

Levi Wooster, to be postmaster at Fostoria, in the county of Seneca and State of Ohio.

Stephen B. Atwood, to be postmaster at Conneaut, in the county of Ashtabula and State of Ohio.

George A. Kellenberger, to be postmaster at Mendota, in the county of La Salle and State of Illinois.

William B. Welch, to be postmaster at East Portland, in the county of Multnomah and State of Oregon.

Andrew J. Bahney, to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico.

Mary Beyersdorfer, to be postmaster at Ripley, in the county of Brown and State of Ohio.

D. H. Randolph, to be postmaster at Laredo, in the county of Webb and State of Texas.

Robert D. Templeton, to be postmaster at Brookville, in the county of Franklin and State of Indiana.

James Todd, to be postmaster at Franklin, in the parish of Saint Mary's and State of Louisiana.

Uriel M. Tobey, to be postmaster at Sauk Centre, in the county of Stearns and State of Minnesota.

Edith Love, to be postmaster at Wellington, in the county of Sumner and State of Kansas.

Ella L. Kempe, to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota.

Peter N. Cottrell, to be postmastsr at Fort Howard, in the county of Brown and State of Wisconsin.

William H. Foreman, to be postmaster at Benicia, in the county of Solano and State of California.

Ezra A. Glover, jr., to be postmaster at New Richmond, in the county of Saint Croix and State of Wisconsin.

John S. Preston, to be postmaster at Shelbina, Shelby County, Missouri.

George G. Rodman, to be postmaster at Washington, Washington County, Iowa.

Alexander Charles, to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of Alexander Charles to be postmaster at Cedar Rapids, Iowa, *vice* William M. Smith, suspended, reports:

That an examination of the papers and documents in the case discloses nothing as a cause for the suspension of Mr. Smith that reflects on his personal or official integrity. His suspension seems to have been on account of political reasons.

The proofs in the case show that Mr. Charles is a proper and competent person to discharge the duties of the office, and the committee recommend that his nomination be confirmed.

James N. Davis, to be postmaster at Knoxville, in the county of Marion and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads, which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of James N. Davis to be postmaster at Knoxville, Iowa, in the place of William W. Craddick, suspended, have considered the same and report:

That there seem to have been no causes for the suspension of Mr. Craddick other than of a partisan character. He is not charged with anything affecting his integrity as a man or as an officer. Mr. Davis appears to be a person qualified to discharge the duties of the office, and the committee recommend that he be confirmed.

Alice H. Groves, to be postmaster at Afton, in the county of Union and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of Alice H. Groves, to be postmaster at Afton, Iowa, in the place of Charles K. Ingham, suspended, have considered the same, and report:

That there seems to have been no cause for the suspension of Mr. Ingham other than of a partisan character. He is not charged with anything affecting his integrity as a man or as an officer. The nominee appears to be a person qualified to discharge the duties of the office, and the committee recommend that she be confirmed.

William H. Merritt, to be postmaster at Des Moines, in the county of Polk and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to which was referred the nomination of William H. Merritt, to be postmaster at Des Moines, Iowa, *vice* John Beckwith, suspended, reports:

That on examining the papers in the case as communicated to the committee from the Post-Office Department, it appears that sundry charges had been made against the suspended officer. These were to the effect that he has made, or allowed to be made, political assessments on employés in his office for the benefit of the Republican party; that he had permitted undue influence to be used in the affairs of the office by at least one person not connected with the office. Several other charges of like character and of partisan significance were also found in the papers.

The committee communicated all of the charges to Mr. Beckwith, in order that he might make such response thereto as he might deem proper. The result was a response which was sweeping and complete. There is nothing of substance left of the charges. The entire case sought to be made against the suspended officer appears to have been of a disreputable partisan character. He was a faithful, competent, painstaking officer. His office was one of the best managed during his administration to be found in the State of Iowa, and, indeed, in the entire country. There was no cause for his suspension than a desire to change the office from the possession of a Republican to that of a Democrat. Mr. Beckwith does not object to this, now that the committee has given him the opportunity to show to its satisfaction that there was no other cause for his suspension.

The nominee is a man competent to discharge the duties of the office, and of good character and standing in the community in which the office is located. The committee therefore report a recommendation that the nomination of William H. Merritt be confirmed.

George P. Neal, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of George P. Neal, to be postmaster at Columbus Junction, Iowa, in the place of Charles M. Fulton, suspended, have considered the same and report:

That there seems to have been no cause for the suspension of Mr. Fulton other than of a partisan character. He is not charged with anything affecting his integrity as a man or as an officer. Mr. Neal appears to be a person qualified to discharge the duties of the office, and the committee recommend that he be confirmed.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate, February* 22, 1887.

UNITED STATES CONSUL.

Ernest A. Man, of Osteen, Fla., to be consul of the United States at Gothenberg.

TERRITORIAL JUDGE.

Frank Allyn, of Iowa, to be associate justice of the supreme court of the Territory of Washington.

TERRITORIAL CHIEF-JUSTICE.

Richard A. Jones, of Oregon, to be chief-justice of the supreme court of the Territory of Washington.

REGISTER OF THE LAND OFFICE.

Charles E. Broyles, of Alamosa, Colo., to be register of the land office at Del Norte, Colo.

POSTMASTERS.

William M. Ketcham, to be postmaster at Poughkeepsie, in the county of Dutchess and State of New York.

William P. Lane, to be postmaster at Hagerstown, in the county of Washington and State of Maryland.

William B. Brotherton, to be postmaster at Milford, in the county of New Haven and State of Connecticut.

Andrew F. Bigelow, to be postmaster at Kewanee, in the county of Henry and State of Illinois.

N. W. Noell, to be postmaster at Cisco, in the county of Eastland and State of Texas.

George W. Lamar, to be postmaster at Savannah, in the county of Chatham and State of Georgia.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *February* 22, 1887.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

GROUNDS OF BUREAU OF ENGRAVING AND PRINTING.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Chief of the Bureau of Engraving and Printing in reference to the acquisition of an addition to the grounds occupied by that bureau; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JUDGMENTS OF COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an additional list of judgments by the Court of Claims against the United States presented for payment since February 1, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

ASSAY OF COIN.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Director of the Mint in relation to amendment of laws governing annual assay of coin; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

LOSS OF GOVERNMENT FUNDS AT IQUIQUE, PERU.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of State in relation to the loss by fire of Government funds at Uquique, Peru, and renewing the recommendation for the relief of the United States consul from liability therefor; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

PRODUCTION OF PRECIOUS METALS FOR 1886.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a report by the Director of the Mint upon statistics of the production of precious metals for the year 1886; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ROAD TO NATIONAL CEMETERY, NATCHEZ, MISS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to complete the road to the national cemetery at Natchez, Miss.; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF STEPHEN H. MYERS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting the opinion of that court dismissing the case of Stephen H. Myers, administrator, &c., against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

MRS. JULIA DE QUINDRE.

The SPEAKER also laid before the House the bill (S. 2451) for the relief of Mrs. Julia De Quindre, said bill having been returned from the Senate with a message that the Senate non-concurred in the amendment of the House, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. BLAIR, Mr. SAWYER, and Mr. PALMER.

The SPEAKER. If there be no objection, the House will insist on its amendment and agree to the conference requested.

There being no objection, it was ordered accordingly.

The SPEAKER announced the appointment of Mr. LOVERING, Mr. TAULBEE, and Mr. MORRILL as conferees on the part of the House.

LEAVE OF ABSENCE.

Mr. COOPER, by unanimous consent, obtained indefinite leave of absence, on account of sickness in his family.

WILLIAM WATKINS.

Mr. BRECKINRIDGE, of Kentucky, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of William Watkins.

DEATHS OF REPRESENTATIVES ARNOT, BEACH, AND DOWDNEY.

The SPEAKER. The Chair discovers that the House omitted to direct the Clerk to communicate to the Senate the resolutions adopted by the House in relation to the deaths of Messrs. Arnot, Beach, and Dowdney, late members of the House from the State of New York. If there be no objection, an order will be made directing the Clerk to notify the Senate of the action of the House. The Chair hears no objection, and it is so ordered.

JOHN W. FARRIS.

Mr. BLAND. Mr. Speaker, I call up for present consideration the bill (H. R. 6136) granting an increase of pension to John W. Farris, with the veto message of the President. Having been sick and absent from the House I have not been able to call it up at an earlier period. I think it will take but a few minutes to dispose of it.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John W. Farris, late first lieutenant and adjutant of the Forty-eighth Illinois Volunteers, for disease of eyes, subject to the provisions and limitations of the pension laws.

Mr. BLAND. I ask for the reading of the report.

The veto message of the President was read, as follows:

*To the House of Representatives:*

I hereby return without approval a bill originating in the House of Representatives, entitled "An act granting an increase of pension to John W. Farris," which bill is numbered 6136.

The claimant mentioned in this bill enlisted in the month of October, 1861, and was mustered out of the service in August, 1865.

In 1881, sixteen years after his discharge, he filed an application for a pension, alleging that he was afflicted with chronic diarrhea, contracted in the army, and in 1885 his claim was allowed, and he was granted a pension for that cause.

In September of the same year, and after this pension was granted, he filed an application for an increase of his rate, alleging that in 1884 his eyes became affected in consequence of his previous ailments and the debility consequent thereupon.

The ingenuity developed in the constant and persistent attacks upon the public Treasury by those claiming pensions and the increase of those already granted, is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

I am entirely satisfied with the opinion of the medical referee, who, after examining this case in October, 1885, reported that "the disease of the eyes can not be admitted to be a result of chronic diarrhea."

On all grounds it seems to me that this claimant should be contented with the pension which had been already allowed him.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

The report (by Mr. MORRILL) was read, as follows:

Claimant enlisted in Company K, Forty-eighth Illinois Volunteers, being at the time only fifteen years of age. September 8, 1864, he was promoted to be second lieutenant of his company, and was afterwards promoted to be first lieutenant and adjutant of his regiment, and was mustered out August 16, 1865. On September 9, 1881, he made application for a pension, alleging chronic diarrhea and general debility. January 16, 1885, this application was approved, and pension allowed for "chronic diarrhea and resulting general debility." It is shown in the evidence that he contracted measles in the service, from which he had not fully recovered when he engaged in the battle of Shiloh, where he received a gunshot wound in his head, but did not leave the field; that from the effects of the measles and the exposure at said battle he contracted chronic diarrhea, from which he has suffered ever since, and for which he is now receiving a pension.

September 4, 1885, claimant filed an application for increase of pension, alleging "that since the granting of said certificate, affiant's general condition has grown worse; that in July, 1884, he was taken with sore eyes, and that said sore eyes resulted from the long and aggravated general debility contracted in the army." February 16, 1886, the application for increase was rejected, on the ground that "the disease of the eyes can not be admitted as the result of chronic diarrhea."

It will be noticed that in his application for increase he alleges that the disease of his eyes was the result of the general debility contracted in the army; the medical examiner, if your committee understand his language, denies that the disease of the eyes can be the result of chronic diarrhea. The following evidence was submitted in support of his claim:

Dr. James McComb, a reputable physician of twenty years, testifies under date of January 27, 1886:

"I have frequently treated him for chronic diarrhea, and have known for many years that he was a sufferer from that disease; that in 1884, when he was first attacked with conjunctivitis, I, in connection with my partner, Dr. Billings, treated the claimant until he went to the city of Saint Louis for treatment by Dr. Michel, professor of ophthalmology in Missouri Medical College. That in my opinion his impaired vision and protracted eye disease is the result of a chronic constitutional disability."

Dr. James M. Billings, of Lebanon, Mo., testifies January 27, 1886:

"I have often treated claimant for chronic diarrahea, with which he was afflicted; that in 1884, when claimant was attacked with sore eyes, Dr. McComb and myself treated him until he went to Saint Louis for treatment by an oculist; that at the time I first treated the claimant for sore eyes, I attributed said disease to constitutional causes, and I am now, and ever have been from that time, of the opinion that his impaired vision and protracted eye disease is the result of a vitiated constitution."

Dr. Charles E. Michel, oculist, of Missouri Medical College, certifies "that he has been treating Senator J. W. Farris for chronic conjuctivitis with granulation since January, 1885, and that I am satisfied that a vitiated constitutional condition is to blame for his impaired vision and prolonged eye affection."

The examining board of surgeons at Lebanon, Mo., report October 21, 1885:

"We find the conjunctiva of both eyelids thickened, and in a state of chronic inflammation. There is an opacity of the cornea of both eyes, resulting from ulceration, which is of the nebulous variety. The vessels of the conjunctiva of the cornea are very much enlarged. The opacity of the left cornea extends over the pupil, and almost completely obstructs the vision. That of the right eye is less extensive, about two-thirds. He can not distinguish the largest test type with the left eye, but with the right eye can distinguish it at a distance of 17 inches. He is totally incapacitated for manual labor. He is, in our opinion, entitled to a second-grade rating for the disability caused by chronic diarrhea and resulting general debility and sore eyes."

This evidence was carefully discussed and weighed when the case was considered by the committee.

Upon the committee are two able physicians of long and extensive practice. The evidence was submitted to them and they were requested to decide upon the merits of the question as to whether disease of the eyes would be a natural result of long-continued chronic diarrhea and general debility. They decided, after a careful consideration of the matter, that it would be, and recommended a favorable report in the case.

Dr. JOHN SWINBURNE, a member of this House, one of the most noted physicians of this country, a gentleman who for forty years has had a large and varied practice; who was himself a distinguished army surgeon during the late war, and afterwards at the siege of Paris, expresses himself as follows:

"My experience is, that where any inflammation occurs while one is suffering from any exhausting disease, such as chronic diarrhea of years' standing, and especially those involving the eyes (conjunctivitis), the disease becomes chronic, and does not yield so long as the diarrhea continues; also that persons suffering from chronic diarrhea or other exhaustive ailments are more liable to contract low forms of inflammation, and particularly the eyes (conjunctivitis)."

Your committee, in considering this case, had before them the evidence of five physicians, men known to be skilled in the practice of their profession—one of them a distinguished oculist, and a professor of a well known medical college—who, after a personal examination of claimant and months of acquaintance with him, declared that they were satisfied that his disease of the eyes was the result of his "vitiated constitutional condition." Three other able physicians who had examined the evidence declared that the conclusions reached by those who had examined the claimant were logical and reasonable.

On the other hand was the statement of the medical examiner that "the disease of the eyes can not be admitted as the result of chronic diarrhea," and this was formally approved by the medical referee. Neither of them had ever seen the man, nor can your committee discover that they had any evidence before them except the affidavits of the five physicians which are set forth in this report. It was simply a question whether the opinions of two men who had never seen a patient should weigh more than those of five just as able and as skilled who had personally examined him, with the judgment of three more added who had given the case just as careful thought and attention as the two had.

But there are other matters which enter into a full and fair consideration of this case. Your committee in considering the bills that have been referred to them have labored under the impression that they were not wholly restricted to the consideration of cases that could properly be allowed in the Pension Office, nor were they confined to the rules and regulations of that Bureau, but they have assumed that they had an enlarged jurisdiction, and that upon them devolved the delicate duty of meting out justice and equity in cases where ade-

quate relief could not be afforded under existing laws. They do not, therefore, deem it absolutely essential that it should be proven with mathematical certainty that this claimant's loss of sight was entirely the result of his military service. It is probably beyond the power of human skill to trace unerringly the connection between his present disability and the days and months lengthened into years that he passed in camp and on the march or the terrible ordeals of the battlefields and the hospitals.

It is shown that this man enlisted early in the war, when a mere lad; that he served nearly four years, though much of the time a constant sufferer from the terrible disease which has clung to him ever since; that he was a brave and gallant soldier, and so distinguished himself by his fidelity and bravery that he won two commissions before he was twenty years of age; that he came out of the service diseased and broken down, justly entitled to a pension which he proudly refused to accept until worn and weakened by his disability incurred in the service; that for sixteen years he cheerfully surrendered to the Government that pension to which he was justly entitled; that he has now entirely lost the sight of one eye, and that of the other is very seriously impaired. In a few more months he will probably be forever shut out from the light of the sun, and for him during the remainder of his years on earth there will only be one endless night. If this brave boy had not enlisted in the military service of the United States he would have been now at the age of forty years in the prime of manhood, instead of being an almost helpless wreck. That Congress has the power to grant the relief asked for no one questions. That it is its duty your committee, without a dissenting voice, believe. They therefore recommend the passage of the bill, the objection of the President to the contrary notwithstanding.

Mr. BLAND. Mr. Speaker——

Mr. RANDALL. Would it be in order to raise the question of consideration?

The SPEAKER. It would not, the House having entered upon the consideration of the bill and debate having been had upon it. The report was read in the time of the gentleman from Missouri who now has the floor.

Mr. RANDALL. Is a postponement in order?

Mr. BLAND. It will take but a short time to dispose of the bill.

This is a case, Mr. Speaker, arising under a difference of opinion among medical gentlemen—a difference of opinion that I shall not undertake to discuss further than to state the mere facts, and also that I am well acquainted with the three medical gentlemen whose certificates are appended to the report, and who testify as to the result of chronic diarrhea and its probable effects under certain conditions upon the eyes. Dr. McComb is a physician who resides in the town in which I live, and I have known him for twenty years, and I know him to be a gentlemen of high character and eminent in his profession.

Dr. Billings, who also certifies, is a gentleman that I have known for many years as one eminent in his profession. Dr. Michel, of Saint Louis, who is a specialist in his profession, is the professor of the Medical College of Missouri, of national reputation in his profession, and a man of high character. These are the only medical gentlemen who testify in this case, except the examining board at Lebanon, Mo., and they give as their opinion, from a personal examination and treatment of the claimant, that the eyesight has been affected as a sequence to an impaired constitution resulting from chronic diarrhea contracted while in the service. These constitute the only medical testimony in the whole case.

The medical examiner of the Pension Department takes a different view, not founded upon the testimony in the case, but upon his own theory as to the effects of the disease, and upon his opinion and idea this veto is based. Now, sir, if this House is to be guided by the weight and the preponderance of testimony, then there are but three medical gentlemen testifying in the case who have ever seen the claimant, and each and every one of them gives it as his opinion that the disease of the eyes was the result of this diarrhea contracted in the service.

Mr. Speaker, the President of the United States in his veto message makes some reference to the opinion that this would be an attempt on the part of claimants to place themselves upon the pension-roll in a manner characterized by the President as a raid upon the public treasury. In regard to this claimant I may say, sir, that his attorney sent the papers to me after the claim had been rejected in the Department, and I introduced a bill which went to the Committee on Invalid Pensions and was reported back favorably and passed the House without a dissenting voice, and also in the Senate, and the claimant did not know his bill was pending in the House until it had been introduced by myself.

Mr. McMILLIN. Then the proceeding was not a motion on the part of the claimant himself to get a pension, but by an attorney?

Mr. BLAND. Only as his attorney was representing him.

Now I have known the claimant for the past twenty years. He has served as circuit and county clerk in the county in which I reside. He has also served as State senator in the State of Missouri. He came home from the army and located in the county in which I reside today, bringing with him none of that vindictive spirit which has animated others, but, on the contrary, he showed that disposition and liberality in his intercourse with those against whom he had been engaged, that he was by their suffrages elected to the positions he occupied in the county and in the councils of the State. I know him to be a gentleman of high character and that he would not impose himself upon the Government unless he felt in his own conscience that he had a just claim. He is now drawing a pension at the rate of about $12 a month. This bill simply proposes that the Secretary of the Interior shall place him upon the pension-roll under the provisions of existing law, thereby giving the benefit of that increase arising from impaired eyesight; and I state of my own personal knowledge that he is blind to-day in one eye and the other one is nearly so. He is incapacitated from attending to any manual labor or even to his own correspondence, but requires the aid of an amanuensis in all his business, and his physician states that the result of this disease no doubt will finally culminate in total blindness.

In view of these facts, Mr. Speaker, I do claim that if there is any bill pending in this House or which has been pending that deserves the consideration of members of this body, it is the bill now before us, notwithstanding the veto of the President.

My attention has been called to the fact that some members of this House desire to ascertain whether this bill has been reported favorably by the Committee on Invalid Pensions. There is a unanimous report in favor of its passage over the veto of the President, which report has just been read in the hearing of the House.

I now yield what time he desires to the gentleman from Kansas [Mr. MORRILL] who made the report.

Mr. MORRILL. I have no desire to go into any extended discussion on the merits of this case. It was very fully and carefully examined by the Committee on Invalid Pensions when the bill was first referred. There were some points of striking merit in the case.

This soldier enlisted in the army for the defense of his country at the early age of fifteen. He served gallantly for nearly four years, being only nineteen years of age when discharged. During that time, by his courage, his bravery, his fidelity, he won two promotions, and was discharged when nineteen years of age as first lieutenant and adjutant.

He abstained from applying for a pension as long as he could obtain a subsistence for himself, and not until 1881 did he make an application for a pension, although the proof is strong, absolute, and convincing that he incurred the disability in the service, and suffered during all those years with that disability up to 1881.

The pension was granted in the Pension Office for chronic diarrhea and resulting disability. The evidence is strong that during all those years he had suffered from that disease and the resulting consequences. The application for an increase was refused on the ground that the disease of the eyes could not be admitted to be a result—not that it could not be a result, but that it was not a natural sequel to the disease of chronic diarrhea. Five physicians have testified that it often follows as a result from chronic diarrhea. Two physicians of eminence and skill are members of that committee and have both decided that it might naturally follow as a result of the disease contracted in the service.

Your committee, after the fullest investigation, recommended the passage of the bill. Again, when the bill was returned to them with the message of the President, they carefully examined all the papers in the case, and, without a dissenting voice, after full investigation, recommended that the bill be passed, the objections of the President to the contrary notwithstanding.

This seems to me one of those cases where simple justice to this brave young fellow who enlisted when he was a mere lad, who fought gallantly for four years, who contracted in the service a disease which ruined all his prospects of life, and made him an invalid ever since—it seems to me that simple justice requires that this pension should be granted, and that a generous Government can afford to do that justice to this soldier.

Mr. STEELE. I desire to ask the gentleman from Missouri [Mr. BLAND] if this is not the first case he has seen which has such merit that it should be passed over the President's veto?

Mr. BLAND. I expect every gentleman to vote according to the dictates of his own conscience. This is the first case of the kind which is within my own personal knowledge, where I have personal knowledge of the facts and of the claimant, and where the evidence was known to me personally, and where I, on my own individual responsibility, could say in my own conscience I believed the soldier deserved what was claimed for him.

Mr. STEELE. Then you expect every member to vote on what you say?

Mr. BLAND. I do not expect to trade votes with any gentleman. I expect every one to vote according to the dictates of his own conscience. I call for a vote.

The SPEAKER. The question is, Will the House on reconsideration pass the bill? The Constitution requires that on this question there shall be a vote by yeas and nays.

The question was taken; and there were—yeas 131, nays 94, not voting 93; as follows:

YEAS—131.

| | | | |
|---|---|---|---|
| Adams, G. E. | Brown, W. W. | Conger, | Fleeger, |
| Allen, C. H. | Buck, | Davis, | Fuller, |
| Anderson, J. A. | Bunnell, | Dingley, | Geddes, |
| Atkinson, | Burleigh, | Dorsey, | Gilfillan, |
| Baker, | Burrows, | Dunham, | Goff, |
| Bayne, | Butterworth, | Eldredge, | Hale, |
| Bland, | Bynum, | Evans, | Harmer, |
| Bliss, | Campbell, J. E. | Everhart, | Hatch, |
| Bound, | Cannon, | Farquhar, | Haynes, |
| Brady, | Carleton, | Felton, | Heard, |
| Brown, C. E. | Caswell, | Findlay, | Henderson, D. B. |

| | | | |
|---|---|---|---|
| Henderson, T. J. | Lovering, | Peters, | Swope, |
| Hepburn, | Lyman, | Plumb, | Taulbee, |
| Hiestand, | Matson, | Price, | Taylor, E. B. |
| Hires, | McAdoo, | Ranney, | Taylor, I. H. |
| Hiscock, | McComas, | Rice, | Taylor, Zach. |
| Hitt, | McKenna, | Riggs, | Thomas, J. R. |
| Holman, | McKinley, | Romeis, | Thomas, O. B. |
| Hopkins, | Millard, | Rowell, | Thompson, |
| Houk, | Moffatt, | Ryan, | Townshend, |
| Howard, | Morrill, | Sawyer, | Van Schaick, |
| Jackson, | Morrison, | Scranton, | Wade, |
| James, | Morrow, | Seney, | Wadsworth, |
| Johnson, F. A. | Negley, | Sessions, | Wakefield, |
| Johnston, J. T. | Nelson, | Snyder, | Warner, William |
| Kelley, | O'Donnell, | Springer, | Weaver, A. J. |
| Kleiner, | O'Hara, | Steele, | Weaver, J. B. |
| La Follette, | O'Neill, Charles | Stewart, J. W. | Weber, |
| Lawler, | O'Neill, J. J. | Stone, E. F. | White, A. C. |
| Libbey, | Osborne, | Stone, W. J., Mo. | White, Milo |
| Lindsley, | Owen, | Strait, | Wolford, |
| Long, | Parker, | Struble, | Worthington. |
| Louttit, | Payne, | Swinburne, | |

NAYS—94.

| | | | |
|---|---|---|---|
| Adams, J. J. | Davidson, R. H. M. | King, | Sayers, |
| Bacon, | Dougherty, | Laffoon, | Seymour, |
| Barksdale, | Dunn, | Landes, | Shaw, |
| Barnes, | Eden, | Lanham, | Singleton, |
| Belmont, | Ermentrout, | Mahoney, | Skinner, |
| Bennett, | Ford, | Martin, | Stewart, Charles |
| Blount, | Forney, | McCreary, | St. Martin, |
| Boyle, | Gibson, C. H. | McMillin, | Stone, W. J., Ky. |
| Bragg, | Glass, | McRae, | Storm, |
| Breckinridge, C. R. | Green, | Miller, | Taylor, J. M. |
| Breckinridge, WCP | Hall, | Mitchell, | Tillman, |
| Cabell, | Halsell, | Morgan, | Trigg, |
| Catchings, | Hammond, | Muller, | Tucker, |
| Clements, | Harris, | Murphy, | Turner, |
| Cobb, | Hemphill, | Neal, | Van Eaton, |
| Compton, | Henderson, J. S. | Norwood, | Viele, |
| Comstock, | Herbert, | Oates, | Ward, J. H. |
| Cowles, | Hill, | Outhwaite, | Ward, T. B. |
| Cox, W. R. | Hudd, | Peel, | Wilkins, |
| Crain, | Hutton, | Randall, | Willis, |
| Crisp, | Irion, | Reagan, | Wilson, |
| Culberson, | Johnston, T. D. | Richardson, | Wise. |
| Dargan, | Jones, J. H. | Robertson, | |
| Davidson, A. C. | Jones, J. T. | Rogers, | |

NOT VOTING—93.

| | | | |
|---|---|---|---|
| Aiken, | Cutcheon, | Ketcham, | Rusk, |
| Allen, J. M. | Daniel, | Laird, | Sadler, |
| Anderson, C. M. | Davenport, | Le Fevre, | Scott, |
| Ballentine, | Dawson, | Lehlbach, | Smalls, |
| Barbour, | Dibble, | Little, | Sowden, |
| Barry, | Dockery, | Lore, | Spooner, |
| Bingham, | Ellsberry, | Lowry, | Spriggs, |
| Blanchard, | Ely, | Markham, | Stahlnecker, |
| Boutelle, | Fisher, | Maybury, | Stephenson, |
| Browne, T. M. | Foran, | Merriman, | Symes, |
| Brumm, | Frederick, | Milliken, | Tarsney, |
| Buchanan, | Funston, | Mills, | Throckmorton, |
| Burnes, | Gallinger, | Neece, | Wait, |
| Caldwell, | Gay, | O'Ferrall, | Wallace, |
| Campbell, Felix | Gibson, Eustace | Payson, | Warner, A. J. |
| Campbell, J. M. | Glover, | Perkins, | Wellborn, |
| Campbell, T. J. | Grosvenor, | Perry, | West, |
| Candler, | Grout, | Pettibone, | Wheeler, |
| Clardy, | Guenther, | Phelps, | Whiting, |
| Collins, | Hanback, | Pidcock, | Winans, |
| Cooper, | Hayden, | Pindar, | Woodburn. |
| Cox, S. S. | Henley, | Reed, | |
| Croxton, | Hermann, | Reese, | |
| Curtin, | Holmes, | Rockwell, | |

On motion of Mr. DOCKERY, by unanimous consent the reading of the names of members voting was dispensed with.

Mr. DOCKERY. Mr. Speaker, I was temporarily absent from the Hall when the roll was called; if present, I would have voted "ay."

Mr. WISE. Mr. Speaker, I desire to announce that my colleague, Mr. O'FERRALL, is detained at home by sickness.

Mr. THOMPSON. Mr. Speaker, my colleague, Mr. COOPER, is absent on account of sickness in his family; if present, he would vote "ay."

The following-named members were announced as paired until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. CLARDY with Mr. COOPER.

Mr. BOUTELLE with Mr. T. J. CAMPBELL.

Mr. WELLBORN with Mr. ROCKWELL.

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. GLOVER with Mr. BRUMM.

Mr. SADLER with Mr. KETCHAM.

Mr. ANDERSON, of Ohio, and Mr. GROSVENOR were announced as paired until Tuesday next.

The following-named members were announced as paired for this day:

Mr. PIDCOCK with Mr. HANBACK.

Mr. PERRY with Mr. LITTLE.

Mr. DIBBLE with Mr. BINGHAM.

Mr. FELIX CAMPBELL with Mr. GUENTHER.

Mr. CROXTON with Mr. REED.

Mr. CANDLER with Mr. PETTIBONE.

Mr. FISHER with Mr. PERKINS.

Mr. LOWRY with Mr. STEPHENSON.

The following-named members were announced as paired on this vote:

Mr. WALLACE with Mr. HOLMES.

Mr. WINANS with Mr. ELY.

Mr. DAWSON with Mr. FUNSTON.

The SPEAKER. Upon this vote the yeas are 132 and the nays 93. Two-thirds not having voted in the affirmative, the House, upon reconsideration, refuses to pass the bill.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to.

The SPEAKER. The Chair will state that somewhat late on yesterday afternoon an order was made by unanimous consent permitting gentlemen having bills or resolutions to present for reference, to hand them to the Clerk. As some gentlemen may not have been present at the hour when the order was made, if there be no objection, they will be allowed to file their bills this morning.

There was no objection, and it was so ordered.

Under the foregoing order bills were introduced as follows:

STERLING H. TUCKER AND OTHERS.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 11223) for the relief of Sterling H. Tucker and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. J. EVANS, A. G. WILSON, AND OTHERS.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 11224) for the relief of J. J. Evans, A. G. Wilson, and James Boyd, trustees; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEASING INDIAN LANDS.

Mr. CULBERSON introduced a bill (H. R. 11225) to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, to lease lands within their respective boundaries for mining purposes, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EMPLOYÉS OF BUREAU OF ENGRAVING AND PRINTING.

Mr. MITCHELL introduced a bill (H. R. 11226) granting relief to employés of the Bureau of Engraving and Printing; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

PUBLIC BUILDING, ABINGDON, VA.

Mr. SNYDER. Mr. Speaker, I desire to present a privileged report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 2539, authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same.

That the House agree to the Senate amendment numbered 1 with the following amendment: at the end of said amendment No. 1, add the following: "but nothing in this act shall be construed to require an exchange of site;" and that the Senate agree to the same.

C. P. SNYDER,
BERIAH WILKINS,
W. W. BROWN,
*Managers on the part of the House.*

WILLIAM MAHONE,
JOHN C. SPOONER,
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

The managers on the part of the House in the conference upon the disagreeing votes of the Senate and House of Representatives upon H. R. 2539 authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, present the following statement to accompany said conference report in explanation thereof:

The bill as passed by the House authorized the Secretary of the Treasury to exchange the property purchased by the Government as a site for a public building at Abingdon, Va., for more suitable property at no additional expense. The Senate passed the bill with amendments providing that the new site should not be located east of that now owned by the Government, and also making an additional appropriation of $25,000 for the erection of a suitable building on said site.

The Senate amended the title of the bill to conform to the text thereof as amended.

The effect of the action of the conference committee is to increase the appropriation for the erection of the public building aforesaid $25,000, and to leave the change of site discretionary with the Secretary of the Treasury.

C. P. SNYDER.
BERIAH WILKINS.
W. W. BROWN.

The report of the committee of conference was agreed to.

Mr. SNYDER moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri, addressed the Chair.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] is entitled to the floor.

Mr. O'NEILL, of Missouri. I ask the gentleman to yield for one minute.

Mr. RANDALL. For a statement?

Mr. O'NEILL, of Missouri. Yes, sir. Mr. Speaker, I have no desire whatever to interfere with or obstruct public business. I ask that to-morrow night be set apart for the consideration of reports from the Committee on Labor. I will state on behalf of the committee that we do not desire at this stage of the session to take up the time of the House in discussion; and if we cannot order the previous question on any bill we will abandon it.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a recess be taken to-morrow at 5 o'clock p. m. until half past 7 o'clock, the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Labor. Is there objection?

Mr. BLAND. That does not include the educational bill?

Mr. O'NEILL, of Missouri. Oh, no.

Mr. HATCH. Will that include what is known as the "Blair educational bill?"

Mr. O'NEILL, of Missouri. It will not.

Mr. RANDALL. If there is to be discussion on this proposition, I do not want to lose time.

The SPEAKER. Is there objection?

Mr. BRAGG and Mr. DUNN objected. [Cries of "Regular order!"]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the amendments of the Senate to the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the further consideration of the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes. The pending question is on amendment numbered 245, in which the Committee on Appropriations recommended non-concurrence. The gentleman from Connecticut [Mr. BUCK] moved to concur. The amendment will be read.

The Clerk read as follows:

In line 2565 insert the words "the court is open for business or;" so as to read: Nor shall any part of any money appropriated be used in payment of a per diem compensation to any attorney, clerk, or marshal for attendance in court except for days when the court is open for business or business is actually transacted in court, and when they attend under sections 583, 584, 671, 672, and 2013 of the Revised Statutes, which fact shall be certified in the approval of their accounts.

The question having been taken,

The CHAIRMAN said: In the opinion of the Chair the motion to concur is not agreed to.

Mr. BUCK. I call for a division.

Mr. RANDALL. I desire the Committee of the Whole to understand that this question is on the motion to concur, and the Committee on Appropriations recommend non-concurrence.

Mr. BUCK. The House ought to know that this is an amendment which affects the fees and per diem of marshals and district attorneys.

The question being again taken, there were—ayes 28, noes 93.

So the amendment was non-concurred in.

Amendment 246:

After the words "for fees of United States commissioners and justices of the peace acting as United States commissioners, $50,000," strike out the following: No part of this appropriation shall be expended in the payment of more than $800 per annum to any commissioner for services in the examination of criminal charges, or at that rate for any time less than a year and more than one month. But this provision shall not apply to commissioners in cities of more than one hundred thousand inhabitants. No part of any money hereby appropriated shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been approved by the attorney of the United States and of the collector of the internal revenue in the district where the offense is alleged to have been committed, or that the prosecution is by indictment.

The Committee on Appropriations recommended non-concurrence.

Mr. ROGERS. Mr. Chairman, I am exceedingly weak to-day, hardly able to stand up; and I trust I may have the attention of the Committee of the Whole, and more particularly that of the gentleman from Pennsylvania [Mr. RANDALL] who has charge of this bill.

I have direct information in regard to what will be the operation of the provisions of this paragraph; and this information, I think, ought to be imparted to the committee, a portion of whose members will have charge of this bill in the conference. There are already seventy commissioners who earn $800 a year each, making $56,000, being $6,000 in excess of the amount here proposed to be appropriated. This does not embrace a considerable number of commissioners who earn less than $800; I do not know the exact number. There are also justices of the peace who act as commissioners.

Now, I invite attention to another matter. I believe that the first two clauses of the provision, as now framed, will operate very harshly and unjustly upon many commissioners. You will recollect, Mr. Chairman (Mr. HAMMOND in the chair), that we had this matter under consideration in the Judiciary Committee, and after full discussion were unable in the time we could allot to it to agree to any plan which would be satisfactory to all parts of the country.

I now come to another matter which I regard as of far greater importance, and I invite attention to the third clause of the amendment. I recollect distinctly when this provision was offered as an amendment by the gentleman from Kentucky [Mr. BRECKINRIDGE], who sits behind me. It was hastily gotten up and put through; and I then made no objection to it because the principle involved in it met to a large degree my approbation. I did not at that moment realize the objection which I now desire to present.

It will be recollected that in the Indian country there are in operation two classes of revenue laws. The first class, called the intercourse laws, prohibits absolutely the introduction of liquor of any kind in the Indian Territory; and the duty of the light horse in the Indian country is to destroy liquor wherever found—to knock the heads out of the barrels, &c. When the United States marshal finds liquor being sold by any person in that country he is required to seize the liquor, take it to a Federal court and sell it, the proceeds being paid into the Treasury of the United States. The liquor is absolutely contraband in the Indian country; yet any one found selling liquor without a license may be indicted and punished for the offense under the general revenue laws just as a person offending in the same way in a State would be. Now, observe how the last clause of this paragraph will operate. A United States marshal comes upon a party in the very act of selling liquor without authority, or a party who has in his possession liquor in violation of law—in violation of both the intercourse law and the internal-revenue law. In such case the marshal, under this provision, will lose every cent of fees for the arrest, unless before making it an affidavit is filed, to be approved by the collector of internal revenue and the district attorney, and a warrant issued upon such affidavit.

These men dealing in liquor in the Indian country are parties having no local habitation. They are fugitives from justice. They are the worst outlaws which can be found anywhere in this country. The marshal is called upon to arrest these men wherever he finds them—to seize them upon the spot, and take them at once to court. Now, if you take away these fees from the marshals for the arrest of persons thus engaged in this illicit traffic of liquor in the Indian country the consequence naturally will be they will not make these arrests. Two mornings ago I read in the paper from my own town that a marshal going through the Indian Territory, having already a prisoner in custody, found a man with jugs of liquor strapped upon his horse in the Territory, doubtless for sale to the Indians, and he called upon him to halt, which was answered by a shot from his revolver, and the marshal replied by drawing his six-shooter, and they fought it out there upon the highway, the marshal seeking to make the arrest under the law.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS. I hope I will not be cut off right here, but will be permitted to explain this matter so the gentleman from Pennsylvania may understand just exactly what it is we desire to have done in order that the administration of justice may be promoted rather than obstructed in the Indian country.

Mr. REAGAN. I will take the floor, and yield my time to my friend from Arkansas.

Mr. ROGERS. I thank my friend from Texas. Now, Mr. Chairman, as I have already said repeatedly, the Indian country is the city of refuge for the worst criminals from every State in this Union, and unless we can exercise the full vigor of the law in dealing with these parties we cannot do it successfully at all. Therefore I say to my friend from Pennsylvania [Mr. RANDALL] that this last provision of this paragraph, which requires every marshal when they come upon a party who is violating the law in selling liquor in the Indian country without license, as is done every day in the year in all parts of the Indian country, by which he is compelled to go back to Fort Smith and there obtain the approval of the district attorney and then return to arrest the party, will result in preventing the arrest of any one of these traffickers in liquor. And it would be just as impossible for the marshal after he had obtained the approval of the district attorney and returned to the Indian country to find the party and arrest him as it would be to catch a jay-bird in the prairies of Illinois. I want my friend from Pennsylvania, the chairman of the Committee on Appropriations, to understand it thoroughly, so that when he goes into the committee of conference he may so arrange this matter as to secure the efficient administration of the law in the Indian Territory.

Mr. RANDALL. I will say to the gentleman from Arkansas that I have interlined in my copy of the bill, to come in after the word "used," in line 2581, the words "except in the Indian Territory;" so it will read:

That no part of any money hereby appropriated shall be used, except in the Indian Territory, to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, &c.

And I want to say further to the gentleman from Arkansas that this amendment did not come from the Committee on Appropriations, but was inserted in the House on the motion of Mr. BRECKINRIDGE.

Mr. ROGERS. Yes; I know that. And I wish to state one other fact, and that is as to the last part, where it is provided "that no part of the money hereby appropriated shall be used to pay any fees to United States commissioners, marshals, or clerks, &c., unless the prosecution has been approved by the attorney of the United States and by the collector of internal revenue in the district where the offense is alleged to have been committed, or that the prosecution is by indictment."

I say, Mr. Speaker, there is no such thing as an indictment before a commissioner, and that part of the provision ought to be stricken out.

Mr. RANDALL. It was drawn by a very eminent lawyer.

Mr. ROGERS. Of course, I know that; but the insertion of these words is an inadvertence, and they out to be stricken out.

Mr. CABELL. Prosecution relates to an indictment found in a court, and a commissioner is merely an inquiring officer.

Mr. ROGERS. If my friend from Virginia will examine he will find this paragraph provides:

That no part of any money hereby appropriated shall be used to pay any fees to United States commissioners, marshals, or clerks unless a prosecution has been approved by the attorney of the United States and of the collector of the internal revenue.

Of course it is not intended that where indictment is found by a grand jury and the accused are apprehended and tried, that the marshals, clerks, and attorneys shall be deprived of fees. But that is what this provision does, for there can be no indictment without a grand jury, and they are not prosecuted before commissioners.

I submit the last part of this section was inserted inadvertently.

But again, the fees ought to go to the officers where they arrest these parties found in the Indian Territory engaged in the illicit traffic in liquor, for there liquor is absolutely contraband.

But I wish to call the attention of my friend from Pennsylvania to another matter, and to ask to it his careful consideration. In reference to the technical violations of the internal-revenue law I think it unwise, if my friend will give me his entire attention, to place the prosecution of those who violate that law in charge of anybody else than the judiciary and its officers. I think a lawyer or judge should consider these matters, and they should not be placed in the sole charge of an internal-revenue collector, who has not, perhaps, ever read a page of law in his life.

Mr. RANDALL. But he may be a man of good sense and business capacity.

Mr. ROGERS. Yes, this internal-revenue collector in Arkansas is a man of high character and good business capacity. But he is not a lawyer, and I think it unwise to put him over the judge and district attorney. It discredits the courts. It tends to shake the confidence of the people in the courts, and it will be a sad day when we lose confidence in the judiciary.

Again, suppose there is a conflict between the district attorney and the collector of the internal revenue, the one a lawyer and the other not a lawyer, then the prosecution is at an end, and the whole proceeding is at once stopped. In that way if this language be retained in the section the administration of justice would be very seriously hampered. I can not think such a course wise, or consistent with legislation affecting the courts.

Mr. CABELL. That does not prevent the district attorney from acting, because application may be made to the collector of the district, and that is done for the convenience of the occasion. The collector, it is presumed, understands the law under which he is acting; and it requires no further knowledge of the law than that necessary for the execution of the duties committed to his charge.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HENDERSON, of North Carolina, having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate agreed to the resolution of the House providing for the printing of 15,000 additional copies of the report on commerce by William F. Switzler, of the Bureau of Statistics.

Also, that the Senate insisted upon its amendments on the bill (H. R. 10399) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881, and for other purposes, disagreed to by the House, and agreed to the further conference asked by the House, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. GORMAN as managers on the part of the Senate.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Also, that the Senate had passed a bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua, in which the concurrence of the House of Representatives was requested.

### SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. ROGERS. If I have any time left I yield to my friend from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Mr. Chairman, I only desire to occupy a moment of time to say that I do not believe the law has ever been strict enough for the issuance of warrants for the prosecution of men charged with the violation of the internal-revenue laws. I believe no warrant should be allowed to issue unless the collector or deputy collector of the district in which the offense is committed indorses the prosecution, and this should be done before the issuance of the warrant.

I find this state of affairs in my own neighborhood: The Commissioners of the United States court issue warrants against parties who have complied with the law in the matter of distilling apple brandy or whisky, or in the sale of either; and the deputy collectors have made known to these commissioners the facts that the charge is without foundation, and have exhibited to them the records showing that these parties had paid the taxes due to the Government and were not violating the law.

Notwithstanding that assurance the commissioners have forwarded the affidavits to the district attorney, and on representations made to him by letters from the commissioners the suits were made up, warrants were issued, prosecutions had, and the fees made; and under the prosecutions these parties have been subjected to great annoyance and expense by such suits; and not only that, but the Treasury itself has been largely depleted thereby. Now, we find deputy collectors are not interested in these prosecutions in that no fees accrue to them by reason of such prosecutions, but with the special bailiffs and deputy marshals and the United States commissioners, it is a matter of business with them; and where the collector through abundance of caution, for he is doubtless himself presumed to know the facts and circumstances better than the commissioners or deputy marshals, whenever he withholds his indorsement from the prosecution, they still go on and prosecute; and hence by such means hundreds of innocent people are dragged from home and forced to go 300 miles to the Federal courts, and there, at great expense to themselves and to the Government, are kept until the questions are settled of technical infractions of the internal-revenue laws.

These matters have been called to my attention, and I have called the attention of the Commissioner of Internal Revenue to them, as well as the Attorney-General in cases where frauds have been perpetrated upon the Treasury to the amount of thousands of dollars, when the commissioners themselves declared openly they could not believe the parties had violated the law. Yet they based their action upon *ex parte* affidavits, evading the main question that the taxes had been paid, and not setting forth the fact whether or not the parties had complied with the law in the matter of the payment of taxes.

The proper thing to do, Mr. Chairman, for the correction of such abuses would be for Congress to investigate them carefully where the Department declines to do it through their revenue agents; and I am satisfied that in my district enough facts could be proved by one month's investigation through an intelligent agent of the Internal Revenue Department to send fifteen or twenty of these men to the penitentiary—men who are now holding Government positions. I regret to have to say this. I regret that such a state of affairs exists in my country, tending as it does to slander the reputation of these people, who are frequently alluded to as "moonshiners" and violators of the internal-revenue law. But I saw after my return to my home last summer, and before getting back to this House again, much which has induced me to form the opinion I have expressed upon this question, and I have learned from deputy collectors in the country some things that would surprise the members on the floor of this House. I am in hopes that the committees of the House and the House itself will insist upon throwing around such prosecutions every possible safeguard, especially that will prevent these deputy marshals and special bailiffs, many of whom are men of bad character, many of them men charged with murder, and perhaps many of them guilty, from going on and in the manner I have stated to make fees by a pretended execution of the law, making out their claims against the Treasury, summoning crowds of witnesses, and I regret to say that in many cases tacit agreements are had between the prisoners, the crowds of witnesses, and the officials that there shall be a fair "divide" of the proceeds of the trial.

In one case, in a county adjoining my district, in the district represented by my colleague [Mr. MCCREARY], a suit was instituted before a justice of the peace by the prisoner for his part of the proceeds of the guard and witness fees under a contract that he claimed had existed before the institution of the prosecution.

[Here the hammer fell.]

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Senate amendment 247, in which the committee recommended non-concurrence, was read, as follows:

In line 2594, after the word "aid," insert "and transportation to place of conviction;" so that it will read:

"For support of United States prisoners, including necessary clothing and medical aid and transportation to place of conviction," &c.

Mr. ROGERS. I wish to invite the attention of the gentleman from Pennsylvania to this provision which I think ought to be concurred in.

Mr. RANDALL. Perhaps it will be in conference. We desire to know more about it.

Mr. ROGERS. I desire to call attention to the effect of this provision. For a series of years all the convicts from my own court have been sent to Detroit, Mich., hundreds of miles away. They are now being sent to some place in Illinois, also several hundreds of miles from home; many of them are being sent for misdemeanors, many of them for felonies. I think it very wrong to have these men turned loose when their sentences have expired, on a town in Illinois without a penny. The Government having sent them there to a reformatory institution should provide for returning them to their homes. I think, therefore, the Senate amendment is a very proper one. Even to those who have been confined in State penitentiaries there is given a sufficient amount of money to enable them to reach their homes. That is a proper and humane thing to do in view of the fact that the penitentiary itself is a reformatory institution, intended to reform the morals of these people and teach them what is right. I hope that amendment will be concurred in by the conference committee.

The amendment was non-concurred in.

Senate amendment 248 was non-concurred in, as recommended by the Committee on Appropriations.

Senate amendment 249 was read, as follows:

In line 2597 strike out "$50,000" and insert "$60,000;" so that it would read: "For rent of United States court-rooms, $60,000."

Mr. ROGERS. If the gentleman from Pennsylvania will give me his attention I wish to explain another matter. For rent of United States court-rooms, $50,000 was the sum the House granted. The Senate have inserted $60,000.

My attention was called, at the Department of Justice, to the exact condition of things with reference to the rent of United States court rooms. The actual leases already executed and now in operation foot up $62,716. Since that time the Congress of the United States has created the southern district of California, and the marshal of that district is authorized to rent buildings which incurs a necessary expense of about $3,000 additional, and makes a total of $65,716. If the House adheres or the Senate concurs in the House view of the situation there will be a deficit of $15,716 upon leases actually made.

But since this bill passed the House and came from the Senate the Congress has already created two additional courts, one in the eastern district of Michigan and the other in the southern district of Mississippi, at Vicksburg; and before Congress adjourns the probability is we will still have other courts being established; so that the Department of Justice will be unable to comply with the law, and a deficit of from $15,000 to $18,000 will ensue.

Now, I can not see for my life why it is when we come to make these appropriations—why we can not go and get the leases and ascertain precisely the amount the Government will be due at the end of the fiscal year, or why we should undertake to cut the amount down below the actual amount of the leases entered into by the Government.

Mr. LONG. I suggest to the gentleman that by non-concurrence we will have an opportunity of raising the amount even higher than that of the Senate amendment, if that should be found necessary.

Mr. ROGERS. I am not asking the committee to concur. I am merely giving the history of this matter, which shows the wisdom of what I am about to suggest. I hold in my hand a document from the Treasury which shows the deficits of 1887, 1886, and 1885, amounting to over $20,000 on these items. What is the necessity for making these appropriations below the contracts already made and then six months hence come in with a deficit and take up the time of Congress and of committees with doing what should have been done when the bill was before the House. I hope when this matter is in conference the committee in charge of this bill will take the practical view and give the Department of Justice the amount necessary to enable it to discharge its duty under the law.

Mr. RANDALL. The information which came to the Committee on Appropriations, and which was considered in connection with the deficiency bill of the current year, made the exhibit that $62,716 was the amount of leases of United States courts. If that be true, disconnected from any other matter, then the sum fixed by the Senate in this amendment is not sufficient and it should go into conference. But there is still another matter to be considered in this connection. That is, that quite a number of courts sitting at the places mentioned in that schedule in connection with the deficiency have or will have public buildings provided for, so that in those cases there will not be a necessity for a further appropriation of money to comply with the terms of the leases. The gentleman from Arkansas, I presume, understands what I mean.

Mr. ROGERS. I catch the idea.

Mr. RANDALL. I instance Council Bluffs, Iowa; Oxford, Miss.; Aberdeen, Miss.; Greensborough, N. C.; Leavenworth, Kans.; Jackson, Tenn.; Dallas, Tex., and Waco, Tex. There are ten or twelve perhaps more of these points where the courts are held and where we are renting buildings but where we will have very soon public buildings belonging to the Government. That consideration of course must play some part in connection with this matter and necessitate a further investigation. The Committee of the Whole will see even after what the gentleman from Arkansas himself has stated that a non-concurrence is the advisable course, because it may be necessary on a fair consideration of the subject to give even more than the Senate suggests.

Mr. ROGERS. There is another suggestion that I desired to make, which I was about to overlook. I was about to ask the gentleman from Pennsylvania [Mr. RANDALL] if he has specific information as to whether any one of those public buildings will be completed within the next fiscal year? I know that at Jackson, Miss., the Government officers have been occupying the public building, and I do not think they have been renting at all.

Mr. HOLMAN. No.

Mr. ROGERS. I think the same is true of Richmond.

Mr. RANDALL. The fact that the places I have designated have asked for appropriations for the completion of the approaches to their public buildings would indicate that those buildings will soon be available for use.

Mr. ROGERS. It may be that the gentleman is correct about that.

Mr. RANDALL. That is my judgment, but I do not undertake to say that I am certain about the matter.

Mr. ROGERS. I do not question the fact. I am not informed about it. There is one other suggestion that I was about to omit. On page 101 of the bill the House struck out the appropriation for rent for the marshal's office in Alaska upon the supposition, as I understand, that there was a public building there. That is a mistake. There was some misapprehension on the part of the committee about the item; they understood that one of the department clerks had indicated that the Department desired the item struck out. That is true; but while the Department wished it struck out of that section, they desired to have it incorporated in the general appropriation providing for the rent of buildings throughout the country. The committee struck out from one place without inserting it in the other; so that now if we decline to make the appropriation provided on page 101, then $500 more should be added to the general appropriation.

Mr. RANDALL. There was no real reason why Alaska should have been provided for separately. It should have been included in the general provision.

Mr. ROGERS. I agree with the gentleman.

The amendment was non-concurred in.

Amendment No. 251 was read, as follows:

(251) Botanic Garden: For constructing storehouse for plants and for steam-heating for same, repairing greenhouses, for extending concrete walks, and for general repairs to conservatory and propagating-houses, under the direction of the Joint Committee on the Library, $5,700.

Mr. RANDALL. The committee recommend non-concurrence in that because it is provided for in the legislative bill.

The amendment was non-concurred in.

Amendments numbered 252 and 253 were non-concurred in.

The amendment numbered 254, in which the committee recommended non-concurrence, was read, adding $27,000 to the appropriation for public printing, binding, &c., making the total appropriation $2,027,000.

Mr. FARQUHAR. I move to concur in that amendment, and I make that motion in order to obtain some information from the chairman of the Committee on Appropriations. In a communication from the Public Printer, under date December 4, 1886, he claimed that the current general expenses of the office would amount to two millions per annum, and in that same communication he calls attention to the fact that that is sufficient, provided that there are to be no "extraordinary" expenditures; although at the same time there are, according to his own recommendation, "extraordinary" expenditures considered. He gives a tabulated statement of those "extraordinary" expenses, which amount to $159,000. He claims that expenses proper of the office are to be two millions, but that, to enable him to make other expenditures and repairs which he says are to be "undertaken in the direct interest of safety and economy," he needs $159,000 more.

The general average expenditure of that office is about two millions and a quarter a year, and it has been customary, as far as I know, to come into this House with deficiency bills to meet the expenditures. Now the question I desire to put to the chairman of the committee, is this: How far does this item of two millions and twenty-seven thousand dollars provide for the ordinary expenses of the office, and the "extraordinary" expenses as asked for by the Public Printer? Because I think it is proper that the House should be informed of that now, instead of being called upon later for deficiencies.

Mr. RANDALL. This item covers the aggregate amount required. The next paragraph provides for the distribution of that amount; and, if the gentleman will examine the Senate amendment in the distribution paragraph, he will find that they have increased the amount of expenditure $37,000 instead of $27,000. So that if the Senate amendments in the distribution paragraph are to prevail, then this item must be $37,000 instead of $27,000. That is why the committee have recommended non-concurrence.

Mr. FARQUHAR. Then, having got that explanation, I wish to ask another question. Preceding this amendment the paragraph reads "for all the necessary materials which may be needed in the prosecution of the work," and then comes the amount, two million and twenty-seven thousand. Does that appropriate sufficient money to cover both the ordinary and the "extraordinary" expenditures asked for by the Public Printer in his letter of December 4?

Mr. RANDALL. I do not want to enter into a discussion of the past management of the printing office——

Mr. FARQUHAR. I do not ask the gentleman to discuss it; I only put the question in order to get the information for the benefit of the Joint Committee on Printing.

Mr. RANDALL. As I have said, I do not mean to enter upon a discussion of the past management of the Government Printing Office; but in making these recommendations as to amounts, the committee feel that there can be a very large saving in that office.

The CHAIRMAN. As the Chair understands, no motion is submitted.

Mr. FARQUHAR. I withdraw the *pro forma* amendment.

Amendments numbered 255 to 257 (in which the Committee on Appropriations recommended concurrence) and amendments numbered 258 to 262 (in which the committee recommended non-concurrence) were read, and no separate vote being demanded, the recommendations of the committee were agreed to.

Mr. RANDALL. I ask consent to go back and insert an amendment which I send to the desk.

The Clerk read as follows:

Add to the matter proposed to be inserted as a substitute for Senate amendment 55, the following:
"Public building at Santa Fé, N. Mex.: For completion of the building, $32,148."

Mr. RANDALL. This I offer on my own motion, because, since the adoption of the amendment to which this is a further amendment, it has come to my knowledge that the bill in relation to the public building at Santa Fé has been signed by the President and has become a law.

The CHAIRMAN. Is there objection to going back to consider this amendment?

Mr. BUTTERWORTH. I do not object; but I desire to stay back long enough to have adopted another amendment of similar character to which I wish to call my honorable friend's attention.

Mr. RANDALL. Let this amendment be voted on first.

There being no objection, the amendment of Mr. RANDALL was considered and adopted.

Mr. BUTTERWORTH. I now ask consent to insert in the bill, after the amendment just adopted, what I send to the desk.

The Clerk read as follows:

For post-office and custom-house at Portsmouth, Ohio: For purchase of site and commencing the erection of building, $12,000.

Mr. RANDALL. Has the bill for the erection of that building become a law?

Mr. BUTTERWORTH. It is in precisely the same position as a number of other bills, having passed both Houses and being in the hands of the President. There is very little doubt about its becoming a law.

Mr. McMILLIN. I make the point of order on this proposition. It seems to me that under the circumstances stated it would be improper now to make the appropriation.

Mr. BUTTERWORTH. If the bill should be signed, as I think it will be, this provision ought to be made. If the bill be vetoed, the provision I now propose can do no earthly harm. My amendment merely provides for a contingency which is likely to arise—the signing of the bill. Does the gentleman from Tennessee insist on his point of order?

Mr. McMILLIN. I do not think it would be well to make an appropriation under the circumstances, in anticipation of a bill becoming a law. The gentleman had better wait until the bill becomes a law and then the provision can be inserted in the Senate.

Mr. BUTTERWORTH. If the bill should not become a law, this provision can be struck out, and no harm will be done.

Mr. McMILLIN. But it can be inserted, if the bill should become a law.

Mr. RANDALL. Is there not an apparent absurdity in providing an appropriation for a building, the construction of which has not yet been authorized by law?

Mr. BUTTERWORTH. That "absurdity," if it exists, obtains in regard to a number of other items in the bill; and why should we make "fish of one and flesh of another?"

Mr. RANDALL. I beg the gentleman's pardon; I think he is mistaken as to there being in the bill other items liable to the same objection.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Tennessee.

Mr. McMILLIN. Within a few moments past I have realized, as I did not before, the situation of this bill: that these amendments will go into conference and the bill will not be again considered in the Senate. Hence I see that the remedy which I suggested to the gentleman from Ohio can not be applied. I do not wish to stand in the way of the gentleman's proposition; and upon the understanding that, if the bill referred to should not become a law, the gentleman will be vigilant in seeing that this appropriation goes out, I withdraw my objection.

Mr. RANDALL. If there are in the bill any items in the same situation as this, it ought to be known. I am not aware of any. But I am perfectly willing that this amendment should be adopted, leaving to the conferees the option of striking it out if the bill should not be approved.

Mr. BUTTERWORTH. Then, objection to my proposition is withdrawn, as I understand.

There being no objection, the amendment of Mr. BUTTERWORTH was considered and adopted.

Mr. RANDALL. I move that the committee rise and report the bill back to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had directed him to report the same back with sundry recommendations.

Mr. RANDALL. I demand the previous question on agreeing to the report of the Committee of the Whole.

The previous question was ordered.

The SPEAKER. Unless a separate vote be demanded upon some of the recommendations of the Committee of the Whole, the vote will be taken in gross.

Mr. RANDALL. I demand a separate vote on the amendment making an appropriation for education in Alaska. Upon the other propositions the question can be taken in gross upon agreeing to the recommendations of the Committee of the Whole for concurrence, non-concurrence, or concurrence with an amendment, as the case may be.

The SPEAKER. The Clerk will will report the amendment on which a separate vote is asked.

The Clerk read as follows:

Education in Alaska:
For the education of the children of school age in the Territory of Alaska without reference to race, $25,000.

The SPEAKER. The Committee of the Whole House on the state of the Union recommend concurrence.

Mr. RANDALL. The Committee on Appropriations recommended non-concurrence.

The House divided; and there were—ayes 85, noes 83.

Mr. SPRINGER demanded tellers.

Mr. McCOMAS. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 143, nays 104, not voting 72; as follows:

YEAS—143.

| | | | |
|---|---|---|---|
| Adams, G. E. | Findlay, | Lehlbach, | Scranton, |
| Allen, C. H. | Fleeger, | Libbey, | Sessions, |
| Anderson, J. A. | Foran, | Lindsley, | Smalls, |
| Atkinson, | Ford, | Long, | Snyder, |
| Baker, | Fuller, | Lovering, | Spooner, |
| Bayne, | Funston, | Lyman, | Steele, |
| Belmont, | Gilfillan, | Mahoney, | Stephenson, |
| Bliss, | Goff, | McComas, | Stewart, J. W. |
| Bound, | Grout, | McKenna, | Stone, E. F. |
| Brady, | Hale, | McKinley, | Strait, |
| Breckinridge, C. R. | Harmer, | Millard, | Struble, |
| Breckinridge, W. C. P. | Hatch, | Milliker, | Swinburne, |
| Brown, C. E. | Hayder, | Moffatt, | Tarsney, |
| Brown, W. W. | Haynes, | Morrow, | Taylor, E. B. |
| Brumm, | Heard, | Murphy, | Taylor, I. H. |
| Buck, | Henderson, D. B. | Neece, | Taylor, Zach. |
| Bunnell, | Henderson, T. J. | Negley, | Thomas, J. R. |
| Burleigh, | Hepburn, | Nelson, | Thomas, O. B. |
| Burrows, | Hermann, | O'Donnell, | Thompson, |
| Butterworth, | Hiestand, | O'Ferrall, | Van Schaick, |
| Bynum, | Hill, | O'Neill, Charles | Viele, |
| Campbell, J. M. | Hires, | O'Neill, J. J. | Wade, |
| Cannon, | Hiscock, | Osborne, | Wadsworth, |
| Caswell, | Hitt, | Owen, | Wait, |
| Collins, | Hopkins, | Parker, | Wakefield, |
| Conger, | Houk, | Payne, | Warner, William |
| Davis, | Howard, | Perkins, | Weaver, A. J. |
| Dingley, | Jackson, | Plumb, | Weaver, J. B. |
| Dorsey, | James, | Price, | Weber, |
| Dougherty, | Johnson, F. A. | Ranney, | West, |
| Dunham, | Johnston, J. T. | Rice, | White, A. C. |
| Ely, | Kelley, | Rogers, | White, Milo |
| Evans, | King, | Rowell, | Whiting, |
| Everhart, | Kleiner, | Rusk, | Willis, |
| Farquhar, | La Follette, | Ryan, | Worthington. |
| Felton, | Laird, | Sawyer, | |

NAYS—104.

| | | | |
|---|---|---|---|
| Allen, J. M. | Blount, | Compton, | Davidson, R. H. M. |
| Bacon, | Boyle, | Cowles, | Dawson, |
| Ballentine, | Bragg, | Cox, W. R. | Dockery, |
| Barbour, | Burnes, | Crain, | Dunn, |
| Barksdale, | Cabell, | Crisp, | Eden, |
| Barnes, | Campbell, J. E. | Culberson, | Ermentrout, |
| Bennett, | Catchings, | Dargan, | Fisher, |
| Bland, | Clements, | Davidson, A. C. | Forney, |

| | | | |
|---|---|---|---|
| Gibson, C. H. | Landes, | Outhwaite, | Stone, W. J., Ky. |
| Glass, | Lanham, | Peel, | Storm, |
| Green, | Lawler, | Randall, | Swope, |
| Hall, | Le Fevre, | Reagan, | Taulbee, |
| Halsell, | Lore. | Richardson, | Taylor, J. M. |
| Hammond, | Martin, | Riggs, | Tillman, |
| Harris, | McAdoo, | Robertson, | Townshend, |
| Hemphill, | McCreary, | Sayers, | Trigg, |
| Henderson, J. S. | McMillin, | Scott, | Tucker, |
| Henley, | McRae, | Seney, | Turner, |
| Herbert, | Merriman, | Shaw, | Van Eaton, |
| Holman, | Miller, | Singleton, | Ward, T. B. |
| Hudd, | Morgan, | Skinner, | Warner, A. J. |
| Hutton, | Morrison, | Sowden, | Wheeler, |
| Johnston, T. D. | Muller, | Spriggs, | Wilkins, |
| Jones, J. H. | Neal, | Springer, | Wilson, |
| Jones, J. T. | Norwood, | Stahlnecker, | Wise, |
| Laffoon, | Oates, | Stewart, Charles | Wolford. |

NOT VOTING—71.

| | | | |
|---|---|---|---|
| Adams, J. J. | Cox, S. S. | Holmes, | Pidcock, |
| Aiken, | Croxton, | Irion, | Pindar, |
| Anderson, C. M. | Curtin, | Ketcham, | Reed, |
| Barry, | Cutcheon, | Little, | Reese, |
| Bingham, | Daniel, | Louttit, | Rockwell, |
| Blanchard, | Davenport, | Lowry, | Romeis, |
| Boutelle, | Dibble, | Markham, | Sadler, |
| Browne, T. M. | Eldredge, | Matson, | Seymour, |
| Buchanan, | Ellsberry, | Maybury, | St. Martin, |
| Caldwell, | Frederick, | Mills, | Stone, W. J., Mo. |
| Campbell, Felix | Gallinger, | Mitchell, | Symes, |
| Campbell, T. J. | Gay, | Morrill, | Throckmorton, |
| Candler, | Geddes, | O'Hara, | Wallace, |
| Carleton, | Gibson, Eustace | Payson, | Ward, J. H. |
| Clardy, | Glover, | Perry, | Wellborn, |
| Cobb, | Grosvenor, | Peters. | Winans, |
| Comstock, | Guenther, | Pettibone, | Woodburn. |
| Cooper, | Hanback, | Phelps, | |

So the Senate amendment was concurred in.

During the roll-call, the following additional pairs were announced:

Mr. LOWRY with Mr. BUCHANAN, for the rest of the day.

Mr. GLOVER with Mr. MORRILL, for the rest of the day.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs upon agreeing to the remainder of the report of the Committee of the Whole House on the state of the Union upon the Senate amendments.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT. I rise to make a privileged motion.

Mr. HOLMAN. Is it in order to move to go into the Committee of the Whole House on the state of the Union?

The SPEAKER. It is; but the gentleman from Georgia rises, as the Chair understands, to make a privileged report.

Mr. HERBERT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HERBERT. Is it competent to raise the question of consideration in favor of the naval appropriation bill?

Mr. HOLMAN. Or in favor of the legislative appropriation bill.

The SPEAKER. The gentleman from Georgia rises, he says, to make a privileged report. He has made no motion and has not yet submitted any report.

Mr. BLOUNT. I move to take up the Senate amendments to the Post-Office appropriation bill.

The SPEAKER. The Clerk will read the title of the bill, and the House will proceed regularly with the business before it.

The Clerk read as follows:

A bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. BURROWS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. I desire to know whether it is necessary before going into committee on the Senate amendments to the Post-Office appropriation bill to reserve all points of order, or whether the point of order may be raised on an amendment as it is reached in committee?

The SPEAKER. That is not a question for an occupant of the chair in the House, but is as one always presented to the chairman of the Committee of the Whole House on the state of the Union. The present occupant of the chair, however, has expressed the opinion frequently it is not necessary.

Mr. BURROWS. If necessary, I desire to reserve all points of order.

The SPEAKER. No motion has yet been made about considering the bill as in Committee of the Whole.

Mr. BURROWS. I desire to reserve all points of order. And I make the further point that these amendments of the Senate must have their first consideration in the Committee of the Whole House on the state of the Union.

Mr. HOLMAN. Can not the question of consideration be raised at this time?

The SPEAKER. The bill and amendments go to the Committee of the Whole House upon the state of the Union, provided the point of order of the gentleman from Michigan is well taken. The Chair has not yet looked at the amendments, but will now examine the bill. [After a pause]. The Chair thinks the point of order is well taken.

Mr. HOLMAN rose.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole to consider the Senate amendments to the Post-Office appropriation bill.

Mr. HOLMAN. My motion is to go into Committee of the Whole on the legislative appropriation bill.

The SPEAKER. The Chair can put but one motion at a time, but will state that it makes no difference which motion prevails, as the committee after it is formed can determine what bill it will consider.

Mr. BURROWS. I desire to inquire of my friend from Georgia whether the amendments to this Post-Office bill have been printed?

Mr. BLOUNT. They have been in print for several days.

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House go into Committee of the Whole to consider general appropriation bills.

Mr. BLOUNT. To consider the Post-Office appropriation bill.

The SPEAKER. The motion is to go into Committee of the Whole House on the state of the Union to consider general appropriation bills, which is the only motion allowed under the rules of the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

Mr. TOWNSHEND. We go into Committee of the Whole without reference to any particular bill.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the first bill.

Mr. RANDALL. Mr. Chairman, I think the committee was formed on the motion of the gentleman from Georgia, and the Senate amendments to an appropriation bill would naturally have preference.

The CHAIRMAN. The House went into Committee of the Whole to consider appropriation bills generally; and it is for the committee to determine when each bill is reached in its turn whether it will consider that bill or not.

The Clerk will report the first bill.

Mr. RANDALL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANDALL. I desire to make a suggestion in the nature of a point of order, so that it may be determined whether the Committee of the Whole House will give preference on going into committee to those appropriation bills which have passed both Houses and which are now pending before the committee on Senate amendments in preference to bills not considered by either House.

Mr. BLOUNT. I wish to be heard for a moment.

Mr. RANDALL. We ought to have a ruling on that point.

Mr. BLOUNT. I think so, too; and it does seem to me that it is clear from the language of the rule itself, and from the debate upon it, that the change of the rules did not require amendments of the Senate, which were subject to the point of order, to go to the Committee of the Whole just as an original appropriation bill goes; and hence these amendments stand as privileged before the committee for consideration.

It never was the intention of the rule to put the amendments of the Senate in the exact condition of general appropriation bills. My friend from Pennsylvania [Mr. RANDALL] early in the session reported to the House and had passed the sundry civil bill, which came back here with the Senate amendments, and was taken up as a privileged matter.

Mr. HERBERT. I submit this question is not debatable.

The CHAIRMAN. This is on a question of order, and debate upon it is in the discretion of the Chair. The Chair will indulge gentlemen briefly upon the point of order.

Mr. TOWNSHEND. But no point of order is made.

Mr. RANDALL. I make the point of order for the purpose of getting a ruling upon this subject, that the Senate amendments to appropriation bills shall have preference over bills that have not passed either House.

Mr. HOLMAN. I wish to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. It seems to me that the bill first standing upon the Calendar belonging to the class of general appropriation bills should be first reported, and then the point of order made whether it is entitled to priority. I ask, therefore, that the first bill be reported. I submit, sir, that the naval appropriation bill and the bill making appropriations for the legislative, executive, and judicial expenses of the Government stand first on the Calendar. They stand on the Calendar in advance of the report now made by the gentleman from Georgia, and I think these bills in their order are entitled to priority.

Mr. BLOUNT. Mr. Chairman, the gentleman from Pennsylvania, as I was about saying when I was taken off the floor by other persons, at the beginning of this session reported the sundry civil appropriation bill which passed through the House, was passed by the Senate, and came

back with certain amendments, and was a privileged matter. My friend from Indiana claims that under the rule requiring an amendment of the Senate to go to the Committee of the Whole for the purpose of consideration, that it thereby loses its privileged character, and it comes in as a general appropriation bill to be considered in its order on the Calendar. In other words, the sundry civil bill, according to the doctrine of my friend from Indiana, when reported to the House with Senate amendments, comes and takes its place at the bottom of the Calendar, at the foot of every other appropriation bill preceding it, and must there remain until they are first disposed of except by unanimous consent. You can not reach it for consideration; you can not get it back to the Senate; it must be postponed and go over, giving way to everything else before it on the Calendar. Now, sir, I can not believe this was ever the purpose of changing the rules. When the Senate amendments came back to the sundry civil bill, these amendments became a privileged matter, and the gentleman had the right to ask the consideration of the House.

That bill had priority over other business, and the simple change of the rule requiring the amendments to go to the Committee of the Whole was not designed to take away and destroy their privileged character. It was simply to give to those amendments free debate and nothing more.

I am glad the gentleman from Pennsylvania has seen fit to raise this question. It has never been here before, and I trust the Chair will give such construction to this rule as will not destroy the privileged character of this bill and postpone the consideration of the Senate amendments to this bill until every other appropriation bill on the Calendar has been considered.

One word more. I regret that the gentleman from Indiana and the gentleman from Alabama have seen fit to make this struggle. When the rules were changed it was predicted that these very struggles would occur. There was but one escape from it, and that was to conform to former precedents. The gentleman from Indiana has seen fit now to raise that struggle. I trust that harmony will be created here by the establishment of the precedent that the bills will be taken up in their order as they are reached on the Calendar, and if one of them should be returned to this House with a Senate amendment, or amendments, a privileged bill, it shall not be robbed of that privilege by reason of the House letting it go to the Committee of the Whole for the purpose of free debate.

Mr. HOLMAN. I submit there is but one rule of the House bearing on this subject.

Mr. ANDERSON, of Kansas. What rule is that?

Mr. HOLMAN. I do not cite it by its number; but it is the rule that requires that appropriation bills shall be considered in their order as they stand upon the Calendar.

Mr. BLOUNT. Does the gentleman from Indiana mean to say that that provision had in contemplation a Senate amendment to an appropriation bill, when he well knows that before the rule requiring a Senate amendment to go to a Committee of the Whole was adopted the rule he invokes now was in full operation, and it never was understood to be the intention of the House to change its practice as to Senate amendments to appropriation bills?

Mr. HOLMAN. So far as the Committee of the Whole is concerned there is no difference between an appropriation bill—all of which is to be considered—and Senate amendments which are to be considered. They stand, it seems to me, upon exactly the same footing. They stand in their order upon the Calendar. A bill is reported on the 3d of February, and goes to the Calendar; another is reported on the preceding first day of the same month; another to-day. They stand in their respective order on the Calendar in Committee of the Whole for consideration as to the matters referred to the Committee of the Whole.

In the past two instances the whole bills go to the Committee of the Whole; in the latter only certain amendments made by the Senate. But for the purposes of the Committee of the Whole they stand upon exactly the same footing, the matter to be considered in the one as well as the matter to be considered in the other.

I therefore submit, these bills are to be taken up in their order. If the gentleman from Georgia appeals to the argument of necessity I submit to the Chair that it is manifestly ordinarily much more important that a general appropriation bill which has never been considered at all should be first considered rather than one that has already been considered in both Houses and is in a state of great preparedness and forwardness for final passage. On that point the argument is certainly against my friend; while the argument based on the rules as to Committee of the Whole is certainly in favor of the general proposition that the bills must be taken up in their order in Committee of the Whole.

Mr. HERBERT. Mr. Chairman, the assertion of the gentleman from Georgia [Mr. BLOUNT] that this rule was not designed to have the effect which it does have is entirely gratuitous and unsupported by any fact whatever. The true rule is that all laws—and rules are nothing else but laws of action for this body—all rules are intended to effect what they do effect whenever the result follows plainly. Now the rule puts these bills upon the Calendar and we take them up one after another in their order. It is a simple question whether or not this Committee of the Whole will pass by the naval appropriation bill and then pass by the other appropriation bill below it and come to and take up first in order this Post-Office appropriation bill. That Post-Office bill has been through the House; it has been through the Senate; it is nearly completed. There is nothing to do but to agree or disagree to the conference report.

Mr. HOLMAN. This is not a conference report. If it was it would stand on a different footing.

Mr. HERBERT. Well, it is on the road to the question of agreeing or disagreeing to these Senate amendments. My assertion is that this bill is nearly completed. Now, if the House is to do what will contribute to the completion of its business within the few days left to us, what is it best for us to do? Ought we not to take up and finish here first these bills that have never been passed upon either by the House or by the Senate? Is it not fortunate that this committee has the opportunity to do just what the rules say it shall do, take up and consider these matters in their order, unless for some good reason apparent to the committee (which has not yet been shown here) precedence ought to be given to this Post-Office appropriation bill. The reasons, it seems to me, are all in favor of taking up these new bills.

Mr. BLOUNT. Mr. Chairman, when I was on the floor before I had not at hand Rule XX, to which gentlemen have been appealing in this discussion. I have it now, and I will read it, premising, however, that prior to the adoption of Rule XX, whenever the House resolved itself into Committee of the Whole for the purpose of considering general appropriation bills it was the rule and practice of the committee to take up the bills in their order. But that is not the case at this time, for we are now operating under Rule XX, which I will read:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of Union if, originating in the House, it would be subject to that point.

I arose with a report from the Committee on the Post-Office and Post-Roads of a bill known as the Post-Office appropriation bill, with four amendments made to it by the Senate. I was recognized for that purpose. The first amendment did not involve any charge at all upon the Treasury. I had the right to have that amendment considered without going into Committee of the Whole. That was no time to make the point of order, and if I had had a hundred amendments on that bill which were not subject to the point of order under the rule I could have gone on with their consideration, and these gentlemen could have had no hearing at all. But when I reached an amendment that was subject to the point of order, then any gentleman had the right to raise the point and require the consideration of that matter in Committee of the Whole, and I should have been compelled to proceed in that way. That was the object of the rule, Mr. Chairman, nothing more; and we are now in Committee of the Whole not considering general appropriation bills in the sense in which the rule contemplates, but we have gone into Committee of the Whole to consider two or three amendments to this bill that were subject to the point of order. That is all.

Mr. WEAVER, of Iowa. Does not the whole bill have to be considered in Committee of the Whole?

Mr. BLOUNT. The whole bill has been considered and agreed to, except four amendments, and you can not touch the bill except those amendments.

Mr. WEAVER, of Iowa. You can touch all the amendments.

Mr. BLOUNT. You can not, because they are not all subject to the point of order.

The CHAIRMAN. Will the gentleman from Georgia [Mr. BLOUNT] suggest to the Chair a rule or a ruling under which the Chair would be justified in recognizing a bill coming back from the Senate with amendments before a bill which stands ahead of it on the Calendar.

Mr. BLOUNT. I will answer the Chair as best I can. I will say, in the first place, that there is no rule in reference to Senate amendments, no rule that involves the point of order, except Rule XXI. It stood isolated and alone. It was simply a declaration on the part of the House to this effect: Whenever there is proposed by a Senate amendment upon an appropriation bill legislation which we do not allow on such a bill when it originates in the House, then any gentleman can secure free and full debate on that amendment, and on no other, by raising the point of order. But the whole bill does not go to the Committee of the Whole.

The CHAIRMAN. When a bill comes back from the Senate, under what rule does the gentleman from Georgia [Mr. BLOUNT] hold that it stands prior to an appropriation bill reported on a day prior to that on which the bill with the amendments was referred to the Committee of the Whole and took its place on the Calendar?

Mr. BLOUNT. I am not here admitting the terms used by the Chair, nor admitting the terms used by the gentleman from Indiana [Mr. HOLMAN], nor admitting the terms used by the gentleman from Alabama [Mr. HERBERT], that the bill has its place on the Calendar. It has not gone to the Committee of the Whole except on a point of order on a single amendment.

Mr. HOLMAN. Did not the other bills go there in the same way?

Mr. BLOUNT. No, sir; they went there under the rule of the House which requires that general appropriation bills shall have their first consideration in Committee of the Whole.

Mr. WEAVER, of Iowa. Does the gentleman contend that if the House had entered upon the consideration of the Senate amendments, and had considered those which he says are not subject to the point of order, we could then have raised a point of order on those which had not been considered?

Mr. BLOUNT. Certainly.

Mr. WEAVER, of Iowa. Would not the objection have been made at once that the point came too late? And now does the gentleman claim that we must go back into the House without entering upon the consideration of amendments not subject to the point of order?

Mr. BLOUNT. I will answer the gentleman by reading from the rules a statement of what it is that takes an amendment of the Senate to the Committee of the Whole:

Any amendment of the Senate—

Not all amendments, but—

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Does the gentleman understand that these terms mean something? Did not the House understand itself when it declared in this rule that a Senate amendment to a bill should go to the Committee of the Whole only when liable to the point of order, and not otherwise?

Mr. WEAVER, of Iowa. I will answer the gentleman by saying that I do not believe any interpretation of the rule is correct which requires the House to consider a part of the amendments and the Committee of the Whole to consider the remainder.

Mr. BLOUNT. The gentleman may believe that or not. This is a question of construction; and I read plain, clear, simple language declaring in effect that when in considering Senate amendments to a House bill we reach one which if it had originated in the House would be subject to a point of order, that amendment shall be considered in Committee of the Whole. I do not assume anything beyond what this language warrants. The purpose of the House in adopting this rule was simply to allow free debate in Committee of the Whole on an amendment of that character—nothing else.

The difficulty about this question, Mr. Chairman, lies in our habits and in the fact that we are disposed to apply to an amendment which stands in its own distinct class, a ruling in reference to general appropriation bills which was never designed to reach it. As has been said by the gentleman from Pennsylvania [Mr. RANDALL], a former Speaker of this House, and a learned parliamentarian, this is a new question. I do not believe it proper that where Semate amendments have come to us in connection with appropriation bills a point of order should take them to the foot of the Calendar, so that they must be postponed until every laggard bill in the House, no matter how long delayed, shall have been considered and disposed of.

Mr. WEAVER, of Iowa. That could not happen, because this is a matter addressed to the sound discretion of the committee, which can pass by one bill after another in order to reach a particular bill which it desires to consider.

Mr. BLOUNT. That may be very true; but we are considering the reasonableness of the rule. A combination of three or four committees with reference to three or four bills might bring about, under the construction contended for, a very undesirable result, and one which could never have been intended.

Mr. SPRINGER. The question of order here presented is, it seems to me, a very simple one. How did we get into Committee of the Whole? The Speaker entertained a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. He refused to entertain any other motion than that. Being now in Committee of the Whole, clause 4 of Rule XXIII applies:

In committees of the Whole House business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence.

The rule further provides:

When objection is made to passing over any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, &c.

We are now in Committee of the Whole House on the state of the Union, under a motion to consider general appropriation bills. Those bills must be considered as we find them on the Calendar. What does the Calendar show? If you take it up, you will find that it reports the title and number of the bill, but gives no indication of the contents of the bill, no indication how far the House has proceeded in considering it. The idea of separating a pending amendment from the bill to which it relates is absolutely preposterous. The amendments and the bill are inseparably connected. No amendment has a status in this House except as it stands with the bill to which it is an amendment. It runs with the bill; it walks with the bill; it lies down with the bill. [Laughter.] We are here to consider general appropriation bills; and the rule requires that the first bill of this character on the Calendar shall be first considered, unless the House shall lay that bill aside and take up the next bill. Gentlemen will remember when, at the last session, the oleomargarine bill came back from the Senate with amendments, a point of order was made, just as it has been here, that those amendments must first be considered in the Committee of the Whole House on the state of the Union. Upon that point the bill and amendments were referred to the Committee of the Whole. The gentleman from Missouri [Mr. HATCH] moved that the House resolve itself into Committee of the Whole to consider revenue bills. On going into Committee of the Whole, one bill after another was laid aside in order to reach the oleomargarine bill. It appeared for a time that we should never be able to lay aside all the bills which stood in the way of the one which the Committee of the Whole desired to reach. The enemies of that bill were of opinion that they had it completely blocked. But by persistence it was finally reached and disposed of. That is just the situation in which we are here now.

Mr. HOLMAN. If the views of the gentleman from Georgia are correct, the bill to which the gentleman from Illinois has just referred was first on the Calendar, with the exception of the revenue bill reported from the Committee on Ways and Means.

Mr. SPRINGER. When we go into Committee of the Whole to consider these bills we proceed according to the Calendar. When the Clerk announces the bills on the Calendar he reads, first, the title, not of the bill last referred, but of that which was first referred. It seems to me this is a very plain case, not calling for any excitement, but demanding simply deliberation on the part of the committee and dispassionate judgment on the part of the Chair.

Mr. RANDALL. I suggest that the question here presented is whether a motion can be made to go into Committee of the Whole to consider an appropriation bill with Senate amendments; and, if not, whether the remedy is then lodged in a choice between consideration of such matters in the House and their consideration in Committee of the Whole.

The CHAIRMAN. The Post-Office appropriation bill having been returned from the Senate with amendments, the point of order was made under Rule XX (which the Chair will have read) that it must receive its first consideration in Committee of the Whole.

The Clerk read as follows:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

The CHAIRMAN. That point of order was made and sustained, and the bill was referred to the Committee of the Whole, and took its place upon the Calendar in the order in which it went to that committee. Under Rule XXIII, clause 4, which the Clerk will report, the order in which this bill shall be considered is laid down.

The Clerk read as follows:

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. It will be observed this clause prescribes the order in which the bills shall be considered, but excepts from that order bills raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors. They are excepted from the other class of bills; but the Chair does not think the exception is broad enough to justify him in changing the relation which these bills bear to each other on the Calendar.

The Chair knows as a fact, it is customary or frequently done, whether customary or not, to consider amendments adopted by the Senate on motion in committee where objection is not made. But here the point of order is made that these bills on the Calendar of the Committee of the Whole House on the state of the Union must be considered intheir order.

The Chair, while sympathizing with the motion of the gentleman from Georgia [Mr. BLOUNT] and feeling there may be justness in a rule which would prescribe this bill, having been considered in committee and then in the House, gone to the Senate and returned to the House, should have precedence, but he knows of no rule which would justify him in giving these Senate amendments consideration before bills on the Calendar which precede them.

Mr. BLOUNT rose.

The CHAIRMAN. The gentleman from Georgia will suspend for one moment. Under the clause which has been just read it will be observed the remedy against the order therein prescribed is retained in the hands of the committee, and if the committee does not wish to consider the bills in the order in which they stand upon the Calendar, any member by objecting to the consideration of any bill as it is reached can have that question submitted to the action of the House.

Mr. BLOUNT. I understand, then, that the way to proceed to the consideration of the Senate amendments to the Post-Office appropriation bill is to object to the legislative appropriation bill. [Laughter.]

The CHAIRMAN. The Chair has ruled these bills must be considered, under the rule which has been read, in the order in which they stand upon the Calendar, and in order to prevent the operation of that rule it is necessary to object to the consideration of a bill when it is reached, when the committee will have to rise and report the objection to the House.

The Clerk will report the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BLOUNT. I ask to have that bill laid aside.

The CHAIRMAN. Is there objection?

Mr. HERBERT. Yes; I object to its being laid aside.

Mr. HOLMAN. I hope that bill will be laid aside, so that we may proceed to the consideration of the legislative appropriation bill.

The committee rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having under consideration appropriation bills, and having reached a bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, objection was made to passing it over, and under the rule the committee rose and reported that fact to the House.

The SPEAKER. The question is, Will the House direct the Committee to pass the bill over?

The House divided; and there were—ayes 98, noes 28.

Mr. HERBERT. I do not desire to take up the time of the House, and will not call a quorum.

So the motion was agreed to, and the committee was directed to pass the bill over.

The committee resumed its session, Mr. MCMILLIN in the chair.

The CHAIRMAN. The Clerk will read the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 11028) making appropriations for the executive, legislative, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BLOUNT. I ask that that bill be passed over.

Mr. HOLMAN. I hope it will not be done. I object to passing it over.

The committee rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having under consideration appropriation bills, and having reached on the Calendar a bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, the motion was made that it be passed over, which was objected to, and, under the rule, the committee rose and reported that fact to the House.

The SPEAKER. Will the House direct the committee to pass the bill over?

Mr. HOLMAN demanded a division.

The House divided; and there were—ayes 102, noes 24.

Mr. HOLMAN. There is no quorum, but I will not consume the time of the House in making that point.

The SPEAKER. The committee is directed to pass the bill over.

## POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Clerk will report the next appropriation bill.

The Clerk read as follows:

A bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. BLOUNT. Mr. Chairman, the Senate has adopted four amendments to this bill; the first relates to what is known as the rent for a suitable building for station C, in this city. Perhaps I had better explain, as I proceed, these amendments. It is well known in the bill proper there are appropriations for the rent of buildings, and also that the Department may lease a certain class of buildings for post-offices, but in the city of Washington it so happens that a general statute was passed in the deficiency appropriation bill prohibiting it, and hence it is necessary to insert this provision. The second amendment is in reference to the rent of a building for the Washington city post-office.

There was no provision of law for the rent of such a building, and it being necessary in this way by reason of this same statute to provide specially for the Washington city post-office, the sum of $5,000 was put into the bill by way of an amendment in the Senate.

Again, as to the third amendment, a provision is inserted, as follows:

That no boxes for the collection of mail matter by carriers shall be placed inside of any building except a public building—

That is the law now—

or a building which is freely open to the public during business hours—

That is an addition to the present provision—

or a railroad station.

While the terms of this section seem to be restraining in their nature, it is but an addition to the present law of this language:

Or a building which is freely open to the public during business hours.

It so happens that there are many enormous buildings in which several thousand persons are engaged during certain hours of the day, and it was thought advisable to have legislation by which a box could be put in a suitable place in such building so as to permit parties who occupy the building to deposit mail matter in it, as well as to allow it to be utilized by the public, who would have free access to the box. In all these the Committee on the Post-Office and Post-Roads have recommended concurrence in the Senate amendments.

Amendment number 4 relates to what I may say, without desiring to be discourteous, is the substitute feature in reference to the foreign mail service.

Mr. Chairman, I think that is all that need to be said in general debate at this time, and I move therefore that the committee rise for the purpose of limiting general debate on the bill unless I may have consent to fix two hours.

Mr. BURROWS. My friend means, I suppose, that this time shall be equally divided.

Mr. BLOUNT. Of course I mean an equal division of the time.

Mr. BURROWS. I would like to test the sense of the House upon that, and shall object.

Mr. BLOUNT. Then I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and Mr. HAMMOND having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration the Senate amendments to the Post-Office appropriation bill had come to no resolution thereon.

Mr. BLOUNT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills, and pending that, that all general debate on the bill and amendments be limited to two hours.

Mr. BURROWS. Mr. Chairman, I move to amend the motion of the gentleman from Georgia by striking out "two" and inserting "three." I did think of asking the House to grant four hours for debate, but I will say three hours, one and a half on each side; and upon that I wish to be heard briefly, for the purpose of informing the House of the importance of this amendment.

As stated by the chairman of the Committee on the Post-Office and Post-Roads, the only amendment of the Senate about which there will be any serious controversy is the one which provides for the extension of our mail service with the South American republics and the Empire of Brazil. This amendment is of vast concern to all the people of this country, and it is of such transcendent importance that it challenges and ought to challenge the serious consideration of every member of this House. And let me say to the House that the amendment proposed by the Senate is entirely different from the one proposed by that body at the last session of this Congress. The amendment then proposed to appropriate $800,000——

Mr. REAGAN. I feel compelled to make the point of order at this stage of the session, that the gentleman can not discuss the merits of the proposition on the pending motion.

The SPEAKER *pro tempore*. The previous question has not been demanded or ordered.

Mr. BURROWS. I supposed I had the right to state the merits of the proposition to that extent.

Mr. REAGAN. That belongs to general debate, and not to the question now presented.

Mr. HENDERSON, of Iowa. This enables us to determine how much time we want.

Mr. BURROWS. I was alluding to the importance of this question and stated that at the last session of Congress the Senate appropriated $800,000 for our whole foreign service, permitting the Postmaster-General to contract for the Pacific mail, the trans-Atlantic, and the trans-Pacific service. The amendment now proposed by the Senate eliminates the Pacific mail, eliminates our trans-Atlantic and trans-Pacific service and simply appropriates——

Mr. BLOUNT. Let me interrupt the gentleman.

Mr. BURROWS. I can not yield to my friend now.

Mr. BLOUNT. Will the gentleman allow me to say to him, with the utmost frankness, that if he proposes to take his hour now I will move to limit general debate to ten minutes.

Mr. BURROWS. That will be an entirely proper motion for my friend to make when he desires to do so; but I think I do not transgress any rule of the House when I refer to the importance of this proposition. I do not intend to discuss its merits at all at this time.

This amendment of the Senate restricts the appropriation to mail

communication with the Empire of Brazil, the Argentine Republic, Uruguay, Paraguay, and other Central and South American countries.

Mr. BLOUNT. I rise to the question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. I do not understand that a motion to limit debate on a bill in Committee of the Whole is a debatable motion.

The SPEAKER *pro tempore*. The Chair knows of no rule that limits debate on any question unless the previous question is ordered by the House.

Mr. BURROWS. I am proceeding in good faith to bring before the House the importance of this question without seeking now to discuss its merits. The chairman of the Post-Office Committee took occasion to say that this matter was discussed in the first session of this Congress, and I desire to answer that it has not been discussed at all. It is a new proposition. It provides that these steamers shall run from New York city, and also one mail line shall be established from New Orleans or some port in the Gulf of Mexico to the republics of South America, and appropriates the sum of $500;000, to be used in the discretion of the Postmaster-General for this purpose, so that the House will readily understand the question is entirely different from the one presented in the former session of this Congress.

It is not my purpose to discuss the merits of the proposition, but simply to direct the attention of the House to its importance.

To show that the matter has attracted national attention I refer to a communication which I hold in my hand, one of a series of petitions presented by citizens of the country from different localities directed to the Postmaster-General calling his attention to the importance of opening mail communication between the ports of our Atlantic seaboard, the States of the Gulf, and the Mississippi River and the Central and South American countries. This petition is signed by gentlemen from New York, from Minnesota, from Maryland, and from Louisiana. I will not stop to read the petition at this time. Upon reflection, possibly I will, as it is very brief.

To Hon. WILLIAM F. VILAS, *Postmaster-General of the United States:*

We, the undersigned merchants and manufacturers, having an interest in the trade with South America, desire to call the attention of the Postmaster-General to the great importance of regular direct mail communication between this country and the Argentine Republic and the Republics of Uruguay and Paraguay. With neither of these countries lying south of the equator, and having a soil and climate almost unequaled, have we direct mail communication. Our mails and a large percentage of our exports to those countries go via Europe except that portion which goes by the United States and Brazil Mail Steamship Company once a month, via a Brazilian port and reshipped from Rio Janeiro.

Mr. BLOUNT. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. Is it competent for the gentleman from Michigan to discuss the merits of a bill which is in Committee of the Whole and not before the House at all when there is simply a motion made in the House to limit the time for debate on the bill?

The SPEAKER *pro tempore*. The Chair understood the gentleman from Michigan to say he would not discuss the merits of the bill.

Mr. BURROWS. I said so. If the Chair thinks I have been transgressing proper limits, I will desist.

Mr. BLOUNT. I have understood that this motion has been uniformly held to be non-debatable.

The SPEAKER *pro tempore*. The Chair would be glad to hear the rule under which it would be so held.

Mr. BURROWS. I was reading a letter addressed to the Postmaster-General bearing on the importance of this subject. But if the Chair thinks I am trespassing upon any rule of the House, I have no desire to do so. I will omit part of the petition and come to another portion of it.

Mr. BLOUNT. Has the Chair ruled on my point of order?

The SPEAKER *pro tempore*. The Chair has requested the gentleman from Georgia to point out the rule under which he raises the question of order.

Mr. BLOUNT. Clause 6 of Rule XXIII provides, as follows:

The House may by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate).

Mr. BURROWS. That is the rule when we are considering a bill by sections under the five-minute rule.

Mr. BLOUNT. So I understand. But the principle laid down here is in accordance with the practice of the House and the uniform ruling. Otherwise there would be the abuse of a gentleman discussing the merits of a proposition on a motion to limit debate.

The SPEAKER *pro tempore*. The difficulty with the Chair is that this bill is not being considered by sections under the five-minute rule; but the proposition before the House is to limit general debate to two hours. To that the gentleman from Michigan [Mr. BURROWS] proposes an amendment striking out "two," and inserting "three," and no motion for the previous question has been made on the motion to limit the debate to two hours.

Mr. BLOUNT. I wish to know if the Chair holds that under that motion, the previous question not having been ordered, it is competent for a gentleman to take the floor and argue upon the merits of this bill for one hour?

The SPEAKER *pro tempore*. The Chair has already stated to the gentleman from Michigan [Mr. BURROWS] that the Chair did not think it was competent for the gentleman to argue the merits of the bill.

Mr. BLOUNT. And the gentleman from Michigan is proceeding to do that, and the Chair must take cognizance of the fact.

Mr. BURROWS. I beg my friend's pardon, I am not discussing the merits. I called the attention of the Chair to the fact that petitions signed by a large number of people in different portions of this country had been sent to the Postmaster-General directing his attention to the importance of this question, and I would have been through long before this if my friend had not interrupted me. Now, Mr. Speaker——

Mr. BLOUNT. Mr. Speaker, before the gentleman proceeds, I want to know whether he is proceeding by consent of the Chair.

The SPEAKER *pro tempore*. The Chair will state again that the gentleman from Michigan [Mr. BURROWS] can not proceed upon the merits of the bill by consent of the Chair.

Mr. BURROWS. Then I shall be obliged if, the moment I transgress the rule in the opinion of the Chair, the Chair will call me to order.

Mr. BLOUNT. I hope the Chair will comply with the gentleman's request.

Mr. BURROWS. I certainly hope so. Now, Mr. Speaker, to resume and to show the House the importance of this subject, upon the receipt of these numerous petitions, directed to the Postmaster-General, he called the attention of this House and of Congress to the importance of this subject, in his annual report at the opening of this session in December last, and in that report he used the following language——

The SPEAKER *pro tempore*. The Chair, at the request of the gentleman from Michigan [Mr. BURROWS], calls him to order. [Laughter.]

Mr. BURROWS. Does the Chair hold that I can not call the attention of the committee to the fact that the Postmaster-General has recommended this legislation?

The SPEAKER *pro tempore*. The Chair so holds.

Mr. BURROWS. Then, Mr. Speaker, in further argument upon the point of the importance of this question, I desire to say that the President of the United States, Mr. Cleveland, in his annual message sent to Congress at the beginning of the present session, called attention to the importance of the question upon which I now desire some little time for debate. The President in his message used this language——

Mr. BLOUNT. I hope the Chair will kindly comply with the request of the gentleman from Michigan, and call him to order. [Laughter.]

The SPEAKER *pro tempore*. At the request of the gentleman from Michigan, the Chair again calls him to order.

Mr. BURROWS. Does the Chair hold that the language of the President of the United States in his message to Congress, calling attention to the importance of this subject, may not be read in an argument to show the importance of the question?

The SPEAKER *pro tempore*. The Chair so holds. [Laughter.]

Mr. BLOUNT. Now, Mr. Speaker, have I the floor?

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. BURROWS] has the floor.

Mr. BURROWS. Mr. Speaker, I desire now to ask—for I do not wish to trespass upon the ruling of the Chair—will it be in order, upon the point which I wish to impress upon the House, namely, the importance of this question, to state that the President of the United States has called the attention of Congress to this subject? I desire to know just what the ruling of the Chair is.

The SPEAKER *pro tempore*. The Chair means to say that as the Chair understands the gentleman from Michigan [Mr. BURROWS] he is arguing the merits of the bill.

Mr. BURROWS. I am not.

The SPEAKER *pro tempore*. Then the Chair misunderstands the gentleman.

Mr. BURROWS. I am not arguing the merits.

The SPEAKER *pro tempore*. In the judgment of the Chair you are.

Mr. BURROWS. Then I ask that the Chair have stricken out what the President says, if it is not in order. [Laughter.]

The SPEAKER *pro tempore*. The Chair thinks that is out of order.

Mr. BURROWS. Let me state to the Chair that the President does not argue the merits of the proposition, but refers to the fact of petitions being presented in relation to this subject, and suggests that Congress take it into consideration, and I will ask the Chair——

Mr. BLOUNT. Mr. Speaker, can the gentleman go on violating the ruling of the Chair?

The SPEAKER *pro tempore*. The Chair does not know. The Chair has stated three times that the Chair regarded the gentleman from Michigan [Mr. BURROWS] as out of order.

Mr. BLOUNT. I did not hear clearly what it is that the Chair does not know.

The SPEAKER *pro tempore*. The Chair has ruled three times already that the gentleman from Michigan was out of order.

Mr. BURROWS. Very well, I bow, of course, to the decision of the Chair, but I really thought that in presenting the question of the

importance of this matter I had the right to proceed as I have proceeded. I sincerely supposed I had the right to state that the chief executive officer of this country had called the attention of the American Congress to the importance of this question, and I supposed that if I established that fact, and also the fact that the Postmaster-General in his annual report had asked the attention of Congress to the subject, those facts would commend the subject to the attention of this House.

Now, Mr. Speaker, in conclusion (for I do not wish to trespass upon the attention of the House) permit me to say that the time proposed by the gentleman from Georgia—one hour on each side—for the discussion of a proposition like this, involving, as it does, the whole question of our commercial intercourse with the South American countries, seems to me much too limited; and I submit that the time I have asked—an hour and a half on each side—is not extravagant. I shall therefore insist on my amendment to strike out "two hours" and insert "three hours."

Mr. BLOUNT. Mr. Speaker, to-morrow is set apart for the consideration of the fisheries question; the next day the veto of the general pension bill will come up. We are now getting quite close to the end of the session. Gentlemen about me urge that one hour is ample for the present discussion. This bill is not one of detail. The last House voted upon the question whether or not it would sudsidize steamships; and that is the only essential question presented here. The House voted more than two to one against the proposition. The mind of the House is, in my judgment, made up at this moment. My friend from Michigan [Mr. BURROWS] need not warn the House of the magnitude of the question; for it is a subject on which members generally are not less informed than himself. I wish to allow reasonable time for debate; but I believe the judgment of the House will justify me in asking that the discussion on a question which has been already so fully debated be concluded in two hours. I ask the previous question on my motion.

The previous question was ordered.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. BLOUNT] has moved that the House resolve itself into Committee of the Whole for the further consideration of the Post-Office appropriation bill, and pending that motion he has moved that all general debate on the bill in Committee of the Whole be limited to two hours; which motion the gentleman from Michigan [Mr. BURROWS] moves to amend by striking out "two" and inserting "three." The first question is on the amendment.

The question being taken, there were—ayes 69, noes 75.

Mr. BURROWS. I dislike to retard the progress of business; but this is so important a question that I think we should have a fuller expression of the wish of the House upon it. I therefore make the point that no quorum has voted, and demand tellers.

Tellers were ordered; and Mr. BURROWS and BLOUNT were appointed.

The House again divided; and the tellers reported—ayes 76, noes 89.

So the amendment of Mr. BURROWS was rejected.

The question recurring on the motion of Mr. BLOUNT to limit general debate to two hours, it was agreed to.

The question then recurring on the motion of Mr. BLOUNT that the House resolve itself into Committee of the Whole for the further consideration of the Post-Office appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. MCMILLIN in the chair) and resumed the consideration of the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. BLOUNT. In view of the fact that the fourth amendment of the Senate is really the only point of disagreement, I ask unanimous consent that we act first on the three preceding amendments, after which the general debate shall begin upon the fourth amendment.

Mr. BURROWS. I trust the suggestion of my friend from Georgia will be acceded to. Three o'clock to-day has been set apart as the hour for eulogies on the late Senator Pike; and as there is very little time to devote to this question to-day, I would like very much if, after considering the first three amendments, we should not take up the other question until we can proceed with it without interruption.

Mr. BLOUNT. I do not like to go further than I have stated. The indication of the wish of the committee has been in favor of going on with the bill.

Mr. BURROWS. I do not make objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that general debate shall not begin until the first three amendments have been disposed of? The Chair hears none, and it is so ordered.

The first amendment was read, as follows:

On page 1, after line 16, insert:

"And the Postmaster-General is hereby authorized to rent a suitable building for use of the branch of the Washington city post-office known as Station C, at a rate not exceeding $1,000 per annum, until further action of Congress."

Mr. BLOUNT. The committee recommend concurrence in this amendment.

The amendment was concurred in.

The next amendment was read, as follows:

On page 1, after the last amendment, insert the following:

"To pay rent of building for use of the Washington city post-office, at a rate not exceeding $5,000 per annum, $5,000."

Mr. BLOUNT. The committee recommend that this amendment be concurred in.

The amendment was concurred in.

The next amendment was read, as follows:

After the words "for free-delivery service, $5,522,500," insert:

"*Provided*, That no boxes for the collection of mail-matter by carriers shall be placed inside of any building except a public building, or a building which is freely open to the public during business hours, or a railroad station."

Mr. BLOUNT. The committee recommend concurrence.

The amendment was concurred in.

The fourth and last amendment was read, as follows:

After line 22, on page 3, insert the following:

"For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American republics, $500,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress. One of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River."

The CHAIRMAN. The committee recommend that this amendment be non-concurred in. The question is on agreeing to that recommendation of the committee.

Mr. BURROWS. I move the committee concur in this amendment. Mr. Chairman, is 3 o'clock fixed for eulogies to-day?

The CHAIRMAN. That is the order of the House.

Mr. BURROWS. Mr. Chairman, there have been repeated efforts in recent years to improve our foreign mail service and provide for the carriage of American mails in American bottoms. The Forty-eighth Congress appropriated $400,000 for this purpose. The Postmaster-General, however, declined to make use of this appropriation. In the first session of the Forty-ninth Congress the Senate appropriated $800,000 for our whole foreign mail service. The House refused to concur in that appropriation. At this session this bill comes back to us from the Senate with an amendment providing $500,000 for the carriage of our mails to the Empire of Brazil, the Argentine Republic, and the other countries on the Plate, as well as all the republics of Central and South America.

It will be observed that this provision eliminates the Pacific Mail and all other trans-Atlantic and trans-Pacific American lines, and restricts the service to the countries of Central and South America, one line of which at least shall enter and depart from some port in the Gulf of Mexico or from the Mississippi River. To a thorough understanding of the necessity and purpose of this amendment it will be necessary to review the law restricting the Postmaster-General in his contracts for carrying the mail, both foreign and domestic. By the first article of the Federal Constitution, section 8, Congress is empowered "to establish post-offices and post-roads." In the execution of this power Congress has declared what shall be "post-roads." In the further exercise of this power the Postmaster-General is clothed with authority "to establish post-offices at all such places on established post-roads as he may deem expedient."

After the establishment of post-roads and the post-offices thereon, it is made the duty of the Postmaster-General to provide for the carriage of the domestic mails "on all post-roads as often as he may think proper."

It is again provided that all contracts for carrying the domestic mails must be made by the Postmaster-General. Section 3941 declares:

Before making any contract for carrying the mail, the Postmaster-General shall give public notice by advertising once a week for six weeks in one or more newspapers, not exceeding five, describing the route, the frequency of carriage, &c.

Touching the railroad service, the Postmaster-General may contract with railroads for carrying the mails without advertising for bids. For the steamboat service on our coast and inland waters, the Postmaster-General may contract without advertising for proposals. The star-route service is let under general law by advertisement. These are the general provisions relating to the manner in which contracts for carrying our domestic mails may be entered into.

Touching the matter of compensation, the price for carrying the mails on railways is regulated by weight and distance; on steamboats, both the coastwise and inland service, the price is determined either by competition or the Postmaster-General is at liberty to contract without advertising for this service, limited only in price to that paid for the same service the preceding year. On the star-route service the compensation is regulated by the lowest amount offered by a responsible bidder. This statement is sufficient to show how our domestic service is contracted for and the limitation upon the compensation to be allowed.

Touching our foreign mail service a different rule prevails, and the Postmaster-General is governed entirely by sections 4007 and 4008 of the Revised Statutes, which are as follows:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter

into contract for the transportation of the mail between the United States and any foreign country whenever the public interest shall thereby be promoted.

SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships, but the Postmaster-General may have such transportation performed by sailing vessels where the service can be facilitated thereby.

These two sections, it will be observed, provide the manner in which the Postmaster-General may contract for the foreign service.

Section 4009 places a limitation upon the compensation which the Postmaster-General may allow for such service. That section is as follows:

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and inland postage; and if by a foreign steamship, or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

It will be understood that sea and inland postage is the full amount of postage on the mail carried. To illustrate: The postage on a letter from the United States to the Argentine Republic, or to any of the countries of South America, is 5 cents, the domestic postage being 2 cents and the foreign postage 3 cents. So that under this limitation the Postmaster-General can pay only 5 cents for carrying a letter to any foreign country by an American steamship, whatever the distance, or whatever the advantage of the service.

At the time of the enactment of this statute postage on all foreign mail matter was very much in excess of what it is at this time. By international agreement and understanding postage between this country and nearly all the countries on the globe has been reduced to the uniform rate of 5 cents. I submit herewith a table showing the rate of postage on foreign mail matter in 1858 and in 1864, which is as follows:

*Foreign postage (each ½ ounce).*

| | Year. | Cts. | Year. | Cts. | Year. | Cts. |
|---|---|---|---|---|---|---|
| **NORTH AMERICA.** | | | | | | |
| British Columbia | 1858 | 10 | 1864 | 3 | 1886 | 2 |
| Canada | 1858 | 10 | 1864 | 15 | 1886 | 2 |
| Mexico | 1858 | 20 | 1864 | 34 | 1886 | 5 |
| Mexico (west coast) | 1858 | 20 | 1864 | 10 | 1886 | 5 |
| Costa Rica | 1858 | 20 | 1864 | 10 | 1886 | 5 |
| Guatamala | 1858 | 20 | 1864 | 10 | 1886 | 5 |
| Honduras | 1858 | 34 | 1864 | 34 | 1886 | 5 |
| Nicaragua (Gulf coast) | 1858 | 34 | 1864 | 34 | 1886 | 5 |
| Nicaragua (Pacific coast) | 1858 | 34 | 1864 | 20 | 1886 | 5 |
| West Indies (British) | 1858 | 20 | 1864 | 20 | 1886 | 5 |
| Cuba | 1858 | 20 | 1864 | 20 | 1886 | 5 |
| Bahama Islands | 1858 | 5 | 1864 | 5 | 1886 | 5 |
| **SOUTH AMERICA.** | | | | | | |
| Argentine Republic | 1858 | 45 | 1864 | 45 | 1886 | 5 |
| Aspinwall | 1858 | 20 | 1864 | 20 | 1886 | 5 |
| Bolivia | 1858 | 34 | 1864 | 34 | 1886 | 5 |
| Brazil | 1858 | 45 | 1864 | 45 | 1886 | 5 |
| Chili | 1858 | 34 | 1864 | 34 | 1886 | 5 |
| Ecuador | 1858 | 34 | 1864 | 34 | 1886 | 5 |
| New Granada, U. S. Colombia | 1858 | 18 | 1864 | 18 | 1886 | 5 |
| Panama | 1858 | 20 | 1864 | 20 | 1886 | 5 |
| Paraguay | 1858 | ... | 1864 | 45 | 1886 | 5 |
| Peru | 1858 | 22 | 1864 | 22 | 1886 | 5 |
| Uruguay | 1858 | ... | 1864 | 45 | 1886 | 5 |
| Venezuela | 1858 | 45 | 1864 | 45 | 1886 | 5 |
| **EUROPE.** | | | | | | |
| Austria | 1858 | 15-42 | 1864 | 30 | 1886 | 5 |
| Bremen, Germany | 1858 | 10-42 | 1864 | 30 | 1886 | 5 |
| Belgium | 1858 | 42 | 1864 | 27 | 1886 | 5 |
| Corsica | 1858 | 21 | 1864 | 21 | 1886 | 5 |
| Denmark | 1858 | 20-54 | 1864 | 35 | 1886 | 5 |
| France | 1858 | 30 | 1864 | 30 | 1886 | 5 |
| German States | 1858 | 30-42 | 1864 | 30 | 1886 | 5 |
| Great Britain and Ireland | 1858 | 24 | 1864 | 24 | 1886 | 5 |
| Greece | 1858 | 21-60 | 1864 | 42 | 1886 | 5 |
| Hamburg | 1858 | 30 | 1864 | 30 | 1886 | 5 |
| Holland | 1858 | 21-42 | 1864 | 42 | 1886 | 5 |
| Lombardy, Italy | 1858 | 15-42 | 1864 | 42 | 1886 | 5 |
| Modena, Italy | 1858 | 33-54 | 1864 | 42 | 1886 | 5 |
| Norway | 1858 | 38-66 | 1864 | 46 | 1886 | 5 |
| Parma, Italy | 1858 | 33-54 | 1864 | 42 | 1886 | 5 |
| Poland | 1858 | 37-60 | 1864 | 37 | 1886 | 5 |
| Portugal | 1858 | 42-63 | 1864 | 45 | 1886 | 5 |
| Prussia | 1858 | 15-42 | 1864 | 30 | 1886 | 5 |
| Rome and Papal States | 1858 | 28-54 | 1864 | 44 | 1886 | 5 |
| Russia | 1858 | 37-60 | 1864 | 37 | 1886 | 5 |
| Sardinian States | 1858 | 30-42 | 1864 | 42 | 1886 | 5 |
| Sicilies | 1858 | 21-60 | 1864 | 47 | 1886 | 5 |
| Spain | 1858 | 21-42 | 1864 | 42 | 1886 | 5 |
| Sweden | 1858 | 42-66 | 1864 | 42 | 1886 | 5 |
| Switzerland | 1858 | 27-42 | 1864 | 35 | 1886 | 5 |
| Turkey | 1858 | 21-32 | 1864 | 28 | 1886 | 5 |
| Tuscany, Italy | 1858 | 28-54 | 1864 | 42 | 1886 | 5 |
| Venetian States | 1858 | 15-54 | 1864 | 30 | 1886 | 5 |
| **ASIA.** | | | | | | |
| Arabia | 1858 | 33-45 | 1864 | 45 | 1886 | 5 |
| China | 1858 | 33-72 | 1864 | ... | 1886 | 5 |
| Jerusalem | 1858 | 21 | 1864 | 33 | 1886 | 5 |
| Siam | 1858 | ... | 1864 | 45 | 1886 | 5 |
| Hindostan | 1858 | ... | 1864 | 68 | 1886 | 5 |
| Japan | 1858 | 33-45 | 1864 | 5 | 1886 | 5 |
| Smyrna, Turkey | 1858 | 40-60 | 1864 | 40 | 1886 | 5 |
| Syria | 1858 | 45-60 | 1864 | 45 | 1886 | 5 |
| Hong-Kong | 1858 | 33-60 | 1864 | ... | 1886 | 5 |
| **AFRICA.** | | | | | | |
| Algeria | 1858 | 30 | 1864 | 33 | 1886 | 5 |
| Canary Islands | 1858 | 65 | 1864 | 45 | 1886 | 5 |
| Cape de Verde | 1858 | 65 | 1864 | 37 | 1886 | 5 |
| Cape of Good Hope | 1858 | 21 | 1864 | 45 | 1886 | 5 |
| Egypt | 1858 | 57 | 1864 | 45 | 1886 | 5 |

*Foreign postage (each ½ ounce)*—Continued.

| | Year. | Cts. | Year. | Cts. | Year. | Cts. |
|---|---|---|---|---|---|---|
| **AFRICA**—Continued. | | | | | | |
| Liberia | 1858 | 33 | 1864 | 33 | 1886 | 5 |
| Tunis | 1858 | 45-60 | 1864 | 60 | 1886 | 5 |
| West Coast | 1858 | 33 | 1864 | 33 | 1886 | 15 |
| **EAST INDIES.** | | | | | | |
| Australia | 1858 | 37 | 1864 | ... | 1886 | ... |
| Borneo | 1858 | 33-60 | 1864 | 53 | 1886 | 5 |
| Ceylon | 1858 | 33-60 | 1864 | 60 | 1886 | 5 |
| Java | 1858 | 33 | 1864 | 60 | 1886 | 5 |
| Manila | 1858 | ... | 1864 | ... | 1886 | 5 |
| New Zealand | 1858 | 39 | 1864 | ... | 1886 | 12 |
| Philippine Islands | 1858 | 33 | 1864 | ... | 1886 | 5 |
| Sandwich Islands | 1858 | 10 | 1864 | 5 | 1886 | 5 |
| Singapore | 1858 | 33-60 | 1864 | 60 | 1886 | 5 |
| Sumatra | 1858 | 33-60 | 1864 | 60 | 1886 | 5 |

An examination of this table will disclose what hardship results to American steamships by restricting mail compensation to the sea and inland postage, and at the same time reducing the postage from 45 cents to most of the South American countries to 5 cents. The practical workings of this law results in paying to the American lines an amount sometimes below even the actual cost of the carriage of the mails. For instance, we paid the line from San Francisco to Hawaii, for twenty-four trips, 4,158 miles each, only $2,369, or about 4½ cents a mile. From New Orleans to Key West and Havana, forty-one trips, 744 miles each, the sea and inland postage amounted to $212, or 2½ cents a mile. From San Francisco to Mexico, twelve trips, 3,040 miles each, $208.82, or 1.6 cents a mile. From New York to Havana and Mexico, fifty trips, 2,348 miles each, $4,134.13 a year, an average of 3½ cents a mile. From New York to Cuba, seventy-one trips of 2,348 miles each, the postage yielded $2,348, or 1.6 cents per mile. From New York to Venezuela, thirty-four trips, 6,132 miles each, that line earned $1,392.94, the sea postage a half centa mile and the sea and inland postage 1.8 cents a mile. The Brazilian line from New York to Brazil, making thirteen trips of 10,304 miles each, received $4,210.24, the sea postage being 3.1 cents a mile, the sea and inland postage but 4.3 cents. The line from San Francisco to Japan, twelve trips of 12,180 miles each, was paid but $2,243.77, or 1½ cents a mile on the basis of sea postage, and on the basis of sea and inland postage 3½. This is sufficient to show the practical workings of the rule of compensation of sea and inland postage, and how in many cases the amount received must be far below the actual cost of performing the service.

Contrast this for a moment with the amount paid for the carriage of our domestic mails. In 1886 our mails were carried over railways an aggregate distance of 165,699,389 miles, for which we paid $15,495,191, an average payment per mile of 10.45 cents. On our star routes the mails were carried an aggregate distance of 83,227,721 miles, for which we paid the sum of $5,352,181, being an average cost or rate per mile of 6.43 cents. Our mails were carried on coastwise and river steamers an aggregate distance of 3,117,595 miles, for which we paid $446,419, being an average cost per mile of 14.32 cents. The average amount paid for carrying our coastwise mails is 57 cents per mile.

The practical workings of this policy restricting compensation for carrying our foreign mails to the sea and inland postage has driven the carriage of our mails to foreign bottoms, so that our whole transatlantic mail service is performed by foreign lines, and of the $475,000 appropriated for foreign service for the fiscal year, it is not too much to say that $400,000 of it will go into the pockets of foreign ship-owners. It seems to me that the time has come to abandon such a suicidal policy. England and other foreign countries have long since deemed it to their advantage to pursue a different course. It was once proposed in the Parliament of England to surrender the carriage of the English mails to foreign lines, when Sherman Crawford exclaimed: "Now, what I desire to do on this occasion is to protest in the name of the interest of the country and of commerce, and in justice to our own companies, against the ships of any foreign company being employed in the conveyance of our mails. You may carry the principle of economy too far. Such a course of proceeding would be free trade gone mad."

Foreign countries deem it of sufficient importance to establish mail communications with other nations, to enter into contracts for such service upon such terms as will induce the building of ships, and the establishment of regular mail communications.

The superintendent of foreign mails, in his annual report for 1886, at page 837, gives the following table of compensation paid by foreign countries for the carriage of their foreign mails:

TABLE XII.—*Subsidies paid to steamship companies.*

| Countries. | Amount of subsidy per annum. | Countries. | Amount of subsidy per annum. |
|---|---|---|---|
| 1. France | $5,152,388 98 | 7. Netherlands | $101,975 60 |
| 2. Great Britain | 3,206,766 67 | 8. Austria | 43,106 55 |
| 3. Brazil | 2,223,958 10 | 9. Denmark | 32,469 54 |
| 4. British India | 350,724 42 | 10. Portugal | 23,964 61 |
| 5. Japan | 241,250 00 | 11. Argentine Republic | 6,229 07 |
| 6. Belgium | 134,793 32 | 12. Roumania | 984,87 |

From 1850 to 1860, during a period of ten years, England paid the Royal Mail Steamship Company for carrying her mails to Brazil $1,350,000 annually, thirteen millions and a half in ten years. Spain has just consummated a contract with a company to pay $556,939 annually for twenty years for the carriage of her mails to this country. Brazil pays a steamship line 200,000 milrees, or $108,000, annually for a monthly mail service to the United States, while we pay about $2,500 annually for mail facilities with Brazil and about $1,400 for like service with the Republic of Venezuela. In 1840 England contracted with the Cunard Steamship Company to carry the English mails between England and America for an annual compensation of $413,000. The next year, the company complaining that the amount allowed was not sufficient to meet the sharp American competition, the sum was increased to $550,000 annually, and in 1846 the sum was again increased to $705,666. In 1840 the Oriental Steamship Company, established to East Indies, China, and Japan, was paid for carrying the mails $1,121,500 annually for a monthly service, and in 1841 this service was increased to semi-monthly trips at a compensation of $2,243,000 annually.

In 1850 the Royal Mail Steamship Company was paid for postal service to the West Indies and Brazil, under a contract with that Government, to be continued for ten years, an annual compensation of $1,350,000, and the same year the Pacific Steam Navigation Company was paid for the establishment of a line on the west coast of South America the sum of $225,000 annually upon a contract to carry a monthly mail.

It will be seen, therefore, that England alone paid these four lines a total sum of $4,523,666, and these same lines at the same time were paid by other governments a further sum of $1,500,000, making a total amount received by these lines for the carriage of the mails, $6,023,666.

In paying these enormous subsidies England had in view not only the establishment of mail communications but the building up of her foreign trade and the establishment of her merchant marine, and, as the result of it, the steam tonnage of England between 1860 and 1868 increased 400 per cent. The official report of the post-office department of Great Britain for the fiscal year ending March 31, 1880, shows that England was paying then for ocean postal service to foreign countries the sum of $3,708,618. In 1880 the Empire of Brazil paid English lines for carrying their mails $950,000, while other South American countries and the United States paid to English lines about a million dollars more, thus paying to these English lines in a single year for mail service between Europe and this continent the enormous sum of $5,658,618.

Now, the Senate amendment under consideration proposes to abrogate the old rule of sea and inland postage so far as the Empire of Brazil, the Argentine Republic, Paraguay, and Uruguay, and the republics generally of Central and South America are concerned, and place in the hands of the Postmaster-General $500,000, to be used by him in facilitating our mail communications with these countries, restricted in its application to the lowest responsible bidder and to American steamships carrying the American flag and to a compensation not exceeding 50 cents a mile each way, and the further restriction that one of these lines shall connect with some port in the United States on the Gulf of Mexico.

The following is the Senate amendment:

OFFICE OF THE SUPERINTENDENT OF FOREIGN MAILS.

For transportation of foreign mails, $450,000.

(4) For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American republics, $500,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress. One of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River.

We are met at the outset with the charge that this is a subsidy. Wherefore is it a subsidy? I submit that there is no element of subsidy in it. There is no portion of this money appropriated to any designated line. It is not a bounty given to any service. It simply abrogates, so far as this service is concerned, the unjust rule of sea and inland postage, and permits the Postmaster-General to contract for this service the same as he now contracts for the star-route, the coastwise, and river service. Is it a subsidy because we may possibly pay more for the service than we receive from the postage on the mail carried? Is that the test of a subsidy? If that be so, then every star route upon which we pay more than the postage collected is a subsidized route. Every railroad and every steamboat which receives more than is collected from the mails transported is a subsidized line. Because it costs us $415,828 more to deliver the mails in the gentleman's own State, the State of Georgia, than we receive from the mails is the State of Georgia the beneficiary of a subsidy system? There are but eight States in the whole thirty-eight to-day that pay the cost of their own mails; but the mails are nevertheless carried into these States at a large expense over and above the amount received, and yet no one thinks for a moment of calling this a subsidy. We have just contracted with a steamship line to carry the mails from Tampa and Key West to Havana, for which we are to pay the sum of $54,000 annually, and yet it is a distance of but about 200 miles. The law was amended in 1885 to bring the port of Havana, which was a foreign port, and for the carriage of the mails to which we could pay only sea and inland postage, within the domestic service, that it might be contracted for as we contract for the inland service, for the reason that the sea and inland postage was insufficient compensation.

Why do not gentlemen denounce this as a subsidy? Now, the amendment of the Senate proposes to permit the Postmaster-General to do in regard to these great South American countries what you have authorized him to do touching the service with Cuba. Upon what principle will you permit the Postmaster-General to contract for a foreign service that is only 200 miles away and deny him the right to contract for service that is 2,000 miles away? Upon what principle will you allow only sea and inland postage to Brazil and the countries of South America and permit $54,000 to be paid from Tampa to Havana, a distance of only 200 miles? I do not criticise in any manner the service from Tampa to Havana, but I only ask that the same rule shall be applied to other service of equal importance. This increased compensation to Havana was recommended by the Postmaster-General in the following language:

The establishment of this new line, furnishing, as it does, greatly increased facilities, will, it is belived, have a very beneficial effect upon commercial intercourse between this country and the island ot Cuba. Heretofore the mails from any part of the United States to Cuba had first to be transported to New York and thence by steamship to Havana. This method entailed great delay in the transmission of intelligence. Through the agency of the fast line running from New York to Tampa the mails from any point in the United States can be concentrated on it and carried to Tampa, whence they will be dispatched via Key West to Cuba. The amount paid for this service for the contract term is $54,456.

Mark the language of the Postmaster-General in favoring the establishment of the service to Havana, wherein he says that such service will "have a very beneficial effect upon commercial intercourse between this country and the Island of Cuba." If the amendment of the Senate is adopted by this House I affirm that the result will be "to benefit our commercial intercourse" with the countries of South America.

But it is also said that this service is of no advantage except to the steamship companies. That is not true, as I showed when a similar question was under discussion in this House a year ago. A manifest of a Brazilian steamship showed that she was carrying from this country to Brazil in a single cargo products from twenty-seven States. I affirm that to establish mail facilities with Brazil, the Argentine Republic, and the republics of South and Central America generally will, in the language of the Postmaster-General, "have a beneficial effect upon the commercial intercourse" between us and these great countries south of us. That swift, established, and regular mail facilities promote commercial intercourse is the concurrent testimony of all nations.

Sherman Crawford, to whom I have referred, said in a great debate in the British Parliament when the proposition was before Parliament to renew the mail contract with the Peninsula and Oriental Company:

Wherever postal communication has been extended there commerce has invariably been attracted. In fact, the conveyance of the mails has proved a most efficient agency for increasing our trade in all parts of the world.

I for one hold that there are considerations to be taken into account in this matter which are wholly apart from the question of the profit and loss arising upon the accounts of the post-office. This difference is not considerable, but whatever it is that difference represents the whole cost to this country of the means by which not only the commercial but the social and political connection between this country and the world is kept up.

Again, Sir Charles Wood wrote to the secretary of the Post-Office in October, 1867:

It has been the perception of the bearing of increased postal communication on the wealth and progress of the country that has induced statesmen of late years to consent to fiscal sacrifices for the purpose of obtaining it. There can be no doubt that increased postal communication implies increasing relations, increased commerce, increased investment of English capital, and from all these sources the wealth and prosperity of England are greatly increased.

The statesmen of our own country in former days expressed themselves in as strong terms touching this matter. Mr. Polk in a debate in Congress, said:

It is strange, sir, that men who are presumed to embody the wisdom of the land should have to be reminded that they are pandering to British power—that they are forgetting American interest and losing sight of that greatness and grandeur which attaches to this American Government. I stand upon the floor of the American Congress and find men who are willing to measure our greatness by the circumference of a dollar—a dollar, sir—measure American prosperity, American greatness, by a round dollar, and thus pander to British interests, to bow the pliant knee and say to the power that assailed us at Lexington, that flashed the first guns from Bunker Hill, that fought us upon sea and land in 1812, that has been jealous of our prosperity and greatness ever since: "Good mother, won't you carry our mails for us?" Why, sir, I scorn, I despise this anti-American feeling and sentiment. The men who stand battling upon these principles are behind the age. They are behind the progress of their country; they know nothing of its power or its influence, and are contributing to a combination of foreign policy designed to overslaugh us.

In the light of the importance of the service, the testimony of our own and foreign statesmen, is it not worth our while to make an effort to increase our mail facilities with Central and South America, particularly the flourishing republics on the Plate?

To a full comprehension of the importance of this service it is neces-

sary to glance a moment at some of the countries with which it is proposed to establish mail facilities. Take the Empire of Brazil. It has an area of 3,218,166 square miles, equal in extent very nearly to the whole thirty-eight States of the American Union, with a population of 13,000,000 of people, and a capital city of 300,000, with free public schools established throughout the empire, and a commerce aggregating $200,000,000. Her annual imports are $90,000,000. She is without manufactories.

In 1883 she bought of Great Britain $15,778,098 worth of cotton goods, and the same year bought of the United States but $612,828 worth. Is there any reason why we, with our great cotton fields, and with a line open from the Gulf States to the ports of this empire, should not supply her people with the fabrics of our looms? The same year she bought of Great Britain 95,613 hats and caps; of the United States but 119. Great Britain sold her of iron and steel in 1883, $5,674,407 worth; the United States but $1,034,678 worth. She bought of manufactured leather of Great Britain $1,000,000 worth; and of the United States but $36,000 worth. Of woolen goods she purchased of Great Britain $1,618,000 worth, and of the United States but $2,142 worth. Of her wearing apparel she purchased of France $1,250,000 worth, and of the United States but $17,000. And to summarize the matter, in the last twenty years Great Britain alone has sold to the inhabitants of Brazil $630,000,000 of manufactured products, while the United States in the same period has sold her but $138,000,000 worth.

Now, why is it that we have so little of this Brazilian trade? Simply because we have no adequate communication with her people. We have but one steamship line of three ships, making monthly trips between New York and the ports of this empire, and at the same time there are three English lines having 55 steamers, the French lines having 19 steamers, German lines with 15 steamers, aggregating 89 steamers from these three countries, holding regular direct communication with the ports of this empire. All these lines are paid liberal compensation for carrying the mails, Brazil herself paying a million dollars to aid in the establishment and maintenance of these communications. If we adopt this amendment will it not, in the language of the Postmaster-General, "have a beneficial effect on our commercial intercourse with the Empire of Brazil?"

Go down farther, to the Argentine Republic, a republic fashioned after our own, with a president, two houses of Congress, and all the machinery of government modeled after this great republic. It has a population of 3,000,000 of people; its capital city, Buenos Ayres, has a population of 500,000, 40,000 of whom are English speaking, while the annual immigration is over 100,000. In 1884 this republic purchased $94,000,000 of manufactured products, for she, too, is without any manufacturing industries. Of this sum Great Britain sold her $30,000,000, France $17,000,000, Germany $9,000,000, Belgium $7,250,000, the United States $7,500,000, Spain $5,000,000, and Italy $4,000,000, the United States furnishing her only a trifle over 8 per cent. of all her imports. In the last twenty years the United States has sold her but $40,000,000 worth, while Great Britain has sold her $254,000,000 and France $313,000,000. In 1883 England sold her in cotton goods alone $9,000,000, while the United States furnished her but $150 worth. There is not a cotton mill in the Argentine Republic, and will not be for years to come.

Why should not we, a great cotton-growing country, furnish the cotton goods for the people of this Republic?

In 1883 England sold $2,169,000 worth of woolen goods to this people, while the United States sold but $7,500. She bought of England in iron and steel $6,725,000 worth, while at the same time she purchased of the United States but $500,000. Europe, in other words, gets 90 per cent. of her trade, while the United States has secured less than 10 per cent. of it.

The following table presents a striking exhibit of the trade of the Argentine Republic and its distribution among the different commercial countries.

The following table shows the distribution of this commerce for the year 1883:

| Country. | Imports. | Exports. | Total. |
|---|---|---|---|
| Great Britain | $20,695,963 | $5,906,093 | $36,652,056 |
| France | 15,418,997 | 21,041,495 | 36,460,492 |
| Germany | 7,028,051 | 4,823,827 | 11,851,878 |
| United States | 4,933,054 | 3,511,574 | 8,443,628 |
| Uruguay | 4,443,447 | 1,994,582 | 6,370,029 |
| Spain | 3,790,760 | 1,321,559 | 5,112,319 |
| Italy | 3,480,321 | 1,651,834 | 5,132,155 |
| Belgium | 3,261,077 | 12,148,946 | 15,410,023 |
| Brazil | 2,182,720 | 1,710,436 | 3,893,156 |
| Paraguay | 1,314,892 | 172,623 | 1,487,515 |
| Holland | 449,461 | 43,556 | 593,017 |
| Chili | 242,617 | 2,002,112 | 2,244,729 |
| West Indies | 109,175 | 1,143,745 | 1,252,920 |
| Portugal | 28,080 | 11,324 | 39,004 |
| Bolivia | 65,997 | 272,006 | 338,003 |
| Canada | 29,860 | | 29,860 |
| Sweden | 12,009 | | 12,009 |
| Africa | | 3,888 | 3,888 |
| All other nations | 2,849,347 | 2,459,376 | 5,308,723 |

The following table exhibits the imports of the Argentine Republic from 1876 to 1883:

| From— | 1876. | 1879. | 1882. | 1883. |
|---|---|---|---|---|
| Germany | $1,796,354 38 | $2,292,574 44 | $4,764,622 50 | $7,028,051 00 |
| West Indies | 230,180 61 | 132,775 53 | 124,379 20 | 109,175 00 |
| Belgium | 1,442,539 31 | 3,184,309 94 | 2,869,259 50 | 3,261,077 00 |
| Bolivia | 65,718 04 | 354,511 55 | 132,977 60 | 65,977 00 |
| Brazil | 2,213,902 48 | 2,298,410 72 | 2,153,769 40 | 2,181,720 00 |
| Canada | | | | 29,860 00 |
| Chili | 906,118 36 | 332,845 60 | 13,691 11 | 242,617 00 |
| Spain | 2,158,886 66 | 2,249,608 44 | 2,906,155 91 | 3,790,760 00 |
| United States | 1,943,466 21 | 3,921,379 81 | 5,094,764 20 | 4,933,054 00 |
| France | 8,361,291 27 | 9,408,982 88 | 12,186,824 31 | 15,418,997 00 |
| Italy | 2,301,722 36 | 2,718,586 88 | 2,916,377 70 | 3,480,321 00 |
| Holland | 505,346 48 | 306 548 25 | 1,005,444 70 | 549,461 00 |
| Paraguay | 736,964 47 | 748,378 75 | 1,141,158 51 | 1,314,892 00 |
| Portugal | 42,673 66 | 40,094 46 | 36,740 11 | 28,080 00 |
| United Kingdom | 8,967,146 12 | 12,431,467 48 | 19,554,932 59 | 23,695,963 00 |
| Sweden | | | | 12,009 00 |
| Uruguay | 1,856,048 11 | 2,191,326 56 | 2,892,911 70 | 4,443,447 00 |
| Various | 2,461,664 28 | 3,749,791 38 | 3,451,035 70 | 2,849,347 00 |
| Total | 36,070,022 80 | 46,363,592 50 | 61,246,044 72 | 80,435,828 00 |

The following table exhibits the proportion of imports from 1876 to 1883.

*Proportion of imports from 1876 to 1883.*

| From— | 1876. | 1878. | 1880. | 1882. | 1883. |
|---|---|---|---|---|---|
| | Per ct. | Per ct. | Per ct. | Per ct. | Per ct. |
| Germany | 5.0 | 5.0 | 5.2 | 7.8 | 10.7 |
| West Indies | 0.7 | 0.2 | 0.3 | 0.2 | 0.1 |
| Belgium | 4.0 | 6.4 | 5.4 | 4.7 | 4.1 |
| Bolivia | 0.2 | 0.1 | 1.0 | 6.2 | 0.1 |
| Brazil | 6.1 | 5.0 | 5.3 | 3.5 | 2.7 |
| Chili | 2.5 | 1.2 | 1.1 | | 0.3 |
| Spain | 6.0 | 5.8 | 5.4 | 4.7 | 4.7 |
| United States | 5.4 | 6.5 | 7.1 | 8.3 | 6.1 |
| France | 23.2 | 20.5 | 18.2 | 19.9 | 19.2 |
| Italy | 6.6 | 6.0 | 5.7 | 4.7 | 4.3 |
| Holland | 1.4 | 0.9 | 0.8 | 1.6 | 0.7 |
| Paraguay | 2.0 | 1.3 | 1.8 | 2.0 | 1.6 |
| United Kingdom | 24.9 | 27.2 | 27.5 | 31.9 | 38.3 |
| Uruguay | 5.1 | 4.7 | 7.1 | 4.7 | 5.5 |
| Various | 6.9 | 9.2 | 8.1 | 5.8 | 3.6 |
| Total | 100 | 100 | 100 | 100 | 100 |

Now, what explanation can be given for this dearth of trade with this wealthy and growing people? There is but one answer. We have no steam communication whatever with the Argentine Republic, and an American minister appointed to-day to that court would be compelled to go to Liverpool and take passage on an English steamer in order to reach the port of his destination, or else take passage on the Brazilian line to Rio and take his chances on some foreign steamer to be transported the remainder of the way. It is a shame to this great nation that to-day we share no part of this great trade, and, substantially sharing but a trifling part in the ports of Central and South America, we permit foreign countries to come under our very nose and take it from us, because we deny decent, fair compensation to American lines for opening facilities for commercial intercourse.

Go to the River Plate to-day and you will find there twenty-one foreign lines connecting European ports with the great countries bordering thereon. In 1884 there arrived at the harbor of Buenos Ayres 3,626 steamships, not one of them carrying the American flag. The same year 3,775 sailing vessels anchored in that harbor, and to-day 200 splendid ocean steamers are plying between Buenos Ayres and European ports. Of this total shipping 34 per cent. is under the British flag; 16 per cent. under the French flag; 9 per cent. under the German flag; 24 per cent. under other nations, and this country has the miserable representation of 2 per cent. only of the sailing vessels. In 1862 there was no direct line of steamers between Europe and the Argentine Republic. These lines have all grown up since that date. Now there are from forty to sixty steamships from Europe arriving at Buenos Ayres every month. There are thirty European mail steamships arriving and departing every thirty days from the harbor of this city, and over one hundred steamers, English, French, German, and Italian, carrying the mails and passengers, enter and leave her port every thirty days. All these lines are paid liberally for carrying the mails.

How easy it is for us to push the Brazilian line, if you please, now reaching down the eastern coast of Brazil below Rio on to the River Plate. But the only offer we make to this line, if they enter upon this enterprise, is 5 cents for each letter they carry, or if they carry a hundred letters, which might lay the foundation of an immense trade with this Republic, we, under the law, can pay but $5 for the service.

Again, take the Republic of Uruguay, with its capital, Montevideo, having a population of 100,000. The commerce of this nation aggregating $50,000,000, her imports $26,000,00C. With this country we have no communication. She bought of cotton goods in 1884 $3,000,000 worth, but only $580,000 of us. She bought of England of iron and

steel $1,269,000 worth, and of the United States but $98,000 worth. By reason of lack of direct communication with the United States the merchants of Montevideo can make no order for goods with any certainty as to when the order will be filled, nor when the goods will be received. Europe is connected with countries of the Plate by a submarine telegraph.

The orders from this country are telegraphed across the sea, but a merchant desiring goods from the United States must wait from five to nine months. The South American Commission states in its report that a merchant at Montevideo ordered three hundred harvesters from the United States, which were readily sold. Subsequently he made another order of three hundred, but it was seven months before they were received. The harvest was over, and one merchant declares that an order was delayed one hundred and twenty-five days. The result is that they purchase only such goods of us as they can not buy elsewhere.

Permit me here to submit a table showing the imports in 1885 to this country from the four countries of England, France, Germany, and the United States. It is as follows:

| | United States. | England. | France. | Germany. |
|---|---|---|---|---|
| Alcohol | $57,209 | ..... | $4,005 | $76,899 |
| Beer | 142 | $175 | 285 | 58,376 |
| Gin | 10 | 584 | ..... | 14,287 |
| Olive oil | 75 | ..... | 13,200 | ..... |
| Rice | 373 | 1,559 | 2,127 | 176,383 |
| Sugar | 10,772 | 29,131 | 339,614 | 191,107 |
| Corn starch | 1,921 | 2,126 | 161 | ..... |
| Sweet biscuit | 265 | 16,975 | ..... | 668 |
| Lard | 29,051 | 18 | 390 | ..... |
| Hams | 48 | 7,252 | 51 | 342 |
| Butter | 372 | 945 | 2,052 | 5,568 |
| Codfish | 140 | 580 | 11 | 29,701 |
| Cheese | ..... | 3,829 | 1,035 | 3,738 |
| Tea | 348 | 47,852 | 31 | 853 |
| Cottons | 21,641 | 1,271,360 | 72,008 | 115,810 |
| Cassimere cloth | ..... | 165,765 | 79,026 | 48,073 |
| Woolen goods | ..... | 144,000 | 62,801 | 19,859 |
| Canvas | 7,601 | 11,060 | ..... | 348 |
| Cloth | ..... | 137,287 | 11,099 | 15,523 |
| Shoes | ..... | 15,130 | 34,536 | 10,616 |
| Cotton socks | ..... | 32,264 | 24,476 | 40,921 |
| Cotton handkerchiefs | ..... | 57,062 | 3,008 | 6,775 |
| Ready-made clothing | ..... | 7,169 | 14,072 | 3,774 |
| Wire (iron) | 40 | 469,920 | 104,320 | 244,549 |
| Agricultural and other machines | 22,156 | 46,154 | 8,138 | 2,896 |

I have thus endeavored to present in outline the importance of this trade, and in this connection permit me to say that the people of the Argentine Republic are exceedingly anxious that we should enter upon this legislation. The president of that republic, in a recent message to his congress, said:

> The interests of our country will be benefited by a more intimate contact with the great nations of North America, in whose markets we will be able to find industrial products, and where the Argentine Republic products may find easy and abundant sale.

And the president stated to the South American commission personally that he was authorized to say "that if the United States Government would grant a subsidy to assist such enterprise, his government would vote an equal amount, and he thought that $100,000 from each government would be sufficient."

In conclusion, permit me to say that I indulge the hope that this amendment will receive the approval of this House, backed as it is, not only by the intrinsic merit of the proposition, but by the recommendation of both the Postmaster-General and the President of the United States. The Postmaster-General, on page 30 of his last annual report, urges this matter upon the attention of Congress in the following language:

> Petitions, numerously signed by well-known and enterprising merchants and manufacturers of New York, Philadelphia, Baltimore, New Orleans, Saint Paul, Minneapolis, and other places, have been presented to the Department for the establishment of direct and regular mail communication with the Argentine Republic, the Republics of Uruguay and Paraguay, and for a semi-monthly service to the Empire of Brazil. These petitions represent that within a few years past the Argentine Republic has increased in population and wealth with greater proportionable rapidity than any other country on the globe; that our manufactures, particularly machinery and coarse cottons, are in demand there, but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines; that our direct monthly mail service to Brazil has increased our exports of manufactures to that Empire; and it may be confidently expected further advantageous results would follow the solicited enlargement of mail communication.
>
> No authority of law exists of which the Department can avail itself to meet this request. The statutes now give power to employ only such vessels as may be intending voyages to foreign ports in the course of their trade. It has been a constant study to secure by such means the greatest possible frequency and celerity of dispatch, and every opportunity afforded by the sailing of any vessel promising any such advantage has been promptly seized, so that, at the present time, the Department enjoys the best methods for the transportation of its mails to foreign ports which the existing establishments of lines of ships or the occasional sailings of vessels foreign-bound render possible. No gain in regularity, frequency, security, or speed can be attained unless other ships shall be put upon the seas by private adventure or by foreign powers, or other provision shall be made by the Congress.
>
> The particular application of these petitioners appears to me to be entitled to serious consideration. There is now direct mail communication between this country and no port south of Rio de Janeiro. To the latter the ships of the United States and Brazil Mail Steamship Company afford but one dispatch a month. To more northern ports of the Brazilian Empire somewhat greater frequency is attained by the occasional use of other vessels; but the sailings of these are not regular, and the gain by their employment is but moderate. It is not to be doubted that the extension of direct service to the southern republics of the continent and regular semi-monthly service to the Brazilian metropolis would be valuable and desirable, measured by the principles which should alone govern sound postal administration.
>
> This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner. The requisite expenditure would be for something worthy of expenditure, and within the general usage and the sound principles of the postal service. It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce. Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns, but undeniably to the great increase of the country's general welfare; and whenever the substantial need of intercourse by the mails arises provision for such communication is promptly made.
>
> These considerations suggest inquiry whether there be the need of such mail communication with the mentioned countries of the southern continent, whether that need be worthy of special effort to meet it, and whether it can be supplied at a cost justifiably adequate to the present and prospective value of the proposed intercourse. The determination of these inquiries rests with the Congress, and the Department is privileged, and by its information able, only to express the general opinion that such service would be highly useful and is fairly demanded by the interests of the country, and its early establishment should be attempted; and I respectfully suggest that you invite the attention of that body to the subject in such terms as shall commend it to careful consideration. *Should* the recommendation meet with favor in its general aspects, the Department might be authorized to solicit proposals as for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.
>
> There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view, their lack of manufacturing establishments of their own, the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens, as well as of creating firmer ties between the peoples of our continent, invite the extension and enlargement of our postal facilities by every just, reasonable, and economical method, in consonance with sound principles.

From this it will be observed that the Postmaster-General holds that the same reason which actuated Congress to relieve the service from Tampa to Havana from the unjust rule of sea and inland postage operates with greater force in the effort to establish service with the countries south of us.

The recommendation of the Postmaster-General was supplemented by the President of the United States in his message of last December, in the following terms:

> Petitions have, however, been presented to the Department by numerous merchants and manufacturers for the establishment of a direct service to the Argentine Republic and for semi-monthly dispatches to the Empire of Brazil; and the subject is commended to your consideration. It is an obvious duty to provide the means of postal communication which our commerce requires, and, with prudent forecast of results, the wise extension of it may lead to stimulating intercourse and become the harbinger of a profitable traffic, which will open new avenues for the disposition of the products of our industry. The circumstances of the countries at the far south of our continent are such as to invite our enterprise and afford the promise of sufficient advantages to justify an unusual effort to bring about the closer relations which greater freedom of communication would tend to establish.

This, gentlemen, is a great national matter. It is not a party question. It belongs to no party and to no section, but to all parties and to our whole country. We are one people, one in origin, one in purpose, one in destiny, and in the name of this triune spirit let us do all that in us lies to promote commercial intercourse with these great and growing republics south of us, and so assert and maintain our commercial supremacy on the seas of this hemisphere. [Applause.]

I reserve the balance of my time.

### ORDER OF BUSINESS.

At 3 o'clock the committee rose in pursuance of the special order; and the Speaker having resumed the chair, Mr. MCMILLIN, from the Committee of the Whole, reported that they had had under consideration the Post-Office appropriation bill with the Senate amendments, and had come to no resolution thereon.

Mr. O'NEILL, of Missouri. Mr. Speaker, I ask unanimous consent——

Mr. RANDALL. Regular order.

Mr. O'NEILL, of Missouri. I ask the gentleman to withdraw that demand for a moment.

Mr. RANDALL. I withdraw it.

Mr. O'NEILL, of Missouri. I now ask unanimous consent that we have a session to-morrow evening for the consideration of business reported from the Committee on Labor.

Mr. WARNER, of Ohio. Regular order.

The SPEAKER. The regular order is demanded, which cuts off all requests for unanimous consent. The Clerk will read the special order.

### DEATH OF SENATOR PIKE.

The Clerk read as follows:

*Resolved*, That Tuesday, February 22, 1887, at 3 o'clock p. m., be assigned for the consideration of resolutions relative to the late Austin F. Pike, late a Senator from the State of New Hampshire.

REMARKS OF MR. HAYNES.

Mr. HAYNES. Mr. Speaker, I call up the resolutions of the Senate transmitted to the House in relation to the late Senator Pike.

The SPEAKER. The resolutions will be reported.

The Clerk read as follows:

*Resolved*, That the Senate has learned with deep regret of the decease of Austin F. Pike, late a member of this body from the State of New Hampshire.

*Resolved*, That the business of the Senate be now suspended, that appropriate tribute may be paid to the high character and distinguished public services of the deceased Senator.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

*Resolved*, That, as an additional mark of respect, the Senate do now adjourn.

Mr. HAYNES. Mr. Speaker, I ask the consideration of the resolutions which I send to the desk.

The resolutions were read, as follows:

*Resolved*, That this House has heard with deep sorrow of the death of Austin F. Pike, late a Senator from the State of New Hampshire.

*Resolved*, That the business of the House be suspended, that appropriate honors may be paid to the memory of the deceased.

*Resolved*, That the Clerk of the House be directed to transmit to the family of the deceased a copy of these resolutions.

*Resolved*, That, as an additional mark of respect to the memory of the deceased this House do now adjourn.

Mr. HAYNES. Mr. Speaker, it is peculiarly appropriate that eulogies on Austin F. Pike, late a Senator from New Hampshire, should be spoken in this Hall, where he once held a seat as a member of this body. There are but few here who were his associates as members of the House. They will remember him as one who while rarely taking part in debate and wordy controversy, still left his impress as being of superior mental mold, intellectual culture, and strength of character. He was not of those who in the current interpretation of the phrase of the day are "popular idols."

There was in his mien and bearing a natural reserve that forbade easy familiarity upon short acquaintance. Not that he was unapproachable even to the humblest who might seek him, but even with his intimates there was an understanding that he was a busy man, with whom the time for useless words and social compliments should be carefully chosen. With a heart warm as the sunshine to his friends, ever ready with kindly words and assistance, even impulsive in his desire to serve those he liked, still he had none of the outward manifestations of a "hale-fellow-well-met," and for this reason was misunderstood in his social character and feelings by many of the people of his native State.

No man was honored in a greater degree with the respect due to the highest personal integrity; but few held in equal estimation for superior talents; but his natural reserve tended to the close intimacy only of those of his own choice, and the genial side of his character will never be fully appreciated except by a comparatively limited circle.

It was in the line of his profession that he achieved his greatest distinction. He fairly won title to a position in the front rank of the New Hampshire bar, in a State which has contributed to the law many of its brightest ornaments. I do not feel competent to undertake a close analysis of the special traits of mind and character which made him famous as a lawyer.

He was a close student; his industry was proverbial; it seemed as if he never tired and never rested; and he possessed a professional pride which assured the most faithful work in any cause in which he might be enlisted, for the sake of his own professional reputation as well as for the success of his client. I have thought, too, that his early and intimate association with Webster and other master minds of the last generation may have had much to do with training his powers in a direction which led to subsequent distinction.

It was, I think, his average strength rather than brilliancy in any special direction which made him a leading figure in the courts of his State. Others were his superiors in glittering rhetoric. Many had greater art to please the ear with finely worded phrases and gracefully rounded periods. In presenting his case to a jury he never got down among its members with that air of deep privat econfidence and personal intimacy which many advocates assume so effectively.

He plead his cause to twelve men as though he were talking to twelve thousand, not with rapid utterance as when thoughts are crowding for expression, but deliberately, sometimes even hesitatingly, but with great self-possession, and rarely uniting the salient points of his argument with wordy bridges of glittering generalities. His arguments were arguments in fact. There was no waste timber in them. He was not prone to address himself to the emotional side of human nature. I doubt if juries ever wept over efforts of his to depict the woes of "my unfortunate client." And yet his rule of careful preparation, his studiously acquired knowledge of law and of precedent, and the directness of his methods made him a foeman worthy of the best steel, whether before the untrained petit jury or the bench of learned law judges.

Senator Pike had none of that milk-and-water weakness which would have deemed it an offense to call him a politician. From the organization of the Republican party he was one of its most devoted adherents and trusted leaders. But he had little of the faculty of finesse or taste for management of details in political movements. His was not a familiar face at party headquarters, even in the most heated campaigns. But when, as in the famous counting-out of State senators in 1876, weighty questions of constitutional law and construction were in issue, he was a tower of strength to his party associates. His services as a partisan were in the direction of his special training as an advocate of principles and measures rather than a planner and director of campaigns. He was a cabinet officer rather than a general in the party organization.

He was by no means insensible to or careless of political preferment; but he was devoted to his profession, and in its practice he found a more congenial sphere than in the race for official position. Prior to his election to the United States Senate he had been the presiding officer in either branch of the New Hampshire Legislature, and had represented the second district in the Forty-third Congress. To the performance of his official duties he brought the indomitable industry characteristic of the man.

As chairman of the Senate Committee on Claims, I have heard it remarked he gave to every case intrusted to him the careful study and critical examination which mark the highest legal training and experience. He had no slipshod or superficial methods. His close application to his official duties in the earlier part of the present Congress was a matter of grave concern to his friends. It had then become almost certain in their minds that his life hung suspended by a thread, and that prudence dictated rest and cessation from his arduous labors.

It is more than probable that he too appreciated his danger, notwithstanding that at times he expressed his disbelief in the diagnosis made by physicians, the correctness of which was soon to be so sadly confirmed. I know, and others know, how bravely he looked death in the face, and it was not until the first session of the present Congress was well advanced that he could be persuaded to leave his duties here and seek in the quiet of his home the rest his condition so imperatively demanded.

But even then he could not wholly abandon his habits of industry. The last time I saw him in life was in the city of Portsmouth, whither, accompanied by his devoted wife, he had come upon professional business; and my heart warms toward his memory when I recall his hearty greeting, his generous interest in my own personal affairs, and his impulsive proffers of service and assistance. He was in the most perfect apparent health, and in buoyant spirits, and yet but a few short weeks elapsed ere the tidings came, startling but not unexpected, that he had fallen in his tracks as he stood, stricken down with a suddenness which permitted not even a parting word, only a momentary glance, and a slight gesture of the hand, which told in that swift passing his realization that the great change had come.

In my pride of section I would point to Austin F. Pike as a grand type of the native New Englander. Born in the shadows of our rugged granite hills, without special advantages or opportunities, by his own efforts and force of character he rose to fame and distinction. Starting on his career in modest circumstances and with modest surroundings, he acquired by honest methods and the exercise of thrift and industry a handsome competency for his family. His domestic relations were pleasant, his domestic life beautiful in the affection of wife and children.

The rugged strength of Puritan ancestry was transmitted in finer strain in unswerving adherence to his convictions of right and duty. But while thus firm, he was broad and catholic in his views, and in his nature appeared not a taint of narrowness or bigotry. He was honest, he was faithful, he was true in every relation.

To the coming generations may well be cited as an example for emulation the honored son of New Hampshire, whe rests in dreamless sleep amid the scenes he loved so well in life, by that spot of surpassing natural loveliness where the Pemigewassett from the mountains and the Winnepesaukee from the lakes join in the meeting of the waters.

REMARKS OF MR. LONG.

Mr. LONG. I do not rise, Mr. Speaker, to enlarge upon Senator Pike's political or professional career. That matter is sufficiently touched by those more familiar with it. In that respect it is enough from me that his life was, as has been portrayed, one of faithful service and perfect integrity, and that honors were never paid to a man of more genuine worth or honest record.

I rise rather because during his senatorial residence in Washington we lived under the same roof. Almost daily I saw him, and was in converse with him, and I came to know something of the deeper inspirations and treasures of his life. To the world at large our lives here are lives of official routine. But to ourselves, as the days go by, bringing us closer together, familiarizing us with each other's faces, with the grasp of each other's hands, and with the sound of each other's voices, suddenly it comes that we are no longer perfunctory associates, but friends and companions. There is in each indeed the conventional discharge of his duty, but beneath that and far more impressive on our consciousness is the recognition of qualities that mark not so much the statesman as the man—the characteristics of the individual. Out of the unrelieved mass of the representative population which we face when we enter here there steadily emerges on us in clearer outline, each day we stay, traits of individual character, personalities of indi-

vidual men, the opening of the treasures of the individual human heart, and the expression of those affections, tastes, ambitions, devotions, purposes, or ideals which make each one of us a distinct individuality, yet subtly intimate with every other. And when one goes from us, say what you will, recite never so eloquently the story of his public achievement, the one sincere chord that thrills in the breasts of those who remain is that of the regard he had won in their hearts. And the measure of that regard is the measure of the response to his memory.

In this respect I recall Senator Pike with a reverent tenderness I can not express. From the time we both entered the Forty-eighth Congress I recall meeting, almost daily each session, a sweet, grave, benignant face—more like the picture of Rufus Choate, a graduate of the same granite State, prolific of great men, than any other that occurs to me. I recall a gentle, almost pathetic smile, significant of the sweet and gentle spirit from which it sprang—a man ripe in years, delicate in health, yet suggestive of something of a certain rugged New England plainness, intent on duty, going about his work in the simplest and most exemplary way, and absolutely free from all entanglements of selfish strategic maneuver. He had not been long enough in the Senate to take, if ever he would have taken, foremost part in its greater questions and debates. But there was the most diligent, painstaking, careful, and thorough attention to the details of the cumulative work which the chairmanship of his laborious committee threw upon him. To this work he brought not only patience and assiduity, but a sound judgment, an intelligent comprehension, and the trained mind of a good lawyer and a wise man. Of such a character it may seem a little thing in the way of eulogy, but to me who was near him it is a very grateful thing to recall the simple genuineness of the man's nature—even the kind tones of his voice, his encouraging interest in younger men, and the gracious words to children, which, together with a certain benignity in his face, drew them to him. It is a grateful thing to remember that among all who came into companionship with him, there was an unspoken but unquestioned recognition of him as a true man, an honest man, a good man, with all that those fundamental terms mean; that to all who came to him in his official relation, no matter how humble the applicant or small the petition, there was a genuine response; and that if one may touch the sacred altar of the domestic circle, he was its very benediction!

By reason of an affection of the heart his life was continually trembling in the most sensitive balance. And if I dwell on these personal traits, it is because he seemed to me to be conscious all this time that the angel of death walked at his side, ready at any moment to take his hand and lead him away; and that with that consciousness there came to him not only the brave spirit of resignation, but the braver spirit of doing his duty to the last, to the last letting only sunshine radiate from his face, only helpfulness from his hand. When our friends die we say God rest their souls. But God rested his while he yet lived in the very face of death. No soldier ever faced it in the sudden and soon-over flash of battle more heroically than did he with a serenity that was proof against its more appalling because constant and silent close impendence.

It was the fitness of poetic justice that, not here in Washington, but in his own New Hampshire home death claimed him—amid the incomparable beauty and glory of the New Hampshire autumn sunshine—in the open air of that paradise of mountain and forest and lake and farm and field to which every New Hampshire heart is loyal, and on the acres won and cultivated by his own hand. There, as peacefully as his own blameless life had run, as serenely as his kind face beamed, came the end. The angel, who is even tenderer and gentler than her sister Sleep, had indeed walked at his side so long that he recognized her as the blessed angel of man's succor and peace. She had waited till their walk that bright day over the pleasant fields and under the blue sky gave the opportunity happiest for her and for him. Then she gathered her arms about him. His head fell upon her shoulder even as he went. And lo! he was at rest in the mansions of his Father's house.

REMARKS OF MR. HOLMAN.

Mr. HOLMAN. Mr. Speaker, gentlemen who enjoyed an extended acquaintance with Senator Pike have spoken in appropriate terms of his public services and personal worth. I can only speak of Senator Pike from a limited acquaintance; but limited as it was it so impressed me with his excellent qualities of head and heart that I was deeply grieved at the announcement of his death.

My acquaintance with Senator Pike was very slight during his service in this House in the Forty-third Congress, but I became better acquainted with him after he came to the Senate and met him daily for many months.

Senator Pike did not seem to me to be specially wedded to public life or devoted to politics; but he was a gentleman of positive convictions, tenacious of his opinions, and well informed in the public affairs of our country and the current intelligence of the age. He impressed me as being more a lawyer than a politician, more devoted to the science of law than to the wider field of statesmanship. I observed that he uniformly took a judicial view of public measures, respected usage and precedent, and was little controlled by the demands of expediency. He loved his own section of the Union, was proud of his native State and the grand historic events associated with its mountains and valleys, and yet he took a broad and comprehensive view of the duties of a Senator of the United States.

But I was especially impressed with the moral qualities he displayed. He was a conscientious and honest man, a lover of justice and truth. He was a pleasant, unassuming gentleman, as considerate and approachable, I am sure, when here as a Senator, as little affected by official dignity, as when at home among his old friends in the Granite State. He listened patiently to the stories of disappointment and grief so often poured into the ears of Senators and Members of this House by the unfortunate, who, hoping against hope, urge year after year real or imaginary claims against the Government or struggle to obtain or retain places in the great Departments. They touched his sympathies and often secured his best efforts for relief. He was a kind, considerate, merciful gentleman who did not forget in his exalted station as Senator the right of the poor and unfortunate to a hearing and to justice and relief.

Senator Pike did not strike me as a gentleman specially adapted to, or in love with, public life, and yet he devoted himself with unusual fidelity to his public duties. He had qualities that made him eminently respectable as a Senator; the unassuming dignity, the love of justice, the high sense of public duty which recognized the claims of the friendless and unfortunate as equally entitled to just consideration as the great demands of the powerful, which distinguished Senator Pike, were qualities of which any State might well be proud in her Senators, and yet, while Senator Pike filled well his place in the Senate and performed the duties of that high position with fidelity, it seemed to me that in his domestic and social relations he found his chief enjoyment. He loved his friends, and he was devoted to his excellent wife and affectionate children.

It became apparent to his friends during the last session of Congress that he was suffering from a fatal disease; that his life was ebbing slowly but surely away. I think he was fully conscious of the fact, but while his strength permitted he continued in the cheerful performance of his Senatorial duties. As his strength failed he longed for the accustomed scenes of his native State and the sight of his home and the voices of the friends of his youth, and with his devoted wife and daughter he left this capital in the midst of his career as Senator, left it never to return. The State of New Hampshire has lost a faithful servant, the nation a just and upright Senator. A good man is dead. Peace to his ashes, a tear to his memory.

REMARKS OF MR. GALLINGER.

Mr. GALLINGER. Mr. Speaker, death is a necessary and inevitable condition of life, and before its mandate all classes and conditions of men must bow; yet, strange as it may seem, no one is ever fully prepared for the summons. "Life is sweet," and life's duties and cares so engross the mind as to keep it unprepared for the great change that sooner or later comes to every human soul. Surrounded by loved ones, in the enjoyment of home and of the tender associations that have grown around him through a lifetime of struggle and toil, what wonder is it that the man of mature years still wants to live to enjoy the fruits of his labors. And yet death comes as "the liberator of him whom freedom can not release, the physician of him whom medicine can not cure, and the comforter of him whom time can not console." Or, as Swift expresses it, "It is impossible that anything so natural, so necessary, and so universal as death should ever have been designed by Providence as an evil to mankind."

And as death is universal, so, too, is sorrow. When our own homes are invaded and our own hearts desolated—when death comes to us like "the flight of some poor bird across some dark cliff, over some narrow valley, for a while sunlight falls on its wings, a moment more and all is dark again"—we are apt to feel that our grief is exceptional and our sorrow greater than that of others. But it is not so. In the beautiful poem, "The Light of Asia," it is told that the good Lord Buddha was wandering on the earth, helping the poor and sorrowful as our blessed Lord used to do, when he met a fair young mother with her little dead baby in her arms. And she could not believe her baby dead, and begged the holy man to give her or tell her where she could find some remedy to bring the light to his eyes and the color to his cheeks. Buddha lifted the cloth tenderly from the little face, saw that the baby was indeed dead, and then said to the mother: "Go into the town yonder with this little cup and fill it with mustard seed, but the seed must only come from houses in which no one has died." And she went eagerly away, only to return at sundown with an empty cup. All had been willing to give, but all had lost some friend. Then Lord Buddha said:

This is the only balm I had to give thee. Yesterday thy baby slept dead upon thy breast; to-day thou knowest that the whole world grieves with thee; perchance the knowledge of this universal suffering may make thy sorrow less.

And, while it did not take away the dull ache, it did cause her heart to turn lovingly and helpfully towards the sad and suffering, and in soothing their grief her own grew less.

Lord Buddha's lesson of universal sorrow and universal sympathy is what I would bring to the hearts of those who mourn the loss of him whose memory we would embalm in words of fitting eulogy to-day.

Austin Franklin Pike was born in Hebron, N. H., October 16, 1819. He was one of New Hampshire's ablest and best men. From very humble beginnings, and with a comparatively limited education, by indomitable energy and remarkable industry he worked his way up to the very head of his profession, and to membership in the highest legislative body in the world.

He was the son of a farmer, and at the age of fifteen had only the limited means of knowledge that the district school afforded. Then he attended a year each at the academies at Plymouth, N. H., and Newbury, Vt., boarding himself because of his scanty means, his limited expenses being met by the proceeds of teaching during the vacation periods. He often spoke of his early struggles for an education, saying that his parents could only give him his time and clothes, but that he always had their hearty good wishes, and their kind and loving encouragement. After leaving school Mr. Pike entered the law office of Hon. George W. Nesmith, in the town of Franklin, where he ever afterward resided.

Judge Nesmith is a man of remarkable integrity and accomplishments, and under his direction the young student made rapid progress in his studies. Franklin is but 2 miles from the place where Daniel Webster was born, and but 3 miles from the farm this noted man owned and occupied during a considerable part of his eventful public career. Judge Nesmith and Mr. Webster were devoted friends, and through a long period of years Mr. Pike came in frequent contact with Mr. Webster, for whom he had a great admiration, and he enjoyed nothing better than to relate incidents in the life of this illustrious statesman.

At the age of twenty-six Mr. Pike was admitted to the bar, and soon gained prominence and distinction in his profession, being regarded as a safe counselor and a remarkably strong and able advocate. As my colleague has said, he was not a brilliant man, but he was diligent and conscientious in his work, and always true to his client. While not possessed of great oratorical gifts, he had a sturdy strength and force of expression that carried conviction to those who listened to his well chosen words, and he soon became known as one of the most successful lawyers of the State, a reputation he held until the day of his death.

Mr. Pike became interested in political affairs in early life. In the years 1850, 1851, and 1852 he was elected to the State Legislature, where he was recognized as a strong debater and leading member. In 1857 and 1858 he was a member of the State Senate, being president of that body the latter year. He was again elected to the State Legislature in 1865 and re-elected the next year, serving with great ability as speaker both those years. In 1858, 1859, and 1860 he was chairman of the Republican State committee, and in the latter year was a delegate to the Republican National Convention at Philadelphia which put in nomination General John C. Frémont, to whom the electoral vote of New Hampshire was given in that memorable contest. Mr. Pike was an earnest and uncompromising Republican, but singularly free from partisan bitterness or political prejudice.

Mr. Pike represented the second Congressional district of New Hampshire in the Forty-third Congress, and although suffering from illness much of the time he made a record for intelligent and faithful service, and was recognized by his colleagues as a man of marked ability and rare legal attainments. From the close of that Congress until 1883 he attended to his professional work, but in that year, after a political struggle unparalleled in the history of the State, he was elected to the United States Senate for a term that will expire March 4, 1889. It soon became evident to Mr. Pike's friends that he was in declining health, and when it was known that he had angina pectoris little hope was entertained of his recovery.

In May last he came from the Senate Chamber to the House, and, seated at my side, with a pathos and tenderness that will never be forgotten, said that he was going to his New Hampshire home, where he hoped, from the invigorating air and out-door exercise, to gain renewed strength and energy. With a slow and measured step he left the House, and on the next day he started for his home, never to return to the Senate. The appropriate words of eulogy that were spoken there one week ago eloquently testify to the hold he had gained upon the respect and confidence of his Senatorial associates.

In every position to which Mr. Pike was called he acquitted himself with great distinction. His profound knowledge of law and habits of industrious research made him an exceedingly valuable man for the public service. His clear and analytical mind, and conscientious desire to act justly toward all, peculiarly qualified him for the chairmanship of the Committee on Claims, which he held in the Senate, and which he filled with rare ability. It has been said of him that he brought to the consideration of claims before his committee the same degree of earnestness and the same careful research that he would have employed had it been an important case to be tried before a jury.

Even when he was suffering extreme pain he would go to his committee-room and patiently examine claims, sifting the evidence and applying to each case the strong tests of his judicial mind. The amount of work he performed during the winter of 1886 was really marvelous, much of which must have been done during hours of physical suffering and mental anxiety.

The domestic life of Mr. Pike was more than ordinarily happy. He was twice married, his second wife and three children surviving him. His home was a beautiful one, where his friends always received a cordial welcome, and where many public men shared his hospitality. He was happy in his home, devoted to his family, and true to his friends. Those who were nearest and dearest to him may well say:

> The dusky strand of death, inwoven here
> With dear love's tie, makes love itself more dear.

On the 8th day of October last Mr. Pike went a short distance from his home to show to an intended purchaser a piece of land he owned. On that very day I inquired of his son-in-law and business partner the condition of the Senator's health, and the reply was, "He is much better, and is thinking of trying a case in court soon." At that very moment Senator Pike was dead! Reaching the field, and raising his hand to point out its limits, he passed the boundaries of time, and entered the limitless realms of another world. His death was instantaneous. In the twinkling of an eye life's anxieties and duties were forever laid aside, and the gates of eternity opened to receive his spirit.

> Low was the message that called him away,
> Swift as the thought of a child in its play,
> And in the grandeur of silence he lay,
> Dropped dead!
>
> What did he whisper, O poet, to thee?
> Joys of an infinite glory to be,
> Dreams of a soul by the shadowless sea,
> Dropped dead!

Mr. Speaker, for the twelfth time in the life of this Congress we have paused from the business of legislation to speak words of loving appreciation of our dead associates. The Vice-President of the United States, three Senators, and eight Representatives have passed away since the beginning of the Forty-ninth Congress. The list is an unusually long one, and serves to call our thoughts vividly to the uncertainty of life, the certainty of death, and the great question of immortality. They were all good and true men, and loving friends and associates have told, in fitting words, the story of their fidelity and worth. Among them all no man possessed a larger measure of unostentatious goodness and genuine graciousness than he in whose memory our words are spoken to-day.

In this winter time of the North the grave of Austin F. Pike is covered with a thick mantle of snow, but soon the balmy days will come and the beautiful spring flowers will blossom over it—the anemone and the violet—shedding their fragrance on the air. In the hearts of the bereaved ones in the home he so recently left is the cold chill of poignant grief; but in the reunion in a better world will be compensation for the sorrow and the tears that death inevitably brings. They have to-day consolation in the thought that the life-work of him whom they mourn was made up of noble endeavor, honest effort, and conscientious fulfillment, and that among his associates in the Senate he is remembered as a man of ability, industry, integrity, and spotless life.

New Hampshire will greatly miss him, but his memory will be enshrined in the hearts of her people, and his fame be added to that of the galaxy of great names that adorn her history, and in the years to come the faithful service he rendered his State and the nation will be regarded as the most precious legacy that he could possibly have left behind him.

The form and face of Austin F. Pike we shall see no more. His soft and plaintive voice is forever hushed. His anxieties and ambitions are alike over, and his busy life is exchanged for repose and rest. But it must not be forgotten that—

> There is no death;
> The stars go down to shine on a fairer shore,
> And bright in heaven's jeweled crown they shine forever more.

When life has been truly lived; when we can look upon the grave of a dead friend and feel that the years he spent on earth were not in vain; when we know that to him "Life, death, and that vast forever is a grand, sweet song," it helps to lift us out of the rut of our own weakness, and to enable us to say, "So teach us to number our days that we may apply our hearts unto wisdom." And happy will it be for us all if when the dread summons comes we can meet the great change with the same calmness and uncomplaining gentleness that marked the last days of the dead Senator.

REMARKS OF MR. BROWN, OF PENNSYLVANIA.

Mr. BROWN, of Pennsylvania. Mr. Speaker, I believe there will be a general agreement by all who speak to-day of the character of Austin F. Pike that he was a man who felt profound concern for the Republic. There was that anxiety and that purpose written in his face which told the world that he was desirous of serving his constituency for their good and for the good of the whole people. My acquaintance with Mr. Pike began when I first came to the Congress in 1883, and I became at once better acquainted with him than with any other New England Senator. I soon felt that I might approach him with greater ease and confidence than any other Senator with whom I had business relations or friendly intercourse.

The story of Senator Pike is one that has been a thousand times told in the history of successful men in this country. He was the son of

a farmer, reared in New England and among the hills of New Hampshire, where a struggle was then required to make a start in the world. His father was poor, and all the children were taught to labor. Among those in this frugal family who became ambitious to make himself felt in society and in the community was young Austin. He early manifested a desire to obtain an education, and he was not only willing to be sent to school, but he was willing to pay his own way while he was in school. That is a good indication in any boy. I have yet to note the career of a boy who grew up with an earnest desire to improve his mind who did not, if he possessed moral worth, in after life make himself felt wherever he went. It is the boy who goes grudgingly to school, or the boy who is unwilling to sacrifice for what he may acquire in school, who is quite likely to fall out by the way when he enters upon the real conflict of life.

Austin F. Pike was blessed with the noble ambition of which I have spoken. Like many a farmer's boy, when he first entered a courtroom he was fascinated, and he early resolved to make the law his profession. Having once settled upon a course, he held to his resolution with unwavering determination all through life. Whatever he did in the way of politics, or in any other field outside of his chosen profession, was merely incidental and a surrender of his own to the people's will. The law was his calling, his business, to the end of his life, and, as a matter of course, he was successful.

Success in the law, as in any other vocation, depends more upon the vigilance, the energy, and the determination of the man than on intellectual endowments. To become a good lawyer demands work—hard, continuous drudgery, and that is what Austin F. Pike did throughout his career. But I knew him less as a lawyer than as a man. It was my good fortune to know him in his home life, as we learn of each other here in Washington. That knowledge of him left in my mind the impressions so aptly described by the gentleman from Massachusetts [Mr. LONG], and when that gentleman had described the characteristics of the dead Senator, as developed among those he met in social and familiar intercourse, I felt that he had said exactly what I desired myself to say.

I, too, had observed that kindly expression in his eyes and in his whole bearing which invites approach and confidence. It was this that drew me toward him at once, and soon I felt proud that I was permitted, as I believe I was, to number myself among his friends. It seemed to me that Senator Pike always felt much more concern as to how he should live than as to how or when he should die, though he must have known and felt that death was very near. The anxiety that clouded the brow of his beloved wife in this regard never appeared in the face of Austin F. Pike. He was concerned only in acting well the present hour. He was concerned for the fortunes of the Republic, and I think I never knew a man who manifested greater anxiety that our legislation here should be to the credit of the Congress and for the weal of the State.

Whatever may be said of others, we know it is true of Senator Pike that he was here with an honest and high purpose to do his duty to the constituency he immediately represented, and at the same time to enhance the glory of the whole country.

Because he had honorable ambition in his boyhood, because out of his early struggles he compelled success, because he was true to his calling and faithful to its obligations, because he served his country with sincere devotion to her interests, and because of his kindly nature, generous heart, and Christian manhood I shall hold sacred the memory of Austin F. Pike.

REMARKS OF MR. ALLEN, OF MASSACHUSETTS.

Mr. ALLEN, of Massachusetts. I should feel guilty of a lack of respect to the memory of an old friend of my father were I to neglect this opportunity of saying a few words, to express, in a poor way, I am sure, the great respect in which Senator Austin F. Pike was held by all who came in contact with him, either in his professional life or in his official capacity. So close have always been the relations between our New England States, from those stirring days when the foundations of our great Republic were being laid, when the men of those States stood shoulder to shoulder in the great struggle for human rights and legal representation, down through the varying fortunes of the nation, the boundary lines have been purely imaginary, and the most conspicuous men have been regarded as New Englanders more than as representing any particular State. So it is that Senator Pike was widely known in certain parts of Massachusetts, and wherever known his conspicuous qualities brought respect and esteem.

The barren soil, the cold fogs and east winds, the short and uncertain seasons of the somewhat inhospitable New England climate, while they seem at times to nourish a somewhat frosty and forbidding exterior, yet they have done much to build up a sturdy independence and undying love of country, of respect for laws and obedience to authority, and from nowhere, more that those beautiful blue hills and rugged mountains of New Hampshire have sprung a race of men whose devotion to principle, whose love of justice, whose unyielding allegiance to their country, has done so much to lay strong and deep the foundations upon which our most enduring structures of civil liberty have been reared.

Of such a race was Senator Pike; reared to habits of industry, thrift, and prudence; with wonderful activity and perseverence; denied most of the aids now deemed essential, he boldly carved for himself, and by his own efforts, a name and a fame which will long be cherished and respected not alone in the State to which he belonged, but by the nation as well, to whose welfare his last and ripest years were given.

He brought to his official duties in Washington a wonderfully well-equipped mind, stored with a rich and varied scholarship, disciplined by years of constant active work, worn smooth by attrition with the great minds which shine in the list of men who have made the bar of New Hampshire a wonderful record of historic names. Possessing a fund of common sense and sound judgment which stood him in good stead in dealing with the deversified questions upon which he was continually called upon to pass, his reports and arguments, and his official papers, as they appear from time to time, all bear witness of hard work and earnest thought, ripe scholarship, and a profound and exhaustive knowledge of the subject he had in hand. With all these intellectual qualities, he had, in addition, a simple sincerity of purpose, and an honest effort to do just what was best for his country. Bounded by no narrow or partisan purposes, his decisions came to command the confidence of all.

In his firm convictions, his devotion to his work, his heroic belief in the present greatness and the grand future of his country, in his unyielding devotion to the true principles of civil government, his life seems to have been a "light to the feet" indeed, in these often-time days of groping and feeling about in the uncertain ways of doubtful legislation. He reminds one of that family of patriots of old, who once having set their faces to the sun, found no duty too severe, no hardship too great to bear, which should turn them aside in the least degree from the line of progress they had marked out, and which was to lead to the building up on this continent the free Republic which we today enjoy.

To him public office brought great responsibilities and duties, yet he never shirked them. The business of national legislation was but the town meeting exemplified in its widest application. Such men are rare in this or any land, and with his generation are passing away a race of men who by their example of industry and perseverance, their rising to success over obstacles apparently insurmountable, have served and will continue to serve as an example and inspiration to us all. We do well to-day to turn aside from the bustle and activity of this life of great earnestness to contemplate as we pass along this figure of an honest and upright man. With his simple manners and intense earnestness he could not fail to impress all with his sincere purpose to serve his State and his country to the best of his ability. New Hampshire has many names upon her historic roll which shine with great brilliancy, but among them all none shall be found written in firmer characters or shining with a steadier light than the name of her late Senator, Austin F. Pike.

We speak of him as gone, but where? After all, how great are the limitations of human knowledge. We mourn the dead when we should rejoice; in our selfishness our own loneliness bids us mourn our own loss, while we forget the gain.

How little we know. We stand on the bridge at moonlight and watch the beautiful glimmer of the water, when suddenly from out the shadow skims a boat; we catch the sheen of the light on the oars as they rise and fall; for a brief moment the boat moves across the moon-lit path and is gone beyond our sight into the shadow on the other side, yet if we listen intently we still think we hear the measured beat of the oars. The boat has gone from our vision; yet we know it is speeding its onward way. We recline at length, on some sun-lit summer day and watch the fleecy clouds chase each other across the blue sky; we see a bird fly from the woods on yonder side and with joyous note speed its flight over our head.

We see it only long enough to catch the color of its plumage, to hear its song, and it is gone from our sight into the cover beyond, yet we know, though we see it not, that it is winging its way to its home beyond. So it is with those we love. They are with us a day, to bless us with their sunshine and their song, and are gone, yet perhaps sometimes we can catch the music of celestial notes which remind us of the lingering harmony of their lives, and we know they have not been given us for naught.

Rather let us think of them not as lost, as ended, but just as the early morning star, twinkling and sparkling in wonderful brilliancy, charms and delights us; yet as we watch in wonder the first flush in the east of coming dawn causes its brilliancy to fade and fade away, until it disappears from sight in the glorious beauty of the rising sun. So it is with these noble characters. They are not gone when we lose sight of them, but like the morning star, though lost to our sight, yet in their beauty and usefulneas they are glittering and sparkling to delight and make bright the darkness elsewhere.

When Senator Pike passed away the nation suffered a great loss. But if we profit by the life he lived and the example he bequeathed us we shall all be better and stronger men. And now his body rests in that beautiful town in New Hampshire by the Falls of the Pemigewassett, whose eternal music shall sing the song of rest and quiet. About his tomb arise the mountains he loved so much and whose cool

breezes soothed and comforted him—mute monitors, in their bold and rugged beauty, to the character he represented. And when about those hills the evening sun shall cast its wondrous shadows lingering about them, so shall the soft memory of his virtues linger like these twilight hues.

Mark the perfect man and behold the upright, for the end of that man is peace.

REMARKS OF MR. DINGLEY.

Mr. DINGLEY. Mr. Speaker, I had no personal acquaintance with Mr. Pike until he took his seat in the Senate as Senator from New Hampshire. From that time, however, circumstances brought me much in association with him, and the longer I knew him the more highly I esteemed him.

Senator Pike's position as chairman of the Claims Committee of the Senate, before whom I was called upon to appear in several cases, gave me an opportunity to appreciate his practical ability, industry, good common sense, and fitness as a legislator. I am sure that if his failing health had not compelled him to avoid as far as possible the excitement of parliamentary labors he would have taken a very prominent position in the Senate. But even with the drawback of ill health he impressed himself on his colleagues in the Senate as a legislator of great merit.

For the last two years of Senator Pike's service in the Senate I lived under the same roof with him in this city, and came to know him intimately. His fine social qualities, his charming frankness, his kindness, his elevated principles, and his solid and substantial character made him respected and loved. He was a type of that strong New England character which has impressed itself on the nation and so largely molded our institutions.

If it be true, as I have no doubt it is, that the physical features of a country have a large influence in shaping and determining the character of its people, then I can understand how it has happened that New Hampshire has given to the nation so many men of the strong, sterling character of Senator Pike. On my way to and from Old Dartmouth, my *alma mater*, I have often paused to admire the grandeur and beauty of the natural scenery opened to view from a point in the town of Franklin, where Mr. Pike resided, and in the neighborhood of which was born and reared the greatest statesman which this country ever produced—the great expounder of the Constitution, Daniel Webster. In one of his speeches Webster has eloquently described the grandeur of mountain and the beauty of intervale and river; but even the matchless rhetoric of that unrivaled master of language fails to do justice to the scene. No wonder that such physical surroundings have molded men of strong character.

In the last few months of Senator Pike's life—perhaps before—he came to realize that the heart disease which was preying upon him was soon to bring to an end this mortal life. On one occasion he intimated to me that he knew that he was approaching the end, and that death might come suddenly and unannounced. He seemed to live in the conviction that every day might be his last. But although realizing that he was facing death every hour, he did not seem to lose any of his accustomed cheerfulness. The abiding faith which he possessed that this life is only the vestibule of a life beyond—that all that is real and valuable, the soul, is immortal—seemed to sustain and support him day by day. To him the lines of America's greatest poet seemed but a faint embodiment of the grand truth proclaimed by the Gospel:

> There is no Death! What seems so is transition;
> This life of mortal breath
> Is but a suburb of the life elysian,
> Whose portal we call Death.

Some would-be wise men—but oh! how weak—tell us that there is only a foolish myth in the faith which looks forward to a life beyond this which will never end; only an idle dream in the faith taught us from the Book of Books on our mother's knee, that our loved ones who have passed away are not gone from us forever, but that when our life-work is done we may meet them on "the other shore."

But even if only a "myth" or "dream," I pray that no one may take away from me the comfort and solace which come from such a faith, unless he can give something better. But the Senator whose memory we honor to-day and millions of others who "have joined the redeemed" knew in Whom they trusted; and the faith on which they so confidently leaned in life, I doubt not, has been realized beyond conception.

And now I add my garland to the wreath which we would twine in memory of him in whose honor we have turned aside. Honored Senator, faithful public servant, useful citizen, beloved husband and father—farewell!

REMARKS OF MR. CUTCHEON.

Mr. CUTCHEON. Mr. Speaker, once more we stand in the presence of the great mystery of mysteries.

Death is the great mystery only because life is the greatest mystery of all.

Life is the one great substantial thing; death, as we call it, is but the shadow. Life is activity, stir, worry, noise. Death comes and brings a pause, surcease from activity, quiet, silence.

I have stood in the midst of a New Hampshire manufacturing town, with its mile-long factories, and listened to the roar of its vast machinery, the clash-clash of its thousand looms and the whirr of its million spindles. The day is verging to its close; the black columns of smoke roll up from the towering chimneys; the lights flash out from hundreds of windows; busy hands ply warp and woof and web, and restless feet fly hither and thither amidst the constant and unceasing roar.

Such, I said, is life!

It is full of rush and roar and clash and hurrying feet and flashing lights, and the web of life is rolled up from day to day, and laid away.

But after a while there comes a sudden subsidence; the roar runs down through a minor cadence, and, with a moan, dies out. The clash of the thousand looms and the whirr of the million spindles cease; one by one the lights go out in the many rooms, and, with a shiver, the great mill stands still—dead.

Such is death. The machinery stops; the pulsation of the engine ceases; the lights are out; the windows are darkened. It is the resting of the brain, the folding of the hands, the stilling of the voice. It is the one, great, universal fact—the correlative of life.

The path of life may wind hither and thither, sometimes in the quiet of the valleys, "in the green pastures and beside the still waters;" sometimes over the storm-swept mountain heights, where tempests have beaten, and frosts have seared, and lightnings have scarred. Sometimes by the quiet homestead on the hillside, and sometimes through camps, and courts, and palace halls; but, wherever the path may wind throughout its progress, it has but one ending—it comes at last to the door of a sepulcher.

One week ago we paused in our public duties to lay our garlands upon the tomb of Logan, the intrepid soldier, the impetuous orator, the fearless statesman, the honored Senator. To-day we linger for an hour to pay a willing tribute to one who was in all things his contrast. As Logan was the type of the new, strong, impulsive, ambitious West, so Senator Pike was a good substantial type of the older, staider, and more conservative spirit of the East. Logan brought with him the wind of the prairies, the mighty roll of the Mississippi, and the stormy voice of our great Western inland seas.

Our friend whom we mourn to-day bore about with him the quiet of his native New Hampshire valleys, and reflected in his life the placid flow of the lovely and romantic Merrimac, or the bright and unvexed lapse of the Pemigewasset. And yet he had in his character the solid and inflexible substratum of his own New Hampshire hills.

Austin F. Pike was a type and representative of the standard New England boy of the best class.

Born to that most favorable lot for the development of manly character which entails neither grinding and pinching poverty upon the one hand nor wealth with its enervating luxuries and exemption from the necessity for effort upon the other, he grew up from childhood to know what it meant to work for whatever of comfort, competence, or education he possessed.

I never knew Senator Pike personally until I met him here at the Capitol in December, 1883, but he was one of the very first of the Senators with whom I became acquainted. The fact that he came from the same county in which I was born, and in which I spent all my boyhood days, and within whose soil sleep three generations of my ancestors, drew me strongly to him, and he greeted me with the warmth and heartiness of an old acquaintance.

His conversation was redolent of names and places and associations, which were deeply woven into the woof and warp of my young life. It woke the slumbering memories of the years long gone, as he talked of the hills and valleys of old Merrimac County, and the beautiful river of the same name, or the headlong Pemigewasset, which turned the busy mills of Franklin village, where the Senator spent most of his manhood life. Hard by, looking out over the green intervales, and shadowed by the great brooding trees, was the old Webster farm, where the great Daniel, whose fame as lawyer, statesman, and orator still stands unequaled in the great American pantheon, grew from boyhood to manhood.

Just here below the village is the little island which has been read of by almost every American school boy of the last generation, where the heroic mother, Mrs. Dustin, slew her savage captors, in the early and troublous days of New England. To the westward, a few miles distant, old Kearsarge Mountain, a magnificent lift of primeval rock, with its bare back of uncovered granite, shoulders up against the clouds, the very picture and embodiment of "the everlasting hills."

Away to the north and east rose the towering summits of Washington and Adams and La Fayette, the solemn and majestic sentries of New Hampshire's northern frontier.

It was among scenes and associations like these that Senator Pike spent all the days of his boyhood and manhood. Here he learned the gospel of work, and the divine decree, "In the sweat of thy face shalt thou eat bread till thou return unto the ground; for out of it wast thou taken; for dust thou art, and unto it shalt thou return."

His youth was spent in the usual struggle of the New England boy for a living and an education.

The scanty and not over-fertile soil of New Hampshire, ground down

from the upturned granite mountains by the frosts and snows, the suns and rains, the Titanic forces of a million years, does not yield its rewards except to hard blows and strenuous effort.

I believe it was Charles Mackay who said of the Western prairie that you can "tickle it with a hoe and it will laugh with a harvest." But it is not so with the rocky hills of New Hampshire. Sweat and back-ache are necessary fertilizers on her hill-side farms.

With steady step, however, he went forward, from the school to the academy, from the academy to the college, thence, reluctantly turning before his course was completed, to the law office, where he came under the tuition of Judge Nesmith, whose name, in my boyhood days, was linked with that of Webster as intimate friend and neighbor, and with whom afterward Senator Pike became associated in the practice of the law.

Senator Pike was first of all and above all a lawyer. He accepted public office as a duty, because his neighbors called him to it, and he felt that in this land, where the people rule and where the citizens must administer the affairs of state, every good citizen ought to contribute his share to the public weal by bearing his proportion in the labors, cares, and responsibilities of public station.

He was often called to office because he was trusted. His fellow-citizens had confidence in his fidelity, his industry, his intelligence, and his unswerving honesty. He first entered public official life in 1850, as a member of the State Legislature, and in 1851 and 1852 was speaker of the house.

I well remember that in 1851, being then a pupil in the military institute in my native town of Pembroke, within sight of the capitol, I attended the opening of the Legislature when Senator Pike was first elevated to the office of speaker. How little I then dreamed as I sat a boy in the gallery and saw him assume the gavel of the house that after more than thirty years—most eventful years—we should meet in this Capitol. Little did I think that in that military school, in the quiet valley of the Merrimac, I was unconsciously preparing for the part I was to act in a very great drama upon a very wide stage. And yet the very next time I ever saw the late Senator was when we met in this Capitol, after the lapse of a generation, and after the tempestuous waves of a great war had swept over our land.

A few years later, in 1857 and 1858, Senator Pike served in the senate of his State, but without intermitting his practice of the law. His residence, only a score of miles from the capital and on the direct line of railroad communication, made it possible for him to serve the State and his large clientage at the same time.

Again, the people of his district claimed his service in the National Legislature in the Forty-third Congress, where he acquitted himself with credit.

In the memorable Senatorial contest of 1883, after a long and somewhat embittered struggle, the representatives of his State turned to him as the solution of their difficulties; and so he came to the national capital as United States Senator, as he had to the Legislature of his State, not because he sought office but because he was willing to serve.

Of his service in the Senate I need not speak. He had scarcely completed the half of his term when he was called away. He was not conspicuous except for his sterling sense and his firmness and fidelity to duty as he understood it.

When he returned to the Senate in the Forty-ninth Congress he was conscious that the dread shadow was creeping over his life. He was weary and restless amid the gaieties and whirl of this capital, and he longed for sunny hills, the quiet nooks, the clear streams, and the green intervales of his own Merrimac valley.

He went back once more to look upon the friendly faces of the Sentinel Mountains, and to rest his tired body on the breast of the everlasting hills.

There, in the scenes of his boyhood, in the midst of the friends of his manhood years, patiently waiting while the shadow turned upon the dial of life, on the 8th of October last, at the age of sixty-seven years, he quietly, painlessly, passed through the shadow and into the brightness of the everlasting day.

Fit time to pass away!

The woods had put on the glory of the dying year; the birds of passage were seeking their Southern homes; the apples hung ripe in the orchard or fell over-ripe to the ground. The soft, dreamy haze of the evening of the year hung upon the distant hills, and all things admonished that it was the time of "the sere and yellow leaf." He passed with the passing year. Let us pause to-day and pay honor to the man of sterling qualities; the man who made his own way in the world by honest work; the man who commanded the confidence of his fellow-citizens; the man who rose by solid merit and enduring worth, step by step, to the highest office in the gift of the people of his State; the man true to his State, true to his friends, true to right.

Such a man was Austin F. Pike.

Mr. HAYNES. I now move the adoption of the resolutions.

The resolutions were unanimously agreed to; and accordingly, in pursuance of the last resolution, the House (at 4 o'clock and 35 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Resolutions of Post No. 35, Grand Army of the Republic, of Chelsea, Mass., respecting the President's veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. BAYNE: Petition of Charles Uhlinger and 24 others, veterans of the Union Army, of East Deer Township, Allegheny County, Pennsylvania, for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. BLISS: Protest of the Emmet Club and of the Sarsfield Club of Brooklyn, and of the James Stephens Club of New York, against the extradition treaty with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Thomas D. Dakin Post, Grand Army of the Republic, of Brooklyn, N. Y., asking for the passage of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. BRAGG: Protest of citizens of Beaver Dam, Dodge County, Wisconsin, sustaining the President's veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. BUNNELL: Petition of the Travelers' Protective Association of the United States, of Philadelphia, Pa., asking for the abolition of the unjust tax imposed upon commercial travelers in the District of Columbia—to the Committee on Commerce.

Also, petition of the New York Society for the Suppression of Vice, asking legislation to prevent obscene literature being carried through the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Grand Army of the Republic, of Pennsylvania, urging the repeal of the limitation of arrears act of 1879, so that all soldiers shall share alike, and pensions begin at date of disability or discharge—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of the mayor and city council of Socorro, N. Mex., opposing bill (H. R. 9985) for the confirmation of private-land claim 107—to the Committee on the Public Lands.

By Mr. J. M. CAMPBELL: Petition of members of Fred. C. Ward Post, No. 468, Grand Army of the Republic, of Altoona, Pa., asking for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. CARLETON: Petition of the mayor and city council of Socorro, N. Mex., relative to certain land grants—to the Committee on the Public Lands.

Also, joint resolution of the Legislature of Michigan in favor of House bill 2776—to the Committee on the Judiciary.

By Mr. CONGER: Petition of the Women's Christian Temperance Union of Guthrie County, Iowa, for the passage of Senate bill 2362—to the Committee on Foreign Affairs.

Also, petition of John Dillin Post, of Marengo, and of Thomas Canady Post, Grand Army of the Republic, of Swan, Iowa, for the immediate passage of the dependent pension bill over the veto—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of the Grand Army of the Republic, of Pennsylvania, for repeal of limitation of back pension—to the same committee.

By Mr. EVERHART: Petition of the mayor and city council of Socorro, N. Mex., praying that certain unoccupied lands within limits of said city be confirmed to said authorities to be disposed of for the benefit of public schools—to the Committee on the Public Lands.

By Mr. FLEEGER: Resolutions of C. S. Chase Post, No. 50, Grand Army of the Republic, of Titusville, Pa., unanimously advocating the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

Also, resolutions passed at the annual encampment of the Grand Army of the Republic, Department of Pennsylvania, for the repeal of limitations in arrears act of 1879 relative to pensions, and for the passage of pension laws recommended by the national committee of the Grand Army of the Republic—to the same committee.

By Mr. FULLER: Petition of Mrs. Mary P. Mixer, president, and Miss E. C. Stebbins, secretary of the Women's Christian Temperance Union, of New Hampton, Iowa, in favor of Senate bill 2362, to promote the political and commercial prosperity of the American nation—to the Committee on Foreign Affairs.

Also, resolutions of John Dillin Post, No. 233, Grand Army of the Republic, for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. GROUT: Memorial of the Holstein Freisian Association of America, for the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Remonstrance of W. S. Rounds and 244 others, citizens of Blackhawk County, Iowa, against any change in the oleomargarine law—to the same committee.

Also, papers from James Chapman, of Rhodes, and resolutions of John Dillin Post, Grand Army of the Republic, of Marengo, Iowa, urging the passage of the dependent pension bill over the veto—to the Committee on Invalid Pensions.

By Mr. J. S. HENDERSON: Petition of the mayor and city coun-

cil of Socorro, N. Mex., against the confirmation of private land claim 107—to the Committee on the Public Lands.

By Mr. HEPBURN: Petition of Post No. 385, of Woodburn, of Thomas Houston Post, of Ridding, of Leon Post, No. 251, and of Carleton Post, No. 24, Grand Army of the Republic, of Iowa, for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

Also, petition of the Women's Christian Temperance Union of Wayne County, Iowa, in favor of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. JACKSON: Petition of the Nebraska State Humane Society, for the passage of Senate bill 2436, for government of the National Park—to the Committee on the Public Lands.

By Mr. LINDSLEY: Petition of D. O. Thomas, of Hobart; of Bradford Post, of Sidney; of John Plasket Post, of Hancock; of Lefevre Post, of Highland; of Ward Post, of Ellenville, N. Y., Grand Army of the Republic, and of private James Johnston, Company C, One hundred and twentieth New York Volunteers, against the veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. LONG: Memorial of Post No. 72 and Post No. 35, Grand Army of the Republic, and of the Women's Relief Corps, and of the trustees of soldiers' home, Massachusetts, for the passage of House bill 10457—to the same committee.

By Mr. LOVERING: Resolutions of Maj. Gen. Hiram G. Berry Post, No. 40; of James A. Garfield Post, No. 120; of Theodore Winthrop Post, No. 35, Grand Army of the Republic, and of the trustees of the soldiers' home of Massachusetts, for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. LYMAN: Petition of John T. Drake Post, of Iowa, and of John Dillin Post, Grand Army of the Republic, of Marengo, Iowa, and of John W. Miller and others, of Hillsdale Mills, Iowa, for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. MATSON: Petition of James Gavin Post, No. 380, of Saint Paul, Ind., and of Charles Sumner Post, No. 9, of Washington, D. C., in favor of the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. MILLARD: Resolution of Walter C. Hull Post, No. 461, of Waverly, and of Eldredge Post, No. 199, of Whitney's Point, N. Y., for the passage of the dependent pension bill—to the same committee.

By Mr. MILLIKEN: Petition of the mayor of Socorro, N. Mex., to confirm a grant of land to that city—to the Committee on the Public Lands.

By Mr. MOFFATT: Joint resolution of the Legislature of Michigan, in favor of the passage of bill to adjust accounts between the United States and the various States and Territories and District of Columbia—to the Committee on the Judiciary.

By Mr. NELSON: Joint resolution of the Legislature of Minnesota, for immediate adjustment of land grants in that State—to the Committee on the Public Lands.

Also, joint resolution of the same, for the cancellation of certain entries of public lands made to certain railroad companies—to the same committee.

Also, joint resolutions of same, for an appropriation of $10,000 for the improvement of the Minnesota River at Belle Plaine, and an appropriation for the improvement of the Red River of the North and its tributaries—to the Committee on Rivers and Harbors.

Also, petition of Reynolds Post, of Alexandria, Minn., for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Joint resolution of the Michigan Legislature, in favor of a law to adjust certain accounts between the United States and the several States and Territories and District of Columbia as set forth in House bill 2776—to the Committee on the Judiciary.

By Mr. OSBORNE: Petition of the mayor and city council of Socorro, N. Mex., to confirm a grant of land to said city—to the Committee on the Public Lands.

By Mr. OUTHWAITE: Petition of Thomas Lilley Post, of Georgesville, and of Morrison Post, Grand Army of the Republic, of Ashville, Ohio, in favor of the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. PINDAR: Resolutions of W. A. Musson Post, No. 223, of Gilbertsville, and of Stanton Post, No. 28, Grand Army of the Republic, of New York, urging the passage of the dependent pension bill—to the same committee.

Also, petition of the mayor and city council of Socorro, N. Mex., relative to certain land grants, &c.—to the Committee on the Public Lands.

By Mr. PRICE: Petition of J. N. Nichols Post, No. 177, Grand Army of the Republic, of Wisconsin, relating to dependent pension and President's veto—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Merritt Peckham, of Utica, N. Y., that fortifications be constructed of wrought and cast iron—to the Committee on Appropriations.

By Mr. RICHARDSON: Petition of the heirs of J. M. Bickley, of Davidson County; of the surviving executors of Samuel J. Holland; of James S. Oakley; and of heirs of John Armstrong, of Franklin County; and of Willie Brown; and of estate of Josiah S. Martin, of Rutherford County, Tennessee, asking the reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROWELL: Petition of McPherson Post, No. 79, of Dunham Post, No. 141, Grand Army of the Republic, and of 37 ex-soldiers, of Clinton, Ill., for the passage of the dependent pension bill over the veto—to the Committee on Invalid Pensions.

By Mr. SHAW: Petition of the mayor and city council of Socorro, N. Mex., for relief—to the Committee on the Public Lands.

By Mr. SPOONER: Memorial of the Rhode Island Radical Peace Society, protesting against appropriations for coast defenses, &c.—to the Committee on Appropriations.

By Mr. STAHLNECKER: Petition of Abraham Vosburgh Post, No. 95, Grand Army of the Republic, of Peekskill, N. Y., in favor of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. STRAIT: Joint resolution of the Legislature of Minnesota, requesting an appropriation of $10,000 for the improvement of the Minnesota River at Belle Plaine and an appropriation for the improvement of the Red River of the North and its tributaries—to the Committee on Rivers and Harbors.

Also, joint resolution of same, for the cancellation of entries of land by the Winona and Saint Peter Railroad Company in excess of their grant, that the same may be opened to settlement—to the Committee on the Public Lands.

Also, joint resolution of same, for the immediate adjustment of all land grants made to the State for the benefit of certain railroads—to the same committee.

Also, resolutions of A. E. Welch Post, No. 75, of Red Wing, of Jo. Morrow Post, No. 111, of Pine Island, and of Peller Post No. 89, of Hastings, Minn., Grand Army of the Republic, for the passage of the dependent pension bill notwithstanding the President's veto—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Resolutions of L. G. Ireland Post, Grand Army of the Republic, of Sibley, Iowa, protesting against the injustice done the old soldiers by the late veto of the President, and urging the passage of the dependent pension bill over the veto—to the same committee.

By Mr. THOMAS: Petition of the Wisconsin Dairymen's Association, praying for the passage of Senate bill to create experimental stations—to the Committee on Agriculture.

Also, remonstrance of the same against any modification of the present oleomargarine law—to the same committee.

By Mr. WAKEFIELD: Joint resolution of the Legislature of Minnesota, for an appropriation for the improvement of the Red River of the North, in said State—to the Committee on Rivers and Harbors.

Also, joint resolution of same, for an appropriation for the improvement of the Minnesota River at Belle Plaine, Minn.—to the same committee.

Also, joint resolution of same, for cancellation of entries of public lands by certain railroads in that State—to the Committee on the Public Lands.

Also, joint resolution of same, for immediate adjustment of the land grants to railroads in said State—to the same committee.

By Mr. A. J. WEAVER: Petition of the Nebraska Humane Society, in favor of the passage of the bill (S. 2436) known as the Yellowstone Park bill—to the same committee.

By Mr. J. B. WEAVER: Petition of the officers of the Women's Christian Temperance Union of Ottumwa, of Oskaloosa, of New Sharon, and of Ottumwa, Iowa, for the passage of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. WHEELER: Petition of Samuel Hazlewood, administrator of the estate of Thomas Hazlewood, of Lawrence County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Joint resolutions of the Legislature of Minnesota, requesting an appropriation for the improvement of the Red River of the North—to the Committee on Rivers and Harbors.

Also, joint resolution of same, relative to a bridge across the Minnesota River—to the Committee on Commerce.

Also, joint resolution of same, urging the adjustment of land-grants to railroads in that State—to the Committee on the Public Lands.

Also, joint resolution of same, relative to the Winona and Saint Peter railroad land grant—to the same committee.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DOUGHERTY: Of 92 citizens of Windsor, Fla.

By Mr. GILFILLAN: Of 47 citizens of Cottage Grove, Denmark, Afton, and Woodbury, Minn.

By Mr. LYMAN: Of 53 citizens of Atlantic, Iowa.

## SENATE.

WEDNESDAY, *February* 23, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### DONATION OF UNSERVICEABLE MUSKETS.

Mr. CONGER. I notice from the reading of the Journal the indefinite postponement of two bills reported adversely from the Committee on Military Affairs by the Senator from Missouri [Mr COCKRELL]. I wish to have those bills placed on the Calendar. They are the bill (S. 2885) donating fifty unserviceable muskets and bayonets to Wallace Brown's Post, No. 190, Grand Army of the Republic, of Birch Run, Mich., and the bill (S. 3006) authorizing and directing the Secretary of War to send to Wallace Brown's Post, No. 190, of Birch Run, Mich., fifty unserviceable muskets and accouterments.

The PRESIDENT *pro tempore*. If there be no objection the order by which the bills were indefinitely postponed will be reconsidered, and they will be placed on the Calendar with the adverse report of the committee. The Chair hears no objection.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Andrew Crawford Post, No. 6, Grand Army of the Republic, at New Philadelphia, Ohio; a petition of Watkins Andrews Post, No. 352, Grand Army of the Republic, at Trimble, Ohio; a petition of Burnham Post, No. 358, Grand Army of the Republic, at Madison, Ohio; a petition of Hazlett Post, No. 81, Grand Army of the Republic, Lanesville, Ohio; a petition of O. G. Sherwin Post, No. 360, Grand Army of the Republic, at Westborough, Ohio; a petition of Thoburn Post, No. 72, Grand Army of the Republic, at Martin's Ferry, Ohio; a petition of Old John Brown Post, No. 400, Grand Army of the Republic, at Oxford, Ohio; a petition of Dell Roy Post, No. 438, Grand Army of the Republic, Department of Ohio; a petition of Howard Post, No. 150, Grand Army of the Republic, at McComb, Ohio; a petition of Wood Post, No. 48, Grand Army of the Republic, at Tontogany, Ohio; a petition of mass-meeting of soldiers of twelfth Congressional district of Ohio; a petition of Wright Post, No. 497, Grand Army of the Republic, at Gratis, Ohio; a petition of Olean Post, No. 3, Grand Army of the Republic, at Eaton, Ohio; a petition of West Post, No. 544, Grand Army of the Republic, at Milford, Ohio, and a petition of Trago Post, Grand Army of the Republic, at Tiro, Ohio, praying for the passage of the dependent pensions bill over the President's veto; which were ordered to lie on the table.

He also presented a petition of citizens of Grand Rapids, Ohio, praying for local option in Washington city; which was referred to the Committee on the District of Columbia.

He also presented a letter from Professor Spencer F. Baird, Secretary of the Smithsonian Institution and Director of the United States National Museum, in relation to providing a case for an American flag made out of American silk and presented to the Government by Joseph Newmann; which was referred to the Committee on Appropriations.

Mr. CONGER presented a joint resolution of the Legislature of Michigan; resolutions of Major M. Dickenson Post, No. 345, Grand Army of the Republic, of South Haven, Mich.; resolutions of Fairchild Post, No. 228, Grand Army of the Republic, of Grass Lake, Mich.; resolutions of William Richardson Post, No. 214, Grand Army of the Republic, of Millington, Mich., and resolutions of Albert Nye Post, No. 202, Grand Army of the Republic, of Romeo, Mich., in favor of the passage of the so-called dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. FARWELL presented resolutions adopted by the Coulterville (Ill.) Grand Army Post, No. 259, favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. HARRISON presented resolutions adopted by Lorenzo Fort Post, No. 438, Grand Army of the Republic, Department of Indiana; resolutions adopted by Sion Bass Post, No. 40, Grand Army of the Republic, Department of Indiana; resolutions adopted by De la Hunt Post, No. 152, Grand Army of the Republic, Department of Indiana; resolutions adopted by John F. Rucker Post, No. 165, Grand Army of the Republic, Department of Indiana, and resolutions adopted by Rensselaer Post, No. 84, Grand Army of the Republic, Department of Indiana, in favor of the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. WILLIAMS presented a resolution of the Legislature of California; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 4.

Whereas it is reported that the honorable Secretary of State of the United States has recommended the reduction of the duty on raisins;

Whereas such reduction, if made, would be injurious to a large and growing industry in this State: Therefore,

*Be it resolved by the senate (the assembly concurring)*, That our Senators be instructed and our Representatives be requested to use all honorable endeavors to prevent such reduction.

*Resolved*, That the governor of the State of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress and one to the Secretary of State of the United States.

Mr. PLATT presented a petition of Thomas M. Redshaw Post, No. 75, Grand Army of the Republic, Ansonia, Conn.; a petition of Hebble Post, No. 23, Grand Army of the Republic, Stamford, Conn.; a petition of Philo M. Trowbridge Post, No. 69, Grand Army of the Republic, Woodbury, Conn., and a petition of James E. Moore Post, No. 18, Grand Army of the Republic, Danbury, Conn., praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. MITCHELL, of Pennsylvania, presented the petition of Dr. R. B. Smith and 42 other veteran soldiers of the late war, of Tioga, Pa.; a petition of Lieutenant D. H. Wilson Post, No. 134, Grand Army of the Republic, of Mifflintown, Pa., and a petition of Heilner Post, No. 232, Grand Army of the Republic, of Lykens, Pa., praying for the passage of the dependent pension bill notwithstanding the objections of the President; which were ordered to lie on the table.

He also presented a resolution adopted by the Annual Encampment of the Department of Pennsylvania, Grand Army of the Republic, urging the repeal of the limitation in the act granting arrears of pension; which was ordered to lie on the table.

Mr. MCMILLAN presented resolutions adopted by a joint meeting of the Minneapolis (Minn.) posts of the Grand Army of the Republic requesting Senators and Members of the House of Representatives to vote for the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

He also presented resolutions adopted by Lincoln Post, No. 26, Grand Army of the Republic, of New Richland, Minn., in favor of the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. MANDERSON. On behalf of the Senator from Michigan [Mr. PALMER], who is unavoidably absent, I present a joint resolution of the Legislature of the State of Michigan favoring the passage of a law to adjust certain accounts between the United States and the several States and Territories and the District of Columbia. I ask that the joint resolution be printed in the RECORD, and lie on the table.

The joint resolution was ordered to lie on the table, and to be printed in the RECORD, as follows:

Joint resolution requesting our Senators and Representatives in Congress to procure the passage of a law "to adjust certain accounts between the United States and the several States and Territories and the District of Columbia," as set forth in House bill No. 2776, and dated January 7, 1886.

Whereas on January 7, 1886, Hon. W. T. Price, of Wisconsin, introduced in the House House bill No. 2776, which was referred to the House Committee on the Judiciary; and on May 24, 1886, Hon. WADE HAMPTON, of South Carolina, introduced in the Senate an amendment to Senate bill "to adjust certain accounts between the United States and the several States and Territories and the District of Columbia:"

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections made from said States and Territories and the District of Columbia under the act of Congress approved August 5, 1861, and the amendatory act thereto, with such additional credits as under said act they are entitled to have in consequence of having paid any portion thereof without expense of collection to the United States; and such sums also as have been collected from lands or owners thereof under supplemental acts on any account whatever.

"SEC. 2. That all moneys still due to the United States on the quota of direct tax apportioned by section 8 of the act of Congress, approved August 5, 1861, are hereby remitted and relinquished.

"SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse each under the provisions of this act; and the Treasurer of the United States is hereby directed to pay the same: *Provided*, That when the same or any part thereof, credited to any State, Territory, or the District of Columbia, have been collected from any citizen thereof, either directly or by sale, resale, or lease of property, such sums shall be held in trust by such State, Territory, or District of Columbia for the benefit of those of its citizens from whom it was collected, or their legal representatives."

Whereas the foregoing bill provides that the Secretary of the Treasury shall credit each State with the amount of money assessed against it for direct taxes under the act of August 5, 1861;

Whereas the effect of the passage by Congress of said bill will be to refund to those States which have paid the amounts of such assessments to the extent of the sums by them so paid, and to release those States which have not paid from hereafter paying all said taxes, and also from all future liability to pay the same. While the right of the General Government to raise revenue by direct taxation is unquestioned, it is patent that this direct tax was in the nature of an enforced loan, and it was made in this form only because it was required to meet the great exigency then upon the country; and

Whereas several of the States now owe the General Government from a quarter to a half million dollars each on account of this direct tax, while others have paid their full quota: Therefore.

*Be it resolved by the senate and house of representatives*, That our Senators and Representatives in Congress be requested to urge the passage of the bill hereinbefore referred to, and use their best endeavors to secure to the State the amount paid to the United States by this forced tax.

*Resolved*, That a copy of this resolution be forwarded to each of the Senators and Representatives by the governor of Michigan.

This joint resolution is ordered to take immediate effect.

CHARLES J. MONROE,
*President of the Senate.*

DANIEL P. MARKEY,
*Speaker of the House.*

Approved February 19, 1887.

C. G. LUCE, *Governor.*

Mr. MILLER presented a memorial of citizens and captains of vessels of Staten Island, New York, and Perth Amboy, N. J., remonstrating against the passage of the so-called McPherson bill, relative to the Arthur Kill bridge; which was referred to the Committee on Commerce.

He also presented the petition of Sempronius Post, No. 479, Grand Army of the Republic, Department of New York; the petition of Harry Lee Post, Grand Army of the Republic, of Brooklyn, N. Y., and the petition of soldiers of Schoharie, N. Y., praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. CULLOM presented resolutions adopted by Ransom Post, No. 99, Department of Illinois, Grand Army of the Republic, located at Mason, Ill.; resolutions adopted by John A. Logan Post, No. 450, Department of Illinois, Grand Army of the Republic, located at Evanston, Ill.; resolutions adopted by N. Cowen Post, No. 557, Department of Illinois, Grand Army of the Republic, located at Staunton, Ill.; resolutions adopted by William J. Smith Post, No. 167, Department of Illinois, Grand Army of the Republic, located at Potaka, Ill.; resolutions adopted by Hunter Post, No. 584, Department of Illinois, Grand Army of the Republic, located at Sandoval, Ill.; resolutions adopted by Coulterville Post, No. 259, Department of Illinois, Grand Army of the Republic, located at Coulterville, Ill.; resolutions adopted by Albert Wood Post, No. 175, Department of Illinois, Grand Army of the Republic, located at Oblong, Ill.; and resolutions adopted by J. G. Brills Post, Department of Illinois, Grand Army of the Republic, located at Norris City, Ill., urging the passage of the dependent soldiers' pension bill over the veto of the President; which were ordered to lie on the table.

Mr. CAMERON presented a petition of Mallory Post, No. 285, Grand Army of the Republic, Sayre, Pa.; a petition of Adjutant Martin Post, No. 510, Grand Army of the Republic, New Oxford, Pa.; a petition of citizens of Birchrunville, Pa.; a petition of Heilner Post, No. 232, Grand Army of the Republic, Lykens, Pa., and a petition of Eben N. Ford Post, No. 336, Grand Army of the Republic, Warren, Pa., praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. RIDDLEBERGER presented a petition of the Farmers' National Congress of the United States, praying that there be created the office of secretary of agriculture; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of J. G. White Post, No. 108, Grand Army of the Republic, Department of Iowa, located at Washington, Iowa, and a petition of Frank M. Thomas Post, Grand Army of the Republic, Department of Iowa, praying for the passage of the dependent pension bill recently vetoed by the President, notwithstanding his objections; which were ordered to lie on the table.

Mr. WILSON, of Iowa. I also present the memorial of J. W. Yost and 32 others, settlers on the Des Moines River land in Iowa, in which they state that they are settlers on the Des Moines River land and citizens of the Des Moines valley, Iowa. They earnestly memorialize Congress in opposition to the passage of any indemnity bill now pending or hereafter to be introduced into Congress, as an indemnity bill would be another steal from the Government, and the river company, who are the only parties asking for indemnity, would get the benefit of it in the end. They further state:

Let this matter be decided by the Supreme Court of the United States, as was provided by our bill vetoed by the President in the last session of Congress, or pass a bill forfeiting the entire grant and restore it to the public domain. That the settlers don't want indemnity; we want our homes that justly and rightly belong to us.

I also present a like memorial from J. R. Cowgill and 30 other settlers on the Des Moines River land; also a like memorial from L. P. Peterson and 35 other settlers on the Des Moines River land.

I move that these memorials be ordered to lie on the table, inasmuch as the bill for the relief of those settlers has been reported from the Committee on Public Lands.

The motion was agreed to.

Mr. FRYE presented a petition of Edward B. Clayton Post, No. 134, Grand Army of the Republic, located at Strong, Me., praying for the passage of the dependent pension bill notwithstanding the President's veto; which was ordered to lie on the table.

Mr. FAIR presented a memorial of the mayor and common council of Socorro, N. Mex., remonstrating against the passage of House bill 9985, for the confirmation of private land claim No. 107, which includes the city of Socorro, N. Mex.; which was referred to the Committee on Private Land Claims.

Mr. SAWYER presented resolutions of T. J. Hungerford Post, No. 39, Grand Army of the Republic, located at Spring Green, Wis.; resolutions of H. J. Lewis Post, No. 129, Grand Army of the Republic, located at Neenah, Wis., and resolutions of George M. West Post, No. 165, Grand Army of the Republic, located at Hartford, Wis., in favor of the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. EVARTS presented a petition of 7 citizens of Dansville, N. Y., praying for an appropriation of moneys for the benefit of certain States and Territories; which was referred to the Committee on Appropriations.

Mr. VAN WYCK. I present a number of petitions, numerously signed by citizens of different counties in the State of Nebraska, praying for the passage of what is known as the Miller pleuro-pneumonia bill. As that bill is pending on the Calendar, I move that the petitions lie on the table.

The motion was agreed to.

Mr. HALE presented a petition of Cutler Post, No. 48, Grand Army of the Republic, Togus, Me., praying for the passage of the dependent pension bill, notwithstanding the objections of the President; which was ordered to lie on the table.

Mr. McPHERSON presented a petition of citizens of New Jersey, praying for the passage of the bill (S. 3183) amending an act authorizing the Arthur Kill bridge; which was referred to the Committee on Commerce.

## REPORTS OF COMMITTEES.

Mr. FRYE. I am instructed by the Committee on Foreign Relations to report back the memorial of the heirs of the late Capt. Emmet Crawford, and also the bill (S. 3086) for the relief of the heirs and legal representatives of the late Capt. Emmet Crawford, United States Army, killed in Mexico by Mexican troops, January 11, 1886, with a request that the committee be discharged from the further consideration of the memorial and the bill, and that the memorialists have leave to withdraw the papers, and that the bill be indefinitely postponed.

The committee instruct me to say that they have made no examination into the merits of this case, and that they have formed no judgment whatever in relation to it; that the action which they have adopted they have been led to by the request of the claimants themselves, the matter being now presented, as it is understood, to the Government of Mexico through the State Department.

The PRESIDENT *pro tempore*. The Senator from Maine, from the Committee on Foreign Relations, reports the memorial and the bill named by him, and asks that the committee be discharged from their urther consideration and that the bill be indefinitely postponed.

Mr. MANDERSON. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Nebraska that the friends of the petitioners have desired this course to be taken so that they may pursue their remedy against the Mexican Government.

Mr. MANDERSON. Then I interpose no objection to the motion.

Mr. FRYE. I so stated in making the report.

Mr. MANDERSON. I did not hear the Senator.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be indefinitely postponed and the committee will be discharged from the further consideration of the subject.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11063) extending the charter of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown, in the District of Columbia," reported it without amendment.

Mr. SAULSBURY, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7643) for the relief of Capt. John Burkhart;

A bill (H. R 3930) for the relief of Wells C. McCool;

A bill (H. R. 6758) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns; and

A bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay.

Mr. MANDERSON, from the Committee on Military Affairs, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3100) to amend section 1225 of the Revised Statutes, concerning detail of Army officers to educational institutions, &c.; and

A bill (H. R. 5535) for the relief of Washington L. Parvin and Henry A. Greene.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 798) for the relief of Stephen O'Connor, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PLUMB subsequently said: The bill (H. R. 798) for the relief of Stephen O'Connor was reported adversely from the Committee on Military Affairs this morning and indefinitely postponed. I move that the vote by which the bill was indefinitely postponed be reconsidered, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the bill will be placed on the Calendar instead of postponed indefinitely.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill concerning the unveiling of the statue of the late Maj. Gen. James A. Garfield, to be erected in the city of Washington, reported it favorably, and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. CAMERON, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 8599) providing an additional circuit judge in

the second judicial circuit, and for other purposes, reported it with amendments.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 3259) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the year 1888, reported it with amendments.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2064) for the relief of Robert N. Blake, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom was referred the bill (H. R. 4585) granting a pension to Mrs. Fannie Carman, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN. I report favorably, with amendments, from the Committee on Commerce, the bill (S. 3160) to authorize the construction and maintenance of a bridge by the Chicago, Saint Paul, Minneapolis and Omaha Railway Company across the Missouri River at Sioux City, Iowa, and for other purposes. I ask for the present consideration of the bill.

Mr. HARRIS. Let it go to the Calendar, Mr. President.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

LAWS RELATING TO BRIDGES.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred a resolution to print copies of "a compilation of the laws of the United States relating to the construction of bridges over the navigable waters," &c., to report it favorably with amendments. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the resolution; which was read, as follows:

*Resolved*, That there be printed the usual number of copies of "a compilation of the laws of the United States relating to the construction of bridges over the navigable waters," including the laws of the second session of the Forty-ninth Congress; and that there be printed, in addition to the usual number, 1,000 copies for the use of the War Department, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives; said compilation to be printed under the direction of the Secretary of War.

The amendments reported by the Committee on Printing were, in line 1, after the word "*Resolved*," to insert the words "*by the Senate (the House of Representatives concurring)*;" and in line 3, after the word "Department," to strike out "1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives."

Mr. COCKRELL. Let the resolution be read as it would stand if amended.

Mr. MANDERSON. I will state that the resolution, as proposed to be amended, is simply to print 1,000 copies for the use of the War Department. It is not considered by the committee necessary to publish the compilation for the use of Congress. The demand for it will be limited and can be supplied by the War Department.

The amendments were agreed to.

Mr. COCKRELL. Let the resolution be reported as amended.

The PRESIDENT *pro tempore*. The resolution will be read as amended.

The Chief Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the usual number of copies of "a compilation of the laws of the United States relating to the construction of bridges over the navigable waters," including the laws of the second session of the Forty-ninth Congress; and that there be printed, in addition to the usual number, 1,000 copies for the use of the War Department; said compilation to be printed under the direction of the Secretary of War.

Mr. CONGER. I should like to ask the Senator from Nebraska if the resolution includes the private bridge laws that have been passed, or only the public laws.

Mr. MANDERSON. It requires the printing of all the bridge laws that have been passed by Congress. I do not know what the Senator means by private bridge laws. Any law that authorizes the construction of a bridge over a navigable stream is included in the terms of the resolution.

Mr. CONGER. There are general laws on the statute-book providing for bridging particular streams generally, and there are special laws for particular bridges.

Mr. MANDERSON. I think it will reach both classes.

Mr. CONGER. It should reach both.

Mr. MANDERSON. I think so. That is the object.

The resolution as amended was agreed to.

RIVER AND HARBOR ACTS.

Mr. MANDERSON. I am also instructed by the Committee on Printing, to whom was referred a resolution to print copies of "A compilation of the laws of the United States relating to the improvement of rivers and harbors," &c., to report it favorably with amendments. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the resolution; which was read, as follows:

*Resolved*, That there be printed the usual number of copies of "A compilation of the laws of the United States relating to the improvement of rivers and harbors," including the laws of the second session of the Forty-ninth Congress; and that there be printed, in addition to said usual number, 1,000 copies for the use of the War Department, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives; said compilation to be printed under the direction of the Secretary of War.

The amendments reported by the Committee on Printing were, after the word "*Resolved*," in line 1, to insert the words "*by the Senate (the House of Representatives concurring)*;" and in line 5, after the word "Department," to strike out "1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives."

Mr. MANDERSON. The last amendment reduces the number to 1,000 for the War Department.

Mr. PLATT. Does not the wording of the resolution provide for printing all the acts that have ever been passed for the improvement of rivers and harbors? Is that the intention of it?

Mr. MANDERSON. That is the intention. I will ask the Secretary to read a letter from the Chief of Engineers, which is forwarded by the Secretary of War, and which is the foundation of the resolution.

Mr. PLATT. I wish we might first hear the resolution read as proposed to be amended.

The PRESIDENT *pro tempore*. The resolution as reported will be read.

The Chief Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the usual number of copies of "A compilation of the laws of the United States relating to the improvement of rivers and harbors," including the laws of the second session of the Forty-ninth Congress, and that there be printed in addition to said usual number 1,000 copies for the use of the War Department, said compilation to be printed under the direction of the Secretary of War.

Mr. MANDERSON. I ask that the letter be read.

The PRESIDENT *pro tempore*. The letter referred to by the Senator from Nebraska will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, February 1, 1887.*

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, requesting the views of this Department upon the necessity for printing, under the direction of the Secretary of War, a new compilation of the laws of the United States relating to the construction of bridges over navigable waters, including the laws of the second session of the Forty-ninth Congress, and a similar compilation of the laws relating to river and harbor improvements; and desiring to be informed of the probable number of pages which each volume will contain.

In reply I beg to invite attention to the inclosed report of the 29th instant on the subject, from the Chief of Engineers, giving the information requested by you, and expressing the opinion that the proposed publications would prove of great value to his office.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
*Secretary of War.*

Hon. CHAS. F. MANDERSON,
*Chairman Committee on Printing, United States Senate.*

Mr. PLATT. I understood the letter to refer to a request brought out as to the number of pages which the volume would contain.

Mr. MANDERSON. There is a letter from the Chief of Engineers accompanying the letter of the Secretary of War.

Mr. PLATT. I should like to hear it read.

The PRESIDENT *pro tempore*. The letter of the Chief of Engineers will be read.

The Chief Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
*Washington, D. C., January 29, 1887.*

SIR: I have the honor to acknowledge the receipt, by reference to this office, of the letter of the chairman of the Committee on Public Printing of the United States Senate in regard to the necessity for printing a compilation of the bridge laws of the United States, and also of the laws of the United States relating to river and harbor improvements, and to report as follows:

The constant and increasing demands made upon this office for examination of bridge bills introduced in the two Houses of Congress rendered it imperatively necessary that the laws in regard to the construction of bridges across navigable waters be collected and put in such form as to render them accessible at all times without recourse to the United States Statutes. A compilation was accordingly made in this office, embracing the laws from March 2, 1805, to March 3, 1881, the printing of 300 copies of which was authorized by the Secretary of War January 12, 1882.

The number of pages required for a compilation of all laws, to include those passed by the second session of the Forty-ninth Congress, is estimated at 300, and such a compilation could not fail to prove of great value in facilitating the investigation of bridge questions.

In regard to the compilation of the laws of the United States relating to the improvement of rivers and harbors, it may be said that such a compilation became a necessity to the proper and speedy transaction of the business of this office in reference to those improvements, and one was accordingly made in 1877, which embraced all laws on the subject from August 11, 1790 (the date of approval of the first act), to include the river and harbor act of August 14, 1876. Three hundred copies of it were printed by authority of the Secretary of War. This compilation is now exhausted, and the printing of additional copies as proposed in the resolution of the Senate would prove of great value. The compilation of this office contained 251 pages octavo, and the projected new edition would probably comprise 444 pages (long primer type).

The letter of the chairman of the Committee on Public Printing of the Senate is herewith returned.

Very respectfully, your obedient servant,

J. C. DUANE,
*Brigadier-General, Chief of Engineers.*

Hon. WILLIAM C. ENDICOTT,
*Secretary of War.*

Mr. PLATT. I should like to inquire of the chairman of the Committee on Printing whether there is any estimate of the cost of printing this compilation of river and harbor laws extending back to 1790.

Mr. MANDERSON. No, there is no estimate of the cost. It is a work that is already printed. The compilation will simply take the river and harbor acts which have been passed since the year 1877, and add them to the compilation already made, and print the river and harbor acts to the end of the present session of Congress, making, as will be seen by the letter of the Chief of Engineers, a volume of about 440 pages, the cost of which will be, I think, $1,060. It is stated in the report of the committee.

Mr. PLATT. It is very possible that I do not see the necessity for the compilation as many others do, but for the life of me I can not see any particular necessity for printing the river and harbor acts which were passed before the commencement of the present century.

Mr. MCMILLAN. Both these resolutions were introduced and referred to the Committee on Commerce, and having received the consideration of that committee were reported favorably with the recommendation that they be referred to the Committee on Printing. These publications are very essential to the proper and speedy discharge of the duties at the office of the Chief of Engineers, and they are of great importance to all persons connected with legislation in both Houses of Congress. They are small volumes; the cost is inconsiderable, and I think if the Senator from Connecticut knew of the frequent reference which must be had to these facts, the compilation of these laws in a small volume of this kind would appear to him to be of great importance.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments reported from the Committee on Printing.

The amendments were agreed to.

Mr. CONGER. I should like to have the resolution referred back to the Committee on Printing, and suggest to them that it be modified and amended so that there may be a tabulated statement of the expenditures of the appropriations with the allotment to each of the particular works named in the acts and the aggregate since the work commenced. That is a work which has cost many of us days and weeks of time in examining. There is no tabulated statement of that kind except as it has been preserved in the office. It could very easily be made, and would show to those interested at a glance what works have received appropriations and how much each year, and what the whole expenditure from the beginning of these works of improvement of rivers and harbors has been.

The first appropriation of that particular kind, except some special appropriations before, was made in 1824. The work which is ordered printed here has been prepared from a synopsis of the laws from necessity in the Engineer Department and was published up to 1877, but there has never been published any tabulated statement of the appropriations with the allotment from general appropriations which could be referred to.

I think I have spent several days of time during several months in carefully preparing for the use of the Committee on Commerce these tabulated statements for particular times. The engineer in charge of this department has often wished that Congress would authorize the preparation of such a statement for the use of the office from the commencement of appropriations by the Government down to the present time. There is no question but what every one familiar with the duties of the members of the Committee on Commerce would know the necessity of such a publication.

If the volume is published as proposed, of course each member can take it and make for himself at great labor a tabulated statement, if he desires it, of appropriations to particular improvements, or allotments from appropriations to improvements, and each one for himself can work this out. If published as I propose, it would be one of the most valuable things for the use of the Committee on Commerce and one of necessity in the Engineer's office. If the Senator has no objection, I suggest that the resolution be so amended.

Mr. MANDERSON. I hope the Senator will make that the subject-matter of a separate resolution. I think it would be reached better in that way.

Mr. CONGER. I want to have the tabulated statement published in this same volume.

Mr. MANDERSON. I think, on account of the time it would take in order to obtain the cost of such a compilation, the chances are that the resolution would be defeated. However, I do not care one way or the other, if the Senator insists on it.

Mr. CONGER. This will be a valuable publication, and I should be unwilling to have any amendment made that might defeat it, but I thought the resolution originated here and such an amendment could be made in a few moments, and the resolution reported again to-morrow.

Mr. MANDERSON. No; under the rules it would be necessary that the cost of the compilation should be ascertained and an estimate be made of the cost of printing. Under the law as it stands, the Printing Committee is not authorized to report in favor of printing anything until it has received such an estimate, and all these reports are based upon carefully prepared estimates. It would take perhaps several days to ascertain the cost of printing the compilation with the statement the Senator refers to.

Mr. CONGER. These tables would occupy probably only four or five pages of the same book and the expense of printing would be comparatively slight, but the advantage of it would be very great. I shall not insist upon it, although it is only a proposition to print in this same book and in connection with it, and a separate resolution would have to go through the same process which the pending resolution has to go through. I think an amendment could be made either in the Senate or by the committee.

I ask that the resolution lie over until to-morrow morning and I will try and prepare an amendment in regard to the tables which I have asked for, and I shall ask unanimous consent that it shall be inserted then.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over until to-morrow under the rule.

### BILLS INTRODUCED.

Mr. MAHONE introduced a bill (S. 3340) increasing the pension of Mary Minor Hoxey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER (by request) introduced a bill (S. 3341) for the relief of the North German Lloyd Steamship Company; which was read twice by its title, and referred to the Committee on Claims.

### ORDER OF PROCEEDING.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Florida [Mr. CALL], which comes over under objection, and which will be read.

The Chief Clerk read as follows:

*Resolved*, That for the remainder of the session the Senate, at the conclusion of the morning business, will consider Senate bills favorably reported by the committee until 2 o'clock on each alternate day, and House bills on the other alternate day, commencing first with the Senate bills.

Mr. HARRIS. I make the question of order on that. It changes a rule.

The PRESIDENT *pro tempore*. The Chair is of the opinion that it is not in conformity with the eighth rule, and consequently not in order.

Mr. CALL. What is the ground?

The PRESIDENT *pro tempore*. That it does not set out the number of the rule proposed to be changed or the nature of the modification proposed, as the rule prescribes.

Mr. CALL. Can it not be amended in that respect now?

The PRESIDENT *pro tempore*. The rule requires the specification of the particular rule proposed to be changed.

Mr. HARRIS. One day's written notice is required by the rule.

Mr. CALL. I propose to make the resolution conform to the opinion of the Chair. It is held in law that matters of no importance are not to be considered. The resolution was introduced yesterday, and certainly that is notice.

The PRESIDENT *pro tempore*. The Chair understands that it has been the uniform construction of the rule to require the specification of the rule proposed to be altered and of the specific change. The point of order is sustained.

### COMMITTEE ON COAST DEFENSES.

The PRESIDENT *pro tempore*. The Chair also lays before the Senate the resolution submitted yesterday by the Senator from Pennsylvania [Mr. CAMERON], which comes over under objection, and which will be read.

The Chief Clerk read as follows:

*Resolved*, That the Committee on Coast Defenses be, and they are hereby, authorized to sit, by subcommittee or otherwise, during the recess of Congress, at such places in the United States as they may deem proper; and that they be, and they are hereby, authorized to inquire into all matters connected with the subject of sea-coast fortifications and other works of defense, with power to administer oaths and take testimony, and to employ a stenographer and a clerk; and that the actual necessary expenses of the said committee, properly incurred in the execution of this resolution, shall be paid out of the contingent fund of the Senate in the usual manner, upon the order of the chairman of the committee.

Mr. CAMERON. Let that go over.

Mr. DOLPH. That was to lie on the table.

The PRESIDENT *pro tempore*. The resolution will lie on the table if there be no objection.

### MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. I understand that yesterday during my absence from the Chamber a motion was entered to reconsider the vote whereby the Military Academy appropriation bill was passed.

The PRESIDENT *pro tempore*. That motion was entered.

Mr. ALLISON. I should like to have it considered now.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of the motion to reconsider the vote by which the Senate passed the bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888.

Mr. CALL. I merely entered the motion to reconsider with a view to offering an amendment to which there is no objection, I understand. It is approved by the chairman of the committee, I believe.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The Senator from Florida now moves to reconsider the vote ordering the bill to a third reading.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now open to amendment.

Mr. CALL. I move to amend, in line 75, after the word "quartermaster," by striking out "one thousand two hundred" and inserting "one thousand six hundred and fifty;" in line 77, after the word "records," by striking out "one thousand two hundred" and inserting "one thousand five hundred;" and in line 79, after the word "treasurer," by striking out "one thousand two hundred" and inserting "one thousand five hundred;" so as to read:

For clerk to the disbursing officer and quartermaster, $1,650.
For clerk to adjutant in charge of cadet records, $1,500.
For clerk to treasurer, $1,500.

Mr. ALLISON. I make a point of order on the last amendment. It is not estimated for. I suggest to the Senator from Florida that the first amendment be $1,500 instead of $1,650, so that those two officers may receive just what they have received for a good many years.

Mr. CALL. I accept the modification.

The PRESIDENT *pro tempore*. The amendment as modified will be read.

The CHIEF CLERK. In line 75, after the word "quartermaster," it is proposed to strike out "one thousand two hundred" and insert "one thousand five hundred;" so as to read:

For clerk to the disbursing officer and quartermaster, $1,500.

The amendment was agreed to.

The next amendment was, in line 77, after the word "records," to strike out "one thousand two hundred" and insert "one thousand five hundred;" so as to read:

For clerk to adjutant in charge of cadet records, $1,500.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The other amendment is ruled out of order.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JUDICIAL DISTRICTS IN TEXAS AND INDIAN TERRITORY.

The PRESIDENT *pro tempore*. The Calendar is now in order, under what is commonly known as the Harris rule, and House bills will be proceeded with in their order.

Mr. MAXEY. During my absence House bill 4841, Calendar No. 1642, was informally passed over without prejudice. I ask that it be now considered.

The PRESIDENT *pro tempore*. It is now in order. The Senator from Texas calls for the consideration of the bill named by him.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes.

Mr. VEST. Is the consideration of that bill subject to objection?

The PRESIDENT *pro tempore*. It is.

Mr. VEST. I object.

Mr. MAXEY. I move to proceed with the consideration of the bill notwithstanding the objection of the Senator from Missouri.

The PRESIDENT *pro tempore*. The Senator from Missouri objecting to the consideration of this bill, the Senator from Texas moves that the Senate proceed to its consideration notwithstanding the objection. The question is on that motion.

Mr. VEST. The motion is not debatable, I believe.

The PRESIDENT *pro tempore*. It is not debatable.

The motion was agreed to—ayes 37, noes not counted.

Mr. CULLOM. Is this bill open to amendment?

The PRESIDENT *pro tempore*. It is.

Mr. CULLOM. I offer the following amendment as two additional sections:

SEC. 9. That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $5,000 per annum.

SEC. 10. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall hereafter be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

Mr. DAWES. It is impossible to hear what is going on, and no one can tell what that amendment is. I wish either it might be read in such a tone that we can hear it or that there may be order to enable a voice to be heard.

The PRESIDENT *pro tempore*. Senators complain that they can not hear the reading at the desk.

Mr. VEST. There is so much conversation that we can not hear what is going on.

The PRESIDENT *pro tempore*. The Senate will come to order. The amendment will be again read. Senators are requested to keep their seats, and gentlemen entitled to the floor are requested to take seats and suspend conversation. The amendment will be read.

The CHIEF CLERK. Add as additional sections the following:

SEC. 9. That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $5,000 per annum.

SEC. 10. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall hereafter be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

Mr. MAXEY. I trust that the amendment will be voted down. The matter of the proposed amendment is entirely foreign to the bill. The bill appoints no judge. The judges are already appointed. It appoints no marshal and no district attorney. It creates no new court whatever. This amendment proposes to increase the salaries of judges throughout the United States; and whilst I have no objection whatever to the principle embraced in the amendment, the effect of it would be to kill this bill, which is of the utmost importance to my people. I trust that the Senator from Illinois will withhold it and place it somewhere else where it will not have that effect.

Mr. CULLOM. I certainly have no disposition to kill the bill of the Senator from Texas, and I do not apprehend that the amendment would result in that way, for the reason, as I understand the facts, that the other body which has had this subject under consideration has, more than once perhaps, expressed itself in favor of the proposition by almost a two-thirds vote; and that being my understanding I think that if it was attached to this bill it would go through the other House very readily. If the Senator desires to ask for a conference, that can be done and it will not be delayed for want of time.

Mr. MAXEY. We did pass a bill, I believe, precisely in the words of the Senator's amendment. That bill is before the House and has been for a long time, so that they can act on that bill if they wish, and there is an impropriety in attaching it to this bill.

Mr. CULLOM. The probability is that the other House, under their rules—if I may be allowed to refer to the other House—will not be able to get the bill up for consideration. If I thought the offering of this amendment to the Senator's bill would seriously jeopardize its passage, I would not feel like insisting on it.

Mr. MAXEY. I have not a doubt that it will jeopardize the passage of this bill, and very materially.

Mr. CULLOM. As this bill is a bill that the Senator from Texas is anxious about, and as he will not be a member of this body very much longer, I will withdraw the amendment with the understanding that I shall offer it to some other bill, unless it becomes evident that all the provisions of it are likely to become a law by the passage of a bill already in the other House. I withdraw the amendment.

Mr. VEST. I offer an amendment by way of a substitute for this bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That a United States court is hereby established whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit: North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas and the Territory of New Mexico; and a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of $3,500 per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of United States district courts.

SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, an attorney and marshal for said court, who shall continue in office for four years, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas. The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of $10,000, conditioned as by law required in regard to the bonds of other United States marshals.

SEC. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court for the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of $10,000, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

SEC. 4. That the judge appointed under the provisions of this act shall take the same oath required by law to be taken by the judges of the district courts of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court. The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of United States district courts, the same to be entered of record in said court as provided by law in like cases.

SEC. 5. That the court hereby established shall have criminal jurisdiction over the Indian Territory, as herein bounded, in all cases in which the district court for the western district of Arkansas may now exercise jurisdiction; and upon conviction of any of the crimes or offenses named in chapter 4, title 28, and chapters 3 and 4, title 70, of the Revised Statutes of the United States, and all subsequent enactments amendatory thereof, the same punishment shall be inflicted by said court upon the persons convicted as is provided by existing laws of the United States for like crimes and offenses; and all the provisions of the Revised Statutes of the United States as to criminal procedure and as to limitations shall apply to the court created by this act. All causes pending in the United States district court for the western district of Arkansas, the United States district court at Wichita and Fort Scott, in the district of Kansas, and the United States district court for the northern district of Texas, at the date of the passage of this act, which originated in the Indian Territory, or in which any citizen or resident of said Territory, or any member of the Cherokee, Choctaw, Chickasaw, Seminole, or Creek Nation, or of any other Indian tribe in said Territory, may be a party, shall be transferred to the court provided for in this act; and the clerks of said courts shall certify and transmit to the clerk of the court herein established the record and all papers on file in said causes.

SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any person or persons residing or found in the Indian Territory, and

when the value of the thing in controversy, or damages or money claimed, shall amount to $100.

The provisions of chapter 18, title 13, of the Revised Statutes of the United States, shall govern such court, so far as applicable: *Provided*, That the practice, pleadings, and forms of proceeding in civil causes shall conform, as near as may be, to the practice, pleadings, and forms of proceeding existing at the time in like causes in the courts of record of the State of Arkansas, any rule of court to the contrary notwithstanding; and the plaintiff shall be entitled to like remedies by attachment or other process against the property of the defendant, and for like causes, as now provided by the laws of said State.

The final judgment or decree of the court hereby established, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party, or of other competent witnesses, exceeds $1,000, may be reviewed and reversed or affirmed in the Supreme Court of the United States upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court.

SEC. 7. That two terms of said court shall be held each year at Muscogee, in said Territory, on the first Monday in May and November, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other time previous to a regular term; and the marshal shall procure suitable rooms for the use and occupation of the court hereby created.

SEC. 8. That all proceedings in said court shall be had in the English language; and *bona fide* male residents of the Indian Territory, over twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court, but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

SEC. 9. That the jurors shall be selected as follows: The court at its regular terms shall select three jury commissioners, possessing the qualifications prescribed for jurymen, and who have no suits in court requiring the intervention of a jury; and the same persons shall not act as jury commissioners more than once in the same year. The judge shall administer to each commissioner the following oath:

"You do swear to discharge faithfully the duties required of you as jury commissioner; that you will not knowingly select any one as juryman whom you believe unfit and not qualified; that you will not make known to any one the name of any juryman selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with any one selected by you as a juryman concerning the merits of any cause or procedure to be tried at the next term of this court: so help you God."

SEC. 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury-room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave of the court until they have completed the duties required of them; that they shall select from the *bona fide* male residents of the Territory such number of qualified persons as the court shall designate, not less than fifty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as grand jurors at the next term of court; shall write the names of such persons on separate pieces of paper, of as near the same size and appearance as may be, and fold the same so that the names thereon may not be seen. The names so written and folded shall be then deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from said box the names of twenty-three persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed "List of grand jurors."

SEC. 11. That the said commissioners shall then proceed to draw in like manner nine other names, which shall be recorded in like manner on another paper, which shall be certified and signed by the commissioners, and indorsed "List of alternate grand jurors." The two lists shall be inclosed and sealed so that the contents can not be seen, and indorsed "List of grand jurors," designating for what term of the court they are to serve, which indorsement shall be signed by the commissioners, and the same shall be delivered to the judge in open court.

SEC. 12. That the commissioners shall also select from the *bona fide* male residents of the Territory such number of persons as the court shall direct, not less than sixty, possessing the qualifications prescribed in section 8, to serve as petit jurors at the next term of court, and shall draw and make a list of 37, as prescribed in section 10, which list shall be indorsed "List of petit jurors," designating the term; and said commissioners shall then proceed to draw in like manner twelve other names, which shall be written on another paper, which shall be certified and signed by the commissioners, and indorsed "List of alternate petit jurors," designating the term for which they are to serve; and said lists shall be delivered by the commissioners in open court to the judge, and the judge shall deliver the lists to the clerk in open court, and administer to the clerk and his deputies the following oath:

"You do swear that you will not open the jury-lists now delivered to you; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit pending and for trial in this court at the next term, unless by leave of the court: so help you God."

SEC. 13. That within thirty days before the next term, and not before, the clerk shall open the envelopes and make a fair copy of the lists of grand jurors and alternate grand jurors, also a fair list of petit jurors and of alternate petit jurors, and give the same to the marshal, who shall, at least fifteen days prior to the first day of the next term, summon the persons named as grand and petit jurors and alternate grand and petit jurors to attend on the first day of said term as grand or petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

SEC. 14. That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend, he may be attached and fined or committed as for contempt.

SEC. 15. That if there shall not be a sufficient number of competent grand and petit jurors and alternates present, and not excused, to form a grand and petit jury, the court may compel the attendance of such absentees or order bystanders to be summoned to complete the juries.

SEC. 16. That if for any cause the jury commissioners shall not appoint or shall fail to select a grand jury or a petit jury as provided, or the panels selected be set aside, or the jury-list returned in court shall be lost or destroyed, the court shall order the marshal to summon a grand and petit jury of the number hereinbefore designated, who shall be sworn to perform the duties of grand and petit jurors as if they had been regularly selected.

SEC. 17. That the fees of the grand and petit jurors and witnesses before said court herein created shall be the same as are provided in the district court of the United States for the western district of Arkansas.

SEC. 18. That in all criminal trials had in said court, in which a jury shall be demanded, and in which the defendant or defendants shall be citizens of the United States, none but citizens of the United States shall be competent jurors; and if a jury so composed can not for any reason be had within the jurisdiction of said court, a writ of venire facias may issue to the marshal of an adjoining district, to be designated by the judge of said court, commanding said marshal to summon forty persons in his district competent to serve as jurors in the district of which he is marshal, who, upon failure to obey such summons, may be compelled by attachment to attend as jurors for the trial of said cause. The persons so attending shall be examined as other jurors touching their competency to serve as jurors in said cause, and, if found competent, shall be sworn and impaneled to try the same, the right of challenge to be the same as provided in criminal proceedings in the United States courts.

SEC. 19. That a writ of error to the final judgment of the court hereby established to the Supreme Court of the United States shall be allowed in all capital cases, and from the decision of said court upon writs of habeas corpus involving the question of personal freedom. The writ of error to the decision of said court upon writs of habeas corpus shall be taken upon such terms and under such regulations and orders, as well for the custody and appearance of the person alleged to be unlawfully restrained of his liberty as for sending up to the Supreme Court a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings as may be prescribed by the Supreme Court, or, in default thereof, by the court or judge hearing the cause.

SEC. 20. That all laws or parts of laws heretofore enacted giving jurisdiction, civil or criminal, to the United States district courts for the western district of Arkansas, the district of Kansas, and the northern district of Texas over the Indian Territory as in this act bounded, or any part of the same are hereby repealed; but this repeal shall not affect the prosecution and punishment of offenses committed before the passage of this act, and all such offenses shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

Mr. MAXEY. I move to lay the amendment offered by the Senator from Missouri on the table.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the amendment offered by the Senator from Missouri lie on the table.

Mr. VEST. Is it intended by that to cut off debate?

The PRESIDENT *pro tempore*. The effect of the motion, if agreed to, is to cut off debate.

Mr. VEST. I should like to say a few words.

Mr. MAXEY. It does not cut off debate on the bill, but does on the amendment.

Mr. VEST. I want to be heard on this amendment. I ask the Senate to vote down the motion.

Mr. ALLISON. I desire to make a parliamentary inquiry. Is an amendment to this amendment in order now?

The PRESIDENT *pro tempore*. It is in order; but a motion to lay on the table supersedes any amendment.

Mr. ALLISON. I give notice that if that amendment is to be considered I shall move the amendment proposed by the Senator from Illinois [Mr. CULLOM].

Mr. HARRISON. I rise to make an inquiry. I do not find on the Calendar the bill which is marked "Calendar No. 1546," which is now moved by the Senator from Missouri [Mr. VEST] as an amendment to the bill of the Senator from Texas, and I rise to inquire whether this bill, Senate bill 102, has passed the Senate?

Mr. VEST. It is upon the Calendar. It is the bill reported by the Committee on the Judiciary which has been on the Calendar for months.

Mr. HARRISON. Fifteen hundred and forty-six is the Calendar number on the printed bill.

Mr. VEST. The Senator will find it on the Calendar on page 9.

Mr. HARRISON. The copy I have is marked "Calendar No. 1546."

Mr. VEST. It is 1645 on the Calendar, Senate bill 102, reported from the Committee on the Judiciary.

Mr. HARRISON. Then the Calendar number on the bill is wrong.

Mr. VEST. It is on page 9 of the Calendar.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. I know that, but I desire to state that no matter how good the bills may be of themselves, I do not propose to load down the bill of the Senator from Texas by putting on it any bill, however good, that may kill his.

The PRESIDENT *pro tempore*. The motion is to lay the amendment on the table.

Mr. MAXEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PLATT. This question is not debatable, but I desire to say that I vote against laying it on the table for the especial purpose of allowing the Senator from Missouri to explain his amendment.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. DAWES. I wish the Senator from Texas would withdraw his motion for a moment. This matter is very important to the Indian Territory, and I should like myself to hear the reasons the Senator from Missouri has for offering his amendment. If I may be allowed to say so, I am very much troubled as to what ought to be done in reference to this matter.

Mr. CULLOM. By unanimous consent, I should like to say one word.

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent of the Senate to debate this question. Is there objection?

Mr. RIDDLEBERGER. I object, Mr. President.

The PRESIDENT *pro tempore*. Objection being made, debate can not be allowed. The Secretary will call the roll on the motion to lay on the table.

The Secretary proceeded to call the roll.

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. I make that announcement now for the day. If I were at liberty to vote I should vote against all these propositions in the shape of amendments to the bill of the Senator from Texas, and would vote for his bill.

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

The result was announced—yeas 29, nays 17; as follows:

YEAS—29.

| | | | |
|---|---|---|---|
| Allison, | Cullom, | Maxey, | Vance, |
| Beck, | Farwell, | Mitchell of Oreg., | Walthall, |
| Brown, | George, | Plumb, | Williams, |
| Call, | Hale, | Pugh, | Wilson of Iowa, |
| Cameron, | Harris, | Sawyer, | Wilson of Md. |
| Chace, | Harrison, | Sherman, | |
| Coke, | Ingalls, | Spooner, | |
| Conger, | Jones of Nevada, | Teller, | |

NAYS—17.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Jones of Arkansas, | Platt, |
| Berry, | Dolph, | Kenna, | Vest. |
| Blair, | Frye, | McPherson, | |
| Cheney, | Gorman, | Morgan, | |
| Cockrell, | Hampton, | Payne, | |

ABSENT—30.

| | | | |
|---|---|---|---|
| Blackburn, | Fair, | Manderson, | Saulsbury, |
| Bowen, | Gibson, | Miller, | Sewell, |
| Butler, | Gray, | Mitchell of Pa., | Stanford, |
| Camden, | Hawley, | Morrill, | Van Wyck, |
| Colquitt, | Hoar, | Palmer, | Voorhees, |
| Edmunds, | Jones of Florida, | Ransom, | Whitthorne. |
| Eustis, | McMillan, | Riddleberger, | |
| Evarts, | Mahone, | Sabin, | |

So it was ordered that the amendment lie on the table.

Mr. MORGAN. I offer the same amendment offered by the Senator from Missouri, leaving out the twentieth section, so that he may have an opportunity to submit remarks.

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Alabama submits an amendment, being the amendment already read, with one section omitted.

Mr. MORGAN. The bill which is advocated by the Senator from Texas is exactly in an opposite direction from the bill that is reported unanimously by the Judiciary Committee of this body, and just here the Senate is going to make the turning-point in the most important administrative policy that can possibly concern the Indians of the five civilized tribes.

I had the honor in association with the chairman of the Committee on Indian Affairs and other Senators of this body to examine into the judicial situation of the Indian Territory, and I think I can speak almost entirely for the committee, at least for a large majority of that committee, and the Committee on the Judiciary have spoken, I believe, unanimously, that it is necessary in order to the further civilization of the five civilized tribes that the judicial authority of the United States should be extended over that Indian country, and that it should be established in the midst of it. All the bills which cut off portions of the territory of that Indian country and assign it to the judicial establishments in surrounding States——

Mr. COKE. Allow me to say that the report of the Judiciary Committee was not unanimous.

Mr. MORGAN. Then I am mistaken in that.

All the bills which propose to cut off a portion of the Indian country by tribes or otherwise and assign the jurisdiction, as is now the case, to the courts of the adjacent States, is in direct opposition to the policy which I consider is eminently necessary for those Indians and for the successful enforcement of the laws of the United States in the Indian country.

If the Senate is going to abandon the policy recommended by the Committee on the Judiciary, then of course I shall be ready to vote for the bill of the Senator from Texas, because under the present system, while it is maintained, the territorial jurisdiction of the court at Fort Smith, Ark., is too large; it is almost impossible to execute the laws in a satisfactory way in the Indian country with so large an area included in the jurisdiction of that court as there is now.

The abuses under the judicial power of the United States in the Indian country are simply horrible. They violate every instinct of Christian civilization, as is shown in the report of the Committee on Indian Affairs after its subcommittee had gone there and made a very diligent examination of that country and of its judicial condition.

But I insist, Mr. President, that the Senate will never dispose of any question connected with these Indians of any more importance than that which has now come before it very unexpectedly to me. I did not know that this report had been made from the Judiciary Committee. While I am thoroughly committed to the bill of the Senator from Texas if we are to pursue the existing system out there, yet I insist that we ought to follow the advice of the Committee on the Judiciary and establish courts in that Territory and draw those civilized Indians in as part of the administrators of the laws of the United States, and in that way we shall build those people up more thoroughly and cement them more securely and give to their civilization more of crystallization and more of power and force than we can do by any other measure that has ever been brought or perhaps ever will be brought before the Senate.

There is no bill that may concern those Indians that is so material to their welfare as this bill, until we finally pass upon a bill admitting them as a State into this Union. They deserve the consideration of this country. They have built their civilization in strict accordance with ours, adding to it such features as have been beneficent, considering the condition and character of the Indians, and in their constitution, in their laws, in their civil polity, in their courts, and in every other institution that they have established there they have shown remarkable wisdom and remarkable excellence of judgment in the control of their government. So I hope the Senate will not adopt a system which is contrary to the one which is recommended by the Judiciary Committee on this occasion.

Mr. VEST. Mr. President, I must confess that I was a little surprised when the Senate refused me the ordinary courtesy of explaining the status of this matter under the amendment which I offered as a substitute. It is the first time in my parliamentary experience that a Senator has not been accorded the poor privilege of explaining what was the real status of a question in which the whole country is interested, and which is not a personal question, before a vote should be taken on its merits. If this were a question of courtesy, I think I can appeal to every one of my brother Senators to bear witness that I am not deficient in that quality in a public or private capacity either, and I may be permitted to infringe upon the ordinary parliamentary rules to say——

Mr. HALE. Will the Senator give way for me to make a motion in reference to the vote just taken?

Mr. VEST. Certainly.

Mr. HALE. I voted to lay the amendment on the table, not understanding the proposition in any degree. I now move to reconsider the vote whereby it was laid upon the table. I do not wish to interrupt the Senator from Missouri.

The PRESIDENT *pro tempore*. The motion itself is not debatable. The Senator from Maine moves that the Senate reconsider the vote by which the amendment of the Senator from Missouri was laid on the table. The question is on that motion to reconsider.

The motion was agreed to.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri is now pending.

Mr. VEST. Mr. President, I will proceed to state that when this proposition of the Senator from Texas was pending before the Judiciary Committee I gave the deciding vote in favor of reporting the bill to the Senate with the distinct understanding that I was opposed to the bill and should oppose it in the Senate; but I will state frankly that from personal consideration for the Senator from Texas, who was anxious in regard to the matter, the bill having come from the other House, I was willing to waive any advantage that I had as a member of the committee and voted to report the bill in order that it should be considered, with the understanding that I would antagonize it with the measure which I have offered as a substitute now.

Mr. President, a more important measure than this has not been before the Senate at this or any other session of Congress, important not only to the five civilized tribes in the Indian Territory but important to the whole people of the United States.

Mr. FRYE. Does the Senator refer to the amendment or to the bill?

Mr. VEST. To the amendment now pending.

Mr. ALLISON. Does the bill of the Senator from Texas relate to the same subject that is contained in the amendment of the Senator from Missouri?

Mr. VEST. The bill of the Senator from Texas represents one system.

Mr. ALLISON. That I did not understand.

Mr. VEST. And the amendment which I offer represents another, and I will undertake to explain what the difference is.

Mr. MAXEY. The Senator from Missouri will pardon me a moment.

Mr. VEST. Certainly.

Mr. MAXEY. When the Senator from Missouri concludes, I shall explain, I think, in a very few words. the exact state of the case.

Mr. VEST. I do not think there is any difficulty in understanding the case. The Senator from Texas and myself will agree about what the two bills are. The Senator from Texas simply proposes to cut off a portion of the Indian Territory and attach it for jurisdictional purposes to the northern district of Texas. That is the whole of the bill. In other words, it is to continue what we have been doing for the last twelve years—cutting off slices of the Indian Territory and attaching those slices to outside courts in adjacent States.

We have now the whole of the Indian Territory, except a small portion of it, under the jurisdiction of the United States court for the western district of Arkansas for criminal purposes; and the reports of the

Attorney-General show that the administration of justice at Fort Smith, in Arkansas, costs more than it does in the United States courts for the southern district of the State of New York, which includes the city of New York. We are now engaged in spending hundreds of thousands of dollars unnecessarily, and dragging the Indians out of the Territory and taking them 150 miles for the purpose of trying them for their lives, and then hanging them by the half-dozen, after keeping them in a jail, which is a disgrace to civilization.

Another portion of the Territory a few years ago was attached to the district of Kansas, with a court at Wichita; and now it is proposed to take another portion of the Indian Territory and attach it to the northern district of Texas, with one court at Denison and another at Paris. The bill which I offer as a substitute, carefully prepared after great deliberation by the Judiciary Committee, and as perfect as we could make it, does away with all these outside courts and establishes a court at Muscogee, in the center of the Indian Territory, with a judge, marshal, and clerk, and all the machinery for administering justice inside of the Territory itself.

It is not a personal matter; it is not a matter of courtesy; it is a great question. It is the question whether we shall pursue the policy that we have heretofore adopted of dragging these Indians away from their homes, when we call them civilized and when many of them speak the English language, taking them outside the Territory and trying them with alien juries at great expense to the Government.

Mr. President, if we propose to advance the civilization of these Indians, is it not manifest to any man upon the slightest reflection that we are taking entirely the wrong direction in which to do it? If we wanted to drive these people away from us and away from our ideas and away from our jurisprudence, we could not adopt a process more effectual than the one which we have been pursuing for the last few years.

They are arrested by United States marshals, taken out of the Territory, tried before strangers, after incarceration (for they are where they can give no bail) in a filthy jail; and yet we are expected to impress by this method upon these people respect for our institutions and laws, and respect for our modes of administering those laws. If we want to civilize these people, we must alter our method and we must resort to the first great fundamental idea of all governments formed to secure liberty, and that is self-dependence. We must get them, as this bill proposes, to speak our language, because they are not permitted to serve on juries until they can speak it. The bill I offer as a substitute puts a premium on civilization by permitting residents of the Territory to serve upon juries when they can speak the English language, and not otherwise.

If we adopt the bill offered by the Senator from Texas, it is simply a step in the other direction, fundamentally opposite to what I contend is the only system upon which we can civilize the Indian at all in this country.

The other day we passed a bill to give the Indians lands in severalty. Why? Because we wanted to see them self-dependent and to impress upon them the idea of home. No nomadic people can ever emerge from a condition of semi-barbarism. These Indians have made vast progress. Now, in the substitute that I have offered, we take another great step in the direction of making them self-supporting and of impressing upon them our civilization and our jurisprudence.

Mr. BECK. Will the Senator from Missouri allow me to say a word in justice to myself in this connection?

Mr. VEST. Certainly.

Mr. BECK. When the motion was made to lay the amendment on the table I voted for it, making the remark that I was against all amendments that brought in other bills, no matter how good they were. I knew nothing about the merits of the bill of the Senator from Texas. It seemed on its face to be a bill to change the eastern and northern judicial districts of Texas and for other purposes. We are acting under the Harris rule, and the meaning and intent of that is that bills passed by the other House and favorably reported here, to which there is no objection, shall be called, so that the Senate may dispose of them during the morning hour. That class of bills, of course, we ought to pass in the morning hour, and we sometimes pass forty in a day when the rule is strictly enforced. The only thought I had was that important bills, such as this offered as an amendment by the Senator from Missouri, should come up separately. The consideration at this time of important measures destroys the morning hour and destroys all chance of getting on with the cases not objected to. That being the case, as we have only seven or eight days more left, I thought in my mind that if the discussion on the amendment of the Senator from Missouri was to go on, it would be better to have the bill go over. I would not have voted as I did if I knew what the bill was.

Mr. VEST. All I objected to was the motion of the Senator from Texas to lay my amendment on the table without giving me the privilege of explaining it. All I want is for every Senator here to understand the nature of this question. I do not want it determined on any personal feeling. My relations and feelings towards the Senator from Texas were and are as kindly as with any other human being alive. They could not be any other. But if the bill is passed as presented, it is simply taking a step in the opposite direction to the amendment which I have offered and which I believe to be absolutely necessary to that country.

Some years ago I acceded to a proposition to cut off a portion of this Territory and attach it for jurisdictional purposes to the State of Kansas, with the understanding that when this bill which I have offered as an amendment should be perfected in the committee and come before the Senate the Senators from Kansas would make no opposition to the bill. What is the result? If we continue to slice up the Territory for jurisdictional purposes we intensify and increase the opposition to a bill to establish a court in the Territory, and it will be simply impossible to pass a general law in regard to it.

Mr. PLUMB. It is universally conceded that within a very short period of time there will be a large white settlement in the Indian Territory. When we come to adjust the relations of the Territory to this settlement and the settlement to the Territory we shall undoubtedly be under a constraint, which will not admit of delay, to provide methods for the judicial determination of the difficulties which will inevitably arise by reason of the introduction of these settlers. I have felt more complaisance about the situation as it will be with the passage of the bill of the Senator from Texas because of the fact that I know we shall be under that constraint to deal with the situation under these new phases which will compel us to act, measurably at least, in the line of the bill of the Senator from Missouri.

Mr. VEST. No danger can possibly arise that ought to delay our consideration of this matter.

Mr. PLUMB. We can not consider it now.

Mr. VEST. Why can we not consider it now?

Mr. PLUMB. Not with any hope of passing the bill.

Mr. VEST. I have great hope that the bill can be passed in the House of Representatives if it passes the Senate now as an amendment; but even if it should not be, why should we stamp our approval upon a measure that is directly opposite to the principles of this amendment? If they are hereafter to be organized as a Territory preparatory to their admission as a State, what step could we take that is more important than this to prepare them to become citizens of the United States? In the general view of humanity and civilization, what better could the Senate do than to pass a bill that teaches these people our jurisprudence, our modes of administering justice?

I have one thing further to say in regard to this matter. The treaties of 1865 made between the civilized tribes, as they are termed, and the Government of the United States provide in all but one of them for the establishment of courts in the Indian Territory. The overwhelming public sentiment of the intelligent Indians and half-breeds is in favor of the bill I have offered. They appreciate the necessity of such a court, and both upon the idea of economy—for we are now throwing away thousands upon thousands of dollars, and worse than throwing it away, in dragging Indians off to outside courts—and upon the other and greater idea which I have attempted briefly and hastily to advance here this morning, there should be no hesitation on the part of any intelligent legislator in now taking a step in the right direction and turning our faces steadily toward the idea that these Indians should learn our laws, our mode of administering those laws, and our civilization; and until we do this we need not be surprised to find that the Indian Territory is simply a place of refuge for criminals from the adjacent States.

I have no personal interest in this matter other and aside from that which I feel as a citizen and Senator from Missouri. We have long suffered in my State from the fact that there are no courts, except the Indian courts, in that Territory, and that it has been made a depot for criminals who escape from my State and the other adjoining States and get into that Territory, and there defy the law and defy the authorities. If this court be established it at once reverses all this condition of things. It teaches these Indians the idea of law; it teaches them that they must be punished for their crimes, and it opens wide the door for beneficent results of civilization, the highest and the best.

Mr. MAXEY. Mr. President, I desire in a very few words to give the reasons which actuate my course in respect to this bill. I have not the slightest doubt that the bill which I have offered is in the direct interest of the Indians and the direct interest of our own race. Now I will state why.

In the Forty-eighth Congress, in the other House, the bill which I have called up was presented, and the scheme of the Senator from Missouri was contrasted with it, and after a long and arduous investigation by the Judiciary Committee of that body, equal to that of any other body, they deliberately decided that the plan which I present was the correct plan, and that bill passed the House after debate by an overwhelming majority. At the present Congress the bill again passed the House, and I believe this time with a unanimous report of the Committee on the Judiciary, and it passed the House without any dissenting voice. Now, this bill which I present involves no new principle; it inaugurates no new theory.

The district court for Arkansas more than half a century ago was invested by law with criminal jurisdiction of all crimes committed within the Indian Territory by or against a white man. That court was held

at Little Rock, and the Indian defendants were carried there and other Indians were carried there as witnesses. When the western district of Arkansas was established the jurisdiction was given to that court. Fifty years ago Texas was not annexed to the Union, Kansas was a wilderness, and there were but few white men in the Indian Territory, and therefore there were but few cases to be tried by the district court of Arkansas.

The same conditions remained up to the establishment of the western judicial district of Arkansas; but by the advent of railroads, and by the system the Indians have of permitting white men to come into their country as farmers and mechanics, the number of white men has been very largely increased, and correspondingly crime has increased there, and in addition to those two causes of increase of white population there are refugees from justice from all portions of the country, who flee there as a harbor of refuge. The result is that the district court for the western district of Arkansas is so burdened with business that men can not obtain the trial contemplated by the Constitution—a speedy and impartial trial by a jury. They stay there week after week. No one knows that better than the chairman of the Committee on Indian Affairs, and the members of that committee who visited the Indian Territory and took testimony on the ground in regard to these matters. Every term of the court goes out with vast numbers of cases undisposed of, and I am informed and believe that the civil docket of the western district of Arkansas is so crowded that it is about eighteen months behind.

As I stated, this bill inaugurates no new theory. It simply leaves to the district court of the western district of Arkansas so much of the Indian Territory as, added to its jurisdiction in Arkansas, will give to it a reasonable amount of work to do. It changes the eastern and northern judicial districts of Texas so as to equalize their work, and then adds that much of the Territory which is contiguous to the eastern district of Texas to that district with a new division created with a court at Paris, and so much of the Indian Territory as is contiguous to the northern district of Texas is assigned to that district with a division established and with a court at Denison. That is the whole of the bill.

I say to the Senate that if you are humane, if you want to work in the interest of the Indians, the amendment of the Senator from Missouri should be voted down, because it is simply impossible for that to go through at the present session of Congress. That bill has not been considered by the Senate. It is, as he stated, a new system altogether, and I will say that it involves principles which were never incorporated before in any bill in the history of our legislation.

I want the Senate to understand this. If this bill of the Senator from Missouri is to be considered it opens out a wide field of discussion. Are you going for the first time in the history of this country to have civil jurisdiction in the Indian Territory, and execution by attachment, sequestration, and injunction, and all that? The amendment provides for that. For the first time in the history of this country it makes a court there with civil jurisdiction; and what more? It does not follow the theory of the treaties which the Senator speaks of, because those treaties provide that the court to be established there shall be simply a part and parcel of a territorial system of government, and the marshal under that theory, as laid down in the treaties, is to be appointed by the governor of the Territory and not by the President of the United States by and with the advice and consent of the Senate.

More than that, the Senator's bill provides for bringing jurors into the Territory from other districts, from the States. That is new; it is novel; it is a departure; it raises a very grave question whether that can be done; but the bill which I present simply relieves at this time and in the future. Should the bill of the Senator from Missouri be adopted after full and fair discussion, then the same act which removes the court from Fort Smith would remove it from Texas and remove it from Kansas. This bill only relieves the difficulty; it is of pressing necessity; and therefore I think, with all solemnity and with a full knowledge of the facts, that the bill ought to pass without the amendment of the Senator from Missouri.

Mr. VEST. The Senator from Texas speaks of an anomaly in the bill which I offer to the Senate. I should like to know any greater anomaly in jurisprudence than that which exists to-day in these outside courts with their jurisdiction over the inside of the Indian Territory.

Mr. MAXEY. That has been so for half a century.

Mr. VEST. Half a century, says the Senator. I think he is mistaken in that. The court established at Fort Smith which has criminal jurisdiction over the Indian Territory was created after the war.

Mr. MAXEY. I beg the Senator's pardon. The district court of Arkansas had jurisdiction fifty years ago. The great case of the United States *vs.* Rogers went up from that court forty years ago.

Mr. VEST. But the act now giving criminal jurisdiction was passed after the war, under which they are operating now in the Indian Territory. That is not, however, a material point. It does not make any difference whether it was created last year or fifty or one hundred years ago, the principle is wrong; it is antagonistic to our ideas of jurisprudence. Everywhere else in the Territories where the Indians are subjected to our jurisdiction they are tried by the Territorial courts; but here in the Indian Territory, which we call the civilized portion of the Indians of the country, we seize these people, carry them outside of their own Territory, try them before juries made up of strangers, hold them for months without bail, and then hang them, as I said, in shoals, in order to evidence to them our laws and our jurisprudence!

In regard to the treaties of which the Senator speaks, there is but one of those treaties that refers to this Territorial government and marshal. According to the report of the committee which went to the Indian country some years ago, the evidence was overwhelming that the Indians were in favor of a United States court in that Territory. If there has been any departure from the ordinary administration of law in this country, it has been found in these outside courts. It is not necessary for me to repeat again the arguments which seem to be overwhelming in favor of our going no further in that direction.

The PRESIDENT *pro tempore*. The Senator from Missouri will pause. It is the duty of the Chair at 2 o'clock to announce the unfinished business, which is the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the department of agriculture and labor. The Senator from Arkansas [Mr. JONES] is entitled to the floor on this bill.

Mr. MAXEY. I was going to ask that the agricultural bill be passed over. I do not propose to say anything more myself. I think we can take the vote in a little while.

Mr. HARRIS. I ask unanimous consent of the Senate, the Senator from Arkansas [Mr. JONES] yielding, that the unfinished business be laid aside, if there is to be no further debate on this bill.

Mr. DAWES. I will say to the Senator from Texas that I do not think there is any disposition to delay the bill, but I hope he will not insist on finishing it up now in this summary way. As between the two bills——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. DAWES. I want to make a suggestion to the Senator from Texas, if there be no objection.

The PRESIDENT *pro tempore*. The Senator may proceed if there be no objection.

Mr. DAWES. As between the two bills there is fair subject-matter for debate. That some remedy must be applied to the present condition of things everybody admits. If the Senator's bill can be, without losing it, transformed into the bill of the Senator from Missouri, everything will be accomplished that the Senator from Texas or any other Senator desires. If not, let the bill of the Senator from Texas be adopted as a temporary relief to the condition of things there.

But there is no danger, I will say to the Senate, of losing the bill. If the Senate shall be convinced, as I hope they will, that as between the two bills the bill of the Senator from Missouri should be adopted, and a committee of conference can not agree to that, then the bill will be in the Senate in a condition to pass it as a temporary relief to the present condition of things.

I suggest to the Senate that, if we can not have the bill of the Senator from Missouri, I shall vote for the bill of the Senator from Texas, because there must be some relief to the condition of things there. But there can be no question, it seems to me, as between the two bills if either can become a law, that the system of holding courts in the Territory is the true system, and after having undertaken to pull this Territory apart we shall have to exert ourselves to bring it together again at the next or an early session of Congress by providing for a court in the Territory.

Mr. MAXEY. I want to say——

The PRESIDENT *pro tempore*. Does the Senator from Arkansas yield?

Mr. JONES, of Arkansas. I yield. It is impossible, as I think, to have this bill disposed of in any reasonable time, but I am willing to yield so that the sense of the Senate can be taken as to which bill it will proceed with.

Mr. MILLER. I shall object to laying aside the regular order unless it can be done with the understanding that there is to be an immediate vote on the Texas bill.

Mr. EDMUNDS. That is quite impossible.

Mr. MILLER. Then I trust my colleague upon the Committee on Agriculture will proceed.

The PRESIDENT *pro tempore*. Objection being made, the regular order is before the Senate.

Mr. MAXEY. I have no desire to speak further.

Mr. EDMUNDS. I wish to address the Senate on this subject.

The PRESIDENT *pro tempore*. The Agricultural Department bill is the pending business.

## DEPARTMENT OF AGRICULTURE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the department of agriculture and labor.

Mr. JONES, of Arkansas. Mr. President, the ratio of increase in pop-

ulation in the United States from 1870 to 1880 was 30.23 per cent. Applying this ratio to the numbers employed in what we call the gainful occupations in 1870, we have the following result, as shown by a table in the census reports:

| Classes. | Occupations, 1870. | Increased by 30.23 per cent. | Actual numbers returned in 1880. | Excess. | Deficiency. |
|---|---|---|---|---|---|
| All occupations | 12,505,923 | 16,286,463 | 17,392,099 | 1,105,636 | ..... |
| Agriculture | 5,922,471 | 7,712,834 | 7,670,493 | ..... | 43,341 |
| Professional and personal services | 2,684,793 | 3,496,406 | 4,074,238 | 577,832 | ..... |
| Trade and transportation | 1,191,238 | 1,551,349 | 1,810,256 | 258,907 | ..... |
| Manufacturing, mechanical, and mining industries | 2,707,421 | 3,525,874 | 3,837,112 | 311,238 | ..... |

From the foregoing it appears that all the gainful occupations except that of agriculture has surpassed the general ratio of increase, and that farming alone has not kept pace in increase of numbers with the general development.

In professional and personal services the increase has exceeded the ratio by 577,832 persons. In trade and transportation the excess is 258,907. In manufacturing, mining, and mechanical industries it is 311,238, and in farming alone does it fall below the ratio, and this by the number of 43,341 persons.

If the number of persons engaged in agriculture had increased in the same ratio as those in manufactures, mechanical, and mining industries have, in the decade from 1870 to 1880, there would have been employed in agricultural pursuits in 1880, 8,393,664, or 723,571 persons more than were actually so employed.

Increasing as did those engaged in trade and transportation, there would have been 8,987,491 engaged in agriculture in 1880, instead of 7,670,493, or 1,316,998 more than there actually were. Or if they had increased as those employed in professional and personal services, there would have been 9,000,030 instead of 7,670,493, or 1,329,537 more than there were.

Thus the country is warned that the greatest industry within the bounds of our Government, the one most important and absolutely indispensable, the very foundation of all other interests, is being undermined, and most certainly suggests that it is time to stop and consider whether this decline in vigor and activity does not indicate a great wrong somewhere. In my opinion the cause, whatever it is, is the result of disorganization amongst farmers while other interests are organized.

Coming from an agricultural State, and representing a constituency almost wholly engaged in agricultural pursuits, I naturally feel a deep interest in any measure likely to affect for good or evil the great body of people so employed.

In the past, the farmers as a class have generally been content to remain totally disorganized, and instead of uniting to press upon the attention of the National Government any special interests of their own, they have been willing to trust to Congress to enact such laws as would be fair alike to all.

The inexorable logic of events, however, has demonstrated to them that they have been too trustful, and that they are now at great disadvantage before the laws, and that a great effort will be required to regain their lost ground. They are learning, too, that to be effective their great numbers must "pull all together." This can only be done by organization.

I do not mean such organization as implies secret meetings, signs, grips, and pass-words. In a free government great public questions and great public purposes should not be so considered or prosecuted, but I mean such union as held our ancestors together in the long struggle for liberty that culminated in the Revolutionary struggle—a single purpose held in common, sacred to every man, and which was never lost sight of, nor for one moment subordinated to anything else, great or small.

I believe that the people least governed are the people best governed, and regard with great apprehension our apparently irresistible tendency at this time toward what is commonly called paternal government.

In supporting this measure my desire is not to provide that the Government shall extend a fostering care over the farmers or their interests, but it is with the hope that a wise and just administration of the duties of the office of secretary of agriculture will result in developing among farmers a new and greater interest in their calling, an unity of purpose in securing and enforcing their rights, their equality under the laws, and the restraint and control of the aggression of others, so as to ultimately free all interests alike from governmental interference, and allow each man to follow his own business inclinations in his own way, restrained only from wronging others, and protected only from being wronged.

This prevailing tendency to apply to the National Government for relief from everything, floods, storms, diseases amongst cattle, and other such misfortunes, as well as for assistance to make unprofitable enterprises pay, or to regulate private affairs, is un-American, and grows out of the same weakness and lack of sturdy independence that in past ages has made governments masters and the people slaves, and is the exact reverse of the theory that makes the people masters and the government a servant.

This is not only to be deplored because it is pregnant with evil to our form of government, but also for its tendency to weaken that independence that makes us Americans.

The typical American, worthy of the name, appreciating the aspirations of the fathers and what they meant when they startled the world by teaching that all men were born free and equal, and that all just government comes from the consent of the governed, oppose the tendency to change this Republic into a great alms-house, in which the people are to be the helpless beneficiaries, under the provident care of a paternal Government, instead of a self-reliant, self-respecting, self-supporting, independent, and free people. They believe, and believe earnestly, "that though the people support the Government the Government ought not to support the people."

At a time when every other interest, great or small, is organized, and many of them daily plying Congress with petitions and arguments in favor of special legislation in their own behalf, without regard to the effect on the general public, and when the statute-books are covered over with legislation of this kind, all of which operates directly against the rural population, it seems imperatively necessary that the farmers should organize, not to secure special advantages, or place themselves under the care of the Government, but for the purpose of obtaining equal rights under equal laws.

To equip themselves for the effort necessary to bring this about they must not only understand their relations to each other, but they must understand as well their relations as a class to all other interests and pursuits, and to accomplish successfully this end, union, co-operation, and harmonious action among themselves are indispensable. These, with the great benefit and assistance that I believe will be derived from the establishment of this new department of agriculture, will produce big results, fraught with good to the tillers of the soil in the near future.

With such an union the Government can not long be so far diverted from its true purpose as to be in any instance a mere engine of wrong and oppression in the hands of those who, better organized, more unscrupulous and grasping, and less patriotic than their fellows, would reap unfair advantages from its administration.

I am fully aware that the bill under consideration is opposed by some who have, as much as I, interest in the advancement and prosperity of the agricultural classes, because they believe the measure will prove at best but a "Dead Sea apple" to the farmers, or, if there are any results from it, instead of being helpful and beneficial that they will only be steps toward centralizing all power in the National Government.

While there is cause for these apprehensions, I nevertheless favor the bill, because this risk must be taken and there is no earthly chance for the farmers to protect themselves unless they come by some means to act in harmony, and in this I think the proposed department will render substantial aid.

I believe, in the eloquent language of my colleague in the House of Representatives [Mr. BRECKINRIDGE], that—

> What agriculture needs is a repeal of those laws which have dethroned her from the imperial position which God gave her and which she ought to occupy in this land to-day.

And I believe that this dethronement was made possible only by the union of opposing forces and the disunion of the farmers, and that we must meet union with union—that there is no other help.

There is a feeling, too, that while this measure will provide with care for obtaining "information upon the subject of labor, its relation to capital, the hours of labor, the rate of wages, the cost of production of the articles produced, and the increase in the productive efficiency of the labor and earnings of men and women, the means of promoting their material, social, intellectual, and moral advancement, and the best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry," that this is directed more particularly to other than farm labor, and that there has been a failure to provide for such an investigation into the condition of those engaged in agriculture, and the relations of this avocation to other interests as will impress upon Congress and the public the unjust discriminations built up by improper legislation.

Such an investigation would be valuable in forming a sound public opinion, and will, even if not provided for in terms, naturally grow up under this new department which will in the very nature of things become the great source of statistical information in all matters pertaining to agriculture, and will naturally bring to public attention its rights as well as its wrongs.

Efforts to effect an organization among this class have been made from time to time with some degree of success, but as yet they have not accomplished a tithe of the results that lie within their easy reach.

These efforts have heretofore failed or proved unsatisfactory from various causes; they have been too local to be effective or powerful. Some

have adopted secret methods of procedure, which feature has been peculiarly unfortunate, as this manner of dealing with public questions is always unpopular in this country and has always been rebuked and repudiated. A movement which has for its object only the promotion of justice, the elevation of man, and the advancement of the public good, without any purpose of doing harm to any one, has no occasion to "love darkness rather than light."

While the greatest respect is entertained for benevolent and charitable institutions, and orders which adopt secret methods that their "left hand know not what their right hand doeth," the feeling is strong amongst all Americans that questions of political and economic interest should always be discussed, considered, and acted upon with the utmost publicity and frankness, and any movement adopting methods of secrecy, in dealing with such questions, will and ought to be distrusted as long as we are a free people.

Another reason why efforts to organize farmers have been unsuccessful is that selfish and ambitious men have pushed themselves to the front, and have succeeded in diverting the movement from its real purpose of general good into a means of satisfying their personal greed and ambition. These men are the greatest enemies to such efforts. They think only of themselves, and are always like Absalom at the gate saying, "Oh, that I were made a judge in the land, that every man which hath any suit or cause might come unto me, and I would do him justice!"

The hearts of the people were stolen away in David's time by such false pretenses, and will be, I fear, in all times and amongst all people—at any rate they have often succeeded in sacrificing the good of the whole people to mere personal and selfish ends. An important lesson necessary to be learned in any successful organization must be to mercilessly cut off all such self-seeking marplots. Wherever such an effort has seemed to be fairly started, it has invariably happened that in its separate organizations schemes foreign to the purpose have been at once presented, real and imaginary questions, all sorts of theories, printed resolutions upon all manner of subjects are kindly supplied by peripatetic cranks everywhere, and they are urged to take action upon everything under the sun, from woman suffrage or the propriety of opening an unheard-of Indian reservation to the buying up by the Government of all railroad and telegraph lines.

Some of these things originate with honest men, who doubtless mean well, many from others whose purpose and interest it is to sow discord and prevent organization; unfortunately, these have too often been successful.

The great and successful organizations, the banks, the manufacturers, the iron and steel, and other like associations never prostitute themselves to the mere political or pecuniary advancement of a member, but are always careful to keep clear of personal ends as well as political entanglements, and leave their members free to act for themselves in all matters not affecting the purposes of their organization, and the farmers should profit by their success.

I have for years urged the necessity of organization among the farmers. Scattered and disorganized as they are and have been they have no more chance in their contests with the other and thoroughly organized interests than a raw, undisciplined militia, armed with shot-guns, would have in a conflict with regular troops, drilled and equipped with modern weapons.

The railroads, banks, lawyers, doctors, manufacturers, commercial men, laborers of every class, except themselves, have local, State, and national organizations, because they find they are thereby more powerful, that by this they render their comparatively small numbers more important and influential, and "that in union there is strength." Hence they pool their issues and unite in accomplishing the advancement of their general good, while they leave each individual member to pursue his own convictions in the prosecution of his own business and in the exercise of his political views.

By this union some of these have been enabled to procure legislation which has greatly and, I think, unfairly swelled their wealth and power, while others by similar means have prevented legislation which, if enacted, would have put an end to practices by which they were "reaping where they had not sown."

We learn on high authority that "those who make haste to be rich shall not be innocent;" and this truth applies with more force if possible to organizations than individuals, no one feeling himself personally so much responsible for wrongs done in the name of and for the benefit of an association as if he were the sole beneficiary. We have less of the check of individual conscience in the shrewd schemes of associated interests than had they been prosecuted by individuals alone and for individual benefit.

There are laws now upon the statute-books of this country, the result of united action by associated interests, which were intended to and do yearly enhance the fortunes of certain classes at the expense of much greater numbers of others who are each by nature and the unalterable laws of God their equals, and yet under the operation of unequal laws are practically their bondmen; this, too, in a country the Constitution of which declares there shall be "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted."

Whenever a clearer understanding of the natural rights and equality of man shall force its way through the labyrinth of sophistry that now mystifies and misleads people who are assured and seem to believe that they are rendered prosperous by being taxed, when we all learn the simple truth that taxation which gives one man a dollar must of necessity take it from another, then these laws will be looked upon as a system of slavery, more cunning of course but not less absolute than its African twin.

The most glaring instance perhaps of the unjust advantage given to a class by government aid is in the tariff laws, which are so framed as to take year by year hundreds of millions of dollars from the consumers of the country (of whom all farmers are a part) for the benefit of a class who invoke the aid of a paternal government to enable them to prosper.

When enormous sums are being yearly thus collected by indirection from the farmers of the country, fair dealing requires that all the facts which enter into it should be fully understood, and no part thereof should be sustained upon any ground not thoroughly explained, and to turn the light full upon this matter I hope the new department will serve a good purpose.

The agricultural interest is so vast it can not be unfairly dealt with or injured without damaging the entire people. It permeates the whole country; every interest is dependent upon it, every city and railroad exists by it; in fact, the buying, selling, and carrying of its products make up the sum of our occupations.

It will not be denied by any one that the agricultural is the greatest interest in the country, whether it be considered from the standpoint of the capital invested or from the higher and more important one, of the numbers of people engaged therein, or in the broader field of its general relation to business and the other interests of the country at large.

It may not be improper just here to group a few points in the statistics of this great business, and compare them with others as they are shown by the census reports. There was invested, according to the reports of the census of 1880, in farms, stock, and implements the sum of $12,104,081,440; while the total value of all the railroads, valuing them at the enormous figure of $59,718 per mile (a valuation much too high), was $5,182,445,807, or less than half as much; while in manufacturing interests there were $2,790,223,506.

The same report shows that in persons employed the numbers were as follows:

| | |
|---|---|
| Agriculture | 7,760,493 |
| Professional and personal services | 4,074,238 |
| Trade and transportation | 1,810,256 |
| Manufactures, mechanics, and mining | 3,897,112 |

The number of farms is shown to have been 4,008,907, with an acreage of 536,081,835. The productions were:

| | | |
|---|---|---|
| Indian corn | bushels | 1,754,591,676 |
| Oats | do | 407,858,999 |
| Rye | do | 19,831,595 |
| Wheat | do | 459,483,137 |
| Cotton | bales | 5,755,359 |
| Wool | pounds | 155,681,751 |
| Hay | tons | 35,205,712 |
| Rice | pounds | 110,131,373 |
| Tobacco | do | 472,661,157 |
| Irish potatoes | bushels | 169,553,539 |
| Sweet potatoes | do | 33,378,693 |
| Milch cows | | 12,443,120 |
| Sheep | | 35,192,074 |
| Swine | | 47,681,700 |
| Butter | pounds | 777,250,287 |
| Cheese | do | 27,272,489 |

The census reports of 1880 show that 7,670,493 persons were engaged in agriculture, with farms, stock, and utensils worth $12,104,081,440; that their product, "sold, consumed, and on hand" was worth $2,213,402,564.

Those engaged in manufactures were 2,738,895 persons.

| | |
|---|---|
| Capital invested was | $2,790,272,606 |
| Gross product | 5,369,579,191 |
| Materials used | 3,396,823,549 |
| Net | 1,972,755,642 |

In other words, speaking in round numbers, that seven millions of people, with an investment of twelve thousand millions of dollars, produced in farming a little over two thousand million dollars gross product, deducting nothing for wages, food, or clothing of all these people, while fewer than three millions people, with an investment of less than three millions dollars in manufactures, produce gross more than five thousand millions per year, and after deducting the cost of raw material used, there is left almost as much in value of product as in farming. Not half the people, with less than one-fourth the capital engaged in manufacturing, turn out as much as the farmers do, and yet these have to be taxed to make manufacturers prosperous!

To follow it a little further. If you deduct the total wages paid by the manufacturers we have the following: $1,972,755,642; total wages, $947,953,795; $1,024,801,847 as the net product annually of an investment of less than three thousand millions in manufactures, after paying for material used and all wages paid, while seven millions people with twelve thousand millions capital produce only twice as much, de-

ducting nothing for material, food, clothing, or wages; or, in other words, capital invested in manufacturing under our present protective system pays a profit of about 33 per cent. net, while that invested in agriculture pays about 16 per cent. per annum gross. Yet railroad magnates talk about the magnificent returns of farming as compared with railroad investments, and other gentlemen elegantly pronounce the complaints that farmers are not prosperous as "bosh." There is never an effect without a cause, and there is one here. This cause is the unjust discriminations against this class of men, brought about by the union and co-operation of those who plunder them by and with the advice and consent of the Congress of the United States and their own disorganization.

The consequences of this systematic outrage upon one class of citizens by others can not long remain doubtful. The manhood of man, "the divinity that stirs within" him, will as surely put an end to such things, as it has forced its way thus far in the progress of human freedom, as certainly as it has already stricken the shackles from the African slaves of the United States and the serfs of Europe, and taught those who claimed to rule by divine right that they derived their power alone from the consent of the governed.

From my early childhood I have lived among and been one of these people in my State, Arkansas. I know them as a class intimately, and I also know from personal observation and experience what is their condition. In my own State, as a rule, they own their farms; they have a reasonably fertile soil; they enjoy a delightful climate; they are industrious and economical to the extent that their families are deprived of many of the comforts of life; and yet, with close care and such economy, these men, after working hard from year to year, find themselves, as a rule, no better off at the end than at the beginning.

Why is it that in this calling, which God himself selected for our first parents—this calling, confessedly the greatest and most important in the country and in the world—pursued in a free country, in a genial climate and fertile soil, it should be true, as I believe it is, that as a class farmers work more hours per day and more days in the year, with the poorest food and clothing, with fewer advantages of rest, recreation, instruction, and worship, than any class of human beings of equal intelligence in this country.

Slavery has been defined to be "the obligation to labor for the benefit of the master, without the contract or consent of the servant;" then, a law, or a necessity created by law, which obliges one to labor for another, or takes from him the product of his labor, without his consent, for the benefit of another, makes the man who is thus deprived of his own to that extent a slave to the other, and, in spite of all our boasted freedom, this is the condition of American farmers today.

They are obliged to labor and grow crops to save from starvation those dependent upon them. Yet in every step they take and in every purchase they make the law which envelopes and surrounds them as completely as the air they breathe is daily and hourly robbing them to enrich others.

We are told that the country is prosperous, and it is usual to enumerate the aggregate millions that we are assured the country is growing in wealth year by year to prove it, yet this effort to lead a man away from the grinding consciousness of his own poverty by telling him of the millions of others is not satisfactory.

It is not the aggregation of wealth, property, or money that makes a people prosperous, but its even, fair, and equitable distribution.

That country where there are none very poor and none very rich is a prosperous country, and a system of laws under which the mass of the people grow poorer day by day, while the few grow enormously rich, is not the kind of government the founders of this Republic intended, and not the kind of government that our fathers fondly believed in its earlier days had been firmly established.

There will, of necessity, always be poor people and rich people, and when this results from the different habits of industry and economy it is natural and right and its effects are wholesome, but resulting from the unequal operation of unequal laws, and without regard to industry and economy, the effect is unnatural and pernicious, and nothing could be more foreign to the spirit of liberty or the true theory upon which our Government was founded. The best interests of men individually and of the nation at large are secured when the administration of the laws is such as to realize the prayer of Agur: "Give me neither poverty nor riches * * * lest I be full and deny Thee, * * * or lest I be poor and steal."

An Englishman who has given years of study to the emancipation of labor in that country says:

> It has been often found to be the case, in the economical history of England, that a demonstrated wrong has been defended and its continuance supported on the plea that to do justice to the many would inflict loss on the few.

And this is after all, I suppose, but the natural conduct of men who are permitted for a while to encroach upon the natural rights of others. They inevitably come to look upon their aggressions as rights, and their righteous souls are vexed and outraged upon any effort by those they wrong to resume any part of the rights of which they have been deprived.

This has been the history of every struggle for liberty.

Our great rights of trial by jury, habeas corpus, &c., were wrung from unwilling tyrants by force, and I have no doubt that King John, the night after he had been forced by the old barons to sign Magna Charta, regarded himself as the most ill-used man alive, and looked hopefully, even joyfully, forward to the day when a restoration of what he considered natural right would enable him to hang every one of the monsters who had thus endeavored to regulate him.

Every step in this direction by either the whole people against the sovereign or of any class against another has been resisted by the dominant power, and each in his turn has considered the "country ruined" whenever such a movement has succeeded.

After the enormous destruction of human life resulting from that great pestilence known in history as black death, of which Rogers says in his book on Work and Wages:

> I stated above that probably a third of the population perished.
>
> * * * * * * *
>
> It is certain that the immediate consequence of the plague was a dearth of labor, an excessive enhancement of wages, and a serious difficulty in collecting the harvests of those land-owners who depended on a supply of hired labor for the purpose of getting in their crops. We are told that these crops were often suffered to rot in the fields for want of hands; that cattle and sheep roamed at large over the country for lack of herdsmen; that land went out of cultivation, and that the grandees were utterly impoverished.

And he concludes by saying:

> The plague, in short, had almost emancipated the surviving serfs.

So shocking did it seem to the landlords that those miserable people should ask and receive any higher wages than had been formerly paid that laws are found forbidding them to ask or to receive, or employers to pay, any higher wages than the few pence a day which they had been accustomed to receive formerly, and when the supply of labor was greater than the demand.

While in this country we have gotten bravely over this relic of slavery, we have not passed from under the yoke of its twin—that of having laws to prevent our laborers buying where they can get the most for their money. While the English laborer in the interest of "good tillage" was by law required to sell his labor cheap, the American laborer is compelled in the interest of unsuccessful manufacturers to sell the product of his labor cheap, or, which is the same thing by another name, to pay high prices for his goods.

The one we denounce as an outrage, the other we laud as wise statesmanship; yet the principle underlying the situation then and now is just the same; but the superior intelligence of our time and the clearer apprehension of our rights make it necessary to conceal the iron hand in a more delicately woven silken glove than formerly. The fact that there has been only a change in name while the practice and its results remain the same will be clearly apparent upon slight reflection, and the identity of the argument of five hundred years ago with that of to-day will strike any one who looks into the subject.

As illustrating what wrongs against disorganized classes may grow up under effective organization, either by positive legislation, as is the case in the tariff laws, or by a failure to legislate, as in railroad affairs, and to show how difficult it is and will be to correct such evils, let us consider for a moment some facts relating to recent legislation here.

For almost twenty years complaints have been made that the railroads have been unfair in their dealings with the people; that they have actually exercised powers greater than those of royalty itself; that they have built up one town and business at the expense of another, and that their pets have grown enormously rich, while any against whom they chose to discriminate have been actually driven out of business.

Facts of the most astonishing character have been year by year urged upon the attention of Congress and the country.

As specimens of these charges I make the following extracts from a book published by J. F. Hudson, of Pittsburgh, The Railways and the Republic—a book full of startling instances of the oppressive exercise of power, not indulging in mere general charges but giving names, dates, figures, and details, until one grows weary of the endless indictment.

I confess myself at a loss to make selections when illustrations of the effectiveness of organization and the results of the unprotected condition of the public are so abundant and striking.

I quote as follows:

> The Standard Oil Company, indeed, embodies the commercial crimes of the past decade. Its vast wealth has been accumulated in less than fifteen years by speculative manipulations, by bribing legislators, and by distorting law to deny to one man the privileges given to another.
>
> Its history illustrates, step by step, the extent to which the greed for wealth can corrupt commercial morality, pervert law, and betray the interests intrusted to its protection. The methods by which this company acquired its power, and those by which it exercises that power, from its greatest operation to the selling of a single barrel of oil, show the baneful results of permitting the exclusive control of a great commercial interest to be vested in a monoply which can oppress the consumer or the producer alike.
>
> Throughout the course of intimidation, corruption, defiance of commercial and statute law, and contempt of public justice that marks the rise of the Standard monopoly one fact is pre-eminent: This monopoly was called into existence and sustained in its most odious tyranny by the persistent and deliberate discriminations of the railways in its favor. Not only the $100,000,000 which that corporation has gathered out of the oil trade in the last fifteen years, but its dictatorial power, its unscrupulous crushing of opposition, its corruption of public servants, its control of the speculative features of the business, and the favoritism and sycophancy which are essential accompaniments of its absolutism, are the direct results of the advantages which the leading railways of the country

gave it, by carrying its frieghts on terms which rendered competition practically impossible.

So that while greed, dishonesty, speculative combinations, and disregard of private and public rights are all represented in that aggregation of wealth and injustice, it is signally the embodiment of the gigantic wrongs which the railways can inflict and have inflicted through the power of discrimination.

* * * * * * *

In the shipping of the great grain staples a certain profit of two or three cents a bushel will assure fortune to any enterprising man, but rates of freight from Chicago to New York, in 1884, varied more than 10 cents per bushel in sixty days.

* * * * * * *

In March, 1878, the rates on grain and flour from Chicago to Pittsburgh were 25 cents, while to New York, involving 350 miles more of transportation, they were 15 cents. In May of the same year grain was hauled through Pittsburgh to Philadelphia and Baltimore at 13 cents, while if the railways had stopped the freight at that city, and saved themselves the carriage of 350 miles over the mountains, they would have charged 18 cents.

* * * * * * *

The case which was heard before the Illinois railway commission last year showed a rate of 16 cents on fourth-class freight from Chicago to Kankakee, a distance of 56 miles, while on the same freight to Mattoon, a distance of 172 miles, the rate was 10 cents. This inequality was produced by railway competition at the latter point.

The Winona and Memphis example, which occupied so important a place in the Congressional debates, showed a charge of $1 per bale on cotton from Memphis to New Orleans, a distance of 450 miles; while from Winona to New Orleans, a distance of 275 miles, the charge was $3.25 per bale. River competition to Memphis was the cause of this discrepancy. Another example of the same sort was adduced in Congress, in a rate of $1 from New York to Atlanta, while, on the same class, under the influence of ocean competition, the rate was made 75 cents to New Orleans, about double the distance.

* * * * * * *

No less surprising a result of the eccentricities of railway rates is to be found in the cases which were experienced at Pittsburgh, and are shown by the New York investigation to have been repeated in that State, where the inequalities of rates have actually caused freights to be hauled from the original point of sihpment away from their destination to a competitive point, and thence shipped back again through the place where they originated. The waste of this wholly useless haul represents, probably, the climax of the persistent stupidity controlling freight rates.

The trained and scientific railway management sometimes lauded as infallible might at least have perceived the economy to the corporations of omitting the totally unnecessary haul of 700 miles, and, while charging the shippers just the same, allowing them the saving of time by shipping the goods directly from Pittsburgh or Rochester to the point of destination. Indeed, a little liberality might have omitted the wasted haul, and only charged half rates for it. Either of those amendments might have been made favorably to the shippers; but through 1876 and 1877 the railway officials continued so convinced of the utter correctness of their freight charges that the spectacle of a car-load of Pittsburgh manufactures, destined for Texas or California, but commencing its journey by starting in the other direction, on a trip to New York and back again through Pittsburgh, was a by no means infrequent phenomenon of railway business.

* * * * * * *

Does the capital on which Mr. Fink shows such very modest profits represent money actually invested in railways, or does it comprise a large share of alleged securities which represent nothing but paper? No man has, to my knowledge, seriously asserted that the entire stock and debt of the railways of the United States represent money actually invested.

* * * * * * *

This practice of creating securities in excess of actual value has, by one method or another, imposed on investors a volume of fictitious stocks and bonds more than double the amount of the national debt. According to the estimate of the most widely acknowledged statistical authority upon railways, through the methods of sale or hypothecation, $3,720,000,000 of purely paper values have been sold to the public.

The creation of these fictitious securities has sometimes been so open and notorious that the successful sale of them seems to indicate eagerness to be cheated on the part of the public. In other cases the methods used have been so secret and so plausible that it has been almost impossible for the legitimate investors to detect them. In the end the false values have been so mingled with the real and the fraudulent investments made to bear so close a resemblance to the honest ones that at the present time the greater part of railway securities of this country are clouded by the suspicion of illegitimacy.

Instances of unjust management such as these were urged upon the attention of Congress in unlimited numbers until a committee composed of Democrats and Republicans was appointed, who gave a free, fair, and impartial hearing to all parties concerned, and then made a report that legislation was necessary. Upon this report the two Houses of Congress have acted. After years of patient watching and waiting the people of the country are at last rejoiced by the passage of a bill intended to restrain what has been felt to be the high-handed lawlessness of railroad autocrats, and to make them, like other people and other interests, amenable to and under the regulation and control of law.

This step, which seemed so just and equitable, and so absolutely necessary to many fair-minded men, was by others of narrower and more sordid views—the class intended to be restrained—not kindly received.

Many of the ablest among the railroad men, while opposing the bill, have nevertheless, in a spirit of true republicanism and loyalty to law, accepted the situation, and will make an honest effort to carry it out in its letter and spirit.

Others do not submit willingly, and manifest a spirit that indicates that the Government has acted none too soon.

The newspapers report that upon the passage of the bill one of these said:

He could scarcely find words to express his contempt for the interstate-commerce act or for the members of Congress who voted for it, intimating that he could pick out four hundred track-hands who would be more competent than the United States Senate and House of Representatives to pass laws for the regulation of railroad traffic.

Such an expression of rage shows plainly what a loss of power he feels, and should satisfy all doubters that at least so far as such as we are concerned this action is most opportune, and this shows, too, how unwillingly this power will be relinquished and how stubborn will be the fight before the ground is fairly won.

In the insolence of his power this man has doubtless come to believe devoutly that the object of regulating railroads is simply to get all the "traffic will bear," so that all securities, whether representing money honestly spent or only water, shall be made profitable. It is a satisfaction to feel assured that a different view of the objects of railway legislation has become so firmly fixed in the public mind that no number of persons in sympathy with him, likely to find their way into Congress, will ever be able to carry out his views.

The hope of this country and of this form of government is in the conservative patriotism of our agricultural population. In peace the "isms" with which our cities sometimes run wild find no place among them. Surrounded by their wives and little ones, in constant communion with nature, enjoying the holiest of earthly institutions—a home—there is no room in their hearts for the reckless dogmas of theorists, who would upset all they hold sacred and dear. Treasuring up the religion their mothers taught them with unquestioning faith, they follow where they think the path of duty leads, earnestly desiring to act well their parts.

In war, ready to bare their breasts to the storm of death, they form a defense that the country knows how to value, and against which no earthly power will ever prevail, if only they remain in future as they always have been heretofore, true to themselves, their country, and their God.

From their humble homes will come in future, as they have always done in the past, those who will control your destinies in peace and in war, and as long as the fountain is pure there will be nothing to fear in the stream.

The PRESIDING OFFICER (Mr. HALE in the chair). The amendments reported from the Committee on Agriculture and Forestry will be stated in their order.

The SECRETARY. In section 1, line 11, after the word "statutes," it is proposed to insert "including all amendments thereto;" so as to read:

That the Department of Agriculture, established at the seat of Government of the United States, shall be an executive department, to be known as the department of agriculture and labor, under the supervision and control of a secretary of agriculture and labor, who shall be appointed by the President, by and with the advice and consent of the Senate; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department.

The amendment was agreed to.

The next amendment was, in section 3, line 4, before the words "Assistant Secretary," to insert "first;" so as to read:

That the secretary of agriculture and labor shall hereafter receive the same salary as is paid to the secretary of each of the Executive Departments, and the salary of the first assistant secretary of agriculture and labor shall be the same as that now paid to the Assistant Secretary of the Department of the Interior.

The amendment was agreed to.

The next amendment was, in section 4, line 2, after the word "Agriculture," to insert "and Bureau of Labor;" so as to read:

That all laws and parts of laws relating to the Department of Agriculture and Bureau of Labor now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the word "effect," to insert:

And the Bureau of Labor, as now organized and existing, is hereby transferred to the Department of Agriculture.

Mr. MILLER. There should be added after the word "agriculture" the words "and labor," so as to read: "department of agriculture and labor," which is the legal title of the department to be created.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 5, line 2, to strike out the word "division," and insert the word "Bureau;" so as to read:

That there shall be in the department of agriculture and labor a bureau which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, in section 5, line 7, before the word "dollars," to strike out "five thousand" and insert "four thousand five hundred;" so as to read:

The commissioner of labor shall hold his office for four years, and until his successor shall be appointed, unless sooner removed, and shall receive a salary of $4,500 a year.

The amendment was agreed to.

The next amendment was, in section 5, line 13, after the word "labor," to strike out "the" and insert "and;" in the same line, before the word "men," to strike out "laboring;" and in line 15, after the word "moral," to strike out the word "prosperity" and insert "advancement;" so as to read:

The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the rate of wages, the cost of production of the articles produced, and the increase in the productive efficiency of the labor and earnings of men and women, the means of promoting their material, social,

intellectual, and moral advancement, and the best means to protect life and prevent accident in mines, workshops, factories, and other places of industry.

The amendment was agreed to.

The next amendment was, in section 5, line 25, to strike out the word "division" and insert the word "bureau;" so as to read:

The commissioner shall annually make a report in writing to the secretary of agriculture and labor of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

The amendment was agreed to.

The next amendment was to strike out section 6, in the following words:

SEC. 6. That the act approved June 27, 1884, establishing a bureau of labor, is hereby repealed.

And in lieu thereof to insert:

SEC. 6. That the United States Signal Service Bureau is hereby transferred to the department of agriculture and labor, and shall consist of one chief and such subordinate officers and employés as may be necessary to efficiently manage said bureau. Until otherwise provided by law the present organization of the subordinate force of said bureau shall continue as at present. The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate; and the moneys appropriated for said service and hereafter appropriated shall be disbursed under the direction of the secretary of the department of agriculture and labor.

Mr. MORGAN. I desire to amend the amendment of the committee. In section 6, line 1, after the word "the," I move to insert the words "weather service of the;" so as to read:

That the weather service of the United States Signal Service Bureau is hereby transferred to the department of agriculture and labor.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment reported from the Committee on Agriculture and Forestry.

Mr. MORGAN. Mr. President, the Signal Service Bureau, as it is at present called (I do not know by what express authority except by some designation of that kind in some act of appropriation), consists of a military organization which purports to have some relation to the Signal Service or signaling in the Army of the United States, and also of a weather service, which it is not necessary for me to explain, as everybody understands it. The two features of the service ought to be separated, and that is really the purpose of the amendment, as I understand it; it was at least my purpose in offering the original amendment to the bill which has been incorporated in substance in the amendment of the committee now pending.

I was a member of a joint commission of the two bodies, of which the Senator from Iowa [Mr. ALLISON] was the chairman, to examine into what are called the scientific bureaus of the Government. When we came to the Signal Service Bureau we were all led to the conclusion, following the advice of the present Secretary of War, the former Secretary of War, Mr. Lincoln, and of General Sheridan, and indeed all other leading military authorities in the country, that the weather service, which was in the Signal Service Bureau, should be separated from the military signaling, and that it should go into the proper branch or department of the Government as a civil service.

I do not feel like taking up the time of the Senate in a general discussion of this question, but I will state a few of the considerations which bore upon that commission, and were concurred in by the officers of the Government I have mentioned, in support of the effort we thought ought to be made to separate the Signal Service proper of the Army from the weather service.

General Sheridan stated in his examination before the commission that he had organized a regular signal service in the Army; that he had officers detailed to it; and that at every post in the United States he had regular instruction given to the soldiers and officers under his command in respect merely of military signaling, including all the branches of that sort of service which are necessary for the operations of the Army in the field, both in times of peace and in times of war.

General Myer was first put in charge of this experimental thought of ours in regard to mastering the elements so far as to get a scientific idea of the courses that obtain in storms, in high winds, and in atmospheric pressure, in the range of the thermometer, &c. General Myer having a proclivity of that kind, and a great deal of ability, too, in that direction, was first intrusted, in a very small way, it is true, with the organization of this bureau, or of this establishment, which afterward grew into a bureau. Being an officer of the Army the scientific branch of this service was assigned to him to be worked out by him.

The matter grew so that an act of Congress was passed authorizing the President of the United States to nominate and by and with the consent of the Senate to appoint an officer with the rank of brigadier-general in the Army who should be the Chief Signal Officer of the United States. General Myer, I believe, was appointed, and afterward General Hazen was appointed and confirmed by the Senate, and these officers in succession went on and organized an immense system of service over the country, the very much larger part of which is the civil branch of the weather service, leaving entirely out of view almost the military signaling.

The PRESIDING OFFICER. The Senate will observe order. It is difficult to hear the Senator from Alabama.

Mr. MORGAN. I am trying to make a statement for the purpose of abbreviating the debate on this question, which I think contains the pith of the subject.

The Signal Service went on in this way until it has now got to be an immense establishment. All the men who belong to the Signal Service, with a very few exceptions, are enlisted men in the Army of the United States. Their qualifications for this enlistment by the regulations of the Signal Service Bureau are such that none but the graduates of schools of a high character, usually colleges, can find their way into this body of so-called soldiery.

In order to keep up the military view of this affair, and in order also that he might have the command of a separate branch of army service, General Hazen established a camp at a fort, which is across the river here, to which these enlisted men were carried; and after a very few weeks of training they were prepared by the use of instruments to go out into the field at the different Signal Service posts in the United States, and there make reports of the weather and to report them at Washington city, where they were condensed and distributed in reports to Congress and also sent by telegraph all over the country.

This military feature was found by the officers of the Army to be abnormal and inconvenient and very hard to control. It was not known really whether the sixteen lieutenants who have been appointed under this Signal Service belonged to the Army, or whether they belonged to the civil branch of the service. They hold their rank of second lieutenant in the Army of the United States, but they have no real place, they have no home in the Army, no place to which they are assigned either by law or by Army regulations in any regiment or any other branch of the service except the Signal Service; and yet they have been commissioned as second lieutenants in the Army of the United States without reference to what kind of service they were to perform. They have been promoted from corporal to sergeant and from sergeant to lieutenant. Sometimes, however, the appointment has been made from the ranks of the private soldiery or enlisted men of this bureau.

Mr. TELLER rose.

Mr. MORGAN. Does the Senator from Colorado wish to ask a question?

Mr. TELLER. I should like to ask the Senator, who has given attention to this matter, what will be the status of these men if the amendment is adopted?

Mr. MORGAN. The amendment will not affect their status at all; it will merely affect their employment.

Mr. TELLER. They will be transferred?

Mr. MORGAN. They will be transferred to this service, and although they are under the orders of the Secretary of War, of course, being officers of the Army of the United States, we can take them away.

Mr. EDMUNDS. That depends on the construction of the law.

Mr. TELLER. I understand that they will not then be subject absolutely to the control of this new secretary.

Mr. MORGAN. I think not. That was not my object in offering the amendment.

Mr. EDMUNDS. I am afraid that will be the effect of it.

Mr. MORGAN. If it is, let us correct it and put words in the amendment that will make it perfectly clear.

Mr. EDMUNDS. If the Senator will pardon me, I think the whole amendment reported by the committee ought to go out. My belief is, from such study and observation as I have had about it, that the only way you can have an effective weather service alone, a mere weather service over the whole United States—it would not apply in New England, for instance, but take the whole United States—is to have the men who are employed in it (who must have a certain skill and training and practice to be of the least use whatever, without throwing away money) under an organization which they can not leave as they can a civil organization at their own free will at any moment of time.

Therefore, while it seems *prima facie* to be incongruous to say that the War Department, the military organization, has anything to do with the weather, when you look at the nature of the service to be performed and the fact that every one of the people who are performing this service are also trained in the military signal service proper, and are merely devoting their time in peace to the weather branch of the concern, it seems to me clear that the only way to have an effective organization is to leave it under military control, so that a man can not resign because he gets miffed about something, but he must do his duty. He takes it up willingly; he is not obliged to enlist; and when a war comes or anything requiring military service proper, then you have your men ready for the other branch of their work.

Mr. MORGAN. I perceive that in the multitude of labors the Senator from Vermont has had to discharge here, with so much honor to himself and credit to the country, he has not kept up with the advance of opinion on this question, either inside or outside the Army, for the Army are very anxious to get rid of this lot of men in buckram.

Mr. EDMUNDS. I have not the slightest doubt of it.

Mr. MORGAN. The Army officers are very anxious to get rid of them, because they are not soldiers in any sense of the word. They are mere weather guards. They are put on picket posts, if you may allow the simile to be extended, for the purpose of getting the barometric and thermometric pressure, the course and rapidity of winds, and the like; but they have no soldiers' functions to perform in the world. As I observed, they are enlisted men, and they have a regular allowance for rations and for quarters, for uniforms and clothing, and everything of that sort, just as any other enlisted men in any army; and yet they have not a single army function to perform.

I desire the attention of the Senator from Vermont a moment while I repeat a statement of fact that I have already made, which is that these men have no connection practically with signaling in the Army, and if you had a war to-morrow there would not be a half dozen of them called into the Signal Service of the Army.

Mr. EDMUNDS. May I reply to that right there?

Mr. MORGAN. Let me make the statement completely, and then you will see. General Sheridan in his testimony before the commission said that he had his signal corps organized in the Army at every post in the United States. He gave instruction and had instruction given by the orders of the different officers commanding at these different posts, through every grade of officers at the posts, to the private soldiery, and regular schools of instruction in signal service were kept up at the different posts. He had, therefore, a complete corps of signal men for the signal service of military signaling in the Army under his command and control, and he did not want to have anything to do with this weather department. He wanted to be rid of it because it was interfering really with his own arrangements inside of his military regulations for the conduct of the posts. Now, if the Senator wishes to say anything, I yield.

Mr. EDMUNDS. I wish to suggest to my friend, in answer to his statement, that I admit, so far as the officers of the Army—the higher ones—are concerned, they would be glad to have this civil and peace service gotten rid of. They are under the pay of the United States all the time, and if they can get rid of doing this kind of duty in time of peace, then so much work is saved, while the pay goes on.

I do not mean to impute that to General Sheridan, you understand, whom I admire in the very highest degree and in every respect. I do not doubt that what he says is true about his trying to instruct the men at military posts to signal for the Army; but when we come back to the question of who the people are who get into this Signal Service, I found when I was in the office seeking information a few years ago, and since from inquiry and observation, that no man is able to enlist until his character and qualifications and bodily strength for military service are first ascertained, and, second, that having been received and enlisted he is sent over to what was then called Fort Whipple, and I do not know but that it is so called yet, to be instructed for a year or for some sufficient length of time, not only in the methods and routine of military signaling, but in those things which are necessary that a man should know in order to be of the least use as a weather observer, putting the two things together.

That man you have enlisted into the Army, liable to be called into the military service in time of war at any moment. He is in it, but liable to be called to do it, I should have said, and to that, being a soldier of the Army of the United States, assigned to this special duty, you have added the performance in time of peace of this method of observing the weather.

Coming back to the weather again, I wish to repeat to my friend (I will not take his time) that my belief is if you take the whole United States together and put this thing on the same footing as to the weather that applies to the ordinary civil service of the United States in respect of the appointment of clerks, and so on, it will come down to be a mere waste of money in less than two years. Now I am done.

Mr. MORGAN. I do not suppose any question that ever came before a commission composed of members of this and the other body was more carefully investigated upon the evidence than the one upon which the Senator from Vermont is now expressing his opinion, and the entire commission came to a different conclusion unfortunately. The subject is a pretty broad one, and I can not follow every suggestion that might arise to my own mind or even out of the remarks of the Senator from Vermont. I could not afford to take the time of the Senate now to do that; but I wish to say something about it.

I have already adverted to the fact that General Sheridan and the Secretary of War, the present incumbent and the former incumbent, Mr. Lincoln, were anxious that this change should be made. They recommended it in their annual reports to Congress. They set out the reasons to their entire satisfaction, and they were certainly very convincing. Then the examination was followed up by this commission and we all came to the same conclusion, that they were entirely right in their suggestions.

As I have observed, the men who are admitted into the Signal Service Bureau are enlisted men, but they are all graduates of colleges or else they are men who have an equivalent education. They are masters of certain elements of mathematics and of physical science, so far instructed that it is a matter of very short experience for them to acquire the use of the instruments, and it is a rare case that they have been kept more than six months at Fort Myer. In the great majority of cases they have been kept there a very few weeks, and then were distributed out at far distant points over the entire length and breadth of this great country, sent out singly and sometimes in pairs, never more than two at a place, for the purpose of taking weather observations.

Here is an army under military command, military discipline, military enlistment, the duties of military obedience in every way, that is scattered by its commander all over this great continent. How much real military control and discipline is it possible for him to exercise over such an army thus scattered? The thing is absurd in itself to suppose that the element of military enlistment has anything to do with the efficiency of this corps. It is the character of the men whom you enlist that you rely on for constant and assiduous duty and attention, and for the verity and accuracy of their reports, and upon nothing else.

Mr. BECK. I did not hear the Senator's amendment read. He said yesterday he would offer one, but unfortunately I missed it. The sixth section of the bill, as presented by the committee, does not propose to transfer the whole Signal Service, I understand, but only the weather bureau.

Mr. MORGAN. Yes.

Mr. BECK. I wish to make another inquiry. Ought we not to provide in the bill that the transfer shall take effect, say, on the 1st day of July, or some distant day, so not to break up the organization upon the passage of the act without giving time for a new organization? The bill as presented by the committee is to take effect immediately upon the passage of the act.

Mr. MORGAN. So it would.

Mr. MILLER. If the Senator from Kentucky will permit me, on that point I will state that the committee, on considering the bill after it had been reported, have authorized an amendment to be offered to make the proposed transfer take effect on the 1st of July next. The committee will offer that amendment at the proper time.

Mr. MORGAN. Do I understand the Senator from New York that he proposes that the entire bill shall go into effect the 1st day of July?

Mr. MILLER. No; the bill goes into effect, of course, as soon as passed.

Mr. MORGAN. It is proposed that this particular feature shall go into effect the 1st of July?

Mr. MILLER. Yes; in section 6, line 3, the committee propose to insert the words "to take effect July 1, 1887."

Mr. BECK. I ask the Senator from Alabama if he can see the propriety of doing that.

Mr. MORGAN. Oh, yes; there is no question about the propriety of doing it. It ought to be done.

Now, I will proceed with what I was about to say, and will be very brief about it. I have adverted to the character of the persons who are enlisted into this bureau, and to the fact that the success of the Signal Service depends upon the character of those men rather than upon the military feature of the service. If a man commits an offense at one of the far-distant posts, how are you to ascertain about it? If he goes to sleep on his post, there is nobody there to watch him, or if he commits any other offense, there is no military discipline over the man. He is merely a soldier enlisted, and far beyond the control or the inspection of any person connected with a military command.

So, after all, it is merely the character of the man whom you enlist that you can depend upon, and for this service you would not appoint any man who is not qualified, for instance, under the rules of civil-service examinations to make calculations from a barometer or a thermometer, or any other instrument that measures the force or direction of the winds. You must have such a man in the service; otherwise the service can not be performed. You can not take an ordinary man whom you would enlist as a soldier in the United States Army because of his height and measurement and his health and his common intelligence, and make of him a signal officer or a Signal-Service operator at any post in the United States. You would not think of doing it. You must have a degree of intelligence equivalent to the work that has to be done. Hence the enlistment was required by the regulations of the bureau to be made from men who are graduates of colleges or have an equivalent amount or character of education.

Mr. BECK. I have heard—the Senator from Alabama knows a great deal more than I do about it—that the enlistment for five years works an embarrassment very frequently in this way: The man is nominally in the Army, and any disobedience only subjects him to a court-martial. He may be at a very distant point, and a very expensive and troublesome organization would have to be made to try him by a court-martial. Perhaps such a mode of trial does not reach the subject properly at last, and it is done in a very slow and a very expensive way.

Mr. MORGAN. That is true; and the result has been that nobody would be court-martialed unless it happened to be some man about Washington city who committed some peccadillo or some little offense, but not a man at a distant post.

Mr. BECK. They are only tried when and where you can reach them.

Mr. MORGAN. Only where you can reach them. You can not send out, for instance, to California upon charges made by an inspector or some superior officer, and take him from his post and bring him here

and try him; and it would be still more expensive to try him at that distant post. It is a cumbersome, ill-adapted, inconvenient, and expensive system from beginning to end.

I will take one more illustration. I do not wish to protract this argument, but I will take the Life-Saving Service of the United States. Those are not enlisted men either in the Army or in the Navy. They are men who are employed by the Government of the United States to go to points of exposure and danger upon the coast to save human life. Let me ask the Senate if ever a more splendid record for heroism and for faithfulness and for duty was made by a set of men in the world than that which has characterized the service of the men in our life-saving establishment? It is perfectly glorious. It reflects honor and credit upon the whole country. And yet all the men in the Life-Saving Service, including all the officers, are mere civilians. What do you rely upon to keep such a man at his post upon a dark, stormy night on the seaboard, when a ship is wandering and may be blown ashore and her crew exposed to danger? What do you rely upon there? The character of the men whom you have in the service and that almost universal American principle of fidelity to duty that you can rely upon in places of the greatest possible exposure with the most absolute certainty.

The citation of the history of the Life-Saving Service is a full answer to all the argument that has been made or can be made in respect of the necessity of having a military feature in the Signal Service, especially when we know that these men are obliged to be scattered by ones and twos all over this great country at different posts, entirely without the inspection or supervision of any human being. If the danger of a court-martial is all we have to rely upon for the efficiency of the Signal Service at those distant posts, it is a very poor guarantee of that service.

We looked through this whole field. The report that we made to the Senate of the United States covers every possible suggestion, I think. The men in control of the Army of the United States, Secretaries of War, and generals in command, except perhaps the man who had charge of the Signal Service Bureau itself, and who had a natural pride in having made the organization—the whole body are against the idea of the continuance of the weather service under the control of any Army officer or Army organization. But the Signal Service of the Army proper, with its chief, ought to go into the Army organization, and the officer who I believe is now recommended by Presidential authority for that high and distinguished position will find his place in the Army of the United States naturally and properly in charge of Army signaling. It is an important and necessary and proper staff office.

So the sixteen lieutenants who have grown up under this curious system, and who might grow into a thousand after a while if we continued the process, will find their places in the Army of the United States, and will be assigned to regiments by some law that will be introduced here by the Military Committee. The commission did not think that it was their duty to make any recommendation upon that subject, nor does the bill of the Senator from New York contain any recommendation upon the subject. It merely provides that they may go on in the exercise of these functions, with the consent of the Secretary of War, as officers assigned to duty. It opens the place for them and lets them remain there until the Government of the United States demands their services in some employment of a military character.

Mr. ALLISON. Will the Senator from Alabama permit his amendment to be read?

Mr. MORGAN. My first amendment to the amendment of the committee is, in line 1, of section 6, to insert, after the word "the," the words "weather service of;" so as to read:

That the weather service of the Signal Service Bureau is hereby transferred to the department of agriculture and labor.

Mr. BECK. Ought we not to require some qualifications for men selected from civil life to fill the places of these men? Is it safe to leave it entirely discretionary? We ought to have intelligent young men to fill the places of those now belonging to the Army. That is the difficulty.

Mr. MORGAN. It is almost impossible to provide just at this time, and perhaps in this bill, for a complete organization of the weather bureau in the department of agriculture and labor. We felt that difficulty when we recommended heretofore to the Senate that there should be a change made, and that there should be a weather bureau established in the War Department in lieu of the Signal Service Bureau, as it is called. The enlisted men are here. Their terms have more or less expired. Some of them have perhaps nearly the full five years of the term to run, while others have only a few months of the term to run.

These men, as I have several times observed, have all been selected with a view to their educational ability and qualifications. They have had a certain amount of training. All who are in Washington are as a matter of fact employed in different clerkships in the Signal Service establishment. The sergeants and corporals, and sometimes privates, who are at signal stations over the country send their reports here, and they get the pay of sergeants, corporals, &c., according to rank, under appropriations made by law.

Our project was this, and I presume it is the same idea that the Committee on Agriculture and Forestery have, that as these enlistments expire new men would be brought in. I suppose they would come in under the civil-service examinations necessarily, because the pay that they would get, if it is preserved precisely as it is now, would be so high that they would be graded at least as clerks of one of the degrees, perhaps the lowest, and some of them a degree above that; but they would come under the civil-service examination.

Mr. BECK. Not under the existing law.

Mr. MORGAN. No, not perhaps under any existing law; but the corps is now full and complete, and the object is merely to transfer the jurisdiction from the War Department into the hands of the new department of agriculture and labor; to take the bureau precisely as it exists except the Chief Signal Officer, the head of it, and transfer it into the jurisdiction of this new department, without making any alteration in the law, or attempting to make any, except that these men shall hereafter constitute a civil part of the Government of the United States, and not a part of the military establishment. That is the only change that we propose to make now, leaving it to the future for Congress to enact such changes in the laws affecting these people as it may see proper to pass.

I suppose that any soldier in the United States Army would have a strong equitable and moral right to insist upon all the conditions annexed to his enlistment as to its term, its pay, and as to supplies and everything of that kind; and it would be unfair to him to change it unless you improved his condition by making an increase in the amount of his pay or allowances, or something of that kind.

Although I offered the amendment in the Senate, it was really authorized by the Senator from Iowa, who was chairman of the joint commission and who left it to me to fashion it into a certain form and to bring it into the Senate, because his engagements would not admit of his coming in here at the moment that the amendment was offered. It will be remembered that I offered it to another bill, and upon suggestion I consented to refer it to the committee who have reported this bill, and they have seen proper to put it on the pending bill. We prepared the amendment, having the benefit of the knowledge of the Senator from Iowa of that sort of language which was necessary to protect every part of it and to keep it entirely in harmony with the appropriations, hoping that the committee would feel willing to adopt the language we had employed. We did not have an opportunity of presenting to the committee by argument the views that we thought ought to prevail. I think the Senator from Iowa will probably be disposed to insist on the amendment as it was offered in the Senate formerly. I do not know whether he is satisfied with the amendment just as it stands or not.

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. MORGAN. Yes, sir.

Mr. ALLISON. I have examined this amendment with some care. I think there ought to be some additional provision in it. If the Senator from New York will give me his attention I will suggest to him that, in addition to the amendment proposed by the Senator from Alabama, I think there ought to be inserted in line 6, after the word "force," words which will include the second lieutenants. The second lieutenants are now officers without a real status in the Army, and yet they are officers of the Army engaged in the Signal Service. I think there should be added the words I suggest so as to make the clause read, beginning in line 5:

Until otherwise provided by law the present organization of the subordinate force, including second lieutenants, now in the service of said bureau shall continue as at present.

Mr. MORGAN. That is right.

Mr. MILLER. I see no objection to that.

Mr. ALLISON. I think that should be done. Afterward it is provided that "the moneys appropriated for said service and hereafter appropriated shall be disbursed under the direction of the secretary of the department of agriculture and labor." There is no provision in the amendment as it stands fixing the compensation of the subordinate officers and employés. They are all enlisted men now. The entire force of five hundred men are now enlisted in the Army, and they receive the compensation of privates, corporals, and sergeants, &c., having three or four different ranks. Then they receive commutation as other soldiers, depending upon their location. For example, the commutation at Portland, Oreg., is probably different from the commutation in New York city. So I think we should add in line 10, before the word "and," the words:

And the compensation now paid to the employés and enlisted men of said service shall continue as now.

Mr. MILLER. I have no objection to that amendment.

Mr. ALLISON. The moneys for the current year, of course, have been appropriated. I believe, with the amendment suggested by the Senator from New York, this portion of the bill is not to take effect until the 1st of July. All the appropriations have already been made for the Signal Service Bureau. It seems to me we should provide now that the compensation and the *personnel* of the force shall continue. These men are enlisted for five years as other soldiers of the Army are enlisted. Their periods of enlistment are expiring from time to time. I suppose when their present periods of enlistment expire civilian employés will take their places, but until that time shall come it seems

to me that the men who have enlisted in this service for five years and have faithfully performed their duties should continue in the service.

Hence it is that some law more in detail must be provided hereafter. I think the provision, with the amendments I have suggested, will enable the service to continue as now, under a civilian head.

Mr. SAULSBURY. Will the Senator from Iowa allow me to ask him a question? Does the amendment not make it absolutely necessary for the chief of the bureau to retain all the employés under him and to make no change in that force?

Mr. MILLER. It says it "shall consist of one chief and such subordinate officers and employés as may be necessary."

Mr. SAULSBURY. We all know that of late years the predictions of the weather by that bureau have not been as satisfactory as under General Myer. I have understood that one reason of that was because some of the most experienced officers connected with the department were changed and new men put in. At any rate, everybody knows that the predictions of that bureau have not been of late years so reliable as formerly.

Mr. ALLISON. The Senator will allow me to say that I think his statement is quite too broad. There have been occasional periods when the predictions have failed, but as a rule the same army officers have made the predictions for many years.

Mr. SAULSBURY. My understanding is that there were some changes made in certain of the most important positions there.

Mr. ALLISON. There have been some changes in the officers assigned to this duty, but the amendment, as I propose it, does not compel the Chief Signal Officer to retain each and every one of the employés. I think he ought to retain them where they are discharging with fidelity their duties, as I believe most of them are doing at this time.

The PRESIDING OFFICER. The Chair will take this occasion to lay before the Senate a message from the President of the United States.

### A. K. CUTTING.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

*To the Senate:*

In answer to the resolution of the Senate of the 14th instant, relating to the arrest, trial, and discharge of A. K. Cutting, a citizen of the United States, by the authorities of Mexico, I transmit herewith a letter from the Secretary of State, of this date, with its accompaniment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 23, 1887.

### PENSIONS APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10397) "making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out from said amendment the word "practicable" and insert in lieu thereof the word "possible;" and the Senate agree to the same.

W. B. ALLISON,
H. L. DAWES,
A. P. GORMAN,
*Managers on the part of the Senate.*

R. W. TOWNSHEND,
GEO. C. CABELL,
JOHN D. LONG,
*Managers on the part of the House.*

Mr. ALLISON. Mr. President, a word of explanation. The bill was amended in the Senate by the adoption of two amendments, really one amendment. The House provision authorized the payment of $15,000 per annum for rent, and directed that the Secretary of the Treasury should provide in public buildings for the pension agencies. The Senate Committee on Appropriations consulted with the Secretary of the Treasury, who informed us that there was not a single public building that could now be utilized or used for the purpose of providing places for the pension agencies. So we restored the amount of $20,000 as in the current year for rent, but we allowed the House provision to remain, adding the words "where practicable," that is to say, that the Secretary of the Treasury, where practicable, should provide for them in public buildings.

The House of Representatives took these two important amendments into consideration and disagreed to them, and asked us to confer respecting them. The conferees on the part of the two Houses have met and conferred. The House conferees surrender their objection to the increase of the appropriation for rent as provided by the Senate amendment, and after discussion they insisted that the word "possible" should be inserted instead of "practicable," and the conferees on the part of the Senate agreed to it. That is all there is of the report.

The report was concurred in.

### DEPARTMENT OF AGRICULTURE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the department of agriculture and labor, the pending question being on the amendment of Mr. MORGAN to the amendment reported from the Committee on Agriculture and Forestry in section 6.

Mr. HALE. Mr. President, the matter of the transfer of that portion of the Signal Service of the United States Army which is known as the Weather Bureau part of it, from the War Department to the civilian department, is a very important matter, and it ought to be done, if at all, with the greatest deliberation and by matured legislation that shall control the transfer after it is made and adapt the service to the new department.

It has been my impression, from an investigation that I aided in conducting into the affairs of this service and others in the Government, that it ought to be a civilian bureau; but when that is done the legislation which does it ought to provide just what shall be the status of the men who are now employed as enlisted men, precisely what their compensation shall be, what shall be considered their tenure of office in the new department to which they are sent, for they are now under enlistment for five years' service, and receiving not only ordinary compensation but commutation and other things, and when transferred to a civilian bureau every condition under which they are now performing their duty changes.

There ought also to be a clear line of demarkation marked out as to what shall be considered the pure and simple Signal Service, which is military in its nature, and the weather service, which is purely civilian; so that what is left to the War Department under the charge of the head of the bureau shall be clearly known and established.

I am fearful that any legislation now upon this bill transferring this bureau will necessarily be found to be crude and ill-considered, and perhaps involve grave mistakes. I do not say this as in any way reflecting upon the committee having in charge this proposed creation of a new department, for I do not understand that that committee claims that it has thoroughly investigated the subject of transfer and has elaborated a scheme, and that such an elaborated scheme is found in the brief amendment that is offered here.

It is my judgment that we ought to pause before in this manner making this transfer. Whenever it is done there ought to be a provision that at the next session of Congress a report shall be made by the head of the department in which the service now is found giving the status, condition, pay, and duties of everybody, with an estimate also, and if transferred the force transferred should be classified as clerks, so that Congress may know what the force is in the new service, how many clerks are needed, what shall be their salaries, and, in fact, a complete system under which the service shall be conducted hereafter. I fear myself, I repeat, that if we undertake to do anything now we shall be more likely to do it wrong than to do it in a right way.

Mr. MILLER. There is undoubtedly much force in what the Senator from Maine has said in regard to the amendment to the bill known as section 6. This amendment was proposed and sent to the committee by the Senator from Alabama who has spoken upon it, and the committee, after considerable consideration, adopted it in its present form; but going over the matter afterward by myself I found that it would be necessary to amend the amendment in a number of particulars if we were to avoid great confusion and if we were to avoid perhaps destroying the service entirely for a year at least. The section must necessarily be amended in several particulars before it will be proper for the Senate to pass upon it.

But the committee in adopting the amendment had this in view: For a number of years, I believe, the head of the Army has recommended to Congress that the Weather Bureau, so called, should be taken out of the War Department and transferred to some one of the civil departments of the Government. I think all the heads of the Army for the last eight or ten years have concurred in that judgment, and it has been frequently urged upon Congress that it should be done. It was largely in deference to the well-known opinion of the Army officers, of the head of the Army, and of the Secretary of War that the committee finally adopted the amendment.

It may be crude and it may be uncertain in some of its provisions, but certainly it is no more crude or uncertain than the present laws which surround the Weather Bureau service as now conducted in the Army. There is in point of fact no such thing known to law as the United States Signal Service Bureau. There never has been any law passed creating such a bureau proper. If you go over the statutes of the United States for the past seventeen years, since 1870, you will find that substantially the only legislation touching upon this great arm of the Government is in little items in appropriation bills.

The first observations of the weather undertaken by the Government and under the direction of the War Department were authorized by a joint resolution which was passed February 9, 1870, which simply permitted the War Department through its officers to make some observations regarding the weather upon our great lakes in the West, and to report at headquarters here at Washington. Then from time to

time in the appropriation bills large sums of money have been given for this service, and it has gone on growing up by itself, without any very distinct legislation regarding it.

Therefore, it is very difficult to formulate any amendment which will properly separate what is called the Weather Bureau from what is known as the Signal Corps of the Army. The two have gone on together. The Chief Signal Officer of the Army is provided for by law, and the office was created long before the Weather Bureau was known. It is an office in itself, entirely distinct from the Weather Bureau, and will go on by itself even if the amendment shall be adopted. The Chief Signal Officer has been in charge of this department, as is well known, changed from time to time as the President appointed a new person.

If the amendment shall be adopted, of course it is expected that a civilian will be appointed at the head of the service as soon as it shall be practicable. But in order that the service may not be entirely disorganized and broken up at the beginning, the amendment provides that until otherwise provided for by law the present organization of the subordinate force of the bureau shall continue as at present. The committee did not think it possible to provide for a complete and perfect organization of the bureau under the new department, but thought it wise to continue the present force until Congress should change it, believing that if the bill shall become a law and the new secretary shall be appointed under it, at the next session of Congress he would undoubtedly recommend a complete system in regard to this service; that he would recommend a system of appointments, a system of examination, a term of service, and everything pertaining to it, and if Congress approved of it it would then become the law, and the service would go on undisturbed. If, meanwhile, Congress should do nothing, then the service of course would continue the same as it is now.

Mr. MORRILL. Will the Senator from New York permit me to make an inquiry?

Mr. MILLER. Certainly.

Mr. MORRILL. I understand that a very considerable number of educated young men, graduates of colleges, and young men who have acquired a scientific education, have enlisted in this service with the expectation that they would finally be promoted in the Army of the United States to the position of lieutenants in the Army. I should like to know whether this proposition is to affect those young men or not.

Mr. MILLER. Eventually it would, but not under the bill as it now stands or under the amendment. These young men are promoted, I believe, to the grade of second lieutenant. That, I think, is the highest promotion that is made in this corps.

Mr. ALLISON. If the Senator will allow me one moment, I think that this change will not affect the status of these young men at all. Some years ago there was inserted in an appropriation bill authority to appoint two second lieutenants in this service each year, and under that provision eighteen have been appointed. Last year, I think very properly, that portion of the law was repealed. We have now eighteen second lieutenants in this service with no possible chance of promotion beyond their present rank unless we shall open up and make a much greater establishment of this bureau. As it is now, no person in the service of the bureau can be promoted even to a second lieutenant.

Mr. HALE. Will the Senator from New York allow me to ask him a question right there?

Mr. MILLER. Yes.

Mr. HALE. Does not the Senator from New York perceive that there would be some difficulty in knowing just how, under the provision of the amendment which he has read, to organize and to run, if I may use that word, this military force, that is taken away from the Army, ceases to be a part of it, and is put into a civilian department and becomes a part of it? You prescribe that the same force shall be continued in the civilian department that there was in the military department. They are organized now not as clerkships, not under grades, but with a military organization. They have lieutenants, they have sergeants, and they are under military discipline. How can a sergeant or a lieutenant in a civilian department be an actual sergeant or lieutenant and have that control over the men? What subordination is there? What supervision is there? I ask these questions not in a criticising spirit but as showing that I do see really difficulties, as I have no doubt the Senator from New York has seen them.

Mr. MILLER. There is no doubt about the difficulties, but there is only one way to get rid of them, and that is to meet them.

In reply to the question of the Senator from Maine, I think no difficulty will be experienced, at least during the first year. This service will be entirely transferred to a new department, and the men will be responsible to a new head, but everything pertaining to the service will remain precisely the same as it is now.

It is not a new thing to have substantially a military organization with commissioned officers, with enlisted men, and with everything that pertains to the rigor of military discipline, in a civil department. For instance, the revenue-marine service of this country, which is one of the most effective arms of our service, is organized in the Treasury Department and has always been there. The officers are commissioned and hold their commissions precisely the same as the officers in the Navy do, and the discipline is just as rigorous and just as severe in the revenue-marine service under the command of the Secretary of the Treasury as the service in the Navy is under the direction of the Secretary of the Navy.

It was the belief of the committee, and, in fact, the desire of the committee, and I only give expression to it here that the result of declaring that until otherwise provided by law the present organization of the subordinate force of the bureau shall continue as at present, would be that the new Secretary would report to Congress within a year's time for an organization which would be semi-military in its character; in other words, that the men admitted into this service would come in upon an examination showing their qualifications and their education to engage in this scientific pursuit, and that we should probably provide that they should be regularly enlisted for a term of years.

Mr. DAWES. Will the Senator allow me to interrupt him?

Mr. MILLER. Let me first conclude what I was going to say. I say the idea of the committee was that no doubt the new Secretary would provide for an organization which would be semi-military in its character; that men would be enlisted for a certain length of time, two, three, or five years, as the case might be, and that there would be provided a system of promotions going up perhaps as high as to the grade of first lieutenant, or of captain even; and that this service would be a permanent service, non-partisan in its character. For one, if I believed that Congress would ever consent to make this service simply a political service into which all the competitions which are connected with appointments to the ordinary civil service of the country should come, I would oppose its being taken out of the Army.

Mr. DAWES. I have no desire to criticise or to embarrass this matter. I see some of the difficulties suggested by the Senator from Maine, and I hope the Senator from New York will consider them in the same spirit.

Mr. MILLER. Certainly.

Mr. DAWES. I take some pride in the fathership of this bureau, for I was upon the Committee on Appropriations when the first appropriation was made for it. If anything shows the growth of this country, it is the fact that this bureau began with an appropriation of $15,000 in the first act, and has gone on to this great extent. However, that is another matter.

There seems to be a general opinion that it ought to be transferred to the civil department of the Government. In that it seems to me all agree, but there seems to be difficulty in getting the transfer instantly. I suggest to the Senator why not embody in the bill the transfer and make it take effect next December, or next January, and in the meantime require the present head of the bureau, who has the experience that the new head of the Agricultural Department would not have, to prepare a system which is to take effect, semi-civil and semi-military, if that is the expectation, under this new bureau? Would he not be able to make this preparation better than anybody else, and would it not in the mean time go on with the least friction, go on substantially just as it does now, yet with the known fact that at the day fixed it is to be transferred, and then let him report this necessary change to the next session of Congress? I make that suggestion.

Mr. MILLER. I receive the suggestion in the spirit in which it is given, as friendly to the measure, but I can hardly approve of it. The suggestion, if carried out, would mean that the Chief of the Signal Service Bureau should have the power to make this transfer, and to make all the arrangements and all the details of it. In short, it would fall within his province to say what should be the conditions under which the men should remain in the service, or should go into the service, and that is something which I want to leave to Congress at the next session.

Mr. DAWES. The Senator does not understand me. I mean that he should report to Congress at the next session a plan of transfer and organization under the civil bureau; that is all. It is only a question whether he or this new secretary could do it best.

Mr. MILLER. I propose to put in as a proviso to the amendment, if it shall be adopted, that the present Chief Signal Service Officer of the Army, who holds his commission for life, or until he is promoted or retired, may continue to act as the chief of this bureau until the President shall appoint a new civil officer to take charge of it. It is quite probable that under that provision the President would leave the Chief Signal Service Officer in charge of this bureau until next winter. I have no doubt he would, and I propose to offer that proviso.

Mr. DAWES. It may be that the Senator will work out the same result in that way.

Mr. MILLER. I think we shall arrive at the same result. Taking the amendment to the amendment submitted by the Senator from Alabama, to which I see no objection, and which, perhaps, is a better way of putting it, and then making this amendment take effect on the 1st day of July, 1887, instead of on the passage of the act, and then taking the provision suggested by the Senator from Iowa in regard to the continuance of the second lieutenants in the service, and in regard to their pay and emoluments, with some other provisions, I think the amendment will be in a condition under which the service can be carried on without any inconvenience during the coming year until Congress shall meet again.

But I want to say that neither the chairman of the committee nor the committee as a whole has any pride of opinion in this matter, and if after

having perfected this section the Senate shall think it wise to leave the service just as it is, in the Army, and strike this section out of the bill, the committee will have no complaint to make. It is submitting the best plan that it can get; it has taken the views of the joint committee which investigated all the scientific departments of the Government and made report; and, in short, the sixth section is the result of their labors, as I understand from the Senator from Alabama.

Without detaining the Senate any longer, I will ask for the reading of the amendment of the Senator from Alabama, so that we may take the amendments in order, in line 1 of section 6.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 6, line 1, after the word "the," it is proposed to insert "weather service of the;" so as to read:

That the weather service of the United States Signal Service Bureau is hereby transferred to the department of agriculture and labor, &c.

Mr. BECK. Mr. President——

Mr. MILLER. Does the Senator oppose that amendment? If not, I should like to get the amendment made. If the Senator opposes the whole section, very well; but I want to perfect the section, if possible.

Mr. BECK. No; I am in favor of that.

The PRESIDING OFFICER. If there be no objection the Chair will put the question on the amendment.

Mr. HALE. Let us see where that comes in and how it will read.

The CHIEF CLERK. It will read:

SEC. 6. That the weather service of the United States Signal Service Bureau is hereby transferred to the department of agriculture and labor, &c.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the committee.

Mr. HARRISON. I should like to inquire what is meant by "the weather service?" It must include a certain *personnel*. It seems to me by the amendment that is left utterly vague and uncertain, whether it carries with it the Chief Signal Officer, the lieutenants, sergeants, or who, or whether it carries to this new department that is to be created simply the subject, the business. It seems to me in making a transfer of this kind that should be made very plain.

Mr. MILLER. As I have already stated, there is no proper legal title to this service known in the statutes of the United States. We have got to describe it the best way we can.

Mr. HARRISON. That may be very true, but still there is a way of avoiding this objection.

Mr. MILLER. Will the Senator suggest it?

Mr. HARRISON. The suggestion I have made would be directly in the line of that made by the Senator from Maine. The trouble here is that we have a weather service and a Signal Service. The Signal Service embraces instruction in army signaling with flags. It has connected with it also the army telegraph, which has its organized corps with a view of training men in the business of setting up during war and upon fields of battle temporary telegraph lines that commanding officers may communicate readily from one headquarters to another. All this is in charge of one bureau, and these lieutenants, and sergeants, and corporals are instructed not simply in taking weather notes, recording them, and making observations and calculations, but in these other duties.

Mr. MORGAN. That is exactly where the Senator is mistaken. The Signal Service Bureau of the United States has no practical connection with the Army of the United States whatever.

Mr. HARRISON. The Senator says "practical." I undertake to say that the Signal Service Bureau, which has been under the charge of General Hazen and now under the charge of Captain Greely, does embrace instruction practically in the two branches that I have spoken of.

Mr. MORGAN; Yes; but it is instructing civilians and not soldiers.

Mr. HARRISON. I do not know why the Senator from Alabama says that. These men are enlisted in the service of the United States.

Mr. MORGAN. The Senator will allow me to state the reason for it. The Signal Service of the Army of the United States is entirely a separate establishment from the Signal Service Bureau. That is organized in the Army, under the control of the Army commanders, and the appropriations for it are entirely separate from the Signal Service Bureau.

Mr. HARRISON. Now, will the Senator from Alabama answer me what constitutes the *personnel* of the Signal Service Bureau as he describes it?

Mr. MORGAN. It is constituted at present of a Chief Signal Officer with the rank of a brigadier-general now recently until the death of General Hazen.

Mr. HARRISON. Is it not composed also of sixteen second lieutenants?

Mr. MORGAN. Sixteen second lieutenants.

Mr. HARRISON. And a certain number of sergeants and privates.

Mr. MORGAN. A certain number of sergeants, corporals, and privates.

Mr. HARRISON. Then the entire *personnel* of this bureau belongs to the Army of the United States.

Mr. MORGAN. That is what some people suppose, but I think General Sheridan does not so acknowledge it.

Mr. HARRISON. It is not a question of General Sheridan's view, but what is the legislation on the subject.

Mr. MORGAN. It is a question of legal construction. General Hazen did not assume that it was an Army establishment, and never took the control of it as such.

Mr. MILLER. These privates have never been connected with any company or regiment.

Mr. HARRISON. That may be very true, but that is far from showing that they are not enlisted men in the Army of the United States.

Mr. MILLER. I did not say that they were not enlisted men in the Army of the United States.

Mr. HARRISON. There are men enlisted in the Engineer Corps, but they are not assigned to companies.

Mr. MILLER. I did not say they were not in the Army of the United States, but I say the Signal Service of the Army of the United States is an entirely different establishment from the Signal Service Bureau in every respect, and there is no connection between the two in appropriations or in any other way.

Mr. HARRISON. But the fact is, according to the admission of the Senator from Alabama, that the entire *personnel* of this bureau belongs to the Army of the United States.

Mr. MORGAN. It does; but it does not belong to the Signal Corps of the Army of the United States.

Mr. HARRISON. Then we are in confusion here, as I started out to say, in what we are transferring.

Mr. MORGAN. I am not responsible for the Senator's confusion. He is confused because he does not understand it. That is all.

Mr. HARRISON. There may be a difference of opinion as to which of us has the better understanding of this matter.

I will state my view of this question. I support and agree entirely with the opinion expressed by the Senator from Maine. We are here attempting to divide what has constituted one organization and to transfer part of it to this new department and to leave a part of it in the Army of the United States.

Mr. MORGAN. Not at all.

Mr. HARRISON. The Senator from Alabama says no. Will he be good enough to tell me what would be left of the Signal Corps if this amendment of his and the section to which it is an amendment should pass?

Mr. MORGAN. Nothing in the world except the chief of that corps, who is a brigadier-general in the Army of the United States. That is all that would be left of it.

Mr. HARRISON. If he is left attached to the corps because he is a brigadier-general of the Army of the United States, why are not the sixteen lieutenants left with him?

Mr. MORGAN. I was about to add, but the Senator broke in, that the sixteen lieutenants, who belong to the Army of the United States, are commissioned therein without any particular assignment to regiments or to respective grades.

Mr. HARRISON. Very good. Then we understand that the Chief Signal Officer and sixteen lieutenants would not be transferred.

Mr. MORGAN. They would be transferred in this way: The amendment provides that they shall go along with the organization until the President appoints an officer to be chief of the weather bureau. They go right along with it. The object of this amendment, and I think a proper object, is merely to take this Signal Service Bureau as it exists out of the War Department and put it into the new department of agriculture and labor.

Mr. HARRISON. With its entire *personnel?*

Mr. MORGAN. Everything, just as it is.

Mr. HARRISON. Then it leaves the Signal Service proper of the Army absolutely denuded. It has no commanding officer; it has no lieutenants or sergeants, no *personnel* left.

Mr. MORGAN. It has already a perfect organization, with General Sheridan at the head of it, running down through every post.

Mr. HARRISON. I understand perfectly well that army signaling is taught in the Army proper outside of this corps.

Mr. MORGAN. And there is an organization to carry it out.

Mr. MILLER. The Senator knows or ought to know that this does not in any way affect the Signal Corps of the Army, which has no connection with it whatever. I have no doubt he knows that perfectly well.

Mr. HARRISON. I am answering two gentlemen at once and they do not seem to agree. The Senator from Alabama tells me that this transfers the entire *personnel* of the Signal Service of the Army to the control of this new department of agriculture and labor, and the Senator from New York says it does not affect the Signal Service of the Army at all.

Mr. MILLER. I said the Signal Service Corps.

Mr. HARRISON. There is no corps left, the Senator from Alabama tells me; it is a complete transfer of the entire *personnel*.

Mr. MORGAN. The Senator is quite mistaken. I never told him that. I told him there was a perfect corps of signal officers and signal men in the Army of the United States.

Mr. HARRISON. I understand, but it is not an organization by law at all. It is simply that under War Department orders, at the schools of instruction at Leavenworth and at Fortress Monroe and perhaps at

the posts of the Army, army signaling, or what General Sherman used to call wig-wag, is taught, but it is taught not to a separate corps in the Army, but is taught to the officers and men who are detailed to receive that instruction. The only Signal Corps connected with the Army is this corps; there is none other.

Mr. MILLER. Now, if the Senator will permit me to ask him a question, does he not know that these sixteen or eighteen second lieutenants and some four or five hundred men who are enlisted in the Army and have been simply in this Weather Bureau service, have never had any connection with the Signal Corps of the Army at all and do not have anything to do with it to-day, and have never been used for signaling in the Army in any way whatever.

Mr. HARRISON. I answer the Senator that there has been no call for army signaling in the field since the close of the war of the rebellion that I know of except in Indian service. I know that each of these men, every private, every sergeant, every lieutenant, is carefully instructed in army signaling, or was at Fort Myer, in the construction, erection, and operation of army telegraph lines. I know all that. I know they were trained in infantry tactics and in cavalry tactics, and, as I had occasion once to ascertain when I was upon a subcommittee of the Committee on Military Affairs, they are also instructed in stable duties in connection with their cavalry service. It seemed to me that this was unnecessary at the time; and I am not here antagonizing this transfer, but only endeavoring to support, if I can, the proposition of the Senator from Maine, that, as we are undertaking here to decide on this transfer, we ought at least to consider the question whether we should leave any signal service corps in the Army; and, if so, how many lieutenants we should leave with it, what portion of this corps should be left, what its future organization should be. That is one matter to be considered, and it ought to be considered and reported upon by the Committee on Military Affairs of the Senate.

In the same connection we ought to consider what is necessary to give a complete organization to this new bureau that is to be attached to the department of agriculture and labor. I believe the prevailing sentiment is in favor of such a transfer. I am not opposing it myself; but I am only pleading for a full consideration of this question by the appropriate committees of the Senate, so that, instead of doing this thing hastily and patching it up afterward, it may be done at the outset, after a complete consideration of what will be necessary to the Army in the nature of a signal corps and exactly what the relations and status and duties of those military officers are to be, if they to be transferred to a civil department.

I think, therefore, it would be better if this matter could be left over and considered first by the Committee on Military Affairs and afterwards by the Committee on Agriculture, and that those two committees, having considered the whole subject, should report a complete and wise distribution of the duties and *personnel* of this somewhat nonhomogeneous bureau as it is now.

Mr. MILLER. This proposition is not so new and crude as the Senator from Indiana would indicate. It has been investigated, and I hold in my hand a small volume containing the investigation made by two joint commissions, one under the act of July 7, 1884, and continued under the act of March 3, 1885, the chairman of which was WILLIAM B. ALLISON, of Iowa, and another Senator by the name of EUGENE HALE, of Maine, was a member of it, and a number of other people have been engaged in this investigation for several years. This amendment has been suggested and drawn by two of the Senators who were engaged in this investigation.

Mr. HALE. Let me ask the Senator whether he understands that the commission that went through this laborious and important investigation did as a commission recommend this transfer?

Mr. MILLER. I said that this amendment, as it appears here, is the work of at least two of the Senators who were upon the commission.

Mr. HALE. The truth is that after spending three years upon this subject and other kindred subjects the commission, with plenty of time, found it so difficult a matter to adjust this transfer that it did not even then attempt it by reporting any bill which should provide for the transfer. It is beset with a thousand difficulties. Whoever undertakes to administer this change, if it takes place under the amendment that is now before the Senate, will find himself environed with difficulties every hour of every day. The more I think of it the more I see reason to take pause and think twice before adopting the amendment.

Mr. MILLER. Well, Mr. President, I hope the Senate will not be frightened or deterred from taking proper action because of the difficulties that lie in the way after three years of investigation. This has been the result at all events arrived at by a part of the commission. Now, if the matter is to be sent back to another commission, I suppose three years more may be expended in an investigation, and I believe we have got here in this amendment, or will have when it is perfected, about all that we can expect to get in advance upon a proposition of this kind.

We find here a bureau which has grown to enormous proportions. The Senator from Massachusetts told us that he was upon the committee that gave the first appropriation of $15,000 for the starting of this weather signal bureau, and it has grown now until the cost, I believe, is nearly if not quite a million dollars per annum; and as the country increases in population and the settlements advance on the frontier, it must grow with the country and become more expensive, and the difficulties of the transfer will be greater.

We have provided in this amendment that this bureau shall be transferred. The first difficulty is about the title. There is no legal title. We want simply to get the best title we can get for it and one which the officers of the Government will understand in making the transfer.

Then it is provided further that the entire force of this bureau as it is now organized, including second lieutenants, shall continue in and go with the transfer and remain with all the rights that they now have as to pay and emoluments and that their rank in the Army shall remain as now until changed by law.

That gives time for the transfer, gives time for the new secretary and the new chief of the bureau to make their investigations and to make their report to Congress, and then Congress will be able to act intelligently as to the future organization of this bureau. It may entirely disorganize it; it may, if it see fit, entirely take away its military character; it may remove the enlistment of the privates, it may do away with them and have them appointed the same as clerks are appointed in any of the other Departments. It may make it a purely civil bureau, or it may organize it on the basis of the revenue-marine service, in which the persons holding subordinate places are regularly enlisted, the same as in the Navy, and in which they are promoted to lieutenancies and captaincies and hold those positions for life. Congress may do whatever they may see fit at the next session, but until Congress shall act again all these subordinates, all these sixteen lieutenants, are to remain in the service precisely as they are now. They will report, of course, to, and receive their orders from, the new secretary of the department of agriculture and labor, but they will be held by their oath to serve the Government. They will be under the rules and regulations of that bureau as it is now organized; there can be no escape from it. Therefore I see little danger of any great confusion or trouble, and if there is to be, there is no other way of overcoming this trouble and this difficulty except to go forward and to meet it, and you can only meet it by putting it into this department and having the experiment made.

I have not any doubt as to what the result will be. There will be more trouble, perhaps, in turning over the property of this bureau than in any other matter; and I had drawn an amendment which I proposed to submit to the Senate on that question, which simply provides that the Secretary of War, immediately after the passage of this act, or within thirty days, shall appoint a board of three Army officers who shall take an inventory of all the property used by this bureau, and shall turn over to the new department such portions of it as are suitable for the Weather Bureau service, and shall retain in the control of the War Department that which properly belongs to the War Department, including, of course, the military telegraph lines west of the Mississippi River.

With such a board as that to take charge of the property of this bureau, to segregate it, make an inventory, and turn over to the new department that which would necessarily and properly belong to it and to retain that which belongs to the War Department, it seems to me we can provide for it with as little friction as we can by any system. But if this bureau is to be turned over, it seems to me it had better be done now at the beginning of the organization of this new department in the Government. But, as I said a moment ago, neither the chairman of the committee nor the committee as a whole has any pride of opinion about that.

What I want to do in the next few minutes, if it can be done without discussion, is to try to perfect this section, and then let the Senate say whether it will adopt it or not. If the Senate shall reject it I shall have no word of complaint to make; in fact, I do not know but that I shall be quite as well satisfied to have it rejected as adopted, because I do not want anything to embarrass the final passage of this bill by the two Houses of Congress. With this amendment upon it it must go back to the House of Representatives to be acted upon there. If this amendment were not put upon it the few technical amendments that we have made in the main body of the bill would be undoubtedly concurred in by the House without difficulty. Still, I believe that even with this section put upon it the passage of the bill can be secured through both Houses of Congress, and that it can be enacted into a law.

Another consideration perhaps which might weigh with the Senate now in making this transfer is that there is to be a new chief appointed to this bureau, General Hazen having died. If the transfer is to be made, perhaps it would be better it should be made now at the beginning of the service of a new officer rather than to wait for a year or longer until the service has again settled down into the old methods. Unless the Senator from Indiana can suggest a better description of this bureau than that suggested in the amendment itself, or that proposed by the Senator from Alabama, I hope we may have this adopted.

Mr. TELLER. I should like to know what becomes of the Chief Signal Officer now, the successor of General Hazen, if this transfer is made. Is he transferred with this bureau?

Mr. MILLER. Some time ago I read to the Senate what I proposed

to add as an amendment or proviso. At the proper place I propose to provide—

The Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the weather bureau until a chief shall be appointed by the President and confirmed by the Senate.

Mr. TELLER. Then what becomes of him?

Mr. MILLER. He retains his rank and position as chief Signal Officer of the Army. Let me read the law creating this office.

Mr. TELLER. What will his duties be then?

Mr. MILLER. Just as they have always been since the office was first created, with the exception that he will not be in charge of this bureau. His duties will be such, I suppose, as the commander of the Army may assign to him, and it will in no way affect his rank or position in the Army. The law now provides, according to the Revised Statutes of 1878:

SEC. 1195. There shall be one Chief Signal Officer, with the rank of colonel of cavalry, who shall have charge, under the direction of the Secretary of War, of all signal duty, and of all books, papers, and apparatus connected therewith.

This provision in no way affects that officer at all.

Mr. HALE. That was amended afterward by raising the rank to brigadier-general.

Mr. MILLER. This bill will in no way affect him. If any Senator fears that it will, I shall be glad to put in a proviso that it shall in no way affect him, because I propose to offer an amendment that it shall not affect the standing of the subordinates. Let the amendment be read again.

The PRESIDENT *pro tempore*. The amendment of the Senator from Alabama will be read.

The CHIEF CLERK. In section 6, line 1, after the word "the," it is proposed to insert "weather service of the;" so as to read:

That the weather service of the United States Signal Service Bureau is hereby transferred to the department of agriculture and labor.

Mr. BECK. I have risen to take the floor two or three times and have given way to everybody. I am not going to debate the bill nor to find any particular fault with it except to say that I think the amendment of the Senator from Alabama ought to be adopted and that a good many others will have to be adopted in order to make this transfer work at all, if indeed it can be made to work without an elaborate provision.

We have already made provision for the Signal Service in all its branches in the sundry civil appropriation bill. That bill has passed both Houses and is now in conference on amendments to it. We are now within seven days of the adjournment of Congress, and I do not well see how the military branch of the Signal Service can be separated from the other and provisions made under a general clause transferring it all, without a great deal of confusion unless amendments are made changing very much section 6 of this bill, which provides for the transfer in a very general way.

I am one of those who believe now, after a good deal of resistance, that the time has come when we have to enlarge the number of our Cabinet officers and to refer to the new department many of the things that have been going on elsewhere heretofore. Therefore I am in favor of having a department of agriculture, but I would add to it if I had my way—but, of course, I have not—and make it the department of agriculture and internal commerce. I would transfer to that department all matters relating to the internal commerce of this country. I would send the improvement of rivers and harbors there, the Railroad Commissioner, the Educational Bureau, as well as the Labor Bureau, and dignify it so that it would be a department in fact as well as in name.

Some of the Departments of this Government now are sadly overworked. Take the Treasury Department, for instance. Less than twenty-five years ago the Committee on Ways and Means of the House of Representatives performed all the work now performed by the Committee on Ways and Means, the Committee on Appropriations, the Committee on Banking and Currency, the Committee on Coinage, and perhaps other committees, and did not have as much hard work to do then as any one of those committees has to-day. I mention that to show the growth of the country and its business. There is a vast difference between the Treasury Department to-day and ten years ago, when I first came to the Senate. I wanted a division then, but I never saw exactly how to get it done.

The Treasury Department ought to be divided, and will have to be divided. The ablest man in America, with our complex tariff laws, charged with collecting the revenues of this country, construing the laws so as to have uniformity of collection at all the ports, and seeing that the revenues of the Government are carefully collected, the laws carefully construed, and the money paid into the Treasury, should have no further duties. It would require another secretary, with another corps of assistants equally as efficient, to see that that money is properly taken out of the Treasury for the use of the Army and Navy and the thousand things to which it has to go. At present all receipts and all disbursements go through one head and one set of books, and many of us know the confusion that has arisen in the minds of many men in regard to that. I believe my friend from Massachusetts [Mr. DAWES], who is looking at me, knows the trouble we have had at times in some committees with those books and accounts.

I would send the Pension Bureau to the War Department. Now one of the Auditors in the Treasury Department has charge of the accounts of one department and another of another. Let the War Department manage the pension business. The Interior Department then would have more than any man can manage. The great Patent Office, the Land Office, the Indian service, and many other things that it has to attend to, are enough to engage the attention of the ablest man in the country.

I am not opposed now to the experiment of an agricultural department, but I would have it a department of agriculture and internal commerce. That would give it a standing that would bring it to the dignity of a Cabinet office. I would let it have charge of the internal railroad system, which we have now taken under our control, and the other great matters named in this bill. Let the Education Bureau go there and the other things that are named in the bill.

The sixth section I have great difficulty about, not difficulty about transferring the weather service; I think that is well; but there is great difficulty in making proper provision by an amendment drawn hurriedly, as is necessarily the case, so as to give the War Department all the power it ought to have over its own Signal Corps, to keep efficient men there to do all the work necessary for the Army, for we have no use for it in time of peace. We have no use for the regiments then, but we have them to educate and to put on a basis to carry on war when it comes. That is all we use an army or a navy for—for contingencies that may arise.

Let the Weather Bureau come under the Agricultural Department by a carefully guarded provision. I would not have soldiers there. I agree with the Senator from Alabama that enlisted men there for a term of years, subject to court-martial or to be ordered from point to point, are not as apt to do good service as young men employed from civil life standing upon their character and their reputation and their future prospects, and there is no use in keeping a man for five years on compulsion. You will find he is of no account knowing that he is only liable to dismissal by court-martial, but you should dismiss him the moment he is not efficient.

These employés are men educated in colleges; and competent young men can be had. All that I agree to; but I doubt exceedingly, unless the section is very much amended, whether we shall not have great trouble in dividing the work, and I say that because I have heard the Senator from Alabama, the Senator from Iowa, and the Senator from Maine, and other Senators who sat on that joint commission for years endeavoring to find out some effective way of improving this service and putting its organization in something like shape in the form of a law.

I remember, in 1870, I think it was, or perhaps in 1869, the Senator from Massachusetts [Mr. DAWES] was chairman of the Committee on Appropriations of the House, and I believe General Paine, of Wisconsin, then a member, called attention to the matter. After a good deal of time he got an appropriation of a few thousand dollars, and the thing has gone along without any particular regularity, so that it is almost impossible to tell under what law it is.

Mr. MORGAN. I will read an order of the War Department:

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
*Washington, October* 12, 1885.

By direction of the Secretary of War the following regulation is published, and will be numbered paragraph 2574½ of the Regulations.

2574½. In times of peace a detail of not less than one officer and three enlisted men will be kept constantly under instruction and practice in military signaling at each post in the United States, until the officers and all men who have sufficient intelligence are proficient in the use of the general service code with flag, torch, and heliograph, and homographic code with disks. The post commander will detail an acting signal officer at each post to give the necessary instruction and supervise field practice. The monthly reports of instructions and practice will be rendered to the Chief Signal Officer through department commanders.

By command of Lieutenant-General Sheridan:

R. C. DRUM, *Adjutant-General.*

That is the basis of the Signal Corps in the Army for which Congress makes separate appropriations entirely distinct from the civil-service Signal Bureau.

Mr. BECK. These are orders that may be revoked at any moment. I suppose, however, a legal service could be built up by orders.

Mr. MORGAN. Undoubtedly so.

Mr. BECK. I believe in civilian service for another reason. I believe that we shall not progress in knowledge of these scientific weather observations as well under military as under civil rule. Military rule, however good it may be for some purposes, means simply obedience and command. The other means investigation, and the young men who are picked up from civil life, young men who will go in with the spirit of investigation and development, not merely for command, not merely to carry out routine, which is a great feature in all military discipline, will feel stimulated to advance the service. The result will be that a spirit of investigation will be aroused, each young man to do better than others. The spirit of emulation among them will, in a

short time, under scientific and capable men, develop a system that we shall never get under any army organization. Therefore I sympathize with the attempt if it can be properly adjusted, but I greatly fear that the section can hardly be amended so as to do the thing well now.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment to the amendment was agreed to.

Mr. MILLER. Now, in line 3 of section 6, after the word "labor," add:

To take effect July 1, 1887.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 3, section 6, after the word "labor," it is proposed to insert:

To take effect July 1, 1887.

So as to read:

That the weather service of the United States Signal Service Bureau is hereby transferred to the Department of Agriculture and Labor, to take effect July 1, 1887, &c.

The amendment to the amendment was agreed to.

Mr. MILLER. Now, in line 6, after the word "force," add the amendment proposed by the Senator from Iowa:

Including the second lieutenants now in service.

Mr. TELLER. Let that be read.

Mr. ALLISON. Let it come in after "bureau."

Mr. MILLER. Yes; that would be better.

The SECRETARY. At the end of line 6 of section 6 it is proposed to add:

Including the second lieutenants now in service.

The amendment to the amendment was agreed to.

Mr. MILLER. At the end of the sentence, in line 7, I move to add:

*Provided*, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps.

This has been suggested by the officers themselves. It will do no harm to put it in. I do not think the bill will affect them, but this will certainly save their rights.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York.

Mr. CONGER. I fear the effect of that would be that ten or fourteen lieutenants, who have acquired their commissions as such by service in the Signal Corps, will lose their rights in the Army. They are now lieutenants in the Army.

Mr. MILLER. This amendment is suggested by the officers of the corps themselves. It is put in at their suggestion as a saving clause.

Mr. CONGER. What is the object of it?

Mr. MILLER. The object of this is to save whatever their rights may be. That is perhaps a question of law, but it is simply desired that there shall be no influence against them in the bill. We leave it to be decided by the Attorney-General, the Secretary of War, or the President.

Mr. EDMUNDS. I should like to ask the Senator from New York what he understands the effect of this section, if passed, will be in regard to the control of these people who are now in the military service being turned over to the civil administration—whether the civil administration will control them or the military administration?

Mr. MILLER. I have no doubt that the civil administration, the head of this department, will control them, for the time being until Congress shall pass some other law.

Mr. EDMUNDS. Can they get out by resignation?

Mr. MILLER. The private can not get out by resignation. I suppose a commissioned officer could if it were accepted—not by resignation unless it be accepted. As these are men in the Army, they could not get out of this service without their resignation being accepted by the Secretary of War.

Mr. EDMUNDS. They continue then to be military people, subject to the rules and regulations for the government of the Army and to military law, but still under the exclusive orders of the head of a department which is a civil department; and, therefore, the government of them is taken away from the Secretary of War and their responsibility for conduct is transferred to the secretary of agriculture. Is that it?

Mr. MILLER. The condition of these men is undoubtedly anomalous. They have been enlisted nominally into the Army, I suppose, but really into this corps. None of these privates, sergeants, or corporals have ever belonged to any company or regiment of the Regular Army at all. They have been enlisted for this particular service. Whether, under their enlistment, they could be transferred and compelled to go out and fight the Indians, I very much doubt; but the Senator from Iowa says that they could not be, that they have been enlisted entirely for this service and that they could not be taken away from it. I think there would be no difficulty in regard to that. There is still another amendment to be proposed.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York.

The amendment to the amendment was agreed to.

Mr. MILLER. In line 10 of section 6, after the word "and," I move to insert the other amendment offered by the Senator from Iowa in regard to pay:

The compensation now paid to the employés and enlisted men of said service shall continue as now and.

The amendment to the amendment was agreed to.

Mr. MILLER. Going back to line 10 of section 6, after the word "Senate," I move to insert:

*Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate.

I think that would be wise.

The amendment to the amendment was agreed to.

Mr. MILLER. Before leaving this section I propose the following amendment, which has not been submitted to the committee and is simply one that I have drawn up myself, thinking it would be necesssary:

The Secretary of War is authorized and directed within thirty days after the passage of this act to appoint a board of three army officers, of which the Chief Signal Officer shall be a member. The duty of said board shall be to make an inventory of all property now in the control and possession of the Signal Service Bureau and shall separate and turn over to the department of agriculture and labor such portions of the property as the said board may determine to be suitable for the work of the Signal Service Weather Bureau.

I shall have to change the title in the beginning there.

The remainder of the property shall remain in the control of the Secretary of War, as at present.

It seems that there is a large amount of valuable property in the control of this bureau and at different stations all over the country, some of which property belongs to the Army itself, and which is of no use to the Weather Bureau service but is of value to the Army. This applies particularly, I should say, to the military telegraph lines, of which there are some two or three thousand miles west of the Mississippi River. These telegraph lines, of course, are used by the Army, and are used in this Weather Bureau service as well; but they should undoubtedly remain in the control of the Army, and they may be used to send the signal or weather messages over them.

It seems to me that whatever of friction or of trouble has been anticipated in this transfer will be largely obviated by the addition of this provision to the section. It certainly can do no harm, and if no one sees any objection to it I will offer it, to come in at the end of section 6.

Mr. DOLPH. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert as an addition to section 6:

That the Secretary of War is authorized and directed within thirty days after the passage of this act to appoint a board of three Army officers, of which the Chief Signal Officer shall be a member. The duty of said board shall be to make an inventory of all the property now in the control and possession of the Signal Service Bureau, and shall separate and turn over to the department of agriculture and labor such portions of the property as the said board may determine to be suitable for the work of the Signal Service Weather Bureau. The remainder of the property shall remain in the control of the Secretary of War.

Mr. MILLER. Change the designation there of the Signal Service Bureau to correspond with the first line of the section as amended by the Senator from Alabama.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment of the committee as amended, known as section 6?

Mr. HALE. Before that is done I want the amendment, as it has been amended several times, read now continuously, so that we may know just what its position is.

The PRESIDENT *pro tempore*. It will be read as it stands.

Mr. MILLER. I want to go back first to complete a formal amendment in line 2 of section 5. Let it be read as it is now in the bill.

The SECRETARY. In line 2, section 5, strike out "division" and insert "bureau."

Mr. MILLER. After the word "bureau," the words "of labor" should be inserted.

The PRESIDENT *pro tempore*. That correction will be made if there be no objection.

Mr. TELLER. I should like to call the attention of the chairman to the fact that we ought to strike out the words "that there shall be in the department of agriculture a division." All that ought to go out and the words "said bureau of labor" should commence the section.

Mr. MILLER. "Agriculture and labor" is the name of the department. Then there is a bureau of labor.

Mr. TELLER. That is already provided for in another section.

Mr. MILLER. No; that is for the transfer.

The PRESIDENT *pro tempore*. The reading of the sixth section as amended has been called for. It will now be read as amended.

The SECRETARY. As amended the section proposed by the committee as section 6 reads:

SEC. 6. That the weather service of the United States Signal Service Bureau is hereby transferred to the department of agriculture and labor to take effect July 1, 1887, and shall consist of one chief and such subordinate officers and em-

ployés as may be necessary to efficiently manage said bureau. Until otherwise provided by law the present organization of the subordinate force of said bureau including the second lieutenants now in service shall continue as at present: *Provided*, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps. The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate, and the compensation now paid to the employés and enlisted men of said service shall continue as now, and the moneys appropriated for said service and hereafter appropriated shall be disbursed under the direction of the secretary of the department of agriculture and labor.

The Secretary of War is authorized and directed within thirty days of the passage of this act to appoint a board of three army officers, of which the Chief Signal Officer shall be a member. The duty of said board shall be to make an inventory of all property now in the control and possession of the Signal Service Bureau and shall separate and turn over to the department of agriculture and labor such portions of the property as the said board may determine to be suitable for the work of the Signal Service Weather Bureau. The remainder of the property shall remain in the control of the Secretary of War.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The question being put, the ayes were 18.

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired generally with the Senator from Wisconsin [Mr. SPOONER]. I learn from his colleague that he would vote "yea" if present, and I vote "yea."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

The roll-call was concluded.

Mr. CULLOM (after having voted in the negative). I am reminded that I am paired with the Senator from Delaware [Mr. GRAY]. I had forgotten it when I cast my vote. I withdraw my vote.

The result was announced—yeas 37, nays 15; as follows:

YEAS—37.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Mahone, | Ransom, |
| Beck, | Eustis, | Maxey, | Sabin, |
| Berry, | Evarts, | Miller, | Sawyer, |
| Blackburn, | Fair, | Mitchell of Oreg., | Sherman, |
| Blair, | Frye, | Mitchell of Pa., | Van Wyck, |
| Brown, | George, | Morgan, | Vest, |
| Cheney, | Harris, | Morrill, | Walthall. |
| Cockrell, | Ingalls, | Payne, | |
| Coke, | Jones of Arkansas, | Plumb, | |
| Conger, | Kenna, | Pugh, | |

NAYS—15.

| | | | |
|---|---|---|---|
| Bowen, | Hampton, | Platt, | Whitthorne, |
| Dawes, | Harrison, | Saulsbury, | Williams, |
| Edmunds, | McMillan, | Spooner, | Wilson of Iowa. |
| Hale, | Manderson, | Teller, | |

ABSENT—24.

| | | | |
|---|---|---|---|
| Aldrich, | Colquitt, | Hawley, | Riddleberger, |
| Butler, | Cullom, | Hoar, | Sewell, |
| Call, | Farwell, | Jones of Florida, | Stanford, |
| Camden, | Gibson, | Jones of Nevada, | Vance, |
| Cameron, | Gorman, | McPherson, | Voorhees, |
| Chace, | Gray, | Palmer, | Wilson of Md. |

So the amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MILLER. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MILLER, Mr. BLAIR, and Mr. JONES, of Arkansas, were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House receded from its disagreement to the amendments of the Senate to the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season, and agreed to the same.

The message also announced that the House had passed the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes, with an amendment; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. MILLER. I move to proceed to the consideration of Order of Business 2256, being the bill (S. 3025) to extirpate contagious pleuropneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. MCPHERSON. I move to lay that motion on the table.

Mr. EDMUNDS. It is not in order to lay a motion to proceed to the consideration of a bill on the table.

The PRESIDENT *pro tempore*. The Chair is of opinion that anything can be laid on the table; but that would be only a negative form of the same proposition.

Mr. MCPHERSON. I believe I can not move to amend the motion of the Senator from New York under the rules.

Mr. EDMUNDS. Debate is not in order.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York [Mr. MILLER].

The motion was agreed to.

Mr. MCPHERSON. Now I move that the further consideration of the bill be postponed for the purpose of taking up House joint resolution 170.

Mr. VAN WYCK. Allow me to suggest to the Senator to move that the bill be temporarily laid aside.

Mr. EDMUNDS. That is not in order.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the pending bill be postponed with a view to proceed to the consideration of the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific Railroads which have received aid from the United States.

Mr. EDMUNDS. That motion is not in order. It has got to be a motion to postpone until a day certain or indefinitely, one or the other.

The PRESIDENT *pro tempore*. What time does the Senator propose?

Mr. MCPHERSON. I move to postpone until to-morrow.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the pending bill be postponed until to-morrow at 2 o'clock.

Mr. EDMUNDS. That makes it a special order, requiring two-thirds.

The PRESIDENT *pro tempore*. The motion is in order.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. I should like to ask, does a motion to postpone to a certain hour require more than a majority vote?

The PRESIDENT *pro tempore*. It does not. It does not make it a special order, in the understanding of the Chair.

Mr. BECK. I asked the question because of the suggestion of the Senator from Vermont.

The Secretary proceeded to call the roll.

Mr. VANCE (when his name was called). I announce again my pair with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

The roll-call was concluded.

Mr. CHACE (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, he should vote "yea."

Mr. FAIR (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from California [Mr. STANFORD].

Mr. VANCE. I have transferred my pair with the Senator from Michigan [Mr. PALMER] to the Senator from Indiana [Mr. VOORHEES]. I desire to vote "yea."

The result was announced—yeas 27, nays 31; as follows:

YEAS—27.

| | | | |
|---|---|---|---|
| Beck, | Eustis, | McPherson, | Saulsbury, |
| Berry, | George, | Maxey, | Vance, |
| Blackburn, | Gorman, | Morgan, | Van Wyck, |
| Brown, | Hampton, | Payne, | Vest, |
| Call, | Harris, | Plumb, | Walthall, |
| Cockrell, | Jones of Arkansas, | Pugh, | Whitthorne. |
| Coke, | Kenna, | Ransom, | |

NAYS—31.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | McMillan, | Sabin, |
| Allison, | Evarts, | Mahone, | Sawyer, |
| Blair, | Frye, | Manderson, | Sherman, |
| Cameron, | Hale, | Miller, | Spooner, |
| Cheney, | Harrison, | Mitchell of Oreg., | Teller, |
| Conger, | Hoar, | Mitchell of Pa., | Williams, |
| Dawes, | Ingalls, | Morrill, | Wilson of Iowa. |
| Dolph, | Jones of Nevada, | Platt, | |

ABSENT—18.

| | | | |
|---|---|---|---|
| Bowen, | Cullom, | Hawley, | Stanford, |
| Butler, | Fair, | Jones of Florida, | Voorhees, |
| Camden, | Farwell, | Palmer, | Wilson of Md. |
| Chace, | Gibson, | Riddleberger, | |
| Colquitt, | Gray, | Sewell, | |

So the motion was not agreed to.

Mr. VAN WYCK. I would ask unanimous consent to make a sug-

gestion in relation to the motion of the Senator from New Jersey. There seems to have been, as I understood yesterday, some misunderstanding between the two sides of the Chamber. I would suggest in view of the importance of the measure, which is conceded, that it should be designated that Friday be given, as much time as may be necessary for the consideration of the joint resolution.

Mr. EDMUNDS. I object to that.

The PRESIDENT *pro tempore*. Objection is made. The reading of the bill will proceed.

Mr. FRYE. I ask the Senator from New York to yield a few moments to me.

Mr. MILLER. The bill may be laid aside informally temporarily.

The PRESIDENT *pro tempore*. The bill will be read.

The bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes, was read.

Mr. MILLER. Now I will let the Senator from Maine have a few minutes.

## FLORIDA LAND GRANTS.

Mr. FRYE. I yield to the Senator from New York, who has a motion he desires to make.

Mr. EVARTS. I desire to give notice of a motion to reconsider the Senate bill No. 3300, which was passed yesterday while I was absent from the Senate engaged before a committee, and that a message be sent to the other House desiring the return of the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves that the bill referred to, Senate bill No. 3300——

Mr. MORGAN. What is the bill?

Mr. EVARTS. The title of the bill is a bill (S. 3300) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads, under an act of Congress approved May 17, 1856, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from New York moves that a message be sent to the House of Representatives recalling the bill, he entering a motion to reconsider. He has a right to enter a motion to reconsider. If there be no objection, the order for the return of the bill will be made.

Mr. CALL. I object.

The PRESIDENT *pro tempore*. In the opinion of the Chair the Senator from New York having entered a motion to reconsider, an order to recall the bill follows as a matter of course.

Mr. CALL. Then I ask that the motion to reconsider be decided now.

The PRESIDENT *pro tempore*. A motion to recall the bill is usually put.

Mr. CALL. I object to the recall of the bill, or I move to lay the motion to reconsider on the table, whichever is proper.

The PRESIDENT *pro tempore*. The Chair can not put the question on the motion to reconsider, which the Senator from New York has a right to enter, until the bill is recalled.

Mr. CALL. I move to lay the motion to reconsider on the table.

The PRESIDENT *pro tempore*. That is in order. The Senator from Florida moves that the motion to reconsider lie on the the table.

Mr. DOLPH. I rise to a point of order. I ask whether the motion to lay the motion to reconsider on the table is in order until after the motion has been put to cause the return of the bill from the House. Rule XIII provides that the motion shall be put at once without debate.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order made by the Senator from Oregon is right, on looking on the rule.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. The Secretary will read the second clause of the rule.

The Chief Clerk read as follows:

> 2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon immediately, and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

Mr. CALL. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Florida making a statement?

Mr. MILLER. I yield temporarily. If we can have any assurance that this thing is not to last over five minutes I shall not object.

The PRESIDENT *pro tempore*. The rule specially requires that the motion shall be put without debate.

Mr. MILLER. If the Senator from Florida makes an explanation my colleague will require the same courtesy.

Mr. EVARTS. It is but fair, perhaps, that I should make a little explanation myself, and it may be entirely satisfactory to the Senator from Florida.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New York and the Senator from Florida making a brief statement on the subject? ["None!"] The Chair hears none.

Mr. PLATT. Five minutes each.

Mr. CALL. I desire to say that this bill has been reported by the Committee on Public Lands and is for the settlement of land titles in the State of Florida. It refers the questions to the courts of the United States. A receiver, an officer of a court of the United States, as I understand from the Senator from New York, is here objecting to the passage of the bill which submits and only submits the whole question to the courts of the United States to decide.

I introduced a forfeiture bill, but I accepted this bill reported by the Committee on Public Lands in conformity with previous bills that had been passed for the determination of all these questions by the courts of the United States. Having shown conclusively that there never was a grant of this land, I have accepted the arbitrament of the courts, and that is the bill which has been passed by the Senate and which is asked to be returned from the House. I wish to say that there is no ground in private honesty or public policy or the interest of creditors or any other that should object to the passage of this bill.

Mr. EVARTS. I have no complaint to make of what occurred yesterday in the Senate on this subject when I was absent. I was necessarily engaged in a committee of the Senate in session, and the matter had come up in this wise: Some time ago a resolution was introduced by the Senator from Florida that was to pass through the Senate alone, and was to operate as I thought injuriously to the interests of certain constituents of mine, and I opposed therefore its consideration here without its going to a committee. It then went to the Committee on Public Lands and the parties all had an opportunity to be heard. When yesterday my attention was called to the bill that had been reported from that committee I assumed, perhaps too readily, that my constituents and their interests had been sufficiently attended to and disposed of satisfactorily to them. I was led to that feeling because this bill had been reported from that committee by the Senator from Alabama [Mr. MORGAN], who had taken the same view with myself in opposition to the resolution of the Senator from Florida that had been disposed of adversely to him, and I did say to the Senator from Florida exactly what he stated, which was in these words: When my colleague [Mr. MILLER] spoke of my continued absence and of his intelligence that I did not object to the bill the Senator from Florida said:

> Mr. CALL. I submitted the bill to him. He read it carefully, and makes no objection to it.

That is an accurate statement, although it carries the notion that I approved of the bill. What I said to the Senator was that I would not object to its being considered. Now, I understand, though not very explicitly, that the interests, which are important, of very respectable persons who advanced a great deal of money in this road have not been adequately, in their view, regarded in this disposition that has been made by the committee; and my only desire at present is, as I have expressed to the Senator from Florida, to enter this motion that the bill may be here in order that it may come up for consideration for me to have an opportunity, which I shall soon have, of learning the facts and proofs in regard to the satisfaction of these interests.

That is all that I wish to say, and the Senate must dispose of the question.

Mr. CALL. I ask consent that a member of the Committee on Public Lands make a statement in regard to this bill.

The PRESIDENT *pro tempore*. The question is, Shall the House of Representatives be requested to return the bill?

Mr. CALL. I ask the Senate that the Senator from Arkansas [Mr. BERRY], who is a member of the Committee on Public Lands, may be permitted to make a statement.

The PRESIDENT *pro tempore*. The Chair heard objection made, but the Chair will again put the question. Is there objection to a statement being made by the Senator from Arkansas? The Chair hears none.

Mr. BERRY. I simply desire, at the request of the Senator from Florida [Mr. CALL], to state that it is well known to the Senate that he has persistently urged for weeks and months the passage of a bill or resolution forfeiting the lands which were granted to the State of Florida and are claimed by this railroad company. He was persistent in that purpose from time to time until finally the matter went to the Committee on Public Lands, and that committee reported unanimously, through the Senator from Alabama, in favor of the passage of this bill, which submitted the entire matter to the Federal courts, where each party can be heard, and it provides that if this company are entitled to the land they shall have it, and it shall be theirs forever; but if, upon the other hand, they never took the grant, then the land is restored to the public domain.

That was considered to be fair to all parties; those who had opposed the resolution of the Senator from Florida and those who were understood to defend the rights of the railroad company as well as the rights of the citizen. All consented to this.

Now, a reconsideration or a recall of that bill from the other House simply defeats the action that was had by the committee and the action of the Senate yesterday, and defeats entirely the forfeiture and de-

feats the proposition that it shall go to the courts, there to be determined as between the parties.

The bill which passed the Senate and refers the matter to the courts was prepared by the Senator from Alabama, was understood by all, and a reconsideration or recall of the bill at this hour of the session defeats any action whatever and leaves the railroad in possession of the land.

Mr. MORGAN. As my name has been referred to I hope I shall be indulged for a moment.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. MORGAN. This bill was a bill we passed for the purpose of composing differences on both sides which seemed irreconcilable. The bill was neither intended nor is it calculated to deprive any human being of any rights that exist in his favor under the law. I am sure of that. The committee were unanimous in reporting the bill as it is.

Mr. HARRISON. We can not hear what the Senator from Alabama is saying, and I should like to hear.

The PRESIDENT *pro tempore*. The Senate will come to order. Senators will please resume their seats.

Mr. MORGAN. There can be no rights connected with this land in Florida, I believe, that this bill does not dispose of by judicial decision. That is all I meant to say. The committee were unanimous in reporting it, and I think there is no difficulty or danger about the bill doing anybody any harm.

Mr. EVARTS. I do not desire to add to the personal explanation I have made, but it is not a proper inference that I approved of the bill. I did say that I would not oppose its being considered. That was under the impression that the interests represented by me in the matter had been adequately disposed of. I now learn, as I have stated, that that is not the situation. I have no desire to put this bill in a worse situation that it would have been in yesterday if I had then desired that it should stand over until I had an opportunity to confer. I have no desire whatever to kill the bill by delay, but I do desire, if I have the right, that I should have an opportunity for an understanding with the constituents who are interested, and properly interested, in the matter as to their satisfaction with the bill.

The PRESIDENT *pro tempore*. Will the Senate request the House of Representatives to return the bill?

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

The roll-call having been concluded, the result was announced—yeas 26, nays 27; as follows:

YEAS—26.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | McMillan, | Sawyer, |
| Allison, | Evarts, | Manderson, | Sherman, |
| Blair, | Farwell, | Miller, | Spooner, |
| Cameron, | Frye, | Mitchell of Pa., | Vest, |
| Conger, | Gorman, | Morrill, | Wilson of Iowa. |
| Dawes, | Hoar, | Platt, | |
| Dolph, | Jones of Nevada, | Sabin, | |

NAYS—27.

| | | | |
|---|---|---|---|
| Beck, | Coke, | McPherson, | Saulsbury, |
| Berry, | Eustis, | Maxey, | Vance, |
| Blackburn, | George, | Mitchell of Oreg., | Van Wyck, |
| Brown, | Hampton, | Morgan, | Walthall, |
| Call, | Harris, | Payne, | Whitthorne, |
| Cheney, | Jones of Arkansas, | Pugh, | Williams. |
| Cockrell, | Kenna, | Ransom, | |

ABSENT—23.

| | | | |
|---|---|---|---|
| Bowen, | Fair, | Ingalls, | Sewell, |
| Butler, | Gibson, | Jones of Florida, | Stanford, |
| Camden, | Gray, | Mahone, | Teller, |
| Chace, | Hale, | Palmer, | Voorhees, |
| Colquitt, | Harrison, | Plumb, | Wilson of Md. |
| Cullom, | Hawley, | Riddleberger, | |

So the Senate refused to recall the bill from the House of Representatives.

PACIFIC RAILROADS ACCOUNTS.

The PRESIDENT *pro tempore*. Senate bill 3025, known as the pleuro-pneumonia bill, is before the Senate.

Mr. FRYE. I yielded the floor to the Senator from New York for a purpose.

Mr. HOAR. Will the Senator yield to me to give a notice?

Mr. FRYE. With pleasure.

Mr. HOAR. I desire to give notice that I expect to-morrow to propose to the Senate to fix Friday at 2 o'clock for the consideration of the joint resolution in regard to the Union Pacific Railroad question. I am not able to make that motion to-day, because I desire to consult certain Senators who are interested as to the question of time, but I shall make the suggestion for bringing it up at an early day, and probably on Friday at 2 o'clock, which, I presume, will be satisfactory to gentlemen on all sides.

Mr. MCPHERSON. I did not understand to what subject the Senator alluded.

Mr. HOAR. The resolution for the investigation of the Pacific railroads.

THOMAS S. HOPKINS—VETO MESSAGE.

Mr. FRYE. I would like the courtesy of the Senator from New York for a very few moments.

The PRESIDENT *pro tempore*. Does the Senator from New York yield?

Mr. MILLER. I yielded some time ago temporarily to this, and in that way the other came in.

Mr. FRYE. After I have made a statement somewhat brief I am going to ask that the pending bill be laid aside for ten or fifteen minutes, and that the Senate consider the President's veto in the case of Thomas S. Hopkins, and I ask the Senate to listen to my statement because this is a remarkably exceptional case.

There were living on a farm in Maine in the early part of the war two boys, one sixteen years of age and the other twenty. The elder had just married a wife. They were both full of the inspiration of patriotism, and there was a controversy as to which should enlist. Finally it was decided that the boy, although young, should start first. He enlisted. In two months the elder brother also enlisted.

The elder was killed. The younger went to the front, remained at the front for eighteen months, then was stricken with a nervous disease, was transferred to the invalid corps, remained in the invalid corps until the close of the war, came home, went to Maine to work on the farm and found that he could not do it; he had not the physical strength. He returned to Washington, was appointed a clerk in the Treasury Department, remained there about six years, was twice promoted, and was finally offered the place of chief clerk at $2,500 a year, but in the mean time had been studying law, had passed an examination for admission to the bar, declined the preferment, resigned his place in the Treasury Department, and commenced the practice of law. He was successful, and built up a business that was worth from three to four thousand dollars a year.

He was one of the most magnificent specimens of a man I ever saw—6 feet high, handsome in person, his mind well cultivated and well stored with knowledge. In the mean time he married a wife and had two children by her. Every once in a while he would be stricken with this old disease, and for a week or so would be unable to work. He succeeded in laying up about $3,000, and early in 1878, in the streets of Washington, he was stricken by this old disease, fell to the ground, was carried home, and for nine years never has stood on his feet one single hour, and they have been nine years such as few other human beings probably ever endured, of pain terrible, fearful, night and day.

About two months ago one night, shortly after dinner, four men brought this stricken, this broken man into my room, in a reclining chair, laid him down, and I listened to his pitiful story. The good Lord knows I would have gone to him, even barefoot, if I had known he wished the interview.

He was stricken in 1878, and for more than two years no human being was permitted to see him except his wife, who staid with him night and day, and the attending physicians. For two years he could not lift a silver spoon; for two years he could not bear the weight of the coverlid on him, and if his foot accidentally touched the foot-board he at once fell into insensibility and into danger of his life. A neighbor presented a little silver spoon to him; it was on the mantel. His wife told him that when he was able to feed himself that silver spoon had been given to him by such a neighbor to use. He looked at it, and it seemed to him, as he told me, that the handle was as large as the mast of a ship, the bowl as immense as the hulk, and that no power on earth would enable him to lift it to his mouth; he sank into insensibility, and came near dying. They were compelled to take the spoon out of that room and keep it out of his sight for over two years. Not one of his children was permitted to see him for two years; he could not bear the sight. Men in extreme danger desire to pray, and this man, believing death to be near, tried.

He could not think of anything but the prayer of his childhood, and for three days he strove to recall the words, "*Now I lay me down to* sleep." He recalled "Now I lay me," and fell into insensibility, and it was hours before he could start the train of thought again, and when he did again he became insensible.

During those two years an act was passed by Congress increasing the pension of $50 to $72. He could take no benefit of it. During that same time an act was passed by Congress giving arrearages of pension, and a limitation was placed upon that act of two years. But it was provided that it should not run against insane men or children, and this man for two years and during the time he could otherwise have taken advantage of that law, had no mind, no body, no power of thought. In November, after that lapse of two years, a pen one day was put into his feeble fingers, and by assistance he wrote his name to an application for a pension. Immediately on doing it he became insensible, and the doctors feared that it would cause his death; but he revived.

A pension of $50 was immediately given him, and he has enjoyed it since; but he has employed leading physicians in Philadelphia, and Baltimore, and Washington, and the $3,000 he saved in the practice of

the law have been eaten up by his necessities, and now he is nearly $2,000 in debt. The Congress of the United States passed a law through both branches opening the door to him to apply for arrearages. The President vetoed it. He vetoed it because he had not the information which I am giving the Senate, because no report of the Committee on Pensions gave him the information, because his attention was not called to the law and the limitation in the law, two years, with the humane provision that it should not be a bar to insane men and children.

Here is the statement of Dr. S. Weir Mitchell, of Philadelphia, as to his condition at that time:

He could see or converse with no one but the members of his own family and his physicians, and even that intercourse was of the simplest and most limited character. He could not read or hear read a single line, or put forth the slightest mental effort without producing most distressing symptoms. He was so weak that he could not grasp a pen, lift a book, or feed himself.

The effort to read for even a short time was impossible. The slightest exertion, whether of a physical or mental character, threw him into a condition of nervous depression and exhaustion.

He was completely bedridden. * * * Muscular power almost *nil*. When asked to grasp your hand he could scarcely exert any appreciable force. He was unable to feed himself or make any voluntary effort to attend to his own wants.

Here is the affidavit of Drs. Fry and Johnston, of this city, eminent physicians, which the President did not have before him; I say this in justice to him:

W. W. Johnston, M. D., and H. D. Fry, M. D., of the city of Washington, D. C., deing duly sworn, depose and say:

That they have been the regular medical attendants of Thomas S. Hopkins during his long illness.

That his disease has been the severest case of nervous exhaustion which has ever come under their observation.

That from March 3, 1879, and for many months previous thereto, down to November, 1880, he was absolutely disqualified, both mentally and physically, from attending to the business of applying for a pension, or any other business, by reason of the intensity of his symptoms, and that there were no intervals, however short, during that period when he could have safely undertaken the work.

That the effort he made in applying at so early a date has seriously retarded his recovery.

That he is still confined to his bed, and requires the constant attendance of some one.

And during the time when he might have applied for the arrearages, if he had had mind enough, the supreme court of the District of Columbia was applied to by a party in interest to remove him from a trusteeship of real estate which he held, and the court on evidence removed him (and I quote the language of the court) "as totally unable to perform his duty as trustee under said deed of trust or to attend to any business whatever;" and two different notaries public, during the two years, called to get some business done, mere formal acts on his part, but they were not allowed to enter the applicant's room because of his critical condition.

The President says that if this door should be opened it would cost the Government $9,000—a profound mistake on the part of the President, because the bill provides that the rating shall be under the rules of the Department, and under those rules this man can not recover over $2,500 or $3,000 under any circumstances, because he would only be rated as his condition of health was during the fourteen or fifteen years he had no pension and had made no application. The President says it was his own neglect that he did not apply for a pension. I ask any Senator here if he would have expected the man I have described to apply for a pension when he was in the Treasury Department earning $2,000 a year, and then in the practice of the law earning three or four thousand dollars a year. He never dreamed of a pension then, and if he had I would not have asked the Senate of the United States to pass this bill over the President's veto by any manner of means.

The President says the door is a dangerous one to open. I say that the law itself opened the door to this man when it provided that that limitation should not run against an insane man or a child. What is insanity? Must the man be a maniac? This man had no power of mind during the whole two years when he could have applied for the arrearage of pension. It is proven as clearly as the day that he was utterly powerless, both mentally and physically. The moment he did have strength after that time elapsed he applied for his pension of $50.

Mr. President, we can open that door even if it has been closed and give this man his $2,500 or $3,000, but it is not in the power of the Senate to restore that magnificent specimen of manhood physically and intellectually. No money can do it, and no human power can accomplish it. Think of it! nine years, and not one single step; nine years, and not a moment without its pang.

Mr. President, I ask that the bill now under consideration may be laid aside for fifteen minutes.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the pending order be postponed for fifteen minutes, with a view to proceed to the consideration of the bill named by him. Is there objection? The Chair hears none. The bill is before the Senate, and it will be read.

Mr. MAXEY. I ask the Senator from Maine if it is clearly established by competent evidence that the disability under which Mr. Hopkins now labors had its origin in the service?

Mr. FRYE. It was. The Pension Department gave him a pension of $50 without the slightest hesitation after the physician had examined him.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Thomas S. Hopkins, late a private in Company C, Sixteenth Maine Volunteers, now on the pension-roll, be, and he is hereby, exempted, by reason of mental incapacity, from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," and he shall be entitled to and there shall be paid to him the same rate of pension, and the same arrears thereof, as if his application for a pension had been filed with and allowed by the Commissioner of Pensions prior to June 16, 1880.

Mr. CALL. I shall vote for the passage of this bill. I give due credit to the President for his zeal in the public service, for the correctness of his intentions and high and honorable purposes; but I am satisfied on the statement of the Senator from Maine that an error has occurred in regard to the facts of this case. I accept his statement of the disability of this man, and the probabilities are that it originated in his active service. That being so, it is clearly a case of disability from making this application. It is a case where the disability has resulted from the service, and where the applicant is in the same position as if he were a minor, or as if he had been incapable of making his application in the time required by the law. As a matter of equity, I consider that under these circumstances he should have the benefit of the law passed by Congress.

Mr. RANSOM. I am not familiar with the report myself. I desire to ask the Senator from Maine if the facts which he has so touchingly stated here to-day appear in the report of the Committee on Pensions, which was submitted when the bill was pending in the Senate?

Mr. ALDRICH. I made the report in this case from the Committee on Pensions. While I agree fully with what the Senator from Maine has said as to the merits of the case, I think it justice to the committee who made the report and certainly justice to myself that I should say that the facts as stated by him do appear in the report of the committee.

Mr. FRYE. Does the affidavit of Dr. Fry appear in the report?

Mr. ALDRICH. The affidavit of Dr. Fry does appear in the report of the committee.

Mr. FRYE. I was referring to a former report. It was not contained there at all.

Mr. ALDRICH. That is the report on which the bill was passed in both Houses. I ask in justice to the committee to have the report read.

Mr. HARRIS. I ask that the message of the President be read, and then we can hear the report of the committee.

Mr. EDMUNDS. Let us hear the report of the committee first.

Mr. HARRIS. I am indifferent as to which comes first.

The PRESIDENT *pro tempore*. The report having been first presented will be first read, if there be no objection.

The Chief Clerk read the report submitted by Mr. ALDRICH, March 25, 1886, as follows:

The Committee on Pensions, to whom was referred the bill (S. 183) for the relief of Thomas S. Hopkins, having examined the same, make the following report:

Thomas S. Hopkins, late a private in Company C, Sixteenth Regiment Maine Volunteers, seeks relief from the limitations of the arrears-of-pensions act of March 3, 1879, on the ground that from a time some months prior to the passage of said act down to a period subsequent to the 30th of June, 1880, he was prevented, by reason of the extreme severity of his illness and by mental and physical disabilities, from making an application for arrears in accordance with the provisions of said act. It appears that upon the first return of mental strength, and as soon as he could dictate a letter, namely, on November 20, 1880, that he made an application for a pension, which was granted him.

This claim received consideration in the first session of the Forty-seventh Congress, and a bill granting the relief sought for passed the House of Representatives. The Senate Committee on Pensions, however, reported adversely upon it, on the ground that the evidence was not sufficient to substantiate the claimant's disability. Subsequent to this report additional testimony upon this point was procured, including the following statement from Drs. W. W. Johnston and H. D. Fry, his attending physicians, which statement seems to your committee as conclusive evidence of the fact that during the time within which applications could be made for arrears of pension under the act above referred to the claimant was mentally and physically disabled from taking advantage of its provisions, and for these reasons the committee believe that the petitioner is entitled to the relief sought for, and they recommend the passage of the accompanying bill as a substitute for Senate bill No. 183.

UNITED STATES OF AMERICA,
*District of Columbia, ss:*

W. W. Johnston, M. D., and H. D. Fry, M. D., of the city of Washington, D. C., being duly sworn, depose and say:

That they have been the regular medical attendants of Thomas S. Hopkins during his long illness.

That his disease has been the severest case of nervous exhaustion which has ever come under their observation.

That from March 8, 1879, and for many months previous thereto, down to November, 1880, he was absolutely disqualified, both mentally and physically, from attending to the business of applying for a pension, or any other business, by reason of the intensity of his symptoms; and that there were no intervals, however short, during that period when he could have safely undertaken the work.

That the effort he made in applying at so early a date has seriously retarded his recovery.

That he is still confined to his bed, and requires the constant attendance of some one.

That we have no pecuniary interest in the result of his pension claim.

W. W. JOHNSTON, M.D.,
1401 *H st. N. W.*
H. D. FRY, M.D.,
819 *14th st. N. W.*

Subscribed and sworn to before me, this 7th day of June, 1882.
[SEAL.] MILTON C. BARNARD, *Notary Public.*

Mr. EDMUNDS. Now let us hear the message of the President.

The PRESIDENT *pro tempore.* The message of the President of the United States will be read.

The Chief Clerk read as follows:

*To the Senate:*

I hereby return without my approval Senate bill No. 183, entitled "An act for the relief Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers."

This soldier was enrolled in the Army June 2, 1862, and discharged June 30, 1865. He was sent to the Government hospital September 20, 1863, and thereupon transferred to the invalid corps.

He filed his declaration for a pension in November, 1880, alleging that while in the service he contracted malarial fever and chronic diarrhea, and was seized with convulsions, suffering from great general debility.

A pension of $50 a month was granted to him in June, 1881, dating from the time of filing his application, which sum he has been receiving up to the present time.

This bill proposes to remove the limitation fixed by the law of 1879 prescribing the date prior to which an application for pension must be filed in order to entitle the claimant to draw the pension allowed from the time of his discharge from the service.

If this bill should become a law it would entitle the claimant to about $9,000 of back pension. This is claimed upon the ground that the soldier was so sick from the time of the passage of the act creating the limitation up to the date allowed him to avail himself of the privileges of the act that he could not file his claim.

I think the limitation thus fixed a very wise one, and that it should not, in fairness to other claimants, be relaxed for causes not mentioned in the statute, nor should the door be opened to applications of this kind.

The beneficiary named in this bill had fifteen years after the accruing of his claim, and before it is alleged that he was incapacitated, within which he might have filed his application and entitled himself to the back pension now applied for.

The facts here presented come so far short of furnishing a satisfactory excuse for his delay that, in my judgment, the discrimination asked in his favor should not be granted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

Mr. BLAIR. There is one misapprehension which perhaps ought to be corrected before the Senate votes. The message of the President vetoing the bill states that should the bill pass it would give to this soldier about $9,000 arrears. That is not correct. The mistake comes from the President calculating the arrears at the same rate that is now paid to this man in his condition of total disability and helplessness. The rate of arrears will be fixed upon the evidence that may be shown in the application for arrears according to the disability during the period subsequent to his discharge.

The PRESIDENT *pro tempore.* The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. FRYE. The yeas and nays.

The PRESIDENT *pro tempore.* The Constitution requires a two-thirds vote to pass the bill. The vote will necessarily be taken by yeas and nays.

Mr. COCKRELL. I ask that the adverse report made in 1882 from the Committee on Pensions be read.

Mr. FRYE. Before the Senate asks for that, if he will allow me, I will say that Senator Jackson made that report. He made it within the last few days of the close of a session. I went to Senator Jackson and asked him to review it. He said that he had not time. When that report was made the Committee on Pensions had none of the evidence before it which I have stated to the Senate to-day. That Pension Committee had not that evidence. When the evidence was obtained I went to Senator Jackson and showed him the evidence before he went from the Senate, and he told me that if he had had that evidence a report would not have been made adverse to this claimant, and he should be very happy at any time to join in a favorable report.

Mr. ALDRICH. I may be permitted to say perhaps that Mr. Jackson was also a member of the committee when the report which has been read from the desk was made, and that the minority of the committee, so far as I am aware, consented to the report which has been read and which I made for the committee, Mr. Jackson having examined the evidence which was submitted subsequent to the time at which the report which the Senator from Missouri now holds in his hand was made.

Mr. COCKRELL. I shall not insist upon having the report read as the statement has been made about it. The point is simply that all this evidence does not seem at any time to have been presented or considered, and it is not set forth in the report of the Senator from Rhode Island. There is no point made in the report of the Senator from Rhode Island that the act of 1879 exempted insane persons or those incapable of making an application.

Mr. FRYE. The President evidently overlooked that too.

Mr. COCKRELL. That is the principal point now in the argument and presentation of this case on the part of the claimant, that, being incapable of presenting his application, he is expressly exempted from the limitation of filing his claim prior to a certain time in 1880.

Mr. EDMUNDS. Does not that show that it is a case of misapprehension on the part of the President?

Mr. COCKRELL. *I say I have no doubt in my own mind that it seems to have been a misapprehension all the way along, not only on the part of the President but on the part of several members of the Committee on Pensions at different times.*

Mr. EDMUNDS. There is no question that justice should be done to this claimant?

Mr. COCKRELL. I think justice ought to be done; as a matter of course I do; but I simply want to make the statement and place it on record to show why it is that these facts were not all laid before the President at the time, that the point had never been made. My judgment is that if the point had been made and the law correctly stated the Pension Office would to-day grant the arrears of pension.

Mr. FRYE. I have reason to believe that the President never would have vetoed the bill if he had seen the evidence.

Mr. COCKRELL. I think clearly it is the duty of the Pension Office to enforce that exemption; as a matter of course it is. The Pension Office must enforce the provision of law, and if there is an exception and if the case is brought within that exception the Pension Office would admit it there on the brief made here. I have no doubt in the world the Commissioner of Pensions to-day would say that the limitation did not apply to this case. There is no question about it.

Mr. WHITTHORNE. I was not a member of the Committee on Pensions at the time when this matter was acted upon. I have had occasion to review it since and to form my opinion, which opinion I shall record to-day in favor of the passage of the bill.

Mr. COCKRELL. I simply desire to add that I have looked carefully into these papers, and my judgment is very clear that if this case were presented to the Commissioner of Pensions to-day under the law stated in this brief the pension would be granted.

Mr. RANSOM. Read the law.

Mr. COCKRELL. It is the limitation in the arrears act of 1879, but it especially exempts insane persons and children from the limitation which it contained. I have not had time to examine the law. That being the law the Commissioner of Pensions would enforce it, and if an applicant in that condition presented his claim the limitation would not be enforced.

Mr. EDMUNDS. He could not do that.

Mr. COCKRELL. I do not think there is any doubt of it in the world. I think he would enforce it just in that way.

Mr. EDMUNDS. If the man was not insane he would strain the law if he did it.

Mr. COCKRELL. It is not insanity, but it is equivalent disability worse than insanity. I think under the circumstances there is justice in this bill, and if the facts had been before the President as they have been stated here, if they had been set forth in the report of the Committee on Pensions and properly presented, it probably would not have been vetoed. But, however that may be, I think the bill ought to pass. I have nothing further to say.

The PRESIDENT *pro tempore.* Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. EDMUNDS. The yeas and nays must be called by the Constition.

The PRESIDENT *pro tempore.* The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. I should vote for this bill if I were allowed to vote.

Mr. FAIR (when his name was called). I am paired with the Senator from California [Mr. STANFORD]. If I were not paired, I should vote "yea."

The roll-call was concluded.

Mr. CULLOM. After consultation with the senior Senator from Delaware [Mr. SAULSBURY] I will cast my vote in favor of the bill. I vote "yea."

Mr. FAIR. I wish to vote. I am assured that if the Senator with whom I am paired were here he would vote "yea," and I vote "yea."

Mr. CHACE. I am paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 55, nays 7; as follows:

YEAS—55.

| | | | |
|---|---|---|---|
| Aldrich, | Eustis, | Kenna, | Sabin, |
| Allison, | Evarts, | McMillan, | Saulsbury, |
| Blair, | Fair, | McPherson, | Sawyer, |
| Bowen, | Farwell, | Mahone, | Sherman, |
| Brown, | Frye, | Manderson, | Spooner, |
| Call, | George, | Miller, | Teller, |
| Cameron, | Gorman, | Mitchell of Oreg., | Van Wyck, |
| Cheney, | Hale, | Mitchell of Pa., | Vest, |
| Cockrell, | Hampton, | Morgan, | Walthall, |
| Conger, | Harrison, | Morrill, | Whitthorne, |
| Cullom, | Hoar, | Platt, | Williams, |
| Dawes, | Ingalls, | Plumb, | Wilson of Iowa, |
| Dolph, | Jones of Arkansas, | Pugh, | Wilson of Md. |
| Edmunds, | Jones of Nevada, | Ransom, | |

NAYS—7.

| | | | |
|---|---|---|---|
| Beck, | Blackburn, | Harris, | Vance. |
| Berry, | Coke, | Maxey, | |

ABSENT—14.

| | | | |
|---|---|---|---|
| Butler, | Gibson, | Palmer, | Stanford, |
| Camden, | Gray, | Payne, | Voorhees. |
| Chace, | Hawley, | Riddleberger, | |
| Colquitt, | Jones of Florida, | Sewell, | |

The PRESIDENT *pro tempore*. Two-thirds of the Senate having voted in favor of the passage of the bill, it is passed, the objections of the President of the United States to the contrary notwithstanding.

PROPOSED RECESS

Mr. McPHERSON. I move that the Senate now take a recess until half past 7 o'clock.

Mr. CULLOM. Pending that motion, I move that the Senate adjourn.

Mr. PLATT. Let the unfinished business be laid before the Senate.

The PRESIDENT *pro tempore*. The unfinished business is the pleuro-pneumonia bill, pending which the Senator from Illinois moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 24, at 12 o'clock m.

---

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *February* 23, 1887.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. WAIT. I desire to present certain resolutions for reference.

The SPEAKER. The Chair will state that on yesterday an order was made again allowing bills for reference to be sent up to the Clerk's desk. While the papers to which the gentleman refers should have been presented on yesterday, if there be no objection he can file them during the morning.

There was no objection.

Mr. DINGLEY. I wish to make a parliamentary inquiry, whether that order included also memorials of legislatures?

The SPEAKER. Everything that might have been presented under the rule on Monday.

EMOLUMENTS OF CUSTOMS OFFICERS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a statement of emoluments of officers of customs for the fiscal year ending June 30, 1886; which was referred to the Committee on Expenditures in the Treasury Department.

ATLANTIC AND PACIFIC SHIP-RAILWAY COMPANY.

The SPEAKER laid before the House, under the rule, the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes; which was read a first and second time.

Mr. REAGAN. I wish to ask unanimous consent to pass that bill. It has passed the Senate nearly unanimously, and is unanimously indorsed by the committee of the House. I ask, therefore, that it be put upon its passage.

Mr. EDEN. I think that is a bill that ought to have some consideration.

Mr. BELMONT. I understand that to be what is known as the "Eads" bill; and it seems to me, being of such an important character, it should be referred to the Committee on Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BLOUNT. I think we had better go on with the special order.

Mr. ANDERSON, of Kansas. I object.

The bill was referred to the Committee on Commerce.

MARITIME CANAL COMPANY OF NICARAGUA.

The SPEAKER also laid before the House the bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua; which was read a first and second time, and referred to the Committee on Commerce.

RIVER AND HARBOR BILL.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WILLIS. I ask to non-concur in the Senate amendments.

Mr. ANDERSON, of Kansas. I object, and make the point of order that it must go to the Committee on Rivers and Harbors.

The bill was referred to the Committee on Rivers and Harbors.

Mr. EDEN. It has to go to the Committee of the Whole if the point of order is made.

CHANGE OF REFERENCE.

The SPEAKER. On yesterday morning the Chair laid before the House a report upon the production of precious metals, which was sent to the Committee on Coinage, Weights, and Measures.

The subject to which it relates belongs to that committee; but the Chair thinks it should first be sent to the Committee on Printing with a view to having the order made, and if there be no objection the change of reference will be made.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BUCHANAN indefinitely on account of sickness.

REPORT OF BUREAU OF ETHNOLOGY.

Mr. WAIT submitted a resolution appropriating $3,000, or so much thereof as may be necessary, for printing and binding the report of the Bureau of Ethnology, relating to the North American Indians; which was referred to the Committee on Printing.

SEACOAST DEFENSES.

Mr. WAIT also submitted resolutions of the General Assembly of the State of Connecticut, in favor of seacoast defenses; which were referred to the Committee on Appropriations.

RELATIONS WITH CANADA.

Mr. DINGLEY submitted a memorial of the Legislature of the State of Maine, in reference to our relations with Canada; which was referred to the Committee on Foreign Affairs.

PLEURO-PNEUMONIA.

Mr. DINGLEY also submitted a memorial of the Legislature of the State of Maine, favoring the passage of the bill relating to pleuro-pneumonia.

CANADIAN NON-INTERCOURSE.

Mr. BELMONT. I submit a privileged report under instructions of the Committee on Foreign Affairs on the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.

The committee have instructed me to offer a substitute for the Senate bill, which I ask to have read.

Mr. RICE. I desire to make a point of order before entering upon the consideration of the bill, whether it should not go to the Committee of the Whole?

The SPEAKER. The bill will be read.

Mr. STEELE. If this is simply the submission of a report I have no objection.

The SPEAKER. This bill was referred to the Committee on Foreign Affairs with the right to report back at any time, which presents it for consideration as a privileged matter unless the question of consideration is raised and sustained against it, which question can be raised after the bill is read.

The Clerk will read the bill.

The proposed substitute was read, as follows:

Strike out all after the enacting clause and insert:

"That hereafter whenever the President shall be satisfied that vessels of the United States are denied, in ports or territorial waters of the British dominions in North America, rights to which such vessels are entitled by treaty or by the law of nations, or are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations, he may, in his discretion, by proclamation, prohibit from entering the ports of the United States, or from exercising such privileges therein as he may, in his discretion, by such proclamation, define, vessels owned wholly or in part by a subject of Her Britannic Majesty, and coming or arriving from any port or place in the Dominion of Canada or in the island of Newfoundland, whether directly or having touched at any other port, excepting such vessels shall be in distress of navigation and of needed repairs or supplies therefor; and he may also forbid the entrance or importation, either by land or water, into the United States of any goods, wares, or merchandise from the aforesaid Dominion of Canada or Newfoundland, or any locomotive, car, or other vehicle, with any goods that may be therein contained, from the Dominion of Canada; and upon proof that the privileges secured by Article XXIX of the treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandise arriving at the ports of British North America, the President may also, by proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandise arriving in any of the ports of the United States; and any person violating or attempting to violate the provisions of any proclamation issued under this act, and any person preventing or attempting to prevent any officer of the United States from enforcing such proclamation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not more than $1,000, or imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court; and if, on and after the date at which such proclamation takes effect, the master or other person in charge of any vessel thereby excluded from the ports of the United States shall do, in the ports, harbors, or waters of the United States, for or on account of such vessel, any act forbidden by such proclamation aforesaid, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and forfeiture to the United States; and any goods, wares, or merchandise, and any car, locomotive, or other vehicle, coming into the United States in violation of any proclamation as aforesaid, shall be seized and forfeited to the United States.

"SEC. 2. That whenever, after the issuance of a proclamation under this act, the President is satisfied that the denial of rights and privileges on which his proclamation was based no longer exists, he may withdraw the proclamation, or so much thereof as he may deem proper, and reissue the same thereafter when in his judgment the same shall be necessary."

Mr. STEELE. I ask now for the reading of the original bill.

The original Senate bill was read, as follows:

*Be it enacted, &c.*, That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places in the British dominions of North America, are or then lately have been denied the privilege of entering such

port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect to the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and revoke, qualify, limit and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Mr. STEELE. I move to lay the substitute on the table; and on that I demand the previous question.

The SPEAKER. This is an amendment in the nature of a substitute, and under the rules and practice of the House it can not be laid upon the table without carrying the original proposition with it.

Mr. STEELE. I wish to call up the special order, H. R. 7634.

The SPEAKER. But the question of consideration has not been raised.

Mr. STEELE. I raise the question of consideration.

Mr. RICE. I wish to submit a point of order first.

The SPEAKER. The gentleman will state it.

Mr. RICE. I desire to call the attention of the Speaker to the fact that this bill will affect the revenue. While it is not a bill for raising revenue, it appears from all the papers in the case that it is a bill which may decrease the revenue, and very materially. My point is that it affects the revenue, and that is a sufficient reason why it should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. But the construction of that rule has always been that in order to take a proposition to the Committee of the Whole House on the state of the Union it must appear certainly on the face of the proposition itself that it appropriates money or requires the appropriation of money or increases or reduces the revenue.

Mr. DINGLEY. Before a decision is made I desire to call the attention of the Chair to page 17 of the communication of the Secretary of the Treasury, where he informs the House that this bill will reduce the revenue over $4,000,000.

The SPEAKER. The Chair is aware of that. But the bill does not itself provide for non-intercourse. It simply provides, as the Chair understands it, that the President of the United States may in his discretion in certain contingencies suspend intercourse.

Mr. DINGLEY. It authorizes the President to take action which would reduce the revenue.

Mr. LONG. It is a step toward the reduction of revenue.

The SPEAKER. The bill provides that the President of the United States in his discretion in certain contingencies may suspend commercial intercourse to a certain extent, perhaps entirely—the Chair is not prepared to say as to that. But that may or may not be done, and therefore it does not appear certain on the face of the bill that the revenues of the Government will be diminished or affected in any way whatever.

Mr. LONG. But it is a step toward it.

The SPEAKER. Undoubtedly it is. But the Chair thinks under the rulings heretofore made the bill does not go to the Committee of the Whole House on the state of the Union. The Chair would also remark that the fact that the suspension of intercourse under certain conditions by the President would reduce the revenue makes no difference as to this, because a bill to reduce the revenue is as much a bill raising revenue as a bill increasing it.

Mr. RICE. I do not press the point.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] raises the question of consideration.

Mr. STEELE. This is a matter of so much importance that I will not raise the question of consideration, although I very much desire to call up the bill to increase the efficiency of the Army.

Mr. SPRINGER. How much time will be occupied in the discussion of this question?

Mr. COX, of North Carolina. I think not over two hours.

Mr. WILLIS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. Is it in order to make a privileged report at this time?

The SPEAKER. The report before the House is privileged. Another privileged report can not be made until this is disposed of except by unanimous consent.

Mr. WILLIS. When this is disposed of a report of the river and harbor bill will be in order?

The SPEAKER. It will.

Mr. SPRINGER. I desire to ask the gentleman from New York about how much time will be consumed in the discussion of this bill?

Mr. BELMONT. It is impossible for me to answer that question until some agreement is reached. I yield a moment to the gentleman from Kentucky [Mr. WILLIS].

### RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I am instructed by the Committee on Rivers and Harbors to report back the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with amendments by the Senate, with the recommendation to non-concur in the Senate amendments.

Mr. EDEN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDEN. If that motion is adopted will the House have an opportunity to have the amendments discussed?

The SPEAKER. A motion is not made. The gentleman simply reports back the bill and amendments with the recommendation which he has stated.

Mr. ANDERSON, of Kansas. I reserve all points of order, and make the point of order that the bill and amendments must go to the Calendar.

Mr. WILLIS. I have no objection to that.

The SPEAKER. The bill and Senate amendments will be referred to the Committee of the Whole House on the state of the Union, and will be printed.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to the amendments of the Senate to the said bill numbered 39, 55, 58, and 179, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

The message further announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 108) providing for the sale of public documents;

Joint resolution (S. R. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed;

A bill (S. 3300) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads, under an act of Congress approved May 17, 1856, and for other purposes;

A bill (S. 3268) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia; and

A bill (S. 2992) to make Tampa, Fla., a port of entry.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

The message further announced that the Senate had passed resolutions, in which the concurrence of the House was requested, for printing the report of Lieut. Henry T. Allen of his explorations in Alaska; for printing the Flags of all Nations, prepared by order of the Secretary of the Navy by the Bureau of Navigation; and for printing 4,000 additional copies of Wharton's Digest of International Law.

### CANADIAN NON-INTERCOURSE.

Mr. BELMONT. Mr. Speaker, in view of the gravity of the question now before the House and the importance to the country that some leg-

islation should be had it seems to me that the gentlemen on the other side will be willing to come to some agreement as to the limit of the debate. There is no difference in the Committee on Foreign Affairs as to the necessity for legislation. There should be legislation, but there is for the present a certain party difference as to the phraseology of the bill and the extent of the authority to be given to the President. That is not in itself sufficient to create a long debate in this House, and I know that I speak for the majority of the committee and I think I may also for the minority (although not by authority) in saying that we must come to a vote. I trust, therefore, that my colleague on the committee [Mr. RICE], or any gentleman who speaks for the minority of the committee, will agree to limit the debate to two hours, giving each side an hour.

Mr. RICE. Mr. Speaker, I am a little sorry to hear the word "party" dropped by my friend, the chairman of the committee. There is no party division here. Gentlemen of his party voted for the Senate bill in committee as well as gentlemen of the other party. If he will make the distinction between the Senate bill and the Belmont bill that is all right. I think that each side requires about two hours to discuss this bill. For the Senate bill I am content to accept two hours; for the Belmont bill I am content that the same amount of time shall be had for discussion. As I understand there are half a dozen gentlemen who desire to speak in favor of the Belmont bill and there are three or four gentlemen who desire to speak briefly in behalf of the Senate bill. I am willing to agree to a debate of two hours.

Mr. BELMONT. Mr. Speaker, before reaching the agreement I desire to say to the House that my colleague on the committee [Mr. RICE] is mistaken in describing this bill as "the Belmont bill." It is the bill of the majority of the committee, adopted after mature consideration. So far as I am concerned in the matter I did introduce a bill, but this is not the same bill which I introduced, and I would regret very much if any gentleman should think that there was any personal consideration involved in the advocacy of this bill, which I know has the approval of those best qualified to judge of the condition of our relations to other governments.

Mr. RICE. If the gentleman will allow me——

Mr. HATCH. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HATCH. Is this question debatable?

The SPEAKER. It is. There is really no question being debated. Gentlemen are endeavoring to arrive at some arrangement with regard to the length of the debate.

Mr. HATCH. I understood that the gentleman from New York [Mr. BELMONT] had made a motion to limit the debate to one hour.

The SPEAKER. That motion would not be in order. This matter is being considered in the House, not in committee, and the only way to limit debate is by agreement or by demanding the previous question.

Mr. HATCH. It seems to me that we are wasting a good deal of time.

Mr. BELMONT. Mr. Speaker, there can be no doubt in the minds of gentlemen as to the importance of reaching a conclusion to-day. Legislation is pressing upon us and the end of the session is not far off. I trust that no gentleman will assume the responsibility of endangering the necessary legislation, and my friend on the committee [Mr. RICE] will, perhaps, agree to a debate continuing for three hours, giving each side an hour and a half.

A MEMBER. That is not enough.

Mr. BELMONT. But I would prefer two hours.

The SPEAKER. The gentleman from Massachuseetts [Mr. RICE] proposes that the debate shall contiuue for four hours, allowing two hours to each side. The gentleman from New York [Mr. BELMONT] suggests three hours, giving each side an hour and a half. Does the gentleman from Massachusetts agree to the suggestion of the gentleman from New York?

Mr. REAGAN. Mr. Speaker, is an amendment in order?

Mr. RICE. I agree to the proposition of the chairman of the committee.

The SPEAKER. Then three hours will be allowed for debate, and the gentleman from New York [Mr. BELMONT] has the floor. Does the inquiry of the gentleman from Texas [Mr. REAGAN] apply to amendments to the bill?

Mr. REAGAN. No; I mean an amendment to the proposition as to the time to be allowed for debate.

The SPEAKER. There is no motion with regard to the time. The gentlemen are making an agreement between themselves.

Mr. BELMONT. I understand that my colleague on the committee [Mr. RICE] has accepted my proposition.

The SPEAKER. The Chair has so stated.

Mr. BELMONT. Then I ask unanimous consent that that be the agreement as to the length of the debate.

Mr. REAGAN. I move to amend by limiting the debate to two hours, giving an hour on each side.

The SPEAKER. Unanimous consent is asked that the debate on this bill be closed at the expiration of three hours, the time to be equally divided among the opponents and the supporters of the substitute, and that the previous question be considered as ordered at the expiration of that time. Does the proposition include the right to offer and vote upon amendments or not? There had better be an understanding upon that subject.

Mr. BELMONT. That is included.

Mr. RICE. We desire to offer no amendments on our side. We suppose that the vote will be a direct vote between the two propositions.

The SPEAKER. Then that will be the understanding. Does the gentleman from Texas [Mr. REAGAN] object to the arrangement proposed?

Mr. REAGAN. I move to amend——

The SPEAKER. The gentleman can not make a motion at this time.

Mr. REAGAN. Then I object.

Mr. SPRINGER. I suggest that the gentleman from Texas ask unanimous consent that the debate be limited to two hours.

The SPEAKER. That request has been already made and has been objected to by the gentleman from Massachusetts [Mr. RICE]. The gentleman from Texas [Mr. REAGAN] objects to the proposed agreement as to time.

Mr. SPRINGER. If the gentleman from New York [Mr. BELMONT] will now state that at the end of three hours from this time he will move the previous question this whole matter will be settled.

Mr. BELMONT. If that will facilitate the arrangement I state that at the end of three hours I will call the previous question.

Several MEMBERS. That is right.

Mr. BELMONT. Mr. Speaker, the question of the American fisheries on the Canadian coasts is one that has engaged the attention of this Government since its foundation; and although from time to time temporary arrangements have settled it, yet it has now reached a point, by the lapse of those temporary arrangements through the abrogation of the fisheries clauses of the treaty of Washington of 1871, when it again demands the serious consideration of the country. It is not a mere commercial question affecting simply the restrictions upon American fishermen or upon fish coming into the United States from Canada. The important question for us from a national standpoint is whether we are willing to acquiesce in repeated violations of a treaty.

The treaty of peace of 1783 declared independence, defined boundaries, and was permanent in its provisions. By the third article of that treaty the people of the United States were confirmed in certain "rights" to the deep-sea fisheries—rights as clearly defined and as permanent as the boundaries. There were also conferred upon them certain "liberties" as to the inshore fisheries; and this distinction between "rights" to the deep-sea fisheries and "liberties" to the inshore fisheries has been maintained in our negotiations ever since, and is to-day maintained.

The war of 1812 did not disturb our rights to the fisheries; nor were the fisheries mentioned in any of the articles of the treaty of Ghent in 1814. There were disputes about the fisheries, resulting mainly from the system of commercial non-intercourse with the colonies of Great Britain existing at the time. These disputes led to the treaty of 1818, by which the area of American inshore fisheries was reduced; but in no article of that treaty are the deep-sea fisheries alluded to in any manner.

Following upon the treaty of 1818 were certain concerted legislative enactments which finally put an end to the commercial non-intercourse. Preceding these, however, in 1827 a proclamation was issued by President Adams declaring commercial non-intercourse, which is a very appropriate precedent for the present proposed legislation, and it can well be referred to here. It reads as follows:

By the President of the United States of America.

A PROCLAMATION.

Whereas by the sixth section of an act of Congress entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," which was approved on the 1st day of March, in the year of our Lord 1823, it is enacted "that this act, unless repealed, altered, or amended by Congress, shall be and continue in force so long as the above enumerated British colonial ports shall be open to admission of the vessels of the United States, conformably to the provisions of the British act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George IV; but if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports, authorized by the said act of Parliament, should be prohibited by a British order in council, or by act of Parliament, then, from the day of the date of such order in council, or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British colonial ports, in British vessels, shall cease to operate in their favor; and each and every provision of the 'act concerning navigation,' approved on the 18th day of April, 1818, and of the act supplementary thereto, approved on the 15th of May, 1820, shall revive and be in full force;" and

Whereas by an act of the British Parliament, which passed on the 5th day of July, in the year of our Lord 1825, entitled "An act to repeal the several laws relating to the customs," the said act of Parliament of the 24th of June, 1822, was repealed; and by another act of the British Parliament, passed on the 5th day of July, in the year of our Lord 1825, in the sixth year of the reign of George IV, entitled "An act to regulate the trade of the British possessions abroad," and by an order by His Britannic Majesty in council, bearing date the 27th of July, 1826, the trade and intercourse authorized by the aforesaid act of Parliament of the 24th of June, 1822, between the United States and the greater part of the said British colonial ports, therein enumerated, have been prohibited

upon and from the 1st day of December last past, and the contingency has thereby arisen on which the President of the United States was authorized by the sixth section aforesaid of the act of Congress of 1st March, 1823, to issue a proclamation to the effect therein mentioned:

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that the trade and intercourse authorized by the said act of Parliament of the 24th of June, 1822, between the United States and the British colonial ports enumerated in the aforesaid act of Congress of the 1st of March, 1823, have been, and are, upon and from the 1st day of December, 1826, by the aforesaid two several acts of Parliament of the 5th of July, 1825, and by the aforesaid British order of council of the 27th day of July, 1826, prohibited.

Given under my hand, at the city of Washington, this 17th day of March, in the year of our Lord 1827, and the fifty-first year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President:
H. CLAY, *Secretary of State.*

Interdiction of commerce with Canada and the British colonies was the uniform policy of Great Britain for many years after the treaty of peace with the United States. In 1822–'23 Parliament opened these ports to our commerce, and Congress, in return, opened our ports to Canadian vessels. Under this system trade greatly flourished between the provinces and the United States. Great Britain, however, was far from agreeing to regard this as a permanent concession. By a statute passed in 1825 the colonial ports were opened to foreign commerce on condition that British shipping should be placed on the footing of the most favored nation. A year was given for the acceptance of this condition. Through causes which it is not necessary to detail, the United States did not accept the condition, and at the expiration of the year United States vessels were interdicted from entering British colonial ports. On February 8, 1826, our Government was notified that our vessels were interdicted from entering the port of Halifax in particular, and in general all other British colonial ports. And Mr. Adams, in his message of December 8, 1827, said:

The British Government have not only declined negotiation upon this subject, but by the principle they have assumed with reference to it have precluded even the means of negotiation. It becomes not the self-respect of the United States either to solicit gratuitous favors or to accept as the grant of a favor that for which an ample equivalent is exacted.

No action, however, was taken by Congress on the subject, whereupon the President, on March 17, 1827, issued the proclamation I have referred to declaring trade with the British colonies prohibited, and reviving the restrictions of the acts of 1818 and the following years. This was the condition of our relations when Mr. Adams' administration closed.

When Mr. Van Buren was Secretary of State, in the succeeding administration of General Jackson, negotiations ensued by which the restrictions on both sides were withdrawn.

We have, therefore, in these proceedings a precedent for interdiction of colonial commerce, not as a war measure but as incident to a negotiation by which a relief from prior restrictions was obtained.

The arrangements through these legislative enactments of our disputed fishery rights and the questions arising therefrom were temporarily superseded by the reciprocity treaties of 1854 and 1871, and by the rescinding in 1885 of the fishery clauses of the treaty of 1871 we are to-day brought back to the treaty of 1818, and the present contention is founded upon the interpretation of that treaty.

The fact that the treaty of 1818 in no part of it refers to the deep-sea fisheries is another confirmation of the permanent rights to the deep-sea fisheries which were declared in the treaty of peace of 1783, and arising out of both of these treaties there is a zone of inshore fishing free and open to American fishermen. There is also another zone into which by the treaty of 1818 our fishermen are prohibited from entering for the purpose of fishing. We have no desire or intention of entering the prohibited waters as defined in the treaty of 1818, but we do ask that that treaty be interpreted according to its provisions, which refer only to the inshore fisheries.

This is practically our contention as exhibited in the correspondence before the House and in the message of the President. The Canadian contention is shown by that correspondence, and also by the expressed opinions of the Canadian officials as contained in the documents before the House. I cite, for instance, the declaration of the Canadian minister of marine and fisheries of June 5, 1886, that a particular vessel, being a fishing vessel, was "as such debarred by the treaty of 1818 from entering Canadian ports."

On June 7, 1886, the Canadian governor-general advised the secretary of state for foreign affairs at London:

The two vessels which have been seized are both of them beyond all question fishing vessels, and not traders, and therefore liable, subject to the finding of the courts, to any penalties imposed by law for the enforcement of the convention of 1818 on parties violating the terms of that convention.

Again, on August 14, 1886, the Minister of Marine and Fisheries said:

There seems no doubt, therefore, that the Novelty was in character and in purpose a fishing vessel, and as such comes under the provisions of the treaty of 1818, which allows United States fishing vessels to enter Canadian ports "for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water," and for no other purpose whatever.

And in one of the latest communications—an answer to a communication of the State Department to the British minister in Washington, bearing date the 20th of May last, this answer having been received only on the 28th of January, 1887, eight months after the date of the original communication—this reply is given as embodying the approved minutes of the Canadian privy council, approved by the Government of Great Britain:

If the United States authorities are the judges as to what is prejudicial to those interests—

Meaning the fishery interests of Canada—

the treaty will have very little value. If the provinces are to be the judges, it is most prejudicial to their interests that the United States fishermen should be permitted to come into their harbors on any pretext; and it is fatal to their fishery interests that these fishermen, with whom they have to compete at such disadvantage in the markets of the world, should be allowed to enter for supplies and bait, even for the pursuit of the deep-sea fisheries.

That places the contention in a nutshell, and shows that the Canadian purpose is to strain the treaty of 1818 to cover the deep-sea fisheries, and virtually to make our deep-sea fisheries territorial waters of Great Britain, covered by the restrictions of the treaty of 1818 upon inshore fisheries. Not only does this appear from their statements, but also from their legislative enactments—the Canadian acts of 1844, of 1868, of 1870, and finally the act which has caused the greatest dissatisfaction in this country, not alone by reason of its particular provisions, but because this Government, after its passage by the Canadian Parliament, earnestly protested in London against its proclamation by the Queen and council; and yet the proclamation was issued.

The third section of that act reads as follows:

3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbor of Canada, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not answer the questions put to him in such examination, he shall incur a penalty of $400; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (A) has been found fishing, or preparing to fish, or to have been fishing, in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel, or boat under the first section of this act, or (B) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

This act it will be perceived not only forfeits any American vessel which shall enter Canadian ports in violation of Canadian law (the Canadians themselves being the judges of what is in violation of their own local laws), but confers the right of search on the high seas and the power of seizing American vessels on suspicion.

I will ask the Clerk to read, or perhaps it would be as well for me to read myself, the statement of the Secretary of State in regard to this statute:

DEPARTMENT OF STATE, *Washington, May* 29, 1886.

SIR: I have just received an official imprint of House of Commons bill No. 136, now pending in the Canadian Parliament, entitled "An act further to amend the act respecting fishing by foreign vessels," and am informed that it has passed the house and is now pending in the senate.

This bill proposes the forcible search, seizure, and forfeiture of any foreign vessel within any harbor in Canada, or hovering within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, where such vessel has entered such waters for any purpose not permitted by the laws of nations, or by treaty or convention, or by any law of the United Kingdom or of Canada now in force.

I hasten to draw your attention to the wholly unwarranted proposition of the Canadian authorities, through their local agents, arbitrarily to enforce according to their own construction the provisions of any convention between the United States and Great Britain, and, by the interpolation of language not found in any such treaty, and, by interpretation not claimed or conceded by either party to such treaty, to invade and destroy the commercial rights and privileges of citizens of the United States under and by virtue of treaty stipulation with Great Britain and statutes in that behalf made and provided.

I have also been furnished with a copy of circular No. 371, purporting to be from the customs department at Ottawa, dated May 7, 1886, and to be signed by J. Johnson, commissioner of customs, assuming to execute the provisions of the treaty between the United States and Great Britain, concluded October 20, 1818, and printed copies of a warning, purporting to be issued by George E. Foster, minister of marine and fisheries, dated at Ottawa, March 5, 1886, of a similar tenor, although capable of unequal results in its execution.

Such proceedings I conceive to be flagrantly violative of the reciprocal commercial privileges to which citizens of the United States are lawfully entitled under statutes of Great Britain and the well-defined and publicly proclaimed authority of both countries, besides being in respect of the existing conventions between the two countries an assumption of jurisdiction entirely unwarranted and which is wholly denied by the United States.

In the interest of the maintenance of peaceful and friendly relations, I give you my earliest information on this subject, adding that I have telegraphed Mr. Phelps, our minister at London, to make earnest protest to Her Majesty's Government against such arbitrary, unlawful, unwarranted, and unfriendly action on the part of the Canadian Government and its officials, and have instructed Mr. Phelps to give notice that the Government of Great Britain will be held liable for all losses and injuries to citizens of the United States and their property caused by the unauthorized and unfriendly action of the Canadian officials to which I have referred.

I have, &c.,

T. F. BAYARD.

This letter was addressed to the British minister in Washington last May; and yet the statute so earnestly complained of was proclaimed by the Queen, in council, on the 24th December, last.

During the last fishing season, as appears from the detailed statement appended to the report now before the House, four American vessels have been driven off from Canadian ports in storm or stress of weather; fifteen vessels have been detained for alleged violations of customs; three vessels have been seized outright for alleged violations of the treaty of 1818; twelve vessels have been warned off; three vessels have been boarded and searched; forty vessels have been refused the privilege of landing to buy provisions; one vessel, wrecked, was refused the

right to land its shipwrecked crew until the revenue-cutter gave permission; fifteen vessels have not been allowed to land, to ship, or discharge crews, and three vessels have been refused permission to forward their fish to home ports by steamer.

It will be evident to the House that after the adjournment of Congress, when the fishing season will recommence, this statute may be put in operation much more seriously to our detriment. It is for this reason that in self-defense we are obliged to confer upon the President the power of defensive retaliation now proposed.

There has been no question in the Senate as to the necessity of granting this power; but in the opinion of a majority of the Committee on Foreign Affairs the bill which has come to the House from the Senate is, with all due deference, open to certain objections. It provides in one section that the President shall issue his proclamation in case he is satisfied that our vessels are denied the rights granted to the vessels of the most favored nations.

But we have no treaty with Great Britain containing any favored-nation clause, nor do we intend to put ourselves upon the same footing as any other nation, since under the treaty of peace we have certain rights to the deep-sea fisheries—rights acquired by joint conquest, rights which no other nation, excepting Great Britain and ourselves, possess. It would be a great mistake and most unfortunate in my opinion if the idea contained in that clause of the Senate bill should be imported into the discussion; and if Congress should adopt the bill in that form, undoubtedly our opponents in the negotiations would take advantage of it to raise some question hitherto not thought of.

Mr. Speaker, it is but fair to the Executive, when Congress is to place upon him this very grave responsibility, that it should be conferred in the most distinct terms. The Senate bill provides for the exclusion of fish and for the exclusion, in the discretion of the President, of the products of Canada, and it further contains a provision for the exclusion of "all other goods" coming from Canada.

If the merchandise whose entrance into the United States is to be prohibited is merely that which is the product of Canada how could such a provision be enforced? The fact that a Canadian car contained merchandise would be no proof that such merchandise was the product of Canada. If, on the other hand, under the Senate bill all merchandise coming to the United States from Canada is to be shut out the people of the United States would thereby be deprived of the benefit of land transit for merchandise through Canada, while under the continuing Article XXIX of the treaty of 1871 Canada would still have the right to send merchandise through the territory of the United States in sealed cars during the winter, when her own ports are closed.

According to the London Quarterly Review for January, 1887, the Canadian Pacific Railroad, now complete between Montreal and the Pacific, will, when the "short line" to the Atlantic it proposes is finished, establish the shortest line in existence between the Atlantic seaboard and the Pacific, the distance between New York and San Francisco being 3,271 miles, and between Montreal and Vancouver 2,905. In this way the present route to Japan from England (by way of Brindisi) will be reduced fifteen days, and that to Hong-Kong seven days, while the whole foreign interoceanic commerce will be transferred from the United States to Canada roads.

The short line—

Says the Quarterly—

will, of course, as it passes for some 150 miles through the State of Maine, not be available for troops and war materials; but commerce fortunately can, by sealed cars and bonding arrangements, afford to disregard political boundaries.

In other words, according to this statement, if true, transit over territory of the United States, by "sealed cars and bonding arrangements," is to be used to take from our transcontinental roads the whole business between Europe and Asia, when, at the same time, the transit rights, not merely of ancient title and treaty, but of humanity, are to be refused to our fishermen on the northeast Atlantic coast.

The House bill, it will be observed, provides in terms for the inequality which would arise from the treaty of 1871, under the Senate bill.

The Senate bill does not provide, in the belief of many gentlemen, for the stoppage of railroads. By some it is held that it might so provide. I shall not undertake to say whether it does or does not, although I believe it does not; but the House bill does clearly, distinctly, and unequivocally confer upon the President discretionary power to stop the rolling-stock of such roads. It is only a discretionary power, and such a law if enacted to produce any beneficial results should be unquestionable in its prohibitory effects. There should be no doubt either in the mind of those who legislate upon the subject or upon our opponents in the pending negotiations as to the effect of such legislation, and the stronger measure is the House measure, for which reason, under these circumstances, it is the wiser and more prudent.

Mr. Speaker, I reserve the remainder of my time.

Mr. DINGLEY. Before the gentleman takes his seat I desire to ask a question. I wish to call his attention to one provision reported in the substitute bill on which I would like to have his interpretation. The gentleman has stated that he favors the bill reported by the committee for the reason that it is more definite.

Mr. BELMONT. I can not hear the gentleman.

Mr. DINGLEY. The gentleman has stated that he favors the substitute bill as being more definite than the Senate bill. I would like to understand what the phrase beginning in the twelfth line in the following words means:

Vessels owned wholly or in part by a subject of Her Britannic Majesty.

What is that intended to cover?

Mr. BELMONT. The language of the twelfth line of the House amendment refers to vessels owned wholly or in part by subjects of her Britannic Majesty.

Mr. DINGLEY. Is that intended to cover simply British vessels?

Mr. BELMONT. It is intended to provide for the difficulty, in case there should be a transfer of ownership. If we simply shut out vessels under the British flag it would not be sufficiently definite. There might be a transfer of ownership. But this provides that vessels owned wholly or in part by a subject of her Britannic Majesty will come within the provisions of the proclamation.

Mr. DINGLEY. The language is "or in part." But supposing a French vessel is owned partly by a British subject, would it not also be brought under the provisions of this act?

Mr. BELMONT. It would.

Mr. DINGLEY. Would not an American vessel owned partly by a British subject also be brought under the provisions of this act?

Mr. BELMONT. It would; and it is exactly to provide for the danger—and I regret very much to refer to it—that some of our citizens, notwithstanding the grave importance of the question from a national standpoint, might perhaps come to some arrangement with our Canadian neighbors for their own interest. It is to meet that danger that this provision has been introduced. It may perhaps be injurious to certain fishing industries. But if we are brought into this difficulty by reason of the trouble upon the Eastern coast, certainly our friends from Maine must concede that the country at large in taking up this question can not undertake to provide also for protection to individuals——

Mr. MILLS. Who are evading the law.

Mr. BELMONT. Yes; who are evading the law.

Mr. DINGLEY. But what I want to call the attention of the gentleman from New York to is the fact that under this provision we are liable to violate treaty obligations.

Mr. BELMONT. I do not yield further. I reserve the balance of my time.

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman has occupied twenty-five minutes and has thirty-five minutes of his time remaining.

Mr. RICE. This is no time for speech-making. My friend, the chairman of the Committee on Foreign Affairs, has well stated the historical facts in issue, or rather the historical facts which are connected with the subject now under discussion. I do not propose to review them. I desire the House to understand that this is a question which belongs to and affects the entire nation. I regret that any word of party reference has been uttered on this subject. When I inadvertently called the bill which is before this House, reported as a substitute for the Senate bill, the Belmont bill, I but borrowed the term from the numerous publications which have been put upon our desks upon that subject from members of the Committee on Foreign Affairs. It is there called the Belmont bill, and I inadvertently borrowed the term.

But, sir, the Senate bill is no party bill. It is a bill which was adopted unanimously by the Senate after a long and exhaustive debate, in which members of both parties, and prominent members of both parties, participated. Let not my friend, the chairman of the Committee on Foreign Affairs, seek to carry his bill through this House on the shoulders of his party. Let us discuss the bill as Americans desirous of vindicating the honor of our country and doing that which will most promptly and most efficiently secure that end.

Now, Mr. Speaker, this question has been stated already by my friend from New York, and it has been stated clearly. The question is just this: By the treaty of 1818, made by this country at the heel of an unfortunate war in which the greatest glory to the American flag was won by the fishermen of New England on the sea, certain rights were renounced by the Americans which they had secured in the treaty of 1783; rights to certain inshore fisheries. Let the gentlemen of the House understand no question is made as to the right of American fishermen to the deep-sea fisheries. Those are not involved in this discussion. But by the treaty of 1818 we renounced certain liberties in reference to inshore fisheries, that is, fisheries within 3 miles of the Canadian and Newfoundland coasts; and in that treaty there was a proviso that the fishing vessels of the United States should not visit Canadian ports except under stress of weather, to repair damages, for wood and for water.

Out of that provision the contention comes, and as indicating that there is nothing of partisanship in this matter I cordially admit that the claim made by our Government has been most ably argued and sustained by Minister Phelps, our minister at the court of St. James. It is claimed by our Government and ably argued by Mr. Phelps that the treaty provision of 1818 referred to inshore fisheries, to things as they were then, that the deep-sea fisheries were not included in that treaty provision, and that the fishing vessels which now sail from our ports for deep-sea fishing have an unquestionable right, if they are provided

with proper permits from this Government, to touch at Canadian ports for no purpose of inshore fisheries but for trading purposes, to procure bait or other supplies like other vessels.

The British Government claims, or the Canadian Government claims, and is supported in the claim by the British Government, that the treaty provisions cover all these vessels as well as the little inshore fishing smacks, and during the past year more than a hundred of our vessels have been subjected to search by Canadian officers, and some of them to seizure, not for violating the Canadian rights to the inshore fisheries, but for touching at Canadian ports for trading and other purposes proper, as we claim. That is the question here; there is no other. It is not a very broad, but it is a very vital question to American honor, when a Canadian officer claims the right to board, search, and in his discretion seize a vessel under the American flag which has only touched at a Canadian port for trading purposes on its way to the deep-sea fisheries. The Canadian Government has claimed and exercised that right during the past year in many instances. A vessel named Grover Cleveland was stopped by the Canadian officials, and a vessel named T. F. Bayard was warned off as a suspicious character [laughter]; and it is rather important that there should somewhere be found power to protect American honor when attacked in so vital points as these. [Laughter.]

Now, Mr. Speaker, let me say a word for the fishermen of New England. They ask nothing in regard to these in-shore fisheries. They do not ask to be ever again allowed or secured the right to float their vessels or drop their hooks or their nets in those Canadian inshore waters at any expense of honor or money by this Government. We do not very much want to go there any more. The fish have got to liking the Yankees best, and they are found better off our own New England coast than off the Canadian coasts. Therefore we do not need to go any more into those inshore waters, and we do not ask our Government to make any treaty or to have any commission whatsoever appointed to consider upon what terms our vessels may be permitted to go into those Canadian inshore waters. Therefore we may put that out of the consideration of this question.

Again, it is really no vital matter that we shall go into the Canadian ports at all. If they see fit to shut out of their ports our deep-sea fishing vessels, which go there for the purpose of buying supplies upon the sale of which many of their poor people live, let them do it. We say there is no treaty provision that we shall not go there; they say there is. That is the question upon which the two governments have joined issue. But suppose that their contention is correct, and that our vessels have no right there, still we can get along without going there. But—and here let gentlemen of the House understand—Great Britain has no treaty rights whatsoever with us on this point. If the Canadians can shut our vessels out of their ports, we can shut theirs out of our ports. We are under no treaty obligation to let them in. If they can shut our fishermen out of their ports, we can shut their fish out of ours.

If they lock their front door in our faces, we can say "Not at home" to them when they next leave their card. That is all there is to it. They say to us, "Under the treaty of 1818 we have the right to exclude your fishermen from our ports." We say, "Very well; under the right of the mightiest nation on the face of the earth, with no treaty obligations to interfere with us in this respect, we have a right to shut your fish and your other products, if we see fit, out of our markets, and we are going to do it. Just so long as you say—treaty or no treaty, whether you are right or we are right in that respect—just so long as you say that our fishing vessels shall not touch at your ports for supplies and for legitimate trading purposes, just so long we say that your fish shall not be sold in our markets, and if that is not enough your hay, your potatoes, and your lumber shall not be sold in our markets."

It seems to me that the question is easily understood. They shut our fishing vessels out of their ports, and we shut their fish out of our market.

Now, then, that brings me to the consideration of this bill, for here is the only question to discuss. The Senate, after full debate, unanimously adopted a bill which it sent to the House. Now, it seems to me, gentlemen of all sides, that that bill should have been at once reported back favorably to this House, and should have been passed here with the same unanimity with which it was passed in the Senate, unless there is some serious defect in it. I admit that the House committee is a great deal abler than the Senate committee. I admit that the chairman of the House committee can draw a better bill than the chairman of the Senate committee; but I want to know if we are going to stop and haggle here about words?

Does not the Senate bill embrace everything that is necessary? I say that it does. Here it is. It gives to the President of the United States the necessary authority—and I am glad to say that the fishermen of New England have confidence in the President of the United States that he would courageously and promptly exercise the authority it gives him—not only when our vessels are in any way deprived of rights which belong to vessels of the most favored nations, a matter which my friend, the chairman of the committee [Mr. BELMONT], has intimated might raise some doubt—not only in that case, but whenever those vessels are deprived of any right——

Mr. BELMONT. Will my friend excuse me a moment?

Mr. RICE. Certainly.

Mr. BELMONT. Does my colleague on the committee himself (if it is a fair question) approve of that section referring to the favored-nation clause? Would he himself have put such a provision in the bill?

Mr. RICE. Well, if I had undertaken to write a bill, I have no doubt I could have written a better one than either of you. [Laughter.]

Mr. BELMONT. Very well; then my question is answered. I understand the gentleman would not have put that section in the bill.

Mr. RICE. I doubt very much, and I presume the gentleman has heard me say so, whether I should have put that clause in; but it does not do any harm——

Mr. BELMONT. I think it does.

Mr. RICE. It does not do any harm, as some of your clauses do, as I will show before I get through.

Mr. Speaker, it does no harm to say that our vessels shall be protected by this Government, or that the President shall have certain authority given him when they are deprived of any right which vessels of the most favored nations have in Canadian ports. That does not do any harm, especially when there is added to it the provision contained in the Senate bill, a provision which my friend forgot. He appears to have lost the Senate bill; he did not even have it read here this morning; he did not even put it in his report. His report is printed four times (for I have the literature of this subject before me) and the Senate bill does not find a place anywhere in any of this literature.

Mr. BELMONT. The report contains the letter of the Secretary of the Treasury and my friend will find in that the Senate bill.

Mr. RICE. The Secretary of the Treasury is not the chairman of the committee; and as I have said four documents on this subject have come from the Committee on Foreign Affairs, and the Senate bill is not in any one of them. If my friend had read that bill as carefully as he has his own——

Mr. HITT. The Senate bill was printed originally as a part of the letter of the Secretary of the Treasury; but in the reprint of that letter, as included in the report of the gentleman from New York, the bill is omitted.

Mr. CRAIN. Will the gentleman from Massachusetts allow me to interrupt him a moment?

Mr. RICE. I am always afraid of my friend from Texas. [Laughter.]

Mr. CRAIN. You need not be in this matter.

Mr. RICE. I believe the gentleman at heart sides with me on this question.

Mr. CRAIN. I desire to suggest to the gentleman from Massachusetts that the letter of the Secretary of the Treasury is made a part of the report; and the Senate bill appears as a part of that letter, consequently the gentleman's animadversion upon the chairman of the committee is not well founded.

Mr. RICE. The Senate bill is left out in the reprint of that letter.

Mr. CRAIN. I think not.

Mr. RICE. You will find that to be the fact if you read it carefully.

Mr. CRAIN. Is that so? The chairman of the committee just suggested to me that it was included.

Mr. BELMONT. It was intended to be, at any rate.

Mr. RICE. There is a bad place which is "paved with good intentions." [Laughter.] I wanted to find the Senate bill in order to have it printed with the views of the minority. I was told that the chairman of the committee had it in his pocket, and I have not been able to find it for any purpose up to the present moment.

Now, Mr. Speaker, in addition to the favored-nation clause, there is in the Senate bill a provision that the President be authorized to intervene whenever our vessels are deprived of any rights belonging to them by treaty or by law, or whenever they are unjustly treated or harassed in any respect. Can anything be broader than that? Has my able friend, the chairman of the committee, been able with all his study and all his consultations, and by the aid of my ingenious friend from Texas [Mr. CRAIN], very recently rendered——

Mr. CRAIN. You mean just now.

Mr. RICE. Has he been able to construct any broader statement than that contained in the Senate bill? Whenever one of our vessels, according to the judgment of the President of the United States, is unjustly or improperly treated in any of the Canadian ports or waters by Canadian officials, then the President of the United States has power under the Senate bill to do what? To issue his proclamation prohibiting Canadian vessels from entering our ports. Not all vessels coming from Canadian waters, for my friend from Maine [Mr. DINGLEY], a good investor, may happen to own a principal interest in such a vessel, and a citizen of Saint John's may also have an interest in it to the extent of $100. There is no need of stopping those vessels. There is no need of stopping any other vessels than those that come under Canadian papers. There is no need of putting in that extra clause which we find in the Belmont bill. It will only create confusion unnecessarily. But

the President, under the Senate bill, is authorized to prohibit all Canadian vessels—that is, vessels bearing Canadian papers—from coming into our ports. What else? To prohibit the importation into our ports of all Canadian-caught fish and of all Canadian products.

Now, is not that enough in all conscience? Stopping the importation into our country, into our great market, of Canadian fish, would be enough. I will warrant, and give my bond for it, if it is good for anything, that one year of exclusion of Canadian fish from the American market would bring these Canadians to terms. If not, we are willing to have our vessels kept out of their ports just so long as their fish is kept out of our market.

The Senate bill goes to that extent; it goes far enough. It says all that is necessary. The occasions for exerting authority are all covered. The authority is ample. It is all the fishermen of New England ask. They want no more. They want that. They want it quick.

Mr. HENDERSON, of Iowa. Will it disturb the gentleman at this point to let me ask him a question?

Mr. RICE. Not at all.

Mr. HENDERSON, of Iowa. I would like to have the gentleman explain briefly the distinction between the Senate idea and the Belmont idea on that point?

Mr. RICE. I will do it; and am glad the gentleman has made that suggestion, because he comes from a section that will be seriously affected by the Belmont idea.

The Senate bill excludes all Canadian products from the markets of this country. What does my sagacious and far-seeing and comprehensive friend, the chairman of the Committee on Foreign Affairs, seek to do? He says not only shall the products of Canada be excluded from this country, but they shall not run a locomotive or car or any vehicle, not even a baby's carriage, across the line of Canada into this country.

President Cleveland has to stop all these. Cars are to be stopped; locomotives are to be stopped.

Mr. HERBERT. Let me ask a question there?

Mr. RICE. Certainly.

Mr. HERBERT. Does not the House proposition propose to give President Cleveland any power in case it becomes necessary to go a step farther than the Senate amendment proposes? Is not that the difference?

Mr. RICE. The House proposition proposes to give the President power——

Mr. HERBERT. It does not say to him you shall, but gives him the power to go that far. It does not say shall.

Mr. RICE. It does not.

Mr. HERBERT. You are mistaken, then, in using the word "shall."

Mr. RICE. If I used it I will substitute the word "may" for "shall"—may in his discretion.

Mr. HERBERT. The House bill gives more power and indicates a disposition to go further than the Senate bill.

Mr. RICE. Neither bill makes it obligatory. Both bills leave it in the discretion of the President what to do within the power given.

Mr. HERBERT. That is what I understood.

Mr. RICE. The Senate bill leaves it in the discretion of the President to exercise his authority to a certain extent. Then, if that does not meet the exigency, to rescind, to add, to change, to modify.

There is no difference between the two bills, and I challenge my friend, the chairman of the committee; I will give him two minutes——

Mr. BELMONT. It is very kind of you, Mr. RICE.

Mr. RICE. To point out any other difference except verbal between your bill and the Senate bill, except that your bill authorizes the President to stop locomotives, cars, and other vehicles in crossing the line.

Mr. BELMONT. Since the gentleman has been kind enough to give me time——

Mr. RICE. Two minutes.

Mr. BELMONT. Two minutes is quite enough. The Senate provision stops short of the sensitiveness created among the railroads. There is no intention in the House bill to injure the railroads, but there is no disposition, on the other hand, to be controlled by the unnecessary fears which have been created in certain quarters as to the effect of such legislation. While Canada has, under the twenty-ninth article of the treaty of 1871, the right to use our territory for transmission of goods in bond in sealed cars, non-intercourse would be the practical effect, unless we could stop the rolling-stock. We do not violate the treaty for car passage, as the gentleman will observe by reading the bill from line 24 to line 31. It is not a matter of convention, but a matter of convenience, and we are not bound to provide Canada with facilities for transmitting goods in bond.

Mr. HENDERSON, of Iowa. Would not that be good for intercourse between the East and West?

Mr. BELMONT. I think not. It is intended to cover the whole.

Mr. FARQUHAR. Will the gentleman allow me to ask a question? Under what peculiar legislation is the great West and the Northwest of this country, now supplied by these grand trunk railroads, to be cut off from its supplies because of these negotiations, or what has that region to do with the fisheries question?

Mr. BELMONT. Nothing whatever except that the burden of a great national question should be borne in common by all the country.

Mr. FARQUHAR. And the fisheries question you regard as such a question affecting all characters of transportation by railroads?

Mr. BELMONT. There is no railroad question about it; but if we are to have non-intercourse let us make it as effective as possible by proper legislation.

Mr. RICE. I decline, Mr. Speaker, to yield the floor further.

Mr. KING. I would like to ask the gentleman from Massachusetts, for information, if fish, under the Senate bill, could not be imported into this country by rail?

Mr. RICE. They can be imported in any way, and be excluded in whatever way imported as well under the Senate bill as under the House bill.

It is as easy to exclude them by rail as by water. We have custom officers watching every avenue of entrance into the country, and carrying into execution the regulations of the Treasury Department with reference to the introduction of Canadian products into this country, whether they come by rail over our border or by water. There is no trouble about stopping them however brought.

So that, Mr. Speaker, this bill of the House not only does not do any better in all proper respects than the Senate bill, but it introduces a new and ugly suggestion, and that is of stopping the cars which carry the goods in bond, entered at Boston and New York, to Saint Paul, Minneapolis, Chicago, Saint Louis, and the great West generally.

Mr. BUTTERWORTH. Let me ask the gentleman right there—does not my friend think this bill violates a part of the treaty?

Mr. RICE. It suggests, and it was intended to suggest—for I have the right to refer to what I have heard, as the chairman of the committee has seen proper to refer to a little admission I made in regard to the favored-nations clause—I say that this was intended to suggest a suspension of our obligation under Article XXIX of the treaty of Washington.

Mr. BUTTERWORTH. And that can only be done, as I understand, on notice.

Mr. RICE. And which is as advantageous to us as it is to Canada.

Mr. BUTTERWORTH. That, I say, can only be done on notice, as I understand the law.

Mr. RICE. Yes, sir; on two years' notice.

Mr. FARQUHAR. Two years' notice before abrogation.

Mr. RICE. So the Belmont bill suggests a violation of our treaty obligations with Great Britain, which to my mind is absolutely unnecessary, and not only unnecessary but impolitic.

Mr. BELMONT. Permit me, having made the statement——

Mr. RICE. Well, I will yield to the gentleman for just a quarter of a minute. [Laughter.]

Mr. BELMONT. I only desire to answer this criticism of my colleague by reading from the section of the bill referring to this twenty-ninth article.

Mr. RICE. I object to that; the bill has been read.

Mr. BELMONT. Well, it is the answer to the statement of the gentleman.

Mr. RICE. Now, Mr. Speaker, I have taken more time than I had intended. I have endeavored to show that the Senate bill covers perfectly and effectually every necessity of the case; and that instead of being a partisan measure it was advocated, adopted, and supported warmly by all parties in another place than this. It was there supported on all hands; and the only suggestion of partisanship comes from my friend, the chairman.

Mr. HENDERSON, of Iowa. Let me ask the gentleman a question. Does not this House bill go further and suggest more extreme measures than are recommended by the fishing interests and their representatives?

Mr. RICE. Much further than the representatives of those interests recommend; so far as to endanger the success of the whole measure.

Mr. BELMONT. This does not interfere with the transportation of goods to the great West and Northwest.

Mr. RICE. It suggests it very strongly.

Mr. BUTTERWORTH. As I understand, the gentleman claims that under this bill the goods may be taken, but the means of taking are excluded.

Mr. RICE. They are to be carried on men's shoulders, if men's shoulders are not regarded as vehicles; or perhaps they might be better carried on the shoulders of jackasses. [Laughter.]

Mr. FARQUHAR. Does not this deprive of the benefit of competition all that Western region if it shall be carried into execution?

Mr. RICE. Certainly it takes away the advantage of competition in the transportation over Canadian roads to the West and Northwest.

Mr. BELMONT. I think it would be well for the gentleman to read the bill before making that statement.

Mr. REAGAN. The Canadian through roads to the coast are 395 miles longer than our roads, and hence they could ship cheaper over any one of our four trunk roads than over the Canadian lines.

Mr. MILLIKEN. Let me ask the gentleman from Massachusetts, can goods from Detroit, for instance, be taken by the Grand Trunk Railway through Canada and brought back into this country?

Mr. RICE. No, sir; not under this provision if enforced. Now, we do not want anything more of protection in this matter than there needs

to be. We do not want any war with Great Britain. This gasconading talk of war with Great Britain is nonsense in this nation. We could not afford to go to war and do not want to go.

Mr. MILLIKEN. Does the gentleman think that Great Britain can afford to go to war with us in our present condition?

Mr. RICE. Why, of course. Even if we should go to war we would be victorious in the end; of that I have no doubt.

Mr. MILLIKEN. What does the gentleman say?

Mr. RICE. That we would whip her in the end, if that is any satisfaction to my friend from Maine.

Mr. LAIRD. Which end?

Mr. MILLIKEN. I happen to be situated a little differently from my friend. I happen to live where a six-pounder gun can throw a shot from where the Great Eastern can float right through my house. But I am not troubled in the least about war with England or any other country.

Mr. RICE. But there is no necessity of any thing of the kind. All we want is to say, "You shut our vessels out of your ports; very well, we will shut your fish out of our market;" and that will bring them to time and will not increase the price of fish to the gentleman from Texas either; for it can be proved that fish was just as high during the days of the reciprocity treaty as it has been since the reciprocity treaty was abrogated..

Now, Mr. Speaker, reserving the rest of my time——

Mr. LAIRD. Before the gentleman sits down I desire to ask him a question. At this stage of the business of the session if the House does not adopt the Senate bill will it not defeat the legislation entirely?

Mr. RICE. I was intending to refer to that. This bill passed the Senate one month ago. The Committee on Foreign Affairs has been laboring in grievous travail with it from that day to this. Now, let us adopt the Senate bill, and the thing is ended. The President of the United States, with a power behind him unequaled elsewhere on earth, has then all the authority that is necessary to rebuke in an effective manner our neighbors at the north for the outrages which they have perpetrated upon our fishermen; and my word for it, as I said before, one year of exclusion of Canadian fish from American markets will bring about a termination of all the injuries and outrages and unjust statutes which they have inflicted upon this country during the past year.

I reserve my time and yield fifteen minutes to the gentleman from Massachusetts [Mr. DAVIS].

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. RICE] has twenty-one minutes of time remaining.

Mr. DAVIS. Mr. Speaker, as the present controversy between our Government and that of Great Britain respecting the North Atlantic fisheries concerns very deeply the interests of my constituents, it becomes my duty to address the House briefly upon the subject. It is within the knowledge of the House and country that during the year just passed, which immediately followed the abrogation of the fisheries provisions of the treaty of 1871, and as soon as our fishermen began their season's operations the provincial authorities prohibited American fishing vessels from enjoying any commercial privileges in their ports, and that while attempting to do so they were seized and subjected to heavy fines and detentions which were damaging and, in some cases, ruinous to their business; and that while exercising their undoubted treaty rights they were harassed and annoyed, threatened and driven away from shelter under circumstances of danger and in clear infraction of treaty obligations, and at least in one instance subjected to damaging detention and the imposition of a heavy fine.

These outrages have been numerous and flagrant, and have been repeated and continued, and are likely to continue, in defiance of the vigorous protests of our Government until the grave question confronts us of how we shall best protect our citizens while engaged in peaceful and honorable industry against these hostile and injurious attacks, and vindicate our national honor which longer submission to these outrages can not fail to sully. The main facts which comprise the history of our relations with Great Britain on this subject are doubtless familiar to most of you, and I will only briefly allude to them.

The colonists, prior to the Revolution and after the conquest of Canada from France, had always enjoyed the undisputed right to fish upon the provincial coasts (as well inshore as deep-sea fishing) in common with the people of the Canadas. It was a right which they had earned by their important and indeed essential agency in wresting that extensive region from French control and attaching it to the British crown.

In the treaty of 1783, which recognized our independence and established peaceful relations with our late antagonist, this common right was admitted, and it continued to be exercised for a generation, until, by the treaty of 1818, the right of inshore fishing was renounced along a portion of the provincial coasts, although all our previous rights were expressly recognized as regards other parts of these coasts and certain islands. Along a certain portion of them American fishing vessels were prohibited from fishing within 3 miles of the shore and from entering waters under British jurisdiction unless for the purposes of shelter, repairing damages, purchasing wood, and obtaining water.

There have been two treaties since, in which, because of very material concessions on the part of our Government, the privilege of inshore fishing was conceded to us. It is enough to say here that neither of them proved satisfactory, and both terminated by our act. The provisions of the treaty of 1871, under which the Halifax award occurred, were peculiarly obnoxious, and their expiration was greeted with universal satisfaction. The compensation which the United States were compelled to pay by the decision of the commissioners for the privilege of exercising an ancient right was so enormously in excess of the actual value of the concession (we having paid $5,500,000 for what was worth less than $500,000) as to arouse general indignation and lead to suspicions of fraud.

For some years past, owing to a change in the methods of fishing and also in the habitat of the mackerel, which is more disposed to frequent the open sea than formerly, the privilege of inshore fishing has become valueless, and our fishermen do not ask our Government to make any concession for the purpose of securing it.

The American fisherman no longer finds it necessary to use the shores for the purpose of curing fish, as they are now preserved on board until the vessel reaches the home port.

On the other hand, the entrance of provincial fish free of duty into our ports has inflicted a serious damage upon our own fishermen. In proof of this I wish to refer to the statement of James Gifford, deputy collector of Provincetown, which appears in the report of the Senate committee, with reference to the disastrous influence of the fisheries provisions of the treaty of 1871 upon the fishing interests of the ancient county of Barnstable, whose connection with this pursuit dates back to the earliest colonial times. Mr. Gifford is known to the people of Massachusetts as a gentleman of the highest character, for the truth of whose statements I have no hesitation in vouching.

TESTIMONY OF JAMES GIFFORD—STATISTICS SHOWING THE EFFECT OF DIFFERENT TREATIES.

Q. Will you state, in your own way, to the committee your knowledge of the fishery business, the effect of the treaties upon the business of this country, &c.?

A. I will state that I have examined the official reports of Canada, the annual reports before and during the treaty, and also the annual reports of our Government during the same time, and I have compiled from them some statistics. I have the reports for each year with me, but for the sake of making a brief statement to the committee I have compiled my figures, the result of which I will give you. I will first give you the products of the British fisheries, to show the effect of the treaty from 1872 to 1884, and the amount of importations into this country.

In 1872 the value of British products was $7,532,200. We imported that year into the United States $1,020,081 worth.

By Senator EDMUNDS:

Q. That is fish products?

A. Yes, sir. The intervening years I will not give, but give them for 1884.

Q. Have you the figures for the intervening years?

A. I have them.

Senator EDMUNDS. Then make up a table and give it to the stenographer to be made a part of your testimony.

The WITNESS. In 1884 the value of British products was $17,852,521; we imported that year $5,633,566; the gain being in products of Great Britain $10,320,521, and the gain in importations, from 1872 to 1884, inclusive, into this country was $4,613,455.

The increase of Canadian fishing vessels and boats during the same time was as follows:

In 1873 the fishing vessels numbered 402, and fishing boats 9,009.

In 1884 they had 902 fishing vessels and 12,772 boats, a gain of 500 sails of fishing vessels and 3,763 boats.

In 1883 the Province of Nova Scotia alone added 143 fishing schooners, chiefly bankers, and 1,526 men to her already large fleet.

And in this connection I refer the committee to report on the canadian fisheries for the year 1883, page 21. I have that report with me.

I will now state the decrease in American tonnage during the same period.

In 1873 the fishing tonnage of the United States was 109,519 tons.

In 1884 it was 82,565 tons, the loss amounting to 26,954 tons.

I will now state the decrease in the number of fishing vessels in the six ports of Cape Cod, that is, in this county.

Q. That is, the district of Barnstable?

A. That includes the whole district of Barnstable.

In 1873 the number of vessels belonging to Provincetown was 190 sail. (I would say that this is taken from the official records at Barnstable, from the latest authority.) In 1885 there were 118 sail.

In Wellfleet in 1873 there were 71 sail; in 1885 there were 47 sail.

Dennis had in 1875 46 sail, and 19 sail in 1885.

Chatham had 18 sail in 1873, and 20 sail in 1885, being a gain of two and the only one that has gained.

Plymouth had 1 in each of those years.

Hyannis had 1 each year.

The total for the six ports in this district was 266 sail in 1873, and 206 sail in 1885, a loss of 60 sail and 2,000 tons during that time.

I will now state the catch of vessels belonging to Barnstable County that fished in British waters during the treaty.

By Senator FRYE:

Q. What do you mean by "British waters"—within the three-mile shore line?

A. No; inside and outside altogether, in British waters.

By Senator EDMUNDS:

Q. That is, the waters of the Canadian Provinces?

A. Yes, sir; over which they claim jurisdiction.

One from Dennis took 240 barrels of mackerel in 1879.

Six from Wellfleet took 70 barrels in 1880, none in 1881, none in 1882 and 1883. The product altogether there in 1884 was 185 barrels.

Five from Provincetown in 1884 took 500 barrels. One from Provincetown took 206 barrels in 1885.

During this term of four years from those six ports there were sixteen vessels that made voyages to the British waters, and they took a little over 110 barrels. I should say that this year we had several, but there was but one that made a successful trip.

By Senator FRYE:

Q. Can you tell as to the cost of that mackerel, whether they paid for the sixteen vessels?

A. No, sir.

Q. State as nearly as you can as to that.

A. There was a loss. Amongst the sixteen voyages there may have been two or three that were profitable, but the rest suffered serious loss; and during that time two vessels were lost from this port, one with an entire crew, the loss exceeding by far the gross stock caught in those waters during that time.

The causes of this decline are fully accounted for in the evidence of Mr. Gifford, given on pages 64 and 65 of the report.

THE COST OF CANADIAN OUTFITS, ETC.

By Senator FRYE:

Q. You have investigated somewhat the cost of outfits, and of supplying vessels, and generally the advantages the Canadian has over us?

A. I have a little statement here that I took from a Canadian captain who happened in here with a load of salt fish last winter, and that will perhaps give you as good an idea in reference to that as I could give you in any other way.

By Senator EDMUNDS:

Q. What kind of salt fish was it?

A. Cod.

Q. Dry, or pickled?

A. Dry fish, exported in bond. They were bonded here and exported because they could get them so much cheaper than they could get our fish, although the fish were rather inferior to ours in quality. In this statement I do not give the name of the vessel, because I thought if I gave the name of the master and vessel it might annoy the captain when he reached home, for of course the statement I make would be known, and consequently I thought it prudent not to state the name of the vessel.

The vessel belonged to Yarmouth, Nova Scotia, and was of 79 tons burden. She made two trips to the Banks in the season of 1885 and returned with 2,400 quintals of codfish. The American schooner Benjamin F. Rich, of Provincetown, of 65 tons, owing to the greater distance from the fishing grounds, made one trip the same season, and brought into port 1,600 quintals of codfish.

The cost of the British vessel, prepared for fishing, was $4,000, or $50.63 per ton. The cost of the American schooner—17 tons less than the other, prepared for fishing—was $6,500, or $100 per ton. The outfits of the former—salt, bait, provisions, and fishing-gear, together with wages paid the crew—amounted to between $1,900 and $2,000. The same items cost the American vessel $3,025. The wages paid the British crew were $75 to $82 per man. Those paid the American crew were from $125 to $190 per man.

Q. That is for the whole season?

A. Yes, sir. The season is one voyage with us. If our vessels are gone but two months it makes no difference, they get the same pay.

Q. The British vessel made two trips to the Banks?

A. Yes, sir.

Q. Is that $75 per man for each trip?

A. I understand that is for the entire season.

The Canadian crew were required to prepare the vessel for sea, to receive and stow cargo, and to discharge her, and wash and stack or store the fish on her return to port. The American fishermen did not perform this service. The crew on the former vessel were obliged to wait for their pay until the fish were sold and money for them received, whereas the latter, the American crew, were promptly paid and discharged on arrival in port.

The curing, drying, and handling of the Canadian fish was done by women and girls, who received 6 cents an hour and 25 cents by the day. The curing, drying, and handling of the American fish was done by men, who received from 20 to 25 cents per hour, and that is always so.

Of course under these circumstances successful competition is impossible. Under the most favorable circumstances the fishing business of New England is, when compared with other industries, not profitable. You find few instances of men who have become rich through the prosecution of this business. Let me add that the small duty of 1 cent per pound on mackerel and one-half cent per pound on codfish, while it protects the fisherman, does not appreciably enhance the cost to the consumer. This will appear when it is seen how small a proportion of the cost to the consumer is paid to the fisherman and how large a proportion to those who handle the fish subsequently.

I quote again from the testimony of Mr. Gifford:

RETAIL AND WHOLESALE PRICES OF FISH.

I have some statistics in relation to the retail and wholesale prices of fish.

Senator EDMUNDS. We should like them very much.

The WITNESS. I took pains to write to New Orleans, to Chicago, Milwaukee, New York, and Philadelphia, and saw some parties from Concord, N. H., and some fresh-fish dealers of Boston, who were here, in regard to these prices. Generally we know here what the wholesale price of fish is in New York. The prices thus asked for and given were for December in 1872 and 1873, and up to 1885, so as to include the years before and after the treaty.

Q. Have you the prices for every month in the year, or only December?

A. I got only for December. It is a very difficult matter to get at these prices, and I had a good deal of trouble to get them.

Q. You have the prices for the same months in all the years for purposes of comparison?

A. Yes, sir. I thought December was perhaps as nearly a representative month as any.

In Boston fresh cod sold in 1872 from 8 to 10 cents retail; No. 1 mackerel from 20 to 25 cents.

Q. Twenty to 25 cents a piece?

A. Yes, sir. But the other item was 8 to 10 cents a pound.

In 1885 I found the prices the same as they were in 1872 and 1873.

In Philadelphia in 1872 cod sold for from $6 to $8 per quintal; the retail price of No. 1 mackerel was 18 cents.

Q. Do you mean salt mackerel, or fresh?

A. I mean salt mackerel.

In 1873 the prices were the same.

In 1878 cod sold at from 5 to 6 cents a pound, and mackerel 15 cents. I will state that in that year the quality of the mackerel was exceedingly poor, and that accounts for the low price.

In 1885 cod retailed at 5 to 6 cents a pound, and mackerel were 18 cents.

In Concord, N. H., in 1883 and 1884 cod sold at 10 cents, as also in 1885; mackerel sold in those three years at 20 to 22 cents.

Q. Every time you speak of the price of mackerel do you mean by the piece?

A. Some were returned by the piece and some by the pound; but most of them by the piece.

Senator EDMUNDS. Then when you speak of the price of mackerel hereafter and mean to speak of the price per pound, say so, and then we will understand when you give the price of mackerel only that you mean the price by the piece.

The WITNESS. In Milwaukee in 1873 and in 1878 cod sold for 8 cents a pound, and mackerel at 20 to 25 cents each.

In 1885 the prices were precisely the same—8 cents for cod and 20 to 25 for mackerel.

In Chicago in 1873 cod sold at 10 to 12 cents a pound, and mackerel 20 cents each.

In 1878 they sold the same.

In 1886 they sold for 10 cents a pound, and mackerel 18.

In New Orleans in 1872 cod sold for 12½ cents a pound, and mackerel at 23 cents a pound.

In 1873 cod sold for 10 to 12½ cents a pound, and 20 cents a pound for mackerel.

In 1874, 10 cents a pound for cod, and 20 for mackerel.

Q. How much will No. 1 salt mackerel ordinarily weigh?

A. A good mackerel ought to weigh a pound and a quarter.

Q. That would be the average in half a barrel?

A. They ought to weigh that.

In 1878 in New Orleans the price of cod was 10 cents a pound, and mackerel 17½.

In 1879 and 1885 the price of cod was 10 cents a pound, and mackerel 20 cents a pound.

The average during the treaty for No. 1 mackerel was $16.01 per barrel.

The average price of No. 1 mackerel in Boston in 1871, 1872, and 1885 was $12.84½.

Q. For each of those years?

A. Yes sir.

By Senator FRYE:

Q. Less than the average during the treaty?

A. Yes. It was $16.01 during the treaty, and was $12.84½ before and after the treaty.

During the present season, to show how this thing operates, our vessels have been to Boston with fresh cod, and could not obtain 25 cents a hundred pounds for them.

Q. Fresh cod in good condition?

A. Fresh cod in good condition. At the same time they were retailing for 8 to 10 cents a pound. The truth is that they have all over the country been kept up at the high prices that were established during the war.

Q. You mean the retail prices?

A. Yes.

It may be that some of the gentlemen present can give you better than I can the average prices for codfish in Boston, but according to the best information I have, I judge they have not been over $2 a quintal; that is, 112 pounds.

Q. That is the wholesale price?

A. That is the wholesale price during that time. I had a minute somewhere showing what the wholesale price was in Philadelphia during this time; but the wholesale price was not half these last three years in Philadelphia what it was from 1873 up to 1884, and the retail price is unchanged, or is a trifle lower.

EFFECT OF DUTY ON THE CONSUMER.

By Senator FRYE:

Q. Then your idea is that the duty has nothing to do with the consumer?

A. Nothing at all. The fisherman cannot realize the cost of his catch, while the consumer has to pay these large prices. Of course that tends to destroy consumption and operates to cut it off largely.

By Senator EDMUNDS:

Q. Your conclusion is, then, from your information and observation in this business—and your opportunities certainly have been very good—that the provisions of the treaty of 1870 and 1871 did not operate at all to the actual advantage of the people who ate the fish?

A. No, sir; I think that is fully demonstrated.

Q. And that it operated to the disadvantage of the men who fitted out fishing vessels and the men who sailed in them?

A. Yes, sir. The profit is really reaped by the middlemen, by the dealers. It is for their advantage, undoubtedly, to have free fish; they invest a good deal less money and get larger profits.

Now, sir, the fisherman is handicapped, as I have shown, by our protective system, and if he should bear his share of its burdens and reap none of its advantages, as would be the case if provincial fish were allowed to enter our ports free, he could not survive such unjust and ruinous competition. His foreign rival would be doubly protected through the bounty paid by his own government and the relatively low wages of crew and laborers and cost of vessel and outfit. The American fisherman would indeed be delivered naked to his enemies.

Such a fate would not only be undeserved but signally unjust. The New England fishermen have deserved well of their country in every period of its history. Coming from a sturdy, God-fearing ancestry, whose traits they have inherited, they have always illustrated in their lives and characters the virtues which should distinguish citizens of free commonwealths—frugality, industry, temperance, and an unyielding and enduring love of learning and liberty. They have been taught fortitude and courage by the hardships, sufferings, and dangers of their vocation where every voyage is a campaign and every storm upon the wild Atlantic a battle with the tremendous forces of nature.

Taught in such a school the brave and hardy fishermen of Cape Cod and Cape Ann have always been ready to serve their country in her every hour of trial and conflict from the Revolution to the war of the rebellion. In the struggle for independence they helped to man our infant navy and win its victories over its mighty foe. With Decatur and Perry and Stuart and Porter they have carried the terrors and splendors of our flag into distant seas, and beneath its glorious folds have fought and conquered. They stood on the decks of the Constitution when the Guerrière went down, and the odious British doctrine of the right of search sank with her to be succeeded thenceforth and forever by the grand American doctrine of the freedom of the seas. They were with the immortal Farragut when he sailed through the jaws of death and New Orleans and Mobile were won. And what the New England fisherman has done that he will do again wherever and whenever his country calls him.

Mr. Chairman, this class of men are worth preserving and their interests are worthy of protection. It is the policy of maritime nations to protect their fisheries, because they regard them as nurseries of seamen who will be ready to man their navies in time of war, and our own country should furnish no exception in this regard. Doubtless these considerations determined the action of Congress in revoking the fisheries provisions of the treaty of Washington. This proceeding could not be

cause of just offense to Great Britain, it being explicitly provided for in the treaty and in no respect unfriendly, but simply a just recognition of the rights and interests of our own citizens.

It was purely a matter of domestic concern, effecting, as it did, a change in one feature of our revenue system, and therefore not to be questioned by any foreign power. And yet the attitude of the British Government is an obvious attempt by a series of unfriendly, injurious, and offensive acts to force a change in our tariff policy which shall redound to the advantage of her North American colonies. In pursuance of this policy she has during the last fishing season boarded or seized, detained, driven from shelter, or unjustly fined more than one hundred American fishing vessels, in many, if not in most, instances, in violation of law and treaty obligations, and has inflicted great injury upon their owners. These outrages have been of two descriptions. First, where vessels, which had since 1830 enjoyed such privileges and had entered Canadian ports to purchase bait or supplies, were prohibited all commercial privileges, and seized and heavily fined for attempting to exercise them.

The second class of offenses which appear to be plain infractions of our treaty rights on the part of the provincial authorities relates to vessels having entered harbor for the purpose of shelter or to obtain water, and which have been boarded, and in one case heavily fined and in others driven off without being allowed to obtain a needed supply of water. The case of Captain Jacobs, of the Mollie Adams, is most extraordinary, and I will ask the Clerk to read his letter to the Secretary of State, and which appears in the official correspondence.

GLOUCESTER, *November* 12, 1886.

SIR: I would most respectfully ask your attention to the following facts as showing the spirit and manner of the application of law on the part of the officials of the Dominion of Canada.

On or about the 26th of September, when off Malpeque, Prince Edward Island, I fell in with the British schooner Neskilita, of Lockeport, Nova Scotia, which had run on Malpeque bar in making the harbor. It was blowing very heavy; sea running high. The crew was taken off by my vessel about 12 o'clock at night. There were seventeen men in all. We took care of them, and fed them for three days. The Neskilita became a total wreck. We saved some of the material.

The cutter Critic, Captain McClennan, one of the Canadian cruisers, was lying in the harbor of Malpeque. The captain boarded my vessel, and I reported to him the facts of the wreck and the condition of the men. They had saved a portion of their clothing. He neither offered to care for the wrecked crew, to feed them, nor to give them or myself any assistance whatever. Having some of the wrecked material on board, I asked the captain of the cutter for permission to land it. He referred me to the local collector. I went to the collector, and he referred me back to the captain of the cutter. As the cutter had gone out, the captain of the Neskilita assumed the responsibility and took the things ashore. The captain of the cutter told me that I could put the saved material on board a Nova Scotia vessel if I went outside of the 3-mile limit to do it. I endeavored to get some of the people on shore to take the wrecked crew, but no one would do it unless I would be responsible for their board. Finally, I gave the crew $60, enough to pay their passage home on the cars, and also gave them provisions to last during their journey.

Malpeque is a barred harbor, and it is only in smooth water that it is safe to go out over the bar, and my vessel drawing fourteen feet of water, and there was only fourteen feet of water on the bar, it was impossible for me to go out. By being detained in port in disposing of this wrecked crew I lost over ten days of valuable time before I could get out to fish, and during that time the fleet took large quantities of mackerel. Having to feed so many on my vessel left me short of provisions, and in a short time afterwards I put into Port Medway, and stated the circumstances, and asked permission to buy half a barrel of flour or enough provisions, to take my vessel and crew home. This was absolutely refused, and the collector threatened me that if I bought anything whatever he would seize my vessel. I was obliged to leave without obtaining anything and came home in three days, on short rations, a distance of 300 miles. The wind and weather being favorable, we had a good passage, but yet we were without provisions for one day before we arrived home. I wish to state most emphatically that the officials differ in their construction of our rights. Fees are different in every port, and as there is no standard of right fixed by our own Government, the fishermen are at the mercy of a class of officials hostile to them and their business, and with but little knowledge of law or its application.

For instance, at Souris, Prince Edward Island, 15 cents is charged. For reporting at Port Mulgrave, Nova Scotia, 50 cents is charged. At Port Hood, I being sick, my brother went to the custom-house to report. The official charged him 25 cents, and told him that unless the captain reported in person the report was invalid; that men from the vessel would not be allowed ashore unless the captain reported.

In the afternoon of the same day I was able to go to the office, and was charged 25 cents for my report, making 50 cents. In the matter of anchorage fees, at Port Mulgrave, Nova Scotia, I paid $1.50; at Malpeque, $1; at Sydney, $1.17. At some ports we have to pay anchorage fees every time we go in, as at Halifax; at others twice for the season.

Now, I would most respectfully state that the official service throughout is actuated apparently from a principle of annoyance wherever and whenever it can be so applied; that there is only harmony of action in this regard alone, and that local laws and regulations are enforced against us without regard to any rights we may have under treaty; that the effect of this enforcement is not to promote but to interfere and to limit by unjust pains, fees, and penalties the right of shelter, obtaining wood and water, and making of repairs guaranteed by treaty of 1818; that instead of the restriction contemplated the local laws make a technical obligation that is without their province or power, and enforce penalties that should never be admitted or allowed by our Government.

And I would pray that in the case recited, and many others that can be shown if required, we may be protected from local laws and their enforcement that abridge our rights and have never received the sanction of the two great contracting powers in the construction and agreement of the treaty of 1818.

I have, &c.,

SOLOMON JACOBS.

The Hon. SECRETARY OF STATE.

It is difficult to conceive of such brutal inhumanity practiced by the authorities of a civilized country. Such practices, although not likely to occur even there, would not be surprising in the South Sea Islands, in the Malay Archipelago, or in Central Africa, but they ought not to be possible within the Dominion of Canada and by the authority of her Majesty's Government. We claim that we have a right under the treaty of 1818 to enter the waters, ports, and harbors of British North America for the four purposes named therein without being subjected to molestation, annoyance, or injury of any description, and that the prohibition coupled therewith refers and can only refer to fishing within the 3-mile limit, and the curing and drying of fish on the shores, or other processes of like nature, and that it has never heretofore been held even by the British Government to apply to commercial transactions.

The circumstances surrounding the treaty of 1818 clearly show that its fisheries stipulations refer to that subject exclusively and can not reasonably refer to anything else. The British provinces bordering on the Atlantic were at that time weak in resources, inconsiderable in population, and their commercial relations with our country were so extremely limited as to be of no importance. The entire trade of British North America with the United States amounted to only $2,284,834 in 1823, five years after the date of the treaty, while in 1886 it aggregated $72,281,359. Since that time these colonies have grown and prospered, and are to-day a dignified and important appanage of the British Crown.

I repeat that in the light of contemporaneous history that treaty could only refer to and define the fisheries relations between the two governments. This view of our treaty relations upon this subject was taken by the Halifax commission when it decided commercial considerations to be outside its jurisdiction. No other interpretation was given to the treaty from the date of its passage until the present controversy, and now after a lapse of nearly seventy years we have a new, unreasonable, and mischievous definition given to its provisions. We claim that by reciprocal legislation outside of treaty stipulations our vessels, including those engaged in fishing, have been permitted to trade in provincial ports, and that, in the absence of specific legislation, arrangement, or regulation, the spirit of comity and good neighborhood would permit within certain limits such intercourse between friendly powers.

It is true that Great Britain, from the period of our independence to 1830, had pursued a restrictive commercial policy toward us, but this policy was general and did not specially discriminate against fishing vessels. Again, when by the reciprocal legislation of 1830 the commercial intercourse of the two countries was liberated from these restrictions, fishing vessels were not excluded from its operation, but have been, up to last year, when engaged in commercial transactions, treated precisely like other vessels similarly employed. So that the history of our relations with Great Britain and her North American provinces previous to the treaty of 1818, as well as contemporaneous with and subsequent to its adoption, abundantly proves that the claim now for the first time made that fishing vessels are by the terms of that treaty prohibited from commercial intercourse with British North America is unfounded.

This prohibition can only stand upon that principle of international law which permits each country to decide for itself upon the extent of intercourse, commercial or otherwise, which it will maintain with other nations. A government which assumes this position and initiates a policy so unfriendly and illiberal must accept the responsibility of possible consequences, and can not fairly complain if similar measures are enforced against her. If Great Britain is determined to sustain the Canadian authorities in a policy of commercial non-intercourse with a class of our vessels engaged in a legal and laudable occupation wholly without her jurisdiction and in the great territory of the nations, we must prove to her that such policy will be inconvenient and injurious to her interests.

This can not be done by diplomacy, as the executive branch of our Government must by this time be convinced. The correspondence relating to this dispute has been conducted on the part of our Government with signal ability and in a true American spirit. The Secretary of State has in each instance vigorously protested against the flagrant outrages that have been committed against our citizens and our flag; and the communications addressed by Mr. Phelps to the British foreign secretary are models of statement and reasoning at once clear, forcible, and conclusive. But our representations have been wholly futile. No adequate reply has been vouchsafed, for certainly the curt and unsatisfactory responses we have received can not be dignified by that term.

We have been turned over to a subordinate Canadian official, who has been deputed to answer the remonstrances of a great power justly incensed at the treatment it has received. Our Government can fairly take umbrage at the contemptuous attitude assumed by the British Government in this correspondence. It is now full time to vindicate by other steps our rights, interests, and honor. Fortunately, this can be done without war or danger of war by the simple application on a wider scale of the policy that has been adopted toward us.

During the first session of this Congress I introduced a bill for this purpose, which was referred to the Committee on Commerce and favorably reported to the House, and is now upon the Calendar. Soon afterward my colleague in the Senate [Mr. DAWES] introduced a similar bill; one has also recently been introduced in the House by Mr. BELMONT, and a little earlier the Senate Committee on Foreign Relations reported a bill which has passed that body with but one dissenting vote,

and for which the House Committee on Foreign Affairs now proposes a substitute. With the Senate bill I am entirely satisfied, for one feature of it if carried into effect with due energy will, in my judgment, lead the British authorities to reconsider their hasty and offensive action.

I refer to that clause which authorizes the President to deny entry into the United States "of fresh fish or salt fish, or any other product of said dominion, or other goods coming from said dominion to the United States." This touches the weak point of our antagonist, for it demonstrates to him that the course he is pursuing so far from accomplishing his avowed object of forcing the products of his fisheries duty free into our ports has shut them out altogether. It is strongly to be hoped that this measure, which substantially represents the sentiment of Congress, should pass before the close of this session, in order that its influence, which can not fail to be salutary, may be promptly exerted, and that our fishermen may know that the strong arm of the Government is uplifted in their behalf.

If it be urged that these retaliatory or responsive measures look toward war, we answer that they will have an exactly contrary effect and will be eminently peaceful in their tendency. When a nation finds that she can pursue an intemperate and aggressive policy without retaliation and with impunity she will be very likely to overstep the bounds of patience and commit acts which can not be endured, and which will inevitably produce hostile collision and war. If she, however, is met upon the threshold of these aggressions and becomes convinced that her course will result in greater injury to her own interests than to those of her antagonist she will be induced to pause and reflect upon the probable consequences of her proceedings, and in this way a settlement of grave difficulties may be arrived at.

In conclusion, let me say that the character of this legislation is in harmony with international law and numerous precedents furnished by our own Government.

The history of our relations with Europe from 1794 to 1815 furnishes many instances of the prohibition of commerce as a retaliatory measure. An embargo was laid on British vessels March 26, 1794, for sixty days, and on June 4 of the same year the President was authorized to lay an embargo at any time between that date and the meeting of Congress in November. By the act of June 12, 1798, commercial intercourse was prohibited with France and her colonies. An act was passed April 18, 1806, which prohibited after a certain date the importation of certain products of Great Britain and her colonies.

On the 11th of November, 1807, the famous British orders in council were passed. These orders prohibited any direct trade to any port or country of Europe from which the British flag was excluded; it allowed direct trade in American produce only between the United States and Sweden; it ordered all articles of domestic or colonial production exported by the United States to Europe to be landed in England, whence their re-exportation on paying duties would be permitted and regulated; and it declared any vessel and cargo good prize if it carried a French consular certificate of the origin of the cargo.

In consequence of this injurious and offensive act the embargo was passed by Congress December 22, 1807, and continued till March 4, 1809; and was followed by the non-intercourse law, which was enacted a few days before its termination.

This act was revived and continued by the acts of June, 1809, May, 1810, and March, 1811. It forbade the entrance to American ports of public or private British or French vessels, all commercial intercourse with France or Great Britain, and the importation after May 20 of goods grown or manufactured in France, Great Britain, or their colonies.

This policy was repeated in 1818 by the passage of a law enforcing non-intercourse by British vessels between our ports and those closed against us by the action of Great Britain; and in 1820 a law still more vigorous was passed applying to all the British North American possessions. All these very stringent measures were in the interest of peace, which our Government was anxious to maintain, and their adoption proves that our proposed action is in the line of numerous precedents and in accordance with our early policy.

I have no doubt, Mr. Speaker, if that policy be repeated to-day with the necessary firmness and to the necessary extent, it will prove sufficient to bring about a peaceful and satisfactory solution of this question.

Mr. CLEMENTS rose.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. CLEMENTS] is recognized for thirty minutes.

Mr. CLEMENTS. Do I understand that the gentleman from New York [Mr. BELMONT] still has control of the balance of the hour that he did not occupy?

The SPEAKER *pro tempore*. The gentleman from New York has thirty-five minutes of his time remaining.

Mr. COX, of North Carolina. How much more time is there on this side?

The SPEAKER *pro tempore*. There are the thirty-five minutes controlled by the gentleman from New York, and the gentleman from Georgia [Mr. CLEMENTS] is recognized for thirty minutes, the remainder of the time indicated by the gentleman from New York when he proposed that there should be an hour and a half on each side before he called the previous question.

Mr. CLEMENTS. I regret that my genial and able friend from Massachusetts [Mr. RICE] has seen proper to throw into this discussion somewhat of apparent partisanship. It seems contrary to his nature that in the consideration of a grave question like this small matters of partisanship should be introduced. For some purpose he has seen proper to designate the substitute offered by the Committee on Foreign Affairs for the Senate bill repeatedly as the Belmont bill, and to give the discussion a political tinge. These matters are entirely foreign to the great question we are called on, not as partisan politicians but as Americans, to consider. The bill proposes to authorize the President to declare and enforce non-intercourse with Canada, if necessary, to protect American rights. Let us deal with it in the spirit of American patriotism and with fidelity to American rights, without regard to what the bill has been called.

The gentleman from Massachusetts has read all of the bills that have been proposed, and he must well know that the bill offered by the committee as a substitute is not literally or substantially the Belmont bill and that there are material changes in it. It is in fact a substitute for that and the Senate bill. But I can not in the short time allotted to me discuss these immaterial questions. This is not a local issue. It is not a mere "skirmish about fish," as I have heard it designated elsewhere. It perhaps originated in what may have been denominated properly a mere "skirmish about fish;" but it has gone beyond that sort of question. It has assumed proportions larger than a mere business question about fish or protection upon fish. I must say that if it were confined to the question of protection on fish, which is an important item of food, in the interest of New England, I would not be opposed to free fish, which means to that extent free food to the American people. But I am not willing to say that Canada shall revise our tariff and that Canada shall dictate whether we shall have protection on fish or not. It goes beyond the question of mere protection to a New England interest.

The American flag on one of the American vessels has been hauled down by Canadian officials. More than one hundred and fifty American fishing vessels have been warned off, entered by the officials of Canada, and searched or interfered with in some way that was injurious to this important industry and to American rights.

It is true an apology was made by Canada for the interference with our flag; but under the operation of the harsh Canadian statute recently enacted serious and unjust vexations will continue to interfere with the just rights of our fishermen. This statute is as follows:

An act further to amend the act respecting fishing by foreign vessels.

(Reserved by the governor-general on Wednesday, 2d June, 1886, for the signification of the Queen's pleasure thereon. Royal assent given by Her Majesty in council on the 26th day of November, 1886. Proclamation thereof made on the 24th day of December, 1886.)

Whereas it is expedient for the more effectual protection of the inshore fisheries of Canada against intrusion by foreigners, to further amend the act entitled "An act respecting fishing by foreign vessels," passed in the thirty-first year of Her Majesty's reign, and chaptered 61:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The section substituted by the first section of the act thirty-third Victoria, chapter 151, entitled "An act to amend the act respecting fishing by foreign vessels," for the third section of the hereinbefore recited act is hereby repealed, and the following section substituted in lieu thereof:

"3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbor of Canada, or hovering in British waters, within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of $400; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (A) has been found fishing, or preparing to fish, or to have been fishing in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel, or boat under the first section of this act, or (B) has entered such waters for any purpose not permitted by treaty or convention, or by any laws of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited."

The questions of difference between the British Government and this Government as to those treaties have been specifically defined by other gentlemen who have preceded me. There is no difference between the majority of the Committee on Foreign Affairs and the minority as to what the issue is between the two governments. There is no difference between us as to what have been the infractions of the rights of American fishermen. We agree upon the facts. At this point allow me to read from the treaty of 1783, which, upon this question, is as follows:

The treaty of peace defined, in 1783, the area of American fisheries which might in that portion of the world be prosecuted by American vessels. Its third article declares:

ARTICLE III.

It is agreed that the people of the United states shall continue to enjoy unmolested the right—

1. To take fish of every kind on the Grand Bank and all the other banks of Newfoundland;

2. Also in the Gulf of Saint Lawrence;

3. And at all other places, in the sea, where the inhabitants of both countries used at any time heretofore to fish.

And also that the inhabitants of the United States shall have liberty—

1. To take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island);

2. And also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America.

3. And that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

The provisions of the treaty of 1818 upon the fisheries are as follows:

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of his Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind—

1. On that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands;

2. On the shores of the Magdalen Islands;

3. And also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company.

And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits.

*Provided, however*, That the American fishermen shall be permitted to enter such bays or harbors (1) for the purpose of shelter and (2) of repairing damages therein; of (3) purchasing wood and (4) of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

In relation to this article I read a paragraph from the report of the committee. It is as follows:

That article does not allude to or attempt to interfere with our rights in the open sea, on the banks, or in the Gulf, which were confirmed by the concession of the independence of the thirteen States. It refers only to the liberty claimed and recognized by the treaty of 1783, "on certain coasts, bays, harbors, and creeks." It begins by a recital that differences have arisen respecting the "liberty" claimed by American fishermen in those places. It neither mentions nor alludes to any differences about fishing on the high seas. It stipulates that American fishermen may fish on certain specified coasts, bays, harbors, creeks, and shores, and may dry and cure fish in certain unsettled bays, harbors, and creeks, and especially dry and cure on the coasts of Newfoundland, which last the treaty of 1783 did not embrace. The United States "renounces" any "liberty" to take, dry, or cure fish within 3 miles of any other coasts, bays, creeks, or harbors than those specified in the article, but the sentence of renunciation contains a stipulation that the American fishermen may enter "such bays or harbors" for four specified purposes, "and for no other purpose whatever," under such restrictions as may be necessary to prevent fishing, drying, or curing "therein."

Now, it has all the time been contended by this Government, and has never before been disputed by the British Government, as I understand, that the deep-sea fishermen—and by that I mean those Americans who engage in fishing outside of the 3-mile limit of the Canadian coasts—had the right to enter Canadian ports for the four purposes mentioned in the treaty of 1818, to "touch and trade," to buy bait and supplies. There was a concession upon the part of our Government that our people should not carry on this industry within 3 miles of certain parts of that coast. It is undisputed by Canada or by Great Britain that American fishermen have the right to catch fish along part of it, to cure and dry them in the ports thereof.

The concession on our part applied to only a limited portion of the coast. Therefore we have an absolute right to fish or to land, for the purpose of buying supplies or for other proper purposes, on a part of the coast, but as to another part we are restricted so that we can not enter within the 3-mile limit. But our vessels engaged in the deep-sea fisheries outside of that limit, which are free to the world, have heretofore been allowed to enter for other purposes than the four mentioned in the treaty, to wit, for "shelter and repairing damages there, of purchasing wood and obtaining water." Now, we insist that those rights of our fishermen have been violated.

The people of all the colonies shared equally in unrestricted rights in these fisheries prior to the separation of those afterward forming the United States from great Britain. The people of these States retain those rights in full except as modified by these treaty stipulations. There are many thousand brave American fishermen engaged in this great industry, there are many thousand American people dependent upon it. There are many millions of dollars invested by Americans in the business. It is an important source of our food supply; the Government of the United States is bound to protect these important rights of her people.

We are now coming near to another fishing season. It is not deemed expedient by the committee to which this question was referred, and which has given it that consideration which its gravity demands, that Congress shall adjourn without giving the President power to act for the protection of our fishermen and American rights. Now, how far shall we go? The gentleman from Massachusetts [Mr. RICE] contends that the difference between the bill of the Committee on Foreign Affairs of the House and that of the Senate is merely a question about words. That is presenting fairly the true question that is involved between the two bills. There is a broad and material difference between them. Mr. Speaker, at a time when negotiations are being attempted between the two Governments in regard to this dispute, why should we improperly define our rights by saying that we claim such as are granted to the most favored nation, as the Senate bill does?

We have distinctly defined and long recognized rights there that no other nation has or claims to have. We have not and have never had a treaty with Great Britain with a "most favored nation" clause in it. But while gentlemen admit that this language about the rights of the "most favored nation" has no proper place in the bill, they say it is surplusage and is harmless. Do we not know that to deliberately base by express language our rights upon such a pretension as this is misleading and is calculated to produce confusion and embarrassment in further dealing with the matter of dispute? Why cloud our well-defined rights by words that are worse than superfluous?

Suppose we put our claim on this ground, the reply will be that we have no such treaty with Great Britain. If such claim were admitted without a treaty provision, would not its continuance depend upon the continuance of the rights of such favored nations? If lost to them by treaty or otherwise, would not our right fall? It is true that the Senate bill goes on to say "or shall be otherwise unjustly vexed or harassed." That is the only saving clause in the Senate bill, which is to cover any other right claimed by Americans outside of treaty, law or the most favored nation provision. "Or shall be otherwise unjustly vexed or harassed." What is it to be "unjustly vexed or harassed?" Who is to say what that is?

Mr. RICE. President Cleveland is to say.

Mr. CLEMENTS. And how are our people to be "unjustly vexed or harassed" if their rights under the law or under the treaty are all that they have, and those are not violated? If those strict rights are all that we have, and they are not violated, how can we be "unjustly vexed or harassed?" In such a case, how can vexation be unjust without being illegal? And if it is not in violation of law or treaty, how is it illegal?

Mr. RICE. How is your bill better?

Mr. CLEMENTS. My friend from Massachusetts asks me in what respect our bill is better. I will read, in answer to that question, the first part of the bill:

That hereafter whenever the President shall be satisfied that vessels of the United States are denied, in ports or territorial waters of the British dominions in North America, rights to which such vessels are entitled by treaty or by the law of nations——

Mr. RICE. Who is to say what are their rights "by treaty or by the law of nations?"

Mr. CLEMENTS. The gentleman will allow me to read on:

or are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations, he may, in his discretion, &c.

Mr. RICE. Now, if there is any vagueness to be complained of, is there not just as much vagueness about that language as about the phraseology of the Senate bill?

Mr. CLEMENTS. We are unwilling that the American fishermen should be confined to their rights by treaty, and the executive department of our Government through this whole controversy has not stopped at complaining of the violation of our strict, narrow rights under treaty, but has insisted all the while upon that "comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations," and has complained of the almost savage disregard of such. We ought not to pass a bill which waives all such claims, particularly when the cause of this controversy has by the executive branch of our Government been placed largely upon this claim, so far as commercial priviliges are concerned. Shall we waive the basis upon which we claim these privileges which have been insisted upon by the Administration, and add the surplusage, as my friend would perhaps call it, about a favored nation clause, when we have none and when such language leads only to confusion and misconstruction, and complicates the whole question?

Permit me here to read an extract from the strong letter of the Secretary of the Treasury as to commercial privileges:

The treaty of 1818 secured to our fishermen what, up to that time, they did not have as a treaty right, which was admission to Canadian bays or harbors "for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever." As colonists we had those rights, but as colonists we lost them by just rebellion. They should not be called commercial rights, for they were simply rights of humanity, decency, good neighborhood, and international kindness to one another. To refuse a fishing vessel such hospitality would be an act of barbarism fit only for savages.

It would be as contemptible and odious as for a government, conducting a naval war, to fire, in these days, on a hospital ship, attested by her color and flag, and filled exclusively with the sick, wounded, or dying, their surgeons and nurses. Such hospital vessels are now, by the common consent of civilized nations, as I am told, even more perfectly and completely neutralized than are hospitals and tents on land over which floats the yellow flag. It is impossible not to recognize how justly my colleague, Mr. Bayard, has portrayed the inhumanity and brutality with which certain Canadian officials treated defenseless American fishermen during the last summer, even those who had gone out of their way to rescue Canadian sailors, and, having entered a Canadian bay to

safely land those they had saved, attempted to procure food to sustain their own lives.

The other material difference between the House and the Senate bill is in regard to authorizing the President to forbid the entrance of locomotives, cars, or other vehicles coming into this country from Canada. And why should this not be authorized, if we propose to have non-intercourse at all? Can not the President be trusted in this matter. If during the coming fishing season these complications continue to grow, if the American flag is to be disregarded and our fishermen denied their rights, if they are to be "unjustly vexed and harassed," why should we hesitate in regard to non-intercourse? Why should we not give the President the discretion which this bill proposes? It does not require him to go to the full extent authorized, nor indeed to act at all; but simply gives him the discretion to go to such extent as he may deem necessary. He may confine his action to the prohibition of fish alone; and if he thinks that sufficient, no doubt he will stop there. But in the recess of Congress he ought to be authorized to go as far as may be in his judgment necessary. If you put the responsibility upon him, give him the power necessary to discharge it and provide an adequate remedy for the evils complained of.

Our friends from the Northwest ought not to complain of this. This is a national question, which means an American question. It is not a New England question. It should not be made a merely local business question for one purpose and a national question for another. The people of that section I have the honor in part to represent are as jealous of the honor of this country as are the people of any other section. We have but little interest in this question so far as fish are concerned, but we have an interest in it because it affects the honor of our Government. If it should unfortunately become necessary for the President to exercise the power proposed in the bill, and it should interfere somewhat with the commerce of the Northwest, if it should stop some of the cars entering that section from Canada, I ask my friends from the Northwest whether they are not willing, if need be, for the proper settlement of this question, for the protection of the rights of American citizens and the honor of our common Government, to do without a little trade temporarily, involving merely a question of dollars and cents only?

Under the twenty-ninth article of the treaty of Washington the right to land goods in Canada and ship them overland in bond to the United States is guaranteed. But are we bound under the treaty to furnish cars—vehicles upon which to transport such goods? But suppose it does violate the treaty, the President must first be satisfied that our treaty rights have first been violated. In that event are we not justified in disregarding it when necessary to our protection? The power should be broad and the discretion ample. The rights we claim should be well defined and put upon just grounds, as they have been by the Executive. Because our bill goes further than that which the gentleman from Massachusetts advocates, he, desiring protection to the fishermen in New England, ought not to complain.

Mr. Speaker, I yield the residue of my time to the gentleman from Virginia [Mr. DANIEL].

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. DANIEL] has eleven minutes.

Mr. DANIEL. Mr. Speaker, it is well for us in looking at this subject to consider, first, how far we agree; then to discover whether or not there are such substantial reasons of divergence as ought to guide any gentleman to prefer the Senate bill to that which has been submitted by your committee. There is a happy concurrence on all sides, an opinion which seems to be unanimous in the Senate, and so far as we can discern is unanimous here, that the treatment of American fishermen by the laws of the provinces of Great Britain in North America, by their custom-house officers, and by the authorities of the provincial government, has been such not only to suggest but to demand the attention of Congress.

I have not time, sir, even to summarize the details of the gross and very insulting course of conduct pursued toward American fishermen, but if any gentleman will take time to read the reports which have been submitted to this House he will discover that that has been such as to require the gravest consideration and the most emphatic condemnation at our hands.

THE BASIS OF OUR RELATIONS WITH CANADA.

Our relations with our Canadian neighbors are to be regarded in the light of, first, treaty obligations arising out of our convention with Great Britain; second, international law; and, third, the comity usually practiced between friendly and neighboring States.

So far as treaty obligations are concerned, they are comprehended, as is well understood, by the treaty between the United States and Great Britain of 1818, and by article 29, of what is commonly called "the Alabama treaty," which was left in force by the act of Congress of June 28, 1883, and the President's proclamation made in pursuance thereof.

The first article of the treaty of 1818 is as follows:

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of his Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind—

1. On that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands;

2. On the shores of the Magdalen Islands;

3. And also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company.

And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included within the above-mentioned limits.

*Provided, however*, That the American fishermen shall be permitted to enter such bays or harbors (1) for the purpose of shelter and (2) of repairing damages therein; of (3) purchasing wood and (4) of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges herein reserved to them.

And article 29 of the Alabama treaty relating to the passage of goods across Canadian and Federal territory is in these terms:

It is agreed that, for the term of years mentioned in article 33 of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may, from time to time, prescribe; and under the rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period, goods, wares, or merchandise arriving at any of the ports of her Britannic Majesty's possessions in North America and destined for the United States, may be entered at the proper custom-house, and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue, as the governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

CONCURRENCE OF OPINION AS TO THE GRIEVANCE OF THE UNITED STATES.

I will not spend my brief time in relating the particulars of the violations of the treaty of 1818 by the Canadian authorities, or of their breach of those principles of international law and comity between friendly and neighboring States which call for the retaliatory legislation now proposed. In the reports of the Senate and House Committees of Foreign Affairs, and in the communications from the Secretary of State and the Secretary of the Treasury, which are accessible to all, they will be found amply spread out.

Suffice to say that there is concurrence of opinion that the treaty has not been observed in the right spirit by Canada; and that comity and international law applicable to the matter have been trenched upon by numerous provincial statutes subjecting our fishermen to rigid and unreasonable rules and harsh penalties; that they and their crafts have been seized and held in durance vile; that they have been warned off from Canadian waters when in no dereliction; that they have been refused harbor in Canadian waters, even when storm raged upon the ocean; and in short, it is now the sense of all departments of this Government that some such legislation as is now proposed is called for.

I say this much as necessary introduction to a due understanding of the competing measures now before the House—the one embodied in the bill that has been passed by the Senate, the other in the substitute therefor, which the House Committee on Foreign Affairs now submits and commends to your adoption.

THIS NOW A NATIONAL QUESTION.

I have heard none of that gasconade about war which the gentleman from Massachusetts [Mr. RICE] referred to. I hope that there may be no war, but I believe that the way to prevent war is for every government whose dignity is assailed or whose rights are infringed to meet the hostile act on the threshold with becoming resentment, and with the gravity that projects the question at once before the eyes of all the people.

It has been well said by the gentleman from Georgia [Mr. CLEMENTS] that this is not a mere question of the fisheries. It is in the person of the fisherman, in the ship of the fisherman, in the property and right of the fisherman, that injury has been received, but the injury, when done, is an injury to the country and all its citizens. And this controversy can not be dwarfed into a local issue, and dealt with as a "mere scrimmage about fish."

DIFFERENCES BETWEEN THE SENATE AND THE HOUSE BILL.

Now, coming down to consider the bills before us, the gentleman from Massachusetts [Mr. RICE] has challenged the Committee on Foreign Affairs to show wherein their bill diverges from the Senate bill save in a single point, and he declares that the sole point of difference is that in the House relating to the matter of railroad intercourse.

I think I can point out to that gentleman several differences between

the House bill and the Senate bill, in all of which differences the House bill appears to greater advantage.

THE "MOST FAVORED NATION" PHRASE IN THE SENATE BILL A BLUNDER.

In the first place, the term "most favored nation" is used in the Senate bill as the predicate of the proclamation of non-intercourse to be made by the President, in three different sentences. That bill proposes that the President be authorized to suspend intercourse between Canada and the United States, to a certain limited extent, whenever he shall be satisfied that our fishing vessels or fishermen—

Having a permit under the laws of the United States to touch and trade at any port or ports, place or places in the British dominion of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the *most favored nation*.

Second. Or when such vessels or fishermen—

Shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the *most favored nation*.

And again:

Third. Or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the *most favored nation*.

"The most favored nation" is herein made three times the standard by which the Canadian authorities must regulate their conduct toward us. What does it mean? What do we care for the "regulations" which Canada enacts as to some favored nation? What do we care for the conditions under which Canada sells "supplies" to "the most favored nation?" What have we to do with the privileges which it may please her to accord to "the most favored nation?"

Which is "the most favored nation?" Suppose these questions show us conclusively that the terms "most favored nation" were improvidently and bunglingly and ill-advisedly used on the Senate bill; and it is now conceded by gentlemen on the other side that the phrase was most unhappily chosen. These words in the Senate bill——

Mr. RICE. The gentleman does not mean to say I have conceded it as unhappily chosen. I admit I would have chosen a different phrase.

Mr. DANIEL. I admit the gentleman did not employ the language I used, but he has conceded in effect all that I claim. He says he would not have chosen the words "most favored nation," and couples with that statement a declination to tell us the reason why any other gentleman would have chosen them. Nor has any gentleman on that side explained these words. They are challenged to explain, and they are dumb. And I submit, when you read in the forefront of this bill that it is three times provided that the refusal of Canada to grant to the United States with reference to her fishermen and their ships rights accorded to the "most favored nation," that we shift the matter of this controversy, and, although clearly on the right in the just grounds stated, we go out of the way to throw a cloud over her proceeding and put ourselves in the wrong.

Why does any one put the clause "most favored nation" in this bill? What is the propriety of lugging in a phrase not in *pari materia?* We do not care what Canada does for the most favored nation or what Great Britain does for the most favored nation. All we demand is that as to us she shall observe her treaty, that she shall respect international law, and shall conduct herself toward us with comity and friendship and good neighborhood.

Now if she does this, and that is the postulate of our position, why should we go out of the way to reach out for some foreign and alien matter and say you have not treated us as you treat your most favored nation?

No, Mr. Speaker, the House takes the right ground firmly and with precision. It authorizes action:

Whenever the President shall be satisfied that vessels of the United States are denied, in ports or territorial waters of the British dominions in North America, rights to which such vessels are entitled by treaty or by the law of nations, or are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations.

When it is remembered that we have no treaty with Great Britain which requires the treatment of our fishermen to be after the fashion accorded "the most favored nation," it must be realized that "some one has blundered" on the Senate bill, and that the House bill corrects the blunder; and herein I answer in one respect the challenge of the gentleman from Massachusetts.

THE HOUSE BILL BETTER DEFINES THE CLASS OF PROHIBITED VESSELS THAN THE SENATE BILL.

In the second place, sir, there is another objection to the Senate bill, or rather a defect in it, by contrast with the House bill. We, in my judgment, should give preference to the latter. The Senate bill, or Edmunds bill, as it is commonly termed, gives authority to the President of the United States to make a proclamation of non-intercourse with reference to vessels, merchandise, and goods of the British dominions of North America.

It says that it shall be the duty of the President of the United States under the conditions set forth—

In his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper) whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere.

Now, why is the refusal of intercourse thus limited to "vessels, their masters and crews, of the British dominions of North America?" I think the Secretary of the Treasury in his published letter has made a just criticism on this language, and it is so much to the point that I quote it. It says:

Is there not possible ambiguity in the phrase "vessels of the British dominions of North America?" Does it mean only vessels whose home port is in those dominions, or vessels wholly owned by those having domicile in those dominions? Will it exclude a British vessel whose home port is outside of those dominions, or not owned therein? Will it permit a vessel with her home port in England, Scotland, or Ireland, or the British West Indies, to enter and clear at our ports, and do carrying trade between Canada and our ports? I infer that the bill was framed to exclude only Canadian or Newfoundland owned vessels, and that other British vessels, French or German vessels, or vessels of any other nationality, may enter our ports, although coming from ports of Canada or Newfoundland, but that our ports may be closed to any and all merchandise coming from those British colonies even if on board a friendly vessel.

The House bill removes all ambiguity as to the vessels to be denied entry. It substitutes for the words "vessels of the British dominions of North America," the better words:

Vessels owned wholly or in part by a subject of Her British Majesty.

This is a phrase to which indeed objection has been suggested by the gentleman from Maine [Mr. DINGLEY], but against which no formal or specific argument has been made.

[Here the hammer fell].

Mr. BELMONT. Mr. Chairman, if the gentleman from Virginia desires to proceed, I will yield to him five minutes more time.

Mr. DANIEL. Mr. Speaker, and again we ask why limit, as the Senate bill does, the President's authority to deny entry into the United States only "of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States."

THE HOUSE BILL MORE COMPREHENSIVELY DEALS WITH THE MATTER THAN THE SENATE BILL.

Instead of this stinted measure of authority the House bill confers on the President powers adequate to the dignity of the subject and to his responsibility.

It authorizes him to interdict or forbid the entrance or importation—

Either by land or water into the United States of any goods, wares, or merchandise from the aforesaid Dominion of Canada or Newfoundland or any locomotive, car, or other vehicle with any goods that may be therein contained from the Dominion of Canada.

There is no ambiguity there. There is no chance of misunderstanding that language; there is no cheese-paring; there is a broadside declaration of our purpose that if the people of Canada continue to treat our fishermen in the manner in which they have been treating them that the whole United States will at once lift up its hands to forbid further intercourse, and will treat the subject not as a mere skirmish, in one corner of the country, but as one whichs affects the honor and calls forth the power of the nation.

THE HOUSE BILL SUGGESTS NO VIOLATION OF TREATY, BUT FIRMLY RESPECTS TREATY OBLIGATIONS.

Mr. Speaker, the gentleman from Massachusetts [Mr. RICE] has said in his remarks that this bill "suggests" the violation of our treaty stipulations with Great Britain.

That was an extremely guarded statement—"suggests" a violation. He does not say it violates it, but simply to his mind there is a suggestion of violation. I think, sir, that a perusal of the bill will not only remove the suggestion to any man's mind that there is anything that points to a violation of the treaty, but such perusal will, on the contrary, satisfy him that it is impossible for guarded language more perfectly and precisely to hold forth the idea that we intend most squarely to protect and keep our treaty obligations. Let me read.

The specific clause of the treaty to which the gentleman from Massachusetts refers is the twenty-ninth article of the treaty of 1871, which secures to Canada the right to transfer across our territory, without paying duty, her goods, and the corresponding right on the part of the United States to ship our goods without paying duty across Canadian territory. Let us see now what there is here to suggest a violation.

The language of this bill is:

And upon proof that the privileges secured by article 29 of the treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandise arriving at the ports of British North America, the President may also, by proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandise arriving in any of the ports of the United States.

Mr. RICE. May I interrupt the gentleman a moment?

Mr. DANIEL. Certainly.

Mr. RICE. If the President should prohibit the cars from passing over our territory into the Canadian territory, and back and forth, conveying these bonded goods, which under the twenty-ninth article of the treaty have a right to be carried, would he not in spirit violate that article of the treaty?

Mr. DANIEL. "If" is the smallest and the greatest word in the language.

Mr. RICE. Why do you suggest it? Why do you give him the power if you do not suggest a violation?

Mr. DANIEL. We do not. If the President, with a mind oblivious to the fair interpretation of the English language and utterly regardless of the plain meaning of that language as applied to the subject-matter, chooses to do so, of course it would be done, but it would be done not in accordance with this law but in violation and defiance of it, for it only gives him a right to do it on proof submitted to him that Great Britain has violated the treaty first as to all of those goods that pass across the territory without the payment of duty.

Mr. RICE. But it gives him the right to stop cars conveying goods where there has not been the payment of duty.

Mr. DANIEL. It gives him the right in his discretion to stop such cars. His discretion applies to every item of this bill. And just there let me call the attention of the House to the fact that the gentlemen on the other side of this bill have argued as if Congress of itself undertook to do everything which is specifically authorized here and as if one of those things is done all must be done.

On the contrary, all that is attempted to be done by this bill is to repose in the Chief Magistrate of this nation power to do each and all of these things under the corresponding circumstances and conditions which are related. And when it refers to the matter of treaty and to those cars which are comprehended by the treaty, it says to him in general terms, "You may stop the passage by water or by land of all cars; but when you touch those that come under the treaty, take care that you have first the proof before you that Great Britain has violated her treaty." I ask the gentleman from Massachusetts does he not believe that to be the fair, direct, and honest interpretation of this bill?

[Here the hammer fell.]

Mr. DANIEL. I yield a half minute to the gentleman from Massachusetts to answer me.

Mr. RICE. You have no time to yield.

The SPEAKER *pro tempore*. The time of the gentleman from Virginia [Mr. DANIEL] has expired.

Mr. DANIEL. I know my friend from Massachusetts is too good a lawyer to desire time to answer the question, and with it unanswered I am content to end.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. BELMONT] has thirty minutes of his time remaining.

Mr. BELMONT. I believe there is some time remaining on this side.

The SPEAKER *pro tempore*. Thirty-six minutes remain on the other side.

Mr. BELMONT. I desire to hold the floor to call the previous question, and shall not occupy the remainder of my time just now.

Mr. RICE. I have agreed to yield five minutes of my time to the gentleman from Maine [Mr. DINGLEY], and the gentleman from Illinois [Mr. HITT] has agreed to yield ten minutes to him.

The SPEAKER *pro tempore*. The gentleman from Maine will be recognized for fifteen minutes.

Mr. DINGLEY. Mr. Speaker, the necessity of such legislation as is proposed by the pending Senate bill and the advantages of that bill over the substitute presented by the gentleman from New York [Mr. BELMONT] must be apparent to the House when the situation is clearly understood.

By the treaty of 1818 American fishing vessels were accorded the liberty of fishing in certain territorial waters of the British North American provinces and were denied such liberty in other Canadian waters within 3 miles of the coast. There is no question that Canada has the right to protect such inshore fisheries as are reserved exclusively for her own fishermen by all proper measures. It is important that this fact should be kept in view, because it is the policy of Canada, seconded by some of our own citizens, I regret to say, to create the impression that we are seeking to encroach on Canadian fishing grounds. Let it be once for all understood that we do not desire to fish within Canadian jurisdiction.

There has been some dispute in the past as to whether the boundary of the inshore fisheries is a line drawn 3 miles from the coast, as we have always claimed, and as Great Britain practically conceded in 1870, or a line drawn from headland to headland so as to include great arms of the sea 20 miles or more from the shore, as Canada has claimed. At the present time, however, there is no dispute over this point.

The controversy that has arisen between this country and Canada is not over the question of fishing in Canadian waters, but whether American fishing vessels engaged in fishing in deep waters where even Canada admits they have a right to fish, and authorized by our laws to touch and trade at a foreign port, shall have the privilege of entering a Canadian port and purchasing supplies such as ice, bait, or provisions in the same manner as other vessels, and in the same manner as Canadian fishing vessels are permitted to enter the ports of the United States.

The Canadian authorities, acting under the authority of a dominion law and a proclamation issued March 5, 1886, by their minister of marine, which withdrew all commercial privileges thereafter from our fishing vessels except shelter, repairs, purchasing of wood and obtaining water, have since that time seized every American fishing vessel which has entered Canadian waters, harbors, or ports for any purpose except these four, and have enforced their laws with so much rigor and, as Secretary Manning well says, so great "brutality" as to practically deprive us of even these four conceded privileges.

The Canadians attempt to justify their course by claiming that they are enforcing another provision of the treaty of 1818, which provides that American fishing vessels might enter ports of British North America for the four purposes named and for no other.

In order to understand the force of this provision of the treaty of 1818 it should be borne in mind that at that time the policy of Great Britain was to not allow any foreign vessel to enter the ports of her colonies on the same terms as she allowed her own vessels to enter.

The same policy prevailed in the United States. Thus, in 1818 no Canadian vessel could exercise commercial privileges in the ports of the United States on the same terms as an American vessel. And on the other hand, American vessels were discriminated against in Canadian ports. The provisions of the treaty of 1818, allowing fishing vessels of the United States to enter Canadian ports on the same terms as Canadian vessels for four purposes, was a special favor granted to such vessels at that time at the request of the American commissioners, and would control to-day if there had not been since that time legislative arrangements between Great Britain and the United States which have set aside the old discriminating policy as to foreign vessels entering the ports of the two countries, and established instead the policy of maritime reciprocity.

In 1822 the United States, by an act of Congress, authorized the admission to our ports, on equal terms with our own vessels, of all vessels of any foreign country which would extend similar privileges in their ports to our own vessels, the coastwise trade alone excepted. In 1830 partially, and in 1850 wholly, Great Britain accepted this offer for herself and her colonies, and her Parliament enacted a law extending similar privileges to our vessels in her home and colonial ports without any exception but the coastwise trade.

From that time a new rule for the admission of British and Canadian vessels into our ports, and of American vessels into Canadian ports—the rule of maritime reciprocity—was inaugurated, and all prior arrangements and treaties conflicting with it were set aside under this arrangement. We have admitted, and continue to admit, Canadian fishing as well as trading vessels to the same privilges in our ports that we extend to our own vessels, on the condition that Canada shall extend the same privileges to our fishing as well as trading vessels.

The contention of Canada that the legislative arrangement was not intended to cover fishing vessels has neither the text of the reciprocal laws enacted by Great Britain and the United States nor the practical construction of the same to stand upon. These laws apply in terms to all vessels of both countries except coastwise vessels. There is no reservation of fishing vessels. The United States has from that time to the present construed it thus, and Canadian fishing vessels have sought and received in our ports the same privileges as other Canadian vessels.

The claim of Canada that a fishing vessel of the United States authorized by our laws to touch and trade is not an American vessel of a commercial character is disproved by the fact that our laws make her such. By the law of nations every nation determines for itself what requisites and documents shall entitle a vessel to be recognized as a vessel of that country in every foreign port. Every vessel documented under our laws and authorized to touch and trade at a foreign port is entitled to equal recognition everywhere.

When on the 5th of March last Canada withdrew from American fishing vessels all privileges in her ports except the four heretofore named, she withdrew the consideration on which we had given her fishing vessels full commercial privileges in our ports, and we should have been justified in immediately canceling these privileges. And this would not have been retaliation in the ordinary sense of that term, but simply an enforcement of the policy of maritime reciprocity.

But instead of at once doing what we have a right to do, our Government brought the unwarrantable acts of Canada in excluding our fishing vessels from dominion ports to the attention of Great Britain, in expectation that she would disavow them and restore to all vessels of the United States privileges which her own laws had pledged us.

For nine months Secretary Bayard and Minister Phelps have been carrying on negotiations on this point with Great Britain—negotiations ably and convincingly pressed by both our Secretary of State and minister to Great Britain, I desire to say—but without any progress. Great Britain has simply referred our notes and protests against each seizure of our vessels to the Canadian authorities, and forwarded their stereotyped reply that under the treaty of 1818 American fishing vessels authorized by our laws to touch and trade have no right to enter Canadian ports for any purpose except the four heretofore named, without up to this time deigning to say whether or not she approves of that view.

Seventy-six American fishing vessels have been detained, warned, or seized—only one of them for alleged illegal fishing—and twenty-five for simply entering a Canadian port for purposes which we freely allow Canadian fishing vessels to enter our ports. And on the 26th of November the Queen approved a supplementary act of the Dominion Parliament, which, under the guise of protecting the fisheries of Canada, authorizes any Canadian official to seize, take into port and search any American vessel which may appear in Canadian waters or harbors, with-

out any evidence that such vessel has attempted to fish in Canadian waters or has violated Canadian laws—a law evidently designed to afford an excuse for harassing every American fishing vessel engaged in the lawful business of fishing in deep waters, whenever such vessels shall enter the Canadian jurisdiction, even for shelter, repairs, purchasing wood, and obtaining water.

American fishing vessels, authorized by the laws of the United States to touch and trade, have been refused the privilege of landing and entering at the appropriate Canadian customs-houses fish caught by such vessels in deep water, either for sale in Canada on payment of the duty provided by Canadian laws, or for transit in bond to the United States.

The object of this discrimination against American fishing vessels and the exclusion of the fish which they may catch in deep water is to injure the legitimate business of American fishermen to a sufficient extent to compel them to give up fishing altogether or to drive the Government of the United States to modify its tariff laws so as to admit Canadian fish into the markets of this country free of duty.

That such is its purpose and that such is the animus of the unwarrantable course of the Canadian authorities is so manifest that Minister Phelps (whose communication is warmly approved by Secretary Bayard) has felt warranted in using the following language in an official communication addressed to the British secretary for foreign affairs:

> It seems impossible for me to escape the conclusion that these seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing vessels in the pursuit of their lawful employment. * * * The opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free. It is not necessary to say that this scheme is likely to prove as mistaken in policy as it is indefensible in principle. * * * The United States will not be coerced by wanton injury into the making of a new treaty.

Recent semi-official dispatches from Ottawa make no secret in declaring that Canada will continue her unwarranted and unfriendly discriminations against our fishing vessels and fish caught by them until the United States shall accede to the Canadian demand for a so-called reciprocity treaty, by which they mean an arrangement that will admit Canadian fish products free of duty. In other words, she demands a free admission of Canadian fish to our markets as a price for the admission of American fishing vessels to such commercial privileges in her ports that we have granted Canadian fishing vessels.

I may add in passing—although this question is not involved in the present controversy with Canada—that when this question of the reciprocal privileges of all the vessels of the United States and Canada in the ports of each country shall be settled, I shall for one, and in my judgment this country will, be ready at any time to give a candid consideration to any propositions looking to real reciprocal trade relations with Canada. By real reciprocal trade relations I mean such as will admit the manufactured products of this country into Canada free of duty, while retaining a duty on the manufactured products of Great Britain and other countries, in return for an admission of Canadian products into our country free of duty while we retain duties as to similar articles imported from other countries. But such one-sided reciprocity as that provided by the treaty of 1854 we do not care to repeat.

The difficulty, however, in negotiating a real reciprocity treaty as to the trade relations between the United States and Canada is, that Canada is a dependency of Great Britain, and the latter power will not permit her colony to admit American manufactures on better terms than she admits English manufactures.

But I take it for granted, Mr. Speaker, that whatever view Congress may take of a reciprocity treaty with Canada, all will agree with Minister Phelps that we can not entertain the suggestion of such miscalled reciprocity as that of 1854, or indeed consent to consider the subject at all until Canada shall extend to our fishing vessels the same privileges in our ports that we extend to Canadian fishing vessels, or (if she continues to withhold these privileges from our vessels) until similar privileges are withdrawn from her vessels. Let Canada understand once for all that we do not propose to give anything more for commercial privileges for our fishing vessels in her ports than what we have been giving, namely, similar privileges for her fishing vessels in our ports. If we can not have them on these terms, we do not want them at all.

Negotiations have been going on during the past eight months between the United States and Great Britain for the settlement of the question as to whether American fishing vessels, authorized by our laws to touch and trade at a foreign port, shall be permitted to enter Canadian and Newfoundland ports on the usual terms accorded foreign commercial vessels, and as to whether fish caught by American vessels in deep waters where they have a right to fish may be entered at Canadian custom-houses on the same terms as any other merchandise entered by a foreign vessel.

But, notwithstanding this, the dispute rests where it did when the negotiations began; and the sole reason why no progress has been made in the negotiations—why no progress is likely to be made under existing conditions—is that the delay works solely to our injury, and Canada believes that if this injury to our fishing interests is continued long enough we shall concede what she wants. If at this juncture in the negotiations we shall withdraw from Canadian fishing vessels and Canadian fish in our ports and collection districts substantially the same privileges which she refuses to concede to our fishing vessels and fish, then the two countries will stand on the same basis, and Canada and Great Britain will have the same interest in reaching a speedy settlement by negotiations that we have.

The Senate bill, which passed the Senate with so entire unanimity, meets this situation exactly. It is not a bill looking to retaliation, but it is simply responsive to the policy of Canada. It authorizes the President to withdraw from Canadian vessels and Canadian products—naming fish as the article particularly intended, although all other products of the British North American possessions may also be prohibited—substantially the same privileges as are withheld from us. It simply says in effect that the privileges which we accord to Canadian fishing vessels and fish were given on condition that Canada extended the same privileges to American fishing vessels and the fish caught by such vessels. If she chooses to withdraw such privileges from our fishing vessels and fish products, we propose to withdraw the same from her fishing vessels and fish products so long, and only so long, as she continues to discriminate against us.

The so-called Belmont bill proposes to go further than this, and to authorize the President to stop communication by rail with Canada. I regard this as unnecessary and unwise. Canada has not discriminated against American locomotives and cars passing into her territory as vehicles of transportation. Why, then, should we propose to arm the President with authority to go so far as this? Is there not danger that it will defeat rather than promote the object we have in view?

The bill reported by the House committee is also objectionable in that it describes "vessels owned wholly or partially by British subjects" as subjects for exclusion, overlooking the fact that the ownership of a vessel does not determine her nationality.

There are other objections to the Belmont bill to which I called attention when the gentleman from New York explained his bill, which I will not now repeat.

The parliamentary situation is such as to make it wise to accept the Senate bill if we would make necessary legislation sure. It is now within almost one week of the close of the session, and there is grave danger that if the House should substitute a new measure for the Senate bill, all legislation would be defeated.

If, however, the House should see fit to substitute the Belmont bill for the Senate bill, I trust that that bill may be passed, in order that both bills may be placed in conference and some satisfactory measure may be agreed upon.

The Senate bill is justified by any view of the merits of the question at issue. Concede for a moment that the Canadian view that our legislative arrangement with Great Britain does not cover fishing vessels, and that American fishing vessels have no right to enter Canadian ports for any purposes except the four named in the treaty of 1818, is correct. What follows? Evidently that we have been in error in supposing that the legislative arrangement between the United States and Canada binds us to give Canadian fishing vessels the same privileges in our ports that we grant our own vessels, and therefore that we should hasten to pass this bill authorizing the President to withdraw privileges from Canadian fishing vessels which are refused to our fishing vessels and which we granted on the supposition that our fishing vessels were to receive similar treatment in Canadian ports.

On the other hand, if we are right in our assumption that the legislative arrangement with Great Britain obligates the United States to extend commercial privileges to the fishing vessels of Canada in return for similar privileges granted our fishing vessels by Canada, then it is obviously our duty to arm the President with authority to withdraw such privileges from Canadian fishing vessels when and so long as Canada declines to concede them to fishing vessels of the United States.

And on the same principle, so long as Canada singles out fish caught by fishing vessels of the United States and refuses to allow it to be landed in her ports from one of our fishing vessels authorized to touch and trade, for shipment in bond to the United States, or for any other commercial purpose, it is our duty to arm the President with authority to exclude Canadian fish from our territory. While the Senate bill gives authority to the President to exclude other than Canadian fishing vessels or fish products, yet it goes to this extent only, to arm the President with full authority in case Canada should hereafter extend the discrimination she is now making against American fishing vessels and fish to the vessels and other products of the United States.

This bill, Mr. Speaker, looks to a peaceful solution of the differences between the United States and Canada by making it for the interest of both to grant full commercial privileges to the vessels of each other. Without the passage of such a measure as this there would be grave reason to fear that serious conflicts will take place during the coming season between the dominion armed vessels and our fishermen in case of attempted seizures of our fishing vessels which had entered Canadian waters for shelter or other legitimate purposes. Gentlemen hardly appreciate the indignation which rises in the breasts of patriotic American fishermen who, having seen Canadian fishing vessels accorded every privilege in the harbors of Portland, Boothbay, Gloucester, or Boston, find their vessels seized as soon as they enter Canadian waters for the exercise of similar privileges.

But if our fishermen shall see that Canadian fishing vessels are de-

nied the same privileges as are denied them; if they shall see that Canadian fish are denied entrance into our territory while American fishing vessels are denied the privilege of landing their fish in Canadian ports, they will be content and will willingly suffer the increased inconvenience and expense caused them by being compelled to use larger vessels and to carry more extensive supplies in order that they may be under no necessity of entering Canadian ports for supplies or discharge of part of cargo.

The Senate bill, therefore, furnishes a lawful and peaceful method of solution of the controversy with Canada—a method which can not fail to work out equitable and reasonable results, and at the same time affords just protection to that large body of American fishermen who are engaged in carrying on the sea-fisheries of the United States.

Mr. Speaker, I need not remind the House and the country of the obligations which the nation owes to the 100,000 hardy men who sail the 6,000 vessels of the United States engaged in the sea and lake fisheries. A large proportion of these men pursue their hazardous calling amid dangers such as are faced by no other class of our citizens, and are entitled to most favorable consideration for maintaining an industry whose annual products are valued at $45,000,000.

But the men who carry on the sea and lake fisheries of every maritime nation have always been regarded as worthy of the special fostering care of the government, because it is to such men, trained to maritime pursuits, that the nation must look to man her cruisers in time of war.

The sea and lake fisheries are in all maritime countries the nurseries of seamen. It was our fishermen who manned the armed vessels with which Paul Jones did such good service for the patriot cause in the war of Independence. It was our hardy fishermen who sailed and manned the Constitution and other naval vessels of the United States, which performed such splendid service for the American cause in the war of 1812. It is to our men engaged in the lake and sea fisheries that we must look in the future to man the Navy which we hope and expect to have when American honor and American interests shall require defense on the ocean. Regard for our commercial independence and national safety, as well as a sense of justice to the hardy men who are carrying on our sea and lake fisheries, demand that not only now, but hereafter, we shall see to it that these fishery interests are protected and fostered.

Mr. HITT. Mr. Speaker, the general merits of the fishery question and the wrongs to which our fishing vessels have been subjected have been detailed to the House fully in this debate. We are all on both sides of the House agreed on that subject; and all who have listened to the speeches to-day are informed of the long series of vexations and wrongs to which our fishermen and fishing vessels have been subjected by harassing Canadian officials. We know the necessity for action by the Executive for their relief and the urgency with which the hearty support of Congress seems to be required in backing up the President and clothing him with adequate power.

The question immediately before us is as to our choice between the methods proposed by these two bills, that which has passed the Senate and awaits our concurring action and that proposed by the House committee. Passing the Senate the Senate bill makes it law without delay. Substituting the House bill is beginning a new and separate measure. The first thing to be remembered now, when the session of Congress is almost over, is the necessity for prompt action. The voice of the nation, if it is uttered promptly, clearly, and unanimously, as the united voice of both Houses of Congress in support of the President, will have tenfold force. We can utter such a voice now by a vote given to enact into law this afternoon a measure (needing only the approval of the President to make it law) clothing our Executive with power which I believe are wide, ample, complete, and which will so impress public opinion across the Atlantic and in Canada that the exercise of those powers will probably not be required.

We have very little time in which to act. If a new and separate measure be adopted now, to go from here to the Senate for consideration, and then upon disagreement, which is morally certain, to go to a conference committee, it will endanger everything. And this new measure called the Belmont bill, what is it? It is in fact the Senate bill rewritten, the words turned around, the phrases changed about, and then the railway car prohibition clause added. That provision for arresting the entrance of cars and locomotives across the line from Canada is the very thing which was proposed in the Senate and which the Senate rejected; and we have here a document from the Executive, signed by the Secretary of the Treasury, notifying us of that fact.

The Senate measure is strong and efficient; it confers full powers on the President to retaliate for the ill-treatment of our fishing vessels by excluding all Canadian vessels, all their fish, and all their productions, if he chooses in his discretion to do so. When it passed the Senate, no party voice was heard, but all were Americans. And we, in acting upon that measure, are asked now to substitute for it a new bill containing a provision which was rejected in the Senate by an overwhelming vote, and which, if adopted here, is certain to cause delay and to endanger all action.

My friend from Massachusetts [Mr. RICE] has said—and in saying it he voices the thought of all gentlemen around me—that we are willing in this great question to trust the President. What I would rejoice to see now would be a unanimous vote for the Senate bill in this House such as there was in the Senate, so that this afternoon the British minister might cable to his government, "The Americans are all as one on the fishery question." There is no more time to waste and much has been wasted. It is a month to-morrow since the Senate passed this bill. It was there thoroughly considered. The committee which reported it had investigated the question through all last summer, their report making a volume. The measure is most carefully framed. It has been subjected here and there to the most searching criticism. All these weeks have passed, and we are upon the eve of final adjournment. Is this a time to commence putting on amendments which we know in advance are objectionable to almost the whole membership of the co-ordinate body?

Congress has proved heretofore, early last year, that it was disposed to support and strengthen the Executive. It then showed how the heart of the nation beat on this question. We passed an act last summer providing that where privileges were denied by any nation to our ships in its ports, the President should be authorized to deny like privileges in our ports to the vessels of that nation. That perhaps was not a very strenuous law; but not a thing has been done during all these nine months in respect to the exercise of the power then conferred. Are we to make up by stronger legislative declaration for the inaction of the Executive? Well, if it is necessary, let us give our aid, and we will be the more effective if all parties are united. I hope that whatever we do——

Mr. COX, of North Carolina. Under the power conferred by the act just referred to, was not something done with regard to our treaty with Spain?

Mr. HITT. Nothing. I will answer the reference contained or implied in the gentleman's question. Under the provisions of a law far older than that, our Government did, since the passage of the law to which I have just referred, respond to the unfavorable action of the Spanish authorities in a case in some degree similar to that contemplated in this Senate bill, by notice of a retaliation in kind, and brought that government to our terms within fourteen days.

I heartily wish success to the Executive in this matter. It is a question surrounded with difficulty. Great men have wrestled with it for over fifty years; and how often they thought they had settled it. Yet its whole history since the war of 1812 has been an almost unbroken series of reverses or disastrous, costly, fruitless arrangements. The present Secretary of State was hardly warm in his seat before he entered into that remarkable correspondence concerning the fisheries with the British minister which, at the end of eight notes, was turned practically into a protocol, the whole correspondence arranging for a continuance of inshore fishing privileges to our fishermen temporarily, and for a reciprocity treaty in prospect, and a new commission to pass upon the value of the fisheries and similar questions. In this correspondence, which closed with a declaration from our Secretary of State that the correspondence itself embodied the agreement, and I may say it was in the nature of a preliminary to a treaty, Mr. West had skillfully inserted this language:

> And the acceptance of such a *modus vivendi* does not, by any implication, affect the value of the inshore fisheries by the Governments of Canada and Newfoundland.

And in another place before this he had even stated:

> The Government of Newfoundland do not make refunding of duties a condition of their acceptance of the proposed agreement, but they rely on it, having due consideration before the international commission which may be appointed.

They did not propose to claim less than of old for the value of the inshore fisheries and even expected to claim repayment for the tariff duties paid on Canadian fish during the interval. That would have been an interesting commission! To have met to consider the value of the inshore fisheries which are practically worth nothing and not desired at any price by our fishermen, with the old $5,500,000 estimate of the value of the inshore fisheries staring them in the face—a sum we had to pay after that unlucky negotiation which resulted in the Halifax commission, besides $4,000,000 more of remitted duties, and all this nine millions paid for the fish caught by us in the inshore fisheries, when the whole of the mackerel caught within the 3-mile limit in twelve years sold in the United States for but $778,582. Is it any wonder that the country was amazed when this correspondence was published, and shrank from any new commission or reciprocity like that? The words have unwelcome associations.

And let me not speak of "reciprocity" without expressing a hearty hope that we shall yet have reciprocity complete with our northern neighbors—no one-sided game—as it was the last time when we made a treaty in 1854, in which we were so thoroughly outwitted, that under it we gave to the Canadians a market for $229,000,000 worth of their products, to come in without paying duty during the time that reciprocity treaty was in force, while under it they gave us a market free of duty for scarce more than half as much. So ingeniously was it framed at our expense that it admitted free of duty 94 per cent. of all Canada had to sell to us and left 42 per cent. of all we sold to Canada still burdened by their tariff. In spite of kindly feeling for neighbors and de-

sire to see enlarging commerce we soon had enough of such costly reciprocity and terminated the treaty.

Of a far different stamp is that wider, fairer reciprocity contemplated in the bill introduced a day or two ago by my friend from Ohio [Mr. BUTTERWORTH], which would abolish all duties on the Canadian border, make a common tariff and customs union, sweep away all custom-houses across the whole continent, dispense with the whole consular service in Canada, and remove all custom-house lines to follow the lines of the ocean. I would gladly see that done. But it will not be a reciprocity like the last, which denied to our manufactures the market of Canada and gave to Canadian agriculture the vast market for their products which our splendid manufacturing system and populous centers had slowly built up.

The Secretary of State has pursued with his best abilities all the turns of this question of fishery rights and fishermen's wrongs, and I have no remarks to make or reflections to cast upon our minister at London in this matter, but as yet there has been no success. It is pending; our fishermen are being harassed and the Canadians vex them at their ease. It is time to respond by retaliation in kind. I think we should cheerfully go forward on all sides in the House since the Senate has the example shown us in this Senate measure unanimously passed there, which grants, I think, great, ample, and adequate powers.

The criticism on the phrase "most favored nation," used by the Senate, I have not heard answered, as I understand it. The most favored nation clause may mean two different things, depending upon how it is used and to what it refers. Where it is used in a treaty between two nations, declaring that each is entitled to the privileges of the most favored nation, it means all privileges granted gratuitously to any other nation; it does not include any favor which another nation enjoys which is bought and paid for specifically by a compensation stated. That is never included in the most favored nation clause in a treaty with another government. Only those general rights or favors accorded among nations gratuitously are contemplated in the phrase "favored nation" in this bill, where it is conveniently used as a brief form of description of what our fishing vessels are justly entitled to when they come in from the deep-sea fisheries, which are open to all the world, and belong to us with the rest, We find the phrase used in this sense in most of the treaties which we now make with foreign nations. Those treaties granting no special favor and receiving none, contain the general favored-nation clause, but it never touches any of that class for which there is compensation. As, for example, in our treaty with Hawaii, we secure certain advantages and in return admit their sugar free. This does not grant remission of the duty on sugar to other nations with which we have treaties containing the most favored-nation clause. The Secretary of the Treasury seems, in his letter on this bill, to be wholly unaware of this distinction.

Now, this clause in the House bill providing for stopping locomotives and cars from coming from Canada has a specific though hidden purpose which has not been brought out plainly until a few moments ago the gentleman from Georgia [Mr. CLEMENTS] disclosed it and the way it was to work to set at naught a treaty. Under the twenty-ninth article of the treaty of 1871 with Great Britain goods in transit have a right to go either way, through the United States to Canada from our seaports, or through Canada to the United States from their seaports, and the reverse. No man will propose here a law which squarely defies that treaty and violates national faith. The Senate had no such thought in the bill it passed. Goods in transit are allowed to go through by the treaty, and the only way it can be done away with is to give two years' notice for its termination; or, if one or the other party violates it, then, under universally accepted international law, it is at an end. One party to it can not be held to grant the privilege or right when the other denies it. That may happen any day, and no law of Congress is then necessary to end it. It expires when violated. You can not reach it by law.

But it is intended here to reach it by an adroit phrase including cars and locomotives among things that may be stopped, though they are loaded with goods in transit which you admit the man has the right by treaty to take in transit through our country. You stop the cars, and then say to him, "Go on with your goods in transit; your treaty right is unquestioned; put your goods under your arm, and take them to New York and ship them; but the car which carries them can not go any farther!" Now, if such a proposition as that were presented by some crafty, savage chief in making one of the so-called treaties which we are in the habit of signing with them—by some cunning Crazy Horse or pensive Sitting Bull—we would laugh at the shallow fox. Yet it is deliberately proposed here to the American Congress in order to evade and set at naught, not to violate squarely, a treaty which we all admit to-day is in force.

The Senate bill is framed in view of the obligations of that treaty, and carefully avoids its violation. When an attempt was made there to include such a proposition as this it was promptly and overwhelmingly voted down. Shall we, at the moment that we are charging our adversary with disregarding and perverting the treaty of 1818, subject ourselves to a still graver charge—disregarding a treaty not by some petty official's insolence but by a solemn act of Congress? I fear this construction may be put on the words of this House bill, but if it passes I am comforted in the belief that the President will never use it for any act that will touch the honor of the country.

The Senate bill is one which attempts to do a thing in the very best way in which the experience of nations shows it ought to be done. It is an answer to an injury by responsive action and retaliates in kind. In the language of the books it is called retorsion. That is the first means of pacific redress usually resorted in disputes of this kind between nations. It is ordinarily successful between civilized Christian nations; or it is followed by other retaliation, reprisal, non-intercourse, seizure of enemy's goods, display of force, and then war.

The Senate proposes this retorsion for denial to our fishermen and fishing vessels of their rights. It says, "As you will not cease to annoy our ships by petty vexations in your harbors, we will not let your ships enter our harbors at all." The Canadians resort to harassing legislation and insult and vex our fishermen in order to constrain us to change our laws so as to grant again the free admission of their fish to our market without paying duty, and we answer by saying, "Instead of changing our laws, you can not bring fish in at all." We do not propose to compete with them in acts of petty annoyance, but keep them out, vessels, fish, and, if necessary, all other goods.

This is the method of pacific redress that is ordinarily adopted in such disputes, and ordinarily brings about adjustment. There is a veteran who now sits before me [Governor CURTIN] familiar with scores of similar instances in diplomatic history, and I am sure he will unite with me in saying that this is always the first step taken by wise statesmen.

Mr. CURTIN. That is true.

Mr. LONG. May I ask the gentleman a question?

Mr. HITT. Certainly.

Mr. LONG. If it were the purpose to defeat all legislation on this subject at this time, by indirect methods, can you think of any better way of doing it at this stage of the session than to adopt the substitute proposed by the House committee?

Mr. HITT. I do not now think of any that would more certainly accomplish that end, because this proposed House bill has in it the only proposition in the world on this subject which we know the Senate has refused to accept; and hence the adoption of the House bill with the railcar prohibition clause would again bring before the Senate the very feature to which it objected and refused its assent.

Mr. Speaker, it is not likely that the giving of this power, and the power is enormous in both bills, will result in war or even in any great disturbance in our affairs. I hope it will result in a speedy adjustment of the questions at issue. My friend from North Carolina [Mr. COX] asked a question just now that brings up an analogous case very recently occurring which shows how quickly questions of this kind can be settled.

The Spanish Government by harsh, and we thought unwarranted, construction of the Foster convention, placed our goods of a certain kind in the fourth or higher-dutied column of the Cuban tariff instead of the third or lower-dutied column; just as the Canadians put a very harsh, unwarranted construction of the treaty of 1818 against our fishermen. We urged that it was wrong and unjust, but without avail; and the President thereupon, acting upon an old act of Congress, by proclamation on the 14th of last October, authorized and directed the imposition of a discriminating duty of 10 per cent. on their goods coming here, this to take effect in fifteen days. But before that time the Spanish Government yielded on the 28th of October, and the President rescinded his proclamation. I would be glad to see and hope to see similar results from this day's legislation, and that the President, using the authority we confer upon him, wisely and firmly will protect our fishermen, obtain a permanent settlement of this long troubled question, and secure the peace of two great nations.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a resolution to print the usual number of copies of the compilation of the laws of the United States relating to the construction of bridges; in which concurrence was requested.

Also, that the Senate had passed with amendments the bill (H. R. 10395) making appropriation for the support of the Military Academy for the fiscal year ending June 30, 1888; in which amendments concurrence was requested.

### CANADIAN NON-INTERCOURSE.

Mr. BELMONT. I now yield ten minutes to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY. Mr. Speaker, I am heartily in favor of the bill reported by a majority of the Committee on Foreign Affairs of the House, and am gratified that this debate has indicated to-day that all are in favor of some action upon the subject under consideration. The only question for us to determine is as to what action is proper at this time. But I must at the outstart differ with my friends from Illinois and Massachusetts when they say they know of no step which could be taken so much calculated to thwart legislation on this great question as to adopt the bill reported by the Committee on Foreign Affairs of the House

as a substitute for the Senate bill. This House is in earnest in desiring legislation on the subject, and we have a right to assume that the gentlemen at the other end of the Capitol, from their almost unanimous vote, are also in earnest.

If we pass the bill reported here to-day and it is rejected by the Senate it will send the whole matter to a committee of conference, and proper legislation could be arrived at. But I hope, sir, that we will have no trouble on this point. I believe when the Senators at the other end of the Capitol come to examine and compare the two bills they will confess that the House bill is the better, all things considered.

The Senate bill is not explicit enough because it requires the President to be satisfied that our fishing vessels and fishermen have been denied the privileges accorded the trading vessels of "the most favored nation," yet we have no treaty with Great Britain containing a favored-nation clause. We are claiming for our vessels commercial and trading privileges, which are ordinarily accorded by one civilized nation to another, and such as we have conceded for many years in American ports to Canadian and British vessels.

The majority of the committee think the Senate bill defective also in other important respects. "It empowers the President to deny entry into any port or place in the United States 'of fresh fish or salt fish, or any other product of said dominions, or other goods coming from said dominions to the United States.' The question arises, therefore, if the merchandise whose entrance by land into the United States is to be prohibited is merely that which is the product of Canada, how could such a provision be enforced? The fact that a Canadian car contained merchandise would be no evidence that the merchandise was of the prohibited kind, for under our treaty foreign merchandise is entered in Canadian ports for land transit to the United States. Canadian products might be mixed in Canadian cars with foreign merchandise. Every car would have to be examined and wholly unloaded as soon as it reached the border of the United States, and even then it would not be difficult to evade the law."

Strong legislation is the wisest and most prudent legislation. The time has arrived when we ought to be in earnest, and our legislation should be such as to prove to Canada, to Great Britain, and the world that we are in earnest. Forty-eight American vessels have been seized, detained, or warned off from Canadian ports during the last year, while many other United States vessels have been involved one way and another in our fisheries controversy with the Canadian authorities. The statement of our minster to England, Mr. Phelps, shows that the seizure and detention of certain vessels of our citizens was not only unfriendly and discourteous but unwarranted. I present one case. He says of the seizure of the David J. Adams:

The seizure was much aggravated by the manner in which it was carried into effect. It appears that four several visitations and searches of the vessel were made by boats from the Canadian steamer Lansdowne, in Annapolis Basin, Nova Scotia. The Adams was finally taken into custody and carried out of the Province of Nova Scotia, across the Bay of Fundy, and into the port of Saint John, New Brunswick, and, without explanation or hearing, on the following Monday, May 10, taken back by an armed crew to Digby, Nova Scotia. That, in Digby, the paper alleged to be the legal precept for the capture and detention of the vessel was nailed to her mast in such manner as to prevent its contents being read, and the request of the captain of the David J. Adams and of the United States consul-general to be allowed to detach the writ from the mast for the purpose of learning its contents was positively refused by the provincial official in charge. Nor was the United States consul-general able to learn from the commander of the Lansdowne the nature of the complaint against the vessel, and his respectful application to that effect was fruitless.

Every case in which vessels were seized by the Canadian authorities was in violation of the spirit of the treaty of 1818. Every one was in violation of that comity, hospitality, and good feeling which the civilization of this age requires between neighboring nations. When two countries adjoining each other, with their people living as close neighbors, are left to provide for their mutual interests by legislation, it is very clear that if the Dominion of Canada, supported by the Government of Great Britain, shall legislate in hostility to our trade and in hostility to the interests of our citizens, it becomes not only our duty but our only alternative to legislate in hostility to theirs, and retaliate for their bad conduct.

Mr. Phelps, our minister to England, in his letter to Lord Rosebury, dated June 2, 1886, speaks like an American ought to speak on an important subject. He said:

It seems to me impossible to escape the conclusion that this and other similar seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing vessels in the pursuit of their lawful employment. And the injury, which would have been a serious one if committed under a mistake, is very much aggravated by the motives which appear to have prompted it.

I am instructed by my Government earnestly to protest against these proceedings as wholly unwarranted by the treaty of 1818, and altogether inconsistent with the friendly relations hitherto existing between the United States and Her Majesty's Government; to request that the David J. Adams, and the other American fishing vessels now under seizure in Canadian ports, be immediately released, and that proper orders may be issued to prevent similar proceedings in the future. And I am also instructed to inform you that the United States will hold Her Majesty's Government responsible for all losses which may be sustained by American citizens in the dispossession of their property growing out of the search, seizure, detention, or sale of their vessels lawfully within the territorial waters of British North America.

The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination by the United States Government of the treaty of Washington on the 1st of July last, whereby fish imported from Canada into the United States, and which so long as that treaty remained in force was admitted free, is now liable to the import duty provided by the general revenue laws, and the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free.

The letter of Mr. Phelps is clear, forcible, and, to my mind, a full and satisfactory statement of the case. After reading it I do not see how any citizen of the United States can doubt the necessity for immediate and prompt action by the United States Government.

The bill reported by the majority of the House Committee on Foreign Affairs I think meets the demands of the times. It contains three distinct propositions, and the President is authorized to enforce either or all of them in his discretion. The first declares that whenever the President shall be satisfied that vessels of the United States are denied in ports or territorial waters of the British dominions in North America rights to which such vessels are entitled by treaty or by law of nations, or are denied the comity of treatment or the reasonable privilege usually accorded between neighboring and friendly nations, he may in his discretion, by proclamation, prohibit from entering the ports of the United States or from exercising such privileges therein as he may in his discretion by such proclamation define vessels owned wholly or in part by a subject of Her Britannic Majesty, and coming or arriving from any port or place in the Dominion of Canada, or in the island of Newfoundland, whether directly or having touched at any other port, excepting such vessels shall be in distress of navigation and of needed repairs or supplies therefor.

The second authorizes the President to forbid the entrance or importation, either by land or water, into the United States of any goods, wares, or merchandise from the aforesaid Dominion of Canada or Newfoundland, or any locomotive, car, or other vehicle with any goods that may be therein contained from the Dominion of Canada.

The third authorizes the President, upon proof that the privileges secured by Article XXIX of the treaty concluded between the United States and Great Britain on the 8th of March, 1871, are denied as to goods, wares, and merchandise arriving at the ports of British North America by proclamation to forbid the exercise of the like privileges as to goods, wares, and merchandise arriving in any of the ports of the United States.

A penalty is provided in the bill, so that if any person in charge of any vessel excluded from ports of the United States shall do, in the ports, harbors, or waters of the United States, for or on account of such vessel, any act forbidden by the proclamation of the President, such vessel shall be liable to forfeiture to the United States; and any goods, wares, or merchandise, and any car, locomotive, or other vehicle coming into the United States in violation of the President's proclamation shall be seized and forfeited to the United States.

The bill is not a war measure, but a peace measure. It takes the fisheries controversy from local disturbances and resentments and places it on broad and comprehensive ground. It is an announcement to our people and to the people of Great Britain that the Government of the United States proposes to maintain its dignity and protect the rights of its citizens. The provisions of the bill are in no respect rash, but they are well considered; not harsh, but conservative, everything considered. The President will exercise the power confided to him intelligently, carefully, conservatively, courageously. There can be no doubt that the President has a proper appreciation of the honor and dignity of the great Republic over which he presides, and the power put into his hands will be used for the protection of American dignity and American rights.

It is by no means certain that he will be required to issue a proclamation of non-intercourse, or a proclamation of even partial suspension of commercial relations with Canada, or any other port of Great Britain. When the bill under consideration is enacted into a law I hope and believe the usual wisdom and good sense of Canadians and English will again be manifested, and all difficulties will be arranged without resort to anything that will break up the cordial relations which have so long existed between the United States and Great Britain. If the bill becomes a law the President will be supported in his efforts to exercise the authority granted in the bill by all the people of the United States, and while I believe no trouble will occur, yet if a serious issue is made by Great Britain with the United States, it will be found that there are no sectional lines, but in the South and in the North the men once arrayed in battle against each other will now stand shoulder to shoulder in solid phalanx to defend the rights of our people and maintain the glory and honor of our country.

Mr. BELMONT. I now yield eight minutes to the gentleman from North Carolina [Mr. COX].

Mr. COX, of North Carolina. Mr. Speaker, in the discussion of this question I do not propose to follow the example of my friend from Massachusetts [Mr. RICE], whose line of argument, if not the intent, was calculated to array party feeling. The subject of which we are treating is one of international importance, and while it may more immediately affect the constituents of my friend it is not circumscribed in its operation. It concerns the whole American people, whom I

would have appreciate that this administration in its dealings with foreign powers will assert and maintain the principle enunciated by Lord Palmerston, who, in the case of Don Pacifico, asserted that a British subject "in whatever land he may be may feel with confidence that the watchful eye and strong arm of England will protect him against wrong and injustice."

The question of the Canadian fisheries formed a vital element of the Revolutionary war itself. Their commercial and naval importance entered into the contest between England and France for over a hundred years in the seventeenth and eighteenth centuries. Nova Scotia, after various vicissitudes of fortune, after the seven years' war, was transferred into the possession of Great Britain, and about the same time Canada passed from the hands of the French and the Gaul acknowledged the ascendency of the Briton in the New World. The contention between Great Britain and the United States in regard to these fisheries has been a recurring theme of controversy for over three-quarters of a century. As subjects of Great Britain, the colonists enjoyed all the liberties of fishing in these waters which were accorded to any other British subjects. After the Revolutionary war, when the independence of the colonies was recognized, in the preliminary treaty of 1782 the agreement in regard to two subjects was held to be final. One of these was the ascertainment of the territorial limits of the United States, the other a right to the fisheries which are now in dispute.

In the final and definite treaty of 1783 it was provided and fully understood that the privilege we had enjoyed as British subjects, in these waters, should be continued to the people of the United States, as is clearly manifested by the third article of this treaty, which is as follows:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have the liberty to dry and cure fish in any of the unsettled bays, harbors, or creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

The same section was embodied in the final treaty of 1783. The American citizens continued to enjoy all the rights herein accorded until after the second war with Great Britain. This war was followed by the treaty of peace at Ghent in 1814, when British negotiators claimed that the war of 1812, just terminated, had put an end to all existing treaties; that our treaty rights about these fisheries had expired, and if revived, must be by new stipulations. They might have as well contended that our independence was surrendered by this war as that new stipulations were required to keep alive our fishery rights. This treaty recognized three facts as fully established, to-wit: The independence of the colonies, the territorial boundaries of the States, and the rights of the United States in the common fisheries of the colonial waters which were enjoyed and exercised by English subjects.

The effect of the negotiations which led to the treaty of Ghent did not deprive us of our right to these fisheries. The war itself had been indecisive, virtually determining nothing. It might be denominated a drawn battle between these two nations. Unfortunately for the United States, the result of the battle at New Orleans had not been made known, or more favorable terms might have been secured. In the month of October, 1818, a treaty was concluded at London by which some of the most important provisions in regard to the fisheries which were embodied in the act of 1782 were surrendered. By the provisions of the first article of this treaty of 1818 the right to take fish on the coasts of New Foundland and Labrador was limited to certain coasts. The right to dry and cure fish was granted on limited portions of this coast. And for this privilege of drying and curing fish, as stated, this Government "renounced forever any liberty theretofore enjoyed or claimed by the inhabitants to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included within the limits so described."

The difficulty of determining the limits agreed upon, the presence of armed vessels to prevent its violation, the vexatious seizure of American vessels, and the injustice of the British local courts in their condemnations, exasperated both parties and threatened to bring the two governments into actual collision. This led up to the reciprocity treaty of 1854, which was subject to be, and was, terminated in 1866, and embraced certain new stipulations revived from the treaty of 1818. The first article of the treaty of 1818 has been the cause of unnumbered international controversies and disputes, and which, after reciting other matters agreed upon, proceeds as follows:

*Provided, however*, That the American fishermen shall be permitted to enter such bays or harbors (1) for the purpose of shelter and (2) of repairing damages therein; (3) of purchasing wood and (4) of obtaining water, and *for no other purpose*. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Upon the construction proper to be placed upon the meaning and interpretation of the clause of the treaty in *italics* hinges the whole contention between the United States and Great Britain, as will be seen from the letter of the American minister, Mr. Phelps, to Lord Salisbury, of the 2d of June, 1886. The letter is as follows:

* * * * * * *

Recurring, then, to the only real question in the case, whether the vessel is to be forfeited for purchasing bait of an inhabitant of Nova Scotia, to be used in lawful fishing, it may be readily admitted that if the language of the treaty of 1818 is to be interpreted literally, rather than according to its spirit and plain intent, a vessel engaged in fishing would be prohibited from entering a Canadian port "for any purpose whatever" except to obtain wood or water, to repair damages, or to seek shelter. Whether it would be liable to the extreme penalty of confiscation for a breach of this prohibition in a trifling and harmless instance might be quite another question.

Such a literal construction is best refuted by considering its preposterous consequences. If a vessel enters a port to post a letter or send a telegram or buy a newspaper, to obtain a physician in case of illness or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants in fire, flood, or pestilence, it would, upon this construction, be held to violate the treaty stipulations maintained between two enlightened maritime and most friendly nations, whose ports are freely open to each other in all other places and under all other circumstances.

If a vessel is not engaged in fishing she may enter all ports; but if employed in fishing, not denied to be lawful, she is excluded, though on the most innocent errand. She may buy water, but not food or medicine; wood, but not coal. She may repair rigging, but not purchase a new rope, though the inhabitants are desirous to sell it. If she even entered the port (having no other business) to report herself to the custom-house, as the vessel in question is now seized for not doing, she would be equally within the interdiction of the treaty. If it be said these are extreme instances of violation of the treaty not likely to be insisted on, I reply that no one of them is more extreme than the one relied upon in this case.

I am persuaded that your lordship will, upon reflection, concur with me that an intention so narrow, and in its result so unreasonable and so unfair, is not to be attributed to the high contracting parties who entered into this treaty.

It seems to me clear that the treaty must be construed in accordance with those ordinary and well-settled rules applicable to all written instruments, which without such salutary assistance must constantly fail of their purpose. By these rules the letter often gives way to the intent, or rather is only used to ascertain the intent.

The whole document will be taken together, and will be considered in connection with the attendant circumstances, the situation of the parties, and the object in view, and thus the literal meaning of an isolated clause is often shown not to be the meaning really understood or intended.

Upon these principles of construction the meaning of the clause in question does not seem doubtful. It is a treaty of friendship and not of hostility. Its object was to define and protect the relative rights of the people of the two countries in these fisheries, not to establish a system of non-intercourse or the means of mutual and unnecessary annoyance. It should be judged in view of the general rules of international comity and of maritime intercourse and usage, and its restrictions considered in the light of the purposes they were designed to serve.

Thus regarded it appears to me clear that the words "for no other purpose whatever," as employed in the treaty, mean no other purposes inconsistent with the provisions of the treaty, or prejudicial to the interests of the provinces or their inhabitants, and were not intended to prevent the entry of American fishing vessels into Canadian ports for innocent and mutually beneficial purposes, or unnecessarily to restrict the free and friendly intercourse customary between all civilized maritime nations, and especially between the United States and Great Britain. Such, I can not but believe, is the construction that would be placed upon this treaty by any enlightened court of justice.

And here follows the reply of Mr. Thompson, minister of justice of Canada, duly indorsed by Minister West:

* * * * * * *

But even at this barrier the difficulty in following Mr. Phelps's argument, by which he seeks to reach the interpretation he desires, does not end. After taking a view of the treaty which all authorities thus forbid, he says: "Thus regarded it appears to me clear that the words 'for no other purpose whatever,' as employed in the treaty, mean for no other purpose inconsistent with the provisions of the treaty."

Taken in that sense the words would leave no meaning, for no other purpose would be consistent with the treaty excepting those mentioned. He proceeds "or prejudicial to the interests of the provinces or their inhabitants." If the United States authorities are the judges as to what is prejudicial to those interests, the treaty will have very little value; if the provinces are to be the judges, it is most prejudicial to their interests that United States' fishermen should be permitted to come into their harbors on any pretext, and it is fatal to their fishery interests that these fishermen, with whom they have to compete at such a disadvantage in the markets of the United States, should be allowed to enter for supplies and bait, even for the pursuit of the deep-sea fisheries.

Thus it will be seen the whole controversy is embraced in a nutshell, and with such differences of opinion it is hardly possible that a satisfactory conclusion can be reached through mere construction. The first article of the treaty of 1818 does not attempt to abridge or interfere with our rights to open-sea fishing on the banks or in the Gulf. These concessions were confirmed in the recognition of the independence of the thirteen States. It is not my purpose, however, to do more than merely outline the historical character of this controversy at this time. The animus of the whole matter is contained in the closing words of the paragraph taken from the letter of the British minister. He says:

* * * with whom they (the Canadians) have to compete at such a disadvantage in the markets of the United States.

Free fish in American markets is what they desire, and I have no objection to this concession, provided they obtain the right to enter our markets by a fair and reciprocal treaty. But we can not permit such outrages as were perpetrated on our flag and on our fishermen by these people to force from us negotiations and reciprocal treaties. Neither patriotism nor human forbearance should permit it. I admire in some things the English people. Their statesmen are able, their soldiers brave, their scholars learned, and their government the freest next to our own, they are likewise aggressive, domineering, and grasping. In every treaty they have made with us since 1818 they have secured

very great advantages. Of all these treaties, the one of 1878 was the greatest outrage, if not fraud, ever perpetrated upon the American people. For twelve years' use of the inshore British fisheries, which we claimed by treaty were already ours, we paid $5,500,000 and remitted duties to the amount of $350,000 per annum, making $4,200,000 in the twelve years; a grand total of $9,700,000 extracted from the people for New England interests through British rapacity.

Pray what was this treaty worth to our people? Mr. Evarts, then Secretary of State, has so well summarized the argument against this award in his dispatch of the 27th of September, 1878, I can not do better than introduce it at this time. Among other things, he said: "By these actual and careful statistics, it has been found that from the inshore fishing American fishermen in the five seasons secured 125,961 barrels of mackerel, worth, when packed and ready for exportation, $3.75 per barrel, and in the aggregate $472,353." This was the gross value from which was to be deducted the cost of labor and barrels, leaving a net profit of $25,000 per annum, which in twelve years would be $300,000.

This treaty expired in the midst of the fishing season of last year, when our fishermen, with their vessels, were in Canadian waters. To prevent embarrassment and needless complications, the Secretary of State wisely and judiciously agreed with the British minister to a temporary arrangement for the relief of all parties. For this he was soundly berated and misrepresented by Republican speakers and writers, for what they declared was his truckling towards and sympathies with England, and a few impracticable New England Democrats joined the hue and cry. In the end the correspondence between this Government and Great Britain was called for; then it appeared American rights had been fully vindicated, and the American diplomacy and statesmanship there shown won the approbation of the whole nation.

All parties now vie in doing honor to the wise, conservative, and judicious course of the present Administration. Not only this, but it is proposed not only to sustain the President in his foreign policy, but clothe him with unusual and extraordinary power, the power indeed of precipitating a war, with one of the greatest powers of the world. While I may hesitate to place in the hands of any one man such extraordinary power even in the present emergency, still I consent with less reluctance from my high appreciation of the wisdom, ability, and great discretion of the President. We seek no war with any nation, whether prepared for it or otherwise. Still we will insist that all the rights of even the humblest citizen of this great Government shall be maintained and respected, wherever he may be. A decided and fearless policy, upheld without hectoring or boasting, is the only means of maintaining our rights and promoting permanent peace.

Let us see how far the committee and the minority may concur in regard to the matters now before the House. It is agreed that the recent seizure of American vessels in Canadian waters has been aggravating and unwarranted. It is agreed that the treatment of our fishermen has been offensive and irritating; it is agreed that the hauling down our flag upon the Adams was insulting, for which no sufficient apology has been made; it is agreed that the recent legislation of the Dominion of Canada and its approval by Great Britain was not moved by a friendly spirit—especially when a proposition made by us for the adjustment of our differences was then in the hands of Great Britain.

It is agreed that the course of Great Britain calls for prompt and decisive action on the part of this Government. The difference between the committee and the minority is really very slight. We are aiming at the same object, namely: To declare in unmistakable terms our course in this contention. The minority insist that the Senate bill contains everything requisite to accomplish our purpose. Is that so? The discussion on this floor shows there is a difference on the other side of the House as to the very meaning of the language employed. Take, for example, the following clause from the Senate bill:

> And also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United Stases.

What is the meaning of the expression, "or any other product of said dominions?"

The gentleman from Maine [Mr. DINGLEY] says it relates to fish, in which others concur; while still others insist it means all that is contained in the House bill. What is the section in the House bill? It reads as follows:

> And he may also forbid the entrance or importation, either by land or water, into the United States, of any goods, wares, or merchandise from the aforesaid Dominion of Canada or Newfoundland, or any locomotive, car, or other vehicle, with any goods that may be therein contained, from the Dominion of Canada, and upon proof that the privileges secured by article 29 of the treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandise arriving at the ports of British North America, the President may also, by proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandise arriving in any of the ports of the United States.

A glance at these paragraphs will show which is most clear and specific. The friends of the administration have a right to insist that when such unusual power and responsibility is imposed on it that nothing shall be left to implication, nothing to mere construction.

The gentleman from Illinois [Mr. HITT] insists that the authority to stop cars in transit, given in the House bill, is a violation of the twenty-ninth article of the treaty of 1871 between the United States and Great Britain, known as the most-favored nation clause; and he insists that treaty obligations should be religiously respected, &c. I agree with him most fully as to the inviolability of treaties, and must confess my surprise that one usually so accurate should have failed to examine with more care the bill of the committee. When does this bill say this power is to be exercised? "Upon proof that the privileges secured by" this article are denied "as to goods, wares, and merchandise arriving at the ports of North America." The power is not to be exercised until the Canadian authorities violate this treaty, and surely the gentleman would not have us observe a pact ignored by the other contracting party.

The gentleman from Massachusetts [Mr. LONG] inquired of the gentleman from Illinois [Mr. HITT] if he knew of any more indirect method of defeating the proposed measure than by adopting the House bill. The gentleman from Illinois responded that he did not. What is the intent of this insinuation? Does not the gentleman—an experienced legislator—know that every bill about which the two Houses may differ and which may be sent to a conference committee is obnoxious to a like criticism? Unquestionably so. We were discussing for a whole day during this session the Chinese indemnity questions. The Senate bill was before the House, and its adoption urged on precisely the same grounds urged here to-day. The House bill was preferred by this body, and when sent to the Senate it was accepted without even a reference to a committee. Such may be the course in this case should we prefer the House bill to that of the Senate, for the latter is far less clear and specific as to the very object we are seeking to secure.

Mr. DOUGHERTY. May I ask the gentleman a question?

Mr. COX, of North Carolina. Certainly.

Mr. DOUGHERTY. What is the evidence that the Dominion of Canada or the Government of Great Britain has violated this treaty?

Mr. COX, of North Carolina. It is not insisted that either are guilty of a technical violation of the treaty. We do insist that they have disregarded the comity of nations; that they have acted in an unneighborly and brutal manner toward our fishermen, and placed a narrow construction on the treaty.

Mr. DOUGHERTY. Then, if I understand the gentleman correctly, we propose to put a power in the hands of the President of the United States that he may violate the treaty.

Mr. COX, of North Carolina. Not by any means.

Mr. DOUGHERTY. As I understood when this treaty was made, it was made as has usually been the case when America was represented.

Mr. COX, of North Carolina. The treaty in regard to the fishery question, to which the gentleman doubtless refers, has been abrogated.

Mr. DOUGHERTY. The usual result of our treaties with foreign powers has been they get what they want and we get nothing.

Mr. COX, of North Carolina. As my friend's remarks imply, we have usually been on the losing side in our treaties with Great Britain on these fishery questions. Her diplomats are trained from their youth. That government relies, as nearly all monarchical governments must very greatly, on diplomacy, while we rely on the justice of our demands, and our isolation comparatively frees us from foreign complications.

Mr. DOUGHERTY. Why not have a new treaty?

Mr. COX, of North Carolina. That will doubtless eventually follow, and be framed in accordance with right and justice, when Great Britain shall discover we are determined to resist every encroachment on our rights, and submit alone to what may be recognized as right by all.

In conclusion, Mr. Speaker, in reply to the boasted importance of the Canadian fisheries, on which my friend from Massachusetts [Mr. RICE] in his remarks was pleased to dwell, I will remind him that their importance is nothing like as great as it was a half century ago. They are not the peculiar nursery for our Navy, and, indeed, it is seriously questioned whether services on these fishing smacks do not disqualify men for the higher duties of seamen. We all sympathize with these fishermen in their hardships, and admire their daring recklessness. "Poor Jack" ever awakens our sympathy and interest, but he is not always found to be a New England fisherman.

These New England fishermen are frequently composed of Norwegians, Scandinavians, and Canadians, who seek temporary employment at the hands of our merchants by reason of the better wages they pay. Again, our fishing interests in recent years have been greatly extended in the Atlantic, Pacific, and on the Gulf coast, as the appended table will show. But whether few or many, the cause of New England in this contest is our cause. The cause of one of our people is the cause of all, it matters not from what section he may come. We have in various treaties paid handsomely for these New England fisheries, while they benefited a few Northeastern States. Yes, millions and millions of dollars have been thus paid out of the nation's Treasury. Of this we make no complaint; but it should not be insisted they have furnished all the sailors for our Navy and achieved all of our success upon the water. This, however, is beside the present question.

Grant to the President all proper assistance and authority, and he will see the keels of our vessels plowing the waves of every sea and our flag

proudly floating as the symbol of our free institutions wherever it may be carried. And in doing so it is a satisfaction to feel the money placed at his disposal will be honestly and judiciously applied.

*Statistics of the fisheries of the United States*—1880.

[From the official returns of the Tenth Census, 1880.]

| | No. of persons employed. | Capital invested. | Value of products. |
|---|---|---|---|
| New England States | 37,043 | $19,937,607 | $14,270,393 |
| Middle States, exclusive of Great Lakes | 14,981 | 4,426,078 | 8,676,579 |
| Southern Atlantic States | 52,418 | 8,951,722 | 9,602,737 |
| Gulf States | 5,131 | 545,584 | 1,227,544 |
| Pacific States and Territories | 16,803 | 2,748,383 | 7,484,750 |
| Great Lakes | 5,050 | 1,345,975 | 1,784,050 |

Mr. BELMONT. I yield five minutes to the gentleman from Texas [Mr. CRAIN].

Mr. CRAIN. It is perfectly apparent from the discussion of this measure that there is no political question in it. I accord to the friends of the Senate bill the same honesty of purpose and sincerity of intention which I claim for those who advocate the substitute; and for myself I have no hesitancy in saying that if the Senate bill was before this House as an original proposition I would vote for it freely and voluntarily. But by comparison with the substitute which is presented by the Committee on Foreign Affairs it is claimed by the advocates of that substitute that the points of difference in the two bills are measurably in favor of the substitute. What are the differences?

The Senate bill has in it this provision that whenever the President discovers that our vessels are denied the same rights which are accorded to the trading vessels of the most favored nation, then he shall have the powers and the rights which are accorded to him in the bill. I ask any gentleman on this floor, on either side of the House, on either side of this question, what are the rights and privileges that are accorded to the most favored nation? We do not propose to limit the rights to those which are accorded to the most favored nation. We know not what they are; we care not what they are. We say we demand the rights and privileges which are accorded to us by treaty and by the law of nations and that comity of treatment which is accorded to friendly and neighboring nations. This substitute strikes out the most favored nation clause, and, in that respect, is perhaps superior to the Senate bill.

It is claimed, however, that we violate Article XXIX of the treaty of 1871 by authorizing the President to prevent cars from going through the two countries with bonded goods. There is a provision in the substitute that that shall only be done on the proof that the same right is denied to American goods to pass through the Dominian of Canada. That provision is in the substitute; so that practically there is no difference in that respect, the only distinction being that the substitute is more specific than the Senate bill.

The Senate bill gives the President the power to forbid the entrance into this country of any produce of the Dominion of Canada, or any goods whether coming from the Dominion of Canada originally or from foreign nations. The substitute says "locomotive car or other vehicle," in order to make the language more specific.

But my friend from Massachusetts tells us that the Senate bill is all that the fishermen demand.

I am surprised to see a gentleman of his ability as a statesman take such a narrow-minded view of this question. It is not what the fishermen demand; they are not to be the judges of how the remedy shall be applied. This is a larger and a broader question than the mere rights of the fishermen. If you limit it to the demands of the fishermen, it simply means that Canadian fish shall not come into this country free of duty. That is practically what the Senate bill is intended to mean.

But, Mr. Speaker, we who are here to legislate for this country ought not to be controlled merely by what any particular class may believe to be their best interest. The honor of this country is involved. We not only protect the fishermen in this specific instance, but we give warning to the Kingdom of Great Britain that unless she prevents the Dominion of Canada from treating us brutally and in a hostile manner we will retaliate in such a way as to make the Dominion of Canada give us the same rights and the same privileges which we are willing to accord to that dominion.

[Here the hammer fell.]

Mr. BELMONT. I now yield five minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, I am going to vote for the bill reported by the Committee on Foreign Affairs of the House. I can not say that the policy outlined in either one of these measures meets the approval of my judgment. I believe with Mr. Jefferson that our policy toward foreign peoples ought to be a policy of peace, commerce, and honest friendship. But that has not been the policy hitherto adopted by our country. In a large measure we have adopted the policy of non-intercourse. It has been productive of trouble, difficulty, controversy, and we have had this fishery trouble on our northern border ever since we have had existence as a people.

The cause that has produced the anomalous condition of things which now involves the administration in difficulty lies deeper than any of these treaties of which we have heard so much here to-day. It was present in the treaty of 1783, a perplexing question in it. It was present in the negotiation of the treaty of Ghent in 1814, and had to be eliminated from that discussion before a conclusion could be had. It was present in the treaty of 1818, in the reciprocity treaty of 1854, in the treaty of Washington of 1871, and it is here to-day, and, like Banquo's ghost, refuses to down. What is it? It is the desire on the part of a certain portion of our people on the Atlantic coast in New England to derive profit from the fishing trade, on the one side, and the desire also on the part of our neighbors on the Atlantic coast in the Dominion of Canada to derive profit from the same source.

We have one advantage over our friends of the dominion; we have the market. We have sixty millions of consumers—not so many buying their fish, but we are a populous people all along the coast, and we deny our markets to the Canadians to sell their fish. That is our advantage. We put a high duty on fish; that excludes a great portion of their fish from our market; that is an unfriendly act. Their advantage is that they have got the location for catching the fish. We can not go and catch fish even in the deep sea off the Canadian coast without going into Canadian ports to buy bait.

Mr. RICE. Oh, yes; we can.

Mr. MILLS. Well, but you do not do it, and you are always in trouble about that. To-day you are demanding the privilege of going into Canadian ports to buy bait from the Canadians, which was positively refused in the negotiation of the treaty of 1818. You want to land your fish in the Canadian ports; you want to go into those ports to buy supplies, to send your letters home, and to enjoy such other conveniences as you ought to have from a friendly people.

Mr. MILLIKEN. The Canadians are as anxious to sell as we are to buy, so that will take care of itself.

Mr. MILLS. And if you will give them an open market the Canadians are ready to agree that you may catch all the fish there that you want.

Mr. MILLIKEN. Oh, of course they will agree to have free trade between the United States and Canada.

Mr. MILLS. Precisely. But, Mr. Speaker, I am done with that question.

Now, the present administration finds itself involved in this difficulty in consequence of the policy long pursued by our Government, and it is our duty, as we have adopted that policy in the past, to stand by the administration. I have said that I stand upon the platform of Mr. Jefferson, but I also stand upon the platform of Decatur: "My country; may she always be right, but, right or wrong, my country!"

Now, then, if we are going to carry out this non-intercourse policy we must make our language clear, specific, and definite as a direction to the administration, because it is a very difficult work that we are putting upon the Executive to carry out.

We must leave no place for doubt. We must say precisely what we mean, and then we must use the strongest instruments that we can command in order to push the measure of redress we have adopted to a successful termination. For that reason I would rather have the railroad clause than all the other provisions in the Senate and House bills together. And if it were left to me to-day to select the most potent instrumentality to bring the Canadian Government and people to realize the weakness of their position, I would take the railroad clause of the House bill alone. It has been objected to because it will bring great inconvenience and perhaps great loss to our railroad lines.

But we must remember that we can not make a war on our international commerce without incurring loss as well as inflicting it. As non-intercourse is the policy, let it be as complete as possible; let it be felt all along the line and by every industrial interest, and the sooner it will end. Non-intercourse is not a permanent policy; it is only a temporary policy, intended to produce a settlement of the contention between the two peoples, so that peace, commerce, and friendship may be secured. As it is to be a temporary measure, a harsh and hurtful measure, but a necessary measure, it is best for both that we make it as short as possible, and to do that we must lay the interdiction upon every vehicle of commerce, and especially upon the railroads.

Mr. BELMONT. Mr. Speaker, I now demand the previous question on the bill and the amendments reported by the committee.

Mr. RICE. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman will state it.

Mr. RICE. Does the motion of the gentleman from New York [Mr. BELMONT] for the previous question cover both the substitute and the Senate bill?

The SPEAKER *pro tempore*. It does.

Mr. RICE. Then the vote is first on the substitute proposed by the Committee on Foreign Affairs?

The SPEAKER *pro tempore*. It is.

Mr. RICE. And if that substitute is voted down, then the vote recurs

upon the Senate bill, and if the substitute is adopted, then the vote is upon the Senate bill as amended by the substitute.

The SPEAKER *pro tempore*. That is correct. The question now is on the motion of the gentleman from New York [Mr. BELMONT] to order the previous question upon the bill and the amendment reported from the Committee on Foreign Affairs.

Mr. DINGLEY. Mr. Speaker, I have offered an amendment, which is pending.

Mr. BELMONT. I desire to say, Mr. Speaker, that the amendment offered by the gentleman from Maine [Mr. DINGLEY] will be perfectly satisfactory and ought to be adopted as a section of the bill, and I am willing to accept it.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that a vote will have to be taken on the amendment offered by the gentleman from Maine [Mr. DINGLEY]. The gentleman from New York [Mr. BELMONT] can not accept it for the House.

Mr. BELMONT. Then let it be included in the motion for the previous question.

The previous question was ordered.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, announcing that the President had approved and signed bills of the following titles:

An act (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey;

An act (H. R. 3160) to amend section 533 of the Revised Statutes of the United States;

An act (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district;

An act (H. R. 4097) for the relief of William J. Owings;

An act (H. R. 9004) for the relief of Caroline P. Bolton;

An act (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain;

An act (H. R. 4028) granting a pension to Samuel Sawyer;

An act (H. R. 10103) granting a pension to Minerva Abbey;

An act (H. R. 9115) for the relief of Eugene E. McLean;

An act (H. R. 7507) for the relief of James M. Hagar;

An act (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885;

An act (H. R. 2176) for the relief of Alexander Goble;

An act (H. R. 914) for the relief of Mrs. Fanny S. Conway;

An act (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company;

An act (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa;

An act (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy;

An act (H. R. 2995) for the relief of Francis H. Shaw;

An act (H. R. 960) for the relief of J. R. McGoldrick;

An act (H. R. 3173) for the relief of Samuel H. Flemming;

An act (H. R. 3909) for the relief of Harry Fisk;

An act (H. R. 9183) for the relief of James R. Marrs;

An act (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom;

An act (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll;

An act (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll;

An act (H. R. 8847) for the relief of Phila Clark;

An act (H. R. 9250) for the relief of William B. Barnes;

An act (H. R. 325) granting a pension to Catharine Waters;

An act (H. R. 5398) granting a pension to Mrs. Margaret Cashin;

An act (H. R. 5506) granting a pension to Emily Louisa Spicer;

An act (H. R. 6026) granting a pension to John Selby;

An act (H. R. 6523) granting a pension to Henry Roscoe;

An act (H. R. 7335) granting a pension to Michael Todd;

An act (H. R. 7390) granting a pension to David B. Caldwell;

An act (H. R. 7547) granting a pension to Livingston Clark;

An act (H. R. 7689) granting a pension to Caroline C. McNair;

An act (H. R. 7716) granting a pension to Lizzie Brown;

An act (H. R. 7748) granting a pension to John H. Stucker;

An act (H. R. 7983) granting a pension to Mrs. Anna Schier;

An act (H. R. 8151) granting a pension to John P. McDonald;

An act (H. R. 8227) granting a pension to Seth Weldy;

An act (H. R. 8258) granting a pension to Waitie F. Harris;

An act (H. R. 8424) granting a pension to James H. Young;

An act (H. R. 8463) granting a pension to Elizabeth M. J. Meagher;

An act (H. R. 8601) granting a pension to James H. Butler;

An act (H. R. 9009) granting a pension to Mrs. Susan E. Barry;

An act (H. R. 9026) granting a pension to Nirius Cissell;

An act (H. R. 9130) granting a pension to Sarah O'Brien;

An act (H. R. 9157) granting a pension to Grant E. Q. Lathermon;

An act (H. R. 9247) granting a pension to Mary Grimes;

An act (H. R. 9426) granting a pension to Betsey Cooney;

An act (H. R. 9672) granting a pension to Clara M. Tannehill;

An act (H. R. 9862) granting a pension to Mary J. Magoon;

An act (H. R. 10025) granting a pension to Clementine Hartinger;

An act (H. R. 10104) granting a pension to Caroline L. Shedd;

An act (H. R. 10152) granting a pension to Ellen M. Sturtevant;

An act (H. R. 7732) for the relief of Franz Rossrucker;

An act (H. R. 8632) for the relief of Emily Luther;

An act (H. R. 6069) granting a pension to Owen P. Wilson;

An act (H. R. 7352) granting a pension to Mrs. Sarah Randles;

An act (H. R. 7699) granting a pension to E. A. McFadden;

An act (H. R. 7911) granting a pension to Daniel Schultheis;

An act (H. R. 8474) granting a pension to James McGlen;

An act (H. R. 8791) granting a pension to Sally W. Rice;

An act (H. R. 9443) granting a pension to Elizabeth M. King; and

An act (H. R. 9444) granting a pension to Frederick Richmond.

NON-INTERCOURSE WITH CANADA.

The SPEAKER *pro tempore*. The question is first on the amendment proposed by the gentleman from Maine [Mr. DINGLEY] to the substitute reported by the Committee on Foreign Affairs. The Clerk will report the amendment of the gentleman from Maine.

The Clerk read as follows:

Add as section 3 the following:

"That any vessel of foreign nationality or ownership, within the meaning of the term "vessel" as defined in section 3 of the Revised Statutes, found engaged in taking fish of any kind within 3 marine miles of any of the marine coasts, bays, creeks, or harbors of the United States, or within sea, lake, or river waters of the United States, shall be liable to seizure and forfeiture, and to proceedings to enforce said forfeiture; and any person employed on or with such vessel found taking fish of any kind in such waters shall be liable to a fine of $50 for every such offense; and said penalty shall be a lien upon the vessel in connection with which such person is employed, to recover which penalty such vessel shall be subject to libel: *Provided*, That this section shall not be construed to affect any right or liberty granted by treaty or reciprocal agreement, or to affect any exclusive rights of a State to regulate fisheries within State jurisdiction: *And provided further*, That the penalties and forfeitures herein described may be remitted or mitigated by the Secretary of the Treasury, when incurred without willful disregard of law, under such regulations and modes of ascertaining the facts as may seem to him advisable."

The amendment was agreed to.

The question then recurred on agreeing to the substitute as amended.

The question having been taken,

The SPEAKER *pro tempore* said: The noes seem to have it.

Mr. BELMONT. I call for a division.

Mr. RICE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 124, not voting 57; as follows:

YEAS—137.

| | | | |
|---|---|---|---|
| Adams, J. J. | Davidson, R. H. M. | King, | Robertson, |
| Allen, J. M. | Dawson, | Kleiner, | Rogers, |
| Ballentine, | Dibble, | Laffoon, | Rusk, |
| Barbour, | Dockery, | Landes, | Sayers, |
| Barksdale, | Dougherty, | Lanham, | Scott, |
| Barnes, | Dunn, | Lawler, | Seymour, |
| Barry, | Eden, | Le Fevre, | Shaw, |
| Belmont, | Ermentrout, | Lovering, | Singleton, |
| Bennett, | Findlay, | Martin, | Snyder, |
| Blanchard, | Fisher, | Matson, | Sowden, |
| Bland, | Foran, | Maybury, | Spriggs, |
| Bliss, | Forney, | McCreary, | Springer, |
| Blount, | Gay, | McMillin, | Stahlnecker, |
| Boyle, | Geddes, | McRae, | Storm, |
| Bragg, | Gibson, C. H. | Merriman, | Swope, |
| Breckinridge, C. R. | Glass, | Miller, | Tarsney, |
| Breckinridge, WCP | Green, | Mills, | Taulbee, |
| Bynum, | Hall, | Mitchell, | Taylor, J. M. |
| Cabell, | Halsell, | Morgan, | Tillman, |
| Campbell, J. M. | Hammond, | Morrison, | Townshend, |
| Campbell, J. E. | Harris, | Muller, | Tucker, |
| Carleton, | Hatch, | Murphy, | Turner, |
| Catchings, | Heard, | Neal, | Van Eaton, |
| Clements, | Hemphill, | Neece, | Ward, T. B. |
| Cobb, | Henderson, J. S. | Norwood, | Warner, A. J. |
| Compton, | Herbert, | Oates, | Warner, William |
| Comstock, | Hill, | O'Ferrall, | Weaver, J. B. |
| Cowles, | Holman, | O'Neill, J. J. | Wilkins, |
| Cox, W. R. | Howard, | Outhwaite, | Willis, |
| Crain, | Hudd, | Peel, | Wilson, |
| Crisp, | Hutton, | Perry, | Wise, |
| Culberson, | Irion, | Randall, | Worthington. |
| Daniel, | Johnston, T. D. | Reagan, | |
| Dargan, | Jones, J. H. | Richardson, | |
| Davidson, A. C. | Jones, J. T. | Riggs, | |

NAYS—124.

| | | | |
|---|---|---|---|
| Adams, G. E. | Burleigh, | Everhart, | Hale, |
| Allen, C. H. | Burrows, | Farquhar, | Hanback, |
| Anderson, J. A. | Butterworth, | Felton, | Harmer, |
| Atkinson, | Cannon, | Fleeger, | Hayden, |
| Baker, | Caswell, | Ford, | Haynes, |
| Bayne, | Conger, | Frederick, | Henderson, D. B. |
| Bound, | Cutcheon, | Fuller, | Henderson, T. J. |
| Brady, | Davis, | Funston, | Hepburn, |
| Brown, C. E. | Dingley, | Gallinger, | Hermann, |
| Brown, W. W. | Dorsey, | Gilfillan, | Hiestand, |
| Brumm, | Dunham, | Goff, | Hires, |
| Buck, | Ely, | Grout, | Hiscock, |
| Bunnell, | Evans, | Guenther, | Hitt, |

| | | | |
|---|---|---|---|
| Holmes, | Markham, | Peters, | Struble, |
| Hopkins, | McComas, | Plumb, | Swinburne, |
| Houk, | McKenna, | Price, | Symes, |
| Jackson, | McKinley, | Rice, | Taylor, E. B. |
| James, | Millard, | Rockwell, | Taylor, I. H. |
| Johnson, F. A. | Moffatt, | Romeis, | Taylor, Zach. |
| Johnston, J. T. | Morrill, | Rowell, | Thomas, J. R. |
| Kelley, | Morrow, | Ryan, | Thomas, O. B. |
| Ketcham, | Negley, | Sawyer, | Thompson, |
| La Follette, | Nelson, | Scranton, | Wadsworth, |
| Laird, | O'Donnell, | Sessions, | Wait, |
| Lehlbach, | O'Hara, | Skinner, | Wakefield, |
| Libbey, | O'Neill, Charles | Smalls, | Weaver, A. J. |
| Lindsley, | Osborne, | Spooner, | Weber, |
| Little, | Owen, | Steele, | West, |
| Long, | Parker, | Stephenson, | White, A. C. |
| Louttit, | Payne, | Stewart, J. W. | White, Milo |
| Lyman, | Perkins, | Strait, | Whiting. |

NOT VOTING—57.

| | | | |
|---|---|---|---|
| Aiken, | Cox, S. S. | Payson, | Throckmorton, |
| Anderson, C. M. | Croxton, | Pettibone, | Trigg, |
| Bacon, | Curtin, | Phelps, | Viele, |
| Bingham, | Davenport, | Pidcock, | Van Schaick, |
| Boutelle, | Eldredge, | Pindar, | Wade, |
| Browne, T. M. | Ellsberry, | Ranney, | Wallace, |
| Buchanan, | Gibson, Eustace | Reed, | Ward, J. H. |
| Burnes, | Glover, | Reese, | Wellborn, |
| Caldwell, | Grosvenor, | Sadler, | Wheeler, |
| Campbell, Felix | Henley, | Seney, | Winans, |
| Campbell, T. J. | Lore, | Stewart, Charles | Wolford, |
| Candler, | Lowry, | St. Martin, | Woodburn. |
| Clardy, | Mahoney, | Stone, E. F. | |
| Collins, | McAdoo, | Stone, W. J., Ky. | |
| Cooper, | Milliken, | Stone, W. J., Mo. | |

So the substitute was agreed to.

During the roll-call,

On motion of Mr. BELMONT, by unanimous consent the reading of the names was dispensed with.

Mr. T. J. CAMPBELL said: Mr. Speaker, I am paired with the gentleman from Maine [Mr. BOUTELLE] on this vote; otherwise I would vote in the affirmative.

The following additional pairs were announced:

Until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. WELLBORN with Mr. BUCHANAN.

Mr. T. J. CAMPBELL with Mr. BOUTELLE.

Mr. CLARDY with Mr. COOPER.

Mr. ANDERSON, of Ohio, with Mr. GROSVENOR.

For this day:

Mr. GLOVER with Mr. PAYSON.

Mr. PIDCOCK with Mr. WADE.

Mr. O'NEILL, of Missouri, with Mr. BINGHAM.

Mr. SENEY with Mr. REED.

Mr. CALDWELL with Mr. PETTIBONE. Mr. CALDWELL would vote for the House substitute.

Mr. CANDLER with Mr. PHELPS.

The vote was then announced as above recorded.

The Senate bill as amended was ordered to a third reading, and it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. BELMONT demanded the previous question.

The previous question was ordered.

Mr. HITT demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 256, nay 1, not voting 61; as follows:

YEAS—256.

| | | | |
|---|---|---|---|
| Adams, G. E. | Butterworth, | Eden, | Hayden, |
| Adams, J. J. | Bynum, | Ely, | Haynes, |
| Allen, C. H. | Cabell, | Ermentrout, | Heard, |
| Allen, J. M. | Campbell, J. M. | Evans, | Hemphill, |
| Anderson, J. A. | Campbell, J. E. | Everhart, | Henderson, D. B. |
| Atkinson, | Cannon, | Farquhar, | Henderson, J. S. |
| Bacon, | Carleton, | Felton, | Henderson, T. J. |
| Baker, | Caswell, | Findlay, | Herbert, |
| Ballentine, | Catchings, | Fisher, | Hermann, |
| Barksdale, | Clements, | Fleeger, | Hill, |
| Barnes, | Cobb, | Foran, | Hires, |
| Barry, | Compton, | Ford, | Hiscock, |
| Bayne, | Comstock, | Forney, | Hitt, |
| Belmont, | Conger, | Frederick, | Holman, |
| Bennett, | Cowles, | Fuller, | Holmes, |
| Blanchard, | Cox, W. R. | Funston, | Hopkins, |
| Bland, | Crain, | Gallinger, | Houk, |
| Bliss, | Crisp, | Gay, | Howard, |
| Blount, | Culberson, | Geddes, | Hudd, |
| Bound, | Curtin, | Gibson, C. H. | Hutton, |
| Boyle, | Cutcheon, | Gilfillan, | Irion, |
| Brady, | Daniel, | Glass, | Jackson, |
| Bragg, | Dargan, | Goff, | Johnson, F. A. |
| Breckinridge, C. R. | Davidson, A. C. | Green, | Johnston, J. T. |
| Breckinridge, WCP | Davidson, R. H. M. | Grout, | Johnston, T. D. |
| Brown, C. E. | Davis, | Guenther, | Jones, J. H. |
| Brown, W. W. | Dawson, | Hall, | Jones, J. T. |
| Brumm, | Dibble, | Halsell, | Kelley, |
| Buck, | Dingley, | Hammond, | King, |
| Bunnell, | Dockery, | Hanback, | Kleiner, |
| Burleigh, | Dorsey, | Harmer, | La Follette, |
| Burnes, | Dunham, | Harris, | Laird, |
| Burrows, | Dunn, | Hatch, | Landes, |
| Lanham, | Neal, | Rusk, | Taylor, I. H. |
| Lawler, | Negley, | Ryan, | Taylor, J. M. |
| Le Fevre, | Nelson, | Sayers, | Taylor, Zach. |
| Lehlbach, | Norwood, | Scott, | Thomas, J. R. |
| Libbey, | Oates, | Scranton, | Thomas, O. B. |
| Lindsley, | O'Donnell, | Sessions, | Thompson, |
| Little, | O'Ferrall, | Seymour, | Tillman, |
| Long, | O'Hara, | Shaw, | Townshend, |
| Louttit, | O'Neill, Charles | Singleton, | Tucker, |
| Lovering, | O'Neill, J. J. | Skinner, | Turner, |
| Lyman, | Osborne, | Smalls, | Van Eaton, |
| Martin, | Outhwaite, | Snyder, | Van Schaick, |
| Maybury, | Owen, | Sowden, | Wadsworth, |
| McAdoo, | Parker, | Spooner, | Wait, |
| McComas, | Payne, | Spriggs, | Wakefield, |
| McCreary, | Peel, | Springer, | Ward, T. B. |
| McKenna, | Perkins, | Stahlnecker, | Warner, A. J. |
| McKinley, | Perry, | Steele, | Warner, William |
| McMillin, | Peters, | Stephenson, | Weaver, A. J. |
| McRae, | Pettibone, | Stewart, Charles | Weaver, J. B. |
| Millard, | Plumb, | Stewart, J. W. | Weber, |
| Miller, | Price, | Stone, E. F. | West, |
| Milliken, | Randall, | Storm, | White, A. C. |
| Mills, | Reagan, | Strait, | White, Milo |
| Moffatt, | Rice, | Struble, | Whiting, |
| Morgan, | Richardson, | Swinburne, | Wilkins, |
| Morrill, | Robertson, | Swope, | Willis, |
| Morrison, | Rockwell, | Symes, | Wilson, |
| Morrow, | Rogers, | Tarsney, | Wise, |
| Muller, | Romeis, | Taulbee, | Woodburn, |
| Murphy, | Rowell, | Taylor, E. B. | Worthington. |

NAY—1.

Dougherty.

NOT VOTING—61.

| | | | |
|---|---|---|---|
| Aiken, | Davenport, | Markham, | St. Martin, |
| Anderson, C. M. | Eldredge, | Matson, | Stone, W. J., Ky. |
| Barbour, | Ellsberry, | Merriman, | Stone, W. J., Mo. |
| Bingham, | Gibson, Eustace | Mitchell, | Throckmorton, |
| Boutelle, | Glover, | Neece, | Trigg, |
| Browne, T. M. | Grosvenor, | Payson, | Viele, |
| Buchanan, | Hale, | Phelps, | Wade, |
| Caldwell, | Henley, | Pidcock, | Wallace, |
| Campbell, Felix | Hepburn, | Pindar, | Ward, J. H. |
| Campbell, T. J. | Hiestand, | Ranney, | Wellborn, |
| Candler, | James, | Reed, | Wheeler, |
| Clardy, | Ketcham, | Reese, | Winans, |
| Collins, | Laffoon, | Riggs, | Wolford. |
| Cooper, | Lore, | Sadler, | |
| Cox, S. S. | Lowry, | Sawyer, | |
| Croxton, | Mahoney, | Seney, | |

So the bill as amended was passed.

On motion of Mr. BLOUNT, by unanimous consent the reading of the names was dispensed with.

The following additional pair was announced:

Mr. TIMOTHY J. CAMPBELL with Mr. BOUTELLE.

Mr. MCADOO. I wish to state that the gentleman from Massachusetts [Mr. COLLINS] has been unavoidably called away from the House. If present, he would vote in the affirmative.

The result of the vote was then announced as above recorded.

Mr. BELMONT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BELMONT. I have been requested by several members to ask that they have leave to print remarks in the RECORD on this subject.

Mr. STEELE. I object.

### DEATH OF HON. WILLIAM H. COLE.

Mr. COMPTON. Mr. Speaker, I desire to submit a resolution in the nature of a privileged matter, and ask its present consideration.

The resolution was read, as follows:

*Resolved*, That Saturday, February 26, 1887, the House take a recess at 5 o'clock p. m. to 7.30 p. m., the evening session to be devoted to the consideration of resolutions relating to Hon. WILLIAM H. COLE, deceased, late a Representative from the State of Maryland.

The resolution was agreed to.

### MACKEREL CAUGHT IN SPAWNING SEASONS.

Mr. BRECKINRIDGE, of Arkansas. I wish to submit a privileged report. I am directed by the Committee on Ways and Means to submit the report I send to the desk.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses, on the bill (H. R. 5538) entitled "An act relating to the importing and landing of mackerel caught during the spawning season," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

C. R. BRECKINRIDGE,
T. B. REED,
*Managers on the part of the House.*

THOS. W. PALMER,
GEORGE GRAY,
EUGENE HALE,
*Managers on the part of the Senate.*

Mr. BRECKINRIDGE, of Arkansas. I move the adoption of the conference report.

The report of the committee of conference was agreed to.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by

which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT. I now demand the regular order.

The SPEAKER *pro tempore*. The regular order is the morning hour for the call of committees.

Mr. BLOUNT. I move to dispense with the morning hour for the call of committees.

Mr. WEAVER, of Nebraska. I move to so amend that motion that parties having reports to make may be permitted to hand them in at the Clerk's desk.

Mr. BLOUNT. I have no objection to that modification.

Mr. STEELE. That was granted this morning.

The SPEAKER *pro tempore*. Not this morning.

Mr. STEELE. General consent was given, as I understood, to file reports.

The SPEAKER *pro tempore*. That was consent given for the introduction of bills and resolutions for reference, but not for reports from the committees.

Mr. BLOUNT. I ask unanimous consent to dispense with the morning hour, with the privilege extended to members of handing in their reports at the Clerk's desk.

Mr. RANDALL. Handed in under the rules?

Mr. BLOUNT. Of course.

There was no objection, and it was so ordered.

L. R. BARKER.

Mr. RIGGS introduced a bill (H. R. 11227) granting a pension to L. R. Barker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF DIRECTOR OF THE MINT.

Mr. BARKSDALE submitted the following resolution; which was referred to the Committee on Printing:

*Be it resolved by the House of Representatives (the Senate concurring)*, That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1886 be printed, 4,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

STATE NATIONAL BANK OF LOUISIANA.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with amendments the bill (S. 710) for the relief of the State National Bank of Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT MILWAUKEE.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back the bill (S. 3001) for the erection of a public building at Milwaukee, Wis.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARKET VALUE OF PROPERTY IN CHICAGO.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported back with amendment the bill (H. R. 10771) to amend an act to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property, approved May 27, 1886; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COURT-HOUSE AND POST-OFFICE AT OMAHA, NEBR.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported the bill (S. 3254) for the improvement and enlargement of the public building at Omaha, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MODERN GUNS FOR THE NAVY.

Mr. BRAGG, from the Committee on Military Affairs, reported, as a substitute for H. R. 11026, a bill (H. R. 11228) to provide for the manufacture of first-class modern guns for the Navy and seacoast and other defenses; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 11026 was laid on the table.

ORANGE CULTURE.

Mr. BARKSDALE, from the Committee on Printing, reported back joint resolution (H. Res. 257) to print a revised edition of the report of the Agricultural Department on insects affecting the orange culture; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REANEY, SON, AND ARCHIBALD.

Mr. KLEINER, from the Committee on War Claims, reported, as a substitute for H. R. 10342, a bill (H. R. 11229) for the relief of Reaney, Son, and Archibald; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 10342 was laid on the table.

DR. MARY E. WALKER.

Mr. KLEINER, from the Committee on War Claims, also reported, as a substitute for H. R. 5086, a bill (H. R. 11230) for the relief of Dr. Mary E. Walker; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5086 was laid on the table.

FIDUS LIVERMORE, DECEASED.

Mr. LYMAN, from the Committee on War Claims, reported back favorably the bill (H. R. 4549) for the relief of the legal heirs of Fidus Livermore, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to beprinted.

CYRENUS BEERS.

Mr. LA FOLLETE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 4300) for the relief of Cyrenus Beers and also the personal representatives of Vail and Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. J. COWLES.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (H. R. 9260) for the relief of C. J. Cowles; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER AT GRAND TOWER, ILL.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with amendment the bill (H. R. 10649) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WESTERN JUDICIAL DISTRICT OF LOUISIANA.

Mr. ROGERS, from the Committee on the Judiciary, reported, as a substitute for H. R. 10116, a bill (H. R. 11231) to subdivide the western judicial district of Louisiana; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 10116 was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. SPRIGGS, the Committee on Accounts was discharged from the further consideration of the following petitions; and they were referred to the Committee on Appropriations:

A petition for the relief of J. Walter Blanford; and

A petition for the relief of Henry Neal.

On motion of Mr. SPRIGGS, the Committee on Accounts was discharged from the further consideration of a resolution to pay B. C. Kuehling for services as locksmith; and the same was referred to the Committee on Appropriations.

MINOR CHILDREN OF LIEUT. GEORGE R. M'GUIRE.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9979) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. DAVIDSON.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2084) granting a pension to John W. Davidson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELVIRA COOPER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10174) for the relief of Elvira Cooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. A. WILLIAMS.

Mr. McKENNA, from the Committee on Claims, reported back the bill (H. R. 10674) for the relief of C. A. Williams and others, owners of the schooner Era; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD T. BRYAN.

Mr. McKENNA, from the Committee on Claims, also reported back the bill (H. R. 7594) for the relief of Richard T. Bryan; which was re-

ferred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON TERRITORY.

Mr. HILL, from the Committee on the Territories, reported, as a substitute for H. R. 9087, a bill (H. R. 11233) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 9087 was laid on the table.

DEARBORN PARK, CHICAGO.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (S. 925) to grant Dearborn Park, in the city of Chicago, to said city for the use and benefit of public and benevolent institutions; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RALPH T. MOSES.

Mr. HOLMES submitted a resolution to pay Ralph T. Moses, an employé of the House, for services as assistant in the seal room of the House of Representatives from December 6, 1886, until February 6, 1887; which was referred to the Committee on Accounts.

JOHN PRATER.

Mr. STEWART, of Texas, submitted a resolution for the relief of John Prater; which was referred to the Committee on Accounts.

ORDER OF BUSINESS.

Mr. BLOUNT. I now move that the House resolve itself into Committee of the Whole for the further consideration of the Senate amendments to the Post-Office appropriation bill.

Mr. HILL. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HILL. I want to raise the question of consideration on the motion of the gentleman from Georgia. My purpose is to take up the bill providing for the admission of Dakota into the Union. I make the point of order against his motion.

Mr. RANDALL. There is no point of order against the motion of the gentleman from Georgia.

The SPEAKER *pro tempore*. And the gentleman can not raise the question of consideration. It is not in order at this time. The only way to reach the object the gentleman has in view is for the House to vote down the motion submitted by the gentleman from Georgia.

BRANCH HOME FOR DISABLED VOLUNTEERS.

Mr. BRAGG. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. BRAGG. For the purpose of having the Chair recognize me when I call "Mr. Speaker." [Laughter.]

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Wisconsin that unless the gentleman has a privileged motion to submit the Chair can not recognize him.

Mr. BRAGG. When there is a pending motion I have very frequently noticed that the Chair recognized gentlemen when they addressed the Chair respectfully. Now I desire to ask the gentleman from Georgia, pending his motion, to yield to me for the purpose of asking the House to non-concur in the Senate amendments to a bill in order that there may be a conference, as a conferee appointed by the Senate is now absent but will be here to-morrow morning to attend to this business.

Mr. BLOUNT. I will yield for that purpose.

Mr. BRAGG. I am directed by the Committee on Military Affairs to move that the House non-concur in the Senate amendments and agree to the request for a conference asked by that body.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 2075) to provide for the erection and location of a branch home for disabled volunteer soldiers west of the Rocky Mountains.

The motion of Mr. BRAGG was agreed to.

Mr. BRAGG moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Georgia (Mr. BLOUNT) that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

The question being taken, there were—ayes 121, noes 93.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888; with amendments by the Senate.

The CHAIRMAN. The gentleman from Michigan is entitled to the floor.

Mr. BURROWS. How much time have I remaining?

Mr. BLOUNT. Will the gentleman from Michigan allow me a moment to say that I hope to have a vote on this amendment this evening?

The CHAIRMAN. The gentleman from Michigan has occupied twenty-one minutes of his time exclusive of the four minutes yielded to him by unanimous consent. If those four minutes are included in the hour, he has occupied twenty-five minutes.

Mr. BURROWS. If they are not included in the hour I have thirty-nine minutes left?

The CHAIRMAN. The Chair supposes so.

Mr. BLOUNT. The permission to the gentleman from Michigan to proceed a few minutes longer yesterday grew out of the fact that we had reached 3 o'clock, when the House was to pass to another order, and the gentleman asked unanimous consent to be allowed to proceed. I do not understand that in granting that permission it was the purpose to rearrange the time for general debate on this bill.

Mr. BURROWS. My friend, I hope, does not struggle for four minutes?

Mr. BLOUNT. I struggle for what is right. The gentleman from Michigan struggled here yesterday for perhaps twenty minutes to speak on the merits of the bill in a debate on the limitation of time. He has used more than his time, and I simply want to get along with this bill; and I think the gentleman from Michigan, instead of rebuking me, ought perhaps to say to himself, "I will not struggle to get four minutes more time than I ought to have."

Mr. BURROWS. When the hour had arrived for the consideration of the special order I had occupied but twenty-one minutes. My friend on my left, the gentleman from New Hampshire [Mr. GALLINGER], who had charge of the special order, said he would yield for a few moments, and I occupied four minutes beyond 3 o'clock. I hope that will not be taken out of the hour allowed this side for debate. I am content with the statement of the Chair that I have thirty-nine minutes remaining. I yield five minutes to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD withholds his remarks for revision. [See Appendix.]

Mr. MARTIN. Mr. Chairman, I agree with the gentleman from Michigan [Mr. BURROWS] that this "is a great national question;" that "it is not a party question;" that "it belongs to no party and to no section, but to all parties and to our whole country." I am not alarmed, sir, by the assertion that it would be voting a subsidy to concur in the Senate amendment. My colleague in the Senate, General MORGAN, has shown upon the discussion of this same amendment in that body that there is no subsidy in authorizing the expenditure of the amount named by the Postmaster-General as therein proposed. He very properly declares:

A subsidy means that you will give to a particular enterprise, or a particular person, or corporation, a monopoly, an advantage, in doing a certain thing. When you appropriate money at large for the good of the mail service, whether it is foreign or domestic, if it turns out that some men are better prepared to carry the mails than others, the idea of subsidy is not involved in any such appropriation as that by any means.

A careful and fair consideration of this amendment, Mr. Chairman, will remove any objections which at first sight appear tenable, but which are wholly unwarranted, in my judgment, by any of its provisions, or by anything which is likely to grow out of it.

We must have mail facilities with a country before we can have any commercial intercourse with it, and the greater our facilities for the former the more speedily will follow the latter. Think of the immense trade there is for some country with Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay. Our share of it heretofore has been merely nominal. The gentleman from Michigan [Mr. BURROWS], in his remarks yesterday, very clearly showed how all that immense wealth of trade was being taken from us by countries which ought not to have had it in preference to ourselves.

Mr. OATES. If my colleague will permit me to interrupt him, I would like to ask what meaning he attaches to the provision that the ships shall be American built and of American register?

Mr. MARTIN. I will answer my colleague by saying, very plainly and distinctly, that I am in favor of having every American ship built by Americans on American soil. [Applause.]

Our communication with those regions has been so limited in all respects as to amount almost to nothing. The proposition of the amendment is to secure greater frequency and regularity in dispatch, and a greater speed in the carriage of mails in the countries I have named, to be secured by contract for not less than five years, and for a limited sum; but every contract to be subject to modification and annulment by act of Congress. The appropriation, sir, I consider liberal for experiment and so judiciously guarded that the Government may not be imposed upon or defrauded.

In the limited time allotted me I can do no more than briefly array the considerations which impel me to vote for the amendment.

Proceeding from the standpoint already reached—that of finding no subsidy involved in the proposed appropriation, while the safeguards for the expenditure of the money are ample—I find, at the outset, the Postmaster-General advocating such a measure in language of no uncertain meaning. True it is that certain persons deny it, and for that reason I will ask the Clerk to read the following extract from his official report:

The Clerk read as follows:

In the appended report of the foreign mails office a particular statement is given of the quantities of mail matter transported by, and of the payments and rates to, each of the various companies which participated in this service, with much other interesting matter.

Petitions, numerously signed by well-known and enterprising merchants and manufacturers of New York, Philadelphia, Baltimore, New Orleans, Saint Paul, Minneapolis, and other places, have been presented to the Department for the establishment of direct and regular mail communication with the Argentine Republic, the Republics of Uruguay and Paraguay, and for a semi-monthly service to the Empire of Brazil. These petitions represent that within a few years past the Argentine Republic has increased in population and wealth with greater proportionable rapidity than any other country on the globe; that our manufactures, particularly machinery and coarse cottons, are in demand there, but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines; that our direct monthly mail service to Brazil has increased our exports of manufactures to that empire; and it may be confidently expected further advantageous results would follow the solicited enlargement of mail communication.

No authority of law exists of which the Department can avail itself to meet this request. The statutes now give power to employ only such vessels as may be intending voyages to foreign ports in the course of their trade. It has been a constant study to secure by such means the greatest possible frequency and celerity of dispatch, and every opportunity afforded by the sailing of any vessel promising any such advantage has been promptly seized, so that, at the present time, the Department enjoys the best methods for the transportation of its mails to foreign ports which the existing establishments of lines of ships or the occasional sailings of vessels foreign-bound render possible. No gain in regularity, frequency, security, or speed can be attained unless other ships shall be put upon the seas by private adventure or by foreign powers, or other provision shall be made by the Congress.

The particular application of these petitioners appears to me to be entitled to serious consideration. There is now direct mail communication between this country and no port south of Rio de Janeiro. To the latter the ships of the United States and Brazil Mail Steamship Company afford but one dispatch a month. To more northern ports of the Brazilian Empire somewhat greater frequency is attained by the occasional use of other vessels; but the sailings of these are not regular, and the gain by their employment is but moderate. It is not to be doubted that the extension of direct service to the southern republics of the continent, and regular semi-monthly service to the Brazilian metropolis, would be valuable and desirable, measured by the principles which should alone govern sound postal administration. The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress at the last session. The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have multiplied its cost, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers.

This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner. The requisite expenditure would be for something worthy of expenditure, and within the general usage and the sound principles of the postal service. It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce. Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns, but undeniably to the great increase of the country's general welfare; and whenever the substantial need of intercourse by the mails arises provision for such communication is promptly made.

These considerations suggest inquiry whether there be the need of such mail communication with the mentioned countries of the southern continent, whether that need be worthy of special effort to meet it, and whether it can be supplied at a cost justifiably adequate to the present and prospective value of the proposed intercourse. The determination of these inquiries rests with the Congress, and the Department is privileged, and by its information able only to express the general opinion that such service would be highly useful and is fairly demanded by the interests of the country, and its early establishment should be attempted; and I respectfully suggest that you invite the attention of that body to the subject in such terms as shall commend it to careful consideration. Should the recommendation meet with favor in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view, their lack of manufacturing establishments of their own, the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens as well as of creating firmer ties between the peoples of our continent, invite the extension and enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

No doubt can be felt of the correctness of my interpretation of this language in the light of what the President has said upon this subject. I will ask the Clerk to read it.

The Clerk read as follows:

Petitions have, however, been presented to the Department by numerous merchants and manufacturers for the establishment of a direct service to the Argentine Republic and for semi-monthly dispatches to the Empire of Brazil; and the subject is commended to your consideration. It is an obvious duty to provide the means of postal communication which our commerce requires, and, with prudent forecast of results, the wise extension of it may lead to stimulating intercourse and become the harbinger of a profitable traffic, which will open new avenues for the disposition of the products of our industry. The circumstances of the countries at the far south of our continent are such as to invite our enterprise and afford the promise of sufficient advantages to justify an unusual effort to bring about the close relations which greater freedom of communication would tend to establish.

Such was the language employed by our Democratic President in his message last December, supplementing the recommendation of the Postmaster-General.

The amendment under consideration being commensurate, as I believe, with the end proposed, I might content myself and say no more.

But there are other considerations, equally potential, which appeal to me most earnestly as a Southern man.

I find what I would say so forcibly expressed by the Senator from Louisiana [Mr. EUSTIS] in the debate on this amendment in the Senate, that I will use it. In referring to the proper construction to be put upon the recommendation of the Postmaster-General, and in explanation of his change of opinion upon the subject since last session, he said:

There can be no question whatever, I take it, that if we can understand the English language, that if we can understand arguments which are presented, that if we can understand what an individual intends when he follows a certain process of reasoning in order to make certain recommendations, and where that officer is a Cabinet officer, I say there can be no question whatever but what this amendment reported by this committee is responsive to the recommendations made by the Postmaster-General now in office. It is yielding to the demand which has been made, yielding to the pressure which has been brought upon this administration, recognizing the fact which has been heretofore denied that we must find some outlet for our increasing production, and that the great outlet which is open to us and which we can secure beyond peradventure is with the South American states.

In this connection let us recall the fact that "to-day we are the largest manufacturing country in the world. We manufacture almost as much as England and France combined, as the statistics show; and yet we do not export 3 per cent. of our manufactured goods."

This good day and hour is the witness of such an increase in manufacture and yield of field and mine in the South that in a very few years' time, if we find a market for our wares, that favored section of this great country will rise to a perfect equality with the North in wealth, in enterprise, and in productions of every description.

South America must be to the South what China is to France and what East India is to Great Britain, but with this important difference, namely: South America will seek our markets without compulsion, and will enrich us while developing her own wonderful resources. My highest ambition for the South is such a changed condition of affairs with her that it would seem, when realized, as if we had added another great and rich territory to our own. But this can not be unless we utilize the necessary means, now within easy reach of us. Nor do I believe that the present industries of the South will continue developing unless we can and do open up other markets for our products.

We need not hope to supplant the manufacturing enterprises of the North, for with great wealth to back them, and with skilled labor yielding its fruits upon the most economical basis, we have need to avoid rather than to seek such dangerous competition. Let us indulge the more rational desire of pouring the rich productions of the South into the markets of Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, now so ready for it; for such a hope is rational, and its realization would be easy.

But to return from such an inviting field of thought to the coldest matter of fact, I will ask the Clerk to read the amendment which we are now discussing.

For transportation of foreign mails, $450,000.

(4) For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American republics, $500,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress. One of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River.

It will be observed that the expenditure of this sum is not compulsory; it is merely the setting apart of so much money, which may be used for the purposes designated. But it can only be used in a certain way—after the contract has been made by the Postmaster-General, and for not exceeding a certain sum of money. He is to invite proposals by advertisement, and is bound to secure performance of the service for the minimum sum, bid by a responsible bidder. The Postmaster-General may exercise his discretion and refuse such contract to all bidders, may decline to advertise for them at all, as he did on a former occasion, when the expenditure of the sum of $400,000 was left with him, and he deemed it inexpedient to do so.

Nor is this all; for if that officer make a contract deemed unwise, or otherwise objectionable, the Congress may either modify or annul it. A more unobjectionable measure could scarcely be conceived of; if we are willing to do anything to increase our postal facilities with the countries named; and the provision that "one of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River," commends the measure to me with peculiar force, since it is not left discretionary with the Postmaster-General, but is a compulsory requirement if any such lines should be established by him.

Mr. BURROWS. I yield five minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, I am very much obliged to the gentleman from Michigan [Mr. BURROWS] for giving me an opportunity to declare myself in favor of this amendment, though in the brief time allowed me I can not give my reasons fully. What the people of this country need is a market for their surplus productions. These South American countries having affinity naturally with ourselves, and being republican in their forms of government, except the Empire of Brazil, which is ruled by a liberal-minded monarch and a representative assembly, we should have their trade, and when proper opportunity is offered it will gravitate to us.

In the figures presented by the gentleman from Michigan [Mr. BURROWS] and repeated by the gentleman from Louisiana [Mr. BLANCHARD] we see how small a percentage we have of the trade of that continent. It is the only part of the world where we can enlarge our trade and commerce, securing a market for the products of our people and fostering their energy, enterprise, and prosperity. I am in favor of giving the Postmaster-General this sum of money, with a discretion in its expenditure, so that the mails may be properly carried and at the same time our trade enlarged. I agree with the gentleman from Alabama [Mr. MARTIN], who has just taken his seat, that our commerce should be carried in American ships, built by Americans, manned by Americans, and sailing under our own flag. [Applause.]

More than that, I would have our commerce protected. Wherever the American sailing or steam vessel appears in any part of the world, carrying the American mariner and transacting the business of the American merchant, I would give such vessel the protection of the naval power, with a gunboat for every place it may go to. [Applause.]

Why, Mr. Chairman, a canal is being dug across the Isthmus of Darien. I am so much an American that I favor the connection of the two great divisions of this country, east and west. I would have the great empire west of the Rocky Mountains connected with the great empire of the East at the natural point of connection, by railroad or canal; and I would have such a work of communication under the flag of my country, and dominated by the Government of the United States. [Applause.] This is all I have to say. I will vote for the Senate amendment.

Mr. BURROWS. I yield three minutes to the gentleman from Louisiana [Mr. KING].

Mr. KING withholds his remarks for revision. [See Appendix.]

Mr. BURROWS. I reserve the residue of my time until I hear from those who are opposed to the motion to concur.

Mr. BLOUNT. Does the gentleman mean to say that he proposes to close the debate?

Mr. BURROWS. That was the intimation which I gave. [Laughter.]

Mr. BLOUNT. The gentleman should have some better foundation for his "intimations."

Mr. BURROWS. The Chair will understand that the Committee on the Post-Office and Post-Roads recommended non-concurrence in this amendment. On the amendment coming up for consideration I moved to concur, and on this motion took the floor. Hence, I hold the affirmative of the question; and I reserve the residue of my time.

Mr. BLOUNT. Mr. Chairman, we are in Committee of the Whole for general debate, for which two hours have been allowed. The gentleman from Michigan was recognized for one hour, and I shall occupy the concluding hour and close the debate, if the Chair sees fit to enforce that view of the rule.

Mr. BURROWS. Of course there will be no difficulty about it, but I certainly insist upon the right to close the argument upon this proposition, as it was upon my motion entirely that the debate was had. But if the Chair holds to the contrary, why of course we shall have to proceed now, though I submit it is contrary to all rules and contrary to all practice.

The CHAIRMAN. The Chair can not prescribe who shall speak, nor the time any gentleman shall occupy. When there is no further debate it is simply the duty of the Chair to submit the question to the House. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. But I do not understand the gentleman has yielded the floor.

The CHAIRMAN. The gentleman from Michigan stated that he reserved the remainder of his time. He has yielded the floor.

Mr. BLOUNT. I do not understand he has yielded the floor except temporarily.

The CHAIRMAN. His statement was that he would reserve the balance of his time.

Mr. BLOUNT. Well, we will take a part of ours now, and I yield to the gentleman from Missouri [Mr. DOCKERY] for ten minutes.

Mr. DOCKERY. Mr. Chairman, the subsidy clauses of the Post-Office appropriation bill of last session and the session previous involve substantially the same principles of public policy as the one now under consideration. Having discussed these at considerable length, it is not my purpose to do more than indicate the objections to this measure without attempting to analyze or elaborate the reasons upon which they are based. That the similarity between the different subsidy clauses may be clearly perceived, I will ask the Clerk to read the subsidy clause of the act of March 3, 1885, the subsidy clause of the Post-Office appropriation bill of 1886 and the amendment now under consideration.

The Clerk read as follows:

SUBSIDY CLAUSE OF ACT OF MARCH 3, 1885.

Office of Superintendent of Foreign Mails: For transportation of foreign mails, including transit across the Isthmus of Panama, $300,000; and the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

SUBSIDY CLAUSE OF POST-OFFICE APPROPRIATION BILL OF 1886.

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than three years nor more than five years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points, in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth. *And if he shall* be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

The Postmaster-General, if in his judgment it be practicable, shall contract for a semi-monthly mail service between the ports of New York and New Orleans, alternately, and the port of Rio de Janeiro, under the provisions of this act.

PRESENT AMENDMENT.

For the transportation of foreign mails by American-built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mail to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American republics, $500,000; and the Postmaster-General is authorized to make, after due advertisements for proposals, such contract or contracts with such American steamships for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress. One of the lines of the steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River.

Mr. DOCKERY. In order that the effect of the proposed amendment may be fully understood I will also ask the Clerk to read sections 4007, 4008, and 4009, of the Revised Statutes, constituting the law now in force with reference to the transportation of foreign mails.

The Clerk read as follows:

PRESENT LAW.

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing-vessels when the service can be facilitated thereby.

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage, on the mail so transported.

Mr. DOCKERY. Mr. Chairman, since the repeal of the compulsory act of March 25, 1864, American vessels have rested under no legal obligation to perform mail service, and as a result of this repeal they have declined to render such service, putting the Post-Office Department for a time to inconvenience by reason of this action. During the last fiscal year, however, finding themselves unable to coerce the Government and compel it to accede to their terms, they sullenly yielded further opposition, and have since been carrying the mails. As is well understood the compulsory law was repealed in the expectation that Congress would be compelled to award these ocean steamships subsidy compensation; but failing in their coercive policy they now present their third annual plea of lack of communicative facility and inadequate mail compensation, and thus seek to obtain an enormous bounty from the people. Their aggressive perseverance is worthy of a better cause.

I am aware, Mr. Chairman, that one of reasons assigned by the

some gentlemen in this debate for the presentation of the pending amendment is the assumption that the proposition is in harmony with the views of the Postmaster-General. A very eminent Senator in another body recently made the following declaration:

Mr. President, I accept the suggestion of the Senator from Kentucky, that I should make a statement of the reasons for the proposed amendment giving to the Postmaster-General half a million dollars for the purpose of establishing a certain postal service by sea.

The subject is not a new one in the Senate or in the country. It was discussed at some length at the last session of Congress. At that time the Post-Office Department was, or was supposed to be, against making any special provision for steamship service. This year, however, the Department is in favor of exactly what the amendment under consideration provides for. I could not, if I were to speak all day, add anything to what the Postmaster-General so distinctly, so ably, so exhaustively presents in his annual report.

No differences of political opinion could warrant the Senator in making this statement; for it seems to be a deliberate attempt to put an unfair construction upon the views so ably presented by the Postmaster-General. I will ask the Clerk to read that part of the report to which reference is made that the House and country may be able to determine whether the Senator's statement is warranted by the language of the Postmaster-General.

The Clerk read as follows:

In the appended report of the foreign mails office a particular statement is given of the quantities of mail matter transported by, and of the payments and rates to, each of the various companies which participated in this service, with much other interesting matter.

Petitions, numerously signed by well-known and enterprising merchants and manufacturers of New York, Philadelphia, Baltimore, New Orleans, Saint Paul, Minneapolis, and other places, have been presented to the Department for the establishment of direct and regular mail communication with the Argentine Republic, the Republics of Uruguay and Paraguay, and for a semi-monthly service to the Empire of Brazil. These petitions represent that within a few years past the Argentine Republic has increased in population and wealth with greater proportionable rapidity than any other country on the globe; that our manufactures, particularly machinery and coarse cottons, are in demand there, but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines; that our direct monthly mail service to Brazil has increased our exports of manufactures to that empire; and it may be confidently expected further advantageous results would follow the solicited enlargement of mail communication.

No authority of law exists of which the Department can avail itself to meet this request. The statutes now give power to employ only such vessels as may be intending voyages to foreign ports in the course of their trade. It has been a constant study to secure by such means the greatest possible frequency and celerity of dispatch, and every opportunity afforded by the sailing of any vessel promising any such advantage has been promptly seized, so that, at the present time, the Department enjoys the best methods for the transportation of its mails to foreign ports which the existing establishments of lines of ships or the occasional sailings of vessels foreign-bound render possible. No gain in regularity, frequency, security, or speed can be attained unless other ships shall be put upon the seas by private adventure or by foreign powers, or other provision shall be made by the Congress.

The particular application of these petitioners appears to me to be entitled to serious consideration. There is now direct mail communication between this country and no port south of Rio de Janeiro. To the latter the ships of the United States and Brazil Mail Steamship Company afford but one dispatch a month. To more northern ports of the Brazilian Empire somewhat greater frequency is attained by the occasional use of other vessels; but the sailings of these are not regular, and the gain by their employment is but moderate. It is not to be doubted that the extension of direct service to the southern republics of the continent, and regular semi-monthly service to the Brazilian metropolis, would be valuable and desirable, measured by the principles which should alone govern sound postal administration. The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress at the last session. The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have multiplied its cost, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers.

This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner. The requisite expenditure would be for something worthy of expenditure, and within the general usage and the sound principles of the postal service. It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce. Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns, but undeniably to the great increase of the country's general welfare; and whenever the substantial need of intercourse by the mails arises provision for such communication is promptly made.

These considerations suggest inquiry whether there be the need of such mail communication with the mentioned countries of the southern continent, whether that need be worthy of special effort to meet it, and whether it can be supplied at a cost justifiably adequate to the present and prospective value of the proposed intercourse. The determination of these inquiries rests with the Congress, and the Department is privileged, and by its information able, only to express the general opinion that such service would be highly useful and is fairly demanded by the interests of the country, and its early establishment should be attempted; and I respectfully suggest that you invite the attention of that body to the subject in such terms as shall commend it to careful consideration. Should the recommendation meet with favor in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view, their lack of manufacturing establishments of their own, the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens, as well as of creating firmer ties between the peoples of our continent, invite the extension and enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

Mr. DOCKERY. If anything more were required to establish the true intent and meaning of the Postmaster-General it can be found in the following letter, addressed to Hon. J. B. BECK, United States Senate:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
*Washington, D. C., February 7, 1887.*

MY DEAR SIR: I have the honor to hand you a memorandum of such suggestions in respect to the Senate amendment to the Post-Office appropriation bill as I have been able hurriedly to dictate in the course of the day.

A fair reading of my two reports, the one for 1885 and the other for 1886, will show, unless I am very greatly mistaken, that the only object or purpose in view, or suggested in the last report, was to obtain the carriage of the mails to the South American republics, with double service to Brazil, at such cheap and economical figures as would be necessary for the purpose; and that no idea of subsidy for the mere creation of a line of trade and travel was proposed. There are companies, nominally or actually of foreign organization, which I believe would compete for this service and furnish it at comparatively cheap figures. I believe, also, that if that competition were admitted an American company would secure the service instead of a foreign company, but at fair remuneration, and not as the recipient of a subsidy. I think there is good reason to expect this result, if the opportunity be afforded for it; and that an enlargement of our postal facilities may be secured with no vicious course of subsidy legislation to bring it about. It was in this belief that the suggestion in the last report of 1886 was made.

I can not anticipate what may be said, unfairly perhaps, in criticism of the report, or in support of the assertion that the suggestion for this new service is inconsistent with the position taken in the report of 1885. I think, at least, that I see the distinction; that the distinction itself is clear and substantial, and that the extension of the postal service may be secured usefully and desirably without the payment of a dollar of subsidy, but only by giving a fair remuneration for a very limited mail carriage at the beginning.

Thanking you, partly in advance, for the interest you have manifested in aid of the Department and for your valuable assistance in representing the Department in the Senate, I have the honor to be,

Very respectfully, your obedient servant,

WM. F. VILAS.

Hon. J. B. BECK, *United States Senate.*

If either the report or letter contain any utterance on the part of the Postmaster-General that would seem to indicate a change of views in relation to this question of subsidy I fail to recognize it. His position to-day is precisely that of one year ago; and "no vicious course of subsidy legislation" will receive the approval of either the President, the Postmaster-General, or this body.

FIRST PROPOSITION.

The first proposition in the amendment confines the transportation of foreign mails to "American built and registered steamships," and restricts the competition authorized to such as does or may exist between this class of vessels. There are now eighteen lines of American steamships that ply to the ports and countries affected by this bill; and only on one of these lines is there competition, the line from New York to Havana. It is well understood that this line has ceased to be of material benefit to the ocean mail service, as the mails from the United States to Cuba are now carried by the "fast mail" from New York to Tampa, and thence via Key West to Havana, thus dispensing with the service of the ocean line from New York to Cuba, and saving thereby forty-five hours' time in transit. There is no competition on the remaining sixteen lines, and the effect of this amendment is to give them the full amount of $1 per nautical mile on each outward trip.

Mr. MILLARD. May I ask the gentleman a question?

Mr. DOCKERY. Certainly.

Mr. MILLARD. I wish to ask simply whether this amendment does not permit the carrying of mails by lines to be contracted with by the Post-Office Department to the lowest bidder at a rate not to exceed $1 a mile?

Mr. DOCKERY. Why, certainly; but I assume that these American companies will receive the maximum rate authorized under this amendment, because since 1845, when the ocean service was first provided for——

Mr. MILLARD. I understand that.

Mr. DOCKERY. Similar results have without exception followed the establishment of a maximum rate.

Mr. MILLARD. Let me ask another question.

Mr. DOCKERY. Very well.

Mr. MILLARD. Will not this money be expended in establishing new lines or on existing lines, in the discretion of the Post-Office Department?

Mr. DOCKERY. The effect in my opinion will not be to create additional lines of ocean transportation, but to make monopolies of the lines already in existence.

Mr. PETERS. That is a difference of opinion.

Mr. DOCKERY. Certainly.

In this connection permit me to call the attention of the House to the fact that none of the great powers of the world are thus restrictive in the management of their ocean mail service. France last year subsidized her ocean lines to the amount of $5,152,388.98, Great Britain

extended aid to her ocean mail carriers in the sum of $3,206,766.67, and other countries also as shown by the following table:

| Countries. | Amount of subsidy per annum. | Countries. | Amount of subsidy per annum. |
|---|---|---|---|
| 1. Brazil | $2,223,958 10 | 6. Austria | $43,106 55 |
| 2. British India | 350,724 42 | 7. Denmark | 32,469 54 |
| 3. Japan | 241,250 00 | 8. Portugal | 23,964 61 |
| 4. Belgium | 134,793 32 | 9. Argentine Republic | 6,229 07 |
| 5. Netherlands | 101,975 60 | 10. Roumania | 984 87 |

England subsidizes liberally, yet there are no privileges accorded to vessels sailing under the British flag not enjoyed by the ships of every other nation. The mail service of Great Britain is awarded by open competition; and any company which has steamers having the requirements demanded by the post-office authorities may tender for this service. In France contracts for carrying mails by sea are let to the lowest responsible bidder. After a careful examination of the laws governing the ocean service of the other countries named in the above table I fail to find any such restriction as that which would hamper and hinder the transit of mails under this proposition. It has been the custom in the management of inland mail service to avail ourselves of all lines of railway and other methods of transportation so that the mails may be dispatched with frequency, regularity, and speed.

This has also been the practice of the Department in the dispatch of the ocean mails where the services of the swiftest ships on any or all lines are utilized. I do not wish to convey the idea by this statement that I prefer our mails to be carried in foreign vessels. On the contrary, I heartily favor such ocean carriage by our own lines of steamships. Congress has taken this view heretofore; and by the act 14th of June, 1858, gave preference to American lines, and that law to-day is upon our statute-books—foreign vessels receiving sea-postage only, while American vessels are allowed both sea and inland postage.

I can not too strongly express my desire to have the mail service restored to American vessels, but if it is to be accomplished by taxing the body of the people for the benefit of the few existing lines, then I prefer to await a more auspicious time for its restoration.

SECOND PROPOSITION.

The next proposition presented in this amendment expresses a desire to "secure greater frequency, regularity in dispatch, and greater speed in the carriage of foreign mails" to the countries named. The amendment, however, gives no assurance of "greater frequency," but on the contrary limits the service to one line. It makes no provision for increased sailings. There can be no greater regularity in the dispatch under the operations of this provision as no stipulation whatever is made for the carrying of the mails upon any fixed schedule time. There will be no greater speed because none is required. In the transportation of the foreign mails of Great Britain there is in all contracts an express provision by which greater frequency, regularity, and speed are secured; and all steamships failing to meet such requirements are subject to heavy fines and deductions from their mail compensation.

The seductive idea of competition suggested by the next clause of the amendment can deceive no one who has made an examination of this question. By its terms it limits the service to American steamships, thus denying to the Government the benefit that would be derived from a healthy competition with foreign vessels. The only competition therefore that would remain is that between American lines; but, as previously stated, this is impossible, as there are no lines to compete.

CONCLUDING PROPOSITION.

The concluding proposition of the amendment authorizes a rate of compensation not exceeding $1 per nautical mile for each outward trip on the eighteen lines that ply to the countries named. For the quarter ending December 31, 1886, they made collectively one hundred and thirty-two trips and a total sailing distance on their outward voyages of 179,421 nautical miles, receiving as compensation for the service rendered in the transportation of mails for the time stated $11,016.50.

At this rate the total number of miles traveled annually on outward voyages would be 717,684; and the corresponding compensation would be $44,066. This amendment proposes to give $1 per nautical mile, regardless of the amount of mail carried or the service rendered to the Government, and with no requirement to secure "greater frequency, regularity, and speed." To state the case plainly, the Government would be required to pay $717,684 for a service now rendered for $44,066 (provided it be extended to all the lines running to these countries), an increased cost of $673,618. If the service is confined to the amount named in this amendment it will necessarily deprive some of the eighteen lines of the benefits of the subsidy, and its extension will involve an increased cost of $455,934.

Mr. Chairman, view this proposition as you may in its relation to the postal service, the conclusion must be reached that so far as it affects this interest it is a hinderance rather than a benefit. It not only fails to secure "greater frequency, regularity, and speed" in the carriage of ocean mails, but, as I stated on a former occasion, "the proposed method of its execution virtually operates as a prohibition upon the first two, and wholly neglects to provide for the last except by way of commendation." If the object of the amendment be to aid in a restoration of the carrying trade of this country to American vessels, it seems to me that it will wholly fail of its purpose. To illustrate the correctness of this opinion, I have only to submit the following table showing the ocean mail service now rendered by fifteen foreign lines which ply between this country and European ports:

*Transatlantic lines.—Statement for fiscal year ended June 30, 1886.*

| Lines. | Number of trips. | Total number of nautical miles traveled on outward trips. | Actual earnings per mile. | Amount actually paid. | Amount that would have been paid if the steamers had been paid sea and inland postage. | Increase in cost over that actually paid. | Amount these steamers would have earned per mile if paid at sea and inland postage. |
|---|---|---|---|---|---|---|---|
| | | | Cents. | | | | |
| North German Lloyd | 78 | 248,976 | 48.5 | $110,824 35 | $348,412 48 | $237,588 13 | $1 39 |
| Cunard, from New York | 49 | 138,180 | 53.1 | 73,446 84 | 227,006 48 | 153,559 64 | 1 64 |
| White Star | 52 | 146,640 | 28.4 | 41,724 15 | 130,047 04 | 88,322 89 | 88 |
| Guion | 23 | 64,860 | 42.0 | 27,152 31 | 84,562 32 | 57,410 01 | 1 30 |
| Hamburg-American | 31 | 94,922 | 12.5 | 11,873 90 | 36,988 48 | 25,114 58 | 39 |
| Anchor | 52 | 152,152 | 6.2 | 9,385 86 | 29,178 96 | 19,793 10 | 19 |
| Inman | 28 | 78,960 | 11.3 | 8,962 19 | 27,854 16 | 18,891 97 | 35 |
| National Line | 2 | 5,640 | 39.0 | 2,254 74 | 7,196 00 | 4,941 26 | 1 27 |
| Cunard, from Boston | 34 | 91,222 | 0.2 | 203 45 | 650 32 | 446 87 | 00.7 |
| American Line, from Philadelphia | 10 | 29,250 | 1.4 | 421 05 | 510 56 | 89 51 | 01.7 |
| General transatlantic | 53 | 169,600 | 0.8 | 1,393 75 | 4,368 16 | 2,974 41 | 02.5 |
| Red Star | 51 | 175,644 | ..... | 18 93 | 43 28 | 24 35 | ..... |
| Netherlands Steam Navigation Company | 45 | ..... | ..... | 3 13 | 22 00 | 18 87 | ..... |
| Canadian Line | 52 | ..... | ..... | 256 11 | 779 20 | 523 09 | ..... |
| Thingvalla Line | 9 | ..... | ..... | 6 46 | 21 20 | 14 74 | ..... |
| Total | 569 | ..... | ..... | 287,927 26 | 897,640 84 | 609,713 58 | ..... |

DECLINE OF MERCHANT MARINE.

An examination of this table reveals the fact that with a compensation of sea-postage only, one of these lines, the Cunard, now receives from the Government on its outward voyage 53 cents per mile; the North German Lloyd, 48 cents per mile; the Guyon, 42 cents per mile, and the National, 39 cents per mile. If these were American lines and had transported the same amount of mail as that for the last fiscal year, and being entitled to sea and inland postage, they would have received respectively $1.64, $1.39, $1.30, and $1.27 per nautical mile, amounts greatly in excess of the compensation authorized by this amendment. Instead of receiving $287,927.26 they would be entitled to $897,640.84, an increased mail pay under existing laws of $609,713.58.

This is not all. In view of the terms of the law and the well-understood desire of the Postmaster-General to prefer American steamers, the mails would be "massed" and largely transported by American lines and the result would be an average compensation of $1.50 to $2 per nautical mile. If therefore liberal mail pay is to revive and restore our merchant marine, why is it that American lines are not now plying between this country and European ports? Why is it that with compensation largely in excess of that authorized by this subsidy and

with a commerce ample and sufficient to furnish full cargoes for every trip, American steamship companies fail to avail themselves of this seemingly inviting field for enterprise and remunerative investment? It can not be for lack of liberality on the part of our laws which fix the rate of compensation for the trans-Atlantic service, as it is conceded by all to be ample and adequate. It is therefore apparent, Mr. Chairman, that other causes are involved apart from the failure to subsidize that account for the absence of our flag from the great highways of ocean travel where once it responded to the breezes of every sea.

Mr. Chairman, it is not my purpose at this time to enter upon a lengthy discussion of the causes which have led to the decline of the American merchant marine. The subject is not properly germane to an appropriation bill; but inasmuch as this proposition has been so repeatedly brought to the attention of the House in this connection, I desire to submit the results of a few reflections. In my opinion much of the legislation of the last quarter of a century has had a tendency to hamper and fetter the genius and enterprise of our people upon the sea, and to restrict their fullest scope of action. We have had a protective tariff at the gateways of the Republic which has operated destructively upon our shipping interests.

It has levied tribute upon those who sought to exchange and barter with our people, and the result has been not only to drive commerce from our ports, but also to oppress and burden our merchant marine. A somewhat exhaustive examination of this subject leads me to conclude that this and other causes have forced the United States to surrender her carrying trade because it has ceased to be profitable. Our people can make more money by investments in railroad stocks, purchases of Western lands, and loans upon Western real estate than by building and sailing ships. By reason of the increased wages demanded by our sailors as against the wages of sailors of other countries, by reason of the high rate of interest realized by our people in investments other than those of shipping as against the low rate of interest received by foreign ship-owners, and by reason of the increased cost of ship-building in this country as compared with that of other countries, we have been driven from the seas and can no longer compete with England and other maritime powers.

SUBSIDY PERIODS.

Mr. Chairman, subsidies will not enable us to regain our prowess upon the seas. This fact was demonstrated before the war, and the policy discarded, as the gentleman from Louisiana [Mr. BLANCHARD] will remember, as a result of long experience.

Again, we made a fair trial in this direction from 1866 to 1877, expending during that time $7,517,661.72. When we entered upon this policy the American tonnage registered for foreign trade was 1,387,756. Eleven years of subsidy brought an increased tonnage of only 182,844. In 1866 vessels were built in the United States amounting to a tonnage of 336,146.56. Eleven years of this policy registered an absolute decrease of 159,555.50 tons, and we owned a tonnage in the United States amounting to 68,178 less than when we inaugurated the policy. In 1866 American vessels carried 32 per cent. of the foreign trade; in 1877 only 26 per cent., a decrease of 6 per cent. The shameful Pacific mail scandal in 1877 terminated the second period of subsidy.

Now, Mr. Chairman, I submit as a proposition, from which it seems to me there can be no escape, that if we are to reinaugurate a subsidy policy we must appropriate a sum sufficient to put our steamship companies on an equal footing with foreign lines, so that the subsidy shall make good the loss they may sustain by reason of the increased cost of constructing American vessels, increased operating expenses, and the high wages paid to our seamen. The subsidy proposed in this amendment will not accomplish this result, so much to be desired. Let us make a brief comparative review: English ship-owners receive on an average only 1 per cent. on the capital invested, American ship-owners will not be content with any investment which yields them less than 5 per cent.

Mr. HAMMOND. Will the gentleman allow me to suggest that John Roach in his article in the North American some time ago claimed that the American ship-owner and builder should have 8 per cent.

Mr. DOCKERY. I think John Roach is perhaps nearer right than I am; but out of abundant caution I was putting the statement entirely within safe limits.

English ship-owners purchase their ships at from $100,000 to $150,000 less than the cost of an American ship; and the operating, current, and daily expenses of a foreign ship are estimated at 25 to 30 per cent. less than the like expenditure for an American vessel.

CONCLUSION.

Mr. Chairman, time fails me for further presentation of the various phases of this important question. This is "neither time nor place" to discuss the many propositions looking to the restoration of our merchant marine; but I may be permitted to say in conclusion that I do not believe this restoration can be effected by any methods which are simply incidental to the administration of our foreign postal service. "Subsidy," the protective tariff of the seas, like its twin-brother on shore, is grasping and selfish, taxing the many for the benefit of the few. Let us therefore eschew this and all other propositions the result of which is to maintain the present high rates of war taxation, and to foster and build up great monopolies of corporate wealth.

Sir, if we would transmit to later generations the priceless blessings of liberty and local self-government; if we hope to escape the spread of the pernicious doctrines of the Commune, we must, by just and wholesome regulations, check the growing, baneful, and overshadowing power of monopolies.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAMMOND having taken the chair as Speaker *pro tempore*, a message from the Senate was communicated by Mr. SYMPSON, one of its clerks, informing the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes.

The Committee of the Whole resumed its session.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. In reference to the point of order raised a few moments ago, the Chair directs the Clerk to read the third clause of Rule XIV.

The Clerk read as follows:

The member reporting the measure under consideration from a committee may open and close where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

The CHAIRMAN. The Chair thinks it would be proper to recognize the gentleman reporting the measure at the close of the debate if that point is insisted upon.

Mr. BLOUNT. I desire to know if the gentleman from Michigan may follow me with the balance of his time.

The CHAIRMAN. Not if the gentleman from Georgia insists on his right to close debate.

Mr. BLOUNT. I certainly do, and I want it known that there may be no complaint about it.

Mr. BURROWS. Under the ruling of the Chair the right to close debate would devolve on the chairman of the committee. Do I understand the gentleman from Georgia to desire that I shall proceed with the debate at this time?

Mr. BLOUNT. I do.

Mr. BURROWS. I had hopes the views of the gentleman from Georgia would be heard before we closed on this side.

Mr. BLOUNT. The gentleman from Georgia and the gentleman from Michigan have been heard from a good deal in this House on this question.

Mr. BURROWS. I will thank the Chair to stop me in about two minutes. I want to reply in one word to the gentleman who has just taken his seat [Mr. DOCKERY]. That gentleman denounced this as a subsidy to eighteen lines. The argument upon the subsidy question I do not propose to go over.

As I said yesterday, if this is subsidy, then all of our inland service is subsidized. If we propose to abrogate the statute which restricts compensation for carrying the foreign mails to 5 cents, or the sea or inland postage, a statute enacted in 1858, when the postage to the South American countries was from 45 to 75 cents a letter—if we now propose to abrogate that statute and pay a decent compensation, and if that is subsidy, then I say our whole domestic mail service is subsidized. Another thing, the gentleman says this is a subsidy to eighteen lines, and then he drags in the Pacific mail—that old ghost—to frighten us from our propriety upon this question. There are not eighteen lines, and my friend knows that every single line is eliminated in this amendment, except the lines to the South American countries.

Mr. DOCKERY. Which include about 75,000 miles.

Mr. BURROWS. He knows that every single line is eliminated except the lines to Central and South America. Then he asks why do we not run our lines across the Atlantic to-day and carry the mails? I can furnish him an answer by another, better than any that I can improvise.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURROWS. I yield myself another minute. [Laughter.] I can furnish the gentleman an answer falling from the lips of Mr. Bayard, the distinguished father of the present Secretary of State. I will read it:

I am willing to trust American skill and industry in competition with any people on the globe when they stand nation to nation without government interference; but if the treasure of a foreign nation is poured into the lap of individuals for the purpose of destroying the interests of my country, or for building up commercial marine at the expense of the commerce and prosperity of the United States, I for one will count no cost in countervailing such governmental action on the part of Great Britain or any foreign government.

[Applause.]

That is the language of the father of the present Secretary of State, and yet, when England stands back of her great merchant lines and pours out her wealth from her unlocked treasury to maintain her supremacy on the seas, we higgle about sea and inland postage, and then wonder why it is that we are driven from the ocean!

[Here the hammer fell.]

Mr. BURROWS. I yield seven minutes of my time to the gentleman from South Carolina [Mr. TILLMAN.]

Mr. TILLMAN. Mr. Chairman, in the brief time at my disposal I can only touch on a few points of the questions involved. I voted for a proposition similar to this Senate amendment in the last Congress, although it was then said to be a subsidy. I shall vote for this measure despite the cry of subsidy by some of my zealous Democratic friends.

Sir, I contend that this Senate amendment grants no subsidy, and that it merely proposes to carry out good old Democratic doctrine that prevailed in regard to ocean mail service previous to 1858. For a long while immediately preceding that year our Government, under the lead of the great Democratic statesmen of the country, liberally subsidized, if you choose to call it so, all our ocean mail-steamship lines. It was done not only to promote our foreign commerce but also to stimulate American ship-building and train American naval architects as well as American sailors, so as in case of war we might not only have improvised cruisers and experts to man them, but skillful mechanics to build others. Democrats used to think that a flourishing merchant marine was a good nursery, or at least a strong ally of an effective navy, and that such a navy with a small army should be the settled policy of the country. I think so still.

In 1858, however, a free-trade craze, so to speak, or "*laissez faire*" doctrine of "devil take the hindmost," swept over the land, and we determined to let our foreign commerce take care of itself as far as the mail service was concerned, by passing a law limiting compensation for ocean mail transportation to the sea and inland postage. This was very small pay compared with what had been allowed for a long time, but inasmuch as the combined sea and inland postage then amounted to from 45 cents to 75 cents per letter, the pay in many cases was enough, and in all cases was generosity itself compared with what our steamships now receive and have received since the establishment of the International Postal Union, which is but 5 cents per letter.

As our law of 1858 limited compensation for ocean mail carriage to sea and inland postage, and as the International Postal Union reduced sea and inland postage from, say, 50 cents on the letter to 5 cents, many vessels refused to carry our foreign mails for such a pittance. This resulted, during the war, in the passage of another law compelling every American ship to carry our foreign mail for the postage alone. That odious—I ought to say infamous—law remained of force over twenty years, or until 1885, when it was repealed for very shame, and now comes up the question whether we shall voluntarily pay only 5 cents per letter for ocean mail service or pay something like what it is worth, while at the same time establishing permanent channels of communication abroad as well as promoting foreign commerce and home ship-building and providing a training-school for sailors.

All the Central and South American States with which mail facilities are to be provided by the Senate amendment are now members of the International Postal Union, and 5 cents a letter is the only pay which under existing law the steamships can obtain. Hence, we ought to do something—we must do something—to give the Postmaster-General authority to help revive, or rather create, commerce with South America. The Senate amendment does not make it mandatory upon the Postmaster-General to spend the $500,000, nor any part of it, as additional compensation or subsidy. It is in his discretion to spend all or none of the appropriation, after competitive bidding, and at a rate not to exceed $1 per nautical mile for the outward trip. Surely we Democrats can trust our own party Postmaster-General, and even if we could not trust him the provision of the amendment which reserves to Congress the right to annul any contract the Postmaster-General may make will prevent any possible abuse.

Mr. OATES. Will my friend from South Carolina [Mr. TILLMAN] yield for a question?

Mr. TILLMAN. I have not time. Profitable commerce, and foreign commerce in particular, can not be carried on successfully without facilities of communication; not merely mail facilities, but facilities for traveling, and for the transportation of freight. The possibilities, and even the probabilities, of the future development and growth in the way of population, wealth, and trade of the La Plata and Amazon Valleys are but little inferior to those of our own great Mississippi Valley.

Mr. OATES. The question I wanted to ask my friend——

Mr. TILLMAN. I can not yield for a question; I have not the time.

Mr. OATES. It is not hostile to your line of argument at all.

Mr. TILLMAN. I must ask my friend to wait until I get through; but in passing I will say to him that his State has iron and coal and timber and naval stores and soil and productions and navigable rivers unsurpassed by any country of equal area on the face of the globe, and that whenever Alabama's resources shall have been properly developed, she will become a great Commonwealth, and her chief city, Mobile, rise to be a grand metropolis. [Laughter and applause.]

The natural market for Alabama's coal and iron and steel and manufactures of all sorts that she shortly will have, or ought to have, will be Central and South America. So I hope the gentleman will vote for the Senate amendment, not only to benefit his own State but all the States of the Union. The manufacturing States of the East need a market for their goods and machinery, and the great wheat-growing West also needs a market for its flour and pickled meats, while the South requires a limitless market for its coarse cotton cloth, in the manufacture of which it is fast acquiring a monopoly. It is well known that the young nations of America, the negro states of Africa, and the old Mongolian states of Asia are the best markets for coarse-cotton fabrics, and I contend that the South has a deep stake in opening up commerce with the countries below the Carribean Sea.

The best paying commerce on earth is that of the tropics, especially that of the East Indies. Every school boy knows that whatever nation has controlled that commerce since the dawn of history has for the time been at once the wealthiest and most powerful state in the world. I do not hesitate to say that Central and South America are to be our India, if we shall only do our duty toward grasping their trade. We are certainly doing little or nothing in that regard now. England, Germany, France, and other states of Europe have more than twenty-five steamers plying in the South American trade where we have one. Over forty thousand Englishmen reside at the capital of the Argentine Republic alone, and Englishmen, Frenchmen, Germans, Italians, and other European nationalities are fast pouring into all the Central and South American states; yet we sometimes prate of the Monroe doctrine, when but few Americans are to be seen south of Mexico and still fewer American vessels.

If this Senate amendment contains a subsidy, then I contend that every State in this Union except nine receives subsidies from the Federal Government for carrying its mails, because the mail routes of all the States except nine fail to be self-supporting. Over six millions and a half of dollars are taken out of the national Treasury every year to "subsidize" mail routes in the gentleman's State and in mine [laughter] and in all the Western and Southern States except Illinois. As I said a while ago there are only nine States in the Union whose mail service pays expenses. Four of those are in New England—New Hampshire, Massachusetts, Rhole Island, and Connecticut; four are Middle States—New York, New Jersey, Pennsylvania, and Delaware, and the other is Illinois. I repeat, those nine are the only States in which the mail service is not "subsidized," if it is subsidy to pay a steamship line more than 5 cents a letter for carrying a small mail.

Not only do twenty-nine States of the Union require over six and a half millions of subsidy every year for carrying their mails, but in addition to this they consume over $4,200,000 more for the same purpose, deriving the money from the surplus postage of the nine States that overpay the expense of carrying their mails.

Now, is it right, is it honest, is it patriotic in the twenty-nine Southern and Western States, which receive subsidies (so called) for their local mails, to object to let the eight manufacturing States of the East and Illinois in the West have a small subsidy if need be to promote foreign commerce with their natural customers, who inhabit our India, if we shall be true to ourselves?

I insist, Mr. Chairman, that every Democrat ought to vote for this Senate amendment because it embodies the creed and policy of the Democratic party in its best days.

[Here the hammer fell.]

Mr. TILLMAN. The gentleman from Alabama [Mr. OATES] seems so anxious to ask me a question that I was going to allow him to do it.

Mr. OATES. But your time has expired.

Mr. TILLMAN. I regret it. I have no objection to permitting the gentleman's question if the House will give me time to reply to it. I hope that such time will be granted.

Mr. OATES. I will ask the gentleman whether the transportation of our inland mails is not regulated by act of Congress as well as the transportation of our ocean mails. Is there any difference in principle?

Mr. TILLMAN. No, except this: That you are willing Congress shall pay the railroads something like what the service is worth, but you object to paying the steamship companies anything in the neighborhood of what the service is worth apart from all considerations of national policy.

Mr. BURROWS. I yield the residue of my time to the gentleman from Maryland [Mr. FINDLAY].

The SPEAKER *pro tempore*. The gentleman from Maryland has six minutes.

Mr. FINDLAY. Mr. Speaker, I have advocated and voted for this proposition in every shape in which it has appeared since I have been a member of Congress, and I am more than willing, yes, sir, I rejoice in the opportunity, to give this fresh and final attestation of the faith that is in me ere I cease to be a member of this body.

During this period I have witnessed a steadily growing sentiment in favor of this proposition, at first mercilessly taboed, and I am not without hope, if not at this Congress then at the next, the last vestige of opposition will disappear.

At the close of the Forty-eighth Congress, after a long and heated discussion, the amendment of the Senate to the Post-Office bill, seeking to accomplish the same object which is proposed by the present amendment, was adopted; but the Postmaster-General refused, in the exercise of a discretion which he claimed was vested in him, to expend the money, and so the project fell through. At the first session of the Forty-ninth Congress this official, still warm with heat of a controversy, which, whatever else may have triumphed, certainly left the dignity of the Government in rather doubtful form, succeeded in defeating the proposition a second time, and to the superficial observer it may have seemed to have been postponed forever.

But the maid was not dead; she was only sleeping, and, more wonderful still, it was to be the Postmaster-General himself who was to call her back to life. Not to do him any injustice, I propose to read some extracts from his invocation. He says that this proposition is the "purchase of mail facilities which do not exist, and can not be expected ever to exist in the ordinary manner." He says that—

It should ever be regarded as wise administration to keep postal facilities somewhat in advance rather than in any thing lagging in the rear of all the proper requirements * * * of trade and commerce.

He admits that—

Upon this footing many domestic routes are maintained at a cost many times beyond their immediate and direct returns, but undeniably to the great increase of the country's general welfare.

After showing that south of Rio there is no regular mail communications, but that the service is wholly dependent upon such vessels as may occasionally sail to ports farther down the coast, he admits what every one must see is true:

That no gain in regularity, frequency, security, or speed can be obtained unless other ships shall be put upon the seas by private adventure or by foreign powers or other provision shall be made by the Congress.

What that other provision can possibly be, except a subsidized railroad through the continent, he does not make so clear. Then, in conclusion, he expresses the opinion that—

The rapid development and growth of the countries, in view of their lack of manufacturing establishments of their own, the desirable character of their products for exchange, and the advantage of extending the fields of enterprise of our citizens as well as creating firmer ties between the peoples of our continent, invite the extension and enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

And makes the suggestion that—

Should the recommendation meet with favor in its general aspects the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

Like most men, he has sufficient pride of opinion not to make a square backdown, and insists that there is nothing in this recommendation which impeaches the former judgment he had expressed upon the same proposition. So be it. Let us admit that he has been perfectly consistent, and that the project he defeated and the one he now recommends are as opposite as the poles.

The question now is, what has he recommended? If I can read English, he has recommended, in view of deficient communication with these southern countries, the appropriation of a sufficient sum of money to enable him to purchase additional postal facilities, with the incidental advantage of extending the commerce of the country. The Senate, in response to this recommendation, has inserted in the Post-Office bill an amendment giving him this sum of money to be expended by him for this purpose without any control upon his discretion except in one particular, namely: that the carriers, old or new, to be engaged for this service shall be of American register.

With this single limitation he has the full power to contract for the carriage of the mails to these countries for any sum not more than one dollar per nautical mile for the outward trip, and with the single exception that at least one service shall start from a seaport on the Gulf of Mexico or the Mississippi River, he is at liberty to establish his lines at any port in the United States. The South is the only part of the country which has an exception made in its favor. There is but one question then I submit for discussion, and that is whether the privilege of the amendment should be extended to foreign vessels, or whether it should be confined to American vessels. The question of subsidy is completely eliminated out of the controversy.

It is a concession in the case that the ordinary means of communication between this country and the South American ports proposed to be reached by this amendment are entirely insufficient for postal purposes; that the ordinary revenues derived from the carriage of the mails can not be relied upon to increase these means of communication, and that therefore an extraordinary aid of some kind must be extended if we would accomplish the desired result. Call it a subsidy; call it what you please, the fact remains that you must either give something more than sea or inland postage for the carriage of your mails, or you must give up the idea of more frequent, regular, and speedy mail service to and from the South American continent.

The Postmaster-General says that he can see no reason why, if you pay more for mail service on land than actual postage, you should not do the same thing on the water. Nor can any sensible man see the difference. If you pay more than the revenue derived from the mail matter carried between Tampa and Havana, a distance of 200 miles, why should you not be governed by the same principle for a water carriage extending, say for the round trip, 6,000 miles? All the arguments in fact are in favor of a difference being made for the longer as against the shorter route. The undertaking is a greater one in point of outfit, expense, and responsibility, to say nothing of the prolonged hazards of the voyage. There is no occasion then to discuss the question of subsidy.

The only question, as I have before stated, is whether it is wise to provide that none but American vessels shall have the privilege of this amendment. A full discussion of this subject would open up the broader question of "free ships," and I have neither the time nor the opportunity to enter upon such a boundless field of imbittered controversy. I will admit for the purpose of the argument that it would have been wiser to have thrown open the contract to competition from any quarter, or that it would have been a justifiable experiment, at least, to permit vessels bought abroad, but owned and manned by Americans, to engage in this service.

But in the present state of opinion on the subject it would have been simply impossible to pass a bill embracing either one or the other of these provisions. Looking at it, then, from a practical standpoint purely the question is whether the mere fact of this limitation to vessels of American register is such a dangerous provision as to justify a defeat of the whole project unless this objectionable feature can be removed?

It is admitted that we have but one monthly service to Rio, and that south of it we are dependent for such precarious transportation as ocean tramps or occasional coasting vessels may afford. It is proposed to make the Rio service bi-monthly, and this additional service, together with what will be necessary for the accommodation of the Argentine Republic, &c., will have to be performed by American vessels, either built or hereafter to be constructed. It is not hazarding too much to say that such an appropriation as this, with the probability of its being renewed from year to year, with a probable increase, as the advantages of the scheme become more and more apparent, would give quite a stimulus to ship-building and re-establish that once prosperous branch of our industry.

If such should be its effect—and it is certainly not unreasonable to anticipate such a consequence—there is the best reason for limiting the appropriation to American vessels. But whether this should be the effect or not the fact that a vessel carries the American flag, not as a parasite, but as the honest symbol of American growth and manufacture, would not deter me from giving it an advantage over some half-naturalized tramp just equipped with its first papers, as I should derive no pleasure in witnessing American mails carried in American bottoms which were such only by fiction of law. A nation that buys ships will soon cease to build them, and in the end will cease to run them. Ship-building and ship-owning go together, and there is no experiment of delay that I would not suffer before I would be willing to separate two great interests joined by a bond of union as vital and inseparable as that which connected the Siamese twins.

I have an abiding faith that whenever American capital takes to the water, as it inevitably will just as soon as the more tempting possibilities of enterprise on land have been exhausted, we shall witness a revival of ship-building. I hope yet to live to see the day when Baltimore shall rival Glasgow, and the wonders of the Clyde be repeated on the shores of the Patapsco. To begin the policy of buying ships instead of building them is to put that day off, perhaps forever, and I would not postpone it an hour. But the practical question is not whether we shall have free ships, but whether we shall have any share in the vast commerce of the countries south of us, all ripe and ready to fall in our lap if we only have the courage to shake the bough.

The gentleman from Michigan [Mr. BURROWS] has presented the statistical side of this question in such an exhaustive and admirable manner that nothing can be added to what he has said. I have treated the necessity for additional means of steam communication with these ports and the inability to obtain it without the aid of the Government as a concession which no one was prepared to dispute. I did so because I felt that the arguments furnished by the memorial upon this subject from all our principal maritime centers, the testimony of the commission organized by President Arthur, and the cool and able presentation of the case by the Postmaster-General left no room to doubt that there was a pressing, imperative necessity for this connection that no one not blinded to the interests of the country could fail to perceive.

When I read the discussion which the debate upon this proposition in the other Chamber gave rise to there seemed to me to run through the whole of it, with one or two exceptions, the same concession that immediate urgent action could not longer be postponed without imperiling the commercial future of the country. The great—and I may say almost the only—doubt expressed was whether the competition for this new mail service should be restricted to vessels of American origin and register. If an amendment could have been carried throwing open this competition to vessels of foreign make, I think it is not too much to say that the appropriation would have been voted with practical unanimity in the Senate.

Let me say to gentlemen who still have the notion of subsidy in their heads that they are jumping like sheep over an ideal bar which has long since been removed. They are simply called to vote now on the propriety of a recommendation made by the Postmaster-General in obedience to the enlightened commercial sentiment of the country, leaving the method by which this recommendation shall be carried into effect entirely to the discretion of that official.

If any mistakes are made in the execution of the plan he will bear the responsibility, as nothing more nor less is done by this amendment than to give him what he asks for himself, and to permit him to dispose of it as he sees fit.

I might well close my remarks at this point, but as this subject has been so persistently clouded and maligned by ignorance or prejudice,

or perhaps both, I may be permitted, at the risk of repetition, to restate some of the arguments which lie at the very threshold of this discussion.

Let it be borne in mind that the principle of applying postal revenues for the support of the service without extraneous aid from the Government is applied in practice to not more than one-quarter of our domestic mail routes, whether by land or water, and that the other three-quarters would be suspended if the rate of compensation was limited to the revenue earned. There is nothing, therefore, either in principle or practice, which can be urged in favor of fastening such a limitation upon the foreign mail service.

It has been demonstrated by the experience of other nations that it is impossible to establish effective postal facilities with foreign powers with the limited revenue derived from the ordinary postal rates. England, Germany, France, have all of them, purchased, to use the language of the Postmaster-General, foreign mail facilities at an apparently enormous price, England alone paying on this account between 1842 and 1884 $163,000,000. This enormous outlay is, however, more apparent than real, as this bread thrown upon the waters has come back to enrich the givers a hundred fold.

The tendency of South American opinion as illustrated in its institutions of government, in large part republican in form, and in the different projects for a closer commercial union with this country, shows that the ordinary operations of natural causes are re-enforced by the sentiment and sympathies of the people. Naturally the trade of South America should be reciprocated by the trade of the United States, and this dictate of nature we find substantially indorsed by an offer from the Argentine Republic to go more than half way in enlarging and quickening the steam communication between the two countries by an offer of $100,000 for this purpose.

The New England fisheries are sometimes referred to as the nursery of our seamen, and so they were in times past; but the day has gone when seamanship acquired on a sailing vessel will be very valuable in time of war. Steam has revolutionized the methods of the sea as well as the land, and it is the knowledge how to navigate a steamship and how to use the complicated machinery for carrying on modern naval warfare which is now valuable. This knowledge can only be acquired on steamships, and the establishment of such a service as is here recommended would be the starting-point of a steam nursery of seamen in accordance with the demands of the times.

This country abandons $5,000,000 a year for the purpose of maintaining a foothold in the Hawaiian Islands, which, according to apparently well-informed men, we can at best only hold in common with other nations. We lavish millions upon our rivers and harbors, untold sums upon public buildings and other objects more or less worthy, and in view of these expenditures what possible reason can be given why a portion of the public money should not be applied for an increased steam mail service with South American countries, which, unless all experience is at fault, is sure to bring with it the incidental advantage of an enlarged commerce with our neighbors at our very doors? No answer except a sneer against a subsidy has ever yet been given, and in my opinion there is no other to make.

[Here the hammer fell.]

Mr. MILLARD. I ask unanimous consent that the gentleman from Maryland be allowed five minutes longer, not to come out of the time of either side.

Mr. FINDLAY. I am very much obliged to the gentleman from New York for his courtesy.

The SPEAKER *pro tempore*. Is there objection?

Mr. BLOUNT and others objected.

Mr. FINDLAY. It must be a very weak cause whose advocates object to discussion.

Mr. DOCKERY. It is an unjust proposition to ask the extension.

Mr. FINDLAY. Any proposition that can not stand the light of free discussion must be feeble indeed.

Mr. BLOUNT. Such discussion as the gentleman has been indulging in can not throw any light on the question.

Mr. KING. I ask the gentleman from Georgia whether he would not be willing to allow five minutes additional on each side.

Mr. BLOUNT. No, sir. I now yield five minutes to my colleague [Mr. HAMMOND].

Mr. BURROWS. Before the gentleman from Georgia proceeds, I desire to ask my friend, the chairman of the committee [Mr. BLOUNT], whether it is his purpose to bring this question to a vote this evening?

Mr. BLOUNT. I have so announced, and shall adhere to that announcement.

Mr. HAMMOND. Mr. Chairman, in the few minutes allotted to me, I desire to reply to two or three suggestions which have been submitted within a few minutes past in favor of the pending amendment.

The first is that other countries pay ship subsidies; the second is that this country has heretofore paid them; that practically we pay them now on those star routes which cost more than they produce; and, last, that by such subsidies we can develop trade with the South American countries.

It is known that England pays liberally for carrying her ocean mail, but after lettings to the highest bidder without regard to nationality. She began in 1840 by aiding the Royal Mail Company. But the company had to furnish steam vessels fit for war, built as directed, subject to be taken at a fixed price, and salable only by consent of the Crown. Later the requirement that these vessels be fit to carry arms was omitted; but extra speed and all the other requirements for uses in time of war were insisted upon. Up to 1854 England had so paid twenty-eight and a half millions of dollars, and since she has paid about $136,000,000. But while she averaged in 1855 a subsidy of $15 per ton of her tonnage, now she pays but $1.10 per ton, and that to the highest bidder. While private capital was timid of building steamships she aided, but made those ships fit for war.

It was said that the Democratic party first began ship subsidies in this country. In principle perhaps that is true. But the situation and the purpose were so different then from now that the charge is unjust. In that transition state from sails to steam, when private capital was timid here also, we did offer aid to the Collins line by act of March 3, 1847. But what was the Collins line? They were required by law to be four "first-class sea-going steamships to be attached to the Navy of the United States," built under the direction of the Secretary of the Navy, officered by the Navy, and to be used by the United States when wanted for war purposes. By act of March 3, 1849, the contract was postponed till 1850, and in July, 1852, the six months' notice required for vacating the contract was given. Surely that did but little to build up our merchant marine. It had no such purpose. There was no pretense of sending mails at exorbitant rates in order to build a hot-house commerce. We simply prepared for war.

Our first genuine effort to stimulate commerce by ship subsidies was in 1865. Under the law then passed we were in 1867 paying to lines to Liverpool, Bremen, Havre, Aspinwall, Havana, Vera Cruz, and to the Pacific Mail line per year $1,330,000 for 726,000 miles traveled, or an average of $1.80 per mile. That for the Pacific Mail was then about $350,000, but under the law was to be increased to $1,000,000 after 1873. In 1865 our tonnage in foreign trade was 1,518,380, while in 1873, when subsidies ceased, it was but 1,378,533. Those subsidies gave us no ships and no commerce.

But they did give us the immense corruption fund raised to prevent the repeal of that law and which has ever since made subsidies "stink in the nostrils" of our people. It was in vain that President Grant pleaded for them in his message of 1872, and again for subsidies and free wool and free dyes in his message of 1874. It was useless to press the matter. A later vote showed the opinion of the country.

On the 28th of January, 1878, the House of Representatives voted upon the following resolution:

That in the judgment of the House no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit should be granted or renewed by Congress to associations or corporations engaged in or proposing to engage in public or private enterprises; but that all appropriations ought to be limited to such amounts and purposes only as shall be imperatively demanded by the public service of the Government.

It was passed by 176 yeas to 85 nays. Of the yeas 81 were Republicans and 93 were Democrats. Of the nays 37 were Republicans and 48 were Democrats. Of the yeas were Haskell and Garfield. This House in the last Congress voted against mail subsidies for ships by 178 to 80.

It is plain, I repeat, that cash subsidies build neither ships nor commerce for this country. Such attempts are as futile as the premiums once offered on home-raised wheat by New England when Pennsylvania undersold her farmers in the market.

In the Old World they have been given not for that purpose but from other business reasons, and mainly from political considerations. To illustrate:

In Georgia those who own the lines of railways to Savannah made a line of steamers to New York as an extension of their field of operations. So Italy, with her 2,000 miles of railroads, France, with her 14,000, and Germany, with her 19,000, all belonging to those governments, find it profitable to own connecting lines of vessels also as carriers of freight and passengers. But the governments of the Old World have far higher political interests at stake. They have colonies and dependencies abroad.

France has colonies in Asia, Africa, America, and Oceanica, containing 10,000,000 of inhabitants.

England now covers with her flag five times as many subjects as our population. She sends her ships throughout the world because her dominion is throughout the world.

So this Government acted in granting public lands to transcontinental lines of railroads in 1862 and later. Some thought we would make gain in the price of the lands reserved by the improvements which the grants would carry there. But the far more important consideration was that a war was raging looking to the dissolution of the Union, and if that attempt succeeded the Pacific slope might follow the example of the South. It was necessary to bring the East and West closer together and bind them by bands of iron.

England in sending her mails to her colonies does no more than we do in extending our postal service all over our land.

Like her, we let them to the lowest, bidder native or foreign. As with us so with her, the expense for some places is greater than the income. But that is necessary to maintain the system. In many places

the expenses of the internal revenue are greater than the income, but without guarding those places the collection of the tax would be inefficient. And so in the customs service. Many ports at which no receipts occur must be manned to guard the service against smuggling.

It has been said that subsidies to mail-bearing vessels is like pay for expedited mail service on railroads. For political reasons the Government can not allow any others to control our mails, and therefore when there has been established a regular and great supply of mail matter between designated points expedition may be as much the duty of Congress as to have provided carriage of any kind. But who ever dreamed of expediting mails to create a use for expedition? The United States expedites no mails until accumulated matter needs to be carried and the people clamor for its speedy delivery.

Gentlemen say that we pay to railroad companies certain amounts for mail transportation, but we pay them according to the weight of the mails. By the proposed amendment the ship-owner is to be paid by the mile, and he will receive the same sum whether he carries one letter or ten thousand.

Mr. TILLMAN. Is there not a minimum compensation to railroads?

Mr. HAMMOND. The gentleman when he had seven minutes would not be interrupted; he can scarcely expect me to yield when I have but five.

Again, it is said that these South American states are our India and that we should encourage trade with them. Will a pound more of freight be carried by a steamship simply because you pay it a hundred thousand dollars more to sail?

Suppose we had that trade opened. Suppose this subsidy would build another ship, which it would not; float another flag, which it would not; what would we trade for? In return for cheap cottons we might send to South America they would offer us wool, taxed 90 per cent. when it comes to our shores, and copper, taxed more. Suppose we wished to trade for nuts, for coffee, for any of the things which those countries produce. They would say to us, "We can not freight your vessels with those articles, because we sell to merchants who have their connections with England." The trade has been established in certain channels, and it would take years to change it.

Gentlemen can not get rid of this difficulty in that way. If you mean to encourage trade with South America this is not the way to give encouragement. If you send your ship-load of cheap cotton to South America the only way now to get a return cargo would be to ship something to Liverpool and at Liverpool get a return cargo to America. And this current of trade will so remain until we remove our tariff obstructions.

[Here the hammer fell.]

Mr. BLOUNT. I now yield for ten minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, those who vote for this proposition of the Senate can only be justified by one of two reasons. It must either produce a cheaper and more efficient mail service or it must promote the growth of our commerce with foreigh countries. Now I maintain that it can not be supported for either one of those reasons. The foreign mail service of the United States was carried last year at sea and inland postage amounting to about 26 cents per pound for the mail carried. It is but little more trouble, but little more expense to carry the mail of the United States than to carry parcel dispatches—the express matter which many vessels carry from one port to another. These same lines it is now proposed to subsidize carried parcel dispatches last year at the rate of 9½ cents per pound, while the Postmaster-General pays for the United States mails 26 cents per pound. Yet it is proposed by this amendment of the Senate to increase the sum to be paid for carrying our mails to $1.80 per pound. Is that a cheaper service than we are now obtaining?

But they say it will be more efficient. How? We are carrying our mails on foreign vessels at a higher rate of speed than these American vessels can obtain. It is proposed to strike down the efficiency of our mail service, and have these mails carried on vessels which maintain a lower rate of speed than foreign vessels and pay a higher price for it. Is not that a subsidy? It is, beyond all dispute.

I have heard some preposterous talk on this floor to-day by sensible men about subsidies. They say we are subsidizing our Army because it is not self-sustaining and does not make money enough to pay for the expense it costs. It is said that we are subsidizing our Navy, that we are subsidizing our Post-Office.

But such arguments as these are wide of the mark. The Army, the Navy, and the Post-Office were created by the Constitution to support the Government. They were never intended to be self-sustaining. It is absurd to contend so. Subsidy means to give something for nothing to some favorite. It means to pay more for a given service than it is worth, intentionally because you want to favor the recipient of your bounty. Subsidy means that you want to give more to certain American companies to carry our mails than we give foreigners and pay them more because they are Americans. And this is urged upon us because we are told that our fathers granted subsides in 1858. This is true, but we have not been told the whole story.

The policy pursued in 1858 was the very opposite of that which obtains to-day. Then we were extending our commerce, and pushing it into all the ports of the world. We had pulled down all the obstructions we had been building up since 1816, and having levelled every barrier that hindered the free movement of trade we began to stimulate its growth and expansion by every means in our power. We have been reminded of what our Democratic fathers did, and their utterances have been read in our hearing, but gentlemen did not read to us the declaration of principles our Democratic fathers declared to the world in the national platform of 1856. They declared then that the time had come for free seas and progressive free-trade throughout the world. Having lowered the barriers to trade in 1846, they let them down still further in 1857. Step by step they moved forward in the pursuit of trade, and as they advanced they removed every obstruction from the path which commerce had to travel.

In 1860 when they delivered up the Government there was not a commercial barrier existing between us and any foreign people. When that was done and the way was all clear then they began to encourage its growth, to stimulate it and push it in every direction. Then they subsidized steamship lines, and they contracted for increased speed of the vessels. They did not give their bounty to old lines of slow runners, but they stipulated for faster time. Our Democratic fathers were not guilty of the stupidity of prohibiting commercial exchange and at the same time professing to encourage it by voting the public money to some line of American vessels to make slower time. Trade was what they were hunting.

It was markets for cotton and wheat and provisions and manufactures of all kinds, and those markets were increasing year by year, and year by year our trade was expanding and the products of our labor were finding their way into all the markets of the world. This is the same policy that has been pursued by Great Britain for many years. Gentlemen here applaud the wisdom of Great Britain in granting subsidies, but they seem to forget how they have heretofore derided that government for encouraging and building up its foreign trade. In 1820 Great Britain and the United States began to move forward in parallel lines in the modification of their tariff laws.

In 1846 she repealed her tariff on wheat and we abandoned protection on everything. In 1849 she repealed her navigation laws and continued removing duties till 1860, when she adopted her present commercial system. Together we had been moving for forty years toward free seas and free trade. That was the policy of both countries up to 1860, and is the policy yet of Great Britain. But in 1860 it was overturned here, and in its place was substituted the policy of commercial restriction. We were then told we wanted the home market for home products; that what we wanted was to set the producer and consumer side by side. Whenever any one now talks of removing any of these obstructions to foreign commerce we are met with the cry of foreign pauper labor. To-day the wall is still up between us and all European countries. Why are we so anxious about our commerce with the countries south of us?

Now, if we wish to increase our commerce with the countries south of us, or with any other people, the first thing we must get our consent to do is to take what they have to send and what we want, and send them in return what we produce and do not require for home consumption. Before we begin to stimulate trade we must open the doors so that it can come in when it arrives and applies for admission.

Mr. MILLIKEN rose.

Mr. MILLS. I can not yield.

We must encourage these countries to which we wish to send these American lines to remove their obstructions to trade, and then to do all they can to build it up. That is the course Great Britain pursued, and she has to-day a commerce surpassing any other two countries in the world. She has gone all over the world making commercial treaties, and sometimes, when she has found a people like China and Japan who were averse to trading with her, she turned her cannon upon them and taught them the ideas of English civilization from their shotted mouths.

I do not approve of that method of encouragement, but it shows how earnest she has been in seeking trade in all parts of the world. She opened negotiations with different governments for the opening of seas and rivers that had hitherto been closed to the world's commerce. She has obtained consent everywhere she could to locate her consuls to protect her commerce and introduce her wares into new markets. She gave her influence to the sweeping of privateering from the seas. She induced the other governments of Europe to agree that a neutral flag should protect an enemy's goods, and neutral goods should be protected under an enemy's flag. She has struggled to get the world to consent that in war on the high seas the merchantman should pass unchallenged, and that hostilities should be confined to armed vessels alone.

In addition to all this, in her intercourse with other governments, she has encouraged her manufacturers and merchants to send their agents to the country south of us, and all others, to study the condition and tastes of the people, to learn what character of goods they wanted, what they needed to facilitate their trade. English bankers have established houses in all parts of the earth where banks were needed to aid in the movement of commerce home. When their agents learn

what kind of manufactures a people want, they supply it. They do not send to South America a cargo of silk hats and high-heel boots and expect to sell them.

They have learned that such wares are not wanted. They find what is wanted and make it and send it to them, and take in exchange what they have to give. They found out that the people wanted a broad-brim sombrero, and they gathered up samples of old hats and took them home and English hatters made others like them and supplied them cheaper than others, and got their trade. English agents found that they wanted a certain kind of cotton goods, with a certain width, and printed in a particular way, and English manufacturers made the goods as they wanted them, and sent them to them. Their merchants want their goods packed in a certain way; the English merchant learns that way, and packs his goods to suit their taste. But our merchants and manufacturers have done none of these things. How often have our consuls called the attention of our people to these things, and what attention has been paid to these statements?

They are relying upon their home markets. They are rearing around themselves a Chinese wall, and the result is that we have no trade with those countries such as the other nations of the world have, and we never will have until our policy and our business methods are changed.

When we get to believe that there is a profit to the man who sells as well as to the man who buys; that there is a profit to the exporter as well as the importer; that trade dispenses a benefit and a blessing to all parties, the buyer, the seller, and the carrier; that the more we trade with all mankind the greater is the good to the whole world; when we get to believe that trade knits nations and people together in closer and stronger ties of friendship; that it satisfies more wants, diffuses more comforts, increases and distributes more wealth, employs more labor, secures a greater prosperity, and makes more happiness throughout the world, then we will seek in earnest to build up our commerce as rapidly as we can and wherever we can.

I say, that when we become convinced in our hearts that this is the wisest and best course to pursue, then we will do as England has done, and as our fathers did from 1846 to 1860. We will tear down all the barriers that surround us, open all the ports, and welcome all the products of other people that come to exchange for ours. We will send consuls into all the world to hunt out markets, to introduce our wares, and to protect our commerce. I say, when our hearts have accepted this faith and all our works are in accord with it, then will be the time to ask us to quicken the expansion of our commerce by encouraging new lines of ships with faster time between us and our customers, but not before. [Applause.]

Mr. BLOUNT. I now yield ten minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, the question has been raised here as to whether the Senate amendment to the Post-Office bill now under consideration carries with it a subsidy.

Mr. KING. I think my friend from Illinois, if he will allow me, does not state the position correctly——

Mr. SPRINGER. I decline to be interrupted in the few moments yielded to me.

Mr. Chairman, I reiterate what I said before, that the question has been raised as to whether the amendment now under consideration coming from the Senate to the Post-Office appropriation bill is a subsidy or not. The clause is as follows:

> For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American republics, $500,000.

Then follows a provision for advertising for this service. The law as it now stands on this subject authorizes the Postmaster-General, as will be seen by section 4008 of the Revised Statutes, to make contracts to carry the mails to foreign countries, and these contracts may be made with any steamship company that is running between the ports. In other words, the general law now authorizes the Postmaster-General to make contracts with any of the steamship companies that may be running between such ports. This provision, on the contrary, requires the contract to be made only with American-built and American-registered vessels.

Mr. WISE. May I ask the gentleman a question?

Mr. SPRINGER. I can not yield in the short time I have.

Mr. WISE. I merely wish to ask if this statute does not allow the Postmaster-General to pay American ships larger pay than foreign ships?

Mr. SPRINGER. I will come to that.

Mr. BURROWS. But my friend ought to state that the Postmaster-General is restricted to sea and inland postage.

Mr. SPRINGER. I have not gotten through with all I intended to say.

Mr. BURROWS. I hope the gentleman will keep in view that fact.

Mr. SPRINGER. Now, as the gentleman states, the pay for this service is restricted in the contracts to the amount of the sea and inland postage.

Under that law the Postmaster-General is enabled now and has been during the past year to secure mail facilities between this country and all the countries of the world.

It has been said that if this be a subsidy the star-route service is also a subsidy, because we pay more in many instances than the postage along the route would produce. In the star-route service the Government advertises for proposals to carry the mails on a particular route, and lets the contract to the lowest bidder and gets the service for just such money as it can procure its being done for. But that is not a subsidy. That is paying for what it costs for carrying the mail between two points. So it is with the foreign service as now provided for by law. The Postmaster-General gets the service at the best rates he can secure and from any companies, whosoever they may be, that are willing to do the service within the terms prescribed by law. So that by adopting the Senate amendment you appropriate half a million of dollars to pay for the privilege of carrying the mails on American built and registered vessels. That is an effort—confessed here to be an effort—to subsidize American steamships by giving them this large and increased pay; and it is justified in this debate for the reason, it is claimed, that such subsidy is necessary to encourage commerce between this country and the countries of South America.

That brings me to the consideration of the question as to whether this policy will produce commercial relations or stimulate commercial relations between this country and the countries of South America.

Mr. BURROWS. Does my friend think that can be done by a payment of 5 cents a letter?

Mr. SPRINGER. The gentleman will pardon me. I will come to that presently if I have time.

The gentleman from South Carolina [Mr. TILLMAN] says these southern republics are the India of America. I do not agree to that suggestion that the republics of South America furnish the India to this country. Far from it. Let us see what that India does for our business. If you look at the exports and imports between this country and the South American countries you will find we exported to the Argentine Republic during the year of 1885 $4,000,000 worth of products; to Brazil, $7,000,000; to Chili, $2,000,000; to Colombia, $5,000,000; to Peru, $700,000; to Venezuela, $2,000,000, and so on. This is the India to which gentlemen have invited the United States to go for trade.

Let us look in the other direction, where we transact business, and we find that to Great Britain we sent last year products worth $398,000,000. Nearly $400,000,000 a year of the products of our soil and the products of our toil go every year across the ocean to Great Britain. And gentlemen are now disturbed in regard to the few millions we send to South America and wonder we do not send more there.

Mr. MILLIKEN. It is because we have no communication there.

Mr. SPRINGER. I will tell you why it is. Trade goes in natural channels. The gentleman from Michigan [Mr. BURROWS] asks why Great Britain sold so many thousand hats—ninety-five thousand hats—to Brazil while this country sold only one hundred and nineteen. It was because the people in that country purchased the British hats for about one-half what they would have been compelled to pay for those made in this country. If you can get some law that will compel the people of South America to pay two prices for products manufactured in the United States then you will have trade with South America.

The inconsistency in our legislation is that by your tariff laws you prohibit the products of those countries coming to us and ours from going there, because trade must be reciprocal. You prohibit trade by one set of laws and then we are asked to subsidize ships to carry that prohibited trade to make it profitable. [Repeated cries of "Vote!" "Vote!"] I am not surprised gentlemen want to vote when they see a proposition in the light in which I have characterized this, which is a proposition to force trade where it will not go, and to pay people for carrying commerce when the Government has prohibited that commerce from being carried on. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I rise to a question of order. When the other side was being presented gentlemen favoring it took occasion to applaud with the view possibly of furthering the measure. I trust that at least this side will have the respect of silence while the discussion is going on.

The CHAIRMAN. The Chair has been strenuous in his efforts to keep order, and he trusts the members of the committee will aid him in that respect.

Mr. SPRINGER. The statistics of commerce between this country and others show that since a restrictive policy was adopted our trade has been continually decreasing. In 1860 our foreign trade amounted to 2,379,396 tons. In 1885 it amounted to only 1,262,814 tons; an increase of population of 100 per cent. and a decrease of trade of 50 per cent. in tonnage.

[Here the hammer fell.]

Mr. BLOUNT. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has twenty-five minutes.

Mr. BLOUNT. Mr. Chairman, the friends of subsidy have taken great hope from the report of the Postmaster-General as they construe it. The letter of the Postmaster-General construing it for himself and against their view counts for nothing with them. This is perhaps an honest error. For the last twelve or fourteen years the cry of persons seeking to use the laws of this country to build up steamship lines for their own personal benefit has been accompanied with such a presenta-

tion of "reasonable pay"—the language used by the Postmaster-General—that it has never yet broken in upon their apprehension that we have now a Democratic President, and that there is a Democratic Postmaster-General who is willing to allow for this service, not subsidies, but actual mail pay, nothing more and nothing less, and who says that instead of the half million, which the advocates of subsidy think it proper to vote, he does not need under any circumstances more than $36,000.

The language which the Postmaster-General has used in asserting his position in reference to this matter is the very language used by the President of the United States. Both the President and the Postmaster-General draw a clear distinction between a subsidy for the purpose of promoting a line of trade and travel and reasonable payment for the purpose of creating a mail line where none already exists. I think, Mr. Chairman, that I need not spend more time upon that part of the case.

Gentlemen on this side who support this subsidy have also taken much comfort to themselves from going back a quarter of a century, to a period in the history of the Democratic party when what may be termed a subsidy policy was adopted by that party. The Democratic party followed that policy until they found there was nothing in it. They could establish one line, but the moment their fostering hand was taken away it disappeared and other lines did not follow. Other causes also operated to prevent success. I should like to ask gentlemen who have gone back to that former period and who wish to go back to a policy long ago abandoned by the Democratic party, to justify their action, if they can, upon the principles and the practice of modern Democracy. An attempt was made in the Forty-fourth Congress to vote two subsidies of $500,000 each, one for service to San Francisco, Japan, and China, and the other from New Orleans to Rio Janeiro, and both were defeated by Democrats.

Again, in the Forty-fifth Congress an attempt was made to put a $200,000 subsidy on the Post-Office appropriation bill for service between the United States and Brazil, and it was defeated by a Democratic House. Again, in the Forty-eighth Congress a subsidy of $400,000, after rejection by a Democratic House on repeated votes, was put upon the bill at the hour of 3 o'clock in the morning by the aid of absenteeism and under the threat of an extra session. But later on a Democratic President was elected, a Democratic Postmaster-General administered your postal affairs, and, regarding it in the light of a subsidy, that Postmaster-General, acting in perfect harmony with the President and his Cabinet, put the ban of his condemnation upon it. In the first session of this Congress the action of this House distinctly discredited the action of the Forty-eighth Congress; and I may say here, sir, that that legislation in that Congress was passed by the great body of the Republican party with the aid of a slight deflection on this side of the House.

Again, at the first session of this Congress a subsidy was put upon the Post-Office appropriation bill by the Senate, and when it came to this House it was defeated by a vote of 178 to 80. Gentlemen, do not turn away from the Democracy of the last decade, for that is the living Democracy, and its action has been taken in the light of experience—experience which in the ante-bellum period discredited the policy of subsidy and led to its abandonment—experience which brought the Democratic party in its national platforms to condemn that policy upon every occasion. You will find gentlemen on the other side of this House, not Democrats, but the great body of the Republican party, acting with you in this regard. I repel the idea, sir, that the Democratic party at this period is in favor of this measure.

Now, Mr. Chairman, I wish to ask the attention of the committee briefly to the Argentine Republic, and to Uruguay, and Brazil, because it has so happened that the Postmaster-General has referred to that service in his report, and that reference is the leaverage by which, if at all, this measure is to become law.

Now, let us see something as to the mail service to Brazil and the Argentine Republic. There are now three lines connecting the United States with Brazil—the Red Cross line, the Booth steamship line, sailing from New York to the northern ports of Brazil and connecting at Pernambuco with other lines to Rio and Buenos Ayres, and the United States and Brazil steamship line, which sails from New York to Rio, connecting with other lines. These lines made forty-three trips last year, and make trips ever ten days on the average. The trade has become so valuable to the Brazil steamship line that they have chartered foreign vessels to make trips from New York to the northern ports of Brazil, making from one to two extra trips per month. In other words, this steamship company is now hiring foreign ships for the purpose of crushing out that competition which might otherwise come into operation, and with the aid of subsidies they will always be able to accomplish this.

Let us see from the reports of the State Department what are the facts in regard to the distribution of the mails. I read from reports from the consuls of the United States for January, 1887:

Their transportation facilities—

Referring to Uruguay and the Argentine Republic—

to the West Indies are better than ours, notwithstanding the difference in the distance; and a steamer leaves Buenos Ayres for the Brazilian ports every day.

Such, then, is the condition of the service—three mails a month to Rio and Pernambuco, and a daily mail from there to Uruguay and the Argentine Republic. Yet the gentleman from Maryland informs this House that we are dependent for the carrying of the mails upon the accidental sailing of vessels.

My friend from Michigan [Mr. BURROWS] claims that there are no proper mail facilities now with those republics. He calls attention to the character of the Government of Uruguay, and remarks that it is a country having republican institutions like ours. Yes, Mr. Chairman, its institutions are like ours in form; yet our consul at Buenos Ayres informs us that the masses of the people in that country have no consideration in the elections, and that the people who do the farming do not own the title of the lands which they till.

One-half of the property in those republics is owned by foreigners. The gentleman says that in the Argentine Republic there are forty thousand persons speaking the English tongue. Yes; but those forty thousand persons come from England. The great bulk of the foreign population comes from Southern Europe—from Italy, from France, from Spain. These people speak a language strange to us. American citizens are advised by our consuls to keep away from there because of the character of the population among whom they would be placed and because they are doing better at home.

Mr. Chairman, we have nothing in common with those people, in language or property. American citizens can scarcely be said to have invested there at all. Our consuls say to us that it is not subsidies that are wanted. The banking facilities in that country are from England, from France, from Italy, and from other countries. There is no American banking-house; no Americans invest their capital there. I take comfort in the thought that this land of ours is a land of more promise than any other, and is not properly to be compared with those little republics that are scarcely free from revolutions for three or four years at a time. The American consul to Uruguay congratulates the people of that country because they have not, in the last four years, had as many revolutions as usual. This is the country in which we are to take such a deep interest.

In reference to Uruguay I wish to call attention to another pregnant fact. Belgium gets a large part of the trade of that country, and the minister declares that the reason of it is that Belgium buys the wool of Uruguay and in return gives her woolen goods. By this process Belgium has taken away a large proportion of that trade. Free wool in our tariff laws, he says, will give to the United States that trade.

The gentleman from Michigan deplores the fact that the European countries obtain the commerce of South America. He points to the lack of mail facilities as an evidence of a low state of trade, but he should have remembered that the trade of America with Europe is immense, even when mail communication with it depends entirely on foreign lines.

My friend from Michigan can see no way of securing proper mail facilities and at the same time building up our trade except to subsidize. He has again and again invited our attention to the aid given by Great Britain, Germany, France, and Italy to steamship lines connected with the South American countries. I wish the gentleman had gone further and called attention to the policy pursued by England, France, Germany, Italy, and other countries of Europe for the purpose of getting their share of the carrying trade.

Take Germany—Germany to which my friend invites attention. Germany never subsidized a line anywhere on the face of the earth until the last of July. She has one line, and that does not touch those countries. How did she get it? She allows a citizen of her empire to go to England, or anywhere else on the face of the earth, in the cheapest market to buy the cheapest mode of transportation the world affords.

France has pursued the same policy and has given bounties to operate its lines of steamers. She has given bounties to her sailors. So with Italy. So with Great Britain. Her ships are sold by her citizens to the citizens of any other country of the world. This is the great, broad, statesmanlike idea of these countries when they come to consider the question.

How shall we be able to compete with other countries for the carrying trade of the world? American ships take in our coasting trade, but in the march of commerce abroad they are scarcely to be found. Gentlemen wail in pathetic tones over this condition. They say the sea is deserted by our ships and by our sailors, while the profits of transportation go to other countries. But whenever there is a suggestion of purchase anywhere they are ready by their action to say we will not suffer it to be done, we will be content with our pride humbled, with our investments contracted, rather than anybody shall bring in competition with American-built ships, which can not run outside of the coasting trade, one of foreign build.

Ay, Mr. Chairman, it may be protected along the coast, but it can not be in the commerce of the world. It is absurd, therefore, for gentlemen to talk about restoring American shipping by subsidies to the steamship line.

I omitted in the early part of my remarks to state a very important fact in reference to the steamship line between New York and Buenos Ayres. It seems when we cease to read circulars and newspapers

coming to us from men who are trying to shape our legislation in aid of lines of steamships we discover facts which are seemingly new.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLOUNT. I ask leave to print a communication, since the report of the Postmaster-General, showing a contract between certain persons and the Argentine Republic for a monthly line of steamers from New York to Buenos Ayres.

There was no objection, and it was ordered accordingly.

The paper is as follows:

DEPARTMENT OF STATE, *Washington, February* 9, 1887.

SIR: In view of the visit of Mr. Tisdale and other gentlemen interested in the promotion of trade between the United States and the Argentine Confederation, I beg leave to inclose for your information a dispatch lately received from Mr. Hanna, minister resident in that country, relating to a proposed governmental assistance to a line of mail steamships between the Argentine Confederation and the United States.

Respectfully yours,

T. F. BAYARD.

Hon. WILLIAM F. VILAS,
*Postmaster-General.*

No. 65.] UNITED STATES LEGATION, *Buenos Ayres, January* 1, 1887.

SIR: I have the honor to transmit herewith in inclosures (1 and 2) a copy of an unofficial correspondence recently held by our legation with the minister of foreign affairs of this government in relation to a line of steamships which a number of enterprising citizens of the United States propose to operate between New York and Buenos Ayres.

Some time in September last Mr. W. P. Tisdel, representing a United States line of steamships, asked to be presented to his eminence the minister of foreign affairs of this government, Dr. Don N. Quirno Casta, that he might ascertain what, if anything, his government would be willing to do in the matter of putting on a line of ships "to run direct between New York and Buenos Ayres, without stops along the Brazilian coast."

It seemed to me to be a very desirable result to be reached by our people, and the presentation of Mr. Tisdel, in an unofficial way, was accordingly made. His reception was very cordial, but in consequence of the sudden appearance of cholera here, and its overshadowing importance in all the departments of the government, the progress made in the negotiations was for a time much retarded. His proposition to this government was substantially as follows:

"To put on a monthly line of ships to ply between the United States and Buenos Ayres, and to make no stops on the voyage south of the equator. His offer was to perform the service $100,000 Argentine gold per annum, making twelve trips a year $8,333.33⅓ each, performing the voyage without accidents beyond reasonable control, in twenty-five days from New York to Buenos Ayres. He then succeeded in getting the written guarantees of the foreign office and the minister of the interior, that they would favor and aid the enterprise.

Recently, however, as will be seen from the annexed correspondence, the whole subject was discussed at a cabinet meeting, receiving the sanction of the president and all the ministers. This makes a finality of it, so far as the government is concerned, and you will see that the minister of the interior is authorized to pay $10,000 per trip, Argentine gold, which is worth about 3½ per cent. less than our standard.

It is to be hoped the contract will be closed at once.

I have the honor to be, sir, your obedient servant,

BAYLISS W. HANNA.

List of inclosures:

1. Minister Castro to Mr. Hanna.
2. Mr. Hanna to Minister Castro.

[Inclosure No. 1.]

The minister of foreign affairs of the Argentine Republic sends friendly greetings to his excellency the minister resident of the United States and has the satisfaction, in view of his deep personal interest in the matter, to inform him that the president of the republic at a recent cabinet meeting presented for its consideration the pending project of Mr. W. P. Tisdel relative to a direct line of steamers from New York to Buenos Ayres, accepting it in general terms and authorizing the minister of the interior to grant said line a subsidy, not to exceed $10,000 Argentine gold per month, the subsidy to continue for ten years. On the opening of Congress the president will submit the agreement to be made with the company represented by Mr. Tisdel, asking its approval.

December 29, 1886.

UNITED STATES LEGATION, BUENOS AYRES, *December* 30, 1886.

MR. MINISTER: Your esteemed communication of yesterday, informing this legation of the action of his excellency the president of the Argentine Republic, at a late cabinet meeting of his distinguished ministers, accepting the proposition of a United States steamship company, as represented by Mr. W. P. Tisdel, to put out a line of vessels to be operated between New York and Buenos Ayres, directly has given me very great satisfaction.

This determination on the part of your enlightened government not only furnishes additional proof of its broad and liberal spirit but also of its undoubted good-will toward the Government and people of the United States and its desire to engage in freer and more enlarged commercial relations with them. Reciprocity is the gateway of our success, and it can and will be opened at last.

United States and the Argentine Republic, one in the north and the other in the south of this vast continent, constructed on the same foundations, both free republics, which have won the respect of the civilized world for their achievements in the liberal education of the people, their triumphs in the arts of peace and the combined and persistent efforts to elevate the standard of "all the governments of the people by the people and for the people," are thus united by a bond which must keep them close together, not only in respect, faith, and sympathy, but also in commercial reciprocity, the best and fullest expression of such decided affinities.

I have no doubt whatever that when our two countries have a better mail service and more rapid and reliable methods of communication a new era will dawn upon us and that every political barrier which now hinders our progress will be removed by mutual popular concessions and that we will be in trade what we are in sentiment, essentially bound up together in the struggle and triumphs of a common destiny.

Allow me again to renew the assurances of my very high consideration, and believe me, sir,

Your obedient servant,

BAYLISS W. HANNA.

Dr. DON N. QUIRNO CASTRO, *Minister, &c.*

The CHAIRMAN. By order of the House debate is closed.

Mr. BLOUNT. I ask for a vote.

Mr. BURROWS. I suppose the matter is now open for debate under the five-minute rule. I understand some gentlemen have some amendments to propose.

Mr. BLOUNT. I move the committee rise to close debate.

The CHAIRMAN. That is not in order until the five-minute debate has been entered upon.

Mr. BURROWS. It is now half past 5 o'clock, and I wish to suggest to my friend from Georgia the bill be reported back to the House with the recommendation that the Senate amendment be non-concurred in, the previous question be considered as ordered, and the vote taken at 12 o'clock to-morrow.

Mr. BLOUNT. If there is no objection I will agree to that.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. HAMMOND, by unanimous consent, was granted leave to extend his remarks.

Mr. BLOUNT. I move the committee rise and report the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the amendments of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, and had directed him to report the same back with various recommendations.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House do now adjourn.

Mr. O'NEILL, of Missouri. I ask unanimous consent that to-morrow night be set apart for the consideration of reports from the Committee on Labor. [Cries of "Regular order!"] Who demands the regular order?

The SPEAKER *pro tempore*. The Chair will lay before the House, if the gentleman from Georgia will withhold the motion, some personal requests of members, and also some bills for reference.

Mr. BURROWS. I suppose my friend from Georgia does not move to adjourn without it being understood that the arrangement agreed upon in committee is to be carried out.

Mr. BLOUNT. The agreement, of course, will be adhered to.

Mr. BURROWS. Then it is understood that the previous question is considered as ordered, and that the vote will be taken at 12 o'clock to-morrow.

Mr. BLOUNT. That was the understanding.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER *pro tempore* laid before the House the Senate amendments to the bill H. R. 10802, the District of Columbia appropriation bill; which were referred to the Committee on Appropriations, and the Senate amendments ordered to be printed.

Mr. ANDERSON, of Kansas. All points of order are reserved.

WITHDRAWAL OF PAPERS.

On motion of Mr. KELLEY, by unanimous consent leave was granted to withdraw from the files of the House papers in the case of Sergt. George Bromley, late of the United States Army, without leaving copies on file.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ANDERSON, of Ohio, for the remainder of the week, on account of important business.

CHANGE OF REFERENCE.

The SPEAKER *pro tempore*. The bill (S. 2797) granting a pension to Lizzie Wright Owen was erroneously referred to the Committee on Invalid Pensions. It should be referred to the Committee on Pensions.

There was no objection, and it was so ordered.

The motion of Mr. BLOUNT was then agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

---

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BACON (by request): Petition of citizens of the fifteenth district of New York, relative to certain lands on and adjoining Manhattan Island—to the Committee on Private Land Claims.

By Mr. BAKER: Petition of citizens of Brockport, N. Y., in relation to certain lands on and adjoining Manhattan Island—to the same committee.

By Mr. BARBOUR: Papers relating to the claim of Lucy Hudson, of Culpeper County, Virginia—to the Committee on War Claims.

By Mr. BAYNE: Petition of John S. Robb and others, citizens of the twenty-third district of Pennsylvania, praying such enactment as will vest the title to certain lands adjoining Manhattan Island, New York, in the heirs-at-law of the original patentees—to the Committee on Private Land Claims.

By Mr. BLANCHARD: Petition of Mrs. Clara Prudhomme, and of Mrs. Marie Eliza Payne, of Louisiana, for reference of claim to Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Marie E. Payne, of Nachitoches Parish, Louisiana—to the same committee.

By Mr. BUNNELL: Petition of soldiers and citizens of the fifteenth district of Pennsylvania, favoring the Lovering bill giving each soldier, sailor, or marine a pension of $8 per month the remainder of his life—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of citizens of the sixth district of Tennessee, for amendments to Senate bill 3022—to the Committee on the Judiciary.

By Mr. J. E. CAMPBELL: Petition of citizens of the third district of Ohio, for the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. CANNON: Petition of J. R. C. Pearce and others, of Illinois, for relief—to the same committee.

By Mr. CARLETON: Petitions of citizens of the seventh district of Michigan, relative to certain grant of land in New York—to the same committee.

By Mr. COWLES: Petition of J. H. Kelly and others, of Baton, Caldwell County, North Carolina, for repeal of internal-revenue laws—to the Committee on Ways and Means.

By Mr. CUTCHEON: Joint resolution of the Legislature of Michigan, in favor of refunding direct taxes collected from the several States—to the Committee on the Judiciary.

By Mr. DOCKERY: Memorial asking certain changes in the patent laws—to the Committee on Patents.

By Mr. DORSEY: Petition of the mayor and citizens of Socorro, N. Mex., for the passage of House bill 9985—to the Committee on the Public Lands.

Also, petition of Humane Society of Nebraska, for the passage of Senate bill 2436—to the same committee.

By Mr. EDEN: Petition of citizens of sixteenth district, Illinois, asking the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. FINDLAY: Petition of Herman Cook and others, of the fourth district of Maryland, for relief—to the same committee.

By Mr. FISHER: Petition of G. W. Short and 230 others, and of E. J. Wooleim and 112 others, to secure their rights under Senate bill 3022 and amendments—to the same committee.

By Mr. FORD: Petitions of sundry citizens of Indiana, relative to certain lands in New York—to the same committee.

By Mr. FORAN: Petition of O. C. Smith and others, citizens of Ohio, relative to certain grants of lands in New York State—to the same committee.

By Mr. FREDERICK: Petition of citizens of the fifth district of Iowa, relative to certain grants of land on Manhattan Island, New York—to the same committee.

By Mr. FULLER: Petition of the Women's Christian Temperance Union of Ossian, Iowa, for the passage of Senate bill 2362, for the political and commercial prosperity of American nations—to the Committee on Foreign Affairs.

By Mr. GALLINGER: Petition of the Women's Christian Temperance Union of Dover, N. H., asking for an official inquiry concerning the alleged international traffic in young girls for immoral purposes—to the same committee.

By Mr. GOFF: Petition of Joseph W. Cox, of Brooke County, West Virginia, relative to certain grant of land in New York—to the Committee on Private Land Claims.

By Mr. GROUT: Petition of Ezra Stetson Post, No. 72, Grand Army of the Republic, of Vermont, condemning the President's veto of the dependent-pension bill—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Petition of 189 citizens of Wisconsin, praying that Senate bill 3022 be amended as indicated and passed—to the Committee on Private Land Claims.

By Mr. HEARD: Petition of citizens of the sixth district of Missouri, in favor of legislation to secure to themselves and others rights which they claim to have under certain patents granted to Richard Nicholls in 1666 and 1667—to the same committee.

By Mr. J. S. HENDERSON: Resolution of the board of trustees of the University of North Carolina, favoring the Hatch agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. T. J. HENDERSON: Petition of citizens of Illinois, for the passage of Senate bill 3022 with certain amendments—to the Committee on Private Land Claims,

By Mr. HEPBURN: Petition of N. L. Van Sant and others, citizens of the eighth district of Iowa, praying for the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. HIRES: Petition of William B. Hatch Post, No. 37, Grand Army of the Republic, of New Jersey, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, petition of Thomas M. K. Lee Post, No. 5, and of William B. Hatch Post, No. 37, Grand Army of the Republic, of New Jersey, approving the veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petition of citizens of the fifth district of Illinois, for the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. JACKSON: Petitions of citizens of twenty-fourth Congressional district of Pennsylvania, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. JOSEPH: Petition of citizens of Socorro, N. Mex., requesting the confirmation of a grant of land to the city of Socorro—to the Committee on the Public Lands.

By Mr. LAIRD: Petition of citizens of second district of Nebraska, asking the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. LAWLER: Petition of citizens of the second district of Illinois, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. LOUTTIT: Petition of citizens of the second district of California, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. LYMAN: Petition of the municipal authorities of the city of Socorro, N. Mex., against the passage of House bill 9985—to the Committee on the Public Lands.

By Mr. McRAE. Papers relating to the claim of Joseph Bean, of John Gibson, and of Jacob Lavender, of Nevada County; of Jacob Cagle, of Polk County; and of James V. Skillen, of Clark County, Arkansas—to the Committee on War Claims.

By Mr. MATSON: Petition of citizens of the fifth district of Indiana, to enact a law conveying property in certain cases—to the Commitee on Private Land Claims.

By Mr. MILLARD: Petition of citizens of the twenty-sixth district of New York, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. MORRILL: Petition of committee of mechanics at Leavenworth, Kans., for an appropriation for what is known as claims of workmen and mechanics under the eight-hour law—to the Committee on Labor.

Also, petition of D. Van O'Blemis, for certain amendments to Senate bill 3022—to the Committee on Private Land Claims.

By Mr. MORRISON: Petition of sundry citizens of Illinois, in favor of certain patentees—to the same committee.

By Mr. MURPHY: Petition of the Women's Christian Temperance Union, in favor of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. NELSON: Petition of citizens of the fifth Minnesota district, asking the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. O'DONNELL: Petition of citizens of the third district of Michigan, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. PAYSON: Petition of citizens of the twenty-seventh district of Illinois, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. PETERS: Petition of citizens of the seventh district of Kansas, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. PINDAR: Petitions of citizens of the twenty-fourth district of New York, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. RICHARDSON: Papers relating to the claim of John Armstrong; of Joseph M. Holland, executor of Samuel Holland, of Jane Bickley, and of James S. Oakley, of Franklin County; of Henderson Lynch, of Greene County; of B. M. and Louis Tillman, administrators of John McQuiddy, of Bedford County; of Joseph A. Gutterie, of James County; of James Anderson, of Wayne County; and of Willie Brown, of Rutherford County, Tennessee; of Adaline J. Law, of Hinds County; of Rebecca T. Bowen, administratrix of Rose Bowen, of De Soto County; and of George W. Marlar, of Tishimingo County, Mississippi; of James Cox, of Smythe County, Virginia; of Clara Prudhomme, of Natchitoches Parish, Louisiana; of Hardy Summerline, of Wayne County, North Carolina; of James Johnson, of Thomas G. Burkee, of Wyatt Johnston, of Thompson Ellison, of John H. Hutchins, of W. T. Adams, administrator of C. C. Adams, and of George H. Gilrath, of Chattooga County, and of Andrew J. Cheney, of Cobb County; of Edward M. Taliaferro, guardian of Richard Taliaferro, of Fulton County; of Hezekiah Ellenburg, of Walker County; of Joel R. Prewett, of Paulding County; and of John L. E. J. Crawford, of Savannah, Ga.—to the Committee on War Claims.

By Mr. RIGGS: Petition of citizens of the twelfth district of Illinois, asking the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. ROGERS: Papers relating to the claim of Josiah Howell, of Crawford County, Arkansas—to the Committee on War Claims.

By Mr. SESSIONS: Petitions of citizens of thirty-fourth district of New York, asking the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. SNYDER: Petition of Ruth S. Gillilan, of Greenbrier County, West Virginia, praying that the war claim of Michael B. Gillilan be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SPRIGGS: Petitions of citizens of twenty-third district of New York, asking the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. SPRINGER: Petition of citizens of Socorro, N. Mex., relative to an unconfirmed land grant—to the Committee on the Public Lands.

By Mr. STAHLNECKER: Petition of citizens of Socorro, N. Mex., asking the confirmation of a grant of land to the city of Socorro—to the same committee.

Also, petition of citizens of Sing Sing, N. Y., in favor of certain land patentees—to the Committee on Private Land Claims.

By Mr. TARSNEY: Petitions of citizens of the eighth district of Michigan, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. ZACH. TAYLOR: Petition of James Maydwell, of Memphis, Tenn., for relief—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition of citizens of the nineteenth district of Illinois, asking the passage of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. VIELE: Petition of heirs of certain patentees of lands on Manhattan Island, New York—to the same committee.

By Mr. WAIT: Petition of Rev. Warren U. Tenney and 120 others, citizens of Killingly and Brooklyn, Conn., for such legislation as will better protect women and girls—to the Committee on the Judiciary.

By Mr. A. J. WEAVER: Petition of citizens of Ohio, in favor of Senate bill 3022 with amendments—to the Committee on Private Land Claims.

By Mr. J. B. WEAVER: Petition of Peter S. Pearce and 61 others, citizens of Iowa, in favor of Senate bill 3022 with amendments—to the same committee.

By Mr. WEBER: Petition of citizens of thirty-third district of New York, asking the passage of Senate bill 3022 with amendments—to the same committee.

By Mr. VAN EATON: Petition of Lucinda Brown; of heirs of M. A. F. Peters; of Catherine Murchison; of H. G. J. Powers; of Alex Hutchinson; of Bettie B. Willis; of E. O. Lum; of Virginia Lowe; of Sarah Gosehorn, and of Clarissa Sharp, asking the reference of their claims to the Court of Claims—to the Committee on War Claims.

---

The following petitions and resolutions for the passage of the dependent relative pension bill notwithstanding the President's veto were severally referred to the Committee on Invalid Pensions:

By Mr. C. H. ALLEN: Of Post No. 42, Grand Army of the Republic, of Lowell, Mass.

By Mr. ATKINSON: Of Stevens Post, No. 317, David H. Wilson Post, No. 134, David Geib Post, No. 188, P. B. Housum Post, No. 309, George C. Wilson Post, No. 442, and John L. Snyder Post, No. 408, Grand Army of the Republic of Pennsylvania.

By Mr. BAYNE: Of Will F. Stewart Post, Grand Army of the Republic, of Uniontown, Pa.

By Mr. W. W. BROWN: Of G. H. Barnes Post, No. 175, of S. D. Burrows Post, No. 385, of Charles Fribley Post, No. 390, of John D. Musser Post, No. 66, Grand Army of the Republic; of 38 Union soldiers of Tioga County, and of citizens and soldiers of Collomsville, Pa.

By Mr. BUNNELL: Of Mallory Post, No. 285, of Oliver Mumford Post, No. 373, of Jacob Maynard Post, No. 377, Grand Army of the Republic, of Pennsylvania, and of soldiers and citizens of Meshoppen, Pa.

By Mr. J. M. CAMPBELL: Of Reuben Ferner Post, No. 318, of Stoyestown, Pa.

By Mr. CARLETON: Of the Legislature of Michigan, and of Miles Post, No. 113, Grand Army of the Republic, of Saint Clair, Mich.

By Mr. CONGER: Of O. P. Lewin Post, No. 169, Grand Army of the Republic, of Iowa.

By Mr. CUTCHEON: Of Post No. 316, Grand Army of the Republic, and of Michigan, and of General Thomas Post, No. 362, Grand Army of the Republic, of Michigan.

By Mr. DOCKERY: Of John A. Dix Post, No. 76, Grand Army of the Republic, of Kidder, Mo.

By Mr. DORSEY: Of Pierce Post, Grand Army of the Republic, of Nebraska.

By Mr. ELDREDGE: Of the Legislature of State of Michigan.

By Mr. FLEEGER: Of Col. John H. Wilson Post, Grand Army of the Republic, of Zelienople; of C. Z. Quillan Post, No. 246, Grand Army of the Republic, of Harrisville, and of veteran soldiers and citizens of Jamestown, Pa.

By Mr. GEDDES: Of Tod Lee Post, No. 503, of North Fairfield, and of Harker Post, No. 146, of Shelby, Ohio, Grand Army of the Republic.

By Mr. D. B. HENDERSON: Of Thomas Post, of Marshalltown; of White Post, of Washington, and of Robbins Post, of Waverly, Iowa, Grand Army of the Republic.

By Mr. HEPBURN: Of Warren Post, No. 11, Grand Army of the Republic, of Clarinda, Iowa.

By Mr. JACKSON: Of Dan Leasure Post, Grand Army of the Republic, of Pennsylvania.

By Mr. JAMES: Of Harry Lee Post, No. 21, Grand Army of the Republic, of Brooklyn, and of 20 veterans of the late war and their friends of Brooklyn, N. Y.

By Mr. F. A. JOHNSON: Of Harry Lee Post, No. 21, Grand Army of the Republic, of Brooklyn, N. Y.

By Mr. LINDSLEY: Of General Grant Post, No. 566, Grand Army of the Republic, of Roudout, N. Y., and of J. H. Wilbur for six brothers who served through the war.

By Mr. LOVERING: Of Posts (Grand Army of the Republic) No. 89, of Beverly; No. 188, of Ipswich; No. 114, of Merrimac; No. 49, of Newburyport; No. 76, of Plymouth; No. 40, of Malden; No. 11, of Charlestown; No. 30, of Cambridgeport; No. 7, of Boston; No. 56, of Cambridge; No. 80, of Westborough; No. 38, of Brookfield; No. 37, of Spencer; No. 10, of Worcester; No. 64, of Clinton; No. 24, of Grafton; No. 67, of Manchester; No. 81, of Watertown; No. 153, of Winchendon; No. 178, of Otis; No. 84, of South Deerfield; No. 22, of Milford; No. 137, of East Douglas; No. 101, of Graveland; No. 103, of Chicopee; No. 85, of Ware; No. 86, of Northampton; No. 185, of Lowell; No. 184, of Ashburnham; No. 130, of West Medway; No. 46, of Fall River; No. 182, of Somerset; No. 8, of Middleborough; No. 170, of Mansfield; No. 142, of Saxonville; No. 163, of South Framingham; No. 149, of Charlestown; No. 15, of Boston; No. 35, of Chelsea; No. 124, of East Bridgewater; No. 111, of Pembroke; No. 20, of Colevaine; No. 72, of Stoughton; No. 63, of Natick; No. 79, of North Adams; No. 39, of Lawrence; No. 129, of Blackstone; No. 47, of Haverhill; No. 68, of Boston; No. 71, of Holyoke; No. 134, of Boston, and No. 52, of Southeastern Department of Massachusetts.

By Mr. McCOMAS: Of the Grand Army of the Republic, Department of Maryland.

By Mr. MATSON: Of Hatfield Post, No. 421; of C. R. Burton Post, No. 150; of William A. Boyd Post, No. 129, Grand Army of the Republic, of Indiana, and of O. M. Mitchell Post, No. 21, of Atlanta, Ga.

By Mr. MORRILL: Of Post, No. 130, of Hiawatha, and of post at Meridian, Kans., Grand Army of the Republic.

By Mr. O'DONNELL: Of the Legislature of Michigan; of Fairchild Post, of Grass Lake, and of Edward Pomeroy Post, Grand Army of the Republic, of Jackson, Mich.

By Mr. J. J. O'NEILL: Of Henry Weigel and others, citizens of the eighth district of Missouri.

By Mr. RIGGS: Of H. B. Waterman and others, of Griggsville, and and of E. L. Allen, and others, of Hull, Ill.

By Mr. SCRANTON: Of Post No. 218, Grand Army of the Republic, of Moscow, Pa.

By Mr. STRUBLE: Of Kenyon Post, Grand Army of the Republic, of Sanborn, Iowa.

By Mr. TARSNEY: Of the Legislature of Michigan.

By Mr. J. R. THOMAS: Of Coulterville Post, No. 259; of Warren Stewart Post, No. 5; and of William Lawrence Post, No. 338, Grand Army of the Republic, of Illinois.

By Mr. WEBER: Of Harry Lee Post, Grand Army of the Republic, of New York.

By Mr. MILO WHITE: Of A. D. Carroll Post, Grand Army of the Republic, of Minnesota.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were referred to the Committee on Education:

By Mr. BACON (by request): Of citizens of New York.

By Mr. BLANCHARD: Resolution of the parish superintendent of education in Louisiana.

By Mr. T. M. BROWNE: Of 310 citizens of Cambridge, and 167 citizens of Carthage, Md.

By Mr. W. W. BROWN: Of citizens of Sullivan County, Pennsylvania.

By Mr. MURPHY: Of 30 citizens of Sabula, Iowa.

By Mr. OSBORNE: Of 55 citizens of Pennsylvania.

By Mr. WAIT: Of Rev. Warren N. Tenney and 76 others, citizens of Killingly, Conn.

By Mr. A. C. WHITE: Of 228 citizens of Punxsutawney, Pa.

By Mr. MILO WHITE: Of 26 citizens of Plainview, Minn.

---

## SENATE.

### THURSDAY, *February* 24, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

#### FISHING RIGHTS OF THE UNITED STATES.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes, which was to strike out all after the enacting clause and insert a substitute.

Mr. EDMUNDS. I suppose it is hardly necessary to read the substitute. I move that the Senate disagree to the amendment of the House of Representatives, and ask for a conference thereon, and that the amendment of the House and the bill of the Senate be printed together for the use of the Senate.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate disagree to the amendment of the House of Representatives, and ask for a conference with the House of Representatives thereon, and that the bill and the amendment be printed together.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. EDMUNDS, Mr. FRYE, and Mr. MORGAN were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by Ransom Reed Post, No. 113, Grand Army of the Republic, of Marysville, Ohio; resolutions adopted by Daniels Post, No. 500, Grand Army of the Republic, of Xenia, Ohio; resolutions adopted by I. Donafin Post, No. 52, Grand Army of the Republic, of Hicksville, Ohio; resolutions adopted by Brooks Post, No. 2, Grand Army of the Republic, of Bristolville, Ohio; resolutions adopted by Zeller Hamilton Post, No. 260, Grand Army of the Republic, of Middlepoint, Ohio; resolutions adopted by James A. Garfield Command, No. 2, Union Veterans' Union, of Van Wert, Ohio; resolutions adopted by W. A. Choate Post, No. 66, Grand Army of the Republic, of Napoleon, Ohio; a petition of soldiers, sailors, and marines, citizens of Ohio; a petition of J. C. McCoy Post, No. 1, Grand Army of the Republic, of Columbus, Ohio; and a petition of Billy Bauer Post, No. 537, Grand Army of the Republic, at Springborough, Ohio, urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. ALLISON presented resolutions adopted by Grand Army of the Republic Post, No. 338, of Union, Iowa; resolutions adopted by Burnside Post, No. 56, Grand Army of the Republic, of Shenandoah, Iowa; resolutions adopted by Anderson Post, No. 68, Grand Army of the Republic, of Waterloo, Iowa; resolutions adopted by I. M. Huston Post, No. 394, Grand Army of the Republic, of Victor, Iowa; a preamble and resolutions adopted by Allison Post, No. 34, Grand Army of the Republic, of Audubon, Iowa; and resolutions adopted by Don. A. Carpenter Post, No. 191, Grand Army of the Republic, of Olin, Iowa, praying for the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. FRYE presented resolutions adopted by Thatcher Post, No. 111, Grand Army of the Republic, Department of Maine, of Portland, Me.; resolutions adopted by James A. Garfield Post, No. 46, Grand Army of the Republic, Department of Maine, of Blue Hill, Me., and resolutions adopted by W. S. Heath Post, Grand Army of the Republic, Department of Maine, of Waterville, Me., favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. MILLER presented a petition of Galpin Post, No. 19, Grand Army of the Republic, of Little Falls, N. Y.; a petition of C. A. Doane Post, No. 499, Grand Army of the Republic, of Brooklyn, N. Y.; a petition of Brooks Post, No. 272, Grand Army of the Republic, of Hamilton, N. Y.; a petition of Eldredge Post, No. 199, Grand Army of the Republic, of Whitney's Point, N. Y.; a petition of Taylor Post, No. 219, Grand Army of the Republic, of Attica, N. Y.; a petition of Hamilton Post, No. 20, Grand Army of the Republic, of Poughkeepsie, N. Y.; and a petition of Sawyer Post, No. 333, Grand Army of the Republic, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. CULLOM presented resolutions adopted by Moultrie Post, No. 318, Grand Army of the Republic, Department of Illinois, located at Sullivan, Ill.; a resolution adopted by Oregon Post, Grand Army of the Republic, Department of Illinois, of Oregon, Ill.; resolutions adopted by Rutland Post, No. 292, Grand Army of the Republic, Department of Illinois, located at Rutland, Ill.; and resolutions adopted by R. K. McCoy Post, No. 311, Grand Army of the Republic, located at Clayton, Ill., favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. ALDRICH presented a memorial of the Rhode Island Radical Peace Society, remonstrating against the appropriation of the people's money for coast defenses and the construction of war vessels; which was ordered to lie on the table.

He also presented a resolution adopted by Ballou Post, No. 3, Grand Army of the Republic, at Central Falls, R. I.; a petition of Slocum Post, Grand Army of the Republic, at Providence, R. I.; a petition of Smith Post, No. 9, Grand Army of the Republic, at Woonsocket, R. I.; a petition of Arnold Post, No. 4, Grand Army of the Republic, at Providence, R. I.; resolution adopted by Tower Post, No. 17, Grand Army of the Republic, at Pawtucket, R. I.; resolution adopted by Bucklin Post, No. 20, Grand Army of the Republic, at East Providence, R. I., and a petition of Burnside Post, No. 2, Grand Army of the Republic, at Shannock, R. I., praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. FARWELL presented a petition of Hurley Wayne Post, No. 281, Grand Army of the Republic, Department of Illinois; a petition of Charles A. Chatfield Post, No. 590, Grand Army of the Republic, Department of Illinois; a petition of John A. Logan Post, No. 540, Grand Army of the Republic, Department of Illinois; a petition of Grand Army of the Republic Post, No. 438, Department of Illinois; and a petition of Albert Wood Post, No. 175, Grand Army of the Republic, Department of Illinois, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. HARRISON presented resolutions adopted by B. J. Crosswait Post, No. 150, Grand Army of the Republic, Department of Indiana, and a resolution adopted by Thomas J. Harrison Post, No. 30, Grand Army of the Republic, Department of Indiana, favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. HALE presented a petition of James A. Garfield Post, No. 46, Grand Army of the Republic, of Maine, praying for the passage of the dependent pension bill, notwithstanding the veto of the President; which was ordered to lie on the table.

He also presented the petition of Anna E. Lord, administratrix of Charles H. Lord, praying for an appropriation of $700 due Charles H. Lord as depositary of public money in Arizona; which was referred to the Committee on Appropriations.

Mr. MANDERSON presented resolutions adopted by Dick Yates Post, No. 41, Grand Army of the Republic, of Waco, Nebr.; petition of Custer Post, Grand Army of the Republic, of Omaha, Nebr.; a resolution adopted by Indianola Post, No. 154, Grand Army of the Republic, of Indianola, Nebr.; and a petition of Kirkwood Post, No. 106, Grand Army of the Republic, Department of Nebraska, praying for the passage of the dependent relative and service pension bill over the President's veto; which were ordered to lie on the table.

Mr. MITCHELL, of Pennsylvania, presented a petition of Jones Post, No. 204, Grand Army of the Republic, of Coudersport, Pa.; a petition of McNeil Post, No. 447, Grand Army of the Republic, of North Clarendon, Pa.; a petition of Cribbs Post, No. 276, Grand Army of the Republic, of Greensburg, Pa.; a petition of Potts Post, No. 62, Grand Army of the Republic, of Altoona, Pa.; a petition of Captain John Q. Snyder Post, Grand Army of the Republic, of Liverpool, Pa.; a petition of Charles Sumner Post, No. 9, Grand Army of the Republic, of Washington, D. C.; a petition of John M. Phipps Post, Grand Army of the Republic, of Clintonville, Pa.; a petition of Gowen Post, No. 23, Grand Army of the Republic, of Pottsville, Pa.; and a petition of Watkins Post, No. 68, Grand Army of the Republic, of Towanda, Pa., praying for the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the reduction of the duty on sugar unless a corresponding reduction be also made in the rate of duty on molasses; which was referred to the Committee on Finance.

Mr. SABIN presented a petition of Grand Army Post, No. 141, Department of Minnesota; a petition of Peller Post, No. 89, Grand Army of the Republic, of Hastings, Minn.; a petition of Austin D. Carroll Post, No. 107, Grand Army of the Republic, Department of Minnesota, of Plainview, Minn.; a petition of A. E. Welch Post, No. 75, Grand Army of the Republic, Department of Minnesota, of Red Wing, Minn., and a petition of the seventh annual encampment of the Grand Army of the Republic, of Minnesota, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. WILSON, of Iowa, presented resolutions adopted by Allison Post, No. 34, Grand Army of the Republic, of Audubon, Iowa; resolutions adopted by David Harding Post, No. 28, Grand Army of the Republic, of Allerton, Iowa; and resolutions adopted by Burnside Post, No. 56, Grand Army of the Republic, Department of Iowa, in favor of the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. WILSON, of Iowa. I also present the petition of James Birmingham and 32 others, in favor of the passage of a bill for the relief of the settlers on the Des Moines River lands, in which the petitioners aver that they are citizens of the Des Moines Valley, in the State of Iowa, and believe that the sole title of the Des Moines Navigation and Railroad Company is a fraud, as shown by the records of the State of Iowa; further, that the action of Congress for the past eight years sustains the theory that the title is in the United States, and that nothing short of some bill for the Government to resume the lands or give the settlers the right to go into the courts and obtain their rights can ever settle the controversy. They therefore pray for the defeat of House bill 9809, in relation to this matter, now pending.

I also present a like petition from F. C. Seagren and 35 others, a like petition from W. W. Clark and 19 others, and a like petition from S. Pepper and 53 others.

I move that these petitions lie on the table, inasmuch as the bill has been reported.

The motion was agreed to.

Mr. McMILLAN presented a petition of John A. Logan Post, No. 64, Grand Army of the Republic, of Saint James, Minn., praying for the passage of the dependent pension bill over the President's veto; which was ordered to lie on the table.

Mr. PLUMB presented resolutions adopted by Buffalo Post, No. 287, Grand Army of the Republic, of Buffalo, Kans., and a resolution adopted by Dexter Post, No. 133, Grand Army of the Republic, De-

partment of Kansas, favoring the passage of what is known as the dependent disabled pensioners' bill over the veto of the President; which were ordered to lie on the table.

Mr. MCPHERSON. I present two petitions numerously signed by people who are engaged in the navigation of Arthur Kill, praying for the passage of Senate bill No. 3183, amending the act authorizing the construction of Arthur Kill bridge. The petitions are numerously signed, and I move that they be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HAWLEY presented resolutions adopted by the General Assembly of Connecticut, urging that liberal appropriations be made for seacoast defenses; which were referred to the Committee on Coast Defenses.

He also presented resolutions adopted at the twentieth annual encampment of the Department of Connecticut, Grand Army of the Republic; resolutions adopted by Philo M. Trowbridge Post, Grand Army of the Republic, of Woodbury, Conn.; resolutions adopted by Thomas M. Redshaw Post, Grand Army of the Republic, of Ansonia, Conn.; resolutions adopted by Merriam Post, Grand Army of the Republic, of Meriden, Conn.; resolutions adopted by D. C. Rodman Post, Grand Army of the Republic, of East Hartford, Conn.; resolutions adopted by Elias Howe, jr., Post, Grand Army of the Republic, of Bridgeport, Conn.; and resolutions adopted by Mather Post, Grand Army of the Republic, of Deep River, Conn., in favor of the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. PAYNE presented a petition of 250 citizens of Quaker City, Ohio, representing that Washington is the paradise of saloon-keepers, and praying that the Senators from Ohio vote for the bill introduced by Senator COLQUITT granting to the people of the District of Columbia the right of local option; which was referred to the Committee on the District of Columbia.

## REPORTS OF COMMITTEES.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 920) to confer brevet promotion on officers of the United States Army particularly distinguished by heroic action in Indian warfare, and for other purposes, to report it adversely, as a similar bill has been reported and is on the Calendar. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. MANDERSON. I am also instructed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 21) defining the status of medical officers in the Army of volunteer service, to report it adversely, and I move that it be indefinitely postponed, for the reason that a bill for that purpose has already passed.

The motion was agreed to.

Mr. MANDERSON. I am also directed by the Committee on Military Affairs, to whom were referred the resolutions of the Legislature of Kansas, asking for an appropriation for the enlargement of Fort Riley with a view of establishing at that post a school for the training of the cavalry and light artillery arms of the service, to report them back. The subject-matter having been acted upon, the committee ask to be discharged from the further consideration of the resolutions.

The report was agreed to.

Mr. MCMILLAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 10421) to provide for a term of court at Duluth, Minn., reported it with an amendment.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the bill (H. R. 4852) granting a pension to William Hutchison, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. MITCHELL, of Oregon, intended to be proposed to the general deficiency appropriation bill (for renewal of the Signal-Service cable at the mouth of the Columbia River, in Oregon and Washington Territory), reported it favorably, and moved its reference to the Committee on Appropriations with the accompanying papers, and that it be printed; which was agreed to.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes, reported it without amendment.

Mr. FAIR, from the Committee on Claims, to whom was referred the joint resolution (H. Res. 82) for the relief of Luther F. Warder, reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 234) granting a pension to Sarah Ann Waters, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875, reported it with amendments.

## RIVER AND HARBOR ACTS.

Mr. CONGER. At my request yesterday the Senate gave unanimous consent to let the resolution reported from the Committee on Printing by the Senator from Nebraska [Mr. MANDERSON] providing for the publication of river and harbor acts lie over until this morning for the purpose of enabling me to prepare an amendment. I desire now to offer an amendment which I wish to make to that resolution, after consultation with the engineer department.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. After the words "War Department" in the resolution it is proposed to insert:

And said compilation shall be accompanied by an appendix containing a tabulated statement of each annual appropriation and the allotment for each improvement by States, when practicable, together with a statement giving the total annual amount for all the improvements by States, and also the aggregate of all the appropriations.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CONGER. I desire to say in regard to it that in the Engineer Department those statements are in a shape where they can be prepared for printing, and this amendment is proposed with the approval of the Engineer Department.

Mr. HOAR. What is the pending order of business?

The PRESIDENT *pro tempore*. The pending order of business is reports of standing or select committees.

Mr. HOAR. I desire simply to introduce a resolution when that order is reached.

Mr. CONGER. This is part of the morning business. By unanimous consent the resolution was passed over yesterday morning to come up this morning. It is a resolution reported from the Committee on Printing.

Mr. HOAR. I do not wish to interfere. I only wanted to save my right to submit a resolution.

Mr. CONGER. I ask that my amendment may be acted upon now. There will be no objection to it.

The PRESIDENT *pro tempore*. The Senator from Michigan asks the unanimous consent of the Senate to proceed to the consideration of the resolution referred to by him.

Mr. HARRIS. Let the resolution be read for information.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the concurrent resolution reported from the Committee on Printing yesterday, and amended to read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the usual number of copies of "A compilation of the laws of the United States relating to the improvement of rivers and harbors," including the laws of the second session of the Forty-ninth Congress, and that there be printed in addition to said usual number 1,000 copies for the use of the War Department, said compilation to be printed under the direction of the Secretary of War.

The PRESIDENT *pro tempore*. The resolution comes over from yesterday.

Mr. HARRIS. Does it come over under objection?

The PRESIDENT *pro tempore*. It comes over under objection. It is not now in order. The Senator from Michigan asks unanimous consent to proceed to its consideration at this time.

Mr. HARRIS. If it leads to no debate I shall not object, but I will if it leads to debate and the consumption of time.

Mr. CONGER. The RECORD says it comes over on objection, and the Chair says it comes over on objection; but I asked unanimous consent that it should go over until to-day, holding its place, which it did, for the purpose of making this amendment.

The PRESIDENT *pro tempore*. The Chair is now asking unanimous consent of the Senate for that purpose. In an orderly way it would come after the call for resolutions. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate. The amendment submitted by the Senator from Michigan [Mr. CONGER] will be again read.

The CHIEF CLERK. After the words "War Department" in the resolution it is proposed to insert:

And said compilation shall be accompanied by an appendix containing a tabulated statement of each annual appropriation and an allotment for each improvement by States, when practicable, together with a statement giving the total annual amount for all the improvements by States, and also the aggregate of all the appropriations.

The amendment was agreed to.

The resolution as amended was agreed to.

## REPORT OF CIVIL SERVICE COMMISSION.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred a resolution to print additional copies of the reply of the Civil Service Commissioners to Senate resolution of July 2, 1886, to report it favorably without amendment. I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate of the United States*, That there be printed 500 additional copies of the report of the reply of the Civil Service Commissioners to Senate resolution of July 22, 1886, for the use of said commission.

AMENDMENTS TO BILLS.

Mr. CULLOM submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

COMMITTEE ON ADDITIONAL LIBRARY ACCOMMODATIONS.

Mr. VOORHEES submitted the following resolution; which was read:

*Resolved*, That the Select Committee on Additional Accommodations for the Library of Congress be, and it is hereby, authorized to sit during the coming recess of Congress, and that any necessary expenses shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. VOORHEES. I desire to say a single word. The work on the new Library building is now rapidly going on, and I have the authority of the commission which has the work in charge for this resolution. They desire, as well as the committee itself, that we should be in continuous existence for reference and consultation. We have found it quite necessary during the present session, and it may be necessary during the vacation.

The resolution was considered by unanimous consent, and agreed to.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That the report of the Commissioner of Fish and Fisheries for the year 1886 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

ORDER OF PROCEEDING.

Mr. MAHONE submitted the following for consideration:

Notice is hereby given that on the next day of the sitting of the Senate I shall move the adoption of the following resolution:

*Resolved*, That for the remainder of the session the Senate, at the conclusion of the morning business, will consider Senate bills favorably reported by the committees until 2 o'clock on each alternate day, and House bills on the other alternate day, commencing first with the Senate bills.

And so to suspend and modify for the time being Rules VIII and IX of the Senate, for the purpose of enabling, and so far only as to enable, the Senate to facilitate the disposal of its business in the manner provided in the resolution proposed.

WM. MAHONE.

The PRESIDENT *pro tempore*. The resolution will be printed and lie on the table.

ELECTION OF SENATORS.

Mr. VAN WYCK. I offer the following resolution:

*Resolved as the judgment of the Senate*, That an amendment to the Constitution for the election, directly by the voters, of United States Senators should be submitted to the people for their action.

I desire that the resolution lie over until to-morrow, when I propose to call it up and submit a few remarks to the Senate on the subject.

The PRESIDENT *pro tempore*. The resolution will lie over.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. HOAR. I submit in behalf of the Librarian of Congress his annual report for the year 1886; and I offer the following resolution, which I ask may be referred to the Committee on Printing:

*Resolved*, That the annual report of the Librarian of Congress be printed, and that 500 additional copies, with covers, be printed for distribution by the Librarian.

The PRESIDENT *pro tempore*. That falls within the rule and a reference is not required. The question is on the adoption of the resolution.

Mr. HOAR. I was not quite sure whether it came within the rule or not.

The PRESIDENT *pro tempore*. It falls far within the rule, the Chair happens to remember. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HOAR. I was not sure that it came within the rule, it being a direction to print copies for the use of the Librarian and not merely for the use of the Senate.

The PRESIDENT *pro tempore*. When the cost of printing proposed is less than $500 the printing may be ordered by the Senate without a reference to the Committee on Printing.

WAREHOUSE ENTRIES IN BOSTON CUSTOM-HOUSE.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be directed to send to the Senate all reports of Mark Harden, special agent, made since July, 1886, in regard to any alteration in the dates of liquidation of warehouse entries in the custom-house at Boston, Mass., together with copies and full statements of all reports from, correspondence with, and communications with the collector of said port in regard thereto, whether said correspondence were had with the said Secretary of the Treasury or the Assistant Secretary, a copy of a letter from William W. Castle to said special agent, forwarded by said agent to the Department; and that the Secretary further inform the Senate from whom said special agent received information of said alterations, and what persons made said alterations or directed or were responsible therefor, and whether said special agent has been since said report transferred in relation to said custom-house to another customs district, and whether the persons from whom information of said alterations was received have been since removed from office, and whether the persons making such alterations or responsible therefor or any of them have since been promoted, and upon whose advice or recommendation such transfers, removals, or promotions have been made.

Mr. HOAR subsequently said: I introduced this morning a resolution of inquiry directed to the Secretary of the Treasury in regard to certain transactions in the Boston custom-house, which was passed by the Senate. I desire to enter a motion to reconsider that resolution and to state as my reason for entering the motion that I have received a telegram from the collector of the port of Boston requesting that that resolution be withheld until certain letters which he has sent to Washington shall be received; and at his request—I have no doubt he will prefer himself to have the resolution adopted by the Senate—I enter the motion to reconsider.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. EDMUNDS. I offer a resolution to go over until to-morrow on a privileged question. I do not ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That JOHN J. INGALLS, a Senator from the State of Kansas, be, and he hereby is, chosen President *pro tempore* of the Senate, to take effect at 1 o'clock afternoon, on the 26th instant, at which time the resignation of JOHN SHERMAN, the present President *pro tempore* of the Senate, will take effect.

The PRESIDENT *pro tempore*. The resolution will lie over until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria; in which the concurrence of the Senate was requested.

The message also announced that the House had passed the bill (S. 2992) to make Tampa, Fla., a port of entry.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRAGG, Mr. ANDERSON of Ohio, and Mr. NEGLEY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, and for other purposes; and

A bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

ILLINOIS JUDICIAL DISTRICTS.

The PRESIDENT *pro tempore* laid before the Senate a concurrent resolution of the House of Representatives; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 24*, 1887.

*Resolved by the House of Representatives (the Senate concurring)*, That the President be requested to return to the House the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

Mr. CULLOM. I hope that resolution will be concurred in. By some accident or other there is a provision in the bill which passed that ought not to be there.

The resolution was considered by unanimous consent, and concurred in.

PACIFIC RAILROAD ACCOUNTS.

Mr. HOAR. I ask the unanimous consent of the Senate that the joint resolution in regard to the Pacific railroads be assigned for consideration immediately after the conclusion of the pleuro-pneumonia bill.

I desire to say before that question is submitted to the Senate that the pleuro-pneumonia bill will take a great part of the day, perhaps all and perhaps not all. At the conclusion of that bill I understand the Pensions Committee have some pension cases ready, so that if the joint resolution is taken up to-day I propose to have it laid aside informally so that it will not be called up for action until 2 o'clock to-

morrow, and I shall then, if it is taken up, if the Senate give this consent, ask the Senate to remain in session until it is disposed of to-morrow.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate that the Pacific railroad bill or resolution, to which he refers, be taken up after the disposition of the pending bill, the unfinished business of the day.

Mr. HARRIS. Do I understand the Senator from Massachusetts to refer to the so-called funding bill or to the resolution requiring an investigation?

Mr. HOAR. The House of Representatives passed a joint resolution. The Judiciary Committee proposed to amend that by adding some other provisions to it and by changing it into a bill, as the investigation requires the authority of law for the summoning of witnesses, administering oaths, and incurring certain expenses. That is the measure to which I refer.

Mr. HARRIS. It is the resolution then as amended by the committee that the Senator proposes to consider to-morrow?

Mr. HOAR. That is it exactly.

The PRESIDENT *pro tempore*. Is there objection? ["None."] The Chair hears none; and it will be the order of the Senate, that after the disposition of the pending unfinished business the joint resolution shall be considered.

Mr. ALLISON. It ought to be understood that if it is for the convenience of the Senate that we shall take a recess for an hour or two to-morrow instead of sitting continuously that that will be allowed.

Mr. HOAR. I merely said I would ask that it be concluded to-morrow.

The PRESIDENT *pro tempore*. The right to take a recess is reserved under the rules, at any rate. The Senate can do what is suggested by the Senator from Iowa.

## LAND GRANT RAILROADS.

The PRESIDENT *pro tempore*. If there be no further morning business the Calendar under the Harris rule is in order.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 7021, Order of Business 1455, which is——

Mr. HARRIS. That is a bill informally passed over heretofore?

Mr. PLUMB. It was informally passed over without prejudice.

The PRESIDENT *pro tempore*. The Senator from Kansas, pending the Calendar under the Harris rule, moves——

Mr. PLUMB. This bill really comes under the Harris rule.

Mr. HARRIS. It comes under the rule. The bill was informally passed over, holding its place on the Calendar. I suppose on the mere request of the Senator the bill would be in order.

The PRESIDENT *pro tempore*. The Calendar, under the Harris rule, is now before the Senate, and the bill referred to by the Senator from Kansas will be read.

The CHIEF CLERK. A bill (H. R. 7021) to provide for the adjustment of land-grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be read at length.

Mr. PLUMB. If it is in order I should like to move that the formal reading of the bill be omitted, and that it be read for amendment, and I will offer, as the sections are read, the amendments which have been agreed upon by the Committee on Public Lands.

The PRESIDENT *pro tempore*. The bill has been read at length once, and it is now quite in order for the Senator to submit his amendments.

Mr. PLUMB. I then move, in section 1, line 5 of the text of the bill, to strike out the word "heretofore" before the word "made," and then in line 6, after the word "railroads," to strike out the words "within the State of Kansas" and insert "and heretofore unadjusted;" so as to make the section read:

That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust, or cause to be adjusted, each of the railroad land grants made by Congress to aid in the construction of railroads and heretofore unadjusted.

The amendment was agreed to.

Mr. PLUMB. I move to insert in lieu of section 2 of the bill the text which I send to the desk. I will state that this bill was under consideration for a considerable length of time by the Committee on Public Lands during the last session of the present Congress, and resulted in the reporting of the bill on the Calendar Order of Business 1455, and also in the report of a substitute as found at Calendar number 1652. The subject has received consideration since that time, and in connection with members of the Committee on the Public Lands of the House in the adjustment of differences, and so on, which have resulted in the amendments which I propose.

The PRESIDENT *pro tempore*. Are these amendments made to the substitute or to the original bill?

Mr. PLUMB. They are made to the House bill.

The PRESIDENT *pro tempore*. The original text?

Mr. PLUMB. The original text.

The PRESIDENT *pro tempore*. The Chair so understands. The amendment proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. It is proposed to strike out section 2, and to insert:

SEC. 2. That if it shall appear upon the completion of such adjustments, respectively, or sooner, that lands have been from any cause heretofore erroneously certified or patented by the United States, or by any State, to or for the use or benefit of any company claiming by, through, or under grant from the United States to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands whether within granted or indemnity limits, and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney-General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title heretofore issued for such lands, and to restore the title thereof to the United States: *Provided*, That the lands so erroneously conveyed shall be excepted from the provisions of this section which have been sold by such company to citizens of the United States, or persons who have declared their intention to become such citizens, or which at the date of any sale by such company were in the possession of any person claiming the same under the pre-emption or homestead laws of the United States, and which claims have since been asserted in good faith, and when such claimants did not subsequently purchase from the aforesaid company, or which had been settled upon under the homestead and pre-emption laws by *bona fide* settlers prior to the date when the rights of such company attached to the adjacent lands, as to which excepted lands the Secretary shall demand a release to the United States from the said company free from all incumbrances by or through such company, and the said pre-emption or homestead claimants shall be permitted to perfect their proofs and entries and to receive their patent, except as to such settlers as voluntarily abandoned such entries, and except, also, as to such as have located or made entry of other lands in lieu of the lands so abandoned.

Mr. MCMILLAN. I desire to ask the Senator from Kansas whether the bill relates exclusively to lands within the State of Kansas?

Mr. PLUMB. It does not as amended.

Mr. MCMILLAN. Is it general?

Mr. PLUMB. Yes, general; but it is believed that it will operate chiefly upon lands in that State and in Colorado because of special circumstances attending the certifications in those States.

Mr. MCMILLAN. I have not had an opportunity to look at the bill.

Mr. PLUMB. It is a bill which has been on the Calendar since the last session. It is really a combination of the sections of the original bills to which I have referred.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. I now send to the desk an amendment in the nature of a substitute for section 3.

The Chief Clerk read the proposed amendment, as follows:

That all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper local land office within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting, and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands, and in case of neglect or refusal of such company to make payment as hereafter specified within ninety days after the demand shall have been made, the Attorney-General shall cause suit or suits to be brought against such company for the said amount: *Provided*, That all lands so wrongfully certified or patented and not sold by the grantee company shall be restored to the public domain and disposed of under the public land laws: *And provided*, That any lands heretofore claimed by such company under grants by Congress which have not been certified or patented, and which upon a proper adjustment, as required by this act, shall be found not to belong to such company, shall be restored to the public domain and disposed of under the public land laws, and priority of right shall be given to *bona fide* settlers residing thereon: *And provided*, That all lands heretofore erroneously certified or patented to or for the benefit of any company as aforesaid, and by such company sold to aliens, shall revert to the United States and be disposed of under the public land laws: *And provided further*, That nothing in this act shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid, from recovering the purchase money therefor from the grantee company less the amount paid to the United States by such company as by this act required: *And provided*, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purposes of this act, nor shall this act be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have to enter for breach of said conditions and to forfeit any such grant.

Mr. MCMILLAN. Under what order are we proceeding in the consideration of this bill?

The PRESIDENT *pro tempore*. Under the eighth rule, with five minutes discussion.

Mr. MCMILLAN. Will these amendments be printed and the bill lie over until we have an opportunity to look at them?

Mr. PLUMB. This has been on the Calendar of the Senate for now over eight months—since the 3d day of last June.

Mr. MCMILLAN. Not these amendments which are being offered by the Senator from Kansas.

Mr. PLUMB. The same thing has been practically on the Calendar of the Senate. This brings together, for convenience purely, the provisions of two separate sections, and is in no sense a change in any material way of the bill as it stands on the Calendar to-day.

Mr. MCMILLAN. But these are certainly new amendments offered by the Senator from Kansas at present, and the bill is just taken up on the call of case on the Calendar under the general rule.

We ought to have an opportunity of examining these amendments certainly, because if the law is general in its provisions these amendments involve very important rights to settlers and to persons claiming lands, as well as to the companies concerned. We certainly should have an opportunity of having these amendments printed, and of examining them. I have no objection to having them all offered, and then having them printed.

Mr. PLUMB. This bill has been on the Calendar for several months, and I do not think there will be anything gained by having it go over.

Mr. MCMILLAN. After all the amendments are offered I shall ask that they be printed.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota object to the consideration of the bill?

Mr. MCMILLAN. After all the amendments are offered by the Senator and acted on I shall ask to have them printed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. I will complete the amendments, and then the Senator can, if he wishes, interpose an objection.

Mr. MCMILLAN. I desire, as these amendments are offered, that they be printed, and that we have an opportunity of examining them before they are adopted.

Mr. PLUMB. Of course the bill will be subject to amendment in the Senate. The Senator will gain the object he wishes by not objecting now to the adoption of the amendments, because, of course, they have to go to the other House.

Mr. MCMILLAN. Perhaps the amendments had better not be adopted until we have an opportunity to examine them, because there may be objection to them.

Mr. PLUMB. They will have to be acted upon in the Senate.

Mr. MCMILLAN. If they are not adopted amendments to them will not be reqired.

Mr. PLUMB. I move the adoption of my amendment.

Mr. MCMILLAN. Then I object to the consideration of the bill, and move that the amendments be printed.

Mr. PLUMB. I move that the Senate proceed with the consideration of the bill, the objection of the Senator from Minnesota to the contrary notwithstanding.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed with the consideration of the bill, the objection of the Senator from Minnesota to the contrary notwithstanding. The question is on that motion.

Mr. MCMILLAN. Is that debatable?

The PRESIDENT *pro tempore*. It is not debatable.

Mr. MCMILLAN. I merely desired to call the attention of the Senate to the importance of the legislation which is going on.

Mr. PLUMB. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. MCMILLAN. I ask the unanimous consent of the Senate to state the reason why I desire to have further time to consider this matter. The title of the bill——

The PRESIDENT *pro tempore*. Is there objection?

Mr. HARRIS. I can not consent to waste the morning hour in debate over this matter or any other if I can prevent it. I must object to discussion.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call having been concluded, the result was announced—yeas 42, nays 8; as follows:

YEAS—42.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Kenna, | Spooner, |
| Beck, | Farwell, | Manderson, | Teller, |
| Berry, | Frye, | Maxey, | Vance, |
| Blackburn, | George, | Miller, | Van Wyck, |
| Cameron, | Gorman, | Morgan, | Vest, |
| Cockrell, | Gray, | Morrill, | Voorhees, |
| Coke, | Hampton, | Palmer, | Walthall, |
| Conger, | Harris, | Platt, | Whitthorne, |
| Cullom, | Harrison, | Pugh, | Wilson of Iowa. |
| Dawes, | Ingalls, | Saulsbury, | |
| Dolph, | Jones of Arkansas, | Sawyer, | |

NAYS—8.

| | | | |
|---|---|---|---|
| Brown, | Cheney, | McMillan, | Sherman, |
| Butler, | Hawley, | Mitchell of Oreg., | Williams. |

ABSENT—26.

| | | | |
|---|---|---|---|
| Allison, | Eustis, | Jones of Nevada, | Riddleberger, |
| Blair, | Evarts, | McPherson, | Sabin, |
| Bowen, | Fair, | Mahone, | Sewell, |
| Call, | Gibson, | Mitchell of Pa., | Stanford, |
| Camden, | Hale, | Payne, | Wilson of Md. |
| Chace, | Hoar, | Plumb, | |
| Colquitt, | Jones of Florida, | Ransom, | |

So the motion to proceed with the consideration of the bill was agreed to.

Mr. PLUMB. I wish to say now that after the adoption of the amendments, if they shall be adopted, I shall myself ask to have them all printed and the bill go over until to-morrow.

Mr. HARRISON. Does the Senator propose that the bill shall be reported to the Senate and the amendments adopted there or simply that it go over as in Committee of the Whole?

Mr. PLUMB. As in Committee of the Whole.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, which has been read.

The amendment was agreed to.

Mr. PLUMB. I now send to the desk what is section 3 of the bill reported from the committee, which I ask shall be adopted in place of section 4 of the House bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out section 4 of the text of the bill and in lieu thereof to insert:

SEC. 4. That where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to said company, which shall inure to the benefit of its purchasers; or said purchasers may themselves make said payment, and thereupon receive patents in their own names: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the occupation of adverse claimants under the pre-emption or homestead laws of the United States, and whose claims and occupation have since been continued in accordance with law, and where said claimants have not purchased the railroad title, as to which excepted lands the said pre-emption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further*, That this section shall not apply to lands settled upon subsequent to the 1st day of December, 1882, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases.

SEC. 5. That all purchasers from the Government whose entries have been canceled because in conflict with the grant to a railroad company, which grant shall have afterwards been forfeited, or when the title to the same is still in the Government and free from the right of said railroad company or other person, and in which cases the purchase-money is still retained by the Government, shall have the right to receive a patent for the land so purchased without further payment.

Mr. CONGER. I understand these amendments are to be printed before we act on them.

Mr. PLUMB. I ask that they be adopted now, and then I propose that they be printed with the bill as amended and go over until to-morrow to be acted on in the Senate.

Mr. CONGER. I think they should be offered as amendments and not adopted now. With that understanding I voted to take up the bill, and on that statement, too.

Mr. PLUMB. The Senator did not do it on my statement.

Mr. CONGER. It was stated to me that the amendments were to be offered and printed and laid over until to-morrow. I do not wish to vote on these amendments that have not even been read, and many other Senators are in the same condition.

Mr. PLUMB. These amendments have been on the Senate Calendar since last summer. They are part of Senate bill 2807.

Mr. CONGER. Things so old can not be remembered by the most painstaking Senator.

Mr. PLUMB. Certainly not by the Senator from Michigan.

Mr. CONGER. I claim to be a painstaking Senator. If the Senator meant that as an insinuation that I am not I hope he will withdraw it. [Laughter.]

Mr. PLUMB. I will take that back in the interest of the public. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. PLUMB. I want to assemble really the parts of this bill from the two bills which have been on the Calendar of the Senate since last summer, and then let the compilation thus made be printed and go over.

Mr. CONGER. But the Senator wants the amendments adopted now, while the understanding on which the bill was taken up was that the amendments would be offered and then the bill printed as it would be when amended.

Mr. PLUMB. They will be liable to a motion to reconsider to-morrow. There is no difference practically.

Mr. CONGER. But had they better not be acted on to-morrow when we shall have had a chance to know something about them.

Mr. PLUMB. Very well; I have no objection to that, so far as I am concerned.

The PRESIDENT *pro tempore*. The amendments will lie over.

Mr. PLUMB. The trouble is that there will be no bill printed consecutively until these amendments are adopted.

The PRESIDENT *pro tempore*. The Chair will suggest to Senators——

Mr. PLUMB. If I can have the bill printed separately as it will be with these amendments in, so as as to make one connected measure, I shall be satisfied.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Michigan that if the amendments are allowed to be offered in the order in which they will come they can be printed as in the nature of a single amendment to take the place of the bill, and probably that would obviate the difficulty.

Mr. CONGER. That was what I desired; that the amendments may be offered but not adopted, and the bill printed as it would be if the amendments were adopted.

Mr. PLUMB. I have no objection to that. I was only endeavoring to get the amendments together in such shape that they would appear as adopted continuously.

Mr. MCMILLAN. That was just the request I made originally, and the Senator from Kansas might have saved all this time if he had consented to it.

Mr. PLUMB. I am obliged to the Senator from Michigan; I always am. Everything he says is inspired by that good nature which we all know he possesses.

Mr. MCMILLAN. The Senator understands the matter sufficiently.

Mr. HARRIS. I suggest to the Senator from Kansas and the Senator from Minnesota that, if these amendments are agreed to as in Committee of the Whole and the bill is then printed before being reported to the Senate, Senators can ask a separate vote on any or all of the amendments when the bill is reported to the Senate, and test the question upon them then and there as well as to do it now in Committee of the Whole.

Mr. CONGER. I know that is so, but I would rather see the amendments before I vote on them. That is the custom I have been used to for some years, and other Senators feel the same way.

Mr. COCKRELL. I think this matter has been arranged.

Mr. PLUMB. I will move at the proper time that this bill be printed as it will stand with the amendments, leaving out that which is left out of the original bill on the theory that the amendments have been adopted, so that the bill will be exactly as the committee propose to have it. Therefore, I move to strike out, in section 5, line 2, the word "the" before "State," and in the same line, after "State," the words "of Kansas" and insert "any;" so as to read:

That no more lands shall be certified or conveyed to any State, &c.

Then strike out, in line 3, the word "railroad" before the word "companies." That will make that section as it is designed to be.

The PRESIDENT *pro tempore*. The section will be read as proposed to be amended.

The Chief Clerk read as follows:

SEC. 5. That no more lands shall be certified or conveyed to any State, or to any corporation or individual, for the benefit of either of the companies herein mentioned, by the Department of the Interior, until the said grants, respectively, shall have been adjusted as by this act required.

The PRESIDENT *pro tempore*. The modification will be considered as agreed to. The amendment will be received and not acted on according to the agreement.

Mr. CONGER. Do I understand that that amendment is agreed to?

The PRESIDENT *pro tempore*. The Chair did not so declare. The Chair stated that the proposed modification of the amendment would be considered as agreed to, and the amendments stand without being agreed to.

Mr. PLUMB. I then move to add, at the close of section 5, what I send to the desk.

The PRESIDENT *pro tempore*. The Senator from Kansas submits an amendment, which will be read.

The CHIEF CLERK. It is proposed to add the following proviso at the close of section 5:

*Provided further*, That where any such lands have been sold and conveyed as the property of any railroad company for State and county taxes thereon, the purchaser thereof shall have the prior right, which shall continue for one year from the approval of this act, and no longer, to purchase such lands from the United States at the Government price, and patents for such lands shall thereupon issue: *Provided*, That said lands were not previous to or at the time of the taking effect of such grant in the possession of or subject to the right of any actual settler.

Mr. PLUMB. That amendment I offer on my own responsibility, and not from the committee. The other amendments are committee amendments. Now, I ask that this bill as proposed to be amended as a whole be printed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. PLUMB. And that the bill retain its place upon the Calendar.

Mr. CONGER. Will the proposed amendments be printed?

Mr. PLUMB. I ask that the bill as proposed to be amended as a whole be printed. The other text is already on the Calendar as I have stated. That will bring the bill together in exactly the shape it is proposed to be.

The PRESIDENT *pro tempore*. The Chair understands that no part of the amendments is adopted, but the bill as intended to stand by the committee will be printed as in the nature of an amendment proposed by the committee in lieu of the House bill.

Mr. CONGER. The proposed amendments should be indicated in some way by italics or brackets.

The PRESIDENT *pro tempore*. The Secretary will no doubt attend to that. The order will be made, if there be no objection.

Mr. PLUMB. Now I ask the Senate to proceed to the consideration of Order of Business 1949, which is in the same condition as to the rule under which the Senate is operating as the bill just considered.

The PRESIDENT *pro tempore*. Has it been passed over?

Mr. PLUMB. Yes, sir. It is a House bill which was passed over without losing its place.

The PRESIDENT *pro tempore*. The bill referred to will be stated, having been passed over informally on a previous call.

Mr. CONGER. I do not know that I have any objection to every provision the Senator from Kansas proposes, but I am acting under instructions from the Legislature of my State on these questions, and I wish to see the bill to see whether it conflicts with any of the views expressed by the Legislature. That is all the purpose I have.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, insisted upon by the Senate; that it insisted upon its amendments to the thirty-ninth, fifty-fifth, fifty-eighth, and one hundred and seventy-ninth amendments of the Senate to the bill disagreed to by the Senate; that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that it had appointed Mr. RANDALL, Mr. FORNEY, and Mr. RYAN managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888.

### UNORGANIZED TERRITORY SOUTH OF KANSAS.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] asks the Senate to proceed to the consideration of Order of Business 1949, House bill 679, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

The PRESIDENT *pro tempore*. This bill comes before the Senate under the Harris rule.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

An amendment was reported by the Committee on Public Lands to strike out all after the enacting clause of the bill and to insert:

That the laws of the United States, except those providing for pre-emption, timber-culture, and desert-land entries of the public lands, are hereby extended over the unorganized territory south of the States of Kansas and Colorado, and between the Indian Territory and the Territory of New Mexico, and north of Texas, known as the Public Land Strip; and that for the purpose of the execution of said laws said Public Land Strip is hereby created a land district and is attached to the judicial district of Kansas; and the subdivisional lines of townships in said Public Land Strip may be surveyed under current appropriations for the surveying service, the work to be done under the direction and supervision of the Secretary of the Interior. Until the establishment of civil government in said territory, lands therein may be entered for town-site purposes, for the several use and benefit of the occupants of such town-sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section 2387 of the Revised Statutes, as near as may be; and when such entries shall have been made, the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town-site, including the survey of the land into lots, according to the spirit and intent of said section 2387 of the Revised Statutes, whereby the same result would be reached as though the entry had been made by a county judge, and the disposal of the lots in such town-site, and the proceeds of the sale thereof, had been prescribed by the legislative authority of a State or Territory: *Provided*, That no more than 320 acres shall be embraced in one town-site entry.

Mr. VOORHEES. I gave notice some days ago of an amendment which I intended to propose, and which I now send to the desk.

The PRESIDENT *pro tempore*. The amendment of the Senator from Indiana to the amendment of the committee will be read.

The CHIEF CLERK. It is proposed to strike out all after the word "laws," in line 9 of the proposed amendment of the committee, and in lieu thereof to insert:

All that portion of the State of Kansas lying south of the sixth standard parallel south, and west of the line between ranges thirty and thirty-one west of the sixth principal meridian, and the tract of unorganized territory bounded on the north by the States of Kansas and Colorado, on the east by the Indian Territory, on the south by the State of Texas, and on the west by the Territory of New Mexico, be, and are hereby, constituted a new and separate land district, to be called the Cimarron land district.

The amendment to the amendment was agreed to.

Mr. PLUMB. That will make necessary the insertion after the word "interior," in line 15, of the words:

Said Public Land Strip is hereby attached to the judicial district of Kansas.

The PRESIDENT *pro tempore*. The amendment of the Senator from Indiana strikes out that part.

Mr. PLUMB. I see that the amendment of the Senator from Indiana stikes out more than he designed, I think. It should have been to strike out all after the word "laws," in line 9, down to and including the word "Kansas," in line 11.

Mr. COCKRELL. Let it be read as proposed to be amended.

Mr. PLUMB. It should be to strike out all after the word "laws," in line 9, to and including the word "Kansas," in line 11.

Mr. VOORHEES. That is correct.

The PRESIDENT *pro tempore*. The amendment will be so corrected.

The CHIEF CLERK. In line 9, after the word "laws," it is proposed to strike out down to and including the word "Kansas," in line 11, as follows:

Said Public Land Strip is hereby created a land district and is attached to the judicial district of Kansas.

And to insert in lieu thereof what has already been read.

Mr. PLUMB. Now I move to insert, after the word "Interior," in line 15 of the committee's amendment:

And said Public Land Strip is hereby attached to the judicial district of Kansas.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. VOORHEES. With the permission of the Senator from Kansas, I offer the following amendment as an additional section:

SEC. —. That the President, by and with the advice and consent of the Senate, shall appoint a register and a receiver of public moneys for the land district hereinbefore created; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similiar duties and receive the same fees and emoluments as other officers charged with like duties in the other land offices in the State of Kansas.

The amendment was agreed to.

Mr. CONGER. Will this district be under the surveyor-general of Kansas?

Mr. PLUMB. There is no surveyor-general in Kansas and has not been for several years. The Commissioner of the General Land Office is *ex officio* surveyor-general of any State or Territory that has no surveyor-general.

Mr. CONGER. It needs no provision on that point.

Mr. PLUMB. No, sir.

Mr. COCKRELL. Now let the bill be read as it stands amended.

The PRESIDENT *pro tempore*. The bill as amended will be read.

The Chief Clerk read the bill as amended:

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. TELLER, and Mr. BERRY were appointed.

ADJUTANT-GENERAL'S DEPARTMENT.

The PRESIDENT *pro tempore*. The next House bill on the Calendar will be stated.

The bill (H. R. 10804) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army was announced as next in order.

Mr. GEORGE. Order of Business 2065 was passed over.

The PRESIDENT *pro tempore*. A Senate bill?

Mr. GEORGE. No, sir; a House bill.

Mr. MANDERSON. I ask that the bill which has been announced be considered and disposed of.

The PRESIDENT *pro tempore*. The bill referred to by the Senator from Mississippi was objected to on a former call.

Mr. GEORGE. But it has been restored to its place by unanimous consent of the Senate.

The PRESIDENT *pro tempore*. Will the Senator wait until the bill under consideration is finished?

Mr. GEORGE. Very well; but the bill I refer to should be called next.

The PRESIDENT *pro tempore*. The bill (H. R. 10804) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MANDERSON. There is a Senate bill of a similar character on the Calendar. I move that it be indefinitely postponed. I think it is Order of Business 2097.

The motion was agreed to; and the bill (S. 3126) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army was postponed indefinitely.

COURTS AT MISSISSIPPI CITY.

The PRESIDENT *pro tempore*. The bill to which the Senator from Mississippi [Mr. GEORGE] referred will now be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.

The PRESIDENT *pro tempore*. The question is on the amendment heretofore proposed by the Senator from Mississippi [Mr. GEORGE] which has been read.

Mr. GEORGE. It was an amendment proposed by the Committee on the Judiciary.

The amendment was agreed to.

Mr. GEORGE. The last amendment submitted by the Judiciary Committee is a substitute for all other amendments before suggested by the committee. The last amendment is a substitute for the first amendment.

The PRESIDENT *pro tempore*. That amendment will be read. It has not yet been read.

The Chief Clerk read the amendments reported by Mr. GEORGE from the Committee on the Judiciary to strike out all after the enacting clause of the bill, and insert the following:

That the counties of Hancock, Harrison, Jackson, Marion, Perry, and Green, being a part of the southern judicial district of Mississippi, shall be known as the southern division of said district; and circuit and district courts for the transaction of business pertaining to the persons and property in said southern division shall be held at Mississippi City on the third Mondays of February and August in each year.

SEC. 2. That the said courts to be held at Mississippi City as provided in section one of this act shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Jackson; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division; and all laws touching the removal of causes from State courts to United States courts shall apply to said courts hereby established; but all crimes and offenses heretofore committed within said southern district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, on demand of either party to any suit now pending in either of said courts, and properly belonging to the court at Mississippi City, to make out and certify a copy of the record and proceedings in such suit, and to transmit the same to the deputy clerk of the proper court at Mississippi City, who shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fees for such transcript shall be paid by the party applying for the same.

SEC. 4. That the marshal and clerks of said southern district of Mississippi shall each appoint a deputy, who shall reside at Mississippi City.

SEC. 5. That the United States shall not be at any expense in providing for a building or room for the holding of the terms of said court.

SEC. 6. That whenever the circuit and district courts in the southern district of Mississippi shall be held at the same time and place, only one grand jury and the necessary number of petit jurors shall be summoned for both courts, and they shall be the grand and petit jurors for both said courts.

Mr. MORRILL. I desire to ask the Senator from Mississippi whether this amendment was unanimously reported from the Committee on the Judiciary?

Mr. GEORGE. I do not remember any exception to it now. It was adopted by the committee.

Mr. MORRILL. It has been suggested that my colleague [Mr. EDMUNDS] was opposed to it, but I do not know what the fact is.

Mr. GEORGE. He does not oppose the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GEORGE. I move that the Senate insist on its amendment to the bill and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. GEORGE, Mr. WILSON, of Iowa, and Mr. PUGH were appointed.

WILLIAM N. CANADY.

The bill (H. R. 6712) for the relief of William N. Canady was considered as in Committee of the Whole. It proposes to amend the military record of William N. Canady, late a private in Company A, Eighth Regiment Iowa Veteran Volunteer Infantry, and grant him an honorable discharge, so that he may draw all arrears of pay, bounty, and other allowances to which he would be entitled had not the charge of manslaughter been made, and for which he was subsequently pardoned.

Mr. TELLER. We are in entire ignorance of what is going on in this part of the Chamber. We do not hear the number of the bill or the order of business. We might as well be in the lobby.

The PRESIDENT *pro tempore*. The Chair will again ask Senators to resume their seats and preserve silence as much as possible, as bills are being rapidly passed.

Mr. TELLER. We neither know the contents of the bill, nor the number, nor the order of business.

The bill was read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS RED RIVER AT ALEXANDRIA.

The bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River, in Louisiana, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment at the end of section 6, to insert:

And if said bridge is not commenced within two years and completed within four years from the passage of this act, the rights and privileges hereby granted shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time, and passed.

Mr. CONGER. I move that the Senate insist on its amendment to the bill, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. CONGER, Mr. MCMILLAN, and Mr. VEST were appointed.

MARY WOOD.

The bill (H. R. 7971) granting a pension to Mary Wood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary Wood, of Adair County, Missouri, regimental nurse of the Seventh Missouri Cavalry during the late war, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MORAN.

The bill (H. R. 8469) granting a pension to John Moran was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Moran, late of Company H of the One hundred and second New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. EVE.

The bill (H. R. 8720) granting a pension to William B. Eve was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William B. Eve, late second lieutenant of Company H, Forty-ninth Kentucky Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. FAGG.

The bill (H. R. 6188) granting a pension to John A. Fagg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John A. Fagg, late lieutenant-colonel of the First North Carolina Regiment, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK DIERKING.

The bill (H. R. 8818) granting a pension to Frederick Dierking was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Dierking, late of Company A, Eighteenth Regiment Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SCHNEIDER.

The bill (H. R. 306) granting a pension to George Schneider was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Schneider, late a private in Company G of the Third Regiment of United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. W. GOODING.

The bill (H. R. 8205) granting a pension to J. W. Gooding was considered as in Committee of the Whole. It proposes to place on the pension-roll name of J. W. Gooding, late a private in John Berin's company of the Arkansas Rangers in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA MORRIS.

The bill (H. R. 8486) granting a pension to Rebecca Morris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Morris, dependent mother of William E. Morris, late a private in Company C, Fifty-fifth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY LATHROP.

The bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Lathrop, widow of Henry Brooks, late a private in Company F, Twenty-sixth Regiment Connecticut Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M'COY.

The bill (H. R. 9863) granting a pension to Mary McCoy was considered as in Committee of the Whole. It proposes to place the name of Mary McCoy on the pension-roll at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS G. POLLEY.

The bill (H. R. 5629) granting a pension to Thomas G. Polley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas G. Polley, late of Company D, One hundred and tenth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LARKIN DELPH.

The bill (H. R. 7504) granting a pension to Larkin Delph was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Larkin Delph, late of Company E, Seventh Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE COOSA RIVER.

The bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 21, before the words "postal telegraph," to strike out "a," and in the same line, after the word "telegraph," to insert "and telephone lines;" so as to make the clause read:

That the Talladega and Coosa Valley Railroad Company of Alabama, a corporation created and existing under and by virtue of the laws of the State of Alabama, be, and is hereby, authorized to erect and maintain a bridge across the Coosa River in township 17, range 4 east, in the Coosa land district, or at such point near said township as has been selected by said railroad company for crossing said river with their railroad line, the said bridge to be of such height as not to interfere with the navigation of said river: *Provided*, That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to the said bridge; and the United States shall have the right of way for postal telegraph and telephone lines across said bridge.

The amendment was agreed to.

The next amendment was, in section 1, line 22, after the word "bridge," to strike out the following proviso:

*And provided further*, That before such bridge shall be constructed the Talladega and Coosa Valley Railroad Company of Alabama shall submit to the Secretary of War, for his approval, a detailed plan, showing the location of the bridge, and 5,000 feet in length of the river at this point, 3,000 feet above the bridge and 2,000 feet below it; the plan to show the topography of the banks, the contours of the bottom of the river, the lines of high and low water, and the direction of the current at low, high, and medium stages; and the said bridge shall be provided with a suitable draw, which shall be so located and of such proportions as not to interfere with existing or prospective navigation of the river.

The amendment was agreed to.

The next amendment was, at the end of section 1, to add:

And in case of any litigation concerning any alleged obstruction to the free navigation of said river on account of said bridge the cause may be tried before the circuit court of the United States of either of said States in which any portion of said obstruction or bridge touches; and that all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage over the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, for a reasonable compensation to be paid to the owners of said bridge, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

The amendment was agreed to.

The next amendment was to insert as section 2 the following:

SEC. 2. That said bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than 75 feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than 10 feet above high-water mark, measuring to the lowest member of the bridge superstructure: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, except when trains are passing over the said bridge, for the passage of the boats whose construction shall not be such as to admit of their passage under the draw of said bridge when closed; but in no case shall unnecessary delay occur in opening the said draw after the passage of trains; and the said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board may prescribe.

The amendment was agreed to.

The next amendment was to insert as section 3:

SEC. 3. That the plan and location of said bridge, with a detailed map of the river at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built; but upon the approval of said plan by the Secretary of War the said company or corporation may proceed to the erection of said bridge in conformity with said approved plan; and should any change be made in the plan of said bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, at the end of the bill, to add:

And if said bridges shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORGAN. I move that the Senate insist on its amendments, and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DOLPH, Mr. KENNA, and Mr. VEST were appointed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 21, before the word "postal," to strike out "a;" and in line 22, after the word "telegraph," to insert the words "and telephone lines;" so as to make the section read:

That the East and West Railroad Company of Alabama, a corporation created and existing under and by virtue of the laws of the State of Alabama, be, and is hereby, authorized to maintain a bridge across the Coosa River, in the Coosa land district, at the point in or near township 14, range 6 east, which has been selected by the said railroad company for crossing said river with their railroad line, and where a bridge is now constructed, the said bridge to be of such height as not to interfere with the navigation of said river, and to be provided with a suitable draw: *Provided*, That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to the said bridge; and the United States shall have the right of way for a postal telegraph and telephone lines across said bridge.

The amendment was agreed to.

The next amendment was, in section 1, after the word "bridge," in line 22, to strike out the following proviso:

*And provided further*, That before this act shall take effect said company shall submit to the Secretary of War the plans of said bridge, showing the existing structure and any additions or changes that may be contemplated; and that it shall be decided by the said Secretary that the bridge does not and will not obstruct, impair, or injuriously modify the navigation of the Coosa River, due regard being had to the character of the proposed navigation of said stream.

The amendment was agreed to.

The next amendment was to insert at the end of section 1:

And in case of any litigation concerning any alleged obstruction to the free navigation of said river on account of said bridge, the cause may be tried before the circuit court of the United States of either of said States in which any portion of said obstruction or bridge touches; and that all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage over the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, for a reasonable compensation to be paid to the owners of said bridge, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

The amendment was agreed to.

The next amendment was to insert as section 2:

That said bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than 75 feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than 10 feet above high-water mark, measuring to the lowest member of the bridge superstructure: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, except when trains are passing over the said bridge, for the passage of the boats whose construction shall not be such as to admit of their passage under the draw of said bridge when closed; but in no case shall unnecessary delay occur in opening the said draw after the passage of trains; and the said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was to insert as section 3:

That the plan and location of said bridge, with a detailed map of the sound at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built; but upon the approval of said plan by the Secretary of War the said company or corporation may proceed to the erection of said bridge in conformity with said approved plan; and should any change be made in the plan of said bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, at the end of the bill, to add:

And if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORGAN. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DOLPH, Mr. KENNA, and Mr. VEST were appointed.

## SUITS AGAINST THE UNITED STATES.

The bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States was considered as in Committee of the Whole.

Mr. COCKRELL. As the committee report a substitute for the bill, I suggest that it is not worth while to read the bill stricken out, but only the amendment proposed by the Committee on Claims.

The PRESIDENT *pro tempore*. The amendment proposed by the Committee on Claims will be read.

Mr. HOAR. I wish to say for the information of the Senator from Missouri and the Senate that the amendment has been introduced and passed here as a bill at the present session, but still it ought to be read.

Mr. COCKRELL. I only want to save the reading of eight pages of the House bill.

Mr. HOAR. That is right.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk proceeded to read the amendment reported by the Committee on Claims, to strike out all after the enacting clause of the bill and to insert a substitute, but before concluding was interrupted by

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of yesterday, which is the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. MCMILLAN. I ask the Senator from New York to yield to me to pass a bill of some importance which will not require discussion.

Mr. COCKRELL. I shall object.

Mr. HARRIS. I ask unanimous consent of the Senate that the bill under consideration and partly read may be concluded, the unfinished business being informally laid aside for that purpose.

Mr. SPOONER. I was about to make that request.

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. MCMILLAN] before that made a request for unanimous consent.

Mr. HARRIS. To which the Senator from Missouri [Mr. COCKRELL] objected.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] asks that the unfinished business be informally laid aside with a view to finishing the reading of the amendment to the bill which has been under consideration.

Mr. MILLER. I shall not object to that if it does not lead to discussion.

Mr. HARRIS. If it leads to discussion I shall not ask to intrude further on the unfinished business.

The Chief Clerk resumed and concluded the reading of the amendment of the Committee on Claims, to strike out all after the enacting clause of House bill 6974 and insert in lieu thereof the following:

That the Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon the Constitution of the United States, or any law of Congress, except for pensions, or any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable; also of the claim of any State for the proceeds of swamp and overflowed lands, the property of such State, which the United States may have erroneously sold or disposed of. In all cases in which any such lands shall have been disposed of by the United States otherwise than for cash, the recovery therefor shall be limited to the price at which the same were held for sale or rated by the United States at the time of such disposal: *Provided*, That in no case shall interest be recovered upon any such claim: *And provided further*, That no payment shall in any event be made upon any judgment entered in said court upon any such claim until the said State shall have delivered to the Secretary of the Interior a good and sufficient release of all the said State's right, title, interest, and claim in and to the lands for which said recovery is had.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any State or person making claim against the Government in said court: *Provided*, That no suit against the Government of the United States, except by a State as aforesaid, shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed $1,000, and the circuit courts of the United States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds $1,000 and does not exceed $10,000. All causes brought and tried under the provisions of this act shall be tried by the court without jury.

SEC. 3. That whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer, or agent, or contractor so indebted, or that he, or the person for whom he is such surety, guarantor, or personal representative, has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of

the Government, requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney-General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which any appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court. Unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred.

SEC. 4. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, in so far as the same is applicable and not inconsistent with the provisions of this act; and the course of procedure shall be in accordance with the established rules of said respective courts, and of said such additions and modifications thereof as said courts may adopt.

SEC. 5. That the plaintiff in any suit brought under the provisions of the second section of this act shall file a petition, duly verified, with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or other thing claimed, or the damages sought to be recovered, and praying the court for a judgment or decree upon the facts and law.

SEC. 6. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counter-claim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

SEC. 7. That it shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

SEC. 8. That in the trial of any suit brought under any of the provisions of this act, no person shall be excluded as a witness because he is a party to or interested in said suit; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

Sections 1079 and 1080 of the Revised Statutes are hereby repealed.

SEC. 9. That the plaintiff or the United States, in any suit brought under the provisions of this act, shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, and as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.

SEC. 10. That when the findings of fact and the law applicable thereto have been filed in any case as provided in section 6 of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same; whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same: *Provided*, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit. From the date of such final judgment or decree interest shall be computed thereon, at the rate of 4 per cent., until the time when an appropriation is made for the payment of the judgment or decree.

SEC. 11. That the Attorney-General shall report to Congress, and at the beginning of each session of Congress, the suits under this act in which a final judgment or decree has been rendered, giving the date of each, with a statement of the costs taxed in each case.

SEC. 12. That whenever there shall be pending before the Department of State a claim in behalf of any alien against the United States, founded on or growing out of any treaty with a foreign power or any international obligation, the Secretary of State may, with the consent of the representative of the government of such alien, refer such claim to the Court of Claims, which shall thereupon have jurisdiction to hear and determine the same upon the principles of justice and international law, and to render such judgment as those principles shall require. From any such judgment either party may appeal to the Supreme Court in the manner provided by law in other cases of appeal from the Court of Claims.

SEC. 13. That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall enter judgment thereon, and shall report its findings and judgment to the Department by which it was transmitted.

SEC. 14. That in every case which shall come before the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

SEC. 15. That whenever any bill shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed, or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

SEC. 16. That the costs of court in proceedings under this act shall be taxed in favor of the prevailing party therein, unless otherwise specially ordered by the court. For failure to prosecute a petition filed under this act with reasonable diligence, the same may be dismissed, in the discretion of the court.

SEC. 17. That all laws and parts of laws inconsistent with this act are hereby repealed.

Mr. TELLER. I desire to offer an amendment to the first section of the committee's amendment. I move to insert, after the word "suable," in line 13 of section 1:

And for all claims made by an Indian or Indian tribe against the United States arising from or growing out of treaty stipulations or acts of Congress relating thereto.

The amendment to the amendment was agreed to.

Mr. MANDERSON. I offer the following amendment, to come in after the word "aforesaid," in section 1, line 34:

And upon claims other than war claims wherein under existing law the Court of Claims has heretofore found the facts alternatively requiring the construction of the laws applicable to such facts in order to arrive at a just determination thereof.

Mr. COCKRELL. Let the provision be read as proposed to be amended.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will report the provision as it will read if amended.

The CHIEF CLERK. It is proposed to amend the proviso at the end of the second clause of section 1 so as to read:

*Provided*, That no suit against the Government of the United States, except by a State as aforesaid, and upon claims other than war claims wherein under existing law the Court of Claims has heretofore found the facts alternatively requiring the construction of the laws applicable to such facts in order to arrive at a just determination thereof, shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Claims as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. BECK. I ask whether the amendments meet the approval of the Senator who reported the bill.

Mr. SPOONER. They do.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. HOAR, and Mr. JONES, of Arkansas, were appointed.

## BRIDGE AT SIOUX CITY, IOWA.

Mr. McMILLAN. I ask the Senator from New York to yield to me to pass a bill which will require no discussion. It is a bridge bill, and it is important that it should be passed. It is Order of Business 2329.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the unfinished business be informally laid aside for the purpose of considering the bill referred to by him. Is there objection?

Mr. MILLER. I have been requested by two or three Senators to give way for the passage of two or three bridge bills which are Senate bills in order that they may go to the House. I desire to say that, no one else objecting, I am willing that those two or three bridge bills may be taken up, the pleuro-pneumonia bill being laid aside informally; but I can not consent to let in other bills. For instance, the Senator from Arkansas [Mr. JONES] has made the same request; and I am entirely willing that these two or three bridge bills shall be taken up at this time.

The PRESIDING OFFICER. Is there objection to the request that the unfinished business be informally laid aside for the purpose of considering the bridge bills indicated? The Chair hears no objection. The bill called up by the Senator from Minnesota will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3160) to authorize the construction and maintenance of a bridge by the Chicago, Saint Paul, Minneapolis and Omaha Railway Company across the Missouri River at Sioux City, Iowa, and for other purposes.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 23, after the words "par-

allel with," to insert "and the bridge itself at right angles to;" so as to read:

*Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than 50 feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than 300 feet in length, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of said river, and the main span shall be over the main channel of the river and not less than 300 feet in length.

The amendment was agreed to.

The next amendment was, in section 2, line 30, before the word "navigable," to insert the words "the best," and after the word "mark," at the end of line 35, to insert "and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of said river;" so as to read:

*And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of not less than 160 feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than 300 feet, and the head-room under such span shall not be less than 10 feet above local high-water mark, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of said river.

The amendment was agreed to.

The next amendment was, at the end of section 6, to add:

And if said bridge shall not have been commenced within two years and completed within three years from the passage of this act, the rights and privileges hereby granted shall be null and void.

Mr. MCMILLAN. I move to amend that by striking out "two years" and inserting "one year;" so as to read, "and if said bridge shall not have been commenced within one year," &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Treasurer of the United States, recommending an item for insertion in the deficiency appropriation bill in relation to the appropriation for printing silver certificates and preparing them for issue; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO A BILL.

Mr. BUTLER submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BRIDGE AT GRAND TOWER, ILL.

Mr. JONES, of Arkansas. I ask the Senator from New York to yield to allow me to ask unanimous consent of the Senate to take up Calendar No. 2180, being the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.

Mr. MILLER. That is within the agreement.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 19, after the words "may be," to strike out "fixed by the owners thereof, not in excess of such rates as may be provided by the laws of either of the States of Illinois or Missouri," and insert "approved by the Secretary of War;" so as to read:

Said bridge may also, at the option of the owners thereof, be so constructed as to be used for the passage of wagons and vehicles of all kinds, for the transit of animals of all kinds, and for foot-passengers, for such reasonable rates of toll as may be approved by the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out all after the first word, "that," of section 3, as follows:

SEC. 3. That any bridge built under the provisions of this act may be built as a draw bridge, with a pivot or other form of draw, or with unbroken or continuous spans: *Provided*, That if said bridge shall be made with unbroken or continuous spans, the spans thereof, except the main span, shall not be less than 200 feet in length in the clear, and the main span shall not be less than 300 feet in length in the clear, and shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least 50 feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to, and its piers parallel with, the current of the river: *And provided also*, That if any bridge built under this act shall be constructed as a draw bridge, the draw or pivot span shall be over the main channel of the river at an accessible point, and the openings on each side of the pivot pier shall be not less than 200 feet in the clear, and as nearly as practicable both of said openings shall be accessible at all stages of the water; that the spans shall not be less than 10 feet above the extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge; that the piers and draw rests of said bridge shall be built parallel with the current at that stage of the river which is most important for navigation; and that no riprap or other outside protection for imperfect foundations shall be permitted to approach nearer than 4 feet to the surface of the water at its extreme low stage, or otherwise to encroach upon the channel ways provided for in this act: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats; and the owners of said bridge shall maintain, at their own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

And in lieu thereof to insert:

The bridge herein authorized shall be constructed as a high bridge with unbroken and continuous spans, the main span to be over the main channel of the river, with a clear width of 500 feet channel way, to be measured at right angles to the current, at any and all stages of water. The other spans of said bridge shall have a clear width of channel way as aforesaid of not less than 400 feet, measured at right angles to the current. All of said spans shall not be of less elevation than 50 feet upon high-water mark, as understood at the point of location, to the bottom chords of the bridge. That the piers shall be built parallel with the current of the river at that stage of water which is most important for navigation; and riprapping or other protection for imperfect foundations which will materially lessen the water way shall not be employed in the channel ways of the high spans and piers which will produce cross-currents or bars dangerous to navigation, and if, after construction, any piers or protection walls are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge. That the persons owning, controlling, or operating the bridge authorized by this act shall maintain, at their own expense, from sunset to sunrise, throughout the year, and during heavy fogs, such lights or other signals as the Light-House Board shall prescribe, and shall, during the season of navigation, have posted in a conspicuous place on or near the bridge the clear head-room under the channel span on that day, the figures expressing this height to be not less than 2 feet high, and to be readily visible from any point in the channel of the river for a stretch of 3,000 feet above and 1,000 feet below the bridge.

The amendment was agreed to.

The next amendment was to strike out section 6, in the following words:

SEC. 6. That whenever the Secretary of War shall have good reason to believe that the bridge hereby authorized to be constructed is an obstruction to the free navigation of said river by result of difficulty in passing the draw opening of said bridge, if it shall be constructed as a draw-bridge, by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, on satisfactory proof thereof, to require the company or persons owing such bridge to cause such aids to the passage of said draw opening to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, and other water craft safely through said openings as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any district court of the United States in which district said bridge, or any part thereof, is located, for the recovery of the cost thereof, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment was to insert, as a new section, the following:

SEC. 7. That if the construction of the bridge herein authorized shall not be commenced within two years from the passage of this act, and be completed in four years from the same date, the rights and privileges hereby granted shall cease and be determined.

The amendment was agreed to.

Mr. VEST. On page 4 of this bill, in section 3, line 37, I move to strike out "500" and insert "750."

Mr. CULLOM. For what?

Mr. VEST. To make the span 750 feet.

Mr. CULLOM. I think that ought not to be done.

Mr. VEST. I will give my reason for it. The Bureau of Engineers in their report on this bill recommend that no span shall be less than 750 feet. I drew this bill and reported it, but I was under the impression at the time that I draughted its provisions that the river at Grand Tower, which is 40 miles above Cairo, was of the same character as the river at Saint Louis. That was my impression, but I find it is not so.

Mr. CULLOM. What is the difference?

Mr. VEST. It is a great deal more narrow and the current is a great deal brisker and there are cross currents there. I have now, together with the information I have received since, a letter from Mr. Haarstick, president of the Saint Louis and Mississippi Valley Transportation Company, which can be read. It is not very lengthy.

The PRESIDING OFFICER. The letter will be read.

Mr. VEST. I will say before the letter is read that the span of the Eads bridge at Saint Louis is 525 feet. That was held at the time to be an engineering impossibility, but in the way of bridge-building advances have been made commensurate with the progress in other departments of science and art, and to-day a 750-foot span is much more practicable than a 500-foot span was considered at the time the great Saint Louis bridge was built. This will not be a serious obstruction to the building of this bridge.

Mr. JONES, of Arkansas. I wish to say that the corporation named in this bill are willing to accept 650 feet in lieu of 500 feet, as I am advised by a telegram from the parties in interest, and I should be glad to see the Senator from Missouri propose 650 feet instead of 750.

Mr. CULLOM. I of course do not desire that anything shall be done to obstruct the navigation of the river, but it seems to me that in view of the length of span that we are usually providing for, this bridge of 750 feet is going a little beyond what is really necessary. I know something about the river at Grand Tower, and I am not of the impression that there is the difficulty and trouble with the current there that the Senator from Missouri indicates. While I do not believe that a

span there of over 500 feet is necessary, yet if the parties interested in this bridge crossing the river are willing to accept 650 feet I shall make no objection.

Mr. VEST. I ask that the letter which I sent up be read, coming from the president of the Saint Louis and Mississippi Valley Transportation Company.

Mr. CULLOM. They do not want any bridge built at all.

Mr. VEST. The Senator from Illinois is mistaken, because the railroad system of the country predominates entirely over river transportation. I will say to my friend from Illinois that as the author of the interstate transportation bill he ought now to guard the navigation of the river as much as possible, because if that bill has any effect at all—and I hope it will and I supported it—it will be to put upon the Mississippi River a vast amount of commerce compared to what has been there heretofore. If that bill has the effect the railroad men think it will, it will divert from the railroads to the Mississippi River, I will not undertake to say arithmetically what proportion, but they say at least one-third of the freight that now goes on the railroads.

Mr. JONES, of Arkansas. Will not the Senator from Missouri accept 650 feet in lieu of his amendment?

Mr. VEST. Let the letter be read and then let the Senate decide.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

OFFICE OF SAINT LOUIS AND MISSISSIPPI VALLEY TRANSPORTATION COMPANY,
*Saint Louis, February 22*, 1887.

SIR: Immediately on receipt of a copy of Senate bill 3104 I wired you in reference thereto, in the hope to enlist your opposition to a measure so unmistakably calculated to impose a permanent tax upon the cereals of the Mississippi Valley and its tributary feeders. In further trespassing upon your time in this direction, I beg to say I am to-day in receipt of a communication from Senator Cockrell touching the question of bridges over the Mississippi River south of this port, and in which he incloses a copy of S. 3104, as amended by you, and fixing the span at 500 feet. Now, Senator, permit me to say, at the outset, with all due respect and candor, that a span of the proposed width will certainly constitute a serious obstacle to navigation if located at any point below Saint Louis, but more especially would this be the result at Grand Tower, where the river is narrow, boily, and hence strongly characterized by cross currents.

In advocating the cause of high bridges with wide spans across the Mississippi River below Saint Louis, I do not wish to be considered selfishly interested simply because I happen to represent largely the transportation interests hence to New Orleans. You can readily see where our interests and those of the commerce of this valley are at once identical and inseparable. In further claiming your interested attention to the protection which this commerce seeks at the hand of the General Government, I beg leave to state that recent legislation by Congress will doubtless have the tendency to turn the attention of the West and Northwest to the natural, and certainly the cheapest, route by which to float their products to the seaboard. With navigation left unobstructed, at least to the maximum when other interests are to be subserved and accommodated, there is no reason to expect an increase of carriage via this route; whereas on the other hand, it must necessarily be increased by rail across the country to tide-water where, as you are aware, it has for the past four or five years been performed at ruinously low rates, owing to suicidal competition between trunk-lines. Now, then, as to the effect of obstructions such as bridge piers and narrow spans on the matter of rates for carriage, insurance, &c., I would say within reason that an estimate of increase in the case of cereals could not fall short of one-half to 1 cent per bushel for each bridge thus located and constructed.

In this connection I would mention, in passing, that since the opening of navigation, twelve days, this company alone has transported 1,029,000 bushels corn and wheat, every bushel of which is designed for export; and in the conduct of which business venture the average margin now is not to exceed 1 cent per bushel. Again, as to the feature of danger presented by bridge piers and narrow spans, as you are no doubt aware the transportation business south from this city is done principally by tow-boats and barges. An average tow for one boat is six barges, averaging each, in a good stage of water, 1,500 tons, or an aggregate of 7,500 to 9,000 tons. It frequently happens that a boat will strike a bar or reef and the weight of the tow is so great that the lines are parted and the barges, or some of them, get away from the tow and become scattered. The boat lands the barges that are still fast to her and goes on down the river picking up and gathering together the loose barges. This we have frequently accomplished without the loss of a single dollar's worth of property, as the barges are heavily timbered and well calculated to withstand collision with the river banks. You can imagine what would be the result of such a mishap above and near a bridge pier. All these facts are well known to and considered by marine underwriters, hence an increase in rates of insurance on property transported—this item on wheat would constitute a difference not to be overlooked.

Pardon me if I have wearied you with these matters; but the importance of the subject is the only excuse I can offer. I would again call your attention to the width of span suggested in my telegram, 750 feet. I do so for two reasons—first, it lessens the danger of navigation; secondly, civil engineers who make a special study of bridge-building assert that the wide span can be used just as well and at a very little additional cost.

Very respectfully, yours,

HENRY C. HAARSTICK, *President*.

Hon. GEORGE G. VEST,
*United States Senate, Washington, D. C.*

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. CULLOM. In response to the remark of the Senator from Missouri, that having been connected with the interstate commerce bill, I certainly ought to be in favor of the free navigation of the Mississippi River and all other water ways, I wish to say that I am. I am the last man who would put any unnecessary obstruction in the way of the commerce of that river, or the lakes, or of any navigable stream anywhere where a boat can be floated; but at the same time here is a proposition to make a bridge span 750 feet, which is unprecedented anywhere on that river that I know of, and it is unnecessary, in my judgment.

It is very easily understood that this gentleman, writing a letter here, living in Saint Louis, and who is engaged in commerce upon the Mississippi River, does not want any bridges at all if he could get rid of them; but here is a proposition to build a bridge from the Illinois shore across to the Missouri shore, some 40 miles below Saint Louis, and about 40 miles above Cairo, where the people of those sections, both of Illinois and Missouri, are very much interested in having a bridge, so that they can cross back and forth between the two States. I want them to have it, but at the same time I am not desirous of building the spans so short as to seriously or at all to interfere with the commerce up and down the Mississippi River.

I have visited this point at Grand Tower, and the difficulty that is suggested in reference to the currents in the river there is very greatly magnified, in my judgment. I have been upon the river at the point where it is proposed to locate the bridge at Grand Tower. I do not believe that a span of 550 feet would be at all an obstruction to the commerce of the Mississippi River, but I am willing, so that it may be beyond question, to allow the span to be 650 feet, if you please, and that, as I understand, would not interfere with the construction of the bridge; but when you come to make a span 750 feet you might just as well say that the span should extend the full width of the river, because it comes pretty near doing that.

I do not want to be unreasonable about this thing, neither do I desire that a bill shall be passed here that shall be of no consequence at all, because the bridge will never be built under such a provision, in my judgment.

If the Senator will allow an amendment to make the span 650 feet, as the Senator from Arkansas suggests, instead of 500 feet, as the Senator had in his bill in the first instance, I am satisfied that that is all that is necessary, and I am willing to accept it so far as I in representing the people of my State am concerned.

Mr. EUSTIS. I have received a dispatch from a gentleman who lives in New Orleans, but who happens to be in Saint Louis, a gentleman who has always shown a very great interest in the commerce of the Mississippi Valley. He telegraphs from Saint Louis as follows:

Satisfied from investigation here bridge Mississippi less that 750 span will increase expense and insurance barge grain to New Orleans. No more expensive bridge than 500 feet span. Hope you can help secure amendment.

Mr. CULLOM. From whom is the dispatch?

Mr. EUSTIS. From Maj. E. A. Burke.

Mr. CULLOM. Engaged on the river?

Mr. EUSTIS. Oh, no; he is the proprietor of the Times-Democrat, the most influential paper in New Orleans. He happens to be in Saint Louis, and he discovers that a bridge of 500 feet span will increase the cost of the transportation of grain by barges down the river and will also increase the cost of insurance. He is a man of very remarkable intelligence, and I can vouch for the accuracy of every statement he makes on his general reputation. He is a Democrat, and therefore very truthful.

Inasmuch as this bridge will not cost more whether it is 500 feet span or 700 feet span, and inasmuch as the cost of transportation and the cost of insurance will be greatly increased by a narrow span, I suppose owing to the current at that particular spot, increasing the danger of navigation so that those who have to insure the grain will have to pay an additional insurance on account of the diminution of the span. I do not see what reasonable objection can be urged to the amendment by any one who is friendly at all to the commerce of the Mississippi Valley.

Mr. CULLOM. I desire to inquire if the Senator knows of any other bridge of 750 feet span on the Mississippi River?

Mr. EUSTIS. I am not able to answer the question.

Mr. CULLOM. There are none; and it is a proposition to defeat the bill. That is what it amounts to.

Mr. EUSTIS. I beg pardon; not in the least.

Mr. CULLOM. It is a proposition to defeat the bill in the interest of men in business in Saint Louis and New Orleans running boats up and down the river. They do not want any bridge across the Mississippi River at this point.

Mr. EUSTIS. The Senator is entirely mistaken.

Mr. CULLOM. That is what it amounts to.

Mr. EUSTIS. The Senator is entirely mistaken.

Mr. CULLOM. I am willing to have a bridge with a reasonable length of span, but I do not want a bill passed here that will prove to be of no account to the people who are desirous to have it built.

Mr. EUSTIS. Why does not the Senator state a serious objection why a bridge of 750 feet span could not be built as readily as one of 500 feet span?

Mr. CULLOM. It is because it is much more expensive.

Mr. EUSTIS. This gentleman says it is not more expensive.

Mr. VEST. I wish to state to the Senator from Illinois that there is no bridge over the Mississippi River below the city of Saint Louis, but there are two bridge bills, one has been passed and the other is pending, one for a bridge at Memphis and the other for a bridge at Natchez, and both of them provide for a span of 750 feet. When I drew this bill and provided for spans I put in 500 feet against the recommendation of the bureau of engineers. I was under the impression that the character of the river was the same, as I said a few minutes ago, at Grand Tower as at Saint Louis. It is true that the central span of the Eads bridge at Saint Louis is 525 feet, but since that was con-

structed the cantilever system in bridges has been adopted, and a 750-foot span or a thousand-foot span, as to that matter, is just as practicable with engineers to-day as a 500-foot span.

Mr. McMILLAN. If the Senator from Missouri who has charge of the bill will allow me to make a suggestion, I am willing to allow the bill to be amended so far as I am concerned by leaving it to the judgment of the Secretary of War as to the width of the span.

Mr. VEST. That is already in the bill.

Mr. JONES, of Arkansas. I call the attention of the Senator to the fact that the last section of the bill provides:

That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Congress shall decide that the public interest requires it, is also expressly reserved.

That power is reserved; and if 650 feet should be adopted as the length of the span and it should interfere with commerce in any way the power is expressly reserved to change the span. That is 125 feet wider than any other span on the Mississippi River. It is 125 feet wider than the largest span at Saint Louis, which is 45 miles above.

It seems to me, under the circumstances, that a span of 650 feet is reasonable enough, and I move to amend the amendment of the Senator from Missouri by substituting 650 feet instead of 750 feet.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas to the amendment of the Senator from Missouri will be stated.

The CHIEF CLERK. In section 3, line 37, strike out "seven" and insert "six" before the word "hundred," and after the word "hundred" insert "and fifty;" so as to read:

The bridge herein authorized shall be constructed as a high bridge with unbroken and continuous spans, the main span to be over the main channel of the river, with a clear width of 650 feet channel-way, to be measured at right angles to the current, at any and all stages of water.

Mr. McMILLAN. I move to amend that amendment by inserting the words "not less than" before the words "six hundred and fifty feet."

Mr. CULLOM. I have no objection to that.

Mr. JONES, of Arkansas. I accept that amendment.

The PRESIDING OFFICER. The Senator from Arkansas modifies his amendment as stated. The question is on agreeing to the amendment as modified to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. VEST. In section 3, line 40, before the word "hundred," I move to strike out "four" and insert "five;" so as to read:

The other spans of said bridge shall have a clear width of channel-way as aforesaid of not less than 500 feet, measured at right angles to the current.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### GREAT KANAWHA RIVER BRIDGES.

Mr. KENNA. I ask the Senate to take up for consideration at this time the bill (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same.

The Senate, by unanimous consent, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, after the word "lowest," at the end of line 13, to strike out "chord" and insert "part;" so as to read:

Said channel-span shall be at least 29 feet, measured to the lowest part of the span, above local highest water thus far known, as determined by the United States engineers, and shall be at least 90 feet above low water in bridges built at or near the mouth of the river, and 75 feet above low water in bridges built at or near Charleston, W. Va.

The amendment was agreed to.

The next amendment was, in section 6, line 13, before the word "district," to insert the words "circuit or;" so as to read:

And the United States shall have the right of way for telegraph or telephone purposes across any such bridge; and in case of any litigation arising from any alleged obstruction to the navigation of said Great Kanawha River created by the construction of any bridge under this act, the cause or question arising may be tried before the circuit or district court of the United States for the district of West Virginia.

The amendment was agreed to.

The next amendment was, in section 7, line 1, after the word "alter," to strike out "or;" and in the same line, after the word "amend," to insert "or repeal;" so as to make the section read:

That the right to alter, amend, or repeal this act so as to prevent or remove all material obstructions to the navigation of said river by the future construction of bridges is hereby expressly reserved, without any liability of the Government for damages on account of the alteration or amendment of this act, or on account of the prevention or requiring the removal of any such obstructions; and any change in the construction or any alteration of any such bridge that may be directed at any time by Congress shall be made at the cost and expense of the owners thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. McMILLAN. I ask the Senate to take up the bill (S. 3165) authorizing the construction of a bridge across the Red River of the North. The bill is short. There are two bills, Order of Business 2067 and Order of Business 2073, which are short, and they will not lead to any discussion.

Mr. HOAR. After that I desire to ask unanimous consent to take up Order of Business No. 12, a bill to establish a uniform system of bankruptcy throughout the United States. [Laughter.]

Mr. MILLER. After these bridge bills have been disposed of we can listen to the request of the Senator from Massachusetts.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3165) authorizing the construction of a bridge across the Red River of the North.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, at the beginning of section 2, to strike out the words:

That the said bridge shall be constructed as a pivot draw-bridge, and shall be so constructed that a free and unobstructed passage may be secured to all water craft, rafts, or logs navigating said river at the point aforesaid: *Provided*, That the draw of said bridge shall be opened promptly upon reasonable signals for the passage of boats or vessels.

And in lieu thereof to insert:

That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with spans giving a clear water way, measured at the lowest stage of water known at the locality, of not less than eighty feet in the clear on each side of the central or pivot pier of the draw; and provision shall be made in the height of the bridge, and in the location and construction of abutments and approaches, to allow the free passage of flood-water; and the piers of said bridge shall be parallel to and the bridge itself at right angles to the current of said river: *Provided*, That said draw shall be opened promptly upon reasonable signal for the passage of boats and other water-craft, except when trains are passing over said draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

The amendment was agreed to.

The next amendment was, in section 1, line 24, after the words "as the," to strike out "Secretary of War" and insert "Light-House Board;" so as to read:

And said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 1, line 27, after the word "prescribe," to insert:

And said corporation shall provide, at its own expense, such sheer-booms, guide-piers, or other device as may be necessary to facilitate the safe passage of boats or other water craft through the spans of said bridge.

The amendment was agreed to.

The next amendment was, in section 2, after the words "Secretary of War," in line 46, to insert:

And in case of any litigation arising from the obstruction or alleged obstruction caused by said bridge to the free navigation of said river, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said bridge is located.

The amendment was agreed to.

The next amendment was, after the word "expense," at the end of section 5, to add:

And if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, numbered 1, 2, and 3, and had disagreed to the amendment of the Senate to the said bill numbered 4; that it asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM managers at the conference on the part of the House.

The message also announced that the House still further insisted on its disagreement to the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COBB, Mr. STONE of Missouri, and Mr. PAYSON managers at the further conference on the part of the House.

POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate numbered 4 to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. PLUMB, it was

*Resolved*, That the Senate insist on its amendment to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. PLUMB, Mr. MAHONE, and Mr. BECK.

CROW INDIAN RESERVATION.

Mr. ALLISON. Mr. President——

Mr. McMILLAN. The other bill to which I referred is of the same kind, and will require no time.

Mr. ALLISON. The bill I wish to have considered will require no time.

Mr. McMILLAN. It is the bill of which I gave notice at the time I called up the bridge bill which has just been passed.

Mr. ALLISON. If the Senator from New York will not object, I will yield to the Senator from Minnesota.

Mr. MILLER. The understanding was that the pleuro-pneumonia bill was to yield for a number of bridge bills, and we have taken up nearly all of them. I believe there are two or three yet to be considered. The Senator from Iowa, the chairman of the Committee on Appropriations, who is busy all the time, has made a personal request to me to allow him to call up a certain bill, and if it leads to no debate whatever and will take only a moment, I shall be disposed to yield and let him pass the bill, and then go on with the remaining bridge bills.

Mr. McMILLAN. Very well.

Mr. ALLISON. Thanking both Senators for their courtesy to me, I ask the Senate to take up the bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation, in Montana Territory.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. COCKRELL. One moment. What kind of a corporation is that?

Mr. ALLISON. It is a very good corporation. I know some of the gentlemen, who are citizens of my State. They are thoroughly responsible gentlemen, and expect to build this railway.

Mr. COCKRELL. It is not a charter, then, desired to be obtained for the purpose of selling out and speculating?

Mr. ALLISON. By no means.

Mr. COCKRELL. I have very grave suspicion that there are several bills of that character, and if this is one of them or is tinged with it I propose to object to it. If these parties are honest *bona fide* incorporators and have the means and expect to build the railroad and not sell it out to somebody else and make a little speculation, I have no objection; but if it is for the purpose of speculation I shall certainly object to it.

Mr. VEST. I suggest to my colleague, if the Senator from Iowa will permit me, that that difficulty can be obviated by a very simple amendment, such as we have adopted in the Committee on Commerce to all bridge bills, and it ought to apply to railroads, and that is, if they do not commence to construct in a certain time, and complete in a certain time, the rights and privileges given by the act shall cease and determine.

Mr. COCKRELL. I am obliged to my colleague for the suggestion, and I will put it in proper form. With the understanding that there will be no objection to such an amendment, I shall not object to the consideration of the bill.

Mr. ALLISON. I surely shall not object to such an amendment, if, when the bill is read, there shall seem to be any occasion for it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation, in Montana Territory.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 9, after the words "Crow Indian Reservation," to insert "beginning at;" and in the same line, after the word "at," to strike out "Sec. 2. That the line of said railroad shall extend from," and in line 11, after the word "Territory," to insert the word "running;" so as to make the section read:

That the right of way is hereby granted, as hereinafter set forth, to the Rocky Fork and Cooke City Railway Company, a corporation organized and existing under the laws of the Territory of Montana, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Crow Indians, and commonly known as the Crow Indian Reservation, beginning at a point at or near Laurel, in Yellowstone County, Montana Territory, running thence by the most practicable route to or near the mouth of Rock Creek, commonly called Rocky Fork; thence up said creek to the coal mines near Red Lodge post-office, in Gallatin County, in said Territory; thence by the most practicable route to Cooke City, in said Gallatin County.

The amendment was agreed to.

The next amendment was, in section [3] 2, line 8, after the word "shops," to insert "side tracks;" so as to make the section read:

That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to said right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road.

The amendment was agreed to.

The next amendment was, in section [4] 3, line 10, after the word "Interior," to insert "which approval shall be made in writing and be open for the inspection of any party interested therein;" so as to make the section read:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid.

The amendment was agreed to.

The next amendment was, in section [4] 3, before the word "construction," in line 14, to strike out "and," and after "construction" to add "and operation;" so as to read:

And the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

The next amendment was, at the end of section [4] 3, to add as a proviso:

*Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

The amendment was agreed to.

The next amendment was to add as a new section:

SEC. 7. That this act shall be in force from its passage.

Mr. COCKRELL. I should like to know why that provision is necessary.

Mr. DAWES. It is not of the slightest consequence. It was put in by some one who drew the bill.

Mr. ALLISON. Strike it out.

Mr. DAWES. That may be stricken out.

The PRESIDING OFFICER. If there be no objection the amendment will be disagreed to.

The amendment was rejected.

Mr. DAWES. I call the attention of the Senator from Missouri to a provision in the bill which is very stringent in the line he suggested:

That the right herein granted shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation on said line within two years from the passage of the act.

Mr. COCKRELL. I think that is sufficiently guarded and avoids the necessity of the amendment I suggested.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN O'CONNOR.

Mr. PLUMB. I ask leave to make a motion to recommit a bill. I move to recommit to the Committee on Military Affairs the bill (H. R. 798) for the relief of Stephen O'Connor.

The PRESIDING OFFICER. If there be no objection the bill will be recommitted to the Committee on Military Affairs.

Mr. PLUMB. I do that with the consent of the Senator from Nebraska [Mr. MANDERSON] who reported the bill adversely.

Mr. MANDERSON. I understand it is with the idea of presenting new proof in the matter, and therefore I make no objection.

The PRESIDING OFFICER. The bill will be recommitted.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. McMILLAN. I now ask the Senate to proceed to the consideration of the other bridge bill indicated by me, Senate bill 2930.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 2930) authorizing the construction of a bridge across the Red River of the North.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, after the words "Sec. 2," to strike out—

That the said bridge shall be so constructed, either by draw, span, or otherwise, that a free and unobstructed passage may be secured to all water-craft navigating said river at the point aforesaid: *Provided*, That if said bridge authorized to be constructed under this act shall be constructed as a draw-bridge, the draw shall be opened promptly upon reasonable signals for the passage of boats or vessels.

And in lieu thereof to insert:

That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with spans giving a clear water way, measured at the lowest stage of water known at the locality, of not less than 80 feet in the clear on each side of the central or pivot pier of the draw; and provision shall be made in the height of the bridge, and in the location and construction of abutments and approaches, to allow the free passage of flood-water; and the piers of said bridge shall be parallel to, and the bridge itself at right angles to, the current of said river: *Provided*, That said draw shall be opened promptly upon reasonable signal for the passage of boats and other water-craft, except when trains are passing over said draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

The amendment was agreed to.

The next amendment was, in section 2, line 25, after the words "as the," to strike out "Secretary of War" and insert "Light-House Board;" so as to read:

And said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 2, after the word "prescribe," at the end of line 25, to insert:

And said corporation shall provide, at its own expense, such sheer-booms, guide-piers, or other device as may be necessary to facilitate the safe passage of boats or other water-craft through the spans of said bridge.

The amendment was agreed to.

The next amendment was, at the end of section 2, line 47, after the words "Secretary of War," to insert:

And in case of any litigation arising from the obstruction or alleged obstruction caused by said bridge to the free navigation of said river, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said bridge is located.

The amendment was agreed to.

The next amendment was, after the word "expense," in line 7, at the end of section 5, to add:

And if said bridge shall not be finished within two years from the passage of this act the rights and privileges hereby granted shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LONG ISLAND AND NEW YORK BRIDGE.

Mr. MILLER. Having yielded to nearly all the Senators to pass certain bridge bills, I will now ask unanimous consent that the pleuro-pneumonia bill be laid aside still further temporarily to pass a bridge bill relating to New York.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the consent of Congress is hereby given to the New York and Long Island Bridge Company, a corporation created by the laws of the State of New York, or its assigns or successors, to build a bridge as hereinafter described, and maintain the same across the East River between the city of New York and Long Island, at or near the middle of Blackwell's Island, in the State of New York. Said bridge shall be constructed to provide for the passage of railway trains, of wagons and vehicles, for the transit of animals, and for foot-passengers.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That such bridge shall be constructed at right angles with the channels of said river, the piers or abutments to be constructed on the land side of the harbor or pier lines established by law. Such bridge shall be not less than 150 feet elevation above mean high water at the middle of each channel of the river, and no part of the lower chord of the channel-span less than 142 feet above mean high water.

SEC. 4. That in order to secure a compliance with these conditions, the company, its agents and assigns, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge and for the distance of a mile above and below the site, exhibiting the depths at low and high tide, and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge when built will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously modify the navigation of the river.

SEC. 5. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and other information, and upon being satisfied that a bridge built on such plan and at said locality will conform to the prescribed conditions of this act not to obstruct, impair, or injuriously modify the navigation of said river, to notify the said company that he approves the same; and upon receiving such notification the said company, its agents and assigns, may proceed to the erection of the said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approve the plan and location of said bridge, and notify the said company of the same in writing, the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

SEC. 6. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, the Secretary of War shall fix the same, upon a hearing of the allegations and proofs of the parties.

SEC. 7. That in case the construction of the bridge authorized in this act be not commenced within three years and completed within ten years from the date of its approval, then this act shall be null and void.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOSPITAL STEWARDS.

Mr. MANDERSON. With the permission of the Senator from New York, I ask the Chair to lay before the Senate a bill that has come from the House of Representatives that I may move to concur in the amendment.

The PRESIDING OFFICER. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance.

The amendment of the House of Representatives will be read.

The CHIEF CLERK. Strike out all after the enacting clause and insert:

That the hospital corps of the United States Army shall consist of hospital stewards, acting hospital stewards, and privates; and all necessary hospital services in garrison, camp, or field (including ambulance service) shall be performed by the members thereof, who shall be regularly enlisted in the military service; said corps shall be permanently attached to the Medical Department, and shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law.

SEC. 2. That the Secretary of War is empowered to appoint as many hospital stewards as, in his judgment, the service may require; but not more than one hospital steward shall be stationed at any post or place without special authority of the Secretary of War.

SEC. 3. That the pay of hospital stewards shall be $45 per month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men. They shall have rank with ordnance sergeants and be entitled to all the allowances appertaining to that grade.

SEC. 4. That no person shall be appointed a hospital steward unless he shall have passed a satisfactory examination before a board of one or more medical officers as to his qualifications for the position, and demonstrated his fitness therefor by service of not less than twelve months as acting hospital steward; and no person shall be designated for such examination except by written authority of the Surgeon-General.

SEC. 5. That the Secretary of War is empowered to enlist, or cause to be enlisted, as many privates of the hospital corps as the service may require, and to limit or fix the number, and make such regulations for their government as may be necessary; and any enlisted man in the Army shall be eligible for transfer to the hospital corps as a private. They shall perform duty as ward-masters, cooks, nurses, and attendants in hospitals, and as stretcher-bearers, litter-bearers, and ambulance attendants in the field, and such other duties as may by proper authority be required of them.

SEC. 6. That the pay of privates of the hospital corps shall be $13 per month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men; they shall be entitled to the same allowances as a corporal of the arm of service with which on duty.

SEC. 7. That privates of the hospital corps may be detailed as acting hospital stewards by the Secretary of War, upon the recommendation of the Surgeon-General, whenever the necessities of the service require it; and while so detailed their pay shall be $25 per month, with increase as above stated. Acting hospital stewards, when educated in the duties of the position, may be eligible for examination for appointment as hospital stewards as above provided.

SEC. 8. That all acts and parts of acts in so far as they contravene the provisions of this act are hereby repealed.

Amend the title so as to read: "A bill to organize the hospital corps of the Army of the United States, to define its duty and fix its pay."

The PRESIDING OFFICER. The question is, will the Senate concur in the amendment of the House of Representatives?

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON, Mr. LE FEVRE, and Mr. HENDERSON of Iowa managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2992) to make Tampa, Fla., a port of entry; and

A bill (H. R. 10804) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army.

DISTRICT APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. PLUMB, it was

*Resolved*, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

DISEASES OF CATTLE.

Mr. MILLER. I ask that the unfinished business be now proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

The bill was reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, line 12, to strike out "President of the United States" and insert "Commissioner of Agriculture;" so as to read:

That for the purpose of better promoting the exportation of cattle and the products of live-stock from the United States, and for the purpose of increasing, promoting, and facilitating the commerce in cattle and their products among the several States of this Union, and for the purpose of removing the obstructions to such commerce with foreign nations and among the States now occasioned by the existence of contagious, infectious, or communicable diseases among cattle and other live-stock, and especially contagious pleuro-pneumonia, the Commissioner of Agriculture is hereby authorized and required, immediately after the passage of this act, to appoint a board of cattle commissioners, consisting of three persons of known executive ability, who shall be charged with the execution of the provisions of this act, and who shall be known and designated as the "United States Cattle Commission," and whose powers and duties shall be those provided for in this act.

Mr. MILLER. Mr. President, I will not take up the time of the Senate in making any lengthy remarks upon the bill. I had intended to submit some remarks upon it, but I have yielded so much time to-day to Senators for the passage of certain bridge bills that I shall forego any discussion of this bill myself, unless I am compelled to do so by the course of its opponents. I simply want to say that the Committee on Agriculture in reporting the bill struck out in every case the words "the President of the United States," and inserted "Commissioner of Agriculture;" providing that he should make the appointments of these commissioners.

Mr. GEORGE. Will the Senator from New York allow me to make a suggestion?

Mr. MILLER. Certainly.

Mr. GEORGE. In view of the fact that we passed a bill the other day which may dispense with the Commissioner of Agriculture, had we not better say "the head of the Agricultural Department?"

Mr. MILLER. The committee had in view the fact that the bill creating an executive department out of the Agricultural Department and having a secretary of agriculture and labor would probably pass both Houses of Congress before this bill could possibly pass both Houses, and if that should happen, then of course this bill on its final passage will be amended by substituting "the secretary of agriculture and labor" in place of the words put in by the committee, "Commissioner of Agriculture."

It was thought wise that this commission should not be an independent commission, entirely by itself, but that it should be incorporated into one of the Executive Departments of the Government. The committee did not think it wise, and do not as a rule think it wise that great executive functions of the Government should be carried on by persons who are substantially irresponsible to the Government, except as they are responsible to the President who appoints them, and that this commission, if organized, should be organized under the Agricultural Department.

I may say briefly that legislation in the direction of the extirpation of pleuro-pneumonia has been passed by Congress heretofore. Originally I think the first movement in that direction was the appropriation of an amount of money to the Secretary of the Treasury under which he appointed what was known as the Treasury Cattle Commission. The duties of that cattle commission were confined to quarantining cattle imported into the United States from foreign countries, and the Secretary of the Treasury through a commission did maintain a very effective quarantine at all our ports and prevent the importation of any cattle affected with this disease.

In 1884, three years ago, we passed a law establishing what was known as the bureau of animal industry, and the duties which had before that time been exercised by the Treasury Cattle Commission were transferred to the bureau of animal industry, and its duties were extended to the investigation of the question of there being pleuro-pneumonia in the interior of the country, and to devising means to extirpate it.

It will be remembered that the bureau of animal industry, with its commission and agents, was empowered to operate only in connection with State authorities. They could do nothing unless the State authorities through the Legislature and governor agreed to co-operate with the Federal authorities in carrying out the law. The result has been that some of the States have agreed to the regulations made by the Commissioner of Agriculture, and in some of the States the work has been effective, but in many of the States the Legislatures have failed to pass any laws permitting the governor or other State authorities to co-operate with the Federal authorities, and therefore the measure has to a large extent proved a failure. Whilst this disease has been extirpated in some of the States, in other States, where the Legislatures failed to co-operate with the Federal authorities, the commission has not been successful.

The fact is to-day that pleuro-pneumonia, which has existed to a greater or less extent in this country since 1848, and which had been confined entirely to the Atlantic seaboard until within the past year or two, or the past few months perhaps, has at last passed the Alleghany Mountains, and is now in the Mississippi Valley. Of that I think there can be no doubt.

I do not propose to take up the time of the Senate by going into any elaboration of the danger of this disease, of what it is likely to cost the people of this country or what it has already cost, but every Senator here knows full well that the damage done to the country in the past year has amounted to many millions of dollars. In some of our States it has substantially put an embargo upon the trade in live cattle, the States have to a large extent quarantined one against the other, and unless the Federal Government shall take it up and by a strong measure like this make an ending of it at once, no man can estimate the damage which is to be done to this country in the next five years if this thing shall be allowed to go on.

The bill which has been read has been approved by a large number of the legislatures of Western States, who have sent resolutions here asking for the passage of this particular bill. It has met the approval, I believe, of nearly every cattle-growers' or cattle-breeders' association in the West and upon the plains. The number of petitions coming to the Senate has been very large. In fact, I know of no serious opposition to it. I have heard no opposition to it whatever. I believe that it is desired by substantially all the persons engaged in that great industry and by the masses of our people.

As I said, I do not propose to take up the time of the Senate now to go into any elaborate discussion of this question, and I simply rose to make an explanation in regard to the change of the appointing power from the President to the Commissioner of Agriculture, that having been done by the committee with a view that before the bill should finally pass the two Houses it might be changed to the secretary of agriculture and labor. If it should fail to be changed, and should pass in this form and the department bill should become a law, then under the department bill all the duties imposed upon the Commissioner of Agriculture by this bill would be at once transferred to the secretary of agriculture, who would make the appointments even if no change were made in this bill.

Mr. MAXEY. I desire to ask the Senator from New York a question in regard to the bill. Doubtless he has thoroughly investigated it. Is he satisfied on evidence such as satisfies his mind of its worth that pleuro-pneumonia has crossed into the Mississippi Valley? It is a very important matter, and I should like to have it understood.

Mr. MILLER. I said that pleuro-pneumonia was now in the Valley of the Mississippi; that is, west of the Alleghany Mountains. There is no possible doubt, I think, that pleuro-pneumonia exists to-day in the city of Chicago. We have abundant evidence of that from the most skillful veterinary surgeons in this country, who have certified to that fact, and I have their letters here.

Mr. MAXEY. The direction of my question was a little broader than that. The Mississippi Valley, of course, embraces country east as well as west of the Mississippi River. I have seen it stated in various papers that pleuro-pneumonia had crossed the Mississippi River and was now west of that river. Has the Senator any satisfactory information upon that point?

Mr. MILLER. I am not able to produce any positive information to show that pleuro-pneumonia exists west of the Mississippi River, although it has been stated, and upon what I think is very good authority, that it has existed in the State of Missouri. The statement has been made of late that it has been extirpated in that State. Whether that shall prove to be true or not, no one can tell; we must await further developments in that direction. I suppose there is no doubt

at all that about a year ago it was in the State of Kentucky, and that that State has been injured perhaps more in its cattle industry than any other State in the Union. It is now stated, upon what seems to be good authority, that the disease has been extirpated in that State, or at least confined to very close quarters, and is under quarantine. The Senator from Iowa [Mr. ALLISON] suggests that his own State of Iowa is now quarantined against cattle from the State of Illinois, and that no cattle are permitted to be moved from the State of Illinois into Iowa.

We find that our States are dividing up and drawing lines about themselves, and in a very short time, unless there is action by Congress, the entire commerce in live cattle in this country will have ceased absolutely. Every State will forbid the importation of cattle from any other State, and then the entire meat product of this country will have to be transported as dressed beef, the entire business being confined to each individual State; and when the disease shall once reach our pasturage lands upon the plains no one can tell what will be the damage, or what is to be the condition of the cattle trade in this country.

I think there can be no possible question or doubt that pleuro-pneumonia has passed the Alleghany Mountains, that it is to-day in the city of Chicago, and there is a strong probability that it is also in the State of Missouri, but as to that I am not positive at the present time.

Mr. VEST. Will the Senator before he takes his seat answer a question? I should like to know what States in this Union through their State authorities have refused to co-operate with the Federal authorities in the extirpation of pleuro-pneumonia or any other cattle disease?

Mr. MILLER. That depends upon what the Senator means by refusing to co-operate. Many of the States have neglected to pass any laws permitting co-operation. They may not have refused to do it; there may have been no bills introduced to bring it about, and so no action has been had upon the subject. I am not able to state precisely what States have refused to do that, but I will read from the report of the bureau of animal industry in regard to this matter. In its published report it says:

> Co-operation with State authorities to accomplish the prompt extirpation of the disease has not been practicable, because very few States have laws authorizing co-operation in any form for this purpose; and none have sufficient appropriations to justify their officers in attempting the slaughter of all infected herds. Our efforts in the East have, therefore, been limited to an inspection that would give an approximate idea of the infected territory, the number of infected herds, and the number of affected animals existing at any one time.

This is the statement of the bureau of animal industry, which can co-operate only with States where the State authorities are willing to co-operate. When the State fails to co-operate the Federal authority extends only to putting the entire State in quarantine. It is not necessary for me to say that it is impossible for the Federal Government to put a whole State in quarantine, and to watch all its borders to prevent the driving of cattle from one State into another. If we were to take the whole Federal Army to-day and undertake to quarantine absolutely the State of New York, or the State of Illinois, or the State of Missouri, it would be found altogether impossible to do it.

Mr. VEST. But, Mr. President, my inquiry was directed to this point. Under the third section of the animal-industry act it is made the duty of the Commissioner of Agriculture to publish the rules and regulations of that department in regard to cattle diseases, and it is further made his duty to communicate those rules and regulations to the authorities of the respective States without making a single exception in the whole Union. Then the act goes on further to provide that if they signify their readiness to co-operate he shall proceed to carry out these rules and regulations. If that duty was discharged by the Commissioner of Agriculture, the States, I believe, have replied or answered in one way or another, "through their governors or legally-constituted authorities," to quote the language of the animal-industry act, and it required no specific action upon their part to furnish money or other means to carry out that enactment; the only thing that was necessary for them was to say that they did not oppose the entry of the Federal authorities within the limits of the State for the purpose of carrying out that law. From what I know of the public sentiment of the Western States in regard to cattle diseases I am certain that no State in the West has refused to co-operate with the Federal authorities, or rather to give them the permission to carry out the enactment that Congress has already made.

I should like to ask the Senator from New York also, before I take my seat, for I am anxious to support this bill if I can—I can not support it in its present form, but I am honestly and really anxious to pass such a bill as will protect the cattle interests of the country in which my State is immensely interested, and I want to ask the Senator if he knows and can state the specific localities in the United States where pleuro-pneumonia now exists, not where it has existed but where it now exists? I should like to know also upon what information he states now that there is any pleuro-pneumonia in the State of Missouri.

This is a vital inquiry, because we are asked now to leave the provisions of the animal industry act, which provides for co-operation between State and Federal authority, and which recognized the fact that there was State authority in this Union—we are asked now to abandon that and to go into the broad and naked assertion that without regard to the States the Government of the United States can go into the territory of any State and slaughter cattle and pay the people's money at a certain price fixed in the bill. Therefore, it becomes manifestly pertinent to know whether the provisions of that act have been faithfully carried out, and to know whether pleuro-pneumonia has not been extirpated by the States alone.

I undertake to say that there is no pleuro-pneumonia in the State of Missouri, nor do I believe there ever has been. At the same time I am willing to vote for any bill that my remaining scruples as to the Constitution, that obsolete instrument, will permit me to support. I should like to know where that disease is now.

Mr. MILLER. I did not make the statement that pleuro-pneumonia does exist in the State of Missouri at the present time. I say it has been publicly stated in the press of the country that it did exist there, and it has also been denied. What the exact facts in regard to Missouri are I am not able to give to the Senator at the present time, but that it exists in the city of Chicago I think there can be no possible doubt. Here is a letter from Dr. Charles N. Hewitt, secretary and executive officer of the State board of health of Minnesota:

> RED WING, MINN., *January* 31, 1887.
>
> In September last I examined sick cattle in Chicago on the hoof and *post mortem*, saw many cases of pleuro-pneumonia and abundant evidence that the disease was contagious. All cattle having pleuro-pneumonia should be killed, and places and things disinfected. All suspected should be isolated till reasonable doubt is removed. Send copies of this telegram to Minnesota Senators and Representatives.
>
> CHAS. N. HEWITT, M. D.,
> *Secretary and Executive Officer, State Board of Health, Minnesota.*
>
> Dr. D. E. SALMON,
> *Chief Bureau of Animal Industry, Washington, D. C.*

> THE STATE OF MINNESOTA,
> OFFICE OF STATE BOARD OF HEALTH,
> *Red Wing, February* 11, 1887.
>
> DEAR SIR: In reply to yours of the 9th instant, I send two copies of our report and all appendices, except "Public Health."
>
> The disease prevailing in Chicago among cattle is infectious pleuro-pneumonia, as proven by its history there, and the *post-mortem* examination of its victims. The symptoms and *post mortem* appearances correspond so closely with those reported as characteristic of the European, Australian, and South African plagues as to leave no doubt in my mind that they are examples of one and the same disease.
>
> The disease has a specific cause, and there is no evidence that it (the disease) occurs now, except by the transfer of the infection from an animal sick of the disease to one before free from it.
>
> Yours respectfully,
>
> CHARLES N. HEWETT, M. D.,
> *Secretary and Executive Officer, State Board of Health.*
>
> D. W. SMITH, Esq.,
> *President Consolidated Cattle-Growers' Association of United States.*

That is as late as February 11. I have other letters from other authorities, late letters, to the same effect, one dated Springfield, Ill., February 11. I think I will read this, as it is Illinois authority:

> SPRINGFIELD, Ill., *February* 11, 1887.
>
> DEAR SIR: In reply to yours of the 9th instant, I would say that I have at various times—as president, secretary, and executive officer of this board—investigated the disease called contagious pleuro-pneumonia, and with especial care since the announcement of its existence in this State, August 26, 1885.
>
> Upon two occasions previously I had also been called upon to examine supposed cases of the disease—one six and the other nine years ago—and determined on both occasions that the suspicion was unfounded.
>
> The animals that I saw near Peoria, however, on the date above indicated I became satisfied were suffering from this disease, after a careful study of the symptoms, the *post-mortem* appearances, and the history of the outbreak.
>
> This conclusion was not based upon the dicta of others, but upon my own investigations, and the subsequent history of the disease in this and other States has confirmed me in this opinion.
>
> I have carefully investigated the recent outbreak at Chicago, and do most unhesitatingly and unqualifiedly pronounce the disease to be contagious pleuro-pneumonia, or lung plague, and not the ordinary form of pleuro-pneumonia, which is non-contagious.
>
> I am also firmly convinced that the disease is an exotic to this State, and that the sanitary conditions surrounding the animals in the Chicago distillery sheds had nothing to do with its origin there.
>
> Very respectfully, yours,
>
> JOHN H. RANCH, M. D., *Secretary.*
>
> Hon. D. W. SMITH,
> *President Consolidated Cattle-Growers' Association of the United States, Bates, Ill.*

Mr. VAN WYCK. Those cattle were in distillery sheds, did I understand the letter to state?

Mr. MILLER. Not all of them. The writer says the fact of their being in distillery sheds had nothing to do with the disease; that the disease had been brought into the State; it was exotic.

I hesitated to read these papers or to bring out any proof of this kind. I do not care to be an alarmist, and I know that the statement here in the Senate of the United States that there is pleuro-pneumonia in Chicago will go all over the civilized world and will do a very great deal to injure the trade in our cattle; but the statement had better be made here and now and the Congress of the United States called upon to take certain and swift action in order to crush it out and destroy it absolutely, as I believe can be done within one year's time if Congress will pass this bill and appropriate money. It can not be done without that, and I know of no other way to reach it. If we are to pause and to say that the Federal authority shall take no action in this matter save after a conference with State authority and after some State Legislature shall have passed a bill agreeing to co-operate with the Federal authority

and appropriating money for it, then, instead of crushing out this terrible disease, we shall only have it widespread throughout all the States of the West.

The Senator from Missouri asked me as to facts in regard to the existence of this disease in other States. It is no new revelation to the Senate, or to the country, or to the world to say that pleuro-pneumonia does now exist in the State of New York, and in the States of New Jersey, Delaware, Maryland, and Virginia, and it has existed in the State of Kentucky. It is now claimed that it has been extirpated in the State of Kentucky. Whether that statement is correct or not, I do not know, but the fact of its existence in these Atlantic States is unquestioned, and the fact of its existence in Chicago to-day is beyond question. I do not know that I need say anything more about it.

Mr. DAWES. At any time when convenient to the Senator from New York I should like to call his attention to the framework of the bill. The ninth section provides:

That the said commissioners are hereby authorized to appoint a secretary of the said board, subject to the approval of the Commissioner of Agriculture, who shall receive a salary at the rate of $3,000 per annum for his services during the time in which, under the provisions of this act, the services of the said commissioners shall be required.

It is to the point that the bill clothes these commissioners with a power which the Constitution says shall be imposed by law upon no other person except the President of the United States, the heads of Departments, or the courts of law. I will read the provision. It is a matter which would very much improve the bill, even if it were within the constitutional authority of the Commissioner to appoint an officer of this importance. Still it would be, in my opinion, much better to have such a man appointed by the President by and with the advice and consent of the Senate or by the President alone. The Constitution says the President—

Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress—

This is what Congress may do—

but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Now this bill proposes to clothe with that power the Commissioner of Agriculture. I suggest to the Senator that he say, assuming that the Commissioner of Agriculture will be the head of a department before this bill becomes a law, that the Commissioner of Agriculture be authorized to make this appointment, but still better that the President, by and with the advice and consent of the Senate, shall make the appointment. That would be better still, but it is an impossibility to clothe these other commissioners with that power.

Mr. PLATT. Will the Senator from New York allow me to add a little to the suggestion of the Senator from Massachusetts before he answers him?

Mr. MILLER. Certainly.

Mr. PLATT. I think the objection made by the Senator from Massachusetts goes to the whole matter of the appointment of commissioners under the bill.

Mr. DAWES. My attention is called only to this one, but if this is sound, of course it applies to all the appointments of officers under the bill.

Mr. PLATT. The bill, as it originally stood, vested the power of appointment of the cattle commission in the President, but the amendment proposes to vest the appointment of the commission itself in the Commissioner of Agriculture. It seems to me that, acting as the Senate, we ought not to count chickens before they are hatched, and suppose that the person who is now Commissioner of Agriculture will sometime before the final enactment of this measure become the secretary of the department of agriculture and labor. We ought to act with reference to the law as it now is. The difficulty which I have had in my mind, being a friend to the project of the bill, is that we can not confer upon the Commissioner of Agriculture, under the Constitution, the power of appointing this commission. If the department bill passes he will no longer be the Commissioner of Agriculture. There will be appointed under that bill a secretary of agriculture and labor, but we assume the right, by making this amendment, to confer upon the Commissioner of Agriculture, as he now is, the power of making this appointment. I do not think we can do that.

While I am on my feet let me say one thing more to the Senator from New York. I think the commission, if it is going to be appointed at all, ought to be nominated by the President and appointed by and with the advice and consent of the Senate. I know of no officers who have ever been appointed under any law who have any more power, certainly who have had powers of a more delicate nature to perform than these very officers. The interstate-commerce commissioners will not have to deal with more intricate problems than these commissioners; and it seems to me that they ought as a matter of public policy to be appointed by the President, by and with the advice and consent of the Senate.

Mr. HOAR. Mr. President——

Mr. PLATT. I am making this suggestion to the Senator from New York.

Mr. HOAR. I desire to ask the Senator from Connecticut if he does not understand that the Commissioner of Agriculture is the head of a department within the Constitution.

Mr. PLATT. Not within the Constitution.

Mr. HOAR. Why not?

Mr. PLATT. I do not think he is.

Mr. HOAR. He is made the head of a department by law, and the mere fact of going into the Cabinet depends on the will of the President. I understand that the President might remand the Secretary of State, or the Treasury, or the Postmaster-General to the same condition as the Commissioner of Agriculture by simply not inviting him to the Cabinet meetings.

Mr. PLATT. I have never understood that the Commissioner of Agriculture was such a head of a department as was recognized by the Constitution.

Mr. HOAR. He appoints all the clerks under him.

Mr. MILLER. The Congress of the United States has so recognized the Commissioner of Agriculture heretofore, for in 1884, when it passed the act creating a bureau of animal industry, it authorized the Commissioner of Agriculture to organize the bureau and to appoint the officers, who have been operating under him, and the officers operating under that law have been discharging, so far as the law would permit them to do it, precisely the same duties that this commission will be called upon to discharge. In other words, the bureau of animal industry, wherever a State has consented to the operations of the Federal Government within its boundaries, has gone into the State, has investigated the herds, and if it has found disease it has killed the cattle and has paid for them, or it has put them into quarantine; it has exercised, in short, substantially all the powers given to these commissioners. The bureau of animal industry, according to the law of 1884, was organized and put in operation by the Commissioner of Agriculture, he appointing all the officers under it, and to-day they are carrying on this work wherever they can.

Then further, as I stated some time ago, we had in existence, before the act creating the bureau of animal industry became a law, a Treasury Cattle Commission appointed by the Secretary of the Treasury, which performed many duties which belong now to the bureau of animal industry, and duties which will be discharged by this cattle commission if it is appointed. They were appointed by the Secretary of the Treasury and operated for several years, and I have upon my desk half a dozen or more reports made by what is known as the Treasury Cattle Commission to the Congress of the United States, appointed by the Secretary of the Treasury, and Congress has always recognized the power.

Mr. DAWES. If the Senator's bill read in the manner which he has been arguing, that would be correct. I have no doubt it is within our constitutional power to clothe the Commissioner of Agriculture, just as he is, with this power, but that is not what the bill does.

Mr. MILLER. I think the Senator from Massachusetts is probably correct in his criticism upon the appointment of the Secretary. I was coming to that point. I agree with him, and if he will submit an amendment changing it so as to have the secretary appointed by the Commissioner of Agriculture just as the commission is to be appointed, it will avoid that difficulty. I agree with him fully that the bill is at fault in that direction.

Mr. CULLOM. I have not risen to make any extended speech on this bill. I simply desire to say that there is no question, I suppose, in the minds of the people of this country but that the disease commonly known as pleuro-pneumonia among cattle prevails in the country to-day in different States of the Union. There is no doubt in my mind that it prevails to some extent in Illinois.

For a number of years the State of Illinois has had what is known as a pleuro-pneumonia law upon its statute-books, and there has been considerable effort on the part of the people of Illinois to keep that disease out of the State. Substantially, we succeeded for a time in doing it.

During the present winter and last fall the disease broke out very violently, as the country knows, in the city of Chicago, and I fear it prevails there to-day, if there is any truth in the testimony that comes before us from different disinterested parties who live in the State of Illinois and who have given this subject attention. It prevails in the State of New York, and I believe it prevails in some other States. The Senator from Missouri says that it does not prevail in his State at this time, and I am not sure that it does.

The disease is of such a character that it can not be controlled by one State acting to-day upon the subject and another State acting some other day. It can not be dealt with in that piecemeal manner which would inevitably result from an attempt on the part of the States to control the disease and exterminate it. So that, in my opinion, there is but one thing for the Congress of the United States to do if we intend to get rid of the disease before it becomes much more difficult to control than it is now. I do not believe any State action which can be had will ever exterminate the disease, but that it will go on spreading from one portion of the country to another until it becomes absolutely uncontrollable.

Therefore, I am in favor of whatever legislation by the National Government is necessary to take hold of it, not only in one locality, but in all localities at once as near as may be possible, so that we may extirpate the disease at whatever cost it may be necessary to pay in order to get rid of it. If we do not do it now, we shall do it hereafter; and instead of costing this Government $500,000 or a million dollars to get rid of it to-day, it may cost hundreds of millions of dollars to extirpate it, unless we grapple with the subject at once and pass such a law as will enable the people of the country to take hold of it in all portions of the United States at the same time.

Now, sir, referring to my own State and to the law that is already upon the statute-books, it has been said by the Senator from Missouri that the States have some rights now under the law, but that they would not have any if we pass this bill upon the subject. So far as I am concerned, I believe in giving the States whatever rights they are entitled to upon this and all other questions; but when we come to a subject of this kind that can not be controlled by the action of any one State, or of the States separately, it becomes the duty of the National Government, under the Constitution, the public-welfare clause, if you please, to take hold of it and pass whatever law is necessary under the Constitution to enable us to control the subject.

Under the general-welfare clause, as well as under another provision of the Constitution in relation to interstate commerce, we have the power, when we find the disease exists, to do whatever is necessary to extirpate it for the general welfare, and to prevent obstruction to commerce.

Mr. EDMUNDS. What provision of the Constitution is that to which the Senator refers?

Mr. CULLOM. I have not the paragraph here, but I refer to the general-welfare clause; the fourth article in relation to seizure, &c., and to the clause providing for the regulation of commerce between the States.

Mr GEORGE. Mr. President——

Mr. CULLOM. The Senator from New York [Mr. MILLER], who has control of this bill, is anxious to bring it to a conclusion and that the speeches upon it shall be brief. I do not, therefore, desire to occupy the attention of the Senate long, and the Senator from Mississippi will have an opportunity to speak when I get through, or at some time before the bill is disposed of.

There is nothing clearer in my mind than the proposition that, so far as State action is concerned, this disease which has broken out among the cattle of this country will never be exterminated if left to the action of the States alone, and it has become a question for Senators to meet face to face whether we shall allow the disease to go on spreading from one locality to another until it exists among all the cattle of the country, or whether we shall seize hold of the subject at once and pass such an act as will enable the Government of the United States to do whatever is necessary and that can constitutionally be done to eradicate the disease.

To-day different States are losing millions of dollars because of the disease which is known to exist within their borders. Take my own State; take the State of Kentucky, and I venture to say there is not an individual in those States who does not believe that something of this kind is necessary in order to stop the spread of the disease.

So far as the bill is concerned which is before the Senate, I do not agree with it entirely. I do not believe in the changes in the bill which the Committee on Agriculture have made since it was first introduced. I see by looking at the bill that wherever the words "the President of the United States" occur, they have been stricken out and "the Commissioner of Agriculture" is substituted as the power to make the appointment of this commission and to do whatever else is necessary under this proposed law.

I believe that, so far as the appointment of the commission is concerned, it ought not to be intrusted to the Commissioner of Agriculture, even though that officer should become a member of the Cabinet under the operation of the new law which was passed by the Senate yesterday. As the Senator from Connecticut has said, the duties to be performed by that commission are of the most delicate and responsible character, involving, perhaps, not only the delicate question of going into private premises, into a man's barn or lot, and having his cattle killed, but also the question of the amount of cost that the execution of this law will entail on the people of the United States; and I insist that no man below the President of the United States, the chief executive officer, should have the power of selecting and appointing those men to perform the duties prescribed by the bill now before the Senate.

I think the appointment of the commission should be vested in the President of the United States; and not only that, but the law should provide that the names of the appointees should come before the Senate for confirmation, so that their characters and capacities may be thoroughly scrutinized before they are authorized to perform the duties which this bill proposes that they shall perform.

Sir, this is all I have to say about the bill, but I think the amendments I have suggested ought to be made, and if no other Senator proposes them I shall propose to put the bill back upon that particular point exactly where it was before these amendments were proposed to it by the Committee on Agriculture.

Mr. TELLER. We have not adopted those yet.

Mr. CULLOM. But the bill is subject to amendment. I do not think we ought to permit the appointment of the commissioners, who have pretty large salaries provided for them, and who have the most important and responsible duties to perform, to be vested in the Commissioner of Agriculture, and the execution of the entire law subject to his control and supervision, instead of placing it in the hands of the President of the United States.

The bill provides in another place, I believe, that the Commissioner of Agriculture may suspend the operation of the work of these commissioners whenever he sees proper to do so. That power also ought to be vested in the President of the United States instead of in a Commissioner who is subordinate to him. If nobody else moves to amend the bill by reinserting the words I have referred to, and striking out "Commissioner of Agriculture" wherever the name appears, I shall do it myself.

Mr. PLATT. Mr. President, the point that I made a few moments ago was that under the Constitution we could not authorize the Commissioner of Agriculture to appoint this commission, and the Senator from Massachusetts and some other Senator replied to me by saying that there was a Department of Agriculture, and that the Commissioner was head of the Department. Now, I wish to take enough time to show that that in my judgment is not the case.

Mr. HOAR. Does he not appoint all his clerks and subordinates now?

Mr. PLATT. Whether he does or not is another question. For myself I have very great doubts about the constitutionality of a good deal that is done by the Department of Agriculture.

The Revised Statutes, page 26, section 158, specify certain Executive Departments—the Department of State, the Department of War, the Department of the Treasury, the Department of Justice, the Post-Office Department, the Department of the Navy, and the Department of the Interior. Turning to the provision of the Revised Statutes which organized the Department of State, section 199, we find this:

SEC. 199. There shall be at the seat of Government an executive department to be known as the Department of State, and a Secretary of State, who shall be the head thereof.

So with reference to the Department of the Treasury, section 233:

There shall be at the seat of Government an executive department to be known as the Department of the Treasury, and a Secretary of the Treasury, who shall be the head thereof.

The same language is used with reference to the Department of Justice, and the Attorney-General is specified as "the head thereof." The same language is used with reference to the Post-Office Department, and the Postmaster-General is designated as "the head thereof." The same language is used with reference to the Department of the Navy, and the Secretary of the Navy is designated as "the head thereof." Then we come to the Department of Agriculture, where entirely different language is used:

SEC. 520. There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

SEC. 521. The Department of Agriculture shall be under the charge of a Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $4,000 a year.

He is not named as "the head" of that Department. Now, how was it when the Interior Department was organized? It was called the home department, organized by an act passed March 3, 1849, the first section of which read as follows:

That from and after the passage of this act there shall be created a new Executive Department of the Government of the United States, to be called the Department of the Interior, the head of which Department shall be called the Secretary of the Interior.

So that with regard to all the Departments which are known as the Executive Departments the statute expressly provides that a certain officer designated in the statute shall be the head of the Department, but when it comes to the creation of this so-called Department of Agriculture it uses no such language, but says that the Department which is thus created shall be in charge of a Commissioner of Agriculture, and the statute intended to make that distinction and to exclude the Commissioner of Agriculture from participation in the functions and powers which are conferred by statute upon heads of Departments. I do not think there can be any question on that score. Whatever may have been done in that Department makes no difference.

Mr. HOAR. I move to strike out, in the second section, beginning with the word "provided," in line 34, down to the end of the section. I would like to ask the lawyers of the Senate to listen to this proposition.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Massachusetts that the amendments reported by the committee have not been acted on.

Mr. HOAR. Very well. Then I will give notice of the amendment at the proper time. I do not suppose that any constitutional lawyer would claim that it was constitutional to say that my horse, or ox, or bull, or cow should be killed without paying me any compensation whatever by the Government if that animal had simply been exposed

to an infectious disease, whether the animal had caught it or not, so that it would not appear that the animal was a nuisance, but somebody thought it might become so.

If that proposition, which I suppose nobody will question seriously, be true, it is certainly equally unconstitutional to say that in such a case the Government may kill that animal, and in no case pay more than $160 if the animal has been recorded in a herd-book, and in no case pay more than $60 for an animal not so recorded, and to provide further that if the exposure was in a foreign country or on the high seas nothing shall be paid for the animal in any case. That is what this proviso provides.

I was in England a few years ago, and saw a farmer who had just sold a bull to go to Australia for 5,000 guineas—$25,000, or thereabouts; and he had another one which he valued more than the one which he had sold.

Mr. MILLER. I think the Senator from Massachusetts has perhaps overlooked section 6, which provides that in case the appraisal is not satisfactory to the owner of stock and he refuses to accept the compensation offered by the commission, the commission has no power to kill the animal, but is empowered to institute a close quarantine.

Mr. HOAR. Where is that?

Mr. MILLER. Section 6, on page 7. Perhaps it should have been put in closer connection with the proviso the Senator has read. I think that will obviate the difficulty. I think the Senator must see the necessity of having some limitation as to the amount the commissioners shall offer to pay for any animal that may be killed.

Mr. HOAR. But you do not provide that they shall not kill him, in section 6.

Mr. PLATT. If he is under $160 and an unpedigreed animal, they kill him.

Mr. HOAR. You do not provide for any compensation to the owner for the animal put in quarantine. You relieve the matter a little, it is true, because the commissioners will be a little less likely to exercise their authority, but they may kill him if they choose.

Mr. PLATT. And they kill him if he falls within the limit.

Mr. HOAR. And they kill him if he falls within the limit. But suppose the animal be this 5,000-guinea bull, what right have you to provide that merely because the animal has been exposed he shall be killed and nothing be paid for him, or that only $60 paid for him if he is not a herded animal, and only $160 if he be a herded animal.

Mr. CULLOM. Is not the Senator aware that section 6 provides:

> That when the owner of animals decided under the provisions of this act, by the proper authority, to be diseased or to have been exposed to said contagion, refuses to accept the sum authorized to be paid under the appraisement provided for in this act, it shall be the duty of the commissioners to declare and maintain a rigid quarantine as to the animals, &c.

Of course that presumes that the animal has not been killed, and if he has not been, he can not be after that, because when the owner refuses to accept the compensation the animal is guaranteed.

Mr. HOAR. Maintaining a rigid quarantine means taking him from the possession of the owner and putting him into quarantine.

Mr. CULLOM. That is where he ought to be.

Mr. MILLER. It does not mean that necessarily.

Mr. HOAR. It may be that the Senator from Illinois thinks I ought to be shut up, but he has not got the constitutional power to do it.

Mr. CULLOM. I do not want to do it.

Mr. HOAR. But he has the same power to do it to me that he has to do it to my ox.

Mr. CULLOM. Does the Senator insist that where an animal is exposed to disease or has disease there is no power to prevent that animal from running at large and diseasing every other animal that he comes in contact with?

Mr. HOAR. When the animal has the disease he has become a public nuisance, and it is the universal principle of the common law, and I suppose of all other law, that property which is a public nuisance is subject to the public authority to abate or even to kill. You may kill or destroy the animal without compensation constitutionally if he be so diseased as to be a public nuisance—there is no question about that—just as you may tear down a house on fire. You may, by private authority, alone and without any law-officer intervening, fill up a swamp which is breeding pestilence, or you may tear down an obstruction in the highway. But this goes further, and provides for destruction of animals at a price less than they are worth, which at any time in the past have been exposed to a contagious disease, whether they have got the disease or not, and whether, therefore, they are nuisances or not.

Mr. EDMUNDS. And stated in the bill to be less than their worth.

Mr. HOAR. In some cases you are to pay nothing; in some cases you are to pay three-quarters of the value; and in all cases you are not to pay over $60 or $160, as the case may be; and it is the duty of these commissioners to *kill* the animal.

Then it does say in section 6, which I agree I had not observed before, that if the owner will not consent to take the price offered the animal shall be *put in quarantine; but what are they going to do with the animal?* They are not to pay any price at all. It is only where there is a price offered and a refusal by the owner that you are entitled to quarantine the animal; but the previous section says you shall not pay anything for an animal which came from abroad and was exposed on the high seas, whether he has the disease or not, and in that case there is no provision for quarantining.

Mr. MILLER. We have power in that case to say that the animal shall not be landed at all.

Mr. HOAR. That is another thing.

Mr. MILLER. The President has issued his proclamation time and again to prevent it.

Mr. HOAR. You have a right to say that an animal shall not be landed under your regulations of foreign commerce; but my point is that when the animal is here in the State of Illinois or in the State of South Carolina you come under this bill and declare that this valuable and costly animal shall be killed if the commissioners think he has been exposed, whether he in fact has the disease or not, and therefore whether he is in fact a nuisance or not, and if the exposure was abroad or if on the high seas, or if the owner has concealed the fact of his exposure, in that case there is nothing to be assigned to him. In that case therefore there is no provision that he shall go into quarantine instead of being killed. It may be implied from the sixth section, but it is not expressed.

Mr. President, I think my honorable friends who have this bill in charge will see (because I sympathize with their object) that it is no way to accomplish a great public advantage to defy the Constitution of the United States, and if you do your effort fails. The true way is to accept the suggestion and amend the bill by striking out this proviso, and if you are going to kill these animals pay for them whatever they are worth and take the responsibility of that. If the commerce of the country demands this thing to be done—and I admit the authority of these Senators is very high on that subject; I admit their right—do it in a constitutional way and the commerce of the country will be willing to submit to it in a constitutional way.

Mr. MILLER. I am not going into a discussion of what we may do or can not do under the Constitution on this question. This question perhaps has not got beyond the Constitution, but it is getting beyond it very rapidly. This provision here is very largely copied from the present English law. I do not know whether the fact——

Mr. HOAR. Parliament is omnipotent.

Mr. MILLER. I do not know whether the fact that Parliament has a law exactly like this in its provisions in regard to killing cattle and fixing the limit of their price will have any effect on the mind of the Senator from Massachusetts or not, but it seems to me that——

Mr. HOAR. I would like to inquire of my honorable friend if there is in England any provision that private property shall not be taken for public use without compensation, such as we have in our Constitution.

Mr. MILLER. We have undertaken in this bill to limit the amount of money that shall be expended in killing diseased and exposed cattle. Then in order to protect the rights of the private citizen we have provided that in those cases where the price has been fixed by the commission, if it is not satisfactory to the owner, instead of killing the cattle they shall then be put into quarantine, that is a quarantine upon their own premises, the premises taken care of and protected.

Mr. GEORGE. Will the Senator from New York allow me to ask him a question for information?

Mr. MILLER. Perhaps the discussion on this particular amendment offered by the Senator from Massachusetts is out of order at this time. The Senate is proceeding to consider the amendments of the Committee on Agriculture.

Mr. GEORGE. I wish to ask a question for information, if the Senator will yield to me.

Mr. MILLER. Certainly.

Mr. GEORGE. Is pleuro-pneumonia necessarily a fatal disease, incurable?

Mr. MILLER. The Senator is asking a question which may take a very wide range. I am not able to speak of what has happened in the thousands or millions of cases where cattle have been affected; but the general understanding is that what is known as contagious pleuro-pneumonia is fatal. I very much doubt whether there is any positive knowledge that in those cases where there was supposed to have been a recovery there was any positive knowledge that the animal had the disease called pleuro-pneumonia.

Mr. GEORGE. Then the Senator will allow me to ask him another question. If genuine pleuro-pneumonia, which this bill is designed to stamp out, is fatal, necessarily fatal, where is the propriety of paying the owner of an animal affected with that disease three-fourths of the value of that animal estimated according to his value when he was free from disease?

Mr. MILLER. That is done upon the ground that the disease is so dangerous that in its effects it is injuring the entire people, and therefore that the person owning an animal should not be called upon to bear the entire loss, and that it is much more easy for this commission to go on and execute its duties if it is enabled by Congress to pay some proper compensation for the animals.

For instance, if the owner of a herd finds that it is attacked by some disease, and supposes the disease to be contagious pleuro-pneumonia, the owner of the herd would interpose, perhaps, no objection to the

animals being destroyed if he was to be paid three-quarters of its value; but if he was to receive nothing at all he certainly would contest the question with the Federal officials to the last point, in order that he might save his property. In that way the commission would be able to do little or nothing in the direction of extirpating this very dangerous disease.

This provision to pay for the cattle has met with the approval of nearly all the governments of Europe. They are all doing precisely this thing. They are taking not only the cattle that are diseased but they are taking the cattle that are exposed to contagion, and in Europe they are actually extirpating the herds. They are not troubled by these constitutional questions which come up here. When the free people of America who have the right to govern themselves undertake to govern themselves, they find that they are tied down by constitutional chains, chains riveted and forged by the gentlemen on the other side of this Chamber generally, to prevent them from doing what they want to do. We find, in other words, that a free government is unable to control its own operations or to do for the people of the country what any despotic government can do and is doing to-day. In short, as I say, in nearly every civilized country laws are in force almost precisely like this giving the government officials absolute power to go into any herd and if they find disease there to kill the whole herd and to pay for it, and paying in about the proportion of three-fourths or one-half of the value of the herd when it was well.

Mr. HAWLEY. I should like to ask the Senator a question apropos of his remark concerning constitutional power, and his lamentation that we have it not or that it is denied by some Senators. I suggest to him that his whole bill proceeds on the supposition that the people of this country are incapable of self-government, that the people of the States, who have unquestioned and abundant power, do not know enough to take care of their own cattle.

Mr. MILLER. I do not care to go into any lengthy argument to answer that. I have already said that with our present means of intercommunication, with our more than 130,000 miles of railroad, and with our tens of thousands of miles of water navigation, and with an unprotected border upon every side, it is absolutely impossible that any one State should quarantine itself against another State. They have not men enough nor money enough to do it. The thing can not possibly be done in that way.

Mr. HAWLEY. If the Government will confine itself to the scope just indicated by the Senator, we should have very little argument concerning the bill. If it confined itself to regulating the transportation of diseased cattle from without or from one State to another, that would be within the field indicated in the interstate-commerce bill, and there could be no argument at least about the constitutionality of it.

Mr. MILLER. Tens of millions of cattle are transported from State to State that do not go either on railroad or steamboat.

Mr. HAWLEY. And thousands of tons of freight are daily going in one direction or another.

Mr. MILLER. It is impossible to control it in that way.

If we can take up the amendments of the committee and proceed with the bill in that way, I simply want to say that, as chairman of the committee, and, I think, representing the views of the committee, we are entirely willing to submit to any amendments which may be suggested by the wisdom of Senators that do not destroy this bill or take away from it the powers that it is intended to give to the cattle commission. Anything in the direction of perfecting the bill and making it so that it will operate effectually will be gladly received by the committee.

Mr. BUTLER. Mr. President, I shall be very glad to do what I can to rid the country of the evil of which the Senator from New York speaks, but I can not, with my sense of duty, support the bill reported by the Committee on Agriculture, notwithstanding the sneer of the Senator from New York about gentlemen on this side of the Chamber interposing constitutional difficulties to prevent the people of this country from governing themselves. That Senator forgets that the chains and shackles of which he is speaking were imposed by the founders of this Government, and not by gentlemen on this side of the Chamber. My own opinion is that a great deal of this clamor that we hear has been raised for a purpose, and I am not prepared to believe, in the absence of better evidence, that the country is imperiled by the existence of this dangerous contagious disease.

On the 29th of May, 1884, Congress passed "An act for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppressson and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals." In the third section of that act we find this:

That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

He is authorized to expend so much of the money appropriated by the act as may be necessary in such investigations, &c. There is the authority conferred upon the Commissioner of Agriculture by the act of May 29, 1884. The Senator from New York stated, if I did not misunderstand him, that that act had been wholly ineffectual.

Mr. MILLER. The Senator is mistaken in making a statement as broad as that. I said that in some of the States the State authorities had co-operated heartily with the Commissioner of Agriculture and with this bureau and that some beneficial results had been produced, but that many of the States had failed to do anything in the way of co-operation, and that the whole work was endangered even in the States where the disease had been extirpated, because it could not be kept from coming in from the other States where the State authorities had failed to co-operate with the Federal authorities, and for that reason the operations of the bureau of animal industry were very unsatisfactory, but some good results had been produced.

Mr. BUTLER. Now, let us see what the veterinary surgeon, appointed in pursuance of that act, says on that subject, and see whether the statement of the Senator is borne out. In his second annual report I find the veterinary surgeon of the bureau says:

The outbreak of pleuro-pneumonia in the Western States, which originated in Ohio in 1883, and which at one time threatened irreparable injury to the cattle industry of the nation, has now been practically suppressed.

Mr. CULLOM. From what is the Senator reading?

Mr. BUTLER. I am reading from the second annual report of the Bureau of Animal Industry.

Mr. CULLOM. What date?

Mr. BUTLER. Eighteen hundred and eighty-five.

Mr. CULLOM. That has gone by.

Mr. BUTLER. It is the last report that has been printed. I want the Senator from Illinois to listen to this report.

Mr. CULLOM. I am listening.

Mr. BUTLER. I read:

The disease was carried from Ohio to Illinois, and from Illinois to Missouri and Kentucky, great damage being done by the interruptions of trade and commerce which resulted. The loss of cattle was less than would be expected from an outbreak of such proportions, and this was due, not to any diminished virulence of the disease, but to its early discovery and the measures adopted for its control and eradication. The part taken by this bureau in the discovery and extirpation of the outbreak will be understood from a perusal of the present and the preceding report. Since the report was written information has been received that the bill which has been pending in the Kentucky Legislature for the extirpation of pleuro-pneumonia in that State has become a law, and it is now only a question of a short time when all danger there will be removed.

Then he goes on further to state:

For the fortunate termination of this outbreak the country is indebted to the prompt and efficient co-operation of the authorities of the infected States.

I understood the Senator from New York to say, and to be confirmed by the Senator from Illinois, that the States had failed to co-operate with the Commissioner of Agriculture under the act of 1884.

Mr. CULLOM. So they have.

Mr. BUTLER. The veterinary surgeon, Dr. Salmon, gives a very different account. He says:

For the fortunate termination of this outbreak the country is indebted to the prompt and efficient co-operation of the authorities of the infected States, and particularly to Drs. M. R. Trumbower, C. B. Michener, and W. H. Wray, inspectors of this bureau, whose professional knowledge and good judgment were invaluable in the diagnosis of the plague, and in proposing and carrying out measures for its suppression.

Mr. MILLER. Will the Senator permit me a word?

Mr. BUTLER. Yes, sir.

Mr. MILLER. To how many States does he refer there; simply Ohio, Kentucky, and Missouri?

Mr. BUTLER. I will read for the information of the Senator. I was just about proceeding to read the number of States that have provided laws of their own for the suppression of this disease.

Mr. MILLER. That does not answer the question at all. Nearly every State, perhaps every State in the Union, has laws regarding this subject. The State of New York has had them for years; Massachusetts for more than a quarter of a century; but that has not anything to do with passing a law authorizing the State authorities to co-operate with the Federal officials in the extirpation of the disease.

Mr. BUTLER. The Senator asks me if I know that the States of Ohio, Missouri, Illinois, and Kentucky are adverted to. I tell him, so far as I know, not; but certainly this gentleman would have mentioned other States if the disease had existed to any extent in them; and the very fact that he does not do so is convincing proof to me that this clamor and noise made about the existence of pleuro-pneumonia is exaggerated for this occasion, exaggerated for a purpose, in my judgment.

Mr. MILLER. It is now February 24, 1887. That report was published in 1885, and refers to a state of facts which existed in 1884. Now, I submit to the Senator himself that anything as old as that upon this question is not entirely pertinent to the present condition of affairs. I have shown to the Senator by proof, which I think the Senator will

not at all question, that pleuro-pneumonia exists to-day in the State of Illinois, in Chicago, and there are numbers of cattle diseased there to-day.

Mr. BUTLER. How does the Senator from New York show that? Does he show it from the report of the Commissioner of Agriculture through the veterinary surgeon?

Mr. MILLER. No; the report of the Commissioner of Agriculture, if it were printed to-day, would not come down to the present time, and would not show it. I have shown it by letters written by the medical officers of the State of Illinois and the medical officers of the State of Minnesota who have investigated the subject and whose letters are dated as late as the 11th day of the present month. The Commissioner of Agriculture can not show anything of that kind in his reports.

Mr. BUTLER. Has the State of Illinois taken any steps to suppress this disease?

Mr. CULLOM. The State of Illinois has a commission of its own. It has had a law on the statute-book for a number of years. Finally it passed a law providing for a commission. That commission and the Commissioner of Agriculture have not agreed as to the manner of conducting affairs out there in dealing with this disease. There is no more question about the fact that pleuro-pneumonia has existed there within the last three months than there is question about whether the Senator and myself are standing upon this floor now.

Mr. BUTLER. Let me ask the Senator right there, if that be the case, why can not the commissioners of Illinois suppress the disease and eradicate it?

Mr. CULLOM. The commissioners of Illinois have been doing the best they could. The State of Illinois has paid out not less than $40,000 within the last three months for the purpose of trying to exterminate the disease in that State, but as fast as we kill the cattle and pay for them they are brought into that great city where the cattle of all the country almost come, just that fast the new diseases break out, and there is not money enough in the whole State to carry on that sort of proceeding, and finally to get rid of the disease.

Mr. BUTLER. Where does it come from?

Mr. CULLOM. It comes from all over the country except South Carolina. I never heard of any cattle coming from there.

Mr. BUTLER. Will the Senator name a place whence this disease is exported?

Mr. CULLOM. I do not know where the disease comes from; but cattle come from Texas, come from Missouri, come from the Indian country, come from Kansas, come from the whole West beyond, and a great many younger cattle have been coming from the East as well, to the city of Chicago.

Let me say to the Senator that what he has been reading dates away back to 1884 when the disease first broke out, came to Ohio from New York, perhaps, and the District of Columbia, then on to Illinois, and at that time there was so little of it that we thought we should be able to control it and get rid of it. But the time has come when it is breaking out in all portions of the country almost, and it is utterly impossible for one State to stand up and make the appropriation necessary to get rid of the disease.

Mr. BUTLER. Nothing in the world is easier than for a Senator to make a broad statement like that.

Mr. CULLOM. The Senator from Illinois is not making a statement that he does not know about.

Mr. BUTLER. I do not mean to intimate that the Senator is intentionally misrepresenting anything, but I say it is very easy for a Senator to make a broad statement like that, that the disease is breaking out all over this country, and he goes on to say——

Mr. CULLOM. Does the Senator——

Mr. BUTLER. Let me finish; I should like to get in a remark occasionally. [Laughter.]

Mr. CULLOM. All right.

Mr. BUTLER. If the Senator will point me to a single locality in this country where that disease exists, I shall undertake to point out to him a remedy for it without passing this act.

Mr. CULLOM. The Commissioner of Agriculture, who is now on this floor, says the disease exists in several States of the Union. I do not know the fact personally, because I have not examined the cattle-yards of the country to see whether the disease exists or not.

Mr. BUTLER. What States?

Mr. CULLOM. It exists in New York; it exists in Maine; it has existed until recently, if it does not now, in this very District of Columbia. It has existed in Maryland; it has existed in Missouri; whether it is there now or not I do not know. A Senator stands up here and reads an old last year's almanac on this question. It seems to me that is entirely foreign to the present condition of affairs.

Mr. BUTLER. I am not reading last year's almanac; I am reading the last literature on the subject that I can find, and I am very sorry that the Senator from Illinois has not been able to find something later to contradict what I have read. I have been waiting, and waiting anxiously, to get some proof, some evidence from him or from the Senator from New York that what this report states is not true to-day.

The Senator from Illinois says that there is not money enough in the State of Illinois to suppress this contagious disease among the cattle in that State. I want to put a question to him. If that great, powerful, sovereign State of the American Union has not the power to prevent the introduction of diseased cattle within the State, if she has not the money, has she not the power to establish such quarantine regulations as will prevent their introduction?

Mr. CULLOM. The State of Illinois has quarantine regulations, and has been trying her very best to enforce them; but, as the Senator from New York says, cattle come in not only by rail but by every other means known to transportation, and the first thing anybody knows is that in the cattle-yards or stock-yards of Chicago this disease breaks out, and then we have got to deal with it again as we did within the last two or three months, when we killed two or three thousand head of cattle in order to stop its further spread in that yard. If it was only one transaction, if the States of this Union would guarantee that they would not transport that sort of cattle into Illinois any further, the State of Illinois could take care of herself. We are not beggars. We can raise as much money for this purpose as any other State, I care not what.

Mr. BUTLER. I was inclined to think not from what the Senator stated just now.

Mr. CULLOM. Then I am very much mistaken.

Mr. BUTLER. I am glad to have that delusion removed from my mind. The State of Illinois has money enough for this. Now let us see what the act of 1884 says on the subject. The Senator says that a great many cattle are driven on foot across the line, and, therefore, they get into the State surreptitiously and the State of Illinois can not prevent it. Let us see what section 6 of the act of 1884, now on the statute-book, provides:

SEC. 6. That no railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport, from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live-stock affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live-stock, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live-stock, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuro-pneumonia: *Provided*, That the so-called splenetic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meaning of sections 4, 5, 6, and 7 of this act, as to cattle being transported by rail to market for slaughter, when the same are unloaded only to be fed and watered in lots on the way thereto.

I undertook to say to the Senator from Illinois that if his State, as great and as powerful and as wealthy as she is, has not the means to protect herself against the invasion of diseased cattle, all she has to do is to conform to this act and she gets behind her the entire power of the United States Government to protect her.

Mr. CULLOM. Will the Senator allow me to read one paragraph I have been handed by the honorable Senator from Maryland [Mr. WILSON] from the report of the State Live-Stock Sanitary Board of Maryland? Without taking up the time of the Senate or the Senator to read the whole report, which I have no doubt would be instructive to us all, I want to read to him just this paragraph:

We have in Maryland besides the State's veterinary inspector seven inspectors of the bureau. With all this force we are unable to make any systematic inspection. Why? We have two hundred and twenty-five herds, numbering about two thousand animals, now in quarantine, where, for reasons above assigned, we can only kill the sick. If we kill all the sick this week the chances are that we still have to kill again next week in the same herd.

Does the Senator deny that the disease is in Maryland?

Mr. BUTLER. This act does not propose to kill any but sick cattle, I hope.

Mr. CULLOM. Yes, it does.

Mr. BUTLER. This act?

Mr. CULLOM. It either kills them or puts them in quarantine.

Mr. BUTLER. There is a difference between killing and putting in quarantine. I did not understand that this act provides for killing any but diseased animals.

Mr. HOAR. Yes; any animals that are exposed.

Mr. CULLOM. Animals that are exposed to danger.

Mr. SAWYER. I should like to know which of these gentlemen has the floor.

The PRESIDING OFFICER (Mr. JONES, of Arkansas, in the chair). The Chair recognized the gentleman from South Carolina some time ago, but the Chair is at a loss to know now which one has the floor.

Mr. SAWYER. I wish whoever is entitled to the floor to yield to me that I may submit a conference report.

Mr. BUTLER. Mr. President, the Senator from Illinois answers the question I put to him in regard to his own State by reading an extract from the report of somebody in Maryland.

Mr. CULLOM. The Senator from New York has read letters here from the secretary of the board of health of the State of Illinois and other gentlemen who testify that they have examined the facts, and that there is no question but that the disease has existed and did exist at

the date of the letter, which was written but a short time ago in the State of Illinois.

Mr. BUTLER. But that is not the point. What I wanted to know from the Senator was whether or not the State of Illinois herself was not able to deal with that matter.

Mr. CULLOM. The State of Illinois is able to do anything that any other State can do on this or any other subject. That is what I desire to have understood; but what I contend is that this is a disease that no State or system that depends on State action will get rid of.

While I am on the floor will the Senator allow me to make another statement in reference to the disease? The question was asked a while ago as to whether the disease was fatal. I hold in my hand a note from a gentleman whom I know to be well advised on the subject, and he states that "the disease is not always fatal. The exposed cattle are dangerous because they may retain the infection for from ninety days to sixteen months, and while apparently healthy convey it to others. The outbreak in South Africa and Australia, which cost hundreds of millions of dollars, was taken to those countries by cattle that were not known to be diseased."

Mr. BUTLER. Whom is that from?

Mr. CULLOM. From a very prominent citizen in my own State who is perfectly familiar with this subject and a stock-raiser—president of the national association.

Mr. BUTLER. As I can not get the Senator from Illinois to answer my questions, or at any rate not satisfactorily to me, I will now proceed to inform the Senate the number of States and Territories that have provided laws for the extirpation of this and all contagious diseases, and I submit to the Senator from Illinois and to the Senator from New York, who are the especial champions of this measure, whether it might not be just as important to incorporate in this bill, if it is to become a law, provision for the extermination of what is known as cholera among the swine, hog cholera.

Is it not just as important to make some provision for the extermination of the contagious disease of glanders among horses and many others that prevail in all parts of this country? If the theory of the Senator from Illinois and of the Senator from New York is correct, as was said so pointedly by the Senator from Connecticut [Mr. HAWLEY], the people of this country are unable to govern themselves, and must come to a majority of this body and of the other House before they are fit to govern themselves.

I find that the State of Colorado has provided a remedy for this disease; the State of Connecticut has provided an act conferring on the State board of agriculture the power to kill diseased animals; the Territory of Dakota, the State of Delaware, the Territory of Idaho, and the State of Illinois, which has passed "An act to amend an act entitled 'An to prevent the importation of Texas or Cherokee cattle into the State of Illinois,' approved February 27, 1867. [Approved April 16, 1869. In force April 16, 1869. Laws of 1869, page 402.]

I find also that that State has passed "An act to suppress and prevent the spread of pleuro-pneumonia among cattle;" approved May 31, 1881; in force July 1, 1881. (Laws of 1881, page 6.)

I find that the State of Indiana has provided laws for that purpose; the State of Iowa, and the State of Kansas which seems to have prepared a very elaborate code for the suppression of contagious diseases among animals. The State of Kentucky has provided laws for that purpose, the State of Maine, the State of Maryland, the State of Massachusetts, the State of Michigan, the State of Minnesota, the State of Missouri, the Territory of Montana, the State of Nebraska, the State of New Hampshire, the State of New Jersey, the State of New York, the Territory of New Mexico, the State of North Carolina, the State of Ohio, the State of Pennsylvania, the State of Rhode Island, the State of Tennessee, the State of Vermont, the State of Virginia, the Territory of Washington, the State of West Virginia, the Territory of Wyoming, and the State of Wisconsin.

I have also before me proclamations by the governors of Illinois, Indiana, Kansas, Montana, Ohio, Wyoming, and so on, in relation to this subject.

There is a list of the States and Territories in the Union that have provided special acts to prevent exactly what this proposed act is intended to prevent.

I submit, sir, that with the provisions of the law of May 29, 1884, the power is ample and abundant and complete to extirpate and destroy every vestige of this disease in this country, and that, too, without doing violence to the Constitution of the United States, of which the Senator from New York speaks so sneeringly and indifferently.

For one, sir, I am old fogy enough to profess some respect for that instrument, and I can not ever get my consent to ride rudely, as I think this bill does, over the plainest provisions of that instrument, and do violence to the reserved rights of the States and the people, and at the same time, in my judgment, fail to accomplish what it purports on its face to do.

The Senator from Illinois has in my judgment given a very unfortunate advertisement for the great city of his State in dwelling with so much earnestness upon the existence of this disease in that great city and the dangers which threaten it. I repeat, without meaning for an instant to question the entire sincerity of that Senator, that in my judgment these reports are exaggerated. The clamor is raised for a purpose, that purpose being to enable certain parties in this country to get their hands into the Treasury of the United States to pay for cattle which they can not or may not be able otherwise to dispose of; and I now predict that if this bill shall become a law the $1,000,000 provided for will be a mere drop in the bucket, and with each succeeding year demand after demand will be made by this same influence on the Congress of the United States for more money until the Treasury may be bankrupted.

If there is any virtue in this kind of legislation, there is no reason why it should not be extended to other diseases among cattle and fowl and all other animals.

Mr. EDMUNDS. And men as well.

Mr. BUTLER. And men as well, as the Senator from Vermont suggests. That, sir, is the tendency, and that will be the result; and if we are to be remanded to the position of having this country governed by a majority of Congress without regard to the restrictions of the Constitution, we shall have established upon that Constitution or its ruins a parliamentary government controlled by no other power than the will of a majority.

The Senator from New York says that whatever is necessary for the benefit of the people Congress ought to be permitted to enact into law. If that be true, if that be the accepted doctrine, we might just as well dispense with the expense and trouble of State Legislatures and State governments and, as is done in Great Britain, make the Congress supreme, absolute, with power and capacity and ability to legislate upon every question in which the interests of the people are involved.

And, sir, as one of the inducements that we should support this measure, it is announced by the Senator from New York that it is a copy of the law of Great Britain which passed the British Parliament, that knows practically no limitations upon its power. That is held up as a reason, as an argument in favor of the passage of this bill by the American Senate, whose powers are as distinctly regulated by the Constitution as is the power of the humblest magistrate of this country regulated by law. When we reach that point of overriding the limitations of the Constitution, as is proposed by the Senator from New York, it will be a bad day for this country; it will be the beginning of the end of constitutional government upon this continent.

I can never, and with my sense of duty I will never, vote for a bill which authorizes the commissioners provided for under this act "to enter, either in person or by their duly authorized and accredited agents, any premises or places, including stock-yards, cars, and vessels, within any State of the United States, the District of Columbia, or the Territories of the United States, in or at which they have reason to believe, and do believe, there exist any of such diseases, and to make search, investigation, and inquiry in regard to the existence thereof."

That is carrying the power of search beyond any point ever claimed before in this or any other country claiming to be regulated or controlled by constitutional law. Any of these agents may enter any of your premises, sir, upon mere belief, in the absence of a scintilla of evidence, and may there make inspection to see whether there exists any of such diseases, and in certain events they "are hereby authorized and required to establish and maintain such quarantine of animals, places, premises, or localities as they may deem necessary to prevent the spread of any such disease or diseases."

They may throw a cordon of soldiers around your premises, your farm, your house, your plantation, and maintain them there as long as they please if in their judgment that is necessary to provide a sufficient quarantine around these so-called or supposed diseased animals. These are some, and a very few, of what I consider to be monstrous propositions of law. The commissioners are also authorized—

To cause the same to be destroyed, except as hereinafter provided, and to pay in case of diseased animals, the owner or owners thereof three-fourths of their value, as determined upon the basis of health before infection, and the full apprised value in case of animals exposed to either of such diseases but not themselves actually diseased, out of any moneys appropriated by Congress for that purpose.

Has this Government the right to authorize any agent to seize my property without due process of law, destroy it, condemn it for public uses, and pay me but three-fourths of its value? Why should the owner of an animal not diseased receive the full value when the owner of the other one diseased has only received three-fourths of the value? Then "they shall not pay more than $160 for an animal with pedigree recorded or recordable in the recognized herd-books of the breed to which the animal destroyed may belong, nor more than $60 for an animal not pedigreed."

In section 6, which the Senator from New York thinks cures that, it is said:

That when the owner of animals decided under the provisions of this act, by the proper authority, to be diseased or to have been exposed to said contagion, refuses to accept the sum authorized to be paid under the appraisement provided for in this act, it shall be the duty of the commissioners to declare and maintain a rigid quarantine as to the animals decided as aforesaid to be diseased or to have been exposed to any of said diseases, and of the premises or places where said cattle may be found, according to rules and regulations to be prescribed by said commissioners, approved by the Commissioner of Agriculture, and published as provided in the third section of this act.

This same commission may quarantine every foot of your farm or of mine without any provision as to how I shall sustain or maintain the

diseased or infected cattle, whether I am to pay for their maintenance or whether the Government shall pay for it. This arbitrary, peremptory, unqualified power is put into the hands of these commissioners to impose such regulations upon me in the enjoyment of my property as they see fit, and yet the bill fails to make any provision whatever as to what shall be done with these cattle during the existence of the quarantine.

If that is proper legislation, if there is any condition of things in this country which demands it, the Senator from New York and the Senator from Illinois have failed to show it to the Senate, as far as I have been able to discover.

Mr. MILLER. Mr. President, the Senator assumes that I have admitted that this bill contained provisions not in accordance with the Constitution of the United States. I have made no such admission at all. I believe that this bill is constitutional in every respect. If I had not so believed I should not have presented it here. I yield nothing to the Senator from South Carolina in my respect for or my devotion to the Constitution of my country; nor do the people of the North yield anything to the constituents of the Senator from South Carolina upon that account. In my own weak way, twenty-five years ago I did what I could to maintain the Constitution and to preserve it, and I am glad to know to-day that the Senator from South Carolina is so warmly devoted to the Constitution of his country. But I do not propose to bring any measure here which I believe in any way violates the provisions of the Constitution.

Mr. BUTLER. If the Senator will permit me to interrupt him, I will say to him that it is a source of profound regret to me that he has abandoned his love for the Constitution and treats it with such contempt and sneers at it as he has done to-day.

Mr. MILLER. That remark is entirely unnecessary. I have neither treated it with contempt nor with sneers; and it is not necessary that here in this presence or before the American people anywhere I should assert that I sustain and maintain the Constitution of my country, as I have done during all the mature years of my life.

Mr. President, the Senator has not up to the present time mentioned a single provision of this bill which in any way violates the Constitution of the United States. He has not referred us to any provision of the Constitution which this bill violates. I will not question his judgment or his belief that it does violate the Constitution in many respects in his opinion; I am not disposed to question the belief of any other Senator on that subject; but I have my own belief and my own judgment upon it, and in that judgment and belief this bill does not violate the Constitution of our country.

Why, Mr. President, it is only a few years ago since the Senator from South Carolina I think, at all events a number of Senators from the Southern portion of our country, came before this body and demanded that we should pass a law creating a National Board of Health and that Congress should appropriate large sums of money to protect our country against yellow fever. We created that board. We appropriated the money.

Mr. BUTLER. The Senator will pardon me. He will find that the Senator from South Carolina supported no such bill. The full extent to which I was willing to go was that the National Board of Health should co-operate with the State boards of health, just as the act of 1884 provides as to diseased animals.

Mr. MILLER. I did not say that the Senator from South Carolina did——

Mr. HARRIS. Will the Senator from New York yield to me?

Mr. MILLER. Certainly.

Mr. HARRIS. If he will refer to the legislation with respect to the quarantine powers in the National Board of Health act, the committee reporting the bill and the bill itself never proposed to exercise a power which went beyond such regulation of commerce as would exclude contagion so as to prevent its introduction from foreign nations into this country or from one State into another. That was the only power sought to be exercised and the only power extended by the legislation to which he refers.

Mr. MILLER. That is all this bill does in regard to diseases among cattle. I was simply referring to that not to upbraid the Senators on the other side for their urgency in demanding a large appropriation to protect our country against the ravages of yellow fever or in giving the National Board of Health great powers in the matter of the establishment of quarantine. I favored all those measures. I believed that they were necessary for the general welfare of all our people; and here to-day we have a disease which, while it does not attack our citizens, does not endanger human life, is rapidly destroying one of the chief industries of this country, and has already cost the people of the United States many millions of dollars in losses inflicted upon the traffic in live cattle.

The damage to the material interests of our people if this disease shall not be checked will be as great as might come from a foreign invasion or from a civil war. The losses already mount up to tens of millions of dollars, and if this disease shall ever reach the great cattle ranges of our plains it will then mount up into the hundreds of millions of dollars. A danger so great as this, a danger affecting the entire country and all our people, must be treated by the national authority. I say "all our people," I care not whether the owners of cattle are interested in it—I say it is a question which can only be properly met and settled by the Federal authority.

The Senator from South Carolina has cited a large number of States which have passed laws upon this question. Yes, Mr. President, it is true that many of the States have passed laws on this question; but nearly all those States are here to-day petitioning through their legislative bodies that this Federal law shall be passed, because they find that by State legislation it is absolutely impossible to control or to extirpate the disease.

Why, Mr. President, nearly every State in this Union has laws affecting railroads and the appointing of railroad commissioners and the control of transportation, but this body, only a few days ago, passed a Federal law controlling railroads, and appointing a railroad commission, which is to be one of the most powerful commissions ever organized under our Government.

Mr. President, that is being done for the benefit of the people and of the whole country. But now that the several States, nearly all of them, have failed by their own legislative enactments, by their own laws, to control this disease or to extirpate it, they come here and ask Congress to pass this law. The Senator from South Carolina has said that no sufficient evidence has been given here that there is any demand for this law or that there is any danger from this disease. I think the Senator must have been absent from the Chamber when I first spoke upon this question. I then gave a list of a large number of States, in the West particularly, that had petitioned for the passage of this bill. I believe that nearly all the boards of trade in the West and all of the cattle breeders' associations of the various States and Territories have petitioned this body for the passage of this law, and it has been certified to here by high medical authority that this disease does exist to-day in a number of the States of our Union, and it is upon that ground that this bill is based and that this action is asked for.

In regard to its national importance and the power and the right of the Federal Government to control this matter, I simply want to quote a few words from a report made by the Treasury Cattle Commission some time ago when that was in existence on the importance of Federal legislation touching this subject. That commission based its reasons for Federal action upon the following grounds:

First. The disease is like a common enemy, and as the Constitution does not forbid the operation of the Federal Government within a State for the repulsion or extinction of an enemy of the nation, so nothing should hinder a similar action with such a dangerous and insidious enemy as lung plague.

Second. The danger being common, the funds to avert the danger should be supplied out of the national exchequer.

Third. Action under one controlling head will be uniform and harmonious everywhere. In the past the conflicting laws and orders in two adjacent States have been most perplexing to dealers and others, and have furnished a temptation to smuggling.

Fourth. Those that transgress the law, and especially in the matter of smuggling, can be seized and punished anywhere by Federal authority, but not by State authority should they have escaped over the State line.

Mr. EDMUNDS. What is the Senator reading from?

Mr. MILLER. I am reading an opinion of the Treasury Cattle Commission.

Mr. EDMUNDS. But on that point, if a man offends against the laws in one State and goes to another State, we have a very ready and convenient process of getting him back and trying him.

Mr. MILLER. I continue the reading:

Fifth. Federal authorities can follow smuggled cattle into any State or Territory and confiscate them or quarantine; State authority can not.

Sixth. If the Federal Government can not interfere within a State, such State may neglect this disease indefinitely and render it permanent, to the peril of all the others.

Mr. ALLISON. I ask the Senator from New York to give way to me that I may move that at 6 o'clock the Senate take a recess until 8. ["No!" "No!"]

Mr. MILLER. It is entirely indifferent to me whether we go on with this bill now continuously or take a recess until 8 o'clock. Notice was given that we should attempt to complete the consideration of this bill to-day. I am entirely willing to do whatever the majority of the Senate may desire in regard to it; but notice has been given to-day of the taking up of another measure immediately after the consideration of this shall have been finished. Of course, if this bill is not finished to-night it will hold the right of way to-morrow ahead of the other measure which has been mentioned.

The PRESIDING OFFICER (Mr. JONES, of Arkansas, in the chair). Does the Senator from New York yield to the Senator from Iowa?

Mr. ALLISON. I will make the motion if the Senator yields to me.

Mr. MILLER. I should like to have the sense of the Senate as to whether it will go on or take a recess.

The PRESIDING OFFICER. The Chair can take the sense of the Senate by putting the motion of the Senator from Iowa, if the Senator from New York yields.

Mr. EDMUNDS. I ask leave, before the Senator from Iowa makes his motion, to say that I propose to offer an amendment to this bill, which I should like to have printed. It is a very short one, but I do not want the manuscript to go away until I can have it copied, so that if we dispose of the bill to-night it can be considered. It is to do what I think we have a right to do, and that is to appropriate money to aid

the State authorities in the extirpation of this disease and to stop there, which is clearly, as I think, within our power, although some gentlemen doubt even that. Therefore, before this motion is put—I do not care which way it is, only if we have a recess until 8 o'clock we shall not have enough here to-night to make a quorum—I ask leave to submit an amendment which I shall propose at the proper time as a substitute for the whole bill. I ask to have it read for the information of the Senate.

The PRESIDING OFFICER. The proposed amendment will be read.

The Chief Clerk read as follows:

That the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President, and in his discretion through the Commissioner of Agriculture, to aid the proper authorities of the several States in preventing the spread of the disease known as pleuro-pneumonia among cattle. This appropriation shall expire at the end of two years from the date of the passage of this act.

The PRESIDING OFFICER. The Senator from Iowa moves——

Mr. VEST. Before that motion is put I wish to give notice of an amendment which I want the chairman to hear before the discussion goes any further. I propose the following as an amendment to come in at the end of section 3:

That it shall be the duty of the Commissioner of Agriculture to certify such rules and regulations to the executive authority of each State and Territory, whenever the plans and methods shall be accepted by any State or Territory in which pleuro-pneumonia, or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans or methods for the suppression and extirpation of such diseases, and such plans and methods shall be accepted by the cattle commission and approved by the Commissioner of Agriculture; and whenever the governor of a State or other properly constituted authority signifies its assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act the Commissioner is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigation and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

Mr. TELLER. I want to give notice of an amendment. In section 6 I propose to insert in line 5, after the word "act," the words:

Such animals shall not be killed, but.

That will make it clear that it is not the purpose to kill any animals and compel the owner to take such compensation unless the owner consents thereto.

Mr. HOAR. I desire to give notice of another amendment to the same section, after the word "found," in line 9, to insert:

And shall pay the owner the damage caused thereby to any animal not diseased.

Mr. MILLER. Before the motion of the Senator from Iowa is made, I want to submit a proposition to the Senate, that we come to an agreement now that we will proceed to vote upon this bill and its amendments at some fixed hour to-morrow. ["To-night!"] Then let us go on with it until the Senate wants to adjourn.

Mr. ALLISON. Very well. I withdraw my motion, but I have discovered since I made it half a dozen important amendments. It occurred to me that if we can have an understanding that at a certain time to-morrow we shall vote on this bill and amendments, they may be printed and we can see what they are. But I have no wish about it. I am willing to go on. I withdraw my motion.

Mr. MILLER. I ask unanimous consent that 2 o'clock to-morrow be fixed as the time for beginning to vote on the bill and amendments.

Mr. EDMUNDS. I want to have a chance to be heard.

Mr. HOAR. I can not consent to that. I am willing to consent to 1 o'clock or any other time.

Mr. HARRIS. I can not consent to the bill being taken up during the morning hour.

Mr. EDMUNDS. I can not consent to this bill being voted on until everybody has had a fair chance to express in a brief way his opinions.

Mr. MILLER. I withdraw the request for 2 o'clock to-morrow, as I see it is impossible to obtain consent to that?

Mr. MCPHERSON. Will the Senator yield to me for a moment?

Mr. MILLER. I propose now to go on with the bill. I will yield to the Senator from New Jersey for a question.

Mr. MCPHERSON. I wish to make a single suggestion. It has been the very clear understanding, I think, of the Senate for the past two or three days that there was a necessity for night sessions in order to dispose of the important business before the country. Now we might just as well decide to have a recess this evening, and go on and complete this bill, or remain in session until it is completed. If it is postponed until to-morrow it will interfere with other important matters.

Mr. MILLER. I am ready to go on, and I propose to go on and not consent to either a recess or an adjournment. Of course the Senate has it in its power to regulate its own business and take a recess or adjourn, but I propose to go on with the bill.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its amendment to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. NEECE, Mr. SWOPE, and Mr. CONGER managers at the further conference on the part of the House.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888; and it was thereupon signed by the President *pro tempore*.

### MRS M. E. WOODS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives further insisting on its amendment to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SAWYER. I submit the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, having met, after full and free conference, have been unable to agree.

PHILETUS SAWYER,
H. W. BLAIR,
JAMES F. WILSON,
*Managers on the part of the Senate.*

H. B. LOVERING,
E. H. CONGER,
*Managers on the part of the House.*

Mr. SAWYER. This report requires no action. I move that the Senate further insist on its disagreement to the House amendment, and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. BLAIR, and Mr. WILSON, of Iowa, were appointed.

### RECIPROCITY TREATY WITH CANADA.

Mr. HOAR. I ask leave to submit a resolution to go over under the rules:

*Resolved*, That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her province of Canada which has for its object the reduction, change, or abolition of any of our existing duties on imports.

The PRESIDING OFFICER. The resolution will lie on the table and be printed.

### DISEASES OF CATTLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. MILLER. I have rather lost the place in my speech after this long intermission, but I do not suppose that makes any difference. I was simply going to refer, for the benefit of the Senator from South Carolina and for the benefit of other Senators who may not have been present during the entire discussion, to a statement of some of the petitions and requests for the passage of this bill, showing its importance.

The General Assembly of Colorado has petitioned for the passage of this bill. The Consolidated Cattle-Growers' Association of Pennsylvania have petitioned for it. The Thirty-fourth General Assembly of Missouri has petitioned for it, as has the Holstein Fresian Association. The Kansas Legislature has passed concurrent resolutions regarding it. The General Assembly of Illinois, and the Consolidated Cattle-Growers' Association of Illinois have petitioned for it. The Legislature of of Michigan has also passed resolutions concerning it. The State Board of Agriculture of Kansas has also passed resolutions in favor of it. The Board of Trade of Philadelphia and the Saint Paul (Minnesota) Chamber of Commerce have petitioned for it. The Sangamon County, (Kansas) Breeders' Association have petitioned for it. The Consolidated Cattle-Growers' Association of Iowa and the State Board of Agriculture of Illinois have favored it. Concurrent resolutions have been passed by the Legislature of Minnesota asking for it. The International Cattle Range Association has also petitioned for it, and resolutions have been passed in several other States and by various other bodies. The Legislature of Maine, the Senator from Maine [Mr. FRYE] suggests, has petitioned for it; and the Legislature of Massachusetts also, I think.

The Senator from South Carolina said that he had seen nothing in print of a late date bearing upon this question. A hearing was had before the Committee on Agriculture and Forestry on the 26th day of January. That hearing is here printed in proper form. It has been upon the desks of Senators, and in this pamphlet are fully set forth the views of the principal officers of the cattle-growers' associations of the West, also the resolutions of many of the Legislatures and agricultural societies and other bodies who have petitioned Congress for the passage of this bill, all setting forth, in nearly every case, the fact that this disease does exist in a number of the States of the Union, and also the fact that the State Legislatures have been unable to perfect legislation which has in any way extirpated the disease, and asking for Federal action upon this matter; also setting forth the fact that the operations of the

bureau of animal industry have not been successful in extirpating the disease.

In short, the testimony is absolutely conclusive that this disease does exist in a number of the States, that it has been spreading, and that it is causing great loss to all of our people, not so much in the number of cattle that have been destroyed up to the present time as owing to the fact that it is largely suspending commerce in live cattle. For instance, the growers of blooded cattle in the State of Kentucky find it almost impossible to make any sales at all because the cattle can not be moved. Some of the States have quarantined against Kentucky cattle and will not permit her cattle to be brought within their borders. What is true of Kentucky is true of many breeders of blooded cattle in portions of the East. The whole West is in fear and doubt about the health of the cattle in the East, and the cattle of the East can not be taken West now. It is considered dangerous to buy them, causing great loss to all our people.

It is believed by persons interested in this industry that if this bill can be passed, if the Federal Government can be empowered to go into every State and Territory and make an investigation wherever it shall find this disease to exist, and there extirpate it and pay the expense out of the Federal Treasury, one year will not elapse before the disease may be entirely extirpated from our borders, and then the commerce in cattle will go on unrestricted and the result will be great profit to all our people.

Now, Mr. President, a word in regard to the amendments which were suggested by the committee and the criticisms which have been made upon them by the Senator from Connecticut and others. As I want to do everything possible to perfect this bill and to get it in a condition where it may meet with the favor of this body, I am willing to go back to the original form of the bill in regard to the appointing power and say that these commissioners shall be appointed by the President of the United States instead of by the Commissioner of Agriculture. Perhaps that would obviate the objections of a number of Senators to this measure. I have no doubt about the power of Congress to authorize the Commissioner of Agriculture to make these appointments, but the constitutional question has been raised here, and in consideration of the importance of the measure, and of the fact that we should have the very best men who can be found in the country, I am entirely willing to yield that point and say that these commissioners shall be appointed by the President of the United States. Before the bill is finally completed, I shall want to put in a provision that this board shall become a part of the Department of Agriculture, and shall report to the Commissioner or Secretary of Agriculture, whichever it may be.

Mr. MORGAN. Does the Senator mean to have the board appointed by the President with the advice and consent of the Senate?

Mr. MILLER. No, I think not. I think we had better give the power directly to the President. I do not think it is necessary that the names of the commissioners for this business should come here to the Senate to be confirmed. We have the constitutional power, of course, to give that authority in this law, and I prefer that the President, or whoever exercises this authority, shall exercise it entirely untrammeled. I hope that Senators will not ask that the appointments shall be confirmed by the Senate, because this board is a temporary board; the President has power to suspend its operations whenever he thinks it is not necessary, and to revive it again.

Therefore I will ask that the Senate do not agree to the amendment of the committee in the twelfth line. That may be disagreed to by unanimous consent, I suppose.

Mr. EDMUNDS. Let us know what it is.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 1, line 12, the Committee on Agriculture and Forestry propose to strike out the words "President of the United States," and insert "Commissioner of Agriculture."

Mr. MILLER. I ask that the Senate do not agree to that amendment.

Mr. EDMUNDS. I wish to ask the Senator from New York, in order to test this general question, whether he is willing to have the vote taken on the amendment that I have proposed as a substitute for the whole bill with such additions to it as may then be made, if there is anything further necessary, in order to test the sense of the Senate as to whether we will undertake to exercise general authority within the States for the purpose of securing the health of cattle, or whether we will do what I think we clearly can, appropriate money to be expended under the direction of the President to aid the respective States in stamping out this disease wherever it may be? If the Senator from New York is willing to test the sense of the Senate on that general question by allowing a vote to be taken on the amendment that I have offered before we go on with the amendments of the bill, so as to see whether the Senate prefers this scheme of the committee, or simply prefers to aid the States in doing this thing that we all wish to do, I should be very glad, for it may save considerable time; but I can not move it as in order now until all the amendments to the bill are through.

Mr. MILLER. I should prefer to perfect the bill, if I can.

Mr. EDMUNDS. Very good.

Mr. MILLER. I see great difficulty in the substitute submitted by the Senator from Vermont unless it goes still further and undertakes to provide the entire machinery as to how the thing shall be distributed among the various States. I think the substitute would be entirely inoperative in the shape in which it has been presented to the Senate. After it is printed and we have had an opportunity to read it, perhaps we may be enabled to amend it so that it will be operative, provided we can not pass the bill as presented by the committee. Of course if the Senate does not favor the measure, when we come to vote upon it I shall then want to obtain the best relief possible and will take the best that the Senate may be disposed to give in the matter; but let us perfect the bill now before us if we can. I do not think it will take long to do that part of the work.

Mr. EDMUNDS. I have no right to offer the amendment of which I have given notice, at the present time, according to the rules of the Senate, but I give notice that when the Senator from New York has perfected his bill according to the way he wants it, I shall move that as a substitute for the whole bill. But I can not do it now, I am sorry to say, in order to test the sense of the Senate as to what they would like to do.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on agreeing to the amendment reported by the Committee on Agriculture, which has been read.

The amendment was rejected.

The next amendment was, in section 1, line 20, after the word "the," to strike out "President," and insert "Commissioner of Agriculture;" so as to read:

The Commissioner of Agriculture may, when in his judgment the public interests will permit, suspend the functions and pay of said commissioners, and, when in his judgment the public interest may require, he shall restore such functions and pay, of which suspension and restoration he shall make public proclamation.

Mr. MILLER. Let us disagree to that amendment.

The amendment was rejected.

The next amendment was, in section 1, line 26, before the word "thousand," to strike out "five" and insert "four;" so as to read:

The salaries of said commissioners, respectively, shall be at the rate of $4,000 per annum for and during the period of time in which they shall be engaged in the discharge of their duties as such commissioners.

Mr. MILLER. I should like to take the sense of the Senate upon that question. Let the amendment be put to a vote.

The amendment was agreed to.

The next amendment was, in section 3, line 17, to strike out "President of the United States" and insert "Commissioner of Agriculture;" so as to read:

All such rules and regulations, before they shall become operative, shall be approved by the Commissioner of Agriculture, and thereafter published in such manner as may be provided for in such regulations; and after such publication said rules and regulations shall have the force and effect of law, so far as the same are not inconsistent with this act and the other laws of the United States.

Mr. MILLER. I prefer to leave that as it stands, because the President will not care to be troubled with the making of these rules and regulations. The Agricultural Department has been doing this work through the bureau of animal industry now for three years, and it is very proper that these rules and regulations should be made by the Commissioner of Agriculture.

Mr. HAWLEY. I hope the Senate will let the clause stand.

Mr. MILLER. Yes; I want that to stand. We have been disagreeing to the other amendments.

Mr. HAWLEY. I mean I wish it to stand under the President's sanction. The amendment ought to be disagreed to.

Mr. MILLER. I think the Senator is mistaken about that. The bureau of animal industry, which was organized three years ago, has been doing this work in all the States, wherever the State consented; and under that law the bureau of animal industry or the Commissioner has made the rules and regulations. In other words, under that law they were made by the Commissioner of Agriculture and they have been approved by a number of States, and the Department has the business thoroughly in hand.

Mr. HAWLEY. This is a very, very different case. The powers to be given to the commission under this proposed law are greatly different from and vastly greater than those given to the old board. It is proposed that these unknown gentlemen shall issue a set of regulations inquisitorial in character and going into every farmer's barnyard at discretion; and those regulations are to have the force of statute law which requires the signature of the President. That is a most extraordinary provision.

Mr. MILLER. These rules and regulations are to be approved by the Commissioner of Agriculture, and that means of course that they are to be made by him. That is what it amounts to, and that is what has been done for the past three years.

I wish to say that there is a misunderstanding about the power of the bureau of animal industry. The bureau of animal industry in a State where the State has given consent to the operations of that law has been doing everything that is found in this bill. It has been entering the barnyards of the farmers; it has been taking the cattle and killing them and paying for them, and it has been making quarantine.

Mr. EDMUNDS. Under what authority?

Mr. MILLER. Under the authority of the Congress of the United States, which created the bureau of animal industry.

Mr. EDMUNDS. Under the authority of the State.

Mr. MILLER. Not under the authority of the State, but under the authority of the United States.

Mr. HAWLEY. If the Senator will kindly let some of the rest of us talk part of the time, I believe we shall come nearer to an agreement, at any rate. They have had no shadow of authority for this kind of work as he conceives except what they got from the phrase "with the co-operation of the State." Without that they would not have one particle of authority to go mousing around through the farms of a State.

Mr. MILLER. If the Senator would do himself the justice and the Senate the justice to read the law regarding the bureau of animal industry he would find that the Commissioner of Agriculture was authorized to make rules and regulations for the extirpation of this disease, and when those rules and regulations were concurred in by the State——

Mr. HAWLEY. "When they were concurred in by the State."

Mr. MILLER. They went into the State not under the authority of the State. Does the Senator undertake to tell us that the State of Connecticut gives power to the Commissioner of Agriculture and the bureau of animal industry, and that they have been acting under that power?

Mr. HAWLEY. There are many things the Federal Government can not do without the assent of my State or any other State. There are many things it can not do. It had not the shadow of authority there without that sanction, and did not assume to have it.

Mr. EDMUNDS. These acts of Congress provide that direct thing; they must get the authority of the State to it.

Mr. HAWLEY. Precisely. The check is not to be accepted unless it is indorsed by the State. The order has no force until the State writes upon it substantially, "Approved by Connecticut, H. B. Harrison, governor."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, in section 6, line 11, to strike out "President" and insert "Commissioner of Agriculture;" so as to make the section read:

That when the owner of animals decided under the provisions of this act, by the proper authority, to be diseased or to have been exposed to said contagion, refuses to accept the sum authorized to be paid under the appraisement provided for in this act, it shall be the duty of the commissioners to declare and maintain a rigid quarantine as to the animals decided as aforesaid to be diseased or to have been exposed to any of said diseases, and of the premises or places where said cattle may be found, according to rules and regulations to be prescribed by said commissioners, approved by the Commissioner of Agriculture, and published as provided in the third section of this act.

Mr. HAWLEY. I think that should be "the President" also. The same reason applies here.

Mr. MILLER. It is the intention to make that change, of course, and not to agree to the amendment.

The amendment was rejected.

The next amendment was, in section 9, line 3, after the words "approval of the," to strike out "President of the United States" and insert "Commissioner of Agriculture;" so as to read:

SEC. 9. That the said commissioners are hereby authorized to appoint a secretary of the said board, subject to the approval of the Commissioner of Agriculture, who shall receive a salary at the rate of $3,500 per annum for his services during the time in which, under the provisions of this act, the services of the said commissioners shall be required.

Mr. MILLER. I think that had better be changed so as to let the appointment of this secretary, who is an important officer, rest entirely with the President and not with the Commissioner.

Mr. HOAR. Who is to receive the salary, the President, the Commissioner of Agriculture, or the secretary? According to the phraseology it is to be given to the President.

Mr. MILLER. I think we had better amend that by——

Mr. EDMUNDS. The first question is on agreeing to the amendment of the committee. The Senator from New York wishes to have it disagreed to?

Mr. MILLER. Yes; disagreed to.

The amendment was rejected.

Mr. HOAR. I suggest to the Senator that it is well to have our bills grammatical, and to transpose the words "subject to the approval."

Mr. MILLER. The Senator from Connecticut [Mr. HAWLEY] who made the point upon the constitutional power of appointment, of course would make it here if he were present. It seems to me that it would be better to have this secretary appointed directly by the President.

Mr. EDMUNDS. That is agreed to. The Senator from Massachusetts merely wants to transpose part of the sentence.

Mr. HOAR. It reads literally—of course nobody would give it such a construction—

That the said commissioners are hereby authorized to appoint a secretary of the said board, subject to the approval of the President of the United States, who shall receive a salary at the rate of $3,500 per annum.

It means that the salary belongs to the President as it reads. Of course nobody would put that construction on the law, but I suggest that those words be transposed, so that the clause shall read:

That the said commissioners are hereby authorized, subject to the approval of the President of the United States, to appoint a secretary of the said board, who shall receive a salary, &c.

Merely changing the place of the words "subject to the approval."

The PRESIDING OFFICER. If there is no objection that amendment will be made.

Mr. MILLER. That is not the form in which I desired to have it. I desired to strike out the appointing power of the commissioners and simply provide that the President of the United States shall appoint a secretary of said board.

The PRESIDING OFFICER. That has been done already.

Mr. MILLER. It has not been done already, because such an amendment has not been offered before. The first thing we did was to disagree to the amendment of the committee, striking out the words "President of the United States" and inserting "Commissioner of Agriculture." That was disagreed to, and then the section reads:

That the said commissioners are hereby authorized to appoint a secretary of the said board, subject to the approval of the President of the United States.

That is the way it now reads.

The PRESIDING OFFICER. The amendment substituting "Commissioner of Agriculture" for "President of the United States" was disagreed to. Does the Senator from New York propose another amendment?

Mr. MILLER. I propose another amendment, and that is to strike out the words:

That the said commissioners are hereby authorized to appoint a secretary of the said board, subject to the approval of the President of the United States.

And insert:

The President of the United States shall appoint a secretary of the said board, who shall receive a salary, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. EDMUNDS. Let it be read at the desk, so as to be sure that we know exactly how it will read.

The CHIEF CLERK. In section 9, line 1, it is proposed to strike out the words "said commissioners are hereby authorized to," and to insert "President of the United States shall;" and after the word "board," in line 2, to strike out the words "subject to the approval of the President of the United States;" so as to make the section read:

That the President of the United States shall appoint a secretary of the said board, who shall receive a salary at the rate of $3,500 per annum, &c.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the committee amendments will be continued in their order.

The next amendment of the Committee on Agriculture and Forestry was, in section 9, line 5, before the word "dollars," to strike out "five hundred;" so as to read:

Who shall receive a salary at the rate of $3,000 per annum.

Mr. EDMUNDS. I am opposed to that amendment. If the secretary is good for anything, he ought to be worth $3,500 a year.

Mr. MILLER. Let the amendment be disagreed to. If the Senator from Vermont is willing to expend the money, let it go.

Mr. EDMUNDS. I am.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The ayes seem to have it.

Mr. EDMUNDS. Let us divide on that. He ought to have $3,500. That is small enough for anybody doing such work.

The question being again put, the ayes were 22.

Mr. TELLER and others. Let it go.

Mr. EDMUNDS. No, I will not let it go. He is really an important man.

The PRESIDING OFFICER. There are 7 votes in the negative on the division; there is not a quorum voting.

Mr. FRYE. No further count.

Mr. TELLER. No further count is demanded.

Mr. EDMUNDS. That does not help it. There is no quorum present.

The PRESIDING OFFICER. A call of the Senate is in order.

Mr. MILLER. Let us have another count.

Mr. EDMUNDS. Let the roll be called as the rule requires.

Mr. HARRIS. Then I will ask for the yeas and nays on the amendment, and we shall in that way ascertain if there is not a quorum present.

The yeas and nays were ordered.

The Secretary proceeded to call the roll; and Mr. ALDRICH answered to his name.

Mr. GEORGE. Let the amendment be read.

Mr. EDMUNDS. Now, although we have not got any quorum——

Mr. HOAR. The first name was called on the roll.

Several SENATORS. Too late.

Mr. EDMUNDS. Mr. President——

Mr. HOAR. The Senator from Rhode Island [Mr. ALDRICH] an-

swered distinctly to his name before the Senator from Vermont rose from his seat.

The PRESIDING OFFICER. Then no debate is in order. The Secretary will proceed with the roll-call.

Mr. EDMUNDS. Does the Chair decide that the Senator from Rhode Island answered one way or the other?

The PRESIDING OFFICER. The Chair is so informed by the clerks.

Mr. EDMUNDS. Very well.

The Secretary resumed the call of the roll.

Mr. COKE (when his name was called). On this question I am paired with the Senator from Indiana [Mr. HARRISON]. If he were here, I should vote "yea."

Mr. MITCHELL, of Oregon (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. RIDDLEBERGER (when his name was called). On this and all other questions I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were present, I should vote "yea" on this amendment.

Mr. HARRIS. So would he.

Mr. SABIN (when his name was called). On this question I am paired with the Senator from Arkansas [Mr. JONES]. I am not advised as to how he would vote. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). On this question I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, I should vote "yea."

Mr. GEORGE. My colleague [Mr. WALTHALL] would vote "yea."

Mr. SPOONER. Very well, then; I vote "yea."

Mr. GEORGE (when Mr. WALTHALL'S name was called). My colleague [Mr. WALTHALL] is absent from the Senate. If he were present he would vote "yea." He is paired with the Senator from Wisconsin [Mr. SPOONER], but would have voted the same way, if present.

Mr. WILLIAMS (when his name was called). On this question I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HARRIS. My colleague [Mr. WHITTHORNE] is absent, and is paired upon all questions with the Senator from Ohio [Mr. SHERMAN]. If my colleague were present, he would vote "yea" on this amendment.

Mr. SABIN. I understand that if the Senator from Arkansas [Mr. JONES] were here, he would vote "yea." I therefore vote "yea."

Mr. RIDDLEBERGER. The pair between the Senator from West Virginia [Mr. CAMDEN] and myself has been transferred to the Senator from California [Mr. STANFORD]. I vote "yea."

The result was announced—yeas 36, nays 8, as follows:

YEAS—36.

| | | | |
|---|---|---|---|
| Aldrich, | Colquitt, | Hoar, | Pugh, |
| Beck, | Conger, | Ingalls, | Ransom, |
| Berry, | Cullom, | Kenna, | Riddleberger, |
| Blackburn, | Edmunds, | McPherson, | Sabin, |
| Blair, | Farwell, | Mahone, | Sawyer, |
| Bowen, | Frye, | Miller, | Spooner, |
| Brown, | George, | Morgan, | Teller, |
| Cameron, | Hampton, | Palmer, | Vance, |
| Cheney, | Harris, | Plumb, | Wilson of Md. |

NAYS—8.

| | | | |
|---|---|---|---|
| Butler, | Gray, | Jones of Nevada, | Vest, |
| Evarts, | Hawley, | Manderson, | Wilson of Iowa. |

ABSENT—32.

| | | | |
|---|---|---|---|
| Allison, | Eustis, | McMillan, | Sewell, |
| Call, | Fair, | Maxey, | Sherman, |
| Camden, | Gibson, | Mitchell of Oreg., | Stanford, |
| Chace, | Gorman, | Mitchell of Pa., | Van Wyck, |
| Cockrell, | Hale, | Morrill, | Voorhees, |
| Coke, | Harrison, | Payne, | Walthall, |
| Dawes, | Jones of Arkansas, | Platt, | Whitthorne, |
| Dolph, | Jones of Florida, | Saulsbury, | Williams. |

So the amendment was agreed to.

Mr. EDMUNDS. I move to reconsider the vote by which the amendment was adopted, and I shall thereby obtain the opportunity of saying what I wished to say before it was voted upon.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, to reconsider the vote just taken. The Senator from Vermont has the floor on the motion to reconsider.

Mr. EDMUNDS. Mr. President, I had hoped before any name was called on the roll (which I did not hear, but which my kind friend from Massachusetts did, whose ears are strong) to say that this officer, as the chairman of the committee had stated to the Senate, is really the most important officer of the whole body of these people, so far as doing things is concerned, and I did not think that at a salary of $3,000 a year the man could be obtained, if this bill is to go through in this way, to do this thing who was fit for it for that sum of money. His time is worth to himself a great deal more than that if he is fit for the place, for it is a most important place—a very important place indeed. Therefore, I hoped that at least $3,500 might be given to this gentleman, and it ought to be $5,000, in my opinion, if he is to do the duty which should belong to the secretary of this board.

Having said that, and the Senate being apparently of the opinion that the sum of $3,000 is enough, I withdraw the motion to reconsider.

The PRESIDING OFFICER. The motion to reconsider is withdrawn. The next amendment reported from the Committee on Agriculture and Forestry will be stated.

The next amendment of the committee was, in section 9, line 17, to strike out "President of the United States" and insert "Commissioner of Agriculture;" so as to read:

And the said commissioners shall, on or before the first Monday in November of each year, during their continuance in service, and at such other times as they may deem conducive to the public interests, or as they may be required so to do by the Commissioner of Agriculture, report to him full and accurate accounts of their expenditures and other proceedings under the provisions of this act, and of the condition of said diseases throughout the United States, to be by him communicated to Congress.

The amendment was rejected.

Mr. PLUMB. I observe that the committee's amendments have been finally disposed of, and I should like to ask the Secretary to tell me what became of the amendment in section 1, line 12.

Mr. MILLER. That has been disagreed to.

Mr. PLUMB. Very well. I now move to insert in section 1, line 15, after the word "commissioners," the words:

To constitute a bureau in the Department of Agriculture.

Mr. EDMUNDS. I had given notice of an amendment, but I have no objection to that, as it is perfecting the text before I offer my substitute.

Mr. PLUMB. Oh, well, then I shall withdraw it, if the Senator desires.

Mr. EDMUNDS. I have no objection to the amendment.

Mr. PLUMB. I want to say simply that we have passed a bill which was intended to give additional power and dignity to the Department of Agriculture, but it will have no more important duty to perform than such duties as are outlined in this bill. Whether that departmental bill shall pass or not, there is already legislation upon the statute-book which gives to a bureau in the Department of Agriculture somewhat similar powers, though not sufficiently extensive. It is proper that all these cognate things shall be gathered together under one roof. It is not at all anomalous for the President to appoint all the heads of bureaus in a Department. The heads of nearly all the bureaus, perhaps all of them, are appointed directly by the President—in the Treasury Department, in the Interior Department, and so on. By my amendment I propose to confer upon him the authority which he has in other Departments—to constitute the bureaus himself in his own hands under his own responsibility.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. TELLER. I gave notice of an amendment in section 6, line 5, after the word "act," to insert "such animals shall not be killed, but;" so as to read:

That when the owner of animals decided under the provisions of this act, by the proper authority, to be diseased or to have been exposed to said contagion, refuses to accept the sum authorized to be paid under the appraisement provided for in this act, such animals shall not be killed, but it shall be the duty of the commissioners to declare and maintain a rigid quarantine as to the animals, &c.

I wish to make it clear that it is not the purpose of the bill to kill the animal and compel the owner to take less than he thought it was worth, so that he might have his choice to take the money or he might have it quarantined under the other provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

Mr. HOAR. In section 6, line 9, after the word "found," I move to insert "and shall pay to the owner the damage caused thereby to any animal not diseased;" so that, if an animal not diseased be quarantined for a period of time, the damage shall be paid to the owner.

Mr. MILLER. I have no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. HOAR. In section 2, line 40, where the language now is—

That in no case shall compensation be allowed for any animal destroyed under the provisions of this act which may have contracted or been exposed to such disease or diseases in a foreign country or on the high seas—

I move to insert, after the word "animal," the words "hereafter imported from any foreign country and;" so as to read:

That in no case shall compensation be allowed for any animal hereafter imported from any foreign country and destroyed under the provisions of this act which may have contracted or been exposed to such disease or diseases in a foreign country or on the high seas.

Mr. MILLER. There is no objection to that amendment on the part of the committee.

The amendment was agreed to.

Mr. HOAR. In section 2, line 42, after the word "seas," I move to strike out the words:

Nor shall compensation be allowed to any owner who, in person or by agent, knowingly and willfully conceals the existence of any such disease or diseases, or the fact of exposure thereto, in animals of which the person making such concealment, by himself or his agent, is in whole or in part the owner.

It may be quite desirable that if a man's cattle have been exposed and he willfully conceals the fact, he should not get any compensation if the cattle are afterward destroyed, even if they are not diseased; but it seems to me clearly unconstitutional to say that a man shall have his property taken for public uses without compensation, if a board find that he has done a certain act or failed to make known what he ought to make known. It seems to me you have no right to say that the penalty for not doing something which a person ought in morals to do shall be that a certain board of public officers, not judicial, not a jury, shall have the power to take his private property for public uses without compensation.

Mr. MILLER. I hope that amendment will be adopted. I want to save the Constitution as much as I can.

The amendment was agreed to.

Mr. VEST. Before a vote is taken upon the proposition of the Senator from Vermont I want to perfect the text of the bill. I move to add to section 3 of the bill the following:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State and Territory, whenever the plans and methods shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the commission and approved by the President, and whenever the governor of a State or other properly constituted authorities signify their assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the commission is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

That is the third section of the animal industry act modified by striking out the word "co-operation" and putting in the word "assent," so that the objection which was made to the animal-industry act that a State could not be induced to co-operate is met by this modification.

If this amendment be adopted, it relieves the bill of the principal objection that it has with me, that the United States authorities can go into a State and slaughter cattle which the owner does not propose to transport to any other State or Territory, and can do this against the direct prohibition of the Legislature and governor of the State. I can never vote for a bill that has such a provision in it, but by this modification I propose that the assent of the authorities of the State shall be given to the *modus operandi* pointed out in the bill, and I can then support the measure; otherwise, not.

Mr. MILLER. How is that assent to be obtained?

Mr. VEST. From the governor or the legally constituted authorities. It is the same language:

And whenever the governor of the State or other properly constituted authorities—

That is the language of the animal-industries act—

signify their assent.

Instead of "their readiness to co-operate," which was the language of the old act, I put in the words "their assent," whether they want to co-operate and give a cent of money or put any of their officers into the business or not, unless they object.

My idea is this: I will not vote for any bill that permits the Federal authorities to go in and slaughter cattle that are not intended to be transported, against the objection of the State, and to go to the premises of any citizen of a State when he is not taking any cattle out of the State.

Mr. HAWLEY. Let me ask a question. I think the Senator is entirely right as to giving no assent to a bill which permits an outside authority to go in and slaughter cattle, but my question is as to who shall give that assent. Has the governor of the State any right anywhere to give an assent to an outside authority to go in there and discharge a duty which it has no right to do without the assent of the Legislature?

Mr. VEST. I will say to the Senator from Connecticut that I leave that exactly where the animal-industry act left it, and the language of that act was this:

Whenever the governor of a State or other properly constituted authorities—

Mr. HAWLEY. The supposition is that the governor has the lawful power to do it.

Mr. VEST. That depends upon the autonomy of the State. If the governor has the power under the constitution of the State, let him exercise it. If the Legislature have it, they will exercise it, because they will be the properly constituted authority for that purpose; or if the governor and Legislature conjointly have the power they can do it. In nearly all the acts adopted by the States the power has been vested either in the governor or in the Legislature, or in both conjointly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

Mr. EDMUNDS. Let it be read.

Mr. VEST. I do not know whether the clerks can read it. I will read it again.

Mr. EDMUNDS. I want to have it read again, so as to understand exactly how far it goes.

Mr. VEST. I wrote it hurriedly, and I do not think the Secretary can read it.

That it shall be the duty of the Commissioner of Agriculture.

That is the bill here, but it ought to be the President of the United States.

Mr. EDMUNDS. Is it merely proposed as a section to the bill?

Mr. VEST. It is to be added at the end of section 3. Section 3, if the Senator from Vermont will look at it, provides for rules and regulations to be adopted by this commission, subject to the approval, as we have made it now, of the President of the United States. I simply propose after those rules and regulations are made to add to that section:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State and Territory, whenever the plans and methods shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the commission and approved by the President, and whenever the governor of a State or other properly constituted authorities signify their assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the commission is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigation and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

Mr. HOAR. Mr. President——

Mr. EDMUNDS. I move to amend that if we can have it where we can amend it, if the Senator will please send it over. I think the Senator from Massachusetts addressed the Chair before I did.

Mr. HOAR. I rose merely to suggest to the Senator from Missouri to insert words in his amendment so as to read, "whenever the governor of said State, being thereto authorized by law," adding the words "being thereto authorized by law" after the words "said State."

Mr. EDMUNDS. That was precisely the amendment I rose to propose.

Mr. VEST. Let it read, "the governor or other legally constituted authorities being thereto."

Mr. HOAR. Put it after the word "governor"—"whenever the governor being thereto authorized by law or other legally constituted authorities."

The PRESIDING OFFICER. The Senator from Missouri modifies the amendment. The question is on agreeing to the amendment of the Senator from Missouri as modified.

Mr. EDMUNDS. Does the Senator from Missouri modify his amendment?

Mr. HOAR. The Senator from Missouri has accepted my amendment.

Mr. EDMUNDS. Let us hear it read, then, so as to know exactly how it is in.

The PRESIDING OFFICER. That part of the amendment will be stated. The Senator from Massachusetts will state his amendment.

Mr. HOAR. I suggest to insert and the Senator from Missouri agrees to modify the amendment by inserting, after the words "the governor of said State," the words "being thereto authorized by law."

Mr. VEST. I will say to the Senator from Massachusetts there is one objection to that to which my attention has been called. Some of the Legislatures of the States may not assemble for eighteen months or two years.

Mr. HOAR. If the governor has no legal authority to bind the State till then——

Mr. VEST. Say "other properly constituted authorities." There must be power in the State somewhere to give this assent.

Mr. HOAR. The power may be in the Legislature alone.

Mr. VEST. I suppose the Legislature could be called. I will let it go.

The PRESIDING OFFICER. Does the Senator from Missouri consent to modify his amendment in that way?

Mr. VEST. Yes, sir.

Mr. EDMUNDS. Let it be read as proposed to be amended by the Senator from Massachusetts.

The CHIEF CLERK. After the word "State," insert the words "being thereto authorized by law;" so as to read:

And whenever the governor of a State, being thereto authorized by law, or the other properly constituted authorities, signify their assent.

Mr. HOAR. I suggest further to strike out——

Mr. EDMUNDS. Let us know whether the Senator from Missouri accepts that as part of his amendment.

Mr. VEST. Certainly I do.

Mr. HOAR. I desire to strike out from the Senator's amendment the words "or Territory." We have absolute legislative power over the Territories.

Mr. VEST. I have no objection to that modification.

The PRESIDING OFFICER. If there be no objection the word

"Territory" will be stricken out. The question is on agreeing to the amendment of the Senator from Missouri as modified.

Mr. MILLER. I wish to say a single word on that amendment. I hope the amendment will not be agreed to, for if it is this bill will be of very little if any value; it will simply put things back to their present condition under the bureau of animal industry. In other words, it requires the assent of the States. The present law requires simply the State authorities to co-operate, and the amendment as now offered simply requires the assent of a State to the Federal Government coming into its borders and carrying out the provisions of this proposed law.

The principal desire for the enactment of this measure is for immediate action. I presume a majority of the Legislatures of the States of this Union are not in session. Some of them will not be in session for two years, and it is absolutely impossible that this assent should be obtained in any legal way. The governor can not have the authority unless there has been some law passed by the Legislature giving him authority to give his assent to the Federal Government to come in and carry out the provisions of this proposed law.

Mr. McPHERSON. The Legislature can be called, if necessary, I submit to the Senator from New York.

Mr. MILLER. The Legislatures were not called in order to carry out the original act of 1884. A majority of the States have failed to co-operate with the Federal authorities in action regarding it, and they will fail to co-operate and to take action under this proposed amendment, and therefore the disease will go on untrammeled.

The difficulty to-day in the State of Illinois is that the State undertook to co-operate and passed a law and appointed a cattle commission which was to co-operate with the bureau of animal industry. The trouble has been that that cattle commission in Chicago has substantially refused to co-operate, it goes on in its own way, and the bureau of animal industry can do nothing, and to-day the city of Chicago is a plague-spot so far as this disease is concerned, and the Federal Government is absolutely powerless to extirpate it. Therefore the Commissioner of Agriculture is put at the mercy of one State because it will not permit the Federal authorities to go on and extirpate the disease. If the Federal authority had power and money it could go into Chicago and in less than thirty days entirely extirpate this disease; and if it were to cost $1,000,000 or $5,000,000 to-day it would be of great benefit to the whole country, and would be cheap.

If the amendment of the Senator from Missouri is adopted, the bill will be of no use at all.

Mr. VEST. Before the Senator sits down, let me call his attention to this proposed modification. He is speaking of the bureau of animal industry under the law requiring the co-operation of a State.

Mr. MILLER. I am willing to admit that the word "assent" improves it to a limited extent. The difficulty is you can not get the assent.

Mr. VEST. If the Senator will allow me to say one word I shall not say any more. I want to vote for the bill——

Mr. MILLER. I know the Senator does.

Mr. VEST. But I can not vote for it if he sends this commission in to slaughter cattle never intended for transportation, against the prohibition of the State authorities.

Mr. EDMUNDS. Then may I ask the Senator from Missouri a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. Does he think this amendment to a particular section is going to control the other sections about the power of jurisdiction?

Mr. VEST. I think so.

Mr. EDMUNDS. I am very much afraid it will not.

Mr. VEST. Then I beg the Senator from Vermont to help me to give it that intendment.

Mr. EDMUNDS. I am going to help you when I get my substitute before the Senate.

Mr. VEST. I am not going to vote for the Senator's substitute.

Mr. HOAR. I am sorry to take up so much time, but I think if the Senator from Missouri will give me his attention he will see that his amendment is totally unmeaning, and that he will desire to modify it. This is the Senator's amendment:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State, whenever the plans and methods shall be accepted by any State in which * * * disease is declared to exist or such State shall have adopted plans * * * and whenever the governor of a State being thereto authorized by law, or other properly-constituted authorities signify their assent * * * the Commissioner is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations—

He does not say "in said State," but the authority to expend money anywhere depends upon the governor of one State having certified it—

and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

So the Senator will want to further amend his amendment by saying the commission shall be authorized to expend therein, or in said State, so much of the money as may be necessary to prevent the spread of the disease in said State, or from said State to any other.

Mr. VEST. I have no objection to such a modification.

Mr. HOAR. It will require that amendment also.

Mr. VEST. The Senator from Massachusetts will see that that is the text of the animal-industry act. The construction of it always has been that the expenditure of money should be in the State, but I have no objection to the modification.

Mr. HOAR. I suggest after the word "expend" to insert the word "therein," and then after the word "diseased" to say "in said State, or from said State into any other."

The PRESIDING OFFICER. If there be no objection the amendment will be so modified.

Mr. EDMUNDS. Now, we must hear it read, so as to know exactly what we have.

The PRESIDING OFFICER. The proposed amendment will be stated.

The CHIEF CLERK. After the word "expend" insert the word "therein," and after the word "diseased" insert the words "in said State, or from said State into any other State."

Mr. EDMUNDS. Now let us hear it all read as it will stand modified.

The Chief Clerk read as follows:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State, whenever the plans and methods shall be accepted by any State in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the commission and approved by the President of the United States, and whenever the governor of a State being thereto authorized by law or other properly constituted authorities signify their assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the commission is hereby authorized to expend therein so much of the money appropriated by this act as may be necessary in such investigations and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease in said State, or from said State into any other State or Territory.

Mr. MILLER. Does not the Senator from Missouri see that that limits the expenditure of money in any State to those particular objects which are mentioned; for instance, investigation, disinfection, and quarantine measures?

Mr. VEST. That is all you want.

Mr. MILLER. Not at all. The bill in other provisions gives the power to slaughter the cattle and pay for them. The Senator limits the expenditure now.

Mr. VEST. I suppose that is one of the means of disinfection. I suppose that is what you kill the cattle for.

Mr. MILLER. I scarcely think that killing cattle would be understood to be any part of the method of disinfecting. The killing is one thing and the disinfection is another thing.

Mr. VEST. I suppose the animal is killed lest the animal may infect some other animal that is sound, and therefore it is disinfecting the herd when you kill it. If that is not the meaning of it I do not know what is.

Mr. MILLER. If the Senator had stopped at another clause in the sentence, where the amendment says that the money shall be used for carrying out the provisions of this act, then it would include whatever is found in the act; but he goes on and recites specifically what the money shall be expended for, and those objects are investigation, disinfection, and quarantine. I submit to the Senator from Missouri, as a lawyer, that he would never think for a moment that under those three items mentioned they could proceed to kill cattle and pay for them.

Mr. VEST. The preceding part of the bill provides for killing the cattle.

Mr. MILLER. Certainly it does. The Senator's amendment says the money shall be expended for carrying out the provisions of the bill, and then he turns around and absolutely limits the objects for which the money shall be applied.

Mr. VEST. I beg the Senator's pardon. The preceding part of the bill provides for certain modes of getting rid of infected and diseased cattle. This amendment recognizes those modes by providing that the State authorities shall assent to them, and where a State has already adopted a plan it shall then communicate that plan to the commission in order that the commission may assent to that plan. It is no co-operation, but simply assent.

Mr. MILLER. I can only hope that the amendment will be rejected, because, as I say, it absolutely destroys the bill and makes it of no earthly use whatever. If it is adopted we might just as well go on with the present law.

Mr. BECK. Mr. President, I shall vote for the amendment, and I desire to say now once for all what I think about this measure.

Something ought to be done. I am not a member of the committee and have not had charge of it, and do not know exactly what ought to be done, but a bill is pending in the House of Representatives which is not yet passed, as I see by the print in my hands. This bill is pending here. They are divergent in many respects.

Very able reports have been made on both sides, which I also hold in my hand, for and against these measures. Only a week will elapse before this Congress expires by limitation. I propose to vote for something, whether I like it very well or not, that will go to the House of Representatives and there be considered, hoping that between the two Houses on a conference something that is constitutional and valuable may be

produced. The absolute killing of this bill here deprives us of all power to have consultation with the other end of the Capitol.

That we are in the presence of a disease which is likely to be of great injury to the trade of this country is beyond doubt. France, Spain, Portugal, I believe all the continental nations, have prohibited the landing of live cattle from America because of the existence of this disease. No individual State can take any action to show the people of those countries that the cattle which we send abroad are not diseased. It must be done by the power and authority of the United States or the trade with those countries in live cattle is ended forever.

England has not refused to allow our cattle to land, but refuses to allow them to leave the docks. They must be slaughtered there. I believe the time was a year or two ago when they were allowed to be taken about 14 miles into the interior and be fed about seventeen days, that being a modified quarantine, but now so rigid are the regulations that they have to be slaughtered on the dock, whether the market is good or bad, whether the voyage has been stormy or pleasant, whether the cattle are in a condition to be killed or not.

I have been advised of an effort on the part of the Canadian authorities to force all the cattle of the great Northwest to pass over the Canadian lines, to be shipped from Montreal direct to Liverpool or other ports in Europe, on the ground that England would accept a clean bill of health from her own authorities, but would not accept a clean bill of health from American authorities. That is one of the methods adopted to endeavor to obtain the cattle trade of the Northwest to pass through Canada instead of through this country, to the great injury of our own ports, our own carrying trade, and our own people. She has the clear right to do it, however, the ground being——

Mr. BUTLER. May I interrupt the Senator one moment? Does not this Government impose the same restrictions on cattle imported from Great Britain?

Mr. BECK. I do not know that we impose the same restrictions, but we do impose restrictions and for the same purpose—the prevention of contagion.

Mr. MILLER. We do not impose the same restrictions, but we maintain a quarantine on cattle imported from abroad now. They go into quarantine, I think, for ninety days. Then if no disease is discovered they are permitted to be carried over the country; but in England they can not be carried away from the port at which they are landed. They must be killed there.

Mr. BECK. And in other European countries they can not land at all.

Mr. BUTLER. The point I wanted to make was that this Government did impose restrictions on cattle brought from other countries.

Mr. BECK. Yes; and it ought to do so. We impose restrictions on passengers landing from foreign countries supposed to be infected with yellow fever or any other contagious disease. That is right. But what we ought to do, and must do, if we expect to maintain any foreign trade, is in some way and by some authority with which foreign nations can deal, to assure them in a manner that will be satisfactory to them that the cattle we send them are not diseased.

Mr. EDMUNDS. May I call the attention of my friend from Kentucky to the present law on the subject of cattle coming into this country? I do not wish to interrupt my friend without his consent.

Mr. BECK. I am only seeking information.

Mr. EDMUNDS. The act of 1866, being now section 2493 of the Revised Statutes, provides this:

> The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited.

If it stopped there it would have been a very good act. It is good one way, but there is with it a proviso.

> *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States.

And then it provides authority to make rules and regulations, which I will not take time to read because it is not necessary. So I suggest to my friend from Kentucky that the power by law now conferred on the executive authority of the United States to keep out contagious diseases is complete.

Mr. BECK. I was not discussing that at all. That was suggested by the Senator from South Carolina [Mr. BUTLER]. What I am concerned about is that we shall do all we can to satisfy and give assurance to foreign nations, to whose ports we desire to send our cattle, and where we must send them, that we are sending them sound and not diseased cattle. All the ports of continental Europe are closed against us to-day on the assumption that our cattle are or may be diseased, and England, under the pretense that she fears the same thing, does not allow our cattle to leave the wharf where they are landed, and is now considering propositions that the Canadian Government is pressing upon her to receive the cattle that leave the ports of Canada, which were raised in the stock regions of the Northwest, and pass them through Canada for export, to the injury of our own transportation lines and our own markets. In other words, England is to receive as true the assurance of her own authorities as to the healthfulness of animals exported from Canada, and she will not receive ours. I think we ought to change that condition of things if we can; and that is what I am endeavoring to do.

Mr. EDMUNDS. Yes; but I wish to recall to the recollection of my friend from Kentucky the bill that passed the Senate early in the last session of this present Congress and is now pending in the House of Representatives, which was called the meat-exportation bill, that I believe passed the Senate unanimously. That provides for that very thing in the way of inspection. I am not sure that it applies to live cattle—I do not want to overstate it—but, if it does not, it can be easily amended to do it. It applies, however, to every kind of meat for inspection, and provides for a certificate and the power of self-protection against unjust discriminations abroad, and I am extremely sorry that our good friends at the other end have not amended it, if it needed amendment, to cover the point of my friend from Kentucky, so that we might have got it to be a law.

Mr. MILLER rose.

Mr. BECK. I have not made up my mind. Perhaps the Senator from New York knows more about it than I do.

Mr. MILLER. I do not care to speak about that very much; but if that bill were a law it could be of no possible avail in opening to us the commerce of Europe in the matter of live-stock. The markets of Europe will never again be open to us for our live-stock unless the Federal authority is given to extirpate this disease, and after having exercised that authority the Federal officers can go before the whole world and say there is no pleuro-pneumonia in the United States. Until that can be done by Federal authority the ports of Europe will never be opened to us. The mere inspection of an animal that goes to a port and is exported from New York or Boston will do no good whatever. It is on that basis that we are now shut out.

Mr. BUTLER. I simply desire to state that if what the Senator from New York says is true in regard to foreign nations not believing us when our inspectors give a clean bill of health with meat or pork or any other commodity or live-stock, they certainly would not believe anybody on this side the water.

Mr. MILLER. The Senator can see that there is a great difference between a certificate on the exportation of meats and that of live cattle. Meat can be inspected and it can be certified to whether it is healthful or not; but cattle may be exposed to pleuro-pneumonia, may be put on board ship apparently perfectly healthy at New York, and the disease may not appear for a number of days until after the vessel arrives in England. Therefore an inspection of live cattle amounts to nothing so long as the disease is known to exist in the country from which the cattle goes.

Mr. BECK. I do not desire to make a speech or detain the Senate at this late hour longer than necessary to state my own difficulties. I have stated one of the reasons why I am so anxious that something should be done. Another reason is this: I in part represent a State dealing very largely in cattle of the most costly character, that have been purchased for years by other States and Territories for the improvement of their own. We can not compete with the great Territories of the West in raising cattle for quantity.

We have to compete in raising, if at all, for quality; and we have to sell to them. Our State may be ever so clear of pleuro-pneumonia, and we may be able to prove it, but our State must be in a condition to satisfy the other States that that is the fact. They quarantine against us. That closes our market, no matter whether there is danger or not. When Illinois, Iowa, and other States refuse to allow our cattle to pass through their limits on their way to the Northwest, because under the law of the United States all cattle transported on railroad cars must be taken off once in twenty-eight hours, and they might be three or four days on freight trains in passing through those States—when our State is quarantined against, our trade is cut off absolutely by State action, no matter how thoroughly we may have proved that there is no danger. That is an evil which the State can not rectify.

I have no personal interest, directly or indirectly, in this matter. Nobody connected with me has any interest that I know of in the great cattle interest of the far Northwest, because, while I have a son there, what he has is on his own place, and he never had any range cattle. But I know from observation made year after year that if this disease ever does reach the loose herds of the Northwest, the cattle trade of this country is gone for twenty years, so far as exporting cattle is concerned. Those are the regions from which the cattle come that are exported, or that make up the surplus, and more than the surplus, of all that goes abroad.

We may defend our own cattle, and the quarantine should take care of them in our barnyards in the States; but if ever this disease reaches the cattle on the ranges, that is the end of them and the end of the cattle business of this country; and millions, yes, hundreds of millions, will not cover the loss.

The markets have been lost for a year or two now, and it will continue so until assurance is given that some power has taken hold of the question. Whenever the disease reaches the ranges where three-fourths of the great herds are fatted, that is for twenty years the end of the export trade of the United States in cattle.

I want some method devised that will stop that. I will vote for the

amendment of the Senator from Missouri, because I think it will strengthen the bill and send it over to the House. I may vote for the substitute of the Senator from Vermont, though I have not heard it yet. I want something to go to the House. I want consultation with the House; I want action taken before we adjourn, and I am going to waive points of constitutional scruples in order to have that consultation, hoping that the final result will be good.

Mr. EDMUNDS. May I say a word to my friend from Kentucky about my amendment, so that he will understand it, as he has not heard it read, as he was not in? It is simply to put into the discretionary power of the President a million dollars to be expended to aid the authorities of the several States, each and all of them, according to the interests—probably chiefly at this moment in the State of Illinois largely, where these cattle are brought—to aid the State and pay for it out of the pockets of the whole people, to do what the State power clearly has the right to do—to exterminate this disease.

The trouble about national action is that we have constitutional limitations, difficulties as to the power of the United States to regulate the police, the health of men or cattle, or anything else in a State; and, therefore, if this bill put in the names of human beings instead of the word "cattle," it would be just as constitutional as it is now, of course, because it is all the same, and, therefore, with every sympathy with what my friend from New York has said, and with what my friend from Kentucky has said, wanting to accomplish this thing, I do not wish to hold out the ashes of disappointment to the people of the United States in passing a bill that, the first time any resisting citizen chooses to test it, will, as I sincerely believe, break down without counsel on the other side being heard at all.

It is so plain to me that I prefer as we now stand, and in the present condition of things, to put all the money that is necessary—I do not care if it is ten millions, or twenty, as my friend from Kentucky says it is of vast consequence—into the hands of the Executive to aid the State authorities, and pay for everything that the State authorities think ought to be destroyed, or quarantined, or whatever else, and get rid of this thing. Then we are sure of our ground, and we know we can do it; but if we hold out to the people of the United States this proposition as it stands, and my idea should turn out to be the right one—I think I could demonstrate it in a little while, and I will to-morrow if it is necessary—we have then been misleading (not intentionally but by effect) the people in this business, and we shall have allowed this disease to go on, when in the other way we shall be able with the aid of every State—I am sure no State would wish to have it go on—to accomplish the result we all desire.

I make this explanation to my friend from Kentucky so that by to-morrow he will be able to consider whether that is not the best way.

Mr. CAMERON. I move that the Senate adjourn.

Mr. MILLER. I hope the Senator will withdraw that motion for a moment. I want to see if we can not agree——

Mr. CAMERON. I do not withdraw the motion.

Mr. MILLER. The Senator certainly——

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate adjourn.

Mr. MILLER. I hope the motion will be voted down. I call for the yeas and nays. After we had an agreement to go on with the bill it can not be taken away in this way with my consent.

Mr. CAMERON. There is no quorum here.

Mr. MILLER. Then have a call of the Senate.

Mr. CULLOM. I believe the Senator from New York only wants an understanding as to the time when the bill shall be finished.

Mr. EDMUNDS. I think the bill is so important that we had not better cut off debate.

Mr. MILLER. I do not care to fix the time, but I want an agreement that the bill shall be taken up immediately after the conclusion of morning business to-morrow, that instead of going on with the passage of ordinary House bills as we have been doing under the rule heretofore, many of which are of little importance, we may take this bill up immediately and proceed with it, and I think we can get a vote on it before 2 o'clock. With that understanding I am entirely willing to adjourn now.

We have two important amendments. We have gone through the text of the bill. It is all perfected. There are two propositions before us—one the amendment of the Senator from Vermont, which is in the form of a substitute; the other is the very important amendment of the Senator from Missouri entirely modifying the bill. There can be but three votes possibly called for—one upon the amendment of the Senator from Missouri, first; then upon the substitute of the Senator from Vermont, and then on the final passage of the bill. I have no doubt that by allowing a moderate amount of debate to different people, we can can get through by 2 o'clock to-morrow. If I can have that agreement I will not make any objection.

Mr. VANCE. I object to debate.

The PRESIDING OFFICER. Objection is made. Debate is not in order. The question is on the motion of the Senator from Pennsylvania that the Senate adjourn, on which the yeas and nays have been ordered.

Mr. MILLER. I do not care to call a quorum here to-night or to have any trouble over this bill, and it seems impossible with the——

Mr. VANCE. Is debate in order?

The PRESIDING OFFICER. Debate is not in order, and the Chair has so announced.

Mr. MILLER. I give notice that immediately after the conclusion of morning business to-morrow I shall move to take up this bill; and I now withdraw the call for the yeas and nays on the motion to adjourn.

Mr. CAMERON. I insist on my motion to adjourn.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn. The question is on the motion to adjourn.

The motion was agreed to; and (at 7 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 25, at 12 o'clock m.

---

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *February* 24, 1887.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### VETO MESSAGE—ANTHONY M'ROBERTSON.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, on motion of Mr. TAULBEE, referred to the Committee on Invalid Pensions, and ordered to be printed:

*To the House of Representatives:*

I herewith return without approval House bill No. 7327, entitled "An act granting a pension to Anthony McRobertson."

The beneficiary named in this bill was badly wounded in a battle which occurred about the 17th day of November, 1863.

He applied for pension in 1874, and the same was granted in November, 1886, to date from the time of his disability, November 17, 1863.

He is now receiving the highest rate allowed under the general law for cases such as his, and he would be entitled to no more under the special act.

It could not therefore by any possibility be of the least benefit to him, but on the other hand might jeopardize his advantages already gained.

GROVER CLEVELAND,

EXECUTIVE MANSION, *February* 23, 1887.

#### VETO MESSAGE—MARGARET R. JONES.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, on motion of Mr. TAULBEE, referred to the Committee on Invalid Pensions, and ordered to be printed:

*To the House of Representatives:*

I herewith return without approval House bill No. 10082, entitled "An act to increase the pension of Margaret R. Jones."

The beneficiary mentioned in this bill is now receiving the highest rate of pension allowed in cases such as hers under the general law.

All the information which is available to me fails to furnish any reason why this pension should be specially increased, except the general statement in the claimant's petition that she is in necessitous circumstances, and that the rate now allowed her is insufficient for her support.

The further statement in the petition that her husband's death "was caused prematurely by his endeavor to comply with unusual, disrespectful, and indefinite orders," to go to League Island navy-yard, certainly does not in all its bearings furnish conclusive proof that his widow's pension should be increased beyond that furnished others in her situation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 23, 1887.

#### VETO MESSAGE—WILLIAM H. MORHISER.

The SPEAKER also laid before the House the following message from the President of the United States; which was read:

*To the House of Representatives:*

I return without approval House bill No. 5877, entitled "An act for the relief of William H. Morhiser."

This beneficiary, though apparently not regularly enlisted in the military service of the country during the time covered by this bill for his relief, performed military duty, was captured, and imprisoned. No technicality should be interposed in considering this bill to prevent the receipt by him of the same pay and allowances awarded under like circumstances to soldiers regularly enlisted.

But this bill proposes to appropriate for the benefit of this claimant such sum as pay and allowances as would be allowed a private of cavalry from November 30, 1863, to January 1, 1865. It appears from the records of the War Department that he has already been paid for at least two months of that time.

The bill also provides that there shall also be allowed to the claimant such additional pay and allowances, as commutation of rations and so forth, as were allowed prisoners of war, from July 30, 1864, to January 1, 1865. The records disclose the fact that he has been allowed commutation of rations from July 30, 1864, to December 11, 1864.

As the purpose of this bill, as gathered from the report of the committee to whom it was referred, appears to be to secure for the claimant therein named compensation "at the rate at which other soldiers in the same situation were paid," and as he seems already to have received a considerable part of the compensation provided for in the bill, I am led to suppose that a mistake has been made in framing the same.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 23, 1887.

Mr. HENDERSON, of Iowa. I desire to ask if this bill is privileged whether it goes to the committee or not, to be called up at any time?

The SPEAKER. It is, as the Chair has heretofore held.

Mr. TAULBEE. I move that it be referred to the Committee on Invalid Pensions.

Mr. HENDERSON, of Iowa. That bill was not reported from the Committee on Invalid Pensions, but from the Committee on War Claims.

Mr. TAULBEE. Then I ask its reference to the proper committee.

The SPEAKER. The Chair did not observe what committee had reported the bill, but it will be referred to the Committee on War Claims, and ordered to be printed.

VETO MESSAGE—LOREN BURRITT.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, on motion of Mr. TAULBEE, referred to the Committee on Pensions, and ordered to be printed.

*To the House of Representatives:*

I herewith return without approval House bill No. 8002, entitled "An act to increase the pension of Loren Burritt."

The beneficiary named in this bill enlisted in October, 1863, and in December of that year was mustered in as major of the Eighth Regiment United States colored troops, was promoted to lieutenant-colonel, and very badly wounded in February, 1864, and was mustered out with his regiment November 10, 1865.

His condition at the present time is most pitiable, and his helplessness is such that he needs the constant care and assistance of others. He was obliged to give up business about the year 1873.

In 1866 he was pensioned for his wound, which was in the right leg; and such pension has been increased from time to time until he is now in the receipt of $72 per month, the highest pension allowed under general laws. This rate was awarded him under a law passed in 1880, increasing from $50 to $72 per month the pensions of those who were rendered permanently and totally helpless, so that they required the regular and personal attendance of another.

On the 30th day of June, 1886, there were 1,009 persons on the rolls receiving this rate of pension.

This bill was reported upon adversely by the House Committee on Pensions; and they, while fully acknowledging the distressing circumstances surrounding the case, felt constrained to adverse action, on the ground, as stated in the language of their report, that "there are many cases just as helpless and requiring as much attention as this one, and were the relief asked for granted in this instance it might reasonably be looked for in all."

No man can check, if he would, the feeling of sympathy and pity aroused by the contemplation of utter helplessness as the result of patriotic and faithful military service. But in the midst of all this, I can not put out of mind the soldiers in this condition who were privates in the ranks, who sustained the utmost hardships of war, but who, because they were privates, and in the humble walks of life, are not so apt to share in special favors of Congressional action. I find no reason why this beneficiary should be singled out from his class, except it be that he was a lieutenant-colonel instead of a private.

I am aware of a precedent for the legislation proposed, which is furnished by an enactment of the last session of Congress, to which I assented, as I think improvidently; but I am certain that exact equality and fairness in the treatment of our veterans is after all more just, beneficent, and useful than unfair discrimination in favor of officers, or the special benefit born of sympathy in individual cases.

I am constrained therefore to agree with the House Committee on Pensions in their views of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 23, 1887.

SALARIES OF JUDGES, UNITED STATES MARSHALS, ETC.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury in relation to salaries of additional judges in Alabama and California and salaries of United States marshals for the fiscal year 1887, and statements and estimates of appropriations therefor; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY APPROPRIATIONS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with a letter from the Attorney-General, a statement of unsettled claims for which additional appropriations are required; which was referred to the Committee on Appropriations, and ordered to be printed.

STORAGE OF SILVER, ETC.

The SPEAKER also laid before the House a letter from the acting Assistant Secretary of the Treasury, submitting an estimate of an appropriation for two additional clerks in the office of the United States assistant treasurer in the city of New York, and also an estimate of an appropriation for the storage of silver; which was referred to the Committee on Appropriations, and ordered to be printed.

TAMPA, FLA.

The SPEAKER laid before the House the bill (S. 2992) to make Tampa, Fla., a port of entry; which was read twice by its title.

Mr. DAVIDSON, of Florida. I ask unanimous consent of the House that I may be permitted to make a brief statement in reference to this bill, and to request that it be considered now. This bill has passed the Senate. A similar bill has been considered by the Committee on Commerce of the House and reported favorably, and the necessity for the passage of the bill is very urgent. As will be seen from the report of the committee of the House last summer, the Postmaster-General made a mail contract for the carriage of the United States mails from Tampa and Key West to Havana and return. This mail is now being run in connection with the fast mail on the Atlantic Coast Line.

In addition to this mail line, there is also a weekly line from New Orleans to Tampa, Key West, and Havana, and a semi-monthly line from Tampa to the Bahamas.

Another company has offered to put on a steam line from Tampa to Aspinwall, and several business houses have also proposed to put on good steamers to ply between Tampa and Central American and West India ports. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Florida asks unanimous consent that this bill be now considered. The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, &c.*, That the port of Tampa, Hillsborough County, Florida, be, and the same is hereby, made a port of entry.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAVIDSON, of Florida, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the bill (S. 3268) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia; which was read twice by its title.

Mr. O'FERRALL. I ask unanimous consent to substitute for this bill and put upon its passage the corresponding House bill.

Mr. RANDALL. I call for the regular order.

The bill was referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (S. 3300) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads, under an act of Congress approved May 17, 1856, and for other purposes; which was read twice by its title.

The SPEAKER. The bill will be referred to the Committee on the Judiciary.

Mr. STRAIT. Does not the bill properly go to the Committee on Public Lands?

The SPEAKER. It provides for the judicial determination of certain questions. Does the gentleman desire it to go to the Committee on Public Lands?

Mr. STRAIT. I do.

There being no objection, the bill was referred to the Committee on the Public Lands.

The SPEAKER also laid before the House the joint resolution (S. R. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed; which was read twice, and referred to the Committee on Printing.

The SPEAKER also laid before the House the joint resolution (S. R. 108) providing for the sale of public documents; which was read twice, and referred to the Committee on Printing.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other pruposes, with a message from the Senate requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. RANDALL. I move that the House insist upon its disagreement and agree to the conference requested.

The motion was agreed to.

The SPEAKER. The Chair appoints as the conferees on the part of the House Mr. RANDALL, Mr. FORNEY, and Mr. RYAN.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888, with Senate amendments.

Mr. BRAGG. I ask unanimous consent that the House concur in the Senate amendments.

Mr. BRADY. I object.

The SPEAKER. The bill and amendments will be referred to the Committee on Military Affairs.

Some time subsequently,

Mr. BRADY said: I withdraw the objection I made to the request of the gentleman from Wisconsin.

The SPEAKER. The gentleman from Virginia withdraws his objection to the request of the gentleman from Wisconsin to concur in the Senate amendments to the Military Academy appropriation bill. The Clerk will report the amendments.

The Clerk read as follows:

Page 3, line 14, strike out "two" and insert "five."

Page 3, line 16, strike out "two" and insert "five."

Page 8, after line 11, insert "for the erection of a gymnasium for cadets and for repairs and alterations of the present gymnasium building, $35,000, to be immediately available."

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. HOLMAN. The reading of the amendments does not indicate the changes made. I ask that they be read in connection with the context.

Mr. BRAGG. I think I can explain the effect of the amendments in less time than it would take to read them in connection with the text of the bill.

The first two amendments provide for an increase of salary of two clerks at West Point from $1,200 to $1,500 a year. The Committee on Military Affairs do not think at this stage of the session that it is wise for us to haggle over the sum of $600 on a general appropriation bill. The third amendment provides for the construction and erection of a gymnasium. That has been recommended year after year. The board of visitors last year made a special examination in reference to that subject and in January the chairman of the Committee on Military Affairs went to West Point for the express purpose of examining the subject to see if the improvement is of actual necessity. Upon his return it was recommended to the Committee on Military Affairs, and as the appropriation bill had passed the House, the Senate committee, by a vote of the Military Committee of the House, were requested to insert that recommendation in the bill as an amendment.

Mr. HOLMAN. I would be glad to inquire how the aggregate amount appropriated in this bill compares with the appropriations for the current year.

Mr. BRAGG. This bill, with the amendments, exceeds the appropriation for the current year about $134,000; at least I think that is about the amount, speaking from memory. That increase consists in the construction of quarters which have been recommended year after year for the residence of the troops that are there stationed, which are now in a tumble-down building; for the repair of Government workshops, which are now almost uninhabitable, and for the repairs and refitting of the Academy building, which came very near being destroyed by fire last year by reason of its imperfect construction.

The amendments of the Senate were concurred in.

Mr. BRAGG moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### CONCURRENT RESOLUTIONS FOR PRINTING.

The Speaker also laid before the House resolutions of the Senate, in which the concurrence of the House was requested; which were severally referred to the Committee on Printing, as follows:

For printing a compilation of the laws of the United States in reference to the construction of bridges over the navigable waters, including the laws of the second session of the Forty-ninth Congress;

For printing the report of Lieut. Henry T. Allen of his explorations in Alaska;

For printing the Flags of all Nations, prepared, by order of the Secretary of the Navy, by the Bureau of Navigation; and

For printing 4,000 additional copies of Wharton's Digest of International Law.

### BRANCH SOLDIERS' HOME.

The SPEAKER announced as conferees on the part of the House on the bill (H. R. 2075) to provide for a branch home for disabled volunteer soldiers west of the Rocky Mountains Mr. BRAGG, Mr. ANDERSON, of Ohio, and Mr. NEGLEY.

### JUDICIAL DISTRICTS IN ILLINOIS.

The SPEAKER. In House bill No. 367 an error was committed by inserting the words "United States district attorney" instead of the word "clerk." The bill has been sent to the President, and if there be no objection the Chair will lay before the House the resolution which the Clerk will now read.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the President be requested to return to the House the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts, and to provide for holding the terms of court of the northern district at the city of Peoria.

The SPEAKER. If there be no objection this resolution will be considered as agreed to, and the Clerk will be directed to communicate it to the Senate.

There was no objection, and it was so ordered.

### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season; and

A bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building, for more suitable property, and for other purposes.

### ORDER OF BUSINESS.

Mr. BLOUNT. Mr. Speaker, on yesterday afternoon it was agreed by the Committee of the Whole considering the Post-Office appropriation bill, or the Senate amendments thereto, that at 12 o'clock to-day we should take a vote in the House on the recommendations of the committee. It is so near that hour now that I think it well to call attention to the matter and to ask that the vote be taken at this time instead of at the hour appointed.

The SPEAKER. The gentleman from North Carolina [Mr. HENDERSON] desires to call up a privileged matter which will occupy a portion of the time between now and 12 o'clock.

Mr. BLOUNT. Then I will not insist on my request.

### CONTESTED ELECTION CASE—KIDD VS. STEELE.

Mr. HENDERSON, of North Carolina. Mr. Speaker, I desire to call up for consideration at this time, as a privileged matter, the resolutions reported from the Committee on Elections in the contested-election case of Kidd *vs.* Steele.

The SPEAKER. The Clerk will read the resolutions.

The Clerk read as follows:

*Resolved*, That Meredith H. Kidd was not elected a Representative in the Forty-ninth Congress from the eleventh district of Indiana, and is not entitled to a seat therein.

*Resolved*, That George W. Steele was duly elected such Representative, and is entitled to retain his seat.

Mr. HENDERSON, of North Carolina. Mr. Speaker, there is no opposition to this report, and I therefore demand the previous question upon the adoption of the resolutions.

The previous question was ordered, and the resolutions were agreed to.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### EXPENSES OF GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. WILSON. I am instructed by the Committee on Appropriations to submit a privileged report, and to ask unanimous consent for its present consideration.

The SPEAKER. The report will be read, after which the Chair will ask for objection.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill of the House (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend non-concurrence in all of the amendments of the Senate.

Mr. WILSON. I move the adoption of the report.

The SPEAKER. The gentleman from West Virginia [Mr. WILSON] asks unanimous consent that the report be considered at this time. Is there objection?

Mr. BURROWS. I desire to ask the gentleman whether the committee recommend non-concurrence in all the Senate amendments?

Mr. WILSON. They do.

The report was adopted.

Mr. WILSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ORDER OF BUSINESS.

Mr. MATSON. Mr. Speaker, I ask unanimous consent that the order made yesterday for the taking of the vote on the Post-Office appropriation bill be vacated, that the vote be taken now, and that as soon as that vote is taken the House proceed to consider House bill No. 10457.

The SPEAKER. If there be no objection the Chair will proceed to take the vote on the Post-Office appropriation bill, and after that the gentleman from Indiana [Mr. MATSON] can call up the bill to which he refers.

Mr. BURROWS. It was agreed yesterday that the vote on the Post-Office bill should be taken at 12 o'clock to-day. Some gentlemen who desire to vote upon it are still absent, expecting to be here at 12 o'clock, and they might possibly lose their votes if the course suggested should be adopted.

Mr. MATSON. Mr. Speaker, do I understand that the gentleman from Michigan [Mr. BURROWS] objects.

The SPEAKER. The Chair does not understand the gentleman to object.

Mr. BURROWS. I am informed that a gentleman whom I had in view in asking that the vote be delayed is now present. I therefore make no objection to the vote being taken now.

Mr. DUNHAM. I object.

Mr. JAMES. I have a little matter that will occupy ten minutes. [Cries of "Regular order!"]

Mr. MATSON. I call up for consideration the veto message of the President of the United States which was postponed until to-day.

Mr. BLOUNT. I trust I may be allowed to make a statement. I hope the gentleman from Illinois [Mr. DUNHAM] will not object to letting the vote upon the Post-Office appropriation bill go on now. We are in the closing hours of the session, and these appropriation bills ought to be expedited as much as possible. There is really no question except on a single proposition. I beg the gentleman from Illinois not to object.

The SPEAKER. The gentleman from Illinois, as the Chair understands, does not withdraw his objection. [Cries of "Regular order."]

Mr. O'NEILL, of Pennsylvania. Can we not have the call of committees?

The SPEAKER. The gentleman from Indiana [Mr. MATSON] calls up a privileged matter which was postponed until to-day.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry. Yesterday afternoon it was agreed by unanimous consent that the previous question should be considered as ordered upon the amendments to the Post-Office appropriation bill, and that the vote should be taken at 12 o'clock to-day.

The SPEAKER. But it is not yet 12 o'clock; and the gentleman from Illinois objects to taking the vote before that time.

Mr. ANDERSON, of Kansas. I am aware of that; but my inquiry is this: Suppose we should now begin the consideration of the vetoed pension bill, will the House when 12 o'clock arrives be called on, under the operation of the previous question, to vote upon the amendments to the Post-Office appropriation bill?

The SPEAKER. The previous question, according to the agreement as shown by the record, is considered as ordered, and at 12 o'clock, unless the House refuses to consider the matter, that bill would come up.

Mr. BLAND. I move that the House take a recess until 12 o'clock.

Mr. BLOUNT. I appeal to the gentleman from Illinois [Mr. DUNHAM] to withdraw his objection.

Mr. BURROWS. Allow me a word. There are four amendments of the Senate to the Post-Office appropriation bill. Suppose we proceed with the consideration of the first three, and by the time we reach the fourth, the only one on which there is any contest, 12 o'clock will have arrived.

## POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed at this time with the consideration of the first, second, and third amendments of the Senate to the Post-Office appropriation bill. Is there objection? The Chair hears none.

Mr. BLOUNT. I ask the previous question on the amendments.

The SPEAKER. The record shows that the previous question has been ordered.

Mr. BLOUNT. Then I ask a vote on the first amendment.

The SPEAKER. The question is upon concurring in the first amendment of the Senate, which will be read.

The first amendment was read, as follows:

On page 1, after line 16, insert:
"And the Postmaster-General is hereby authorized to rent a suitable building for use of the branch of the Washington city post-office known as Station C, at a rate not exceeding $1,000 per annum, until further action of Congress."

Mr. BLOUNT. The committee recommend concurrence in this amendment.

The amendment was concurred in.

The next amendment was read, as follows:

On page 1, after the last amendment, insert the following:
"To pay rent of building for use of the Washington city post-office, at a rate not exceeding $5,000 per annum, $5,000."

Mr. BLOUNT. The committee recommend that this amendment be concurred in.

The amendment was concurred in.

The next amendment was read, as follows:

After the words "for free-delivery service, $5,522,500," insert:
"*Provided*, That no boxes for the collection of mail matter by carriers shall be placed inside of any building except a public building, or a building which is freely open to the public during business hours, or a railroad station."

Mr. BLOUNT. The committee recommend concurrence.

The question being taken, there were—ayes 138, noes 8.

Mr. HENDERSON, of Iowa. Mr. Speaker, are we entitled to have tellers on this vote?

The SPEAKER. If the point be made that no quorum has voted, the vote must be taken by tellers.

Mr. BURROWS. I trust my friend will not make that point, but allow the fourth amendment to be read.

Mr. HENDERSON, of Iowa. Very well; I presume that will consume the time till 12 o'clock.

The result of the vote was announced.

So the third amendment of the Senate was concurred in.

Mr. BLOUNT moved to reconsider the votes by which the first, second, and third amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The fourth and last amendment of the Senate was read, as follows:

After line 22, on page 3, insert the following:
"For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American republics, $500,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress. One of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River."

Mr. BLOUNT. The committee have recommended non-concurrence in this amendment. As the question is an important one, I ask for the yeas and nays.

Mr. BURROWS. I move to concur in the amendment of the Senate.

Mr. BLOUNT. I have no objection to the question being taken on that motion, as the form of the question is not important.

The SPEAKER. The motion to concur has priority over the proposition for non-concurrence. The gentleman from Michigan [Mr. BURROWS] moves that the House concur in this amendment.

Mr. BURROWS. I will say to our friends on the other side that I want to carry out strictly the agreement; and there will be no further vote asked for—only this one vote.

The yeas and nays were ordered.

The question was taken on concurring in the Senate amendment; and it was decided in the negative—yeas 130, nays 157, not voting 31; as follows:

YEAS—130.

| | | | |
|---|---|---|---|
| Adams, G. E. | Everhart, | Libbey, | Ryan, |
| Adams, J. J. | Farquhar, | Lindsley, | Sawyer, |
| Allen, C. H. | Felton, | Little, | Scranton, |
| Atkinson, | Findlay, | Long, | Sessions, |
| Baker, | Fleeger, | Lore, | Smalls, |
| Bingham, | Foran, | Louttit, | Spooner, |
| Blanchard, | Funston, | Lyman, | Spriggs, |
| Bound, | Gallinger, | Martin, | Steele, |
| Boutelle, | Gilfillan, | McKenna, | Stephenson, |
| Brady, | Goff, | McKinley, | Stewart, J. W. |
| Browne, T. M. | Grosvenor, | Millard, | St. Martin, |
| Brown, C. E. | Grout, | Milliken, | Stone, E. F. |
| Brown, W. W. | Harmer, | Mitchell, | Swinburne, |
| Brumm, | Hayden, | Moffatt, | Taylor, E. B. |
| Buck, | Haynes, | Morrill, | Taylor, I. H. |
| Bunnell, | Hepburn, | Morrow, | Taylor, Zach. |
| Burleigh, | Hermann, | Negley, | Thomas, J. R. |
| Burrows, | Hiestand, | O'Hara, | Thomas, O. B. |
| Butterworth, | Hires, | O'Neill, Charles | Thompson, |
| Campbell, J. M. | Hiscock, | Osborne, | Tillman, |
| Campbell, J. E. | Hitt, | Owen, | Van Schaick, |
| Caswell, | Holmes, | Parker, | Viele, |
| Compton, | Hopkins, | Payne, | Wade, |
| Conger, | Houk, | Perkins, | Wadsworth, |
| Cooper, | Irion, | Peters, | Wait, |
| Curtin, | Jackson, | Pettibone, | Weber, |
| Cutcheon, | James, | Phelps, | West, |
| Davis, | Johnson, F. A. | Plumb, | White, A. C. |
| Dingley, | Johnston, J. T. | Price, | White, Milo |
| Dorsey, | Kelley, | Ranney, | Whiting, |
| Dunham, | Ketcham, | Rice, | Woodburn. |
| Ely, | King, | Rockwell, | |
| Evans, | Lawler, | Romeis, | |

NAYS—157.

| | | | |
|---|---|---|---|
| Allen, J. M. | Dougherty, | Lanham, | Scott, |
| Anderson, J. A. | Dunn, | La Fevre, | Seney, |
| Bacon, | Eden, | Lehlbach, | Seymour, |
| Ballentine, | Eldredge, | Lovering, | Shaw, |
| Barbour, | Ermentrout, | Mahoney, | Singleton, |
| Barksdale, | Fisher, | Matson, | Skinner, |
| Barnes, | Ford, | Maybury, | Snyder, |
| Barry, | Forney, | McAdoo, | Sowden, |
| Bayne, | Frederick, | McComas, | Springer, |
| Belmont, | Fuller, | McCreary, | Stahlnecker, |
| Bennett, | Geddes, | McMillin, | Stewart, Charles |
| Bland, | Gibson, C. H. | McRae, | Stone, W. J., Ky. |
| Bliss, | Gibson, Eustace | Merriman, | Stone, W. J., Mo. |
| Blount, | Glass, | Miller, | Storm, |
| Boyle, | Green, | Mills, | Strait, |
| Bragg, | Guenther, | Morgan, | Struble, |
| Breckinridge, C. R. | Hale, | Morrison, | Swope, |
| Breckinridge, WCP | Hall, | Muller, | Tarsney, |
| Burnes, | Halsell, | Murphy, | Taulbee, |
| Bynum, | Hammond, | Neal, | Taylor, J. M. |
| Cabell, | Harris, | Neece, | Townshend, |
| Caldwell, | Hatch, | Nelson, | Tucker, |
| Campbell, Felix | Heard, | Norwood, | Turner, |
| Carleton, | Hemphill, | Oates, | Van Eaton, |
| Catchings, | Henderson, D. B. | O'Donnell, | Wakefield, |
| Cobb, | Henderson, J. S. | O'Ferrall, | Ward, J. H. |
| Collins, | Henley, | O'Neill, J. J. | Ward, T. B. |
| Comstock, | Herbert, | Outhwaite, | Warner, A. J. |
| Cowles, | Hill, | Payson, | Warner, William |
| Cox, W. R. | Holman, | Peel, | Weaver, A. J. |
| Crain, | Howard, | Perry, | Weaver, J. B. |
| Crisp, | Hudd, | Pindar, | Wellborn, |
| Culberson, | Hutton, | Randall, | Wilkins, |
| Daniel, | Johnston, T. D. | Reagan, | Willis, |
| Dargan, | Jones, J. H. | Richardson, | Wilson, |
| Davidson, A. C. | Jones, J. T. | Riggs, | Wolford, |
| Davidson, R. H. M. | Kleiner, | Robertson, | Worthington. |
| Dawson, | Laffoon, | Rogers, | |
| Dibble, | La Follette, | Rowell, | |
| Dockery, | Landes, | Sayers, | |

NOT VOTING—31.

| | | | |
|---|---|---|---|
| Aiken, | Cox, S. S. | Laird, | Symes, |
| Anderson, C. M. | Croxton, | Lowry, | Throckmorton, |
| Buchanan, | Davenport, | Markham, | Trigg, |
| Campbell, T. J. | Ellsberry, | Pidcock, | Wallace, |
| Candler, | Gay, | Reed, | Wheeler, |
| Cannon, | Glover, | Reese, | Winans, |
| Clardy, | Hanback, | Rusk, | Wise. |
| Clements, | Henderson, T. J. | Sadler, | |

So the amendment was non-concurred in.

During the roll-call,

Mr. KING asked, by unanimous consent, to dispense with the reading of the names.

Mr. KELLEY objected.

The following pairs were announced:

Until further notice:

Mr. CANDLER with Mr. BUCHANAN.

Mr. CLARDY with Mr. REED.

Mr. BOUTELLE with Mr. T. J. CAMPBELL.

Mr. THROCKMORTON with Mr. DAVENPORT.

On this vote:

Mr. CLEMENTS with Mr. HANBACK. Mr. CLEMENTS would vote "no" if Mr. HANBACK were present.

Mr. CROXTON with Mr. CANNON.

Mr. WINANS with Mr. HENDERSON, of Illinois.

Mr. SADLER with Mr. SYMES.

Mr. GLOVER with Mr. LAIRD.

The vote was then announced as above recorded.

Mr. BLOUNT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. I move we ask with the Senate for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM as conferees on the part of the House.

MESSAGE FROM THE SENATE.

A messsage from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and create an executive department to be known as the department of agriculture and labor, with amendments, in which concurrence was requested.

The message further announced the Senate had requested a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. MILLER, Mr. BLAIR, and Mr. JONES of Arkansas as conferees on its part.

The message further announced that the President having returned to the Senate the bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, with his objections thereto, on reconsideration, by a vote of two-thirds, had passed the bill over the veto of the President and had communicated the bill and President's objections to the House for its action thereon.

DEPENDENT SOLDIERS PENSION BILL.

Mr. MATSON. I now call up for consideration the veto message of the President on House bill 10457, for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

Before proceeding with the debate it is quite important the House should agree as to the limit of debate. I therefore ask that debate be closed at half past 3, when the previous question shall be considered as ordered, one hour and a half to be given to those who favor the bill—that time to be controlled by myself; the other hour and a half to be occupied by those opposed to the bill—that time to be controlled by the gentleman from Wisconsin [Mr. BRAGG].

Mr. MORRILL. I hope we will not limit the debate to that short time. We ought to have at least four hours. To allow the debate to run until half past 4 would only give us four hours.

Mr. ANDERSON, of Kansas. Let us have at least one hour on this side.

Mr. CONGER. Certainly; on a matter of so much importance as this I trust there will be no attempt to limit debate to an unreasonably short time.

Mr. MATSON. Then, if it meet the views of all gentlemen, I will ask consent that the debate be closed and the previous question be considered as ordered at half past 4 o'clock. [Cries of "That is right!"]

Mr. COX, of North Carolina. I object.

Mr. HENDERSON, of Iowa. Then I move to amend by making it half past 4.

The SPEAKER. There is no motion; simply a request for unanimous consent.

Mr. MORRISON. Say 4 o'clock.

Mr. MATSON. Then I ask unanimous consent, as a compromise which I believe will meet the views of all parties, that the debate be closed and the previous question be considered as ordered at 4 o'clock, the time intervening between now and then to be equally divided between the friends and opponents of the bill, the time in behalf of the bill to be under my control, and the gentleman from Wisconsin [Mr. BRAGG] to control the time on the other side.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was so ordered.

Mr. MATSON. I now yield three-quarters of an hour to the gentleman from Kansas [Mr. MORRILL].

Mr. MORRILL. I yield ten minutes to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Mr. Speaker, in the brief time allotted me I shall not attempt to answer in detail the criticisms of the Executive. I am content that the very elaborate report of the Committee on Invalid Pensions shall go to the country as a free and complete refutation of all the pretended excuses furnished by the President for his veto. But as a member of that committee, which has devoted as many hours of faithful unremitting service to the matters given it in charge as any committee of this House, it may not be inappropriate for me to say that the bill under consideration had, when before the committee, my hearty approval of all its provisions, so far as they went; though, in my judgment, the bill should have been of much broader scope and afforded a much larger measure of relief. It had my cordial support and my vote when on its passage, and, Mr. Speaker, I have discovered nothing since, either in the hyperbolic criticisms of the President or elsewhere, to weaken my faith in the merits of this legislation, nor to shake my confidence in the belief that the objects sought can be obtained by the provisions of this bill, fairly and sensibly construed.

I believed I was right then, I am sure I am right now; and I shall cheerfully record my vote in favor of the passage of this just and humane measure, the objections of the President to the contrary notwithstanding.

Every objection, with a single exception, that the Executive urges against this bill will obtain with equal force against the Mexican pension bill, which was passed by this House on the same day and signed by him with such marvelous alacrity. This objection is, that so many years have not elapsed since the close of the war of the rebellion as since the close of the Mexican war. In the judgment of the President a sufficient number of the defenders of the flag and saviors of the Republic have not yet died off to warrant the Government, "economically administered," in granting this measure of relief, as the President said in his last annual message, to "those who, having served their country long and well, are now reduced to destitution and dependence."

Wait, the President says; wait, wait until the scythe of time has made broader openings in their ranks. Wait until their number is so reduced by destitution and death that the pensions granted will not so appallingly reduce the surplus.

This, Mr. Speaker, was the argument used by the leaders of the rebellion in justification of their inhuman barbarities against these same men when they were incarcerated in the prison-pens of Andersonville. Reduce their number, they said; reduce them by starvation, brutality, and death; it will then require less room to hold the remainder, and cost fewer dollars to care for and control them.

I am not ready to believe that the patriotic people of this country will ever indorse such an excuse as this or commend their chief ruler for suggesting it.

I have failed, Mr. Speaker, to discover any general opposition to the passage of this bill from any localities except the great money centers of the country and from the so-called Southern States. From those, on the one hand, who were enabled to make great fortunes out of the necessities of the times which made the beneficiaries of this act disabled and dependent, and on the other, from those who were responsible for the conflict in which the disabilities were incurred, and who, in fact, by shot and shell and prison-pens themselves inflicted the wounds and planted the diseases for which these pensions are to be granted.

Gentlemen, has it indeed come to this, that Wall street and the "solid South" are so instrumental in the election of the Chief Executive of this great nation as to be able to command him to give his approval to a measure largely to inure to the benefit of men who dishonored their country's flag and sought to destroy their Government, and at the same time constrain him to withhold his approval from another measure for the relief of dependent heroes whose wounds, sufferings, and sacrifices saved the nation and made it great? Surely this can not be.

And yet, for this cruel veto, these localities are to-day resonant with plaudits for the President, and distinguished Representatives within the shadow of this Capitol gleefully boast that for this act alone the South will be solid for Cleveland in 1888. Still, because of this veto, unanswered must be the cries for aid from the poor mothers whose darling boys went down to death in the blood and carnage of dreadful war, and unrewarded patriotism must still totter on in shame and disgrace "over the hills to the poor-house."

Surely, Mr. Speaker, there is no politics in this measure; there should be none; nor should we be controlled by prejudices or by sentiment; but duty, stern duty, should lead and direct us.

For myself, I will yield to no man in my admiration for the courage of those mistaken men whose bravery I have witnessed on many a hard-fought field, nor shall any man go before me in sincere respect and esteem

for the distinguished representatives of the "new South" who honestly desire the prosperity and advancement of our whole country; but I submit, sir, that it ill becomes the men who accumulated vast wealth for themselves out of the misfortunes of war, or the men who made pensions a necessity, to now assume absolutely to decree with what measure the bounty of this nation shall be distributed among its needy pensioners.

It is now no secret that the centers of great wealth in the North, the people of the South, and the President of the United States are opposed to all further general pension legislation for surviving Union soldiers. They believe the statute of limitation should now be raised against the Government's most sacred obligations. And so, Mr. Speaker, I desire to remind them here and now—and I recall the fact simply for their comfort and for their consolation—that the Union soldiers of the war of the rebellion are dying by whole brigades every year. Every twelve-month four thousand of them stack arms for the last time and answer to the last roll-call; so that but few years shall pass away until there will be left but a corporal's guard to show their wounds and ask for help. Why, at this rate they will soon, very soon, all have passed to that blessed bourne where pensions can give no aid, nor Presidential vetoes pain.

Mr. MORRILL. I yield five minutes to the gentleman from New York [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I desire to submit a few remarks upon the bill under consideration, in part to defend it against the criticisms of the President, and in part to show that the objects sought to be gained by it are such as should commend themselves to the good judgment of all patriotic citizens of this country.

The first section provides for a change in the law granting a pension to dependent parents.

The law as it now stands provides that if any person entitled to a pension under the law shall die leaving no wife or child, "but has left or shall leave other relative or relatives, who were dependent upon him for support in whole or in part at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension," &c.: First, the mother; secondly, the father," &c. By this section dependence at time of death is essential.

Now, a very large per cent. of the bills introduced into this House during this Congress and referred to the Committee on Invalid Pensions, of which I have the honor to be a member, were bills granting pensions to parents who were not in dependent circumstances at the date of the soldier's death, but are now in poor and dependent circumstances.

Such bills have been favorably reported by the committee, and with scarcely an exception have passed this House, and when submitted to the President have with scarcely an exception received his approval.

And during the last session it was on more than one occasion suggested on the floor of the House that a general law on this subject should be passed.

The bill known as the Weber bill was introduced into the last session of this Congress and referred to the Committee on Invalid Pensions, and, I think, reported back to the House favorably.

The Secretary of the Interior, on page 50 of his last annual report, speaking on this subject, says:

> In considering appeals from the decisions of the Pension Office I find some classes of cases of such peculiar hardships that I deem amendatory legislation advisable. Section 4707 limits the claim of dependence of an aged parent or a minor child, and fixes its initiative at the moment of time of death of a soldier on account of whose death the dependent is made pensionable.
>
> It seems to me to be a wiser rule and a more just one that when dependence has occurred in the natural order of events at a time subsequent to the death of the soldier on account of increasing years, or of misfortune, not contributed to by the beneficiary, the dependent pension should then have its foundation and beginning.

In accordance with this suggestion and with the action of this House, and believing it to be eminently just and proper, the first section of the bill was inserted therein.

The President makes no objection to this section, and I can conceive of no just or valid objections thereto.

As to the second section:

This section has been severely criticised by the President in his veto message, and by many of the leading newspapers of the country.

At the last session of this Congress members of the Committee on Invalid Pensions were appealed to by many brave soldiers, now poor, unable to work, dependent for support upon the charities of others, and many of them inmates of county poor or alms houses and cared for as paupers, and relief was asked for either by special or general legislation.

These appeals touched the sympathies of the committee. They did not believe that a grateful country, saved by the bravery, heroism, and sufferings of its heroic soldiers, should leave them when poor—not from their vicious habits or gross carelessness—and unable to work to be supported by the charities of others or live and die as paupers in public almshouses.

The Commissioner of Pensions appeared before this committee and advised with them on this subject; and caused an examination to be made to ascertain as far as possible the number of this class, and the result of his examination appears at page 6 of his last annual report. He gave as the number so receiving support nine thousand.

The Senate at its last session passed what is known as "the Blair bill," which provided for a system of graded pensions for disabilities incurred since the civil war. This bill came to the Committee on Invalid Pensions and they declined making a favorable report. One of the committee, however, a member from Ohio, introduced a bill containing substantially the provisions of this section, which received a favorable report and is now before the House. This was the last session.

The President in his last annual message spoke very strongly on this subject, as follows:

> Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I can not rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy, or the tender mercies of social and political influence with their unjust discriminations.

Now, at the commencement of this session the committee were again appealed to on this subject. Our convictions had been strengthened by reflection and consultation with our constituents, and believing religiously in the wisdom and justice of both these objects, I for one have no apologies to make for my vote on this bill either in the committee room or in the House.

I then and still believe that no more just and patriotic legislation has been had in this Congress, and when understood this bill will receive the approval of three-fourths of the people, at least of that section of the country which furnished the men most largely interested in it.

Now, what are the things made by this section absolutely requisite to obtaining a pension under it?

First. The claimants must have been in the service of the United States at least three months.

Second. They must have been "honorably discharged therefrom."

Third. They must be "dependent upon their daily labor for support."

Fourth. They must "be suffering from mental or physical disability."

Fifth. This disability must not "be the result of their own vicious habits or gross carelessness."

Sixth. The effect of such disability must be that "it incapacitates them for the performance of labor in such a degree as to render them unable to earn a support."

Seventh. "For such total inability to 'procure their own subsistence' by daily labor" this section provides, the other prerequisites being established, a pension at the rate of $12 per month, to commence from the date of filing the application, upon proof "that the disability then existed, and continue during the existence of the same in the degree herein provided."

I submit that the above contains a full statement of everything necessary to secure a pension.

In considering this section I wish to call the attention of the House to a distinction in the phraseology of this bill stating for what the pension is granted, and the phraseology of other statutes granting a pension to a soldier other than those for some specific thing, such as loss of arm or leg.

As, for instance, section 4692 of the Revised Statutes says:

> Be entitled to receive for a total disability or a permanent specific disability such pension, &c.

Section 4695:

> The pension for total disability shall be as follows.

I find no exception to the rule, that in the present law when it speaks of granting a pension to a soldier for other than specific disabilities, it speaks of granting a pension for a disibility and not for the effect of such disability.

While this section by its terms grants the pension for the effect or result of the disability, and not for the disability, it does not say shall be entitled to be placed on the list, &c., and be entitled to receive for such disability $12 per month, but it says shall be entitled "to receive for such 'total inability to procure subsistence by daily labor' $12 per month."

The specific thing for which the pension is granted is clearly, distinctly, and concisely stated. It is not for the disability, but for the effect or result of such disability as therein described.

Would not a person seeking a pension under this bill be required to show that in consequence of some disability "he was totally unable to procure his subsistence by his daily labor?"

If so, it seems to me that the criticism of the President is not a pertinent one when he says that "it is not probable that the words last quoted, 'such total disability to procure their subsistence by daily labor,' at all qualify the conditions prescribed in the preceding language of the section."

These words are used to describe a certain condition for which the pension is expressly given, and I submit that they not only qualify but

absolutely control the other conditions prescribed in the preceding language of the section, and the requirement of these words must be complied with before a pension can be claimed or received, and this is rendered still more certain by the provision that the pension is to continue only during the existence of the disability "in the degree herein provided."

The President says "that in no case is there any grading of this proposed pension." I agree with him. But still I can see no greater difficulty in the Pension Office, by its rules and regulations, grading pensions under this section at less sums than $12 per month than it now has in grading a pension in cases of rheumatism and chronic diarrhea and similar disabilities, when the pension for total disability is $8 per month, so that the pensioner shall receive pensions in sums varying from $1 per month and upward.

I have been unable to find any law which expressly confers this power already exercised, and I am informed there is no such law, but that the same is done under the rules and regulations of the office.

But I agree with the President that this bill does not provide for grading rates. I do not understand that such was the intent of the framers of the bill. They intended to provide one simple and single rate of pension, for one simple, single effect of disability, namely, "total inability to procure subsistence by daily labor."

To suppose that the committees which reported this bill or the Congress which passed it intended to or supposed they had reported or passed a bill which by providing a pension of $12 per month for "total inability to procure the means of subsistence" by "daily labor," had reported or passed a bill which would grant a pension of $12 per month to a pensioner whose disabilities are so slight that they are now receiving only $1 per month; or to suppose that the committees which reported this bill or the Congress which passed it intended to or supposed they had reported or passed a bill which would grant a higher rate of pensions for disabilities that have been incurred since the war than the existing laws granted for similar disabilities that were incurred while in the line of duty and in the service, can not be regarded as either a compliment to their good sense or sound judgment. Such an intent would be unnatural and unreasonable, and we have no right to place such a meaning on the section unless its language is so clear and explicit as to permit no other construction.

The criticism of the President upon the provision of the section, that the disability must not be the result of the applicant's vicious habits or gross carelessness, it seems to me is not just. He says: "Practically this provision is not important. The attempt of the Government to escape the payment of a pension on such a plea would, of course, in a very large majority of instances and regardless of the merits of the case, prove a failure."

Under this bill this fact, like all other facts entitling the applicant to the pension, must be proved by him in the manner and in accordance with the "rules and regulations to be established by the Secretary of the Interior." This fact is a very simple one, and if true easy to be shown. On the proof of this fact the applicant holds the affirmative. He must furnish "due proof."

We have no right to presume that the applicant and the witnesses produced by him will commit perjury. And it is no compliment to the intelligence or virtue of the people to say that in a case of fraudulent application for a pension where the applicant was fraudulently claiming his disability not to be the result of vicious habits or gross carelessness, there would be "nearly universal willingness to help the individual as between him and the public Treasury, which goes very far to insure a state of proof in favor of the claimant."

The President also criticises the word "support," used in this section, and says:

> What is a support? Who is to determine whether a man earns it, or has it, or has it not? Is the Government to enter the houses of claimants for a pension, and after an examination of their circumstances settle those questions?

Had he forgotten that the pension law of 1818, granting a pension to the Revolutionary soldier, required the beneficiary "to be in need of assistance from his country for support?" Had he forgotten that the law granting a pension to dependent parents was conditioned on the fact that they were dependent on their sons for support, and that the Mexican pension bill which he has approved recognized dependency, which means dependency for support, if it means anything, and that each of these laws requires an examination and a decision of what is or is not a "support?" In view of this, it seems to me that this criticism loses its force. The question has been passed upon thousands of times at the Pension Office without any inquisitorial entrance to "the homes of claimants" or any unpleasant or difficult examination of their "surroundings."

Again, the President says that this section does not require of the claimant that he "should be without property," but only that "labor should be necessary to his support in some degree."

The section does say those "who are dependent upon their daily labor for support," and I can not see how a man who has property which he can sell, and from the proceeds of which he can support himself, can be said with any propriety to be "dependent upon his daily labor for support," so long as he remains the owner of the property or the proceeds thereof remain undisposed of.

Again, the President says:

> It is now proposed by the section under consideration to award a service pension to the soldiers of all wars in which the United States has been engaged, including of course the war of the rebellion.

I am surprised that the President should use this language. It in no sense awards a service pension, and it in no sense provides a pension to all soldiers.

Its benefits are confined to one single class—those who, being poor, are totally unable to provide for their subsistence by their own daily labor. It does not, as the Mexican pension bill may do, secure to a member of Congress a pension of $8 per month, although he is at the same time receiving a salary of $5,000 a year.

Again, the President says he—

> can not believe that the vast peaceful army of Union soldiers, who having been disabled by the casualty of war justly regard the present pension-roll on which appear their names as a roll of honor, desire at this time and in the present exigency to be confounded with those who through such a bill as this are willing to be objects of simple charity, and to gain a place upon the pension-roll through alleged dependence.

Our pension-roll is a roll of honor, from the name of the distinguished and gallant Commissioner of Pensions, who receives for his wounds a pension none too high, down to the name of the humblest private soldier. No nation ever had a grander roll. It includes the names of brave soldiers and the widows and minor children of dead heroes, the widow of the firm, unyielding Thomas, the cool and determined Hancock, and to which I hope may soon be added the name of the widow of Logan, the most conspicuous civilian soldier of the Army, who, living, was the pride of his command, and now dead, his name is written in the heart of every Grand Army man in the nation.

But does the President suppose that any soldier whose name is on this grand list would prefer to see his brother comrade poor and dependent from no fault of his, totally unable to procure his subsistence by his daily labor, suffering for the necessities of life, living an object of charity, or as a pauper in some almshouse, rather than that a grateful nation, in recognition of his services as a soldier and his undeserved poverty, should place him on the same list and grant him the small sum provided by this section? I think it an insult to every soldier so to believe.

The President seems to think that making this provision for the deservedly poor and needy soldier in some way is to be regarded as a reflection upon the other soldiers of the Army. Was it so regarded when in 1818 a pension was granted to the soldiers of our Revolutionary war, those men who by their courage and sufferings made our national existence possible, a law which required every beneficiary under it to be "one who is, or hereafter by reason of his reduced circumstances in life shall be, in need of assistance from his country for support?"

Was this bill then regarded as objectionable by any one? Did any other Revolutionary soldier feel that to any extent his reputation had been lowered by this provision? No. Some of us can well remember how, when but very few of this noble army were left, with how much respect they were treated and the pension they received was regarded as a most just and honorable recognition of their worth. And the time will come in the not far-distant future when the remnant left of the brave soldiers who saved the nation will be held and treated with the same respect.

Will it be regarded as any reflection upon the soldiers of the war with Mexico whose names are now on the pension-roll that the first one to receive a pension under the Mexican pension bill just passed should be an ex-member of the United States Senate, having received as such a salary of over $5,000 a year, who, although a brave officer in the Mexican war, is placed on the roll neither on account of disabilities or necessity, showing that under this law the first one to be benefited was a man who for nearly four years endeavored to destroy the Government that now makes this provision in his favor?

The President speaks of "the present exigency." I do not know what he means by this. He can not refer to our ability to pay, for our National Treasury is full to overflowing, and the great question is how we may reduce our national income.

I shall not speak of the cost of this bill. I fully believe, however, that the chairman of the Committee on Invalid Pensions is nearly correct when he estimates the probable cost to be about $5,000,000. This country is fully able to pay all that justice may require.

The simple question is, what ought the Government to do for this class of soldiers? This being determined, the country is fully able to do it without creating any burden that will be felt by the people.

Let us compare this bill with the Mexican pension bill which the President approved, and the provisions of which we may assume he also approves. The following are the substantial requirements of this bill:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof, *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widow of such officers and enlisted men: *Provided*, That

such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within rule of age or disability or dependence herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

Under this bill only sixty days' service is required. There is no "requirement of actual engagement with an enemy in battle" or "any subjection to any of the actual dangers of war." It is sufficient if he actually served in "Mexico or on the coasts or frontier thereof, or *en route* thereto."

If the soldier had left his home, and was in the place of rendezvous, and there discharged, he was *en route*. It grants to every soldier of the age of sixty-two years or upward a pension of $8 per month without any reference to his necessities or pecuniary condition. It grants to every soldier now under sixty-two years of age who has any pensionable disability under our present law a fixed pension of $8 per month, although the disability was not the result of his service, but is the result of his own misconduct since the war, and although for a similar disability received in the line of duty in the service the Union soldier might not receive a pension of more than $1 per month.

It grants to the widow of a Mexican soldier the sum of $8 per month, without reference to the cause of her husband's death, while the widow of a Union soldier must show, as a necessary prerequisite to her pension, that her husband's death was the result of his service in the Army.

The widow of a Mexican soldier is entitled to this pension even though her husband was killed in battle, a soldier in the confederate army, endeavoring to destroy the same Government that makes this generous provision for his widow.

If either bill is objectionable and deserving a Presidential veto, it seems to me clear that it is the latter one.

Why in the light of this veto message the President should have approved the latter bill I am unable to see. The character of the votes in the House upon these two bills is remarkable.

For the vetoed bill every Representive voting from what are known by the old distinction as the Northern States, with the exception of three, gave an affirmative vote, while of the 76 votes in the negative, 73 were from the South, 32 of whom had been in the confederate service.

As to the Mexican bill, there were only 5 votes cast against it, 2 Northern Democrats, 2 Northern Republicans, and 1 Southern Democrat. It is true that a larger proportion of the benefits derived from the Mexican bill would be scattered throughout the South, for it furnished 66 per cent. of the men who enlisted in that war.

The President's criticisms as to the use of fraud and perjury in obtaining pensions and the willingness of the people to help the soldier in his application without reference to the merits of his claim are grossly unjust as it regards the soldiers and is an unjust attack upon the people.

It would be strange if among the hundreds of thousands of soldiers there were no bad men, or if among the thousands of claims no improper ones had been made. If it were not so it would show a state of moral perfection that has never elsewhere been found; but I submit that the unqualified insinuations contained in the message are unjustifiable.

We have a large pension-list, but we had the largest army known in modern history. They were opposed by an army of brave men, nearly as large as their own, led by able officers. Our men were by the thousands killed in battle and died in camps and hospitals. They were exposed in camps and on the march to hardships, exposure, and malaria.

A pension-list, if one exists at all, must necessarily be large, but the beneficiaries of this are scattered through every State of the Union.

In all of the 2,647 counties of the United States, except 118, pensions are being paid.

I have prepared from the last report of the Commissioner of Pensions the following statement of the number of pensioners and the amount received in each of the States and Territories of the Union:

*Table showing the number of pensioners on the rolls in each State on the 3d day of June, 1886, and amount disbursed per month during the quarter ending June 3, 1886.*

| Order. | States. | Number of invalids, widows, &c. | Number of service pensioners. | Total number of pensioners. | Amount disbursed per month during the quarter ending June 3, 1886. |
|---|---|---|---|---|---|
| 33 | Alabama | 459 | 277 | 736 | $7,216 87 |
| 25 | Arkansas | 1,994 | 39 | 2,033 | 20,537 75 |
| 24 | California | 2,228 | 60 | 2,288 | 23,623 23 |
| 28 | Colorado | 1,384 | 7 | 1,391 | 11,942 34 |
| 20 | Connecticut | 4,655 | 259 | 4,914 | 49,050 53 |
| 31 | Delaware | 800 | 37 | 837 | 8,174 46 |
| 35 | Florida | 620 | 26 | 646 | 7,084 01 |

*Table showing the number of pensioners on the rolls, &c.*—Continued.

| Order. | States. | Number of invalids, widows, &c. | Number of service pensioners. | Total number of pensioners. | Amount disbursed per month during the quarter ending June 3, 1886. |
|---|---|---|---|---|---|
| 32 | Georgia | 489 | 298 | 787 | $7,912 91 |
| 4 | Illinois | 27,729 | 595 | 28,324 | 284,230 30 |
| 5 | Indiana | 15,944 | 511 | 16,455 | 253,142 74 |
| 6 | Iowa | 16,051 | 284 | 16,335 | 160,344 32 |
| 9 | Kansas | 15,276 | 115 | 15,391 | 141,555 41 |
| 13 | Kentucky | 8,450 | 561 | 9,011 | 95,166 04 |
| 34 | Louisiana | 578 | 147 | 725 | 7,724 99 |
| 11 | Maine | 12,022 | 1,396 | 13,418 | 137,226 62 |
| 22 | Maryland | 3,315 | 354 | 3,669 | 38,299 90 |
| 8 | Massachusetts | 15,188 | 645 | 15,833 | 170,007 49 |
| 7 | Michigan | 15,550 | 497 | 16,047 | 154,531 10 |
| 15 | Minnesota | 6,273 | 67 | 6,340 | 58,780 49 |
| 36 | Mississippi | 374 | 166 | 540 | 5,328 08 |
| 10 | Missouri | 13,112 | 416 | 13,528 | 129,429 87 |
| 16 | Nebraska | 6,039 | 53 | 6,092 | 54,525 40 |
| 38 | Nevada | 80 | | 80 | 867 00 |
| 18 | New Hampshire | 5,344 | 323 | 5,667 | 58,607 99 |
| 14 | New Jersey | 7,457 | 204 | 7,661 | 73,876 33 |
| 1 | New York | 37,963 | 1,965 | 39,928 | 396,249 90 |
| 29 | North Carolina | 756 | 246 | 1,002 | 9,083 25 |
| 3 | Ohio | 33,099 | 1,185 | 34,284 | 339,390 38 |
| 30 | Oregon | 787 | 28 | 815 | 7,664 82 |
| 2 | Pennsylvania | 35,095 | 871 | 35,966 | 342,610 68 |
| 26 | Rhode Island | 1,576 | 53 | 1,629 | 15,911 41 |
| 37 | South Carolina | 163 | 156 | 319 | 3,105 83 |
| 19 | Tennessee | 4,999 | 664 | 5,663 | 53,682 95 |
| 27 | Texas | 1,337 | 150 | 1,487 | 11,866 81 |
| 17 | Vermont | 5,657 | 202 | 5,859 | 57,708 66 |
| 23 | Virginia | 1,683 | 962 | 2,645 | 30,461 81 |
| 21 | West Virginia | 4,047 | 304 | 4,351 | 36,493 05 |
| 12 | Wisconsin | 10,558 | 400 | 10,958 | 124,540 42 |
| | Total | 319,121 | 14,533 | 333,654 | 3,387,936 14 |

Which shows that the beneficiaries under the proposed legislation would come from all portions of the country, and the money thereby paid would be distributed through every State and Territory.

By previous legislation we have provided for all those soldiers whose disabilities can be shown to be the result of their military service, although I most sincerely believe that in some instances the amount granted is altogether too small. We have provided for the dependent parents of sons who died in the service when such parents were dependent at the time of their son's death.

But there are many parents who lost their sons in the service who at that time were in health and able to support themselves, but by reason of advanced age and inability to work, and by the ordinary misfortunes of life, they are now poor and needy. Their brave boys, given by them to their country, would, if now living, be impelled by filial and moral obligations, and in my State by express legal obligation, to support and care for them. For such as these the country ought to provide, and to such this bill does bring relief.

All through our country we see men of good character, men who served their country faithfully in the hour of its necessity, men who are dependent upon their own daily labor for support, men who have become disabled by the effect of age or sickness or misfortune, not the result of vicious habits or gross carelessness, to such an extent that they are now totally unable to procure their own subsistence by daily labor, living upon the charities of their friends or of their brethren of the Grand Army post to which they belong, or living as paupers in some almshouse. For such the country ought to make some provision.

For myself, I am not willing to see such a soldier as is described in this section, "according to its obvious meaning and import," so living or supported so long as by my vote or influence I can do anything to secure what seems to me to be simple justice.

I know a man in my own district who served during the whole war faithfully and bravely, and was honorably discharged. Immediately on his discharge it was noticed that his health was failing and his mind giving away, and he became so weakened in mind that he was unable to furnish or aid in furnishing evidence necessary to procure a pension under existing laws, and he is now living in the county almshouse a pauper, while his poor wife is obliged to support herself and her child by washing.

To all such men as can establish by "due proof," under the rules and regulations prescribed by the Secretary of the Interior, their right to a pension under this second section, I am willing a pension should be granted.

I have so much confidence in the fairness and wisdom of the Secretary of the Interior that I know he will establish such rules and regulations which, while they will secure justice to all worthy applicants, will at the same time protect the Government against fraud and imposition.

I have so much confidence in the Commissioner of Pensions and his able assistants that I believe he will, in administering this law under

the rules and regulations so established, be able to secure its benefits to the worthy claimants, and at the same time fully protect the Government against fraudulent and unworthy applicants.

The name and residence of every soldier on the pension-roll is known in the Pension Office, and the four hundred special examiners of this office, scattered throughout the country, can, by personal examination of every application, see that the provisions of this law and the rules and regulations of the office are fully complied with and the Government fully protected against fraud and imposition.

Since the preparation of these remarks my attention has been called to an editorial in the Philadelphia Times of the date of February 23, 1887, a copy of which I found on my table yesterday morning. I know not by whom these papers were distributed or the secret influence which led to this. Whether behind this article there is some secret influential power seeking to affect or control the action of this House I know not. Whether the lobbies of this House are swarming with parties seeking to "manipulate" the defeat of this bill, I know not; but this I do know, that some of the statements of this article are so palpably false that they demand notice.

The article says:

> The lobbies of Congress and of the Washington hotels are swarming with the importunate pension sharks who conceived and manipulated the passage of this monument of reproach to the honest soldiers of the land; and all the thousands of political demagogues and mercenary hangers-on of the noblest soldiery of the earth are ceaseless and boisterous in their demand that the nation shall stamp its veterans as a dependent class and cast upon them the shame of pauperism.

As a member of the committee reporting this bill I have some right to speak, and I say that no "pension sharks" or agents, no "political demagogues" no mercenary "hangers-on" have ever appeared before our committee or sought to influence its action, nor has one of either of these classes spoken to me on this subject; and I have been assured by other gentlemen of the committee that such has been their experience.

I know nothing of the Washington hotels, but if the lobbies of Congress are swarming with the classes spoken of I can only say I do not know them and I have not consciously seen them. So far as I have any personal knowledge on this subject, these pension agents take no interest in this bill.

The fees which they can receive under it are limited to $5. Certainly a sum too small to induce them to swarm around the hotels and the lobbies of Congress to manipulate the passage of this bill. This whole statement is an exaggeration and an unworthy appeal to the prejudice of the ignorant, and I assume that every member of this House knows it to be untrue.

This article further states:

> Common justice to the true soldiers of the Republic demands the defeat of the dependent pension bill. None can measure its cost, and none can measure the flood-tide of fraud and shame it will inflict upon the nation and its veterans. There are not less than one hundred and seventy-five thousand present pensioners who could become new pensioners under the pending measure, and thus add hundreds of millions to the aggregate pensions of the war.

Does any intelligent person at all familiar with our pension laws for one moment believe that there are "one hundred and seventy-five thousand present pensioners" who can become new pensioners under the pending measure. There is not a single pensioner now on the roll for any disability, entitling him to a pension at the rate of $8 per month, or for a less sum, that can claim a pension under this bill unless he can show that he is so physically disabled that he is incapacitated for the performance of labor in such a degree as to render him unable to earn a support, to be totally unable to procure his subsistence by daily labor. And if he can prove himself to be in such a condition he can under the present pension laws, under which he is now receiving his pension, claim and receive a pension at a higher rate than that given by this bill.

Again this article says:

> They not only could do so, but they are asked to do so by the direct invitation of the Government to idleness and dependence; and with pension sharks and successful pension frauds in every community, there would be not less than 350,000 new pensioners, adding $40,000,000 to our annual outlay for many years to come.

Can any intelligent person believe that this statement even approximately approaches the truth?

There were at the close of the year ending June 30 last nearly 366,000 names on the pension-rolls, of which 265,854 were army invalids.

Does any one for a moment believe that the passage of this bill would add 350,000 new pensioners to the roll—a number nearly as large as the sum total of all the names now on the roll, and nearly 100,000 larger than the total number of army invalids now on the roll?

I appeal to every member of this House; think over the soldiers in the circle of your acquaintance, call to mind those who are now receiving pensions and then tell me whether, besides these, there is a larger number of soldiers coming within the provisions of this bill fairly construed.

If there is such a number, what a sad commentary on the terrible effects of the military service of our noble soldiers. It would present an almost unanswerable argument in favor of the claim made by many that a pension should be granted to every soldier.

But sufficient for this article. It is an appeal to prejudice, ignorance, and avarice. It is unjust to the soldier and is opposed to the dictates of patriotism. It is false in its statement of facts and unsound in its conclusions. I would not say that the writer of it is a political demagogue, but I do say that it is such an article as a political demagogue, inspired with contempt for our soldiers, would write.

And now, Mr. Speaker, in closing I wish to say that I believe this law to be a wise and just one. That its aim and meaning can be easily understood, that its execution is not difficult, and that it is demanded by the best sentiment of the people. It met my approval at first, and the more thought and examination I have given its consideration, the more my conviction of its wisdom has been strengthened, and it appears to me clear that the bill should become a law.

We are now receiving, and shall continue to receive from all sections of the country, from the common people, not from the organs of the capitalist at our financial centers, but from that large and, in the end, that controlling class in our country, the common people, strong expressions in favor of this bill, and appeals to secure its passage.

And in concluding, I would say that from the veto of the President, and from the decision of this House, if it shall refuse to pass this bill, I appeal to the people of the United States, believing that their sense of justice will, in the end, lead them to favor what is right, and knowing that from their decision there is no appeal.

Mr. MORRILL. I yield five minutes to the gentleman from Missouri [Mr. WARNER].

Mr. WARNER, of Missouri. Mr. Speaker, we are this day to choose whether as representatives of the American people we will stand by the brave men of '61 and '65 who preserved us a nation, who are dependent upon their daily labor for a support, and who by reason of old age, disease, or misfortune are unable to earn a living, or whether we will stand by the President who refuses to sign a bill that is intended to keep these old veterans out of the almshouses of the country. This nation should blush to see one of the least of these, its defenders, the inmate of the county poor-house, or his widow begging bread. As these men when their step was firm did not hesitate to cast aside party ties in the defense of the nation's life in the day of her extremity, let us this day turn a deaf ear to the dictates of party and by our votes show the nation's gratitude toward these destitute and dependent veterans who with their comrades, living and dead, by their valor, trials, and sufferings dedicated every inch of American soil to freedom and strengthened the Union of the States established by the fathers.

As for me, rather than do an injustice to these old soldiers I would sink my party. It is, I fear, popular in some quarters to magnify what the nation has done for its defenders and at the same time belittle what they did for the nation. There are persons now living who were young able-bodied men during that gigantic struggle for the life of the nation, who remained at home, preferring the ease, comforts, and pleasures of the drawing-room or the club to the trials, privations, and dangers of the camp, the march, or the battlefield; they then turned a deaf ear to the cry of patriotism, as now to the cry of distress from the old and destitute soldiers of the Republic, who left the farm, the bench, the desk, the office, the school-room, the college, the pulpit, and went forth as the American volunteers, imbued with the heroism of an Arnold Winkelried and the dauntless courage of a Marshal Ney—the chosen apostles of liberty, union, and the rights of man—then they were acclaimed as patriots; now, if, broken in health, old and destitute, unable to earn a living by manual labor, upon which they are dependent for daily bread, they venture to ask a small pittance from the General Government they are denounced as paupers and beggars.

In olden time "there arose up a new king over Egypt which knew not Joseph." History repeats itself. Let others do as they may, I will stand by my comrades in their distress and want. Their cause shall be my cause. This veto message, Mr. Speaker, in my judgment, does violence to the sense of justice of the American people and I trust does not voice the sentiments of any political party or of the brave men who fought on the side of the confederacy. It may reflect the sentiments and meet the approval of those "who were in favor of the war, but against its prosecution," and who, like Job's war-horse, "snuffed the battle from afar."

Certain it is that the members of this House, the representatives of the people, expressed their approval of the bill under consideration by a vote of 180 for to 76 against. Then, I admit, it was fair to assume from the language used in the President's last annual message that he not only favored but was anxious for legislation that would keep the wolf from the door of dependent soldiers and sailors of the late war. Now it is known that he regards such legislation as dangerous and mischievous. He is strong and powerful—the beneficiaries in this bill weak and helpless; he has favors to bestow, they naught but their blessing. How far these and other considerations may influence members to vote for or against the bill the result will tell. The issue joined between the House and the Executive is sharp and well defined.

A vote to sustain the veto is a vote to leave two classes, to supply whom with the necessaries of life was the humane purpose of the framers of the bill, in abject poverty. They are—

First. Dependent parents whose son was killed in battle or has died from wounds or injury received, or disease contracted while in the service of the United States and in the line of duty. The soldier having left neither widow nor minor child, such parents being "without

other present means of support than their own manual labor or the contributions of others not legally bound for their support."

Second. All honorably discharged soldiers or sailors who have served not less than three months in any war in which the United States has been engaged, "who are dependent upon their daily labor for support," and who are now or who may hereafter be suffering "from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support," and who can make due proof of the fact, then "for such total inability to procure their subsistence by daily labor," they are placed on the list of invalid pensioners and given $12 a month. While the President does not approve of aiding the dependent parents named in the first section it is against the second class that he has poured out his vials of wrath.

This measure would seem to be humane and just, but neither its humanity or justice commends it to the Chief Executive.

No defect in the bill is so small as to escape his "microscopic eye," and when found he has applied to it the magnifying-glass. He has no sympathy with the proposed legislation or those it intended to relieve. He is more concerned in reducing the surplus revenues of the Government than in legislation that shall keep from beggary the men who rendered that surplus revenue possible.

If this bill—

Says the President—

should become a law * * * I am thoroughly convinced that further efforts to reduce the Federal revenues and restore some part of it to our people will, and perhaps should, be seriously questioned. It has constantly been a cause of pride and congratulation to the American citizen that this country is not put to the charge of maintaining a large standing army in time of peace; yet we are living—

Says the message—

under a war tax which has been tolerated in peaceful times to meet the obligations incurred in the war.

The internal-revenue tax is the war tax that has been tolerated. The duties collected on imports are not a war tax. Do the people, does the President desire that the internal-revenue tax be taken off of whisky and tobacco? Do the people demand free tobacco and free whisky even at the cost of keeping the men and women provided for in this bill in the poor-house or remain the objects of private charity? I know of no more sacred obligations resting upon this Government than its duty to "provide for him who shall have borne the battle." This obligation, it is true, it would be popular in some quarters to repudiate. As we pay our obligations to the bondholder to the last farthing, as we should, let us sacredly and fully pay the royal debt the nation owes the American volunteer soldier and sailor—a debt "which with a bounteous hand was kindly lent." As we revere the flag let us hold sacred the debt the nation owes the brave men who carried that flag to victory on a hundred well-fought battlefields.

As we shall from year to year pay a grateful tribute to our dead soldiers and sailors "who died that a nation might live" let us not be unmindful of our duty to the living. It is fitting that on each memorial day we should strew flowers upon the graves of the nation's dead. Let us also feed the hungry and clothe the naked comrades of our dead, who, by reason of disease or old age, being in poverty, are incapacitated from earning a living.

The President thinks this legislation is premature, that there is undue haste in relieving distress. He says: "Hitherto such relief has been granted." He admits that it is not without a precedent, but gives as a reason why the precedent is "more honored in the breach than in the observance" in this case the fact that in former legislation the relief came to "surviving soldiers few in number"—too many ex-Union soldiers remain—although of those who went out in 1861, 1862, and 1863, 279,376 to wife, mother, sister, or sweetheart never returned. He adds that the benefaction heretofore has only been to those "venerable in age after a long lapse of time since their military service, and as a parting benefaction tendered by a grateful people."

When death, two scores of years hence, is ready to claim the cold, naked, and hungry veterans, "venerable in age," few in number, who shall have survived, then, and not till then, should come the "parting benefaction."

That is, the principle of the bill is right, but we must withhold our relief until those now reduced to destitution and dependence by reason of advancing age, disease, or misfortune, and those who shall be like circumstanced for the next twenty-five or fifty years shall have died, then tender to the few who shall remain the benefits conferred by this bill as a "parting benefaction" of a grateful people.

The good that we should do to-day as a "grateful people" we put off a quarter or a half of a century, not on account of inability, but that we may reduce the "war tax." A city is stricken with a plague, its citizens are in utter destitution, they cry for aid, the answer comes back wait until next month or next year, then there will be but few of you left from the ravages of the pestilence; they, "few in number, venerable in age," shall be witnesses of the "parting benefaction tendered by a grateful people."

Would it not be more in keeping with the dictates of humanity to clothe, feed, and warm the naked, hungry, and homeless veterans of to-day and trust a grateful people to take care of the future?

The distinguished chairman of the Committee on Invalid Pensions of this House [Mr. MATSON], after a careful and thorough consideration of the question, calling undoubtedly to his assistance the Commissioner of Pensions, and using all the facts obtainable in his office, estimates the number of old and destitute soldiers and sailors and dependent parents to be benefited under the provisions of this bill at 33,105, and the increased cost at $4,767,120.

This estimate, it is claimed in the veto message, is wide of the mark. It is argued by the President that because the number to be benefited under the Revolutionary pension law enacted seventy years ago was greatly underestimated it necessarily follows that the gentleman from Indiana [Mr. MATSON] has fallen into the same error. He ignores the fact of the more accurate means of obtaining the required information in 1887 than existed in 1818.

The second reason given for his fears that the numbers to be benefited exceed 33,105 so much that, to use his language, the "probable increase of expense would be almost appalling," is that when the law of 1853 was passed "for the benefit of the surviving widows of Revolutionary soldiers" the number to be benefited was estimated at 300, the actual number being 3,742. These glaring mistakes, "venerable with age," he concludes renders it highly probable, if not conclusive, that the distinguished chairman of the Invalid Pensions Committee of this House has blundered. Thus cavalierly does the President dispose of the estimates made by a committee of this House. They are entitled to no consideration by him.

In arriving at his conclusions as to the persons who are to be benefited by the second section of this bill, to my mind, the President has given a forced, strained, and unnatural construction to its language; in its examination he has been hypercritical and captious. He shuts his eyes to the reasons that gave birth to this humane measure. He does not attempt to arrive at its meaning by looking for the sufferings to be alleviated and the remedy to be advanced. He seems ignorant of the fact that to-day over 30,000 of the men who made the fame of a Grant possible are in utter destitution without any fault of theirs, by reason of old age, disease, or misfortune; that 10,000 of them were when he penned his message the inmates of the poor-houses of the land; that yet other thousands were being supported from the relief funds of Grand Army posts. That these brave men so circumstanced, many of whom are entitled to pensions under existing laws, but are unable to furnish the evidence required by reason of the death of comrades or commanding officers—they had no hospital record, they were not camp-followers, they shunned the surgeon's tent and the hospital, they and others who deserve well of their country—are now by reason of old age, disease, or misfortune rendered unable to earn a living. It was to provide raiment, clothing, and shelter for these that the second section was inserted in the bill. It reads:

SEC. 2. That all persons who served three months or more in the military or naval service of the United States in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability to procure their subsistence by daily labor, $12 per month.

Those entitled to a pension under this section, I submit, are those whose "inability to procure their subsistence by daily labor" is total. In that respect the law is not as broad as I would have it. If it had been the intent of Congress to include as the beneficiaries of this section all those whose ability to earn a living by labor was in the least degree impaired, as urged by the President, why, I ask, should the phrase "total inability to procure their subsistence by daily labor" be used to define those who are entitled to receive a pension? The disability must be of such a degree as to render them (the soldiers or sailors) "unable to earn a support;" then, to make the intent clear, it is declared that the inability to earn a subsistence must be total. The President, by the construction he gives to this section, strikes out the word total and makes the clause read "for such inability which in any degree impairs their ability to procure their subsistence by daily labor."

In the construction of one part of a statute every other part must be taken into consideration, and certain it is that in the construction of one part of a sentence in a statute you can not ignore other parts of the same sentence.

It is claimed by the President that "if there is a reduction in any degree of the support which he (the soldier) might earn if sound he is entitled to a pension of $12 a month."

I submit that to render the section susceptible to the construction claimed in the sentence just quoted from the President's message words must be interpolated by him, and the word "total" eliminated from the section. The result of such a construction is thus expressed by him: "I do not see how those now on the pension-roll for disabilities which diminish their earning capacity can be denied a pension provided in the bill." There are, we are informed, 202,621 pensioners receiving fifty-eight rates, ranging from $1 to $11.75 per month.

To make the increase "appalling" and to furnish a reason for the veto, these 202,621 pensioners by construction are given $12 a month

if this bill should become a law. Such an interpretation of the statute is, I claim, unwarranted. In the first place, thousands of the class of pensioners just named are not "dependent upon their daily labor for their support," and therefore are clearly not within the provisions of the bill, even should their disability be such as to totally diminish theis earning capacity. Again, a large percentage of the 202,621 pensionerr who receive less than $12 a month are pensioned for injuries so slight that do not diminish their earning capacity in any perceptible degree, then certainly they can not be beneficiaries under the vetoed bill. In short, none can be placed on the pension-roll under the provisions of the bill under consideration who are not dependent upon their daily labor for support and who are disabled by reason of any of the causes named to such an extent as to constitute a total inability to procure a subsistence by daily labor. "A friendly eye could never see such faults" as the President has discovered.

Is not the true reason, Mr. Speaker, for this veto to be found in the fact that the writer shares in the opinions held by many, that enough and more than enough has been done for the ex-soldiers and sailors of the war of the rebellion? He takes occasion to remind them of this in language plain:

I can not but remember that the soldiers of our civil war, in their pay and bounty, received such compensation for military service as has never been received by soldiers before since mankind first went to war. * * * I think it may be said that at the close of the war of the rebellion every Northern State and a great majority of Northern counties and cities were burdened with taxation on account of the large bounties paid our soldiers; and the bonded debt thereby created still constitutes a large item in the account of the tax-gatherer against the people.

That it was the citizen soldier of 1861–'65 who, through his mercenary spirit, burdened with taxation Northern States, counties, and cities, is announced for the first time by the Executive of the United States. Yet there were young men who in the darkest days of the war refused to burden their State, county, or city by going to the front. Neither the extravagant pay or the princely bounties such as were never known before since "mankind first went to war," nor the love of country could tempt them to the tented field. What Northern State, county, or city, Mr. Speaker, has been heard to complain of the bounties paid their citizens whose deeds of valor can never be forgotten? Those services surely this people, North and South, the beneficiaries of the trials, dangers, sufferings, and death of the citizen soldiers, can never forget.

The President has higher grounds for vetoing this bill than the question of cost. He fears its effect upon the morals of the community. Hitherto in his message he has set the simple question dollars against the discharge of a patriotic duty and the recognition of a right.

"If this bill should pass," to use his own language, he fears "the effect of [the] new invitations to apply for pensions" that it would extend to the old, sick, and destitute soldiers. He wishes to avoid the demoralizing effect the opening up of new advantages to causes for pensions already existing will have upon the cupidity of the people. He sees evil, and only evil, to result from the passage of this bill.

I prefer to use his own language in giving his estimate of the people generally and the old soldiers in particular, and the disreputable means to which they will resort either to secure pensions for themselves or to aid others.

Recent personal observation and experience—

Says the President—

constrain me to refer to another result which will inevitably follow the passage of this bill. It is sad, but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those who as agents undertake to establish claims for pensions, heedlessly entered upon by the expectant beneficiary, and encouraged, or at least not condemned, by those unwilling to obstruct a neighbor's plans.

To sustain the charges of widespread disregard of truth and good faith contained in the President's indictment against old soldiers, their neighbors, and friends, the President rests the case on his observation and personal experience.

This widespread moral depravity he plainly intimates is confined to those States and communities where the ex-Union soldiers and sailors and their friends are found. The special pleader's prejudices and associations often color his productions.

It may be that the President has taken counsel of and associated with the enemies and not the friends of the boys in blue. Certain it is if the cruel and unjust charges against them had emanated from a less eminent and respected authority than the Chief Magistrate they would deserve to be characterized as slanderous, if not brutal. He has drawn a dark picture of the moral turpitude of the men whose deeds of valor have been woven into song and story.

The effect of this bill, should it become a law, he assures the nation, would be to "put a further premium on dishonesty and mendacity." In this the President assumes that the pension laws now in force offer premiums upon "dishonesty and mendacity." These degrading traits of character now so "widespread" among the destitute, maimed, and wounded soldiers and sailors must be checked by vetoing all further *legislation looking to their relief.* Whatever may become of them physically, their morals must be protected—this is the age of reform. The habit of lying, the bearing of false witness, and mendacity now so widespread—if the Executive is not mistaken—in those communities contaminated by our old veterans must be stamped out by the heroic treatment of starvation.

Mr. Speaker, let the President remember that these old veterans, less than three decades of years ago, laid their deeds of bravery and heroism upon the altar of patriotism, and under the guidance of a Thomas, a McPherson, a Blair, a Logan, a Sheridan, a Sherman, a Grant, maintained our flag unsullied and our country undivided. Language more calculated to insult and degrade these veterans could not have been used by their bitterest enemy, nor could the words have emanated from any other source where the sting would be as poignant. Certain it is that in all the years that have intervened since Appomattox, no such language has been used by any of the brave men who so stubbornly contested with these veterans and their comrades dead every inch upon many a well-fought battlefield under the leadership of a Hood, a Bragg, a Shelby, a Johnson, a Jackson, a Lee.

These men thus maligned are they who in the day of the nation's extremity placed their bodies as a living wall between the Union of the States and those who would destroy it. Their deeds will be held in grateful remembrance when the words of their traducers shall, thank God, have been forgotten. Never did soldiers fight in a holier cause then they. When, Mr. Speaker, did the President awake to a full realization of the great evils that must result from legislation granting pensions to persons, however deserving, other than those provided for by existing laws? It must be that since writing his last annual message he has experienced a change of heart. Then he used eloquent words, "words that are the children of the wind," in pleading the cause of the ex-soldiers "who are reduced to destitution and dependence, not as an incident of their service, but with advancing age, or through sickness or misfortune." He did not then warn us of the widespread "disregard of truth and good faith" or of the "dishonesty and mendacity" of those for whom he spoke. Less than four weeks since he approved, without criticism, the Mexican pension bill.

It gives a pension to every officer and enlisted man now sixty-two years of age who served sixty days with the Army or Navy of the United States in Mexico, or on its coast or frontier, or *en route* thereto, or was actually engaged in a battle in the war with Mexico, regardless of the fact whether the pensioner be rich or poor, whether he was loyal or disloyal during the war of the rebellion. The Mexican soldier who fought on the side of the Union gets the same as he who fought against the Union. The nation's gratitude to the Mexican veterans did not stop there, Mr. Speaker, but it gave a pension to every such officer and enlisted man "who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, even though he may not have reached the age of sixty-two years."

If the disability or dependency be ever so slight, if it be equivalent to some slight cause for which under the general pension laws the pensioner gets $1 a month for such disability or dependency, the ex-Mexican soldier gets $8 a month. This, even though his dependency or disability be the result of his own vicious habits; nay, more, he gets a pension for a disability the direct result of continued and habitual dissipation. He gets a pension for a slight disability not an incident of his military service, even though he be not dependent on his daily labor for a support. None of the limitations and restrictions as to the nature or extent of the disability or dependence are contained in this act that are found in the vetoed bill. In fact, its terms clearly brings it within the objections that the President urges as a reason for withholding his approval from the bill under consideration. It did not occur to the President "that the race after pensions offered by this bill would not only stimulate weakness and pretended incapacity for labor, disability, and put a further premium on dishonesty and mendacity." He kindly spared the old Mexican soldier, and reserved this unjust criticism for the Union veteran.

Did the fact that two-thirds of the survivors of the Mexican war live in Southern States induce the President to give his approval to the bill placing them, rich and poor, on the pension-rolls? His veto of this bill, passed on the same day, less liberal in its terms, for the relief of old ex-Union soldiers who are dependent upon charity, private or public, for food and raiment, it has been stated by high authority, gives him a solid South. How far did the hope of gaining such a prize lead him? If this was a "consummation devoutedly to be wished," if language cold, offensive, and degrading toward the veterans of the war of the rebellion could enable him to obtain it, then he has earned the reward.

That a grateful people should have cared for the Mexican veterans who gave us an empire I rejoice; that the President should through the veto power prevent the people from doing as much for the ex-Union soldiers who preserved us a nation I condemn. He has turned his back upon the 70 Democrats who voted for this bill, and by his acts and words shows that his sympathies and prejudices are in full accord with the 76 who voted against it. These 70, if they but remain firm with the other friends of the soldier in the House, can secure the passage of this bill, the President's veto notwithstanding, and thus in part redeem the pledges of the nation even if they should lose the smiles of the Executive.

The message, Mr. Speaker, in recounting what the nation has done in times past for the soldiers of our civil war states "that statutes have been passed giving them preference in all public employment." Mr. Speaker, the President should have added that, "in grateful recognition of their services, sacrifices, and sufferings," the Congress of the United States, by solemn enactment, declared that they "should be preferred for appointment to civil offices," and gave them the nation's recommendation for preference to all remunerative pursuits and employments in civil life; and further, "that in making any reduction of force in any of the Executive Departments of the Government, the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors."

Let those in authority give vitality to the promise of a grateful Government when it pledged itself "to care for him who shall have borne the battle, and for his widow and orphans." Let not this statute be as idle a mockery as was the statue of liberty in whose shadow the patriots of France were guillotined, or as lifeless as the grinning mummy in the catacombs of Egypt. Let this statute, enacted in the days of the nation's extremity, be liberally construed and faithfully enforced in the day of the nation's prosperity toward those who rendered that prosperity possible. Let the performance of the nation be equal to her promise. Let her not be as one "that keeps the word of promise to our ear and breaks it to our hope."

The fact that the soldier of the Republic fought at Shiloh, Stone River, Antietam, Vicksburg, Gettysburg, Chickamauga, Spottsylvania, the Wilderness, "Atlanta to the sea," or Appomattox is no longer regarded as a reason for his appointment to or retention in office. The fact that the citizen at the call of duty, imbued with a love of country, went forth as the American volunteer soldier or sailor, with "a heroism that was patriotic and with a patriotism that was heroic," no longer commends him to the powers that be. If his honorable wounds, broken body, and destitution are urged as a reason for his appointment to or retention in office he is characterized as a beggar, a mendicant.

> Poor naked soldiers, wheresoe'r you are,
> That bide the pelting of this pitiless storm,
> How shall your houseless heads and unfed sides,
> Your looped and windowed raggedness, defend you
> From seasons such as these?

Mr. MORRILL. I yield five minutes to the gentleman from North Carolina [Mr. O'HARA].

Mr. O'HARA. In the limited period to which I am confined in the discussion of this measure it will be a matter of impossibility to intelligently present my views in regard to this veto message. There is one feature of it, however, to which I shall attempt to address myself.

There is one portion of the bill about which the President has been silent, and that is the first section, providing for the relief of dependent parents. That class of people who gave their sons to their country at the time of its greatest peril, a class of people that I peculiarly represent, are debarred by an unjust ruling in the Department. The mothers of negro soldiers who gave their sons to their country are met with this ruling when they approach your Pension Office. The mother says: "I gave to a country which looked upon me with scorn my sons as her defenders, and I am to-day without strength to support me because those men gave their blood and their lives that their country might live." There is a decision of this Government, through its Pension Office, saying to them, "You were slaves, and, therefore, although your sons may have died upon the battlefield your country will turn you aside with scorn."

This, sir, is unjust—unjust to that noble band who, though they knew their country spurned them, came forward and gave their lives for its defense.

Sir, it is not as the President would indicate, that these men went for dollars and cents. The Forty-fourth and Forty-fifth Massachusetts Regiments, composed entirely of colored men, went out and nobly did their duty; but when the paymaster of the Government met them he said: "You are soldiers of this Government, but your skin is black, and we will give you less than we give your white comrades." They spurned it and said: "No; we are in this contest for liberty, and if you can not pay us the full measure you pay to other soldiers, we will fight for our flag and our country without compensation." [Applause.]

That the colored soldiers in our late civil war were not bummers, camp followers, nor specially provided for with bomb-proof position, but that they discharged their duty faithfully and well, I quote in evidence in their behalf the testimony of General B. F. Butler, given in a speech delivered on the floor of this House on the 6th day of January, 1874. Says General Butler:

> On the 29th day of September, 1864, I was ordered by the commanding general officer of the armies to cross the James River at two points and attack the enemy's line of works, one in the center of their line, Fort Harrison, the other a strong work guarding their left flank at New Market Heights. I went myself with the colored troops to attack the enemy at New Market Heights, which was the key to the enemy's flank on the north side of James River. That work was a redoubt built on the top of a hill of some considerable elevation, then running down into a marsh; in that marsh was a brook, then rising again to a plain which gently rolled away toward the river.
>
> On that plain, when the flash of dawn was breaking, I placed a column of three thousand colored troops, in close column by divisions, right in front, with guns at "right-shoulder shift." I said "that work must be taken by the weight of your column; no shot must be fired;" and as the sun rose up in the heavens the order was given, "Forward, march;" and they marched forward steadily as if on parade—went down the hill, across the marsh, and as they got into the brook they came within the range of the enemy's fire, which vigorously opened upon them. Oh, it was a moment of intense anxiety; but they formed again as they reached firm ground, marching steadily on with closed ranks under the enemy's fire until the head of the column reached the first line of the abatis, some 150 yards from the enemy's works. Then the axmen ran to the front to cut away the obstructions of defense, while one thousand men of the enemy, with their artillery concentrated, poured from the redoubt a heavy fire upon the head of the column hardly wider than the Clerk's desk.
>
> The axmen go down under the murderous fire, other strong hands grasp the ax in their stead, and the abatis is cut away. Again at double-quick the column goes forward to within 50 yards of the fort, to meet there another line of abatis. The column halts, and there a very fire of hell is pouring on them. The abatis resists and holds; the head of the column seems literally to melt away under the rain of shot and shell; the flags of the leading regiments go down, but a brave black hand seizes the colors—they are up again, and wave their starry light over the storm of battle. Again the axmen fall, but strong hands and willing hearts seize the heavy, sharpened trees and drag them away, and the column rushes forward and with a shout which now rings in my ear go over that redoubt like a flash, and the enemy never stop running for 4 miles.
>
> It became my painful duty, sir, to follow the track of that charging column, and there in a space not wider than the Clerk's desk and 300 yards long lay the dead bodies of five hundred and forty-three of my colored comrades, slain in defense of their country, who had laid down their lives to uphold its flag and its honor as a willing sacrifice.

Sir, is it possible to believe that the dependent parents of men like these shall be denied by this act of the President that relief and succor in their old age that a grateful country would willingly accord to them? Sir, enough for this first clause of the bill, which the President of the United States has not even offered to the country a lame excuse for his disapproval.

As to the second clause of this bill, upon which the President of the United States bases his veto, I beg to state that the President can not be sincere in his veto message on this bill when he approved, as far as we know without hesitancy, the "Mexican pension bill," a bill with far larger opportunities for fraud, and pensioning a larger class of persons who may not be in need at all. I regard this veto as a blow aimed at the patriots who at their country's call responded in person and did not send a substitute, and a declaration on the part of the President that he has no sympathy with the men who defended their country in the day of her need.

Sir, willing to stand by the action of the committee, and believing that the country will sustain the committee, I shall vote to pass the bill, the veto of the President to the contrary notwithstanding.

Mr. MORRILL. I reserve the rest of my time.

Mr. MATSON. I think the gentleman from Kansas ought to exhaust his time, and then let the gentlemen who oppose the bill follow, and after that I will take three-quarters of an hour to close.

Mr. MORRILL. I would prefer to hear from the other side. [Cries of "Vote!" "Vote!"]

Mr. MATSON. I suppose it will be conceded that I should be entitled to close the debate. I apprehend there will be no controversy about that.

Mr. MORRILL. Does the gentleman from Indiana wish me to occupy the rest of my time now?

Mr. MATSON. Yes, sir.

Mr. MORRILL. I yield five minutes to the gentleman from New Hampshire [Mr. HAYNES].

Mr. HAYNES. Mr. Speaker, a failure to pass this bill over the Executive veto will be accepted as a notice served that there is to be no further general pension legislation under the present dispensation. It will be the culminating triumph of a sentiment which has had rapid development and has ripened under the fostering care of the present national administration. The five minutes of time accorded me will permit only the briefest allusions to matters that are pertinent in the consideration of this bill in its present position. It has come to us stamped with the seal of the President's disapproval.

It would not have been possible for human ingenuity to have formulated a bill more in accord with the recommendations of the President in his annual message to Congress, and yet when his own suggestions are laid before him in a form which requires only a scratch of the pen to make them law, he withholds his signature and advertises his inconsistency. The soft cooing of the executive voice in December bespeaks "a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune."

But in less than three months the voice takes on a harsher tone, and the same men are stigmatized as a class among whom "there exists a widespread disregard of truth and good faith." And to doubly mark the President's inconsistency, it has been noted, and will doubtless be again noted, that when the companion bills passed by this House upon the same day are placed before him, he makes haste to sign the one that grants a service pension pure and absolute to every survivor of the Mexican war, and turns his back to the utterly disabled and destitute veterans of the war of the rebellion.

The sun at midday is not plainer than the motives which induced

this inconsistent discrimination; and if more need be said on this point I may state, what is known to but few members, that in the files of this House there is to-day a petition praying that a pension of at least $8 per month may be granted to every honorably discharged soldier of the Union armies, and among the signatures appended to that petition appears the name of "Grover Cleveland."

The man who, as governor of New York, as a candidate for the high office of President, as a bidder for soldier votes, petitioned for a pension for every soldier, withholds his signature as President from a bill designed to bring relief only to the few who are totally disabled and dependent upon public or private charity. Now, in regard to the cost. That is the point which is most persistently urged by the opponents of the bill. They have that fine intuition which locates the seat of sensation in the pocket rather than in the heart. It must be noted that the only estimate made in a manner to entitle it to the least consideration is that of the committee. That is based on actual information collected through the medium and by the special efforts of the Pension Office.

There can be no reasonable question that it is approximately correct, and fairly expresses the number who will become beneficiaries under the bill. As against this the President fears that the expenditure will be "appalling," a very indefinite quantity indeed.

I did, however, notice yesterday, in a newspaper which appeared among the other rubbish with which the enemies of the bill have cumbered our desks, a statement that this bill would swell our pension budget to an annual expenditure of $150,000,000. That is something tangible to argue against. Now let us see how that statement will hold water.

It presupposes an annual increase of from seventy to eighty million dollars, which at the rate provided in this bill would extend its provision to five hundred thousand beneficiaries. The National Museum should have the stuffed skin of the man who coined that estimate and spread it to the world. Why, Mr. Speaker, the most generous calculation places the number now living who served in the Union armies a long way inside of a million and a half. So this newspaper wiseacre would have it that more than one-third—probably nearer one-half—of the entire soldiery in every community would come in under this bill as totally unable to procure their subsistence by daily labor.

Run over in your own minds, each of you, gentlemen of the House, the list of soldiers in your own acquaintance, and tell me what you think of such an estimate and such a statement thrown in here to influence your judgment and your action.

Now, Mr. Speaker, it may as well be considered as settled that the soldiers of this country, as a body, are in favor of this bill, and will resent its defeat. Let it be noted that the petitions and resolutions of the Grand Army posts and Grand Army encampments are pouring in upon the Committee on Invalid Pensions by hundreds, asking for the passage of this bill over the President's veto.

The department encampment of New Hampshire unanimously adopted resolutions, which have been transmitted to me by telegraph, indorsing the proposition we are to pass upon to-day. And post after post have forwarded resolutions unanimously adopted requesting me to vote to override the President's veto. I shall take the greatest pleasure in obeying these instructions to the end that no man who served his country faithfully, no man who was comrade of mine, shall ever reproachfully say to me from his refuge in the public alms-house, "you had a hand in keeping me here."

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate disagreed to the amendments of the House of Representatives to the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. EDMUNDS, Mr. FRYE, and Mr. MORGAN.

### VETO MESSAGE—DEPENDENT PENSION BILL.

Mr. MORRILL. I yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. In two minutes I can say very little, but I do want to say that I am heartily in favor of the passage of this bill, and I think it is the duty of Congress to pass it over the veto and thus benefit the persons who come within its provisions.

I have heard it alleged, and seen it in the public press, that there is a lobby of claim agents here endeavoring to press the passage of this bill. I challenge any gentleman on this floor to name one; and I pause for a reply.

I have heard it alleged, and seen it in the public press, that there are those among us who will vote for this bill who are not really in favor of it. I ask if there be any man on the floor of this House who occupies that position to rise and manfully say so; and I pause for a reply.

I want to say that this bill is being opposed by the most insidious and the most hypocritical methods that were ever employed to defeat or promote legislation. [Applause.] I want to say the allegations that the members of this House who will vote for this bill are not heartily and sincerely for it are falsehoods that are published in the press of the country for the purpose of sustaining the Executive in his veto and not because they are facts. I do not believe that there is a man on the floor of this House who will vote for this bill who does not heartily sympathize with its objects. It is derided as a pauper bill. How many dependents are there now on the pension-rolls? Nearly one-third of those on the rolls, I believe, are dependents.

[Here the hammer fell.]

Mr. BAYNE. I would like a minute or two more.

Mr. MORRILL. I yield the gentleman another minute.

Mr. BAYNE. It is said the evidence can not be furnished to the Pension Bureau to sustain these claims under existing law, and that therefore no law should be enacted which would allow them. True enough; but the President's position is that those who went into the hospitals, who lay there half of their term of service, perhaps, and have a hospital record shall have pensions because they contracted disease or disability in the service, while those who went through the war from beginning to end and never went into a hospital and can not prove their claims by hospital records shall have no pensions.

Why, sir, if either class should have pensions, it would seem to be that the class provided for in this bill should be preferred.

Total disability, utter incapacity to earn a livelihood, dependence upon their own labor for support, yet unable to support themselves; honorably discharged from the military service of the United States—what more should be asked?

It is unjust beyond measure to deny pensions to the beneficiaries of this bill, and I sincerely hope it will become a law.

[Here the hammer fell.]

Mr. BAYNE. I ask leave to extend my remarks in the RECORD.

Mr. BRAGG. I object.

Mr. GIBSON, of West Virginia. Mr. Speaker——

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] has the floor.

Mr. MORRILL. I yield two minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I regret that it should appear that the President of the United States, after having sent to this House a message which amazes the intelligent people of the whole country, should be personally represented by a gentleman upon this floor, who, for the first time in the history of this Congress, denies, by his objection to members of the House, the ordinary courtesy of being heard through the RECORD for the want of time to speak upon a question like this. It may be that this representative of the President of the United States supposes that in this way the people of the country can be deterred from having a full and fair discussion of this great question. It may be, however, that inside of the next two and a half years the President of the United States will wish that it had been permitted to members of Congress to be heard more fully and completely in this discussion.

Mr. Speaker, the error, in my judgment, into which the Executive has fallen in considering this bill is this: it is a mistake to call this measure a bill for a service pension. This is not in any true sense a service pension. It is a proposition to assist by a pension the needy, disabled soldiers of the Grand Army, and incidentally to take out of the poor-houses and alms-houses of the country fifteen thousand of the brave men who fought to save the Union. This is a bill which simply changes the rule of evidence in regard to the questions which arise upon the application for pension in the Bureau of Pensions. It simply provides that the disabled soldier, one who served in the Army and was honorably discharged and who is now suffering under disability, shall have applied to him a new rule of evidence, differing from the current orders and rules of the Pension Department.

It provides that when it is made to appear that a soldier of the Army served the length of time required, and was honorably discharged, and is suffering under a disability which disables him from laboring to support himself, that when these facts appear, when these facts are not debated or contradicted, it shall be conclusively presumed for the purpose of the honor of the Government, and for the purpose of saving the disgrace and stigma which rests upon the Government which permits its defenders to lie in the poor-houses of the country, that his disability was caused by the service he did in the army. That is all there is of it, and that affixes to this bill a character, not that of a service pension, but as a pension for honorable service, suffering, and inability to work.

It is not all that I should ask had I the right to dictate, but it is better than nothing, and, coupled with the provisions of the first section, to pension dependent parents by a new rule also, the bill ought to pass.

[Here the hammer fell].

Mr. GROSVENOR. I ask leave to extend my remarks in the RECORD.

Mr. BRAGG. I object, Mr. Speaker.

Mr. GROSVENOR. The representative of the author of the veto measure objects.

Mr. MORRILL. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Speaker, when the House Committee on In-

valid Pensions presented its masterly reply to the message of the President vetoing the dependent-pension bill the argument was concluded. Whatever of reason that message contains and whatever of sophistry finds in that report its complete answer and its exposure. The bill, therefore, comes back to us not only with all its original merit, but strengthened by the approving judgment of both Houses of Congress, the earnest reindorsement of the committee representing the majority of this House, its chosen organ, and the commendation of a just public sentiment.

In this connection I desire to present a concurrent resolution of the Legislature of the State of Michigan indorsing this bill, and I will ask the Clerk to read it; but before he reads I desire simply to say that our only duty, it seems to me, is to pass this measure at once, and lift the shadow from the breaking hearts of the men and women who sacrificed all and suffered all that the Republic might live. [Applause.]

The Clerk proceeded to read the resolution.

Mr. BRAGG. I understand that is to be read in the time of the gentleman from Michigan [Mr. BURROWS]?

The SPEAKER. In the gentleman's time.

The Clerk read as follows:

Whereas the Congress of the United States did pass a bill known as the dependent-pension bill, granting a pension of $12 a month to all soldiers of the late war who, from any cause, had become unable to properly furnish themselves with the necessaries of life; and

Whereas President Cleveland did, in his wisdom, see fit to veto the said bill, returning it to the House where it originated without his signature or approval: Now, therefore,

*Resolved* (*the senate concurring*), That we hereby call upon our delegation in Congress to use all honorable means to secure the passage of the said dependent-pension bill over the said Presidential veto.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. BURROWS. Will my friend from Wisconsin [Mr. BRAGG] allow the remaining resolution to be read?

Mr. BRAGG. No, sir; it can be read in the time of some other gentleman on that side.

Mr. BURROWS. Will the gentleman permit it to be printed? It is very brief.

Mr. BRAGG. No, sir; some gentleman can have it read in his time.

Mr. MORRILL. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes left.

Mr. MORRILL. The gentleman from Indiana [Mr. MATSON] has yielded me seven and a half minutes more. I now yield sufficient time to complete the reading of the resolution presented by the gentleman from Michigan [Mr. BURROWS].

The reading was completed, as follows:

*Resolved further*, That the governor be requested to forward to each of our Representatives in Congress a copy of these resolutions.

JAMES H. MACDONALD,
*President of the Senate.*
DANIEL P. MARKEY,
*Speaker of the House of Representatives.*

Approved February 21, 1887.

C. G. LUCE, *Governor.*

Mr. MORRILL. Mr. Speaker, I desire to use ten minutes of my time, reserving the other seven and a half.

Mr. Speaker, the veto of the President of the bill now before the House has, fairly considered, a deeper significance, and threatens more far-reaching consequences than would attach to the mere failure of this measure to become a law. The veto has been construed by the country into a declaration on the part of this administration that the Executive approval will be hereafter withheld from all measures of a general character involving a charge upon the Treasury which may be passed in response to the claims of those who answered to the call of their country in its hour of peril. In effect it stigmatizes such claims as unjust and unreasonable, and places questions of taxation and fiscal policy above the demands of national justice and gratitude and the promptings of common humanity.

If the expenditures of our pension system be vast beyond precedent it must be remembered also that the circumstances which rendered them necessary were also without precedent. In point of numbers engaged in the late struggle, in respect of the bloody and desperate character of its conflicts, the expenditure of money and the sacrifice of precious lives, as well as in respect of the wicked and unjustifiable causes which precipitated it, it is without parallel in the world's history.

Measured by what was accomplished at all this cost and sacrifice, our expenditures for pensions, colossal as they are, seem insignificant. The weight of the Government's obligations to its soldiers is not to be estimated by any known standard of computation. The terms of its contract and the exact scope of the measures adopted for its fulfillment are clearly definable, but who can estimate the value of the equivalent rendered?

The salvation of an imperiled nationality, the re-establishment of the Union upon a secure and imperishable foundation, the overthrow of a system obnoxious to free government and repugnant to civilization, the recovered prosperity of the nation in all its parts, the planting of the seeds of good will and harmony between the different sections, the gradual but sure growth of which gives promise of full fruitage in the near future; these are some of the achievements blazoned upon the banners of the victors in our great struggle. Who so skilled in mathematics as to be able to tell us the value of all this in dollars and cents?

In the provisions made for our diseased and disabled soldiers, and for the support and solace of the survivors of the dead, this Government has illustrated in the highest degree the beneficence of free institutions, and has signally proved that this Republic, at least, is not ungrateful.

In the generations to come history will present no nobler spectacle than that of a great nation just emerging from a gigantic conflict which had seriously threatened its overthrow, taxed its resources to an extreme, drained its best blood, and made mourning well-nigh universal, taking upon itself fresh burdens beyond the reach of precise estimate, and voluntarily, cheerfully, and loyally addressing itself to the binding up of the wounds received in its service.

No public burden could be more cheerfully borne than that which this pension system imposes. The sporadic and feeble mutterings of discontent are lost in the general chorus of approbation with which every just and humane proposition in the interest of the Union soldier is greeted.

The masses of the people are quite ready to provide, not only for the discharge of every specific and well-defined obligation by the Government, but also in the interest of national justice, to extend its shelter to those wornout veterans incapable of self support, who would otherwise be left to the precarious provisions of private charity or the humiliating conditions of organized local support. Neither the cold abstractions of professed economists nor the plaints of political pessimists are to be weighed against the loftier and more patriotic impulses of the great body of the people. Let me beg the indulgence of the House while I present somewhat in detail the considerations which induced the committee to present this bill, as well as to point out some of the fallacies, false assumptions, and inconsistencies with which the President's veto message abounds.

No other bill which has been before the Committee on Invalid Pensions during the past four years has received the careful consideration that has been given to this. It has been fully and thoughtfully discussed, the principle involved has been carefully considered, and the fullest possible investigation has been given to the whole subject. Their attention has been frequently called to it by the earnest and almost piteous appeals for the passage of special bills for the relief of old soldiers who were in the alms-houses or other charitable institutions of the country. While many pension measures of importance, involving the payment of considerable sums, have been presented and have received their favorable consideration, they have, without a dissenting voice, uniformly held that this was the most pressing and of the most importance, as it would afford relief to a class utterly dependent, and which could not be reached under any existing law.

The Senate has twice before passed bills for this class far more liberal and requiring a much larger expenditure of money. In passing this measure the committee believed that they had so restricted it in its application that it would meet the hearty approval of the patriotic, liberty-loving people of the country. Their purpose was to provide for those, and those only, who were unable, through sickness, old age, or misfortune, to procure a subsistence without aid from public charities or those charitably disposed towards the poor and unfortunate defenders of their country.

The first section of the bill provides for no new pensions, but only changes the rule of evidence in the case of dependent parents. Under existing laws they are required to prove that at the time of the death of the son they were without adequate means of support, and were actually receiving contributions from him to aid them in obtaining a livelihood. Thousands of parents entirely independent of their children for support sent out their young sons to battle for their country, and are now, in their old age, unable to provide for themselves.

This section simply declares that present dependence shall be the only condition required. It is a declaration that the nation will kindly care for the old mother and father who offered up a son on their country's altar. Again and again by special acts both Houses of Congress without a dissenting voice have recognized this principle, by the passage of special acts affording relief in individial cases. Again and again has the President approved those bills, nor does he now offer any objection to this section or intimate in any way that a bill recognizing this principle would not receive his approval. He would provide for the father or the mother who gave the son to the country, but would let the other son who survived the vicissitudes of the battlefield and the prison, go to the poor-house. The language of the bill has been severely criticised by the President, who declares it to be "so uncertain and liable to such conflicting construction, and to be liable to such unjust and mischievous application as to alone furnish sufficient ground for disapproving the same."

The section of this bill to which this criticism is especially directed reads:

That all persons who served three months or more in the military or naval service of the United States in any war in which the United States has been engaged and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability not the result of their own vicious habits or gross carelessness, which incapacitates them

from the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided, &c.

I desire to call the attention of the House to the fact that before any person can receive any of the benefits proposed to be conferred under the provisions of this section he must prove:

First. That he served at least three months in the military or naval service of the United States in some war in which the United States has been engaged.

Second. That he has received an honorable discharge from such service.

Third. That he is suffering from mental or physical disability not the result of his own vicious habits or gross carelessness.

Fourth. Such disability must incapacitate him from the performance of labor in such a degree as to render him unable to earn a support.

Fifth. He must be dependent upon his daily labor for support.

Sixth. He must make due proof of the existence of all these conditions under such rules and regulations as the Secretary of the Interior may prescribe.

Having complied with all these requirements he would be entitled to receive "for such total inability to procure his subsistence by daily labor $12 a month."

It will be noticed that the section quoted is all one sentence. It must therefore be construed as a whole. To say that any person unable to labor can receive the benefits of the act would be as absurd as to say that any person who has served three months or more or who had been honorably discharged would be entitled to be placed on the pension-roll under its provisions. It seems to me but one construction can be placed upon this section by any unprejudiced and fair-minded person. To make it still more conclusive, the further condition is imposed that the pension shall only continue during the existence of the disability in the degree provided for.

In other words, if at any time by the removal of the mental or physical disability or the improvement of his health he shall become able "to procure his subsistence by his daily labor," or his pecuniary condition shall become so improved that he shall not be dependent upon his daily labor for subsistence, then the pension shall cease.

The construction put upon the expression "daily labor" by the President in his veto message when he says "that it is not required that he should be without property, but only that labor should be necessary for his support in some degree," is so strained and unfair that it could only have been suggested by the desire to find some excuse for withholding his approval, and is utterly unworthy of the source from which it emanates, beneath the dignity of the exalted position which its author occupies, and while it might naturally be expected from an advocate it would not be from an able, dignified, and impartial judge.

It would not be possible to so frame a bill that it would exactly fit each case that might be presented under it. Of necessity, the terms must be general and apply to classes and not to individual cases. It would be a very difficult task to frame a statute conferring a pension on any class (and I might add, or for any other purpose) in such language that different interpretations might not be given it by different persons, but the question is not what possible construction can be given a law, but what was the obvious intention of Congress in enacting it. And in this connection I wish to impress upon the House the fact that the construction to be given this act, and all the rules and regulations under which it would be administered, would rest absolutely and entirely with the President and his own chosen officials, who could safely be relied upon to so construe it as to carry into effect the evident purpose of Congress without imposing unnecessary or extraordinary burdens upon the people.

A careful comparison of this act with others upon the statute books would compel any reasonable person to admit that it is as free from ambiguity and as little "liable to such conflicting constructions" as any pension legislation, with the possible exception of those acts which provide fixed rates for permanent and specific disabilities.

A careful comparison of this measure with the Mexican pension bill, which the President had before him at the same time and which he unhesitatingly approved, make his labored arguments to prove this bill indefinite, ambiguous, and "so uncertain and liable to such conflicting constructions and to be subject to such unjust and mischievous application," almost convince one that the veto message was intended for the Mexican pension bill, and that he inadvertently approved the one he intended to veto.

No one after carefully reading the two bills will assert that the dependent bill is not much more carefully worded and much less liable to misconstruction and abuse than the Mexican act.

The first two sections of the latter act are as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval service of the United States, who being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widow of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependence herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

SEC. 2. That pensions under section 1 of this act shall be at the rate of $8 per month, and payable only from and after the passage of this act for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of $8 a month or more, nor to any person receiving a pension of less than $8 per month, except for the difference between the pension now received (if less than $8 per month) and $8 per month.

It will be noticed that it requires only sixty days' service in Mexico, or on the coast or frontier thereof, or *en route* thereto. Under this provision thousands are embraced who never experienced any of the hardships and privations of war; who never crossed the Rio Grande or saw an armed enemy. It is estimated that one-third of the army enlisted to serve in that war never stepped foot on Mexican soil.

It provides further that the surviving widows shall receive a pension "provided that such widows have not remarried," but it contains no provision that they shall forfeit their pension if they remarry hereafter, but it does provide that "such pensions shall continue during the natural life of the persons entitled thereto."

The same construction given by the President to the dependent bill applied to this act would give the widows under sixty a pension for a disability, if one existed—a principle never before recognized. It requires no disability and no dependency if the person has arrived at the age of sixty-two. The millionaire and the pauper receive the same pension and stand upon the same footing. The soldier who has not arrived at the age of sixty-two, but who is suffering from some disability, no matter how slight, if it is "equivalent" to a disability recognized by the pension laws of the United States, is put on the roll and allowed the full rate of pension.

To illustrate how "uncertain and liable to conflicting misconstruction" and "unjust and mischievous application" this act is, let me suppose two cases which might arise under it. A soldier of the Mexican war who enlisted at the first call for troops and who served faithfully until its close, engaging perhaps in many of its brilliant and desperate battles, if now in sound health and under the required age, can receive no benefit from this act, though he may be penniless and compelled to earn his support at hard manual labor; but his comrade of the same age, who enlisted near the close of the war, and who when peace was declared was at New Orleans, *en route* to the seat of war, can, if suffering from a disability for which $1 per month is allowed in the Pension Office, receive the full pension, though he may have received that disability in committing a burglary or attempting to murder his neighbor, and even though he may have an income of a hundred thousand dollars a year. There is absolutely nothing in the act to prohibit the paying of a pension for a disability caused by the debauchery and licentiousness of the soldier himself. The widow receives the full pension without regard to the cause or manner of her husband's death. The widow of the soldier who fell fighting in the confederate army at Antietam or Gettysburg receives the same pension as the widow of the hero who fell mortally wounded at Buena Vista or Cherobusco.

The amount required to pay the pensions allowed under the Mexican pension bill will be as large as would have been needed under the dependent bill. Yet the one class must be cared for though many of them are in affluent circumstances, while the other is denied all relief, though they are spending the few remaining years of their lives in sickness and in poverty, supported by public charity, not through any misconduct or vicious habits, but by reason of sickness and misfortunes against which the bravest and the best are not always able to protect themselves.

I can not comprehend, Mr. Speaker, how the hand that approved the Mexican pension bill could ever have penned the veto message of the bill which provided relief for the brave disabled veterans who saved their country from dissolution and anarchy by their heroic services in the war of the rebellion.

It is very persistently urged by those who oppose pension legislation that many undeserving soldiers are recipients of the nation's bounty. It is doubtless true that some unworthy ones have received and are now receiving pensions which they are not entitled to, and for which they have rendered no service; but this number is doubtless small, for under the rigid rules of the Pension Office and the efficient service of the special examination division, which has experienced officials in every State and in almost every county, it is almost impossible for the criminal to escape detection. During the year ended June 30, 1886, only two hundred and seventy-eight cases were certified to the Department of Justice, and these were for all of the offenses against the pension

laws, including the defrauding of pensioners by the charging of illegal fees by attorneys, the false impersonation of dead pensioners, embezzlements in office, &c., and in a large majority of these cases the criminals had never been in the military service of the United States.

Did it ever occur to those anxious souls who are so troubled lest some poor soldier should receive a pittance from the Government to which he is not entitled that for every dollar thus wrongfully paid the Government has deprived brave men who are justly entitled to compensation for their services twenty times as much through the neglect and inefficiency of its chosen agents in keeping proper records of the military service of these men and of the disabilities they received?

In many cases the hospital records were imperfectly kept. In many others no records were made, or at any rate none were preserved. In thousands of cases, many of them serious disabilities, there is an utter absence of any company or hospital record. Through this means alone thousands of worthy claimants have been denied the relief to which their patriotic services justly entitle them.

In the successful prosecution of a war two things are essential: First, that there should be brave men to fight the battles; and secondly, that there should be money to supply the munitions of war and to support the armies. The patriotic, liberty-loving men of the North who responded promptly to every call for troops supplied the one. The treasuries were freely opened, and the other was furnished with an unstinted hand.

Those who from their hard-earned savings supplied the necessary means have been fully repaid. The war of the rebellion entailed upon the country a debt of nearly $3,000,000,000 and a destruction of property to a still greater amount, and yet amid all the depressions of business that necessarily followed as a result of that war the Government never failed for a single hour to meet interest as it became due upon this vast indebtedness, and one-half of the principal has already been paid. The men who supplied the Government with money to carry on the war made no sacrifices. They received it back with full compensation for its use.

During the twenty-two years that have elapsed since the close of the war more than $3,000,000,000 have been paid for interest alone to those who furnished the sinews of war, while less than $800,000,000 have been paid for the lives and the limbs, the sufferings and the sacrifices, the desolated homes, the widows and the fatherless children of the brave men who gave their services to their country in its hour of imminent peril; who offered their all on their country's altar; who in their ripe young manhood left their stores, their workshops, and their farms; left all the profitable pursuits of peace; who left father, mother, sister, brother, wife, and child, and exposed themselves cheerfully to all the hardships and privations of the march, the camp, and the perils of battle and disease, to prevent the disruption of the country upon a principle that would have divided it into as many petty nations as there were diverse and conflicting interests, always exposed to conflicts with each other, each of necessity maintaining a large standing army, impoverished by most offensive taxation, and none of sufficient importance to command the respect of even the weaker governments of the Old World.

By the sacrifices and the sufferings of the heroic men who served their country in its military service during the late war all these direful results were avoided. With the return of peace came unbounded prosperity. The world never witnessed such rapid strides in wealth and population before. With a population in 1860 of 31,000,000, we now have 60,000,000. The wealth at that time, $16,000,000,000, has now increased to $56,000,000,000, and yet we are told that the old broken-down, poverty-stricken soldier, who helped to make all this vast increase possible, must go to the poor-house, for this great, rich, and powerful nation is not able to support him at an expense of $12 per month.

The ability of the country to pay the amount required by this act, or ten times as much, is beyond question. With a population twice as large as it was at the close of the war, with nearly four times the wealth, the entire amount now required to pay the interest on our public debt and the pension-list combined is less than the interest account was at the close of the war.

I do not hold for a moment that the favorable condition of the finances of the country affords any warrant for the payment of ill-considered bounties or questionable claims, but it does warrant the nation in being just to the extent of paying every honest obligation.

You may give to the relief this bill provides whatever name you will—call it a gratuity, a charity, a donation—down deep in the heart of the American people will abide the conviction that it is but simple justice—certainly nothing more, perhaps something less. This stable, rugged quality of justice can not be warped or turned from its purpose by any consideration of the cost of its exercise. This justice may sleep for a time, while policy and expediency guide debates and control decisions, but sooner or later an aroused public sentiment, even now beginning to make itself felt and heard, will compel the fullest recognition of all those proper and reasonable claims which are being urged in behalf of the soldiers of the Union.

I have an abiding faith in that intelligence and love of justice which characterizes the people of this country.

The verdict they will render when the case is submitted to them will not only be a righteous one, but it will be final. With perfect confidence as to what that decision will be, I leave the subject with that power that makes and unmakes Presidents and Congresses, the American people.

The SPEAKER. The Chair understood the gentleman from Kansas [Mr. MORRILL] to say that he intended to speak only ten minutes.

Mr. MORRILL. Yes.

The SPEAKER. The gentleman has consumed two minutes more than that.

Mr. MORRILL. I reserve the remainder of my time.

Mr. MATSON. Mr. Speaker, I desire to inquire how much time has been consumed by the gentleman from Kansas?

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] had forty-five minutes yielded to him by the gentleman from Indiana [Mr. MATSON] and also seven and a half minutes more, and he has consumed forty-seven minutes.

Mr. MATSON. Then he has five and a half minutes left.

The SPEAKER. Yes.

Mr. BRAGG. The time has arrived, sir, when it is necessary to the interests of the country that the pension question should receive more than a casual consideration. The time has been reached when it behooves us to get out from the roseate bubble in which we live in Washington, prepared for us by claim agents to order, and to look somewhat after the interests of the real soldier and the business interests of the country in common with his. We have drifted along, impelled by a species of sympathetic impulse, regardless of reason or judgment, until our course has culminated in the presentation to and the passage by this House and by both Houses of Congress of one of the most scandalous bills, in my judgment, ever presented to a President for his signature. And I say, sir, that the people of this country have—as they are manifesting already, both by private communications and through the public press irrespective of party—the people of this country, I say, have every reason to be thankful that this bill was presented to an Executive who had backbone enough to meet the situation.

I desire to say, sir, in this my last opportunity to address the House upon this question of pensions that we are now reaching a position when it becomes necessary for us to look at it in a business point of view. In a very few years the soldiers of the country—not the "bummers"—will have arrived at a time of life when their needs will give them a right not to ask from us as a charity that provision be made for them, but to demand such provision as a right. And we must consider that situation as we look down toward it, and must take care that before they make their claim we do not bankrupt the country in order to obey the behests of claim agents and of coffee-coolers, laggards, deserters, bounty-jumpers, and substitutes.

Mr. Speaker, I listened a moment since to a gentleman "who paused for a reply." If he will read the National Tribune, published in the city of Washington—published by men who receive from $25,000 to $45,000 a month as fees from pensioners, blood taken from the soldiers whom they pretend to love—he will find in every column of that paper some squib, some abuse of the President of the United States and of those who dare to think differently from those men upon the propriety of the passage of this bill. These men talk about us as not being the friends of soldiers.

Why, Mr. Speaker, these newspapers that pretend to be the "friends of soldiers" are the friends of soldiers as vultures are the friends of dead bodies—because they feed and fatten on them. [Applause.] They levy their tax upon every soldier; and then they send to the member of Congress representing the district the work to be done in looking after the case. They file the application; they draw their $10; they give notice then that the papers are complete and that the applicant need only send to his member of Congress and his case will be attended to promptly. Those are the men who are the professed "friends of soldiers." They have the voice of Jacob, but their hand has the clutch of Esau.

Upon that question, Mr. Speaker, I say, not vauntingly but defensively against charges which have been made that in the position I occupy I am not a friend of the soldier—in reply to that charge I say that the class of soldiers of whom I seek to be a friend are men who served with troops that were four years and five months in the field, who followed the starry flag in fifty or sixty pitched battles, who were not tired when their terms of enlistment expired, but said to their fellows, "The work for which we came is not yet done; we entered for the war, we re-enlist, and we will stay, God willing, if we are not killed, until the war is closed and victory perches upon our banners." It is that class of soldiers whose cause I stand here to-day to defend against the imputation cast upon them by the passage of a pauper pension bill as a charity. [Applause.]

Say that I am not friendly to the soldier! Mr. Speaker, who that ever enjoyed the exquisite delight of riding down upon a line that was wavering and breaking in the presence of the enemy, and heard the cheer of "three times three" go up as he came—a cheer of confidence and joy that a leader had come—could ever forget his comrades in battle? Who that ever saw those men rushing on, thoughtless of themselves and their home and their friends, ready to lay down their lives

in battle, can ever forget them or be willing that those men shall be classified as paupers and placed on the pension-roll with the coffee-coolers of the army? No, Mr. Speaker, the men who advocate this bill are not, in its advocacy, the friends of the true soldier. They advocate this bill, many of them, in my judgment—and I desire to be impersonal in my remarks—they advocate this bill, why? Simply because the men whom they expect to buy by the bill can vote.

Mr. HENDERSON, of Iowa. For one, I pronounce that false. [Applause on the Republican side.]

Mr. BRAGG. Mr. Speaker, I say that that is the substratum upon which all this action is based—that if these men, whom they class as paupers, were to call upon them individually for aid, they would say, "You lazy, good-for-nothing scoundrel, you are as competent to work as I am." [Applause on the Democratic side.] Although gentlemen may deceive themselves into thinking that their motive here in voting for everything that has the word "pension" upon it is purely patriotic, I can say to them—and I speak the voice of the press (for every paper of any prominence in this country has been teeming with the expression of the sentiment)—if you succeed in deceiving yourselves you simply do what the ostrich does when he hides his head and thinks because he can not see anybody nobody can see him. [Laughter.]

Mr. HENDERSON, of Iowa. The men whose claims this bill recognizes do not subscribe for or advertise in the large papers supported by the capital of the country.

Mr. BRAGG. All I have to say on this question I shall direct to the bill and the situation; I shall pay no attention whatever to interruptions.

It is said by the committee that the President is inconsistent; that he should have vetoed the Mexican pension bill. Had he done so I should have esteemed it one of the noble acts of his life. But when that bill went to him with the almost unanimous vote of this House and the almost unanimous vote of the Senate, and without the press of the country calling his attention to the enormities which some members of the Pension Committee have to-day exposed on the floor of the House, and which others have joined in pointing out in their report on this bill—men who voted for the bill—I say those things not having been brought to the President's attention, was he wrong in supposing that once in awhile a pension committee of this House could report a bill which ought to be passed?

We are told there are other bills which he has signed which should have been vetoed on the same principle. I concede it. But, Mr. Speaker, if the President of the United States had time to inquire into the facts of the surrounding circumstances of every bill which comes from the Pension Committee alone he would have no time to give to any other public business.

On the question of consistency there may be two sides, Mr. Speaker. A few days ago there came to this House a veto of a bill for the appropriation of $10,000 to purchase seed for the destituted people of Northwest Texas, and it was vetoed on the ground that it was a charity, and that there was no foundation in the Constitution on which the President could rest himself in signing a bill which was purely a charity.

Upon that veto message the vote was taken by yeas and nays, and we find, sir, recorded when the M's were reached my friend from Indiana [Mr. MATSON] sustaining the President in the veto message, based upon the ground the appropriation was for charity. And I find nearly every member of the Pension Committee voting exactly the same way.

Now, when the bill was introduced into this House it was presented for consideration by the gentleman from Indiana [Mr. MATSON], who in his closing remarks says this is not a pension bill proper, but it is a bill purely as a charity. Let him reconcile his vote on this bill against the veto with his vote on that sustaining the President as he may.

Now, Mr. Speaker, let us look at this bill by sections. Let us consider the first section of this bill to which the President gives but little attention in his message. Let us see whether that section alone is not sufficient warrant to any reasonable man to vote against this bill.

What does that provide? By the provisions of that bill the man who abandoned his wife and family before the war, whose sons may have gone into the service and fell at the hands of the enemy, he finding it out in these latter days may go into the Pension Office and file his proof as dependent father relying on the support of that son who fell during the war, and obtain a pension of $12 per month. I remember to have seen one case stated in the press, Mr. Speaker, where a man abandoned his wife, no issue born, and shortly after his abandonment a child was born of the marriage; the mother and father never met afterward; the son grew to manhood and fell in the war, and the father finding it out made application to secure pension by reason of his dependent condition, relying wholly on the support of his poor patriotic boy.

It may be said this is mere surmise; that such cases occur in the newspapers but never happen in point of fact. Why, Mr. Speaker, on the 22d day of February the President vetoed a bill which passed the Committee on Pensions, both of the Senate and House—passed here on a pension night, and passed the Senate without objection—which is exactly that case, only worse.

Their proof can be prepared to meet all exigencies, and when it is reduced to such a science that the vigilant committee over which my friend from Indiana presides can report a bill which perpetrates such an outrage, may we not say it is time we should prevent the passage of laws which can admit such abuses under them.

I call the attention of the House to the veto message on the papers of John Reed, sr., in which it appears that John Reed, sr., abandoned his wife in 1859. It appears that a son living with the mother went into the war and was killed. It appears subsequently that the mother made application as a dependent mother in the Pension Office under the law for a pension which was due her as a dependent mother of her deceased boy. It appears by these papers while that pension case was pending and after it was granted that father made proof, filed affidavits, established his relationship to the boy, established his dependence on the boy, and furnished affidavits of those who stood by the bedside and attended the funeral that the mother was dead, although she was then on the pension-roll of the United States as a pensioner. And after that man has failed in the Pension Bureau he comes into the Congressional pension factory here and his bill is passed [laughter and applause], and it is only checked in its course by the manly veto of the President.

Mr. MCMILLIN. And he would get a pension under this bill?

Mr. BRAGG. Under this bill? Why, it dispenses with everything except the proof of relationship and cause of death. Certainly he would get a pension under this bill, if it should pass, which I do not expect.

Now, Mr. Speaker, passing from that section, and I say that section alone is amply sufficient to justify any man in casting his vote against making this bill a law, we proceed to the next section, and we find first a dispute as to what the section itself means. The President construes it one way, the chairman of the Committee on Invalid Pensions another way, and the members of the Senate construe it substantially in conformity with the views of the President.

The grant of the pension to a person is made on account of a certain qualified disability. That qualification in the grant is that the person is disabled in such a degree as to render him unable to earn a support. Not an entire support, not a whole support, but if he fail in any degree to earn a support he comes within the class specified in the clause whereby the pension is granted. Then follows that which fixes the rate of pension, providing that persons who shall suffer from "such total disability" shall receive $12 a month. What "total disability?" There is where the Committee on Pensions shows that it has not carefully considered the provisions of the bill. "Such total disability"—taking you back to the clause which preceded it, which is to give a definition to the terms which follows—"such total disability" as has already been specified in the clause granting the pension, which makes the meaning, such total disability in the proviso of not being able to earn an entire livelihood as specified in the granting clause which precedes it. That is the construction which the President puts upon it; that is the construction I put upon it; that is the construction which the Senators in the debate who voted for it afterward put upon it, and that is the construction I verily believe the Pension Bureau will put upon it.

Again, Mr. Speaker, passing on, who will this bill affect? Let us see how much care has been taken to determine the class of men and the number of that class that are to be affected by this bill. And right there let me say in reply to my friend from Ohio [Mr. GROSVENOR], who discovered me as a Presidential agent this morning, that the Grand Army of the Republic, of which both he and I are members, at its last grand annual encampment, passed resolutions condemning a service pension of $8 a month, and my friend is a member of the Committee on Pensions.

Mr. GROSVENOR. And I voted for the resolution.

Mr. BRAGG. That may be.

Mr. FARQUHAR. Let me interrupt the gentleman to ask a question right there.

Mr. BRAGG. Not now.

The Grand Army voted against an allowance of $8 pension; and still Grand Army men come here, claim agents send dispatches from Grand Army posts, nobody knows who was present who voted or directed or dictated the dispatch, and then see the Grand Army at $8 a month, and go them $4 better for the vagabonds, leaving the soldiers out. [Applause and laughter.] And still they say, sir, they are here in the interests of the soldiers, and defending themselves as members of the Grand Army. There is consistency for you!

But who is to be affected by the provisions of the bill? We are told by the chairman of the Committee on Invalid Pensions that the number will be 9,000, reduced, if I remember his figures correctly, by about 1,800, provided for elsewhere, making the number of beneficiaries under the bill about 7,000. Is that correct?

Mr. MATSON. No, sir.

Mr. BRAGG. Very well, then, what are the figures?

Mr. HENDERSON, of Iowa. The gentleman is only about 23,000 out.

Mr. BRAGG. In the statement accompanying the bill when presented to the House the gentleman presented the figures which I was going on to specify; and by a process of correction, multiplication, and otherwise, he arrived at certain results showing the number of the supposed pensioners.

Mr. MATSON. The original statement I made to the House was that there were 10,000 of these men in the poor-houses of the country; but the Commissioner of Pensions in his later report states that there can be but about 9,000 of that class.

Mr. BRAGG. That was exactly what I was referring to. That is what I said was the figure fixed by the gentleman, 9,000; and then by a process of multiplication his 9,000 is run up to about 26,000. That, then, Mr. Speaker, is the datum upon which we are to proceed here. Now, let us look at the facts.

There were organized seven regiments of infantry, composed of colored troops, that were made up of men who were not fit to do military duty. There is 7,000 to start with. There were three other regiments of colored troops that were organized after the war had substantially closed, and that is 3,000 more.

Mr. O'HARA. Let me interrupt the gentleman right there.

Mr. BRAGG. No, sir; not now. There were one hundred and forty regiments, and a number of battalions in all, of colored troops raised during the war. A large portion of these troops were engaged in guarding railway stations in the rear; and a few regiments, three or four, were regiments of heavy artillery. This pension clause opens the door for a pension to every one of the soldiers of the seven regiments that were organized into battalions for the purpose of caring for them, men picked out as being physically unable to do soldier's duty. It opens the opportunity to place upon the roll, out of the whole one hundred and thirty regiments, every single man and regiment that was not engaged in active service in the presence of the enemy. It permits a pension for every hundred-day man who came out to have a pleasant and jaunty excursion when he thought that if the "rebs" only heard that he was coming they would run away from Bull Run.

It places or gives an opportunity to place upon the pension-roll the hundred-day men who closed the war with a blaze of glory in April, May, and June, 1865. It permits an opportunity to go upon the roll 202,000 men, 11,000 of whom afterwards were deserters—202,000 men that were organized under the call of the President in December, 1864. Only three months before the war was terminated in fact a call came, and under that call during the months of January and February there were organized, in response to it, troops consisting of 202,000. Some 13,000 of these were discharged, even at the original camp of rendezvous, because there was no occasion to demand the assignment of them to any regiment. Now, who were these men?

I say to gentlemen who talk about soldiers, who were these men? Do not stand here in your place and talk about the devotion of the country to its defenders, to the men who heard the shriek of the bullet and shot and shell and battle, and covered with blood and carnage carried the flag to victory. Who were the majority of those men that found themselves in the service of the United States from December, 1864, to February, 1865, that Congress should sit up nights to pass pensions to provide for them? They were the scum of the earth. They were men who would not enlist and were not drafted. They were men who staid until those who did not want to go to the front raised money by vote and taxation upon the property in the municipalities and counties had funds placed in their hands to hire and buy things to go that could fill the quota and enable them to escape the draft. They were, I said, the scum; yes, and the dregs. They stood in their holes until they were bought—bought by substitute brokers, bought by men who were speculating in blood, paid from $100 to $800 apiece, feeling assured that they were physically so defective that all they had to do was to go to a hospital and there was no danger to their precious carcasses, so that they could pocket their $100 and go without fear of any injury befalling them.

There are gentlemen on the other side of the House who I trust are with me on this question, and who know just as well as I do that the prisons were emptied, that the poor-houses were emptied, that the slums were all emptied by the proffer of $200 at the door to bring out the inmates that they might be put as a paper credit on the army roll of the United States, and the men who brought this about pocketed the difference made in the trade. I have seen them coming down with ambulances in the rear by scores trying to get people of that class, called soldiers, to march from the shores of the Potomac to the banks of the Rappahannock, and the attempt to get them to the front was a failure.

There is another class. And I might say in that connection when you talk about poor-houses the men you find there as a rule are the men who came from the poor-houses to go to the army, and when they came back they lapsed into their natural condition. No genuine soldier in any patriotic community that I have ever seen ever needed to go to the poor-house to be provided with all that was necessary to care for him. We know, Mr. Speaker, that it is not in that way that the patriotic people of the North treat their soldiers. These men that go to the poor-house go because they are native there; they are drones; they have lived from hand to mouth. They have got no enterprise; they have got no self-respect; they have got no character. They lie down and open their mouths for a teat to suck, and it does not make much matter what animal has the teat so long as they can suck anything from it.

Mr. STEELE. I call attention to the fact that the gentleman from Wisconsin is being allowed to proceed in the line of remark he is pursuing for the reason that it is a fitting testimonial to the cause he is advocating, and not because what he is saying is true.

Mr. BRAGG. I know that the gentleman who has interrupted me if he dared vote his convictions would vote as I do.

Mr. STEELE. I do not think I have ever been accused of not voting according to my convictions.

Mr. BRAGG. And there are other men here who have committed themselves day after day against the principles of this bill and are thankful for the veto who will still vote for the bill. I know what I am talking about. I have heard them.

Mr. BAYNE. Name one of them.

Mr. BRAGG. Mr. Speaker—— [Cries of "Name!" and "He can not do it!"] I can not? The Republican Congressmen, all of them. [Applause on the Democratic side.]

Now, Mr. Speaker, I am taking up too much time. I will move forward a little. Who asked to have this pension bill passed? Who petitioned this Congress to pass any such bill? Nobody. And the committee say themselves in their report that this report is the free-will offering of the Pensions Committee of this House. They say also that they have never been consulted by any pension agent, or that any influences have been brought to bear to bring about the production of this child. It was conceived, passed its period of gestation, and was born in the room of the Committee on Invalid Pensions.

Mr. Speaker, how comes it that the Pension Committee, who are struggling so carefully to care for the interests of the soldier in this same bill, took such special pains to take care of the funds of the claim agents? No claim agent there! No suggestion made about any pending bills! No suggestion made about any vested rights of contracts! But still we find some little indication of the feline under this meal. The bill provides a five-dollar fee except in cases heretofore prosecuted before the Pension Office, when, in the discretion of the Commissioner of Pensions, a fee of $10 may be allowed.

Who told them these fellows had three or four hundred thousand cases? Where did they learn it? As I said before, they have cared nominally for the soldier, and have made a provision by which these gentlemen put ducats in their pockets. The hundreds of thousands of rejected cases where the proof could not be brought up to the requirements of the present liberal pension laws will come in under the dependent pension bill; and the $10 already earned by the pension agent under his contract is secured to him by a mortgage on the pension to be granted, and $5 given him—for what? To run his newspaper and boom this bill. One would think so to read the papers.

But I know I shall be told, Mr. Speaker, that I am extravagant. Let us see how extravagant I am. In 1879, in February, we repealed the arrears-of-pension act. The whole number of applications of invalid claims the year preceding was 18,000. After we repealed the arrears act, between that time and June 30 the pension-factory business was stimulated. We had "protected American industry," and the mills all went to work, the hand-bills were sent out, and in the short period between the last part of February and the 30th of June they swelled the 18,000 of the year before to 36,000, and the number of widows was very greatly increased, though I do not now remember the exact number. They had got the machine in good working order, and the next year, before the statute could run again, they increased the 18,000 of the year previous to the repeal of the arrears act to 110,000 males, and had also made an addition of 25,000 females, making 135,000 applications under the act. The next year after the statute ran the number dropped back to the normal standard of 18,000.

What did all that? This species of legislation by which we invite pension agents and claim agents of every kind to send out their circulars and to procure, wherever they can, soldiers' names for the purpose of making applications for pensions by saying to them: "Congress has made large appropriations for you; all you need do is to send on your papers, and send them quick so as to be first on the list, and your pension will follow." Then, sir, commences a system of fraud and perjury the like of which I think no country ever before experienced, and which I hope will be brought to an end ere long. I mean by that, sir, not that the soldiers of this country are addicted to perjury, but I mean that there are sent out blank skeleton forms of what is necessary to be proven, and I mean to say that at every Grand Army post and every Grand Army encampment that meets you will see from one to five hundred men poking through the crowd to get men to make affidavits such as are needed to procure a pension.

Mr. BRUMM. That is not true, and you know it.

Mr. BRAGG. And those affidavits, Mr. Speaker, are sworn to, how? The form of the oath is "to the best of your knowledge." What is that? Nothing. "To the best of your information?" "Yes; my comrade told me." "To the best of your belief?" "Yes; I believe him; and, whether I believe him or not, Uncle Sam has plenty of money, and we may just as well put our hands into the Treasury as have some other scoundrel and thief do it." That is the process of their reasoning, and when they see members of Congress stand up here and vote away the public money for purposes for which they would not spend a dollar of their own money, when they see that species of bad faith and prevarication, they naturally say to themselves: "It is no more wrong for us to dodge to get our little share of the plunder than

it is for you five-thousand-dollar-a-year men to violate the strict letter of your oaths in order to give little donations to the people in your districts by way of appropriations for public buildings or otherwise."

Mr. Speaker, I have said that the country is with us. The leading Republican newspaper in my own State promptly came to the front immediately after the veto message and complimented the President of the United States upon it and asked Congress to sustain him in his noble work. The Chicago Tribune, one of the greatest of the Western journals, came boldly to the front and planted itself side by side with the President. You gentlemen who think you are going to make capital in the West out of this question have got to face your own press, and you will find that these gentlemen who sit up aloft, as the sailors say [pointing to the press gallery], may some time or other, by their pens, turn your big pension boom into a much larger boomerang in your districts.

Mr. HENDERSON, of Iowa. We have fared in our districts quite as well as you have fared in yours. [Laughter and cries of "Good!"]

Mr. BRAGG. In Ohio the great Republican newspapers of the State sustain the President. The great papers of the State of Pennsylvania, led by the Republican Senator-elect from that State, himself a soldier, stand side by side with the President of the United States. The papers in the State of New York, almost without distinction of party, save the one paper whose head got addled in attempting to count New York for Blaine in 1884 and has not yet recovered [laughter], all stand by the President. The papers of Massachusetts and the other New England States stand by the President. The gallant soldier, Governor Chamberlain, of the State of Maine, stands by the President.

Mr. BOUTELLE. Yes, and he stands alone in Maine. [Applause on the Republican side.]

Mr. BRAGG. I am exceedingly glad to receive the gentleman's information.

The SPEAKER. The gentleman from Wisconsin is entitled to proceed without interruption.

Mr. BRAGG. Mr. Speaker, the great soldier Palmer, of Illinois, stands by the President. Governor Cox, of Ohio, stands by the President. Old Dan Sickles, of the Third Army Corps, says to the President that the veto is the most glorious thing he ever did. Brave men of all parties stand by the President. It is only the little minds that come buzzing about him like insects around the lion's mane that are against him.

Mr. BRUMM. Great braggarts like you are all with him.

Mr. BRAGG. It is no use, Mr. Speaker; no staff commissary can ever excite my indignation. [Laughter.] I am speaking for what I consider the interests of the soldiers—the soldiers of whom I for one represent a part. The largest Grand Army post in my State voted yesterday not to ask the members of Congress to go against the President on this question. It is only that class of gentlemen who are hanging around Grand Army posts, who crowd themselves in to get the $5 a week, and to live upon their comrades, that are making this grand hue and cry. The true soldier prefers to stand by his record. He asks not that Congress shall mark him as a beggar. He wants to have it understood that he is, in private life as he was in the army, a soldier fighting for the maintenance of the Union, loving his country, and not asking to be supported by it.

Why, sir, look at the effect. Take the Union and the confederate soldiers side by side—the confederate soldier, without hope of any relief from the Government, toiling day by day and exhibiting a thrift, enterprise, and industry that were never expected of him, while the Northern man, the type of self-reliance, industry, energy, and enterprise, lapses into idleness. Why? Because he is waiting for his stipend to come from the Government. And when his stipend comes he spends it quickly, and if he came from a home in the poor-house he lapses back into his previous condition and waits for the next stipend. Humanity only needs to be enouraged to do nothing. We are all liable to drop into the do-nothing policy if we can support ourselves without labor. It is not good public policy, Mr. Speaker, for us by legislation to encourage vagabondism, whether it be among men who are soldiers or among men who are simply citizens.

Mr. STEELE. How about the Mexican pension bill?

Mr. BRAGG. I said with reference to the Mexican pension bill that I wished the President had vetoed it. It has been intimated, sir, that that bill was passed because it benefited some who had been confederate soldiers. I ask any one of you over there, bigoted as you may be, if you would ever vote for anything for a confederate if you did not get some of the "pork." You all, or nearly all, voted for that bill; and now you have discovered that it is a monstrosity. I am only sorry that your guns were not fired before, so that the President could have seen the bill in its true light, and then you would undoubtedly have had two vetoes instead of one, and I should have your names recorded as mine was, against that bill.

Mr. Speaker, I had intended to yield to the gentleman from Pennsylvania [Mr. CURTIN]; but I do not see him in the House. I yield to the gentleman from Ohio [Mr. WARNER] for twenty-five minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the House concurrent resolution asking the President to return to the House the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

The message also announced that the Senate had passed the bill (H. R. 10804) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army.

The message further announced that the Senate had passed a concurrent resolution providing for printing the usual number of copies of a compilation of the laws of the United States relating to the improvement of rivers and harbors, including the laws of the second session of the Forty-ninth Congress, and 1,000 additional copies for the use of the War Department; in which the concurrence of the House was requested.

PENSIONS—VETO MESSAGE.

The House resumed the consideration of the veto message.

Mr. WARNER, of Ohio. Mr. Speaker, no class of our citizens have more reason to be grateful to the President for the stand he has taken on this bill than the veteran soldiers who went out in 1861 and 1862 and staid, fighting battle after battle, till they finally achieved success, and then returned to their homes independent citizens of the Republic they had saved. In nothing else has legislation in this country been so haphazard, inconsistent, and unequal as in the matter of pensions. This has been the field *par excellence* for demagogues, and well have they cultivated it in their own interest, to the detriment of the country and with little profit or advantage to that class of soldiers that in every war has most of the fighting to do. More particularly is this true with reference to legislation since the late war. Successive Congresses have legislated in this matter as moved by fits of emotion or by hope of political advantage. We have been governed by no settled principles, but have drifted aimlessly as in a fog, until at last we find ourselves on a rock.

For a time after every war we have adhered to the only safe principle which governs the allowance of pensions in every other country—disability incurred in the service in the line of duty. A pension in such cases is but compensation for loss sustained in the defense of one's country, and is as much a right as pay while in the service. This is a safe principle in any war. It is a just principle, and no other is either safe or strictly just.

Service pensions, if graduated according to length of service, may, under certain circumstances, be justified, as in the case of the Revolutionary war; but carried to the extent they were carried by the acts of 1871 and 1878 they become little less than ridiculous. The grounds on which pensions were claimed and allowed to Revolutionary soldiers by the acts of 1828 and 1832 were that the soldiers of that war were discharged at the end of the war without their pay. They had never been paid; and that is the ground upon which the Revolutionary soldiers came to Congress and asked for pensions.

Mr. STEELE. What has changed the gentleman's opinion? I see that he voted for this bill.

Mr. WARNER, of Ohio. I will come to that after a while, but I will not be interrupted now.

Mr. Webster said in the debate on the act of 1828:

> Nothing is more plain and natural than the course which this application has taken. The applicants themselves have placed it on the ground of equity and law. They advert to the resolve of 1780, to the commutation of 1783, and to the mode of funding the certificates.

If I had time I would read other extracts from the debates on this subject, but I have not the time. Some went so far as to state the amount justly due at that time to officers and soldiers of the Revolutionary army. Mr. Burges, of Rhode Island, said nobody proposed to grant pensions to the surviving soldiers of the war of 1812, for the reason that they had been paid in full.

Choate and others said, in so many words, that such conditions could never again arise, and that those who fought in the second war of independence could have no such claims for pensions, and that the act then under consideration could not be made a precedent for granting service pensions. The conditions under which the demands were then made, it was urged, differed from any that could ever again arise.

But in 1871, under a fit of emotion, almost without debate in either House of Congress, a bill placing upon the pension-roll the survivors of the war of 1812 was passed; and in 1878 it was carried to the absurd and ridiculous extent of putting upon the pension-roll all who had served for fourteen days! Not only that, but if a soldier married on the brink of the grave his widow was pensioned for life, and all the other widows of the country paid taxes for her support as a public pensioner. What can be conceived more ridiculous than that? How did such a widow earn the right to become a pensioner? How did the Government become her debtor? If we should find such an act among the laws of ancient republics would it not be accepted as evidence of the decay of the spirit of liberty? I have heard of a case where a man, when a boy, drove his father's team a few days in the quartermaster's service, for which he was no doubt well paid at the time, but by the act of 1878 he was put on the pension-roll and his widow after him for life. Do such laws promote a healthy, manly love of country? Do

they not rather indicate a decadence of healthy patriotic sentiment? Do they not tend to weaken and destroy that spirit of independence which is essential to the very existence of republics?

The bill before us, Mr. Speaker, is in some respects even worse than the act of 1878, and although it has been gone over by the gentleman from Wisconsin [Mr. BRAGG] I beg the attention of the House to a further analysis of some of the provisions of this bill which the committee say has had such careful consideration.

First, three months' service is all that is required.

Mr. MILLIKEN. If the gentleman will permit me I would like to ask why he voted for the bill—for otherwise he may forget to answer the question?

Mr. WARNER, of Ohio. My friend from Maine need not trouble himself, I will not forget it. I say, if at the very close of the war, after the fighting was all over, a man entered the service, induced by large bounties, and served only three months, under this bill he would be entitled to a life pension the same as if he had served three years, no matter whether disabled in the service or not, if only he is dependent. Three months on the rolls is held to be enough to entitle one to a life pension if he is or becomes dependent from any cause. Soldiers are plied with cheap literature furnished by claim agents, who throng the capital, telling them how neglected and ill-treated they are because all have not been pensioned. They are told that three months' service ought to entitle them to full support forever after by the Government, as though a little military service was everything, and as though there were no hardships and dangers and privations and severe toil in this world's work except in the military service, and as though three months' service ought to count for as much as three years and service in camp for as much as on the battlefield. To claim agents three months are as good as three years if the fees are the same. Length of service or character makes no difference to them. They would favor pensions for every one who could show that he even thought well of his country if there was a fee connected with it.

> Ill fares the land to claim-agent sharks a prey,
> Where those who did least fighting get most pay.

Duty is lost sight of in this sordid scramble for pensions, whether deserving or not.

Mr. PETTIBONE. Why did you vote for the bill?

Mr. WARNER, of Ohio. I will take care of that, and do not want to be interrupted now.

It is the duty of young men to defend their country when they are called upon. It is their country, and the rights they defend are their own rights, and it is humiliating to see the noblest of sentiments reduced to a mere commercial standard, as it is by this bill.

Mr. PETTIBONE. But tell us why you voted for the bill.

Mr. WARNER, of Ohio. You will find out soon enough.

But let us see first what this bill really means. I was proceeding to analyze some of its provisions when I was interrupted. First, three months' service is required. Next:

> Who are now or may hereafter be suffering from mental or physical disability * * * which incapacitates them for the performance of labor, &c.

To what degree are they to be incapacitated?

> In such a degree as to render them unable to earn a support.

Not a part of a support, but an entire support—food, clothing, shelter, fire. Is not that what these words mean?

They may be able to earn four-fifths of a support; but if they can not from any cause earn the other fifth they may go on the pension-roll, under this part of the bill, at the rate of $12 a month. So far I do not see how any other construction can be given to it.

They must next be dependent on their daily labor for support. If they have been thrifty and saved anything, and thus made themselves in any degree independent, they do not come under the provisions of the bill.

Now, Mr. Speaker, under that interpretation of the bill how many men would go on the pension-roll? There are 202,621 men now drawing less than $12 a month. These will all be entitled to $12 if they served three months and have not saved up a competency, no matter whether their disability arose in the service or has been incurred since.

All are placed on the same footing; the man who was shot through or otherwise disabled in battle gets no more than the man who never saw the face of the enemy, but who has become dependent from some cause perhaps in no way connected with the service. The pension is not a reward for gallant service, nor for wounds or scars; not a recognition for brave deeds, not for disability of any kind, for no matter how badly one may be disabled unless he is dependent also he gets no pension under this act. No distinction is made between the fighting soldier and the bummer, the hero and the coward, or between three years' service and three months. Disability, no matter how incurred, and dependence are the sole considerations on which pensions are to be granted on this interpretation of the act.

Now, to increase the pensions of these 202,000 men now on the rolls to $12 will take $15,000,000 a year. Next, there are 386,000 unadjusted claims on file in the Pension Office. The rolls of the Union Army contain altogether 2,765,690. Deducting re-enlistments and duplications, and there were probably 2,200,000 different men on the rolls. It is estimated that of these there are still living and not on the pension-roll at least a million. But this bill takes in all wars. How many there are on the rolls of Indian wars and the Mexican war who would become beneficiaries of this act I do not know, but probably not much under a hundred thousand. How many of all these might claim inability to earn a full support it is difficult to tell, but I think it safe to presume that half would sooner or later go there, for it does not matter how the disability has been or may be incurred.

If 450,000 of the whole number go upon the rolls it would increase the cost of the pension-roll by $65,000,000. This added to the $15,000,000 resulting from the increase of the present roll, and we have $80,000,000 a year increase. It certainly would not be less than fifty or sixty millions, and adding the seventy-five millions now being paid out annually for pensions and we would have a larger outlay for pensions in this country than is required to support the largest standing army in Europe.

Somebody has said that every laborer in Europe has to carry a soldier on his back; if this bill passes it may as truly be said in this country that every laborer has to carry a pensioner on his back; for in the end labor has it all to pay.

The army of France, with 550,000 men, costs but about one hundred and twenty millions of dollars a year, including pensions resulting from all her great wars; the Russian army of nearly a million of men costs less than a hundred millions of dollars; the German army of 450,000, with its pension-roll included, costs less than our present pension-roll; and the British army of 150,000 men costs less than has been appropriated for pensions this session of Congress. Pass this bill, and you can well-nigh put two of the armies of Europe together and it will not cost more to maintain them than it will cost to keep up the pension-roll of this country on the interpretation put upon this bill in the Senate and by the President, and which, I fear, if it becomes a law would now be given to it. The surplus, at this rate, would last but a year, and then additional taxes would have to be levied.

Now, let us look at the second clause, for my time is rapidly passing. If the interpretation which the committee puts upon the bill be correct—and I say there is no middle ground—it either gives a pension to everybody who is in any way disabled and who was three months on the Army roll and is dependent, $12, or it gives it to nobody unless he is totally disabled for the performance of any work at all and is entirely dependent.

Now, which is the true interpretation? The language of the second part of the section is:

> For such total disability to procure their subsistence by daily labor.

Does that mean their total subsistence or only a part of it? To what does "such" refer if not to the preceding clause? But if it means, as the committee affirms, that only those who are unable to do any work at all and have no means of support are included—that is, total inability to work and entire dependence—very well. If that be the true interpretation, then I say it is simply a poor law and nothing else, and a very poor one at that. Under this interpretation the pauper is put before the soldier. What is the pension for under this interpretation? It is not for service; it is not for disability, for a man may have been shot through and he would get nothing on that account. Only he who has saved nothing—the camp-follower, perhaps, or vagabond, as the gentleman from Wisconsin says—gets a pension under this interpretation.

I know a soldier who was shot through the lung and still carries a ball in his body. He gets $6. Would he be helped by this bill? No. But the man who did no service, who never saw the enemy, who was, perhaps, good for nothing in the Army or out of it, who has never tried to do anything for himself, gets the pension. What a miserable excuse for a pension bill! I say it degrades the pension-roll. Away with it! Not a soldier to a regiment of the Army of 1861 will be benefited by it.

Let us apply it practically. Suppose two men go before the Commissioner as applicants for pensions under this bill as the committee interpret it. He says to one of them, "Have you saved anything? Are you entirely dependent?" "I have nothing at all; not a cent." "Are you able to do any work?" "I have not tried in a long time, but I don't think I can." "Lucky man," says the Commissioner; "you have won a pension."

The Commissioner asks the other man, "Are you entirely dependent? Have you saved anything?" The man says, "I have saved something; I have had to struggle hard, but I have saved a little." "Can you do any work at all?" "I try to do all the work I can. I do not think it is a disgrace to work or to avow poverty, but I have always thought it a disgrace not to try to prevent becoming dependent, and I have done my best to get along and help myself." Says the Commissioner, "Poor fool, if you had never tried to do anything and had never saved anything you would now get $12 a month; but as it is you have lost it." Not only that, but if the man who gets a pension under this interpretation of the act, afterward does anything at all to help himself, he loses it.

It is a premium, therefore, on improvidence and laziness. It is a bill to promote pauperism. The pension is for dependence and not for

service or disability incurred in the service. The pauper is placed above the soldier who fought your battles. He gets $12 while the soldier, disabled on the battlefield, shot through, gets, perhaps, $4 or $6; and unless he will say he is not able to do a stroke of work and has never saved a cent he gets none of the benefits of this bill.

Further, if that interpretation be the true one, and what is meant is total inability to labor and entire dependence, your $12 a month will not keep the man out of the poor-house. He will be there all the same, but draw his $12 a month from the Government. In what city or town in this country will $12 a month furnish a man with food, clothing, fuel, and shelter? Nowhere. So you do not keep him out of the poor-house, but you have offered a premium for pauperism and call it a pension bill. Soldiers' homes are for soldiers who are entirely dependent, and if there are not enough of them let us build more. But this bill would give $12 a month to every soldier now at the homes and allow him to remain there and be taken care of besides.

Better far go at once to a service pension graduated to the term of service and give it as a further reward for service, as honor for valor, recognition for bravery, rather than as alms for mendicancy. This bill is not reward for service; it is not recognition of heroism; it is not honor for valor; it is nothing but a gratuity to paupers and a premium for unthrift and laziness. And yet it is honored in this House as a pension bill.

I have been asked why I voted for it when first brought in the House. The bill came up under suspension of the rules, with no chance to amend it. I tried to amend it. I wanted the first section to become a law. I do not put upon that section the interpretation placed upon it by the gentleman from Wisconsin. The pauper feature of the bill I opposed when first on its passage in the House. I thought I had reason to believe that it would be amended at the other end of the Capitol. That was not wise, perhaps. It was a case of misplaced confidence. Nevertheless, after opposing this feature of the bill, that was what induced me to vote for it. It turned out a mistake. I ought to have voted against it then, as I shall now.

Now, as to the Mexican pension bill——

Mr. MILLIKEN. Let me ask the gentleman if he is accustomed to vote for bills of which he does not approve, expecting them to be amended at the other end of the Capitol?

Mr. WARNER, of Ohio. I have not time to yield. I admit it was a mistake; nevertheless such considerations often influence members. It was, as I have said, a case of misplaced confidence.

The Mexican pension bill has been referred to. I regret that the Mexican pension bill has become a law. The mistake the President made, in my judgment, was not in vetoing this bill but it was in not vetoing that bill also. But I can not blame the President for not taking all the responsibility in regard to pension bills. The bill ought never to have been sent to him. The best thing that could be done now would be to repeal that measure and go back to the only safe, sound, and just principle of pensions as compensation for disability sustained in fighting the battles of the country; pensions as a right, not as a charity or a gratuity, not as alms, but as a right accruing to the defenders of the country, honor for valor, reward for honorable service, and recognition of brave deeds by one animated by the noble sentiment of patriotism. This bill will not reach, I say, one man in a regiment of those who went out in 1861 and 1862 and fought the battles of the country. No; those men will not be the beneficiaries of this bill.

If my friend from Wisconsin [Mr. BRAGG] had not referred at some length to the opinions of the press upon this subject, and I had the time I would read some of the opinions of leading Republican journals of my State. The Cincinnati Commercial and the Times-Star sustain the President. It has the approval of many distinguished soldiers. General J. D. Cox, of Ohio, General Chamberlain, of Maine, and many others have approved the veto in no uncertain terms. I have received a number of letters from veteran soldiers against the bill.

It is true that some of the Grand Army posts have petitioned members to vote for this bill, but I think in some of them at least I can detect the origin of their movements. It is to be found in this paper, a copy of which I hold in my hand, printed in Washington, which is the organ of the claim agents, and is edited by that scoundrel who in the last Congress admitted, on oath, that he had paid thousands of dollars to attorneys to lobby through a conference committee a bill which increased his fees from $10 to $25, and gave him, it has been estimated, a million and a half of dollars—taking it out of the pensions of the soldiers and their widows. Where the soldier gets $1 a month pension that act gave two years' pension to this scoundrel, and he is one of the men that claim to be the special "friends of the soldier."

When my friend from Pennsylvania [Mr. BAYNE] asked awhile ago for the name of some claim agent who was here urging the passage of this bill, I think if he had looked around he would have seen this same lemon-squeezer and blood-sucker of soldiers in the gallery looking down and listening with approval to the statement of the gentleman from Pennsylvania that there were no claim agents here in the interest of this bill, and that it was not a claim agents' bill. Does not the gentleman know that the claim agents here in Washington dominate the Grand Army posts in a great measure? [Cries of "No! No!" on the Republican side.]

Mr. WARNER, of Ohio. They do. They dictate the appointment of its chief officers. Army posts, too, it is said—I do not know how true it is—have come too often to be "run" by claim agents as "mouthmen," who did mighty little fighting in the war, and who try to make up for it with mouth service long after the war is over. [Laughter and applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WARNER, of Ohio. I wish I had time to have read some letters which I have received from veteran soldiers denouncing this bill.

Mr. BRAGG. I yield the gentleman one minute more.

Mr. WARNER, of Ohio. I yield, then, to the gentleman from New Jersey [Mr. MCADOO] to have read a communication addressed to him, and if there is any time left after that I shall read some communications which I have received myself.

The Clerk read as follows:

TOWN OF UNION, HUDSON COUNTY, NEW JERSEY, *February* 23, 1887.

SIR: At an encampment of this post held the 22d instant, the following resolution was unanimously adopted:

"The commander of Ellsworth Post, No. 14, Department of New Jersey, Grand Army of the Republic, is hereby authorized to inform Hon. WILLIAM MCADOO, member of Congress from this Congressional district, that the comrades of this post unite in condemning the dependent pension bill recently vetoed by the President of the United States, deeming the bill detrimental to the soldiers, sailors, and marines of the United States who served in the war of the rebellion."

I have the honor to request that you will kindly show this letter to Hon. JOHN R. MCPHERSON, United States Senator from New Jersey.

I am, sir, respectfully, your obedient servant,

JOHN T. LUCK,
*Commander of Ellsworth Post, No.* 14,
*Department of New Jersey, Grand Army of the Republic.*

Hon. WILLIAM MCADOO,
*Washington, D. C.*

[Here the hammer fell.]

Mr. BRUMM. For every one like that which you can furnish we will show you a hundred on the other side.

Mr. BRAGG. Now, Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. Mr. Speaker, upon the passage of this bill I voted in favor of it. I shall to-day reverse that action, and I deem it proper upon this occasion to state what are to me sufficient reasons for my course. I might say that the reasons which have been given by the President of the United States are in themselves sufficient to justify any lover of his country in voting to-day against this bill. But, in addition to those reasons, I propose to point out in this bill a proposition which, if enacted into law, would work gross injustice to many of the men who were the defenders of our country in the time of its peril.

This bill, as has already been shown, makes no distinction whatever between deserving poverty and undeserving poverty. It does require that these pensioners shall be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for labor; but it makes no distinction between the economical poor and those who are dependent because of their own vicious habits or gross carelessness.

But there is a more serious objection to the bill. I find in the veto message of the President this statement:

On the 30th day of June, 1886, there were on the pension-rolls 202,621 persons who were receiving fifty-eight different rates of pension, from $1 to $11.75 per month.

Then comes a statement of the numbers receiving these different pensions. According to the construction placed upon this bill by the Committee on Invalid Pensions in their report to this House, those 202,000 men can not receive the benefits of this bill, because they are not totally disabled. None of them are to be entitled to the benefits of this measure, although every one of them before being placed upon the pension-roll must have proved that the injury received or disability contracted by him was incurred in the service of the Army and in the line of duty. I say the provisions of the bill make a distinction against those 200,000 honorable soldiers drawing pensions as rewards for their valor, and not as charity.

Mr. CANNON. Does the gentleman agree with the President touching that matter, or with the committee?

Mr. OUTHWAITE. I accept the construction of the committee, and I say upon that construction these two hundred thousand men are excluded from the benefits of this measure.

Mr. CANNON. But the President vetoed it because he says they are not excluded.

The SPEAKER. Does the gentleman from Ohio [Mr. OUTHWAITE] yield?

Mr. OUTHWAITE. Not for any further interruption. Mr. Speaker, I have received many communications from Grand Army men and from Grand Army posts. One, in particular, is headed "United States war claim agent," and is signed by the "war claim agent" as adjutant of the post.

[Here the hammer fell].

Mr. GROSVENOR. I would like to ask my colleague [Mr. OUTHWAITE] a question.

The SPEAKER. The gentleman's time has expired.

Mr. GROSVENOR. Can I not be allowed a minute to ask the gentleman a question?

Mr. OUTHWAITE. I would be glad to hear and answer it if I had the time.

Mr. BRAGG. I yield five minutes to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, in my term of Congressional service I have voted for every general pension bill passed by Congress. In that time the pension-roll has grown from twenty-nine millions to what will be in the coming year, as shown by appropriations already made, $80,000,000. Concurring in the general purposes and objects of the pending hill and always ready to vote relief to all who have suffered from services rendered to their country, I voted to pass it. I am now satisfied that its provisions are in many particulars—that its general results will be—different from what its friends claimed for it, and that it is fairly subject to many of the objections urged against it in the veto. Besides, Mr. Speaker, the veto is so far above the ordinary high-water mark of executive independence and official manhood that I feel like sharing or taking my small part of responsibility for it. [Applause on the Democratic side.]

The laws heretofore passed and now in force provide pensions for the widows, children, and dependent parents of all the dead soldiers of the late war and to all the living who were disabled or suffered any loss in body, mind, or health as a result of their soldier life and military services. The bill under consideration, with the President's veto, provides pensions to the soldiers of all our wars for disabilities, losses, and hindrances to their ability to gain a living, which disabilities, losses, or hindrances are not the result of, traceable to, nor have they any relation to the army service of the men to be pensioned in consequence of such misfortunes. This is not without precedent, except as to the comparatively short time elapsed since the late war. When such pensions were provided for heretofore it was so long after the war that the survivors might well be supposed to need their country's aid by reason of their advanced age, as in the bill just passed for the relief of the soldiers of the Mexican war, whose average age must be fast approaching three-score and ten.

But the President has not vetoed this bill because it grants relief to too many or too few of the survivors of the several wars; nor so much because of the length of time elapsed. It is because of the uncertainty as to who is to be included and who excluded. Who is to share in the relief to be granted? What disability or degree of disability is to be provided for? The discussion here discloses the fact that the friends of this bill are not agreed among themselves as to who will or who will not be benefited by it.

It was decided substantially by one Secretary of the Interior (Mr. Secretary Zach. Chandler) that the word "helplessness" in pension laws did not imply physical prostration, but inability to get subsistence by one's own exertions; by another (Mr. Secretary Schurz) that a man was entitled to a pension who could do the full work of an able-bodied man if laboring under disadvantage while doing it; by another (Mr. Secretary Delano) that a woman seventy-two years of age with two daughters unmarried and an income of $540 was a pensionable dependent parent; and by another (Mr. Secretary Teller) that adequate support was not the same with different persons, but always had reference to the manner in which each had been accustomed to live.

In this state of the law and with this liberal rule of construction it is plain that this bill which provides pensions for ex-soldiers or their widows for disability "which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support" with all the qualifying terms which follow, will mean different things to different men. If the gentleman from Indiana [Mr. MATSON] were Secretary of the Interior he would, under the terms of this bill, deny pensions to large classes of ex-soldiers who might obtain them if Mr. Senator TELLER were again at the head of the Interior Department. Or it might be that the chairman of the Pension Committee [Mr. MATSON] might grant pensions where Mr. ex-Secretary Teller would deny them. The decision of the Secretary of the Interior is final, and the President might well object to this bill because of its uncertainty and because of the injustice which may be done even with the best purpose to administer it fairly and honestly.

There is, it seems to me, another and most serious objection to this bill, apparently overlooked by both the committee and the President. It was stated by the committee, or some member of it, when the bill was passed that the sole purpose of its first section was to so change the law that present dependency entitled parents to a pension, and that in all other respects the law in relation to this meritorious class of pensioners remained unchanged. This first section says:

That in considering the pension claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support.

It will be seen by the reading of this section that any parent who has to work for a living, as nearly all parents do, need only prove the fact and cause of the death of the soldier son, and that he left no widow or minor children, to entitle the parent to a pension. No matter if the son died in the war or at any time in the twenty-two years since the war. No matter if he fell in battle or died of his own unfortunate habits or by his own hand at any time since the war, a fair interpretation of this section will, I think, entitle the parent to a pension. True, such a construction will make the Government insure the life of a man once a soldier so long as he may have living parents, but such is the effect of the wording of this section.

Mr. MORRILL. The gentleman will allow me to ask whether the bill does not say "as required by law?"

Mr. MORRISON. The phrase "as required by law" applies to the manner of proof—such as the number of witnesses, the person who is to administer the oaths, &c.—and does not apply in the way the gentleman supposes, to require the facts heretofore required to obtain a pension. "Required by law" is put in the wrong place to mean that. It is so placed, probably, by clerical error. To have the meaning which was no doubt intended, "required by law" would need to have been placed before the words "having been shown" in the section.

[Here the hammer fell.]

Mr. BRAGG. I yield five minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. Mr. Speaker, like the distinguished gentleman from Illinois [Mr. MORRISON], who has just taken his seat, I am one of those who, when this bill was originally considered before the House, voted for it on its final passage. Like him and some others who voted the same way, I now propose to change front. Upon a more careful examination of the bill, together with the report of the Committee on Invalid Pensions, and aided by the veto message, I am convinced of my mistake in voting for this measure, and shall now vote with the President and against the passage of the bill over his veto.

I shall do this the more cheerfully because of the base distinction which this legislation proposes to make in favor of a class of soldiers who, admittedly, never contracted any disease or sickness while in the service of the United States. We now have on the pension-rolls of this Government 50,274 brave and honorable soldiers whose disability has been rated as total, and who have been and are receiving but $8 per month.

You propose by this bill to elevate the pauper soldiers of the country above and beyond these 50,274 patriotic men, who bore the brunt of the war, who fought the battles of their country and contracted their disability in the field through exposure while in actual service and in the line of duty. You propose that the beneficiaries of this bill shall receive $12 per month, while you are paying 50,274 of the most worthy patriots of the country only $8. This is an infamous wrong. Why this unjust distinction and unfair discrimination?

I have not yet heard this objection urged against this measure. The President is silent on the subject, nor has a single member who has thus far spoken on either side of this important question said one word against the iniquitous distinction pointed out. Why is it that more generous legislation is sought to be provided for the beneficiaries in this bill than has been provided for those who loyally and faithfully served their country until they were honorably discharged on account of disability or disease contracted in the service?

Why shall these soldiers receive only $8 a month while those provided for in this bill are to receive $12? Is it right? I say, most emphatically, no, and so will every brave and honorable soldier in the country. The men covered by this bill may never have seen a battle, nor have left the confines of their own State for the seat of war, and yet receive $12 per month, while the class of soldiers whom we have described may have served throughout the entire war, and contracted their disability in the service, can get no more under our pension laws than $8 a month even under a rating of total disability.

This proposition is so palpably unjust that it does not even admit of an argument. If for no other reason than the one I have just stated, I shall reverse my course and vote against the passage of this bill over the veto of the President. Where are you, my friends on the other side? You talk about your love and friendship for the soldiers, and yet seem to be prepared to vote for this gross injustice to the bravest and most deserving class of them. [Laughter and applause.]

The SPEAKER. The gentleman's time has expired.

Mr. BRAGG. I yield to the gentleman from Illinois for ten minutes.

Mr. SPRINGER Mr. Speaker, on the 17th day of January of this year the House, under a suspension of the rules, passed the bill (H. R. 10457) for there lief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support. The bill passed the Senate on the 27th day of January, and was returned to the House with the objections of the President to itspassage on the 11th day of February. The message and bill were referred to the Committee on Invalid Pensions, which reported them back on the 15th instant with a recommendation that the bill pass, the objections of the President to the contrary notwithstanding.

The committee take issue with the President upon the construction of the second section of the bill, which is as follows:

SEC. 2. That all persons who served three months or more in the military or naval service of the United States in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now and who may hereafter be suffering from mental or physical disability,

not the result of their own vicious habits or gross carelessness, which incapacitates them for the peformance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability to procure their subsistence by daily labor, $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such forms as he may prescribe, receive the benefits of this act; but nothing herein contained shall be so construed as to allow more than one pension at the same time to the same person, or pension to commence prior to the passage of this act: *And provided further*, That rank in the service shall not be considered in applications filed thereunder.

The President in his veto message puts the following construction on the foregoing section:

Upon a careful consideration of the language of the section of this bill, above given, it seems to me to be so uncertain, and liable to such conflicting constructions, and to be subject to such unjust and mischievous application, as to alone furnish sufficient ground for disapproving the proposed legislation. Persons seeking to obtain the pension provided by this section must be now or hereafter—

1. "Suffering from mental or physical disability."
2. Such disability must not be "the result of their own vicious habits or gross carelessness."
3. Such disability must be such as "incapacitates them for the performance of labor in such a degree as to render them unable to earn a support."
4. They must be "dependent upon their daily labor for support."
5. Upon proof of these conditions they shall be "placed on the list of invalid pensioners of the United States and be entitled to receive for such total inability to procure their subsistence by daily labor $12 per month."

It is not probable that the words last quoted, "such total inability to procure their subsistence by daily labor," at all qualify the conditions prescribed in the preceding language of the section The "total inability" spoken of must be "such" inability; that is, the inability already described and constituted by the conditions already detailed in the previous parts of the section. It thus becomes important to consider the meaning and the scope of these last-mentioned conditions.

The mental and physical disability spoken of has a distinct meaning in the practice of the Pension Bureau, and includes every impairment of bodily or mental strength and vigor. For such disabilities there are now paid one hundred and thirty-one different rates of pensions, ranging from $1 to $100 per month. This disability must not be the result of the applicant's "vicious habits or gross carelessness."

The disability of applicants must be such as to "incapacitate them for the performance of labor in such a degree as to render them unable to earn a support." It will be observed that there is no limitation or definition of the incapacitating injury or ailment itself. It need only be such a degree of disability from any cause as renders the claimant unable to earn a support by labor. It seems to me that the "support" here mentioned as one which can not be earned, is a complete and entire support, with no diminution on account of the least impairment of physical or mental condition. If it had been intended to embrace only those who by disease or injury were totally unable to labor, it would have been very easy to express that idea instead of recognizing, as it has done, a "degree" of such inability.

* * * * * * *

It must be borne in mind that in no case is there any grading of this proposed pension. Under the operation of the rule first suggested, if there is a lack in any degree, great or small, of the ability to earn such a support as the Government determines the claimant should have, and by the application of the rule secondly suggested, if there is a reduction in any degree of the support which he might earn if sound, he is entitled to a pension of $12.

In the latter case, and under the provision of the proposed bill permitting persons now receiving pensions to be admitted to the benefits of the act, I do not see how those now on the pension-roll for disabilities incurred in the service, and which diminish their earning capacity, can be denied the pension provided in this bill.

More briefly stated the President's construction is this: If the applicant's ailment interferes in the least degree with his earning a complete support, and he comes within the other provisions, he is entitled to the pension provided in the bill.

The construction placed on the bill in the Senate, when it was under consideration in that body, is of interest in this connection.

Senator MITCHELL, of Pennsylvania, the chairman of the Senate Pension Committee, said:

I desire to say a word as to the construction that is to be applied to this act. It was held when this bill was up in another place that the second section would only cover cases of total inability to perform manual labor. To my mind that ought not to be the construction of this bill, if it become a law, and I come to that conclusion from its letter and the analogies of the practice under the old pension law. The old total disability rate was $8 in all cases not involving a question of rank. By the practice of the Pension Office that total disability was divided into different degrees; in some cases one-fourth, in others one-half, three-fourths, &c., and that without any express provision of law. Then subsequently an act was passed raising the rate which might be divisible to $18 per month; so that there is a well-settled practice of the Government in that respect, and it appears to me that this bill ought to be construed to cover the case of any Union soldier, or any other soldier included within its provisions, who is now disabled to any considerable extent. Any disability which disables a person from gaining a livelihood by manual labor, I think, is provided for by that section.

Senator BLAIR, of New Hampshire, said:

It can not extend in any event to any but those who are totally disabled, and that number must be very few.

Those who are absolutely totally disabled, as the House of Representatives certainly have construed this bill in passing it, must be but a very small number of those who served in the Mexican war. As construed there, the bill applies to but a very small proportion of the soldiers of the country who are in actual need, no matter whether their disability or incapacity to labor was contracted in one war or in another, or in time of peace, as the case may be. It is not likely to reach far enough in the direction suggested by the Senator from Maine to do any substantial harm; and it seems to me that it will be no stretch of the magnanimity of the Government to let the provisions of this bill, which only apply to total disability as I understand, reach as far as they may.

Mr. FRYE. I desire to ask the Senator from New Hampshire where he gets his idea that it is total disability.

Mr. BLAIR. The terms of the bill itself say so. The phrase which gives a pension says there shall be paid "for such total inability * * * $12 per month." There is nothing in the bill itself about a grading of the $12 according to the disability as it may actually exist.

Mr. FRYE. I do not find that in the bill.

Mr. BLAIR. If it can be construed the other way, I shall be glad of it.

Mr. FRYE. I find it now "total inability to procure their subsistence." Would partial disability, which prevents a man from working all the time, be a total inability to obtain his subsistence by labor?

Mr. BLAIR. Whether it be mental or physical labor.

Mr. FRYE. I hope the Senator from New Hampshire is right, because I am going to vote for the bill, and if he is right so much the better; but the bill is not worth much, if anything, anyway.

Mr. BLAIR. I do not suppose it was meant to be worth much, if anything, anyway.

Senator PLATT, of Connecticut, said:

So that I believe that the House sends to us just this and nothing more, that the soldier, now disabled, who can not trace his disability to his army service, or if he traces it there can not prove to the satisfaction of the Pension Office that it orginated there, may, upon proof of total inability to do anything, get the paltry sum of $12 per month, and that nobody else is to be relieved at all by this bill.

* * * * * * *

I want to call the attention of the Senate to the terms of this bill and see how carefully—if I may be permitted to use the language, and I think I may here—how carefully the House of Representatives has contrived not to do anything for the relief of the soldier in this bill of any consequence. Section 2 at first speaks of the soldier applicants being disabled from the performance of labor in such a degree as to render them unable to earn a support. If that were all the language there were in the bill it might possibly be held that the House intended at least to leave it open to have this pension graded. That language of itself might possibly form the foundation for an argument that the House really did intend to leave this pension open to being graded according to the degree of disability which the soldier should be under. But when they come to fixing the sum they use another phrase, that the soldier shall be entitled to receive for "such total inability to procure his subsistence by daily labor" $12 per month; not "disability," but "total inability." I apprehend that no soldier will be able at the Pension Office under this law, if it is correctly and properly administered and construed, to receive a dollar until he has proved that he is totally unable to earn a subsistence by daily labor; not that he is partially unable, but totally unable.

Senator TELLER, of Colorado, said:

Mr. President, if I believed the bill was capable of the construction that the Senator from Connecticut [Mr. PLATT] thinks it is, I certainly should not vote for it. I should not vote for it because it would be an imposition upon the soldiers of the country to profess to give them some relief when, in fact, we give them none at all, or practically none at all. I myself do not believe, however, that a fair construction of this bill will support the Senator from Connecticut in his view. I do not understand the bill, I am free to say; and I do not understand why the House of Representatives should, *ex industria*, have left out words which have become so well settled and determined in the pension practice as the term "total disability." As stated by the Senator from New Hampshire and the Senator from Connecticut, "total disability" does not mean in the Pension Office that the soldier is incapable of any manual labor. It means a degree of disability that is either established by a provision of the statute direct or established by the practice in the office. A total disability entitles the soldier to the highest pension; and by the very first section in the chapter on pensions in the Revised Statutes a less disability than total entitles him to a proportionate sum corresponding to the disability.

* * * * * * *

The words "in such a degree" must certainly mean something; and so I take it that this bill, if fairly construed, is a bill to render to every soldier who is totally disabled, who has a total disability under the law—for that is what it will amount to—a $12 pension.

Mr. PLATT. Now, will it trouble the Senator to allow me to ask a question?

Mr. TELLER. Not a bit.

Mr. PLATT. Then the effect of it is, if it be so construed, that the soldier who can not trace his disability to his Army service will get $12 a month for total disability, and the soldier who can trace his disability to his Army service will get $8.

Mr. TELLER. That is exactly where the logic of this bill brings it, and that is exactly where I was coming.

I am willing to vote for the bill because I am ready myself to increase the pension of every soldier in the United States who has a total disability to $12 a month, and if I was not I would not vote for the bill, for it is putting, in my judgment, the soldier who can not trace his disability on a plane a little higher than the other. In other words, where he gets $8 a month the soldier under this will get $12. I do not know but that the soldier who can prove his disability as the result of his service may possibly take advantage of this bill. It is certainly evident that the bill has been crudely drawn and illy considered.

The provision in the nineteenth line of section 2 would probably allow the soldier to elect; but I do not believe it will ever be possible for the Pension Office to divide this pension into eight and four dollars for half inability. It must be either $12 or not anything at all in my judgment.

If I thought that it would be confined, as suggested by the Senator from Connecticut, to people who are totally disabled from manual labor, unable to do anything, then I would not vote for the bill, not because that class of soldiers should not be taken care of, but because there is a very limited number of that class of soldiers, and that is not what the public sentiment has demanded.

Senator VAN WYCK, of Nebraska, said:

Just as I read from my remarks of May 19, 1886, that if a person was unable to earn a complete livelihood it was total disability; it was complete no matter whether, as I said, it was from asthma or from consumption, or one leg off or both legs off. No matter whether he could earn a little day by day or one or two days in a week, if he was disabled, no matter what the cause, from obtaining a complete livelihood, then it was total inability.

Mr. BLAIR. Then it would be a total inability?

Mr. VAN WYCK. Then it would be total inability; no other construction can be put upon it.

Mr. BLAIR. Then the Senator's idea is that wherever there is a partial inability to earn a livelihood, this $12 a month pension would apply under the terms of the bill. Suppose, for instance—to be sure that I understand the Senator, and he desires to be understood—a man is able to earn $1 a week toward his livelihood, would the Senator then give him the pension of $12 a month?

Mr. VAN WYCK. Certainly.

Mr. BLAIR. Suppose he may earn $2 a week, would he give him the $12 a month still?

Mr. VAN WYCK. Yes, sir; I would.

Mr. BLAIR. Suppose that it costs $7 a week to maintain him, to give him a livelihood, and he can earn $6 a week, would the Senator then give him a pension of $12 a month?

Mr. VAN WYCK. That probably is coming a little close.

Mr. BLAIR. But this is a mathematical process; I wish to know whether the Senator adheres to his own proposition?

Mr. VAN WYCK. I will explain that.

Mr. BLAIR. The Senator says if the man can earn $1 a week, he would give him a pension of $12; if he could earn $2 a week he would give him $12 and no more. Now, if he can earn $6 a week, and $7 a week are necessary to maintain him, would he still give him the pension of $12 a month?

Mr. VAN WYCK. If a man can earn $6 a week, and it requires $7 to support him, the chances are that he has sufficient ability to earn the $7.

Mr. BLAIR. The Senator is changing the terms of the supposition and not answering the question.

Mr. VAN WYCK. If the Senator is through with his question, I will answer him. I thought the matter was plain; I tried to make it so then, and I will try now. If the man is so disabled as not to be able to earn his livelihood, without any mathematical comparison, which everybody would know would be in aid of the Pension Office, if he were practically disabled from earning a complete livelihood, then he is under the terms of this bill entitled to $12 a month.

Such were the views of Senators in reference to the second section of this bill when it was pending in that body.

As before stated, the bill passed the House January 17 on suspension of the rules. The vote was 180 in the affirmative and 76 in the negative. Under the rules only thirty minutes' debate was allowed, fifteen minutes in favor and the same time against the bill.

The chairman of the House Committee on Invalid Pensions [Mr. MATSON], who introduced the bill, reported it from the committee and made the motion to suspend the rules and pass it, construed the second section as follows:

The gist of the proposition, Mr. Speaker, is to take from the poor-houses of the country the soldiers who have honorably served their country during any war. The proposition contained in this section of the bill is simply that every man who is totally unable to labor and is in a dependent condition shall be pensioned at the rate of $12 per month. There is no provision for pensioning any one who has a less disability than a total inability to labor; and in addition to that he must show that he is dependent upon his daily labor for his support, and has no property from which to derive an income. It is a charity measure.

The report of the Committee on Invalid Pensions, which was submitted in support of the bill, contained statistics showing the number of ex-soldiers and ex-sailors who are now supported by public charity in the several counties in the Union; also, the number in soldiers' homes, the number in receipt of private charity, the number now pensioned for total disability, and estimates that there are a total of thirty-three thousand one hundred and five persons who will come within all the provisions of the bill, and that the expense would average $144 in each case, and make an annual charge upon the Treasury to the amount of $4,767,120.

The statement of the chairman [Mr. MATSON] and the report of the committee leave no room for doubt as to the construction they placed upon the bill.

The gentleman from Ohio [Mr. WARNER] gave his construction of the second section of the bill, as follows:

Under this bill if a man is able to do any work at all he gets nothing; or, if able to do no work, he still has anything saved up, he gets nothing. Only where he can show that he is able to do no work and has nothing is he affected by this bill. The bill, therefore, offers the temptation to men receiving small pensions, but who work as they can to help along, to stop work in order to get the better offer to those who do not work at all of $12 a month.

The gentleman from Kansas [Mr. MORRILL] spoke as follows:

The second section of this bill provides that all soldiers who are now dependent upon charity, who are unable to earn a livelihood by manual labor, shall receive a pension. This is a declaration on the part of the Government that no old soldier who followed the flag for three months, who offered his life in defense of the country, shall ever end his days in the poor-house.

The gentleman from Iowa [Mr. HENDERSON] and the gentleman from Maine [Mr. BOUTELLE] spoke in like manner:

Mr. HENDERSON, of Iowa. This is not a proposition of charity, for although we had no written contract with these men we gave a pledge that they and their fathers and mothers should not live or die in the poor-houses. That is the pledge given by this nation, and this bill seeks in a humble manner to fulfill that pledge. This bill gives but a little, but let us give that little in obedience to the very kindest and best dictates of our natures.

Mr. BOUTELLE. Let me ask the gentleman from Iowa [Mr. HENDERSON] whether this bill would not pension any soldier but one totally disabled?

Mr. HENDERSON, of Iowa. I so understand it.

Mr. BOUTELLE. Let that be understood, that only those who are totally disabled are the ones who are to receive the benefit under this bill, and they form but a small part of the whole mass of the disabled soldiers.

Mr. HENDERSON, of Iowa. It is but a small amount, a few millions annually, but where we can not get an ell for our deserving ones let us get an inch.

The Committee on Invalid Pensions of the House, in the report recommending the passage of the bill over the President's veto, reiterate their former statements as to the proper construction to be placed on the second section of the bill.

The question presented to this House at this time is purely one of statutory construction. If the President and the Senators mentioned are correct in their conclusions as to the second section, and such construction is to prevail should the bill pass, there is no limit to the amount which would be required to carry into effect the provisions of the bill. But if the House Committee on Invalid Pensions and the members of the House mentioned are correct as to the construction which the section should have, their estimates as to cost may be relied upon as reasonably accurate.

To state the different constructions put upon the bill more clearly, I will quote again from the President's message and the committee's report.

The President says:

Under the operation of the rule first suggested, if there is a lack in any degree, great or small, of the ability to earn such support as the Government determines the claimant should have, and by the application of the rule secondly suggested, if there is a reduction in any degree of the support which he might earn if sound, he is entitled to a pension of $12.

And further the President is of the opinion that those now on the pension-roll for disabilities which diminish to any pensionable extent their earning capacity will be entitled to a pension of $12 a month.

The construction placed upon the bill by the House Committee on Invalid Pensions is that the disability which will entitle the claimant to the $12 pension must be total inability to earn any support.

These constructions are wide apart. The President contends that the least pensionable disability, other conceded requisites being had, will entitle the claimant to the full pension.

The committee contends that there must be a total inability to labor in order to secure the pension.

Mr. CUTCHEON. Accepting that as the true construction, wherein is this worse than the Mexican pension bill?

Mr. SPRINGER. It is to be regretted that a measure, carrying such vast expenditure as does the pending bill, should be subject to any doubt as to its meaning. The President, entertaining the views he has expressed in regard to the second section of this bill, could not do otherwise than return it to the House in which it originated with his objections. All fair-minded men must honor him for the courage and fearless independence which he exhibits in vetoing a measure upon which the public mind is so sensitive.

Every lawyer in the country will recognize the fact that the President has analyzed the provisions of the bill with a clearness and ability which have rarely, if ever, been excelled in a state paper, and which would reflect credit upon the highest courts in the land. Construing the second section of the bill as he does, he would have been false to his sacred trust had he failed to call the attention of Congress to its provisions. If, after reconsideration, Congress adheres to its position, it can pass the bill, notwithstanding the President's objections.

The question for this House to determine now is not whether its construction is correct, but which construction is to prevail in case the bill becomes a law. If the President's construction is to govern hereafter and the provisions of the bill had been so interpreted at the time, it would not have passed this House when it did, and it could not pass again over the President's veto. The Committee on Invalid Pensions did not intend to report a bill of such sweeping and unequal provisions, and the House had not the slightest idea that it was passing such a bill.

I voted for this bill when it passed the House on the 17th of January. I placed the construction on it then which was given it by the chairman of the Committee on Invalid Pensions [Mr. MATSON] and the committee in their report. I am still of the opinion that that construction is the proper one, and that the bill, if so construed by those who are to administer the law hereafter, would not cost a sum exceeding the estimates of the committee, and that it would furnish a greater amount of relief in proportion to the amount involved than any measure in the interest of pensioners that Congress has heretofore enacted. Yet it must be conceded that the bill may bear the President's construction. Many of the best lawyers in Congress contend that his construction is correct. The bill is at best bad for uncertainty.

But should this bill become a law it will not devolve on me or on the Committee on Invalid Pensions to enforce it or to interpret its scope and meaning. That duty will devolve upon the Commissioner of Pensions and upon the Secretary of the Interior, and possibly upon the courts. If the Secretary of the Interior should be in doubt he would submit the law to the Attorney-General and ask what construction should be placed upon it. Section 356 of the Revised Statutes provides that the head of any executive department may require the opinion of the Attorney-General on any question of law arising in the administration of his department. The President doubtless took the opinion of the Attorney-General as to the construction to be put on the second section of the vetoed bill, and we may reasonably conclude that the Attorney-General will adhere to his opinion already officially given to the President. Therefore, if Congress should now pass the bill, with a full knowledge of the construction which the administration puts upon it, will not that construction virtually become as much a part of the bill as if incorporated in its text?

If this construction is to prevail, in case the bill becomes a law, the cost to the country would be much greater than the condition of the Treasury would permit. Instead of being required to reduce the surplus we would be obliged to levy new tax burdens upon the people. If those now on the rolls who have slight pensionable disability are to have their pensions increased to $12 per month, the increased cost on this account would, according to a table I have prepared, amount to $15,000,000 per annum. The amount estimated by the House committee for those totally disabled is five millions. I am of opinion, and this opinion is below the estimate I have received from the Pension Office, that 150,000 persons would be added to the rolls whose claims have been rejected or whose disabilities have been incurred since the war. These would require $20,000,000 a year. Hence, I estimate the

cost of carrying the pending bill into effect, according to the construction put upon it by the administration, would be at least $40,000,000 per annum.

Mr. Speaker, I have voted for every general law increasing pensions since I have been a member of Congress——

[Here the hammer fell.]

Mr. SPRINGER. I ask leave to print a table I have prepared with my remarks.

Objection was made.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

An act (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quitclaim and release to a certain alley in Washington to Cornelia P. Randolph and others;

An act (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C.;

An act (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church in the District of Columbia;]

Joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company;

An act (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east;

An act (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Va.;

An act (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi;

An act (H. R. 1143) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages to be used for monument purposes;

An act (H. R. 79) for the relief of Pryor N. Lea;

An act (H. R. 633) for the relief of Maj. G. W. Candee;

An act (H. R. 1261) for the relief of Henry A. Paus;

An act (H. R. 2173) for the relief of George W. Cousins;

An act (H. R. 5775) for the relief of James M. McKamey;

An act (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased;

An act (H. R. 4839) for the relief of the personal representatives of E. P. McNeal, deceased;

An act (H. R. 2053) for the relief of Rachael J. Floyd;

An act (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

An act (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

An act (H. R. 9653) to amend section 3058 of the Revised Statutes;

An act (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America;

An act (H. R. 8297) for the relief of Frank Shutt;

An act (H. R. 6046) for the relief of H. C. Wilkey;

An act (H. R. 5651) for the relief of David W. Low;

An act (H. R. 5326) for the relief of E. B. Dawson;

An act (H. R. 2086) for the relief of Francis M. Bell;

An act (H. R. 1455) for the relief of Lysander H. Carroll; and

An act (H. R. 707) for the relief of J. R. Martin.

DEPENDENT PENSIONS.

Mr. GROSVENOR. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I see that gentlemen have prepared long written speeches and then speak for a few moments. Now, on the opposite side permission was refused to extend the remarks of gentlemen on this side who have not taken such precautions.

I therefore rise to insist that no matter shall be put into the RECORD except that delivered on the floor of the House.

The SPEAKER. The Chair will state that no gentleman has the right to insert matter in the RECORD without the leave of the House.

Mr. SPRINGER. I ask unanimous consent to print some statistics——

Mr. BRUMM. I object; I object to everything, unless the same privilege be accorded to gentlemen upon this side.

Mr. BRAGG. I now yield the remainder of my time to the old war governor of Pennsylvania.

Mr. CURTIN. Mr. Speaker, in the few moments allowed to me I can not explain my position on this bill. I regard the first section of the bill as the most seriously objectionable, as it would pension a class not heretofore regarded as proper beneficiaries of the Government, as it is obscure and indefinite, and must await legal construction. When I reflect that the committee of the House places one construction on their production and the President another construction, widely different, and that the liberal construction of the House is not in accord with the deliberate and fully-considered views of the President, as he construes this bill, it is not favorable to the true soldiers of the country. And it must be remembered, that while the committee of this House will die on the 4th of March, the President will live two years, and has the advice of his Attorney-General, and if he is correct this bill is not favorable to the living soldiers of the Republic or the reputations of the dead, who are, and of right should be, the beneficiaries of the Government.

He must administer the law as he understands it, and he has expressed that opinion in his veto message now under consideration, which is well considered and to which, if I have learned to know the man, he will adhere. Mr. Speaker, we should look at this subject practically and not be governed by sentiment, but to act in the fullest measure with regard to the just rights of the soldier and deal with him generously, and in our enactments use language that is plain and not subject to question on account of its indefiniteness.

But whether right or wrong, I stand here, as I have ever stood, for the rights of the soldier. But now, Mr. Speaker, it is estimated in reports made to the confederate government that anywhere from twenty to twenty-five thousand deserters and prisoners enlisted in the armies of the North near the close of the war, and this bill would give them pensions.

Gentlemen upon the other side, are you in favor of that? If they turned their allegiance from the confederate government to the Government of the United States and served faithfully and became disabled, I would give them pensions, provided the change was in good faith, a fact that this bill does not question. I would give any man a pension who served in the Mexican war, any man who served in any war of the Union, although he may have served in the late war on the confederate side; because when he served his country that contract was fulfilled and he had a right to the bounty, and the beneficence of this great country.

Now, Mr. Speaker what construction is right? If the President is right, and I believe he is, this bill, as he will administer it, will not benefit the true living soldiers or the reputations of the heroic dead, and in my fidelity to both classes I give his veto my vote.

[Here the hammer fell.]

The SPEAKER. The gentleman's time has expired.

Mr. CURTIN. I understand there is no right to ask to print. [Cries of "Regular order" on the Republican side.]

The SPEAKER. Objection has been made to the request.

Mr. CURTIN. In all the years of my service I have never asked the privilege to print. [Cries of "Regular order" on the Republican side.] Will you allow me to print?

Mr. STRUBLE. Not while you are speaking in the time of the man who would not allow any man on this side that privilege.

Mr. CURTIN. I never claim any benefit from an American citizen, least of all from an American Congress, that I would not concede to others; and therefore I will not print. [Applause on the Democratic side.]

Mr. MATSON. I now yield three minutes to the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Speaker, if I believed as the gentleman from Wisconsin believes, that the beneficiaries under this bill were "good-for-nothing shirks," "scoundrels," and "vagabonds," I should not vote for the passage of the bill against the veto of the President, nor should I have voted for it when it first came to the House; but I do not believe with the gentleman from Wisconsin that the beneficiaries of this bill are either shirks or vagabonds or good-for-nothing scoundrels. I do believe that there are thousands scattered all over this country who fought as bravely as the gentleman from Wisconsin fought, although they are not here to tell of their heroic deeds, their lofty courage and glory. [Laughter and applause on the Republican side.] And although they never rode down the line amid the huzzas of their comrades, as the gentleman tells us it was his wont to do, for these brave men were generally afoot and without horses, and foot-sore and weary marched to the command of duty, they were the soldiers of the country, the rank and file, fighting for the maintenance of the Union. These are the men that the bill applies to.

Now, there are two questions involved in this bill. First, is it right in principle—an act of justice to these proposed beneficiaries—and does the financial situation of the country and the present condition of the Treasury justify it? That is the first question, and the second question is, does this bill fairly represent the legislative purpose of Congress; and is that legislative purpose as expressed in this bill susceptible of practical execution by the administrative officers of this Government? That is all there is in it.

Let us in the briefest manner consider these questions.

The first section of the bill, which provides for dependent parents, seems not to be objected to by the President, so I assume that he finds no serious defects in its provisions.

The second section alone receives his attention. What is it?

That all persons who served three months or more in the military or naval service in any of the wars in which the United States has been engaged, who are suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them from the performance of labor in such a degree as to render them unable to earn a support and who are dependent upon their daily labor for support, and who have been honorably discharged from the service, shall, upon due proof, &c., under such regulations as the Secretary of the Interior shall prescribe, be placed on the list of invalid pensioners and be entitled to receive for such total inability $12 per month.

It gives to every honorably discharged soldier or sailor unable to earn a living, and who is dependent upon his daily toil for bread and shelter, whose inability is not self-inflicted, to draw a pension of $12 per month. Between private charity or the poor-house this bill says neither, but in lieu of both the generous bounty of the Government. Is that not right; is it not a simple act of justice; is it not humane; is it not the instinct of a decent humanity and our Christian civilization? Where is the wrong? Wherein is the robbery of the Treasury? These soldiers are cared for now by private or municipal bounty. They are cared for by the communities and the counties in which they reside, in some instances by taxation, in others at the hand of charity.

What course so fitting as the way pointed out by this bill, by the nation they served, from its own Treasury, and upon whom or what does the obligation rest so strongly and urgently as upon the nation itself? It is but discharging an honorable obligation upon the part of the Government and expresses its gratitude to its volunteer defenders upon land and sea. It seems to me that the bill is in every way warranted by duty and our situation. That it takes much or little money does not affect its righteousness or justice; that consideration can only apply to our condition and our ability to meet the contemplated expenditure. The larger the class thus dependent and totally disabled only appeals the stronger to our patriotic feeling and duty and makes greater and more commanding the necessity for this measure, and the greater the disgrace and inhumanity to withhold it.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. MATSON. I yield one minute more to the gentleman from Ohio.

Mr. MCKINLEY. I want to say this bill is justified by precedents over and over again in 1818, in 1820, in 1832, and in acts passed by both Houses of Congress that received the approval of General Jackson, of John Quincy Adams, and of James Madison. And I want now to set off as against my colleague, ANDREW JACKSON WARNER, who speaks for the new Democracy on this bill, what the first Andrew Jackson, the soldier statesman, representing the old Democracy, said on December 8, 1829.

I would also suggest a review of the pension law for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties and who is unable to maintain himself in comfort. These relics of the war of independence have strong claims upon their country's gratitude and bounty.

[Applause on the Republican side.]

Mr. WARNER, of Ohio. That is what we want now, a review of the law.

Mr. MCKINLEY. That is what was advocated by the leader of the Democracy of the past. Not so with the Democracy of the present; they have wandered away, arraying themselves in opposition to generous treatment to the saviors of the Union.

Mr. WARNER, of Ohio. That was a pension law; this is a pauper law.

Mr. MORRILL. I yield the balance of my time to the gentleman from California [Mr. LOUTTIT].

Mr. LOUTTIT. I yield a minute to my colleague [Mr. MORROW.]

Mr. MORROW. The question whether or not this bill is asked for by the soldiers of this country has, I think, been best answered by their petitions and applications to this Congress. The representatives from California have placed in the petition box numerous petitions from the soldiers of the Pacific coast in favor of this measure. I now send another to the Clerk's desk adopted by the Department Encampment of California, Grand Army of the Republic, and I ask that it may be read.

The Clerk read as follows:

LOS ANGELES, CAL., *February* 23, 1887.

The Department Encampment of California, Grand Army Republic, has unanimously adopted the following preamble and resolutions:

Whereas the President of the United States has deemed it his duty to veto the bill known as the dependent relative pension bill; and

Whereas it is the sense of the Department of California, Grand Army Republic, in encampment assembled, that the reasons assigned by the President for his action upon said bill are not, in our opinion, sufficient to justify him in setting aside the wishes of the people of the United States as expressed by the passage of said bill by Congress: Therefore

*Be it resolved*, That we earnestly request and urge our Senators and Representatives in Congress to use their best endeavors to secure the adoption of said bill over the Presidential veto.

*Resolved*, That the department commander is instructed to telegraph copy of these resolutions to our Senators and Representatives in Congress.

W. R. SMEDBERG,
*Department Commander.*

Hon. W. W. MORROW, *Washington, D. C.*

[Here the hammer fell.]

Mr. LOUTTIT. I yield the balance of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Of all the gentlemen that have spoken in opposition to the passage of this bill every one save one voted for it. There is some reason for change of front, Mr. Speaker. A number of those gentlemen like myself terminate their official life on the 4th of next March. And a large number of them, unlike myself, are now mendicants about the White House—

Crooking the pregnant hinges of the knee
That thrift may follow fawning.

[Applause.]

Mr. Speaker, I deny the right of the gentleman from Ohio [Mr. WARNER] or the gentleman from Wisconsin [Mr. BRAGG] to speak for the Grand Army of the Republic of this country. I tell you, sir, that while those gentlemen did occupy honored places in the great army, and were everywhere esteemed, yet they are looked upon by the Grand Army to-day, when they rise in their places here to denounce their old comrades as vagabonds and scamps and perjurers and the scum of humanity, as Benedict Arnold was after his treason by his old comrades in arms.

Mr. Speaker, there was a time when Benedict Arnold rode along the lines with flashing eye and gleaming saber, and when he met with the acclaims of a brave soldiery, who welcomed him with long huzzas as a leader without blemish or reproach.

Yet there was another period in his life when he held an interview with an American on English soil, he not daring to come on American soil. He asked that old comrade what he thought those who had worn the uniforms of the Continentals in the days of the Revolution thought of him—what would they do with him should they meet him. The reply was: "They would cut off your leg that was wounded at Saratoga and bury it with the honors of war, and the rest of your carcass they would hang upon a gibbet." It would be with such an answer as this that the old soldiers, the membership of the Grand Army of the Republic, would repudiate the claim of the gentleman to speak for them in support of the President's cruel veto.

Mr. Speaker, your table is now weighed down with petitions from the old soldiers calling for the passage of this bill.

[Here the hammer fell.]

Mr. HEPBURN. I have had five minutes in addition yielded to me by the gentleman from Indiana [Mr. MATSON].

Look at those petitions. Post after post of one, two, three, four, five, and six hundred men by a unanimous vote demand that this bill shall be passed, notwithstanding the objections of the President. Attention also has been called to the action of the last grand encampment. In reply I demand attention to the telegram from the grand commander of the United States, General Fairchild, addressed to the gentleman from Wisconsin [Mr. LA FOLLETTE], which he could not read because he had not time. He tells us in this telegram that this is the bill in its substance that the Grand Army for years has been demanding, and which should now be passed. [Applause.]

So the charge which the gentleman from Wisconsin [Mr. BRAGG] made that the Grand Army had repudiated this bill is as untrue in word and essence as the greater portion of all of his diatribe of abuse against his old comrades.

Mr. Speaker, it is not an uncommon thing for a skilled huntsman to use decoys. So it is that that solid South that opposed this bill with rare unanimity and that stimulated this veto has put forward all these Northern gentlemen to represent them. Not one of our Southern brethren, for political reasons, has had the courage of his convictions and dared to speak here as he will vote. Why? Because it would challenge the attention of the Northern Democratic soldier to this united opposition of those that once were opposed to us and the wealth of this country and the metropolitan press of this country against the old soldiers. There is this peculiar union, as all have noticed. I deny that the great dailies of the cities speak the sentiment of the country. They do not do it. They are the mouthpieces of the wealth aggregated in the communities where they are published.

I am sorry to say, and I confess it with shame, that that same wealth is in opposition to the old soldiers. The rich men assume that they pay the taxes. And yet, Mr. Speaker, it may not be untimely to sound a note of warning here. Who is it that is in most peril from disturbance in this land? Where is it that there is unrest and disquiet because of communism, socialism, anarchism, and the many kindred political vices that are now current in this country? Where is it that men and women lie down at night uneasy because they recognize the presence of a growing enemy in their midst? It is in those same centers of wealth; and the people there, of all others, need to keep perfect faith with the soldiers and with the material from which the best soldiers are made. The safety of society is in the conservatism of the country and the village life of America. Five millions of the real estate proprietors in this land are farm-owners and live upon their farms.

There are four millions of other landed proprietors, of whom two and a half millions are scattered through the villages and small towns. Therefore, whenever, if ever, the trial comes between the new ideas of confiscation and the old ideas of law and order, those who own the wealth will have to appeal to the conservatism of the farm-owners and village-owners of this country, and there is where the old soldiers are to be found. Mr. Speaker, before I take my seat I wish to ask the gen-

tleman from Indiana [Mr. MATSON] whether it is true that the chairman of the Committee on Invalid Pensions has in his possession a petition to this body, a public document, asking Congress to pass a service pension bill and put all the old soldiers upon the pension-roll at $8 a month—a petition signed by "Grover Cleveland," in July, 1884.

A MEMBER. When he was a candidate for President.

Mr. BLANCHARD. Regular order.

Mr. MATSON. I yield five minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. Mr. Speaker, the bill under consideration is right in principle, correct in policy, and our Government is abundantly able to pay the expense of it. I shall not stop, sir, to inquire who is for this bill or who is against it; my honest conviction is that it ought to pass. I have nothing to say to the discredit of the President of the United States. I voted for him and did all I could for his election. As a Democrat, I still honor him; but I do not agree with him that the poor, starving soldier who served his country should be left to die without recognition or relief from his Government. The President had a right to veto this bill, if he thought it was wrong, and I agree with gentlemen who have said here in eloquent terms that the veto message is an able document; but, sir, in the hearts and in the souls of the lovers of liberty, of the lovers of right, of the lovers of country the report presented by the Committee on Invalid Pensions to this House upon this bill after the veto message of the President was received will live forever. [Applause.]

The President in his annual message expressed the opinion that soldiers suffering from disability, and who could trace their disability to injuries incurred in the service, ought to be pensioned, and he said further, and I honor him for it, that the pension ought to be granted to them not as a matter of charity, but as a matter of law and of right. This bill gives to the soldier who suffered for his country a pension as a matter of right—just what the President said ought to be done; and for my part, sir, I thought I was voting the President's sentiments when I voted for this bill. I thought I was voting with the President of my party, and I confess that his arguments, strong and powerful as they are, have not convinced me or changed my mind, and therefore I expect to vote for it again, the President's veto to the contrary notwithstanding. Who does the President say should receive pensions? Why, those who have served their country long and well. What does he mean by long service?

This bill provides that a man must have served three months before he can be entitled to a pension, and, Mr. Speaker, that is a long time for a man to tramp through the swamps and rivers in an Indian war; it is a long time for a man to have served in the Mexican war; it was a long time for a man to brave the hardships and the perils of that unfortunate war in which brother met brother. I found it so, sir, and I rather think that the President would have found it a long time if he had been there. [Laughter.]

Sir, I contend that every man who would be entitled to receive a pension under this bill must have served long, for he must have served not less than three months. The President's requirement is that a man must have served long and well. Well, sir, these soldiers must have served well. The bill requires that a man must have been honorably discharged in order to obtain a pension, and will any gentleman here say that the officers of our Army would give honorable discharges to men who did not deserve them? This bill providing that a man who served his country long and well in the time of its necessity shall now, if disabled by sickness or misfortune, receive a pension at the hands of the Government he saved, I insist that it is our duty to pass it over the President's veto.

Mr. MATSON. I yield four minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. I yield two minutes to my colleague [Mr. ROCKWELL].

Mr. ROCKWELL. I thank the gentleman, and I but voice the appreciation of the Massachusetts delegation when I say that in the conduct of his useful, successful, and arduous work as a member of the Committee on Invalid Pensions he has shown a kindness and courtesy that will be remembered with gratitude.

Mr. Speaker, as a legal and patriotic document the report of the committee far outstrips the veto message.

The aim of the proposed legislation is right. Dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support are entitled to aid. The loyal people of the country wish the solemn pledges to the soldier redeemed. They wish the contracts, express and implied, fully carried out. Why should the burden of the support of needy soldiers or their dependent parents be left to the Grand Army posts or to private beneficence?

Towns and municipalities ought not to bear the unevenly distributed burden when the services of the soldiers were rendered for the entire country.

To-day the whole land is reaping the benefit of their sacrifice and heroic action. The Government they saved should make the proper provision. They were willing to sacrifice all in the hour of their country's peril. A great and prosperous nation must not neglect them in their need.

Mr. LOVERING. Mr. Speaker, the gentleman from Ohio [Mr. WARNER] in the course of his remarks said that no class of our citizens have more cause to feel grateful for the veto than the veteran soldiers who went out in 1861 and 1862. Mr. Speaker, the State of Massachusetts sent out some sixty-odd regiments, only a dozen of which were three and nine months' men. The fifty-odd three years' regiments largely comprise the membership of its Grand Army posts. And to show—in the words of the gentleman from Ohio—how "grateful they feel for the veto" I send to the desk, to be read by the Clerk in my time, a letter and telegram from the adjutant-general of the Department of Massachucetts, himself a one-armed soldier.

The Clerk read as follows:

HEADQUARTERS DEPARTMENT OF MASSACHUSETTS,
GRAND ARMY OF THE REPUBLIC,
*Boston, February 22, 1887.*

DEAR SIR: I send you to-day fifty-two indorsed resolutions received from posts. If I had ten days more I could send them from most, if not all, the posts in this department. Will telegraph you the number I receive between now and Wednesday night.

I have the honor to be yours, respectfully,

A. C. MONROE,
*Assistant Adjutant-General.*

Hon. HENRY B. LOVERING,
*House of Representatives, Forty-ninth Congress.*

BOSTON, MASS. (11.36 p. m.), *February 23, 1887.*

I have received indorsed resolutions from Post 5 and thirty-nine other posts to-day, making with those sent to you ninety-one.

A. C. MONROE,
*Assistant Adjutant General.*

Hon. HENRY B. LOVERING,
*House of Representatives, Forty-ninth Congress, Washington.*

Mr. LOVERING. Mr. Speaker, I call attention to the fact that these ninety-one posts whose voice has been declared within the few days which have elapsed since the veto, represent a majority of the one hundred and seventy-two posts in the State of Massachusetts.

[Here the hammer fell.]

Mr. MATSON. Mr. Speaker, the question is, Shall this bill pass notwithstanding the objections of the President? And in discussing that question, I wish to confine myself as strictly as it is possible for me to do to the precise point in issue, and not to travel out of the record in the least degree more than I may be compelled to do by the scope of the question itself.

One of the most distinguished ex-Senators of the United States, and perhaps the most distinguished and eloquent of them, is reported to have said upon one occasion that "plain words are sometimes best." And in respect of those things which require candor and sincerity between men and a dealing with rugged facts, I think that even his flaming tongue might well have been confined within so narrow a limit. And when I come to be circumscribed, as I am, within that boundary, I shall certainly not attempt to indulge in the least my imagination, if I have any, nor to display in any way any oratorical ability. I desire to speak plainly; and I speak for myself, for the committee, for the bill; and for no one and nothing else. Further than this I do not assume to have the right to go.

Mr. Speaker, many constitutional writers and many lawyers have always held, ever since the foundation of our Government, that the veto power ought to be limited to objections confined to questions growing out of the Constitution. I do not believe in that view. I believe that under the Constitution the President has the right to exercise the veto power upon questions of mere expediency, as he has done in this case; and I believe that the Chief Executive has, within the less than two years of his administration, illustrated frequently the value of this construction of the constitutional power vested in him.

It has been my pleasure, as well as my duty, on more than one occasion to stand here and defend him when he has vetoed bills, basing his objections not upon constitutional grounds, but upon mere questions of the expediency of the legislation. I do not say it to boast, but I might add that perhaps I have said more in his defense in this regard than has ever been said by any other member of this House. I would be glad to stand with him and support his veto; I would be glad to see presented to the country on this question a united Democratic party, if my conscience and my heart would permit it. I am driven and impelled to take the course I have taken because, and only because, I believe it my duty as a legislator to ask the House to pass this bill over the objections of the President.

My friend from Wisconsin [Mr. BRAGG] asks me to reconcile with my opposition to the President's veto in this case my support of his veto of the bill providing for a distribution of seed in some portions of the State of Texas, which he says was a mere charity measure. If he can discover any parallel between the two cases, or between the two vetoes presented by the President, then I must confess that he has more acumen than I have. In the one case the veto was based upon constitutional reasons—was expressly put upon the ground that there was no warrant in the Constitution for any such legislation as that under consideration. Here no man denies, and no man will deny—of all the champions of this veto, numbering among them some of the strongest men in this House, none have undertaken to deny—the constitutional right of Congress to enact this bill. There is not presented here any question of that kind.

Mr. Speaker, let us read what this bill is; and before I read it to the House—and it has not been read yet to this House in argument—before I read it to the House, I say no measure has been considered in Congress which has been subject to such willful and gross misrepresentation on the part of the press of the country as this bill now under consideration. None, sir.

They say it is a pauper bill. It is not a pauper bill. The President has one objection to the bill and states it, that it does not provide a man should be without property. That is one of the grounds upon which he bases his objection to it. The bill relates, as all pension bills do, except service pension bills, to the question of a man's physical disability. The point of difference between this bill and those heretofore enacted is simply as to when the disability was incurred, this providing pension for disability incurred since the service and the other providing pension for disability during service.

Let us see. I think there are two pivotal points upon which this whole question turns, made by the veto message of the President; one is the question of construction to be placed on this bill, and the other the question of the cost of it. And if I can satisfy the House the committee I have the honor to represent is correct in the interpretation put upon the bill and its estimates are probably true, I apprehend votes which perhaps would be given against the bill will be changed in favor of it.

The President has seen fit to analyze the bill with very great care, except that he fails to call attention in the analysis which he makes firstly, secondly, thirdly, fourthly, and fifthly to this provision in this section, which I insist absolutely controls and puts beyond the power of any one to place the construction upon it given by the President and those who stand arrayed with him.

That provision is this: The bill provides for such total disability to procure subsistence by daily labor at $12 a month, and that said pension shall commence from the date of filing application in the Pension Office, upon proof of the disability then existing, and continue during the existence of the same in the degree herein provided.

Mr. MATSON. I defy any man, I care not who he is, to put a construction on that language, taken in connection with the whole bill, as a law ought to be construed, and give it any other construction than that no pension is provided for unless there is a total inability to secure subsistence by manual labor.

Mr. WARNER, of Ohio. What does "such" mean?

Mr. MATSON. The gentleman has had his time, and I decline to yield to him.

Mr. Speaker, different constructions have been given to this bill. The President calls attention to the fact in his message. I might pause here and say as these three gentlemen—the President and those two cited by him—are doctors of the law, the untitled and undecorated scion of the law might well approach the discussion of this question with reluctance, and he would not undertake it at all if he had not the conviction that the truth was upon his side of the controversy. And I undertake to say here, now, if any lawyer will read this bill, and can see his way to put any other construction upon it than that placed upon it by the committee when the bill originally passed, he ought to vote against it.

But I defy any lawyer to do it when he considers the whole bill, and particularly that provision which provides the pension "shall only continue during the existence of the disability in the degree herein provided." It can not be done. It is entirely impossible when the whole language of the bill is considered together.

These three gentlemen alluded to (the President and the two he arrays with him) by some means or other have each arrived at a different interpretation of the bill. The President says it not only includes one class, but he says it may be fairly contended that it includes all those who are in any way impaired by some physical or mental disability. Another he alludes to says it only includes those who are disabled to a considerable degree; and the third gentleman he brings in support of his proposition in the discussion said elsewhere it is to be construed in view of the technical language coming out of the practice of the Pension Office. I undertake to say every lawyer will recognize the rule that in the construction of a law, or indeed any legal instrument, the words used are to be construed according to their ordinary meaning and acceptation. Is not that the rule?

And yet these three doctors of the law disagree, and when doctors disagree disciples are left free. But I insist, sir, that but one construction can be placed upon it, and that is the interpretation I have given.

Now, as to the cost. No man here or elsewhere, I care not where you go, has undertaken to give any estimate of the cost based upon any actual figures ascertained from any official source. Except the Committee on Invalid Pensions, no one has done so. It has been assumed that it would cost one hundred millions, fifty millions, forty millions, seventy millions per annum, but no figures or facts are given upon which the estimates are based, while the figures of the Committee on Invalid Pensions are figures taken from official sources; taken from facts collected by the Pension Office. They can be relied upon as accurate.

Why, Mr. Speaker, the President brings as against our estimate the fact that a great mistake was made in the year 1818, because Mr. Bloomfield, of New Jersey, said on the floor of the House that but three hundred and seventy-four persons would be benefited by a certain bill for the benefit of soldiers of the Revolutionary war, whereas it turned out that some twenty thousand applied. But there can be no comparison between the two cases.

In the first place the laws were entirely different. That law, under which his estimate was made, provided that a soldier in reduced circumstances, and who was in need of aid from his country, should be allowed a pension. But how was it allowed? Not in the Pension Office. It was not adjudicated as pension claims are now adjudicated, but it was determined in the local courts where the applicants lived. Of course under such a condition of affairs there was favoritism. Of course the law was abused. It could not have been otherwise. There was no uniformity about its execution, but it was administered according to the temper and opinion of the people surrounding the court, and necessarily there were abuses under it. More than that, the estimate he made to the House, when you come to look at it, and what transpired at the time, was made upon his own individual knowledge of the existence of some need of that kind of legislation, and no more.

Then, again, the President says a great mistake was made in the estimate of the cost of the arrears of pensions. Of course there was; but how? It is true that a statement was made here upon the floor of the House that the bill would cost from fifteen millions to twenty-five millions of dollars, but that was done in the face of a statement from the Secretary of the Treasury that it would cost some $100,000,000. It was made in the face of it.

A MEMBER. Was not that estimate made after the bill passed?

Mr. MATSON. As I understand, it was made before; but nevertheless it was made by an officer of the Government, while we here to-day first prepare from official sources the basis of our estimate; and then, with all the means best known at this day for the purpose of acquiring statistical information, together with our own estimates, present a well-prepared bill showing what the cost may be, and upon which estimate you may well rely; and we unhesitatingly ask you to pass the bill upon that. There is no comparison, therefore, between the cases. But I must hurry on.

This bill ought to pass, because it is a companion piece of legislation with the Mexican pension bill. How? Not because it was passed by the same Congress; not because it was passed on the same day and in the same way that the Mexican pension bill was passed. Not that; but because it contains a provision for the payment of the same kind of pension for the same kind of disability that the Mexican pension bill provides, only the rate is more, and wherever the Mexican soldier shows that he comes within the provisions of the bill we are now discussing he can get the benefit of the increase. But let us see what the Mexican pension bill does. The Mexican pension bill provided, in regard to the matter of disability, a pension of $8 a month for every soldier that had any disability. It made no difference how it was incurred, whether it resulted from his own vicious habits, gross carelessness, or otherwise; any disability he incurred, at any time, entitled him to get a pension of $8 a month. The Union soldier who incurred the same kind of disability during the war, in the line of duty, for that disability was to be left to receive a pension of perhaps but $2 a month.

There was legislation at that very hour, on that very day, on that very subject, in this House. And so I repeat to you that the two bills were companion pieces of legislation. Here there were, upon the part of those who favored the Mexican pension bill, men who were ready to provide the same kind of relief to soldiers of other wars. Here there were those who were opposed to the Mexican pension bill, who, for the sake of this legislation, were conceding the right of the survivors of the Mexican war to get such relief.

Mr. HEPBURN. Let me ask the gentleman from Indiana to give an answer to my question before he closes his remarks.

Mr. MATSON. I will try to reach it.

Mr. HEPBURN. I hope the gentleman will not forget it.

Mr. MATSON. I shall not forget it.

Mr. PETERS. You have but about three minutes remaining of the time.

Mr. MATSON. I am asked by the gentleman am I ready to state whether or not the President has ever signed a petition asking that pensions shall be granted to all of the soldiers of the late war for the Union of $8 a month. It is impossible for me to read the whole of the petitions. Here is a petition circulated by one Corydon Millard, late chaplain of the Fourth United States Heavy Artillery, that I will not undertake to read or ask to have read, but the substantial portion of it is contained in these words:

And we ask your honorable body to grant a pension of at least $8 a month to all honorably discharged soldiers of the Union Army.

Mr. STAHLNECKER. What is the date?

Mr. MATSON. This was signed in June, 1884; and at the bottom of the petition among many names, including the governor of the State of Virginia, Mr. Cameron, I find this:

I am sure the subject of this petition is worthy of the prompt and careful consideration of Congress, and that the fullest justice should be done to the parties in whose interest this movement is made. GROVER CLEVELAND.

[Great applause.]

Mr. WARNER, of Ohio. That shows he is with the soldier, and there is no inconsistency.

Mr. MATSON. The substantial objection raised in this veto is not as to the construction of the bill, or as to the cost of it. It is that the time has not come when the country can afford to pension the soldiers of the country for its wars except for disabilities incurred in the service. I want to know how the friends of this veto by the President can reconcile with it not only this petition but the language of his last annual message, which points as unerringly as anything can to the very bill we present—how it is they can reconcile these statements together.

Mr. GIBSON, of West Virginia. I demand the regular order.

The SPEAKER. The hour of 4 o'clock has arrived, at which time it was agreed debate should close. The question is, Will the House, upon reconsideration, pass the bill? Upon this question the Constitution requires that the yeas and nays shall be taken.

The question was taken; and there were—yeas 175, nays 125, not voting 18; as follows:

YEAS—175.

| | | | |
|---|---|---|---|
| Adams, G. E. | Funston, | Louttit, | Sawyer, |
| Allen, C. H. | Gallinger, | Lovering, | Scranton, |
| Anderson, J. A. | Geddes, | Lyman, | Seney, |
| Atkinson, | Gilfillan, | Mahoney, | Sessions, |
| Baker, | Goff, | Markham, | Smalls, |
| Bayne, | Grosvenor, | Matson, | Spooner, |
| Bingham, | Grout, | Maybury, | Spriggs, |
| Bliss, | Guenther, | McComas, | Steele, |
| Bound, | Hale, | McKenna, | Stephenson, |
| Boutelle, | Hanback, | McKinley, | Stewart, J. W. |
| Brady, | Harmer, | Merriman, | Stone, E. F. |
| Browne, T. M. | Hayden, | Millard, | Strait, |
| Brown, C. E. | Haynes, | Milliken, | Struble, |
| Brown, W. W. | Henderson, D. B. | Moffatt, | Swinburne, |
| Brumm, | Henderson, T. J. | Morrill, | Swope, |
| Buck, | Hepburn, | Morrow, | Symes, |
| Bunnell, | Hermann, | Murphy, | Tarsney, |
| Burleigh, | Hiestand, | Neece, | Taulbee, |
| Burrows, | Hires, | Negley, | Taylor, E. B. |
| Butterworth, | Hiscock, | Nelson, | Taylor, I. H. |
| Bynum, | Hitt, | O'Donnell, | Taylor, Zach. |
| Campbell, J. M. | Holman, | O'Hara, | Thomas, J. R. |
| Campbell, J. E. | Holmes, | O'Neill, Charles | Thomas, O. B. |
| Cannon, | Hopkins, | O'Neill, J. J. | Thompson, |
| Carleton, | Houk, | Osborne, | Townshend, |
| Caswell, | Howard, | Owen, | Van Schaick, |
| Conger, | Jackson, | Parker, | Wade, |
| Cooper, | James, | Payne, | Wadsworth, |
| Cutcheon, | Johnson, F. A. | Payson, | Wait, |
| Davenport, | Johnston, J. T. | Perkins, | Wakefield, |
| Davis, | Kelley, | Peters, | Ward, J. H. |
| Dingley, | Ketcham, | Pettibone, | Warner, William |
| Dorsey, | Kleiner, | Phelps, | Weaver, A. J. |
| Dunham, | La Follette, | Pindar, | Weaver, J. B. |
| Eldredge, | Laird, | Plumb, | Weber, |
| Ely, | Landes, | Price, | West, |
| Evans, | Lawler, | Randall, | White, A. C. |
| Everhart, | Le Fevre, | Ranney, | White, Milo |
| Farquhar, | Lehlbach, | Rice, | Whiting, |
| Felton, | Libbey, | Riggs, | Wilkins, |
| Fleeger, | Lindsley, | Rockwell, | Wolford, |
| Ford, | Little, | Romeis, | Woodburn, |
| Frederick, | Long, | Rowell, | Worthington. |
| Fuller, | Lore, | Ryan, | |

NAYS—125.

| | | | |
|---|---|---|---|
| Adams, J. J. | Crisp, | Hudd, | Sayers, |
| Allen, J. M. | Culberson, | Hutton, | Scott, |
| Bacon, | Curtin, | Irion, | Seymour, |
| Ballentine, | Daniel, | Johnston, T. D. | Shaw, |
| Barbour, | Dargan, | Jones, J. H. | Singleton, |
| Barksdale, | Davidson, A. C. | Jones, J. T. | Skinner, |
| Barnes, | Davidson, R. H. M. | King, | Snyder, |
| Barry, | Dawson, | Laffoon, | Sowden, |
| Belmont, | Dibble, | Lanham, | Springer, |
| Bennett, | Dockery, | Martin, | Stahlnecker, |
| Blanchard, | Dougherty, | McAdoo, | Stewart, Charles |
| Bland, | Dunn, | McCreary, | St. Martin, |
| Blount, | Eden, | McMillin, | Stone, W. J., Ky. |
| Boyle, | Ermentrout, | McRae, | Stone, W. J., Mo. |
| Bragg, | Findlay, | Miller, | Storm, |
| Breckinridge, C. R. | Fisher, | Mills, | Taylor, J. M. |
| Breckinridge, W C P | Forney, | Mitchell, | Tillman, |
| Burnes, | Gay, | Morgan, | Trigg, |
| Cabell, | Gibson, C. H. | Morrison, | Tucker, |
| Caldwell, | Gibson, Eustace | Muller, | Turner, |
| Campbell, Felix | Glass, | Neal, | Van Eaton, |
| Campbell, T. J. | Green, | Norwood, | Viele, |
| Catchings, | Hall, | Oates, | Ward, T. B. |
| Clements, | Halsell, | O'Ferrall, | Warner, A. J. |
| Cobb, | Hammond, | Outhwaite, | Wellborn, |
| Collins, | Harris, | Peel, | Wheeler, |
| Compton, | Hatch, | Perry, | Willis, |
| Comstock, | Heard, | Reagan, | Wilson, |
| Cowles, | Hemphill, | Reese, | Wise. |
| Cox, S. S. | Henderson, J. S. | Richardson, | |
| Cox, W. R. | Herbert, | Robertson, | |
| Crain, | Hill, | Rogers, | |

NOT VOTING—18.

| | | | |
|---|---|---|---|
| Aiken, | Croxton, | Lowry, | Throckmorton, |
| Anderson, C. M. | Ellsberry, | Pidcock, | Wallace, |
| Buchanan, | Foran, | Reed, | Winans. |
| Candler, | Glover, | Rusk, | |
| Clardy, | Henley, | Sadler, | |

So (two-thirds not having voted in the affirmative) the bill was not passed.

During the first roll-call the votes of Mr. HOLMAN and of Mr. RANDALL, in the affirmative, elicited loud applause.

After the first roll-call, Mr. BRAGG asked that the reading of the names be dispensed with.

Mr. WEST. I object.

The following additional pairs were announced:

Mr. HENLEY with Mr. SADLER, on this vote. If present, Mr. HENLEY would vote "ay," and Mr. SADLER would vote "no."

Mr. RUSK with Mr. WINANS, on this bill. If present, Mr. RUSK would vote "no," and Mr. WINANS would vote "ay."

Mr. ANDERSON, of Ohio, with Mr. WALLACE, on the pending bill. If present, Mr. ANDERSON would vote for the bill, and Mr. WALLACE to sustain the veto.

Mr. BLAND. My colleague, Mr. CLARDY, is unavoidably absent. If he were present, he would vote to sustain the veto.

Mr. DINGLEY. My colleague, Mr. REED, is paired for the day, being absent. If present, he would vote to pass the bill over the veto.

Mr. McADOO. My colleague, Mr. PIDCOCK, is unavoidably detained from the House to-day. He instructs me to say that had he been present he would have voted "ay."

Mr. WISE. I desire to state that if my colleague, Mr. CROXTON, were present he would vote to sustain the veto.

The SPEAKER. Upon this question the yeas are 175; the nays 125. Two-thirds not having voted in the affirmative, the House refuses to pass the bill.

The announcement was received with applause on the Democratic side, followed by hisses on the Republican side.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888;

A bill (H. R. 10804) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army; and

A bill (S. 2992) to make Tampa, Fla., a port of entry.

MRS. M. E. WOODS.

Mr. LOVERING. I present a privileged report, the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, having met, after full and free conference have been unable to agree.

H. B. LOVERING,
J. S. PINDAR,
E. H. CONGER,
*Managers on the part of the House.*
PHILETUS SAWYER,
H. W. BLAIR,
JAMES F. WILSON,
*Managers on the part of the Senate.*

The report was accepted.

Mr. LOVERING. I move that the House further insist on its amendment, and request a further conference.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House Mr. NEECE, Mr. SWOPE, and Mr. CONGER.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCCREARY in the chair.

The CHAIRMAN. The Clerk will report the first general appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. HERBERT. I shall occupy but a very few minutes in explaining the provisions of this bill, and before I begin I wish to ask my colleague on the committee [Mr. BOUTELLE] how much time he desires for general debate?

Mr. BOUTELLE. I do not ask any time for general debate if we can have an understanding that there will be no attempt to cut off fair debate when the bill comes to be considered by sections.

Mr. HERBERT. Certainly, sir; I have no other disposition about the matter.

Mr. Speaker, in view of the gentleman's statement, I now ask unanimous consent that general debate on this bill be limited to fifteen minutes.

Mr. STEELE. Make it ten minutes.

Mr. GOFF. What does the chairman of the committee propose?

Mr. HERBERT. I understood that gentlemen on the other side did

not want any time for general debate. I desire to occupy only about ten minutes in explaining the bill, and I do not propose to address myself at this time to any of the disputed points, but will leave them for discussion hereafter.

Mr. GOFF. Then why not dispense with general debate altogether?

Mr. HERBERT. I desire to make a brief statement in explanation of the bill.

Mr. GOFF. You can do that under the five-minute rule.

Mr. HERBERT. Oh, yes, I can, if gentlemen object to my having ten minutes——

Mr. BOUTELLE. It is not a question of objection; you made the suggestion yourself that you wished to get along without talk.

Mr. HERBERT. That is what I want to do.

The CHAIRMAN. If there be no objection the suggestion of the gentleman from Alabama that general debate upon this bill be limited to ten minutes will be considered as agreed to.

There was no objection, and it was so ordered.

Mr. HERBERT. Mr. Chairman, I desire to say that while this bill is larger in the aggregate than last year's bill, yet the appropriations for the support of the Navy proper are smaller. Comparing, briefly, the present with the two last preceding bills, the appropriations for the support of the Navy proper——

Mr. BLOUNT. Mr. Chairman, I wish to ask the gentleman from Alabama [Mr. HERBERT] whether he proposes to take any votes upon this bill by paragraphs this afternoon?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. Oh, no.

Mr. BLOUNT. I ask the question because some gentlemen are absenting themselves.

Mr. HERBERT. I hope the House will stay here until 6 o'clock. I think we may get half through the bill by that time.

Several MEMBERS. That is too late.

Mr. HERBERT. I will print in the RECORD a comparison of the present bill with preceding bills. That statement will show that this one appropriates $12,655,000 for the ordinary expenses of the Navy, not including items imported into the bill from the sundry civil bill, and also not including the appropriations for the increase of the Navy. Making similar exclusions, our last bill appropriated for the same purpose $12,989,000, and the bill preceding that appropriated $13,235,000. Therefore, in this bill as reported there is a saving of $324,000 compared with the bill of last year, while in the bill of last year there was a saving of $246,000 compared with the bill of the preceding year. When we add all together we have $1,732,000 for public works heretofore included in the sundry civil bill estimated for under that bill, and for the increase of the Navy $8,653,000 for the ordnance and for building the ships already authorized. The whole amount of this bill is $23,040,000. Now, Mr. Chairman, I ask that the bill be read in sections.

The Clerk, reading the bill by paragraphs, read as follows:

Publication of surveys of Mexican coast: For preparing and engraving on copper-plates the surveys of Mexican coast, $5,000.

Mr. GOFF. Mr. Speaker, I desire to inquire of the chairman whether he thinks that appropriation is sufficient. It is only one-half the estimate.

Mr. HERBERT. It is one-half the estimate, but it is an increase of $1,000 over the amount appropriated last year. That amount was sufficient to keep them at work, and we believe that the amount in this bill will be found sufficient for the present year.

Mr. GOFF. How do you know that?

Mr. HERBERT. By having examined into the work to be done, and by having inquired of the officers themselves.

Mr. GOFF. The items furnished us by the Department aggregate $10,000.

Mr. SAYERS. I will state to the gentleman that the Department has been able to employ only one vessel, instead of two.

Mr. GOFF. That is no argument as to what will be done in the future. But upon the statement of the chairman of the committee, I withdraw the amendment.

The Clerk read as follows:

Publication of surveys of Mexican coast: For preparing and engraving on copper-plates the surveys of Mexican coast, $5,000.

Mr. BUCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 85 insert the following:

"For repairs and improvements on naval war college building; heating, lighting, and furniture for same; books and stationery; freight and other contingent expenses, including facing college buildings with Portland cement, $12,000."

Mr. HERBERT. I make the point of order that this amendment is not germane at this place in the bill. Further on I shall be willing to meet the question.

Mr. BUCK. In reply to the gentleman's point of order, I will say that this is the place where the estimate for the naval war college is inserted in the Book of Estimates.

Mr. HERBERT. I think the gentleman is right as to that.

Mr. BUCK. And it is the precise point at which last year a corresponding amendment was offered, which was ruled to be in order. I understand, Mr. Chairman, the gentleman from Alabama [Mr. HERBERT] concedes now that this is the proper place for the amendment and withdraws the point of order.

Mr. HERBERT. Upon the suggestion made by the gentleman that this is the place where the item is inserted in the estimates—and according to my own recollection the gentleman is correct—I withdraw the point of order, and am ready to meet the question on its merits.

Mr. THOMAS, of Illinois. I understood the chairman of the committee to reserve a point of order. If he withdraws it I renew it.

Mr. BOUTELLE. What is the point of order?

Mr. BUCK. I understand, Mr. Chairman, that the gentleman from Illinois [Mr. THOMAS] claims that this amendment is not germane; that this is not the appropriate place to insert a provision for the naval war college. Now, as I have said, this is the precise point at which this provision was offered to the bill of last year. Whether any objection was made at that time I do not remember, but certainly the amendment was considered. In addition to that this is the precise point where the provision for the preservation of the buildings at Coaster's Harbor Island occurs in the Book of Estimates.

Mr. THOMAS, of Illinois. The point of order which I desire to make is not clearly stated by the gentleman from Connecticut. I do not base the point upon the ground which he suggests at all. My point of order is that this appropriation can not be made under the rules of the House.

Mr. BUCK. I supposed the gentleman from Illinois renewed the point of order which the gentleman from Alabama made.

Mr. THOMAS, of Illinois. A reservation of the point of order covers all grounds upon which that point can be sustained. The ground on which I base the point is that this war college has never been authorized by law and that on a general appropriation bill an appropriation can not be made for the support of an institution which has not been authorized by law.

Mr. BUCK. This same point was made last year, and, according to my recollection, was overruled by the Chair; but whether it was or not, there is a perfect answer to the gentleman's point. My amendment proposes simply to preserve the buildings on Coaster's Harbor Island, which are now the property of the Government and have been ever since 1884. So far as the establishment of the college is concerned, it was established in 1884 by an order of the Secretary of the Navy, based upon a statutory provision authorizing him to provide for the instruction of young naval officers. But this amendment as drawn provides only for the preservation of the buildings. It is perfectly in order to offer on a general appropriation bill an amendment of this character for preserving buildings belonging to the United States. This is an existing work; and propositions of this kind have been held over and over again to be in order.

Mr. BOUTELLE. I wish to inquire of the Chair whether the gentleman from Illinois makes the point that this proposed amendment is new legislation?

The CHAIRMAN. The Chair understood the gentleman to make that point.

Mr. BOUTELLE. Why, Mr. Chairman, this war college has been carried on for years under provisions of existing law. That point can not be well taken.

Mr. THOMAS, of Illinois. There is no general law authorizing this establishment. The only law relative to it has been in the making of appropriations for it.

Mr. BUCK. Is not there a statute upon the subject accepting this from the State of Rhode Island on the part of the United States, and having so accepted it, is it not our duty now to take care of it?

Mr. ADAMS, of Illinois. If I understand the point of order it is that there is no general statute authorizing this college as an institution of the Government. But I think my colleague overlooks the fact it is not necessary in order to justify an appropriation that it should be authorized by existing law. I have noticed in almost all the discussions which have taken place over the new rules confusion has always been made between that part of the rules prohibiting legislation and that part which contains the phrase "authorized by existing law." That part of the rules containing the phrase "authorized by existing law" does not prohibit all appropriations not authorized by existing law. It simply prohibits a certain class of such legislation. And this appropriation, though there be no existing law for it, still may be in order under the rule of the House, as the Chairman will see by critical examination of the rule. The crucial point is whether it is in continuance of some object or purpose for which appropriations have been made, and if it is, the fact there is no existing statute provided for it cuts no figure at all.

Mr. BUCK. I have found the act to which I have referred. It is the act of August 7, 1882, and is as follows:

For repairing and extending wharf and the erection of boat-houses on Coaster's Harbor Island, $5,000; and the cession by the State of Rhode Island to the United States of said island for use as a naval training station is hereby accepted (7th august, 1882, sundry civil act, printed edition of laws, page 324).

For continuation of the wharf, and for a rigging and sail loft and drill hall on Coasters' Harbor Island, $45,000.—(3d March, 1883, Printed Edition of Laws, page 620; Sundry Civil Act.)

Mr. THOMAS, of Illinois. The building referred to in this act is a

very different institution. It is the one used by the training squadron——

Mr. BUCK. The gentleman is mistaken, as he will find by reading the last clause.

Mr. THOMAS, of Illinois. It is a building used by the training squadron as a training station. It does not refer to the building on the top of the hill.

Mr. BUCK. The Government has acquired it, and it ought to take care of it.

Mr. THOMAS, of Illinois. It is used as a training station for young men who are being trained as sailors.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TOWNSHEND having taken the chair as Speaker *pro tempore*, a message from the Senate was received, by Mr. SYMPSON, one of its clerks, announcing that that body insisted on its amendments disagreed to by the House to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, and requested a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL as managers of said conference on its part.

The message further announced the Senate insisted on its amendments to the bill H. R. 10802 (District of Columbia appropriation bill), disagreed to by the House, and requested a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. MAHONE, and Mr. BECK as managers of said conference on its part.

NAVAL APPROPRIATION BILL.

The committee resumed its session, Mr. MCCREARY in the chair.

Mr. SPOONER. Mr. Speaker, I wish to say simply on the point of order that the building for the repair of which the amendment of the gentleman from Connecticut [Mr. BUCK] is offered is located on Coaster's Harbor Island, which was ceded by the State of Rhode Island to the General Government and accepted by the General Government by the statute which has been read. Upon that island there were buildings standing at the time the State of Rhode Island presented it to the General Government, because it was a gift from the State of Rhode Island to the United States. Since that time there have been appropriations made for some repairs, including repairs on another building on that island.

Now, I think if the Chair would simply refer to the third clause of Rule XXI, under which this point of order is raised, if it can be raised at all, the Chair will see that any amendment is entirely in order which provides for the "continuation of appropriation for such public works and objects as are already in progress." And I quote the exact language of the rule.

Therefore, the only point of order which would lie against the proposition would be in the event that the proposed amendment was to change existing law; for the next paragraph of the clause from which I have just read is in these words:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The amendment of the gentleman from Connecticut does not propose any change in the existing law. It simply proposes to provide for the proper repair of a building already upon this Coaster's Harbor Island, the property of the United States Government, and is certainly quite as much in order as an amendment here as any proposition in a general appropriation bill providing for the protection or repair of any other Government building which was properly included in any appropriation bill.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. THOMAS, of Illinois. Before deciding the question I want to call the attention of the Chair just one moment to one thing which has been presented to the Chair in an erroneous light. The act by which this Coaster's Island was ceded or accepted by the Government was an act authorizing its acceptance, not as a war college or for war college purposes for the training of officers and educating them in the duties of their profession but as a training-station for men; and the proposition is for a building for the use of the men who are being trained there as common sailors. It does not refer to a building which happened to be on the ground, an old almshouse, but in such a dilapidated condition——

Mr. SPOONER. Not very dilapidated.

Mr. THOMAS, of Illinois. Which is so dilapidated that it was necessary to whitewash it before the men were allowed to go in and repair it.

Mr. SPOONER. I have been there myself and know its condition.

Mr. THOMAS, of Illinois. I speak from a personal inspection of the property myself. This is an attempt to organize a college there for the education of officers by an amendment on an appropriation bill and without authority of existing law. It is clearly in violation of the rules of the House, and I think the point of order ought to be sustained against it.

Mr. BOUTELLE. Will the gentleman from Illinois answer me this question: I would like to ask my colleague if the United States Government has not accepted the property?

Mr. THOMAS, of Illinois. For a training school for men.

Mr. BOUTELLE. Will you be kind enough to answer my question, whether the United States has not accepted the buildings that have not been used for a training school for seamen, but accepted buildings there and become the owner of them which have been used for a war college for officers and has appropriated money for the repair of these buildings? And is this amendment not simply for the continuation of these repairs, or making other repairs, upon buildings already in possession of the United States Government, and the jurisdiction over which it has maintained for years?

The CHAIRMAN. The Chair is ready to rule upon the point of order.

The Chair will direct the Clerk to read clause 3 of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The CHAIRMAN. The Clerk will now read a decision by a former chairman of the committee upon a similar point of order.

The Clerk read as follows:

The CHAIRMAN. The Chair is ready to rule on the point of order. Clause 3, Rule XXI, provides that—

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress."

Unquestionably the general rule is that no appropriation is in order on a general appropriation bill unless the appropriation be authorized by previously existing law. That is the general rule. But to that general rule there is an express exception:

"Unless in continuation of appropriations for such public works and objects as are already in progress."

That is to say, if the work be a public work and it is already in progress, then there need not be any previous legislative authority for the work.

Now, the Chair must believe that the construction of this ship is a public work. The Chair also believes that it is in progress. The mere fact that this vessel begun in 1865 is confessedly still incompleted, the Chair thinks, so far as this rule is concerned, does not show that that work is not now in progress. The fact that the actual construction is temporarily interrupted for want of appropriation or some other reason does not interfere with the idea that the work is in progress. The Chair therefore overrules the point of order.

The CHAIRMAN. The Chair has had the subsection of Rule XXI, and also the decision of a former chairman of the Committee of the Whole, read, because the decision in that case is in point, and bears upon this case.

The Chair is of opinion that as the land on which this college is situated is owned by the United States, and under the control of the United States, that this subsection 3, of Rule XXI, does not apply because that subsection states that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such works as are already in progress.

The Chair thinks that this amendment seeks to appropriate money for repairs on a public building situated on land owned by the United States. Therefore the point of order is overruled.

Mr. HERBERT. I see the House is impatient. I move that the committee rise.

Mr. BUCK. I desire to be recognized on my amendment when the House again goes into committee.

Mr. HERBERT. There will be no objection to that.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. CRISP. I ask unanimous consent that we take a recess until half past 7, the evening session to be devoted to bills reported from the Committee on Commerce excepting one bridge bill, that for the construction of the Memphis bridge.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. RANDALL. If the business is to be confined to bills for the construction of bridges I have no objection.

Mr. BURROWS. I have no objection to the request of the gentleman from Georgia if he will limit the session, say, to 11 o'clock.

Mr. CRISP. I agree to that.

Mr. ADAMS, of Illinois. I wish the gentleman from Georgia to state what class of bills he desires to bring up. Are they bridge bills solely?

Mr. CRISP. There are a number of bridge bills; but I will say frankly they are not the measures most earnestly pressed. There are other measures to be presented by the Committee on Commerce. I desire that we shall be permitted to call up any measures to which there is no objection. If the committee call up any bill and objection is made, we would withdraw it at once.

Mr. RANDALL. I have no objection to bridge bills being considered, but I object to other business being presented.

The SPEAKER. The gentleman from Pennsylvania objects unless the business is limited to bridge bills.

Mr. CRISP. I think that is hardly fair. I do not think I can agree to that request. Let the gentleman from Pennsylvania take the responsibility.

Mr. RANDALL. I do so entirely. I do not object without knowing I take some responsibility.

The SPEAKER. Does the gentleman from Georgia modify his request?

Mr. CRISP. I do not.

Mr. RANDALL and Mr. MILLS moved that the House adjourn.

Mr. SPRINGER. At this stage of the session I think we should take a recess and have an evening session for general business.

Mr. HATCH. There are bills on the Speaker's table which should be disposed of.

The SPEAKER. They will be laid before the House under the rule to-morrow morning.

Mr. HATCH. We are so near the end of the session that it appears to me they should be laid before the House without any delay.

The SPEAKER. They have gone to the Clerk's office to be entered on the Journal, and will be laid before the House to-morrow morning.

The question being taken on the motion to adjourn, there were—ayes 62, noes 23.

So the motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

---

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUTTERWORTH: Memorial of Edward and John Burke and others, of New York, protesting against the passage of House bill 11011, to regulate duties on imported malt liquors—to the Committee on Ways and Means.

By Mr. W. R. COX: Petition of Marshal Bell and 120 others, citizens of Rockingham County, North Carolina, asking for the repeal of the internal-revenue taxes—to the same committee.

Also, memorial of the trustees of the University of North Carolina, in favor of the Hatch agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. DUNHAM: Petition of Peter Carey, for restoration to rank and honorable discharge—to the Committee on Military Affairs.

By Mr. FLEEGER: Petition of citizens of Titusville, Pa., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. GILFILLAN: Joint resolution of the Legislature of Minnesota, asking the immediate adjustment of land grants to railroads in said State—to the Committee on the Public Lands.

Also, joint resolution of same, requesting the cancellation of entries of public lands made by certain railroads in said State—to the same committee.

Also, joint resolution of same, asking an appropriation for the improvement of the Red River of the North and tributaries, and of the Minnesota River at Belle Plaine—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Petition of Mozart Assembly, No. 5111, Knights of Labor, of Cincinnati, Ohio, relative to civilian musicians—to the Committee on Labor.

By Mr. LITTLE: Petition of G. E. Jobe and others, of Xenia, Ohio, praying for the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. LYMAN. Petition of Women's Christian Temperance Union, of Panora, Iowa, in favor of Senate bill 2362, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. HAYNES: Resolutions of the Department Encampment, Grand Army of the Republic, of New Hampshire, relative to pension legislation—to the Committee on Pensions.

By Mr. HEPBURN: Petition of the Women's Christian Temperance Union, of Allerton, President, and Farragut, Iowa, for the passage of Senate bill 3262, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. HIRES: Resolutions of William B. Hatch Post, No. 37, Grand Army of the Republic, of Camden, N. J., approving and indorsing the action of President Cleveland in his veto of the so-called dependent pension bill—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of Thomas S. Robie and 14 others, citizens of Massachusetts, for national arbitration—to the Committee on Foreign Affairs.

By Mr. LOVERING: Petition of 1,345 citizens of different States of the Union, praying the passage of House bill 1096, granting a pension of $8 per month to all honorably discharged soldiers, sailors, and marines of thirty days' service in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of the executors of James Waters, of Frederick County, Maryland, for the payment of his war claim—to the Committee on War Claims.

Also, petition of Anne Verneuel, for a pension—to the Committee on Invalid Pensions.

Also, petition of A. Kinley and others, respecting special assessments—to the Committee on the District of Columbia.

By Mr. MILLIKEN: Resolution of the Legislature of Maine, in relation to our trade relations with the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. MORROW: Petition of the mayor and citizens of Socorro, N. Mex., for the passage of House bill 9985—to the Committee on the Public Lands.

By Mr. PETERS: Affidavit of William K. Copeland, in his own behalf—to the Committee on War Claims.

By Mr. RIGGS: Petition of John J. Caldwell and others, of Virginia, Ill., praying for the passage of a private pension bill for David Johnson—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Petition of Lay Brothers, of Sandusky, Ohio, and 350 others, citizens of the fourth district of Ohio, and of W. F. Benson & Son and 84 others, citizens of Bay City, Mich., asking for better regulation in regard to importing free fish from Canada, or prohibiting free importation of same—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of J. B. Hills, administrator of Dr. John Willington, of Shelby County, and of James E. Holston, of Hamblen County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on Claims.

By Mr. J. R. THOMAS: Petition of officers of the Sixtieth Regiment of Illinois, for the passage of a bill for the relief of H. B. Wiley—to the Committee on War Claims.

By Mr. VOORHEES: Petition of citizens of Port Angeles, Wash., praying for the favorable consideration of Senate bill 2140, providing for the establishment of a subport of entry and a port of call at said place—to the Committee on Commerce.

Also, resolutions of the Bar Association and of citizens of Port Townsend, Wash., asking the establishment of a fifth judicial district in said Territory and the appointment of a judge therein—to the Committee on the Territories.

By Mr. WHEELER: Petition of Samuel D. Brock, of Lawrence County; of Colson C. Crowell, of Matilda Crowell, and of James M. Burns, of Colbert County, Alabama, for reference of their respective claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINS: Petition of Joseph Love and others, of Ohio, relative to the tariff on wool—to the Committee on Ways and Means.

---

The following petitions, asking legislation to secure rights to certain heirs-at-law and descendants of patentees claiming lands on and adjoining Manhattan Island, New York, under patents made in 1666 and 1667 by Richard Nichols, then governor of the Colony of New York, were severally referred to the Committee on the Public Lands:

By Mr. T. M. BROWNE: Of William R. Pearce and 128 citizens of Henry County, Indiana.

By Mr. COMSTOCK: Of 350 residents of the fifth district of Michigan.

By Mr. CUTCHEON: Of citizens of Manistee and Lake Centers, Mich.

By Mr. ELDREDGE: Of many citizens of Michigan.

By Mr. FLEEGER: Of numerous citizens of the twenty-sixth district of Pennsylvania.

By Mr. GEDDES: Of A. Heck and sundry citizens of Richland County, Ohio.

By Mr. GILFILLAN: Of citizens of Saint Paul, Minn.

By Mr. HATCH: Of citizens of the first district of Missouri.

By Mr. J. S. HENDERSON: Of Benjamin F. Hawkes and others, representing the labor syndicate, &c.

By Mr. HERMANN: Of sundry citizens of Oregon.

By Mr. JAMES: Of Rev. J. Hyatt Smith and 15 others, of the third district of New York.

By Mr. F. A. JOHNSON: Of 88 citizens of Warren County, and of 55 citizens of Essex County, New York.

By Mr. LITTLE: Of sundry citizens of the eighth district of Ohio.

By Mr. LOUTTIT: Of Alex. F. Trousdale and others, of Hill's Ferry, Cal.

By Mr. LYMAN: Of sundry citizens of Iowa.

By Mr. PERKINS: Of citizens of Butler County, Labette County, Wilson County, and Montgomery County, Kansas, and of the District of Columbia.

By Mr. PLUMB: Of E. W. Millard, T. W. Kahler, and 148 others, citizens of Will County, Illinois.

By Mr. SENEY: Of B. F. Montgomery and sundry others, citizens of the State of Ohio.

By Mr. STEELE: Of Charles Caton and 40 others, of Martz, Clay County, Indiana.

By Mr. STRUBLE: Of Charles Parker and other citizens of Iowa.

By Mr. THOMPSON: Of citizens of the twelfth district of Ohio.

By Mr. VOORHEES: Of citizens of Washington Territory.

By Mr. WAKEFIELD: Of R. B. Gibson and others of Faribault, Minn.

By Mr. WILLIAM WARNER: Of sundry citizens of Missouri.

By Mr. MILO WHITE: Of sundry citizens of the first district of Minnesota.

By Mr. WILKINS: Of sundry citizens of the fifteenth district of Ohio.

---

The following petitions and resolutions for the passage of the dependent relative pension bill notwithstanding the President's veto were severally referred to the Committee on Invalid Pensions:

By Mr. BOUTELLE: Of Thatcher Post, No. 111, Grand Army of the Republic, of Portland, Me.

By Mr. BUNNELL: Of Maj. F. W. Tremain Post, No. 81; of Watkins Post, No. 68, and of George P. Scudder Post, No. 340, Grand Army of the Republic, of Pennsylvania.

By Mr. BURROWS: Of Maj. M. J. Dickinson Post, No. 345, of Broadhead Post, No. 31; and of Abraham Lincoln Post, No. 19, Department of Michigan; of McPherson Post, No. 1, of Little Rock, Ark., and of ex-soldiers of Saint Joseph County, Michigan.

By Mr. J. E. CAMPBELL: Of Milliken Post, Billy Baur Post, S. R. S. West Post, Mulhaven O'Cain Post, Russ-Mitchell Post, Harrison Wright Post, Wetzel Compton Post, Kilpatrick Post, and L. W. Fagin Post, Department of Ohio.

By Mr. CANNON: Of Seaver Post, of Charles A. Clark Post, of Kyger Post, No. 204, and of Kansas Post, No. 405, Grand Army of the Republic, of Illinois, and of Robert W. Fisk and others, of Ridge Farm, Ill.

By Mr. CARLETON: Of 17 ex-soldiers of Michigan.

By Mr. CONGER: Of Kinsman Post; of Farragut Post, No. 95; of J. W. Guthrie Post, No. 252; of Allison Post, No. 34, and of 45 members of John Miller Post, Grand Army of the Republic, of Iowa.

By Mr. CUTCHEON: Of Post No. 313, Grand Army of the Republic, of Michigan, and of the Legislature of Michigan.

By Mr. DINGLEY: Of Kimball Post, of Custer Post, and of Thatcher Post, Grand Army of the Republic, of Maine.

By Mr. DOCKERY: Of Willson Stanley Post, Grand Army of the Republic, of Missouri.

By Mr. DORSEY: Of Plainview Post and of Wakefield Post, Grand Army of the Republic, of Nebraska.

By Mr. FULLER: Of J. G. White Post, No. 108; of Charles J. Pixley Post, No. 377; of Farragut Post, No. 95; of Colonel Hughes Post, and of C. H. Huntley Post, Grand Army of the Republic, of Mason City, Iowa.

By Mr. GALLINGER: Of Pennimass Post, No. 42; of Stoddard Post, No. 86; of Senator Grimes Post, and of Louis Bell Post, Grand Army of the Republic, of New Hampshire.

By Mr. GIFFORD: Of Stephen A. Hurlburt Post, No. 9, Grand Army of the Republic, of Dakota.

By Mr. GILFILLAN: Of E. B. Gibbs Post, of Edward Welch Post, and of L. P. Plummer Post, Grand Army of the Republic, of Minnesota, and also of the Grand Army of the Republic, Department of Minnesota.

By Mr. GROSVENOR: Of Ross Newport Post, No. 489; of Buell Post, No. 178; of T. J. Mercer Post, No. 529; of Watkins Andrews Post, No. 352; of Potter Post, No. 105; of Middleport Post, No. 125; of Johnson Post, No. 604, Grand Army of the Republic, of Ohio, and of citizens and Soldiers' Pension Association of Rutland, Ohio.

By Mr. GROUT: Of Frontier Post and of Roberts Post, Grand Army of the Republic, of Vermont.

By Mr. HALE: Of citizens of Sullivan County, Missouri.

By Mr. HALL: Of Matthies Post, No. 5, Grand Army of the Republic, of Burlington, Iowa.

By Mr. HAYNES: Of Drake Post, No. 36, Grand Army of the Republic, of Lake Village, N. H.

By Mr. HEARD: Of citizens of the sixth district of Missouri.

By Mr. D. B. HENDERSON: Of Cook Post, of Allison Post, of Anderson Post, of Farragut Post, of Kerry Post, and of Roberts Post, Grand Army of the Republic, of Iowa.

By Mr. HEPBURN: Of Jos. Ross Post, of David Harding Post, of Farragut Post, No. 95; of Burnside Post, of John P. Shierly Post, No. 421; of Frank Nolan Post, No. 208, Grand Army of the Republic, of Iowa, and of Murrg, and of soldiers of Unionville, Iowa.

By Mr. HERMANN: Of Sedgwick Post, of James W. Nesmith Post, and of Meade Post, No. 2, Grand Army of the Republic, of Oregon.

By Mr. HIRES: Of Samuel Mills Post, No. 76, Grand Army of the Republic, of New Jersey.

By Mr. HOLMAN: Of J. C. Burgoyne and 38 others, citizens of Franklin County, Indiana.

By Mr. JACKSON: Of ex-soldiers and others, citizens of Lawrence County, Pennsylvania.

By Mr. KLEINER: Of Dela Hunt Post, Grand Army of the Republic, of Camelton, Ind.

By Mr. LINDSLEY: Of John A. Logan Post, of Pratt Post, Grand Army of the Republic, of New York, and of Morris Edwards, of Saugerties, N. Y.

By Mr. LITTLE: Of Mitchell Post, of Lewis Post, of David Griffin Post, of McMillen Post, of J. Costo Post, and of Mulhaven O'Cain Post, Grand Army of the Republic, of Ohio.

By Mr. LYMAN: Of Sam Rice Post, No. 6, and of Farragut Post, No. 95, Grand Army of the Republic, of Iowa.

By Mr. MORROW: Of veterans in the soldiers' home at Yountville, Cal.

By Mr. NEECE: Of Grand Army of the Republic Post, No. 142, of La Harpe; of No. 455, of Carthage; of No. 530, of Browning; of No. 330, of Monmouth; and of No. 172, of Oquawk, of Department of Illinois, and of 122 citizens of Mercer County, Illinois.

By Mr. NELSON: Of E. T. Wood Post, No. 100; of John Kennedy Post, No. 141, and of Emory Upten Post, No. 101, Grand Army of the Republic, of Minnesota.

By Mr. PERKINS: Of Oswego Post, of Galina Post, of Altmount Post, of Howard Post, and of Chatauqua Post, Grand Army of the Republic, of Kansas.

By Mr. PETERS: Of Upton Post, of Lewis Post, of Farragut Post, of Benton Post, of James Shields Post, and of South Haven Post, Grand Army of the Republic, of Kansas.

By Mr. PLUMB: Of Plano Post and of Rutland Post, Grand Army of the Republic, of Illinois.

By Mr. RIGGS: Of Jacob Fry Post, Grand Army of the Republic, of Roodhouse, Ill.

By Mr. ROWELL: Of Post, No. 146, Grand Army of the Republic, of Bloomington, Ill.

By Mr. SCRANTON: Of George Hill Post, No. 540, and of Scranton Post, No. 319, Grand Army of the Republic, of Pennsylvania.

By Mr. SENEY: Of Farragut Post, of Trugo Post, and of Gibbon Post, Grand Army of the Republic, of Ohio.

By Mr. STEELE: Of George W. Lennard Post, of New Castle, Ind.

By Mr. J. W. STEWART: Of Roberts Post, No. 14; of Skinney Post, No. 24, and of John F. Surnott Post, No. 12, Grand Army of the Republic, of Vermont.

By Mr. STRUBLE: Of Hall Post, of Ida Grove Post, of Allison Post, and John Dillon Post, Grand Army of the Republic, of Iowa.

By Mr. E. B. TAYLOR: Of Brooks Post, of Lincoln Post, of S. H. Day Post, of Kinsman Post, and of Burnham Post, Grand Army of the Republic, of Ohio.

By Mr. WADE: Of Frank P. Blair Post, and of Post No. 249, Grand Army of the Republic, of Missouri.

By Mr. WAKEFIELD: Of John A. Logan Post, of John A. Myers Post, and of Lincoln Post, Grand Army of the Republic, of Minnesota.

By Mr. WILLIAM WARNER: Of Corporal Dix Post, of George G. Meade Post, of George H. Thomas Post, of Peabody Post, of members of Mulligan Post, and of 600 veterans of Frank P. Blair Post, Grand Army of the Republic, of Missouri.

By Mr. J. B. WEAVER: Of Grand Army of the Republic posts at Monroe, at Gilman, and at Audubon, Iowa.

By Mr. MILO WHITE: Of Henry Morton Post, No. 87, and Custer Post, No. 44, Grand Army of the Republic, of Minnesota.

By Mr. WILSON: Of U. S. Grant Post, No. 2; of Meade Post, No. 6; of George H. Thomas Post, No. 7, Grand Army of the Republic, of West Virginia, and of David Thomas and 28 others, of Post No. 39, Grand Army of the Republic, of West Virginia.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BUNNELL: Of 59 citizens of Lake and South Canaan, Pa.

By Mr. CUTCHEON: Petition of the Women's Christian Temperance Union of the District of Columbia.

By Mr. ELDREDGE: Of 276 citizens of Hillsdale and Somerset Centre, Mich.

By Mr. EVANS: Of 359 citizens of Pottstown, Pa.

By Mr. McCOMAS: Petition of E. H. Glotfeltz and others, of Garrett County, Maryland.

By Mr. PAYNE: Of 77 citizens of Aurelius, N. Y.

By Mr. A. J. WEAVER: Of sundry citizens of Nebraska.

---

## SENATE.

### FRIDAY, *February* 25, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, submitting, in compliance with the river and harbor act of August 5, 1886, a report of engineer officers as to the bridge across the Hudson River at Poughkeepsie and the bridge across the Mississippi River at Saint Paul; which, with the accompany-

ing papers, was referred to the Committee on Commerce, and ordered to be printed.

UNVEILING OF THE GARFIELD STATUE.

The PRESIDENT *pro tempore* presented a letter from Lieutenant-General P. H. Sheridan, president of the Society of the Army of the Cumberland; which was read, as follows:

HEADQUARTERS ARMY OF THE UNITED STATES,
*Washington, D. C., February 23, 1887.*

DEAR SIR: On behalf of the Society of the Army of the Cumberland, I have the honor to invite the members of the Senate of the United States to attend the ceremonies of unveiling the statue of the late Maj. Gen. James A. Garfield, ex-President of the United States, in this city on the 12th day of May, 1887.

As Congress will probably not be in session on the date named, and inasmuch as it appropriated $30,000 to provide the pedestal for the statue, I would respectfully suggest that it would be very gratifying to the society should the President of the Senate appoint a committee to attend the unveiling ceremonies to officially represent the Senate.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
*Lieutenant-General, and President of the Society of the Army of the Cumberland.*

Hon. JOHN SHERMAN,
*President of the Senate.*

The PRESIDENT *pro tempore*. If there be no objection, this communication will be referred to the Committee on the Library, which usually has charge of such matters.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of Montana; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the council and house of representatives comprising the Legislative Assembly of the Territory of Montana, respectfully represent that in the years 1870 and 1871 Harry R. Horr, James C. McCartney, John C. Baronett, John W. Ponsford, and Mathew McGuirk, citizens of the United States, settled upon certain lands now embraced in the Yellowstone National Park, and in every particular complied with the public-land laws; owing to the isolated location of said settlement, the same being 20 miles distant from the nearest trading point or other settlement, they were subject to many privations and hardships; the Yellowstone Valley at that time being infested by hostile Indians, said settlers were often compelled to hide during the daytime, and perform their labor upon their claims at night to escape the Indians, who frequently committed murders; that the act of Congress setting apart the National Park dispossessed these worthy pioneers of their valued claims and improvements; that employés of the Government are at the present time occupying most of the buildings and premises erected by said settlers. Your memorialists respectfully submit that to dispossess citizens of their hard-earned property without adequate reimbursement is adverse to good Government, and therefore earnestly petition your honorable body to adopt such measures as will cause an amicable adjustment of the grievances herein mentioned. And in duty bound your petitioners will ever pray, &c.

H. ARMSTRONG,
*Speaker of the House.*
R. O. HICKMAN,
*President of the Council.*

The PRESIDENT *pro tempore* presented a letter from George W. Houk and others, attorneys for the National Home for Disabled Volunteers at Dayton, Ohio, remonstrating against including in an appropriation bill the amount of verdicts against the Soldiers' Home; which was referred to the Committee on Appropriations, and ordered to be printed.

He also presented a petition of citizens of Richland County, Ohio, praying for authority to organize the heirs-at-law to certain property on or near Manhattan Island; which was ordered to lie on the table.

He also presented a petition of 237 citizens of Ohio, praying that the citizens of the District of Columbia be allowed to vote on the question of local option; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by J. Marion Arthur Post, No. 519, Grand Army of the Republic, Lake View, Ohio; resolutions adopted by G. W. Shuster Post, No. 239, Grand Army of the Republic, Toronto, Ohio; resolutions adopted by Arnold Post, No. 161, Grand Army of the Republic, Bradford, Ohio; and resolutions adopted by the Union Veteran Republican Club, Cincinnati, Ohio, urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. EDMUNDS. I present sundry papers to go to the Committee on Revolutionary Claims in connection with the petition of Thomas C. Clark, for relief, namely, the affidavit of Alexander McDonald, the affidavit of Hannah Sanborn, the affidavit of William Henderson, the affidavit of T. C. Clark, and the certificate of the town clerk of Peacham, Vt., concerning a certain marriage of the ancestors of the present claimant. I move that these papers be referred to the Committee on Revolutionary Claims.

The motion was agreed to.

Mr. CAMERON presented a resolution adopted by the Philadelphia (Pa.) Board of Trade, favoring the repeal of the tax on tobacco and spirits, &c.; which was referred to the Committee on Finance.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying that liberal appropriations be made for coast defenses and the construction and maintenance of a navy; which was referred to the Committee on Coast Defenses.

He also presented a petition of Stephen C. Potts Post, No. 42, Department of Pennsylvania, Grand Army of the Republic, Altoona, Pa.; a petition of Capt. John Q. Snyder Post, Department of Pennsylvania, Grand Army of the Republic, Liverpool, Pa.; and a petition of George C. Wilson Post, No. 442, Department of Pennsylvania, Grand Army of the Republic, Alexandria, Pa.; a petition of citizens of Kanona, Pa.; a petition of Watkins Post, No. 68, Grand Army of the Republic, Towanda, Pa.; a petition of Gower Post, No. 23, Grand Army of the Republic, Pottsville, Pa.; and a petition of Hugh McNeil Post, No. 447, Grand Army of the Republic, Clarendon, Pa., praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

He also presented a resolution adopted by the Annual Encampment of the Grand Army of the Republic, Department of Pennsylvania, favoring the repeal of the limitation in the arrears of pension act; which was referred to the Committee on Pensions.

Mr. McPHERSON. I present the petition of a large number of property-owners who own property along the line of the Potomac River, where the proposed improvement of the so-called Kidwell bottoms, or flats, is being conducted, praying that no appropriation of money be made to be expended on a portion of the proposed improvement 900 feet above the Long Bridge, it being an interference with the rights and interests of those who are engaged in commercial transactions upon that dock property. I move that the petition be referred to the Committee on Appropriations, who have the matter in charge.

The motion was agreed to.

Mr. PLATT. I present the petition of Merriam Post, No. 8, Grand Army of the Republic, Meriden, Conn., praying for the passage over the President's veto of the dependent pension bill. I move that the petition lie on the table, as I suppose there is no use to ask that it be referred to a committee, under the circumstances.

The motion was agreed to.

Mr. CHENEY presented resolutions adopted by Penniman Post, No. 42, Grand Army of the Republic, of Plymouth, N. H., praying for the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. BOWEN presented resolutions adopted by A. Lincoln Post, No. 4, Grand Army of the Republic, Department of Colorado; resolutions adopted by Reno Post, No. 39, Grand Army of the Republic, Department of Colorado; resolutions adopted by J. A. Garfield Post, No. 9, Grand Army of the Republic, Department of Colorado; resolutions adopted by Post No. 38, Grand Army of the Republic, and Camp John A. Logan, Sons of Veterans, Montrose, Colo.; resolutions adopted by Nathaniel Lyon Post, No. 5, Grand Army of the Republic, of Boulder, Colo.; George H. Thomas Post, No. 7, Grand Army of the Republic, Department of Colorado; resolutions adopted by Burnside Post, No. 15, Grand Army of the Republic, Loveland, Colo.; resolutions adopted by McPherson Post, No. 6, Grand Army of the Republic, Longmont, Colo.; resolutions adopted by Grand Junction Post, No. 35, Grand Army of the Republic, Grand Junction, Colo., and resolutions adopted by Thornberg Post, No. 2, Georgetown, Colo., urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of Henry Joquiss Post, No. 325, Grand Army of the Republic, Department of Iowa; a petition of McFarland Post, No. 20, Grand Army of the Republic, Department of Iowa; a petition of Hyde Clark Post, No. 78, Grand Army of the Republic, Department of Iowa; a petition of Wisner Post, No. 127, Grand Army of the Republic, Department of Iowa; a petition of J. W. Harden Post, No. 384, Department of Iowa; and a petition of Colonel Goodrich Post, No. 117, Grand Army of the Republic, Department of Iowa, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. WILSON, of Iowa. I present a petition of the representative meeting of the Society of Friends, acting for and in behalf of the yearly meeting of Friends for New England, praying for the enactment of legislation which will settle national and other disputes by arbitration and courts, and also in favor of the passage of Senate bill No. 2362, to promote the political progress and commercial prosperity of the American nations. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BLAIR presented a resolution adopted by Penniman Post, No. 42, Department of New Hampshire, Grand Army of the Republic, Plymouth, N. H., favoring the passage of the dependent pension bill; which was ordered to lie on the table.

Mr. HARRISON presented a petition of Beeson Post, No. 386, Grand Army of the Republic, of Fairmount, Ind.; a petition of George H. Lennard Post, No. 148, Grand Army of the Republic, of New Castle, Ind.; and a petition of John Coons Post, No. 99, Grand Army of the Republic, of Monre City, Ind., praying for the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. MILLER presented resolutions adopted by D. B. Smith Post, No. 423, Grand Army of the Republic, of North Hector, N. Y.; resolutions adopted by Babcock Post, No. 105, Grand Army of the Republic, of Homer, N. Y.; and resolutions adopted by Fuller Post, No. 246, Grand Army of the Republic, of Little Valley, N. Y., urging the

passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. MCMILLAN presented a petition of McColley Post, No. 55, Grand Army of the Republic, Department of Minnesota, praying for the passage of the dependent pension bill notwithstanding the veto of the President; which was ordered to lie on the table.

Mr. MANDERSON presented resolutions adopted by Kit Carson Post, No. 42, Grand Army of the Republic, of Albion, Nebr., in favor of passing the dependent relatives and service pension bill over the veto of the President; which were ordered to lie on the table.

Mr. PLUMB presented resolutions adopted by Washington Post, No. 12, Department of Kansas, Grand Army of the Republic; resolution adopted by Jewell Post, No. 3, Grand Army of the Republic, Pleasonton, Kans.; resolution adopted by Oswego Post, No. 150, Grand Army of the Republic, Oswego, Kans.; resolutions adopted by Lewis Post, No. 294, Dodge City, Kans.; and resolutions adopted by Louisburg Post, No. 252, Grand Army of the Republic, Louisburg, Kans., urging the passage over the veto by the President of the disabled dependent soldiers' pension bill; which were ordered to lie on the table.

Mr. CULLOM presented resolutions adopted by Tobias Butler Post, No. 428, Grand Army of the Republic, of Bowensburg, Ill.; resolutions adopted by Plano Post, No. 120, Grand Army of the Republic, of Plano, Ill.; a resolution adopted by Mother Bickerdyke Post, No. 402, Grand Army of the Republic, of Edinburgh, Ill.; resolutions adopted by Shiloh Post, No. 85, Grand Army of the Republic, of Lanark, Ill.; and resolutions adopted by Dan McCook Post, No. 53, Grand Army of the Republic, of Elmwood, Ill., in favor of the passage of the dependent soldiers' pension bill over the veto of the President; which were ordered to lie on the table.

Mr. CONGER presented resolutions adopted by Ransom Post, No. 238, Grand Army of the Republic, of Coopersville, Mich., in favor of the passage of the dependent pension bill notwithstanding the veto of the President; which were ordered to lie on the table.

Mr. PALMER presented a concurrent resolution of the Legislature of the State of Michigan; which was ordered to lie on the table and be printed in the RECORD, as follows:

CONCURRENT RESOLUTION.

Whereas the Congress of the United States did pass a bill known as the dependent pension bill, granting a pension of $12 a month to all soldiers of the late war who from any cause had become unable to properly furnish themselves with the necessaries of life; and

Whereas President Cleveland did in his wisdom see fit to veto the said bill, returning it to the House, where it originated, without his signature or approval: Now, therefore,

*Resolved (the senate concurring)*, That we hereby call upon our delegation in Congress to use all honorable means to secure the passage of the said dependent pension bill over the Presidential veto.

*Resolved further*, That the governor be requested to forward to each of our Representatives in Congress a copy of these resolutions.

JAMES H. MACDONALD,
*President of the Senate.*
DANIEL P. MARKEY,
*Speaker of the House of Representatives.*

Approved February 21, 1887.

C. G. LUCE, *Governor.*

Mr. PALMER presented a petition of C. K. Bennett and 20 others, of A. G. Russell Post, No. 234, Grand Army of the Republic, Hubbardston, Mich.; resolutions adopted by Peter A. Weber Post, No. 237, Grand Army of the Republic, Rockford, Mich.; resolutions adopted by Kendall Post, No. 238, Grand Army of the Republic, Coopersville, Mich.; a resolution adopted by Albert Anderson Post, No. 157, Grand Army of the Republic, Department of Michigan, of Cassopolis, Mich.; a resolution adopted by Charles T. Fosher Post, No. 42, Department of Michigan, Grand Army of the Republic, Lansing, Mich.; a resolution adopted by Fairchild Post, No. 228, Grand Army of the Republic, Department of Michigan; a petition of D. O. Curtis and 57 other members of Allen Harmon Post, Grand Army of the Republic, Northville, Mich.; a resolution adopted by J. L. Barrett Post, No. 130, Grand Army of the Republic, Department of Michigan, of Edmore, Mich.; a resolution adopted by F. U. Farquhar Post, No. 162, Grand Army of the Republic, Department of Michigan, of Detroit, Mich.; a resolution adopted by A. J. Dickinson Post, No. 345, Grand Army of the Republic, Department of Michigan, of South Haven, Mich., favoring the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I report back from the Committee on the Judiciary the bill (H. R. 277) for the relief of James M. Lowry, which is a little matter about his old accounts as marshal in taking a census, and ought to have gone to the Committee on the Census. I ask that the Committee on the Judiciary be discharged from its further consideration, and that it be referred to the select committee on the subject of the census.

The report was agreed to.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 3282) to amend section 4887 of the Revised Statutes of the United States, in relation to patents, reported it without amendment.

He also, from the Committee on Territories, to whom was referred the bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, reported them adversely, and moved their indefinite postponement; which was agreed to:

A bill (S. 39) to annex a portion of the Territory of Idaho to Washing Territory; and

A bill (S. 1848) to annex a portion of the Territory of Idaho to Washington Territory and Montana Territory.

Mr. BLACKBURN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10513) to provide for the maintenance of order in the District of Columbia during the national guard competition and parades, to ask to be discharged from its further consideration, and that it be referred to the Committee on Appropriations as the appropriate committee to consider it.

The report was agreed to.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10562) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, reported it without amendment.

Mr. GRAY. On the 20th of January the Senator from Connecticut [Mr. PLATT], from the Committee on Patents, reported adversely the bill (H. R. 4594) for the relief of John R. Harrington, and it was placed on the Calendar. I now ask leave of the Senate to present the views of the minority from that committee on the bill.

The PRESIDENT *pro tempore*. The views of the minority will be received and printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3255) to construct a road from the city of Staunton to the national cemetery in the County of Augusta, in the State of Virginia, reported it with an amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 3241) granting to the Denver and Rio Grande Railway Company the right of way through the United States military reservation at Fort Crawford, in the Uncompahgre Valley, in the State of Colorado, reported it adversely, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 3342) granting the right of way to the Denver and Rio Grande Railroad Company through the Fort Crawford military reservation; which was read twice by its title.

Mr. GEORGE. I desire to present the views of the minority, consisting of the Senator from Texas [Mr. COKE], the Senator from Alabama [Mr. PUGH], the Senator from Missouri [Mr. VEST], and myself, of the Committee on the Judiciary on the bill (S. 2171) to provide for inquests under national authority, which was reported from that committee on April 19, 1886, by the Senator from Massachusetts [Mr. HOAR]. I ask that the views of the minority be printed.

The PRESIDENT *pro tempore*. The views of the minority will be received and printed.

Mr. PAYNE. I am directed by the Committee on Foreign Relations, to whom was referred the resolution submitted by the Senator from South Carolina [Mr. BUTLER] on the 17th of December, 1886, providing for the appointment of a committee of five Senators to visit certain places along the Mexican frontier, to report it adversely. I ask that the resolution be placed on the Calendar.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3183) to amend an act entitled "An act to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road," approved June 16, 1886, to report it adversely with a written report. I suppose the Senator from New Jersey [Mr. MCPHERSON], who introduced the bill, would like to have it go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3330) for the erection of a national memorial bridge over the Potomac from Washington to Arlington, reported it without amendment.

Mr. CHENEY, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia, reported it without amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States, reported it without amendment.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred an amendment submitted by Mr. EVARTS, intended to be proposed to the deficiency appropriation bill to pay to George W. Quintard and George E. Weed, assignees of John Roach, in full for the wharfage and care of the monitor Roanoke, &c., reported it favorably,

and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. SABIN, from the Committee on Indian Affairs, to whom was referred the bill (S. 3283) to authorize the Secretary of the Interior to permit improvements on small streams running through Indian reservations, to facilitate log-driving, reported it without amendment.

J. E. PILCHER.

Mr. HOAR. I am directed by the Committee on Claims, to which was referred the bill (H. R. 9377) for the relief of J. E. Pilcher, to report it favorably without amendment and to submit a written report thereon.

This is a bill for a very small claim and a very plain case, in behalf of an aged gentleman. The Senator from Kentucky [Mr. BECK], who is obliged to be absent from the Chamber nearly all the rest of the session, upon the Committee on Appropriations, knows all about the matter and takes an interest in it. I ask that the bill be put upon its passage at the present time by unanimous consent.

Mr. HARRIS. In view of the fact stated by the Senator from Massachusetts and known to all of us that the Senator from Kentucky is necessarily absent from the Chamber on committee duty most of the time, and must be perhaps nearly all of it from this on, I shall not object to that single request of the Senator from Massachusetts.

Mr. EDMUNDS. Let it be done subject to objection until we hear the bill read.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and is hereby, authorized, out of the Texas indemnity fund, to pay to J. E. Pilcher the sum of $905, being the amount of one bond of $100 and $805 in paper money of the Republic of Texas: *Provided*, That he shall find that said claims are within the class of claims heretofore paid by the United States out of the said fund: *And provided further*, That the Secretary of the Treasury is satisfied that said bond and money are genuine.

Mr. EDMUNDS. Now let us hear the report of the committee.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report submitted by Mr. HOAR, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 9377) for the relief of J. E. Pilcher, have considered the same and respectfully report:

The petitioner claims to be the owner of the Texan bond and currency described in the bill. This fact is established only by his own affidavit, but he is certified to be a respectable gentleman by Mr. BECK, Senator from Kentucky, and by Mr. WILLIS and Mr. BRECKINRIDGE, members of the House from that State. As he will be required under the bill to make proof to the satisfaction of the Secretary of the Treasury of the genuineness of the bond and money, and that they are within the class of claims heretofore paid by the United States out of the Texas indemnity fund, we think this may be accepted as sufficient proof for the purposes of the act. The bill provides that the payment shall be out of the Texas indemnity fund, being a fund of $7,750,000 appropriated by Congress at the time of the admission of Texas to the Union for the payment pro rata of the creditors of that republic. It is probable that all other claimants have been long since paid. Mr. Pilcher will be entitled to receive nothing unless there be a balance still existing of that fund. By joint resolutions of August 18 and December 26, 1856, and by statute, chapter 80, 1859, the time for presenting such claims was repeatedly extended, and we do not think it is a case where the United States should raise any question of laches, if the claimant be a genuine holder for value. We add for the information of the Senate letters from the Hon. ALBERT S. WILLIS and WILLIAM C. BRECKINRIDGE, members of the House from Kentucky, and from Mr. BECK, Senator from that State. Under the peculiar circumstances of the case we think they may be taken as sufficient to satisfy the Senate that Mr. Pilcher acquired the bond and money in question as the lawful representative of a holder for value and not as a speculator.

We therefore recommend the passage of the bill.

Mr. EDMUNDS. I think ordinarily the statement of a claimant himself is very slender proof, but under the circumstances of this case, I do not care to object. However, I should want it to be taken with the allowance that it is not to be a precedent as to the sufficiency of proof of title and derivative rights in any case that may arise hereafter. As it is a small matter, and the committee seems to be satisfied, I make no objection.

Mr. HOAR. If the Senator will allow me to say one word, not in the way of debate, I desire to have the letters accompanying the report of the committee, which was read, printed in the RECORD.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
*Washington, D. C., February 24, 1887.*

DEAR SIR: Referring to the bill for the benefit of J. E. Pilcher, of Louisville, Ky., now in your care as subcommittee, and understanding that you desire to know something of the applicant, I desire to state that Mr. Pilcher is known to me personally as a reputable member of the Louisville bar. He is the son of one of the most eloquent Whig orators of our State—the friend of Henry Clay—and for many years the honored head of our city government in Louisville. When Mr. Pilcher first sent the claim to me in the early part of this Congress he gave me a full statement of his possession. My recollection is that he inherited this money but did not know until recently that a provision had ever existed under our laws for its payment. In other words he was and is a *bona fide* holder of these securities, and not a purchaser for speculative purposes.

Very respectfully,

ALBERT S. WILLIS.

Hon. GEORGE F. HOAR,
*United States Senate.*

---

UNITED STATES SENATE,
*Washington, D. C., February 24, 1887.*

MY DEAR SENATOR: I have known Mr. Pilcher since he was quite a young man, and I knew his father when I was a boy. Mr. Pilcher told me that the bond concerning which he asks legislation belonged to his father and was a part of his estate, and his father has been dead many years. I have no doubt of the exact accuracy of this statement.

Yours, truly,

WM. C. P. BRECKINRIDGE.

Hon. J. B. BECK,
*United States Senate.*

On the back of the above letter is the following indorsement:

DEAR SIR: I think the statements of my colleagues, WILLIS and BRECKINRIDGE, cover the points you desired to be informed about. I think Mr. Pilcher wrote to me to the same effect, but I can not lay my hand on his letter.

Very respectfully,

J. B. BECK.

Hon. GEORGE F. HOAR.

The affiant, J. E. Pilcher, on oath states he is the owner of one bond which was issued by the Republic of Texas of the face value of one hundred dollars ($100) and issued in the year eighteen hundred and forty (1840), and that he owns some of the paper money issued by the said Republic of Texas in various denominations amounting to the sum of eight hundred and five dollars ($805), and that he now has said bond and said money in his possession, and that he is the legal owner thereof.

J. E. PILCHER.

STATE OF KENTUCKY, *County of Jefferson*.

This day came personally before me, a notary public in and for Jefferson County, Kentucky, J. E. Pilcher, who is personally known to me, and subscribed and made oath in my presence that the statements made in the foregoing affidavit are true.

[SEAL.] J. Y. O'NEAL,
*Notary Public, Jefferson County, Kentucky.*

Mr. HOAR. This is property which belongs to the holder and passes to the holder, so that if the thing were now going on and it were a United States bank bill, even if it had been stolen in the past, the holder would have it unless he stole it himself. In this case an aged gentleman, whose character is certified by the gentlemen representing Kentucky here, found it among his father's papers. They say, and practically nobody can doubt, it is a genuine claim.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MAXEY. I desire to ask a question of the Senator from Massachusetts, who reported the bill, if I can get his attention——

The PRESIDENT *pro tempore*. The bill is really not before the Senate, if there is any objection to its consideration. Is there objection to the present consideration of the bill?

Mr. MAXEY. On the answer to the question depends whether there will be objection or not.

The PRESIDENT *pro tempore*. The Senator from Texas appeals to the Senator from Massachusetts.

Mr. MAXEY. I will state to the Senator from Massachusetts that there was a balance of about $102,000, as I remember, which belonged to the State of Texas, held in trust by the United States for the use and benefit of the creditors of the old Republic of Texas. Out of that Congress appropriated some $40,000 at the last Congress, leaving something yet belonging to the State of Texas.

The Secretary of the Treasury gave notice time and again for applicants to appear and present their claims. I desire to know what reasons have been assigned for failing to present this claim within the statute of limitations.

Mr. HOAR. The reason assigned is that the statute was repeatedly extended up to 1861, and this gentleman found this in his father's papers. It is a very small sum, as the Senator sees. The claimant was not aware, as he states to his neighbor, Mr. Breckinridge, that he had a right to present it and that the property was valuable.

Mr. MAXEY. I will ask that the bill lie over, in order that I may look into it.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. HOAR. I do not understand that this belongs to Texas. Texas was entitled to $500,000 for that purpose. Then, subsequently, instead of that we appropriated $75,000 to be applied to the payment of these creditors.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. HOAR. I hope the Senator will let it go through. It is a little trifle of a few hundred dollars.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. MAXEY. I do not ask to have the bill displaced. I only want to read the report; that is all.

The PRESIDENT *pro tempore*. Reports of committees are still in order.

Mr. MAXEY subsequently said: I interposed an objection a moment ago to the consideration of the bill reported by the Senator from Massachusetts [Mr. HOAR] from the Committee on Claims. Since that time I have examined the report, and I desire to recall the objection which I made.

The PRESIDENT *pro tempore*. If there be no objection, the bill (H. R. 9377) for the relief of J. E. Pilcher is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF FRANK M. SMITH.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report the resolution submitted by the Senator from Massachusetts [Mr. DAWES], proposing a payment out of the contingent fund to Mrs. Helen M. Smith, with a substitute, and I ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items contingent fund of the Senate, to Mrs. Helen M. Smith, widow of Frank M. Smith, deceased, late laborer in the employ of the Senate, the sum of $720, the said sum to be considered as including funeral expenses and all other allowances.

The PRESIDENT *pro tempore*. The substitute reported by the committee will be read.

The Chief Clerk read as follows:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items contingent fund of the Senate, to Mrs. Helen M. Smith, widow of Frank M. Smith, deceased, late laborer in the employ of the Senate, the sum of $360, being an amount equal to six months' compensation at the rate paid said Frank M. Smith as such laborer, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

PRINTING OF EULOGIES ON SENATOR LOGAN.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the bill (S. 3296) to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan, to report it favorably without amendment, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

*Be it enacted*, &c., That the eulogies delivered in Congress upon the late John A. Logan, a Senator from Illinois, be printed, under the direction of the Joint Committee on Printing; and that there be printed 30,500 additional copies, of which 10,000 copies shall be for the use of the Senate, 20,000 copies for the use of the House of Representatives, and 500 copies for the use of Mrs. John A. Logan; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said John A. Logan, to accompany said eulogies; and for engraving and printing said portrait the sum of $500, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANDERSON subsequently said: I move to reconsider the vote by which Senate bill 3296 was passed this morning, being a bill to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan, in order that I may move an amendment to it.

The PRESIDENT *pro tempore*. If there be no objection, the votes by which the bill was ordered to a third reading and passed will be reconsidered with a view to amendment.

Mr. MANDERSON. The bill being before the Senate, I move, in line 4, after the word "Illinois," to insert:

And also the funeral services held in the Senate Chamber upon the occasion of his burial.

I ask action on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SMITHSONIAN AND NATIONAL MUSEUM REPORTS.

Mr. HAWLEY. By instruction of the Committee on Printing I report favorably and ask present consideration for the following concurrent resolution:

*Resolved by the Senate of the United States (the House of Representatives concurring)*, That there be printed of the report of the Smithsonian Institution and of the National Museum for the year ending June 30, 1886, in two octavo volumes, 16,000 extra copies of each, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. COCKRELL. Let it be read again.

The resolution was read.

Mr. HAWLEY. This is the usual annual resolution. I have the required estimate as to the printing, &c.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 3343) to authorize the construction of a bridge across the Arkansas River at or near the city of Fort Smith, Sebastian County, Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 3344) for the relief of Mrs. Mary Marsh; which, with the accompanying papers, was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 3345) for the relief of the heirs of Joseph B. Freeman, William H. Long, and David Watford; which was read twice by its title, and referred to the Committee on Claims.

Mr. WHITTHORNE (by request) introduced a bill (S. 3346) to provide for the payment of a bounty to District of Columbia volunteers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MAHONE introduced a bill (S. 3347) for the relief of the city council of Alexandria, Va.; which, with the accompanying papers, was read twice by its title, and referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 3348) ceding to the State of Minnesota the right of possession and occupancy of a tract of land within the military reservation of Fort Ripley for the purpose of erecting and maintaining a soldiers' home; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO A BILL.

Mr. DAWES and Mr. HARRIS submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

ELECTION OF PRESIDENT PRO TEMPORE.

The PRESIDENT *pro tempore*. If there be no further bills or joint resolutions, the Chair lays before the Senate a resolution in the nature of a privileged matter. It will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. EDMUNDS, as follows:

*Resolved*, That JOHN J. INGALLS, a Senator from the State of Kansas, be, and he hereby is, chosen President *pro tempore* of the Senate, to take office at 1 o'clock, afternoon, on the 26th instant, at which time the resignation of JOHN SHERMAN, the present President *pro tempore* of the Senate, will take effect.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COCKRELL. I move to strike out the words "JOHN J. INGALLS, a Senator from the State of Kansas," and to insert the words "ISHAM G. HARRIS, a Senator from the State of Tennessee."

The PRESIDENT *pro tempore*. The Senator from Missouri moves to strike out the name of Mr. INGALLS and insert the name of Mr. HARRIS. The question is on agreeing to that amendment.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If my colleague were present, and not paired, he would vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]; but I transfer that pair to the Senator from Rhode Island [Mr. CHACE]. I vote "nay."

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN], but have agreed to transfer the pair to the Senator from Rhode Island [Mr. ALDRICH]. I vote "nay."

The roll-call having been concluded, the result was announced—yeas 26, nays 39; as follows:

YEAS—26.

| | | | |
|---|---|---|---|
| Beck, | Eustis, | Maxey, | Vest, |
| Berry, | Fair, | Morgan, | Voorhees, |
| Brown, | George, | Payne, | Walthall, |
| Butler, | Gorman, | Pugh, | Whitthorne, |
| Call, | Gray, | Ransom, | Wilson of Md. |
| Cockrell, | Jones of Arkansas, | Saulsbury, | |
| Coke, | Kenna, | Vance, | |

NAYS—39.

| | | | |
|---|---|---|---|
| Allison, | Evarts, | McMillan, | Sawyer, |
| Blair, | Farwell, | Miller, | Sewell, |
| Bowen, | Frye, | Mitchell of Oreg., | Sherman, |
| Cameron, | Hale, | Mitchell of Pa., | Spooner, |
| Cheney, | Harrison, | Morrill, | Stanford, |
| Conger, | Hawley, | Palmer, | Teller, |
| Culiom, | Hoar, | Platt, | Van Wyck, |
| Dawes, | Jones of Nevada, | Plumb, | Williams, |
| Dolph, | Mahone, | Riddleberger, | Wilson of Iowa. |
| Edmunds, | Manderson, | Sabin, | |

ABSENT—11.

| | | | |
|---|---|---|---|
| Aldrich, | Chace, | Hampton, | Jones of Florida, |
| Blackburn, | Colquitt, | Harris, | McPherson. |
| Camden, | Gibson, | Ingalls, | |

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes.

The message further announced that the House insisted upon its amendment to the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BELMONT, Mr. CLEMENTS, and Mr. RICE managers at the conference on the part of the House.

WITHDRAWAL OF PAPERS.

On motion of Mr. HARRISON, it was—

*Ordered*, That the Committee on Military Affairs be discharged from the further consideration of the case of F. M. Leeds, and that he have leave to withdraw his papers from the files of the Senate, no adverse report having been made thereon.

REPORT ON EDUCATION IN ALASKA.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate of the United States (the House concurring)*, That the Public Printer be, and he is hereby, authorized and directed to deliver to the Commissioner of Education 1,000 copies of Report on Education in Alaska (Jackson), printed in compliance with a concurrent resolution of August 2, 1886, the distribution of which was not therein directed.

DISTILLED SPIRITS BONDED FOR EXPORT.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury is hereby directed to report to the Senate during the present session of Congress by what authority of law distilled spirits which were bonded for export under regulations of the Department were permitted to be withdrawn for consumption without charges for penalty or interest being made or collected thereon, and whether the exportation bonds taken in such cases have been canceled or surrendered. Also to state under what authority distilled spirits sent out of the country for storage in a foreign country are permitted to be returned as reimported goods under section 2500 of the Revised Statutes.

RECIPROCITY TREATY WITH CANADA.

Mr. MILLER. I move that the Senate now proceed to the consideration of Senate bill 3025, the pleuro-pneumonia bill.

Mr. HOAR. Have resolutions that come over been laid before the Senate?

The PRESIDENT *pro tempore*. The motion of the Senator from New York will not be in order until 1 o'clock under the rule. If there be no further "concurrent or other resolutions" the Chair lays before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. HOAR], which comes over under objection.

The resolution was read, as follows:

*Resolved*, That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her province of Canada which has for its object the reduction, change, or abolition of any of our existing duties on imports.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. BECK. Is it brought in to-day?

The PRESIDENT *pro tempore*. It comes over under objection.

Mr. BUTLER. I move that the resolution be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the resolution be referred to the Committee on Foreign Relations.

Mr. BECK. I think it ought to go to the Finance Committee.

Mr. BUTLER. I have no objection to the reference to the Committee on Finance.

Mr. HOAR. I hope the resolution will be adopted. I do not believe there is a Senator in the body who would desire to put himself on record against it, and it will allay a great deal of talk in the neighboring country to have this understood.

The resolution does not undertake to deal with any question of general principle as to existing duties, but it simply affirms that in the judgment of the Senate the present conduct of Canada in regard to our fishing vessels ought not to be met by a modification of our duties merely; that we should not submit to being assailed in the way we have been with a view of forcing upon us a change of our duties. It will do more to save our fisheries in the next six months than anything that can be done.

I do not believe there is a Senator who would put himself on record against the resolution, whatever may be his opinion as to rates of duties.

Mr. BECK. I ask the reference of the resolution to the Committee on Finance instead of to the Committee on Foreign Relations, because I think this is a matter that we should consider before we commit ourselves one way or the other. My information is that the fisheries are only one-tenth of our Canadian trade, and there may be many other important questions involved that perhaps no gentleman would put himself on record as opposing a modification of. As all these questions of trade with Canada have to be looked into as well as the fisheries, which, as I have said, are only one-tenth of the whole trade with that country, the subject ought to be investigated by the proper committee. That seems to me the right and proper thing to do. It may be that I shall vote for the resolution, but I should like an investigation to be first made.

Mr. HOAR. This resolution does not affirm that we are opposed to any change of duties; it does not even affirm that in all cases we are opposed to reciprocity treaties, although I think that feeling is growing very much in the Senate. It simply affirms that it is no time at this moment, when we are dealing with the question of the maltreatment of our vessels abroad, to negotiate for a modification of our customs duties with Great Britain. That is all.

Mr. BECK. I have only one remark to make. If this matter goes to the Finance Committee, as now proposed by the Senator from South Carolina, I shall be very willing that the committee shall meet this afternoon or to-morrow and report the resolution back on Monday. In the mean time a consultation may be had with the Treasury Department and the State Department, and then we shall be enabled to act advisedly before we make any committal, in absolute ignorance as I am of the scope of the question. The resolution can be reported back on Monday morning. The Treasury Department and the State Department can be consulted in the mean time, and then the Senate can act intelligently. That is the only object I had in asking the reference of the resolution. If it is a proper thing to do let it be done after we know what we are doing.

Mr. MORGAN. I apprehend that the object of this resolution is to forestall the President and Department of State in negotiations for a treaty with Great Britain. We have no reciprocity treaty with Great Britain now relating to duties between this country and Canada, and I suppose that those in the Senate, particularly the Senator from Vermont, who would deny the constitutional power of the President of the United States to negotiate a treaty of reciprocity with Great Britain, which would involve an arrangement for certain duties to be charged pro and con between these countries upon designated articles, might favor such a resolution. The Senator from Vermont has frequently announced in the Senate his conviction that a treaty arrangement for reciprocity which modified the tariff laws of the United States or which would prevent their modification by an act of Congress was in itself unconstitutional.

I do not fully concur with the Senator in the length and breadth of that proposition; but the subject is very grave and such as must seem to be debatable in a very serious sense when that view of our constitutional powers is brought forward by that Senator, so experienced and eminent, and constantly urged upon the attention of the Senate whenever a reciprocity treaty affecting customs duties comes before this body.

I should regret very much indeed that the Senate should undertake just now in the closing hours of the session to enter upon a debate on a subject that is so very important and so very serious as this one necessarily must be. I am not prepared at this time to vote that a treaty of reciprocity between the United States and Canada would not be a beneficial treaty to both the countries. That would depend, of course, on the terms and conditions of that treaty. There might be a reciprocity treaty between the United States and Canada that would be of very great advantage to both countries. In fact we have now in the treaty of Washington distinct reciprocity by special engagements between Canada and the United States relating to the transportation of goods back and forth in bond across the one country or the other.

We have also engagements by treaty in respect to the navigation of the Welland Canal and other very important matters connected with our traffic and intercourse upon the great lakes of the North and Northwest.

So, then, to denounce in advance any and every sort of reciprocity between Canada and the United States by treaty arrangement is to denounce the existing treaty of Washington between these two countries, and I am not prepared to do that. In fact, the Senate has coming before it within a day or two now on the report of a conference committee, if they shall agree to make a report, the consideration of reciprocity in the treaty of Washington between the United States and Great Britain relating to Canada, and it will be found that the question thus suggested by a bill which the House of Representatives has sent to us, and in whose amendments we have disagreed, will be brought forward in a manner that will be attractive to the most serious consideration of this body. We shall have an opportunity of debating Canada reciprocity upon the amendments of the other House to the Senate bill that is ordinarily termed the retaliation bill.

This resolution proposes to commit the Senate in advance to a broad, firm, unyielding declaration that no reciprocity shall exist between the United States and Canada, which, if run to its logical consequences, will compel us to yield up the just advantage we already have gained under the treaty of Washington. That I am not prepared to do. Neither am I prepared now to consider this question, nor do I think this body, in the limited time assigned to it now by the Constitution before adjournment, can possibly approach this question in a way that will be satisfactory to any member of the body.

More than that, Mr. President, I object that the Senate of the United States has no right either as a legislative body or as a separate body to interfere in advance with negotiations between this country and any other country. The constitutianal right of negotiation in this country belongs to the President of the United States. It does not belong to the Senate. All the preliminary arrangements to the maturing of a treaty or convention between this and any foreign country are confided absolutely to the President of the United States, and are entirely with-

in his discretion. He can negotiate any treaty he pleases with a foreign country. In that respect he has conferred upon him the prerogative of the Crown of Great Britain, and the only limitation upon it is that he must report his negotiations to the Senate of the United States, and they must receive the approval of two-thirds of this body before they become, as is announced in the Constitution, a part of the supreme law of the United States.

I object either to relieving the President from his constitutional duty of conducting such negotiations as may benefit this country or to interfering with the exercise of his constitutional powers so as to anticipate any result, and to compel him either to come to a certain conclusion in his negotiations or to avoid a certain conclusion. This disposition on the part of the Senate to interfere with the power of the President of the United States in the freedom of his authority in the conduct of negotiations with foreign countries is pragmatical and unwarranted. It is something that we have done heretofore, I confess, but in every such instance it has occurred to me that the Senate was usurping to itself a function and a jurisdiction that the Constitution does not even hint at as belonging to the powers of this body. Let the President of the United States enjoy fully the powers which the Constitution confers upon him, and along with those powers let him have the responsibility of his position. I would not interfere with him and indicate by a vote of the Senate in advance what was the opinion of the Senate in respect of any matter that he might see proper to bring into negotiation between this Government and a foreign power. To do a thing of this kind is not merely to usurp jurisdiction that does not belong to us, but it is to abuse an authority of which we have not even the shadow.

This matter ought to go to one of the most sedate committees of this body. In one sense it ought to go to the Committee on Foreign Relations in so far as it affects or may affect the powers of the President and the freedom of the President in respect to negotiations with foreign countries. But inasmuch as the gravamen of the resolution is in relation to the increase or decrease of taxation or the regulations of customs taxation between this country and Canada, I agree with the Senator from Kentucky that the resolution had better go to the Committee on Finance. I desire above all things that the honorable Senator from Vermont [Mr. MORRILL], the Chairman of the Committee on Finance, should have a full opportunity of passing his judgment in committee upon the questions presented in this resolution. If that side of the Chamber desire to commit themselves upon a proposition of this kind, let it be done after the distinguished leader of the financial committee of the Senate has made up and matured his opinion, and is willing to express it to the world and to stand upon it.

I object, Mr. President, to this hasty way of rushing into a matter as grave as this just in the conclusion of this Congress.

Mr. MORRILL. The Committee on Finance have leave to sit during the sessions of the Senate, and therefore the resolution can be very speedily and properly, I hope, considered.

I want to say a word in relation to the "pragmatical" interference on the part of the Senate with the constitutional power of the executive department in relation to treaties. It seems to me that it is a pragmatical interference on the part of the President with the power of the House of Representatives to originate all revenue bills. I deny the constitutional power of the President, even with the aid of the Senate, to negotiate a reciprocity treaty and make it binding as the supreme law of the land. If he may do it with one nation, he may do it with all, and thereby usurp the entire power of the House of Representatives as to the introduction and consideration of revenue bills.

Again, Mr. President, in relation to making any possible treaty of advantage with the Canadas, it is entirely out of the question. The fact is that the agricultural products and the beef for market purposes of our country are in excess of our own wants, and the only addition we can have from Canadian trade with us would be in competition with the products of agriculturists and those who produce cattle and horses and sheep for sale. Again, I believe that reciprocity treaties are in direct conflict with any treaty which we have with any considerable power of the earth. Under "the most favored nation" clause we agree to accord to every nation whatever every favor that we grant to one, to impose no higher rate of duties than we impose on any other nation; and such treaties exist with between thirty and forty nations. To undertake to have a reciprocity treaty with any nation by which we are to give more favors to one than we do another would be in direct conflict with our existing treaty obligations.

Beyond this, any treaty that we make with the Canadas has to be made with the condition that the same favors that Canada grants to us are to be granted to Great Britain, thereby making the whole stipulation utterly valueless so far as we are concerned, unless we put American labor upon the level of that of Great Britain, and then undersell them in Canada.

While I am now, and at any time, against reciprocity treaties, I think this resolution would acquire a little more force or significance if considered by a committee than it will have if taken up here without such consideration. I hope, therefore, the Senator from Massachusetts will consent to have it referred to the Committee on Finance.

Mr. HOAR. Mr. President, I am very sorry that the Senator from Alabama and the Senator from Vermont have introduced into this debate a topic which does not in the least belong to it. The question of the general policy of reciprocity treaties is not involved in this resolution at all. I suppose that the declaration of the chairman of the Committee on Finance, representing, as he does, the policy of the dominent party in this body, will be accepted everywhere as letting everybody see that it would be utterly hopeless under any circumstances to expect a reciprocity treaty with Great Britain affecting Canada, even if there were no special conditions. But the purpose of this resolution is not to affirm or deny the proposition which has been discussed by the Senator from Vermont.

There are a great many persons who suppose that our existing difficulties with Canada, growing out of their treatment of Massachusetts and Maine fishermen, are occasioned by a desire on our part to intrude ourselves into the waters adjacent to those shores for the purpose of obtaining fish. There is no such desire on the part of any number of American citizens. These difficulties are created for the purpose of compelling us to open our markets to Canadian fishermen; and within a few days there has been an election in Canada which has resulted in the support of the premier, Sir John MacDonald, and he has declared in a speech made since the election that the significance of that election was a confidence in his policy, and that his policy was to compel the United States to open her markets, and that if he persisted in it the Canadian people might confide in him, and that that result should be accomplished.

Now, Mr. President, I say again, and I challenge any contradiction here in the presence of the Senate, that I do not believe there is a single Senator in this body on either side of this Chamber, whether he favor free trade or protection, whether he favor reciprocity treaties or not in general, who will not indignantly spurn the notion that the United States will change, alter, repeal, or in any degree modify by a hair's-breadth her domestic legislation on the subject of duties upon imports as a means of settling a controversy growing out of such a threat, or as a means of buying peace for the American fishermen or respect to the American flag in foreign waters.

If there is any Senator who will contravene that statement I ask him respectfully to do it now and I will pause for that purpose. [A pause.] No Senator undertakes that, and I therefore feel entirely justified in affirming and in asking the authorities of Canada and the authorities of Great Britain, who take heed of the declarations made in the Senate of the United States upon this subject, to take it for granted that it is absolutely impossible to be expected by any sane or sensible man that there is to be any repeal or modification or change in any duty upon American imports as the result of the present difficulties or the result of any negotiation which may compose them; and when that is understood, I have no doubt Canada will treat our fishermen, as it is alike for her interest and theirs that they should be treated, hospitably and courteously and in accordance with the law of nations and the rules of conduct for civilized man.

That is the object of this resolution. It is simply to say that at this time, under the particular circumstances, the Senate of the United States will never give its advice or consent to any change whatever in our domestic relations on the subject of duties on imports.

Now, sir, the Senator from Alabama thinks that an affirmance of this purpose on the part of the Senate is an intrusion by the Senate on the peculiar province of the President of the United States. I deny it. The Constitution declares that the President may make treaties with the advice as well as the consent of the Senate, and declares also that that consent can only be given by a vote of two-thirds of this body. It has been the custom of the Senate from the beginning of the Government in important matters to have its advice taken in advance of a treaty negotiation. We constantly exert our authority by confirming treaties with an amendment which originates here, which has not originated with the Executive. In the case of the treaty of 1871, known as the treaty of Washington, the Senate, as my friend on my right [Mr. MORRILL] will well remember, was kept in session during the whole time those negotiations were going on here with the joint commission in order that Senators might constantly be consulted in regard to the negotiations as they proceeded; and, as the Senator from Alabama himself conceded, there are many precedents to that effect.

As the Senate has given its consent to hear some remarks from the Senator from Nebraska [Mr. VAN WYCK] upon his resolution in regard to the election of Senators this resolution must, of course, go over under the rule.

The PRESIDENT *pro tempore*. It will go to the Calendar.

Mr. HOAR. It must, of course, go over unless I shall press it to a vote at this time, which is not my purpose, because to press it to a vote at this time would interfere with the courtesy due to the Senator from Nebraska. Therefore, as the resolution would go over and as we have the assurance of the Finance Committee that it will be dealt with at once, I will move its reference to the Committee on Finance.

The PRESIDENT *pro tempore*. The resolution will be so referred unless objection be made.

### WAREHOUSE ENTRIES IN BOSTON CUSTOM-HOUSE.

Mr. HOAR. I desire to withdraw the motion to reconsider which I made yesterday on a resolution passed on my own motion in regard to warehouse entries in the Boston custom-house.

Mr. COCKRELL. What is the motion that is withdrawn?

The PRESIDENT *pro tempore*. The Senator from Massachusetts withdraws his motion to reconsider the resolution in relation to warehouse entries in the Boston custom-house which was entered by him yesterday. The Chair hears no objection, and the motion is withdrawn.

ELECTION OF SENATORS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Nebraska [Mr. VAN WYCK] which comes over under objection, and which will be read.

The Chief Clerk read the resolution, as follows:

*Resolved*, As the judgment of the Senate, that an amendment to the Constitution providing for the election, directly by the voters, of United States Senators should be submitted to the people for their action.

Mr. SABIN. I ask unanimous consent to call up Senate bill 3225. This is a bill granting to the Stillwater and Cooke City Railway Company a right of way through the Crow Indian Reservation. There are other bills of this character that have gone through, and I suppose this should go with the bills passed yesterday.

Mr. VAN WYCK. I will not yield for that purpose.

Mr. SABIN. If it provokes discussion I will withdraw the request.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. VAN WYCK] is entitled to the floor on his resolution.

Mr. COCKRELL. The Senator from Minnesota can call up his bill after the Senator from Nebraska has concluded.

The PRESIDENT *pro tempore*. The Senator from Nebraska declines to yield.

Mr. VAN WYCK. Mr. President, early in the session I introduced and had referred to the proper committee a bill providing an amendment to the Constitution that United States Senators should be elected by the people. As want of time or inclination on the part of the committee prevented action, I have asked the adoption of the following resolution:

*Resolved*, As the judgment of the Senate, that an amendment to the Constitution providing for the election, directly by the voters, of United States Senators should be submitted to the people for their action.

Until the hour of final and complete victory radicalism—earnest desire to correct abuses, to carry reforms to the extent of permanent relief—has always been characterized by opprobrious epithets. So with the men who inaugurated the Revolution against English oppression.

After success came and a national government was to be established the same treatment was accorded to those like Jefferson, who had faith in the doctrines on which the war was waged, and believed they should be established in the constitution and laws to be enacted. Even then cold, calculating conservatism chilled the ardor and enthusiasm of the believers in the full fruition of the rights of man and sought to ingraft some of the features of monarchy and a general distrust of the capacity of men for self-government.

Many desired independence from England only to re-establish the English form of Government on American soil, and a monarchy was openly demanded. Failing in that, an attempt to hedge the power and sovereignty of the people, so that a more subtle and dangerous influence—that of an aristocracy—should control.

DEBATES OF 1787.

The debates in the constitutional convention of 1787 show how slowly and timidly many were willing to trust power to the people.

Time and experience have shown their distrust was unwise, and the untimely precautions indulged in by them have been, and others will be, overthrown.

So unwilling that the mass of the people should fully understand, early legislation and even the debates were with shut doors, in secret session; copies of resolutions for the consideration of members denied. The last vestige of that distrust now remaining is the present executive session for considering treaties and confirmation of officers, still held from something of the same spirit that created it, but which the people are sternly demanding shall be abolished.

So the doctrine of State sovereignty as early defined has disappeared in the minds of the people, and by the shock of war almost excluded from our political vocabulary.

One of the great struggles in 1787 was to preserve the political unity and equality of the States as represented in the Senate; also in the mode of the election of such representatives.

The lower House was supposed to represent the people and was elected by them. The Senate was to represent the sovereignty of the States, without any accountability to the voters as such, and were therefore to be elected by the Legislatures on the pretense to have them removed from the passions, prejudices, impulses, and desires of the people.

As some of the errors and mistakes of the framers of the Constitution have been corrected, so the people are demanding this must be. And while the equality of the States is preserved by an equal number from each, the State will be more fitly represented and the rights of the people recognized by amending the Constitution so they shall be elected directly by them.

Referring a moment to the debates of 1787, Luther Martin characterized "one class as the favorers of monarchy." He was also plain on secret sessions:

But, sir, the same spirit which caused our doors to be shut, our proceedings to be kept secret, our journals to be locked up, and every avenue, as far as possible, to be shut to public information prevailed also in this case (which was to be allowed correct copies of certain propositions for consideration by members of committee), and the proposal so reasonable and necessary was rejected by a majority of the convention, thereby precluding even the members themselves from the necessary means of information.

ELECTION OF UNITED STATES SENATORS.

To return. Four schemes were suggested in election of United States Senators—one by the Legislature, another by the people, third by the House branch of Congress, and fourth by the national Executive. At that time the first was readily adopted as the most remote and free from democratic or popular influences, which seemed to be the great object sought, as fully appears in the distinct reasons of Gouverneur Morris, July 2, 1787:

The two branches so equally poised can not have their due weight. It is confessed on all hands that the second branch ought to be a check on the first, for without its having this effect it is perfectly useless. The first branch, originating from the people, will ever be subject to precipitancy, changeability, and excess. Experience evinces the truth of this remark without having recourse to reading. This can only be checked by ability and virtue in the second branch. On your present system can you suppose that one branch will possess it more than the others? The second branch ought to be composed of men of great and established property—an aristocracy—men who from pride will support consistency and permenancy. * * * Such an aristocratic body will keep down the turbulency of democracy. * * * Thus constituted I hope they will show us the weight of aristocracy.

History proves, I admit, that the men of large property will uniformly endeavor to establish tyranny. How, then, shall we ward off this evil? Give them the second branch and you secure their weight for the public good. They become responsible for their conduct, and this lust of power will ever be checked by the democratic branch, and thus form a stability in your Government.

You intend, also, that the second branch shall be incapable of holding any office in the General Government. It is a dangerous expedient. They ought to have every inducement to be interested in your Government. Deprive them of this right and they will become inattentive to your welfare. The wealthy will ever exist, and you can never be safe unless you gratify them as a body in the pursuit of honor and profit. Prevent them by positive institutions and they will proceed in some left-handed way. It is good policy that men of property be collected in one body to give them one common influence in your Government.

* * * * * * *

I avow myself the advocate of a strong government. Still I admit that the influence of the rich must be guarded.

At the same convention Mr. Dickinson said "he wished the Senate to consist of the most distinguished characters, distinguished for their rank in life and their weight of property, and bearing as strong likeness to the British House of Lords as possible." General Pinckney said: "As the Senatorial branch was meant to represent the wealth of the country, it ought to be composed of persons of wealth."

The early and faithful portraiture of this body is recognized and acknowledged at the present time. Many will believe that Gouverneur Morris has proved more of a prophet than he supposed in 1787, and that the creation has quite fulfilled the expectations of the creators. He said "It was wanted to keep down the turbulence of democracy." It has succeeded at times in keeping down the turbulence of the people in their demands for redress of grievances and exemption from unjust and oppressive taxation.

THUS THE SENATE WAS STARTED.

Now the people are demanding and experience has demonstrated that it is not only safe but growing every year more necessary they should directly elect those who represent the State, as the State is emphatically the people.

What constitutes a state?
Not high-raised battlements or labored mound,
Thick wall or moated gate;
Not cities proud, with spires and turrets crowned,
Not bays and broad-armed ports,
Where laughing at the storm rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride;
No! men, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or glen,
As beasts excel cold rocks and brambles rude.
Men who their duties know,
But know their rights; and, knowing, dare maintain,
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain—
These constitute a State.

How well it kept faith with the spirit and animus of its creation is evidenced in a letter of Jefferson to Madison, dated Monticello, 1794, referring to the Senate:

WHAT JEFFERSON SAID.

This body was intended as a check on the will of the representatives, when too hasty. They are not only that, but completely on the will of the people also, and in my opinion are heaping coals of fire not only on their persons, but on their body as a branch of the Legislature.

It seems that the opinion is fairly launched into public that they should be placed under the control of a more frequent recurrence to the will of their constituents. This seems requisite to complete the experiment whether they do more harm than good.

Jefferson evidently believed what the people are demanding to-day, that Senators should be elected by the people.

So well have the desires and prophecies of the framers been fulfilled and the warnings of Jefferson been made history, that after the lapse of a century one of its most

DISTINGUISHED AND PRESENT MEMBERS SAID:

We may as well deal candidly with ourselves upon this subject. The Senate of the United States is suspected by the people of this country. I use plain language—the Senate of the United States is suspected by the people of this country with a desire not to do anything with this subject. I do not need to appeal to the consciousness of any Senator—I do not need to appeal to the current

strain of observations that are made in the public press—when I say that the Senate of the United States is not an object of public adoration at this time in this country.—RECORD, page 518, January 7, 1885.

So it would appear the Senate had evidently

HELD ITS OWN,

and kept well on the line which Morris and others intended, and been truer and more in consonance with the spirit and prophecies of some of the fathers than many other provisions and theories in the Constitution which have been substantially repealed in the public mind by discarding them and substituting others. As in the case of State sovereignty and the limited and restricted powers of the Government, when neither money nor land could be used for internal and other improvements.

When Madison, Monroe, Jefferson expounded the text and spirit of the Constitution, and Monroe vetoed the Cumberland road bill, and Jackson vetoed the Maysville road bill—mark the insidious repeal—even the political followers of those great names unite in claiming power in the Government, and under the same Constitution, to dredge rivers, to build railroads, to dig canals, to construct school-houses, to employ teachers. So the same Constitution is held to mean just what the makers said it did not mean.

This generation says the fathers erred in what they did and what they intended, and it is no disrespect to attempt another reform where by common consent it has long been needed.

AT OTHER TIMES

the people have been urging this amendment. In 1874 the Legislatures of California and Iowa instructed their Senators to secure such amendment.

The experiment has been fully tried and the people earnestly urging a change. The control of Legislatures by blandishments, promises of money, has been reduced to a system to that extent that one of the most successful of manipulators of that machinery has boldly proclaimed that it is much easier and cheaper to purchase venal legislators than electors at the polls.

The necessity for this change has been made strikingly manifest within the last month in the States of New Jersey, Indiana, and Nebraska. In the first two every scheme and subterfuge has been used to obtain an advantage by stealth and fraud that might secure a victory regardless of what the people may desire.

And in the latter a direct expression of the people on the

QUESTION OF PREFERENCE,

as allowed by the constitution and laws of that State, and then superadded the still more emphatic declaration of the voters by making the choice of United States Senator a test in election of members of the Legislatures, and when the people, as voters, had signified their choice by electing

A MAJORITY OF THE LEGISLATURE PLEDGED TO THAT CHOICE.

True they were from both political parties, but a majority—and fully instructed. That was the judgment of the people of a great State. Then the railroad corporations interpose to reverse that judgment and beat the people by their influence and wealth, by their mysterious agencies, so potent, actually controlled representatives against open and declared instructions, on the pretext too thin to cover the brand corporations burned into their chattels, of great party loyalty that in a Republican State a Republican United States Senator should not be elected except by Republican votes. Thus when the votes of those instructed and pledged would secure what the people desired, enough purchased traitors withhold their votes to defeat what they knew the people had demanded.

Unless the Senate is determined to add still more proof in confirmation of the

CHARGES AGAINST IT,

it will at once cheerfully submit this amendment to the judgment of the nation.

The people are admonished, no matter what may be their desire as to candidates or necessity of establishing great principles, none but

STRAIGHT, RELIABLE PARTISANS

can enter here, and the self-constituted autocracy must designate what is straight and reliable, and make the Procrustean bed, and woe betide him who is too short or too long; that party platforms which promise in advance reforms in tariff, protection to the public domain from the grasp of corporations, relief from the exactions of corporate power and organized wealth, seem to be intended only to be "words of promise to the ear to be broken to the hope," "Dead Sea fruits which turn to ashes on the lips," only to modify the demands and quiet the apprehension of the people.

The only dangerous unreliability is to leaders who brand as party treason any attempt to relieve the people from taxation by insisting that the necessaries of life, as lumber, sugar, salt, shall be admitted free of duty; that diamonds and silks shall not be favored with lesser duties as they are, while the coarse blankets and homely woolens used by the masses are charged with higher rates, and thus the burdens are unequally divided and wealth protected. Otherwise, the hod-carrier, the grader, the dweller in dug-out and sod cabin, the toiler in the mines would not be compelled to pay the

SAME TAXES UPON SUGAR

as does the millionaire. Unreliable, when an attempt is made to rescue from corporation spoilers millions of acres and save them for homesteads for the landless. Unreliable, when an attempt is made to obtain some relief to the people where $4,000,000,000 is stolen by

FRAUDULENT ISSUE OF STOCKS AND BONDS

of railroads made a mortgage on the industry and prosperity of the nation, and then extortionate traffic charges imposed to declare interest and dividends on these stolen thousands of millions.

We are admonished by leaders here that

A POLITICAL CRISIS

is approaching, when driven from the popular branch, from the executive, the last resting place of a once grand party, which had done more for mankind and made a larger chapter in history than any preceding, can alone be secured on this cold and majestic eyrie only by not allowing Republican Senators to be elected by Democratic votes—a wisdom equal to the ostrich, which thinks its body secure by hiding its head in the sand.

There is a

MORE SERIOUS CRISIS

approaching, when the people, the toilers, without the form of party, will be arrayed at the ballot-box against their oppressors.

The infliction of injustice and wrong are of greater injury to the Republic than giant-powder or dynamite.

When capital, in defiance of the Constitution and laws, can demand payment of debts in gold coin only; when the upheaval of labor can be repressed by indictments and fine or imprisonment for a conspiracy; when the more dangerous conspiracy of capital, in Black Fridays, in control of the coal fields of the East; when a syndicate or one man can purchase seventy coal mines within a radius of 50 miles of Saint Louis, and no protest is heard, no courts or indictments at this communism of wealth, this anarchism which threatens, not individuals, not a party, but the entire Republic; when throughout the Northwest the virgin soil is being exhausted to raise grain, make pork and beef, the producer receiving barely the cost of production, and when the products reach the seaboard so encumbered with railroad and other charges that meat three times a day, our former boast, is often denied the laborer; when to the relief of the nation comes the president of a powerful railroad, with the exhilarating and comforting assurance that this great unrest, this persistent demand of labor for reward sufficient to furnish subsistence, this clamor of producers that grain shall return in price enough to pay the bare cost of production is only an indication of unusual content and prosperity and a promise of greater beneficence and glory to be spread over the Republic; when the tenant class is yearly increasing; when three-fourths of all the farms in the Republic

ARE MORTGAGED;

when the additions of wealth are largely to those who count possessions by thousands and millions, and labor must return thanks for the privilege to toil for reward which barely provides board and clothing,

THERE IS A CRISIS IMPENDING.

Could those leaders who have placed the Republican party in peril, stripped it of its usefulness by denying living principles, compelling the active present to feast only upon the memories and reminiscences of the past, draw nearer to the hearts and hearthstones of the masses, seek to give genuine protection to honest labor, there would soon be "life in the old land yet."

You remember when Sumner charged slavery with being the great crime against nature. Corporations have taken the place of slavery. Unfortunately there is no Sumner to arraign it, while it is being strangled by those entrusted with its care and perishing in the face of the very generation—the actors and theater of its greatest achievements. Corporations and their servants, like slavery and its masters, can learn nothing by experience; blinded by pride, impelled by avarice and greed, will listen to no suggestions, make no concessions in recognition of justice and right until disasters gather about them.

The Democracy carried slavery and fell, although in falling it did not entirely perish. The Republican party has carried monster corporations equally as unrelenting and exacting, and are reeling, stumbling, falling with the terrible load. And the humble warner waiving the signal flag of danger is run down and crushed as an enemy in the path of bloated, unrelenting, and unreasoning power.

Shades of Sumner, Wilson, Lincoln, Seward, Chase, and the great army of martyred heroes, who we trust are not allowed to suffer pangs because of the political debasement which must be endured by the remnant of the grand Union Army at the spectacle that the Republican party has lost the popular branch of the Government, has lost the Executive. And now, reckless, nerveless leaders tell us there is a

CRISIS

as they madly beat the waves threatening to submerge the last feeble frail resting place, and in their insane folly talk about straight reliable partisans to be elected in defiance of the express demands of the people to save what is left in the upper branch of Congress.

In the same spirit and with the same hope they talk of the horrors of an overflowing Treasury, and blindly suppose relief will come to the

people by draining it out rather than stop unjust and oppressive taxation, which fills it by draining the pockets of the people.

Year by year the party becomes weaker and weaker even here. The desperate remedy is prescribed that the influences and wealth and tools of huge corporations shall be invoked to overthrow the people and secure a temporary victory, while the leaders appear as unconcerned as to the real cause of danger and safety as was Nero when he fiddled at the destruction of Rome.

During this time waning power is departing from the Senate, and in their desire to save they contribute to the certainty of defeat.

And thus it becomes more necessary that those occupying seats in this body should receive their commissions directly from the hands of the people.

ORDER OF BUSINESS.

Mr. MILLER. I now move that the Senate proceed to the consideration of Senate bill 3025, being what is known as the pleuro-pneumonia bill.

Mr. HARRIS. I hope the morning hour will be devoted under the rule to the regular order of business.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from New York [Mr. MILLER] moves to proceed to the consideration of the bill named by him.

Mr. SABIN. Before that motion is put I ask unanimous consent——

Mr. MILLER. I will withhold the motion until 2 o'clock.

The PRESIDING OFFICER. The Senator from New York withdraws his motion.

Mr. SABIN. There can be no objection to the bill I wish to take up. It is but fair that it should be sent to the House of Representatives at this time with the other bills which have preceded it within a day or two.

Mr. MAHONE. Mr. President——

Mr. SABIN. I appeal to the Senator to give me a moment.

Mr. MAHONE. I will yield to the Senator from Minnesota.

Mr. SABIN. I ask for the present consideration of Order of Business 2272, being the bill (S. 3225) to authorize the Stillwater and Cooke City Railway Company to construct and operate a railway through the Crow Indian Reserve, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. COCKRELL. Let the bill be read for information.

Mr. HARRIS. I can not consent to the consideration of it during the morning hour.

The PRESIDING OFFICER. The Senator from Tennessee objects.

Mr. SABIN. I move to take up the bill. I have sat in the Senate day after day for four years and listened to a great deal of talk, and have asked very little time of the Senate, and I certainly think I am entitled to this courtesy at this time. I move to take up the bill.

The PRESIDING OFFICER. The Senator from Minnesota moves to proceed with the consideration of the bill indicated by him.

Mr. COCKRELL. I call for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. I make that announcement now for the day.

The roll was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], but being satisfied that he would vote "yea" on this motion, if present, I vote "yea."

The result was announced—yeas 38, nays 9; as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Mahone, | Sabin, |
| Blair, | Farwell, | Manderson, | Saulsbury, |
| Bowen, | Frye, | Maxey, | Sawyer, |
| Brown, | Gray, | Miller, | Sewell, |
| Call, | Hampton, | Mitchell of Oreg., | Spooner, |
| Cameron, | Harrison, | Mitchell of Pa., | Van Wyck, |
| Cheney, | Ingalls, | Morrill, | Williams, |
| Colquitt, | Kenna, | Palmer, | Wilson of Iowa. |
| Conger, | McMillan, | Payne, | |
| Cullom, | McPherson, | Ransom, | |

NAYS—9.

| | | | |
|---|---|---|---|
| Berry, | George, | Jones of Arkansas, | Vest, |
| Cockrell, | Harris, | Pugh, | Walthall. |
| Coke, | | | |

ABSENT—29.

| | | | |
|---|---|---|---|
| Allison, | Eustis, | Jones of Florida, | Teller, |
| Beck, | Evarts, | Jones of Nevada, | Vance, |
| Blackburn, | Fair, | Morgan, | Voorhees, |
| Butler, | Gibson, | Platt, | Whitthorne, |
| Camden, | Gorman, | Plumb, | Wilson of Md. |
| Chace, | Hale, | Riddleberger, | |
| Dawes, | Hawley, | Sherman, | |
| Edmunds, | Hoar, | Stanford, | |

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3225) to authorize the Stillwater and Cooke City Railway Company to construct and operate a railway through the Crow Indian Reserve, and for other purposes.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 8, after the words "determined by the," to insert "Secretary of the Interior," and after the words "Secretary of the Interior" to strike out the remainder of the section.

Mr. COCKRELL. What does that mean?

Mr. SABIN. I will say to the Senator from Missouri that the amendment takes out all the paraphernalia as to commissions and leaves the appraisement to the Secretary of the Interior.

Mr. COCKRELL. I want to hear what it is.

The Chief Clerk proceeded to read the words which the committee reported to strike out, but before concluding was interrupted by

The PRESIDING OFFICER. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot and mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. SABIN. I ask the Senator from New York to yield for a few moments that the bill which has been pending may be finished.

Mr. MILLER. If it can be completed by the simple reading I do not object.

Mr. COCKRELL. I object. The Senator from New York can not farm out the floor in that way. If the Senator from Minnesota will move to lay aside the other bill, very well.

The PRESIDING OFFICER. The pleuro-pneumonia bill is before the Senate, and the question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. JONES, of Arkansas. I ask unanimous consent to be allowed to submit a report at this time.

Mr. MILLER. I have yielded once or twice, and I find that other Senators are taking exception to my yielding for any purpose. Unless the Senator from Missouri objects, I will not stand in the way of the Senator from Minnesota.

Mr. COCKRELL. Let us dispose of this business.

Mr. SABIN. I move that the bill just taken up be laid aside temporarily.

Mr. FRYE. There must be a definite time fixed, say fifteen minutes.

The PRESIDING OFFICER. Does the Senator from Minnesota ask unanimous consent that the pending bill be laid aside with the view of taking up the measure to which he refers?

Mr. SABIN. I move that the pleuro-pneumonia bill be laid aside for fifteen minutes.

The PRESIDING OFFICER. The Senator from Minnesota moves that the pending bill, which is the pleuro-pneumonia bill, be laid aside for fifteen minutes.

Mr. HARRIS. It is not in order to lay aside a bill. The Senator may move to postpone its consideration.

Mr. FRYE. That is what he means.

The PRESIDING OFFICER. The Chair understands that to be the effect of the motion, to postpone the consideration of the pleuro-pneumonia bill for fifteen minutes. The question is on that motion [putting the question]. The ayes seem to have it.

Mr. COCKRELL. I call for the yeas and nays.

Mr. SABIN. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, to report it with amendments. I desire to give notice now that to-morrow morning at the earliest possible moment I shall call up the bill for consideration to the exclusion of all other business.

I ask leave to insert in the RECORD some data in reference to this bill so that they may be before the Senate in the morning in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the matter will be printed in the RECORD.

The statements referred to are as follows:

DIPLOMATIC AND CONSULAR SERVICE.

| | |
|---|---|
| Amount of estimates for 1888 | $1,935,722 14 |
| Amount of bill as passed the House | 1,311,720 00 |
| Increases made to House bill by Senate committee (net) | 118,722 14 |
| Amount as reported to Senate | 1,430,442 14 |
| Amount of law for 1887 | 1,364,065 00 |
| The bill as reported is less than the estimates | 505,280 00 |
| The bill as reported exceeds the law for the current fiscal year | 66,377 14 |

The following items are omitted from House bill which were estimated for and in the bill for the current fiscal year, namely:

| | |
|---|---|
| 1. Agent and consul-general at Cairo | $5,000 |
| 2. Secretary of legation in China | 2,625 |
| 3. Second secretaries of legation in China and Japan, at $1,800 | 3,600 |
| 4. Secretaries of legation in Chili and Peru, at $1,500 | 3,000 |
| 5. Secretary of legation in Turkey | 1,800 |
| 6. Interpreter to legation and consul-general in Siam | 500 |

| | |
|---|---|
| 7. Consul-general at Kanagawa | $4,000 |
| 8. Consul-general at Panama | 4,000 |
| 9. Consul-general at Halifax | 3,500 |
| 10. Consul-general at Mexico | 2,500 |
| 11. Consul-general at St. Petersburg | 3,000 |
| 12. Consul at Hong-Kong | 5,000 |
| 13. Consul at Sheffield | 2,500 |
| 14. Consul at Matamoras | 2,000 |
| 15. Consul at Mahe | 1,500 |
| 16. Consul at Mozambique | 1,000 |
| 17. Clerks at the following consulates: | |
| Calcutta, Port au Prince, Melbourne, Antwerp, Bordeaux, Colon, Glasgow, and Panama, at $800 | 6,400 |
| Barmen, Dundee, Victoria, Matamoros, and Halifax, at $640 | 3,200 |
| Mexico, Berne, Malaga, Naples, Genoa, Florence, Zurich, Beirut, and Demerara, at $480 | 4,320 |
| Total of items omitted | 59,445 |

The following salaries are reduced by House bill from the current year, namely:

Minister to Turkey, from $10,000 to $7,500.

Minister resident and consul-general to Liberia, from $5,000 to $4,000.

The following salaries are increased by House bill from current fiscal year, namely:

Interpreter to legation in Turkey, from $2,500 to $3,000.

Consul at Buenos Ayres, from $2,500 to $3,500.

Clerks to consulates, as follows:

Liverpool, from $2,000 to $3,000.

Havana, from $1,600 to $3,000.

London and Paris, from $1,600 to $2,000.

Shanghai, Berlin, Frankfort, Vienna, Montreal, Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, and Chemnitz, from $1,200 to $1,500.

Bradford, Birmingham, and Marseilles, from $960 to $1,500.

Leipsic, Sheffield, Sonneberg, Dresden, Nuremberg, Tunstall, and Singapore, from $800 to $1,500.

Belfast and Leith, from $640 to $1,500.

Stuttgart and Mannheim, from $480 to $1,500.

Ottawa, provided new at $1,500.

The following changes in amounts of House bill are made by Senate committee, namely:

Increase:

| | |
|---|---|
| Restoring agent and consul-general at Cairo | $3,000 00 |
| Restoring secretary of legation in China | 2,625 00 |
| Restoring second secretaries of legation in Japan and China | 3,600 00 |
| Restoring secretaries of legation in Chili and Peru | 3,000 00 |
| Restoring secretary of legation in Turkey | 1,800 00 |
| Restoring interpreter to legation in Siam | 500 00 |
| Restoring consuls-general at Kanagawa and Panama | 8,000 00 |
| Restoring consul-general at Halifax | 3,500 00 |
| Restoring consul-general at St. Petersburg | 3,000 00 |
| Restoring consul-general at Mexico | 2,500 00 |
| Restoring consul at Hong-Kong | 5,000 00 |
| Restoring consuls at Sheffield, Matamoras, Mahé, and Mozambique | 7,000 00 |
| Salaried consuls heretofore paid by fees | 45,000 00 |
| Secretary of legation to Corea | 1,500 00 |
| Clerks at consulates specified | 9,820 00 |
| Thirteen additional for clerks at consulates in discretion of Secretary of State | 10,000 00 |
| Expenses of Haytien arbitration commission | 4,077 00 |
| Expenses of Venezuela and American claims commission | 12,000 00 |
| Total increase | 127,922 44 |

Reduction:

| | |
|---|---|
| Restoring salary of interpreter to legation in Turkey | $500 00 |
| Striking out consul at Buenos Ayres, duplicated in bill | 3,500 00 |
| Consular and commercial reports, publication of | 5,000 00 |
| Thirteen consular clerks, salaries | 200 00 |
| | 9,200 00 |
| Net increase | 118,722 44 |

Consuls omitted from House bill and restored by the committee:

| | |
|---|---|
| Hong-Kong | $5,000 |
| Sheffield | 2,500 |
| Matamoras | 2,000 |
| Mahé | 1,500 |
| Mozambique | 1,000 |
| Total | 12,000 |

Consul stricken out, being duplicated in House bill:

| | |
|---|---|
| Buenos Ayres | 3,500 |

Feed consuls made salaried, as follows:

| Consulate. | Salary recommended by committee. | Fees collected for 1886. |
|---|---|---|
| Annaberg | $2,500 | $7,952 |
| Brunswick | 2,500 | 5,087 |
| Mayence | 2,500 | 4,411 |
| St. Galle | 2,500 | 7,710 |
| Baranquilla | 2,000 | 2,963 |
| Rheims | 2,000 | 2,645 |
| St. Etienne | 2,000 | 2,639 |
| Dusseldorf | 2,000 | 2,424 |
| Elberfeld | 2,000 | 4,452 |
| Dunfermline | 2,000 | 3,051 |
| Chatham | 2,000 | 2,892 |
| Port Stanley and St. Thomas | 2,000 | 3,032 |
| Sherbrooke | 2,000 | 4,395 |
| Horgen | 2,000 | 2,951 |
| Cognac | 1,500 | 1,887 |
| Breslau | 1,500 | 1,812 |
| Kehl | 1,500 | 2,104 |
| Brockville | 1,500 | 2,250 |
| Guelph | 1,500 | 2,857 |
| London (Canada) | 1,500 | 2,060 |
| Port Hope | 1,500 | 1,869 |
| Santos | 1,500 | 2,048 |
| Three Rivers | 1,500 | 2,313 |
| Stratford | 1,500 | 3,078 |
| Total | 45,000 | 82,791 |

| | |
|---|---|
| Four at $2,500 | $10,000 |
| Ten at 2,000 | 20,000 |
| Ten at 1,500 | 15,000 |
| | 45,000 |

## DIPLOMATIC AND CONSULAR SERVICE—1888.

*Statement showing the appropriations for* 1887, *the estimates for* 1888, *the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1888.

| Object. | Appropriations, 1887. | Estimates, 1888. | House bill, 1888. | Senate committee, 1888. |
|---|---|---|---|---|
| SALARIES OF MINISTERS. | | | | |
| Great Britain, France, Germany, and Russia, at $17,500 | $70,000 00 | $70,000 00 | $70,000 00 | $70,000 00 |
| China | 12,000 00 | 17,500 00 | 12,000 00 | 12,000 00 |
| Austria, Brazil, Italy, Japan, Spain, and Mexico, at $12,000 | 72,000 00 | 72,000 00 | 72,000 00 | 72,000 00 |
| Chili and Peru, at $10,000 | 20,000 00 | 20,000 00 | 20,000 00 | 20,000 00 |
| Turkey | 10,000 00 | 10,000 00 | 7,500 00 | 7,500 00 |
| Guatemala, Costa Rica, Honduras, Nicaragua, and Salvador | 10,000 00 | 10,000 00 | 10,000 00 | 10,000 00 |
| United States of Colombia | 7,500 00 | 7,500 00 | 7,500 00 | 7,500 00 |
| Belgium | 7,500 00 | 10,000 00 | 7,500 00 | 7,500 00 |
| Argentine Republic | 7,500 00 | 10,000 00 | 7,500 00 | 7,500 00 |
| Hawaiian Islands, Netherlands, Sweden and Norway, and Venezuela, at $7,500 | 30,000 00 | 30,000 00 | 30,000 00 | 30,000 00 |
| Roumania, Servia, and Greece | 6,500 00 | 6,500 00 | 6,500 00 | 6,500 00 |
| Corea | 5,000 00 | 7,500 00 | 5,000 00 | 5,000 00 |
| Bolivia, Denmark, Hayti, Persia, Portugal, Siam, and Switzerland, at $5,000 | 35,000 00 | 35,000 00 | 35,000 00 | 35,000 00 |
| Liberia | 5,000 00 | 5,000 00 | 4,000 00 | 4,000 00 |
| Cairo, agent and consul-general | 5,000 00 | 5,000 00 | | 5,000 00 |
| Paraguay and Uruguay, chargé d'affaires | 5,000 00 | 5,000 00 | 5,000 00 | 5,000 00 |
| Chargés d'affaires *ad interim* and diplomatic officers abroad | 20,000 00 | 20,000 00 | 20,000 00 | 20,000 00 |
| Total ministers | 328,000 00 | 341,000 00 | 319,500 00 | 324,500 00 |
| SALARIES SECRETARIES OF LEGATIONS. | | | | |
| Berlin, Japan, London, Paris, and St. Petersburg, secretaries, at $2,625 | 13,125 00 | 13,125 00 | 13,125 00 | 13,125 00 |
| China, secretary | 2,625 00 | 2,625 00 | | 2,625 00 |
| Berlin, London, and Paris, second secretaries, at $2,000 | 6,000 00 | 6,000 00 | 6,000 00 | 6,000 00 |
| China and Japan, secretaries, at $1,800 | 3,600 00 | 3,600 00 | | 3,600 00 |
| Bogota, secretary and consul-general | 2,000 00 | 2,000 00 | 2,000 00 | 2,000 00 |
| Central American States | 2,000 00 | 2,000 00 | 2,000 00 | 2,000 00 |
| Austria, Brazil, Italy, Mexico, Spain, secretaries, at $1,800 | 9,000 00 | 9,000 00 | 9,000 00 | 9,000 00 |
| Turkey, secretary | 1,800 00 | 1,800 00 | | 1,800 00 |
| Chili and Peru, secretaries, at $1,500 | 3,000 00 | 3,000 00 | | 3,000 00 |
| Argentine Republic, Belgium, Netherlands, Roumania, Servia, and Greece, Sweden and Norway, Switzerland, and Venezuela, secretaries, at $1,500 | | 10,500 00 | | |
| Corea, secretary | | 1,500 00 | | 1,500 00 |

DIPLOMATIC AND CONSULAR SERVICE, 1888.—*Statement showing the appropriations for* 1887, *&c.*—Continued.

| Object. | Appropriations, 1887. | Estimates, 1888. | House bill, 1888. | Senate committee, 1888. |
|---|---|---|---|---|
| Four secretaries of legation at large, at $1,800 | | $7,200 00 | | |
| For expenses of same | | 2,000 00 | | |
| Total secretaries of legation | $43,150 00 | 64,350 00 | $32,125 00 | $44,650 00 |
| SALARIES INTERPRETERS TO LEGATIONS. | | | | |
| Turkey | 2,500 00 | 2,500 00 | 3,000 00 | 2,500 00 |
| China | 3,000 00 | 3,000 00 | 3,000 00 | 3,000 00 |
| Japan | 2,500 00 | 2,500 00 | 2,500 00 | 2,500 00 |
| Persia | 1,000 00 | 1,000 00 | 1,000 00 | 1,000 00 |
| Corea | 1,000 00 | 1,000 00 | 1,000 00 | 1,000 00 |
| Bangkok | 500 00 | 800 00 | | 500 00 |
| Total interpreters to legations | 10,500 00 | 10,800 00 | 10,500 00 | 10,500 00 |
| CLERK-HIRE AT LEGATIONS. | | | | |
| Spain | 1,200 00 | 1,200 00 | 1,200 00 | 1,200 00 |
| London | | 1,200 00 | | |
| Total clerk-hire at legations | 1,200 00 | 2,400 00 | 1,200 00 | 1,200 00 |
| Contingent expenses, foreign missions | 105,000 00 | 105,000 00 | 105,000 00 | 105,000 00 |
| MISCELLANEOUS EXPENSES OF LEGATIONS. | | | | |
| Loss by exchange | 2,500 00 | 2,500 00 | 2,500 00 | 2,500 00 |
| Hiring steam-launch at Constantinople | 1,800 00 | 1,800 00 | 1,800 00 | 1,800 00 |
| Rent of buildings at Pekin, China | 3,100 00 | 3,100 00 | 3,100 00 | 3,100 00 |
| Rent of buildings at Tokio, Japan | 3,400 00 | 3,400 00 | 3,400 00 | 3,400 00 |
| Erection of legation buildings at Tokio, Japan | | 25,000 00 | | |
| Repairing legation premises at Bangkok, Siam | | 3,000 00 | | |
| Purchase of legation buildings at Seoul, Corea | 5,000 00 | | | |
| Total miscellaneous expenses of legations | 15,800 00 | 38,800 00 | 10,800 00 | 10,800 00 |
| MISCELLANEOUS EXPENSES, FOREIGN INTERCOURSE. | | | | |
| Annual expenses of Cape Spartel and Tangier light | 325 00 | 325 00 | 325 00 | 325 00 |
| Expenses of bringing home persons charged with crime | 5,000 00 | 5,000 00 | 5,000 00 | 5,000 00 |
| Fees and costs in extradition cases | 5,000 00 | 5,000 00 | 5,000 00 | 5,000 00 |
| Expenses of acknowledgment of services of foreign vessels in rescuing American seamen | 4,000 00 | 4,500 00 | 4,500 00 | 4,500 00 |
| Expenses of execution of the neutrality act | 15,000 00 | 25,000 00 | 15,000 00 | 15,000 00 |
| To meet unforeseen emergencies, &c | 50,000 00 | 50,000 00 | 50,000 00 | 50,000 00 |
| Payment to widows or heirs of diplomatic or consular officers dying abroad | 5,000 00 | 5,000 00 | 5,000 00 | 5,000 00 |
| Transporting remains of ministers and consuls to the United States | 10,000 00 | 10,000 00 | 10,000 00 | 10,000 00 |
| Contribution to International Bureau of Weights and Measures | 2,270 00 | 2,270 00 | 2,270 00 | 2,270 00 |
| International boundary lines, United States and Mexico | | 100,000 00 | | |
| Expenses of Haytian Arbitration Commission | | 4,077 14 | | 4,077 14 |
| Expenses of Venezuela and American claims commission | | 13,500 00 | | 12,000 00 |
| Expenses of Alaska boundary survey | | 100,000 00 | | |
| Total miscellaneous expenses, foreign missions | 96,595 00 | 324,672 14 | 97,095 00 | 113,172 14 |
| SALARIES, CONSULS-GENERAL. | | | | |
| Havana, London, Paris, and Rio de Janeiro, at $6,000 | 24,000 00 | 24,000 00 | 24,000 00 | 24,000 00 |
| Calcutta and Shanghai, at $5,000 | 10,000 00 | 10,000 00 | 10,000 00 | 10,000 00 |
| Kanagawa | 4,000 00 | 5,000 00 | | 4,000 00 |
| Panama | 4,000 00 | 5,000 00 | | 4,000 00 |
| Melbourne | 4,500 00 | 4,500 00 | 4,500 00 | 4,500 00 |
| Berlin, Montreal, and Honolulu, at $4,000 | 12,000 00 | 12,000 00 | 12,000 00 | 12,000 00 |
| Ecuador | 3,000 00 | 4,000 00 | 3,000 00 | 3,000 00 |
| Halifax | 3,500 00 | 4,000 00 | | 3,500 00 |
| Mexico | 2,500 00 | 4,000 00 | | 2,500 00 |
| St. Petersburg | 3,000 00 | 4,000 00 | | 3,000 00 |
| Constantinople, Frankfort, and Rome, at $3,000 | 9,000 00 | 9,000 00 | 9,000 00 | 9,000 00 |
| Vienna | 3,000 00 | 4,000 00 | 3,000 00 | 3,000 00 |
| Matamoros, now consul at $2,000 | | 3,000 00 | | |
| Total consuls-general | 82,500 00 | 92,500 00 | 65,500 00 | 82,500 00 |
| CONSULAR SERVICE. | | | | |
| Consuls, vice-consuls, and commercial agents | 333,500 00 | 518,000 00 | 325,000 00 | 378,500 00 |
| Thirteen consular clerks | 14,400 00 | 14,200 00 | 14,400 00 | 14,200 00 |
| Clerks at consulates specified | 50,320 00 | 55,900 00 | 40,500 00 | 50,320 00 |
| Clerks at consulates not otherwise provided for | 10,000 00 | 20,000 00 | 10,000 00 | 20,000 00 |
| Consular officers not citizens | 6,000 00 | 6,000 00 | 6,000 00 | 6,000 00 |
| Interpreters at consulates in China and Japan | 12,000 00 | 15,000 00 | 15,000 00 | 15,000 00 |
| Interpreters and guards at consulates in Beirut, Cairo, Constantinople, Jerusalem, and Smyrna | 4,000 00 | 5,000 00 | 5,000 00 | 5,000 00 |
| Marshals for consulate courts in Japan, China, and Turkey | 8,000 00 | 9,000 00 | 9,000 00 | 9,000 00 |
| Boat-hire at Osaka and Hiogo | 500 00 | 500 00 | 500 00 | 500 00 |
| Boat-hire at Hong-Kong | 500 00 | 500 00 | 500 00 | 500 00 |
| Loss on exchange | 4,000 00 | 4,000 00 | 4,000 00 | 4,000 00 |
| Two inspectors of consulates, at $4,000 | | 8,000 00 | | |
| Two inspectors of consulates, traveling and other expenses | | 10,000 00 | | |
| Expenses of prison at Bangkok, Siam | 1,000 00 | 1,000 00 | 1,000 00 | 1,000 00 |
| Expenses of prison at Shanghai, China | 1,550 00 | 1,550 00 | 1,550 00 | 1,550 00 |
| Expenses of prison at Kanagawa, Japan | 1,550 00 | 1,550 00 | 1,550 00 | 1,550 00 |
| Expenses of keeping and feeding prisoners in China, Japan, Siam, and Turkey | 9,000 00 | 9,000 00 | 9,000 00 | 9,000 00 |
| Rent of prisons for American convicts in Turkey | 1,500 00 | 1,500 00 | 1,500 00 | 1,500 00 |
| Relief and protection of American seamen | 50,000 00 | 50,000 00 | 50,000 00 | 50,000 00 |
| Contribution to foreign hospital at Panama | 500 00 | 500 00 | 500 00 | 500 00 |
| Consular and commercial reports | 20,000 00 | 25,000 00 | 25,000 00 | 20,000 00 |
| Contingent expenses, United States consulates | 150,000 00 | 200,000 00 | 150,000 00 | 150,000 00 |
| Revising consular regulations | 3,000 00 | | | |
| Total consular service | 681,320 00 | 956,200 00 | 670,000 00 | 738,120 00 |
| Total diplomatic and consular service | 1,364,065 00 | 1,935,722 14 | 1,311,720 00 | 1,430 442 14 |

DEPARTMENT OF STATE, WASHINGTON, *February* 23, 1887.

SIR: Agreeably to your request, I submit herewith, as briefly as possible, my views on the diplomatic and consular appropriation bill (H. R. 10396) as the same passed the House of Representatives on the 17th instant.

The estimates prepared by this Department were made in the belief that every item was called for by the just needs of the public service. Some items were therein submitted, others followed the sanction of previous statutes, some having been appropriated for during several years past. It seems proper, therefore, to compare the bill as adopted by the House with the estimates submitted.

1. *China.*—Minister's salary (line 16). It is earnestly recommended that this

important mission be elevated to the first grade, with increase of salary from $12,000 to $17,500. Apart from the political reasons which counsel manifest friendliness and regard in our intercourse with China, the fact remains that the demands upon the minister are greater in China, owing to the exigent conditions of civilized life in an oriental capital, isolated from ordinary channels of supply, than in a European capital.

2. *Turkey.*—Minister's salary (line 28). This was raised from $7,500 to $10,000 in the consular and diplomatic act of February 25, 1885, and the same appropriation was made in the act of July 1, 1886. Constantinople is now a political center and an expensive place of residence, the minister being obliged to keep up two personal establishments, one for winter, another for summer.

3. *Argentine Republic.*—Minister's salary (line 27). The present salary is $7,500. Its increase to $10,000 is recommended. Here, as elsewhere, the Department must give due regard to the special conditions of living at foreign capitals. Buenos Ayres is a compactly built city, with no room for expansion, and the recent increase of commercial activity there has augmented the cost of living in a dense metropolitan population. Rentals are high, a modest residence on a flat costs from $2,000 to $3,000, and is difficult to procure at that. The necessaries of life are dear and a dollar has only about three-fifths the purchasing power that it has in the United States. The trade relations of the Argentine Republic are among the most important of South America. Already for the most part in the hands of Europeans, an effort is being made to divert it to our markets, and the recent establishment of a line of mail steamers to the United States, with a large subvention from the Argentine Government, is a promising sign, and marks the friendly relationship of the two countries. The mission is an important one, and may be made much more so.

4. *Belgium.*—Minister's salary (line 29). The importance of the direct relations of Belgium to the United States, which are constantly expanding, make it most advisable that the mission should be elevated to the plenipotentiary grade, with $10,000 instead of $7,500 for a minister resident, as now. With one or two minor exceptions, all the foreign missions at Brussels are of the plenipotentiary rank. The elevation of the mission should be effected, even without increase of salary—and a secretary of legation provided, as explained further on—but from every point of view the office should be supplied with the moderate salary of $10,000.

5. *Corea.*—Minister's salary (line 35). Since Corea was first opened to foreign intercourse by the United States, American influence has been exceptionally important at Seoul, the capital; the disinterested counsels of the legation are eagerly sought by the authorities, and every effort is being made by them to spread American ideas and develop direct trade with the Pacific coast. Although I have not recommended it in the estimates, I should be glad to see the mission made plenipotentiary, but at any rate, the isolation of Seoul and the conditions of life there render a fair living salary indispensable, and I trust that $7,500 will be allowed.

6. *Liberia*—Minister's salary (line 40). The salary of this office was raised from $4,000 to $5,000 by the consular and diplomatic act of August 5, 1882, and has since remained at that figure. The climate is unhealthy. Two ministers have recently died in office. The historical intimacy of Liberia with the United States, and the good will due to that offshoot of our civilization, make recognition of its moral dependence upon us timely.

7. *China.*—Secretary of legation (line 46).

The House bill omits altogether the usual appropriation for secretary of legation at Peking. This was probably an error, for the debates in the House suggest that the point of order was only taken because the combined salary of secretary of legation and interpreter exceeded $5,000, the amount to which the emoluments of the two offices, when separated, were supposed to be limited by section 1680, Revised Statutes. A glance at that section will show the mistake, for it provides that when the secretaryship and interpreter's post are filled by two officers, the former shall receive $3,000 and the latter $5,000, or $8,000 for the two. The salary of the secretary of legation was reduced from $3,000 to $2,625 some years ago—ostensibly to make it uniform with the salaries at Berlin, London, and Paris. It is simply impossible to conduct the business of the legation without secretaries besides the interpreter.

8. *Chili and Peru.*—Salaries of secretaries of legation (omitted from House bill).

These secretaryships have been appropriated for during two years past, the first appropriation being in the consular and diplomatic act of July 7, 1884. Their utility has been demonstrated.

9. *Belgium, Argentine Republic, Corea, Roumania, &c., Sweden and Norway, Switzerland and Venezuela.*—Secretaries of legation (estimated for at $1,500 each, but omitted from House bill).

Every legation of any importance should have a secretary of legation. The absence or death of the minister necessarily closes the office, unless a secretary be present to take charge *ad interim*. It sometimes happens that, in case of a temporary vacancy, the friendly services of the representative of some other government have to be resorted to, as lately in Persia. At the present time it has been found necessary to send to Corea the secretary of the Peking legation, in order to take charge of affairs there in the total absence of any official substitute.

10. Four secretaries of legation at large (estimated for at $1,800 each, but omitted in the House bill).

The recommended measure finds its warrant in the considerations in the preceding paragraph. Our country should never be left wholly unrepresented at any foreign court, nor should its archives be left to irresponsible care, or open to alien inspection. It is not always practicable to designate a consul to take temporary charge. Many governments refuse to admit a union of consular and diplomatic functions. The proposed secretaries at large could be so distributed as to be available at short notice to fill a vacancy, such as that which happened at Rome recently when the secretary's death quickly followed the minister's resignation. When not so detailed, the secretaries at large could be usefully assigned to legations where no secretary may be allowed by law, or to relieve an overburdened legation from a press of work, or be employed on special investigations for which outside aid must now be sought at considerable expense. I deem this recommendation of great value, as doing for the diplomatic service what the staff of consular clerks has so admirably done for the consular service, and providing a small but efficiently trained force, ready for emergencies, and meanwhile always to be usefully employed.

11. *Turkey.*—Secretary of legation (estimated for at $1,800, and omitted from the House bill). This office has been regularly appropriated for during many years, and is now omitted probably through oversight. It can not be expected that a secretary's functions can be discharged by an interpreter, who has no diplomatic status. The item should be restored in line 58 of the House bill.

12. *China and Japan.*—Second secretaries of legation (estimated for at $1,800 each, and omitted from the House bill). These offices were first established by the consular and diplomatic act of July 7, 1884, and have since been regularly appropriated for. The necessity of possessing, within the legation itself, a knowledge of the Chinese or Japanese languages, independently of irresponsible and often interested native aid, is evident, especially in the case of the absence or death of the interpreter provided by law. Every well-organized modern diplomatic service is equipped with student secretaries in oriental countries. The utility of the innovation on our part in China and Japan is demonstrated beyond mere experiment, and certainly should be extended and not cut off altogether to the serious embarrassment of the service, as proposed in the House bill.

13. *Siam.*—Interpreter's salary (estimated for at $800, and omitted from House bill).

Since the act of July 7, 1884, $500 has been appropriated for an interpreter to the legation and consulate-general at Bangkok. The item occurs under the consular part of the statutes (see Statutes, volume 23, page 330), where, however, it is stricken out in the pending House bill. It is now proposed to make it an item under the diplomatic head, with a salary of $800. I need hardly dwell on the necessity of such a provision, at least until the Siamese language shall be more widely practiced in the United States. At present no person known to me is eligible to appointment as minister to Siam who possesses that difficult tongue. I can not suppose it to be the purpose of Congress to throw upon the slenderly-paid minister the expense and risk of accidental employment of native translators, and I trust the estimated allowance will be made.

14. Contingent expenses, foreign missions (lines 75–80).

The purposes for which the appropriated fund may be expended are limited, by the House bill, to "stationery, blanks, record and other books, seals, presses, flags and signs." These form but a small part of the necessary expenses of public business at the legations, and for many years other indispensable contingent items have been appropriated for. The item as it appears in the estimates is taken from the consular and diplomatic act of the last session. Every enumerated detail is found necessary in the conduct of foreign intercourse, most of them have had the sanction of long-continued legislation, and none of them are proper to come out of the pocket of the ministers or of the Secretary of State. As now emasculated, this provision amounts to a practical prohibition against transacting business. The use of the telegraph and the mails would be barred, and the Department cut off from communication with its agents abroad.

If it be assumed that the agents are to bear the expense of communicating with the Department, it may be a pertinent inquiry, who is to bear the expense of the Department's communications with its agents? Surely not the Secretary of State, for the annual expense of postage and telegrams from the Department, although kept within the narrowest limits, is in excess of the Secretary's salary.

Rent, too, is a necessary allowance, especially at legations like London, Paris, Madrid, and others, where the accumulation of archives, beyond the capacity of any private residence within the envoy's salaried means, demands a separate establishment for offices.

Dispatch agents are necessary for the speedy and safe conveyance of the mails. The transmission of correspondence by open mail, or the conveyance of sealed pouches at mail-rates, would increase the expense of postage considerably beyond the amounts now allowed to dispatch agents.

Printing in the Department of State is another indispensable item. Confidential correspondence, draughts of treaties, *précis* of negotiations, and the like are continually required for communication to legations and for the needs of the Department. These can only be prepared by hand at great cost of time. Being often needed on short notice, the delay necessary to have the work done at the Public Printing Office would often lose a mail. Convenience and expedition are of more importance even than absolute secrecy in this class of work. Originals of dispatches received are duplicated in an hour or two, without the need of pen copies.

The necessary plant (presses, type, &c.) has been set up in the Department under last year's appropriation. Labor is detailed from the Government Printing Office, chargeable to the Department's general allowance for printing, in the same way that the binding of the Department's confidential archives has been conducted for many years. The current expenses for paper and materials will hereafter be very light. The utility of the present arrangement has been so abundantly demonstrated that it is not easy to see how the work of the Department could be accomplished without it. The mere change of the location where the printing is to be done does not increase its cost, but it does increase its usefulness and efficiency.

15. Clerk to the legation in London (estimated for at $1,200, and omitted from the House bill).

The allowance which the Department has heretofore been able to make from its limited contingent fund for foreign intercourse has been very inadequate for the clerical requirements of the London legation. Moreover, the irregular employment of native aid necessarily admits outsiders to a knowledge of the business of the legation, which is most undesirable and even dangerous. In no legation abroad is secrecy and safety more imperatively demanded. Under the proposed appropriation a competent and responsible citizen of the United States could be permanently attached to the legation at London. I regard this provision as of far more importance than might appear on casual observation. The item should be inserted between lines 73 and 74, House bill.

16. Mexican boundary survey (estimated $100,000 additional, and omitted from House bill).

It is important that this survey, under treaty engagements, should be pushed to completion when once begun. An appropriation of $100,000 is already available under a former act; but it is very necessary that a sufficient sum to complete the work within eighteen months should be assured, and in default of such assurance it is not regarded as expedient to begin it, only to suffer interruption (with considerable additional expense) while awaiting further appropriation; $200,000 in all will probably suffice.

17. Haytian arbitration (estimated for at $4,077.44, and omitted from the House bill).

The arbitration in the cases of Pelletier and Lazare is completed and the expense ascertained. Hayti has paid her half of the cost. In the absence of an appropriation this Government is unable to pay its half to compensate the distinguished arbitrator (Retired Justice Strong) and pay for the clerical work actually performed.

18. Venezuela Claims Commission (estimated for at $13,500, and omitted in the House bill).

The convention signed December 5, 1885, between the United States and Venezuela, requires the constitution within three months after exchange of ratifications of an international commission to rehear the awards of the Caracas commission of 1868. A delay has occurred in the exchange of ratifications (which is the only remaining step to complete the international stipulation), but it is hoped this will soon be overcome. If this be done, the execution of the compact would be arrested pending provision by Congress to organize the commission. An appropriation is imperative to guard the national honor. If, for any cause, the convention of December 5, 1885, should fail of completion, not a dollar of the appropriation could be expended, and it would wholly revert to the public Treasury.

19. Alaska survey (estimated for at $100,000, and omitted from House bill).

This estimate is in accordance with a diplomatic engagement between the United States and Great Britain. The need of a determination of the Alaskan boundary, and the way proposed to accomplish it, are fully set forth in Senate Executive Document No. 143 Forty-ninth Congress, First Session, in the papers accompanying the President's message to Congress of May 17, 1886.

I have the honor to be, very respectfully,

T. F. BAYARD.

Hon. W. B. ALLISON,
*Chairman Committee on Appropriations, Senate.*

## DISEASES OF CATTLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate

the exportation of cattle and the products of live-stock, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment submitted by the Senator from Missouri [Mr. VEST].

Mr. MILLER. When the bill was last under consideration, with my consent an amendment of the committee was disagreed to on page 9, section 9, in lines 17 and 18, which I now desire to have reconsidered by unanimous consent, and to have the committee amendment agreed to.

It will be seen by all Senators that the reports in regard to operations of the cattle commission should be made to the Agricultural Department instead of to the President, because by an amendment at the beginning of the bill we have made the cattle commission, when created, a bureau in the Department of Agriculture.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from New York asks unanimous consent that the vote of the Senate on the amendment which he has indicated may be reconsidered. Is there objection? The Chair hears none, and it will be so ordered.

Mr. MILLER. Now I desire to have the amendment of the committee there agreed to.

The PRESIDING OFFICER. Will the Senator from New York indicate it again, as the Secretary did not catch it?

Mr. MILLER. In section 9, lines 17 and 18.

The SECRETARY. In section 9, line 17, after the words "by the," the Committee on Agriculture and Forestry proposed to strike out the words "President of the United States" and insert "Commissioner of Agriculture."

Mr. MILLER. I desire to have the amendment agreed to.

The PRESIDING OFFICER. This amendment was disagreed to yesterday, and on the request of the Senator from New York the action of the Senate has been reconsidered. The question now is on agreeing to the amendment.

Mr. COCKRELL. It will then be the Commissioner of Agriculture.

Mr. MILLER. Yes.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. MILLER. Let the amendment of the Senator from Missouri be read.

The PRESIDING OFFICER. The Chair understands the amendment of the Senator from Missouri has been in some respects modified by him. It will be reported again for the information of the Senate.

The SECRETARY. It is proposed to add to section 3:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State, whenever the plans and methods shall be accepted by any State in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the commission and approved by the President of the United States, and whenever the governor of a State, being thereto authorized by law, or other properly constituted authorities signify their assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the commission is hereby authorized to expend in said State so much of the money appropriated by this act as may be necessary in such investigations, disinfection, and quarantine measures, including the slaughter of animals, as may be necessary to prevent the spread of the disease in said State, or from said State into any other State or Territory.

Mr. MCPHERSON. I wish to ask the Senator from New York, who has charge of this bill, whether he consents to the amendment offered by the Senator from Missouri. As a friend of the pleuro-pneumonia bill and desirous of some legislation on the question which will enable the Government or some authority to stamp out the disease, as there seems to be an immediate necessity for the passage of some such measure, and for the additional reason that there are many Senators on this side of the Chamber who think the bill as presented by the committee is subject to some constitutional objection, and as the amendment of the Senator from Missouri seems to relieve them of that impression, I hope the amendment will be accepted.

Furthermore, it seems to me that the amendment offered by the Senator from Missouri would reach every case. It requires the assent of the State, and when that assent is once given by the State the General Government, as I understand, may then go within the jurisdiction of that State and at an expense borne entirely by the Government may stamp out the disease wherever it finds it, even if the State authorities refuse to aid or contribute a dollar for that purpose. The State Legislatures, or most of them, are now in session. It will be very easy indeed for them to confer upon the governor the requisite authority to give this assent, although, perhaps, it would not be so easy to secure an appropriation of money by the several States for the purpose indicated in the bill. Therefore if the Senator from New York will accept on the part of the committee the amendment offered by the Senator from Missouri, it will vastly simplify the measure, and all the objects he has in view in my opinion, as I understand the amendment of the Senator from Missouri, can be easily accomplished.

Mr. MILLER. Mr. President, I find it impossible to accept this amendment. As I stated yesterday to the Senate, this bill is asked for in its present condition by substantially the entire western portion of our country, and also by numerous commercial bodies in the East. I know of no objection to it in the East at all, and the sentiment demanding this bill in the western portion of our country, west of the Alleghany Mountains, is almost unanimous.

The bill which we passed in 1884 creating what is known as the bureau of animal industry has been tried for these three years and has been found wanting; and why wanting? Simply because that bill required that the Federal officials before they could proceed to extirpate pleuro-pneumonia in any State of the Union should secure the co-operation of the State. Many States, a majority of them, have taken no action at all, and therefore the bureau of animal industry has found it impossible to go into those States to do anything; and that, I believe, is substantially true of all the Eastern States in which pleuro-pneumonia does now exist.

In some of the Western States the Legislatures did pass acts authorizing the State officials to co-operate; in others they have taken no action at all; and in the West, where they have in some States passed legislative acts authorizing the State authorities to co-operate with the Federal authorities, their co-operation has been found impossible, and that is the case to-day in the State of Illinois and in the city of Chicago. The State of Illinois passed a law indicating that its officials should co-operate with the Federal officials, and by the power of that law a cattle commission was appointed in the State of Illinois. That cattle commission has not co-operated and does not co-operate with the Federal authorities in stamping out pleuro-pneumonia in the State of Illinois to-day, as I understand, and it is because of their failure to thus co-operate that the Federal authorities find themselves utterly powerless to go into the city of Chicago and obliterate this disease, as they could do, I believe, within thirty days, if they had the power.

Mr. MCPHERSON. Will the Senator yield to me just there?

Mr. MILLER. Let me finish my statements of the reasons for this bill.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. MILLER. Finding this condition of affairs, finding that the entire cattle industry, which mounts up into the hundreds of millions of dollars annually, is threatened with great loss and eventually with destruction if this disease is not suppressed, all the people interested in this industry throughout the country substantially have been here petitioning Congress day after day, week after week, and month after month, to pass the legislation found in this bill.

Now we are met with an amendment by the Senator from Missouri that, if it shall prevail, takes out of this bill the great power which was proposed to be given to the Federal Government by the bill. In short, this amendment curtails the power of the commission when it shall be appointed, and leaves it little greater than the power of the present bureau of animal industry. That bureau, as I have stated, before it could act, must secure the co-operation of the State. This amendment proposes that before this commission shall act it shall secure the consent of the State. The consent of a State can only be had through its legislative bodies. All the Legislatures of the thirty-eight States of this Union must be convened if they are not now in session, and must pass laws authorizing the officials of their respective States to give their assent, or they must give the assent by a direct act of the Legislature. Does any one believe that this can be done within the next two years or the next five years? Not at all; it can not be done; it never can be done.

Does anybody believe that the State of South Carolina, with the views of its statesmen upon the question of State rights, will ever call its Legislature together and pass an act consenting that the Federal officials shall go into the territory of the State and enter the premises of every man and there examine his cattle and see if they have pleuro-pneumonia, and, if they find pleuro-pneumonia, to either kill the cattle and pay for them or put them in quarantine?

Mr. President, in my judgment not one-half of the States of this Union will ever give that consent. Then why should the Federal Government go on and expend this million dollars and more millions which must follow it? If a single State shall refuse to give its assent, then the bill amounts to nothing in the final end, for whilst you may crush out pleuro-pneumonia in Kentucky as it has been done, or in Ohio as it has been done, or in Missouri as it is claimed it has been done, yet we find it to-day in the city of Chicago, the great central cattle market of this country, to which nearly all the cattle go, passing either east or west.

So long as it shall remain there, that is a great center of contagion, and it will be impossible long to confine the disease to Chicago. The shipment of blooded cattle from the East to the West for the improvement of the vast herds upon our plains go through that city, and in my judgment it will not be twelve months before from that center of pestilence and plague to the cattle in this country this disease will be found upon our great ranges on the plains and in the Territories, and when that day shall come the millions upon millions of money that are invested in cattle ranging and cattle growing in the West will disappear as the dew before the morning sun.

Why, sir, Great Britain has expended since it first undertook to crush out this plague in its own country over $750,000,000. It has paid it out to its citizens for the cattle which it has killed in attempting to exterminate the disease. The loss to the Kingdom of Great

Britain and its colonies in Australia and Africa amounts up to thousands of millions of dollars, and here to-day with this thing threatening this great industry we are asked before we can do anything to save this industry to ask the assent of each individual State!

No, Mr. President, however much I may desire to secure the passage of this bill, I can not accept the amendment of the Senator from Missouri, for if that amendment is adopted this bill is substantially destroyed. Of course, if the Senate by a majority vote shall adopt the amendment, I shall bow to its judgment, but in my belief it will be the great mistake of this session, and we shall have done an act which will cost the people of this country untold millions of dollars.

Mr. President, I beg of the Senator from Missouri, whose own Legislature has petitioned for this bill, a State which is largely interested in this great industry, perhaps more largely than any other State in the Union, certainly if we take into account the capabilities of that State for cattle-growing—I beg of him not to insist on this amendment, but to let the bill pass the Senate as it now stands and let it go to the House of Representatives; and if that body, directly representing the people, shall in any way amend it and shall still leave anything of it, I shall then feel compelled to ask the Senate to concur in such an amendment; but I trust that the Senator from Missouri will not insist upon this amendment, and will not ask for its adoption.

Mr. VEST. Mr. President, I know much better than the Senator from New York possibly can know the interest the people of Missouri feel in the passage of some bill for the extirpation of pleuro-pneumonia in cattle, and I know that the Legislature of my State has unanimously passed a resolution in favor of this bill; but as a matter of course the bill was not before them and was not subjected to the critical inspection that is demanded at my hands to-day as a Senator in voting for or against it.

As a public man, I have every inducement that is possible placed before me to vote for a measure as stringent as possible for the purposes which this bill has in view, but I have my oath to support the Constitution, which must be paramount with me to everything else. If it was to terminate my public life to-morrow, I could not vote for this bill with my convictions as to the power of Congress on this subject. I do not believe that even the Senator from New York, although he announced the other day that a paternal government was a necessity, and, to use his expression, that we on this side of the Chamber must come to it sooner or later, would deliberately assert the proposition that the Federal Government has the right under the Constitution to go into the territory of any State of this Union and, against the will of the State authorities, slaughter cattle not intended to be transported into any other State. In all the extremity of this paternal-government doctrine as urged here and elsewhere, I hardly think that any Senator on this floor would announce that proposition.

Mr. MILLER. Will the Senator permit me a moment?

Mr. VEST. Certainly.

Mr. MILLER. The Senator well understands, of course, that the bill contains a provision that cattle are not to be killed except by the consent of the owners. If an owner objects to the price offered by the commission, then the commission simply puts the cattle in quarantine, and they are not killed at all.

Mr. VEST. As a matter of course; but that does not touch the point I make. I hold that as to inspection, quarantine, and police laws relative to the domestic government of a State, the State authorities have exclusive jurisdiction; but I admit at the same time that with the consent of the State authorities the Federal Government can operate within the territorial limits of a State, and there are various instances which might be cited where the Federal Government and the State authorities have acted in unison. But this bill, aside from the question of paying individuals for their property, which is not the point at all, asserts the proposition that even if the governor and State Legislature should by enactment solemnly made declare that this bill should not be enforced within their limits, still this commission could go in, kill cattle, and pay the owners. I can not agree to that proposition.

Mr. MILLER. Will the Senator permit me a question?

Mr. VEST. Certainly.

Mr. MILLER. The Senator, if I understood him correctly, stated that the police powers, as he terms them, which include quarantine, the extirpation of diseases, and matters of that kind, under the Constitution of the United States, belong exclusively to the States. Now, does the Senator pretend to say that any one of the thirty-eight States of this Union can vacate its constitutional powers by a mere assent that some foreign power may come in and exercise those privileges and rights of it under the Constitution? May a State vacate the rights of its own citizens under the Constitution? Would it make it any more constitutional for the Federal authorities to go into a State and destroy cattle, which the Senator says it can not do under the Federal Constitution, simply because the Legislature of that State by an act of the Legislature said the Federal authority might come in? In other words, can the Federal Government under his construction ever do those acts save by an amendment to the Federal Constitution itself? Does his amendment better it?

Mr. VEST. I have no question at all that the State authorities anywhere in this Union may permit the United States Government to exercise these powers upon their territory if they see proper to do so; and it would be simply the use of one agency, the Federal agency, instead of the agency of the State authorities. The Supreme Court of the United States has recognized that doctrine in regard to the quarantine laws where the Federal authorities had used the quarantine instrumentalities of a sovereign State for the purpose of exercising its national powers.

I do not care to go into a critical analysis of the dual form of our Government and the difference between Federal and State authority. The Federal authority can use State instrumentalities to carry out the powers granted to the General Government in the Constitution, and so can the State authority permit the instrumentality of the General Government to be used in carrying out State power within their respective limits. That proposition is too plain, outside of any adjudication, to admit of any argument.

Mr. President, the framers of this bill recognize that this power which they propose to exercise here comes from the commerce clause of the Constitution, the power of Congress to regulate commerce with foreign nations and among the States. The very first section of the bill starts out with the enunciation of this proposition, that under the power to regulate commerce among the States and with foreign nations is found the authority here proposed to be exercised:

*Be it enacted, &c.*, That for the purpose—

Mark this language—

That for the purpose of better promoting the exportation of cattle and the products of live stock from the United States, and for the purpose of increasing, promoting, and facilitating the commerce in cattle and their products among the several States of this Union—

Quoting nearly the exact language of the Constitution—

and for the purpose of removing the obstructions to such commerce with foreign nations and among the States now occasioned by the existence of contagious, infectious, or communicable diseases among cattle and other live stock, and especially contagious pleuro-pneumonia, &c.

And then come the stringent regulations of the law. Here is a man in the State of Missouri who has a herd of cattle that he does not propose to export either to a foreign nation or to another State or Territory, and under this bill, as it comes from the committee, a commission can go into that State, after the governor and Legislature of Missouri have declared by solemn enactment that this bill shall not be carried out within the limits of the State of Missouri, can, notwithstanding that, go in with their agents, break down the doors of his barn or the fences upon his plantation, and quarantine his cattle or slaughter them in defiance of the State and without any regard to the interstate-commerce provision of the Constitution of the General Government.

As I said before, if it terminated my public life to-morrow—and I know how the cattle-owners of the country regard this enactment—I would not, and could not, vote for this bill as it stands.

The result of the amendment which I have proposed is this: It will enable many of us on this side of the Chamber to vote for the bill if the amendment shall be put upon it, because it simply says that the assent of the State authorities must be given before the commissioners who make this quarantine inspection act within the limits of any State. The amendment does not require the co-operation of the States, and that seems to have been the principal objection to the animal-industry bill. It simply requires assent; and it is too plain for argument that if this bill is passed without such an amendment the doctrine of State rights would be a mere memory of the past to be sneered at and laughed at for all time to come, and every one of us who votes for the bill as it comes from the committee is estopped from ever saying hereafter that our construction of the Constitution handed down to us by our fathers is the basis on which our votes are recorded. I would be ashamed to address the people of my State and talk about constitutional limitations if I voted for this bill as it now stands. I want to vote for it, but between my oath to support the Constitution and popular clamor for this or any other measure I should be a disgrace to this body if I hesitated one instant in regard to my duty.

Let the Senator accept this amendment. I have no threats to make, but let him take this amendment, and in my judgment the bill will become a law. If there be a fatal defect in this whole matter, that defect is in the Constitution, but as long as it remains the Constitution it is paramount with me, and I intend to observe it.

Mr. MILLER. I wish to put a question to the Senator before he takes his seat. I have returned thanks here several times that I was not a constitutional lawyer, and I have occasion now to repeat that remark.

If I understand the Senator from Missouri he takes the position that this bill is unconstitutional, and that by putting into it a clause which shall require from a State the assent of the State before the Federal authorities can carry it out, that will make its operation in a State entirely constitutional. Is that the position?

Mr. VEST. I believe so.

Mr. MILLER. Then the Senator brought up the case of a farmer in his own State. Let me ask him a question. Let him suppose this bill has been passed and that the Federal authorities, having obtained the assent of the Legislature of Missouri, go into that State and carry out this law, and shall come to a citizen of the State of Missouri, and

shall enter his premises and seize and slaughter his cattle and pay him, or offer to pay him compensation, or shall put them into quarantine, and that citizen should object to the Federal authorities doing that and should refuse to permit it to be done and should resist it, and the Federal authorities should then undertake to punish him under the penal clauses of this bill, and that case should be carried to the Supreme Court of the United States, does he believe that the Federal authorities could set up in their defense that the State authorities of Missouri had given them power to do this thing, and that therefore it was constitutional under the Federal Constitution?

Does he believe that any such defense as that would operate? It seems to me that the sovereign State of Missouri can not assign its powers and prerogatives under the Constitution. If the State of Missouri is sovereign in this question it can not put aside that sovereignty by saying the Federal authority may come in and exercise it; or, in other words, if the private citizen should appeal to the Constitution of the Federal Government, if the Senator is correct, the court would be bound to hold that the Federal authority had no power to touch his cattle, to quarantine them, or to kill them.

Mr. VEST. Then logically and mathematically this bill is absolutely unconstitutional, because if with the assent of the State authorities this thing can not be done and the bill can not be carried out, then how can it be carried out without the assent of the State to it?

Mr. MILLER. I was putting the supposition or the statement of the Senator. I assume that the bill is constitutional and constitutional without his amendment, but I put the question to him, how does his amendment improve its constitutionality or enable the Federal authorities to carry it out if a private citizen sees fit to resist it and appeals to that Constitution which he says forbids the doing of that very thing?

Mr. VEST. Under the provisions of the Senator's bill cattle can not be slaughtered at all without the consent of the individual citizen who owns them.

Mr. MILLER. Ah! But they can be quarantined, and the power to quarantine is equivalent to the power to kill. There can not be any difference between the two things as to the power. It would have been just as constitutional, in my view, to have given the power to kill absolutely and to pay as to give the power to quarantine. That is what we have given, because that means taking property.

Mr. VEST. I should like to ask the Senator from New York if he believes that the Federal authorities have the right to go into a State and even quarantine cattle when the Legislature and governor of the State have absolutely declared that it shall not be done, and those cattle are not to be transported out of the State?

Mr. MILLER. I answer that in the affirmative. I have no possible doubt of it; no question of it, provided we give the Federal authority power to do it by law. That is what I am seeking to do in this bill.

Mr. VEST. If that be so why is it that the entire power to pass this measure is put upon the commerce clause of the Constitution? Why does the Senator recite in his own bill that the purpose of it is to promote the exportation of cattle to foreign countries and the transportation from one State to another of animals among the States? If he believes, as he says he does, that the Federal Government has the power, without regard to whether the cattle are to be used commercially, to go into any State and destroy cattle or to quarantine them against the consent of the State authorities, why did he not say "for the purpose of extirpating pleuro-pneumonia in the United States the following enactments are made?" Why does he put the whole of his measure upon the commerce clauses of the Constitution and those alone?

Mr. MAXEY. I desire to call the attention of the Senator from Missouri to section 4, which not only authorizes the commissioners to go into a State and destroy property, but makes it a penal offense for any one who resists the execution of that duty, and imposes a fine not exceeding $500 or imprisonment not exceeding one hundred days, or both fine and imprisonment, at the discretion of the court. In other words, where the property is not *in transitu*, not coming under the interstate commerce clause of the Constitution at all, where property is within the State, it is proposed that the United States shall invade the State and if the party refuses to abandon the property he is subject to fine and imprisonment.

Mr. VEST. That is all I wish to say, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

Mr. SAULSBURY. Before the amendment is voted on, as a member of this body I feel it my duty to say that, in my opinion, there never was a more direct attempt to override every provision of the Constitution and to obliterate every right which the States and people of this country have secured to them under the Constitution than is proposed by the bill. I have seen at various times insidious attempts to override the Constitution, but this is a bold, base, naked proposition to check any claim which the States may have to the control of their own police powers, to transfer them to the Federal Government, to enter the States without let or hindrance from the States, and do what the Federal authorities please with the property within the limits of the States. I repeat that it is the boldest attempt I have ever seen or heard of in the Senate to disregard the limitations contained in the Constitution upon the powers of Congress and to override every right which the States enjoy and which the people of the States enjoy under the Constitution.

There was a time when there was some respect paid to the limitations upon Federal authority. There was a time when it was believed that the powers not delegated to the General Government were reserved to the States and to the people; but from the doctrines which I have heard proclaimed by the Senator from New York in advocacy of this bill, that time has passed; the States have no rights which the General Government is bound to respect, but, on the contrary, it may disregard every supposed right of a State and every supposed right of the citizens of a State and enter by the agents of the General Government within the limits of the States to take charge of the property of the citizens of a State without the consent of the State or the people themselves. Against such a proposition I feel called upon as a member of this body to protest.

While I shall not enter into any detailed examination of the provisions of the bill, I here proclaim that in my opinion this whole proposition is predicated upon the idea that the Congress of the United States may enact a law that will set aside every safeguard of the rights of the people and of the States, and do just as they please. The Constitution was regarded in our earliest days as the palladium of our rights, and my opinion is that it will be a sad day for the American people when they adopt the views of the Senator from New York and insist that Congress may, without regard to the States and without regard to the citizens of the States, enter within the limits of the States and take charge of their property and dispose of it at their pleasure.

The provisions of the bill authorize these commissioners or their agents to enter within the limits of a State to take the property, the cattle of the people of the States, if in their judgment they are diseased, to quarantine them, and in certain events to kill them and pay for them only part of their value. Was such a provision ever made before in the Senate of the United States? There was a time when the members of this body stood squarely up to the provisions of the Constitution and maintained the rights of the people and of the States and would not consent that there should be any violation of the provisions of the Constitution which reserved to the States all the powers that are not delegated to the General Government.

I am sorry to hear such doctrines proclaimed to-day. It may be that we are coming to what the Senator from New York said a few days ago, a paternal government, but I shall regret in my time at least to see every characteristic of State rights, every guarantee of State rights and of the rights of the people annulled and this body assume to itself the prerogative and power of overriding every limitation in the Constitution.

I do not believe myself that there is any great popular demand for this bill or for any bill upon the subject. I am fully aware that there are many people largely interested in the cattle business, men making perhaps more money than men engaged in any other business in the country, who for the purposes of promoting their own interests would be willing to see the provisions of the Constitution overridden, but whenever the question is brought to the great masses of the people, I have not lost such faith in them as to believe that they will be willing to see their rights surrendered to promote the interests of the cattle kings of the plains.

I have heard that there has been some trace of this disease in all the Eastern States. I remember that a year or two ago it was alleged that some two or three herds were affected with this disease in my own State. But the people themselves quarantined their own cattle, and I have heard nothing for the last twelve months of any disease whatever within the limits of the State. I understand that there never were more than two or three herds at all affected by it, and the owners of the herds got together and determined to crush it out by quarantining their own cattle. They never thought of looking to the Federal Government for any interposition in their behalf, and they never came here begging, with outstretched hands, remuneration from the Federal Treasury.

Let this bill become a law, and what guarantee have you that the people themselves will feel any interest in this subject? If a man knows his cattle are to be paid for out of the Federal Treasury he will be less careful to guard against disease, and there will be more danger of the disease spreading under the provisions of the bill than without it, in my opinion. The surest way to prevent a disease of this kind is to let the people of the country understand that it is to their interest to crush it out; not to let it spread and then to come here and get a part, at least, of the remuneration for the losses which they may have sustained.

Mr. President, I hope the bill will not pass. The amendment offered by the Senator from Missouri modifies to a very considerable extent the harsh features of the bill, and yet with the provision proposed by that Senator incorporated in it the bill is of such a character that I could not and would not vote for it, even if that amendment should be adopted.

Mr. HAWLEY. Mr. President, the bill seems to me monstrous, in gross violation of the fundamental theory upon which these governments, State and National, are organized. Of course, I am not going

into a minute discussion of the "general welfare" clause or the doctrines of National and State rights in general. This is the general proposition I have laid down for myself: What the States may completely do within their own borders is left for them to do; this work they certainly can do. And whatever is needed for their welfare, to be done only by work without the State is confided to the National Government—that sort of service which can best be done by one common agent of all the States. The State of Connecticut, the State of South Carolina, the State of Massachusetts could not be permitted to make treaties with each of the other governments nor with foreign governments. That is obvious.

The Senator from New York says that the Constitution protects us against a common enemy. If it be external it does protect us against a common enemy, but if the enemy is one internal, in the States, the Federal Government does not come in until the State calls for it, and in many cases has no right to call for it in any event.

Mr. MILLER. Will the Senator tell us——

Mr. HAWLEY. I think it far better the Senator should wait. With his usual admirable combativeness in favor of the bill he will be sure to reply if I say anything at all.

Mr. MILLER. I simply want to ask a question.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New York?

Mr. HAWLEY. Certainly.

Mr. MILLER. Which one of the Southern States petitioned to have the General Government go down South about twenty-five years ago and help to put down trouble inside the State?

Mr. HAWLEY. That is a very much broader question. The salvation of the whole Union was at stake then; the life of the Government was at stake. If an enemy external to a State, or to the States as a Union, attack a State or the Union, then the Federal Government is bound to act without waiting for the call of a State. It is created for that purpose.

It has been remarked by the Senator from New York that some of the provisions of the bill are copied, almost verbatim, I think I understood him to say, from English statutes. Obviously that is no argument whatever in favor of the bill. It might be an argument in favor of a bill on the subject under consideration in one of the States. The State having full jurisdiction, as the English Parliament has, one might learn from the action of the other; but the Parliament, as everybody knows, unites all the powers of a State Legislature and of the Federal Government, and much more. What its precise limitations are nobody knows. Just how far it may go in changing what is called the law of the land no lawyer has been able to precisely define. It is Federal and State government all in one, and the Parliament is not called upon to observe any of the nice distinctions we are discussing.

This bill is like many others, born of the spirit abroad in the country that, in my judgment, threatens fatal injuries to our Constitution, a spirit of impatience that demands instant action by the whole country. If it be a good thing people want it done immediately, and they hurry to the Federal Government as combining the power of thirty-eight States expecting it to do all good things instantly. The doctrine is simply stated in this way: Is this thing a good thing? Yes. Then let us have Congress do it for the whole country at once.

That will not answer. There is a body of the people in the country who are not content with the comparatively conservative and, I think, the constitutional law we passed concerning interstate commerce, but are demanding that the Federal Government shall take entire possession of the whole railroad system of the country, worth, say, eight thousand millions of dollars. They demand that it shall buy the whole and attempt to govern it, thus adding seven or eight thousand millions to the national debt and about seven hundred thousand to the number of the nation's employés.

That is not all. They are dissatisfied with the condition of the savings banks, best managed, in our judgment, by the people of the localities where the depositors live, and they want us to organize a national system of savings banks also.

Then, in the matter of common-school education, another body of agitators, dissatisfied with what they consider the inability of people to take care of themselves, at their own doors, in their own school districts within three miles where they reside, come here to have some fellow appointed at Washington who knows more about common school education in my school district than my neighbor, Uncle Jedediah, who has three or four children to educate—some fellow from Washington who will send off a decree instanter, demand and manage the business better that Uncle Jedediah and the neighbors' in the old-fashioned "deestrict" school meetin'.

Some time ago when quarantine laws were under discussion it was found that there were a number of great constitutional lawyers who did not doubt the power of the Federal Government to go into every State and take care of every case of small-pox, chicken-pox, or measles, if it was necessary for the "general welfare," under the famous clause of the Constitution. That does not by any means exhaust the field into which these gentlemen desire us to enter.

Another exhibition of this tendency is in the disposition to grumble about the State Legislatures and to change the constitutions in many States so as to have biennial sessions. The legislative body is adjudged a nuisance; the more quickly it adjourns the better; the less frequently it sits the better; the less frequently our elections are held the better for the whole country. The critics of this class seem not to recognize that there is considerable inconvenience in a free government; that if 11,000,000 voters undertake to govern themselves through one national and thirty-eight State governments, it makes more trouble and costs a little more than it does to have one man do it for the whole people. If you wish to avoid inconvenience and delay, and the necessity of waiting for co-operation between the States and the Federal Government, let us dispense with our system and have a king with fifteen or twenty advisers around him, who, if they make up their minds after dinner that the cattle disease ought to be exterminated before the next night, issue a decree that it shall be done. The subject will be disposed of without bothering sixty millions of people and thirty-eight Legislatures. That is the cheapest and the most direct and practical way of taking care of the evils of the country. Absolute monarchy is the cheapest and simplest government in the world beyond any doubt.

It costs a great deal to run this free Government, with its magnificent organization of thirty-eight States, combined, for certain purposes, in one central State. I think it is the most expensive form of government in the world, but we believe it is worth all it costs, and more. On the whole, in the long run, taking a broad view of it through the centuries, it is the most peaceable and the cheapest form of government. For one, I propose to stick to it. We ought to deem ourselves pre-eminently fortunate above all the nations of the world in having this vast territory divided into thirty-eight and more sections or divisions, over each of which presides a body of legislators and executive officers chosen right from the locality, knowing all the wants of the people, and obeying their orders, taking charge of that vast mass of matters of local and of immediate personal interest which we are absolutely disqualified for, which we are totally unfit to take charge of.

What is a finer arrangement in all imagination than that the several States shall each take care of these affairs for itself, while the imperial Federal Government shall manage the relations between them and all the relations of the whole in one toward and with the external world? The whole field of government is then completely covered in the best possible manner.

I should like to know how in the world three commissioners selected here by the Commissioner of Agriculture—for it was thought by the committee that the business of overruling the Constitution was hardly dignified enough to require men appointed by the President—I should like to know how three commissioners, appointed by a gentleman from Missouri, or even from Massachusetts, should know more about the cattle in Hartford County than the people in Hartford County, those who keep some of the finest cattle in the world.

Does the Senator suppose my neighbors there do not know when a cow is sick and have to send to Washington to find it out? Must you have an agent or inspector to come there to doctor a sick calf or tell the owner how much it is worth or what shall be done with it? How many people is it going to take to quarantine every herd of fine cattle in the United States in case the people choose to get a little "airy" about this bill and say, "We will take care of ourselves?"

About how many subordinates are to be appointed? No limitation is provided in the bill. A great deal is said about agents or commissioners, but not enough is said about their number, or what their compensation and their specific powers shall be.

Here is section 3, which strikes me as a little peculiar. Section 3 says:

SEC. 3. That the said commissioners are hereby authorized and required to make, record, and publish rules and regulations providing for and regulating the agencies, methods, and manner of conducting and making the investigations aforesaid regarding the existence of said contagious diseases; for ascertaining, entering, and searching places where such diseased animals are supposed to exist—

And so forth, and at the end:

And to make all other needful rules and regulations which may—

In the judgment of these three invented sovereigns, these three commissioners—

be deemed requisite to the full and due execution of the provisions of this act.

The three commissioners do not know any more than any three respectable farmers and cattle owners in my own State know about it, but they are to make rules for the whole United States; and moreover, as the bill stands, these rules and regulations (which it was thought well to remember to let the President of the United States approve) "shall have the force and effect of law, so far as the same are not inconsistent with this act and the other laws of the United States"—and the Constitution, I suppose.

But I observe there is no penalty provided for the violation of these rules or regulations having the force of statutes. These men may issue a code to equal in volume the body of the statutes, which is to have "the force and effect of law," but nobody is to be punished in any manner, prosecuted or hindered if he disobeys one or the whole of them. What sort of statutes will those be? Several punishable offenses are set forth in sections 4 and 5, but in affixing the penalties no reference is made to section 3; yet to this unknown, unforeseen body of law which is to be

published by the three commissioners, we give the force of statutory law.

The animal-industry act, which provides, in my judgment, pretty effectually for interstate and international cattle trade, might be supposed to be sufficient.

It is said in regard to this, as it is in regard to many other matters in which it is sought to enlarge the jurisdiction of the Federal Government, that the good work can not be done without it. That is a great mistake. It certainly can be done in this case. The States have absolute and complete jurisdiction—nobody denies it. It is asserted that the Federal Government has a concurrent jurisdiction over our cattle, but I deny it. The States have abundant power. Is there any indisposition on their part to act? If there be, it must be because the evil does not seem to them what it is here alleged to be. It must be because they are not afflicted by diseased cattle coming from foreign lands or from other States, and feel themselves in no danger.

I do not know a State which has not some legislation with regard to the evil. I am aware that I often have occasion to boast of our little State of Connecticut. It is many years since we created a State board of agriculture; it is many years since we enacted provisions for immediately inspecting, quarantining, killing, and paying for diseased cattle. Their fine blooded stock is very precious to our farmers and they took alarm early. Is there a State that has not some kind of legislation on the subject?

Am I to be told that the great State of Illinois knows less about this evil and is less likely to rise with the proper public spirit and take care of itself? Does not Illinois know what the disease is? Is it not aware of the possible danger to its great mart, Chicago, and the possible injury to the country at large? I think Illinois is willing and able to take care of herself.

We are told that some Legislatures will be in session for some time to come. There is nothing in their constitutions that forbids their governors to summon their Legislatures, in case of serious danger, to remedy defective laws.

The bill as it stands is a most extraordinary deviation from our theory of this Government—from that happy invention, that crowning work of the statesmanship of the ages, by which the local concerns remain in charge of the individual States, and all general matters concerning their relations with each other and their joint relations to the rest of the world are committed to a National Government. This magnificent system, this crowning work of the centuries, there is reason to fear may be undermined and nibbled away and destroyed by a great body of legislation of the character I have indicated until the partitions between the States and the National Government will be like the old breastworks in the South, or the lines of our canals that were abandoned a generation ago in the North, the curious historian only will find them. It is supposed that three hundred and twenty-five men in one body and seventy-six in the other here in Washington are better able to take care of the railroads, the cattle, the schools, and the savings-banks (and finally of all governmental work) than the thirty-eight local Legislatures.

Yet we began by saying that it is utterly impossible for a nation of many millions of people to live without dividing sovereignty and remitting minor affairs to the people of limited localities.

The tendency everywhere else but in the United States is towards local self-government. A great empire is convulsed from its center to its circumference, and is possibly running very serious risks by reason of the fight over the question of local self-government, whereas, to the superficial spectator, the tendency of American talk and legislation is towards the obliteration of State lines, after having boasted for a century of our wonderful balance of centralizing and decentralizing forces.

Mr. MAXEY. I called attention a moment ago to what I regarded as the fault of section 4 that is continued in section 5, which reads:

> That any person who is the owner of or who is possessed of any interest in any animals affected with any of the diseases named in section 2 of this act, or any person who, as agent, common carrier, consignee, or otherwise, is charged with any duty in regard to any animal so diseased or exposed to the contagion of such disease or diseases, or any officer or agent charged with any duties under the provisions of this act, who shall knowingly conceal the existence of any of the said diseases or the fact of such exposure to said contagion, &c.—

shall be punishable by fine and imprisonment as provided in section 4.

Then section 8 makes it the duty of the several district attorneys of the United States to prosecute all violations of this act in any district or circuit court of general jurisdiction in any district in which a violation of this act has been committed.

Interstate commerce is commerce which begins in one State and ends beyond its borders somewhere else. There is no such thing as interstate commerce which has no beginning, and yet this bill authorizes, under penalty of fine and imprisonment, officers to go into the limits of a State where cattle are not *in transitu*, not put under the control of any interstate-commerce laws, but actually in the State, and if that officer of the United States Government believes that those cattle are diseased, he has the right to destroy them. He can fix the damages done, and the party can not gainsay that, and if the damages are not satisfactory he can then by way of punishment quarantine the entire place or plantation of the owner of the cattle, and if he knowingly conceals the fact that the cattle have been diseased or have been exposed to disease, and fails to communicate that fact, he is liable to a fine and imprisonment as provided in section 4.

Not only that, but whilst I know of no law which authorizes the United States Government to institute a suit against a citizen of a State which does not run in favor of a citizen of some other State, or for a violation of some known law of Congress made in pursuance of the Constitution, yet here under the pretended interstate-commerce clause of the Constitution property which is not engaged in interstate commerce but is localized and in the State can be destroyed, and a man who is not engaged in interstate-commerce business and who may never intend to engage in interstate commerce may be taken into the Federal courts outside of the jurisdiction of the State courts and fined and imprisoned. If there is any constitutional power for that I never heard of it. The whole theory of this bill, in my judgment, is fatally subversive of every principle of local self-government and of the theory of government under which we live.

This is a dual Government. Congress has power to pass laws in pursuance of the grants enumerated on the face of the Constitution, and such laws as may be necessary and proper to carry out those enumerated grants, and there the power of Congress ceases. There is no power in the Constitution given to Congress to go into a State and interfere with the citizen of that State who has violated no act which Congress has the right to pass.

It is said that this is under the interstate-commerce clause. If it is under that clause of the Constitution, how can a man be punished when he is not engaged directly or indirectly in interstate commerce? How can he be taken into the Federal courts when not engaged in interstate commerce? How can he be fined and imprisoned when not so engaged? How can the appraisal of his property made by these commissioners or their agents bind him, and if he refuses to accept of their appraisement, how can we provide that his entire place shall be quarantined?

Sir, from the beginning to the end of this bill, in my judgment, it is fatally wrong. I say this representing in part a State which is as deeply interested in the cattle business as any State in this Union, and more so, I believe, than any other State at this time in the Union, and yet in my judgment the entire control of this question is in the hands of the State unless it is property *in transitu* actually engaged in interstate commerce.

Mr. CALL. Mr. President, I do not propose to detain the Senate by making a speech upon this subject. I wish, however, to say that I do not share in the apprehension that any very great injury will be done to this Government and its institutions by the purchase or condemnation of a diseased animal in the interior of Massachusetts, or Connecticut, or any other State. The constitutional argument seems to be grounded upon the proposition that the Government of the United States may engage in a great war between the States to suppress resistance to the national authority and to provide for the public security, may build railroads to aid in the regulation of commerce, construct ships, establish courts upon foreign territory or build canals, but when they find a sick cow or a diseased animal that may communicate contagion in the interior of any State, however great the public danger that may arise from that, it would be a serious menace to our institutions and a dangerous invasion of the rights of the States to take charge of that animal and compensate its owner and provide for its safe disposition.

Certainly it is no argument to cite an instance or an illustration. It is certainly true that the diseased cow in the interior of any State, not intended for transportation, not subject to transportation, and not a part of the commerce among the States, is the subject of State jurisdiction and State power, and that it is not one of the subjects of power committed to the Federal Government, but that it is under the direction of the State laws; and that it is the genius and the practical character of our Government that the States alone can legislate in regard to that diseased animal which is used only for local purposes and is not engaged in the commerce of the country. This is a very plain proposition. Every one knows this. All courts have so decided, and the provisions of this bill can only be operative by the consent and through legislation of the States in aid of it.

But how narrow is the ground of distinction when you say that if that cow is about to be transported, is in the act of transportation in interstate commerce, that diseased animal may be seized and condemned and quarantined. Why? Because it will affect the general commerce of the country disastrously. Suppose the contagion is such that the diseased animal existing anywhere may affect the commerce of the country disastrously, even though it be local property, subject to a local jurisdiction and not intended for nor engaged in any other purpose or use, I venture to say that the authority of the States, complete and absolute as it is, will not be seriously menaced by assuming that it will not interpose an objection to taking possession of that animal and quarantining it, but that it will aid by its consent this beneficial act. I assume that it will not destroy their autonomy by the exercise of such a power with the consent and by the aid of the State. Certainly, in my judgment, if the point were contested, it would be so decided. The United States can not enter on any premises in a State nor take possession of a cow or any property belonging to any one, but there is no doubt that the States who have this authority would so legislate that the provisions of this bill could have effect.

There is scarcely a State in this Union, and was not before the war, in which it was not provided by law that the Federal Government might enter the State and condemn by judicial process in the courts the land of the State to be applied to the purpose of Federal power for forts, arsenals, and other purposes. I know there is such a statute in the State of Florida, and was before the war, that whenever the land of the State was needed for the purposes of the Federal Constitution it might be condemned through judicial process and the title vested in the Government of the United States. Why then might not adequate proceedings be assumed to be consented to by the States in reference to the condemnation of a sick cow? Without assuming that because the public interest demands that this sick animal shall be seized and disposed of by the national authority because the immediate and simultaneous seizure of the diseased animals in all parts of the country is necessary to the extirpation of the disease, that therefore the legislation of Congress may with the same justification be directed to the control of the public health in the different States; or the control of wages, because the wages may be expended on such things as may enter into commerce between the States, and thus supersede the power of the States over their own people in their domestic relations. The cases are not parallel, and the conclusion is not justified by the premises.

Mr. President, I think these fears are groundless. The people of the United States in my judgment appreciate the necessity and the advantage of the autonomy of the States and are opposed in all parts of the country to any violent invasion of them, but their practical good sense equally teaches them that such provisions as are contained in this bill are not intended to and can not have the effect to subvert the authority of the States, but would be used with their consent and in aid of the States and in support of their State power upon a beneficial construction of the powers of the States over their own people and of the Federal Government in relation to the interstate commerce, and is not intended to be and will not be a destruction of State authority. I do not therefore share in the apprehensions that are expressed as to the dangers that will result from the passage of this bill. So far as its provisions exceed the national power they are void, but the State can easily enact laws that when the Federal officer shall report danger from the appearance of the disease in any locality the suspected animal may be condemned under State laws and by State proceedings and turned over to the national authority.

So, in my judgment, if it is desirable that the sick cow in the interior of Connecticut or of Florida or of any other State capable and being liable to communicate contagion throughout the country should be purchased by the Federal Government or quarantined, with the consent of the States, and that a law to that effect will have a beneficial effect, I do not believe that it will either destroy the autonomy of the States or outrage the public opinion of the people of the several States, or that it will encourage a centralization of power beyond that which is healthful and in strict conformity with the rights and duties of the State governments.

The argument of the constitutionality of this question touching the arrest of a sick animal in the interior of any of the States not actually being transported in the interstate commerce of the country, but which may be so engaged, is not, in my judgment, a very serious constitutional question. Still I think it would be perhaps not unwise in deference to a general opinion in the country that some such provision as the amendment of the Senator from Missouri should be adopted. This subject should be under the control and supervision of the Federal Government, for as a general rule it will be perhaps more efficaciously administered from a common head when the disease is a contagion, which is to be suppressed in all parts of the country, and when the local administration of it will not be able to comprehend all parts of the country and the times when that purchase and that extirpation is to be made. Upon these grounds it would be wiser that there should be some central and general administration of this fund and of the performance of this duty.

Mr. MAXEY. If the Senator will permit me, he likened the case before the Senate to that of the purchase of land within a State by the General Government for the erection of forts, arsenals, and dock-yards. In that case the Constitution in terms declares that the land must be so purchased by consent of the State Legislature, and that the Government shall have exclusive jurisdiction over such dock-yards, &c. So the principle applied here makes the amendment of the Senator from Missouri exactly applicable in accordance with the principle laid down in that clause of the Constitution.

Mr. CALL. There is no doubt of that. I said that before the war even all the States had by general laws made a provision for the Federal Government entering into a State and condemning, by judicial process without the act of the State Legislature, property to be used for this purpose.

Mr. MAXEY. This bill makes no such provision for the consent of the States.

Mr. CALL. I understand that, but I say it may in like manner be assumed that the States will in like manner legislate as to the purchase and condemnation of animals in the interior of the State, and will doubtless provide the proper process for it; therefore I think it is no serious menace, is not intended to be and can not be a serious menace, to State authority, or a violation of the principles of local self-government as contrasted with the general authority of the Government. Nor is it a precedent which can ever justify an assumption by the Federal Government of the powers of the States. Certain it is that if the facts be as stated, of which I am not a judge, and there is a contagious disease which is being communicated to the cattle of the several States, and is exterminating the cattle industry to a very large extent, and it is possible by any means to extirpate that disease, it will be wise to do it. I apprehend that the policy of this purchase and condemnation, allowing perhaps an appeal to some other authority for a larger compensation than it may be proposed to be paid to the owner, is a wise public policy. Still, in the present state of opinion, I think it would be not unwise to adopt some such amendment to the bill as is proposed by the Senator from Missouri, that the subject might be submitted to the action of State authority in order that there might be full and ample consent, and all removal of these constitutional objections might be made by consent of the State authority.

But I am not one of those who construe the powers of the Constitution to be so limited that they can not be beneficially exercised to carry out the purposes for which they are granted, and if it be a power in the regulation of interstate commerce to regulate the rates of transportation, to regulate the manner and method of transportation, if it be a power in regard to epidemic disease to expend the public money to quarantine persons who may carry disease, to stop their transit between States, I can see no very great stretch of power in saying that here is a diseased man or a diseased animal in a particular locality and liable to communicate contagion to the commerce of the country; and therefore the same power should be exercised as the power that regulates interstate commerce to prevent that consequence from occurring; provided that it is done with the consent of the States, but inasmuch as it would be very clearly outside of the authority of the Federal Government to step into the jurisdiction and power of the States in respect of that diseased man or that diseased animal, not being in the act of transportation or engaged in the act of commerce, I think it would be wise to adopt some such amendment as that of the Senator from Missouri, not because there is any doubt that the States would legislate as soon as this bill shall be passed in aid of its provisions—whether this provision requiring their consent should be in the bill or not—but because we avoid the criticisms made upon it and conform to the constitutional requirements and expressly subject the provisions of the bill to the constitutional rights of the States.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. MILLER. I think the Senator from Missouri proposes to change that amendment somewhat. Let the amendment be read.

The SECRETARY. It is proposed to add to section 3:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State, whenever the plans and methods shall be accepted by any State in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the commission and approved by the President of the United States, and whenever the governor of a State, being thereto authorized by law, or other properly constituted authorities signify their assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the commission is hereby authorized to expend in said State so much of the money appropriated by this act as may be necessary in such investigations and such disinfection and quarantine measures, including the slaughter of animals, as may be necessary to prevent the spread of the disease in said State, or from said State into any other State or Territory.

Mr. MILLER. The clause that I think the Senator from Missouri will take out of his amendment is that which refers to the States preparing rules and regulations and submitting them to the commission. I ask the Secretary to read that clause of the amendment.

The Secretary read as follows:

Or such State shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the commission and approved by the President of the United States.

Mr. MILLER. I ask the Senator from Missouri if he will consent to strike out that clause in his amendment.

Mr. VEST. I care nothing about that clause. It is part of the animal-industry act.

Mr. MILLER. It is an accompaniment of the animal-industry act. The amendment then will simply require the assent of a State to the rules and regulations prepared by the commission, and not *vice versa*, as first proposed.

The PRESIDING OFFICER. The amendment will be modified accordingly. The question is on agreeing to the amendment as modified.

Mr. MILLER. I ask for the yeas and nays. I hope the amendment will not be adopted. It destroys the bill.

The yeas and nays were ordered and taken.

Mr. DOLPH. On this question I am paired with the senior Senator from Missouri [Mr. COCKRELL]. If he were present, he would vote "yea," and I should vote "nay."

The result was announced—yeas 26, nays 31; as follows:

YEAS—26.

| | | | |
|---|---|---|---|
| Berry, | George, | Jones of Arkansas, | Vance, |
| Blackburn, | Gibson, | McPherson, | Vest, |
| Brown, | Gorman, | Maxey, | Walthall, |
| Butler, | Gray, | Morgan, | Whitthorne. |
| Call, | Hampton, | Payne, | Wilson of Md. |
| Coke, | Harris, | Ransom, | |
| Colquitt, | Hawley, | Saulsbury, | |

NAYS—31.

| | | | |
|---|---|---|---|
| Allison, | Farwell, | Mitchell of Oreg., | Sewell, |
| Blair, | Frye, | Mitchell of Pa., | Sherman, |
| Cameron, | Harrison, | Morrill, | Spooner, |
| Cheney, | Hoar, | Palmer, | Stanford, |
| Conger, | Ingalls, | Platt, | Teller, |
| Cullom, | McMillan, | Plumb, | Williams, |
| Dawes, | Manderson, | Sabin, | Wilson of Iowa. |
| Edmunds, | Miller, | Sawyer, | |

ABSENT—19.

| | | | |
|---|---|---|---|
| Aldrich, | Cockrell, | Hale, | Pugh, |
| Beck, | Dolph, | Jones of Florida, | Riddleberger, |
| Bowen, | Eustis, | Jones of Nevada, | Van Wyck, |
| Camden, | Evarts, | Kenna, | Voorhees. |
| Chace, | Fair, | Mahone, | |

So the amendment was rejected.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 23d instant, approved and signed the following acts and joint resolution:

An act (S. 1071) for the relief of Frances W. Dyer;

An act (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park;

An act (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States;

An act (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881; and

Joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on "Memorial" or "Decoration Day" and the 4th day of July of each year as on other days.

The message also announced that the President had, on the 24th instant, approved and signed the following acts:

An act (S. 305) for the erection of a public building at Huntsville, Ala.;

An act (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.;

An act (S. 712) for the erection of a public building at Augusta, Ga.;

An act (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.;

An act (S. 2533) for the relief of E. Remington & Sons;

An act (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885; and

An act (S. 542) for the relief of William Ervin.

MRS. ALMIRA AMBLER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2159) granting a pension to Mrs. Almira Ambler, which was, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Almira Ambler, a volunteer nurse in the late war, on the pension-roll, subject to the provisions and limitations of the pension laws, and pay her the sum of $12 per month from and after the passage of this act.

Mr. PLATT. I move that the Senate disagree to the amendment of the House of Representatives, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. WILSON, of Iowa, and Mr. PLATT were appointed.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I wish to say, as I did not get an opportunity this morning to call up private pension bills on the Calendar, that I will make an effort to do so to-morrow morning.

PUBLIC BUILDING AT LYNN—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

*To the Senate:*

I herewith return without approval Senate bill No. 1162, entitled "An act for the erection of a post-office building at Lynn, Mass."

The title of this bill sufficiently indicates its purpose.

Congressional action in its favor appears to be based, as usual in such cases, upon representations concerning the population of the town in which it is proposed to erect the building and the increase in such population, the number of railroad trains arriving and departing daily, and various other items calculated to demonstrate the importance of the city selected for Federal decoration. These statements are supplemented by a report from the postmaster, setting forth that his postal receipts are increasing, giving the number of square feet now occupied by his office, the amount of rent paid, and the number of his employés.

This bill, unlike others of its class which seek to provide a place for a number of Federal officers, simply authorizes the construction of a building for the accommodation of the post-office alone.

The report of the postmaster differs also in this case from those which are usually furnished, inasmuch as it is therein distinctly stated that the space now furnished for his office is sufficient for its present operations. He adds, however, that from present indications there will be a large increase in the business of the office during the next ten years.

It is quite apparent that there is no necessity for the expenditure of $100,000, the amount limited in this bill, or any other sum, for the construction of the proposed building to meet the wants of the Government; and for this reason I am constrained to disapprove the proposed legislation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February 25, 1887.*

Mr. DAWES. I regret exceedingly that the President has mistaken the purpose of that bill to be one of "Federal decoration" rather than one for the purpose of the economical accommodation of the public service. I move the reference of the message to the Committee on Public Buildings and Grounds in order that a suitable report may be made to present it in the right light and to be acted upon, as it can be, by the two branches.

The PRESIDENT *pro tempore*. If there be no objection, the message will be printed and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR. If my colleague will withhold that motion for a moment I desire to examine the message. Let it lie on the table a short time. I desire to make some examination of the record.

Mr. DAWES. Very well.

The PRESIDENT *pro tempore*. The motion to refer is withdrawn, and the message will lie on the table.

BRANCH HOME FOR DISABLED SOLDIERS.

Mr. SEWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, with an amendment as follows: Amend by striking out the name of "James A. Waymire" and insert in lieu thereof the name of "William Blanding;" and the Senate agree to the same.

W. J. SEWELL,
JOS. R. HAWLEY,
WADE HAMPTON,
*Conferees on the part of the Senate.*

EDW. S. BRAGG,
C. M. ANDERSON,
JAS. S. NEGLEY,
*Conferees on the part of the House.*

The report was concurred in.

CATTLE DISEASES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. EDMUNDS. I move to amend the bill by striking out all after the enacting clause and inserting what I send to the desk.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President, and in his discretion, through the Commissioner of Agriculture, to aid the proper authorities of the several States in preventing the spread of the disease commonly known as pleuro-pneumonia among cattle. This appropriation shall expire at the end of two years from the date of the passage of this act.

Mr. EDMUNDS. Mr. President, this subject is one of the most interesting of the business questions that can exist among the people of the United States. It appeals to every farmer and stock-raiser, whether he be on the hillsides of New England, with his dozen cattle, or whether he be on a Texan ranche with a hundred thousand, and it appeals to all alike, not only for assistance to extirpate a dangerous and contagious disease, but also appeals to them in respect of invading their farms and homes by a positive and police regulation of the United States, just such as each one of the States might make as to what shall be done on their little New England farms or Texas farms or ranches with their property—not property that is *in transitu* from State to State or to foreign countries, and not property that is about to be transported, whatever that might amount to, if it were that case; but it is an absolute police surveillance and control of the cattle of every citizen of the United States who owns any animal of that kind, be it much or little.

Where do we get that power? The purpose, the intent, the desire,

the sentiment, the judgment is of course, on the part of all of us, in favor of doing everything that we can to make the cattle of the United States healthful, as it ought to be; to do everything that we can to make every citizen of the United States healthful, and to make him moral as well. That is the object and desire of all men and all governments. But the question is how far we have a right to go under the Constitution of the United States to do it.

This bill, as has been stated by the Senator from Missouri, the Senator from Connecticut, and others, proceeds upon the ground, and solely upon the ground—and there is no other that it can proceed upon—that this is a regulation of commerce, and therefore that the Congress of the United States has the power to do this thing with a view of preserving the people of one State from the contagion that may come from another. If that be true, it extends to every operation in every State among men.

It has been long settled under the Constitution of the United States that the power to regulate commerce applies to persons as well as to things, and therefore, inasmuch as every object of property, every animal that is reared upon any farm on the surface of the United States, every product of a mine that comes out of the bowels of the earth, every condition of every man, woman, and child in the United States, in respect of health, or morals, or pauperism, or whatever, is also within the surveillance and control of the Congress of the United States, because every one of these products and animals and things raised upon farms, cattle, horses, swine, sheep, and grain, and every other species of farm products, is within the operation of the regulations of commerce, and so is every man, woman, and child, because all of them are capable of going from one State to another either of their own free will or being carried, and are therefore, when they are put into a state of movement from one State to another, within the regulative power of Congress as to how or why they shall go, as a matter of regulation.

So the principle on which this bill stands, although it names cattle, is equally applicable to horses, to sheep, to swine, to poultry, to everything that has life, to wheat, to potatoes, to grapes and the product of the vine, to everything that is grown on the surface of the earth, to every ton of coal or iron that is mined, and to every man, woman, and child who exists within the domain of the United States.

Suppose we struck out of the bill the words "cattle" and "pleuropneumonia," and inserted "persons," and said small-pox, or the plague, or cholera, or whatever disease it might be, and then let the rest of the bill stand as it does, what would you think of it? That it should be within the power of the President of the United States and his Cabinet—I will take the very highest possible conservative authority—if they had reason to fear that small-pox existed in the State of Vermont and was likely to spread somewhere, to quarantine every house in the State of Vermont in their discretion, and to say to me and my wife and children, "You shall not leave the walls of this house, or the fence that surrounds the grounds that belong to it, not that you are intending to leave at that moment and are about to leave" (concerning which I say nothing, although I should doubt that extremely), but "because you may leave, you may go into the State of New Hampshire on the one side, or the State of New York on the other, or the State of Massachusetts on still another, the power of the General Government is to exert itself over you and take you into its possession." Of course you would not provide, for it would be inhuman, that we should all be killed because we have the small-pox and it might spread, but the quarantine part of it would be perfectly right on the theory of this bill, and humane in that sense.

Can it be said that the Constitution of the United States gives to the Congress of the United States the power to enter into every one—because if it be one it is all—into every one of the domestic relations, both of business and of health and comfort and arrangement among the people of the several States, because it may happen that they may traverse the boundary of their State and go into another at some future time, and thereby produce injury to the people of that other State, or to all the people of the United States? That is the proposition which is contained in this bill, and there is no denying it.

The Constitution has pretty carefully defined our powers in this regard. It has only given Congress the power to make laws which are necessary and proper for carrying into execution the powers that are delegated by the Constitution to the Congress of the United States. That is its language. It does provide the power to regulate commerce among the various States. It then provides that no person shall be deprived of life, liberty, or property, all standing on exactly the same ground and in the same clause. Under the Constitution, Mr. President, the ox that you have on your farm at Mansfield is just as sacred against invasion, without due process of law, as any person in your family or yourself is sacred; no more, no less. They all stand on the same ground. Then it provides, finally, that the powers not delegated to the United States by the States are reserved to the States respectively or to the people.

The Supreme Court has passed upon these various questions in regard to how far you can go under a regulation of commerce, and they held in the Missouri case against the transportation of Texas cattle that a statute of the State of Missouri which prohibited for nine months in the year the importation of any Texas cattle into that State was unconstitutional, and they said that was an interference with the movement of property from State to State which the State of Missouri had no right to regulate or prevent unless it did it upon the specific ground of disease, which they admitted the State had the right to do, just as the State would have a right under the health laws to examine a person who is supposed to have cholera, or small-pox, or any other contagious disease. But in delivering this opinion, holding that this law of Missouri could not stand the test of the Constitution, the court say:

> We admit that the deposit in Congress of the power to regulate foreign commerce and commerce among the States was not a surrender of that which may properly be denominated police power. What that power is it is difficult to define with sharp precision. It is generally said to extend to making regulations promotive of domestic order, morals, health, and safety. As was said in Thorp, *vs.* The Rutland and Burlington Railroad Company, 27 Vt., 149, "it extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State. According to the maxim, *sic utere tuo ut alienum non laedas*, which, being of universal application, it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his own as not to injure others." It was further said that by the general police power of a State, "persons and property are subjected to all kinds of restraints and burdens, in order to secure the general comfort, health, and prosperity of the State; of the perfect right of the Legislature to do which no question ever was, or upon acknowledged general principles ever can be made, so far as natural persons are concerned."

Then the court go on to say:

> It may also be admitted that the police powers of a State justifies the adoption of precautionary measures against social evils. Under it a State may legislate to prevent the spread of crime, or pauperism, or disturbance of the peace. It may exclude from its limits convicts, paupers, idiots, and lunatics, and persons likely to become a public charge, as well as persons afflicted by contagious or infectious diseases.

Therefore the Supreme Court, in holding that a given statute of a State against transportation from another State to that extent was not constitutional, it being a regulation of commerce, say that in stating this we carefully draw the line, and admit that everything which takes place within the State in regard to the condition of its people and the condition of its property belongs to the State, and does not belong to Congress, and that is clearly, as anybody would see, without taking the opinion of any court, what the law must be under the Constitution of the United States if there is to be preserved what has always been understood to be any exclusive State sovereignty over any subject whatever within its boundaries, for if the subject of the health of cattle and of men is within the power of Congress, then there is no subject in a State that is not within the power of Congress, for those things are vital and inherent in every community, of course, and present questions that arise all the time, and there is no concurrent power; nobody pretends that; it is either on one side of the line or the other.

There is no concurrent power whatever here. So, then, Congress, under the power to regulate commerce, has the right to determine the hours of labor in the mine, because the product of that mine is going to be carried to some other State, or may be at some time or other, and Congress has power to determine everything in respect of the health of the citizens of every State, because every citizen may at some time or other, as the Constitution gives him a right to do, go from his own State into some other. Congress has the power to regulate the inspection of every kind of vegetable product, if it is grown upon the farm of any citizen of any State in this country, upon the ground that that product may go into another State, and it may have a disease, or a regulation, or a condition of things that if carried into another State will be injurious to the general welfare. That is the extent to which the argument for this power must go.

Can we stand that? Do we wish to stand it? Do we not still believe, as my friend from Connecticut [Mr. HAWLEY] said a little while ago, that the very safety and unity of this Republic, its nationality, depends upon preserving the sovereign independence of its component parts in the States in respect of the objects of their domestic welfare and ordinary conduct in regard to persons and property in them? Can anybody deny that?

Wherefore, then, because here is an evil which we wish to aid to suppress, are we to overset every distinction that has hitherto been considered to exist, and rightly considered to exist, essential to the welfare of everybody, because we have a good object in view? We might just as well say that it would be a great deal better by and by in some case of extreme emergency that the trial by jury should be abolished for a short time. We have all seen times when we have said that a man instead of being tried by a jury ought to be dealt with immediately by somebody and have an end of him, but would anybody wish to abolish the trial by jury under such a temptation? Of course not. Nobody wishes to do that.

Wherefore, then, are we urged because here is a disease among cattle in some of the States—say all of the States, if you please—wherefore are we tempted to assume a power that we do not possess, and which, in my opinion, would not stand the test of judicial investigation for a single moment, and thereby defeat the object we have in view, to help extirpate this disease by undertaking to do it in a way that we have no power to do, and leave the thing worse than it was before?

Why are we not willing, therefore, as I propose and as I think we have the clear right to do in the appropriation of money, to have the Government of the United States aid those who have the constitutional

right and authority, and the sole constitutional right and authority, to attend to this thing in their respective States, to aid them for the general welfare by every means in our power to accomplish it? That is the purpose of my amendment. It is a subject that affects the general welfare of all the people of the United States and all its property interests and its foreign trade, and I feel the deepest interest in it, and because I do feel that interest, I wish to provide the means for aiding in the object that we have in view in a way that will be effectual instead of destructive to the very object we wish to accomplish. Therefore I have offered this amendment, and I hope it will be adopted.

Mr. MILLER. Mr. President, I shall not take up the time of the Senate in attempting to discuss any further or to any greater length the question of our constitutional power to pass this bill or to carry it into effect if it shall become a law. The great constitutional lawyers of this body are differing among themselves. The Senator from Missouri [Mr. VEST] believes that this bill, if it shall be amended so as to require the assent of a State, can then be carried out in all its details. The Senator from Vermont [Mr. EDMUNDS] believes that it is entirely unconstitutional in all its provisions, and that no power under the Constitution can be given to it by the assent of any individual State that its operations may go on in that State.

So we have had the views of the constitutional lawyers of this body upon this question, differing the one with the other. But it so happens that under our Constitution when a law shall have been passed, no matter what may be the individual opinion of the legislators who pass upon it, the final decision as to whether it is constitutional or not is left to the Supreme Court of the United States. So long as we divide here upon this question, I know of no other way by which it can be settled, if the bill shall pass, save by its going to that final tribunal.

Each generation thus far since the organization of this Government seems to have interpreted the Constitution for itself. Fifty years ago many of the statesmen who sat in this Capitol did not believe that there was any constitutional power in the Federal Government to carry on internal improvements, but I know of no man now holding any position in any legislative body who for a moment believes in that doctrine in regard to the Constitution. All portions of the country alike come here to-day seeking appropriations for internal improvements, and a constitutional objection is never raised.

It was held until a few years ago that there was no power under the Constitution to issue paper money, but the war came and it issued it, and the highest tribunal has decided that that was constitutional, and that the Government could do it not only as a war power, but that it can continue to do it in times of peace.

What the Constitution may mean upon this question next year or five years or ten years from now, I do not know; but I have no doubt that if this Congress shall fail to act on this question, and if this disease shall assume anything like the proportions that it has assumed in Europe or in Australia, one and all of the statesmen who shall have the controlling of our resources will hold that under the general-welfare clause and under the power of controlling internal and foreign commerce and will probably do exactly what we are seeking to do under this bill. Undoubtedly if that time shall come the Supreme Court, if it shall be called upon to pass judgment on such a measure as this, will find just as good reasons for maintaining the constitutionality of the law as it has in maintaining the constitutionality of the greenback law.

In short, I believe, Mr. President, under the general-welfare clause and under the other powers of the Constitution the people of this country will, in the future as in the past, be able to protect themselves and their property. It was held only twenty-five years ago that there was no power in the Constitution by which the Federal Government could coerce a sovereign State. It took four years to settle that question, and to settle it in the Constitution, and there is no longer any doubt about the power of the Federal Government to coerce a sovereign State.

But I said I should not go into the constitutional question, and I desire now to call the attention of the Senate to the amendment offered by the Senator from Vermont. Let us see what it is. I confess that I am surprised that the Senator from Vermont has made any such suggestion as this. We all know with how much care he guards the paying out of public money from the Treasury. No measure can come in here and pass the ordeal of this body without the Senator from Vermont putting his finger upon it and seeing to it that it is carefully guarded in all its provisions, particularly when it takes money out of the Treasury. But what is it proposed to do by this amendment? Simply—

That the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President and in his discretion, through the Commissioner of Agriculture, to aid the proper authorities of the several States in preventing the spread of the disease commonly known as pleuro-pneumonia among cattle.

What excuse for such crude and inefficient legislation as that? No excuse can be found for it unless it be found in the fact that a terrible disease is now prevailing in this country among its cattle, and that if it is not checked it is liable to cost us a vast sum of money. In short, the only excuse that can be given is that there is a great public necessity for it and that we have not time to stop and devise proper means and measures, and to throw around the expenditure of this money proper checks and controls. There certainly can be none other.

That is the reason given for the passage of the bill which the committee has brought in here which provides distinctly in all its particulars for how the money shall be expended, for all proper checks in paying it out and in determining the damages and cost and expense of exterminating this disease. This million of dollars, if appropriated under this amendment, might much better be put into the Potomac River than appropriated to be used in this way. Some of the States have no means or method, have no laws and no officers charged with this duty. How is the money to be distributed? At the discretion of the President of the United States? Are we to have the thirty-eight States and Territories coming to the President all asking for this money? Shall the State of New York, because of its immense population and its great interests, demand half of this appropriation, for the disease exists there, and has for many years, and it is from these eastern States that it has been carried to the western States? How is the President to divide the money, and what control or check shall be over it when it shall have been divided?

Sir, this amendment, if adopted, will be simply inoperative. If it be simply a question of dollars and cents, if that is all that is needed in this matter, then we need nothing at all.

The State of New York is rich enough to pay all that it shall cost to kill all the cattle in the State of New York that have this disease, or have been exposed to it; and it would not increase its tax-list one-quarter of 1 per cent. to do it—no, probably not one-twenty-fifth part of 1 per cent. upon its tax-list to do it. The State of Illinois, which now has the disease in Chicago, could appropriate money enough to do it entirely, and all the other States wherever this disease may be found are abundantly able to pay the money required to do it if that were all.

But here is a great pestilence among the cattle. We can not have thirty-eight different commissioners acting under thirty-eight different sets of regulations with a large number of scientific men, physicians, and veterinarians holding diverse ideas in regard to this disease, in regard to its contagion, in regard to the possibility of its being transferred from one animal to another. Are we to have thirty-eight separate commissioners? Of what use for the State of New York to spend its money, or have a commission to crush out this disease unless the State of New Jersey and the State of Pennsylvania on one side, and the State of Vermont and the State of Connecticut and the State of Massachusetts on the other, shall have equally efficient methods? The State of New York up to the present time has passed no law for co-operation with the animal industry bureau, and therefore the animal industry bureau of the Department of Agriculture has been able to do nothing in the State of New York save to go around and make a little investigation where nobody objected to investigation.

This amendment is of no avail at all. We might better take the present bureau of animal industry and give it the money that it might accomplish something. It has accomplished a little in the past. If it had more money it might arrive at something, perhaps.

But what is necessary in this matter is concert of action, and that can only be had through one Federal commission who shall have power to go into all the States and Territories and there enforce like rules and regulations regarding this subject. I know the Senator from Connecticut [Mr. HAWLEY] railed about the impossibility of a commission making a set of regulations which should apply in Texas and Connecticut and in all the other States; but I need not say to that Senator nor to the Senate that the rules and regulations for the extirpation of this disease should be uniform in every State. They should be the same in Connecticut as they are in Missouri or Illinois, and unless they are the same, unless there can be this concert of action, nothing whatever will be accomplished, and I repeat again that concert of action can only be found in one central commission, and the emergency which demands it is sufficient to warrant this Congress in passing this bill in the interest of all our people.

We have had substantially similar legislation, as I said yesterday, in regard to yellow fever; and if the pestilence of cholera had visited our shores last year as it was thought by many scientific men and physicians that it would do, if it had become epidemic and had swept over our country and had gone beyond the power of the individual States to control it, does any Senator here doubt for a moment that Congress would have been called together and would have been asked to take action on the question? Does any one doubt that it would have appropriated vast sums of money; that it would have created a strong national board of health which would have undertaken to enforce sanitary measures and measures of quarantine in all the cities and towns of this nation? The emergency would have demanded that action and it would undoubtedly have come, and it would have been no violation of the Constitution, either, in my judgment.

Mr. President, it seems to me that it is not necessary to go further into the discussion of this amendment. No one here who understands fully the dangerous nature of this disease, the possibility of its spreading all over our country, will think for a moment of consenting that

we shall simply appropriate money here to be distributed among the thirty-eight States to be used as those States shall see fit, or not used at all. I am ready for a vote.

Mr. EDMUNDS. I am not quite ready for a vote. I am sorry that my distinguished friend from New York has not undertaken to make any remark on the subject of where he thinks the power of Congress stops and the power of the State begins in respect of these matters of the health of cattle and men, &c. He has not chosen to say a single word upon that subject, and has not chosen to defend any longer this bill as it stands on the face of it as a regulation of commerce bill professedly, but he has sought refuge in the general welfare clause of the Constitution. Now, let us see what that is. I am sure my friend from New York has read it a great many times, but like the Ten Commandments and a good many other matters, it is a good thing to read again. Let us see what it is.

The Congress shall have power—

In a separate and distinct clause—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

There is your general-welfare clause. It is not in the power to regulate commerce for the general welfare, it is not in the power to make war for the general welfare, it is not in the power to do anything that it likes for the general welfare, but it is in the power to raise money, and that is all. Congress may raise money to pay the debts of the United States and to provide for its general welfare. Some people have contended that even that general welfare must be referred to the enumerated things that Congress can do, named in the other part of the Constitution. I have not thought so.

But thinking, as I do, that the power to raise and appropriate money for the general welfare of the United States is a distinct and independent power contained in this eighth section of the first article, it does not follow, but the reverse, that Congress has the power on account of having a right to raise money for any object of general welfare that it likes to absorb to itself every police power of every State, because this particular police power that is proposed to be exerted in this bill is not different in kind or degree or principle from any other single power of any kind that any State now exercises. You may take pauperism, you may take crime, you may take the sale of intoxicating drinks, you may take other things that come under the head of social evils, all of which affect people outside of the State where the thing is done or not done, where it is allowed or prohibited either for good or for ill. If therefore Congress has the power in order to promote the general welfare of the United States to say my cattle in my stable shall be taken possession of by an officer of the United States on a suspicion that he has or on proof that is made in a court of justice—I will put it in its extremest form—that those cattle are diseased and ought not to go abroad, he has the same right to shut me up in my house and say that my conduct in some respect or other, if I am allowed to go at large, will be injurious to the general welfare. How amazing such a proposition!

But my distinguished friend says that the trouble about the substance of this amendment is that the money is liable to be frittered away in being distributed among States. The amendment does not provide for any distribution among States. It enables the Treasury of the United States—everybody being interested in this question and this subject—to contribute something to everybody else in every State where this disease exists, for the interests of all. The people of Vermont for their interest are taxed to pay for cattle that are destroyed in Missouri under proper authority of law which the State has a right to make. That is all. Therefore, it appropriates money just as we have done a thousand times, to be expended in the discretion of the President of the United States—not distributed, but expended—to aid the proper authorities where the evil is to crush it out, be it $100,000 in New York and $50 in Vermont. That a matter of administration.

The Senator asks what is to become of the safeguards of the Treasury, the accounting. The law provides for all that now. It has to be expended in aid of the lawful authority of the State acting under its law, doing what its sovereign power has conferred upon its executive authorities the right to do; and thus your vouchers come in. That is a mere criticism that in my opinion is entirely unworthy of my friend from New York and unjust to me. The laws of the United States provide for all the method of accounting already.

Then my friend says if we could aid the bureau of animal industry by an appropriation, that might do some good; but he has forgotten that the bureau of animal industry is a sub-bureau under the Commissioner of Agriculture now, and therefore when we put this money under the control of the President of the United States to be expended through the Commissioner of Agriculture, you have got under him this very bureau to do it, and for the general welfare of the people of the United States to pay $100,000 in one State where a large herd has to be exterminated and $5,000 in another, because it does good to us all.

Mr. MILLER. Will the Senator permit me a question?

Mr. EDMUNDS. Yes.

Mr. MILLER. The Senator from Vermont, if I understand him correctly, holds that this bill is unconstitutional because the Federal Government can not go into a State and kill infected animals or those that have been exposed, or establish a quarantine there. Now, I want to know how the President of the United States is to expend this money. He says it is not to be distributed to the States, not given to the officers of the States, but is to be expended. For instance, we will suppose there is a herd diseased in the State of New York. The President is called upon for aid. What is he to do through the Federal officials? Is he to quarantine this herd? The Senator says the Federal Government can not do that. Is he to slaughter this herd and pay for it?

The Senator says the Federal Government can not do it under the Constitution. What, then, is he to do with this money? The State of New York, going on through its authorities, may quarantine this herd or it may kill it. The President can do nothing then but contribute to that expense by paying over a portion of the money to the authorities of the State of New York to help the State of New York to pay for the work that it has done itself. If I understand him correctly, there is no possibility of the President expending this money; he can simply pay it over as a contribution to the State itself. I might inquire—although I do not care to prolong the discussion of the constitutional question—where in the Constitution does the Senator find a power in the Federal Constitution to furnish aid to the States for a purpose like this?

Mr. EDMUNDS. I will answer that question, which was suggested by my friend from Massachusetts. We get the power under the clause that I have read to provide for raising taxes to pay the debts of the United States and to provide for its general welfare, just as we have aided the States in a thousand respects for a hundred years in objects that we thought it would be advantageous to the whole people of the Union to aid them in. That is where I get the power.

Mr. BLAIR. I should like to ask the Senator a question. I ask him whether the power of the United States to promote the general welfare depends upon the consent of the State wherein that promotion is to take place?

Mr. EDMUNDS. No, it does not depend upon the consent of the State so far as the grant goes, but when you appropriate money to pay a debt of the United States you can not make the creditor take it if he does not want to.

Mr. BLAIR. But that is hardly an answer to the question.

Mr. GEORGE. Mr. President——

Mr. PLUMB. I wish to say that all this discussion is practically useless, because if this bill shall not be passed very promptly, and, in fact, I believe if passed now, it can by no possibility become a law. It ought to be taken into account now whether we can afford to extend this discussion indefinitely to the postponement of measures that can become laws, and must necessarily become laws if we would avoid an extra session. This bill has already gone beyond the time originally agreed upon. I speak this without reference to the Senator from Mississippi, but having, myself, something to say on this matter which I have withheld, hoping we might get a vote, I feel now that the opportunity is thrown away of getting legislation on this most important subject.

Mr. GEORGE. I shall occupy less time than the Senator from Kansas has done.

I am a member of the committee that reported the bill, and I desire simply to say that I did not concur in the report of this bill. I dissented from it on two grounds. I did expect at one time to present some views on the constitutional question, but they have been presented with so much force and so much clearness and with so much correctness by the Senator from Vermont that I shall not detain the Senate by repeating what he has said.

I desire simply to say that I regard this bill as the most flagrant violation of the Constitution I have ever known in the American Senate. The title of the bill is "to extirpate pleuro-pneumonia." It ought to be entitled "A bill to extirpate the Constitution of the United States."

The PRESIDENT *pro tempore*. The question is on the amendment submitted by the Senator from Vermont [Mr. EDMUNDS].

Mr. MILLER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCMILLAN (when his name was called). The Senator from Connecticut [Mr. HAWLEY] has been compelled to withdraw from the Chamber, and I agreed to pair with him. If he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. My colleague [Mr. BECK] is paired with the Senator from Maine [Mr. HALE], and they are both absent on a conference committee.

Mr. PLUMB (after having voted in the affirmative). I am paired with the Senator from Alabama [Mr. PUGH], and I therefore withdraw my vote. If the Senator from Alabama were present, I should vote "nay" and he would vote "yea."

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. MITCHELL, of Oregon (after having voted in the negative). I voted under a misapprehension. I am paired with the Senator from Ohio [Mr. PAYNE]. I withdraw my vote.

The result was announced—yeas 34, nays 27; as follows:

YEAS—34.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Harris, | Ransom, |
| Berry, | Edmunds, | Jones of Arkansas, | Saulsbury, |
| Blackburn, | Eustis, | Kenna, | Vance, |
| Brown, | Fair, | McPherson, | Vest, |
| Butler, | George, | Maxey, | Walthall, |
| Call, | Gibson, | Mitchell of Pa., | Whitthorne, |
| Coke, | Gorman, | Morgan, | Wilson of Md. |
| Colquitt, | Gray, | Morrill, | |
| Dawes, | Hampton, | Platt, | |

NAYS—27.

| | | | |
|---|---|---|---|
| Allison, | Evarts, | Manderson, | Spooner, |
| Blair, | Farwell, | Miller, | Stanford, |
| Cameron, | Frye, | Palmer, | Teller, |
| Cheney, | Harrison, | Sabin, | Van Wyck, |
| Cockrell, | Hoar, | Sawyer, | Williams, |
| Conger, | Ingalls, | Sewell, | Wilson of Iowa. |
| Cullom, | Mahone, | Sherman, | |

ABSENT—15.

| | | | |
|---|---|---|---|
| Beck. | Hale, | McMillan, | Pugh, |
| Bowen, | Hawley, | Mitchell of Oreg., | Riddleberger, |
| Camden, | Jones of Florida, | Payne, | Voorhees. |
| Chace, | Jones of Nevada, | Plumb, | |

So the amendment was agreed to.

Mr. VAN WYCK. I offer the following amendment, to be added to the amendment just voted on:

And swine plague, hog cholera, or other contagious diseases among swine.

The matter of the amendment which I suggest is to the American people far more important, I think, than the original text or the disease named in the original bill. If the object is to protect matters of commerce we find that the exportation of meat from swine and live swine is larger than the amount exported of cattle, and as to the extent of territory which the disease covers, it is far greater than is covered by what is called pleuro-pneumonia. I think my friend from Illinois will admit that in the State of Illinois—and he has alluded to Chicago—the hog cholera, the swine plague, is far more prevalent and does far greater injury to the citizens of Illinois than pleuro-pneumonia. On a line west of Chicago, and northwest of Chicago, and southwest, there is scarcely any pleuro-pneumonia, while the losses from the swine plague amount to millions each year. I have been waiting and hoping that the Senator in charge of this bill would have made a suggestion to protect that industry. So it is in the State of my friend from Iowa. They suffer millions in Iowa from losses by hog cholera, by whatever name it is called, when there is scarcely any pleuro-pneumonia in his State; and I venture to say, as I have said before, to the gentleman in charge of this bill or to the Senator from Vermont, that west of Chicago there is but little pleuro-pneumonia.

Some Senators here have talked about the cattle on the plains. If cattle on the plains in my own State or anywhere west of Chicago were suffering it would receive no attention in this body.

Mr. MILLER. Will the Senator permit me?

Mr. VAN WYCK. Certainly.

Mr. MILLER. As a member of the Committee on Agriculture and Forestry, the Senator from Nebraska ought to know that the bill reported from the committee covered precisely the cases that he is talking about. I read from the bill:

And for the purpose of removing the obstructions to such commerce with foreign nations and among the States now occasioned by the existence of contagious infectious, or communicable diseases among cattle and other live-stock, and especially contagious pleuro-pneumonia.

That would have included all the diseases the Senator is talking about with all live-stock if the bill had passed as reported, but the Senator from Vermont has succeeded in substituting another proposition for it which leaves neither pleuro-pneumonia in it nor hog cholera nor any other disease, and in which shape it will do no possible benefit to the American people.

Mr. VAN WYCK. It is remarkable that this bill should have been discussed three or four days and we were admonished of the necessity of this matter by reason of pleuro-pneumonia in cattle and that was the only thing, and that now my friend should say that the hog cholera, which is more destructive than pleuro-pneumonia, was hid away under the general language he has read.

Mr. MILLER. I have not said it was hid away. It is not hid away at all. It is as plain as daylight, and the Senator as a member of the committee must have known it was so, for he took part in reporting this bill.

Mr. VAN WYCK. I never discovered in the committee or out of it that it covered what my amendment alludes to.

Mr. MILLER. It is discovered now after the bill is beaten.

Mr. VAN WYCK. No, I did not discover it now. The Senator should have made it more prominent and he might have saved the bill. The purpose of the bill was to eradicate the cattle disease in Chicago rather than west of there, and the bill was drawn up not to protect the cattle-growers on the plains of the West; that was not intended, for there is no pleuro-pneumonia there. There is none on the plains of the West, and I was surprised at the phraseology of my friend, the Senator from Illinois [Mr. CULLOM], when he said the pleuro-pneumonia broke out in Chicago. I think that was his language. Am I right? The Senator says I am. The pleuro-pneumonia broke out in Chicago.

Mr. CULLOM. I state that pleuro-pneumonia existed not only in Chicago, but in New York and in Maryland and in quite a number of other States of the Union.

Mr. VAN WYCK. That is what I say, but the bill was to relieve Chicago. The cattle feeding on the plains of the West were sought to be made to carry the bill. I am not saying anything against the bill, but I object to that reason being thrown out to you, pretending that you are benefiting the cattle on the plains of the West when you have not found an instance of pleuro-pneumonia there.

My friend says it is in Chicago. Certainly it is; that is what the bill is for. It is to aid to a great extent the breeders of fancy cattle. They are to be paid $160 per animal. That is the class of men who are to be protected, not the plain growers.

My friend says the disease broke out in Chicago. It broke out in Brooklyn, too, I say to my friend from New York, where they feed them in distilleries; and it has broken out in Jersey City, where they feed them in distilleries; and it has broken out in Chicago, where they feed them in the distilleries. You want a little better sanitary regulation about your distilleries, and then you will have less of pleuro-pneumonia. The cattle do not have the disease where they breathe the free air of the West.

That was the feature of the bill that was urged on us. My friend from Missouri knew that there was no pleuro-pneumonia down in Missouri. My friend from Missouri was right. He knew there was no pleuro-pneumonia in Missouri. The cattle can breathe good air out in Missouri, and I think the animal industry bureau, which was a very important bureau, and did, as is said, some good work, says so; and therefore we take it for granted, because it must be so. Let me read from its report:

The danger from pleuro-pneumonia west of the Alleghany Mountains has been greatly reduced since the first annual report of this bureau was presented. Ohio, Illinois, and Missouri are now free from this plague. Much progress has been made in freeing Kentucky from it.

I think they report but one instance in Missouri, and that is this:

While investigating the dissemination of the contagion from the infected herds in Illinois, I learned from the Messrs. Tripp that a young bull had been sent from their herd at Peoria to a lunatic asylum in Missouri.

[Laughter.]

This bureau of animal industry sent this bull away because he did not like his associates. It seems from the report that they chased him, and when they found him he was perfectly well. So of course the Senators from Missouri know from the reports of the lunatic asylum that there is no pleuro-pneumonia in their country. There is none in Chicago except at the distilleries. The men who have the cattle-pens or the distillery-pens in Chicago of course are very anxious. They undoubtedly want this legislation because they want to keep up the cattle trade, which is of course important to that class of gentlemen.

I want this bill, if it is passed, to stand on its own merits. It is a very large thing when you get a tariff to call it protecting American labor. Now, when they want to get this bill to stamp out pleuro-pneumonia for the protection of men who have fancy breeds in the East or who feed their cattle in distilleries, the object is to furnish a market for persons who have diseased cattle. I want the basis of it understood.

Now, in the bill of the committee, or in the bill of the Senator from Vermont I desire this clause to be introduced, because if you propose to benefit men west of Chicago, I want something done which will secure that. That country in the Northwest which produces what my friend from New York said was the means of saving this country when it was in financial distress and producing the balance of exchange in our favor. That result was caused by the meat product and the grain product. Now, if you desire to benefit the West and the Northwest and the Southwest, and not Chicago alone, then do something to stamp out the plague which infects swine, because in 1884 and 1885, while we find the production of cattle, live and dead, was $35,000,000, the hog production was $65,000,000, nearly double; and in 1886, while the production of cattle, neat and alive, was $29,000,000, that from hogs was $58,000,000, double. So the meat production from swine doubles the meat production of cattle.

So there can be no reason why that matter should not be examined into. It has been examined into by the Agricultural Department. It has been examined into by the bureau of animal industry, and there is no reason why it should not be made particularly prominent in this bill and not be covered up by live-stock.

I ask that the amendment shall be placed either in the substitute of the Senator from Vermont or in the bill reported by the Senator from New York.

Mr. MILLER. Mr. President, this is a most remarkable speech made by a member of the Committee on Agriculture and Forestry, one of the active members of that committee who gets up here and tells this body that there is nothing in this bill to protect the hog industry of the country. This bill in half a dozen places and more mentions that it is for the purpose of suppressing all contagious diseases known to cattle or live-stock of all kinds. The bill was reported from the

committee, and the Senator from Nebraska voted in favor of reporting it, and if he did not know that these clauses were in it for the protection of the hog industry and all other animal industries, why did he not move an amendment to it during the last two days when it has been under discussion?

If the introduction of hog cholera into the bill would have saved it, for the benefit of the country, why in the name of the people whom he represents did he not introduce an amendment to put hog cholera into it? He waits until the bill is defeated by the adoption of an amendment that absolutely destroys the bill, and then he gets up here and berates the East and the chairman of the committee because there is nothing in the bill about hog cholera, when it is all full of hog cholera and has been from the beginning.

He tells us that this bill has been sought because it benefited nobody west of Chicago. Who does he think brought this bill here? Who does he think has been before the committee advocating this bill? From what portion of the country have the petitions come for this bill? This bill originated west of Chicago, and all the gentlemen who have appeared before the committee live west of Chicago. I believe every legislative body that has indorsed this bill—a large number of States have done it—is west of Chicago, save the States of Massachusetts and Maine. I have not heard a word nor received a petition, nor a line, nor a syllable from any man in favor of this bill living east of Chicago. All the cattle-growers' associations on our great plains have met this winter, gone to great expense to call their associations together, associations in the State of the Senator himself and in all the Territories, and they have flooded the committee and the Senate with petitions for the passage of this bill. Then a Senator, a member of this committee, gets up here and states that for which there is no foundation whatever, that this bill has been sought by the people of the East and by the growers of fine cattle.

Mr. President, I can not find words which are appropriate to be spoken in this body under its parliamentary rules to express my utter contempt for such a speech as the Senator has made upon this question. I know that more than ninety-nine out of every one hundred people living west of Chicago desire this bill, and desire it as it came from the committee. True, it has been murdered here; murdered by Eastern men, not by men living west of Chicago, and let the burden rest with them, Mr. President. If the great plains of the West and of Kansas and Nebraska are devastated by this plague, they will not have it to charge upon the Committee on Agriculture. Whilst the people of the East have not been petitioning for this measure, they have, one and all, been willing that it should pass, knowing and believing that its great benefits were to come to all our people, and were to come largely to the great cattle industry of the West, and not of the East.

Now, if the Senator from Nebraska thinks he can make anything out of the proposition which has been adopted by the Senate by putting hog cholera into it, in Heaven's name let him put hog cholera into it.

Mr. TELLER. Mr. President, it is very evident that a majority of the Senate propose to act with hostile intent towards this bill. The amendment proposed by the Senator from Vermont was a hostile amendment, and so understood, and it will hardly deceive the people of the United States. Although it contains in it a provision for the appropriation of a million dollars, the cattle-raisers and the farmers who are interested in this subject—and there has been no subject involving so much money presented to this Congress during its lifetime as is presented in this question—the farmers, I say, will not be deceived. They will not suppose the Senator from Vermont, or anybody who voted with him, intended to aid them in protecting their vast herds, or their little herds, as the case may be, from this disease.

Under the pretense—if that is an improper word to use in this body I will withdraw it—under the claim that there was a constitutional difficulty in the administration of this bill, we are met here with a hostile amendment that absolutely, as it was intended it should, nullifies and destroys the bill, and I want the Senators from the New England States and the Senators from other portions of the country to take that responsibility; but I do not want them or anybody else to pretend to me or to the people of the West that this is in their interest.

A million dollars is proposed to be appropriated, and if you had $50,000,000 it would be absolutely worthless. Every Senator who voted for it knew that there was no power in the present organization of the animal industry bureau to kill these cattle. Everybody knew that that million dollars could only be used for the purpose of paying the agents of the department to stalk through the country to give their advice to the farmers who know more about this disease and more about its eradication than all the agents of that department do now or will at the end of the two years provided for in the bill. It is a bill in its present shape, if anything, to make a few more employés of the Government, and without any earthly object or purpose toward benefiting the industry that it is pretended to be in the interest of.

There is not a power under the law as it now exists to kill a single animal, and nobody pretends that that will be done. The bill that was before the Senate was sheared of its objectionable feature, if it was objectionable, because it requires the assent of every property-holder before his stock can be killed. Nobody can pretend here at this time, and not hold himself up to ridicule to the people of the West, that that is an infringement of a constitutional right when the owner of the property submits and consents to the killing of it, and to the taking of the sum of money provided for in the bill.

We have spent two days here in the expiring hours of this Congress listening to constitutional arguments as to the right of the Government to intrude upon a farmer's farm and take his cattle and kill it with a provision explicit, unquestioned in the bill that no head of stock could be killed except with the consent and approval of the owner. I suppose it is believed by some members of this body that they will be enabled to go to the country and tell the cattle owners, who have an industry honorable and great, that they are their friends. Every man who lives in this country has an interest in its prosperity. Its success means cheap meat to the people; it means comfort; it means health; it means prosperity. But that industry is to be stricken down, not because Senators believed there was a constitutional objection, but because they were afraid to make this appropriation. It is understood by everybody who reads that that appropriation will never be expended and can not be expended under existing law unless it is absolutely thrown away.

The Senator from Nebraska speaks about this being in the interest of people west of Chicago. Why, Mr. President, the Legislatures of all the Western States, the chambers of commerce, the boards of trade, the cattle-growers' associations, and all without reference to their business or their interests, have urged the legislation proposed by the committee. The great herds of Texas, of Colorado, of the Indian Territory, of New Mexico, of Arizona, of Nevada, of Montana, of Dakota, are at the mercy of this disease, and these States and these Territories are absolutely powerless under any law that we may pass to protect these herds. Millions and millions of property are at the mercy of any man who, incited by his cupidity and his avarice, shall ship his diseased stock to that western country as they have attempted to do and as in some instances they have done.

The Senator from Nebraska tells us that there is no pleuro-pneumonia in Missouri. There has been. There is in Illinois, there is in New Jersey, and there is in other regions of the country; and New Jersey and New York are sending immense numbers of their cattle to the prairies of the West. All the time car-load after car-load of high-bred cattle are going out to increase the herds of the West, to give them a better blood and a better grade.

I do not intend to waste the time of the Senate in a discussion of this question, but this is an absolute killing of the bill. It is the absolute destruction of an attempt on our part to secure legislation in the interest of the cattle-owners and in the interest of all men everywhere who eat meat, and I thank God that in this country all men do eat meat. When this disease shall have swept off these herds from the great prairies of the West, no man will eat meat in this country who is not a man of more means than he who labors by the day.

Now, Mr. President, I want the Senate to take this bill, I want them to understand it, and representing people who own cattle, representing in some sense the interest of the West, let me tell gentlemen that they will not ever deceive anybody in that country under the pretense that they have devised a better or a safer method for the appropriation and use of this money.

Mr. President, the Western people demand but little of this Government. When you vote your millions of dollars for rivers and harbors the extreme West gets nothing. We pay the duties that go to fill the coffers of the nation without remonstrance because the law says we shall. When we ask for a little we are met not by open and manly attacks but by covert means for our destruction.

I do not suppose this bill will become a law as it is now amended. I should hope that in some portion of the legislative department of the Government there was sense enough to see that to put upon the statutes such a bill as this is now would be simply absurd. I regard it as the death-knell to the measure, but I did not propose that it should go down without at least the Senate and the country understanding that we know the motive and the purpose with which this amendment was moved and with which it was sustained.

Mr. VAN WYCK. Mr. President, I agree with very much that the Senator from Colorado has said, particularly that part of his remarks in which he said that the West gets but little of the appropriations made by Congress. I agree with that, and that was the reason I interposed my amendment, that we might get some good out of this bill. That was my object and my purpose.

The Senator from New York speaks of my connection with the committee. Certainly I am a member of it. I have not antagonized the bill that came from the committee. I did not take part in its deliberations on this subject, as other duties did not allow me the opportunity. I have not antagonized the bill of the committee. I voted against the substitute of the Senator from Vermont and in favor of the bill as it came from the committee. I have been waiting two or three days to propose the amendment which I have now offered.

Mr. TELLER. I hope the Senator does not understand that I object to his amendment—not at all.

Mr. VAN WYCK. No; I approve of very much the Senator said.

Mr. TELLER. I do not object to the Senator's amendment.

Mr. VAN WYCK. But the Senator from New York seems to do so.

Mr. MILLER. Not at all. I said get it in by all means.

Mr. VAN WYCK. He arraigned me that I had been here and had neglected to offer this amendment, when he knows very well that the Senate should consider first the committee amendments before an opportunity can be offered for any others.

Mr. MILLER. All I said was that if the original bill as it came from the committee had not been killed by the substitute the Senator's amendment was entirely unnecessary; but he started out with the proposition that the original bill had nothing to do with the protection of the country against pleuro-pneumonia, when the fact is that the original bill covers all contagious diseases known to all domestic animals.

Mr. VAN WYCK. There I differ with my friend, and I should not have discharged my duty as a Senator representing the State of Nebraska, a portion of the great Northwest, unless I had made it clear and distinct that the money appropriated by this bill was to benefit the people of the great Northwest.

Now, look at the question for a moment. The Senator arraigned me, as I stated, although he does not propose to do so now. I could not have introduced the amendment at an earlier time. I proposed to introduce it on the bill of the committee, and when the substitute was voted in then I proposed it there.

Now, I will say in all frankness and candor to my friend that this bill did not contemplate the eradication of hog cholera. In the first place let me call his attention to the title of the bill:

A bill to extirpate contagious pleuro-pneumonia, foot and mouth disease, and rinderpest among cattle—

There it stops on that point—

and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

There is the title of the bill, and when we get further along it provides for the destruction of live-stock. It provides:

That they shall not pay more than $160 for an animal with pedigree recorded or recordable in the recognized herd-books of the breed to which the animal destroyed may belong, nor more than $60 for an animal not pedigreed.

That is all there is of this bill to provide for the killing of animals. It is just as necessary to destroy herds of hogs and swine as it is cattle, but the bill does not make any provision for that.

Mr. MILLER. Why not?

Mr. VAN WYCK. Because it does not.

Mr. MILLER. Are hogs in Nebraska worth more on an average than $160 a head? That is the maximum. They can pay $5 or $2 or $1 if the owner agrees to it. It seems to me that the maximum limit is high enough for any ordinary hog of Nebraska or elsewhere. [Laughter.]

Mr. VAN WYCK. That does very well, but that does not get away from the point that this bill was not intended to reach disease among swine, although the farmers of the West suffer millions from hog cholera where they suffer thousands from the destruction of cattle by pleuro-pneumonia. This bill never intended to cover it even by its title or by the provisions it contains:

That they shall not pay more than $160 for an animal with pedigree recorded or recordable in the recognized herd-books.

I do not suppose there are any swine in herd-books. There may be in New York.

Mr. MILLER. In New York there are herd-books of swine. Some of them are very valuable and worth more than $160.

Mr. VAN WYCK. So I supposed, judging from this bill. The Senator from New York can not make the distinction between cattle and swine. They have got beyond that point in New York and really do not know the difference.

It is perfectly plain; and an attempt to make the bill obscure will not do away with the force of the suggestion. As I stated to the Senator, I waited until the proper stage of the bill came, and then I asked that the swine should be protected, because there is no man in this body, and no man out of it, who will pretend that there is protection in this bill or in this commission to that great industry.

Mr. McMILLAN. My impression is that it does protect the cattle of Minnesota, and all these other interests of that character. I understand the Senator from Nebraska was a member of the committee that reported the bill, and if his views are such in regard to the bill as he has now expressed, why did he not perfect the bill when it was in committee?

Mr. VAN WYCK. I have once explained that other duties prevented my attendance on the committee when this matter was under discussion, and therefore when the bill came here I moved it when I had the chance. I was with my friend for the bill, and voted against the substitute, intending to put in either one or the other this provision to protect the farmers of your State and the whole Northwest from the ravages of swine disease.

Mr. McMILLAN. I think the farmers of our State will be protected by the bill as reported by the committee.

Mr. VAN WYCK. I beg leave to differ with my friend, because the only evidence of that fact is the word "live-stock" being used, and when this commission was baptized by this committee in this bill it was called "a board of cattle commissioners consisting of three persons." The phraseology of the bill was to strike particularly at "pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle," and the provision making compensation for damages for cattle that should be killed was on the basis of $160 if it was pedigreed in the herd-books and if not pedigreed in the herd-books not to exceed $60.

Will the Senator from Minnesota or any other Senator pretend for a moment that the provision related to swine as well as to cattle. It is idle to make such an assertion; therefore it was that I desired not to antagonize the bill but to make it better. My friend from New York does not antagonize it, he says. The Senator from Colorado does not antagonize it, but says that it should be placed in the bill. Now I desire to put it in the substitute. If the substitute is not such as these gentlemen desire, that is quite another matter; let them war on the Senator from Vermont then. I am trying to make his substitute better, and if it finally resolves itself into the bill I want to make the bill so much better by specially designating that which will benefit the whole country beyond Chicago, the whole West.

Mr. RIDDLEBERGER. Mr. President, I believe this is known as the pleuro-pneumonia bill. I could not vote on the substitute or the amendment by way of substitute proposed by the Senator from Vermont because of the pair I have had with the Senator from West Virginia [Mr. CAMDEN], who, I understand, would vote for the amendment, if present.

I do not propose to discuss the bill, but merely to say a few words by way of explanation of the vote that I shall cast on the amendment as it is, or on the bill as it stands amended.

Only those States that purchase cattle to feed have very much interest in a pleuro-pneumonia bill. I represent particularly that part of the State of Virginia that buys cattle, feeds them, and ships them to other States of the Union for sale, and ships them to Liverpool. The interest that those people have is to get rid of the quarantine system that is adopted by different States under their own State laws. For instance, one State will require you to keep your cattle for ninety days, another for sixty, and the man that herds the cattle will find that the expense is such that they eat their heads off before the owner can get them from the State in which he purchased them into the State to which he proposes to bring them.

Now to take a million dollars and distribute it as it would be, about on an average of $26,000 to a State, and leave the States to regulate the quarantine system as it is, and you had as well take that million dollars and dump it into the Potomac River. It is the quarantine system that is the curse of the cattle country, and it is the quarantine itself that reduces the profit of the cattle-feeder. The live-cattle breeder loses two cents a pound when he ships cattle from this country to Europe. Live-stock can not be shipped from here to Liverpool without a clean bill of health. They will ship dead cattle at 2 cents a pound less than live ones. Granting that it may cost a cent a pound more, as it does really, to ship live-stock over the dead carcases, you will not find that there is one cent additional profit in shipping the live over the dead, and you can not do it unless the Congress of the United States shall take charge of the whole matter. This is leaving it with the States, just making an appropriation of money that does nothing to help the situation in the least.

Now, sir, I understand perfectly well that there are Senators here who object to the original bill because it seems to be violative of what are called State rights. I say, Mr. President, that unless you do this as a National Government and do it here through the National Congress you had better leave this money in the Treasury, for $26,000 given to the people of any State is a very small consideration when they come here and ask you to do that which will enable them to ship cattle from one State to another in this Union without the States having a right to quarantine them on every border, and give them a clean bill of health from any port in the United States to Liverpool for live cattle. That is what the farmer asks for; that is what he comes here and asks the Federal Congress to do; that is what the National Cattle Breeders' Association ask you to do; that is what the National Congress of Cattle Breeders ask you to do; that is what the National Congress of Cattle Dealers ask you to do in their meeting here. They ask you for bread and you give them a stone.

They ask you to allow them to transship cattle with a clean bill of health, and you offer $26,000 a State when they come and tell you through their petitions, based upon experience and the evidence of the best men in this whole country, that the amount of a cent a pound is lost on every steer that they may ship from this country to Liverpool. Twenty-six thousand dollars, forsooth, because it is violative of some Senators' views of State rights to do the thing directly!

Why, sir, it is known to Senators on this floor that there are States which require the cattle-shipper to quarantine ninety days before cattle from certain other States shall cross the boundary line. That is where we want to apply the corrective, and unless it is done there, there is no remedy against the evil that we are trying to correct.

I would ask the Senator from Vermont, I would ask any Senator on this floor, what State has requested the Senate to give it a contribution of $26,000. They have asked you to take charge of a question which the States themselves can not handle. The States can not take charge of this question; and to say that when men buy cattle in one State to

be fed in another they shall not be required by the authorities of that State to feed them for ninety days before they can be crossed into another State. That is the pleuro-pneumonia bill that the farmers of this country want, and they are not asking the Senate to give them $26,000 per State.

The bill of the Senator from New York may not be perfect to the mind of every Senator here, but it is the only bill before the Senate that the farmers of this country have asked for, and it is the only one that will satisfy their demands.

First, we must know the evil that we are dealing with, and then apply the remedy. Nobody is asking for money to pay veterinary surgeons. All that we find in the bill of the Senator from Vermont. They are asking that there shall be given to them a right to pass cattle from one State to another without the imposition of a quarantine that absolutely amounts to a prohibition of the cattle trade. They are asking that they may ship their cattle abroad with a bill of health from the port of shipment to Liverpool, and instead of that you give them $26,000, when it is a demonstrable fact that it costs a cent a pound to them on every head they ship from this country abroad.

Mr. President, I make these observations in explanation of the vote which I presume I must cast, because the Senate has already adopted the amendment of the Senator from Vermont. I will give my people the $26,000, but that is no pleuro-pneumonia bill in any sense of the word. It corrects no evil complained of and answers no demand made by those who have petitioned the Senate to pass the pleuro-pneumonia bill.

Mr. MILLER. Mr. President, some Senators in voting upon the adoption of the substitute did so not understanding the vote fully, coming in from their committee-rooms and from conferences. I feel sure that the Senate of the United States will not be satisfied, will not satisfy its own judgment, by eventually passing the bill as it now stands. I wish that there may be time for consideration of this matter. One Senator has told me that in casting his vote for the substitute he did not fully understand it, and is ready to move a reconsideration of that vote.

Mr. DAWES. I desire to state, if the Senator will give me leave, that I have been engaged in a committee-room nearly all day. I came in while the roll was being called, and voted in the affirmative upon the amendment of the Senator from Vermont without being fully aware of what was the motion pending at the time. I desire to enter a motion to reconsider the vote by which the amendment was adopted. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Massachusetts enters a motion to reconsider the vote on the amendment of the Senator from Vermont.

Mr. MILLER. The agricultural appropriation has passed one House and is now with the Senate. I understand that it contains an appropriation in the direction of this bill. That bill has not yet been completed, and I do not know precisely in what condition the appropriation for this purpose may be in that bill. I desire to know in what condition it may be, and to have time for that purpose. Therefore I now move to lay this bill on the table.

Mr. TELLER. Will the Senator give me a moment?

Mr. MILLER. I withdraw the motion temporarily.

Mr. TELLER. I want to say that it is the utmost folly to talk about putting in the appropriation bill any amount of money that will accomplish the purpose that is intended in the original bill, because without some legislation upon that subject $100,000,000 will not do it. I want some legislation on this subject that will enable the Federal Government to use the money that it appropriates in an intelligent and proper manner. Such legislation, we all know, can not be had in an appropriation bill by the rules of another body, to say nothing of our own, and it will not do for anybody to solace himself with the suggestion that we can meet this great emergency and this great public demand by saying that Congress will appropriate a million dollars or $5,000,000. There must be some legislation upon the subject, or else it is folly to waste any money in the shape of an appropriation.

Mr. ALLISON. I hope the Senator from New York, having waived the further consideration of his bill, will not lay it on the table, but will allow it to be informally laid aside in order that the Senator from Virginia may report the agricultural appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Virginia?

Mr. MILLER. My intention in moving to lay the bill on the table was not to put it beyond the power of the Senate to take it up again. I was intending to-morrow, or some other day, if upon a consultation with the friends of the bill, and even with those who were opposed to it, it was thought the bill could be put in proper shape that would be of any value, to then propose to take it from the table and call up the motion of the Senator from Massachusetts [Mr. DAWES] to reconsider the vote by which the substitute had been adopted. I am not well versed in parliamentary rules, but several Senators advise me in that direction, including the Chair. If it will be better and conduce to the better management of the Senate to have it laid aside informally, I will let it go in that way; but I think the better way is to lay it on the table with the understanding that if any arrangement can be arrived at, I shall make a motion to take it from the table, and then reconsider the vote on the substitute.

### REPORTS OF COMMITTEES.

Mr. MAHONE. I am directed by the Committee on Appropriations to report back the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, with amendments, and I ask that they be printed, as I intend to ask the Senate to take the bill up some time to-morrow.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SPOONER, from the Committee on Claims, to whom was recommitted the bill (S. 502) for the relief of T. M. English, administrator of the estate of Richard Fitzpatrick, deceased, reported it without amendment, and submitted a report thereon.

### ALICE KELLEY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2382) granting a pension to Alice Kelley; which was, in line 5, to strike out "twenty-five," before the word "dollars," and insert "twelve."

Mr. BLAIR. I move that the Senate disagree to the amendment of the House and ask a conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. BLAIR, Mr. SAWYER, and Mr. CAMERON were appointed.

### DISEASES OF CATTLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot and mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. MILLER. I rise to a parliamentary inquiry. If I renew my motion to lay the pleuro-pneumonia bill on the table in its present condition and it is carried, will it not be perfectly competent for me to-morrow to move to take it up? If I can get a majority vote of course I will bring it up in its present condition.

The PRESIDENT *pro tempore*. The Chair would be of opinion that it would be superseded by the unfinished business of the evening, whatever that may be; but if it stands as it is now, it is subject to a motion at any time to proceed to its consideration. The Senator from Virginia has given notice of his desire to take up the agricultural appropriation bill to-morrow, which would supersede it under the rule.

Mr. CULLOM. I would like to inquire also what becomes of the motion to reconsider the amendment last adopted?

The PRESIDENT *pro tempore*. That is pending, and will be the first question when the bill is under consideration.

Mr. MILLER. I ask, then, that this bill be laid aside informally, and that the Calendar be now taken up.

The PRESIDENT *pro tempore*. Will the Senator restate his proposition?

Mr. MILLER. I made a request for unanimous consent that this bill be laid aside informally to proceed to the consideration of the Calendar or any other business.

Mr. HALE. Has not the pleuro-pneumonia bill been finished yet? [Laughter.]

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from New York.

Mr. TELLER. I offer an amendment to the substitute proposed by the Senator from Vermont to the bill just disposed of so that it may be printed.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

### HOUSE CONTESTED ELECTIONS.

Mr. HOAR. I rise to make a conference report. Before the report is read, as I suppose it must be read in full, I think it will be more convenient to the Senate to have me explain it in one sentence before it is read, and then Senators can follow it as it is read.

The House passed a bill with reference to contested-election cases in the House of Representatives in which they provided that the clerk of the Committee on Elections of the House should be a permanent salaried officer, and that the evidence in election cases should be sent to him in vacation; that he should stay in Washington all the time and he should prepare that evidence for the consideration of the House. The Senate struck out all that and imposed the duties upon the Clerk of the House of Representatives without any additional salary, and that amendment of the Senate the House of Representatives now concur in. That is the whole story.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6637) relating to contested elections having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4, and agree to the bill of the House with the following amendment thereto in the nature of

a substitute, as follows: Strike out all after the enacting clause and insert the following in lieu thereof:

"That section 127 of the Revised Statutes of the United States be so amended as to read as follows:

"All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding twenty days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the said Clerk shall proceed to open all the packages of testimony in the case, in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer, under the direction of the said Clerk, and in case of disagreement between the parties as to the printing of any portion of the testimony, the said Clerk shall determine whether such portion of the testimony shall be printed; and the said Clerk shall prepare a suitable index to be printed with the record. And the notice of contest and the answer of the sitting member shall also be printed with the record.

"If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages, and shall cause such portions of the testimony to be printed as he shall determine.

"He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and lay the same before the Committee on Elections at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee, and shall notify the contestant to file with the Clerk within thirty days a brief of the facts and the authorities relied on to establish his case. The Clerk shall forward by mail two copies of the contestant's brief to the contestee with like notice.

"Upon receipt of the contestee's brief the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties respectively, and shall be of like folio as the printed record; and 60 copies thereof shall be filed with the Clerk for the use of the Committee on Elections."

GEORGE F. HOAR,
JAMES L. PUGH,
WM. P. FRYE,
*Managers on the part of the Senate.*

H. G. TURNER,
C. E. BOYLE,
S. E. PAYNE,
*Managers on the part of the House.*

The report was concurred in.

DISEASES OF CATTLE.

Mr. PLATT. I will request that the pleuro-pneumonia bill as it had been amended up to the time the amendment of the Senator from Vermont was proposed be printed.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. HOAR. And let the order include all proposed amendments.

Mr. PLATT. I want the bill as it stood when the Senator from Vermont proposed his amendment.

The PRESIDENT *pro tempore*. That order will be made.

JOHN ROACH'S ASSIGNEES.

Mr. MITCHELL, of Oregon. I ask unanimous consent to take up a bill for the purpose of moving its recommittal to a committee. It will take but a moment.

The PRESIDENT *pro tempore*. Before that motion is put it is the duty of the Chair to lay before the Senate the business which by unanimous consent was agreed to be the next business in order, being the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, pending which the Senator from Oregon asks that the Senate proceed to the consideration of——

Mr. MITCHELL, of Oregon. Senate bill No. 3318, for the relief of George N. Quintard and George E. Weed, assignees of John Roach.

Mr. HARRIS. Is the Pacific railroad resolution the unfinished business?

The PRESIDENT *pro tempore*. It is the business before the Senate.

Mr. HARRIS. Then the request is that it be informally laid aside.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to refer a bill.

The CHIEF CLERK. A bill (S. 3318) for the relief of George N. Quintard and George E. Weed, assignees of John Roach.

Mr. MITCHELL, of Oregon. I move that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

PACIFIC RAILROAD ACCOUNTS.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

Mr. McPHERSON. I understood it was the intention of the Senate to-day to take up the Pacific railroad resolution and dispose of it.

Mr. HARRIS. It is now the unfinished business.

Mr. McPHERSON. Very true, but notice has been given by the Senator from Iowa [Mr. ALLISON] of his intention early to-morrow morning to present the consular and diplomatic appropriation bill. We have also notice from the Senator from Virginia [Mr. MAHONE] that he is ready with another appropriation bill, and, therefore, as a matter of course, under the arrangement entered into by the committees on both sides of the Chamber, it will be impossible to proceed with the resolution to-morrow morning, although it be the unfinished business, unless the Senator from Iowa shall give way, and I do not know that he will be disposed to do that. Now, I wish to give notice that it is my intention to antagonize every appropriation bill, and every pension bill, and every other bill brought before the attention of the Senate until such time as we can have consideration of this resolution. Discussion has proceeded here day after day on unimportant questions, and the Pacific railroad resolution question should either be voted upon directly or be antagonized four or five times a day to other measures.

The decision of the Senate was that it would act on it.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

Mr. McPHERSON called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I was requested by the Senator from Arkansas [Mr. JONES], who is temporarily called out of the Chamber, to pair with him. I withhold my vote.

The roll-call having been concluded, the result was announced—yeas 21, nays 36; as follows:

YEAS—21.

| | | | |
|---|---|---|---|
| Aldrich, | Cameron, | Hampton, | Sewell, |
| Blackburn, | Colquitt, | Mahone, | Sherman, |
| Blair, | Conger, | Mitchell of Pa., | Williams. |
| Bowen, | Cullom, | Palmer, | |
| Brown, | Frye, | Sabin, | |
| Butler, | Hale, | Sawyer, | |

NAYS—36.

| | | | |
|---|---|---|---|
| Allison, | Eustis, | McPherson, | Pugh, |
| Beck, | Evarts, | Manderson, | Saulsbury, |
| Berry, | Farwell, | Maxey, | Spooner, |
| Call, | George, | Mitchell of Oreg., | Vance, |
| Cheney, | Gorman, | Morgan, | Van Wyck, |
| Cockrell, | Gray, | Morrill, | Vest, |
| Coke, | Harris, | Payne, | Walthall, |
| Dawes, | Hoar, | Platt, | Whitthorne, |
| Dolph, | Kenna, | Plumb, | Wilson of Iowa. |

ABSENT—19.

| | | | |
|---|---|---|---|
| Camden, | Harrison, | Jones of Nevada, | Stanford, |
| Chace, | Hawley, | McMillan, | Telier, |
| Edmunds, | Ingalls, | Miller, | Voorhees, |
| Fair, | Jones of Arkansas, | Ransom, | Wilson of Md. |
| Gibson, | Jones of Florida, | Riddleberger, | |

So the motion was not agreed to.

Mr. CAMERON (at 5 o'clock and 38 minutes p. m.). I move that the Senate adjourn.

Mr. HOAR. I hope I may be allowed a word. ["Go on!"] I desire simply to say, if I may be permitted, having charge of the pending measure, that I feel myself bound in honor to press it to a vote, to stay here to do it, and I propose to do it, and so far as one vote is concerned (which is all I can speak for), I shall resist every motion to proceed to any other business or to adjourn.

Mr. CULLOM. I inquire of the Senator if he desires to finish the measure to-night to a vote?

Mr. HOAR. Of course.

Mr. CULLOM. I hope we shall be able to dispose of it.

Mr. ALLISON. I move that at the conclusion of the reading of the bill we take a recess until 8 o'clock.

Mr. HOAR. I have no choice about that. I would feel of course to do in that respect what a majority of the Senate think most convenient. Whether they will sit right on or have a recess is for the Senate to say. I will not undertake to say anything about that; but I desire to address the Senate in explanation of the measure briefly. I desire to have it voted upon and disposed of and out of the way before the final adjournment of the Senate this day.

The PRESIDENT *pro tempore*. The question is on the motion to adjourn.

The motion was not agreed to.

Mr. ALLISON. Now I move that after the completion of the reading of this resolution the Senate take a recess until 8 o'clock this evening.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that at the conclusion of the reading of the pending joint resolution a recess be taken until 8 o'clock.

The motion was agreed to.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

The Secretary proceeded to read the joint resolution, and after proceeding for some time,

Mr. CONGER. I move that the further reading of the joint resolution be dispensed with.

The PRESIDENT *pro tempore*. The Chair is of opinion that the read-

ing can not be dispensed with, the Senate having ordered that the joint resolution should be read.

Mr. PLATT. Besides, it must be read, according to the rule.

The PRESIDENT *pro tempore*. The Chair will submit the motion of the Senator from Michigan to the Senate if he desires.

Mr. CONGER. I do not insist upon it. There is so much confusion that the joint resolution can not be heard if it is read.

The Secretary resumed and concluded the reading of the joint resolution.

The PRESIDENT *pro tempore*. In pursuance of the order of the Senate the Senate takes a recess until 8 o'clock this evening.

---

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

BILL INTRODUCED.

Mr. DOLPH introduced a bill (S. 3349) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

PACIFIC RAILROAD ACCOUNTS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

The PRESIDENT *pro tempore*. The amendment reported from the Committee on the Judiciary will be read.

Mr. HOAR. Has not that been read?

The PRESIDENT *pro tempore*. Not the amendment. The original joint resolution as passed by the House was read as ordered. The amendment has not yet been read. It will now be read.

The CHIEF CLERK. The Committee on the Judiciary report to strike out all after the resolving clause and insert:

That the President of the United States, by and with the advice and consent of the Senate, be, and he is hereby, authorized to appoint three commissioners, whose compensation shall be $750 per month to each, and the necessary traveling expenses and board bills, for which proper vouchers shall be returned, to be approved by the Secretary of the Interior; and said commission may appoint a stenographer, if necessary, and fix his compensation; and the persons appointed on the said commission shall have power to examine all books, papers, and methods of the companies hereinafter named, employ experts if necessary; and they shall at all times be under the immediate direction and control of the President of the United States, and may at any time be removed by him in his discretion.

SEC. 2. That the duty of said commission shall be to examine into the working and financial management of all of the railroads that have received aid from the Government in bonds; to ascertain whether they have observed all the obligations imposed upon them by the laws of the United States under which they received such aid, or which have been since passed in reference thereto, and complied with all other obligations to the United States; and whether their books and accounts are or have been so kept as to show the net earnings of the aided roads, and what said books and accounts actually show in regard thereto, and what have been in fact said net earnings; or whether there has been a diversion of earnings of aided roads to less productive branches, through constructive mileage allowances, or average mileage allowances between aided and non-aided roads or parts of roads, or otherwise; and also whether such system of constructive mileage allowances is fair and usual, and in practical operation has resulted adversely or otherwise to the aided roads and the interest of the United States; or whether there has been a diversion of earnings of aided roads to wrongful or improper purposes, and, if so, to what extent; whether there is a discrimination of rates in favor of unaided against aided roads; whether any, and if so, how much, money is due and owing to the United States on account of mistaken or erroneous accounts, reports, or settlements made by said roads; whether any traffic or business which could or should be done on the aided lines of said companies has been diverted to the lines of any other company or to non-aided lines, and what amounts have been deducted from the gross earnings of any of said aided railroad companies, by their general freight and passenger agents or auditors, by way of rebate, percentage of business done, constructive mileage, monthly or other payments on any pooling or rate arrangement, contract, or agreement; and also to inquire into, ascertain, and report as to the kind, character, and amount of the assets of said companies, and what assets of each company are now subject to the lien of the Government, and the value thereof; and also whether any dividends have been unlawfully declared by the directors or paid to the stockholders of said companies, and, if so, to what extent, and whether the amount thereof may not be recovered from the directors unlawfully declaring the same or persons who have unlawfully received the same; whether the proceeds of any trust funds or lands loaned, advanced, or granted have been diverted from their lawful use; whether any new stock or bonds have been issued or any guarantees or pledges made contrary to or without authority of law; whether any of the directors, officers, or employés of said companies respectively have been or are now directly or indirectly interested, and to what amount or extent, in any other railroad, steamship, telegraph, express, mining, construction, or other business company or corporation, and with which any agreements, undertakings, or leases have been made or entered into; what amounts of money or credit have been or are now loaned by any of said companies to any person or corporation; what amounts of money or credit have been or are now borrowed by any of said companies, giving names of lenders and the purposes for which said sums have been or are now required; what amounts of money or other valuable consideration, such as stocks, bonds, passes, and so forth, have been expended or paid out by said companies, whether for lawful or unlawful purposes, but for which sufficient and detailed vouchers have not be given or filed with the records of said companies; and, further, to inquire and report whether said companies, or either of them, or their officers or agents, have paid any money or other valuable consideration, or done any other act or thing, for the purpose of influencing legislation; and to investigate and report all the facts relating to an alleged consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and the Denver Pacific Railway and Telegraph Company into an alleged corporation known as the Union Pacific Railway Company. Said investigation shall include the alleged sale of the stock of the Kansas Pacific Railroad Company to the Union Pacific Railroad Company, and all the circumstances and particulars pertaining to said alleged sale, and whether any of the Pacific railroad corporations which obtained bonds from the United States to aid in the construction of their railroads have expended any of their moneys or other assets in the construction, or to aid in the construction, of other railroads, or invested of their moneys or other assets in the stocks or bonds of any manufacturing, mining, and commercial companies or corporations, or of other railroad corporations; and if any such expenditures or investments have been made, the extent and character thereof made by each of said corporations shall be inquired into, and also the present interest of any of said corporations in the railroads auxiliary to their respective railroads.

And said commission shall also ascertain and report the names of all the stockholders in each of said companies, from its organization to the date of the investigation herein provided for, as they appear on the books of said companies at the date of its annual meeting in each year; the amount of stock held by each; what consideration, if any, was paid by each stockholder to said company for his stock, and when and in what property such payment was made; the date when each stockholder so appearing on the books became such; and whether stock is now held or has heretofore been held in the name of any person in trust or for the benefit of any other, and the names of all such persons; the total amount of the stock in each company, and the dates and amount of any increase of such stock, and the reason for such increase; and the amount of the annual salaries or compensation that are now or at any prior time have been paid to any officer or employé of said company, when such salary or compensation amounts to $5,000 or more per annum, and the names of the persons now receiving or who have heretofore received such salaries or compensation, and all bonuses or donations which may have been given or paid to any such person; and all payments made under the head of legal expenses, to whom made, and the amount paid to each, and for what specific services such payments were made.

Said commissioners shall also consider and report whether the interests of the United States require any extension of the time for the performance of the obligations to the United States of said companies, or any of them, and the facts and circumstances upon which said opinion is based, including the security held by the United States for the performance of such obligations, and the value thereof, and the value of the property of such companies, and either of them, not included in such security, and what further security it is expedient that said companies shall be required to give; and if, in their opinion, such extension shall be required by the interests of the United States, they shall submit a scheme for such extension, which shall secure to the United States full payment of all debts due them from said companies, with a reasonable rate of interest, in such time as the commissioners shall propose, having due regard to the financial ability of said companies and the proper conduct of their business in such manner as shall afford efficient service to the public.

And the said commission shall report in full in regard to all such matters aforesaid, and in regard to any other matters which may be ascertained or come to their knowledge in regard to said companies respectively, on or before December 1, 1887, to the President of the United States, who shall forward said report to Congress, with such recommendations or comments as he may see fit to make in the premises.

That the commissioners hereby created, or either of them, shall have power to require the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, and documents relating to the matter under investigation, and to administer oaths; and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section. Any of the circuit or district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring any such person to appear before said commissioners, or either of them, as the case may be, and produce books and papers if so ordered, and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 3. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the purposes of this investigation.

SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary, to the protection of the interests and the preservation of the security of the United States, in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

SEC. 5. That from and after the 1st day of July, 1887, there shall be charged to and collected from the Central Pacific Railroad Company, the Union Pacific Railway or Railroad Company, by whichever description it may be lawfully known, the Central Branch Union Pacific Railway Company, the Sioux City and Pacific Railroad Company, and the Kansas Pacific Railway Company, as all the same are described and known in the acts of Congress providing for issuing bonds in aid of the same, or acts in addition thereto, their successors and assigns respectively, 40 per cent. of their respective annual net earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act, so far as the same respects the companies mentioned in said act, and as to the others herein mentioned absolutely; and to that end the said act of May 7, 1878, and any and all amendments or modifications thereof, be, and the same are hereby extended to the Kansas Pacific Railway Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch Union Pacific Railroad Company; and said act, and all amendments thereto or modifications thereof, shall henceforth apply to the said respective corporations herein last named, as well as to the corporations named in said act.

SEC. 6. That the sinking-funds which are or may be held in the Treasury for the security of the indebtedness of either or all of said railroad companies may, in addition to the investments now authorized by law, be invested in any bonds of the United States heretofore issued for the benefit of either or all of said companies, or in any of the first-mortgage bonds of either of said companies which have been issued under the authority of any law of the United States and secured by mortgages of their roads and franchises, which by any law of the United States have been made prior and paramount to the mortgage, lien, or other security of the United States in respect of its advances to either of said companies as provided by law.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on the Judiciary.

Mr. McPHERSON. If the Senator from Massachusetts will permit me at this stage of the proceedings to attempt to simplify the discussion of this measure very materially, by offering an amendment to the proposed substitute, I should be glad to do so at this time, and to briefly state the object and purpose I have in view.

I move to strike out of the amendment reported by the Committee on the Judiciary, commencing with section 4, on page 11, all that follows.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to strike out sections 4, 5, and 6, of the proposed amendment. The question is on that motion.

Mr. McPHERSON. Now, Mr. President, a single word with respect to my amendment.

As will be observed by every Senator, this divests the bill of everything in the shape of new legislation that is proposed by the committee respecting these railroads. It leaves simply a resolution of investigation, and I think every Senator on this floor is sufficiently advised at present as to the necessity of such a course.

It is unnecessary for me to enter into any discussion whatever touching the merits or necessity of the proposed investigation. The joint resolution came to us from the House of Representatives providing simply for an investigation. The Judiciary Committee have improved and amended the House resolution so as to make it practicable to have a thorough and full investigation of all the affairs of these companies, but they have done more; they have proposed here new legislation. They have proposed to confer upon the President of the United States certain powers which it is very evident to every Senator the President of the United States would not exercise, and would remit to Congress at his earliest convenience and at the first session of Congress which followed, even if it should be adopted and become a part of the resolution.

Section 5 provides for a payment of a greater sum of money than that provided by the Thurman law, to wit, an increase from 25 per cent. of the net earnings to 40 per cent. of the net earnings. It will be remembered that when the Thurman bill was before the Senate it occupied the time of the Senate for about eight weeks in discussing that particular phase of the question. It was after a long and protracted debate, both in the Senate and in the House of Representatives, that the Thurman bill was finally passed. Now, with only four or five days left of this session, if we expect to secure an investigation of the affairs of these companies it seems to me it would be wisest and best, in short, necessary, to divest it of any and every subject which can provoke debate.

Mr. HOAR. I will say to the Senator that I myself favor his amendment, and am perfectly willing, if the vote can be taken, to have it taken now without debate.

Mr. McPHERSON. Very well. I only wish to make an explanation, if the Senator from Massachusetts will bear with me.

When the Committee on the Judiciary had reported back the bill to the Senate providing for the increase to 40 per cent., I confess that for my part I saw no objection to it, but I do now see a very grave objection to it, and I will simply state the objection, and when I state it, in addition to the reasons I have already stated, I believe even the Judiciary Committee themselves, who have reported this proposed increase to 40 per cent., will be more than willing that it shall be stricken out.

Let me simply state the fact that while the 40 per cent. increase upon the basis of the net earnings of the Union and the Central Pacific Railroads for 1884 and 1885 would require the Union Pacific Railroad to pay into the public Treasury something over $2,600,000 annually, a sum of something like $600,000 in excess of the entire interest account paid by the Government, and $1,400,000 more than it now pays on account of net earnings and transportation account into the public Treasury, it would only compel the Central Pacific Railway Company to pay $129,000 additional, or a sum equal to $1,300,000 less than the Government pays annually upon its interest account. Hence you will see the inequality of the application of the 40 per cent. Therefore, as it is likely to provoke discussion, I shall ask the Senate to strike out everything in the shape of new legislation and take the resolution of investigation pure and simple.

Mr. GEORGE. As the percentage levied on each road is the same, 40 per cent., why is there this difference?

Mr. McPHERSON. That is a very proper question for the Senator to ask me. It is because the entire net earnings of the Central Pacific Railroad during the year 1884 and 1885 have fallen down to a sum amounting to $840,000 a year. The 5 per cent. of net earnings which the Government is to receive of that amounts to about $43,000 annually. Therefore, it is in taking the entire net earnings of the Central Pacific Railway Company, if the 40 per cent. were exacted it would only amount to about $329,000 all told.

As to the Union Pacific Railway Company, 40 per cent. of its net earnings, including the Kansas Pacific and other lines, would amount to about $2,600,000. The funding bill which was a short time ago before the Senate provided that the Union Pacific Railroad should pay a sum of about $1,400,000 a year, or about $1,200,000 less than it would be required to pay under this proposed amendment, and that was considered extortionate by them. I only speak of it to show the unfairness of exacting from one of these corporations the sum of $2,600,000 a year while it can not possibly amount to more that $329,000 from the other.

Mr. GEORGE. As the present percentage now levied is the same, being 25 per cent., and the proposed percentage being 40 per cent., if these unequal results come out of the 40 per cent., do they not equally come out of the 25 per cent.?

Mr. McPHERSON. The Senator is mistaken in that. In the first place, the Central Pacific Railway Company has diverted mainly its business from that line to the Southern Pacific line, which is a competing corporation. The same parties that control the Central Pacific Railway Company to-day have controlled it from the beginning, and they have absolutely turned the switches and turned the business from the Central Pacific Railroad on to the tracks of the Southern Pacific. It has no through business and gives no through business to the Union Pacific. Hence they have both become local roads, notwithstanding it was the intention of the Government when these roads were incorporated in 1862 that they should be a continuous through line of road from the Missouri River to the Pacific Ocean.

Mr. HOAR. I hardly meant to yield to the Senator to make a very long speech at this time.

Mr. McPHERSON. I am now through. I have simply stated all I wish to say.

Mr. HOAR. I wish to say in addition to the answer to the Senator from Mississippi [Mr. GEORGE] that the term "net earnings" in this bill is a delusion as it is used. It is not the net earnings in any sense that anybody understands the word except the definition which is given in the old Thurman act, that the net earnings shall mean anything that the railroad receives after deducting its operating expenses and keeping the road in repair and the interest on its first mortgage, not interest on all the loan; and the Government does not allow in that estimate (and the railroads so keep their books) the expenses for a new bridge, or new rails, or new cars, or anything which keeps the road up with the times, or for a side-track or a new depot or anything.

If there is a little spur road requiring a single track or a double track to a new village anywhere in the 4,500 miles of territory which this system accommodates, that can not be deducted. The effect of this 40 per cent., as I could demonstrate if I were going to take the time, would be simply bankruptcy to this road, and leave the road where it is to stand as not paying its current demands; and of course we should have a road that the Government has got to take possession of and run ourselves. If we can have a vote, though, I will not go into a discussion.

Mr. WILSON, of Iowa. I should like to ask the Senator from New Jersey whether he would not be willing to exclude from his amendment the fourth section of the substitute reported by the Committee on the Judiciary. It seems to me that that is one of the most important provisions of the bill as presented to the Senate by the committee. That section is as follows:

SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary, to the protection of the interests and the preservation of the security of the United States, in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortages or liens of the United States on any such railroad property.

The interest which the Government has in these several roads and companies is liable at any time, by default of the company to meet the interest on the first-mortgage bonds, to be placed at hazard.

Mr. HOAR. I suggest, if the Senator will allow me to interrupt him, to save time——

Mr. WILSON, of Iowa. Certainly.

Mr. HOAR. I suggest to the Senator from New Jersey to try his question on the last two sections first.

Mr. McPHERSON. I have no objection to that, although I do not agree to the fourth section. I think it is a power which never should be conferred.

Mr. HARRIS. I suppose the question is divisible, so that the vote can be taken separately on each section.

The PRESIDENT *pro tempore*. The question can be taken on the sections separately.

Mr. WILSON, of Iowa. I wish to remark further, now that I have commenced referring to this section, and I shall not detain the Senate long, that in my judgment no more important legislation has been proposed with reference to these companies since the passage of the charter under which they were organized down to the present time. One of two results will occur in the event the fourth section becomes a law, either the United States will get back all the money it has invested by

the issuance of its bonds to these companies or it will obtain possession of this system of roads.

I do not believe that those interested in these companies and those interested in the railway system of the United States generally will allow the contingency to happen which would put the United States in possession as owners of this system of railways, because if that contingency should occur and the United States should become the owner of this system of roads there would be very little difficulty in determining the question which has agitated Congress so long, that of the proper regulation of the interstate commerce of this country. Give to the United States possession of that key to the situation, and it will unlock every difficulty involved in the problem; and because of that, in my judgment, those who are interested in the railway property of this country never would allow the contingency to transpire, but instead of default on first-mortgage bonds, instead of any act which would induce the putting into force the provisions of the fourth section, there would be provision made by those directly and indirectly interested to meet every obligation that these companies are under to the Government of the United States.

Therefore, without desiring to extend my remarks, I hope that the fourth section at least will not be stricken out of the amendment proposed by the committee.

The PRESIDENT *pro tempore*. Does the Senator ask for a division of the question?

Mr. WILSON, of Iowa. I ask for a division.

The PRESIDENT *pro tempore*. The question will then be put first on the motion to strike out the fourth section of the substitute reported from the Committee on the Judiciary.

Mr. BUTLER. It is to be taken first on striking out sections 5 and 6.

The PRESIDENT *pro tempore*. Unless otherwise ordered, the Chair will direct the first proposition to be submitted first.

Mr. BUTLER. I understood the Senator from Massachusetts to suggest that the vote first be taken on striking out the fifth and sixth sections, to which the Senator from New Jersey assented.

The PRESIDENT *pro tempore*. The Chair ordinarily would put the question on the sections in the order in which they stand, unless the Senate should otherwise direct.

Mr. BUTLER. Then I move that the vote be taken first on striking out the fifth and sixth sections.

The PRESIDENT *pro tempore*. If there be no objection, the vote will first be taken on striking out those sections.

Mr. HOAR. I understood the Senator from New Jersey to modify his amendment by including sections 5 and 6.

The PRESIDENT *pro tempore*. If there be no objection, the question will be taken on striking out the fifth and sixth sections of the substitute. [Putting the question]. The ayes appear to have it.

Mr. COKE. I ask for the yeas and nays.

Mr. HOAR. I suggest that the vote be taken by a rising vote first, and I will state very frankly my reason. If there is any doubt of the action of the Senate on this subject I desire to address the Senate upon it at considerable length, but I do not want to inflict a speech of an hour or an hour and a half upon the Senate if the mind of the Senate is made up. I hope my honorable friend from Texas will allow a rising vote to be taken in the first instance.

Mr. COKE. I demand the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are demanded.

Mr. HOAR. The Senator from Texas can call for the yeas and nays after the rising vote.

Mr. COKE. Very well, I have no objection to that.

Mr. HOAR. I will state to the Senator very frankly that my purpose is, if I can, to ascertain the disposition of the Senate so as to see whether it is necessary for me to address the Senate at length on the subject.

Mr. COKE. I am willing to take a rising vote first.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to strike out the last two sections of the substitute.

The question being put, there were, on a division—ayes 22, noes 7 (not a quorum voting).

The PRESIDENT *pro tempore*. Does the Senator from Texas call for the yeas and nays?

Mr. COKE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I think under the circumstances I ought to make a brief address to the Senate, though there is no quorum present.

The PRESIDENT *pro tempore*. There is a quorum present in the Senate Chamber.

Mr. HOAR. Very well; I will let the call of the yeas and nays proceed.

The PRESIDENT *pro tempore*. The Chair has counted and ascertained that a quorum is present.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). On this question I am paired with the Senator from Texas [Mr. MAXEY]. If he were present, I should vote "yea." I understand that he would vote "nay."

Mr. COLQUITT (when his name was called). I am paired generally with the Senator from Rhode Island [Mr. CHACE], but after conversation with his colleague [Mr. ALDRICH] I feel at liberty to vote. I vote "yea."

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], who I notice is not in the Chamber. I withhold my vote.

Mr. SPOONER. I am paired generally with the Senator from Mississippi [Mr. WALTHALL], but I transfer the pair to the Senator from Virginia [Mr. MAHONE] and vote "yea."

Mr. HARRIS (when Mr. VEST's name was called). The Senator from Missouri [Mr. VEST] is detained at home by indisposition. He asked me to announce his pair with the Senator from Colorado [Mr. BOWEN]. If the Senator from Missouri were present he would vote "nay," and I suppose the Senator from Colorado would vote "yea."

The roll-call was concluded.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is absent to-night, and is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were present, I think he would vote "nay."

Mr. COKE. My colleague [Mr. MAXEY] is absent, sick, to-night, and is paired with the Senator from South Carolina [Mr. BUTLER]. If my colleague were here, he would vote "nay."

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from California [Mr. STANFORD]. They are both absent.

The result was announced—yeas 26, nays 14; as follows:

YEAS—26.

| | | | |
|---|---|---|---|
| Allison, | Farwell, | Mitchell of Oreg., | Riddleberger, |
| Blair, | Frye, | Mitchell of Pa., | Sawyer, |
| Cheney, | Gorman, | Morgan, | Sherman, |
| Colquitt, | Gray, | Morrill, | Spooner, |
| Dawes, | Hale, | Payne, | Williams. |
| Dolph, | Hoar, | Platt, | |
| Evarts, | McPherson, | Ransom, | |

NAYS—14.

| | | | |
|---|---|---|---|
| Beck, | Cullom, | Kenna, | Whitthorne, |
| Berry, | George, | McMillan, | Wilson of Iowa. |
| Cockrell, | Harris, | Vance, | |
| Coke, | Ingalls, | Van Wyck, | |

ABSENT—36.

| | | | |
|---|---|---|---|
| Aldrich, | Conger, | Jones of Florida, | Sabin, |
| Blackburn, | Edmunds, | Jones of Nevada, | Saulsbury, |
| Bowen, | Eustis, | Mahone, | Sewell, |
| Brown, | Fair, | Manderson, | Stanford, |
| Butler, | Gibson, | Maxey, | Teller, |
| Call, | Hampton, | Miller, | Vest, |
| Camden, | Harrison, | Palmer, | Voorhees, |
| Cameron, | Hawley, | Plumb, | Walthall, |
| Chace, | Jones of Arkansas, | Pugh, | Wilson of Md. |

So the amendment to the amendment was agreed to.

Mr. MCPHERSON. I now move to strike out the fourth section, because this is a power I would not be willing to confer upon anybody. So far as the exercise of such powers with respect to an amount of money necessary to be raised for the purpose of paying off the first-mortgage bonds, it is one that should come before Congress for its consideration, and nobody else; therefore, I cannot consent that that section should be retained.

Mr. WILSON, of Iowa. I desire to say that the subject embraced in the fourth section of this amendment has been very carefully considered by the Committee on the Judiciary, not merely of the present Congress but of at least one preceding Congress, and a bill was reported from that committee in almost the precise terms corresponding with the present amendment by the present Attorney-General, who was then a Senator from Arkansas, and who made a terse and forcible argument in favor of the bill reported by him from that committee when it came before the Senate for consideration. I merely make this statement to show that this subject does not come before the Senate for the first time, nor was it considered for the first time by the Judiciary Committee of the present Congress.

Mr. DAWES. I should like to make an inquiry of the Senator.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Iowa yield to the Senator from Massachusetts.

Mr. WILSON, of Iowa. Certainly.

Mr. DAWES. The Senator is upon the Committee on the Judiciary. I agree with him as to the force of the argument he has made; but I should like to inquire if this section carries an appropriation with it sufficient to enable the President and Attorney-General to perform the duties required under it.

Mr. WILSON, of Iowa. That was the purpose and judgment of the committee, as I understand, and it will carry an appropriation sufficient to meet that contingency.

Mr. BUTLER. In pursuance of the inquiry of the Senator from Massachusetts, may I inquire further what amount of money is appropriated by that section?

Mr. WILSON, of Iowa. Such amount as may be necessary to enable the President and the Secretary of the Treasury to discharge the duty which the section would impose in case of its being enacted into law.

Mr. BUTLER. I should like to inquire further of the Senator if any amount has been arrived at, approximately even?

Mr. WILSON, of Iowa. It would run all the way from a few thou-

sand dollars, it might be, to the entire amount of the first-mortgage bonds on these several railroads.

Mr. BUTLER. How many millions?

Mr. WILSON, of Iowa. Of the first-mortgage bonds senior to the lien of the United States there are about $64,000,000.

Mr. BUTLER. So that that amount might be necessary to remove the lien?

Mr. WILSON, of Iowa. In the event of a failure of these several companies to meet their obligations under the first mortgage bonds and those mortgages should be put in process of forclosure it might become necessary to use that amount of money less whatever the sinking fund would amount to now in the possession of the Government.

Mr. DAWES. I should like to see this section something more than mere idle words. I suggest to the Senator that there be added expressly "and sufficient for carrying out the purposes of this section is hereby appropriated."

Mr. WILSON, of Iowa. I have no objection.

Mr. DAWES. The Senator says it is the opinion of the committee that it carries with it that power. Is there any precedent for an appropriation by implication?

Mr. WILSON, of Iowa. I can not now state whether there is a precedent such as the Senator calls for, or not. The committee was of opinion that this section as framed would accomplish the purpose. If there be doubt about it, I certainly have no objection to the removal of that doubt.

Mr. DAWES. If the Senator's position is correct, there is no need of an express appropriation at any time to authorize a thing to be done. If a direction to do a thing carries with it the power to take money out of the Treasury sufficient for that purpose, there is hardly ever need of an appropriation.

Mr. WILSON, of Iowa. I am entirely content that the Senator from Massachusetts shall add the amendment he suggests.

Mr. DAWES. Here is by implication authority derived solely from that source to take the largest sum out of the Treasury that ever was taken by any enactment.

Mr. WILSON, of Iowa. I have no disposition to discuss that question with the Senator. If he thinks this is not sufficiently explicit, let him make it so by amendment, but let us have this provision made in some form.

Mr. DAWES. I agree with the Senator.

Mr. WILSON, of Iowa. In order that if the contingency should occur there will be power possessed by the President to meet it and to save the Government from the loss of the great amount of money involved in the lien that it has on these several roads.

Mr. McPHERSON. It seems to be the wish of quite a number of Senators to leave this section in the bill. There is one point that is worthy of consideration, and that is this: If these railroad companies should default in paying interest on the first-mortgage bonds there is no authority vested now anywhere to protect the interest of the Government in the bonds loaned by the Government. Therefore there might be a possible necessity for some power being vested somewhere to protect the interest of the Government in a case of that kind; and so it is that I have no objection myself and I have no particular wish that a vote shall be taken on the fourth section unless some other Senator desires it.

Mr. SHERMAN (Mr. HARRIS in the chair). Mr. President, in my judgment this fourth section ought not to be in the bill, first, because it is wrong in principle, as it confers so enormous a power on the President of the United States ten years in advance of the time for the exercise of that power. The first-mortgage bonds of the Pacific railroad companies do not mature, any of them, until 1897, according to my memory.

Mr. WILSON, of Iowa. In 1895 to 1899.

Mr. HOAR. The average is 1897.

Mr. SHERMAN. More than ten years. There can be no default in the payment of interest on the first-mortgage bonds. Such a thing as that is not to be considered, because that is the first and primary and paramount lien on these roads. There is not one of them but what is worth more than the amount of the first-mortgage bonds, and probably two or three times the amount of the first-mortgage bonds.

This proposes to place in the hands of a President of the United States to be elected eight or ten years hence this enormous power of assuming the payment of $65,000,000 indebtedness. It does not invest him with the power to take the money from the Treasury, because the criticism made by the Senator from Massachusetts [Mr. DAWES] is perfectly just. You may impose a duty upon the President of the United States, whatever it may be, and yet he can not take one dollar from the Treasury, except in pursuance of an appropriation made by express law. That appropriation can only be expressed in such words as these, that so much money be appropriated out of any money in the Treasury not otherwise appropriated. Consequently this is mere *brutum fulmen;* it does not amount to anything, except that it confers, nominally at least, a very dangerous power long years in advance of the time for its exercise.

The Senator from New Jersey [Mr. MCPHERSON] suggested that these companies might default in their interest. They have never thought of such a thing. Such a thing is not to be conceived of as possible. That interest must be paid and is paid as promptly and as regularly as the interest on the bonds of the United States, because it is a primary lien on all these roads. That is, therefore, a contingency which need not be provided for by law.

This is an intimation that these railroad companies intend to commit an act of bankruptcy, when there is no such disposition and no sign of such an act. It is to suggest a state of things that has not occurred to the mind of mortal man, because standing back of and behind these first-mortgage securities there is an immense interest, amounting to over $130,000,000 or $140,000,000. Therefore, the contingency of the companies failing to pay the interest on these bonds or their failure to pay the bonds on maturity is a thing not to be thought of, at least for ten years, and consequently it is a mere idle section threatening the credit of these companies to even suggest the possibility that the interest is not to be paid on these first-mortgage bonds, which are high in the market, equal to the bonds of the United States. Such a suggestion as this in a law of this kind, passed by both Houses of Congress, appears to be a mere effort, you may say, to bear down these bonds, to toss them into the market as discredited and suspected by the Congress of the United States. Therefore, that section ought not to be here, and I hope the Senator from New Jersey will adhere to his amendment.

Mr. MCPHERSON. I will adhere to it. I prefer that the section be stricken out, although, as I said, I am not very strenuous about it.

Mr. SHERMAN. Let me say one or two things while I am on the floor. I did not read the measure carefully until to-day, when it was understood that it would be taken up, and I must confess that on the whole, with some qualifications, I do think the House joint resolution covers about all that is required in regard to this subject-matter. It is true that the Senate provisions in regard to the investigation are a little broader. They confer power to take testimony, to examine witnesses, to call in the aid of the courts, and evidently in that respect it is more carefully prepared than the House resolution. I at first supposed that the House resolution was a concurrent resolution, and if so it would have no force whatever. It would not authorize these people to draw their salaries. They could not draw money from the Treasury except in pursuance of a law, and a concurrent resolution is not a law, because it is not approved by the President.

That is what I supposed the House resolution was, but it turns out to be a joint resolution which has to be read three times and approved by the President, having all the force and effect of a law, and it contains substantially all the powers necessary to be conferred upon commissioners to ascertain the exact condition of these railroad companies, their market value, what it is best for the Government to do, what class of bonds the Government should take in payment of its lien, &c.

It seems to me, therefore, that in that respect the House resolution appears to cover the ground well enough, although there are provisions, as I said, in the Senate resolution that would be perhaps better to be attached to the resolution. So that the form of the resolution I am indifferent about.

There is another thing. The rate of pay and compensation and expense contemplated by the Senate amendment is out of all proportion to the character of the duty to be performed. It proposes to give to these commissioners $750 a month, without any duration of their term of service, or $9,000 a year, with all their expenses paid, with full power to employ any number of employés, and it appropriates $100,000 for an investigation that ought to be conducted by three men, judicious men, good lawyers, at a reasonable rate, and the whole thing ought to be completed within six months.

The temptation will be, by giving these enormous salaries to these commissioners, to prolong the investigation, because their interests are involved to that extent, and this inquiry is one that ought not to take any such time as that. It seems to me that in this respect the House resolution is better. The House have provided for a commission to be employed at the rate of $3,000 a year. That is probably too small. Five thousand dollars would be nearer the sum that would justify a good accountant and lawyer to devote his time and attention for the necessary three, four, or five months to make this investigation. In that respect the House resolution is better.

The amount involved, in comparison with the great interests to be investigated, $100,000, seems to be very small, but yet it appears to me to be entirely too large for all the services that can be performed by commissioners under the operation of this proposed law.

At all events, I trust the Senate will strike out the fourth section as being entirely unnecessary to secure the Government. If these companies should ever default in their interest or principal, Congress will be in session within a short time and can soon protect the Government. The common-law right of subrogation exists, and the Government, even without this section, could in the courts of the United States assert its right to be subrogated in place of the holders of the first-mortgage bonds in case of failure to pay them by the railroad companies.

There is no necessity for this legislation, and if these railroad companies, or any of them, should default in the payment of either principal or interest, the courts are open to give them the equitable right to be subrogated in place of the first mortgage bonds.

The provision contained here is, as I said before, a threat upon the credit of the companies, and it seems to me it ought not to be continued here. It does no good to anybody. It only does evil so far as it goes.

Mr. HOAR. Mr. President, these commissioners are ordered to report on or before December 1, 1887, so that their salaries are to run by the committee's amendment only for a period of about eight months. The Senator from Ohio, I think, was not aware that the time was fixed. He will find the provision on the tenth page, in section 2.

They are to report a scheme which shall preserve the interests of the Government and the public for the redemption of these large debts, the extension of them if it should be necessary—debts amounting in the aggregate to upwards of $150,000,000. I do not mean the debt to the Government to that amount, but the debt to the Government alone will amount to over $100,000,000.

Mr. President, you want to have some able men, able financiers, able lawyers whose character will bear weight, will bear down all the scandal of the blackmailer, all the intrigue of any other great railroad company that wants to get possession of these roads, all the manipulators of the stock market, and all the thousand influences which have been directed at this Senate from bull and bear, from anonymous writers in the press, from persons with political aims, which have made the history of this measure to my mind one of the most humiliating that ever has occurred in the history of American legislation.

Now, for such men, called from other occupations for a temporary purpose, which is to begin promptly as soon as these men can be appointed and to end on the 1st of December next, it seems to me $750 a month is too little. I wanted to fix the salaries at ten or twelve thousand dollars apiece per annum, and there were men of high authority—without going into any private discussion in this Senate—who wanted to fix the salary at ten or twelve thousand dollars apiece for the work, not at that rate per year. The committee finally agreed on $750 a month. That would only be $9,000 a year. You could not get men to sit as referees to whom business corporations like these would submit a question of one-tenth of its importance and proportion without fees of $10,000 apiece, even if the reference did not last six weeks.

I respectfully, submit therefore, to my honorable friend from Ohio that his criticism that these salaries are too large on the whole—although I defer very much to his judgment on all questions, especially such as these—is not a valid one. I submit to the Senator that this is as reasonable and low a compensation as we ought to suggest.

I am aware of all the motives and influences, I think, that surround this legislation. I do not feel afraid of the perversion which it has been suggested may be made of this purpose. I believe that President Cleveland can appoint, will be disposed to appoint, and will appoint three men of high character as financiers and lawyers who will take up this problem in the interest of the Government as a creditor, in the interest of the American people.

One of these roads alone—the Union Pacific Railroad—serves 4,600 miles of territory with its system, and the people of that vast region now growing into life, the region whose growth is expected to be most rapid, whose business institutions are growing up under the policy which some men propose, are to be served for an indefinite period in the future by a railroad with bankruptcy hanging over its head, a railroad without a dollar left to it to build a new bridge, to put in new steel rails, to build a new side track, to send out a new spur of five miles to a little growing village, and that probably for a longer period, but certainly for ten years. Under some policies that may be, perhaps will be, the condition of this thing, and then at the end of that time the whole concern is to be taken possession of and run by the Government with such means and appliances as a political administration of the road will bring, or to be stripped and thrown into the market to some other great railroad to gobble up and absorb in the end, the Government as a creditor and the public with its vastly larger interests to be the loser, to say nothing of wiping out the present capital of over $30,000,000 in value of stock.

Mr. President, the policy of Congress in regard to this measure is plain and clear. You want, in the first place, to secure the rights of the United States as a creditor by finding out what is the best thing these debtors can do with regard to their public obligations and their public service, and give them such reasonable extension, if any, as they may require.

You want, in the second place, to secure that these roads for the future, if you can, shall be operated in the interest of owners, men who have invested their money for dividends and not for purposes of speculation in the stock. The Union Pacific Railroad to-day has a capital stock of $60,000,000, and that is selling, in spite of the manipulations of this winter, at between $56 and $57 a share. That represents $33,750,000, or thereabouts, of value in the stock over and above both mortgages, although not a dollar of dividends can be paid at present, or will be till this matter is settled.

Now, who can protect the Government, who can manage the interests of this road for the benefit of the Government like men whose $30,000,000 is to be wiped out unless the Government be paid? It is for our interest to preserve that management, and not send it back to the harpies of the New York stock market from which Mr. Adams has rescued it. A little more than a year ago a constituent of mine, a high railroad authority, incautiously declared that in his judgment the Union Pacific Railroad Company stock was a good investment at 100 cents on the dollar, and would pay a reasonable dividend of at least 6 per cent. on that sum, and there were no other solid investments in this country that you could get that would pay more than 3½ or 4 per cent. at that time.

In consequence of that declaration trustees and persons with slender means, widows and other women, proceeded to take up that stock, and at this moment a very large portion of that stock is held by that class of persons. They have elected their own board of directors. They elected Mr. Adams president. The office of the company was moved to Boston, and there is not a dollar of the original stock owned by the credit-mobilier men, by Oakes Ames or his family. There is not a dollar of the stock owned by Mr. Jay Gould. I have before me a statement taken from the stock-book. Nearly all the stock has changed hands since 1880. There are 2,100 shares held by persons who own less than 10 shares each. There are six thousand eight hundred persons and institutions now owners of that stock; three thousand one hundred and seventy-nine more own less than 50 shares each. Seventy-nine thousand nine hundred shares are held in Europe, and there are less than one thousand four hundred persons who own stock in blocks exceeding 50 shares.

Mr. EDMUNDS. What is the total number of shares?

Mr. HOAR. The capital is about $60,000,000.

Mr. EDMUNDS. How many shares?

Mr. HOAR. The statement which is made from the stock-books is that there is not one in ten of the present stockholders who owned any stock in 1880, and not one in one hundred and fifty who was the owner of stock in the year 1875, and there is not a quarter of the stock of the company held to-day by persons who may be supposed in any degree to hold it for stock-jobbing purposes. And yet when this attempt is made to find out what is the interest of the Government as a creditor, what is the interest of the people whom these 4,600 miles of railroad serve, whose institutions it is to develop, whose farms and dwellings and business are to have a value according as this road is prosperous and accommodates them and does good work, or to dwindle and decay if the road becomes bankrupt and cheap and unsafe and unable to grow with the country, how is it met?

When we undertake to look into that question, first comes the bull or the bear of the stock market, and sends letters to this Senator and that Senator, and writers working in the dark for New York newspapers revile the personal character and the motives of men who undertake to do their legislative duty in regard to this subject, and then comes the man who wants to bankrupt the road in the interest of some local concern, and then comes the politician who wants to use an investigation in the interest of some political party, and then Senators and Representatives begin to have their knees shake together. I do not think so many of them as people suppose imagine that that thing is true. The fear is when they vote on this great business question that their reputations, the reputations of the seventy-six men whom these great sovereign American States have selected as the men they delight to honor, of character and capacity and reputation and fitness for public service, will not protect them. They can not vote according as they think the public interest requires, because their characters are to perish before the miserable blackmailers of the New York newspapers. I do not believe it.

I think the scheme of this resolution, that is that you shall have the three best business men that the President can find at a fair salary, and perhaps a scheme looking to all these measures and that they shall take the road and investigate to the bottom every question and every charge that may possibly bear on the interest of Congress in reference to these great institutions in the future and report at the next session, is a good one, and is the best one that we can contrive.

It seems as if this investigation proposes to cover a great ground, but nearly everything that has been inserted there has been inquired into by one or the other House of Congress. The documents, statistics, and figures are all drawn up.

Now I wish to say one word of Mr. Charles Francis Adams. He is no friend, or companion, or associate, or sympathizer of mine. I suppose he thought when I was elected Senator that I was about as unfit a person for the office as could be found in the Commonwealth of Massachusetts among men likely to be proposed for it. I am not his friend or associate, either socially or politically, but I will say of him that in this great undertaking, in which he has embarked his reputation, he is acting with a wisdom, with an integrity, with a single sense of duty, and with a single sense of honor, in my opinion, which entitles him to the respect of the American people; and if he shall succeed in rescuing this great road and restoring it to the purpose for which it was chartered and in making it stand free, independent, strong, the servant of the American people, like the New York Harbor, or the Erie Canal, or the Mississippi River—if he shall have succeeded in letting it stand as the Baltimore and Ohio, the Boston and Albany, and the New York Central stand, a simple business institution managed by its owners, returning reasonable and honorable and moderate profits,

he will have performed a service to the American people which will confer a new luster even upon the great name which for four generations has been among the chiefest of the ornaments in our treasure.

Mr. GEORGE. I desire, Mr. President, to ask the Senator from Massachusetts a question or two for the purpose of getting out some information which I do not now have. The Senator said there were 4,600 miles, I believe, of this railroad. I desire to ask the Senator how much of the 4,600 miles is subject to the Thurman act requiring a percentage of the net income to be paid into the Treasury?

Mr. HOAR. I have the figures.

Mr. GEORGE. How many of these 4,600 miles?

Mr. HOAR. I have the figures here in a pamphlet. It will take some little time to find them.

Mr. GEORGE. I mean of the Union Pacific?

Mr. HOAR. I understand. The Union Pacific proper and the Kansas Pacific are all one. The precise length is not in my memory at this moment.

Mr. GEORGE. Give me an approximate estimate.

Mr. EDMUNDS. About a third of the 4,600 miles.

Mr. HOAR. It is somewhere about 1,200 or 1,500 miles.

Mr. GEORGE. Then I understand that out of this magnificent system of railroads belonging to the Union Pacific Railway only one-third of these 4,600 miles is subject to the laws of Congress requiring a portion of the net income to be paid into the Treasury; and that on all the rest, the two-thirds, notwithstanding any law we have passed, or any law we now propose to pass, every cent of the net income belongs to the company itself, and is not subject to be paid into the Treasury of the United States.

Mr. HOAR. That is not strictly true.

Mr. GEORGE. Make it strictly true.

Mr. HOAR. The Union Pacific road is now consolidated with the Kansas Pacific into what is called the Union Pacific Railway Company, and that is subject to the mortgage of the United States. Then they control these other roads, some of them by leasing, others of them by owning a majority of the stock or bonds, or in some other way. I understand the Senator's point perfectly, but it is a point which requires a fullness of statement to answer, and I am now about to answer. That is the substance of it.

If this 40 per cent. be exacted, according to the returns of the year 1885 upon the Union Pacific and Central roads it will require about $2,600,000. That will eat up substantially every dollar. You understand that net earnings, by the definition of the Thurman act, are simply what is left after paying interest on the first-mortgage bonds and keeping the road in repair and paying the operating expenses. Besides, they pay interest on the indebtedness which they have incurred to acquire this large additional system, and they pay $1,500,000 to keep the road in repair, to keep it up decently with the age. They spent $2,600,000 for this purpose last year.

After paying that they will have nothing left whatever. It will be entirely gone, and more. I have the exact figures on my desk, which I shall be able to show. Now, they keep their accounts in this way: They have charged to the construction account every repair which they make except what is a mere necessary repair to keep the road actually running. Every new bridge, every new depot, every new side-track, every substitution of a steel rail for an iron rail, every new car, every improved heating apparatus, everything which the constantly increasing demands of the public and the improvements in railroad management require, they charge to the construction account, so that they are not able now and do not take that out. They put in a new bridge for an old one, expended $50,000 last year for the Omaha bridge, and the Government did not allow it. If they put that into the construction account, as possibly they might under the term "repairs," in this bill, and deducted it before they paid their 25 or 40 per cent. they would make a showing that they are not earning their operating expenses, which would instantly ruin their credit.

Mr. GEORGE. The Senator has given me a good deal of information which I did not ask for, and failed to give me the information which I did ask for.

Mr. HOAR. What did you ask for which I have not given?

Mr. GEORGE. I wanted to know how many miles of these 4,600 miles which you said belonged to the Union Pacific Railroad Company, or which they were operating, were subject to pay the 25 per cent.

Mr. HOAR. I understand it is about a third.

Mr. EDMUNDS. From a third to three-fifths.

Mr. HOAR. The Senator from Vermont says it is from a third to three-fifths. It is not in my memory at this moment, and I shall have to search a little to find it.

Mr. GEORGE. Then there is about two-thirds or over it——

Mr. HOAR. Two-thirds to two-fifths.

Mr. GEORGE. There is between two-thirds and about two-fifths.

Mr. EDMUNDS. One-third to two-fifths.

Mr. GEORGE. Are you speaking of the number of miles on which we have a lien?

Mr. EDMUNDS. We have a lien from Omaha to Ogden on the main line, and then there is the Kansas Pacific, which has been consolidated with the Union Pacific, which was originally a part of this same enterprise, of about 600 miles more.

Mr. HOAR. Fourteen hundred in all, a friend who is to be trusted as an authority I am sure, informs me.

Mr. EDMUNDS. It must be more than that, because it is a thousand miles from Omaha to Ogden, and then the Kansas Pacific is about 600 more. So it will be between 1,600 and 1,800 miles lien on which the act of 1862 and 1864 and the Thurman act operate.

Mr. GEORGE. And the remainder of the 4,600 miles, which would be about 3,000, we have no lien upon.

Mr. HOAR. Now I have it here exactly. This is exactly what is stated to me. The Senator from Vermont has been led into some error. One thousand four hundred and twenty-five and twelve one-hundredths miles are covered by the Government lien. Let me read:

From Omaha, Nebr., to Ogden out is 1,031.18 miles. From Kansas and Missouri State line westwardly it is 393.94. Making the amount I have already given. Here is the pamphlet, the report of the Union Pacific.

Mr. GEORGE. I understand in general terms that there are about 1,400 or 1,500 miles of the 4,600 miles on which the United States has a lien and from which we receive a net income of 25 per cent., leaving about 3,000 or 3,100 miles of road belonging to this company upon which we have no lien and from which we derive no income. I understand that to be the fact.

Mr. HOAR. What do you mean by saying "we derive no income?"

Mr. GEORGE. The United States derives none. If that is not so, correct me. I state that my understanding is that on these two-thirds or 3,000 miles——

Mr. HOAR. Three thousand and ninety-four miles.

Mr. GEORGE. That there we have no lien for our debt and we take none of their income for the purpose of indemnity. Is that the fact or not?

Mr. HOAR. It is not literally true as the Senator states it. The original act of all entitles us to succeed to all the property of the company when our debt becomes due, if it is not paid; as it then exists, but we have no mortgage, we have no lien that is a paramount lien to them or anybody else even subject to the first mortgage. We have no mortgage on those miles.

Mr. GEORGE. What claim have we on those 3,000 miles of road outside of our lien?

Mr. HOAR. We have not any claim.

Mr. GEORGE. That is what I understood.

Mr. PLATT. A claim to take it.

Mr. HOAR. A claim to take it when our debt becomes due as it then stands.

Mr. GEORGE. I desire only to make one or two observations on this state of affairs as exhibited by the answers of the Senator from Massachusetts to my questions. Here is, as he states, a magnificent system of railway——

Mr. HOAR. The Senator will pardon me. He does not seem to think that what I stated just now was an answer to the point and substance of his second question. This company, of course, has acquired the interests in these roads which enabled it to operate them, by purchase of the owners, or by acquiring bonds on which they have to pay the interest, or by taking second-mortgage bonds, or by building them itself and going into debt for them. So it has got to pay all the other incumbrances although it is operating these roads.

It is operating them under a very large incumbrance which does not make them a source of pure profit, and in the figures which I have stated I have turned in as if it were to be accounted for to the Government or taken into consideration in this matter everything that the Union Pacific Railway gets from any source whatever; and when you have taken out what it has got to pay on these things and for operating expenses and the $2,600,000 which this 40 per cent. will require under the proposed section in this bill, it will not have enough left of the whole to pay the $1,500,000 which is the least sum, and that is only $375 a mile, which is necessary to keep the road in repair in accordance with the spirit of the age, according to the decent necessities of the management of a great railroad.

Mr. GEORGE. Will the Senator allow me to submit some observations to the Senate?

Mr. HOAR. Certainly, sir; but I thought if the Senator had a little more light on the subject he would make a great deal more sensible observations.

Mr. GEORGE. If I may be allowed to go on, after having all this light thrown on the subject, and having got possession of all the immense amount of information which the Senator from Massachusetts has contributed in answer to my question, I think I will proceed in about this way. There is a railroad company that got about $25,000,000 from the Treasury of the United States. How many millions of acres of land it got I am not now prepared to say, but it got a large amount of land. The United States indorsed its bonds. The United States has a second-mortgage lien upon its line of railway. It now turns out that after getting this money from the Government, after getting this land from the Government, after getting the privilege from the Gov-

ernment to put a first mortgage upon its road which has a superior lien to the mortgage of the United States, in some way or other, with this lien only on about 1,400 or 1,500 miles of railroad, they have acquired about 4,600 miles, and that is the attitude in which it comes before us here to-day.

I want the Senate and the country to understand that with all these loans and donations by the Government we ride as second mortgagee upon 1,400 or 1,500 miles of railway, and the company has succeeded in some way or other in getting about 3,000 miles more, upon which we have no lien, upon which we have no right except the general right which any creditor has against the property of his debtor. We stand in that attitude.

Mr. HOAR. The Senator will pardon me——

Mr. GEORGE. Oh, no, if you please.

Mr. HOAR. Would not the Senator like to be corrected?

Mr. GEORGE. No, sir; I do not want to be corrected any more. I would rather live in delusion than be corrected by the Senator from Massachusetts in the way he has been correcting me for the last half hour. [Laughter.]

Mr. HOAR. The Senator will be gratified. He does labor under a delusion in his last statement.

Mr. GEORGE. Of course, and so does the Senator from Massachusetts labor under a delusion.

The PRESIDENT *pro tempore*. The Senator from Mississippi has the floor.

Mr. GEORGE. If the Senator will not interrupt me any more I will go on, and I will go on by stating the proposition again, because it is a very important one. This company has 4,600 miles of railroad, a magnificent system, as described by the Senator from Massachusetts in his first speech. This company is a debtor to the Government. We have paid interest on bonds which we loaned them, and which they ought to have paid. The bonds will mature in a few years. This company makes no provision for the meeting of the debt when it falls due. A few years ago, under the Thurman act, the Congress of the United States provided that they should pay 25 per cent. of their net earnings into the Treasury as a sinking fund to meet this debt. It is ascertained that that 25 per cent. will not meet the debt when it falls due; so when those bonds become due, the Government paying the interest on the bonds all the time, the Government will be under the necessity of paying the principal.

What next? The Judiciary Committee come in here and say in the amendment which they offer to the bill that the company ought to pay 40 per cent. of its net earnings, not on the whole 4,600 miles—we give them the net earnings on two-thirds of that 4,600 miles—but on one-third we ask them to do the very moderate thing of paying 40 per cent. of their own net earnings in satisfaction of their own debt.

Mr. President, I think that is very liberal on the part of the United States. Any other debtor in all this broad land, from Canada to the Gulf, from the Atlantic to the Pacific, would consider that any creditor of his who would allow him to keep the corpus of his estate and 60 per cent. of his net income and only pay to the creditor 40 per cent. of that income—I say any debtor in all this broad land except these Pacific railroad companies would regard a creditor who would treat them in that honorable and charitable and lenient spirit as a magnanimous and lenient creditor.

But when every other debtor in this broad land must not only surrender all the net income of his property in payment of his debts, but must surrender the corpus of the estate itself if he can not raise the money, when that is the condition of everybody else in this country, the Senator from Massachusetts comes in here and says that we are oppressive to the railroad companies who own this magnificent system, 4,600 miles of railroad, when we ask them to pay only four dollars out of every ten, not of their gross income, but of their gains, after deducting all legitimate expenses. That seems to me to be rather a hard proposition for the Congress of the United States to accept in behalf of the tax-payers of the United States.

Mr. HOAR. Mr. President——

Mr. GEORGE. If you please, let me get through.

Mr. HOAR. I thought the Senator was sitting down.

Mr. GEORGE. No, sir. Every dollar that is paid upon these bonds of the United States out of the Treasury of the United States, which is not supplied by the 25 per cent. of net income which is now required by law to be paid into the Treasury of the United States, must be paid by the tax-payers of the United States. I speak in their behalf, crowded, oppressed as they are by onerous taxation, against a further surrender of their rights in behalf of these railroad companies.

I can not state—that is what nobody knows, that is what this investigation is intended to find out—how much money has ever been paid out of the private pockets of the investors in these companies for this magnificent system of 4,600 miles. It is certain that all the railroad companies put together got $64,000,000 as the result of the sale of the bonds of the United States. It is also certain that they were allowed to sell and did sell bonds which the United States generously allowed to drive ahead of their bonds in the way of a lien to an equal amount. Am I correct in saying that the first-mortgage bonds were allowed to be equal to the bonds of the United States?

Mr. EDMUNDS. To be in advance of them by the act of 1864.

Mr. HARRIS. Equal in amount.

Mr. GEORGE. Equal in amount?

Mr. EDMUNDS. Yes.

Mr. GEORGE. And they were allowed to drive ahead. That makes the money derived from the bonds alone twice $64,000,000, which, according to my arithmetic, is $128,000,000. That much it is certain that these corporators, these builders of this road, these owners of this road got without advancing one single dollar for it.

Then I presume some Senator on this floor who has a better memory than I have—probably the Senator from Nebraska [Mr. VAN WYCK] can tell me or tell the Senate and the country how many millions of acres of public land they got which did not cost them a cent. Here is your $128,000,000, which never cost anybody a cent except the tax-payers of this country—here is this enormous donation of public lands which never cost anybody anything except the people of the United States' to whom they belong, all invested in this railroad enterprise; and here with this result, with all this owned but 1,400 or 1,500 miles of railroad, and then somehow or other with that small beginning upon which we have a lien and only on which we have a lien, this corporation has grown from 1,500 miles to 4,600 miles, leaving about 3,000 miles clear gain of railroad made by this corporation upon which we have no claim whatever.

The Senator from Massachusetts says they owe for these things. Well, it seems to me they owe for everything. They have never paid for anything. They never paid anything for their 1,500 miles, so far as I know, or very little, and it turns out now, if the statement of the Senator from Massachusetts is correct, that they bought the balance of it on credit and paid nothing for that, and upon the capital furnished by the United States, and probably some little advances—I do not know how much; the Senator from Massachusetts can tell—on this $128,000,000, $64,000,000 from the United States and $64,000,000, the proceeds of mortgage bonds which the United States generously allowed to go ahead of their lien, and their bonds, their claim, and the proceeds of this public land, and probably some small contribution—I do not know how much; the Senator from Massachusetts will be able to tell—they are the owners of this magnificent railroad, if he be correct, of about 3,000 miles, and they have all this because they owe everybody, because they paid nothing, because they bought everything on credit, and now they come before us here as objects of charity and leniency!

Mr. President, I do not want to crush out these roads; I do not want the Government of the United States to become the owner of these roads. I believe that the worst thing that could happen to this Government is to become the owner of a railroad if it is compelled to run it.

Mr. MCPHERSON. We do not want the road, but the money.

Mr. GEORGE. You want the money, and you will never get the money, allow me say, as long as you let the railroads keep it. I know but one way to get it, and that is to make them pay it up and relieve the tax-payers of this country of the burden which otherwise is cast upon them.

That is the way I understand this thing to be. If I am in error about any of it I can be corrected. When the Senator from Vermont was absent, who is the author of the proposition, as I understand it, to require 40 per cent., the Senate voted by a yea-and-nay vote to release it.

Mr. EDMUNDS. I am not the author of the 40 per cent. provision. The House of Representatives by a bill passed in the last Congress, not this one, was the author of the 40 per cent. provision, to which I most cordially agree.

Mr. HOAR. If the Senator will allow me, I will state that the House of Representatives passed a bill providing for an extension of this debt and the payment of so much, and said that if the company did not accept it, then they should pay 40 per cent., but did not require them to do so if they did accept it. That is what the Senate has agreed to and the Senator from Vermont has agreed to. That is a queer statement by him.

Mr. MCPHERSON. Mr. President——

Mr. EDMUNDS. I hope the Senator from New Jersey will pardon me for a moment. My friend from Massachusetts has called in question the correctness of my statement. If my friend from New Jersey will please allow me to reply——

Mr. HOAR. I have the floor, Mr. President.

Mr. EDMUNDS. The Senator from Massachusetts says he has the floor. I will wait until he is through.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts to sit down, but if he says he did not release the floor——

Mr. HOAR. I sat down because I supposed the Senator from Mississippi was not through. I understood I was to be recognized after him.

Mr. GEORGE. I am through for the present.

The PRESIDENT *pro tempore*. The Senator from Massachusetts now has the floor.

Mr. HOAR. Now I will yield to the Senator from Vermont.

Mr. EDMUNDS. I beg to be excused. I will take my time.

Mr. HOAR. When I said I thought I had the floor it was not in the

least to interfere with the Senator from Vermont making his explanation at any time or manner he chose. It was not to assert any right against him, but because he was appealing to the Senator from New Jersey to yield to him. I hope the Senator will not suppose that I had any purpose of discourtesy.

Mr. EDMUNDS. Oh, no; I did not understand it in that sense; it is all right.

The PRESIDENT *pro tempore*. The Senator from Massachusetts has the floor.

Mr. HOAR. Then, Mr. President——

Mr. MCPHERSON. Does the Senator from Massachusetts propose to go on?

Mr. HOAR. I want to say a word or two in reply to the Senator from Mississippi [Mr. GEORGE], if I can be permitted. The Senator from Mississippi preferred to make his speech under what he spoke of as an illusion, and it might have been spoken of, I think, as a delusion. No single one of the propositions of fact on which he based his argument is correct, as I understand.

Mr. GEORGE. Now, will the Senator——

Mr. HOAR. My friend would not allow me to interrupt him and I ask him to let me state my proposition.

Mr. GEORGE. The Senator occupied much of my time while I was on the floor.

Mr. HOAR. In the first place, the Senator from Mississippi affirmed that the property of this company, except so far as it was covered by the United States lien on 1,400 miles of it, was not to be dealt with by the Government like the property of any other debtor. There is a provision in the original act that at the maturity of this debt everything that belongs to the company shall vest in the United States if it is not paid, so that whatever that company acquires, whether it be one thousand or three thousand millions, subject to the debts on which it acquired it, or debts put on it in the course of its business, will then vest in the United States.

Then the Senator says that here are debts due the Government which this road does not pay, and we ought to make them pay it. That is a mistake. There is not one single dollar due to this Government from any of these roads—not one, and will not be until the year 1897, or thereabouts. The United States Government agreed, in consideration of the enormous risk of the original builders of this road, that they would lend them these Government bonds, and they should not be called upon to pay back either principal or annual interest till their maturity at the end of thirty years.

What the Government did by the Thurman act was not to come in as a creditor who had made a bargain and break it, to repudiate their contract with these men—not at all. They said that under our supervising power as a Government we will require you to pay into a sinking fund a sum of money, so that there shall be some preparation toward the payment of your debt at maturity. Now, what is the result of that process? That sinking fund is required by law at this moment to be invested in securities which pay only 2.2 per cent. annually of interest.

As to the money expended on the road, the Senator from Mississippi says they buy everything on credit, and do not pay cash for anything. They find a road that has been built by somebody else with a bond and mortgage, and they buy the equity and pay for it, and have to pay the interest on those bonds, and they have a property which at the present rates at which it sells in the stock market, having a capital stock of $60,000,000, is worth $33,750,000—the Union Pacific Railroad alone at this moment—beyond all the debts that it owes, the Government debts and everything else.

If you will just pass a law you shall do just what you have a mind to, and if you pay off our debt at maturity it is all that we will ask, and not tie up there what they can do with their money; they can take advantage of a favorable condition in the money market and raise the money and pay every cent they owe you before 1897. We do not ask the Government to extend its debt. They will find a new creditor who will let them have money on fifty, sixty, or seventy-five years with 3 or 4 per cent. interest, and pay you, and pay the first-mortgage bonds too.

What you are doing by this 40 per cent. business of yours is to say to this railroad company, "You shall not use your money as you please, as you would let another debtor, as you would have to let him because you could not help yourself; you shall not put it where it serves the public and pays an income, as Mr. Adams shows in his report it does, of from 8 to 10 per cent., but you shall take this amount of money which you are getting 8 or 10 per cent. for now, and for twelve years lock it up where you can get only 2 per cent., and put it into a sinking fund; not that you can pay us anything that is due now, as the Senator from Mississippi thinks, but that you can be ready to pay us in the year 1897."

To do that the Senator says you are only taking 40 per cent. on the 1,400 miles that the United States has a lien on, and leaving them their earnings on all the other 3,000 miles. The Senator is mistaken in that. In calculating the net earnings of the 1,300 miles they are obliged to take every dollar of income which they get from all their other property and put it in, every dollar of it. That is what they do and that is what they have done all along. Now, taking every dollar of it and putting it in, they show you by the figures which I have here, and which are perfectly demonstrable, that they can not have anything left to build a new bridge or put in a new steel rail.

The Senator uses the words "net earnings," as if that were an adequate and proper description of the thing which you are making them pay 40 per cent. on. It is not net earnings; it is what the Thurman act says shall be called for the purposes of this road net earnings; that is, every dollar of money that they get from any quarter except what they have to pay for their operating expenses, for the interest of the first mortgage and the keeping their road in repair; and as the Government officials and the railroad, too, have agreed now for nine years, since the Thurman act passed, the keeping the road in repair only means just what is enough to keep the trains running and not the substituting any new track, or any new material, or any new car, or new bridge, or anything else that the demands of the community require. You are asked to do that just at the time when you are undertaking to perfect in six months a scheme of dealing with this debt which will settle the relations of the road forever, and just at the time when you pass the interstate-commerce bill, with which I have no fault to find here, but which is to utterly reconstruct the relations of this road to the people.

Remember this is not a creditor laying his hand on the debtor's property. It is the guardian of the ward; it is the paternal Government or non-paternal Government saying, "We propose only to make you manage your property reasonably, with reference to the fact that you have a debt coming due in twelve years." That is the only assertion of authority under which this is vindicated at all, and I affirm, Mr. President, on my serious responsibility that there never was a more wicked, unjust, monstrous proposition than this proposition is, if you strip it of the mistakes which have deceived honorable and just gentlemen on this floor and elsewhere, and come to understand it in all its relations.

Here is a railroad that you said you would lend this money to, and they should not pay you until 1897, and now you come in twelve years before, when they have so managed their property that it is worth beyond all their debts, yours and every other's, by the unerring test of the stock-market, $33,750,000, and you say, "Take every single dollar that you want to occupy new territory with against rival lines, every single dollar that you want for an improvement over 4,600 miles of railroad territory, every single dollar that you want to secure increased safety with for passengers, for life and property and character; take every single dollar, and strip yourself of your credit which is necessary to carry on your road and have it hold up its head, and put your money out at 2 per cent. and lock it up for twelve years;" and Senators are going to be frightened into a performance of that kind by anonymous articles in irresponsible New York newspapers, if they do it at all.

There is another thing which my honorable friend from Mississippi totally, though unintentionally, misstated. He says the owners of this property got it out of the United States when they built that road, "these owners," when they built that road between the years 1864 and 1868, getting it entirely completed in 1870. There was some terrible mismanagement, to use no harsher term even than that, and Congress looked into it, and it was proposed by some men to repeal the charter and to have General Grant appoint some commissioners who would run that road for the Government and take possession of it. Congress said no; whatever has been the abuse and misconduct, whatever the risk there may be in the Government debt at the time, then thirty-four years off—it was in 1873 when this investigation took place—the public scandal of having a great trans-continental railroad run by such men as might be appointed, however honest the purpose of the President of the United States may be, would be worse than to lose the whole thing; therefore you may keep your property, and we will not take it away from you. They draughted the law, a remedy which the Supreme Court held to be unconstitutional, and they allowed this stock to remain salable in the market for value. They let them do it, and I have shown that every dollar of that entire stock has changed hands since the year 1880, and is held by the class of persons whom Mr. Adams described in the extract I read.

Now, the new persons bought it with your leave, and paid dollar for dollar for it. The stock was up at 116 when a large portion of these people, on Mr. Adams's assurance, made the purchase, and Jay Gould sold out and cleared out, and they removed the office to Boston, and the stockholders elected the directors, men of standing and character in the business world. Having taken that stock by your leave, which they bought in the open market, they proceeded to pay into the treasury of that road $10,000,000 of new capital to equip it, and it has been done within the last three years.

Mr. GEORGE. Was that paid on stock or on bonds?

Mr. HOAR. It was paid on stock, dollar for dollar, one hundred cents, at one time. Now, is it just, is it honest, is it decent, when the question is before us of what it is reasonable to do with the men who bought the property which you said they might buy and paid their cash for it, dollar for dollar?

The Senator says they are asking us to give them something. Not

at all. It is you who are proposing to come in and say, "take this money which is earning you 8 or 10 per cent. and put it where it will get but 2 per cent. and keep it and hold it for a debt which is to fall due in 1897," and they say "that is not after all quite reasonable and honest." A trustee who would do what you ask this Government to do with its ward would be turned out of office by any probate court in the country if he managed the estate as you want to have this managed, sold out property in that way and tied it up; and if he did it to make a fancied personal advantage out of it he would be indictable for embezzlement and sent to the penitentiary. Yet when it is undertaken to discuss this thing on its merits as an honest measure, gentlemen get up and halloo, "these men did so and so in the year of our Lord 1868, twenty years ago."

I say that every one of the fundamental propositions of fact which has led the usually fair-minded Senator from Mississippi to take the position and make the speech which he has taken and made, disappears when it is compared with the record.

Mr. GEORGE. I made most of my speech upon what I understood the Senator from Massachusetts to state. I asked him for the facts. It seems now that I misunderstood him in one point. I understood him to say when I interrogated him that we did not get any income from these 3,000 miles of road upon which we had no lien. I understand him in his last speech to say that we do get an income from that road. But I suppose the Senator will admit that the income we get from that is after they pay all their other debts.

Mr. EDMUNDS. Yes; but if my friend from Mississippi will allow me, if anybody will turn to the report of the Commissioner of Railroads, which I suppose is as good as anybody else's statement——

Mr. GEORGE. That is good authority.

Mr. EDMUNDS. He states that we do not get and do not pretend to get anything from the unaided parts of these lines.

Mr. GEORGE. So it appears, and the Senator from Massachusetts was wrong.

Mr. HOAR. Not at all; I deny it.

Mr. EDMUNDS. The authority of the Commissioner of Railroads in an official report is perhaps as good as the statement of a Senator.

Mr. GEORGE. I do not intend to detain my eager friend long from his anxious desire to get up and defend these corporations and their conditions, but there is one observation made by the Senator from Massachusetts to which I want to advert. He says these railroads are our wards, and I think he has made that out. All of his reply to me is based upon the idea that it was the duty of the United States to protect these parties against their own improvident acts. For instance, the Senator from Massachusetts says we allowed them to purchase stock. I should like to know by what authority we prevented a free citizen twenty-one years of age, a citizen of Massachusetts, of New York, or of Connecticut, from investing his money just where he pleases.

But then the Senator says that all this cheating and rascality which has been perpetrated in the management and building of this railroad took place twenty years ago, and we ought not to hold the present stockholders responsible. Mr. President, we are not dealing with the stockholders; we are dealing with corporations. They are the same to-day that they were twenty years ago, and if the shrewd, rascally men who owned the stock of these companies twenty years ago were smart enough to sell the stock to other people, it is no reason because these people were deceived by their vendors that the Government of the United States should make good their improvident contracts by levying taxes upon the people of this country.

Mr. McPHERSON. Mr. President, if I can now have the floor for a single moment, I will take it for the purpose of answering some observations made by the Senator from Massachusetts. I had resolved when this resolution came before the Senate that I would enter into a detailed examination and discussion of all the matters appertaining to the conduct of these railroads. It would have taken me several hours to expose many of the things which I think ought to be exposed, and which I trust the commission to be appointed under the resolution will expose, but I am more anxious for the passage of the resolution than for anything else.

I trust that the things I have ascertained, and which to my mind seem an absolute certainty, will be revealed by the commission which it is proposed to appoint. Therefore, I will refrain from entering into an elaborate discussion of the matter here at this late hour, as I wish to reach a vote.

But with regard to some observations of the Senator from Massachusetts, I must be allowed to say a word. He insinuated that this resolution was now before the Senate by reason of persistence on the part of somebody which behind it had some political significance.

Mr. HOAR. Mr. President, the Senator misunderstood me. I made no such insinuation. I neither referred to him nor to the resolution or anything about it in any such sense. I favor the resolution.

Mr. McPHERSON. I will say that all the persistence that I have had in the matter has been out of pure sympathy for the Senator from Massachusetts.

Mr. HOAR. The Senator has utterly and totally misconceived me. I am very sorry——

Mr. McPHERSON. I think other Senators besides myself so understood him.

Mr. HOAR. If the Senator will pardon me, I said what I honestly believed, and I think the Senator will understand and appreciate the feeling, that I think the history of this attempt to have this railroad matter settled in some way is the most humiliating thing in the history of our legislation. I made that statement, and said that when we attempted to approach this subject we were surrounded by all these influences, the bulls and bears of the stock market, the anonymous articles in the New York newspapers, the ambition of rival roads, the blackmailing of the corporations, and I did say that when these influences were all in full cry the knees of some Senators seemed to shake, and of some Members of the House of Representatives, but I had not the slightest reference to the Senator from New Jersey or to the resolution, or to anything. On the contrary I think the Senate is going to deal with this question with an absolute contempt for all those influences, and among those I spoke of the desire of great rival roads to get ahead of these lines as one of the disturbing influences of public sentiment.

Mr. McPHERSON. Disclaiming as I do any intention to give it any political direction, I will have nothing further to say on that subject.

I have been earnest, I have been persistent in demanding that this resolution be brought to the attention of the Senate. Sir, the conduct of Congress within the last six months has been the most humiliating in its history. Bills have been brought before the Senate and House of Representatives seeking a settlement with different Pacific railroads on terms which would grant to them, if passed, a larger subsidy than was ever heretofore given to them at any time. If the bill reported by the honorable Senator from Massachusetts, known as the funding bill—as to which I will here and now do him the credit to say that as soon as he discovered its character he immediately withdrew it from the attention of the Senate—if that bill had passed the Senate the stock of the Union Pacific Railroad would have gone up 50 per cent. Why? It contemplated giving them a larger subsidy than the entire amount of the original subsidy bonds.

That bill was reported by the Judiciary Committee, an honorable and intelligent committee, and now that same committee bring before the Senate as an addendum or as a rider to this resolution, which was simply a resolution of inquiry, what? An amendment which applies mainly to one line of railroad, to wit, the Union Pacific. If that amendment had been incorporated into this resolution, the stock of the Union Pacific Railroad in an hour would have fallen 50 per cent.

Now, I want to know why the honorable Senator from Massachusetts charges newspapers in the city of New York with being stock-jobbing newspapers. There is no agency upon earth which has been so influential as the Judiciary Committee of the Senate to enable stock-jobbers to make money; in the first place, on the funding bill, and, in the next place, to bear the stock on the resolution now before the Senate. I have no sympathy with such talk.

There are such things of course as stock-jobbing newspapers. Why not stock-jobbing newspapers as well as stock-jobbing men? But for the Senator from Massachusetts or myself to say that the great influential journals in the city of New York were engaged in a stock-jobbing scheme because they opposed the passage of the funding bill, is to my mind exceedingly unjust. I do not believe they were controlled by any such mercenary motive, nor do I believe that the New York World newspaper (let me single it out as having been most influential of all in exposing the character of the funding bill) is entitled to be called a stock-jobbing newspaper. It seems to me it earned a better title than that, and certainly if this resolution becomes a law and the investigation of these Pacific railroads can be made under the resolution full, thorough, and sufficient, it will reveal to my mind a condition of corruption and extravagance never known before in the history of this country. So much upon that head.

Mr. President, I wish now to say a word in answer to the Senator from Mississippi with respect to the Union Pacific Railroad, and I need not speak of it because the 40 per cent. section has been already stricken out of the bill, and therefore it is not a pertinent subject for discussion; but I will say that as to the branch lines of which he speaks, the Union Pacific Railroad has expended $46,000,000 contrary to law since 1878, since the passage of the Thurman act, in building auxiliary or branch lines, in which the Government of the United States according to Charles Francis Adams's own statement, the president of the road, has not one particle of interest—$46,000,000 contrary to law. Is there no necessity for investigation?

More than this, these auxiliary lines to-day represent a capital of over $30,000 per mile, when it never cost to construct them more than $10,000 per mile. The securities of these roads, partly held as I suspect and as I believe and truly believe this investigatian will prove, by the directors themselves, and partly held in the treasury of the Union Pacific Railroad, do not represent in worth and in value to the Government one-third of their face value.

The entire earnings of those roads during the past year in 1885 and 1886 do not pay one-half the interest of the bonded debt, and yet constructive mileage is given to them, and it is alleged, and I believe it will be proven, that even the coal burned in the engines upon these

branch lines, which belong in part to the directors of this road, is taken out of the income of the Union Pacific Railroad, run as it were entirely at the cost of the Union Pacific Railroad.

Mr. HOAR. Will the Senator——

Mr. McPHERSON. I refuse to yield just now. In a moment I will yield. They are run by the Union Pacific Railroad as a part of its auxiliary system, earning only 50 per cent. of the interest upon their bonds, and the only value those securities have to-day is the value given to them by the indorsement and guarantee of the Union Pacific Railroad. Why, sir, when you come to investigate it you will find a bigger credit mobilier there than there was in the old times.

Now, a single word as to the Central Pacific. I voted to strike out the third section, and I did it for the reason that I do not want to oppress the stockholders of that road. I do not want to make a single particle of new legislation until all the facts that can be revealed through this investigation are brought forward and submitted to Congress upon which to base intelligent action. I wish to know the relations of these railroads to the people, to one another, and to the Government. I wish to know whether the Central Pacific Railroad was organized and constructed as part of a through line from the Missouri River to the Pacific Ocean, intended to run in harmony with the Union Pacific and give the Union Pacific its business, the Union Pacific to run in harmony with the Central Pacific and give to that road its business.

That was the intention in the organization. I wish to know whether the present managers of the Central Pacific can turn that road into a purely local road, giving no part of the through business to the Union Pacific; and having no line itself upon which to pay increased net earnings on a line in which the Government has an interest. I wish to know whether the Congress of the United States will permit those two roads to run as local roads and an unfriendly feeling to continue between the two.

Why, sir, as to the Central Pacific road, if this state of things continues for a few years longer you will have nothing but the skeleton left, rusted tracks, and a ruined road-bed. Take, if you please, their own report of the past year, and see what has been used in the repair of the Central Pacific road. It would astonish you what has become of its business. Since the organization of that line it has been in the control of the same parties who control it to-day. For a long time, until the construction of the Southern Pacific Railroad, it took upon its shoulders the weighty burden of carrying the expenses of the unconstructed Southern Pacific. They paid in a few years over $13,000,000 of revenue largely to the Southern Pacific Company for the payment of the interest upon its bonds while it was under construction.

I can not get all the facts, but I have a statement from the Commissioner of Railroads which shows that in a few years they paid out $13,000,000 in revenue to the Southern Pacific system. Why was the Central Pacific Railroad, on which the Government has a lien, compelled to bear the burden of constructing a competing line? The president of that company, in his last report, declares that since that road has been constructed more than 70 per cent. of the entire through business goes over its line. In other words, the Central Pacific nursed through its infancy the Southern Pacific, paid the interest on all the infant's bonds while the road was under construction, and the very moment it was able to stand alone and became a through line of road, the business that belongs to the Government roads was transferred to the Southern Pacific. They even turn the switches and turn the business of the Government road upon the tracks of this competitor.

Mr. President, I should like to go on in this way for four or five hours longer, and the information that I have would be sufficient, I think, to justify the proposed investigation.

Mr. HOAR. Will the Senator allow me to make an observation which he said when I rose before he would allow me to make in a moment. I do not rise to controvert what the Senator says in regard to the turning into the Union Pacific constructive mileage of the acquired roads. I know nothing about it personally. I wish to say, however, that among the communications which have been made to me is one from the present management of the Union Pacific Railroad, in which they say that they would be thankful to have that matter fully investigated, and that it will appear on such investigation that they have only done what is according to the approved and proper railroad usage, for reasons which they state. I am not going to give those reasons, because I concur with the Senator. I suppose if it should turn out that it was a mistake the Senator will be gratified, but if it should turn out that it is right it ought to be exposed. So I agree with him. I merely thought it proper to say that the managers of the road make this claim.

Mr. McPHERSON. We want the investigation, and I wish to assure the Senator from Massachusetts that no man in the world is so unwilling as myself to put on the statute-book cause for any exposure. The only object or purpose I have in view in this whole matter is a public purpose, and in order that when we next proceed to legislate with respect to these railroads we may do it intelligently, we may do it upon the best information which the best commission can give us, and that and that only; and I hope that at the next session of Congress legislation which will be final, so far as it can be, may be made touching the status of these railroads and their relations to the Government. Therefore I oppose the 40 per cent. clause in this resolution because of the shortness of time in which it can be discussed in this House and the other, and because of the other fact that while it did not reach the Central Pacific road at all, it imposed a very heavy penalty upon the Union Pacific, and I did not want to be considered a stock-jobber in these matters. I want to leave these two roads right where they are, and let their stocks be worth only that which the investigation will reveal that they are entitled to as value.

Mr. WILSON, of Iowa. Mr. President, the pending motion is to strike out the fourth section. The discussion, which has run on for well on to two hours, relates to other subjects, but I do not desire to have the minds of Senators drifted away from the question upon which we are to pass by the next vote. I fear if we go on in this way we shall have a repetition of what has occurred in the past in connection with these roads.

The Senator from Ohio, in the remarks which he submitted this evening, stated that this fourth section was in effect an assault upon the character of the first-mortgage bonds, and that it would have a tendency to depreciate their value in the market. Mr. President, the value of a bond, railroad or otherwise, depends wholly upon the certainty of payment; and if the fourth section shall be retained in this bill, it will only emphasize the certainty of the payment of the first-mortgage bonds. Now, if we are to permit this to pass by, refrain from legislation upon this subject, may we not repeat the mistake that Congress made in past years. Let me recall one or two of them.

In 1872 the attention of the Government was called to the subject of the action of the Union Pacific Company in engaging in the construction of branch lines. In the report of the Government directors for that year I find the following:

In section 6 of the act of July 7, 1862, it is provided that, "after the road is completed, until said bonds and interest are paid"—

Meaning the subsidy bonds—

"at least 5 per cent. of the net earnings of said road shall also be annually applied to the payment thereof."

Here arises an important question: Is the road completed? We think it is, within a fair and reasonable signification of the terms. In our judgment, it has been completed for a period long enough to embrace the two years ending June 30, 1872. The net earnings of the company for those two years are reported as follows:

| | |
|---|---|
| For the year ending June 30, 1871 | $3,443,078 78 |
| For the year ending June 30, 1872 | 3,142,132 14 |
| Total for the two years | 6,585,210 92 |

Five per cent. on this amount would be $329,270.54. But the company claims that, inasmuch as the above shows the net, after merely deducting the operating expenses and that the interest account should be deducted also. There is some force in this position, so far as the interest on the first-mortgage bonds is concerned, as the Government subordinated its lien to that of the holders of the first-mortgage bondholders. The interest on these bonds amounts to about $1,634,220, or, for the two years, $3,268,440. As this is payable in gold, estimating gold at 12 per cent., $892,212.80 should be added to the amount, making an aggregate of $3,660,652.80, which, deducted from the gross net, would still leave $2,925,863.20, on which the Government is entitled to the 5 per cent., and which, on this basis, amounts to $146,273.16. We do not see how it can be reduced below this sum, for all other bonds issued by the company are subordinate to the lien of the Government. If the road is completed, then this sum is due to the Government from the company; if it is not completed, then it is not due.

We have expressed our opinion concerning the question. We would suggest that the attention of the officers of the company be called to this subject, and some definite solution of the question arrived at.

Here it may be well to state, as illustrative of the company's ability to discharge this 5 per cent. claim, that up to August 1, 1872, the Union Pacific Company had furnished toward the construction of the Colorado Central Railroad, in money and material, $269,244.94, besides $35,387.54 for equipment loaned; had advanced to the Utah Northern Railroad, in material, freight, &c., $91,000, and to the Utah Southern Railroad, in material, freight, &c., $99,109.52, or an aggregate of $494,742. We understand that the grand total for all of these roads now amounts to $1,400,000.

Then the Government directors go on to say:

We do not question the wisdom of a policy which tends to secure to the trunk-line the business which the said several roads may command. It could not well afford to have said business diverted from it. The policy, however, should be so ordered as not to interfere with whatever present or future claim the Government may have for reimbursement.

We have herein expressed the opinion that the Union Pacific Railroad Company, properly managed, can be made to meet all just demands upon it, including the Government lien.

The next year this was renewed and the attention of the Government was called to the subject again. These reports where from time to time communicated to Congress. No attention was paid, and this investment went on from that time down to the present. If when this information was furnished the Government by the Government directors and the policy entered upon by the company was taken notice of by Congress, a system of remedial legislation might have been provided which would have carried the company safely through its construction of feeding lines and at the same time protected the Government; but instead of that all the moneys, amounting now to many millions of dollars, have gone from under the lien of the Government, whereas if notice had been taken of this warning in 1872 a scheme of legislative remedial action could have been had which would have allowed the company to have gone on with that policy, to have held subject to the Government lien every dollar that they put in those lines. But Congress having this notice allowed the opportunity to pass, and because of non-action on the part of Congress then under this notice you have the present condition of affairs on your hands to deal with.

Mr. EDMUNDS. And we seem disposed to allow the opportunity to pass now.

Mr. WILSON, of Iowa. And you are allowing it to pass again; and now when there may be lurking danger of forfeiture, of a failure to meet the liabilities of the company under the first-mortgage bonds you say, "Oh, do not make any provision such as this fourth section suggests; let it go; you may injure the credit or standing of the bonds; wait until the new danger has rounded up into perfection, and then Congress will take hold of the subject and act!"

Mr. President, the time to act is now, having failed to act in 1872; and it is no hardship to the company, no injury to them, no detriment to the public interest to provide in advance the means whereby the President may step in and save the Government from any impending harm. Therefore I hope this fourth section will not be stricken out of this amendment.

Mr. VANCE. Mr. President, the investigation which Congress proposes to make of the conduct of officials directly or indirectly connected with the public most undoubtedly should be made, but the apostle speaks of a repentance that is not to be repented of, and what we desire in this case is an investigation that needs not to be investigated.

The history of this railroad corporation may be said to have been conceived in sin and brought forth in iniquity. One of the most enormous public scandals connected with the financial history of this country clusters around the beginning of that incorporation; and after it had flourished and stunk in the nostrils of all honest men for a great number of years, they resorted to a modern method to restore it to credit. They chose a new president whose name itself should be synonymous with all that was purity and should remove all cloud of suspicion from any of its transactions thereafter. They sought for that name in the mugwumpian altitude where Mr. George William Curtis and Mr. Carl Schurz are supposed to be riding sideways, because there is not one among them masculine enough to ride astraddle, upon a golden cloud with harps in their hands and singing songs of the purity of the new political Zion.

Charles Francis Adams became the president of that company, and thenceforward everything that was supposed to be crooked or infested with a tortuous quality was to be banished forever from its transactions.

It so happened a few weeks ago during the time we were discussing the interstate-commerce bill, that I came across a newspaper published in Chicago, the Tribune, with a marked article on that subject, and as I had no occasion to interpose my eloquence in behalf of that bill, I put that paper into my drawer, where it has remained until this good day. I pulled it out to-night, and I find one of the transactions characteristic of this new and purified civil-service-reform administration of the Union Pacific Railroad.

It seems that there were certain rolling mills, steel mills, or whatever you call those institutions which are devoted to the manufacture of railroad iron, in the city of Chicago that made a contract with a new railroad company in the State of Colorado, called the Colorado Midland, to furnish it 15,000 tons of rails for its road, provided that a reasonable charge could be obtained for the transportation of those rails from Chicago to where they were to be laid down. It was ascertained that, by an arrangement with the Colorado Transit Association, the Union Pacific had entered into an agreement to charge four times the regular price charged to all other customers for all rails coming over its road to supply this Colorado Midland, which was to be a rival of the Denver and Rio Grande and, to some extent, of the Union Pacific. An earnest appeal was made to the officials, the managers of the Union Pacific, to reduce that rate one-half, that is to say, just double what was charged to other customers of that road.

That was refused, and then the agent of the mills appealed to the immaculate Charles Francis Adams, the president of the company, and reminded him of his virtuous professions in regard to honest transportation rates while he was commissioner of railroads of the State of Massachusetts. Mr. Charles Francis Adams got behind the Colorado Traffic Association, vulgarly called the pool, and said he had not time to answer such impertinent inquiries, and referred the letter of the agent of the mills to the pooling agent. The amount of freight which was thereby refused because the tariff was prohibitory and the rails could not be bought in Chicago and shipped over that road, I see it stated in this article to which I refer to have been $250,000.

Now, Mr. Charles Francis Adams was president of the road that was indebted to the Government of the United States for the aid without which it probably never could have been built, and as there was an act of Congress requiring 25 per cent. of the net earnings of that road to be set aside to meet that indebtedness, and as Mr. Charles Francis Adams was an immaculate man and an agent of this company, and to that extent the agent of the Government, had he any right to refuse $250,000 in cash in which the Government of this country was in part interested?

More than one-half of it, it is stated, was fair profit. In the language of the Senator from Massachusetts, was that fair, was that honest, was that decent? It strikes me that it was not; and, however great the reputation of Mr. Adams for integrity and uprightness may have been, and may be yet, for all I know, I say that that transaction was in keeping not with the record of Mr. Adams as commissioner of railroads for the State of Massachusetts, but rather in connection with those iniquities which characterized the beginning of this corporation. And what is worse, it is alleged to be true that one reason why the pool was resorted to to avoid the carrying of this freight at a reasonable rate was that the Union Pacific Railroad Company was interested in a rolling-mill in the city of Denver, Colo., and this prohibitory tariff rate enabled that mill perhaps to supply this road with rails, or at least gave it a chance.

All these things are charged, and I have not seen them denied anywhere. Let that be a warning to all those who trust too much in those men who make high professions of their superior honesty and integrity. Let me commend to all such the homely wisdom of the negroes of my country, expressed in the song which I have often heard them sing:

De bigger dat you see de smoke
De less de fire will be,
And de leastest kind of possum
Climbs de biggest kind o' tree.

De darky at de ole camp-ground
Who kin loudest sing and shout,
Is agwine to rob some hen-roost
Afore de week is out.

[Laughter.]

Mr. STANFORD. Mr. President, it is not my wish to detain the Senate at this late hour, but I desire to offer an amendment and to precede that amendment by a few remarks.

I want the investigation to be so thorough that if afterwards Congress should think it wise to legislate they may do so with the greatest possible intelligence on the subject.

Preceding any remarks that I may make, I desire to read something in regard to a report that was made in reply to a Senate resolution on March 6, 1884, in which it is stated in answer to interrogatories:

First. The Central Pacific Railroad Company has fully and promptly complied with the requirements of said act.

That was in 1884, in answer to a Senate resolution. Later, August 6, 1885, this is the answer from the Commissioner of Railroads:

SIR: In reply to your communication of even date, requesting to be informed whether the Central Pacific Railroad Company has complied with the requirements of the act of May 7, 1878, to date, I have the honor to state that as far as this office is advised, the said company has fully and promptly complied with all said requirements.

It is sufficient to say that up to 1885 the Central Pacific Railway Company had met all its obligations to the Government. To my knowledge there has never been a single complaint on the part of the Government of any failure on the part of the Central Pacific Railroad Company to comply with every requirement of the law.

I would like also that the investigation should go to the extent of ascertaining what the Government has paid out for the transportation of freights, troops, and expenditures of every kind, for transportation, say from 1850 to 1869, the time of the completion of the road, that it may form a basis of estimating what advantage the construction of these roads has been to the Government.

I should like to have a comparison of the cost of the construction of these roads with what might have been the cost at any time within a perior of five years before their commencement or of five years subsequent to their completion.

The Central Pacific Railroad was commenced two years earlier than the Union Pacific. It was commenced in the midst of the war. It received the bonds of the Government at a time when they were worth in gold, the money which was used on the Pacific Coast, only 40 cents on the dollar; but on the whole we averaged, I think, a little over 60 cents, and the interest that was piling up against us was used as credit and money was not then as cheap as it is now. We pushed forward at a time when materials were high. We paid at one time as high as $60 a ton freight to get material out there where the road was to be built. Then for war insurance high rates always prevailed.

The result was, however, that we gave to the use of the Government the road seven years earlier than the contract required, for it was a contract under which the railroad company was organized. The act of Congress required a contract with the Pacific railroads, which was made and upheld. We have lived up to the contract literally in every respect.

I should like further to ascertain whether there has been legislation calculated to impair the business and earning capacity of the road, whether by the States or the General Government.

This pioneer road received the bonds under such circumstances, and when they were of such value as I have indicated. It runs through the poorest country in the United States. Very soon after the road was constructed Congress gave to three different railroad companies twice the amount of land through a better country than was given to the pioneer road which was built under such circumstances.

If this road does not earn the money that was anticipated, what was the cause of it? Who was disappointed and who are the sufferers? Other lines of road have been aided by Congress through a better country to the extent of forty-eight sections of land to the mile.

These are circumstances that it seems to me ought to be taken into consideration in considering this matter. To the Central Pacific Railroad Company I have done my duty faithfully, and I think it will ap-

pear that they made fair contracts with others, and at the same time the company always endeavored to take care of itself.

I am a little hoarse by reason of a cold and will say no more but ask that the amendment I offer be read by the Secretary.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to amend the amendment of the committee by inserting, after the word "premises," in line 139, page 10:

The commissioners shall also ascertain the average cost per annum of Government transportation in the regions now traversed by the Pacific railroads between the year 1850 and the completion of said roads, and also the average cost per annum since such completion and what additional facilities have been furnished to the Government and the people by said roads.

Also to inquire what discount the Pacific Railroad and its several branches were forced to make in disposing of the bonds guaranteed by the Government to obtain the gold coin which was the currency of the country through which the greater part of said roads passed. Also to ascertain the comparative cost of construction of said roads as compared with what they would have cost with the prices of labor and commodities prevailing five years preceding or five years subsequent to the completion of said roads.

Also to inquire whether or not the Pacific Railroad was completed in less time than was allowed by law, and if so how much less time and if the United States was benefited thereby. Also to inquire if either of the Pacific railroad companies have been embarrassed and the earning capacity impaired by antagonistic local or State legislation. Also to inquire if the United States, since the Union and Central Pacific Railroad Companies accepted the terms proposed by Congress for the construction of the Pacific Railroad, has granted aid in land for building competing parallel roads to the said Pacific Railroad, and if so how many such roads and to what extent such competing lines have impaired the earning capacity of the Pacific railroads.

Also to inquire if the United States have contracts with the branch roads controlled by either of said Pacific roads for carrying United States mails, and, if so, what service has been performed by them, and what money, if any, has been paid for said service, and what remains due and unpaid, and if the United States by failing to pay for said mail service has embarrassed said railroad companies or either of them in paying their indebtedness to the United States.

Also to inquire if the several Pacific railroad companies have complied with the provisions of the act "to alter and amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to alter and amend an act of Congress approved July 2, 1864, in amendment of the said first-named act," commonly known as the Thurman act, and if not, in what particulars they have failed to comply. Also to inquire what sums the Pacific railroads and their branches can severally pay annually on account of their indebtedness to the United States without imposing such burdens upon the people and particularly upon the localities through which the roads pass, as to retard the development of the country.

Mr. MCPHERSON. I inquire of the Senator from Massachusetts if the substance of that is not already embodied in the resolution of the committee.

Mr. HOAR. I have not examined it enough to be able to answer that question. The resolution reported by the committee requires the report of any other matters "which may be ascertained or come to their knowledge in regard to said companies, respectively." That unquestionably would include every fact which would bear on the justice or expediency of the action of the Government.

Mr. MCPHERSON. Then it would be possible for any individual or any interested party——

Mr. HOAR. The Senator from California prefers to enumerate some special matters that he thinks ought to be inquired into. I can not at the present moment see any impropriety in it.

Mr. MCPHERSON. On the application of any party desiring investigation of this character to the commission they will be fully qualified under the present resolution to make such examination as the Senator from California desires.

Mr. HOAR. The whole investigation proposed by the Senator from California, if I took it in as it was read, could be brought within a very brief compass, and I think it is embraced already, unless perhaps the point as to the effect of the competing lines on the business of these lines may require some consideration. I am not enough of a railroad man to know about that.

Mr. STANFORD. I think it will not be very difficult.

Mr. HOAR. I do not see any objection to it.

Mr. STANFORD. There is scarcely any freight that goes across the continent by rail that could not be carried by the Union and Central Pacific Railways had the other roads not been built. I do not think there will be any difficulty in ascertaining that. I do not oppose a full examination. I do not say that some of these points may not be covered by the resolution if the commissioners were so disposed, but I want to make sure that the information shall be had.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from California is an amendment to the second section, while the pending motion is a motion to strike out the fourth section. However, with the consent of the Senator from New Jersey, the Chair will put the question on the amendment of the Senator from California.

Mr. MCPHERSON. I think we had better take the vote first on striking out the fourth section.

Mr. EDMUNDS. Mr. President, suppose we leave the region of poetry and exuberance a little while and come back to the statutes of the United States and see exactly where we are.

The first thing to know is as to the propriety of the business we are entering upon beyond the matter of investigation, which, if it had not been proposed by people who want to get at the truth, I should have thought was a device of the railways to put off coming to a final determination of this business one way or the other, and find out exactly what is the situation of these companies and the United States, not only as a creditor, but as the supreme authority having the legislative power and the legislative duty of protecting the creditors of every corporation that it creates.

Now, let us see first where the United States stands as it respects its securities for the advances that it made. I have here the statute itself of 1862, which is precisely like that of 1864 as far as these matters are concerned, except that by the act of 1864 the first-mortgage bonds, as they now are, of these two railway companies were then second-mortgage bonds, but they were transposed and advanced over the United States subsidy bonds by the act of 1864. But so far as it respects the mortgage, the lien, the right of the United States for security for the forty, or fifty, or sixty million dollars of its advance, the act of 1862 will answer my purpose, as I happen to have it before me.

Let us see on what property the security of the United States rests as to the Union and the Central Pacific Railway Companies. I am speaking now chiefly of the Union Pacific because it is true, as the Senator from California has said, that the Central Pacific has at all times done everything that the statutes of the United States required it to do. Whether it had an offset or whatever, it obeyed the law and awaited its time to get the money that it might otherwise have applied back again. What does this act provide as to the security of the United States? The United States shall issue bonds, &c.:

The issue of said bonds and delivery to the company shall *ipso facto* constitute a first mortgage on the whole line of the railroad and telegraph, together with the rolling-stock, fixtures, and property of every kind and description, and in consideration of which said bonds may be issued; and on the refusal or failure of said company to redeem said bonds, or any part of them, when required so to do by the Secretary of the Treasury, in accordance with the provisions of this act, the said road, with all the rights, functions, immunities, and appurtenances thereunto belonging, and also all lands granted to the said company by the United States, which, at the time of said default, shall remain in the ownership of the said company, may be taken possession of by the Secretary of the Treasury for the use and benefit of the United States: *Provided*, This section shall not apply to that part of any road now constructed.

It took in by provision some roads in some State, I believe. Now then, the road which Congress authorized this company to build was, as it has turned out when it is planted on the face of the earth, a road from Omaha to Ogden—I am now speaking of the Union Pacific—and it was nothing else. The bonds of the United States, to the amount of the dollars that I may mention by and by, were issued upon the strength of that security and that rolling-stock and the fixtures that belonged to those 1,034 miles of road as now constructed.

Then there was the Kansas Pacific branch, as it was called, which was part of the same system in this incorporation, on which for 365 miles, or whatever the distance was, bonds of the United States were also issued, which I will come to by and by. There was our security for this money advanced for the building of the road.

Now the question is whether under the act of 1878, called the Thurman act, the 25 per cent. of net earnings is to be computed upon and taken out of the earnings and gains and profits and receipts of the Union Pacific Railroad Company and the Central Pacific Railroad Company for all the other lines in which they are interested besides these main lines.

Mr. MORGAN. Will the Senator from Vermont allow me to ask him a question?

Mr. EDMUNDS. Yes.

Mr. MORGAN. I ask the Senator whether or not section 5 of the act of incorporation does not cover all the roads that may be in the ownership of this company at the time of the default made in the payment of the bonds, and whether this statutory mortgage does not extend over all the road that it may own at that time and subsequently acquired, being "all the rights, functions, immunities, and appurtenances belonging * * * at the time of said default."

Mr. EDMUNDS. I am extremely sorry to say that according to the decisions of the Supreme Court as I understand them—and I am afraid they are right in point of law—it does not, and I am extremely sorry to say for the interests of the tax-payers of the United States that so far as I know not a single one of what are called these branch roads and extensions belongs either to the Central Pacific or the Union Pacific Railroad corporation as such. They are separate corporations, the stock of which is held or controlled by these corporations of which they have perpetual leases so that the lien of the United States under this statutory mortgage, when you come to bring it down to judicial determination if the bonds were due yesterday and there was a foreclosure to-day, will be the right of the United States to foreclosure upon the line of road from Omaha to Ogden, to take the Union Pacific which is enough for my purpose to illustrate this matter, or if you take the Central Pacific from Ogden to Sacramento and perhaps taking in the Western Pacific with which it was consolidated going down towards and perhaps to San Francisco, but not the vast system of State railways that the Central Pacific got the control and real ownership and possession of which were not under the mortgage at all.

That being the state of the case let us see how much money was paid out and how much land was paid out on that kind of security. I have the report of the Railroad Commissioner, who stands impartial between the tax-payers and these corporations, for 1885 in my hands, and then

I have later that of 1886, which does not state differently at all on this question of how the matter stands.

We find by this report that in respect of the Union Pacific Railroad Company the United States has issued its own bonds to the amount of $27,236,512; that interest accrued and not yet paid by the United States because the coupons have not been presented, amounts to $817,095.36; that the interest already paid by the United States to the 1st of July 1885—and this report was made up to that date—was $27,409,136.49 Out of that is to be taken, according to this tabular statement, for transportation and cost of the 5 per cent. of the net earnings in the first place, $10,647,579.36, and the 5 per cent. of the net earnings reserved in the Treasury, $283,162.99, making a balance of interest paid by the United States, besides the $817,095.36 of outstanding coupons yet to be paid, $16,478,394.14.

So, as the Commissioner states it, the state of the accounts between the United States and the Union Pacific Railroad Company on the 1st of July, 1885, sums up in this way: The total debt of the Union Pacific, including the Kansas Pacific, is $33,539,512 of principal; accrued interest on the bonds that we are paying the interest on $35,111,924.94, making on the 1st of July, 1885—there being still twelve years on an average of interest yet to be paid which would make 72 per cent. of the original $33,000,000 of the debt, $68,651,436.94.

Mr. BUTLER. All interest?

Mr. EDMUNDS. No, that is principal and interest down to the 1st of July, 1885. There is twelve years of interest yet on $33,000,000, which would be, at 6 per cent., 72 per cent. on $33,000,000, which, in round numbers, is three-quarters of that, which would be about $24,000,000 more, which added to your $68,000,000, leaving off the odd hundred thousands, would make $92,000,000, that within ten years from this date will be due to the United States from this corporation for actual cash that the United States will have paid out.

Now, what else did it get? Let us see. The land question is stated in the same report. The net proceeds of land sales, after deducting all expenses of management, commission, &c., to December 31, 1884, were $25,668,806.65. Add that twenty-five million dollars to the ninety-odd millions that I had before and you have, in round numbers, just about $120,000,000 of cash that this company will have had from the United States.

"The estimated value of the unsold lands is $13,602,696.25."

Take that to be a fair estimate of that value and add that to your $120,000,000, and you have $134,000,000 that the people of the United States have paid into this thousand miles of road from Omaha to Ogden.

Mr. SAWYER. They take out a percentage of the amount earned for carrying the mails.

Mr. EDMUNDS. That is not the subject I am now speaking of. I am speaking of the money of the people of the United States and its property which has been turned over to this company.

Mr. BUTLER. I should like very much to get a little information upon one point, if it does not disturb the Senator.

Mr. EDMUNDS. Not at all.

Mr. BUTLER. Because it seems to me that his statement and the statement made by the Senator from Massachusetts are very wide apart.

Mr. EDMUNDS. I am reading from the official record.

Mr. BUTLER. I wish to know whether the 25 per cent. of the net profits required to be paid in under the Thurman act is taken from the earnings of the Union Pacific Railroad proper, that is to say the 1,000 miles, or whether it is taken from the earnings of the Union Pacific Railroad and its various branches?

Mr. EDMUNDS. That is a point I was just about to come to.

Mr. BUTLER. I should like to get information on that point, because it seems to me that the Senator from Vermont and the Senator from Massachusetts differ very widely about it.

Mr. EDMUNDS. I am taking this step by step, slowly and carefully, leaving out the glamor of the eloquence of my friend from Massachusetts; and the fact that the stock in this corporation has changed hands, as stock some times does in all corporations—it is said to have changed hands, and I dare say it has changed hands—does not affect the question. I am first trying to find out how much cash and property in cash value (but, nevertheless, it is all cash except $25,000,000 out of $125,000,000) the people of the United States have put into these thousand miles of railroad, because we have not put in cash for anything else than the thousand miles or the 1,300 miles if you take in the Kansas division. I am only on that point now.

There should be taken out of that all that has been saved in the sinking fund, amounting to a million or two or three as to the Union Pacific, to be credited off against that on the 1st of July, 1885.

Now we come to the question of what the 25 per cent. means. I am not going into any denunciation of these railways, because they are of great public benefit beyond all question. I am only asking the Senate of the United States to see whether it has any duty to perform in respect of protecting the interests of the people for whom we are trustees, just as Mr. Charles Francis Adams and his coadjutors are trustees of *the people that they represent.*

Let us see where this 25 per cent. of the act of 1878 is drawn from. Again I take the official report, not the statement of the distinguished Senator from Massachusetts, or of Mr. Charles Francis Adams, though I do not think Mr. Adams would state it, and my friend from Massachusetts, if he meant to say that this 25 per cent. is calculated upon the earnings of these side lines, is misled as I think, but if he turns out to be right I shall be glad to know it and act accordingly. But here is the official report, and that is all I know about it that I care to state at this present moment; here is the official report for 1885, and then for 1886, which states, in substance, the same thing, which speak of how this 25 per cent. is got.

It appears that the first question arose, according to this report, on the question of the Kansas Pacific, which stood to this act in exactly the same way and was consolidated with the Union Pacific. The Kansas Pacific was not aided for its entire length, although it was one single line from Kansas City to Denver. Although it was one single line, it did not get under the force of these acts of 1862 and 1864 bonds for the whole length of the line, but only to the one hundredth meridian, and that left out about one-third of the whole length of it and gave only 300 or 400 miles of aided line, although it was one single line.

Mr. BUTLER. Did it get land?

Mr. EDMUNDS. Yes, it got land and got money, too. The Commissioner says as to that in respect of footing up what are their net earnings, &c.:

The mode of keeping the accounts of the Kansas Pacific road does not give an approximation to the actual net earnings of its "unaided" part—

Referring to what I have explained—

5 per cent. of which is due to the Government.

Under the original act 5 per cent. of the net earnings, and the act of 1878 only speaks of net earnings in precisely the same sense.

The business of that part of the road is very much greater than that of the "unaided" part, but the accounts are stated as if they were equal, and the net earnings of the whole road are divided between its two portions in proportion to their length. This has been giving the Government far less than its dues. This could be corrected by making the accounts exhibit the actual earnings and expenses of the "aided" part of this road, as was done, according to records left by Commissioner French, from November 21, 1876, to May 31, 1879. If the statements of account left by him are correct, arrearages of the "5 per cent." payments for sixteen or seventeen years are due the Government, and proportionally increased payments in future years. Those accounts and the names authenticating them, S. T. Smith, auditor, and H. C. Clements, assistant and acting auditor, are in print.

In the suit in the Court of Claims, Nos. 11901, 12515, 14339, brought by the Union Pacific Railway Company against the United States, the company's definition of "operating expenses" was accepted by the court, which awarded to it $2,910,124.08.

The court decided also—

This I beg Senators to listen to, if they care anything about it, if this is a matter of sufficient importance, if the people have any interest in this question—

The court decided also that the Government can retain the compensation for transportation over the "aided roads" only. A contrary decision is published by the Secretary of the Treasury in a circular dated September 11, 1885.

The upshot of that was that the courts overruled what the executive officers undertook to maintain, that the net income mentioned in the act of 1878 was to be drawn from all their operations instead of from the very aided lines that lands and bonds were given to; and the courts decided against the United States, and held that the net income was to be computed only upon the traffic of the lines that were aided by the bonds and the lands of the Government, and therefore, as I understand it—and if I turn out to be wrong I shall be as glad as anybody to be corrected, for I only want the truth—and if I am right in this official information the 25 per cent. that is paid into the sinking fund and which makes the sinking fund so small is derived only from the traffic and the income of the thousand miles from Omaha to Ogden—I speak in round numbers, of course—and of the three hundred and odd miles from Kansas City towards Denver, and on the Central Pacific from Ogden to Sacramento, and then on the Western Pacific, which is also part of the aided contrivances and which is consolidated with the Central Pacific for a few miles—I do not know how many—going down towards San Francisco. So this 25 per cent. that is now required to be paid is not a penny of it drawn from the traffic of any of these outside branch lines, and if you increase it to 40 per cent. it is not drawn from it, and if you increase it to 50 it is not drawn from it.

Now the question is, where is the injustice in this, supposing the United States was not a creditor, but was the sovereign power that had created these corporations, whose first duty it is to preserve their funds for the payment of their creditors? What becomes of the 75 per cent. that is now left in the hands of the corporations?

My friend from Massachusetts says they can not build a new bridge. If he will look at the statements of the Railroad Commissioner, who is supposed to know something about it, he will find that hundreds of thousands of dollars are paid for new bridges, according to some of these yearly reports, depending on their condition, great sums of money are paid for steel rails and all that sort of thing, and the Supreme Court has decided, and it decided rightly, just as the law of 1878 said, that everything that was necessary to keep the roads up to a state of first-rate condition for the duties that they were organized to perform was included in "operating expenses," and that no income should be computed until their lien paramount to the United States was provided for by paying the interest due upon that.

What became of the balance of the 75 per cent.? For some years after this act of Congress was passed, and which denounced penalties against any director or officer of the company who, until they met the obligations of the United States and to the creditors by paying into the sinking fund, should declare any dividend, the companies proceeded year after year to declare dividends, and to pay them, and but for this statute they might do it; it was "net," everything to carry on the road and keep it in the best possible condition was authorized to be drawn out before the 25 per cent. was computed, and it was drawn out, and then that being computed and the 25 per cent. paid in or not paid in, as it was not, the balance was divided among the stockholders; and I will assume that every stockholder was a widow, and that every other stockholder, to use a phrase which is exuberant, was an orphan and innocent, paid 200 per cent. to buy their stock, what of it?

What right has a widow to wrong her creditors? What right has an orphan to wrong his creditors or her creditors? I do not understand it. I am in favor of the widow—not that I wish anybody's husband to die; I am in favor of orphans—not because I wish anybody's father or mother to die; but I do not quite understand on what principle it is that widows and orphans and all the other people who are supposed to be represented by Mr. Charles Francis Adams are entitled to be allowed by Congress to go on year by year as they are quite likely to do—and they have done it for many years—to take money that belongs to their creditors and put it into their own pockets.

Mr. BUTLER. If it will not disturb the Senator—because I want information—I wish to ask whether I am to understand, as the upshot of his opinion or investigation, that the entire profits of the unaided parts of these railroads go into the pockets of the stockholders?

Mr. EDMUNDS. Yes, sir.

Mr. BUTLER. And not a dollar into the 25-per-cent. fund?

Mr. EDMUNDS. Not a dollar of it into the 25 per cent. fund.

Mr. BUTLER. That is a very important fact.

Mr. STANFORD. The Central Pacific Company has now about $3,000,000 in the sinking fund for the payment of their first-mortgage bonds, something over $3,000,000 in the Government Treasury that does not increase at all by interest.

Mr. EDMUNDS. That is a question of convenience. We are now on the question of where this money comes from, and what becomes of it. We are not on the question of the wisdom of the investment in the sinking fund. That is not open.

Mr. RIDDLEBERGER. Will the Senator allow me to make an inquiry?

Mr. EDMUNDS. Certainly.

Mr. RIDDLEBERGER. Is there any Senator here who has a chestnut bell?

Mr. EDMUNDS. Now I will proceed, Mr. President.

So I repeat according to the information I have—and if I turn out to be wrong, I shall be most glad to be corrected—not a single penny of the 25 per cent. that is now paid into the Treasury of the United States for the benefit of whom it may concern is drawn from the traffic of any of these lines except that line of road in respect of which the bonds were issued and the lands granted, and not a single penny therefore, of course, of the other 75 per cent., which with the 25 per cent. makes the 100, has any relation to their earnings outsides.

If you go on with this report, that I do not take the time to read, you will see that it is stated just what the sum is on each one of these roads, the aided part of the line, figuring up the sum that will make 25 per cent. So unless the Commissioner of Railroads is either an utter idiot or a perfectly dishonest man in sending his official reports to the Congress of the United States, it is not open to dispute that every penny of money that is gained by these roads in respect of lines that are not within the millions of subsidy of cash along its line, as from Omaha to Ogden and from Kansas City the three or four hundred miles where the Kansas Pacific went, and from Ogden to Sacramento, and then the little bit of Western Pacific, has no relation to any of these accounts at all, and anybody who will read them can not fail to see it because it is stated so; the figures are footed up, and the 25 per cent. is computed.

Now, what becomes of the other 75 per cent.? I repeat that year after year after the act of 1878 was passed the Union Pacific Railroad Company, composed of stockholders of widows and orphans, and so on, and having directors of the highest possible respectability, failed to pay in what the act of 1878 required, and proceeded to declare dividends and pay them to the stockholders.

Mr. HOAR. Will the Senator permit me to interrupt him a moment?

Mr. EDMUNDS. Certainly.

Mr. HOAR. The Senator said just now that if he made any misstatement he would be glad to be corrected, and I think he made unwittingly a misstatement in answer to the Senator from South Carolina, who asked if all above 25 per cent. now passed into the pockets of the stockholders, and the Senator said yes; and also when he stated—though he stated the fact with literal correctness—that there was a dividend year after year when they did not pay what was due. There has not been a dividend paid to the stockholders for several years. All the earnings have gone into the improvement of the property.

Mr. EDMUNDS. If the Senator will only kindly allow me to go on, I think he will be satisfied when I get through.

Mr. HOAR. I thought the Senator had invited the correction almost by an earnest request that it should be made.

Mr. EDMUNDS. I did not quite understand it in that way, but I do not in the least object to the interruption. But the interruption of my friend relates to a little later date and to a little different disposition of this money.

Mr. HOAR. I will interrupt the Senator with but one sentence more. The failure to make that payment years ago grew out of a dispute as to the amount.

Mr. EDMUNDS. That is a matter of argument, and I must be permitted to go on.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Vermont declines to be further interrupted.

Mr. EDMUNDS. I hope the Senator will kindly allow me to state my case.

Mr. HOAR. The Senator asked to be interrupted.

Mr. EDMUNDS. I did not ask for a repetition of the argument of my friend from Massachusetts to which we all listened with so much delight. If I have misstated a fact by perversion or inversion or conversion or any other kind of version, I shall be glad to be corrected; but I am not willing at this late hour of the night to allow my friend from Massachusetts to repeat as part of my speech the delightful observations which he has already made to the Senate. I should be glad to be heard for a few minutes on my own account.

Mr. HOAR. That is unworthy of the Senator and of the Senate.

Mr. EDMUNDS. I did say to my friend from South Carolina that the 75 per cent. went into the pockets of the stockholders. Very likely I was incorrect about that, for a good many of the net earnings of corporations that are net earnings do not quite get into the pockets of the stockholders. It may be that I overstated that a little. I am not sure that it all went into the stockholders' pockets, but it was net earnings all the same.

In the next place, supposing it was all honest, or that it did not go into the pockets of the stockholders, but went into speculative enterprises, building branch lines under other corporate names, &c., and for the benefit of the stockholders, or else the money was embezzled by the officers when the stockholders ought to have had it; but year after year, I repeat, after the passage of the Thurman act, the Union Pacific Railroad Company did not obey it, and proceeded to declare dividends when the statutes of the United States said if they did they should suffer punishment, and the administration—a Republican one, too—in some way or other failed to bring them to time, as I suppose this Congress is altogether likely to fail to do anything whatever, which is exactly what all these railroads want, and we shall go on again, year by year, without taking any single step in advance.

At least three or four years ago the matter came to the knowledge of the Committee on the Judiciary that the Union Pacific was not obeying this statute, and had been for some one, two, three, four, five, or six year sdeclaring and paying dividends; whether it paid all the 75 per cent. that was left or not, I do not know; and that committee was rather disposed, Republican though it was, to see if it was possible to have the laws of the United States obeyed by a great corporation, whose president was a very eminent man, and whose stockholders were widows and orphans. We made considerable of a stir on the subject in a quiet way, and the result was, without trying to do the almost impossible thing of getting the two Houses of Congress to do anything about it, that we got a little more than three-quarters of a million of dollars paid into the Treasury, and it is there yet, I suppose, a part of the surplus or part of something. After that time it became to be a serious question whether it would be advisable for the directors of the Union Pacific Railroad Company to declare any more dividends.

A reform administration was about to come in when it was possible that a perverse disobedience of law might possibly be followed by some punishment, and it may have happened also—and that was probably the truth—that the income had fallen off, and it was not either convenient or possible to have a large amount of net earnings to be divided among the stockholders, although no 25 per cent. could be paid in, which was not to be got until all the interest upon the debt paramount to that of the United States was paid, until the road upon which the United States had any lien or mortgage or right whatever was kept up into its best condition, and all that was attended to. Whatever was left 25 per cent. of it was to be paid into the sinking fund for the benefit of all the creditors of the concern according to their rights when we should come to the end. That is where it stood.

Now what, since the time they stopped paying dividends, has become of the 75 per cent. clear net earnings, I confess I do not know. I assume that the directors have disposed of it, not having paid dividends, in some suitable and proper way. I have no suspicion to express, no inquiry to make. It is their affair, if they obey the law as far as it goes, what they did with the other 75 per cent.

Why should not this corporation out of this net income of the aided part of its lines, and no other, do something more than appropriate 25 per cent. of the net earnings for the benefit of its creditors, and advance 15 per cent. to 40, leaving them still 60 either for dividends or for

enterprises as they may please, and thus accumulate and not lose but save, to meet their inevitable obligations to become due in 10 years, amounting to in round numbers $200,000,000; or are they to be left free to dispose of this clear net balance of cash in such a way as they please, and let the beast—I will not say that other individual, because nobody in the Senate would know who I meant—"take the hindmost?"

My friend from Massachusetts says it would injure the credit of the company to be compelled to save its funds for the benefit of its creditors. That is not the way we understand it in the rural country where I live. We generally think that a man who saves his funds to pay his debts is rather benefiting his creditors, but it may be different in Massachusetts. I can not say. [Laughter.]

Mr. President, this matter of an increase of the 25 per cent. is not new. It is more than two years ago—and I have got the bill before me—that the House of Representatives passed a bill that one of these companies should pay 55 and the other 35 per cent. into the sinking fund on some idea of what they thought was the different capability of saving money for the benefit of creditors.

Then they repeated it in a later session, and then when at last it came to the consideration of the Committee on the Judiciary of the Senate two or three years ago—I am not particular about the date—on the question of providing a final settlement of this matter with these companies, so that the contentions as to how much was net earnings, which has now been settled by the courts, as to how much should be allowed to the companies for mail transportation, there being a wide difference of opinion about that under the peculiar phraseology of the charter in one case and the general law of Congress in another, and therefore there was a continual squabble between the Department and the companies in really settling the exact sum that was to be allowed to the companies for service to the Government, and therefore as to the exact sum that was to be paid in to make up the 25 per cent. of the whole of the net earnings, and so the question of a long extension was brought forward to end it all up. They were to pay so much a year, and the United States were to have a mortgage not only on what we have now in that case, but upon everything else they should have, by a new contract that should be a mortgage they should make upon every asset of every kind.

Then the Committee on the Judiciary, so far as I remember, did not design to propose. I have no right to speak about it, and perhaps I am wrong in saying there was not any design, but at any rate I believe we passed through the Senate once a bill, or at any rate we reported it, providing that if this settlement was not effectuated then and there within the three months or the six months provided, this sum to be paid in out of the net earnings should be raised to 40 per cent., but nobody thought we were plundering anybody, or doing injustice to the widow or the orphan.

Now we have reported to this Congress, at this session or the last, no matter which, through my honorable friend from Massachusetts, a similar scheme for a settlement, which by accident—I must say in justice to my friend from Massachusetts, without any fault of his—got some words into it which made it unjust to the United States in respect of the method of computing how much was due. I repeat it was no fault of my friend from Massachusetts at all, but it was an accident, so that the computation of the sum that finally they would give their notes for was not correct.

That led my friend from New Jersey [Mr. MCPHERSON] and other people to suppose that there was some awful secret contrivance about it to aid the railroad, which was very unjust to the committee and to the Senator from Massachusetts who reported it. But in that we provided, if I am not mistaken again, that if this thing could not be accomplished and finished up so that it must run on as it was, we ought to have saved up for the creditors of these corporations during this intervening time 15 per cent. more than we did. That is the whole of the story.

I believe I am right in the statements I have made, because I have made them from these official reports, in respect to where the 25 per cent. comes from, and so on, of the Commissioner of Railroads, about which there can not as I believe be the slightest dispute, and about which I believe Mr. Charles Francis Adams, if he stood up here at the bar of the Senate to-day, would say that I have stated it truly, and that they have never paid in or the Government asked them to pay in any per cent. of the earnings of the line except from Omaha to Ogden and that part of the Kansas Pacific which was aided. Yes, they were asked to pay in on more than was aided, but they denied the right to do it and the courts decided we had no right to compel it. So that is where we stand.

I do not wish to do anything in the least unjust to these companies, but I feel bound as representing as a trustee all the creditors of these corporations, the people of the United States and all their later creditors who are below us, to say that this clear sum of net earned money which is either to be divided among stockholders or kept by the corporation or *invested in new enterprises shall be saved* for whom it may concern until we can come to a solution of this business.

That is where I stand.

Mr. HOAR. I am very sorry to detain the Senate even a moment at this time of night, but I think I ought to allude to what I desired to say in responding to the invitation of the Senator from Vermont to correct him if I thought he misstated anything. It is true that the sum of money upon which this 25 per cent. is computed under the Thurman act, or the 40 per cent. proposed to be computed here, is upon the earnings of the aided portion alone, and I did not mean to be understood otherwise. If I was understood otherwise I was misunderstood or inaccurately expressed myself. I did not mean to be understood otherwise.

But when you come to make the estimate, which is the important thing, what this road has got left after deducting the $2,600,000 or thereabouts, which this 40 per cent. will require of it, I took in and they take in the whole income of the road from every description whatever, subject, of course, to the payment of debts. If they have hired a piece of road on which there is a bonded indebtedness the interest on that indebtedness is deducted and the profit of that is paid into the treasury.

So when Mr. Adams says, If you make me pay this $2,600,000 I have not money enough left to pay for such repairs as are necessary to keep my road up in decent trim, and still less to build a new branch or a new and improved bridge, instead of merely repairing an old one—he takes in all the money that the road gets from every source; and that is the importance and practical importance of this point. That is what I meant to say and what I mean to say.

They have allowed certain classes of repairs, such as would be necessary to keep the road from actually breaking down, but if they put such repairs as every other railroad makes, call them improvements or whatever you call them, the kind I have described, into this construction account, and they now put it into the construction account, they do not put it into the running expense account—if they transferred it from the construction account to the expense account they would show they are operating their road at a loss and its whole credit is gone.

Then the Senator from Vermont refers to a statement I made. I did not speak of widows and orphans as objects of sympathy. I did it to show that the present ownership of this stock was an honest ownership, and to meet the cry of what wickedness was said to have been done thirty or twenty-five years ago. The Senator asks what right has a widow to wrong a creditor? She has no right, but when you are determining whether you shall compel a person who loaned to you any money for twelve years to have nothing to live on in the mean time by way of dividends, when you are asking to transfer from an investment which this Government in the end, if Mr. Adams is an honest man and not a knave, is to have the advantage of 8 or 10 per cent. where it would only have 2 per cent., and the ground of it is that somebody thirty years ago did a wrong, it is a fair answer to the Government of the country to say that that property has all been transferred since.

You might as well undertake to deal with the house of the Senator from Vermont in an unjust way, and if he complained of it say that a burglar occupied that house twenty years ago, as to deal with the present owners of this stock, which you allowed them to owe and said they might acquire in the market, and which they have paid a hundred cents on a dollar for, by making this outcry against the old owners. That is the argument.

The Senator from South Carolina said the balance of this 75 per cent. and all that comes from unaided lines goes into the pockets of the stockholders and the Senator from Vermont said yes, and stopped there, when it should have been stated that they have not been able to pay a dollar of dividend for four or five years. It does not go into the pockets of stockholders, it goes into doing what is necessary to keep the property in decent condition, and when that is done nothing is left.

Then the Senator from Vermont said, and refused to be interrupted to make the correction—he talked about their failure to pay what the Thurman act required, and left it there, until I undertook to call his attention to it, when to make the statement complete and fair—of course I make no imputation of unfairness—to have made a fair statement he should have told the Senate that there was a great sum due on transportation account to the road from the Government which was in litigation and on which the Supreme Court of the United States decided in favor of the road nearly the whole claim, and the moment that decision was rendered the Union Pacific Railroad paid up everything that was due, and there has not been for at least three years any pretense in any quarter that there is a single sixpence that they are in arrear.

It does not seem to me quite fair to deal with the Senate and simply say that this will be failing to pay what the Thurman act required, and not make this settlement.

Then the Senator from Vermont said—and there was quite a laugh in some quarters—that it was not considered in Vermont, though it might be in Massachusetts, a very oppressive thing to make a debtor put aside his property for the payment of his creditors. I think it will be considered a very oppressive thing anywhere where there are honest men and honest minds to say to a debtor, "When I have contracted with you, that you may have twelve years to make a payment, I will come in and use the strong arm of my force to say you shall take every dollar which your property yields, which can be got out of it, before taking anything to live on, before even keeping up your business; that you shall strip your business of what is necessary to

make what every other person considers necessary to apply it to who is keeping a like business, and put it where it will only pay 2.2 per cent. on the dollar, and save it up to pay a debt that is not due for twelve months."

Mr. BUTLER. Will it disturb the Senator to ask him a question, because I really am doing it for my own information?

Mr. HOAR. I will answer it if I can.

Mr. BUTLER. The Senator stated in criticising the reply of the Senator from Vermont that the 75 per cent. net profits left did not go into the pockets of the stockholders. I should be very glad if the Senator could inform the Senate, without inconvenience, what becomes of that 75 per cent., because it appears to be net profits. Net profits I always have understood to mean the profits over and above the entire expenses of the railroad.

Mr. HOAR. I understand; but the Thurman act describes net profits and says they shall only take out of the earnings what they pay on the interest on the first-mortgage bonds, what they pay for the operating expenses, and to keep the road in repair, and they put $2,600,000 in the year 1886 into necessary expenditure for keeping up the substance of this road from, I cannot say exactly the whole, but a large proportion of which this deduction was not made.

Mr. BUTLER. It goes into the betterments of the railroad or improvements. Now one other question, because I am not really asking with a view——

Mr. HOAR. Let me complete my statement and then I will answer the question when I get through. It is more agreeable to me when stating a thing as briefly and compactly as I can to finish the statement, and then I will hear the Senator. I wanted only to say one other sentence.

They talk about it as if the only duty of Congress was to protect this Government debt of ours. I agree that is a duty, and I am willing to concede it is a paramont duty, but they considered that the getting of this Pacific railroad through the country was a thing that they were willing to make large gifts from the Treasury for, not only to these roads but to others.

They thought having a railroad service through the prairie and through the plain and from the Atlantic to the Pacific, to enable the farmer of the West to carry his wheat to Europe in rivalry with the Caucasus and with India and the Bosphorus, was a thing that was worth doing. If that were true then it is true now, and it is a part of the duty of this Government to see that this vast country is served—which the Union Pacific alone serves, 4,600 miles of which is properly served—with a railroad service which will enable the country to grow, and which to enable the country to grow must be permitted to grow itself.

That is not putting it in the pockets of the stockholders in any improper sense, and I say that to compel this road to do business where it can not have a dollar of floating capital, where it can not meet any crisis or panic in the money market, where it can not have new cars and new side-tracks and new depots and a little spur road, and all the things that I have repeated here more than once, is not wise legislation for a government, even if it do happen to be a creditor whose debts become due in twelve years. Now I will hear the Senator from South Carolina.

Mr. BUTLER. I agree with a great deal that the Senator has stated in that respect, and I have not the slightest desire by my vote or action here to oppress the railroads in any way, but I have not quite understood the position of the Senator from Massachusetts and the Senator from Vermont. It seems they have got together upon one point, and that is that the Government does not get this 25 per cent. net profits out of any other except the aided railroads.

Mr. HOAR. That is true.

Mr. BUTLER. I say the Senator from Massachusetts agrees with the Senator from Vermont upon that point. That being the case, and the Senator having counted up this 75 per cent., the balance of net profits on the aided railroads, I would be very glad, if the Senator could do so without any inconvenience, if he would inform the Senate what becomes of the profits of the unaided railroads?

Mr. HOAR. The profits of the unaided railroads and the 60 per cent. after this 40 per cent. is taken out will make together a sum of money which, after paying the interest on the subsequent obligations of the road, will leave about $1,500,000 or less than $375 a mile for such repairs as are now charged to the construction account and are not put into the ordinary repairs of the road. That is the answer.

Mr. McPHERSON. Will the Senator permit me to make a suggestion to him, for I do not think he is answering the question of the Senator from South Carolina with his usual clearness? If I understand the Senator from South Carolina aright he wishes to know what becomes of the surplus earnings of the Union Pacific Railroad in excess of the amount paid to the Government, the 25 per cent.

Mr. HOAR. I have stated that. It has gone into these extensions that have been made.

Mr. McPHERSON. Certainly it has gone into the extensions to the extent already of about $13,000,000. Under the Thurman act all of the income of these railroads is pledged to the payment of the Government debt. Therefore, the Government should by right be interested to the extent of the entire surplus of $13,000,000 on the branch lines.

Now, what does Mr. Adams claim? He claims these auxiliary lines give about $5,000,000 a year to the parent line, or to the aided line, in the way of business. The Government, therefore, is benefited to the extent of this $5,000,000 of business, which it would not otherwise get except for the auxiliary lines. But Mr. Adams claims that the Government mortgage does not cover the auxiliary lines at all. There is the true state of the case as claimed by the Union Pacific Railroad, and also as to the status of the Government towards those roads.

Mr. HOAR. The Senator will pardon me. It is true, and I ought to have said that before, when the Thurman act was passed it was a time of high railroad prosperity, and had been preceded by a time of high railroad prosperity, and these roads had then made the extensions which the Senator refers to, and also paid dividends. Will the Senator from South Carolina be kind enough to give me his attention, as I am answering his questions further?

I say the time the Thurman act was passed was a time of high railroad prosperity, before all this competition coming from the other lines, which the Senator from California referred to, and they made these extensions and they paid dividends to their stockholders, 6 per cent. per annum, I do not know whether any more or not, but at any rate a dividend.

But all that is shrunk now, and as I said the 75 per cent. or 60 per cent. is raised, and what they get of profit on the unaided roads after paying the interest on the obligation subsequent to the United States obligation (because they are only allowed by the Thurman act to pay interest on the prior ones) goes first to pay the interest on this, and then if it pays what is really necessary for repair there will be nothing left, and it will be enough to eat up the whole of it. That is the answer to the Senator. That is what came of it in the past, and that is what comes of it now.

Mr. BUTLER. Then I understand the $13,000,000 to which the Senator from New Jersey refers is clear profit, and practically went into the pockets of the stockholders.

Mr. HOAR. No; the Senator from New Jersey, I think, is mistaken in saying that. There were $13,000,000 of the earnings of the road. The stockholders have put in $10,000,000 paid out of their own pockets in new stock, paying for it a hundred cents on the dollar.

Mr. McPHERSON. I state upon positive knowledge that since the consolidation of 1880 $12,782,000.19—I speak in dollars and cents——

Mr. HOAR. Does not the $10,000,000 of new stock come out of that?

Mr. McPHERSON. Not at all. Representing the surplus earnings of the Union Pacific Railroad, $12,782,000 have been invested in auxiliary lines. The Union Pacific claim that the Government has no claim whatever upon it.

Mr. HOAR. I do not yield for that purpose.

Mr. McPHERSON. One word more. They claim that the Government has no claim upon it, but the Thurman act, as I understand it, holds that we have a claim upon it. Therefore what I wanted was the investigation to know what they owe.

Mr. HOAR. I agree with the Senator exactly; let his correctness be conceded. I supposed that this $10,000,000 went into it, but I may be mistaken on that point.

Now I want to make one other point, and then I am through. I am rather ashamed of myself for taking so much time. All the Government directors have sent separate letters expressing their opinions. They are the representatives of the Government, and they say this thing would be ruinous to the road and injurious to the interests of the Government. I also send to the Clerk's desk to have read a very clear memorial from Mr. Adams.

Mr. BUTLER. Before that is read, may I ask the Senator one other question for information?

Mr. HOAR. Yes, sir.

Mr. BUTLER. Can he inform the Senate what amount of subordinate obligations this company has out; I mean subordinate to the Government?

Mr. HOAR. I am not able to answer at this moment that question. I have here a pamphlet which contains it.

The PRESIDING OFFICER. If there be no objection, the paper sent to the desk by the Senator from Massachusetts will be read by the Secretary.

The Secretary proceeded to read the memorial.

Mr. McPHERSON. Let me suggest to the Senator from Massachusetts that that be printed in the RECORD without reading.

Mr. HOAR. It is a very clear statement. I want very much to have it read and also the letters which I send to the desk from all the Government directors, which are very clear and strong. But I will not detain the Senate at this time. I will accept the suggestion of the Senator from New Jersey.

The PRESIDING OFFICER. If there be no objection, the memorial and the letters referred to by the Senator from Massachusetts will be printed in the RECORD. Is there objection? The Chair hearing no objection, the papers will be so printed.

The papers referred to are as follows:

Memorial to the Senate of the United States.

The undersigned, on behalf of the executive committee of the board of directors of the Union Pacific Railway Company, respectfully represent that there is now pending before your honorable body a measure amending the so-called Thurman act of 1878, under which this company is required to pay certain sums of money annually into the Treasury of the United States.

By the proposed amendment the said payments will be increased from 25 per cent. of the net earnings of the subsidized, or aided, portions of the Union Pacific Railroad Company, now known as the Union Division of the Union Pacific Railway Company, to 40 per cent. of said earnings; while the payments from the Kansas Pacific, or Kansas Division, of said railway company will be increased from 5 per cent. of the net earnings of the aided portion of the line to 40 per cent. of the same. Your memorialists, on behalf of themselves and all others whether directors or stockholders of this company, desire respectfully to protest against the changes proposed.

They protest on the following grounds:

First. At the time the Thurman act, so called, was passed, in 1878, the Union Pacific Railroad Company was enjoying a large and remunerative transcontinental traffic, which has since been divided among four other competing lines. Its income has been proportionately reduced. The company was then paying regular dividends to its stockholders. It has now for three years been unable to pay dividends.

Second. The company has been, and now is, in urgent need of additions to its motive power and its rolling-stock, and of extensive renewals of station buildings, tracks, and other appliances for properly doing a largely increased business, though one much less remunerative than formerly. Under existing legislation the means for making these additions and renewals can not well be derived from any source other than surplus revenue, for they are of an unusual character, and not properly chargeable to account of operating expenses.

The proposed increase in the Thurman act requirements would in the opinion of your memorialists so deplete the surplus revenue of the company, and thus cripple its resources, that it would be unable to make the additions and renewals referred to, and the interests of the company and of the communities served by it, as well as those of the Government, would thereby inevitably suffer injury and waste.

Third. Your memorialists would further represent that, relying upon the stability of the contracts heretofore entered into with the United States Government, and the fixedness of the payments therein provided for, this company has in times past, for necessary and legitimate purposes, borrowed money on mortgage and otherwise, the interest of which must be met, if at all, out of its surplus revenue. By the proposed amendment this surplus revenue will be so reduced as to make it at least difficult for the company to meet the interest and other fixed charges on the obligations thus entered into.

Fourth. Should the company, contrary to all recognized rule in such cases, in order to reduce the amounts payable to the Government, charge to its operating expenses the cost of all unusual outlays, though the same properly belonged to construction, it must by so doing swell its apparent cost of operation out of all precedent or reason, and consequently reduce its apparent surplus revenue to a point so low that it would not suffice to meet the fixed charges above referred to.

The surplus earnings of the company would be reduced $3 for each $1 retained from the sinking fund through this process. The stockholders would thus meet three-quarters of such improperly increased cost of operation, and the road would apparently fail to earn its fixed charges. The result would manifestly be destructive to the financial standing of the company.

Fifth. Your memorialists further submit that the entire surplus revenue of the company for some years past has been wholly invested in such a manner as to secure the further profitable development of the property, thereby largely increasing the security of the Government. Not one dollar has been paid out in the form of dividends. The sums, aggregating over $6,500,000, which have, under the provisions of the Thurman act, been paid into the Treasury of the United States, draw interest but little in excess of 2 per cent. per annum.

If these payments, already large, are now to be more than doubled, and the money to meet them—estimated at three millions for the current year—withdrawn as heretofore from profitable investments to be locked up in a barren investment, it will be extremely difficult, if not impossible, for the Union Pacific Railway Company to meet its subsidy liabilities to the Government when the same shall mature in 1897.

Sixth. If such a financial policy is forced upon the company, it will render the payment of dividends on its capital stock impossible for an indefinite period of time, thus inflicting great injury upon the present holders thereof, and taking from them all inducement to a conservative and prudent management. The stock being deprived of investment value, will retain only a speculative value, as representing the temporary control of an important property, thus gravely jeopardizing its safety by offering temptation to waste. That under such circumstances the stock of the company should remain in the hands of the six thousand investors now owning it, the vast majority of whom bought their holdings since the year 1880, is not to be expected. It will inevitably drift into the hands of those who will in some way derive an immediate profit from it.

Seventh. Heretofore, and especially of late years, the surplus revenue of the Union Pacific has been largely invested in the improvement of the subsidized lines, and in the building of auxiliary railroads which brought traffic to the subsidized lines, thus making good the loss of traffic which those lines suffered through the construction of competing transcontinental roads. This investment of surplus income the management has heretofore looked upon, and now looks upon, as a provision voluntarily made by the company to meet its obligations to the Government when the same shall mature.

The profits derived to the company from this investment of its surplus revenue is believed to be at least sixfold what it has derived, or can derive, from equal sums paid into the sinking fund created under the Thurman act. But for the revenue from the traffic of auxiliary roads thus built, the original subsidized lines of the Union Pacific would even now have little value in excess of their first mortgage bonds underlying the Government lien, and that value would continually hereafter diminish.

The present directors of the company wish to pursue the conservative course in the management of its affairs which has heretofore been pursued, especially of late; but they will be wholly unable so to do if the Thurman act is amended in the way now proposed. The control of the surplus revenue of the company will then be taken from them to an extent which must materially affect their power to influence results, or make adequate provision for the future.

Eighth. Your memorialists, on behalf of themselves and all the directors and stockholders of this company, would respectfully represent that it does not seem to be legal nor just nor reasonable, that, as a debtor, this company should be held to a strict liability for the payment of all it owes to the Government at maturity if, during the interval prior to maturity, the Government deprives the company of the management of the funds out of which alone what it owes can be paid.

In other words, by force of the Thurman act, and yet more by force of the legislation now proposed, the creditor takes from the debtor the management of his own affairs, and after managing those affairs for a long series of years regardless of the debtor's protests, in a way inconsistent with his interests, then finally holds the debtor to the strict payment of his debt according to the letter of the original contract. We respectfully submit that as between private individuals such a course is not, and never could be, tolerated under any government of law.

Ninth. All the facts herein stated by your memorialists are well known to the present representatives of the Government in the company's board of direction. Whatever has been done by the present management has met with the unanimous approval of the Government's representatives, especially as respects the disposition made of the company's surplus revenue. They have so stated in their recent reports. Their approval, we submit, we had a right to assume was the approval of the Government.

Furthermore, the amendments now proposed to the Thurman act commend themselves, so far as we are advised, to the judgment of none of those directors, being regarded by them as both impolitic and unjust. But they are all men of character, intelligence, and standing. They are specially informed as to the matters referred to in this memorial, and, if called upon by your honorable body, they would, we feel assured, confirm each and every statement herein made. Let them speak for themselves.

On behalf of the executive committee,

CHARLES F. ADAMS, *President.*

BOSTON, MASS., *February* 12, 1887.

---

CLEVELAND, OHIO, *February* 14, 1887.

DEAR SIR: I am in receipt of your favor of the 11th instant with copy of the memorial to the United States Senate. I heartily approve every word stated therein and authorize you to append my signature thereto as Government director.

Truly yours,

M. A. HANNA.

CHARLES F. ADAMS, Esq.

---

SAVANNAH, GA., *February* 14, 1887.

DEAR SIR: I have just read your memorial addressed to the Senate on behalf of the executive committee, of date February 12, protesting against the proposed amendment to the Thurman act by which the annual payments to the Government sinking fund would be raised from 25 per cent. to 40 per cent. of the net earnings. In your letter transmitting the copy of this memorial you ask me to state whether I concur in the correctness of the statements made therein.

As I have so recently resigned from the position of Government director, which I had held upon the board, that my successor has probably had no time to familiarize himself with the subject, I feel bound to answer as frankly and fully as though I were still charged with the duty of representing the interests of the Government. I do concur most fully and entirely in the statements and arguments set forth in your memorial. Similar ones have been urged by every Government director and every railroad commissioner or other official of the Government connected with the matter, for several years.

I do not believe that any intelligent and unprejudiced person can understand fully the present situation of the road, the demands of the country which it serves, and the existing relations of the road to the Government, without condemning utterly any proposition to even continue in force the present requirements of the Thurman bill, and still more the proposed change to increase its annual requirements. Such a change will only gratuitously magnify the present evils, which have been fully set forth in the two last reports of the Government directors.

Very respectfully,

E. P. ALEXANDER.

CHARLES F. ADAMS, Esq.,
*President Union Pacific Railroad Company.*

---

FEBRUARY 15, 1887.

DEAR SIR: I have no hesitation in indorsing your memorial of February 12, to the Senate of the United States, against the increase of the requirements of the Thurman act to 40 per cent. If anything has seemed perfectly clear to me, as a Government director of the Union Pacific, it is that it is equally to the interest of the Government and of the company to end this restless legislating about the debt by a final funding measure such as is pending in the House of Representatives.

I fail to see how any one can be so satisfied with the working of the Thurman act as to wish to see it perpetuated and extended. I had supposed that everybody who had studied the subject admitted the failure of the sinking-fund policy; and as a business man it is quite beyond me to suppose that when you are a creditor in a second class and your security is dependent upon the prosperity of the property you ought to cripple your debtor in order to insure your debt. The real interests of the Government are nothing more and nothing less than the real interests of the company, and it is therefore quite inconceivable to me that the policy of the Government should be one of hostility or of crippling.

I believe that the money that is to become due to the Government can be paid—every dollar and every cent; that the Government need not lose even a penny of its interest if it should but act with the self-control and prudence that an ordinary business man would exercise in the same circumstances, and it would then have as its profit on this great transaction the vast savings upon its mails and army transportation, the settlement of the Indian wars, and the enhanced value of the public lands.

Nobody at present threatens the security of the Government debt but the Government.

Very truly, yours,

FRANKLIN MACVEAGH.

CHARLES FRANCIS ADAMS, Esq.,
*President Union Pacific Railway Company, Boston.*

---

OMAHA, *February* 17, 1887.

DEAR SIR: I have read the memorial to the Senate concerning the proposed amendment to the Thurman act, and it seems to me excellent both in argument and tone.

The dissenting justices in the "sinking-fund cases" argued that if the power contended for by the majority was legitimate it would justify the trebling of the annual sum to be paid, or a behest for the immediate deposit of the whole amount, or the subjection of the company to burdens which if foreseen would have thwarted the effort to build the road entirely. To this the Chief-Justice answered that "the alterations must be reasonable and be consistent with the object and scope of the act of incorporation. Sheer oppression and wrong can not be inflicted under the guise of amendment or alteration."

It seems to me that the act proposed will come within the exception above suggested, will, while not benefiting the Government, inflict irreparable injury upon the company and its stockholders, and will deprive the people along the line of the road of improvements and extensions which they have a right in the rapid settlement of the country to expect.

I give my hearty adhesion therefore to the suggestions of the memorial, and authorize you to sign my name to it, or to use this letter in any way you may deem fitting.

Very truly yours,

JAS. W. SAVAGE,
*Government Director Union Pacific Railway.*

Hon. CHARLES F. ADAMS.

NEW YORK, *February* 18, 1887.

MY DEAR SIR: I have your letter of the 10th instant, inclosing copy memorial to the Senate of the United States touching proposed legislation now before that body.

It is hardly necessary to say that I heartily indorse the statements therein contained against the expediency of such action. The measures and recommendations proposed, after mature deliberation, by my colleagues and myself for the adjustment of the claims of the United States against the road plainly show their views on the subject to be inconsistent with the imposition of further burdens and additional exactions.

The great difficulty which seems to underlie the attempt at harmonizing the difficulty between the Government and the Union Pacific appears to proceed from a vague, ill-defined, but yet discernible feeling in many quarters that no arrangement should be made unless it were more or less punitory in its character. Indeed, I have found this sentiment to exist to such an extent as to render calm discussion practically out of the question. If the former history of the road were obliterated from its record and the transgressions—real or imaginary—of its former management could be forgotten, I do not think that there would be any serious impediment in the way.

The simple suggestion of saving the Government claim would be understood to involve a prudent regard for the existence and credit of the debtor institution. The road requires above all things liberty to expand, which means liberty to live. Even a superficial examination must convince a disinterested observer that to put shackles upon the Union Pacific while its active, energetic, pushing and untrammelled rivals are taking advantage of its embarrassments to divert its resources of healthy activity, is simply to sentence it to death. The Government directors assumed at the outset that it was to the interest of the United States to let the debtor live. If they were wrong in this, their whole plan is based upon a fallacy. If not, I quite agree with the memorialists that such additional burdens as are proposed by the pending bill must result disastrously.

Believe me, dear Mr. Adams, to be very truly yours,

F. R. COUDERT.

CHARLES F. ADAMS, Esq.,
*President Union Pacific Railroad Company, Boston, Mass.*

---

BOSTON, MASS., *February* 21, 1887.

The following is just received. Have sent a copy by mail Omaha, Nebr., February 17. I have read the memorial to the Senate concerning the proposed amendment to the Thurman act, and it seems to me excellent, both in argument and tone, the dissenting justices in the sinking-fund cases argued that if the power contended for by the majority was legitimate it would justify the trebling of the annual sum to be paid, or a behest for the immediate deposit of the whole amount, or the subjection of the company to burdens which, if foreseen, would have thwarted the effort to build the road entirely. To this the chief-justice answered that, "the alterations must be reasonable and be consistent with the object and scope of the act of incorporation; sheer oppression and wrong can not be inflicted under the guise of amendment or alteration." It seems to me that the act proposed will come within the exception above suggested—will, while not benefiting the Government, inflict irreparable injury upon the company and its stockholders, and will deprive the people along the line of the road of improvements and extensions which they have a right in the rapid settlement of the country to expect. I give my hearty adhesion therefore to the suggestions of the memorial, and authorize you to sign my name to it or to use this letter in any way you may deem fitting.

Very truly, yours,

JAS. W. SAVAGE,
CHARLES F. ADAMS.

MOORFIELD STOREY,
*Wormley's Hotel, Washington, D. C.*

Mr. MCPHERSON. I want to state to the Senate the reason why I do not agree with the Senator from Massachusetts and I do not agree with the Senator from Vermont——

Mr. HOAR. I have not yielded.

Mr. MCPHERSON. I know I am right, but they will not believe me. Therefore I want to leave this thing to a commission, and I agree to the commission.

Mr. HOAR. I have yielded to the Senator's suggestion and foregone the reading of these documents. I wish to say one thing more in answer to the question of the Senator from South Carolina, that I am informed the subsequent debt to the Government, that which of course the interest has to be paid on out of this surplus, amounts to nearly $60,000,000. I have a pamphlet here which states it exactly, but the Senator from Delaware [Mr. GRAY], if I may be permitted by him to refer to it, tells me that Mr. Starrow, the counsel for the road, a gentleman whom I will vouch for as a man of absolute integrity of purpose, tells him it cost nearly $60,000,000. I have the pamphlet here which will answer the Senator's question.

Mr. EDMUNDS rose.

Mr. COCKRELL (at 12 o'clock and 20 minutes a. m.) I ask the Senator to yield until I can make a motion that the Senate adjourn.

Mr. MCPHERSON. Let us close the bill.

Mr. COCKRELL. We have no quorum, I fear.

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Missouri?

Mr. HOAR. To adjourn will defeat this whole proposition.

Mr. COCKRELL. I do not want to defeat it.

Mr. HOAR. Let us have a vote.

Mr. COCKRELL. We have no quorum. However, I shall not insist on the motion.

Mr. EDMUNDS. As to what becomes of this money, this 75 per cent. of clear net earnings, after paying all operating expenses and paying the interest on the first-mortgage bonds, my friend says that part of it is invested in new enterprises, auxiliary roads, in respect of which the creditors of the Union Pacific proper have no claim at all, because they set up an independent corporation in which the United States has no interest in the way of any security, and a part of it, as he says, has to be used to keep up the road. I do not understand that to be so.

As to the part invested in new enterprises I can understand if they do not pay it out in dividends. That is easily understood. They have a right to do what they like with it, but when you come to keeping up this line on which we have a lien, the statutes of the United States say that they may pay all operating expenses and pay for keeping the road in a proper state of repair before you strike the balance, the net income out of which 25 per cent. is to be taken to go into this sinking fund.

Therefore, the idea that this money is to be used by this corporation to improve the property in the same way that a private owner would improve his own property, to make it better and better, to build new bridges, and new rails, and a better road bed, will not stand the test of an investigation for a moment. They have a right to apply all the money that is necessary to keep this road up to its highest pitch of perfection, but I suspect that the real trouble is—I am merely speaking to you, Mr. President, beceuse nobody else cares about it——

The PRESIDING OFFICER. The Chair experiences a good deal of difficulty in hearing the Senator, and he will ask him to suspend until he requests other Senators to resume their seats and cease conversation.

Mr. EDMUNDS. I do not mind, Mr. President. This little matter of a hundred million dollars for the tax-payer of the United States is of very small consequence.

The real trouble, as hinted at by the Senator from Massachusetts, about what comes of this supposed surplus, running the operations of this road in all its other branches and other corporations that it controls now, is found illustrated by what the Commissioner of Railroads says about this Kansas Division, where the United States is entitled to 25 per cent. of the net earnings on 300 miles out of 500 miles, I will say, for round numbers.

The Commissioner of Railroads tells us officially that the 300 miles earns all the money, in round numbers, and that the 200 miles does not pay—I will state it strongly in order to illustrate my position—and that the railroad company just prorates per mile, or whatever, and therefore compels the aided part of the line, whose net earnings, if it was running alone or the accounts were kept by themselves, would be a great deal more, to make up the losses on the unaided part of the line.

Now, then, if the Union Pacific Railway Company, being ambitious and fearing the opposition and competition, and wishing to get custom, has been building railway lines where there was not anybody and any traffic, and where some time or other I hope there will be, and has to run them, it has got to run them out of some money; it must pay for its coal, its locomotives, its laborers, and all that sort of thing. Where is it going to get it, if that particular line it has built up does not furnish the traffic to do it? It takes it out of the 75 per cent. after the 25 per cent. is paid in. That will account for a part of the money, as it is accounted for in this Kansas Division business.

But that had nothing to do with the question that we have in hand, and that is to apply the net earnings of this property on which the United States has a lien, and on which the first-mortgage creditors have a lien, to a fund to secure the payment of those debts, and that is all that there is to it. The Senator says that the company has to pay out of these net earnings a lot of interest, &c., on subsequent incumbrances. What are the subsequent incumbrances? Here they are stated in the report of the Commissioner of Railroads; you will find them all. There is, beginning at the beginning, the first mortgage ahead of ours.

Mr. HOAR. They are stated in the Thurman act, to be accurate.

Mr. EDMUNDS. No, the second mortgages are not stated there.

Mr. HOAR. Yes, they are. They say the United States debt, $20,000,000, the whole debt in 1881.

Mr. EDMUNDS. But we have them all here stated just what they are, and I should like to have it known to the public, to anybody who reads the RECORD, and I will ask to have put into the RECORD, this statement of the Commissioner of Railroads, which shows the whole indebtedness of the Union Pacific Railroads as they purport to represent it to the Commissioner of Railroads from top to bottom: the first mortgage, the United States subsidy mortgage, then the second one, and the land-grant mortgage. Now I will stop here a moment in my comments.

The land grant mortgage is a mortgage on the land granted by the United States, and out of which I have stated the number of millions of dollars in cash that they have already got, and the number of millions of dollars that they are yet to get out of that land. That land grant mortgage and the sales of those lands that have been made by the Union Pacific have made a fund out of which the interest of this land grant mortgage is provided for, and I believe a sinking fund, too, to pay it off. This land grant mortgage, amount of bonds outstanding on the 30th of June, 1886, $2,325,000. They have decreased the debt in a year $651,000. How? Out of the net earnings of these added lines?

In my opinion not a bit of it, but out of the investments and funds that they had accumulated from the sales of these lands, just as wise and good operators and traders would do. I am not complaining of it, but stating it. The earnings of the company are not devoted to that thing as I believe, but the income and the interest and the investments in the $25,000,000 or so that they have already got in cash from the sale of lands they have sold, and the income arising out of them that is yet to come in of $13,000,000 or $14,000,000 more. So the land-

grant mortgage has left here, if it were to be paid off to-day, more than $10,000,000 in the lands and assets belonging to the land-grant mortgage.

Now you may go on to the others. There is a sinking-fund mortgage, which is a mortgage based on the sinking fund and on the "road and franchise, Omaha to Ogden, third mortgage; granted lands, a second mortgage," and so on, and a sinking fund provided out of the income of the sale of these lands, &c., to meet that. Then they have got a collateral trust, which is simply the bonds of branch lines held by trustees, as it is stated in this report. Then they have the Omaha bridge, in respect of which there are separate tolls, &c. Then there is a statement as to the Kansas Pacific Railroad, that division of the same. I will not take up time to go through the table on page 10, but I ask leave to have it printed in the RECORD because it is very useful public information.

The PRESIDING OFFICER. It will be so ordered, there being no objection.

The table referred to is as follows:

*Comparative statement of the funded debt of the Union Pacific Railway Company, June 30, 1886 and 1885.*

| Class of bonds. | Term of bonds. | | Rate of interest. | Amount of bonds outstanding. | | Difference. | | Lien on— |
|---|---|---|---|---|---|---|---|---|
| | Years. | Date of maturity. | | June 30, 1886. | June 30, 1885. | Increase or decrease. | Amount. | |
| UNION PACIFIC RAILROAD COMPANY. | | | *Per cent.* | | | | | |
| Union Pacific, first mortgage | 30 | 1896-1899 | 6 | $27,229,000 00 | $27,229,000 00 | | | Road and franchise, Omaha to Ogden. |
| United States subsidy, second mortgage | 30 | 1896-1899 | 6 | 27,236,512 00 | 27,236,512 00 | | | Do. |
| Land-grant mortgage | 20 | 1887-1889 | 7 | 2,325,000 00 | 2,936,000 00 | Decrease | $651,000 00 | Granted lands. |
| Sinking-fund mortgage, coupon | 20 | 1893 | 8 | 12,528,000 00 | 12,694,000 00 | Decrease | 166,000 00 | Road and franchise, Omaha to Ogden, third mortgage; granted lands, second mortgage. |
| Sinking-fund mortgage, registered | 20 | 1893 | 8 | 1,955,000 00 | 1,927,000 00 | Increase | 28,000 00 | |
| Collateral trust, "6 per cent" | 29 | 1908 | 6 | 4,482,000 00 | 4,601,000 00 | Decrease | 119,000 00 | Bonds of branch lines held by trustees. |
| Omaha bridge | 25 | 1896 | 8 | 1,519,000 00 | 1,621,000 00 | Decrease | 102,000 00 | Omaha bridge, first mortgage. |
| KANSAS PACIFIC RAILWAY COMPANY. | | | | | | | | |
| Eastern Division, first mortgage (lien prior to United States). | 30 | 1895 | 6 | 2,240,000 00 | 2,240,000 00 | | | Road and income, Kansas City to a point 140 miles west. |
| Middle Division, first mortgage (lien prior to United States). | 30 | 1895 | 6 | 4,063,000 00 | 4,063,000 00 | | | Road and income, 140th mile-post to 394th mile-post. |
| United States subsidy, second mortgage. | 30 | 1895-1898 | 6 | 6,303,000 00 | 6,303,000 00 | | | Road and franchise, Kansas City to 394th mile-post. |
| Denver Extension, first mortgage | 30 | 1899 | 6 | 6,254,000 00 | 6,266,000 00 | Decrease | 12,000 00 | *Road and lands, 394th mile-post to* Denver. |
| Leavenworth branch, first mortgage | 30 | 1896 | 7 | 18,000 00 | 31,000 00 | Decrease | 13,000 00 | Leavenworth Branch. |
| Consolidated mortgage | 40 | 1919 | 6 | 14,855,000 00 | 15,244,005 00 | Decrease | 389,005 00 | Blanket mortgage, 779 miles of road, and land grant 394 miles. |
| Income | 40 | 1916 | 7 | 45,950 00 | 48,350 00 | Decrease | 2,400 00 | Income. |
| Income (subordinated) | 40 | 1916 | 7 | 63,250 00 | 260,050 00 | Decrease | 196,000 00 | Do. |
| Kansas Pacific Railway Company, called coupon certificate. | | | | 4,477 50 | 5,880 00 | Decrease | 1,402 50 | Do. |
| DENVER PACIFIC RAILWAY AND TELEGRAPH COMPANY. | | | | | | | | |
| First mortgage and land grant | 30 | 1899 | 7 | 8,000 00 | 8,000 00 | | | Cheyenne Division, road and lands. |
| UNION PACIFIC RAILWAY COMPANY. | | | | | | | | |
| Trust 5 per cent., coupon | 24 | 1907 | 5 | 3,673,000 00 | 3,673,000 00 | | | Bonds of branch lines held by trustees. |
| Trust 5 per cent., registered | 24 | 1907 | 5 | 15,000 00 | 15,000 00 | | | |
| Omaha bridge renewal, second mortgage. | 30 | 1906 | 5 | 230,000 00 | | New debt. | 230,000 00 | Omaha bridge, second mortgage. |
| Total funded debt afloat | | | | 115,048,189 50 | 116,441,797 00 | Net decr'se | 1,393,807 50 | |

* Coupon bonds canceled and changed for registered bonds.

Mr. EDMUNDS. So (for I do not want to occupy your time about this little matter of a hundred million or so for the people of the United States) we come back to the simple proposition as to whether it is fit that these people shall save up for the benefit of their creditors 15 per cent. more of their clear net earnings on these aided lines, and no other, after paying the interest on their first-mortgage bonds and after keeping the road up to the tip-top pitch of fitness for operation, for the benefit of their creditors.

The PRESIDING OFFICER. The question is on the amendment propsed by the Senator from New Jersey [Mr. MCPHERSON], to strike out the fourth section of the amendment reported from the Committee on the Judiciary.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HAWLEY (when his name was called). I am paired generally with the Senator from Maryland [Mr. WILSON]. I am informed by his colleague [Mr. GORMAN] that he would vote "yea" on this question, and therefore I vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

Mr. COCKRELL (when Mr. VEST'S name was called). My colleague [Mr. VEST] is unavoidably detained from the Senate Chamber to-night, and is paired with the Senator from Colorado [Mr. BOWEN]. If my colleague were present, he would vote "nay."

The roll-call was concluded.

Mr. CULLOM. The Senator from Maine [Mr. HALE] and the Senator from Kentucky [Mr. BECK] are both engaged on committee work, and are paired with each other.

Mr. BUTLER (after having voted in the affirmative). I voted, forgetting that I am paired with the Senator from Texas [Mr. MAXEY]. I withdraw my vote.

Mr. BLACKBURN. I desire to state that my colleague [Mr. BECK] is paired with the Senator from Maine [Mr. HALE].

Mr. COCKRELL. The Senator from Ohio [Mr. SHERMAN], being indisposed, has been called from the Senate Chamber, and I have been requested to pair with him. While I should like exceedingly to record my vote "nay," I withdraw it, and announce the pair. If he were present, he would vote "yea," and I should vote "nay."

Mr. ALDRICH. My colleague [Mr. CHACE] is detained from the Senate by illness, and is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 19, nays 27; as follows:

YEAS—19.

| | | | |
|---|---|---|---|
| Aldrich, | Gibson, | Miller, | Riddleberger, |
| Dolph, | Gorman, | Mitchell of Oreg., | Sawyer, |
| Eustis, | Gray, | Mitchell of Pa., | Spooner, |
| Evarts, | Hawley, | Platt, | Williams. |
| Frye, | McPherson, | Pugh, | |

NAYS—27.

| | | | |
|---|---|---|---|
| Allison, | Cullom, | Kenna, | Teller, |
| Berry, | Edmunds, | McMillan, | Vance, |
| Blackburn, | Farwell, | Manderson, | Van Wyck, |
| Blair, | George, | Morgan, | Walthall, |
| Call, | Harris, | Palmer, | Whitthorne, |
| Cheney, | Hoar, | Ransom, | Wilson of Iowa. |
| Coke, | Jones of Nevada, | Sabin, | |

ABSENT—30.

| | | | |
|---|---|---|---|
| Beck, | Colquitt, | Jones of Arkansas, | Sewell, |
| Bowen, | Conger, | Jones of Florida, | Sherman, |
| Brown, | Dawes, | Mahone, | Stanford, |
| Butler, | Fair, | Maxey, | Vest, |
| Camden, | Hale, | Morrill, | Voorhees, |
| Cameron, | Hampton, | Payne, | Wilson of Md. |
| Chace, | Harrison, | Plumb, | |
| Cockrell, | Ingalls, | Saulsbury, | |

So the amendment to the amendment was rejected.

The PRESIDING OFFICER The Secretary will now report the amendment proposed by the Senator from California [Mr. STANFORD].

The CHIEF CLERK. After line 139, section 2, of the amendment reported from the Committee on the Judiciary it is proposed to insert——

Mr. MCPHERSON. The amendment has been already read. Is it worth while to read it again? It will only take time.

The PRESIDING OFFICER. The amendment was read for information a short time since. Is the Senate ready for the question on agreeing to the amendment to the amendment?

Mr. EDMUNDS. Is it the amendment of the Senator from California [Mr. STANFORD]?

The PRESIDING OFFICER. It is the amendment of the Senator from California [Mr. STANFORD] to the amendment of the committee.

Mr. HOAR. I can see no possible objection to it.

Mr. EDMUNDS. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The joint resolution was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. EDMUNDS. I move to add to the amendment made as in Committee of the Whole, which I am for as far as it was made, what was section 5 of the committee's amendment, which is the 40-per-cent. section. It is not necessary to have it read; everybody understands it; and on that question I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont, on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. GEORGE. If we are in favor of the 40-per.cent. section we vote "yea." Is that the proposition?

The PRESIDING OFFICER. Those in favor of retainlng section 5, will vote "yea."

Mr. EDMUNDS. That is it.

Mr. GORMAN. Mr. President, I wish to make a statement of only a few words.

I voted as in Committee of the Whole to strike out the fifth and sixth sections, which provide for the payment of 40 per cent. instead of 25 per cent. as is now provided by what is known as the Thurman act, and I did it for this reason:

It is well known that the Judiciary Committee of this body and a committee elsewhere, after two or three years' consideration of this question, reported to both Houses of Congress a measure to adjust the affairs of the Union and the Central Pacific Railroads, bills that were well considered with the best lights that the committees of Congress could possibly have. They were thought to be perfect. Up to the very hour when they were to be voted upon there was scarcely a member of either body who was not prepared to follow the recommendations of the Judiciary Committee of the Senate.

But upon a resolution of inquiry, offered, I think, by the Senator from New Jersey [Mr. MCPHERSON], information was sought from the accounting officers of the Treasury as to the effect of that measure, and it resulted in a communication found in Executive Document No. 34, of this session, showing conclusively that the recommendation of the committee was at fault, and if the bill had been enacted into a law as reported the condition of the Government would have been infinitely worse.

Pending that, and upon the eve of a vote, the press of the country brought to the attention of the Congress and of the people a condition of affairs in these aided roads by the Government that startled the whole nation. The House of Representatives halted in the consideration of its measure for adjusting these affairs, and sent to us a simple resolution appointing a commission by the Secretary of the Interior to bring to light the facts which had been charged, if they be facts.

I have voted to-night steadily against every proposition except the one to appoint a commission to investigate the affairs of these roads, so that Congress may hereafter legislate intelligently. I have not been prepared to-night upon the information that we have obtained from the Senator from Vermont and the Judiciary Committee to impose upon these roads any further or greater conditions than were imposed by the act known as the Thurman act.

If we had time to consider all the affairs relating to these roads I should vote for 40 per cent. or any other amount that I believed their revenues would warrant us in imposing, but I think it is unwise; I think it has a tendency to obstruct the investigations to incumber this measure with anything beyond the mere investigation; so I think of the amendment offered by the Senator from California. They are not so intended, probably, but the effect of all these amendments is to postpone any consideration and to prevent any proper legislation in any reasonable time.

Mr. EDMUNDS. The Senator from Maryland has paid a very kind compliment to the Committee on the Judiciary in its conduct hitherto. I am sorry he has lost confidence in it just now.

The Committee on the Judiciary, and the House of Representatives as well, sending over bills to us, did provide, certainly we did, for the settlement of all the questions between the companies and the United States, and all of those questions were simply the amount of the sums of money that they earn from year to year and how net savings were to be computed.

The amount that these companies owe the United States is clear and was clear, except that they deny that they are bound to pay any interest on the money that we are advancing on coupons, simply going to more than the face of the original advance during all the years that we are to pay it.

Some members of the Committee on the Judiciary at least insisted that they would be bound in the end to pay interest at 6 per cent. on every dollar of money that we advanced that was not reimbursed by these coupons, but they deny it, and it is a question capable of fair argument on either side.

In the bill that was first considered and reported by the Committee on the Judiciary that dispute was compromised by taking it at half, in round numbers, which would save to the United States if the company was right in its pretensions, and there was good ground to argue that way, a good many million dollars, ten, a dozen, or fifteen, or whatever it may have been, certainly several millions if the matter had then been disposed of as we reported it.

It was the simple question, ascertaining upon the simplest principles that a school-boy understands, how much money they would pay to us to-day if they had the cash to settle it all up and pay in advance before 1897, and we get it right, and if we were willing to give them time at 3, 3½, or 4 per cent., or whatever the sum was. That was a question which the Senate and House might choose to do, whether willing to give time at one time or another, as a creditor on good security and taking a blanket mortgage on everything they had and requiring the absolute payment of so much money each year.

There we stood. The Judiciary Committee was not happily able to get the thing into a law. We provided in that act, as the House had in whatever act they had passed, that if we did not come to an immediate settlement it would be right to everybody to add 15 per cent. to the 25 per cent. that was already provided for in changing the terms or regulations or the methods of the computation.

Mr. TELLER. You say you put that in?

Mr. EDMUNDS. We put it in the bill we reported before the general bill, as the House did in their bill, that unless the thing was to be terminated now and here, and a fixed sum paid each year, out of these net earnings 40 per cent. ought to be saved for the general benefit of whom it might concern rather than 25 per cent.

Mr. HOAR. It was a penalty.

Mr. EDMUNDS. My friend from Massachusetts says (and the company state it in that way, and in one sense it is) that it was a penalty. That is one way of putting it. It is not my way. Unless we could settle in this way and arrange this business, it was to go on as it stood and then 40 per cent. instead of 25 should be saved of the sinking fund for the benefit of the company and its creditors.

That is what we proposed. Both Houses appeared to be willing to do that thing; nobody but the companies questioned it. They said, "We want this money; we want to have the advantage of it for dividends, if we can make them, or for other enterprises, or for whatever we may choose to do with it of clear assets above all expenses." We said, "No; unless we come to an end of this thing and while the thing is going on, if you do not end it so much more ought to be saved for the benefit of the creditors."

Now, we come at the end of this session to a bill reported from the Committee on the Judiciary, which, as I said before, without the slightest fault of my friend from Massachusettss, and without his knowing it, from a mere slip in the arrangement of phrases, the sum which would be now due in cash was not the one that we had before, and was unjust to the United States. That was a mere accident.

Mr. HOAR. The Senator from Vermont will pardon me for saying——

Mr. EDMUNDS. Certainly.

Mr. HOAR. I discovered that long before any newspaper or any other human being, and stated publicly in the Senate that when the bill came up it would have to be amended in that particular. I do not know but that other people discovered it independently long before the Senator from New Jersey said anything about it. I had made the discovery and called the attention of the Senate to it, and whenever that bill would have been reached the Senate would have had an amendment reported from our committee.

Mr. EDMUNDS. Certainly, the thing would have been put right in three minutes by everybody's consent, and therefore there is nothing in that part of it.

Now we have got a state of things where the House of Representatives, instead of proposing any scheme to end this business, to ascertain how much money would be now due to-day, if they were ready to pay in cash, which I say is the simplest possible proposition, has chosen to leave the thing open and to proceed to investigate. Investigate what? To find out how much is due to the United States?

Not a bit of it. We all know that. To find out whether the law

will authorize us to get interest on the advances, we are making on coupons?

Not a bit of it; they could not help us on that at all. The Judiciary Committee of the House of Representatives, or the Committee on Railroads of this body, or the Committee on Enrolled Bills would be just as competent to determine that question as this commission, or any other commission, to get the information of gentlemen learned in the law who have no interest in it one way or the other any more than the Committee on the Judiciary, and gentlemen learned in the law might differ, because it is a fairly debatable question as to whether, in point of law, if we were down to 1897 now and brought an action to recover it, whether we could or not. I think we could, and therefore I insisted in the bill that we first reported, and the railway companies agreed to it, that we should get half, and a little more, I believe, of this disputed question of interest on coupons that we were paying.

What, then, is the object of a commission for that purpose? Nothing. Do we know now what our security is? Are we to have a hunting commission to find out what security we have? The statute tells us what security we have. We know what the property is, and if we are obliged to foreclose and are not to give an extension and put a blanket mortgage on everything, so that we shall know we have got a security on everything they have, there is no use in making the inquiry, because if we are to foreclose and come to a test of our rights as mortgage creditors, it will be for the judicial establishment of the United States to determine what our security is, and no report of a commission will help that, because the companies are willing, if time is given to them, to give a blanket mortgage that shall cover everything that they may possess or acquire, whether in their own name or anybody else's, coming up manfully and fairly to say, "We are willing to do justice by the United States and all our other creditors, and if we can have time so that we can pay this year by year, everything we have, directly or indirectly, is at the service of the United States and all our creditors; we are not trying to embezzle anything."

Then, what are you going to investigate about that? Nothing. What, then, is the ground for putting off their getting some addition into this sinking fund if we are to put it off or put off a settlement of this question by determining the time we will give or what rate of interest we will take? It is simply to find out whether these companies or some of their officers have been misconducting themselves hitherto. What if they have? What have we to do with them in respect of the question of what kind of security we can get for the debt to the people of the United States, and what time we are willing to give for it with payments year by year in definite sums? Nothing at all.

And if, therefore, this mere commission goes on with no provision for saving any more to the sinking fund, it will be impossible before December for this commission to do half the work that the House proposes, or a quarter of it, with any kind of sense or inquiry. It will be years, if they do their duty, before they can explore all that they are commanded to explore, and if they make a half report we shall be just where we are now. If they make a full report we shall be so as to any possible aid to anything that we can do.

Therefore I submit, with great respect to everybody who differs with me, that by the passage of this bill without the provision for an increased payment to the sinking fund and without the provision, which I am glad to say the Senate has put in by a strong majority, for giving the United States a chance to protect itself if the worst comes to the worst in the mean time, we shall find ourselves at the end of one year, or two years, or three years, exactly where we stand now, and we shall have to meet the same question over again with nothing discovered which affects the question of what security we have got or that we have not got, and how we can get our debt.

If these companies have employed any part of their funds, whether they are the funds on which the United States or any other creditor has a lien or not, or their private funds, to corrupt you or me, or to lobby you or me, that is a question which it is beneath the dignity of either House to repose in a commission to inquire into. That belongs to us if it affects any Senator, and belongs to the House of Representatives if it affects any member of that body.

So, with great respect, as I say, to the House of Representatives and to everybody else, it does appear to me that so far as this investigation goes as a business investigation of how much is due to us and what security we have got, it is utterly useless, because we know it now. So far as it relates to misconduct of the officers of these companies hitherto, it is of no possible consequence to the end we have in view.

Mr. MORGAN. Mr. President, when this question was up in Committee of the Whole I voted to strike out these two sections; the one that the motion applies to now and the next one. I feel constrained to change my vote on that question, and I wish to state very briefly the reasons for it.

I am informed that the net income of this company upon which the Thurman bill acts is calculated, not upon the proceeds of the particular sections of road that are under the mortgage contained in the charter of the company, but calculated over a very much larger area of railway, and that the receipts and expenditures over the entire length of road under the control of these companies are pooled, and that a percentage is allowed out of these receipts and expenditures corresponding to the mileage, or something of that kind, and upon that basis the net proceeds are estimated, of which 25 per cent. goes into the Treasury of the United States.

I believe I am correct in that statement, that there is a very much larger amount of railroad property, the receipts of which are carried into this account, than that which is covered by the mortgage contained in the charter of the company, and the expenses, of course, over that larger area of railroad are carried into the same account.

My investigation of the fifth section of this act of incorporation brings me to the conclusion, which I can not avoid, that that fifth section constitutes a mortgage upon all the property that has been acquired by the company up to this time, all of its property upon which the calculation is based in respect to the net proceeds to which I have just been referring. I believe that that is a plain statutory mortgage, and that to the extent that it has not been retired beyond a second mortgage, as it was originally, it is now and has been all the time a first-mortgage lien upon this property, so that when the debt falls due and the Secretary of the Treasury finds it necessary, if he should find it necessary, to take possession of this property under the authority of the act of incorporation, he will be empowered by the terms of this statutory mortgage to take all the property that belongs to the railroad company at the date of the default.

It is a matter of indifference to me why this property has been kept out of the ostensible ownership of this company. I am convinced from the manner of stating these accounts and from all that I have heard about this question that the property in equity and in good faith, and in truth does belong to the company, and if they would bring in the proper allowance of the proceeds of this corporation with the additions that have been made to it of other lines, spur lines, connecting lines, or whatever you please to call them, the amount of 40 per cent. of the net earnings upon that vast system of railway, with all its income, would be a mere bagatelle for this company to put up in the way of security under the provisions of the Thurman act.

I, therefore, feel constrained to vote to increase the provision made in the Thurman act from 25 to 40 per cent.

Several SENATORS. "Vote!" "Vote!"

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. RIDDLEBERGER. I move to amend the bill by striking out on page 11, section 2, lines 157, 158, 159, 160, and 161.

The PRESIDING OFFICER. Are those lines a part of the section that the Senator from Vermont proposes? ["No!" "No!"] Then the amendment of the Senator from Virginia is not now in order.

Mr. RIDDLEBERGER. I hear Senators calling for a vote who have been consuming most of the day in talk. I want to know whether we are to vote before the rest of us have a chance to read the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY].

Mr. CULLOM (when Mr. HALE'S name was called). The Senator from Maine [Mr. HALE] is paired with the Senator from Kentucky [Mr. BECK], both of them being engaged in committee work.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were present, he would vote "yea."

Mr. KENNA (when Mr. STANFORD'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from California [Mr. STANFORD].

Mr. COCKRELL (when Mr. VEST'S name was called). My colleague [Mr. VEST] is paired with the Senator from Colorado [Mr. BOWEN]. If here, my colleague would vote "yea."

The roll-call was concluded.

Mr. HAWLEY. I am paired with the Senator from Maryland [Mr. WILSON].

Mr. EUSTIS (after having voted in the affirmative). I am paired with the Senator from New Jersey [Mr. SEWELL]. I withdraw my vote.

Mr. COCKRELL. I am paired with the Senator from Ohio [Mr. SHERMAN]. He would vote "nay," if present, and I should vote "yea."

Mr. MCMILLAN (after having voted in the affirmative). I have been requested to pair with the Senator from Pennsylvania [Mr. CAMERON]. If present, he would vote "nay." I voted "yea." I withdraw my vote.

The result was announced—yeas 15, nays 26; as follows:

YEAS—15.

| | | | |
|---|---|---|---|
| Berry, | Coke, | Kenna, | Walthall, |
| Blackburn, | Edmunds, | Morgan, | Whitthorne, |
| Call, | George, | Vance, | Wilson of Iowa. |
| Cockrell, | Harris, | Van Wyck, | |

NAYS—26.

| | | | |
|---|---|---|---|
| Aldrich, | Gibson, | Miller, | Sabin, |
| Allison, | Gorman, | Mitchell of Oreg., | Sawyer, |
| Blair, | Gray, | Mitchell of Pa., | Spooner, |
| Cheney, | Hoar, | Palmer, | Teller, |
| Dolph, | Jones of Nevada, | Platt, | Williams. |
| Evarts, | McPherson, | Pugh, | |
| Frye, | Manderson, | Riddleberger, | |

ABSENT—35.

| | | | |
|---|---|---|---|
| Beck, | Cullom, | Ingalls, | Ransom, |
| Bowen, | Dawes, | Jones of Arkansas, | Saulsbury, |
| Brown, | Eustis, | Jones of Florida, | Sewell, |
| Butler, | Fair, | McMillan, | Sherman, |
| Camden, | Farwell, | Mahone, | Stanford, |
| Cameron, | Hale, | Maxey, | Vest, |
| Chace, | Hampton, | Morrill, | Voorhees, |
| Colquitt, | Harrison, | Payne, | Wilson of Md. |
| Conger, | Hawley, | Plumb, | |

So the amendment was rejected.

Mr. EDMUNDS. I move to amend the report of the Committee of the Whole by adding what is section 6, on page 13, about the investment of the sinking fund, and on that which was stricken out in committee I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. I do not suppose any Senator here knows what that amendment is.

The PRESIDING OFFICER. The amendment will be read if the Senator desires it.

Mr. RIDDLEBERGER. I do desire it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to insert as section 6:

That the sinking funds which are or may be held in the Treasury for the security of the indebtedness of either or all of said railroad companies may, in addition to the investments now authorized by law, be invested in any bonds of the United States heretofore issued for the benefit of either or all of said companies, or in any of the first mortgage bonds of either of said companies which have been issued under the authority of any law of the United States and secured by mortgages of their roads and franchises, which by any law of the United States have been made prior and paramount to the mortgage, lien, or other security of the United States in respect of its advances to either of said companies as provided by law.

The Secretary proceeded to call the roll.

Mr. MCMILLAN (when his name was called). I am informed that the Senator from Pennsylvania [Mr. CAMERON], with whom I am paired, would vote "yea" on this question, if present. I therefore vote "yea."

The roll-call having been concluded, the result was announced—yeas 37, nays 9; as follows:

YEAS—37.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Miller, | Spooner, |
| Allison, | Edmunds, | Mitchell of Oreg., | Teller, |
| Berry, | Evarts, | Mitchell of Pa., | Vance, |
| Blair, | Farwell, | Morgan, | Van Wyck, |
| Butler, | George, | Palmer, | Walthall, |
| Call, | Harris, | Platt, | Williams, |
| Cheney, | Hoar, | Pugh, | Wilson of Iowa. |
| Cockrell, | Jones of Nevada, | Ransom, | |
| Coke, | McMillan, | Sabin, | |
| Cullom, | Manderson, | Sawyer, | |

NAYS—9.

| | | | |
|---|---|---|---|
| Blackburn, | Gorman, | Gray, | Riddleberger, |
| Eustis, | Gibson, | McPherson, | Whitthorne. |
| Frye, | | | |

ABSENT—30.

| | | | |
|---|---|---|---|
| Beck, | Dawes, | Jones of Florida, | Sewell, |
| Bowen, | Fair, | Kenna, | Sherman, |
| Brown, | Hale, | Mahone, | Stanford, |
| Camden, | Hampton, | Maxey, | Vest, |
| Cameron, | Harrison, | Morrill, | Voorhees, |
| Chace, | Hawley, | Payne, | Wilson of Md. |
| Colquitt, | Ingalls, | Plumb, | |
| Conger, | Jones of Arkansas, | Saulsbury, | |

So the amendment was agreed to.

Mr. RIDDLEBERGER. I move to strike out on page 11, section 2, lines 157, 158, 159, 160, and 161.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out in section 2, lines 157 to 161, inclusive, as follows:

The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Mr. RIDDLEBERGER. That is a ravishment of the Constitution of the United States, and a violent assault on the common law of this country, and I care not whether it proceeds from what is called the Judiciary Committee or not. On the preceding page there is given to this commission, not the right to compel the attendance of witnesses, but to invoke the power of a court to compel the attendance of witnesses, and it says that they shall be required to testify even though their testimony may criminate themselves.

When you attempt to sell out the liberties of this country for the few thousand dollars you may possibly get from this kind of legislation, then you will be ready to enact the legislation proposed in the five lines I have moved to strike out from this bill. I have heard of judiciary committees before and I know how they are surrounded by dignity; but I claim that, when you enact these five lines in this bill, what money you may get from it, estimating by the figures that have been given us to-night by the Senator from Vermont, will not compensate the people of this country for the loss of their personal liberty and their right to protect themselves by refusing to give evidence that will criminate themselves.

It is not a question of giving evidence before a committee, because this bill says that the court shall compel the attendance of the witnesses and that they shall give this evidence and that it shall not be used against them subsequently in a criminal trial; but we know how verdicts are made. We know that verdicts are made up by public opinion in matters of this sort. If it were not so, why should the Congress of the United States be appealed to in order to settle matters of this kind?

It is public opinion, it is representative action that is sought here now, and when they seek representative action here they are seeking public opinion; and when they get a witness before a committee that is brought there by the process of a court and make him testify, even though he shall criminate himself, they make up the verdict of public opinion, and that is violative of the spirit of our institutions, and I repeat that it is a ravishment of the Constitution and a violent assault upon the common law of this country.

Now, let us convert ourselves into a Senate of demagogues afraid of public clamor, and say that we will enact this kind of thing, or else say that we are a Senate that defies any assault upon the bulwark of the personal liberty of the citizen and the common law and the Constitution of this country. I care not what committee it may have proceeded from, I care not who may have been the chairman of it, I care not for his age, I care not for his reputation, I care for nothing but what I see before me as a Senator, and here it is. You invoke the power of a court to make a man testify to criminate himself, and then say his testimony shall not be used against him.

It is, sir, just like the laws of those States which say that an accused person may be permitted to testify even in a case of homicide, but if he shall fail to testify that failure shall not be used against him in the argument of the case. And yet we all know, all lawyers know, that where a man accused of crime fails to testify where he is allowed to do so, notwithstanding what appears in the statute, the jury take it and say, "Why did he not make his own statement in this matter?"

If we want an investigation of this matter, if it be the policy of this Government to have it, let us have it under the Constitution and the laws of the country. If you invoke the power of a court to bring witnesses before this commission, then let the commission have no authority that is not given to the court itself, and do not compel witnesses to do that before the commission which you would not compel them to do before the court whose power you invoke to bring them before the commission. I ask, therefore, that the Senate strike out these five lines.

Mr. President, in discussing these five lines it seems to me that I may diverge a little to say that I do not like this bill from beginning to end. I look upon it as the merest, cheapest piece of demagogy which was ever promulged before or in a legislative body. I never owned a share of railroad stock in my life, and I can scarcely say to-day that I own a dollar of anything else. [Laughter.]

This bill comes here in response to what? To a demand of the people for something like an investigation? No, no, no. It is more probable that it is intended to cover up the tracks of somebody who does own railroad stock.

Sir, this is a company that is indebted to the United States for a certain amount of money. What constitutes the United States? Sixty millions of people. Here it is represented, and over yonder it is represented, and every time that we convene we are asked to do something that reduces the value of the stocks of this company, that reduces the value of the road itself, that all the time hinders and obstructs it, so that its ability to pay is crippled; and here, eight years in advance of the falling due of any of the bonds of this company, we are asked again to do something—eight years in advance to do something looking to the payment of what will be due to the Government of the United States by this company. You propose to cripple it every time that Congress meets, and then you expect it to pay its debts. Is there any Senator here who is looking forward to 1895 for the payment of a debt that is due to him who would go to work and cripple his debtor?

It was said to-day that three or four of the railroad kings do not own any of this stock. With great particularity it was asseverated that Jay Gould does not own any of it. I do not suppose it could have occurred to anybody that any of these gentlemen own any of the stock, but why did it occur to Senators to mention the fact that those gentlemen do not own it? Legislate for the reduction of the value of that stock, and then see whether your Jay Goulds or your railroad kings will own it. I know so little about this matter that I am only able to discuss it from the general business standpoint.

I say again that every time you attack these companies you cripple them, and you impair their ability to pay what they owe to the Government of the United States. I repeat, sir, that this is the merest

piece of shyster legislation that has come into the Senate since I have been here, let who will defend it, upon the general principle of right and justice. Where is the prophet here who is to legislate for 1892 or 1895? How many of the Senators here are so long-lived as that they can calculate that they will even be here in 1892?

Take them in alphabetical order from A to Z, and see how any of them has a right even to expect that he will be politically alive in 1892; yet *such men come here* to prophesy and to legislate in advance. Why, sir, if I were to vote for this bill I would not expect my constituents to keep me here until 1889, on the 4th of March. I would feel as if they would ask me to resign if I voted for a bill containing a paragraph like this.

These stocks are reduced by legislation proposed here every year. There has been legislation of this sort attempted every year since I have been here. The depreciation of this property goes on every year to keep it on the market in Wall street, to make it go up and down, to be bulled and beared, and the gentlemen whom we have been told to-day do not own any of this stock have all the time endeavored to use Congress to make it go up and down, to put it in their hands to make money.

Whose constituency asks for this investigation? Has there been a man here from any State in the Union asking for it? Ah, yes, I can tell you the only State from which they come, and they come here as hired lobbyists of a Wall street brokerage concern, not to save the Government, but to work for the men who hired them and sent them here, and who have been the consistent plunderers of the Treasury of the United States; but they come here and ask Congress to make itself the pliant tool of low gamblers and Wall street brokers.

I know it is said by Senators that this will militate for or against one or the other of the political parties, and it has been kept prominently forward that we have the interest of the Government of the United States at heart. You take away from the corporation the power to make money, and you take away from them the ability to pay the debt they owe us. We have in all the States what is called a poor debtors' law, which forbids that you should take away from any man the tools and implements of his trade, because when you do that you deprive him of the ability to pay.

By this bill you do nothing but say that this company have done something wrong, without any man of responsibility making any specific allegation or charge against it. I would like those Senators who have been to-day advocating this bill to tell me what they propose to investigate. Even a drum-head court-martial in time of war, when it was trying the most miserable deserter, would require that there should be charges, and not charges alone, but specifications.

Here is neither a charge nor a specification, but a miserable editorial of an alien, and I might almost say a seditious editor, hurled into the Senate of the United States, and like curs we propose to investigate charges emanating from a man who does not hesitate to denounce any Senator on this floor in language unbecoming a gentleman, and scarcely fit to emanate from the throat of a blackguard. Why not investigate the charges that he has brought against me and other Senators on this floor without specifications.

What is the Senate of the United States coming to if it is to pick up this little, miserable editorial squib business and appoint a commission at $7,500 a year, or $750 a month, to investigate the affairs of a great corporation that is in debt to the United States Government and is to pay the debt from its earnings, and at the same time so that an editor may grow rich, because you advertise him here within the walls of the Capitol of this Government, where every man ought to be a man.

I have no fears for the vote that I shall cast on this matter. When there shall be some charge made, some specifications furnished, something to investigate, I shall vote for an investigating committee composed of Senators and Representatives, responsible each to their own House; but on the mere accusation of a man who writes an editorial squib or a communication for a newspaper so as to direct my attention to it, I shall never vote for an investigating committee. The people do not expect it.

I do not care how much the railroad companies may owe; I do not care what their ability is to pay; all that is an old question. But I say you can so continue to cripple them as that they never will be able to pay, and you do it by continually listening to the men who gamble in the stocks, and thus you interfere with those who are trying to conduct honestly the business of the railroads, and are endeavoring to relieve themselves of the obligations resting upon them by reason of the fact that the Government indorsed their bonds and loaned them money.

I have heard much to-day of Mr. Adams and his connection with railroads. When I first heard it I thought there was possibly some resolution pending that Mr. Adams was dead and this was eulogy day; but I ascertained that he was still living. I have made it a rule of my life never to name a child after a living man. I do not care whom the commission may be composed of, it does not become the Senate to pick up an editorial in a newspaper and appoint an investigating committee upon that.

I do not know who will be the members of the commission that is to investigate this matter. I understand they are to be experts. Mr. President, you have been a practitioner in the courts and you know what expert testimony is. You bring it into the Senate and carry it over to the other House, and then they examine the experts again, and you will find that they have been much more expert in collecting the testimony than they have been in getting only that which ought to have been evidence in the matter that they were sent out to investigate.

Why, sir, it will be a mere question of politics, and nothing but politics. One hundred thousand dollars is to be given to three men to go out and investigate what? Not a charge, not a specification, but to take testimony outside of the Constitution and in violation of every principle of the common law. Two Senators and three Representatives, or three Senators and five Representatives, having no right or claim on the Government for a cent in addition to their salaries, can be made a committee to go and investigate this matter and report to either or to both Houses of Congress.

No $100,000 would be required then. They would not be entitled to anything but their annual salary of $5,000. Give them, if you please, the sum of $50,000, with the privilege of sending for persons and papers, and to pay all necessary expenses, and you will have $50,000 saved; and if we can not trust three Senators and five Representatives, whom are we going to trust? Are we going to concede that only the worst men get office and all the best men are relegated to private life and must be made commissioners to investigate and report, instead of selecting Senators and Representatives for that duty? That, sir, is a theory on which we have been proceeding here too long.

Mr. CULLOM. Let us vote.

Mr. RIDDLEBERGER. The Senator from Illinois says "let us vote." I do not want this bill to pass in this shape. I love the Senator from Illinois, but I can not consent to quit just yet. As soon as I see that there is no quorum here, I will yield. I wish Senators would all go now. I would like to be accommodating; but I come back to this section and I say again that these five lines ought to be stricken out. If they shall pass in the bill they will be a disgrace to the statutes of the United States. At least, that is my opinion.

If the committee themselves were clothed with the authority it would be a different thing, but they invoke the power of the court to compel the attendance of these witnesses, and, as it were, these witnesses are before the court. They are responsible to the court. They are answerable to the court, in other words, and here they are required to testify, in the language of this bill, even though their testimony may criminate themselves.

Mr. President, it is mighty hard to have to yield the floor just when you think you are becoming interesting, but I shall do it, sir, in deference to the wish of the Senator who sits in front of me.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HAWLEY (when his name was called). I am paired with the absent Senator from Maryland [Mr. WILSON]. His colleague [Mr. GORMAN] says there is no objection to my voting. I vote "yea."

The roll-call was concluded.

Mr. BLACKBURN. My colleague [Mr. BECK] is paired with the Senator from Maine [Mr. HALE].

The result was announced—yeas 18, nays 25; as follows:

YEAS—18.

| | | | |
|---|---|---|---|
| Blair, | Hawley, | Mitchell of Pa., | Teller, |
| Bowen, | Hoar, | Ransom, | Vance, |
| Call, | Jones of Nevada, | Riddleberger, | Williams. |
| Cheney, | Miller, | Sabin, | |
| Frye, | Mitchell of Oreg., | Sawyer, | |

NAYS—25.

| | | | |
|---|---|---|---|
| Berry, | George, | Manderson, | Vest, |
| Blackburn, | Gibson, | Morgan, | Walthall, |
| Butler, | Gorman, | Plumb, | Whitthorne, |
| Cockrell, | Gray, | Pugh, | Wilson of Iowa. |
| Coke, | Harris, | Sewell, | |
| Cullom, | Kenna, | Spooner, | |
| Eustis, | McPherson, | Van Wyck, | |

ABSENT—33.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Ingalls, | Platt, |
| Allison, | Dolph, | Jones of Arkansas, | Saulsbury, |
| Beck, | Edmunds, | Jones of Florida, | Sherman, |
| Brown, | Evarts, | McMillan, | Stanford, |
| Camden, | Fair, | Mahone, | Voorhees, |
| Cameron, | Farwell, | Maxey, | Wilson of Md. |
| Chace, | Hale, | Morrill, | |
| Colquitt, | Hampton, | Palmer, | |
| Conger, | Harrison, | Payne, | |

So the amendment was rejected.

Mr. PLUMB. I move to insert between lines 113 and 114 of section 2 a separate paragraph, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. In section 2, between lines 113 and 114, it is proposed to insert:

Said commission shall also inquire into and report upon the relations of said railroads to the interests of the communities through which they pass, and all questions concerning the payment of taxes, especially upon lands granted by

Congress, and the delay of said companies in taking out patents for such lands, the rates of fare and freight charged, discrimination, differential pools, and other devices, and the facilities and accommodations furnished to the patrons of such roads, and their report shall embrace a consideration of the interests and rights of said communities as effected by whatever plan of settlement the payment of the existing debt may be proposed.

Mr. PLUMB. The President of the United States when he came to consider this question for the purpose of communicating his views thereupon to Congress in his last annual message says what I will read:

The Secretary of the Interior suggests a change in the plan for the payment of the indebtedness of the Pacific subsidized roads to the Government. His suggestion has the unanimous indorsement of the persons selected by the Government to act as directors of these roads and protect the interests of the United States in the board of direction. In considering the plan proposed the sole matters which should be taken into account, in my opinion, are the situation of the Government as a creditor and the surest way to secure the payment of the principal and interest of its debt.

I read that for the purpose of saying that the President has totally misconceived, in my judgment, the situation, and in fact the most important part of the situation relating to these Pacific railroads, and to say further that when this question comes to be settled I have perfect confidence that those who represent the communities which are served by these railroads will have something to say from the standpoint of the self-interest of the communities which are directly interested in the questions of transportation, and so on, as a matter of as much importance and to some extent apart from the mere interest of the Government as a creditor of these companies.

I do not desire to detain the Senate at this late hour, nor to do anything which will impede the passage of the resolution, but I wanted to call attention briefly to this matter for the purpose of saying that while the Government might well say under certain circumstances that it has had a large return in the way of cheapened transportation for its Indian supplies, for its mails, for its munitions of war, and so on, which might induce it to forego something of its legal right in determining what it could claim, or the method of its claim against these companies for money payments, the people who live along the line of these roads are entitled to be taken into account in this settlement, and the Government ought to take into account whether the settlemen that it makes, or proposes to make, will put unusual and unnecessary burdens upon them.

I think that is a matter of a great deal more consequence than the mere question of obtaining the debt which these companies owe, and justly owe, to the Government, either at the time of maturity or at any other time, and for the purpose of getting this matter properly before Congress in connection with the report of the commission, I move the amendment which has been read.

Mr. HOAR. There is no objection to the amendment.

Mr. RIDDLEBERGER. I should like to know what is the necessity for that amendment? Under the interstate-commerce act which has been passed, commissioners are to be appointed, and I should like to know whether they are not to take charge of the interests of the people living along the lines of the roads? What is the necessity to put a provision on the pending measure which looks to the protection of the people living along the line of the road when the object of the bill, if the truth has been told on this floor, is to secure the debt that is due to the Government of the United States, or will be due in 1892, 1895, and 1897?

The interstate-commerce act protects the people, if there shall be protection for them at all, and this but verifies what I said before, that this is not a bill designed here so many years in advance to collect what will be due the Government of the United States, but to make records for men who expect to meet their political graves before the debt that the railroad companies owe the Government shall fall due.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The PRESIDING OFFICER. The Committee on the Judiciary report to amend the title. The amendment to the title will be stated.

The CHIEF CLERK. It is proposed to amend the title so as to read "A bill (H. R. ——) authorizing an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes."

The PRESIDING OFFICER. The title will be so amended, there being no objection.

Mr. HOAR. I move that the Senate insist on its amendments, and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. EVARTS, and Mr. PUGH were appointed.

Mr. MCMILLAN. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 55 minutes a. m., Saturday, February 26) the Senate adjourned until Saturday, February 26, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *February* 25, 1887.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### JOHN HOW.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

*To the House of Representatives:*

I herewith return without approval House bill No. 7648, entitled "An act for the relief of the estate of the late John How, Indian agent, and his sureties."

John How was appointed Indian agent in July, 1878, and upon such appointment gave a bond to the Government in the penal sum of $10,000 conditioned for the faithful performance of his duties as such agent, and to protect the Government from loss by mismanagement or malfeasance in his official conduct. The parties named in the bill were his sureties on said bond.

On the 23d day of December, 1881, upon a report of inspectors connected with the Indian Bureau, suggesting frauds and mismanagement in the conduct of this agency, Mr. How was suspended from his office, which suspension was approved by the President in January, 1882.

After such suspension the accounts of the agent were examined, and various explanations offered by him in relation thereto. It is stated, however, in a report from the Indian Office now before me, that such explanations were deemed by that office sufficient to remove only a small part of the items in the accounts which were questioned. The matter was thereupon referred to the Treasury Department for further examination and adjustment.

The Second Comptroller reports that the final settlement of this agent's accounts was pending before the accounting officers for upwards of eighteen months, affording ample opportunity for any explanation which might be deemed necessary and proper, and that on the 21st day of July, 1885, a final adjustment was made of the said accounts, by which a sum very much in excess of the penalty of his bond was found due from said agent to the Government.

A suit was afterwards instituted against the agent and his sureties to recover the amount thus found due, so far as the bond covered the same.

This suit is still pending.

The object of the bill now under consideration is to wholly release and discharge these sureties from any liability upon said bond.

It seems to be the opinion of all the officers of the Government who have examined the matter at all that a debt exists in favor of the Government upon this bond. It is reported that a large amount of evidence has been taken and that in the opinion of these officers the amount due the Government can not be reduced to a less amount than the penalty of the bond.

The Second Comptroller states, as results of examinations made in his office, and by the Second Auditor, that it appears that many of the vouchers presented by the agent were fictitious, the persons in whose names they were given testifying that services and supplies therein mentioned were never rendered or furnished; that in other cases parties denied the genuineness of vouchers purporting to be made by them; that a large voucher apparently given for cattle was actually given for money loaned, and that supplies bought with Government funds were appropriated for the agent's personal benefit.

I do not suppose that it was intended by the Congress to entirely relieve these sureties, if a condition exists such as is above set out, which results in an indebtedness to the Government. The proposed legislation, judging from the report of the House Committee on Claims, seems rather to proceed upon the theory that no sum is due the Government in the premises.

I think it will hardly be claimed that the patient investigation of the accounting officers should be lightly discredited in this case; and it seems to me that justness to the Government and fairness to the sureties seeking relief will presumably be secured by the further prosecution of the suit already instituted, in which the truth of all matters involved can be thoroughly tested.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 24, 1887.

Mr. SPRINGER. I move that the bill and accompanying message be referred to the Committee on Claims.

The motion was agreed to.

#### PRESIDENTIAL VETO—THOMAS S. HOPKINS.

The SPEAKER also laid before the House the following message from the Senate; which was read:

IN THE SENATE OF THE UNITED STATES, *February* 23, 1887.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same, and resolved that the said bill be passed, two-thirds of the Senate agreeing to pass the same.

Mr. MATSON. This bill originated in the Senate, and has been passed there, notwithstanding the objections of the President. I think it unnecessary to refer it.

Mr. SPRINGER. I move to refer the bill and accompanying message to the Committee on Invalid Pensions.

The motion to refer was agreed to.

#### DEFICIENCY FOR PRINTING SILVER CERTIFICATES.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Treasurer recommending an appropriation in the deficiency bill for printing silver certificates for the fiscal years 1887 and 1888.

#### PETER KEMP AND OTHERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War to pay demands of Peter Kemp, I. Bassett, and Michael Olt against the Soldiers' Home for Disabled Volunteer Soldiers; which was referred to the Committee on Appropriations.

LEWIS ROTHERMEL.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting the opinion of that court in the case of Lewis Rothermel against the United States; which was referred to the Committee on War Claims.

DEPARTMENT OF AGRICULTURE.

The SPEAKER also laid before the House the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department of agriculture and labor, with the amendments of the Senate thereto.

Mr. HATCH. Mr. Speaker, I ask unanimous consent that the House non-concur in the Senate amendments, and agree to the conference asked by the Senate.

Mr. MORRISON. Regular order.

The SPEAKER. The bill and amendments will be referred to the Committee on Agriculture. The Chair also lays before the House the bill——

Mr. HATCH. Mr. Speaker, what becomes of the bill in relation to the Department of Agriculture?

The SPEAKER. It is referred to the Committee on Agriculture.

Mr. HATCH. I do not understand that the gentleman from Illinois [Mr. MORRISON] objects to my motion.

The SPEAKER. The gentleman demands the regular order.

Mr. HATCH. That is the regular order.

The SPEAKER. A request for unanimous consent is not the regular order. The regular order is the presentation of bills to the House for reference under the rule.

Mr. HATCH. After the Chair had recognized me, and I had made my request?

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MORRISON. There is.

The SPEAKER. The Chair so understood. The demand for the regular order is an objection.

CANADIAN NON-INTERCOURSE.

The SPEAKER also laid before the House the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 24, 1887.

*Resolved*, That the Senate disagree to the amendments of the House of Representatives to the bill of the Senate, 3173, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. EDMUNDS, Mr. FRYE, and Mr. MORGAN be the conferees on the part of the Senate.

Mr. BELMONT. Mr. Speaker, I move that the House insist upon its amendments, and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as managers of the conference on the part of the House Mr. BELMONT, Mr. CLEMENTS, and Mr. RICE.

LAWS FOR IMPROVEMENT OF RIVERS AND HARBORS.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *February* 24, 1887.

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the usual number of copies of "a compilation of the laws of the United States relating to the improvement of rivers and harbors," including the laws of the second session of the Forty-ninth Congress; and that there be printed in addition to said usual number 1,000 copies for the use of the War Department; said compilation to be printed under the direction of the Secretary of War. And said compilation shall be accompanied by an appendix containing a tabulated statement of each annual appropriation and allotment for each improvement, by States when practicable, together with a statement giving the total amount for all the improvements, by States, and also the aggregate of all the appropriations.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. HATCH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 372) which I send to the Clerk's desk.

Mr. RANDALL. Does the Chair recognize that motion?

A MEMBER. Regular order.

The SPEAKER. The regular order is demanded.

Mr. HATCH. This is the regular order.

Mr. RANDALL. Mr. Speaker, let us have the rule in relation to motions to suspend the rules read.

The SPEAKER. The rule will be read.

Mr. HERBERT. I move to dispense with the morning hour.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

Mr. RANDALL. Now, Mr. Speaker, I concede that the rule gives it to the discretion of the Speaker to make these recognitions; but in that connection I want to say that I shall ask for the right of way from now on for the appropriation bills; and I hope until those matters are considered the Chair will not recognize gentlemen for motions to suspend the rules.

The SPEAKER. The Chair thinks——

Mr. HATCH. Mr. Speaker, just one word in reply. The Chair will observe that under the rule just read motions to suspend the rules are in order during the last six days of the session at any time after the Journal is approved. There is not fixed any time during the day at which the rule takes effect.

The SPEAKER. The Chair was about to state that the construction heretofore put upon this rule is that during the last six days of the session it is in order at any time when the House is not actually engaged in some other business to move to suspend the rules if a gentleman gets the floor for that purpose; and the Chair has recognized the gentleman from Missouri. But the Chair desires to say that this matter rests entirely in the discretion of the Chair; and at this stage of the session the Chair thinks it would be his duty to give the preference to general appropriation bills, which must be passed to avoid an extra session of Congress. But the gentleman from Missouri having been recognized, the Chair will allow this motion to be made, but accompanies this recognition with the announcement that the business of moving to suspend the rules will not be entered upon generally until the appropriation bills are disposed of.

Mr. HATCH. I wish to say that the friends of this bill will not occupy a single moment in its discussion. It is the bill known as the experimental station bill.

The SPEAKER. The bill is not debatable now.

Mr. BURROWS. Under the statement of the Chair, then, all that is necessary to wipe out the rule allowing these motions for suspensions of the rules is for the chairman of the Committee on Appropriations to withhold some important appropriation bill, and force it upon the House in the last six days of the session.

The SPEAKER. The Chair has not said that no gentleman will be recognized for motions to suspend the rules, but simply that the Chair would not, immediately after the reading of the Journal every morning, enter upon the general practice of entertaining motions to suspend the rules, the result of which would be necessarily, as there are a great number of applications for that purpose, to prevent the transaction of any other business in the House during the remaining six days of the session.

Mr. RANDALL. I only wish to say in reply to the gentleman from Michigan [Mr. BURROWS] that no appropriation bills have been "withheld."

Mr. MORRISON. I desire to make a point of order. The gentleman from Missouri [Mr. HATCH] was recognized upon another question, to make another motion; and that did not give him the floor for this motion. He can not hold the floor and make one motion after another as long as he pleases.

Mr. HATCH. I beg the gentleman to remember that the matter upon which I first sought the floor had been disposed of five minutes before this motion to suspend the rules was made.

Mr. HENDERSON, of Iowa. The Chair understands now for what purpose the gentleman from Missouri takes the floor, and recognizes him.

The SPEAKER. The gentleman from Missouri obtained the floor and made his motion. The Chair will put it. The Clerk will read the bill.

Mr. WARNER, of Ohio. I desire to make a further point of order.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. My point is that there are six days of the session after to-day; that this is not one of the days included within the rule.

The SPEAKER. The Chair thinks this is one of the last six days of the session, as this Congress will by law expire on the 3d day of March.

Mr. ANDERSON, of Kansas. At noon on the 4th.

Mr. RANDALL. At the end of a Congress the 4th of March is never entered upon as a legislative day.

The SPEAKER. The Congress expires by law on the 3d day of March. It is true that under the practice Congress actually remains in session until 12 o'clock on the 4th of March; but that is by a continuation of the legislative day of the 3d.

Mr. ANDERSON, of Kansas. It is all the same thing.

The SPEAKER. The Clerk will read the bill.

Mr. DIBBLE. I make the point of order that the last six days do not begin until 12 o'clock.

Mr. RANDALL. That has been already settled.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to aid in acquiring and diffusing among

the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges, or agricultural department of colleges, in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the Legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments, and printing and distributing the results, as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section 8 of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the 1st day of October, 1887: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent. of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act, and having also agricultural experiment stations established by law, separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July 2 aforesaid, an agricultural department or experimental station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the Legislature of such State may apply, in whole or in part, the appropriation by this act made to such separate agricultural college or school; and no Legislature shall, by contract, express or implied, disable itself from so doing.

SEC. 9. That the grants of money authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its Legislature meeting next after the passage of this act, shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Passed the Senate January 27, 1887.

Attest: ANSON G. McCOOK, *Secretary.*

The SPEAKER. Is a second demanded? [A pause.] If not, the question is on the motion made by the gentleman from Missouri [Mr. HATCH] to suspend the rules and pass the bill which has just been read.

Mr. BRADY. I rise to a parliamentary inquiry. I desire to know whether this bill is now subject to amendment?

The SPEAKER. It is not.

Mr. O'NEILL, of Missouri. Is not debate now in order upon the bill?

The SPEAKER. It is not, because no second has been demanded.

Mr. O'NEILL, of Missouri. I demand a second. [Cries of "Too late!"]

Mr. HATCH. I make the point that it is too late to demand a second.

The SPEAKER. The Chair thinks it is not too late; that the gentleman has the right to demand a second at any time before the vote is taken.

Mr. O'NEILL, of Missouri. I demand a second on the motion to suspend the rules.

The SPEAKER. The Chair will appoint tellers.

Mr. HENDERSON, of Iowa. I ask unanimous consent that a second be considered as ordered.

Mr. O'NEILL, of Missouri. Provided I do not lose the right to occupy the floor, I have no objection to that proposition.

The SPEAKER. Is there objection to the request that a second be considered as ordered? The Chair hears no objection, and a second is ordered. Under the rules, thirty minutes are allowed for debate. The gentleman from Missouri [Mr. HATCH] is recognized to control fifteen minutes in support of the motion, and the gentleman from Missouri [Mr. O'NEILL] to control an equal time in opposition.

### DEFICIENCY APPROPRIATION BILL.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROGERS. I reserve all points of order.

Mr. BURNES. I ask unanimous consent to supply a written report during the day.

There was no objection, and it was so ordered.

### AGRICULTURAL EXPERIMENT STATIONS.

Mr. HATCH. I will reserve the fifteen minutes time to which I may be allowed, as I have no desire to take up a moment in the discussion. [Cries of "Vote!" "Vote!"]

Mr. O'NEILL, of Missouri. Mr. Speaker, before proceeding with my remarks I will ask that order be preserved upon the floor.

Congress in its wisdom has blended together the two kindred subjects of agriculture and labor.

Mr. HATCH. That is not this bill.

Mr. O'NEILL, of Missouri. You must not inject your remarks, my friend, into my speech.

Mr. ANDERSON, of Kansas. But you are talking on the wrong bill.

Mr. O'NEILL, of Missouri. I wish gentlemen would just allow me to make my own speech in my own way. The pertinence of their remarks will be apparent before I have concluded. It is a very difficult matter under the best of circumstances, especially when you are dealing with an experimental question like this; and this speech is only pertinent, being itself something in the nature of an experiment. [Laughter.]

I say that Congress in its wisdom has blended together the two subjects of agriculture and labor. Under the head of "agriculture," every bill that has been presented to this House with the "cow" brand upon it [laughter], from the moment it was brought up has been promptly considered and passed. [Cries of "Oh, no!"]

Mr. O'NEILL, of Missouri. Oh, yes; whenever the committee has pressed them, while bills, so far as they relate to the subject of labor are concerned, have not been so fortunate. From the moment the present Congress assembled down to this very hour, except in one solitary instance, under a special order made on motion of the gentleman from Kansas [Mr. ANDERSON] in regard to the arbitration bill, when he submitted a motion compelling the Committee on Labor to make a report on that subject—I say beyond that time, outside of the brief moments when that committee happened to be reached under the call of committees in the morning hour, labor bills have never had one moment, not one minute's time in this House, except on the order made at the close of last session, when by persistent work we secured a night session through the kindness of the Committee on Rules, and you will recollect that a violent storm prevailed that night and we were without a quorum, and as a result were compelled to abandon every bill to which a single objection was made.

Under the call of committees to pass measures under suspension of the rules we obtained from this House last June a special order by the necessary two-thirds vote for the special consideration of labor bills, and up to this hour we have failed to obtain the slightest consideration, the special privileges of appropriation and other bills monopolizing the time of the House. I have even been willing to take a night session, but as yet it has not been granted.

Mr. BLOUNT. The Committee on Labor have had the same privileges accorded to them and the same opportunities that any other committees of the House have had.

Mr. HOPKINS. Do not interrupt the gentleman's flow of oratory.

Mr. O'NEILL, of Missouri. I am obliged to my friend from Illinois. Wisdom is "hereditary" in your family. [Laughter.]

Now, Mr. Speaker, I have since the adoption of that special order, and especially during the last two weeks, been making repeated efforts to bring you gentlemen back to your duty. [Laughter.]. I am endeavoring to save you from the ruin to which your habits are likely to consign you. [Renewed laughter.] I want to bring you back to reason and to a recognition of your obligations to the people that you profess to represent.

There is not a man here who will dare to go back to his constituents and say that in this Congress, after adopting a rule by a two-thirds vote to give the Labor Committee the right to have consideration of its important bills, he then absolutely refused to give them even one moment of consideration. They are probably not great overshadowing measures, not ones that would startle the country, but they are the best the wisdom of this House has produced [laughter]; and we are simply the custodians of the measures sent to us by the House.

A MEMBER. Your committee originated most of them.

Mr. O'NEILL, of Missouri. Our committee has originated the best of them, I believe.

Now, sir, I am compelled in this manner to enter my protest against this unfair treatment of a committee of this House—an important committee of the House—or else I would fail to do my duty; and I believe, as most of you gentlemen who do not represent entirely bucolic constituents will admit, that it is the greatest committee in the House when you get on the hustings in your district and when you undertake to explain to them how it is that you voted on this labor bill or that. [Laughter.] I have day after day stood here at my desk appealing to the members of this committee up to this time, and I hardly make the request for unanimous consent to set a time for the consideration of these bills than some crank will call "regular order;" or, more unkindly still, "move to adjourn," and I no sooner succeed in quieting or getting rid of one crank but another takes his place. There is always "Another Richmond in the field! Three have I slain already." [Laughter and applause.]

Now, sir, I have no desire to protract this visibly affected meeting. [Renewed laughter.] I have no desire to delay the business of the House, but in all good faith and sincerely I want to simply serve notice on you gentlemen that I will continue to make every effort to give each and every man a chance to go on record against taking up these labor bills by saying, "I object," or otherwise deliberately preventing their consideration, and when the gentleman returns to his people with such a record back of him possibly it may turn out that they will say to him, when he desires a re-election, "We object." I say I want to give him a chance to go on the record. And now let us be serious. I want the House to give us time to have our labor bills considered. It is simply a matter of right and justice, and the friends of labor in this House will appreciate the efforts I am making to secure just recognition for an element we all should honor.

Mr. CRAIN. Referring to the objectors, perhaps that is the only way that some of them will get upon the record.

Mr. O'NEILL, of Missouri. Yes, for otherwise their record might be a blank; their name conspicuous by its absence. [Laughter.]

Mr. Speaker, I have no objection whatever to the pending agricultural bill going through, especially as labor is to be a button at the end of its kite—as I understand it, agriculture and labor are twins. But I repeat, I will continue to make the request for consideration of labor bills here in season and out of season and at all times until I believe you will grant it; and I appeal to men in this House that are sensible, and some of them are [laughter], to stand by me while making the request, and above all things hold down these unfortunate, misguided, and contrary men who are ruining themselves by their objections. [Laughter and applause.]

Now, I move that the bill of the gentleman, my farmer colleague, from Missouri, be passed. I have no further objection to it. [Laughter and applause.]

Mr. HATCH. Mr. Speaker, as this is a very important measure, in justice to the Committee on Agriculture, and as a matter of fairness to gentlemen on the floor from nearly every State who have aided in the perfection of this bill, I only want to say that the bill now presented is the House bill as it passed the Senate with certain Senate amendments. Those amendments are not entirely acceptable to individual members upon the floor or to a part of the Committee on Agriculture; but in view of the few remaining days of the session the Committee on Agriculture have instructed me to present the bill as it passed the Senate under a motion to suspend the rules that it may become a law and not take the chances of amending the bill further and sending it back to the Senate. There is no disposition to occupy any time in the discussion of the merits of the bill, for I believe every member, or nearly every member, of the House has carefully considered it.

I ask unanimous consent that members who desire to do so may be allowed to print in the RECORD remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HATCH].

Mr. BRAGG. I object.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. HATCH] to suspend the rules and pass the bill.

The question being taken,

The SPEAKER stated that the "ayes" scemed to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 152, noes 12.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

ORDER OF BUSINESS.

Mr. SPRINGER. I call for the regular order.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] is recognized.

Mr. TOWNSHEND. I rise to make a privileged report.

The SPEAKER. Is it a conference report?

Mr. TOWNSHEND. Yes, sir.

PENSION APPROPRIATION BILL.

The SPEAKER. The Clerk will read the conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out from said amendment the word "practicable," and insert in lieu thereof the word "possible;" and the Senate agree to the same.

R. W. TOWNSHEND,
GEO. C. CABELL,
JOHN D. LONG,
*Managers on the part of the House.*

W. B. ALLISON,
H. L. DAWES,
A. P. GORMAN,
*Managers on the part of the Senate.*

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10397) making appropriations for payment of invalid and other pensions of the United States for the fiscal year 1888 submit the following in explanation of the effect of the action agreed upon and submitted in the accompanying report:

On amendment 1: The amount given for rent of offices for pension agencies is $20,000 in lieu of $15,000, as proposed by the House.

On amendment 2: The Secretary of the Treasury is required to furnish quarters in public buildings for occupancy of the pension agencies where possible.

R. W. TOWNSHEND,
GEO. C. CABELL,
JOHN D. LONG,
*Managers on the part of the House.*

The report of the committee of conference was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask the gentleman from Alabama to yield to me that I may make a request for unanimous consent. The Committee on Appropriations have reported a bill providing the means for the purpose of paying Mexican war pensions under the recent law. I ask unanimous consent that that report, which comes unanimously from the Committee on Appropriations, may be disposed of. I think there will be no debate and that it will take but a moment.

Mr. HERBERT. That can be done by unanimous consent at any time.

Several members called for the regular order.

Mr. HERBERT. If that report can be disposed of by unanimous consent I will yield for it.

The SPEAKER. Other gentlemen are demanding the regular order.

Mr. HERBERT. I move to dispense with the morning hour for the call of committees for reports; and I ask unanimous consent that gentlemen having reports from committees, either public or private, may be permitted to present them.

Mr. EDEN. I object to the request so far as reports on public bills are concerned.

Mr. HERBERT. Then let the request be limited to reports on private bills.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. O'FERRALL. I object.

The SPEAKER. The question is on the motion of the gentleman from Alabama to dispense with the morning hour for the call of committees for reports.

Mr. O'NEILL, of Pennsylvania. Can not we have the order allowing us to hand in reports of committees?

The SPEAKER. That was objected to.

Mr. PEEL. The gentleman from Virginia [Mr. O'FERRALL] withdraws his objection so far as the request relates to reports on private bills.

The SPEAKER. The proposition is, then, that gentleman having reports on private bills may be permitted to present them.

Mr. O'NEILL, of Pennsylvania. I desire that we may be permitted to present reports on bills of a public as well as of a private nature.

The SPEAKER. That has been objected to. Is there objection to the request that reports on private bills may be presented at the desk?

There was no objection.

The motion to dispense with the call of committees for reports was agreed to (two-thirds voting in favor thereof); there being—ayes 116, noes 4.

Mr. HERBERT. I move that private business be dispensed with for to-day.

The motion was agreed to.

Under the order above made reports were filed, as follows:

LIZZIE WRIGHT OWEN.

Mr. THOMPSON, from the Committee on Pensions, reported back favorably the bill (S. 2797) granting a pension to Lizzie Wright Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM WALLACE YOUNG.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 2180) granting an increase of pension to William Wallace Young; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALONZO B. CHATFIELD.

Mr. NEECE, from the Committee on Invalid Pensions, reported back the bill (H. R. 10235) to increase the pension of Alonzo B. Chatfield; which was laid on the table.

Mr. NEECE, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 10235, a bill (H. R. 11235) to increase the pension of Alonzo B. Chatfield; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN MOORE.

Mr. NEECE, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1399) granting an increase of pension to John Moore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM E. WOODBRIDGE.

Mr. TRIGG, from the Committee on Claims, reported back with amendment the bill (H. R. 221) for the relief of William E. Woodbridge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNION NATIONAL BANK.

Mr. RICHARDSON, from the Committee on War Claims, reported a bill (H. R. 11236) for the relief of the Union National Bank; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WHITE MOUNTAIN INDIAN RESERVATION.

Mr. PEEL, from the Committee on Indian Affairs, reported back the bill (H. R. 10636) granting the right of way to the Arizona Narrow-Gauge Railroad Company through the White Mountain Indian Reservation, in the Territory of Arizona; which was laid on the table.

Mr. PEEL, from the Committee on Indian Affairs, also reported, as a substitute for H. R. 10636, a bill (H. R. 11237) granting the right of way to the Arizona Narrow-Guage Railroad Company through the White Mountain Indian Reservation, in the Territory of Arizona; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES DE ARMAND.

Mr. SINGLETON, from the Committee on the Library, submitted the views of the minority on the joint resolution (H. Res. 223) granting a gold medal to Charles de Armand; which were ordered to be printed with the report of the majority.

ORDER OF BUSINESS.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCCREARY in the chair.

NAVAL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of continuing the consideration of the unfinished business, the bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BUCK. When the committee rose last evening we were discussing an amendment to this bill which provides for the appropriation of $12,000 to complete certain repairs on what is called the naval war college building on Coasters' Island. I shall be greatly obliged if I can have the attention of the committee, as it was agreed by unanimous consent that we would waive any general debate and use the little time we would have in considering this amendment and one or two other amendments, with the understanding that the debate should be practically confined to these two or three amendments. For that reason we took up no time of the committee in general debate.

Therefore I shall be greatly obliged if, during the very few moments I shall trespass upon your time, you will give me your attention.

As I said before, this amendment appropriates $12,000 to repair what is called the naval war college building, which is located on Coasters' Harbor Island, near Newport. A college to provide a course of lectures on the more advanced studies of naval warfare was established at that place in 1884, and it has been in full operation from that time to this. It has received an annual appropriation from Congress to provide for taking care of the building in which the college is located. The first time any objection was made to the appropriation was last year, when a portion of the Committeee on Naval Affairs thought it not best to make it, fearing that it might be construed into a justification finally for the establishment of a war college, with professors and lecturers to be paid out of the Treasury of the United States, and that it might entail other expenses which they were not willing or ready to justify at that time. So the general appropriation bill for the support of the Navy Department contained no item last year for the maintenance of this college. The sundry civil bill, however, did contain an item of $6,000 for the care and preservation of the building. That appropriation passed both Houses and became a law, and the money was used for the purpose for which it was intended, but it was not sufficient to complete the repairs of the building. Therefore an additional appropriation of $12,000 is asked for, and it is believed by those who are in charge of the enterprise that in all probability this will be all that will be required to keep the building in repair and in proper condition for the use of the college, so that it is not likely that we shall ever be asked for another appropriation for that purpose. Whether we shall be asked for an appropriation for apparatus can not now be foretold, but probably not, as the Navy Department will have all the necessary apparatus and can transfer it to this college for the purpose of illustrating the courses of lectures. So much for the expense.

The cost to the Government of the United States of maintaining the college proper is not one single dollar. The professors and lecturers who give the course of instruction are mostly in the service of the Government already and under pay, so that there will be no extra expense for the maintenance of this superior school for instruction in the more advanced studies of naval warfare.

And let me say here that this naval war college is not a post-graduate course of the Naval Academy at Annapolis; it is not a rival of that school, as some gentlemen have supposed, and I shall call attention in a moment to the testimony——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCK. It was understood, and unanimous consent was given, that there should be no limit placed upon the discussion.

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 306) granting a pension to George Schneider;
A bill (H. R. 5629) granting a pension to Thomas G. Polley;
A bill (H. R. 7504) granting a pension to Larkin Delph;
A bill (H. R. 7971) granting a pension to Mary Wood;
A bill (H. R. 8205) granting a pension to J. W. Gooding;
A bill (H. R. 8469) granting a pension to John Moran;
A bill (H. R. 8486) granting a pension to Rebecca Morris;
A bill (H. R. 8720) granting a pension to William B. Eve;
A bill (H. R. 8818) granting a pension to Frederick Dierking;
A bill (H. R. 9863) granting a pension to Mary McCoy;
A bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop;
A bill (H. R. 6188) for the relief of John A. Fagg; and
A bill (H. R. 6712) for the relief of William N. Canady.

The message also announced that the Senate had passed House bills of the following titles, with amendments upon which conferences were requested, and conferees appointed, as follows:

A bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River—Mr. VEST, Mr. DOLPH, and Mr. KENNA;

A bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas—Mr. PLUMB, Mr. TELLER, and Mr. BERRY;

A bill (H. R. 3853) to authorize the Talladega and Coosa Valley Rail-

road Company of Alabama to erect a bridge across the Coosa River—Mr. VEST, Mr. DOLPH, and Mr. KENNA;

A bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States—Mr. SPOONER, Mr. HOAR, and Mr. JONES of Arkansas;

A bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana—Mr. CONGER, Mr. MCMILLAN, and Mr. VEST; and

A bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.—Mr. GEORGE, Mr. WILSON of Iowa, and Mr. PUGH.

The message further announced that the Senate had passed bills of the following titles; in which the concufrence of the House was requested:

A bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island;

A bill (S. 2930) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same;

A bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian reservation, in Montana Territory;

A bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.;

A bill (S. 3160) to authorize the construction and maintenance of a bridge by the Chicago, Saint Paul, Minneapolis and Omaha Railway Company across the Missouri River at Sioux City, Iowa, and for other purposes; and

A bill (S. 3165) authorizing the construction of a bridge across the Red River of the North.

It also announced that the Senate had non-concurred in the amendments of the House to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, asked a conference upon the disagreeing votes of the two Houses thereon, and appointed as conferees on the part of the Senate Mr. SAWYER, Mr. BLAIR, and Mr. WILSON of Iowa.

It further announced that the Senate had agreed to the amendments of the House to the bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance.

## NAVAL APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. BUCK. I wish to be heard a short time longer. It was understood the debate on these amendments would not be limited by the five-minute rule, in consideration of the fact that no time was occupied in general debate.

The CHAIRMAN. The Chair understands the gentleman from Connecticut to say that it was understood debate should not be limited on this amendment.

Mr. HERBERT. The Chair will recollect that when I asked consent to dispense with general debate, I said that full debate would be allowed on this question. I do not know whether the gentleman understood that the debate was to be limited or not.

Mr. BUCK. A reasonable time, as we supposed, was to be allowed.

Mr. HERBERT. Does the gentleman thinks that half an hour on his side will be sufficient?

Mr. BOUTELLE. The understanding was that there should be reasonable opportunity for debate.

Mr. HERBERT. I understand that; and I propose to abide by the understanding. Will half an hour on that side be regarded as reasonable time for debate? On this side I think we shall not occupy more than ten minutes.

Mr. BUCK. I think that half an hour on this side will be ample.

Mr. HERBERT. Then I propose that there be thirty minutes allowed on the other side, and ten minutes on this.

Mr. BOUTELLE. That is satisfactory.

Mr. HERBERT. But I hope gentlemen on the other side will get along with less time if possible.

Mr. BOUTELLE. There is no disposition on this side to delay.

The CHAIRMAN. The proposition is to allow thirty minutes in support of the amendment and ten minutes against it. If there be no objection that order will be made.

Mr. BUCK. It is understood that the time which we are to occupy commences now.

Mr. HERBERT. Yes, sir.

The CHAIRMAN. In the absence of objection the arrangement suggested by the gentleman from Alabama [Mr. HERBERT] is agreed to.

Mr. BUCK. Mr. Chairman, I desire to call attention to a very few points in addition to what have already been stated, and will then yield the residue of my time to other gentlemen.

The last term of lectures at this naval war college commenced September 6, 1886, and closed November 20, 1886. It was attended by twenty officers of our Navy. The course comprised lectures on naval gunnery, on which there were sixteen lectures; on maritime defenses, on which there were five lectures; military strategy and tactics, on which there were four lectures; naval history and marine international law, on which there were several lectures; and seacoast defenses, on which there were five lectures. I mention these lectures for the purpose of showing what is the course of instruction at this naval war college; that it is not a post-graduate course of the Naval Academy at all but is a course in the higher branches of the science of naval warfare, in which all the officers of our Navy ought to be instructed. They ought to have the best and most advanced theories presented to them, and also the practical tests of those theories, which they do have at this naval war college under the supervision of its instructors.

We have similar schools in the Army. Some have objected to this naval war college because they thought we ought to have but one school connected with the Navy. Now, in the Army we have a school at West Point; we have an artillery school at Old Point; we have an infantry school at Fort Leavenworth, Kans.; and we have just appropriated $200,000 for the cavalry and light artillery school at Fort Riley, Kans. We have also torpedo instruction at Willets Point, N. Y., for the Engineer Corps of the United States Army.

In England there are several schools in the naval department. First there is a school-ship, the Britannia, for cadet midshipmen. This corresponds to our Naval Academy, but instead of having a building for the school they have it on board a school-ship. Second, there is the Vernon, for torpedo instruction; then the Excellent, for gunnery instruction, this being a very valuable school indeed, for which we have no equivalent whatever. The only thing similar to it at all in our country is this war naval college, where the science of gunnery has been to some extent taught. England has also the Marlborough, on board of which is a school for cadet engineers. She has also the Engineers' College, which is modeled after our Naval Academy. Then there is the Royal Naval College at Greenwich; and last, making seven different naval schools, high and low, in the English navy, they have the Lion, Saint Vincent, and other large ships for the training of boys.

Now, in our own Navy we have first, our Naval Academy at Annapolis, with which everybody is familiar; we have the torpedo station for the manufacture of gun-cotton fuses and torpedoes and for instruction in torpedo work. We have also this naval war college, unless this House should wipe it out by refusing any further appropriation for the buildings. We have also a training school for boys. These are all we have: The Naval Academy, the torpedo station for the manufacture of torpedoes, and the training school for boys—if we leave out this naval war college. I think it would be a very serious mistake indeed to refuse to appropriate for the preservation of these buildings.

By the way, the gentleman from Illinois [Mr. THOMAS] yesterday, in a very facetious and indeed contemptuous manner, said that this is a mere poor-house for which the Government of the United States is asked to appropriate. I wish to say that it is, on the contrary, a very fine building indeed, situated on high ground on Coaster's Harbor Island. I hold in my hand a picture of it. It is a very fine, substantial building, as shown by this picture, although it was taken when the building was in its most dilapidated condition. It has since been repaired; the lower and second stories have been put in order, and in other ways it has been improved out of the appropriation made by Congress last year.

It is a very substantial building, built of stone; yet it is the building which the gentleman from Illinois [Mr. THOMAS] characterizes as a miserable poor-house which it is proposed the Government is to repair and take care of.

Mr. THOMAS, of Illinois. Was it not an almshouse? Was it not abandoned for a time?

Mr. SPOONER. No, sir; it has not been abandoned at all.

Mr. THOMAS, of Illinois. Its condition was such then that no Christian community would allow it to be used as a poor-house.

Mr. SPOONER. It is entirely incorrect.

Mr. THOMAS, of Illinois. It is entirely true.

Mr. SPOONER. No, sir; it is not.

Mr. BUCK. Let every member of the House judge for himself. Here is the photograph of this building. It is of stone. The walls of the lower story are 3 feet in thickness. It is a substantial structure, and all this appropriation seeks to do is to put it in repair so these war-college lectures may be delivered there.

I want to call the attention of my friends on the other side of the House to what is said by Mr. Whitney, the Secretary of the Navy. That gentleman, who is a member of the present administration, and whom the gentleman from Alabama [Mr. HERBERT] delights on all occasions to praise. He delights on all occasions to say that he is a thorough and most efficient officer of the present administration. All his political associates say the same thing. Now, I wish to call his attention to the fact that Secretary Whitney in his last annual report indorses this college and suggests the appropriation of this sum for the purpose indicated. He certainly ought to be good authority on that subject. He is a man of advanced ideas. He is anxious to do what he can to build up the American Navy.

I believe that if this amount of money is appropriated it will be enough. It is estimated that it will give a suitable building which can

be used for fitting our officers for command of these ships, for which we are passing statutes and for which we are appropriating money here.

But what does Secretary Whitney say? He says this:

The importance of the work to be done by the college can hardly be overestimated. Additional courses of lectures are now in preparation for the coming year, upon other subjects bearing directly upon the art of war, and embodying those results of recent investigation which are inaccessible to the service in general.

There is other testimony here from Admiral Porter, who cordially indorses the college, and also from the Superintendent of the Naval Academy at Annapolis, who has no jealousy of this institution, but, on the contrary, is as anxious for its success and permanent establishment as anybody can be.

The following testimony taken from recent official and other papers shows that the college is now an established fact and a recognized part of our naval educational system.

Captain Walker, chief of Bureau of Navigation, in his recent annual report, uses the following language:

NAVAL WAR COLLEGE.

During the past year water has been introduced into the building, a sewer built to connect it with the sea, the foundation cemented and drained, the first and second stories thoroughly repaired, and the necessary changes made to adapt them to the purpose for which the building is to be used. It was intended to put the entire building into complete repair this year, but the appropriation was only sufficient to authorize contracts to be made for the repair of the basement, work on which is now progressing.

The second session of the college opened September 6, with a class of twenty-one officers of the Navy and Marine Corps, and will close on the 20th of November. The course was begun with lectures by Rear-Admiral Luce, commanding the naval force on the North Atlantic station, explanatory of the necessity which exists for the close study of the art of war, and the advantages to be derived from the establishment of the war college for this purpose. Full courses of lectures on naval tactics, naval warfare, the practice of gunnery, marine international law, military hygiene, military science, and coast defenses, were delivered by Commander Hoff, Captain Mahan, Lieutenant Meigs, Professor Soley, and Medical Director Dean, United States Navy; Lieutenant Bliss, United States Army; Commander Goodrich, United States Navy, and Captain Bixby, United States Army. Lectures on the duties of a general staff, on the preservation of iron and steel ships, and on the deviation of the compass, were delivered by Lieut. C. C. Rogers, Assistant Naval Constructor Gatewood, and Lieutenant Cornwell, United States Navy. The course was supplemented by additional lectures from General J. C. Palfrey, and John C. Ropes, esq., who again kindly volunteered their services without compensation. General G. H. Gordon had also again volunteered his services, but his untimely decease prevented the class from meeting that distinguished officer.

The advanced course of instruction on subjects directly connected with the art of war has been this year, so far as it was practicable, illustrated by practical exercises ashore and afloat, the waters of Narragansett Bay and their proximity to the sea offering peculiar advantages not to be found elsewhere. The naval war college may now be said to be fairly established, and I beg to commend it to the earnest support of the Department.

Admiral Porter in his last annual report to the Secretary of the Navy says:

The war college has had a struggle for existence, owing to the prejudices existing against it in the Navy, although none of those who have antagonized the institution can give a single good reason why it should not be fostered, while many good reasons can be given why it should. This antagonism has tended to discourage the officers who have given much time and thought to the establishment of the college. These officers are well known for their ability and devotion to the service.

It is eminently proper that the Navy should have a higher school of education than the academy at Annapolis, where, after all, the cadets only acquire the elements of their profession, and it is very desirable that the graduates should embrace every opportunity to see these principles practically applied or made plain to the understanding by a course of able lectures, which have become so popular in Newport that visitors consider it a great privilege to be permitted to attend them.

Greater facilities than it now possesses should be allowed the war college. A gunboat should be stationed there to enable the officers to obtain practical instruction in the heaviest class of ordnance, and also to conduct some practical experiments in torpedoes, for which facilities are not afforded at the torpedo station.

I hope I may be excused for inviting your particular attention to the matter of the war college, and trust you will urge upon Congress the necessity for making appropriations for advancing the great object it has in view, namely, the higher education of officers of the Navy, such as will enable them to better perform all the varied duties incident to their profession, and cause them to feel that the Government is anxious to encourage everything that will add to their efficiency.

And the Secretary's own report contains the following:

NAVAL WAR COLLEGE.

The second session of the naval war college, now in charge of Capt. A. T. Mahan, was attended with the most satisfactory results. It is to be noticed that the college represents the first systematic attempt that has been made in the Navy to give officers a higher training in the art of war, which is the end and aim of their profession. Formerly it was perhaps hardly required, but the increased complexity of naval science at the present day, and the great variety in the operations of naval war and in the mechanical instruments by which they are carried on, make this hitherto neglected branch of professional education an indispensable element in naval efficiency, a fact which is now recognized by nearly every Government in the world.

During the last session of the college courses of lectures were given upon naval evolutions, naval gunnery, the history of naval operations, international law, military strategy, naval hygiene, the preservation and care of iron ships, and the duties of the general staff. A striking feature of the programme consisted in parallel courses upon the science of coast defense, conducted by Commander Goodrich, of the Navy, and Captain Bixby, of the Engineer Corps of the army, thus securing a presentation of the subject from its two essential standpoints. The object of the lectures, to present in a compact form the latest developments in modern war, was supplemented by practical exercises with guns and with boats.

The importance of the work to be done by the college can hardly be overestimated. Additional courses of lectures are now in preparation for the coming year upon other subjects bearing directly upon the art of war, and embodying those results of recent investigation which are inaccessible to the service in general.

As opportunity offers, applications from officers for permission to attend the college course will be granted, and it is hoped that in time its scope may be gradually enlarged in the direction of practical training with modern ships and modern guns, as far as the resources of the service will permit.

Captain Sampson, superintendent of the Naval Academy, in a recent discussion before the Naval Institute, explains the objects of the war college fully. He says:

It is needless to say that an equally particular and accurate knowledge of our own resources would be required. All this information can now be furnished by the Office of Naval Intelligence, and this knowledge of facts may be considered the tools with which the strategist may commence his work.

The accumulation of such information may be considered as the first step in the way of preparation for war. Next must follow a careful study of the whole field, to decide how most effectively to use our own force and most certainly to paralyze the efforts of the enemy. In case his fleet is scattered, we should aim to destroy it in detail. If an important port is without the necessary naval defense, it would be the time to concentrate upon it.

On the other hand, we should anticipate and provide for similar efforts being made against our own weak points. We should have exact knowledge of the internal state of the country of our enemy, as to whether the Government is likely to be warmly supported under given conditions of warfare, or whether a decisive blow against him would awaken the patriotism of the people, or prematurely discourage them. We should know what nations would prove his allies under given circumstances, and the same knowledge of the strength and vulnerability of every possible ally must be, in like manner, studied. A little consideration will show that here is a vast field for study. It is not a subject that can be solved as one would solve a problem in science or a problem in chess. The student must have the whole resources of the Government at his command. It is the grand problem of war, and the elements which enter into it are widely varied, and in number equal to that resulting from the combination of all human passions and the material forces which act upon them.

It will also be readily seen that the number of problems may be very great; the number of nations that may become our enemies, and the various combinations which might be formed against us, would make the number great.

To study and solve these problems would be the duty of the general staff, as I understand that term. At any rate, it is the duty of the naval service to concentrate upon these questions the best ability and most painstaking thought possible. It is a large question; ample means and every facility should be provided by the Government to master it. And I am confident that those who will undertake this work will receive every encouragement when their aim is understood. It was to meet this want that the war college was founded. It was for the study of the science of war that this latest naval school was established. The scheme was to assemble a class of officers and propose such a problem as I have referred to—a war between the United States and another country—and develop a plan of action to be followed in the given case. After studying the question in all its bearings, which might require months of reading and research, a perfected plan was to be drawn up and filed for future use. A plan of action in case of a war with one country having been decided, another country would be taken and studied in the same way, and a similar complete and detailed plan prepared. You may say that such plans must vary from time to time, as the factors vary. This is true; but a careful plan would provide for many contingencies, and when any arose which had not been anticipated, the plan must be revised. An able chess-player forms his plan of attack and provides for his defense while he anticipates many possible moves. Something unforeseen may decide him to change his plan, but he must never be without one.

Such study as this will be an excellent school of preparation for war, and I believe that the plans resulting from this study would supply a great deficiency in our organization. Such study had not been undertaken elsewhere, and great credit is due the distinguished officer who recognized its need, and who has done so much to establish it. This scheme is not yet in working order, for, unfortunately, it has not been understood by the service, and (through misapprehension of its aims) it has been vigorously opposed. The war college is not a post-graduate course of the Naval Academy in the sense that it is a continuation of the instruction given here. It aims to teach, or, more properly speaking, to furnish facilities for the study of, subjects that are taught nowhere else. It is not a fanciful scheme to increase the book-knowledge and add to the already endless examinations of our naval officers, but it has been evolved from the necessities of the service.

When sharp and sudden war comes upon us there should be a well-considered plan of action to cover every probable condition of affairs, and there should be officers at hand whose study of strategical questions had prepared them to supplement, if necessary, the plan in question. If these plans were ready, and there were officers whose intelligence and skill in such matters were well known, their advice would be sought and followed when war came. If the number of ships and guns were small, the greater would be the necessity for such careful preparation, and the Navy would have done its part.

Nor would it be alone in time of war that such a state of preparedness would have its influence. In time of peace it would develop in the legislators of the country such a confidence in the foresight and wisdom of those controlling naval matters that they would trust their judgment and be guided by their advice as they have not been in times past.

Thus much I have said about the war college and its functions in a proper organization of the naval service, because I fear that it has not been understood. I think it is our duty to encourage and advance it in all possible ways. It is not a rival of the Naval Academy; it has a different field; and I sincerely hope that those who have its affairs in charge will confine its work to the original plan, which comprehended the science of war, international law, and naval history. This is a course which demands mature minds for its study.

Finally, we have the testimony of Professor Soley, United States Navy, who, from his long association with the Naval Academy and the fact of his having studied the various systems of naval education in Europe, is eminently well qualified to form a correct judgment on this subject.

In a very able article which appeared in Scribner's Magazine for February the professor says:

The establishment of the war college two years ago at Newport was certainly one of the most sagacious measures of naval administration that has been adopted since the close of the war.

It is a school of application for officers.

Being an establishment of a most original character it was wisely decided not to engraft it on the Naval Academy, an elementary school with which it has nothing in common.—*Extract from "Our Naval Policy" by Professor J. Russell Soley, United States Navy, Scribner's for February*, 1887.

The act approved January 29, 1887, appropriated $200,000 for a permanent school of instruction for the cavalry and light artillery service of the United States Army. The war college asks for $12,000.

How much time have I remaining?

The CHAIRMAN. Twenty minutes out of the thirty which are left.

Mr. BUCK. A single other point. Some gentlemen have advanced an argument against this college which it is difficult to answer, because ridicule is always the most difficult thing to answer, and we are driven generally to answer ridicule by ridicule, as no argument will off-set it. But it has been claimed these officers who take advantage of this course of lectures at the national war college are in danger of spending too much of their time with the beauties and belles of Newport and mixing in the whirl of society and fashion to such an extent as to destroy all the benefits of any course of lectures on scientific naval warfare. The answer to that is this: This course of lectures commences after the season, so-called, is over. It is held only in the fall, after the festivities of Newport have passed away, so that if there were any danger on that score it is entirely removed by the fact the term is not held during the gay summer season.

Now, whether that time was selected for the reason suggested I can not say; but I am willing to say here that I should not think less of an officer or anybody else, in the service of the United States or out of it, who saw fit to amuse himself of an evening by dancing. But however that may be, it is a simple matter of fact that the commencement of the term of lectures at this war college does not begin until long after the season at Newport is over.

I will now reserve three minutes of my time to close this debate, and yield for ten minutes to the gentleman from Rhode Island [Mr. SPOONER].

Mr. SPOONER. Mr. Chairman, the object of this naval college, as has been very well stated by the gentleman from Connecticut [Mr. BUCK], is to provide for the higher education of naval officers. This is provided for at this place by lectures, delivered upon the sciences connected with and relating to naval operations, by officers of the Navy fully competent to give instructions upon these various branches, and given, as has already been said, without any additional expense to the Government. This instruction tends towards that education of our naval officers which in these times is especially necessary if we propose to keep anywhere abreast of the great progress which has been made in naval warfare, and is still being made in that direction, by other nations of the world.

We can not well afford to allow our Navy, small as it is, nor our naval officers to fall below the position occupied by the other great nations of the earth. Our Navy, small as it, has a deserved reputation, the reputation of having for its service officers who are quite equal to those produced under any other government in the world, and who only require equal facilities to those furnished elsewhere to keep our Navy and our naval affairs where it should be, in a high dergee of efficiency for any emergency that may befall.

The appropriation that is asked for this building is to be used for the necessary repairs and fitting it for the use to which it is to be devoted. I was surprised to hear my friend, the gentleman from Illinois [Mr. THOMAS], refer to the condition of this "poor-house" as he stigmatizes it, which was given by the State of Rhode Island and the city of Newport to the United States Government. I want the gentleman and the committee to understand that the location of Coaster's Harbor Island is one of the most delightful locations bordering upon the delightful bay upon which it lies, near to the city of Newport, in Narragansett Bay. It was used as an alms-house up to the time it was transferred to the custody of the Government, and it was the pride and admiration of that vicinity and of our State, as well as of all visitors to that locality; and the wonder was frequently expressed as to why such a beautiful site and such magnificent accommodations should be furnished for the purpose of an alms-house.

It was the desire of the Navy and of the Government of the United States that this location should be secured for the purpose of a training-school and for a naval war college; and what I may fairly characterize as the munificent liberality of my own little State and the city of Newport, a free gift of this island and of everything that was on it, including the building which is illustrated in the photograph I hold in my hand, was presented to the United States Government for the purpose to which it has been dedicated. The old proverb is that a gift horse should hardly be looked in the mouth; but this is one of those gift horses that may well be looked in the mouth, and be examined and criticised with the utmost care and vigilance. It was a munificent gift to the United States Government.

The location is the most admirable one for the purpose to which it has been devoted. Near at hand is the torpedo station of the United States Government, where progress has constantly been made in developing that machine, the torpedo, so necessary to modern naval warfare, and the outlook for which in the future gives promise that it is to be one of the most efficient instruments for the protection of our harbors in case of foreign attack. The lectures that are there delivered can be illustrated by the torpedo, if you please, and by its manufacture, which is close at hand. The water bordering it affords ample opportunity for the maneuverings of naval vessels, for trials of speed, and for the illustrating of naval gunnery. I am only repeating what the Navy Department and the experienced naval officers of the country have said so much better and with so much more authority than I can express it when I say that the location is admirably adapted for the purpose; and if the arrangements which they have proposed are allowed to be carried out, it gives an opportunity for the higher education and practical experience of our naval officers in the very directions where they most need that education and training, and where it is to be for the benefit of the Navy and the country which they serve.

I am not sure, Mr. Chairman, that I am any further interested in this appropriation for these purposes than any other gentleman on the committee or in the House; but knowing something about this location itself, believing that I understand somewhat the necessity for the appropriation that is demanded, believing that I appreciate somewhat the necessities of our Navy, and the kind of education which our naval officers should receive to fit them for active and efficient service, I have felt that it was incumbent upon me to say something in support of the amendment and to give to the committee something if I could of information touching the question now under consideration.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Connecticut has eight minutes remaining.

Mr. BUCK. I reserve the remainder of my time.

Mr. HERBERT. I yield five minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Chairman, in a country like ours, where the people are rightfully fearful and wisely jealous of military pageantry and display, it is a great misfortune that our military schools should be established in connection with watering places, and characterized in certain seasons of the year as scenes of social display and dissipation. These things, trifling as they may appear to some, do much to arouse popular feeling against the military and naval establishments. The Army and Navy, like all other public establishments, are subject to the people. Let them be conducted practically, with decency and proper dignity to insure their efficiency, but not made vehicles for vulgar, un-American display.

Now there was no opposition in the Naval Committee to this post-graduate course for naval officers nor to the war college proper, but there was a well-founded suspicion that this so-called munificent gift on the part of the State of Rhode Island to the United States Government was given for the purpose of enhancing the charms of her own well-known watering place, the city of Newport.

And that, taken in connection with the fact that West Point has developed into a summer resort, and that the artillery school at Fortress Monroe adds very much to the attraction of that celebrated watering-place, perhaps warranted the idea that Newport had got this naval adjunct as one among its many attractions to the summer visitors. That has been denied on the part of those having charge of the school. But I am convinced, and I have no doubt all the gentlemen here are convinced, that a vote of the wealthy cottage owners and of the great hotel-keepers at this fashionable resort would be unanimous in favor of our well-dressed naval officers spending a few months in the year there, and while no doubt they will add a great deal to their knowledge of military science, they find some time to devote to the festive dance; and the giddy maidens, who disport themselves on the rocks in sun-bonnets in the latter part of the summer season, find quite a romantic charm in sometimes strolling on the shining beach with the epauleted, embryonic admirals of our decaying and dilapidated Navy.

Mr. BUCK. Will the gentleman allow me to say that these giddy maidens do not trip the light fantastic toe there in those cold November days.

Mr. MCADOO. My friend represents a community near Boston where the maidens instead of tripping the light fantastic toe and engaging in giddy flirtations are more likely to spend their time in studying the works of George Sand, Joseph Cook, Ralph Waldo Emerson, and other philosophers.

Mr. SPOONER. I desire to ask the gentleman a question.

Mr. MCADOO. I have only five minutes and can not yield.

The fathers of the Republic when selecting points where the youth of the country should be trained for military service very wisely selected two places, which at that time did not promise to be fashionable resorts; and we have for the Navy in the old, quiet, respectable town of Annapolis in Maryland a most excellent institution, with more than sufficient buildings to accommodate all the cadets who are there being schooled, with a building to-day which for a few thousand dollars can be put in an excellent state of preservation and answer all the purposes of a war school.

Then why should we disseminate this service all over the country; a training school here at this watering place; an alleged war college, but really a dancing school, at another watering place; and a real college located at Annapolis. Ample accommodation and the quiet which is favorable to study can be found better at Annapolis than at those fashionable resorts at Newport.

Before the committee and in the public prints the admiral who had charge of this institution sought to impress upon the country that the reason for this war college being established at Newport was because ozone was so prominent in the Newport air. He told me in answer to a question in committee that at Annapolis the cadets would become enervated; the malarial conditions of the atmosphere would interfere with their studies and break down their physical development; and intimated that the best way to train up a cadet with robust physique

and powerful mentality was to send him to add to the charms of gilded society at Newport.

I hope this amendment will be rejected.

[Here the hammer fell.]

Mr. HERBERT. I now yield to the gentlemen on the other side. I desire to close the debate.

Mr. BUCK. I think, as we offered this amendment, we have the right to close debate.

The CHAIRMAN. The rule is that a gentleman in charge of a bill has the right to close debate.

Mr. BOUTELLE. I should like to have this question settled distinctly. I understand the chairman of the committee reporting this bill claims the right to close debate on every amendment offered.

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. I do not pretend to be a parliamentarian, but it appears to me that the general principle underlying the rule which gives the member reporting a measure the right to open and close debate is based on the ground that he represents the measure; he is its champion and advocate, and, therefore, has the right to be heard first, and to close any general debate on the bill as a whole. If that be the case, I can not see why the same rule should not be applied when there is presented here an original proposition in the shape of an amendment. The gentleman who offers the amendment represents the affirmative of that proposition. The gentleman in charge of the bill may be absolutely opposed to it; and it strikes me it would be quite as anomalous to give the member in charge of a bill the right to close debate on a proposition which he opposes as it would be to allow a member on the floor who opposes a bill to close the debate on the bill itself.

The CHAIRMAN. The Chair will not undertake to decide who would be entitled to close the debate; but he believes it is the practice in the House to allow the gentleman in charge of a bill to close general debate. The Chair will feel it to be his duty, if no other gentleman addresses the Chair, to take a vote on the amendment.

Mr. BOUTELLE. I beg pardon. Debate is not yet closed.

The CHAIRMAN. Unless some gentleman desires to address the Chair, there is nothing left for the Chair to do but to submit the amendment to a vote.

Mr. BOUTELLE. I think the Chair misunderstood the point I suggested to him. The question I raised was whether the gentleman in charge of the bill has to use his time now in opposition to the amendment or can reserve it until the affirmative has been exhausted.

The CHAIRMAN. The Chair thinks that, according to the usual practice where time is divided, the chairman of the committee would have the right to close debate. The Chair thinks that at this time the gentleman in charge of the bill has the right to close the debate; but in making that decision the Chair does not refer to what is to occur as the bill progresses.

Mr. BOUTELLE. Does the chairman claim the right to close the debate in every case?

Mr. HERBERT. Mr. Chairman, I am in charge of the bill, and have the right to defend it against all assaults that may be made upon it. I understand that to be the usual rule.

Mr. BOUTELLE. I understand that; but the thing I do not understand is why you should be put in the position of opposing a proposition and yet closing the debate upon it.

Mr. HERBERT. Whenever an attack is made upon the bill I have a right to defend it.

Mr. BOUTELLE. Then, Mr. Chairman, I will take the floor now, and I ask the Chair to kindly inform me when I have spoken five minutes.

This proposition, Mr. Chairman, is a very simple one. It is an amendment to the naval appropriation bill proposing to appropriate $12,000 for the necessary repairs to a public building, the property of the United States, situated in the harbor of Newport on Narragansett Bay, and occupied and used for years past for the purposes of a post-graduate course of study for the officers of the United States Navy. This war college has been in operation for several years; it has the sanction and the approval of the most distinguished officers of the United States Navy; it is commended by the Secretary of the Navy, and I think I am justified in saying here that the functions of the college will go on just the same whether you make this immediate appropriation or not.

This institution, Mr. Chairman, makes no charge upon the Treasury of the United States for its management. The appropriation asked is simply for the proper and necessary repairs of the building in which the exercises of the college are held. The lectures and the instruction given there are furnished entirely by officers of the Government, whose pay goes on just the same whether they give this instruction in a building with a leaky roof, poorly ventilated, and imperfectly furnished, or whether the Congress of the United States makes this meager appropriation to put the building in proper repair. I believe that this post-graduate course is one of very great importance and usefulness to the Navy. I should feel a great deal of modesty in stating that so emphatically were not my position indorsed, as it is, by men whose attainments ornament the history of the Navy and furnish a great part of its prestige to-day. Such men as Admiral Porter, Admiral Simpson, the Superintendent of the Naval Academy, Admiral Luce, now in charge of one of our principal squadrons, and other officers whom I might name, are all earnestly in favor of the continuance of this institution. It fills a place that the Naval Academy can not fill. It deals with problems far in advance of the horn-book education given at the Academy. It is a school where mature officers deal with the great problems of handling ships in line of battle, and where they acquire that familiarity with the coast lines, the harbors, the channels, the modes of attack and defense upon foreign coasts, which, if we ever get into trouble, will prove of inestimable value to our Navy. It is a school for the higher education of our naval officers, and I can not conceive of any opposition to it within the rank and file of the service, unless it come from some class of officers who have a desire that no others shall acquire more proficiency or more scientific knowledge than they have themselves.

[Here the hammer fell.]

The CHAIRMAN. There are three minutes remaining on that side.

Mr. BOUTELLE. Do I understand, Mr. Chairman——

Mr. HERBERT. I notify the gentlemen that it has been decided that I have the right to close the debate. I will yield now for the three minutes.

Mr. BOUTELLE. No; that is not necessary. Mr. Chairman, I submit——

Mr. HERBERT. I submit, Mr. Chairman, that I have the right to close the debate.

Mr. BUCK. Does the Chairman rule that the chairman of the committee has the right to close the debate on every affirmative proposition?

The CHAIRMAN. No; the Chair does not decide that. The Chair decides in this instance that the chairman of the committee has the right to close the debate this time. There is remaining three minutes to the gentleman from Connecticut [Mr. BUCK].

Mr. BUCK. Mr. Chairman, the first session of this naval war college began September 3, 1885. There has been some misapprehension as to when that session commenced. It was authorized October 6, 1884, and the preparations were made for lectures to be delivered the following fall. They were commenced September 3, 1885, according to the report of Secretary Whitney. The gentleman from Illinois [Mr. THOMAS] thought that last year was the first time there had been any course of lectures at this college, but that is an error.

Both terms of the college have been held in the fall—a season of the year when dancing on the lawn or verandas at Newport is entirely out of order. The gentleman from New Jersey [Mr. MCADOO] probably had his speech prepared on the supposition that the course at this naval war college was in progress at the height of the Newport season; but his remarks about "giddy maidens" and "dancing officers" will hardly apply to a season of the year when chilly winds are blowing and the snows begin to come in that section of the country. The remarks of the gentleman from New Jersey in regard to the ball-rooms and the dancing at Newport have no connection whatever with this subject. At a proper time and in connection with a suitable subject I should be glad to hear that gentleman describe a ball-room and a dance and a flirtation, for I know of nobody on this floor who can do it better. [Laughter.]

Mr. THOMAS, of Illinois. Is it not proposed to extend this course to six months hereafter, instead of three months as heretofore?

Mr. BUCK. I do not know what the proposition is.

Mr. THOMAS, of Illinois. Was it not so stated before the committee by the champion of this measure?

Mr. BUCK. I do not know whether it was or not.

Mr. THOMAS, of Illinois. That was the proposition, I believe.

Mr. BUCK. I think it would be a very good thing; I hope we shall go forward and not backward in this matter.

Mr. BOUTELLE. Do I understand my friend from Illinois [Mr. THOMAS] to change his ground from an accusation in regard to the past to an indictment of what may take place in the future?

Mr. THOMAS, of Illinois. I shall be very glad to answer that inquiry when there comes up any question properly hinging upon either of those contingencies.

Mr. HERBERT. Mr. Chairman, I believe that the highest possible education ought to be received by our young naval officers. I am in favor of a post-graduate course at Annapolis. I am opposed to the establishment of a separate college at Newport, or wherever this college is located. There can be but one reason given in favor of this establishment, and that was stated by the gentleman from Rhode Island [Mr. SPOONER]. He said that Coaster's Harbor Island is one of the most delightful locations in the country, which is true; and is near Newport, which is also true. When you have stated those facts you have given all the reasons which can be urged why we ought to have a separate post-graduate course away from Annapolis. What other college in this country, what college anywhere in the world, has a post-graduate course away from itself?

Mr. SPOONER. West Point has.

Mr. HERBERT. I can not yield. At Annapolis, as Superintendent Ramsay said to the commission which visited there last year, we have a building suitable for the accommodation of these officers; we

have the water; we have the library; we have the machinery; we have all the necessary appliances and surroundings.

The establishment of this separate naval college accommodates now only about twenty men every year—no more. If the course of instruction be so valuable its benefits ought to be afforded to the young men just as they graduate. The assertion that a young man who has graduated at the Naval Academy is not competent to understand these lectures is really not worthy of a reply.

Mr. BOUTELLE. Will not the gentleman state the opinion of the Superintendent on that point?

Mr. HERBERT. I can not permit myself to be interrupted. I have given the opinion of Superintendent Ramsay, which I believe to be perfectly sound.

Mr. Chairman, while an appropriation of $12,000 is now asked, this proposition in its present shape is but the grain of mustard seed which may hereafter grow into a great tree. The adoption of this proposition may eventuate in our having another great naval college, a rival to that at Annapolis, to be built upon the shores of Rhode Island, because, to use the language of the gentleman from that State, it is "the most pleasant location in America!"

Mr. SPOONER. And I might have said the birthplace and nursery of the American Navy.

Mr. HERBERT. I do hope, Mr. Chairman, that this amendment will not be adopted. The Navy and naval officers have no better friend than I am. But I do believe that they are making a mistake when they make these extravagant demands on the American people. I hope that Congress will here and now nip this thing in the bud. Whenever a suitable proposition is offered to us let us make provision for a post-graduate course in the Naval Academy at Annapolis, to which every reason points as the proper location. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut [Mr. BUCK], which will be read.

The Clerk read as follows:

At the end of line 85 insert the following:

"For repairs and improvements on naval war college building; heating, lighting, and furniture for same; books and stationery; freight and other contingent expenses, including facing college buildings with Portland cement, $12,000."

The question being taken, there were—ayes 70, noes 81.

Mr. BOUTELLE. No quorum. I call for tellers.

Tellers were ordered; and Mr. BUCK and Mr. HERBERT were appointed.

The committee again divided; and the tellers reported—ayes 83, noes 88.

So the amendment was rejected.

The Clerk read as follows:

Navy-yard, Norfolk, Va., for one writer, at $1,017.25.

Mr. WISE. I move to strike out, in line 163, the words "one writer at $1,017.25," and in lieu thereof insert "clerk, at $1,200;" and I hope the chairman of the committee will consent to accept that amendment. If he refuses to do so I hope the House will sustain me.

I will state that this officer is a clerk, and in all the other bureaus of this yard clerks are provided for. His present compensation is exactly what I wish it shall continue to be. He receives $1,200 per annum now, and the saving to the Government is simply $182.75.

This officer has to do as much duty as any clerk in any other bureau in this navy-yard. I hope he will be continued at his present rate of compensation. The estimates from the Navy Department call for a clerk at $1,200, and I can see no reason why he should be reduced when others are continued as at present.

Mr. SAYERS. I desire to call the attention of the committee to the estimates under the head of Bureau of Ordnance. It will be found the gentleman from Virginia is mistaken in his statement in regard to the other navy-yards. You will find for the navy-yard at Portsmouth, N. H., one writer is provided for. Also, at the navy-yard at Boston, Mass. At Mare Island, California, only one writer is provided for according to the estimates.

Mr. HOLMAN. New York the same—$1,000.

Mr. WISE. No, it is above; it is $1,400. Washington is $1,600.

Mr. SAYERS. Take the ordnance proving-ground and you have one writer. The object of reducing the salary of this writer or changing it from clerk to writer was to place such employés upon the same footing to that of the other navy-yards except that of New York.

Mr. WISE. I will not detain the committee but a moment. The gentleman has not answered my statement at all. I stated for the other bureaus in the Norfolk navy-yard the other clerks are paid at the rate of $1,200 per annum. If the gentleman will look at the provision for clerk for the bureau of provisions to the Norfolk navy-yard, it will be above this, $1,200. In every other bureau these clerks are paid $1,200. In New York they are paid higher.

The gentleman makes the comparison between the writer at the navy-yard at Portsmouth and at Mare Island, in California, with this clerk in the navy-yard at Norfolk. Now, the gentleman knows the duties of this officer at the Norfolk yard are much more important and onerous than the duties of the writer at the Portsmouth navy-yard, New Hampshire. It is not a question as to whether this officer shall be raised in salary, but whether you shall reduce him; and I ask you to give this committee one reason why this officer, this clerk in the bureau of ordnance in Norfolk, should be paid less than clerks are paid in the other bureaus in this and other yards throughout the country for the same service.

Now, at the Washington yard provision is made for two clerks, one of whom receives $1,600 a year, and in addition to that you provide two writers. I want to state to this committee that for nearly twenty years this officer at the Norfolk yard has received the pay of $1,200 a year; and it does seem to me that in this hunt for economy you are playing rather a small game when you want to deprive a meritorious and hard-worked officer of the little sum of $183 a year.

Mr. HERBERT. Let me ask the gentleman from Virginia what clerk he refers to at Portsmouth, or the clerk of what bureau there who receives $1,200 a year?

Mr. WISE. I did not refer to the clerk; I referred to the writer at Portsmouth to show that he had no duty to perform.

Mr. HERBERT. He only gets $500.

Mr. WISE. But he does nothing whatever. His duties are very insignificant. It is well known that no work is being performed at the Portsmouth yard. Norfolk, New York, and Washington are the principal yards of this country where the most of the work is being done, and under the new arrangement, Washington being exclusively for ordnance purposes, Norfolk and New York are the only yards where repairs can be made, and hence the necessity for the employment of such an officer at these places. They are the principal yards of the country, and consequently the gentleman's comparison as between the work done at Norfolk and Portsmouth, and the pay of the clerks at those places, has no application whatever here.

Mr. BRADY. Mr. Chairman, I desire to say a few words in reference to the pay of this clerk in the ordnance department at the Norfolk yard. I know that there attaches to this proposition a great deal of responsibility. The duties incumbent upon him are numerous and important, equally so to the duties attaching to any other officer of the yard. There are a number of shops under his control, and stores; and unless I am mistaken the pay of the clerk at this yard in that department instead of being $1,200 a year has been $1,400 a year for years past. I see no reason for the reduction of the salary.

Mr. SAYERS. Let me say to the gentleman from Virginia that this is a reduction all along the line and not particularly applied to Norfolk.

Mr. BRADY. I understand that; but there is no reason for the reduction here.

Mr. WISE. I thank the gentleman from Virginia for his support. He understands the necessity for this service.

Mr. HERBERT. Mr. Chairman, a word on this question. This is a very small matter, but in order to vindicate the committee I desire to say that the reason for the reduction is that the duties in the ordnance department at Norfolk are much less important, as the gentleman from Virginia himself indicates, when he says the ordnance business has been taken away from that yard and the other yards of the country, and is hereafter to be done almost exclusively at Washington.

Mr. WISE. Why do you not reduce the pay at New York for the same reason?

Mr. HERBERT. I do not care to be interrupted now; let me get through.

The Washington navy-yard does that business nearly entirely. Now, we reduce the pay of the writer from $1,200 down to what the majority of the writers or clerks get elsewhere; and we saw no reason to believe that that compensation was not ample for the service.

So far as Portsmouth is concerned we appropriated but $500 for a clerk when required, but only then. It is not expected by the committee that even the $500 will be expended unless an occasion shall arise to render the expenditure necessary.

Mr. BRADY. But it should be remembered that at the Norfolk navy-yard vessels can go right up to the yard to receive their stores. At Portsmouth this is seldom done, and hence the writer there has little to do.

Mr. HERBERT. But it should be remembered also that ordnance work is being consolidated at the Washington yard, and so there is less need for clerical service in the ordnance bureau to do the duty at the various yards where it has been heretofore done. It is manifest these clerks will have less to do in the future.

Mr. BRADY. But the Government has expended a large amount of money to open the river and establish an ordnance depot or magazine at the Norfolk yard. The building for the storage of ordnance supplies is there, and the Government can not well remove that; and since the stores are there I see no reason whatever for this proposed reduction.

Mr. SAYERS. Does my friend from Virginia know that a large proportion, I may say nine-tenths, of the business of the bureau of ordnance has been transferred from the various navy-yards of the country to Washington?

Mr. BRADY. I understand that is contemplated.

Mr. SAYERS. It is already being done.

Mr. BRADY. But I say that the magazine which is already at Nor-

folk to receive the stores can not be removed, and these stores are in the magazine and must be cared for until removed.

Mr. HERBERT. I ask a vote upon the amendment.

The question was taken on the amendment of Mr. WISE; which was agreed to.

The Clerk read the following paragraph.

BUREAU OF EQUIPMENT AND RECRUITING.

Equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation, storage, and handling; hemp, wire, and other materials for the manufacture of rope and cordage; iron for the manufacture of anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, bags, and hammocks; water for steam-launches; heating apparatus for receiving-ships; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards, $600,000.

Mr. GOFF. I offer an amendment to the paragraph just read.

The Clerk read as follows:

In line 196, strike out "$600,000" and insert "$800,000."

Mr. GOFF. I find in the Book of Estimates that the amount required during the coming fiscal year for the various purposes set forth in this paragraph is $800,000. The sum appropriated for the present fiscal year is $782,200. The amount recommended by the committee for the coming fiscal year is $600,000, a reduction of $200,000 from the estimates.

Now, there must be some reason for this other, at least, than appears in the Book of Estimates, for the action of the committee is certainly a reflection upon the department. After carefully considering all of these items, after, as required by law, making the most economical calculations of the sum total required, the Secretary informs us the least sum he can do with for these purposes—and they are very material and essential, especially when we are now engaged in the construction of a new navy—that the least sum for those purposes is $800,000. And, as I have said, the sum of $782,200 was appropriated for these purposes for the present fiscal year.

I may be permitted to remark here that all through this bill these seemingly at least arbitrary reductions have been made, and I suggest to the chairman that by this and by this alone has he been enabled to state to this House that the sum appropriated in this bill is several hundred thousand dollars less than the amount appropriated for the present fiscal year. In the instance that my friend from Virginia just cited, where there was a reduction in the wages of a subordinate officer, my friend was fortunate enough to secure a reinstatement in the particular case he alluded to. But all along the line and in all the navy-yards and in all the departments of the Government where naval matters are administered, the same reduction has been made for the men who are doing the hard work of the departments, for the clerks and the writers; they have been razeed in the manner the gentleman has alluded to.

Now, I say, Mr. Chairman, this is not true economy. It is not economy always to save a few dollars, nor is it right that we should have a deficiency thrown upon this House to be considered hereafter instead of our meeting this matter now fairly in the face and making the appropriation when it is proper to be made. Only to-day we had a general deficiency bill reported containing items that should have been cared for in the last session of this Congress, and which were then omitted.

I know there can be and that there will be a reason shown from the standpoint of those who support these reductions why they should be made. But I insist that in this matter we should treat the department fairly. We should consider that the department at least understands its business, and that it is not likely to ask $200,000 more than is absolutely essential for carrying on the business of the department in this branch of the service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERBERT. The gentleman from West Virginia [Mr. GOFF] evidently is not informed as to the facts developed before the committee with regard to this particular item. The appropriation for the present year was $782,000; and it was testified before us that of that amount there would probably be a surplus of $125,000—that there was likely to be that much over—bringing the amount to be expended down to about $650,000. And yet, in the face of that testimony, the gentleman from West Virginia asks us to raise the appropriation to $800,000.

The gentleman also speaks about these estimates as coming from the Secretary of the Navy. Does he not know how they are made? They are made generally by the heads of bureaus. Last year the estimate was $860,000. We cut this down to $782,000, and with that appropriation there is growing up this surplus of $125,000; so we cannot go upon these estimates. If we had appropriated according to the estimates last year the surplus would have been a great deal more than it is.

The gentleman speaks of the deficiency. I have the figures here at hand which show that outside of the deficiency for the new ships, the Chicago, the Atlanta, the Boston, and the Dolphin, for which we gave every cent estimated, the deficiencies in the appropriations for the naval service will amount to only about $25,000. In other words, our bill of last year in which we made such great reductions from the estimates was so carefully considered and so justly apportioned among all the different bureaus that the amount of deficiency was less than it ever was before. We have framed this bill on the same idea, giving everywhere just what we believed was necessary and withholding money where it was not necessary.

The gentleman from West Virginia speaks about there being no economy in this. There is no better illustration than is presented by this particular bureau. I speak of the past, not of the present chief, Commodore Schley, who deserves all praise. When we examined last year into that bureau we found there was enough canvass on hand to clothe the whole British navy, and there were anchors on hand, and are now, to the number of over two thousand.

Mr. THOMAS, of Illinois. Sixteen hundred and fifty-seven.

Mr. HERBERT. My colleague on the committee says sixteen hundred and fifty-seven, a great many of which are useless. That is to say, in times past much more money was appropriated to that bureau than was necessary. With the unnecessary money thus appropriated unnecessary purchases were made, unnecessary goods were manufactured, and so the Government was subjected to great loss. We propose to give now just what we believe is right, just what we believe is needed. That is what we have done. A careful examination by the subcommittee into this whole matter brought us to the conclusion that we could get along with $600,000.

Mr. SAYERS. Mr. Chairman, I desire to call the attention of the gentleman from West Virginia [Mr. GOFF] to page 14 of the report of the Secretary of the Navy, where he will see that for the year ending June 30, 1886, there was a surplus of $380,125.19, the only surplus that has occurred in the management of the ordinary expenses of the Navy Department for the last fifteen years?

Mr. GOFF. If the gentleman will permit me, does it not seem extraordinary that, in the light of the information which he cites (and of which I am well aware), the Secretary should, nevertheless, send in the estimate for $800,000 to which I have called attention.

Mr. SAYERS. We are discussing the question whether the appropriation as reported by the Committee on Naval Affairs is correct; not the question whether the Secretary ought to have returned such estimate as he has returned to this House.

Mr. GOFF. Mr. Chairman, I simply desired to call the attention of the House to this discrepancy and to the manner in which I anticipated it would be accounted for. If gentlemen are satisfied with the amount I withdraw the amendment.

The Clerk continued the reading of the bill.

Mr. BOUTELLE. I desire to move to strike out the paragraph commencing on line 255. Will it be read first?

The CHAIRMAN. The paragraph will be read.

The Clerk read as follows:

For two timber dry-docks, to be located at such navy-yards as the Secretary of the Navy may indicate, each dock to be not less than 480 feet in length, the cost of the two docks not to exceed in the aggregate the amount herein appropriated, $1,100,000.

Mr. BOUTELLE. Mr. Chairman, this appropriation proposes——

The CHAIRMAN. What is the motion?

Mr. BOUTELLE. I move to strike out the paragraph. It is proposed by this paragraph, Mr. Chairman, to construct—[a pause]—I will make a parliamentary inquiry, Mr. Chairman. I intend to make the point of order upon this paragraph, and I desire to know whether I shall lose the point of order by discussing the paragraph beforehand.

The CHAIRMAN. The Chair is of opinion that it is too late now to make the point of order.

Mr. HERBERT. The gentleman has waived his point of order by moving to strike out.

Mr. BOUTELLE. I think not.

The CHAIRMAN. The Chair is of the opinion that it is now too late to make the point of order, after the gentleman has moved to strike out the paragraph and has proceeded to discuss it.

Mr. BOUTELLE. The paragraph has only been read. We have not entered upon any debate.

Mr. HERBERT. When the gentleman moves to strike out, that treats the paragraph as properly in the bill. The motion is based upon the supposition that the House must strike it out in order to get rid of it. Therefore the gentleman has clearly waived his point of order—if there be any point. I do not believe there is.

Mr. BOUTELLE. Mr. Chairman, I make the point that it was necessary for the paragraph to be read before the point of order could be made. I made no motion. I rose in my place and stated that I intended to make a motion to strike out, and then I asked the chairman whether the paragraph must first be read or not. The paragraph was ordered to be read and was read. I then, in order to save my rights, rose to a parliamentary inquiry as to whether I could make the point of order after discussing the paragraph, or whether I must make it before the discussion. I contend, therefore, that the point of order has not been foreclosed, and that there is no motion pending. I have made no motion. I simply intimated an intention, and I asked instruction of the Chair because I am not so well versed in parliamentary rules as my friend the chairman of the committee, who seems disposed to take advantage of the technicalities of procedure here in regard to this bill.

Mr. HEBBERT. I desire to have read these words, which the gentleman from Maine used, "I move to strike out the paragraph."

Mr. BUCK. I submit that neither a motion to strike out nor a point of order can be made upon a paragraph until the reading has been finished.

The CHAIRMAN. The Chair has refreshed his memory by reference to the notes of the stenographer, and finds that before the paragraph was read, the gentleman from Maine, as stated by him, asked whether he should wait until the paragraph was read before making his motion. The Chair informed him that the paragraph should first be read, which was thereupon done. Then the gentleman hesitated a moment, and seemed about to begin some debate. The Chair asked him what motion he desired to make. He thereupon stated that he desired to move, and did move, to strike out the paragraph.

Mr. BOUTELLE. I asked the Chair a parliamentary question.

The CHAIRMAN. The gentleman then proceeded a moment to speak, and then asked the parliamentary question as to when the point of order should be made.

Mr. BOUTELLE. If the Chair please, I said I intended to make a motion to strike out, and then asked the Chair what would be the effect in regard to the point of order if I should enter upon the discussion.

The CHAIRMAN. That was at a time after the motion to strike out had been submitted and was pending.

Mr. HOLMAN. I think the Chair did not make the inquiry as to what motion was made, but that inquiry occurred in a colloquy between the gentleman from Maine and the gentleman having charge of the bill. That is my recollection. And if that was the case, there was no "debate" in the proper sense intervening between the reading of the paragraph and the time when the inquiry was made as to what effect the motion to strike out would have on the right to make the point of order.

Mr. HERBERT. I am very sure the record will not sustain the recollection of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Possibly not.

Mr. REAGAN. The report will show that the gentleman from Maine moved to strike out and was proceeding to discuss that motion.

Mr. WISE. I distinctly asked the gentleman from Maine, "What is your motion?" and he said, "To strike out the whole clause."

Mr. BOUTELLE. I said I intended to move to strike out the paragraph. But, Mr. Chairman, the very fact that I did not proceed to argue any motion, but presented a parliamentary inquiry to the Chair in regard to the proper time when the point of order could be made, ought to establish conclusively, it seems to me, the status of this question before the House. I did not undertake to argue any motion; I was not on my feet to support any motion; but I asked the Chair to instruct me whether I could proceed to discuss the subject without losing the right to make a point of order on the paragraph. Thereupon this discussion began; and the question now before the Committee of the Whole is just where it stood then. The question before the Chair is whether, the paragraph having been read for the information of the House, it is incumbent upon me to make a point of order now or whether I can go on and discuss the subject and then make a point of order.

The CHAIRMAN. The Chair is of opinion that the statement to which the gentleman now refers was made after he had submitted the motion to strike out. The Chair distinctly asked the gentleman what motion he desired to make. He said he moved to strike out the section; and after that, hesitating for a time, he asked when he could make a point of order. The Chair was of opinion that it was then too late to make the point of order, for the rule provides that "this point of order may be made at any time before the consideration of the paragraph is entered upon." A motion to strike out a paragraph is in the nature of "consideration" of it; and after such a motion is made, and has been entertained by the Chair, it is too late to raise the question that the paragraph is out of order. The Chair thinks, therefore, that it is too late to entertain the point of order.

Mr. BOUTELLE. Does the Chair rule there is no parliamentary inquiry now before him?

The CHAIRMAN. There was a parliamentary inquiry before the Chair, but it has been answered.

Mr. BOUTELLE. I wish to know whether the Chair does not recognize that there is a question before him as to whether a member must make a point of order before proceeding to discuss a measure, or may have a right to make it after the discussion has begun. I submit that is the question before the Chair. I can not be precluded from making a point of order because I have sought the instruction of the Chair as to when the proper time will arrive for making the point.

The CHAIRMAN. The Chair is of opinion that the motion to strike out the paragraph was in the nature of consideration of the paragraph. The motion having been submitted, and having been entertained by the Chair, it was then too late to raise any question of order upon the paragraph. The Chair entertains the motion to strike out.

Mr. BOUTELLE. Mr. Chairman, if it is proposed to take advantage of this sort of procedure to legislate $1,100,000 out of the public Treasury, I think I can afford to let the responsibility for that kind of legislation rest upon the gentlemen who resort to that kind of tactics. Here is a proposition that every member of the committee knows has no proper place in an appropriation bill. There is no law providing for the construction of such docks. There is no law providing for the construction of that kind of docks. It is proposed here under a snap judgment, obtained by what might well be styled parliamentary pettifogging, to smuggle into an appropriation bill a proposition to spend a million and over of dollars to construct timber dry-docks somewhere, at some place presumably within the territory of the United States, but not indicated by the gentlemen who framed this bill. Two timber dry-docks are to be built at such navy-yards as the Secretary of the Navy may indicate. No opportunity for Congress to decide where such docks are needed, where it is most expedient, where the interests of the United States would be best subserved by building the docks. But these great public works costing over half a million of dollars apiece are to be built wherever the Secretary of the Navy in his whim or caprice may see fit to locate them.

I submit, Mr. Chairman, it is a novel proposition, within my recollection or reading of the proceedings of the Congress of the United States. We can not pass a bill here to construct a little post-office in any part of this country without indicating in detail the location, the specifications, the purpose for which it is to be built, and even then the chances are the bill, after passing Congress, will be set aside by the scrutiny of the Executive; yet here is a proposition to vest the Secretary of the Navy with discretionary power to carry on great public works in this country at some indefinite and unknown place—to commence the digging of a great dry-dock basin, not where Congress may say the interests of the public demand it should be, but possibly where the exigencies of a Presidential election may suggest to the gentleman now presiding over the Department of the Navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. I want to ask the chairman of the Committee on Naval Affairs if he proposes to hold members strictly to the five-minute rule in this debate?

Mr. HERBERT. I do. The gentleman can get the floor again.

Mr. WISE. It is difficult to know where the gentleman from Maine does stand.

Mr. BOUTELLE. I am sorry you have any trouble in that respect.

Mr. WISE. I have no trouble in that regard. He is first on one side of the line of economy and then on the other. A moment ago we heard from him in favor of an appropriation to build an additional naval college, and now he is opposed to providing the necessary docking facilities for our ships. While the education of our officers is a subject of great importance and should not be neglected, it seems to me to be also in the line of a wise policy to provide the means for the construction and repair of ships to be officered by them.

It is a sufficient answer to make to the gentleman from Maine to read the report of the Chief of the Bureau of Yards and Docks, one of the most accomplished officers in the Navy. I will read, Mr. Chairman, what he says, because it gives in small space the whole argument in favor of building these dry-docks:

> I beg especially to call your attention to the inadequate facilities existing in our navy-yards for docking our vessels. The modern vessels just constructed and authorized will be mainly without sheathing for their bottoms, and will require periodical docking to keep them in proper condition and to maintain their speed. In addition to this, the increase in length and breadth in vessels of recent design and construction require docks of greater dimensions than those now existing on the Atlantic coast.

You have not a dry-dock which can receive vessels of modern design.

I will say to the gentleman from Maine that, having the object in view of building up a navy, which your party did not do when it was in power, we propose to have dry-docks adequate to that purpose. I will read further from this report of the Chief of the Bureau of Yards and Docks:

> At present there are but three dry-docks belonging to the Government on this coast, and, as it will be seen when the yards are treated separately, they are not in proper condition. When the dock at New York will be closed temporarily for the repairs authorized at the last session of Congress there will be but one—at Boston—with sufficient capacity to dock the vessels of the first rate now borne on the naval list.
>
> Our own experience, as well as that of all other naval and maritime countries, places beyond reasonable dispute the superiority of excavated dry-docks over any other means of docking, and the greater cost and length of time formerly required in building these docks has been very materially reduced in the wooden dry-docks on the Simpson plan, which have been successfully in use in several ports on the Atlantic coast for a number of years.

Now, I ask this House on both sides not to make this a political question as the gentleman from Maine [Mr. BOUTELLE] wants to do. While we are building ships we should have some docks of sufficient capacity to receive them. This is a proposition to build two wooden dry-docks on the Simpson plan, to cost, the two, only $1,100,000. Some years ago, when the gentleman's party was in power, $3,000,000 were appropriated to build one at Mare Island, California.

[Here the hammer fell].

Mr. BOUTELLE. Mr. Chairman, I do not propose to get excited about this dry-dock matter. It is too dry a subject.

This is not a question as to whether dry-docks should be provided for our war ships. The question I raise is as to the method by which it is proposed to provide them. If the Naval Committee—and I say this to the chairman—if the Committee on Naval Affairs will bring before this House a distinct proposition for an appropriation to build a dry-dock at some point where it has been determined it is needed then we should have something definite before us for consideration. But I submit if the Secretary of the Navy and the Committee on Naval Affairs have not yet

made up their minds that we need a dry-dock at all with enough distinctness to say where we need it, then I say it is asking the House to go ahead rather recklessly to put $1,100,000 in the hands of the Secretary of the Navy to be expended for this purpose. I want to know where the docks are to be built. I claim that I have the right to know it and that the Congress and the people have the right to know it.

Is there a proposition made here that the great dry-dock at Charlestown, Mass., should be enlarged? Not at all. Is the proposition that the great navy-yard at New York should be fitted or provided with a dry-dock of adequate size? Not at all. No information is vouchsafed us on that point. We are to put the money in the hands of the Secretary of the Navy, and he is to build the dry-docks if he sees fit, wherever he may choose. Now, if that is the kind of legislation that approves itself to the Democratic party I have either misunderstood a great deal of the oratory that has been indulged in on that side of the House or most of that oratory has had very little meaning behind it.

This matter is one that touches the very vitals of naval administration in this country. I am perfectly astonished when I find gentlemen who have inveighed here, in season and out of season, against the tendencies of centralizing power now coming in here with a bill which in this paragraph, and two or three others to which I will call the attention of the committee later, invests the Secretary of the Navy with a power never before thought of being wielded by any officer of the United States Government. The Secretary is to build the dry-docks where he sees fit. The Secretary is to decide in his own judgment and discretion whether the magnificent plants at the Boston navy-yard, that have cost this Government millions of dollars, shall be absolutely abolished, wasted, thrown away, turned over to the junk-dealers by a mere official order written at the Navy Department.

He is to determine whether that great navy-yard, at which to-day there are machine-shops equal to the best in any part of this world, where there is a bureau of construction fitted out for the building of ships second to none in this country—to determine whether it is to be turned over, as it is being turned over to-day under the personal, individual authority of the Secretary of the Navy, into a mere bureau for the manufacturing of anchors and chains and cooking-galleys for our ships. I think the people of this country have a right to know something about these appropriations. I think we have a right to demand that the Secretary shall indicate first where he proposes to carry on these great improvements before he asks for such appropriations as this bill contemplates.

[Here the hammer fell.]

Mr. THOMAS, of Illinois. Mr. Chairman, I shall not attempt to answer that part of the argument of my colleague on the committee, the gentleman from Maine [Mr. BOUTELLE], in which he refers to questionable means adopted by the committee for securing this sort of legislation. It needs no answer.

A dry-dock is simply one of the tools employed by the Department in building and repairing vessels and no more requires a special act of Congress to authorize its construction or building than it does to buy a hammer or a hundred pounds of oakum. That the dry-docks we now have are unfit for the service every one who has investigated this subject knows full well. The dry-dock at the Boston navy-yard, spoken of so eloquently by the gentleman from Maine, is totally out of repair, is too short by 30 feet to take in even the Tennessee, to say nothing of the Boston, the Atlanta, and the Chicago. No heavy modern vessels can be put in that dock, even if in repair; but we found it so much out of repair that it was necessary to make an appropriation in this year's bill for that purpose.

I regret exceedingly that the committee did not indicate the points at which it was thought best to build these docks. A majority of the committee thought, however, that it would be better to have the Department determine these questions than for Congress to undertake to settle them.

Mr. HOLMAN. May I ask the gentleman a question?

Mr. THOMAS, of Illinois. In a moment.

The Secretary of the Navy is supposed to know where he needs tools most for the building and repair of vessels. It is supposed that he knows better than we do after the cursory examination we are only able to give to the subject.

We know that these timber dry-docks cost less than one-third the granite or stone dry-docks built heretofore; that they are used to-day universally in every country, having been adopted in preference to stone docks, and found to be practically as durable as stone, and requiring infinitely less expense to keep in repair.

Mr. SAYERS. They will last from fifty to seventy-five years.

Mr. THOMAS, of Illinois. I yield now to my friend from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I only wished to ask one question. Is it not practicable to enlarge some of our present dry-docks instead of constructing new ones?

Mr. THOMAS, of Illinois. It would cost more to enlarge the New York dry-dock, to put the necessary length on the Boston dry-dock, to extend the Norfolk dry-dock, than it would to build either one of these new dry-docks. It would take a greater length of time to make the repairs and would cost almost double the money. The dock, when completed, would not be worth as much as the dock built upon the plan proposed. A desire for economy, a desire to guard the Government against extravagant expenditures, and a desire to provide what is absolutely necessary now for the Government has governed the committee, and a charge of extravagance I repel as unworthy any one who seriously considers the subject. These dry-docks ought to be built. I have no objection to Congress selecting the place. Every one knows that New York is the place where one of these dry-docks should be built.

Mr. BOUTELLE. Why not say so in the bill?

Mr. THOMAS, of Illinois. I have no objection to Congress designating the point. I would willingly vote for the proposition if it was proposed to designate the New York navy-yard as one of the places, and the Norfolk navy-yard as the other. As every one knows, those two navy-yards are the great navy-yards on the Atlantic coast and the best locations for these dry-docks.

Mr. BOUTELLE. "Everybody" means the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS, of Illinois. I do not mean that. I mean everybody who has considered the subject free from prejudice.

Mr. BOUTELLE. And you have investigated it in that way?

Mr. THOMAS, of Illinois. I have investigated it thoroughly.

Mr. ADAMS, of Illinois. I wish to ask my colleague this question. Is it supposed the Secretary has the idea of building these docks at any particular places?

Mr. THOMAS, of Illinois. Yes, sir.

Mr. ADAMS, of Illinois. What are those places?

Mr. THOMAS, of Illinois. New York and Norfolk.

Mr. ADAMS, of Illinois. Then my colleague states that those are not only the proper places, but are the places which the Secretary proposes. Will he say why those are not designated in the bill?

Mr. THOMAS, of Illinois. It was thought best by the majority of the committee not to raise the question on the floor of the House. For myself I have no objection to designating the places. I was in favor of that in the committee, but was voted down.

[Here the hammer fell].

Mr. TOWNSHEND was recognized, and yielded his time to Mr. THOMAS, of Illinois.

Mr. THOMAS, of Illinois. I think I have said all that is necessary to be said. There were no political considerations governing the committee. I will not allow the gentleman from Maine [Mr. BOUTELLE] to go beyond me in his Republicanism or his zeal for the good of that party which started this modern American navy, my friend on the left to the contrary notwithstanding.

The first steps taken to rebuild the American navy according to modern ideas and upon a modern basis were taken by the Forty-seventh Congress, the only Republican Congress there has been in the last ten years. The Chicago, the Atlanta, the Boston, and the Dolphin were authorized and directed to be built by that Congress, and that was the first step taken toward building modern men-of-war. I am proud of that fact, and do not intend, although agreeing with Democratic members of the committee in this instance, to have the Republican party robbed of the honor it enjoys of having inaugurated this patriotic movement for rebuilding the American navy.

Mr. GOFF. The gentleman from Virginia evidently misunderstood the objection that was suggested by my friend from Maine. No one is opposing the construction of dry-docks. As has been remarked, every one who has investigated this subject will concede that new dry-docks should be constructed, and that those now in use should be repaired. That is not the objection. The gentleman suggests it is, where should these dry-docks be erected? We are appropriating $1,100,000 for their construction—but where? I say Congress should determine that matter. I say the Committee on Naval Affairs should ascertain the facts, call competent witnesses before them, hear all the evidence, and determine the location. It should not be left to the *ipse dixit* of any man to determine this question. Personal interest might intervene; the interests of localities might come in; and the overpowering interests of party might step in.

I say this is a matter that should not be left to the determination of any one man. It should be determined by law. If we leave it to the Secretary of the Navy, how will he settle this question? If we are to judge of his future action by his past conduct, what will he do? We find that the Secretary of the Navy has already given the country to understand, and by his solemn order has declared—what? That at Portsmouth and League Island and Pensacola, the navy-yards shall be closed. He has declared that Norfolk, where my friend from Illinois [Mr. THOMAS] says one of these dry-docks will be located, shall in the future be used only as a yard for outfitting, for boat building, and for furniture construction. He has also declared that the great navy-yard at Boston or Charlestown shall be used principally for equipment purposes.

He has declared also that the Washington navy-yard shall be used only for ordnance purposes, and he has declared that the Mare Island navy-yard shall be used only for purposes of storing and taking care of condemned ships. Now, then, where will he locate this great dry-dock? Will he put it at Brooklyn, as has been suggested? Why, no;

because the Brooklyn yard is to be used—for what? Not construction in all of its details, but simply for construction as it comes under the bureau of steam engineering and construction. He will send the ship to Boston or Charlestown for equipment; then take it down to Norfolk for the purpose of receiving its outfit; or, if he wants to store it, then, according to his order, he must send it to Mare Island. I call the attention of the committee to the fact that they are doing that which will rise up in judgment against them if the order of the Secretary of the Navy is to be carried out. You will construct these dry-docks, gentlemen, and you will construct them where we shall have no use for them. The whole theory of naval construction, and naval organization, and naval outfit is to be reorganized, we are told, and the Secretary has already told us how it is to be done.

[Here the hammer fell.]

Mr. BRADY. I move to amend, in lines 255 and 256, so as to make the provision read:

For two timber dry-docks, to be located at the Brooklyn navy-yard and the Norfolk navy-yard, &c.

Mr. HERBERT. Mr. Chairman, there is pending a motion to strike out, and the gentleman's amendment will not be in order until that motion is disposed of.

The CHAIRMAN. The Chair will suggest to the gentleman from Virginia [Mr. BRADY] that the motion now pending is to strike out, and when that is acted upon a motion to amend will be in order.

Mr. THOMAS, of Illinois. Mr. Chairman, I wish to call attention to the fact that any motion to perfect the pending section takes precedence over the motion to strike out.

Mr. HOLMAN. That is very clear.

Mr. THOMAS, of Illinois. So that the motion of the gentleman from Virginia [Mr. BRADY] is in order.

The CHAIRMAN. The Chair was in error. The motion of the gentleman is in order. The amendment will be read.

The Clerk read as follows:

In lines 255 and 256 strike out as follows: In line 255, the words "at such," and in line 256, the words "as the Secretary of the Navy may indicate;" making the paragraph read:

"For two timber dry-docks, to be located at the Brooklyn, N. Y., and Norfolk, Va., navy-yards, each dock to be not less than 480 feet in length," &c.

Mr. BUCK. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCK. Is it in order now to offer another amendment?

The CHAIRMAN. An amendment to the amendment would be in order.

Mr. BUCK. Then I offer the amendment which I send to the desk as a substitute for the two, and ask to have it read.

The Clerk read as follows:

Amend the paragraph so that it will read:

"For one timber dry-dock, to be located at the navy yard, Brooklyn, N. Y., to be not less than 480 feet in length; the cost of said dry-dock not to exceed in the aggregate the amount herein appropriated, $550,000."

Mr. BUCK. Mr. Chairman, I suggest that to build one dry-dock with all the modern improvements at a cost of $550,000 is all that we ought to do at this time. In the minds of some gentlemen the building of these dry-docks is an experiment. It is not so in my mind. I am heartily in favor of it; nevertheless I think the construction of one is sufficient at this time in view of the present condition of our Navy. When we have built more ships we may need another.

Mr. SAYERS. Do I understand the gentleman from Connecticut [Mr. BUCK] to say that the building of these dry-docks is an experiment?

Mr. BUCK. No; I say it is not an experiment in my judgment, but in the minds of some gentlemen it is an experiment.

Mr. SAYERS. Is it an experiment in the judgment of any shipbuilder of well-established reputation in the United States?

Mr. BUCK. I have heard various criticisms upon this system of dry-docks. I do not share in that view. I approve of these dry-docks, and I believe it is perfectly safe to construct those that are provided for in this bill; but I also think that one is all we need at present. I do not think we need two at this time. Construct one, construct it well, use it, and then another year construct another if you need it. When we appropriate a half million of dollars for this purpose in my judgment that is all we ought to appropriate at this time. I do not care to argue the question further, because I am with the gentlemen upon the question of the value of these docks. I think, however, that this dry-dock ought to be located at Brooklyn. The Brooklyn navy-yard is the great navy-yard of the country, as everybody knows, and I do not think there is a member of this committee who will not say that if you are to have but one dry-dock Brooklyn is the place for it. [Cries of "Vote!" "Vote!"]

Mr. HERBERT. Mr. Chairman, I am somewhat surprised at my colleague on the committee [Mr. BUCK]. I thought this provision was satisfactory to him. As to the statement made by my other colleague on the committee that the understanding is that these two docks are to be located at Brooklyn and at Norfolk, respectively, I can only state that I know of no such understanding as that with the Secretary. There was conversation between members of the committee upon the subject, and some of us said that Norfolk and Brooklyn would probably be the proper places for these docks, but there was no other understanding than that; and I feel fully warranted in saying that there is no understanding with the Secretary on the subject.

Before I sit down I wish to answer the question of my friend from Indiana as to whether it would be cheaper to repair and extend the docks we now have than to build these. The committee examined into that question carefully, and I will call the gentleman's attention to the fact, which I have no doubt is fresh in his mind, that the stone dry-dock recently completed at Mare Island, California, cost over two millions and a half of dollars. The interest on that sum at 3 per cent. would be $75,000 per annum, and in the course of seven years that interest alone would build one of the dry-docks proposed in this bill. We found in the course of our investigation that these timber dry-docks are now being built everywhere. One is building ot Newport News, where an effort is being made to establish a city; and docks of this kind are being constructed all over the world. There is no doubt in the minds of the committee that it is economical and wise to build these timber docks in northern latitudes where they are not exposed to the ravages of the teredo.

Now, as to the form of the provision. We thought two docks were needed. It was strongly urged that we should have three, but we concluded to authorize only two. We put the provision in the form in which it stands, because we foresaw the very difficulty that is arising here—local contests between different places wanting these docks. We do not propose to appropriate money for the benefit of any particular locality. What we propose is to give to the Navy two dry-docks, which it needs, and to make this provision in the cheapest and best manner, giving the Secretary of the Navy power to locate them wherever, looking over the whole field, he may think best for the interests of the country.

Mr. ADAMS, of Illinois. Is there any other place than New York or Newport or Norfolk where the gentleman from Alabama thinks it possible the Secretary of the Navy would decide to build these docks?

Mr. HERBERT. I think it possible he might decide to build them at other places.

Mr. ADAMS, of Illinois. What other places?

Mr. HERBERT. Possibly Boston; I do not know.

Mr. ADAMS, of Illinois. Any other place?

Mr. HERBERT. Perhaps at League Island. I know that there is a great necessity for a good dock in the South, somewhere on the Gulf; but I do not expect one of the docks authorized in this bill to be put there. I do think, however, that a good navy-yard ought to be built up somewhere on the Southern coast; and I hope we shall appropriate money for this purpose at the very next session of Congress. But the intention of this provision was to avoid all these local contests which seem about to arise here between different places.

Mr. ADAMS, of Illinois. I would like to know whether the general preponderance of sentiment, inside and outside of the committee, would not be in favor of building the two docks, if you have two, at New York and Norfolk.

Mr. HERBERT. I can only speak for myself. I think I should build them there; but I do not know what the Secretary will do.

Mr. ADAMS, of Illinois. I want to know what the general preponderance of opinion in the committee is.

Mr. WISE. I will state to my friend from Illinois that the chief of the Bureau of Yards and Docks has recommended that they be built at Brooklyn and Norfolk as the most suitable places.

Mr. BUCK. Who recommended that? I would like to hear what officer made that recommendation.

Mr. BRADY. Mr. Chairman, before we reached the clause now under consideration, I consulted with one of my colleagues from Virginia, and suggested to him an amendment providing that one of these dry-docks be located at the Norfolk navy-yard. Upon consultation it was deemed best that I should not introduce that amendment. I understood from him, in withdrawing the proposition, that the Secretary of the Navy would certainly locate one of these dry-docks at the Norfolk navy-yard.

In this debate the gentleman from Maine, as I understand, rests his opposition to the provision principally upon the fact that in the bill as proposed by the committee the discretion in this matter is left to the Secretary of the Navy. The gentleman from Illinois [Mr. THOMAS], and also the gentleman from West Virginia [Mr. GOFF], speaking for the Republican side of the committee, if I may use that expression, indicated that the New York navy-yard and the Norfolk navy-yard were the two most accessible points for the location of the docks. I have understood from members on the other side who, I have reason to believe, are quite near the Secretary of the Navy, and who in this matter might feel authorized to speak privately for him, that he is in favor of having these dry-docks located at the New York and Norfolk navy-yards. This being so, it seems to me the amendment I have proposed should be adopted without any opposition.

Mr. LORE. Mr. Chairman, it has been conceded on all hands, after a very thorough examination, that the Simpson dry-dock is unquestionably a success. It is said that a dry-dock of this description will last over one hundred years. These docks can be readily repaired, while their cost compared with stone is merely nominal.

Mr. SAYERS. The cost of keeping one in order is only $200 a year.

Mr. LORE. So I am informed. Now, after as careful examination as was possible, the Committee on Naval Affairs thought at least two dry-docks necessary. When they came to consider the location of these docks it was deemed best that the location should be left discretionary with the Secretary of the Navy. After the most careful examination we could give this subject, it was ascertained that it would be almost impossible for us, with the knowledge we then had, to locate these docks with the same certainty of making a proper selection that there would be if we should allow the Secretary of the Navy to take into consideration the whole field and to determine just where vessels would probably be congregated and where repairs calling for these dry-docks might be necessary.

Mr. MILLIKEN. I wish to ask a question; and it is not my purpose to participate in this debate, because I am not a member of the committee. If, as suggested in this debate, it is the opinion of people "inside and outside of the committee" that these two dry-docks should be located in New York and Virginia, why should the matter be left to the Secretary of the Navy? Who knows where he is going to locate them?

Mr. LORE. For just this reason: there was not entire unity in the committee on the subject; very far from it. There was a good deal of diversity of sentiment. It was realized that we had not sufficient light to determine with accuracy where these dry-docks should be located. Hence it was concluded that the Secretary of the Navy, who must, in the exercise of his official duties, learn just where repairs will be most needed, and who will know the advantages of respective localities, is the officer in whom we can safely vest this discretionary power. It is not certain that these dry-docks will be located at Norfolk and Brooklyn. One may be located at League Island or at Boston. It would certainly be best that the officer upon whom the responsibility rests should be intrusted with the discretion of determining where these dry-docks can be located so as best to subserve the interests of the Government.

I do submit to the committee to do the wise thing, will be not now to put an iron-clad rule about the Secretary of the Navy but to leave the responsibility on him to select such places as are for the best interest of the Government.

[Here the hammer fell.]

Mr. GOFF. The discussion here is as to why the committee did not ascertain the point where these dry-docks should be located. It discloses even in relation to certain points they thought to be the proper places it might endanger the construction of the docks to mention any particular places; that if they mentioned Norfolk the friends of other points would take offense, or if they mentioned Charlestown or any other point then other places would bring their influence to prevent any such location. Now, I submit that is not a good reason why there should not have been any definite action. We should ascertain what was right to be done, and then dare to do it. We should determine where the interest of the nation should be best enhanced and protected, and then maintain our ground whatever may be the contention as to other points.

I desire to say a word in reply to some of the gentlemen who have spoken on this proposition. It is not universally conceded that Brooklyn and Norfolk are the places for the construction of these dry-docks. There is a diversity of opinion on that question. I submit, if we are only to have two, the proper place, would be Boston and Norfolk. I call attention of the committee to the fact that the Boston navy-yard to-day is the best equipped navy-yard, I may say not only on this continent, but in the world. I call attention to the fact we have in machinery at the Boston navy-yard two dollars to one invested in Brooklyn. We have the finest machinery in the world at the Boston navy-yard. We have all the modern appliances there. We have spent $1,100,000 in placing machinery alone in that Boston yard. Yet all that valuable plant, all the magnificent machinery, under the order of the Secretary of the Navy, is to be sold at auction. I submit it is a great mistake to permit the Secretary of the Navy to carry out that order, and it would be shameful for this House to select these docks in such manner as to render this vast expenditure of the Government absolutely a waste, for it would amount to that. I hope the proposition of the gentleman from Maine will prevail and that the paragraph will be stricken from the bill.

We want to construct dry-docks, but let it not be put as new legislation upon an appropriation bill. There is not a gentleman who will take issue as to the value of the navy-yards as I have alluded to them. I know if this dry-dock be constructed at Brooklyn it will be placed at a point which is, for naval and dry-dock purposes, infinitely inferior to the Boston navy-yard.

Mr. BOUTELLE. It is evident the location of these navy-yards carries with it something more than the mere expenditure of the appropriation; a great deal more than the mere location of the dry-dock. A dry-dock of adequate capacity is essential to a naval station where construction is to be carried on to any large extent, and of course wherever the Secretary of the Navy shall locate these dry-docks, in the exercise of any kind of judgment and system, there the great construction works of the United States Navy are to be placed.

Now, it seems to me, Mr. Chairman, that the whole issue of this debate has hinged on the point whether the Congress of the United States or the Secretary of the Navy is best qualified to decide at what point in this country the great work of naval construction and repair shall be carried on. The gentleman from Illinois tells us in the committee where this bill was formulated there was an express understanding that no locality should be mentioned, because if they named localities it would bring on discussion, because if the question was raised the Representatives of the people might have some desire to have something to say about where these great public works should be located.

Why, Mr. Chairman, this proposition is calculated to enable the Secretary of the Navy to fix for all time, so far as we can see, the changes that he is now engaged in arbitrarily making in the naval establishment of this country. My mail comes to me daily laden with protests from New England against the action of the Secretary in striking down and dismantling one of the great naval establishments of the country, one of the most valuable plants belonging to this Government, at the Boston navy-yard. By a simple order he has decreed that that great yard, from which, in the past, have sailed out some of the noblest specimens of naval architecture that ever carried our flag, that great naval depot which during the very last period in which a navy was of great practical use to us was an instrumentality of service beyond calculation to the Government, shall be stricken down by an order written at the Department, and relegated to the work of making cook-stoves and twisting hemp cables.

As to the value of this property of the Government at this Boston navy-yard, I quote from the Boston Commercial Bulletin:

> The value of the grounds, buildings, and wharves, docks, machinery, stores, and supplies, &c., of the Charlestown yard is estimated at nearly $30,000,000. The plant in the engineering department alone is worth about $675,000. This department includes a very large foundry, containing two cupolas, of a capacity of 12 and 15 tons per hour; two large pits, one 16 feet deep and 16 feet in diameter, and the other 16 feet deep and 30 feet in diameter; two furnaces for either iron or brass, of 9 tons capacity each, and four large cranes of 30 tons capacity, and with pits, cranes, &c.
>
> The machine-shop consists of three large rooms, plentifully supplied with the finest machinery and tools, ranging in value from $100 to $100,000. There are lathes, borers, and planers and other tools in profusion, of the largest as well as the smallest size. One planer cost $100,000 to build and is unequaled in the world. The bed weighs 40 tons and the planer will work a piece of iron 16 feet square, and can be regulated to do some of the finest work. This machine can also be adjusted to drill, cross-plane, spline, and bore. This is also a brass-finishing shop, which is well supplied with tools. The blacksmith-shop is large and finely equipped with double forges blown by steam, a lot of steam-hammers (some 12 tons), furnaces, steam-cranes, and bolt and nut machines.
>
> The boiler-shop has all the tools and appliances necessary to build compound boilers for three steamers at one time. It has steam shears, steam-rivetting drills, steam-punches, &c., with forge and flange fires blown by steam. The forge-shop is well supplied with excellent tools and machinery, and there is a rolling plant consisting of two sets of rolls with four furnaces, which will work iron ¼ x ¾ up to 1½ x 7 inches. There is also a fine pattern-room in which are stored valuable patterns, and a fine draughting-room. The department of construction in this yard is in its way as fully equipped with valuable machinery as the engineering department.
>
> It has an iron-binding mill, an iron-plate mill, joiner-mill, saw-mill, timber sheds, mould lofts, &c. Chief Engineer Robie reported in 1883 that the facilities of the Charlestown yard were sufficient with an expenditure of about $25,000, for portable engines, to build and fit out the finest ships in the world.

Yet the Secretary of the Navy proposes to send that valuable property to the auction block, or to junk warehouses, and establish there, on his own theory of naval establishments, a bureau of equipment. And then he is going to New York, as his order declares, to establish there, for the Navy Department, a supply station; and thence to Norfolk to build the ships; and then, I suppose, over to the Pacific coast to build the engines!

[Here the hammer fell.]

Mr. BUCK was recognized, and yielded his time to Mr. BOUTELLE.

Mr. BOUTELLE. And, Mr. Chairman, in direct line with this revolutionary system of tactics, with this new idea that Congress has nothing to do with legislating for the Navy except to provide the money, the Naval Committee come in here and ask the House not only to put $1,100,000 in the hands of the Secretary of the Navy to build dry-docks on a pattern upon which a patent is held by somebody, but that he shall be authorized to locate these docks and fix the great constructing centers of the Navy for the next quarter or half a century at his own sweet will. I say it is a remarkable proposition.

The question as to the character of dry-docks proposed to be constructed has not been foreclosed in this country. I do not pretend to be an expert; I only claim the ordinary knowledge that comes from observation and the obtaining of such information as I have been able to acquire upon the subject. But I say, Mr. Chairman, whatever may be the economical advantages to a private ship-building concern in building a cheap dry-dock, to enable them to take advantage of temporary contracts, with the expectation that they may abandon their works within a limited time, it seems to me a most remarkable proposition for the Government of the United States, starting out upon permanent works, to spend more than a million of dollars in the construction of wooden dry-docks. I would as soon think of proposing to put cedar posts under a Government building as an underpinning, on the ground that cedar is good to last for fifteen years. I undertake to say that in the judgment of the best civil engineering talent in this country masonry and cement are the proper materials for a great Government hydraulic work like a dry-dock.

I have here on my desk plans and specifications of stone and cement dry-docks that have been built in England and in Russia and in the

Canadas within the last two years, permanent works, works that will stand as the pyramid of Cheops stands, for all time, if properly built, works of a character fit for a great government to enter upon.

I am assured that a dry-dock of ample capacity for a larger ship than we contemplate the construction of can be built in the best manner, of masonry and cement, with all of its appliances complete, for a sum inside of $700,000; and yet you gentlemen come in here, assuming the question to be foreclosed, with the argument that timber docks have been used and that they answer very well for a while, that they will last quite a number of years, perhaps, and that we shall make the appropriation of more than a million of dollars in block to build dry-docks out of wood when we have stone quarries in this country and facilities for constructing them of masonry unequaled in any part of the globe. There is a dry-dock [exhibiting a photograph] large enough to float a great deal larger ship than we have ever authorized to be built, a dry-dock of stone and cement that will stand until the very recollection of a Democratic administration in the United States shall have faded away like a nightmare vision of the past.

Mr. MILLIKEN. May I ask my colleague a question?

Mr. BOUTELLE. Certainly.

Mr. MILLIKEN. I wish to ask if he considers that any evidence that his dock will last a great while?

Mr. BOUTELLE. My experience has been that Democratic memory is a very tenacious thing.

And that dock, Mr. Chairman, was built for a sum hardly in excess of what is now demanded here for a wooden dock. I might cite in detail the evidence I have in regard to this matter.

[Here the hammer fell.]

Mr. CONGER. If I am recognized I will yield my time to the gentleman from Maine [Mr. BOUTELLE].

Mr. HERBERT. I ask the gentleman from Maine how much more time he desires.

Mr. BOUTELLE. About three minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. CONGER] is recognized, and yields his time to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Chairman, I have adverted to this branch of the discussion not, as I have said, because I claim to be an expert in the construction of docks, but because I believe that Congress should consider that matter. I believe that before an expenditure of over a million dollars is authorized we ought to go into the discussion of the ways and means; we ought to consider the relative merits of the different classes of works and act intelligently.

We have had criticism, and protest, and denunciation *ad nauseam* of the extravagance and folly of expending money upon wooden ships because we have gone beyond the age of wooden vessels; and yet here we are going back to start in upon new expenditures for what ought to be permanent works, works that should last as long as the Government stands, and the proposition is to build them of wood instead of masonry. I submit that that question is one that can not, or ought not, to be decided by a subcommittee of three in secret session. I submit that the Congress of the United States ought to deal with that matter, and the gentleman from West Virginia [Mr. GOFF] has voiced my belief, and has expressed the very motive of the motion that I have made here when he says——

Mr. LORE. I hope the gentleman does not mean to say that the entire committee did not approve of these wooden docks.

Mr. BOUTELLE. I mean to say if the entire committee has focused its intellect on that dry-dock question it was for but a very short time.

Mr. LORE. It did come to a focus, however.

Mr. BOUTELLE. I do not want to betray the secrets of the committee. But the impression on my mind is not that the matter of construction of these docks ever occupied the time of the whole committee for many days, or many hours, or many moments.

This proposition has been brought in here by the committee with the express purpose, so declared, of precluding discussion upon the floor of the House. It is brought in here for the purpose of taking the matter out of our hands, and, as I said before, the gentleman from West Virginia has expressed the whole scope and motive of my amendment when he says this proposition ought to be brought in here on its own merits and not smuggled in under a tricky advantage taken of parliamentary practice, not by any pettifogging with the rules of the House, but brought in here openly on its merits as a proposition for the consideration and action upon the deliberate judgment of the members of this House.

I am in favor of supplying dry-dock facilities. I am not persuaded that the great seacoast of New England is necessarily precluded from having anywhere along its coast line the opportunity to build or to repair a ship of war. I do not understand the geographical distribution which would count out from the beginning that great section of our country where ship-building has been a recognized art for centuries; and if the gentlemen from Massachusetts on this floor fail to raise their voices and protest I raise my feeble protest in behalf of their constituency and their State.

[Here the hammer fell.]

Mr. HERBERT. There are only six days remaining of this session. If we go on at this rate, spending an hour and a half on a proposition like this when there are eleven appropriation bills that have not gone to the President, an extra session is inevitable. I hope we will have a vote on this question now. I think this debate shows the wisdom of the committee in leaving this question of location to the Secretary of the Navy.

Mr. BOUTELLE. I hope my friend will admit that whatever delay there has been rests on the shoulders of the committee, because of their improperly bringing this matter into this bill.

Mr. HERBERT. I admit the delay is chiefly due to the course here of the gentleman from Maine.

Mr. BOUTELLE. I will let the country judge of that.

### MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. WILKINS took the chair as Speaker *pro tempore*.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, informing the House that the President had approved and signed a bill ofthe following title:

An act (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

### NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut [Mr. BUCK], which the Clerk will read.

The Clerk read as follows:

Amend the paragraph so that it will read:

"For one timber dry-dock, to be located at the navy-yard, Brooklyn, N. Y., to be not less than 480 feet in length, the cost of said dock not to exceed in the aggregate the amount herein appropriated, $550,000."

The question being taken, there were—ayes 20, noes 107.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The question is next on the amendment of the gentleman from Virginia [Mr. BRADY], which the Clerk will read.

The Clerk read as follows:

Amend the paragraph so that it will read:

"For two timber dry-docks, to be located at Brooklyn, N. Y., and Norfolk, Va., navy-yards, each dock to be not less than 480 feet in length, and the cost of the two docks not to exceed in the aggregate the amount herein appropriated, $1,100,000."

The question being taken, there were—ayes 24, noes 77.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The question recurs on the motion of the gentleman from Maine [Mr. BOUTELLE] to strike out the paragraph.

The committee divided; and there were—ayes 20, noes 73.

So (further count not being called for) the motion to strike out the paragraph was not agreed to.

The Clerk read as follows:

For repairs and preservation at navy-yards, $450,000.

Mr. HERBERT. Mr. Chairman, I offer an amendment to come in at the end of line 266, which is rendered necessary by the omission of the appropriation for the naval school at Coaster's Harbor Island.

The amendment was read, as follows:

Add, after line 266, the following: "Naval training station, Coaster's Harbor Island, Rhode Island: Extending wharf and dredging, repairs to main causeway, sea-wall roads, buildings, and grounds, and the necessary labor and implements required for the proper preservation of the same; for repairs and improvements on building, heating, lighting, and furniture for same, books and stationery, freight and other contingent expenses; purchase of food and maintenance of horses and mail-wagons and attendance on same, $14,000.

Mr. HERBERT. Mr. Chairman, I do not desire to make any remarks about this amendment, except to say that the appropriation is the same as the amount in last year's bill.

Mr. THOMAS, of Illinois. It was left out of this bill by accident.

The amendment was agreed to.

The Clerk read as follows:

Navy-yard, Brooklyn, N. Y.: For one clerk to civil engineer, at $1,400; one writer to captain, at $1,017.25; one foreman-laborer, at $4.50 per diem; one mail-messenger, at $600 per annum; one messenger to commandant, at $2.50 per diem; one messenger to captain, at $2.25 per diem; one messenger to yards and docks, at $2 per diem; one draughtsman, at $5 per diem; one quarterman, at $4 per diem.

Mr. HERBERT. In line 296, in the paragraph just read, I ask unanimous consent to strike out the words "to captain."

Mr. JAMES. I wanted to know why those words were there, and I ask that they be stricken out.

The amendment was agreed to.

The Clerk read as follows:

Navy-yard, Washington, D. C.: For one clerk to civil engineer, at $1,400; one messenger, at $1.76 per diem; one foreman-laborer, at $3.50 per diem.

Navy-yard, Norfolk, Va.: For one clerk to civil engineer, at $1,400; one writer, at $1,017.25; one foreman-laborer, at $4 per diem; three messengers, at $2 per diem each; one pilot, at $2.26 per diem.

Mr. COMPTON. Mr. Chairman, I move to amend by inserting "$4" in place of "$3.50" as the pay of the "foreman-laborer" at the Washington navy-yard. I make that motion because I find that the pay at the Boston yard is $4, at the Norfolk yard $4.50. At every other yard the pay is at least $4, and I do not see why discrimination should be made against the Washington yard.

Mr. THOMAS. I make the point of order that the gentleman is too late, as we have passed far beyond the point where his amendment would come in.

Mr. COMPTON. I addressed the Chair before the Clerk had passed from that paragraph, and it was not my fault if the Chair did not hear me.

Mr. SAYERS. Mr. Chairman, I will state for the information of the gentleman from Maryland [Mr. COMPTON] that the estimate, as furnished to the committee, calls for one foreman-laborer at $3.50 per diem.

Mr. COMPTON. I find that there is a discrimination in this respect against the Washington yard, or rather against the employés of that yard. I find, by reference to the bill, that employés of the same grade, or a similar grade, have higher pay at the other yards, and I wish the committee to tell us if they can why this discrimination is made. If they have no good reason for it—and certainly none appears upon the face of the bill—it seems to me to be an unjust discrimination.

Mr. HERBERT. The gentleman asserts that the grade is the same without knowing the fact. There are several different grades of laborers in the different yards. In this case we gave just what was estimated, and there has been no complaint heard by the committee, and I hope the amendment will not prevail. That is all I have to say about it, for I have no time to discuss it at length.

The amendment was rejected.

### MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. TAULBEE took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had disagreed to the House amendments to the bill (S. 2159) granting a pension to Mrs. Almira Ambler, asked a conference with the House, and had appointed as conferees on the part of the Senate Mr. SAWYER, Mr. WILSON of Iowa, and Mr. PLATT.

The message also announced that the Senate had passed without amendment the bill (H. R. 9377) for the relief of J. E. Pilcher.

The message further announced that the Senate had passed the bill (S. 3296) to authorize the printing of the eulogies delivered in the Congress upon the late John A. Logan; in which the concurrence of the House was requested.

The message further announced that the Senate had passed a resolution to provide for printing the report of the Smithsonian Institution and of the National Museum for the year ending June 30, 1886; in which the concurrence of the House was requested.

### NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session, Mr. MCCREARY in the chair, and continued the consideration of the naval appropriation bill.

The Clerk read as follows:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; purchase of machinery, rights of patented articles, and tools for use in shops; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postages, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, $900,000: *Provided*, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home: *Provided further*, That the Secretary of the Navy shall sell the New York, under the laws and regulations applicable to the sale of condemned property in the Navy Department.

Mr. BOUTELLE. Mr. Chairman, I desire to offer the amendment which I send to the desk, to come in at the end of line 457.

The amendment was read, as follows:

At the end of line 457 add:

"For repairs on the Hartford, Kearsarge, Trenton, Swatara, Thetis, Richmond, Nipsic, and Enterprise, $200,000, to be made available."

Mr. BOUTELLE. In support of that amendment I desire to have read a letter from the Secretary of the Navy and the accompanying statements, which I send to the Clerk's desk.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, February 4, 1887.*

SIR: I have the honor to acknowledge the receipt of your letter of January 28, transmitting a copy of a resolution of the Committee on Naval Affairs of the House, asking my views "as to the advisability of an immediate appropriation of $300,000, or a like sum, for repairs on the Hartford, Kearsarge, Trenton, Swatara, Thetis, Richmond, Nipsic, and Enterprise, or any of said ships; also, to furnish the committee with a tabulated statement showing how the $900,000 appropriated for the fiscal year ending June 30, 1887, for construction and repairs has been applied."

Herewith you will find a statement of the expenditures of the current year asked for, and the balances on hand.

My view with regard to any large expenditures upon these boats is that if the question were to be considered entirely separate from the conditions prevailing at the present time, the expenditures should be considered as wasteful and foolish, for the ships will be of little or no value in war.

Under the special circumstances which obtain at the present moment I am not prepared to advise against the appropriation of such sum as is necessary to keep afloat these ships. They perform a function in time of peace important to our commerce, and it is not unlikely that they may be needed within the next six or eight months for purposes of observation and for such slight security as they may be able to afford at points where our commercial interests may require them.

I do not refer to the use of these vessels for any fighting, for that would only be to invite national humiliation; but in time of peace vessels of war are a very important moral force to prevent and harmonize differences, and act as peacemakers. They carry men trained in the knowledge of international law and international rights, and become advisers and protectors of the citizens of the country engaged in commerce throughout the world. It is lamentable that we should be obliged to spend money upon implements of war which have no real value except in time of peace, but such seems to be the necessity at the present time.

I think the sum of $200,000 would cover all that could be judiciously expended between now and the 30th of June.

Very respectfully,

W. C. WHITNEY,
*Secretary of the Navy.*

Hon. H. A. HERBERT, M. C.,
*Chairman Committee on Naval Affairs, House of Representatives.*

NAVY DEPARTMENT, BUREAU CONSTRUCTION AND REPAIR,
*Washington, D. C., January 21, 1887.*

SIR: The resolution of the Committee on Naval Affairs of the House of Representatives relative to making an additional appropriation for this bureau, referred by you to this bureau, is herewith respectfully returned. You will please find herewith a statement showing the amount required under the deficiency bill, and a statement showing the amount of expenditures to date under the appropriation for construction and repair in 1887. It will be found from these statements that the estimated deficiency for the remainder of this fiscal year is $234,292.

I am, sir, very respectfully, your obedient servant,

T. D. WILSON, *Chief of Bureau.*

Hon. W. C. WHITNEY,
*Secretary of the Navy.*

Amounts required to complete—

| | |
|---|---|
| Trenton | $20,000 |
| Swatara | 6,000 |
| Nipsic | 15,000 |
| Kearsarge | 47,792 |
| Enterprise | 14,000 |
| Hartford | 65,000 |
| | 167,792 |
| Repairs of training squadron on the return from winter cruise | 10,000 |
| Fitting out and repairs to Naval Academy school-ships | 10,000 |
| Thetis and Richmond, about completed | 1,500 |
| Ship-keepers | 15,000 |
| Miscellaneous expenses and freight | 30,000 |
| Total deficiency | 234,292 |

Mr. BOUTELLE. It appears from the communication just read that, according to the estimate of the Secretary of the Navy, $234,000 would be required to complete the repairs now in progress and necessary, if the wooden vessels named are to be kept afloat.

Mr. WISE. How does the estimated cost of the repairs of these ships compare with the estimated cost of new ships?

Mr. BOUTELLE. According to my understanding, it has been decided not to continue the repairs of these ships, the estimate as to the amount of repairs required being outside of the limit; and therefore a special appropriation by Congress is necessary to secure the repair of these vessels.

The Secretary in his letter sets forth very clearly the peculiar reasons existing at the present time for putting upon wooden vessels repairs which might not be put upon them if we were already supplied with fleets of iron and steel. He recognizes the fact that our new vessels will not be available for some time to come.

During the intervening time it is of the very highest importance that we should be represented by our Navy in the waters of different parts of the world—not necessarily by fighting ships of the first class, because those we have not yet—but by cruising ships that can carry our flag, that can furnish headquarters for our naval representatives, and can perform all the manifold functions of the Navy in connection with our diplomatic intercourse. In that view, the Secretary recommends this appropriation.

It does seem to me that while we have so few ships, while it is so difficult for us to send our flag to those important points in Europe where we ought to be represented by our Navy, it would be a great mistake if we should allow to go to wreck these ships which, although they may be considered obsolete as fighting vessels in this new era of high-power guns, are the representatives of the very finest type of naval architecture that was ever put afloat up to the time when we commenced the building of iron and steel ships.

And, Mr. Chairman, although I do not know how much effect an appeal to sentiment may have upon this House, I submit that every American citizen ought to feel some little pride in keeping afloat, in keeping out of the hulks, in keeping in commission, two such magnificent representatives of the glories of the United States Navy as Farragut's old flag-ship, the Hartford, and that grand gunboat, the Kearsarge, which won a victory for American arms, within the view of the people of two nationalities of Europe, that stands unrivaled in its brilliancy in the naval history of the world. It does seem to me, Mr.

Chairman, that it would be a shame to us as a people, if, from the failure to appropriate a few paltry thousands of dollars, we should turn over to be broken up, to be sold for old iron, or cut up to make firewood, two vessels which will stand pre-eminent in our history as types and representatives of the glorious prestige of the Navy of the United States.

In the olden day, Mr. Chairman, it was not so. The old Constitution was not permitted to be sold at the auction-block and turned into a barge for carrying coal; but she was preserved; her timbers were from time to time renewed; she was kept in commission as long as possible; and she lives to-day, tenderly preserved as a shrine of American patriotism and a legacy of glory.

[Here the hammer fell.]

Mr. MCADOO. Mr. Chairman, I wish to say a word with reference to this amendment, which, it seems to me, the Committee of the Whole should well understand before voting upon it. In the first place, as we know, the vessels of the United States to-day on the naval list are almost entirely built of wood. Under a law of Congress, whenever the repairs to be done on any one of these vessels amount to 20 per cent. of the cost of the vessel she must be condemned, instead of being repaired. Last year there was, as there is this year, $900,000 appropriated in this bill for the Department of Construction and Repair. The present fiscal year ends on the 30th of next June, and of that appropriation there now remains but a very small portion. . As appears by the statements of the Secretary of the Navy and of Mr. Wilson, the chief constructor, $200,000 is needed immediately to repair the vessels which are at present in the navy-yards awaiting action.

Now, of these vessels, there is the Hartford at the Mare Island navy-yard, and there are the Enterprise, the Nipsic, and the Richmond at New York. Some of these vessels have been partially repaired, and others have just arrived at the yards and have had no repairs yet put upon them. Now, I submit this point to the good sense of the House: In the first place, it is absolutely necessary that we should have some vessels to float the *personnel* of the Navy; and, in the second place, if we delay making this appropriation of $200,000 these vessels by the 30th of June next will have deteriorated beyond the 20 per cent. limit, and will be taken off the naval register. Hence the failure of Congress to make this appropriation of $200,000 means just this: You are voting off the naval register of the United States the vessels in the navy-yards which have been partially repaired or just ordered there for repair. With the large *personnel* of enlisted men and officers who will be kept on the list no expense will be saved to the Government by the failure to appropriate. You merely leave these men without any vessels upon which they can be floated and exercised; and you leave the country at foreign ports without any representation of the flag.

If, as the Secretary of the Navy has so well said, the question were the naked one whether we should repair wooden ships or build wooden vessels, I, for one, would be found opposing the expenditure of a dollar upon a wooden vessel. But the question is not whether we shall continue the construction of wooden vessels. The question is one of emergency—whether we shall lose these vessels to the Navy, or whether, while we are building up a modern and respectable navy, we shall have old vessels to float the present *personnel* of the service. There is no doubt in my mind in case the Hartford comes now within the 20 per cent. list, the result after two or three months will be to take that vessel out of commission.

While, Mr. Chairman, a question of dollars and cents is not one of sentiment I can not but have some sympathy with what has been stated by the gentleman from Maine [Mr. BOUTELLE]. It has been the policy of all naval nations with a view to the naval glory which belongs to them to preserve the great historic vessels of their service. The old Victory of the British navy is still kept in commission, her flag still flies from her peak, and she is commanded by officers and manned by a crew. I think it is wrong on our part that the Kearsarge or the Hartford should be allowed to go out of commission for want of this appropriation.

[Here the hammer fell.]

Mr. BUCK. Mr. Chairman, a communication has been read as to what will be the cost of the repair of these vessels in case they are kept in commission. This bill as presented to the House contained no item for the preservation of these ships mentioned in the amendment of the gentleman from Maine [Mr. BOUTELLE]. After it was reported the committee called on the Secretary for some information on this subject, and that communication from the Secretary in reply to the committee has been read to the House. It is in effect that about $200,000 will be required to preserve these historic ships in the condition in which they now are. Everybody will recognize at once what these ships are in the history of our country. The Hartford was the flagship of Admiral Farragut. The Thetis was engaged in the arctic expedition. The Kearsarge was engaged in one of the grandest naval conflicts of modern times, and won imperishable renown for our Navy. They all bear glorious names in the naval history of the United States.

The Secretary of the Navy says they can be made useful in the transportation of troops and supplies; that they can be made useful in various ways along the coast; that they can be turned into training schools for our Navy.

But if there were no practical use to which they could be put, as the Secretary of the Navy suggests, they should be preserved and kept in commission for the grand scenes and victories in which they have participated. We should preserve the Hartford and the Kearsarge for the great deeds which they have done, and which have made them historic names. They should be preserved upon the same principle that we preserve the old family Bible—for the sake of the memories connected with it.

Think of it, only $200,000 to preserve the ship that sank the Alabama; to preserve the Hartford, that distinguished itself so much at Mobile, and to preserve the Thetis, that participated in the arctic expedition! For this purpose, to preserve all these vessels as provided by the amendment of the gentleman from Maine, the Secretary of the Navy tells us it will take no more than $200,000. It seems, if we have any patriotism left in our natures, we ought at least to vote this small sum of money to preserve these ships that future generations will be glad to look upon. It will be the best object-lesson in the cause of freedom which could be given. [Applause.]

[Here the hammer fell.]

Mr. SAYERS. Mr. Chairman, I desire to call the attention of the committee to two facts which should be considered before passing on this amendment. During the present Congress, at its first session, there was voted to the Bureau of Repairs the sum of $900,000. That amount of money was intended to cover the entire fiscal year. There is no war pending; there is not the slightest danger of any hostility with any foreign government whatever, and yet we find a subordinate officer of the Navy Department, charged with the duty of using only $900,000 in his particular bureau, no emergency pressing upon him, consumes almost all of that $900,000 in the short space of six months. And now he comes into this House and asks Congress to give him $200,000 more to spend on these old worn-out vessels.

The other fact is this, and it is to that fact I desire to call attention. The Trenton was built in 1873. Her original cost was $1,200,000. Repairs, including the original cost, up to the 13th of June of last year, make the expenditure of this one single wooden vessel since it was constructed in 1873 amount to $1,883,880.32. Over $600,000 were expended out of the treasury of the people and placed in repairs upon a wooden vessel built in 1873. I hold in my hand a list of the expenditures upon the vessels named in that communication of the Secretary of the Navy, and from this tabulated statement it will be discovered that the expenditures upon them in the way of repairs have largely exceeded the original cost of construction. It is not wisdom, it is not economy, in the light of the fact that we are now building vessels of an entirely different type, to continue work upon ships of this character. These vessels are unable either to fight or to run away. They are too weak to cope with the great vessels of any European nation; they are too slow in speed to get away from one of the fast cruisers of modern build belonging to any maritime power. I do not believe that this $200,000, as embraced in that amendmentt, should be used upon these old vessels. It can be used to much better advantage in the construction of our Navy in other ways.

[Here the hammer fell.]

Mr. HENLEY was recognized.

Mr. HERBERT. I desire to ask the gentleman who proposed the amendment if we can not agree upon some reasonable limit to this discussion; say ten minutes on that side and five on this.

Mr. BOUTELLE. I have no objection.

Mr. HERBERT. Then I assume that is agreed to, there being no objection on the part of the mover of the amendment.

Mr. HENLEY. No agreement can be entered into to the prejudice of my right to the floor now.

Mr. HERBERT. It does not refer to that.

The CHAIRMAN. Does the Chair understand the fifteen minutes now allowed for debate to be in addition to the time occupied by the gentleman from California.

Mr. HERBERT. No, sir; the understanding is that it includes that time.

Mr. HENLEY. Now, Mr. Chairman, I have some views in respect to this amendment which I sincerely hope will prevail. These views I have impressed upon my distinguished friend from New Jersey [Mr. MCADOO], and accordingly make him my mouthpiece for the remainder of the time allotted to me.

Mr. MCADOO. Mr. Chairman, I feel very highly complimented by being made the mouthpiece of the gentleman from California in this discussion.

I want to refer, sir, for a few moments, to a remark made by the gentleman from Texas, who has just taken his seat, which may be misleading. He said that we gave to this bureau last year, mainly for the purposes contemplated in this amendment, $900,000. That is true; but the gentleman from Texas should also state to the committee, in justification of the bureau, that that sum was not the amount of the estimate, but was a large reduction upon it. They asked for $1,700,000; and while I believe it is proper in an economical committee not to give the full amount of the estimates, because they are generally in advance of what public sentiment would probably approve for such works, still the House should reflect that it is a very serious cut from $1,700,000

to $900,000; and besides that these estimates for $1,700,000 were very carefully drawn. They gave dollar for dollar of estimate as to what was required, and as to how this money was to be expended; and therefore it is not so very surprising, as the gentleman would make it appear to the committee, that there should be now a deficiency of $200,000 on the part of the bureau that asked this large amount of money and got but little more than half of it.

What, Mr. Chairman, has been the practical result of this tremendous cut in the estimates of the bureau? To-day in the navy-yards of the United States the Bureau of Construction and Repair is closed out for want of funds. I know whereof I speak, especially as regards the navy-yard at New York.

There is yet another point: Even if the deterioration in the vessels now awaiting repair does not reach in the interim the dead line of 20 per cent. the amount necessary will be largely increased by July, for the deterioration is still going on.

The gentleman from Texas argues as if the question was before us *de novo*, whether we should build wooden ships or not; but, as I stated before when I had the attention of the committee, that is not the question at all. I agree with the gentleman from Texas that thousands of dollars, millions of dollars in fact, were in my opinion unwisely and unwarrantably expended on wooden vessels. But for that neither the gentleman from Texas nor myself are called upon to make excuse or offer any defense. The simple question for the committee to determine now is, with the construction and repair departments of the navy-yards closed to-day, with your large enlisted *personnel*, with your officers waiting duty on the high seas, with your flag to be floated, with your wooden vessels on the stocks waiting repairs, whether you will repair them or take them off the naval register altogether, allowing them to lie there and decay until the 1st of July. That is the only question before the committee.

Now, Mr. Chairman, aside from the practical argument which may be advanced here on the question presented to us, whether the vessels at present in the yards, not those prospectively to be sent there, but those now on the stocks, shall be completed—aside from that practical proposition, there is one that I was endeavoring to enunciate a little while ago when your unrelenting hammer forced me to desist. Aside from that practical proposition there is a question of sentiment which enters into the discussion.

Among the vessels on this list awaiting repairs to-day on the docks of these yards are historic vessels—vessels with well-known historic names—that no matter how modern your Navy may be the people of the United States will not begrudge the $200,000 proposed to be appropriated to keep in commission as mementoes of the chivalry and bravery and heroism of the Navy of the past. I think, Mr. Chairman, in view of the fact that on a question like this, which has so divided the Naval Committee itself, upon which the best men in that committee have divided, and men, too, who on this floor and in the committee-room are always conservative about expenditures—and I claim to belong to that class myself—but who advocate this amendment and say that such a question is one which should address itself to the business sense of the House, that therefore this emergency appropriation should be made.

I might appeal to the members of this House for the men who have been working on these vessels who, to-day, in the presence of this emergency appropriation, find themselves in the cold winds of winter without the yards and without employment. But I have never advocated, I want to say to my friend from Texas who smiles, I have never advocated, and I never will advocate the expenditure of a dollar of the people's money to employ any man unless it is a wise and a just expenditure; and if I did not believe this was such, I should not make the additional argument as to the discharge of these men from the navy-yards.

[Here the hammer fell.]

Mr. BOUTELLE. I yield three minutes to the gentleman from Virginia [Mr. WISE].

Mr. WISE. I shall vote for this amendment. If we do not repair these ships we will be without any. We have no new ships to take their places. I am as much opposed as the gentleman from Texas to making useless expenditures for the repairs of old ships, but I tell him if these go out of commission very few will be left on which the flag of our country can float anywhere.

I want the members of this committee to understand that this question has been submitted to the Secretary of the Navy, who, I will say to the gentleman from Texas, is of our political persuasion. And he tells this House that these ships are necessary to perform useful services for the Government. With this declaration from our own Secretary of the Navy, how can we refuse to vote the necessary appropriation to keep these vessels afloat?

As has been said by my friend from New Jersey, put these ships out of commission, and we have not one upon which you can send to sea your *personnel*. Why make this large appropriation for the support of a naval establishment if we are to have no ships for the Navy? I hope my friends on this side of the House will not forget that the purpose of this amendment is to carry out the recommendation of the Secretary of the Navy and the bureau officers of the Navy Department.

Mr. BOUTELLE. How much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. BOUTELLE. Mr. Chairman, it does not seem to me that there ought to be any need for further argument upon this proposition. Some of the gentlemen who have declared themselves very strongly in favor of rehabilitating our Navy, strengthening it, and building it up, seem to forget in the consideration of this matter that we need a navy to-day, and that we can not have at a moment's or a month's or at six months' notice first-class armor-clad ships or the swiftest class of steel cruisers. We yet need a working navy, we need flagships upon our foreign stations; and, as I said before, these vessels for every purpose of a navy in time of peace are perfectly adapted to the needs of the Navy Department.

With the sole exception of adaptability for warfare they are excellently adapted to the uses to which we propose to put them. Those uses are just as essential, Mr. Chairman, just as honorable, and they have been in many cases quite as glorious in their sphere as the achievements of the Navy in war. I will not stop to enumerate here, but any person familiar with the history of this country must be aware of the fact that the Navy of the United States in time of peace has occupied a large space in the affairs of this country, and that the usefulness of the naval service has not been circumscribed simply by its achievements in time of war. If we are to have vessels afloat, as we must have vessels afloat to carry the flag, to serve as headquarters, certainly we could not select vessels that would carry with them more of respect abroad, or that would carry with them more of the essence of American pride of nationality or American patriotism, than these great war ships, the Hartford, the Kearsarge, and these other vessels that stand to-day as the type of all that is glorious and patriotic in the service of the Navy in the past.

Mr. HERBERT. I believe I have five minutes and that I close debate. I yield two minutes to the gentleman from Delaware [Mr. LORE].

The CHAIRMAN. Four minutes remain to the gentleman from Maine [Mr. BOUTELLE] if he desires to use that time.

Mr. HERBERT. I will wait till that time is used by the other side.

Mr. THOMAS, of Illinois. Let us have a vote.

Mr. HERBERT. Does the gentleman from Maine desire to discuss the question any further?

Mr. BOUTELLE. I am ready for a vote.

Mr. HERBERT. Then I yield two minutes to the gentleman from Delaware [Mr. LORE].

Mr. BOUTELLE. I understood the gentleman was ready to vote. If the question is to be further discussed I reserve what time we have.

Mr. LORE. The sharp question for the committee to decide to-day is this: Whether we will expend more money on these old wooden ships or apply this $200,000 additional to new vessels. If it is admitted these old vessels will go out if money is not immediately expended upon them, there will be still left enough to float the *personnel* of the Navy and to answer all immediate purposes which the Navy will be called to meet. Therefore the question is, will we let more money go on these painted sepulchers, which in case of war would go to the bottom at the mouth of any almost of the guns of any of the modern navies in the world; or whether we will save that money and hurry up our iron-clad and other vessels that will meet the exigency, and expend the money judiciously in a way to give us a navy and not a mere remembrancer or suggestion of one?

Mr. BOUTELLE. Let me ask the gentleman whether the Secretary of the Navy does not say that this additional appropriation is necessary if these repairs are to be made?

Mr. HERBERT. My impression is that the Secretary of the Navy is not clear about that.

Mr. BOUTELLE. He states so distinctly in his letter.

Mr. HERBERT. I do not so understand it; but without reference to that I desire simply to say that I am sick and tired of appropriating money for these rotten, worthless old ships. The money we do appropriate for the Navy ought to go to the construction of new vessels of modern style. The Committee on Naval Affairs is considerably divided on this question, as this Committee of the Whole can see; but, sir, the extravagant statement of my enthusiastic friend from Virginia ought to be corrected. He says that unless we repair these three vessels we have not a ship to send abroad. There are now afloat more than thirty ships.

Mr. HOLMAN. Thirty-eight.

Mr. HERBERT. Thirty-eight. The gentleman said, further, that we would have no new ships coming in, but if the small appropriation required to complete be made the Chicago, the Boston, and the Atlanta will all come in during the present year to take the place of vessels going out. It has been said that we made a very heavy cut in this appropriation last year. So we did. The reason was that we had begun to build a new navy and that the old ships were going out.

In 1885 the Rose, the Wanchusett, the Pilgrim, and the Dale were condemned. In 1886 there were condemned the Powhatan, the Lackawanna, the Tennessee, the Shenandoah, and the Saugus. Besides these, the Naval Register for 1887 says "the Franklin and the Wabash are not recommended for further sea service." Will any gentleman say

that when ships are going out in this way we ought to expend as much for repairs upon our old navy as has been expended in the past? Does any gentleman say that when we are building new ships of steel, we ought still to appropriate as large amounts as formerly for these old hulks, the expenditures upon which for the last ten years or fifteen years have been, I do not think I overstate the case when I say, disgraceful to the country?

Mr. BUCK. Will the gentleman allow me a question?

Mr. HERBERT. Yes, sir.

Mr. BUCK. The gentleman says that he is not in favor of the preservation of these old hulks. I ask him whether he is in favor of selling the Hartford and the Kearsarge at public auction for whatever they will bring, and blotting them out of our Navy?

Mr. HERBERT. I am in favor of taking a business view of that question. I would sell the old ships that are not worth keeping. If we want to keep any of them as mementoes, let us put them in glass cases or otherwise preserve them. Let us stop expending large sums upon them uselessly every year.

Mr. BUCK. Why not preserve them as the Secretary of the Navy wants you to preserve them, and says you ought to preserve them?

Mr. HERBERT. If he meant to say that, I should not agree with him. I do not think they ought to be preserved in that way.

Mr. BUCK. The Secretary thinks they ought.

Mr. SAYERS. That is where we differ.

Mr. HERBERT. These old ships, some of them, have cost two or three times as much for repairs as they cost originally to build. I think we ought to stop that policy, and for that reason I, for one, am opposed to giving more than the amount recommended in the bill for the repair of these ships. [Cries of "Vote!" "Vote!"]

The question was taken on the amendment of Mr. BOUTELLE; and there were—ayes 90, noes 59.

So the amendment was agreed to.

The Clerk read as follows:

Navy-yard, Mare Island, California: For one clerk to naval constructor, at $1,400; two writers, at $1,017.25 each; in all, $20,989.75. And no other fund appropriated by this act shall be used in payment of such services: *Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such additional draughtsmen on the designs therefor as may be necessary.

Mr. THOMAS, of Illinois. I move to amend by inserting, after the word "draughtsmen," in line 490, the words "writers and model-makers." This amendment is offered at the instance of the Department, and with the approbation of the committee.

Mr. HERBERT. That is all right.

The amendment was adopted.

The Clerk read as follows:

Naval Academy:

Pay of professors and others, Naval Academy: For one professor of mathematics and one of physics, at $2,500 each, $5,000; three professors (assistants), namely, one of chemistry, one of French and Spanish, and one of English studies, history, and law, at $2,200 each, $6,600; five assistant professors, namely, one of English studies, history, and law, three of French, and one of drawing, at $1,800 each, $9,000; one sword-master, at $1,500, and two assistants, at $1,000 each; one boxing-master and gymnast, at $1,200; one assistant librarian, at $1,400; one secretary of the Naval Academy, at $1,800; three clerks to the Superintendent, at $1,200, $1,000, and $800, respectively, $3,000; one clerk to commandant of cadets, at $1,200; one clerk to paymaster, at $1,000; one dentist, at $1,600; one baker, at $600; one machanic in department of physics and chemistry, at $730; one cook, at $325.50; one messenger to Superintendent, at $600; one armorer, at $529.50; one gunner's mate, at $469.50; one quarter-gunner, at $409.50; one cockswain, at $469.50; one seaman in department of seamanship, at $349.50; one attendant in the department of astronomy and one in the department of physics and chemistry, at $300 each, $600; six attendants at recitation-rooms, library, store, chapel, and offices, at $300 each, $1,800; one band-master, at $528; twenty-one first-class musicians, at $348 each, $7,308; seven second-class musicians, at $300 each, $2,100; in all, $52,119.

Mr. LORE. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after "Superintendent," in line 550, down to word "one," in line 552, and insert in lieu thereof the following: "Two at $1,200 each, and one at $800, $3,200;" so that the clause will read:

"Three clerks to the Superintendent, two at $1,200 each and one at $800, $3,200."

Mr. LORE. The bill as reported provides for three clerks to the Superintendent, one at $1,200, one at $1,000 and one at $800. By this amendment, if adopted, the clerk receiving $1,000 will be put upon an equality as to pay with the one now receiving $1,200. As a member last year of the Board of Visitors to the Naval Academy, I will say that upon examination we found these two clerks had precisely the same duties, were in fact clerks of the same grade; and the Superintendent stated that their salaries ought to be exactly the same. Some of us took the trouble to examine their work and were thus satisfied of the correctness of the Superintendent's opinion.

Mr. HOLMAN. You propose to "equalize" by paying each of these clerks $1,200?

Mr. LORE. Yes, sir.

Mr. HOLMAN. Why not "equalize" by giving each $1,100? Then the amount of the appropriation will not be increased.

Mr. LORE. The gentleman asks me why not make the compensation of each of these two clerks $1,100. I answer, because the salary of $1,200 is barely commensurate with the amount of work done. We found on examination that their work is of precisely the same grade, and it was conceded by every one that their pay ought to be the same. Their services are such that they could command anywhere a salary of $1,200. That amount is only a fair compensation.

Mr. SAYERS. How long have they been there?

Mr. LORE. I do not know; but I see no earthly reason, if they have been there twenty years——

Mr. SAYERS. And have been working on that salary?

Mr. LORE. And have been working on that salary.

Mr. SAYERS. And are satisfied with it?

Mr. LORE. They are not satisfied.

Mr. SAYERS. Then let them resign.

Mr. LORE. I submit that this injustice ought not to be done. There was but one opinion on this question among the members of the visiting board, including my friend from Georgia and other gentlemen. They all agreed, I think, that this amendment ought to be made. The amount involved is only $200, and the granting of this small increase is a simple act of justice. I desire to impress upon the committee that these men ought to be put upon an equality in pay, inasmuch as their labor is of equal grade.

Mr. HERBERT. "I desire to impress upon the committee" that this is simply the old, old story—grading salaries by giving increased pay—grading up.

Mr. HOLMAN. Always up.

Mr. HERBERT. Nobody ever attempts to grade downward when there is found what is claimed to be an "inequality."

Mr. Chairman, look at it. One thousand dollars, the salary proposed to be increased, will purchase now twice as much as it would purchase twelve or fifteen years ago. Yet, notwithstanding the prices of commodities have fallen, and money has become more and more valuable, we have these applications on all hands for increased pay. I am opposed to this policy. What was pay enough for this clerk under former administrations, ten or fifteen years ago, is pay enough now.

The gentleman form Delaware [Mr. LORE] says this clerk could earn $1,200 anywhere. The mere fact that he accepts a salary of $1,000 is a refutation of the gentleman's statement, or else it would turn out on examination that there are other considerations, such as fewer hours of labor perhaps, that make this position more desirable than a clerkship elsewhere. You may depend upon it this clerk would not be there at that salary unless he was doing better than he can do elsewhere; and, if so, why raise the salary?

Mr. LORE. The chairman of the committee [Mr. HERBERT] has not touched the real point of this case. Congress has fixed $1,200 as the measure of the value of the services of one of these men. This other man does precisely the same work and receives only $1,000. Would there be justice in allowing to my learned friend a salary of $6,000 as a member of this House, and to other men doing precisely the same work only $5,000? Congress having fixed the measure of compensation for one of these clerks, the other, *doing* precisely the same labor, ought to receive the same pay. The point I make in this case is not met. I am urging the injustice of paying only $1,000 to a clerk who does the same work for which another receives $1,200.

Mr. HERBERT. My idea of justice in a matter of this kind is illustrated by the Saviour in a parable. The complete reply to the gentleman's argument is contained in the language of the master of the vineyard to the laborer who, like the clerk here, was complaining about what another laborer received, "I do thee no wrong; didst thou not agree with me for a penny?"

Mr. LORE. Well, Scripture does not apply in this House.

Mr. HERBERT. No, Scriptures do not apply to your side of the question.

Mr. BURROWS. Do these clerks in fact render the same service?

Mr. HERBERT. I do not know whether they do or not. Whether they do or not, there is no reason why we should increase this salary.

The question recurred on Mr. LORE'S amendment.

The committee divided; and there were—ayes 28, noes 50.

So the amendment was rejected.

The Clerk read as follows:

The course of study of naval cadets at the Naval Academy is hereby changed from six to four years; and the academic board of the Naval Academy shall, on or before the 30th day of September in each year, separate the first class of naval cadets into two divisions, in the proportion which the aggregate number of vacancies occurring in the preceding fiscal year, ending on the 30th day of June, in the lowest grades of commissioned officers of the line corps of the Navy and Marine Corps, shall bear to the number of vacancies occurring during the same period in the lowest grade of commissioned officers of the Engineer Corps of the Navy; and the cadets so assigned to the first division of the first class shall thereafter pursue a course of study arranged to fit them for service in the line corps of the Navy, and the cadets so assigned to the second division of the first class shall thereafter pursue a separate course of study arranged to fit them for service in the Engineer Corps of the Navy, and the cadets shall thereafter, and until graduation, take rank by merit with those in the same division, according to the merit-marks of the four years' course; and the two divisions of the first class shall be graduated at the end of the four years' course; and from the graduates of the first division appointments shall be made hereafter as it shall be necessary to fill vacancies in the lowest grades of commissioned officers of the line corps of the Navy and Marine Corps, and the vacancies in the lowest grade of the commissioned officers of the Engineer Corps of the Navy shall be filled in like manner by appointments from the graduates of the second division: *Provided*, That no greater number of appointments into the said lowest grades of commissioned officers shall be made each year than shall equal the number of vacancies which shall have occurred in the same grades during the preceding fiscal year, such appointments to be made from the graduates of the year at the conclusion of their four years' course in the order of

merit as determined by the academic board of the Naval Academy; the assignment to the various corps to be made by the Secretary of the Navy upon the recommendation of the academic board; but nothing herein contained shall reduce the number of appointments from such graduates below ten in each year, of which three shall be appointed to the Engineer Corps: *Provided further*, That from the class which graduated at the end of four years in June, 1885, there shall be appointed, in like manner, but after a final graduating examination, upon the recommendation of the academic board, as many as shall equal the total number of vacancies in the lowest grades of commissioned officers of the several corps occurring in the year ending June 30, 1887, and that from the class which graduates at the end of the four years' course in June, 1886, there shall be appointed in like manner, but after a final graduating examination, as at the end of the present six years' course, upon the recommendation of the academic board, as many as shall equal the total number of vacancies in the lowest grades of the commissioned officers of the several corps occurring in the year ending June 30, 1887; and if there be a surplus of graduates in any year, those who do not receive such appointments to the said lowest grades of the Navy and Marine Corps shall be given a certificate of graduation and an honorable discharge; and those cadets who shall be honorably discharged from and out of the classes which completed the four years' course in the years 1885 and 1886 shall be given one year's sea pay, as now provided by law for naval cadets so discharged after the six years' course, and the said one year's pay shall not be given hereafter to other graduates of the four years' course; and if the number of vacancies in the lowest grades aforesaid occurring in any year shall be greater than the number of graduates of that year, the surplus vacancies shall be filled from the graduates of following years as they shall become available; and all parts of laws inconsistent with the provisions herein contained are hereby repealed; and this act shall apply to the class of naval cadets which shall complete the four years' course in June, 1887, and the appointments from that class to the lowest grades of commissioned officers of the Navy shall equal the number of vacancies which shall have occurred in the year ending June 30, 1887; and the act of August 5, 1882, is hereby amended in so far as it conflicts herewith.

Mr. COMPTON. Mr. Chairman, I make the point of order against that whole paragraph. It repeals existing law, and is therefore in conflict with the rule under which the House is operating.

Mr. HERBERT. The point made by the gentleman is well taken. The committee knew when this paragraph was put in if the point of order was made against it it would have to go out. The change as proposed is desired by all who have examined the question. It is desired by the academic board and the board of visitors. It would save money.

A MEMBER. How?

Mr. HERBERT. It would save $32,000 to the Government, as it proposes to turn into active life two years sooner the young men who are not to be commissioned in the Navy.

I make this statement in justice to the Committee on Naval Affairs.

The CHAIRMAN. Does the gentleman from Maryland insist upon his point of order?

Mr. COMPTON. I do. I do not propose to discuss the measure.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HERBERT. I ask by unanimous consent the order for an evening session be vacated.

Mr. BURROWS. That can not be done in committee.

The CHAIRMAN. It can not. The committee will have to rise.

Mr. HERBERT. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, and had come to no resolution thereon.

## ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 306) granting a pension to George Schneider;
A bill (H. R. 5629) granting a pension to Thomas G. Polley;
A bill (H. R. 6188) for the relief of John A. Fagg;
A bill (H. R. 6712) for the relief of William N. Canady;
A bill (H. R. 7504) granting a pension to Larkin Delph;
A bill (H. R. 7971) granting a pension to Mary Wood;
A bill (H. R. 8205) granting a pension to J. W. Gooding;
A bill (H. R. 8469) granting a pension to John Moran;
A bill (H. R. 8486) granting a pension to Rebecca Morris;
A bill (H. R. 8720) granting a pension to William B. Eve;
A bill (H. R. 8818) granting a pension to Frederick Dierking;
A bill (H. R. 9377) for the relief of J. E. Pilcher;
A bill (H. R. 9863) granting a pension to Mary McCoy;
A bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop;
A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes; and
A bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance.

## SWEARING IN OF A MEMBER.

The SPEAKER laid before the House the following certificate of election; which was read:

By his excellency George Peabody Wetmore, governor, captain-general, and commander-in-chief of the State of Rhode Island and Providence Plantations:

Be it known that Charles H. Page, of Scituate, in the State aforesaid, qualified according to the Constitution of the United States for a Representative in the Congress thereof, was, by the people of the second district of said State having the qualifications requisite for electors of the most numerous branch of the Legislature thereof, on the 21st day of February, A. D. 1887, regularly elected a Representative from said State in the Forty-ninth Congress of the United States in accordance with the laws of said State, to fill the vacancy caused by the action of the National House of Representatives in declaring the seat of William A. Pirce vacant.

In testimony whereof I have hereunto set my hand and caused the seal of said State to be affixed at Providence, this 23d day of February, in the year of our Lord 1887, and of the Independence of the United States of America the 111th.

[SEAL.] GEO. PEABODY WETMORE.

By the governor:
JOSHUA M. ADDEMAN,
*Secretary of State.*

Mr. PAGE, having appeared at the Bar of the House, was duly qualified, taking the oath prescribed by law. [Applause on the Democratic side.]

## ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent that the time of the recess fixed for to-day, this being the evening under which the House, by a special order, meets for the consideration of pensions, be extended until the completion of the naval appropriation bill.

Mr. WOLFORD. I object.

Mr. SPRINGER. I ask unanimous consent that the session of the House be continued until 6 o'clock, and that the recess be then taken. [Cries of "Regular order!"]

Mr. HERBERT. If I can not be allowed to do that, then I move that the House adjourn.

Mr. MCMILLIN and Mr. BRAGG demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BURROWS. Mr. Speaker, before the announcement of the vote on ordering the yeas and nays, I move that the House take a recess until half past 7.

The SPEAKER. The House is taking a vote on the motion to adjourn, which is a question of priority, and the yeas and nays are ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 117, nays 100, not voting 102; as follows:

### YEAS—117.

| | | | |
|---|---|---|---|
| Allen, J. M. | Daniel, | Lanham, | Seney, |
| Bacon, | Dargan, | Lore, | Seymour, |
| Barbour, | Davidson, A. C. | Mahoney, | Shaw, |
| Barksdale, | Davidson, R. H. M. | Martin, | Sowden, |
| Barry, | Dibble, | Maybury, | Spriggs, |
| Belmont, | Dockery, | McAdoo, | Springer, |
| Bennett, | Dunn, | McCreary, | Stahlnecker, |
| Blanchard, | Eden, | McMillin, | Stewart, Charles |
| Bland, | Eldredge, | McRae, | St. Martin, |
| Bliss, | Ermentrout, | Merriman, | Stone, W. J., Ky. |
| Boyle, | Fisher, | Miller, | Stone, W. J., Mo. |
| Bragg, | Ford, | Mills, | Storm, |
| Breckinridge, C. R. | Forney, | Mitchell, | Tarsney, |
| Breckinridge, WCP | Green, | Morgan, | Taylor, J. M. |
| Cabell, | Halsell, | Morrison, | Tillman, |
| Caldwell, | Harris, | Neal, | Tucker, |
| Campbell, Felix | Hatch, | Norwood, | Turner, |
| Campbell, T. J. | Hemphill, | Oates, | Van Eaton, |
| Carleton, | Henderson, J. S. | Page, | Viele, |
| Catchings, | Henley, | Peel, | Ward, T. B. |
| Clements, | Herbert, | Perry, | Warner, A. J. |
| Cobb, | Hill, | Pindar, | Wellborn, |
| Comstock, | Howard, | Randall, | Wheeler, |
| Cowles, | Hutton, | Reagan, | Willis, |
| Cox, W. R. | Irion, | Richardson, | Wilson, |
| Crain, | Johnston, T. D. | Riggs, | Wise, |
| Crisp, | Jones, J. H. | Rogers, | Worthington. |
| Croxton, | King, | Rusk, | |
| Culberson, | Kleiner, | Sayers, | |
| Curtin, | Landes, | Scott, | |

### NAYS—100.

| | | | |
|---|---|---|---|
| Anderson, J. A. | Foran, | McComas, | Sessions, |
| Baker, | Fuller, | McKenna, | Skinner, |
| Bayne, | Gilfillan, | Milliken, | Smalls, |
| Bound, | Goff, | Moffatt, | Spooner, |
| Boutelle, | Grosvenor, | Morrill, | Steele, |
| Brady, | Guenther, | Morrow, | Stephenson, |
| Brown, W. W. | Hanback, | Neece, | Stone, E. F. |
| Buck, | Harmer, | Negley, | Strait, |
| Bunnell, | Haynes, | Nelson, | Struble, |
| Burleigh, | Hepburn, | O'Hara, | Swinburne, |
| Burnes, | Hermann, | O'Neill, Charles | Symes, |
| Bynum, | Hires, | O'Neill, J. J. | Taylor, I. H. |
| Cannon, | Holman, | Osborne, | Taylor, Zach. |
| Caswell, | Holmes, | Owen, | Thomas, J. R. |
| Cutcheon, | Hopkins, | Parker, | Thomas, O. B. |
| Davis, | Houk, | Payne, | Thompson, |
| Dingley, | Hudd, | Perkins, | Townshend, |
| Dorsey, | James, | Peters, | Wadsworth, |
| Dunham, | Johnston, J. T. | Pettibone, | Wakefield, |
| Ely, | Ketcham, | Phelps, | Warner, William |
| Evans, | Laird, | Price, | Weaver, A. J. |
| Everhart, | Lehlbach, | Rice, | Weaver, J. B. |
| Farquhar, | Libbey, | Romeis, | Weber, |
| Felton, | Long, | Rowell, | West, |
| Fleeger, | Lyman, | Scranton, | Wolford. |

### NOT VOTING—102.

| | | | |
|---|---|---|---|
| Adams, G. E. | Barnes, | Burrows, | Compton, |
| Adams, J. J. | Bingham, | Butterworth, | Conger, |
| Aiken, | Blount, | Campbell, J. M. | Cooper, |
| Allen, C. H. | Browne, T. M. | Campbell, J. E. | Cox, S. S. |
| Anderson, C. M. | Brown, C. E. | Candler, | Davenport |
| Atkinson, | Brumm, | Clardy, | Dawson, |
| Ballentine, | Buchanan, | Collins, | Dougherty, |

| | | | |
|---|---|---|---|
| Ellsberry, | Hiestand, | Millard, | Stewart, J. W. |
| Findlay, | Hiscock, | Muller, | Swope, |
| Frederick, | Hitt, | Murphy, | Taulbee, |
| Funston, | Jackson, | O'Donnell, | Taylor, E. B. |
| Gallinger, | Johnson, F. A. | O'Ferrall, | Throckmorton, |
| Gay, | Jones, J. T. | Outhwaite, | Trigg, |
| Geddes, | Kelley, | Payson, | Van Schaick, |
| Gibson, C. H. | Laffoon, | Pidcock, | Wade, |
| Gibson, Eustace | La Follette, | Plumb, | Wait, |
| Glass, | Lawler, | Ranney, | Wallace, |
| Glover, | Le Fevre, | Reed, | Ward, J. H. |
| Grout, | Lindsley, | Reese, | White, A. C. |
| Hale, | Little, | Robertson, | White, Milo |
| Hall, | Louttit, | Rockwell, | Whiting, |
| Hammond, | Lovering, | Ryan, | Wilkins, |
| Hayden, | Lowry, | Sadler, | Winans, |
| Heard, | Markham, | Sawyer, | Woodburn. |
| Henderson, D. B. | Matson, | Singleton, | |
| Henderson, T. J. | McKinley, | Snyder, | |

So the motion was agreed to.

Mr. WISE. I ask unanimous consent to dispense with the reading of the names.

Mr. WADSWORTH. I object.

The Clerk then recapitulated the names of those voting.

The following pairs were announced on this vote:

Mr. HAMMOND with Mr. BUTTERWORTH.

Mr. GEDDES with Mr. CAMPBELL, of Pennsylvania.

Mr. MULLER with Mr. HAYDEN.

Mr. COLLINS with Mr. HISCOCK.

Mr. TRIGG with Mr. ROCKWELL.

The following were announced as being paired for this day:

Mr. ANDERSON, of Ohio, with Mr. FUNSTON.

Mr. PIDCOCK with Mr. ATKINSON.

Mr. GLOVER with Mr. GALLINGER.

Mr. DAWSON with Mr. ADAMS, of Illinois.

Mr. BALLENTINE with Mr. MILLARD.

Mr. LAFFOON with Mr. LITTLE.

Mr. WINANS with Mr. KELLEY.

Mr. O'FERRALL with Mr. HENDERSON, of Illinois.

Mr. LE FEVRE with Mr. LOUTTIT.

Mr. SNYDER with Mr. DAVENPORT.

Mr. BURROWS. I desire to make an announcement, that I am paired with the gentleman from Georgia [Mr. HAMMOND] for this day, and hence have not voted.

The result of the vote was then announced as above recorded.

And accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

---

PETITIONS, ETC.

By Mr. BARBOUR: Petition of citizens of Alexandria County, Virginia, for the erection of a bridge across the Potomac River between the District of Columbia and the Arlington estate—to the Committee on the District of Columbia.

By Mr. BUNNELL: Petition of the mayor and city council of Socorro, N. Mex., against House bill 9985—to the Committee on the Public Lands.

Also, memorial of the American Forestry Congress, favoring the establishment of a national department of forests, for the protection of forest lands retained by the Government—to the same committee.

By Mr. CATCHINGS: Petition of the heirs of Mary Castleberry, asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. CONGER: Petition of the Women's Christian Temperance Union of South Des Moines, Iowa, for the passage of Senate bill 2362, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. DOCKERY (by request): Petition of Charles S. Marsh, of Clinton County, Missouri, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Resolutions in reference to House bill 1621—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Petition of the mayor and councilmen of Socorro, N. Mex., asking for confirmation of title to certain lands to mayor and city government for educational purposes—to the Committee on the Public Lands.

By Mr. FUNSTON: Petition of L. McKinley, pertaining to increase of pension of those who lost a hand, or arm, or foot, or leg—to the Committee on Invalid Pensions.

By Mr. GALLINGER: Petition of the Dartmouth Alumni Association, in favor of an appropriation for a public building at Hanover, N. H.—to the Committee on Public Buildings and Grounds.

By Mr. HENLEY: House joint resolution of the Legislature of California, favoring an appropriation for the improvement of the mouth of Eel River—to the Committee on Rivers and Harbors.

By Mr. HIRES: Petition of G. G. Green, praying for the repeal of the internal-revenue laws—to the Committee on Ways and Means.

By Mr. LYMAN: Petition of Abe Lincoln Post, No. 29, Grand Army of the Republic, of Council Bluffs, Iowa, relating to certain land to be granted to soldiers, sailors, and marines—to the Committee on the Public Lands.

Also, petition of the Women's Christian Temperance Union, of Harlan and of Elliott, Iowa, for the passage of Senate bill 4362, for the promotion of the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. McKINLEY: Resolution of James Institute, of Cuyahoga Falls, Ohio, in favor of the oleomargarine act and of some legislation on the subject of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. MORRISON: Petition of Charles F. Wilson and others, citizens of Olin, N. C., against abolition of internal-revenue laws—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Resolutions of the Board of Trade of Philadelphia, opposing the bill to reduce the duty on sugar unless there be a reduction of duty on imported molasses—to the same committee.

Also, memorial of the same, for liberal appropriations for coast and harbor defenses—to the Committee on Appropriations.

By Mr. RICE (by request): Petition of the United States and Congo National Emigration Steamship Company—to the same committee.

By Mr. RICHARDSON: Petition of Charles Spencer, for allowance of war claim—to the Committee on War Claims.

By Mr. WHEELER: Petition of Catherine Ledbetter, of Jackson County, Alabama, for reference of her claim to the Court of Claims—to the same committee.

---

The following petitions asking legislation to secure rights to certain heirs-at-law and descendants of patentees claiming lands on and adjoining Manhattan Island, New York, under patents made in 1666 and 1667 by Richard Nichols, then governor of the Colony of New York, were severally referred to the Committee on the Public Lands.

By Mr. J. A. ANDERSON: Of citizens of Glasco and Solomon City, Kans.

By Mr. BUNNELL: Of citizens of the fifteenth district of Pennsylvania.

By Mr. BURLEIGH: Of citizens of North Creek, Lansingburg, and New York city, N. Y.

By Mr. DORSEY: Of citizens of Nebraska.

By Mr. DUNHAM: Of B. F. Paine and 34 others, citizens of Chicago, Ill.

By Mr. FUNSTON: Of citizens of the second district of Kansas.

By Mr. HILL: Of Mrs. M. W. Strong and many others, residents of Ohio.

By Mr. HITT: Of 10 citizens of Yellow Creek, Stephenson County, Illinois.

By Mr. LINDSLEY: Of 31 citizens of Greene County, New York.

By Mr. McKENNA: Of sundry citizens of California.

By Mr. McKINLEY: Of sundry citizens of the twentieth district of Ohio.

By Mr. OSBORNE: Of Benjamin F. Hawkes and others, representing the Labor Syndicate, &c.

By Mr. ROWELL: Of sundry citizens of the fourteenth district of Illinois.

---

The following petitions and resolutions for the passage of the dependent relative pension bill notwithstanding the President's veto were severally referred to the Committee on Invalid Pensions:

By Mr. J. A. ANDERSON: Of Harbine Post, No. 212; of Vermillion Post; of Veteran Post, No. 330; of Miltonvale Post, Grand Army of the Republic, of Kansas.

By Mr. BURROWS: Of citizens and members of the Grand Army of the Republic of South Haven, Mich.

By Mr. CONGER: Of Pitzev Post and of Ferguson Post, Grand Army of the Republic, of Iowa.

By Mr. CUTCHEON: Of Dobson Post, No. 182, Grand Army of the Republic, of Michigan.

By Mr. DORSEY: Of Kit Carson Post, and of E. V. Sumner Post, No. 12, Department of Nebraska.

By Mr. FISHER: Of Henry Norton and 40 others, citizens of Harbor Springs, Mich.

By Mr. FULLER: Of Henry Dix Post, No. 371, Grand Army of the Republic, of McGregor, Iowa.

By Mr. GIFFORD: Of McArthur Post, Grand Army of the Republic, of Massachusetts.

By Mr. GILFILLAN: Of McCally Post, No. 55, Grand Army of the Republic, of Minnesota.

By Mr. GROUT: Petition of Sheridan Post, Grand Army of the Republic, of Vermont.

By Mr. HAYNES: Of Penniman Post, No. 43, Grand Army of the Republic, of Plymouth, N. H.

By Mr. D. B. HENDERSON: Of Moore Post, of Thompson Post, of Hyde Clark Post, and of Reno Post, Grand Army of the Republic, of Iowa.

By Mr. HERMANN: Petition of Lincoln Post, Grand Army of the Republic, of Portland, Oreg.

By Mr. HITT: Of Shiloh Post, No. 85; of Gilmore Post, No. 227; of

Holman Post, No. 597; of Cooling Post, No. 316; of Oregon Post, and of W. C. Baker Post, Grand Army of the Republic, of Illinois.

By Mr. HOPKINS: Of Grand Army of the Republic posts at Marengo, Genoa, Kirkland, Ill., and of 47 soldiers of Hampshire, Ill.

By Mr. LYMAN: Of T. Z. Cook Post, No. 235; of Meade Post, No. 50; of Bains Post, No. 103; of J. R. Slack Post, No. 136; of Allison Post, No. 34, Grand Army of the Republic of Iowa, and of veteran soldiers of Woodbine and of Pottawattamie County, Iowa.

By Mr. McKINLEY: Of Minerva Post, No. 106; of Dennison Post, No. 251; of Abraham Lincoln Post, No. 1; of General Ryan Post, No. 44; of H. G. Blake Post, No. 169; of Charlton Post, No. 438, Grand Army of the Republic; of James A. Garfield Command, No. 2, Union Veterans' Union; of Beckley Post, No. 12, and of O'Cain Post, No. 3, Grand Army of the Republic, and of Camp No. 40, Sons of Veterans, of Ohio.

By Mr. MILLARD: Of Vanderburgh Post, No. 12, Grand Army of the Republic, of New York.

By Mr. NELSON: Of McCalley Post, No. 55, of Colorado; of Cobham Post, No. 90, and Reynolds Post, No. 51, Grand Army of the Republic, of Minnesota.

By Mr. RIGGS: Of Lowe Post and of Herrington Post, Grand Army of the Republic, of Illinois.

By Mr. ROWELL: Of Harrison W. Wood Post, No. 173, and of Franklin Post, No. 256, Grand Army of the Republic, of Illinois.

By Mr. OSBORNE: Petition of A. F. Jones Post, No. 204, Grand Army of the Republic, of Pennsylvania.

By Mr. STRUBLE: Of Mower Post, of Colorado; of Goodrich Post, and of Dunlap Post, Grand Army of the Republic, of Iowa.

By Mr. A. J. WEAVER: Of Lafayette Post, No. 61; of John A. Andrew Post, and of Kit Carson Post, No. 42, of Nebraska.

By Mr. MILO WHITE: Of Garrison Post, No. 131, and of Burdick Post, No. 3, Grand Army of the Republic, of Minnesota.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BURROWS: Of 45 citizens of Dowagiac, Mich.

By Mr. SAWYER: Of 119 citizens of Lima, N. Y.

By Mr. O. B. THOMAS: Of 26 citizens of Forest, Wis.

By Mr. J. B. WEAVER: Petition of Mrs. J. W. Johnson and 8 others, of Oskaloosa, Iowa.

---

## SENATE.

### SATURDAY, *February* 26, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when on motion of Mr. CAMERON, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JOHN H. REAGAN, chosen by the Legislature of Texas a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be placed on file.

Mr. HARRIS presented the credentials of William B. Bate, chosen by the Legislature of Tennessee a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be placed on file.

Mr. HOAR subsequently said: I desire to say to the Senate that in the matter of the credentials of the Senator-elect from the State of Tennessee, elected for the term to begin on the 4th of March next, the credentials seem to be in the orderly form and entirely sufficient, but there accompanies the credentials a paper purporting to be a commission to that Senator from the governor of the State, commissioning the Senator as if he were a State officer. That certainly has no validity, and I suppose the course should be taken with that which was taken on a similar paper heretofore presented in the case of some Senator—it should not be received but returned.

The PRESIDENT *pro tempore*. The credentials have already been ordered to be placed on file. What purports to be a commission by the governor will be returned to the Senator-elect if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by Leigh Dickson Post, Grand Army of the Republic, Albany, Ohio; resolutions adopted by Grand Army Post, No. 50, Westerville, Ohio; resolutions adopted by Bronson Post, No. 85, Grand Army of the Republic, Jerry City, Ohio; resolutions adopted by Parmley Horn Post, No. 622, Grand Army of the Republic, Sonora, Ohio; resolutions adopted by Cincinnati Division, Union Ex-Prisoners of War, Cincinnati, Ohio; resolutions adopted by Manville Post, No. 525, Grand Army of the Republic, Fremont, Ohio; resolutions adopted by J. Levis Post, No. 560, Grand Army of the Republic, Wilkesville, Ohio; resolutions adopted by Lincoln Post, No. 16, Grand Army of the Republic, Whitesboro, Texas; resolutions adopted by A. L. Brown Post, No. 162, Grand Army of the Republic, Chillicothe, Ohio; resolutions adopted by Ben. F. Oder Post, No. 555, Grand Army of the Republic, Rushsylvania, Ohio; and resolutions adopted by Albert Moore Post, No. 582, Grand Army of the Republic, West Toledo, Ohio, urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. ALLISON. I present numerous petitions signed by citizens of the District of Columbia, aggregating 2,597 petitioners in all, praying for the passage of the proposed cable-railway bill. I move that the petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. ALLISON presented resolutions adopted by the James C. Taylor Post, No. 165, Grand Army of the Republic, Algona, Iowa; resolutions adopted by the T. Z. Cook Post, Grand Army of the Republic, Cedar Rapids, Iowa; resolutions adopted by the Hyde Clark Post, No. 78, Grand Army of the Republic, Dubuque, Iowa; resolutions adopted by Meade Post, No. 50, Grand Army of the Republic, Anita, Iowa; resolutions adopted by the J. G. White Post, No. 108, Washington, Iowa; and resolutions adopted by W. A. Morse Post, No. 190, Manchester, Iowa, urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. FARWELL presented a petition of Oak Park Post, No. 615, Grand Army of the Republic, Department of Illinois, praying for the passage of the dependent pension bill over the veto of the President; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented resolutions adopted by Joe Hooker Post, No. 21, Grand Army of the Republic, Department of Iowa, Des Moines, Iowa, and resolutions adopted by Ellis C. Miller Post, No. 96, Grand Army of the Republic, Mount Ayr, Iowa, favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

He also presented a resolution adopted by Forest City Assembly, No. 7258, Knights of Labor, of Fairfield, Iowa, indorsing the President's veto of the dependent pension bill, and urging that such veto be sustained; which was ordered to lie on the table.

Mr. PALMER presented the petition of George Hinsdale and 34 other members of William Bell Post, No. 10, Grand Army of the Republic, of Dundee, Mich., praying for the passage of the dependent pension bill over the veto of the President; which was ordered to lie on the table.

Mr. CAMERON presented resolutions of the Commercial Exchange of Philadelphia, Pa., urging the insertion of an item in the river and harbor bill providing for the purchase of the Portage Lake and Lake Superior Ship-Canals; which were ordered to lie on the table.

Mr. HALE presented the petition of Charles L. Stevens Post, No. 76, Grand Army of the Republic, Department of Maine, praying for the passage of the dependent pension bill over the veto of the President; which was ordered to lie on the table.

Mr. SPOONER presented resolutions adopted by Wilson Colwell Post, No. 38, Grand Army of the Republic, Department of Wisconsin; the petition of Edwin A. Brown Post, No. 130, Grand Army of the Republic, of Fond du Lac, Wis.; resolutions adopted by Philo C. Buckman Post, No. 153, Grand Army of the Republic, of Stoughton, Wis.; resolutions adopted by Commander Post, No. 39, Grand Army of the Republic, of Spring Green, Wis., and resolutions adopted by B. J. Humphrey Post, No. 103, Grand Army of the Republic, of New Richmond, Wis., in favor of the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. PLUMB presented resolutions adopted by Angonia Post, No. 342, Grand Army of the Republic, Department of Kansas; resolutions adopted by Kilpatrick Post, No. 180, Grand Army of the Republic, Department of Kansas; resolutions adopted by Erie Post, No. 311, Grand Army of the Republic, Department of Kansas; resolutions adopted by Allison Post, No. 16, Grand Army of the Republic, Burlington, Kans.; resolutions adopted by Belle Plaine Post, No. 337, Grand Army of the Republic, Belle Plaine, Kans.; resolutions adopted by Reynolds Post, No. 43, Grand Army of the Republic, Cawker City, Kans.; resolutions adopted at a meeting of the ex-soldiers of the city of Fort Scott, Kans., and vicinity, and resolutions adopted by O. M. Mitchell Post, No. 49, Grand Army of the Republic, of Osborne, Kans., condemning the veto by the President of the disabled and dependent soldiers' pension bill and urging that it be passed over such veto; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CHENEY, from the Committee on Claims, to whom was referred the bill (H. R. 10178) for the relief of Mrs. Julia A. Sluder, executrix of E. Sluder, deceased, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 7465) to amend section 3357 of the Revised Statutes of the United States as amended by section 2 of the act of June 9, 1880, and section 3389 of said Revised Statutes as amended by section 16 of the act of March, 1879, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States, reported it with amendments.

Mr. SEWELL, from the Committee on the Library, to whom was referred the joint resolution (S. R. 87) providing for medals to the officers and enlisted men of the three months' service in 1861, reported it with an amendment.

Mr. PALMER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10824) to incorporate the reform school for girls of the District of Columbia, reported it without amendment.

Mr. JONES, of Arkansas. Yesterday the Senator from Wisconsin [Mr. SPOONER], from the Committee on Claims, reported the bill (S. 502) for the relief of T. M. English, administrator of the estate of Richard Fitzpatrick, deceased. I now ask leave to submit the views of the minority on that subject.

The PRESIDENT *pro tempore*. The views of the minority will be received and printed.

Mr. JONES, of Arkansas. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, to submit an adverse report thereon, together with the views of the minority prepared by the Senator from Tennessee [Mr. WHITTHORNE].

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report of the committee and views of the minority will be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected, reported it without amendment, and submitted a report thereon.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (H. R. 7990) for the relief of Thomas C. Dickey, reported it without amendment, and submitted a report thereon.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (H. R. 8966) to so further amend section 3387 of the Revised Statutes, as amended, as to reduce the penal sum of the bonds of cigar manufacturers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3554) for the relief of Thomas Mathews and others, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2960) for the relief of George W. Lawrence, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of George S. Hawley, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. 3350) granting increase of pension to George S. Hawley; which was read twice by its title.

### DISTRICT STREET RAILWAY INVESTIGATION.

Mr. INGALLS, from the Committee on the District of Columbia, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on the District of Columbia be, and it is hereby, authorized to sit by subcommittee or otherwise, during the recess of Congress, for the purpose of investigating the question of steam and street railroads in the District of Columbia, with power to send for persons and papers, and to employ a stenographer, and that all necessary expenses shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

### REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution to print the report of the Commissioner of Fish and Fisheries, to report it favorably without amendment. I ask for its immediate consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the report of the Commissioner of Fish and Fisheries for the year 1886 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

Mr. GORMAN. Accompanying the resolution, I submit a report showing the cost of the publication, which may be placed on file.

The PRESIDENT *pro tempore*. The report will be placed on file.

### BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 3351) for the relief of A. W. Hager; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. EVARTS introduced a bill (S. 3352) for the erection of an appraiser's warehouse at the city of New York, and for other purposes; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

### AMENDMENTS TO BILLS.

Mr. SEWELL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

### WITHDRAWAL OF PAPERS.

Mr. HARRISON. I ask the following order to withdraw the papers in a case where a bill has already passed the Senate:

*Ordered*, That John Fletcher have leave to withdraw his papers from the files of the Senate.

The PRESIDENT *pro tempore*. That order will be made, subject to the rules.

Mr. CONGER submitted the following order:

*Ordered*, That the papers in connection with House bill No. 1185, entitled "An act for the relief of Emma H. Fish," be withdrawn from the files of the Senate.

Mr. EDMUNDS. The rules require, and it ought to be done for safety, that copies should be left on file if there was an adverse report.

The PRESIDENT *pro tempore*. Such orders are always made subject to the rules requiring copies when an adverse report has been made.

Mr. EDMUNDS. If it is so entered on the Journal that is all right.

Mr. CONGER. Do I understand that copies of the papers are to be left on file?

The PRESIDENT *pro tempore*. The rule of the Senate requires that copies shall be left with the Secretary.

Mr. CONGER. The papers that I ask to have returned are Army discharges and papers of that kind. I want the originals to be returned to the claimant.

Mr. EDMUNDS. That is always done. The originals are always taken, but copies are left, if it be necessary, under the rule.

Mr. CONGER. I did not know but that the original papers would be taken.

Mr. EDMUNDS. No; only copies.

The PRESIDENT *pro tempore*. The order will be made, subject to the rule.

### FLORA F. FARLEY.

Mr. FAIR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate pay to Flora F. Farley, widow of Hon. James T. Farley, late a Senator from California, deceased, the sum of $1,248.80 out of the contingent fund of the Senate, being the amount which would have been due him for mileage had he attended the second session of the Forty-eighth Congress.

### WASHINGTON HOSPITAL FOR FOUNDLINGS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on the District of Columbia be directed to inquire and report whether the Washington Hospital for Foundlings have refused to receive colored orphan children into said institution, and whether such refusal be authorized by law, and whether the same is supported in whole or in part, and, if so, to what extent, by grants from the public Treasury.

### ORDER OF PROCEEDING.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Chair lays before the Senate the resolution submitted by the Senator from Virginia [Mr. MAHONE] on the 24th instant, which comes over under objection.

The Chief Clerk read the resolution, as follows:

*Resolved*, That for the remainder of the session the Senate, at the conclusion of the morning business, will consider Senate bills favorably reported by the committees until 2 o'clock on each alternate day and House bills on the other alternate day, commencing first with the Senate bills.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. HARRIS. I desire to suggest to the Senator from Virginia who introduced the resolution that if we can devote the morning hour of to-day to the Calendar of House bills and resolutions the chances are three to one that we can conclude that call, and then I may, perhaps without impropriety, say that both sides of this Chamber have agreed that the Calendar under Rule VIII shall be regularly called in every morning hour. That being true, it seems to me that there can be no necessity for the adoption of the resolution which the Senator proposes.

Mr. MAHONE. Do I understand the Senator to say that he is willing to have this resolution apply after to-day?

Mr. HARRIS. I did not quite say that, Mr. President, but I say that in the present condition of our Calendar, if we can devote the morning hour of to-day to the call of House bills upon the Calendar according to the special order under which we have been acting, we shall probably conclude that call to-day, certainly if not to-day very soon thereafter, and then, I say, both sides of this Chamber have agreed

to devote the morning hour to the call of the Calendar under Rule VIII, which answers all the objects and purposes that the Senator's resolution can accomplish.

Mr. MAHONE. The difficulty with the suggestion of the Senator from Tennessee is that he proposes that we shall go on under the existing rule to-day, and if we do not clear the Calendar to-day we must proceed under the existing rule the next day; and so we shall continue until the end of the session, and the Senate will be confined to the consideration of House bills exclusively, leaving the Senate no opportunity to pass bills originating here, many of which are of equal importance with the House bills.

It does seem to me but fair play to the Senate that we shall consider Senate bills during the morning hour up to 2 o'clock on one day, and that we are conceding enough to the House when we consider House bills on the next day, and so on. I think that is the better disposition of this matter.

Mr. HARRIS. If we mean practical legislation, with now only five days between this and the end of the Congress and five of the principal appropriation bills yet undisposed of, I think I can safely suggest to the Senate that the only hope of accomplishing anything that is practical is to devote the morning hour to the consideration of House bills which the Senate may decide are meritorious and should become laws.

What good will it do the Senator from Virginia or any other Senator to pass a Senate bill to-day and send it to the House of Representatives? Is there the remotest hope, the shadow of probability, that it will ever go beyond the Speaker's table of that House, going there to-day or to-morrow? It accomplishes nothing practically except the waste of time that can be profitably employed by considering such bills as have passed the ordeal of the House of Representatives and have the approval of one of our own committees.

Mr. BECK. There are many hundred Senate bills now on the Speaker's table.

Mr. MAHONE. If the Senator from Tennessee means to say that the whole legislation of this Congress shall be confined to House bills, that the Senate is to propose no legislation of its own, that the House of Representatives will not act upon any bill sent from the Senate, let the House of Representatives take the responsibility of such a course. I insist that the Senate should have fair play in this matter.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution moved by the Senator from Virginia.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER and Mr. McPHERSON. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution, as follows:

*Resolved*, That for the remainder of the session the Senate, at the conclusion of the morning business, will consider Senate bills favorably reported by the committees until 2 o'clock on each alternate day and House bills on the other alternate day, commencing first with the Senate bills.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the resolution.

The question being taken by yeas and nays, the result was announced—yeas 36, nays 22; as follows:

YEAS—36.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Hoar, | Platt, |
| Allison, | Dawes, | Ingalls, | Riddleberger, |
| Bowen, | Dolph, | Mahone, | Sewell, |
| Brown, | Edmunds, | Manderson, | Sherman, |
| Butler, | Farwell, | Miller, | Spooner, |
| Call, | Gorman, | Mitchell of Oreg., | Teller, |
| Cameron, | Hale, | Mitchell of Pa., | Vest, |
| Cheney, | Harrison, | Morrill, | Williams, |
| Conger, | Hawley, | Palmer, | Wilson of Iowa. |

NAYS—22.

| | | | |
|---|---|---|---|
| Beck, | Fair, | McPherson, | Vance, |
| Berry, | Frye, | Maxey, | Voorhees, |
| Blackburn, | Gray, | Morgan, | Walthall, |
| Blair, | Hampton, | Payne, | Wilson of Md. |
| Cockrell, | Harris, | Plumb, | |
| Coke, | Jones of Arkansas, | Pugh, | |

ABSENT—18.

| | | | |
|---|---|---|---|
| Camden, | George, | McMillan, | Stanford, |
| Chace, | Gibson, | Ransom, | Van Wyck, |
| Colquitt, | Jones of Florida, | Sabin, | Whitthorne. |
| Eustis, | Jones of Nevada, | Saulsbury, | |
| Evarts, | Kenna, | Sawyer, | |

So the resolution was agreed to.

The PRESIDENT *pro tempore*. Under the order just adopted the Chair will lay before the Senate the first bill on the Calendar.

Mr. ALLISON. I move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

Mr. PLUMB. I have a conference report to present.

Mr. ALLISON. The Senator from Kansas has a conference report. I yield to him.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I present the conference report on the Post-Office appropriation bill. The House have agreed to all the amendments made by the Senate except the one in regard to authorizing the Postmaster-General to establish steamship communication between the United States and certain portions of South America for the carrying of the mails. That is the only item of difference. The conferees on the part of the two Houses have been unable to agree, and I report a disagreement, and shall ask that the Senate insist on its amendment and request a further conference with the House of Representatives.

The PRESIDENT *pro tempore*. The report of the committee of conference will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, having met, after full and free conference have been unable to agree.

PRESTON B. PLUMB,
WILLIAM MAHONE,
JAMES B. BECK,
*Managers on the part of the Senate.*

J. H. BLOUNT,
HENRY H. BINGHAM,
J. M. RIGGS,
*Managers on the part of the House.*

Mr. PLUMB. I move that the Senate further insist on its fourth amendment, and ask for a further conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. MAHONE, and Mr. BECK were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution directing the Clerk of that body to make certain changes in the enrollment of the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance;

A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes;

A bill (H. R. 7971) granting a pension to Mary Wood;

A bill (H. R. 9377) for the relief of J. E. Pilcher;

A bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop;

A bill (H. R. 6188) for the relief of John A. Fagg;

A bill (H. R. 6712) for the relief of William N. Canady;

A bill (H. R. 7504) granting a pension to Larkin Delph;

A bill (H. R. 5629) granting a pension to Thomas G. Polley;

A bill (H. R. 306) granting a pension to George Schneider;

A bill (H. R. 9863) granting a pension to Mary McCoy;

A bill (H. R. 8818) granting a pension to Frederick Dierking;

A bill (H. R. 8720) granting a pension to William B. Eve;

A bill (H. R. 8486) granting a pension to Rebecca Morris;

A bill (H. R. 8469) granting a pension to John Moran; and

A bill (H. R. 8205) granting a pension to J. W. Gooding.

JUDICIAL DISTRICTS IN TEXAS AND INDIAN TERRITORY.

Mr. MAXEY. I ask the Senator from Iowa to yield to me to make a statement.

Mr. ALLISON. I yield, of course, to the Senator to make a statement.

Mr. MAXEY. The bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes, was called up, the bill was read, the amendment was read and partially considered the other day. There is nothing left to do now but what discussion there may be, and, for one, I do not propose any, in view of the importance of time. My term of service in the Senate of twelve years will expire at 12 o'clock on the 4th of March. I want a vote on the bill in some way, and I ask as a favor to myself, as there is urgent and pressing necessity for the passage of some such bill, that the Senator from Iowa will be kind enough to at least let us try to get a vote on it.

Mr. ALLISON. I will agree that a vote may be taken now upon the bill indicated by the Senator from Texas, but if there is to be debate upon the bill I shall be constrained to object, notwithstanding my partial promise to the Senator from Texas, and I will state my reasons for it.

It is important that the two appropriation bills now upon the Calendar shall be passed to-day, and when those bills are passed there will be the remainder of this day, which I think will be some hours, and there will undoubtedly be Monday the entire day and most of the day on Tuesday before appropriation bills can again be brought before the

Senate. So there will be intervening time for the consideration of the bill indicated by the Senator from Texas, and I hope unanimous consent will be given to him to take up his bill when these appropriation bills shall be disposed of.

Mr. VEST. That is impossible. The Senator from Vermont [Mr. EDMUNDS] desires to speak upon the bill and it will lead to very considerable debate. It is a very important question. The Senator from Texas puts it on personal ground. I accede as much to him as to any Senator present, but I can not agree to take up the bill with the understanding that there is to be no debate upon it.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Objection is made to the consent asked. The Senator from Iowa moves that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill be dispensed with, that the amendments be considered as the bill progresses, and that the amendments of the Committee on Appropriations be first disposed of.

Mr. EDMUNDS. Reserving all points of order.

Mr. ALLISON. Reserving everything.

The PRESIDENT *pro tempore*. There being no objection, that order will be made.

Mr. PLATT. I should like at this stage of the proceedings to ask the Senator from Iowa, the chairman of the Committee on Appropriations, a question. He has just stated that after these two appropriation bills shall have been passed, as they undoubtedly will be to-day, in a short time, we are then to have the remainder of the day and Monday and Tuesday before any other appropriation bills can be submitted by the Appropriations Committee to the Senate for its action.

In view of that statement I should like to ask him what is the condition of the appropriation bills at the present time, how many of them have become laws, how many of them are yet to be reported to the Senate, and generally what is the condition of the appropriation bills.

Mr. ALLISON. I believe only one appropriation bill has been signed by the President of the United States and become a law. That is the Army appropriation bill. The pension appropriation bill has just been reported to-day as having been signed by the presiding officer of the House, and is not yet signed by the presiding officer of this body, but will be presently. The Military Academy bill is in the same condition, although it may have been signed by our presiding officer yesterday, but the Army bill is the only appropriation bill that has been signed by the President of the United States, and the pension appropriation bill and the Military Academy bill are the only other bills which have passed both Houses so as to be sent to the President. The Post-Office appropriation bill, the Indian appropriation bill, the sundry civil appropriation bill, and the District of Columbia appropriation bill are all in conference. The conference on the Post-Office appropriation bill will probably require but little time, as there is but one amendment disagreed to. The differences on the other bills are matters of detail, and will probably require considerable adjustment in conference before they can be reported to the Senate. The legislative, executive, and judicial appropriation bill, the longest bill, and perhaps the most important except the sundry civil appropriation bill, has not yet been taken up by the House of Representatives for consideration.

The naval appropriation bill is now under consideration in the House of Representatives, and has been for two or three days, and is proceeding with commendable leisure, the House having adjourned yesterday at a quarter past 4 o'clock. The deficiency bill was only yesterday reported to the House by its committee, and the fortification bill has not been so reported.

Mr. PLATT. What has become of the fortification bill of the last session?

Mr. ALLISON. That bill is still in conference, and I understand the gentlemen having charge of the bill propose to make a report within a day or two.

So the Senator will see that after we shall have disposed of the diplomatic and consular bill and the agricultural appropriation bill, in the nature of things it will not be possible for us to get before the Senate within the time I have indicated any of the bills which I have named which are still pending in the House of Representatives undisposed of. And I will say that during my service here in this body and in the House of Representatives I have never known the appropriation bills to be in the situation they are to-day with reference to forwardness at this period of time prior to adjournment.

I want to say further that in this respect I think the Senate is in no sense to blame. We have considered all the bills as rapidly as possible when they have reached the Committee on Appropriations, and they have been reported back promptly. The bill which is now under consideration only came to the Committee on Appropriations one week prior to its being reported to the Senate.

I believe I have stated substantially the condition of the appropriation bills.

Mr. PLATT. I wish to ask one more question. I wish to know if the Senator from Iowa, the chairman of the Committee on Appropriations on the part of the Senate, believes it possible for that committee or for the Senate to give to the four most important appropriation bills of this session which have not yet been passed by the House of Representatives, namely, the deficiency bill, the naval bill, the fortification bill, and the legislative, executive, and judicial bill, that attention which they should receive in order that the legislation therein contained shall be well considered before it is adopted?

Mr. ALLISON. I do not believe it is possible for the Senate to do so. The holding back of these bills, as they have been held back this session and at other sessions, results practically in the House of Representatives conducting the legislation of the country. That occurred practically two years ago when the sundry civil bill was not disposed of until the hour of 12 o'clock noon had arrived on the day of the inauguration of President Cleveland.

Mr. PLATT. There was then a very general determination on the part of the Senate that if in the future these great appropriation bills did not come to the Senate within a week or ten days before the close of the session the Senate would proceed to consider them if possible, and if not would refuse to consider them. I want to know if there is any such disposition this year.

Mr. ALLISON. I can only say, and I think I speak for the entire Committee on Appropriations, that we will take these bills as they come to us and will give them the best consideration possible, and will return them promptly to the Senate for its action. That is all I can say.

Mr. HALE. Will not the chairman of the committee say here that the Committee on Appropriations and the conference committees of that body have indicated to the House of Representatives their willingness to sit day and night and labor on these bills?

Mr. ALLISON. We have; and not only have we been willing to do that, but we have been doing so for the last week. That is all I can say with respect to the subject at this moment.

Mr. MCPHERSON. Mr. President——

The PRESIDENT *pro tempore*. The Senator will pause. The Chair rises to a question of privilege.

Before administering the oath of office to his successor the occupant of the chair desires again to return to his fellow Senators his grateful acknowledgments for their kind courtesy and forbearance in the past.

It is not a difficult duty to preside over the Senate of the United States. From the establishment of our Government to this time the Senate has always been noted for its order, decorum, and dignity. We have but few rules, and they are simple and plain; but we have above all and higher than all that which pervades all our proceedings—the courtesy of the Senate, which enables us to dispose of nearly all the business of the Senate without question or without division. I trust that in the future, as in the past, this trait of the Senate of the United States will be preserved intact forever, and I invoke for my successor the same courtesy and forbearance you have extended to me. I now invite him to come forward and take the oath of office prescribed by law.

Mr. INGALLS advanced to the desk of the President *pro tempore*, and the oath prescribed by law having been administered to him, he took the chair.

Mr. INGALLS, on taking the chair, said:

Senators, I must inevitably suffer disparagement in your estimation by contrast with the parliamentary learning and skill, the urbanity and accomplishments of my illustrious predecessor, but I shall strive to equal him in devotion to your service, and I shall endeavor, if that be possible, to excel him in grateful appreciation of the distinguished honor of your suffrages.

THANKS TO PRESIDENT SHERMAN.

Mr. HARRIS. Mr. President, I offer the following resolution, and ask for its present consideration:

*Resolved*, That the thanks of the Senate are hereby tendered to Hon. JOHN SHERMAN for the able and impartial manner in which he has administered the duties of the office of President *pro tempore* during the present Congress.

The resolution was adopted unanimously.

NOTIFICATION TO HOUSE.

Mr. EDMUNDS. I offer the following order:

*Ordered*, That the Secretary inform the House of Representatives that the Senate has chosen JOHN J. INGALLS, a Senator from the State of Kansas, to be President *pro tempore* of the Senate in place of JOHN SHERMAN, resigned.

The order was agreed to.

NOTIFICATION TO PRESIDENT.

Mr. EDMUNDS. I offer the following order:

*Ordered*, That the Secretary inform the President of the United States that the Senate has chosen JOHN J. INGALLS, a Senator from the State of Kansas, to be President *pro tempore* of the Senate in place of JOHN SHERMAN, resigned.

The order was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. ALLISON. Before the reading of the bill is commenced I desire to call the attention of Senators to the CONGRESSIONAL RECORD of to-day, wherein, on page 2413, appear the changes proposed by the Committee on Appropriations of the Senate in the bill as it came from the House of Representatives.

It will be seen by an examination of the statement there presented that the Senate Committee on Appropriations has made quite a number of important changes in the bill as it came to us from the House of Representatives, the House having omitted a large number of consuls, secretaries of legation, &c., that have been appropriated for for many years. I will say, also, that we have added a number of consulates, in pursuance of the provision in the bill of last year requiring the Secretary of State to estimate for the consular officers who receive fees in excess of $1,000 a year. We have recommended that the Senate insert in this bill salaries for twenty-four consuls under this provision. By so doing, however, the Treasury is not called upon to expend any money, as the fees for these twenty-four consulates amount in all to $82,791 while the aggregate of the salaries amounts to $45,000.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and will be read at length.

Mr. EDMUNDS. It was understood that it should be read and the amendments acted on as they were reached in the reading, subject to points of order.

The PRESIDENT *pro tempore*. That course will be pursued.

Mr. PLATT. Perhaps it is just as well for me to make an inquiry here as while the reading of the bill progresses. I see that the amount of the estimates for the year 1888 was $1,935,722.14, that the amount of the bill as passed by the House is $1,311,720. That is nearly $600,000 less than the Secretary of State and the Secretary of the Treasury say is a proper sum to be expended to properly sustain our diplomatic and consular service, and the Senate Committee on Appropriations has added to the amount of the bill as passed by the House $118,722.14. So the bill if it passes as recommended by the Senate committee will be $1,430,442, being still nearly $500,000 less than the Secretary of State and the Secretary of the Treasury say is a sum——

Mr. BECK. I can not hear one word of what is being said.

The PRESIDENT *pro tempore*. The Chair will appeal to the Senate to be in order. Senators desiring to converse will please retire to the cloak-rooms.

Mr. PLATT. I say this is practically $500,000 less than the Secretary of State and the Secretary of the Treasury say is required for the proper maintenance of our diplomatic and consular service. It seems to me, Mr. President, that our consular and diplomatic service ought to be maintained and sustained.

Mr. BECK. I must insist that gentlemen shall not talk so loud that the speaker addressing the Chair can not be heard.

The PRESIDENT *pro tempore*. Business will be suspended until the Senate is in order.

Mr. PLATT. It ought to be maintained and sustained in a manner befitting a great nation like this, the first nation in the world, and a nation which should maintain the respect to which it is entitled in the whole world.

Now, what I wish to inquire is, first, whether in the opinion of the Senate Committee on Appropriations the Secretary of State and the Secretary of the Treasury have asked for more money than is required properly to sustain and maintain the diplomatic and consular service, and if not why the amount asked for by them has not been granted or substantially granted.

Mr. ALLISON. Mr. President, if the Senator from Connecticut will turn to page 2414 of to-day's CONGRESSIONAL RECORD——

Mr. PLATT. I have been looking at it.

Mr. ALLISON. Very well; he will there see the different items estimated for which have been omitted in the House of Representatives and also omitted in the report made by the Senate Committee on Appropriations.

The Secretary of State recommends an increase of salary, as will be seen there, of a number of our ministers abroad, raising a number of them from $7,500 to $10,000, and raising the mission to China from $12,000 to $17,500. It will also be observed that this increase runs through the entire diplomatic service.

In the first place the Secretary of State recommends that every foreign minister of the United States shall have a secretary; that is, that there shall be a secretary of legation at every foreign court at which we have a minister. Now, without expressing an opinion whether that is wise or otherwise, the committee believed that, inasmuch as this foreign service has been adopted for a great many years upon substantially the scale now recommended by the committee, it was not a wise thing to increase as proposed by the Secretary in these regards.

So for miscellaneous expenses of the legations abroad his recommendations have been made to increase the appropriations; but the two chief items in these estimates of increase are the two items which will be found on page 2415 of the RECORD. "Expenses of Alaska boundary survey, $100,000," and the same amount for the international survey of the boundary between the United States and Mexico. So there are two items of $100,000 each which are entirely omitted from this bill, but they were included by the Senate in the sundry civil bill.

Mr. PLATT. One hundred thousand dollars for the Alaska boundary?

Mr. ALLISON. Fifty thousand dollars was appropriated by us for the Alaska boundary, and $100,000 for the Mexican. Now I leave the Senator to judge for himself after an examination of this table whether or not these estimates are extravagant. They are extravagant as compared with appropriations made by the Republican House of Representatives and the Senate in past years, and in comparison with the recommendations made by former Secretaries of State.

PERSONAL EXPLANATION.

Mr. MCPHERSON. I desire to interrupt the order of business for a moment so that I may make a personal explanation which I tried to make before the former occupant of the chair had left it, but was unable to do so.

Owing to an imagined slight on the part of the then occupant of the chair towards me on Thursday last, I was betrayed into the use of some remarks which I now wish to recall.

Unfortunately for me, the Chair had, by mistake, supposed that every time I rose to my feet that day it was for the purpose of antagonizing with a bill of my own the regular order of proceeding which had been agreed upon by a special committee of the Senate, and which the Chair was bound by every honorable consideration to assist in carrying out. This suspicion of my motives on the part of the Chair was partly true and partly not true, but it explains my irritability on that occasion.

I can not allow the matter to go any further without expressing my regret for the words I used, remembering as I do the many kindnesses to me on the part of the distinguished Senator who then occupied the chair—while in the chair, while a cabinet minister, and also as private citizen, all of which entitle him to my gratitude and respect.

I desire further to say that the record of that gentleman while presiding officer of the Senate will be remembered by me as one both for ability and exact fairness—a record not less distinguished than any which has been made in the Senate by those who preceded him in that distinguished position.

Mr. SHERMAN. Mr. President, I certainly am gratified to hear the statement made by the honorable Senator from New Jersey. I felt at the time he made the remark that he was somewhat excited because of his failure to get up a bill in which he had taken great interest, as he states. Therefore, I did not regard his remark as an intentional unkindness.

I had no doubt that the honorable Senator would, after a little reflection, do what he has done now and what is consistent with his usual courtesy and kindness.

I have to say also that I have not the slightest feeling against the Senator. On the contrary, I have served with him on the Committee on Finance and in other relations where we have sometimes differed without feeling or resentment, and I therefore tender him my sincere thanks for the withdrawal of the words he uttered under excitement.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the respective committees of conference on the disagreeing votes of the two Houses on the amendments to the following bills:

A bill (S. 1582) for the relief of Alpheus R. French;

A bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains; and

A bill (H. R. 6637) relating to contested elections.

The message also announced that the House insisted upon its amendment to the bill (S. 2159) granting a pension to Mrs. Almira Ambler, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SWOPE, Mr. NEECE, and Mr. CONGER managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; and it was thereupon signed by the President *pro tempore*.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BECK. Mr. President, I desire to say only a few words in regard to this bill in answer to some of the questions propounded by the Senator from Connecticut [Mr. PLATT].

This bill has been unfortunate up to this time. The estimates sent in by the State Department are perhaps fuller, more comprehensive, and

give more thorough explanation of the needs and desired changes in the service than any I have ever before observed in any former Book of Estimates. Beginning at page 266, Appendix Q, in relation to the diplomatic service, and Appendix R, on page 268, in regard to the consular service, all the needs of this Department of the Government are fully set forth with absolute accuracy, and the reasons are plainly and fairly assigned for the changes desired.

The Committee on Foreign Affairs of the House of Representatives, through Mr. BELMONT, their chairman, reported an appropriation bill substantially in accordance with the estimates of the Department. It was a well considered bill. For some reason or other the House took hold of it, and made a very incongruous measure out of it. What they so unwisely did is so well set forth in the letter published in the RECORD this morning from the Secretary of State to Senator ALLISON that I desire the Secretary to read it now for the edification of the Senate, because I doubt whether many Senators have yet had time to read it, other than the members of the Committee on Appropriations. It is on page 2415 of to-day's RECORD. It explains many things which ought to be understood before this bill is voted on.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows:

DEPARTMENT OF STATE, WASHINGTON, *February* 23, 1887.

SIR: Agreeably to your request, I submit herewith, as briefly as possible, my views on the diplomatic and consular appropriation bill (H. R. 10396) as the same passed the House of Representatives on the 17th instant.

The estimates prepared by this Department were made in the belief that every item was called for by the just needs of the public service. Some items were therein submitted, others followed the sanction of previous statutes, some having been appropriated for during several years past. It seems proper, therefore, to compare the bill as adopted by the House with the estimates submitted.

1. *China.*—Minister's salary (line 16). It is earnestly recommended that this important mission be elevated to the first grade, with increase of salary from $12,000 to $17,500. Apart from the political reasons which counsel manifest friendliness and regard in our intercourse with China, the fact remains that the demands upon the minister are greater in China, owing to the exigent conditions of civilized life in an oriental capital, isolated from ordinary channels of supply, than in a European capital.

2. *Turkey.*—Minister's salary (line 28). This was raised from $7,500 to $10,000 in the consular and diplomatic act of February 25, 1885, and the same appropriation was made in the act of July 1, 1886. Constantinople is now a political center and an expensive place of residence, the minister being obliged to keep up two personal establishments, one for winter, another for summer.

3. *Argentine Republic.*—Minister's salary (line 27). The present salary is $7,500. Its increase to $10,000 is recommended. Here, as elsewhere, the Department must give due regard to the special conditions of living at foreign capitals. Buenos Ayres is a compactly built city, with no room for expansion, and the recent increase of commercial activity there has augmented the cost of living in a dense metropolitan population. Rentals are high, a modest residence on a flat costs from $2,000 to $3,000, and is difficult to procure at that. The necessaries of life are dear, and a dollar has only about three-fifths the purchasing power that it has in the United States. The trade relations of the Argentine Republic are among the most important of South America. Already for the most part in the hands of Europeans, an effort is being made to divert it to our markets, and the recent establishment of a line of mail steamers to the United States, with a large subvention from the Argentine Government, is a promising sign, and marks the friendly relationship of the two countries. The mission is an important one, and may be made much more so.

4. *Belgium.*—Minister's salary (line 29). The importance of the direct relations of Belgium to the United States, which are constantly expanding, make it most advisable that the mission should be elevated to the plenipotentiary grade, with $10,000 instead of $7,500 for a minister resident as now. With one or two minor exceptions, all the foreign missions at Brussels are of the plenipotentiary rank. The elevation of the mission should be effected, even without increase of salary—and a secretary of legation provided, as explained further on—but from every point of view the office should be supplied with the moderate salary of $10,000.

5. *Corea.*—Minister's salary (line 35). Since Corea was first opened to foreign intercourse by the United States, American influence has been exceptionally important at Seoul, the capital; the disinterested counsels of the legation are eagerly sought by the authorities, and every effort is being made by them to spread American ideas and develop direct trade with the Pacific coast. Although I have not recommended it in the estimates, I should be glad to see the mission made plenipotentiary, but at any rate the isolation of Seoul and the conditions of life there render a fair living salary indispensable, and I trust the $7,500 will be allowed.

6. *Liberia.*—Minister's salary (line 40). The salary of this office was raised from $4,000 to $5,000 by the consular and diplomatic act of August 5, 1882, and has since remained at that figure. The climate is unhealthy. Two ministers have recently died in office. The historical intimacy of Liberia with the United States, and the good will due to that offshoot of our civilization, make recognition of its moral dependence upon us timely.

7. *China.*—Secretary of legation (line 46). The House bill omits altogether the usual appropriation for secretary of legation at Peking. This was probably an error, for the debates in the House suggest that the point of order was only taken because the combined salary of secretary of legation and interpreter exceeded $5,000, the amount to which the emoluments of the two offices, when separated, were supposed to be limited by section 1680, Revised Statutes. A glance at that section will show the mistake, for it provides that when the secretaryship and interpreter's post are filled by two officers, the former shall receive $3,000 and the latter $5,000, or $8,000 for the two. The salary of the secretary of legation was reduced from $3,000 to $2,625 some years ago—ostensibly to make it uniform with the salaries at Berlin, London, and Paris. It is simply impossible to conduct the business of the legation without secretaries besides the interpreter.

8. *Chili and Peru.*—Salaries of secretaries of legation (omitted from House bill). These secretaryships have been appropriated for during two years past, the first appropriation being in the consular and diplomatic act of July 7, 1884. Their utility has been demonstrated.

9. *Belgium, Argentine Republic, Corea, Roumania, &c., Sweden and Norway, Switzerland and Venezuela.*—Secretaries of legation (estimated for at $1,500 each, but omitted from House bill). Every legation of any importance should have a secretary of legation. The absence or death of the minister necessarily closes the office, unless a secretary be present to take charge *ad interim*. It sometimes happens that, in case of a temporary vacancy, the friendly services of the representative of some other government have to be resorted to, as lately in Persia. At the present time it has been found necessary to send to Corea the secretary of the Peking legation, in order to take charge of affairs there in the total absence of any official substitute.

10. Four secretaries of legation at large (estimated for at $1,800 each, but omitted in the House bill). The recommended measure finds its warrant in the considerations in the preceding paragraph. Our country should never be left wholly unrepresented at any foreign court, nor should its archives be left to irresponsible care, or open to alien inspection. It is not always practicable to designate a consul to take temporary charge. Many governments refuse to admit a union of consular and diplomatic functions. The proposed secretaries at large could be so distributed as to be available at short notice to fill a vacancy, such as that which happened at Rome recently when the secretary's death quickly followed the minister's resignation. When not so detailed, the secretaries at large could be usefully assigned to legations where no secretary may be allowed by law, or to relieve an overburdened legation from a press of work, or be employed on special investigations for which outside aid must now be sought at considerable expense. I deem this recommendation of great value, as doing for the diplomatic service what the staff of consular clerks has so admirably done for the consular service, and providing a small but efficiently trained force, ready for emergencies, and meanwhile always to be usefully employed.

11. *Turkey.*—Secretary of legation (estimated for at $1,800, and omitted from the House bill). This office has been regularly appropriated for during many years, and is now omitted probably through oversight. It can not be expected that a secretary's functions can be discharged by an interpreter, who has no diplomatic status. The item should be restored in line 58 of the House bill.

12. *China and Japan.*—Second secretaries of legation (estimated for at $1,800 each, and omitted from the House bill). These offices were first established by the consular and diplomatic act of July 7, 1884, and have since been regularly appropriated for. The necessity of possessing, within the legation itself, a knowledge of the Chinese or Japanese languages, independently of irresponsible and often interested native aid, is evident, especially in the case of the absence or death of the interpreter provided by law. Every well-organized modern diplomatic service is equipped with student secretaries in oriental countries. The utility of the innovation on our part in China and Japan is demonstrated beyond mere experiment, and certainly should be extended and not cut off altogether to the serious embarrassment of the service, as proposed in the House bill.

13. *Siam.*—Interpreter's salary (estimated for at $800, and omitted from House bill). Since the act of July 7, 1884, $500 has been appropriated for an interpreter to the legation and consulate-general at Bangkok. The item occurs under the consular part of the statutes (see Statutes, volume 23, page 330), where, however, it is stricken out in the pending House bill. It is now proposed to make it an item under the diplomatic head, with a salary of $800. I need hardly dwell on the necessity of such a provision, at least until the Siamese language shall be more widely practiced in the United States. At present no person known to me is eligible to appointment as minister to Siam who possesses that difficult tongue. I can not suppose it to be the purpose of Congress to throw upon the slenderly-paid minister the expense and risk of accidental employment of native translators, and I trust the estimated allowance will be made.

14. Contingent expenses, foreign missions (lines 75–80). The purposes for which the appropriated fund may be expended are limited, by the House bill, to "stationery, blanks, record, and other books, seals, presses, flags, and signs." These form but a small part of the necessary expenses of public business at the legations, and for many years other indispensable contingent items have been appropriated for. The item as it appears in the estimates is taken from the consular and diplomatic act of the last session. Every enumerated detail is found necessary in the conduct of foreign intercourse, most of them have had the sanction of long-continued legislation, and none of them are proper to come out of the pocket of the ministers or of the Secretary of State. As now emasculated, this provision amounts to a practical prohibition against transacting business. The use of the telegraph and the mails would be barred, and the Department cut off from communication with its agents abroad.

If it be assumed that the agents are to bear the expense of communicating with the Department, it may be a pertinent inquiry, Who is to bear the expense of the Department's communications with its agents? Surely not the Secretary of State, for the annual expense of postage and telegrams from the Department, although kept within the narrowest limits, is in excess of the Secretary's salary.

Rent, too, is a necessary allowance, especially at legations like London, Paris, Madrid, and others, where the accumulation of archives, beyond the capacity of any private residence within the envoy's salaried means, demands a separate establishment for offices.

Dispatch agents are necessary for the speedy and safe conveyance of the mails. The transmission of correspondence by open mail, or the conveyance of sealed pouches at mail-rates, would increase the expense of postage considerably beyond the amounts now allowed to dispatch agents.

Printing in the Department of State is another indispensable item. Confidential correspondence, draughts of treaties, *précis* of negotiations, and the like are continually required for communication to legations and for the needs of the Department. These can only be prepared by hand at great cost of time. Being often needed on short notice, the delay necessary to have the work done at the Public Printing Office would often lose a mail. Convenience and expedition are of more importance even than absolute secrecy in this class of work. Originals of dispatches received are duplicated in an hour or two, without the need of pen copies.

The necessary plant (presses, type, &c.) has been set up in the Department under last year's appropriation. Labor is detailed from the Government Printing Office, chargeable to the Department's general allowance for printing, in the same way that the binding of the Department's confidential archives has been conducted for many years. The current expenses for paper and materials will hereafter be very light. The utility of the present arrangement has been so abundantly demonstrated that it is not easy to see how the work of the Department could be accomplished without it. The mere change of the location where the printing is to be done does not increase its cost, but it does increase its usefulness and efficiency.

15. Clerk to the legation in London (estimated for at $1,200, and omitted from the House bill). The allowance which the Department has heretofore been able to make from its limited contingent fund for foreign intercourse has been very inadequate for the clerical requirements of the London legation. Moreover, the irregular employment of native aid necessarily admits outsiders to a knowledge of the business of the legation, which is most undesirable and even dangerous. In no legation abroad is secrecy and safety more imperatively demanded. Under the proposed appropriation a competent and responsible citizen of the United States could be permanently attached to the legation at London. I regard this provision as of far more importance than might appear on casual observation. The item should be inserted between lines 73 and 74, House bill.

16. Mexican boundary survey (estimated $100,000 additional, and omitted from House bill). It is important that this survey, under treaty engagements, should be pushed to completion when once begun. An appropriation of $100,000 is already available under a former act; but it is very necessary that a sufficient sum to complete the work within eighteen months should be assured, and in default of such assurance it is not regarded as expedient to begin it, only to suffer interruption (with considerable additional expense) while awaiting further appropriation; $200,000 in all will probably suffice.

17. Haytian arbitration (estimated for at $4,077.44, and omitted from the House bill). The arbitration in the cases of Pelletier and Lazare is completed and the expense ascertained. Hayti has paid her half of the cost. In the absence of an appropriation this Government is unable to pay its half to compensate the distinguished arbitrator (Retired Justice Strong) and pay for the clerical work actually performed.

18. Venezuela Claims Commission (estimated for at $13,500, and omitted in the House bill). The convention signed December 5, 1885, between the United States and Venezuela, requires the constitution within three months after exchange of ratifications of an international commission to rehear the awards of the Caracas commission of 1868. A delay has occurred in the exchange of ratifications (which is the only remaining step to complete the international stipulation), but it is hoped this will soon be overcome. If this be done, the execution of the compact would be arrested pending provision by Congress to organize the commission. An appropriation is imperative to guard the national honor. If, for any cause, the convention of December 5, 1885, should fail of completion, not a dollar of the appropriation could be expended, and it would wholly revert to the public Treasury.

19. Alaska survey (estimated for at $100,000, and omitted from House bill). This estimate is in accordance with a diplomatic engagement between the United States and Great Britain. The need of a determination of the Alaskan boundary, and the way proposed to accomplish it, are fully set forth in Senate Executive Document No. 143, Forty-ninth Congress, first session, in the papers accompanying the President's message to Congress of May 17, 1886.

I have the honor to be, very respectfully,

T. F. BAYARD.

Hon. W. B. ALLISON,
*Chairman Committee on Appropriations, Senate.*

Mr. BECK. Mr. President, I have caused the letter of the Secretary of State to be read as part of my remarks, for the purpose of showing the Senator from Connecticut and the Senate that the present Secretary of State has exhibited both in the estimates given with more than usual detail and with great clearness in the Book of Estimates and in the letter he has just written to the chairman of the Senate Appropriations Committee that he has no object in any change suggested except to promote the public interest as he understands it; and he has submitted items, as, for instance, $100,000 for the survey of the Alaskan boundary and $100,000 for the survey of the Mexican boundary—things which we all know to be important and which, if done, might save great trouble with the Mexican Government on one side and the British Government on the other, on account of gold discoveries recently made in Alaska. Wherever he has made any suggestion of an increase of salary of any officer he has given what the country will accept and the Senate will accept, whether they agree with him or not, as good and substantial reasons for making the suggestion.

For example, China is a country where we ought to have a diplomat of ability, and he ought to be well paid for the reasons stated by the Secretary, and for reasons not stated in this letter, which, perhaps, Senators very well understand. In a country like that money has to be expended in a great many ways. The cost of living is great, and the moving from one place to another is expensive. The inconvenience a man sent there is subjected to, and the style he has to maintain to receive consideration, as well as well as the gifts he must make to obtain information, in addition to the cost of living and entertaining strangers, shows that the salary suggested is not high, particularly when it is understood that Great Britain is now extending her great railroad lines over the continent through her lines of steamships to that country, and that we through our lines are seeking to build up trade with China and Japan, and are endeavoring to maintain a foothold on that portion of the continent of Asia.

The same considerations apply to Corea. There is a peninsula jutting out between China and Russia, and our maintenance of strong, intimate, friendly relations with it may become of the utmost importance to our commerce in Asia, which may, if we do not maintain those relations, be absorbed by countries that we would not like to see obtain and maintain the relations that we can so easily retain with Corea, because we are now the most favored nation with that people for many reasons.

So in regard to all the other items of increase recommended by the Secretary of State, the Argentine Republic and our mission at Buenos Ayres, for instance. If we are ever going to build up any trade for our manufactures abroad we have to reach out for China, Japan, South America, Central America, the West India Islands, and that class of countries. We have increased from time to time the grade of our missions to the South American countries; we have appointed commissions and sent them there to see how far we could develop trade by their aid, and in every way efforts have been made for years to extend our commercial relations with our neighbors of South America. The suggestion made here by the Secretary, while it may be resented by some gentlemen who are not disposed to give what is asked, would, if carried out, in my judgment, be money well spent in order to make that an important mission, and to make it as acceptable to that people as possible.

I need not repeat what I said when I began. The reading of the Secretary's letter regarding the action of the House of Representatives shows how dangerous it is for a body of men who have not had charge of a bill like this to set aside a well-considered measure, reported by the Committee on Foreign Affairs through their chairman, carrying out the Secretary's recommendations. That committee reported a bill which I believe if it had been passed by the House would have been agreed to by the Senate. But when the bill was torn all to pieces, either on the score of economy or on any other pretense—I do not know what was the real reason, or want of reason; it certainly was not economy; yet the fact is that a bill has been sent to us under the provisions of which the business of the Government in foreign countries can not be decently carried on or maintained. Think of $105,000, for example, being given for miscellaneous expenses, and that item limited to "books, seals, presses, flags, and signs," which perhaps would not require more than ten or fifteen thousand dollars, and the Department being cut off from all communication with all its foreign ministers and agents unless the money for postage and telegraphing is paid out of the pockets of the officials themselves.

The telegrams alone which the Secretary of State sends, and which he is compelled to send, using the utmost economy, far exceed in cost the salary that is paid to him as Secretary of State.

That is simply absurd; and the leaving out of secretaries of legation at six or eight points where we have always had them is equally so; and so with many other things. So, too, under some pretense of economy, the House seemed to regard as evidence of extravagance the compliance of the Secretary with a demand made upon him in the law of the current year which reads in these words:

And in the estimates for the fiscal year ending June 30, 1888, there shall be estimated for specifically, under classified consulates, all consulates and commercial agencies where the fees collected or compensation allowed for the fiscal year ending June 30, 1886, exceeds $1,000.

When the salaries of those officials are so estimated for and are classified under an order made by Congress, and fees often in excess of the proposed salaries are paid into the Treasury, that seems to be regarded as indicating a large increase of appropriation simply because this bill shows an increase, and therefore extravagance, when it is no such thing. The object of Congress in passing that law and the recommendation of the Secretary of State in regard to it are both clearly in the interest of good government, honest service, and true economy. Those officials heretofore have been paid by fees. The inducement to them to collect all the fees they could *per fas aut nefas* was believed not to be in the interest of the public service. The change proposed, while it appears to swell the amount paid to the consuls, does not do so in fact. On the contrary, it reduces their pay in many cases.

This change, I repeat, is in the interest of good government and of economy in administration. As all well-informed men know, these gentlemen, heretofore classed as commercial agents, have never before been brought before the Senate either for confirmation or adjustment of compensation; they are men whose characters we know nothing about; they are merely agents appointed by the State Department. Some of them have been drawing from five to six or seven thousand a year, and are expending the amount they get, or most of it, in clerk-hire, rents, and other things, to suit their own comfort and convenience. We have been amending this bill so as to correct these abuses for years where the cases were flagrant. Saint Gall and others were drawn into the classified service in former bills, for example. The changes in commercial relations of places abroad are such that new places have to be brought under the consular system from time to time. The Fifth Auditor's report shows the fees collected. We required last year in the law I have just read that the Secretary of State should classify them so as to bring them under our control; and when he had his attention drawn to the subject and saw the evils that grew up under the old system, he recommended, and the Committee on Foreign Affairs of the House of Representatives inserted in the bill, as the Committee on Appropriations have in this bill to a large extent, though not to the extent that the Committee on Foreign Affairs did, that they should be classified.

The Secretary of State very well says that under the present law such officials as receive a salary not exceeding $1,500 are allowed to engage in trade, and he very wisely thinks that in the interest of good service it is not well that an American consul should engage in trade. Receiving a low salary the temptation is great to make it up by certifying his own invoices when engaged in trade as low as he can, and, as he has the power to certify the invoices of his competitors, to make them as high as he can. That is not a thing that the United States ought to encourage. Perhaps a very large amount of money not apparent on the face of any returns would be saved by placing that class of men under salaries and not allow our officials to certify their own invoices at low rates and to swell the invoices of their competitors as high as they can. We had better pay them salaries for the work they do and let the fees be turned into the Treasury of the United States. Our own self-respect will not permit us to take part in or wink at any sort of larceny.

I will not go into detail because I can not improve on the statements made in the letter of the Secretary in regard to the necessity of making radical changes in the bill as it came from the House. I only desire to say that I agreed to the bill as reported by the Committee on Appropriations. I do not believe it is all that ought to be done. I do not believe it is all that the Appropriation Committee of the Senate on examination would desire to do; but when they see a bill coming from the other House, a House in political accord with the Secretary of State and with the executive branch of the Government, cut to pieces and economy paraded and talked about, and the country told how economical they are and how extravagant Senators are, I did not feel, Democrat as I am, that I had any right to ask the Republican gentlemen upon the Committee on Appropriations to increase salaries above what they were last year and above what we had appropriated for consuls and ministers during the time that party had control of this Government and then have it proclaimed all over the country how economical the Democratic party is and how extravagant the Republican Senate is!

Therefore, I was glad when the Senator from Iowa [Mr. ALLISON] and the Senator from Maine [Mr. HALE], my colleagues on the subcommittee, had the courage to take up this incongruous bill as it came from the House and bring it back to the position that it occupied during the current year, thus doing as well by this administration, although the House was not willing to do so, as they had always done by their own administrations; as they have done that, while I think there were other things they ought to have done, they have done so well that I agree cordially with them, and I think they have done the country a good service in going as far as they have. I know they have made it possible for the Secretary of State to carry on his work in a respectable manner, which he could not have done if the bill had been accepted and passed as it came from the House.

Mr. HALE. Mr. President——

Mr. PLATT. Will the Senator allow me to say a few words.

Mr. HALE. I yield to the Senator from Connecticut.

Mr. PLATT. Mr. President, I want to thank the Senator from Kentucky [Mr. BECK] for the very manly and statesmanlike explanation which he has made of this matter; and I want to say that I do not believe that the estimates of the Secretary of State, furnished to us as I understand by the Treasury Department, indorsed by the Treasury Department, for the diplomatic and consular service of this country are any too high; and if the appropriation bill could have originated in the Senate, I do not believe there would have been any party division on the question as to whether the sum in the aggregate recommended for the maintenance and sustenance of our consular and diplomatic service should have been appropriated. I am sure there would have been none.

But the difficulty—and there is a difficulty in voting by way of amendment here the sums which are needed so to sustain our consular and diplomatic service as to make this nation and its representatives respectable in the eyes of the other nations of the earth—is this: That the House of Representatives, without regard to the requirements of the service, cuts down ruthlessly the estimates of the State Department by about $600,000, and then when that spasm of economy is over we on this side of the Chamber understand perfectly well that when the bill is raised even $100,000 we are to be charged with being extravagant, and the extravagance of the Republican Senate is to be contrasted with the economy of the Democratic House of Representatives. It does present a difficulty and it does embarrass a Senator, who, however much he may desire to sustain the Government and to vote all needed sums, can not in the nature of things help having some political feeling on the subject.

Now, I find that in this desire to economize the House refuses to appropriate for eighteen consular officers, among whom are the agent and consul-general at Cairo, the consul-general at Kanagawa, at Panama, at Halifax, at Mexico, and St. Petersburg, and the consuls at Hong-Kong, at Sheffield, at Matamoras, at Annaberg, and at Mahé.

What is the Senate to do? Is it to take the bill as it comes from the House of Representatives and agree with it in its economy, or rather in its penuriousness, or is the Senate to provide for the payment of the officers whom the House has refused to provide for at the expense of being charged with extravagance?

I propose not to act from a political standpoint. If I did, I should vote against every one of these amendments, and say that if the Democratic House of Representatives does not propose to provide payment for its Democratic officials abroad, let it take the medicine which it prescribes; but having in view the continuance of our service, not to say its efficiency, I am bound to vote for these amendments; and I desire to express here my wish that the Committee on Appropriations had gone even further and had adopted mainly the estimates of the State Department, so that we might have abroad such a service and such a representation as the greatness and the grandeur and the character of this country deserve.

Mr. HALE. Mr. President, if I had known that the Senator from Connecticut [Mr. PLATT] was going to make my speech I do not know that I should have yielded.

Mr. PLATT. I began some time ago.

Mr. HALE. He made it a great deal better than I could.

The Committee on Appropriations has striven to rescue this service from the torn and mangled condition in which the House bill left it. It would require a man of deeper penetration and greater ingenuity than I am possessed of to discover the ground upon which this bill was made up as it came to this body from the other end of the Capitol. If the most important places in the consular service, which is the popular side of the business of the State Department, had been selected by premeditation in order to be stricken out, the list of important consulates that were ruthlessly beheaded at the other end of the Capitol would have been the same that it is now, or was when the bill was presented to our committee.

Take the list that has been referred to by the Senator from Connecticut, the consular agency at Cairo, not reduced, not pruned, not limited, but destroyed—one of the most important places in the consular service; an office where not only consular functions, but judicial functions and diplomatic functions are combined, and their exercise is needed every day in the year for the interest of American commerce and the protection of American citizens. We did not find it in the bill, and had to insert it.

Take the consul at Panama, amidships of the American continent; complications arising constantly involving the transit across the isthmus, the rights of our citizens, the operations of foreign nations and foreign capital upon a subject in which we have a delicate and immediate and extreme interest, and no minister there—stricken out of the bill, and nothing left in its place.

Take the great eastern consulates, where we are striving to build up and increase the commerce and trade and communication between our people and the Chinese and Japanese of the Old World, and Kanagawa and Hong-Kong, two of the most important consulates in all the list, are left out of the bill.

Take the consul at Halifax, most important, and especially now, the officer standing on the outer line, near to the troubles that have been threatening and disturbing us for the last year; the officer who has had the authority of the Department to exercise almost a diplomatic faculty, because we have no minister there, and the body that sent the bill, which I may not under the rules be allowed to refer to in name, did not consider that it was necessary to make any provision for him, but left him out.

The consul at the city of Mexico, in a neighboring State, where we ought to be encouraging commerce, opening new lines of business, seeking to monopolize and control her trade, instead of allowing it to drift to foreign countries—and in this bill, torn as it was when it was brought to us, we found that left out. And so with the others that have been referred to. The Committee on Appropriations found itself in a situation where in order to rescue the service from attack it had to insert these consulates at the old salaries, and has so reported them to the Senate.

There is one thing that the Senator from Connecticut has referred to, and that is the temptation on the part of the Committee on Appropriations to take these bills just as they are sent to us by the House of Representatives. In that feeling the Democrats upon the committee, as well as the Republicans, feel the same restiveness at these incomplete appropriation bills that are sent from time to time to us from the other body, showing omissions that must clearly be based upon the belief and conviction that the Senate will supplement the action that is taken elsewhere and will insert the things which are left out; and at once, upon the heels of that, from Maine to California is rung the charge of Senatorial Republican extravagance in increasing appropriations that are made by the House of Representatives.

Mr. President, the time will come when this will cease; the time will come when the overridden patience of this body and of the majority in this body will revolt at such charges; the time will come when it is seen plainly that by deliberation and premeditation the other body, in sympathy with the Administration, appropriating for its own civil service and for its own officials, sees fit to cut and pare and mangle that the Senators here will feel in self respect to do what the Senator from Connecticut has spoken of—let the Departments take the medicine the House has prescribed; because it will be felt that we ought not to bear continually this charge of extravagance in increasing the appropriations. I do not know how soon it will come. I can not predict for my fellows who are here, but for myself I may say that I am nearly at the point that when a bill is sent us from the House of Representatives that does treat these Departments in a way that it will be almost impossible for them to go on and do the duties and service of the Government, I, for one, will take the ground that we will pass the appropriation bills as they come from the House of Representatives, where they originate, and will oblige the Departments to go on with the money thus appropriated. Perhaps one year's experience would cure the evil.

There is but one other alternative, and that is one which I do not like to contemplate and that is connected not only with the practice which I have discussed, but with the insufferable delays that the Senate has submitted to and the Committee on Appropriations has submitted to in having these important bills thrust upon us in the last ten days of the session. That is the alternative frequently suggested by Senators here, of the Senate initiating appropriation bills and sending them to the House of Representatives. I have not yet made up my mind that that is a wise thing to do. Reared in the early part of my service in the other House I imbibed the idea there that these appropriation bills as well as revenue bills pure and simple for raising revenue should be initiated in the other body, but in the presence of difficulties that are almost insurmountable, I do not know but that the Senate some time or other will be obliged to resort to what has been a debated power, but a power that has been held to be possessed by it by earnest, thoughtful, and conservative men in the past, to initiate appropriation bills and send them to the other body.

Mr. CALL. Mr. President, I shall not delay the consideration of this bill by any observations of mine, but I feel it due to myself as a member of the Committee on Appropriations to say that I have not observed any disposition anywhere, either in the Committee on Appropriations of the Senate or in the House bills sent here, to make provision for the consular and diplomatic service of the United States adequate to the needs of the public service. I do not know how these appropriations compare with those made under former administrations, or by a House of Representatives which was Republican, and a Senate

which was Republican, but I do know that the estimates of the present Secretary of State have been economical, able, and thorough, and adapted to the necessities of the public service, and I know that this bill is predicated upon two principles that are thoroughly vicious and destructive of the interests of the public service.

One of them is that the diplomatic and consular service of this country shall be reserved for those who have fortunes adequate to sustain them in the performance of these duties without an adequate salary, that the enterprise and talent of this country, the young men of ability and ambition, who have no fortune shall be excluded from diplomatic and consular service, and it is as plainly and directly the result of this legislation as if it was so expressed in terms. The other is—and this bill is founded upon it in every line of it, and the Senate Committee on Appropriations have retained it and given it their approval—that the foreign commerce of this country shall be taxed to support the internal administration of the Government. Already almost destroyed by exactions and negligence and the want of proper measures, it is to be further burdened with an imposition of taxes in the shape of fees which are to be turned into the Treasury of the United States to pay the expense of our internal administration of the Government. The reports show that the fees received by the consular officers of this Government exceed in many places in the proportion of one-half and two-thirds the salaries paid to consuls and the officers who collect them, and that they are turned into the Treasury of the United States to pay the expenses, not of the services performed in respect to the shipping and the commerce of that locality, but for the general purposes of the Government.

Why, sir, what kind of defense can you make of a bill founded upon the policy that fees are to be exacted from the commerce of the United States transacted at a consulate for the support of the internal administration of this Government? Is that a subject of taxation? And yet that is the principle of this bill, that the foreign commerce of the country shall be taxed and fees exacted at these different consulates in excess of the expense of the consulates and turned into the Treasury; and the report so exhibits the fact in many places.

The salaries of the consuls have been placed in this bill by the Senate committee and in all the former bills of which I have any knowledge upon such a scale that none but a rich man can hold the place, or a foreigner who is engaged in some other occupation. I am informed by the report that a very large proportion of the consular agents of the United States are foreigners, merchants engaged in business abroad, and from this large employment, which needs the enterprise and the talent of American citizens and which should be confined to them, our people are excluded by this niggardly and absurd policy of crushing the commerce of the country and excluding the American citizen and American enterprise from holding of these offices and the performance of these duties. That is the consular and diplomatic bill. The American citizen of small means is to be excluded from that.

Take the diplomatic mission of Turkey, an important point where commercial relations are beginning to be encouraged and growing up with the different provinces of that Kingdom, and they have reduced there the salary of the minister to $7,500 from $10,000 as it is now. No American citizen, in contrast with those representing the efficient and successful foreign policies of the European governments, can hold the respect and confidence of the people of that country and live in that condition of poverty and of want required by this inadequate salary. It is discreditable to the dignity of a free government, a people's government, that the poor citizen, whose energy and capacity and learning and patriotism have authorized his employment by the Government in an honorable position, should be so discredited by his poverty and his means of living that the dignity of a free government and people cannot be maintained with some degree of respectability and comfort for himself and his family, and extend the hospitality and social courtesy required by the customs of the country and exercised by the representatives of other countries.

But I desire to call attention to the fact that this policy of inadequate salaries, this policy of insufficient compensation, this policy of employing a careless and negligent and inferior ability to perform the duties of the different offices, is one that excludes the great mass of the people of the United States from the possibility of holding these offices. That is the theory of the bill, that none but the rich are allowed to hold these foreign consulates, except it be foreign subjects and those engaged in foreign commerce who do not belong to this country. The other policy of the bill is that, instead of reducing the fees which are allowed, so that they will not exceed such an amount as will pay a liberal and a reasonable compensation to the American citizen who may be sent there, and relieving commerce of its burdens, these fees are continued, salaries reduced, and the surplus paid into the Treasury of the United States as a support for the Government of the country. It is absurd. There is no language that can describe the folly of such a bill. The idea of paying subsidies for mail transportation to foreign countries, to open commerce, to extend our commerce while we are excluding the ability and the enterprise and business sagacity of the country from taking hold of these places, is a folly that can not be characterized to strongly.

What can a man of family and of reasonable capacity do upon $1,000 or $1,500 going abroad? Take the minister to Corea, who goes where there are no Americans, to a foreign country, and it is a question whether he is to be allowed a clerk or not or whether he must go alone and without assistants. He goes into a strange country, the language of which is unknown to him, where there are no Americans; and contrast that with the policy of the enlightened governments of Europe, with their liberal and comfortable provision for their business representatives, their consular agents. The whole bill is one which should not receive the consideration of the Senate or the country, but should be required to be amended and placed upon a basis where it will be an encouragement and a protection to the commerce of the people of the United States and will furnish men of adequate capacity and give them the means to do something towards building up the commerce of the country abroad.

I shall vote against the whole bill, as far as I am concerned, unless it can be placed on a basis where the money appropriated will be of some service to the country and its commerce.

Mr. SAULSBURY. Mr. President, we have had a very extraordinary debate, one in which one House of Congress has been arrayed against the other. This is not the first time, I think, that I have observed in the reports of the Committee on Appropriations censure expressed in reference to the House of Representatives. I have no question that many of the suggestions of the Secretary of State were wise and proper, and it would have been well if they had been adopted by the House of Representatives. It would be too much to say that there is such perfection in the Department of State that there may not have been some mistake made there; but I have no question that many of the suggestions and recommendations made by the Secretary of State were wise and proper, and the House would have done well to adopt them; but that House is an independent body, acting on its own judgment. It has a perfect right to judge of the recommendations made by the heads of the Departments and to act in accordance with its own convictions of what is right and proper. I have no doubt that the Committee on Appropriations of this body in passing upon the House appropriations have exercised their own judgment and done what they think is right, and they deserve credit for that; but I do not think that it is the right spirit for the committees of one House to arraign the committees of the other or for the Senate to arraign the House or the House to arraign the Senate. That kind of legislation is not promotive, in my opinion, of the vast interests of the country.

In my judgment it would be a wise provision to have the Appropriations Committees of the two Houses confer with each other in reference to the provisions of the bills before they are formed. I have no doubt that all appropriation bills would be much more wisely framed and adjusted to the necessities of the Government if there was better communication between the representatives of the two Houses on the Appropriations Committees than to simply have one House act independently entirely of the other, and then when an appropriation bill comes to the other body to have the criticisms made which we have heard this morning.

I have no doubt that the other House have acted on their judgment correctly. In my opinion they have made some mistakes, just as, in my opinion, the committees of this body are liable to make mistakes; but I do not believe that this continuous censure on the part of a committee of one House on the action of the other is either wise or promotive of the best interests of the country. I repeat, if there could be some arrangement by which the appropriations committees of the respective Houses could have conferences in reference to the formation of these bills, it would be much wiser than to stand aloof from each other, and then when the bills come before their respective Houses to have the criticisms indulged in which have been indulged in this morning.

I have no doubt, I repeat, that the House of Representatives have made some mistakes; but the House of Representatives forms a co-ordinate branch of Congress. They have as much right as the Senate to their judgment of what is right and proper to be done. I shall assist the committees of this body to correct anything that in my judgment is wrong that was done on the part of the House of Representatives; but I do not believe, from whatever motive it may proceed, that this eternal criticism of the House of Representatives on the part of the Senate because of appropriations is either wise or proper or calculated to promote harmony between the two Houses or the best interests of the country.

We have heard the epithet "penurious" applied to the House of Representatives. That is not proper, in my opinion. There may have been a close watching of the expenditures of the Government, and to that extent I give the House credit. I think the record of the last and present session will show that the House of Representatives have performed invaluable services to the country in checking extravagances that have gone through this body. While they may have been close or even penurious, as has been said, in some matters, they have acted wisely is checking some of the extravagant measures which have passed through this body. I think the records of this Congress will show that not much short of $100,000,000 have been saved by the vigilance of the House of Representatives over appropriations that have been made by the Senate in the two sessions of this Congress.

I have observed a tendency in this body, I think, to unnecessary extravagance in many things. I recall the fact that we passed a bill appropriating $77,000,000 for educational purposes in the States, which

sleeps upon the Calendar of the House of Representatives, I am happy to say, where I hope it may sleep until the day of eternity. We have passed other appropriation bills that have been extravagant, such as the subsidy item in the appropriations for the Post-Office Department. I give the House of Representatives credit for checking that extravagance of the Senate. So with many other measures. If there had not been a conservative power somewhere, I do not know what would have become of the Treasury of the United States. Certainly there would have been no surplus left in the Treasury but for the action of the House of Representatives in checking the extravagant measures that have been passed through this body, and the vigilance and careful consideration of the President of the United States in vetoing a measure that was calculated to take annually not less than $50,000,000 from the public Treasury.

I give to the President very great credit for that independence of spirit which prompted him to stand as a sentinel upon the watch-tower and guard the interests of the people of this country. So I give credit to the House of Representatives. While they have acted, as I have before remarked, too closely in some respects, I do not think they are deserving of the criticisms which have been indulged in this morning, and as a member of the Democratic party which controls that House I am not going to sit here and hear such criticisms, which I believe to be wholly unnecessary, wholly improper, and not promotive of the best interests of this country in any respect.

Mr. HALE. Before the Senator sits down I should like him to point out a single amendment that the Committee on Appropriations has made to this bill curing the manifest defects of the other House that he believes is improper or that he himself will not vote for.

Mr. SAULSBURY. I have not attempted to criticise any act of the Committee on Appropriations of the Senate. I have said that I had no doubt they had properly corrected mistakes of the other House. I have not examined all these measures. I said, furthermore, that I should sustain, as far as I could do so, the action of the Appropriations Committee of this body. That was not the issue I made. The issue I made was that this eternal carping at the House of Representatives, because of its economy, on the part of Senators, applying opprobrious terms to the House of Representatives and to the Committee on Appropriations of that body, was unwise, that it was not calculated to promote harmony between the two Houses, that it was not calculated to promote the interests of the country, and that many of the criticisms were unjust and improper.

I said furthermore that I give to the House of Representatives credit for their vigilance in watching the expenditures of the Government, many of which have been lavish, as I conceive, as they have passed this body. That is what I said. I have raised no issue with the Committee on Appropriations of the Senate. I have said, on the contrary, that I had no doubt they had very properly corrected some of the mistakes in this bill which had been made by the House of Representatives.

Mr. HALE. The Senator from Delaware in what he has just said virtually gives away his case and admits that no improper remarks have been made here touching the conduct of the other branch of the legislative department of the Government in making up these bills. Either the other House is right or the Senate is right, and whichever has sinned has sinned with eyes wide open. There was not a single avenue of intelligence that the committee of the Senate pursued which was not open to the other House, or there was not a single item of information that illuminated the investigations of the Senate committee which did not shed its light upon the other House.

Here is an instance of a bill that would practically strangle this important branch of the governmental service as it came to the Senate, which has been rescued from that condition, in regard to which each branch of the Congress of the United States had the same information. It is not an attack upon the other House; it is not opprobrious epithets that have been visited here; it is only the manifestation of a just and righteous indignation at the treatment the Senate is subjected to in considering these maimed and mangled and distorted bills as they come here.

Mr. PLUMB. Mr. President, the bill which is under consideration, as it came from the House, as the Senator from Maine very well said, would have resulted in a very serious break-up in the consular and diplomatic service of the Government, even if it did not practically strangle it, if it were not amended. With that as a text, I desire to say that I think our foreign service is in a very bad condition anyhow. I have my doubts about the propriety of keeping up the diplomatic part of it, and believe that the work which is called diplomacy, and which is said to be only an exaggerated form of lying, could be carried on directly between the governments interested without the intervention of what is known as a minister at any of the foreign courts.

But when it comes to the consular service, that is a very important thing to the people of this country. That has to do, or ought to have to do, with our trade relations with the people of the various foreign countries.

I do not think this service has ever been what it ought to be. A part of that was because the Government could not get for the salaries which it was willing to give the services of proper persons, and a part of it grows out of the fact also that this service has been neglected by the American people and by the American Congress. It has been depreciated in every way possible. We have been so much concerned in our interior affairs that we have given the go-by very largely to those which have brought us into relations with foreign people and which have affected our foreign trade. I think the service under the present administration is the worst that it has ever been.

Mr. SAULSBURY. Why?

Mr. PLUMB. The Senator from Delaware asks me to give a reason. I was about to state it, and I will say now with perfect frankness why I think so.

The incoming of a Democratic administration brought from the lumber garrets of that party a great mass of people whose existence before that time was not known. People whom the Senator from Delaware, and the leading men of his party generally, did not know anything about came forward as applicants for offices under the Democratic administration. Men who had been for all practical purposes dead and buried turned up with "claims" upon the Democratic administration for appointments.

Of course it would not do to appoint them to any place at home, because there their manifest incompetency; the odor of their decaying carcasses of course would be offensive to the nostrils of even non-sensitive people. Therefore they were sent abroad. Anything to get these people out of the country where their decayed condition would be out of the reach of the observation of the American people; and that became I think the watchword to a large extent of this administration.

I do not mean thereby to arraign the administration. It did the best it could. It had a hard job to undertake to do anything practical in the way of administration with the material it had on hand for the purpose of filling these and other places.

But my objection goes deeper than a complaint in regard to this service under the present administration. I believe the service is in a worse condition than it ever has been, as I said. But it has not been for years as good as it should be. A few years ago under a Republican administration a Democratic House of Representatives made appropriation for the consular and diplomatic service which so reduced the salaries of consuls and diplomatic officers that the total of the appropriations for that service was below what it was in 1857—nearly half.

Mr. BUTLER. Would it be inconvenient for the Senator from Kansas to point out in what particular the consular service of the Government is now in such bad condition. He makes a general statement. I should be very glad if he would particularize.

Mr. PLUMB. I will go on with what I have to say, and I shall come presently to answer the inquiry of the Senator from South Carolina.

As I said, owing to this constriction, this disregard of the necessities of the service, this contempt for the foreign service of the Government manifested by the House of Representatives (which under the Constitution has the right to originate appropriation bills; at all events which has assumed that right, and which right has not recently been denied), it determined to bring the public service within not only the narrowest possible limits, but to destroy it if it could, for the purpose of bringing reproach upon the party then in power, and these niggardly appropriations operated to keep good men out of the service in a very large degree. Still, good men did get into the service, the meager salaries to the contrary notwithstanding, and men who had some sentiment of nationality, men who had some idea of the beneficent purposes which were designed to be accomplished by their appointment and by the creation of the offices which they filled, did get into the foreign service of the country under a Republican administration.

A Democratic administration came into power, as I said, and finding it had on hand a lot of belated individuals who had been talking about the resolutions of 1798, and what they called the Tilden fraud of 1876, and so on, and intermediately about Jackson, who claimed a recognition at the hands of the Democratic administration which had to be satisfied in some way, were billeted upon the foreign service of the country. Does the Senator from South Carolina want me to specify names and dates, and so on?

Mr. BUTLER. I should be delighted to have the Senator do it.

Mr. PLUMB. The Senator from South Carolina, from being a few moments ago, as I supposed him to be, the most humane of individuals, has assumed the proportion of the most cruel of his kind.

Mr. BUTLER. I will submit to that, I am not as cruel as the Senator.

Mr. PLUMB. Does the Senator want me to pillory here individual members of his party?

Mr. BUTLER. I would be delighted if the Senator would, and I think he owes it to himself, to the Senate, and to the State Department that he should pillory somebody rather than make insinuations and general accusations such as he has made. For one, I would prefer that he should pillory anybody whom he chooses.

Mr. PLUMB. The representative character of the Senator from South Carolina of course can not be denied, so far as it relates to that political organization of which he is a conspicuous member, but when it comes to these individuals who have been taken out of a merited obscurity and brought into the sunlight of publicity, and put into those places in the public service which they are conspicuously unqualified

to fill, I deny his right to represent them. I speak of the general results of party responsibility, of the course of current affairs in those things which are in the knowledge of all men.

The Democratic party is in a conspiracy still against the service under its own control, perhaps with a nicer sense of the actual merit or demerit of the members from which alone this force can now be drawn than I have; so I am not going to say that the salaries that have been fixed in this diplomatic bill are not equal to the merits of the persons who alone, on the principle of selection applied by this Administration, can be called on to fill these places. I will not undertake even to say that those places, which the Democratic House of Representatives left out entirely, the consulates which it failed to provide for, some of which have been in existence more than a quarter of a century, perhaps arose out of consideration of the fact that the Democratic party had not even second-class material to fill them with, and consequently preferred to abolish them.

Mr. HAMPTON. Will the Senator allow me to interrupt him for a moment?

Mr. PLUMB. Interruptions are always in order.

Mr. HAMPTON. I do not wish to enter into a discussion with the Senator, who is nothing if not critical, but I simply wish to tell him and the Senate of a fact which was brought to my knowledge when a very distinguished Republican held the place of Secretary of State. He was trying to fill the most important mission that we have in our gift, and said he had very great difficulty in doing it. Some friend said to him there were certainly a great many gentlemen qualified to fill the place. He replied, "Yes, but unfortunately they are all in the Democratic party."

Mr. PLUMB. The Senator from South Carolina has developed a new phase of his character to me, his utter inability to appreciate a joke.

Mr. President, there was difficulty in getting at times the best material the Republicans had to fill these places, because the members of that party generally had something else to do. They had occupations which gave them more adequate compensation than the Government would give them. I know that offices of importance and high degree were offered many a time and over and over again to gentlemen in the Republican party who declined to take them, because they said, in the first place, perhaps, the post of honor was a private station, and, in the next place, they could not afford to sacrifice private fortune for the purpose of receiving the inadequate compensation which the Government gave.

If the Senator from South Carolina, however, should be serious enough to say that he thought the *personnel* of the Democratic party furnished better material for these places than that of the Republican party, I am perfectly willing to make the comparison between the service as it is now and as it was two years ago.

Mr. BUTLER. Is the Senator from Kansas prepared to state how many of the incumbents are still in office who were in office when the present administration came into power?

Mr. PLUMB. I am not; and still I am mindful of the fact that the President has had difficulty in even getting second-class men to take the places, and consequently has left a great many Republicans in office.

Mr. BUTLER. That is not an answer to my question. That flippant style of course does very well for the hustings, but I do not think it is very suitable on the occasion of a discussion like this.

Mr. PLUMB. Will the Senator set me a pattern which it is proper to follow?

Mr. BUTLER. I will do so if the Senator will follow it. That I am afraid he will not do, because I am afraid he is incapable of doing it. However, I should like the Senator to point out how many Republicans have been retained in the consular service by this administration. He is denouncing the service generally for inefficiency, for incompetency, for having second-class men. I should like to have him point out how many of our present consuls abroad belong to his party, who were appointed by a Republican administration.

Mr. PLUMB. I have no great taste for political mathematics. I said, and I repeat, that the service is in a worse condition than it has been for many years.

Mr. BUTLER. I do not agree with the Senator.

Mr. PLUMB. I do not mean to say that it might not have been worse. It would have been worse, of course, if more Republicans had been turned out.

I was proceeding to generalize. The fault has been largely in our legislation. We have treated these places too much as though they were of no consequence. We have not given adequate compensation. We have not properly organized the State Department. It is all right, of course, to have at the head of that Department a gentleman of varied accomplishments, of literary ability, of a reputation which goes beyond the boundaries of the United States, and who is qualified to get into that upper walk and solar air in which only diplomats move; but somewhere in that Department there ought to be somebody who knows something about the nomenclature of trade, who knows the difference between a Navajo blanket and a piece of Wamsutta muslin.

Mr. President, I could suggest an improvement. I would rather take a commercial drummer than a broken-down politician for an Assistant Secretary of State. If there could be some man somewhere in that Department possessing authority, who had his finger on the daily pulsebeat of American industry, of American ambition, of the growth and the progress of the American people, and who could put that into practical shape, American manufactures would not be sighing for want of foreign markets, because it is not true that American goods on the whole are dearer than foreign goods are.

But when we come into that international domain in which nation struggles with nation for supremacy, the American manufacturer is lost, isolated, individualized, while his foreign competitor has at his back at every step the powerful purpose of his government helping him in that competition in which political power goes along with prices.

The American manufacturer is at a disadvantage, and it is because this whole structure, from beginning to end, is built upon the wrong plan. It is because this foreign service and its concomitant, our foreign trade, has been degraded to the level of a deformed civil service which looks to the reward of the belated, the unworthy, for political service or for good riddance. If we could put into this foreign service one-half of the energy, of the enterprise, of the intelligent appreciation manifested by the commercial travelers of America in the promotion of the domestic trade of this country, there would be no lack of foreign trade for American merchants and American manufacturers. I would be willing to substitute at a hazard the humblest member of that fraternity as Assistant Secretary of State for any man of that grade who has been in that office during the last few years.

We keep up at great expense the show and the tinsel of what we call our diplomatic service, and we print tomes and cords of what we call diplomatic correspondence, which relates to everything that is of no consequence to the American people and does not even enrich its literature, while those things that are material to the trade of this country are neglected.

I would say to-day, if I had my way, abolish the diplomatic service and substitute in place of it an enlightened commercial service. Let the men who carry the commission of the Government to represent it abroad go backed by its power intelligently directed in the way of helping to find and to make markets for American products, and the genius of the mechanics and of the laboring men of this country, backed by that power, would take possession of all the markets in which skill properly applied is of any account.

It is that kind of a foreign service that Great Britain has. She has the other kind, too, because of her interest in continental politics, and the necessity of finding employment for her aristocracy; but she sends the younger sons of her noble families, she sends her keen-eyed men of traffic into all the world where she desires trade, and she sends them with instructions to bring about results, and she arms them with her power. She establishes lines of steamship communication with the ports at which her consuls are stationed. She backs her manufacturers by subsidies and by helpful devices of every kind for the competition they have got to meet, and she says to them, take possession at whatever cost, because there will be after profit to compensate, if necessary, for first losses.

Until we have some such service, until the Department through which we touch all these varied interests—which represents or which is supposed to represent our external affairs—is vitalized with this same spirit, the individual effort of American manufacturers will be at a minimum as to results.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in "Schedule A" in the appropriations for "salaries of ministers," before the word "Turkey," in line 28, to insert "and;" and after "Turkey" to insert "at $7,500 each;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to the United States of Colombia, the Argentine Republic, and Turkey, at $7,500 each, $22,500.

Mr. PLATT. I wish to inquire whether that is the salary which has been paid to the minister at Turkey?

Mr. ALLISON. I will say that that is the salary which was paid for the minister to Turkey until two years ago.

Mr. PLATT. It was raised two years ago?

Mr. ALLISON. It was raised two years ago. It was raised at the short session of 1885 to $10,000, and was appropriated for at that rate for the current year. The House of Representatives saw proper to restore the salary to what it was prior to two years ago, and the Committee on Appropriations of the Senate do not recommend a change.

Mr. PLATT. Is it not as desirable that we should have at Turkey a minister of equal ability to the minister who was there with a salary of $10,000 a year?

Mr. ALLISON. It would be very well, I should think, to have such a person, if we could find one, and it would be very well to give him such a salary, if we felt so disposed; but the Committee on Appropriations, fearing the disposition to economize in this bill, did not propose to raise this salary. Of course any other Senator can offer an amendment to that effect.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 41, after the word "minister," to insert "resident and consul-general;" so as to make the item read:

Minister resident and consul-general to Liberia, $4,000.

Mr. ALLISON. I will say that the minister resident and consul-general to Liberia under the existing current appropriation act receives $5,000. The other House reduced it a thousand dollars, and the Committee on Appropriations did not choose to recommend an increase. I believe this and the preceding amendment are the only two instances where there has been a reduction from the current appropriations for the present year.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 42, to insert:

Agent and consul-general at Cairo, $5,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 50, after "Berlin," to insert "China;" in line 512, after the word "each," to strike out "thirteen thousand one hundred and twenty-five" and insert "fifteen thousand seven hundred and fifty;" so as to make the clause read:

Secretaries of the legations in Berlin, China, Japan, London, Paris, and St. Petersburg, at $2,625 each, $15,750.

The amendment was agreed to.

The next amendment was, after line 57, to insert:

Second secretaries of the legations in Japan and China, who shall be American students of the language of the court and country to which they are appointed respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at $1,800 each, $3,600.

The amendment was agreed to.

The next amendment was, in line 70, before the word "Spain," to strike out "and," and after "Spain" to insert "and Turkey;" and in line 71, after the word "each," to strike out "nine thousand" and insert "ten thousand eight hundred;" so as to make the clause read:

Secretaries of the legations in Austria, Brazil, Italy, Mexico, Spain, and Turkey, at $1,800 each, $10,800.

The amendment was agreed to.

The next amendment was, after line 72, to insert:

Secretaries of the legations in Chili and Peru, at $1,500 each, $3,000.

The amendment was agreed to.

The next amendment was, after line 74, to insert:

Secretary of legation and consul-general at Corea, $1,500.

The amendment was agreed to.

The next amendment was, in line 78, after the word "Turkey," to strike out "three thousand" and insert "two thousand five hundred;" so as to make the clause read:

Interpreter to the legation in Turkey, $2,500.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 84, to insert:

Interpreter to the legation and consulate-general in Bangkok, Siam, $500.

The amendment was agreed to.

The next amendment was, under the head of "Contingent expenses foreign missions," after the word "business," in line 98, to insert:

And also for rent, postage, telegrams, furniture, messenger service, clerk-hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State.

So as to make the clause read:

For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk-hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, $105,000.

The amendment was agreed to.

The amendment was, after line 165, to insert:

Haytian arbitration commission: For expenses of printing for joint commission which sat at Washington to arbitrate the claims of Antonio Pelletier and A. H. Lazare against the Government of Hayti, $1,577.45; for compensation of the arbitrator, $2,500; in all, $4,077.44.

The amendment was agreed to.

The next amendment was, after line 173, to insert:

Venezuela and American claims commission: For compensation of one commissioner, at the rate of $5,000 per annum; one-half compensation of third commissioner, the said one-half at the rate of $2,500 per annum; one-half compensation of secretary of commission, said one-half at the rate of $1,000 per annum; one-half of incidental expenses, or so much thereof as may be necessary, $3,500; in all, $12,000.

The amendment was agreed to.

The next amendment was, in line 192, after the word "Honolulu," to insert "Kanagawa;" and in the same line to strike out the word "and;" in line 193, after "Montreal," to insert "and Panama;" and in line 194, before the word "thousand," to strike out "twelve" and insert "twenty;" so as to make the clause read:

Consuls-general at Berlin, Honolulu, Kanagawa, Montreal, and Panama, at $4,000 each, $20,000.

The amendment was agreed to.

The next amendment was, after line 194, to insert:

Consul-general at Halifax, $3,500.

The amendment was agreed to.

The next amendment was, in line 198, after the word "Rome," to insert "St. Petersburg;" and in line 199, after the word "each," to strike out "fifteen" and insert "eighteen;" so as to make the clause read:

Consuls-general at Constantinople, Ecuador, Frankfort, Rome, St. Petersburg, and Vienna, at $3,000 each, $18,000.

The amendment was agreed to.

The next amendment was, after line 199, to insert:

Consul-general at Mexico, $2,500.

The amendment was agreed to.

The next amendment was, after line 201, to insert:

For salaries of consuls, vice-consuls, and comercial agents, $378,500, as follows, namely:

The amendment was agreed to.

The next amendment was, after line 205, to insert:

Consul at Hong-Kong, $5,000.

The amendment was agreed to.

The next amendment was, in the list of consuls of class 2 at $3,500 per annum, to strike out lines 209 and 210, in the following words:

Argentine Republic:
Consul at Buenos Ayres.

The amendment was agreed to.

The next amendment was, in consuls of class 4, in line 244, before the word "Bordeaux," to insert "Annaberg;" after "Bordeaux," in the same line, to insert "Brunswick" and strike out the word "and;" and in line 245, after "Marseilles," to insert "and Mayence;" so as to make the clause read:

Consuls at Annaberg, Bordeaux, Brunswick, Lyons, Marseilles, and Mayence.

Mr. ALLISON. The three consulates proposed to be inserted in lines 244 and 245 should be inserted in line 247. Therefore I ask the Senate to disagree to the recommendation of the Committee on Appropriations.

The amendment was rejected.

Mr. ALLISON. In line 247, after the word "at," I move to insert "Annaberg, Brunswick;" after "Dresden," in the same line, to strike out "and;" and after "Hamburg," in the same line, to insert "and Mayence;" so as to make the item read:

Consuls at Annaberg, Brunswick, Bremen, Dresden, Hamburg, and Mayence.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the consuls of class 4, in line 252, before the word "Tunstall," to insert "Sheffield;" so as to make the item read:

Consuls, at Birmingham, Dundee, Leith, Nottingham, Sheffield, Tunstall, and Victoria (British Columbia).

The amendment was agreed to.

The next amendment was, after line 254, among the consuls of class 4, to insert:

Switzerland:
Consul at St. Galle.

The amendment was agreed to.

The next amendment was, in the list of consuls of class 5, at $2,000 per annum, after line 266, to insert:

Columbia:
Consul at Barranquilla.

The amendment was agreed to.

The next amendment was, after line 270, in consuls of class 5, to insert:

France:
Consuls at Rheims and St. Etienne.

The amendment was agreed to.

The next amendment was, in line 276, in consuls of class 5, after the word "Crefeld," to insert "Dusseldorf, Elberfeld;" so as to read:

Consuls at Barmen, Chemnitz, Cologne, Crefeld, Dusseldorf, Elberfeld, Leipsic, Nuremburg, and Sonneberg.

The amendment was agreed to.

The next amendment was, in line 279, in consuls of class 5, after "Cardiff," to insert "Chatham," after "Dublin," to insert "Dunfermline;" in line 281, after "(Mauritius)," to insert "Port Stanley and Saint Thomas (Canada);" and after "(New Brunswick)," in line 282, to insert "Sherbrook (Canada);" so as to make the clause read:

Consuls at Cardiff, Chatham, Cork, Dublin, Dunfermline, Hamilton (Canada), Kingston (Jamaica), Leeds, Nassau (New Providence), Port Louis (Mauritius), Port Stanley and Saint Thomas (Canada), Saint John (New Brunswick), Sherbrook (Canada), Sydney (New South Wales), and.

The amendment was agreed to.

The next amendment was, in line 292, in consuls of class 5, before the word "at," to strike out "Consul" and insert "Consuls," and at the end of the line to add "and Matamoras;" so as to make the item read:

Consuls at Acapulco and Matamoras.

The amendment was agreed to.

The next amendment was, in line 305, among consuls of class 5, after the word "Basle," to insert "Hagen;" so as to read:

Consuls at Basle, Hagen, and Zurich.

Mr. ALLISON. That should be "Horgen" instead of "Hagen."

The PRESIDENT *pro tempore*. The amendment will be modified as suggested by the Senator from Iowa.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 315, among the consuls of class 6, at $1,500 per annum, before "Para" to strike out "and," and after "Para" to insert "and Santos;" so as to make the clause read:

Brazil:
Consuls at Bahia, Para, and Santos.

The amendment was agreed to.

The next amendment was, in line 321, in consuls of class 6, before "Guadeloupe," to insert "Cognac;" so as to read:

France and French dominions:
Consuls at Cognac, Guadeloupe, Martinique, and Nice.

The amendment was agreed to.

The next amendment was, in line 323, consuls of class 6, after "Aix-la-Chapelle," to insert "Breslau, Kehl;" so as to read:

Germany:
Consuls at Aix-la-Chapelle, Breslau, Kehl, Mannheim, Munich, and Stuttgart.

The amendment was agreed to.

The next amendment was, in line 328, consuls of class 6, after "Bristol," to insert "Brockville;" in line 330, after "Gibraltar," to insert "Guelph (Canada);" in line 331, after "(Canada)," to insert "London (Canada), Mahé (Seychelles);" in line 332, after "(Canada)," to insert "Port Hope (Canada);" and in line 335, after "(Canada)," to insert "Stratford (Canada), Three Rivers (Canada);" so as to make the clause read:

Great Britain and British dominions:
Consuls at Amherstburg (Canada), Antigua (West Indies), Auckland (New Zealand), Barbadoes, Bermuda, Bristol, Brockville, Cape Town, Ceylon (India), Charlottetown (Prince Edward Island), Clifton (Canada), Fort Erie (Canada), Goderich (Canada), Gibraltar, Guelph (Canada), Kingston (Canada), London (Canada), Mahé (Seychelles), Malta, Newcastle-on-Tyne, Quebec, Pictou (Canada), Port Hope (Canada), Port Sarnia (Canada), Port Stanley (Falkland Islands), Prescott (Canada), Southampton, Saint Helena, Saint John's (Canada), Saint Stephen (Canada), Stratford (Canada), Three Rivers (Canada), Windsor (Canada), and Winnipeg (Manitoba).

The amendment was agreed to.

The next amendment was to strike out from list of consuls of class 7, lines 363 and 364, as follows:

Commercial agent at Gaboon.
Commercial agent at St. Paul de Loando (East Coast).

And in lieu thereof to insert:

Mozambique (Eastern Coast).

Mr. ALLISON. I wish to add an amendment, in line 365, by inserting "consul at" before "Mozambique."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to line 373.

Mr. ALLISON. I move to strike out lines 372 and 373 in the following words:

Fiji:
Commercial agent at Levuka.

That clause is inserted already in another place.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 399, to insert:

COMMERCIAL AGENCIES.

Schedule C.—Gaboon, Levuka, and St. Paul de Loando.

And in the estimates for the fiscal year ending June 30, 1889, there shall be estimated for specifically, under classified consulates, all consulates and commercial agencies where the fees collected or compensation allowed for the fiscal year ending June 30, 1887, exceed $1,000.

The amendment was agreed to.

The next amendment was, before the words "consular clerks," in line 411, to strike out "seven" and insert "six;" and in line 412, after the word "each," to strike out "eight thousand four" and insert "seven thousand two;" so as to make the item read:

Six consular clerks, at $1,200 per annum each, $7,200.

The amendment was agreed to.

The next amendment was, in line 414, before the words "consular clerks," to strike out "six" and insert "seven;" and in line 415, after the word "each," to strike out "six" and insert "seven;" so as to make the clause read:

Seven consular clerks, at $1,000 per annum each, $7,000.

The amendment was agreed to.

The next amendment was to strike out lines 420 to 435, inclusive, in the following words:

For allowance for clerks at consulates, $42,600, as follows:

For the consul-general at Havana and the consul at Liverpool, each a sum not exceeding the rate of $3,000 for any one year; and to consuls-general at London, Paris, and Shanghai, each a sum not exceeding the rate of $2,000 for any one year; to the consul-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Hong-Kong, Ottawa, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Rio de Janeiro, Nuremberg, Leith, Singapore, Stuttgart, Mannheim, and Tunstall, each a sum not exceeding $1,500 for any one year: *Provided*, That the total sum expended in any one year shall not exceed the amount herein appropriated.

And in lieu thereof to insert:

For allowance for clerks at consulates, $50,320, the sum to be allowed at each consulate not to exceed the rate herein specified, as follows:

Consul at Liverpool, $2,000.
Consul-general at Havana, $1,600.
Consul-general at Shanghai, $1,200.
Consuls-general at London, Paris, and Rio de Janeiro, at $1,600 each, $4,800.
Consuls-general at Berlin, Frankfort, Vienna, Montreal, and Kanagawa, and consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, at $1,200 each, $15,600.
Consuls at Bradford, Birmingham, and Marseilles, at $960 each, $2,880.
Consuls-general at Calcutta, Port au Prince, and Melbourne, and consuls at Leipsic, Sheffield, Sonneberg, Dresden, Antwerp, Nuremberg, Tunstall, Bordeaux, Colon, Singapore, Glasgow, and Panama, at $800 each, $12,000.
Consuls at Belfast, Barmen, Leith, Dundee, and Victoria, and the consuls-general at Matamoros, and Halifax, at $640 each, $4,480.
Consul-general at Mexico and Berne, and consuls at Malaga, Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zurich, Beirut, and Demerara, at $480 each, $5,760.

The amendment was agreed to.

The next amendment was, in line 475, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

For an additional allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk-hire, no greater portion of this sum than $400 to be allowed to any one consulate in any one fiscal year, $20,000.

Mr. ALLISON. Before the amendment is agreed to, I desire to state that we have added $10,000 to this general fund so as to cover the necessary clerk-hire of the salaried consuls provided for in the bill, the clerks having formerly been paid out of the fees collected.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. BUTLER. After line 234, under consulates of class 3, I move to add:

Consul at Antwerp.

I am induced to move this amendment because I think the salary of the consul at Antwerp is wholly inadequate and entirely disproportionate to the commercial importance of the place. It is, I believe, the third commercial port in Europe in point of the extent and value of its commerce. The American consul there receives but $2,500, and Brussels, a city about 40 miles away, an interior city, is represented by a consul at precisely the same amount. I think that there should be some discrimination made in favor of the consul at Antwerp because of the greater duties he has to perform, and I trust the chairman of the committee will not object to this amendment.

Mr. ALLISON. If I understand the purport of the Senator's amendment he proposes to increase the salary of the consul at Antwerp $500. If that is his desire, it should come in after line 217, and the word "Belgium" should be inserted.

Mr. BUTLER. I accept that suggestion.

The PRESIDENT *pro tempore*. The Secretary will report the amendment proposed by the Senator from South Carolina.

The SECRETARY. After line 217 insert:

Belgium:
Consul at Antwerp.

The amendment was agreed to.

Mr. ALLISON. In line 240 I move to strike out "consuls at Antwerp and" and insert "consul at;" so as to read:

Consul at Brussels.

The amendment was agreed to.

Mr. ALLISON. In line 203 I move to strike out "$378,500" and insert "$379,000," so as to make the total correspond to the amendment just made.

The amendment was agreed to.

Mr. MORGAN. I desire to call the attention of the chairman of the committee to line 346, page 15. I desire to raise the salary of the consul at Asuncion, in Paraguay, to $2,500. It is $1,500 in the bill, and that has been the salary of the consul at that place for a number of years.

Mr. ALLISON. Fifteen hundred dollars?

Mr. MORGAN. Fifteen hundred dollars.

Mr. ALLISON. Why does the Senator wish to increase it?

Mr. MORGAN. Because that is getting to be a very important port, and our relations with the Argentine Confederation and the States of Uruguay and Paraguay are getting to be more and more important every day. The Argentine Confederation and those adjoining States

correspond in influence in South America with the United States in North America. I suppose there is no country in America outside of the United States where there is as much activity and as much progress, and to which there is as much emigration as there is upon the La Plata River and its tributaries.

The people of the United States are building up a commerce with that country very rapidly. I know of one gentleman who is interested in a number of iron steamers on the La Plata River, running up as far as Asuncion and doing a very large business there. The steamboats are made in New York and sent out in sections and travel up and down that river. Recently an appointment was made of a gentleman from Alabama to that place, Thomas J. Tunstall, who was formerly consul at Cadiz, and he was desired to go there, but found himself unable to sustain his family on a salary of $1,500—a gentleman who speaks the Spanish language and the French language and is a thoroughly competent consul. After his declination of the office it was offered to another gentleman of that State who also found himself unable to go in consequence of the smallness of the salary.

Asuncion is a place of very decided cultivation for that section of the world, with a large amount of wealth. The people are accomplished and enterprising and energetic, and it is entirely regular that we should have some man there who can attend to the business. I think the refusal of an addition of $1,000 a year to the salary is going to be a very serious detriment to the commerce with that interesting section of the world.

For that reason I ask that this salary be increased $1,000.

Mr. ALLISON. I make the point of order that this is not estimated for. It is not in the Book of Estimates. My recollection is that the consulate at Asuncion is estimated for at $1,500. There has been no consul there for some time. I do not think there have been any consular fees collected at that point for three or four years. I am aware of the fact that the place is now vacant, because the man who was sent there found nothing to do and returned.

Mr. MORGAN. He did not find the salary enough to live on. That was the trouble about it. The place is one of very considerable commercial importance, and growing every day. The Government should avail itself of the opportunity of extending our commerce there.

Of course, the question of order may carry the matter beyond my reach. I was in hopes the Senator from Iowa would not make the question of order.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Alabama will be read by the Secretary.

Mr. MORGAN. I move to put it in the $2,500 class, class 6, at the end of that class—to transpose the words "Paraguay: Consul at Asuncion," to the end of line 258.

The SECRETARY. After line 258 it is proposed to add:

Paraguay:
Consul at Asuncion.

The PRESIDENT *pro tempore*. To which the Senator from Iowa interposes a point of order, the Chair understands.

Mr. ALLISON. I do.

The PRESIDENT *pro tempore*. The Chair is under the impression that the point of order is well taken.

Mr. GIBSON. I move to insert, after line 292, on page 13, after "Matamoras," the words "Paso del Norte," so that the salary of consul at that town in Mexico shall be $2,000 a year instead of $1,500 a year.

I should like to ask the attention of the chairman of the Committee on Appropriations for a moment. I find by reference to a newspaper published in El Paso that in the year 1884 the exports from Mexico to this country from the neighboring city of Paso del Norte amounted to $831,000 and that in the year 1885 the exports were over $7,000,000.

The completion of the railway system at this point has vastly increased the business there. Our relations with Mexico and the inflow of commerce from that country to our own, instead of passing as hitherto to Vera Cruz, comes now mainly by rail to this point, Paso del Norte.

I should like very much if the chairman of the Committee on Appropriations would allow this salary to be raised from $1,500 to $2,000. The gentleman who formerly occupied the position resigned the place. He was a judge in the State of Louisiana at a salary of $3,500 a year, and took this place mainly on account of his health, but it is well known to the Senate that several important questions have arisen which came before him for his consideration, and that at this point—the city is on the border between Mexico and the United States—it is very important that we should have a man of good sense, acquainted with jurisprudence as well as commerce, to occupy the position of consul.

I desire to call the attention of the chairman of the Committee on Appropriations and of the Senate to the Cutting case in which this gentleman appeared as I think to much advantage to the country in protecting the individual liberty and rights of our citizens who pass over from El Paso, in Texas, to Paso del Norte, which is just across the river in the Republic of Mexico.

The salary of $1,500, I submit, is entirely inadequate to the support in any style of respectability of a consul at this point, at which I repeat the imports of our country have increased within the past year from $831,000 to between $7,000,000 and $8,000,000. I hope the chairman of the Committee on Appropriations will accept this slight amendment.

Mr. PLUMB. The reference which the Senator from Louisiana has made to the Cutting case induces me to inquire whether we do not want, instead of a consul at Paso del Norte, a good special agent to represent the State Department in that country.

The Senator from Maine [Mr. HALE] makes a suggestion in regard to the person. I do not care for myself to go into the question of the *personnel* of the Democratic party; but the action of the administration in the Cutting case seemed to indicate that the minister we had at the City of Mexico could not be trusted in the Cutting case. It seems to me, if that case is to be made the basis of this claim, that we had better consider whether we do not want something else besides a consul.

Mr. ALLISON. I make the point of order on the amendment.

Mr. GIBSON. The Senator from Kansas indulges in an insinuation against the consul at Paso del Norte. As I understand the duties of an American consul anywhere it is incumbent on him not only to protect the commercial interests of our country so far as he can, but to look after the personal rights of American citizens in the country to which he is sent; and in this case I think if the Senator will carefully look into the facts he will ascertain that the consul did no more than his duty; that he exhibited no excess of zeal, and was actuated by no motive to discharge the duties of the American minister to the Republic of Mexico in appearing in court, and a court without a record, in order to ascertain what was the charge made against this American citizen, and what the method and the manner by which the processes of that court were to be conducted and on which the final judgment of that court was to be rendered.

If I understand the object of a consul it is not only to look over the field of commerce and trade, but also to intervene wherever it may be necessary to protect what is dearer to the American citizen than mere commerce and trade, namely, *his individual liberty and freedom*; and in this case the American consul did no more than his duty, and I think, instead of being censured or reproached for the zeal and the ability which was manifested in the investigation and supervision of that case, he should be commended for the strict observance of his duty.

Mr. PLUMB. I did not intend to be understood as complaining of the action of Consul Brigham in the Cutting case. I was only designing to say that the Administration seemed to regard the consul as not a very important person, whether by the lack of personal qualification or the power of his office I do not know; and about the very important duties which came up in connection with the Cutting case, the administration seem to have had a similar feeling about the minister at Mexico, and in fact the Cutting case caused the sending of a new minister to Mexico, and a new consul to the capital of the country. Both the old officials there have become officially deceased; and the inquiry with me was whether in the place of the consul at Paso del Norte, and the minister to Mexico, and the consul at the city of Mexico we did not need some sort of a traveling agent who could go down there, and by traveling around from place to place represent our interests, and do that which it seems the stationary agents of the Government can not do. Perhaps, however, the consul at Paso del Norte does not get enough salary to enable him to perform duties which would be useful to the country.

Mr. GIBSON. I should like to know from the Senator from Kansas whether the resignation of our minister to Mexico grew out of that discussion or had any connection whatever with that matter?

Mr. PLUMB. I do not know myself and I shall never know officially from the State Department, because I am advised that that Department does not intend to send to the Senate the correspondence in that case although it has been called for; at least it does not intend to send it at this session of Congress. So my inference, whatever it may be now, will undoubtedly continue.

But, speaking after the manner of men and of newspapers, the impression that I have about this business and the information on which I feel called upon to act is that the Cutting case or the Sedgwick case or the Sedgwick-Cutting case or the Cutting-Sedgwick case, whichever way it may be put, was the occasion of the decease officially of the minister to Mexico and of the consul at that place who came from the State of Missouri, and whether it has also resulted in the official decease of Consul Brigham I do not know; but what I do know is that he has disappeared entirely from the firmament of our foreign service since the time when a man named Sedgwick, probably a planet of greater degree, put in his appearance in the southern heavens.

So I was about to suggest, whether or not in place of adding to the salary of the consul at Paso del Norte we should not provide that our intercourse with Mexico should be put on wheels, so to speak.

Mr. GIBSON. I have offered the amendment, and shall detain the Senate but a moment in regard to it.

I believe that the true policy of our country is to cultivate amicable and friendly relations with Mexico, and if I had my way I would raise our legation to Mexico to a first-class one. I have no doubt that at a time not remote our relations must necessarily multiply with the neigh-

boring republic, and the points that are important right along the line as railways are built and commercial facilities are multiplied will become more and more important. It is in this view that I propose to give to this gentleman who is the consul of the United States at Paso del Norte an increase in his salary from $1,500 a year, which does not amount to the ordinary pay of a clerk, to $2,000 a year.

I was very glad to hear the Senator from Kansas say that he had no information that the resignation of our minister to Mexico was in any way connected with the Cutting affair. I have no knowledge of the considerations which may have constrained any one of the representatives of our country at any time to resign his position; and in the absence of any information on that subject, I, for one, believe that proper delicacy requires us not to criticise either the minister who handed in his resignation to the Government, because he may have had domestic or private reasons for resigning his post, or the State Department which accepted the resignation. We have no knowledge whatever that he had any public reason or any dissatisfaction with the Government of Mexico or the people of Mexico, or any dissatisfaction with the administration of our own Government; and I submit that in the absence of this information it would be highly improper for us to assign to that minister any motive for his resignation growing out of his relations with the Government of Mexico or his own Government.

It is my good fortune to have known for a great many years our late minister to Mexico, General Jackson, of Savannah, Ga., one of the most accomplished men in this country, not only as a soldier and as a diplomat, but as a *littérateur*, one of the finest *belles-lettres* scholars and poets of the country, and in every way well-fitted to represent the country at any court in Christendom. I do not have any information, either from private or public sources, and I do not believe it can be obtained, that he was induced to hand in his resignation as minister to Mexico, either from any unpleasantness in his relations with the leading men or Government of Mexico, or with the administration of our own Government.

Mr. President, I rose simply to ask that this small increase in the salary of this consul should be made because the facts show that our trade has increased, the exportations from Mexico through this particular town increasing the business of the consulship there from $800,000 in twelve months after the completion of the railroads to over $7,000,000 a year.

Mr. ALLISON. I made the point of order on this amendment. I do not know that the point of order will lie against it. This increase is estimated for by the Department of State. Up to 1885 we had no consul at Paso del Norte. Prior to that time we had a commercial agent there receiving a compensation of $1,000. In the consular and diplomatic bill of 1885, owing to the growing importance of that region, we increased the compensation of the officer to $1,500 per annum. The committee in making that report retained that salary. Now, I appeal to the Senator from Louisiana to withdraw this amendment and not press it, because if this amendment is adopted it will inevitably lead to the raising of the salaries of all the consuls estimated for by the Secretary of State, because the same rule that applies to this consul at Paso del Norte applies substantially to nearly every consul for whom the Secretary of State has recommended an increased compensation. It is too late in the year and too late in this session for us to enter into a contest with the House of Representatives for the increase of the salaries of nearly all our consular officers.

The Committee on Appropriations have been careful not raise a controversy with the House of Representatives. We have appropriated according to the conditions of existing law with reference to all these consuls, and there is no reason that applies to this consul at Paso del Norte that will not apply to more than twenty-five other consuls whose compensation the Secretary of State recommends especially shall be increased. If we begin with this consul we must go on with the other consuls who are represented in one way or another by Senators on this floor; and I appeal to them to allow this man, who is from the State of Louisiana, who went to this place for the purpose of recovering his health, to struggle on there for another year at the present salary, and then if we can we shall endeavor to increase the compensation in some regular way at the next session of Congress.

The difficulty with reference to these compensations lies in the fact that we have not revised our consular system since 1873, and in the Revised Statutes there are a large number of consuls provided for at fixed salaries. We have probably added to that number of consuls forty or fifty since that time, with reference to whom there is no statutory provision, but they have grown up on the appropriation bills, the President having the power to appoint consuls without reference to statutory authority, and these consuls are appointed by the President from time to time, and their compensation is fixed in appropriation bills only. Much of the controversy in the past with the House of Representatives has grown up from the fact that there are no fixed salaries by law.

This consulate has been appropriated for for two years at $1,500. Prior to that time the compensation was $1,000. I submit to the Senate that we ought not to commence this increase of salaries now.

The PRESIDENT *pro tempore*. The amendment of the Senator from Louisiana [Mr. GIBSON] will be stated.

The SECRETARY. After the word "Matamoras," at the end of line 292, it is proposed to add:

And Paso del Norte.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Iowa to interpose a point of order.

Mr. ALLISON. If, in the view of the Chair, a point of order will lie against it, I make the point.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Iowa on the point of order.

Mr. ALLISON. I do not know that the point of order will lie against it. There is no law authorizing any salary for this consul. It is fixed in the appropriation bills, but there is no statute respecting it.

The PRESIDENT *pro tempore*. If the Senator from Iowa does not present any point of order, the Chair can not rule upon it.

Mr. MAXEY. I do not know anything about the present consul, but I do know about the business at that place. Some years ago the custom-house business of El Paso, in Texas, was but a trifle compared with what it is now. It now amounts to millions of dollars, and that results from the fact that the Southern Pacific Railroad has been completed to that point, and the Denver and Rio Grande Railroad, and another road—the name of which I have forgotten—leading from El Paso to the City of Mexico. These various roads have very largely increased the business of our own custom-house at El Paso, up to millions of dollars.

Across the river, the two places now being connected by a bridge, a street railway going across from one town to the other, corresponding to the business at El Paso, that of Paso del Norte has increased with that of El Paso. My judgment is that no man in the world can do the business of a consul there that ought to be done in a satisfactory way for $1,500. It is an important office and it is made so by this vast increase of business which has raised in the last few years El Paso, Tex., to be the second important custom-house in the State of Texas.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana [Mr. GIBSON].

The amendment was rejected.

Mr. CALL. I offer an amendment to come in after line 371, which I send to the desk.

The CHIEF CLERK. It is proposed, after line 371, page 16, to insert:

Salaries and expenses, inspectors of consulates: Two inspectors of consulates, to be appointed by the President, at $4,000 each, $8,000; and for the actual and necessary traveling expenses of such inspectors, to be expended under the authority and direction of the Secretary of State, $10,000, or so much thereof as may be necessary; in all, $18,000; and such inspectors shall be employed, under the direction of the Secretary of State, to visit and inspect the consulates-general, consulates, and commercial agencies of the United States in foreign countries, to the end of securing the honest and efficient administration of the business thereof: *Provided, however*, That if the inspection of distant consular offices in a country where there is a consul-general of the United States be deemed proper, the Secretary of State, in his discretion, may direct the consul-general in such country to perform such inspection without additional compensation, and the traveling expenses actually and necessarily incurred in such special service shall be chargeable to the allowance herein made for the like expenses of the aforesaid inspectors.

Mr. ALLISON. I make the point of order on that amendment that it is new legislation.

Mr. CALL. What is the point of order, Mr. President?

Mr. ALLISON. It is new legislation.

Mr. CALL. Well, I will strike out the proviso entirely.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. After line 371, on page 10, it is proposed to insert:

Salaries and expenses, inspectors of consulates: For two inspectors of consulates, to be appointed by the President, at $4,000 each, $8,000; and for the actual and necessary traveling expenses of such inspectors, to be expended under the authority and direction of the Secretary of State, $10,000, or so much thereof as may be necessary; in all, $18,000.

Mr. CALL. Much has been said here to-day in regard to the desire on the part of the other side of the Senate, the Republican side, to place the diplomatic and consular service on a basis that will enable it to render efficient service to the commerce of the country. The Secretary of State, who has devoted his very eminent talents and his great industry to an examination of the necessities of the consular service, has made a report, in which he has stated circumstantially the reasons why this appropriation is necessary for the proper conduct of the consular service abroad. No one has contested it; no one can deny the clearness and force and usefulness of his representations in this respect. It is admitted that the consular service of this country needs examination, that the conduct of the consular agents needs inspection, and the appointment of these inspectors with an adequate compensation is the remedy suggested by the Secretary of State. No reason has been given for disregarding it. The fact of their usefulness, the necessity of their appointment, the necessity of the work they are to do, is admitted and can not be denied. I therefore move that this amendment be made to the bill.

Mr. PLUMB. I think it just as well to see if we can not get upon a much more rational and fair basis. I have no doubt under some circumstances such a provision as the Senator from Florida has moved would be judicious, but it is not worth while to adopt it with the ex-

isting establishment. We want to recast this entire service; we want to come to thoroughly realize that we have first-class men to represent us abroad and who will go there for something which is useful and practical. We send to the court of St. James, the principal foreign court at which we have a representative, men who do not represent the American people in any practical way, men who are toadies to the British aristocracy, men who discredit the American garb, aping British manners and customs, wearing short clothes and things of that kind, and who are far more desirous of being known and having a reputation among the English people than among American people at home.

When I speak of the present service abroad I am entirely willing to say that it was subject to some criticism in the same regard under preceding administrations and that the gentleman who preceded the present minister to Great Britain was, as I believe, a great deal more proud to regard himself as a cosmopolitan than as a citizen of the United States, and much more considerate of the good-will and approval of the English people than of those whom he assumed to represent.

I think until we can get some American spirit, some American enterprise into this consular and diplomatic service, it is just as well to leave it in its present rut. It is, if not a disgrace, at all events no credit to the American people. It needs recasting, rebuilding from turret to foundation stone. You can not patch a structure of that kind, for every patch you put on it only illustrates the natural inherent deformity of the entire structure.

Mr. CALL. I do not see that there is anything in the suggestions of the honorable Senator from Kansas that evidences the fact that these officers ought not to be appointed or that the grounds and facts on which the Secretary of State has recommended the appropriation and their appointment are in any way controverted. I do not see how the Senator from Kansas can remedy the faults of which he complains, of injudicious appointments, of incapacity in the Executive chosen by the people of the United States, in any other way than that we should make the honorable Senator himself President of the United States. Some of these days, perhaps, he will be so, and he may then select the executive officers who will correspond with his ideas of what is right. But under our form of Government it so happens that, whatever we may think of it, the people will sometimes elect a man of their own selection, of their own ideas as to what is best for the country, and this Executive will make the appointments, sometimes good and sometimes bad; but I venture to say that the Senator from Kansas can not refuse to make proper provision for the public service upon the assumption that the executive appointments are of an improper character.

In regard to the distinguished gentleman who represents this country in England I do not know whether he wears short clothes or long clothes. I do not think it is very important. If he is a man of intellect, if he is a loyal citizen and subject of this Republic, if he is capable of performing his duties, it is not very material in what kind of clothes he may dress. He has made a great reputation for accomplishment, for distinguished learning, for a zealous discharge of the duties of his high office. He is not a Republican, and that is the fault in the judgment of the Senator from Kansas which negatives all virtues.

However, the fact remains that we have an extended consular service that ought either to be appropriated for properly or abandoned. It ought to be made efficient, or the money which is thrown away on it should be kept in the Treasury. I believe that the interests of this free Government, the interests of its people require that there should be an efficient foreign consular service, and that the representatives of our business interests should be supported and paid as liberally as those of other people, and our public interests as well protected.

I believe that the commerce of this country should be extended, that it should be relieved of all unnecessary burdens, and that American talent and capacity, however poor their possessors may be, should be enabled to hold these offices and be compensated out of the public Treasury to a reasonable extent. I believe that the Secretary of State is right when he recommends a liberal public service and when he recommends that the fees should be reduced and commerce relieved of their unnecessary burden instead of paying them into the Treasury of the United States. I regard the administration of the Secretary of State as an able one so far as the diplomatic and consular relations of this country are concerned, and for that reason, I repeat again, there is not and has not been and can not be any objection to the measure which I have asked shall be added in the form of an amendment to this bill. It is only a proper respect to the Secretary of State, whose ability and zeal in the public service is equal to that of any of his predecessors, that his recommendation should be carried into effect.

Mr. MORRILL. I did not quite catch the remarks of the Senator from Kansas in relation to our present representative in Great Britain, but I understood them to be depreciatory of his ability as a man for such service. I desire to say that he is a very able lawyer and one of the most eloquent speakers I have ever heard in any assembly, that he is a learned man, and his recent correspondence in relation to our affairs on the fishery question shows that he is a man of marked ability and perhaps as able a man for the conduct of our present negotiations there as we could have.

Mr. PLUMB. I have not said anything impeaching the ability of the present minister to England. I am informed and believe that he neglects habitually and systematically his duties as minister over there so far at least as they relate to the comfort, the convenience, and the interests of American citizens. I am informed and believe that he is practically a toady to the British aristocracy. However much we may disguise that by saying that when one is in Rome he ought to do as Romans do, there is something due to the importance and dignity of American citizenship abroad. Mr. Lowell and Mr. Phelps are both lacking in appreciation of that, in my judgment, and neither one of them ought to have been a representative of the United States abroad. While I do not say it was a disgrace that they so misrepresented the country, at the same time I think it was a great misfortune and one that would be measurably repaired by the removal of the present minister to England.

Mr. MORRILL. I was only speaking of the public character of the gentleman. As to his private conduct and behavior he can take care of that himself; but I desire to say that the compensation for the office of minister to Great Britain is not quite as large as the pay of a minister to our own capital here, and it is impossible, when we consider the great number of travelers who go abroad from this country, that they should be invited by our minister at London to dine and to take a ride and to go to the opera, for it would absorb much more than his salary. Until we can pay our foreign ministers a larger sum they hardly have much more than enough to pay their rental.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida [Mr. CALL].

The question being put, a division was called for, and the "ayes" were 9.

Mr. CALL. I withdraw it.

The PRESIDENT *pro tempore*. The call for a division is withdrawn. The amendment is not agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALPHEUS R. FRENCH.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1582) for the relief of Alpheus R. French, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the word "thirty" insert "forty;" and that the House agree to the same.

PHILETUS SAWYER,
H. W. BLAIR,
D. M. SABIN,
*Managers on the part of the Senate.*

A. C. THOMPSON,
N. B. ELDREDGE,
J. S. STRUBLE,
*Managers on the part of the House.*

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 25th instant, approved and signed the following acts:

An act (S. 2935) granting a pension to Robert Baxter;
An act (S. 2393) granting a pension to Anna M. Marshall;
An act (S. 1570) granting a pension to Mary Ann Vars;
An act (S. 773) granting a pension to M. Louise Butler;
An act (S. 1673) granting a pension to Charles G. Paris;
An act (S. 1825) granting a pension to Elizabeth Forgey;
An act (S. 2708) for the relief of Maria L. Strong;
An act (S. 2216) for the relief of Mrs. Elizabeth Rice; and
An act (S. 722) for increase of pension to Mrs. Ellen M. Boggs.

ANNA WRIGHT—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

*To the Senate:*

I herewith return without approval Senate bill No. 2210, entitled "An act granting a pension to Anna Wright."

The beneficiary named in this bill was granted a pension on the 17th day of November, 1886, dating from May 25, 1863, and is now under the general law receiving precisely the pension which she would receive under the bill herewith returned, if the same should be approved.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 26, 1887.

MRS. SARAH HAMILTON—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

*To the Senate:*

I herewith return without approval Senate bill No. 2045, entitled "An act granting a pension to Mrs. Sarah Hamilton."

Thomas Hamilton, the husband of the beneficiary named in this bill, enlisted September 2, 1862. Upon the records he is reported present to April 30, 1863; deserted May 27, 1863. His name is dropped from subsequent rolls to February 29, 1864, when he is reported as a deserter in arrest. He is not borne upon the rolls

for March and April, 1864; for May and June, 1864, he is reported absent in arrest; for July and August, present under arrest, and for September and October present for duty. He was mustered out with his company May 24, 1865.

He applied for a pension in 1872, alleging that he received an injury to his left leg about February 15, 1863, at Saint Louis, by falling from a ladder causing varicose veins and stiffening of the leg.

He was granted a pension January 29, 1881, to commence May 25, 1865.

He subsequently applied for an increase of pension, claiming that his eyes had become affected as a result of his varicose veins. This application was rejected upon the ground that the disability for which he was pensioned had not increased and that the disease of his eyes was not a result of such disability.

The pensioner died April 22, 1883, twenty years after his alleged injury, of cerebral apoplexy; and a physician states it as his judgment that the varicosed condition of the veinous system was primarily the cause of his disability and death.

His widow filed an application for pension October 31, 1882, which was rejected upon the ground that the soldier's death was not the result of his military service.

Notwithstanding the record of the deceased soldier, stained as it is with the charge of desertion and the entire absence of any record proof of sickness and injury, I should consider myself in favor of his widow, bound by the act of the Pension Bureau in allowing him a pension, and should cheerfully aid her attempt to procure a pension for herself in her needy condition if I was not thoroughly convinced that her husband's death had no relation to his military service, or any injury for which he was pensioned.

To the ordinary mind it seems impossible that apoplexy could result from such a varicosed condition as is described in this case. I do not understand that the physician who gives a contrary opinion bases his judgment upon actual observation at the time the soldier died. The last medical examination by the Pension Bureau before the soldier's death was in October, 1882, and resulted in the following report of the examing surgeon:

"Weight, 180 pounds; age, sixty-nine years; has varicose veins of left leg, but not to such an extent as to increase the size of the leg or result in marked disability; he is entirely blind in both eyes from glaucoma, which does not in any degree, in my opinion, depend upon the pensioned disability—varicose veins."

It appears that the benefit proposed by this bill can neither be properly regarded as a gratuity based upon the honorable service and record of the soldier, nor predicated on his death resulting from a disability incurred in such service.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February 26, 1887.*

## AMENDMENTS TO BILLS.

Mr. CULLOM submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. SAWYER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations with the accompanying papers.

## REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, reported an amendment intended to be proposed to the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States; which was ordered to be printed.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 1541) to amend an act passed July 5, 1884, "to provide for the disposal of abandoned and useless military reservations," so that the same shall be held for homestead entries only, reported it with an amendment.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor, reported it without amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased, to report it without amendment. I desire to state that the Senator from Arkansas [Mr. JONES] dissents from the report of the majority of the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIS, Mr. BLANCHARD, and Mr. T. J. HENDERSON, managers at the conference on the part of the House.

## ALIEN LAND HOLDINGS.

Mr. MAHONE. Mr. President——

Mr. PLUMB. I ask the Senator from Virginia to yield to me until I present a conference report.

Mr. MAHONE. Let me first get up a bill. I move that the Senate proceed to the consideration of House bill 10912, being the agricultural appropriation bill.

The motion was agreed to.

Mr. PLUMB. I now ask the Senator from Virginia to yield to me informally until I present a conference report.

Mr. MAHONE. I yield for that purpose.

The PRESIDENT *pro tempore*. The report will be received.

Mr. PLUMB. I submit the report of the conference committee on House bill 3280.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, and so forth, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same with amendments, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Strike out all of section 1, and insert, as follows:

"That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all of section 2, and insert as follows:

"SEC. 2. That no corporation or association more than 20 per cent. of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the Territories of the United States or of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of section 3, and insert as follows:

"SEC. 3. That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold, or own more than 5,000 acres of land in any of the Territories of the United States; and no railroad, canal, or turnpike corporation shall hereafter acquire, hold, or own lands in any Territory, other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted to it by act of Congress; but the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of section 4, and insert as follows:

"SEC. 4. That all property acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter, without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned."

And the Senate agree to the same.

P. B. PLUMB,
H. M. TELLER,
E. C. WALTHALL,
*Managers on the part of the Senate.*

T. R. COBB,
H. S. VAN EATON,
L. E. PAYSON,
*Managers on the part of the House.*

Mr. PLATT. I wish the Secretary would read the last amendment again. I was unable to hear it.

Mr. TELLER. The manuscript amendment?

Mr. PLATT. The last paragraph of the report.

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Strike out all of section 4, and insert as follows:

"SEC. 4. That all property acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceedings that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned."

And the Senate agree to the same.

Mr. PLATT. I wish that the chairman of the conference committee on the part of the Senate would explain what changes have been made in the Senate bill by the conference committee. It is very difficult to follow it as the Secretary read it.

Mr. PLUMB. The bill as it is agreed upon is embodied in the report in full.

Mr. PLATT. So that the report presents an entirely new bill?

Mr. PLUMB. No; there were many verbal amendments in the old bill, and for the purpose of bringing them all together with perfect harmony the bill was incorporated in the report. The changes were all of them of a character simply affecting the details of the bill, and not the substance. It remains exactly as it was when it passed the Senate except in regard to these details, which were presented in this shape for the purpose of producing more finished results.

In regard to this matter I want simply to say that this bill was introduced in the Senate on the 5th of May, 1884. It is not by any means a perfect measure, and it is not of as wide scope as I should be glad to have it; but it is a beginning in the right direction. It is an affirmation of the principle that the burdens of American citizenship

shall go along with its benefits, and that whoever desires the protection of the American flag, of American institutions, and American law in regard to his property, shall assume the burdens of American citizenship as well.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

ILLINOIS JUDICIAL DISTRICTS.

Mr. CULLOM. I ask the Senator from Virginia to yield to me to dispose of a bill about which there will be no discussion. It is a bill in relation to a United States court in the State of Illinois. The bill was passed with two words in it that ought not to be there, and it has been brought back to the Senate. I ask unanimous consent that the vote by which the bill was passed may be reconsidered, so that I may propose an amendment to it.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate, if there is no objection, a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the Clerk of the House be directed in enrolling the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria, to strike out of the sixth section of the said bill the words "district attorney" where they occur in said section and insert the word "clerk;" so that said section will read as follows:

"SEC. 6. That the marshal and clerk for said northern district of Illinois shall respectively appoint at least one deputy residing in the said southern division unless he shall reside there himself, and also maintain an office at that place of holding court."

The PRESIDENT *pro tempore*. The Senator from Illinois asks that the vote by which this bill was passed may be reconsidered, and also that the vote by which it was ordered to a third reading may be reconsidered. If there be no objection that order will be made and the bill will be open to amendment.

Mr. CULLOM. I now offer the amendment which has been read by the Secretary.

The CHIEF CLERK. In line 1 of section 6 strike out "district attorney" and insert the word "clerk;" so as to read:

That the marshal and clerk for said northern district of Illinois shall respectively appoint at least one deputy residing in the said southern division unless he shall reside there himself, and also maintain an office at that place of holding court.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MONUMENT TO THE MOTHER OF WASHINGTON.

Mr. HOAR. I request the Senator from Virginia to yield to me while I ask unanimous consent to lay aside the pending measure and proceed to the consideration of Order of Business 2037, Senate bill 3182. I desire that it be read for the information of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to lay aside the pending order for the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 3182) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $20,000 to be used in the completion of the unfinished monument to Mary, the mother of Washington, at Fredericksburg, Va., and for grading and inclosing with stone curbing and iron fencing a space of 34 feet square around the base thereof, substantially in accordance with the recommendation of the Select Committee on the Washington National Monument in their report to the House of Representatives of June 1, 1874.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TELEGRAPHIC OCEAN CABLES.

Mr. JONES, of Nevada, submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of State be requested to transmit to the Senate, if not inconsistent with the public interest, copies of the conditions on which the Anglo-American Cable Company, The Direct United States Cable Company, and La Compagnie Francaise Telegraphe de Paris at New York were allowed to land their cables on American shores.

And further, that the honorable Secretary transmit copies of all contracts that have been made by and between said cable companies, or by and between any or all of said cable companies, and any other cable or telegraph company or companies.

CREDENTIALS.

Mr. JONES, of Nevada, presented the credentials of WILLIAM M. STEWART, chosen by the Legislature of Nevada a Senator from that State for the term beginning March 4, 1887; which were read, and ordered to be filed.

AGRICULTURAL APPROPRIATION BILL.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. MAHONE. I hope the Senator from South Carolina will not insist on that motion until we finish the agricultural bill.

Mr. COCKRELL. Then let us go on with and dispose of the agricultural bill.

Mr. MAHONE. The bill has been taken up.

Mr. BUTLER. I withdraw the motion.

Mr. MAHONE. It will not take thirty minutes to finish the bill.

The PRESIDENT *pro tempore*. The motion of the Senator from South Carolina is withdrawn, and the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, is before the Senate as in Committee of the Whole. If there be no objection, the usual order will be observed and the bill will be read for amendment, and the amendments of the Committee on Appropriations will be acted on as they are reached in the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was in the appropriation for "Department of Agriculture, botanical division," line 36, to increase the item "for compensation for one botanist" from $2,000 to $2,250.

The amendment was agreed to.

The next amendment was, in line 41, after the word "all," to insert "for botanical division;" and in line 42, after the word "thousand," to strike out "four hundred and forty" and insert "six hundred and ninety;" so as to make the clause read:

In all, for botanical division, $8,690.

The amendment was agreed to.

The next amendment was, in line 44, to strike out "Pomolgoical" and insert "Pomological;" so as to read:

Pomological division.

The amendment was agreed to.

The next amendment was, under the head of "Chemical division," in line 54, after the word "dollars," to insert "one clerk, $1,000;" and in line 55, after the word "all," to strike out "eleven" and insert "twelve;" so as to make the clause read:

One chief chemist, $2,500; one assistant chemist, $1,600; one assistant chemist, $1,400; employment of additional assistants in the chemical division, when necessary, $6,000; one clerk, $1,000; in all, $12,500.

The amendment was agreed to.

The next amendment was, under the head of "Division of economic ornithology and mammalogy," in line 64, to reduce the appropriation for the compensation of one ornithologist from $2,500 to $2,250.

The amendment was agreed to.

The next amendment was, in line 69, to reduce the total appropriation for the "division of economic ornithology and mammalogy" from $8,060 to $7,810.

The amendment was agreed to.

The next amendment was, in line 85, to reduce the total appropriation for the seed division from $8,290 to $8,240.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," in line 102, after the word "South," to strike out "(section of vegetable pathology), two," and insert "five;" and in line 103, after the word "dollars," to insert:

And the Commissioner of Agriculture may use for the purpose of a station for said investigations such abandoned military reservation as the Secretary of the Interior may temporarily assign to him for this purpose.

So as to make the clause read:

Botanical division: For purchasing and collecting specimens of plants and materials for the herbarium, and for labor in preparing them; for traveling and other necessary expenses in the investigations of plants and grasses in the arid districts of the West and South, $5,000; and the Commissioner of Agriculture may use for the purpose of a station for said investigations such abandoned military reservation as the Secretary of the Interior may temporarily assign to him for this purpose.

The amendment was agreed to.

The next amendment was, in line 108, at the beginning of the clause "For investigating the nature of the diseases of fruits and fruit-trees," &c., to insert "Section of vegetable pathology;" so as to make the clause read:

Section of vegetable pathology: For investigating the nature of the diseases of fruits and fruit-trees, grains and other useful plants, due to parasitic fungi; for chemicals and apparatus required in the field and laboratory; for experiments with remedies; for necessary traveling expenses; for the preparation of drawings and illustrations, and for other expenses connected with the practical work of the investigation, $5,000.

The amendment was agreed to.

The next amendment was, in line 127, after the word "experiments," to insert "including the continuation of experiments in the manufacture of sugar from sorghum and sugar-cane, and also;" and in line 130, before the word "thousand," to strike out "six" and insert "eighty-one;" so as to make the clause read:

Chemical division: For chemicals and apparatus for the use of the chemist, and for necessary changes in and additions to fixtures to the laboratory, and

necessary expenses in conducting experiments, including the continuation of experiments in the manufacture of sugar from sorghum and sugar-cane, and also including the purchase and transportation of samples and supplies, $81,000.

The amendment was agreed to.

The next amendment was, in line 137, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

Entomological division: For investigating the history and habits of insects injurious and beneficial to agriculture, arboriculture, and horticulture; experiments in ascertaining the best means of destroying them; for publishing reports thereon; and for illustrations, chemicals, traveling and other expenses within the United States, in the practical work of the entomological division, $20,000.

The amendment was agreed to.

The next amendment was, after line 137, to insert:

For the promotion of bee-culture, $5,000.

The amendment was agreed to.

The next amendment was to strike out, at the beginning of line 139, the word "sericulture;" in the same line, before the word "disseminating," to insert "collecting and;" in line 141, after the word "eggs," to strike out "and purchasing cocoons;" in line 143, after the word "cocoon," to insert "and for expenses incurred in collecting, purchasing, preparing for transportation, and transporting the cocoons necessary therefor, and for necessary traveling expenses;" so as to read:

For collecting and disseminating information relating to silk-culture; for purchasing and distributing silk-worm eggs, and for conducting at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon, and for expenses incurred in collecting, purchasing, preparing for transportation, and transporting the cocoons necessary therefor, and for necessary traveling expenses, $15,000.

The amendment was agreed to.

The next amendment was, after line 153, to insert:

For the encouragement and development of the culture of raising raw silk, $5,000, to be expended under the direction of the Women's Silk-Culture Association of the United States, located at Philadelphia, and to be paid directly to said association; and said association shall make a full and detailed report of the expenditures and results obtained under this appropriation, and also under the appropriation to said association made for the fiscal year 1887, to the Commissioner of Agriculture, who shall transmit the same to Congress.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the "seed division," after the word "dollars," in line 203, to strike out the following proviso:

*Provided*, That in the expenditure of the money herein appropriated no discrimination shall be made in the compensation paid to persons employed in the seed-room for the same class of work.

So as to make the clause read:

Seed division: For the purchase, propagation, and distribution, as required by law, of seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expenses of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $100,000.

The amendment was agreed to.

The next amendment was, in line 245, after the words "expenses of," to strike out "representation at" and insert "a representative, to be selected by the President, to attend;" so as to read:

For expenses of a representative, to be selected by the President, to attend the first general session of the International Statistical Institute, and investigation of European statistical methods, $1,500, to be immediately available.

Mr. PLUMB. I wish that not to be agreed to. Some information has come to the committee since the time of the meeting which leads them to the conclusion that the paragraph as it came from the House of Representatives would be better and more satisfactory. I therefore hope the amendmeut will not be agreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 263, before the word "thousand," to insert "and fifty;" so as to read:

Salaries and expenses bureau of animal industry: For carrying out the provisions of the act of May 29, 1884, establishing the bureau of animal industry, $150,000.

Mr. PLUMB. I ask that action on that amendment be withheld until the remainder of the paragraph is passed.

The PRESIDENT *pro tempore*. This amendment will be passed over. The next amendment of the Committee on Appropriations will be read.

The next amendment was, in the same clause, after the word "dollars," in line 264, to insert:

And the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best; to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another.

The amendment was agreed to.

Mr. PLUMB. I now move to amend the amendment proposed by the committee, in line 263, by increasing the item for salaries and expenses of the bureau of animal industry from $150,000 to $500,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas to the amendment proposed by the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to add to the bill the following section:

SEC. 3. That all machinery purchased under the provisions of this act shall be built in the United States, wholly of domestic material.

The amendment was agreed to.

Mr. BUTLER. I move to strike out all from line 197, on page 9, down to and including line 231, on page 10.

Mr. PLUMB. Before the Senator makes that motion will he not yield to me to perfect the amendment of the committee, on page 12?

Mr. BUTLER. Certainly.

Mr. PLUMB. I suppose I had better move to reconsider the vote by which the amendment of the committee was adopted, inserting the clause from line 264 to 272.

The PRESIDENT *pro tempore*. The motion to reconsider will be considered as agreed to, if there is no objection.

Mr. PLUMB. I move to amend the amendment of the committee by inserting, in line 270, after the word "animals," the words "and the quarantine of the same;" so as to read:

And to expend any part of this sum in the purchase and destruction of diseased or exposed animals, and the quarantine of the same, whenever, in his judgment, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BUTLER. I move to strike out that provision in the bill which authorizes the purchase of seeds. If there is an appropriation made by Congress that is useless and absurd and fruitless, I think it is the appropriation for the purchase and distribution of seeds. I trust the Senate will strike it out.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from South Carolina will be read.

The CHIEF CLERK. It is proposed to strike out from line 197, on page 9, to line 231, on page 10, inclusive, as follows:

Seed division: For the purchase, propagation, and distribution, as required by law, of seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expenses of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $100,000.

An equal proportion of two-thirds of all seeds, trees, shrubs, vines, cuttings, and plants shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents; and the person receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *But provided, however*, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as may be, and the best adapted to the locality he represents.

Mr. MAHONE. Mr. President, I hope the Senate will not agree to the amendment of the Senator from South Carolina. This has been a long-standing provision in our agricultural appropriation bills, and from my knowledge of and intercourse with the people I do not know of any provision that yields more satisfaction to the public generally. I think it has contributed very largely to the improvement of all manner of seeds and vegetables, and I therefore hope the Senate will not agree to the amendment of the Senator from South Carolina.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BUTLER].

The amendment was rejected; the ayes being 9, less than a majority of a quorum, and no further count being demanded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MAHONE. It may be well to state before we vote on the bill, for the information of the Senate, that the amount of the estimates for 1888 for the Agricultural Department is $606,680. The amount of the bill as sent to us by the House was $563,730. The increase made by the Senate Committee on Appropriations is $144,000, making the amount of the bill as reported $707,730. The amount of last year's appropriation was $654,715. The bill as reported exceeds the estimates $101,050. It exceeds the estimates for 1887 only $63,015. The changes will be found in a statement which I will not trouble the Senate to read, but will send to the Reporter to go into the RECORD.

The PRESIDENT *pro tempore*. The paper will be printed in the RECORD.

The statement as referred to is as follows:

*Agricultural Department*—1888.

| | |
|---|---|
| Amount of estimates for 1888 | $606,680 00 |
| Amount of House bill | 563,730 00 |
| Increase made to House bill by Senate Committee | 144,000 00 |
| Amount as reported to Senate | 707,730 00 |
| Amount of law for 1887 | 654,715 00 |
| The bill as reported exceeds the estimates | 101,050 00 |
| The bill as reported exceeds the law for 1887 | 63,015 00 |

The changes in the amounts of House bill made by the Committe are in the following items, namely:

| | |
|---|---|
| Increase: | |
| Salary of botanist | $250 00 |
| Clerk chemical division | 1,000 00 |
| Investigations of plants and grasses | 3,000 00 |
| Sorghum and sugar-cane experiements | 75,000 00 |
| Entomological division | 5,000 00 |
| Bee culture | 5,000 00 |
| Women's Silk Culture Association | 5,000 00 |
| Bureau of animal industry | 50,000 00 |
| Total increase | 144,250 00 |
| Reduction: | |
| Salary of ornithologist | $250 00 |
| Net increase | 144,000 00 |

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JUDICIAL DISTRICTS IN TEXAS AND INDIAN TERRITORY.

Mr. COKE. I ask the unanimous consent of the Senate to take up the bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes, this being the bill sought several times to be called up by my colleague [Mr. MAXEY], who is very much interested in it. It has been already partially considered. It certainly will take very little time. It can not produce much debate, and it would be extremely gratifying to my colleague, who will leave this body in a few days, if it can be at least considered and voted upon. I hope that no objection will be interposed to its consideration.

Mr. VEST. I must object. The Senator from Vermont [Mr. EDMUNDS] proposes to speak upon the bill, as do other Senators.

Mr. CULLOM. I was just going to state that the Senator from Vermont is absent.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Texas.

INDIAN APPROPRIATION BILL.

Mr. DAWES submitted the following report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 9, 10, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 8, 11, 12, 13, 14, 15, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the word "twenty" insert "thirty-five" and add at the end of amended paragraph the following: "of which sum $15,000 may be used to carry out the provisions of section 3 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted, insert the following: "For the purchase by the United States of additional land for farming purposes for the Carlisle Industrial School, being the 'Parker Farm,' so called, containing about 109 acres, $18,000, to be immediately available," and the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
WILKINSON CALL,
*Managers on the part of the Senate.*
S. W. PEEL,
T. G. SKINNER,
B. W. PERKINS,
*Managers on the part of the House.*

The report was concurred in.

ORDER OF BUSINESS.

Mr. TELLER. I ask leave to call up the bill (S. 3342) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation. The railroad is there now desiring to pass through, and the War Department consent to the passage of the bill. It will only take a moment.

The PRESIDENT *pro tempore*. The Senator from Colorado asks the unanimous consent of the Senate to proceed to the consideration of the bill indicated by him.

Mr. BUTLER. Pending the further consideration of that matter, I move that the Senate proceed to the consideration of executive business.

Mr. TELLER. I ask the Senator to withdraw that motion and let the bill pass. It will only take a moment. There is no objection to it.

Mr. BUTLER. If I can get the consent of the Senate to go into executive session as soon as it is disposed of, I will agree to let the Senator have his bill passed.

Mr. SABIN. And a bill I have in charge.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

The PRESIDENT *pro tempore*. The doors will be closed and the galleries cleared.

Mr. TELLER. Is it in order for me to ask to suspend that by general consent until the bill can be passed?

The PRESIDENT *pro tempore*. Nothing can be done while the order of the Senate is being executed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session, the doors were reopened.

DENVER AND RIO GRANDE RAILROAD.

Mr. TELLER. I ask that the bill (S. 3342) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation may be taken up for consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STILLWATER AND COOKE CITY RAILWAY COMPANY.

Mr. SABIN. I ask unanimous consent to take up the bill (S. 3225) to authorize the Stillwater and Cooke City Railway Company to construct and operate a railway through the Crow Indian Reserve, and for other purposes.

There being no objection the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempre*. The bill will be read at length.

Mr. MAHONE. The bill was read yesterday.

Mr. MILLER. The bill was up yesterday morning and went over at 2 o'clock. I ask that the reading be dispensed with as it was read yesterday.

The PRESIDENT *pro tempore*. The bill having been read, the amendments reported by the Committee on Indian Affairs will be stated.

The first amendment was, in section 3, line 8, after the word "the," to strike out the remainder of the section in the following words:

Appraisement of three disinterested referees, to be appointed as follows: One (who shall be chairman) by the President, one by the chief of the tribe to which such occupant belongs, and one by said railway company. Before entering upon their duties as such referees they shall take and subscribe, before some judge or clerk of a district court of the United States, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified by such officer, shall be returned with their award and filed with the Secretary of the Interior within sixty days from the completion of the same. In case of the absence of one of said referees, after due notice of the time and place of meeting shall have been given him by the chairman, or by any two of said referees, the other two may proceed to act; and if either party shall fail to make appointment of such referee within thirty days after the appointment made by the President, the vacancy shall be filled by the President. The chairman of said board of referees shall appoint the time and place of meeting and of all hearings, which shall be within the nation to which the occupant of the land proposed to be taken shall belong. Each of said referees shall receive for his services the sum of $5 per day, and mileage at the rate of 5 cents per mile, for each day they are actually engaged in the trial of any case submitted to them under this act, and for the number of miles actually traveled by them in attending the trial thereof, to be computed from the residence of the person authorized to accept service of legal process for the company. Witnesses shall be allowed the same fees and mileage allowed by courts of the Territory of Montana. Disbursements, including the fees of referees and witnesses, shall be made part of such award, shall be thereby fixed and determined, and shall be paid by said railway company. In case said referees can not agree, any two of them may make the award. Either party being dissatisfied with the award of such referees may, within ninety days after the filing of the same, appeal by notice and original petition to the nearest United States court, which court shall have jurisdiction and shall proceed to hear and determine the matter according to the laws of the State or Territory in which the same shall be heard relating to such subject. If upon hearing such appeal the judgment shall be directed for a larger sum than was awarded by the referees, the costs of such appeal shall be adjudged against said railway company; if judgment of the court shall be for a less amount than such award, then the costs shall be adjudged against such claimant. When proceedings have been commenced in court the railway company may pay double the amount of the award into court to abide the judgment thereof, and may then enter upon the property sought to be condemned and proceed with the construction of its road.

And in lieu thereof to insert the words "Secretary of the Interior;" so as to read:

That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of the Indian tribe through whose reserve it is to be constructed, full compensation shall be

made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any such occupant, such compensation shall be determined by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 4, line 2, after the word "said," to strike out the word "Territory" and insert the word "reservation;" so as to read:

SEC. 4. That said railway company shall not charge the inhabitants of said reservation a greater rate of freight than the rate authorized by the laws of the Territory of Montana for services or transportation of like kind.

The amendment was agreed to.

The next amendment was, in section 5, to strike out the following proviso:

*Provided*, That if the Crow tribe of Indians, their chiefs and headmen, shall, within four months after the filing of maps of definite location, as set forth in section 6 of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting tribe under the provisions of this act shall be determined as provided in section 3, with the same rights of appeal as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting tribe shall be in lieu of the compensation that said tribe would be entitled to receive under the foregoing provision.

The amendment was agreed to.

The next amendment was to add to section 12 the following proviso:

*Provided*, That no railway shall be constructed within or through any Indian reservation or other lands mentioned in this act until the estimated actual cost of its construction and equipment for successful operation, in cash, shall have been first submitted to any interstate commerce commission created by Congress, or in case no such commission exists, then to the Secretary of the Interior, and by said commission or secretary approved as a fair and reasonable sum required therefor; and if any railway corporation entering upon said lands, and thereon constructing and equipping for operation a railway, shall pay or promise to pay for such construction or equipment a sum, either in cash or other property, at its cash value, or in its capital stock or bonds or other evidences of indebtedness, at their par value, an amount in excess of the cost so estimated and approved, or in excess of such further sum as may be approved by said commission or secretary as necessary to be expended in good faith for said construction and equipment for successful operation, then the right of said corporation, its successors and assigns, and all others claiming by, through, or under them, or either of them, under this act, shall cease and determine, without any further act or ceremony whatever, and all rights, privileges, and property of said corporations within said lands or reservations, from whatever source obtained, shall become forfeited to the United States; and the circuit or district court of the United States for the judicial district in which said lands, or any of them, may lie, shall have jurisdiction, on complaint of the United States, to award the possession of said lands so occupied, and the said rights, privileges, and property, to the United States, and to oust the said corporations, their successors and assigns, and all others claiming by, through, or under them, therefrom.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This completes the amendments reported from the Committee on Indian Affairs.

Mr. DAWES. In section 5, line 27, before the word "provided," I move to insert:

And the surveys, construction, and operation of said railroad shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DISTRICT ACCOUNTS.

Mr. SPOONER. I am directed by the Committee on the District of Columbia to report the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, amended by the House of Representatives, with the recommendation that the amendment of the House be not concurred in. I move that the Senate non-concur in the amendment made to the bill by the House of Representatives.

The motion was agreed to.

Mr. SPOONER. I ask for a committee of conference on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CHENEY, and Mr. HARRIS were appointed.

## FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. I ask that the amendment proposed by the Committee on Finance be read as the original bill.

The PRESIDENT *pro tempore*. That order will be observed, if there be no objection.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and to insert——

Mr. PLATT. I have not heard a word that the clerks have read in the last twenty minutes. I should like to hear what is going on in the Senate.

The PRESIDENT *pro tempore*. The Chair has repeatedly appealed to the Senate to observe order. Business will be suspended until order is restored in the Chamber.

Mr. MORRILL. Allow me to say a single word before the bill is read. This bill has been recommended by three or four different Secretaries and other officers of the Treasury Department. I will not make any speech unless it shall be necessary in explanation of any part of it.

Mr. PLATT. I simply wanted to hear the bill read; that was all.

The PRESIDENT *pro tempore*. The substitute reported from the Committee on Finance will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

That the commissioner of the Freedman's Savings and Trust Company, and his successors in office, be, and the same are hereby, authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe, to all depositors of the Freedman's Savings and Trust Company whose accounts have been properly verified and balanced under existing laws, or to their legal representatives, a sum of money equal to the verified balances due said depositors from said company at the time of its failure, less the amount of dividends which have been or may be declared from the assets of said company; and for this purpose the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said amount to be placed in the Treasury, from time to time as may be necessary, to the credit of said commissioner, by the Secretary of the Treasury, for the purposes in this act specified; but no part of the money hereby appropriated shall be paid to any assignee of any such depositors, and the benefit and relief provided by this act shall extend only to those depositors in whose favor such balances have been properly verified, and to their heirs and legal representatives. All claims not presented for payment under the provisions of this act within two years from and after its passage shall be forever barred; and nothing in this act shall be construed to entitle depositors to the amount of any dividend or dividends barred under existing laws.

SEC. 2. That the assets of the said company then remaining on hand, and all suits, judgments, and claims, and all books, papers, and other property, wherever situated, shall be realized by the said commissioner as soon as such realization can be effected without undue sacrifice of value, and the proceeds thereof placed in the Treasury of the United States.

SEC. 3. That upon the request of the commissioner the postmasters in the several cities and towns in which branches were established and operated by the said company may be designated by the Postmaster-General to act as agents of the commissioner in ascertaining and identifying the persons entitled to the benefits of this act; and such postmasters shall perform the services herein provided for under the general direction of the commissioner; and for such services the said postmasters shall be entitled to receive a reasonable compensation, to be fixed by the commissioner and approved by the Postmaster-General, and to be paid out of the fund appropriated by this act.

Mr. VEST. Mr. President, I do not propose, as far as I am concerned, that the bill shall go through without my protest against it. There is not the shadow of foundation for any claim against the Government by reason of the creation of this Freedman's Bank. It was one of those unfortunate ebullitions of sectional and party feeling attendant upon the peculiar era in which the act creating that institution was brought into existence. It was based upon the false idea that the people of the South, the former slave owners, would not and could not do anything else but rob these unfortunate people, their former slaves, of what little they might be able to accumulate as freedmen. It was a fallacy, not to say an absolute monstrosity, to suppose any such thing.

The bank was created without any liability placed upon the Government of the United States in the terms of its incorporation. It was put into the hands of a lot of political speculators and plunderers, who proceeded, under amendments to the charter, which they obtained from Congress, to pervert the original charter and to obtain the power to invest in real estate the pittances which these poor, unfortunate people, in their credulity and ignorance, were induced, all over the South, to put into the institution.

I happened at that time, from circumstances over which I had no control, to be a denizen of the State of Louisiana, and I witnessed in the city of Shreveport scenes connected with the branch of the Freedman's Bank in that city which were enough to have melted a heart of stone. I saw these poor, unfortunate creatures, who knew nothing about the ordinary business transactions of life, and who had obtained their little earnings in working from day to day, who considered it a privilege to put their money into this institution in order, as they were taught by the emissaries, the officers of this Freedman's Bank, to save them from the clutches of their old masters, who were engaged in a conspiracy, as they alleged, to rob them, crowd with their few dollars in procession to the doors of this institution, as if their lives depended upon obtaining access to its interior, and their money was put there by their religious and charitable institutions—the Daughters of Rebecca and Sons of Hezekiah, with all the negro nomenclature for their different associations of which they are peculiarly fond. All the savings of these institutions and of individuals were put into this bank to be swept away by a lot of plunderers and robbers, who had no other object in the world except to get this money in any way possible under the forms of law.

There was not and is not to-day one scintilla of liability upon the part of this Government, and I will never consent that the taxed money of my constituents shall be taken out of the Treasury, because in that era of partisan and sectional feeling, when the people of the two sections, irritated by recent strife, had not come to know each other as

they do to-day, to pay back, without any liability upon their part, what was robbed from them under these circumstances.

There is a provision in the bill which says that this money shall be paid to no assignee except upon proof of a certain sort:

> And for this purpose the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said amount to be placed in the Treasury, from time to time as may be necessary, to the credit of said commissioner, by the Secretary of the Treasury, for the purposes in this act specified; but no part of the money hereby appropriated shall be paid to any assignee of any such depositors, and the benefit and relief provided by this act shall extend only to those depositors in whose favor such balances have been properly verified, and to their heirs and legal representatives. All claims not presented for payment under the provisions of this act within two years from and after its passage shall be forever barred; and nothing in this act shall be construed to entitle depositors to the amount of any dividend or dividends barred under existing laws.

Mr. PLATT. Why should we run the statute of limitations against these people?

Mr. VEST. Why should we pass this bill at all, is my inquiry, not as to a statute of limitations? Why should we create any liability upon the part of this Government at all?

But what I was about to address myself to particularly was the meaning of this word "assignee." I take it for granted, in the absence of any other legislation except what I have read, and that is all that is pertinent to the point I am making, this commissioner or the parties having control of the allowances of these claims will adopt their own practice and their own rules in regard to ascertaining who are the assignees. But I undertake to say to-day that not one-fiftieth part nor a hundredth part (and there may be even a smaller proportion than that) of the claims which are to be provided for in this bill will be in the hands of the original depositors, or their heirs or legal representatives when the bill is passed.

Mr. SHERMAN. Does the Senator from Missouri understand that the Comptroller of the Currency is *ex-officio* Commissioner? He speaks of the Commissioner as a person different from the Comptroller. They are one and the same person.

Mr. VEST. I understand that very well, but I was proceeding to say that these claims are not to-day in the hands of the original depositors.

Mr. SHERMAN. The Senator will allow me to say, as I have had occasion to examine this matter, that the claims have all been adjusted, and no one has been paid a dividend heretofore who was not an original depositor. It is true that assignments have been made, but this bill cuts off all claims under assignments. The money must be paid to the original depositors, the persons whose names were found on the books and who were identified by proof before the authorities that they were the persons who made the deposits. There is no difficulty about that. No one receives the benefit of the bill, or can possibly receive any money under it, except the original depositors. Assignments are not held to be valid at all.

Mr. VEST. I understand that, and I have read the terms of the bill making that provision. I am making my argument now upon the effect of this proposed legislation as I have read it.

It is very true that the bill says that this money shall not be paid to assignees, but I take it for granted it is to be paid to the original depositors or their heirs or legal representatives, because they are not assignees.

It has been stated in the public press, and I have been so informed by entirely credible citizens of this District, that there are speculators here urging this measure on the part of Congress who have obtained the bank-books of the poor negroes in the South, because when they deposited their money—$1, $5, and $10—they were furnished (and that was a great charm to the negroes) with a small book, which certified that the person was a depositor in the Freedman's Bank to the amount that he had deposited, and the poor credulous negroes were taught to believe that this made them stockholders of the Government, and was one of the highest privileges of their newly-acquired citizenship.

I take it when these bank-books are presented, a power of attorney made up at a distance will accompany the check-book, not to draw the money for an assignee, but to draw it for the original depositor, his heirs, or legal representatives.

Does not every lawyer, every man of common sense know what is the result of such legislation? There will be all sorts of fraud, there will be all sorts of indirection for the purpose of drawing this money out of the Treasury. Those of us who have been in public life but a very few years know that when you create a fund and leave it subject to such legislation as I have read there will always be found harpies and plunderers around this city who will contrive means to get every dollar out of the Treasury. Who ever heard of Congress appropriating a dollar that there was not found some claimant to bring the proof necessary to get it out of the Treasury of the people? There will be no assignee, nobody pretends that you will ever hear of an assignee, but there will be attorneys in fact for the original depositors and for their heirs and legal representatives, and every dollar of this money will go to the speculators.

The negroes who made the deposits are dead, scattered, gone to the four corners of the earth or to eternity. Who has been pressing this claim? Not the negroes. It has been these astute gentlemen in the city of Washington who live upon such claims, and who whenever they can find a shadow of sentiment to appeal to the hearts of the American Congress avail themselves of it in order to fill their own pockets. They come here in the name of wounded and crippled soldiers, who make no claim of themselves, but who are informed by these gentlemen, "write to your Senator and member of Congress that he must support a bill to give pensions to a certain class of soldiers." This claim has been worked up—that is the phrase—worked up, not in the interest of these poor negroes, but in the interest of a lot of attorneys and claim aents here, and in my judgment not a hundred dollars of the whole amount will go to the original depositors.

I have nothing to say to any man who thinks that I to-day would grind the African race out of one cent. If any man in this world has reason to be their friend, I am that man—raised with them, nursed by one of them, an humble owner of them as inherited property. I never bought or sold one for gain in my life. They are a docile, gentle, inoffensive race, and the Southern man who would wrong them deserves to be blotted from the roll of manhood. When our wives and children were in their hands during the war, they acted so as to make every man in the South their friend who had one particle of manhood about him.

If these poor negroes were here asking for this money, I would consider their claim, and might support it; but I do not believe one dollar of it will go to them. I believe the whole thing is made up in the way I have indicated, and I will not vote the money of my people for any such purpose.

Mr. MORRILL. The Senator from Missouri is entirely mistaken if he supposes that there has been any lobbying, any claim agents who have appeared since this bill has been under consideration by the Senate Committee on Finance. No man has spoken to me on the subject whatever.

There is some responsibility on the part of the United States for allowing this matter to proceed to the extent that it did proceed, and if the Senator from Missouri has that kindness for the colored race which he professes, I do not see how he can afford to vote against the bill.

In the first place, the bank was chartered by the United States. It was circulated throughout the South that this was for the freedmen, and they were invited all over the South to make their deposits in this bank.

It was entirely safe so long as it was provided that the investments should be made in United States bonds, but in an unhappy hour Congress changed that provision so as to allow the parties to take security on real estate, and in four years after that time there were not $400 invested in United States bonds.

The bill has been carefully prepared, the Committee on Finance giving it a great deal of attention. It has been subjected to the revision of the Comptroller of the Currency, and is a bill recommended by the President of the United States.

I wish to say further, that we are under some obligations of duty to make a refund of this money, whatever the amount may be, but I do not suppose it is going to amount to anything like the sum of a million dollars, for we have taken the property of the Freedman's Bank at $250,000 that to-day would sell for twice that amount of money. On the corner where it is the property would be worth not less and probably more than half a million dollars to-day. Besides that we have some securities of the bank now uncollected that will be turned over to the United States.

Mr. VEST. Will the Senator from Vermont allow me to say just a word? I know he would not think of creating any false impression about the purchase of this property. He himself had a good deal to do with that purchase; we were on the Committee on Public Buildings and Grounds. To the Senator from Vermont is due the credit of having made that investment on the part of the Government; but he knows and I know that we took that property at the price fixed by the Freedman's Bank or by the commissioner.

Mr. MORRILL. By the commissioner.

Mr. VEST. Senator Bruce, of Mississippi, then a member of this body, reported the bill, and the price was fixed at $250,000. I recollect distinctly there was opposition to taking it at that price, but the Senator from Vermont and myself strenuously advocated the purchase. The rise in the property of course has been since that time. We considered it a great favor to the depositors of that bank to pay them $250,000, and it was considered a large price at the time. If there has been an increase in the value of the property it has been the result of events which we then did not foresee. We considered it a fair price for the property at the time, with the possibility of an increase thereafter, but there was no speculation on the part of the Government.

Mr. MORRILL. At the same time we do realize in the value of the property not less than $250,000. I wish to say that there was a large number of depositors, and the sum which is due to them is perhaps in many cases not more than $5, but it is an important item for them.

The Freedman's Savings and Trust Company was created by act of Congress, with Peter Cooper and William Cullen Bryant, with many other prominent names, heading the list of corporators.

The terms of section 5 were:

SEC. 5. *And be it further enacted*, That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may, from time to time, be offered therefor, by or on behalf of persons heretofore held in slavery in the United States, or their descendants, and investing the same in the stocks, bonds, Treasury notes, or other securities of the United States.

This provision continued in force until May 6, 1870, when Congress modified the terms of the above section by enacting—

That the fifth section of the act entitled "An act to incorporate the Freedman's Savings and Trust Company," approved March 3, 1865, be, and the same is hereby, amended by adding thereto at the end thereof the words following: "And to the extent of one-half in bonds or notes, secured by mortgage on real estate in double the value of the loan; and the corporation is also authorized hereby to hold and improve the real estate now owned by it in the city of Washington, to wit, the west half of lot No. 3; all of lots 4, 5, 6, 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city: *Provided*, That said corporation shall not use the principal of any deposits made with it for the purpose of such improvement.

This amendment, secured by designing persons and with such expedition as to create no debate in the House of Representatives, was the entering wedge which led to the insolvency of the institution, and in four years Congress was forced to pass the act of June 20, 1874, closing up the affairs of the company. At that time only $400 of United States securities were found among the assets. This act provided for a commission of three, to be selected by the trustees. Subsequently, by act of February 21, 1881, in order to reduce expenses, the Comptroller of Currency was substituted for the three commissioners. Under the management of these commissioners dividends have been declared aggregating 62 per centum. During the existence of the bank the total deposits are estimated to have been $57,000,000, received from upwards of 70,000 depositors. When the bank passed into the management of the commissioners, on the 13th of July, 1874—

| | |
|---|---|
| The nominal assets were | $2,709,952 14 |
| The total liabilities were* | 3,013,699 56 |

*This includes preferred claims and special deposits of $73,774.34.

| | |
|---|---|
| At the time of the failure of the bank, in 1874, there were 61,131 depositors, to whom there was due | $2,939,925 22 |
| Five dividends have been declared, as follows: | |
| (1) 20 per cent., November 1, 1875 | 587,985 04 |
| (2) 10 per cent., March 20, 1878 | 293,992 52 |
| (3) 10 per cent., September 1, 1881 | 293,992 52 |
| (4) 15 per cent., June 1, 1882 | 440,988 78 |
| (5) 7 per cent., May 12, 1883 (final) | 205,794 76 |
| Aggregating 62 per cent., and amounting to | $1,822,753 26 |
| Of this amount there was called for and paid | 1,638,259 49 |
| Leaving unpaid and barred by act of February 21, 1881 | 184,494 13 |
| Of this amount there was revived by act of February 17, 1883 | 17,481 10 |
| Of which amount there has been paid | 9,926 20 |
| Leaving uncalled for on December 6, 1886 | 7,554 90 |
| Making total dividend payments | 1,648,185 69 |

Of the checks issued on these dividends there remain outstanding unpaid $18,078.93, which is covered in under existing law, and will doubtless accrue to the benefit of the Government.

*Table showing total payments to the creditors of the Freedman's Savings and Trust Company.*

| Branches. | First dividend. | | Second dividend. | | Third dividend. | | Fourth dividend. | | Final dividend. | | Total payments at each branch. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | No. of claimants. | November 1, 1875. 20 per cent. | No. of claimants. | March 20, 1878, 10 per cent. | No. of claimants. | September 1, 1880, 10 per cent. | No. of claimants. | June 1, 1882, 15 per cent. | No. of claimants. | May 12, 1883, 7 per cent. | |
| Alexandria | 226 | $2,694 65 | 207 | $1,338 38 | 197 | $1,318 07 | 173 | $1,974 00 | 136 | $870 88 | $8,195 98 |
| Atlanta, Ga | 554 | 5,093 89 | 424 | 2,238 82 | 362 | 2,219 36 | 318 | 3,163 20 | 246 | 1,362 94 | 14,078 21 |
| Augusta, Ga | 1,505 | 17,012 84 | 1,300 | 8,255 63 | 1,212 | 8,161 09 | 1,134 | 12,183 16 | 1,057 | 5,626 94 | 51,239 66 |
| Baltimore, Md | 2,411 | 54,788 02 | 2,193 | 26,930 55 | 2,036 | 26,177 06 | 1,890 | 38,794 54 | 1,671 | 17,445 78 | 164,135 95 |
| Beaufort, S. C | 516 | 4,930 78 | 439 | 2,330 62 | 395 | 2,233 38 | 337 | 3,276 75 | 287 | 1,377 28 | 14,148 81 |
| Charleston, S. C | 3,024 | 46,649 32 | 2,823 | 22,430 33 | 2,541 | 22,016 86 | 2,352 | 33,156 65 | 2,104 | 15,077 83 | 139,330 99 |
| Columbus, Miss | 124 | 943 09 | 91 | 417 19 | 57 | 363 59 | 49 | 519 62 | 43 | 236 40 | 2,479 89 |
| Columbia, Tenn | 338 | 3,365 85 | 311 | 1,648 66 | 282 | 1,605 06 | 269 | 2,412 60 | 180 | 970 63 | 10,002 80 |
| Huntsville, Ala | 328 | 6,468 84 | 300 | 3,175 52 | 280 | 3,134 41 | 280 | 4,706 04 | 263 | 2,172 70 | 19,657 51 |
| Jacksonville, Fla | 576 | 6,721 67 | 487 | 3,249 66 | 400 | 2,927 59 | 350 | 4,260 55 | 306 | 1,911 14 | 19,070 61 |
| Lexington, Ky | 347 | 6,145 44 | 287 | 2,686 30 | 254 | 2,597 44 | 226 | 3,750 52 | 207 | 1,683 41 | 16,863 11 |
| Little Rock, Ark | 115 | 2,504 12 | 95 | 1,187 83 | 90 | 1,171 43 | 93 | 1,748 80 | 86 | 772 35 | 7,384 53 |
| Louisville, Ky | 1,376 | 24,529 46 | 1,216 | 11,911 56 | 1,089 | 11,570 48 | 918 | 16,870 01 | 792 | 7,620 77 | 72,502 28 |
| Lynchburg, Va | 299 | 2,880 61 | 256 | 1,380 89 | 220 | 1,335 98 | 197 | 1,957 75 | 155 | 789 68 | 8,344 01 |
| Macon, Ga | 716 | 9,549 62 | 560 | 4,635 52 | 479 | 4,476 04 | 429 | 6,532 09 | 365 | 2,968 05 | 28,161 32 |
| Memphis, Tenn | 756 | 16,697 02 | 687 | 8,141 44 | 564 | 7,559 55 | 512 | 11,198 00 | 422 | 4,889 29 | 48,485 30 |
| Mobile, Ala | 939 | 15,417 26 | 814 | 7,515 41 | 763 | 7,322 29 | 686 | 10,713 27 | 584 | 4,853 97 | 45,822 20 |
| Natchez, Miss | 106 | 3,735 95 | 96 | 1,843 19 | 83 | 1,742 06 | 84 | 2,713 50 | 73 | 1,197 92 | 11,232 62 |
| Nashville, Tenn | 804 | 13,823 03 | 644 | 6,644 78 | 564 | 6,395 82 | 514 | 9,320 90 | 450 | 4,231 57 | 40,416 10 |
| New Berne, N. C | 576 | 6,218 01 | 468 | 2,922 94 | 427 | 2,920 66 | 396 | 4,381 96 | 349 | 2,030 10 | 18,473 67 |
| New Orleans, La | 1,314 | 43,631 56 | 1,062 | 20,944 91 | 962 | 20,337 62 | 890 | 29,725 92 | 767 | 12,973 58 | 127,613 59 |
| New York, N. Y | 1,520 | 62,026 87 | 1,318 | 29,996 19 | 174 | 28,577 67 | 1,151 | 42,614 06 | 1,021 | 19,125 13 | 182,339 92 |
| Norfolk, Va | 1,296 | 20,346 23 | 1,136 | 9,665 12 | 984 | 9,208 05 | 935 | 13,678 41 | 837 | 6,131 54 | 59,029 35 |
| Philadelphia, Pa | 719 | 13,685 82 | 632 | 6,720 74 | 568 | 6,585 68 | 523 | 9,607 97 | 471 | 4,377 69 | 40,977 90 |
| Raleigh, N. C | 579 | 5,739 51 | 455 | 2,716 76 | 390 | 2,595 93 | 324 | 3,725 69 | 276 | 1,645 47 | 16,423 36 |
| Richmond, Va | 2,000 | 27,406 81 | 1,732 | 13,280 23 | 1,527 | 12,765 84 | 1,475 | 19,222 49 | 1,296 | 8,797 43 | 81,472 80 |
| Savannah, Ga | 1,706 | 25,493 03 | 1,468 | 12,256 85 | 1,383 | 12,092 32 | 1,014 | 17,993 59 | 1,130 | 7,984 93 | 75,820 72 |
| Shreveport, La | 346 | 5,680 59 | 300 | 2,703 65 | 240 | 2,591 62 | 196 | 3,517 87 | 149 | 1,450 82 | 15,944 55 |
| Saint Louis, Mo | 421 | 9,989 68 | 347 | 4,624 41 | 304 | 4,396 13 | 280 | 6,482 52 | 258 | 2,863 14 | 28,355 88 |
| Tallahassee, Fla | 339 | 4,840 47 | 283 | 2,329 38 | 224 | 2,240 23 | 205 | 3,321 53 | 181 | 1,486 85 | 14,218 46 |
| Vicksburg, Miss | 633 | 14,311 51 | 535 | 6,477 22 | 412 | 5,888 29 | 393 | 8,981 33 | 312 | 3,892 41 | 39,550 76 |
| Wilmington, N. C | 780 | 7,653 04 | 641 | 3,599 45 | 516 | 3,468 01 | 488 | 5,119 42 | 411 | 2,309 35 | 22,149 27 |
| Washington, D. C | 2,676 | 63,381 08 | 2,444 | 31,191 04 | 2,292 | 30,866 70 | 2,136 | 45,979 80 | 1,879 | 20,785 18 | 192,203 80 |
| Miscellaneous | 22 | 1,004 41 | 14 | 292 17 | 9 | 260 87 | 10 | 392 20 | 10 | 183 03 | 2,132 68 |
| Barred claims, section 1, act February 17, 1883 | | | | | | | | | | | 5,087 79 |
| Barred claims, section 2, act February 17, 1883 | | | | | | | | | | | 4,838 91 |
| Special deposits and preferred claims | | | | | | | | | | | 73,565 03 |
| Totals | 29,996 | 555,360 08 | 26,096 | 267,683 34 | 23,280 | 259,123 18 | 21,527 | 383,096 71 | 18,774 | 172,096 18 | *1,721,751 22 |

*This includes payments of preferred claims and special deposits.

The dividends, aggregating about $1,650,000, were distributed to an average of twenty-four thousand depositors. The depositors who have failed to present claims are very numerous, but their deposits average only about $5 each, while those whose claims have been audited had on deposit an average of $83.

The loans outside the city of Washington have been found to be the most worthless of all, and are largely represented in the uncollectable assets which aggregate $993,638.89.

Estimated claims likely to participate in the proposed appropriation represent $2,500,000 of deposits, and would require, in order to pay the balance due of 38 per cent., $950,000.

The Government has profited by the purchase of the bank property on Pennsylvania avenue, estimating the property at the rates demanded for contiguous ground about $250,000; from uncalled for checks covered into the Treasury, $18,078.93; and there will pass to the control and credit of the Government the $993,638.89 of uncollectable assets, out of which there may be realized a very small additional sum.

I do not desire to detain the Senate further at this late hour, but I can not think that there is any Senator who will be willing to vote against a proposition of this kind.

Mr. HAWLEY. I had occasion during the last three or four years to make some investigation in common with others in regard to this matter. I knew something of its history in the South and elsewhere. The motive of this scheme was entirely a good one, just, benevolent, everything praiseworthy, and it went well enough until, as the Senator from Vermont said, in an unhappy hour it was permitted to loan upon securities other than those previously ordered. If the Senator from Missouri had confined his severe and violent denunciatory language to a certain number of the directors of that concern in the last four years of its life, I would have said amen, and would have added something to it.

Mr. MORRILL. So would I.

Mr. HAWLEY. There were men connected with it who ought to have been in the penitentiary. I do not remember certainly that they

loaned to each other, but they loaned upon entirely insufficient security. They loaned upon real estate that they never ought to have thought of taking as security; and their conduct compared with the wise managers of savings banks in our Northern States was simply piratical.

I do acknowledge in a certain sense, not a literal, legal obligation, like that of the indorser of a note, to pay this money back; but I think a generous, rich nation like ours, that ordered this thing constituted for the special purpose of doing a favor to this class of people, who had no savings banks in the South or elsewhere, who ordered this that they might have a safe place in which to deposit their little earnings, and then itself changed the law, which opened the door to fraud and led to these heavy losses—the people of the nation, a nation of our character and profession and standing, in the peculiar and unprecedented condition of the colored race, is quite justified in passing a bill like this.

Mr. HAMPTON. Mr. President, I listened to my friend from Missouri [Mr. VEST], as I always do, with infinite pleasure, and I agree with him that the United States Government has incurred no liability for the repayment of the depositors in the Freedman's Bank. But for the very reasons that he gave as to the credulity, the innocence of these people, and from the fact that he showed that they had been cheated, as I have no doubt they have been, I shall support the bill. I do so because among the depositors in that bank were a great many of those who, to my misfortune perhaps, had been my slaves. I know that they were depositors in that bank. Only a very few days ago I collected, not for one of my former slaves, but for a Federal soldier, a colored soldier who had married one of the women on my plantation, who had tried here for years and years to collect his little pittance—I collected from the Department here a percentage of what was due to him.

I want to see them paid. I want to see those people paid who were, as the Senator from Missouri well said, so faithful during the whole war to our women and children, and who have been deceived; and if it is a gratuity from the United States Government, I for one shall vote for it with infinite pleasure.

Mr. SHERMAN. I wish simply to say a word about this bill. The bill was recommended to the Committee on Finance by the President of the United States, by the Secretary of the Treasury, and by the Comptroller of the Currency, who is *ex officio* in charge of this business. The latter especially took a great interest in it, and I conferred with him in regard to the terms and conditions of this measure with a view to protect those ignorant and innocent creditors of this corporation if possible from any possibility of having this sum misapplied.

When this matter was considered in the Committee on Finance there was no division expressed among us; there was no difference of opinion. We all agreed upon the fundamental principle that there was not a particle of legal claim against the United States, but that still the United States did create this corporation, they did change the terms of the corporation after many of these deposits were made, they changed the form of securities, and although under the custody of the Government it drifted into the hands of corrupt and irresponsible men, men who violated their duty.

Mr. GEORGE. Will the Senator allow me to ask him a question right there?

Mr. SHERMAN. Certainly.

Mr. GEORGE. Was the loss of this money occasioned by a change in the charter of the company after it was organized?

Mr. SHERMAN. Undoubtedly. Unquestionably if the law had remained providing that the moneys were to be placed in Government funds there would have been no loss. The reason why the change was made was because the bonds had advanced so high that the bank could not afford to have its money invested in that way, as its managers thought, and they therefore asked Congress, probably in good faith, that they should be allowed to take mortgages on real estate in Washington and in other places. Some of this money was loaned in the Southern States. It turned out that those securities in most cases proved insufficient, and the best property they had was the property on which they built their banking-house in Washington, as has been explained. The rest of it was dissipated and lost in the process of collection.

Now, the question is whether on the whole the United States had better pay, not any portion of the money that was lost or squandered, that is gone, but pay the balance due to those depositors on the equitable ground that they were ignorant people who trusted to the flag, you may say, who trusted to the expectation that it was a deposit made in the Government of the United States. In the committee there was no dissent that this should be given simply as a gift to these poor people. That is all there is of it.

Mr. HARRIS rose.

Mr. SHERMAN. Perhaps I am mistaken about that. I do not remember any opposition in committee.

Mr. HARRIS. I simply wanted to say to the Senator from Ohio that believing as I did that there was no legal or equitable liability upon the part of the Government, and believing that I had no right as a Senator to take money out of the Treasury and give it as charity, I did not favor the report of this bill.

Mr. SHERMAN. Then the Senator as a matter of course did not agree to it in committee, but there was no general dissent from it. I know that the Senator from Kentucky [Mr. BECK], who generally speaks his opinion frankly and boldly, said at once he thought that the money ought to be paid. That is all I desire to say.

Mr. HARRIS. The Senator from Kentucky favored the bill in committee.

Mr. GEORGE. I think there is a very strong tendency in favor of these depositors whose money the Government of the United States has. That feeling arises out of the circumstances which the Senator from Missouri has so well stated; but the Senator in stating his objections to the passage of the bill has made the best argument I know of in its favor. I was somewhat struck, though, by the observations of the Senator from Missouri, and with a view to obviate them, as this is purely at the option of the Government, so as to prevent speculators and claim agents from benefiting by this appropriation, I move to amend the amendment of the committee after the word "representatives," in line 25 of section 1, by inserting:

And no payment shall be made to any agent or attorney of any depositor; but all payments shall be made personally to the original depositors, or their legal representatives, or heirs.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Mississippi will be read from the desk.

The CHIEF CLERK. After the word "representative," in section 1, line 25, it is proposed to insert:

And no payment shall be made to any agent or attorney of any depositor; but all payments shall be made personally to the original depositors, or their legal representatives, or heirs.

Mr. MORRILL. It strikes me that the Senator is repeating the language just prior to where his amendment is proposed to be inserted.

Mr. GEORGE. I want to exclude any interpretation of the statute which would allow the money to be paid to an agent. When direction is made in the statute for payment to a person, a payment to his duly authorized agent is sufficient.

Mr. MORRILL. I inquire of the Senator from Mississippi whether that would not embarrass the matter? This payment will be made at the post-offices in places where branches of the bank were established.

Mr. GEORGE. Let the postmaster be the agent of the Government.

Mr. MORRILL. Would it not embarrass some of these men to travel some distance in order to get their money?

Mr. GEORGE. I want to exclude every person in the world except the original depositor, if he is alive, and, if he is dead, his legal representative, or his heirs.

Mr. MORRILL. Very well.

Mr. GEORGE. For the reason stated by the Senator from Missouri, that these persons are ignorant. They know nothing about this law, and they will be beaten by some claim agent. They will be written to, and probably will be made to agree to have the claim collected for one-half or one-third, or something of that sort, and the result will be, in my opinion, unless some provision of this sort is put in the bill, that the great benefit of the bill will not inure to the persons who are entitled to it, but to those sharks and agents who manage to get up such cases.

I am in favor of the passage of the bill because I think these ignorant and credulous persons who trusted to the Government, and they did trust to the Government, ought to be reimbursed, especially since the Senator from Ohio has stated that after the bank went into operation the Government made an important change in the charter of the bank, and through that change the money was lost.

Mr. RIDDLEBERGER. Will the Senator allow me to suggest to him that this very ignorance will be the cause of failure to recover the amounts that they have severally deposited in the bank, and that the better way would be, as they will be obliged to have counsel in many cases, to limit the amount that any attorney shall receive for the collection of any deposit? Very many of these people will be obliged to have counsel in order to make up their cases.

Mr. GEORGE. The scheme of the bill is very well adapted to reaching these persons without the agency of any third party. The supposition of the Senator from Virginia that these depositors, or their heirs, will not find out about the passage of this law, I think, is not well founded. I have no doubt they will find it out. The only trouble will be that, being ignorant and credulous, they will trust somebody who will get the lion's share of the appropriation.

When I was interrupted by the Senator from Virginia I was going to call the attention of the Senate to the message of the President of last December, in which the following language is used:

I desire to call the attention of Congress to a plain duty which the Government owes to the depositors in the Freedman's Savings and Trust Company. This company was chartered by the Congress for the benefit of the most illiterate and humble of our people, and with the intention of encouraging in them industry and thrift. Most of its branches were presided over by officers holding the commissions and clothed in the uniform of the United States. These and other circumstances reasonably, I think, led these simple people to suppose that the invitation to deposit their hard-earned savings in this institution implied an undertaking on the part of their Government that their money should be safely kept for them.

I have no doubt of the truth of that statement. I have no doubt they believed when they made the deposits that they were depositing with the Government itself.

I hope the bill will pass, but I trust the amendment which I have offered, and which I think is essential to the protection of these parties, will also be adopted.

Mr. BLAIR. Will the Senator allow me to make a suggestion to him? This money will simply pass into the hands of those who will pay it out to the claimants in precisely the same way that the dividends heretofore paid have been already distributed, which have been paid in installments. Every claimant is known; every claimant is now communicated with as fast as anything is realized out of the property of the bank, and he has a bank-book. This money falls into the same custody, and is paid out precisely in the same way.

There can be no claim agents, and there can be no method of robbing these claimants any more than already exists. There has been no complaint that the distribution of the assets of the bank has not been made in a perfectly satisfactory way. I do not see any difficulty that can arise, or any occasion for the amendment, if I state the facts as they are.

Mr. GEORGE. I understand the Senator from New Hampshire to be in favor of the payment personally to the depositors.

Mr. BLAIR. Certainly; and that is now being done. There have been several instalments paid from the funds realized from the sales of the assets of the bank. Every one who is entitled to anything, necessarily has established his claim already, and the distribution has been effected of a certain percentage several times. Here comes from a source outside of the ordinary assets of the bank enough, say 30 per cent., to pay the balance, which will be determined just as the 70 per cent. already has been.

Mr. GEORGE. Of course, if the instalments have been paid to agents of these parties heretofore, this will be paid them.

Mr. BLAIR. This will be paid in the same way; but during the four or five years this process of paying the amount due the depositors has been going on, there has been no complaint of any wrong, so far as I have ever heard,

Mr. GEORGE. I do not know of any complaint, but this is a payment to be made by us which we are under no legal obligation to make; it is to be paid on account of the equity in favor of the original depositors, and I want to make provision which will secure the payment of the money to those parties, and not to anybody who has swindled them out of it by paying them any sum, however trifling. If the Senator from New Hampshire agrees with me as to the propriety of paying these parties he ought not to object to the amendment which secures that result.

Mr. BLAIR. I do not make objection to any such amendment if it be necessary, but it seems to me that from the fact that during these years there has been no complaint on the part of any one that the payments were not made, a continuance of the same system can work no wrong.

Mr. MORRILL. I will not object to the amendment, but I think it really will work hardship to some of these colored people who have moved from one place to another; but I am anxious to have a vote.

Mr. WHITTHORNE. I trust the Senate will pardon me for a moment, inasmuch as I have taken a very great interest in this question.

When I first entered the other House it was my fortune to introduce a bill in relation to this subject, and from the introduction of that bill I believe originated afterward the investigation into the condition of the Freedman's Bank. I regard it as a sound legal proposition that a legal duty follows from a moral obligation. In my opinion it is a high moral obligation on the part of the Government, looking to the history of this institution and its progress, that it should pay this money to the depositors.

In 1866, when I was not a voter, when I was disfranchised, when many of my friends who are now upon this floor were exiles from their States, this charter was granted as a measure for reorganizing society in the South, in view of the difficulties that then surrounded that portion of this country, those difficulties being grave and serious, ay, more serious than ever confronted the population of any country—the solution of moral, social, and political questions. My sympathies then, as now, ran out to this race who were, as a result of the war, emancipated. But they were houseless and homeless, and the men who formerly owned them were poor indeed, unable to discharge their moral obligation to this race. So, houseless and homeless, like a flock without its shepherd, it was natural that this race should look to the Government that had emancipated them. They did look to it in the most perfect faith in the means that that Government held out by its legislation at that time to recover their condition, which was an invitation to rely on the faith of the Government, as they believed, and making their deposits in this institution they did it in good faith, they did it in confidence and trust. The Government invited them to make it. They did so. Then afterwards the Government, without consultation with them, without petition from them, without any request on their part, changed the law under which the trust had been invited, and in that manner perpetrated a wrong upon this race.

Now, sir, I join with my friend from Missouri and my friend from South Carolina in the tribute which they have paid to the fidelity of this race; and I accepted, for one, this effort—a failure, as it turned out in part—as one of the measures of reorganizing society in the South, and I believe it to be a duty on the part of the Government wherever loss occurred to make that loss good to the individual. So believing, I shall support the bill.

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment proposed by the Senator from Missouri?

Mr. GEORGE. I think it very important.

Mr. COCKRELL. I have an amendment that covers the same point that I think will reach the object the Senator has in view; and that is, after the word "verified," in line 24 of section 1, to insert the words "if living," and then after the word "and," to insert "if dead, then;" so as to read:

But no part of the money hereby appropriated shall be paid to any assignee of any such depositors, and the benefit and relief provided by this act shall extend only to those depositors in whose favor such balances have been properly verified, if living, and if dead, then to their heirs and legal representatives.

Mr. MORRILL. There is no objection to that.

Mr. GEORGE. That does not prevent the payment to an agent.

Mr. ALLISON. I think the amendment of the Senator from Missouri is a good amendment.

Mr. GEORGE. I read the bill carefully, and I saw nothing in it that would prevent the payment of any of this money to a claim agent.

The PRESIDENT *pro tempore*. Shall the Chair understand the Senator from Mississippi to modify his amendment?

Mr. GEORGE. No, sir; I insist on the adoption of my amendment. Let us divide on it.

The PRESIDENT *pro tempore*. The Senator from Mississippi calls for a division.

Mr. VEST. In law the payment to an attorney in fact is a payment to the principal, and if a claim agent in the city of Washington appears with the proper bank-book and with authority to collect the money, it will go into his hands and then he will pay what he pleases to the depositor.

Mr. SHERMAN. I am astonished at my friend from Mississippi that he is not willing to allow the payment of this money to rest on the sound discretion of the Comptroller of the Currency. He pays it. He has an agent who has paid it all the time, and it has been going on for ten years nearly. When I was in the Treasury Department, I know it was scrupulously paid. Now the payment is to be made to the same identical persons who have received a dividend of the funds heretofore paid by the Comptroller of the Currency, under his direction; and he is officially responsible and, I believe, is also under bond for the proper application of this money.

I do not care about the matter particularly, except, for instance, in such a case as that stated by the Senator from South Carolina, where he had called and obtained for persons named their money, and would you deny the right of a man to perform an act of kindness of that sort? Would you require the negro man to come up to receive the money when the amount of his dividend might not be over one or two dollars? These deposits run down to a dollar and they range from $1 up, and a dividend of 30 per cent. might in some cases amount to only 30 cents. You ought to leave a matter of this kind to the discretion of the executive officer, who is as disinterested as a man can be.

I have no objection to the amendment, except that it will complicate the matter and give more trouble.

Mr. GEORGE. I think it ought to be complicated to the extent that we should make it secure that the person for whom we intend this money shall get it. I am satisfied that without some provision of that sort not one dollor out of every two we give, or one dollar out of every five will ever reach those who made the deposits.

Mr. KENNA. Will the Senator allow me to ask him a question? Suppose under the provisions of this bill a party who had made a deposit should be entitled to receive five hundred or a thousand dollars, or any other amount, and his wife should want that amount, does the Senator mean to say that the depositor, without any other resource on earth, should not be allowed to employ an attorney to protect his rights and secure him, and be paid out of this fund?

Mr. GEORGE. The bill provides that the money shall only be paid to those persons whose accounts have already been verified.

Mr. KENNA. Suppose that the very account itself is assailed and charges made that it was verified on false or perjured testimony?

Mr. GEORGE. I presume no case of that sort will arise. I only say that, unless some provision of this kind is put in the bill, the money we intend for these parties, the men who intrusted money to the bank on the faith of the Government, will never reach them.

Mr. TELLER. Has any of it ever been stolen?

Mr. GEORGE. I do not know whether it has been or not. They had a right to do as they pleased with the deposits they had in bank. This, however, is in some respects a gratuity. I do not propose to vote a gratuity out of the Treasury of the United States to anybody but the person who is morally entitled to it.

The PRESIDENT *pro tempore*. The Senator insists on his amendment?

Mr. GEORGE. Yes, sir.

The PRESIDENT *pro tempore*. A division is called for on the amendment of the Senator from Mississippi.

The question being put, the ayes were 9——

Mr. GEORGE. I give it up.

The PRESIDENT *pro tempore*. The amendment is not agreed to.

Mr. COCKRELL. I believe my amendment was accepted.

Mr. MORRILL. Yes, sir.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from Missouri [Mr. COCKRELL] will be read.

The CHIEF CLERK. In section 1, line 24, after the word "verified," it is proposed to insert "if living;" and in the same line, after the word "and" where it first occurs, to insert "if dead, then;" so as to read:

But no part of the money hereby appropriated shall be paid to any assignee of such depositors, and the benefit and relief provided by this act shall extend only to those depositors in whose favor such balances have been properly verified, if living, and, if dead, then to their heirs and legal representatives.

The amendment to the amendment was agreed to.

The amendment of the Committee on Finance as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. VEST. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. I am informed that he would vote "yea," if present, and I therefore record my vote "yea."

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON]. If he were present, I should vote "nay."

Mr. KENNA (when Mr. STANFORD'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from California [Mr. STANFORD.]

Mr. MANDERSON (when Mr. VAN WYCK'S name was called). My colleague [Mr. VAN WYCK] is paired with the Senator from Delaware [Mr. SAULSBURY.] My colleague would vote for this bill if he were present.

The roll-call having been concluded, the result was announced—yeas 35, nays 6; as follows:

YEAS—35.

| | | | |
|---|---|---|---|
| Aldrich, | Farwell, | Mahone, | Riddleberger, |
| Allison, | George, | Manderson, | Sawyer, |
| Blair, | Gray, | Maxey, | Sherman, |
| Bowen, | Hampton, | Miller, | Teller, |
| Brown, | Hawley, | Mitchell of Pa., | Walthall, |
| Call, | Hoar, | Morrill, | Whitthorne, |
| Cheney, | Ingalls, | Palmer, | Williams, |
| Evarts, | Jones of Nevada, | Platt, | Wilson of Iowa. |
| Fair, | Kenna, | Ransom, | |

NAYS—6.

| | | | |
|---|---|---|---|
| Berry, | Cockrell, | Harris, | Vest. |
| Blackburn, | Coke, | | |

ABSENT—35

| | | | |
|---|---|---|---|
| Beck, | Dolph, | Jones of Florida, | Saulsbury, |
| Butler, | Edmunds, | McMillan, | Sewell, |
| Camden, | Eustis, | McPherson, | Spooner, |
| Cameron, | Frye, | Mitchell of Oreg., | Stanford, |
| Chace, | Gibson, | Morgan, | Vance, |
| Colquitt, | Gorman, | Payne, | Van Wyck, |
| Conger, | Hale, | Plumb, | Voorhees, |
| Cullom, | Harrison, | Pugh, | Wilson of Md. |
| Dawes, | Jones of Arkansas, | Sabin, | |

So the bill was passed.

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 24 minutes p. m.) the Senate adjourned until Monday, February 28, at 12 o'clock m.

---

## NOMINATIONS.

*Executive nominations received by the Senate February* 26, 1887.

FOR APPOINTMENT BY TRANSFER IN THE ARMY.

First Lieut. Arthur C. Ducat, jr., Third Cavalry, to be first lieutenant Twenty-fourth Infantry, February 23, 1887, with rank in the infantry arm from November 26, 1884.

First Lieut. Henry L. Ripley, Twenty-fourth Infantry, to be first lieutenant Third Cavalry, February 23, 1887, with rank in the cavalry arm from November 26, 1884.

PROMOTIONS IN THE NAVY.

Commodore Lewis A. Kimberly, to be a rear-admiral, from the 26th of January, 1887, *vice* McCauly, retired.

Capt. William P. McCann, to be a commodore, from the 26th of January, 1887, *vice* Kimberly, promoted.

Commander Gilbert C. Wiltse, to be a captain, from the 26th of January, 1887, *vice* McCann, promoted.

Lieut. Commander Felix McCurley, to be a commander, from the 26th of January, 1887, *vice* Wiltse, promoted.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate, February* 22, 1887.

TERRITORIAL CHIEF-JUSTICE.

James H. Wright, of Missouri, to be chief-justice of the supreme court of the Territory of Arizona.

COLLECTOR OF CUSTOMS.

Adelard Guernon, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota.

SURVEYORS OF CUSTOMS.

Thomas F. Tobin, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

John Vander Linde, of Missouri, to be surveyor of customs for the port of Saint Joseph, in the State of Missouri.

COLLECTORS OF INTERNAL REVENUE.

Nelson F. Acers, of Kansas, to be collector of internal revenue for the district of Kansas.

Thomas Cooper, of Illinois, to be collector of internal revenue for the eighth district of Illinois.

RECEIVER OF PUBLIC MONEYS.

Everet B. Sanders, of Elroy, Wis., to be receiver of public moneys at Wausau, Wis.

INDIAN AGENTS.

J. M. Needham, of Franklin, Ind., to be agent for the Indians of the Lemhi agency in Idaho.

George W. Busey, of Urbana, Ill., to be agent for the Indians of the Colorado River agency, in Arizona.

Edwin C. Fields, of Federalsburg, Md., to be agent for the Indians of the Fort Belknap agency, in Montana.

REGISTERS OF LAND OFFICE.

Henry Rinehart, of Summerville, Oreg., to be register of the land office at La Grande, Oreg.

Samuel E. Byrne, of Marquette, Mich., to be register of the land office at Marquette, Mich.

UNITED STATES CONSULS.

Otto E. Reiner, of New York city, to be consul of the United States at Santiago de Cuba.

Alexander C. Jones, of Minnesota, to be consul of the United States at Chin-Kiang.

Amos A. Brown, of Pendleton, N. Y., to be consul of the United States at Clifton, Ontario.

Leopold Moore, of New York, to be consul of the United States at Hull.

Charles Jones, of Racine, Wis., to be consul of the United States at Prague.

William C. Hall, of Sackett's Harbor, N. Y., to be consul of the United States at Prescott.

Benjamin Folsom, of New York, to be United States consul at Sheffield.

Joseph L. Hance, of New York, to be consul of the United States at Turk's Island.

William S. Preston, of New York, to be consul of the United States at Verviers and Liege.

Oscar Malmros, of Minnesota, to be consul of the United States at Cognac.

Henry H. Pendleton, of Wheeling, W. Va., to be consul of the United States at Southampton.

Judson S. Farrar, of Mount Clemens, Mich., to be consul of the United States at Port Larnia.

POSTMASTERS.

Peter Conohy, to be postmaster at Marshall, Clark County, Illinois.

John M. McConihe, to be postmaster at Princeton, Bureau County, Illinois.

Mark A. Renoe, to be postmaster at Pontiac, Livingston County, Illinois.

Roy S. Giddings, to be postmaster at Russell, Russell County, Kansas.

C. F. Keyner, to be postmaster at Wilson, Ellsworth County, Kansas.

Levi C. Smith, to be postmaster at Schuyler, Colfax County, Nebraska.

E. Prentiss Bailey, to be postmaster at Utica, Oneida County, New York.

Frank M. Bullis, to be postmaster at Sherburne, Chenango County, New York.

Harlow E. Bundy, to be postmaster at Oneonta, Otsego County, New York.

Andrew Dardis, to be postmaster at Cazenovia, Madison County, New York.

Lillian C. Keyes, to be postmaster at Yonkers, Westchester County, New York.

Orville F. Levalley, to be postmaster at Naples, Ontario County, New York.

Reginald F. Beecher, to be postmaster at Wenona, Marshall County, Illinois.

Thomas E. Garner, to be postmaster at Paris, Edgar County, Illinois.

Charles W. Timmonds, to be postmaster at Hartford City, Blackford County, Indiana.

Robert Hufschmidt, to be postmaster at Lansing, Alamakee County, Iowa.

John W. Lusk, to be postmaster at Monmouth, Warren County, Illinois.

James H. Crane, to be postmaster at Pittsfield, Pike County, Illinois.

John H. Havighorst, sr., to be postmaster at Havana, Mason County, Illinois.

Frederick E. Fowle, to be postmaster at Arlington, Middlesex County, Massachusetts.

George H. Morgan, to be postmaster at Newton, Middlesex County, Massachusetts.

James A. Ballinger, to be postmaster at Machias, Washington County, Maine.

Laurence Reade, to be postmaster at Woburn, Middlesex County, Massachusetts.

Joseph H. Kilbourne, to be postmaster at Big Rapids, Mecosta County, Michigan.

John H. Cuspenberry, to be postmaster at Girard, Crawford County, Kansas.

Jesse White, to be postmaster at Wiscasset, Lincoln County, Maine.

John S. Fay, to be postmaster at Marlborough, Middlesex County, Massachusetts.

Charles Cowan, to be postmaster at Ovid, Clinton County, Michigan, *vice* Lewis C. Mead.

Joseph M. Frisbie, to be postmaster at Saint John's, Clinton County, Michigan.

Andrew W. Bingham, to be postmaster at Littleton, Grafton County, New Hampshire.

George W. Paul, to be postmaster at Claremont, Sullivan County, New Hampshire.

John S. Ellen, to be postmaster at Willoughby, Lake County, Ohio, *vice* George S. Eddy.

Chauncey A. Fellows, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire.

Patrick Talent, to be postmaster at Butte City, in the county of Silver Bow and Territory of Montana.

Frederick A. Currier, to be postmaster at Fitchburgh, in the county of Worcester and State of Massachusetts.

Nathaniel J. Edgerly, to be postmaster at Laconia, in the county of Belknap and State of New Hampshire.

Eben Akin, jr., to be postmaster at Fairhaven, in the county of Bristol and State of Massachusetts.

Henry S. Noble, to be postmaster at Monroe, in the county of Monroe, and State of Michigan.

E. Clifford Nash, to be postmaster at Abington, in the county of Plymouth, and State of Massachusetts.

James F. Lynch, to be postmaster at Watertown, in the county of Middlesex, and State of Massachusetts.

Frank A. Millett, to be postmaster at Mechanic's Falls, in the county of Androscoggin, and State of Maine.

Sanford G. Givan, to be postmaster at Aurora, in the county of Dearborn, and State of Indiana.

Berkley G. Barratt, to be postmaster at Earlville, in the county of La Salle, and State of Illinois.

Sylvenus S. Chapman, to be postmaster at Chenoa, in the county of McLean, and State of Illinois.

David Tucker, to be postmaster at Seymour, in the county of New Haven, and State of Connecticut.

Theodore F. Rose, to be postmaster at Ivoryton, in the county of Middlesex, and State of Connecticut.

John Hornstein, to be postmaster at Boone, Boone County, Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of John Hornstein to be postmaster at Boone, Iowa, in place of Newton W. Simmons, suspended, has considered the same and reports:

That this is a partisan suspension. No attack has been made in the case on the character or reputation of Mr. Simmons either as a man or an officer. He makes no contest, has made other business arrangements, and as the nominee appears to be a competent person to discharge the duties of the office, the committee recommend the confirmation of John Hornstein.

Thomas A. Massie, to be postmaster at Logan, Harrison County, Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of Thomas Massie, to be postmaster at Logan, Iowa, *vice* Allen K. Grow, suspended, has considered the same, and reports:

That from the evidence supplied in the case it appears that there was no reasonable cause for the suspension of Mr. Grow. He appears to have been a competent and faithful officer, and there is nothing in the case that in any degree reflects injuriously on him either as a citizen or an officer. His suspension rests on political grounds. He is a member of the Republican party, and his place was wanted for a Democrat. Hence Mr. Massie was nominated. His competency and character seem to be well vouched for, and the committee recommend that he be confirmed.

---

*Executive nominations confirmed by the Senate February 26, 1887.*

UNITED STATES DISTRICT JUDGE.

Amos M. Thayer, of Missouri, to be United States district judge for the eastern district of Missouri.

POSTMASTER.

James N. Smith, to be postmaster at Glasgow, Barren County, Kentucky.

---

## HOUSE OF REPRESENTATIVES.

### SATURDAY, *February* 26, 1887.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHARLES DE ARNAUD.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported back without amendment joint resolution (H. Res. 223) granting a gold medal to Charles de Arnaud; which was referred to the Committee of the Whole House, and ordered to be printed.

Mr. SINGLETON submitted the views of the minority; which were also ordered to be referred, and ordered to be printed.

[The foregoing was omitted from reports of committees filed yesterday.]

RETURN OF BILL FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives (the Senate concurring) I return herewith the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 25, 1887.

The SPEAKER. There was an error in this bill, the word "attorney" being used when the word "clerk" should have been used. If there be no objection that error will be corrected and the bill will be again engrossed and communicated to the Senate.

There was no objection.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation, in Montana Territory; which was read twice by its title.

Mr. NELSON. I ask unanimous consent to put that bill on its passage now. It is identical with a House bill on the Calendar that has been approved by the Committee on Indian Affairs unanimously and by the Secretary of the Interior. This is a short bill and similar to a right of way bill passed and approved this session relating to the reservation of the Indians in Montana north of the Northern Pacific Railway.

Mr. ADAMS, of Illinois. Does this relate to an Indian or a military reservation?

Mr. NELSON. It is an Indian reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HERBERT. I object. I know a great many of these bills ought to pass; but it is necessary that the appropriation bills should be proceeded with.

Several members called for the regular order.

The bill was referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House the bill (S. 3296) to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan; which was read twice, and referred to the Committee on Printing.

The SPEAKER also laid before the House the bill (S. 3165) authorizing the construction of a bridge across the Red River of the North; which was read twice by its title.

Mr. CRISP. The House committee has reported a bill identical with that; and each of those bills contains every provision to protect the public, to wit, that the bridge shall not be built until the plans are approved by the Secretary of War, and every other railroad company requiring the use of it shall have the right to do so. The right to alter and amend is expressly reserved. It seems to me there can be no reason why the bill should not pass. I ask unanimous consent to put the bill upon its passage.

The SPEAKER. The gentleman from Georgia asks unanimous consent to consider this bill at this time.

Mr. HERBERT. I demand the regular order. The Senate must have the appropriation bills.

The bill was referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (S. 2930) authorizing the construction of a bridge across the Red River of the North; which was read twice, and referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island; which was read twice by its title.

Mr. CRISP. I make the same request as to that bill.

The SPEAKER. But the regular order is demanded, which cuts off all these requests for unanimous consent.

Mr. HERBERT. There will be no difficulty about these bills if they are deferred for a while.

The bill was referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (S. 3039) to authorize the construction of a bridge across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; which was read twice by its title, and referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (S. 3160) to authorize the construction and maintenance of a bridge by the Chicago, Saint Paul, Minneapolis and Omaha Railway Company across the Missouri River at Sioux City, Iowa, and for other purposes; which was read twice by its title.

Mr. SCOTT. I ask unanimous consent that this bill be now considered; and this is the only request of the kind I have made to the House. This bill has been reported by the Committee on Commerce favorably, has passed the Senate, and is an important improvement. If it goes on the Calendar it is dead.

Mr. WEAVER, of Iowa. Where is the bridge?

Mr. SCOTT. The bridge is to be constructed at Sioux City. It is a bridge bill which was reported, I think, by the gentleman who asks me the question.

Mr. WEAVER, of Iowa. Oh, no.

Mr. SCOTT. It was reported by Mr. WEAVER, of Nebraska.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill be now considered.

Mr. STRUBLE. I feel compelled to object.

The bill was referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.; which was read twice by its title.

Mr. MILLS. I ask unanimous consent that that bill may be now considered.

The SPEAKER. The regular order is demanded by several gentlemen, which cuts off all such requests.

The bill was referred to the Committee on Commerce.

### HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER also laid before the House the bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River, with Senate amendments, and a request for a committee of conference.

Mr. CRISP. This bill, as I understand, requests a conference.

The SPEAKER. There has been no disagreement. The House has not disposed of the Senate amendments.

Mr. CRISP. Is there objection to concurring at this time in the Senate amendments?

The SPEAKER. The gentleman from Georgia asks unanimous consent that the amendments of the Senate be concurred in.

Mr. CRISP. It is a House bill with slight amendments by the Senate changing the phraseology.

Several members called for the regular order.

Mr. CRISP. Then I ask that the House non-concur in the Senate mendments and agree to the conference asked by the Senate.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. MILLS. It is not.

The bill, with the amendments of the Senate, was referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River, with Senate amendments, and a request for a conference.

The bill, with the Senate amendments, was referred to the Committee on Commerce.

The SPEAKER also laid before the House the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States, with the amendments of the Senate thereto.

Mr. SPRINGER. I ask unanimous consent that a conference be agreed to on that bill.

Mr. WEAVER, of Iowa. I object to that.

The SPEAKER. Objection is made, and the bill and amendments will be referred to the Committee on the Judiciary.

The SPEAKER also laid before the House the bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana, with an amendment by the Senate; which was referred to the Committee on Commerce.

The SPEAKER also laid before the House a bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss., with an amendment of the Senate thereto.

Mr. VAN EATON. Mr. Speaker, I ask unanimous consent that the amendment of the Senate be concurred in. It is merely formal.

Mr. MILLS. Regular order.

The SPEAKER. Objection is made. The bill and amendment will be referred to the Committee on the Judiciary.

### MRS. ALMIRA AMBLER.

The SPEAKER also laid before the House a bill (S. 2159) granting a pension to Mrs. Almira Ambler, the Senate having disagreed to the amendments of the House and asked a conference thereon.

Mr. SEYMOUR. I move that the House insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House, Mr. SWOPE, Mr. NEECE, and Mr. CONGER.

### REPORT OF SMITHSONIAN INSTITUTION.

The SPEAKER also laid before the House the concurrent resolution of the Senate providing for the printing of the report of the Smithsonian Institution and of the National Museum for the year ending June 30, 1886; which was referred to the Committee on Printing.

### ORDER OF BUSINESS.

Mr. VAN EATON. Mr. Speaker, I ask unanimous consent that the House disagree to the amendments of the Senate to the bill to provide for holding terms of the United States court at Mississippi City, and request a conference.

The SPEAKER. That has been asked, and objected to.

Mr. VAN EATON. No; I asked unanimous consent that the Senate amendment be concurred in, and that was objected to.

The SPEAKER. The gentleman from Texas demanded the regular order.

Mr. VAN EATON. He will withdraw the demand for this purpose.

Mr. MILLS. I demand the regular order.

The SPEAKER. Objection is made.

### UNVEILING OF THE GARFIELD STATUE.

The SPEAKER also laid before the House the following communication; which was read and referred to the Committee on the Library:

HEADQUARTERS OF THE ARMY OF THE UNITED STATES,
*Washington, D. C., February 23, 1887.*

DEAR SIR: On behalf of the Society of the Army of the Cumberland I have the honor to invite the members of the House of Representatives of the United States to attend the ceremonies of unveiling the statue of the late Maj. Gen. James A. Garfield, ex-President of the United States, in this city on the 12th day of May, 1877.

As Congress will probably not be in session on the date named, and inasmuch as it appropriated $30,000 to provide the pedestal for the statue, I would respectfully suggest that it would be very gratifying to the society should the Speaker appoint a committee to attend the unveiling ceremonies to officially represent the House of Representatives.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
*Lieutenant-General and President Society Army of the Cumberland.*

Hon. J. G. CARLISLE,
*Speaker House of Representatives, Washington, D. C.*

### LEAVE OF ABSENCE.

Mr. ADAMS, of New York, by unanimous consent, was granted leave of absence for the remainder of the session.

### WITHDRAWAL OF PAPERS.

Mr. VAN EATON, by unanimous consent, obtained leave to withdraw from the files of the House certain deeds filed in connection with the claim of James Burleson, upon leaving certain copies of the same.

### ORDER OF BUSINESS.

Mr. CRISP. Mr. Speaker, I understand that the gentleman from Texas [Mr. MILLS] will withdraw the demand for the regular order for the purpose of allowing me to ask unanimous consent that on Monday next a recess be taken from 5 o'clock until half past 7 p. m., the evening session to be devoted exclusively to the consideration of bills providing for the construction of bridges, not including the Memphis bridge bill; and also with the understanding that if the Committee on Appropriations need the evening it shall be devoted to the consideration of appropriation bills.

The SPEAKER. The Chair will state the request of the gentlemam from Georgia [Mr. CRISP].

Mr. HOLMAN. I suggest that an exception be made in favor of the naval appropriation bill and the legislative appropriation bill.

Mr. CRISP. I have distinctly stated that if the Committee on Appropriations should need the evening, it is agreed that bridge business shall be dispensed with.

Mr. RANDALL. I suggest that no particular appropriation bills be specified. There is the deficiency bill also.

Mr. CRISP. It is understood that if the Committee on Appropriations should need the evening for any bill, the order of business in regard to bridge bills shall not be insisted upon.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House take a recess next Monday at 5 o'clock p. m. until half past 7 o'clock, the evening session to be devoted exclusively to the consideration of bills authorizing the construction of bridges, not to include the Memphis bridge bill, and if the evening should be required by the Committee on Appropriations for any general appropriation bills the order to be vacated.

Mr. BARKSDALE. I object.

Several MEMBERS. Regular order.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move to suspend the rules so as to discharge the Committee of the Whole on the state of the Union from the further consideration of House bill No. 10419, commonly known as the river and harbor bill, to disagree to the Senate amendment, and agree to the conference asked.

Mr. ANDERSON, of Kansas. On that motion I demand a second.

Mr. BARKSDALE. I rise to ask permission to have read a resolution which will explain my objection made a moment ago to the request of gentleman from Georgia [Mr. CRISP].

The SPEAKER. The gentleman from Mississippi asks unanimous consent to have a resolution read.

Several MEMBERS. Regular order.

Mr. BARKSDALE. Then I withdraw my objection.

The SPEAKER. The gentleman from Mississippi withdraws his objection to the request made by the gentleman from Georgia. Is there further objection?

Mr. MORRISON. Regular order.

Mr. HEPBURN. I rise to a parliamentary inquiry. I desire to know what is the pending question.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] moves to suspend the rules and non-concur in the amendment of the Senate to the bill known as the river and harbor appropriation bill.

Mr. WILLIS. And agree to the conference asked.

The SPEAKER. And the gentleman from Kansas demands a second on the motion to suspend the rules.

Mr. HEPBURN. I move that the House do now adjourn, and pending that motion I move that when the House adjourn to-day it adjourn to meet on Tuesday next.

Mr. MILLS. I rise to a point of order. The gentleman can not make the motion to adjourn till Tuesday next pending the motion to suspend the rules.

Mr. HERBERT. I call for the regular order.

The SPEAKER. The Chair is proceeding with the regular order. The gentleman from Iowa [Mr. HEPBURN] moves that when the House adjourn to-day it adjourn to meet on Tuesday next.

Mr. HATCH. The point of order is made that the motion is not in order.

The SPEAKER. For what reason?

Mr. HATCH. Pending the motion to suspend the rules but one dilatory motion is in order—a motion to adjourn.

Mr. ANDERSON, of Kansas. This is not a motion to suspend the rules.

Mr. HATCH. It is. The gentleman from Kentucky [Mr. WILLIS] makes that motion.

Mr. ANDERSON, of Kansas. But a second has not been ordered.

Mr. HATCH. I make the point that but one dilatory motion is in order—the motion to adjourn; and that the gentleman's motion to take a recess is not in order.

The SPEAKER. The gentleman has not made a motion to take a recess, but has made a motion to adjourn.

Mr. HATCH. And that when the House adjourn, it to be to meet on Tuesday next.

The SPEAKER. The Chair sustains the point of order; that pending a motion to suspend the rules it is not in order to move that when the House adjourn it adjourn to meet on a particular day.

Mr. HEPBURN. May I ask to have the rule read?

The SPEAKER. The Clerk will read the rule. The gentleman has a right to move that the House adjourn.

Mr. HATCH. That is the only motion he can make.

Mr. ANDERSON, of Kansas. Has he not the right to move a recess?

Mr. HATCH. No, sir.

The SPEAKER. The Clerk will read the rule.

The Clerk read clause 8, Rule XVI, as follows:

Pending a motion to suspend the rules the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

The SPEAKER. The gentleman from Iowa moves that the House do now adjourn. The question is on that motion.

The question having been put,

The SPEAKER said: The noes seem to have it.

Mr. HEPBURN. I call for a division.

The question was again taken; and there were—ayes 5, noes 102.

So the motion to adjourn was not agreed to.

Mr. HEPBURN. I demand a second on the motion to suspend the rules.

The SPEAKER. The proposition of the gentleman from Kentucky [Mr. WILLIS] has not yet been read.

Mr. TOWNSHEND. I understood it was agreed that a second be ordered; that the gentleman from Kansas withdrew the demand for a second on that understanding.

Mr. ANDERSON, of Kansas. No sir; I beg the gentleman's pardon.

Mr. WILLIS. I understood the gentleman from Kansas that way.

The SPEAKER. After the proposition has been read, the Chair will appoint tellers to take the question on seconding the motion to suspend the rules.

Mr. SPRINGER. It is required to read only the amendment in controversy, I believe.

The SPEAKER. There is but one amendment, and the Clerk will read.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentlemen will state it.

Mr. HEPBURN. Is it in order now to demand the reading of the bill?

The SPEAKER. The Chair has directed the reading of the Senate amendment.

The Clerk proceeded to read the bill.

Mr. SPRINGER. I hope the gentleman will not take up the time of the House in this manner. It will not accomplish anything.

Mr. HEPBURN. I desire that this bill as it came to us from the Senate shall be read.

The SPEAKER. The Chair will direct the Clerk to read the entire bill and amendment.

The Clerk read the bill and the Senate amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on bills of the following titles, namely:

A bill (H. R. 6637) relating to contested elections; and

A bill (H. R. 2075) to provide for the erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains.

Also, that the Senate disagreed to the amendment of the House of Representatives to the bill (S. 2382) granting a pension to Alice Kelly; and asked a conference with the House thereon, and had appointed Mr. BLAIR, Mr. SAWYER, and Mr. CAMERON, managers on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the act supplementary thereto.

RIVER AND HARBOR BILL.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] demands a second on the motion of the gentleman from Kentucky.

Mr. ANDERSON, of Kansas, and Mr. WILLIS were appointed tellers.

The House divided; and the tellers reported—ayes 189, noes 3.

So a second was ordered.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of and fifteen in opposition to the motion. [Cries of "Vote!" "Vote!"]

The Chair recognizes the gentleman from Kansas [Mr. ANDERSON] to control the time in opposition, and the gentleman from Kentucky [Mr. WILLIS] in support of the motion.

Mr. ANDERSON, of Kansas. I wish to inquire of the gentleman from Kentucky in charge of the bill if he prefers to take his time now.

Mr. WILLIS. I prefer to take no time whatever. I am ready for a vote now. [Cries of "Vote!" "Vote!"]

I reserve my time to be used if necessary.

Mr. ANDERSON, of Kansas. I yield, then, ten minutes or such time as he may want to the gentleman from Iowa [Mr. HEPBURN]. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. It is not at all surprising, Mr. Speaker, that the gentlemen who are intent upon the passage of this bill should cry out for an immediate vote. It is a natural law, I think, that the man who is intent upon the perpetration of a wrong and outrage always wants to get through with it as quickly as he can.

I want to call attention, Mr. Speaker, not with the expectation of changing the sentiment of any gentleman who will vote for this bill, but to challenge the attention of the country, to the iniquity involved in this river and harbor appropriation. First, I call attention to the fact that a document was laid upon our tables months ago showing that $16,000,000, from the first day of last November, were subject to the call of the Secretary of War for the purpose of carrying on these

improvements—$16,000,000 unexpended from the appropriations that have heretofore been made. Notwithstanding that fact the River and Harbor Committee reported a bill carrying nearly seven and a half million dollars more. The manner in which that was passed is known to the members of this House. The wrong, the outrage, that was perpetrated upon our rules in trying to force that measure through, and in forcing it through the House, is known to every member of the House. And it is a significant fact that the membership, who ought to have had regard for the rules that we ourselves made for our government, would submit to their prostitution, would submit to their outrage, in order to secure these local advantages to local representatives. After the passage——

Mr. GIBSON, of West Virginia (interrupting). Do I understand the gentleman from Iowa to say that the members of this committee had submitted to their prostitution?

Mr. HEPBURN. I do not know how the gentleman understood me.

Mr. GIBSON, of West Virginia. Did the gentleman say that?

Mr. HEPBURN. Mr. Speaker, I think there is no necessity for any explanation at all to my choleric friend. What I said was plain: that there was on the part of the membership of this House a submission to the prostitution of the rules of this House in order that this iniquity might become a law.

The bill with nearly seven and a half millions of dollars goes to the Senate after having been passed here without one moment of consideration. No appropriation was discussed; no effort was made toward enlightening it; no reason was assigned why this large sum should be added to the unexpended balance in the hands of the Secretary; no one spoke in favor of one of the improvements proposed in this bill to be carried on. But the whole thing was railroaded through in violation of our rules.

The bill goes to the Senate, and there three millions more are added, making a total that will be in the hands of the Secretary of War, if we may believe the documents laid upon our desks, of twenty-six and a half millions of dollars to be expended in these so-called improvements—improvements, sir, not ten of which, in my humble judgment, could receive a majority of this House if they stood alone and upon their own merits.

But that is not the policy of preparing these bills. The policy pursued is that of exciting the local pride or the local interest of different members, and in that way in order that one may secure some benefit for his own locality he is willing that another shall have his share of the swag, and in that way the bill gets through.

Why, Mr. Speaker, there are some of the gentlemen from my own section opposed to this bill who, induced by specious amendments in the Senate, are now thought to be ready to support it. The Hennepin Canal, the most important of the contemplated improvements that now agitate the country, was not in the bill before. The improvement of New York Harbor in proper manner was not in the bill before. But the Senate have added certain propositions by which it is supposed that the friends of the Hennepin Canal will be induced to support this bill.

There is in the measure suggested, however—and I want to call the attention of these gentlemen to this fact—in my judgment, an entire abandonment of the proposition to construct the Hennepin Canal. There is not necessarily one dollar of appropriation for the old scheme of the construction of a Hennepin Canal as it has been commended to us by the press and the various conventions that have assembled in the West in advocacy of that measure. On the contrary, in so far as the eastern end of that improvement is concerned, an entirely new scheme is now brought before Congress. It is proposed in this amendment to abandon all of the old Illinois Canal between the city of La Salle and the city of Joliet, a distance of 50 miles, and to take up another method of improvement, namely, the improvement of the Illinois River by a series of locks and dams.

Then there is a scheme to survey new routes from that point to Lake Michigan, one by the way of the Calumet River, and the other by the Kankakee River, leaving it optional, if the commission should so determine, to utilize some part of the old canal between the city of Joliet and the city of Chicago. But so far as the old Hennepin Canal is concerned there is no recognition of it of any kind or character except the permission that is given to the Secretary to locate, by the approval of a particular survey, a route that will strike the Mississippi River somewhere between the mouth of the Rock River and Lake Itasca, the language of the bill being "at a point above the mouth of the Rock River."

Gentlemen tell us there is a recognition of the canal. It is just the same kind of recognition that for six years it has had at the hands of the Congress. There is not a dollar appropriated for construction. There is not a necessity created for even marking it out upon the surveys of the route. It will have the same paper extension the same paper recognition that it has had heretofore, and nothing more.

Mr. HATCH. Will the gentleman allow me a single question?

Mr. HEPBURN. I have only ten minutes.

Mr. HATCH. Will the gentleman indicate what paragraph of this bill recognizes the construction of the Hennepin Canal or makes any appropriation for it?

Mr. HEPBURN. I confess I am unable to find it. But the friends of the measure, the gentlemen who have had it in charge—I am myself as friendly to that measure as any man in this House—but the men who have had it particularly in their charge tell me there is in the bill a clear and distinct recognition that I can not find. I either fail to understand the language or the language is not there.

Mr. HATCH. I am opposed to the Hennepin Canal, and if there is anything in the bill in favor of the Hennepin Canal I am opposed to the bill.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. I reserve the remainder of my time.

Mr. WILLIS. I yield two minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. The question before the House is on the motion of the gentleman from Kentucky [Mr. WILLIS] to suspend the rules and non-concur in the Senate amendment which covers the entire river and harbor bill as passed by the Senate. If a majority of the House should vote "no" on the motion to non-concur in the Senate amendment they would practically vote to pass the bill as it came from the Senate, for the defeat of the motion to non-concur would be followed by a motion to concur.

Therefore those who are in favor of the bill as it came from the Senate will necessarily vote "no" on the motion before the House. But if a majority of the House are opposed to the bill as it came from the Senate they will vote aye on the motion to non-concur, and thus prevent the passage of the bill as it came from the Senate, and pave the way for an agreement to the conference asked by the Senate.

Mr. WILLIS. Mr. Speaker, if the gentleman from Kansas [Mr. ANDERSON] does not desire to speak I will take the floor. I claim the right to close the debate. [Cries of "Vote!" "Vote!"]

Mr. Speaker, in one minute I desire to say that this is simply a proposition to disagree to the Senate amendment and to agree to the conference. There is no provision under the rules for such a motion. There is no large fund on hand, the gentleman from Iowa [Mr. HEPBURN] to the contrary notwithstanding.

The last report of the Chief of Engineers, dated January 5, which I hold in my hand, shows that the appropriations will be exhausted in the present fiscal year, and this bill, as gentlemen all know, contains appropriations for the coming fiscal year.

As to the Hennepin Canal, to which the gentleman from Iowa has referred, he very skillfully undertakes on the one hand to discourage the friends of that project, and on the other to arouse its enemies. I do not think the gentleman's efforts in that direction have been a success. There is a provision in this bill for a survey of the Hennepin Canal. It has not been considered by the committee of conference, and this is simply a proposition on the part of the House to allow the committee of conference to confer upon that. There is no provision for the Hennepin Canal in the bill, as the gentleman knows.

Now, Mr. Speaker, with regard to the rules——

Mr. HENDERSON, of Iowa. One word on the Hennepin Canal before you leave that subject. Does not the provision in that bill locate the canal?

Mr. WILLIS. It authorizes location and survey.

Mr. HEPBURN. Have there not been already three surveys of that canal, and is it contemplated that there shall be an additional survey between the city of Hennepin and the Mississippi River?

Mr. WILLIS. I say to the gentleman that my understanding is that there is to be another survey, and that to that extent only the Senate has put this amendment in the bill.

Mr. HEPBURN. Another survey between the city of Hennepin and the Mississippi River?

Mr. WILLIS. I do not know what part of the route; but I understand that there is to be another survey.

Mr. HENDERSON, of Iowa. The Senate amendment not only provides for a survey, but also for locating the canal, does it not?

Mr. WILLIS. That is my understanding.

Now, Mr. Speaker, with regard to the rules, the gentleman from Iowa [Mr. HEPBURN] has spoken of the abuse of the rules. I submit to the House that there is a use of the rules and there is an abuse of the rules. Under these rules any gentleman on this floor—any page, if he had the right—could take the floor in the middle of July any year and precipitate an extra session by simply doing what the gentleman from Iowa [Mr. HEPBURN] has done; that is, making formal amendments in Committee of the Whole to every proposition embodied in any of the appropriation bills.

The rules contemplate a fair and just consideration of appropriations, not mere formal amendments proposed for purposes of delay. Now, we are asking of this House simply a disagreement with the Senate's action, and the privilege on the part of the House of conferring with the Senate, and reporting the measure back to the House for its final action. There is nothing in this motion to antagonize even the enemies of the river and harbor bill. The motion is made in the interest of the public business, to get this bill out of the way, so that other pressing business may come to the front and be disposed of. I now ask for a vote.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] has five minutes.

Mr. WILLIS. I reserve the balance of my time.

Mr. ANDERSON, of Kansas. Mr. Speaker, this motion is very specious. It is simply a motion to non-concur in the Senate amendment, but in effect it means the passage of a bill which, when it was first brought before the House some days since, received consideration only as to the first eight lines. There was not a single item in the bill making an appropriation at any point which was considered by the House. The bill went to the Senate, and the Senate now sends back a bill of fifty-three pages, appropriating over ten millions of dollars, and this motion, if agreed to, will simply have the effect of making these proposed appropriations without the possibility of the examination of a single item by this House.

I am frank to say that it strikes me as an attempt to override not simply the rules, but all the ordinary equities—an attempt entirely in keeping with a bill of combined appropriations for works all along the Atlantic coast, all along the Pacific coast, and on all the rivers and the lakes. I am opposed to it on principle. This motion is simply intended to cause the passage of the bill, I presume as a measure of Democratic "economy and reform," without the possibility of debate, consideration, or amendment. That is what the motion means, and I oppose it on that ground. I reserve the balance of my time.

Mr. WILLIS. I ask a vote.

The SPEAKER. If no other gentleman desires to speak, the Chair will put the question. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] to suspend the rules, non-concur in the Senate amendment, and agree to a conference.

The question was taken by a *viva voce* vote.

The SPEAKER. The Chair is not able to determine.

Mr. ANDERSON, of Kansas. I ask for the yeas and nays.

Several MEMBERS. No, no.

The yeas and nays were refused—ayes 26, noes 158.

The SPEAKER proceeded to put the question on the motion of Mr. WILLIS.

Mr. ANDERSON, of Kansas. I ask for a division on the original motion.

Mr. DUNN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DUNN. After the vote has been taken on ordering the yeas and nays and they have been refused, is it in order to go back and demand a division on the original motion?

The SPEAKER. The Chair had not actually announced the result, but simply the number of votes.

The question was taken on the motion of Mr. WILLIS; and it was agreed to—ayes 162, noes 32.

The SPEAKER. More than two-thirds having voted in the affirmative, the motion is agreed to. The Chair will appoint the managers on the part of the House during the day.

### ORDER OF BUSINESS.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order until after the morning hour for reports from committees, unless that hour should be dispensed with.

Mr. HERBERT. I move to dispense with the morning hour.

Mr. HATCH. I will not antagonize that motion if unanimous consent be given that members of committees having reports to make be allowed to hand them in at the Clerk's desk.

Mr. HERBERT. I ask unanimous consent for that purpose.

Mr. ROGERS. I object.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] moves to dispense with the morning hour for the call of committees, which requires a two-thirds vote.

The question being taken, there were—ayes 125, noes 30.

Mr. HATCH. I make the point that no quorum has voted, and I call for tellers. Gentlemen may as well understand that we are going to make these reports; and they will save time by allowing us to do so.

Tellers were ordered; and Mr. HERBERT and Mr. HATCH were appointed.

The House again divided; and the tellers reported—ayes 124, noes 47.

Mr. HATCH. I call for the yeas and nays.

The yeas and nays were not ordered, only 28 voting in favor therefor—not one-fifth of the last vote.

So the motion of Mr. HERBERT to dispense with the morning hour was agreed to, two-thirds having voted in favor thereof.

Mr. HERBERT. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

Mr. THOMPSON addressed the Chair.

The SPEAKER. Pending the motion of the gentleman from Alabama, the gentleman from Ohio [Mr. THOMPSON] rises, as the Chair understands, to make a privileged report from a committee of conference.

### ALPHEUS S. FRENCH.

Mr. THOMPSON. I ask the Clerk to read the report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1582) for the relief of Alpheus S. French, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows: In lieu of "30" insert "40;" and that the House agree to the same.

A. C. THOMPSON,
I. S. STRUBLE,
N. B. ELDREDGE,
*Managers on the part of the House.*

P. SAWYER,
H. W. BLAIR,
D. M. SABIN,
*Managers on the part of the Senate.*

The explanatory statement of the House conferees was read, as follows:

Statement of committee of conference on Senate bill 1582, granting a pension to Alpheus S. French.

The only change made in the bill as amended by the House is to strike out the word "thirty" and insert "forty;" so as to grant a pension of $40 per month instead of $30 per month.

A. C. THOMPSON,
J. S. STRUBLE,
N. B. ELDREDGE,
*Conferees on the part of the House.*

Mr. THOMPSON. I move the adoption of this report, and on that motion call for the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. THOMPSON moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had chosen Hon. JOHN J. INGALLS, a Senator from the State of Kansas, to be President *pro tempore* of the Senate, in place of Hon. JOHN SHERMAN, resigned.

The message also announced that the Senate had passed with amendments the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, requested a conference with the House on said joint resolution and amendments, and had appointed as conferees on the part of the Senate Mr. HOAR, Mr. EVARTS, and Mr. PUGH.

The message also announced that the Senate had passed a resolution (in which the concurrence of the House was requested) to print extra copies of the report of the Commissioner of Fish and Fisheries for the year 1886.

### TAXATION OF DISTILLED SPIRITS.

Mr. MORRISON. I rise to make a privileged report—the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 4833) relating to the taxation of fractional parts of gallons of distilled spirits. I ask unanimous consent that the report, with the accompanying statement, be printed in the RECORD.

Mr. ADAMS, of Illinois. Will that include the Senate amendments?

The SPEAKER. That will be included, if there be no objection. The Chair hears no objection; and the Senate amendments, together with the report of the committee of conference and the statement of the House conferees, will be printed in the RECORD.

IN THE SENATE OF THE UNITED STATES, *August* 2, 1886.

*Resolved*, That the bill from the House of Representatives (H. R. 4833) entitled "An act relating to the taxation of fractional parts of a gallon of distilled spirits," do pass with the following amendments:

Page 1, lines 4 and 5, strike out "May, 1886," and insert "the second month succeeding the month in which this act is approved."

Page 1, lines 11 and 12, strike out "May, 1886," and insert "the second month succeeding the month in which this act is approved."

At the end of the bill add the following sections:

"SEC. 2. That the provisions of an act entitled 'An act relating to the production of fruit-brandy, and to punish frauds connected with the same,' approved March 3, 1877, be extended and made applicable to brandy distilled from apples or peaches: *Provided*, That each of the warehouses established under said act, or which may hereafter be established, shall be in charge either of a storekeeper or of a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue.

"SEC. 3. That any producer of pure sweet wines, who is also a distiller, authorized to separate from fermented grape-juice, under internal-revenue laws, wine-spirits, may use, free of tax, under such regulations and after the filing of such notice and bonds, together with the keeping of such records and the rendition of such reports as to materials and products, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, so much of such wine-spirits so separated by him in the preparation of such sweet wine as may be necessary to fortify the same for the preservation of the saccharine matter contained therein: *Provided*, That the wine-spirits so used free of tax shall not be in excess of the amount required to introduce into such sweet wines an alcoholic strength equal to 14 per cent. of the volume of such wines after such use: *Provided further*, That such wine, after such fortification, shall not contain more than 24 per cent. of alcohol, as defined by section 3249 of the Revised Statutes of the United States: *Provided further*, That such use of wine-spirits free from tax shall be confined to the months of August, September, October, November, December, January, February, March, and April of each year. The Commissioner of Internal Revenue, in determining the liability of any distiller of fermented grape-juice to assessment under section 3309 of the Revised Statutes of the United States, is authorized to allow such distiller credit in his

computation for the wine-spirits used by him in preparing sweet wine under the provisions of this section.

"SEC. 4. That the wine-spirits mentioned in section 3 of this act is the product resulting from the distillation of fermented grape-juice, and shall be held to include the product commonly known as grape-brandy; and the pure sweet wine that may be fortified free of tax, as provided by said section, is fermented grape-juice which does not contain any substance introduced before, during, or after fermentation as a substitute for grapes or fermented grape-juice, nor any coloring matter not produced from grapes during the process of wine-making, nor any ingredient known to be deleterious to the health of consumers, and which does contain not less than 4 per cent. of saccharine matter, which saccharine strength may be determined by testing, with Balling's saccharometer or must-scale, such sweet wine, after evaporation of the spirit contained therein, and restoring the sample tested to original volume by addition of water."

"SEC. 5. That any person who shall use wine-spirits, as defined by section 4 of this act, or other spirits, on which the internal-revenue tax has not been paid, otherwise than within the limitations set forth in section 3 of this act, and in accordance with the regulations made pursuant to this act, shall be liable to a penalty of double the amount of the tax on the wine-spirits or other spirits so unlawfully used. Whenever it is impracticable in any case to ascertain the quantity of wine-spirits or other spirits that has been used in violation of this act in mixtures with any wines, all alcohol contained in such unlawful mixtures of wine with wine-spirits or other spirits in excess of 10 per cent. shall be held to be unlawfully used: *Provided, however*, That if water has been added to such unlawful mixtures, either before, at the time of, or after such unlawful use of wine-spirits or other spirits, all the alcohol contained therein shall be considered to have been unlawfully used. In reference to alcoholic strength of wines and mixtures of wines with spirits in this act, the measurement is intended to be according to volume and not according to weight.

"SEC. 6. That under such regulations and official supervision, and upon the execution of such entries and the giving of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, any producer of pure sweet wines, as defined by this act, may withdraw wine-spirits from any special bonded warehouse, free of tax, in original packages, in any quantity not less than 80 wine-gallons, and may use so much of the same as may be required by him, under such regulations, and after the filing of such notices and bonds, and the keeping of such records, and the rendition of such reports as to materials and products and the disposition of the same as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, in fortifying the pure sweet wines made by him, and for no other purpose, in accordance with the limitations and provisions as to uses, amount to be used, and period for using the same set forth in section 3 of this act; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized, whenever he shall deem it to be necessary for the prevention of violations of this law, to prescribe that wine-spirits withdrawn under this section, or any other spirits, shall not be used to fortify wines except at a certain distance prescribed by him from any distillery, rectifying-house, winery, or other establishment used for producing or storing distilled spirits, or for making or storing wines other than wines which are so fortified, and that in the building in which such fortification of wines is practiced no wines or spirits other than those permitted by his regulation shall be stored. The use of wine-spirits free of tax for the fortification of sweet wines under this act shall be begun and completed at the place of original production where the grape-juice is fermented, under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the Commissioner of Internal Revenue shall provide by regulations the time within which wines so fortified with the wine-spirits so withdrawn may be subject to inspection, and for final accounting for the use of such wine-spirits, and for rewarehousing or for payment of the tax on any portion of such wine-spirits which remain not used in fortifying pure sweet wines.

"SEC. 7. That wine-spirits may be withdrawn from special bonded warehouses at the instance of any person desiring to use the same to fortify any wines, in accordance with commercial demands of foreign markets, when such wines are intended for exportation, without the payment of tax on the amount of wine-spirits used in such fortification, under such regulations, and after making such entries, and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security to prevent the use of such wine-spirits free of tax otherwise than in the fortification of wine intended for exportation, and for the due exportation of the wine so fortified, as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and all of the provisions of law governing the exportation of distilled spirits free of tax, so far as applicable, shall apply to the withdrawal and use of wine-spirits and the exportation of the same in accordance with this section; and the Commissioner of Internal Revenue is authorized, subject to approval by the Secretary of the Treasury, to prescribe that wine-spirits intended for the fortification of wines under this section shall not be introduced into such wines except under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Whenever such wine-spirits are withdrawn as provided herein for the fortification of wines intended for exportation by sea, they shall be introduced into such wines only after removal from storage and arrival alongside of the vessel which is to transport the same; and whenever transportation of such wines is to be effected by land-carriage, the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as to sealing packages and vehicles containing the same, and as to supervision of transportation from the point of departure, which point shall be determined as the place where such wine-spirits may be introduced into such wines, to the point of destination, as may be necessary to insure the due exportation of such fortified wines.

"SEC. 8. That all provisions of law relating to the reimportation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be reimported; and duty shall be levied and collected upon the same to the extent of the distilled spirits contained therein which were originally liable to internal-revenue tax; and in case it is impracticable to determine the exact amount of such distilled spirits liable to tax, the rule for levying the duty thereon at the port of entry shall be by considering all the alcohol in such wines, other than sweet wines, in excess of 15 per cent., to be subject to duty at the rate of 90 cents per proof-gallon, or at the same rate for each fractional gallon; and all domestic wines containing more than 24 per cent. of alcohol sought to be reimported from foreign countries shall be classed as alcoholic liquors, and taxed at the port of entry at the rate of 90 cents per wine-gallon for each gallon of such liquors, if not exceeding in strength that of proof-spirits, and if exceeding the strength of proof-spirits, then at the rate of 90 cents per proof-gallon: *Provided, however*, That if any distilled spirits have been added to such wines of domestic growth after they have been exported to foreign ports, or if such wines have been compounded with any foreign wines or other substances not produced from grapes, the rate of duty levied and collected on the same, when reimported, shall be equal to that levied and collected on foreign products of a similar nature.

"SEC. 9. That any person using wine-spirits or other spirits which have not been tax-paid, in fortifying wine otherwise than as provided for in this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not less than $200 nor more than $2,000; and for every offense other than the first also by imprisonment for not less than thirty days nor more than one year.

"SEC. 10. That wine-spirits used in fortifying wines may be recovered from such wine only on the premises of a duly authorized grape-brandy distiller; and for the purpose of such recovery wines so fortified may be received as material on the premises of such a distiller, on a special permit of the collector of internal revenue in whose district the distillery is located; and the distiller will be held to pay the tax on a product from such wines as will include both the alcoholic strength therein produced by the fermentation of the grape-juice and that obtained from the added distilled spirits."

*Resolved*, That the Senate request a conference with the House of Representatives on the said bill and amendments.

*Ordered*, That Mr. ALDRICH, Mr. JONES, of Nevada, and Mr. HARRIS be the conferees on the part of the Senate.

Attest: ANSON G. McCOOK, *Secretary*,
By CHAS. W. JOHNSON, *Chief Clerk*.

IN HOUSE OF REPRESENTATIVES UNITED STATES, *December* 11, 1886.

*Resolved*, That the House non-concur in the amendments of the Senate to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. MORRISON, Mr. HARRIS, and Mr. McKINLEY be the managers of the said conference on the part of the House.

Attest: JNO. B. CLARK, JR., *Clerk*.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 4833, relating to the taxation of fractional parts of a gallon of distilled spirits, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same amended to read as follows:

At the end of the bill add the following sections:

"SEC. 2. That the provisions of an act entitled 'An act relating to the production of fruit-brandy, and to punish frauds connected with the same,' approved March 3, 1877, to be extended and made applicable to brandy distilled from apples or peaches: *Provided*, That each of the warehouses established under said act, or which may hereafter be established, shall be in charge either of a storekeeper or of a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue.

"SEC. 3. There shall be an allowance of drawback of the tax, represented by tax-paid stamps, on wine-spirits, the product resulting from the distillation of fermented grape-juice, including the product commonly known as grape-brandy, used in the fortification of sweet wines manufactured for exportation and actually exported. The wine-spirits to be used must be received on the premises of the manufacturer of the wine, in the original distiller's packages to which the tax-paid stamps are affixed. The use of the wine-spirits, the manufacture and exportation of the wine, and the allowance of drawback shall be under such regulations, bonds, and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall from time to time prescribe. The penal sum of the bonds shall be equal to double the amount of the tax to be secured, and shall be with good and sufficient sureties, to be approved by the collector required by the regulations to take the bond. The sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States out of any money arising from internal duties not otherwise appropriated: *Provided*, That the allowance of drawback shall be computed on the quantity of brandy in taxable proof gallons actually used from each package for the purpose herein authorized. And no claim for such drawback shall be entertained or allowed unless accompanied by such portion of the tax-paid stamp from each such package as shows the serial number thereof, the number of the package from which it was removed, the date of payment of tax, the name of the distiller, and the quantity of brandy contained in the package upon which tax has been paid, such portion of the tax-paid stamp to be removed by the United States gauger who determines the actual contents of the package at the time it is mingled with the wine. And every person who fraudulently claims, or seeks, or obtains an allowance of drawback on wine-spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained, and shall be imprisoned not more than ten years; and every person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback upon, or knowingly aids or permits any fraudulent shipment of, any wine-spirits or wine, shall be fined not exceeding $5,000 and imprisoned not more than one year. Every person who intentionally relands within the jurisdiction of the United States any wine which has been shipped for exportation under the provisions of this act, or who receives such relanded wine, and every person who aids and abets in such relanding or receiving of such wine, shall be fined not exceeding $5,000 and imprisonment not more than three years; and all wines so relanded, together with the vessel from which the same were relanded, within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such wines shall be forfeited to the United States.

"SEC. 4. That wine-spirits as herein described may be withdrawn from special bonded warehouses at the instance of any person desiring to use the same to fortify any wines, in accordance with commercial demands of foreign markets, when such wines are intended for exportation, without the payment of tax on the amount of wine-spirits used in such fortification, under such regulations, and after making such entries, and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security to prevent the use of such wine-spirits free of tax otherwise than in the fortification of wine intended for exportation, and for the due exportation of the wine so fortified, as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and all of the provisions of law governing the exportation of distilled spirits free of tax, so far as applicable, shall apply to the withdrawal and use of wine-spirits and the exportation of the same in accordance with this section; and the Commissioner of Internal Revenue is authorized, subject to approval by the Secretary of the Treasury, to prescribe that wine-spirits intended for the fortification of wines under this section shall not be introduced into such wines except under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Whenever such wine-spirits are withdraw as provided herein for the fortification of wines intended for exportation by sea, they

shall be introduced into such wines only after removal from storage and arrival alongside of the vessel which is to transport the same; and whenever transportation of such wines is to be effected by land-carriage, the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as to sealing packages and vehicles containing the same, and as to supervision of transportation from the point of departure, which point shall be determined as the place where such wine-spirits may be introduced into such wines, to the point of destination, as may be necessary to insure the due exportation of such fortified wines.

"SEC. 5. That all provisions of law relating to the reimportation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be reimported; and duty shall be levied and collected upon the same to the extent of the distilled spirits contained therein which were originally liable to internal-revenue tax; and in case it is impracticable to determine the exact amount of such distilled spirits liable to tax, the rule for levying the duty thereon at the port of entry shall be by considering all the alcohol in such wines, other than sweet wines, in excess of 15 per cent., to be subject to duty at the rate of 90 cents per proof-gallon, or at the same rate for each fractional gallon; and all domestic wines containing more than 24 per cent. of alcohol sought to be reimported from foreign countries shall be classed as alcoholic liquors, and taxed at the port of entry at the rate of 90 cents per wine-gallon for each gallon of such liquors, if not exceeding in strength that of proof-spirits, and if exceeding the strength of proof-spirits, then at the rate of 90 cents per proof-gallon: *Provided, however*, That if any distilled spirits have been added to such wines of domestic growth after they have been exported to foreign ports, or if such wines have been compounded with any foreign wines or other substances not produced from grapes, the rate of duty levied and collected on the same, when reimported, shall be equal to that levied and collected on foreign products of a similar nature.

"SEC. 6. That any person using wine-spirits or other spirits which have not been tax-paid, in fortifying wine otherwise than as provided for in this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not less than $200 nor more than $2,000, and for every offense other than the first also by imprisonment for not less than thirty days nor more than one year.

"SEC. 7. That wine-spirits used in fortifying wines may be recovered from such wine only on the premises of a duly authorized grape-brandy distiller; and for the purpose of such recovery wines so fortified may be received as material on the premises of such a distiller, on a special permit of the collector of internal revenue in whose district the distillery is located; and the distiller will be held to pay the tax on a product from such wines as will include both the alcoholic strength therein produced by the fermentation of the grape-juice and that obtained from the added distilled spirits."

Amend the title to read "An act providing for the taxation of fractional parts of a gallon of distilled spirits, for the warehousing of fruit brandy, and for the fortification of wines.

And the Senate agree to the same.

WM. R. MORRISION,
H. R. HARRIS,
*Managers on the part of the House.*
NELSON W. ALDRICH,
ISHAM G. HARRIS,
*Managers on the part of the Senate.*

STATEMENT.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
*Washington, D. C., February 25, 1887.*

The undersigned, managers on the part of the House, make the following statement in respect to the conference report on bill H. R. 4833, "relating to the taxation of fractional parts of a gallon of distilled spirits."

The Senate left the bill of the House unchanged in relation to taxing fractional parts of a gallon of distilled spirits, except as to the date when it is to take effect, but added amendments—

First. To extend to brandy made of apples and peaches the warehouse privileges now extended to brandy made of grapes.

Second. To allow the use of wine spirits (grape brandy) untaxed to be used in fortifying wines for export and for home consumption.

The report of the conferees as agreed upon leave the dates, warehousing provisions, and the provision for fortifying wine for export added by the Senate; the Senate to abandon its provision for fortifying wines to be sold and used at home.

W. R. MORRISON,
H. R. HARRIS.

CONTESTED ELECTIONS.

Mr. TURNER. I desire to submit the report of a conference committee, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6637) relating to contested elections having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4, and agree to the bill of the House with the following amendment thereto in the nature of a substitute, as follows: Strike out all after the enacting clause and insert the following in lieu thereof:

"That section 127 of the Revised Statutes of the United States be so amended as to read as follows:

"All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding twenty days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the said Clerk shall proceed to open all the packages of testimony in the case, in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer, under the direction of the said Clerk, and in case of disagreement between the parties as to the printing of any portion of the testimony, the said Clerk shall determine whether such portion of the testimony shall be printed; and the said Clerk shall prepare a suitable index to be printed with the record. And the notice of contest and the answer of the sitting member shall also be printed with the record.

"If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages, and shall cause such portions of the testimony to be printed as he shall determine.

"He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and lay the same before the Committee on Elections at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee, and shall notify the contestant to file with the Clerk within thirty days a brief of the facts and the authorities relied on to establish his case. The Clerk shall forward by mail two copies of the contestant's brief to the contestee with like notice.

"Upon receipt of the contestee's brief the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties respectively, and shall be of like folio as the printed record; and 60 copies thereof shall be filed with the Clerk for the use of the Committee on Elections."

H. G. TURNER,
C. E. BOYLE,
S. E. PAYNE,
*Managers on the part of the House.*
GEORGE F. HOAR,
JAMES L. PUGH,
WM. P. FRYE,
*Managers on the part of the Senate.*

The explanatory statement of the House conferees was read, as follows:

Statement of the House conferees on the bill (H. R. 6637) relating to contested elections:

The only material change in the bill agreed upon in conference from the House bill as it originally passed the House is the transfer of the duties that in the original House bill devolved upon the clerk of the Committee on Elections to the Clerk of the House of Representatives.

H. G. TURNER,
C. E. BOYLE,
SERENO E. PAYNE.
*Managers on the part of the House.*

The report of the committee of conference was adopted.

Mr. TURNER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRANCH HOME FOR DISABLED SOLDIERS.

Mr. BRAGG. I rise to submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, with an amendment as follows: Amend by striking out the name of "James A. Waymire" and insert in lieu thereof the name of "William Blanding;" and the Senate agree to the same.

EDW. S. BRAGG,
C. M. ANDERSON,
JAS. S. NEGLEY,
*Managers on the part of the House.*
W. J. SEWELL,
JOS. R. HAWLEY,
WADE HAMPTON.
*Managers on the part of the Senate.*

The statement accompanying the report was read, as follows:

Mr. BRAGG, from the committee of conference on the disagreeing votes of the two Houses on bill of the House No. 2075, to provide for the location and erection of a branch home for disabled soldiers west of the Rocky Mountains, submits the following report, to accompany the report of the conferees:

The original bill provided an appropriation of $100,000 for the erection of the Home. The Senate amendment increased this appropriation to $150,000, and added a section increasing the board of managers in number from nine to ten, and named James A. Waymire, of San Francisco, Cal., as the additional manager.

The conference agreed upon the sum of $150,000, as provided in the Senate amendment, and also upon the increase of the number of managers for the homes; but the house conferees named Capt. William Blanding as such additional member of the board of managers, and the Senate have concurred therein.

The report was agreed to.

Mr. BRAGG moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFERENCE ON RIVER AND HARBOR BILL.

The SPEAKER announced the appointment as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, Mr. WILLIS, Mr. BLANCHARD, and Mr. HENDERSON, of Illinois.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCCREARY in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes.

The Clerk read as follows:

INCREASE OF THE NAVY.

For expenditure towards the construction and completion (exclusive of armament) of the five double-turreted monitors, the four vessels authorized by the act of March 3, 1885, and the vessels authorized by the act of August 3, 1886, $2,500,000.

Mr. SAYERS. I move, after line 875, to insert the following:

The Clerk read as follows:

For the construction of two swift double-bottomed steel cruisers, each of about 4,300 tons displacement, of the type of the Newark, except boilers and machinery, four of about 1,700 tons displacement of the type of gunboat No. 1, each, and one swift torpedo-boat, said vessels to cost all together, exclusive of armament, not more than $4,950,000, the sum of $2,470,000 is hereby appropriated.

Mr. HOLMAN. Mr. Chairman, that is subject to the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. The point of order is this: There is no law authorizing the construction of those vessels.

Mr. BUCK. I think the committee is in favor of this amendment.

Mr. HERBERT. Yes; this is offered on the part of the Committee on Naval Affairs, and I hope the gentleman from Indiana will withdraw his point of order.

Mr. BUCK. The committee considered this matter, and are in favor of it.

Mr. HOLMAN. The appropriation is excessive now. There is no law authorizing the construction of these vessels.

Mr. HERBERT. The point of order is not well taken. This amendment does not change any law. It simply proposes to make an appropriation of money in accordance with existing law providing for a further increase of the Navy. The Navy exists by law, and the President has authority to give instructions in reference to and to control the construction of vessels. The Navy has been added to, from time to time, for the past hundred years.

And I claim we have the right to appropriate money for new ships; we have the right to appropriate money to be used in machine-shops in navy-yards, for machinery, or for guns, or for ships. Whoever supposed it was necessary to pass a special law authorizing the purchase of ordnance, or for the purchase of any one of these things I have mentioned. There is power under the general law for all such purposes. We have the right by virtue of the general law. All that is required is appropriation of money. Congress has not only the right to appropriate money in this bill for the support of the Navy, but it has also the right to designate the specific or particular purpose for which each appropriation is made.

Look at the bill just reported by the honorable gentleman from Indiana [Mr. HOLMAN]—the legislative, executive, and judicial appropriation bill—and you will find a dozen, perhaps a hundred, items not specifically mentioned in any law passed by this Government. They are appropriated for without the passage of a law specifically naming them, because they are necessary to carry on the functions of the Government. It is not necessary there should be a law specifically naming any one of them. They are under the fostering care of the Government. For instance, the Navy exists by law. There are officers, about eight hundred in number, appropriated for year by year, and about seven thousand men and boys appropriated for year by year. They are the foundation of the Navy. Ships are necessary for these officers and men, just as ordnance is necessary for the ships, or the machine-shops are necessary for the repairs of the ships. So I say it is clear that the point of order is not well taken. The Navy exists by law, and we have the right to increase it by appropriations specifying the purposes for which we devote the money.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RICHARDSON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendment disagreed to by the House of Representatives to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department, &c., and asked a further conference thereon, and had appointed Mr. PLUMB, Mr. MAHONE, and Mr. BECK managers on the part of the Senate.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HOLMAN. Mr. Chairman, if the views of my friend from Alabama be correct, then it follows that there is no limit whatever upon the appropriation of money which may be made to carry on the business of any department of the Government. I think that view, however, will hardly prevail. I concede that where a work has been entered upon, for instance, in the construction of a ship, that then the appropriation may be made in accordance with our rules, and properly made from time to time for its completion. This bill, in harmony with that rule of practice adopted by the House, contains, as will be seen, some four or five appropriations of money to carry on such existing works. These are not subject to the point of order, of course, for the reason I have stated.

Every vessel provided for now, named in this bill, for which appropriation is made for the completion or continuation of work upon it, is a vessel that has been already provided for by law, beginning with the act of 1882, and the appropriation is made in pursuance of law. But there has been no law passed authorizing the construction of either of the vessels named in this amendment.

I therefore submit that under the third clause of Rule XXI in express terms this provision is not allowable on an appropriation bill, but is subject to and must be ruled out on the point of order. It is not, as the Chair will observe, the continuation of a public work. I repeat, if such work had been entered upon in pursuance of law heretofore made, the appropriation would properly be carried by this bill, but not otherwise. And this rule is imperative.

You can not construct a public building without authority of law. You could not provide for the construction of your public buildings in a general appropriation bill without making every provision of that character subject to the point of order; and yet the construction of our public buildings is but a part of a general system of buildings being ordered by law and carried forward under the auspices of the Treasury Department. Nevertheless, although the system has been entered upon, you can not construct a building without previous law. I care not how inconsiderable the expenditure may be that you provide in an appropriation bill, the authority for such expenditure must precede the appropriation of money or be contemporaneous with the appropriation.

You can not upon one of these appropriation bills make provision for a public officer at a salary of $2,000 a year or any other sum, unless previously provided for by law. I concede that instances have occurred where by unanimous consent, without objection, in the House legislative provisions have from time to time been ingrafted upon appropriation bills. But every provision not directly authorized by law is, under the rule to which I have referred, unquestionably subject to the point of order.

Mr. Chairman, it would be a remarkable fact indeed if a ship costing millions of dollars, an enormous expenditure like that proposed here of upwards of $4,000,000 for the construction of specific vessels, naming their character—I say it would be a remarkable fact if the appropriation could be made and their construction proceeded with on an appropriation bill where no previous law has authorized it. If it can be done here, so far as this bill is concerned it is taken from under the operation of this rule, which has no application to any of its provisions; and it is eminently fit and proper that in the appropriation of large sums of money the Committee on Appropriations of the House should be confined to the proper performance of its legitimate duties, that is, the appropriation of money heretofore authorized by existing law. I hold, therefore, that until the law is passed the appropriation can not be made; and I ask the Clerk to read the third clause of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. HOLMAN. I wish to add one word further. The construction the gentleman from Alabama insists shall be put upon the rule is, that if this is a public work in progress, then the appropriation here is proper and not subject to the point of order; and that this is a public work in progress, that it is the continuation of the increase of the navy. Why, Mr. Chairman, if that logic prevails the same may be said of every public building, every public office, for which appropriation is made in any appropriation bill. Every ship, I admit, is a part of the navy, but it is as separate and distinct an object of appropriation as any public building or any public office.

The CHAIRMAN. The general rule has been stated by the gentleman from Indiana. It is laid down in subsection 3 of Rule XXI, and provides that—

3. No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law.

But to that general rule there is an express exception, as follows:

Unless in continuation of appropriations for such public works and objects as are already in progress.

That is to say, if the work be a public work, or if the object is a public object, and it is already in progress, then there need not be any previous legislation authorizing it. The Chair believes that the construction of a navy is a public object or a public work, and the language of the bill which we have been considering, and the appropriation made at the last session show that the construction of the Navy is in progress. It may be said, also, that the proposed amendment providing money for the construction of vessels does not change existing law, and is not prohibited by law.

It is very agreeable to the present occupant of the chair to be able to refer to a precedent bearing upon the point of order now raised. In the Forty-sixth Congress (Mr. CARLISLE in the chair) it was decided "that appropriations for public works and objects" already in progress could be included in general appropriation bills or could be inserted as amendments; and that the word "objects" meant something in addition to the word "works," and must be held to include the public Departments of the Government, and the civil, military, and naval

establishments recognized by law and supported by the Government. The Government has undertaken to maintain, and is annually maintaining, a naval establishment, and under the rule appropriations may be made for it in a general appropriation bill, and such has always been the practice until last session, when appropriations for the construction of ships for the Navy and armaments for them were made in a separate bill. Before the last session such appropriations were made in the naval appropriation bill, under the rule exactly as it now is.

There is no law prescribing the number of ships that shall constitute the Navy, or the number of guns they shall carry. Those matters depend entirely on the amount of money appropriated for those purposes, just as the number of clerks and other employés in the Departments depend upon the appropriations made.

The present Speaker of the House, as has been stated, has already ruled on this point of order, and the Chair believes the ruling was correct, and feels it his duty to decide this question in accordance with that ruling. This decision allows an important amendment to be offered, but it gives to the Committee of the Whole the right to pass upon this interesting question, and an opportunity to say whether it is in favor of increasing the Navy or not.

Mr. HOLMAN. I desire to make this inquiry, not having the ruling referred to before me: Whether that ruling referred to a specific authority to construct a vessel of war by name and specification; whether it made a specific appropriation of money for a specific object, as a public building or a public ship.

The CHAIRMAN. The Chair would say to the gentleman from Indiana that he read the exact language used by the present Speaker. The present chairman of the Committee of the Whole does not feel justified in reversing a decision made by the present Speaker of the House which he believes correct.

Mr. HOLMAN. I would suggest that if this is a work in progress all public works may be so considered and may be specifically appropriated for in appropriation bills. And all public offices stand upon the same footing. For it may be said upon the same principle that they are in continuation of public works and in continuation of a Department of the Government. I submit that any such interpretation of the rule is destructive to any limitations restricting new legislation upon appropriation bills.

Mr. RANDALL. I am not willing to admit that the construction given to the rule by the Chair does not break down all barriers as to appropriation bills. If I understood the Chair he decided that his construction referred to an increase of the Navy only.

The CHAIRMAN. That only.

Mr. RANDALL. And the Chair cited a precedent for his construction of the rule in that connection. I only rose to say that the precedent cited seems to bear out the occupant of the chair in his construction, but I do not want it shall be admitted that it goes any further than an increase of the Navy, as the gentleman from Indiana would seem to think.

The CHAIRMAN. That is as far as the Chair intended to decide. The question is on the amendment of the gentleman from Texas [Mr. SAYERS].

Mr. HOLMAN. I ask that the amendment may be again reported.

The amendment was again read.

Mr. SAYERS rose.

Mr. STORM. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STORM. In the decision of this question, did the Chair take into consideration the fact that the rules governing this body in the Forty-sixth Congress were different from those governing the present House?

The CHAIRMAN. The Chair will state that the rule governing the Forty-sixth Congress, so far as this ruling is concerned, was identically the same as the rule cited by the gentleman from Indiana.

Mr. SAYERS. I do not desire to occupy the time of the committee in speaking in support of the amendment further than to say that the Committee on Naval Affairs for some time had under consideration a bill for the increase of the Navy, and the amendment is the substance of the reported bill. I desire to have the Clerk read a portion of the report of the Committee on Naval Affairs, submitted by the gentleman from Illinois [Mr. THOMAS], so far as it refers to vessels of the Newark type, and also the type of Gunboat No. 1.

The Clerk read as follows:

The Newark is the latest and best type of a modern man-of-war of the 4,000-tons-displacement class, and if supplied with triple expansion engines and the best modern boilers and machinery, will undoubtedly be the best and swiftest vessel of her class in the world. Two of this type, to cost not exceeding $1,300,000 each, are recommended.

The vessel of the 1,700-tons-displacement class, known as Gunboat No. 1, is the heaviest-armed gunboat in the world, and will probably have a speed of nearly 19 knots per hour, and the ability to overtake or escape from 99 per cent. of all the vessels of the navies or merchant marines of the world. Four of this type, to cost not exceeding $550,000 each, are recommended.

As torpedo-boats can be speedily built when needed, your committee have thought best to recommend the building of only one at this time, to serve as a pattern, in case a large number should be needed hereafter. The pneumatic dynamite-gun torpedo-boat now being constructed by the Government promises to be a most terrible and effective engine of modern warfare, and will probably supersede all other types of the larger torpedo-boat, in case the expectations of the inventor and the Navy Department are realized when the vessel is completed and tested.

At least a year must elapse after the close of this Congress before a bill can properly be considered and passed authorizing the construction of war vessels; therefore your committee urge upon the House, with the greatest possible earnestness, the imperative necessity for providing at once for building the vessels suggested in the substitute.

Mr. BOUTELLE. Mr. Chairman, at the proper time I desire to offer a substitute for that amendment. If this is the proper time I will send it to the Clerk's desk.

The CHAIRMAN. The gentleman can send it up and let it be read.

The amendment was read, as follows:

That the President is hereby authorized to have constructed, by contract, ten protected steel cruisers, with such armament for each as the Navy Department may deem suitable, each of said vessels to have a maximum speed of not less than 20 knots over the measured mile, such speed to be exhibited under such test or tests and conditions as the Navy Department may impose. The cost of all of said cruisers, in the aggregate, complete, exclusive of armament, shall not be more than $15,000,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available during five years from March 4, 1887. That in the construction of the aforesaid vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, so far as the same relate to vessels constructed under contract, save that in all their parts they shall be of domestic manufacture. The contracts for the construction of said vessels shall contain provisions to the effect that the contractor guarantees that when completed and tested for speed, under conditions to be prescribed by the Navy Department, the vessel shall exhibit a maximum speed of at least 20 knots per hour; and for every quarter knot of speed so exhibited above said guarantee the contractor shall receive a premium over and above his contract-price of $50,000, and for every quarter knot that said vessel fails of reaching said guarantee speed there shall be deducted from the contract-price the sum of $50,000; and for the purposes provided in this section the sum of $2,000,000, or so much of the same as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That for the armament of the vessels hereinbefore provided for the sum of $4,800,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available during five years from March 4, 1887. In making proposals for contracts for building the vessels authorized to be constructed under this act, it shall be required that three of such vessels shall be built on or near the coast of the Pacific Ocean, or the waters connecting therewith, three of them on or near the coast of the Gulf of Mexico, or the waters connecting therewith, and four of them on or near the coast of the Atlantic Ocean, or the waters connecting therewith, and at such places on or near such coasts or waters as the Secretary of the Navy shall approve. If it shall appear to the satisfaction of the President of the United States, from the biddings for said contracts, when the same are opened and examined by him, that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall suspend the construction of the vessels herein required to be built on or near said coasts, or either of them, until the further action of Congress, and shall report the reasons for such suspension to Congress with all convenient dispatch.

Mr. BOUTELLE. Mr. Chairman, I recognize the amendment of my colleague from Texas [Mr. SAYERS] as a step in the right direction. I am heartily in favor of the result which he seeks to accomplish. My only criticism is not as to the essence of the proposition, but simply that it does not go far enough. In the debate which we had here yesterday there was a disposition manifested by a part of the House to refuse to expend the amount of money required to repair even a few of our wooden vessels, the refusal being based upon the ground that we ought to be provided with modern ships for all the purposes of the Navy. I believe in that. Every man who has examined the question or given any thought to the necessities of our situation knows perfectly well that we require more ships than have been contracted for, and more ships than will be provided by the amendment of my friend from Texas. We want a fleet of naval ships. We want them as fast as they can be built properly.

We have in this country all the facilities required for building ships. We have at this time, as never before, ample money in the Treasury of the United States to build them. There are in this country to-day large masses of the laboring population ready to go to work upon this great business of building up the American Navy. This bill provides for building simply ten of these steel cruisers. Everybody understands that we need more than ten, and there is no valid reason why we should not begin now to make at least that contribution toward the rehabilitation of the American Navy.

This is a national proposition. This bill provides that three of these ships shall be built upon the Gulf coast, if possible; that three of them shall be built upon the Pacific coast, if possible, and that four shall be built upon the Atlantic coast; thereby enabling all parts of our common country to unite in the work, furnishing an opportunity for the great iron industry of Alabama and other sections of the South to find practical application in the building of our war ships, furnishing incentive and stimulus to the enterprise of the men who have built up great ship-building establishments upon the Pacific coast, and also furnishing incentive and stimulus to the great ship-building establishments of our North Atlantic seaboard. I submit, Mr. Chairman, that this is not an excessive contribution to ask at this time from the Congress of the United States toward this great work. The building of these ships will be a work of years. The construction of these vessels and the fitting of them with their armament is a work that will require years for its accomplishment, and unless we begin now to make an adequate

contribution to the work we shall go on for the next eight or ten or fifteen years in the same state of practical inefficiency.

[Here the hammer fell.]

Mr. DINGLEY was recognized, and yielded his time to Mr. BOUTELLE.

Mr. BOUTELLE. Mr. Chairman, we have already accomplished so much of the work of beginning the rehabilitation of our Navy as consists in the comparison of plans and the completion of designs. The Secretary of the Navy tells us that we have already, by study of foreign ships and models and by stimulating the inventive genius of our naval architects, engineers, and experts, secured plans for the construction of steel cruisers which, when completed, will be superior in all the attributes of a vessel of war of that description to anything that is now afloat.

This bill does not necessitate the laborious completion of new plans. It does not propose any experiment. It simply proposes that we shall do now just as we have done in the periods of the greatest success of our Navy. It proposes that, having secured a fine type of ship, an approved design and model of a war ship, we shall go to work and put afloat a fleet of vessels representing that design and model; just as we did in the time of the Merrimac, the Wabash, the Minnesota, and the Richmond.

When our Naval Construction Bureau had completed the designs of that class of ships, we went to work and put afloat a fleet of ships built upon that model; and those vessels carried the flag of this country to all the nations of Europe, and became the envy of the naval constructors of the world. After the model of those ships, even England herself, claiming to be the "mistress of the seas," copied the great fleet of war ships which she built for the Crimean war.

I propose that we shall do now just as we have done before—be sure we are right, and then go ahead. We have now under contract, or at least have the designs completed, for a steel cruiser which our naval experts, the Secretary of the Navy, and all who are most interested and best informed, assure us will be superior to any vessel afloat. Now, let us have ten such ships. Let us have them built by contract. Let us give the necessary authority to the Democratic administration, which is responsible for the executive management of the Government of the country. Let us give this administration authority and power commensurate with the responsibility we place upon it.

The Democratic party claim that they desire to rehabilitate the American Navy. I want to assure my friends on the other side that if they intend to do this they must utilize the brief period of their authority. You can not do a great deal in two years toward building up a navy, if you do your best. If you do anything less than your best, you will fail to improve your opportunity. This proposition provides simply for a reasonable addition to the Navy of the United States.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee rose informally, when a message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved bills of the following titles:

An act (H. R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y.

An act (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.

An act (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Md.

NAVAL APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. HERBERT. Mr. Chairman, this proposition of the committee is the substance of a bill carefully considered by the Committee on Naval Affairs and reported to the House during the present session by the gentleman from Illinois [Mr. THOMAS]. It provides for the construction of ships, which altogether, exclusive of armament, are to cost not more than $4,950,000. The limit of the cost of the whole of them is within $5,000,000. The limit, as I understand, proposed in the amendment of the gentleman from Maine is $15,000,000. It seems to me, Mr. Chairman, after full reflection, that the Committee on Naval Affairs was right in limiting the cost of the new ships to be constructed to less than $5,000,000. We certainly do need more ships, but we need to go slowly in that direction. We ought not only to utilize the experience of foreign nations, but we ought also ourselves to acquire carefully experience as we progress.

The ships here provided for are not of a large class. Four of them are what we called in a former bill, passed at the close of the Forty-eighth Congress, gunboats of 1,700 tons each. A model for these gunboats has been constructed and a contract let, so that a seventeen-hundred-ton "steel cruiser," as it is denominated in this bill, will, we know, cost altogether, exclusive of armament, less than $550,000. The ships we had in former times when they were made of wood, such as the Wabash and the Minnesota, cost more money than that. We propose in this bill the construction of four ships of that kind. As cruising vessels they will take the places of the ships now so rapidly dropping out of use. Four of our vessels were condemned during the last year; and I think five have been or will be condemned during the present fiscal year. Our old navy is rapidly passing away. It is really worthless; and we propose gradually to replace it with a better one.

I do not think it would be advisable to build ten ships at once, costing as much as $15,000,000; but I do think we can afford now to begin the construction of six new vessels and one torpedo-boat, the cost of these being not less than four and a half million dollars. The House ought to understand just here how many ships we have authorized by law to come into use when they are constructed. I have the list.

Mr. WARNER, of Ohio. Will the gentleman allow a question?

Mr. HERBERT. Yes, sir.

Mr. WARNER, of Ohio. I understand that this bill already carries from nine to ten million dollars altogether for ships—I mean the bill as reported from the committee.

Mr. HERBERT. Let me answer that question. For ordnance for all ships that have been authorized and for armor of all ships that have been authorized, an appropriation is made in full in this bill as reported from the committee.

Mr. WARNER, of Ohio. That is for the increase of the navy—the immediate increase?

Mr. HERBERT. The gentleman, I hope, will permit me to finish my answer. I am answering him just as directly as I can, and I hope the answer will be satisfactory. It will, at any rate, give the facts, whether they be satisfactory or not. We appropriate $6,128,000, I believe, for all the ordnance of ships heretofore authorized and for armament of vessels heretofore authorized. In addition to that we appropriate two and a half million dollars toward the further construction of vessels heretofore authorized. These amounts put together make $8,628,000. The whole of this sum can not be expended in less than three years.

[Here the hammer fell.]

Mr. WARNER, of Ohio, obtained the floor and said: In order that the gentleman from Alabama [Mr. HERBERT] may continue his explanation I yield him my five minutes.

Mr. HERBERT. Now, then, Mr. Chairman, these $8,600,000 can not all be expended within less than three years; but it is necessary to appropriate it now in order to have contracts made advantageously.

Mr. WARNER, of Ohio. I can understand that; but what do we want five millions, ten millions, or fifteen millions for? What is that for? The gentleman from Maine says it will give employment to some men to make iron. It would be the same if it were sunk in the ocean.

Mr. BOUTELLE. It would give us a navy. We want something to float *on* the ocean.

Mr. WARNER, of Ohio. We want an answer to the question.

Mr. HERBERT. I want to answer every question. I want to put the House in full possession of all the facts.

I have completed my answer to the other question. All the ships authorized last year, monitors to be armored, would cost all together about $14,000,000. The amount appropriated in this bill to which the gentleman has just called my attention would be in full for all ships heretofore authorized except two and a half millions of dollars to be appropriated. That is an answer to the question.

Mr. WARNER, of Ohio. What do you want to do?

Mr. HERBERT. The second question is why do we want any more? The answer to that is, we have authorized in the Forty-seventh Congress, the Forty-eighth Congress, and the Forty-ninth Congress altogether these ten cruisers, five to be armored battle-ships, and four monitors, and provided for two small torpedo-boats. We have only authorized ten cruisers. This authorizes six more. That will make sixteen.

Mr. WARNER, of Ohio. What has been done on the ten cruisers—anything?

Mr. HERBERT. Yes; the Dolphin is already built. The Chicago, the Boston, and Atlanta will soon be completed.

Mr. WARNER, of Ohio. Has not the money for all these cruisers been appropriated heretofore or in the bill?

Mr. HOLMAN. No; not a dollar in the bill.

Mr. HERBERT. The money has been appropriated.

Mr. WARNER, of Ohio. How much?

Mr. HERBERT. What is required for these ten cruisers has been appropriated. One million eight hundred and ninety-five thousand dollars is appropriated here. Two million five hundred thousand dollars was appropriated the last time.

Mr. WARNER, of Ohio. How much more will be required to complete the ten cruisers?

Mr. HERBERT. About $2,500,000.

Mr. WARNER, of Ohio. How long will it take?

Mr. HERBERT. About three years. Now let us put the two questions together.

Mr. WARNER, of Ohio. That is right.

Mr. HERBERT. When you add that money together, $14,000,000, and $2,500,000 appropriated in the Forty-eighth Congress, and other cruisers which will cost about $5,000,000, we will have authorized the

expenditure of $19,000,000 during the four years since the first was authorized.

Mr. WARNER, of Ohio. Is it proposed to appropriate money enough to build all these vessels?

Mr. HERBERT. I have answered the gentleman when I tell him——

Mr. GOFF. What bill?

Mr. HERBERT. The appropriation bill proposes to appropriate money to build them all, with the exception of $2,500,000.

Mr. WARNER, of Ohio. What is the necessity of appropriating that amount.

Mr. McMILLIN. When it can not be expended.

Mr. WARNER, of Ohio. Yes, when it can not be expended for three years.

Mr. HERBERT. One reason is this: We can use $2,500,000 on construction and ordnance and armor. We require this money so we can make advantageous contracts.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN withholds his remarks for revision. [See Appendix.]

Mr. LORE. The American people are very far in advance of Congress in respect to an American navy, and I for one am heartily in favor of preparing ourselves to meet any attacks which may come upon us from the ocean. We have no fear of any of the nations on this continent. Whenever the attack may come, it will come from across the seas. The American people almost unitedly are at the door of Congress to-day asking for something with which we may meet the foe away from our coast when he comes.

The only limitation that occurs to me in building our Navy to-day depends on questions of wise economy of means and ends in view. The questions frame themselves in this wise: How much money can we now appropriate and advantageously use with all the plants that we have and may reach in the building up of a navy?

The committee after a careful examination of this subject have settled upon the number of vessels that are represented in this amendment. A larger amount probably could not be advantageously used. More vessels could not be built by all public and private plants in the country.

There is another reason and with me a very pregnant one. I am not sure that to-day the best type of the American vessel is the one we now have. If the dynamite gun prove a success the vessel you are building to-day may become a creature of the past; one that will have no future usefulness.

Again, there are types of vessels proposed which deserve the most careful examination. I hold in my hand here a description of one that is already suggested by Robert M. Fryer, a distinguished naval architect of New York. He proposed to build a vessel similar to the model of the Herreschoff celebrated Stiletto, but greatly modified. He guarantees it shall cross the Atlantic Ocean in six days, and that it shall have a speed of 25 knots an hour.

If that be so, if this be a success, then even our present type of cruiser will not meet the national need of a first-class navy. We may be just on the eve of a revolution in the improvements of our naval architecture, just as we were at the time when the Merrimac and Monitor met and the whole system of naval architecture was changed by one single combat. There is another gentleman, a fellow-countryman of Ericcson, the man who built the Monitor, I am speaking now of Lundborg, another Swedish marine architect who has come to our shore, who has brought to us his brains and his lifelong skill and experience, and has become a citizen, anxious to aid in making us once more the leading naval power. He has a model of vessel which is approved by many of the European naval architects and even by our own Chief Constructor, Mr. Wilson. It is certainly approved by many of the ship-builders of this continent. If that be a success we may have in that respect a revolution in our naval architecture, as it differs widely from prevailing types.

Then, sir, if from these causes the model of our modern ships shall be changed, how unwise would it be to build up so large a fleet as the gentleman from Maine [Mr. BOUTELLE] suggests on present models. We are heartily with him in the desire to build up an American navy; but we want to go safely in the light of modern developments; we want to know what is the best and highest type of the American steamship that will meet the naval exigencies of to-day. Those exigencies change with changing condition. We should take advantage of the combined experience and skill of all the marine architects of the day. Then we shall have that class of vessels that will meet any of the exigencies that may happen and place us in the van of nations.

For these reasons I am in favor of the amendment of the committee. Do not let us burden this bill in such a way that we shall not get so much of a navy as will place us on an equal footing with fourth-rate naval powers.

I append to my remarks a notice of "the coming American steamship" to which I have referred. It is from the New York Commercial News of February 26:

THE POCAHONTAS—THE COMING AMERICAN STEAMSHIP—ACROSS THE ATLANTIC IN SIX DAYS—MARINE ARCHITECTURE REVOLUTIONIZED.

There is at last a certainty that the English, French, and German steamship lines will cease to control the passenger traffic of the Atlantic to the at present complete exclusion of the American flag. The Arrow Steamship Company, which was incorporated nearly three years ago, and has been quietly perfecting its plans ever since, has now begun actual work on the pioneer vessel of a new line, to carry the American flag between New York and Liverpool. This pioneer vessel will be named the Pocahontas, and will be of an entirely new type of marine architecture, and of such a model and of such power that she will readily be able to make 25 miles an hour. The inventor and patentee of the system is Mr. Robert M. Fryer, a distinguished mechanical engineer of this city, and he is the engineer in chief of the Arrow Steamship Company. The list of officers, &c., is as follows: T. O'Meara, president; W. H. Clarkson, secretary; David A. Curtis, corresponding secretary: M. M. Searing, treasurer; Robert M. Fryer, engineer-in-chief.

James H. Connelly, T. S. Weaver, with the president, executive committee.

The principal offices of the company are in the Boreel Building, 115 Broadway, and a reporter for this paper yesterday called there, and some interesting details relative to the plans of the company were obtained.

The length of the Pocahontas over all is 540 feet; between perpendiculars, 515 feet; beam, 40 feet; extreme depth, 46 feet; draught at bow, 20 feet, and at stern 25 feet 3 inches; tonnage, 5,200 tons; capacity of engines, 12,000 nominal horse power, with capability for development to 27,000. From her bow, which is almost as sharp as a knife-blade, she slopes back 207 feet to her amidship section, and from that tapers again a like distance to her stern. Her model is almost that of Herreshoff's famous launch, the Stiletto, that has a record of 23.7 miles per hour—a speed never until now attained by any other vessel. But while the greatest amidship sectional area of the Pocahontas is only 18.2 times as great as that of the Stiletto, her engine power is 21.3 times as great, without forcing it beyond the requirements of ordinary service.

As the reader may suppose, such a vessel as this is not designed for freight carrying, but for an express passenger service. General John Newton, of Hell-Gate fame, one of the foremost of living authorities upon matters of this kind, says that there is no question but a vessel built according to Mr. Fryer's designs can easily sustain a speed of 25 miles an hour.

It has only been claimed for the fastest Atlantic steamship now afloat—the Etruria—that she has made a fraction over 20 miles per hour, and she has actually demonstrated her ability to make a little more than 19 miles an hour; so that with a steamer like the Pocahontas to begin with, there is not the least doubt but the ocean traffic of the world would soon be completely revolutionized. The system of construction can not be used by any other company, the most complete protection by letters patent having been secured in all countries in which steamship building is a possible thing.

One great obstacle to American steamship building heretofore has been in the cost of the iron, which is greater than the amount that has to be paid by the ship-builders of the Mersey, the Tyne, or the Clyde. The Arrow Steamship Company have overcome this difficulty. They are contracting for sufficient supplies of Tennessee and Alabama iron, which can be obtained for much less than Pitisburgh or other Northern iron, and considerably less than the iron employed in English iron-ship building. A yard in which to build the Pocahontas has been secured at Alexandria, Va. Her ways are in process of building, and in about ten days from now the actual laying of her keel will be commenced, and it is expected that she will be launched with her engines and boilers in by next November. It would take up several pages of this issue to give anything like an accurate description of all the features of this wonderful vessel. But it must be said that the newspapers are enthusiastic in their praises of this stupendous undertaking. The Maritime Reporter, the representative journal of the shipping interest of America, is jubilant about it. It says:

"It would not be possible at this stage of the world's progress to produce anything else than such a vessel as this that would so seriously affect such a vast amount of European invested capital; that would be likely to influence such stupendous changes in existent national and commercial relations, and that would be so glorious a triumph for Americans. This is speaking simply of what she will do as a peaceful passenger carrier. But the same principles that apply in her construction to make her perfect for that use are of equal and inestimable value—in the opinion of the most capable engineers and naval constructors in New York and Washington who have carefully studied her plans—for the building of the ideal war ship, one that shall develop such velocity, strength to resist and power to attack, as have never heretofore been deemed possible."

The highest praise is due to Mr. Fryer, who for twenty-two years has made the designing of such a ship the object of his life. He is a native of Albany, N. Y., and in youth was a marine engineer, and in later years has been consulting and constructing engineer to various important concerns all over the country. It is certain that his name will go down to future generations in the pages of history with the names of Watt, Morse, Stephenson, and Fulton.

Mr. THOMAS, of Illinois. The question has been asked several times as to the number of vessels already authorized by law, vessels comprising what is known as the new or the modern navy. We have what is known as the five double-turreted monitors, the Amphitrite, the Monadnock, the Terror, the Miantonomoh, and the Puritan, which are still incomplete. All of these vessels are afloat. The boilers and machinery of all except the Monadnock have been finished and are in the vessels. The armor has been purchased and is now being put on the Miantonomoh. The armor for the other four double-turreted monitors has not yet been contracted for or manufactured.

As I said before, the machinery of the Monadnock (which is at the Mare Island navy-yard) has not yet been completed. Provision is made in this appropriation bill for the completion of these five monitors.

The next vessels were those authorized by the act of March 3, 1883, known as the Dolphin, the Boston, the Chicago, and the Atlanta. All four of those vessels are afloat.

Mr. CUTCHEON. How much time will be required to finish the five monitors?

Mr. THOMAS, of Illinois. I am asked what length of time will be required to complete the five monitors. Six months will complete the Miantonomoh so far as everything except her guns is concerned. Two years at least will be required to make the guns for the Miantonomoh. It will require at least two years more to complete the Amphitrite, the Terror, the Puritan, and the Monadnock.

As I have just stated, the four vessels authorized by the act of March 3, 1883, were the Chicago, the Boston, the Dolphin, and the Atlanta. Those vessels were authorized by the Forty-seventh Congress, were built under the direction of the Naval Advisory Board, and are all afloat with machinery complete. The Dolphin and the Atlanta are in commission; the Boston will be in commission within three weeks. The protective armor and guns for all these vessels are about complete.

Mr. BUTTERWORTH. Will my friend allow me to interrupt him right there?

Mr. THOMAS, of Illinois. I will yield for a question, but I have only five minutes.

Mr. BUTTERWORTH. What armament has the Atlanta?

Mr. THOMAS, of Illinois. Two 8-inch guns and six 6-inch high-power breech-loading rifles, the best guns of modern construction.

Mr. BUTTERWORTH. I asked the question because we were advised that 10-inch steel guns had been put on the Atlanta, and that she had been compelled to return on account of defects in her guns.

Mr. THOMAS, of Illinois. It never was proposed to put a 10 or a 12 inch gun on the Atlanta. She was designed for two 8-inch guns, and six 6-inch high-power breech-loading rifle guns. There never has been a 10-inch high-power rifle built in the United States. There is not one in the United States at this time. The largest modern high-power breech-loading rifles are the 8-inch guns, the guns built for the Atlanta, the Boston, and the Chicago. There are two 10-inch guns in course of construction at the navy-yard here, which are to be used for the Miantonomoh, when completed.

Now, Mr. Chairman, having answered the gentleman's question, I will say to him that no such gun has ever been built in the United States as that about which he has asked me, to say nothing of its having been put on board the Atlanta. There was at one time a report that one of the 8-inch guns constructed at the navy-yard here had been tested and found defective. That was a misrepresentation.

[Here the hammer fell.]

Mr. REED was recognized, and yielded to Mr. THOMAS.

Mr. THOMAS, of Illinois. I thank the gentleman. Mr. Chairman, the test to which the gun was put showed that our officers had reached the very acme in gun construction. Both the 8-inch guns and the 6-inch guns reached the highest initial velocity and showed the greatest penetrating power of any guns ever built in any land, and it is unfortunate that we have so few of them.

Mr. CUTCHEON. That is what is the matter.

Mr. THOMAS, of Illinois. We have not enough of them and we have not the plant at present to build them fast enough.

Mr. REED. We have got the money.

Mr. THOMAS, of Illinois. Yes, we have plenty of money in the Treasury, and I hope that this Congress will appropriate enough to build not only ships but guns for our Navy.

Mr. Chairman, to proceed, under the act of 1885 there were authorized to be built four other vessels, and by the act of August 3, 1886, six additional vessels. One of these vessels is known as gunboat No. 2, and is of 780 tons displacement. It is armed with most effective high-power guns, and is of the usual modern type of gunboat. That vessel is being built now at Baltimore under a contract recently entered into.

The next is what is known as gunboat No. 1, having a displacement of 1,700 tons. It is to be armed with six 6-inch high-power rifles, two 5-inch high-power rifles, single-shot Hotchkiss guns, 57 millimeter revolving cannon, and a lot of torpedo appliances. It will be the heaviest armed gunboat in the world. It is provided with deflective armor running fore and aft and athwart-ships. There is no more reason why it should be called a gunboat than that the Great Eastern should be so called. It is a sloop of war in all that goes to make up a sloop of war, and one of the best types of that size ever designed by man.

The next is what is known as the Newark. She is a 4,000-ton vessel, designed to have triple expansion engines, modern machinery, and to have a speed approximating 19 knots an hour. She is provided with protective armor of 3-inch steel, running fore and aft and athwart-ships. She is provided with 6-inch high-power, breech-loading guns; has two-thirds sail-power; has all the modern appliances of a naval man-of-war, and will be the fleetest of all the cruisers afloat in the world to-day. Then comes the vessel known as the Charleston, which is of the type of the Naniwakan, that celebrated vessel built by Sir William Armstrong & Co. for the Japanese Government. I did not deem it an act of profound wisdom to adopt that vessel as a model, as she is built in what I should call a slop-shop fashion.

She is on the Chatham Street order. The problem presented to Sir William Armstrong, the designer of the vessel, was, "For how small an amount can you build a vessel that will go so many knots an hour?" This being what was required, he built the celebrated Naniwakan. She was made to cost the least possible sum consistent with reaching the required rate of speed. She is a fancy ship, magnificent in external appearances, but no more to be compared with the Newark in point of endurance, efficiency, and all that goes to make up a first-class man-of-war than the average American citizen is to be compared to a Digger Indian. But she is in course of construction now.

[Here the hammer fell.]

Mr. BUTTERWORTH obtained the floor, and said: I yield my time to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS, of Illinois. The next vessel is one that is being constructed by Cramp & Sons, at Philadelphia. It was known across the water as No. 27, and has sometimes been facetiously referred to in English literature as "The Rejected." It is the plan of vessel designed by Sir William Armstrong for the Spanish Government. But that government, on looking her over, concluded she was not what they desired for their navy; and so she was rejected. The present Secretary of the Navy bought the designs, the drawings, and the working model of this rejected No. 27, and also of the Naniwakan; and those two vessels are now in course of construction. They will undoubtedly have a high rate of speed and be infinitely more efficient as men-of-war than anything we now have, except those vessels which have been built according to American designs.

We have also two armored vessels authorized by the act of August 3, 1886. Those vessels were proposed to be built after the type of the Riachuela, a celebrated ship recently built in England for the Brazilian Government, and which is said to be one of the finest armored cruising vessels in the world. She has reached the highest rate of speed, and is the best protected so far as armor is concerned, and has the best fighting capacity of any armored cruising vessel in the world. For, mark you, there is a distinction between what is known as an ironclad and an armored cruiser. This vessel (the Riachuela) has reached a speed of about 18 knots an hour. She is armed with very heavy modern ordnance.

These two vessels are to be of 6,000 tons displacement, and are to cost, exclusive of armament, $2,500,000 each. Neither of these vessels has yet been contracted for, the plans having not yet been completed. The contract for building the Newark has not yet been let, although the plans, specifications, and working drawings have all been adopted. Then there is what is known as a first-class torpedo-boat authorized by the act of August 6, 1886. That vessel has not yet been built, nor have the plans been finally adopted by the Department.

Mr. REED. Has the armament for the 6,000-ton ships been decided upon?

Mr. THOMAS, of Illinois. I think not; I am not certain. I believe, on reflection, that the Department has finally determined (but it has not yet been made public) what the armament for the 6,000-ton ironclads shall be.

Mr. REED. That must have been decided by the Department, if it has issued the plans.

Mr. THOMAS, of Illinois. The plans for those vessels have not been issued. Plans for the construction of the armor and the gun metal have been issued, but as for the ships, I think the plans have not finally been adopted. In fact, I am informed by the Department that they have not been, although they are almost completed and are about ready to be submitted to the board for adoption.

Mr. BUTTERWORTH. What is the character of the torpedo-gun which is contemplated?

Mr. THOMAS, of Illinois. It was proposed that the torpedo-boat should be built after the plan of the "Thornycroft" torpedo-boats which have been employed by the English and French Governments.

Mr. BUTTERWORTH. I am speaking of the character of the torpedo-gun itself.

Mr. THOMAS, of Illinois. That has not yet been determined. There is a great contest going on as to what sort of torpedoes we shall have.

The gentleman from Indiana [Mr. HOLMAN] has told us in substance that we must live on light and love; that we must rest on the consciousness of our glorious manhood; that in this way we must be prepared to meet the peerless navy of Great Britain, the almost incomparable navy of France, and the navy of Spain, which is to-day threatened to be used against us in order to coerce us into the adoption of a certain commercial treaty. We are told that we must stand up and offer as a defense against all this naval and military force of the English, the French, the German, the Spanish, and the South American countries that "manhood" which is so glorious to contemplate but which would be so totally ineffectual in case our cities should be laid under contribution.

[Here the hammer fell.]

Mr. MCADOO obtained the floor.

Mr. HERBERT. I ask the gentleman from New Jersey [Mr. MCADOO] to withhold his remarks for a moment. I wish to see if we can not agree upon some limitation of the debate on this amendment and the amendments thereto. Can we not, by common consent, agree that after thirty minutes more of debate on all these propositions we shall have a vote. I need not remind gentlemen how important it is that we should send this bill to the Senate as early as possible.

Mr. THOMAS, of Illinois. And it is also important that these questions should be properly understood by means of sufficient discussion.

Mr. HERBERT. I ask unanimous consent that the debate on this amendment and all amendments thereto close in thirty minutes.

Mr. REED. I would like to occupy about ten minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the debate on the pending amendment and all amendments thereto terminate in thirty minutes. Is there objection?

Several members objected.

Mr. HERBERT. Do not gentlemen think we can get through in forty minutes altogether?

Several MEMBERS. Make it an hour.

Mr. BOUTELLE. I think that half an hour on each side would be only fair.

The CHAIRMAN. The gentleman from Alabama asks unanimous

consent that debate on the pending amendment and all amendments thereto close in thirty minutes. Is there objection? The Chair hears none.

Mr. BRADY. I object.

Mr. HERBERT. I desire to reach some agreement if possible.

Mr. THOMAS, of Illinois. I think we ought to agree on an hour—half an hour on each side.

Mr. HERBERT. I ask, then, unanimous consent that the debate be limited to thirty minutes on each side.

The CHAIRMAN. The gentleman from Alabama and the gentleman from Illinois ask unanimous consent that debate on the pending amendment and amendments thereto be closed in one hour, thirty minutes to be allowed on each side. Is there objection?

Mr. COBB. I object.

The CHAIRMAN. The gentleman from New Jersey [Mr. MCADOO] is entitled to the floor.

Mr. HERBERT. I trust the gentleman from Indiana [Mr. COBB] will withdraw his objection.

Mr. COBB. Make the time thirty minutes.

Mr. HERBERT. I have tried my best to have that agreed to, but objection is made. I hope the gentleman from Indiana will not object to the present proposition.

Mr. COBB. I withdraw the objection.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on the amendment and amendments thereto be limited to one hour, to be equally divided between the two sides of the question. Is there objection? The Chair hears none, and it is so ordered.

Mr. MCADOO. Mr. Chairman, I deeply sympathize with the efforts of the gentleman from Indiana [Mr. HOLMAN] to be consistent in his efforts in saving the Treasury. I wish to say to him that I am as jealous of the growth of military power as the gentleman himself, and if this were a question of the increase of the regular Army of the United States beyond what it should be in time of profound peace I would join in protest with him against the passage of the bill.

But there is no man on this floor who knows better than the gentleman from Indiana that the statesmen of the infant Republic, including such men as President Monroe, always drew a clear line of demarkation between a standing army and a navy. The guns of our Navy frown over the waters of the Atlantic and Pacific and our Northern and Southern borders, but never imperil the rights or liberties of any citizen of New Jersey or Indiana. It was the remark of one of the most profound of our earlier statesmen that the guns of a navy had never been turned against the liberties of a country and a people, and every dollar of these appropriations for the building of a navy and for the making of guns is for an armament which will be turned not against the country itself but against its invaders. Never against republican institutions, but against foreign aggression—in protecting our coast or defending our citizens abroad.

I believe, with the gentleman from Indiana, that this country never will be successfully invaded by an alien army. But the gentleman from Indiana must himself know that while our soil may never be polluted by the foot of an invader, that the cities on our coast are now at the mercy of the smallest navies in the world.

The gentleman from Indiana says why this great cry from the financial centers (meaning the sea and lake board cities), from the centers where great wealth and population has aggregated there comes up the demand for a navy. The gentleman from Indiana must know that the cause of that cry is because the financial centers and great cities are mostly located at exposed points for naval attack. It is not, for instance, because capital in New York is threatened by the citizens of New York, but it is because all the people of New York, without regard to condition, know that the city of New York is exposed to bombardment and destruction by naval powers, which we could neither oppose nor punish. The gentleman says he views with alarm the growth of military power in these efforts to defend our coast and to increase naval armament.

The gentlemen who occupied this House in 1859, and for many years prior to that time, who were true republican-democrats in the universal sense and stanch defenders of liberty, and as careful of the rights of man as the gentleman from Indiana, did not express any alarm—and we then had about the greatest naval power on earth—that the liberties of the citizens of the Republic were imperiled.

The gentleman from Indiana says we have already made vast appropriations. Well, we have made vast appropriations for numerous new post-offices and river improvements in his own and other States for instance. We have already appropriated for nine modern steel cruisers, and we now propose two more of the Newark type. Does not the gentleman from Indiana know we have reached a crisis in the history of the American Navy, that within a few years, and it may be months, about forty-five wooden vessels will, under the 20 per cent. dead line, be cut off the Naval Register.

A MEMBER. That is the thing the Government ought to bless.

Mr. MCADOO. Yes, but we want something to be put upon our naval list to replace them. We have to replace them now only four completed cruisers. Is that a monstrous and improper thing to do? Does that endanger the liberties of the country? If we had thirty new vessels not one additional fighting man would be enlisted.

The CHAIRMAN. The gentleman's time has expired.

Mr. RICHARDSON. I will take the floor and yield the time to the gentleman from New Jersey.

Mr. HERBERT. I control the time, and will yield five minutes to the gentleman from New Jersey.

Mr. MCADOO. I thank the gentleman from Alabama.

Mr. WARNER, of Ohio. Does the gentleman control the time against it?

Mr. SAYERS. He [Mr. MCADOO] is speaking on the Sayers amendment, and I control the time on that amendment.

Mr. MCADOO. It is a simple and plain proposition. When you have a number of vessels about to be retired and at present in the service commanded by officers who have a life tenure and who can not be taken off the register, that you should provide new vessels to give service to these officers in manning ships that will be available for defense of the country and the maintenance of our rights abroad. We have now made provision to replace those wooden vessels only nine modern war ships of the cruiser type. All that is contemplated by the gentleman from Texas is two additional cruisers and four gunboats to those already authorized by law, making eleven vessels of modern design to uphold the dignity of the Republic abroad and its safety at home and provide for the moderate *personnel* of officers and men of the American Navy.

It may be that the gentleman from Indiana is making up in his discussion on the floor in behalf of economical expenditure for some lapses from virtue of a very recent date.

Mr. MILLIKEN. Give us the details.

Mr. MCADOO. And when he brings to the aid of an argument against this very moderate increase of the armament of the Navy of the United States an attempt to prejudice the minds of the members of the House by appealing to them as representatives against military power he is doing that which, in my opinion, with all deference and the greatest respect for him, is unfair to the House and calculated to mislead the country. The people of this country have during our whole history stood by the naval establishment, and they are earnest now in demanding its rehabilitation.

No man in these United States, however humble and however great, and no State of this Union will be in any peril of his or their rights and liberties by this increase of the navy. We are not building up the navy for the purpose of foreign aggression. Our flag, I trust, will never be floated over any foreign soil by way of conquest. God made our country to bless, not curse and oppress, mankind. It is not the policy of this Government to interfere with outside nations, save when they infringe our domestic rights.

But unhappily for us, and unhappily for all mankind, we have not yet arrived at that latitudinarian condition of universal politics wherein wars and rumors of wars have ceased; and when the gentleman from Indiana appeals to this House to arm the defenses of the country with nothing more formidable than delusive rhetoric, as if we were in the millennium period, he forgets the divine edict that until the end of time, unfortunately on account of our weak and wicked human nature and the irrepressible conflict between good and evil, and because of the selfishness of nations, the hand of man will be raised betimes offensively or defensively against his fellow-man.

Within the limits of my own country I believe in the doctrine of the fullest individual and local liberty, but I have not yet arrived at that period where I can indorse the sentiment that the nations of the earth have joined together in the bonds of fraternal love and friendship, and that all envy, and hatred, and selfishness, and evil have been eliminated from the heart of man. It is unfortunate, but it is true, that the selfishness and the cupidity of nations is like the selfishness and cupidity of individual man himself; and that as an undefended country, though the richest in the world, we are exciting the cupidity as well as the jealousy of all the nations of the earth.

As earnestly as any man who loves his kind I deprecate war even when necessary and just under existing conditions as cruel and brutal, and trust that as intelligence and modern civilization advance it may become infrequent and finally cease. On the other hand, the sword has frequently made way for liberty and afterwards defended its existence against its enemies; and as against universalism in politics I am deeply impressed that the spirit of nationality has elevated and ennobled our advanced mankind and secured the freedom and prosperity of people against the incursions of their more ignorant, debased, or vicious neighbors. The mission of nations and races has not yet ceased, much as we may desire the consummated fraternity of all mankind. I take the liberty of again presenting to the House some views presented on this naval question presented at the first session of this Congress and appropriate, I think, at this time:

In the discussions which took place at the formative period of our Government a clear line of demarkation was ably pointed out between maintaining a regular army and these other arms of governmental power. A large regular army was looked upon with dread and suspicion. The States, as well as the people, were determined that no great military establishment should ever be placed in the hands of the central government. The people had painful and acute memories of the result of the resplendent and powerful military establishments of Europe.

"Freemen," as John Randolph said in the Eleventh Congress, "needed not to be defended by hirelings." The militia are freemen in arms to maintain the laws made by freemen in council. Our laws being the result of popular action, power to enforce an orderly obedience to them is part of our system. The military arm of the State conserves both the State and the Union.

Now, as to the naval establishment, I repeat what I have so often said here before; that is, that the Navy represents the power of our country not as against its own citizens, but as in defense of them, its own rights and dignity, against foreign aggression and interference. I take the liberty to repeat from the RECORD what I said a few days ago on this subject:

"I agree with all that has been so well and eloquently and frequently said on this floor that the United States was able to defend itself successfully against any nation on the face of the earth. So long as we are a united people, and I thank heaven we are, there never will be an invasion of our soil, and no foreign nation, however powerful and great and warlike, that has trouble with the United States will ever undertake to land an army on our shores. The armies of Napoleon and Wellington combined could not invade the United States with its sixty million free people and its enormous territory and great wealth. But our seacoast cities and harbors are in peril.

"A navy and a proper fortification of our coast are not in the line of monarchical government. A standing army affects our own people, but the Navy and seacoast defenses only menace foreign powers. I am opposed to paternal government and for the man against the State just as much as the upright defender of the constitution from Texas [Mr. REAGAN] or the able gentleman, Judge HOLMAN, from Indiana. But a government ceases to be a government when at its border lines it is not, as against foreign interests and foreign arms, protective, defensive, and paternal in the broadest and most sacred sense in guarding the lives, liberties, rights, and properties of its citizens and in upholding its own dignity and honor.

"That is the very essence of government—to protect its citizens; and as against foreign nations or foreign interests I would provide the strongest defenses that can be produced by the energy and skill of man. Full freedom within, but unyielding, determined, undying, and eternal protection and defense against foreign interference in whatever form it may come. I do not advocate wild and extravagant navies and forts looking to foreign intermeddling and conquest, but sufficient to assert our rights and defend our coasts. Let the robber governments of Europe maintain tremendous military establishments. They need them; free and contented people do not."

Shall we build up and maintain a respectable naval establishment? Shall we protect our coasts at home and our citizens abroad? The wise and good men who directed the steps of the infant Republic answered this question in the affirmative. I have taken the trouble to collect a few brief extracts from the State papers of our earlier history on this important question. I might read many, but content myself with a few from sources entitled to the greatest weight—that devoted band who, watching with untiring vigilance the rise and flow of the primal founts of popular government, gauged with an accuracy almost incredible the scope, breadth, and depth of its future progress and development.

Hon. Benjamin Stoddart, Secretary of the Navy, as early as 1798 thus expressed himself on this question:

"The protection of our coast, the security of our extensive country from invasion in some of its weaker parts, the safety of our important commerce, and our future peace when the maritime nations of Europe war with each other, all seem to demand that our naval force should be augmented; so much augmented, indeed, as to make the most powerful nations desire our friendship—the most unprincipled respect our neutrality. The peaceful character of America will afford to the world sufficient security that we shall not be easily provoked to carry the war into the country of an enemy; and it will become the wisdom of America to provide a cheap defense to keep it from our own.

* * * * * * *

"Thus, in whatever view the subject is considered, whether our object be to prevent invasion, to protect our commerce, to obtain a speedy and a proper peace, to maintain peace hereafter, or by affording security to every part of our country to guard against the long train of ills which must result from disunion, the wisest, cheapest, and most peaceable means of obtaining the end we aim at will be prompt and vigorous measures for the creation of a navy sufficient for defense, but not for conquest."

In December, 1815, Secretary Crowninshield said in his report to Congress as to a naval establishment:

"The importance of a permanent naval establishment appears to be sanctioned by the voice of the nation, and I have a satisfaction in stating that the means of its gradual increase are completely within the reach of our national resources independently of any foreign country.

* * * * * * *

"The commerce of the United States, increasing with the resources and population of the country, will require a commensurate protection which a navy alone can afford; and the experience derived from the active and vigorous employment of a limited navy during the period of the late war has demonstrated its efficient utility."

Mr. Bassett, from the Committee on Naval Affairs, on November 27, 1812, thus vigorously and accurately stated the naval question. It is as apropos as if delivered to-day. The whole question is briefly, admirably, and tersely stated. An American navy for defense and protection is the popular demand now as then, and now as then let us answer with a law to increase the Navy of the United States:

"It is a bright attribute in the history of the tar that he has never destroyed the rights of the nation; in its defense only is he to be found. Thus aided by economy, and fortified by republican principle, your committee think they ought strongly to recommend that the fostering care of the nation be extended to the naval establishment. It is far, very far, from your committee to extend their views of a navy to the mad and wicked prospect of foreign conquest or a silly contest to be mistress of the ocean. Their view is limited to their own defense and to enforce respect to their just rights.

"To the objection that it is the nature of man to run into extremes they answer that it is the end, not the beginning, we should guard against. It is surely yielding much of the argument to surrender all of the subject that is good and require submission to evil that good may come thereof. Rather separate the wheat from the chaff—show the good and the bad. Let it be impressed on every citizen that to use force to protect and maintain the rights and liberties of his country is his first duty, while it is the greatest of crimes to attack with force the rights of others. It can require no sublety to enforce the distinction between defense and offense; neither can it require argument to prove the first ought not to be abandoned as being more than life is worth, though the other may be deprecated as the communication of wickedness. Limited to the view of defense and protection, the committee directed their chairman to ask leave of the House to report a bill to increase the Navy of the United States."

Listen to the voice of the statesman from South Carolina, Hon. Langdon Cheves, speaking in the Twelfth Congress, 1811, from the Committee on Naval Affairs. The voice of wisdom speaks here, my masters! History does indeed repeat itself, and human nature has changed little in all the ages, for he pictures here the very objections of our own day. As it is said in Scripture, "Wisdom is justified of all her children." How eloquently, ably, and strongly he presents the case:

"That the subject referred to your committee in its several relations presents a question of the highest importance to the interest of the people of this country, inasmuch as it embraces one of the great and leading objects of their Government, and that which above all others laid the foundations of the happy Union of these States, your committee need hardly say they mean the protection of maritime commerce, an interest which, though when superficially viewed seems to affect only the Atlantic portions of the country, yet really extends as far as the utmost limits of its agriculture and can only be separated from it in the opinion of your committee by a total blindness to the just policy of Government.

"The important engine of national strength and national security which is formed by a naval force has hitherto, in the opinion of the committee, been treated with a neglect highly impolitic, or supported by a spirit so languid as, while it has preserved the existence of the establishment, has had the effect of loading it with the imputations of wasteful expense and comparative inefficiency. No system has hitherto been adopted which though limited by the dispensing security of the times, and the just economy of our republican institutions, was yet calculated to enlarge itself gradually with the progress of the nation's growth in population, in wealth, and in commerce, or expand with an energy proportioned to a crisis of particular danger.

"Such a course, impolitic under any circumstances, is the more so when it is demonstrably clear that this nation is inevitably destined to be a naval power, and that the virtue of economy, if no other motive could be found, would recommend a plan by which this force must be gradually increased, the necessary expenses diminished, and durability and permanency given to the strength which they may purchase.

"That a naval protection is particularly secured to the interest of commerce by our great political compact is proved by that part of the Constitution which expressly gave to Congress the power 'to provide and maintain a navy,' and is confirmed by the history of the times and the particular circumstances which led to its institution; but it is alike secured by the fundamental nature of all government which extends to every interest under its authority a protection (if within the nation's means) which is adequate to its preservation; nor is this protection called for only by the partial interests of a particular description of men or of a particular tract of country. A navy is as necessary to protect the mouths of the Mississippi, the channel through which the produce of the agriculture of the Western States must pass to become valuable, as the bays of the Chesapeake and Delaware, and more necessary than on the shores of the Eastern or the Southern States."

President James Monroe, in his message to Congress on the subject of the Navy on January 30, 1824, thus spoke wisely and well. If he was living now he would learn how much more important in the view of some gentlemen it is to improve ghostly and undiscovered rivers and marine hallucinations under the guise of harbors that, however much they may trouble the Treasury, have no place in the thoughts of geographers. Here are a few extracts from his message:

"If a system of universal and permanent peace could be established, or if, in war, the belligerent parties would respect the rights of neutral powers, we should have no occasion for a navy or an army. The expense and dangers of such establishments might be avoided. The history of all ages proves that this can not be presumed; on the contrary, that at least one-half of every century in ancient as well as modern times, has been consumed in wars, and often of the most general and desolating character. Nor is there any cause to infer, if we examine the condition of the nations with which we have the most intercourse and strongest political relations, that we shall in future be exempt from that calamity within any period to which a national calculation may be extended. And as to the rights of neutral powers, it is sufficient to appeal to our own experience to demonstrate how little regard will be paid to them whenever they come in conflict with the interests of the powers at war, while we rely on the justice of our cause and on argument alone.

"Two great objects are, therefore, to be regarded in the establishment of an adequate naval force—the first, to prevent war, so far as it may be practicable; the second, to diminish its calamities when it may be inevitable. Hence the subject of defense becomes intimately connected in all its parts, in war and in peace, for the land and at sea. No government will be disposed in its wars with other powers to violate our rights if it knows we have the means, are prepared, and resolved to defend them. The motive will also be diminished if it knows that our defenses by land are so well planned and executed that an invasion of our coasts can not be productive of the evils to which we have heretofore been exposed.

"The great object, in the event of war, is to stop the enemy at the coast. If this is done, our cities and whole interior will be secure. For the accomplishment of this object our fortifications must be principally relied on. By placing strong works near the mouths of our great inlets, in such positions as to command the entrances into them, as may be done in many instances, it will be difficult if not impossible for ships to pass them, especially if other precautions, and particularly that of steam batteries, are resorted to in their aid."

Mr. BLAND. Mr. Chairman, there are always pretexts for taxing the people. Especially do we find pretexts here for the continuation of excessive taxation upon the American people. All this cry about a "new navy," "great guns," and "armaments," by which we are to be prepared for war in time of peace, comes from a spirit, sir, that desires to perpetuate in this country an onerous system of taxation, the burdens under which the people of the country yet groan, and which have ground them down into poverty. I believe, myself, that in time of peace is the time we should prepare for war. But how is that to be done? I reply that it is by reducing our national debt. That is the first step.

Mr. HERBERT. Mr. Chairman, I desire to ask, in view of the fact that this debate has been limited to thirty minutes, in whose time is the gentleman speaking?

Mr. BLAND. I am opposed to the substitute, in fact I am opposed to the whole bill appropriating money for the Navy.

Now, Mr. Chairman——

Mr. HERBERT. I insist that the gentleman is not speaking in the time allowed on this side.

Mr. BLAND. I hope I will not be interrupted.

Mr. HERBERT. The gentleman is certainly not occupying any time under my control.

Mr. BOUTELLE addressed the Chair.

The CHAIRMAN. The Chair has recognized the gentleman from Missouri.

Mr. BLAND. I say, the proper way to prepare for war is to reduce taxation, to reduce your public debt.

Mr. BOUTELLE. I simply wish to say that I have no objection whatever to the gentleman proceeding with his remarks, but that he does not and can not occupy the time belonging to this side.

Mr. BLAND. I think I have the floor, and hope I will not be interrupted.

What has been the history of the American Navy?

Mr. BOUTELLE. May I ask, Mr. Chairman, as a parliamentary inquiry, in whose time the gentleman is speaking? He says he is opposing the substitute, and of course he can not speak in the time of this side.

Mr. WEAVER, of Iowa. I insist, Mr. Chairman, that the gentleman having been recognized should be allowed to proceed.

The CHAIRMAN. The gentleman will be recognized in opposition, as the Chair understands, to the amendment.

Mr. BLAND. I hope this will not be taken out of my time.

Within the last twenty years, Mr. Chairman, we have squandered on this navy over half a billion of the public money, under the same pretexts that we are here to-day asked to vote a large appropriation to increase the navy, because foreign powers are doing so, and because we must prepare for war in time of peace. Over $500,000,000 have been squandered under this pretext in years past; money which should have been applied to the payment of the public debt and the relief of the people from the burdens of interest. Now, if we want to prepare for war, let us begin by wiping out the one billion of interest-bearing debt we have to-day, and then we are ready for anything that may arise. This can be done easily by stopping these wasteful and unnecessary appropriations and applying the money to the payment of the public debt.

Why Germany to-day, in order to hold her people in bondage and subject to taxation, is making the pretext of war against France; and France is taxing her people to death to prepare for war under the pretense that it is defending against Germany. We are called upon here to further burden the American people on the plea that the whole world may dump their armaments down upon us and destroy some seaboard city. I repeat, sir, that the proper way, and the only way, to prepare for war in time of peace, is to build up the citizens of the country in their wealth and prosperity, wipe out national and State debts, and then, when war comes, we will be in a situation to meet it; for at last all success in war depends upon the financial ability of the people to carry it on; and in order to be prepared, financially, for any war that may come, we want in time of peace to stop this infamous policy of imposing burdens upon the people to continue taxation for the purpose of perpetuating the public debt.

We are in no danger of war, and this whole bill, for the purpose of building fast cruisers and war ships, is simply an excuse to tax the people of the country in order to squander in a few large cities the amount of the appropriation—a perfectly useless expenditure of money, as has been shown by the operations of twenty years past, during which time, as I have said, five hundred millions have been expended—squandered—in such useless protection as these ships are said to afford.

Let us stop it.

Mr. CUTCHEON. Would you object if the navy was to be built of silver?

[Here the hammer fell.]

Mr. BOUTELLE. I yield fifteen minutes to the gentleman from Maine [Mr. REED].

Mr. REED. The subject which is now before the House is of sufficient importance to warrant discussion even in the present deplorable condition of the appropriation bills. This country has 4,000 miles of seacoast lined by great cities filled with wealth which is almost incalculable. No nation at any time in the history of the world has been free from danger of war; and this generation and many more will pass away before the fear of war will pass away from the earth.

There never has been since the foundation of the world any other time to prepare for war than the time of peace, and the truth of that maxim is more impressive to-day than it ever was before. In the time of our fathers it required but rude fortifications and rude artillery to protect any nation against invaders. One single fact will show and one single sentence will demonstrate the tremendous change which the last thirty years alone have given rise to.

In 1856 the largest cannon that was built in France cost 2,600 francs. To-day it will cost twice that sum to fire once the biggest cannon in France. Twice the cost of the largest cannon of thirty years ago is the price of the single discharge of the greatest cannon of to-day.

Years ago the preparation of ordnance was a matter of but short time, and I venture to say that I shall surprise some members even of this House when I say that the utmost skill of our mechanics or of the mechanics of any nation on the earth can give us an 8-inch gun only at the expenditure of eighteen months of time; and that a manufacturer with the best equipped plant in Europe will not dare to promise you a 16-inch gun in a less period than three years, and nobody dares to promise it with certainty in this country in less than four.

Now, every man who has noticed the fortifications along our coast knows that we have not a single fort which can stand for one single day the impact of a ton of cold cast-steel flung with a velocity which can send it 11 miles through the air.

Under those circumstances, and with the additional facts staring us in the face that of all these great guns we have but two, and those only of 8-inch caliber, while it takes 18 months to build the smallest and four years to build the largest, and that we have cities along our shore the ransom of which would be worth the whole empire of Rome—under those circumstances to this terrible ordnance the gentleman from Indiana [Mr. HOLMAN], with the simplicity of the earlier and better days, would oppose "free hearts and free foreheads!" What an amazing statement for a man to make to three hundred intelligent men, that to-day of all the days we need no preparation for war. Why, to-day we need it more than we ever did.

What is the proposition before us now? It is that we shall build ten war ships in addition—to what? In addition to a great navy equipped with ordnance ready to take the seas and beat from our coast any invading enemies? Why, no. We have two or three war ships afloat, and in all we have a dozen ships that may be finished at some time or other; and when everything is completed, with these ten ships which are proposed by my colleague [Mr BOUTELLE], we shall have a navy of twenty steel ships. Everything else the Democratic chairman of the committee states is worthless. And we all know that against modern guns, against modern armored ships, we are in precisely the condition of helplessness which ought to awaken the attention of every citizen, and is awakening the attention of every citizen outside of Congress, and inside where they have no other schemes on hand.

Why do we hesitate to build these ships? Is it because we are poor, while a surplus that threatens to burst the vaults of the Treasury exists in the revenues of the United States to-day? Never was there a time when we needed more to do this work. Never in the history of the country was there a time when we could afford to do it as we can now.

The gentleman from Missouri [Mr. BLAND] says that this is a scheme to spend the money of the people. Who is it that is presenting this scheme? Look in every newspaper, look at every expression of public sentiment, and you will find that it is the people of the United States who demand that this disgraceful situation shall end. And have not the people of the United States a right to expend their own money when it is overflowing the Treasury? The gentleman from Missouri does not want all the other money of the country to keep company with his silver dollars as they are hoarded in the Treasury vaults. We should expend it for the needs of the people. Is that economy? Is it honest economy? I stand here to say that it is.

Why do we raise money? For what purpose? For what object? What excuse have we for filling the Treasury except that the money is to be used for the purposes for which the people demand expenditure? Is it the right thing to buy a dollar's worth for a dollar when you have got the dollar? That is our situation. We want fortifications; we want guns; we want a navy; and, thanks to the wise administration of the Republican party for twenty-five years, we have got the money in the Treasury to pay the bills for the things which we want and which the nation demands. [Applause on the Republican side.] And I say to this House to-day that it is not going to be the fault of the Republican party if the nation does not have what it wants and what its necessities demand.

Mr. SPRINGER. Why did not you give it to them in the Forty-seventh Congress, when you had full control?

Mr. REED. Look at the gentleman from Illinois. [Laughter.] He is the only man that does not appreciate the gravity of the situation. [Renewed laughter.] He is the only man in this House that interposes with the frivolous, the threadbare, the worn-out objection of "Why didn't somebody else do this in times past?" Why, the gentleman never got within a decade of the present in his life, and his party surrounds him where he stands. [Laughter.] I recognize a leader when I see him, and so does his side, and they will vote with him; they will vote to refuse to the people of the United States the expenditure of their own money for the purposes for which they want to expend it. And what is the object? Politics. They want to pile up money in the Treasury which they may use as a means of attack upon the protective system of the United States. They do not dare to make a straight-out attack upon that system; but they are trying by every means in their power to flank it. They are trying to fill the country with cries of "surplus;" they are saving and hoarding away from proper use and proper expenditure money in the Treasury, so that they may make a loud clamor about a "surplus" that has got to be reduced.

Let us pay the expenses of this Government, the legitimate, honest expenses. Let us buy what the people actually want and what common sense and reason demand that they shall have, and then meet the other question when it arises. [Applause on the Republican side.]

Mr. HERBERT. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman from Alabama has twenty minutes left on his side.

Mr. BOUTELLE. How much time is left on this side?

The CHAIRMAN. Fifteen minutes.

Mr. HERBERT. I yield five minutes to my colleague from Alabama [Mr. OATES].

Mr. OATES. Mr. Chairman, no man desires more than myself the maintenance of the honor of this nation. I want to maintain its honor because I believe that in form, conception, and design it is the wisest and best government that man has ever devised.

Ours is the only Government which has demonstrated the wisdom and utility of a written Constitution as a limitation upon its power.

From an infant republic of four million population one hundred years ago we have grown to sixty million, and are keeping abreast with the foremost nations of the earth in all that develops and marks national greatness. The martial tread of soldiery drowns not the hum of industry, for we have no army except a skeleton, and need none except a few regiments to prevent Indian depredations in our Western Territories.

We have no navy and no coast defenses, yet the flag protects our commerce, which mounts up into the millions annually in value, just as securely as though we had the finest navy afloat. And now, sir, when this country is in a state of profound peace and amity with all other powers, when there is not the slightest probability of a rupture of those relations, nor the most remote prospect of war, it is gravely proposed to expend $25,000,000 for the building of ships of war and floating batteries, and twenty-one million more for coast defense. These expenditures are proposed in addition to the increase in our naval establishment already provided for at the last session and the present, which I regard as ample. A few swift-sailing cruisers as a nucleus for a navy in case of war are all the vessels that we need.

The nations of Europe maintain great navies and immense standing armies which they are constantly increasing; they watch each other like gladiators in the prize ring, ready to strike for supremacy and conquest the moment any prospect of success is discovered; while the United States, as a nation content with her own, presents to the world in strong contrast at once a theme for the philosopher, the statesman, and the historian, which can but add to the greatness of the American name.

The people of the old monarchies of Europe, in addition to the unrest of constant apprehension, are loaded down with burdens of taxation almost unbearable to keep on a war footing the armies and navies of their royal masters, who may at any moment plunge into war to support their imperial dignities, titles, or possessions. Hundreds of thousands of those unhappy people, over whose future hangs like a funeral-pall the eternal black cloud of war, despairing of peace and rest in their fatherland, have annually flocked to our peaceful country, which is not only the asylum for the oppressed of every land, but also by our too liberal policy for their paupers and criminals as well. Now, sir, under whatever pretext measures are seriously urged which in my judgment will inaugurate a policy of maintaining a large and expensive naval establishment I shall oppose them.

If that were accomplished a demand would soon follow for a corresponding increase of the standing army, all of which would of course impose new and permanent burdens of taxation upon the people. They have to foot the bills, and I am not willing to impose upon them a dollar's expense for that which is unnecessary. I contend, sir, that we need no navy except that which has been provided for during the present Congress. I contend, sir, that a large naval establishment, like a large army, is inconsistent with the spirit and genius of our Government, inconsistent with economy, and dangerous to the liberty of the people. I deny that any necessity exists for the naval establisment proposed by the two Senate bills. There is nothing in the foreign policy of this country which renders it necessary.

Our isolation—the great oceans intervening between this and every other powerful nation—relieves us from complications in the quarrels of others, and of itself frees us from the necessity of being prepared for war in time of peace. When other considerations are also weighed, it is next to impossible that this country can be involved in war if her people and Government do not turn their attention to preparations for it.

But, sir, whenever a nation, like an individual, is weaponed—armed to the teeth—and prepared for war, that nation will soon find some pretext for it. Belt a pistol around the most peaceable citizen and let him never go among men without it, and ere long that man's character will undergo a change, and he will shoot some one or be involved in personal rencontre with his fellow-man.

The character of a nation is always indicated by if not identical with the individual character of the people who compose it.

Again I ask from what source is there any danger to be apprehended? Have we anything to fear from Great Britain? The relative situation of the two countries forbids it. The relative situation of the two countries furnishes a complete answer in the negative. English bottoms transport to and from this country nearly all our commerce, which amounts to hundreds of millions annually, as the following tables from the Bureau of Statistics will show:

The imports and exports of the United States in our trade with the United Kingdom during the last fiscal year were as follows:

| Imports into the United States from United Kingdom: | |
|---|---|
| In American vessels | $3,406,715 |
| In foreign vessels | 150,048,863 |
| Total | 153,455,578 |
| **Exports from the United States to United Kingdom:** | |
| In American vessels | $9,256,373 |
| In foreign vessels | 339,197,277 |
| Total | 348,453,650 |

It can not be stated exactly what portion of the value of the merchandise imported and exported in our trade with the United Kingdom was transported in British vessels. I think that the relative percentage of the British tonnage employed in the trade between this country and the United Kingdom would approximately indicate the information desired.

The tonnage entered and cleared in our trade with the United Kingdom during the year ending June 30, 1886, was as follows:

| Foreign vessels entered. | Number. | Tons. |
|---|---|---|
| British | 1,657 | 3,206,547 |
| All other | 347 | 253,746 |
| Total | 2,004 | 3,460,293 |

Per cent. of British tonnage, 92.66; 92.66 per cent. of $150,048,863 equals $139,035,276.

| Foreign vessels cleared. | Number. | Tons. |
|---|---|---|
| British | 2,418 | 4,045,503 |
| All other | 731 | 560,693 |
| Total | 3,149 | 4,606,196 |

Per cent. of British tonnage, 87.83; 87.83 per cent. of $339,197,277 equals $297,816,968.

Very respectfully, WM. F. SWITZLER, *Chief of Bureau.*

Can she afford to lose such an immense carrying trade? When did Great Britain in all her history, except when insanity pervaded her counsels and caused her to lose her American colonies, did she ever go to war when it was pointedly against her commercial interests? By a war with the United States her commerce would be practically destroyed. Look at her possessions stretching entirely across the continent on our northern border. These we hold as hostages for the empire's good behavior. She will never sacrifice them.

Is there any danger of a war with Spain? The Queen of the Antilles and her sister islands with her depleted coffers and heavy debt furnish us absolute security against danger from that direction. There is no friction between this country and France, Germany, or Russia. Wherein can there arise any cause for war between this country and any other? It has been said by some whose apprehensions had obtained ascendency over their judgment, that owing to the defenseless condition of our seaboard we were liable to be humiliated at any time. That the little South American state of Chili might send one of her ships of war into New York Harbor and lay that city under contribution or in ashes. Let the possibility of that assertion be granted. What of it? Will it ever occur? Are the rulers of Chili idiots seeking self-destruction? May we not assume that they are men of some sense and some knowledge of the history, numbers, and resources of this country?

Have they not heard of a war among ourselves which occurred a quarter of a century ago and continued four years, in which the total enlistment of soldiers on each side exceeded thirty-three hundred thousand, and which cost more than $3,000,000,000? Do they not know that if they were to assault one—even the smallest—of our defenseless seacoast cities that before many months elapsed Chili would have no place on the map of nations except as an outlying territory of the United States?

It is utterly reckless to assert even the possibility of such a course upon the part of Chili or any power similarly weak, and hence that illustration of the necessity for numerous ships of war or coast defenses has no force. Sir, it is utterly impossible for a sufficient number of nations ever to combine or form an alliance and bring men enough to our shores to whip us. With all the States united in defense of the flag, as they now happily are, the Union is invincible and can defy the world in arms.

Mr. Chairman, upon the subject of coast defense it does seem to me that the lessons we learned in our late civil war should not be forgotten. Was it not demonstrated time and again that no masonry—brick and mortar and stone, however skillfully put together—can resist the heavy projectiles which powerful guns can hurl against it? Nothing has yet been discovered which can resist them but earthworks, and these can be constructed with comparative rapidity and upon an emergency.

A very few first-class heavy guns may and I think should be constructed for coast defense and placed in New York Harbor and a few other important points. But with no prospect of early need for them, and the constant inventions and improvements in gunnery and engines of war which are going on at the end of every decade renders all those previously cast almost or entirely useless, I am unwilling to vote any large sum for this purpose.

To use the mildest term applicable to a greater appropriation, I say it would be recklessly improvident. For twenty years we have had no coast defenses and no navy worthy to be called such, and yet no nation has had the temerity or insanity to molest our commerce, insult our flag, or violate our rights. Whence comes the clamor now, in the face of this long experience and profound peace, for both coast defense and a navy? Some New England fisherman has lost his bait.

I do not like, when I can avoid it, to question the motives of others, but most obviously these three Senate bills providing for the expenditure in the aggregate of $46,000,000 originated and are advocated in obedience to either a mere sentiment of national ostentatiousness, a fear of invasion which is ridiculous because baseless, or they are the result

of a well-devised scheme to take advantage of that unsubstantial and transitory popular idea in favor of building a navy, to make a permanent disposition of the surplus revenue, and thereby dispense with the necessity of revising the tariff and reducing taxation.

But it is said by way of reply that forty-six million will not dispose of the surplus; I grant that. But will there be no further demand for coast defense appropriations? Why, sir, the total coast line of the United States is 12,681 statute miles, indented by hundreds and thousands of bays, rivers, and harbors, where an enemy might land troops and do immense damage. Are all these to be fortified, or only a favored few? To put all in a state of defense $500,000,000 would not suffice. The following statement, furnished to me at the office of the Coast and Geodetic Survey, shows in detail the entire ocean and sea frontage of the United States:

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
*Washington, D. C., February* 18, 1887.

SIR: I delivered to your clerk yesterday a memorandum of the following distances for your use:

| | Statute miles. |
|---|---|
| 1. Atlantic coast, Quoddy Head, Maine, to Cape Sable, Florida | 2,732 |
| 2. Gulf coast, Cape Sable to the Rio Grande | 1,163 |
| 3. Pacific coast, from the boundary, near San Diego, northward, thence through the Strait of Juan de Fuca and Gulf of Georgia to the forty-ninth parallel of latitude | 1,663 |
| 4. Alaska Territory, from Portland Channel, around Alaska Peninsula, through Behring Strait, to Demarckation Point | 4,818 |
| 5. Aleutian Islands (Alaska Territory), ocean and sea frontage | 2,305 |
| Total United States coast-line | 12,681 |

These values give the length of the seacoast of the United States as measured upon the small scale charts of the Atlantic, Gulf, and Pacific coasts, upon a line drawn near to and parallel with the coast and avoiding all the minor indentations.

Yours, respectfully,

B. A. COLONNA,
*Assistant, in charge of Office.*

Hon. W. C. OATES,
*House of Representatives.*

One small but well-equipped gun factory, where experiments in the construction of a few first-class heavy guns may be made and subjected to the severest tests, is all that we need, and all that I will vote for in that direction. But these three Senatorial war bills are not the only inventions of that body which tend to relieve the Treasury of redundant revenue. The bill to refund the direct taxes laid during the war, and paid by the States which maintained the Union, about seventeen million of dollars, and that other grand scheme which has aroused the cupidity of so many States and statesmen, the Blair educational bill, seventy-nine million more, which, with the heavy appropriations for pensions, would have a depleting tendency, no man can doubt.

The Republicans of this House and the Senate have, with but few exceptions, made their record squarely against any reduction of tariff duties and in favor of every proposition to expend money, the purpose of which I need not name.

The right thing to do is to revise the tariff and reduce taxation and modify the internal-revenue laws so that there will be no surplus in the Treasury; leave that surplus in the pockets of the people, where it rightfully belongs. The Government has no right to take from them, either directly or indirectly, by any system of taxation, a single dollar more than is required to meet the absolute necessities of the Government. Until such a revision and reduction of revenues can be made I am in favor of applying the surplus to the extinguishment of the public debt, upon which we are now paying $48,000,000 annually in interest.

We are often reminded of the injunction of the Father of his Country, "In time of peace prepare for war." That was full of wisdom when uttered. But the United States was a different country then from the United States of to-day. Then we were weak in numbers and resources, could scarcely stand alone, vast and powerful only in future possibilities. To-day, taking into the count all our advantages of numbers, resources, extent, and situation of territory, intelligence, courage, and patriotism of our people, this is the most powerful nation of the earth.

Money and credit are the real sinews of war, and that nation which in time of peace secures the most money and the best credit makes the best possible preparation for war. Pay our debts with the surplus revenue and stop the interest from running against the people. It is better for them that the surplus should be buried in mid-ocean than devoted to placing the country upon a war footing.

War is the greatest calamity to which a nation can be subjected. Let the people continue their peaceful pursuits. Let this great country continue to depend for its defense upon the affections of the people. Like a great giant, in the consciousness of his strength, let this nation, with no unrighteous schemes of diplomacy or conquest, unarmed but defiant in the maintenance of its rights, remain a marvelous example of peace and prosperity.

What need is there for such a naval establishment as the bills I have referred to provide for? Can we hope to compete with Great Britain, and in this respect become the rival of the mistress of the seas? That would involve this country in an annual expenditure which no administration could survive. Sir, we have provided for the building of as many ships of war as we need. I am astounded to find gentlemen in this and the other end of the Capitol professing to be the warm advocates, if not the champions, of tax reduction, favoring all these appropriations. Large appropriations and reduction of taxation are utterly antagonistic propositions. The true friend of the people, who honestly desires to reduce the amount of taxes collected from them, can not be the friend and supporter of these propositions, involving such large expenditures.

Gentlemen should be consistent and get on the one side or the other of this question. You can not ride both horses at once. Sir, I prefer to take the side of the people and lower taxes. This country has no use for coast defenses, a navy, and an army. Their maintenance would add many millions to the annual expenditure, and they might be used to overawe the people and diminish the individual liberty of the citizen.

Wherever a great navy and a standing army are established in time of peace they have always become permanent institutions of the nation and are never reduced. Let gentlemen consider well of the probable consequences before they vote to saddle such burdens upon those who are to succeed us.

Sir, there is too much of a disposition among some of our people to imitate European countries even in our legislation as well as in habits and manners. It is un-American and I despise it. Our Government is unlike every other in the world, and consequently the conduct of others should be of no force as precedents here. Let the burdens of this Government and its restraints of natural liberty rest so lightly upon the citizen that he scarcely feels them and contentment and comfort will be constant visitors to the poor and will knock with even hand at the doors of the palace and the cottage.

For the defense of such a Government in case of invasion a million of the best soldiers that ever enlisted in any cause would, in less than sixty days, be on the march to meet our country's foes. The seas would swarm with our privateersmen, and with our exhaustless resources and limitless credit the best ships of war would appear under our flag as though constructed by the hand of magic. Let us so legislate as to maintain a healthy sentiment within our own country; we have nothing to fear from without.

I shall vote against all the pending amendments to this appropriation bill providing for the construction of new ships of war because they are not needed, and therefore the expenditure is not warranted.

Mr. BOUTELLE. I yield five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS, of Illinois. Mr. Chairman, to proceed with the discussion of the question from the point where I left off, there are of unfinished vessels now in course of construction and yet to be let out by contract, the five double-turreted monitors—for the completion of which appropriations are made in this bill—the steel cruiser Newark, which is to cost $1,300,000, two armored cruisers of the Riachuelo type, to cost $2,500,000 each, and one torpedo-boat, which is to cost $100,000.

Two years at least must elapse before these vessels now authorized by law can be completed, before the armor and the armament for them can be manufactured. With these facts before our eyes, and recognizing at the same time the demands of the people for a further extension of the Navy, the committee concluded that the seven vessels mentioned in the bill introduced and reported by me from the Committee on Naval Affairs, and now proposed as an amendment to this bill by the gentleman from Texas [Mr. SAYERS], were as many as could be undertaken by the Department economically and safely within the next year. The vessels authorized by my bill—which received the unanimous indorsement of the Committee on Naval Affairs, and which is now on the Calendar—are exactly the ones contemplated by the amendment of the gentleman from Texas [Mr. SAYERS].

It authorizes the construction of two vessels of the type of the Newark. I have already explained the excellence of that plan and that type. It was thought best to duplicate that vessel for the reasons that it costs $25,000 to make the plans, specifications, working drawings, and model of a single new vessel and requires four months of time. Hence, by this duplication, $50,000 and four months of time will be saved on these two vessels. We take the 1,700-ton gunboat, a model of which is in the room of the Committee on Naval Affairs, and we authorize the construction of four more of those. As we follow plans, specifications, and drawings already prepared, there is a saving of $25,000 on each of these vessels, and also a saving of four months of time. These are the reasons why we have provided for the duplication of the above vessels.

We propose the building of seven new vessels, to cost in the aggregate $4,900,000. The present bill, outside of this proposition, contains appropriations amounting to $6,800,000 for the completion of vessels already authorized.

It is true there is a great demand for some torpedo-boats, especially torpedo cruisers; and I shall be glad to see the authorization of the building of some fast, armored dynamite cruisers—vessels which will be able to throw a thousand pounds of dynamite a mile with reasonable accuracy. A few vessels of that kind would be very effectual in protecting our coast.

As to the substitute offered by the gentleman from Maine, no type

of vessel is given. No war vessel in the world now reaches the speed of 20 knots an hour; and the plans of the vessels now in course of construction could not be adapted to that speed. A greater weight of engines, boilers, and machinery would be required, and it would be necessary to either reduce the size of the guns or increase the displacement of the vessels. I believe, and a majority of the committee appeared to think at the time when this matter was under consideration, that seven additional vessels are as many as we can advantageously build during the coming fiscal year. Therefore I support the amendment of the gentleman from Texas, which is, as I have said, substantially the bill reported by me to this House, by the unanimous voice of the Committee on Naval Affairs.

Mr. HERBERT. I yield five minutes to the gentleman from Louisiana [Mr. KING].

Mr. KING. Mr. Chairman, in considering a subject so grave as the national defense I think it scarcely worthy a member of this House to bandy words. But when the gentleman from Maine [Mr. REED] asserts that to the Republican party alone is due the construction of a navy, I wish to call his attention to the fact that the Republican party controled this Government for fifteen years after the war of secession, absolutely during which time hundreds of millions of dollars were spent upon the Navy, yet no ships were left us at the end of that period of Republican rule.

But that is not the question before this committee. The question is, whether the gentleman from Maine [Mr. BOUTELLE] shall prevail in his proposition that ten ships be constructed at a cost not exceeding $15,000,000, or whether the proposition offered by the gentleman from Texas, Governor SAYERS, on behalf of his committee, shall be adopted—that six ships and one torpedo boat be constructed at a cost not exceeding four and a half million dollars. That, sir, is the question.

Mr. Chairman, we are rapidly advancing in new methods of shipbuilding and naval architecture and warfare. We are threatened by foreign foes it is said. Some are undertaking to frighten this committee into extravagant expenditures. Sir, the old ships are going out of fashion; new projectiles are being invented, and new powers of projection are being created. But the appropriation asked for by the gentleman from Texas seems ample for a safe development of a navy.

When it is proposed to place in the hands of the Executive fifteen millions of money for the construction of ships at once, the gentleman from Maine can scarcely remember that there are other means of naval warfare than those waged by large ironclads. Why, sir, this country has nearly eighteen hundred swift yachts, and at the sound of the first gun of an enemy they and other rapid ocean crafts, that would be at once purchased for the purpose could dart upon any commerce on the ocean and destroy it.

In my judgment, Mr. Chairman, we have never in our naval discussions estimated properly and fully what would be the power of a volunteer navy sent out to defend our shores. All the seas would be covered with our vessels carrying letters of marque and reprisal, and no nation to-day—Germany, France, or England—claiming to control in any degree the commerce of the oceans, seas, or lakes would venture to attack us reaching as we do in territory from Atlantic to Pacific, and embracing nearly an entire continent, with a population of 60,000,000 of intelligent, aggressive people, without the gravest cause. A volunteer navy, such as I have suggested, would reduce England to starvation in thirty-days or cause the flag of her merchant marine to vanish. Her great ships might bombard our cities, but would be helpless in protecting her bread-carrying vessels. There is no danger of foreign war. Domestic wars are what we have most to dread. Against them our statesmen must guard and protect our country by wise legislation. In this matter and at this juncture I, for one, am willing to trust to the patriotism and judgment of the chairman and members of the Committee on Naval Affairs, and will vote with them.

Mr. BOUTELLE. I have ten minutes remaining and will yield six minutes of that time to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. Chairman, we have less than one week's time before the Speaker's gavel will announce the adjournment of Congress, and we have a great deal to do in that short space. I wish to call attention to the fact that if we are to do anything at all for the increase of the Navy it will have to be done in this bill. The bills which have been offered especially for the construction of additional ships of war, will not be reached, and if we are to authorize the Department to enter into the construction of new vessels we must take advantage of the present bill.

Now, I hear to-day for the first time on this floor that we have more ships in the Navy than we need. I understood that to be the essence of the remarks of the gentleman from Indiana [Mr. HOLMAN], that we have now in fact more ships of war than this Government has use for.

Mr. Chairman, during the next six years there will not be remaining a single one of our present wooden fleet, if we can judge the future by the past. When that period rolls round we will not have more than half a dozen of these well constructed modern vessels of war unless we now authorize the Navy Department to enter into the construction of additional ones. Why is it—and the question has often been asked on this floor—why is it the Department has been so slow in the construction of these vessels? Why is it the distinguished gentleman from Maine [Mr. REED] made the remark he did a few moments ago, that it is impossible to procure in the United States armor or guns unless we wait eighteen months or two years for their construction? It is because our legislation of the past has been, as our friends propose to-day it shall continue to be—it is because we have been doling out these appropriations in small sums authorizing one vessel this year and another vessel the following year.

We have not made such appropriations as would induce the manufacturers of the country to enter into the manufacture of armor and guns. Gentlemen, it takes a million of dollars to establish one of these plants for the construction of guns. What inducement is there to an American manufacturer to establish such a plant costing a million and a half of dollars? Gentlemen, we are wasting money, we are spending more money for our Navy than we should spend from the fact we are not making sufficient appropriation to enable the manufacturers of the country to build our steel cruisers in an economical manner. When we authorize the construction of ten additional ships, as proposed by the gentleman from Maine, appropriating $19,000,000 for their construction, $15,000,000 for the ships proper and $4,800,000 for armament, then there is some inducement to manufacturers of the country to enter into the manufacture of the article which we to-day in America are altogether without.

And, Mr. Chairman, should we wait another year or two years or three years in order to permit the vessels that we have already authorized to float upon the sea that we may judge as to their success or as to the type of vessels we shall authorize to be constructed?

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, I understand I have four minutes of the time remaining.

The CHAIRMAN. The Chair recognizes the gentleman for that time.

Mr. BOUTELLE. I do not think there is any necessity for attempting to add anything to the arguments that have been made upon this subject. This question is a practical one; I may say it is the foremost question before the American people to-day. We need ships; the people want them, and they are sending up their appeals to Congress to provide the money to build them. We can build them if we furnish the money. When the last vessels were authorized to be contracted for bids were received from ship-builders of this country, who failed, however, to secure the contracts. Every one of these men who put in a bid then is in a condition now to take contracts for one or more of these ships. So we have the desire of the people of the country, we have the money, and we have the facilities to build the ships. We want them now; and I am asking this House simply to incorporate into this bill and send to the Senate, where it will be immediately ratified, a proposition that was adopted in the Senate of the United States without a dissenting voice.

And in closing, Mr. Chairman, my remarks upon this subject I simply cite in opposition, and in commentary upon the sort of doctrine that is urged here to-day by the gentleman from Indiana and others, who think that the United States can afford to leave its coasts unprotected, to have its flag absent from the seas and yet maintain its dignity by making faces at the sisters and the cousins and the aunts of foreign powers—I desire them to hear the words of George Washington, the first President of the United States, in his fifth annual message, where he says:

> I can not recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a condition of complete defense, and of exacting from them the fulfillment of their duties to us. The United States ought not to indulge a persuasion that contrary to the order of human events they will forever keep at a distance those painful appeals to arms with which the history of every nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost by a reputation for weakness. If we desire to avoid insult we must be able to repel it. If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

[Here the hammer fell.]

Mr. HERBERT. I have but a few words to say in concluding this debate. The gentleman from Indiana says that we are a brave people, and therefore need no navy. I desire to call his attention to the words of Andrew Jackson in 1834, words uttered in a time of profound peace:

> The wide seas which separate us from other governments must of necessity be the theater on which an enemy will aim to assail us; and unless we are prepared to meet him on this element we can not be said to possess the power requisite to repel or prevent aggressions. We can not, therefore, watch with too much attention this arm of our defense or cherish with too much care the means by which it can possess the necessary efficiency and extension.

Here is Andrew Jackson advising us to cherish the Navy, that we may be prepared to repel aggressions, and here is my friend from Indiana arguing that we need no navy, because we are a brave people.

Mr. HOLMAN. Let me interrupt the gentleman to ask a question.

Mr. HERBERT. Certainly.

Mr. HOLMAN. Is there any difference between the condition of this country at the present day and when that was written—a time when we had less than twenty-five millions of people?

Mr. WEAVER, of Iowa. Only about seventeen millions.

Mr. HOLMAN. I ask the gentleman if there is no difference between our condition at that time and now, when we have sixty millions of people, when we occupy the first rank among the nations of the earth, and are in a condition of prosperity foremost among all the nations of the globe?

Mr. WEAVER, of Iowa. And with a navy that Andrew Jackson never dreamed of in his day.

Mr. HOLMAN. Yes, sir.

Mr. LAWLER. Admiral Porter says that the Chinese fleet can come up and burn all your seaport cities.

Mr. HOLMAN. I ask the gentleman from Alabama if there is no distinction or difference between our condition then and now?

Mr. HERBERT. Relatively we occupy the same position to-day that we occupied fifty years ago. If we have advanced in strength, so have the armies and navies of other nations. If it then required three months for sailing vessels to come from Europe to America, now their navies have grown in strength, now their fleets have increased, now they use steam and high-power guns, and an enemy's fleet could appear on our coasts within twenty-five days after the declaration of war. Every other great nation has in readiness everything that is necessary to begin operations in the event of a declaration of war. Against a war suddenly precipitated upon us we should have less time for preparation than we should have had fifty years ago.

But not only for that purpose do we need a navy. As President Cleveland says:

> All must admit the importance of an effective navy to a nation like ours, having such an extended seacoast to protect. And yet we have not a single vessel of war that could keep the seas against a first-class vessel of any important power. Such a condition ought not longer to continue. The nation that can not resist aggression is constantly exposed to it. Its foreign policy is of necessity weak, and its negotiations are conducted with disadvantage, because it is not in condition to enforce the terms dictated by its sense of right and justice.

But, Mr. Chairman, let me say to the gentleman from Indiana [Mr. HOLMAN] that if it be true, as I suppose he thinks it is, that in his district and in his State, which lies so far in the interior that no long-range gun has ever been invented that can reach into it from the Atlantic or Pacific, there is no sentiment in favor of an effective navy, he is very much mistaken if he believes that sentiment does not exist elsewhere.

Read the newspapers published in New York, Boston, all along the Atlantic and Gulf coast, and see what the sentiment of your countrymen is there. I say to gentlemen on this floor that they ought not to be guided in coming to a conclusion on a subject like this by the sentiment of the town in which they happen to live. Look abroad. Look over the whole country, where you must look when there comes another Presidential election, and ask what is the sentiment in Massachusetts, in Connecticut, in New York, in New Jersey, and in Virginia, and all along the line. It is in favor of an effective navy. I do not believe myself, Mr. Chairman, that we need such a navy as Great Britain has. I do believe there are many advantages resulting to us from our insulated position, from our great strength at home, from our great credit among the nations of the earth.

Mr. WEAVER, of Iowa. Will the gentleman allow me——

Mr. HERBERT. I hope the gentleman will not interrupt me, as I have but a few minutes.

But what are all these things worth if we show to the world at large we have no disposition to defend ourselves against attacks by the sea?

Mr. Chairman, this is a serious question. I beg gentlemen who vote on other questions millions of dollars without a moment's hesitation out of the Treasury of the United States to consider carefully before they decide that nothing whatever ought to be done for a navy. Why, the gentleman from Indiana seems not to have examined this question. I was astonished to hear a gentleman as well informed as he usually is on all topics he speaks of say that there was but one nation having a navy superior to ours. Does he know nothing of the navy of France or of Russia or of Germany or of Turkey or of Italy?

And with what nation, if we should ever be so unfortunate as to be involved in war, would we be most likely to come in contact? There are more German citizens in America and coming to America than from any other nation. Our relations with that nation have been somewhat complicated within the last two or three years. There is a disposition on the part of Bismarck, who controls that great country, to discriminate against the pork and wheat and all the products of the West. Shall we not put ourselves in a position, as President Cleveland says, to negotiate on terms of equality about the rights of our citizens with Germany or shall we leave ourselves entirely at her mercy?

Mr. HOLMAN. Will my friend allow me to interrupt him?

Mr. HERBERT. My time is limited.

Mr. HOLMAN. But my friend has misrepresented me, and I think he does not intend to do that.

Mr. HERBERT. Certainly not.

Mr. HOLMAN. The gentleman made the statement that I had said there was only one nation having a navy superior to ours. What I said was there was but one government possessing an efficient navy that would be a source of any peril to this country.

Mr. HERBERT. Now, this bill of the committee, most carefully matured, carries, as my colleague on the committee from Illinois [Mr. THOMAS] said, about what could be economically and fairly worked on during the coming year. We ought not to undertake as much as is included in the amendment of the gentleman from Maine. But I do think that this amendment, which provides for six ships only and one torpedo boat, four of them small, costing only about a half million dollars each, and the others of 4,000 tons, the cost of all limited to $5,000,000, while we appropriate towards them $2,450,000, ought to be passed by the House.

[Here the hammer fell.]

Mr. THOMAS, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

> Amend the amendment of Mr. SAYERS by adding, after the word "construction," the words "by contract."

The question being taken, there were—ayes 109, noes 10.

So (further count not being called for) the amendment to the amendment was adopted.

Mr. THOMAS, of Illinois. I offer a further amendment to come in at the end of the amendment of the gentleman from Texas.

The Clerk read as follows:

> Add to the amendment the following:
> "That each of the aforesaid vessels shall be built, as near as may be, in compliance with the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment.'"

Mr. SAYERS. I accept that amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is now on the substitute offered by the gentleman from Maine [Mr. BOUTELLE] for the amendment of the gentleman from Texas.

The question being taken, there were—ayes 86, noes 107.

So the substitute proposed by Mr. BOUTELLE was rejected.

The CHAIRMAN. The question is now on the amendment of the gentleman from Texas [Mr. SAYERS] as amended.

The amendment as amended was read.

The committee divided; and there were—ayes 134, noes 39.

Mr. BLAND. I will call for a yea-and-nay vote on this in the House.

The amendment was agreed to.

The Clerk read as follows:

> Towards procuring the armament of the vessels authorized by the act of March 3, 1885, of the vessels authorized by sections 1 and 2 of the act of August 3, 1886, of the unfinished monitors mentioned in section 3 of the same act, and of the Miantonomoh, $2,128,362.

Mr. THOMAS. I offer an amendment to come in on line 882.

The amendment was read, as follows:

In line 882, after the word "procuring," strike out the word "the," and after "of," in the same line, insert "domestic manufacture for," so that the provision will read:

> Toward procuring armament of domestic manufacture for the vessels authorized, &c.

Mr. HERBERT. There is no objection to that, though I believe that is the law already.

The amendment was agreed to.

Mr. REED. Mr. Chairman, I send to the desk an amendment which I offer as an additional section or paragraph.

The amendment was read, as follows:

> After line 889 insert:
> "The Secretary of the Navy is hereby authorized to make contracts with responsible steel manufacturers after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered steel in forms suitable for heavy ordnance adapted to modern warfare, and steel finished for armor, shafting, and other naval purposes in quantity not to exceed 10,000 gross tons, in quality and dimensions conforming to specifications, subject to inspection and tests at each stage of manufacture, and in case of ordnance including all the parts of each caliber specified: *Provided*, That no money shall be expended except in payment for steel accepted and delivered; that each bidder shall contract to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contract, and agree in the case of an ordnance contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence [at the expiration of not less than eighteen months and of the largest calibers at the expiration of not more than three years from the date of the acceptance of the contract, and all these forgings shall be manufactured in the United States.
> "That for the purposes of this section the sum of $3,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available during six years from January 1, 1887.
> "That the Secretary of the Navy is hereby authorized to erect at the navy-yard at Washington, D. C., a naval-gun factory in accordance with the report of the gun-foundry board of December 20, 1884, for furnishing and assembling guns adapted to modern warfare up to and including the largest approved sizes and for the manufacture of gun-carriages and ordnance equipment for the naval service at a cost not to exceed $1,000,000."

Mr. HOLMAN. I believe that is new legislation.

Mr. REED. If the gentleman from Indiana wants to make the point of order, I should like to have him state the grounds of it.

Mr. HOLMAN. I think that proposes new legislation on an appropriation bill.

Mr. REED. It is entirely within the ruling of the Chair. If it is in order to build war ships, it must be in order to put guns on them. That is what they are built for.

Mr. HOLMAN. I apprehended that that ruling would be a little wide.

Mr. LONG. This is in continuance of the work of constructing a navy.

Mr. REED. We have already provided for two new ships, and we have not got guns for those that are now built, and I purpose to demonstrate to the House that this is the only way to get good guns. The Chair will perceive that this is a proposition to contract for the metal for guns, and to build a gun factory for the purpose of assembling the material.

The CHAIRMAN. The Chair thinks that this is for the purpose of constructing guns for arming vessels and, in the line of the decision heretofore rendered, the Chair will have to overrule the point of order.

The question is on the amendment proposed by the gentleman from Maine [Mr. REED].

Mr. HERBERT. I hope the amendment will not be adopted. I ask for a vote.

Mr. REED. Mr. Chairman, I desire to be heard briefly on the amendment. This proposition is identical, word for word, with the proposition which has already passed the Senate, and which I desire to give the House an opportunity to vote upon. This proposes the only possible way in which great guns can be built. The new method of construction of high-power guns requires the establishment of a great plant for their fabrication. The large works at Cambria—the largest iron works that I, at least, have ever seen, constituting in itself a great village—in order to make a 16-inch gun, would be obliged to expend $1,200,000 in additional plant before a single pound of gun metal could be melted. Now, our desire is not merely to build a few guns, but to have in this country an establishment capable of building guns. We have got to have it, and we might as well go to work in workmanlike fashion and offer sufficient inducement to produce the steel ingots out of which these guns can be built.

I think it very possible that many gentlemen who hear me have not studied and do not understand the method of building a modern gun. Under the old system a mold was made, the gun was cast, and after a little trimming and working, the gun was fit for use. But it is impossible to cast steel in large masses. In order to have the metal uniform it is absolutely essential that it should be cast in comparatively small bulk. Hence, instead of making a complete gun at one casting, you must construct and build up a gun—a machine. The process is of this character: A steel tube is cast, weighing considerably less than one-half the weight of the gun, which will be ultimately built about it. Then this great steel tube, which is carefully tested in all its parts, which is carefully annealed in oil, is surrounded by a jacket, not going its whole length. In front of the jacket, on the muzzle end of the tube, are placed steel rings. Then over all this is another series of tubes.

Now these tubes have to be fashioned so carefully and to fit each other with such exactness that it is impossible for the eye to detect where the rings come together. In addition to this, it is necessary that these rings should be in a condition of tension when fitted to the gun. Hence they are bored a little less than the exact size of the covered part. They then have to be heated and afterwards shrunk on to the gun, because when the steel tube receives the shock of the enormous charges of powder necessary in the 16-inch gun to expel the projectile of 2,000 pounds, that shock must be met instantly by the strain which the rings and the jacket already put upon the interior tube. Then the breech work has to be very carefully made.

[Here the hammer fell.]

Mr. GOFF obtained the floor, and yielded his time to Mr. REED.

Mr. REED. The committee will perceive, even from the very rude explanation I have given, that this work is one of the utmost delicacy. It requires careful testings to the smallest fractions of an inch—testings so fine that a few years ago it was absolutely a mechanical impossibility to make such testings. The method which has been found to be best by the practical nations of the world has been to cause these steel ingots out of which the steel tube will be made, out of which the steel jacket will be made, out of which the steel rings will be made, to be cast by private enterprise, and then the putting together, or as it is technically called the assembling, of the gun is done in a Government workshop. It requires costly and expensive tools to do this work, so that the result is, taking for example a gun of the highest power, a 16 or 17 inch gun, which can throw a projectile of chilled steel weighing 2,000 pounds a distance of half a dozen miles to eleven miles.

This makes, as the committee will perceive, a very formidable implement of warfare.

Now, in order that these guns may be constructed, it is absolutely essential that we should make it for the interest of the people engaged in this line of business to manufacture them. As will be perceived at once, it would be impossible for a man to make a single gun or half a dozen guns when, before beginning the first one, he must make the enormous expenditure of $1,200,000.

Mr. WARNER, of Ohio. Is it admitted that guns made in the manner you have described are the best guns?

Mr. REED. It is admitted by everybody, except some one who has got a gun of his own, or some one whose friend has a gun. Every man, woman, or child who has studied this matter is agreed that this is the best gun that can be made to-day.

I want to warn the House here and now that the great danger to which we are exposed is that we shall not get guns, simply because we are surrounded by a set of men who want to waste more millions than have already been wasted upon experiments on exploded ideas and exploded models and exploded guns. It is just as well settled to-day that the built-up steel gun is the best gun that can be made as it is settled that our locomotive engines made in Philadelphia are as good as can be made anywhere in the world; and it is just as absurd to go back to the old models and the old notions in regard to gun-making as it would be to go back to the open engines that used to drag trains forty years ago.

There is another thing about this amendment which should commend it to the judgment of the committee. It puts this money in the hands of the executive department of this Government, where the principles of our institutions require it should be put. The amendment is offered by a member of a party that does not possess the control of the executive branch at the present time; and it is offered because it is believed that it contemplates the true system and the best way of making guns and fixes the responsibility where it should be placed.

Now, if this question ever comes squarely before the House—I think myself the intention is to smother it—an attempt will be made to divide the House by getting up some irresponsible commission composed of different parties——

The CHAIRMAN. The time of the gentleman from Maine [Mr. REED] has expired. [Cries of "Go on!"]

Mr. REED. I do not know that I have anything more to add except that this proposition, having been placed before the Committee of the Whole, will receive the support of this side of the House; and if it is rejected, it will be rejected by the 40 Democratic majority which exists here. I hope there may be patriotism enough to rise above party considerations and adopt the amendment.

I hope there may be patriotism enough to rise above it. [Cries of "Vote!" "Vote!"]

Mr. BUTTERWORTH. I wish to ask my friend from Maine a single question in reference to one branch of this proposition upon which he has not touched, and which he will if his attention is called to it. In my judgment there is no more suitable place than Washington for the establishment which my friend proposes. On what theory does the gentleman propose this is the best place—the most suitable place?

Mr. REED. It is because we have already got one here now.

Mr. THOMAS, of Illinois. That is just it.

Mr. REED. One where we can put together the parts of a 10-inch gun. The Navy Department having said this was a thing already in operation, I do not believe it is wise or sensible on an important question to commence by splitting up on the question of location.

Mr. THOMAS, of Illinois. That is right.

Mr. CUTCHEON. And the commission has already reported in favor of it.

Mr. REED. Yes; and the gun-foundry board has reported in favor of it.

Mr. BUTTERWORTH. Does not my friend know we have two other places much nearer the sources of supply than this one at the city of Washington.

Mr. REED. What are they?

Mr. BUTTERWORTH. Frankfort and Watervliet.

Mr. REED. Both of the Army.

Mr. BUTTERWORTH. Yet they are there for the purpose of manufacturing guns needed by our Government.

Mr. THOMAS, of Illinois. No.

Mr. REED. No.

Mr. BUTTERWORTH. We can easily approach both by rail.

Mr. CANNON. Rock Island is the best place.

Mr. REED. There you are. There is an example of what we will have if we go into the question of where we are to locate it.

Mr. BUTTERWORTH. We have these two places—Frankfort and Watervliet—where it can be located.

Mr. REED. Briefly, the gun-foundry board and the Secretary of the Navy report that this is the best place. So far as Frankfort and Watervliet are concerned the Army can have those places. [Cries of "Vote!"]

Mr. BUTTERWORTH. The other places are needed. My friend knows every engineer who has investigated this particular matter has come to the opinion that the yard at Washington will have to be dug out perennially or it will be on the banks of a creek by the drying up of the branch of the river on which it is, and that it is not the best place to put it. [Cries of "Vote!"]

Mr. HERBERT. Mr. Chairman, the observations which have been made on the other side of the House have been of such a character it is important that some reply, however brief, should be made to them. [Cries of "Vote!"] Some explanation is required.

Mr. TOWNSHEND. No explanation is necessary; we will all vote against it.

Mr. HERBERT. I merely propose to say a few words on this subject.

Mr. TOWNSHEND. It is not necessary.

Mr. HERBERT. I do not think there is any 16-inch gun afloat. My recollection is the Italian ships have only 15-inch guns. However

that may be, it is clear we will not need 16-inch guns for any ship now authorized.

Now as to the second ground, the necessity of making the large appropriation the gentleman says is necessary to enable us to get bids. The Secretary of the Navy thinks he will get a fair bid some time in March. He has proposals already out and expects to get bids at a fair price for furnishing this steel. [Cries of "Vote!" "Vote!"]

[Here the hammer fell.]

Mr. SOWDEN. I ask the amendment be again reported so we may understand what we are voting on.

The CHAIRMAN. Is there unanimous consent?

Objection was made.

The question recurred on Mr. REED'S amendment.

The committee divided; and there were—ayes 94, noes 105.

So the amendment was rejected.

The Clerk read as follows:

Towards procuring, testing, and delivering the armor for the vessels authorized by section 1 of the act of August 3, 1886, and of the unfinished monitors mentioned in section 3 of the same act, $4,000,000.

Mr. THOMAS, of Illinois. I move, after the word "dollars," in line 894, to add the words "provided such armor shall be of domestic manufacture."

Mr. HERBERT. We do not object to that.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Navy to carry out the recommendation contained in the report of the Naval Board, Capt. J. A. Howell, president, dated June 5, 1886, and purchase one pneumatic gun-carriage and necessary attachments, $25,000, or so much thereof as may be necessary, the weight, space, and conditions of working to be agreed upon between the Department and the company.

Mr. BRADY. I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. BRADY. Mr. Chairman, some idea of the character and extent of the public works under the Navy Department and the duties of the Bureau of Yards and Docks and the corps of civil engineers connected therewith may be had from the official report, dated December 1, 1883, of the late navy-yard commission. By an examination of this report it will be seen that the navy-yards comprise some 6,500 acres of land, of which no less than 82 acres are covered with buildings of brick, stone, wood, and iron. These buildings number 564 and are valued at $15,400,000, which, with other permanent structures and works, such as masonry and floating dry-docks, launching-ways, derricks, sheers, quay-walls, wharves, slips, walls, sewers, drains, street improvements, water and gas works, &c., valued at $13,700,000, and miscellaneous machinery and tools, the property of the Bureau of Yards and Docks, valued at $580,000, make up a total appraised value of the public works now under control of said Bureau of $39,680,000, not including the value of the 6,500 acres of land, mostly improved, and of which no estimate is given.

The duty and work of designing, constructing, repairing, caring for and maintenance of all these varied and extensive works, which constitute the navy-yards, is technical in character—almost wholly constructing engineering—and the same is committed to the Bureau of Yards and Docks, and the civil engineer corps of the Navy under its direction and control, as will be seen from the general orders of the Navy Department, prescribing "duties of bureaus" and the rules and regulations of the Navy and bureau defining the duties of civil engineers at navy-yards.

Mr. Chairman, the mere statement of the nature and magnitude of such extensive and varied works of engineering would seem to be of itself alone a sufficient argument as to the absolute necessity of requiring thorough technical knowledge and experience in practical engineering as the proper measure of fitness for an intelligent conduct of this branch of the public service. I further submit that a wise and judicious application of the funds appropriated for these public works can not reasonably be had nor expected under such a faulty organization. Would it not be unreasonable, may I not say absurd, to select a learned lawyer as chief of the Engineer Corps of the Army, or a most skillful surgeon as Supervising Architect of the Treasury Department? And is it not just as irrational to have an unprofessional head of the Bureau of Yards and Docks in the Navy Department?

It would prove a real reform in the line of intelligent administration to appoint a civil engineer of high character, experience, and undoubted ability chief of this bureau, and I believe that the justice and propriety of such a change would commend itself to professional and business men of broad views everywhere.

Many of our most distinguished officers of the Navy are of this opinion. Fifteen years ago—when the operations of the Bureau of Yards and Docks were not nearly so large, or so important as now, Rear-Admiral Joseph Smith said, January 21, 1870, in a letter to the Secretary of the Navy:

* * * During my service of twenty-three years as Chief of the Bureau of Yards and Docks, I have seen and felt the necessity of educated and competent civil engineers at navy-yards, and as costly and important works come under their direction and supervision, they should be men of education and experience in their profession, which qualities should govern the appointing power in the selection, and should possess relative rank with other officers who are chiefs of other civil departments in navy-yards. To that end I would respectfully recommend the action of Congress.

Another illustrious officer succeeded Admiral Smith as Chief of the Bureau of Yards and Docks. Reference is had to Admiral Ammen, who wrote in 1871:

The education and qualities of mind necessary to make a good civil engineer must be of a very high order, and to secure and retain the best should be the object of the Government. There can be no better economy, and to that end they should be well paid; I would think quite as much or more than they now ask.

If a professional examination of a proper kind was established, as necessary to receiving the appointment, and if then a probationary term as an assistant and then as principal, of sufficient length to establish the professional worth of the person and his adaptability to his duties, I would think that naval rank could then be given with advantage to the service.

How is it under other governments?

In England the "director of engineering and architectural works," which office corresponds with our "Chief of Bureau of Yards and Docks," is a professional engineer, and the present incumbent is a general of the royal engineers. At the dock-yards the work is executed under his direction by the resident superintending civil engineers in charge. Within the present year the board of admiralty has been enlarged by the appointment of a civil engineer as a civil lord, who has, in fact, been "an outsider" for several years as an unofficial professional adviser to the board in scientific and engineering matters, but now he has been publicly honored with a seat inside and made a directing official of responsibility and usefulness, as a proper recognition of the value and importance of such professional service.

In France, where the general administration of naval affairs is carried on at the naval ports, there is an engineer "director of hydraulic works and buildings" at the head of this branch, which is one of the seven subdivisions, corresponding to our bureaus, at the headquarter's port; and under recent reorganization a "civil engineer" is now appointed upon the staff of the commander-in-chief.

At the dock-yards, the work of this department is executed by the resident engineers.

In Austria the technical department of the navy comprises a corps of engineers each for ship construction, engine construction, building and dock construction, and artillery construction, with one chief engineer at the head of each corps, and a small corps of superior engineers and engineers under him—the corps for "building and dock construction" consisting of one chief engineer, three superior engineers, and four engineers.

In Germany, where the imperial admiralty is divided into three grand sections: First, the military section; second, the techincal section, and third, the general section, the bureau of docks is included in the technical section and the *personnel* of the technical corps of naval engineers includes a corps of one director and four chief engineers in the division of docks and hydraulic works.

The following is the organization of the principal foreign navies:

AUSTRIA.

1. Sea officers.
2. Marine infantry.
3. Marine priesthood.
4. Medical corps.
5. Technical department.
6. Commissariat department.

Technical department:

1. Ship-building.
2. Engine-building.
3. Marine artillery.
4. Building and dock construction.
5. Machinists.

ENGLAND.

Fixed administration:

1. Secretary.
2. Controler of the navy.
3. Accountant-general.
4. Director-general of the medical department.
5. Director of engineering and architectural works (R. E.)
6. Director of transports.
7. Director of contracts.
8. Director of naval construction.
9. Director of naval ordnance.
10. Superintendent of victualing and stores.

FRANCE.

Central administration:

1. Minister's cabinet.
2. First direction, *personnel*.
3. Second direction, material.
4. Third direction, administrative service.
5. Fourth direction, colonies.
6. Fifth direction, general accounts.

Five maritime districts, each under a prefect maritime, assisted by:

1. Major-general of marine.
2. Commissary-general.
3. Director of port movements (captain of port).
4. Director of naval construction.
5. Director of artillery.
6. Director of hydraulic works and buildings.
7. Council of health.

GERMANY.

Grand sections:

1. The military section.
2. The technical section.
3. The general section.

The technical section:

1. Bureau of equipment.
2. Bureau of docks.
3. Bureau of construction of vessels.
4. Bureau of construction of engines.
5. Bureau of construction of ordnance.
6. Bureau of construction of torpedoes and torpedo defense.

Mr. Chairman, it is a fact that Congress very wisely provided for the presence of this technical knowledge and experience in the administration of this bureau at the time of its creation, in 1842, when its functions had a wider scope than now, embracing other work since transferred to other bureaus, and the corps of civil engineers was not yet established, by requiring a civil engineer to be permanently attached to the bureau as a part of its organization. The question now is, Does

the law sanction and permit such an appointment, that of a civil engineer as Chief of Bureau of Yards and Docks, Navy Department?

The following sections of the Revised Statutes bear upon this inquiry:

SEC. 419. The busines of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following bureaus: First, a Bureau of Yards and Docks; second, a Bureau of Equipment and Recruiting; third, a Bureau of Navigation; fourth, a Bureau of Ordnance; fifth, a Bureau of Construction and Repairs; sixth, a Bureau of Steam Engineering; seventh, a Bureau of Provisions and Clothing; eighth, a Bureau of Medicine and Surgery.

SEC. 421. The chiefs of the several bureaus in the Department of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, from the classes of officers mentioned in the next five sections respectively, or from officers having the relative rank of captain in the staff corps of the Navy, on the active list, and shall hold their offices for the term of four years.

SEC. 422. The Chiefs of the Bureau of Yards and Docks, of the Bureau of Equipment and Recruiting, of the Bureau of Navigation, and of the Bureau of Ordnance shall be appointed from the list of officers of the Navy not below the grade of commander.

SEC. 423. The Chief of the Bureau of Construction and Repairs shall be appointed from the list of officers of the Navy not below the grade of commander, and shall be a skillful naval constructor.

SEC. 424. The Chief of the Bureau of Steam Engineering shall be appointed from the Chief Engineers of the Navy, and shall be a skillful engineer.

SEC. 425. The Chief of the Bureau of Provision and Clothing shall be appointed from the list of Paymasters of the Navy of not less than ten years' standing.

SEC. 426. The Chief of the Bureau of Medicine and Surgery shall be appointed from the list of the Surgeons of the Navy.

Hon. E. John Ellis submitted, March 16, 1885, to the present Secretary of the Navy, a very able argument, showing the true intent and meaning of the foregoing laws on this subject, to which I ask attention. It is as follows:

The original acts from which the above codifications were formulated are the act of July 5, 1862, sections 1 and 2, 12th volume of Statutes, page 510; and the act of March 3, 1871, sections 9 and 10, 16th volume of Statutes, pages 536, 537.

The act of 1862 first divided or distributed the business of the Navy into eight separate and distinct bureaus. A careful reading of the sections in the original or as codified in the Revised Statutes, clearly establish that Congress intended to place civilian officers or staff officers of the requisite technical and professional attainments at the head of those bureaus that were civil and technical in their character. Of this there can be no doubt. Therefore they placed at the head of the Medicine and Surgery Bureau a surgeon of rank; at the head of the Bureau of Construction and Repairs a "skillful naval constructor;" at the head of the Bureau of Steam Engineering "a skillful engineer;" and at the head of the Bureau of Provisions and Clothing a "paymaster of not less than ten years' standing;" or, in other words, one skilled to judge of and buy provisions and clothing.

The intention was to place the business of the Navy Department on a business basis. The thought was "every man to his trade," and that if a man wanted to repair a watch he ought not to go to a blacksmith, or if he desired a house constructed he would not seek the services of a merchant tailor. The object to be obtained was to give to the Navy Department proportion, efficiency, and homogeneity, and it was the very best kind of common sense.

It did not follow that because Annapolis had trained the gifted and gallant line officer of the Navy to sail, to command, to fight ships, or to know all about equipment, and recruiting, and ordnance, that therefore he was a better doctor than the trained surgeon, or a better dealer in goods than the experienced civilian paymaster, or that he could "construct" a ship, or manipulate a steam-engine. So, with good sense and sound judgment, the legislators of 1862 placed all the purely civil and technical bureaus, except that of yards and docks, under the administration of staff officers of expert and technical skill and experience.

Why was the Bureau of Yards and Docks excepted from this wise legislation? The reason is obvious. The operations of that bureau were small. The light wooden ship was the war vessel of that day. The plant and buildings of a navy-yard were insignificant as compared with those of this day. A dock, small and weak as compared with those required to-day, would accommodate the largest "man-of-war." A war vessel did not draw over 12 to 24 feet of water. She could be built almost anywhere, in a shallow harbor or upon an inland river with extemporized docks, stays, buildings, and plant. The tremendously heavy and costly machinery of to-day was unknown. The world had progressed but little in the building and armament of ships of war in the one hundred years preceding. Less of surveying, of calculating weight and endurance, of sewerage and drainage for permanent yards, few of these abstruse and difficult problems, which the naval civil engineer of to-day must meet and solve, were then presented. The forces of nature had not then been harnessed to the chariot of Mars or the trident of Neptune.

Therefore there was less need for the civil engineer of close application and great acquirement. Those that were employed were on the civil list, without rank or place in the Navy, except as civil employés.

It was considered that the line officer could properly direct the limited operations of the bureau, as they were then comparatively simple. Besides, there was then no staff officer of the requisite technical knowledge to direct the operations of the bureau, and in order to preserve throughout the military feature, rank was required for a chief of bureau. And thus it was that the legislators of 1862 failed to place the civil and technical Bureau of Yards and Docks under the charge of a professional and technical expert officer. The legislators of 1871 were wiser. The world had moved; iron had replaced wood; tremendous strides had been made in all the arts of naval warfare, in navigation, the tactics of the sea, naval construction, hydrography, ordnance, projectiles, armor, submarine mines. A priest of Nature had been down by the sea and had wooed from his Divinity the secrets of the coming and going of the clouds and winds. Meteorology and Maury had learned to foretell the coming and the pathway of the storms.

These advances in naval warfare and construction and science brought forward new and complicated questions of engineering. More skill was required of the engineers in the Bureau of Yards and Docks, and new studies for the line officer were imperatively required that carried him further away from the knowledge of the civil engineer.

And so in 1871 the law of 1862 was changed in a most important direction.

In order to fully appreciate the change the material sections of the two acts are quoted in full.

The material sections of the act entitled "An act to organize the Navy Department of the United States," approved July 5, 1862, are as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be established in the Navy Department the following bureaus, to wit: First, a Bureau of Yards and Docks; second, a Bureau of Equipment and Recruiting; third, a Bureau of Navigation; fourth, a Bureau of Ordnance; fifth, a Bureau of Construction and Repair; sixth, a Bureau of Steam Engineering; seventh, a Bureau of Provisions and Clothing; eighth, a Bureau of Medicine and Surgery.

SEC. 2. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint from the list of officers of the Navy, not below the grade of commander, a chief for each of the Bureaus of Yards and Docks, Navigation, Equipment and Recruiting, and of Ordnance, and shall in like manner appoint a chief of the Bureau of Construction and Repair, who shall be a skillful naval constructor; and shall also appoint a chief of the Bureau of Steam Engineering, who shall be a skillful engineer, and be selected from the list of chief engineers of the Navy; and shall also appoint a chief of the Bureau of Medicine and Surgery, who shall be selected from the list of the surgeons of the Navy, and a chief of the Bureau of Provisions and Clothing, who shall be selected from the list of paymasters of the Navy of not less than ten years' standing; each of which chiefs of bureaus shall receive a salary of $3,500 per annum, unless otherwise heretofore provided for by law, which shall be in lieu of all other compensation whatever. The said chiefs of bureaus to hold their said offices for the term of four years: *Provided*, That nothing herein contained shall be construed to affect any provision heretofore made by law for special cases. (See volume 12 Statutes at Large, page 536.)

The changes made by the act of 1871 are found in sections 9, 10, of the act making appropriations to supply deficiencies in the appropriations, &c., approved March 3, 1871, and are as follows:

"SEC. 9. That of the naval constructors two shall have the relative rank of captain, three of commander, and all others that of lieutenant commander or lieutenant; and assistant naval constructors shall have the relative rank of lieutenant or master; four chaplains shall have the relative rank of captain, seven that of commander, and not more than seven that of lieutenant commander or lieutenant; and that the President of the United States is hereby authorized, in his discretion, to determine and fix the relative rank of civil engineers: *Provided*, That the pay of said officers shall not be increased.

"SEC. 10. That the foregoing grades, hereby established for the staff corps of the Navy, shall be filled by appointment from the highest numbers in each corps, according to seniority, and that new commissions shall be issued to the officers so appointed, in which commissions the titles and grades herein established shall be inserted; and no existing commission shall be vacated in the said several staff corps, except by the issue of new commissions required by the provisions of this act, and no officer shall be reduced in rank or lose seniority in his own corps by any change which may be required under the provisions of this act; and the officers of the staff corps of the Navy shall take precedence in their several corps, and in their several grades, and with officers of the line with whom they hold relative rank, according to length of service in the Navy: *Provided*, That in estimating the length of service for this purpose the several officers of the staff corps shall respectively take precedence in their several grades and with those officers of the line of the Navy with whom they hold relative rank, who have been in the naval service six years longer than such officers of said staff corps have been in said service: *And provided further*, That in estimating such length of service officers who have been advanced or lost numbers on the Navy Register shall be considered as having gained or lost length of service accordingly: *And provided further*, That chiefs of bureaus may be appointed from officers having the relative rank of captain in the staff corps of the Navy on the active-list: *And provided further*, That no staff officer shall, in virtue of his relative rank or precedence, have any additional right to quarters: *And provided further*, That any staff officer of the Navy who has performed the duty of chief of a bureau of the Navy Department for a full term shall thereafter be exempt from sea-duty except in time of war." (Volume 16, Statutes-at-Large, pages 510, 511.)

A careful perusal of the act of 1862 shows that the selection of a chief of the Bureau of Yards and Docks, as well as those of the Bureaus of Ordnance, Recruiting and Equipment, and Navigation, was to be exclusively from the list of the line officers of the Navy. Three military bureaus and one civil and technical bureau are included in the first clause of the section, and no difference in the mode of selecting a chief is made, nor any distinction as to the character or class of officer who shall be chief of these bureaus. On the contrary, as to the selection of chief for all four of these bureaus exactly the same law was provided. Of course, the military character of the three military bureaus required a naval officer of the line instructed in military affairs. Navigation requires a knowledge of commanding, sailing, and fighting a ship; recruiting and equipment, a knowledge of the men and materials necessary for the ship's handling and the service of her batteries; and ordnance, a knowledge of the guns and projectiles with which ships attack and defend. The words "from the list of officers of the Navy not below the grade of commander," used in the second section of the act of 1862, unquestionably refers to officers of the line. This is all the more apparent from the remainder of the section, in which is provided for the other bureaus chiefs of a different and special class and qualification—which class and qualification are carefully designated.

Now turn to the act of 1871, and mark the changes. Section 9 authorizes the President to fix the relative rank of civil engineers. Section 10 includes civil engineers in the staff corps of the Navy. Section 10 further authorizes "chiefs of bureaus to be appointed from officers having the relative rank of captain in the staff corps of the Navy on the active-list."

The inference is clear. The spirit and intention of the law was to provide a suitable, appropriate chief for each bureau of the Navy. This was done by the law of 1862, except for the Bureau of Yards and Docks. The only appropriate chief for that bureau was an engineer, but it was requisite, in order to preserve the harmony of the military feature, that a chief of bureau should also be an officer of a certain relative rank. Civil engineers were not officers, and had no rank. For this reason, and from other causes already referred to, the Bureau of Yards and Docks was included with the military bureaus, and chiefs were selected from the line. Thus it remained until 1871. Then the law was changed. First, the President was authorized to fix the rank, relative rank, of civil engineers; secondly, civil engineers were directly included in the staff corps of the Navy, and simultaneously with these changes the law in relation to the appointment of chiefs of bureaus was changed and broadened so as to admit officers of the staff corps to the position of chiefs of bureaus.

Whether, Mr. Chairman, the present bureau system be continued or a reorganization of the navy-yards be effected on a modified system, as recommended by the honorable Secretary of the Navy, it seems quite clear that common-sense business views and methods should obtain with regard to the proper administration of this branch of the service and that the important professional work of designing, constructing, repairing, and maintaining all the extensive public works under the Navy Department should be embraced under one head, division, bureau, or department thereof, and committed to the general charge and direction of a practical civil engineer, who shall be directly subject to the orders of and responsible to the Secretary of the Navy, the appointment to be made by the President, by and with the advice and consent of the Senate, for a specified term, at proper compensation, with no other restriction as to selection than that he shall be a skillful and experienced civil engineer, whether from the Navy, Army, or civil life.

Mr. RANDALL. I desire to reserve the point of order upon the section which the Clerk is now about to read.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized to make such transfers of the appropriations made by this act from one bureau to another as may become necessary by reason of any change in existing law, or by reason of any order by the Secretary transferring authority from one bureau to another; and the Secretary of the Navy is hereby authorized to transfer, by written order, any materials purchased for any bureau in the Navy Department to and for use in any other bureau.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. RANDALL. It is with extreme reluctance that I make the point of order; but the principle involved is so important that I feel impelled by a sense of duty to do so.

The law of 1809 was repealed in 1868, which permitted this transfer of items——

Mr. HERBERT. Perhaps we can shorten this if the gentleman will yield to me for a moment. If the gentleman from Pennsylvania will consent I will admit that the latter portion, beginning with the words "and the Secretary of the Navy is hereby authorized to transfer," &c., is subject to the point of order.

Mr. RANDALL. I think the whole of it is, and I desire to have a ruling upon the paragraph.

Mr. HERBERT. I ask unanimous consent to consider as eliminated from the section the words I have indicated.

Mr. RANDALL. I have no objection to the gentleman's having that done if it is his desire.

Mr. HERBERT. I ask the Chairman to put that question. I ask for unanimous consent to strike out all of the paragraph beginning with the words "and the Secretary of the Navy," in line 908.

Mr. GOFF. I understand you to concede the point of order to be well taken on that?

Mr. RANDALL. There is affirmative law on the statute-books upon this subject, to which I wish to call the attention of the committee. The law of 1809 permitted it to be done upon the approval of the President. The law of 1868 repealed the act of 1809, and subsequently there was incorporated into the Revised Statutes the substance of that act of 1868, which I will cause to be read in this connection, showing that by affirmative law this shall not be done, and that the proposition to do it here is amenable to the point of order.

I ask the Clerk to read the statute I send to the desk.

The Clerk read as follows:

*And be it further enacted*, That so much of the first section of the act of March 3, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, as authorizes the President, on the application of the Secretary of any Department, to transfer the moneys appropriated for a particular branch of that Department to another branch of expenditure in the same Department, be, and the same is hereby, repealed; and all acts or parts of acts authorizing such transfer of appropriations be, and the same are hereby, repealed.

Mr. RANDALL. I now ask the Clerk to read from the Revised Statutes section 3678.

The Clerk read as follows:

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

Mr. RANDALL. This paragraph, to which I make the point of order, changes that existing law on an appropriation bill.

Mr. HERBERT. Mr. Chairman, I desire to reply to that point of order, but as it is near 5 o'clock, I shall ask the committee to rise for the purpose of making a request for unanimous consent to vacate the order heretofore made for a recess from 5 o'clock until half past 7. It will be agreed by those interested in the session to-night to vacate that order. So, with that view, I move that the committee rise.

The motion was agreed to.

The committe accordingly rose; and the Speaker having resumed the Chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union, having had under consideration the naval appropriation bill, had come to no resolution thereon.

Mr. HERBERT. I ask unanimous consent that the order heretofore made be vacated; or rather I yield to the gentleman from Maryland, who will make that request.

VACATION OF ORDER FOR EVENING SESSION.

Mr. GIBSON, of Maryland. Mr. Speaker, I ask that the order heretofore made providing for a recess from 5 o'clock to-day until half past 7, for the purpose of eulogies upon the late Hon. William H. Cole, of Maryland, be vacated and that Monday evening next, at the same hour, be assigned in lieu of the order for to-night.

The SPEAKER. That includes the taking of a recess at 5 o'clock?

Mr. GIBSON, of Maryland. That is the request.

Mr. O'NEILL, of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise? Does he wish to object?

Mr. O'NEILL, of Missouri. I want to make a statement, and ask unanimous consent that this session for Monday night be accompanied with the same order for a session on Tuesday night, to be devoted to business from the Committee on Labor.

The SPEAKER. The Chair will submit the request of the gentleman from Maryland. Is there objection to that request?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. Now, I ask unanimous consent that on Tuesday next at 5 o'clock the House take a recess until half past 7 for the consideration of reports from the Committee on Labor. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded; but the Chair will state the request of the gentleman from Missouri, that the House take a recess from 5 o'clock until half past 7 on Tuesday next, the evening session to be devoted to the consideration of business from the Committee on Labor. Is there objection?

Mr. MILLS and others objected.

Mr. COWLES. I object unless it includes the education bill.

Mr. HERBERT. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole for the further consideration of the bill making appropriations for the support of the Navy.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1582) for the relief of Alpheus R. French.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, &c.

The message also announced that the Senate had passed with an amendment additional to those herotofore adopted the bill (H. R. 367) to amend section 536 of the Revised Statutes relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

NAVAL APPROPRIATION BILL.

The motion of Mr. HERBERT was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCCREARY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the naval appropriation bill.

Mr. HERBERT. There is but one paragraph left in this bill and not yet considered, and I think we can dispose of that in ten minutes. I hope, therefore, members will not leave, but will remain till we have a vote. [Cries of "Vote!" "Vote!"]

There is a point of order made against a provision of the bill. I insist the point of order is not good. That point of order I deem important. An argument has been made in favor of it, and I desire the Chair to hear me very briefly.

The provision against which the point of order is made is as follows:

The Secretary of the Navy is hereby authorized to make such transfers of the appropriations made by this act from one bureau to another as may become necessary by reason of any change in existing law, or by reason of any order by the Secretary transferring authority from one bureau to another; and the Secretary of the Navy is hereby authorized to transfer, by written order, any materials purchased for any bureau in the Navy Department to and for use in any other bureau.

The purpose of that provision is this: We have pending a bill which proposes to consolidate certain bureaus of the Navy Department which can not pass at this session, but that bill may become a law in the next Congress before the fiscal year expires which this bill appropriates for. But if that bill does not pass the Secretary has the power by virtue of the organic act constituting eight bureaus of the Navy Department to distribute authority among them as he shall see proper. He has made certain changes. He contemplates making others. In appropriating money we must necessarily be guided by the division of authority now existing and so we have appropriated according to the present distribution of authority.

Mr. GOFF. That seems to me is a concession that the point of order is well taken.

Mr. RANDALL. It is quite plain that the point of order is well taken.

Mr. HERBERT. It is plain to the gentleman because he does not understand what I am proceeding to state.

Every appropriation is for some specific object. Money appropriated for a specific object must be expended by the bureau having jurisdiction over that object. It certainly is the intention of Congress to have the money spent upon the object to which it is appropriated. This amendment simply provides that if the Secretary transfers jurisdiction over the object from one bureau to another the money shall follow the transfer.

Now, Congress when it makes an appropriation may do it with a double aspect. It may provide for a contingency. It is exactly like the law relating to gifts or grants. A grant may be made absolutely or it may be made to depend upon a contingency. And now we propose in this provision to enact that this money is appropriated if there

shall be no change just according to the present distribution of authority; but if there shall be a change, then the appropriation shall follow the authority—to use it wherever it may be vested.

The law which has been read I do not dispute. But it has no application to a provision of this kind. That law declares that when appropriations are made for a specific purpose they shall not be diverted from that purpose. If this provision undertook to apply to appropriations already made, it would be a very different thing. But the provision does not do anything of that kind. It is simply the condition of the grant. It travels along with the grant, and at every step determines where that grant shall go.

Congress grants money to be used, for instance, for the construction of steam capstans. They are now under the charge of the Bureau of Engineering. They once were under the charge of the Bureau of Construction. Now, if another change should be made such as heretofore has been made changing these from the Bureau of Construction, the appropriation ought to follow. [Cries of "Vote!" "Vote!"]

In the uneasy and restless condition of the House, I will close what I offer on the point of order, believing the Chair apprehends my point, by saying this declaration at the close of this bill is simply like a declaration in a deed setting forth the purpose of a grant. In reference to this particular grant the paragraph shows the idea Congress had in mind at the time it made the grant.

The CHAIRMAN. The rule referred to by the gentleman from Pennsylvania reads as follows:

Nor shall any provision changing existing law be in order in any general appropriation bill or any amendment thereto.

The gentleman claims that the section of the bill on which he has raised the point of order is new legislation, and refers to the present law, which reads:

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

The Chair thinks the point of order is well taken.

[Cries of "Read!" "Read!"]

Mr. HERBERT. I move that the committee rise and report the bill and amendments favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole had had under consideration the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, and had instructed him to report the same to the House with sundry amendments.

Mr. HERBERT. Mr. Speaker, I move that the amendments adopted in Committee of the Whole be agreed to in gross.

The SPEAKER. Is a separate vote demanded upon any one of the amendments?

Mr. HOLMAN. Yes. I desire a separate vote on the amendment proposed by the gentleman from Texas [Mr. SAYERS].

Mr. MCMILLIN. Yes; let us have a separate vote on that.

Mr. HERBERT. I move the previous question.

The SPEAKER. Is any other separate vote demanded? [A pause.] If not, the vote will be taken upon agreeing to the amendments in gross. The gentleman from Alabama [Mr. HERBERT] demands the previous question on the amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment upon which a separate vote is demanded.

The Clerk read as follows:

After line 875 insert:

"For the construction of two swift double-bottom steel cruisers, each of about 10,000 tons displacement, of the type of the Newark, except boilers and machinery; four of about 1,700 tons displacement, of the type of gunboat No. 1, each, and one swift torpedo-boat, said vessels to cost altogether, exclusive of armament, not over $4,950,000, the sum of $2,470,000 is hereby appropriated. That each of the aforesaid vessels shall be built, as near as may be, in compliance with the provisions of the act of August 3, 1886, entitled 'An act to increase the efficiency of the naval establishment.'"

The SPEAKER. The question is on agreeing to this amendment.

Mr. MCMILLIN and Mr. ROGERS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 72, not voting 96; as follows:

YEAS—151.

| | | | |
|---|---|---|---|
| Adams, G. E. | Bunnell, | Dingley, | Haynes, |
| Anderson, C. M. | Burleigh, | Dunham, | Heard, |
| Atkinson, | Burrows, | Ely, | Hemphill, |
| Bacon, | Butterworth, | Ermentrout, | Henderson, D. B. |
| Baker, | Campbell, Felix | Evans, | Hepburn, |
| Barbour, | Campbell, J. M. | Everhart, | Herbert, |
| Bingham, | Campbell, T. J. | Farquhar, | Hiestand, |
| Blanchard, | Cannon, | Felton, | Hill, |
| Bound, | Compton, | Fleeger, | Hitt, |
| Boutelle, | Conger, | Gallinger, | Holmes, |
| Brady, | Crain, | Gibson, C. H. | Hopkins, |
| Bragg, | Croxton, | Gilfillan, | Houk, |
| Brown, C. E. | Cutcheon, | Goff, | Irion, |
| Brown, W. W. | Davidson, R. H. M. | Grosvenor, | Jackson, |
| Brumm, | Davis, | Harmer, | James, |
| Buck, | Dibble, | Hayden, | Johnson, F. A. |
| Johnston, J. T. | Morrow, | Reese, | Strait, |
| Ketcham, | Negley, | Riggs, | Struble, |
| King, | Nelson, | Rockwell, | Swinburne, |
| La Follette, | Norwood, | Romeis, | Symes, |
| Laird, | O'Donnell, | Rusk, | Tarsney, |
| Lehlbach, | O'Hara, | Ryan, | Taylor, Zach. |
| Libbey, | O'Neill, Charles | Sawyer, | Thomas, J. R. |
| Lindsley, | O'Neill, J. J. | Sayers, | Thomas, O. B. |
| Long, | Osborne, | Scott, | Thompson, |
| Lore, | Owen, | Scranton, | Tillman, |
| Lyman, | Page, | Seney, | Townshend, |
| Mahoney, | Parker, | Seymour, | Van Eaton, |
| Markham, | Payne, | Snyder, | Viele, |
| Martin, | Perkins, | Sowden, | Wadsworth, |
| Maybury, | Peters, | Spooner, | Wakefield, |
| McAdoo, | Pettibone, | Spriggs, | Warner, William |
| McComas, | Phelps, | Stahlnecker, | Weaver, A. J. |
| McKenna, | Pindar, | Steele, | Weber, |
| Merriman, | Plumb, | Stephenson, | Wilkins, |
| Millard, | Price, | Stewart, J. W. | Wise, |
| Moffatt, | Randall, | St. Martin, | Worthington. |
| Morrill, | Reed, | Stone, E. F. | |

NAYS—72.

| | | | |
|---|---|---|---|
| Allen, J. M. | Cox, W. R. | Johnston, T. D. | Richardson, |
| Anderson, J. A. | Crisp, | Jones, J. H. | Rogers, |
| Barnes, | Culberson, | Kleiner, | Springer, |
| Bennett, | Daniel, | Landes, | Stewart, Charles |
| Bland, | Dargan, | Lanham, | Stone, W. J., of Ky. |
| Blount, | Davidson, A. C. | Le Fevre, | Stone, W. J., of Mo. |
| Boyle, | Dunn, | McCreary, | Storm, |
| Breckinridge, C. R. | Eden, | McMillin, | Swope, |
| Breckinridge, WCP | Ford, | McRae, | Taulbee, |
| Burnes, | Forney, | Morgan, | Taylor, J. M. |
| Bynum, | Gibson, Eustace | Morrison, | Trigg, |
| Cabell, | Glass, | Neal, | Tucker, |
| Caldwell, | Greene, | Neece, | Turner, |
| Candler, | Halsell, | Oates, | Warner, A. J. |
| Carleton, | Hammond, | Outhwaite, | Weaver, J. B. |
| Catchings, | Harris, | Peel, | Wellborn, |
| Cobb, | Holman, | Perry, | Wilson, |
| Cowles, | Howard, | Reagan, | Wolford. |

NOT VOTING—96.

| | | | |
|---|---|---|---|
| Adams, J. J. | Dougherty, | Hudd, | Rowell, |
| Aiken, | Eldredge, | Hutton, | Sadler, |
| Allen, C. H | Ellsberry, | Jones, J. T. | Sessions, |
| Ballentine, | Findlay, | Kelley, | Shaw, |
| Barksdale, | Fisher, | Laffoon, | Singleton, |
| Barry, | Foran, | Lawler, | Skinner, |
| Bayne, | Frederick, | Little, | Smalls, |
| Belmont, | Fuller, | Louttit, | Taylor, E. B. |
| Bliss, | Funston, | Lovering, | Taylor, I. H. |
| Browne, T. M. | Gay, | Lowry, | Throckmorton, |
| Buchanan, | Geddes, | Matson, | Van Schaick, |
| Campbell, J. E. | Glover, | McKinley, | Wade, |
| Caswell, | Grout, | Miller, | Wait, |
| Clardy, | Guenther, | Milliken, | Wallace, |
| Clements, | Hale, | Mills, | Ward, J. H. |
| Collins, | Hall, | Mitchell, | Ward, T. B. |
| Comstock, | Hanback, | Muller, | West, |
| Cooper, | Hatch, | Murphy, | Wheeler, |
| Cox, S. S. | Henderson, J. S. | O'Ferrall, | White, A. C. |
| Curtin, | Henderson, T. J. | Payson, | White, Milo |
| Davenport, | Henley, | Pidcock, | Whiting, |
| Dawson, | Hermann, | Ranney, | Willis, |
| Dockery, | Hires, | Rice, | Winans, |
| Dorsey, | Hiscock, | Robertson, | Woodburn. |

So the amendment was agreed to.

On motion of Mr. EDEN, the reading of the names of members voting was dispensed with.

The following-named members were announced as paired for this day:

Mr. SADLER with Mr. IKE TAYLOR.

Mr. LAWLER with Mr. STEWART, of Vermont.

Mr. FISHER with Mr. LITTLE.

Mr. GLOVER with Mr. PARKER.

Mr. PIDCOCK with Mr. FUNSTON.

Mr. BARRY with Mr. BRUMM.

Mr. HENDERSON, of North Carolina, with Mr. MARKHAM.

Mr. BALLENTINE with Mr. HOUK.

Mr. LAFFOON with Mr. BAYNE.

Mr. THROCKMORTON with Mr. DORSEY.

Mr. DAWSON with Mr. HALE.

Mr. COX, of New York, with Mr. KELLEY.

Mr. DOCKERY with Mr. WADE.

Mr. O'FERRALL with Mr. VAN SCHAICK.

Mr. SHAW with Mr. ALLEN, of Massachusetts.

Mr. WHITE with Mr. COLLINS.

Mr. WARD, of Illinois, with Mr. WEST.

Mr. SKINNER and Mr. MILLIKEN were announced as paired on this bill. Mr. SKINNER, if present, would vote against the bill and amendments. Mr. MILLIKEN would vote for the amendments.

Mr. MILLS and Mr. MCKINLEY were announced as paired until Monday next.

The following-named members were announced as paired until further notice:

Mr. CLARDY with Mr. BUCHANAN.

Mr. HIRES with Mr. HATCH; also, on this bill.

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. WALLACE and Mr. WAIT were announced as paired on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is now upon agreeing to the remainder of the amendments reported from the Committee of the Whole on the state of the Union.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. HERBERT. On that I call for the previous question.

The previous question was ordered.

Mr. COWLES. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered, only 8 voting in favor thereof.

Mr. HOLMAN. I call for a division.

The question being taken, there were—ayes 107, noes 28.

So the bill was passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EULOGIES ON DECEASED MEMBERS.

Mr. TIMOTHY J. CAMPBELL, by unanimous consent, introduced a joint resolution (H. Res. 263) providing for printing the eulogies delivered in Congress upon the late Abraham Dowdney; which was read a first and second time.

Mr. TIMOTHY J. CAMPBELL. I ask unanimous consent for the immediate consideration of this resolution.

There being no objection, the House proceeded to consider the joint resolution; which was read, as follows:

*Resolved by the Senate and House of Representatives, &c.*, That there be printed of the eulogies delivered in Congess upon the late Abraham Dowdney, a Representative in the Forty-ninth Congress from the State of New York, 12,500 copies; of which 3,000 copies shall be for the use of the Senate, and 9,500 for the use of the House of Representatives; and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Abraham Dowdney to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. RANDALL. I move to amend the resolution so as to include the printing of eulogies delivered upon the late John Arnot, jr., and also the engraving and printing of his portrait.

The SPEAKER. If there be no objection, the amendment of the gentleman from Pennsylvania [Mr. RANDALL] will be adopted.

There was no objection.

Mr. TOWNSHEND. I move to insert also a provision for printing the eulogies on Hon. Lewis Beach, late a member of this House, and engraving his portrait.

Mr. TIMOTHY J. CAMPBELL. I hope that amendment will be adopted.

The SPEAKER. If there be no objection, that amendment will be agreed to. The Chair hears no objection.

Mr. PETTIBONE. I move to insert a similar provision in regard to William T. Price, late a Representative from the State of Wisconsin.

The SPEAKER. If there be no objection, that amendment will be made.

There was no objection.

Mr. RANDALL. Let it be understood that the same number of copies be printed in each case.

The SPEAKER. That will be understood, if there is no objection.

Mr. GIBSON, of Maryland. I move a further amendment, to insert the name of William H. Cole, late a member of the House from the State of Maryland. I ask that the amendment include the printing of the eulogies, together with the portrait, as in the other cases.

The SPEAKER. The Chair hears no objection, and that amendment will be regarded as adopted.

Mr. TIMOTHY J. CAMPBELL. I ask that the resolution be now put on its passage.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TIMOTHY J. CAMPBELL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STEELE. I move that the House do now adjourn.

Mr. HOLMAN. I trust that will not be done.

The motion was not agreed to, there being—ayes 48, noes 87.

HOURS OF LABOR IN SURGEON-GENERAL'S OFFICE.

The SPEAKER. The Chair understands that the gentleman from Missouri [Mr. O'NEILL] has a privileged report. It will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 7, 1887.

Whereas it is stated upon what appears to be reliable authority that on the 1st of February, 1887, the Surgeon-General of the United States, with the approval of the Secretary of War, as is alleged, issued an order requiring all clerks and employés in the record and pension divisions of the Surgeon-General's Office to report for extra duty from 6 to 9 o'clock p. m., unless excused for sickness; and

Whereas the established hours of labor of all the clerical employés of the Government as now fixed are from 9 o'clock a. m. to 4 o'clock p. m. of each working day: Therefore,

*Resolved*, That the Committee on Labor be instructed to find the facts in the premises, and if such an order has been made to particularly inquire by what authority of law it was issued and whether compliance therewith is compulsory; and, if so, whether any additional compensation is allowed therefor; and further, what legislation, if any, is necessary to protect the clerical employés of the Government from such exactions; and to report their conclusions by bill or otherwise on or before Tuesday next.

Mr. HOLMAN. Is this report privileged?

The SPEAKER. It is not. The Chair supposed that the gentleman from Missouri desired to report back a resolution calling for executive information. But this is a resolution instructing the committee to make a certain investigation.

Mr. O'NEILL, of Missouri. I only ask to make the report in order that it may be referred to the Committee on Appropriations.

The SPEAKER. Is there objection to receiving the report and referring it to the Committee on Appropriations?

Several members objected.

ORDER OF BUSINESS.

Mr. STEELE. I move that the House adjourn.

Mr. HOLMAN. I trust that will not be done.

The motion was not agreed to, there being—ayes 37, noes 80.

Mr. HOLMAN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills, the object being to consider the legislative appropriation bill.

The question being taken, there were—ayes 95, noes 9.

Mr. BRADY. No quorum.

Mr. HOLMAN. Perhaps there will be no objection to taking a recess until 8 o'clock.

Mr. BRADY. I object.

Mr. BLANCHARD. Regular order.

Tellers were ordered; and Mr. BRADY and Mr. HOLMAN were appointed.

The House proceeded to divide.

Mr. CANNON. I want to submit to the gentleman from Indiana, if I can have his attention, that we have unanimous consent to take a recess until to-morrow evening at 7 o'clock.

Mr. MORRISON. Oh, no; that is Sunday.

Mr. MCMILLIN. We had better work Saturday night than Sunday.

Mr. BURROWS. There is no occasion for holding a session on Sunday.

The SPEAKER. If all gentlemen have voted who desire to do so, the Chair will announce the result of the vote.

The tellers reported—ayes 121, noes 4.

Mr. BLANCHARD. No quorum.

Mr. SCOTT. I demand a call of the House.

The question was taken, and on a division there were—ayes 44, noes 68.

So the motion was not agreed to.

Mr. BLANCHARD. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 45, noes 65.

So the House refused to adjourn.

Mr. HOLMAN. I move a call of the House.

Mr. BURROWS. Can it not be agreed, upon both sides, that we take a recess from now until 8 this evening, the session to be closed at 12 o'clock?

Mr. MCMILLIN. Say not later than 12.

Mr. BURROWS. I am willing to accept that.

Mr. HAMMOND. You should specify the object for which the House meets.

Mr. BURROWS. Of course for the consideration of the appropriation bill.

Mr. HAMMOND. That should be understood.

Mr. BURROWS. My request is that by unanimous consent we take a recess until 8 o'clock for the consideration of the legislative appropriation bill, and the session shall close not later than 12.

Mr. STEELE. And that we meet for debate only. [Cries of "No!" "No!"]

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BRADY. I object.

Mr. MCMILLIN. Then, in view of the fact that we are confronted with the prospect of an extra session, I move a call of the House.

Mr. STEELE. The gentleman from Tennessee last evening voted about 4 o'clock to adjourn. He ought to have thought of that then.

Mr. MCMILLIN. The gentleman from Tennessee can take care of himself.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate agreed to the report of the committee of con-

ference on the disagreeing votes of the two Houses on the bill H. R. 10394, the Indian appropriation bill.

ORDER OF BUSINESS.

Mr. HOLMAN. If my friend from Tennessee will withdraw his motion and permit me to do so, I will move that the House take a recess until 8 o'clock, the session to continue not later than 12.

Mr. McMILLIN. Very well.

The SPEAKER. That request has been objected to.

Mr. HOLMAN. But I make a motion that the House now take a recess until 8 o'clock, the session to continue not later than 12, for the consideration of the legislative appropriation bill.

Mr. SPRINGER. Upon that I ask the yeas and nays.

Mr. HOLMAN. I hope that will be done without the necessity for a roll-call.

Mr. SPRINGER. I withdraw the demand.

The question was taken on the motion of Mr. HOLMAN; and on a division there were—ayes 113, noes 7.

Mr. STEELE. No quorum.

Mr. SPRINGER. Then I demand the yeas and nays.

The question was taken on ordering the yeas and nays, when 48 members voted in favor thereof.

The SPEAKER. The Clerk will call the roll.

Mr. STEELE. I rise to a point of order. Before the Chair had announced the result of the vote on the demand for the yeas and nays I moved that the House adjourn.

The SPEAKER. The Chair did not hear the gentleman; there was so much confusion on the floor.

Mr. TOWNSHEND. But the House was dividing at the time.

Mr. CUTCHEON. The gentleman did make the motion. I heard him.

The SPEAKER. The gentleman states that he made the motion, but there was so much confusion on the floor the Chair did not hear him.

The motion to adjourn was not agreed to.

Mr. BURROWS. I think the objection which was made to my proposition to take a recess until 8 o'clock, the session to terminate not later than 12, will be withdrawn, and then we can have a vote.

The SPEAKER. Is the objection withdrawn?

Mr. BLANCHARD. It is not.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 144, nays 9, not voting 166; as follows:

YEAS—144.

| | | | |
|---|---|---|---|
| Adams, G. E., | Everhart, | Libbey, | Randall, |
| Anderson, J. A. | Farquhar, | Little, | Reagan, |
| Bacon, | Ford, | Long, | Reed, |
| Baker, | Forney, | Lyman, | Richardson, |
| Barnes, | Gallinger, | Mahoney, | Romeis, |
| Bennett, | Gibson, C. H. | Martin, | Sayers, |
| Bland, | Gilfillan, | Maybury, | Scott, |
| Blount, | Goff, | McAdoo, | Seney, |
| Boutelle, | Grosvenor, | McComas, | Seymour, |
| Boyle, | Guenther, | McCreary, | Sowden, |
| Bragg, | Halsell, | McKenna, | Spooner, |
| Breckinridge, C. R. | Hammond, | McMillin, | Spriggs, |
| Breckinridge, WCP | Harmer, | McRae, | Springer, |
| Brown, W. W. | Hayden, | Merriman, | Stahlnecker, |
| Buck, | Heard, | Mills, | Stephenson, |
| Burnes, | Hemphill, | Morgan, | Stewart, Charles |
| Butterworth, | Henderson, D. B. | Morrill, | St. Martin, |
| Caldwell, | Herbert, | Morrison, | Stone, W. J., Ky. |
| Campbell, Felix | Hiestand, | Morrow, | Strait, |
| Campbell, T. J. | Hill, | Neal, | Swinburne, |
| Carleton, | Holman, | Neece, | Swope, |
| Catchings, | Holmes, | Nelson, | Tarsney, |
| Conger, | Hopkins, | Norwood, | Taylor, J. M. |
| Cowles, | Howard, | Oates, | Thomas, O. B. |
| Cox, W. R. | Irion, | O'Hara, | Tillman, |
| Crain, | Johnston, J. T. | O'Neill, J. J. | Townshend, |
| Crisp, | Johnston, T. D. | Osborne, | Trigg, |
| Dargan, | Jones, J. H. | Outhwaite, | Tucker, |
| Davidson, A. C. | Ketcham, | Page, | Turner, |
| Davis, | King, | Payne, | Van Eaton, |
| Dawson, | Kleiner, | Peel, | Warner, A. J. |
| Dibble, | La Follette, | Perkins, | Warner, William |
| Dunham, | Laird, | Perry, | Weaver, J. B. |
| Dunn, | Landes, | Pettibone, | Weber, |
| Eden, | Lanham, | Pindar, | Wilkins, |
| Ely, | Lehlbach, | Price, | Wise. |

NAYS—9.

| | | | |
|---|---|---|---|
| Blanchard, | Curtin, | Fleeger, | James, |
| Bunnell, | Cutcheon, | Jackson, | Rogers. |
| Burrows, | | | |

NOT VOTING—166.

| | | | |
|---|---|---|---|
| Adams, J. J. | Bound, | Clardy, | Dockery, |
| Aiken, | Brady, | Clements, | Dorsey, |
| Allen, C. H. | Browne, T. M. | Cobb, | Dougherty, |
| Allen, J. M. | Brown, C. E. | Collins, | Eldredge, |
| Anderson, C. M. | Brumm, | Compton, | Ellsberry, |
| Atkinson, | Buchanan, | Comstock, | Ermentrout, |
| Ballentine, | Burleigh, | Cooper, | Evans, |
| Barbour, | Bynum, | Cox, S. S. | Felton, |
| Barksdale, | Cabell, | Croxton, | Findlay, |
| Barry, | Campbell, J. E. | Culberson, | Fisher, |
| Bayne, | Campbell, J. M. | Daniel, | Foran, |
| Belmont, | Candler, | Davenport, | Frederick, |
| Bingham, | Cannon, | Davidson, R. H. M. | Fuller, |
| Bliss, | Caswell, | Dingley, | Funston, |
| Gay, | Lawler, | Ranney, | Taylor, Zach. |
| Geddes, | Le Fevre, | Reese, | Thomas, J. R. |
| Gibson, Eustace | Lindsley, | Rice, | Thompson, |
| Glass, | Lore, | Riggs, | Throckmorton, |
| Glover, | Louttit, | Robertson, | Van Schaick, |
| Green, | Lovering, | Rockwell, | Viele, |
| Grout, | Lowry, | Rowell, | Wade, |
| Hale, | Markham, | Rusk, | Wadsworth, |
| Hall, | Matson, | Ryan, | Wait, |
| Hanback, | McKinley, | Sadler, | Wakefield, |
| Harris, | Millard, | Sawyer, | Wallace, |
| Hatch, | Miller, | Scranton, | Ward, J. H. |
| Haynes, | Milliken, | Sessions, | Ward, T. B. |
| Henderson, J. S. | Mitchell, | Shaw, | Weaver, A. J. |
| Henderson, T. J. | Moffat, | Singleton, | Wellborn, |
| Henley, | Muller, | Skinner, | West, |
| Hepburn, | Murphy, | Smalls, | Wheeler, |
| Hermann, | Negley, | Snyder, | White, A. C. |
| Hires, | O'Donnell, | Steele, | White, Milo |
| Hiscock, | O'Ferrall, | Stewart, J. W. | Whiting, |
| Hitt, | O'Neill, Charles | Stone, E. F. | Willis, |
| Houk, | Owen, | Stone, W. J., Mo. | Wilson, |
| Hudd, | Parker, | Storm, | Winans. |
| Hutton, | Payson, | Struble, | Wolford, |
| Johnson, F. A. | Peters, | Symes, | Woodburn, |
| Jones, J. T. | Phelps, | Taulbee, | Worthington. |
| Kelley, | Pidcock, | Taylor, E. B. | |
| Laffoon, | Plumb, | Taylor, I. H. | |

Mr. JAMES. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following additional pair was announced:

Mr. TUCKER with Mr. WADE, on this vote.

The SPEAKER. Upon this question the ayes are 143, the noes 0. No quorum has voted.

Mr. HOLMAN. I move that there be a call of the House.

The House divided; and there were—ayes 73, noes 36.

So a call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

| | | | |
|---|---|---|---|
| Adams, J. J. | Dockery, | Jones, J. T. | Rowell, |
| Aiken, | Dorsey, | Kelley, | Rusk, |
| Allen, C. H. | Dougherty, | Laffoon, | Ryan, |
| Allen, J. M. | Dunham, | Lawler, | Sadler, |
| Atkinson, | Eldridge, | Le Fevre, | Scranton, |
| Baker, | Ellsberry, | Libbey, | Sessions, |
| Ballentine, | Ermentrout, | Lindsley, | Shaw, |
| Barbour, | Evans, | Little, | Singleton, |
| Barksdale, | Felton, | Long, | Skinner, |
| Barnes, | Findlay, | Lore, | Smalls, |
| Barry, | Fisher, | Louttit, | Snyder, |
| Bayne, | Foran, | Lovering, | Stewart, J. W. |
| Belmont, | Frederick, | Lowry, | Stone, E. F. |
| Bingham, | Fuller, | Markham, | Stone, W. J., Mo. |
| Bliss, | Funston, | Matson, | Storm, |
| Bound, | Gallinger, | McKinley, | Symes, |
| Browne, T. M. | Gay, | Millard, | Taulbee, |
| Brown, C. E. | Geddes, | Miller, | Taylor, E. B. |
| Brumm, | Gilfillan, | Milliken, | Taylor, I. H. |
| Buchanan, | Glass, | Mitchell, | Taylor, Zach. |
| Bynum, | Glover, | Moffatt, | Thomas, J. R. |
| Cabell, | Green, | Muller, | Thompson, |
| Campbell, J. M. | Grout, | Murphy, | Throckmorton, |
| Campbell, J. E. | Hale, | Nelson, | Van Schaick, |
| Candler, | Hall, | O'Donnell, | Viele, |
| Cannon, | Hammond, | O'Ferrall, | Wade, |
| Caswell, | Hanback, | O'Neill, Charles | Wadsworth, |
| Clardy, | Harmer, | Owen, | Wait, |
| Clements, | Harris, | Parker, | Wakefield, |
| Cobb, | Hatch, | Payne, | Wallace, |
| Collins, | Haynes, | Payson, | Ward, J. H. |
| Compton, | Henderson, J. S. | Peters, | Ward, T. B. |
| Comstock, | Henley, | Phelps, | Weaver, A. J. |
| Cooper, | Hermann, | Pidcock, | Wellborn, |
| Cox, S. S. | Hires, | Plumb, | West, |
| Croxton, | Hiscock, | Ranney, | White, A. C. |
| Curtin, | Hitt, | Reese, | White, Milo |
| Cutcheon, | Houk, | Rice, | Whiting, |
| Daniel, | Howard, | Riggs, | Wilson, |
| Davenport, | Hudd, | Robertson, | Winans, |
| Davidson, R. H. M. | Hutton, | Rockwell, | Woodburn. |
| Dingley, | Johnson, F. A. | Rogers, | |

The SPEAKER. The doors will now be closed. The Chair will cause the roll to be called that excuses may be presented for those who are absent.

The Clerk called the roll of absentees, as follows:

Mr. ADAMS, of New York: No excuse offered.

Mr. AIKEN: No excuse offered.

Mr. ALLEN, of Mississippi: No excuse offered.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BAKER: No excuse offered.

Mr. BALLENTINE: No excuse offered.

Mr. CALDWELL. My colleague is detained in his room by extreme sickness.

The SPEAKER. The Chair has on his desk a request for leave of absence to Mr. BALLENTINE for to-day on account of sickness. That leave will be granted if there be no objection.

There was no objection.

Mr. BARBOUR: No excuse offered.

Mr. BARKESDALE: No excuse offered.

Mr. BARNES: No excuse offered.

Mr. BARRY: No excuse offered.
Mr. BAYNE: No excuse offered.
Mr. BELMONT: No excuse offered.
Mr. BINGHAM: No excuse offered.
Mr. BLISS: No excuse offered.
Mr. BOUND: No excuse offered.
Mr. BROWN, of Indiana: No excuse offered.
Mr. BROWN, of Ohio: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BUCHANAN: No excuse offered.
Mr. BYNUM: No excuse offered.
Mr. CABELL: No excuse offered.
Mr. CAMPBELL, of Pennsylvania: No excuse offered.
Mr. CAMPBELL, of Ohio.
Mr. OUTHWAITE. My colleague [Mr. CAMPBELL] is absent on account of the illness of one of the members of his family. I ask that he be excused.
There was no objection.
Mr. CHANDLER: No excuse offered.
Mr. CANNON.
Mr. GROSVENOR. The gentleman from Illinois [Mr. CANNON] went to the train to escort his family, who were leaving by this evening's train. He left only a few minutes ago.
The SPEAKER. The gentleman from Illinois [Mr. CANNON] notified the Chair that he would return in a short time.
Mr. GROSVENOR. I ask that he be excused.
There was no objection.
Mr. CASWELL: No excuse offered.
Mr. CLARDY: No excuse offered.
Mr. CLEMENTS: No excuse offered.
Mr. COBB: No excuse offered.
Mr. COLLINS: No excuse offered.
Mr. COMPTON: No excuse offered.
Mr. COMSTOCK: No excuse offered.
Mr. COOPER: No excuse offered.
Mr. COX, of New York: No excuse offered.
Mr. CROXTON.
Mr. O'NEILL, of Missouri. The gentleman from Virginia [Mr. CROXTON] is absent on account of sickness. I ask that he be excused.
There was no objection.
Mr. CURTIN: No excuse offered.
Mr. CUTCHEON: No excuse offered.
Mr. DANIEL: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DAVIDSON, of Florida: No excuse offered.
Mr. DINGLEY: No excuse offered.
Mr. DOCKERY: No excuse offered.
Mr. DORSEY: No excuse offered.
Mr. DOUGHERTY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. ELDREDGE: No excuse offered
Mr. ELLSBERRY: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. EVANS.
Mr. JACKSON. My colleague [Mr. EVANS] left the House a few minutes ago. He is not in good health. I ask that he be excused.
There was no objection.
Mr. FELTON: No excuse offered.
Mr. FINDLAY: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FREDERICK: No excuse offered.
Mr. FULLER: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. GALLINGER: No excuse offered.
Mr. GAY: No excuse offered.
Mr. GEDDES: No excuse offered.
Mr. GILFILLAN: No excuse offered.
Mr. GLASS: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GREEN: No excuse offered.
Mr. GROUT: No excuse offered.
Mr. HALE: No excuse offered.
Mr. HALL: No excuse offered.
Mr. HAMMOND: No excuse offered.
Mr. HANBACK: No excuse offered.
Mr. HARMER: No excuse offered.
Mr. HARRIS: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAYNES: No excuse offered.
Mr. HENDERSON, of North Corolina.
Mr. BENNETT. My colleague [Mr. HENDERSON] had an engagement with a Baltimore physician, being under treatment on account of his eyes. I ask that he be excused.
There was no objection.
Mr. HENLEY: No excuse offered.
Mr. HERMANN: No excuse offered.
Mr. HIRES: No excuse offered.
Mr. HISCOCK: No excuse offered.
Mr. HITT: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. HUTTON: No excuse offered.
Mr. JOHNSON, of New York: No excuse offered.
Mr. JONES, of Alabama.
Mr. WHEELER. I am informed that my colleague [Mr. JONES] left the House sick. I ask that he be excused.
There was no objection.
Mr. KELLEY.
Mr. STEELE. Mr. Speaker, I ask that Judge KELLEY be excused.
There was no objection.
Mr. LAFFOON: No excuse offered.
Mr. LAWLER: No excuse offered.
Mr. LE FEVRE: No excuse offered.
Mr. LIBBEY: No excuse offered.
Mr. LINDSLEY: No excuse offered.
Mr. LITTLE: No excuse offered.
Mr. LONG: No excuse offered.
Mr. LORE: No excuse offered.
Mr. LOUTTIT: No excuse offered.
Mr. LOVERING: No excuse offered.
Mr. LOWRY: No excuse offered.
Mr. MARKHAM.
Mr. MORROW. Mr. Speaker, I ask that my colleague, Mr. MARKHAM, be excused, as he is quite ill. It is true that he has been here to-day, but he is under the care of a physician and can not safely be out at night.
There was no objection.
Mr. MCKINLEY.
Mr. GROSVENOR. My colleague, Mr. MCKINLEY, has gone to visit his wife who is ill at Philadelphia, and I ask that he be excused.
There was no objection.
Mr. MILLARD: No excuse offered.
Mr. MILLER.
Mr. STEWART, of Texas. Mr. Speaker, my colleague, Mr. MILLER, is in feeble health and I ask that he be excused.
There was no objection.
Mr. MILLIKEN: No excuse offered.
Mr. MITCHELL: No excuse offered.
Mr. MOFFATT: No excuse offered.
Mr. MULLER: No excuse offered.
Mr. MURPHY: No excuse offered.
Mr. NELSON: No excuse offered.
Mr. O'DONNELL: No excuse oftered.
Mr. O'FERRALL.
Mr. WISE. Mr. Speaker, I ask that my colleague, Mr. O'FERRALL, who is unwell, be excused.
There was no objection.
Mr. O'NEILL, of Pennsylvania: No excuse offered.
Mr. OWEN: No excuse offered.
Mr. PARKER: No excuse offered.
Mr. PAYNE: No excuse offered.
Mr. PAYSON: No excuse offered.
Mr. PETERS: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. RANNEY: No excuse offered.
Mr. REESE: No excuse offered.
Mr. RICE: No excuse offered.
Mr. RIGGS: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROGERS.
Mr. MCRAE. Mr. Speaker, my colleague, Mr. ROGERS, has not been well for some time past, and he stated when he left this evening that he did not think it prudent for him to be out at night. Therefore I ask that he be excused.
There was no objection.
Mr. ROWELL: No excuse offered.
Mr. RUSK: No excuse offered.
Mr. RYAN: No excuse offered.
Mr. SADLER: No excuse offered.
Mr. SCRANTON: No excuse offered.
Mr. SESSIONS: No excuse offered.
Mr. SHAW: No excuse offered.
Mr. SINGLETON.
Mr. MORGAN. Mr. Speaker, I ask that my colleague, Mr. SINGLETON, who is not very strong, be excused.
There was no objection.

Mr. SKINNER: No excuse offered.
Mr. SMALLS: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. STONE, of Massachusetts: No excuse offered.
Mr. STONE, of Missouri: No excuse offered.
Mr. STORM: No excuse offered.
Mr. SYMES: No excuse offered.
Mr. TAULBEE.
Mr. WOLFORD. Mr. Speaker, I ask that my colleague, Mr. TAULBEE, be excused on account of sickness in his family.
There was no objection.
Mr. TARSNEY. I ask that my colleague, Mr. FISHER, be excused on account of important business.
A MEMBER. I object.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. IKE H. TAYLOR: No excuse offered.
Mr. ZACH. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois.
Mr. REED. I ask that Mr. THOMAS, of Illinois, be excused.
There was no objection.
Mr. THOMPSON: No excuse offered.
Mr. THROCKMORTON: No excuse offered.
Mr. VAN SCHAICK: No excuse offered.
Mr. VIELE: No excuse offered.
Mr. WAIT.
Mr. BUCK. Mr. Speaker, I ask that my colleague, Mr. WAIT, be excused.
There was no objection.
Mr. WADE: No excuse offered.
Mr. WADSWORTH.
Mr. STEELE. I ask that the gentleman from Kentucky, Mr. WADSWORTH, be excused.
There was no objection.
Mr. WAKEFIELD: No excuse offered.
Mr. WALLACE: No excuse offered.
Mr. WARD, of Illinois: No excuse offered.
Mr. WARD, of Indiana: No excuse offered.
Mr. WEAVER, of Nebraska: No excuse offered.
Mr. WELLBORN: No excuse offered.
Mr. WEST: No excuse offered.
Mr. WHITING.
Mr. HAYDEN. Mr. Speaker, I ask that my colleague, Mr. WHITING, be excused.
There was no objection.
Mr. SWINBURNE. Mr. Speaker, I ask that Mr. JOHNSTON, of New York, be excused. He has gone home sick.
There was no objection.
Mr. WHITE, of Pennsylvania: No excuse offered.
Mr. WHITE, of Minnesota: No excuse offered.
Mr. WILSON: No excuse offered.
Mr. WINANS: No excuse offered.
Mr. WOODBURN: No excuse offered.
Mr. NEGLEY. I ask that Mr. GILFILLAN, of Minnesota, be excused. He left here feeling quite unwell.
There was no objection.
Mr. GROSVENOR. I ask that my colleague, Mr. BROWN, of Ohio, be excused on account of ill health.
There was no objection.
Mr. J. M. TAYLOR. Mr. Speaker, I ask that my colleague, Mr. GLASS, be excused on account of ill health.
There was no objection.
Mr. BRADY. Mr. Speaker, I am informed that Mr. LAWLER, of Illinois, is sick, and I ask that he be excused.
Objection was made.
Mr. BOUTELLE. Mr. Speaker, I rise to a question of privilege.
The SPEAKER. The gentleman will state it.
Mr. BOUTELLE. I understand that the Capitol is on fire, and this Hall is already filled with smoke. Therefore, I raise the question whether it is proper that we should be locked in here exposed to the danger of being asphyxiated? [Laughter.]
The SPEAKER. That is not a question of privilege. The fire department will probably take care of that.
Mr. ADAMS, of Illinois. I ask that Mr. HISCOCK be excused.
There was no objection.
Mr. O'NEILL, of Missouri. I ask that Mr. BUCHANAN be excused. He is confined to his room by sickness.
There was no objection.
Mr. STEELE. I ask that my colleague, Mr. BROWNE, be excused.
The SPEAKER. The gentleman's colleague, Mr. BROWNE, has leave of absence.
Mr. STEELE. I understand my colleague from Indiana [Mr. BROWNE] is indisposed.
The SPEAKER. The gentleman has leave of absence.
Mr. EDEN. I ask that the gentleman from Georgia [Mr. HAMMOND] be excused. When he left this afternoon he was not well.
There being no objection, Mr. HAMMOND was excused.
Mr. HOLMAN. I offer the resolution which I send to the desk.
The Clerk read as follows:

*Resolved*, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The resolution was adopted.
Mr. ADAMS, of Illinois. I submit the resolution which I ask the Clerk to read.
The Clerk read as follows:

*Resolved*, That the members who voluntarily present themselves at the doors of the Hall of the House before 8 o'clock shall be immediately admitted by the Doorkeeper, and shall not be required to give excuse for their absence.

Mr. RANDALL and others. That is right.
The resolution was adopted.
Mr. BOUTELLE. I move to dispense with all further proceedings under the call.
The motion was not agreed to; there being ayes 18, noes 55.
Mr. BOUTELLE. I ask unanimous consent that the House take a recess until 10 o'clock on Monday morning. That will forward business a great deal more than continuing these proceedings to-night.
Several members objected.
Mr. SPRINGER. I ask unanimous consent that the House take a recess until 8 o'clock this evening.
Mr. BURROWS. It seems to me the effect of the resolution offered by the gentleman from Illinois [Mr. ADAMS] will be virtually to suspend all proceedings until 8 o'clock. I hope unanimous consent will be given that we take a recess until that time.
A MEMBER. Would that dispense with the call?
The SPEAKER. It would not. Unanimous consent is asked that the House take a recess until 8 o'clock this evening.
Mr. SPRINGER. Everything to remain just as it is now.
Mr. JACKSON. I object.
Mr. PERKINS. I ask unanimous consent that we take a recess until 11 o'clock to-morrow morning.
A MEMBER. You do not mean Sunday morning?
Mr. JACKSON. I will withdraw my objection upon the condition that the evening session shall not continue beyond 12 o'clock.
Mr. BLANCHARD. I renew the objection.
Mr. SPRINGER (after a pause). I renew the request that the House take a recess until 8 o'clock this evening, everything to remain just as it is now until that time.
Mr. LA FOLLETTE. I object, unless the agreement is made to adjourn at 12 o'clock.
Mr. McMILLIN. That is in the original proposition.
The SPEAKER. It is not in this.
Mr. SPRINGER. The session of to-night not to continue beyond 12 o'clock.
The SPEAKER. The gentleman from Illinois asks unanimous concent that the House take a recess until 8 o'clock, the session of this evening not to continue beyond 12 o'clock. Is there objection? The Chair hears none, and it is so ordered.
The House accordingly (at 6 o'clock and 50 minutes p. m.) took a recess until 8 o'clock.

---

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the legislative appropriation bill.
The SPEAKER. The call of the House has not been dispensed with.
Mr. HOLMAN. I withdraw my motion for the present.
Mr. STEELE. I move to dispense with further proceedings under the call.
The question was taken; and on a division there were—ayes 29, noes 68.
So the motion was not agreed to.
Mr. McMILLIN. My colleague, Mr. GLASS, is sick, and I ask that he be excused from attendance to-night.
The SPEAKER. The gentleman has been excused.
Mr. CRISP. I saw my colleague, Mr. HAMMOND, when I went to dinner. He was not feeling well, and asked to be excused.
The SPEAKER. The gentleman was excused.
Mr. CRISP. He understood that objection was made.
Mr. ADAMS, of Illinois. I desire to offer a resolution.
The SPEAKER. The resolution will be read.
Mr. STEELE. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. STEELE. Can the gentleman offer any resolution now except by unanimous consent?
The SPEAKER. If it relates to the call of the House. The Chair does not know, of course, what it is until it has been read.

The Clerk read as follows:

*Resolved*, That all members who voluntarily present themselves at the door of the Hall shall be immediately admitted by the Doorkeeper, and their names reported to the Clerk.

Mr. STEELE. Is that in order?

The SPEAKER. The Chair thinks so. It relates to the call of the House.

Mr. STEELE. I move to lay it on the table.

The question was taken; and on a division there were—ayes 37, noes 70.

Mr. STEELE. No quorum.

The SPEAKER. A quorum is not required in proceedings under a call of the House.

Mr. STEELE. Then I move to reconsider the vote by which the motion was refused.

Mr. DUNHAM. I make the point of order that the gentleman can not do that.

Mr. STEELE. But I have done it. [Laughter.]

The SPEAKER. The yeas and nays were not called on the motion; and the presumption is that the gentleman voted with the prevailing side.

Mr. DUNHAM. But we know, Mr. Speaker, that he did not.

The question was taken; and on a division there were—ayes 20, noes 59.

Mr. STEELE. I demand tellers. No quorum has voted.

The SPEAKER. It does not require a quorum.

Tellers were refused, 11 members only voting in favor thereof.

So the motion to reconsider was rejected.

The SPEAKER. The question is on agreeing to the resolution.

Mr. ADAMS, of Illinois. I hope the House will notice that this resolution does not excuse any member for being absent. It simply does away with a vicious and unnecessary custom, which in my opinion ought never to exist, by which the Doorkeeper prevents those members who present themselves at the door from coming in after a call of the House is ordered until a number can be gathered together and they can be presented in a squad under the charge of an officer of the House to stand up before the Speaker's desk and offer excuses.

Mr. STEELE. My colleague from Indiana has come over and proposed to the gentleman who drew this resolution to offer it. Now I have no doubt that he feels——

Mr. ADAMS, of Illinois. I believe I have the floor.

Mr. STEELE. I will yield until the gentleman gets through. [Laughter.]

Mr. ADAMS, of Illinois. So long as I am in Congress I mean to do all I can to put a stop to the discreditable proceedings which usually take place here when there is a call of the House. A call of the House is a serious business proceeding. Its purpose is to secure a quorum; and gentlemen have the right to urge a call of the House in order to secure a quorum. But in our endeavors to secure that we ought to take such measures as will give all gentlemen an inducement to come and not give them an inducement to stay away.

Mr. STEELE. I want to raise a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEELE. The gentleman proposes by this motion to set aside a rule of the House.

The SPEAKER. The Chair thinks not. There is no rule of the House which requires the Sergeant-at-Arms to arrest and bring in absent members.

Mr. STEELE. But a resolution was adopted for that purpose.

The SPEAKER. The rule simply provides that the House by a majority vote may do that.

Mr. STEELE. And it has been done.

The SPEAKER. The House has passed a resolution directing him to do so; but it is still in the power of the House to modify that resolution in any way that it shall see proper.

Mr. ADAMS, of Illinois. The true policy, whenever the House finds itself in want of a quorum, which usually happens towards the close of the business day, is to provide some way by which those members who are presumed to be innocently absent, and who after having gotten their dinner present themselves at the doors of the Hall within a reasonable time, for admission, shall be at once admitted without the restriction which is now thrown around their entrance.

In my opinion they ought not to be even required under such circumstances to give excuses. Those who deliberately and persistently absent themselves ought, in my judgment, to be fined. I do not think that a fine of a thousand dollars, such as is sometimes proposed here in our midnight sessions, when we are all irritable, ought ever to be proposed or even suggested. But a moderate fine might be imposed on members who persistently stay away.

It will be observed, also, that this resolution does not relieve any member when he arrives here from any penalty that may attach to his absence. It simply requires the Doorkeeper to admit members who voluntarily come back immediately to the floor of the House, and report their names to the Clerk. In that way we shall ascertain as soon as possible when a quorum is present.

Mr. STEELE. Let me ask the gentleman a question. How can a man be "innocently absent" before the House adjourns after it has gone into session?

Mr. ADAMS, of Illinois. Technically every member is obliged to be here at all times when the House is in session. What I meant by saying innocently absent, where a member does not stay away when he knows there is a call of the House, when he has had fair notice, and time to reach the House.

Mr. MORGAN. He does not stay away in contempt of the House.

Mr. ADAMS, of Illinois. Yes; that he does not remain away in contempt of the House. This resolution does not relieve any member from any responsibility for his absence. We allow the Doorkeeper to admit them to-night, instead of keeping them out of the House.

Mr. SCOTT. I want to know, Mr. Speaker, whether ignorance of the rules of the House would be any excuse on the occasion we have before us to-night? I came here at 11 o'clock this morning and stayed until 6 o'clock to-day, and voted on the adjournment of the House to meet at 8 o'clock. In my ignorance I supposed no other question was in order except one that when a majority of this House voted to adjourn the House was going to adjourn and meet at 8 o'clock. I got my dinner as early as I could, and by good luck got back here before 8 o'clock. If I had gotten here a few minutes later I would have been in the lobby and subject to a fine [cries of "No!"] simply because I was not aware in my total ignorance anything else was in order after the House had voted to adjourn except to adjourn and meet at 8 o'clock.

Mr. RANDALL. I demand the previous question on the resolution.

Mr. ADAMS, of Illinois, demanded a division.

The House divided; and there were—ayes 79, noes 13.

Mr. STEELE. I rise to a point of order. Does it require a quorum?

The SPEAKER. The Chair thinks it does not require a quorum to determine matters under a call of the House, because the object of a call of the House is to secure the attendance of a quorum. The ayes have it, and the previous question is ordered.

The question recurred on the adoption of the resolution.

The House divided; and there were—ayes 72, noes 12.

So the resolution was adopted.

The SPEAKER. The Doorkeeper will admit gentlemen who are now at the door of the House.

Mr. BUTTERWORTH. I want to suggest to the House that we enter upon the consideration of this bill by unanimous consent to the extent of indulging in some debate.

Mr. ANDERSON, of Kansas. No.

Mr. BUTTERWORTH. While a quorum is gathering the gentleman from Louisiana [Mr. BLANCHARD] desires to be heard on the bill, and I suggest we allow general debate for half an hour.

Mr. ANDERSON, of Kansas. But four days of the session remain; what do we want debate for?

Mr. BUTTERWORTH. My honorable friend will see we might have that debate while we are securing a quorum.

Mr. ANDERSON, of Kansas. I withdraw my objection so far as I am concerned.

Mr. BUTTERWORTH. I ask unanimous consent that the gentleman from Louisiana be allowed to address the House. How long does my friend want?

The SPEAKER. The committee is not in session.

Mr. BUTTERWORTH. I ask by unanimous consent Mr. BLANCHARD may have leave to address the House on the legislative appropriation bill.

Mr. WEAVER, of Iowa. That is irregular.

Mr. HEPBURN and Mr. REED objected.

Mr. HOLMAN. I suggest the bill is in the Committee of the Whole House.

The SPEAKER. It is necessary before going into committee to dispense with the proceedings under the call, because the committee can not enforce the call of the House.

Mr. WHEELER. I ask the House grant unanimous consent that further proceedings under the call be dispensed with.

Mr. PETTIBONE. I object.

Mr. HOLMAN. I move that all further proceedings under the call be dispensed with.

The motion was agreed to; and all further proceedings under the call were dispensed with.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The message also announced that the Senate disagreed to the amendments of the House of Representatives to the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, asked

a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PALMER, Mr. CHENEY, and Mr. HARRIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title:

A bill (S. 3342) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 10912) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains.

Mr. McRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6637) relating to contested elections.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1582) for the relief of Alpheus R. French.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 13, 1888, and for other purposes.

Mr. BRADY. I ask for the reading of the bill.

Mr. BUTTERWORTH. All points of order, I understand, have been reserved.

Mr. HOLMAN. Yes, sir; points of order have been reserved. I ask unanimous consent that the first and formal reading of the bill be dispensed with.

Mr. BRADY. I object. I ask for the first reading of the bill.

Mr. McMILLIN. I hope the gentleman will not insist on that, for this reason: We stand to-night with the fact confronting us that on this morning but one of the general appropriation bills had been signed by the President; and if we are to escape an extra session it can only be done by strenuous and persistent work and the wasting of no time.

Mr. BRADY. We are not responsible for the waste of time.

Mr. GIBSON, of West Virginia. One member of the House has called this whole House together to-night. I join in the objection to dispensing with the reading of the bill, because no one member has the right to call the whole House here that he may speak.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded to read the bill *in extenso*.

Mr. BRADY (interrupting the reading). I ask that there be order. There is so much confusion that we can not hear the reading.

The CHAIRMAN. The Chair requests gentlemen to resume their seats, and to cease conversation or retire to the cloak-room.

The Clerk resumed the reading of the bill.

Mr. DUNHAM (interrupting the reading when the Clerk had reached page 77). I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. DUNHAM. Would it be in order to move to dispense with the further reading of the bill, and proceed to consider by sections what has been read, leaving the balance to be read when it is reached?

The CHAIRMAN. That would not be in order except by unanimous consent.

Mr. DUNHAM. I ask unanimous consent that that course be pursued.

Mr. BRADY. I object.

Mr. DUNHAM. I ask unanimous consent that the gentleman from Virginia [Mr. BRADY] be allowed to take the Clerk into the room of the Committee on Appropriations and have the bill read to him there.

Mr. BRADY. I offer an amendment that the gentleman from Illinois go to the committee-room himself.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. PETTIBONE (interrupting the reading when the Clerk had reached page 90). I move that the committee rise.

Mr. O'NEILL, of Missouri. Oh, let the Clerk go on and finish the reading.

Mr. BRADY. I call for the regular order.

Mr. DUNHAM. I make the point of order that the Clerk can not be interrupted while reading the bill by a motion that the committee rise.

The CHAIRMAN. The Chair thinks it is in order to move at any time that the committee rise.

Mr. ANDERSON, of Kansas. Does the Chair decide that pending the reading of the bill that motion is in order?

Mr. BRADY. It has frequently occurred. This motion is made every day under such circumstances.

Mr. MILLS. I call for the regular order. Let us go on.

The CHAIRMAN. The Chair is of opinion that the first reading of the bill is in no respect different so far as that is concerned from the reading of the bill under the five-minute rule. The reading is part of the proceedings of the committee and can be interrupted at any time by a motion that the committee rise. The gentleman from Tennessee [Mr. PETTIBONE] moves that the committee rise.

The question being taken, there were—ayes 3, noes 107.

Mr. BRADY. I make the point of no quorum.

The CHAIRMAN. A quorum is not required.

Mr. BRADY. I appeal from the decision of the Chair.

Mr. PETTIBONE. And upon that appeal I call for a division.

The CHAIRMAN. A quorum is not required on the motion that the committee rise, that motion being equivalent in Committee of the Whole to the motion in the House that the House adjourn. Therefore the Chair does not entertain the appeal. [Cries of "Read! Read!"]

Mr. BRADY. Mr. Chairman, this point has been made heretofore in a similar proceeding, and the Chair has entertained the appeal from his decision.

The CHAIRMAN. The question of a quorum can not be raised upon the simple motion that the committee rise, and the Chair can not entertain an appeal upon that question; otherwise it would be in the power of one member at any time to prevent the adjournment of the House.

Mr. MILLS. Precisely; there is no appeal. Let the Clerk read.

The Clerk resumed the reading of the bill.

Mr. PETTIBONE. Mr. Chairman, I insist upon the appeal.

Mr. MILLS. There is no appeal. [Cries of "Regular order."]

The CHAIRMAN. The regular order is demanded. The Chair requests the committee to be in order.

Mr. BRADY. Do I understand the Chair to decide that it declines to entertain an appeal from the decision of the Chair?

The CHAIRMAN. The motion that the committee rise being equivalent to the motion to adjourn in the House, the Chair is of the opinion that a quorum is not required.

Mr. BRADY. And I have a right to appeal from that decision, and from any decision made by the Chair.

The CHAIRMAN. The Chair is of opinion that where the rule is so evident as it is in this case the question is not one upon which the decision of the Chair is subject to review. Otherwise the purpose of the House to adjourn at any time might be defeated by one member. [Cries of "Regular order!"]

Mr. BRADY. Mr. Chairman, I desire to enter an appeal from that last decision. [Renewed cries of "Regular order!"]

Mr. GIBSON, of West Virginia. Mr. Chairman, I claim that any member of this House——

Mr. PETTIBONE. Mr. Chairman, I make the point of order that it has already appeared that there is not a quorum present. The Chair decided that there was, and the gentleman from Virginia appealed from the decision of the Chair.

Mr. RANDALL. The Chair did not decide that there was a quorum present. The Chair decided that it was not necessary to have a quorum upon the motion that the committee rise.

Mr. GIBSON, of West Virginia. I believe I am entitled to the floor, Mr. Chairman. [Laughter.]

The CHAIRMAN. Debate is not in order.

Mr. PETTIBONE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. PETTIBONE. The point was made that there was no quorum, and the Chair held that it was not necessary there should be a quorum. From that decision the gentleman from Virginia [Mr. BRADY] took an appeal——

The CHAIRMAN. The Chair declined to entertain that appeal, and now declines.

Mr. GIBSON, of West Virginia. Mr. Chairman——

The CHAIRMAN. Debate is not in order. The Clerk will proceed with the reading of the bill.

Mr. GIBSON, of West Virginia. Does the chairman of this committee of the House undertake arbitrarily to refuse to listen to a member?

The CHAIRMAN. The Chair will hear the gentleman on the question of order.

Mr. GIBSON, of West Virginia. I am speaking to a question of order.

The CHAIRMAN. The gentleman will state his question of order.

Mr. GIBSON, of West Virginia. I mean to say that there is no time

in the consideration of any measure in this House when a member desires to take an appeal from the decision of the Chair that he has not the right to appeal to the House. The chairman of this committee is simply the representative of the members of this House, and when he undertakes to arrogate to himself the right to say that he shall speak or decide as against the House he simply violates every rule of the House, and any member who wishes to appeal has the right to do so. [Cries of "Read!" "Read!" "Read!"]

The CHAIRMAN. The committee will be in order, and the Clerk will proceed with the reading of the bill.

The Clerk resumed the reading.

Mr. PETTIBONE. Mr. Chairman—— [Renewed cries of "Regular order;" during which the Clerk continued to read the bill.]

Mr. PETTIBONE. Mr. Chairman, I send to the desk to have read a previous ruling of the Speaker of the House upon this question.

The CHAIRMAN. The Chair has decided the point.

Mr. PETTIBONE. I desire to have read from the desk by the Clerk the previous holding of the Speaker of the House upon this very question.

Mr. MILLS. There is no appeal. [Renewed cries of "Regular order!"]

Mr. PETTIBONE. I can read it myself.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PETTIBONE. Very well, I will read it myself. It is upon the appeal from a decision of the Chair. I read:

The Chair is very willing to hear the gentleman on this point of order, but he must adhere to his ruling. The Chair holds that clause 2——

[Loud cries of "Read!" "Read!" and "Regular order!"]

The CHAIRMAN. The committee must be in order.

Mr. GIBSON, of West Virginia. The Chairman of the committee ought to be honest. [Laughter and confusion.]

The CHAIRMAN. The Chair will not entertain any motion or listen to any remark upon the appeal or any other question until the committee is in order.

Mr. PETTIBONE. I desire to have the Clerk read what I have marked as bearing upon this question of order.

The CHAIRMAN. The committee will be in order. The Chair will entertain no business until gentlemen resume their seats and are in order. The Chair insists on order being preserved. [A pause.]

Several MEMBERS. Regular order!

Mr. GIBSON, of West Virginia. The regular order is for the Chair to——

The CHAIRMAN. The regular order is for the committee to be in order. The Chair requests gentlemen to resume their seats and be in order.

Mr. GIBSON, of West Virginia. Now, Mr. Chairman——

The CHAIRMAN. The Chair will not entertain any remarks until gentlemen resume their seats and are in order.

Mr. GIBSON, of West Virginia. Mr. Chairman, I am in my seat.

The CHAIRMAN. Other members are not.

Mr. GIBSON, of West Virginia. I stand here as the representative——

Mr. PETTIBONE. Mr. Chairman, I believe I have the floor. [Laughter.]

The CHAIRMAN. The committee will be in order. The Chair will recognize the gentleman from Tennessee [Mr. PETTIBONE] as entitled to the floor when the committee is in order.

Mr. PETTIBONE. I desire that the Clerk read as part of my remarks, and for the consideration of the House, the passage I have marked.

The Clerk read as follows from the proceedings of the House of May 22, 1880:

Mr. TUCKER. I hope the Chair will now decide the question.

The CHAIRMAN. The Chair is very willing to hear gentlemen on this point of order, but he must adhere to his ruling. The Chair holds that clause 2 of Rule XXIII applies to cases arising in the Committee of the Whole when in the transaction of business in the committee it finds itself without a quorum.

The CHAIRMAN. The Chair desires to state that the Clerk is now reading from proceedings in the Forty-sixth Congress, when the gentleman from Michigan [Mr. BURROWS] was acting as Chairman, and when a similar question to the present arose.

The decision made by the Chair at that time is now being read.

The Clerk read as follows:

It seems to the Chair that upon the simple question whether the committee will rise, no quorum being required in that case to determine the question, the point of order that no quorum has voted is not well taken. The object of the rule is to prohibit the Committee of the Whole from doing business without a quorum. And when engaged in the transaction of business, if the fact is disclosed that there is no quorum present in the committee, then the point of order can be made that no quorum is present, and the roll will be called. But it seems to the Chair that upon the question "Shall the committee rise?" a quorum not being necessary to determine that question, the point of order can not be made at that stage of the proceedings of the committee that there is no quorum.

Mr. BRAGG. Will the Chair allow me to make a parliamentary inquiry?

The CHAIRMAN. Certainly.

Mr. BRAGG. My inquiry is this: whether, having gone into Committee of the Whole, what we have been doing is not business? I understand that what we have been doing is throwing light upon the rules of this House. Is not that business?

The CHAIRMAN. The Chair thinks it is not, in the sense of this rule.

Mr. BRAGG. With all due respect to the Chair, I appeal from his decision.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] appeals from the decision of the Chair. The question is, shall the decision of the Chair stand as the judgment of the committee?

Mr. CALKINS. As I understand the ruling of the Chair, it is that when no quorum has been disclosed on the last vote, and a member makes the motion that the committee rise, it is in order. Is that the ruling?

The CHAIRMAN. It is in order at any time to move that the committee rise; but the Chair holds that it does not require a quorum of the committee to determine that question.

Mr. CLYMER. And that less than a quorum can keep the committee in session perpetually?

The CHAIRMAN. Less than a quorum can rise or refuse to rise.

Mr. TUCKER. Less than a quorum can keep the committee in session when there is a minority that will not vote in order to make a quorum.

The question being taken, "Shall the decision of the Chair stand as the judgment of the committee?" there were—ayes 87, noes 8.

Mr. CLYMER and Mr. BRAGG. No quorum voting!

The CHAIRMAN. No quorum having voted, the Chair will order tellers.

Mr. KEIFER. I understand the decision of the Chair to be that less than a quorum can transact business in committee. That is what it amounts to.

Mr. BOUCK. We are deciding parliamentary law now.

The CHAIRMAN. The Chair did not so hold. The gentleman from Wisconsin [Mr. BRAGG] and the gentleman from Georgia [Mr. COOK] will please act as tellers.

Mr. HOOKER. I rise to a point of order. On the motion that the committee rise a vote was taken and no quorum was disclosed. The point that no quorum had voted on the proposition was made, and the Chair decided that it did not require a quorum for the committee to rise. Now an appeal is taken from that decision of the Chair; and if it did not require a quorum to determine the question whether the committee should rise, I submit that on the same principle the pending question can be decided by a majority vote, without reference to the presence of a quorum.

The CHAIRMAN. The tellers will take their places.

The committee divided; and the tellers reported—102 in the affirmative, 1 in the negative.

Mr. PETTIBONE. Mr. Chairman, I made a motion a few minutes ago that the committee rise. The question was put on that motion, and it was declared by the Chairman that the committee refused to rise. Thereupon a demand for a division was made by the gentleman from Virginia [Mr. BRADY]. The announcement of that vote was made. The gentleman from Virginia then took his appeal, and upon that appeal——

Mr. BRADY. I made the point that there was no quorum.

Mr. PETTIBONE. The gentleman from Virginia made the point that there was no quorum.

Mr. BRADY. And the Chair decided that no quorum was necessary; from which decision I appealed. [Laughter.]

Mr. PETTIBONE. When the Chair decided that a quorum was not necessary the gentleman from Virginia took an appeal, and the Chair refused to entertain that appeal. I say that it appears by the RECORD, as just read, that on a former occasion in this House, when identically the same question was raised, the appeal was recognized, and the House proceeded to act upon it.

A MEMBER. That ruling has been reversed.

Mr. PETTIBONE. When was it reversed?

Mr. NELSON. This evening. [Laughter.]

Mr. BUTTERWORTH. The gentleman from Tennessee [Mr. PETTIBONE] will allow me a question. If it requires the vote of a quorum in order that the committee may rise, and we are unable to get a quorum, then, as the Committee of the Whole can not adjourn, just how would we ever get away from here? [Laughter.]

Mr. PETTIBONE. That is further on. [Laughter.] We will have a division here, and this House will see for itself whether there is a quorum present or not. It does not follow gentlemen here always vote. That is why we have tellers; that is why we have a call of the House; that is why we have a division to ascertain whether we have a quorum or we are to do business perpetually without a quorum. [Cries of "Read!"]

Mr. GIBSON, of West Virginia. Therefore, it makes little difference whether it is one in order or out of order; it is one the Chair entertains and submits, and upon which the House is called upon to vote. It is simply a question now whether we have the right to appeal.

Mr. KING. I rise to a question of order. [Laughter.]

The CHAIRMAN. What is it?

Mr. KING. There is nothing before the committee.

Mr. GIBSON, of West Virginia. What is the gentleman's point of order?

Mr. KING. I rise to a question of order, that there is nothing before the committee, and therefore we should proceed with the business of the committee, proceed with the reading of the bill which was in progress when it was interrupted. I insist on my point of order.

The CHAIRMAN. The gentleman from West Virginia will proceed with his remarks.

Mr. GIBSON, of West Virginia. I did not catch exactly what was said by the gentleman from Louisiana. I hope he will speak louder so I may hear just what he says. [Laughter.]

Mr. KING. I stand to my point of order.

Mr. ANDERSON, of Kansas. State it.

Mr. GIBSON, of West Virginia. What is the gentleman talking about?

The CHAIRMAN. The gentleman from West Virginia will proceed.

Mr. GIBSON, of West Virginia. When interrupted I was proceeding to read a decision. [Laughter and calls of "Order!"]

Mr. KING. I insist on my point of order.

The CHAIRMAN. The gentleman will state what his point of order is.

Mr. KING. I state that there is no motion before the House, and I do not see how we can proceed in the absence of it.

Mr. GIBSON, of West Virginia. I have raised a point of order, and shall insist upon holding the floor until it is decided.

Mr. KING. I do not think you have the floor, as I have called the gentleman to order, and he should take his seat until the point of order is decided. [Laughter.]

Mr. GIBSON, of West Virginia. I suggest the gentleman take his seat and listen to me. [Laughter.] I raise this point. I do not care whether the original decision of the Chair was right or wrong. [Laughter and cries of "Read!"]

Mr. KING. Mr. Chairman—— [Laughter.] There is nothing to laugh at. I ask the House to proceed with decorum to business. We ought to put a stop to this buffoonery. [Laughter.]

Mr. GIBSON, of West Virginia. I therefore insist on my point of order. The gentleman from Louisiana will not listen to anybody. [Laughter.]

The CHAIRMAN. Order must be observed in the Hall, and members will resume their seats.

Mr. GIBSON, of West Virginia. Mr. Chairman, if I can get the floor from the gentleman from Louisiana for a few moments I will continue my remarks. I did not interrupt him. It makes no difference——

Mr. KING. Mr. Chairman—— [Laughter.] I insist, Mr. Chairman, you shall rule on this point. [Cries of "Order."]

The CHAIRMAN. The Chair will not entertain any remark from any gentleman until order is restored in the Hall.

Mr. GIBSON, of West Virginia. Everybody is in order except the gentleman from Louisiana.

Mr. KING. I insist we shall adjourn if we are to keep up this unnecessary consumption of the time of the House by stopping the progress of necessary business.

The CHAIRMAN. The Chair will not recognize any member until order is restored. The Sergeant-at-Arms will see that members resume their seats and order is restored. [After a pause.] The gentleman will now state his point of order.

Mr. GIBSON, of West Virginia. In continuation of what I was saying when interrupted——

Mr. KING. Mr. Chairman, I insist upon order and decorum being observed in the Hall, and that gentlemen shall cease their buffooning. [Laughter.]

Mr. GIBSON, of West Virginia. I did not understand the expression used by the gentleman from Louisiana just now. He referred I think to buffoonery. I rise to know squarely whether by that language he means me.

Mr. KING. I mean nothing personal.

Mr. GIBSON, of West Virginia. If the gentleman does not mean anything personal, he ought to be manly enough not to indulge in such general remarks.

Mr. KING. I am manly enough to insist that the proceedings of the House shall be properly and decorously carried on.

Mr. GIBSON, of West Virginia. Sit down, and permit me to continue my remarks.

Mr. KING. I will do so, but will hold the floor until my point of order, which is correct, is sustained. We must proceed with business. [Laughter.]

The CHAIRMAN. The Chair was of the opinion when the gentleman from Virginia on the left said that he desired to appeal from the decision of the Chair on the question no quorum was required on the motion the committee rise that he was not in earnest in insisting upon that appeal, and therefore disregarded the request and proceeded with the business of the committee.

Mr. GIBSON, of West Virginia. The Chair has no right to assume any such thing.

The CHAIRMAN. The Chair desires, if the gentleman from West Virginia will permit the Chair to do so, to make a statement.

Mr. GIBSON, of West Virginia. Certainly.

The CHAIRMAN. The gentleman from Virginia [Mr. BRADY] and the gentleman from Tennessee [Mr. PETTIBONE] insist upon the right to appeal. The Chair is ready to entertain the appeal, but was under the impression when it was made that it was not seriously insisted upon.

Mr. GIBSON, of West Virginia. The Chair is right in entertaining the appeal, and I am in favor of sustaining the Chair. But what I objected to was the arbitrary ruling of the Chair preventing a member from taking an appeal.

The CHAIRMAN. The Chair will again state that it was of opinion the appeal was not seriously made.

The Chair decided that a quorum was not required upon a motion that the committee rise. From that decision the gentleman from Virginia [Mr. BRADY] appeals. The question is, shall the decision of the Chair stand as the judgment of the committee.

Mr. TOWNSHEND. I move to lay the appeal upon the table.

The CHAIRMAN. There is no table in committee, so the motion is not in order.

Mr. GIBSON, of West Virginia. I will stand by the Chair in sustaining the decision; but I wanted the Chair to give gentlemen the opportunity they were entitled to under the rules of the House.

The question was taken; and on a division there were—ayes 155, noes 16.

Mr. PETTIBONE. I demand tellers.

Tellers were refused.

So the decision of the Chair was sustained.

The Clerk proceeded to read the bill.

Mr. PETTIBONE (when the Clerk had reached line 2245.) Mr. Chairman, I move that the committee do now rise.

The motion was not agreed to.

The Clerk resumed and continued the reading of the bill.

Mr. HOLMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration bill H. R. 11028, the legislative, executive, and judicial appropriation bill, had come to no resolution thereon.

Mr. HOLMAN. Mr. Speaker, I now submit the resolution I send to the desk.

The Clerk read as follows:

*Resolved*, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and pass the same with the amendments following submitted by the Committee on Appropriations.

Mr. REED, Mr. CANNON, and Mr. BLANCHARD demanded a second.

Mr. STEELE. Pending the demand for a second, I move that the House adjourn.

Mr. CANNON. It is understood that a second is demanded.

Mr. BLANCHARD. I have demanded a second.

The SPEAKER *pro tempore*. The question is first on the motion of the gentleman from Indiana that the House do now adjourn.

The question was taken; and on a division there were—ayes 53, noes 85.

Mr. BLANCHARD. Mr. Speaker, I demand tellers upon that vote.

Tellers were ordered.

Mr. CANNON. I wish to ask consent to submit one proposition to the House, which is that the motion to adjourn be withdrawn, and that tellers be ordered to see whether or not the motion of the gentleman from Indiana is seconded, and that will develop the presence or absence of a quorum.

Mr. RANDALL. That is right.

Mr. CRAIN. I object.

The SPEAKER *pro tempore*. The Chair will order tellers.

Mr. CANNON. I hope there will be no objection. [Cries of "Regular order!"] Anybody can say regular order without considering the proposition.

The SPEAKER *pro tempore*. The Chair will submit the proposition of the gentleman from Illinois to the House. Is there objection that the motion to adjourn be withdrawn, and that a vote be taken by tellers on seconding the motion of the gentleman from Indiana [Mr. HOLMAN]?

Mr. CRAIN. Let me submit a parliamentary inquiry before the objection is withdrawn.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CRAIN. What will be the effect of that proceeding as to this bill?

Mr. RANDALL. It will have no effect further than to develop the fact if there is a quorum,

The SPEAKER *pro tempore*. That will be the effect.

Mr. CRAIN. Then I withdraw the objection.

So, there being no further objection, the motion to adjourn was withdrawn.

The SPEAKER *pro tempore*. Is a second demanded?

Mr. CANNON and Mr. REED. A second is demanded.

The SPEAKER *pro tempore* appointed Mr. REED and Mr. HOLMAN as tellers.

Mr. CANNON. I wish to make a parliamentary inquiry. I am perfectly content now that the gentleman from Maine should act as a teller, but I rose to demand a second as soon as the gentleman did.

Mr. REED. I think the gentleman from Illinois is correct in that statement.

Mr. ANDERSON, of Kansas. But the gentleman from Louisiana also demanded it.

The SPEAKER *pro tempore*. The Chair will state that the reason he appointed the gentleman from Maine was because the gentleman rose as soon as the question was first submitted.

Mr. CANNON. So did "the gentleman from Illinois," but the only point is that it goes to the control of the fifteen minutes allowed for debate.

Mr. REED. I think the gentleman from Illinois, as a member of

the Committee on Appropriations, is entitled to control the time, and I yield it to him so far as I am concerned.

Mr. CANNON. I have no objection to the gentleman acting as teller.

The House divided, and the tellers reported—ayes 87, noes 13.

Mr. BLANCHARD. No quorum.

Mr. HOLMAN. Mr. Speaker, I move that the House take a recess until 9 o'clock Monday.

Mr. BLANCHARD. Pending that I move that the House do now adjourn.

The question was taken, and there were—ayes 20, noes 93.

Mr. BLANCHARD. I demand tellers.

Tellers were refused.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House take a recess until 9 o'clock on Monday.

Mr. REED. Does the gentleman intend then to go on with the bill, paragraph by paragraph? If he does we are ready to sit here all night, but if he purposes to pass the bill in defiance of law and the rules of the House we should like to know that.

Mr. HOLMAN. Before I can answer that question I should consult the Committee on Appropriations.

Mr. REED. We are ready to go on now.

The SPEAKER *pro tempore*. The question is not debatable.

Mr. GALLINGER. I move to amend the motion of the gentleman from Indiana so as to make the hour of meeting 10 o'clock.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana as amended.

The House divided; and there were—ayes 117, noes 15.

Mr. STEELE and Mr. BRADY. No quorum.

Mr. TOWNSHEND. Why not have the yeas and nays?

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will appoint as tellers——

Mr. SCOTT. I demand the yeas and nays.

Mr. BURROWS. Instead of consuming the time in calling the yeas and nays, would it not be better that the gentleman from Indiana should proceed with the consideration of the bill by paragraphs? We can get half through with it in a little while.

Mr. SCOTT. I insist on the call for the yeas and nays.

Mr. HOLMAN. I hope my friend will withdraw that call.

The yeas and nays were not ordered, only 15 members voting therefor.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The SPEAKER *pro tempore*. The Chair will state that the motion to suspend the rules is pending. The motion the gentleman from Indiana now makes is not in order until that is disposed of or withdrawn.

Mr. HOLMAN. I withdraw the motion to suspend the rules.

Mr. TARSNEY. I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana that the House resolve itself into Committee of the Whole House on the state of the Union.

The House divided; and there were—ayes 143, noes 14.

So (further count not being called for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The CHAIRMAN. The bill is open for general debate under the rule.

Mr. HOLMAN. At so late an hour I do not feel justified myself in occupying a moment of time in general debate. I had said to the gentleman from Louisiana [Mr. BLANCHARD] during the progress of the evening that I should be glad so far as I am concerned to secure him a fair portion of time. Half an hour was mentioned. I said to him that if he would be satisfied with fifteen minutes I would yield him that time. I now yield to the gentleman fifteen minutes of my time.

Mr. BLANCHARD. I would like to have more than fifteen minutes. I have made a careful study of this bill and devoted some time to its analysis and dissection. I do not think I can do justice to it in fifteen minutes. I will ask the gentleman from Indiana to yield me half an hour, which will bring us to near 12 o'clock.

Mr. HOLMAN. I hope my friend will be satisfied with twenty minutes.

Mr. BLANCHARD withholds his remarks for revision. [See Appendix.]

Mr. HOLMAN. Mr. Chairman, I only want a few moments to reply to what has been said.

Mr. TUCKER. Will the gentleman from Indiana yield to me for a moment to make a suggestion? I will not even make a motion without his consent.

Mr. HOLMAN. I will yield to the gentleman.

Mr. TUCKER. It is now nearly midnight, nearly Sunday morning. I appeal to the House for a moment's consideration of what we are doing. It is a scandal that this House of Representatives of the American Congress should have presented an appropriation bill at this period of the session, and spend the early hours of Sunday morning in the discussion of the bill. I was going to move that the committee rise, with the consent of the gentleman, in order that the House may now adjourn.

Mr. HOLMAN. I hope the gentleman will hear me a few minutes, because I desire if possible to have general debate closed to-night on this bill. I shall ask but a very few minutes.

Mr. CANNON. We would like to have a little time on this side.

Mr. HOLMAN. I am willing that gentlemen shall have all the time, or as much time as I shall occupy. I would be glad, however, to come to some understanding as to the duration of the debate. What time would the gentleman suggest?

Mr. CANNON. I think if we could have one recognition on this side of the House it will be sufficient.

Mr. RANDALL. That is one hour.

Mr. CANNON. Yes; and I hardly think we will consume that.

Mr. BUTTERWORTH. I only want a few minutes; but I had not thought of speaking to-night. I would like four or five minutes in the general debate.

Mr. HOLMAN. I ask then that by unanimous consent it be now agreed when the House shall meet again on this bill that all general debate be confined to one hour and a half, to be divided by giving gentlemen who are opposed to the bill the other half hour, in addition to the half hour occupied by the gentleman from Louisiana, which will make one hour on each side.

Mr. BUTTERWORTH. Oh, no; divide the remaining time equally.

Mr. HOLMAN. I agree to an hour and a half, the time to be divided equally.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all general debate on the pending bill be closed in an hour and a half, the time to be divided equally.

Mr. ANDERSON, of Kansas. Not an hour and a half to-night.

Mr. RANDALL. On Monday morning.

Mr. JACKSON. I wish to inquire if the understanding is to be carried out by which the House was to adjourn at 12 o'clock to-night?

Several MEMBERS. That was the agreement.

Mr. CANNON. I will agree to the proposition of the gentleman from Indiana, with the understanding that we get one hour.

Mr. TOWNSHEND. I object to that. The opponents of the bill have already had half an hour, and I object to any lop-sided arrangement.

Mr. RANDALL. I do not understand the gentleman from Illinois is opposed to the bill, although he may be opposed to some features of it.

Mr. CANNON. I am opposed to some features of the bill, and there are some features of it that I am in favor of.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that general debate on the bill shall close in one hour and thirty minutes, the time to be divided equally among those who favor the bill and those who oppose it.

Mr. TOWNSHEND. I agree to that.

Mr. CANNON. I object, unless we can have recognition for one hour.

Mr. BUTTERWORTH. I am connected with the subcommittee which prepared this bill. If time is allowed to this side I ought to have some portion of it.

The CHAIRMAN. The request is that forty-five minutes be allowed to those opposing the bill and forty-five minutes to those favoring it.

Mr. CANNON. We will accept the proposition.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

Mr. HOLMAN. I move that, in view of the time given for general debate on this bill, the House now take a recess until 9 o'clock Monday morning.

Mr. ANDERSON, of Kansas. Say 10 o'clock.

Mr. HOLMAN. I accept that.

Mr. HEPBURN. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Indiana moves that the House take a recess until 10 o'clock on Monday morning.

Mr. BRADY. I make the point of order that 12 o'clock having ar-

rived, under the previous order of the House the House now stands adjourned.

The SPEAKER *pro tempore*. Pending the motion of the gentleman from Indiana, the gentleman from Iowa [Mr. HEPBURN] moves that the House do now adjourn.

The question being taken,

The SPEAKER *pro tempore* stated that the "noes" seemed to have it.

Mr. JACKSON. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JACKSON. It is that the hour of 12 o'clock having arrived, the time when it was agreed by unanimous consent that the House should adjourn, that order should be carried out.

Mr. HOLMAN. I do not think that agreement was entered into.

Mr. BRADY. I ask for the reading of the record.

The SPEAKER *pro tempore*. The present incumbent of the chair was not in the chair at that time.

Mr. BRADY. But it is a matter of record.

The SPEAKER *pro tempore*. If it can be shown to the Chair that that is matter of record, of course he will carry out the order of the House. Meanwhile the Chair desires to submit some personal requests.

LEAVE TO PRINT.

By unanimous consent, leave to print in the RECORD was given as follows:

Mr. WEAVER, of Nebraska: Remarks on the bill (H. R. 1406) for the relief of S. W. Harden.

Mr. OATES: Remarks upon the bill (S. 372) to establish agricultural experiment stations, &c.

Mr. RANNEY: To extend the unfinished speech which he made February 9, 1886, not yet published in the RECORD, on House bill No. 3, relating to war taxes of 1861, and to have the completed speech inserted in the RECORD.

Mr. HAMMOND: Remarks on the bill H. R. 3, now on the Calendar of unfinished business.

Mr. HOLMAN and Mr. MCADOO: Remarks on the naval appropriation bill.

Mr. LA FOLLETTE and Mr. BRADY: Remarks on the agricultural experiment-station bill.

ORDER OF BUSINESS.

Mr. BURROWS. Let the Clerk read the record of the agreement as written out by the Official Reporter.

The Clerk read as follows:

Mr. SPRINGER. I renew the request that the House take a recess until 8 o'clock this evening, everything to remain just as it is now until that time.

Mr. LA FOLLETTE. I object, unless the agreement is made to adjourn at 12 o'clock.

Mr. MCMILLIN. That is in the original proposition.

The SPEAKER. It is not in this.

Mr. SPRINGER. The session of to-night not to continue beyond 12 o'clock.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the House take a recess until 8 o'clock, the session of this evening not to continue beyond 12 o'clock. Is there objection? The Chair hears none; and it is so ordered.

The House accordingly (at 6 o'clock and 50 minutes p. m.) took a recess until 8 o'clock.

Mr. HOLMAN. I think that was not the agreement on which we finally acted.

Mr. PETTIBONE. Yes; that was the last done before the recess.

The SPEAKER *pro tempore*. It seems to be the opinion of the House that that was the order. The Chair thinks that opinion was well based; and in pursuance of the agreement entered into at the close of the session this afternoon, the hour of 12 o'clock having arrived, the House stands adjourned until 11 o'clock on Monday.

---

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolution of the Legislature of Pennsylvania, for the passage of the bill refunding the direct tax levied in 1861—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania, requesting the passage of the bill to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of August 5, 1861—to the same committee.

By Mr. BLAND: Petition of B. C. Powell, of Saint Joseph, Mo., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BOUND: Resolution of the Legislature of Pennsylvania, in favor of the passage of a bill to credit and pay to the several States and Territories, &c., all moneys collected under the direct tax levied by the act of August 5, 1861—to the Committee on the Judiciary.

By Mr. BUNNELL: Joint resolution of the Legislature of Pennsylvania, for the bill to refund to the several States, Territories, and District of Columbia the tax levied and collected under act of August 5, 1861—to the same committee.

By Mr. BURROWS: Joint resolution of the Legislature of Michigan, for the passage of the bill refunding the direct war tax of 1861—to the same committee.

By Mr. CALDWELL: Papers relating to the claim of John L. Doxey, of Sumner County, and of Samuel S. Easau, of Davidson County, Tennessee—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the Commercial Exchange of Philadelphia, asking for the purchase of the Portage Lake and Lake Superior Ship-Canal—to the Committee on Rivers and Harbors.

By Mr. FLEEGER: Resolution of the Legislature of Pennsylvania, for the passage of the bill to refund to the several States, Territories, and District of Columbia the tax levied and collected under act of August 5, 1861—to the Committee on the Judiciary.

Also, petition of citizens of Crawford County, Pennsylvania, for a pension to Mrs. Sarah Tenney—to the Committee on Invalid Pensions.

By Mr. FORD: Petition for a pension to James S. Lewis, a soldier of the Seminole war and the late war—to the same committee.

By Mr. FULLER: Petition of the Women's Christian Temperance Union of Waukon and of Portville, Iowa, in favor of Senate bill 2362, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. GLASS: Petition of Mrs. Sallie Ann Overall (formerly Richardson), for the payment of her war claims—to the Committee on War Claims.

By Mr. GUENTHER: Memorial of the Chamber of Commerce of Milwaukee, Wis., recommending an appropriation for a public building in said city—to the Committee on Appropriations.

By Mr. HALL: Petition of the Women's Christian Temperance Union of Lee County, Iowa, for the passage of Senate bill 2362, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. HOLMAN: Petition of J. B. Buxton and 35 others, citizens of Jefferson County, Indiana, praying for the passage of Senate bill 1636, reducing postage on seeds, &c.—to the Committee on the Post-Offices and Post-Roads.

By Mr. HOLMES: Petition of the Women's Christian Temperance Union, of Hubbard, Vernon, and Belmont, Iowa, for the passage of Senate bill 2362—to the Committee on Foreign Affairs.

Also, petition of S. J. Root and 13 others, citizens of Hamilton and Wright Counties, Iowa, for the passage of Senate bill 1632 to reduce postage on seeds, bulbs, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. KELLEY: Petition of citizens of Pennsylvania, for an appropriation for a monument to colored soldiers and sailors—to the Committee on the Library.

By Mr. LAWLER: Memorial of the Trade and Labor Assembly of Chicago, Ill., demanding the abolition of the duty on coal—to the Committee on Ways and Means.

By Mr. MILLER: Petition of Magdalena Diebitsch, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Resolutions of the Commercial Exchange of Philadelphia, Pa., for an appropriation to be made in the river and harbor bill to vest in the United States the ownership of the Portage Lake and Lake Superior Ship-Canal—to the Committee on Rivers and Harbors.

By Mr. OSBORNE: Resolutions of the Commercial Exchange of Philadelphia, favoring the passage of the item in the river and harbor bill providing for the purchase of the Portage Lake and Lake Superior Ship-Canal—to the same committee.

By Mr. OUTHWAITE: Petition of the Wool-Growers' Association of Perry County, Ohio, against permitting the admission of scoured wool into our ports under the names of ring-waste, thread-waste, &c., at the low duty on waste, and against any reduction of duty on foreign wool—to the Committee on Ways and Means.

By Mr. PARKER: Petition of citizens of Socorro, N. Mex., in relation to certain unconfirmed land grant in said city—to the Committee on the Public Lands.

By Mr. PETTIBONE: Petition and papers in the case of James Jones, late Company H, Eighth Tennessee Cavalry, for removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. STEPHENSON: Memorial of the Chamber of Commerce of Milwaukee, Wis., for an appropriation for a public building in said city—to the Committee on Appropriations.

By Mr. W. J. STONE, of Missouri: Petition of B. D. Snead and others, for relief of Nelson J. Crook, of Missouri—to the Committee on Invalid Pensions.

Also, petition of members of the General Assembly of Missouri, in favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

Also, resolutions of Post No. 10 Grand Army of the Republic, of Missouri, condemning the President's veto of the dependent pension bill, and thanking Senators and members for supporting it—to the Committee on Invalid Pensions.

By Mr. STORM: Petition of the Commercial Exchange of Philadelphia, Pa., in behalf of the purchase of the Portage Lake and Lake Superior Canal—to the Committee on Rivers and Harbors.

By Mr. TAULBEE: Petition of W. R. Riddle, of Whitesburg, Ky., for relief—to the Committee on Claims.

By Mr. O. B. THOMAS: Memorial of the Chamber of Commerce of Milwaukee, Wis., for an appropriation for a public building in said city—to the Committee on Appropriations.

By Mr. TUCKER: Petition of the Pastors' Alliance of the District of Columbia and others, for an amendment of the law of divorce in said District—to the Committee on the District of Columbia.

By Mr. VAN SCHAICK: Memorials of the Chamber of Commerce of Milwaukee, Wis., for an appropriation for the erection of a public building in said city—to the Committee on Appropriations.

By Mr. WHEELER: Petition of M. C. Wade, administrator of Charles L. King, of Colbert County; of William S. Legg, of Limestone County, and of A. Eckeberger, of Lawrence County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

---

The following petitions and resolutions for the passage of the dependent relative pension bill notwithstanding the President's veto were severally referred to the Committee on Invalid Pensions:

By Mr. BOUTELLE: Of Bradbury Post, No. 15, and Theo. Lincoln Post, No. 150, Grand Army of the Republic, of Maine.

By Mr. W. W. BROWN: Resolutions of Post No. 204, Grand Army of the Republic, of Coudersport, Pa.

By Mr. CUTCHEON: Of E. F. Cowles Post, No. 246, Grand Army of the Republic, of Michigan.

By Mr. DINGLEY: Of Weld Sargent Post, Grand Army of the Republic, of Booth Bay, Me.

By Mr. DORSEY: Of Lander Post, Grand Army of the Republic, of Nebraska.

By Mr. FULLER: Of Milo L. Sherman and 41 other soldiers, of Fredericksburg, Iowa.

By Mr. GROUT: Of G. G. Meade Post, Grand Army of the Republic, of Vermont.

By Mr. D. B. HENDERSON: Of Robbins Post, Grand Army of the Republic, of Waverly, Iowa.

By Mr. HITT: Of J. A. Maltby Post, No. 520; and of Polo Post, No. 84, Grand Army of the Republic, of Illinois.

By Mr. HOLMES: Of J. C. Taylor Post, Grand Army of the Republic, of Algona, Iowa.

By Mr. McCOMAS: Resolutions of Tyler Post, No. 5, Grand Army of the Republic, of Maryland.

By Mr. NELSON: Of J. L. Buzzel Post, No. 24, of Fair Haven, and of Farragut Post, No. 102, Department of Minnesota.

By Mr. PARKER: Of Harry Lee Post, Grand Army of the Republic, of Brooklyn, N. Y.

By Mr. PERKINS: Of McCune Post, of Cherry Vale Post, of Dexter Post, and of Rough and Ready Post, Grand Army of the Republic, of Kansas, and of ex-soldiers of the late war of Fort Scott, Kans.

By Mr. PETERS: Of Warriner Post, of Belle Plaine Post, of Allison Post, Grand Army of the Republic, of Kansas, and of James Spencer and 20 others, ex-soldiers of Kendall, Kans.

By Mr. PETTIBONE: Of Burnside Post, Grand Army of the Republic, of Greenville, Tenn.

By Mr. RANNEY: Of Chelsea Post, Grand Army of the Republic, of Massachusetts; of the trustees of the Soldiers' Home, Boston, Mass.; and of the Women's Relief Corps, of Boston, Mass., representing 5,000 women.

By Mr. STRAIT: Of McCauly Post, No. 55, and of Michael Cook Post, Grand Army of the Republic, of Fairbault, Minn.

By Mr. STRUBLE: Of Annet Post, of Spencer, and of Hyde Park Post, of Dubuque, Iowa, Grand Army of the Republic.

By Mr. MILO WHITE: Resolutions of the McColly Post, No. 55, Grand Army of the Republic, of Minnesota.

By Mr. WILSON: Of Coplin Post, No. 56, Grand Army of the Republic, of West Virginia.

---

The following petitions, asking legislation to secure rights to certain heirs-at-law and descendants of patentees claiming lands on and adjoining Manhattan Island, New York, under patents made in 1666 and 1667 by Richard Nichols, then governor of the Colony of New York, were severally referred to the Committee on the Public Lands:

By Mr. KETCHAM: Of H. F. Reynolds, Mrs. H. F. Reynolds, and B. E. Flanders, of Hudson, N. Y.

By Mr. PARKER: Of citizens of Morristown, N. Y.

By Mr. SHAW: Of numerous citizens of Maryland.

By Mr. SWINBURNE: Of citizens of the nineteenth district of New York.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BLOUNT: Of citizens of Macon, Ga.

By Mr. RANNEY: Of 16 citizens of Boston, Mass.

By Mr. A. C. WHITE: Of 204 citizens of Brockwayville, Pa.

## SENATE.

MONDAY, *February* 28, 1887.

Prayer by Rev. H. W. ROTH, D. D., of Greenville, Pa.

### THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. BUTLER (at 12 o'clock and 12 minutes p. m.) I move that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. It can only be done by unanimous consent.

Mr. EDMUNDS. It is nearly through. Let us have it all read.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

The Secretary resumed, and concluded the reading of the Journal.

The PRESIDENT *pro tempore*. The Journal will stand approved, if there be no objection.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1131) to amend an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes; and

Joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, and William H. Cole.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 7310) granting a pension to Arlanta T. Taylor; in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 6637) relating to contested elections;

A bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky mountains; and

A bill (S. 1582) for the relief of Alpheus R. French.

### ARLANTA T. TAYLOR.

Mr. COCKRELL. I ask the Chair to lay before the Senate the concurrent resolution which has just come from the other House requesting the recall of a pension bill from the President.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read.

The Chief Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the President be requested to return to the House of Representatives the bill of the House (H. R. 7310) granting a pension to Arlanta T. Taylor.

The resolution was considered by unanimous consent, and concurred in.

### CORRESPONDENCE WITH MEXICO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

*To the Senate:*

I transmit herewith, in reply to a resolution of the Senate of the 21st ultimo, a report from the Secretary of State relative to the seizure and sale of the American schooner Rebecca, at Tampico, and the resignation of Henry R. Jackson, esquire, as minister of the United States to Mexico. It is not thought compatible with the public interests to publish the correspondence in either case at the present time.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 26, 1887.

Mr. BROWN proceeded to address the Senate. [This speech will be found later in the proceedings.] Having spoken for some time—

The PRESIDENT *pro tempore*. The Chair will interrupt the Senator from Georgia a moment to lay before the Senate a bill and joint resolution from the House of Representatives for reference.

Mr. BROWN. I give way for that purpose.

### HOUSE RESOLUTION REFERRED.

The joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, and William H. Cole was read twice by its title, and referred to the Committee on Printing.

NAVAL APPROPRIATION BILL.

The bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of the bill.

Mr. HALE. If the Senator from Georgia will allow me——

The PRESIDENT *pro tempore*. The Senator from Georgia is entitled to the floor, but the Chair interrupted him.

Mr. HALE. Will he give way for a moment in order to have some disposition made of the naval appropriation bill?

Mr. BROWN. I have no objection to yielding for a moment for that purpose.

Mr. HALE. It is very important that the Committee on Appropriations, as we are now but four days from the end of the session, should have at least some opportunity of considering this most important bill. The committee is under almost the greatest disability, even with the time that is left, if it can go at the bill at once. I should be glad to have the Senator from Vermont, before he insists on his objection to a second reading, which he undoubtedly has the right to make if he chooses, to state what will be the result of his motion and what purpose he has in view.

Mr. EDMUNDS. I am perfectly willing to state.

The PRESIDENT *pro tempore*. Does the Senator from Georgia consent to this interruption?

Mr. BROWN. I consent if it does not last long.

Mr. EDMUNDS. Mr. President, my purpose in objecting to the second reading of the bill is to try to bring the Congress of the United States, which embraces both Houses (and I can only speak of it with parliamentary propriety in that way) to a sense of its duty, and to bring the Senate to a sense of the way in which the public business is transacted in respect of the expenditure of the millions upon millions of money that the appropriation bills contain.

Here, in the last days of this session, that expires by constitutional provision and law on the 3d of March, and within ten or twelve or fourteen days of its end, no really important appropriation bill had come over from the House of Representatives at all; those bills having been held there for two months and a half, substantially the whole of them. There are some small and minor exceptions.

Mr. ALLISON. The sundry civil bill came over just before the holiday recess.

Mr. EDMUNDS. The sundry civil bill came over and was sent back to the other House a long while ago, and is still in conference. Leaving that out, the great body of what is really the administrative operations of this Government is forced upon the Senate of the United States (to say nothing of the other House, about which I have no right to speak except when conferences are up) in the very last days and hours and moments of this session. That, in my opinion, is a violation of the constitutional equality and the constitutional right and duty of each House to have time enough to judge of the measures that the other sends to it, in order that each may intelligently and patriotically discharge the duties that are imposed upon it, and in order that the President of the United States, equally a co-ordinate branch of the Government and equally having the right and the duty of careful examination and inspection of the bills that are sent to him, may have the opportunity which the Constitution intended he should have, of at least ten days before the expiration of a Congress or a session to consider the measures that he is called upon either to assent to under his responsibility of oath or of duty without oath, or to give reasons to one House or the other, or both, as the case may be, why he is unable to assent to them.

The great mass of the appropriation bills, in these last four days of the session, are not yet in a condition to be acted upon finally by either House, and a large proportion of them are not yet in a condition to be acted upon by this body. It is a gross violation, in my opinion, of public duty. It is a gross violation of the spirit of the Constitution as well, as it respects the intelligent and independent co-ordination of the two branches of Congress and as it also respects the constitutional rights and duties of the President of the United States.

We were in a similar condition two years ago, when in the last days of the session, and the last days running along as these will if we go on in this way, there came to this body these bills in the same way, and when, in order not to embarrass a new and incoming administration of a different political opinion from that which had preceded it, the members of this body on the Republican side and the patriotic gentlemen on the other side submitted to the rushing of these bills through without even the opportunity for the engrossing of the amendments made by the Senate and agreed upon in conference with the other House, without the opportunity of having them enrolled so that the Committees on Enrolled Bills of the two Houses could see that those things were in the bills that had been agreed upon and that those things were not in the bills which had not been agreed upon; and it depended upon the faithfulness of the two clerks of the respective committees of these two Houses, who were most faithful and honorable gentlemen, but whose successors may not be, that the bills became laws with as few imperfections, merely in respect of things being in or out that had or had not been agreed upon, so that the bills could have stood at all.

I promised myself on that occasion, then sitting in the chair and with nobody in the Senate but the clerks receiving messages from the House of Representatives on disagreements and asking conferences, and finally conference agreements, that I would never be a party or guilty of being a party in any way to the repetition of that method of legislation.

We have come to the last four days, and now we have got for the first time a most important appropriation bill which should require a week or two of the best efforts of the Committee on Appropriations, assisted by the Naval Committee, having charge of the special concerns of the Navy, and assisted by all Senators in the consideration of what the public interests of the United States require in respect of national defense to properly consider it; and here it is.

There are other subjects of public importance that seem to be hanging in abeyance for some reason or another. I think I do not violate any rule by referring to the circumstance that the most important body of officers that has ever been created by law, aside from the establishment of the judicial system of the United States in the first place, was provided for by an act of Congress called the interstate-commerce bill many weeks ago. I do not remember how long since. I violate no rule or propriety by saying that so far no names have been presented to the Senate for appointment to that most responsible position affecting the welfare and the intercourse and the business of the whole body of every community in the United States. There is the fishery bill—a matter of great importance——

Mr. BROWN. Allow me to inquire how much longer time the Senator will desire to take? I have the floor, and gave way for a brief interruption.

Mr. EDMUNDS. I can not state with absolute precision how much longer it will take me; I do not think it will take a great while; but undoubtedly the gentlemen of the Committee on Appropriations ought to be asked, as I am about to ask them, to make some investigation and explanation of this situation, and where we are, and what we had better do.

Mr. BROWN. I still yield the floor for a reasonable time further.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Georgia to yield?

Mr. BROWN. I yield for the time.

Mr. EDMUNDS. Here is the matter of the outrages committed on American fishermen, a bill in regard to which passed the Senate a great many weeks ago, came back from the other House only a few days ago, and is now in conference, and where, I am authorized to say by the rules, we have had one conference, lasting the larger part of Saturday afternoon, until dark or after dark, and where the managers on the part of the House of Representatives, making no complaint of the provisions of the bill so far as the Senate had gone, but were desirous of adding to it the substance of a still wider and more all-embracing and more important proposition, to which the managers on the part of the Senate were quite unable to agree. We have not come to an absolute disagreement, but unless the two Houses can come to an agreement upon that subject—and I feel confident that the Senate will with unanimity sustain what its managers have so far done in respect of these matters in our discussions—I feel that there need be no haste about these appropriation bills, because I think that the Chief Magistrate will feel it to be his high and patriotic duty, if Congress shall not have made some provision on this subject, to call together the new Congress for that purpose alone, for it is a most important interest and a most important purpose, that not only affects the pecuniary interest and the personal liberties and happiness of a large part of this people, but affects the honor of the United States and its dignity.

Therefore, in the present situation of the public business, I see no reason to depart from our wise and well-ordered rules as far as they go in making haste to read this bill or any other at this time the second time on the day when it is presented.

I ask my friends upon the Committee on Appropriations to explain to us the whole of the present situation.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Georgia is entitled to the floor.

Mr. BROWN. I will still yield further, until this matter is disposed of.

Mr. HALE. I ask that the bill may be printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. EDMUNDS. That is the standing order.

Mr. HALE. I will simply say that I can see the force of what the Senator from Vermont has so well said and desires, that on these important appropriations the Senate shall have the right and the privilege and the time to scrutinize the appropriation bills, to do that by them which the other House does—a right which nobody disputes.

I can only say further that I see but one result from this, not from the objection the Senator from Vermont has interposed, but from the condition that the Senate is placed in by this premeditated delay on the part of the other body, and that result must clearly be what I think nine men out of ten do not desire but deprecate—an extra session of Congress.

The Committee on Appropriations will do its work as well as it can.

It will sit day and night, and has sat day and night and Sundays; but it can not perform impossibilities.

Mr. ALLISON. Before the Senator from Georgia proceeds I think I ought to say a word or two respecting the condition of the appropriation bills, in response to the inquiry of the Senator from Vermont.

I regret to say to the Senate that these bills are not in condition at this time to be considered with deliberation by this body before the end of the present Congress, and if the bills are passed they must be passed substantially as they come from the House of Representatives without the independent judgment of this body and without the independent judgment of the President of the United States.

I have always supposed hitherto that it was the intention of the framers of this Government and of the people that the great questions of the appropriations of public money should be considered independently by the two Houses of Congress and independently by the President of the United States. In the present condition of the appropriation bills that is absolutely impossible.

The naval appropriation bill, as the Senator from Vermont has already stated, is an important bill, embracing not only the ordinary appropriations necessary to carry on that Department for the next fiscal year, but also embracing provisions looking to the enlargement and rejuvenation of the Navy. We have had this question under consideration in various ways for some time, but now the whole question is to be reconsidered upon this bill. It will be necessary for the Committee on Appropriations to take some time, not a great while perhaps, to consider the bill, but they can not report it back to this body before to-morrow or the day following.

The legislative, executive, and judicial appropriation bill, which is the bill carrying all the ordinary expenditures of the Departments of this Government, has not yet appeared in this body. It has not yet passed the House of Representatives. It is a bill comprising many pages. I have given it such examination and consideration, as have other members of the Appropriations Committee, as we could give it from the early House print, but I have reliable information that it is proposed in the other House to make radical changes in that bill, different from what appears in the present print of the bill.

Mr. CULLOM. What is the amount involved in that bill?

Mr. ALLISON. Over $22,000,000, covering the legislative, executive, and judicial expenditures of this Government, involving changes of salary, involving new and important legislation respecting the administration of the Government.

If the Senate desires to take that bill without the deliberate consideration of the Committee on Appropriations of this body, it can take it and railroad it through this body between now and the 4th day of March; but to consider the bill as it should be considered is practically impossible before that time.

The sundry civil appropriation bill is an important bill, gathering up all the miscellaneous expenditures of this Government. That bill passed the Senate several weeks ago. It lay in the House of Representatives for nearly ten days after the amendments were considered here and sent to the other House. It was then considered in the other House and nearly all the amendments presented by the Senate were disagreed to, and a conference was ordered upon it last week. It was not until Friday night that we could get the conferees of the two Houses together, and on Friday night after a brief session the House conferees refused to continue the session longer. We asked them to meet us in conference again at an early hour on Saturday morning, and the hour of quarter past 9 was fixed. Although the Senate was in session until 2 o'clock the night before, the Senate conferees were in the place fixed for the conference at the appointed hour.

The House conferees did not appear there for a considerable time afterwards, and when they appeared, after a session of an hour and a half they said they could not sit longer that day. When we proposed a meeting on Saturday night they said it was impossible. Then, intending and desiring that the business of this Congress should be disposed of, we proposed that yesterday should be devoted to the consideration of the differences between the two bodies upon that bill. The hour of 10 o'clock was fixed for that meeting, and the Senate conferees were promptly in the Chamber at the time. We waited one-half hour for the conferees on the part of the House, and when 2 o'clock arrived we were informed by the House conferees that they could sit no longer during that day, but they would meet us at night. We agreed to meet at 8 o'clock last night, and it was understood that we should have a prompt meeting. We waited until one minute before 9 o'clock for the House conferees, and then after sitting about an hour and three-quarters we were told by them that they could sit no longer last night. We asked them to meet us this morning. They said it was impossible. We asked them to meet us to-night. They said it was impossible. We asked them to meet us to-morrow morning. They said they did not believe they could do so; that they would see; but that they would meet us to-morrow night for conference on that bill.

Mr. President, it is a practical impossibility, in my judgment, for us to deliberate upon these great bills necessary for the purposes of our Government, and necessary to be considered by the committees appointed by this body, in order that the Senate may know what we have agreed to and what we have disagreed to, as they should be considered between to-morrow night and noon on Friday.

This is the situation with reference to these great bills. There are other bills in conference upon which there are radical disagreements, but they may be reconciled. However, it is perfectly apparent that seven of the great appropriation bills can not reach the President of the United States before late on Thursday night, so that, admitting that we get through with these bills by Thursday night, the President of the United States must take them on trust, and sign them without reading.

Mr. COCKRELL. The general deficiency bill has not yet been considered in the other House.

Mr. ALLISON. The general deficiency bill, as suggested by the Senator from Missouri, has not yet been considered by the other House. That is a long bill, covering many items and important items, and in the very nature of things it can not be considered till the very last moments of this session.

This is the situation, as I understand it, of the appropriation bills now between the two Houses.

Mr. HAWLEY. I call the attention of the Senator to the fact also that the fortification bills covering two years have received no attention yet at this Congress.

Mr. ALLISON. The fortification appropriation bill, which, under the rules of both Houses, is one of the regular appropriation bills, and has assigned to it a special and conspicuous place, has not yet been reported from the Committee on Appropriations of the House of Representatives. The fortification bill which we passed last year is now pending in conference between the two Houses. How long the conferees will continue to deliberate upon that bill I do not know, but it involves very important questions. So in the nature of things the appropriation bills are in a condition now that they have never been in before within my knowledge of the history of these two bodies.

The PRESIDENT *pro tempore*. The Senator from Georgia is entitled to the floor.

Mr. BROWN. Mr. President——

Mr. CALL. Just one moment. I did not intend to say anything in regard to the matter which has been under discussion, but I do not concur——

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BROWN. I think that will only lead to further discussion. The committee having made the statements desired, I think I must proceed.

The PRESIDENT *pro tempore*. The Senator from Georgia is entitled to the floor.

## INQUESTS BY NATIONAL AUTHORITY.

Mr. HOAR. Before the Senator from Georgia proceeds, will he allow me to enter a motion to reconsider?

Mr. BROWN. Oh, yes.

Mr. HOAR. I wish to enter the motion, not to debate it. I move to reconsider the vote by which the Senate, on Friday last, received the report of the minority of the Committee on the Judiciary on the bill (S. 2171) to provide for inquests under national authority, and also the vote by which leave was given to print that minority report.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

Mr. VEST. I wish to make a parliamentary inquiry in regard to the effect of that motion, and I desire to make a statement in regard to it, so far as I am concerned.

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield?

Mr. BROWN. As I yielded to the Senator who made the motion, of course I shall yield to the Senator from Missouri.

Mr. VEST. I was a member of the minority who dissented from the conclusions of the majority in regard to the bill. I thought when we gave notice in committee and the Senator from Texas [Mr. COKE] gave notice in the Senate that four of us dissented from this bill, it involved our right to give our reasons in the shape of a minority report. At any rate, formal leave to print the minority report was given by the Senate. The fact was that they prepared their report for the purpose of placing their views on record.

I want to inquire if the motion to reconsider is not decided, are we precluded from making the report? If so I ask the Senate to dispose of it now in order that we may know whether we are to have the privilege of giving our reasons for dissenting from the bill. I ask the President of the Senate to state now whether, with a motion to reconsider pending and undetermined, we are cut off from the privilege of making a minority report.

The PRESIDENT *pro tempore*. The Chair is without information on the subject-matter, and is not prepared at this instant without further examination to say.

Mr. VEST. The facts are simply these, if I may be allowed to make a statement: This bill was reported by a majority of the Committee on the Judiciary against the views of four of us. It was simply reported with a recommendation that the bill pass. The Senator from Texas [Mr. COKE] then arose in the Senate and gave notice that four of us dissented from the report made by the Senator from Massachusetts [Mr.

HOAR]. There was no formal leave asked from the Senate, nor from the committee for that matter, to publish our reason, for this dissent in the shape of a minority report. We have prepared that report. I took it for granted that we should be accorded that privilege and that it went as a matter of course. Now, if this motion to reconsider cuts off that privilege, we want to know it and we shall ask the privilege of filing our minority report.

Mr. HOAR. I suppose that a minority report has no existence in parliamentary usage except by leave of the body—simply the action of an individual member, not the action of the committee.

This bill was reported at the last session of the Senate and the minority of the committee dissented, but no notice was given to the majority of any purpose to file a minority report; no notice was given to me, and I was not present in the Senate the other day, at least if I was I did not hear the request, and the first I knew of the existence of such a document was in seeing a statement of it in a paper this morning.

The result of this proceeding is that these Senators come in at the very end of the session and without having given notice of their purpose to file this document, whereas if it had been given at the usual time the majority would have been enabled to put on record their views in a printed and full report; and the minority propose to have their views printed as almost the last act of the expiring Congress.

That does not seem to me in accordance with any parliamentary usage between majorities and minorities. When the Senators determined to make a minority report they should have notified the members of the majority of this determination, and every privilege I am sure would have been accorded by the majority of the Senate cheerfully. But it does not seem to me that it is fitting at this time to permit an attack on the action of the majority of the committee to be made by the minority and printed under the authority of the Senate without the opportunity to have a majority report go out with it. If Senators who have signed this document choose to withhold its publication till a similar document can be prepared and submitted by the majority of the committee, which is the usual course, there will be no difficulty on my part.

This is not anything which is intended for the Senate, it is manifest. If it had been it would have been presented to the Senate before the adjournment. It is a document to be addressed to the public. What it contains I know not.

While no member of the minority of the Senate and no member of the minority of the committee, I am sure, will intimate that there has ever been a want of the most courteous consideration for the rights of minorities in this body, and no Senator will attribute any such purpose or such course of conduct to me I am quite confident; but there is also something due to the rights of majorities in this world, the rights of men whether they happen to be in accord with the opinions of the report or in opposition to it.

Mr. BROWN. I have not been impatient, but I can not yield to a general discussion of this kind.

Mr. HOAR. I supposed the Senator had yielded to the Senator from Missouri.

Mr. BROWN. I first yielded to the Senator from Massachusetts to make his motion.

Mr. HOAR. I will just finish my sentence.

The just rule always observed by the Senate is that the two things should go together. If I had put in a majority report and the Senators had desired to put in their minority report, I should have withheld the majority report until that was ready; which is done every day by committees of the Senate, and certainly the same rule must apply to both sides.

Mr. BROWN. Mr. President——

Mr. GEORGE. I ask the Senator from Georgia to let me have three minutes to make a statement explanatory of this matter.

Mr. BROWN. I see it will lead to a general discussion.

Mr. GEORGE. No; it will only take three minutes.

The PRESIDENT *pro tempore*. The Senator from Georgia declines to yield.

Mr. BROWN. I decline to yield further. I think I have been very patient.

The PRESIDENT *pro tempore*. The Senator from Georgia declines to yield, and will proceed with his remarks.

## CORRESPONDENCE WITH MEXICO.

The message of the President of the United States in answer to the resolution of January 21 having been read,

Mr. BROWN Mr. President, before making a motion to refer this communication to the Committee on Foreign Relations I desire to submit some remarks in reference to the reply of the President to the request made by the Senate that he communicate to the Senate, if not in his opinion incompatible with the public interest, the correspondence between this Government and the Government of Mexico, in reference to the seizure and confiscation of the schooner Rebecca, and also the correspondence relating to the resignation of Hon. Henry R. Jackson, late minister to Mexico, including any letters addressed by him to the President on that subject.

The President of the United States, in the midst of the immense pressure of business now upon him, and of the weighty responsibilities which he is called upon daily to meet, must of necessity be guided in a great degree by the Secretary of State in responding to a resolution of this character; and as the President has thought proper to decline to communicate the correspondence called for on the ground that the case has not had its finality, but is still under discussion between the two Governments, while I may be familiar with parts of the correspondence, I feel at liberty to lay only such portions of it before the public as the Secretary of State has thought proper to communicate to parties outside of his Department, and such reply as is necessary to put our side of the controversy as fairly before the public as the Mexican side is put before the public by the letters given out by the Secretary of State.

What are the facts in the Rebecca case? As stated in substance by the Secretary of State in his response accompanying the message of the President, and in his letter to Shellabarger & Wilson, and as will appear by reference to the affidavits of those on board the Rebecca and by the testimony of the American consul at Tampico at the time, the facts were these:

The Rebecca was an American schooner, engaged in the coast-wise trade between the States of Louisiana and Texas, making an occasional trip to a Mexican port, and was to that extent engaged in the foreign trade. At Brashear, La., she took on a cargo of lumber for Tampico, Mexico, with regular clearance and regular manifest. She also took six boxes of merchandise on board to be delivered at Brazos Santiago, Tex. No clearance and no manifest was necessary to carry these goods from a port in Louisiana and deliver them at a port in Texas. She sailed for Brazos, and when she was near that port she encountered a very severe storm, which made it impossible for her to enter at Brazos; and she was driven southward by the violence of the storm, and was badly crippled, and in a leaking condition, which made it necessary to open the six boxes of merchandise and deposit the thirty packages they contained in such parts of the vessel as would keep them dry.

In this condition she found herself at sea off Tampico, and after much effort she entered that port. On arrival at Tampico the captain of the vessel noted a protest of distress with the United States consul. Disregarding this protest, and a frank statement of the condition of the vessel, and the stress of weather which had rendered it impossible for her to land at Brazos and deliver the portion of the cargo intended for that port, the Mexican authorities on the next day seized the thirty packages of goods, and arrested the captain of the vessel for attempting to smuggle. He was afterwards released, and again arrested and imprisoned, and required to give bond to answer the charge of bringing in goods without proper papers. The case was brought before a Mexican court for that district, and after an order that triple duties be paid upon the goods, which the captain of the vessel was not in condition at that time to do, resulted in a seizure of the schooner and the goods, and a judgment of the court that they be confiscated and sold, which was done, and the money arising from the sale was applied first to the payment of triple duties to the government, and the balance was divided between what is known as the "corresponding participants."

Mr. BECK. Will the Senator state when that happened.

Mr. BROWN. That was in 1884.

Here is the case of an American vessel which encountered a violent storm off the Texan port where she was to enter and discharge part of her cargo, and was driven by the violence of the storm southward in the direction of Tampico, her ultimate destination. She was badly crippled, in a leaking condition, and persons on board were exposed to great hardship, and their lives were in great peril. In this condition she sought refuge in the Mexican port, where she was seized and her captain imprisoned, and the goods on board and the vessel confiscated and sold by order of a local Mexican court.

What say the American people to such a proceeding as this? The claim has been made against the Mexican Government for indemnity. It has dragged its slow coil through three years of diplomatic correspondence without redress, and without recognition by the Mexican Government, and it seems to me it was time the American Government, through the American minister, should make earnest and vigorous demand for restitution. This was the view taken of the subject by General Jackson, our late minister to Mexico.

The Secretary of State, in reply to a note from them, has sent to Messrs. Shellabarger & Wilson, a law firm of this city, copies of three notes from the minister of foreign affairs for Mexico addressed to Minister Jackson, on the subject of this claim, which were not communicated to them, as they say, confidentially, and I have their full authority to use them in any manner that I think proper. As they have ceased to be state secrets, I shall therefore feel at liberty to lay them more prominently before the public.

Justice and fair play would seem to dictate when the Secretary sends out three communications of the Mexican minister to our minister, that he should at least give out one communication from our minister in reply. I shall here use two communications of Mr. Mariscal to Mr. Jackson, and Minister Jackson's reply to one of them, as it seems to me both sides of the case should be given to the public, that they may understand the American side of the controversy, and the legal princi-

ples upon which it is predicated, as well as the Mexican side. I shall also give to the public a letter addressed by the Messrs. Shellabarger & Wilson to Mr. Bayard, and his reply to the letter, in which he states that he incloses copies of notes from the Mexican minister for foreign affairs, which will fully acquaint them with the Mexican Government's position, and its reasoning in support thereof. He sends note of Mr. Mariscal, the Mexican minister, to Mr. Jackson, dated October 31, 1885, with dispatch No. 109. He also states that he sends a letter of Mr. Mariscal to Mr. Jackson, February 9, 1886, with dispatch No. 160. Dispatch No. 160 incloses copy of the note of Mr. Mariscal to Mr. Jackson, and a copy of the reply of Mr. Jackson to Mr. Mariscal.

These two dispatches present the views of both ministers in reference to the claim, and as the case is a very important one, and as the Secretary has communicated to the parties already mentioned the Mexican side of the controversy, I shall give one communication setting forth the American side. Mr. Bayard also sent a third note of Mr. Mariscal to Mr. Morgan, dated April 2, 1886, with dispatch No. 200; but as I give two dispatches from Mr. Mariscal to Mr. Jackson, and only one from Mr. Jackson to Mr. Mariscal, and as this dispatch is a lengthy one, I omit it for the present.

The Secretary of State has not thought proper to furnish to any parties outside of his Department, so far as I am advised, copies of any part of the correspondence relating to the resignation of Minister Jackson, or any letter to the President on that subject, and I do not feel at liberty to publish copies of any portion of the correspondence on that subject until he has given out some part of it, as it is still a state secret, and must remain such for the time, I suppose. I can say, however, without impropriety I think, that it is able, earnest, and interesting, and I am sorry I can not give it to the public. Minister Jackson earnestly desires its publication.

The refusal to give the correspondence in reference to the Rebecca is predicated upon the position that the correspondence is not yet closed, and on that account it is incompatible with the public interest that it be published. This excuse can not avail in case of the correspondence between Minister Jackson and the Secretary of State relating to the resignation of General Jackson. That correspondence has had its finality. It has been closed for months past, and if it is incompatible with the public interest that it be at present furnished for publication it would seem upon the same reasoning that it must always remain incompatible with the public interest. At least we are left to conjecture as to the length of time after a correspondence of this character is finally completed before it can consistently with the public interest be communicated to the Senate. If this part of the correspondence can not be laid before the public at present, possibly it will not be in order to do so at any future time during the present generation, unless the person acting as Secretary of State at the time shall take a different view of the subject from that now taken. The parties at interest must therefore for the present bide their time, which the friends of General Jackson will do, with full confidence, if it can not sooner be reached without incompatibility with the public interest, that impartial history will do justice to all concerned.

As the correspondence, so far as it relates to the seizure and confiscation of the schooner Rebecca and her cargo, relates to a private claim against the Mexican Government made by citizens of this country for illegal imprisonment and outrageous robbery, the discussion of which has been protracted several years already, I am somewhat at a loss to know how the public interest could suffer detriment by its publication, and it seems to me very obvious under all the circumstances that justice to General Jackson, our late minister, who conducted much of it, would call for its publication.

General Jackson, who is not only a gentleman of unblemished character and splendid abilities, but is a model of courtesy and the very soul of honor and chivalry, would prefer to suffer injury and injustice, as he may consider it, rather than violate any reasonable rule of the Department of State under which he lately served, or do any act the propriety of which can be justly questioned.

I think I may say with propriety that a difference of opinion between the Secretary of State and Minister Jackson as to the vigor and energy with which this claim should be pressed upon the Mexican Government was one cause of his resignation. He believed that American citizens had been seized and imprisoned and shamefully robbed of their property in a Mexican port, and that the robbery was committed with the aid and by the pretended authority and decree of a local Mexican court, which violated every principle of justice. On a perusal of the papers, it seems to me any impartial man would conclude that the officers of Mexico indecently used the forms of judicial trial to perpetrate a judicial robbery. In such a state of things Minister Jackson believed that diplomacy should be vigorously pressed until a definite result was reached, and in case diplomacy should fail, then this Government should use all the means justified by the laws of nations to redress the wrongs done to our citizens.

Now, Mr. President, I propose to read the communications and dispatches to which I have above referred, copies of which, as I understand the letter of the Secretary to the attorneys of the claimants, have heretofore been furnished by the Secretary of State to parties outside of that Department, together with a single letter from our minister, giving our side of the case.

Mr. BECK. Let me interrupt the Senator just there. Shellabarger & Wilson were the counsel, were they not, for the parties here?

Mr. BROWN. I understand they are counsel for the claimant.

Mr. BECK. They are counsel for the claimant here, and therefore they were in possession of their clients' case, and any information they received from the State Department in regard to Mexico was to aid them in knowing what they had to meet.

Mr. BROWN. The Senator can put that construction on it if he chooses.

Mr. BECK. Is not that the fact?

Mr. BROWN. It was not communicated to them in any confidence.

Mr. BECK. Of course not; it was communicated to them as counsel for an American claimant to aid them in making out their case by knowing what the Mexican defense would be, as they had their own case from their own clients. They were attorneys.

Mr. BROWN. As these communications will give the public general information as to the character of this claim and the reasons for the refusal of the Mexican Government to make indemnity for the injury done to our citizens, I think it due to the claimants and to the American people that they should be made public.

I first propose to send to the Secretary and ask him to read a letter from Messrs. Shellabarger & Wilson to Secretary Bayard. I will remark that these communications are of considerable length, and unless some Senator would prefer to have them read, I will place them in the RECORD without reading, by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. BROWN. These communications I wish to appear as an appendix to my remarks, and are considered as read.

I next present the reply of Secretary Bayard to Shellabarger & Wilson, in which he states that he sends them the documents to which I have referred.

I next present the dispatch of Mr. Mariscal to Mr. Jackson, dated October 31, 1885.

I next submit dispatch No. 160, which incloses the letter of Mr. Mariscal to Mr. Jackson, and the reply of Mr. Jackson to Mr. Mariscal.

The note of Mr. Mariscal to Mr. Jackson, included in the above dispatch, was dated department of foreign affairs, Mexico, February 9, 1886, and I present it also. The other inclosure, in dispatch No. 160, is the reply of Mr. Jackson to the note of Mr. Mariscal, dated February 25, 1886, which I will next submit.

The remaining communication which I desire to present is dated New Orleans, October 11, 1886, addressed to Hon. James D. Porter, Acting Secretary of State, and signed Augustus J. Cassard, late consul at Tampico, who was consul in charge at the time of the confiscation of the schooner Rebecca.

All of which will appear in the appendix to my remarks.

The manly letter of Minister Jackson, in vindication of the rights of our citizens who had been illegally imprisoned and robbed of their property, brought forth what he construed to be a sharp rebuke from the Secretary of State, and a virtual order to avoid pressing the case to an issue. He was unable to reconcile the position of the Secretary which forbid pressing the case to an issue with the statements made by the honorable Secretary in his letter to the attorneys of the claimants which has been read, in which he states that our representative at the city of Mexico has been instructed to express our discontent to the Mexican Government, and to "continue to press the case." It looked like an indefinite postponement of redress to our citizens, who had been outraged in their persons and robbed of their property.

As Minister Jackson felt that he had been rebuked for this firm and what seemed to him to be the correct stand he had taken, in demanding restitution for the outrages perpetrated upon our citizens, and as he could not reconcile what seemed to him to be the conflicting statements of the Secretary, he felt that he could no longer render effective service when not sustained by his Government, and that the only alternative left to him was to tender his resignation, which he did.

I have information which I consider reliable that in the letter to Shellabarger & Wilson from Mr. Bayard, referred to in their letter of May 6, 1886, the Secretary stated briefly the position taken by the Mexican Government, without admitting or controverting the correctness of that position, and closed by saying in substance that, in view of the determination of the Mexican Government to adhere to their position, it seemed to be useless to press the case further. I have not at present a copy of this letter before me.

As will be seen by a perusal of the documents just read, the Mexican Government refuses to make any indemnity to the captain of the schooner Rebecca, who was wrongfully seized and illegally imprisoned; or to the owners of the schooner and her cargo, of which they were robbed under the forms of law by an unjust and unjustifiable judgment of a local court at Tampico, Mexico.

The ground taken is that this local court had jurisdiction of the case, and while it is admitted by the minister of foreign affairs for Mexico

that if all the facts had been before the court a different decision might have been rendered, still Mexico stands firmly on the position that the judgment of that Mexican court, whether right or wrong, just or unjust, is irrevocable and irreversible; and that government, claiming the protection of that judgment of its own local court, refuses to make indemnity for the illegal imprisonment, or the robbery already referred to, on the ground that nothing can be alleged against the judgment—that it is conclusive on all the parties.

If the court that heard this case had been an international tribunal agreed upon or selected by both the parties at interest, both governments consenting to the jurisdiction of the court, and the judgment was not vitiated by the corruption of the judges of the court, then I admit that the position would be tenable, and in fact a sound position.

But I think Minister Jackson has shown conclusively, by his very able reply to Mr. Mariscal, that the local Mexican court in a case where the issue is formed between the Government of Mexico and the citizens of this Republic can not render a judgment that will be conclusive against the rights of our citizens, unless that judgment is legal and just in itself.

In other words, if the judgment was unjust and unconscionable, and was rendered under circumstances of strong suspicion as to the clean hands of the court, and upon a state of facts that clearly did not justify it, then it is the duty of this Government, when it has satisfied itself of the illegality and injustice of the judgment, to demand of the Mexican Government that it make restitution to the injured parties, and after having exhausted the usual forms of diplomacy, if justice can in no other way be obtained, we should use means more persuasive and convincing than diplomacy. In other words, this Government does injustice to its citizens and forfeits their respect and their allegiance if it refuses or omits, when a proper case is made, to require indemnity for illegal arrest and imprisonment and for judicial robbery.

To summarize the position of Mexico on this question, I repeat the following extracts from the correspondence just read. Mr. Mariscal to Mr. Jackson, October 31, 1885, says:

I deem it proper to transmit to your excellency, inclosed herewith, copy of the communication of the Treasury Department of the 5th of July of that year, to which are annexed the sentences of the district court of the south and center of Tamaulipas, which were duly carried out, and have therefore completely ended the question in conformity with the laws in force.

Again he says, in the same communication:

In view of the foregoing, and the executive being unable to remedy or change the consequences of an affair which has been followed, resolved upon, and consumated by the judiciary, to whom Captain Dujay was submitted for trial, I deem it useless to forward to the court at Tampico the report which your excellency was pleased to send me with your note above referred to.

In the letter of Mr. Secretary Bayard, addressed to Shellabarger & Wilson, May 26, 1886, he says on this subject:

All arguments have been unavailing, the Government of Mexico contending that the records of its courts should be incontrovertible.

Mr. Mariscal to Mr. Jackson, February 9, 1886, says:

It is also shown by the respective documents that as it was communicated by the treasury department to that of foreign affairs in note of July 5, 1884, in compliance with the orders of the Mexican court, the goods were sold at auction, and the corresponding duties were applied to the federal treasury, the balance being distributed among the corresponding participants. Therefore, Mr. Minister, this is a matter which has been examined, decided upon, and executed by the judicial power in conformity with the laws of the Republic, and which must not and can not be subject to revision by the executive.

Again:

To the remarks offered by your excellency I might reply with others which, in my opinion, are sufficiently strong, but the constitution guarantees the most complete independence among the supreme federal powers, and the duty as well as the decorum of the President of the Republic will prevent him from accepting a discussion respecting the legality of the acts of the other powers.

Again he says:

The fact that the legislation and the political institutions of Mexico and of the United States are quite analagous, and are founded upon the same principles, inclines me to confidently trust, Mr. Minister, that your excellency and your enlightened Government will recognize how impossible it is for this Government to accept any arrangement or solution in the matter of the schooner Rebecca thus destroying the irrevocable sentence of the judicial authority.

Mr. Mariscal, in his reply to General Jackson, admits that our minister had sent the records of the signal office to show that the weather was stormy off Brazos at that very time. Mr. Bayard, in his letter to Shellabarger & Wilson, speaks of the violence of the storm being such that the vessel could not enter Brazos. But the judge professed to have received, not evidence in any legal form, but private information from Brazos that at that particular time the weather was unusually fine, and upon that private information he rendered his judgment, confiscating the schooner Rebecca and her cargo, and divided the money between the Government of Mexico and the corresponding employés. Just who these corresponding employés were I do not know. I suppose they were the informers and sharpers who instigated the robbery and confiscation.

Again he says:

The president has always done so whenever it has been possible for him to overcome the rigor of the law and give way to that impulse of friendship and good will, such action being within the constitutional faculties, but now it is not within his power to destroy what was done by virtue of a sentence pronounced with the legal requisites, and which was carried into effect because the party in interest interposed no recourse against it.

Thus you see, Mr. President, that Mexico stands firmly upon the position that a judgment of her local court not appealed from, no matter how illegally or unjustly rendered, nor how partial or oppressive it may be, is conclusive against the citizens of this Republic.

Mr. Cassard, who was acting as our consul at Tampico at the time, says:

Reference to the court's sentence in that case shows that the seizure was decreed simply upon private information received by the court from Brazos, that that part of the captain's declaration before the court stating that "owing to the stormy weather which prevailed on the date when said schooner was about to effect her entry into said port of Brazos, and which stormy weather blew the vessel in distress into the port of Tampico," proved untrue, since on that same date as aforesaid investigation discloses the fact that the weather was unusually good.

But this is the judgment rendered, as Consul Cassard says it was, upon private information which the judge claimed to have received from Brazos, that the weather was unusually fine, when the reports of the weather bureau and the affidavits of persons on board the schooner all show that she encountered a terrific storm, which rendered it impossible to enter the port of Brazos.

Such is the judgment rendered on this flimsy pretext without any legal evidence to sustain it, which the Government of Mexico claims as final, conclusive, and irreversible, against the claims of the captain of the schooner for illegal imprisonment, and the owners of the schooner and of her cargo for indemnity for the robbery perpetrated under the aggravated circumstances above detailed. It seems to me the people of the United States ought to be informed of the character of this claim, and of a number of others of like character that are now pending; that to communicate such information to them is not incompatible with the public interest; and they ought to indicate to their officials, in terms that can not be misunderstood, that it is their duty to use diligence in securing restitution for such aggravated wrongs.

The executive department of this Republic, with as little delay as possible, should use every means in its power to secure redress. We need a minister like Jackson there, of great legal ability, powerful in logic, and irresistible in argument, armed with the proper authority, and sustained by the State Department, and that fact known to the Government of Mexico, to press this correspondence to a successful conclusion.

And if the Government of Mexico, in utter disregard of the principles of justice and international law, continues to refuse to make reparation until the point is reached where the executive department has no further power by negotiations, the facts ought to be then communicated to Congress, and the legislative department of this Government should not be slow to devise a proper remedy and provide means for its prompt enforcement.

APPENDIX.

[Messrs. Shellabarger & Wilson to Mr. Bayard.]

WASHINGTON, D. C., *May* 6, 1886.

SIR: We are in receipt of your favor of the — instant in regard to the matter pending in your Department making claim on behalf of the owners of the schooner Rebecca and her cargo against Mexico for the wrongful seizure and appropriation of said property. Our engagements have prevented an earlier note in reply to that communication. We now wish to make formal application to you for a copy of the communication of our Government to Mexico on this subject to which allusion is made in your letter as one presenting to the Government of Mexico this claim, and also for a copy of the reply made by Mexico. If there is any reason why we should not have copies of these papers and yet may obtain from you a fuller statement of their contents, then we ask for as full a statement of the contents of said communications of *each* Government, respectively, as we may properly be permitted to have.

This being a matter of private claim, we hope there is no reason why we should not have the copies asked.

In your letter you state, in substance, that Mexico refuses to recognize the validity of the claim and rests the refusal upon the ground that the decision of competent tribunals, in matters of this kind, must be regarded as final.

One purpose of this note is to enter a formal and solemn protest against the doctrine of the finality of judicial determinations being applied in the present case to shield Mexican citizens and their government from responsibility (as between the two nations and the claimant citizens of our nation) for an outrage, which so far as it involves pretended judicial proceedings, was itself an act of mere violence.

The object of this note is not to argue this question now, but simply to make protest and to ask for papers upon which, on seeing them, we may decide to base a fuller statement of our objections to the position of Mexico.

Yours, truly,

SHELLABARGER & WILSON, *Attorneys.*

[Mr. Bayard to Messrs. Shellabarger & Wilson.]

DEPARTMENT OF STATE, *Washington, May* 26, 1886.

GENTLEMEN: I have received your letter of the 6th instant, touching the claim of the owners of the schooner Rebecca and her cargo, against the Government of Mexico.

It is contrary to the practice of the Department to furnish copies of its instructions to private individuals in any case. But I submit for your information, in order that you may make your desired examination upon the subject as full as possible, the following:

In brief, the case of the Rebecca as you know, is this: In January, 1884, she cleared from a port in Louisiana with a duly manifested cargo of lumber, for Tampico, and in addition, several cases of merchandise consigned to parties in Brazos Santiago, Tex., a port of destination, previous to starting for Tampico.

Under the privilege which she enjoyed as an American registered vessel there was no necessity of manifesting these several packages. Owing to a severe storm, the Rebecca was, however, unable to enter Brazos, and, the storm increasing, was driven southward. Opposite Tampico the storm abated, and that port was entered, the vessel being in a damaged condition. In consequence of

these several packages of merchandise not being on her manifest, the Rebecca was seized, condemned, and sold.

The instructions of the Department have invariably contended and endeavored to show beyond dispute that there was no intention on the part of any one to violate the customs regulations of Mexico, and that the vessel's entrance into Tampico with those unmanifested articles was an accident, for which, in the judgment of this Government, she should not have been held liable to the strict letter of the law.

The case seemed undoubtedly one wherein rather that spirit of international comity, regard for commercial rights, and equitable treatment should have prevailed.

It has been explained, in case the circumstances were reversed and the *bona fides* been so clearly established, how different would have been the action of the customs authorities in this country under its laws. As was remarked to Mr. Henry R. Jackson, the United States minister at the city of Mexico in an instruction, No. 63, of September 14, 1885, reviewing the case of the Rebecca, and forwarding copies of your letter of the 2d of that month, with its several accompaniments, "The only question of law arising in this case is whether a vessel driven by stress of weather into a foreign port is liable to penal process in such port either for smuggling or for bringing goods into the port without proper papers.

"I contend that this vessel was not so liable, and to have seized and confiscated the Rebecca under the circumstances of her enforced entrance into Tampico appears to have been a peculiar and unreasonable hardship. It has been frequently held by this Government, in conformity with repeated rulings of the court, that the *casus* of unavoidable necessity is a defense to any charge of invasion of custom-house regulations."

All arguments, however, have been unavailing, the Government of Mexico contending that the records of its courts should be incontrovertible.

With the foregoing explanation I herewith inclose copies of notes from the Mexican minister for foreign affairs, which will fully acquaint you with the Mexican Government's position and its reasoning in support thereof.

Mr. Mariscal to Mr. Jackson, October 31, 1885, with dispatch No. 109.

Mr. Mariscal to Mr. Jackson, February 9, 1886, with dispatch No. 160.

Mr. Mariscal to Mr. Morgan, April 2, 1886, with dispatch No. 200.

It is believed that with this information before you you will be able to make the examination you suggest, and take such further steps as you may deem the interests of your clients require and demand.

In conclusion, it may be remarked that the United States representative at the city of Mexico has been intructed to express our discontent at the refusal of that government to make amends for the seizure of the Rebecca, and to continue to press the case.

I am, gentlemen, your obedient servant,

T. F. BAYARD.

---

[Mr. Mariscal to Mr. Jackson.]

DEPARTMENT OF FOREIGN AFFAIRS, *Mexico, October* 31, 1885.

SIR: In due time I had the honor of receiving the esteemed note of your excellency, dated the 19th instant, relating to the case of the schooner Rebecca, with which you are pleased to inclose a lengthy report taken from the journals of the signal office at Galveston, in order to show that the said vessel underwent bad weather in her last trip to Tampico, Tamaulipas.

Although the minister of Mexico in the United States informed the ex-Secretary of State, Mr. Frelinghuysen, in a note of June 5, 1884, of everything that occurred in the premises, sending him a copy of the respective evidence, I deem it proper to transmit to your excellency, inclosed herewith, copy of the communication of the treasury department, of the 5th of July of that year, to which are annexed the sentences of the district court of the south and center of Tamaulipas, which were duly carried out and have, therefore, completely ended the question in conformity with the laws in force.

In those documents the following essential facts are set forth:

First. That the American schooner Rebecca anchored in front of the custom-house of Tampico on the 17th of February, 1884, bringing various packages of merchandise, of which no mention was made in the general manifest of the ship.

Second. That for this omission there was imposed upon the captain, Gilbert F. Dujay, the penalty of triple duties, in conformity with the provisions of fraction 3, article 87, of the maritime and frontier custom-house tariff.

Third. That the captain thus fined neither paid the fine within the time fixed for that purpose nor took any steps whatever against the sentence.

Fourth. That at the instance of the collector of the custom-house, after hearing the opinion of the prosecuting attorney, and upon the ground established in fraction 10th, and the part relating thereto of the 8th, article 92, of the tariff, the sentence was declared as consented to, and as a definite judgment.

Fifth. That in accordance with the laws now in force and by order of the court, the confiscation and sale at auction of the ship were carried out in order to pay the said triple duties and hand to the corresponding employés the part to which they were entitled after setting aside what belonged to the treasury, all of which has been done, as stated by the treasury department.

I am exceedingly sorry, Mr. Minister, that in the matter we are treating of no effective steps can now be taken, in my opinion, in order to satisfy the desires expressed by your excellency, as it is evident that the captain of the Rebecca violated the fiscal laws of the country as regards foreign commerce, although he was well acquainted with them, as he had traded with our ports for many years past.

Although he sought to excuse his fault, attributing it to bad weather through which the vessel had passed, giving one to understand that he arrived at Tampico by force of circumstances, in the sentences of the district judge it is shown that the Rebecca had cleared for the very port of Tampico, and that if bad weather had retarded the arrival of the ship, this did not prevent the latter from arriving at the port for which she was destined.

In view of the foregoing, and the executive being unable to remedy or change the consequences of an affair which has been followed, resolved upon, and consummated by the judiciary to whom Captain Dujay was submitted for trial, I deem it useless to forward to the court at Tampico the report which your excellency was pleased to send me with your note above referred to.

Trusting that with above explanations and the careful perusal of the accompanying documents your excellency will become convinced of the complete justice with which proceedings have been carried on in the matter connected with the schooner Rebecca, I protest to you my very distinguished consideration.

IGNO MARISCAL.

---

[Mr. Jackson to M. Bayard, No. 160, which inclosed the note of Mr. Mariscal to Mr. Jackson of February 9, 1886, and of Mr. Jackson to Mr. Mariscal of February 25, 1886.]

LEGATION OF THE UNITED STATES, *Mexico, February* 25, 1886.

SIR: In conformity with the instructions conveyed generally by your dispatch No. 120, of 26th ultimo, I made immediate reply to a note from Mr. Mariscal relating to the case of the Rebecca. Copies of the note and the reply and a translation of the former I now have the honor to inclose.

I am, sir, very respectfully, your obedient servant,

HENRY R. JACKSON.

[*Mr. Mariscal to Mr. Jackson.*]

DEPARTMENT OF FOREIGN AFFAIRS, *Mexico, February* 8, 1886.

MR. MINISTER: I have had the honor of receiving the note of your excellency of the 17th of December last relating to the case of the American schooner Rebecca, in which you are pleased to state that you have received instructions from your Government to inform this department that it can not accept the necessity nor the convenience of the denial contained in my preceding note, dated the 31st of October, 1885, trusting that I will kindly, as you are pleased to express yourself, reconsider and revise the question at issue. The sincere interest which my Government takes in preserving the most cordial relations with that of the United States, and its earnest desire to proceed in every case in accordance with the exigencies of justice, as also to show the consideration to which your excellency is personally entitled, have induced this department under my charge to again devote especial attention to this matter.

Unfortunately, after the above examination, I have found it impossible to meet legally and decorously the desires of your excellency's Government.

As shown by the documents, a copy of which I had the honor of transmitting to your excellency, inclosed with my note of 31st of October, in the sentence of the district judge for the center and south of Tamaulipas, dated the 2d of April, 1884, it was declared: First, that the merchandise seized on board the American schooner Rebecca were packages omitted in the general manifest of the ship, and were comprised in fraction 5 of article 86 of the custom-house tariff in force at the time; second, that on account of that omission there was imposed the penalty of triple duties, under the terms of fraction 3, article 87, of the same tariff, a fine which Capt. Gilbert F. Dujay should pay upon the execution of the sentence.

The responsible party was notified of the sentence, and by order of the 10th of April the court decided that inasmuch as the sentence had not been opposed nor objected to by Captain Dujay within the respective period of time, or at any time, the final part of the previous sentence should be complied with in due legal form, as he had been advised of the execution of said sentence, and the schooner and other goods seized were liable to embargo, so as to secure the payment of the amount as made known to the accused, and besides the value of the revenue stamps used in the proceedings and other expenses incurred.

It is also shown by the respective documents that as it was communicated by the treasury department to that of foreign affairs, in a note of July 5, 1884, in compliance with the orders from the court, the goods were sold at auction, and the corresponding duties were applied to the federal treasury, the balance being distributed among the corresponding participants.

Therefore, Mr. Minister, this is a matter which has been examined, decided upon, and executed by the judicial power in conformity with the laws of the republic, and which must not, and can not, be subject to revision by the executive.

To the remarks offered by your excellency, I might reply with others which, in my opinion, are sufficiently strong; but the constitution guarantees the most complete independence among the supreme federal powers, and the duty as well as the decorum of the President of the Republic prevent him from accepting a discussion respecting the legality of the acts of the other powers.

I suppose that the documents which your excellency was pleased to send with your note of the 19th of October last, had their contents been known to the court in time, would perhaps have modified the sentence pronounced by it; but if they were not taken into consideration, nobody is to blame for it but Dujay himself, who, imitating the bad example of some foreigners who treat with disdain the tribunals of the country, omitted to make use of the recourses which our laws granted him on an equality with the natives, and waived the presentation of such proofs before the courts, failing to appeal from its decision, as the laws freely allowed him to do, presuming that he could remedy everything afterwards by means of a diplomatic claim; which claim, although certainly very respectable on account of the high functionary who sustains it, and of the Government in whose name it is presented, is by all means untenable when justice has not been denied.

The fact that the legislation and the political institutions of Mexico and of the United States are quite analogous, and are founded upon the same principles, inclines me to confidently trust, Mr. Minister, that your excellency and your enlightened Government will recognize how impossible it is for this government to accept any arrangement or solution in the matter of the schooner Rebecca, thus destroying the irrevocable sentence of the judicial authority.

And here I should close, were it not for the following passage from your excellency's note, to which I now reply:

"All the evidence and all the argument which it is possible for my Government so far to accept conduct to the suspicion (to say the least of it) that in order to hand to the corresponding employés the part to which they were entitled, the property of American citizens, brought into a Mexican as into a friendly port for security from the dangers of the sea, and with no criminal intent whatsoever, has been confiscated and sacrificed by the harsh enforcement of the mere letter, in reckless disregard for the reason and, therefore, the life of the Mexican law; and that, too, in contempt of the interposition of the American Government through its minister at this capital."

Such a suspicion might wound the official to whom it refers, were it not for the fact that the district judges who take cognizance of the cases of contraband and apply the respective tariff laws, ordering the distribution of the amount of fines, have no share whatever of the latter, as they receive no compensation for their services other than the salary paid them by the treasury of the federation. It must, besides, be borne in mind that the said judges, appointed at the instance of the supreme court of justice, are called upon to try delinquent custom-house officials, and are vested by the law with authority to grant protection against the decisions of such authorities as violate the individual guarantees conceded by the constitution. Hence, they are not even seen to act in harmony with the said employés, nor in general with the officials of the administrative branch, for which reason they are free from the influences which might give rise to the suspicion alluded to by your excellency.

The Government of Mexico by remitting heavy fines imposed upon the captains of American vessels for violation of the custom-house laws has on frequent occasions given proofs of its kindly spirit and of its earnest desire to maintain the good relations which happily unite Mexico and the United States, to the benefit of their mutual commercial interests.

The president has always done so whenever it has been possible for him to overcome the rigor of the law and give way to that impulse of friendship and good will, such action being within his constitutional faculties; but now it is not within his power to destroy what was done by virtue of a sentence pronounced with the legal requisites, and which was carried into effect because the party in interest interposed no recourse against it.

I take pleasure, Mr. Minister, to protest to your excellency on this account the assurance of my very distinguished consideration.

IGNO. MARISCAL.

---

[Mr. Jackson to Mr. Mariscal.]

LEGATION OF THE UNITED STATES, *Mexico, February* 25, 1886.

SIR: In acknowledging receipt of the esteemed note of 9th instant, I can not refrain from expressing my deep regret that your excellency should still decline to consider the intrinsic merit of the claim to which it relates.

That the claim may have merit is clearly admitted by the following words:

"I suppose that the documents which your excellency was pleased to send me with your note of the 19th of October last, *had their contents been known to the court in time, would perhaps have modified the sentence pronounced by it*," and may be as conclusively inferred from expressions previously used in the esteemed note of 3d October, 1885:

"I am exceedingly sorry, Mr. Minister, that in the matter we are treating of no effective step can now be taken, in my opinion, in order to satisfy the desires expressed by your excellency. * * * The executive being unable to remedy or change the consequences of an affair which has been followed, resolved upon, and consummated by the judiciary to whom Captain Dujay was submitted for trial."

The *startling* significance of both these extracts is to be found in the persistent application of what, in your excellency's esteemed note of December, 1885, relative to the claim of the owners of the Mina Belle, is assumed to be a principle of international law: "I to-day refrain from discussing the facts connected with the case for the respect which I owe to the duly pronounced judgment of the court, appearing on pages 21 and 22 of the pamphlet referred to, and to the principle of international law which establishes that determinate sentences dictated by competent judges or tribunals should be considered as just and incontrovertible, restrains me from this."

It is altogether obvious that no one can be more directly or deeply concerned "in preserving the most cordial relations" between our Governments than a minister who must needs feel that this, at last, is the dominating purpose of his mission. The records of this legation will show that, time and again, under appeals the most urgent, I have refused to trouble your excellency's government with the applications for relief of American citizens, loudly complaining of wrongs inflicted upon them by maladministration of Mexican law. In disposing of such complaints, I have clung tenaciously to the principle that the foreigner who shall place his person or his property upon Mexican soil, must submit them to Mexican law as administered by Mexican courts; and that his own Government will always assume that those laws have been rightly administered.

But as invariably have I coupled with this principle another, which, for the present at least, I must hold to be inseparable from it, namely, that if the assumption be fallacious and a litigation between private parties in a Mexican court shall finally result in an unjust sentence against an American citizen, he will have the right to appeal to his own Government for protection against it. Now, your excellency will perceive that this latter principle is quite inconsistent with the one so elaborately urged in the notes referred to. Impossible for both of these principles to stand together! One or the other must succumb or the hope of maintaining a perfectly cordial relationship between our Governments will be imperiled.

Most earnestly, but respectfully, therefore, I pray of your excellency to refer me to the authorities upon international law "which establish 'the principle' that determinate sentences, dictated by competent judges or tribunals, should be considered as just and incontrovertible," to the end that if conclusive they may close the unhappy contentions which the past has let down upon us, and may also effectively regulate my own official action in the future. I have not failed to seek those authorities in the books which are at my command, but I have signally failed to find them. So far from it, I am constrained by my researches so far—superficial perhaps—to the conclusion, that, if set out in any work upon international law, they are in direct conflict with such writers as Grotius, Bynkershoek, Vattel, and Wheaton. This will appear from the following collation made by Mr. Wheaton in his Treatise upon International Law (see sixth edition, pages 460 and 461):

"Grotius states that a judicial sentence, plainly against right, to the prejudice of a foreigner, entitles his nation to obtain reparation by reprisals. So, also, Bynkershoek, in treating the same subject, puts an unjust judgment upon the same footing with naked violence in authorizing reprisals on the part of the state whose subjects have been thus injured by the tribunals of another state. And Vattel, in enumerating the different modes in which justice may be refused, so as to authorize reprisals, mentions a judgment manifestly unjust and partial."

Mr. Wheaton adds for himself that "an unjust sentence must certainly be considered a denial of justice, unless the mere privilege of being heard before condemnation is all that is included in the idea of justice."

Your excellency will perceive that the judicial sentences here referred to by all of these writers are sentences rendered in conflicts between private, unofficial parties. Not until the judge of the court shall have pronounced the unjust sentence has the act been committed which Bynkershoek "puts * * * upon the same footing with naked violence." Whatever the character of the original controversy, the case now assumes the features of tort. One of the parties yields place to the Government, which, through its judicial arm, has done a tortious act against the subject of another. This, according to Grotius, "entitles his nation to obtain reparation by reprisals."

I suppose it is to supersede such violent and semi-belligerent remedy that amicable governments resort to the *via diplomatica*. But unless I gravely misunderstand the position assumed by your excellency in several controversies now pending between us, the foreigner, who has been subjected to wrong by decree of a Mexican court is already debarred from this gentler resort; the simple fact that a decree has been rendered against him having raised in his path an impassible bar. Do I err in drawing such inference from the following words:

"Therefore, Mr. Minister, this is a matter which has been examined, decided upon, and executed by the judicial power in conformity with the laws of the republic, and which must not be subject to revision by the executive."

And may not such closing against the wronged foreigner of the entrance to the *via diplomatica* be to force a resort by his Government to the recognized international remedy of reprisal? But unless I be the victim again of serious misapprehension, your excellency has taken a position yet more startling, namely, that even in cases (like the long-mooted case of the Daylight, for instance) where the act complained of is not only from the beginning an act of naked violence but an act committed by government itself through its own officials, resort can not be had to the *via diplomatica* until the sufferer shall have first sought relief at the hands of that department of government most directly involved in the commission of the wrong, and, if dissatisfied with its decision, shall have appealed in the second place to the courts of the tort-feasing government for redress.

Have I erred in drawing this inference from the following paragraphs, taken, the first, from the note addressed by your excellency to my predecessor, Mr. Morgan, under date May 30, 1885, in the case of the Daylight, and the second from the note to which I now have the honor of replying: (1). "It is not the first time that I have had occasion in my friendly discussions with your excellency to call your attention to the marked inclination which certain foreigners, in countries like Mexico, have to constitute the government and ministers as their agents in every complaint and for every claim which they wish to make against the authorities of the nation, endeavoring always to begin their negotiations by a diplomatic reclamation which produces an international discussion;" and (2) "I suppose that the documents which your excellency was pleased to send me with your note of the the 19th October last, had their contents been known to the court in time, would perhaps, have modified the sentence pronounced by it; but, if they were not taken into consideration, nobody is to blame for it but Dujay himself, who, imitating the bad example of some foreigners who treat with disdain the tribunals of the country, omitted to make use of the recourses which our laws granted him on an equality with the natives, and waived the presentation of such proofs before the court, failing to appeal from its decision as the laws freely allowed him to do, presuming that he could remedy everything afterwards by means of a diplomatic claim, which claim, although certainly very respectable on account of the high functionary who sustains it, and of the government in whose name it is presented, is by all means untenable when justice has not been denied."

Do I err in so construing these extracts as to be led to the conclusion that your excellency regards the appeal of Captain Dujay to his own Government, as represented at this capital for the arrest of acts of naked violence which were being committed upon him and his property at Tampico, as the prime and proximate cause of his ruin? that the only remedy allowed him by the laws of nations was to turn from one to another arm of the same national tort-feasor for redress of the tort when that tort should have consummated its work of mischief? And that having failed to appeal to a higher from the sentence rendered by a court of primary jurisdiction in an *ex parte* proceeding between the government of the said court, on the one side, and himself, isolated citizen of a foreign sovereignty, on the other, and rendered, too, despite and in contempt of the active interposition of the latter, by his own laches he has affirmed and made for all time "just and incontrovertible" the said sentence, even though an inquiry into the merits of the controversy might show it to be full of injustice and wrong? If I be not in error as to the views expressed by your excellency, it is quite impossible to conceive of a case in which the entrance to the *via diplomatica* could be more violently closed.

Nay, if your excellency be asserting, and shall succeed in maintaining that all cases of wrong inflicted upon foreigners, not simply by act of private parties, but by act of government through its officials, must be taken to the courts of the country for redress, and that the determinate sentences of those tribunals must be considered as just and incontrovertible, the "*via diplomatica*," as it seems to me, will have disappeared from the relationship of nations as completely as if negotiated out of existence by treaty stipulation.

My attention could not but be arrested by the closing words of the last of the foregoing extracts, "*which claim * * * is by all means untenable when justice has not been denied*," since they excited a momentary hope that your excellency was referring to and recognizing the international law as laid down by Grotius, Bynkershoek, Vattel, and Wheaton.

Most respectfully I ask of your excellency whether I erred in dismissing that hope upon a reperusal of the esteemed note which lies before me?

Does your excellency concede the right of my Government to decide for itself the question whether justice has been denied to one of its citizens by the sentence of a Mexican court? And if not, is it not always possible, in the language of Mr. Wheaton, that "*the mere privilege of being heard before condemnation is all that will be included in the idea of justice?*" Most happy shall I be to know that your excellency does recognize as a cardinal principle the right of a foreign government in the last resort to decide such question for itself, and that this right involves the exercise of a power which no sovereignty can possibly abdicate, since it is coupled with a duty which no government that has a decent respect for itself or the opinions of mankind can fail to discharge.

I avail myself of this opportunity to renew to your excellency the assurance of my most distinguished consideration.

HENRY R. JACKSON.

---

LETTER OF EX-UNITED STATES CONSUL, A. J. CASSARD.

NEW ORLEANS, *October* 11, 1886.

SIR: In reply to your dispatch dated the 4th instant, which refers to the request from parties interested in the schooner Rebecca, seized at Tampico, I have the honor to inform you that all the facts relating thereto, within my personal knowledge, were in the proper course of time officially reported either to the Department or the legation at Mexico.

Some time ago, having been called upon by the parties aforesaid for a written statement of said facts, I deemed proper to refrain from so doing, unable without the consular records at my disposal to write any valuable document.

I have, however, stated to them that the trial of that case had left me intimately convinced that the said schooner had been improperly seized, considering the complete failure of the prosecution in furnishing the slightest evidence implicating the said vessel or her crew, in even an attempt at defrauding the revenue of Mexico. Reference to the court's sentence in that case shows that seizure was decreed simply upon private information received by the court from Brazos that that part of the captain's declaration before the court stating that 'owing to stormy weather which prevailed on the date when said schooner was about effecting her entry into said port of Brazos and which stormy weather blew the vessel in distress into the port of Tampico" proved untrue, since on that same date as aforesaid investigation disclosed the fact that the weather was unusually good.

Referring to the captain's imprisonment, I stated that, inasmuch as he had never resisted in any way the orders of the custom-house and court authorities, and considering that the judge himself declared to me that the captain's apprehension and close detention was a mere "*medida precautoria*," precautionary measure, I considered said apprehension and detention by military force totally arbitrary and illegal.

In connection with that case and an almost similar one (the seizure of the steamer Pittsburgh) allow me to remind you that in both cases my official intervention was most peremptorily ignored.

I am, &c.,

AUGUSTUS J. CASSARD,
*Late United States Consul at Tampico,*
*at Germania National Bank, New Orleans.*

Hon. JAMES D. PORTER,
*Acting Secretary of State, Washington, D. C.*

Mr. GRAY. Mr. President, the remarks of the Senator from Georgia are directed to a communication sent to this body this morning by the President of the United States referring to matters and facts which certainly the Senate is not yet possessed of. The communication of the President to the Senate, inclosing a letter from the Secretary of State, was read, but the letter of the Secretary of State which was inclosed was not read.

It would be manifestly impossible to undertake at this time a consideration of what seems to be a difference between the distinguished gentleman who lately represented this country in Mexico and the Department of State, without further information. The President has sent to this body, in accordance with precedent and custom, such facts and statements as he deems not incompatible with the public interest to disclose. I therefore ask that the letter of the Secretary of State which accompanies the President's message to this body be printed in the RECORD as a part of my remarks, and which I consider a sufficient answer for the present to the Senator from Georgia.

The PRESIDENT *pro tempore*. That order will be made if there be no objection, and the message of the President and the accompanying

documents will be referred to the Committee on Foreign Relations and printed.

The communication of the Secretary of State is as follows:

*To the President:*

The Secretary of State, to whom was referred the resolution of the Senate of the 21st ultimo, requesting the President to communicate to that body, if not incompatible with the public interest, "copies of all correspondence between the Government of the United States of America and the Government of Mexico in reference to the seizure and sale by the Mexican authorities of the American schooner Rebecca, in the port of Tampico or other port in Mexico; and that he also communicate to the Senate all correspondence between the Secretary of State and Hon. Henry R. Jackson, late minister to Mexico, in reference to the resignation of Minister Jackson, together with all correspondence addressed by Minister Jackson to the President on the subject of his resignation," has the honor to report, first, in respect to the case of the Rebecca, that, in his opinion, the public interest would not be promoted by the publication of the correspondence with the Government of Mexico had up to the present time, in relation to the case, the circumstances of which may, however, be properly stated and which are as follows:

The Rebecca, an American schooner, cleared at Morgan City, La., on the 30th January, 1884, with a cargo of lumber for Tampico, Mexico, and having also on board six cases of merchandise to be left on the way at Brazos Santiago, Tex., and which were not on the manifest of the cargo for Tampico. While on her voyage and off the bar at Brazos, a storm arose, which increased in violence until the vessel, which was then awaiting a favorable opportunity to enter the port of Brazos, was driven a considerable distance to the southward and so seriously damaged by the storm that the captain, deeming it unsafe to attempt to return to Brazos Santiago, made for the port of Tampico, which he entered with his vessel, in a leaking and seriously disabled condition.

When the Rebecca began to leak at sea the six cases of merchandise intended to be landed at Brazos Santiago, and which had been reached by the water, were broken open and the packages, thirty in number, contained in the cases, were so stored as to be protected from damage by the sea. On the arrival of the vessel at Tampico, the master immediately noted a protest of distress with the United States consul. On the following day the Mexican customs officials seized the thirty packages in question, which were not on the manifest of cargo for Tampico, on the ground that they had been brought into port in violation of the Mexican law requiring all goods entered in a Mexican port from a foreign country to be manifested, and arrested the master of the vessel on the charge of attempting to smuggle. This charge was not sustained, and the master was released; but he was subsequently arrested and required to give bond to answer the charge of bringing goods into a Mexican port without proper papers. In due time this charge was heard before the district court for the south and center of Tamaulipas, sitting at Tampico, and it was adjudged by the court that the goods should pay triple duty. The masterrefused to comply with this sentence, and thereupon the goods and vessel were sold by order of the court.

The Department has taken the ground that as the Rebecca was driven by stress of weather from her intended course and entered the port of Tampioc in distress, making no attempt to conceal the unmanifested merchandise, and without any intention on the part of the master or ownerts to violate the port regulations or tariff laws of Mexico, the vessel was not liable to penal prosecution either for "smuggling" or for "bringing goods into port without proper papers;" and that the seizure and sale of the vessel, under the circumstances above stated, was a gross breach of ccmity and hospitality peculiarly unreasonable and unjust.

The Mexican Government, while denying that the entrance of the Rebecca into Tampico was enforced by stress of weather, has taken the position that the judgment of its courts, ordering the sale of the vessel, is final and conclusive, especially as the master and owners failed to take an appeal from the judgment so rendered to another court, as it is contended might have been done.

This Department has contested and denied the doctrine that a government may set up the judgment of one of its own courts as a bar to an international claim, when such judgment is shown to have been unjust or in violation of the principles of international law; and has further maintained that, under the circumstances of the case and in view of the fact that the prior proceedings had been so palpably arbitrary and unjust, the master and owners were not bound to attempt further judicial remedies in the local tribunals.

The correspondence in the case of the Rebecca is still open and proceeding, and it is not believed that its publication at present would be compatible with the public interest.

In respect to the correspondence "between the Secretary of State and Hon. Henry R. Jackson, late minister to Mexico, in reference to the resignation of Minister Jackson," the undersigned has the honor to report that, in his opinion, it would not be contributory to or compatible with the public interest to publish that correspondence at the present time. As to any correspondence which Mr. Jackson may have had with the President, either directly or through any other channel than the Secretary of State, the undersigned is not called upon to make any statements.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE, *Washington, February* 24, 1887.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a request of the Committee on Appropriations of the 24th instant, a list of claims allowed by certain of the accounting officers of the Treasury Department since the allowance of those embraced in House Executive Document No. 180 of the present session, under appropriations the balance of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs presenting draught of a bill to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

## PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 62 citizens of Ohio, and a petition of 35 citizens of Ohio, praying for the passage of the bill to permit the people of the District of Columbia to vote on the question of local option; which were referred to the Committee on the District of Columbia.

He also presented a petition of John A. Rawlins Post, No. 1, Grand Army of the Republic, Washington, D. C.; a petition of Webster Post, No. 389, Grand Army of the Republic, Webster, Kans.; a petition of Floral Post, No. 213, Grand Army of the Republic, Floral, Kans.; a petition of O. M. Mitchell Post, No. 69, Grand Army of the Republic, Osborne, Kans.; a petition of E. C. Johnson Post, No. 336, Grand Army of the Republic; a petition of Allison Post, No. 16, Grand Army of the Republic, Burlington, Kans.; a petition of Erie Post, No. 311, Erie, Kans.; a petition of Belle Plaine Post, No. 337, Grand Army of the Republic; a petition of Lewis Post, No. 294, Grand Army of the Republic, Dodge City, Kans.; a petition of E. D. Baker Post, No. 40, Grand Army of the Republic; a petition of Harbine Post, No. 212, Grand Army of the Republic, Kansas; a petition of ex-soldiers residing at and near Fort Scott, Kans.; and a petition of Reynold Post, No. 43, Grand Army of the Republic, Cawker City, Kans., praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. SHERMAN presented a memorial of the Cleveland (Ohio) Vessel-Owners' Association, remonstrating against the building of a bridge across the Detroit River; which was referred to the Committee on Commerce.

He also presented a petition of Coplin Post, No. 56, Grand Army of the Republic, Department of Ohio, and a petition of C. B. Parson Post, No. 484, Grand Army of the Republic, Department of Ohio, praying for the passage of the dependent pension bill over the President's veto; which was ordered to lie on the table.

Mr. CHENEY presented resolutions adopted by the Louis Bell Post, No. 3, Grand Army of the Republic, Department of New Hampshire, favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. CULLOM presented a joint resolution of the General Assembly of Illinois; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Joint resolution of the Thirty-fifth General Assembly of the State of Illinois, concerning swamp lands.

Whereas the United States has, by various acts of Congress, granted to several of the States certain of the swamp and overflowed lands situate in their respective limits; and

Whereas some of said swamp and overflowed lands were thereafter erroneously sold and otherwise disposed of by the United States in derogation of the rights of the States entitled thereto, and contrary to and in violation of the provisions of the grants aforesaid; and

Whereas no adequate indemnity to said States or relief to the purchaser of said lands has been hitherto provided; and

Whereas bill (H. R. 4792) to provide for the adjustment and settlement of the claims of any State against the United States for all lands which have been or may hereafter be sold or otherwise disposed of by the United States that were included in grant of swamp or overflowed lands to such States, has been introduced in the House of Representatives: Therefore,

*Be it resolved*, That it is the sense of this house of representatives, the senate concurring therein, that the Senators and Representatives of this State in the National Congress should support and use their best efforts for the passage of said bill.

UNITED STATES OF AMERICA,
*State of Illinois, ss:*

OFFICE OF SECRETARY.

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the Thirty-fifth General Assembly, now on file in this office.

In witness whereof I hereto set my hand and affix the great seal of State, at the city of Springfield, this 25th day of February, A. D. 1887.

[SEAL.] HENRY D. DEMENT,
*Secretary of State.*

Mr. CULLOM presented resolutions adopted by D. T. Tucker Post, No. 407, Grand Army of the Republic, Swan Creek, Ill., and resolutions adopted by Hall Post, No. 138, Grand Army of the Republic, Shelbyville, Ill., urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

He also presented a petition of the committee of the Consolidated Cattle-Growers' Association of the United States, praying for legislation to extirpate contagious diseases among cattle; which was ordered to lie on the table.

Mr. MANDERSON presented resolutions adopted by William Baumer Post, No. 24, Grand Army of the Republic, Nebraska City, Nebr.; resolutions adopted by Canby Post, No. 8, Grand Army of the Republic, Saint Paul, Nebr.; resolutions adopted by Lafayette Post, No. 161, Grand Army of the Republic, Weeping Water, Nebr., and resolutions adopted by Garfield Post, No. 80, Grand Army of the Republic, of Red Cloud, Nebr., in favor of the passage of the dependent relative and service pension bill over the President's veto; which were ordered to lie on the table.

Mr. JONES, of Arkansas. I present a petition of the Choctaw Nation, praying Congress to make an appropriation of $2,891,247.30, less $250,000 paid under the act of 1861, to pay certain claims against the Government. As this is an important matter, I ask that the petition be printed in the RECORD and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That order will be made unless there be objection.

The petition is as follows:

Memorial of the Choctaw Nation to Congress, praying for the payment of the judgment rendered November 15, 1886, by the Supreme Court of the United States, in the case of the Choctaw Nation *vs.* The United States.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The memorial of the Choctaw Nation most respectfully showeth:

That on the 22d of June, 1855, the United States and the Choctaw Nation concluded a treaty, which, among other things, provides as follows:

ARTICLE 11. The Government of the United States not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States, by the treaty of September 27, 1830, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what price per acre shall be allowed to the Choctaws for the land remaining unsold, in order that a final settlement with them may be promptly effected. Or,

Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much.

ARTICLE 12. In case the Senate shall award to the Choctaws the net proceeds of the lands ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just, the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe:

And so much of the fund awarded by the Senate to the Choctaws as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall on their requisition be paid over to them by the United States.

* * * * * * *

It being expressly understood that the adjudication and decision of the Senate shall be final.

That on the 9th day of March, 1859, the Senate did award to the Choctaws the net proceeds of the lands ceded by them to the United States by the treaty of September 27, 1830, and that thereupon, under Article XII of the treaty of 1855, the Choctaws became liable and bound to pay all such individual claims as the proper authorities of the Choctaw Nation might determine to be "equitable and just;" and the United States bound themselves that "so much of the fund awarded by the Senate to the Choctaws as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall on their requisition be paid over to them by the United States."

That on the 15th day of November, 1886, the Supreme Court of the United States affirmed the award of the Senate, and adjudged that there is due to the Choctaws under said award the sum of $2,981,247.30, subject to a deduction of $250,000, paid under the act of 1861.

The "proper authorities" of the Choctaw Nation have ascertained and determined more than once that the amount awarded by the Senate and adjudged by the Supreme Court of the United States will be insufficient to pay the amount of the liabilities of the United States to individual Choctaws, from the onus of which the United States is relieved and the Choctaw Nation is burdened by the provisions of Article XII of the treaty of 1855. This conclusion is summarized in a memorial of the Choctaw general council, passed October 29, 1874, and addressed to Congress. It is as follows:

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general council of the Choctaw Nation assembled respectfully showeth:

That an award was made in their favor under the eleventh article of the treaty of 1855, by the Senate of the United States, on the 9th day of March, 1859, of the net proceeds of their lands ceded by the treaty of 1830.

That the amount due the Choctaw Nation under said award was officially reported, on the 8th of May, 1860, to be $2,981,247.30, which amount, less $250,000 paid in 1861, has been due the Choctaw Nation from the United States since the 9th of March, 1859.

That in consequence of said award, the Choctaw Nation became liable and bound, by the twelfth article of the treaty of 1855, to pay the claims of its individual citizens upon the United States.

That the aggregate of said claims was ascertained and reported to the United States Senate in the year 1857, by the delegates authorized to represent the nation, to be $3,671,292.50, being $690,045.90 more than the amount of the award.

That since the year 1857 the amount of said claims has largely increased, swelling the aggregate to nearly five and a half millions of dollars.

That a substantially correct account of the nature and character of the various claims embraced in this aggregate is contained in the letter of P. P. Pitchlynn, Choctaw delegate, to the Secretary of the Treasury, dated July 10, 1874, a copy of which is subjoined.

That the adjudication of said claims, and the obligation to pay them, was imposed, by the treaty of 1855, exclusively upon the Choctaw Nation.

That the settlement with and collection from the United States of the amount of said claims was intrusted more than twenty years ago to the delegation now represented by P. P. Pitchlynn and Peter Folsom, whose powers have been repeatedly reaffirmed and never revoked.

That payment of the amount due under said award has been repeatedly applied for and urged by the Choctaw Nation, through its authorized delegates above referred to.

That the general council beg leave respectfully to add their own urgent solicitations to those above referred to of the authorized delegates of the nation, to the end that the individual claimants may receive the amounts which have been so long due them.

Signed by order of the Senate.

J. B. MOORE, *President Senate.*

Attest: THOMPSON MCKINNEY,
*Recording Secretary of the Senate, October* 29, 1874.

Signed by order of the House.

W. W. HAMPTON, *Speaker.*

Attest: WM. P. MCCLURE,
*Recording Clerk of the House.*

*I certify that the within and foregoing is a true copy of the original memorial as signed by order of the Senate and of the House of Representatives of the Choctaw general council.*

[SEAL.]

JNO. P. TURNBULL,
*Nat. Secretary Choctaw Nation.*

By the foregoing memorial it is manifest that the sum awarded by the Senate and adjudged by the Supreme Court of the United States to be due the Choctaws under that award, is insufficient to pay the just claims of individual Choctaws against the United States, the payment of which is assumed by the Choctaw Nation by the express provisions of Article XII of the treaty of 1855.

The United States have repeatedly conceded and announced the same conclusion, and the records in the various Executive Departments establish its truth beyond question. The Senate of the United States, sitting as a tribunal of arbitration, adopted the report of their committee to which they referred the questions submitted by the eleventh article of the treaty of 1855. Attention is respectfully called to the following extract from that report:

"And while, on the one hand, to award to the tribe the net proceeds of their lands would surely be no more than just to them, because practically no regard is paid to actual value by the United States in the sales of public lands, and undeniably the real market value of these lands which the Indians might have realized, if protected in their possession, was far greater than the price for which they actually sold; on the other hand, the United States would neither have lost, paid, nor expended anything whatever, but would only have refunded to the Choctaws the surplus remaining on hand of the proceeds of their own lands, after having repaid themselves every dollar expended for the benefit of the Choctaws; and that, after having had the use of this surplus for many years without interest, and when, according to the estimates of the General Land Office, it would really amount to little more than half of what might be recovered in a court of equity, if the case were one between individuals, as will appear by the comparative statement hereto appended."

This extract is quoted with approbation by the Supreme Court of the United States in their opinion setting forth the grounds upon which they base their judgment affirming the award of the Senate.

The Supreme Court, after stating fully the failure of the United States to comply with the covenants of the treaty of 1830, say:

"In such a case there is a plain equity to enforce compensation by requiring the party in default to account for all the pecuniary benefits it has actually derived from the lands themselves. This is the solid ground on which the justice of the award of the Senate of the United States, under the treaty of 1855, seems to us fairly to stand.

"The committee of the Senate which reported the resolutions adopted by that body as the award under the treaty of 1855 reached their conclusion upon the same premises."

It therefore follows:

First. That by the express terms of Article XII of the treaty of 1855 the Choctaw Nation has become liable and bound to pay all the claims of individual Choctaws against the United States "arising under any former treaty."

Second. That the United States are relieved from all obligation to pay such individual claims.

Third. That the Choctaw Nation has the exclusive right to determine the amount of such individual claims.

Fourth. That the Choctaw Nation, by its proper authorities, has determined that the amount of such individual claims exceeds the amount adjudged by the Supreme Court of the United States to be due under the award of the Senate.

Fifth. That Article XII of said treaty provides that "so much of the fund awarded by the Senate to the Choctaws as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall, on their requisition, be paid over to them by the United States."

Sixth. That as the whole of the fund awarded by the Senate and adjudged to the Choctaws by the Supreme Court of the United States is insufficient to pay in full "the just liabilities of the tribe" as shown by "the proper authorities thereof," it follows that the entire fund so awarded and adjudged should "on their requisition be paid over to them by the United States," as stipulated in Article XII of said treaty.

Seventh. Your memorialist respectfully calls attention to the well-known fact that the claims of individual Choctaws, the payment of which the Choctaw Nation is bound to make, matured in 1836, and have been pending now for more than half a century; that they resulted from a failure on the part of the United States to fulfill their solemn covenants, as made in the treaty of September 27, 1830, between the Choctaw Nation and the United States; that no interest has been adjudged to the Choctaws by the Senate award or the judgment of the Supreme Court; that the treaty of 1855 binds the Choctaws as follows:

"ART. 12. In case the Senate shall award to the Choctaws the net proceeds of the lands ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty."

The inadequate sum for which judgment has been rendered, and the delay of payment for half a century of the just claims of individual Choctaws, which the Choctaw Nation is bound by treaty obligation to pay, are not here complained of to evade the last-quoted or any other treaty obligation imposed upon your memorialist. On the contrary, your memorialist acknowledges its obligation and declares its fixed purpose to keep sacred and inviolate all its treaty obligations, however onerous they may be.

Your memorialist, in consideration of the facts here stated, and of many more that might be added, only prays that Congress will not delay the making of the necessary appropriation to pay to your memorialist the sum for which the Supreme Court of the United States has rendered judgment in its favor.

THE CHOCTAW NATION,
By CAMPBELL LEFORE,
*Its Delegate.*

Mr. WILSON, of Iowa, presented resolutions adopted by George Logan Post, No. 363, Grand Army of the Republic, Brighton, Iowa, and resolutions adopted by Ellsworth Post, No. 30, Grand Army of the Republic, Ames, Iowa, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. HOAR presented resolutions adopted by Post No. 25, Department of Massachusetts, Grand Army of the Republic, Chelsea, Mass., and trustees of the soldiers' home in Massachusetts, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. SAULSBURY presented petitions of J. D. R. Morrison, D. V. Colclayer, William R. Riley, B. D. Carpenter, Oliver Dufour, and John H. McChesney, all citizens of the District of Columbia, praying for the reference of their claims against the United States to the Court of Claims; which were referred to the Committee on Claims.

Mr. PLUMB presented a petition of ex-Union soldiers of Cora, Kans., and a petition of Sedgwick Post, No. 24, Department of Kansas, Grand Army of the Republic, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. SABIN presented a resolution adopted by Goodsell Post, No. 86, Grand Army of the Republic, Department of Minnesota; resolutions adopted by John A. Logan Post, No. 64, Grand Army of the Republic, Saint James, Minn.; resolutions adopted by Joseph Garrison Post, No. 131, Grand Army of the Republic, Dodge Center, Minn.; resolutions adopted by McCalley Post, No. 55, Department of Minnesota, Grand Army of the Republic, Delavan, Minn.; and a resolution adopted by Muller Post, No. 1, Department of Minnesota, Grand Army of the Republic, Stillwater, Minn., favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

DESIGNATION OF REJECTED NOMINEES.

Mr. HOAR. The Committee on Privileges and Elections were directed to inquire and report to the Senate concerning the power of the President under the Constitution to designate temporarily to perform the duties of certain offices persons who had been rejected by the Senate when proposed for such offices. I ask leave that the report of that committee may be made to the next session of the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection to that request, and it is so ordered.

COMMITTEE ON RULES.

Mr. GEORGE. I desire to say, in response to what was said by the Senator from Massachusetts a little while ago——

Mr. HARRIS. Allow me to make a report.

The PRESIDENT *pro tempore*. If there be no further petitions or memorials, reports of standing and select committees are now in order.

Mr. HARRIS. The Senator from Maine [Mr. FRYE], who is necessarily absent from the Chamber, requested me to report from the Committee on Rules a resolution. I do so on behalf and in the name of the Senator from Maine.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. FRYE] reports a resolution, which will be read.

The Chief Clerk read as follows:

*Resolved*, That the Committee on Rules be, and is hereby, continued and authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of the miscellaneous items of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The resolution lies over for consideration under the rules.

INQUESTS BY NATIONAL AUTHORITY.

Mr. HOAR. I ask the unanimous consent of the Senate to interrupt the morning business for one moment to withdraw a motion to reconsider, which I entered fifteen or twenty minutes ago. It has been agreed between myself and the Senator from Mississippi [Mr. GEORGE] that the members of the majority of the Judiciary Committee or any of them may have leave, if the Senate shall so order, to file their views as a report and have them printed for the use of the Senate at any time before the first day of the next session of Congress. I ask unanimous consent that that may be done and the motion to reconsider be withdrawn.

The PRESIDENT *pro tempore*. The motion to reconsider can only be withdrawn by leave of the Senate. Is there objection? The Chair hears none, and the motion is withdrawn.

Mr. HOAR. The withdrawal of the motion was on the other condition, that the Senate agree to the other proposition.

The PRESIDENT *pro tempore*. That order will be made if there is no objection.

Mr. GEORGE. I ask unanimous consent now to make a statement in this connection.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. GEORGE. Several allusions have been made to myself in the course of the statements made on this subject. I wish to say that the delay was occasioned solely by the fact that the report, which is nearly a law argument, was held back tobe delivered in open session of the Senate, in case the bill was brought up. When it was found that the bill would not be brought up for discussion it was determined among the minority members to convert what I had prepared as a speech into the form of a report.

Mr. HOAR. The bill to which the Senator from Mississippi refers was put in the order of business at the close of the last session of Congress, and it was reached on the morning of the last day, when it was obvious that there could be no considerable debate upon it. I made a few remarks upon it, and a few were made by the Senator from Delaware on the other side, and then it went over. At this session of the Senate another case, said to resemble in some of its features the case which gave rise to the bill, what is known as the Copiah case, arose in another State, and is now under consideration in the Committee on Privileges and Elections. While that matter was going on it did not seem worth while to introduce a debate upon this question which related to that subject, and accordingly I have not called it up at the present session, but I expect at the next session of Congress to introduce anew the bill and to procure its passage through Congress if it shall be in my power.

Mr. GEORGE. I make no complaint of the failure of the Senator from Massachusetts to call up the bill for debate. I merely desired to state why there was delay in presenting the views of the minority.

REPORTS OF COMMITTEES.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 118) for the relief of J. M. Hobbs, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3208) for the relief of Henry M. Rector, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1240) for the relief of Alice E. Culver, administratrix of the estate of F. B. Culver, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CHENEY, from the Committee on Claims, to whom was referred the bill (H. R. 3257) for the relief of S. E. Scarborough, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred the joint resolution (S. R. 111) to provide for payment of compensation to jurors summoned in condemnation of a site for the Congressional Library, reported it without amendment.

He also, from the same committee, to whom was referred the resolution submitted by Mr. SHERMAN on the 28th of June, 1866, directing the Secretary of War to investigate the claim of John R. Reynolds for commissary and quartermasters' stores, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3302) for the relief of the sureties on the official bond of Alexander H. Adams, late pension agent at Lexington, Ky., reported it without amendment.

Mr. VOORHEES, from the Committee on the Library, to whom the subject was referred, reported a joint resolution (S. R. 115) amending and re-enacting joint resolution approved June 14, 1879, directing a monument to mark the birthplace of George Washington, as amended and re-enacted February 26, 1881; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of David L. Pool, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 3353) granting increase of pension to David L. Pool; which was read twice by its title.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the memorial of the Chamber of Commerce of San Francisco, Cal., asking for appropriations for maintenance of a branch hydrographic office, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. COCKRELL, from the Committee on Public Lands, to whom was referred the bill (S. 448) to investigate the issue of fraudulent land warrants, and to protect soldiers and sailors of the United States from loss therefrom, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the petition of J. A. Patterson and others, employés of the Government Printing Office, asking for certain balances of pay due them under the act of April 16, 1880, submitted a report thereon, accompanied by an amendment intended to be proposed to the general deficiency appropriation bill, and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 2358) granting a pension to Mary Renfro, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1507) to reclaim to the United States certain lands improperly and illegally listed to the State of Michigan for the Portage Lake and Lake Superior Ship-Canal Company, reported it without amendment.

Mr. MANDERSON, from the Committee on Printing, to whom was referred an amendment submitted by Mr. CULLOM, intended to be proposed to the deficiency appropriation bill to pay one hundred compositors and eight pressmen employed exclusively at night on Congressional work during the second session Forty-ninth Congress, reported it favorably with amendments, and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. MITCHELL, of Oregon. The Committee on Claims, on the 17th of this month, reported a bill (S. 3318) for the relief of George N. Quintard and George E. Weed, assignees of John Roach, and submitted a report thereon. On the 25th the bill was recommitted to the Committee on Claims, together with the accompanying report. The committee have had the same again under consideration, and now direct me to report it back to the Senate without amendment, together with a report, and recommend its passage.

Mr. WHITTHORNE. I submit the views of the minority to accompany the report in that case, and ask that they be printed.

The PRESIDENT *pro tempore*. That order will be made unless there be objection.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 3301) to authorize the settlement and adjustment of all claims and demands between the United States and the State of Vermont, reported it with amendments.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 132) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for a post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, appropriating money for said purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3233) to change the limit of appropriation for the public building at Jacksonville, Fla., reported it without amendment.

Mr. PALMER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9064) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia, reported it with amendments.

Mr. CONGER, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 3354) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 10666) for the allowance of certain claims reported allowed by the accounting officers of the United States Treasury Department, reported it with amendments.

### CHOCTAW NATION CLAIMS.

Mr. DAWES. The Committee on Indian Affairs, which was instructed by a resolution of December 14, 1886, to inquire into claims made against the Choctaw Nation, arising from a judgment in favor of that nation against the United States, have performed that duty, and have taken testimony in reference to the subject, and instructed me to report back the resolution and testimony, and ask that they be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That order will be made unless there be objection.

### SWAMP AND OVERFLOWED LANDS.

Mr. DOLPH. The Committee on Public Lands direct me to report back favorably a resolution introduced by myself on the 21st instant, calling for certain information, and I ask its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate under what authority swamp and overflowed lands have heretofore been listed and patented to the several States; what rules and regulations have from time to time governed in the selection, listing, and patenting the same; what amounts of such lands have been approved, and what amounts have been patented to the several States; what amounts are still claimed by them; what amounts of lands have been approved to the several States as indemnity for swamp and overflowed lands sold by the United States, and what amounts in money have been paid to the several States as such indemnity; under what laws and regulations such payments have been made, and what States are still entitled under existing laws to such indemnity, and the amount thereof, and the reasons why the same have not been made; what claims for such indemnity have been made by the several States, in what manner, and in what States selections of swamp and overflowed lands are now being made; and to furnish the Senate with any other official information in his possession upon the subjects aforesaid which, in his judgment, should be laid before the Senate.

### REPORT ON EDUCATION IN ALASKA.

Mr. GORMAN. The Committee on Printing, to whom was referred the Senate concurrent resolution providing for the delivery to the Commissioner of Education of 1,000 copies of report on education in Alaska, have instructed me to report it favorably without amendment. I ask its present consideration.

The Chief Clerk read the resolution, as follows:

*Resolved by the Senate of the United States (the House concurring)*, That the Public Printer be, and he is hereby, authorized and directed to deliver to the Commissioner of Education 1,000 copies of Report on Education in Alaska (Jackson), printed in compliance with a concurrent resolution of August 2, 1886, the distribution of which was not therein directed.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the resolution?

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. The resolution goes to the Calendar.

Mr. GORMAN. I ask the Senator from Kansas to withdraw the objection.

Mr. PLUMB. I may after awhile.

Mr. PLUMB subsequently said: I withdraw the objection I made to the adoption of the resolution reported from the Committee on Printing by the Senator from Maryland [Mr. GORMAN].

The PRESIDENT *pro tempore*. The objection being withdrawn, the question is on the adoption of the resolution

The resolution was agreed to.

### REPORT OF COMMISSIONER OF EDUCATION.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred a Senate concurrent resolution for printing the report of the Commissioner of Education, to report it with an amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That of the report of the Commissioner of Education for 1885–'86 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 25,000 copies for distribution by the Commissioner.

The amendment reported by the Committee on Printing was, in line 4, to strike out "25,000," and insert "20,000;" so as to read:

And 20,000 copies for distribution by the Commissioner.

The amendment was agreed to.

The resolution as amended was agreed to.

### LOUISIANA STATE UNIVERSITY.

Mr. PLUMB. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 176) to increase the endowment of the Louisiana State University and Agricultural College, to report it with amendments. I ask for the immediate consideration of the bill.

Mr. DAWES. I should like to hear it read.

The PRESIDENT *pro tempore*. The bill will be read, subject to objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment reported by the Committee on Public Lands was, in section 2, line 4, after the word "made," to insert "or recognized as being valid;" so as to make the section read:

SEC. 2. That the governor of Louisiana may appoint one or more agents to select the lands granted in this act from any public lands within said State not included in some subsisting grant made or recognized as being valid by the United States; and such agent shall make report of such selection to the Commissioner of the General Land Office, to be approved by the Secretary of the Interior.

The amendment was agreed to.

Mr. PLUMB. I move, after the word "erection," in line 5 of section 1, to insert "or repair;" so as to read:

That 25,000 acres of the public lands in Louisiana are hereby granted to the State of Louisiana, to be applied, as far as may be necessary, to the erection or repair of suitable buildings for said university, and to the restoration of the library and scientific apparatus heretofore destroyed by fire, such application to be made in such manner as the Legislature of said State may direct or may empower the trustees of said university to direct.

The amendment was agreed to.

The reading of the amendments of the Committee on Public Lands was resumed. The next was, in section 3, line 2, after the word "pre-emption," to insert or "timber-culture entry;" and, in line 4, after the word "pre-emption," to insert "or timber culture;" so as to make the section read:

SEC. 3. That the provisions of this act shall not apply to any legal subdivision of land to which the right of homestead entry or pre-emption or timber-culture entry shall have attached in favor of any person who is entitled to such homestead and pre-emption or timber-culture entries, and who is occupying and claiming such subdivision of the public land in Louisiana at the time when such selections are approved by the Secretary of the Interior; and in cases where it is found that such claims are superior to the rights of the State of Louisiana herein granted, the said State may select other lands in lieu thereof, and in like quantity, elsewhere in the said State, from the public lands of the United States, so as to make up as nearly as may be the total number of acres of land granted in this act to said State.

The amendment was agreed to.

The next amendment was, in section 4, line 3, after the word "Louisiana," to insert "and shall be applied alone;" and in the same section, line 11, after the word "Louisiana," to insert "for the purpose aforesaid;" so as to make the section read:

SEC. 4. That when the selections of said lands are so made and are approved by the Secretary of the Interior, the title to the same shall vest in the State of Louisiana, and shall be applied alone to and for the use and benefit of said Louisiana State University and Agricultural College, to be applied to the uses and purposes declared in the first section of this act, and then to the endowment of said university, and to no other purpose whatever; and patents shall issue to said State for the land so selected and approved. And the State of Louisiana shall by law direct the sale of such lands, and the money arising from such sales shall be paid into the treasury of the State of Louisiana for the purpose aforesaid, but no expenses that may be incurred in making such sale after the selection of lands made under this act are confirmed by the Secretary of the Interior and entered on the township maps of the proper land-offices, shall be paid by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### PUBLIC BUILDING AT BINGHAMTON.

Mr. MAHONE. The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y., have instructed me to

report it without amendment. I ask that the bill be put on its passage at this time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION.

Mr. EVARTS introduced a joint resolution (S. R. 116) for the purchase of a certain number of Lanman's Biographical Annals; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO BILLS.

Mr. GRAY. I give notice of an amendment to the general deficiency appropriation bill and ask that it be read.

The Chief Clerk read the amendment, as follows:

That there be paid to Elizabeth Reynolds, widow of Zachariah Reynolds, late a watchman in the Treasury building, and who was killed while in the performance of his duty, the sum of $600, being equal to one year's pay of the said Zachariah Reynolds, and that the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MILLER submitted an amendment intended to be proposed by him to the legislative, &c., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM H. AKINS AND JACOB D. FELTHOUSEN.

Mr. CULLOM. I ask that the bill (S. 1803) for the relief of William H. Akins and Jacob D. Felthousen be recommitted to the Committee on Patents.

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLATT. I do not know that I ought to object to that bill being recommitted to the Committee on Patents if anybody desires to have it recommitted, but it has been once considered and reported to the Senate, and I want to say that if recommitted it is manifestly impossible that the Committee on Patents should have another meeting or give it any consideration at this session of the Senate.

Mr. CULLOM. The party representing the bill seems very anxious to have it recommitted to the committee, and I move that it be so referred.

The PRESIDENT *pro tempore*. The motion can only be entertained at this time by unanimous consent. Does the Chair understand the Senator from Connecticut to object?

Mr. PLATT. I do not object to it, but I make the statement which I have made. If it is recommitted I want it recommitted with that statement before the Senate.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the bill to the Committee on Patents.

The motion was agreed to.

W. P. BROWNLOW.

Mr. MILLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That there be paid to W. P. Brownlow, for extra services in folding-room from July 1, 1886, to June 30, 1887, $240.

COMMITTEE ON PRINTING.

Mr. MANDERSON. I offer the following resolution:

*Resolved*, That the Committee on Printing, as at present constituted, be authorized to sit during the coming recess, and to prosecute the investigations into the public printing and the codification of the laws on printing and binding as ordered by a resolution adopted by the Senate on the 29th of June, 1886.

Let that go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will lie over.

DIFFERENCES OF RAILROADS WITH THEIR EMPLOYÉS.

Mr. BLAIR. I observe that there is no unfinished business on the Calendar, and therefore the hour of 2 o'clock having arrived——

The PRESIDENT *pro tempore*. The order of morning business has not yet been completed. With the consent of the Senator from New Hampshire, the Chair will continue to call for concurrent and other resolutions before entertaining any motion. If there be no further concurrent or other resolutions, the Chair will receive the motion of the Senator from New Hampshire, the morning business being closed.

Mr. BLAIR. I move that the Senate proceed to consider Order of Business 553, being the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and territorial transportation of property or passengers and their employés.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

Mr. MILLER. I rise to a parliamentary inquiry. The pleuro-pneumonia bill, which was under discussion for two days as unfinished business, was laid aside informally. I desire to inquire whether that bill is not properly the unfinished business at 2 o'clock to-day?

Mr. BLAIR. Unless it was laid before the Senate at the termination of the business on the following day or the same day it disappeared from the list of special orders and went to the Calendar.

The PRESIDENT *pro tempore*. The present occupant of the chair was not observing when the action of the Senate was taken; but the Chair is informed by the clerks at the desk that that bill by the action of the Senate has gone to the Calendar, and its consideration can only be resumed by a vote of a majority of the Senate.

Mr. PLATT. While I voted for an amendment which was supposed to be by the authors of the pleuro-pneumonia bill—I did not so consider it—the destruction of the bill, I certainly understood that the bill was informally laid aside and was to be the pending business to-day. I know not how the record was made up; I know not whether all the steps were taken in detail which would make it keep its place, but it was my understanding that it was to remain as the unfinished business of the session, and was to be taken up again at some future time.

Mr. PLUMB. It can be taken up by a vote of the Senate on motion at any time.

The PRESIDENT *pro tempore*. As the Chair is at present advised, without having had the opportunity of consulting the record, the Chair would hold that the bill known as the pleuro-pneumonia bill could only be reached by motion sustained by a majority of the Senate.

Mr. MILLER. I will waive the matter for the present, but I give notice that if it is not found to be the unfinished business I shall move to take it up at the first opportunity.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and territorial transportation of property or passengers and their employés.

Mr. BLAIR. I do not propose to debate the bill. It is reported by the Committee on Education and Labor as it passed the other House with the recommendations of no amendment whatever. There are no amendments pending to the bill. Notice was given of an intention to offer amendments by two Senators at the last session, but one of them can no longer participate in these proceedings, and the other Senator has informed me that he did not desire to press the amendment which he had earlier designed to present.

So the committee and those who have given attention to the bill simply ask for its passage as it came from the House of Representatives. Of course it will be perceived that at this late period in the session any amendment whatever made to the bill would endanger its becoming a law as the result of the efforts of this Congress.

It is simply a bill providing for voluntary arbitration between railroads engaged in interstate commerce and their employés when difficulties arise between them such as ordinarily have led to industrial disturbances. Its provisions are simple. It provides for the only form of arbitration which has ever been successful to any extent in this or any other country, and the committee believed that without discussion and from a simple reading of the provisions of the bill it would recommend itself to the Senate and secure its adoption.

Mr. TELLER. I have no objection to this bill, although I do not believe it will accomplish much for the laboring men of the country. The prosperity of the whole people depends on the prosperity of the laboring portion thereof. If all the laboring people are in financial distress capital will realize but little profit. It is the laborer alone that creates wealth, defends the State from attacks within and without, and makes it possible for him who has capital to live in ease and safety.

National power does not depend on the number of people, nor is it determined by the wealth of the people, but by the mental, moral, and physical condition of that class that makes the great body of the people.

Good food, suitable clothing, opportunities for education and recreation are indispensable to the production of good men. An overworked ox or horse will not live out half the time of its natural life, even if well fed, and if you add to overwork a lack of suitable food, his days will be short. How can we expect to produce the highest type of men if they are overworked, poorly fed, improperly clothed, and denied opportunities for obtaining an education? Opportunities should be given to all to complete their mental, moral, and physical stature as God intended they should. It was not intended that there should be either mental, moral, or physical dwarfs.

The right of every man, then, to reach the highest possible standard of mental, moral, and physical perfection cannot be questioned. All laws that deny to him this privilege, whether put in the forms of stat-

utory enactment by legislative bodies, or the result of combinations or associations, are void, and ought to be resented in the interest of the laboring men of the country.

To secure the proper means to develop the mental, moral, and physical nature of themselves and their children most men have nothing to sell but the strength or skill of their hands. This they should be allowed to sell on their own terms.

No power should interfere to prevent the free exercise of this right, and no laboring man should for a moment surrender that right, either to the State, to his fellow-workmen, or to capital. His labor is valuable to him only as it is at his uncontroled disposal, both as to whom he will sell it and at the price for which he will sell it, and when he will sell it. Any interference by his fellow-workmen of the same trade or any other in the disposal of his labor is an invasion of his rights that he should not be slow to resent. If he has greater strength or skill than his neighbor he has the right to demand more for the exercise of his strength or skill than has his neighbor; if it is less, he may take less.

Millions of accumulated labor, called capital, may combine against him to fix the price of his labor, and he may think it necessary to combine with his fellows to prevent the combination from harming him; and when such combination of labor is in the nature of co-operation, it may be successful; but if it is a combination only to fix the character of the labor to be performed, the hours of labor, or the price thereof, although it may bring capital to the feet of labor as a suppliant it will not inure to the real benefit of the laborer; for by such combination he has destroyed his individuality and put himself on the plane of the weakest member of his combination, so that the few weak and unfortunate members of the combination fix and control the status of the many who have the ability to rise above the dead level fixed for them by such combination. The difference between a slave and a freeman consists mainly in the fact that the freeman may freely dispose of his labor whether it be mental or physical on the terms fixed by himself, and he who surrenders that right can hardly be called a freeman.

The laboring man of to-day who claims and exercises the uncontrolled right to dispose of his labor on his own terms is very likely to be the capitalist of to-morrow. To-day an employé, to-morrow an employer. This he will never be if he surrenders the control of his strength and skill to others who are to share with him in an unequal partnership. A labor partnership in which all the members do not contribute the same capital of strength, skill, and mental capacity is an unfair one.

What the American laborer needs is individualism, freedom from the control of others, the right to control his mental, moral, and physical faculties in the way that shall bring him the most gain, whether that be measured in dollars and cents or in the comforts and joys of life.

I shall attempt no eulogy on the men who labor; the whole world is full of the evidences of their power. Turn whichever way you will you will find either the laborer himself or his children dominating and controlling all classes of society; whether it be in affairs of state, national or local. In matters of finance, education, or religion it is the laboring man or his children that control. That control is because that heretofore the American laborer refused to surrender his capital to the control of others. Because he was independent and had individual aspirations; because he was not content to be always a laborer. If the lack of opportunities and other circumstances made it impossible for the father to look beyond the sphere of the laborer, he took good care that his sons and daughters should have a wider field than his, and thousands of American laborers have had the satisfaction of seeing their sons fill high stations with credit to themselves and advantage to their country. There are no castes in America. Labor is neither a hindrance to public preferment nor a badge of disgrace. The men who have done the most to illustrate American history with heroic deeds, who have attained the highest pinnacle of intellectual fame, have been laborers or the sons thereof.

In the executive and legislative departments of government, both National and State, can be found great numbers of men discharging their duties in a satisfactory manner, who have blistered their hands with honest toil, and "who despise not the days of their small beginnings."

I repeat, what the American laborer wants is freedom from control, either of capital or his fellow workmen, independence, individuality, the right and disposition to take care of himself untrammelled, either by legislation, the rules of guilds, associations, trades unions, or other combinations that deny to him the free control of his labor and the full opportunity to leave the ranks of labor when his skill, strength, or ability will enable him to do so. If all the laboring people will assert for themselves individually the rights I have claimed for them, their power will be greatly enhanced, their opportunities for advancement immeasurably increased, and in the future, as in the past, no man need be ashamed of the fact that he has been or still is a laborer.

When the laborers shall decline to be considered or treated as a class having different wants and interests, needing different legislation, with different aspirations and ambitions from that of the balance of the citizens of the Republic, and shall, with confidence in their strength and ability to perform, demand that which is clearly their due—the right of self control, an open, unobstructed highway out of the ranks of mere labor, into any and all other occupations, employments, professions, or places that they are qualified to fill—then will there be an end of the supposed conflict between capital and labor.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Chair takes the liberty of observing to the Senator from New Hampshire that the Senator from Ohio [Mr. SHERMAN] has an amendment pending.

Mr. BLAIR. I spoke to the Senator from Ohio regarding that, and he said that he did not care to press it now.

The PRESIDING OFFICER. The Chair found the proposed amendment with the bill. It seems to have been submitted as an amendment proposed to be offered, but not actually presented.

The bill was reported to the Senate without amendment.

Mr. BLAIR. The Senator from Ohio is now present, and I call his attention to the bill.

Mr. SHERMAN. It was my purpose at an earlier stage of the session to offer an amendment to this bill which would have made it practical and efficient, so that it would secure to the laboring men of this country some substantial benefit; but I think at this late period of the session it had better not be done. The probability is that any amendment now would defeat the passage of the bill.

Many of the laboring men of the country believe that this bill, which proposes voluntary arbitration, may be of service to them. I think it will bear barren fruit. It confers upon them no rights, no facilities for settling disputes between themselves and their employers that do not exist by the common law. The right of arbitration is secured by the law of every State and of every country in the world, and this confers nothing but that right; but to undertake to amend the bill in the way I had proposed, at this stage of the session, would probably be to defeat it. I proposed the organization of a commission, to be composed of two members of the Senate, three members of the House of Representatives, and seven members from civil life to be appointed by the President of the United States, and to give them a liberal compensation with a view to examine into the whole question and advise us fully as to what remedies should be proposed in cases of controversy between employers and employed. What I wished was a broad and liberal examination, similar to those which have been authorized by the British Parliament, and from whieh very beneficial results have come.

The amendment I had intended to propose, but shall not now offer, was to strike out all after the enacting clause of the bill, and to insert:

That a commission is hereby created called the arbitration commission, to consist of twelve members, composed as follows: Two members of the Senate, to be appointed by the President of the Senate; three members of the House of Representatives, to be appointed by the Speaker of the House; seven members from civil life, to be appointed by the President of the United States, by and with the advice and consent of the Senate, not more than four of whom shall belong to one political party, who shall be selected for superior intelligence as to the industrial and laboring interests of the country. The civil commissioners shall receive as compensation for their services each at the rate of $10 per day when engaged in duty, and each member of the commission shall receive actual traveling and other necessary expenses, such compensation and expenses to be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated. Said commission shall choose from among their own number a chairman, and shall have power to employ a stenographer and a messenger.

SEC. 2. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various controversies that have arisen or are likely to arise between the employers and the employed, whether they be corporations, or associations, or private individuals, and whether engaged in transportation, manufacturing, mining, or other industrial interests of the United States, so far as they relate to such controversies between rival and competing companies or between transportation, manufacturing, and mining companies and their employés; and for the purpose of fully examining the matters which may come before it, said commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable.

SEC. 3. That the commission shall make to Congress final report of the results of its investigation, and the testimony taken in the course of the same, not later than the first Monday in December, 1886, and especially such measure or measures as in its judgment may be expedient and within the constitutional power of Congress to adopt for the decision and settlement of controversies and to avoid or prevent the same; and it shall cause so much of the testimony taken to be printed from time to time as it may deem advisable; and 2,000 copies thereof shall be distributed by the Public Printer, one-third to the Senate and two-thirds to the House of Representatives.

But, as I said, I do not wish to embarrass this bill at this time. I prefer to vote for it as it stands, and hope that hereafter some effective legislation may be adopted by Congress to carry out the object proposed.

The bill was ordered to a third reading, read the third time, and passed.

## LAND-GRANT RAILROADS.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 7021, Order of Business 1455.

Mr. BLAIR. What is the subject of the bill?

Mr. PLUMB. It is a bill for the adjustment of railroad land grants.

Mr. BLAIR. I ask the Senator to consent that perhaps five minutes more may be taken to pass a bill coming from the other House in which the laboring people of the country have taken great interest, that I do not think will occupy much time.

Mr. PLUMB. If the bill I refer to is taken up, I will then yield.

Mr. BLAIR. As we have taken so little time with the bill which was just passed, and which it was supposed would take some time, I would like a little indulgence for the bills of the Committee on Education and Labor.

Mr. MILLER. The Senator from Kansas was out a few minutes ago when I gave notice that as soon as the arbitration bill was finished I should ask the Senate to take up the pleuro-pneumonia bill and dispose of it. I suppose the pleuro-pneumonia bill is properly the unfinished business of the Senate, but the Calendar does not show it. I want the bill considered. I desire to bring it up at this time and get a vote on the motion to reconsider the amendment which was adopted, and, if we are successful in that, to pass the bill.

Mr. PLUMB. I think that had better come in a little later. When that comes up we shall probably have a repetition of the debate we had before, and it may lead to a night session. In the mean time, it seems to me the heart of the day ought not to be cut into by matters of this kind. I do not yield to any one in my desire that that bill shall become a law; still there will be debate upon it and time will be consumed.

Mr. MILLER. I gave notice a few moments ago, when the President *pro tempore* was in the chair, of my intention to call up the pleuro-pneumonia bill, and if he had continued there I think he would have recognized me instead of other Senators, and my motion would have been made in order.

I do not desire to antagonize the measure of the Senator from Kansas, but there was, I believe, a unanimous understanding among the friends of the pleuro-pneumonia bill that it should be taken up to-day at two o'clock. I have given them notice to that effect, supposing that it was the unfinished business. It seems to me that if taken up at all it should be taken up at the present time, because unless it is passed to-day there is not much prospect for it. I do not know whether the Senator from Kansas expects debate on his own bill.

Mr. PLUMB. Not at all.

Mr. MILLER. Then I give notice that at the conclusion of that bill I will move to take up the pleuro-pneumonia bill.

The PRESIDING OFFICER. When the President *pro tempore* left the chair and called the present occupant to it, he gave him instructions that the Senate would proceed regularly with the Calendar under Rule 9 unless a certain order of business agreed on upon both sides of the Senate should be called up, and the Chair recognized the Senator from Kansas [Mr. PLUMB], who moved the consideration of a bill under that agreement. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 7021) to provide for the adjustment of land-grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes.

The PRESIDING OFFICER. The question is on the motion to take up the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLUMB. The bill has been read, and the amendments have also been read.

Mr. BLAIR. May I appeal again to the courtesy of the Senator from Kansas? His bill is up. I ask the Senator to consent to the informal laying aside of his bill for perhaps five minutes.

Mr. PLUMB. I think we had better not consent to that now. We can conclude this bill in five minutes.

Mr. BLAIR. I will say to the Senate that for the sake of facilitating the business of the Senate I have permitted a bill, which might well, as other Senators indulge themselves, have taken two or three days of debate, to pass almost without a word from myself, and it is now a law so far as the Senate can make it so. There is only one other bill which the Committee on Education and Labor desire to call to the attention of the Senate during the session. It will pass in the same way, without objection from anybody, I think.

Mr. PLUMB. I will yield to that.

The PRESIDING OFFICER. The Senator from Kansas yields to the Senator from New Hampshire.

### CONVICT AND ALIEN LABOR.

Mr. BLAIR. I ask then that the Senate proceed to the consideration of Order of Business 2366, House bill 5541.

Mr. PLATT. That displaces the pending order.

Mr. BLAIR. I ask unanimous consent to lay aside the other informally.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the consideration of Order of Business 2366, being the bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor. Is there objection to the request?

Mr. HARRIS. Let the bill be read at length, subject to objection.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

*Be it enacted, &c.*, That in all advertisements for the erection or construction of public buildings or other public works, or for materials to be used in their erection, construction, or completion, and for all supplies of every description to be furnished to or for the use of any of the Departments, and in all contracts made under or in pursuance of such advertisements, there shall be inserted a condition that no convict or prison labor whatsoever, or the product thereof, shall be employed or used upon any public building or other public work, or in the preparation or manufacture of any of the articles, materials, or supplies contracted to be furnished therefor; and there shall also be inserted in said contract the further condition that no person who is not a *bona fide* resident within the limits of the United States, and who has not declared his intention to become a citizen thereof in the manner provided by law, shall be employed in the erection, construction, or completion of any public building or other public work.

SEC. 2. That any willful breach of any of said conditions by any contractor shall authorize and work a forfeiture of the contract, and shall constitute a complete defense in bar against any claim or action against the United States for the recovery of any sum or sums under said contract; and it shall be the duty of the officer letting any such contract, upon being advised that any contractor has knowingly violated the terms of such contract, to declare the same forfeited.

Mr. BLAIR. Let the report be read. It is very brief, and it gives the point of the bill.

The PRESIDING OFFICER. The Chair hears no objection to the consideration of the bill. It is before the Senate as in Committee of the Whole, and the report will be read.

The Chief Clerk read the following report submitted by Mr. BLAIR, February 26, 1887:

The Committee on Education and Labor report back favorably House bill 5541, entitled "An act to prevent the employment of convict and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor."

The purpose of this bill is to provide that the expenditure of the moneys, taken by taxation from the American people, upon the public works of the United States, whether for wages, or materials which are created by labor, and therefore substantially as a whole are really paid out of the national Treasury for labor, shall be paid to honest and respectable American citizens, or to those who, having resided in our country six months shall have declared their intention to become our fellow-citizens.

The practice prevails largely along the line of Canada and elsewhere to pay out the appropriations for rivers and harbors, public buildings, and for other public purposes, to cheap labor from abroad, which immediately returns whence it came, and to convict labor, or for materials produced by such labor, to the exclusion of our own people, and to those who avail themselves of the unclean profits derived from the half-paid toil of the criminal classes.

It is important that the bill pass, in compliance with a strong public opinion, which for a long time has demanded this legislation.

We recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LAND-GRANT RAILROADS.

Mr. PLUMB. Mr. President——

Mr. VEST. I move that the Senate proceed to the consideration of——

Mr. PLUMB. There is a bill pending.

The PRESIDING OFFICER. The bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, called up by the Senator from Kansas, is before the Senate as in Committee of the Whole. It was informally laid aside.

Mr. PLUMB. I move to amend the amendment of the committee. The matter has been a subject of discussion among persons interested, and at the suggestion of other persons I move to amend, in line 5 of the first section of the amendment, by inserting what I send to the desk.

The PRESIDING OFFICER. The proposed amendment will be stated.

The CHIEF CLERK. In line 5 of section 1 of the amendment of the Committee on Public Lands, moved as a substitute, after the word "adjusted," it is proposed to insert:

In accordance with the principles of construction and administration heretofore applicable thereto, including the decisions of the Supreme Court.

So as to read:

That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust, or cause to be adjusted, in accordance with the principles of construction and administration heretofore applicable thereto, including the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads, and heretofore unadjusted.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move that section 1 of the committee's amendment as amended be adopted.

The motion was agreed to.

Mr. PLUMB. I now move to amend the committee's amendment in section 2 by striking out, in line 4, the words "or by any State," so as to read:

SEC. 2. That if it shall appear, upon the completion of such adjustments, respectively, or sooner, that lands have been, from any cause, heretofore erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, &c.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move that section 2 of the amendment as amended be adopted.

The motion was agreed to.

Mr. PLUMB. I now move to amend the amendment, in section 3, by striking out the proviso from line 31 to line 36 inclusive.

The Chief Clerk read the words proposed to be stricken out, as follows:

*And provided*, That all lands heretofore erroneously certified or patented to or for the benefit of any company as aforesaid, and by such companies sold to

aliens, shall revert to the United States and be disposed of under the public land laws:

The amendment was agreed to.

Mr. PLUMB. I move that section 3 of the amendment be adopted as amended.

The motion was agreed to.

Mr. PLUMB. I now move to adopt section 4 of the amendment.

The motion was agreed to.

Mr. PLUMB. I move now, in section 5 of the committee amendment, to insert, after the word "canceled," in line 2, the words "or suspended;" so as to read:

SEC. 5. That all purchasers from the Government whose entries have been canceled or suspended because in conflict with the grant to a railroad company, which grant shall have afterwards been forfeited, or when the title to the same is still in the Government and free from the right of said railroad company or other person, and in which cases the purchase-money is still retained by the Government, shall have the right to receive a patent for the land so purchased without further payment.

The amendment was agreed to.

Mr. PLUMB. I now move the adoption of section 5 of the committee's amendment as amended.

The motion was agreed to.

Mr. PLUMB. I move to amend section 6 by striking out and inserting according as I have marked on the paper which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend section 6 so as to make it read:

SEC. 6. That no more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers will create an excess over the quantity of land to which such State, corporation, or individual would be rightfully entitled.

Mr. PLUMB. I now move the adoption of section 6 as amended.

The motion was agreed to.

Mr. PLUMB. I will state that these amendments were suggested by Senators from other land-grant States, and in a general way have my concurrence. They are undoubtedly in the line of perfecting the bill.

Mr. CALL. I ask that the bill be read as amended.

The PRESIDING OFFICER. The amendment reported as a substitute will be read as amended.

The Chief Clerk read the amendment as amended, as follows:

Strike out all after the enacting clause of the bill and insert:

"That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust, or cause to be adjusted, in accordance with the principles of construction and administration heretofore applicable thereto, including the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads, and heretofore unadjusted.

"SEC. 2. That if it shall appear, upon the completion of such adjustments respectively, or sooner, that lands have been, from any cause, heretofore erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney-General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title heretofore issued for such lands, and to restore the title thereof to the United States: *Provided*, That the lands so erroneously conveyed shall be excepted from the provisions of this section which have been sold by such company to citizens of the United States, or persons who have declared their intention to become such citizens, or which, at the date of any sale by such company, were in the possession of any person claiming the same under the pre-emption or homestead laws of the United States, and which claims have since been asserted in good faith, and when such claimants did not subsequently purchase from the aforesaid company, or which had been settled upon under the homestead and pre-emption laws, by *bona fide* settlers, prior to the date when the rights of such company attached to the adjacent lands, as to which excepted lands the Secretary shall demand a release to the United States from said company, free from all incumbrances by or through such company; and the said pre-emption or homestead claimants shall be permitted to perfect their proofs and entries and to receive their patent, except as to such settlers as voluntarily abandoned such entries, and except also as to such as have located or made entry of other lands in lieu of the lands so abandoned.

"SEC. 3. That all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper local land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting; and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney-General shall cause suit or suits to be brought against such company for the said amount: *Provided*, That all lands so wrongfully certified or patented and not sold by the grantee company shall be restored to the public domain and disposed of under the public land laws: *And provided*, That any lands heretofore claimed by such company under grants by Congress, which have not been certified or patented, and which, upon a proper adjustment as required by this act, shall be found not to belong to such company, shall be restored to the public domain and disposed of under the public land laws; and priorty of right shall be give to *bona fide* settlers residing thereon: *And provided further*, That nothing in this act shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase-money therefor from the grantee company, less the amount paid to the United States by such company as by this act required: *And provided*, That a mortgage for pledge of said lands by the company shall not be considered as a sale for the purpose of this act; nor shall this act be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have to enter for breach of said conditions and to forfeit any such grant.

"SEC. 4. That where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to said company, which shall inure to the benefit of its purchasers; or said purchasers may themselves make said payment, and thereupon receive patents in their own names: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the occupation of adverse claimants under the pre-emption or homestead laws of the United States, and whose claims and occupation have since been continued in accordance with law, and where said claimants have not purchased the railroad title, as to which excepted lands the said pre-emption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided, further*, That this section shall not apply to lands settled upon subsequent to the 1st day of December, 1882, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases.

"SEC. 5. That all purchasers from the Government whose entries have been canceled or suspended because in conflict with the grant to a railroad company, which grant shall have afterwards been forfeited, or when the title to the same is still in the Government and free from the right of said railroad company or other person, and in which cases the purchase-money is still retained by the Government, shall have the right to receive a patent for the land so purchased without further payment: *Provided, further*, That where any such lands have been sold and conveyed, as the property of any railroad company, for State and county taxes thereon, the purchaser thereof shall have the prior right, which shall continue for one year from the approval of this act, and no longer, to purchase such lands from the United States at the Government price, and patents for such lands shall thereupon issue: *Provided*, That said lands were not, previous to or at the time of the taking effect of such grant, in the possession of or subject to the right of any actual settler.

"SEC. 6. That no more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers will create an excess over the quantity of lands to which such State, corporation, or individual would be rightfully entitled."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

A bill to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes.

Mr. PLUMB. I move that the Senate insist on its amendments, and ask a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. TELLER, and Mr. MORGAN were appointed.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 1494) granting an increase of pension to Stephen D. Smith;

An act (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument;

An act (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district;

An act (S. 2519) granting an increase of pension to Richard B. Rians; and

Joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.

## DISEASES OF CATTLE.

Mr. MILLER. I move to proceed to the consideration of the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from New York?

Mr. BUTLER. I object.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York to proceed to the consideration of the bill indicated by him.

Mr. BUTLER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 36, nays 15; as follows:

YEAS—36.

| | | | |
|---|---|---|---|
| Aldrich, | Cockrell, | Jones of Nevada, | Riddleberger, |
| Allison, | Cullom, | Manderson, | Sabin, |
| Beck, | Dolph, | Miller, | Sherman, |
| Blackburn, | Eustis, | Mitchell of Pa., | Spooner, |
| Blair, | Evarts, | Morrill, | Teller, |
| Bowen, | Farwell, | Palmer, | Van Wyck, |
| Call, | Harrison, | Payne, | Williams, |
| Cameron, | Hoar, | Platt, | Wilson of Iowa, |
| Cheney, | Ingalls, | Plumb, | Wilson of Md. |

NAYS—15.

| | | | |
|---|---|---|---|
| Berry, | George, | Harris, | Vance, |
| Butler, | Gibson, | Kenna, | Vest, |
| Coke, | Gray, | Pugh, | Whitthorne. |
| Colquitt, | Hampton, | Saulsbury, | |

ABSENT—25.

| | | | |
|---|---|---|---|
| Brown, | Frye, | McPherson, | Sewell, |
| Camden, | Gorman, | Mahone, | Stanford, |
| Chace, | Hale, | Maxey, | Voorhees. |
| Conger, | Hawley, | Mitchell of Oreg., | Walthall. |
| Dawes, | Jones of Arkansas, | Morgan, | |
| Edmunds, | Jones of Florida, | Ransom, | |
| Fair, | McMillan, | Sawyer, | |

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. When the bill was last under consideration the Senate had adopted an amendment in the nature of a substitute offered by the Senator from Vermont [Mr. EDMUNDS], and a motion was pending to reconsider the vote by which the amendment was agreed to, which is the question now pending. [Putting the question.] The ayes appear to have it.

Mr. COKE and Mr. HARRIS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN] on this question. I am not apprised how he would vote. I should vote for the motion to reconsider if at liberty to do so.

The roll-call was concluded.

Mr. GEORGE. My colleague [Mr. WALTHALL] is paired with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were present, he would vote "nay."

Mr. SPOONER. My pair with the Senator from Mississippi [Mr. WALTHALL] has been transferred to the Senator from Oregon [Mr. MITCHELL]. I therefore vote "yea." I desire to state that my colleague [Mr. SAWYER] is detained from the Chamber to-day by sickness. He met with an accident and is unable to be here. If he were present, he would vote "yea."

The result was announced—yeas 30, nays 22; as follows:

YEAS—30.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Jones of Nevada, | Spooner, |
| Blair, | Evarts, | McMillan, | Teller, |
| Bowen, | Farwell, | Manderson, | Van Wyck, |
| Call, | Frye, | Miller, | Vest, |
| Cameron, | Hale, | Palmer, | Williams, |
| Cheney, | Harrison, | Payne, | Wilson of Iowa. |
| Cullom, | Hoar, | Sabin, | |
| Dawes, | Ingalls, | Sherman, | |

NAYS—22.

| | | | |
|---|---|---|---|
| Berry, | George, | Jones of Arkansas, | Saulsbury, |
| Blackburn, | Gorman, | Kenna, | Vance, |
| Butler, | Gray, | Maxey, | Whitthorne, |
| Coke, | Hampton, | Morgan, | Wilson of Md. |
| Colquitt, | Harris, | Platt, | |
| Edmunds, | Hawley, | Pugh, | |

ABSENT—24.

| | | | |
|---|---|---|---|
| Aldrich, | Conger, | Mahone, | Riddleberger, |
| Beck, | Eustis, | Mitchell of Oreg., | Sawyer, |
| Brown, | Fair, | Mitchell of Pa., | Sewell, |
| Camden, | Gibson, | Morrill, | Stanford, |
| Chace, | Jones of Florida, | Plumb, | Voorhees, |
| Cockrell, | McPherson, | Ransom, | Walthall. |

So the motion to reconsider was agreed to.

Mr. HARRIS. The pending question now is, will the Senate agree to the amendment of the Senator from Vermont [Mr. EDMUNDS]?

The PRESIDING OFFICER. It is.

Mr. HARRIS. The Senator from Vermont is engaged upon a committee of conference and can not be present. I therefore move that the further consideration of the bill be postponed until to-morrow, so that the Senator from Vermont may be present when the question is pending upon his amendment. I think it is due to that Senator that he should be present when the Senate acts upon the question.

The PRESIDING OFFICER. The Senator from Tennessee moves that the consideration of the bill be postponed until to-morrow.

Mr. MILLER. I do not care to discuss the motion to postpone. Of course the friends of the bill will not consent to any such motion as that under any circumstances.

Mr. BUTLER and Mr. HARRIS called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the motion of the Senator from Tennessee to postpone the bill until to-morrow.

The Secretary proceeded to call the roll.

Mr. MORRILL (when Mr. EDMUNDS's name was called). My colleague [Mr. EDMUNDS] is absent, engaged on a conference in relation to the fisheries question. That is the reason why he can not be present at this time.

Mr. SAULSBURY (when his name was called). I am paired upon this question with the Senator from Wisconsin [Mr. SAWYER]. If he were here, I should vote "yea."

Mr. SPOONER. If my colleague [Mr. SAWYER] were here, he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 16, nays 35; as follows:

YEAS—16.

| | | | |
|---|---|---|---|
| Berry, | George, | Harris, | Vance, |
| Butler, | Gorman, | Jones of Arkansas, | Vest, |
| Coke, | Gray, | Kenna, | Whitthorne, |
| Colquitt, | Hampton, | Pugh, | Wilson of Md. |

NAYS—35.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Jones of Nevada, | Riddleberger, |
| Allison, | Dawes, | McMillan, | Sabin, |
| Beck, | Dolph, | Manderson, | Sherman, |
| Blackburn, | Evarts, | Miller, | Spooner, |
| Blair, | Farwell, | Mitchell of Pa., | Teller, |
| Bowen, | Hale, | Morrill, | Van Wyck, |
| Call, | Harrison, | Palmer, | Williams, |
| Cameron, | Hoar, | Payne, | Wilson of Iowa. |
| Cheney, | Ingalls, | Platt, | |

ABSENT—25.

| | | | |
|---|---|---|---|
| Brown, | Fair, | Maxey, | Sewell, |
| Camden, | Frye, | Mitchell of Oreg., | Stanford, |
| Chace, | Gibson, | Morgan, | Voorhees, |
| Cockrell, | Hawley, | Plumb, | Walthall. |
| Conger, | Jones of Florida, | Ransom, | |
| Edmunds, | McPherson, | Saulsbury, | |
| Eustis, | Mahone, | Sawyer, | |

So the motion to postpone was not agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Vermont [Mr EDMUNDS].

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. MILLER. I hope not.

The PRESIDING OFFICER The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

Mr. BUTLER. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER]. If he were here I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 12, nays 33; as follows:

YEAS—12.

| | | | |
|---|---|---|---|
| Berry, | Coke, | Harris, | Pugh, |
| Blackburn, | Colquitt, | Jones of Arkansas, | Vance, |
| Butler, | Gray, | Payne, | Vest. |

NAYS—33.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Mahone, | Spooner, |
| Beck, | Evarts, | Manderson, | Teller, |
| Blair, | Farwell, | Maxey, | Van Wyck, |
| Bowen, | Hale, | Miller, | Walthall, |
| Call, | Harrison, | Morrill, | Williams, |
| Cameron, | Hoar, | Platt, | Wilson of Md. |
| Cheney, | Ingalls, | Riddleberger, | |
| Cullom, | Kenna, | Sabin, | |
| Dawes, | McMillan, | Sherman, | |

ABSENT—31.

| | | | |
|---|---|---|---|
| Aldrich, | Fair, | Jones of Nevada, | Saulsbury, |
| Brown, | Frye, | McPherson, | Sawyer, |
| Camden, | George, | Mitchell of Oreg., | Sewell, |
| Chace, | Gibson, | Mitchell of Pa., | Stanford, |
| Cockrell, | Gorman, | Morgan, | Voorhees, |
| Conger, | Hampton, | Palmer, | Whitthorne. |
| Edmunds, | Hawley, | Plumb, | Wilson of Iowa. |
| Eustis, | Jones of Florida, | Ransom, | |

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. RIDDLEBERGER. What is the amendment?

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President and in his discretion, through the Commissioner of Agriculture, to aid the proper authorities of the several States in preventing the spread of the disease commonly known as pleuro-pneumonia among cattle. This appropriation shall expire at the end of two years from the date of the passage of this act.

Mr. RIDDLEBERGER. I believe that is the same amendment which was offered last Thursday or Friday.

The PRESIDING OFFICER. It is, and the amendment was adopted, and the vote has been reconsidered. The question again recurs on the adoption of the amendment.

Mr. HARRIS. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerks inform the Chair that when the motion to reconsider was offered by the Senator from Massachusetts [Mr. DAWES] two or three days ago there was an amendment to the amendment pending, offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. MILLER. The question was taken on a reconsideration, and the vote having been reconsidered, the question must now be on the amendment of the Senator from Vermont.

The PRESIDING OFFICER. The reconsideration has been ordered, and the Chair supposed that left the situation precisely as stated. If the amendment referred to is not pressed, the question is on the adoption of the amendment offered by the Senator from Vermont [Mr. EDMUNDS], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MORRILL (when Mr. EDMUNDS'S name was called). My colleague [Mr. EDMUNDS] is absent on a committee of conference.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER]. If he were here, I would vote "yea."

The roll-call was concluded.

Mr. FRYE (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. WALTHALL (after having voted in the affirmative). I am paired with the Senator from Wisconsin [Mr. SPOONER]. I see he is absent, and I withdraw my vote.

Mr. SPOONER entered the Chamber.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] is present.

Mr. SPOONER. I will state to the Senator from Mississippi that my pair with him was transferred, by arrangement with the Senator from West Virginia [Mr. KENNA], to the Senator from Oregon [Mr. MITCHELL], leaving me at liberty to vote.

Mr. WALTHALL. Very well; I have withdrawn my vote.

The result was announced—yeas 21, nays 29, as follows:

YEAS—21.

| | | | |
|---|---|---|---|
| Berry, | Eustis, | Hawley, | Vance, |
| Blackburn, | George, | Jones of Arkansas, | Vest, |
| Brown, | Gorman, | Kenna, | Wilson of Md. |
| Butler, | Gray, | Maxey, | |
| Coke, | Hampton, | Morgan, | |
| Colquitt, | Harris, | Pugh, | |

NAYS—29.

| | | | |
|---|---|---|---|
| Allison, | Evarts, | Mahone, | Spooner, |
| Beck, | Farwell, | Manderson, | Teller, |
| Blair, | Hale, | Miller, | Van Wyck, |
| Bowen, | Harrison, | Palmer, | Williams, |
| Cameron, | Hoar, | Payne, | Wilson of Iowa. |
| Cheney, | Ingalls, | Riddleberger, | |
| Cullom, | Jones of Nevada, | Sabin, | |
| Dolph, | McMillan, | Sherman, | |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Mitchell of Pa., | Sewell, |
| Call, | Fair, | Morrill, | Stanford, |
| Camden, | Frye, | Platt, | Voorhees, |
| Chace, | Gibson, | Plumb, | Walthall, |
| Cockrell, | Jones of Florida, | Ransom, | Whitthorne. |
| Conger, | McPherson, | Saulsbury, | |
| Dawes, | Mitchell of Oreg., | Sawyer, | |

So the amendment was rejected.

Mr. VEST. I offer an amendment to the bill, to come in at the end of section 3.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. At the end of section 3 add:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State, whenever the plans and methods shall be accepted by any State in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, and whenever the governor of a State, being thereto authorized by law, or other properly constituted authorities signify their assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the commission is hereby authorized to expend in said State so much of the money appropriated by this act as may be necessary in such investigations and such disinfection and quarantine measures, including the slaughter of animals, as may be necessary to prevent the spread of the disease in said State, or from said State into any other State or Territory.

Mr. RIDDLEBERGER. I ask to have that read again, and with a little more deliberation.

The PRESIDENT *pro tempore*. The Chair would state to the gentleman from Missouri that this identical amendment having been offered on a previous day and disagreed to, it would not be in order to offer it again as in Committee of the Whole. It can be offered when the bill is in the Senate.

Mr. VEST. Of course I know the rule, but I do not think the amendment as it stands now was voted down. It is modified now by striking out certain words that were in the original amendment.

The PRESIDENT *pro tempore*. If the amendment is not the same it would be in order, but the Chair has been informed that the amendment is identical.

Mr. MILLER. I think the Senate will remember that it is identical. The words stricken out were stricken out before it was voted down. Of course the Senator can call for a vote on the amendment when we come into the Senate, and that will test the matter the same.

The PRESIDENT *pro tempore*. The amendment being identical, as the Chair is informed, it is not now in order.

Mr. VEST. I ask permission to modify it.

Mr. RIDDLEBERGER. That is the reason why I asked that it be read with more deliberation. I thought it was the old amendment in a new form.

Mr. BUTLER. While that is being considered, for the edification of the Senate and the country, I ask the Secretary to read the vote upon what was known as the Edmunds amendment on the 25th of this month, so as to ascertain what "change" has come over "the spirit of the dream" of some Senators since that time.

The Secretary read as follows:

The result was announced—yeas 34, nays 27; as follows:

YEAS—34.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Harris, | Ransom, |
| Berry, | Edmunds, | Jones of Arkansas, | Saulsbury, |
| Blackburn, | Eustis, | Kenna, | Vance, |
| Brown, | Fair, | McPherson, | Vest, |
| Butler, | George, | Maxey, | Walthall, |
| Call, | Gibson, | Mitchell of Pa., | Whitthorne, |
| Coke, | Gorman, | Morgan, | Wilson of Md. |
| Colquitt, | Gray, | Morrill, | |
| Dawes, | Hampton, | Platt, | |

NAYS—27.

| | | | |
|---|---|---|---|
| Allison, | Evarts, | Manderson, | Spooner, |
| Blair, | Farwell, | Miller, | Stanford, |
| Cameron, | Frye, | Palmer, | Teller, |
| Cheney, | Harrison, | Sabin, | Van Wyck, |
| Cockrell, | Hoar, | Sawyer, | Williams, |
| Conger, | Ingalls, | Sewell, | Wilson of Iowa. |
| Cullom, | Mahone, | Sherman, | |

Mr. BUTLER. I should like to have the pairs announced, in justice to the Senators who were paired. The Secretary will find the pairs stated on the opposite page.

The Secretary read as follows:

Mr. MCMILLAN (when his name was called). The Senator from Connecticut [Mr. HAWLEY] has been compelled to withdraw from the Chamber, and I agreed to pair with him. If he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. My colleague [Mr. BECK] is paired with the Senator from Maine [Mr. HALE], and they are both absent on a conference committee.

Mr. PLUMB (after having voted in the affirmative). I am paired with the Senator from Alabama [Mr. PUGH], and I therefore withdraw my vote. If the Senator from Alabama were present, I should vote "nay" and he would vote "yea."

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. MITCHELL, of Oregon (after having voted in the negative). I voted under a misapprehension. I am paired with the Senator from Ohio [Mr. PAYNE]. I withdraw my vote.

Mr. VEST. I now offer my amendment with certain words stricken out.

The PRESIDENT *pro tempore*. The Secretary will read the amendment proposed by the Senator from Missouri.

The SECRETARY. At the end of section 3 add:

That it shall be the duty of the President of the United States to certify such rules and regulations to the executive authority of each State, whenever the plans and methods shall be accepted by any State in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, and whenever the governor of a Sta'e, being thereto authorized by law, or other properly constituted authorities signify their assent to the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the commission is hereby authorized to expend in said State so much of the money appropriated by this act as may be necessary in such investigations and such disinfection and quarantine measures, including the slaughter of animals, as may be necessary to prevent the spread of the disease from said State into any other State or Territory.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. VEST].

Mr. MILLER. Will the Senator state to the Senate briefly what the difference is between the amendment as he now offers it and the amendment as it was voted down?

Mr. VEST. The original amendment provided that the money should be expended in disinfection and the slaughter of animals to prevent the spread of the disease in said State, or from said State to any other State or Territory. I struck out the words "in said State," so that as it reads now it is intended to prevent the spread of the disease from said State to any other State or Territory, bringing it, in my judgment, exactly within the commerce clause of the Constitution.

Mr. MILLER. Then the effect will be, as I understand it, that if the quarantining or slaughtering of animals would have a tendency to prevent the spread of the disease within a State, the President could not act, none of the money could be expended.

Mr. HARRISON. Even if the governor assented.

Mr. MILLER. Even if the governor and the Legislature had as-

sented to it. That certainly reduces it down to a point where it would leave nothing whatever in the bill.

Mr. VEST. I understand that the bill on its very face says that it is for the purpose of increasing commerce in cattle between the States—"among the States," quoting the very language of the Constitution, "and with foreign nations." The amendment is strictly in consonance with that clause of the bill, which is in the first section. When the Senator from New York drew the bill he drew it upon that clause of the Constitution, and it speaks for itself and admits of no sort of denial. If this power does not come from that clause in the Constitution, then the framers of the bill could not find any other authority for it.

The amendment simply declares or reiterates that same principle, that this disease is to be stamped out to prevent its being spread to other States and Territories. Whether the commissioners, as a matter of discretion with them, consider it necessary in any given case to use these quarantine and other regulations in order to prevent the spread, is a question for them; but I simply reiterate the object of the bill as it is declared in the first section.

Mr. MILLER. The bill proceeds upon the fact, well-established, that the existence of pleuro-pneumonia in any State in this Union substantially prevents our country from having any foreign commerce in live cattle at all, and also it proceeds upon the presumption that the existence of pleuro-pneumonia in any one particular State prevents any interstate commerce with that State and all the other States in the Union so long as pleuro-pneumonia shall exist in that State.

I find by the late papers that the cattle commission in the State of Maine have just undertaken to prevent the bringing into the State of Maine of any cattle whatever from any other State of the Union, without any regard to whether they are diseased or not, simply because some pleuro-pneumonia has been brought in from other States, and because they know that it now exists in New York, and even in Massachusetts. The same thing has also been done within a few days in the State of Massachusetts; so that substantially interstate commerce and foreign commerce in cattle is being absolutely stopped to-day in three or four States of the Union, because the disease exists in some particular States. I read what appears in the papers of to-day:

DISEASED CATTLE ON SALE.

BOSTON, MASS., February 25.—It is stated that on January 26 last a lot of milch cows from Buffalo were received at Brighton and disposed of to purchasers in the city of Boston. One of the animals died in South Boston on February 15 with suspicious symptoms, and Dr. Lyman, of the Harvard University Veterinary School, upon investigating the case found that the cow had died of contagious pleuro-pneumonia. Other authorities having been called in consultation confirmed Dr. Lyman's diagnosis, and the State cattle commissioners have been working diligently since then to recover traces of the herd. The commissioners have been successful in a number of cases, and while they admit that there is great danger that the disease has been spread, they believe that the measures adopted will prevent serious results. Most of the animals have been placed in quarantine.

I might proceed to read here from the cattle commission of the State of Maine, in which they have substantially prohibited all cattle from being brought into the State, except such as are brought in cars and taken directly to the dock and put on board steamers to be sent to England, there to be killed upon the docks in Liverpool.

Mr. President, the fact is simply that the existence of pleuro-pneumonia in any one State of the Union has absolutely put a stop to the commerce in cattle from this country to foreign countries. If you can not go to the root of the disease, then you can not regulate foreign commerce in cattle from this country, because we can no longer have any foreign commerce in cattle until we have extirpated this disease.

Several States, as I have shown, have taken measures to prevent the bringing into those States of any cattle whatever. As the Senator from Iowa stated the other day, his State was quarantined against Illinois, and some of the States are undoubtedly exercising an unconstitutional power. The State of Illinois can not undertake to keep out of its own borders cattle coming from any other State unless it can show that they are diseased, but it is doing so to-day, and no other State undertakes to dispute the power to do it. If it be an unconstitutional power it would be better that it should be exercised by the Federal Government, and it can do it correctly and rightfully, I believe, under the power giving Congress control of the foreign commerce and control of interstate commerce.

The amendment of the Senator from Missouri would entirely destroy the bill.

Mr. RIDDLEBERGER. Mr. President, I should like to ask the Senator from Missouri what section or what article of the Constitution of the United States is violated by this pleuro-pneumonia bill. It is worth my while to ask it, because I hear it alleged here every day; and it is easy, it is cheap to say something, but it possibly is worth while to ask what article and what section is violated. I have heard of constitutions before. If the Senator from Missouri undertakes to declare here that there are men on this floor who recognize the fact that the Constitution fixes the limit of legislative power and do not know that they are violating it when they pass this pleuro-pneumonia bill, I ask him to point out what section, what article of the Constitution we violate. I challenge him to do it.

It goes to the country that we are here violating the Constitution. It goes to the country that we are enacting wild legislation, outside of the limit of our power, because, forsooth, a Senator who has been here long enough to have achieved the reputation of a statesman shall make the simple declaration. I ask him to state to the Senate what clause of the Constitution, what section of it, what article of it is violated. When he puts in an amendment here and says that the President shall do so and so, what is the difference between the President violating the Constitution and the legislative body doing it? There is no distinction. If it can be shown by any declaration that will amount to a fact and will conform itself to any single article or section of the Constitution that I am proposing to violate it, I shall change my vote; but I am here to advocate the passage of the pleuro-pneumonia bill as it came to the Senate because the country demands it, because the prosperity of the country demands it, because one of the chief industries of this country demands it.

If there be anything in the Constitution of the United States which forbids the curing of a disease among the cattle of this country, I have failed to read it. The President can not go around over this whole continent and drench cows for colic without violating the Constitution of the United States unless the Senate shall do the same thing when it shall go with a bottle under its arm. Constitutions come in between the Senate and disease. Constitutions come in between the national Congress and that which is destroying one of the principal industries of this country.

I want this bill to pass, as far as I am concerned, as it came from the Committee on Agriculture, as it has been advocated here by the Senator from New York. That is the only bill which will do any good to the owners and breeders of cattle who have to transport them from one State to another and from this country across the Atlantic Ocean.

Mr. VEST. I ask for the yeas and nays on my amendment.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Missouri; on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. RIDDLEBERGER. Am I recorded as having voted?

The PRESIDENT *pro tempore*. The name of the Senator from Virginia is recorded in the negative.

Mr. RIDDLEBERGER. I was just thinking whether we are voting on the amendment of the Senator from South Carolina or of the Senator from Missouri. Which amendment are we voting on?

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri.

Mr. RIDDLEBERGER. I have possibly made a mistake. I do not know whether I am voting exactly right about this matter. Before the vote is added up, I wish the Chair would have the amendment read. I ask unanimous consent that the amendment may be read so that I may be certain I am voting right.

The PRESIDENT *pro tempore*. That would be in the nature of debate and out of order, except by unanimous consent. Is there objection to the amendment being again read? The Chair hears none, and it will be read.

The Chief Clerk proceeded to read, and having read some lines of the amendment,

Mr. RIDDLEBERGER. I withdraw the request for the reading. I understand it now, sir.

The result was announced—yeas 24, nays 26; as follows:

YEAS—24.

| | | | |
|---|---|---|---|
| Berry, | Coke, | Harris, | Platt, |
| Blackburn, | Colquitt, | Hawley, | Pugh, |
| Brown, | George, | Kenna, | Vance, |
| Butler, | Gorman, | Maxey, | Vest, |
| Call, | Gray, | Morgan, | Whitthorne, |
| Cockrell, | Hampton, | Payne, | Wilson of Md. |

NAYS—26.

| | | | |
|---|---|---|---|
| Allison, | Farwell, | Manderson, | Spooner, |
| Blair, | Frye, | Miller, | Teller, |
| Cameron, | Hale, | Morrill, | Van Wyck, |
| Cheney, | Harrison, | Palmer, | Williams, |
| Cullom, | Hoar, | Riddleberger, | Wilson of Iowa. |
| Dolph, | Ingalls, | Sabin, | |
| Evarts, | Mahone, | Sherman, | |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | McMillan, | Sawyer, |
| Beck, | Eustis, | McPherson, | Sewell, |
| Bowen, | Fair, | Mitchell of Oreg., | Stanford, |
| Camden, | Gibson, | Mitchell of Pa., | Voorhees, |
| Chace, | Jones of Arkansas, | Plumb, | Walthall. |
| Conger, | Jones of Florida, | Ransom, | |
| Dawes, | Jones of Nevada, | Saulsbury, | |

So the amendment was rejected.

Mr. BUTLER. Mr. President, we have witnessed one of the most remarkable performances I think I have ever known in this or any

other deliberative body. I believe the vote by which the amendment of the Senator from Vermont was adopted on the 25th was 34 in favor to 28 against the amendment. The vote this morning is 21 in favor to 29 against, making a change of 14 votes. I had not heard that there had been a meeting of the Republican caucus, but there seems to have been one, and I assume that the orders have been issued from that caucus, and the result is as we see it to-day.

I take it for granted the Senator from New York has not the slightest idea of the bill becoming a law. This is a little by-play, I take it, for the purpose of catching votes in the Northwest perhaps, and making a record, as the saying is. He has not the slightest idea of getting the bill through Congress, and as we have nothing else to do and it is very well that the record be made up and all the instructive literature on the subject that is available be placed before us, I ask the Secretary to read a very interesting paper from the other branch of Congress:

Mr. SWINBURNE, from the Committee on Agriculture, submitted the following as the views of the minority, to accompany bill H. R. 8843.

A bill upon this subject. I ask the Secretary to read it, and to read it carefully.

Mr. MILLER. I object to the reading of that document.

The PRESIDENT *pro tempore*. The reading of the paper being objected to, the question will be submitted to the Senate.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. It must be decided without debate.

Mr. BUTLER. If the Secretary will hand it back I will indulge the Senate by reading it myself, with somewhat more deliberation perhaps than it would have been read at the desk.

Mr. MILLER. I should like to ask the Senator a question before he proceeds with the reading. I inferred from the remarks of the Senator——

Mr. BUTLER. I am not very much inclined to indulge the Senator from New York by extending that courtesy. As he has been guilty of want of courtesy in objecting to my having this paper read at the desk and imposing the task on me, I decline to answer any question by him.

Mr. MILLER. I shall reserve my remarks until the Senator finishes reading, and then I will submit them in my own time.

Mr. BUTLER. I wish the Senator would. When I get through the Senator of course will have a right to the floor, and can speak as long as he pleases, but possibly I may have something to say in reply to him; I do not know. I proceed to read the views of the gentleman who submitted this minority report:

The undersigned, believing that the chairman of the Committee on Agriculture was imposed upon in the representations made to him by the chief of the Bureau of Animal Industry, upon which he founded his report, submitted to this House on March 23, and believing that if the recommendations made in the report are carried out a large amount of money will be uselessly expended, a dangerous power invested in incompetent men, and great injustice inflicted on the raisers of cattle in this country, we submit the following report to accompany House bill 8843, as a substitute for House bill 3350:

The Bureau of Animal Industry was established under an act entitled "An act for the establishment of a bureau of animal industry, to prevent the exportation of deceased cattle, and provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," approved May 9, 1884.

By the provisions of the creative act the bureau was to be in charge of a chief "who shall be a competent veterinary surgeon," appointed by the Commissioner of Agriculture, and who was to "investigate and report upon the condition of domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country." The act further provided that a full and detailed report of the bureau should be presented annually to Congress at the "commencement of each session."

To carry on tthe provisions of that act, $250,000 have been appropriated by the Government during the last two years; only about $100,000 have been expended; not a large sum, it is true, if the objects were attained and the great interests of cattle raising benefited. But such has not been the fact. No knowledge of the disease so called pleuro-pneumonia has been discovered further than what has been known for hundreds of years in Europe, to wit, "that the disease has scarcely spread at all except by the movement of cattle," and that practically it existed in France "for thirty years without making any important progress," but was spread, according to the first report of the Bureau of Animal Industry, because of the necessity to drive herds of cattle to supply the armies under the great Napoleon.

There is so much confusion in the Senate that it is impossible for me almost to hear my own voice. I should be very glad if order would be restored.

Mr. HOAR. If the Senator from South Carolina would very kindly give us some remarks of his own instead of reading other people's, we would all listen with eagerness.

Mr. BUTLER. I will entertain the Senate after I get through with the remarks of this gentleman with some remarks of my own perhaps, but I must finish this first, and in the mean time I would be very glad to have some order in the Senate.

The PRESIDENT *pro tempore*. The Chair appeals to the Senate to be in order.

Mr. BUTLER. This gentleman proceeds:

None of the requirements of the law have been complied with, even to the rendering of a report at the commencement of the session, and, notwithstanding the fact that no advance has been made either in means for the protection of the farmer or in giving any scientific knowledge as to the origin of the disease or the means to eradicate it, a further appropriation of $350,000 is asked by the bill. Both the original bill and the substitute offered by the chairman of the Committee on Agriculture re-enact the powers of the Commissioner of Agriculture, and extend them so that wherever, in the opinion of the Commissioner, it is deemed advisable, he may appraise and slaughter the diseased and exposed cattle and compensate the owners, by the original bill, at four-fifths their value, and by the substitute of the chairman of the Committee on Agriculture at three-fourths.

The forthcoming report of the chief of the Bureau of Animal Industry will clearly exhibit the dangerous predicament in which the Government will place itself by such a barbarous and unjust mode of procedure. The chief of the bureau of animal industry states that at the time of closing his report 455 herds, comprising over 60,000 animals, were exposed to the disease termed pleuro-pneumonia. His report states that experience places the average of animals which will be severely affected at less than 30 per cent., and that the average of these which die from the disease is one-third. By the investing of this power of slaughtering in the bureau if but 25 per cent. were affected, and one-third of these were to be slaughtered, each animal, at a valuation of $75 (the chief's estimate), the amount of money to be paid at two-thirds the valuation would be over $250,000. But as 15,000 out of the 60,000 are infected, there could be no discrimination, and all must be slaughtered at an expense of nearly $750,000, a rather costly luxury for the Government to indulge in to the injury of the raisers of fine stock for the purpose of offering a market to speculators and traders.

Mr. CULLOM. My friend from South Carolina is not a very good reader. I think he had better allow the Secretary to read the report.

Mr. BUTLER. I was congratulating myself that I was getting along first rate.

Mr. CULLOM. I think he is a very poor reader; I would rather hear him talk.

Mr. BUTLER. If I am reading too rapidly, perhaps the Senate might be benefited by getting the clerks to read it.

Mr. CULLOM. I think it would be better to let the Secretary read it.

Mr. BUTLER. As my hand is in, I believe I will continue.

Mr. MILLER. If the Senator will permit me——

Mr. BUTLER. No, sir; I am sorry to say that I can not permit the Senator.

The PRESIDING OFFICER. The Senator from South Carolina declines to yield.

Mr. MILLER. I was going to withdraw my objection to having the paper read at the desk.

Mr. BUTLER. This gentleman proceeds—

The whole argument of the chief of the Bureau of Animal Industry is an effort to convince the nation, and particularly Congress, to whom he appeals for an appropriation, that there is but one remedy, and that is the total extirpation of the disease by slaughter. According to his theorizing there is no method of knowing what cattle are infected, as the disease may not develop itself for months, and as a result every one of the 60,000 exposed must be slaughtered, at a cost to the Government of not less than $3,000,000, at $50 each. That Congress is prepared to accept the suggestions to be evolved out of the mass of contradictions to be submitted by the chief "as his report" can not be entertained. According to his own showing, only one-third of the 30 per cent. of infected cattle die, the remaining two-thirds of the sick recover. According to their own report, throughout Europe, and particularly in the sections where the contagion is less virulent, the average of cattle which die from the disease is less than 40 per cent. of the infected.

In Austria, out of 114,757 head of cattle exposed to the disease, only 6,614 died. In Prussia, of 10,154 head exposed but 1,856 died, while in Saxony, of 505 head exposed only 88 died. In Holland, where the disease was attempted to be crushed out by wholesale slaughter, an experiment revealed that only 202 were found infected out of 3,050 head which had been exposed and were slaughtered. And yet, in the face of these facts, the head of the Bureau of Animal Industry asks $650,000 to enable him to carry on the Government-slaughter house. If such a system is to be adopted, we would recommend the changing of the name of the department from that of Bureau of Animal Industry to bureau of butchery for the destruction of the domestic animals of the United States, to be in charge of a corps of butcher boys, who would be as well qualified for the positions as the present head of the bureau seems competent for his.

In this recommendation the chief advocates the very absurd proposition that a liberal indemnity should be paid owners of cattle to report cases of sickness, where a small indemnity leads to secreted disease. A new feature in public ethics, which requires a premium to be paid men to prevent violations of law.

It is held by the chief of the Bureau that animals infected still have a certain value, and that to take them by the right of eminent domain and slaughter them would be unjust and foreign to the wishes of the stockmen of the country and unjust where they are often the entire dependence for the support of a family. There can be no question that the slaughtering of these animals would be a great injustice. They are of a breed which the owners desire to preserve and not to butcher. In every instance reported by the bureau this disease is only found to break out among valuable imported herds of Jerseys, which the owners have been at great expense to import and improve, and which, at a money valuation, could not be disposed of at double the amount estimated as damages. The destructive effect of this disease is reported to be principally among cows, and, if it be true, as the chief of the Bureau of Animal Industry says, that the disease lays latent for months before discovery, it is evident to save the people from poisoned milk that the department should be in charge of a man who might be able to devise methods to save instead of destroy.

That paragraph is especially instructive and interesting, and to it I invite the earnest, sincere, prayerful attention of my friend from Illinois, because I know he has a very humane disposition and would be more than willing to protect the people of this country against impure milk, so much of the milk of human kindness has he.

Aside from the legal question arising, as a matter of equity, it would be equally logical to ask the Government to appropriate funds to reimburse farmers for the loss of their stocks by cyclones, birds, rot, or any other unforeseen cause because such crops were the dependence of a family. There are others interested in the protection of cattle from disease besides the stockmen—the consumers, consisting of the public at large—and to protect these from diseased meats and impure milk the Government of the United States should, with the co-operation of the authorities of the States, enforce stringent laws to govern herds in pastures and stables, and to compel the observance of proper sanitary laws, which would prove more effective than any other means suggested. These laws, extending to the slaughter-houses or shambles, would prevent impure meats from being placed on the market. Such a system would compel owners to greater vigilance in their own interests rather than to encourage negligence, a result to be expected if the Government were to become the purchaser of diseased cattle which had become valueless and beyond cure.

It is asserted in the report that contagious pleuro-pneumonia prevailed in the

vicinity of New York city and Brooklyn, and in parts of New Jersey, Pennsylvania, Maryland, District of Columbia, and Virginia, and "from the facts given that there is no reason to expect any aid in the extirpation of pleuro-pneumonia from either medical treatment or inoculation." How far intelligent legislation should be based on this report may be inferred from the fact that when, on the strength of this report, a request was made to have one of these cases in the District of Columbia shown, the reply was, "We know of none now in the District, but will try and find one." The health department of New York city says "it has no knowledge of the presence of contagious diseases or what is termed pleuro-pneumonia among cattle."

The commissioner of health of the city of Brooklyn, in a letter dated May 4, 1886, says:

"Examinations are made by officers under the authority of the State board of health, who are also inspectors in this department. Management of cases of pleuro-pneumonia: Strict quarantine, isolating the diseased from the healthy. Treatment: Inoculation and the destruction of those deemed incurable. Conclusions: Although not strictly founded on actual statistics, that in pleuro-pneumonia for several years there was 25 to 30 per cent. is now reduced to about 5. Thus the gain of 20 to 25 per cent. less of pleuro-pneumonia, although fairly attributed to the more intelligent management and the inoculation combined, may be counted as a logical sequence of the better hygeine and improved methods, does not establish the fact as absolutely incontrovertible. For the past seven years the practice of inoculation in pleuro-pneumonia has obtained. With but few exceptions the results have been satisfactory, the present number of horned cattle being 1,850 as against 2,550 in former years. This must be admitted as a factor in drawing conclusions, the former conditions being one, no doubt, of overcrowding in many instances."

Here are positive and distinct contradictions of the report, elicited after the report of the chief of the Bureau was made public by advance sheets to the Committee on Agriculture, first, that contagious diseases does not exist among cattle in the District of Columbia, nor in nor around the city of New York, and that in the city of Brooklyn in has been reduced from 25 to 30 per cent. down to 5 per cent. by strict quarantine, inoculation, and the destruction of the incurable.

The argument is advanced by the chief of the Bureau of Animal Industry that the publication of the existence of contagious disease in dairy herds, so long as it is known that no measures are adopted for its suppression, destroys the legitimate business of these herds, and is such an intolerable hardship to such owners that they would not submit to it for any great length of time, therefore the idea of a quarantine at State lines is impracticable, and will fail to accomplish the desired object. The freedom of commerce is a matter of too great importance, he says, to be interfered with, except in the cases of the most urgent necessity.

The remedy suggested is to stamp out contagion by slaughter of all the exposed animals because it does away at once with the necessity of placing restrictions upon commerce, and "because it is the most economical means of controling diseases." To us this line of reasoning is simply absurd, and might with equal force be applied to anarchists, dynamiters, or any other lawless men whose business may be destroyed by law, and who, considering law an intolerable hardship, might conclude "that they would not submit for any great length of time." These are strange reasons upon which to predicate conclusions that the Government should spend a large amount of money. The greater consideration than that of commerce, the dangerous results to consumers of infected meats or by milk from infected cows on the consumer, has apparently no effect with the head of the Bureau of Animal Industry. He seems to hold that they have no rights.

Looked at from a national point of view, however, it is desirable, says the report, to have the plague exterminated at once. Not only are our enormous investments of $1,200,000,000 in cattle menaced, but we have now in our national commerce, foreign and domestic, restrictions which cost us every year several times as much as would be required to exterminate the disease once and forever.

The fallacy of this line of reasoning, devoid of all scientific knowledge, is only equaled by the presumption of the head of the Bureau of Animal Industry in his attempting to criticise the medical profession when he says, in answer to his own question, "How can this danger be removed?"

"When we are called upon to deal with a grave problem like this we naturally inquire what methods have been settled upon as most efficient by others who have had experience in similar emergencies. With twelve hundred millions of property at stake it would be inexcusable rashness to adopt a course of procedure which had been tested in many other countries, and had failed in all. It is not a case where theorizing is admissible, but our course should be guided by the irresistible logic of facts and experience. Doubtless it would be a grand thing if we could pour a few doses of some potent medicine into the body of an affected animal and utterly destroy the contagious principle which is coursing through its veins, and is multiplying itself in the innermost recesses of the animal organism. But such a medicine has not yet been discovered, and probably never will be, for the simple reason that the germs of such contagious diseases have been found to be of a vegetable nature, and have more powers of resistance than the living matter of the animal body. And so, long before the virus could be destroyed, the animal itself must of necessity perish.

"To combat the contagious diseases of mankind the medical profession is equally at a loss for remedies which have any decided effect upon the period of their duration."

Mr. MILLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from South Carolina yield to the Senator from New York?

Mr. BUTLER. I decline to yield to the Senator from New York.

The views of the minority of this House committee proceed:

The patient is eased when in pain, stimulated when sinking, receives such care as tends to prevent complications, but the essential disease is allowed to run its course. To prevent the spread of such contagion the sanitarian imposes quarantine restrictions and isolation from susceptible people; but how often he fails to prevent the spread of such diseases is shown by the simple fact that we lose in this country every year more than 90,000 human lives from maladies which only arise by contagion, and if we add those which often, if not always, are contracted in this way, we should have a grand total of 230,000.

Isolation and quarantine is also applicable to contagious animal diseases; but as in the case of those affecting mankind, it is an inefficient and expensive remedy, which may hold a plague in check for a time, but seldom eradicates it. We have a simpler, less expensive, speedier, and in every way more efficient remedy in the destruction of every diseased animal.

Every learned physician has become thoroughly convinced that all blood diseases will run their course, and that the victim will either die or recover after a certain point is reached, and that it is not drugs but sanitary measures which prove the remedial agencies, and that unless the physician believed in and followed the traditional and barbarous teachings of the dark and ignorant days of the profession, he would never think of its being "a grand thing if we could pour a few doses of some potent medicine into the body." The medical profession has not devoted its time to horse doctoring or study of animal diseases, yet all the knowledge of these so far acquired has been discovered by the regular medical profession. In their legitimate line, the treatment of disease in the human family, they have learned the nature of all (nearly thirty) the known blood poisons to which humanity is heir and how to control as well as prevent their spread. They have demonstrated that they can check, and eradicate the most virulent, such as cholera, yellow and ship fevers, and small-pox. This was clearly shown when, in 1866, eighteen vessels, mostly steamships, arrived in the port of New York from foreign ports with 8,501 passengers and crews aboard who had been exposed to cholera during the passage. On five of these vessels there were 3,133 steerage passengers, and of this number but 243 cases, or 7¾ per cent., proved fatal in quarantine.

On one of the vessels, the Virginia, with 985 steerage passengers, there were 78 deaths, or 7¾ per cent., while on board her twin-sister vessel, the England, which put into Halifax, out of 1,145 steerage passengers, there were 214 deaths, or 18¾ per cent. Of the latter vessel there are strangely conflicting accounts; the health officer at Halifax reported that 400 cases were sent to the hospital ship. As the passengers were all destined to New York, and no trace could afterwards be found of but 9, the deductions are that the remaining 391 died in hospital. From infected bedding thrown overboard from the England and picked up by children on the beach, the contagion was conveyed into several families in the city; the pilot who took the vessel into port died of the disease, as did also his two children, and one of the men employed in cleaning the vessel was taken with the disease and died in a few hours.

The superiority of the principle of quarantining as pursued in the port of New York over that pursued in Halifax, in separating the sick from the healthy, and the observance of sanitary laws, was proven in the fact that not one of the officials or employés at the New York quarantine was infected in any way with the disease, and that not a case of cholera was known to have occurred in the city of New York. In 1867 there arrived at the New York quarantine 152 vessels from ports infected with yellow fever and small-pox, on which there were 1,030 cases, of which 384 proved fatal. On 28 of these vessels there was small-pox, to which 16,680 persons had been exposed. Between the years 1864 and 1868, inclusive, 147 vessels arrived, on which there was small-pox, to which 73,541 persons were exposed, and yet, during all these years, not more than half a dozen cases of sickness could be traced beyond the boundaries of the quarantine as coming from the quarantine, and not a single case of sickness occurred among the officials or employés at that station.

The preventives enforced were a safe and well-guarded quarantine, and a system of disinfecting, and a strict regard to the laws of nature. Science, when threatened with these diseases, did not resort to the cowardly methods of ignorance and quackery and seek safety by having their victims cover up the ignorance of the profession in the grave. True science realizes that all laws governing the health and condition of men and animals are founded on the laws of God, and believe that the only treatment of this disease in cattle is to be found in a well-regulated quarantine, where the sick and infected animals are kept in distinct and separate quarantine, with proper nourishment and care. Every consideration of humanity and science protest against the Government unnecessarily clothing any commission with power to destroy the lives of any animals whom God has given to man for the sustaining of his life and strength, except for that purpose.

The experience learned during these years in the treatment of the four most virulent diseases—small-pox, cholera, yellow and ship fevers—enabled the physicians, by their analyzing the diseases, to know that each had a peculiar mode of propagation, and that by understanding the laws of nature they could control much of the infection. Of yellow fever they discovered that it was not personally contagious and was spread through soiled and contaminated clothing, and that it becomes virulent and is carried from one locality to another through ships and spread through drains and foul places where the pabulum is sufficient for its growth and extension. Ship fever, they learned, has its origin generated in unhealthy and improperly ventilated places, bad food, filth, and animal excretions, and that its treatment is simply a dependence on sanitary laws.

Cholera, they learned, came from the Eastern country and was due to excessive heat, filth, moisture, and bad water, and originated among the poorer or laboring classes, who through their poverty were compelled to live in poorly-constructed and miserably-ventilated houses, and who were forced to subsist on poor and insufficient food, and that it was extended through fecal matter, and that the only means by which it could be checked was removal from the surroundings which produced the disease, cleanliness, and good food and nourishment and pure air. Small-pox, the most virulent of all the four, they found was personally contagious, and was spread by being carried short distances in the atmosphere and by clothing saturated with the poison, and that the only proper treatment was good sanitary arrangements and plenty of good cool air, and that it was in no way controlled by medicines.

It is possible the same knowledge can be learned of the diseases in cattle. It is generally accepted now that Texas fever originates in exhalation from the soil, and by the investigations in New York State, in 1869, it was settled that the disease could be carried and spread by cattle without their manifesting any indications of disease, and that cattle taken to Texas would die of the disease, while native cattle seemed to enjoy an immunity from the disease.

It is generally conceded, and by the Bureau that up to this time no person has, either by practical treatment of cattle or by scientific observation and experiment, discovered when this disease first becomes contagious, and first ceases to become contagious, or how it is imparted one to another, and for this very reason the principle of a strict quarantine and the slaughtering of the herds stand on equally strong grounds of reasoning, with this exception, that by quarantining at least 75 per cent. of the infected bovines recover, thus saving to the Government, as suggested in the report, $3,000,000 annually, and to the owners, in many instances, cattle they prize beyond money for breeding purposes, and also prevent the slaughtering of inferior stock for which the Government is asked to reimburse.

When yellow fever, small-pox, cholera, or any other blood poison (excepting those induced by the bites of animals or the poisons of plants) was found to have broken out in the land, or was being imported from other nations, had the boards of health throughout the country recommended the slaughtering of the infected for the purpose of stamping out the disease they would have been pronounced as ignorant and barbarous, and yet that course would have been as intelligent as the method recommended by the Bureau of Animal Industry for the suppression of contagious disease among cattle.

Says the chief in his report:

"The diseased portion of the lungs remains diseased; it loses all life, becomes encysted, breaks down into pus, and retains the virulent contagion for an indefinite period, and the animals which possess such lungs are frequently the most dangerous of any. They may appear in perfect health to the casual observer, or to the best judge of cattle, and yet they scatter the contagion and infect all susceptible cattle with which they come in contact."

This is a scientific assertion, and, if proven, one of great value in leading to light in the manner of protection and treatment. Any student of medical science might make the same assertion, as all are taught these are possible conditions under certain circumstances, and if they be true in this case it is very important the public should know why they are true, and upon what facts and line of reasoning they are true. No scientific assertion is to be accepted unless proven, and this is not, nor can it be, by *post mortems* over the carcasses of animals which die of disease. To establish this as a fact can only be accomplished by a careful scrutiny and examination in all stages of the disease, as well as of the healthy, and by *post mortems*, and by exposing the healthy to the sick in every stage of the disease as experimental tests, thus ascertaining whether or no the well become infected by such exposure. Other knowledge is requisite of which we are yet in the dark, and more especially the important point why is it that the Jer-

seys or other imported stock are particularly susceptible to this disease. If this can be learned it may be discovered that in the methods of caring for these valuable breeds the remedy may be found.

To arrive at these results there is no possible method but by quarantine. The idea of slaughtering is a remedy devised in foreign lands, and among other extensive quotations in the report is given extracts from the laws of England as far back as 1869. Yet we find in all the countries where they have the slaughtering law the contagion still breaks out with serious results. By our quarantining of sick persons with contagious diseases and the isolating of the sick from the healthy, we have proven our supeirority over the European nations in that matter, and to adopt their unsuccessful methods in the treatment of disease in cattle will be a scientific step backwards, and exhibit as profound ignorance as is shown by the surgeon who thinks no process correct unless he finds it in the books of practice given by some foreign author, and practiced by a dignitary in his profession, and who rushes with knife in hand to maim and cripple by amputation for every break or wound simply because he was too lazy or stupid to study for himself. To pursue this very course, Congress is asked by the bureau to extend its powers so that the Commissioner of Agriculture may not be limited in the number of employés, and have power in his discretion to slaughter at will, and to enable him to do this $350,000 is asked.

We honestly object to this power being vested in the Commissioner much more than we do to the granting of the amount asked, although we believe the amount far in excess of what is necessary to attain present relief as well as practical scientific results, which will throw light on a subject now wrapped in mystery, and of which the Bureau of Animal Industry is absolutely ignorant. We do not charge any desire to enter into any criminal bargain or arrangement, but are satisfied that for some reason this matter of disease among cattle has been incompetently managed, and we can see no plausible reason why a strict quarantine of infected and suspected infected herds can not be efficiently carried out, and by scientific examinations and *post mortems* the same knowledge acquired as has been in the treatment of contagious blood diseases among human beings. By this system of quarantining science was enabled to study the contagion of cholera, learn the manner of its propagation, as well as means for preventing the spread. During the prevalence of one of the blood poisonings in animals, in 1869, it was discovered, and by scientific men generally accepted, that the disease was extended, just as cholera is extended, by the excretions and not by atmospheric means.

Further than this the experience of the last two years by the Bureau of Animal Industry has developed nothing. It is essential that for the better protection of commerce, and to avert the annual visitations of these diseases and the destruction of the cattle therefrom, that a more thorough examination be made, and that the authorities of the States be invited by the Commissioner of Agriculture to co-operate with the General Government in preventing the spread of disease and protecting the people from the evils resulting from the use of poisoned meats and milk. To effect this desired end, in the interests of humanity and trade, it is desirable that proper men should have this great work committed to them, so that out of the multitude of conflicting views some truths might be evolved. We protest against the expenditure of money through incompetent channels.

From the confused mass of speculations in the report of the chief of the Bureau of Animal Industry, advance copies of which have recently been furnished the Committee on Agriculture, and which by law should have been published at the commencement of the session, the only facts we can glean are that the Department has been floundering around in ignorance among a mass of theories and speculations; that no investigations have been made other than the lungs to find whether the poisonous explosions ever occur in any other part or organ of the animal, or to define whether the disease was that of blood-poisoning or inflammation. Having accepted the theory of pleuro or inflammatory, this was all that seemed necessary, when, in truth, the disease is not inflammatory. One of the deductions that the animals were infected only in one lung, and that that lung would become encysted, would explode the theory of contagion, as an encysted part can not throw off contagion.

The chief of the Bureau complains that members of the medical profession were responsible for deceiving the public in regard to their ability to detect this disease, but hopes this species of quackery will in time disappear, and asserts that the examinations made by the stockmen were worse than useless. He believes that the only safe way is for an experienced veterinarian to carefully examine the lungs of every animal by oscultation and percussion. Yet, according to his own statement, one of his experienced veterinarians issued a certificate at Cynthiana, Ky., that a herd was "very healthy, in a thriving condition, and altogether free from disease, contagious or otherwise."

Of 124 of this herd shipped to Austin, Tex., only 72 remained alive. Several post mortems were made by an experienced veterinarian of a number which died, and his report was that "in none of these did he find evidence of pleuro-pneumonia." Of this herd, the chief of the Bureau says that when he was in Austin on official business to inquire into the condition of cattle there, he was reliably informed that the carcasses of three animals could be seen on a farm not far from where he was, and that two or three were lying on the lot too sick to stand, but asserts that he did not have sufficient authority to make an investigation. By the reports then made there were conflicting opinions among the veterinarians as to the condition, and yet it seems that the head of the bureau was incapable of giving any decision in the matter, and when asked if he would, in the event of the cattle being found in good health, give a certificate, satisfied himself with the remark that he was not there to give certificates.

We are firm in the conviction that this disease termed pleuro-pneumonia is a blood poison, originating among cattle in stables and stock-yards, and we agree with the opinion of ex-Commissioner of Agriculture Loring that it can be checked by quarantining in open, well-protected fields, and that until stringent laws are enforced to protect cattle in the stables and stock-yards, and in transportation, and for providing them with proper food and water, the disease cannot be extirpated and the public protected from diseased meats and the poisonous milk of infected cows. We are of the opinion that the disease is not increasing, but rather diminishing, as in New York and Brooklyn, where stringent sanitary laws are enforced and frequent inspections made. Believing that the theory of inoculation has failed to produce the desired results, and that the slaughtering, as a means to extirpate, is cowardly and unwise, we are opposed to the appropriation asked by the chief of the Bureau of Animal Industry to be expended as he recommends in his report.

Seventy-nine pages of the report are devoted to this herd from Cynthiana, Ky., and another in Calloway, Mo., which were sick in the latter portions of 1884 and the first months of 1885. Nothing is to be found in the forthcoming report which gives any particular touching any of the 455 herds reported to be exposed at the time of the making of the report. Nothing is said to indicate where they are, except in general terms: and what is there asserted, that the disease prevails to any extent, is contradicted by the reports from the departments of health of the cities of New York and Brooklyn, and in the report of the statistician published from the Department of Agriculture for April last. According to this report of the statistician, the condition of cattle is shown to be good, and that for the previous year losses from all causes did not rise above two per cent. in any of the New England or Middle States, in any of the States between the Ohio and Mississippi Rivers, or in Minnesota or Iowa; while in no Southern State, except Florida, did the losses reach 8 per cent. The statistician reports no instances where pleuro-pneumonia exists except a few cases "supposed to be pleuro-pneumonia" in Scott County, Iowa, and cases "also reported under the same name from Contra Costa County, California." Evidently this expert official does not see in figures, which are supposed to be "stubborn facts," the great havoc the imagination of the chief of the Bureau of Animal Industry haunts his dreams with.

JOHN SWINBURNE.

Mr. President, this is a very long, very elaborate, and a very interesting report, and whilst perhaps the Senate has become impatient at the time consumed in reading it, I think it would be well paid for reading it in the RECORD.

In the debate the other day on this question I asked the Senator from Illinois and the Senator from New York if they could state the number of animals diseased with pleuro-pneumonia in the United States. They failed completely to give any satisfactory information upon that subject. When I read from the last printed report of the Bureau of Animal Industry which I held in my hand, the report of 1885, both undertook to plead the statute of limitations upon it and said that the last report would disclose a most frightful condition of things in this country. From the concluding observations of this minority report it seems that the losses from all causes did not rise above 2 per cent. in any of the New England or Middle States, in any of the States between the Ohio and Mississippi Rivers, or in Minnesota or Iowa, while in no southern State except Florida did the losses reach 8 per cent. And yet we are told that unless this Congress, in plain violation as I insist, and as I think every lawyer in this body must admit, of the Constitution, pass an act clothing three commissioners with such powers as no three men have ever had in this country in time of peace, we are imperiling the great cattle interest of this country.

Why, Mr. President, I believe, as I stated the other day, that this clamor has been raised for a purpose, and that purpose is to extract from the Treasury of the United States pay for these cattle.

The Senator from Illinois stated that the great State which he represents on this floor is unable to protect herself, and although she might establish quarantine regulations upon her borders they would prove ineffectual; that cattle would be driven over on foot, they would come over on the steamboats, and on the railway cars, and in the great city of Chicago there exists to-day a perilous number of these diseased cattle, threatening the prosperity and property of that city and everybody in it. The Senator from New York states, by way of excuse for passing this bill, that under the present animal-industry act the States refuse to co-operate with the Federal Government in many instances, and therefore the disease can not be arrested and extirpated.

Mr. President, I undertake to say for his State that if all the surrounding States should quarantine against the State of New York and prevent the exportation of cattle from that State into any other, or abroad, three months would not elapse before the citizens of that State, from self-interest, if from no other motive, would take hold of the question and extirpate it themselves, instead of coming to the Congress of the United States and asking for the passage of a bill which violates almost every principle of the Constitution.

I know, sir, it has become a little hazardous and rash to read anything from the Constitution of the United States in this body. I am well aware that a Senator who refers to that instrument is written down as an old fogy, as having belonged to that school of State-rights people in this country who by adhering to their principles involved the country in war, and all that idle talk; but I think it a little wholesome that we should read occasionally extracts from that instrument. On page 3 of this bill we find:

> And such commissioners are hereby authorized to enter, either in person or by their duly authorized and accredited agents, any premises or places, including stock-yards, cars, and vessels, within any State of the United States, the District of Columbia, or the Territories of the United States, in or at which they have reason to believe, and do believe, there exist any of such diseases, and to make search, investigation, and inquiry in regard to the existence thereof.

The bill does not require that an affidavit should be made, does not require that any of these agents shall proceed upon any information except the belief of the agent himself, of which he is to be the sole judge. He may enter the premises of any citizen of the United States; he may commit any act he pleases of oppression, of wrong, of outrage, and when he shall be arraigned for it he can appeal to this provision of an act of the Congress of the United States for his protection, and he will be protected by it. Article IV of the Constitution provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

And yet, sir, we are conferring upon the agents of these commissioners, without limit as to number, without limit as to power, the right to enter the premises of any citizen of this country upon any pretext. All he has to do to protect himself is to say, "I believed that there was pleuro-pneumonia or some contagious disease among your cattle." It is, I repeat, the most monstrous and the most dangerous power ever conferred upon any three men in this country; and in saying that I have in mind all the summary and extreme and extraordinary measures resorted to, even in time of war, when perhaps extreme measures may have been excusable. But in time of peace, with the powers of the States in full play, with no pretext or pretense that there is not a willingness on the part of the State authorities to exert the last atom of their State power to extirpate this disease, we are told that the Con-

gress of the United States must pass this bill to protect the cattle-growers of the West and the cattle-raisers of the East against the danger of having their property destroyed by this disease.

I stated on a former occasion and I repeat now that I will go as far as any Senator on this floor and do whatever I conscientiously can in my official position to relieve the people of this country of this or any other contagious disease, but when I am called upon and invited, as I am by this bill, to do violence to my conscience and do violence to the written Constitution of the country, I must ask to be excused.

Mr. MILLER. Mr. President, a few words only. The Senator from South Carolina seemed to intimate that the action of the Senate to-day, at least on this side of the Chamber, was controlled by caucus dictation. I shall not go into that matter any further than to state what has been stated here in the Senate before, that committees of the Senate, one on the Republican side and one on the Democratic side, had agreed to the consideration of this bill before the end of this session, and had only disagreed as to the particular time when it should be taken up. But the Republican party is entirely willing to assume the responsibility of forcing this measure on the consideration of Congress at this time. No bill before Congress has been asked for by so many of our people as this bill now under consideration, and the Republican party, always willing to respond to the demands of the people of this country, has made this measure one which it proposed to consider before the Senate should finally adjourn. In doing this in response to the demand of the people of the country thus generally expressed, it has only done what it has done heretofore in its history in this body and in the other House.

When our brethren from the South, a few years ago, fearing great loss to themselves and their property and danger to their lives by the spread of yellow fever throughout the Southern portion of this country, came here and demanded the appointment of a National Board of Health with most extraordinary powers, and the appropriation of large sums of money to enable the President and that board appointed by him to prevent the introduction of yellow fever and its spread throughout the Southern States, the Republican party joined with the Senators from the Southern States and gave them all they asked.

Mr. President, let me refer to some of the provisions of that law and let us see how much more stringent the law we are now seeking to pass is than that; how much greater the powers given to the President by the present law than in this, if any such. I read from section 3 of the act passed June 2, 1879, in regard to the introduction and spread of contagious diseases.

SEC. 3. That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another; and at such ports and places within the United States as have no quarantine regulations under State authority where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another; and at such ports and places within the United States where quarantine regulations exist under the authority of the State, which in the opinion of the National Board of Health are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said board of health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose.

Here the President of the United States, acting with the National Board of Health, was given power to make all rules and regulations regarding quarantine for all the States and ports, and it imposed upon the State authorities the necessity of carrying them out. But realizing the fact that the Federal Government could not control the action of the State authorities, it says in distinct language:

But if the State authorities shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose.

There is not any power found anywhere in this bill now before the Senate which exceeds the power given to the President in that law passed in 1879.

I have no doubt that the gentlemen here who have talked against this pleuro-pneumonia bill because of its unconstitutionality, as they have claimed, voted for that bill; but, sir, I hold in my hand House of Representatives bill 10072 of the present session, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes. I believe this bill was passed by the vote of every Senator belonging to this body to-day; in other words, it passed unanimously. Now let us see what powers it gives to the President on a matter of this kind. I find this provision:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved August 4, 1886, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

Here, in a bill passed only a few days ago, voted for by the entire Senate, we gave the President of the United States power, outside of all consent or co-operation of State authorities, if he found it necessary, to use the power of the Federal Government in maintaining quarantine and maritime inspections at points of danger for the purpose of preventing the introduction of cholera or yellow fever or other contagious diseases. I need not go into any elaboration of what the right of maintaining a quarantine implies. It carries with it the power of shutting up human beings, holding them in confinement absolutely, of taking possession of their personal effects, and, if necessary for the prevention of the spread of disease, of destroying those personal effects if they are charged with contagion. In short, the power of quarantining a person or property may amount, in fact, to confiscation of the property and to the imprisonment of the person. There can be no doubt about that. That bill passed this body a few days ago withot a dissenting vote.

There is nothing, then, to be found in the present bill which at all exceeds in the powers given to the President or to the Federal authorities the power which we have been giving to the President of the United States, and officials appointed by him for the last eight or ten years. The act creating the National Board of Health, and appropriating money and giving the President this unlimited power, was passed in the face of a great national danger. The yellow fever had spread from our coast into the interior of many of the Southern States, and was causing great loss of life and loss of property, and to-day we are confronted with another great danger, which, whilst it does not directly affect the life of the citizens of our country, does affect their material interests; and if it be not stopped by Federal legislation, it will, in my judgment, result in losses which can be numbered only by hundreds of millions of dollars.

Mr. President, I do not care to prolong the discussion upon this bill. I believe there is yet time for the bill to pass both Houses of Congress and to become a law, and if such shall happen, I have no doubt that when Congress meets again in December the officers who shall be appointed under this act by the President will be able to report to Congress that they have substantially eradicated and eliminated this disease from every State and Territory in the Union, and then the embargo which has been laid upon our foreign commerce in cattle will be raised, and the embargo which is being laid by a large number of our States upon interstate commerce in cattle will also be raised, and many millions of value will be added to this property in our country.

Mr. VAN WYCK. I desire to renew an amendment which I offered to the substitute.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. Section 2, line 4, after the word "rinderpest," insert:

And swine plague, hog-cholera, or other contagious diseases among swine.

Mr. MILLER. I do not particularly rise to oppose this amendment. I was in hopes the Senator, as a member of the committee reporting the bill, would not suggest this amendment, not because I am opposed to it in itself, but because I believe that the powers given in this bill are sufficient to enable the commission, in fact they lead directly in the direction of compelling them to make investigation of the diseases he has mentioned specifically; and certainly the bureau of animal industry, which is now in existence and will not be displaced by this commission, is by law especially charged with the investigation of these particular diseases, as mentioned.

I simply rose to express the hope that the Senator would refrain from pressing the amendment, but if he in his wisdom and knowledge of his own country shall insist upon it, of course I shall not object.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

The amendment was agreed to.

Mr. SAULSBURY. As I am paired and shall not be able to vote on this question, I desire to state that I voted for the amendment of the Senator from Vermont [Mr. EDMUNDS], and I also voted for the amendment of the Senator from Missouri [Mr. VEST], not because those amendments would have rendered the bill acceptable to me, for with those amendments, either the substitute of the Senator from Vermont or the amendment of the Senator from Missouri, I would still have voted against the bill.

I have but one opinion in reference to it. It is a question with which we have no business to concern ourselves. I regard the bill as one of the most dangerous measures, setting aside the guarantees of the Constitution to the States of this Union and to the people of the States, and assuming jurisdiction and control by the Federal Government over questions that properly belong to the States and to the people. Therefore no amendment that has been offered or that could be offered to a bill embodying such a principle could ever receive my vote.

I do not desire to discuss the question further. I wished simply to state, in order that my vote for these amendments might not be misconstrued or misunderstood, that notwithstanding I voted for the amendments I shall vote against the bill, and should do so even if those amendments were adopted.

I will say furthermore that I do not see the propriety of this legislation. Great complaint was made this morning in reference to the

consumption of time, and the neglect of the performance of public duties devolved upon certain committees of Congress; and here is a bill originating in the Senate at this late hour that comes here with the certainty that it can not ever get on the Calendar of the House, and it is pressed to the exclusion of other business in the Senate. It seems to be, as the Senator from South Carolina intimated, for some purpose to be accomplished. What it may be I do not know.

I have no idea that it will accomplish any political advantage to the party of which the Senator from New York is a member, because while a large number of cattle-men may be in favor of this bill, the great body of the people are not in favor of being taxed to pay for the cattle of other persons that die from disease. In every farming community and on almost every farm every farmer loses some stock. He loses a horse occasionally, a cow occasionally, and he loses his poultry. There are losses constantly occurring all over the country. Nobody proposes to go and pay for anything except pleuro-pneumonia, as I understand the bill, or other contagious diseases. It is not proposed to pay every man for a horse that dies from old age, from weakness, or from being injured. I do not believe the people of this country desire to be taxed for any such purpose. The great mass of the people of this country do not desire to be taxed to indemnify the men who have invested their hundreds of thousands in speculation in cattle. They do not desire to be taxed in order to indemnify them for the losses they may sustain by reason of disease among their herds.

I am opposed to this whole thing, my principal objection being, however, that it is violative of the provisions of the Constitution, which gives to the States and to the people the right to look after their own particular interests.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BUTLER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. MORRILL. I should have preferred this bill with the amendment of my colleague [Mr. EDMUNDS], but I think it is too important to allow all legislation to be omitted, and that some bill on this subject ought to pass at this session. I therefore shall vote for the bill.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here, he would vote "yea," and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. We voted together on the substitute of the Senator from Vermont, and I do not know how he would vote on the passage of the bill. I reserve my vote until I see whether he comes in.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. EDMUNDS], but believing as I do that he is opposed to this bill, as I am, I will record my vote "nay."

Mr. WALTHALL (when Mr. KENNA'S name was called). The Senator from West Virginia [Mr. KENNA] requested me to announce that he was paired with the Senator from Oregon [Mr. MITCHELL].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CULLOM. The Senator from Oregon [Mr. MITCHELL] is paired with Senator from Indiana [Mr. VOORHEES].

Mr. HAMPTON. The Senator from Connecticut [Mr. PLATT] is now in his seat, and I shall vote.

Mr. RIDDLEBERGER. My pair being transferred to the Senator from California [Mr. STANFORD], I vote "yea."

Mr. FARWELL. On this question I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. FRYE. On this question I am paired with the Senator from Vermont [Mr. EDMUNDS], who is detained in committee-room, being engaged on a committee of conference in drawing a report. If he were present, he would vote "nay," and I should vote "yea."

Mr. FRYE subsequently said: The Senator from Illinois informs me that the Senator from Oregon [Mr. MITCHELL] is not present, and desires a pair, and under the circumstances——

Mr. HARRIS. There has been a pair announced between him and the Senator from West Virginia [Mr. KENNA].

Mr. CULLOM. I paired him with the Senator from Indiana [Mr. VOORHEES], but the Senator from Indiana came in and voted.

Mr. HARRIS. Some one announced a pair between the Senator from West Virginia [Mr. KENNA] and the Senator from Oregon [Mr. MITCHELL] upon this vote, I think.

Mr. FRYE. Then I will pair the Senator from Oregon [Mr. MITCHELL] with the Senator from Vermont [Mr. EDMUNDS] and will myself vote.

Mr. HARRIS. I repeat, and the Reporter tells me he so understood it and has it just as the announcement was made, that the pair was between the Senator from West Virginia [Mr. KENNA] and the Senator from Oregon [Mr. MITCHELL].

Mr. CULLOM. Who made the announcement?

Mr. HARRIS. The Senator from Mississippi [Mr. WALTHALL].

Mr. CULLOM. The matter is so mixed that I shall withdraw from it.

Mr. HARRIS. I ask the Senator from Mississippi?

Mr. WALTHALL. By request of the Senator from West Virginia [Mr. KENNA] I announced that he was paired with the Senator from Oregon Mr. MITCHELL].

Mr. FRYE. Then I do not vote.

Mr. CULLOM. I desire to say that I was informed by the Senator who sits nearest the Senator from Oregon that he was not paired and he asked me to have him paired, and I did what I have already announced. So I withdraw from any further connection with the matter.

Mr. FRYE. I will inquire whether or not a pair was announced with the Senator from Pennsylvania [Mr. MITCHELL]?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. FRYE. The Chair will have to consult the Reporter.

The PRESIDENT *pro tempore*. The Chair will have to consult the Reporter to be sure.

Mr. FRYE. The Reporter says there was none. Then I will pair the Senator from Pennsylvania [Mr. MITCHELL], who is in favor of the bill, with the Senator from Vermont [Mr. EDMUNDS].

Mr. PLATT. The Senator from Pennsylvania is not in favor of it.

Mr. FRYE. I will not try any further. I will not vote.

Mr. HARRISON. I met the Senator from Pennsylvania in the corridor awhile ago and he asked me to say that he was paired on this bill. I am not prepared to say how he would vote, but I understand he has been voting in favor of the bill.

Mr. HAWLEY. I was told that he was against it.

The PRESIDENT *pro tempore*. The result of the roll-call will be announced.

The result was announced—yeas 31, nays 19; as follows:

YEAS—31.

| | | | |
|---|---|---|---|
| Allison, | Cullom, | Mahone, | Sherman, |
| Beck, | Dawes, | Manderson, | Spooner, |
| Blackburn, | Evarts, | Miller, | Teller, |
| Blair, | Fair, | Morrill, | Van Wyck, |
| Bowen, | Hale, | Palmer, | Voorhees, |
| Cameron, | Harrison, | Plumb, | Williams, |
| Cheney, | Ingalls, | Riddleberger, | Wilson of Iowa. |
| Cockrell, | McMillan, | Sabin, | |

NAYS—19.

| | | | |
|---|---|---|---|
| Berry, | Gorman, | Maxey, | Vest, |
| Butler, | Hampton, | Morgan, | Walthall, |
| Coke, | Harris, | Platt, | Whitthorne, |
| Colquitt, | Hawley, | Pugh, | Wilson of Md. |
| George, | Jones of Arkansas, | Vance, | |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Jones of Florida, | Ransom, |
| Brown, | Eustis, | Jones of Nevada, | Saulsbury, |
| Call, | Farwell, | Kenna, | Sawyer, |
| Camden, | Frye, | McPherson, | Sewell, |
| Chace, | Gibson, | Mitchell of Oreg., | Stanford. |
| Conger, | Gray, | Mitchell of Pa., | |
| Dolph, | Hoar, | Payne, | |

So the bill was passed.

AMENDMENTS TO BILLS.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 11074) directing the commissioners of the District of Columbia to establish streets and avenues in the county of Washington, District of Columbia, and for other purposes; which was ordered to be printed.

Mr. PALMER submitted an amendment intended to be proposed by him to the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.; which was ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885; and it was thereupon signed by the President *pro tempore*.

THE COMMITTEE ON RULES.

Mr. HARRIS. I move that the resolution reported by me this morning from the Committee on Rules, authorizing that committee to sit during the recess of Congress be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

HOUR OF MEETING.

Mr. SHERMAN submitted the following order:

*Ordered*, That the Senate hereafter meet at 11 o'clock in the morning until otherwise ordered.

The PRESIDENT *pro tempore*. Does the Senator from Ohio ask for action upon the resolution?

Mr. SHERMAN. If there be no objection.

Mr. COCKRELL. Let it lie over.

The PRESIDENT *pro tempore*. The resolution goes over under the rule.

MAILING OF LOTTERY ADVERTISEMENTS.

Mr. WILSON, of Iowa. I move that the Senate proceed to the consideration of the bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment of Mr. WILSON, of Iowa, in section 1, line 18, after the words "two hundred" to insert "nor more than one thousand;" so as to read:

Any person engaged in publishing a newspaper, as owner or part owner, proprietor, general manager, or superintending agent, president, or other officer connected therewith, and any person engaged in conducting a lottery, as owner or part owner, and any person connected therewith as superintendent, manager, agent, or in any other capacity, violating the provisions of this act, upon conviction thereof, shall be liable to a fine for each offense of not less than two hundred nor more than one thousand dollars, with costs of prosecution, or imprisonment for not less than thirty days nor more than one year, or both, at the discretion of the court.

The amendment was agreed to.

Mr. WILSON, of Iowa. There was another amendment in section 2, line 2, inserting the word "knowingly."

The PRESIDENT *pro tempore*. That amendment has been agreed to.

Mr. HARRIS. It seems to me that the only effect of this bill will be to transfer from the mails to the express business of the country this entire class of advertisements. It will not affect the carrying or the distribution of such advertisements, and it will not affect the lottery business, so far as I can see, to any extent, or in any way except to drive from the United States mail all advertisements of a lottery, and they will be carried and distributed by express companies instead. Exactly why we should adopt a policy such as that is what I am unable to comprehend or perceive.

Mr. WILSON, of Iowa. If the passage of this bill should induce such an effect as the Senator from Tennessee seems to fear, there need but one other step be taken to remedy that result, and that will be to apply the same character of provisions and penal sanctions to the carrying over any of the postal roads of the United States such advertisements as we apply to carrying them through the mails; and when that time comes I shall be prepared, as I hope the Senate will be prepared, to apply the same remedy to that evil that we now seek to apply in the present case.

Mr. SAULSBURY. In section 1, line 8, after the word "advertisement," I move to strike out the words "or other notice;" so as to read:

That it shall be unlawful to convey by mail, or to deposit or cause to be deposited in a post-office, railway postal car, letter-box, or other receptacle for mail-matter, or to deliver to a letter-carrier or other employé of the postal service, to be sent by mail, any newspaper, pamphlet, or other publication containing or having printed therein an advertisement of a lottery, or any agency thereof, or any notice, report, or statement of any drawing of a lottery.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Delaware.

Mr. SAULSBURY. Many newspapers may speak of A. B. drawing a prize, without any intention except as a matter of information, and yet if they should happen to notice that one of the neighbors had drawn a prize, under the provisions of the bill, the owner of that paper would be subject to the fine imposed by it. I think that is a harsh measure.

The owner of a newspaper can not at all times look at everything that goes in his paper. He is compelled to depend upon somebody for local news, and he may have no chance whatever to examine it, and such a notice might slip into the paper without his knowledge, without his consent. A mere notice is different from receiving an advertisement for which he is paid.

Therefore I hope the words "or other notice" before the words "of a lottery" may be stricken out.

Mr. WILSON, of Iowa. I have two answers for the Senator from Delaware. First, the notices he has referred to do not go in accidentally, but are of the character of an advertisement in common use for the purpose of inducing unsuspecting persons to purchase lottery tickets.

In the second place, the Senator has answered his own objection. He says that these things are done sometimes without knowledge, without any intent. The amendment we have adopted to the second section says that the person becoming amenable to the penal sanctions of this bill must have done the thing knowingly.

Therefore either answer is sufficient to meet the objection made by the Senator from Delaware.

Mr. HOAR. I desire to call the attention of the Senator from Iowa to a provision in the bill which I think he will agree with me is contrary to what has now become the settled policy of the Senate, and that is in no instance to have a minimum punishment in any penal statute. Ever since I have been in the Senate, whenever the attention of the Senate has been called to the matter, and bills have been reported containing a minimum punishment, it has been stricken out, except in one case which stood on its own exceptional reasons.

Here the sending through the mails of a newspaper containing a lottery advertisement, or a statement of a drawing of a lottery, must be punished by an imprisonment of not less than thirty days or a fine of not less than $200, with costs, or both. It is quite possible that some person might put in a newspaper an announcement that somebody had drawn a large prize in a lottery or an account of a raffle at a church fair without any criminal intent.

I see the bill not only has a minimum punishment but in regard to the matter of a fine it has no maximum; the court can impose a fine of $100,000, or $1,000,000.

Mr. WILSON, of Iowa. There has been an amendment made. Will the Secretary please read the amendment made in reference to the penalty.

The Chief Clerk read as follows:

Shall be liable to a fine for each offense of not less than two hundred nor more than one thousand dollars.

Mr. HOAR. How about imprisonment?

Mr. WILSON, of Iowa. The imprisonment clause stands as reported.

Mr. HOAR. I ask the Senator to consent to amend the bill by striking out the words "not less than," leaving it a fine of not more than the amount fixed and imprisonment of not more than the time fixed, and to have no minimum at all.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Massachusetts that there is an amendment pending, moved by the Senator from Delaware [Mr. SAULSBURY].

Mr. HOAR. The Chair called for further amendments expressly.

The PRESIDENT *pro tempore*. The Chair did so inadvertently.

Mr. HOAR. I thought that amendment was withdrawn. I was misled by the Chair.

FISHING RIGHTS OF THE UNITED STATES.

Mr. EDMUNDS. I beg leave at this time to submit a report for the information of the Senate from the managers of the conference on the part of the Senate upon what is known as the fisheries matter, Senate bill 3173, and I ask that it may be read. It is a report for information and not for the action of the Senate, but I think it comes within the privileged order.

Mr. DAWES. I suggest to the Senator to have it printed in the RECORD without being read.

Mr. EDMUNDS. No, I want to have it read for the information of the Senate and some other people who are here now.

The PRESIDENT *pro tempore*. The report will be received and read, if there be no objection.

The Chief Clerk read as follows:

The managers on the part of the Senate of the conference on the disagreeing votes of the two Houses on their disagreeing on the amendments proposed by the House to the bill (S. 3173) respecting the fisheries respectfully report that the bill passed the Senate on the 24th day of January, 1887, and on the 23d of February was returned from the House of Representatives with an amendment striking out the whole of the Senate bill and proposing one entire House amendment in its place.

On the 24th the bill was laid before the Senate and the House amendment was disagreed to, and a committee of conference asked and the papers ordered to be printed.

On the 25th instant the House agreed to the conference, and on the 26th the managers on the part of the House met the Senate managers in the afternoon of that day, and the differences in the views of the two Houses fully discussed. The House conferees did not object to the substance of any part of the bill as it passed the Senate so far as it goes, but the first part of the first section of the House amendment undertakes to restate the enumeration of the cases of injuries mentioned in the Senate bill by entirely dropping the classifications or groups of vessels made in the Senate bill and to bring all vessels of the United States of whatever character or class within one definition.

The ground on which the Senate bill went in this respect was that United States fishing vessels purely had their rights regulated and measured by the treaty of 1818, as having the absolute right of fishing inshore in certain ports of the marine territories of the British Dominions in North America and being prohibited from fishing in other ports, but still having the right to enter those other waters for the purposes enumerated in the treaty and not to be abused with a view to fishing in prohibited waters.

The second classification of United States vessels made in the Senate bill covered precisely the same vessels but having also a commercial character obtained by having not only a license to fish, but also under the laws of the United States a permit to touch and trade in foreign ports, and which, therefore, in their character as trading vessels would not, as it was thought, be under the prohibitory provisions of the fishery treaty of 1818.

The third classification covered all other vessels of the United States not falling within the two preceding classes. It was thought by the Senate in passing the bill in that form that a more clear understanding could be had of its application and enforcement than if all the vessels had been massed under one description. The Senate bill then proceeded to provide for cases not merely of the denial of treaty rights to purely fishing vessels, or the denial of lawful trading rights to fishing vessels otherwise to touch and trade, or lawful rights to purely trading vessels, but to include also unjust vexation and harassment as well as exclusion from rights to trade accorded to the vessels of the most favored nation.

The House amendment applicable to the whole of this part of the subject purports to provide for the cases of vessels of the United States which "are denied in the ports or territorial waters of the British dominions in North America rights to which such vessels are entitled by treaty or by the law of nations, or are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations."

It is, with great respect to the House of Representatives, thought by the Senate managers of the conference that this provision is not nearly so adequate to the condition of affairs as the provisions of the Senate bill, which have been already described. There is no treaty in existence between the United States and Her Majesty's Government on the subject of the treatment of American vessels in British North American waters or ports other than the provisions

already referred to concerning purely fishing vessels and contained in the treaty of 1818, with possibly an exception as it respects one or two particular ports, and with the exception of such provisions as are contained in the treaty of 1871, which provisions in this last-named treaty are in those respects not applicable to the now existing difficulties.

What positive rights "the law of nations" mentioned in the House amendment United States vessels entering British North American waters are entitled to the Senate managers think it would be somewhat difficult to define or explain. For it is believed by what is called the "law of nations" no vessel of the United States would have a right to enter British waters at all other than under an implied and tacit consent of the sovereign of that country, which could, at any moment, be positively withdrawn consistently with the understood sovereign rights of all nations. The Senate managers therefore think that this definition, measured by the law of nations, is really not much more than a definition measured by the will of the British Government so far as exclusion or the regulation of conduct in such waters might happen to go.

The next phrase in the House amendment proposed to take the place of the enumerations and descriptions mentioned in the Senate bill purports to provide for cases in which American vessels "are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations."

The Senate managers are of opinion that this phrase, so far as it applies to purely fishing vessels, may go beyond the treaty rights of such vessels as measured by the treaty of 1818. Whether the phrase was intended to include treatment and reasonable privileges secured between neighboring and friendly nations by treaty such as exists in respect of British vessels of her majesty's dominions in Europe in waters of the United States and American vessels in European British waters does not appear to be at all clear. If it be meant to cover such cases, then the provision would be entirely inapplicable to the case in hand. If it be meant to make the test that of the conduct of neighboring and friendly nations in the absence of a treaty concerning the respective rights of their vessels in the waters of the other, then the cases occurring in the last year of the treatment of American vessels in British waters of North America might be considered the standard to which this language would apply, for Great Britain is, in respect of her dominions of North America, a neighboring and, in a public sense, a friendly nation. But if it were taken in general as applied to the general good neighborhood of nations, the standard would probably vary more or less whatever country should be resorted to for finding the measurement of administration in regard to foreign vessels.

But, as has been before stated, the House managers, so far as we can understand, do not appear to find fault with the substance or the essential phraseology of the Senate bill.

The irreconcilable point of difference between the managers on the part of the two Houses is the insistence on the part of the House managers upon adding to the scope of the Senate bill and so going beyond it, the further provision that, in case of injurious treatment to our vessels in British North American waters, it shall be within the competence of the President of the United States to absolutely stop intercourse not only by water but by land, between the people of the United States and the people of the British territories adjacent, thus absolutely cutting off the continuous movement of railway trains from the British provinces to any part of the United States, and in effect reciprocally from the United States to British dominions, either on the northern border of Minnesota, at the river Saint Mary, at Port Huron, at Detroit, at Grosse Isle, at Buffalo, at Niagara Falls, at Rouse's Point, at Highgate, Franklin, Biddeford, Troy, Derby, and Norton, on the northern border of Vermont, and on the northern and eastern borders of Maine, at all of which places it is understood there now exist interior railroad lines crossing the boundaries of the two countries—in some cases operated and practically owned by British subjects, and in other cases operated and practically owned by American citizens.

The Senate managers have felt it to be a duty to decline to go to this extent, and have thought it to be clear that the provisions for the protection of American interests set forth in the Senate bill, and in that part of the House amendment applicable to any British violation of the treaty of 1871, are entirely adequate to the peaceful end in view, and that there is no present justification for reposing in the Executive this further enormous power proposed by the House of Representatives in its amendment, and insisted upon by the House managers.

It seems clear to the Senate managers, and has not been controverted by the House managers, that the things the President is authorized to do by the Senate bill in the cases named are none of them in derogation, either directly or indirectly, of any treaty right, or of the peaceful business intercourse of nations, but that this Government in these respects is absolutely free to act in the manner proposed without being subject to the imputation that it is either in any way infringing the most liberal interpretation of any treaty, or doing any act that nations at peace have not hitherto found themselves from time to time justified in doing, not in a spirit of belligerency, but merely as a matter of countervailing business regulations.

The Senate managers offered to the House managers to add to the Senate bill the provision contained in the House amendment providing that, if there should be any violation of article 29 of the treaty of 1871 on the part of Great Britain, the President should be authorized reciprocally to withdraw from British subjects the benefits of the same article with certain changes of phraseology which it is understood were satisfactory to the House managers.

The Senate managers also expressed their willingness to accede to the third section of the House amendment, although the propriety of its form and substance is open to very considerable question.

The result of the conference, therefore, has been that the House of Representatives, through its managers, not objecting to the Senate bill, but desiring to add a new and enlarged provision to the Senate bill and to adopt measures additional to those mentioned in the Senate bill and not necessarily dependent thereon, and the Senate managers unwilling to go to that extent and so disagreeing to the House proposition, declines to make even the provision that has passed the Senate in respect of the subject of the protection of our fishing and other vessels, and to which the House makes no objection so far as it goes, unless the Senate will consent to make further legislative provisions which it believes to be unwise. It would seem needless to say that such a pretension, made by one of two co-ordinate legislative bodies, is quite untenable.

The essential principle upon which the two Houses have almost universally hitherto acted, and without which no legislation whatever could be accomplished when there was not perfect accord on all points, has been that when either House proposes legislation that is satisfactory to the other so far as it goes, and the other House desires to go further and make affirmative and additional law, if it can not convince its co-ordinate body that it is desirable to go further, the House proposing the affirmative additional legislation must recede. This principle is vitally important to the independence of each House, and so indispensable to the practical legislation of the country that the Senate managers have felt it to be a paramount duty to refuse to accede to this further House proposition, both as unnecessary and unwise and as in derogation of the equal rights of the two bodies.

The Senate managers have felt it to be a duty in this important matter to report this state of things at once to the Senate for its information.

GEO. F. EDMUNDS,
WM. P. FRYE,
JNO. T. MORGAN.

Mr. EDMUNDS. I should like to have the report printed not only in the RECORD but in document form.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. WHITTHORNE. I confess that I am not thoroughly an adept in questions of order, but I submit to the Senate that this report of conferees is not responsive to the duties imposed upon a conference committee, which is simply to report whether there is an agreement or a disagreement. It occurs to me upon hearing the report that it is a partisan argument either upon the part of the Senate or of some party in the country, and it is not in order as the report of a conference committee upon the simple question of agreement or disagreement between the two Houses. It is an arraignment apparently of the action or views of the other branch of Congress. It is an arraignment of the administration of the country. I speak it in plain words. Wherefore, in my judgment, it is not such a report as ought to have been made or as under the rules of the Senate should have been received on matters of disagreement between the two Houses.

Mr. EDMUNDS. Mr. President, my distinguished friend from Tennessee I am sure entirely misapprehends the spirit in which and the purpose for which this report from the servants of the Senate is made. I understand the principles of parliamentary law and of good conduct in differences between the two Houses to be that each House has at all times the right to know the state of discussions between its respective conferees.

Therefore, having had a full discussion of this subject, the Senate managers have thought it to be a duty, as in the same case the House managers will undoubtedly feel it to be a duty to be exercised if they choose, to report to their superior what is the state of the discussion and what is the point of difference between the respective agents of the two Houses.

Mr. WHITTHORNE. Will the Senator from Vermont allow me to ask him a question?

Mr. EDMUNDS. Certainly.

Mr. WHITTHORNE. I ask him whether he thinks it is politic or wise, in case of a disagreement between the two Houses on a question of foreign policy that we should disclose to our adversary, the foreign government, the reason of the differences between the two Houses?

Mr. EDMUNDS. That would be an argument in favor of having had this report made and the report to the House and the whole of this business done with closed doors, but it has no application to the question of the strict propriety of the three agents and servants of this body informing it from day to day, if we think it necessary to do so, as to exactly how the matter stands between the two Houses, because I am under the impression that we are equals, that we are all patriotic, that we are desiring to come to an accord, and that the servant of either House ought to inform its principal as soon as it might when matters had come to a definite shape, as to what the condition of affairs was.

It was not, therefore, for any party purpose, which has no place in a discussion of this kind, in the sense in which my friend spoke of it, or for any political purpose, but as doing a simple duty to the body that had confided to my friend from Alabama [Mr. MORGAN] and my friend from Maine [Mr. FRYE] and to me the duty of conducting this matter of difference between the two Houses, to inform our principal, whose views we thought we were representing, exactly what had taken place in these discussions.

Mr. WHITTHORNE. Is this a report of a conference committee?

Mr. EDMUNDS. Yes; it is a report of the Senate managers to their principal as to what they have done and what has come out of it.

Mr. WHITTHORNE. It is not, therefore, a report of the conference committee, but simply a report of the conferees on the part of the Senate; and I submit that it is an argument instead of a report, and its office, its purpose, is to influence partisan views either in the Senate or in the House, and I submit to the judgment of the Senate that it is not within the office of a committee of conference.

Mr. MORGAN. Mr. President, I have never supposed that it would be improper for a committee of conference of this body to come into the Senate with a report of progress upon a conference between this and the other House. If the Senate wants no information of the action of its conferees it ought to instruct them never to report until they agree upon something, or to delay any mention of a report that shows a disagreement until somebody else has acted upon the disagreement.

The time of this body is growing short for the present session of Congress. The matter which is brought to the attention of the Senate by this report of the conferees on the part of the Senate is one of great gravity, and I esteem it to be one of the highest and most responsible duties that I have ever had to perform in this body, and one which I discharge with great pleasure, to announce to Great Britain, to the people of the United States, to the whole world that as far as the Senate went in this matter of legislating for the control of our own affairs in connection with the affairs of Great Britain or of the Dominion of Canada the two bodies have substantially agreed, and would have found no difficulty in coming to a final agreement; and then further in announcing that the only difficulty we have found in coming to a final agreement was the apprehension of the Senate conferees that the proposition submitted to us by the other House and insisted upon by their conferees

would lead us into belligerent conflict with an existing treaty between the United States and Great Britain.

It is a matter of very great importance to both countries that it should at least be understood that the matured opinion of both Houses of Congress has fixed upon the proposition that we are not intending to leave our own laws in such shape that the President of the United States will be entirely powerless in what is termed retaliatory action between this country and the Dominion of Canada in order to meet the outrages which all confess have been perpetrated upon our property, upon our seamen, and upon our flag.

I should think that the committee of conference would be derelict indeed if they should fail to come forward and to satisfy this country of the practical agreement of the two Houses to the extent we have gone, and leave this matter to be undecided, if it shall remain undecided at the end of this session of Congress, upon a point which is introduced into the discussion, not by the Senate, but by the House of Representatives.

If we had chosen to have said nothing about this matter, or if we had chosen to have veiled ourselves in a secret session in making our report, the people of Great Britain would have been informed by our delinquency in this particular that there was such a disagreement of American sentiment between the two Houses of Congress as that they would have rather an invitation and an encourgement to go along hereafter to perpetrate upon our commerce and upon our fishermen, upon our ships of every class, the same wrong and injustice that they have been doing in the past.

In the debate which occurred on this question in the Senate great emphasis was placed by many Senators upon the fact that if we chose to leave this question in doubt and difficulty, as it is and has been, without any legislative intervention, we should be very apt to find that our fishermen would resort to the right of personal self-defense against the aggressions of the British people upon the waters of the high seas and elsewhere, to which it is not necessary now that I should make any further specific reference, for the facts are known everywhere, and are put in all the reports that have come to either House of Congress upon this question.

More than that, the Government of the United States through its minister at Great Britain and through its Secretary of State here, and through the message of its President, has taken upon this question very high and very firm ground. They have vindicated, so far as they were able to do without our assistance, the rights of our fishermen in the waters of the British dominion. They have informed them of what their rights are in the most emphatic and decided manner, and I take it that the people of the United States, or indeed the people of any country that is self-respecting, being thus informed by the highest authorities in their own land of what are their rights and their privileges, finding that their Government has been delinquent in providing for them a suitable means of redress, would take redress into their own hands. The danger of involving this country in a war with Great Britain has consisted more emphatically in that state of facts than in any other which has been suggested in all the debate that has occurred in either House upon this question.

It rests with Congress to make this provision of law, for it must be remembered, as is stated in the report of the Senate conferees, that we have by treaty no commercial relations with the British dominions on this continent except in respect of our rights of fishery. All of the rights of commerce subsisting between the United States and Canada are rights that depend upon their statutes and upon our statutes. There is no agreement between us in respect of any of these rights except in one particular, and that is under the twenty-ninth article of the treaty of Washington, in which the right of the transit of goods in bond, without the payment of duty, through the country on either side to the other is secured. These are the only treaty rights we have except some in regard to the transportation of vessels through the canals of the respective parties.

Under the circumstances it became the duty of the Senate, through its conferees, as the Senate had before done by a solemn vote against the amendment of the Senator from Maryland [Mr. GORMAN], to consider the question whether the proposition brought forward by the other House was a violation of that treaty, or whether it might be considered as a threat of the violation of that treaty, and whether we should give our sanction to that proposition by concurring in the amendment suggested by the House of Representatives. Your committee, so far as it has been instructed, has been unable to do what the other House required on this question without overruling the action of the Senate taken on the amendment offered by the Senator from Maryland.

So I think the course of the committee in bringing this subject to the attention of the Senate rises very far above partisan grounds, and I congratulate the Senate, the country, and the committee upon the fact that they are able to overlook the paltry consideration of party influence in regard to a matter of such grave national importance as this.

It may not suit everybody. It has been intimated, if I understood the intimation of the Senator from Tennessee, that the administration has a different view of this question, and that the view of the administration has been expressed in the action of the other House. How that honorable Senator came to be informed of the views of the administration, I am not aware. I am a friend of the administration, as well as himself, and while I am a far humbler supporter of it perhaps than he is, yet the attitude I hold to these questions as the oldest Democrat in position at least upon the Committee on Foreign Relations, would have entitled me to the information of which the Senator speaks so confidently about the position of the administration.

Can it be the position of the administration that after we have given the President the power to suspend the introduction of fresh fish, salt fish, or any other product of said dominions, any other goods coming from said dominions to the United States, thereby covering every product of Canada and covering all the goods that may come into Canada from any foreign country—after we have put it in the power of the President of the United States to absolutely suspend the introduction of all these goods, whether wheat from the West, or cattle from the valley of the Red River, or copper from the Lake Superior country, or lumber along the whole line, or petroleum, or any Canadian manufacture, or any other thing, hay, corn, or what not—after we have given the President the power to suspend the introduction of all these articles, not fish merely but all the productions of the dominion, can it be possible, I ask, that the administration is not willing to accept that much power, but must have the power also to prohibit intercourse between the people of the United States and the people of Canada?

I do not know of any act of legislation or any act of diplomacy or any other governmental act that can be named which is just as near the border line of belligerency as that of prohibiting intercourse and communication between the people of the two countries. How long, let me ask the honorable Senator from Tennessee, would he expect to be able to maintain a proclamation of that sort in this country? Proclaim non-intercourse between father and son, mother and daughter, families, friends, merchants, traders, railroad owners, railroad officers and employés, between the Dominion of Canada and the United States as a measure of retaliation because of injury done to our fisheries or to anything else, and how long can you, with the approval of your own people, sustain a position so strenuous, so dangerous, and so belligerent as that? Your own people would desert you. You could not put into the hands of Great Britain a greater or a higher power than merely to make a proclamation in this country that the best means to prevent aggressions upon our shipping interests or upon our fishing interests would be to proclaim absolute non-intercourse, personal non-intercourse, between the people of Canada and the people of the United States. You could not sustain it three months; I doubt if you could sustain it three weeks, in the absence of actual hostilities, upon your mere proclamation.

If we would give the President just that power and no more, let me ask you, is there a man on the floor of the Senate who would be willing to see the President of the United States issue a proclamation declaring non-intercourse between the people of Canada and the people of the United States, and would he expect the President to be sustained for three months at a time in the endeavor to maintain a situation of that kind?

If the honorable Senator from Tennessee does in fact represent the administration upon this question, let me say to him that he is very far in front of any ground that I have taken or can take.

Mr. WHITTHORNE. Will my friend from Alabama yield to me?

Mr. MORGAN. Yes, sir.

Mr. WHITTHORNE. I spoke from my own impulses. I represent no one. I have no idea what are the views of the administration, but as an American citizen I said that whatever were our rights, whatever were our just demands, we should present them with a united front and not with any partisan differences to our adversaries. In that view I jealously regarded the report of the Senate conferees, inasmuch as if we accepted it it was a criticism upon the action of the immediate representatives of the people of this country. I may say to my friend from Alabama that wherever the interest or the honor of any portion of our Government is involved, I am in favor of presenting a united front. Believing as I do, from what I have seen, that this administration is jealous to preserve the rights of each section and each individual of this country, I have been willing to support its endeavors.

Mr. MORGAN. If a plain, fair, honest, sincere presentation of the facts constituting the difference between the committees of the two Houses is a criticism upon the House of Representatives, then the House deserve it; but it was intended in no such spirit, and there is not one word of criticism in this report. There is an analysis of the House bill, not going as far as we might have gone if we had chosen to do so, to the effect of presenting the points of difference between the two conference committees. That is as far as this report goes.

So far as the House of Representatives are concerned, as claiming for themselves, or so far as it is claimed for them by anybody else, that they are the more immediate representatives of the people of this country than the Senate, I deny it. They are not so in heart or in sentiment. They are not so in any other respect. The Constitution of this country makes the Senate of the United States in every respect as clearly the guardian of the rights of all the people and as immediately intrusted with that guardianship as the House of Representatives. So I deny that "soft impeachment," and inasmuch as it is brought

here for the purpose, it seems to me, of muzzling the free action of a committee of conference of this body, I deny the right of the House of Representatives or of anybody to prevent a conference committee of this Senate from bringing forward the facts concerning the conference and presenting them for the information of this body.

The Senator from Tennessee says he is not the representative of the administration. I am very glad to know that. He says he spoke from his own impulses. Mr. President, this is not a time to speak from impulse; it is a time to speak from reason, from judgment, from facts. Whatever impulses the honorable Senator might have been moved by, it appears to me were rather those of partisanship than of statesmanship. I will not abate my claim to be as strong a Democrat as he is. I have been educated in the doctrines of the Democratic party, and I would not look over my little record here as a Senator on this floor or elsewhere in my adherence to the principles of the Democratic party with any regret; but I am not its slave. It is true I wear no man's collar; and oftentimes I find myself compelled to differ from the action of what are called Democrats in these modern times. I do not claim that I am a representative of the Democratic party by any means, or of an administration that is a Democratic administration; but I claim that I have that regard for the people of this country which leads me always in every political act of my life, in every act of legislation, to regard the people of this country, individually and collectively, as under the guardianship of the men who are to enact its laws whether in the Senate or in the House of Representatives.

Now, I put the question again, would the Senators who stickle so much, it appears, for giving power to the President of the United States to proclaim non-intercourse between this country and Canada, so that no man, woman, or child, without committing treason, if you please, or violating the criminal laws of the land, should travel back and forth across that border—would these Senators be willing to strike out of the bill passed by the Senate the words which I will read:

> And also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

And insert in lieu thereof a provision that the President shall be authorized to proclaim that there shall be non-intercourse between the people of Canada and the people of the United States? The Senate has felt that it has gone as far as was necessary to give the President power on this occasion. It has kept itself within the limitations of this subject. It has adapted its legislation to the peculiar character of the grievances of which it complained and which we have only the opportunity of meeting by countervailing legislation. That is all that we have done. The House of Representatives agrees with us as far as we have gone, and says substantially: "We will not do what you have done, and what we agree was right to be done, unless you go further and give us more power."

If the power that we give to the President of the United States is inadequate, it will be quite easy to get Congress together on any emergency and give him more power. But the power that is demanded here as the one supreme thing which it appears is not to be given up, is the power to proceed to the very last line of friendly action towards Great Britain, the power next to which only can come the loading of your guns and the array of your men under arms.

I have not engaged in this debate for the purpose of bragging or of bully-ragging any country or any people. I have gone step by step upon serious conviction, in which, according to the published utterances and dispatches of our minister abroad to Great Britain and of the State Department here, we have all been sustained. The emergency has been placed upon the country as one that was urgent, yes, emergent, for legislation, not rash legislation, not harsh or belligerent legislation, but that sort of law-making which concerns the rights of the people of the United States, as we must do, as it is left to us to do, because we have no treaty engagements to regulate these rights with the Dominion of Canada. In all that I have had to do with this I have considered only the necessity of placing in the hands of the President of the United States power enough to meet the occasion and the emergency, and if more than that is demanded I shall question the motives of the demand, and I will not vote it.

### MAILING OF LOTTERY ADVERTISEMENTS.

Mr. HOAR. I understand that the matter before the Senate is the bill in regard to lottery advertisements.

The PRESIDENT *pro tempore*. The bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, is pending before the Senate as in Committee of the Whole. The question is on the amendment offered by the Senator from Delaware [Mr. SAULSBURY] to the bill.

Mr. HOAR. I desire that that may be reported again.

Mr. SAULSBURY. As I am satisfied that this bill can not become a law, I withdraw my amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. HOAR. Then I suggest to the Senator from Iowa that a modification be accepted which I propose, that the fine for each offense shall be not more than $1,000 and imprisonment not more than one year, striking out the minimum.

Mr. WILSON, of Iowa. While I can not accept that on behalf of the committee, as I am representing their report, still I have no personal objection to it. Notwithstanding both minimum and maximum penalties are provided in the legislation of which this is to be promotive, I will not resist the adoption of the amendment.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from Massachusetts [Mr. HOAR] will be stated.

The CHIEF CLERK. In line 18 of section 1, after the word "not," it is proposed to strike out "less than two hundred" and insert in lieu thereof "more than one thousand;" and in line 19, after the word "not," to strike out "less than thirty days nor;" so as to read:

> Any person engaged in publishing a newspaper, as owner or part owner, proprietor, general manager, or superintending agent, president, or other officer connected therewith, and any person engaged in conducting a lottery, as owner or part owner, and any person connected therewith as superintendent, manager, agent, or in any other capacity, violating the provisions of this act, upon conviction thereof, shall be liable to a fine for each offense of not more than $1,000, with costs of prosecution, or imprisonment for not more than one year, or both, at the discretion of the court.

The amendment was agreed to.

Mr. EDMUNDS. I wish to move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I hope the Senate will allow this bill to be disposed of.

Mr. WILSON, of Iowa. We can get a vote on the bill.

Mr. EDMUNDS. Very well; I withdraw the motion for the present

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HOAR. Has the amendment proposed in the second section, inserting the word "knowingly," been adopted?

The PRESIDENT *pro tempore*. That was previously adopted, and it has now been concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. COKE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired on all questions with the Senator from Georgia [Mr. COLQUITT], but I understand he is in favor of this bill. I therefore vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON]. I do not know how he would vote if present.

Mr. WILSON, of Iowa. I have no doubt he would vote "yea," I will say to the Senator from Missouri.

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON], but I learn from his colleague that he would vote "yea" if present, and, as I would vote "yea" if I were not paired, I cast my vote "yea."

Mr. BROWN (after having voted in the affirmative). I am paired with the Senator from Oregon [Mr. DOLPH] for the rest of the evening. I withdraw my vote. I do not know how he would vote if present.

The result was announced—yeas 38, nays 10; as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Aldrich, | Farwell, | McMillan, | Pugh, |
| Berry, | George, | Mahone, | Sabin, |
| Blair, | Hale, | Manderson, | Spooner, |
| Cameron, | Harrison, | Maxey, | Teller, |
| Chace, | Hawley, | Mitchell of Oreg., | Vest, |
| Cheney, | Hoar, | Morrill, | Walthall, |
| Cullom, | Ingalls, | Palmer, | Williams, |
| Dawes, | Jones of Arkansas, | Payne, | Wilson of Iowa. |
| Edmunds, | Jones of Nevada, | Platt, | |
| Evarts, | Kenna, | Plumb, | |

NAYS—10.

| | | | |
|---|---|---|---|
| Blackburn, | Coke, | Harris, | Whitthorne. |
| Butler, | Gray, | Morgan, | |
| Call, | Hampton, | Vance, | |

ABSENT—28.

| | | | |
|---|---|---|---|
| Allison, | Conger, | Jones of Florida, | Sawyer, |
| Beck, | Dolph, | McPherson, | Sewell, |
| Bowen, | Eustis, | Miller, | Sherman, |
| Brown, | Fair, | Mitchell of Pa., | Stanford, |
| Camden, | Frye, | Ransom, | Van Wyck, |
| Cockrell, | Gibson, | Riddleberger, | Voorhees, |
| Colquitt, | Gorman, | Saulsbury, | Wilson of Md. |

So the bill was passed.

### WASHINGTON CABLE RAILWAY COMPANY.

Mr. BROWN. The Senator from Michigan [Mr. PALMER] reported back to-day from the Committee on the District of Columbia the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia. I am authorized by the committee to

submit a few additional sections to the bill, and I ask that they be received and printed with the bill.

The PRESIDENT *pro tempore*. That order will be made.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session, the doors were reopened, and (at 6 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 1, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate February* 28, 1887.

REGISTER OF LAND OFFICE.

I nominate James M. Adams, of Yakima, Wash., to be register of the land office at Spokane Falls, Wash., *vice* James M. Armstrong, resigned.

I withdraw the nomination of James M. Adams for said office, which was sent to the Senate December 13, 1886, reading "*vice* James M. Armstrong, suspended."

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 28, 1887.

ASSOCIATE JUSTICE SUPREME COURT NEW MEXICO.

Reuben A. Reeves, of Palestine, Tex., to be associate justice of the supreme court of the Territory of New Mexico, under a law of Congress providing an additional judge for said Territory, approved February 28, 1887.

RECORDER OF DEEDS IN DISTRICT OF COLUMBIA.

James M. Trotter, of Massachusetts, to be recorder of deeds in the District of Columbia, *vice* Frederick Douglass, resigned, James C. Matthews having been heretofore nominated to said office and rejected by the Senate.

THIRD ASSISTANT POSTMASTER-GENERAL.

Henry R. Harris, of Georgia, to be Third Assistant Postmaster-General, *vice* Abraham D. Hazen, resigned, and whose resignation has been accepted to take effect on the 31st day of March, 1887.

MILITARY PROMOTIONS.

*Ninth Regiment of Cavalry.*

Second Lieut. John F. McBlain, to be first lieutenant, February 11, 1887, *vice* Conline, promoted.

This nomination is accompanied by a statement from the Secretary of War, the findings of a court-martial before which the said John F. McBlain was tried, showing the disapproval by the department commander of the sentence of said court, and also by an opinion of the Acting Judge-Advocate-General, showing the present position of the said McBlain as related to said trial and sentence.

He has been once rejected by the Senate upon his nomination for promotion; but a vacancy having again occurred in the rank next above him, and he still retaining a rank in his company which, notwithstanding such court-martial and previous rejection, apparently makes it my duty, under the law and Army regulations, to nominate him for such vacancy, his name is again submitted to the Senate for its action.

*Second Regiment of Infantry.*

First Lieut. Luther S. Ames, to be captain, February 27, 1887, *vice* Cook, promoted to the Thirteenth Infantry.

Second Lieut. Abner Pickering, to be first lieutenant February 27, 1887, *vice* Amos, promoted.

*Thirteenth Regiment of Infantry.*

Capt. Henry C. Cook, Second Infantry, to be major, February 27, 1887, *vice* Vance, deceased.

POSTMASTERS

Caleb W. Carson, to be postmaster at Ashland, in the county of Clark and State of Kansas, in the place of Frank Cummins, resigned.

Robert A. A. Pilcher, to be postmaster at Olathe, in the county of Johnson and State of Kansas, in the place of Sylvester R. Burch, resigned.

Walter H. Wells, to be postmaster at Coffeyville, in the county of Montgomery and State of Kansas, in the place of Samuel B. Hickman, whose commission expired February 19, 1887.

Joseph B. Willis, to be postmaster at Richmond, in the county of Madison and State of Kentucky, in the place of John Taylor, whose commission expired February 27, 1887.

Frank McGraw, to be postmaster at Eastport, in the county of Washington and State of Maine, in the place of George W. Norton, resigned.

Clarence A. Brown, to be postmaster at Palmer, in the county of Hampden and State of Massachusetts, in the place of Cyrus Knox, whose commission expired January 2, 1887.

George L. Bourne, to be postmaster at Auburndale, in the county of Middlesex and State of Massachusetts, in the place of George L. Bourne, whose commission expires March 3, 1887.

Patrick Doulou, jr., to be postmaster at Ayer, in the county of Middlesex and State of Massachusetts, in the place of E. Dana Bancroft, whose commission expires March 2, 1887.

James E. Estabrook, to be postmaster at Worcester, in the county of Worcester and State of Massachusetts, in the place of Josiah Pickett, whose commission expired February 5, 1887.

Benjamin W. Mayo, to be postmaster at Turner's Falls, in the county of Franklin and State of Massachusetts, in the place of Benjamin W. Mayo, whose commission expired February 5, 1887.

William McCrudden, to be postmaster at Nevada, in the county of Vernon and State of Missouri, in the place of William R. Crockett, resigned.

Charles Brewer, to be postmaster at Vineland, in the county of Cumberland and State of New Jersey, in the place of William H. Loppy, whose commission expired February 5, 1887.

David A. Hudnut, to be postmaster at Princeton, in the county of Mercer and State of New Jersey, in the place of William C. Vandewater, resigned.

Simeon L. Hunt, to be postmaster at Warren, in the county of Trumbull and State of Ohio, in the place of William Hapgood, whose commission expires February 28, 1887.

Louis Hocke, to be postmaster at Clyde, in the county of Sandusky and State of Ohio, in the place of Charles H. McCleary, whose commission expired February 27, 1887.

Thomas S. Murphy, to be postmaster at Zanesville, in the county of Muskingum and State of Ohio, in the place of William S. Harlan, whose commission expires February 28, 1887.

William H. Krautz, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania, in the place of Henry J. Tarble, whose commission expires March 2, 1887.

Connally T. Litchfield, to be postmaster at Abingdon, in the county of Washington and State of Virginia, in the place of Jackson M. Rose, whose commission expires March 2, 1887.

Frank L. Clark, to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President from and after October 1, 1886, Joseph B. Button, who was confirmed December 20, 1886, not having been commissioned.

William J. Brewster, to be postmaster at Groton, in the county of Brown and Territory of Dakota, in the place of Daniel B. Johns, resigned.

## CONFIRMATION.

*Executive nomination confirmed by the Senate February* 28, 1887.

POSTMASTER.

William W. Armstrong, to be postmaster at Cleveland, in the county of Cuyahoga and State of Ohio.

## HOUSE OF REPRESENTATIVES.

MONDAY, *February* 28, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of Saturday last.

Before the reading was concluded,

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that the reading of the remaining portion of the Journal be dispensed with.

Mr. BRADY. I object.

The Clerk resumed and completed the reading, and the Journal was then approved.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Public Buildings and Grounds:

*To the House of Representatives:*

I herewith return without approval House bill 6976, entitled "An act to erect a public building at Portsmouth, Ohio."

It is represented in support of this bill that Portsmouth by its last census had a population of 11,321, and that it contains at present not less than 15,000 inhabitants; that it is a place of considerable manufacturing and commercial importance, and that there is no public building for the transaction of the business of the General Government nearer than Columbus or Cincinnati, both about 100 miles distant.

It is further stated in a communication from the promoter of this bill that "there is not a Federal public building in the State of Ohio east of the line drawn on the accompanying map from Cleveland through Columbus to Cincinnati; and when wealth and population and the needs of the public service are considered, the distribution of public buildings in the State is an unfair one."

Here is disclosed a theory of expenditure for public buildings which I can hardly think should be adopted. If an application for the erection of such a building is to be determined by the distance between its proposed location and

another public building, or upon the allegation that a certain division of a State is without a Government building, or that the distribution of these buildings in a particular State is unfair, we shall rapidly be led to an entire disregard of the considerations of necessity and public need which it seems to me should alone justify the expenditure of public funds for such a purpose.

The care and protection which the Government owes to the people do not embrace the grant of public buildings to decorate thriving and prosperous cities and villages, nor should such buildings be erected upon any principle of fair distribution among localities.

The Government is not an almoner of gifts among the people, but an instrumentality by which the people's affairs should be conducted upon business principles, regulated by the public needs.

Applying these principles to the case embraced in the bill under consideration we find that at Portsmouth there is a post-office and an internal-revenue collector's office, for which the Government should provide.

It is represented that the quarters now furnished for these offices are inadequate and that more spacious rooms are desirable. In the post-office there are six employés, and the collector of internal revenue has five assistants. The annual rent paid for both these offices is $600.

Upon these facts the proposition is to expend $60,000 for a building to accommodate these offices, entailing after its completion quite a large sum annually for its care and superintendence.

Though the sum of $60,000 is the limit fixed for the cost of this building, if it should be completed for this sum it would be an exception to the rule in such cases; and if it is absolutely impossible to do the public business in the quarters now occupied by these offices, which does not appear to be claimed, there can be no difficulty in securing in this enterprising city adequate accommodations at a rent not largely in excess of that at present paid.

Upon the whole it does not appear as a business proposition that the building proposed should be undertaken.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 26, 1887.

## SITTING BULL'S BAND.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior, of an appropriation for the subsistence of the remainder of Sitting Bull's band of Indians for the fiscal year 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

## EXPENDITURES FOR PLATES AND DRAWINGS, PATENT OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to an inquiry by the House of Representatives, a letter from the Commissioner of Patents in relation to expenditures and contracts for plates and copies of drawings published by the Bureau of Patents; which was referred to the Committee on Patents, and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR, *Washington, February* 26, 1887.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, dated the 11th instant, as follows:

"*Resolved*, That the Secretary of the Interior be, and is hereby, directed to inform the House of Representatives what sums have been annually paid for the past five years, and to whom, for photolithographing or otherwise producing plates for the Patent Office Official Gazette, and for photolithographing or otherwise producing copies of drawings of the weekly issues of patents, designs, trade-marks, and pending applications, and for the reproduction of exhausted copies; if contracts have been made therefore or advertised to be let to the lowest bidder; also, whether bids have been invited from or permitted to parties for such work outside the city of Washington; also, whether any part of said work has ever been done outside of the city of Washington, and if any parties either in or outside of the city of Washington have ever undertaken or contracted to execute any part of said work and failed to fulfill their undertakings; and if there ever have been such failing contractors, who they are, and the cause of such failure; and whether there are good and sufficient reasons for confining the performance of said work to the city of Washington, and, if so, state what those reasons are."

In response thereto, I transmit a letter from the Commissioner of Patents to this Department, under date of the 23d instant, containing the desired information.

Very respectfully,

L. Q. C. LAMAR, *Secretary*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

---

DEPARTMENT OF THE INTERIOR, UNITED STATES PATENT OFFICE,
*Washington, February* 23, 1887.

SIR: In response to your reference of the 14th instant to me of House Resolution No. 100, relating to the photolithographic work of this office, I respectfully submit the following statement:

First. The sums "annually paid for the past five years," and the persons to whom so paid "for photolithographing or otherwise producing plates for the Patent Office Official Gazette," are respectively as follows:

For the first half of the calendar year 1882, to J. R. Osgood & Co., of Boston, Mass., edition of 5,000 copies, $6.75 per page, the sum of $12,541.50.

For the months of July and August, 1882, to the same parties, an edition of 6,000 copies, at $8.10 per page, the sum of $5,783.40.

From the 1st day of September, 1882, to the 1st day of January, 1883, to Norris Peters, of Washington, D. C., edition of 6,000 copies, at $7.25 per page, the sum of $9,889.

Whole amount so paid J. R. Osgood & Co., during the year 1882, $18,324.90.

Whole amount so paid Norris Peters, during the year 1882, $9,889.

Aggregate amount paid for this work during the year 1882 (during which the number of patents and reissues was 19,267), $28,213.90.

For the calendar year 1883, paid Norris Peters, of Washington, D. C., for edition of 6,000 copies, at $7.25 per page, the sum of $34,220. (Number of patents and reissues during the year 1883, 22,383.)

For the first half of the calendar year 1884, paid Norris Peters, of Washington, D. C., edition of 6,000 copies, at $7.25 per page, the sum of $17,008.50.

For the last half of the calendar year 1884, to same party, edition of 6,500 copies, at $7.86 per page, the sum of $17,512.08.

Whole amount so paid for this work for the calendar year 1884, $34,520.58. (Number of patents and reissues during 1884, 20,413.)

For the first half of the calendar 1885, paid Norris Peters, of Washington, D. C., for edition of 6,500 copies, at $7.86 per page, the sum of $22,102.32.

For the last half of calendar year 1885, paid to same party, same number of copies, at $7.45 per page, the sum of $22,731.10.

Whole amount paid during calendar year 1885, $44,833.40. (Number of patents and reissues during 1885, 24,233.)

For calendar year 1886, paid Norris Peters, of Washington, D. C., for edition of 6,500 copies, at $7.45 per page, the sum of $41,898.70. (Number of patents and reissues during 1886, 22,508.)

Second. The sums "annually paid for the past five years," and the persons to whom so paid, for "photolithographing or otherwise producing copies of drawings of the weekly issues of patents, designs, trade-marks, and pending applications, and for the reproduction of exhausted copies," are respectively as follows:

For the calendar year 1882, paid Norris Peters, of Washington, D. C., for 3 copies of each sheet on Whatman's paper, 3 cents each; 152 copies plain paper, 1 cent each; for designs, $1 for 12 copies; for exhausted copies, 1 cent per sheet; for library edition, 14½ mills per page; the total sum of $54,453.91.

For the calendar year 1883, paid the same party at the same rates, $66,731.96.

For the calendar year 1884, paid the same party at the same rates, $75,602.56.

For the first half of the calendar year 1885, paid Norris Peters, at the same rates, $39,434.96.

For one issue first week in July, 1885, paid Bell Brothers, of Washington, D. C., at same rates, $1,232.99.

For the last half of the calendar year 1885, paid Norris Peters, at the same rates, except for the library edition, for which was paid 14 instead of 14½ mills per page, $44,629.

Total sum paid Mr. Peters during such calendar year 1885, $84,063.96.

Aggregate sum paid during such calendar year 1885, $85,296.95.

For the calendar year 1886, paid Norris Peters, of Washington, D. C., at same rates as were paid during the last half of 1885, $86,786.75.

Third. All the foregoing work has been done upon and in pursuance of contracts which "have been made therefor."

Fourth. For the fiscal year ending June 30, 1881, the following bids for preparing plates for the Official Gazette were received from parties outside of this city:

The Graphic Company of New York, $10.08 per page.

The American Photolithographic Company of New York, $9.50 or $8.75 per page, according to paper used.

The Heliotype Printing Company of Boston, Mass., $7.15 per page.

For the fiscal year ending June 30, 1882:

The Graphic Company of New York, $9.13.

The American Photolithographic Company of New York, $8.50.

J. R. Osgood & Co., of Boston, Mass., $6.75.

For the fiscal year ending June 30, 1883:

The Heliographic Art Publishing Company of New York, $11.50.

The Graphic Company of New York, $9.50.

The American Photolithographic Company of New York, $7.75.

J. R. Osgood & Co., of Boston, $7.45.

I am not advised of any other formal bids having been made by parties outside of Washington.

Fifth. Toward the close of the fiscal year ending June 30, 1886, the present Commissioner invited informal propositions relating to the production of all this work from three different firms in the city of New York.

Sixth. The Official Gazette has been reproduced "outside of the city of Washington," as follows:

From January 1, 1872, to June 30, 1874, by the American Photolithographic Company of New York.

From July 1, 1874, to June 30, 1876, by J. R. Osgood & Co., of Boston, Mass.

From July 1, 1876, to June 30, 1880, by the Graphic Company of New York.

From July 1, 1880, to September 1, 1882, by the Heliotype Company of Boston, Mass.

Seventh. The current issues have been reproduced "outside the city of Washington," as follows:

From July 1, 1871, to June 30, 1874, by the American Photolithographic Company of New York.

From July 1, 1874, to June 30, 1875, by the Graphic Company of New York.

From October 3, 1876, to November 29, 1876, by Osgood & Co., of Boston, Mass.

From November 29, 1876, to January 1, 1877, by the Graphic Company of New York.

Eighth. In relation to the inquiry as to whether "any parties either in or outside of the city of Washington have ever undertaken or contracted to execute any part of said work and failed to fulfill their undertaking, and, if so, who they are and the cause of such failure," I invite attention to the following: On the 9th day of May, 1879, a letter was referred by the Secretary of the Interior to the Commissioner of Patents, of which letter the following is a copy:

"COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE,
"*Washington, D. C., May* 9, 1879.

"SIR: Will you please furnish, for use of the Senate Committee on Appropriations, as soon as practicable, such data as may be readily available upon the subject of photolithographing for the Patent Office, especially such as relates to former experiments in having the work done outside of this city, and the results of such experiments?

"Yours, truly,

"THOMAS P. CLEAVES, *Clerk*.

"Hon. CARL SCHURZ,
"*Secretary of the Interior*."

On the following day the Commissioner of Patents reported to the Secretary of the Interior as follows:

"In response to your request of the 9th instant, the following data is submitted, giving some of the reasons why the work of photolithographing the weekly issues of patents should be done in the city of Washington:

"First. The drawings of the weekly issues of patents are numbered, dated, &c., prior to to their date, in anticipation of issuance, to enable the office to receive and examine proofs of drawings and specifications, print copies, correct errors, print Official Gazette, &c., so that on the date of a patent the same are ready for sale and delivery.

"Second. The drawings from which reproductions are made (as delivered to contractors) are passed cases only; therefore are pending applications and not patents. The rules of the office are imperative that no information relative thereto shall be given to unauthorized parties. Evidently if the work were performed outside of the city great facilities would be afforded for obtaining such information as would imperil the interest of inventors.

"Third. The necessity of accessibility for reference at any moment and at all times is imperative for the reconsideration of examiners' actions and comparisons with proofs of specifications.

"Fourth. A serious objection is that correction of errors, as suggested on rejected proofs of drawings, can not be made without comparison with the original drawings.

"Fifth. These drawings should not leave the city, as they are the only official record, until reproduced, in existence, and if damaged or destroyed could not be replaced without great loss to inventors and the office.

"Sixth. That in the limited time (namely, one and one-half days from the delivery of drawings to contractors) for the receipt of proof-sheet, it would be impossible to perform the work elsewhere.

"Seventh. That the original drawings from which examinations for patents are made would have to be retained from their proper folios at least one month after the date of the patents for the reproduction of the quarto-page or library edition, thus rendering the issuing of defective patents possible.

"Eighth. In order to issue the Official Gazette with even date of issue of pat-

ents, it is imperative that the proofs of drawings should be available within the specified time, as the Gazette is reproduced from said proof-sheets.

"The experiment has been twice tried of having this class of work done in other places since September, 1876, and in both cases the delay in receipt of copies andretarding of the office work necessitated the annulling of the contracts. It caused endless annoyance and loss to inventors, attorneys, and the office, and a corresponding decrease in money receipts for copies by the office.

"The photolithographic reproduction of drawings of weekly issues of patents has been performed in this city ever since 1869, with the exception of two years and three months, when the negatives were made here. The office furnished a room free of cost, constructed skylights, &c., for the use of the contractors.

"The American Photolithograph Company of New York was the first company outside of Washington that received a contract for this class of work. A brief synopsis of a memorandum relative thereto, dated September 18, 1876, is submitted:

"'The greatest delay occurred in the retention of the drawings for the quarto-page edition, the contractors failing in time. In some instances the drawings were retained from the office folios for two or three months after the issuance of the patents, thus endangering the interests of inventors by the liability of the office granting defective patents.'

"Complaints naturally arose of the delay in the general work of the office by such retention, and especially in the withholding of patents from issue, many being held for weeks after their regular date of issue, awaiting correct copies of the drawings, which had to be sent from New York.

"The second attempt to let this work outside the city was in September, 1876, a contract having been made with Osgood & Co., of Boston, Mass.

"On the 17th of October, 1876, the following report was furnished relative to their work:

"PATENT OFFICE, *October* 17, 1876.

"SIR: We have the honor, respectfully, to report in regard to the current drawings under the Osgood contract.

"Out of 251 cases in issue of October 10, 1876, embracing about the same number of drawings proofs of 129 sheets of drawings have been received. These proofs came in 4 lots. Of the first 3 lots, making 90 drawings, but 2 were accepted by the proof-readers. Of the last lot of 38 drawings, 21 are accepted and 17 rejected.

"The last lot of drawings above referred to was accompanied by a letter from Osgood & Co. The drawings were thus evidently prepared with care after knowledge of former rejections.

"Under the contract the office had a right to demand the full number of 150 printed copies of the drawings before this date, though it is fair to say that this part of the contract has never been very rigidly insisted on. The advance proof, however, is imperatively required, and, averaging the time, has all been due four days, instead of which we have proof in but little more than half the cases, and only twenty-three cases are accepted, less than 10 per cent. of the whole issue. The work of October 17 should have been in hand five days ago, but was stopped owing to the unsatisfactory character of the drawings of October 10.

"The work of Osgood & Co. is very inferior, as will be seen by examination of the proofs submitted. There is a general tendency to rottenness or raggedness of lines. Some of the lines, it will be observed, thicken instead of reducing under the camera. Where the work is at all close there is a tendency to fill up, and shaded portions appear in blotches. The shading on cylindrical parts looks crowded. Many of the clearest lines are entirely broken.

"As a whole the work is much inferior to any which has been received by the office under former contracts, and in large proportion of cases the reproductions can not be certified to as true copies of the originals.

"Respectfully,

"A. A. YEATMAN.
"W. A. BARTLETT.

"Hon. R. H. DUELL,
"*Commissioner of Patents.*

"On the 29th of November, 1876, their contract was annulled, as see:

"PATENT OFFICE, *November* 29, 1876.

"It is hereby ordered that the contract for photolithographic work between James R. Osgood & Co., of the first part, and the United States, by R. H. Duell, of the second part, dated the 8th day of September, 1876, be annulled and considered of no effect from and after this date, said party of the first part having failed to comply with the terms of the contract as to quality of work and time of its delivery.

"R. H. DUELL, *Commissioner.*

"Approved.

"Z. CHANDLER.

"In view of above, the Graphic Company, being the next lowest bidders, were addressed as follows:

"NOVEMBER 29, 1876.

"GENTLEMEN: The firm of Osgood & Co. having failed to comply with the terms of their agreement in regard to time and delivery of their work, their contract for printing current and one-quarter page work has been annulled.

"If you can undertake to do the work at once on the usual conditions as set forth in office circular of August 15, your bid of August 31 will be accepted.

"R. H. DUELL, *Commissioner.*

"MANAGERS OF THE GRAPHIC COMPANY.

"The said company failing in time and quality of work, their contract was also annulled, as see:

"DECEMBER 13, 1876.

"GENTLEMEN: As you were before notified, the Secretary of the Interior has decided that the contract for current work must be relet, and advertisements to that effect have been issued.

"I am informed that a large proportion of the cases on which you are at present at work are not satisfactory, and am directed to abrogate the agreement under which you are now working.

"R. H. DUELL, *Commissioner.*

"MANAGERS OF THE GRAPHIC COMPANY.

"The failure in time, &c., necessitated reletting the work, and bids having been received, a contract was entered into with the resident contractor, who was to receive the work from January, 1877, with orders to complete the missing cases from and including the issue of October 10, 1876.

"The following summary of time of receipt of work under non-resident contractors is submitted:

| | Days. |
|---|---|
| "Osgood & Co., minimum time between receipt of first drawing and first proof | 6 |
| "Graphic Company, minimum time between receipt of first drawing and first proof | 5 |
| "Osgood & Co., maximum time | 48 |
| "Graphic Company, maximum time | 62 |

"The class of work referred to should not be confounded with the reproduction and publication of the Official Gazette, as its only connection with said Gazette is the necessity of furnishing on time the proofs from which the plates for the Gazette are printed.

"The work of the Official Gazette has always been done outside of Washington, as ample time is allowed for its reproduction, proof-sheets not being called for.

"In conclusion, I beg leave to state that in every attempt to perform this class of work in other cities the result has been endless annoyance and loss of money to inventors and the office. It also has given just cause of complaint, and must be in all respects considered a most vexatious, expensive experiment. The absolute failure of three companies of good standing and evident facilities to perform the work demonstrates the utter inexpediency of sending from this city this class of work, which demands the utmost promptness and attention in its execution.

"Very respectfully,

"F. A. SEELY, *Chief Clerk.*

"Respectfully forwarded to the honorable Secretary of the Interior.

"H. E. PAINE,
"*Commissioner of Patents.*

"Hon. C. SCHURZ,
"*Secretary of the Interior.*"

On the same day such report was forwarded by the Secretary of the Interior to Senator Windom, chairman of the Senate Committee on Appropriations, accompanied by a letter of which the following is a copy:

"DEPARTMENT OF THE INTERIOR, *Washington May* 10, 1879.

"SIR: In response to the communication of yesterday upon the subject of photolithographing for the Patent Office, I transmit herewith a statement upon the subject, from which it appears that former experiments of having the work done outside of this city have resulted in failure, annoyance, and loss to the Treasury.

"Very respectfully,

"C. SCHURZ, *Secretary.*"

This correspondence seems to fully answer such part of the resolution, as to the time prior to Commissioner Paine's report to Secretary Schurz. At least I have no other information nor means of information upon this subject. There is nothing in the records of files or this office indicating any such failure prior to my incumbency.

At the time I assumed charge all the work was being done by Mr. Norris Peters, of this city. He has since continued to perform it, except the preparation of the current issue for the first week of July, 1885, which was done upon trial by Messrs. Bell Brothers, of this city.

I took care to assure myself and have no doubt that the work is now being "done at reasonable rates," and as to the quality of the materials furnished by the present contractor and as to the promptness, accuracy, and character of his work, each and all are highly satisfactory, so far as I know, to the office and to all its patrons. Instead of five days "minimum time between receipt of first drawing and first proof," such minimum time is now one-half of one day, and the maximum time one and one-half days.

Ninth. As to "whether there are good and sufficient reasons for confining the performance of said work to the city of Washington," and, if so, the reasons therefor, very little can be added to what was said by Secretary Schurz and Commissioner Paine, respectively, above quoted.

I am informed, and have no doubt, that the question of the propriety of permitting this work to be done in any city outside of Washington has been considered and found impracticable by respective Secretaries of the Interior, as well as respective Commissioners of Patents, for some years past.

It is important that if this work is to be done by a contractor he should be reliable, responsible, and prompt. The quantity of work is not uniform, week by week, but the contractor should always be prepared to furnish the maximum amount.

Finally, in the appropriation act for the fiscal year ending June 30, 1878, after appropriating the necessary amount for the performance of this work, I find the following provision:

"The work * * to be done * * in the city of Washington if it can be there done at reasonable rates. (See Statutes at Large, vol. 19, page 314.)"

This same provision has been incorporated in each successive appropriation act for each fiscal year since that date.

"1880, see Statutes at Large, volume 20, page 200.
"1881, see Statutes at Large, volume 21, page 233.
"1882, see Statutes at Large, volume 21, page 409.
"1883, see Statutes at Large, volume 22, page 249.
"1884, see Statutes at Large, volume 22, page 557.
"1885, see Statutes at Large, volume 23, page 187.
"1886, see Statutes at Large, volume 23, page 418.
"1887, see statutes of first session of Forty-ninth Congress, page 201."

"In my last report to the Congress of the United States. after discussing at some length the reasons therefor, I expressed my views on this subject as follows:

"It is not absolutely impracticable that the work of preparing the Official Gazette be done elsewhere than in this city, provided the place be not too remote. This would undoubtedly be attended at times with serious inconvenience. For manifest reasons, however, the work of preparing the current issues of patents must be done in this city, and the proper reproduction elsewhere is simply impracticable, if not impossible."

Under the system which now obtains in this office the drawings of each issue of patents are commenced to be delivered to the contractor on Friday morning of each week for the issue of two weeks from the following Tuesday. Copies of that issue must be delivered to the Patent Office by the Friday following such commencement, in order to allow time for the dummy cards to be made up for use in the preparation of the Official Gazette, which issues on the same day each week of the issues of the patents. This allows but one week for the preparation and delivery "of the current-issue copies," and but a day or two more than a week for the manufacture of the Gazette copies.

In conclusion, I see no reason to change or modify the views which I expressed in such report to Congress. In my opinion there are "good and sufficient reasons" for confining the performance of said work (and especially the work of the current issues) to the city of Washington.

Very respectfully, your obedient servant,

M. V. MONTGOMERY, *Commissioner.*

The SECRETARY OF THE INTERIOR.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER also laid before the House a bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, and the amendments of the Senate thereto; which were referred to the Committee on Foreign Affairs.

## DEPARTMENT OF AGRICULTURE.

The SPEAKER also laid before the House the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, and the Senate

amendments thereto; which were referred to the Committee on Agriculture.

INVESTIGATION OF PACIFIC RAILROADS.

The SPEAKER also laid before the House the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, with the amendments of the Senate thereto.

Mr. CRISP. Mr. Speaker, a conference is asked by the Senate, and I ask unanimous consent that the House non-concur in the amendments and agree to a conference.

Mr. STRAIT. I prefer that the joint resolution shall take the regular order.

Mr. CRISP. Mr. Speaker, is not this matter privileged?

The SPEAKER. As there has been no action by the House upon the amendments of the Senate, no privilege attaches.

The joint resolution and the Senate amendments were referred to the Committee on Pacific Railroads.

RIGHT OF WAY, FORT CRAWFORD MILITARY RESERVATION.

The SPEAKER also laid before the House the bill (S. 3342) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford Military Reservation; which was referred to the Committee on Military Affairs.

CREDITS TO THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds; said bill having been returned from the Senate with a message that it disagreed to the amendment of the House thereto, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PALMER, Mr. CHENEY, and Mr. HARRIS.

The SPEAKER. If there be no objection the conference will be agreed to, and the Chair will appoint the conference during the day.

There was no objection, and it was so ordered.

ALICE KELLEY.

The SPEAKER also laid before the House the bill (S. 2382) granting a pension to Alice Kelley; said bill having been returned from the Senate with a message that the Senate disagreed to the amendment of the House, asked a conference, and had appointed as conferees on the part of the Senate Mr. BLAIR, Mr. SAWYER, and Mr. CAMERON.

The SPEAKER. If there be no objection, the conference asked by the Senate will be granted.

There was no objection.

The SPEAKER. The Chair will announce during the day the conferees on the part of the House.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888; said bill having been returned from the Senate with a message that the Senate futher insisted on its amendment disagreed to by the House, asked a further conference, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. MAHONE, and Mr. BECK.

The SPEAKER. This bill will lie on the table for the present.

REPORT OF FISH COMMISSIONER.

The Speaker also laid before the House the following concurrent resolution of the Senate; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That the report of the Commissioner of Fish and Fisheries for the year 1886 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the joint Committee on Printing may prescribe at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

RECALL OF A BILL FROM THE PRESIDENT.

The SPEAKER. If there be no objection, the Chair will lay before the House a concurrent resolution for the recall of a bill from the President. As the beneficiary named in the bill has died, the purpose in recalling the bill is to correct its phraseology so as to substitute the legal representatives of the person deceased.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the President be requested to return to the House of Representatives the bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor.

There being no objection, the resolution was considered, and adopted.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks in the RECORD was granted in the following cases:

To Mr. ANDERSON, of Kansas, on the bill regulating telegraph lines of land-grant railroads.

To Mr. THOMPSON, on the bill (H. R. 6976) to erect a public building at Portsmouth, Ohio.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'NEILL, of Pennsylvania, for three days.

To Mr. BRAGG, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BUCHANAN, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the cases of James Jones and William Dalton, no unfavorable report having been made.

ORDER OF BUSINESS.

Mr. HOLMAN. I move to dispense with the morning hour.

The SPEAKER. The gentleman from Indiana moves to dispense with the morning hour for the call of committees.

The motion was agreed to, there being ayes 125, noes 10—more than two-thirds voting in the affirmative.

The SPEAKER. The Chair will state that, this being Monday, the States and Territories must, under the rule, be called for the introduction of bills and resolutions for reference, unless some other arrangement be made.

Mr. HOLMAN. I ask unanimous consent that bills and joint resolutions be handed to the Clerk without formal presentation to the House.

Mr. BROWN, of Pennsylvania. I hope that leave will be granted, and that reports will be included.

The SPEAKER. The hour for the presentation of reports has been dispensed with. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that gentleman having bills, resolutions, or memorials to present be allowed to hand them to the Clerk during the day for reference to appropriate committees.

Mr. COBB. I move to amend so as to include reports.

The SPEAKER. This is not an amendable motion.

Mr. COBB. I insist that reports be included.

The SPEAKER. Does the gentleman from Indiana object to the request of the gentleman from Indiana?

Mr. COBB. I object, unless the proposition includes reports from committees.

Several other members objected.

The SPEAKER. Objection is made by several gentlemen.

Mr. SPRINGER. Would it be in order to suspend the rules so as to dispense with this call of States and Territories?

Mr. BURROWS. Let us have the regular order.

The SPEAKER. The Chair thinks the call will take but a short time.

The call of States and Territories for the presentation of bills, resolutions, &c., for reference was proceeded with.

COUNTERPOISE BATTERY.

Mr. WHEELER introduced a bill (H. R. 11239) to construct a counterpoise battery for the protection of cannon in coast defense; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMY OFFICERS DETAILED TO COLLEGES.

Mr. WHEELER also introduced a bill (H. R. 11240) increasing the number of army officers detailed to colleges; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. ROGERS introduced a bill (H. R. 11241) to authorize the construction of a bridge across the Arkansas River at Fort Smith, Ark.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPRISONMENT OF CIVILO POUBLE.

Mr. DAVIDSON, of Florida, submitted a resolution directing the Committee on Foreign Affairs to investigate the causes of the imprisonment of Civilo Pouble in Cuba; which was referred to the Committee on Foreign Affairs.

NATHAN B. LYON.

Mr. RIGGS introduced a bill (H. R. 11242) granting a pension to Nathan B. Lyon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SWAMP LANDS, ILLINOIS.

Mr. HITT submitted a joint resolution of the thirty-fifth General Assembly of the State of Illinois concerning swamp and overflowed lands; which was referred to the Committtee on the Public Lands.

CONSTRUCTION OF WAR SHIPS.

Mr. LAWLER submitted a resolution directing the Committee on Naval Affairs to consider, in connection with the pending bills for the construction of war vessels, a letter from Admiral Porter upon the same subject; which was referred to the Committee on Naval Affairs.

Mr. LAWLER. I ask unanimous consent that the letter of Admiral Porter be printed in the RECORD in this connection.

The SPEAKER. That is a request that can not be made in this hour. The Chair is simply calling the States and Territories for the introduction of bills and resolutions for reference to appropriate committees.

CITY OF SOCORRO, NEW MEXICO.

Mr. MILLIKEN introduced a bill (H. R. 11243) to confirm a grant of land to the city of Socorro, New Mexico; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SECURITY FOR MONEYS, ETC., DISTRICT OF COLUMBIA.

Mr. MILLIKEN also introduced a bill (H. R. 11244) to amend chapter 21 of the Revised Statutes relating to the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PLEURO-PNEUMONIA.

Mr. MILLIKEN also submitted resolutions of the Legislature of the State of Maine, favoring the Miller bill for the extirpation of pleuro-pneumonia; which were referred to the Committee on Agriculture.

Mr. MILLIKEN. I ask that these resolutions be printed in the RECORD.

The SPEAKER. The Chair can not entertain the request during this call.

Mr. MILLIKEN. Then I ask that the resolutions be read.

The resolutions were read at length.

REPORT OF COMMISSIONER OF LABOR.

Mr. LOVERING introduced a joint resolution (H. Res. 264) providing for the printing of the annual report of the Commissioner of Labor; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER AT JEFFERSON.

Mr. BLAND introduced a bill (H. R. 11245) authorizing the construction of a bridge across the Missouri River at or near the city of Jefferson, Mo.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES E. FROMMANN.

Mr. BURNES (for Mr. GLOVER) introduced a bill (H. R. 11246) for the relief of Charles E. Frommann; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of the said company;

A bill (S. 3182) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.; and

A bill (S. 3225) to authorize the Stillwater and Cooke City Railway Company to construct and operate a railway through the Crow Indian Reservation, and for other purposes.

FIDE BUECHEL.

Mr. BURNES (for Mr. GLOVER) also introduced a bill (H. R. 11247) granting a pension to Fide Buechel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EIGHT-HOUR LAW—LETTER-CARRIERS.

Mr. JAMES submitted a resolution of the Legislature of the State of New York, reciting that whereas but eight hours constitute a day's labor for Government employés, laborers, and mechanics, and the Attorney-General has decided that letter-carriers are neither mechanics nor laborers, and hence are not within the terms of the law, therefore that the Representatives of the State of New York be requested to support the Senate bill for the relief of letter-carriers.

Mr. JAMES. I ask unanimous consent that this resolution be printed in full in the RECORD.

The SPEAKER. The Chair can not entertain the request at this time.

Mr. JAMES. Then I ask that it be read.

The resolution was read at length, and referred to the Committee on Labor.

RICHARD J. STONE.

Mr. GROSVENOR introduced a bill (H. R. 11248) granting a pension to Richard J. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH HEDGES.

Mr. GROSVENOR also introduced a bill (H. R. 11249) granting a pension to Sarah Hedges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH RIHELDARFER.

Mr. GROSVENOR also introduced a bill (H. R. 11250) granting a pension to Sarah Riheldarfer; which was read a first and second time, referred to the Committee on Invalid Pensions, and order to be printed.

AGNES JENKINS.

Mr. GROSVENOR also introduced a bill (H. R. 11251) granting a pension to Agnes Jenkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOUSE WHERE GENERAL GRANT WAS BORN.

Mr. LITTLE introduced a joint resolution (H. Res. 265) directing an inquiry as to the purchase by the United States of the house and premises where the late General U. S. Grant was born; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

HEIRS OF JOHN GREGG.

Mr. LITTLE also introduced a bill (H. R. 11252) for the relief of the heirs-at-law of John Gregg, a lieutenant in the army of the Revolution; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DIRECT WAR TAX.

Mr. STORM presented a joint resolution of the Legislature of the State of Pennsylvania requesting her representatives to vote for the bill to pay and credit to the several States the direct taxes levied and collected under the act of August 5, 1861; which was referred to the Committee on the Judiciary.

PRINTING OF REPORT OF COMMISSIONER OF EDUCATION.

Mr. RICHARDSON introduced a joint resolution (H. Res. 266) authorizing the printing of the report of the Commissioner of Education for 1885 and 1886; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PATRICK J. GRIFFIN.

Mr. HOUK introduced a bill (H. R. 11253) for the relief of Patrick J. Griffin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE RAMSEY.

Mr. HOUK also introduced a bill (H. R. 11254) for the relief of George Ramsey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 714 OF REVISED STATUTES.

Mr. JONES, of Texas, introduced a bill (H. R. 11255) to repeal section 714, title 13, and chapter 12 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN RESERVATIONS.

Mr. HAILEY introduced a bill (H. R. 11256) to authorize the Secretary of the Interior to grant the right of way for the construction and operation of railroads, telegraph and telephone lines, and for ditches and canals through Indian reservations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SURVEYOR-GENERAL IN THE TERRITORIES.

Mr. TOOLE presented a memorial of the Legislature of Montana asking that the office of United States surveyor-general in the Territories be not abolished; which was referred to the Committee on the Territories.

DUTY ON RAISINS.

Mr. MORROW presented resolutions of the Legislature of the State of California in regard to the duty on raisins; which were referred to the Committee on Ways and Means.

A. HILDEBRAND.

Mr. LAFFOON introduced a bill (H. R. 11257) for the relief of A. Hildebrand; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WEIL & MOORE.

Mr. HERBERT introduced a bill (H. R. 11258) for the relief of Weil & Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASA JOHNSON.

Mr. HERBERT also introduced a bill (H. R. 11259) for the relief of Asa Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STABLE FOR POST-OFFICE, HOUSE OF REPRESENTATIVES.

Mr. KLEINER submitted the following resolution; which was referred to the Committee on Accounts:

*Resolved*, That the Clerk of the House be, and he is hereby, directed to pay, and the accounting officers of the Treasury to pass the said account, to N. G. Ordway for rent of land used for stable for the post-office of the House of Representatives at the rate of $360 per annum from July 1, 1885, to June 30, 1887, the sum of $720.

BOXES AT POST-OFFICES.

Mr. BUCK submitted a resolution calling upon the Postmaster-General for information in regard to boxes at post-offices; which was referred to the Committee on the Post-Office and Post-Roads.

COAST DEFENSES.

Mr. BUCK also presented a resolution of the Legislature of Connecticut concerning coast defenses; which was referred to the Committee on Appropriations.

LETTER CARRIERS.

Mr. STAHLNECKER presented a joint resolution of the New York State Legislature favoring the letter carriers' bill and forbidding their employment for more than eight hours a day; which was referred to the Committee on Labor.

COAST DEFENSES.

Mr. STAHLNECKER also presented a joint resolution of the New York State Legislature favoring coast defenses and the rehabilitation of the Navy; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to file a report.

The SPEAKER. Objection has been made to these requests. The Chair is informed that the gentleman from Illinois [Mr. WORTHINGTON] desires to present a privileged report.

Mr. HATCH. I desire to make a privileged motion as to the agricultural appropriation bill, which came over from the Senate this morning with amendments by the Senate. I desire to move that the House non-concur in the Senate amendments and agree to a conference.

Mr. HOLMAN. I decline to yield.

Mr. HATCH. I understand my motion is privileged.

The SPEAKER. The motion would be privileged if the bill and amendments were reported back from the committee.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. WORTHINGTON. I desire to make a privileged report. I present a report of a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House 1, 2, and 3, and agree to the same with amendments, as follows:

In line 16, page 1, strike out the word "three" and insert "one."

In line 11, page 2, strike out the word "three" and insert "one."

In line 18, page 2, strike out the word "three" and insert "one."

And that the House agree to the same.

N. E. WORTHINGTON,
W. C. MAYBURY,
*Managers on the part of the House.*
WM. MAHONE,
G. G. VEST,
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

The bill as passed by the Senate fixed the limit of cost of site and building at $1,300,000. The House amended the Senate bill by reducing the limit to $1,025,000, a reduction of $275,000. By the report of the conference committee, it is recommended that the Senate recede from the amount fixed by it to the extent of $200,000, and that the House advance the limit fixed by it to the extent of $75,000. This would make the limit $1,100,000.

The sum fixed by the Senate is the estimate made by the officers of the Government. The sum recommended is less than that fixed or expended on many other cities of less present and prospective population and growth. In the judgment of the committee, after a full conference and examination of the facts in the case, it is not more than will be required to construct such a public building and procure the site, as is required for Government uses at Detroit.

Mr. WORTHINGTON. I move the previous question on agreeing to the report.

The previous question was ordered.

Mr. HOLMAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. Is it not in order at this time to move to suspend the rules and to go into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills?

The SPEAKER. It is; but reports from committees of conference are privileged and must be received, even if a motion to adjourn is pending.

The report of the Committee of Conference was agreed to.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

Mr. HOLMAN. I move to suspend the rules and that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the legislative appropriation bill.

The SPEAKER. The Chair will state to the gentleman from Indiana [Mr. HOLMAN] that even when that motion is pending if any gentleman rises and states that he desires to present a conference report, under the rules of the House it must be received.

Mr. SPRINGER. I raise the question of consideration against the conference report.

The SPEAKER. As many as are in favor of the motion of the gentleman from Indiana——

Mr. PAYSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. PAYSON. I rise to a question of privilege.

The SPEAKER. Unless it is a report from a conference committee——

Mr. PAYSON. It is.

Mr. HOLMAN. Mr. Speaker, is not a motion to suspend the rules in order?

The SPEAKER. It is; but pending that, reports from conference committees are in order.

Mr. SPRINGER. I raise the question of consideration against the conference report. I hope gentlemen will withhold these matters until we have disposed of the legislative bill, and then they can all come in.

[Cries of "Regular order!"]

The SPEAKER. The Clerk will read the title of the bill sent up by the gentleman from Illinois [Mr. PAYSON], and then the Chair will put the question.

Mr. PAYSON. I withdraw the report.

The SPEAKER. The conference report is withdrawn. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

LEGISLATIVE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill. By order of the House, all general debate upon this bill is limited to one hour and thirty minutes. The gentleman from Indiana [Mr. HOLMAN] has the floor.

Mr. HOLMAN. I trust, Mr. Speaker, that the gentleman from Illinois [Mr. CANNON] will occupy his time now.

Mr. CANNON. I prefer that the gentleman from Indiana [Mr. HOLMAN], in charge of the bill and representing the majority of this House, shall first give us some reason why this bill ought or ought not to pass and some explanation of it.

Mr. HOLMAN. The bill is before the House, Mr. Chairman, and has been on the Calendar for nearly a month, and of course its provisions are well understood. Therefore I do not feel justified in occupying the time of the House unless some gentleman desires information upon some special point. I yield, however, ten minutes of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON did not rise.

Mr. HOLMAN. Mr. Chairman, this bill has been before the House since the third day of the present month, accompanied by a very full and elaborate report, in which nearly every fact that has been mentioned in the debate up to this time is set forth, so that I do not desire to address the House, but will reserve my time.

Mr. BROWN, of Pennsylvania. Before the gentleman takes his seat, I would like to have him inform the committee whether the assertions made by the gentleman from Louisiana [Mr. BLANCHARD] are true in whole or in part.

Mr. HOLMAN. I state that every fact mentioned by the gentleman from Louisiana [Mr. BLANCHARD], with the exception of what he stated in regard to the Mississippi River Commission, is mentioned in the report which was presented on the 3d of the present month. As to the Mississippi River Commission, the salaries of the members of that body have never been provided for in the legislative bill. Those officials did not and do not belong to one of the Departments of the Government, and therefore their salaries have never been provided for in this bill. The appropriation for them has heretofore been made in the sundry civil bill, and the expenses of the commission have been provided for in the river and harbor bill.

As to the increase of salaries mentioned by the gentleman, there are increases made by the bill to the amount of $4,100. The items are these: In the bureau of mints the examiner's salary has been increased $100 and the computer's salary $200. In the assistant treasurer's office at Chicago the salary has been put at $5,000, as now provided by law, that being the fourth most important of the subtreasuries. The salary of the subtreasurer at Philadelphia is fixed at $5,000, as now fixed by law.

Mr. BUCHANAN. What was it before?

Mr. HOLMAN. Four thousand five hundred dollars by the current appropriation law; but $5,000 by law.

Mr. BUCHANAN. Why do you increase it?

Mr. HOLMAN. For the reason I have mentioned, that this is one of the four most important subtreasuries in the country. The great subtreasuries are New York, Boston, Philadelphia, and Chicago. The salary at New York is fixed by law at $8,000.

Mr. BUCHANAN. Do you not make this increase in violation of the rules of the House?

Mr. HOLMAN. Oh, no. At the other three great subtreasuries I have named the salaries are fixed at $5,000.

Mr. BUCHANAN. What is this salary fixed at by law?

Mr. HOLMAN. Chicago? $5,000.

Mr. BUCHANAN. Then, do not you propose to increase this salary in violation of law?

Mr. HOLMAN. Oh, no; it is fixed by law at $5,000. As to the salary of the Commissioner of the Land Office, that is increased from $4,000 to $4,500. It is the greatest of the bureaus.

Mr. BLANCHARD. Is not that in violation of the rules of the House?

Mr. HOLMAN. Yes, it is an increase over the law. The salary of the Assistant Commissioner of the General Land Office, which is now $3,000 by law, is fixed in this bill at $3,250. The salary of the chief clerk of the General Land Office is increased from $2,250 to $2,400, an increase of $150. The salary of the Commissioner of Indian Affairs, like that of the Commissioner of the General Land Office, is put up to $4,500, being $500 above the amount named in the existing law. The salary of the Assistant Commissioner of Patents is fixed in the bill at $3,250, being an increase of $250. These provisions of increase, of course, are all subject to a point of order. In addition to these, the salary of the First Assistant Postmaster-General is increased from $4,000 to $4,500, the salary of the superintendent of free delivery, Post-Office Department, is increased $500; that of the disbursing clerk, Post-Office Department, is increased $150. All these are subject to a point of order. These increases amount to $4,100 in the aggregate.

Most of the numerous salaries named by the gentleman from Louisiana as being reduced were reduced ten years ago at the beginning of the Forty-fourth Congress, and in this bill the same sum is appropriated that has been provided for those salaries from that time up to the present. There are a large number of them.

These constitute the extraordinary body of items to which the gentleman from Louisiana has referred as subject to a point of order, the gentleman assuming that Congress is bound to appropriate full up to the amount named in the law. This of course is a mistake. In point of fact, as I have stated, the salaries just referred to were reduced ten years ago, and have remained ever since at the amount then fixed. We have not increased them.

Mr. BUCHANAN. Will the gentleman let me ask another question?

Mr. HOLMAN. In one moment. In this bill there are of course a number of decreases of salary, reduced below the amounts named in the law of this year, and seventy-nine salaries are dispensed with.

Mr. BUCHANAN. That is what I wanted to ask you about, whether you have not made up for the increase in the salaries of these officials by reducing the pay of the charwomen of the Treasury from $20 a month to 50 cents a day?

Mr. HOLMAN. Oh, no.

Mr. BUCHANAN. The bill so reads.

Mr. HOLMAN. On the contrary, there was an increase of the salary of the charwomen last year from $15 to $20 per month.

Mr. BUCHANAN. Two hundred and forty dollars was the amount fixed last year; and this bill appropriates $180 a year—50 cents a day.

Mr. HOLMAN. If there is any such provision in this bill, it is simply a clerical error.

Mr. BUCHANAN. I hope it is.

Mr. HOLMAN. The appropriation made in this bill was intended to be the same as that made for the present year. In the appropriation bill of last session for the present year there was an increase of the salaries of the charwomen. We have continued the salaries at the increased rate.

I have the bill before me. This bill provides for eighty charwomen in the Treasury Department at $240 each. I would like to know how the gentleman from New Jersey has fallen into such an error as that implied in the remark just made. The gentleman's objection will be found to be just about as tangible as the objections made by the gentleman from Louisiana. Gentlemen assume that when a salary has once been fixed Congress is compelled under the rules of the House to appropriate clear up to the sum named in the provisions of existing law. That is a mistake.

Mr. BLANCHARD. You can not reduce a salary on an appropriation bill. That is my position.

Mr. HOLMAN. Why, we have done that during the present session.

Mr. HEARD. I would like to ask the gentleman from Indiana a question. I understand him to admit that these proposed increases are subject to a point of order, if there should be an opportunity of making the point.

Mr. HOLMAN. Certainly.

Mr. HEARD. Then I ask the gentleman whether this legislation which he now proposes to force down our throats is not exactly the kind of legislation that he objected to on the diplomatic and consular bill.

Mr. HOLMAN. I am not proposing to "force anything down anybody's throat."

Mr. HEARD. Now, do you not——

Mr. HOLMAN. I can not yield further at this moment. The gentleman must understand that the Committee on Appropriations simply recommends certain provisions to the House. So far as this bill is concerned I am simply a representative of that committee, nothing more, nothing less.

Mr. BELMONT. Will the gentleman permit me——

Mr. HOLMAN. I can not now. One word more and I shall have covered the whole ground gone over by the gentleman from Louisiana.

As to the salaries of the governor and the judge of Alaska, my friend became really pathetic in behalf of those distinguished officials, whose salaries we provide for at exactly the same amounts provided for the judges and governors of every other Territory. We make their salaries just the same as those of corresponding offices in other Territories. And instead of this gentleman occupying the inclement ice hills of Alaska, I believe that for many months past the distinguished official of that State, instead of being forced to bear the rigorous winters of the climate where his duties would seem to call him, has been enjoying the hospitalities of this city, both last winter and this, as I understand [laughter], and I think, perhaps, it is eminently proper that he should be here, because there is no reason whatever for his being out there, as there is nothing for him to do. [Laughter.] So, also, Mr. Chairman, with reference to the members of this Mississippi River Commission. They had no work to do.

Mr. BLANCHARD. They have had to disburse some two millions of dollars.

Mr. HOLMAN. They have nothing to do, I repeat, of public interest, and there is no necessity for their being present at any field of duty, because there is no duty of any importance to perform. It will be remembered that in the appropriation bill for rivers and harbors we provided that this work should be done under the direction of the Secretary of War, not under the direction of this board of commissioners, and hence they have nothing to do.

Mr. BLANCHARD. I know the gentleman does not wish to misstate the facts.

Mr. HOLMAN. I repeat they have nothing to do. One of them lives in my own State, one in my friend's State——

Mr. BLANCHARD. As the gentleman will not yield for a correction I deny that it is true.

Mr. HOLMAN. And Congress refused to make an appropriation for them.

Mr. KING. Congress did not refuse; you refused.

Mr. HOLMAN. The House and the Senate refused, and hence the appropriation is omitted from this bill.

I now yield to the gentleman from Illinois [Mr. CANNON].

Mr. BUCHANAN. With regard to the wages of charwomen, I desire to call the attention of the gentleman from Illinois to line 703 of the bill.

Mr. HOLMAN. If I can get the ear of the House for a moment I wish to add, in answer to the gentleman from New Jersey, that the mistake the gentleman has fallen into is with reference to an item which appears on page 29, and is here the first time appropriated for. There have been heretofore under that head no appropriations made for charwomen; but an estimate was sent in for two in that office at $180 each, and the Committee on Appropriations simply carried out the wishes of the head of that bureau and allowed the expenditure.

Mr. BUCHANAN. Then I congratulate the committee for having risen measurably to the occasion.

Mr. CANNON. Mr. Chairman, I would be glad, at the expiration of fifteen minutes, to be notified by the Chair, as I desire to yield a part of my time to other gentlemen.

This bill was reported to the House on the 3d of February, nearly one month ago.

Mr. SYMES. When was it printed so that we could see it?

Mr. CANNON. Immediately after it was reported. It has been in Committee of the Whole from that time to this.

Now, within four days of the time of adjournment, it is to be taken up for consideration. It is a lengthy bill, carrying over $20,000,000, and covering 107 pages. There was much talk early in this session about the prompt work to be done in the various appropriation committees which prepared these bills. Before the holidays the sundry civil bill, the twin great bill to this, was reported and passed at a time before a large portion of the estimates had even been forwarded to Congress for the consideration of the Committee on Appropriations on that bill. Ordinarily that great bill is one of the last to be reported. This bill now under consideration could well have been reported before the holidays and passed, because the estimates were substantially in at that time. The sundry civil bill was returned from the Senate with amendments adding between two and three million of dollars on the 3d day of February, and remained in the Committee on Appropriations and in the House together for nearly twenty days without consideration. It was then taken up and considered and returned to the Senate with almost universal non-concurrence in the amendments, and is now pending in conference.

The deficiency bill, another great bill covering the whole service, is now pending in this Committee of the Whole, reported, I believe, on Friday or Saturday last. So that, saying nothing of the passage of the naval bill on Saturday last, 26th instant, we are brought face to face

with this proposition: Either that this great bill and the deficiency bill shall be hurried through under whip and spur, if considered under the five-minute rule in Committee of the Whole and the House, or else we are to have the rules suspended and pass the bills without consideration and hurried to the Senate, and the Senate is then asked, both in the Senate Committee on Appropriations and in the Senate itself, to do in less than four days what the House has not done in nearly three months.

Mr. HISCOCK. Let me ask the gentleman this question: Is it possible, if we consider this bill in Committee of the Whole, to get it through before Thursday morning?

Mr. CANNON. Yes.

Mr. HISCOCK. How?

Mr. CANNON. If in good faith, without objection upon this side of the House or the other side of the House, we set down and commence reading this bill in my opinion it might be gotten through with some time to-morrow; and if intelligent consideration were given to the bill I think it would somewhat hasten consideration at the other end, in the Senate.

Now, Mr. Chairman, having said this much about it, I want to say another word: that when this House came into existence it was organized with a Democratic majority of 45, and with a Democratic Executive at the other end of the Avenue new life was to permeate legislation, and the country was told that we were to have a new order of things. The Appropriations Committee was divided up into a half-dozen committees; its jurisdiction distributed to the Foreign Affairs, Naval Affairs, the Military Committee, the Post-Office Committee, and others, and these bills were to have prompt consideration. Instead of that we have been at sea, a great deal further at sea than any Congress preceding this has been, touching these bills.

In addition to that, with a majority of 45 upon the other side of the House, the "new broom that was to sweep clean" does not sweep at all. We were to have reform, revenue legislation, revision of the tariff, and reduction of taxation; and yet the other great committee of this body, the Committee on Ways and Means, has been at sea without a compass and without a rudder, quarreling among themselves and begetting only failure, resulting in disorder to the majority in the House and apprehension in the country. It is true that the majority of the House has been perfecting itself in letter-writing. Your leader from Pennsylvania [Mr. RANDALL] has been hurling his epistles at the Speaker and the Speaker has answered, and back and forth have flown the paper balls. I wish that correspondence between the Speaker of the House and the leader of the majority, the gentleman from Pennsylvania [Mr. RANDALL], was spread upon the record—that wonderful correspondence. [Laughter.] Here we are within four days of the end of the session without revenue legislation, without reduction of taxation, without the appropriations for the service of the Government, with no chance to pass them unless the House shuts its eyes and votes multiplied millions without consideration or investigation.

Failing in passing these appropriation bills—taking them on trust—then we push by joint resolutions, provide for the service of next year by continuing a service similar to that of this year in bulk—a hazardous and extravagant experiment. Such action would damn the Republican party and ought to the Democratic party. Failing in this, there is nothing left but a special session of the Fiftieth Congress to provide for the ordinary expenses of the Government.

And now, Mr. Chairman, having said that much about the situation, I wish to say something about the bill.

Mr. HOUK. I wish to ask the gentleman from Illinois if the distribution of the work through the various committees did not lessen the work of the Appropriations Committee?

Mr. STRUBLE. Is it not understood the Committee on Appropriations met in November before the meeting of the session in order to get these bills ready and have them before the House in time?

Mr. CANNON. One at a time, if you please. Oh, certainly; but let me say to the gentleman that the Committee on Foreign Affairs, with one little chicken you know in the barn-yard, the diplomatic appropriation bill, held it back, and came in here at the the end of the session with its bill and occupied day after day with it. The Committee on Naval Affairs passed their one little chicken, the naval appropriation bill, through on last Saturday. [Laughter.]

I am not attacking any committee or defending the Committee on Appropriations. I say, Mr. Chairman, there is disorder, and disagreement, and confusion, and inefficiency on the majority side of this House just where there ought to be efficiency and strength. [Laughter.]

Mr. CUTCHEON. I wish to call the attention of the gentleman from Illinois to the fact that the Committee on Military Affairs reported two bills, and both are laws at the present time.

Mr. HOUK. Why did not the Appropriations Committee press it before? Why did they press it for a couple of days and then abandon it?

Mr. CANNON. The gentleman from Tennessee asks a question, in reply to which I say I know not the reason why the bill was withdrawn. This bill was reported to the House on the 3d of February, a month ago, and ought to have been pressed and passed. Why it was not I know not, unless there was something of more importance to the House, in its judgment.

Mr. HOUK. What is more important than making these appropriations? Was it for the purpose of keeping out a suspension of the rules and in order that other people might not get any legislation?

Mr. CANNON. Let me proceed.

The CHAIRMAN. The gentleman from Illinois has the floor and will proceed without interruption.

Mr. CANNON. I wish to say, in justice to the Committee on Appropriations, that that committee is as good as the majority side of the House. [Laughter.] That is not very great praise for it. [Laughter.]

Mr. CUTCHEON. Rather hard on the House. [Laughter.]

Mr. CANNON. Now, I wish to speak a little of this bill in detail. It is true that here and there they cut off a hundred dollars in a salary, and sometimes $200, and in another place $300; and here and there they have recommended an increase of salaries.

The gentleman from Indiana [Mr. HOLMAN] is not to be blamed for this kind of thing. It is impossible for the leopard to change its spots. [Laughter.] For a long time he with the other leaders on that side were in a minority. Their political capital then was all in cheese-paring. I recollect when in the Forty-fourth Congress there was a beginning of this sort of thing, and when statesmanship was made up of the reduction of $50 here and $100 there on a salary. It was the capital of the Democratic party under the lead of the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL]. Now, when they have come into power on the other side you want them to stop. They do not know how to stop. They started out to fool the country, and want to keep it up in appearance. [Laughter.]

I do not mean in what I have said, in way of comment, that I think this is wise economy. In my judgment it is not wisdom to cut off $100 here and $100 there, and to increase a little here and a little there, a little in this place and a little in another place. It is cheese-paring, but they made their reputation in that way, and although they do not make substantial economies, nevertheless they must posture before the country in that position. If they wish to work real reform there is plenty of chance to do it. *If this House wishes to legislate* wisely in the reduction of public expenditures and in promotion of the efficiency of the public service, if they wish to save money an earnest and prompt investigation and legislation will do it. I can point the way and so can anybody else who studies these bills with a view to promote the public welfare, and with that desire alone. No such investigation has been given by the Committee on Appropriations, or any other committee having charge of appropriation bills in this Congress so far as I know.

For instance, I will tell you that there is a chance by proper legislation to save money. The gentleman from Louisiana [Mr. BLANCHARD] in his attack upon my colleague on the committee, the gentleman from Indiana [Mr. HOLMAN], last night, or the night before last, upbraided him for this cheese-paring policy, and then said, by way of criticism, he had voted to override the President's veto for the purpose of imposing a tax upon the people to the extent of $50,000,000 a year—for the purpose of granting useless pensions, referring to the dependent pension bill.

I do not agree with that statement. If I had been in the place of the gentleman from Louisiana under all the circumstances I would not have lugged it in just in that connection. But as he did and in that connection, I want to show the House of Representatives where the Committee on Appropriations and the House of Representatives can economize with great good to the people.

I hold in my hand the report of the Commissioner of Pensions. Turning to page 30 I find the following table:

Appropriations and expenditures for the Pension Office each year since 1862 properly chargeable to the expense of settling claims.

[Here the hammer fell.]

Mr. CANNON. I yield myself five minutes longer. I find that the appropriations for 1886 were $3,309,000 for this matter, as the Commissioner of Pensions says, of settling claims. What kind of claims? In the main of the late war. Why did they need settling at this enormous expense? Because under the rules of the Pension Office there are multiplied thousands of soldiers of the late war without hospital record who can not find the comrades or commissioned officers that can remember when the seeds of disease were sown that disabled them. Yet they are entitled to pensions. They were in fact as a rule the most meritorious soldiers, and should be placed on the pension-rolls by legislation. Yet the money the soldiers ought to get is being paid to men who are engaged in investigating those claims.

Intelligent legislation that would dispense with the most of that force in the Pension Office and pay the money to the soldiers would be good legislation. The President in his veto message makes a statement from which it appears that there are in round numbers 91,000 soldiers of the late war on the pension-roll that get $3,600,000 a year. Mind you, the aggregate of the pensions paid to those 91,000 pensioners is $3,600,000 a year—less, if you consider the force in the cognate offices to the Pension Office, than is paid to the Pension-Office force that settles the claims of the soldiers who ask the Government for payment of pensions in fact equitably due them.

This is a strange state of affairs. Why is it? It is because this Con-

gress has failed to cut the Gordian knot and give these men the pension they ought to have; and they create a force in the Pension Office of able-bodied men in the main who work there and study, I sometimes think, how not to do it, if you please, that they may keep their places.

Let me go a step further. One hundred and seventy-eight thousand of these pensioners of the late war get $11,000,000 annually. That is all. Three-fifths of the men that are on the pension-roll get $11,000,000 of pension in the aggregate annually. Yet this enormous force in the Pension Office to settle claims is still continued. You ought to have legislation, and you ought to have had it before, and might have had it; and if this House had been true to its convictions we would have discharged the most of that force by passing the dependent-pension act over the President's veto.

Let me take another step. There are 47,000 applicants under the Mexican pension act. When they go on the roll they will cost $4,700,000 a year. Yet there are 91,000 men of the late war that are costing over a million of dollars less. There is your chance for legislation. There is your chance for reform. There are many other things I might say about this single bureau if I thought proper to do so, but I will now drop that bureau and content myself with saying that I have not time to pass through this bill step by step.

And, in conclusion, I make an appeal to this House, and especially to this side of it. Although we are within four days of adjournment, I hope we will let this bill be read; will in good faith make points of order where they can be properly made, offer amendments where they ought to be offered, and then, after proper discussion, vote. If we do that we will show a desire upon our part, notwithstanding their laches, to do everything that we can to conclude the public business in order.

Mr. STEELE. I wish to ask the gentleman whether he thinks that a bill which is subject to a hundred and fifty points of order can be considered in the time we have to devote to it?

Mr. CANNON. Oh, it is not subject to so many as that.

Mr. MILLIKEN. Does the gentleman ask us to agree to suspend the rules and pass the bill?

Mr. CANNON. I have not asked you to do that, and I do not ask you to do that; but I say the choice is presented between passing the bill in the ordinary way or under a suspension of the rules, or letting the present appropriations be continued by resolution, or having an extra session.

Mr. BUTTERWORTH. Mr. Chairman, the time we have at our disposal is too short for a detailed examination of this bill, but there are two or three features of it to which I think the attention of the House ought to be called. As we are well aware, this bill should simply carry appropriations to meet the requirements of existing law. We are not authorized to report a provision changing in any respect the law as we find it, and above all, we are not authorized by either the letter or the spirit of the rules by which we are governed, or by any obligation resting upon us as members of the Appropriation Committee to defeat or prevent the execution of any existing statute. Now, I think that in large part the criticisms upon the bill made by the honorable gentleman from Louisiana [Mr. BLANCHARD] are merited, so far as his own side of the House is concerned, but I insist that they stop at this central aisle; because in nothing have we sympathized with the system to which my honorable friend has referred, the system of cheese-paring in the name of economy, and seeking to defeat the practical working of a statute by indirection. That system, I say, has received no favor upon this side of the House. We have never sought or attempted to make political capital by any such means. I want to congratulate the gentleman from Louisiana [Mr. BLANCHARD] upon the fact that while he uncovered the iniquity not of Ephraim but of William [laughter], the expression on his face was one of anguish, but not of surprise.

He was not surprised at the character of the bill which the majority of the Committee on Appropriations presented to this House. However much the inner man may have been disturbed touching the propriety and fitness of the course of the majority of that committee, he was not surprised at it, and palpably because he has witnessed the same thing over and over again, and it occurs to me that by this time he must have become satisfied that nothing better can come out of that Nazareth.

As the gentleman from Louisiana [Mr. BLANCHARD] has said, there are in this bill nearly one hundred and fifty items which are subject to the point of order. In the first place, Mr. Chairman, I insist that in so far as the spirit of Rule XXI is concerned, we have no right, in the name of economy or in the name of common honesty, to reduce in this way the pay of A, B, C, and D, who are clerks or employés of the Government. The statute provides that those employés shall receive certain compensation, and the duty which devolves upon the Appropriations Committee is simply to provide for that compensation by proper appropriations. If those employés are entitled under the statute to $1,200 a year each, it is a subterfuge to say that we do not violate the plain spirit of the law, and the spirit of Rule XXI as well, by refusing to appropriate the amount necessary to pay the salaries as fixed by the statute. In other words, if we report a bill appropriating only $1,000 to pay a salary which the law has fixed at $1,200, we clearly evade, yes, violate the plain intendment of the rule prescribing our duties and defining our power.

I submit that the candor of this House can not tolerate such a subterfuge, and the House ought to insist that if the rates of compensation of employés of the Government are to be changed, the change shall be made in accordance with the rules which govern us, and that it shall be done only after fair consideration of the justice of such reduction.

I wish to say another thing. The Democratic party came into power by means of professed devotion to what is known as civil-service reform, by professed devotion to the virtues embodied in the civil-service law as it appears on the statute-book, and they now seek to hold power by practicing the very vices of administration which that law sought to abolish. This bill does not, indeed, attempt to abolish the Civil Service Commission directly, but it does attempt to abolish it indirectly by reducing the amount of appropriation, which is absolutely indispensable for the proper discharge of the duties which the law devolves upon the commission. This bill reduces the amount from four thousand, which was inadequate, to two thousand dollars.

They might as well have abolished the commission, and thus defeated the execution of the law.

A MEMBER. I wish they had; that is the best thing to be done.

Mr. BUTTERWORTH. Possibly it is; but if it is "the best thing to be done," why do you not say so to the country like men? Why do you not introduce a bill to destroy this ladder upon which you climbed into power? You do not dare to do it. No man representing an intelligent constituency dares to stand here and denounce the purpose and object of the civil-service law or defeat its enforcement by absolutely withholding appropriation needful to enable the Civil Service Commission to go on with its work.

I am aware that the experience of some gentlemen on that side of the House advocating civil service honestly and fearlessly has not been a happy one. Those who, with integrity of purpose, with a sincere devotion to the just principles embodied in the civil-service law, have sought to secure its enforcement in accordance with its true spirit and intent have been retired.

Mr. RANDALL. I do not wish to disturb the gentleman in his remarks, but will he allow me to ask him a question touching the Civil Service Commission and its rules?

Mr. BUTTERWORTH. Yes, sir.

Mr. RANDALL. I desire to ask whether you favor the continuation of the forty-five years provision.

Mr. BUTTERWORTH. I do, in accordance with the rules promulgated by the commission. But if I desired to change it I would change it in an open, manly way.

Mr. RANDALL. Then the gentleman and I differ in the first place as to the necessity of the change, but I differ with him further when I say that I propose wherever I can, and in whatever way may be possible, to seek to break up the rule which prevents a citizen of the United States over forty-five years of age from being examined for appointment under civil-service regulations.

Mr. BUTTERWORTH. That has been recited on this floor over and over again, and demonstrates that while professing attachment to the act, the effort is made to destroy it, because, forsooth, the commissioners will not abrogate or modify a rule which, in the judgment of the President of the United States and of the commission, has been wisely adopted and which experience has approved.

Mr. RANDALL. Now will the gentleman do me the justice——

Mr. BUTTERWORTH. More than that; I wish to say that there is nothing which prohibits the introduction of a bill which shall provide for the abrogation or modifications the gentleman seeks. So, if that is the object sought, the remedy is by bill and not by destroying the Civil Service Commission itself by withholding from it the means essential to enforce the law.

Mr. RANDALL. You will do me the justice to say——

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

### MESSAGE FROM THE SENATE.

The committee rose informally, when a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the resolution of the House requesting the President to return to the House the bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor.

### LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. BUTTERWORTH. Let me add that a bill which contemplated the modification of the civil-service law in the behalf suggested was reported back by a committee of this House, the report being against the adoption of any such measure. And I may add no bill repealing the civil-service law has or can find favor in this House. At least that is my judgment. However that may be, and whether it is wise or unwise to do the contemplated thing, this manner of doing it certainly ought not to commend itself to this body.

One thing more. Not only do we find here an attempt by indirection to strangle the civil-service law, but we observe also here and there employés, women, who have been for years in the employ of the Government, and whose efficiency is not questioned, mustered out in order that

political mendicants whose wives are no longer able to provide for them [laughter] may obtain situations. We find that in the dead letter branch of the Post-Office Department there are four women to be mustered out—why? Because they are inefficient? No. This is simply one of the ways of dispensing with the services of a certain class of clerks in order that their places may be filled in that peculiar manner known to the modern manipulation of the civil-service law.

Mr. STEELE. As fifty-six were left out last year in the same Department.

Mr. HOLMAN. The gentleman from Ohio will remember that the action he speaks of is recommended by the head of that bureau.

Mr. BUTTERWORTH. I have no doubt it is; and I have no doubt he might under pressure feel constrained to recommend the wiping out of every clerk he has, with the view of filling their places with those who are clamorous to be provided with comfortable situations.

Mr. HOLMAN. But further——

Mr. BUTTERWORTH. My friend will have time of his own; I can not yield.

One other thing. I insist that where a man has left his business to accept an office which the President of the United States has tendered him, and to that office there is by law attached a given salary, as in the case of the subtreasurers at New Orleans, Chicago, Cincinnati, Baltimore, and other localities, it is not just for this House during the incumbency of the gentlemen who have accepted offices under such circumstances to reduce their salaries; and, above all, it should not be done in this irregular way.

The statute provides that the subtreasurer at Cincinnati shall receive, if you please, $4,500 a year. To my knowledge the present incumbent was a business man who was not anxious to obtain the position, a man of high character who consented to accept the appointment. This bill appropriates $4,000 as the salary of that officer, although the statute provides that there shall be appropriated $4,500 or $5,000. Now, if his salary is to be reduced, let it be done by a bill reviewing salaries and fixing them at what is just, but not in this way. I insist that it is not only unjust to the officer but is a clear violation of the rule of the House.

One word more, and I shall not detain the committee further. I want to say to my friend from Louisiana that I am not astonished that he was not surprised on scanning this bill to find that the rule of the House was violated on every page. I am not surprised that he was a little disconcerted to discover that in nothing has the orderly method of proceeding here been observed. He will find if he will study carefully the course of the political organization of which he is a conspicuous and influential member that they are consistent in nothing. They have no fixed policy. They have no well-defined policy upon the tariff, none upon the currency, none upon internal-revenue reform, none in regard to civil service, none in regard to coast defenses, none in regard to any other question with which this Congress has to do. Why, behold! They are equally at home on either side and at either end of the tariff question—with a resolution passed by their national convention, one end of which advocates protection, the other end suggests free trade; one gentleman upon the floor of this House, an acknowledged leader, pinning his faith to one end of that resolution, and another gentleman, an equally acknowledged leader, staking his political fortune on the soundness of the other end of the resolution—never working together; and the wings of the party which these gentlemen severally represent will never swing without attrition unless they can be attached by a toggle-joint, so as to work equally well either way and in all directions. [Laughter and applause.]

Now I submit, in view of what the country has witnessed, whether there is not possibly some reason for the earnest criticisms that were passed upon us in the assemblage which is known to the world as the convention of confederated labor. Why do they criticise this body? Because it is universally recognized that this House is becoming in a degree a mere cave of echoes [laughter], a mere sounding-board [renewed laughter], answering to every popular clamor. No longer does the House of Representatives in any important measure shape and control the current of healthful political thought and action as it might do in the interests of good government. But it achieves marked success in setting sails to catch the first breezy clamor that comes if it can in anywise tend to carry a district or locality into a desired political harbor.

It is nearly time in the history of our country when men charged with the responsible duty which devolves upon the representatives of the people upon this floor should act in accordance with their highest convictions of right rather than seek simply to be borne along by the political trade-winds of popular applause which may indeed be enjoyed to-day and may to-morrow bring curses to our hearthstones. [Applause.]

Mr. SOWDEN. On that issue do not the two sides of the House flop together? [Laughter.]

Mr. BUTTERWORTH. When it is a question of mere political demagogy there is indeed too much unanimity between the two sides.

Referring for a moment to the increase of some salaries.

Now, I am not one of those who believe in a niggardly salary, nor do I believe the people of the country are content with niggardly payment of public servants. I believe the increase of the salary of the Commissioner of Public Lands was well in itself. I think the Assistant Commissioner of Public Lands ought to have had his salary increased. I think the Assistant Commissioner of Patents ought to have had his salary increased.

Mr. STRUBLE. What is the demand for this now more than heretofore?

Mr. BUTTERWORTH. I do not know that there was any greater necessity for Paul's conversion on the day he was converted than there was on the day before; but I can not conceive that that would have been a sufficient reason for postponing his conversion to a later day, or indefinitely. [Laughter.]

[Here the hammer fell.]

Mr. ADAMS, of Illinois. Mr. Chairman, this general debate is understood to be a prelude to a motion to suspend the rules and pass the bill. To take this course may become absolutely necessary within a day or two in order to prevent a special session of Congress. It will be a public scandal, nevertheless. It is something of a public scandal, at any time to pass one of the great annual appropriation bills under suspension of the rules, rules that have been adopted for the express purpose of securing due consideration of these bills.

The scandal becomes a greater one when it appears that the bill, instead of merely providing for the support of the Government according to existing law, contains provisions raising and lowering salaries, and omits altogether salaries for offices created by existing law. The scandal of the proceeding is not diminished by the fact that in one case at least, that of the Civil Service Commissioners, the payment of the salary is made to depend on the surrender by the commissioners of a discretion confided to them by existing law. The case is not improved when we consider that this discretion which the Civil Service Commissioners are thus required to surrender is one which the existing law requires them to exercise in entire subordination to the discretion of the President of the United States.

The rules framed by the Civil Service Board are not their rules. They are the rules of the President of the United States. The existing law on the subject is found in the civil-service law of 1883. The act provides among other things:

SEC. 2. That it shall be the duty of said commissioners, first, to aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the Departments, and offices to which any such rules may relate to aid in all proper ways in carrying said rules and any modification thereof into effect.

Now, what does the pending bill provide? It provides that the commissioners shall not receive their salary during the next fiscal year till the civil-service rules shall have been changed in the manner indicated in the bill.

Mr. Chairman, suppose this proviso becomes law? The commissioners in order to secure their salary might be willing to comply with any conditions that Congress might impose. They resolve to secure the necessary change in the civil-service rules. First, however, they examine the law under which they act. They look to see how their duties are defined. They discover that the only authority which they possess is to aid the President as he may request in preparing suitable rules for carrying the civil-service law into effect. This is the extent of their power. The commissioners do not give force to the rules and regulations of the civil service. They simply aid the President in preparing them.

The President may adopt them or reject them as he sees fit. They are his rules and not the rules of the Commissioners. The Commissioners have no right under the law even to frame rules and submit them to the President for his approval until he asks them to do so. Their duty is in the words of the law to aid the President, "as he may request."

Accordingly the meaning of the pending proviso is that certain officers created by law shall not receive the salary fixed by law until the President of the United States shall have complied with a demand of Congress in reference to a matter which by the existing law is left to his discretion.

This is at least an ungracious way of making known to the President the wishes of this House. If any one member of this House, or all the members together, wish to secure a change in the civil-service rules the proper course is to ask the President to change them. We can do this in our individual capacity or by passing a resolution of the House. If the President can be persuaded that a change is necessary the change will be made at once. If he can not be so persuaded we ought not to try to coerce him into ordering a change to be made against his judgment by refusing an appropriation for the salaries of his advisers, advisers who have no legal power even to aid him in framing except upon his request. To endeavor to coerce him in this way into acting against his judgment is nothing less than voting a want of confidence in his administration.

As to the merits of the propositions that the rules of the civil service shall be so changed that applicants over forty-five years of age shall not be excluded from the examinations of the Civil Service Commission, there is something to be said. There are some Departments of the Government in which only young men should be appointed. There

are others doubtless in which elderly men can do good service, and should not be excluded merely on account of age. If by the proviso in the pending bill all men, regardless of age, should be admitted to examinations, then if the law is obeyed and the appointment is made from among the four highest on the list the appointing officer may be required to appoint an elderly man to a place for which he is unfitted by age or else to evade the law by continually rejecting applicants one after the other, as has sometimes been done, according to popular rumor, under the present administration.

The pending bill, therefore, may afford only a mere show of relief to those for whom it appears to have been designed. If it has any effect at all it is a discreditable effort to coerce the President of the United States. It would be more manly by far to attach this proviso to the appropriation for the salary of the President. As it is it simply provides that unless the President shall call upon the Civil Service Commissioners to aid him in framing a change of the civil service rules, their salary, not his, shall be withheld.

In this connection I wish to have read a letter which I send to the Clerk's desk, from Mr. Oberly, of the Civil Service Commission, to the chairman of the House Committee on Reform in the Civil Service:

UNITED STATES CIVIL SERVICE COMMISSION,
*Washington, D. C., February* 18, 1887.

DEAR SIR: Treasury Regulation § 1031, which was in force before any attempt had been made to reform the civil service, provided that persons over forty-five years of age—every person over that age—should be kept out of every place the salary of which was less than $1,800.

The Curtis-Grant effort at reform adopted this rule. But under the civil service act the rule was modified by allowing every person, no matter how old, to compete for any place in the civil service, excepting the places of least importance as to duties, modifying the Treasury regulation that kept out of the Treasury Department and out of the customs service every person over forty-five years of age. The rules adopted under the civil service act admitted to appointment in the Treasury and the customs service as book-keepers, typewriters, stenographers, &c., persons without regard to age. And yet many people, because they are ignorant, probably, assert that what is called the civil service reform movement fixed forty-five years as the age at which the American citizen must cease from seeking office and be at rest.

It should also be remembered that before the adoption of the civil service rules the age limitation of letter-carriers was twenty-one to thirty years. By the present rules the age limitation of carriers is sixteen to thirty-five. And so on in other features of the service.

Thus it is demonstrated that they do not speak in truthfulness who say that the civil service act has operated to keep ability and experience linked to forty-five or thirty-five years out of the civil service. Ignorance should be taught that this act has liberalized the age rule, and falsehood rebuked by this important fact.

Truly yours,

JOHN H. OBERLY.

Hon. WILLIAM R. COX,
*House of Representatives.*

Considering the provisions of this bill, to which I have alluded, it is not a bill to pass under a suspension of the rules. Rather than vote upon it in that way, we ought to sit here day and night and consider it in order under the rules of this House. Even this, however, may be of no avail. To-morrow or next day we may be face to face with the question whether we shall submit to an extra session of Congress or pass this bill under a suspension of the rules. It will be assuming a large responsibility whichever we decide to do.

One thing is certain. There never was a time when the responsibility for the existing condition of things could be placed more accurately than now on the shoulders where it really belongs.

The responsibility will rest on the majority of the Appropriations Committee of this House.

When this Congress first met we changed the rules of this House for the express purpose of preventing the occurrence of such a state of things as now exist. We took away from the Appropriations Committee a large part of their jurisdiction. We left within their control only six appropriation bills, instead of the large number which they had previously controlled. The purpose was to enable this great committee to bring in their six bills early in the session, and thus prevent the crowding of necessary legislation into the closing weeks of the session.

Why have they not done so. They met in Washington, as we have repeatedly been reminded, before the session of Congress began. The fact was announced through all the newspapers of the country, with a great flourish of trumpets, as a sign of the efficiency and devotion to duty of the majority of this House. What did they do? They took up and promptly framed the sundry civil bill. They pressed it to its passage through the House before the Christmas holidays.

The legislative bill, however, was not even reported to the House till February, and was not seriously pressed till the beginning of the last week of the session.

The Appropriations Committee has done that which they might have left undone, and they have left undone that which they ought to have done. If the Appropriations Committee had given to the pending bill the same prompt attention which they gave to the sundry civil bill, and left the sundry civil bill to take the place now occupied by the pending bill, the situation would have been very different and very much better. The sundry civil bill might have failed to pass altogether, yet a special session would not have been necessary. If the legislative bill fails to pass the wheels of the Government must stop or the Fiftieth Congress must be called together before the end of the present fiscal year. What the Appropriations Committee have done, therefore, is to give their prompt attention to a bill the passage of which is not essential to the orderly working of the Government, and neglected the bill upon which the orderly existence of all departments of the Government during the next fiscal year must necessarily depend.

Therefore, their boasted promptness in framing and urging the passage of the sundry civil bill is simply additional evidence of delinquency. In the language of the streets, the Appropriations Committee has given itself away. It has shown by its treatment of the sundry civil bill what it could have done with the legislative bill had it been disposed to do.

It can not be said that the preparation of the legislative appropriation bill requires more time than that of the sundry civil bill. Indeed, it would require less if the committee were disposed to abide by the rules of this House and abandon their extravagant claim to usurp the legislative functions of this House. The sundry civil bill depends largely upon extraordinary estimates. It provides mainly for extraordinary expenditures. In fact, the sundry civil bill passed so early in this session, was passed with such precipitation, that the estimates for many items only came in after the bill had reached the Senate. The Senate amended it freely on that account.

Now, the legislative, executive, and judicial bill is not for extraordinary expenditures. Under the rules of this House it is for the ordinary and regular expenses of the Government as authorized by existing law. There is no one of the great appropriation bills which could have been more promptly prepared and urged to its passage through this House than the one now pending.

Any public inconvenience that may be caused either by its failure to pass or by its passage without due consideration must be laid at the doors of the controlling members of the Committee on Appropriations.

Mr. Chairman, the country will want to know why these leaders of the majority have acted as they have. What can their motive have been? There is only one logical answer to this question.

It will be remembered that when at the beginning of this Congress we proposed to change the rules of the House, the changes we proposed were stoutly resisted by certain leading members of the Appropriations Committee. These gentlemen fought for the retention of the old rules with the obstinacy of despair. They repeatedly tried to flank the proposed reform by changes in the wording of the rules. They yielded foot by foot and inch by inch, and surrendered only when they were overpowered. And why did they resist so strenuously a change in the rules which a great majority of the members of this House hailed as a genuine and valuable reform?

Let the debate show. It was distinctly stated on the floor by one of the most prominent among them that their motive was to retain in the hands of the Appropriations Committee the power to raise and lower salaries which they had theretofore exercised. It was urged, with an arrogance which would have been offensive if it had not been laughable, that the House could not be trusted to raise and lower salaries except under the tutelage of the Appropriations Committee and in an appropriation bill.

The new rules were adopted, and the gentlemen who had fought them so stoutly appeared to yield to the inevitable. One resource, however, was left to them. They could postpone the consideration of the great appropriation bill which covers the salaries of all the officials of the Government to such a late stage of the session that the House might be frightened into voting for it under a suspension of the rules to avoid a special session of Congress. I do not say that this is their motive. I say that the country will be likely to think so unless some better explanation is given than we have yet heard.

Mr. HOLMAN. Mr. Chairman, I now yield ten minutes to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Mr. Chairman, during the ten years of my experience in this House I have observed that a hue and cry is always raised at the end of every short session of Congress that we shall inevitably have an extra session because of delay in bringing forward and disposing of appropriation bills. That has been the fear expressed in every session of Congress during the period mentioned.

Now, I am convinced that the principal cause for this condition results from the shortness of the session, which does not give sufficient opportunity for the proper consideration and disposition of appropriation bills and necessary important general legislation within the time fixed by the Constitution and the laws for the termination of the session. More than three months is actually needed for the preparation, proper consideration, and enactment of the general appropriation bills and other necessary legislation. Now, so far as the charge is made that these bills are backward, it does not more properly apply to this than to preceding short sessions of Congresses. I am satisfied that gentlemen of fair minds upon both sides of the House will bear me out in the declaration that more important general legislation outside of appropriation bills has been enacted into law during this session than during any other short session of Congress that has preceded it for twenty years.

I will merely mention the interstate-commerce law, the polygamy law, the creation of a department of agriculture, and the regulation of

the Presidential count as a few of quite a number that I could enumerate. However, as my time is brief, I shall not now refer to others. But, sir, I want to say that this legislative, executive, and judicial bill is nearly as far advanced at this session of Congress as it is usually in the short sessions. Take, for instance, the condition of this bill in the Forty-seventh Congress, the only one in which the Republican party had a majority of the House since the beginning of the Forty-fourth Congress. They brought in the legislative, executive, and judicial bill on the 2d day of February of that year. When did we bring in this bill? On the 3d day of February, being only one day of the month later.

Mr. CUTCHEON. When was that bill considered?

Mr. TOWNSHEND. Now, why is it that the legislative, &c., bill has not been disposed of before? It is because the majority of this House preferred to consider and dispose of other measures prior to calling up and considering this bill. The House chose to ignore this bill and consider the naval reorganization bill, the conference report on interstate-commerce bill, pleuro-pneumonia bill, diplomatic and consular bill, naval appropriation, and other measures.

Mr. CUTCHEON. Has that committee made any effort to take up this legislative bill?

Mr. TOWNSHEND. Yes, sir; the gentleman from Indiana made repeated efforts, but was voted down because this bill was antagonized by other propositions.

Mr. HISCOCK. Will the gentleman please state in this connection when the first motion was made to go into Committee of the Whole and consider the bill?

Mr. TOWNSHEND. I am not at this moment able to answer the gentleman's inquiry; but that bill was where any member on either side of the House could have called it up for consideration at any time he desired to do so. [Derisive cries on the Republican side.]

Mr. CUTCHEON. Is it the practice for any member except the leader of that committee or the man who reports the bill, to do that?

Mr. TOWNSHEND. Do not interrupt me now, my friend; my time is limited to a few minutes.

I am better prepared than many members to impartially judge the action of the Committee on Appropriations in the changes that have been made in this bill, for the reason that as a member of the committee I antagonized the majority in introducing most of the changes which were incorporated in the bill. But, sir, I am further compelled by truth to admit that I believe the gentlemen composing the majority were governed by conscientious convictions that whilst they were, by these changes, securing economy in expenditures they were doing so without detriment to the public service. I think they were mistaken in some of their views, but have no doubt of their good motives.

I differed with the majority in regard to the abolition of the offices of surveyors-general. I also differed with them because they did not provide a sufficient force in the Pension Office to speedily dispose of claims arising under the lately enacted Mexican pension act, as well as many other changes. Some gentlemen seem greatly surprised that this bill contains some one hundred and forty changes over the bill of last year. This is not unusual in a bill of this kind. If you examine the legislative bill of past sessions you will find there were nearly as many changes in them as in this bill. In the Forty-fourth Congress there were twice as many changes in the legislative bill as there are in the bill of this session.

It was supposed we would expedite business in this Congress by breaking up, under the new rules, to a large extent, the work of the Committee on Appropriations and dividing a portion of its labors among other committees; but, sir, the plan is a failure. The naval appropriation bill was given, accordingly, to the Naval Committee. That committee had but one bill, while the Committee on Appropriations had six bills. What was the result? Our committee has reported all its bills except one. The Naval Committee did not succeed in passing its one appropriation bill until three days ago. The Committee on Foreign Affairs did not pass the diplomatic and consular bill until a few days ago. The Post-Office appropriation bill from the Committee on Post-Offices and Post-Roads is yet in conference, and so is the Indian bill. I have no time to enumerate further, but I will say that but one bill of this session that was given to a committee outside of the Committee on Appropriations has yet become a law.

Some gentlemen have made loud complaint here that the Committee on Appropriations have assailed the Civil Service Commission. I did not vote for that law. I believed then, and I believe now, in a sensible, honest civil-service reform, but I did not believe that the law which was brought forward and passed was of that character. I regarded it then as a sham, and I regarded a majority of the members who voted for it as hypocritical in their pretense of desire for reform. I will not name them, but I know of gentlemen on that side who, when they take the floor, make loud professions of love for civil-service reform and when they go back into the cloak-room bitterly denounce the law as a humbug and a sham. That bill was born in hypocrisy. During the continuance of the Republican party the administration of its enforcement was a sham and a farce.

Mr. MILLIKEN. How is it now?

Mr. TOWNSHEND. The civil-service law has never received an honest, sincere enforcement until Grover Cleveland was elected and inaugurated President. [Derisive laughter on the Republican side.]

Mr. CUTCHEON. Why, then, do you go back upon him?

Mr. TOWNSHEND. I do not agree with the committee in the reduction of the appropriation for the Civil Service Commission, but I do agree with it in removing the limitation of the forty-five years' restriction.

My colleague from Illinois [Mr. CANNON] made some complaint about the large force in the Pension Office to-day. Why, sir, has he forgotten that on his own motion in the Forty-seventh Congress the force of that office was increased over eight hundred. The record shows that in that Congress the number of clerks and employés of the Executive Departments were increased over fourteen hundred. What does this bill do? This bill does not increase the force one single employé. In fact, this bill reduces the force ninety-six below what it was last year.

Mr. STEELE. Does it decrease any salaries?

Mr. TOWNSHEND. It decreases some salaries and raises some few salaries.

I want to emphasize that statement that the animadversions of my colleague [Mr. CANNON] on the Committee on Appropriations with regard to the number of employés provided by this bill are not justifiable. I want to say further of the Pension Office: I am convinced that any fair man, be he Republican or Democrat, will admit that the present Commissioner of Pensions has been more liberal in his rulings in favor of soldiers and has allowed more pensions during each of the years he has occupied that position than any predecessor he has had. And it will be further admitted that this Democratic Congress and the last have passed more liberal legislation for the Union soldier than ever emanated from any Republican Congress. [Derisive laughter on the Republican side].

A MEMBER. And who vetoed that legislation?

Mr. TOWNSHEND. Now, in conclusion, as my time is about up, I wish to repeat that while I differed with the majority of my colleagues on the committee as to most of the changes they have made in this bill, I am convinced they were guided and governed by good motives; that they were not unmindful of the efficiency of the public service while seeking to promote economy wherever it might be accomplished with safety.

[Here the hammer fell.]

Mr. HOLMAN. I now yield five minutes to the gentleman from Virginia [Mr. CABELL].

Mr. CABELL withholds his remarks for revision. [See Appendix.]

Mr. RANDALL. Mr. Chairman, my disposition on this occasion would naturally be to seek to promote good feeling and harmony here, so that the legislation before the House might be properly and promptly considered, but there are a few facts which I think it desirable to state in this connection. For a long time past the Committee on Appropriations has been criticised as to the measures it has reported. It has grown to be the fashion for the friends of pending legislation which has failed to make a successful transit through the two Houses of Congress to charge its failure upon the Committee on Appropriations, and to say that that committee has done this, that, or the other improper thing, and a part of my time during this session of Congress has been taken up in answering the letters of gentlemen in different sections of the country, to whom some person or persons—of course I do not say any members of this House—have been kind enough to state that the reasons why their particular measures could not be passed was some action of the Committee on Appropriations. It is always very pleasant to have some one else to blame rather than oneself, but I propose to show the House that the members of the Committee on Appropriations do not deserve the criticism that has been made upon them.

Under an order of this House I invited members of that committee to meet here on the 22d of November last, with a view to having the appropriation bills ready in good time. I am not going to say whether gentlemen on the other side responded with alacrity to that invitation or not, but I will say that there were one or two exceptions that did stand out in bold relief. [Laughter.] The committee went to work and prepared the sundry civil appropriation bill, reported it, and had it passed through this House on the 19th day of December, after nearly a week's discussion. Such a thing had not been done for years—certainly not during my period of service covering a quarter of a century. That bill went to the Senate. The Senate retained it for forty-six days, and sent it back here on the 3d day of February.

I sought immediately to have the amendments of the Senate non-concurred in, so that time might be saved and the bill go immediately to conference. But the other side objected and required the commitment of the bill to the Committee on Appropriations. When it came back from that committee I besought this House (and it agreed to the request) to take the bill up out of the order in which it appeared upon the Calendar, so that it might be returned promptly to the Senate. The House, however, refused to save time and consider it in the House. We have been in conference several times on that bill, the controversy between the two Houses being as to four millions of appropriations for various objects.

Next, as to the fortification bill. The fortification bill reported last year is now in conference; and when reported from the conference com-

mittee will be in such a shape, I hope, as to take the place of the bill for this year as well as last year. We have given diligent attention to this subject of armament; for you must know, Mr. Chairman, that there is no end to the schemes and plans in this connection; they are of every kind, and the amounts asked vary from $5,000,000 to $75,000,000.

The pension appropriation bill has been passed. It is true there is yet to be passed another pension bill—that providing for pensions to soldiers of the Mexican war—but it will be remembered that the bill calling for those pensions has only recently become a law.

The District of Columbia appropriation bill awaits final action in conference. The conferees are contending as to an enormous increase by the Senate, approaching one-half million of dollars in connection with the government of this District, most of this sum being for the laying out of suburban streets and avenues, intended to add value to the real estate of property holders. Such procedure will necessitate large additional appropriations. That is what the House conferees are contending against.

The Post-Office appropriation bill is in conference, there being a struggle between the two Houses as to a subsidy, or what some of us characterize as such.

As to the deficiency appropriation bill, that has been reported to this House as early as usual. Members understand that we have to delay the completion of this bill for the reason that we are in receipt almost daily of new estimates having application to that bill. The deficiency bill is not behind, and I hope it will find a speedy passage through this House, unless those people who want to secure appropriations in behalf of Pacific railroad claims and other claims of that character shall prevent its swift transit. We may be required to seek a suspension of the rules.

Let us see how matters stand as to this legislative appropriation bill now under consideration. It has been in this House, reported from the Committee on Appropriations, for nearly a month. Is it the fault of the committee that it has not been taken up? No, sir; it is the fault of this House. If the House had been willing it could have been taken up many days ago. The appeal has been frequently made to members of this House on all sides to take it up.

Mr. HISCOCK addressed the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] is entitled to proceed without interruption.

Mr. RANDALL. One more point. An effort has been made to-day to belittle this House, and especially this side of the House, in connection with legislation. While there have been omissions of legislation in some directions, taken as a whole in its scope of legislation, this House stands in most favorable light as compared with past Congresses. It has placed upon the statute-books more useful legislation than I have ever known to be passed during any single session of Congress since I have been a member. [Applause.]

It will not do for the other side to undertake to cast odium upon this side of the House in that particular. This side is, in my judgment, to be commended by the people for its record in connection with straightforward, clean, useful legislation, looking to the promotion of the best interests of the American people. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Indiana [Mr. HOLMAN] has two minutes.

Mr. HISCOCK. I desire to ask the gentleman from Pennsylvania when the first motion was made to take up the legislative bill in this House?

Mr. RANDALL. Why, sir, I passed from one side of this House to the other and begged from the very day the bill was reported that you would take it up.

Mr. HISCOCK. The gentleman does not say when the first motion was made to go into Committee of the Whole and take it up.

Mr. HOLMAN. Mr. Chairman, as has been stated, this bill has been before the House since the third day of the present month. I will not state how often I have asked the House to take up the bill for consideration in Committee of the Whole; but I have certainly done so several times.

Mr. REED. When was the first time?

Mr. HOLMAN. I will not undertake to state at what particular times I made the request, for I have not the record before me; but I made that request several times before the naval appropriation bill was taken up. I have anticipated this trouble, because it has occurred at every short session for many years.

Mr. REED. When was the first time that the House was asked to take up this bill?

Mr. HOLMAN. I say that I have not the dates before me.

Mr. REED. And in antagonism to what?

Mr. HOLMAN. I will not undertake to state.

Mr. REED. I wish you would.

Mr. HOLMAN. I simply state that on several occasions, and before the naval appropriation bill was taken up, I have asked the House to consider this bill.

Mr. Chairman, I wish to occupy but a moment upon another matter. Gentlemen have assumed that there is something unusual in this bill. The law for the present year reduced the appropriations for the legislative, executive, and judicial departments of the Government something over $700,000. This bill makes a reduction upon the law of the present year to the amount of $418,545.50. This reduction of more than $418,000 will no doubt be diminished somewhat before the bill is completed, even if the recommendations of the Committee on Appropriations are accepted. I take it for granted, however, that this bill ought to pass with a reduction of about $400,000 upon the present law. The increases of salaries are twelve in number; the number of officers regularly dispensed with ninety-six; while, of course, a large number of salaries have been in a moderate degree reduced. But I am confident that no salary has been so reduced as to impair in any degree the efficiency of the public service.

The CHAIRMAN. The gentleman's time has expired. By order of the House all general debate has exhausted. The Clerk will read the first section for debate under the five-minute rule.

The Clerk read as follows:

*Be it enacted*, &c., That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1888, for the objects hereinafter expressed, namely.

Mr. BLANCHARD. I desire to make a point of order on the words of the paragraph just read, commencing with the word "in," on line 5, and ending with the word "compensation," on line 5.

Mr. Chairman, this bill has been read in full before, and it is therefore shown by the bill which has been read that the salary of the Commissioner of Customs is fixed in this bill at $3,600, whereas in the last legislative, executive, and judicial appropriation bill which passed Congress the salary was there fixed at $4,000, and in the general law it is fixed at $4,500. If these words "in full compensation" therefore are permitted to remain in the bill, it changes existing law in that it deprives the Commissioner of Customs of the salary which is due him in accordance with the provisions of existing law, and which is being paid to him in the current fiscal year.

This point is not a new one, since it was raised on this very bill on these words by the distinguished gentleman from Illinois [Mr. MORRISON] when the legislative, executive, and judicial appropriation bill was under consideration in the first session of this Congress; and it was there held, after elaborate debate, by the distinguished gentleman from Georgia [Mr. BLOUNT], who sits on my right, as chairman of the Committee of the Whole, that these words, taken in connection with salaries fixed in the bill at amounts under what they are fixed in existing law, were a violation of that rule of the House, the third clause of Rule XXI, which provides "that there shall not be reported in any appropriation bill any provision changing existing law."

Referring, therefore, to the point of order made in that session and held to be good in that session, I make the point now that those words taken in connection with other provisions of the bill are a violation of the rules of the House in that they change existing law.

The point of order, made by the gentleman from Illinois in the last session of Congress, is to be found on page 5489 of volume 80 of the CONGRESSIONAL RECORD, and the decision of the chairman of the Committee of the Whole in that session will be found on page 5533, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Mr. MORRISON. I make the point of order that the words "in full compensation for the service," &c., is new legislation changing existing law. I make this point now because in the bill there are certain salaries provided for, and the amount appropriated is sometimes less and sometimes more than the salary fixed by law, and therefore against the rules. I do not know whether the point of order is properly interposed here; but I desire to make it in time to save it. I want to insist and intend to insist on a compliance with the rules of the House, whether it takes in or leaves out civil-service changes or limitations which have just now been under discussion.

The CHAIRMAN. The Chair in considering this question of order is not permitted to inquire into the wisdom of legislation or importance of legislation, but simply to the question raised by the gentleman from Illinois [Mr. MORRISON] whether or not it is in order to legislate on appropriation bills. It is conceded in the debate by the gentleman from Indiana [Mr. HOLMAN] in the bill salaries have been reduced in amount from the general provision of law. The question, therefore, arises as to the construction of Rule XXI of the present House of Representatives. It is important we should go back to the Forty-fourth Congress and examine the rule there and the consequent changes, with a view of ascertaining what the purpose of Congress was in relation thereto.

On page 193 of Barclay's Digest the rule is:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditures." (Rule 120.)

Complaint of the extraordinary exercises of power given to the Committee on Appropriations under this rule continued until the Forty-sixth Congress, when that rule was changed and the power of the committee mitigated, so as to read as follows:

"3. No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment,

which amendment, being germane to the subject-matter of the bill, shall retrench expenditures."

Still there was complaint made of the extraordinary power given to the Committee on Appropriations by reason of this rule, and at that session of Congress the following was adopted in lieu thereof:

"3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

All the qualifications of the rule of the preceding Congresses—Forty-fourth, Forty-fifth, and Forty-sixth, and subsequently the Forty-seventh—have been restricted, and the rule is left as I have read it.

During the consideration of this question an amendment was offered by the gentleman from Indiana [Mr. HOLMAN], as has already been stated, a part of which is as follows:

"Nor shall any provision changing existing law be in order upon any general appropriation bill, or be received as an amendment thereto; but provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill."

On this proposition there was a yea-and-nay vote, as follows: Yeas 69, noes 205. I have, therefore, no difficulty in coming to a conclusion, in the light of the preceding rules and the action of the present House, that it is not in order to provide for the reduction of a salary on an appropriation bill where such salary has been fixed by law.

It was claimed by some gentlemen in the course of the debate that this is not a limitation upon a salary, but is a mere limitation upon the appropriation. The reduction of a salary in this way perhaps is a restriction as to what the word limitation upon an appropriation means. If so, it is quite easy to see what the present House of Representatives intended to do, to wit, to exclude what may be called limitations upon appropriation bills.

But it is argued by gentlemen that this does not repeal the law. The language of the rule is, "change existing law." Without this provision in this bill, under the operation of the general law fixing the salary during the fiscal year 1878, the officer would be entitled to the full amount of his salary; such would be the operation of law. He would be entitled to it by force of statute; but this provision amends it to that extent, and is, therefore, a change of existing law in the opinion of the Chair.

The Chair therefore sustains the point of order.

Mr. SPRINGER. What does the Chair rule out as being within the point of order?

The CHAIRMAN. The Chair is inclined to think that the whole clause should be excluded, that is to say, the words "in full compensation for the service of the fiscal year," &c., because it is provided in a subsequent part of the bill, as conceded in the debate as well as ascertained by the Chair upon an examination, there is a reduction of salary as fixed by law.

Mr. BLANCHARD. I do not desire to detain the House with any further discussion of this point of order. It is clearly set forth in the decision which has been read, and further argument I deem to be useless.

Mr. HOLMAN. I wish to be heard for a minute. There is no gentleman of the House for whose opinion as a parliamentarian I have higher respect than the gentleman from Georgia, who made the ruling referred to, and I am confident on a careful review of the subject the gentleman from Georgia himself will see the point is not well taken, and for two reasons. First, it is but a part of the text of the preliminary declaration of the purpose of the appropriations; and, secondly, it operates simply as a limitation of the expenditure of money, namely, this money shall be expended in payment of salaries.

I wish to call attention to the fact, if the point of order which has been made against that language, and which has been in the bill ever since the first session of the Forty-fourth Congress, it is made also against the whole paragraph. If it is good against that language it is equally good against the words "shall be appropriated out of any money in the Treasury not otherwise appropriated," which are also in that paragraph. They all stand upon the same footing. If the construction of the gentleman from Georgia is followed out literally there is not a word in the whole of that paragraph which can stand, because they stand upon the same footing as the words "in full compensation."

But the second point is one I rely upon mainly, and that is it operates simply as a limitation of the money named in the bill, and it has never been held the House can not impose any limitation it thinks proper on the money it appropriates.

A single word further. The gentleman from Georgia will see if the words "in full compensation" are subject to the point of order the whole paragraph goes out; and I submit on such a question the terms of a good construction can not be overlooked.

So the gentleman from Louisiana can just as well make his point of order upon the whole language of the paragraph, every part of it, as upon this part of it, and it applies as well to the general proposition, to legislate by appropriations, as to this particular item. So, therefore, if the point of order was held to be good, there are no words appropriating money, or prescribing any appropriation in the bill, for every appropriation contained in it is subject to the same point.

Mr. BLOUNT. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. BLOUNT. The gentleman from Louisiana only makes the point of order on the language "in full compensation."

Mr. HOLMAN. Yes; but the gentleman will see that he could make it with the same propriety on any part of the same paragraph which provides for the appropriations at all.

Mr. BLOUNT. That is just what I do not see.

Mr. HOLMAN. Why?

Mr. BLOUNT. Because there is no legislation connected with the bill itself excepting that provision, as far as this paragraph goes.

Mr. HOLMAN. Is not the declaration "shall be hereby appropriated" a declaration of legislation?

Mr. BLOUNT. Yes; but we are appropriating, as we do all the time, under the terms of existing law.

Mr. HOLMAN. You have no law prescribing what shall be the terms of an appropriation bill.

Mr. BLOUNT. Certainly we have, else we could not appropriate it at all.

Mr. HOLMAN. There is no law prescribing the exact terms of the appropriation bill itself.

Mr. BLOUNT. I do not see the force of the gentleman's argument. I think we have.

Mr. HENLEY. May I ask the gentleman from Indiana a question?

Mr. HOLMAN. Certainly.

Mr. HENLEY. The gentleman will remember, and perhaps many members of the House who were present will remember, that upon the debate which took place on the adoption of our present rules, the gentleman from Indiana himself proposed to incorporate a rule providing that there should be no legislation upon an appropriation bill except in the direction of economy. That was the substance of it. I thought it was a good thing, and voted with the gentleman from Indiana for the adoption of his amendment. In that debate—and that is what I want to call the gentleman's attention——

Mr. HOLMAN. Oh, as to that I plead the statute of limitation. [Laughter.]

Mr. HENLEY. I want to quote the gentleman's language and see if he will stand by it.

Mr. HOLMAN. Many things are said hastily here that perhaps in maturer moments we would not care to stand by.

Mr. HENLEY. Permit me to finish the question.

Mr. HOLMAN. Certainly.

Mr. HENLEY. In that debate the gentleman from Indiana stated with great vehemence—and I have his language here——

Mr. REED. Have you got his vehemence? [Laughter.]

Mr. HENLEY. The gentleman stated that if his amendment was rejected—that is, if his amendment to the rule of the House to which I have referred was rejected by the House—it would thereby cut off every opportunity for reducing expenditures by the reduction of salaries.

Mr. HOLMAN. I am willing to admit if I did that I made a mistake. [Laughter.]

Mr. HENLEY. The gentleman made a mistake, then?

Mr. HOLMAN. I must have done so in the haste of the moment.

Mr. HENLEY. Well, I have got the gentleman to admit his mistake. That is all I ask.

Mr. HOLMAN. I take it all back. [Laughter.] I would be very glad indeed if I was able to say that it was the only mistake I had ever made.

Mr. HENLEY. It simply shows, however, that if the gentleman made a mistake in one instance that he is not to be regarded as infallible.

Mr. HOLMAN. I am not by any means.

Mr. HENDERSON, of Iowa. Well, you have got him on record as to that.

Mr. HOLMAN. Mr. Chairman, recurring to the question presented here as to whether there is a legislative provision in this portion of the bill, I repeat that if it be held there is, then the same question can be raised about all other portions of this first paragraph. If there be legislative provisions in the bill which are subject to the rule, this I claim not being, then that question can be raised when the question really comes up in the consideration of the bill. It may properly come up when we get to that portion of the bill where there is really a change of law.

Mr. FINDLAY. Mr. Chairman, I desire to occupy the attention of the committee for a few moments for the purpose of sustaining the point of order made by the gentleman from Louisiana. I do not propose, sir, to cover, or attempt to cover, the whole field, but I would refer briefly to the language of paragraph 3 of Rule XXI before it was amended by the rules adopted by this Congress. Before the amendment was adopted the language of this rule was as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amount of money covered by the bill.

Now, that was the original provision of the bill. Let us see see how it stands at present under the change made in the rules by this Congress.

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision changing existing law be in order in any general appropriation bill or any amendment thereto.

Whether it increases or whether it reduces the salaries it amounts to the same thing. What was the idea in dropping the original language, if the language was to have any meaning, unless the purpose was on the part of the House to prohibit the consideration of any amendment upon an appropriation bill, whether in the way of an increase or a reduction, by making it obnoxious to the point of order under the rule.

Now, the gentleman from Louisiana [Mr. BLANCHARD] makes the point of order that when this act provides that the sums of money which are thereinafter appropriated to pay the salaries of the officers of the United States therein designated shall be "in full compensation" for their services; that wherever on an examination of existing law by comparing it with the provisions of this bill we find that a less sum has been provided by the bill than is provided by existing law then there has been a change in existing law which makes the provision subject to the point of order. Instead of giving these officers the full compensation which the law provides they shall have you give them less compensation.

Let me cite an instance. In the year 1866 the salary of the assistant treasurer of the United States at Baltimore was fixed at $5,000. That continued until the Forty-fifth Congress, in 1879, when that salary was reduced by the legislative appropriation bill of that year to $4,500. There it stands to-day. There is the law of to-day.

Now, what says the bill? That he shall receive not $4,500, but $4,000. Is he receiving full compensation for the work that he performs in accordance with existing law? If he is, then we have no law on the subject; but we have a law—we have a specific law—which provides that he shall receive a certain definite fixed sum. Your bill comes in and changes that law, and says he shall not receive that sum, but shall receive $500 less. Is not that a change of existing law? If not, why not? And if it is a change of existing law, is it not obnoxious to that provision of the other paragraph of the rule which says:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Is not this a general appropriation bill, and does not this provision in this bill change existing law upon this subject?

I realize, Mr. Chairman, that we are in a somewhat doubtful predicament at this late stage of the session. I take it for granted that no gentlemen here desire an extra session, and that it would be a great deal better for us to pass our appropriation bills and go home; and I take it for granted also that gentlemen are in earnest when they say that they are going to see that these rules are enforced and not violated.

I submit whether or not such a proposition as this might get us out of the difficulty; that is, that the bill itself, as it now stands, be accepted, except such parts of it as are subject to points of order, whether they reduce or increase salaries; and that as regards all such parts the Committee on Appropriations forthwith report a bill embodying provisions in consonance with existing law; in other words, that the committee back out of a position which is entirely untenable, out of a position in which, if they are sustained, we are forced into violating our rules, and that they come into the House with a new bill framed in accordance with the law of the land as it now stands. If they do not choose to do that or adopt some measure looking to an extension of the appropriation, so far as concerns these obnoxious provisions of the bill, till next December, or some similar measure, they will have to take the responsibility of an extra session, if an extra session comes.

Mr. BLOUNT. The gentleman from Indiana in general debate in response to questions admitted there were a number of salaries reduced in amount in this bill. For the purpose of discussion it is not necessary to designate them, but that is a conceded proposition in the discussion of this question of order.

The gentleman from Indiana proposes by this language, "in full compensation," to provide for any deficiency that may arise by failure to appropriate the sum of money authorized by law by changing the law as to the salary in this regard for the fiscal year. My friend says he has a right to put a limitation on the appropriation of money. This phrase is an invention of my friend from Indiana. It is not known to the rules of the House. It is, I think, not understood by anybody else but my friend in the way he would have it to be understood. It means nothing else except to put on an appropriation bill a legislative provision reducing the amount of salary of an officer for the next fiscal year. If it is not that, what can it be? What is the purpose of my friend from Indiana in this language if it is not to reduce salaries? It is absurd, it is stupendous folly to insert it here unless it be for that purpose.

Mr. Chairman, you will understand, and no gentleman on this floor will do otherwise, that the object of my friend from Indiana is to reduce expenditure by reducing the amount of money to be paid to an officer. It is of course idle to recite the history of this rule to ascertain the purpose of the House. Prior to the Forty-fourth Congress you had under the clause for the contingencies of the Government a right to increase a salary. In the Forty-fourth Congress with a view to reducing expenses you could reduce salaries or have any general legislation provided it tended to retrench expenditure. In the Forty-sixth Congress you limited the power by providing that that might be done by reducing the number of persons to be employed or officers of the Government or the amount paid to them, and there was a continuation of legislation in reference to official salaries until this Congress provided that there should be no legislation on appropriation bills except in continuation of appropriations for such public works and objects as are already in progress, which words have never been held by anybody to relate to salaries.

The purpose of the change of the rule was comprehended at the time by the gentleman from Indiana. For, as has been quoted already by the gentleman from California [Mr. HENLEY], he protested against what would be the consequence of it, to wit, that you could not reduce a salary; and when confronted at this moment with the position he then took, my friend feels the force of it, and admits that he made a mistake. He did not say when he made it, but he is making the mistake now. When he made that argument it was fair and legitimate and the House understood the force of it, and the House understands the gentleman now, and understands that his mistake is in making his argument here to-day after the passage of the rule.

Mr. HOLMAN. Will my friend permit me to interrupt him?

Mr. BLOUNT. Certainly.

Mr. HOLMAN. My friend will find that the discussion to which he refers was as to legislation on an appropriation bill. I had no occasion then to discuss the question which is raised here to-day. The question here is whether you can put a limitation upon expenditures?

Mr. BLOUNT. What does the gentleman mean by a limitation? Reducing a salary?

Mr. HOLMAN. A limitation on the amount appropriated.

Mr. BLOUNT. Does not the gentleman mean that he can put into the bill an amount to pay an officer less than the amount of the salary prescribed by law for that officer?

Mr. HOLMAN. Undoubtedly.

Mr. BLOUNT. That is what is meant by the gentleman's "limitation," and that is how everybody understood it, and the gentleman's words have misled nobody but himself.

Mr. HOLMAN. The Supreme Court have decided, in the case of the United States *vs.* Fisher, in 109 Supreme Court Reports, that such a provision as this is only a limitation.

Mr. BLOUNT. The Court of Claims have held, and the Supreme Court has held, that it is a change of law *pro tanto;* and nobody knows that better than the gentleman from Indiana, for I handed him the decision and know that he read it. [Laughter.]

Mr. HOLMAN. The gentleman, of course, does not desire to misrepresent me. The decision to which I have referred is in the case of the United States *vs.* Fisher.

Mr. BLOUNT. Well, Mr. Chairman, I do not think anybody needs any Supreme Court decisions to settle this point, and therefore I will not accompany my friend in his search for decisions.

Mr. Chairman, as I said in the beginning of my remarks, a "limitation" in this case means nothing else except to cut down somebody's salary in this bill. And, further, let me say that if any particular person was in the mind of the House in changing its rule, it was my friend from Indiana [Mr. HOLMAN], with his persistent purpose to do this very thing, and if the rule had named him nobody would have understood it better than it was understood by the House. [Laughter.]

Mr. BURNES. Mr. Chairman, it seems to me that this is a plain, simple, legal proposition as to which there is neither room nor occasion for excitement or tumult. I ask my learned friend from Maryland [Mr. FINDLAY], and also my learned friend from Louisiana [Mr. BLANCHARD], what law is repealed or changed by the words now under consideration. These words "in full compensation" change no law under the third section of Rule XXI. These words change no law. The law remains the same after they are used as it was before.

Mr. ROGERS. Why not strike them out, then?

Mr. BURNES. I am not now talking about that question. I am talking of the legal effect of these words where they stand.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit a question?

Mr. BURNES. Certainly.

Mr. BRECKINRIDGE, of Kentucky. If you take the words "in full compensation" in the first section, then take the provision in the third section, that "all acts and parts of acts inconsistent with this act are hereby repealed," and then all the changes in the bill which decrease salaries, do not these provisions taken together *pro tanto* repeal all laws fixing the salaries which are decreased by the bill?

Mr. BURNES. In answer to my learned friend from Kentucky [Mr. BRECKINRIDGE], I beg to say to him that I can not pretend that there are not provisions in this bill changing existing law, but I am speaking now of the provision under consideration against which the point of order has been made. These words "in full compensation" are merely words of propriety, words of sufficiency. It may be very appropriate, and we all like to have the words "in full" when we take a receipt. In like manner, these words "in full compensation" are here used as words of propriety. They may be voted out, but they can not go out by virtue of the point of order raised under the third paragraph of Rule XXI.

Now, Mr. Chairman, I again ask these gentlemen to point to the statute which these words repeal, alter, or change.

I understand it has been decided in the courts of the country that, so far as concerns the repeal or change of any existing law, gentlemen whose salaries are reduced below the figure authorized by law can go into the Court of Claims and recover by an action at law.

Now, as a legal proposition this question to my mind is as clear as the light that comes from heaven.

A MEMBER. Does the light here come from heaven?

Mr. BURNES. There is no heat necessary on this subject; there is no question of consistency with regard to my friend from Indiana. There is no question as to where the light comes from, as suggested by my esteemed friend here. He thinks perhaps that the light of this House comes from the infernal regions instead of the throne of the blessed God.

I rose to say that as a mere legal proposition it is incumbent that gentlemen insisting on this point of order should point out the law that is changed or altered.

Mr. CRAIN. Mr. Chairman, in answer to the gentleman from Missouri [Mr. BURNES], I will simply read a decision of the Supreme Court of the United States in the case of United States *vs.* Langston, which reviews the case referred to by the gentleman from Indiana—the case of Fisher—and in which the Supreme Court holds that the use of the language "in full compensation" amounts to a suspension during the year of the general law fixing the salary.

In the case of Langston it was maintained by the Attorney-General representing the United States that as Congress has failed for several years to appropriate the full amount allowed by the statute the failure was tantamount to a declaration that Congress intended that the salary affixed to the position occupied by that gentleman should be the amount appropriated and no more. In response to that position the court held that as the words "in full compensation" or words of similar import and effect did not appear in the act the mere failure to make the necessary appropriation neither repealed nor suspended the general law fixing the salary.

This case—

Says the court—

is distinguishable from the United States *vs.* Fisher, (U. S. 143, 146)—

The case cited by the gentleman from Indiana—

and United States *vs.* Mitchell (*Id.*, 146, 149). In Fisher's case it was held that the clause in the Revised Statutes fixing the salary of the chief-justice and associate justice of Wyoming at $3,000 per annum was suspended by the provision in each of the appropriation acts for the legislative, executive, and judicial expenses of the Government for the fiscal years ending June 30, 1879 and 1880, which declared that the sums therein specified—among which was $2,600 each to the governor, chief-justice, and two associate judges of Wyoming—were appropriated "in full compensation" for the service of those years. The claim of Fisher for compensation on the basis fixed by the Revised Statutes was consequently rejected.

It will thus be seen that the claim of Fisher was rejected because the words "in full compensation" appeared in the appropriation act for that year.

This court said: "We can not adopt the view of the appellee unless we eliminate from the statute the words 'in full compensation,' which Congress, abandoning the long-used form of the appropriation acts, has *ex industria* inserted. Out duty is to give them effect. When Congress has said that the sum appropriated shall be in full compensation of the services of the appellee, we can not say that it shall not be in full compensation, and allow him a greater sum."

* * * * * * *

The case before us does not come within the principle that controlled the determination of the other cases. The salary of the minister to Hayti was originally fixed at the sum of $7,500. Neither of the acts appropriating $5,000 for his benefit, during the fiscal year in question, contains any language to the effect that such sum shall be "in full compensation" for those years; now, was there in either of them an appropriation of money "for additional pay," from which it might be inferred that Congress intended to repeal the act fixing his annual salary at $7,500?

* * * * * * *

While the case is not free from difficulty the court is of opinion that according to the settled rules of interpretation a statute fixing the annual salary of a public officer at a named sum, without limitation as to time, should not be deemed abrogated or suspended by subsequent enactments which merely appropriated a less amount for the services of that officer for particular fiscal years, and which contained no words that expressly or by clear implication modified or repealed the previous law.

Now, it seems to me from the decision of the court in that case, and from the review of the decision in the case which the gentleman from Indiana has cited, not only to-day but frequently heretofore, that the use of the language "in full compensation" means not that the original appropriation act is repealed in the sense spoken of by the gentleman from Missouri [Mr. BURNES], but that it is suspended during the time that this appropriation act is law, namely, till the end of the fiscal year, after which the original salary as provided in the Revised Statutes is the property of the individual who fills the office, unless Congress should again, by the insertion of the language "in full compensation" suspend for the time being—that is, for the year during which the appropriation act is law—the original provision in the Revised Statutes.

Mr. Chairman, if such is not the legal effect, why does the gentleman from Indiana put this language in the bill? If this is not the legal effect and import of the words "in full compensation," these words may be rejected as surplusage. Why does the gentleman contend so strenuously and argue so vehemently for the retention of that language if it means nothing? Why consume the valuable time of this House during the closing days of the session in idle argument, in vapid declamation, in discussing a matter which is of no importance? Why does the gentleman, I ask again, contend so vigorously for the retention of this language if it has no meaning? Much as I respect the gentleman's legal opinion, much as I admire his economical notions, I can not refrain from saying that I prefer to follow, in my vote, the decision of the Supreme Court of the United States on this question.

Mr. HALL. Mr. Chairman, it seems to me this point of order is not well taken. I base my view upon the fact that the words in this first paragraph against which the point of order is taken do not of themselves repeal or affect any existing law. They must be united in their operation with some subsequent clause or section before there can be any change of existing law. If, as has been suggested, there are subsequent clauses of this bill which increase or reduce the salaries of officers, it is those clauses themselves which, taken in connection with these words, "in full compensation," may have the effect of changing existing law. But not having reached those paragraphs, the present words are not liable to the point of order.

The rules of this House, as I apprehend, contemplate that when this "bill for an act" shall have become an act, its appropriations of salary shall then be in full compensation for all services. The rules of the House are that in a bill of this kind there shall be no proposition either to reduce or to increase any salary or compensation as fixed by law; and it ought to be and is presumed that when by a proper application of the rules this House shall have perfected the bill, it will be a bill in full compensation for the services of public officers.

A question of order is a very different thing from a motion to amend, to add, or to strike out. If the House in perfecting this bill should see fit to change any salaries, it would then be entirely proper, by motion, to strike out these words, because they would cease truthfully to have application. But if the words should now be struck out on a point of order, the House would be precluded from framing a bill that should be in full compensation of any of the salaries; it would deny to itself the right to declare that the compensation allowed to a single one of the officers mentioned in the bill is full compensation.

Now, while distinguished gentlemen here have stated as a matter of fact that this bill as reported does, in effect, change existing law, I say that so far as concerns the power of the House to reach a question of that kind by a point of order, the House does not know what is in this bill beyond the point thus far reached in its consideration.

We are taking it paragraph by paragraph.

Mr. BLANCHARD. Has not this bill been read before the Committee of the Whole?

Mr. HALL. Yes; it has.

Mr. BLANCHARD. And its provisions are known to the members?

Mr. HALL. They are.

Mr. BLANCHARD. Every one read to the House and pending before it.

Mr. HALL. They are known for the purpose of amendments, for the purpose of adding to and striking out; but they are not known to questions of order until the several paragraphs are reached in their order.

Mr. MILLS. Will the gentleman from Iowa permit me to ask him a question?

Mr. HALL. Certainly.

Mr. MILLS. This bill makes appropriations for less amounts than existing law provides as salaries of certain officers. If the words "in full compensation" were not in the bill, could not these officers recover the balance due them, or the difference between the amount appropriated and the amount fixed by law?

Mr. HALL. I will answer the gentleman. The words against which the point of order is made, in so far as they have any legal consequence, are to be taken in connection with the paragraphs which follow.

Mr. MILLS. If these words were not in the bill could not the officer recover the full amount of his salary fixed by law?

Mr. HALL. I presume he could.

Mr. MILLS. If these words did not preclude him from doing that then there seems to be change of law.

Mr. HALL. I will answer the gentleman from Texas in this way. Mr. Chairman, several paragraphs in this bill declare the compensation for each officer shall be less or greater. Those are the paragraphs which change the law and the paragraphs against which the point is now made. As I have already stated, if the rules of the House were properly carried out that this bill shall not contain any change of existing law, even when the committee came to the separate paragraphs they would find no change of law against which to make any such point of order. But if there are such changes of existing law as each paragraph is reached the point of order can be made against it, and it will have to go out. That would be acting legally and logically in accordance with the rules of the House.

Mr. HENLEY. If this point of order is sustained the effect of it is this must go out. What then is the difference?

Mr. HALL. The bill is not amended.

Mr. HENLEY. It is.

Mr. HALL. It is changed, but it is not amended by any order of the House.

Mr. HENLEY. That is as fine spun as some of your other propositions.

Mr. HALL. I thank the gentleman for his classical compliment.

Mr. BLAND. Let me ask the gentleman one question.

Mr. HALL. Yes, sir.

Mr. BLAND. Suppose the paragraph remains in the bill and these

provisions which fail to appropriate did not go out of the bill, would not the effect be to change existing laws? In other words, would not these officers fail to recover, although if these words were not there they might recover under the decision of the Supreme Court?

Mr. HALL. I understand the decision of the Supreme Court.

Mr. BLAND. Would they not be prevented from recovering by keeping in these words?

Mr. HALL. If these words are allowed to remain in the paragraph when you reach those paragraphs which do change the law, and you change them to conform to the law, what harm is done?

Mr. BLAND. But suppose you do not change them?

Mr. HALL. If the House will not enforce its own rules, but will act in defiance of them, what will be gained by this point of order?

Mr. BLAND. But suppose the House does not change these paragraphs, then they become existing law.

Mr. HALL. Then so far as the point is concerned the House has had the opportunity to act for itself, and can say whether they shall remain as they are or not. [Cries of "Vote!" "Vote!"]

Mr. DIBBLE. Mr. Chairman, the decision of the Supreme Court of the United States is not on the words "in full compensation" simply, but on those words in connection with such words of the act as fixed the appropriation at a less amount than the salary provided by law. I agree with the gentleman from Iowa [Mr. HALL] these words may remain in the bill, and when we reach any paragraph containing a lower amount than that fixed by law it would be obnoxious to the point of order. If you strike out these words the paragraphs will be in order in every case where amounts reported are less than those fixed by law. If you strike these words out, then, under the decision of the Supreme Court, in a case of that kind, the law is neither suspended nor changed, but it is merely a failure to appropriate, and the balance is recoverable in the Court of Claims.

Suppose instead of the words "in full compensation" the words had been "in partial compensation," that would not change existing law as to such appropriations as are reported at less than the compensation allowed by law, but would change existing law in those instances where the committee has reported an appropriation of the full salary allowed by law.

Now, I have no sympathy with the effort made in this bill to bring into the House new legislation, unjust to the employés of the Government in some instances, and showing undue preferences to them in others. But I do submit, Mr. Chairman, that the way to reach that difficulty, and the only way, is to observe and call attention to each place and instance where the violation is proposed.

It is not in these words "in full compensation." The rule of the House requires that they shall bring in an appropriation bill in full compensation. That is what we want them to do. We direct them virtually under that rule to bring in a bill in full compensation. A violation of the rule, to which the point of order applies, is where they have failed to do what the rule requires, and that is in each individual appropriation itself.

Mr. BLOUNT. Will the gentleman now yield for a question?

Mr. DIBBLE. I will yield for that purpose.

Mr. BLOUNT. I understand the gentleman to state that with this provision out of the bill they may report an amount less than the amount fixed by law for the salary, and that the difference can be recovered in the Court of Claims. I ask my friend if the rule which requires that they shall report only such appropriations as were authorized by existing law is conformed to when they report a different sum, whether more or less, than the law provides.

Mr. RYAN. Can we not have a decision on the point of order?

Mr. DIBBLE. In answer to the question of the gentleman from Georgia, I will simply say that the rule only prohibits appropriations "for any expenditure not previously authorized by law;" and if the whole of it is authorized by law, certainly any part of it is; and therefore it would not be obnoxious to the point of order if those words were eliminated from the bill, because it might be an appropriation for nine months or ten months of the time, leaving the balance to be appropriated in a deficiency or some other bill.

Mr. TOWNSHEND. I wish to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. I desire to know if it is possible in any way for the committee to get a ruling upon this question of order without consuming so much time?

The CHAIRMAN. The Chair will state that the debate will probably run but a few moments longer, as but one or two gentlemen desire to be heard.

Mr. OATES. Mr. Chairman, the point of order which is now made is directed to the words "in full compensation" in the first paragraph of the bill. I presume the purpose of making the point on that is to reach all of the changes, or all of those which are supposed to be changes, in existing law throughout the bill; and therefore the point is manifestly prematurely made. It is directed towards only a part of that which is objectionable, because, as stated by the gentleman from Iowa [Mr. HALL], these words standing alone are not objectionable. They do not affect anybody; they do not affect any officer's salary either by increase or diminution.

You must take these words and connect them with some subsequent paragraph in the bill in order that the point of order may have anything to operate upon.

Now I wish to show, for I think I can, that the point of order can not be made in this way to operate upon all the supposed changes of existing law in the bill. They are not all alike. They stand upon different bases. It is true that the Supreme Court has held that where the amount appropriated is less than that fixed by statute, the officer, if he take the amount appropriated, and the language in the bill under which he is paid provides that the sum which he thus takes "shall be in full compensation," that under those circumstances he can not recover the excess allowed by the statute. That is based by the court upon the ground of the suspension of the law during the fiscal year while this language in the appropriation bill is in force. It seems to me it would have been better, perhaps, to have based it upon the ground of estoppel; by accepting the smaller amount that he would be estopped from recovering the over-plus, but the court places it upon the ground of conflict:

> Not only do the words of the statute make the intentions of Congress manifest, but that intention is plainly repugnant to the former statute which fixes the salary of the chief justice at $3,000. It is impossible that both acts should stand. No ingenuity can reconcile them. The later act must therefore prevail, and the earlier act must for the time covered by the appropriation before referred to be considered as suspended.

Then, Mr. Chairman, when you reach a point in the appropriation bill which fixes the salary at a less amount than some existing law provides shall be the salary, the point of order does lie that it changes existing law, because although only a suspension it is a change. The language of the rule is broad and plain. It says "any change of existing law." Well, a suspension is a change of existing law as well as a repeal.

Now, the additional reason: We find in the appropriation bill of last year in its third section and in the same words employed in this bill:

> All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Now, in the progress of the committee in the consideration of this bill no doubt a change will be reached of this character. Where an existing law fixes the amount of the salary, and for the first time the appropriation is less than the amount fixed there, because of the change by suspension the point of order is good. But suppose it is a case where some existing law, some permanent statute, fixes the salary of an officer prior to the last appropriation bill at $4,000 per annum and in the last appropriation bill $3,000 only was appropriated for that officer. It went on, and that officer accepted it. The decison of the court in the Langston case is that an officer for whom a less sum is appropriated may decline to take it with the expiration of the period of the appropriation; that is, on the principle that to recover his whole salary he must wait until the whole salary is due before he goes into the Court of Claims to sue for the whole amount, declining to take the less amount appropriated. But, Mr. Chairman, you see the marked difference. If in the case that I have put an officer has his salary fixed at $4,000 prior to the passage of the last annual appropriation bill and that annual appropriation fixes it at $3,000 it becomes a law by virtue of the third section in the last year's appropriation bill.

Mr. HOLMAN. And is then permanent law, too.

Mr. OATES. I will deal with that in a moment. I read from this bill because the language is the same as in that of last year. The third section is that something is "repealed"—not suspended but repealed. There can not be any mistake about these words or the meaning of them:

> All acts or parts of acts inconsistent or in conflict with the provisions of this act.

That is the language used in the last annual appropriation bill. Then, sir, the words "inconsistent or in conflict with" are not words limited in their operation merely for the period of appropriation, for the year, like the words used in the first paragraph, against which this point of order is directed. They are words of designation. Something is repealed, and these words preceding designate what it is that is repealed.

If by the decision of the court the appropriation of a less amount suspends the existing law because it is in conflict with it, in the language of the court, utterly inconsistent with it, then there can be no doubt what is repealed when the act says:

> That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

We have in this bill some cases where for the first time a smaller amount is appropriated than that allowed by the law fixing the salary. There when it is reached the point of order can be made and is good against that change.

But when you reach one where the salary was changed in the last appropriation bill, the law fixing or attempting to fix the salary permanently was by that act absolutely repealed, and there is no law now fixing the amount of that salary; and it is in the discretion of Congress to appropriate whatever amount they see proper.

Mr. Chairman, as to the merits of it I have nothing at all to say, whether it was wise to make these changes or not. I am dealing with this as a legal question, and I am perfectly satisfied that there are two different classes of changes in this bill, and the point of order being

now made against these words can not apply to and reach those classes. This demonstrates that it is prematurely made and that gentlemen should withhold their points until they reach the paragraphs in the bill that are objectionable to them. [Cries of "Vote!" "Vote!"]

Mr. CUTCHEON. I desire to take only a single moment of the time of the committee. The single question before us is whether the three words under consideration, "in full compensation," change existing law in any respect. If they do, then they are out of order. I understand it to be admitted by the gentleman in charge of the bill that there are paragraphs in the bill which reduce the compensation of certain officials as fixed by existing statute.

Mr. STEELE. And some paragraphs which raise other salaries.

Mr. CUTCHEON. Yes; and some paragraphs which raise the salaries above the compensation allowed by statute. The latter case perhaps would not be affected by the words.

I undertake to say the difficulty is not that the Appropriations Committee undertook in the appropriation bill to reduce salaries. The difficulty is it changes the rights of these officers in regard to their remedies if they undertake so to reduce them. For instance, I find on page 8 of this bill an appropriation for the salaries of members of this House and Delegates, and the amount carried is $1,695,000, which allows each Member and Delegate $5,000 according to the statute. Supposing the committee had appropriated only sufficient to pay each Member and Delegate $4,000, then each Member and Delegate who received that compensation, without the paragraph or section in dispute, would, under the statute, have a right to go into the Court of Claims and collect the other $1,000. If the committee have not undertaken to change the law which fixes that compensation but have simply underappropriated, if these words remain in, that right or power of going into the Court of Claims to collect the balance of compensatian as fixed by prior law is waived or dispensed with. In other words, every gentleman who would accept $4,000 as his compensation would be obliged to accept it as full compensation, and thereby his right of remedy to collect the balance of the $5,000 is lost.

Without those three words he would have that right under the law. With those three words he has no such right under the law. In other words, the law is changed by these words as to the right of the party to collect the balance of his compensation as fixed by existing law. It is said that the point of order is premature, and that it should be made upon each paragraph or section of the bill. I maintain, Mr. Chairman, that the point of order is not premature, because in the absence of these words "in full compensation" there remains, according to the decision of the Supreme Court, a right to collect the balance of the compensation due, but with those three words there is no such right. [Cries of "Vote!" "Vote!"]

Mr. CANNON. Mr. Chairman, I recollect the old proverb that a multitude of words darken counsel, and I shall not occupy more than half a minute. I merely want to say that it occurs to me that this whole matter has been foreclosed by a decision and acquiescence during this Congress. The occupant of the chair [Mr. SPRINGER] is a good parliamentarian, and I do not think he needs much instruction, but there seems to me to be strong evidence in this whole matter of an intention upon the other side of the House to so conduct the public business as to force an extra session.

Mr. PETTIBONE. Mr. Chairman——

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair is ready to decide the point of order, but will hear the gentleman from Tennessee.

Mr. PETTIBONE. Mr. Chairman, I arise to say that I agree with the gentleman from Louisiana [Mr. BLANCHARD] that these words "in full compensation" should be stricken out. That this bill does change the requirements of existing law every member on this floor knows, for we heard every word of the bill read on Saturday night. Now, sir, if it is conceded that the bill does change existing law and does put in jeopardy the rights of employés of the Government, why not strike out this provision? Why not put the matter beyond question?

The gentleman from Alabama says that we can take up and amend the various provisions of the bill step by step, but I regard this provision which stands here in the very fore-front of the bill as an agreement and contract on the part of the House that what follows shall be considered in the light of what has been already discussed and agreed to. At the very outset we ought to do what is right and wise, and not trust to a haphazard of future votes upon other portions of the bill. Mr. Chairman, I know the old saying which has come down to us from our English ancestors:

> I hear a lion in the lobby roar;
> Say, Mr. Speaker, shall we shut the door
> And keep him there, or shall we let him in,
> To try if we can turn him out again?

Now is the right time to do the right thing by sustaining the point of order made by the gentleman from Louisiana [Mr. BLANCHARD]. And now, Mr. Chairman, having said my say, I take my seat.

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] makes the point of order that the words "in full compensation" in this clause of the bill are obnoxious to the rule of the House, which prohibits the incorporation in an appropriation bill of any provision changing existing law. It will be observed by reference to the legislative, executive, and judicial appropriation bill passed at the last session that those words appear in that law, notwithstanding the fact that they were stricken out on the point of order.

In addition, the third section of the bill provides that "all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed;" so that it would seem to the present occupant of the chair that if these words had been theretofore in conflict with any existing law, they would not have been so after the bill had passed, because all provisions of law inconsistent with them were repealed. The making of the point of order at this time, whether the provision remains in or is stricken out by a vote of the committee, will of course affect subsequent clauses in the bill. Wherever it may appear hereafter in the consideration of this bill that any salary has been increased beyond the amount fixed by a permanent law which has not been repealed, the point of order against such change must be sustained upon the ground that the change is in conflict with existing law. If, however, the appropriation proposed in the bill should be less than the amount prescribed in the existing law, then, if the provision now in question remained in the bill, it would be in conflict with the existing law to make the reduction and make the reduced appropriation "in full compensation."

But if those words, "in full compensation," were stricken out, the Chair would not hold that an appropriation of a less amount than that prescribed by law was in conflict with the law, because it is not to be assumed that the Chair could insist that the committee or the House should appropriate the full amount prescribed by the statute. It is for the committee and the House to determine whether they will appropriate the full amount or not. The courts have held that Congress may appropriate for the partial payment of a salary, and that the party may thereafter recover the balance. The opinion of the present occupant of the Chair is that the point of order, in so far as it is designed to reach subsequent clauses of the bill, is prematurely made, and that this provision is not obnoxious to the point of order.

But this question was submitted to the Committee of the Whole at the last session of Congress, and the words were then held to be obnoxious to the rule; and, in deference to the opinion then expressed and not appealed from, the Chair will not now decide the question, but will submit it to the committee. The question, therefore, is whether the committee will sustain the point of order made by the gentleman from Louisiana [Mr. BLANCHARD.]

The question was taken; and there were—ayes 164, noes 24.

The CHAIRMAN. The point of order is sustained, and the words are stricken from the bill.

Mr. ROGERS. I send to the desk an amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out all after the enacting clause of the bill and insert:

"That, for the purpose of providing for the legislative, executive, and judicial expenses of the Government for the first half of the fiscal year ending June 30, 1888—that is to say, from the 1st day of July, 1887, to the 31st day of December, 1887, inclusive, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, one-half the sums of money and for the like purposes, and continuing the same provisions relating thereto, as were appropriated for the service of the Government for the fiscal year ending June 30, 1887, by the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June, 1887, and for other purposes,' approved July 31, 1886, subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to the appropriations made by that act."

Mr. HOLMAN. I make a point of order upon that proposition.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. I submit that the proposition is out of order—first, because it is new legislation; secondly, because this being offered as a substitute for the entire bill, the bill must first be read for the purpose of amendment; so that the substitute can, in no event, be considered until the several paragraphs of the bill have been read and considered. But my first point of order is that the amendment is new legislation—a change of existing law. The existing law makes specific appropriations of money for each of the several Departments of the Government. I submit that this is a change of the law in that respect; for some of these appropriations are made under limitations which have already expired. Notably, there is the appropriation for the current year of a large sum of money for the support of the special examiners appointed under the Pension Bureau. They are appointed for a single year, and their term of service under the present law terminates on the 30th day of next June. By the operation of the provision just read they would be continued in service for another year. Similar provisions apply to a great many other portions of the appropriation act for the current fiscal year, as the Chair will discover on examination. So that it is clear that this provision changes existing law, inasmuch as it extends the terms of offices which by law will expire on the 30th day of June next. This of itself would be sufficient to require that the point of order be sustained.

But my second point is that this proposition, being offered in the nature of a substitute, it can not be considered until the bill has been read through and considered by paragraphs.

Mr. REED. It can be offered, to be pending.

Mr. BURROWS. My friend from Arkansas [Mr. ROGERS] will pardon me a moment. Not long since a substitute was offered for a very large bill like this, and by that means the bill was gotten back into the House and then the House voted down the substitute and put through the original bill. Now we want some distinct understanding this time that that is not to be done.

Mr. HOLMAN. I hope this discussion will be confined to the point of order.

Mr. ROGERS. Mr. Chairman, I am perfectly conscious, and I was so when I asked for the reading of this amendment, that the proper time for this question to be voted on is after the bill has been read through. I concede that broadly; but I offer the proposition now and desire to have it pending.

Now, Mr. Chairman, I have just a few further observations to make. I listened this morning with some attention to the statement of the chairman of the Committee on Appropriations [Mr. RANDALL]. It is the first time in my experience here——

Mr. HOLMAN. I trust the gentleman will confine himself to the question of order.

Mr. ROGERS. I trust the gentleman from Indiana will not interrupt me again. Mr. Chairman, I move to amend by striking out the last word of the pending provision.

Mr. HOLMAN. I submit that the question of order is pending. All I insist upon is that my friend shall confine himself to that question.

Mr. ROGERS. Mr. Chairman, I have admitted broadly that this point of order is correctly made so far as it is contended that the vote on my proposition must be postponed until we have gone through with the bill by paragraphs. I now move to strike out the last words of the pending paragraph——

The CHAIRMAN. The Chair will state that in his opinion this substitute may now be offered, but it can not be voted upon until the Committee of the Whole has exhausted its right to amend the text of the bill. To that extent the point of order of the gentleman from Indiana [Mr. HOLMAN] is sustained.

Mr. HOLMAN. The real point has not been decided—whether it is in order or not on the ground of objection that it is new legislation.

The CHAIRMAN. The Chair could not determine whether it is new legislation or not without comparing it with the text of the bill after it has been gone through with. The Chair merely recognizes the gentleman from Arkansas [Mr. ROGERS] to move his amendment.

Mr. MCMILLIN. The gentleman from Arkansas introduces his amendment now, but it is not to be voted on until it is reached in order after the committee has gone through with the text of the bill.

Mr. ROGERS. That is the reason why I offered it.

Mr. HOLMAN. But what has become of the other point of order?

The CHAIRMAN. The other point of order will be postponed in like manner until the proposition is reached for consideration.

Mr. HOLMAN. It is considered the point of order is still pending to the amendment?

The CHAIRMAN. The point of order is still pending and will go over with the proposition until it is reached.

Mr. ROGERS. Now, Mr. Chairman, I have a word to say, and I think I have the floor for that purpose, and I hope I will not be interrupted. I repeat what I was about to say. I listened with unusual interest to the statement of the chairman of the Committee on Appropriations. It was a statement complimentary to the House, and as such I accept it. But I do not accept it as reflecting any sort of compliment on the Committee on Appropriations.

Sir, this bill was reported on the 3d day of February, and I am conscious of the fact that two or three staggers [laughter] have been made here to get it up, and very recently as my friend states [laughter], but it has never been done except when it antagonized some appropriation bill. In addition, if it be true that it has been offered at some time when an appropriation bill has not antagonized it, it is the first time I have seen the great premier on this side come into this House and confess that with the right of way wide open for appropriation bills, and this House refuse him the right to go forward.

Mr. HOLMAN. The gentleman from Pennsylvania is not present.

Mr. PETTIBONE. He ought to be here.

Mr. HOLMAN. He is on a conference committee with the Senate.

Mr. ROGERS. That does not matter. It is not personal; it is public.

Let me say one thing right here. I serve notice on the Appropriations Committee now that they are not going to pass this bill without consideration of its provisions. [Cries of "Good!" and applause.]

I will state another fact, and it is this: That they shall never pass another bill under a suspension of the rules, if one objection will cause it to be read.

My appeal, Mr. Chairman, to the gentleman from Indiana is this, that here, in the closing hours of the session, lest the country fix the responsibility of an extra session where it belongs, that they recede from their bill and adopt the measure I offered and let it go to the Senate, that they may have time for some consideration of it. I express the opinion, and that is my belief and judgment, that the precipitation of an appropriation bill of $20,000,000 upon the House at this time is a reflection on the integrity as well as on the intelligence of this House, and besides it is an indecency to the Senate as well as a great outrage on the President of the United States, who has to sign it without reasonable opportunity to read it. [Applause.]

One of two things, Mr. Chairman, stares us in the face: we have either to compel the Appropriations Committee to abide by the rules of the House, or we have to surrender our power in this House and bow down before them. When we sought to change these rules then the struggle came while we were curtailing the powers of the Appropriations Committee. We were told then by the gentleman from Indiana that if that rule was established we could not reduce salaries. Then, like all persons who unsurp power, they were seen struggling to hold on to the power they had usurped. But we cut off their power to legislate in appropriation bills, and now the struggle is the other way. They are seen in a struggle to usurp the same power this House has taken from them by its rules. For one, I am for enforcing the rules of the House on the committee from this time forward.

The CHAIRMAN. The gentleman from Arkansas withdraws his formal amendment, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms, $4,320; horse and wagon for his use, $600; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; one messenger, acting as assistant doorkeeper, $1,800; one messenger, acting as assistant doorkeeper, $1,600; assistant messenger on the floor of the Senate, $1,200; upholsterer and locksmith, $1,440; postmaster to the Senate, $2,250; assistant postmaster and mail-carrrier, $2,088; one clerk in the post-office, $1,800; five mail-carriers, at $1,200 each; four riding pages, at $912.50 each; superintendentof the document-room (Amzi Smith), $2,592; two assistants in document-room, at $1,440 each; one clerk to the superintendent of the document-room, $1,440; one page in the document-room, $720; superintendent of the folding-room, $2,160; one assistant in the folding-room, $1,200; one clerk in the folding-room, $1,000; one foreman in the folding-room, $1,200; six folders, at $3 per day while actually employed, $6,588; twenty-seven messengers, at $1,440 each; messenger in charge of store-room, $1,200; messenger to the Official Reporters' room, $1,440; chief engineer, $2,160; three assistant engineers, at $1,440 each; conductor of elevator, $1,200; two firemen, at$1,095 each; three laborers in the engineer's department, at $720 each; one laborer in charge of the private passage, $840; female attendant in charge of the ladies' retiring-room, $720; one telephone operator, $720; eight skilled laborers, at $1,000 each; twelve laborers, at $720 each; two janitors, at $900 each; twelve laborers, during the session, at the rate of $720 each per annum; for fifteen pages for the Senate Chamber, including one telephone page, at the rate of $2.50 per day each during the session; in all, $141,017.42.

Mr. BLANCHARD. I make the point of order on the words "Amzi Smith," in line 97. I know of no warrant of law, no permanent law, which gives to Amzi Smith a salary, and I know of no warrant for the Committee on Appropriations appointing anybody in a regular appropriation bill.

Mr. HOLMAN. I think the point of order is well taken.

The CHAIRMAN. The point of order is sustained,

The Clerk read as follows:

For twenty-five clerks to committees, at $6 per day during the session, $31,950.

Mr. CANNON. I offer the amendments I send to the desk.

The Clerk read as follows:

For clerks to Senators who are not chairmen of committees, at $6 a day during the session, $40,896.

Mr. HOLMAN. I make the point of order on that proposition, that it is new legislation, and there is no law authorizing it.

Mr. CANNON. A word upon the point of order.

The paragraph which has just been read provides for twenty-five clerks to committees at $6 a day each during the session. There is no law in the Revised Statutes or elsewhere except in the appropriation bills for the employment of these clerks. In the next item of the bill provision is made for contingent expenses of the Senate for newspapers, stationery, and various other items, and there is no law for that, if you go to the statutes and ask for an act affirmatively authorizing it. Yet there is a law which authorizes the organization of the Senate and the House, and whatever is necessary to perfect that organization is within the terms of the law.

Mr. HOLMAN. I withdraw the point of order and call for a vote.

Mr. CANNON. Very well; the point of order being withdrawn, now a word on the merits.

Mr. MCMILLIN. I renew the point of order.

Mr. CANNON. All right; I will shift back and discuss the point of order again. [Laughter.]

I say under the Constitution of the United States the Senate and House are authorized to be organized; and all things necessary to accomplish that purpose, and for the transaction of their business, is in order by way of a provision upon an appropriation bill.

In that same connection a word upon the merits of this matter, as it affects the merits of the point of order. Let me say that while I am not in favor of this proposition as an original one, that for four years this House has opposed the appropriation of the Senate for clerks to Senators who are not chairmen of committees, and finally yielded and passed the appropriation, and no doubt we will do it again. We did it the last time against my vote on motion of the gentleman from Indiana himself, and that side of the House knows it. Now, in good faith, to get this bill through in a fair time, so far as we have time between now and the 4th of March, I offer this amendment, so that we can come directly to a vote on a proposition which will be necessary to

be adopted before the bill is passed; and I offer it in good faith, and hope the House will not consume time in tomfoolery, marching up the hill that we may march down again, as has been the case heretofore.

The CHAIRMAN. The Chair is of opinion that the point of order is not well taken.

The question being taken on the amendment of Mr. CANNON, the committee divided; and there were—ayes 73, noes 80.

Mr. BRADY. No quorum has voted.

Mr. CANNON. I hope the gentleman will withdraw that point.

Mr. BRADY. I will not.

Mr. BRADY and Mr. HOLMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 59, noes 105.

So the amendment was rejected.

The Clerk read as follows:

Office of the Speaker: For private secretary to the Speaker, $1,800; and for clerk to the Speaker's table, $1,800; in all, $3,600.

For Chaplain of the House, $900.

Mr. BURNES. I move to strike out eighteen hundred where it occurs in this paragraph in each place and insert $2,102.40, that being the precise amount of salary allowed by law to each of these clerks. I beg to say in support of the amendment only this, that I can bring to the committee the testimony of two of the most eminent gentlemen who have ever presided over this House, the chairman of the Committee on Appropriations and the present Speaker, in support of the proposition that the clerk at the Speaker's table holds one of the most responsible positions in the service of the House; and the secretary, I need only say, is doing all the clerical work of the Speaker. I trust the amendment will be adopted.

The amendment was agreed to.

Mr. STEELE. I wish to ask my colleague a question. I see that the clerk to the Speaker is left out of this bill. Is that intentional?

Mr. HOLMAN. It was left out upon the suggestion of the Speaker. There is no objection to it.

I will also add that that officer is provided for by law until the 1st of December next.

I suggest that the Clerk correct the total footing of the paragraph just read.

The CHAIRMAN. The Clerk will be directed in future, without the action of the committee, to correct the footings of the different paragraphs where changes have been made, if there be no objection.

There was no objection, and it was so ordered.

Mr. BURROWS. I ask to have the paragraph read as amended.

The amended paragraph was again read.

The Clerk read as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $4,500; and for hire of horses and wagons and cartage for the use of the Clerk's office, $1,200; clerk to prepare the general index to the Journals of Congress, under resolution of June 18, 1878, $2,500; for chief clerk, journal clerk, and two reading clerks, at $3,000 each, and for the journal clerk for preparing Digest of the Rules, $1,000 per annum; for printing and bill clerk and tally clerk, at $2,500 each; for disbursing clerk, file clerk, and enrolling clerk, at $2,250 each; for assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, index clerk, superintendent of document-room, and librarian, at $2,000 each; for distributing clerk and stationery clerk, at $1,800 each; for one book-keeper and seven clerks, including three clerks to index private claims, at $1,600 each; for document clerk, locksmith, and two assistant librarians, at $1,440 each; for newspaper clerk, $1,400; two messengers in the House library, at $1,314 each; one telegraph operator, one assistant to the file clerk, and two laborers in Clerk's document-room, at $900 each; one page, one laborer in the bath-room, and four laborers, at $720 each; one assistant journal clerk, at $6 per day during the session, $1,278; one assistant index clerk, during the session and three months after its close, three hundred and three days, at $6 per day, $1,818; one messenger-boy in chief clerk's room, $300; in all, $82,454.

Mr. BLANCHARD. I desire to make the point of order on lines 204 and 205 "for printing and bill clerk and tally clerk at $2,500 each." The tally clerk's salary is fixed by the Revised Statutes of the United States, section 53, at $3,000. As that sum has been appropriated for that official every year from 1878 down to the present time, including the appropriation bill of the last session of this Congress, I make the point of order that this is a provision changing existing law, and therefore obnoxious to Rule XXI.

The CHAIRMAN. The amount appropriated here is less than the amount, as stated by the gentleman from Louisiana, fixed by the general law for this purpose. The Chair is of opinion, further, that the words "in full compensation" having been stricken from the bill, that it is not a change of existing law for Congress to appropriate a less amount than that fixed by the general law. But the Court of Claims would hold that the other part could be recovered as in any other case. The point of order is therefore not sustained.

Mr. BLANCHARD. I respectfully appeal from that decision.

Mr. FINDLAY. If the ruling of the Chair is sustained will not the effect of it be to force every claimant for a salary under this bill into the Court of Claims under the decisions which have been read in the House to-day? In other words, if I understand the ruling of the Chair, it is that because the words "in full compensation" have been stricken from the bill there may now be provided by the bill a less sum as salary for any of the officers of the Government than that which is provided by the existing law; that the obnoxious part of the first clause was that it provided that the sums appropriated should be "in full compensation;" that inasmuch as those words have been stricken out and the amendments provided by this bill are not to be "in full compensation" for the services rendered, the Chair holds the provision is not obnoxious to a point of order.

The point I am making is this: If that ruling be sustained, whether under the decision in the Langston case, which was read in the House to-day, and in the light of other decisions of the Supreme Court of the United States, the person who is entitled to the salary by existing law, where it is greater than the sum which is appropriated by this bill, can not go into the Court of Claims and recover the difference. And a further question I have to ask is this: Whether this House is prepared to force every man who is allowed a less salary by this bill than he is entitled to by existing law—to force him into the Court of Claims to get the difference? That amounts to a great deal, and I submit the Chair has nothing to do with that; this committee has a great deal to do with it; and this committee, I think, will overrule the Chair, if it comes to the conclusion that under his ruling these officials will be forced into the Court of Claims.

Mr. BLANCHARD. To save time I withdraw my appeal and yield to the gentleman from Michigan [Mr. MAYBURY] to offer an amendment.

Mr. FELTON. I renew the appeal. I do not know that the decision of the Chair is fully understood. I should like to have the Chair repeat it.

The CHAIRMAN. The Chair will state the situation that the committee may understand it. The Clerk had read a clause in the bill which, as stated by the gentleman from Louisiana [Mr. BLANCHARD], appropriated a smaller amount of salary than was fixed by a general law, and he thereupon made the point of order that that appropriation was in conflict with existing law. The Chair stated that the words in the first part of the bill "in full compensation" having been stricken out a provision in a subsequent part of the bill appropriating a smaller amount than that fixed by the general law was not obnoxious to the rule, because the committee might appropriate a less amount than the law had fixed to be the salary if the committee had so determined, and that that was a question to be submitted to the committee and not to be decided by the Chair.

Mr. FELTON. If in order, with all due respect to the Chair, I would like the opinion of the Committee of the Whole on that ruling, and I appeal from the decision of the Chair.

Mr. TOWNSHEND. It is too late now to appeal.

The CHAIRMAN. The Chair will entertain the appeal.

Mr. MAYBURY. I desire to offer an amendment.

The CHAIRMAN. The gentleman from California [Mr. FELTON] has appealed from the decision of the Chair.

Mr. FELTON. I think that taking that course will save considerable time.

Mr. REED. I desire to make an observation or two in connection with this appeal.

The House, in making a change of its rules, carefully considered the proposition which the Chair has now embodied in his ruling. The gentleman from Indiana made to the House a proposition that he or any member of the House should be allowed to make an amendment lessening the amount of salary. The House squarely voted that down. Now that proposition, set aside by a decision of the House, made carefully upon deliberation after argument, has been attempted to be foisted upon the House by the decision of the Chair. In other words, what the House refused to do the gentleman from Illinois, sitting in the Chair, grants.

I say it is inconsistent alike with the dignity of the House and with common sense that this ruling should be sustained; and I hope the House will adhere to its original proposition, which was that these appropriation bills should be limited to appropriations in accordance with law.

Look at the effect of it, as men of sense. Here you go through the forms of appropriation and appropriate $4,000 where the law says the officer shall have $5,000. You can not deprive him of that $1,000 without a change of law, because it is his right by law and under law. What do you do? You tell him that the regular accounting officers of the Government shall not pay him, but that he must have recourse to the courts of law and bring a lawsuit. I say such action as that is unworthy of the House, and I will not believe, until I listen to the actual vote, that the House will permit itself to do this thing and sanction this evasion of its own deliberate, carefully considered decisions.

Mr. BUTTERWORTH. Will the gentleman from Maine permit me to ask him a question before he takes his seat?

Mr. REED. Yes, sir.

Mr. BUTTERWORTH. Could not the House in the same way abolish an office by refusing to appropriate the salary?

Mr. REED. Certainly, it might do so; but it would be an unworthy transaction.

Mr. CANNON. Suppose this House has the right to refuse to appropriate anything under existing law, how would the sustaining of the point of order affect that? And how could sustaining the point of

order against the appropriation of $2,500 put $3,000 in the bill? Does it not take a motion to do that?

Mr. REED. You can make your motion afterwards.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. DUNN took the chair as Speaker *pro tempore*.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, announcing that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes;

An act (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico;

An act (H. R. 9116) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes;

Joint resolution (H. Res. 215) to provide for printing the third annual report of the bureau of animal industry; and

An act (H. R. 4308) to regulate steam-engineering in the District of Columbia.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HAMMOND. Mr. Chairman, whether this is a correct way of doing this business is not now a question. The sole question here is, has the Chair ruled correctly on the point of order? and I am astonished that any two gentlemen could differ upon that proposition. Because the House, when these rules were made, declared that it should not be in order to report in an appropriation bill or any amendment thereto a proposition decreasing a salary, it does not follow that, because the Appropriations Committee reports in a bill an appropriation less than the salary fixed by law, therefore a point of order lies against the appropriation. The result of the point of order, if sustained, is what?

Mr. REED. To strike out the amendment, and then we propose to insert the proper amount.

Mr. HAMMOND. Then, that means that the chairman shall strike out the smaller amount, which can only be done by the committee.

Mr. REED. That is the result of the bad action of the Committee on Appropriations.

Mr. HAMMOND. No; it is the result of your bad logic.

Mr. REED. It is the bad result of the committee's disobeying the rules of the House.

Mr. HAMMOND. Not at all. There is no rule declaring that the whole amount due as salary to any person shall be appropriated. For the sake of argument I grant that it ought to be done. I grant that this Committee of the Whole can immediately vote that it shall be done. But suppose it were true that we did not have enough money in the Treasury to pay all the salaries as fixed by law, then, by the bad logic of the gentleman from Maine [Mr. REED], we could not appropriate any amount for the payment of those salaries unless we appropriated more money than we had in the Treasury. The ruling of the Chair is clearly right, and ought to be sustained.

Mr. GROSVENOR. Mr. Chairman, I understand this to be simply a question of order, namely, the question whether or not, because the salary of a certain officer is fixed by law at a certain sum and the appropriation bill carries for the payment of that salary a less sum, the Chair can properly hold that the appropriation changes existing law. I do not think that that question has been seriously raised upon this floor. I take it that the power of Congress to appropriate a less sum than the sum authorized by law to be paid can not be doubted for a moment. But, Mr. Chairman, upon this particular question, why is this reduction put into this bill? Is it intended thus by indirection—for it is admitted that it can not be done by direct action—is it intended that this House shall in this indirect manner repudiate the honest debt which the Government owes to this officer?

Mr. FELTON. Of course it is. That is the only thing it can mean.

Mr. GROSVENOR. Now, Mr. Chairman, I have not delayed this proceeding at any time, but I want the chairman of the Committee on Appropriations and the honorable gentleman from Indiana [Mr. HOLMAN] having charge of this bill, to stand condemned in the estimation of the country for attempting to commit this House to such an attitude, or else to explain what they have done this for. Does the gentleman intend to commit this House to a process of repudiation through the action of the chairman of the Committee of the Whole? I deny that the chairman has any power to do that, and I am glad to say that I do not believe that he has any purpose to do it.

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. RICHARDSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor;

A bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportion of property and passengers, and their employers; and

A bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y.

The message further announced that the Senate had passed a bill (S. 176) to increase the endowment of the Louisiana State University and Agricultural College.

It further announced that the Senate had passed a concurrent resolution authorizing and directing the Public Printer to deliver to the Commissioner of Education 1,000 copies of the Report on Education in Alaska, printed in compliance with a concurrent resolution of August 2, 1886.

Mr. BLOUNT. Mr. Chairman, the pending bill presented a proposition to reduce certain salaries; and in order to make that change of law it used the words "in full compensation," which have now been ruled out of the bill, leaving the amounts appropriated for those salaries less than the amounts prescribed by law. The question is whether it is competent for the Committee on Appropriations in presenting a bill providing for salaries of officers of this Government to report appropriations for any other sums than those authorized by law, whether in any case the committee may present appropriations for a greater or for a less sum than that fixed by law, or whether it was the intention of the House that that committee should simply ascertain what the legal provision was as to each salary fixed by law and report their appropriations accordingly.

The language of the rule is that they shall not report any appropriation not previously authorized by law. The Chair will not give that language a narrow construction. It simply meant that the Committee on Appropriations was intended to be what its name implies, a committee to report appropriations in pursuance and in conformity to law. Therefore, if that is the true intent of the rule, the Committee on Appropriations have no more right to report a less sum than they have to report a greater sum than that provided by law. They have no legislative power whatever; they have no right to introduce a single appropriation in any of these bills except in pursuance of what the law directs. In my judgment, sir, it is proper for us, in examining this question, to consider what was the intention of the House. We will not rest upon words; we will not trifle with technicalities. There was a meaning and a spirit in this rule when it was adopted, and I trust that we shall now give it an interpretation, and such an interpretation as may guide us in saving, if nothing else, a vast amount of valuable time, by putting a stop to attempts to make reductions in this way.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. BLOUNT. Certainly.

Mr. HOLMAN. There are ninety-six salaries provided for in the law for the current fiscal year which are not provided for in the pending bill. How does the gentleman propose to reach them?

Mr. BLOUNT. I do not know that I understand the gentleman. Does he mean to say that in ninety-six cases the committee have failed to provide for the salaries required by law?

Mr. HOLMAN. In the case of ninety-six officers provided in the law of the current year, no appropriation is made at all in this bill.

Mr. BLOUNT. Well, we have not reached that question. The gentleman has omitted those provisions, and perhaps he has improperly omitted them. The question now is whether having undertaken to provide for the salaries of officers of the Government you can report any other amount than that ascertained in the terms of the statute as the salary of the officer. That is the whole question. As this matter is now here for decision, I trust that we shall pass upon it, and let our action be an admonition for all time to come.

Mr. HOLMAN. So my friend thinks the power of this House over the Treasury is gone, by virtue of its rules.

Mr. BLOUNT. My friend from Indiana by just such forms of speech has attempted all the while to suppress the will of this House and override its rules. [Applause.] For one I wish to say to him that I do not in the matter of honorable conduct, or in the matter of expenditures, distrust myself or distrust the patriotism of the House. Therefore, I heed not such suggestions.

Mr. BAYNE. Mr. Chairman, it strikes me the position can not in any sense be sustained that for the Committee on Appropriations to report as the compensation of a particular officer of the Government a less sum than is allowed by existing law is a violation or abrogation of the law. The absurdity of such a proposition would be demonstrated if the chairman of the Committee of the Whole should sustain the point of order and thus leave out of the bill altogether an appropriation for the particular officer. In that case, unless some member of the committee should see fit to rise in his place and offer an amendment that the amount contemplated by existing law be placed in the bill, the official would go without any appropriation for his services to the Government. That case shows, I think, that it would be absurd for the

Chair to sustain the position that because an appropriation reported in a bill of this kind is not equal to the amount required by existing law, therefore the appropriation is liable to a point of order.

But, sir, on this subject we are not without authority, and authority which is higher than the ruling of the Chair. The Supreme Court of the United States in the case of the United States *vs.* Langston have decided that an appropriation to pay an officer of the Government a less sum than that contemplated by existing law as his salary does not abrogate the existing law. If that be the case, such an appropriation must be in order. I send to the Clerk's desk to be read the concluding sentence of the decision of the Supreme Court in the case to which I have just referred.

The Clerk read as follows:

While the case is not free from difficulty, the court is of opinion that, according to the settled rules of interpretation, a statute fixing the annual salary of a public officer at a named sum, without limitation as to time, should not be deemed abrogated or suspended by subsequent enactments which merely appropriated a less amount for the services of that officer for particular fiscal years, and which contained no words that, expressly or by clear implication, modified or repealed the previous law.

Mr. BRUMM. That does not touch this question at all.

Mr. BAYNE. Now, if, as decided by the Supreme Court, it is not an abrogation of existing law to appropriate a less sum than that allowed by existing law, I ask what law is violated by the report of the Committee on Appropriations? I defy any gentleman here to point out in our system of rules a single provision or proposition which requires the Committee on Appropriations to report the full amount named in the existing statutes as the pay of the officers of the Government. No line in the rules of our House makes it mandatory upon the Committee on Appropriations to report as the salary of any single officer the amount named in existing law. No man here can point out any such proposition. If then, as the Supreme Court have decided, it is not an abrogation of existing law to appropriate any given sum for these salaries, and if, as I contend, there is nothing in the rules requiring the Committee on Appropriations to report in these bills the whole sum contemplated as the salary of an officer, what point of order can possibly be raised against the several propositions in the bill before us appropriating for salaries of officers less amounts than those named in the existing statutes?

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, but for the heated expressions of opinion on the part of gentlemen about what they consider flagrant violations of the rules of this House in other connections, it would not be necessary, in my opinion, to occupy much time in elucidating what is involved in the question now before us.

There is, Mr. Chairman, a clear and a fundamental difference between an appropriation that exceeds what is authorized by law and one which does not fully comply with what is authorized by law as to its amount. If the appropriation for a salary exceeds what the law authorizes, it is that much beyond a particle of authorityin law; hence is unauthorized by existing law, and the case is too clear for further discussion.

But as to the part where it may fall short of what the law authorizes: Within the limits of the law all things may be lawful but they may not be expedient; and there the sovereign power of the House of Representatives over the purse-strings of the country comes in to be exercised. They can appropriate in part, or they can appropriate in full, or not at all, according to their discretion as to what the best interests of the public require.

Why, sir, gentlemen are here arguing on the idea that there is a clause in the early part of the bill which, for it is still in the bill, though it will be eliminated in the engrossment, would make all such appropriations under it amenable to the rules. But that clause has been stricken from the bill.

The words were:

That these appropriations shall be in full compensation.

These words have been stricken out, and therefore we do not construe what is provided in the bill in connection with the words stricken out. If we had passed favorably upon those words, then it is perfectly clear that that amount, "in full compensation," would be a change of the law which authorizes a larger compensation. But that is all stricken out, and therefore suppose this House in its sovereign discretion should say we will only appropriate so much of the officer's salary, what would be the result? There is not a gentleman here but knows—and this question goes a little wider than parliamentary rules generally do—that the claimant could go to the Court of Claims and at once get a decision in his favor for the difference. Why? Because he is still entitled to it under the law.

Mr. CRAIN. If the point of order is well taken could he do that?

Mr. BRECKINRIDGE, of Arkansas. Of course not; because the fact of his being able to do so would prove the point of order to be not well taken.

Mr. CRAIN. That is the answer to the whole question in a nutshell.

Mr. BRECKINRIDGE, of Arkansas. And that shows conclusively to every gentleman's mind that the law is still unchanged, though Congress in its discretion has not chosen to appropriate all the law would allow. The Supreme Court has clearly settled this in U. S. *vs.* Fisher (U. S. Reports, p. 143.)

Mr. BRUMM. Let me ask the gentleman a question before he takes his seat. As I understand, if the words "in full compensation" were in the bill, the point of order would be well taken?

Mr. BRECKINRIDGE, of Arkansas. I think so.

Mr. BRUMM. Now, are there not other words in that very bill which are equivalent to the words "in full compensation" in this, that these are appropriations for the full year?

Mr. WARNER, of Ohio. It does not say that.

Mr. BRECKINRIDGE, of Arkansas. If it did say that it would not be equivalent to the words stricken out.

Mr. BRUMM. Why not? This includes the salaries of certain officers for a certain period of time, beginning at a certain period. Now, if that compensation is to be received by them for that period of time, less than the amount fixed by the law, is it not a change of law, and does this bill not make compensation for that period under the words I have quoted, though not the full compensation fixed by law?

Mr. BRECKINRIDGE, of Arkansas. That only refers to the appropriations. It does not fix the amount of the salary.

Mr. BRUMM. We do not agree upon that point.

Mr. BRECKINRIDGE, of Arkansas. The words the gentleman quotes would not affect the right of any officer to recover his full salary, if any part of it was withheld.

Mr. BRUMM. But does not that language make the compensation in full for the time for which the appropriation runs?

Mr. BRECKINRIDGE, of Arkansas. It does as far as this appropriation is concerned. But that is all. The right of recovery remains.

Mr. FELTON. I desire to call the attention of the gentleman from Arkansas to the last paragraph in this bill:

That all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Is that not a legislative provision fixing all salaries covered by the bill at the amount herein appropriated?

Mr. BRECKINRIDGE, of Arkansas. You can hardly construe the paragraph under consideration in connection with another part of the bill not yet reached.

Mr. FELTON. But it is the preliminary step to reaching that.

Mr. BRECKINRIDGE, of Arkansas. And that paragraph itself would be amenable to your point of order, and besides, we have now made negative the former part of the bill.

Mr. RANDALL. Mr. Chairman, more than once during this debate it has been alleged that the Committee on Appropriations have been endeavoring to absorb certain powers not granted to it by the rules of the House; and the gentleman from Arkansas [Mr. ROGERS], as I am informed, with more particularity than any of the rest, has, if I understand it, charged the committee, and charged me, in fact, with this attempt.

Mr. BRUMM. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRUMM. My colleague is not speaking to the point of order. [Cries of "Go on!"]

Mr. RANDALL. Now, I think I know enough of the Committee on Appropriations to say, after a long service on that committee, that I have never been able to discover on the part of any member of the committee any such purpose; and so far as I am involved in such a charge I want to add that if it is alleged I had such a motive or purpose, or that I have ever by any act of mine attempted to usurp anything in connection with legislation in this country, that it is without warrant and without the semblance of justification.

Mr. BUTTERWORTH. Mr. Chairman, I only want to say a single word touching this proposition. In the first place, the rule creating the Appropriations Committee charges it with certain duties. What are they? Not to legislate, nor in anywise to change, annul, or modify the law, but to report appropriations in pursuance of and in accordance with existing law. Clause 3 of Rule XI provides that the Committee on Appropriations shall have jurisdiction to report—

Appropriation of the revenue for the support of the Government as hereinafter provided, namely: for legislative, executive, and judicial expenses, &c., and for all deficiencies.

Turning to Rule XXI we find it provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, &c.

Now, what is the clear intention of the regulation fixing the jurisdiction and defining the duties of the Appropriations Committee. It is this, that where the law distinctly declares the amount to be appropriated, as, for instance, where the statute provides that the judge of a certain judicial district shall receive $5,000 a year as his salary, the Appropriations Committee shall in the bill they report to this House make the appropriation to pay that salary in conformity with that law. I insist that the plain intendment of the rule is that the appropriations reported here shall be responsive to the plain requirement of the statute. If Rule XXI does not mean that it is absurd.

Mr. McMILLIN. Will the gentleman allow me a question?

Mr. BUTTERWORTH. In a moment. See what an absurdity it would lead to if that were not the intention. No lawyer, nor any

other sane man, will pretend that we may do indirectly what we may not do directly. The language of that rule is plain, clear, and direct. It provides for making appropriations in conformity to law.

The rule has for its obvious intent and purpose to limit the authority and confine the duty of the committee to ascertaining the amounts required by law to defray the expenses of conducting the legislative, judicial, and executive departments of the Government, and to prepare a bill in response to those requirements, making appropriations for no more, no less than the law prescribes.

Now suppose the Appropriations Committee concluded by indirect means to abolish ten offices; suppose, in fact and by existing law, there was required an appropriation for the conduct of the business of those offices of $10,000, and notwithstanding this plain requirement of the statute, we should report a bill carrying only $5 for that purpose. Would the Chair hold, would any one else hold, that we had not violated the plain intent and spirit of the rule which requires us to make appropriations or rather to report appropriations in conformity to law?

Mr. CANNON. How are you going to remedy it?

Mr. BUTTERWORTH. Why, that has nothing to do with the case. I am not urging that we are violating the letter of the statute, but are violating the plain and palpable intent and spirit of the rule, which, on its face and in the light of the circumstances which attended its adoption, requires that our bill shall meet and conform to the requirements of existing law. Suppose we report a salary $1,000 above the law, what is the remedy? An objection strikes it out, and the remedy is to insert the right amount by motion in this House. I insist that any other construction of the rule is paltering in a double sense, "keeping the word of promise to the ear" by this rule and "breaking it to the hope" by reducing salaries in the teeth of the law. If we can reduce we can increase. To reduce is a violation of the law, because, I repeat, the plain intendment of the law is that we shall respond to its requirements in the matter of making appropriations.

Mr. REED. I ask the House to indulge me just a moment. It is the business of this House to interpret its rules, and if there is anything conclusive upon such a matter it is the contemporaneous interpretation which has been made by the House itself, the understanding which every member had when the rule was adopted, and that ought not to be overcome by any technical adherence to mere language, when we all know what the intention was.

Now, we intended to confine the Committee on Appropriations to the plain, simple, and clerical duty of bringing before the House the salaries established by law. We provided that they should not increase them, and the gentleman from Indiana proposed an amendment allowing the committee to decrease them. That, after full consideration, was voted down by the House. That is an interpretation of the meaning of the rule. It is an interpretation which everybody understood, and which, all through the last session of Congress, was acquiesced in.

Now, then, the Committee on Appropriations has failed of its duty and has endeavored to accomplish by its own action, in defiance of the rule of the House, that which the House by its solemn vote said they should not accomplish. It is for the House to interpret the meaning of the rule. I am frank to admit, for I always endeavor to address the House with as much frankness as I am capable of, that there is great force in what is urged by the gentleman from Georgia [Mr. HAMMOND], basing himself solely on the technical words which he quotes. But I say to him that this bill provides on its face for the whole fiscal year, and it seems to me that it changes existing law, if in no other respect at least, in the fact—and we must make our interpretation accordingly, a matter which the Supreme Court could not take into consideration—that at least it drives the officer from the accounting officer to the Court of Claims; and that is a substantial change of the law.

In addition to that this bill contains still in it a provision for the repeal of all acts which are inconsistent with it; and we are bound to take the whole bill together, the end of it as well as the commencement; and taking all that into account, we ought to bring the interpretation of the rule in accordance with our own declared vote and in accordance with what is honest and fair dealing.

For my part, I am perfectly willing to consent in any future Congress to a change of rules that will give the House complete control both to raise and to lower salaries. But I do say this method of bringing it in results in an unfair advantage on the part of those who desire a certain mode of action and an unfair treatment of those who desire the other course of action. I appeal to the House to give this rule, doubtful in its language, that construction which everybody understood the rule to have and which it would still have had if it had not been for the violation of the spirit of the rule on the part of the Committee on Appropriations, dictated by a desire to accomplish by indirection what they were unable to accomplish by direction.

Mr. HERBERT rose.

Mr. RANDALL. I hope we will have a vote. I think there ought to be some time when debate on an appeal should cease.

Mr. HERBERT. I simply desire to say that the decision sent up and read at the desk at the instance of the gentleman from Pennsylvania decides this question specifically. The gentleman from Maine [Mr. REED] admits that the whole question depends on whether or not this appropriation if made would change existing law. The appropriation upon which the Supreme Court decided was like this: It was for a less sum than the law provided for that salary; and the Supreme Court says it did not have the effect of changing existing law. That is the precise question that has been decided by that opinion.

Mr. HOLMAN. I hope we will now have a vote.

The CHAIRMAN. The Chair will state the question to the committee. The Clerk will report the pending clause.

The Clerk read as follows:

For printing and bill clerk and tally clerk at $2,500.

Mr. BRUMM. Mr. Chairman, I should like to have the decision sent up by my colleague [Mr. BAYNE] read again. There is certainly a misunderstanding of the scope of that decision, because it never touched this question, but simply decided that by reducing the appropriation you did not vacate the office.

The CHAIRMAN. The Chair will state the question before the committee. The clause under consideration appropriates a less amount than the law fixes for this salary, and the point of order is made that the appropriation proposed by the committee is out of order and must be suppressed by the Chair, because it is not the amount fixed by law. The Chair held that the words "in full compensation" having been stricken out of the bill, this was merely an appropriation of a portion of the salary, and did not change the existing law, under the ruling of the Supreme Court in the Langston case, which was to the effect that the law had not been repealed, and the court in that case entered a judgment against the United States for the full amount of the salary as fixed by law, upon the theory that the law had not been changed. In harmony with that opinion of the court, the Chair holds that the general law is not changed by this appropriation; in other words, that the clause in the bill now under consideration is not a change of the existing law. From that opinion the gentleman from California [Mr. FELTON] appeals. The question now is, shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 118, noes 87.

Tellers were ordered; and the Chairman appointed Mr. FELTON and Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 122, noes 66.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. MAYBURY. I move to amend, by adding, in line 202, after the words "Journal Clerk," the word "tally clerk," and striking out the words "and tally clerk," in line 205. That will restore the salary of the tally clerk to the amount fixed by law.

Mr. BLANCHARD. Mr. Chairman, I hope the committee will adopt that amendment, and I do not think the gentleman from Indiana [Mr. HOLMAN], in charge of this bill, is in a position to ask the House not to adopt it. I hold in my hand the record of the debates on the legislative bill in the first session of this Congress, and I ask the attention of the House to the following language uttered by the gentleman from Indiana in that debate, which I think will preclude him from opposing this amendment. I read:

Mr. HOLMAN. As a matter of course, if the language "in full compensation" is to be omitted from this bill, Congress should at once appropriate the whole amount of these various salaries, for otherwise the Government will be subjected to the expense of suits in which recovery by the officers is absolutely inevitable.

[Cries of "Vote!" "Vote!"]

Mr. HOLMAN. Just a word, Mr. Chairman. The statement made by me on the occasion referred to, and which the gentleman has just read, was, of course, correct; but, happily, the words "in full compensation" were restored to the bill.

Mr. CABELL. Mr. Chairman, I oppose this amendment because it is not in accordance with existing law. Let the gentlemen who have been preaching to us all this morning about "existing law" now accept the result of their own doctrine. This amendment, I say, can not be entertained if the law is regarded. It is true that in the Revised Statutes of date 1878 there is a recital (at section 52) in these words: "the following persons" are employed in the House of Representatives, but that section directly refers to the appropriation law of 1872. By that act of 1872 the salary of six clerks, including, it may be, the tally clerk, was placed at $2,592 each.

Mr. BLOUNT. Was there not legislation providing for a change in the law, in accordance with this amendment?

Mr. CABELL. No, sir; only in appropriation bills, as I will show.

Mr. BLOUNT. No; but did not you——

Mr. CABELL. I hope the gentleman will not take up what little time I have.

Mr. BLOUNT. Certainly not.

Mr. CABELL. Now, Mr. Chairman, I say the salaries of these six clerks, including the tally clerk, were placed at $2,592. The act of March 3, 1873, known as the "salary-grab" act, placed the salaries of six clerks at $3,000 each. The act of January 20, 1874—I am speaking of current appropriation bills—repealed many of the provisions of the act of March 3, 1873, and in effect provided that so much of the

last-named act as increased salaries, except as to the President and the judges of the Supreme Court, should no longer exist, and that all salaries should remain as they were prior to said act of 1873. The act, therefore, of 1874 had the effect of placing the salary of the tally clerk at $2,592, as it had been before. In 1875, on an appropriation bill, the salary was raised to $3,000, and so remained during 1875 and 1876 and until 1877, when on the appropriation bill of that year it was reduced to $2,500. In 1881, by the appropriation bill, it was again put at $3,000, and has so remained until now.

All this, I say, was done upon appropriation bills, and there is nothing in the statute law of the land fixing this salary at $3,000.

More than that, Mr. Chairman, there is no reason why this salary should be fixed at that amount. No mention is made in the statute cited which of the six clerks named should receive $3,000; and the Clerk of the next House may select either the tally clerk or some other clerk to receive that compensation.

Now, as a matter of fact, gentlemen, it is our duty to economize wherever we can. Here is a place at which it can properly be done. Let us see whether it can not. The reading clerks receive $3,000 each, and the Journal Clerk receives $3,000. The tally clerk, no matter who he may be—and I am not even acquainted with the gentleman who holds that position now—should not be placed on the same footing as the Journal or the reading clerks, because his duties are neither as onerous nor as responsible, and because I believe that any well-informed youth of sixteen years of age could readily perform the duties of that position, and would be glad to receive for the service $100 per month.

We promised the people, and they expect us to retrench expenditures. Instead of expending money in lavish style, we should use at least some little economy. In this way only can we keep our skirts clear. If this business can be well performed at a much less salary, is it not proper to have it done in that way? If we allow the tally clerk a salary of $3,000, what is the result? For the short sessions of Congress, for three months, he would be paid at the rate of $1,000 a month. Gentlemen may say that the Journal Clerk and the reading clerks each get that amount. They well deserve it; not so with the tally clerk, no matter who may hold the position.

[Here the hammer fell.]

Mr. CABELL. I move to amend the amendment so as to provide that this salary be placed at $2,592.

Mr. CANNON. Mr. Chairman, I want to understand what the pending amendment is.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amend by inserting after the words "two reading clerks," in line 202, the words "and tally clerk."
Strike out in line 205 the words "and tally clerk."

Mr. CABELL. That amendment I move to amend so as to provide that the tally clerk receive $2,592.

Mr. CANNON. Mr. Chairman, I know of no law, and I here state there is no law, fixing the salary of the tally clerk or any clerk at that desk. There was such a law in what was known as the "salary-grab" act, but that law was repealed; and from that time to this the salaries of officers of this House are found designated only in the appropriation bills. You may make the appropriation for these salaries more or less. You can pay the tally clerk $2,500 or $10,000 a year, just as you may be disposed. If this consideration had been kept in view, much time could have been saved on points of order. I have no objection to your paying that tally clerk $3,000, or $2,500, or $2,000; you may pay him $1,500 if you please. It is a mere question as to what you think he is worth. You gentlemen on the other side of the House have the burden of responsibility. I have seen the time when, under the leadership of the gentleman from Indiana [Mr. HOLMAN], a proposition was made to cut down salaries of these clerks and of others, and you followed him as a young bloodhound pursues its victim when it is anxious to secure its first taste of blood. But now you are in the saddle. These are your employés. Make the salaries much or little, just as you please, so far as I am concerned. So I said in the committee; so I say here.

Mr. MAYBURY. Mr. Chairman, in reply to the position taken by the gentleman from Virginia [Mr. CABELL], I desire to call attention to the fact that section 53 of the Revised Statutes provides that there shall be six assistant clerks of this House at a salary of $3,000 each per annum. The tally clerk is one of those assistant clerks. The division of these clerks into Journal Clerk, reading clerks, &c., is the merest matter of convenience. The tally clerk is an assistant clerk of this House. Provision is made in section 53, Revised Statutes, this salary shall be $3,000. It has been that.

Mr. CANNON. I beg your pardon; here is the repeal of it.

Mr. MAYBURY. In 1878 it was first made $3,000. In 1881 there was a general reduction, and it has since continued at $3,000. It was at that rate last year.

Mr. CANNON. The gentleman is referring to the salary-grab act. That was repealed. There is no salary that is not in the appropriation bill. Under the power of organization of the House you can pay more or less.

Mr. MAYBURY. Since 1878 it has been $3,000. The gentleman may be right about the repeal of the act. But I will not take up the time of the House unnecessarily.

The duty of the tally clerk is not only to take the roll-call. He has to indorse the bills and resolutions introduced here, to see they are properly filed, to receive all reports to the House, and send them to the proper committees, to see they are properly placed on the Calendar, to prepare the Calendar twice a week, to read the proof, and to see the Calendar is placed on the desk of each member. But these are not all the duties of the tally-clerk. He is required to compare the roll-call and to read the proof for the printer and have it ready for the Journal every morning. Nine-tenths of his work is done out of the House, when Congress is not in session. I say it would be rank injustice to make a difference between the tally clerk and any other clerk sitting at that desk.

[Here the hammer fell.]

The question recurred on Mr. CABELL'S amendment to the amendment.

The committee divided; and there were—ayes 17, noes 114.

Mr. BRADY. No quorum.

The CHAIRMAN appointed as tellers Mr. BRADY and Mr. MAYBURY.

The committee again divided; and the tellers reported—ayes 3——

Mr. CABELL. It is evident my amendment will not prevail, and we are simply taking up the time of the House, and I therefore withdraw it.

Mr. BRADY. Has the gentleman the right to withdraw it?

Mr. CABELL. I have the right to withdraw it.

Mr. BRADY. I renew it.

The tellers resumed their places; and reported—ayes 14, noes 151.

So the amendment was disagreed to.

The question recurred on Mr. MAYBURY'S amendment.

Mr. BRADY demanded a division.

The committee divided; and there were—ayes 177, noes 16.

So the amendment was agreed to.

Mr. HOLMAN. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same.

A bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885.

EVENING SESSION.

Mr. HOLMAN. I ask by unanimous consent that the session this evening be continued after 9 o'clock for public business.

Mr. BRADY. I object.

Mr. REED. I hope no man on this side will object.

Mr. BRADY. I object.

Mr. REED. The gentleman does not object for this side.

Mr. BRADY. I speak for myself.

Mr. REED. I am glad the gentleman is by himself.

Mr. HOLMAN. I submit the following resolution and move the rules be suspended for its adoption.

The Clerk read as follows:

*Resolved*, That the following resolution, adopted on the 26th instant namely: "*Resolved*, That on Monday, February 28, the House take a recess from 5 o'clock p. m. to 7.30 o'clock p. m., the evening session to be devoted to the consideration of resolutions relating to the Hon. William H. Cole, deceased, late a Representative from the State of Maryland,"
be continued so that at 8.30 p. m. the House shall resume its legislative business.

Mr. BRADY. On that I demand a second.

The SPEAKER. The Chair will appoint the gentleman from Virginia [Mr. BRADY] and the gentleman from Indiana [Mr. HOLMAN] as tellers.

The House divided; and the tellers reported—ayes 164, noes not counted.

So there was a second.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 248, nays 5, not voting 66; as follows:

YEAS—248.

| | | | |
|---|---|---|---|
| Adams, G. E. | Anderson, J. A. | Baker, | Barnes, |
| Allen, C. H. | Atkinson, | Barbour, | Barry, |
| Allen, J. M. | Bacon, | Barksdale, | Bayne, |

| | | | |
|---|---|---|---|
| Belmont, | Farquhar, | Lore, | Rowell, |
| Bennett, | Felton, | Lowry, | Ryan, |
| Bingham, | Fisher, | Lyman, | Sawyer, |
| Blanchard, | Fleeger, | Mahoney, | Sayers, |
| Bland, | Foran, | Markham, | Scott, |
| Blount, | Ford, | Martin, | Scranton, |
| Bound, | Forney, | Matson, | Seymour, |
| Boutelle, | Frederick, | Maybury, | Singleton, |
| Boyle, | Fuller, | McAdoo, | Skinner, |
| Breckinridge, C. R. | Funston, | McComas, | Smalls, |
| Breckinridge, WCP | Gallinger, | McCreary, | Snyder, |
| Browne, T. M. | Geddes, | McKenna, | Spooner, |
| Brown, C. E. | Gilfillan, | McKinley, | Spriggs, |
| Brown, W. W. | Glass, | McMillin, | Springer, |
| Brumm, | Goff, | McRae, | Stahlnecker, |
| Buck, | Green, | Millard, | Steele, |
| Bunnell, | Grosvenor, | Milliken, | Stephenson, |
| Burnes, | Guenther, | Mills, | Stewart, Charles |
| Burrows, | Hall, | Moffatt, | Stewart, J. W. |
| Bynum, | Halsell, | Morgan, | St. Martin, |
| Cabell, | Hammond, | Morrill, | Stone, E. F. |
| Caldwell, | Hanback, | Morrison, | Stone, W. J., Ky. |
| Campbell, Felix | Harris, | Morrow, | Stone, W. J., Mo. |
| Campbell, J. E. | Hatch, | Murphy, | Storm, |
| Campbell, T. J. | Hayden, | Neal, | Strait, |
| Candler, | Haynes, | Neece, | Swinburne, |
| Cannon, | Heard, | Negley, | Swope, |
| Carleton, | Hemphill, | Nelson, | Symes, |
| Caswell, | Henderson, J. S. | Norwood, | Tarsney, |
| Catchings, | Henley, | O'Donnell, | Taulbee, |
| Clements, | Hepburn, | O'Ferrall, | Taylor, I. H. |
| Cobb, | Herbert, | O'Hara, | Taylor, J. M. |
| Comstock, | Hermann, | O'Neill, Charles | Taylor, Zach. |
| Conger, | Hiestand, | O'Neill, J. J. | Thomas, J. R. |
| Cowles, | Hill, | Osborne, | Thomas, O. B. |
| Cox, W. R. | Hires, | Outhwaite, | Thompson, |
| Crain, | Hiscock, | Owen, | Tillman, |
| Crisp, | Hitt, | Page, | Townshend, |
| Croxton, | Holman, | Parker, | Trigg, |
| Culberson, | Hopkins, | Payne, | Tucker, |
| Curtin, | Houk, | Peel, | Turner, |
| Cutcheon, | Howard, | Perkins, | Van Eaton, |
| Daniel, | Irion, | Perry, | Viele, |
| Dargan, | Jackson, | Peters, | Wadsworth, |
| Davidson, A. C. | James, | Pettibone, | Wallace, |
| Davidson, R. H. M. | Johnston, J. T. | Phelps, | Ward, J. H. |
| Davis, | Johnston, T. D. | Pindar, | Warner, A. J. |
| Dawson, | Jones, J. H. | Plumb, | Warner, William |
| Dingley, | Ketcham, | Price, | Weaver, A. J. |
| Dockery, | King, | Randall, | Weaver, J. B. |
| Dorsey, | Kleiner, | Reagan, | Weber, |
| Dougherty, | La Follette, | Reed, | Wheeler, |
| Dunham, | Laird, | Reese, | White, A. C. |
| Dunn, | Landes, | Rice, | White, Milo |
| Eden, | Lanham, | Richardson, | Wilkins, |
| Eldredge, | Lawler, | Riggs, | Wise, |
| Ely, | Lehlbach, | Robertson, | Wolford, |
| Evans, | Libbey, | Rogers, | Worthington. |
| Everhart, | Little, | Romeis, | |

NAYS—5.

| | | | |
|---|---|---|---|
| Compton, | Findlay, | Gibson, Eustace | Shaw. |
| Dibble, | | | |

NOT VOTING—66.

| | | | |
|---|---|---|---|
| Adams, J. J. | Ermentrout, | Lindsley, | Sowden, |
| Aiken, | Gay, | Long, | Struble, |
| Anderson, C. M. | Gibson, C. H. | Louttit, | Taylor, E. B. |
| Ballentine, | Glover, | Lovering, | Throckmorton, |
| Bliss, | Grout, | Merriman, | Van Schaick, |
| Brady, | Hale, | Miller, | Wade, |
| Bragg, | Harmer, | Mitchell, | Wait, |
| Buchanan, | Henderson, D. B. | Muller, | Wakefield, |
| Burleigh, | Henderson, T. J. | Oates, | Ward, T. B. |
| Butterworth, | Holmes, | Payson, | Wellborn, |
| Campbell, J. M. | Hudd, | Pidcock, | West. |
| Clardy, | Hutton, | Ranney, | Whiting, |
| Collins, | Johnson, F. A. | Rockwell, | Willis, |
| Cooper, | Jones, J. T. | Rusk, | Wilson, |
| Cox, S. S. | Kelley, | Sadler, | Winans, |
| Davenport, | Laffoon, | Seney, | Woodburn. |
| Ellsberry, | Le Fevre, | Sessions, | |

So the motion to suspend the rules and adopt the resolution was agreed to.

On motion of Mr. SPRINGER, by unanimous consent, the reading of the names was dispened with.

The following additional pairs were announced until further notice:

Mr. COX, of New York, with Mr. COOPER.

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. CLARDY with Mr. BUCHANAN.

Mr. PIDCOCK with Mr. JOHNSON, of New York.

The following were announced as being paired on this vote:

Mr. JONES, of Alabama, with Mr. LINDSLEY.

Mr. COLLINS with Mr. WHITING.

Mr. GLOVER with Mr. WADE.

Mr. WILLIS with Mr. HENDERSON, of Illinois.

Mr. ADAMS, of New York, with Mr. HARMER.

Mr. SADLER with Mr. WAIT.

Mr. LAFFOON with Mr. KELLEY.

Mr. WILSON with Mr. HENDERSON, of Iowa.

Mr. SENEY with Mr. HOLMES.

The result of the vote was then announced as above recorded.

And then (at 5 o'clock and 14 minutes p. m.) the Speaker declared the House in recess until 7 o'clock and 30 minutes p. m., in pursuance of the special order.

## EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) was called to order by Mr. MATSON, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*February 28, 1887.*

I hereby designate Hon. C. C. MATSON to preside as Speaker *pro tempore* at the opening of the session to-night.

J. G. CARLISLE, *Speaker.*

JOHN B. CLARK, Jr.,
*Clerk House of Representatives.*

## DEATH OF HON. WILLIAM H. COLE.

Mr. COMPTON. Mr. Speaker, I offer the resolutions I send to the desk.

The Clerk read as follows:

*Resolved*, That the business of this House be suspended that proper honors may be paid to the memory of Hon. William H. Cole, late a Representative in Congress from the State of Maryland.

*Resolved*, That in the death of Mr. Cole the country has sustained the loss of a patriotic citizen and a most faithful public servant.

*Resolved*, That the Clerk of the House communicate these resolutions to the Senate.

## REMARKS OF MR. COMPTON.

Mr. COMPTON. It is meet and right, Mr. Speaker, that we should pause and desist from the performance of the regular routine of duties here long enough to ponder the lesson of warning to be learned at the grave of a dead brother. The exacting demands of modern busy life are such that we all run the risk of losing sight of the momentous consideration that life is but an atom in the wastes of time, while the future, after life, is an endless and inevitable certainty. I have no elaborate eulogy to deliver upon my late colleague, to whose memory we are devoting the present hour. No thoughts couched in "measured phrase" or words set "in metrical array." Naught we can say, can help or harm him. It is in vain to attempt to lift the veil or to explore "the undiscovered country from whose bourne no traveler returns." He is beyond the reach of the concerns of time or space; he can not hear our lamentations, however loud, or our wailings, however plaintive; he is at rest in the bosom of his God.

The life of William H. Cole was a busy and not uneventful one, his death untimely and more than ordinarily sad. In the outset of his manhood he seemed to lack fixedness of purpose though this was not characteristic of him. He devoted himself first to the study and practice of the law, and soon thereafter to that of the medical profession. Soon the blast of war was sounded in the land. He promptly decided for himself in conformity with his principles and his sympathies, and leaving the State of his birth, he crossed the broad waters of the Potomac and ranged himself under the confederate flag. He remained on that side of the lines of battle until the drums had ceased to throb and the flag was furled. In the discharge of his duty in the line of his profession he ministered faithfully to the sufferings of the sick, wounded, and dying, as faithfully and steadily with the red glare of battle around him as in the quiet wards of the secluded hospital. When peace was proclaimed he sought a residence in the great State of Texas, and there for the first time associated himself with the press.

Returning to the State of Maryland, he resumed his residence in the city of Baltimore, the place of his nativity, and, becoming associated with the Democratic press of that city, devoted his best energies to the duties of his calling through the remainder of his life to the date of his election to a seat in this House. He came here well equipped for a place upon this floor, having held the position for more than one term as reading clerk in the city council, and for five successive sessions as reading clerk of the house of delegates of Maryland; he was made familiar with the routine of legislative business and the rules of order governing legislative bodies. While not to be ranked as among the great men of his day, and not endowed with exceptional powers of intellectual vigor he had a well-balanced and well-stored mind. He possessed in a pre-eminent degree those two traits which tend the one to win friends and the other to win success, unselfish kindness of heart and indomitable energy.

Few men attached more closely to them their intimate associates the people among whom they move than did Dr. Cole. Seldom has a more signal triumph been won than that achieved by him through his own personal efforts which made him the nominee of his party for a seat in Congress. This was the acme of his ambition. He won it worthily and prized it highly, and no man ever exerted himself more diligently in the discharge of every duty and obligation imposed by the position. The paralyzing influences of a mortal malady bore heavily upon him almost from the day of his election. His unyielding will alone sustained him, but this was sufficient until the final collapse. No call of duty was too insignificant, no claim upon his time and attention too exacting, and no constituent too humble to receive his careful and impartial consideration.

Called myself perhaps as frequently as any one of the 325 members composing this body to visit, in my official capacity, the various Departments of the Government, I seldom failed to meet my colleague, and more than once I have abandoned the mission I was on that I

might tempt him to rest and recreation which he seemed to need so sadly.

Perhaps, sir, no more striking illustration of unselfish devotion to duty was ever displayed in this Hall than when he, feeble and faint, tottered to his seat that he might record his vote for the proposition when first made by the distinguished gentleman from Illinois, Mr. MORRISON, for consideration of the bill for traiff reform. Few could have endured as much. None could have risked more than he did upon this occasion. It was the last vote he ever cast. This occurred on the 17th of June; on the 8th of July he breathed his last. The immense concourse which gathered at his funeral and the solemnity which pervaded the subdued throng attested unmistakably the esteem in which he was held at home and the sincere regret felt by a grateful constituency at the loss of so faithful a representative.

When he died the State lost a worthy and valuable citizen, his party an intelligent and ardent adherent, his neighbors a generous and steadfast friend, his bereaved wife a kind, considerate, and devoted husband.

REMARKS OF MR. JOHNSTON, OF NORTH CAROLINA.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, my acquaintance with Dr. Cole dates from the opening of the Forty-ninth Congress, when we were assigned to adjoining seats in this House and appointed by the Speaker to a membership of the same committee.

The social and business intercourse which these two circumstances occasioned soon grew into a friendship which I shall always cherish as one of the many pleasant and agreeable episodes in my Congressional life.

The warm and genial temperament of Dr. Cole, his confiding nature, and the generous impulses of his heart soon won my sincere admiration and esteem.

Every soldier knows how thorough and unaffected is the sympathy, and how deep and ardent becomes the friendship which the joint participation in a common danger or hardship begets. And every one on either side of the late struggle can testify to the immediate ripening into the sincerest friendship of the slightest acquaintance, even between strangers, which the discovery of this fact always produces.

It was not long after we met in this Hall that I learned from Dr. Cole that he had cast his lot with my people, and shared with them their sufferings in the dark period of their history, when they were heroically enduring the many privations and hardships incident to the great and unfortunate war in which our country was involved.

These facts, sir, in the former history of our deceased colleague, whose death we now mourn and whose virtues we now commemorate, became the common bond that served to warm our social and business relations with each other into close intimacy.

Dr. Cole was permitted to occupy his seat in this body for a few months only. It was but shortly after the organization of the House that the germs of the insidious disease which caused his death began to develop, and soon he was unable to be with us in the discharge of his public duties; but as long as he had strength to take part in the deliberations of this Congress, I bear testimony that his every act seemed to be inspired by a patriotic zeal for the welfare of our common country and a sincere desire to do his full duty and prove himself worthy of the great trust reposed in him by his constituents.

The highest encomium that can be pronounced upon any man is to testify to his fidelity to duty. This I do for my departed friend, and I therefore deem it unnecessary for me to say more on this occasion.

The history of his life, his patriotism, his virtues will be fitly eulogized by those who have known him longest and best.

I offer these reflections as a sincere personal tribute to the worth and character of our lamented colleague, whose public career was so soon cut short by the great Reaper who has garnered so many of our number in the past two years and before whose unerring sickle we must all sooner or later fall.

When he comes to us may we each be prepared to leave behind us a record as pure and unsullied as that of W. H. Cole.

REMARKS OF MR. DIBBLE.

Mr. DIBBLE. Mr. Speaker, while grief is the tribute of affection to the memory of the departed, awe and reverence are the acknowledgment of that mysterious after-land to which death is the portal. It is this intuition of our immortality that clothes an occasion like the present with impressive solemnity, and compels us to reflect that the path of human life, glorious or inglorious, leads but to the grave, whence begins, for each disembodied spirit, its own eternity.

In the contemplation of our existence on earth under these conditions, how insignificant are worldly matters and incidents in comparison with man's hereafter. It is well for us, therefore, to pause amid business transactions, amid affairs of state, great or little, amid the contentions of faction and party in these legislative halls, and to spend a season in considering life's uncertainty and the certainty of death. For the marble walls which environ us are ineffective ramparts against the assault of our last enemy; these guarded doors with their double sentinels do not avail to exclude the grim visitor who claims the privileges of the floor at his own option, despite our rules. Silently and resistlessly he enters and marks his victim; and the strong mind ceases to evolve its logic, the ready disputant no longer joins in high debate, the brilliant orator no more converts the tumult of the House into attentive admiration; but we behold the vacant chair, and the desk draped in mourning, and our country's work is for a time laid aside, while we acknowledge the presence of death.

So came the summons to our comrade and friend, William H. Cole, on the 8th day of July last. Elected by the suffrages of an appreciative constituency to represent upon this floor the interests of an important community, and, with his colleagues, to speak the voice of the grand old State of Maryland; in the very prime of his years; serving for his first term as a representative of the people in Congress, and yet gaining rapidly by his genial manners, his close attention to public duty and his assiduous study of the questions arising in legislation, the influence of a veteran member, there opened before him the prospect of a long and honorable career in this field of political life.

Such was the anticipation of his friends here and at home; such, no doubt, were the laudable aspirations of his own heart; such were the hopes of a fond mother and a loving wife. And yet, an inscrutable decree of Providence decided otherwise; and it was my sad privilege, Mr. Speaker, to stand beside his bier, and behold his mortal remains consigned to the dust, in the consecrated soil of the cemetery near by his native city of Baltimore. And I will never forget the peculiar sadness which pervaded the immense throng of his fellow-citizens who attended his body to the tomb. It was no formal mummery of woe, but the real, earnest manifestation of a people's sorrow at his death, and of sympathy with the disconsolate wife mourning the loss of him she so much loved.

And it is with appropriate respect, Mr. Speaker, that I speak here of the touching incident which attended upon the funeral of our departed friend. His aged mother, to whom her son was the fond pride of her heart, and in whose bosom welled up that unquenchable spring of affection—a mother's love—refused to be comforted. With tottering frame, feeble with age, and racked with the sorrow of this bereavement, she took her last look upon the lifeless body of her son, ere we bore it away from home for burial, and it was her last look also at things of earth; for we had not returned from the sad offices of the interment, ere that bereaved mother had ceased to be, dying of a broken heart.

When we contemplate an occurrence like this, Mr. Speaker, how inadequate we feel to the duty of fitly speaking of the virtues of the departed. We saw his nature in its outer crust, and can but give a superficial cast, like the mould taken by the sculptor after death. But in the crushed spirit of that mother there is a eulogy of that devoted son which dwells not in words of friends, however fitly spoken. She mourned him most who knew him best.

And in this comparison the thought is suggested, how often we miscalculate in estimating our fellows. We would look at one's external career, in the world's bustle and turmoil, and yet fail to know or read the character which shows its choicest, noblest traits in the pure atmosphere of home. Which is the higher sphere of life—the public hall, or the hearthstone? Where are the noblest traits of humanity developed—in public, or in private? And in this utilitarian age do we not err in placing those practical successes which we call "progress" above the three great ennobling virtues of mankind—faith, hope, and charity? And how should we rightly measure ourselves and our achievements in this comparison. Let the poet apply the fit expressions to characterize our daily labors:

A good, that never satisfies the mind,
A beauty, fading like the April flowers,
A sweet, with floods of gall that runs combined,
A pleasure, passing ere in thought made ours,
An honor, that more fickle is than wind,
A glory, at opinion's frown that lowers,
A treasury, which bankrupt time devours,
A knowledge, than grave ignorance more blind,
A vain delight our equals to command,
A style of greatness—in effect, a dream,
A swelling thought of holding sea and land,
A servile lot, decked with a pompous name,
Are the strange ends we toil for here below,
Till wisest death make us our errors know.

And yet, by a strange paradox, out of this insignificant life of ours are evolved two immortalities. The one, an eternity of future existence in the transmigration of the soul, not from animal to animal, according to the fancy of Pythagoras, but, as we read in Holy Writ, from the natural or terrestrial to the spiritual and celestial. Upon this has the soul of our fellow member entered, and, we trust, to realize the bliss eternal.

The other immortality is found in the imperishable products of man, which he leaves as a legacy to those who survive him, whether treasured in memory and perpetuated by tradition or fixed in monuments of genius; whether it be his own creations, committed to written or printed pages, or the recital of his life work by historian, poet, or eulogist. It is this latter kind of immortality of which Horace writes, when, Epicurean as he was, he refers to his poems as follows:

"Non omnis morior; multaque pars mei vitabit Libitinam!" "I shall not entirely die; the better part of me shall escape the funeral rites."

This life work of man, which does not die with his body, but survives in the impressions and influences which he has made upon his

times and leaves for those who survive him, can not be accurately estimated, but still exists as a factor of human progress. And it is by what one thus accomplishes and not by mere longevity that one's place in current history is to be measured. William H. Cole did not complete the term of three score years and ten, specified as the ordinary period of human existence, but in his very prime of manhood was called away; and yet, in a life of less than five decades, he performed the labors and achieved the purposes which usually occupy the full complement of days from childhood to old age.

In many a sphere of public life he had been an arduous and willing worker and had earned and obtained the encomiums of his fellow-citizens. As deputy registrar of Baltimore, then chief clerk of the first branch of the city council, then for over ten years reading clerk of the Maryland house of delegates, he discharged all duties of those several positions with efficiency and diligence, so that in the general election of 1884 he was chosen to occupy a seat in this body, and he took his place as one of our number at the organization of this House in December, 1885.

It was not my privilege to know him until the last year of his life. I met him here as a member of the present Congress and of its Committee on Public Buildings and Grounds. Well do I remember that on the first occasion of our meeting each other he tendered me a favor, which, small in itself, was enhanced by the genial warmth of the manner in which it was offered. In the sessions of the committee he was frank in expression, open-hearted and liberal in action, punctual in attendance as long as his health permitted, and unremitting in the discharge of every duty, where duty was frequently arduous and exacting. And in association with him in the committee-room, and in the House, one could not fail to realize those sterling traits of character which had secured him the confidence and support of his large and intelligent constituency, and had elevated him to the high trust of representing their rights and interests in the Halls of Congress.

Some spend their days traveling along the level plain of commonplace, with a contracted horizon as the boundary of their vision and of their desires, and are content. Another seeks ever to rise above his surroundings and to climb to mountain heights, be they ever so rugged, even though it be simply to find his tomb among the cliffs, far above the wandering multitude below. It was the lot of our departed friend to aspire, and by dint of deserving honors to obtain them. And in the roll of the representative men of his native city the name of William H. Cole will be remembered as that of a servant of the people, who has left behind, in a brief Congressional career of only a few months, the record of faithful and efficient service according to his opportunity, a service creditable both to himself and to his fellow-citizens. And what more can be said of any one? It is the tide taken at the flood that leads on to fortune; but, alas! the ebb-tide came to him in the midst of his voyage, and swept him out into the great sea of eternity.

As I sat in the crowded church and listened to his pastor, who had ministered to him in holy things in his last hours, and when I heard the recital of his religious life, and that he had died, as he had lived, in the Christian faith, expressing unfaltering trust in God, and enjoying the solemn ordinances of His church, I felt that, far above all earthly honors attained by our lamented friend, was the enjoyment of a blissful hereafter, of which his life and death gave promise and hope. This immortality of the soul is well illustrated in the expressive language of the saintly prelate when he exclaims:

O listen, man!
A voice within us speaks the startling word,
"Man, thou shalt never die!" Celestial voices
Hymn it around our souls: according harps
By angel fingers touched, when the mild stars
Of morning sang together, sound forth still
The song of our great immortality.
* * * * *
The dying hear it; and as sounds of earth
Grow dull and distant, wake their passing souls
To mingle in this heavenly harmony.

And while the ashes of William H. Cole rest in peace, we trust his soul is happy with the immortals.

REMARKS OF MR. SHAW.

Mr. SHAW. Mr. Speaker, my deceased colleague, Hon. William H. Cole, was born at Baltimore, Md., on the 11th of January, 1837. He early in life adopted the law as a profession, and was enrolled as an attorney at the immature age of twenty. He went to Kansas shortly after, and was chosen a member of its Territorial Legislature. He graduated in medicines at the University of Louisiana in the year 1860, and in 1861 entered the confederate army as a private, but was soon promoted to be an assistant surgeon, and was assigned to duty with the Eighth Georgia Regiment. He served in all the campaigns of the war until the battle of Gettysburg, when he was left in charge of the wounded of Longstreet's corps.

When the war closed he returned to the city of his nativity, where he secured a position on the reportorial staff of several daily papers. He was reading clerk of the Maryland house of delegates four successive terms. In 1884 he was elected a member of this House for the Forty-ninth Congress. My acquaintance with him may be said to have commenced with the early days of its first session. Occupying, as I did, a seat by his side, I necessarily learned to know him well. He was an invalid when first we met, having been stricken with the disease which caused his death some time before he became a member of this body.

Though a martyr to pain and continuous suffering he was seldom absent from the sessions of this House until disease had so wasted his strength as to make it impossible for him to be here. His last appearance on this floor was to support the consideration of a measure which he regarded as of vital importance to the industrial prosperity of his country. Sick almost unto death, he would be carried from his carriage into this Hall to discharge what he believed to be an imperative duty. Duty with him was inexorable. When well nigh exhausted by the ravages of a prolonged and fatal malady he laid his enfeebled body under tribute to this despot of his own making, until hopelessly bankrupt in strength its drafts could no longer be honored.

No man ever strove harder or labored more incessantly to serve his constituents than he who is the subject of these remarks. He was always ready to aid the weak and the friendless, and ever on the alert for an opportunity to do a kindly act.

His chief ambition was to perfect a measure to lighten the burden that rests so heavily upon the bended shoulders of honest toil. Nor was this desire inspired by the arts of the demagogue, but rather by a sincere and earnest wish to benefit his fellow-men.

Himself of Celtic origin, the complaint of the Irish people appealed strongly to his sympathy and made him long to see Ireland numbered among the free and independent nations of the world. Any movement contemplating such a result found in him a zealous advocate and a generous friend.

Whilst I never knew a more genial, kindly nature, he was the special friend of no one, but evinced a like devotion to the welfare of all, and loved his neighbor as himself.

I do not mean to say the deceased was a faultless man—perfection is not an attribute of our nature—and though he doubtless had his frailties, it will profit us only to recall and emulate his virtues, unmindful of whatever imperfections he may have had.

Of his domestic relations I am not informed and cannot tell, yet may we not infer that one who possessed so much kindness of heart must have made a happy home? But there is a supreme sorrow which even the imagination should respect, and I will not lift the veil which hides from the public gaze wounded and bleeding hearts.

Mr. Speaker, this occasion should admonish us of our mortality, and we do well to heed the admonition, remembering that whilst man may dominate the earth it was given to One alone to conquer death. Let us, then, undisturbed by the skepticism of the age, put our trust in Him who has said, "I am the resurrection and the life."

REMARKS OF MR. WADE.

Mr. WADE. Mr. Speaker, there are many customs that make the world brighter and life better worth the living. That of the children of a family, after many years of separation, gathering at the old homestead to celebrate the golden anniversary of the marriage of their parents is one, and he who may be an honored guest upon such an occasion, seeing the affection of the children for their parents and an expression upon the old father and mother's faces, indicating hearts overflowing with love for the children, will go away from that home with a better appreciation of life and its possibilities, a more exalted love for the Creator and His purposes.

Strewing flowers on the graves of loved ones is another. The flowers are emblematical of the now pure spirit life of the departed. They speak in silent though eloquent language the affection in which the memory of the dead is held, and from a channel through which the holy influences of the better land may reach our hearts, drive from them improper affections, and leave in their stead an influence that shall lead us when life's trials are ended to an eternal association with the pure and good.

The custom of the members of this House meeting to do honor to the character of a dead colleague and to pay a tribute of respect to his achievements and virtues is of like character. Through our representative character fifty million people are here and a nation stands with heads uncovered to do honor to the memory of Dr. Cole. We are speaking to this great assembly; the young men of this country hear us; the words of praise and commendation spoken of our dead friend will inspire them, give an impetus to their ambition, impart a desire to be like him—honored because worthy, trusted because tried and not found wanting.

My acquaintance with Dr. Cole began when the committees of this Congress were appointed, and ended a few months later, when his failing health took him from the active duties of a member upon this floor. But, sir, it does not take years to learn the motives which inspire men's actions, to form an estimate of their character, to determine if they be worthy our confidence, entitled to our respect, fit objects of our love.

A single act, a few words spoken, even a look, often as clearly determine the character of men as great deeds done or volumes written in praise of their virtues. It was the way in which Dr. Cole did little

acts of kindness to others and myself that attracted me to him, led me to a careful study of his character, the purpose he had in view and the motives that governed his actions. I learned that he was ambitious, but that his ambition was of that character that seeks to benefit others while it elevated him; he was earnest in his labors to accomplish that which directly interested the people of his district, but he was equally as earnest in his efforts for the general good. In all his acts he seemed governed by a desire to deal fairly by others, to ask only what under the same circumstances he would be willing to give.

I was told by one of his personal friends that the ambition of the doctor's life was to represent his State in Congress. By the same person I was informed that he was a poor and friendless boy and owed to himself whatever he had of education, influence, or position.

Sir, if you will point me to a man who, starting in life poor but with a laudable ambition, and who has achieved the full measure of that ambition, I am always willing to stand uncovered in that man's presence, even though that man's ambition had been to own only a cottage and ten acres.

Dr. Cole represented his district in Congress, and to me that was enough to entitle him to my respect, and I honor his memory and sincerely regret that Providence removed him from a position he honored and if he had lived I am sure his constituents would have demanded he should continue to occupy.

Dr. Cole loved Maryland and her people and his devotion to both could no more fittingly be expressed than by quoting the language of the daughter of Moab:

"Entreat me not to leave thee, for whither thou goest I will go; thy people shall be my people, and thy God my God; where thou diest will I die and there will be buried."

REMARKS OF MR. GIBSON, OF MARYLAND.

Mr. GIBSON, of Maryland. Mr. Speaker, while the arrows of death which have flown so thick and fast amid the ranks of the Forty-ninth Congress have robbed the council of our country of many from other States with whom it was our happy fortune to meet, those of us from the State which I have the honor in part to represent are called upon to mourn the loss of a personal friend and colleague.

I knew William H. Cole well. He was my friend and "his adoption tried." Of his early life I knew but little. My association with him has been since the war, when I first met him in the discharge of important trusts devolving upon him in the legislative body of his State.

Later, I knew him better in the pursuit of his chosen profession of journalism. He was an honored member of this honored profession. In this avocation, in addition to the faithful discharge of the duties devolving upon him, he found time to contribute much to a subject which, next to his devotion to the interests of his State and his own country, lay close to his heart, the cause of Ireland. Although born and reared on the soil of his honored Maryland, as his fathers were before him, he was a devoted friend of Ireland.

He was an enthusiast on the subject and was always to be found where the woes of Ireland were said or sung, and was ever ready with his voice to defend and his purse to alleviate the wrongs of the people whose cause he espoused.

He attended as a delegate all of the conventions, and was the secretary of the National Land League.

The first leisure time he could secure he went abroad for several months and spent the most of his time in Ireland, visiting every section of it, mingling familiarly with her people, studying her institutions and imbibing her traditions.

This to him was indeed a labor of love.

He wanted to ascertain for himself what wrongs there were to be righted, and how best he could lift up the down-trodden, succor the poor, the feeble, and the oppressed, and secure as far as he might be able on his return to his own country the blessings of law, of liberty, and of order to the people toward whom his heart had gone out. In the death of William H. Cole the friends of "home rule in Ireland" have lost a valuable ally, a fearless defender, and a faithful friend.

He was an indefatigable worker. "What his hands found to do he did with all his might."

Those who knew our friend best knew how he was impelled by the very genius of work. That for him there was not "A time to get, and a time to lose; a time to keep, and a time to cast away," but rather, his work claimed all seasons for its own. It was his highest ambition to come to Congress—to represent that portion of Baltimore city comprising his district, where he was born and lived, and where had been born and had lived his father and his father's father.

This was no recent aim of his life. It had been his boyhood's dream. It had long been his high and manly ambition to try his fortunes in this House, and when his people commended the chalice of exultant satisfaction to his lips, he was instant in season and out of season to show them he was worthy of them and of the honor they had done to him.

Time would fail me to recount his daily and nightly labors in and out of this House to advance the interests of his district. His presence in the House was of short duration, from March until May. His experience had not grown full-orbed as yet to measure himself with those of rounded experience in national matters.

But looking to this House as the forum of his efforts and its honorable commendation as the goal of his ambition, it might well be said of him that "the zeal of Thine house hath consumed me."

When the steed of opportunity came thundering down the avenue of time he was found booted and spurred, and vaulted into the saddle; but hardly had he time to know his courser's mettle "when dark-browed Care leaped up behind." For weary weeks did he bear with silent solicitude and noble reticence the consciousness of a painful and fatal malady; and all the while he sought to have those about him infer that his eye had not grown dim and that neither was his natural force abated.

Aye, Mr. Speaker, even when his weary feet could no longer measure their accustomed pace across these Halls, he was still fired with that indomitable spirit which thought it had accomplished nothing so long as anything remained to be accomplished. And so it was that, when he learned that a vote was to be taken on a measure of vital interest to the people of his district as well as to the nation, he caused himself to be carried to his seat in the House, although he knew the act might cause his death. He voted with his party on that occasion; it was his last act for his constituents!

Tender hands conveyed him to his carriage, and I tried to speak words of hope and encouragement that my heart did not feel—of brighter days to come. "No, my friend! Farewell; my last work here is done!" And so it was. Ere a week passed by he was dead. And so with his high chivalric sense of duty he died—"with all his harness on!"

Of his personal traits of character it were small worth to speak among those who knew him closely.

Kindly and courteous to all; at once dignified and unostentatious; slow to take offense and ready to forgive; too much the gentleman to be otherwise than gentle; with delicacy of regard for the feelings of others; as sensitive as instinct, he moved on to the discharge of his obligations to his fellow man, as absolutely the impersonation of "Charity for all, malice towards none," as it has ever come within the scope of my observation of mankind to discover. May our labors in the vineyard bear kindred fruit.

When we, too, have borne the heat and burden of the day may we, like him, have somewhat of that—

Wherewith the reaper filleth his arms, and he that gathereth sheaves, his bosom.

And so that for us, too, in the eventide there shall be light! And as we lay our burdens down, as our garments, may our "Nunc Dimittis" be chanted with the same calm trust, the same assured hope of immortality, which brought rest and peace to the well-spent life of William H. Cole.

REMARKS OF MR. M'COMAS.

Mr. McCOMAS. Mr. Speaker, my acquaintance with my deceased colleague, Hon. William H. Cole, commenced after his election to this Congress, and I am admonished that in this brief hour, in the closing days of this session, when all here are pressed with anxiety and harassed with cares of legislation, whatever I may say of him must needs be brief.

Sprung from a race which for centuries has been wrongfully deprived of rule in its own country, and yet has had so large a part in the rule of ours, my colleague was by instinct fond of politics, its activity, its discussions, its excitement, and its varying fortunes in the controversy of elections; and when I recall that in less than a half century of life-time he had been a practitioner of law, student of medicine, had spent years under arms on the side he espoused in the late conflict in our country, had filled several offices in the city of Baltimore and in the house of delegates at Annapolis, and finally reached the goal of his ambition—a seat in Congress—I can not but regret that when he came here he was in feeble health, inadequate to perform the works which his generous and kindly nature suggested for the care of the individual wants of his constituents.

When I met him yonder on the other side of the House at the opening session of this now dying Congress the look of death was already on his face; and in the few months he was here the time only sufficed to give us knowledge of his kindly temperament.

What part he might have borne on this field there is no need now to speculate upon. Many months ago I, with others commissioned by this House to attend the funeral, followed his remains at the close of a July day to the beautiful cemetery where he rests; and looking back now I am confident that there remains for those who are near and dear to him, and for those who sent him to this Hall, a consciousness that the long procession of friends who gathered there in the church and on the highways of that great city, and crowded that cemetery, the great concourse of the plain people, who were attached to him and who followed him to do honor at his burial, made for him the best of eulogies.

When, on an important division in this Chamber upon the Morrison tariff bill, which excited great national interest, my colleague came here in defiance of the admonitions of his physicians and cast the last vote he ever cast, impelled to come by a sense of public duty, and then re-

turned to his bed, whence he was carried to his grave, my colleague performed his last public act, and it was an honorable close to his brief career in Congress so untimely closed.

REMARKS OF MR. HERMANN.

Mr. HERMANN. Mr. Speaker, it is not Maryland alone, sir, that mourns the death of her distinguished son and our late associate in this House. From that State on the extreme western confines of the Republic, three thousand miles away,

Where rolls the Oregon, and hears no sound
Save his own dashings,

I bring the sprig of acacia to plant upon the grave of William H. Cole. From and for that far distant State, the home of my adoption, I ask the sad privilege to unite in doing homage to the memory of one so lately the honored Representative of my own native State.

When entering this Chamber for the first time I early sought his acquaintance, and at once became the recipient of his cordial welcome, the beneficiary of his ever-ready aid, and the gainer of valuable counsel as to the legislative routine of this body.

As our acquaintance ripened into intimacy, I became the confident of much of his lifework. The early assurances of his aid and influence I soon realized in the earnest attention which he bestowed on all matters of legislation which involved the advancement and prosperity of the great Pacific Northwest. In reviewing together the arduous labors of this body, with its cares and responsibilities, I can now recall many cheering words, many practical suggestions, and many precepts of wisdom and admonition uttered from those lips now forever immovable and listless.

I well remember his devoted attachment to the interests of his own constituents; how faithfully he worked and how fondly he talked for the commercial advantages of his State, the improvement of her water ways, the shortening and cheapening of transportation to her markets, and for the removal of every discrimination against the least cost of her industries. That he might add even a tithe to the aggrandizement of that grand old Monumental City—the place of his birth, and the home he loved so well—he was ready to forego his own happiness and his health.

No constituency, no people ever had a more faithful toiler, a more jealous representative of popular rights, or a more sleepless sentinel on the watch-towers of the Republic. He assigned himself a task, and assumed a work far exceeding the ability of any one person to accomplish. Ambitious for the approval of his constituents he labored with unceasing energy to consummate his colossal plans. He encountered the usual vexatious delays incident in Congressional legislation.

At length his system could no longer comply with the demand upon it, and as day by day he hurriedly passed through these aisles his pallid face told of the conflict with pain and disease. Soon the measured tread, the haggard and despondent look admonished us all that our comrade's legislative career was rapidly nearing its close.

A little later on his seat was vacant, his presence was gone, and he responded no more to the roll-call of this House.

In his rooms, surrounded by his family, and like a soldier with his mantle wrapped around him, he patiently and without a murmur tarried to respond to that other roll-call in that house not made with hands, eternal in the heavens. The crape upon the door, the flags at half-mast from the top of this Capitol, announced the sad story; and our companion was gone. His birth, his ancestry, his ambition, and the history of his life have been eloquently and well narrated by the voices of Maryland's Representatives here to-day.

As my own poor offering in tribute to the memory of my departed friend, I can not speak more fittingly than to refer to the one single element in his character—his kindness for his fellow-men. Though once a soldier in the confederate ranks and a participant in some of the most sanguinary and long-contested engagements of the late war, his biographer can write long and truly of the numerous kind deeds at his hands for the suffering friend as well as foe on the field of battle.

Ardent and unflinching as a partisan, grateful and true to his political friends, he had a boundary beyond which he would not go even in answer to these obligations; he would not wrong a needy fellow. He was once earnestly entreated to aid in removing from office in my State the Republican incumbent, a lady and the widow of a Union soldier. A relative was an applicant for the position. He at once expressed his earnest and feeling disapproval of the effort, saying that he could never bring either his judgment or his heart to sanction the possible injury to the widow of a soldier. Of him it may be said as is said of Ben Adhem in those enduring lines:

I pray thee, then,
Write me as one that loves his fellow-men.
The angel wrote and vanished. The next night
It came again with a great wakening light,
And showed the names whom love of God had blessed,
And lo! Ben Adhem's name led all the rest.

And as the angel in the Book of Gold wrote Ben Adhem's name, so let the records of his country write that of William H. Cole—"he loved his fellow-men."

That he was a profound statesman or a great man in the usual acceptation his brief service in these halls did not disclose. And yet we know that he was a great man. It was that great and good jurist, Sir William Jones, who once said:

If I am asked who is the greatest man, I answer, the best; and if I am required to say who is the best, I answer, he that has deserved most of his fellow creatures.

In this respect our departed comrade was indeed a truly great man. His unwearied, persistent, and continuous labors in this Congress for the advancement of his State, his kind and uncomplaining attendance upon the incessant demands of soliciting friends and constituents, his generous and philanthropic nature, his ever ready and open hand to the poor and the distressed, the widow and the orphan, and his devoted life as a son as well as a husband all attest the high qualities of the social man and the official representative.

If I were required to indicate what I conceived to be his greatest virtue I should answer—his devotion and fidelity in friendship. This would seem to follow from the inherent qualities of his heart and mind.

To thine ownself be true;
And it must follow as the night, the day,
Thou can'st not then be false to any man."

Of all men William H. Cole was true to himself. He was greatest to those who knew him best. He believed that one who could betray a friend could prove false to his country, his family, and his God.

And when his epitaph shall be written may this crowning virtue be commemorated, may it be engraved in marble, and perpetuated in letters of gold. And thus it is, sir, that in the State he loved and served so well they mourn for him.

Mr. McMILLIN withholds his remarks for revision. [See Appendix.]

REMARKS OF MR. RUSK.

Mr. RUSK. Mr. Speaker, in July, 1884, it was my privilege in the Congressional nominating convention of the district I now represent to place in nomination my predecessor, Hon. William H. Cole, referring to him as a man of experience and ability, who had been for many years a prominent figure in our political organization. Flushed with pride at the gratification of a long-cherished wish, he appeared before that convention in apparent health and full of manly vigor, giving promise of a long and useful public career.

But, sir, how frail are the ties that bind us to life; how futile our wishes and desires, and how dim our perception of the future, for hardly had his election been assured and his life-long hope gratified, than the strong, active man was stricken with disease. And that although the strong mind and resolute will literally enabled him "to hold death at arm's length" and to remain at the post of duty until almost tottering on the verge of the grave his days were numbered, his career was nearing its close, hastened no doubt by his assiduous devotion to what he considered his duty to his constituency.

And, sir, in less than two years from the time I placed him in nomination it was my sad duty as a personal friend and representative of our political organization, to attend in company with a great concourse of our citizens the obsequies of our late friend and representative. With saddened hearts we bore all that was mortal of William H. Cole out among the beautiful hills that surround our city, and as the summer sunset touched their summits with its parting rays of promise of another day, in beautiful "Bonnie Brae" we laid him to rest.

It seemed to us, limited as our perceptions are to our environment, that it was inexpressibly sad for this strong good man to be taken from our midst—his career of honor and usefulness cut short—taken away from that hearthstone now cheerless from his absence, away from the fulfillment of those laudable ambitions which filled his heart with hope, and gave strength to the enfeebled body even to the very day "When God's finger touched him and he slept."

Sad that we should place him in the silent tomb, and, except to the few faithful hearts, the busy world go on as if he had not lived; but, sir, if we could look beyond this seeming sunset of his life, if we could catch the accents of that released and unburdened spirit we might have heard the whisper "It is well."

Mr. Speaker, William H. Cole was a man of versatility and varied experience, of strong will and determination—this was his distingnishing characteristic. Born in Baltimore city, we find him in early manhood, after his admission to the bar, settling in Kansas, taking part in the fierce struggle in that State in 1857 and 1858. Later we find him in the civil war, casting his fortune with the Southern States, where his ability and courage gave him distinction.

After the war, returning to his native city, he entered the field of journalism, again winning distinction, in the mean while being called to positions of honor and trust in our city and State government, until he was chosen to represent our district in the House.

Mr. Speaker, William H. Cole was essentially a man of the people. Every pulsation of his heart was in unison with their interests. Not an Irishman by birth, yet he was an honored officer of the Land League, one of the accredited representatives in its national organization. Not a workingman in the sense of performing manual labor, yet he was always welcomed at the deliberations of our workingmen and recognized as their true friend.

As a party man, while tolerant and respectful of the opinions of those honestly differing from him, yet he was filled with an honest zeal, which would not be repressed, for the success of his party. Whatever might be his individual disappointments in political matters, he never faltered in his allegiance to his party.

In the latter days of his life he arose almost from his death-bed and came to this Hall to cast his vote for a measure which he deemed of great importance and promising the greatest benefits to his countrymen. Later on, as your last session was drawing to its close, he recognized that his end was fast approaching, and although it was hard to surrender up those fond hopes and ambitions—harder still to sever those heart ties which bound him to home and loved ones—yet without a murmur, "sustained and soothed by an unfaltering trust," he awaited the summons which called him from time to eternity, from ceaseless pain to endless joy. Peace to his ashes. Honor to his memory.

Mr. Speaker, I move the adoption of the resolutions offered by my colleague [Mr. COMPTON].

The resolutions were unanimously adopted.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I rise to present a privileged report. I am instructed by the Committee on Agriculture to report back the agricultural appropriation bill with Senate amendments, and I move that the House non-concur in the Senate amendments and ask for a committee of conference.

Mr. HAMMOND. Is that a privileged motion? This is not a conference report.

Mr. HATCH. A motion to ask for a conference is privileged.

Mr. BRADY. I call for the reading of the report.

The SPEAKER *pro tempore* (Mr. MATSON). The Clerk will read the report.

The Clerk read as follows:

The Committee on Agriculture having considered the bill H. R. 10912, with amendments by the Senate, report the same back and recommend that the House non-concur in the Senate amendments and ask for a conference thereon.

The question being taken on the motion of Mr. HATCH; it was agreed to.

Mr. HATCH moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF PRINTING COMMITTEE.

Mr. BARKSDALE. I ask unanimous consent that the Committee on Printing be given one hour, unless they conclude in a shorter time, to call up and have immediately considered measures reported by that committee.

Several members called for the regular order.

PERSONAL EXPLANATION.

Mr. BUCHANAN. I rise to a question of privilege. Among those recorded as not voting on the dependent pensions bill last Thursday I find my name. I do not find any pair announced. I was absent during the whole of the week confined to my bed by sickness. I had been paired, and I supposed I was then paired. If present, I would have voted for the bill and against the veto.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. HOLMAN. I am instructed by the Committee on Appropriations to submit as an amendment to the pending paragraph what I send to the desk.

The Clerk read as follows:

In line 217, strike out "4" and insert "6;" so as to read:
For newspaper clerk, $1,600.

Mr. CRAIN. I move to amend the amendment by inserting "$2,000" instead of "$1,600."

Mr. HOLMAN. I must make the point of order on that.

Mr. CRAIN. That is the law.

Mr. HOLMAN. The law does not authorize that salary.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. HOLMAN. I have made the point of order on the amendment to the amendment. I am not aware of any law that fixes this salary at $2,000. If there be any law authorizing that salary let it be produced.

Mr. CRAIN. My authority for the statement that the salary of $2,000 is authorized by law is the gentleman from Missouri [Mr. BURNES], who is a member of the Committee on Appropriations; and I presume the gentleman from Indiana will not deny the fact that that was the appropriation of last year.

Mr. HOLMAN. It may have been the appropriation of last year, but I am not aware of any such law. If the gentleman from Missouri can produce any such law I will be glad to see it.

Mr. BURNES. All I can say is that the incumbent of this office serves until the 1st of December. The law for the current year provides a salary of $2,000; and if this amendment of the gentleman from Texas [Mr. CRAIN] does not prevail, as a matter of course he will simply be deprived of the difference between $2,000 and $1,600 from the 1st of July to the 1st of December.

Mr. WARNER, of Ohio. Is it anything more than the law of the current appropriation?

Mr. BURNES. So far as the specific office is concerned this clerk is not named. These clerks are not named in the law of 1873; the appropriations are made for clerks by classes.

Mr. WARNER, of Ohio. There is no law as to what this clerk's salary would be next year. The amendment to the amendment is therefore subject to the point of order.

Mr. ANDERSON, of Kansas. If there be no law how can the point of order be made that the amendment to the amendment changes existing law?

The CHAIRMAN. In either event the Chair must submit the question to the committee.

Mr. HOLMAN. I assume there is no such law, as no such law is produced.

Mr. CRAIN. The point of order is not well, taken because my amendment does not change any existing law.

Mr. WARNER, of Ohio. It is a change of the laws of the United States to make a new office.

The CHAIRMAN. The Chair is of the opinion that the point of order is not well taken. If there be a law fixing this salary at the sum fixed in the amendment to the amendment it is in order; if there be no law it is in order for the committee to fix the compensation at whatever amount it chooses. The Chair therefore overrules the point of order. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SINGLETON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 201, page 9 of the bill, after the word "dollars," insert "an assistant to the person preparing the general index to the Journals of Congress under the resolution of May 22, 1882, $2,000."

Mr. SINGLETON. Mr. Chairman, I wish to say a word by way of explanation of this amendment.

Mr. HOLMAN. I wish to reserve the point of order upon the amendment.

Mr. SINGLETON. In 1882 a resolution was passed by Congress appropriating $2,000 for that year, and it has been kept up every year since to employ a competent person to make a general index of the records of Congress from the beginning——

Mr. HOLMAN. If my friend will add to his amendment the words "for one year," I withdraw the point of order.

Mr. SINGLETON. I will accept that modification.

Mr. HOLMAN. Then I withdraw the point of order.

The CHAIRMAN. The amendment will be read as modified.

The Clerk read as follows:

In line 201, on page 9 of the bill, insert, after the word "dollars," an "assistant for one year to the person preparing the general index to the Journals of Congress under the resolution of May 22, 1882, $2,000."

The amendment was agreed to.

Mr. MATSON. I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 202 strike out the words "and two reading clerks," and after the word "each," in line 203, insert "two reading clerks, at $3,600 each."

Mr. HOLMAN. There is no law authorizing that salary.

Mr. MATSON. As I understand, Mr. Chairman, there is no law authorizing any salary. This is not in violation of any law, and I challenge my colleague [Mr. HOLMAN] to show any law that fixes these salaries at $3,000.

Mr. HOLMAN. The present law fixes the salary at $3,000. I did not know that Indiana was going into the business of increasing salaries.

Mr. MORRISON. Indiana brought in a bill increasing certain salaries, thus setting the example.

Mr. HOLMAN. I call attention to the last clause of the appropriation law of the present year. That law fixes the salaries of these two officers at $3,000 each, and then it contains a provision that—

All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

If, therefore, there had been a law fixing the salaries of these officers at more than $3,000 each, that law would have been repealed by this provision.

Mr. MILLS. That is the annual appropriation bill, and operates for one year only.

Mr. HOLMAN. No; that provision is a permanent law.

Mr. MATSON. I understand my colleague to have read from the appropriation bill of the current year.

Mr. HOLMAN. Yes; but what I have read is permanent law.

Mr. MATSON. That fixes the salaries for this year; but we are now legislating for the next fiscal year, not for the present one. There is no law which would be violated by the adoption of this amendment, and I think that my colleague, by resorting to this appropriation bill, which exists but for one year, confesses that there is no permanent statute which would be violated by the adoption of this amendment.

Mr. HOLMAN. Mr. Chairman, the third section of the act from which I read is a permanent law, and is as operative in the future as during the current year. It repeals all acts or parts of acts inconsistent on in conflict with its provisions. If there is any law fixing a salary for these two officers it is this appropriation bill, and it fixes them at $3,000 each. You can not make language any clearer. It is a definite, specific fixing of the salaries and a repeal of all laws inconsistent with this act; and I call upon my colleague to show some law authorizing a salary for these officers above $3,000.

Mr. MILLS. Mr. Chairman, there is a general law which prescribes the salaries of officers and employés of the Government. The law which the gentleman from Indiana [Mr. HOLMAN] has read is a law which professes in its title to be an act to make appropriations for a specific term—a specific appropriation from the beginning of one fiscal year to the end of the same. It does not pretend to interfere with the general law regulating the salaries of the different employés of the Government, and therefore it can not be argued that that appropriation act, by the language which the gentleman has read, repeals any general law.

If the act from which he has read had been a general law relating to the salaries of officers and employés of the Government at all times, then it might be justly argued that the language quoted by the gentleman would repeal any prior law on the subject; but that act starts out by saying that it is an act making appropriations for a certain fiscal year, and, paragraph by paragraph, it goes on making appropriations for this officer and that officer, and then, at the end it says, in a general clause, that if there is any law inconsistent with the provisions of this specific appropriation act for the fiscal year, such law is hereby repealed. That is correct. Nobody doubts that; but a general law fixing the salaries of officers and employés permanently does not conflict with a specific appropriation bill operating only for a specific, limited time.

Mr. HOLMAN. It is admitted on all hands that a limitation made by an appropriation bill is only temporary and applies only to the annual appropriation. But in a general appropriation bill where the terms of a provision are the terms of permanent law, they have the same effect as when employed in any other form of statute.

There is no pretense that the language here is limited to appropriations made in the appropriation act for the current year. On the contrary, the language is general. It is the language of continuing, permanent law, not of temporary provision. Why, sir, what terms of legislation could be more specific?

That all acts—

Not for the present or current year, but—

All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

The idea that that provision is limited in its operation to the current appropriation act is utterly untenable.

Mr. MILLS. Will the gentleman allow me a question? In the act for the current year you have said that a particular salary shall be paid for this year. Now, is there anything inconsistent with that in the general law which provides the salary which shall be paid?

Mr. HOLMAN. If any statute fixes these salaries, it is the law of the current law which repeals all preceding legislation fixing the salaries. I am yet to hear the doctrine announced in this House that under the present rules a salary may be enlarged without some authority of law. No law is produced, or can be produced. If there were produced any statute of prior date to the appropriation act for the current year the provision which I have read repeals that. Indeed, Mr. Chairman, what purpose is there in the section which I have read except to repeal all statutes or parts of statutes inconsistent with the provisions of the appropriation act?

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] will please state his point of order again.

Mr. HOLMAN. My point of order is that there is no law authorizing the increase of these salaries which are fixed by the appropriation act for the present year at $3,000; and if there had been any antecedent law fixing these salaries at a higher rate it would be repealed by the third section of the appropriation act for the current year. There is an entire absence of law authorizing this proposition; and hence it is out of order under the third clause of Rule XXI.

The CHAIRMAN. Does the gentleman from Indiana hold that there is no law fixing the salary differently from the amount named in the pending bill?

Mr. HOLMAN. I assume there is not; and if there ever was such a a provision, it is repealed by the third section, to which I have referred.

The CHAIRMAN. No gentleman has cited to the Chair any other law on the subject than the appropriation act for the current year. The Chair can not assume that this is in violation of existing law unless some statute with which the proposition conflicts is produced. The Chair will therefore ask the gentleman from Indiana [Mr. MATSON] who moved this amendment to cite to the Chair any existing law which authorizes a salary of $3,600 for these officers.

Mr. MATSON. I insist that the burden is on my colleague. I insist that in order for him to maintain the point of order he must show that this amendment is in violation of existing law.

Mr. HOLMAN. Oh, no; you have the affirmative.

Mr. MATSON. No, you have. I am not raising any point of order. Mr. Chairman, my colleague raises the point of order, and he must show that there is some law fixing this salary at some other sum than $3,600.

Mr. WARNER, of Ohio. Merely to test this question of order, I move to amend the amendment so as to make these salaries $7,000. If the position of the gentleman from Indiana [Mr. MATSON] is good, then my amendment is in order.

Mr. HOLMAN. Mr. Chairman, it has never been held that a person taking the negative position of the absence of law must produce evidence that there is no law. The party asking the increase of salary must produce the law justifying such increase. That has been the uniform ruling as, I think, the Chair is aware.

Mr. MATSON. I do not insist there is any law fixing this salary; I insist there is no existing law to be violated.

Mr. WARNER, of Ohio. If there is no law authorizing the payment of $3,600, then the amendment can not be in order under the rules of the House. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. As there seems to be some doubt whether there is any existing law on this subject, the Chair will submit the amendment to a vote of the committee.

Mr. HOLMAN. Oh, no.

Mr. ANDERSON, of Kansas. That is right.

Mr. CASWELL. There is no law fixing these salaries.

Mr. WARNER, of Ohio. I withdraw the amendment which I offered.

The amendment of Mr. MATSON having been again read,

The CHAIRMAN said: As many as are of opinion that this amendment be agreed to——

Mr. HOLMAN. Mr. Chairman, that is not the question to be submitted. The question is whether the amendment is in order or not.

The CHAIRMAN. The Chair overruled the point of order by deciding to submit the amendment to a vote of the Committee of the Whole.

Mr. HOLMAN. If the point of order is overruled, then I have a word to say upon the amendment itself.

The CHAIRMAN. The Chair asked that some statute be cited——

Mr. HOLMAN. I had not dreamed that the point was to be overruled. I never made a point of order in this House which seemed to me clearer.

The CHAIRMAN. The Chair asked for some statute governing the question, and, as none was produced, decided to submit the amendment to a vote.

Mr. HOLMAN. Mr. Chairman, I must be allowed to occupy a moment in protesting against this extraordinary proposition. It has more of the flavor of the legislation of 1873 than anything I have witnessed on this floor in a long time. If this proposition be adopted, it means a general increase of the salaries of officers of the Government. I protest against the initiation of a policy by which all along the line salaries are to be increased.

Gentlemen do not hold their seats on this side of the House on a doctrine which proposes to increase the burdens of the people of the country—to increase salaries. Their seats are held on a different doctrine from that. Instead of retrenchment during the first year of a Democratic administration an extravagance, unknown since the year of 1873, is to be inaugurated—legislation which terminated in the famous act which revolutionized this House and filled up this side with a majority of Democratic members.

Mr. REED. Do not let us refer to that sad event. [Laughter.]

Mr. MATSON. I have offered this amendment believing it is a proper one to be adopted. I am glad the Chair decided it to be in order, because I feel it ought to be adopted.

Mr. HOLMAN. Does my friend want to pay these gentlemen now receiving $1,000 a month for their services $200 a month more from the first Monday in December to the 4th of March? They now receive $1,000 a month.

Mr. MATSON. I have not yielded the floor to my colleague. I do not believe there should be a general increase of salaries, nor do I believe there should be a few selected ones, a few to be reduced or a few to be raised, or for certain gentlemen of this House to say what should be done. [Applause on the Republican side.] Here is presented the case of two persons who are seen by this House every single hour it is in session. Members may come and members may go, the Speaker may come and the Speaker may go, other employés may come and go,

but the reading clerks are always here. They read until their throats are raw. No men undergo the physical suffering and torture of these two clerks, and we ought not to hesitate to pay them $3,600 a year.

I beg to say further in regard to the objection urged that these clerks are not required to be here during the vacation. The little time they have during the vacation is of no value to them.

Mr. CRAIN. Members of Congress do not come here during the vacation.

Mr. MATSON. They do not come here during the vacation. Their time is worth little to them. Their time is taken up with the discharge of their duties, and while they are here reading they undergo physical torture and suffering which no member and no other officer undergoes. I think $3,600 is a moderate salary for these gentleman. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. Under the present law these two gentlemen now receive for the current year, beginning on the first Monday of December to the 4th of March, at the rate of $1,000 per month. My colleague proposes to increase that to $1,200 a month. I am willing that that shall go to his constituents and mine, and let them judge between us.

Mr. MATSON. By the same process of calculation members get $1,660 a month. [Laughter].

Mr. BURROWS. I move as a substitute for the pending amendment the following:

The Clark read as follows:

After the word "dollars," in line 201, strike out down to line 203; so it will read:

"For Chief Clerk, Journal Clerk, and two reading clerks, $3,600 each."

Mr. BURROWS. Mr. Chairman, I indorse every single word said by the gentleman from Indiana [Mr. MATSON] in relation to the reading clerks. There is no question in my mind their salary should be fixed at $3,600 each, as well as the salary of the Journal Clerk and the salary of the Chief Clerk.

Mr. HOLMAN. I ask for the reading of the amendments now pending.

Mr. MATSON'S amendment was read, and then Mr. BURROWS'S substitute.

Mr. BLOUNT. Is not the salary of these officers now $3,600 each?

Mr. BURROWS. Thirty-six hundred dollars was their salary for a long time, and it should be so to-day.

Mr. HOLMAN. The salary of the Chief Clerk is fixed at $3,000 by law. While I admit he is a most valuable public officer, I insist on my point of order.

The CHAIRMAN. The question raised is precisely the same. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I rise to discuss the amendment.

The CHAIRMAN. The gentleman from Indiana makes the point on the substitute offered by the gentleman from Michigan [Mr. BURROWS]. The Chair is of opinion, and desires to state now, that the appropriation bill for the current year is not the "existing law" to which the rule of the House refers when provision is made that no legislation upon an appropriation bill changing existing law shall be in order. The Chair holds that an appropriation bill is not that existing law, because the appropriation bill will not be a law after the 1st of July next, when the bill now in progress of preparation is to take effect.

Mr. HOLMAN. I wish to make a parliamentary inquiry. Under the rules of the House, which provide that no appropriation shall be made except in conformity with existing law, can you increase a salary from $3,000 to $3,600 on a legislative act? Is it not in itself a legislative act?

The CHAIRMAN. There is no general law fixing the salary, as far as has been indicated to the Chair; and if there be no such existing law it must rest with the Committee of the Whole to say what the salary shall be, and not with the chairman of the committee. The Chair will not undertake to make a law if the Congress has not made one, and hence entertains the substitute of the gentleman from Michigan.

Mr. HOLMAN. Has the Chair decided the question of order?

The CHAIRMAN. It has.

Mr. HOLMAN. I say the law fixes the salary of the Chief Clerk at $3,000, and in that respect I am not speaking of what is done in an appropriation bill but what the statutes show.

The CHAIRMAN. If the general law fixes the salary at that the point of order is of course well taken. The Chair requests the gentleman from Indiana to indicate the law to which he refers.

Mr. HOLMAN. Does the gentleman who offers this amendment insist that there is a statute fixing this salary at $3,600? If so, I would like to have it produced. I say that the law fixes the salary at $3,000.

Mr. CUTCHEON. As the gentleman claims its benefit I think it is the duty of the gentleman from Indiana to produce it.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. I wish to know if the Chair has not already ruled on this question?

The CHAIRMAN. The Chair stated that the point of order was overruled, but the gentleman from Indiana has called attention to the fact, as he claims, that there is a statute in existence fixing this salary of the Chief Clerk at $3,000. The Chair has asked him to produce it.

Mr. HOLMAN. Protesting against a ruling that authorizes a member to rise in his seat and move an increase of salary without showing any law to authorize it, and believing that it is in conflict with the rule of this House, in this instance I will read from the statutes.

One Chief Clerk at a salary of $3,000 a year, and while such office is held by the present incumbent, and no longer, an additional sum of $1,000.

That was the act of 1873, and prior to the appointment of the present incumbent. That is part of what is known as the salary-grab act.

Mr. CANNON. But my friend from Indiana will recollect that that was subsequently repealed. It was repealed in the next year by the act which, as I am somewhat hoarse to-night, I will hand to my friend from Michigan [Mr. BURROWS] to have read. The act my friend from Indiana read is the salary-grab act, which, I repeat, was repealed by the act to which I now ask the attention of the committee.

Mr. STEELE. I do not think my colleague would undertake to deceive the House.

Mr. BURROWS. I send this statute to the desk, and ask to have it read by the Clerk.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DUNN having taken the chair as Speaker *pro tempore*, a message from the Senate by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a resolution to print the report of the Commissioner of Education for the years 1885 and 1886; in which the concurrence of the House was requested.

Also, that the Senate had passed with amendments the bill (H. R. 7021) for the adjustment of land grants to aid in the construction of railroads in the State of Kansas, &c., and requested a conference with the House thereon, and had appointed Mr. PLUMB, Mr. TELLER, and Mr. MORGAN managers on the part of the Senate.

### LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Clerk will read the statute indicated by the gentleman from Michigan.

Mr. HOLMAN. I wish to state that on further examination I find——

Mr. BURROWS. I believe I have the floor.

The CHAIRMAN. The gentleman from Indiana wishes to make a statement which may obviate the point of order.

Mr. HOLMAN. The statute which I read, as I stated, is what is known as the salary grab, and fixes the salary at the amount stated. I admit that act was repealed.

Mr. BURROWS. I understand my friend to say that the law he read was repealed. If he admits that it is sufficient, and there is no need for reading the statute I sent up.

The CHAIRMAN. The gentleman does not desire, then, to have it read.

Mr. BURROWS. I understand the gentleman admits the law he quoted from to be repealed. [Cries of "Vote!" "Vote!"]

Mr. REAGAN. I desire to call the attention of the committee to the fact that in order to punish the Committee on Appropriations we are likely to commit an extravagance of which we would all be ashamed and the country will denounce. I think we had better consult our senses more and our prejudices less in expending the public money.

Mr. BLOUNT. I trust, sir, that the House will not go beyond the purpose that prompted it in the original issue with the gentleman from Indiana with reference to this bill. It was claimed that there was a purpose to increase some salaries and decrease others in violation of the rules of the House, and it was thought it was that spirit alone which prompted this body to take issue with the gentleman. That is not the present question. The salaries of these clerks have been for a long period of years fixed at $3,000.

I trust, sir, that we shall not in this excitement, without the advice of any committee, simply at the suggestion of our friends at the Clerk's desk—I mean the suggestion given by their presence, which recalls our friendship for them—set out in a loose method of legislation in the direction of increasing salaries. Let us observe the rule that we have prescribed for the committee itself and not undertake extemporaneously, without advice coming from any committee or any other authorized quarter, to turn in a tide of extravagance on this appropriation bill.

I trust we will leave the appropriations as they were in the bill of last year and of many preceding years, which show the legislative mind of Congress on the subject. Let us pause. I trust we will proceed no further in this matter and that we will simply allow the amount which has been allowed for a long period. I remember when this salary, at the rate of $3,600, in the excitement of the closing hours of a Congress and against the earnest appeal of that distinguished American citizen, General Garfield, was placed on the statute-book. Subsequently, in the Forty-fourth Congress, it was repealed, and since that time it has stood where it now is. I trust this hasty action that is proposed will not be taken.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan [Mr. BURROWS].

Mr. WHEELER. I desire to amend the substitute.

The CHAIRMAN. The amendment submitted by the gentleman from Alabama [Mr. WHEELER] will be read.

Mr. ROBERTSON. Are there not already two amendments pending? I make the point of order against the amendment of the gentleman from Alabama.

The CHAIRMAN. The pending amendment to the amendment is in the nature of a substitute. The Chair will cause the proposed amendment to be read:

The Clerk read as follows:

Amend the substitute by adding the following:
"*Provided*, That no more than $35 per day shall be paid for each day actually employed."

The CHAIRMAN. The question is on the amendment to the substitute, which has just been read.

The amendment to the substitute was not agreed to.

The CHAIRMAN. The question recurs on the substitute offered by the gentleman from Michigan.

The substitute was agreed to—ayes 90, noes 75.

The CHAIRMAN. The question recurs on agreeing to the amendment as amended by the adoption of the substitute.

The amendment as amended was agreed to—ayes 104, noes 67.

Mr. HOLMAN. We will take a yea-and-nay vote in the House on this amendment.

The Clerk read the following paragraph:

Clerks, messengers, and stenographers to committees: For two stenographers to committees, at $4,000 each; clerk to the Committee on Ways and Means, $2,500; assistant clerk, $1,200; messenger, $1,000; clerk to the Committee on Appropriations, $3,000; assistant clerk, $1,600; messenger, $1,000; clerk to the Committee on Agriculture, clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the District of Columbia, clerk to the Committee on Foreign Affairs, clerk to the Committee on Indian Affairs, clerk to the Committee on Invalid Pensions, clerk to the Committee on the Judiciary, clerk to the Committee on Military Affairs, clerk to the Committee on Naval Affairs, clerk to the Committee on the Public Lands, clerk to the Committee on Rivers and Harbors, clerk to the Committee on War Claims, clerk to the Committee on the Post-Office and Post-Roads, and clerk to the Committee on Public buildings and Grounds, at $2,000 each; in all, $48,300.

Mr. WARNER, of Ohio. I ask the gentleman in charge of this bill if these are the present salaries?

Mr. HOLMAN. There is no change made in this paragraph.

Mr. HISCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 244, strike out "$2,500," and insert in lieu thereof "$3,000;" in line 245, strike out "$1,200," and insert "$1,600;" so that it will read:
Clerk to the Committee on Ways and Means, $3,000; assistant clerk, $1,600,

Mr. HISCOCK. This amendment covers both the clerk and the assistant clerk of the Committee on Ways and Means.

Mr. HOLMAN. I reserve the point of order.

Mr. HISCOCK. If the gentlemen from Indiana has any point of order to make let him make it now. There is no law against my amendment.

Mr. HOLMAN. There is no law authorizing it.

Mr. HISCOCK. This relates to a part of the organization of the House. It provides the compensation for the officers of the House and there is no law fixing the compensation of these officers. Their compensation is fixed year by year in the annual bill, and there is no general provision in the law which covers them. I imagine the House will never part with its prerogative to fix the compensation that it will pay to its employés, and I challenge the gentleman on the other side to show any law, any statute fixing the compensation to be paid to these officers.

Mr. HOLMAN. By the salary-grab law this salary was fixed at $2,980.

Mr. MILLIKEN. That has been repealed.

Mr. HOLMAN. That was the act of the 3d of March, 1873, and no law ever enacted by Congress ever received such an exampled rebuke as that law did from the people of this country. That law fixed the salary at $2,980, I admit. That law was repealed as soon as Congress could get together, after the indignant expression of our people. And now, sir, it is proposed to make this salary even higher when the cost of living is much reduced from what it was when that rebuke was given to Congress by the people of this country.

My point of order is that there is no law authorizing this increase, and that as regards an increase even up to $2,980, the law which authorized that was repealed in obedience to the command of our masters.

Mr. MORRISON. There is, as I believe, no necessity for increased compensation to the clerk of the Committee on Ways and Means. The present clerk of that committee, Mr. Talbott, is most efficient, competent, and trustworthy as clerk, and is besides a man of ability and information beyond the requirements of efficient and capable clerkship to any committee. Still the clerk of any House committee is fairly well paid at $2,500 a year. Of course, the clerk of this committee should be at least as well paid as any other committee clerk of the House. None should receive more than $2,500 per annum. None higher, if so high, as the clerk of the Ways and Means Committee.

I assume the gentleman from New York [Mr. HISCOCK] in offering his amendment means no more than this, and that this salary ought to be equalized with that of the clerk of the Committee on Appropriations, which the Committtee on Appropriations put in this bill at $3,000. In my judgment this equalization should be made by reducing the pay of the clerk on appropriations to $2,500. It seems to me that this equalization ought to have challenged the attention of the gentleman from Indiana [Mr. HOLMAN] as a question involving the proprieties and decencies of legislation when he was reporting the highest salary for his own committee clerk of appropriations.

He has just reminded us of how the people rebuked an increase of this salary of $2,500, in what he terms the "salary-grab" period. He seems to forget that whatever there was of that rebuke he is receiving it to-day. The rebuke of that far-off period stands against him to-day, because since that time the duties and labors of the clerk of his committee have been largely reduced while his salary has been consideably increased, and the gentleman from Indiana [Mr. HOLMAN] has continued that increase from year to year, and continues it in the very bill now under consideration. [Applause.]

My judgment is that the compensation here provided for the clerk of the Committee of Ways and Means need not to be increased, but that of the clerk of the Committee on Appropriations ought to be reduced.

Mr. HISCOCK. Mr. Chairman, I had the honor to move in this House the increase of the salary of the clerk of the Committee on Appropriations. Upon my motion it was carried, and all the opprobrium connected with it, I suppose, was visited upon my head; but I have never bowed beneath its weight, and I never expect to do so. I believed that the clerk of the Committee on Appropriations earned that $3,000, and I stood here in my place and asked that it be given to him, and, so far as I know, nobody has ever been rebuked for the action then taken. I tell you, sir, that the people do not rebuke men for paying to the employés of the Government the money which they earn, and the "salary-grab," when it was denounced, was denounced because members of Congress voted it to themselves, and not because they proposed to increase to the proper point the salaries of efficient and faithful employés of the House.

As regards the clerks of the Committee of Ways and Means, the gentleman from Illinois [Mr. MORRISON] knows them, and I say that they earn yearly $3,000, the sum which I proposed to give them. Experts are needed in that place—men who are learned in all the tariff and customs laws and internal-revenue laws of this and of other nations. These gentlemen are such experts. They are, if you please to call them so, the eyes, the ears, and the hands of the members of that committee, ready to give them at their request the information that they ask for upon every subject coming before the committee. The clerks of that committee are entitled to the compensation which this amendment proposes to give them, and I am willing to take the responsibility of having offered the amendment, notwithstanding that the distinguished chairman of that committee in a fit of economy has seen fit to oppose it.

I know that the labors of the Committee on Appropriations have been very largely increased, and I know further that the accomplished gentleman who is the clerk of that committee, Mr. Courts, is indispensable to the committee and to this House, and never by vote of mine shall his compensation be stricken down or reduced. I hope, sir, notwithstanding the opposition of the gentleman from Indiana and of the distinguished chairman of the Committee on Ways and Means, my motion will prevail. Let me add that even the gentleman from Indiana himself would be powerless to manage this bill unless the clerk of that committee sat at his elbow. [Laughter and applause.]

Even the chairman of the Committee on Appropriations would be unable to inform us in reference to the provisions of these appropriation bills or to lay before this House the detailed information which it demands of him were it not that the ever vigilant Courts is always near him to post him up in reference to the details and the facts which the House calls for; and if any bill shall ever be brought before this House affecting the customs taxes or the internal-revenue taxes of this country the accomplished clerk of that committee will be found as indispensable to the committee and to this House as the very chairman himself. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. It seems that there is no general law fixing this salary, and it must be carried in the appropriation bill. Therefore, it is not for the Chairman of the Committee of the Whole House to fix it, and he will submit the question to the committee.

The question is on the amendment offered by the gentleman from New York [Mr. HISCOCK].

The question was taken; and the amendment was agreed to—ayes 105, noes 74.

Mr. HOLMAN. I will take a vote in the House upon that amendment.

Mr. GEDDES. Mr. Chairman, I desire to submit an amendment which I send to the desk.

The amendment was read, as follows:

In line 257, after the word "claims," insert "assistant clerk to the Committee on War Claims, $1,200."

Mr. GEDDES. Mr. Chairman, this is not an increase of salary. This clerk is provided for in the bill for the current year. He was provided

for as far back as the Forty-sixth Congress, again in the Forty-seventh and the Forty-eighth, and again in the Forty-ninth Congress, and now it is sought to drop him out of the appropriation bill for the coming year. There never has been heretofore as much necessity for this clerk as there will be in the next Congress. In the Forty-seventh Congress I had the honor to be a member of that committee and to be associated with the gentleman from Indiana [Mr. HOLMAN], and I say to him and to the House that the work of the committee has more than trebled since he and I served on that committee.

And I say to the House that the work of that committee has more than trebled since he and I served upon it and had the aid of this assistant clerk. The gentleman must be aware that this clerk was essential to the work of the committee in the Forty-seventh Congress. Now, let me say in his ear that in the Forty-seventh Congress there were sent to that committee 1,601 bills and petitions. In the Forty-ninth Congress there have been sent to the committee up to the present time 4,750 bills and petitions—more than three times the amount of work performed in the Forty-seventh Congress, and more than four times the amount performed in the Forty-sixth Congress, when this office was first created.

There is much other work to be performed by this clerk that I should like to bring to the attention of members in order to show that no unreasonable application is made to this House in asking that in the next Congress, of which I shall not be a member, this assistant clerk shall be given to the Committee on War Claims, unless the purpose is to abolish that committee; and if that is the purpose, it ought to be carried out directly; and we should not, first of all, impose the work upon the committee and then refuse to furnish the necessary clerical assistance to do the work.

[Here the hammer fell.]

Mr. HOLMAN. I call for a vote.

Mr. WARNER, of Ohio. I would like to know whether this is an annual clerk, or whether he serves merely for three months at the short session, and draws a salary of $1,200 for those three months.

Mr. GEDDES. He is an annual clerk. When this session closes he must be fed and clothed—he must live.

Mr. WARNER, of Ohio. Can he not go out and earn his bread?

Mr. GEDDES. Oh, yes; as you and I can; and we shall have to do it. [Applause and laughter].

Mr. MCMILLIN. I would like to know whether this has been an annual clerk heretofore, or only a session clerk?

Mr. GEDDES. Always an annual clerk, just as he is now; and he received $1,600 until in the bill of last year the salary was reduced to $1,200. I am only asking that this clerk be continued at $1,200 in the next Congress.

Mr. WALLACE. I would like to know how many bills have come from that committee.

Mr. GEDDES. Do you mean how many have been reported?

Mr. WALLACE. I would like to know how many have passed and become laws.

Mr. GEDDES. Oh, we are not responsible for the number that may have failed after they were reported.

The question being taken on the amendment of Mr. GEDDES, it was agreed to; there being—ayes 94, noes 87.

The Clerk read as follows:

For thirty-one clerks to committees, at $6 each per day during the session, $39,618.

Mr. HAMMOND. I move to strike out the last word for the purpose of asking the gentleman from Indiana [Mr. HOLMAN] a question. It is now nearly 10 o'clock. There are ninety-five more pages of this bill to be read. It is plain that the bill in the form in which it has been submitted will not go through the House.

If we can come to any understanding about the matter, it is high time it should be arrived at. I desire to ask the gentleman from Indiana whether he will not consent that without debate, as the items in this bill are reached, they shall be made to conform to the corresponding items in the bill of last year—the bill making appropriations for the current fiscal year.

Several MEMBERS. That is right.

Mr. HAMMOND. I ask the gentleman to answer me that question.

A MEMBER. Then we would have to go back and change the parts of the bill already gone over.

Several MEMBERS. Oh, no.

Mr. HAMMOND. Let the gentleman from Indiana answer my question.

Mr. HOLMAN. I see no impropriety in the course suggested, except that in a few instances in the Quartermaster General's Office, that officer has recommended a very material reduction of his force, on the ground that the whole of the present force is not required.

Mr. MCMILLIN. That could be provided for.

Mr. HOLMAN. But even there I see no reason under the circumstances why the suggestion of the gentleman from Georgia could not be adopted.

Mr. WEAVER, of Iowa. Would the suggestion of the gentleman from Georgia cover the surveyors-general?

Mr. HAMMOND. The purpose I had in view in getting this answer from the gentleman from Indian—and it is to me satisfactory—was not to commit this committee to each individual item of the bill, even upon the idea that it conforms to the other bill, because the other bill may, in certain particulars, be wrong; it may be that we ought to supply deficiencies for officers that did not then exist; it may be that we shall have to cut off officers that by reason of a changed condition of circumstances can now be dispensed with, or have been dispensed with by law.

I wish simply to arrive at an understanding that when the House again begins the reading of this bill, when it is necessary to make any provision conform to the law for the current year, the amount shall be simply named, and we shall go on. When there comes a point at which there is really a difference of opinion or of construction, and members feel that in good faith they should undertake to change the existing bill, and can give a reason for it, the committee ought to be controlled by that reason. But I desire to impress upon this House that they who take the responsibility of refusing to accede to what the gentleman from Indiana now says he is willing to do—to make this bill conform as far as it ought to conform to the bill of the current year—they who do that take a fearful responsibility.

Mr. REAGAN. Let me add, if points of order are made they shall be decided without debate.

Mr. HOLMAN. I hope that will be agreed to. There are a few places in the bill providing, for instance, for the occupation of the west wing of the State, War, and Navy Department, and there are half a dozen provisions of the same class about which there will be no controversy, and which I think should go into the bill. If gentlemen will examine the bill they will find there are comparatively few changes. A large majority of the sections are untouched altogether. Most of the sections of the pending bill are the same as those of the last bill.

If the gentleman from Georgia will make his statement again, and no member of the Committee on Appropriations objects, and I believe they are all present with one exception, I think, I will consent to the proposition.

Mr. HAMMOND. My proposition is that it shall simply include salaries, and those salaries shall be made to conform to the bill of the current year.

Mr. MILLS. As modified by the amendments made to-night.

Mr. HAMMOND. Of course. I do not mean to go back in reference to anything which has been done to-night in the way of amendments, but I say from now forward it shall apply. I understand the Committee of the Whole have voted already on propositions, and I am not asking anybody to recede from anything which has been done. I say let us conform this bill to the other, not because I regard that as a perfect bill, but because we did read that bill, we did pass on that deliberately, and because whatever evil will come from following that example is not to be compared with the evil which will arise by the course the committee is now engaged in.

Mr. HENDERSON, of Iowa. Let me ask the gentleman from Georgia a question for information.

Mr. HAMMOND. I mean, of course, all obstruction in this Committee of the Whole.

Mr. HENDERSON, of Iowa. What I want to understand is this: Does the gentlemen grant where there are any changes made it will be understood they will be abandoned only if objection be made?

Mr. BLOUNT. Abandoned anyway.

Mr. HAMMOND. I take the ground, that unless some one calls attention to the change, it has to be taken for granted.

Mr. NELSON. Does it cover this point? I ask the gentleman from Georgia for information. They have reported in the bill to reduce and consolidate surveyor-generals in several States and Territories. Are those to be left where they were in the last bill?

Several MEMBERS. Of course they are.

Mr. HAMMOND. My purpose is to get some way of traveling fast with this bill.

Mr. NELSON. Let me ask the gentleman—do you intend to cover the case of those surveyor-generals?

Mr. HAMMOND. I do.

Mr. REED. If the gentleman in charge of the bill consents to it we can go on and carry out the idea of the gentleman from Georgia.

Mr. HOLMAN. Speaking for myself——

Mr. BLOUNT. Before the gentleman from Indiana proceeds I wish to say this: I understood the gentleman to respond to the request of my colleague that this bill shall be made to conform to the bill of the current year so far as it related to salaries.

Mr. MORRISON. Yes, and the number of employés.

Mr. BLOUNT. And the gentleman from Indiana responded in this way, where objection was made he would. That leaves it in this doubt——

Mr. HOLMAN. No, the gentleman misapprehended me. It was suggested by the gentleman from Georgia where there was change suggested and no objection to it——

Mr. BLOUNT. Does my friend understand it in this way, where he has reduced a salary, where the amount is different from the current year?

Mr. HOLMAN. When it is reduced.

Mr. BLOUNT. He will make the change on his own motion. I hope my friend will be allowed to answer. [Cries of "Get his answer!"] I think my friend will answer my question.

Mr. HOLMAN. I see very well this committee does not favor any change in this bill in reduction of salaries. That is manifest, and I can see this bill itself will not pass except on some principle which will produce concord of action. Therefore, so far as I am concerned, I will agree in that proposition, and if members of the Committee on Appropriations, and I believe they are all present but one, will not object to it, I will consent.

Mr. BLOUNT. Will my friend from Indiana indicate the changes in the bill as they are reached?

Mr. HOLMAN. Oh, certainly.

Mr. SYMES. I want to ask the gentleman one question. I want to know if that provision in this bill which provides for abolishing all the offices of the Surveyor-General on the 1st of July, 1888, is to go out?

Mr. HOLMAN. That is covered by the general proposition, of course.

Mr. SYMES. And the proposition of last year will go in?

Mr. HOLMAN. Of course, if this arrangement is carried out the bill will be made to conform.

Mr. COX, of North Carolina. I demand the regular order.

Mr. CANNON. I insist, Mr. Chairman, that we proceed with the bill.

Mr. KING. If there is to be no change in this bill from the bill of last year in the matter of salary, or in the *personnel*, I ask the gentleman from Indiana to just simply take up the measure of the last session and put it upon its passage now. [Cries of "Regular order!"]

Mr. HAMMOND. Permit me one minute more. I think the committee will now so understand this matter that we may proceed with the reading of this bill, and I believe that no misunderstanding will occur if we go on and the gentleman from Indiana does what he has indicated his purpose to do, call attention to each variation from the bill of last year so that it may be made to conform to that bill as we proceed with its consideration. [Cries of "That's right!"]

Mr. CANNON, Mr. BRADY, and others called for the regular order.

The CHAIRMAN. This is the regular order. The gentleman from Georgia has a motion pending.

Mr. HENLEY. Mr. Chairman, the gentleman from Georgia, early this evening, stated that the origin of the difficulty between the Appropriations Committee and the House was that the Appropriations Committee had brought in appropriations here not in compliance with the requirements of the statute. That is the difficulty; and the solution presented by the gentleman from Georgia does not do away with that difficulty. Now, if the understanding can be reached that as we read this bill it shall be conformed to existing law, I mean now the law as laid down by the statute, and not that established by appropriation bills heretofore, then it will be satisfactory, otherwise not.

Mr. McMILLIN. The proposition was to make it conform to the law under which we are now operating.

Mr. WARNER, of Ohio. It will be at any time in order to amend it under the proposition of the gentleman from Georgia.

Mr. HENLEY. I shall insist that we are not to be governed by a prior appropriation bill, because that bill may have violated the law; it did to my own personal knowledge in certain instances. But if we are to be governed by the existing law, and if the gentleman from Indiana will indicate his purpose to frame the bill in accordance with that law, so far as I am concerned it will be satisfactory.

Mr. BLANCHARD. Let me state to the gentleman from California that in the appropriation bill of last year the existing law is violated over one hundred and forty times.

Mr. HENLEY. Yes; I am just reminded by my friend from Louisiana that in the bill which is proposed to be taken up and substituted for this one the law is violated over one hundred and forty times.

Mr. HAMMOND. I think the gentleman from California misunderstands me. I have not asked unanimous consent for anything. I have simply elicited from the gentleman from Indiana a declaration that he intends to do a particular thing. I believe when we start the committee will allow him to do it.

Mr. HOLMAN. I hope the reading of the bill will go on, and I demand the regular order.

Mr. HEPBURN. The committee is in so much disorder that it is absolutely impossible to hear what is being done.

The CHAIRMAN. The Chair will endeavor to preserve order upon the floor, as it has been doing, and again requests members to resume their seats.

Mr. HAMMOND. I withdraw the *pro forma* amendment.

Mr. CANNON. Now, Mr. Chairman, I want to say just this, that no agreement can be made that will bind anybody in this committee, and therefore I hope the Clerk will read.

The Clerk read as follows:

Office of Doorkeeper: For Doorkeeper, $3,000; and for hire of horses, feed, repair of wagon and harness, $1,100; assistant doorkeeper, superintendent of document-room, assistant superintendent of document-room, and Department messenger (C. W. Coombs), at $2,000 each; one employé (John T. Chancey), $1,500; document file clerk, $1,400; assistant document file clerk, under resolution of December 19, 1881, $1,314; clerk for Doorkeeper, and janitor, at $1,200 each; nine messengers, including the messenger to the reporters' gallery, at $1,200 each; nine messengers, at $1,000 each: seven laborers, at $720 each; two laborers in the water-closet, at $720 each; three laborers, including two in the cloak-rooms, at $600 each; female attendant in ladies' retiring-room, $600; superintendent of the folding-room, $2,000; three clerks in the folding-room, one at $1,800, and two at $1,200 each; one foreman, $1,500; one messenger, $1,200; one folder in the sealing-room, $1,200; one page, $500; one laborer, $400; ten folders, at $900 each; five folders, at $840 each; three folders, during the session, at $67 per month each; and fifteen folders, at $720 each; one night watchman, $900; one driver, $600; fourteen messengers on the soldiers' roll, at $1,200 each; two chief pages (A. H. Pickens and H. T. Lyle), at $900 each; thirty-three pages, during the session, including two riding pages, one telephone page, and one telegraph page, at $2.50 per day each; two messengers, during the session, at $67 per month each; ten laborers, during the session, at $60 per month each; six laborers known as cloak-room men, during the session, at $50 per month each; in all, $128,711.50.

Mr. REAGAN. I make the point of order on lines 279 and 280, where the names of C. W. Coombs and John T. Chancey appear, and also in line 307, where the names of A. H. Pickens and H. T. Lyle appear. I make the point of order under the authority of the Constitution of the United States, article 1, section 2, paragraph 5, which reads as follows:

The House of Representatives shall choose their Speaker and other officers.

Mr. HOLMAN. There is no doubt but that the point is well taken if the gentleman insists upon it.

Mr. HAMMOND. The point is conceded, I understand.

Mr. REAGAN. Because, Mr. Chairman, if we can appoint the clerks in the next House we can appoint the Speaker on the same appropriation bill. I insist, therefore, on the point of order I made.

Mr. CANNON. There is no law fixing the number of pages or the number of messengers for this House. It is competent for the House, in carrying on its business, to designate one or all by name or otherwise. So much for that.

I did hope that my valued friend from Texas, now that he is soon to be transplanted from this body to the other, would at least consent that this House, which he is to know no more for six years at least, and I hope that he will have service enough on the other side so that it will know him no more forever [laughter], will let the House that he is leaving regulate its own pages, messengers, and other affairs according to its own desires.

I appeal now to my friend from Texas, as this point of order is frivolous, to withdraw it.

Mr. REAGAN. The gentleman from Illinois says there is no law relating to this matter. I do not know whether the Constitution is recognized as law on that side of the House or not. It used to be recognized as law on this side. Those gentlemen who are not familiar with the instrument may not have caught the words which I read from the Constitution. I will read them again:

The House of Representatives shall choose their Speaker and other officers.

I said if the House could by this act take from the next House the right to elect its officers by naming them here it could take away from the next House of Representatives the right to elect its Speaker by naming the Speaker in this bill. Each House has the right to choose its own officers and the very fact that the "other officers" are mentioned along with the Speaker shows that this provision of the Constitution was made to apply alike to the Speaker and the officers of the House.

This is an act of special favoritism, a specimen of what we had also last session of an attempt to push men into office in violation of the Constitution. I believe the gentleman from Illinois was one of the gentlemen to follow the bill to the Senate in order to get those names replaced on the bill after they had been stricken out of it by the House.

The CHAIRMAN. The Chair sustains the point of order on the ground that it was ruled at the last session that those names should not appear in the bill. The present occupant of the Chair adheres to that ruling.

The Clerk read the following paragraph:

Public printing:
For compensation of the Public Printer, $4,500; for chief clerk, $2,400; two clerks of class 4; two clerks of class 3; one clerk of class 2; in all, $15,100.

Mr. STEELE. I call the attention of my colleague [Mr. HOLMAN] to the fact that he has changed the classification of the clerks in this paragraph. In the bill for the current year there is provision made for four clerks of class 4 and one clerk of class 1.

Mr. HOLMAN. There is a slight change of the classification. This reduces the force a little. It makes only a reduction of $200, and it is in conformity with the wishes of the present Public Printer.

The Clerk read the following paragraph:

EXECUTIVE.

For compensation of the President of the United States, $50,000.

Mr. CUTCHEON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting, after "dollars," in line 406, the following:
"*Provided*, That this appropriation shall not be available until any rules of the Civil Service Commission (approved and promulgated by the President) now in force, which exclude from its examination applicants over forty-five years of age, shall be abolished."

Mr. MILLS. I make the point of order against that amendment that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CUTCHEON. I move to strike out the last word. I find on pages 18 and 19 of this bill a provision applying to the salaries of the Civil Service Commission and all of its employés, in words almost identical with the words of the amendment just offered; the only words I have added being "approved and promulgated by the President."

I desire to call the attention of the committee to the fact that it is the President who makes the rules of the Civil Service Commission. The law creating the Civil Service Commission provides:

That it shall be the duty of said commissioners to aid the President as he may request in preparing suitable rules in carrying this act into effect.

I find by the report of the Civil Service Commission, Miscellaneous Document 57 of the current session of Congress, the following:

On the same day the President amended clause 2 of rule 12, as follows:
"No one shall be examined for admission to the classified postal service if under sixteen or over thirty-five years of age excepting messengers, stampers, or other junior assistants, who must not be over fourteen years of age, or to the classified departmental service if under eighteen or over forty-five years of age."

This is the rule to which exception is taken. This rule has been approved and promulgated by the President himself. The point I proposed to make by the amendment I offered was simply this, that this committee shall not assume to coerce the President of the United States in regard to the rules he shall make. The Committee on Appropriations brings in here a proviso simply for buncombe, in order that they may whip the President of the United States in regard to his civil-service rules. I do not think it is becoming in the Committee on Appropriations of this House to attempt any such thing as that. And I do not think it is becoming in this House to entertain for one moment a proposition that shall attempt coercion of the Executive of this Republic in regard to the rules he shall make in this branch of the public service which is committed expressly by law to his custody.

Mr. HAMMOND. I desire to ask the gentleman this question: Why do you not wait till you get to that proviso, and then make the point of order?

Mr. McCOMAS. I rise to oppose the formal amendment. To save time, as the ruling indicated by the Chair will save three or four speeches on that clause, I appeal to the gentleman in charge of this bill to say now that he will strike out that proviso when it is reached. By giving that assurance he will save discussion. It may be struck out on a point of order when it is reached, and if it is understood that that shall be done we may save now four or five speeches that may be delivered in advance. I ask the gentleman from Indiana to respond to my suggestion.

Mr. HOLMAN. I would not feel authorized, without consulting the committee, to consent to strike it out. The point of order will of course be made.

Mr. McCOMAS. It would save time to get your assurance now.

Mr. CUTCHEON. Did I understand that the Chair ruled out the amendment which I offered?

The CHAIRMAN. It was ruled out.

The Clerk proceeded to read the paragraph, as follows:

CIVIL SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one clerk of class 4, who shall be a stenographer; one clerk of class 3; one clerk of class 2; one clerk of class 1; two clerks at $900 each; one messenger; and one laborer; in all, $24,800: *Provided*, That this appropriation shall not be available until any rules of the Civil Service Commission now in force which exclude from its examination applicants over forty-five years of age shall be abolished.

Mr. COX, of North Carolina, Mr. CUTCHEON, and Mr. McCOMAS made the point of order before the reading was completed.

The CHAIRMAN. The Chair will entertain the question when the Clerk has concluded the reading of the paragraph.

The Clerk completed the reading as above.

Mr. TOWNSHEND. Now, let us have a ruling upon the point of order.

The CHAIRMAN. The Chair is informed that this same question was raised at the last session of Congress, and the point of order was sustained by the then chairman of the Committee of the Whole. The Chair therefore, following that decision, sustains the point of order.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. My inquiry is whether the chairman of this Committee of the Whole can inform us why it is that the Committee on Appropriations insist on violating the rules of this House?

The CHAIRMAN. That is not a parliamentary inquiry. The point of order is sustained.

Mr. LORE. I desire to take an appeal from the ruling of the Chair.

The CHAIRMAN. The gentleman from Delaware appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained—ayes 106, noes 13.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, $2,000.

Mr. BUTTERWORTH. In line 441 I move to strike out "two" and insert "four." I think that no member of the committee or of the House will pretend that the $2,000 here provided is at all adequate to pay the expenses of executing the civil-service law. The commission have estimated for $4,000, and that is the least they can get along with. The appropriation was $4,000 last year, but this bill proposes to reduce it to $2,000. I therefore move to insert the least amount that will serve the purpose, $4,000. If I were unkind, I would say that this reduction was simply intended to cripple the commission and prevent them from discharging the duties which the law devolves upon them; but it is not the way to do it.

Mr. TOWNSHEND. I hope the amendment will be adopted.

Mr. RANDALL. Mr. Chairman, the reduction was not made to cripple the commission. It was made to restrict junketing, going from one part of the country to another, and $2,000 is quite adequate for the legitimate purposes of the commission. The reduction, therefore, has no relation whatever to interfering with the law or crippling the commission.

Mr. STEELE. The amount last year was $4,000, and $3,000 for incidental expenses is left out of this bill.

Mr. SCOTT. Let me suggest to my colleague [Mr. RANDALL] that under the interstate-commerce law nobody can travel over the railroads free, and that may somewhat increase the traveling expenses of the commission.

Mr. RANDALL. I do not know that they ever rode free; I judge that they never did; but there is no occasion for them to travel over the length and breadth of the land. In every city there is a regularly organized civil service commission in the postal service and in the customs service, and all the business between those local boards and the commission can be transacted by mail.

Mr. COX, of North Carolina. Mr. Chairman, the object for increasing this appropriation to $5,000 is not for the purpose of encouraging junketing expeditions, as the gentleman from Pennsylvania [Mr. RANDALL] would intimate. It is to enable the commission to carry their examinations among the people of the States and Territories instead of confining them to circumscribed limits. An examiner under this commission traveled 250,000 miles and conducted examinations for the unprecedentedly small sum of $4,000. This required him to hold examinations during the day and travel at night.

There is no harder-worked and more self-sacrificing officers in the employment of the Government than the officers connected with the civil service. They were allowed $4,000 for traveling expenses the present year, and need a like amount the next year. They have provided for over one hundred and twenty examinations in the States and Territories, and unless this allowance is made this work can not be effectively carried out. Say the commission in a recent communication to me:

The commissioners are unanimously of the opinion that the reduction of the appropriation to $2,000 would not only make it impossible adequately to carry out the series of examinations set forth in the schedule, but furthermore, by limiting the examinations to be held to those in which the services of expert examiners could be availed of, even make it impracticable to provide properly for the holding of "at least two examinations in each year" in every State and Territory in which applicants reside, which the statute expressly requires.

I trust, therefore, this House will give this important reform a fair opportunity to extend its usefulness among the people, and not require applicants for appointment to travel thousands of miles to stand examinations which in the end may result in disappointment.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, the portion of the bill relating to the Department of State, covering pages 19 and 20, is exactly the language of the law of the present fiscal year except these words: "to enable the Secretary of State to purchase a mail-wagon for the use of the Department, $300, or so much thereof as may be necessary." I ask therefore that that part of the bill be passed over without reading.

There was no objection, and it was so ordered.

Mr. HOLMAN. Under the head of "Treasury Department," on pages 20, 21, 22, and down to line 539, on page 23, there is no change whatever in the present law except the increase of the salary of one clerk from $2,000 to $2,200, and a provision for two laborers instead of three, these changes having been made in pursuance of the recommendation of the Department. I ask that this portion of the bill be passed over.

The CHAIRMAN. If there be no objection, the paragraphs indicated by the gentleman from Indiana will be considered as agreed to.

Mr. CANNON. I am perfectly content to assent to that, if I can move to amend by striking out in line 487 the word "two" and inserting "four;" so that it will read "clerk to the Secretary, $2,400."

Mr. HOLMAN. I wish to reserve a point of order on that amendment. It is an increase, I believe, of $200 beyond the amount allowed by existing law.

Mr. CANNON. I will say to my friend that, according to my recollection, the law authorizes $2,400 as this salary. This is the one thing that the Secretary of the Treasury specially asked in his estimates, and as I understand specially asked of the committee. When the head of a great Department in a confidential manner asks on a question of this sort an increase of $200, I, for one, although I am on the minority side, will not refuse it. I hope there will be no objection.

Mr. HOLMAN. That salary is fixed by law at $2,000.

Mr. BLANCHARD. The gentleman from Indiana is mistaken. The salary is fixed in the Statutes at Large, volume 18, page 399, at $2,400.

Mr. HOLMAN. I am not able to say positively what is the salary fixed by law; but I hope the increase will not be made.

The CHAIRMAN. The Chair will submit the amendment to the committee.

The amendment of Mr. CANNON was agreed to.

Mr. MORRISON. I move to amend by inserting after the word "thousand," in line 492, the words "two hundred;" so that it will read "one clerk at $1,200."

Mr. HOLMAN. I reserve a point of order on that amendment.

Mr. MORRISON. This is the clerk in the office of the Actuary of the Treasury, who is, I believe, an honest, truthful man; and he says he can not get a good clerk, competent to perform the duties of that place, for $1,000. He asked me to propose this amendment to allow $200 more, and I have done it.

Mr. HOLMAN. I hope that amendment will not be adopted. I think this bill is likely to be famous as against all other bills of the same class since 1873 as containing the largest amount of salary increases.

The amendment of Mr. MORRISON was agreed to.

The Clerk proceeded to read the bill till the paragraph relating to "division of appointments" was reached.

Mr. HOLMAN. The only change made in the division of appointments is the reduction of one copyist at $840. I ask that this paragraph be passed over.

The CHAIRMAN. If there be no objection this clause will be passed over.

There was no objection.

Mr. HOLMAN. In the next paragraph, relating to "division of public moneys," there is a change by transposition, there being three instead of four clerks of class 4, and three instead of two clerks of class 2, making a reduction of $200. I hope this paragraph will be passed over.

Mr. CANNON. I move the following amendment:

In line 558 strike out "three" and insert "four," so as to read "four clerks of class 4;" and in line 559 strike out "three" and insert "two," so as to read "two clerks of class 2."

In this amendment I propose to make the provision conform to the law for the current year, and to the estimate of the Secretary of the Treasury. I know of no reason why there should be any arbitrary change.

Mr. HOLMAN. I call for a vote.

The amendment of Mr. CANNON was agreed to.

Mr. HOLMAN. In the next paragraph, relating to "division of loans and currency," the changes made were, I believe, satisfactory to that bureau. I will not be positive, but that is my recollection. The changes are as follows: In the number of clerks of class 1 there is a reduction from four to three; the clerks at $900 are reduced in number from fourteen to thirteen, and two copyists at $840 are added. I hope there will be no objection to this paragraph.

The CHAIRMAN. If there be no objection, the paragraph will be passed over.

There was no objection.

Mr. HOLMAN. In the paragraphs relating to "division of revenue marine" and "division of mercantile marine and internal revenue" I believe there is no change whatever. I ask that these paragraphs be passed over.

There was no objection.

Mr. HOLMAN. In the next paragraph, relating to "division of stationery, printing and blanks," there is a reduction of one in the number of clerks of class 4, and an increase of one in the number of clerks of class 2. I hope there will be no objection to that.

The CHAIRMAN. If there be no objection, the paragraph referred to will be passed over.

There was no objection.

The Clerk next read the paragraph relating to "division of mail and files."

Mr. HOLMAN. There is no change in that paragraph.

The Clerk read as follows:

Division of captured property, claims, and lands: For chief of division, $2,250; one clerk of class 4; one clerk of class 3; one clerk of class 2; one clerk at $900; and one laborer; in all, $8,610.

Mr. HOLMAN. Here we have a reduction from $2,500 to $2,250 in the salary of the chief of division and a number of clerks.

Mr. STEELE. Two one-thousand-dollar clerks left out.

Mr. HOLMAN. Yes; two clerks of $900 each left out.

Mr. BLANCHARD. The division of captured property, claims, and lands is discriminated against in this bill. Now, it is proposed to restore the salary of this chief of division to $2,500, as fixed in the bill of the present fiscal year.

Mr. MILLS. Yes; that was agreed to.

Mr. BLANCHARD. Do you mean to restore that salary?

Mr. HOLMAN. I think the present salaries are right.

Mr. BLANCHARD. I call the gentleman's attention to the salary of the chief of division of captured property, claims, and lands. It is fixed in the present law, not the one we are now considering but the one for the present year, at $2,500.

Mr. HOLMAN. Yes.

Mr. BLANCHARD. Do not you propose to restore it in this bill in that regard?

Mr. HOLMAN. If the gentleman insists on it it must be done.

Mr. BLANCHARD. I do insist on it.

Mr. WEAVER, of Nebraska. He agrees to it.

Mr. HOLMAN. My friend does not mean to restore the two nine-hundred-dollar clerks?

Mr. BLANCHARD. No; I do not insist on the restoration of anything but the salary of the chief of division of captured property, claims, and lands.

I understand that salary is restored.

The CHAIRMAN. It is.

The Clerk read as follows:

Division of special agents: For assistant chief of division, $2,000; one clerk of class 3; three clerks of class 1; one clerk at $1,000; three clerks at $900 each; and one messenger; in all, $11,740.

Mr. HOLMAN. There is no change in that paragraph.

The Clerk read as follows:

Offices of disbursing clerks: For two disbursing clerks, at $2,500 each; one clerk of class 4; one clerk of class 3; and one clerk, $1,000; in all, $9,400.

Miscellaneous: For one clerk of class 2; one clerk, $1,000; two clerks at $900 each; in all, $4,200.

Mr. HOLMAN. There is no change there.

Mr. STEELE. One messenger or one laborer has been left out.

Mr. HOLMAN. There is no reduction in the number of officers.

Mr. STEELE. One messenger is left out.

Mr. HOLMAN. Yes; only one is left out.

The Clerk read as follows:

Supervising Architect: In the construction branch of the Treasury: For Supervising Architect, $4,500; assistant and chief clerk, $2,500; photographer, $2,000; one principal clerk, at $2,000; one clerk of class 3; one clerk of class 1; one clerk at $900; and one assistant messenger; in all, $15,420.

And the services of skilled draughtsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order may be employed in the office of the Supervising Architect to carry into effect the various appropriations for public buildings, to be paid for from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1888, shall not exceed $150,000; and that the Secretary of the Treasury shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each.

Mr. HOLMAN. There is no change in that paragraph.

The Clerk read as follows:

First Comptroller of the Treasury: For First Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; four chiefs of division, at $2,100 each; five clerks of class 4; thirteen clerks of class 3; eleven clerks of class 2; eight clerks of class 1; three clerks, at $1,000 each; and ten clerks, at $900 each; two skilled laborers, at $840 each; one messenger; and three laborers; in all, $87,400.

Mr. HOLMAN. There is no change except that which the committee desires to submit in the following amendment.

The Clerk read as follows:

In line 653 strike out "ten" and insert "eleven;" in line 654 strike out "two" and insert "one;" in line 655 strike out "each," and in line 656, after the word "hundred," insert "and sixty;" so it will read:

First Comptroller of the Treasury: For First Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; four chiefs of division, at $2,100 each; five clerks of class 4; thirteen clerks of class 3; eleven clerks of class 2; eight clerks of class 1; three clerks, at $1,000 each; and eleven clerks, at $900 each; one skilled laborer, at $840; one messenger; and three laborers; in all, $87,460.

The amendment was agreed to.

The Clerk read as follows:

Second Comptroller of the Treasury: For Second Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; seven chiefs of division, at $2,100 each nine clerks of class 4; ten clerks of class 3; ten clerks of class 2; ten clerks of class 1; two clerks, at $1,000 each; five clerks, at $900 each; one messenger; and three laborers; in all, $89,920.

Mr. HOLMAN. There are two or three changes in conformity to the estimates.

The Clerk read as follows:

For the additional force in the Second Comptroller's Office, rendered necessary by increase of work relating to pensions, namely: One clerk of class 4, $1,800.

Mr. HOLMAN. That is according to the estimates also.

The Clerk read as follows:

For continuing the adjustment of the accounts of the Soldiers' Home, under section 4818 of the Revised Statutes, in the Office of the Second Comptroller: For five clerks, at $660 each, to be employed on Soldiers' Home roll, $3,300: *Provided*, That adjustments of said accounts shall be limited to those originating subsequent to March 3, 1851.

Mr. HOLMAN. That is in conformity to the present law.

The Clerk read as follows:

Commissioner of Customs: For Commissioner of Customs, $3,600; deputy commissioner, $2,250; two chiefs of divisions, at $2,100 each; two clerks of class 4; five clerks of class 3; eleven clerks of class 2; eight clerks of class 1; one clerk, at $1,000; one assistant messenger; and one laborer; in all, $49,030.

Mr. HOLMAN. The only change made there is the following: The salary of the Commissioner of Customs is fixed at $3,600. The present salary is $4,000.

Mr. BLANCHARD. I move it be restored to $4,000.

Mr. HOLMAN. I wish to say in justification of this reduction that the Commissioner of Customs stands on the same footing as the Auditor.

Mr. SCOTT. I wish to say under the Revised Statutes the salary of the Commissioner of Customs is fixed at $4,000. I move it be restored to $4,000.

Mr. CANNON. I wish to call the attention of the gentleman from Pennsylvania to this fact. He says the Revised Statutes fixes it at $4,000. I call his attention to the fact that the Revised Statutes also fixed the salary of these different Auditors at $4,000, and yet for ten years they have only been receiving $3,600. I wish to say, further, the Auditors earn more money and ought to receive more money than this Commissioner.

Mr. SCOTT. Mr. Chairman, as I understood this agreement entered into here to-night was that this bill should be made to conform to the appropriation of last year with reference to these salaries. I also understood that the gentleman from Indiana was a party to that agreement. Under the present law the Commissioner of Customs receives $4,000 per annum, and this amendment is simply putting him back in this bill at which the present law fixes his salary, making it conform, according to the agreement, to that law. [Cries of "Vote!" "Vote!"]

The amendment of Mr. SCOTT was agreed to.

Mr. STEELE. It will be necessary to make the total footing of that paragraph conform to that amendment.

The CHAIRMAN. The Clerk was directed during the day to make the footings correspond with the amendments adopted without the necessity of a formal motion to that effect. That course will be pursued hereafter.

Mr. HOLMAN. As to the provision of this bill for the office of the First Auditor there is no change. As to the Second Auditor, there is no change with the exception that in line 703 provision is made for two charwomen at $180 each. That was the old salary for this class of employés; but last year we increased the pay of the charwomen of the Treasury Department from $180 to $240, eighty persons in number.

I therefore ask unanimous consent that the provision in this clause of the bill be amended by striking out "$180" and inserting "$240."

Mr. BUCHANAN. I hope that will be done. I had prepared an amendment covering that point.

The amendment was agreed to.

Mr. TOWNSHEND. I desire to call attention to one point in this connection. I understood that the Secretary of the Treasury had recommended an increase in the number of the charwomen in that Department; and I want to know whether any change has been made.

Mr. HOLMAN. It has not been before the committee.

Mr. TOWNSHEND. I understood there was a communication here in reference to the subject.

Mr. HOLMAN. I am not aware of any such recommendation from the Secretary. I have seen a communication, I think, from some superintendent, which was referred to the Committee on Appropriations without any recommendation.

The next paragraph, beginning with line 706, embodies no change.

Mr. STEELE. There are some changes in the preceding paragraph for the Second Auditor's office.

Mr. HOLMAN. Only such as conform to the estimates.

Mr. STEELE. In line 698 I see you have added two clerks, and in line 699 added one.

Mr. HOLMAN. I had intended to call attention to the fact that that was in conformity to the views of the Second Auditor.

Mr. MILLS. No objection; let the Clerk read.

The Clerk proceeded to read the bill.

Mr. STEELE. In line 701, you strike out "eight" and insert "four."

Mr. HOLMAN. Yes, sir; that is correct.

The CHAIRMAN. The Clerk will read.

Mr. HOLMAN. In the next paragraphs, down to the paragraph making provision for the Third Auditor, there are no changes, nor are there any changes in that portion of the bill on pages 30 and 31 beginning with line 720 and ending with line 751; nor is there any change in the next paragraph down to line 765. From that line, 765, down to the end of this paragraph there are a few changes. At the present time there are seven assorters of money orders. This bill provides for eight. There are also twenty-two male laborers, while this bill provides for twenty-three, which items together make a total increase in that bureau, growing out of the steadily increasing business there, of $1,390, which I hope will be satisfactory.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. HOLMAN. The next paragraph, lines 774 to 777, is also without change of law. In the office of the Treasurer, beginning with line 778, there is no change except some that the committee wish to submit. I therefore ask to add the amendment I send to the desk.

The Clerk read as follows:

In line 800, strike out "six" where it occurs first and insert "ten."
In line 801, strike out "six" where it occurs and insert "nine." And in lieu of the sum proposed in lines 802 and 803, insert "$283,684.80."

Mr. HOLMAN. This makes a material increase in the appropriations for that service rendered necessary by the printing of the one and two dollar silver certificates, as there is largely increased work to be done in the bureau for which this increase in these employés is asked.

Mr. STEELE. There has been an increase of five, I think, in line 794, of clerks, at $900 each.

Mr. HOLMAN. There have been some slight increases, but they have only conformed to the estimates.

The amendment of Mr. HOLMAN was agreed to.

Mr. HOLMAN. There is no change in the next paragraph, beginning with line 804, nor is there any in the paragraph succeeding, in the office of the Register of the Treasury, nor in that of the Comptoller of the Currency, down to and including line 837.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

For expenses of special examinations of national banks and bank-plates, of keeping macerator in Treasury building in repairs, and for other incidental expenses of attending the work of said macerator, $2,000.

Mr. HOLMAN. That is new legislation.

There is no change in the next paragraph, beginning with line 842.

In the office of the Commissioner of Internal Revenue, beginning with line 849, there is an increase of one chemist, $2,500, and one microscopist, $2,500, very large salaries, I think. There are also twenty-four clerks of class three instead of twenty-five, and thirteen clerks at one thousand each, instead of four, making a net increase of $2,400. I trust it will be satisfactory.

Mr. MATSON. I wish to call the attention of the committee to the fact that the salary of the deputy commissioner of internal revenue is fixed by section 222 of the Revised Statutes at $3,500. This provision fixes the salary at $3,200.

Mr TOWNSHEND. We have already passed over the salaries of the auditors, which are fixed at $4,000, and yet this bill only provides for $3,600 each.

Mr. HOLMAN. The last section of the present law fixes the salaries as specified in this bill, so I hope my colleague will not insist upon the change.

Mr. MATSON. I only insist upon the statute being carried out as in the case of the Commissioner of Customs.

The CHAIRMAN. There is no amendment proposed.

Mr. HOLMAN. In the next paragraph there is no change.

Mr. MATSON. I insist that my motion is in order.

The CHAIRMAN. The Chair did not understand the gentleman as offering an amendment.

Mr. MATSON. I desire to make a motion to increase this salary of the deputy commissioner to what the statute fixes it.

Mr. HOLMAN. I hope that will not be increased.

Mr. EDEN. I would like to ask the gentleman from Indiana if there is any change in the salary of this officer from that of last year?

Mr. HOLMAN. We made the same appropriation for that office in the present bill as in the former.

Mr. EDEN. Was it not understood that the bill as we passed through it was to be made to conform with the present law? That was my understanding.

Mr. MATSON. I did not understand the agreement was so binding that the statute itself was to be violated.

The CHAIRMAN (Mr. MCMILLIN). The question is on the amendment of the gentleman from Indiana [Mr. MATSON].

The amendment was not agreed to.

Mr. TOWNSHEND. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 855, strike out "five" and insert "six;" so that it will read:
"Six heads of division, at $2,250."

Mr. TOWNSHEND. I make that amendment upon the request and, as I understand it, the estimate of the Secretary of the Treasury. Under the operation of the oleomargarine law it has become necessary to create a new division in the Internal Revenue Bureau. It is necessary to have a chief in order to take charge of that division. [Cries of "Vote!" "Vote!"]

The question being taken,

The CHAIRMAN stated that the "noes" seemed to have it.

Mr. TOWNSHEND. I demand a division. Unless this is done the oleomargarine law will be inoperative.

The committee divided; and there were—ayes 8, noes 71.

So (further count not being called for) the amendment was not agreed to.

Mr. GALLINGER. I desire to offer an amendment to this paragraph. One year ago I had occasion to call attention to the fact that the statute provides there shall be in the Internal Revenue Office seven heads of division at $2,500. The Committee on Appropriations in the last act provided that two heads of division shall be paid the sum specified in the statute, and that the remaining five should be paid $2,250 each. I observe they have repeated that in the present bill. Inasmuch as we have stricken out the words "in full compensation," if this bill goes through in its present shape the United States Government will have five lawsuits to meet, if these heads of division do as I believe they will. I therefore offer the amendment which I send to the desk.

The Clerk read as follows:

In line 853 strike out "two" and insert "seven."
In lines 855 and 856 strike out "five heads of division, at $2,250 each;" so that it will read:
"Seven heads of division, at $2,500 each."

Mr. STEELE. I make the point of order that we have already voted on those lines.

Mr. HOLMAN. Let it be voted down.

The question being taken on Mr. GALLINGER'S amendment, the Chairman stated that the "noes" seemed to have it.

Mr. GALLINGER. I call for a division.

The committee divided; and there were—ayes 18, noes 68.

So (further count not being called for) the amendment was not agreed to.

Mr. HOLMAN. In the paragraphs relating to the Light-House Board and the office of the Life-Saving Service, down to line 900, there is no change.

The CHAIRMAN. If there be no objection, the lines indicated will be passed over and considered as agreed to.

There was no objection.

The Clerk read the following paragraph:

Bureau of Navigation: For Commissioner of Navigation, $3,600; two clerks of class 4; additional to clerk acting as Commissioner, $200; one clerk of class 3; three clerks of class 2; three clerks of class 1; one clerk, $1,000; ten clerks, at $900 each; one assistant messenger; and one laborer; in all, $28,180.

Mr. HOLMAN. The only change made here is by the insertion of these words:

Additional to clerk acting as Commissioner, $200.

And reducing the number of clerks of class 2 from four to three.

I trust there will be no objection to these changes.

Mr. BUCHANAN. Why is that salary increased?

Mr. STEELE. I make the point of order against the words in line 903.

Additional to clerk acting as Commissioner, $200.

I make the point of order that that is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEELE. I move to amend by striking out, in line 904, the word "three," and inserting "four;" so that it will read "four clerks of class 2." This will make the law the same as for the current year.

The amendment was not agreed to.

Mr. HOLMAN. There is no change made in the paragraph from line 909 to line 916, relating to the Bureau of Engraving and Printing.

Mr. O'NEILL, of Missouri. I send to the desk an amendment which I desire to have inserted at the end of this paragraph.

The Clerk read as follows:

After line 916 add the following:

"And the employés of the Bureau of Engraving and Printing, including piece-workers, shall be allowed a leave of absence with pay not to exceed fifteen days in any one year, at such time as the chief of the bureau may designate."

Mr. BLAND. I reserve the point of order.

Mr. O'NEILL, of Missouri. This is the only Department of the Government where the employés are not entitled to a leave of absence; and any one who has visited that Department realizes that they are the hardest worked and the poorest paid of all the employés of the Government.

This amendment should be adopted as a simple matter of humanity, so as to accord some little consideration to these poorest paid and hardest worked of all the Government employés. In view of the fact that we are dispensing the public moneys with a liberal hand I trust the point of order will not be made where a matter of humanity like this is concerned.

The salaries of these employés are so small that they can not take their time away from their work for needed rest. I hope no gentleman will insist on the point of order on this amendment. The gentleman in charge of the bill has no objection to it.

Mr. BLAND. I will withdraw the point of order if we can now have a vote on the amendment.

Mr. O'NEILL, of Missouri. All right.

The amendment was agreed to.

The Clerk began to read the paragraph relating to the Bureau of Statistics.

Mr. HOLMAN. There is no change in that part of the bill.

Mr. STEELE. Is not my colleague mistaken? Last year there was a provision for the collection of statistics relative to commerce, $5,500, but in this I find no such item.

Mr. HOLMAN. Well, it was not estimated for. The head of the bureau did not want it.

Mr. CANNON. I move to strike out the last word for the purpose of saying one thing. It is true that an estimate was not made for an appropriation for a report on internal commerce; for what I know not. I suspect, however, that it was because the work required a degree of skill and capacity which the bureau does not now possess. That report is one of the most valuable that has ever been made, but as no estimate was sent in for it, of course I did not feel warranted in offering an amendment throwing work upon the bureau which possibly it might not be competent to do. I withdrew the *pro forma* amendment.

Mr. HOLMAN. Mr. Chairman, the provisions in regard to the secret service division are the same as the present law, except that there are two clerks of class 2 reduced to one, and one attendant has his salary increased from $680 to $720.

The CHAIRMAN. If there be no objection to that paragraph it will be considered as read and agreed to.

There was no objection, and it was so ordered.

Mr. CRAIN. Mr. Chairman, I ask unanimous consent to turn back for a moment to page 29 of the bill to make an amendment.

[Cries of "No!" "No!" "Let us finish the bill!"]

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. RANDALL. There is.

The Clerk proceeded to read the paragraph headed "office construction of standard weights and measures."

Mr. HOLMAN. In that paragraph there is no change from the law of the present year.

Mr. STEELE. I think my colleague has omitted to look at line 944.

Mr. HOLMAN. Oh, yes; in that line there is a slight change. The appropriation for purchase of materials and apparatus and incidental expenses is reduced from $500 to $400, an unimportant reduction.

Mr. CRAIN. I ask unanimous consent to return to line 687, to make an amendment that will not take more than a moment.

The CHAIRMAN. The Chair will state to the gentleman from Texas that that request has been submitted to the House and objected to.

Mr. CRAIN. I think not, sir.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania [Mr. RANDALL] to object.

Mr. RANDALL. I did.

Mr. CRAIN. Then I shall have to call for the reading of the bill.

Mr. RANDALL. All right.

The Clerk proceeded to read the paragraph headed, "Office of the Director of the Mint."

Mr. HOLMAN. The only change made in the appropriations for the office of the Director of the Mint is this: The examiner's salary is changed from $2,300 to $2,400, and the same increase is made in the salary of the computer.

Mr. WARNER, of Ohio. Let those salaries be made to conform to the law as it is.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. WARNER, of Ohio. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. That would make the salaries $2,300 and $2,200, respectively.

A MEMBER. What is the proposition?

Mr. HOLMAN. It is to strike out in line 953 "$2,400" and insert "$2,300."

Mr. CANNON. I object to that.

Mr. HOLMAN. The point of order has been made.

Mr. CANNON. I do not care if it has. I want to say a word upon that point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. CANNON] briefly.

Mr. CANNON. And I hope the gentleman from Ohio [Mr. WARNER] will hear me.

Mr. WARNER. I simply asked that the arrangement that was made here should be carried out and these several appropriations made to conform to the law. I do not know what the law is.

Mr. CANNON. I am not aware of any law fixing these salaries, but I want to say to the gentleman that the Director of the Mint came in person and asked for these slight increases, saying that these were men he could not do without; that he feared he should be unable to keep them, and that without their assistance he would be unwilling to hold the office.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. TOWNSHEND. But if the Chair will examine I think he will find that there is no statute fixing these salaries.

Mr. WARNER, of Ohio. I have no object, Mr. Chairman, except to carry out the arrangement made here that these appropriations should be made to conform to the existing law, and if there is no law restricting these salaries, then I make no point of order.

The CHAIRMAN. The gentleman from Indiana will please state the second amendment. The Clerk did not get it.

Mr. HOLMAN. The second amendment is the omission of $2,400 in line 54 and the insertion of $2,200. I will ask, Mr. Chairman, that this paragraph be passed over until we ascertain what the law is.

The CHAIRMAN. If there be no objection, it will be so ordered.

Mr. HOLMAN. I have now at hand the law, and find that the salaries there provided are, for examiner, $2,200; computer, $2,200. Both these salaries are $2,200.

The CHAIRMAN. Does the gentleman from Indiana adhere to his proposition to pass this paragraph over informally?

Mr. HOLMAN. No; I think the salaries ought to be fixed as the law provides.

The CHAIRMAN. The Chair feels constrained, upon the statement of the gentleman from Indiana, to sustain the point of order.

Mr. PERKINS. The point of order was made by the gentleman from Ohio [Mr. WARNER] and was withdrawn.

The CHAIRMAN. The Chair understood the gentleman from Indiana to insist on the point of order. Is the point of order insisted upon?

Mr. WARNER, of Ohio. Let us carry out the arrangement and make these provisions conform to the law.

Mr. CANNON. I deny that there is any such law.

The CHAIRMAN. The gentleman from Indiana read the law now in force; and as the gentleman from Illinois has not produced anything to the contrary, the Chair sustains the point of order.

Mr. CRAIN. I call for the reading of the paragraph.

Mr. STEELE. We have not passed all the paragraphs in regard to the Director of the Mint. In lines 963 to 965 there is new legislation. I would like to know whether there is any necessity for it. I refer to this provision:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $7,500.

Mr. HOLMAN. This provision was inserted in the first place upon the recommendation of the Director of the Mint, who desired such authority to be given, although there was some doubt whether the plan would be practicable. The committee thought it safe to leave this provision in. Of course, if this method of transporting bullion and coin should be found practicable there would be a great reduction of expense.

Mr. STEELE. I notice that in line 969 this bill appropriates $750. In the law for the current year the appropriation is $1,000. But I do not care anything about that.

Mr. HOLMAN. The amount is small at any rate. I ask the Clerk to read on.

The Clerk read the paragraph in regard to office of Supervising Surgeon-General, Marine-Hospital Service.

Mr. HOLMAN. There is no change there.

The Clerk read the paragraph in regard to office Supervising Inspector-General, Steamboat-Inspection Service.

Mr. HOLMAN. There is no change there.

The Clerk read the following:

For contingent expenses of the Treasury Department, namely: For stationery for the Treasury Department and its several bureaus, $25,000.

Mr. STEELE. I see the appropriation here is $25,000. Last year it was $30,000.

Mr. HOLMAN. Twenty-five thousand dollars is supposed by the committee to be sufficient.

Mr. CANNON. That is as much as was spent last year.

The Clerk read as follows:

For postage required to prepay matter addressed to Postal Union countries, $1,500.

Mr. STEELE. The appropriation in the corresponding item last year was $2,000.

Mr. HOLMAN. Certainly. This reduction of $500 is made because it will not be necessary to expend so much.

Mr. STEELE. Then the $500 has not been struck off to be added in the Senate?

Mr. HOLMAN. The gentleman must know that that is not the intention.

The Clerk read as follows:

For newspapers, law-books, city directories, and other books of reference; purchase of material for binding important records (and of the amount appropriated not more than $400 may be used in the purchase of technical publications, foreign and domestic), $2,500.

Mr. HOLMAN. That is the present law.

The Clerk read as follows:

For investigation of accounts and records, including the necessary traveling expenses, and for other traveling expenses, $1,500.

Mr. HOLMAN. There is an increase there of $500. The changes made in the next paragraph are those resulting from the construction of the west wing of the building now in progress of erection. We have inserted the following provision:

And on or before February 29, 1888, the above-named offices shall be removed to rooms to be assigned to them by the Secretary of the Treasury in the Winder Building, corner of Seventeenth and F streets.

This provision has been inserted upon the understanding that this building would be in part vacated by removals into the west wing of the State, War, and Navy Department.

Mr. CANNON. That is right.

Mr. CRAIN. I make the point of order that the paragraph is not subject to amendment until it is read. If I can have unanimous consent to introduce the amendment which I hold in my hand, I do not care whether it be voted down or not.

The CHAIRMAN. The Chair sustains the point of order that the paragraph can not be amended until it is read.

The Clerk read as follows:

For rent of buildings for the Bureau of Statistics, the Marine-Hospital Service, and a portion of the Second Auditor's Office, for a period not longer than until February 29, 1888, $5,750; and on or before February 29, 1888, the above-named offices shall be removed to rooms to be assigned to them by the Secretary of the Treasury in the Winder Building, corner of Seventeenth and F streets.

Mr. HEARD. I desire to offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

After the word "dollars," in line 1025, strike out all down to the end of the paragraph.

Mr. HEARD. I do this because I am assured by the Chief of the Bureau of Statistics that suitable quarters can not be provided in Winder's Building for the proper conduct of the affairs of that bureau. Unless the committee are able to present reasons to the Committee of the Whole such change should be ordered and can be made without impairment of that branch of the service, I hope the amendment will be adopted.

I say further, as I understand it, the Secretary of the Treasury to-day has it in his power to make the removal if in his judgment it should be made. I hope the amendment will be adopted and the phraseology of the present bill will not be observed.

Mr. STEELE. You propose to compel him to make it whether he thinks it proper or not.

Mr. CANNON. I wish to say in reference to this matter I hope the amendment of the gentleman from Missouri will not prevail, and for these reasons: On the 1st day of January, or about that time, the west room in the annex to the War, State, and Navy Building will be completed and then there will be sufficient room for all the divisions of the War Department. This will vacate the rooms now occupied by the Chief of Ordnance in the Winder Building owned by the Government.

If anybody has been in the Ordnance Department he will recognize the southern point of this building is superior to that now occupied by the Bureau of Statistics. Refusal to remove the Bureau of Statistics to Winder's building, which the Government owns, is nothing more nor less than action in behalf of somebody who owns the building which is now rented to the Bureau of Statistics, and is below Albaugh's Theater. It is mere assurance on the part of this man, a mere bureau officer, less than a bureau officer, to say that he can not go into Winder's building because there is not room enough. Hundreds of clerks working on Army rolls worked there, and they require the best sight of any employés of the Government.

Mr. HENDERSON, of Iowa. I am in favor of the amendment of the gentleman from Missouri. The Chief of the Bureau of Statistics states this building is not adapted to the work of that bureau. The work of his whole force is a matter of computation of delicate figures, and Winder's building does not give the proper facilities required. It was his duty to submit this matter to Congress, and I think his modest presentation deserves the consideration of the House.

Mr. BUCHANAN. I make the point of order on the words proposed to be stricken out.

The CHAIRMAN. The point of order comes too late, discussion having been had.

The question recurred on Mr. HEARD'S amendment.

The committee divided; and there were—ayes 12, noes not counted.

Mr. HEARD. I withdraw the amendment.

Mr. HOLMAN. I move, after line 1029, to insert the following amendment:

The Clerk read as follows:

For rent of stables for Treasury Department from March 1 to June 30, 1888, $200.

Mr. HOLMAN. That is rendered necessary by the changes which have been made.

Mr. BRADY. I demand a division.

The Committee divided; and there were—ayes 60, noes not counted.

So the amendment was agreed to.

Mr. HOLMAN. The several paragraphs that follow on page 43 down to and including line 1070 on page 44 present no change.

The CHAIRMAN. Without objection they will be considered as having been read and adopted.

There was no objection.

Mr. HOLMAN. In the next paragraph, relating to the collection of the internal revenue, the following words have been added to the law of last year:

Including expenses incident to enforcing the provisions of the act of August 2, 1886, entitled "An act defining butter, &c.," $1,850,000.

Mr. STEELE. There is a proviso in the law of last year not incorporated in this.

Mr. HENDERSON, of Iowa. I submit the amendment I send to the desk.

The Clerk read as follows:

Strike out "eight hundred and fifty," in line 1076, and insert "nine hundred;" so that it will read, $1,900,000.

Mr. HENDERSON, of Iowa, The estimate submitted by the Treasury Department is $1,900,000 for this purpose as the amount necessary to properly carry out the provisions of the oleomargarine act. The committee cut it down to $1,850,000, being $50,000 less than the amount originally recommended by the Treasury Department, for the purpose of carrying out the law.

As I gave notice in committee that I would offer this amendment in the House, I now submit it, hoping it will be adopted; and I do not believe—in view of the fact that that law is upon the statute-books as the law of the land—I do not believe in any committee of this House

going to work and by indirection, as it seems to me, destroying the efficiency of that law.

I therefore urge upon the attention of the committee the purpose for which I offer the amendment, which is to make effective and forcible the law adopted upon this subject and now upon our statute-books; and in voting upon the amendment I desire that the House shall know the object I have in view and the purpose it seeks to accomplish.

I repeat the estimates submitted by the Department are in accordance with the amendment I now present.

Mr. HOLMAN. Just a word. The committee recommend an increase in the appropriation for that service on the first item of $35,000 and on the last item of $20,000, making $55,000 in all. The committee feel reasonably safe in recommending that as a proper amount, and do not think there is any danger of a deficiency.

I hope my friend will not insist upon his amendment, or, if insisted upon, that it will not be adopted by the committee.

Mr. PARKER. I wish to be heard for a moment only upon this question. It has been well understood throughout the country that during the past year the internal-revenue department has been hampered by the lack of funds to properly carry out the objects of this oleomargarine act. One of the great objects was to acquire statistics and obtain information upon the subject; and we know that the full amount of this estimate will be necessary to carry out the purposes of the law in that regard.

It is well known also that the sum of about one millions dollars will be received under the oleomargarine law from the direct tax; and the amount proposed by the amendment of the gentleman here is no more than is actually necessary to be provided. I trust therefore that there will be no misguided or misjudged application of the plea of economy to that bill. Let us have the full amount required to execute its provisions, and then make those persons charged with the execution of the law responsible for their work.

Mr. TOWNSHEND. I merely want to remark that last year when I made a similar proposition to increase the appropriation for this purpose it was said then that there was no danger of a deficiency, and that an ample amount of money was given. The result has been that the Treasury Department has called upon Congress to fill the deficiency I then prophesied; and I believe if this increase is not given there will be a further deficiency. [Cries of "Vote!" "Vote!"]

Mr. CUTCHEON was recognized.

Mr. HOLMAN. I wish to correct a statement I made a moment since.

Mr. CUTCHEON. I would like to ask why we should higgle over this amount? The oleomargarine gives us the revenue; revenue that we do not want, for we have too much revenue already; it is piling up in the Treasury. And since this oleomargarine gives the revenue, why, then, shall we not expend it for the proper execution of the law?

Mr. HOLMAN. I find on examination that the statement I made with reference to the change of law in this paragraph was wrong in one particular. For the salaries and expenses of collectors, &c., there is an increase of $35,000, as I have said; but the appropriation for this year for salaries and expenses was placed at $1,970,000. As proposed by this bill it is $1,850,000. But the amount given in the bill, in the opinion of the committee, is all that is necessary, and I do not think there is any need for this increase.

The question was taken on the amendment of Mr. HENDERSON, of Iowa, and there were—ayes 59, noes 60.

Mr. BRADY. No quorum.

Mr. HENDERSON, of Iowa. I demand tellers.

Mr. HOLMAN. You can take a vote upon it in the House.

Mr. HENDERSON, of Iowa, and Mr. HOLMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 81, noes 84.

So the amendment was rejected.

Mr. HENDERSON, of Iowa. It is understood that we may have a vote in the House on this proposition.

The CHAIRMAN. That is for the House to determine.

Mr. STEELE. I want to call attention to the fact that the proviso has been left out of this section.

Mr. HOLMAN. What is that?

Mr. STEELE. I refer to the proviso to this paragraph of the bill, which provided that the number of deputy collectors, store-keepers, gaugers, clerks, &c., employed in this department should not be increased, nor shall the officers' salaries be increased beyond the last fiscal year. What is the reason for leaving out that proviso?

Mr. HOLMAN. Because it is impossible to determine what number of special agents will be required under the provisions of the oleomargarine act.

Under the head of independent treasury, in the office of assistant treasurer at Baltimore, there is only one change made.

Mr. STEELE. I did not hear what the gentleman said about the omission of the proviso.

Mr. HOLMAN. That was deemed unnecessary on account of the new duties thrown upon the office; nothing else.

The only change made in the paragraph appropriating for the office of assistant treasurer at Baltimore is that the bill strikes out $500 from the salary as established by the law of the current year. I trust there will be no objection to it.

Mr. FINDLAY. There are serious objections to it.

Mr. BRADY. I call for the reading of the paragraph.

The Clerk read as follows:

Office of assistant treasurer at Baltimore: For assistant treasurer, $4,000; cashier, $2,500; three clerks, at $1,800 each; two clerks, at $1,400 each; two clerks, at $1,200 each; one clerk, at $1,000; one messenger, $840; three vault watchmen, at $720 each; in all, $21,100.

Mr. FINDLAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1083 strike out "$4,000" and insert "$5,000," so that it will read: For assistant treasurer, $5,000.

Mr. HOLMAN. The law of the present year is $4,500.

Mr. FINDLAY. That is true, and I believe that since 1879 each appropriation bill has provided for $4,500 being the salary of this office. But the law creating the office which was passed in 1866, which is upon the statute-book and is incorporated in section 3596 of the Revised Statutes provides the salary shall be $5,000. That is the existing law, and there has been no effort made on the part of Congress to change it, and no change has been made in it; but Congress has simply failed to appropriate the amount of salary as fixed by the original law, and the only law there is on the subject, unless you may call the current appropriation bills the law.

I draw a very great distinction between a bill making appropriations year by year and the law creating the office and fixing the salary attached to it.

Mr. HOLMAN. I suggest that we may compromise on $4,500.

Mr. STEELE. I move to amend the amendment so as to make the amount $4,500.

Mr. BUTTERWORTH. I think we should agree to the compromise suggested, and make the salary correspond with the law for the current year, $4,500.

Mr. FINDLAY. Very well; I will agree to that.

The CHAIRMAN. If there be no objection, the amount will be changed to $4,500.

There was no objection.

Mr. HOLMAN. The appropriation for the office of the assistant treasurer at Boston remains as it was. At Chicago, which is the fourth subtreasury in rank after Philadelphia, Boston, and New York, the salary of the assistant treasurer is increased to $5,000. I hope that the paragraphs in relation both to Boston and Chicago will be passed over without reading.

Mr. CANNON. I thought there was an agreement that all these salaries should remain as in the law for the current year.

Mr. HENLEY. There was no agreement.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that this paragraph be passed over without reading.

Mr. HOLMAN. As to Boston, there is no change in the law. I ask that that paragraph be accepted.

Mr. BRADY. I call for the reading of the paragraph.

The paragraph relating to the office of the assistant treasurer at Boston was read and no amendment to it was offered.

Mr. HOLMAN. I hope that the paragraph in relation to the office of assistant treasurer at Chicago will be passed over without reading.

Mr. BRADY. I call for the reading of the paragraph.

The Clerk read as follows:

Office of assistant treasurer at Chicago: For assistant treasurer, $5,000; cashier, $2,500; paying teller, $1,800; book-keper and receiving teller, at $1,500 each; two coin, coupon, and currency clerks, at $1,500 each; one assistant book-keeper and three clerks, at $1,200 each; one messenger, $840; one janitor, at $600; and three watchmen, $720 each; in all, $23,700.

Mr. STEELE. I see that the salary of the assistant treasurer at Chicago is raised above the amount appropriated in the bill for the current year.

Mr. DUNHAM. And it ought to be.

Mr. STEELE. I move to amend by striking out "$5,000" and inserting "$4,500," the amount in the current law.

Mr. TOWNSHEND. The subtreasury at Chicago has a much larger income than that at Boston. Why should not the salary of the assistant treasurer be the same in Chicago as in Boston?

Mr. ADAMS, of Illinois. I understand the law requires a salary for the assistant treasurer at Chicago of $5,000; certainly the importance of the city is such as to warrant a salary of that amount.

Mr. STEELE. Last year it was fixed at $4,500.

Mr. ADAMS, of Illinois. I do not care what it was fixed at last year. The precedents established by the Appropriations Committee are not sufficient precedents to bind the action of this House.

Mr. BLANCHARD. My friend from Indiana [Mr. STEELE], I think, is mistaken in saying that the salary of the assistant treasurer at Chicago is $4,500; the permanent law makes his salary $5,000.

Mr. STEELE. I did not say what the permanent law made it. I stated what the salary was in the appropriation act for the current year.

Mr. CANNON. I want to say one word as to this. It is true that a statute more than ten years old fixes the amount of the salary at Chicago at $5,000. So it is at Baltimore and at various other places. But the salary at Baltimore has just been fixed at $4,500. I think $5,000

is perhaps little enough for the man at Chicago, perhaps little enough for the men at all these places. But I have stood here for ten years and seen the Appropriations Committee in a Democratic House make a raid on the salary of the subtreasurer at Chicago, and hold it at $4,500 during all that time. And we Republicans furnished as good an assistant treasurer as there was anywhere. When he went out there was a great scramble among the faithful for the office at $4,500. Now, I am willing with this explanation that you should pour $500 more upon this man than his predecessor received when there was as much business done as now, but I want you to take the responsibility.

Mr. GIBSON, of West Virginia. We have not had a Democratic House for ten years continuously.

Mr. HOLMAN. I wish to make one statement. If we put this salary at $4,500, that would be in substantial harmony with the understanding we had a little while ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. STEELE].

The committee divided; and there were—ayes 100, noes 6.

Mr. DUNHAM. No quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Illinois [Mr. DUNHAM] and the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. We will give you a vote on this in the House.

Mr. DUNHAM. No; let us vote now.

The committee again divided; and the tellers reported—ayes 119, noes 18.

Mr. BRADY and Mr. DUNHAM. No quorum.

The CHAIRMAN. The Chair request members to vote.

Mr. MILLS. Mr. Chairman, I think it is evident that there is no quorum in the House, and if the gentlemen who are managing this bill cannot come to any terms, we may as well adjourn and go home.

Mr. RANDALL. Oh, no; let us go on.

Mr. BLAND moved a call of the House, but withdrew the motion.

Mr. BROWN, of Pennsylvania. The demand for a further count is withdrawn.

Mr. BRADY. The vote discloses that there is no quorum present.

Mr. DUNHAM. I have not withdrawn the point, Mr. Chairman. If anybody states that I have, it is a mistake.

The CHAIRMAN. The tellers will retain their places, and the Chair requests members to vote.

The count was resumed; and the tellers reported—ayes 141, noes 22.

So the amendment was agreed to.

Mr. DUNHAM. I move that the committee rise.

Mr. HOLMAN and Mr. RANDALL. Oh, no.

Mr. STEELE. Mr. Chairman, I had the honor to offer an amendment which——

The CHAIRMAN. The Chair has recognized the gentleman from Illinois [Mr. DUNHAM] for the motion that the committee rise.

Mr. STEELE. Can he take me off the floor to make that motion?

The CHAIRMAN. It is in order to make that motion at this time.

The question was taken on the motion that the committee rise, and it was rejected.

Mr. STEELE. I move to amend by striking out in line 1120 of the bill "$23,700" and inserting "$23,200."

Mr. HOLMAN. That is a mere clerical change, and it will be made.

The Clerk proceeded to read the paragraph headed "office of the assistant treasurer, Cincinnati."

Mr. HOLMAN. The only change there is that the salary is reduced to $4,000. In connection with that item let me say that the salaries of the assistant treasurers at the great offices, Philadelphia, New York, Boston, and Chicago are $5,000, while all the others are put in this bill at $4,000, and Cincinnati is among the smaller offices.

Mr. WARNER, of Ohio. What was the amount of that salary last year?

Mr. HOLMAN. Four thousand five hundred dollars.

Mr. WARNER, of Ohio. Then this should be the same. I make that motion.

Mr. BUTTERWORTH. If this is to be restored to $4,500, all right.

The CHAIRMAN. If there be no objection, the amendment will be agreed to.

Mr. DUNHAM. I object.

The question was taken on the amendment; and it was agreed to—ayes 147, noes 32.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON, of Kansas. I would like to know what the previous vote was.

The CHAIRMAN. The vote, as reported by the tellers, was 141 to 22.

Mr. ANDERSON, of Kansas. What was the total?

The CHAIRMAN. The gentleman can compute that for himself. [Cries of "Regular Order!"]

Mr. DUNHAM. Mr. Chairman, I desire to ask a question for information. What were the figures given to the Chair by the Clerk?

The CHAIRMAN. The Chair announced them as given to the Chair.

Mr. DUNHAM. I call for tellers on the pending proposition.

The question was taken on ordering tellers, and they were refused—only 43 members voting in favor thereof.

Mr. ANDERSON, of Kansas. Count the other side.

The CHAIRMAN. There is no other side.

The Clerk read as follows:

Office of assistant treasurer at New Orleans: For Assistant Treasurer, $4,000; cashier, $2,250; receiving-teller, $2,000; bookkeeper, $1,500; two clerks at $1,000 each; porter, $500; one day-watchman, at $720; one night-watchman, at $720; in all, $13,690.

Mr. HOLMAN. I am instructed by the committee to offer an amendment which I send to the desk.

The amendment was read, as follows:

In line 1136, before the word "two," insert "one clerk at $1,200."

Mr. HOLMAN. I wish to say a word upon that amendment. The appropriation now is exactly that of the present law and the same that it has been for several years past, but the committee have instructed me to recommend to the House to increase the clerical force there by one clerk of class 1, for the reason that that subtreasury now is somewhat dependent upon the mint for its clerical service, and it is not desirable that that should be so.

Mr. BLANCHARD. Mr. Chairman, I desire to offer, as a substitute for the amendment offered by the gentleman from Indiana and as a substitute for the paragraph just read, that which I send up to the desk.

The proposed substitute was read, as follows:

For assistant treasurer, $4,500; cashier, $2,500; receiving-teller, $2,000; paying teller, $2,000; book-keeper, $1,800; assistant book-keeper, $1,200; coin and redemption clerk, $1,200; two clerks, at $1,000 each, $2,000; porter, $720; night watchman, $720; day watchman, $720; in all, $19,360.

The CHAIRMAN. The Chair will state that this can be received as a substitute for the whole paragraph, but the amendment of the gentleman from Indiana, which is an amendment to the text, will take precedence.

Mr. HOLMAN. That is an increase of $1,200 for that office over the present year.

Mr. BLANCHARD. I ask the Committee of the Whole to hear me for a few moments upon this proposition. The subtreasurer at New Orleans is accorded by law a salary of $4,500. The subtreasurer at Cincinnati has just been voted by the committee a salary of $4,500, notwithstanding the fact that the business of the subtreasury at Cincinnati is $24,000,000 a year less than at New Orleans. If the subtreasurers at Cincinnati, at Baltimore, and at Saint Louis are entitled to a salary of $4,500, how can this Committee of the Whole with any degree of consistency refuse to give the subtreasurer at New Orleans $4,500, when the business at New Orleans is millions of dollars ahead of each of the offices I have named?

The gentleman from Indiana is entirely in error when he says that the subtreasurer at New Orleans has anything to do with the obtaining of clerical assistance from the mint in that city.

Mr. HOLMAN. Well, the committee was so informed.

Mr. BLANCHARD. Then the committee was erroneously informed. I speak from personal knowledge. The subtreasury at New Orleans is in an entirely different place from the mint; and there is no connection between the two except the money coined at the mint is deposited in the subtreasury, thereby increasing the business of the latter office.

Now, it is a fact, that notwithstanding New Orleans does millions of dollars more business annually than Baltimore, Saint Louis, and Cincinnati, the Committee on Appropriations has given to New Orleans only nine salaries, including that of the subtreasurer, while at Boston they have given fifteen, at Cincinnati ten, and at Saint Louis twelve. The amendment which I have sent up merely gives to New Orleans twelve employés.

This very bill which I hold in my hand allows to the subtreasurer at Baltimore $21,100 for clerical hire, whereas it only allows to New Orleans for the same purpose, $13,690. The substitute which I have sent to the desk allows to the subtreasurer at New Orleans $19,000 for clerical hire, including the salary of the subtreasurer, and, allows him twelve clerks. If Baltimore, with $10,000,000 a year less business than New Orleans, can have fifteen clerks, why can not New Orleans have twelve? And if Baltimore, with $10,000,000 less business, can have $21,000 for clerical hire, why can not New Orleans have $19,000?

Mr. FINDLAY. Twenty-one thousand dollars at Baltimore includes the salaries.

Mr. BLANCHARD. Exactly.

[Here the hammer fell.]

Mr. HOLMAN obtained the floor.

Mr. WILSON. I would like to ask the gentleman from Louisiana a question—whether Democrats can not be found in New Orleans who will run the subtreasury with the same salaries and with the same clerical force with which the Republicans ran it?

Mr. BLANCHARD. Mr. Chairman, speaking in the gentleman's time, my own having expired, I am glad to answer his question. I will state to the committee that the Treasurer of the United States himself, Mr. Jordan, called upon me to-day and stated to me that the amount allowed to the subtreasurer at New Orleans for clerical hire is entirely inadequate; and he furnished me with the letter, which I send to the Clerk to be read.

Mr. HOLMAN. I hope the gentleman will not occupy my time, unless he answers the question which has been put to him.

Mr. BLANCHARD. Mr. Chairman, I was speaking in the time of the gentleman from West Virginia [Mr. WILSON].

Mr. HOLMAN. It was my time the gentleman was occupying, but I was willing he should answer that question. For ten years the Republicans carried on that office without a murmur at $4,000. Among the very first things we did when we obtained control of the House in the Forty-fourth Congress was to reduce that salary to $4,000, and it has never since been above that.

Mr. CANNON. And you can find plenty of Republicans who would be very glad to carry on the office now. [Laughter.]

Mr. HOLMAN. Inasmuch as we increase the clerical force there to the amount of $1,200, I trust there will be no further increase in that branch of the service. We are assured that the appropriation is ample.

Mr. BLANCHARD. By whom is the gentleman "assured" of that fact, when I stand here telling him that the Treasurer of the United States himself told me to-day that the salaries were altogether inadequate?

Mr. WARNER, of Ohio. Is not $4,000 the amount appropriated in the bill of last year?

Mr. HOLMAN. That has been the appropriation for ten years.

Mr. WARNER, of Ohio. Then it is strictly in accordance with the agreement that it should remain at $4,000.

Mr. HOLMAN. And there have been no complaints, so far as I know.

Mr. HENLEY. The question is, What do the Revised Statutes provide?

Mr. WALLACE. Mr. Chairman, I move to amend by striking out the last word. I happen to have some knowledge in regard to the administration of this office at New Orleans, and I can state most conscientiously that the force proposed in the bill is entirely inadequate to conduct the business of that office properly. The bond given by the subtreasurer at New Orleans is larger than that given by the corresponding officer in any other city except New York and Cincinnati, where the circumstances are peculiar.

Now, to my certain knowledge, it has been found necessary at New Orleans in the counting of large sums of Government money to ask assistance from employés of the custom-house. It seems to me unreasonable that while the subtreasurer is required to give so large a bond, we should give him so scanty a force that he is compelled to go outside of his office and seek assistance. I know positively that in the counting of the silver in the vaults of the subtreasury at New Orleans last year the subtreasurer was compelled to employ the porter and watchman of the collector of the customs to aid him, though these custom-house employés were practically irresponsible. It is utterly impossible for the subtreasurer at New Orleans to discharge his duties in an efficient manner and with safety to the interests of the Government unless he is allowed adequate assistance.

With $64,000,000 we have only allowed us nine employés, while other cities which have from ten to twenty and thirty millions less are allowed many more.

The collection of the city of New Orleans amounts to 20 cents on the amount of money business transacted there, whereas you can not find any other city where it amounts to less than 30 or 40.

It is unfair to ask the administration of such a fund in a city of daily increasing importance without giving them adequate supply of labor. I am aware in my business relations there the work given that department to do has increased in the last three or four years. We are compelled to rely upon the assistant treasurer there for our supplies of notes and silver certificates and other means of exchange with the country districts. I doubt whether outside of the city of New York there is the assistant treasurer's office to-day so important as the city of New Orleans, which has so much business thrown upon it. [Cries of "Vote!" "Vote!"]

Mr. BROWN, of Pennsylvania. We might as well throw up the sponge first as at last, if we are to be talked to death. [Cries of "Vote!"]

Mr. BLANCHARD. The gentleman from Indiana will not be so inconsistent as to consent that Baltimore, Saint Louis, and Cincinnati shall have $4,500 as the salary of the assistant subtreasurer and leave that at New Orleans at $4,000, when his own report shows that New Orleans does millions of dollars more business than any of the cities indicated.

Mr. HOLMAN. Not in transactions.

Mr. BLANCHARD. Yes, in transactions; and the gentleman's report shows it.

Mr. HOLMAN. No; not in transactions. The deposits are large, but the transactions are not.

Mr. BLANCHARD. I will inform the gentleman from Indiana from his own report. [Cries of "Vote!" "Vote!"] I will read his statement showing just what the facts are:

Statement showing the transactions—

Note that, Mr. Chairman; it is transactions and not deposits—

of the subtreasurer of the United States at Baltimore, transactions $53,652,000; Saint Louis, $57,944,000; Cincinnati, $40,823,000; New Orleans, $64,495,000.

[Applause and cries of "Vote!"]

I ask the Clerk to read——

Mr. TIMOTHY J. CAMPBELL. What is the salary of this officer now?

Mr. BLANCHARD. At the last session of this Congress, while all the other subtreasurers in the United States were allowed $4,500, a discrimination was made against New Orleans, and that city was only allowed $4,000.

Mr. TIMOTHY J. CAMPBELL. How much do you want?

Mr. BLANCHARD. I want $4,500.

Several MEMBERS. That settles it. [Laughter and applause.]

The CHAIRMAN. The Chair hears no objection, and the formal amendment will be withdrawn.

Mr. HOLMAN. I only wish to say the gentleman misapprehends the report. It is one I am familiar with. He misapprehended it. The gentleman said number of transactions. This report simply indicates under the head of transactions the amounts of deposits. There being a mint at New Orleans and it being a great silver center, deposits are enormous. They are spoken of as transactions. In the number of transactions there is no comparison between New Orleans and Chicago, or New Orleans and Baltimore, or New Orleans and Saint Louis.

Mr. BLANCHARD. I hope the amendment of the gentleman from Indiana will be voted down. [Cries of "Order!"]

The question recurred on Mr. HOLMAN'S amendment, and it was agreed to.

Mr. BLANCHARD. I now ask for a vote on my substitute.

Mr. HOLMAN rose.

Mr. BLANCHARD. I call for the regular order. [Cries of "Vote!"]

The CHAIRMAN. The substitute will be read.

The Clerk read as follows:

For assistant treasurer, $4,500; cashier, $2,500; receiving teller, $2,000; paying teller, $2,000; book-keeper, $1,800; assistant book-keeper, $1,200; coin and redemption clerk, $1,200; two clerks, at $1,000 each, $2,000; porter, $720; night watchman, $720; day watchman, $720; in all, $19,360.

Mr. BLANCHARD demanded a division.

The committee divided; and there were—ayes 59, noes 74.

Mr. BRADY. No quorum.

Mr. HOLMAN. I suggest to the gentleman from Louisiana I will cheerfully yield to a vote in the House.

Mr. BRADY. I insist on the point there is no quorum.

Mr. CUTCHEON. I move that the committee rise.

The motion was disagreed to.

Mr. BLANCHARD. I ask the gentleman from Virginia to withdraw his point of no quorum.

Mr. BRADY. I do.

So the substitute was disagreed to.

Mr. BLANCHARD. I move to strike out "$4,000" and insert "$4,500."

Mr. DUNHAM. What is the law on this?

Mr. BLANCHARD. Four thousand five hundred dollars.

Mr. DUNHAM. Let us stand by the law.

Mr. HEPBURN. I want to inquire if the point of no quorum has been withdrawn?

The CHAIRMAN. It has.

Mr. HEPBURN. There is no announcement by the Chair of that fact. I desire to renew it.

The CHAIRMAN. It was withdrawn, and the Chair announced it. No objection having been made, it is now too late.

Mr. DUNHAM. What is the amendment to be voted upon?

The CHAIRMAN. Upon the motion of the gentleman from Louisiana, which the Clerk will now report.

The amendment of Mr. BLANCHARD was again read.

Mr. DUNHAM. I understand it proposes to give New Orleans what the law requires, and which has been refused to Chicago. Now, I would like to know if this is the case; and if so, why this discrimination?

The CHAIRMAN. The Chair can only state what the proposition now pending is, and upon which the vote is to be taken.

The question was taken; and on a division there were—ayes 96, noes 31.

Mr. HEPBURN, Mr. BRADY, and Mr. DUNHAM. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLANCHARD. I hope my friend from Virginia will not insist upon the point of order.

Mr. BRADY. So far as I am concerned I will withdraw it.

Mr. HEPBURN. I insist, and will not withdraw it.

Mr. DUNHAM. And if it be necessary there will be two to insist upon it.

Mr. HOLMAN. I hope the gentlemen will allow a vote to be taken in the House.

Mr. DUNHAM. You would not let the law of the United States apply to Chicago, but you are willing that it shall apply to New Orleans. Now, if you succeed in doing that it must be done by a quorum of this House.

Mr. HEPBURN and Mr. HOLMAN were appointed tellers.

The committee proceeded to divide.

Mr. PETTIBONE. I move that the committee do now rise.

The CHAIRMAN. The committee is dividing, and until the tellers make their report the Chair can not entertain that motion.

Mr. MILLIKEN. I think it is evident that there is no quorum present. There seems to be no accretions to the vote. It is now about 1 o'clock in the morning, and I think about time for the committee to rise.

Mr. NELSON. I would like to ask unanimous consent, with a view to compromising matters, that the bill be reported back to the House, the residue of it amended to correspond exactly with the act of the present year.

Mr. BROWN, of Pennsylvania. That is not in order at this time.

Mr. PETTIBONE. It could not be done without unanimous consent.

Several MEMBERS. Regular order.

Mr. ANDERSON, of Kansas. Mr. Chairman, there seem to be no voters; I ask that the tellers report.

The CHAIRMAN. The Chair will state that there have been five persons passed between the tellers and counted since the gentleman from Kansas rose and addressed the Chair.

Mr. WHEELER. How many does it take to make a quorum?

The CHAIRMAN. One hundred and sixty-three members.

Mr. WHEELER. There are not three hundred and twenty-five members of this House. I claim that it takes only one-half of the actual membership of the House.

The CHAIRMAN. The Chair thinks it takes one hundred and sixty-three.

Mr. WHEELER. In the Forty-seventh Congress it was held that one hundred and forty-six members made a quorum after the House had lost two members. Now there are only three hundred and twenty-one members of the present House.

The CHAIRMAN. The membership of the present House has been increased; and the Chair thinks, as has been held before, that it takes a majority of the membership of the House to constitute a quorum.

The committee divided; and the tellers reported—ayes 113, noes 50.

So the amendment was agreed to.

Mr. CUTCHEON. I move that the committee do now rise. It is past one o'clock.

The committee divided; and there were—ayes 31, noes 106.

So the committee refused to rise.

The Clerk proceeded to read the bill.

Mr. HOLMAN. With reference to the office of the assistant treasurer at New York, I will state that it is unchanged; but a proposition has been raised by Mr. Candler, the present subtreasurer, to make a readjustment of the employés of the office. It is a long provision, as gentlemen will see, and I do not wish to trouble the House with reading it. I ask therefore that the proposition be passed over, as it is in the current law.

Mr. BRADY. I object, and demand the reading.

The Clerk proceeded to read the paragraph beginning with line 1141.

Mr. HOLMAN. Mr. Chairman, the hour is so late, and gentlemen have been here confined to their current duties for a long time; and it seems to me the Committee on Appropriations sufficiently understand the views of this Committee of the Whole to know what they expect in this bill. I therefore make this suggestion, that the committee rise and a recess be taken until 9 o'clock in the morning.

Mr. BROWN, of Pennsylvania. Say 10 o'clock.

Mr. HOLMAN. I hope there will be no objection to that. There must be some time taken as a matter of course in the preliminary proceedings of the House in the morning. A vote on the measure, which we will submit and which we believe will be satisfactory in view of the present temper of the House, can scarcely be put off safely to a later hour. I hope it will be agreed that this recess may be taken to that hour.

Mr. BROWN, of Pennsylvania. That is too early.

Mr. HOLMAN. This bill can not be considered with any safety unless the House meets at an early hour.

Mr. BROWN, of Pennsylvania. Then let us sit an hour later to-night.

Mr. PETTIBONE. Oh, no.

Mr. HOLMAN. I ask unanimous consent that the committee rise with a view to taking a recess until 9 o'clock.

Mr. DUNHAM. I demand the regular order.

Mr. STEELE. I object to the request.

A MEMBER. Say 9.30.

Mr. HOLMAN. Then I ask unanimous consent that we take a recess until 9.30, and the House then proceed to the consideration of this bill.

Mr. BUTTERWORTH. I desire to ask the gentleman from Indiana a question. Is it his purpose on the assembling of the House in the morning to take up this bill at once?

Mr. HOLMAN. It is the purpose to take up this bill immediately.

Mr. BUTTERWORTH. Why not let the House meet at an earlier hour with the agreement that this bill shall be taken up at a later hour, say 10 o'clock?

Mr. HOLMAN. It can not be enrolled and reach the Senate unless it be acted upon promptly in the morning.

Mr. BUTTERWORTH. So we are confronted with losing the bill unless we go on with it to-night or meet at half past 9 to-morrow morning?

Mr. CUTCHEON. I suggest that to-morrow morning the gentleman from Indiana may be able to present the bill in a shape in which it will be acceptable to the House.

Mr. HOLMAN. That is what I propose to do.

Several MEMBERS. Let the Chair state the proposition.

The CHAIRMAN. The Chair will state the proposition as he understands it: That the committee now rise with the understanding that the House shall thereafter take a recess. That, of course, is for the House to determine. The Chair will entertain a motion that the committee rise with a view of testing the sense of the House.

Mr. HOLMAN. I do not understand there is any objection to the proposition.

Mr. ANDERSON, of Kansas. Does the gentleman include in his proposition that when the House meets at half past 9 o'clock in the morning no other business in the form of conference reports or anything else shall be entertained before the House goes into Committee of the Whole to consider this bill?

Mr. HOLMAN. I shall ask the House to take up this bill as soon as it meets.

Mr. DUNHAM. I demand the regular order.

Mr. HOLMAN. Believing that what I have suggested presents the only solution, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

### CONFERENCE COMMITTEES APPOINTED.

The SPEAKER announced the appointment of the following conferees on the part of the House:

On the agricultural appropriation bill (H. R. 10912), Mr. HATCH, Mr. GREEN, and Mr. WHITE, of Minnesota.

On the bill (S. 2382) granting a pension to Alice Kelly, Mr. SWOPE, Mr. NEECE, and Mr. CONGER.

On the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, Mr. HEMPHILL, Mr. CAMPBELL, of Ohio, and Mr. ROWELL.

### ORDER OF BUSINESS.

Mr. WILLIS. I desire to present a privileged report.

Mr. HEPBURN. I move that the House do now adjourn.

The motion to adjourn was not agreed to.

Mr. HOLMAN. In the hope that some understanding may be reached with regard to the legislative bill, I ask unanimous consent for a recess now until nine and a half o'clock.

Many MEMBERS. Say 10 o'clock.

Mr. HOLMAN. Then I will say 10 o'clock.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a recess be now taken until 10 o'clock to-morrow morning.

Mr. GIBSON, of West Virginia. I object.

Mr. HOLMAN. I move that the House take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and accordingly (at 1 o'clock and 10 minutes a. m., Tuesday, March 1) the House took a recess until 10 o'clock a. m.

### AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. Tuesday, March 1.

### CHIPPEWA INDIANS IN MINNESOTA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a communication of the 17th instant from the Secretary of the Interior submitting with accompanying papers two agreements made with the Chippewa Indians in the State of Minnesota under the provisions of the act of May 15, 1886 (24 Stat., 44).

The papers are presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 28, 1887.

### SHAWNEE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs, and draft, and recommending the passage of a bill to provide for the sale of lands allotted and patented to certain members of the Black Bob Band of Shawnee Indians, and for other purposes; which was referred to the Committee on Indian Affairs and ordered to be printed.

### LAND GRANTS IN KANSAS.

The SPEAKER also laid before the House the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, with amendments

by the Senate and the request of that body for a committee of conference.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the Senate amendments be non-concurred in, and that the request of the Senate for a conference be agreed to. This is a bill adjusting land grants in the State of Kansas, and is in fact a general bill.

Mr. WEAVER, of Iowa. I should like the gentleman from Kansas to explain what is the effect of it.

Mr. ANDERSON, of Kansas. The House passed a bill adjusting the land-grants and sending back the excess lands to the public domain. This amendment makes a grant of the excess lands to the several railroad companies—that is what it amounts to. The Senate have asked a conference, and my request is that the House non-concur in the amendment and agree to the conference.

Mr. RYAN. I hope there will be no objection to that.

There was no objection, and it was so ordered.

The SPEAKER appointed as managers of the conference on the part of the House Mr. COBB, Mr. VAN EATON, and Mr. ANDERSON, of Kansas.

STATE UNIVERSITY, LOUISIANA.

The SPEAKER also laid before the House the bill (S. 176) to increase the endowment of the Louisiana State University and Agricultural College; which was referred to the Committee on Agriculture.

DEPOSITORS IN FREEDMAN'S BANK.

The SPEAKER also laid before the House the bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was referred to the Committee on Banking and Currency.

MONUMENT TO THE MOTHER OF WASHINGTON.

The SPEAKER also laid before the House the bill (S. 3182) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.; which was referred to the Committee on the Library.

RIGHT OF WAY THROUGH CROW RESERVATION.

The SPEAKER also laid before the House the bill (S. 3225) to authorize the Stillwater and Cooke City Railway Company to construct and operate a railway through the Crow Indian Reserve, and for other purposes; which was referred to the Committee on Indian Affairs.

EDUCATION IN ALASKA.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read, and referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *February* 28, 1887.

*Resolved by the Senate (the House concurring)*, That the Public Printer be, and he is hereby, authorized and directed to deliver to the Commissioner of Education 1,000 copies of the Report on Education in Alaska (Jackson), printed in compliance with a concurrent resolution of August 2, 1886, the distribution of which was not therein directed.

REPORT OF THE COMMISSIONER OF EDUCATION.

The SPEAKER also laid before the House the followinge Senate concurrent resolution; which was read, and referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *February* 28, 1887.

*Resolved by the Senate (the House of Representatives concurring)*, That of the report of the Commissioner of Education for 1885 and 1886 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 copies for distribution by the Commissioner.

LEAVE TO PRINT.

By unanimous consent leave to print remarks in the RECORD was granted, as follows:

To Mr. WARD, of Illinois, upon the bill (H. R. 6977).

To Mr. SENEY, upon the bill (S. 194) to extend aid to common schools.

To Mr. GROUT, upon the bill in relation to agricultural-experiment stations.

WITHDRAWAL OF PAPERS.

Mr. LITTLE asked and obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Jesse N. Owen.

Mr. PERKINS asked and obtained permission to remove from the files of the Committee on Invalid Pensions of the House the petition asking for a rerating of the pension granted to Fred. Hamlin, late of Company G, Fourth Missouri Cavalry, with accompanying papers, without leaving copies thereof, no adverse report having been made on such petition.

LEAVE OF ABSENCE.

Mr. MILLER, by unanimous consent, was excused from attendance at the night sessions of the House, on account of ill health

CONSULAR AND DIPLOMATIC BILL.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, and moved that the House non-concur in the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BELMONT, Mr. COX, and Mr. HITT.

CABLE LAID IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the president of the board of commissioners of the District of Columbia in relation to the accounts of the Standard Underground Cable Company, of Pittsburgh, Pa., for cable laid in the District of Columbia; which was referred to the Committee on Appropriations.

SUITS AGAINST THE GOVERNMENT OF THE UNITED STATES.

Mr. TUCKER. Mr. Speaker, I am directed by the Committee on the Judiciary to report back the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States, with the recommendation that the House non-concur in the amendments of the Senate and agree to the conference asked by the Senate.

There was no objection, and it was so ordered.

The SPEAKER appointed as managers of the conference on the part of the House Mr. TUCKER, Mr. SENEY, and Mr. PARKER.

Mr. WILLIS. I have a conference report which I desire to present.

MEXICAN PENSION APPROPRIATION BILL.

Mr. TOWNSHEND. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes. I desire to present on behalf of the Committee on Appropriations a substitute for the original bill. The matter will occupy but a moment. The bill is designed to make appropriations in pursuance of the bill recently passed providing pensions for the soldiers of the Mexican war.

The SPEAKER. The substitute proposed by the gentleman from Illinois [Mr. TOWNSHEND] will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions provided for under the act entitled "An act granting pensions to soldiers of the Mexican war, and for other purposes," approved January 29, 1887, as follows: For the balance of the fiscal year ending June 30, 1887, $2,300,000; for the fiscal year ending June 30, 1888, $4,600,000; in all $6,900,000: *Provided*, That the whole sum herein appropriated shall be available for expenditure until the close of the fiscal year ending June 30, 1888."

Mr. TOWNSHEND. This is the unanimous report of the Committee on Appropriations, and proposes to appropriate the amount estimated by the Secretary of the Interior, covering the period from now until June 30, 1888.

The SPEAKER. If there be no objection, the Committee of the Whole House on the state of the Union will be discharged from the further consideration of this bill, and the House will proceed to consider it.

There was no objection, and it was ordered accordingly.

Mr. TOWNSHEND. I ask leave to print in the RECORD some remarks on this bill.

The SPEAKER. Is there objection? The Chair hears none; and leave is granted.

The substitute proposed by Mr. TOWNSHEND was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move to suspend the rules and pass House bill 11234, with such amendments as I am authorized to present from the Committee on Appropriations, which will be read with the bill.

ALIEN LANDHOLDERS.

Mr. PAYSON. Pending the motion of the gentleman from Missouri [Mr. BURNES] is a conference report in order?

The SPEAKER. It is, if the gentleman insists upon it.

Mr. WILLIS. I believe I have the floor for a conference report.

The SPEAKER. Conference reports are in order, of course, at all times, even when a motion to adjourn is pending.

Mr. PAYSON. I desire to present this conference report now. Its consideration will take but a moment.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, and so forth, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same with amendments, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Strike out all of section 1, and insert as follows:

"That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all of section 2, and insert as follows:

"SEC. 2. That no corporation or association more than 20 per cent. of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the Territories of the United States or of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of section 3, and insert as follows:

"SEC. 3. That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold, or own more than 5,000 acres of land in any of the Territories of the United States; and no railroad, canal, or turnpike corporation shall hereafter acquire, hold, or own lands in any Territory, other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted to it by act of Congress; but the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of section 4, and insert as follows:

"SEC. 4. That all property acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter, without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned."

And the Senate agree to the same.

T. R. COBB,
H. S. VAN EATON,
L. E. PAYSON,
*Managers on the part of the House.*

P. B. PLUMB,
H. M. TELLER,
E. C. WALTHALL,
*Managers on the part of the Senate.*

The report of the committee of conference was adopted.

Mr. PAYSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to

## DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] moves to suspend the rules and pass with amendments presented by him from the Committee on Appropriations the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

Mr. SPRINGER. On that motion I demand a second.

Mr. BURROWS. The bill had better be read. We should not pass a bill of this important character without having it read.

## RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I have not yielded the floor.

The SPEAKER. If the gentleman from Kentucky [Mr. WILLIS] insists upon his right to submit a conference report, the Chair will of course recognize him.

Mr. WILLIS. I am compelled to insist upon it. It will not take long to dispose of this report.

Mr. ANDERSON, of Kansas. I would suggest to the gentleman that there is no quorum present.

Mr. WILLIS. The gentleman from Kansas can take the responsibility of delaying the consideration of the bill by making that point if he chooses to. I do not think it is my duty to withhold the report, and hence I insist upon presenting it at this time.

Mr. BURNES. I ask if after a motion is made to suspend the rules, and the reading of a bill has been commenced, it is then in order for the gentleman to present a conference report?

The SPEAKER. The Chair thinks it is. Under the practice of the House a conference report is always in order. The Chair thinks that otherwise it would endanger the passage of even appropriation bills themselves, because there is nearly always some matter between the two Houses for consideration during the closing hours of a session.

Mr. ANDERSON, of Kansas. Is the motion the gentleman makes in order?

The SPEAKER. The gentleman makes a report from a committee of conference, which is always in order.

Mr. ANDERSON, of Kansas. Against that I raise the question of consideration.

Mr. WILLIS. I demand the previous question upon the adoption of the report.

Mr. ANDERSON, of Kansas. Does not the question of consideration take precedence of the reading of the report?

The SPEAKER. The Chair thinks the House has the right to know the matter against which the question of consideration is raised before it is called upon to determine whether it will consider it or not.

The Clerk will read the report if it is demanded.

Mr. ANDERSON, of Kansas. I call for the reading of the report.

Mr. WILLIS. There are but very few amendments of the original bill embodied in the report, and the reading will take but a short time.

The Clerk proceeded to read the report.

Mr. ANDERSON, of Kansas. I call for the reading of the whole amendment.

Mr. REAGAN. That has been read once.

The SPEAKER. It has been read once, but it is embodied in the report and forms a part of it; and the Chair thinks the gentleman has the right to demand the reading.

Mr. WILLIS. The amendments of the conference committee are in red ink, and there is no necessity for reading any other part than the amendments.

The SPEAKER. But the amendment of the Senate is made a part of the report, and must be read if any gentleman demands it.

Mr. ANDERSON, of Kansas. I insist upon the reading of the report.

The report of the committee of conference was read.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10419) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out, in line 10, "five."
Strike out, in line 15, "fifty" and insert "forty."
Strike out, in line 19, "five."
Strike out, in line 22, "seven" and insert "five."
Strike out, in line 24, "ten" and insert "six."
Strike out, in line 30, "ten" and insert "five."
Strike out, in line 35, "six" and insert "seven."

And add, at the end of the paragraph, "of which $1,000 shall be used for improving the western channel of said harbor leading to the Point of Pines."

In line 37 strike out "twenty" and insert "fifteen."
In line 39 strike out "twenty" and insert "fifteen."
In line 41 strike out "ten" and insert "five."
In line 47 strike out "ten" and insert "five."
In line 70 strike out "one hundred" and insert "seventy-five."
In line 83 strike out "fifty" and insert "twenty-five."
In line 89 strike out "ten" and insert "five."
In line 105 strike out "twenty" and insert "ten."
In line 138 strike out "one hundred" and insert "seventy-five."
In line 146 strike out "ten" and insert "five."
In line 152 strike out "two hundred" and insert "one hundred and seventy-five."
In line 160 strike out "two hundred" and insert "one hundred and seventy-five."
In line 173 strike out "one hundred" and insert "seventy-five."
In line 188 strike out "sixty-five" and insert "sixty."
In line 206 strike out "seventy-five" and insert "sixty."
In line 223 strike out "fifty" and insert "forty."
In line 228 strike out "three" and insert "one."
In line 236 strike out "thirty" and insert "twenty-five."

Add to line 266, "And the Secretary of War is authorized to accept a deed of three and thirty-one hundredths acres of land from the Pierre Marquette Lumber Company for the purpose of constructing the harbor of refuge at Ludington."

In line 283 strike out "ten" and insert "eight," and in the same line strike out "five" and insert "four."
In line 328 strike out "eighty" and insert "sixty."
In line 346 strike out "fifty" and insert "forty."
In line 357 strike out "one hundred" and insert "seventy-five."
In line 276 strike out "eighty" and insert "seventy."
In line 388 strike out "$10,000" and insert "$7,500."
In line 392 strike out "five."
In line 397 strike out "fifteen" and insert "ten."
In line 430 strike out "twenty" and insert "fifteen."
In line 483 strike out "five."
In line 514 strike out "ten" and insert "five;" and add, after the word "dollars," the words "Improving Nominee Bay and Creek: continuing improvement, $5,000."
In line 521 strike out "seventy" and insert "sixty."
In line 535 strike out "forty" and insert "thirty."
In line 536 strike out "fifteen" and insert "ten."
In line 612 strike out "twenty-five" and insert "fifteen."
In line 696 strike out "fifty" and insert "twenty-five."
In line 807 strike out the word "opposite" and insert "above."
In line 808 strike out "including" and insert "and $5,000, or as much thereof as may be necessary for."
In line 870 strike out the words "and fifteen."
Strike out the proviso beginning in line 924 down to 934.
In line 968 strike out "fifty" and insert "twenty-five."
In line 980 strike out "such" and insert "the;" and in the same line strike out the words "by means of a boat railway."
In line 981 strike out the word "and."
In line 1005 strike out "three hundred" and insert "two hundred and twenty-five."
In line 1008 strike out "eighty" and insert "fifty."
In line 1025 strike out "three hundred" and insert "two hundred and seventy-five."
In line 1066 strike out "twenty" and insert "fifteen."
In lines 1098 and 1099 strike out "two hundred" and insert "one hundred and seventy-five," and also in line 1109 the same amendment.
In line 1114 strike out "five" and insert "four."

After line 48, in section 2, insert "Ohio River, with a view to protecting the channel opposite Cairo."

In line 91 strike out "Werymouth" and insert "Weymouth."

ALBERT S. WILLIS,
NEWTON C. BLANCHARD,
THOMAS J. HENDERSON,
*Managers on the part of the House.*
S. J. R. McMILLAN,
O. D. CONGER,
M. W. RANSOM,
*Managers on the part of the Senate.*

During the reading of the report the following took place:

Mr. NELSON. I ask unanimous consent to dispense with the further reading of the report.

Mr. HEPBURN. I object.

Mr. ANDERSON, of Kansas. Will the gentleman from Kentucky [Mr. WILLIS] agree to give us a yea-and-nay vote on the question of consideration?

Mr. WILLIS. Does the gentleman mean on the question of the adoption of the report?

Mr. ANDERSON, of Kansas. No, sir; on the question of consideration.

Mr. HAMMOND. They have not got enough to get the yeas and nays on anything.

Several members called for the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Iowa [Mr. HEPBURN] objects to dispensing with the reading of the report. The Clerk will continue to read.

The Clerk resumed, and completed the reading of the report.

The SPEAKER. The question is, Will the House now proceed to consider the report?

Mr. HEPBURN. I ask if there is a detailed statement accompanying the report?

The SPEAKER. There is; the Clerk will read it.

The Clerk read as follows:

Statement of the House conferees to accompany the conference report on H. R. 10419, making appropriations for the construction, repair, and preservation of certain works on rivers and harbors.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10419) known as the "river and harbor bill," submit the following statement:

The Senate struck out all after the enacting clause in the House bill and inserted a bill of their own, taking the House bill as the basis therefor. Their action was treated as one amendment.

The House receded from its disagreement to this amendment, and concurred in the same with an amendment, being a new bill, to which the Senate agreed.

The Senate amendment contained every item of appropriation of the House bill without reduction of amount. In other words, the House bill was left unchanged, except that certain of its appropriations were increased in amount. The Senate inserted twenty-nine new items, amounting to $1,013,500. The aggregate of these new items was reduced in conference to $857,500. The Senate increased items in the House bill amounting in the aggregate to $2,148,550. This aggregate was reduced in conference to $1,598,580.

The principal items increased and inserted by the Senate are as follows:

| | |
|---|---|
| Baltimore Harbor | $175,000 |
| Mouth of the Columbia | 175,000 |
| Buffalo Harbor | 170,000 |
| Erie Harbor | 100,000 |
| New Haven | 75,000 |
| Norfolk | 70,000 |
| Humboldt Bay | 50,000 |
| Bar Harbor | 50,000 |
| Milwaukee | 40,000 |
| Portage Lake Canals | 350,000 |
| Mississippi River | 250,000 |
| Green and Barren Rivers | 150,000 |
| Potomac River | 100,000 |
| Cape Fear River | 70,000 |
| Saint John's River | 50,000 |
| Missouri River | 50,000 |
| Cascades of the Columbia | 50,000 |

The above amounts were largely reduced in conference.

The estimate of the Chief of Engineers of the amount that can be "profitably expended in the fiscal year ending June 30, 1888, was $30,000,000.

The estimate of the Secretary of War for same year was $10,174,000.

The total of the original House bill was $7,458,250.

The total of the Senate bill as it came back to the House was $10,620,350.

The total of the bill now reported is $9,913,800.

ALBERT S. WILLIS.
N. C. BLANCHARD.
T. J. HENDERSON.

Mr. HEPBURN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Rule XXIX, referring to conference reports, requires that—

There shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

I submit that what has been read is not that detailed statement explanatory of the action of the committee and that no one can tell from what has been read what was done by the Senate in the way of amendment, or what was done by the committee of conference in the way of changing the Senate amendment. No one knows now the condition of this bill. No one can tell from any information we have had what specific amounts are appropriated for specific improvements. I submit that the statement which has been read is meager in its character and is not a compliance with the rule. I therefore raise the question of order and ask that the report be remanded to the committee in order that they may comply with the rule.

The SPEAKER. The rule requires the managers of the conference on the part of the House to make this detailed statement. But the Chair does not feel it is the province of the Chair to determine whether that report is sufficient or not. That is for the House to determine. Another rule requires that when committees report back to the House bills, resolutions, &c., such bills, &c., shall be accompanied by reports in writing. It frequently happens that a committee does nothing more than recommend in one or two lines the passage or rejection of a measure. And the objection has sometimes been made that these reports are insufficient, but that has been held to be a question which the Chair can not decide. The Chair can not assume the responsibility of examining all the reports and determining whether they are sufficient. That is involved in the question now pending whether the House will consider the report. If it is thought that the statement is insufficient and that that is a reason why the House should not consider the report, that of course will control the votes of gentlemen on the floor.

Mr. HEPBURN. May I suggest that with reference to many of these amendments there is no attempt whatever at explanation?

The SPEAKER. That is not a question of order addressed to the Chair. The House may receive a report and act upon it although it contains no detailed statement whatever, if the House desires to do so.

Mr. WILLIS. The House has just heard, as contained in the conference report, every word and syllable in the bill as now proposed to be enacted. I think that sufficiently answers the point of order.

Mr. WARNER, of Ohio. I desire to ask the gentleman from Kentucky what amount the bill now carries?

Mr. WILLIS. Nine million nine hundred and thirteen thousand dollars.

Mr. WARNER, of Ohio. What is the appropriation for the Hennepin Canal?

Mr. WILLIS. There is an appropriation for the survey, but none for the canal.

Mr. WARNER, of Ohio. How much is appropriated for the survey and location?

Mr. WILLIS. Fifty thousand dollars.

Mr. WARNER, of Ohio. Then I am opposed to the bill.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of its clerks, informed the House that the Senate, had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and live-stock, and for other purposes; and

A bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same.

## RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The question is, Will the House agree to the conference report?

Mr. WILLIS. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If the report should not be pressed at this time, but should be presented at a later portion of the day, would it require the same reading to which the House has been listening?

The SPEAKER. The Chair thinks not.

Mr. ANDERSON, of Kansas. So far as that point is concerned, that probably would not be raised. We are met here to consider the legislative bill, and that has not been brought before the House.

The question being taken, there were—ayes 127, noes 23.

Mr. HEPBURN. No quorum.

Mr. CUTCHEON. I ask for the yeas and nays.

Mr. WILLIS. I hope the demand for the yeas and nays will not be insisted on.

Mr. CUTCHEON. I withdraw the request.

The SPEAKER. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Kentucky [Mr. WILLIS].

The House again divided; and the tellers reported—ayes 169, noes 27.

So the House agreed to consider the report.

Mr. WILLIS. Under other circumstances I would desire very much to discuss this bill. The Committee on Rivers and Harbors, as the House is well aware, have been put to great disadvantage by their inability, without damaging the prospect of passing their bill, to reply to the charges which have been made in connection with it. But I recognize the fact that the public business is exceedingly pressing, and that we have no right to hold the floor longer than is essential to bring before the House the result of our conference, and let them say by their votes whether it shall stand as their action or not. In view, therefore, of the fact that other measures are pressing, I demand the previous question on the adoption of the report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the report.

Mr. COWLES. Let us have the yeas and nays.

The question was taken on agreeing to the conference report.

The SPEAKER declared that the ayes seemed to have it.

Mr. HEPBURN. I ask for a division.

The House divided; and there were—ayes 135, noes 39.

Mr. HEPBURN. I demand the yeas and nays.

The question was taken on ordering the yeas and nays, and there were 39 votes in favor thereof.

Several MEMBERS. Count the other side.

The other side was counted; and there were 146 votes.

The SPEAKER. Thirty-nine gentlemen have risen in support of the demand for the yeas and nays and 146 against it. There is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 178, nays 89, not voting 52; as follows:

YEAS—178.

| | | | |
|---|---|---|---|
| Adams, G. E. | Ely, | Martin, | Shaw, |
| Bacon, | Farquhar, | Maybury, | Singleton, |
| Baker, | Felton, | McCreary, | Skinner, |
| Barbour, | Findlay, | McKenna, | Smalls, |
| Barksdale, | Foran, | McKinley, | Snyder, |
| Barnes, | Forney, | McMillin, | Spooner, |
| Barry, | Funston, | McRae, | Stephenson, |
| Bayne, | Geddes, | Miller, | Stewart, Charles |
| Belmont, | Gibson, C. H. | Mills, | Stone, E. F. |
| Bennett, | Gibson, Eustace | Mitchell, | Stone, W. J., Ky. |
| Blanchard, | Gilfillan, | Moffatt, | Strait, |
| Bland, | Glass, | Morgan | Swinburne, |
| Blount, | Goff, | Morrison, | Tarsney, |
| Brady, | Green, | Morrow, | Taylor, E. B. |
| Breckinridge, C. R. | Grosvenor, | Muller, | Taylor, J. M. |
| Breckinridge, WCP | Guenther, | Murphy, | Taylor, Zach. |
| Brown, C. E. | Hall, | Neal, | Thomas, J. R. |
| Buck, | Halsell, | Neece, | Thompson, |
| Burleigh, | Harris, | Negley, | Tillman, |
| Burrows, | Hemphill, | Nelson, | Townshend, |
| Butterworth, | Henderson, T. J. | Norwood, | Trigg, |
| Cabell, | Henley, | O'Donnell, | Tucker, |
| Caldwell, | Herbert, | O'Ferrall, | Turner, |
| Candler, | Hermann, | O'Hara, | Van Eaton, |
| Carleton, | Hiscock, | O'Neill, Charles | Van Schaick, |
| Caswell, | Hopkins, | O'Neill, J. J. | Viele, |
| Catchings, | Houk, | Page, | Wait, |
| Clements, | Howard, | Payne, | Wakefield, |
| Compton, | Hudd, | Payson, | Ward, J. H. |
| Comstock, | Irion, | Peel, | Warner, William |
| Crain, | Jackson, | Perry, | Weber, |
| Crisp, | Johnson, F. A. | Pettibone, | Wellborn, |
| Croxton, | Jones, J. H. | Pindar, | West, |
| Culberson, | Kelley, | Plumb, | Wheeler, |
| Curtin, | King, | Price, | White, A. C. |
| Cutcheon, | Kleiner, | Reagan, | White, Milo |
| Daniel, | Laffoon, | Riggs, | Wilkins, |
| Dargan, | Landes, | Robertson, | Willis, |
| Davidson, A. C. | Lanham, | Rogers, | Wilson, |
| Davis, | Lawler, | Romeis, | Wise, |
| Dawson, | Libbey, | Sawyer, | Wolford, |
| Dibble, | Lindsley, | Sayers, | Woodburn, |
| Dunham, | Lore, | Scott, | Worthington. |
| Dunn, | Lovering, | Seney, | |
| Eldredge, | Markham, | Seymour, | |

NAYS—89.

| | | | |
|---|---|---|---|
| Allen, C. H. | Dockery, | La Follette, | Rice, |
| Allen, J. M. | Dorsey, | Laird, | Richardson, |
| Anderson, C. M. | Ermentrout, | Le Fevre, | Rockwell, |
| Anderson, J. A. | Everhart, | Lehlbach, | Rowell, |
| Atkinson, | Fleeger, | Little, | Rusk, |
| Bliss, | Ford, | Long, | Ryan, |
| Bound, | Frederick, | Lowry, | Scranton, |
| Boyle, | Fuller, | Lyman, | Springer, |
| Browne, T. M. | Gallinger, | Mahoney, | Steele, |
| Brown, W. W. | Hale, | Matson, | Stewart, J. W. |
| Buchanan, | Hammond, | McAdoo, | Stone, W. J., Mo. |
| Bunnell, | Harmer, | McComas, | Storm, |
| Burnes, | Hatch, | Millard, | Struble, |
| Bynum, | Hayden, | Milliken, | Swope, |
| Campbell, Felix | Henderson, J. S. | Morrill, | Taylor, I. H. |
| Campbell, J. M. | Hepburn, | Osborne, | Wadsworth, |
| Campbell, T. J. | Hiestand, | Outhwaite, | Ward, T. B. |
| Cannon, | Hitt, | Parker, | Warner, A. J. |
| Cobb, | Holman, | Perkins, | Weaver, A. J. |
| Conger, | James, | Peters, | Weaver, J. B. |
| Cowles, | Johnston, J. T. | Randall, | |
| Cox, W. R. | Johnston, T. D. | Ranney, | |
| Dingley, | Ketcham, | Reed, | |

NOT VOTING—52.

| | | | |
|---|---|---|---|
| Adams, J. J. | Davidson, R. H. M. | Hill, | Sessions, |
| Aiken, | Dougherty, | Hires, | Sowden, |
| Ballentine, | Eden, | Holmes, | Spriggs, |
| Bingham, | Ellsberry, | Hutton, | Stahlnecker, |
| Boutelle, | Evans, | Jones, J. T. | St. Martin, |
| Bragg, | Fisher, | Louttit, | Symes, |
| Brumm, | Gay, | Merriman, | Taulbee, |
| Campbell, J. E. | Glover, | Oates, | Thomas, O. B. |
| Clardy, | Grout, | Owen, | Throckmorton |
| Collins, | Hanback, | Phelps, | Wade, |
| Cooper, | Haynes, | Pidcock, | Wallace, |
| Cox, S. S. | Heard, | Reese, | Whiting, |
| Davenport, | Henderson, D. B. | Sadler, | Winans. |

So the conference report was agreed to.

The following-named members were announced as paired until further notice:

Mr. COX, of New York, with Mr. COOPER.

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. JONES, of Alabama, and Mr. EDEN were announced as paired on the river and harbor bill. Mr. JONES would vote for the bill and Mr. EDEN against it.

The following-named members were announced as paired for this day:

Mr. ADAMS, of New York, with Mr. GROUT.

Mr. PIDCOCK with Mr. HOLMES.

Mr. CLARDY with Mr. EVANS.

Mr. SADLER with Mr. BINGHAM.

The following-named members were announced as paired on this vote:

Mr. GLOVER with Mr. PAYSON.

Mr. STAHLNECKER with Mr. HIRES.

Mr. COLLINS with Mr. WHITING.

Mr. DAVIDSON, of Florida, with Mr. HENDERSON, of Iowa.

Mr. HILL with Mr. LOUTTIT.

Mr. BRAGG with Mr. OWENS.

Mr. SOWDEN with Mr. PHELPS. Mr. SOWDEN, if not paired, would vote against the bill.

The result of the vote was then announced as above recorded.

Mr. WILLIS moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## INDIAN APPROPRIATION BILL.

Mr. PEEL. Mr. Speaker, I desire to present a privileged report.

The SPEAKER. Is it a conference report?

Mr. PEEL. It is.

Mr. HOLMAN. Mr. Speaker, is that of higher privilege than a motion to suspend the rules?

The SPEAKER. It is.

Mr. TOWNSHEND. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. The House last night, by unanimous consent and with a distinct understanding, agreed that the legislative bill should be taken up this morning as the first business in order. My question is whether that agreement does not give that bill priority?

The SPEAKER. The Chair does not remember that any order on that subject was made.

Mr. TOWNSHEND. There was an understanding to that effect.

The SPEAKER. There may have been an understanding between members on the floor, but no order was made.

Mr. TOWNSHEND. The record shows that there was such an understanding.

The SPEAKER. But there was no order, and the gentleman from Arkansas [Mr. PEEL] insists on his right to present the conference report, regardless of any understanding that may have been had among gentlemen on the floor. There was no order made by the House. If there had been an order the Chair would see that it was executed.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 9, 10, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 8, 11, 12, 13, 14, 15, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the word "twenty" insert "thirty-five" and add at the end of amended paragraph the following: "of which sum $15,000 may be used to carry out the provisions of section 3 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For the purchase by the United States of additional land for farming purposes for the Carlisle Industrial School, being the 'Parker Farm," so called, containing about 109 acres, $18,000, to be immediately available," and the Senate agree to the same.

S. W. PEEL,
T. G. SKINNER,
B. W. PERKINS,
*Managers on the part of the House.*

H. L. DAWES,
P. B. PLUMB,
WILKINSON CALL,
*Managers on the part of the Senate.*

On motion of Mr. DOCKERY, by unanimous consent, the reading of the statement of the House conferees was dispensed with.

The statement is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 10394, "A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1888, and for other purposes," submit the following

statement showing the effect of the action of the conference committee in the report submitted herewith:

Amendments numbered 1 and 2: Restores the amount provided by the House for pay of physician and two teachers for the Apaches, Kiowas, and Comanches, and the total sum appropriated for said tribes.

Amendments numbered 3 and 4: Reduces the appropriation for the civilization of the Poncas from $7,000 as provided by the House to $5,000, and makes necessary change of total.

Amendment numbered 5: Restores the amount provided by the House bill for support of Indians at the Fort Peck agency.

Amendments numbered 6, 7, and 8: Provides, in lieu of the House appropriation of $25,000 for support and civilization of the Navajo Indians to be paid out of their funds in the Treasury, an appropriation of $7,500 for support and civilization out of the Treasury of the United States, and $7,500 for constructing ditches and reservoirs, to be taken from their funds now in the Treasury.

Amendments numbered 9 and 10: Restores the provisions of the House bill for Joseph's band of Nez Percé Indians.

Amendment numbered 11: Makes an appropriation of $15,000 for the Shoshones of Wyoming, in lieu of $17,000 as provided by the House.

Amendment numbered 12: Makes an appropriation of $4,000 for incidental expenses of Indian service in Montana, in lieu of $5,000 as provided by the House.

Amendments numbered 13 and 15: Places the provision limiting the employment of persons as farmers to those who have been engaged practically in the occupation of farming for at least five years, at the end of the paragraph providing for agency farmers instead of in another portion of the bill.

Amendment numbered 14: Makes provision that the Secretary of the Interior shall make a detailed report to Congress of the expenditure of the money covered into the Treasury under the caption of "Indian moneys, proceeds of labor," which is authorized by the amended paragraph to be used for the benefit of the tribes on whose account said money was covered in.

Amendment numbered 16: Increases the appropriation for surveys of Indian reservations and for allotments in severalty from $25,000, as provided by the House, to $35,000, and authorizes the expenditure of $15,000 of this amount to carry out the provisions of section 3 of the act providing for allotments of lands in severalty to Indians, approved February 8, 1887.

Amendment numbered 17: Strikes out the provision reappropriating the unexpended balance of the appropriation for day and industrial schools for 1887 for use in fiscal year 1888.

Amendment numbered 18: Provides for the purchase of additional land for the use of the Carlisle Industrial School at a cost of $18,000.

Amendment numbered 19: Provides for the purchase of additional land for the Industrial School at Salem, Oreg., at an expense not to exceed $1,500, payment therefor to be made in labor to be performed by the Indian pupils of said school.

Amendment numbered 20: Provides for the erection of shops and hospital building for the Industrial School at Genoa, Nebr., and appropriates $6,000 therefor.

S. W. PEEL,
B. W. PERKINS,
*Managers on the part of the House.*

INDIAN DEPARTMENT.

| | |
|---|---|
| Amount as passed House | $5,189,197 66 |
| Amount as agreed to in conference | 5,226,897 66 |

The conference report was adopted.

Mr. PEEL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL DEFICIENCY BILL.

Mr. BURNES. Mr. Speaker, I call up my motion to suspend the rules and pass the general deficiency bill.

Mr. HOLMAN. I raise the question of consideration.

The SPEAKER. This is a motion to suspend the rules.

Mr. TOWNSHEND. Can not the question of consideration be raised against it?

The SPEAKER. It is a motion to suspend all the rules of the House.

Mr. HOLMAN. Mr. Speaker, I wish to address a word to my friend who makes this motion. Last night, although no order was made, it was understood, I think by members generally, that upon the meeting of the House this morning we should proceed at once with the legislative bill.

Mr. HAMMOND. I will ask the gentleman from Indiana whether it is not important that the legislative appropriation bill should be in the hands of the engrossing clerks as soon as possible.

Mr. HOLMAN. It is indispensable that it should go through at the earliest possible moment.

Several members called for the regular order.

Mr. BRECKINRIDGE, of Arkansas. I think it was the clear understanding last night that we should go on with the legislative bill this morning.

The SPEAKER. The Chair will state that what occurred last night was in Committee of the Whole on the state of the Union. No order whatever on the subject was made by the House.

Mr. TOWNSHEND. Will the Chair let me read one line from the RECORD? The gentleman from Ohio [Mr. BUTTERWORTH] inquired of the gentleman from Indiana [Mr. HOLMAN]—

Is it the purpose on the assembling of the House in the morning to take up this bill at once?

Mr. HOLMAN. It is the purpose to take up this bill immediately.

The SPEAKER. That was in Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. I am aware of that; but good faith would require——

The SPEAKER. That was not an order by the House. The House did not in fact make any order. The gentleman from Missouri [Mr. BURNES] will send up the statement of his motion.

Mr. BURNES. Mr. Speaker, I am very reluctant to resist the inclinations and wishes of my esteemed colleague on the Committee on Appropriations [Mr. HOLMAN], but as he has been occupying two days with his bill, and as this morning he did not ask that his bill be proceeded with, I rose to make my motion to suspend the rules; and the reading of this deficiency bill was commenced. I think I have as much of the "milk of human kindness" as anybody——

A MEMBER. Is debate in order?

The SPEAKER. It is not.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. The Clerk will read the motion of the gentleman from Missouri.

The Clerk read as follows:

I move to suspend the rules and take from the Calendar of the Committee of the Whole House on the state of the Union the bill of the House (H. R. 11234) and with the amendments which I send to the desk pass the same, with leave to have a separate vote on an amendment which I will offer at the instance of the gentleman from Texas [Mr. CRAIN].

Mr. BRADY. I ask for the reading of the bill.

The SPEAKER. The gentleman from Virginia demands the reading of the bill. It has not yet been read.

Mr. BURROWS. It ought to be read.

Mr. TOWNSHEND. If the question of consideration is raised will not that dispense with the reading of this bill if the House prefers to consider the other bill?

The SPEAKER. The Chair has just decided that the question of consideration can not be raised against a motion to suspend the rules, because it is a motion to suspend all rules of the House in order by a single vote to pass the bill. The bill will be read.

The Clerk proceeded to read the bill, during which the reading of portions of the bill reciting judgments, audited claims, &c., was, on motion of Mr. LONG and Mr. BURNES, dispensed with by unanimous consent. The reading having been concluded,

The SPEAKER. The amendments included in the motion of the gentleman from Missouri will be read.

The Clerk read as follows:

On page 2, after line 22, insert:

"Silver certificates and legal-tender notes: For printing and finishing additional silver certificates and legal-tender notes of the denominations of one and two dollars, to be expended as follows:

"Under the Bureau of Engraving and Printing: For compensation of employés, $5,500; for plate printing, $14,000; for materials and miscellaneous expenses, $3,700.

"Under the office of the Treasurer of the United States: For materials needed in sealing and separating United States securities, $500; for salaries for additional pressmen, feeders, and separaters, $3,300; in all, $27,000.

"And the number of plate printers and printers' assistants may on the passage of this act be increased to the number provided for in the sundry civil appropriation act for the fiscal year ending June 30, 1888."

On pages 14 and 15 strike out all of lines 333 to and including line 343.

In line 647 strike out "Rohr" and insert "Rahr."

In line 692 strike out "C" and insert "G."

In lines 763–4, in lieu of the sum proposed, insert $99,079.69.

On page 34 strike out all of lines 807 to and including line 810.

In line 1071 strike out "one" and insert "two."

In line 1077 strike out "administratix" and insert "executrix."

In line 1080 strike out "Ferkins" and insert "Perkins."

In line 935 strike out "Husband" and insert "Husbands."

In line 974 strike out "Getly" and insert "Getty."

In line 992 strike out "B" and insert "D."

At the end of the same line strike out "I" and insert "T."

In line 1007 strike out "B" and insert "V."

In line 1011 strike out "Bernan" and insert "Vernan."

In line 1034 strike out "Tamer" and insert "Tanner."

In line 1047 strike out "Beochan" and insert "Beacham."

In line 1088 strike out "eight" and insert "six."

In line 1095 strike out "Bechler" and insert "Beehler."

In line 1105 strike out "W."

After line 1123, insert the following:

"To pay the judgment of the Court of Claims in favor of the Pacific Railroad, otherwise the Missouri, Kansas and Texas Railroad Company, $85,396.24, being in addition to the sum of $44,800.74, appropriated by the act approved August 4, 1886, to pay a judgment in favor of said Pacific Railroad, which two sums shall be in full satisfaction of the judgment in favor of the Pacific Railroad, reported to Congress in House Executive Document No. 187, Forty-ninth Congress, second session."

After line 1179, insert:

"To pay Henry Neal the difference between the pay of a laborer and the pay of a messenger during the two sessions of the Forty-ninth Congress, $451.70."

On page 49, at the end of line 10, insert the following:

"*Provided*, That if it appear by legal proof to the satisfaction of the Secretary of the Treasury that any of the corporations named in said executive document as paying said tax never deducted or withheld the same from the alien holders of such stock or bonds, and that the same is not due to said aliens, payment may be made to the corporation."

On page 67, in line 131, strike out "twelve" and insert "forty-two."

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, &c.;

A bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict

labor in the preparation or manufacture of material for public buildings or other public works, and to regulate the manner of letting contracts therefor; and

A bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers, and their employés.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I ask unanimous consent that a second may be considered as ordered on the motion to suspend the rules.

There was no objection, and it was ordered accordingly.

Mr. BURNES. The amendment which is alluded to in the motion I have made had better be now called up and disposed of before general debate is indulged in.

Mr. HOLMAN. I hope there will be no debate.

Mr. BURNES. We may not have any debate. As suggested in the motion, I offer the following amendment.

The Clerk read as follows:

On page 15, after line 356, insert the following:

"To pay the claim of the estate of T. J. League, deceased, settlement numbered 5245, certified by the Second Comptroller of the Treasury in House Executive Document No. 22, Forty-ninth Congress, second session, $10,750."

Mr. BURNES. I desire for a moment to state the reasons which induced me to offer that amendment. During the last session of Congress this amendment was proposed in the House and agreed to by a large majority on a yea-and-nay vote. Subsequently in conference this item was dropped under circumstances which may be considered of doubtful legality on the part of the conferees.

But, be that as it may, I offer it in deference and in profound respect to the House by whose vote this claim, if I may so call it, has been authorized in this bill.

I have nothing to say in regard to the merits of it. My principles are probably unchanged; but there is this to be said of this bill, that it is based on a contract made by a quartermaster or commissary in the United States Army nearly a year after the close of the war for rent of premises which the Government used and for which no part has been paid. [Cries of "Vote!" "Vote!"]

Mr. GILFILLAN. Are amendments in order?

The SPEAKER. Amendments are not in order. The question is on the suspension of the rules.

Mr. CANNON. How can the vote be taken on the amendment if the rules are suspended? The bill has no status except under the rules.

The SPEAKER. The gentleman from Missouri in his motion proposes to suspend the rules and pass the bill with a certain amendment, which the gentleman sent up, and with leave to offer an amendment on the suggestion of the gentleman from Texas [Mr. CRAIN].

Mr. CANNON. I ask if it is in order to consider the amendment now?

The SPEAKER. It is.

Mr. CANNON. Then I wish to submit some remarks on the amendment. I should be glad to have some time to yield to the gentleman from Massachusetts [Mr. RANNEY]. How much time does the gentleman from Massachusetts want? I understand I am now recognized.

The SPEAKER. The gentleman has been recognized.

Mr. CANNON. Not under the fifteen-minute rule.

The SPEAKER. There is no debate except the debate for thirty minutes, fifteen minutes on each side.

Mr. CANNON. When is the vote to be taken on the amendment?

The SPEAKER. Before the vote is taken on the motion to suspend the rules the Chair thinks the amendment can be disposed of.

Mr. CANNON. I can occupy fifteen minutes now.

The SPEAKER. Certainly.

Mr. CANNON. I hope my time does not commence until now.

The SPEAKER. The gentleman has fifteen minutes.

Mr. CANNON. I hope the Speaker will let his gavel fall at the end of seven minutes.

I would have been glad, Mr. Speaker, if the gentleman from Missouri had explained the bill; but as he has not done so I must go on without it.

I wish to say at the commencement, if this bill was being considered in the Committee of the Whole under the ordinary rules, and afterwards in the House, I would do what I could to have the bill fully understood by the House and recommitted to the Committee on Appropriations for various reasons. While the bill was considered by the full Committee on Appropriations, the report accompanying the bill was never submitted to the subcommitte of which I am a member, or the full committee, and was never adopted by either, and yet it proposes on its face to speak for the committee. I do not understand that way of doing business, but here in the closing hours of the session I am powerless except to state that the bill does not contain many important items of appropriation, and contains some items that should be explained to the House.

Mr. MILLIKEN. Powerless on account of the vicious methods of your own committee.

Mr. CANNON. I hope the gentleman will not interrupt me.

Now, this bill, Mr. Speaker, consists in the main of deficiencies. I agree in the main with the recommendations made as to them, yet there are some items in the bill recommended which would not have existed under any wise administration on the part of the Executive. Of course the bill must pass, because there are thousands of people who are entitled to small amounts, bounty, back pay, post-office claims, and others who can not do without their money without suffering. The bill is conspicuous for the absence of many items which it should contain, and several of these I want to call your attention to in the few moments I shall occupy. If you will examine the report you will see that it omits an item of appropriation of $2,000,000 for service upon some 2,000 miles of the leased lines of the Central Pacific Railroad, being in payment for the transportation of mails, troops, &c., for the United States.

It is familiar to gentlemen here that the Supreme Court of the United States held in connection with this Government service on these 2,000 miles of non-aided bond leased that the money was due and payable by the Government, and a judgment was rendered in favor of the companies in that case. Following that decision the accounting officers of the Treasury of this administration have audited these amounts and have transmitted them in the regular estimates to Congress for appropriation, and yet, although the auditors and the comptrollers, following the road marked by the Supreme Court, have transmitted these items, aggregating $2,000,000, none of the items appear in this bill.

Now, Mr. Speaker, I am not here to make any special plea for the Central Pacific Railroad, or any other railroad; but I am calling the attention of this House to the fact that the highest tribunal in this country, one of the co-ordinate branches of this Government, has decided in favor of the justice of these claims, and rendered judgment; and yet they are for some reason left out of this bill in its preparation.

Upon what ground is it left out? To my mind, only one answer can be made, and that is upon the ground of that power which the sovereign has in this and all other countries to repudiate the obligations of the Government.

Yet there are reasons assigned in this report submitted by the gentleman from Missouri, which I hold in my hand, that were not deemed sufficient by the Supreme Court.

In speaking of the suit of the railroad company against the United States the report says:

The suit was begun in the Court of Claims by the filing of a petition or declaration at law at the November term of said court in 1885. It was the guarded production of several of the skilled lawyers of that powerful company. It of course stated a naked case at law. It did not admit any of the known facts constituting a complete equitable defense.

The attorney representing the United States filed only a general demurrer. This the court very properly overruled, and judgment thereon was allowed to be entered in the Court of Claims. The Supreme Court, on appeal, could do nothing but sustain the judgment of the court below. What that great tribunal would have decided had the facts and equities of the Government been presented by answer, we, of course, do not know.

The gentleman from Missouri then proceeeds with his argument in the case. Now, all I know is that, upon a presentation of the facts as are admitted touching these leased lines, the Supreme Court did make the decision. There is no question of that. Under what administration? Under this administration. Who prepared the case? The present Attorney-General of the United States. Not our Attorney-General, your Attorney-General; and the gentleman to avoid the effect of the decision of the Supreme Court attacks his Department of Justice, and says:

What that great tribunal (the Supreme Court) would have decided had the facts and equities of the Government been presented by answer, we, of course, do not know,

That is to say, if the Government case had been properly "presented," that we might well have looked for a different decision, for which reason he refuses to recognize the decision of the court and appropriate the money.

The SPEAKER. The time the gentleman desired to occupy has expired.

Mr. CANNON. I will yield myself five minutes longer.

Sir, I have to say that if the Attorney-General, by fraud or collusion, as the report intimates, has failed to do his duty, my friend from Missouri should have arisen in his place and moved articles of impeachment against him.

Now, I want to discuss the Central Pacific Railroad in a single remark. I want it to pay its debts to the Government according to contract. It claims, and claims truly, that it has paid every debt to the United States that it has been called on under the law to pay, even under the Thurman act. Is it then the true remedy for a debt to fall due from that road in the future to the Government to withhold from it the money which is due the road now, and which the court says the Government is bound to pay? I will tell you the remedy: to meet anticipated danger of loss amend the Thurman act so as to take in addition to the 25 per cent. of earnings of that road for a sinking fund to meet the indebtedness of the Government to become due, 25 per cent. more, or 35 per cent. more. That is the legal way. But no; the gentleman from Missouri, and his side of the House, with 45 majority, have another plan of proceeding, and that is to play on the prejudices against railroads in the minds of the people, arbitrarily do that which we have no right to do, and leave undone that which we have a right to do.

Sir, the obligations and contracts of the Government with all its citizens should be kept, and this, too, whether they be high or low, rich or poor. There is no safety in any other course.

There is another item of $2,800,000 left out of this bill. For fifty years the United States has failed to keep its treaty stipulations with the Choctaw Indian Nation. In 1881 Congress passed a law permitting that nation to sue the United States in the Court of Claims. The suit was brought and an appeal from the judgment taken to the Supreme Court of the United States. In November last that court found there was due from the United States to the Choctaw Nation over $2,800,000, and under its direction the Court of Claims entered judgment against the United States for that amount. Under the law that judgment bears interest at the rate of 5 per cent., $140,000 per annum. Under law it is certified to Congress for appropriation. We have the money in the Treasury to pay it.

Mr. McKINLEY. An adjudicated claim?

Mr. CANNON. Certainly. Why, it is a judgment of the Court of Claims under the direction of the Supreme Court; and yet they leave it out, though we have the money to pay it.

Mr. MORROW. What is the rate per cent.?

Mr. CANNON. Five per cent.

Why? Because in the exercise of that same sovereign power that my friend from Missouri thinks so much of, we have the power so to deal with the subject as to require the people on the one hand to pay this $140,000 a year interest, and postpone the payment to the Indians and set aside the mandates of the Supreme Court. In other words, the Democratic Committee on Appropriations claim the right to repudiate, and that is what we are doing.

I do not think this is statesmanship. I do not think it is wise. It is plain, simple, palpable repudiation if it does not go into the bill.

It is true the Indians are weak. It is true that the railroad companies are not in favor. It is easy to refuse what we owe. A new preacher once went to a strange place to preach. He wanted to talk about the saloon-keepers. One of the congregation said, "Oh, no; if you do that you would hurt somebody's feelings." Then he proposed to talk about this, that, and the other, but there was always somebody in that congregation who would be offended. "What then can I do?" said he. "Oh," said the man he was talking to, "give the Jews the devil, they have got no friends here." It is on that theory my friend from Missouri seems to proceed in making up this bill.

[Here the hammer fell.]

Mr. CUTCHEON. I desire to ask the gentleman from Illinois what would be the amount of the bill if these matters were included?

Mr. CANNON. The bill would carry five million dollars more than it does now. I yield the rest of my time to the gentleman from Maryland [Mr. McCOMAS].

The SPEAKER *pro tempore*. The gentleman from Maryland is entitled to three minutes.

Mr. McCOMAS. I can not in three minutes animadvert upon the whole of the bill. I therefore ask attention to the largest item in this bill, the deficiencies in the Department of Justice. I desire to call attention to the fact that the deficiency in this bill of $25,000 for assistant attorney's fees occurs because the whole of it and more, too, had been expended in special counsel fees in the Bell telephone case before the appropriation had been applied to the direct object of the assistance in that office ordinarily employed.

Let me call attention to one thing more, the fees of witnesses and jurors. It was said here a year ago when by me the attention of the House was challenged to the steady increase under Democratic rule of expenditure in these items in the Department that it would soon grow less. It was predicted by the gentleman from Illinois [Mr. SPRINGER] that it would dwindle and go down under the new administration. Instead of that it has gone up, and up, after two years of so-called retrenchment and reform. The Democratic members who loudly protested against these appropriations as choice specimens of Republican extravagance are silent now and silent all since Democratic expenditure has outstripped all prior years.

The expenditures for witness fees in 1881 were $580,000; in 1882, $670,000; in 1883, $601,000; in 1884, $660,000; in 1885, $621,000; in 1886, $787,000; in 1887, including $200,000 in this deficiency bill, the sum of $750,000.

Another: Expenditures for jurors' fees in 1881 were $440,000; in 1882, $470,000; in 1883, $450,000; in 1884, $510,000; in 1885, $450,000; in 1886, $540,000; in 1887, including $50,000 in this deficiency bill, the sum of $500,000.

What do we find in regard to the new marshals and new officials who summoned these officers, and the new procedure under the two years of this Administration? While in 1881 the Republicans were thought to be extravagant in spending $580,000 for witnesses' fees, in 1886 we have an expenditure for those purposes of $787,000; for the year 1887, now current, an expenditure of $750,000; and already, for 1888, we appropriated $550,000, and next year we will, in a deficiency bill, add $250,000 more, which ought now to be in the sundry civil bill we are about to pass.

So also is it with jurors. We have now an expenditure of $500,000 where the Republicans had years ago, in 1881, an expenditure of $400,000. Now we have $500,000, and we make another appropriation of $450,000 with a sure deficiency to add next year and swell up a quarter of a million more on these two items in the next deficiency bill. Yet gentlemen will go to the country with the cry that they are cutting down the expenditures this year; and next year they will come up with a deficiency bill and pass it under a suspension of the rules.

[Here the hammer fell.]

Mr. McCOMAS. And the hammer will come down at the end of three minutes, and we will not have an opportunity of stating the facts fully to the country.

Mr. BURNES. I yield one minute to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. I wanted to say to my friend from Illinois [Mr. CANNON] that perhaps I am as good a friend to the Indians as he is, and I am authorized to say for the Choctaw people that they deemed it wiser and more prudent, inasmuch as the Senate had under investigation in one of its committees the question of the attorneys' fees for the transaction of the Choctaw net proceeds claims, that that matter should be shaped and put upon the bill in the Senate. I will also say I want every dollar of it paid, and paid to the Indians, and let these attorneys settle with the Indians. I hope the Senate will take that course, and that the House will be ready when the bill comes back to unite with the gentleman from Illinois [Mr. CANNON] and accept the amendment.

Mr. RYAN. Could not that have been provided in this bill?

Mr. BURNES. I yield three minutes to the gentleman from Maryland [Mr. McCOMAS], that he may make a statement as to the Pacific railroads' claims.

Mr. McCOMAS. I had asked my colleague on the committee to yield to the gentleman from Massachusetts [Mr. RANNEY] the time he yields to me. I will yield my time to that gentleman, and will say only one word on the Pacific railroads' claims. The debt of the Central Pacific, with thirty years' interest, is already approaching the time of maturity and interest will fall due in a very few years. In bringing about a settlement between the Government and the railroad companies we ought to have a care how we put beyond our control the chance of having a set-off, and thus avoid the trouble we now have with the Union Pacific while we have money in hand. In that matter I am in hearty accord with my friend in charge of the bill [Mr. BURNES]. I yield the remainder of my time, if he desires it, to the gentleman from Massachusetts [Mr. RANNEY].

Mr. BURNES. Mr. Speaker, if this bill is presented for consideration later than the members of the House expected or desired, I need only remind them that it is necessarily reserved as the last of the general appropriation bills, and that I am in no way responsible for any delays in the consideration of the other bills which were lying across my pathway.

I believe I have heard no complaint against any particular item of appropriation which this bill contains; the objections, if any, arise from desires to get other items in it which did not meet the approbation of a majority of the committee. Being a deficiency bill, we have looked for law, reason, and equity in every one of its many items of appropriation.

I must express my profound regret that my esteemed colleague on the committee [Mr. CANNON] has allowed himself to become a little disturbed or excited. He has read portions of the report accompanying the bill, and complains of me for not submitting the report to the committee or showing it to him. I certainly intended no discourtesy to the distinguished gentleman, and he is no doubt aware that it has not been the custom to submit these reports formally to the Committee on Appropriations, and as by a vote of the committee, in session, I was instructed to report the bill to the House, it became my duty to write and submit such report as I deemed appropriate.

The report was submitted individually to the members of the committee who prepared the bill, and some others, and it met their approval. It was also substantially the mere statement of facts and conclusions of law presented to the committee. If I failed to show it to my colleague thus complaining, it was because he was known to be opposed to the omission of the provisions to which allusion has been made, and was representing the minority of the committee voting on those provisions. I feel confident he does not feel that I could treat him with unkindness or discourtesy, especially as to matters entirely non-political. I would add that in its preparation and consideration in the committee I have been aided and strengthened at every step by my colleague's advice, wisdom, and experience. The report, which I trust every member of this House will read, I feel justified in saying is indisputably correct, and has the sanction of the majority of the committee. So much for what I may term the unkindness of my friend from Illinois.

Mr. CANNON. I beg the gentleman's pardon. Of course he does not wish to misrepresent me.

Mr. BURNES. I can not yield now.

Mr. Speaker, I do not yield. I do not misrepresent my colleague, but if I should I will correct it in the RECORD or make the *amende honorable* in due time.

Mr. CANNON. Mr. Chairman, this is not the report of the Com-

mittee on Appropriations. It never was submitted to the committee, and never was considered or adopted by the committee.

Mr. STEELE. And it was printed on the 25th of February.

Mr. BURNES. Grant it all. The report was submitted to members of the committee informally, according to the usual custom. My colleague from Maryland [Mr. MCCOMAS] and others, the friends of the bill as it is, agreed to the report. But enough of this, which at best amounts to nothing. The question is not how did the report get here, but are its facts and conclusions correct and in the interest of the Government and the people?

My colleague seems to regard it as necessary to declare himself against repudiation; that question does not arise. I am against every form of repudiation, public or private, but before appropriating to pay any claim I think it the duty of Congress to determine whether it is a just claim or an honest claim, and, further, whether it ought to be paid in money, or, if the claimant be indebted to the Government on other accounts, whether it ought in justice and equity to be set off against so much of such indebtedness. As I would not vote for repudiation, so I would not vote any sum to be paid to any creditor of the Government so long as such creditor was indebted to the Government to the same or a greater amount.

The Central Pacific Railroad Company owes this Government more than $60,000,000 for bonds and money paid by it in interest thereon. This fact is conceded. The Government owes the Central Pacific Railroad Company $2,000,000 or more for transportation. This fact is conceded. Have we not the right to credit the Central Pacific Railroad Company with the $2,000,000 on account, or place that amount to the company's credit in the sinking fund, ready for the final day of settlement, which the people have determined shall come.

But it has been said that the debt of the company to the United States is not due. What of it! The company has had the bonds of the United States for twenty years, and on them we have regularly paid the interest for the benefit of the company, and all on a contract binding the company to repay the great sum thus lent it. Is not that company chargeable with fraud—fraud upon its great creditor. When fraud can be charged successfully, an attachment on a debt not due will be maintained.

Was not a specific act of fraud proven on the floor of this House only a few days ago by the evidence of an honored member as to a specific act of misappropriation of money by the company? In the money thus misappropriated the Government had a specific and lawful interest; to a part of it a clear right. Yet it was taken, if not embezzled, by the company to pay for services on one of the very branch lines claimed by the company as having independent rights, although a leased line, as it is called. If we could rely upon facts and circumstances almost universally believed to be true, every member of this corporation participating in its management and control would be declared by a jury of their countrymen, if a prosecution were instituted, better fitted for the prison-house than for the councils of statesmen.

Sixty million dollars and more justly owing to the United States! Sixty million dollars out of the public Treasury and in the pockets of the managers of the Central Pacific Railroad Company! An admitted debt! A beneficent loan! Whether technically due or not makes no difference. It is a debt. It is in danger. Acts of fraud have been committed and great loss is threatened to the United States. The Government owes the Central Pacific Railroad Company $2,000,000. We propose to owe it until some adjustment of the $60,000,000 due us by the company is secured or a repayment made.

They say they have a judgment. A judgment! There is no judgment. There was a judgment rendered upon kindred claims to the amount of some $22,000 only. But in that suit none of the equities or rights of the United States were necessarily considered. Suit was begun in the Court of Claims. The petition was filed, and was met by a demurrer on the part of the Government. Judgment was entered on demurrer. An appeal was gravely taken to the Supreme Court. Of course the judgment was sustained, properly sustained, as none of the equities of the United States or the frauds of the company were in issue.

What the court would have decided in case the whole of the facts and circumstances had been placed before it in a bill for relief is not for us now to speculate upon or determine. It is sufficient to note that, by the authority of the sovereign people, this Government has the power to do justice and pay this corporation what we owe it, offsetting our claim against theirs. This is the conclusion the committee have reached—the conclusion of justice or right, common sense or public duty.

[Here the hammer fell.]

Mr. WARNER, of Ohio. Before the gentleman takes his seat I wish he would tell us what is the latest date to which the allowances by the various Departments are provided for in this bill.

Mr. BURNES. Up to February 18——

The SPEAKER. The time of the gentleman from Missouri has expired. The question is upon agreeing to the amendments offered by the gentleman from Missouri [Mr. BURNES].

Mr. ADAMS, of Illinois. Mr. Speaker, I ask the gentleman in charge of this bill to allow me to send up and have read an amendment which I supposed was in the bill, but which has probably been omitted by inadvertence.

It is for the completion of a work which was ordered by the last Congress, which is now in progress, and which will be completed by next December if we make this appropriation.

Mr. BURNES. I see no objection to the amendment.

The SPEAKER. Let the amendment be read.

The Clerk read as follows:

To enable the Clerk of the House to continue and complete the index of claims reported to Congress by the Commissioner of Claims under the act of March 3, 1871, and by the Court of Claims under the so-called Bowman act of March 3, 1883, such sum as may be necessary to pay a clerk, from and after March 4, 1887, the same compensation paid per diem to committee clerks; such employment not to extend beyond December 5, 1887.

Mr. DOCKERY. That amendment was directed by the House and should be incorporated in this bill.

Mr. BURNES. Yes. I suggest, however, that it ought not to extend beyond the 30th of June.

Mr. HOLMAN. Does it extend beyond the 30th of June?

The SPEAKER. The amendment provides that the compensation shall not extend beyond the 5th of December next.

Mr. RANDALL. It ought not to extend beyond the 30th of June, because this bill relates only to the current fiscal year.

Mr. DOCKERY. The House has already passed upon this matter.

Mr. RANDALL. I am not contradicting that; but the bill does not extend beyond the current fiscal year.

Mr. DOCKERY. If the provision is not to go beyond the 30th day of June, it may as well not go into the bill at all.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Missouri [Mr. BURNES].

Mr. BURROWS. I desire to ask the gentleman from Missouri whether the amendment which has been sent up proposing to pay $10,750—the Texas matter—has not already been voted on by the House and been rejected.

Mr. BURNES. Yes, sir; it was voted on at the last session.

A MEMBER. It was passed by both Houses—not rejected.

Mr. HARRIS. I ask unanimous consent to have an amendment read to which, if the circumstances are understood, there will be, I think, not a single objection.

The amendment was read, as follows:

Insert after line 1165 the following:
"To pay R. T. Moses for services rendered in the sealing-room during the months of December and Janury of the present session, $142."

Mr. HOLMAN. That is right.

There being no objection, the amendment of Mr. HARRIS was considered and adopted.

Mr. WEAVER, of Iowa. I desire by unanimous consent to ask the gentleman from Missouri a question.

The SPEAKER. The time allowed for debate has expired.

Mr. WEAVER, of Iowa. I wish to know whether there is a specific appropriation in this bill for issuing one and two dollar United States notes.

Mr. BURNES. That amendment has been read from the desk; and I answer my friend from Iowa that there is a provision for that purpose.

Mr. WEAVER, of Iowa. Does it specify one and two dollar United States notes?

Mr. BURNES. One and two dollar United States notes.

Mr. WEAVER, of Iowa. I thank the Committee on Appropriations. There has been a palpable violation of the law during the last year or two, and I wanted to know whether this provision is specific.

The SPEAKER. The question is on the amendment sent to the desk by the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I understand that the gentleman from Michigan [Mr. BURROWS] misunderstood the answer I made a few moments ago. The fact is that the amendment under consideration was passed through this House and also through the Senate at the last session and went into conference, where it got lost in the make-up of the bill. It was passed in the House, I believe, by a yea-and-nay vote.

Mr. WILSON. I ask unanimous consent to offer an amendment of the same character as that just adopted on motion of the gentleman from Georgia [Mr. HARRIS].

The amendment of Mr. WILSON was read, as follows:

After line 1182, insert:
"To pay Maurice Ruddlestone the difference between the pay of laborer at $720 per annum and that of a messenger at the rate of $3.60 per day from July 11, 1886, to June 30, 1887, $583.40."

There being no objection to the amendment of Mr. WILSON, it was agreed to.

Mr. BURROWS. The gentleman from Missouri [Mr. BURNES] stated a few moments ago that this Texas amendment was passed by both Houses at the last session, and was "lost" in conference. How did it get "lost?"

Mr. BURNES. Well, sir, the conferees concluded that, as this provision was in a section which had been amended in other particulars, they had the power to compromise on this item, and leave it out. I will say that I still think the conferees did have that power.

Mr. BURROWS. Did the conferees on the part of the Senate insist on taking it out?

Mr. BURNES. The conferees on the part of the Senate and those on the part of the House preferred, upon investigation, to leave it out. That is all I can say.

Mr. BURROWS. I think that these matters ought to stand on their own merits, and should not be "log-rolled."

The SPEAKER. The question is on the amendment sent to the desk by the gentleman from Missouri [Mr. BURNES] on behalf of the gentleman from Texas [Mr. CRAIN].

The amendment was read, as follows:

On page 15, after line 356, insert the following:
"To pay the claim of the estate of T. J. League, deceased, settlement numbered 5245, certified by the Second Comptroller of the Treasury in House Executive Document No. 22, Forty-ninth Congress, second session, $10,750."

The question being taken on agreeing to the amendment, there were—ayes 65, noes 77.

Mr. CRAIN. No quorum.

Tellers were ordered; and Mr. CRAIN and Mr. BURROWS were appointed.

The House again divided; and the tellers reported—ayes 98, noes 89.

So the amendment was adopted.

The SPEAKER. The question is now upon the motion made by the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill with the amendments which have been read.

The motion was agreed to; there being—ayes 134, noes 23; more than two-thirds voting in the affirmative.

Mr. McCOMAS. I ask, by unanimous consent, that all who desire to print remarks on the deficiency bill, which has just been passed, be permitted to do so.

Mr. JOHNSTON, of North Carolina. I object.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. Mr. Chairman, I offer the following resolution.

The Clerk read as follows:

*Resolved*, That the rules of the House be suspended, and the bill of the House 11028, as amended by the Committee of the Whole, be passed with the following amendments.

Mr. HOLMAN. I ask the second be considered as ordered.

The SPEAKER. Is the reading of the bill dispensed with?

Mr. HENLEY. I object to the second being considered as ordered.

Mr. HOLMAN. The understanding of last evening has been carried out.

Mr. WARNER, of Ohio. Has the bill been reduced in conformity to law?

Mr. HOLMAN. In conformity to the appropriations of the current year.

Mr. BURROWS. I ask the amendments be read.

Mr. HOLMAN. Permit me to say that the bill was read and acted upon up to the forty-seventh page. That much of the bill was acted upon by the Committee of the Whole, and of course that portion of the bill is to be taken as left by the Committee of the Whole. The balance of the bill is left as it is in the law of the current year except in several instances to which I will call attention.

Mr. BURROWS. To facilitate the matter I will suggest to my friend from Indiana he take up each amendment in its order, calling the attention of the committee to the page and letting it be read by the Clerk, and so going through with them.

Mr. HOLMAN. All after the forty-seventh page?

Mr. BURROWS. Yes, all after the forty-seventh page as they have been already gone through with in Committee of the Whole.

Mr. REED. I suggest instead of quarter of an hour we have half an hour for debate on each side.

Mr. HOLMAN. I have no objection to that.

The SPEAKER. Is it considered a second has been ordered? [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. REED. It is understood, then, half an hour on each side is allowed?

There was no objection, and it was so ordered.

The Clerk proceeded with the reading of the bill.

For additional clerical force for the assistant treasurer of New York, $6,400, or so much thereof as may be necessary.

Mr. STEELE. There is an increase there.

Mr. HOLMAN. No; that is the transfer from the sundry bill to this bill. It was not in the last year's bill, but has been transferred to this.

The Clerk read as follows:

Office of assistant treasurer at Saint Louis: For assistant treasurer, $4,500; chief clerk and teller, $2,500; assistant teller, $1,800; book-keeper, $1,500; assistant book-keeper and one clerk, at $1,200 each; messenger, $1,000; three watchmen, at $720 each; in all, $15,360.

Mr. HOLMAN. In line 1198 "$500" is inserted, so it will read "for assistant treasurer, $4,500."

The Clerk read as follows:

Assay office at Helena, Mont.: For salary of assayer in charge, $2,000; melter, $2,000; chief clerk, $1,600; one clerk, $1,400; in all, $7,000.

Mr. HOLMAN. In line 1307 strike out "$2,000" and insert "$2,500;" in line 1308 insert "250;" so it will read "$1,850."

The Clerk read as follows:

For repairs of building, $1,000.

Mr. STEELE. For repairs of building, $1,000, in line 1298 is a new item.

Mr. HOLMAN. It was not in last year, but is put in this year, and is now stricken out.

Mr. TOOLE. In reference to the Territory of Montana, there was a provision that $900 of the amount appropriated should be given for a clerk in the office of the secretary.

Mr. HOLMAN. That was purely temporary. The appropriation applied to that year.

Mr. TOOLE. I understood this was to come up to the current year.

Mr. HOLMAN. But not for a purely temporary office.

Mr. TOOLE. I move to amend the paragraph in that respect.

The SPEAKER *pro tempore* (Mr. McMILLIN in the chair). The bill is not subject to amendments.

Mr. TOOLE. If it is in order I would move the amendments.

The SPEAKER *pro tempore*. It is only in order by unanimous consent. The motion is to suspend the rules and pass the bill with the amendments as indicated.

Mr. HOLMAN. The provision to which the gentleman refers was temporary and paid out of the appropriations for the Territory of Montana for that legislative year.

The Clerk read as follows:

Line 1400 strike out "two" and insert "three;" so it will read "three associate judges" under the heading Territory of New Mexico. In line 1403 strike out "thirteen" and insert "sixteen," in making up the total.

Mr. ROGERS. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. My understanding of the proposition submitted by the gentleman from Indiana was that this unanimous consent was given upon the express understanding that the amendments made in this appropriation bill should conform it to the law of the current year.

Mr. HOLMAN. Yes, sir.

Mr. ROGERS. If that be true, and I do not know, of course, the question raised by my friend from Montana; but if true that the bill does not conform in that respect to the current law, then I think the gentleman from Montana has the right to insist upon his amendment.

Mr. HOLMAN. Let me explain to the gentleman from Arkansas again. That was the item incorporated in the bill of last year, as I have said, and taken from the appropriation for the legislative expenses of the Territories. There are no legislative expenses for the coming year, and I ask unanimous consent that this memorandum which I send to the desk be read as an explanation of that provision.

Mr. ROGERS. The gentleman can not take me off my feet in that way. Let me first make this simple observation: that if the statement of the gentleman from Indiana is not to exclude such corrections as I have indicated; in other words, if the gentleman's suggestion does not exclude those amendments to the text of this bill which will make it conform to the existing law, I have nothing to urge against it.

I do not object in the present case, for I know nothing of the question submitted by the gentleman from Montana; but I do not want the consent given to the gentleman from Indiana to be so broad that when we come to a place where the existing law demands that there shall be a modification of the text of the bill, we shall not have the right to propose it.

Mr. HOLMAN. Certainly not. I ask the Clerk now to read this memorandum.

The Clerk read as follows:

The salaries of officers in Alaska are restored to the sums fixed by the current law; otherwise the Territories are provided for substantially in accordance with the estimates; biennial sessions of Legislatures being provided for where they occur next year, and are omitted where they occurred last year.

The provisions as to Utah under the Edmunds act are made the same as they were in the current law.

Mr. TOOLE. I want to say with reference to the statement of the gentleman from Indiana that the appropriation bill for the current year and always before that, provided for this clerk. But the gentleman from Indiana leaves the impression that because last year was a legislative year, a clerk was then provided but ought not to be now. As a matter of fact the bill presented to this House provides for a clerk; but the result of this arrangement is that the amount appropriated is wholly insufficient and inadequate; and while there is a right to the service of a clerk nominally, he will not have any power to employ one because there is no money out of which he can be paid.

I ask, then, that this sum be specifically appropriated for, thereby providing the actual salary of the clerk. And I ask unanimous consent that it be incorporated in the bill in that way.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman for unanimous consent to move this amendment.

Mr. CANNON. I object for the present; and rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. I demand the regular order for the purpose of proceeding with the bill. As I understand it, this is a motion to suspend the rules and pass the bill. Then by what right is all of this colloquy and conjuring of the bill going on here?

The SPEAKER *pro tempore*. Only by unanimous consent; and if objection is made of course the Chair will direct the Clerk to continue the reading.

Mr. TOWNSHEND. It was done at the instance of the gentleman from Michigan [Mr. BURROWS].

Mr. CANNON. I object to it; and ask for the regular order.

The SPEAKER *pro tempore*. The Chair will state that the present occupant not being in the chair at the time the arrangement was made is unable to say what agreement was reached; but understands, however, that there was some suggestion that the differences should be pointed out as they were reached, thus indicating the corrections.

Mr. PERKINS. It was demanded that the amendments should be read, and as I understand this is the reading of the amendments.

Mr. CANNON. I demand now the regular order under the motion to suspend the rules.

Mr. TOWNSHEND. But that has been modified by a suggestion of the gentleman from Michigan, which was unanimously accepted by the House.

Mr. PERKINS. The motion was to suspend the rules and pass the bill with amendments, and we are having the amendments read, as I understand.

Mr. BURROWS. That is all. It was understood that the amendments were to be read for the information of the House, and when that portion of the bill was reached to which they applied attention was then to be called to the changes made so that we could understand the bill as we proceeded.

The SPEAKER *pro tempore*. The Clerk will proceed to read the amendments.

The Clerk continued the reading of the modifications.

Mr. STEELE. There are several changes in the office of the Quartermaster-General which have not been explained.

Mr. CANNON. I object to discussion.

Mr. STEELE. The understanding was that the bill was to be changed in accordance with the law of the current year. Now, I am calling attention to the fact that in the Quartermaster's Department there are some changes.

Mr. HOLMAN. I trust the gentleman will allow the bill to be read.

Mr. BURROWS. These changes had better be explained as we proceed.

Mr. HOLMAN. Then I trust the time occupied will be allowed to come out of the hour.

Mr. BURROWS. I can not consent to that.

Mr. HOLMAN. What is the suggestion of the gentleman from Indiana?

Mr. STEELE. I say there are changes in the office of the Quartermaster-General which have not been explained.

Mr. HOLMAN. I can tell the gentleman in a moment. These changes were all made on the express request of the Quartermaster-General himself.

Mr. TOWNSHEND. That is correct.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the amendments.

Mr. CANNON. I demand the regular order.

The SPEAKER *pro tempore*. The regular order being demanded, the Chair will direct the reading of the bill, unless, as the Chair is informed, an agreement was entered into when the present occupant was not in the chair which modified that order, and, if so, the Chair would be glad to be informed.

Mr. TOWNSHEND. There was a modification [illegible]

Mr. BURROWS. Mr. Speaker, I made the proposition that these amendments be taken up in their order, and that the gentleman from Indiana should as they were read if there was any question about any amendment give an explanation, so that we could understand it, but without debate, and that we should go through all the amendments in that way. And that was agreed to on all hands.

Mr. HOLMAN. Just one moment. The law of the current year has been simply copied into this bill except in some few cases to which I will call attention when the reading is through.

Mr. STEELE. The proviso which was in the bill for the current year prohibiting printing in the Surgeon-General's Office has been stricken out, and does not appear in this bill.

Mr. HOLMAN. That proviso is the permanent law.

Mr. ROGERS. I insist upon the agreement which was understood by the whole House being carried out, that the gentleman from Indiana should, as the reading progresses, point out the differences, and that the time for debate should be extended half an hour.

The SPEAKER *pro tempore*. The Chair is informed that the request was submitted by the then occupant of the chair, and no objection was made to it. The present occupant will be constrained to carry out the agreement.

Mr. CANNON. What was the agreement?

The SPEAKER *pro tempore*. That when the amendments are read by the Clerk, if there is a variance between the existing appropriation law and the bill as reported by the House, the gentleman from Indiana is to be permitted to explain the difference.

Mr. STEELE. But if he fails to call attention to any point in the bill where there is a change are we to sit by and let him go on without asking for an explanation?

The SPEAKER *pro tempore*. The Chair thinks a gentleman would in the case supposed have a right to call the attention of the gentleman from Indiana to that fact.

Mr. STEELE. And that is precisely what I am calling attention to.

The SPEAKER *pro tempore*. But the agreement as to explanation and debate would, as the Chair is informed by the Clerk, only attach to the amendments offered by the committee or by the gentleman having the bill in charge.

Mr. STEELE. If the gentleman fails to amend this bill so as to make it conform to the current appropriation law are we to sit by and let him go ahead?

Mr. BURROWS. The whole basis of this agreement was the statement of the gentleman from Indiana that this bill from page 47 conformed with existing law. Upon that statement this agreement was entered into. Now, if, as we go over the bill, it appears that the statement of the gentleman from Indiana is erroneous we have a right to call attention to that fact.

Mr. TOWNSHEND. Did not the gentleman from Indiana state there were some few changes from the existing law?

Mr. HALL. I desire to make a suggestion in the form of a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HALL. While the gentleman in charge of the bill has the right by an amendment to make this bill conform to existing law, the agreement entered into can not take away from the House the power to control and correct and make the amendments what they should be. My point, in other words, is that the recommendation of the gentleman, while it may point out and call attention of the House to what should be done, is not conclusive on the House.

Mr. STEELE. We have not yet had any explanation why the proviso I refer to has been stricken out.

Mr. HOLMAN. If the gentleman will allow it to be read I will give the explanation he desires.

Mr. STEELE. The proviso will be found in the legislative bill for the current year, on page 194 of the Statutes at Large.

Mr. HOLMAN. My colleague will notice this fact. There was a proviso added to the paragraph appropriating for the office of the Surgeon-General in the following words:

*Provided*, That hereafter no printing shall be done in the Surgeon-General's Office, and all printing for said office shall be done by the Public Printer, and charged to the appropriations made by law applicable to such service.

My friend wants that repeated in this bill. I suggest to him that that is made permanent law.

Mr. HENLEY. It is the law now.

Mr. HOLMAN. The proviso is that "hereafter the printing," &c. That is permanent law.

The Clerk read the next amendment, as follows:

In line 1672 strike out "$1,200" and insert "$1,000," so as to read: "For medical dispensary, Surgeon-General's Office, $1,000."

Mr. HOLMAN. That makes it conform to the appropriation for the current year.

The Clerk read the next amendment, as follows:

In line 1676, after the word "office," where it first occurs, insert "Commissary-General's Office."

Mr. HOLMAN. I want to explain that there some change was made as regards the rent of offices for the reason that the west wing of the State, War, and Navy Departments building will soon be completed, and this bill necessarily provides for the transfer of most of the War Department officials into that building. That of course makes some change in the aggregate amount to be appropriated for renting offices.

The Clerk read the following amendments:

In line 1682 correct the total by inserting "$25,675."

Strike out lines 1721, 1722, and 1723, namely, these words:

"For one day watchman for South Carolina Avenue reservation, Folger Square, and adjacent reservations, $660."

Mr. HOLMAN. That clause is stricken out for the reason that it is not contained in the current law.

Mr. LEHLBACH. I ask unanimous consent to offer an amendment at this part of the bill.

The Clerk read the proposed amendment, as follows:

Amend line 1729, on page 71, as follows: Strike out the words "one thousand two hundred" and insert in lieu thereof the words "one thousand four hundred;" also, in line 1730, same page, strike out the words "one thousand" and insert in lieu thereof the words "one thousand two hundred;" also, in line 1736, insert the following after the word "firemen:" "$900 each;" also, in lines 1739 and 1740, strike out the words "eighty-nine thousand nine hundred and twenty" and insert in lieu thereof the words "ninety-four thousand three hundred and eighty."

Mr. HOLMAN. I can not consent to that.

The Clerk continued the reading of the amendments, as follows:

In line 1831 strike out "Norfolk."
In line 1837 strike out "$7,500" and insert "$5,000."

Mr. HOLMAN. Norfolk is not in the present law, and is therefore omitted from this bill.

Mr. JAMES. Mr. Speaker, will there be an opportunity to offer amendments to this bill?

The SPEAKER. No amendment can now be offered except by unimous consent.

Mr. JAMES. But at a later time?

The SPEAKER. At any time. The gentleman from Indiana [Mr. HOLMAN] has moved to suspend the rules and pass the bill.

Mr. FINDLAY. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FINDLAY. I would like to know whether these amendments proposed by the gentleman from Indiana [Mr. HOLMAN] having charge of this bill are not subject to debate at this time?

The SPEAKER. After the amendments have been read there would be, under the rules of the House, thirty minutes for debate; but it has been agreed that there shall be one hour for debate, thirty minutes on each side.

Mr. FINDLAY. I desire to say that the appropriation made here——

The SPEAKER. Debate will be in order after the amendments are read.

Mr. NELSON. Mr. Speaker, are we not entitled to have the bill read as the committee propose to amend it?

The SPEAKER. That would have been in order under the rules; but by an agreement on the floor it was arranged that the amendments which are proposed should be read for the information of the House, and that that portion of the bill which is not changed by the amendments should not be read.

Mr. NELSON. Well, I simply desire to hear the amendments read.

The Clerk continued the reading, as follows:

In line 1875 strike out "one clerk of class 3."
In line 1876 strike out where it first occurs, "one clerk," and insert "two clerks of class 2."
Also correct the total in line 1881 by striking out "six" and inserting "four."
In line 1901 strike out "$500" and insert "$1,000."
In line 1921, after the word each, insert "two special inspectors connected with the administration of the public-lands service, to be appointed by the Secretary of the Interior, and to be subject to his direction, at $2,500 each."

Mr. HOLMAN. I wish to say to the House that these two inspectors were first provided for by the law of the current year at salaries of $2,500 each. They were omitted in the first place from this bill, but were afterwards restored, and of course they are restored under the understanding.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent to insert, in line 1919, after the word "appeals," the words "whose opinions shall be filed in the case."

Mr. TOWNSHEND. That is right, and I hope the gentleman in charge of the bill will not object to it.

Mr. HOLMAN. I think that amendment is entirely proper.

Mr. BLANCHARD. I desire to ask the gentleman from Iowa [Mr. HEPBURN] if it is not the fact now that these opinions are reduced to writing in every instance?

Mr. HEPBURN. They are; but when they go to the Secretary or the Assistant Secretary he may throw them into the waste-basket when he has done with them. All I desire is that they shall be filed in each case and preserved as a part of the record.

Mr. BLANCHARD. But in every instance they are now required to be in writing?

Mr. HEPBURN. That is my understanding.

Mr. BLANCHARD. Then I do not object.

The amendment was agreed to.

Mr. STEELE. Mr. Speaker, in line 1940 in the current law there are twelve laborers provided for, but I see there are thirteen in this bill.

Mr. HOLMAN. Well, if there is an additional laborer here it is owing to an inadvertence, and I hope my friend will take no exception to it. I think, however, it will be found that there is merely a transfer.

The SPEAKER. The Clerk will proceed with the reading of the amendments.

The Clerk read as follows:

In line 1951 strike out "seventy" and insert "seventy-five."
In line 1952 insert the following:
"For per diem in lieu of subsistence of two special inspectors connected with the administration of the public land service, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 a day, and for actual necessary expenses of transportation, $5,000; to be expended under the direction of the Secretary of the Interior."

Mr. HOLMAN. That is necessary. It is the same as the present law.

The Clerk read as follows:

In line 1956 strike out "seven clerks" and insert "five clerks."

Mr. HOLMAN. That amendment is in accordance with the current law.

Mr. PERKINS. Mr. Speaker, I hope the House will consent that instead of the number of clerks being reduced to conform to the existing law it shall be increased to meet the requirements of the office. I suggest to the gentleman from Indiana [Mr. HOLMAN] that he ask unanimous consent to that effect.

Mr. HOLMAN. There was no objection to giving them seven clerks, but we simply made the bill conform to the present law. If the House has no objection to increasing the number to seven I have none. I think seven is the proper number, and I now ask unanimous consent that seven be the number.

Mr. PERKINS. But we want more than that. I am informed that the Secretary of the Interior desires eleven clerks for that duty instead of five.

Mr. TOWNSHEND. That is correct. He ought to have them.

Mr. PERKINS. I ask unanimous consent that the number be made eleven.

Mr. CABELL. I object.

The SPEAKER. Objection is made. Is there objection to the request for unanimous consent to strike out "five" and insert "seven?"

Mr. PERKINS. I hope the gentleman will permit me to state the reasons why I desire this amendment.

Mr. RANDALL. I object to inserting "eleven," but not to inserting "seven."

The SPEAKER. Is there objection to the request to insert "seven?" The Chair hears none; and that amendment is made. The Clerk will correct the summing up.

The Clerk continued the reading.

Mr. MATSON. In lines 2047 and 2048 the words "and traveling" should be struck out so as to conform to the existing law. The present law reads "when absent from home on duty."

Mr. HOLMAN. That is right.

The SPEAKER. If there be no objection the words "and traveling" will be struck out.

Mr. SPRINGER. I desire to have the clause read as it will stand if amended.

The SPEAKER. The clause as proposed to be amended will read:

For per diem when absent from home on duty outside the District of Columbia.

Mr. MATSON. The committee strikes out the words "outside the District of Columbia."

The SPEAKER. The Chair did not so understand. The Chair understood that only the words "and traveling" were to be struck out.

Mr. WEAVER, of Iowa. Also the words "outside the District of Columbia," because those are not in the existing law.

Mr. TOWNSHEND. The words "outside the District of Columbia" should be struck out.

The SPEAKER. Is it agreed to strike out those words?

Mr. CANNON. No, sir.

Mr. TOWNSHEND. By striking out those words we conform to the existing law.

Mr. CANNON. I do not care if we do. I will not agree to anything which will give these men a per diem while here in this city.

Mr. TOWNSHEND. You have already agreed to conform to the existing law.

Mr. HOLMAN. The clause should read:

For per diem when absent from home on duty.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] objects to the amendment which proposes to strike out the words "outside the District of Columbia."

Mr. TOWNSHEND. But he can not object under the arrangement.

The SPEAKER. He can object, because this is a motion to suspend the rules and pass the bill with certain amendments, and this amendment is not included in the motion.

Mr. TOWNSHEND. But the motion is that the bill shall conform to the present law.

The SPEAKER. When was that understood?

Mr. TOWNSHEND. When the motion was first made that was the understanding.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] sent up a specific proposition to suspend the rules and pass the bill with certain amendments.

Mr. TOWNSHEND. And his motion includes the striking out of this language.

The SPEAKER. The Chair does not so understand.

Mr. TOWNSHEND. He so stated a while ago.

The SPEAKER. The motion as sent to the desk does not so show.

Mr. TOWNSHEND. The bill as now proposed to be passed has been framed to conform to the present law; and these words are not in the present law.

The SPEAKER. That may be so; but the Chair can only take what is before the House.

Mr. HOLMAN. Mr. Speaker, the amendment as intended to be sent up—and if it does not so appear there is simply a clerical error—was designed to make this paragraph read as follows:

For per diem, when absent from home on duty, &c.

Mr. TOWNSHEND. That is correct.
Mr. MATSON. That is the law as it is.
The SPEAKER. Does the gentlemen from Indiana state that in the bill which he sent up he proposed to strike out the words "outside the District of Columbia?"
Mr. HOLMAN. Yes, sir; to make it read "for per diem when absent from home on duty."
Mr. CANNON. I hope that will not be done.
Mr. TOWNSHEND. But it is already done.
Mr. HOLMAN. That simply makes the clause conform to the law, according to the understanding. We can not vary from the understanding.
Mr. CANNON. Well, you are getting in under this "understanding" many objectionable things that can not be defended on the floor.
Mr. HOLMAN. But by the understanding we must make the bill conform to the existing law.
The Clerk proceeding to read, read the following:

In lines 2065 and 2066 strike out "outside the District of Columbia."

Mr. BLANCHARD. In lines 2065 and 2066, the words——
Mr. CANNON. I think there was a misunderstanding in regard to this matter.
The SPEAKER. Gentlemen will suspend for a moment. The Chair finds on examination that in the bill actually sent up by the gentleman from Indiana, in connection with the motion to suspend the rules, lines are drawn through the words "outside the District of Columbia."
Mr. TOWNSHEND. That is correct.
The SPEAKER. Hence that amendment is included in the motion to suspend the rules.
Mr. TOWNSHEND. That conforms to the present law.
Mr. HOLMAN. The words intended to be stricken out and inserted are these——
Mr. BLANCHARD. I thought the Speaker recognized me.
The SPEAKER. The gentleman from Indiana has charge of the bill.
Mr. HOLMAN. The words in the bill as reported to the House were "while absent from home and traveling on duty outside of the District of Columbia."
The SPEAKER. That has been disposed of, and the House is at another place.
Mr. HOLMAN. The words intended to be stricken out as sent to the Clerk's desk are "outside of the District of Columbia."
The SPEAKER. That has already been done.
Mr. BLANCHARD. The gentleman from Indiana moved that in lines 2065 and 2066 the words "traveling on duty outside of the District of Columbia" be stricken out, because they are not in the current law. The words "absent from home" have not been asked to be stricken out, although they are not in the current law. I ask they be included.
Mr. HOLMAN. What words are those?
Mr. BLANCHARD. "Absent from home."
Mr. HOLMAN. That language is in the present law.
Mr. BLANCHARD. I beg pardon.
Mr. HOLMAN. I will read:

Per diem when absent from home on duty.

The SPEAKER. The committee propose to strike out after the word "traveling."
Mr. BLANCHARD. The Speaker does not understand me. The words "absent from home" are not in the current law.
Mr. HOLMAN. Those words are not proposed to be stricken out.
Mr. BLANCHARD. I ask they be stricken out, as they are not in the current law.
The SPEAKER. Is there objection?
Mr. CANNON. I object.
Mr. BLANCHARD. I understood the gentleman from Indiana had brought in a bill which was to conform to existing law. That was what the gentleman from Indiana said to be his purpose.
The SPEAKER. The Chair can not be governed by what the gentleman from Indiana said was his purpose. He must be governed by the bill presented to the House, and that bill which he has sent up includes those words.
Mr. HOLMAN. If I can be permitted to have one minute I will make a statement. I admit the words to be stricken out are "while absent from home and traveling on duty outside of the District of Columbia." But the truth is, the language of the law, when it comes to be examined carefully, is "while traveling on duty." Inasmuch as the effort has been made for many hours to get the exact language of the present statute, I ask, by unanimous consent, the words "while traveling on duty" be inserted.
Mr. BLANCHARD. They are in the law.
Mr. CUTCHEON. "While traveling on duty."
Mr. HOLMAN. The words "traveling on duty" have been struck out, and now if we will strike out the words "outside of the District of Columbia" it will conform to existing law.
The SPEAKER. Is there objection?
There was no objection, and it was so ordered.
Mr. TOWNSHEND. I ask what languaage has been struck out?
The SPEAKER. The gentleman from Indiana has stated it. The Clerk will proceed with the reading of the amendments.
Mr. STEELE. I notice there is a change in line 2092.
Mr. HOLMAN. I will state the bill is exactly in accordance with the estimates submitted by the Secretary of the Interior.
Mr. STEELE. Under the heading of United States Patent Office you have cut off three copyists.
Mr. HOLMAN. Yes, there are some little increase and some little decreases.
The Clerk proceeded to read the amendments.
Mr. STEELE. Mr. Speaker, in line 2232 I see that there is a decrease of $7,000 for stationery in the Department of the Interior, including the civil service, &c.
Mr. RANDALL. The law heretofore provided that the Interior Department should supply the necessary stationery for the Civil Service Commission. It is changed in this provision.
Mr. HOLMAN. They are all combined here together in one item, in place of being separated, as heretofore.
The SPEAKER. The Clerk will proceed with the reading.
Mr. HOLMAN. Inasmuch as the surveyors-general and their clerks, beginning with line 2251 of the bill and going down to and including line 2367, are to be entirely stricken out and the provisions of the bill of the current year inserted without modification or change, I ask unanimous consent that the reading be dispensed with.
Mr. BLANCHARD. I object.
The SPEAKER. Then the Clerk will read the amendment.
The Clerk proceeded to read the amendment.
When the office of surveyor-general of the Territory of Montana was reached,
Mr. TOOLE. I ask unanimous consent to make an amendment to this paragraph. I want to strike out the amount fixed here and insert another amount and make provision for a clerk. [Cries of "Regular order!"] And I think if the House will permit me to make a brief explanation there will be no objection to the request.
Mr. HOLMAN. I have no objection to the gentleman's making a statement, but I do object to an increase of this item.
Mr. CANNON. How long does the gentleman want?
Mr. TOOLE. Not exceeding three minutes.
The SPEAKER. Is there objection to the gentleman's being heard for three minutes? [Cries of "Regular order!"] The Clerk will proceed with the reading.
When the Clerk reached the provision making appropriations for the office of surveyor-general of Nevada,
Mr. MORROW. The present law provides $2,500 for Nevada.
Mr. HOLMAN. That is a mistake; there is a clerical error in the bill which the gentleman holds in his hands.
Mr. TOWNSHEND. The present law is only $1,800.
Mr. HOLMAN. That is correct.
The Clerk proceeded to read the amendments.
When the provision for the office of the surveyor-general of Oregon was reached,
Mr. HERMANN. Mr. Speaker, by the Revised Statutes, section 2209, it is provided that the surveyors-general of Oregon and Washington shall each receive a salary of $2,500 per annum. I understand, according to the arrangement under which the House is now operating, and which the Speaker will recognize, it is provided that these appropriations we are considering shall conform to existing law. The amount that I have specified for these salaries is the existing law, and I ask the gentleman from Indiana why the salary of these officials has not been restored to what the law requires.
Mr. HOLMAN. The gentleman has the statute before him. For surveyor-general of Oregon, $1,800. That is the current law we are acting upon.
Mr. HERMANN. That is the language of the appropriation bill of last year.
Mr. HOLMAN. Yes, sir; the current year.
Mr. HERMANN. I understand the rule to be that the appropriation should conform to the existing law.
Mr. HOLMAN. No, sir; to the current law; the bill of the current year.
Mr. STEELE. Regular order.
Mr. HENLEY. There was a provision in the bill reported by the Committee on Appropriations originally, by which the offices of the surveyors-general of California and Nevada were consolidated. I presume that is eliminated under the agreement?
Mr. HOLMAN. Of course; the law of last year is restored.
The Clerk read as follows:

Superintendent of free delivery, $2,500.

Mr. CANNON. I ask unanimous consent that this amendment may be made to conform to the provision of the bill as reported, and make this salary $3,000.
Mr. HOLMAN. There is an elimination of every increase, as the gentleman will see, and I will be compelled to object.

Mr. CANNON. I know; but I am endeavoring to do this by unanimous consent.

Mr. HOLMAN. But the gentleman must see that if I accord this privilege in one case it will be expected in all others.

Mr. HALL. Owing to the confusion it is impossible to ascertain what the amendment of the gentleman from Indiana is.

Mr. HOLMAN. The reference here is to the office of the First Assistant Postmaster-General, and the point in controversy is as to the compensation of the superintendent of the free delivery.

Mr. HALL. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HALL. I make the point of order that under the arrangement by which we are proceeding the mere suggestion of the gentleman who has charge of the bill does not control the House, nor does not deprive the members of the right to be heard on that which is supposed to be existing law.

The SPEAKER. The gentleman from Indiana is not controlling the House by virtue of his right as a member, but has introduced a motion which is pending, to suspend the rules and pass this bill with certain amendments. Those amendments are being read, and no other amendment can now be offered except by unanimous consent. But debate will be had upon the bill for one hour after the reading of the amendments.

Mr. HALL. I understand that arrangement had not been made.

The SPEAKER. There is no arrangement about it. The gentleman moves to suspend the rules and pass the bill.

Mr. HALL. The agreement under which the motion to suspend the rules was made was that the gentleman from Indiana would have the right to point out to the House, for the purpose of amendment, those points where the present bill does not conform to the last appropriation bill, and only a few moments ago the question was raised on another point of order that the arrangement under which the gentleman submitted his motion to suspend the rules did not deprive the House of the control of these amendments.

The SPEAKER. The Chair has no information of such an arrangement.

Mr. HALL. What I want to call the attention of the Chair to is that there is an arrangement which will be conceded by the gentleman from Indiana himself.

The SPEAKER. But the gentleman from Indiana has a motion pending, which was sent to the Clerk's desk, in the nature of a resolution to suspend the rules and pass the bill with certain amendments, and that is the only question before the House.

Mr. HALL. I appeal to the gentleman from Indiana to say if what I stated was not acceded to by him.

Mr. HOLMAN. I do not quite see the point my friend wishes to make. What does he wish to do?

Mr. HALL. I insist that this proposed amendment of this bill to make it conform to the last appropriation act is not in accordance with the laws which relate to and apply to the superintendent of the carrier system.

Mr. HOLMAN. Last night it was understood this bill should be made to conform to the present appropriation law.

Mr. HALL. I appeal to the record, which will show that that arrangement was not made. The gentleman from California [Mr. HENLEY] rose and insisted that instead of the bill being made to conform to the current appropriation act it should be made to conform to existing law, to the permanent statutes; and that was acceded to.

The SPEAKER. If there has been any understanding on the floor in regard to that matter the Chair knows nothing of it; and if the gentleman from Indiana is not carrying out any understanding which was entered into it is in the power of the House to refuse to pass the bill. Meanwhile the Chair can not entertain motions to amend under a motion to suspend the rules.

Mr. HALL. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. HALL. It is whether the proposition coming from the gentleman from Indiana is not in the nature of an amendment to amend the bill reported by the Appropriations Committee so as to make it conform to what he supposes to be the existing appropriation law.

The SPEAKER. The Chair does not know what the gentleman from Indiana supposes. But that gentleman has offered a resolution to suspend the rules and pass the bill with certain specific amendments. Those are the only amendments before the House, and the only ones that can come before the House without unanimous consent.

Mr. HALL. I ask unanimous consent that the amount provided by the bill reported by the Appropriations Committee unanimously, allowing a salary of $3,000 to the Superintendent of the Free Delivery, may be allowed to stand.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the sum of $3,000 be inserted. Is there objection?

Mr. HOLMAN. I can not consent to that.

Several members called for the regular order.

The Clerk read the next amendment, as follows:

In line 2400 strike out in the total, "$111,900," and insert "$110,900."

Mr. STEELE. I find at line 2398 there is a difference from the current law in which provision is made for one clerk of class 2, two clerks of class 1, and six clerks at $1,000 each. Those have been left out, and at that point in this bill provision is made for two clerks at $900 each.

Mr. HOLMAN. Those changes were made in conformity with the recommendations of the Post-Office Department.

Mr. STEELE. I notice that in line 2420 the word "female" after the word "two" is omitted, so that it now reads "two clerks" instead of "two female clerks," as it was in the bill of last year.

Mr. HOLMAN. I have no objection to the restoration of that word, although its omission was by recommendation of the Department.

Mr. STEELE. I ask unanimous consent to insert the word "female."

The SPEAKER. Is there objection? The Chair hears none.

Mr. BARRY. I ask unanimous consent in line 2404 to strike out $2,000 and insert $2,500; so that it will read:

Chief of division of inspection, $2,500.

Mr. HOLMAN. I can not consent to that.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed the bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes.

The message also announced that the Senate insisted on its amendments to the bill (H. R. 10912) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as managers of the conference on the part of the Senate Mr. MAHONE, Mr. PLUMB, and Mr. CALL.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States communicated to the House by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes;

An act (H. R. 6312) for the relief of James M. Grisby;

An act (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio;

An act (H. R. 8597) for the relief of Henry Neal;

An act (H. R. 1741) for the relief of William E. Bond;

An act (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased;

An act (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service;

An act (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the great Kanawha Valley, State of West Virginia;

An act (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes;

An act (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Fort Whipple Barracks Military Reservation in Arizona;

An act (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military reservation;

An act (H. R. 9446) for the relief of Robert W. Spang;

An act (H. R. 10353) for the relief of Andrew J. Edgerly;

An act (H. R. 228) for the relief of James Roach;

An act (H. R. 7996) for the relief of William J. Mulvey;

An act (H. R. 1173) to correct the record of Capt. Edmund G. Fechét;

An act (H. R. 2998) granting a pension to Henry Mericle;

An act (H. R. 6027) granting a pension to William McFadden;

An act (H. R. 6952) granting a pension to Charles Riddle;

An act (H. R. 8485) granting a pension to Isaac Askie;

An act (H. R. 10473) granting a pension to William Reddick;

An act (H. R. 10795) granting a pension to Elenor C. Ransom;

An act (H. R. 5345) for the relief of Mary J. Gilbert;

An act (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives;

An act (H. R. 7209) to authorize the construction of a graveled road to the Richmond National Cemetery, near Richmond, Va.;

An act (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.;

An act (H. R. 6764) to provide for holding terms of United States courts at Vicksburg, Miss.;

An act (H. R. 5652) for the relief of James W. Goodrich;

An act (H. R. 4535) granting a pension to Adeliza Perry; and
An act (H. R. 10804) to effect a rearrangement of grades of officers in the Adjutant-General's Department of the Army.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Clerk contlnued the reading of the amendments, as follows:

In line 2428 strike out "four," where it last occurs, and insert "eight."
In line 2435 strike out "twenty-five hundred" and insert "three thousand."
In line 2440 correct the total, striking out "four" and inserting "nine."

Mr. STEELE. Mr. Speaker, in line 2429, by some oversight last year, after the words "fifty-two," the word "female" was stricken out. I ask unanimous consent that that be restored.

Mr. CROXTON. I object.

The Clerk read as follows:

In line 2473 strike out "two" and "fifty" and insert "one;" so that it will read two thousand one hundred.
In line 2490 strike out "two" and "seventy" and insert "one" and "twenty," making the total twenty-two thousand one hundred and twenty.
In lines 2541 and 2542 strike out "one assistant attorney in the Court of Claims, $2,000."
In line 2553, after the words "one thousand," insert the words "two hundred." Correct the total in line 2557.
In line 2621, after the word "dollars," insert "one clerk, $1,200."

Mr. STEELE. I notice that there are some changes in the office of the Solicitor of the Treasury. Last year there were four clerks of class 4——

Mr. HOLMAN. The change was made at the suggestion of the Solicitor of the Treasury.

The Clerk resumed the reading, as follows:

And, in lieu of the sum proposed in lines 2621 and 2622, insert "$30,040."

The SPEAKER. This completes the reading of the amendments.

Mr. WARNER, of Ohio. Mr. Speaker, I desire to withdraw the point of order I made last night to two items on page 39. I wish to let them stand as they are now in the bill.

The SPEAKER. There is no point of order pending.

Mr. WARNER, of Ohio. I made one last night.

The SPEAKER. That was in Committee of the Whole, and on another bill.

Mr. WARNER, of Ohio. Well, I ask unanimous consent that the point of order made by myself may be withdrawn.

The SPEAKER. There is no point of order pending.

Mr. WARNER, of Ohio. Then I ask unanimous consent that the items on page 39 to which the point applied be left to stand as they are now in the bill—the salaries of the examiner and the computer.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] asks unanimous consent to insert——

Mr. HOLMAN. I think the law had better be followed.

The SPEAKER. Objection is made.

Mr. DINGLEY. Mr. Speaker, I wish to call attention to a clerical omission. In line 903 the word "deputy" is omitted, and I ask unanimous consent that it be inserted.

The SPEAKER. Those words were stricken out in the Committee of the Whole, and the gentleman from Indiana [Mr. HOLMAN] has conformed the bill as he now offers it to that action of the committee. Under the arrangement heretofore made one hour will be allowed for debate, thirty minutes in support of the motion of the gentleman from Indiana [Mr. HOLMAN] and thirty minutes in opposition to it. The Chair will recognize the gentleman from Indiana [Mr. HOLMAN] to control the time in support of the motion, and the gentleman from Illinois [Mr. CANNON] to control the time in opposition.

Mr. HOLMAN. Mr. Speaker, all that I desire in the way of debate is to have the statement read which I send to the desk. It is a very condensed statement of the changes made in the bill after the forty-seventh page, up to which, of course, the House is fully informed of the contents of the bill, and I trust that as the statement is read gentlemen will notice the exact effect of the changes.

The statement was read, as follows:

The changes on page 63 are in accordance with the wishes of General Holabird, the Quartermaster-General.
The changes appearing on pages 67, 68, and 69, relating to the contingent expenses of the War Department, furniture for the new west and center wings of the State, War, and Navy Building, the occupancy of said wings and for rent of buildings for the War Department offices are essential to be made consequent upon the completion of the building.
The increase from $34,000 to $35,000 on account of fuel, lights, repairs, &c., on page 71, for the State, War, and Navy Building, is neccessary in order to make some needed repairs of the Winder Building.
The reduction from $10,000 to $7,000 on account of United States maps, on page 81, is in accordance with the estimates. The changes as to the Patent Office are in accordance with the estimates, except the increase of the Assistant Commissioner's salary, which is stricken out.
On page 84 provision is made for additional clerks at pension agencies to the amount of $12,000, and for contingencies at said agencies $3,000. These increases are incident to the passage of the Mexican pension bill.

[Cries of "Vote!" "Vote!"]

Mr. CUTCHEON. I ask unanimous consent to offer an amendment, which I send to the desk to be read. It comes in on page 61, and relates to the Adjutant-General's Office.

The amendment was read, as follows:

In line 1,490 strike out "twenty-five" and insert "twenty-seven."
In line 1,491 strike out "thirty-five" and insert "thirty-nine."
In line 1,491 strike out "sixty-nine" and insert "seventy-five."
In line 1,492 strike out "fifty-nine" and insert "sixty-two."
In line 1,495 strike out "three" and insert "thirty-seven."

Mr. HOLMAN. Mr. Speaker, the Committee on Appropriations had a long interview with the Adjutant-General, and the provisions of the bill were satisfactory to him.

Mr. CUTCHEON. Mr. Speaker, I would like to have read a telegram received from the Adjutant-General's Office. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The gentleman from Illinois [Mr. CANNON] will proceed.

Mr. CANNON. I yield to the gentleman from New York [Mr. PARKER.]

Mr. PARKER. Mr. Speaker, the gentleman from Iowa [Mr. HENDERSON] made a motion last night to amend the bill in line 1076 so as to increase the appropriation for the expenses of enforcing the oleomargarine law, and, under the agreement, he understood that he was to have a vote in the House on that question to-day. In his behalf, I desire now to offer that amendment.

Mr. MILLS. I object.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1888, and for other purposes; when the Speaker signed the same.

LEGISLATIVE APPROPRIATION BILL.

The House resumed the consideration of the motion of Mr. HOLMAN to suspend the rules and pass with amendments the legislative appropriation bill.

Mr. CANNON. Mr. Speaker, I wish to occupy only a short time, and shall then yield to two or three gentlemen who desire to submit a few remarks upon this bill.

Under the Constitution the House originates revenue bills, and it has always claimed the power and the right, as a valuable one belonging to the direct representatives of the people, to originate the general appropriation bills; and I think rightfully so. Coming as we do every alternate year from the great body of the people, representing directly their desires and needs, it is right and proper that we should originate these bills, varying as the public service does from year to year, not only as to the clerical service in the Departments but the service throughout the length and breadth of our extended country that comes home to the people through the Post-Office Department, the Treasury, and all the other Departments by which the interests of sixty million people are affected.

Having said that much, I wish to say that this House by the passage of this bill in the form proposed throws aside voluntarily and studiously its power; because for now almost a day the yearning desire of members of this House has been, not to appropriate in this great bill according to the necessities of the Government, variable as they are, but to inquire what was done last year for the service of the present year, and to bring the service of the present year down to that standard. In other words, we propose now, under a suspension of the rules, with limited debate, to abdicate our power and present this bill to the Senate with our compliments, saying "We have shorn ourselves of our legitimate power under the Constitution and the traditions of the Government; and we send you a mere proposition to continue the service of the Government for another year as it is this year; please be kind enough, in the two days that are left, to take it up, digest it, change it, and make it as it ought to be; and then we shall be prepared to meekly bow the head and bend the back and accept your suggestions; you are wiser than we." That is the position in which this House practically places itself.

What folly to have taken two days in the consideration of the bill, and wandered through 107 pages—to do what? Literally, in this multitude of words in 107 pages, to do what could be done in five lines—to provide that the service of next year shall be as the service of this year. That is all there is of it. And it is, I undertake to say, not praiseworthy, but wasteful and extravagant to spread a great act like that *in extenso* among the session laws.

Why is this thing in this shape? I think I know some reasons why. Because in this House the great majority on the other side, with its divided leadership and its inefficiency, has not the cohesion and the power to originate and press to a successful conclusion this bill. And we stand confessing it before the country.

What next? In the bill as reported from the committee there are various propositions. I recollect that the Committee on Appropriations was empowered by instruction of the House, *aliunde* the rules, to inquire touching the abolition of certain officers in the Territories and States—the surveyors-general. There was one of these officers down in Florida, although there are no lands there to be surveyed, in fact, be-

longing to the United States, the State being entitled to every acre of land unsurveyed under the swamp act; one in Louisiana—fifteen of them altogether, scattered in all parts of the country.

The estimate for that service is $132,000, though, perhaps, with the exception of the States of California and Colorado and the Territory of New Mexico, there is no use at all for these officers, even if there is in those excepted places. Under that authority, the Committee on Appropriations provided in this bill for the abolition of these fifteen places, the estimated cost of which is $132,000 a year. But there comes the cry of the lateness of the session, the cry that we might, in passing this bill, merely repeat the current law; and under that pressure this motion to suspend the rules that proper reduction and needed reform are taken out of the bill. Why? Was it necessary? I say no. The amount expended last year in the survey of the public lands under contracts which were let by these fifteen surveyors-general was $4,000. That is the value of the work performed by your $132,000 worth of office-holders, fifteen in number, supplemented by a corps of clerks and other officers scattered throughout the length and breadth of the land. What has been the actual expenditure for this work during the present year? As I recollect, about $13,000.

All this great machinery to do a specific work, all this expense being incurred, yet the work not being done! I want you of the majority to take the consequences of your act. I think much of the opposition and much of the delay in the consideration of this bill was to try to get the matter in such a shape somehow or other that you could retain that patronage and let your fifteen Democratic office-holders with a corps of clerks, &c., scattered throughout the different States and Territories still suck the public teat, still fold their arms and do nothing for another year but draw their salaries.

Now, Mr. Chairman, I propose to yield to several gentlemen. How much time have I remaining?

The SPEAKER. The gentleman had the control of thirty minutes, and has occupied eight.

Mr. CANNON. I yield to the gentleman from Michigan three minutes.

Mr. CUTCHEON. Mr. Speaker, the amendment which I have offered contemplates the increase of the clerical force in the Office of the Adjutant-General by the addition of two clerks of the fourth class, four clerks of the third class, six clerks of the second class, and thirteen clerks of the first class.

I offer this amendment in conformity with the following telegram from the Adjutant-General, received this morning.

The Clerk read as follows:

Hon. B. M. CUTCHEON:

In reply to your letter of February 28, I beg to say that in a special report made yesterday to the Secretary of War, I represented the urgent necessity of adding twenty-five clerks to my present clerical force, to be classified as follows: Two of class 4; four of class 3; six of class 2; and thirteen of class 1; and added a recommendation that as the necessity was immediate, the additional force be made available from the passage of the law, and that the latter provide for the compensation of the clerks for the balance of the present fiscal year.

R. C. DRUM, *Adjutant-General.*

Mr. CUTCHEON. The circumstances which have rendered this increase of clerical force necessary arise from the passage of the act relative to the muster and pay of certain officers and men of the volunteer forces, following:

An act to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1 of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884, be, and is hereby, amended so as to read as follows:

That the joint resolution approved July 11, 1870, entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army," approved July 26, 1866, is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date from which he was to take rank under and by the terms of his said commission, and shall be entitled to all pay and emoluments as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his commission there was a vacancy to which he could be so commissioned and that he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds or in hospital by reason of disability received in the service in the line of duty, at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when their commands were not below the minimum number required by existing laws and regulations: *And provided further*, That the pay and allowances actually received shall be deducted from the sums to be paid under this act.

Approved February 3, 1887.

This act I had the honor to introduce in the first session of this Congress, and it was considered on the 4th of May last and passed by this House on the third day of the present session.

The Adjutant-General has advised me that in his judgment the number of cases arising under this act will amount to between forty thousand and fifty thousand. This act is amendatory to the act of June 3, 1884, which provided that volunteer officers should take rank and pay from the date of the actual issue of their commissions by competent authority. This act provides that they shall be considered as mustered and shall be entitled to pay thereunder from the date from which they were to rank by the terms of their commissions.

I am informed by the Adjutant-General, in a communication received on Saturday last, that the office is now engaged in adjudicating claims filed in the month of October, 1884. In other words, in two years and eight months the office has succeeded in passing upon the claims filed during the first four months under the act of June 3, 1884.

It is to meet this state of facts that I have offered this amendment, in order that these claims may be passed upon, and these volunteer officers may receive what is justly due them under the law. I submit to the House that it is a practical denial of the rights of these officers under the law not to provide the necessary clerical force to adjudicate their claims.

These men are getting old. Many of them are poor and in need of what is justly their due.

This act gives them no more than the pay which has been their due for more than twenty years for services actually performed for the Government; and yet, when I offer this amendment to provide the means of adjusting their claims, I am met by an objection which prevents its consideration.

How much longer must they wait? As we are passing this bill under suspension of the rules, I can do no more than utter my most earnest protest against the continuance of this injustice, and that I now do.

Mr. Speaker, we passed this morning the appropriation for the payment of pensions to soldiers of the Mexican war, amounting to more than $4,000,000.

This gratuity goes to men who served but sixty days—some of them—men who, if over sixty-two years of age, are suffering under no disability—a service pension. I put that in contrast with the refusal on the same day to respond to the recommendation of the Adjutant-General to provide the absolutely needful clerical assistance for the adjudication of the claims of the officers of the late war.

They have already waited many years, and must still wait for years for the justice that is now denied them.

Mr. CANNON. I yield for three minutes and a half to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I do not expect, in the brief time allowed me, to discuss the merits of this bill. I do not rise for that purpose, but to protest against the vicious methods by which we are called upon to pass it through the House.

It is the same old issue. We had it at the end of the Forty-eighth Congress. We had the sundry civil bill pushed through under suspension of the rules without opportunity to read it, without opportunity to know what was in it—under the whip and spur that unless we did so we must have an extra session of Congress.

All this comes from the fact that one committee of this House attempts to become the monarch of the House—to represent not only the districts which have sent its members here, but also to represent, or rather misrepresent, the country, and leave the remainder of the House, so far as these bills are concerned, these important bills, these bills which should have the most deliberate consideration, to accept its dictum and represent no one.

The country itself became tired of this thing, and, inspired by the sentiment of the people, at the beginning of this Congress we adopted a rule providing that there should be no legislation on appropriation bills. But our friends on that side, like all men who have had power and do not like to let it go, have reported to this House at this late day a bill legislating in almost every section from beginning to end, and on that account subject to more than a hundred points of order.

I believe where salaries are fixed by law there is only one thing for an appropriation committee to do, and that is to appropriate the money which the law provides the officer should have. Anything beyond that is not within its jurisdiction; it is to give it the power to raise or decrease salaries in an indirect way when it is for Congress alone to do that.

But they say in excuse that Congress will not do it, that they can not secure the passage of bills to decrease salaries, hence this indirect mode of attempting it. Is this not a fine excuse to make. Congress will not do what they desire, the representatives of the people will not do it, and therefore they propose to usurp the power and do it themselves.

If a collector of customs's salary provided by law be $5,000, they appropriate $4,000 or $4,500. To the incumbent of the office, what does that involve? A suit at law in the Court of Claims for the amount due him. It involves a lawsuit for the Government, a lawsuit which will be costly to the Government as well as to the claimant, although it professes to be done in the interest of economy and reform. Or if the claimant, he whom the Government has promised in its laws a certain sum for his services, which this committee refuses to appropriate, has not the money or the courage to prosecute his suit, then this committee

causes him to lose a part of his just and legal dues, and this it pretends to do in the interest of economy, to say nothing of honesty.

But this bill, as it was reported and attempted, last Saturday evening, to be forced through the House, without opportunity of amendment, under the suspension of the rules, was not intended to give any person injured by its provisions an opportunity to find a remedy in the Court of Claims, or anywhere else. It provided in its first section that the compensations thereinafter fixed should be "in full compensation" for the services rendered.

This was a clear, undisputed attempt at legislation wherever compensation for services was changed. It was a deliberate attempt on the part of those reporting the bill to violate the rules of the House and to usurp that power of legislating upon appropriation bills of which the Appropriations Committee were shorn in the early part of the first session of this Congress by the representatives of the people.

But the plan did not succeed. Seeing that a considerable portion of the bill would be ruled out upon points of order, the gentleman in charge of the bill consented to have those words stricken out, and now the committee finds itself in the humiliating situation of having attempted to act in contempt of the rules of the House and usurp a power which it knew did not belong to it, and making a sorry failure in this questionable enterprise.

It has succeeded in some things, however. It has forced the House to consider this and other great bills appropriating millions of dollars without any opportunity to study them and give to them due deliberation. It has succeeded in holding back these bills which have the right of way in the House as weapons with which to attack and overthrow any legislation which might in the mean time be called up for consideration and which might not be entirely to the liking of these gentlemen. It has succeeded in occupying almost entirely the last six days of Congress which are suspension days, and of depriving many wholesome bills and just claims of a hearing in this House, but it has not succeeded in leaving itself in an enviable situation.

At the commencement of the first session of this Congress I introduced a rule requiring the Appropriations Committee, and all committees having appropriation bills in charge, to report within a limited time.

The purpose of that rule was to have these bills early considered, deliberately considered and disposed of, so as to leave the road open for other legislation. That rule failed to receive a majority of the votes of the House, and we are to-day suffering the consequences of its defeat. I hope that when the Fiftieth Congress shall assemble the rules will be so amended as to remedy all this trouble. While I have no hard words to speak, personally, of the gentlemen who control this great committee, I believe they should not have the power, whether usurped or not, to make themselves the imperial commanders of the House.

Every Congressional district in this broad land has the right to equal representation on this floor. The people desire fair dealing here; that their business should be done in an open, business-like way, without any favoritism to any one. When they through their representatives enacted laws they expect them to be obeyed as scrupulously by the highest and strongest as well as the weakest and poorest of our citizens. They do not believe in and will not long consent to the usurpation of their rights, whether they still hold them in their own hands or have intrusted them to others whom they have chosen to represent them; and they will as emphatically condemn and as severely rebuke the one-man power attempted, too often successfully, to be exercised over the legislation in this House, which is their legislation, as they would frown upon any other disregard of the laws.

[Here the hammer fell.]

Mr. CANNON. I will reserve the remainder of my time. [Cries of "Vote!" "Vote!"]

The SPEAKER. If no other gentleman desires to be heard the Chair will submit the question.

Mr. HOLMAN. I ask a vote. [Cries of "Vote!" "Vote!"]

Mr. CANNON. I yield eleven minutes of my time to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, I am not surprised at the silence of the gentleman from Indiana. His silence throughout this debate has been one of the most marked circumstances connected with it. I had intended the other day to point out the facts connected with this bill, but I refrained from doing it in order that his silence, his only reply to the well-deserved rebuke of the gentleman from Arkansas [Mr. ROGERS], should be as heavily accented as it deserved to be.

At the beginning of this session the Republican party assisted, with a generosity that was as distinguished as it was patriotic, in making all the changes in the rules which were deemed necessary to give to this Democratic House a plain course to run and be glorified, if glory turned out to be their vocation. The Committee on Appropriations was relegated to its duty of bringing before the House the appropriations for the sustenance of the Government. They were also relieved from a large portion of their labor because of scenes similar to those which have been exhibited during the last three days, although not to such a discreditable extent.

With all of the advantages which these gentleman had, it is amazing to look at the results. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL], in a manner that must have arrested the attention of this House, declined, after stating that this bill was presented on the 3d of February, to state when interrogated when they presented it for consideration, thus endeavoring to palm off upon this House, instead of the vital fact, an immaterial matter which they knew interested nobody; and I do not wonder at their repeated want of recollection, because it was not until the 22d day of February that the gentleman from Indiana came feebly to the front with an effort in regard to his bill, and then only in opposition to another appropriation bill, in which effort he did not receive the support but the opposition of his colleague from Pennsylvania [Mr. RANDALL]; so that it rests a fact here in the last days of this session, after having—for I will not confine my censure to the Committee on Appropriations—after having dawdled away twelve days on the diplomatic bill, it was only in these last days of the session that this bill of 107 pages is brought here before the House for its consideration.

Now, the business of this country ought to be conducted in an orderly fashion with reference to the rights of the co-ordinate powers. We claim the right to originate appropriation bills, and claim it well, as has been fully shown by my friend from Illinois [Mr. CANNON]. We claim it because we are fresh from the people; because we are spending the people's money; but yet year after year witnesses the spectacle of a practical abnegation of the very claim which we make with so loud a flourish of trumpets, and so much of affection for the "dear people" we represent. Nor are we content with that, for, after shearing ourselves by our own action of the right of examining the accounts of this nation, we also attempt to shear the co-ordinate body, the Senate of the United States, of their equal right to examine the items of expenditure for this Government, and not only that but you apply the same rule to the President, the President of your own choosing.

I appeal to this House, in order that this event may make somewhat more than a temporary impression upon us, and upon the country, to think of what has been done. I am willing to make all reasonable allowances for the nature of a body like this, for its moods of temper, its moods of recalcitrancy, its disposition to take rude methods to rebuke any suggestion of injustice or any semblance of unfairness.

But every man here knows those moods, for every man must understand, at least to a certain extent, the temper of this body, and it is one of the great facts which members in charge of appropriation bills ought to take into account here, and not deceive themselves by failing to pay attention to it. They ought to bring forward bills of such a character as not to demand what has been twice repeated to-day, the abdicating of all the powers of the House to examine the items, and thus compel a passage of the bill under a suspension of the rules with no such examination or consideration as the Constitution contemplates and as the people demand. And why have we done this?

Have we neglected the grand audit of the accounts of the nation on account of the noble things we have otherwise done? Time fails me to speak of the noble achievements of "both wings" of the Democratic party upon the tariff, one of them convulsed with sorrow because of the sufferings of the people under tariff taxation, shouting for free trade, and the other by pretense of protection preparing at the next election a shield for the Democratic party against the charge of free trade and against the honest indignation of the people of the United States which would wipe them out if they did not put in front as hostages or as prisoners of war always the gentleman from Pennsylvania [Mr. RANDALL] and the others who follow him. [Laughter and applause.] What other great achievements have we to record? Here is a defenseless country, a country without the power to protect itself from assault, a country without a gun that could reach one-third of the distance of those that may be brought against us; a fair opportunity offered by the generosity of this side of the House to place in their control the expenditure of large sums of money for the defense of the country—money for a Navy, money for fortifications, and money for guns—and they deliberately refuse to avail themselves of the proffer, but vote it down; and they not only deliberately vote it down but they sneeringly "assume the responsibility." [Applause on the Republican side.]

What other great achievements have thus thrust aside the appropriation bills? You all know that as to a bill of particulars as to what has been done. A suspension of the rules, of criticism, no second, and a quick passage would be the most appropriate thing, and also much more soothing to the other side than a discussion of what they have done.

Nor is it alone, I repeat, the Appropriations Committee. But it is the other committees controlled by that side of the House charged with the duty of making appropriations. With one or two exceptions the other bills seem to have been managed in somewhat the same fashion.

Now, I submit to the House that this thing ought to cease; that in some way by our action we ought to show that we do not intend that the last days of the session shall be spent in registering the edicts of a few committees, but that the House of Representatives itself, in its entirety, representing all the people of the United States, shall not be deprived of that voice in the affairs of the country which the Constitution and the good sense of the people demand. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. CANNON] has three minutes of his time remaining.

Mr. CANNON. I reserve it.

Mr. HOLMAN. Does the gentleman not wish to occupy that time?

Mr. CANNON. I reserve it.

Several MEMBERS. Let us vote.

Mr. HOLMAN. Time is quite valuable, and I have to request that the vote be taken on the pending motion. I wish to say to the gentleman from Maine [Mr. REED] he scolds very well; but I could find fish-women in this town that could beat him at that game.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. REED. Three minutes remain to this side of the House.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] who controlled the time on that side did not claim it, and the Chair was proceeding to put the question.

Mr. REED. It was reserved.

The SPEAKER. It was reserved, but nobody took the floor to occupy it.

Mr. REED. I took the floor the moment I heard what the gentleman from Indiana said. I want to reply to it.

The SPEAKER. The gentleman from Maine is recognized.

Mr. REED. The gentleman from Indiana—and I take his word for it—says he knows fish-women in this town who could make a better scold than I am. I admit the fact, and also congratulate him on the congeniality of his associations.

Mr. HOLMAN. I call for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The House divided; and there were—ayes 138, noes 44.

Mr. HEPBURN. I call for the yeas and nays.

The yeas and nays were not ordered, only 31 members voting therefor—not one-fifth of the last vote.

So the rules were suspended (two-thirds having voted in favor thereof), and the bill was passed.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted upon its amendments to the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. BECK to be the conferees on the part of the Senate.

### TAXATION OF DISTILLED SPIRITS.

Mr. MORRISON. I call up the conference report which I presented on Saturday last, the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 4833) relating to the taxation of fractional parts of gallons of distilled spirits.

The report and accompanying statement by the House conferees, which were printed in the RECORD of last Saturday's proceedings, were read.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] is entitled to the floor.

Mr. BUTTERWORTH. I observe that the bill which went into conference was not read. Is there objection to the reading of the bill upon which the report was made?

Mr. MORRISON. I have no objection to that. Let the original bill and amendments be read.

The Clerk read the bill (H. R. 4833) as passed by the House.

Mr. BUTTERWORTH. The Clerk has not read the Senate amendments. It is really the sum and substance of what this report is based upon.

The Clerk read the Senate amendments, which were printed in the RECORD of Saturday's proceedings.

Mr. BUTTERWORTH rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. BUTTERWORTH. I rise for the purpose of raising the question of consideration.

Mr. ADAMS, of Illinois. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of Illinois. I desire at the proper time to submit a point of order against the consideration of this bill in the House. I conceive I ought to postpone that point of order until after the House has passed upon the motion whether it will consider the conference report or not, but I should like to reserve my right to make the point of order at the proper time.

The SPEAKER. That can be done either now or after the question of consideration is disposed of.

Mr. ADAMS, of Illinois. I intend to do it then.

The SPEAKER. The gentleman from Ohio raises the question of consideration. The question is, Will the House proceed now to consider the report of the committee of conference?

The question being taken, there were—ayes 73, noes 84.

Mr. MORRISON. I call for the yeas and nays.

The yeas and nays were ordered, 49 members voting therefor.

The question was taken; and there were—yeas 101, nays 143, not voting 75; as follows:

YEAS—101.

| | | | |
|---|---|---|---|
| Allen, J. M. | Dockery, | Maybury, | Sayers, |
| Anderson, J. A. | Dunn, | McMillin, | Scott, |
| Barksdale, | Eden, | McRae, | Seymour, |
| Barnes, | Findlay, | Millard, | Shaw, |
| Belmont, | Fisher, | Miller, | Singleton, |
| Bliss, | Forney, | Milliken, | Springer, |
| Blount, | Gallinger, | Mills, | Stahlnecker, |
| Boutelle, | Gibson, C. H. | Morgan, | Stewart, Charles |
| Boyle, | Gibson, Eustace | Morrill, | Storm, |
| Breckinridge, C. R. | Glass, | Morrison, | Strait, |
| Breckinridge, WCP | Hall, | Murphy, | Tarsney, |
| Browne, T. M. | Hammond, | Neece, | Taylor, J. M. |
| Burnes, | Harris, | Oates, | Taylor, Zach. |
| Bynum, | Hemphill, | O'Donnell, | Turner, |
| Caldwell, | Henderson, T. J. | Owen, | Van Eaton, |
| Carleton, | Herbert, | Payson, | Viele, |
| Catchings, | Hiscock, | Peel, | Ward, T. B. |
| Clements, | Howard, | Perkins, | Weaver, J. B. |
| Compton, | Johnston, J. T. | Price, | West, |
| Crisp, | Jones, J. H. | Randall, | Wheeler, |
| Croxton, | Kelley, | Reagan, | Wilson, |
| Dargan, | King, | Reed, | Wolford, |
| Davidson A. C. | Laird, | Richardson, | Worthington. |
| Davidson, R. H. M. | Little, | Riggs, | |
| Dawson, | Lore, | Rogers, | |
| Dibble, | Martin, | Ryan, | |

NAYS—143.

| | | | |
|---|---|---|---|
| Adams, G. E. | Fleeger, | Lawler, | Romeis, |
| Allen, C. H. | Foran, | Le Fevre, | Rowell, |
| Anderson, C. M. | Ford, | Lehlbach, | Sawyer, |
| Atkinson, | Frederick, | Libbey, | Scranton, |
| Bacon, | Fuller, | Lindsley, | Seney, |
| Baker, | Funston, | Lowry, | Skinner, |
| Barbour, | Geddes, | Lyman, | Smalls, |
| Bayne, | Green, | Mahoney, | Sowden, |
| Bennett, | Grout, | Markham, | Spooner, |
| Bingham, | Guenther, | McAdoo, | Spriggs, |
| Brady, | Halsell, | McComas, | Stephenson, |
| Brown, C. E. | Harmer, | McCreary, | Stone, E. F. |
| Brown, W. W. | Hayden, | McKenna, | Stone, W. J., Ky. |
| Brumm, | Haynes, | McKinley, | Stone, W. J., Mo. |
| Buck, | Henderson, D. B. | Merriman, | Struble, |
| Bunnell, | Henderson, J. S. | Mitchell, | Swinburne, |
| Burleigh, | Henley, | Moffatt, | Taulbee, |
| Burrows, | Hepburn, | Morrow, | Taylor, I. H. |
| Butterworth, | Hermann, | Neal, | Thomas, J. R. |
| Cabell, | Hiestand, | Negley, | Thomas, O. B. |
| Campbell, Felix | Hill, | Nelson, | Thompson, |
| Campbell, J. E. | Hires, | O'Ferrall, | Tillman, |
| Candler, | Hitt, | O'Hara, | Trigg, |
| Caswell, | Holman, | O'Neill, J. J. | Wadsworth, |
| Cowles, | Holmes, | Osborne, | Wait, |
| Cox, W. R. | Hopkins, | Page, | Wakefield, |
| Culberson, | Houk, | Payne, | Wallace, |
| Daniel, | Jackson, | Perry, | Warner, A. J. |
| Dorsey, | James, | Peters, | Warner, William |
| Dunham, | Johnson, F. A. | Pettibone, | Weaver, A. J. |
| Ely, | Johnston, T. D. | Phelps, | Weber, |
| Ermentrout, | Kleiner, | Plumb, | Wilkins, |
| Evans, | Laffoon, | Ranney, | Willis, |
| Everhart, | LaFollette, | Rice, | Wise, |
| Farquhar, | Landes, | Robertson, | Woodburn. |
| Felton, | Lanham, | Rockwell, | |

NOT VOTING—75.

| | | | |
|---|---|---|---|
| Adams, J. J. | Crain, | Hutton, | Snyder, |
| Aiken, | Curtin, | Irion, | Steele, |
| Ballentine, | Cutcheon, | Jones, J. T. | Stewart, J. W. |
| Barry, | Davenport, | Ketcham, | St. Martin, |
| Blanchard, | Davis, | Long, | Swope, |
| Bland, | Dingley, | Louttit, | Symes, |
| Bound, | Dougherty, | Lovering, | Taylor, E. B. |
| Bragg, | Eldredge, | Matson, | Throckmorton, |
| Buchanan, | Ellsberry, | Muller, | Townshend, |
| Campbell, J. M. | Gay, | Norwood, | Tucker, |
| Campbell, T. J. | Gilfillan, | O'Neill, Charles | Van Schaick, |
| Cannon, | Glover, | Outhwaite, | Wade, |
| Clardy, | Goff, | Parker, | Ward, J. H. |
| Cobb, | Grosvenor, | Pidcock, | Wellborn, |
| Collins, | Hale, | Pindar, | White, A. C. |
| Comstock, | Hanback, | Reese, | White, Milo |
| Conger, | Hatch, | Rusk, | Whiting, |
| Cooper, | Heard, | Sadler, | Winans. |
| Cox, S. S. | Hudd, | Sessions, | |

Mr. MCKINLEY. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. MORRISON. I object. We have plenty of time.

The Clerk recapitulated the names.

The following additional pairs were announced:

Mr. COLLINS with Mr. WHITING for the rest of the day.

Mr. HEARD with Mr. GOFF.

Mr. HUTTON with Mr. O'NEILL, of Pennsylvania.

Mr. HALE with Mr. WADE.

So the House refused to consider the bill.

The following-named members were announced as paired on this vote:

Mr. ELLSBERRY with Mr. DAVIS.

Mr. LOVERING with Mr. LONG.

Mr. JONES, of Alabama, with Mr. CANNON.

Mr. TUCKER with Mr. PARKER.

Mr. GLOVER with Mr. KETCHAM.

Mr. BRAGG with Mr. STEELE.

Mr. TOWNSHEND with Mr. GILFILLAN.

Mr. MATSON with Mr. CONGER. Mr. MATSON would vote for the conference report, Mr. CONGER against it.

The result of the vote was then announced as above recorded.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes; when the Speaker signed the same.

NON-INTERCOURSE WITH CANADA.

Mr. BELMONT. I rise to make a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate 3173, to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishing men, American trading and other vessels in certain cases, and for other purposes, after full and free conference have been unable to agree.

PERRY BELMONT,
J. C. CLEMENTS,
W. W. RICE,
*Managers on the part of the House.*

GEORGE F. EDMUNDS,
JOHN T. MORGAN,
WILLIAM P. FRYE,
*Managers on the part of the Senate.*

Mr. BELMONT. I ask that the statement of the House conferees be read.

The statement was read, as follows:

STATEMENT.

The undersigned, managers of the conference on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, &c., submit the following statement:

The unanimity expressed in the Senate and the House, respectively, had given the managers on the part of the House every reason to hope that, by mutual concessions, an agreement would be reached in conference which would result in giving such ample authority to the President as might be necessary for a satisfactory settlement of the pending question of the American fisheries on the Canadian coast. It is, therefore, with the deepest regret and disappointment they are compelled to report a disagreement.

The managers on the part of the House entered the conference with the determination that no minor difference should stand in the way of an agreement. They proposed, in order to remove all question on the part of the Senate conferees as to violation of the treaty of 1871, to insert in line 21 of the amended bill, after the word "Newfoundland," as follows:

"Except such goods, wares, and merchandise as are entitled to enter the United States under Article XXIX of the treaty concluded between the United States and Great Britain on the 8th day of May, 1871, and may also forbid the entrance of any locomotive, car, or other vehicle, with any goods that may be contained therein, except such as are wholly loaded with and exclusively engaged in the transportation of goods, wares, and merchandise entitled to come into the United States under said Article XXIX."

This amendment was not accepted, and it became evident that no proposition that included cars and rolling-stock in the operation of the law would be acceptable to the Senate conferees. The unanimous voice of the House authorizing the President to declare, in his discretion, non-intercourse with Canada by land as well as by sea, did not, in the opinion of your conferees, leave them at liberty to disregard that important principle contained in the House substitute for the Senate bill They therefore declined to recede in conference from the position taken by the House on this point.

The dignified, deliberate, and earnest maintenance of our national rights under treaty stipulations, under public commercial laws and ordinary international comity, is the sole object of the United States. If these rights have been impaired and invaded, and redress, when properly asked for, has been refused, or not accorded, then self-respect as a nation and a sense of duty to our citizens should compel the people of the United States to act as a unit in adopting such measures as will restore the rights of their citizens. If a suspension of commercial intercourse be asserted as the remedy for the withholding of commercial privileges, such suspension should be co-extensive with the attainment of the desired end, and would be useless, or worse, if it fell short of that.

To limit such non-intercourse to a single article of commerce, or to a single mode of communication, would not be just in theory nor adequate in practice. The act of exclusion to be successful should be effective and unmistakable in its extent and results. The opinions which have found expression in the Senate bill, and which have been reflected in the conference, would limit the action of the Government to a prohibition upon the importation of Canadian fish into the United States. The House conferees are of opinion that, if such a prohibitory law be deemed sufficient for a settlement of important political questions as to American rights under treaty stipulations, the obvious and proper method would be to pass a tariff enactment to that effect.

The question to be legislated upon is national in its aspects and not sectional or local. It is not the article fish we are to consider, but the rights of our citizens under international law and our treaties with Great Britain. The rights of the fishermen are national rights, and the whole nation is concerned in resisting their destruction or diminution. It is not the profit or loss of the fishing business that is in question, but the right to fish, to navigate and to trade that is at stake. The establishment of non-intercourse by railroad might possibly inflict hardship upon some of our citizens, but your conferees are unwilling to believe that private interests will be placed above the maintenance of the honor and dignity of the country.

The settlement of the pending question rests between the Government of the United States and the Government of Great Britain. It will continue to be a recurring source of irritation, annoyance, and even danger, so long as it is permitted to remain in the condition of a dispute between our fishermen and the Canadian authorities. The action of the administration has been directed to accommodate all differences and to procure an amicable, just, and honorable settlement. To such overtures no reply has yet been made, although since December 3, 1886, a proposition looking to such an adjustment, which we had been invited to make, has been in the hands of the British Government.

If Great Britain will join in a just and reasonable interpretation of the treaty of 1818 with the United States there will be no difficulty; but should that government continue to sustain its provinces in a misuse of the provisions of that treaty we must prevent it. Non-intercourse applied to essential lines of British railway traffic would be more effective than confining our action to the exclusion of fish alone, which is the sum and substance of the Senate bill.

We deal with Great Britain not Canada, and our measures should be begun with that view and with a determination to continue them until just action is arrived at.

PERRY BELMONT.
J. C. CLEMENTS.

Mr. RICE. Mr. Speaker——

Mr. BELMONT. I believe I have the floor.

Mr. RICE. I desire to make a motion which I believe takes precedence.

The SPEAKER. There is no question now that can come before the House except this conference report. After it is disposed of, motions will be in order.

Mr. RICE. This is not the report of the conferees, Mr. Speaker. It is simply a statement made by two gentlemen.

The SPEAKER. The Chair understands that it is a report of a disagreement, and is signed by the managers on the part of the Senate as well as by the managers on the part of the House.

Mr. RICE. It is not.

The SPEAKER. The Chair thinks the gentleman is mistaken, but the Chair will examine. [After examining the paper.] This report is signed by the managers on the part of the Senate as well as by the managers on the part of the House. The statement which has just been read, to which the gentleman from Massachusetts [Mr. RICE] probably refers, has been read in the time of the gentleman from New York [Mr. BELMONT], and is no part of the report.

Mr. BELMONT. Mr. Speaker, the action which has been taken in regard to this statement was, in the opinion of those who have signed it, a necessity because of the course of the conferees acting for the body at the other end of the Capitol. I do not know how far it is proper to refer here to the action of the Senate, but it is a matter of public notoriety that a report was made by the Senate conferees from which it appeared that there were irreconcilable differences between the Senate and the House. Such is the language of the report made for the information of the Senate.

The majority of the conference committee on the part of the House regret exceedingly that the gentlemen representing the other body should have reached the conclusion that our differences are irreconcilable. It may be so; but as they have made such a statement in a report to the Senate it seemed but right that we, the majority of the conference committee on the part of the House, should make to this body a statement of our grounds of difference. We do not say that our differences are irreconcilable; but we declare that we do not feel at liberty to disregard the expressed will of the House—a will expressed unanimously.

It may be that some gentlemen who have presented views on this question believe that the limit upon the action of Congress should be established by the citizens injured; in other words, that we should limit our action in accordance with the wishes and interests of our fellow-citizens in New England and of the fishermen who have been injured. But your conferees have been of the opinion that the House of Representatives, as shown by its vote, believed this to be a purely national question, not a question to be decided by a retaliatory measure, which should have effect upon a particular product and a particular locality only. We have not believed that in response to Canadian aggressions we should do something not clearly defined, unless it be a prohibition of the entrance of fish from Canada to the United States, for such, with the exception of certain provisions of doubtful interpretation, is the chief purpose of the Senate bill.

Congress never would have taken the step it has taken in this matter had this not been regarded as solely a national question. Otherwise we might have similar action demanded by other sections of the country. If the limit of our action should be decided by the views of the persons injured it might be that our fellow-citizens upon the Mexican border would, through their representatives in Congress, demand that a discretion be given to the President to declare a certain limited non-intercourse in regard to Mexican imports which came in conflict with Texan products. It might be that our friends from California might deem it necessary to give to the President certain discretionary power to declare a limited non-intercourse as to a special class of persons coming to this country.

But, as shown in the statement of a majority of the conferees, which has been read, your conferees have felt it their duty to insist upon the position taken by the House. Any other course would have been considered by them a failure, not only in the appreciation of the dignity of the House itself but of the international importance of the pending controversy between the United States and Great Britain.

I ask, Mr. Speaker, that this report follow the same course that has been adopted in the Senate. I know no reason why the report of the Senate conferees should have been published in the RECORD unless the same privilege can be granted to the House conferees. Furthermore, the report in the Senate is to be printed as a document; and I ask the same privilege for the House report.

The SPEAKER. The Chair will state that, if the gentleman by the term "report" means to refer to the paper which has been signed by two of the managers on the part of the House, that has been read as a part of the debate, and goes into the RECORD as a matter of course.

Mr. BELMONT. So I understand, Mr. Speaker; but the report of the Senate conferees is also to be printed separately as a document.

The SPEAKER. What is the request of the gentleman from New York?

Mr. BELMONT. My request is that the report read here take the same course as the report in the Senate.

The SPEAKER. The gentleman asks, as the Chair understands, that it be printed as a document. Is there objection?

Mr. RICE and others objected.

Mr. DINGLEY. What is it that the gentleman desires to have printed, his argument or the report?

The SPEAKER. The paper which was read; not the report.

Mr. DINGLEY. The speech.

The SPEAKER. There is only one report. That is the paper signed by the managers on the part of both the House and the Senate.

Mr. DINGLEY. There is no objection to the report being printed; but the proposition to print the speech of the gentleman as a document is entirely out of the usual course.

The SPEAKER. The gentleman from Massachusetts [Mr. RICE] objects to the request. Does the gentleman from New York [Mr. BELMONT] reserve his time?

Mr. BELMONT. I do.

Mr. RICE. Mr. Speaker, at this late period in the session, when within a little more than sixty hours the hands of the clock will mark the end of the Forty-ninth Congress, I am very sorry to be obliged to ask the attention of the wearied and overworked members of the House for a few moments on this subject. But the question is one whose importance is sufficient to justify me in the request I make, that I may have the careful attention of gentlemen for a short time only; for I am unwilling to weary them.

Mr. Speaker, the gravity of this subject is admitted by all. The American honor is at stake; there is no question about that. The rights of a large class of our citizens, as we believe and affirm, have been trenched upon and outraged. There is no question about that. We are now in the last days of the session, and have done nothing to vindicate the honor of the nation and the rights of our citizens. What is our position at this moment? There has been a declaration—so the chairman of the committee informs us—that there was an irreconcilable difference between the conferees of the Senate and those of the House in reference to this matter. Four hours on Saturday and three on Monday the conferees were engaged in discussion; and I agree in the statement that an irreconcilable difference was manifested between the representatives in conference of the two Houses.

What is that difference? Let me say this, Mr. Speaker: there was no difficulty in agreeing on all minor questions of phraseology of slight amendments. The Senate conferees were ready to agree to what the House conferees requested on those points. There was but one material difference, only one, and that one difference was as to including cars and locomotives in the proposed exclusion. That point the Senate had voted against after solemn discussion in their first debate, and it was considered here somewhat in our debate.

Now, the gentleman from New York [Mr. BELMONT] has said in the statement which he and my friend from Georgia [Mr. CLEMENTS] have signed, and which has just been read, that the Senate bill excludes nothing but fish, or authorizes the President to exclude nothing but Canadian fish from this country. This statement they took from the morning papers, where I read it some hours ago, and this mistake had somehow crept into this statement. The Senate bill does not simply authorize the President to exclude Canadian fish from the American market, but to exclude all and every product of Canada from the American market. The gentlemen have fallen into that mistake by copying the statement from the morning papers without a sufficiently careful examination by themselves.

Now, Mr. Speaker, the Senate bill authorizes the President, upon certain conditions, at his discretion, to exclude from the American market all Canadian products and from American ports all Canadian vessels. That is the Senate bill. The House bill goes just one step farther, but that a long one, and authorizes the President, under the same conditions, in addition to exclude from this country all cars, rolling-stock, locomotives, and railroad trains coming from Canada. In addition to his authority to exclude all Canadian products and all Canadian vessels, my friend, the chairman of this committee, and his colleague from Georgia [Mr. CLEMENTS], ask this House, or this Congress, also to authorize him to exclue all rolling-stock and railroad cars coming from Canada into this country; in other words, to proclaim absolute non-intercourse between the two countries. That is the difference.

Mr. DANIEL. Let me ask the gentleman a question.

Mr. RICE. Certainly.

Mr. DANIEL. What is the theory of having cars if we are to exclude everything from them? In other words, if goods are to be excluded by the Senate proposition—and he says the only difference is as to cars—why does the gentleman want to insist cars should come in if there is to be nothing for them to carry?

Mr. RICE. If the gentleman had listened to the debate, or investigated the subject under consideration when it was discussed in the Committee on Foreign Affairs, he would understand it. In these cars, which pass between the two countries by Article XXIX of the treaty of Washington, goods in bond are carried from ports of both countries through sections of the other and returned into those countries.

Mr. DANIEL. Let me ask the gentleman another question.

Mr. RICE. I have not got through yet. More than that, these cars carry passengers. They carry men having business in one country to the other, back and forth. They carry persons having relatives and acquaintances. They carry much else than mere goods or produce of Canada, which we would authorize the President to exclude. The gentleman will answer his questions in his own time—the rest of them.

Now, that is the difference. To this proposition of the House conferees to extend this exclusion to everything between Canada and the United States, the Senate conferees state absolutely and positively, "No; we will go as far as the fishermen and their representatives have suggested; we will agree to exclude from this country all Canadian produce, but when you ask us to authorize the President to declare absolute non-intercourse between this country and Canada we say, no."

That is where the division, the irreconcilable difference between the conferees of the Senate and the House occurs. They said no, when asked to declare absolute non-intercourse. They say that is the last step before war. They are unwilling to take that step. They desire to adopt first those measures which are clearly within our treaty obligations, to do which is clearly within the rights of comity between the two nations; that is to say, "You have kept our vessels out of your ports, we will keep your vessels out of ours. We will keep your fish and other products out of our markets." That is what the fishermen and those interested in that industry ask; that is what the representatives of these interests ask, and which they and we say is sufficient, and we refuse to take that further step you insist we shall take.

I am not going to weary the House by the discussion of this question. The Senate is willing to go on a certain line of policy to an extent which it is deemed by those best fitted to know will answer all the necessities of the occasion.

The House is willing to go to the same extent upon the same line, but demands that another step shall be taken in advance which the Senate absolutely refuses to take. Now the question is for this House to say whether because we can not have all and everything that we ask, because we can not get to the extremest point of our desires shall we do nothing?

That is the question before us at this moment. That is the question upon which somebody is to take the responsibility of action. Shall this Congress adjourn having done nothing, or shall it recede from this amendment to the Senate bill and take that which, in the judgment of those best fitted to know, will be sufficient to accomplish the desired result.

Mr. Speaker, this is a grave and important question. Somebody will be very much blamed if Congress refuses to act upon it. I do not know what are the motives that have actuated my fellow-conferees in this matter, nor need I discuss them. There have been publications in the papers which I have read to the effect that the chairman of the committee has certain instructions or communications from the administration or from the State Department, under which he is acting. I can not believe that that is true, for although the Secretary of State was called upon by the subcommittee for his opinion in this matter, yet so far as I am aware that opinion has not been given. It certainly was never communicated to the committee.

I desire to disabuse any person of the idea of any such influence upon the action of the committee. Surely if any communication of that character from the Secretary of State had been received it would have been communicated to the committee and we should all have had the advantage of the information. The statement just read also stated—and it is so stated in the report of the committee—that negotiations are going on between this Government and that of Great Britain which it is hoped will speedily solve all difficulties. From the minority of the committee any information of such negotiations has been withheld.

We know nothing of any communication from the Secretary of State; we know nothing of any negotiations pending between the two governments as reported. If the gentleman from New York, the chairman of the committee, has any light which the rest of us have not obtained, I will not, as old Diogenes is said to have asked Alexander, request him to get out of my light, but I will ask him to let a little of his superior light shine upon me, that I may be guided in my action by what he may communicate.

Now, sir, all the members of this House, and both sides of it, stand upon exact equality in this matter. We are all interested alike. There is no partisanship in it. The men who want this protection are members of all parties, and they ask from all parties the passage of this measure. In the Senate there is no party division. Republican and Democratic conferees stood alike; the conferee, the Senator from

Alabama, the senior member of the Senate Committee on Foreign Affairs, was as strong, as earnest, and as uncompromising in his refusal to accede to the request of the House conferees as any other member of the conference. So that here only is there a suggestion of division upon party grounds in this matter.

I call upon the members of this House to rise above all party considerations and take action here which will sustain the administration in the manly, able, and patriotic position it has taken upon this subject. I call upon them not to be led away by any party or personal appeals or influences from taking such action at this critical moment as is demanded. We are told, and we know it, that should this Congress adjourn without action it is probable blood will flow along the borders and will stain the waters in contention before another Congress shall meet.

Does my friend from New York desire that that shall follow, and therefore would he omit to do that by which this nation may be prevented from being led into a war with Great Britain? I trust not. Does he desire to omit that which national honor demands should be done and which the interest of the fisheries demands should be done? I hope not. New York, the imperial State, which sends him here, has too much at stake. She runs all along the lake line. Her great metropolis fronts the ocean, and is exposed to the first attack of war, come from whencesoever it may; and I call upon him to remember the words of that great statesman of New England, whose magnetic words were wont to echo in yonder halls, the mightiest ever heard within them, that wise men sometimes change their opinion; the strongest oak sometimes sways, the greatest wisdom sometimes retreats from an extreme point which it desires but can not attain; and I ask the gentleman from New York, in view of the necessities of the case, in view of the emergencies by which we are surrounded, to withdraw his opposition to the Senate bill and let us have that measure of relief.

Now, Mr. Speaker, I desire to move, as I believe it is a motion having precedence at this stage of the question, that the House recede from its amendment to the Senate bill and concur in the same; and I reserve the remainder of my time.

The SPEAKER. That motion will be in order at the proper time.

Mr. BELMONT addressed the Chair.

The SPEAKER. The gentleman from New York has forty minutes of his time remaining.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory, requested a conference on the disagreeing votes thereon, and had appointed Mr. PLATT, Mr. HARRISON, and Mr. BUTLER managers on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay;

A bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry;

A bill (H. R. 11199) for the relief of Thomas B. Nalle;

A bill (H. R. 731) granting a pension to William H. Heister;

A bill (H. R. 752) granting a pension to James Smithpeter;

A bill (H. R. 942) granting a pension to Penelope Morton, widow of Lieut. James Morton.

A bill (H. R. 1710) for the relief of T. J. Payne;

A bill (H. R. 1903) granting a pension to Henry Canode;

A bill (H. R. 2358) granting a pension to Mary Renfro;

A bill (H. R. 3930) for the relief of Wells C. McCool;

A bill (H. R. 3931) to grant a pension to Nancy Gunsales;

A bill (H. R. 3963) granting a pension to Henry P. Reed;

A bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

A bill (H. R. 4585) granting a pension to Mrs. Fannie Carman;

A bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers;

A bill (H. R. 4745) granting a pension to William S. Bewley;

A bill (H. R. 5056) for the relief of George Lemon;

A bill (H. R. 5171) granting a pension to Missouri Anderson;

A bill (H. R. 5927) for the relief of Louisa Kearney;

A bill (H. R. 6162) granting a pension to Joseph Potter;

A bill (H. R. 6423) for the relief of Mary Kaylor;

A bill (H. R. 6656) for the relief of Mary Tarbell;

A bill (H. R. 6732) for the relief of General Speed S. Fry;

A bill (H. R. 6823) granting a pension to Peter P. Hoffman;

A bill (H. R. 6918) to increase the pension of Lewis M. Strong;

A bill (H. R. 6937) for the relief of George D. Paul;

A bill (H. R. 7176) for the relief of Isaac Crawford;

A bill (H. R. 7221) granting a pension to Thomas B. Walsh;

A bill (H. R. 7643) for the relief of Capt. John Burkhart;

A bill (H. R. 7952) granting a pension to Mary Parrott;

A bill (H. R. 8067) to pension Andrew J. Vanorder;

A bill (H. R. 8355) for the relief of Sarah A. Jones;

A bill (H. R. 8384) for the relief of Mahala Brown;

A bill (H. R. 8437) granting a pension to Thomas Weekly;

A bill (H. R. 8591) directing the Secretary of War to cause the name of Fred B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes;

A bill (H. R. 8798) granting a pension to Thomas J. Hays;

A bill (H. R. 8826) granting a pension to Mary M. Thompson;

A bill (H. R. 8828) granting a pension to Giles Wright;

A bill (H. R. 8829) granting a pension to Jacob Teits;

A bill (H. R. 9143) granting a pension to Dr. Sabin Stocking;

A bill (H. R. 9170) for the relief of Green Fields;

A bill (H. R. 9213) granting a pension to Mary Corbett;

A bill (H. R. 9248) to increase the pension of Richard Foreman;

A bill (H. R. 9301) granting a pension to Joseph Jones;

A bill (H. R. 9401) granting an increase of pension to H. H. Dodd;

A bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;

A bill (H. R. 9928) granting a pension to Moses Williams;

A bill (H. R. 10050) to increase the pension of Capt. Frank Bell;

A bill (H. R. 10262) granting a pension to Lawrence O'Conner;

A bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin; and

A bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 74) to grant an increase of pension to Frederick Beno;

A bill (S. 159) granting an increase of pension to Abby J. Slocum;

A bill (S. 234) granting a pension to Sarah Ann Waters;

A bill (S. 1246) for the relief of W. A. Lemaster;

A bill (S. 1336) granting a pension to Jennie H. Coghill;

A bill (S. 1581) granting an increase of pension to Gertrude K. Lyford;

A bill (S. 2319) granting a pension to Mrs. Margaret B. Todd;

A bill (S. 2445) granting a pension to Charles W. Holland;

A bill (S. 2564) granting a pension to Mrs. Eleanor S. Lawson;

A bill (S. 2765) to increase the pension of James Mans;

A bill (S. 2835) granting a pension to Miss Juliet G. Howe;

A bill (S. 3190) granting a pension to Robert H. Sturgess;

A bill (S. 3305) granting a pension to Louise Paul;

A bill (S. 3328) granting a pension to Ida M. Welton;

A bill (S. 3333) for the relief of Orrin R. McDaniel;

A bill (S. 3334) for the relief of George W. Bolton, alias Charles W. Andrews;

A bill (S. 3350) granting an increase of pension to George S. Hawley; and

A bill (S. 3353) granting an increase of pension to David L. Pool.

### ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. Mr. Speaker, it is now long after the usual hour for adjournment; and I wish to ask the gentleman in charge of the pending bill [Mr. BELMONT] whether he will not consent that it may go over until to-morrow. We were in the House yesterday over fifteen hours, and we have been here since 10 o'clock to-day, and it is now half past 5.

Mr. BOUTELLE, and Mr. HENDERSON of Iowa. Let us finish this.

Mr. BELMONT. Mr. Speaker, under the circumstances and on account of the lateness of the hour I make the motion that the House now adjourn.

Mr. NEECE. Mr. Speaker, I would like to get in a conference report, which will occupy but a minute.

The SPEAKER. There is a conference report now before the House.

Mr. CRISP. If the gentleman will withhold his report for a moment I will ask unanimous consent that a recess be taken until half past seven this evening, the evening session to be for the consideration of bridge bills not objected to.

Mr. DANIEL. I object.

Mr. CRISP. I hope gentlemen will not object. I will withdraw any bill that is objected to.

Mr. DANIEL. I withdraw my objection.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that a recess be now taken until half past 7 o'clock this evening.

Mr. DUNN. With the understanding, Mr. Speaker, that the Memphis bridge bill is not to be considered, I shall not object.

Mr. ZACH. TAYLOR. Mr. Speaker, I would be glad if I could to get the bill considered that I have been pressing here industriously

for several months past, but it has been found that one man upon this floor and the Committee on Appropriations have been allowed to exclude all but their favorite measures from consideration. Nevertheless, in order not to stand here like a dog in the manger, I will not object. [Cries of "Good!" "Good!"]

Mr. STRUBLE. The understanding is that the bills to be considered at the evening session are those upon the Calendar and none others?

Mr. CRISP. Yes.

Mr. KELLEY. Bills for the construction of bridges only?

Mr. CRISP. Bridge bills only.

Mr. WEAVER, of Iowa. And the understanding is that no business is to be transacted but the consideration of bridge bills?

The SPEAKER. That is what the order means.

A MEMBER. No suspension of the rules?

The SPEAKER. No suspension of the rules, and no other business than bridge bills.

Mr. ANDERSON, of Kansas. And no conference reports?

The SPEAKER. No. Is there objection?

There was no objection.

The SPEAKER. The order, then, is that the House now take a recess until half past 7 o'clock; the evening session to be for the consideration of bills authorizing the construction of bridges unobjected to by any member upon the floor, not including what is known as the Memphis bridge bill, and that there shall be no other business transacted and no suspensions of the rules.

The House accordingly (at 5 o'clock and 15 minutes p. m.) took a recess until 7.30 p. m.

---

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, D. C., March* 1, 1887.

Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker*.

Hon JOHN B. CLARK, Jr.,
*Clerk House of Representatives*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House is in session this evening, under the special order made this afternoon, for the consideration of reports from the Committee on Commerce of bills to authorize the construction of bridges.

BRIDGE ACROSS THE COOSA RIVER.

Mr. CRISP. Mr. Speaker, I call up the bill (H. R. 3853) to authorize the Talladega and Coosa Railroad Company of Alabama to erect a bridge across the Coosa River, with the Senate amendments thereto.

The amendments are mostly formal, the only substantial amendment being, according to my recollection, a change in the phraseology of the right to amend. I ask that the amendments of the Senate be concurred in.

The amendments were concurred in.

Mr. CRISP moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE RED RIVER, LOUISIANA.

Mr. CRISP. I call up the bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River, in Louisiana, and I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. CRISP moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE COOSA—EAST AND WEST RAILROAD COMPANY.

Mr. CRISP. I call up the bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River, and I ask that the amendments of the Senate be concurred in.

The amendments were concurred in.

Mr. CRISP moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE GREAT KANAWHA.

Mr. CRISP. I call up Senate bill 3039, to authorize the construction of a bridge across the Great Kanawha River below the falls, and to prescribe the dimensions of the same. The House Committee on Commerce have reported a bill identical with this, and I ask that the Senate bill be substituted for the one reported by the House committee. Once or twice in the previous history of Congress a bill for this purpose has passed one or the other House. This bill was prepared in the Engineer Department, and it contains all the provisions that are necessary to protect navigation.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER AT SIOUX CITY.

Mr. SCOTT. I ask to take up for present consideration Senate bill No. 3160, which is a precise duplicate of a House bill which has been unanimously reported by the Committee on Commerce.

The Clerk read the title of the bill, as follows:

A bill (S. 3160) to authorize the construction and maintenance of a bridge by the Chicago, Saint Paul, Minneapolis and Omaha Railway Company across the Missouri River at Sioux City, Iowa, and for other purposes.

Mr. STRUBLE. I am compelled to object to the consideration of that bill.

Mr. SCOTT. I would like to ask the gentleman from Iowa [Mr. STRUBLE] whether there is any public objection to this bill. The bill proposes the construction of a bridge across the Missouri River for the convenience of the gentleman's district. Will he state what objections he has to the bill?

Mr. STRUBLE. I will cheerfully state my reasons for objecting. I object to the bill because there is already in existence a charter under which prominent business men of my State have commenced operations for the building of a bridge which will answer all the demands of commerce; and at their suggestion I make this objection.

Mr. SCOTT. I ask the gentleman whether the charter to which he refers has not been in existence for a period of more than three years, during which time not a step has been taken towards constructing the bridge. Is there not being pursued a "dog in the manger" policy? Is not that charter for sale; and so long as it is not bought, is it not used as a means of obstructing the business of the country and preventing the gentleman's constituents, and the people of Iowa generally, from getting cheap transportation for their produce across that river?

Mr. STRUBLE. In reply to the gentleman from Pennsylvania I will say I am aware that this charter has been in existence some time. As to whether those who control the charter are attempting to use it for purposes of sale, I have no advice; but from the character of the men who are now acting under that charter I feel justified in saying that the insinuation involved in the interrogatory is unjust to those gentlemen and not warranted by the facts. That they are acting in good faith in respect to this matter I entertain not the least doubt. I know the men; and they are gentlemen of eminently high standing.

Mr. SCOTT. If there were five bridges across the Missouri River at Sioux City, would not the interests of the gentleman's constituents be better promoted thereby in the securing of cheap tolls across the river at Sioux City than if there should be one bridge there monopolizing the entire traffic across the river at that point.

Mr. STRUBLE. Oh, that any be so.

Mr. SCOTT. I withdraw the bill.

Mr. STRUBLE. As at present advised, I object.

BRIDGE OVER CUMBERLAND RIVER.

Mr. CALDWELL. I ask to take up for present consideration the bill (S. 2958) to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River. This bill, which has been passed by the Senate, is identical in its provisions with a bill which has been favorably reported from the Committee on Commerce.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, was accordingly read the third time, and passed.

Mr. CALDWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS EAST RIVER.

Mr. CRISP. I desire to report from the Committee on Commerce, for present consideration, the bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island. It is exactly similar in its provisions to House bill No. 10914, which has been favorably reported from the Committee on Commerce.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, was accordingly read the third time, and passed.

Mr. TIMOTHY J. CAMPBELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE BETWEEN KANSAS CITY AND SIBLEY, MO.

Mr. CRISP. I call up for present consideration the bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the City of Kansas and the town of Sibley, in the county of Jackson and State of Missouri.

Mr. WARNER, of Missouri. This bill contains all the usual provisions.

The SPEAKER *pro tempore*. The bill has been reported by the Committee on Commerce with amendments. If there be no objection the amendments will be considered as agreed to.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE BETWEEN OMAHA AND COUNCIL BLUFFS.

Mr. CRISP. I ask the present consideration of the bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes.

There being no objection, the House proceeded to the consideration of the bill.

The SPEAKER *pro tempore*. There is an amendment to this bill, which will be read.

Mr. CRISP. That amendment is merely the usual provision that all other railroad companies shall have the right to use the bridge.

The SPEAKER *pro tempore*. If there be no objection the amendment will be considered as agreed to.

There was no objection.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS THE RED RIVER OF THE NORTH.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (S. 3165) authorizing the construction of a bridge across the Red River of the North.

Mr. CRISP. I ask unanimous consent to substitute this bill for House bill No. 10295, the two bills being similar, and pass the same.

There being no objection, the Senate bill was ordered to a third reading; and being read the third time, was passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CRISP, from the Committee on Commerce, also reported back favorably the bill (S. 2930) authorizing the construction of a bridge across the Red River of the North, and asked unanimous consent to substitute the Senate bill for the bill of the House, No. 10664, of the same title.

There was no objection.

The SPEAKER *pro tempore*. The question is on ordering the Senate bill to be read the third time.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT FORT MADISON.

Mr. CRISP. I now call up the bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points; and ask to consider the same with the amendments recommended by the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER AT PIERRE, DAK.

Mr. CRISP. I call up the bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.; and ask to put it on its passage, with the amendments recommended by the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. KLEINER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER AT YANKTON, DAK.

Mr. CRISP. I call up the bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak., and ask to put it on its passage with the amendments recommended by the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS THE SUNFLOWER, YAZOO, AND TOMBIGBEE RIVERS.

Mr. CRISP. I call up the bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers in Mississippi.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT WINONA, MINN.

Mr. CRISP. I call up House bill No. 10146, authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein, and move to pass the same with amendments.

Mr. WILKINS. I would like to know the character of the amendments the committee recommend to this bill.

The SPEAKER *pro tempore*. The amendments of the committee will be read at length.

Mr. CRISP. I will state to the gentleman that the amendments in this case, as in other bills to which the committee has offered amendments, are simply to insert the customary provision directing the Secretary of War to cause proper steps to be taken to prevent the bridge being an obstruction to commerce, and also reserving to the United States the right to alter, amend, or repeal the act.

Mr. WILKINS. Do all of these bridge bills which we are passing to-night contain that provision making the selection of the site and the character of the bridge subject to the approval of the Secretary of War?

Mr. CRISP. They do.

Mr. DUNHAM. That has been stated already several times in the course of the evening.

Mr. CRISP. And I repeat that all of the amendments acted upon to-night by the House are simply to bring them within the rule and make them conform to that requirement. If any bills have been passed without that provision they have escaped the scrutiny of the committee.

Mr. BAYNE. Where is this bridge located?

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The title of the bill was again read.

Mr. BAYNE. But where is the point at which it is proposed to locate the bridge?

Mr. CRISP. At or near the city of Winona, in Minnesota.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER THE TENNESSEE RIVER AT MUSCLE SHOALS.

Mr. CRISP. I call up the bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Muscle Shoals Canal, and for other purposes, and move to pass the same with the amendments recommended by the committee.

Mr. BAYNE. Mr. Chairman, we are spending a great deal of money on that river to improve its navigation; why should we now obstruct it with a bridge?

Mr. WHEELER. Let me state to the gentleman that these bills are drawn very carefully, and provide that the bridges shall be so constructed as to prevent the possibility of their being detrimental to navigation. The bills specify that they shall be a certain width and a certain height, and as a further precaution in favor of navigation we provide that they shall be subject to such regulations as the Secretary of War shall prescribe. The engineer officers engaged upon the work

of improving the Tennessee River have been very particular. They have filed a report with the Secretary of War stating the kind of bridge that should be built.

Mr. MILLS. Can steamboats pass under the bridge in high water?

Mr. WHEELER. Most of the bridges on that river are provided with draws, and they are of sufficient width for purposes of navigation. But in this case the bill provides that the Secretary of War shall prescribe its height, which may be sufficient to permit boats to pass under it without the necessity of a draw.

The part of Alabama in which these bridges are to be located is undergoing a great change. Population is flowing in, railroads are being constructed, cities are springing up like magic, iron furnaces are being built in great numbers, coal mines are being opened upon a scale which even the people of Pennsylvania would call stupendous. Beds of iron ore are being developed so rich and abundant as to attract people from all parts of the United States and Europe. It is believed that the banks of the Tennessee River present advantages for making iron which are not found in any other locality, and hence this newly awakened spirit of industry.

Already many of the practical iron-makers of the North, with that clearness of perception and promptness of decision which have done so much to give its pre-eminence to that section, have diserned the superior advantages which their special industry will enjoy in Alabama, and are even now taking a leading part in developing these immense resources of that State, and when we add to these the great fertility of our soil, all must admit the necessity for these additional facilities for transportation and commerce.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### BRIDGE ACROSS SAINT LOUIS RIVER.

Mr. CRISP. I now call up the bill (S. 2611) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin.

Mr. NELSON. I desire to say that we have passed a similar bill to this which has already become a law; a House bill which went over to the Senate and was passed by that body.

The SPEAKER *pro tempore*. Without objection the bill called up by the gentleman from Georgia will be indefinitely postponed.

There was no objection.

### BRIDGE ACROSS TOMBIGBEE RIVER.

Mr. CRISP. I call up the bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss., with amendments by the Committee on Commerce.

The amendments recommended by the Committee on Commerce were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAGE moved to reconsider the vote by which the bill was passed and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### BRIDGE OVER TENNESSEE RIVER.

Mr. CRISP. I ask unanimous consent to report from the Committee on Commerce a bill which I have been authorized to report.

The SPEAKER *pro tempore*. The Chair thinks it is competent for the gentleman to make that report by the order under which the House meets this evening. Does the gentleman from Georgia desire to call up the bill for present consideration?

Mr. CRISP. I ask unanimous consent that it may be considered now.

The Clerk read the title of the bill, as follows:

A bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes.

The amendments reported by the Committee on Commerce were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### HOUSE BILLS LAID ON THE TABLE.

Mr. CRISP. I ask that there may be laid upon the table the various House bills identical in their provisions with the Senate bills which have been passed during the evening.

There was no objection, and it was so ordered.

### BRIDGE AT GRAND TOWER, ILL.

Mr. CRISP. We have now disposed of all the bridge bills which have been reported except the one that I now call up, the bill (H. R. 11231) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.

Mr. O'NEILL, of Pennsylvania. I do not desire that bill to be considered to-night.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania objects to the consideration of the bill, which under the order of the House carries it over.

Mr. WILKINS. I hope the gentleman will withdraw his objection so that we may consider this bill.

Mr. MATSON. I desire also to record my objection against this bill.

Mr. WHEELER. I should like to know what the objection is based upon.

Mr. MATSON. My objection to the bill is based upon this fact, that the height of the bridge is placed at 50 feet, while steamers that require a height of 90 feet have to pass this bridge.

Mr. REAGAN. It is so important that this bridge should be constructed that I think it would be better to amend the bill so as to satisfy those gentlemen who object; and I am satisfied a height of 50 feet is not sufficient. I beg to inquire of my colleague on the committee, the gentleman from Georgia [Mr. CRISP], if there is any objection to raising the height of the bridge to, say, 60 feet.

Mr. CRISP. There would be no objection, I think, on the part of the committee to any amendment which increased the height of the bridge, because, of course, the only object of the committee is to protect navigation. In their judgment this bill protected it.

Mr. REAGAN. I will say to the gentleman from Pennsylvania, if it will remove his objection——

Mr. O'NEILL, of Pennsylvania. I object to the consideration of this bill to-night.

Mr. CRISP. Under the agreement made with reference to the meeting of the House this evening I feel obliged to withdraw the bill.

Mr. BRECKINRIDGE, of Arkansas. I desire to say one word on this subject.

The SPEAKER *pro tempore*. The Chair will indulge the gentleman from Arkansas, although debate is not strictly in order.

Mr. BRECKINRIDGE, of Arkansas. This matter will have to come up for consideration at one time or another, because we who live west of the Mississippi River must get across that river somehow or other. We can not wade the stream, and it is too expensive to tunnel it. To secure this object we are willing to conform to the most extreme conditions that any one in the country can impose upon us. There are two classes of people who are in antagonism to the interest we have in this matter. If railroad companies could have things altogether their way they would destroy river navigation. If steamboat companies could have everything their way they would destroy railroad communication. The people in my community live on the river. They want to have both railroads and steamboats. They want to live and to let live. They would reprobate in the extremest terms any action I might take, if I should take such action, to restrain the freest and most unrestricted navigation of this river. At the same time they have no sympathy with a dog in the manger policy that would lay down conditions which would cripple the whole railroad system. I ask gentlemen who have objected to this bill what conditions would satisfy them?

Mr. O'NEILL, of Pennsylvania. In reply to the gentleman from Arkansas I will state that this is not one of the kind of bills which can be passed at a special evening session when no quorum is present, and I, as one member of the House, will not consent that this bill shall be considered to-night.

Mr. BRECKINRIDGE, of Arkansas. Well, the bill is withdrawn, and that is the end of it for the present.

Mr. CRISP. I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 8 o'clock and 5 minutes p. m.) the House adjourned.

---

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of the city council of Alexandria, Va., for relief from liability for failure to transfer certain shares of stock of the Alexandria Canal Company—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of Wendell Phillips Literary Club, and of the Thomas Davis Literary Society, of Philadelphia, Pa., protesting against the ratification of the pending extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. BLISS: Resolutions of the Legislature of New York, in favor of the bill extending the provisions of the eight-hour law to letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCHANAN: Petition of the mayor and citizens of Socorro, N. Mex., relating to an unconfirmed land grant—to the Committee on the Public Lands.

Also, petition of enlisted men of the Signal Corps, in favor of Mr. Morgan's amendment to House bill 5190—to the Committee on Military Affairs.

By Mr. BUNNELL: Petition of the Consolidated Cattle-Growers' Association, asking legislation to prevent the destruction of cattle by pleuro-pneumonia—to the Committee on Agriculture.

By Mr. BURLEIGH: Joint resolution of the New York Legislature, favoring Senate bill to secure to letter-carriers the same right enjoyed by other Government employés—to the Committee on the Post-Office and Post-Roads.

By Mr. CATCHINGS: Petition of the heirs of Jane Stamps, and of John P. Tierney, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CLEMENTS: Papers relating to the claim of John H. Roberts—to the Committee on War Claims.

By Mr. CROXTON: Papers relating to the claim of Richard T. Shrift, of Richmond County, Virginia—to the same committee.

Also, petition of Capt. O. A. Browne, of Accomack County, Virginia, for removal of his political disabilities—to the Committee on the Judiciary.

By Mr. R. H. M. DAVIDSON: Petition of citizens of Key West, Fla., against the establishment of a quarantine station at or near Key West, Fla.—to the Committee on Commerce.

By Mr. EVANS: Resolution of the Legislature of Pennsylvania, urging the passage of the bill refunding to the States all moneys collected under act of August 5, 1861—to the Committee on the Judiciary.

Also, resolutions of the Commercial Exchange of Philadelphia, regarding the purchase by the United States of the Portage Lake and Lake Superior Ship-Canal—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Resolution of the General Assembly of Pennsylvania, for the passage of the bill to pay back to the States, &c., all moneys collected under direct tax levied by act of August 5, 1861—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Women's Christian Temperance Union, of Brush Creek and of Edgefield, Iowa, asking for the passage of Senate bill 2362, to promote political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. GILFILLAN: Joint resolution of the Legislature of Minnesota, for an appropriation for a survey of the Red River of the North—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Papers in the claim of Mrs. Sarah Reheldorfer, widow of Frederick B. Reheldorfer, for a pension—to the Committee on Invalid Pensions.

Also, memorial of 200 citizens of Meigs County, Ohio, asking for the relief Mrs. Agnes Jenkins—to the same committee.

Also, petition and papers for the relief of Richard J. Stone, of Mason County, West Virginia—to the same committee.

Also, petition of the Cattle-Growers' Association of the United States, for legislation on pleuro-pneumonia—to the Committee on Agriculture.

Also, petition of C. B. Reed and many others of the Morgan County (Ohio) Wool Growers' Association, protesting against discrimination against wool-growers made by the Treasury Department—to the Committee on Ways and Means.

By Mr. GROUT: Petition of the Consolidated Cattle-Growers' Association of the United States, in behalf of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. HALSELL: Petition of J. N. Chenoworth and 32 others, asking for a pension to Samuel Piercy, of Barren County, Kentucky—to the Committee on Invalid Pensions.

By Mr. J. S. HENDERSON: Petition of the Cattle-Growers' Association of the United States, in favor of the Miller or Cary bill—to the Committee on Agriculture.

By Mr. HIESTAND: Resolutions of the Legislature of Pennsylvania, requesting the passage of the bill to refund to the several States and Territories the war taxes paid by them—to the Committee on the Judiciary.

By Mr. HILL: Petition praying for prohibition of the liquor traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOPKINS: Joint resolution of the General Assembly of Illinois concerning swamp lands—to the Committee on the Public Lands.

By Mr. JACKSON: Concurrent resolution of the Legislature of Pennsylvania, urging the passage of the bill to refund to the States the direct tax collected under the act of August 5, 1861—to the Committee on the Judiciary.

Also, petition of Consolidated Cattle-Growers' Association of the United States, praying for the passage of bill to prevent the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. F. A. JOHNSON: Resolutions of the Legislature of New York, regarding application of eight-hour law to letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWLER: Joint resolution of the General Assembly of Illinois, concerning swamp lands—to the Committee on the Public Lands.

By Mr. LITTLE: Petition of A. R. Ryshett, relating to a certain bill for reclaiming certain railroad lands, and suggesting amendment for protection of Union soldiers—to the same committee.

By Mr. LYMAN: Petition of the Consolidated Cattle-Growers' Association of the United States, for relief from the spread of cattle disease—to the Committee on Agriculture.

By Mr. MAHONEY: Resolutions of the Legislature of New York, in favor of bill extending the provision of the eight-hour law to letter-carriers—to the Committe on the Post-Office and Post-Roads.

By Mr. McCOMAS: Petition of Leonard Emmert, of Washington County, Maryland, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. O'DONNELL: Petition of the mayor and citizens of Socorro, N. Mex., for the confirmation of a certain land grant—to the Committee on the Public Lands.

By Mr. CHARLES O'NEILL: Communication of the Universal Peace Union, through its president, Alfred N. Love, opposing appropriations for war purposes, especially expensive ordnance and fortifications, and a system of naval vessels such as exist in the nations of the world—to the Committee on Appropriations.

By Mr. OSBORNE: Petition of the Consolidated Cattle-Growers' Association of the United States, asking for the passage of the Miller bill—to the Committee on Agriculture.

By Mr. PAGE: Petition for the consideration of charges against Cyrus Harris, and others—to the Select Committee on Reform in the Civil Service.

By Mr. PARKER: Resolutions of the Legislature of New York in favor of letter-carriers' labor at eight hours per day—to the Committee on the Post-Office and Post-Roads.

By Mr. PETERS (by request): Petition of John O. Pearce and Francis J. Pearce, and of Charles William Pearce and Frank T. Pearce, in behalf and for the relief of Giles Otis Pearce—to the Committee on the Judiciary.

By Mr. PINDAR: Concurrent resolution of the Legislature of New York, in favor of the Senate bill for the relief of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: Petition of R. L. English and other citizens, in favor of the Blair educational bill—to the Committee on Education.

By Mr. RANNEY: Petition of the Consolidated Cattle-Growers' Association, in favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. RIGGS: Petition of the General Assembly of Illinois, concerning certain swamp lands—to the Committee on the Public Lands.

By Mr. ROGERS: Memorial of the Choctaw Nation, praying for the payment of the judgment rendered November 15, 1886, by the Supreme Court—to the Committee on Appropriations.

By Mr. STRAIT: Joint resolution of the Legislature of Minnesota, asking for an appropriation for the survey of the Red River of the North—to the Committee on Rivers and Harbors.

By Mr. W. J. STONE, of Missouri: Petition of Hugh G. Glenn, of Cass County, Missouri, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SWOPE: Joint resolution of the Legislature of Pennsylvania, asking for the restoration of moneys paid by the States, Territories, and District of Columbia under the act approved August 5, 1861—to the Committee on the Judiciary.

By Mr. TOOLE: Petition of citizens of Yellowstone County, Montana, for the establishment of a new land district and land office at Billings, Montana—to the Committee on the Public Lands.

By Mr. TUCKER: Memorial of H. C. Parsons and others, upon the public debt of Virginia, and for action for relief in respect thereto—to the Committee on the Judiciary.

By Mr. VAN SCHAICK: Memorial of the Merchants' Association of Milwaukee, Wis., praying for the passage of the bill for the erection of a public building at that city—to the Committee on Public Buildings and Grounds.

By Mr. WAKEFIELD: Joint resolutions of the Legislature of Minnesota, favoring the extension of the reservoir system of the Red River of the North—to the Committee on Rivers and Harbors.

Also, communications of the Cattle Growers' Association of the United States, giving reasons for the passage of some bill to restrain the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. WARD: Joint resolutions of the General Assembly of Illinois, concerning swamp lands—to the same committe.

Also, petition of the Consolidated Cattle Growers' Association, in, favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. WHEELER: Petition of William E. Payne, of Madison County, Alabama, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Joint resolution of the Legislature of Minnesota, in favor of the survey of the Red River of the North with a view of extending the reservoir system to said river—to the same committee.

---

The following petitions and resolutions for the passage of the dependent relative pension bill, notwithstanding the President's veto, were severally referred to the Committee on Invalid Pensions:

By Mr. G. E. ADAMS: Of John A. Logan Post, No. 540, Grand Army of the Republic, of Illinois.

By Mr. J. A. ANDERSON: Of Sedwick Post, No. 24; of Parson Brownlow Post, No. 359; of Allison Post, No. 16, and of Drew Gove Post, No. 100, Grand Army of the Republic, of Kansas.

By Mr. BLISS: Of Harry Lee Post, No. 21, Grand Army of the Republic, of Brooklyn, N. Y.

By Mr. BOUTELLE: Of James P. Harris Post, No. 60, Grand Army of the Republic, of North Dixmont, Me.

By Mr. BRUMM: Of Jerre Helms Post, No. 26, Grand Army of the Republic, of Pennsylvania.

By Mr. BUNNELL: Of H. C. Pitman Post, No. 93, Grand Army of the Republic, of Pennsylvania.

By Mr. CONGER: Of James H. Ewing Post, Grand Army of the Republic, of Maxwell, Iowa.

By Mr. DINGLEY: Of David Esaucy Post, Grand Army of the Republic, of Appleton, Me.

Also, of Thomas T. Rideaut Post, No. 26, Grand Army of the Republic, of Bowdoinham, Me.

By Mr. DORSEY: Of McPherson Post, Grand Army of the Republic, of Nebraska.

By Mr. FLEEGER: Of J. S. Rosenbury Post, No. 538, Grand Army of the Republic, of Farmington, Butler County, Pennsylvania.

By Mr. FULLER: Of members of A. J. Smith Post, No. 120, Grand Army of the Republic, of East Elliport, Iowa.

By Mr. GIFFORD: Of Phil. Kearney Post, Grand Army of the Republic, of Yankton, Dak.

By Mr. GROSVENOR: Of Edwards Post, No. 611; of Sergeant Dix Post, and of Bartlett Post, No. 528, Grand Army of the Republic, of Ohio.

By Mr. GROUT: Of Baxter Post, Grand Army of the Republic, of Newport, Vt.

By Mr. T. J. HENDERSON: Of Norman B. Page Post, No. 511; of Parmenus Hills Post, No. 66; of Julius A. Pratt Post, No. 143, Grand Army of the Republic, of Illinois.

By Mr. HIESTAND: Of George H. Thomas Post, of Lancaster, Pa.

By Mr. HITT: Of E. B. Harner Post, No. 383, Grand Army of the Republic, of Leaf River, Ill.

By Mr. HOPKINS: Of Farnsworth Post, No. 456, Grand Army of the Republic, of Illinois.

By Mr. JACKSON: Of the Sons of Veterans, of Beaver Falls, Pa.

By Mr. LYMAN: Of M. S. Holtzinger Post, No. 210; of J. G. White Post, No. 108; of William Lundy Post, No. 271; of Webb Post, No. 353; of Dick Yates Post, No. 364, and of C. A. Abbott Post, No. 201, Grand Army of the Republic, of Iowa.

By Mr. McCOMAS: Of Grant Post, No. 2, Grand Army of the Republic, of West Virginia.

By Mr. STEELE: Of G. W. Shepherd and others, members of the Grand Army of the Republic, of Ridley, Ind.

By Mr. J. W. STEWART: Of Jesse A. Jewett Post, No. 73, Grand Army of the Republic of Vermont.

By Mr. STRAIT: Of W. R. Baxter Post, Grand Army of the Republic, of Charha, Minn.

By Mr. STRUBLE: Of Andrew Mills Post, of McDowell Post, and of J. G. White Post, Grand Army of the Republic, of Iowa.

By Mr. VAN SCHAICK: Of Edwin A. Brown Post, Grand Army of the Republic, of Fond du Lac, Wis.

By Mr. WAKEFIELD: Of W. C. Durker Post, No. 25, Grand Army of the Republic, of Eagle Lake, Minn.

---

The following petitions, asking legislation to secure rights to certain heirs-at-law and descendants of patentees claiming lands on and adjoining Manhattan Island, New York, under patents made in 1666 and 1667 by Richard Nichols, then governor of the colony of New York, was severally referred to the Committee on the Public Lands:

By Mr. BUCHANAN: Of citizens of the second district of New Jersey.

By Mr. FULLER: Of citizens of the fourth Congressional district of Iowa.

By Mr. LOWRY: Of citizens of Indiana.

By Mr. GROSVENOR: Of sundry citizens of Ohio.

By Mr. W. J. STONE, of Missouri: Of H. C. Adams and others.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BAYNE: Of 42 citizens of Bridgeville, Pa.

By Mr. BUCHANAN: Of 212 citizens of Trenton, Beverly, New Hanover, and Island Heights, and of 195 citizens of Atlantic City, N. J.

By Mr. S. S. COX: Of 30 voters and 49 women of New York city.

By Mr. CARLETON: Petition of the Women's Christian Temperance Union of Michigan.

By Mr. HAYNES: Of 95 citizens of Sandwich, N. H.

By Mr. J. T. JOHNSON: Of 103 citizens of Rockville, Ind.

By Mr. LORE: Of 72 voters of Middletown, Del.

By Mr. PAGE: Of 139 citizens of Westerly, R. I.

By Mr. SCRANTON: Of 88 citizens of Ashley, Pa.

By Mr. SPOONER: Of 22 citizens of Middletown, R. I.

By Mr. STRAIT: Of 27 citizens of Welch and Douglass, Minn.

By Mr. WAIT: Of 158 citizens of Plainfield, Conn.

By Mr. WEBER: Of 45 citizens of Wales and Wales Center, N. Y.

## SENATE.

### TUESDAY, *March* 1, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. CAMERON. I move that the reading of the Journal be dispensed with.

Mr. EDMUNDS. I object, Mr. President.

The Secretary resumed the reading of the Journal.

Mr. HALE (at 12 o'clock and 5 minutes p. m.). I beg leave to interrupt the reading of the Journal in order to ask that the naval appropriation bill may be referred to the Committee on Appropriations.

Mr. EDMUNDS. I object, Mr. President. Let the reading of the Journal go through.

The PRESIDENT *pro tempore*. It requires unanimous consent. Objection is made, and the reading of the Journal will proceed.

The Secretary resumed the reading of the Journal.

Mr. SHERMAN (at 12 o'clock and 17 minutes p. m.). I suggest that the further reading of the Journal be dispensed with.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Unanimous consent being necessary, the reading of the Journal will proceed.

The Secretary resumed and concluded the reading of the Journal of yesterday's proceedings.

The PRESIDENT *pro tempore*. The Journal will stand approved, if there be no objection.

PUBLIC BUILDING AT LAFAYETTE—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

*To the Senate:*

I herewith return without approval Senate bill No. 531, entitled "An act to provide for the erection of a public building at Lafayette, Ind."

This bill appropriates $50,000 for the purpose indicated in its title.

It is represented that a deputy internal-revenue collector is located at Lafayette, but no information is furnished that he has an office there, which is, or ought to be, furnished by the Government. It is not claimed that the Federal business at this point requires other accommodation except for the post-office located there.

As usual in such cases, the postmaster reports, in reply to inquiries, that his present quarters are inadequate, and, as usual, it appears that the postal business is increasing. The rent paid for the rooms or building in which the post-office is kept is $1,100 per annum.

I have been informed since this bill has been in my hands that last spring a building was erected at Lafayette with special reference to its use for the post-office, and that a part of it was leased by the Government for that purpose for the term of five years. Upon the faith of such lease the premises thus rented were fitted up and furnished by the owner of the building in a manner especially adapted to postal uses, and an account of such fitting up and furnishing is before me showing the expense of the same to have been more than $2,500.

In view of such new and recent arrangements made by the Government for the transaction of its postal business at this place, it seems that the proposed expenditure for the erection of a building for that purpose is hardly necessary or justifiable.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 28, 1887.

Mr. HARRISON. I regret that the President of the United States has denied to this flourishing Indiana city what he has called in a previous message "Federal decoration." I move that the message be referred to the Committee on Public Buildings and Grounds, and printed.

The motion was agreed to.

AGREEMENTS WITH CHIPPEWA INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a communication of 17th instant, from the Secretary of the Interior, submitting, with accompanying papers, two agreements made with Chippewa Indians in the State of Minnesota under the provisions of the act of May 15, 1886. [24 Stat., 44.]

The papers are presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 28, 1887.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 24, 1887, all reports made by Mark Harden, special agent, since July, 1886, in regard to any alteration in the dates of liquidation of warehouse entries in the custom-house at Boston, Mass., and other reports and correspondence connected therewith; which, with the accompanying papers, was, on motion of Mr. HOAR, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of the General Land Office in reply to a resolution of January 14, 1887, relative to re-adjudication of private land claims in New Mexico and Arizona; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the naval appropriation bill be taken from the table, receive its second reading, and be referred to the Committee on Appropriations.

The bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes, was read the second time by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BELMONT, Mr. W. R. COX, and Mr. HITT managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10912) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. GREEN, and Mr. WHITE managers at the conference on the part of the House.

The message further announced that the House had agreed to the reports of the respective committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills of the House:

A bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, and so forth;

A bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1888, and for other purposes; and

A bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TUCKER, Mr. SENEY, and Mr. PARKER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COBB, Mr. VAN EATON, and Mr. PAYSON managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 2382) granting a pension to Alice Kelley, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SWOPE, Mr. NEECE, and Mr. CONGER managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMPHILL, Mr. J. E. CAMPBELL, and Mr. ROWELL managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and territorial transportation of property or passengers and their employés;

A bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y.; and

A bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor.

DEATH OF REPRESENTATIVE COLE.

The message likewise announced that the House had passed resolutions commemorative of the life and character of Hon. W. H. Cole, late a Representative in Congress from the State of Maryland, and transmitted the same to the Senate.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I ask that the message on the bill making appropriations for rivers and harbors just received from the House of Representatives be laid upon the table, and I shall submit the conference report on that bill as soon as the morning business is disposed of.

PETITIONS AND MEMORIALS.

Mr. ALDRICH presented a petition of Sedgwick Post, No. 7, Grand Army of the Republic, of Peacedale, R. I.; and a petititon of Charles C. Baker Post, No. 16, Grand Army of the Republic, of West Wickford, R. I., praying for the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

Mr. HARRISON presented a resolution adopted by Bruce Post, No. 273, Grand Army of the Republic, Department of Indiana; a resolution adopted by Kendrick Post, No. 441, Grand Army of the Republic, Department of Indiana; a resolution adopted by Mich. Campbell Post, No. 444, Grand Army of the Republic, Department of Indiana; a resolution adopted by Lookout Post, No. 133, Grand Army of the Republic, Department of Indiana; a resolution adopted by J. H. Danseur Post, No. 104, Grand Army of the Republic, Department of Indiana; and resolutions adopted by Dan Pratt Post, No. 50, Grand Army of the Republic, Department of Indiana, urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. MITCHELL, of Pennsylvania, presented a memorial of Lieut. Arnold Lobaugh Post, No. 297, Grand Army of the Republic, Department of Pennsylvania, remonstrating against the passage of the dependent pension bill over the veto of the President; which was ordered to lie on the table.

He also presented a petition of Sergt. H. C. Ackley Post, No. 469, Grand Army of the Republic, Department of Pennsylvania, praying for the passage of the dependent pension bill over the veto of the President; which was ordered to lie on the table.

Mr. PALMER presented a resolution adopted by Henry Dobson Post, No. 182, Grand Army of the Republic, of Fremont, Mich., urging the passage of the dependent pension bill over the President's veto; which was ordered to lie on the table.

Mr. BOWEN presented a petition of Colorado Springs Post, No. 22, Grand Army of the Republic, Department of Colorado; a petition of Upton Post, No. 8, Grand Army of the Republic, Department of Colorado; and a petition of Joe Hooker Post, No. 16, Grand Army of the Republic, Department of Colorado, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. MORGAN presented the petition of Tim Meaher, of Mobile, Ala., setting forth a claim for the value of cotton taken unlawfully and sold and the proceeds covered into the Treasury of the United States; which was referred to the Committee on Claims.

He also presented the petition of Tim Meaher, of Mobile, Ala., making claim for services rendered troops in the Mexican war; which was referred to the Committee on Claims.

He also presented the petition of Tim Meaher, of Mobile, Ala., making claim for value of injury done to steamboats by United States troops in Mobile Bay by an explosion; which was referred to the Committee on Claims.

Mr. CALL presented a petition of various bankers in the city of New York, praying for the payment of certain alien tax claims; which, with the accompanying copy of letter to the Secretary of the Treasury, was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

NEW YORK, *March* 1, 1887.

Senator CALL, *United States Senate, Washington, D. C.*:

Our attorney, Mr Neill, is instructed to hand you our petition relative to appropriation for refund of alien tax claims. We pray you present to Senate.

F. SCHWARDT & SONS.
CHAS. M. FRY.
AMY & CO.
H. R. BALTZER,
(Of BALTZER & TAAKE).
BALTZER & LICHENSTEIN.
MORAN BROS.
ISELIN & CO.
E. HAVENSTEDT.
MASLE BROS.

NEW YORK, *February* 23, 1887.

*To the honorable United States Senate:*

We, the undersigned, agents and bankers for a number of non-resident aliens of the United States, whose claims have been filed by us, examined and allowed by the Commissioner of Internal Revenue, and transmitted to Congress, and referred to your honorable committee for appropriation, as recited in House Executive Document No. 21, respectfully present this our petition.

During the period covered by these and similar claims we were and are still in very many instances the duly authorized financial agents and bankers of a large number of non-resident aliens, the owners of bonds and stock of American railroad companies and other American securities. It had been our business for years to negotiate abroad American loans and Government and other bonds and securities of this country. It was the custom then, as it is now, for these aliens who had purchased such bonds upon the recommendation and credit of our banking-houses to look to us to secure the honest and full payments of the bonded and other obligations due them. We were and are their agents in this

country to collect for them the interest and dividends due on their bonds and stock. It was to our interest and credit to protect their rights and to see that they received in full their interest and dividends due them on the bonds and stock they had purchased mainly through our recommendation.

During the period when this Government exacted an income tax from her citizens the same tax was illegally exacted from these aliens. This tax was taken directly from us as their agents; that is to say, when we applied to the railroad corporations for payment of interest due on their bonds, being authorized to do so, the corporations illegally withheld a portion of this interest arbitrarily from the amount due our foreign correspondents, and paid the same over to the Government. The Supreme Court having decided that this was an illegal exaction, we duly filed our claims for refund directly against the Government. And the claims now recited in House of Representatives Executive Document No. 21, with the single exception of the New York Central and Hudson River Railroad Company (and this seems to be a recoupe), constitute a part and embody the principal of the claims now due us on behalf of our alien correspondents.

We desire to ask your attention to our communication under date of May 24, 1886, addressed to the Hon. Daniel Manning, Secretary of the Treasury, a certified copy of which, furnished by the Treasury Department, has been submitted to the Committee on Appropriations by our attorney, Mr. T. W. Neill, and to ask that it be made a part of this petition.

The Supreme Court has decided that these taxes should be refunded to the corporations, and to this effect is the opinion of the Attorney-General. (7 Wall., 262; 15 Opin., 67.)

This because the taxes in question were illegally collected directly from the corporations. This refund made in this manner will of course be for the benefit of the parties from whom the corporations directly and illegally withheld the same tax, namely, to the aliens or their agents, &c. And we are directly responsible to our alien customers who have authorized us to look after their financial interests in this country,

These aliens are our foreign correspondents; they look to us for a proper accounting to them or their heirs, executors, guardians, &c., and our books show our transactions with each of them, and our credit and standing in the financial community, and their confidence and trust in us seems to be a sufficient guarantee to the Government of the United States that money illegally exacted from us on their account, if refunded either to the corporation at our request or to us, will go to their proper credit.

In conclusion, we pray that your honorable committee will make this just appropriation in the form and manner as transmitted to you by the honorable Secretary of the Treasury.

And we shall ever pray.

MORAN BROTHERS.
*Trustees in Bankruptcy of Fred'k Schuchardt & Sons.*
CHAS. M. FRY,
A. ISELIN & CO.
H. AMY & CO.
H. R. BALTZER,
(Of BALTZER & TAAKS).
BALTZER & LICHENSTEIN.
E. HAVENSTEDT & CO. (in liquidation).
MASLE BROS.

NON-RESIDENT ALIEN REFUNDING CLAIMS.

[Copy of letter from claimants' agents and bankers, &c., to Secretary of Treasury, certified copy of which has been furnished the Committee on Appropriations, House of Representatives, having reference to House Executive Document, No. 21.]

NEW YORK CITY, *May* 24, 1886.

SIR: Several years since, as agents and bankers for a number of non-resident aliens of the United States, we filed in the Treasury Department their claims for the refund of taxes illegally exacted from them.

These taxes were, by direction of the Government, withheld by various corporations in this country from interest on bonds owned by said aliens and paid over to the Treasury. The questions in the case have been judicially settled, and in many of the cases the taxes have been allowed and already refunded by your Department. The claims here referred to have been fully established and allowed by the Commissioner of Internal Revenue, and his allowances transmitted to your Department for payment.

It is held by the Supreme Court, in the case of non-resident aliens, that said taxes were illegally exacted by the Government, and illegally withheld by the various corporations from the interest due on their bonds. In the cases before you, as a matter of convenience and to facilitate and simplify the refunding of these taxes, the names of the respective corporations have been joined or substituted as claimants in lieu, and on behalf of the many alien claimants. In this manner, as suggested, the refunding will be more regular and the tax paid back as it was received through the agency of the corporation.

As advised, the adjusted claims in question now before your office awaiting payment, and in which our foreign correspondence are interested, are:

| | |
|---|---|
| In name of Pittsburgh, Fort Wayne and Chicago Railway Company allowance | $5,146 41 |
| In name of Pittsburgh, Fort Wayne and Chicago Railway Company allowance | 7,400 92 |
| In name of New York Central Railroad Company allowance | 9,275 82 |
| In name of Pittsburgh, Fort Wayne and Chicago Railway Company allowance | 2,089 69 |
| In name of Pennsylvania Railroad Company allowance | 4,852 80 |
| In name of Pittsburgh, Fort Wayne and Chicago Railway Company allowance | 796 20 |

We respectfully request that drafts for payment of above may be issued and delivered to our attorney, Mr. T. W. Neill, 1767 P street, Washington, D. C., who has charge of the prosecution of said claims. We ask that copies of the lists of alien claimants (certified by your Department), upon whose account the drafts are based, may also be delivered with the drafts in order to facilitate and insure the distribution of the money refunded to the proper parties.

These claims have been allowed under the provisions of section 3220, Revised Statutes, and it is held by the Supreme Court that an allowance of this character is a final settlement of the case and fixes the liability of the Government. (96 U. S., 567; 102 U. S., 397; 104 U. S., 728.)

This letter will be presented by our attorney, who will submit that the law provides for the payment of these allowances out of any money in the Treasury not otherwise appropriated, and that to relegate any further question as to their payment to any other tribunal is in conflict with the doctrine laid down by the Supreme Court and without warrant in law.

We have the honor to be, very respectfully, your most obedient servants,

MORAN BROTHERS.
A. ISELIN & CO.
CHARLES M. FRY,
*Trustee of Fred'k Schuchardt & Sons,*
By WM. H. LEUPP.
H. AMY & CO.
H. R. BALTZER,
(Of BALTZER & TAAKS).

Hon. DANIEL MANNING,
*Secretary of the Treasury, Washington, D. C.*

REPORTS OF COMMITTEES.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 917) for the relief of Henry S. Cohn, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (S. 735) granting a pension to Margaret C. Bupp, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2757) for the relief of Florida Kennerly, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 680) for the relief of the heirs of the late William A. Burt, inventor of the solar compass adopted and used by the United States Government for fifty years in making the original survey of the public domain, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the amendment submitted by Mr. CULLOM, intended to be proposed by him to the general deficiency appropriation bill providing for the payment of 25 per cent. in addition to the amount paid for day labor to the employés of the Government Printing Office, such as compositors, &c., who have been and are exclusively employed on the night force during the second session of the Forty-ninth Congress, reported it without recommendation, and moved its reference to the Committee on Appropriations, with the accompanying papers; which was agreed to.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 3042) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian Reservation, in the Territory of Dakota, reported it with an amendment.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (S. 1988) for the relief of Laban Heath & Co., of Boston, Mass., reported it with an amendment, and submitted a report thereon.

SENATOR FROM MICHIGAN.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred the credentials of FRANCIS B. STOCKBRIDGE, Senator-elect from the State of Michigan for the term beginning March 4, 1887, to report back the same with a recommendation that they be placed on the files of the Senate, and that the committee be discharged from the further consideration of the same.

The PRESIDENT *pro tempore*. The committee will be discharged and the credentials placed upon the files of the Senate if there be no objection. The Chair hears none.

SENATOR FROM INDIANA.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred a paper purporting to be the credentials of DAVID TURPIE, certifying to his election as Senator from the State of Indiana for the term beginning March 4, 1887, to report the same back with a recommendation that they be placed on the files of the Senate and the committee discharged from the further consideration thereof.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred resolutions of the joint assembly of the two Houses of the Legislature of Indiana, contesting the validity of the election of DAVID TURPIE as United States Senator, to report the same back with the recommendation that they be placed on the files of the Senate, and that the committee be discharged from the further consideration thereof.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

ALLEGED OUTRAGES IN TEXAS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections to report a resolution and request that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The Chief Clerk read the resolution, as follows.

*Resolved*, That the Committee on Privileges and Elections be, and it is hereby, authorized to sit during the coming recess of Congress for the purpose of continuing the investigation ordered by the Senate by the resolutions of January 26 and 28, 1887; and that the necessary expenses be paid out of the contingent fund of the Senate on vouchers to be approved by the chairman of the committee or by the chairman of a subcommittee.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Contingent Expenses if there be no objection.

Mr. COKE. I desire to ask the Senator from Massachusetts if this is a unanimous report of the committee?

Mr. HOAR. This is a unanimous report. I will state to the Senator from Texas—I suppose in so doing I shall not state anything that is improper to be stated—that while I suppose the examination of witnesses will be nearly or quite concluded before the adjournment of the Senate, although it may take a few hours after the adjournment, depending upon the condition of our business here, it will be much more

convenient to the members of the committee on both sides to have the evidence printed and indexed and their report made at a later time than to have that duty imposed upon them in the three days remaining. It is the unanimous agreement of the committee.

Mr. COKE. I interpose no objection.

Mr. HOAR. I ask leave of the Senate to modify the resolution by inserting the words "with all the powers conferred by the said resolutions."

The PRESIDENT *pro tempore*. If there be no objection the modification suggested by the Senator from Massachusetts will be made in the resolution. The Chair hears no objection. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

WEIL AND LA ABRA CLAIMS.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to report a resolution emanating from the committee. I ask that it be printed and lie on the table.

The resolution was read, and ordered to lie on the table, as follows:

*Resolved*, That in consequence of the inability of the Senate to act upon Senate bills Nos. 2207 and 2208, "to amend act for the distribution of awards under a treaty with Mexico," so as to give to said measures proper consideration, the President of the United States be requested to suspend further payments under the awards named in said bills to the representatives or persons claiming under Benjamin Weil and the La Abra Silver Mining Company, respectively, until the question of fraud in obtaining said awards by the claimants respectively, or their agents and attorneys, shall have been duly investigated by the courts of the United States under the direction of the President, or under the further direction of Congress.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 3355) authorizing the Big Rapids National Bank, of Big Rapids, Mich., to change its location and name; which was read twice by its title, and referred to the Committee on Finance.

Mr. BLAIR introduced a bill (S. 3356) to regulate the compensation of watchmen in the Executive Departments of the Government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Education and Labor.

AMENDMENTS TO BILLS.

Mr. BLACKBURN, Mr. CALL, Mr. CAMERON, Mr. MITCHELL of Pennsylvania, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the legislative, &c., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, of Pennsylvania, it was

*Ordered*, That Hon. William Ward, of Pennsylvania, have leave to withdraw from the files of the Senate the papers relating to a claim for services performed by him in connection with the United States revenue-marine steamer William H. Seward, no adverse report having been made.

THE COMMITTEE ON INDIAN AFFAIRS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on Indian Affairs are directed to examine into the condition of the Indian tribes along the northern borders of the United States and especially the Indians on the White Earth Reservation in Minnesota; and to investigate the conduct of the Indian agents and their subordinates and employés at any of the agencies in that quarter, with a view to ascertain whether any of them have neglected their duties or have abused their authority in their dealings with the Indians. And that said committee examine into the distributions of annuities, or other appropriations of money or property made for the benefit of the Indian tribes by said agents. The expenses of said committee in executing this order shall be paid out of the contingent fund of the Senate on vouchers approved by the chairman of said committee, who shall be the present chairman of the Committee on Indian Affairs, or the chairman of any subcommittee appointed by the order of said committee, to be audited by the committee to audit the contingent expenses of the Senate.

2. That said committee or subcommittee shall have power to send for persons and papers, and to examine witnesses on oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at any place in the United States.

REPORT ON CONGO COUNTRY.

Mr. MORGAN submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That 500 copies of the report of Lieut. E. H. Taunt on the Congo country sent to the Senate by the Secretary of the Navy on February 1, 1887, with the accompanying map, be printed for the use of the Senate.

A. H. LAZARE.

Mr. PLUMB submitted the following resolution; which was read:

*Resolved*, That the letters of counsel for A. H. Lazare to the Secretary of State, dated respectively June 8, 1886, and September 20, 1886, and also the award of Hon. William Strong, arbitrator, against Hayti in favor of A. H. Lazare, be printed.

Mr. MORGAN. I move that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

COMMITTEE ON PRINTING.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the following resolution, coming over from yesterday under the rule:

*Resolved*, That the Committee on Printing, as at present constituted, be authorized to sit during the coming recess, and to prosecute the investigations into the public printing and the codification of the laws on printing and binding as ordered by a resolution adopted by the Senate on the 29th of June, 1886.

The resolution was agreed to.

HOUR OF MEETING.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the following resolution, coming over from yesterday under the rule:

*Resolved*, That the Senate hereafter meet at 11 o'clock in the morning until otherwise ordered.

Mr. ALLISON. What became of the resolution reported from the Committee on Appropriations several days ago, authorizing the meeting of the Senate at 11 o'clock in the morning?

The PRESIDENT *pro tempore*. The resolution reported by the Senator from Iowa went to the Calendar, and was not called up on the day succeeding its introduction.

Mr. SHERMAN. I hope the resolution will be adopted. It has always been usual before this period of the session to meet at 11 o'clock; and not to do so now, especially in view of the complaints made against the other House, it seems to me, would be finding fault with others when probably we are not doing as much ourselves as we should.

Mr. ALLISON. We ought to have been meeting at 11 o'clock some time ago. I reported a resolution to that effect, and I supposed it would be laid before the Senate on the succeeding day, as resolutions usually are.

Mr. SHERMAN. That resolution was laid before the Senate, but was not acted on and went over.

Mr. ALLISON. This ought to have been done sooner.

The PRESIDENT *pro tempore*. The Chair is informed, not having been at that time in the occupancy of the chair, that the resolution having been reported went to the Calendar.

Mr. HARRIS. The resolution offered by the Senator from Ohio has been agreed to, I understand.

The PRESIDENT *pro tempore*. It was objected to yesterday, and came over under the rule, and is now before the Senate.

Mr. HARRIS. I knew it was laid before the Senate, but I thought it had been agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I ask the Senate to proceed to the consideration of the private pension bills on the Calendar, favorably reported.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Wisconsin? The Chair hears no objection, and the first private pension bill favorably reported on the Calendar will be announced.

JULIET G. HOWE.

The bill (S. 2835) granting a pension to Miss Juliet G. Howe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Juliet," to strike out "Miss," and insert "Mrs." so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Juliet G. Howe, a volunteer nurse during the late war, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mrs. Juliet G. Howe.

GERTRUDE K. LYFORD.

The bill (S. 1581) granting an increase of pension to Gertrude K. Lyford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Gertrude K. Lyford, widow of Stephen C. Lyford, late major and brevet lieutenant-colonel, Ordnance Department, United States Army, at the rate of $40 a month, in lieu of the pension which she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. HILLIKER.

The bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker was considered as in Committee of the Whole. It proposes to increase the pension of Benjamin F. Hilliker, late a private in Company A, Eighth Wisconsin Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. S. C. GOODIN.

The bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. S. C. Goodin, as the dependent mother of William W. Goodin, Company F, Eighth Regiment Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREEN FIELDS.

The bill (H. R. 9170) for the relief of Green Fields was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Green Fields, of Sidney, Iowa, late of Company F, Fourth Indiana Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. BEWLEY.

The bill (H. R. 4745) granting a pension to William S. Bewley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William S. Bewley, late of Company C, Eighth Regiment Tennessee Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWRENCE O'CONNER.

The bill (H. R. 10262) granting a pension to Lawrence O'Conner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lawrence O'Conner, father of Richard O'Conner, late of Company I, Twenty-sixth Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB TEITS.

The bill (H. R. 8829) granting a pension to Jacob Teits was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Teits, late of Company A, One hundred and Forty-fourth Regiment Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. H. DODD.

The bill (H. R. 9401) granting an increase of pension to H. H. Dodd was considered as in Committee of the Whole. It proposes to grant an increase of pension to H. H. Dodd, late of Company C, Sixteenth Regiment Ohio Veteran Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LYDIA BURDICK.

The bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Lydia Burdick, widow of Samuel Burdick, late a private in Company A, Eighteenth Regiment Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HESTER.

The bill (H. R. 731) granting a pension to William H. Hester was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Hester, late of Company M, Nineteenth Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. VANORDER.

The bill (H. R. 8067) to pension Andrew J. Vanorder was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew J. Vanorder, late of Company D, Twenty-eighth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHALA BROWN.

The bill (H. R. 8384) for the relief of Mahala Brown was considered as in Committee of the Whole. It proposes to place the name of Mahala Brown, dependent mother of John W. Brown, late of Company D, Thirty-second Regiment Kentucky Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL SPEED S. FRY.

The bill (H. R. 6732) for the relief of General Speed S. Fry was considered as in Committee of the whole. It proposes to place on the pension-roll the name of Speed S. Fry, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. HAYS.

The bill (H. R. 8798) granting a pension to Thomas J. Hays was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas J. Hays, of Rockcastle County, Kentucky, late a private in Company I, Third Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES WILLIAMS.

The bill (H. R. 9928) granting a pension to Moses Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Moses Williams, late a private of the United States Marine Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. WALSH.

The bill (H. R. 7221) granting a pension to Thomas B. Walsh was considered as in Committee of the Whole. It proposes to place the name of Thomas B. Walsh, late of Company D, Tenth Tennessee Cavalry, upon the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. FRANK BELL.

The bill (H. R. 10050) to increase the pension of Capt. Frank Bell was considered as in Committee of the Whole. It proposes to increase the pension of Frank Bell, late captain of Company I, Forty-second Regiment Pennsylvania Volunteers, to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. THOMPSON.

The bill (H. R. 8826) granting a pension to Mary M. Thompson was considered as in Committee of the Whole. It proposes to place the name of Mary M. Thompson, mother of Charles W. Thompson, late of Company A, Third Regiment of Pennsylvania Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS M. STRONG.

The bill (H. R. 6918) to increase the pension of Lewis M. Strong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lewis M. Strong, late of Company K, Third Regiment Vermont Volunteers, now a pensioner, at the rate of $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENELOPE MORTON.

The bill (H. R. 942) granting a pension to Penelope Morton, widow of Lieut. James Morton, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Penelope Morton, widow of James Morton, late lieutenant Company F, Twenty-second Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CANODE.

The bill (H. R. 1903) granting a pension to Henry Canode, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Canode, late a private in Company K, Seventeenth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA KEARNEY.

The bill (H. R. 5927) for the relief of Louisa Kearney was considered as in Committee of the Whole. It proposes to increase the pension of Louisa Kearney, widow of James Kearney, late lieutenant-colonel of topographical engineers, United States Army, from $30 per month, as now received, to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE PAUL.

The bill (S. 3305) granting a pension to Louise Paul was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louise Paul, widow of Brig. Gen. Gabriel R. Paul, United States Army, at $100 a month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH AND MARY GLASSBRENER.

The bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment in line 6, be-

fore the word "them," to insert "each of," and after the word "them" to insert "and to the survivor;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the names of Elizabeth Glassbrener and Mary Glassbrener, and pay to them and to the survivor a pension of $12 per month, as dependent sisters of George Glassbrener, late of Company D, Seventeenth Indiana Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. MARGARET B. TODD.

The bill (S. 2319) granting a pension to Mrs. Margaret B. Todd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add:

Widow of Frank B. Todd, late a private in Company G, One hundred and eighteenth Pennsylvania Volunteers.

So as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret B. Todd, widow of Frank B. Todd, late a private in Company G, One hundred and eighteenth Pennsylvania Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT H. STURGESS.

The bill (S. 3190) granting a pension to Robert H. Sturgess was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert H. Sturgess, late lieutenant-colonel of the Eighth Regiment Illinois Infantry Volunteers, according to his rank as a lieutenant-colonel.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. A. LEMASTER.

The bill (S. 1246) for the relief of W. A. Lemaster was considered as in Committee of the Whole. It proposes to pay W. A. Lemaster, of Iconium, Iowa, the whole sum of the pension due to George Lemaster, deceased, at the date of the death of George, June 23, 1873, the pension having been erroneously withheld from March, 1861, during and up to June 23, 1873. W. A. Lemaster is first to make proof satisfactory to the Secretary of the Interior that he is the sole surviving heir of George Lemaster, deceased.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBY J. SLOCUM.

The bill (S. 159) granting an increase of pension to Abby S. Slocum was considered as in Committee of the Whole.

The Committee on Pensions reported amendments, in line 4 to change the name "Abby S. Slocum" to "Abby J. Slocum," and in line 5, to change the name "John T. Slocum" to "John S. Slocum;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Abby J. Slocum, widow of John S. Slocum, late colonel of the Second Rhode Island Volunteer Infantry, on the pension-roll at the rate of $50 per month, in lieu of the rate of pension she now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill granting an increase of pension to Abby J. Slocum.

JENNIE H. COGHILL.

The bill (S. 1336) granting a pension to Jennie H. Cogill was considered as in Committee of the Whole.

The Committee on Pensions reported amendments in lines 6 and 7 to strike out the name "Cogill" and insert "Coghill;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jennie H. Coghill, widow of Thomas A. Coghill, late a private in Company F, Tenth Regiment of Rhode Island Volunteers.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill granting a pension to Jennie H. Coghill."

CHARLES W. HOLLAND.

The bill (S. 2445) granting a pension to Charles W. Holland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles W. Holland, late of Company C, Seventh Regiment Rhode Island Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELEANOR S. LAWSON.

The bill (S. 2564) granting a pension to Eleanor S. Lawson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eleanor S. Lawson, widow of Elias Lawson, late an acting ensign in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES SMITHPETER.

The bill (H. R. 752) granting a pension to James Smithpeter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Smithpeter, late of the East Tennessee Union service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. SABIN STOCKING.

The bill (H. R. 9143) granting a pension to Dr. Sabin Stocking was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dr. Sabin Stocking, who was formerly surgeon of the Seventeenth Regiment Connecticut Volunteers in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MANS.

The bill (S. 2765) to increase the pension of James Mans was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Mans, a veteran of the Mexican war, at the rate of $50 per month, in lieu of the pension heretofore received by him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IDA M. WELTON.

The bill (S. 3328) granting a pension to Ida M. Welton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ida M. Welton, daughter of George C. Welton, late a private in Company G, Sixth Vermont Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK BENO.

The bill (S. 74) to grant an increase of pension to Frederick Beno was considered in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 5, after the name "Beno," to insert "of Company F, Twelfth Missouri Volunteer Infantry;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and required to increase the pension of Frederick Beno, of Company F, Twelfth Missouri Volunteer Infantry, of East Portland, Oreg., to $72 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SHERMAN. Order of Business 2289, next to the bill just acted on, being the bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry, is of a kindred nature to these pension bills. I hope the Senate will allow the bill to pass. It was reported by the Senator from Missouri [Mr. COCKRELL].

Mr. CULLOM. We can go to the Calendar of House bills after awhile.

Mr. SAWYER. I have no objection to letting this come in.

Mr. EDMUNDS. I am willing to agree to that, because most of these matters of desertion that have been reported favorably upon relate to pensions really. If my friend from Ohio and the Senate will agree to take them all up, there is one from Vermont which I think is a quite clear case. It is really a pension matter, is reported by my friend from Missouri [Mr. COCKRELL], and I should like to have it considered in the same way.

Mr. SAWYER. Had we not better first go through the pension bills?

Mr. SHERMAN. In order not to waste time, I will agree that as soon as the pension cases are through to go on with the desertion cases.

Ms. SAWYER. That will do.

JOSEPH POTTER.

The bill (H. R. 6162) granting a pension to Joseph Potter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Potter, of Rahway, N. J., late a corporal in Captain Martin's battery of New Jersey volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER P. HOFFMAN.

The bill (H. R. 6823) granting a pension to Peter P. Hoffman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter P. Hoffman, late a private in Company H, Second Regiment New Jersey Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY PARROTT.

The bill (H. R. 7952) granting a pension to Mary Parrott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Parrott, dependent mother of Charles A. Parrott, late a private in Company C, Twelfth Massachusetts Volunteer Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD FOREMAN.

The bill (H. R. 9248) to increase the pension of Richard Foreman was considered as in Committee of the Whole. It proposes to pay to Richard Foreman, late a private in Company D of the One hundred and fifty-first Regiment New York Volunteers, a pension at and after the same rate as though his leg was amputated above the knee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILES WRIGHT.

The bill (H. R. 8828) granting a pension to Giles Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Giles Wright, late of Company M, Third Regiment New Jersey Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY CORBETT.

The bill (H. R. 9213) granting a pension to Mary Corbett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Corbett, widow of Alfred Corbett, late a private in Company F, Fifteenth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI ANDERSON.

The bill (H. R. 5171) granting a pension to Missouri Anderson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Missouri Anderson, widow of Reuben W. Anderson, late of Company A, Tenth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WEEKLEY.

The bill (H. R. 8437) granting a pension to Thomas Weekley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Weekley, late of Company E, Fourteenth Regiment West Virginia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY P. REED.

The bill (H. R. 3963) granting a pension to Henry P. Reed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry P. Reed, formerly a private in Company D, Fourth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. JONES.

The bill (H. R. 8355) for the relief of Sarah A. Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Jones, mother of Robert A. Jones, who was a member of Company C, Ninth Regiment of Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY KAYLOR.

The bill (H. R. 6423) for the relief of Mary Kaylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Kaylor, widow of John Kaylor, deceased, late of Company C, Fourth Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH JONES.

The bill (H. R. 9301) granting a pension to Joseph Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Jones, who served in Company C, First Regiment Tennessee Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MONOHAN.

The bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY GUNSALES.

The bill (H. R. 3931) granting a pension to Nancy Gunsales was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy Gunsales, widow of Samuel Gunsales, late of Company K, One hundred and ninetieth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY TARBELL.

The bill (H. R. 6656) for the relief of Mary Tarbell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Tarbell, widow of William H. Tarbell, late a lieutenant of Company D, Seventy-sixth Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. FANNIE CARMAN.

The bill (H. R. 4585) granting a pension to Mrs. Fannie Carman was considered as in Committee of the Whole. It proposes to place the name of Mrs. Fannie Carman, mother of Daniel Carman, late of Company H, Fifth Regiment New Jersey Volunteers, on the pension-roll at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ANN WATERS.

The bill (S. 234) granting a pension to Sarah Ann Waters was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Ann Waters, mother of George Waters, deceased, late a private in Company G, Ninth Regiment of United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE S. HAWLEY.

The bill (S. 3350) granting an increase of pension to George S. Hawley was considered as in Committee of the Whole. It proposes to increase the pension of George S. Hawley, late first lieutenant of Company E, Twenty-third United States Colored Troops, to $72 per month, in lieu of that which he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID L. POOL.

The bill (S. 3353) granting an increase of pension to David L. Pool was considered as in Committee of the Whole. It proposes to increase the pension of David L. Pool, late of Company K, First Regiment New York Cavalry, to $50 per month, in lieu of that which he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY RENFRO.

The bill (H. R. 2358) granting a pension to Mary Renfro, was considered as in Committee of the Whole. It proposes to place the name of Mary Renfro, mother of Mark C. Renfro, deceased, late a private in Company D, Second Regiment Tennessee Volunteers, on the pension-roll according to the rules and regulations governing such cases.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS RELATIVE TO CHARGES OF DESERTION.

Mr. SHERMAN. Now I ask that five or six bills in regard to the removal of the charge of desertion be taken up and passed under the same rule.

Mr. EVARTS. I beg the Senator from Ohio to allow me to call up——

Mr. SHERMAN. You can do that after these bills are disposed of.

Mr. EVARTS. I wish to call up the bill to provide for an additional circuit judge in the second judicial circuit, and it is very im-

portant that it should be passed not only to-day but as early in the day as can be; within the coming half hour, if possible.

Mr. SHERMAN. We shall get these private cases passed while we are talking.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the Senate proceed to the consideration of bills removing the charge of desertion.

Mr. EVARTS. I ask that my bill be called up immediately afterwards.

The PRESIDENT *pro tempore*. The Senator can make his motion after these bills are disposed of. The Chair hears no objection to the cases called up by the Senator from Ohio, and the bills mentioned by him will be considered in their order. The first in order will be stated.

FRED. B. BARNES.

The bill (H. R. 8591) directing the Secretary of War to cause the name of Fred. B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes, was announced as first in order, and the Senate as in Committee of the Whole proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY LINEBAUGH.

The bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers, was considered as in Committee of the Whole.

The preamble recites that Henry Linebaugh was enlisted and sworn into the United States service as a private soldier in Company A, Third Tennessee Mounted Infantry Volunteers, on the first of July, 1864, but before his command was mustered into service was captured and held a prisoner of war, and so was never mustered into service, nor was able to rejoin his command until his term of service expired; and that he was never borne on the rolls of his company, yet by no fault of the soldier. Therefore, the bill directs the Secretary of War to cause the name of Henry Linebaugh to be placed on the roll of Company A, of the Third Regiment of Tennessee Mounted Infantry Volunteers, and to give him an honorable discharge, to date at the time of the discharge of the regiment.

Mr. HARRISON. I desire to call attention to the bill which is No. 2318 on the Calendar, being the bill (H. R. 7643) for the relief of Capt. John Burkhart.

The PRESIDENT *pro tempore*. Does the Senator object to the consideration of this bill?

Mr. HARRISON. No, sir.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. COCKRELL. We have not reached the order referred to by the Senator from Indiana.

Mr. HARRISON. No. 2318 in the Order of Business is a bill very similar in character to that just passed.

Mr. COCKRELL. We shall reach that in a minute. We are going on regularly.

Mr. HARRISON. Very well.

GEORGE D. PAUL.

The bill (H. R. 6937) for the relief of George D. Paul was considered as in Committee of the Whole.

In view of the faithful services rendered by George D. Paul as a member of Company A, of the Fourth Regiment of Michigan Infantry Volunteers, during the war of the late rebellion, the bill provides that he is to be regarded in the administration of the pension laws as though no charge of desertion had been made against him upon any records of service prior to that in the Fourth Regiment of Michigan Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. J. PAYNE.

The bill (H. R. 1710) for the relief of T. J. Payne was considered as in Committee of the Whole. It proposes to remove the charge of desertion made against T. J. Payne, late a private in Company F, Second Tennessee Cavalry, and to place him on the muster-rolls of the company.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE LEMON.

The bill (H. R. 5056) for the relief of George Lemon was considered as in Committee of the Whole. It proposes to amend the records of the War Department in such a manner as to relieve of the charge of desertion the name of George Lemon, formerly a member of Company G, Fourth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FIGLEY.

The bill (H. R. 5935) to remove the charge of desertion against William Figley was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, to add to the bill "as of date October 5, 1863, for enlistment and muster in Company I, Eleventh Kentucky Cavalry;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized and directed to remove from the records of the War Department the charge of desertion against William Figley, late a private in Company A, Eleventh Regiment of Illinois Volunteers, and that he give to the said Figley an honorable discharge as of date October 5, 1863, for enlistment and muster in Company I, Eleventh Kentucky Cavalry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate insist on its amendment and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL were appointed.

JAMES W. KINGON.

The bill (H. R. 9860) to correct the record of the military service of James W. Kingon was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause, and to insert:

That the Secretary of War and the accounting officers of the Treasury Department are hereby authorized and required, notwithstanding the proceedings, findings, and sentence of the general court-martial convened pursuant to "Special Orders No. 118, extract," June 28, 1865, issued by command of Bvt. Brig. Gen. E. Opdyke, Headquarters Second Division Fourth Army Corps, and the approval thereof by Bvt. Brig. Gen. Joseph Conrad, commanding Second Division, Central District of Texas, August 26, 1865, to audit and pay to Sergt. James W. Kingon, Company H, Forty-second Regiment Illinois Veteran Volunteer Infantry, the amount of all pay, compensation, and allowances withheld from him by reason of said proceedings, findings, and sentence of said court-martial and the said approval thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize payment to Sergt. James W. Kingon of amount withheld by reason of sentence of general court-martial."

Mr. COCKRELL. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL were appointed.

JOHN ROCKWELL.

The bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY DURKEE.

The bill (H. R. 8620) granting relief to Henry Durkee was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 8, before the word "day," to strike out "twentieth" and insert "sixteenth;" in line 9, after the words "until the," to strike out "eleventh" and insert "eighteenth;" and in line 10, after the words "day of," to strike out "April" and insert "May;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of War be authorized and directed to issue to Henry Durkee a discharge from each of the above-named regiments under the name of Henry Durkee, and is hereby directed to correct the records so as to make it appear that Henry Durkee served in Company B, Second Regiment of Wisconsin Infantry, from the 16th day of February, 1862, until the 18th day of May, 1862, and also served in Company E, Fifth Regiment of Wisconsin Infantry, from the 27th day of August, 1864, until the 17th day of May, 1865: *Provided*, That before the discharges are issued to Henry Durkee he shall file satisfactory proof with the Adjutant-General of the Army that he is the identical person who served in Company B, Second Wisconsin Infantry, and Company E, Fifth Wisconsin Infantry, under the name of Henry Grant.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The Committee on Military Affairs reported to amend the preamble in line 3, before the words "day of," to strike out "twentieth" and insert "sixteenth;" in line 4, after the words "until the," to strike out "eleventh" and insert "eighteenth;" and in the same line, after the words "day of," to strike out "April" and insert "May;" so as to make the preamble read:

Whereas Henry Durkee was enrolled and served as a private in Company B, Second Regiment of Wisconsin Infantry, from the 16th day of February, 1862, until the 18th day of May, 1862, when he was discharged, and also afterwards enrolled and served as a private in Company E, Fifth Regiment of Wisconsin Infantry, from the 27th day of August, 1864, until the 17th day of May, 1865, when he was discharged, both of said enrollments and terms of service being under the name of Henry Grant, the same being his stepfather's name; and

Whereas since his discharge he has assumed his right name, to wit, Henry Durkee: Therefore.

The amendments were agreed to.

The preamble as amended was agreed to.

Mr. COCKRELL. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL were appointed.

PHILIP TAYLOR.

The bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments; in line 5, after the word "charge," to strike out "of desertion" and insert "deserted September 21 (and October 10), 1863;" and in line 9, after "Volunteers, and," to strike out the words:

That an honorable discharge be granted the said Philip Taylor, with all the pay and other emoluments due him at date of expiration of his term of enlistment.

And to insert:

To substitute therefor "discharged July 24, 1863, to enlist in Company D, Second Maryland Cavalry;" and to issue to him an honorable discharge from said Company B, One hundred and fifth Regiment Pennsylvania Volunteers, as of date July 24, 1863.

So as to make the bill read:

*Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge "deserted September 21 (and October 10), 1863," from the military record of Philip Taylor, late a member of Company B of the One hundred and fifth Regiment Pennsylvania Volunteers, and to substitute therefor "discharged July 24, 1863, to enlist in Company D, Second Maryland Cavalry;" and to issue to him an honorable discharge from said Company B, One hundred and fifth Regiment Pennsylvania Volunteers, as of date July 24, 1863.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL were appointed.

JOHN A. LONDON.

The bill (H. R. 834) for the relief of John A. London was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments; in line 8, after the word "bounty," to strike out "due him under the laws of the United States;" and in line 13, after the word "sixty-two," to insert:

And immediately thereafter discharged for wounds received in the service in the line of duty.

So as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum of money to John A. London, of Butler County, Kentucky, late a private in Company A, Twelfth Kentucky Regiment of Cavalry, on account of bounty, as he would have been entitled to under the laws of the United States had he been mustered into the United States service with Company A, Twelfth Kentucky Cavalry, on the 12th day of November, 1862, and immediately thereafter discharged for wounds received in the service in the line of duty.

The amendments were agreed to.

Mr. EDMUNDS. That seems to be out of the line of the mere matter of the mistake of an army record. I should like to hear the report read.

The Secretary read the following report, submitted by Mr. COCKRELL February 22, 1887:

The Committee on Military Affairs, to whom was referred the bill (H. R. 834) for the relief of John A. London, have duly considered the same, and submit the following report:

The Adjutant-General of the United States Army made the following report in this case, to wit:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, June 4, 1886.*

SIR: I have the honor to return herewith letter of Hon. J. LYMAN, of the House Committee on War Claims, transmitting copy of H. R. 834, for the relief of John A. London, and requesting to be furnished with such information as the records of the Department may afford in regard to the man as a member of Company A, Twelfth Kentucky Cavalry, and to report as follows:

It appears from the records of this office that John A. London, third sergeant Company A, Twelfth Kentucky Cavalry, was enrolled August 12, 1862, to serve three years. The data are shown by the muster-in roll of that company, dated November 12, 1862, with his name stricken off, the man not being present for muster-in. His name is taken up on subsequent rolls with the remark: "Absent; wounded at Owensborough, September 20, 1862, and left at Owensborough, Ky." The records do not show that the man ever joined the service after being wounded, September 20, 1862.

The records of this office do not show that application has ever been made for completion of the records or for a discharge in this case.

I am, sir, very respectfully, your obedient servant,
J. C. KELTON, *Assistant Adjutant-General.*

The SECRETARY OF WAR.

The company and regiment in which claimant was enrolled went into camp at Owensborough, Ky., awaiting muster-in, and whilst so waiting were attacked, the colonel killed, and claimant severely wounded in left breast and shoulder. His company was duly mustered in on November 12, 1862, but claimant, being wounded and absent, was not mustered in, and was not thereafter fit for duty and never mustered in. Your committee, upon these facts, believe claimant entitled to such bounty as he would have received had he been duly mustered in November 12, 1862, and immediately thereafter discharged for wounds received in action in the service in the line of duty, and report the bill back to the Senate, recommending its passage with the amendment indicated therein.

Mr. EDMUNDS. I ask that the bill be again read.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The Chief Clerk read the bill as amended.

Mr. COCKRELL. There ought to be an additional amendment, which does not seem to have been printed. In line 13, after the words "12th day of November, 1862," I move to insert:

And be entered on record as mustered of that date.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. EDMUNDS. That is all satisfactory.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL were appointed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I desire at this time to make a report. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes, to report it with sundry amendments. I ask that the amendments be printed and the bill placed on the Calendar.

Mr. EDMUNDS. But I object to its consideration this day, Mr. President, now and here.

Mr. HALE. I will try to call it up as soon as possible.

The PRESIDENT *pro tempore*. The bill will be printed and placed on the Calendar.

ORRIN R. M'DANIEL.

The bill (S. 3333) for the relief of Orrin R. McDaniel was considered as in Committee of the Whole. It proposes to place the name of Orrin R. McDaniel, late an enrolled soldier of Company H, Sixty-fourth Regiment Illinois Volunteers, upon the records of that company as enrolled December 26, 1863, and discharged February 14, 1864, for disability, and to grant him an honorable discharge accordingly, as of date February 14, 1864, for disability.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BOLTON.

The bill (S. 3334) for the relief of George W. Bolton, alias Charles W. Andrews, was considered as in Committee of the Whole. It proposes to remove the charge of desertion from the record of George W. Bolton, alias Charles W. Andrews, late a private in Company B, Eleventh Regiment Indiana Volunteers, and to grant him an honorable discharge as of the date when his regiment was mustered out.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC CRAWFORD.

Mr. HARRISON. I want to call attention to Order of Business 2318, which is a bill of this class. I ask that it be considered now. It is a bill to pay an officer for services actually rendered.

The PRESIDENT *pro tempore*. If there be no objection that bill will be considered.

Mr. COCKRELL. Order of Business 2298, House bill 7176, comes before that in regular order. We shall reach the Senator's bill presently.

Mr. HARRISON. Very well.

The bill (H. R. 7176) for the relief of Isaac Crawford was considered as in Committee of the Whole.

The preamble recites that Company F of the Third Tennessee Mounted Infantry was, its time having expired, mustered out of service, so far as the records of the company show, on the 30th of November, 1864, but on the same day, and before disbandment, was ordered from Knoxville, Tenn., to the neighboring county of Greene, to repel a force of the enemy; and that Isaac Crawford, a member of the company, while strictly obeying orders, was captured in actual conflict and taken as a prisoner of war to Richmond, Va., and there held until exchanged on March 1, 1865. Therefore the bill directs the Adjutant-General of the Army to grant an honorable discharge to Crawford, to date from March 22, 1865, in place of the discharge granted him dated November 30, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

CAPT. JOHN BURKHART.

The bill (H. R. 7643) for the relief of Capt. John Burkhart was considered as in Committee of the Whole. It provides for paying to John Burkhart, late captain of Company F, One hundred and forty-sixth Regiment Indiana Volunteers, in the late war, the pay and emoluments of captain of that company from March 1, 1865, to June 22, 1865, deducting from the sum found due him as the pay and emoluments of captain of the company for the period specified the sums of money that have been paid to him for military service, either as a private or otherwise, rendered by him during the period specified.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY B. JAY.

The bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay was considered as in Committee of the Whole. It proposes to remove the charge of desertion now standing upon the records of the War Department against the name of Henry B. Jay, late of Company C, Seventy-third Regiment of Indiana Volunteer Infantry, and to grant him an honorable discharge, with the same pay, bounties, and benefits he would have been entitled to if the charge of desertion had not been entered against his name.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WELLS C. M'COOL.

The bill (H. R. 3930) for the relief of Wells C. McCool was considered as in Committee of the Whole.

The preamble recites that on the 1st of December, 1862, Wells C. McCool, formerly of Guthrie County, Iowa, and now of Salem, Nebr., was regularly mustered into the service of the United States as first lieutenant of Company A, Twenty-ninth Iowa Infantry Volunteers; that on the 25th of February, 1863, he was sentenced by a court-martial to be dismissed from the service of the United States, with the loss of all pay and allowances; that he has never received any portion of his pay and allowances as such lieutenant; that the sentence of the court-martial was not approved or promulgated until about April 30, 1863; that McCool was therefore kept in the service until that time; that on the 12th of September, 1863, McCool re-enlisted in Company I, Twenty-ninth Iowa Infantry Volunteers, as a private soldier, and served faithfully as such until the close of the term of service of his company, and was mustered out with his company and regiment on the 10th of August, 1865; that the slight act of insubordination which caused his dismissal was his only unsoldierly act during his entire term of service; that his disabilities on account of the dismissal were removed by the President on the 22d of August, 1867; and that he was afterward commissioned by the governor of Iowa as an officer in the State troops of the State, and faithfully served as such until his removal from the State.

The bill therefore proposes to appropriate $542.50, the amount of the pay and allowances of Wells C. McCool as first lieutenant of Company I, Twenty-ninth Iowa Volunteer Infantry, from December 1, 1862, to April 30, 1863, to be paid by the proper officers of the United States to McCool, his heirs, executors, administrators, or assignees.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

SECOND JUDICIAL CIRCUIT.

Mr. EVARTS. If this Order of Business is exhausted, I now move to take up House bill 8599.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of the bill (H. R. 8599) providing an additional circuit judge in the second judicial circuit, and for other purposes.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, after the word "that," at the end of line 7, to strike out "the justice of the Supreme Court allotted to the said circuit, or;" so as to read:

That there shall be appointed for the second circuit, by the President of the United States, by and with the advice and consent of the Senate, in addition to the present circuit judge, another circuit judge, who shall have the same qualifications and shall have the same power and jurisdiction therein that the present circuit judge has under existing laws, and who shall be entitled to the same compensation as the present circuit judge.

The amendment was agreed to.

The next amendment was, in section 1, line 11, after the word "judge," to strike out the words:

A circuit judge may hold a district court in place or in aid of the district judge when requested by him.

The amendment was agreed to.

The next amendment was, to add to section 1 the following proviso:

*Provided*, That the applications and proceedings therein provided for by sections 2011, 2012, 2013, and 2014 of the Revised Statutes shall be made and taken before the senior circuit judge of the second circuit; but in his absence or inability to act under said sections, or any of them, such applications and proceedings may be made and had before the junior circuit judge in said circuit.

The amendment was agreed to.

The next amendment was, to strike out sections 2 and 3, as follows:

SEC. 2. The regular terms of the circuit court for the southern district of New York shall hereafter be held on the first Monday of every month. At any of said terms the different judges may hold courts separately at the same time for the hearing of any causes or proceedings pending in said court, as the same may be assigned by the judges of said court, or by a majority of them. Criminal causes and matters shall be heard at the same time as now provided by law. Any term may be extended by the order of a judge for the completion of an unfinished trial or hearing.

SEC. 3. That at two at least of said terms annually in the southern district of New York, and as much oftener as the business shall make it necessary, courts shall be held for the hearing and determination of appeals and writs of error from the district court of said district, including appeals in admiralty and in equity and reviews in bankruptcy, and also for the hearing of motions for new trial in civil cases and in criminal cases in the circuit court, and motions in arrest of judgment. Such courts shall be held by three judges authorized to hold the circuit court, one of whom may be a district judge. The circuit justice, if present, shall preside thereat; if he be not present, the circuit judge present who is senior in office shall preside. No judge shall sit in review of a cause tried before him. The decisions of the court may be reviewed as now provided by law. In the case of a division of opinion upon the hearing of any cause or question, the opinion of the majority shall be taken as the decision of the court. But upon any such hearing where a division of opinion shall arise, if the adjudication involves a legal question of sufficient importance to require that the final decision thereof shall be made in the Supreme Court, upon a certificate thereof signed by said judges, or a majority of them, a review upon writ of error or appeal may be had thereon in the Supreme Court. For that purpose the circuit court shall state the question upon which the division of opinion has arisen, with the facts upon which the same arises; and the said question shall thereupon be decided in the Supreme Court, and enforced as in other cases where the judges of the circuit court are divided in opinion. The like appeals, writs of error, or reviews in causes arising in the district court of any other district of said circuit may be heard before the said judges sitting to hear appeals in the southern district of New York, upon consent of the parties to the controversy, or their proctors or attorneys, or upon the order of the senior circuit justice. The decision of such judges shall be certified to the circuit court of such other district, and thereupon the decree of the circuit court of such district shall be entered in accordance with such decision.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. EDMUNDS. Now, let the amendments be read, or rather let the original bill be read, and then the amendments, so that we may see exactly what we are doing.

The PRESIDENT *pro tempore*. Does the Senator from Vermont desire the bill to be read at length?

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk proceeded to read the bill.

Mr. PLATT. If the Chief Clerk is to read the bill, I should like to have it read so that I can hear it.

The PRESIDENT *pro tempore*. The Chair appeals to the Senate to be in order. The Chief Clerk will report the amendments as they are reached in the bill that were agreed to in Committee of the Whole.

The reading of the bill was resumed and concluded.

The PRESIDENT *pro tempore*. The amendments have been agreed to in Committee of the Whole, and will be reported separately on the question of concurrence if the Senator from Vermont desires.

Mr. EDMUNDS. Yes, I wish to see exactly how the bill stands. I want to know precisely the form in which the bill stands as reported from the Committee of the Whole.

The PRESIDENT *pro tempore*. The Secretary has already read the bill as it would stand with the amendments made in Committee of the Whole; and the Chair was about to put the question to the Senate whether it would agree to the amendments made as in Committee of the Whole.

Mr. EDMUNDS. Now I understand it.

The amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. EVARTS. I move that the Senate insists on its amendments, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. EVARTS, Mr. WILSON of Iowa, and Mr. GEORGE were appointed.

CHICAGO, KANSAS AND NEBRASKA RAILWAY.

Mr. DAWES. I move that the Senate proceed to the consideration of Order of Business 2335, House bill 8594.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes.

Mr. EDMUNDS. I beg to ask the Senator from Massachusetts to explain to the Senate this bill, which evidently is an important one, and to tell us in what way the Indian rights are protected and preserved, so that we shall understand what we are doing.

Mr. DAWES. Mr. President, at the last session of Congress, after Congress had decided that they would assert the right of eminent domain in authorizing railroads through the Indian Territory, the Committee on Indian Affairs took some pains to prepare a form of bill which they thought would secure to the Indian all his rights where land was taken and where property was taken, following the analogy so far as they could of the taking of property for railroad uses in the States with this exception, that they fixed a round sum that should be paid for every ten miles of the railroad, $50.

They then provided that if the Indians were not satisfied with that, they should have an opportunity to appeal to the district courts in the adjacent States, in Kansas and Arkansas, with such provision as was necessary to carry out that idea.

They provide for a commmission to ascertain all damages to individuals and also all damages occasioned by the taking for the public use of this land. A commission is to be appointed, one member by the President, one by the chief of the tribe, and one by the railroad company, and if their award is not satisfactory, as indicated within sixty days, I think, either party can appeal to the court, and the damages ascertained in the manner provided and according to the forms of procedure in the State either of Kansas or Arkansas, as the case may be. It is provided that the railroad company shall pay the costs in all cases except where the damages are reduced, and in that event the costs are to be paid by the party appealing.

Mr. EDMUNDS. Do you provide for the payment of the land damages to these private owners, directly to them?

Mr. DAWES. I am not able to answer directly that. It is either to the Secretary of the Interior to be paid to them. Where it goes through the Five Nations it is provided that payment shall be made directly to the treasurer of the nation. Where the railroad is to go through the land of the tribes that do not belong to the Five Nations and have no established government, I am quite certain it is provided that the money is to be paid to the Secretary of the Interior for their use to be applied to the purposes of education and civilization, and that the construction, the plans, the surveys, and the operation of the road shall be at all times under the direction of the Secretary of the Interior.

Mr. EDMUNDS. As to the unorganized tribes, where there is no private ownership it would be entirely right, I think, to provide that the money should go to their general use; but if there be a private owner, then of course his property can not be taken from him for the public use without due process of law and without full compensation to be paid to him. My inquiry to the chairman of the Committee on Indian Affairs, in whose fidelity and carefulness I have the greatest possible confidence, was to know whether in the case of private ownership, or that kind of private ownership which the usages of the Indian nations allow, if an Indian's farm was cut through, just as one might be in Massachusetts or Vermont, the damages he was to have were to be paid directly to him or to somebody else, the Secretary of the Interior or whoever it might be. I have not had time to look at the bill sufficiently to quite understand it.

Mr. DAWES. I have not looked at this form of language for some time, and I speak from an indistinct memory. The bill was prepared with the idea of securing to every Indian compensation according to the forms prescribed in the two States named for the taking of private property for public use.

Mr. EDMUNDS. So that every private right——

Mr. DAWES. Every private right as well as every other is protected.

Mr. EDMUNDS. So that every private right is respected just as it would be in a State?

Mr. DAWES. That is the intention of the bill. If it has failed to carry out that idea it has failed of the intention, and I do not think that it has failed.

Mr. PLUMB. I will state that this matter has received very elaborate consideration heretofore, and has resulted in practically a form of a bill for all Indian reservations. It has received the sanction of the Interior Department, the sanction of the President, the sanction of the Attorney-General, and practically the sanction, I think, of all the bodies that have had to do with the Indians heretofore. So practically there is nothing left except the one question of the propriety of the route proposed. I know it has been the design of this bill to conform to that plan.

Mr. EDMUNDS. I should like to ask my friend from Kansas whether he understands the scope of this bill as the Senator from Massachusetts does, in respect of private rights; whether the bill provides, as a State bill would do for a railroad in a State, completely to pay to the private owner or the private occupant of lands the damages that may be justly determined to be due to him?

Mr. PLUMB. It does so pay them to him, and section 3, which is now before me, says this:

Full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway.

Mr. EDMUNDS. And then it provides for the means of accomplishing that end?

Mr. PLUMB. Yes, sir; fully.

Mr. EDMUNDS. All right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. MAHONE. I believe the agricultural appropriation bill is in the Senate.

The PRESIDENT *pro tempore*. It is. The Chair will lay before the Senate at this time the bill (H. R. 10912) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, the House of Representatives having disagreed to the amendments of the Senate and asked for a conference thereon.

Mr. MAHONE. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MAHONE, Mr. PLUMB, and Mr. CALL were appointed.

COURT AT DULUTH, MINN.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. 10421) to provide for a term of court at Duluth, Minn. It will take no time.

Mr. EDMUNDS. I was going to move that the Senate proceed to consider Senate bill 2983, which is a simple bridge bill that passed a former Congress and by a mistake in a name did not become a law, for it described the wrong place. It was reported long ago and should have gone with the bridge bills that passed two or three days ago.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Vermont as wishing to displace the motion of the Senator from Minnesota [Mr. MCMILLAN]?

Mr. EDMUNDS. No, sir; I did not mean that at all.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10421) to provide for a term of court at Duluth, Minn.

The bill was reported from the Committee on the Judiciary with an amendment, in line 9, after the word "jury," to strike out "shall" and insert "may;" so as to make the bill read:

*Be it enacted, &c.*, That hereafter, and until otherwise provided by law, there shall be held annually, on the second Monday in July, a term of the district court of the United States for the district of Minnesota at the city of Duluth, in said district, said term to be in addition to the terms now required by law to be held at the cities of Saint Paul and Winona, in said district; and a grand and petit jury may be summoned to serve at said term of court hereby established.

Mr. MCMILLAN. The amendment of the Committee on the Judiciary is one merely in regard to calling a jury before the district court. I have consulted with members of the committee, and in view of the conference had with them I ask that the Senate disagree to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I simply wish to say that the amendment moved by the Committee on the Judiciary was, as we all thought, a wise and desirable one; but after the action of the Senate in respect of bills of this character, I have told my friend from Minnesota that I did not feel justified in undertaking to get the Senate to put this bill in a conservative shape to save public money and to administer justice in the way it ought to be done. I merely state this in order that I may not be considered as consenting to the passage of any of these bills, or almost all of them that have passed—some were right—in regard to this matter of holding courts in the various States. I merely say this, not having the power to oppose the passage of this bill, so as not to be held responsible myself for the extravagance and expense that all these bills lead to.

The bill was ordered to a third reading, read the third time, and passed.

PAN-HANDLE OF IDAHO TERRITORY.

Mr. PLATT. I move that the Senate proceed to the consideration of Calendar 2340, House bill 2889.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory,

Mr. PLATT. Before the bill is read, let me make a statement in a few words. This bill annexes what is called the pan-handle of Idaho to Washington Territory. It was in the bill for the admission of Washington Territory as a State considered and adopted by the Senate. The House of Representatives passed a separate bill of annexa-

tion, and the Committee on Territories has now reported favorably to the passage of the House bill.

Mr. EDMUNDS. May I ask the Senator from Connecticut what provision is made for causes civil and criminal pending in these counties?

Mr. PLATT. When the bill is read the Senator will see. We think there is a very careful provision in it for that purpose.

Mr. EDMUNDS. All right; let the bill be read.

The PRESIDENT *pro tempore*. The bill will now be read.

The Chief Clerk read the bill.

Mr. PLATT. At the suggestion of the Senator from Vermont [Mr. EDMUNDS], I move to amend, in section 7, line 2, after the word "matters," by inserting "excepting criminal proceedings;" so as to make the section read:

SEC. 7. That in respect of all cases, proceedings, and matters, excepting criminal proceedings, pending in the supreme or district courts of Idaho at the time of the passage of this act, arising within the limits hereby annexed to Washington Territory, the supreme court of Washington Territory and the district court for the fifth district of said Territory shall be the successors of said supreme and district courts of Idaho; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said supreme and district courts of Washington Territory, respectively, and the same shall be proceeded with therein in due course of law.

The amendment was agreed to.

Mr. PLATT. Then at the end of the section I move to add, as a separate paragraph, these words:

All crimes heretofore committed in the territory by this act annexed to the Territory of Washington shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLATT. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT, Mr. HARRISON, and Mr. BUTLER were appointed.

Mr. PLATT subsequently said: I ask unanimous consent to have the consideration of the bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory, which was passed and has gone into conference, resumed, for the purpose of making a verbal amendment in it.

Mr. EDMUNDS. Get unanimous consent to make it without a reconsideration.

Mr. PLATT. Or, I ask unanimous consent to make a verbal amendment in the bill which was passed this morning, and which is rendered necessary.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator will state the amendment he proposes to make.

Mr. PLATT. I propose to amend by striking from section 7, in lines 7 and 8, the word "indictment," and after the word "proceedings," in line 8, to insert the words "except in criminal matters."

The PRESIDING OFFICER. Is there objection to that amendment being made at this stage of the proceeding? The Chair hears none, and the amendment will be so entered.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, &c.; and

A bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th instant approved and signed the following acts:

An act (S. 1170) granting a pension to Nancy C. Smith;

An act (S. 2308) granting a pension to Henry Lafner; and

An act (S. 2992) to make Tampa, Fla., a port of entry.

## ORDER OF BUSINESS.

Mr. BUTLER. I ask the Senate to proceed to the consideration of Order of Business 2101, being the bill (S. 3230) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.

Mr. PLUMB. I considered myself under instructions to move at 2 o'clock—but I have not troubled the Senate for a quarter of an hour after that time—to move to consider the bill to forfeit certain lands granted to the State of Michigan, placed on the Order of Business by consent of both sides. If I can be recognized after the Senator's bill is acted on, and it will not take much time, I shall not now interpose.

Mr. BUTLER. It will take no time.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Kansas to make his motion now if he desires.

Mr. PLUMB. I move to proceed to the consideration of the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

Mr. EDMUNDS. A little while ago, before my friend from South Carolina [Mr. BUTLER] made his motion, I had moved to take up Order of Business 2069, but my friend from Connecticut [Mr. PLATT] was in advance of me with a prior motion. I have thought on reflection that I have no right to interfere with the regular order of business agreed upon, and therefore I have refrained from making this motion about a local matter of interest to my State, and I hope the Senator from South Carolina will let the regular order go on that has been agreed upon.

Mr. BUTLER. Of course I have no desire to interfere with the regular order of business, but I should like very much after the Senator from Kansas gets through with the bill he has in view that I may be recognized for the purpose of calling up the bill I have mentioned.

Mr. CULLOM. I have been trying for a week to get up a little bill, and I hope I shall have the same privilege that the Senator from South Carolina asks at the hands of the Senate.

## MICHIGAN LAND GRANT.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 391.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in line 8, after the word "thereby," to strike out "shall be considered and treated in all respects the same as if said grant had never been made" and insert "are restored to the public domain;" so as to read:

That all lands granted to the State of Michican under the act of Congress approved June 3, 1856, to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, and acts amendatory thereof and supplemental thereto, be, and they are hereby, declared forfeited, and the lands covered thereby are restored to the public domain.

Mr. PLUMB. Before the vote is taken on that I ask for a separate vote on the striking out and the insertion.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be reported.

The CHIEF CLERK. After the word "thereto," in line 8, it is proposed to strike out "shall be considered and treated in all respects the same as if said grant had never been made."

The amendment was agreed to.

Mr. PLUMB. I now move to insert in lieu of the committee amendment:

*Provided*, That this act shall not be construed as forfeiting such lands, if any there be, as have been heretofore earned by the construction of any portion of said road under said act of Congress.

The amendment was agreed to.

Mr. SHERMAN. Let the bill be read as it stands.

The PRESIDENT *pro tempore*. The bill will be read as it stands amended.

The Chief Clerk read the bill as amended as follows:

*Be it enacted, &c.*, That all lands granted to the State of Michigan under the act of Congress approved June 3, 1856, to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, and acts amendatory thereof and supplemental thereto, be, and they are hereby, declared forfeited, and the lands covered thereby: *Provided*, That this act shall not be construed as forfeiting such lands, if any there be, as have been heretofore earned by the construction of any portion of said road under said act of Congress.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PALMER. I have an amendment to offer, which I send to the desk.

The CHIEF CLERK. It is proposed to add to the bill:

*And provided further*, That whereas it is desirable that the portion of said road already built shall connect with a projected line of railroad running east and west, being an extension of the Marquette, Houghton and Ontonagon Railroad, it is hereby enacted that should said road from Ontonagon to the Wisconsin State line be built to a point intersecting the line of said Marquette, Houghton and Ontonagon Railroad within two years from the passage of this act, then and in that case so much of the grant as would be applicable to said additional road, not exceeding in distance 20 miles, shall be exempt from the operation of this act.

Mr. PLUMB. I ask the Senator from Michigan to withhold his amendment for a moment until I can move the remainder of the committee amendments.

Mr. PALMER. Certainly.

Mr. PLUMB. In line 10, the words, "are restored to the public domain" should be inserted after what I have offered.

Mr. COCKRELL. So that it will read, "and the lands covered thereby are restored to the public domain?"

Mr. PLUMB. Yes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Michigan [Mr. PALMER].

Mr. PLUMB. I desire to say in regard to the amendment that this grant was made thirty years ago and while it was in a section of country which was for many years practically inaccessible; at the same time if there had been any necessity for the railroad, and if there is great necessity for it now, it would have been long since built or would be now in process of construction, which I think is not the case.

It is in my judgment against public policy, which I do not need to argue, longer to continue these grants of public land to aid in the construction of railroads. Wherever there is a necessity for the construction of railroads in these days, money is easily found for their construction without aid other than such as is derived from the appreciation of the business to be benefited by their construction. Capital is willing to go into enterprises of that kind without grants of land. After the lapse of this great length of time I think this grant ought to be forfeited, as to all that part which has not been heretofore earned at least.

I may say further that this action would have been recommended by the Committee on Public Lands two sessions ago except for the great contention as to what would become of the land after the forfeiture took effect. There are three classes of persons contending for these lands. The Senate Committee on Public Lands has long been troubled as to the relative rights of these various classes; and while that matter was under consideration time went by and the bill was not reported. This bill, as reported, does not confirm either, but leaves them all as they are now, in the same condition they are as at present. The House of Representatives, having given us an opportunity to secure the passage of this bill, I think it should be passed.

I may say that the effect of the bill in regard to the claimants of this land is the result of the amendment adopted by the committee and agreed to by the Senate. As the bill came from the House it seemed at least to confirm the lands that were forfeited to one class of the claimants that I have spoken of. It may not have done so, but that was the fear of the committee that it did, and consequently the bill was amended so as to prevent that.

While I myself might be willing to say that the class of people who would get these lands in case the House bill were passed as it came here ought to have them, the committee did not care to enter upon that subject, and consequently adopted amendments calculated to leave the whole question open to be settled by the courts or otherwise hereafter.

I hope, Mr. President, that the amendment of the Senator from Michigan as proposed will not be adopted.

Mr. PALMER. Mr. President, I regret that this bill should have been reported to the Senate at so late a period of the session. I do not suppose that I shall be suspected of favoring railroads or railroad grants. It is certainly an unpopular and an impolitic and possibly at this time an ungracious position to take. I am not now speaking for the railroads, but I am speaking for the people who are to be the chief beneficiaries of this amendment.

The road now runs from the town of Ontonagon, in that hyperborean region known as the south shore of Lake Superior, against a stump 20 miles south. This amendment is intended to give a connection with a projected line which will run from Saulte Ste. Marie to Duluth, Lake Superior. It may not be over 10 miles, it may be 20 miles; but the amendment merely provides for that portion of the grant which would be applicable to 20 miles of the road or 120 sections. It seems to me the people on Lake Superior are deserving of consideration.

Forty years ago I was at that town and it was one of the most promising places upon Lake Superior. Since then other points have obtained railroad connections, while this town has dwindled, or remained in a lethargic state, made sick by hope deferred, people going there and expecting a railroad but never getting it, till finally, six years ago, a grant was conferred upon the Ontonagon and Brulé Railroad Company and they went on to build the road. The Legislature of the State of Michigan at that time instructed their Representatives in Congress to secure if possible an extension of the time of the grant, and they have done all they could in the premises; but in this carnival of land-grant forfeitures it seems to be the intention that the statute-book shall be swept clear of all railroad grants.

The persons who are pressing this proposed forfeiture are not citizens of Michigan. A great majority of the citizens of Michigan as far as I know are in favor of the retention of the grant and of the building of the road. Without the grant the road will not be built, and the 20 miles which are already built will be ineffective and of no account to the people of Ontonagon. It is on their account that I speak, and I hope the amendment will prevail.

As a rule I agree with the general principles which the Senator from Kansas has announced as guiding the Public Lands Committee, but I think that all rules have exceptions; and if there is a point where an exception can be made it is for the people of Ontonagon, who have to hibernate seven months in the year, for snow falls in October and it does not go off till May. Under those circumstances I hope that the general policy of the Public Lands Committee and of the Senate will not be followed, but that the amendment may be adopted.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate agree to the amendment? [Putting the question.] The ayes appear to have it.

Mr. PLUMB. I shall have to call for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. Mr. President, I have but a word or two to say about the amendment. I have no criticism to make in regard to the policy which Congress seems to have adopted, and which perhaps is demanded to some extent, the general policy of restoring railroad land grants to the public domain for the benefit of purchasers for settlement. I wish simply, however, to have the Senate remember that this grant made years ago to the State of Michigan to help build a road in the Upper Peninsula was made because the road did not lie upon any ordinary lines where railroads could be builded. It is through a region which, until within a few years since, was supposed to be entirely worthless, except for its copper and iron production.

I know the character of the country. I have been on the geological surveys of that State, over the whole region where this road is to go, over forty years ago. It has been found latterly that part of the region lying south of the copper range contains really some very valuable farming lands. Settlers have gone into that region, some upon the adjoining lands of this railroad grant. It contains also valuable pine lands in the southern part. In the Upper Peninsula, until within a short period, that whole region (which was given to the State of Michigan in consideration of its surrender of the Toledo district, as it is called, which was attached to Ohio when Michigan was admitted into the Union), which has proved vastly valuable in its copper and iron product, has had no railroad within the limits of the peninsula from the Straits of Mackinaw to the Montreal River, or from the lake down to the Wisconsin line.

To promote the building of a railroad from the Straits of Mackinaw to connect at the west at the Montreal River with the Northern Pacific, the Legislature of Michigan donated the land to whoever would build the railroad from the Straits of Mackinaw, connecting it with the land belonging to Michigan in the Upper Peninsula, and that within a few years past. It has been necessary to give whatever aid the State could give, and it was thought necessary to give whatever aid the General Government could give to encourage the building of a road through a wild, rocky, diversified region, where the wants of trade and of commerce would not for years and years, perhaps, secure the building of any road.

Yet that whole country has been settled along the lake shore, and in the mineral regions, and in that very region of Ontonagon, the Houghton region, and the Kewenaw district there is produced in the State of Michigan nearly one-third of all the copper produced in the world. The settlers in this Ontonagon region up the river, and upon the east branch and the west branch south of the copper range, which extends back 12 or 15 miles from the lakes, have no means of communication. Those who traversed that country as I did forty years ago, and as I have within the last fifteen years, know how difficult it is even to provide a wagon road for communication. The State of Michigan has given to these people year after year, even to secure the means of communication in that region by a wagon road, the specific taxes which are raised upon mining companies in the Upper Peninsula. Our State has done all that it could to encourage some means of communication between the citizens of this far-off land and the world at large.

Under all kinds of adverse circumstances, with continual hostile attempts at legislation against this road in the wilderness, against the attacks of those who want the land for the pine that is upon it, against the attacks of those who have a general desire to take away from all railroads lands which have been granted where the roads have not been built, a company has succeeded in one way and another, by private subscriptions and stock subscriptions, and donations of the poor people of that region in money and in labor, in building this road along the line some 20 miles. Running east and west at a distance of 35 or 40 miles south of the lake shore there is a road which has been built from the Straits of Mackinaw by Marquette, the great iron region, by L'Anse, at the head of Keweenaw Bay, which connects the iron and copper mines together, on through Lake Agogebic, connecting with the newly discovered Agogebic Lake iron mines, whose outlet is at Ashland, in Wisconsin. The road is built from these mines westerly to Ashland, connecting there with the Northern Pacific. Between these two is a strip of comparatively short distance which is being built now to connect Michigan proper with its upper peninsula and with the Northern Pacific.

The object of this amendment is to enable this company, even at this late day, to build the road beyond the 20 miles already built and connect at 15 or 20 miles with the great east and west line, giving an outlet to the west and an outlet to the east to a region which has no other means of communication even for its mails in the winter except by dog-trains, as it has been for forty or fifty years.

In obedience to the resolution passed almost unanimously by the

Legislature of Michigan, my colleague and myself have been instructed to favor the extension of time, or whatever measure may be necessary to enable this road in the wilderness to go on and finish its connection with other roads; and that is the object of the amendment.

I have nothing to say about the feeling or disposition to take away from the great lines which have had the ability to make their roads the land grants where they have not used them, but this road in this place and in this wilderness can not be built without aid from the State of Michigan and without this aid from the Government. It is but a small portion of the road which was to be built under the grant, and with the exception of the amount which the amendment will still leave for the road all the rest of that grant from this point to the Wisconsin State line will be forfeited and thrown into market. It is a small thing to ask.

It is not in violation of any rule which has been adopted by the Senate or by the House in regard to continuing the right to use these lands for a road. It is perhaps more than any other place in the United States a case where there is absolute necessity, if we will give to the several thousand people living on the borders of Lake Superior an outlet by land during the winter months to the rest of the world. There is no communication now. There is a wagon-road along the shore down to Houghton; and there is a wagon-road along the shore to Indian River, 20 miles west, at the foot of the Porcupine Mountains. Aside from those means of communication there is no means of communication back into the country; or to the settlers who live up along the river there is no means of communication for at least five or six months of the year.

Most of the railroad grants to the other States went through fine, level prairie; they went through regions where roads would of necessity have been built, and where thousands of miles have been built without any grant at all, because the building of them would pay for their construction. This is a place where one company after another has undertaken, even with the land grant, to build that road in the wilderness, and all have failed and given it up. It has been sold, and the State has given to one company after another aid to encourage it to build the road. What they ask now is this little addition to build the road of ten or fifteen or twenty miles—I can not state the exact distance—of a part of the grant which has been there for years subject to the use and to the occupation of whatever company among several companies would take it as an inducement to help build some way out to the rest of the world.

I do not appeal to the Senate with any questions of sympathy for those people in the wilderness; but when I hear men talk about restoring lands to the public domain for the benefit of actual settlers, I think sometimes of my friends whom I have known struggling in that region for the last forty years against all odds, building their homes, cultivating their land, finding that instead of being wild, cold, barren lands they produced, as in New Hampshire and in Maine, products suitable to that climate, and that they can live there, and do live there, and are growing up by hard labor and toil, building themselves homes in our Lake Superior wilderness.

Sir, it has been thought until within a few years that except for the mineral lands and the copper and iron mines there, and except for the accessible pine, that whole region was as utterly barren as the frozen face of the moon; but enterprising men, bold emigrants, have gone into that region with the hope that some time there would be a railroad which would communicate with the outer world, and have made their homes there. Citizens from many other States—men from New England and from New York, and from Ohio and from Southwestern States—have come up into that region, and by hundreds and thousands, along the shore and back in the country, have built themselves homes. Many of them were miners who went to the mines for copper and for iron in that region; and as one copper mine after another gave out they have selected places, or while they were at work there they selected places, and built themselves homes through a region twenty-five or thirty miles back from the lake and stretching along forty or fifty miles.

In their behalf I ask Senators, whatever their prejudices may have been, to forego them in behalf of that region where the value of the lands and the facilities for construction have prevented and which, without aid from the State of Michigan or without this remaining aid of the Government of the United States, will prevent them from having an outlet.

Several of these men purchased the alternate sections of this land, or parts of them, for their homes, under the pre-emption laws, and they paid the Government $2.50 an acre because the Government promised aid in building a railroad past their homes.

The alternate sections that were purchased in this region off the mineral lands were bought at that price, and they were reserved from homestead exemptions under the law. The people there have paid the Government two dollars and a half an acre charged by the Government, because one-half of the land had been given for railroad purposes and the Government wanted to make its dollar and a quarter an acre good on those wild lands as on the fertile prairie lands of the West. They have a right to expect that this Government, as far as it can consistently, will aid in the building of the road along by their premises where they have paid double price for their land. They do expect it, and they expect that my feeble voice will be raised in behalf of them against the prejudice and against the clamor, because it is just, because it is right, and because capital did not go into that region to build roads for profit which would accrue, but because this road has been built so far, and will be built hereafter, by the urgency of settlers who have no other outlet from their homes for their produce or their travel or their visits of affection to the countries and the States from which they came.

I have watched with a great deal of interest through many years the constant and persistent attacks which this poor road in the wilderness has had in common with all other roads, on the theory and the principle that the original grants were wrong, and that they should be taken from the companies who had not fulfilled their part of the contract. I agree with much that is said on that subject, but this road in the wilderness will never be invested in by capitalists, expecting it to be profitable; and I submit that this highway, this outlet, this only outlet, from the nature of the country, with the Porcupine Mountains on the one side and the Copper Range on the other, this only outlet through the valley of the Ontonagon to meet the other road which runs south of these ranges is the only probable, and I might say the only possible means that the people inhabiting the valley of the Ontonagon have now or ever will have of having direct railroad communication with the rest of the world.

Mr. President, I appeal to Senators in these last closing days of the session and in the last closing days of my service here, to give this amendment favorable consideration and to admit it, not for the sake of violating any principle which has been adopted or believed in by Senators here, but to admit it as the last act of kindness and of charity to a people who have gone into the wilderness, and upon my own assertion I say who have no other means of railroad outlet except through the valley of the Ontonagon to meet one of the other roads which capital will build, because that will be a connecting link of the Northern Pacific and the lake down into our State through the straits of Mackinaw, built now almost to this point, reaching it at the west and reaching it at the east by the filling in of a small portion of yet unbuilt road, and the remaining 10 or 15 or 20 miles of this road can reach to and communicate with the great East and the great West, and along a region of country settled by as intelligent, as earnest, as bold, as resolute a people as dwell upon this continent, who have shown their industry and their labors.

Men, women, and children there have shown their willingness to endure the hardships of the wilderness in a far-off country, really as remote now from intercourse with the rest of the world as Alaska. In their behalf I ask that the amount named in the amendment, which is nothing in the great, vast mass of the public lands, may be given to the road of these settlers, for it is their road that is being built for the men who have homes there. I have no doubt if Senators were familiar with that region, if they were familiar with the people, if they knew how little intercourse, during the cold months of winter, they can possibly have with their friends in the rest of the United States, there would not be one vote against extending the time for building this road, and giving the company the few sections of land which will enable it to make connection with the rest of the world.

Mr. MCMILLAN. I submit the conference report on the river and harbor bill.

Mr. CONGER. I ask for a vote on the amendment. The yeas and nays have been ordered on the amendment and I hope the Senator will not press his report until a vote is taken.

Mr. MCMILLAN. Let me submit the report, and if it leads to debate, I can give way for a vote.

Mr. PLUMB. Can not the Senator yield long enough simply to let us take the vote, and then it will be out of the way?

Mr. MCMILLAN. I will yield as soon as the report can be taken up, if the amendment is to lead to no further debate.

Mr. CONGER. Let the vote be taken and then claim the floor.

The PRESIDING OFFICER. The Chair understands that the Senator from Minnesota proposes to make a conference report.

Mr. MCMILLAN. Yes, sir.

The PRESIDING OFFICER. It is a privileged question.

Mr. MCMILLAN. I have sent to the desk the conference report.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. CONGER. I ask the Senator to yield that a vote may be taken on this railroad bill.

The PRESIDING OFFICER. Does the Senator desire action on the conference report at this time?

Mr. MCMILLAN. I will yield if a vote can be taken on the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. PALMER], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired on all questions with the Senator from South Carolina [Mr. HAMPTON], and as he is not in the Chamber, I withhold my vote.

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote, and therefore refrain from voting.

Mr. PALMER (after having voted in the affirmative). I should like to change my vote that I may be able to move a reconsideration. I vote "nay."

The result was announced—yeas 23, nays 31; as follows:

YEAS—23.

| | | | |
|---|---|---|---|
| Bowen, | Evarts, | Maxey, | Payne. |
| Brown, | Farwell, | Miller, | Riddleberger, |
| Butler, | Frye, | Mitchell of Oreg., | Sabin, |
| Cameron, | Gibson, | Mitchell of Pa., | Sherman, |
| Cheney, | Gray, | Morgan, | Stanford. |
| Conger, | Hoar, | Morrill, | |

NAYS—31.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Mahone, | Van Wyck, |
| Beck, | Edmunds, | Palmer, | Vest, |
| Berry, | George, | Plumb, | Walthall, |
| Call, | Hale, | Saulsbury, | Whitthorne, |
| Chace, | Harris, | Sawyer, | Williams, |
| Cockrell, | Hawley, | Spooner, | Wilson of Iowa, |
| Coke, | Jones of Arkansas, | Teller, | Wilson of Md. |
| Colquitt, | Kenna, | Vance, | |

ABSENT—22.

| | | | |
|---|---|---|---|
| Allison, | Eustis, | Jones of Florida, | Pugh, |
| Blackburn, | Fair, | Jones of Neva | Ransom, |
| Blair, | Gorman, | McMillan, | Sewell, |
| Camden, | Hampton, | McPherson, | Voorhees. |
| Dawes, | Harrison, | Manderson, | |
| Dolph, | Ingalls, | Platt, | |

So the amendment was rejected.

The PRESIDING OFFICER. The question is shall the amendments be engrossed and the bill be read a third time.

Mr. CALL. Mr. President, I do not propose to make any speech on this subject. I merely wish to say, as there probably will be no yea-and-nay vote on the passage of the bill, that I am opposed to all bills——

Mr. PALMER. I should like to enter a motion to reconsider, if the Senator from Florida will permit me.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. CALL. Certainly.

Mr. MCMILLAN. Then I move the adoption of the conference report which I have submitted on the river and harbor bill.

RIVER AND HARBOR BILL.

The PRESIDING OFFICER. The conference report on the river and harbor bill submitted by the Senator from Minnesota will be read.

The Chief Clerk proceeded to read the report.

Mr. SHERMAN. It is impossible for the Senate to understand the bill reported in that way. It would be a great deal better that the Senator from Minnesota should state the changes which have been made so far as possible. It is impossible for us to know what part of the report was contained in the bill as it passed the House, and what part in the Senate amendments, and what is new.

Mr. MCMILLAN. If the reading of the report may be dispensed with at length, I will make a statement.

The PRESIDING OFFICER. The reading of the report can not be dispensed with except by unanimous consent.

Mr. SHERMAN. After the Senator shall have made his statement, if it be satisfactory I will ask that the reading of the report be dispensed with.

The PRESIDING OFFICER. Of course it will be perfectly in order to make any statement before the report is read.

Mr. MCMILLAN. The bill as it came to the Senate from the House appropriated $7,458,250. The Committee on Commerce increased the bill $2,927,050. The Senate made an additional increase of $235,000. So the aggregate amount of the total Senate amendment was $10,620,300. That is as the bill went into conference.

The committee of conference have made a decrease in the bill of $706,500. The total amount of the bill now, as reported by the conference committee, is $9,913,500. The decrease made in the bill by the conference committee is made by amending a large number of the items of the bill and reporting it back as a single amendment. I have the specific changes made. They are decreases of the Senate amendments. I can send the list to the desk that it may be read.

Mr. VEST. Send the list to the desk.

Mr. MCMILLAN. I send the list of amendments that were made in conference to the desk, and ask that it be read.

The PRESIDING OFFICER. The Chief Clerk will proceed with the reading.

Mr. EDMUNDS. Let us hear the report of the conference committee read.

The PRESIDING OFFICER. The Senator from Michigan in presenting the conference report was making an explanation preceding the reading, a part of which is a statement that he sends to the desk.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. The Chief Clerk will now read.

The Chief Clerk read as follows:

10 Strike out $25,000 and insert $20,000, Rockland Harbor.
15 Strike out $50,000 and insert $40,000, Mount Desert.
19 Strike out $25,000 and insert $20,000, Back Cove.
22 Strike out $7,000 and insert $5,000, York Harbor.
26 Strike out $10,00 and insert $6,000, Little Harbor.
30 Strike out $10,000 and insert $5,000, North Hero and South Hero.
35 Strike out $6,000 and insert $7,000, Lynn Harbor.
35 Verbal amendment.
37 Strike out $20,000 and insert $15,000, Nantucket Harbor.
39 Strike out $20,000 and insert $15,000, Newburyport Harbor.
41 Strike out $10,000 and insert $5,000, Plymouth Harbor.
47 Strike out $10,000 and insert $5,000, Scituate Harbor.
70 Strike out $100,000 and insert $75,000, New Haven Breakwater.
82 Strike out $250,000 and insert $225,000, Buffalo Harbor.
89 Strike out $10,000 and insert $5,000, Dunkirk Harbor.
105 Strike out $20,000 and insert $10,000, Gowanus Bay Harbor.
138 Strike out $100,000 and insert $75,000, Erie Harbor.
146 Strike out $10,000 and insert $5,000, New Castle Ice Harbor,
152 Strike out $200,000 and insert $175,000, Baltimore Harbor.
160 Strike out $200,000 and insert $175,000, Potomac River.
173 Strike out $100,000 and insert $75,000, Norfolk Harbor.
188 Strike out $65,000 and insert $60,000, Savannah Harbor.
206 Strike out $75,000 and insert $60,000, Aransas Pass.
223 Strike out $50,000 and insert $40,000, Cleveland Harbor.
228 Strike out $3,000 and insert $1,000, Huron Harbor.
236 Strike out $30,000 and insert $25,000, Sandusky Harbor.
264 Strike out $35,000 and insert $30,000, Grand Marais Harbor.
266 Verbal amendment, Ludington Harbor.
283 Strike out $10,000 and insert $8,000, Saint Joseph Harbor.
283 Strike out $5,000 and insert $4,000, Saint Joseph Harbor.
328 Strike out $80,000 and insert $60,000, Milwaukee Harbor.
346 Strike out $50,000 and insert $40,000, Duluth Harbor.
357 Strike out $100,000 and insert $75,000, Humboldt Harbor.
376 Strike out $80,000 and insert $70,000, Yaquina Bay.
388 Strike out $10,000 and insert $7,500, Narraugus River.
392 Strike out $25,000 and insert $20,000, Pawtucket River.
397 Strike out $15,000 and insert $10,000, Green Jacket Shoals.
430 Strike out $20,000 and insert $15,000, Passaic River.
483 Strike out $25,000 and insert $20,000, Chincoteague Bay.
514 Strike out $10,000 and insert $5,000, Nansemond River.
514 Improving Nomini Bay and Creek: Continuing improvement, $5,000.
521 Strike out $175,000 and insert $165,000, Great Kanawha River.
535 Strike out $140,000 and insert $130,000, Cape Fear River.
536 Strike out $15,000 and insert $10,000, Cape Fear River.
612 Strike out $125,000 and insert $115,000, Saint John's River.
696 Strike out $150,000 and insert $125,000, Arkansas River.
807 Strike out "opposite" and insert "above."
808 Strike out "including," and after "Bay City" insert "and $5,000, or so much thereof as may be necessary for."
870 Strike out $115,000 and insert $100,000, Illinois River.
924 Strike out all after the word "appropriated" down to and including the word "Michigan," in line 934.
968 Strike out $150,000 and insert $125,000, Cascades of the Columbia.
980 Strike out the word "such" and insert "the," and in same line strike out "by means of a boat railway," and in line 981 strike out the word "and" after "falls."
1005 Strike out $300,000 and insert $225,000, Columbia River.
1008 Strike out $80,000 and insert $50,000, Lower Willamette.
1025 Strike out $300,000 and insert $275,000, Missouri River.
1066 Strike out $20,00 and insert $15,000, reservoirs.
1098 Strike out $200,000 and insert $175,000, Mississippi River, Illinois to Ohio.
1109 Strike out $200,000 and insert $175,000, Mississippi River, Illinois to Ohio.
1114 Strike out $1,500,000 and insert $1,400,000, Mississippi River, below Ohio.
In section 2, after line 48, insert "Ohio River, with a view to protecting the channel opposite Cairo;" and in line 91 of same section strike out the letter "r" in Weymouth.

Mr. PLATT. Is the item of $5,000 for improving Nomini Bay and creek an addition?

Mr. MCMILLAN. Yes, sir; that is an addition.

Mr. PLATT. What is the item in line 924?

Mr. MCMILLAN. That is a proviso in the appropriation for the survey of the Hennepin Canal.

Mr. EDMUNDS. What is the effect of it?

Mr. MCMILLAN. It is merely to leave the proviso for the survey.

Mr. CULLOM. That is all there is of it.

The PRESIDING OFFICER. The conference report will now be read.

Mr. EDMUNDS. Before that goes on, as this is a matter of great importance and nobody can understand the present state of the bill, I move that the further consideration of the report be postponed until to-morrow, and that the House bill, and the Senate amendments, and the conference amendments be printed in such a way as to show exactly what is the situation of these appropriations. We may as well test the sense of the Senate upon knowing what we are doing, in that way as in any other, and save a little time of the reading of the report.

The PRESIDING OFFICER. The Senator from Vermont moves that the further consideration of the report be postponed until to-morrow and that the bill be printed as indicated by him.

Mr. MCMILLAN. I trust that will not be done. The report is a very plain one, and the changes which are made by it are indicated by the paper just read at the desk. I have already stated the total reduction and the gross amount of the bill. The total decrease by the conference committee was $706,500, and the total amount of the bill now is $9,913,800. The changes which have been read at the desk are decreases in the increases made in the Senate upon the House bill and upon the amendments made by the Senate to the House bill. But one new item has been added, which is the Nomini Creek item, to which attention was called, it being a very small amount of $5,000; and two surveys are inserted, one of which requires no appropriation and is merely the change of a word.

Mr. CONGER. There has been no change in the items of the House bill?

Mr. McMILLAN. There has been no change in the items of the House bill, and the report is one which can be understood perhaps with more ease than any conference report on an appropriation bill made to the Senate. There is no difficulty whatever in understanding it, and any further explanation that is desired can be given in a word.

Mr. VEST. I hope the motion of the Senator from Vermont will not prevail. I think that, all things considered, the conferees on the part of the Senate have done their duty fully and have been as successful in the conference with the managers on the part of the House as it was possible to expect. The items in the bill in which my State was particularly interested have been cut down. However, they have not been cut down in any undue or unjust proportion, but simply in the decrease generally made in the whole bill; and if we propose to have any river and harbor bill at all we ought to concur in this report. To agree to the motion will endanger the bill itself, and I certainly hope the motion will not prevail.

Mr. EDMUNDS. This bill differs from the other appropriation bills of the Government because it does not belong to its necessary autonomy. It is merely the sporadic, or I should rather say the epidemic action of Congress from session to session in appropriating money for the benefit of the various States and their people, and contractors, &c., and for sundry very important national objects; there is no doubt about that, but for so many more which are not national that certainly we ought to have a chance to understand it. The principle of acting on conference reports on a regular appropriation bill like the legislative bill or whatever, does not apply.

I of course have no expectation that the Senate will be willing to know just how this thing stands, seeing it every Senator for himself, and that this motion of mine will be carried; but my humble and simple opposition to this method of doing things can be just as well expressed by getting the yeas and nays on this particular motion as on any other, and I shall hope that somewhere and in some department of the Government the matter will have time enough given to it to scrutinize it before it becomes a law.

I noticed, but was obliged to be absent at the time when it came up, a very curious phrase in the House bill and in the Senate amendment, which was a substitute for the whole House bill, giving back to the State of Ohio all or a great part of the assets that the act of last year required her to turn over to the United States along with the Muskingum Canal, a very convenient and well-arranged little programme which would hardly attract notice, and which repealed so much of the act of last year as requires the State of Ohio to do certain things in regard to turning over with the Muskingum Canal the assets that had already been raised and belonged to it. There may be some very good reason for that, but I do not quite see it. We did not see it a year ago. That illustrates some of the characters and features of the bill that we have before us now.

I wish to repeat my affirmation that I will go as far as any other gentleman on this floor would go to provide out of the National Treasury for the improvement of the rivers and harbors of the United States that are national, and belong to the nation for national purposes. As I say, I can just as well put in my feeble, and I am sorry to say ineffectual, protest against this sort of business by asking for the yeas and nays on this motion as on any other.

The PRESIDING OFFICER. The yeas and nays are demanded on the motion of the Senator from Vermont to postpone the further consideration of the report until to-morrow with the order to print.

The yeas and nays were ordered.

Mr. HAWLEY. I am inclined to vote against this motion, but in order to strengthen myself, I wish to ask the Senator from Vermont whether there is anything in the conference report doing more than merely reduce some figures in order to get this general agreement?

Mr. EDMUNDS. There are two or three instances where the conferees between the two Houses have put in places that were not brought to the attention of either House. I understand that they are small and immaterial, but they cover a very important principle in our proceeding.

Mr. HAWLEY. I understood there was one harbor that got $5,000.

Mr. EDMUNDS. And two other objects about surveys, or whatever, which cover the whole principle of conferees invading the things that are in disagreement between the two Houses. Each one of these amendments may be right, and as to the others I do not know until we can see how the whole scheme is.

Mr. HAWLEY. My impression was that whatever there was in the original bill in the way of general legislation and instruction remained the same, but that the items were merely cut down a certain figure, that they had taken off a certain per cent.

Mr. FRYE. That practically is the whole thing.

Mr. HAWLEY. There is no change in the legislation of the bill, so to speak. I am satisfied to vote against postponement. I am satisfied with the reductions.

Mr. DOLPH. I understood the Senator from Minnesota to say that this report reduces the amount of the Senate amendments.

Mr. McPHERSON. To certain amounts, the items in the appropriations which reduces the aggregate of the bill.

Mr. EDMUNDS. They are all taken off from the Senate side.

Mr. McMILLAN. They are all taken off the amendments made by the Senate, but still leave an increase upon the House bill on all those amendments.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the motion of the Senator from Vermont.

The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired on all questions with the Senator from South Carolina [Mr. HAMPTON].

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

The result was announced—yeas 6, nays 57; as follows:

YEAS—6.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Plumb, | Van Wyck, |
| Chace, | Mahone, | | |

NAYS—57.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Jones of Nevada, | Sawyer, |
| Beck, | Eustis, | Kenna, | Sherman, |
| Berry, | Evarts, | McMillan, | Spooner, |
| Blair, | Fair, | Maxey, | Stanford, |
| Bowen, | Frye, | Miller, | Teller, |
| Brown, | George, | Mitchell ofOreg., | Vance, |
| Butler, | Gibson, | Mitchell of Pa., | Vest, |
| Call, | Gorman, | Morgan, | Walthall, |
| Camden, | Gray, | Palmer, | Whitthorne, |
| Cameron, | Harris, | Payne, | Williams, |
| Cheney, | Harrison, | Pugh, | Wilson of Md., |
| Cockrell, | Hawley, | Ransom, | Wilson of Iowa. |
| Coke, | Hoar, | Riddleberger, | |
| Conger, | Ingalls, | Sabin, | |
| Cullom, | Jones of Arkansas, | Saulsbury, | |

ABSENT—13.

| | | | |
|---|---|---|---|
| Blackburn, | Hale, | McPherson, | Platt, |
| Colquitt, | Hampton, | Manderson, | Sewell, |
| Dawes, | Jones of Florida, | Morrill, | Voorhees. |
| Farwell, | | | |

So the motion was not agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. ALLISON, it was

*Resolved*, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. ALLISON, Mr. HALE, and Mr. BECK.

SENATOR FROM INDIANA.

Mr. PLATT. I wish to interrupt the proceedings to make an inquiry. The Senator from Massachusetts [Mr. HOAR] this morning reported back the credentials of the Senator-elect from Indiana, Mr. Turpie.

Mr. HOAR. The claim.

Mr. PLATT. The claim. I should like to ask the Senator what the effect of that report was. I understood at the time that the effect of the report was simply to remit the whole proceedings to the next session of the Senate and to the Committee on Privileges and Elections as it should be then constituted. If, however, it in any way affects or bears upon the question whether the credentials are to be accepted, I desire to enter a motion to reconsider. Therefore I inquire what the Senator understands to have been the effect of his report?

Mr. HOAR. I ask unanimous consent that I may answer the question of the Senator from Connecticut at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOAR. Under the rules of the Senate all papers committed to any committee are to be returned to the files of the Senate at the expiration of the Congress and the function of the committee itself expires with the Congress. If the credentials of Mr. Turpie had been retained by the Committee on Privileges and Elections without action until noon of the 4th day of March, under the operation of that general rule precisely the thing would have happened then that happened this morning; that is, the paper would have gone back to the files of the Senate and the committee would have been discharged from its consideration. The only alternative to that course would have been an assumption by the committee or by the Senate at the present session to deal with the credentials of a gentleman claiming to be a Senator-elect before the time had arrived for the beginning of his term, and before he had presented himself to be heard upon the subject.

The Senate is a continuing body, which was organized at the beginning of the Government in 1789, and that organization is to continue, as we fondly hope, until time shall be no more, certainly until the destruction of the American Constitution. It is therefore possible that it

might be within the constitutional power of the Senate to determine in advance the right of a Senator to a seat on this floor, and it would be a violation of all constitutional precedent, and it would be, in my judgment a violation of the sense of justice and propriety of the Senate and of the American people.

The effect, therefore, of this report is simply to remand to the action of the Senate, to be taken after the 4th of March, without prejudice, without being in the least affected by any action now any question which any person may see fit to raise, and that is all—no prejudice, for no prejudice against any person who may conceive himself to be entitled to a seat on this floor hereafter will arise or has arisen in consequence of the report of the committee or of the action of the Senate in accepting it.

Mr. PLATT. I so understood the matter, and, with the explanation which has been given, I have no desire to move a reconsideration.

DISEASES OF CATTLE.

Mr. MILLER. I move the adoption of the following order to print a bill:

*Ordered*, That the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes, as passed by the Senate, be printed for the use of the Senate.

The order was agreed to.

AMENDMENTS TO BILLS.

Mr. JONES, of Arkansas, and Mr. MILLER submitted amendments intended to be proposed by them, respectively, to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY (in behalf of Mr. SEWELL) submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

DAMAGES TO SENATE EMPLOYÉS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, who were directed by a resolution of the Senate of December 8, 1886, "to investigate the accident which occurred in a freight elevator of the Senate wing of the Capitol in July last, whereby two employés of the Senate were seriously injured, and report their conclusions as to the responsibility for the same to the Senate at the earliest day practicable, together with a resolution providing for the payment to the persons so damaged of such sums as the committee may deem proper to cover the expenses, loss, and damage incurred thereby, if the committee shall be of opinion that compensation ought to be made," reported the following amendment to the general deficiency appropriation bill; which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations:

For compensation to J. M. Coombs for injuries received by the breaking of the gearing of the freight elevator under the sidewalk of the Senate wing of the Capitol, $2,500; said amount to be in full for all damages and for medical and all other expenses incurred and to be incurred by said Coombs on account of said injuries.

ENROLLED BILL SIGNED.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes; and it was thereupon signed by the President *pro tempore*.

THOMAS B. NALLE.

Mr. EDMUNDS. While the conference report on the river and harbor bill is laid aside for a moment, I ask leave to report from the Committee on the Judiciary a disability bill, which I have just discovered seems to be technically necessary to remove the disabilities of a gentleman in order that he may get a Mexican pension, and which has been delayed because the committee could not ascertain in what branch of the service of the United States he was until this moment by telegram; and at the request of a gentleman in the other House, and of the Senator from Virginia, I ask leave to report the bill at this time and put it on its passage.

The PRESIDENT *pro tempore*. The report will be received if there be no objection. The title of the bill reported from the Committee on the Judiciary by the Senator from Vermont will be stated.

The CHIEF CLERK. A bill (H. R. 11199) for the relief of Thomas B. Nalle.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove all legal and political disabilities imposed by virtue of the fourteenth amendment to the Constitution of the United States upon Thomas B. Nalle, of the State of Virginia.

Mr. EDMUNDS. I simply wish to say that this gentleman has petitioned, but his petition did not state that he was a purser in the Navy, which I have just been able to discover. I am informed from the Navy Department that his accounts are settled and that he does not owe the United States anything, but that technically he was a naval officer as distinguished from a civilian, and, therefore, is still under disability.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary resumed the reading of the report.

Mr. BECK (at 4 o'clock and 16 minutes p. m.). I do not think anybody in the Senate cares for hearing this report read any longer.

Mr. MCMILLAN. I desire to say that the Senator from Vermont [Mr. EDMUNDS] wishes this bill read through.

Mr. BECK. But he is not here.

Mr. MCMILLAN. He said he had to withdraw from the Chamber, and asked me if I would see that the report was read through.

Mr. BECK. Very well.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Massachusetts.

Mr. HOAR. I inquire if it is not within the power of the Senate to protect itself from hearing read over what has been already read in its presence more than once to suit the whim of an absent Senator? I ask unanimous consent that the further reading be dispensed with.

The PRESIDENT *pro tempore*. The Chair would hold on the case now before the Senate that the Senator from Vermont having requested the report of the conference committee to be read, the reading must be continued.

Mr. MCMILLAN. There is but little more of it. I hope it will be read through.

The PRESIDENT *pro tempore*. Objection has been interposed and unanimous consent has been withheld. The reading will proceed.

The Secretary continued and concluded the reading of the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all after the enacting clause and insert the following:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Rockland, Me.: Continuing improvement, $20,000.

Improving breakwater at the mouth of Saco River, Maine: Continuing improvement and repairs, $6,000.

For commencing the construction of a breakwater from Mount Desert to Porcupine Island, $40,000.

Improving harbor at Portland, Me.: Continuing improvement, $25,000.

Improving the channel in Back Cove, Portland Harbor, Maine: Continuing improvement, $20,000.

Improving harbor at York, Me.: Continuing improvement, $5,000.

Improving harbor at Portsmouth, N. H.: Continuing improvement, $10,000.

Improving Little Harbor, New Hampshire: Continuing improvement, $6,000.

Improving harbor at Burlington, Vt.: Continuing improvement, $25,000.

Improving the channel between the islands of North Hero and South Hero, Lake Champlain, Vermont, $5,000.

Improving harbor at Boston, Mass.: Continuing improvement, $60,000.

Improving harbor at Lynn, Mass.: Continuing improvement, $7,000; of which $1,000 shall be used for improving the western channel of said harbor leading to the Point of Pines.

Improving harbor at Nantucket, Mass.: Continuing improvement, $15,000.

Improving harbor at Newburyport, Mass.: Continuing improvement, $15,000.

Improving harbor at Plymouth, Mass.: Continuing improvement, $5,000.

Improving harbor at Provincetown, Mass.: Continuing improvement, $15,000; of which sum $5,000 shall be used to strengthen Long Point Breakwater.

Improving harbor at Scituate, Mass.: Continuing improvement, $5,000.

Improving harbor at Wareham, Mass.: To complete improvement, $4,050.

Improving Hyannis Harbor, Massachusetts, $5,000.

Improving harbor at Sandy Bay, Massachusetts: Continuing improvement, $50,000.

Improving harbor at Block Island, Rhode Island: Continuing improvement, $10,000; of which sum $6,000 are for inner harbor and $4,000 for breakwater: *Provided*, That the wharf on the land side of the inner harbor be turned over to the town of New Shoram, for the public use of said town; but no tolls or charges shall ever be exacted for the use of said wharf by public vessels of the United States or for freight carried on such vessels.

Improving harbor at Newport, R. I.: Continuing improvement, $7,500.

Improving harbor at Bridgeport, Conn.: Continuing improvement, $6,500.

Improving harbor at Black Rock, Conn.: Continuing improvement, $5,000.

Improving breakwater at New Haven, Conn.: Continuing improvement, $75,000.

Improving harbor at New Haven, Conn.: Continuing improvement, $10,000.

Improving harbor at New London, Conn.: Continuing improvement, $1,000.

Improving harbor at Norwalk, Conn.: Continuing improvement, $1,500.

Improving harbor at Stonington, Conn.: Continuing improvement, $8,000.

Improving harbor at Milford, Conn.: Continuing improvement, $5,000.

Improving harbor at Buffalo, N. Y.: Continuing improvement and repairs on the outer breakwater, $225,000.

Improving Buttermilk Channel, New York: Continuing improvement, $25,000.

Improving breakwater at Rouse's Point, N. Y.: Continuing improvement, $15,000.

Improving harbor at Dunkirk, N. Y.: Continuing improvement, $5,000.

Improving harbor at Canarsie Bay, New York: Continuing improvement, $5,000.

Improving harbor at Charlotte, N. Y.: Continuing improvement and repairs, $35,000.
Improving harbor at Wilson, N. Y.: Continuing improvement, $2,500.
Improving harbor at Olcott, N. Y.: Continuing improvement, $2,500.
Improving harbor at Flushing Bay, New York: Continuing improvement, $7,500.
Improving Tonawanda Harbor, New York, and for the purpose of straightening and obtaining a 16-foot channel in the Niagara River between Lake Erie and Tonawanda, $10,000.
Improving channel at Gowanus Bay, New York; Continuing improvement, $10,000.
Improving harbor at Great Sodus Bay, New York: Continuing improvement, $6,000.
Improving harbor at Greenport, N. Y.: Continuing improvement, $2,500.
Improving harbor at Little Sodus Bay, New York: Continuing improvement, $4,000.
Improving harbor at Oak Orchard, N. Y.: Continuing improvement, $3,000.
Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $5,000; to be used in excavating at the lower harbor up stream.
Improving harbor at Oswego, N. Y.: Extending improvement, $25,000.
Improving harbor at Rondout, N. Y.: Continuing improvement, $1,500.
Improving harbor at Sheepshead Bay, New York: Continuing improvement, $2,500.
Improving harbor at Plattsburgh, N. Y.: Continuing improvement, $2,500.
Improving harbor at Glen Cove, N. Y., $10,000.
Improving channel between Staten Island and New Jersey shore, New York and New Jersey: Continuing improvement, $15,000.
Improving harbor at Raritan Bay, New Jersey: Continuing improvement, $20,000.
Improving harbor at Erie, Pa.: Continuing improvement, $12,000.
For the preservation and protection of the peninsula of Presque Isle, Erie Harbor, Pennsylvania, as recommended by the Chief of Engineers, January 13, 1885, and in accordance with such plans as the Secretary of War may prescribe, $75,000.
Improving ice-harbor at Marcus Hook, Pa.: Continuing improvement, $7,500.
Improving Delaware Breakwater, Delaware: Continuing improvement, $50,000.
Improving ice-harbor at New Castle, Del.: Continuing improvement, $5,000.
Improving harbor at Wilmington, Del.: Continuing improvement, $15,000.
Improving harbor at Baltimore, Md.: Completing the channel to 400 feet and commencing the additional width of 600 feet, in accordance with the plans of the United States Engineers, $175,000.
Improving harbor at Breton Bay, Mary land: Continuing improv ement, $2,500.
For continuing the improvement of the Potomac River in the vicinity of Washington, with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War and in accordance with existing plans, $175,000: *Provided*, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt, or in respect to which any claim adverse to the United States has been made.
Improving harbor at Norfolk, Va.: Continuing improvement, $25,000.
Improving approach to Norfolk Harbor and the United States navy-yard at Norfolk, Va.: Continuing improvement by widening the channel of Elizabeth River towards the port-warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, including the shoals at Sewell's Point, $75,000.
Improving harbor at Beaufort, N. C.: Continuing improvement, $10,000.
Improving the inland water way between New Berne and Beaufort, N. C.: $10,000.
Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $300,000.
Improving harbor at Georgetown, S. C.: Continuing improvement, $4,000.
Improving harbor at Brunswick, Ga.: Continuing improvement, $18,000.
Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $75,000.
Improving harbor at Savannah, Ga.: Continuing improvement, $60,000.
Improving harbor at Appalachicola, Fla.: Continuing improvement, $10,000.
Improving harbor at Cedar Keys. Fla.: Continuing improvement, $3,500.
Improving harbor at Pensacola, Fla.: Continuing improvement, $7,500.
Improving harbor at Tampa Bay, Florida: Continuing improvement, $10,000.
Improving harbor at Mobile, Ala.: Continuing improvement, $35,000.
Improving harbor at Biloxi Bay, Mississippi: Continuing improvement, $9,000; which sum, together with the money on hand heretofore appropriated for the roadstead, is hereby directed to be used in deepening the channel from Mississippi Sound to the wharves at Biloxi.
Improving Aransas Pass and Bay up to Rockport and Corpus Christi, Tex.: Continuing improvement, $60,000.
Improving Brazos Santiago Harbor, Texas: Continuing improvement, $25,000.
Improving of entrance to Galveston Harbor, Texas: Continuing improvement, $225,000.
Improving Pass Cavallo, Texas: Continuing improvement, $25,000.
Improving Sabine Pass and Blue Buck Bar, Texas: Continuing improvement, $145,000.
Improving harbor at Ashtabula, Ohio: Continuing improvement, $12,500.
Improving harbor at mouth of Black River, Ohio: Continuing improvement, $2,500.
Improving harbor at Cleveland, Ohio, on the last plan projected, $40,000.
Improving harbor at Fairport, Ohio: Continuing improvement, $15,000; of which $5,000 may be expended in deepening the river.
Improving harbor at Huron, Ohio: Continuing improvement, $1,000.
Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $15,000.
Improving harbor at Port Clinton, Ohio: Continuing improvement, $5,000.
Improving harbor at Sandusky, Ohio: Continuing improvement by a straight channel from Sandusky City to the entrance of Sandusky Bay, $25,000; of which $5,000 may be used in improving the old channel.
Improving harbor at Toledo, Ohio: Continuing improvement of the Maumee River or Straight Channel, $60,000; also $5,000 to be used in clearing the old channel.
Improving harbor at Michigan City, Ind.: Continuing improvement, $50,000; of which sum $3,500 are to be used on the inner harbor.
Improving harbor at Calumet, Ill.: Continuing improvement, $3,000.
Improving harbor at Chicago, Ill.: Continuing improvement, $60,000.
Improving harbor at Waukegan, Ill.: Continuing improvement, $10,000.
Improving harbor at Chalevoix and entrance to Pine Lake, Michigan: Continuing improvement, $7,500.
Improving harbor at Cheboygan, Mich.: Continuing improvement, $5,000.
Improving harbor at Frankfort, Mich., by extension of piers and repairs: Continuing improvement, $6,000.
Improving harbor at Grand Haven, Mich.: Continuing improvement, $15,000.
Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, $30,000.
Improving harbor at Ludington, Mich.: Continuing improvement, $30,000; and the Secretary of War is authorized to accept a deed of 3.31 acres of land from the Pierre Marquette Lumber Company for the purpose of constructing the harbor of refuge at Ludington.
Improving harbor at Manistee, Mich.: Continuing improvement, $7,500.
Improving harbor at Monroe, Mich.: Continuing improvement, $1,000.
Improving harbor at Muskegon, Mich.: Continuing improvement, $7,500.
Improving harbor at Ontonagon, Mich.: Continuing improvement, $6,000.
Improving harbor at Pentwater, Mich.: Continuing improvement, $4,000.
Improving harbor at Portage Lake, Mich.: Continuing improvement, $15,000.
Improving and repairing harbor of refuge at Sand Beach, Mich.: Continuing improvement, $50,000.
Improving harbor at Saint Joseph, Mich.: Continuing improvement, $8,000; of which $4,000 shall be used to improve the Benton Harbor Channel.
Improving harbor at South Haven, Mich.: Continuing improvement, $5,000.
Improving harbor at White River, Mich.: Continuing improvement, $6,000.
Improving harbor at Marquette, Mich.: Continuing improvement and repairs, $25,000.
For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal, and the Lake Superior Ship-Canal, Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $350,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to or connected with said works, or either of them, has been made to the United States by the owner or owners thereof, and the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.
Improving harbor at Ahnapee, Wis.: Continuing improvement, $5,000; and so much of the act of August 5, 1886, for the improvement of rivers and harbors, as relates to the harbor of Ahnapee, is hereby amended by striking out the words "but no part of said sum is to be expended until the wharfage over the Government pier at that port shall be made free."
Improving harbor at Green Bay, Wis.: Continuing improvement, $3,500.
Improving harbor at Kenosha, Wis.: Continuing improvement, $5,000.
Improving harbor at Kewaunee, Wis.: Continuing improvement, $7,500.
Improving harbor at Manitowoc, Wis.: Continuing improvement, $4,000.
Improving harbor at Menomonee, Wis.: Completing improvement, $9,000.
Improving harbor of refuge at Milwaukee, Wis.: Continuing improvement on bay and harbor, $60,000.
Improving harbor at Oconto, Wis.: Continuing improvement, $5,000.
Improving harbor at Port Washington, Wis.: Continuing improvement, $2,000.
Improving harbor at Racine, Wis.: Continuing improvement, $3,000.
Improving harbor at Sturgeon Bay, Wis.: Continuing improvement, $3,500.
Improving harbor at Superior Bay and Saint Louis Bay, Wisconsin: Continuing improvement, $12,500.
Improving harbor at Sheboygan, Wis.: Continuing improvement, $7,500.
Improving the harbor at Ashland, Wis.: Continuing improvement, $10,000.
Improving harbor at Duluth, Minn.: Continuing improvements, $40,000; of which sum one-half is to be used in deepening and enlarging the basin between Minnesota and Rice's Points, and the other half is to be used in dredging and deepening the channel on the west side of Rice's Point, and from thence to Grassy Point, on the north side of Saint Louis Bay, along such dock-line as may be established with the approval of the Secretary of War.
Improving harbor at Grand Marais, Minn.: Continuing improvement, $10,000.
Improving harbor and bay at Humboldt, Cal.: Continuing improvement, $75,000: *Provided*, That no part of said sum shall be expended until the 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War, after the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.
Improving harbor at Oakland, Cal.: Continuing improvement, $62,500.
Improving harbor at Red Wood, Cal.: Continuing improvement, $2,000.
Improving harbor at Wilmington, Cal.: Continuing improvement, $50,000.
Improving harbor at San Luis Obispo, Cal.: Constructing a breakwater, extending in a southeasterly direction, commencing at Whaler's Point, $25,000.
Improving harbor at Yaquina Bay, Oregon: Continuing improvement, $70,000.
Improvement of the harbor at entrance of Coos Bay, Oregon, $25,000.
Improving Lubec Channel, Maine: Continuing improvement, $10,000.
Improving Penobscot River, Maine: Continuing improvement, by widening the channel opposite Bangor and removing obstructions near Crosby's Narrows, $10,000.
Improving Saco River, Maine: Continuing improvement, $5,000.
Improving Narragaugus River, Maine: Continuing improvement, $7,500.
Improving Cocheco River, New Hampshire: To complete improvement, $9,000.
Improving Pawtucket River, Rhode Island: Continuing improvement, $20,000.
Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $25,000.
Improving Green Jacket Shoal, Rhode Island: Continuing improvement, $10,000.
Improving Pawcatuck River, Rhode Island: Continuing improvement, $10,000.
Improving Connecticut River below Hartford, Conn.: Continuing improvement, $10,000.
Improving Housatonic River, Connecticut, $5,000.
Improving Thames River, Connecticut: Continuing improvement, $25,000.
Improving Hell Gate, New York: Continuing improvement, $100,000.
Improving East Chester Creek, New York: Continuing improvement, $2,500.
Improving Hudson River, New York: Continuing improvement, $20,000; of which $15,000 may be used for removing the rock in the channel at Van Wie's Point.
Improving Newtown Creek and Bay, New York: Continuing improvement, $10,000; of which $2,500 to be expended on west branch, between Maspeth avenue and Dual Bridge, at Grand street and Metropolitan avenue; $2,500 to be expended on main branch, between Easterly Grand Street Bridge to Metropolitan avenue; and balance on lower end, from Maspeth avenue to the mouth of the creek.
Improving Narrows at Lake Champlain, New York, from Benson, Vt., to canal-locks at Whitehall, N. Y., $18,000; of which $13,000 may be used to remove Ferris Rock, Lake Champlain.
Improving Maurice River, New Jersey: Continuing improvement, $5,000.
Improving Passaic River, New Jersey: Continuing improvement, $15,000; of which $2,000 are to be used above Newark.
Improving Raritan River, New Jersey: Continuing improvement, $30,000.
Improving Shrewsbury River, New Jersey: Continuing improvement, $5,000.
Improving South River, New Jersey: Continuing improvement, $2,500.
Improving Allegheny River, Pennsylvania: Continuing improvement, $15,000.
Improving Schuylkill River, Pennsylvania: Continuing improvement, $10,000.
Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, $125,000; of which $6,000 shall be expended on said river and its tributaries above Bridesburg.

The Secretary of War is hereby authorized and directed to appoint a board of engineers to examine and survey the Delaware River in front of Philadelphia, Pa., with a view to removing Smith and Windmill Islands, together with adjacent shoals, and to report, with the estimate of cost and necessity for such improvement in the interest of navigation; the cost of said examination and survey to be paid out of the sum appropriated by section 4 of this act.

Improving Herr's Island Dam, Pennsylvania: Continuing improvement, $28,000; and the Secretary of War is hereby authorized to purchase the lands required for said dam and its appurtenances, or, at his discretion, to cause suit to be instituted for the condemnation of such lands as may be necessary therefor.

Improving Monongahela River, Pennsylvania and West Virginia: To complete improvement, $30,000.

Improving Saint Jones River, Delaware: Continuing improvement, $5,000.

Improving Duck Creek, Delaware: Continuing improvement, $3,000.

Improving Misspillion Creek, Delaware: Continuing improvement, $3,500.

Improving Choptank River, Maryland: Continuing improvement, $2,500.

Improving Corsica Creek, Maryland: Continuing improvement, $2,500.

Improving Susquehanna River, Maryland and Pennsylvania: Continuing improvement, $10,000; to be expended above the Baltimore, Philadelphia and Wilmington Railroad bridge.

Improving, by dredging and otherwise, the inland water way from Chincoteague Bay, Virginia, to Delaware Bay at or near Lewes, Del., to be used from Chincoteague Bay to Indian River Bay: Continuing improvement, $20,000.

Improving Appomattox River, Virginia: Continuing improvement, $16,000; and the Chief of Engineers is directed to cause to be examined and surveyed and the cost estimated for diverting the water of the river above the harbor at Petersburg to the old north channel, and report upon the same.

Improving Chickahominy River, Virginia: Continuing improvement, $2,000.

Improving James River, Virginia: Continuing improvement below Richmond, $100,000.

Improving Mattaponi River, Virginia: Continuing improvement, $2,000.

Improving New River, Virginia: Continuing improvement between the lead mines, in Wythe County, and the mouth of Wilson's Creek, in Grayson County, $5,000.

Improving Pamunky River, Virginia: Continuing improvement, $2,000.

Improving Rappahannock River, Virginia: Continuing improvement, $7,500.

Improving Staunton River, Virginia: Continuing improvement, $5,000; one-half to be expended on said stream between the mouth of Pig River and the crossing of the Midland Railroad.

Improving York River, Virginia: Continuing improvement, $12,500.

Improving Dan River, Virginia and North Carolina: Continuing improvement from Danville, Va., to Madison, N. C., $1,500.

Improving Nansemond River, Virginia: Continuing improvement by the construction of a dike, $5,000.

Improving Nominee Bay and Creek: Continuing improvement, $5,000.

Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, $16,000; of which sum $2,500 are to be expended on Tug Fork, in West Virginia, and $2,500 on Lavisa Fork, in Kentucky.

Improving Great Kanawha River, West Virginia: Continuing improvement, $165,000.

Improving Guyandotte River, West Virginia: Continuing improvement, $2,000.

Improving Elk River, West Virginia: Continuing improvement, $3,000.

Improving Little Kanawha River, West Virginia: Continuing improvement, $7,500. But no toll shall be collected by any person or corporation for this improved navigation; and such right, if any exists, shall be relinquished, in a manner satisfactory to the Secretary of War, before the expenditure of any of the money herein appropriated for this work.

Improving Cape Fear River, North Carolina: Continuing improvement, $130,000; of which sum $10,000 are to be expended between Wilmington and Fayetteville.

Improving Contentnia Creek, North Carolina: Continuing improvement, $7,500.

Improving Currituck Sound, Coanjok Bay, and North River Bar, North Carolina: Continuing improvement, $7,500.

Improving Neuse River, North Carolina: Continuing improvement, $12,000.

Improving New River, North Carolina: Continuing improvement, $2,500.

Improving Pamlico and Tar Rivers, North Carolina: Continuing improvement, $3,000.

Improving Trent River, North Carolina: Continuing improvement, $3,000.

Improving Meherrin River, North Carolina: Continuing improvement, $2,000.

Improving Edisto River, South Carolina: Continuing improvement, $2,500.

Improving Great Pedee River, South Carolina: Continuing improvement, $10,000.

Improving Salkahatchee River, South Carolina: Continuing improvement, $2,000.

Improving Santee River, South Carolina: Continuing improvement, $10,000.

Improving Waccamaw River, South Carolina: Continuing improvement, $12,000.

Improving Wappoo Cut, South Carolina: Continuing improvement, $2,500.

Improving Wateree River, South Carolina: Continuing improvement, $6,000.

Improving Congaree River, South Carolina: Continuing improvement, $7,500.

Improving Altamaha River, Georgia: Continuing improvement, $10,000.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $10,000.

Improving Coosa River, Georgia and Alabama: Continuing improvement, $30,000.

The Secretary of War is hereby authorized and directed to cause a survey to be made for the location of a channel in and along the Coosa River, in Alabama, from the rapids at Wetumpka to connect with the improvements already completed on said river above the Ten Islands, and to direct the engineer making the survey to report as to the most feasible, economical, and suitable plan of making such improvement, with the estimate of cost and the necessity for such improvement in the interests of navigation; the cost of said examination and survey to be paid out of the sum appropriated by section 4 of this act.

Improving Flint River, Georgia: Continuing improvement, $10,000; of which sum $3,000 are to be expended between Albany and Montezuma, and $7,000 below Albany.

Improving Ocmulgee River, Georgia: Continuing improvement, $4,000.

Improving Oconee River, Georgia: Continuing improvement, $4,500.

Improving Savannah River below Augusta, Ga.: To complete improvement, $21,000.

Improving Appalachicola River, Florida: Continuing improvement, $1,000.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $7,500; of which sum $2,500 to be expended below Geneva, and $5,000 to be expended between Geneva and Newton, Ala.

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, $5,000; no part of which is to be used above Indian Creek.

Improving La Grange Bayou, Florida: Continuing improvement, $1,000.

Improving Manatee River, Florida: Continuing improvement, $5,000.

Improving channel over the bar at the mouth of Saint John's River, Florida: Continuing improvement, $115,000.

Improving Suwanee River, Florida: Continuing improvement $2.500.

Improving Withlacoochee River, Florida: Continuing improvement, $2,500.

Improving Alabama River, Alabama: Continuing improvement, $10,000.

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniel's Creek: Continuing improvement, $50,000.

Improving Tallapoosa River, Alabama: Continuing improvement, $4,000.

Improving Warrior River, Alabama: Continuing improvement from Tuscaloosa to Demopolis, $9,000.

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, $9,000; to be expended below Vienna, $6,000; and between Vienna and Fulton, $3,000.

Improving Big Sunflower River, Mississippi: Continuing improvement, $3,000; of which $1,000 to be expended betweeen Woodburn and Lehartan.

Improving Noxubee River, Mississippi: Continuing improvement, $2,500.

Improving Pascagoula River, Mississippi: Continuing improvement, including bar at the mouth, and from there to the mills at Moss Point, $16,500.

Improving Pearl River, Mississippi: Continuing improvement, $10,000; of which $1,250 are to be expended between Edinburg and Carthage, $1,250 between Carthage and Jackson, and the remainder below Jackson, including bar at the mouth of East Pearl River.

Improving Steele's Bayou, Mississippi, including Washington Bayou: Continuing improvement, $2,000.

Improving Tallahatchee River, Mississippi: Continuing improvement, $2,500.

Improving Tchula Lake, Mississippi: Continuing improvement, $1,000.

Improving Yallabusha River, Mississippi: Continuing improvement $1,250.

Improving Yazoo River, Mississippi: Continuing improvement, $5,000.

Improving Bayou Pierre, Mississippi: Continuing improvement, $3,750.

Improving Amite River, Louisiana: Continuing improvement, $1,500.

Improving Bœuf River, Lousiana: Continuing improvement, $2,500.

Improving Bayou Bartholomew, Louisiana: Continuing improvement, $1,500.

Improving Bayou Courtableau, Louisiana: Continuing improvement, $2,500.

Improving Bayou D'Arbonne, Louisiana: Continuing improvement, $1,500.

Improving Bayou Terre Bonne, Louisiana: To complete improvement, $3,000.

Improving Tensas River and Bayou Macon, Louisiana: Continuing improvement, $2,500.

Improving Red River, Louisiana: Continuing improvement from Fulton, Ark., to the Atchafalaya River, Louisiana, including completing the work at Alexandria, $45,000; of which sum $20,000, or so much thereof as may be necessary shall be used in continuing a thorough survey of the river from Fulton, Ark., to the Atchafalaya River.

Improving Tchefuncte River and Bogue Falia, Louisiana: Continuing improvement, $1,500.

Improving Tickfaw River, Louisiana: Continuing improvement, $1,000; to be expended on its navigable tributaries.

Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana: Continuing improvement, $7,500.

Improving mouth of Brazos River, Texas: Continuing improvement, $25,000.

Improving Buffalo Bayou, Texas: Continuing improvement, $25,000.

Improving Arkansas River: Continuing improvement, $125,000: *Provided*, That the Secretary of War shall expend the appropriation under this head with reference to the final improvement of this river, as contemplated in the report of the Chief of Engineers for the year ending July 1, 1885, and as authorized in the bill for the improvement of rivers and harbors approved August 5, 1886, and in House Executive Document No. 90, Forty-ninth Congress, first session, said methods to be applied, as the Secretary of War may direct, at such points between Wichita, Kans., and the navigable mouth of the Arkansas River, at its junction with the Mississippi River, as he may deem best for the interests of commerce. And all moneys now to the credit of different sections of the Arkansas River, other than appropriations for the operating of snag-boats, shall be available for use under this head; and in future the engineer in charge of this work and the Secretary of War shall make report upon the progress and needs of this work under this head, instead of reporting upon disconnected projects, as heretofore. Nothing herein contained shall be understood to prevent the Secretary of War from applying any part or all of the funds previously appropriated for use at Fort Smith, Dardanelle, in Pine Bluff Reach, or from expending not exceeding $4,000 to remove the bar in front of Van Buren, or from allotting not exceeding $8,000 as a contingent fund for expenditure in Pine Bluff Reach.

Improving Saint Francis River, Arkansas: Continuing improvement, $2,000.

Improving White River, Arkansas: Continuing improvement, $5,000.

For removing snags, wrecks, and other obstructions in the Arkansas River, $15,000.

Improving Black River, Arkansas and Missouri, $2,500.

Improving Big Hatchee River, Tennessee: Continuing improvement, $2,000.

Improving Caney Fork River, Tennessee: Continuing improvement, $1,500.

Improving Clinch River, Tennessee: Continuing improvement, $2,500.

Improving Cumberland River, Tennessee and Kentucky, below Nashville: Continuing improvement, $5,000.

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, $100,000; with a view to secure a uniform depth in the channel of 4 feet, commencing with the lock at or near the lower island at Nashville.

Improving French Broad River, Tennessee: Continuing improvement, $5,000.

Improving Hiawassee River, Tennessee: Continuing improvement, $1,000.

Improving South Forked Deer River, Tennessee: Continuing improvement, $2,000.

Improving Tennessee River, Tennessee, above Chattanooga: Continuing improvement, $2,500.

Improving Tennessee River at Big Mussel Shoals, Little Mussel Shoals, Elk River Shoals, and Colbert Shoals, Alabama: To complete improvement at those localities, $125,000.

Improving South Fork of Cumberland River, Kentucky: Continuing improvement, $2,500.

Improving Kentucky River, Kentucky: Continuing improvement, $100,000.

Improving Tradewater River, Kentucky: Continuing improvement, $2,000.

Improving the Falls of the Ohio River, at Louisville, Ky.: Continuing improvement, according to the last plan of the engineer in charge, $75,000.

For the purchase of the improvements known as the Green and Barren River improvements, $150,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said improvements, together with rights of way, easements, piers, docks, and appurtenances of every nature belonging to or connected with said improvements, by the owner or owners thereof, and the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

Improving Muskingum River, Ohio: Continuing improvement, $50,000; and so much of the act of August 5, 1886, as provides that said act should not take effect until "any balance of money appropriated by said State for the improvement of said river, and which is not expended on the 15th day of July, 1886," should be transferred to the United States, is hereby repealed; and so much of the sum of $20,000 appropriated for the improvement of said river in said act as is unexpended is hereby made available for the care, protection, and improvement of the locks and dams and other property on said river.

Improving Detroit River, Michigan: Continuing improvement, $35,000.

Improving Saint Joseph River, Michigan, from its mouth to Berrien Springs, $2,000.

Improving Saint Clair Ship-Canal, Michigan: Continuing improvement $18,750.

Improving Saint Mary's River, Michigan: Continuing improvement on new lock, dam, and approaches, $100,000.

Improving Saint Clair River, Michigan: Continuing improvement by removing Middle Ground, in the river opposite Port Huron, $15,000.

Improving Hay Lake Channel, Michigan: Continuing improvement, $100,000.

Improving Saginaw River, Michigan: Continuing improvement, $25,000; of which $12,500 are to be used above Bay City, and $5,000, or so much thereof as may be necessary, for the channel in front of West Bay City.

Improving Chippewa River, Wisconsin: Continuing improvement from the Dalles Dam to its mouth, $7,500.

Improving Fox River, Wisconsin: Continuing improvement below Montello, $50,000; of which $5,000, or so much as may be necessary, may be expended in dredging the south channel at the outlet of Lake Winnebago.

Improving Saint Croix River, Wisconsin and Minnesota: Continuing improvement, $10,000.

Improving Wabash River, Indiana and Illinois: Continuing work on lock and dams at Grand Rapids, and on the river from Grand Rapids to its mouth, $25,000; and the further sum of $9,500, $7,000 of which is to be used at or near Grayville, and $2,500 on the river above Vincennes.

Improving White River, Indiana: Continuing improvement, $5,000; no part of which is to be expended until the bridges are so changed as not to obstruct navigation.

Improving Calumet River, Illinois and Indiana: Continuing improvement, $12,500; of which sum $4,500 are to be expended between the Forks and one-half mile east of Hammond, Ind.: *Provided, however*, That no part of said sum, nor any sum heretofore appropriated, except the said $4,500 for the river above the Forks, and $11,250 appropriated by the river and harbor act of August 5, 1886, to be used between the Forks and one-half mile east of Hammond, Ind., shall be expended until the entire right of way as set forth in Senate Executive Document No. 9, second session Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners, to the satisfaction of the Secretary of War; and if any of the owners of real estate required to be taken or that is damaged for the purpose of straightening or widening that portion of the Calumet River for which the appropriation herein is now made, can not be induced to convey to the United States such real estate so required, and release their claim for damages caused by said improvement, or should the owner or owners be incapable of conveying and releasing, or should his or her name or residence be unknown, or he or she be a non-resident of the State of Illinois, it shall then be the duty of the United States attorney for the northern district of Illinois to immediately file a petition in any court having jurisdiction thereof, in the manner and as authorized by the laws of the State of Illinois in such cases, for the purpose of ascertaining the just compensation to be paid to the respective owners of the land taken or damaged: *Provided, however*, That the other owners of property and parties interested in said improvement shall first execute a bond to the United States, to be approved by the Secretary of War, for the payment of the costs of such proceedings, and to pay any judgment that may be rendered therein; and on failure to do so the proceedings shall be dismissed.

Improving Illinois River, Illinois: Continuing improvement $100,000.

And for the purpose of making and maintaining a continuous water way from the waters of Lake Michigan to the Mississippi River, to be not less than 160 feet in width and 7 feet in depth at low-water mark, the Secretary of War is hereby authorized and directed to cause a survey to be made of the Illinois and Des Plaines Rivers from the city of La Salle to Lake Joliet, with a view to the improvement of said rivers by a system of locks and dams, of such height and dimensions as will maintain a water way of the depth and width aforesaid between said places, and of a capacity for steamboats equal to that now furnished by the locks and dams now constructed and being constructed on the Illinois River.

And the said Secretary of War is also authorized and directed to cause to be surveyed and located a canal of the width and depth hereinbefore mentioned from Lake Joliet to the waters of Lake Michigan at or near the city of Chicago, with locks of the same size as those on the Illinois River; that is, 350 feet in length and 75 feet in width. And in the survey and location of said canal it is hereby provided that the Illinois and Michigan Canal, or so much or such parts thereof as may be deemed advisable, may be included in the location and construction of the same, it being the intention to have said canal constructed on the shortest and best line from Lake Joliet to such point on Lake Michigan as may be determined upon by the said Secretary of War, having due regard to the cost of construction.

And the said Secretary of War is also further authorized and directed to cause to be located, on such line as he may approve, from the Illinois River at or near the town of Hennepin to the Mississippi River at or above the mouth of Rock River, a canal, to be constructed 80 feet wide at the water-line and to have a depth of not less than 7 feet of water, with locks 170 feet long and 30 feet wide, and also a necessary feeder for said canal; said canal to be known as the Illinois and Mississippi Canal.

The Secretary of War shall cause to be made and submitted to Congress detailed plans for the construction of said canals and feeder, and for the improvement of the Illinois and Des Plaines Rivers from La Salle to Lake Joliet, together with estimates of the cost of such construction and improvement.

And for the purpose of making said surveys and locating said canals and feeder, in addition to any unexpended balance which may remain of the amount appropriated in the river and harbor act, approved August 5, 1886, for defraying the expenses of the board of engineers therein authorized and directed to report upon the acquisition and improvement of the Illinois and Michigan Canal and the construction of the Hennepin Canal, which may be used for that purpose, the further sum of $50,000, or so much thereof as may be necessary, is hereby appropriated.

Improving Gasconade River, Missouri: Continuing improvemet, $2,500.

Improving Osage River, Missouri: Continuing improvement by snagging and removing obstructions, $2,500.

Improving Black River, Arkansas and Missouri, up to Poplar Bluff, Missouri: Continuing improvement, $5,000.

Improving Little River, Missouri and Arkansas, from Hornersville to the junction of Little River with Saint Francis River, $5,000.

Improving Saint Francis River, Missouri and Arkansas, from Greenville to the Arkansas State line, $5,000.

Improving Red River of the North, Minnesota: Continuing improvement, $10,000.

Improving Yellowstone River, Montana and Dakota: Continuing improvement, $12,500.

Improving Mokelumne River, California, by removing obstructions, $1,500.

Improving San Joaquin River and Stockton and Mormon Sloughs, California: Continuing improvement, $10,000.

Improving Sacramento and Feather Rivers, California: Continuing improvement, $10,000; and the Secretary of War is hereby authorized to use for snagging and dredging operations only $30,000 of the money heretofore appropriated for improving said river, in addition to the amount authorized by the act of August 5, 1886, for improvement of rivers and harbors.

Improving canal around the Cascades of Columbia River, Oregon: Continuing improvement, $125,000.

Improving the Upper Columbia River, including Snake River, Oregon and Washington Territory: Continuing improvement, $5,000.

The Secretary of War is authorized and directed to appoint a board of three engineers from the United States Army whose duty it shall be to thoroughly examine the obstructions to navigation in the Columbia River at the Dalles and Celilo Falls, and at Three and Ten Mile Rapids, and to report to the Secretary of War, on or before the first Monday in December next, as to the feasibility and advisability of overcoming the obstructions at the Dalles and Celilo Falls, by widening to a navigable status for large-tonnage river-boats, the channel of said river at Three and Ten Mile Rapids, accompanied by careful and detailed plans, with estimates of the cost and a statement as to the usefulness of such improvements to navigation and of their relations and value to commerce; and said board shall also report, at the same time, as to any other plan or project for overcoming said obstructions at said points, whereby said obstructions to navigation may be removed, which in the judgment of said board may be deemed either more desirable than the above or worthy of consideration by the Secretary of War and Congress, and shall report detailed plans, with estimates of the cost of such proposed improvement or improvements, and as to their relations to commerce and usefulness to navigation; and said board shall report which of said projects is by it deemed most advisable. And the Secretary of War shall transmit said report to Congress, at its next session, with his own views and those of the Chief of Engineers of the United States Army thereon; and the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated to defray the cost of making said examination and survey and the expenses of said board.

Improving the mouth of the Columbia River, Oregon, $225,000.

Improving Lower Willamette River, and Columbia River below Portland, Oreg.: Continuing improvement, $50,000; of which $5,000 is to be used on the river in front of Portland.

Improving the Upper Willamette River above Portland, Oreg.: Continuing improvement, $7,500.

Improving Coquille River, Oregon: Continuing improvement, $12,500.

Improving Umpqua River, Oregon: Continuing improvement, $5,000.

Improving Chehalis River, Washington Territory: Continuing improvement, $2,000.

Improving Cowlitz River, Washington Territory: Continuing improvement, $2,000.

Improving Skagit, Stellaquamish, Nootsack, Snohomish, and Snoqualmie rivers, Washington Territory: Continuing improvement, $10,000.

Improving Missouri River from its mouth to Sioux City: Continuing improvement, $275,000; of which one-half, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of War, at Atchison, Fort Leavenworth reservation, Arrow Rock, and Omaha, Plattsmouth, Eastport, Brownsville, and Sioux City; of which sum $5,000 may be used between the southern limits of Saint Joseph and the head of Lake Contrary, if in the judgment of the commission it be necessary. And all the expenditures of this paragraph shall be made under the direction of the Secretary of War.

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, under the direction of the Secretary of War, $50,000.

For removing obstructions in the Missouri River, $11,000.

Improving the Ohio River: Continuing improvement, $175,000; of which sum $25,000 shall be used in enlarging the canal basin near the locks at Louisville, Ky., as recommended in the Engineer's report for 1885, at page 1804; also a sum not exceeding $20,000 may be used for the improvement of Davis Island dam, if necessary; also $25,000 in removing the rock obstruction at the mouth of Licking River; also $7,500 of said Ohio River appropriation may be expended in constructing an ice-pier, pursuant to the present or prospective plans of the Chief of Engineers, at or near Portsmouth, Ohio: *Provided*, That the Secretary of War is hereby authorized and directed to obtain, if he can do so without cost to the United States, a perpetual lease or conveyance of the riparian rights of the property-owners at said locality, in the event said ice-pier shall be located where there is no improved landing place: *And provided further*, That at said locality, if there is an improved landing, he shall first obtain a relinquishment of wharfage rights and dues in favor of water craft seeking protection from damage by ice; and no part of this appropriation shall be used for such purpose until the foregoing conditions are complied with.

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, $15,000; to be expended in care and maintenance of dams built, increasing the lift of the Pokegama reservoir, in survey of Sandy Lake and River, and in securing the title, for reservoir purposes, to the low lands below the Pokegama reservoir.

For operating snag-boat on Upper Mississippi River, $10,000.

Improving Mississippi River between Aitken and Grand Rapids: Continuing improvement, $7,500.

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $150,000.

Improving Mississippi River at Des Moines Rapids Canal, under the modified project, $15,000; and the sum of $20,000, together with the sums heretofore appropriated for that purpose, to be used in the construction of a pier connecting the outer wall of said canal with the pivot-pier of the bridge at Keokuk, Iowa, in accordance with the report and plans of Captain McKenzie, Corps of Engineers, United States Army, submitted March 18, 1882.

Improving Mississippi River from Des Moines Rapids to mouth of Illinois River, including Quincy, Hamburg Bay, Quincy Bay, and the removal of the bar at the mouth of Whipple Creek: Continuing improvement, $66,000.

Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $175,000; of which $12,500, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down stream, and $12,500 for continuing improvement at Cape Girardeau, Missouri, and Montona Point, Illinois: *Provided*, That the Secretary of War, in his discretion, may use not to exceed $25,000 of said sum of $175,000 to correct the current of the river and improve the channel at Saint Louis.

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River: Continuing improvement, $1,400,000; which sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, and for the salaries and traveling expenses of the members thereof: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *And provided further*, That no work of bank protection or revetment shall be executed in said reaches or elsewhere unless, in the judgment of the commission, the completion of the permeable contracting works, and the establishment of a uniform width of the high-water chanel, will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving at Greenville Reach, Delta Point, in front of the cities of Vicksburg, Memphis, Hickman, Columbus, and Plaquemine: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works. Of the amount herein appropriated for the Lower Mississippi, $75,000 are to be expended in

continuing the work in progress at New Orleans; $100,000 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; $50,000 in improving navigation in the Greenville Reach by preventing the bank at Greenville from further caving; $50,000 for improving the river at Vicksburg, and $25,000 in completing the work on the river at Memphis; also $50,000 for work on the river at Hickman, $25,000 for work on the river at Columbus, Ky., and 40,000 for work on the river at Plaquemine, La.

For examinations and surveys at South Pass, Mississippi River, pursuant to the act of March 3, 1875, $10,000.

For survey of the Mississippi River from the Head of the Passes to its headwaters: Continuing survey, $25,000.

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of February 21, 1871, $5,000.

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $35,000.

For gauging the waters in the Columbia River, $1,000.

SEC. 2. That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, to be made, and the cost of improvements to be estimated, at the following localities, to wit:

Kennebec River, Maine, to complete survey from Augusta to Bath, inclusive.
Owl's Head Harbor, Maine.
Saint George's River and Harbor at Thomaston, Me.
Cheat River, West Virginia and Pennsylvania.
Belfast Harbor, Maine.
Appoquinimink Creek, Delaware.
Peekskill Harbor, New York, with a view to a channel through the shoals sufficient for the needs of commerce.
Mississippi River between Saint Paul and Saint Anthony Falls, to ascertain the most practicable method of permanently improving it, and the cost of the same.
Red River of the North, and the lakes tributary to the said river, with a view to retaining the waters by means of dams.
Minnesota River, from its mouth to Mankato, to ascertain the best method of making navigable this river, and the cost of the same.
Resurvey of mouth of the Au Sable River, Michigan, with a view to a 12-foot channel.
White River, Arkansas, at Newport.
Crystal River, Florida.
The Ohio River at Owensborough, Ky., with a view to prevent the caving of the bank at that place.
La Trapp River, Maryland.
Acquia Creek, Virginia.
Hunting Creek, Virginia.
West Neck River, Princess Anne County, Virginia.
Flint River Shoals, above Albany, Ga.
Homosassa River, Florida.
Saint John's River, Florida, from its mouth to its headwaters.
Indian River, Florida
Entrance at Mosquito Inlet, Florida, up to the town of New Smyrna.
Entrance to Jupiter Inlet, Florida.
The channel between Tampa Bay and Old Tampa Bay, with a view to creating an 18-foot channel on the two bars.
Levisa Fork River, Kentucky, from its junction with Big Sandy to Piketon.
Resurvey and re-estimate of the cost of procuring the sites and constructing ice-harbors at the mouth of Willow Run, at Covington, Ky., and at the mouth of Crawfish Creek, in the State of Ohio, near Cincinnati.
Ohio River, with a view to protecting the channel opposite Cairo.
Black River, Saint Clair County, Michigan, from its mouth to the Grand Trunk Iron Bridge, with a view to obtaining 15 feet of water.
Troutburg Harbor, New York.
Rockaway Inlet, New York.
Fort Pond Bay, New York.
Charles River from its mouth to Watertown, Mass.
Entrance of Salt Pond, near Point Judith, Rhode Island, with a view to establishing a harbor of refuge.
Fishing-Place Cove, near Seaconnet Point, Rhode Island, with a view to constructing a breakwater.
Mouth of Double Bayou, in Galveston Bay, Texas.
Ship Island Harbor, Mississippi, with a view to obtaining an 18-foot channel as near to the shore as practicable.
Wappinger's Creek, New York, from Wappinger's Falls to its mouth.
Willamette River from Oswego to Oregon City.
Cœur d'Alene River, Idaho Territory, at its mouth.
Saint Joseph River, Idaho Territory, at its mouth.
Bayou Manchac, Louisiana.
Bayou La Fourche, Louisiana.
Bayou Black, Louisiana.
Calcasieu Pass, Louisiana.
Calcasieu River, Louisiana.
Sabine River, Louisiana and Texas.
Bayou Teche, Louisiana.
Bayou Vermilion, Louisiana.
Vermilion River from Abbeville, Louisiana, to its mouth.
Vineyard Haven Harbor and its vicinity, Massachusetts.
Mouth of the Guadaloupe River, Texas.
Glen Haven Harbor, Michigan, with a view to a breakwater.
Grand River, Michigan, with a view to making a 12-foot channel from its mouth to Grand Rapids.
Black River, Michigan, from its mouth to the upper railroad bridge, with a view to making a 15-foot channel.
To procure a straight channel between Bar Point Light-House and Bois Blanc Island, at the mouth of the Detroit River, with a view to making a 20-foot channel.
Cohassett Harbor, Massachusetts.
Monatiquot and Weymouth Fore River, Massachusetts.
Alloway Creek, New Jersey.
Northeast River, Maryland.
Elk River, Maryland.
Mouth of the Scotia River, with a view to an ice-harbor.
For survey of the Number Four or Northwest Channel at Cedar Keys, Fla.
For the survey of bar and river at Anclote, Fla.
For the survey of the channel in Pensacola Bay to Milton, Fla., and estimate for a deep-water channel.
For the survey and estimate for the Northwest Channel at Key West, Fla.
For survey of bay and outer bar at Saint Angustine, Fla.
For the survey of the Alafia River, Florida.
Charlotte Harbor and Caloosahatchie River, Florida.
For a survey and estimate of an inland channel through Mosquito Lagoon and Indian River to Jupiter Inlet, Fla.
For the survey of the Mobile River from Mount Vernon Arsenal to the channel in the Bay of Mobile, to ascertain the depth and width of the channel, and what obstructions, if any, exist, that would prevent a ship drawing 25 feet water from reaching Mount Vernon Arsenal from Mobile.
Coosawatchie River, South Carolina.
Broad River, South Carolina.
Survey of Bogue Phalia, in Mississippi, especially the part known as the Narrows.

SEC. 3. It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material.

"SEC. 4. For examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbors, $100,000: *Provided*, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion, said harbor or river is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if, in his opinion, the harbor or river proposed to be surveyed be worthy of improvement by the General Government; and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made."

And the Senate agree to the same.

S. J. R. McMILLAN,
O. D. CONGER,
M. W. RANSOM,
*Managers on the part of the Senate.*

ALBERT S. WILLIS,
NEWTON C. BLANCHARD,
THOS. J. HENDERSON,
*Managers on the part of the House.*

The PRESIDENT *pro tempore*. Will the Senate agree to the report of the committee of conference?

The report was concurred in.

## MICHIGAN LAND GRANT.

Mr. CULLOM. I ask leave at this time to call up the bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane and State of Illinois, a small island in Fox River located within the limits of said city.

Mr. TELLER. There is already a bill before the Senate.

Mr. CULLOM. There will be no discussion about this little bill.

Mr. TELLER. I do not care. I think the bill before the Senate had better go on, and we can take that up afterwards.

Mr. CULLOM. Is there a bill before the Senate?

The PRESIDENT *pro tempore*. There is.

Mr. CULLOM. Then I hope as soon as that is disposed of the Senate will allow me to call up this little local bill to which there will be no objection.

Mr. EDMUNDS. What is the bill before the Senate?

The PRESIDENT *pro tempore*. It will be reported by title.

The CHIEF CLERK. The bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, and so forth.

Mr. MORGAN. I believe the question now before the Senate is whether we will reconsider an amendment that was voted down preceding the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The Chair understands the pending question to be the motion made by the Senator from Michigan [Mr. PALMER] to reconsider the vote by which the amendment that he offered was rejected.

Mr. MORGAN. I was on the Committee on Public Lands that reported this bill, and was satisfied with the bill as reported as being the best one that could be obtained from that committee at the time; but I have always been satisfied on this Ontonagon question, which has been before the committee in one form or another for about seven or eight years—I have always been satisfied that injustice was to be done to the State of Michigan in the forfeiture of this land grant.

The circumstances of the situation in North Michigan are rather peculiar, and this country has a great deal more interest in that region than we are apt to suppose. There is a good deal of activity in the United States now to procure steel for the purpose of making ships and guns, and the like, and it is well known that the best mines for Bessemer metal in the United States lie in the northern peninsula of Michigan. It is a very inaccessible sort of country, and it is almost impossible to get at the ores in that region of the world except by lines of railroad reaching from Lake Superior down to the ore-beds. These ore-beds and their great value as being ores low in phosphorus, good Bessemer ores, have led to the building of a railway east and west across the northern peninsula of Michigan. That railway is about 50 miles, as I understand the distance, south of Ontonagon. Ontonagon is on Lake Superior and is a very good bay. This railroad company, whose lands we are now about to forfeit, has struggled on in the midst of a great many adversities for the purpose of trying to connect the

Bay of Ontonagon with the Wisconsin State Line and the system of railways that penetrates to that line from the south. It has proceeded now until about 40 miles of the line are completed. Under this grant this railroad company is entitled absolutely under the decisions of the Supreme Court of the United States to one hundred and twenty sections of land as a gift from the Government, whether one foot of road had ever been built or not. It was also entitled to lands progressively as the road might be built. Forty miles, as I understand, of this road have been constructed, and the company is now proceeding in the best way it can to construct the rest of the line.

Mr. PALMER. I desire to correct the Senator from Alabama by saying that only 20 miles have been built.

Mr. MORGAN. Twenty miles have been built.

Mr. PALMER. What we ask for is the extension of the limit of time for the grant for two years that we may complete an additional 19 miles.

Mr. MORGAN. Now, let me ask the Senator from Michigan, what is the distance between Ontonagon and the east and west line of road that is connected with that country?

Mr. PALMER. I understand it is 39 miles. It may, by changes of the lines, be less. It may be made less hereafter, but now it is 39 miles.

Mr. MORGAN. So that there are only 19 miles of the road remaining now to connect with that line?

Mr. PALMER. Yes, sir.

Mr. MORGAN. Nineteen miles remain. From that railway crossing from the point of junction of those two railroads to the northern line of Wisconsin, I suppose is about 50 miles?

Mr. PALMER. Yes, sir.

Mr. MORGAN. We have the case then. This bill forfeits 50 miles, or thereabouts, of this railway grant, and the amendment proposed by the two Senators from Michigan would save this company the lands opposite to about 19 miles of unconstructed road. The amendment, as I understand it, contemplates that this company shall have two years within which to complete its line to the point of junction with that east and west road, the name of which I do not know. Now I submit to the Senate in connection with the facts that I have just been stating, the importance of these iron mines to the people of the United States, the difficulties that have environed the building of this road, the struggle that is now being made to get this road down to a point of connection with the east and west line—for the road we are forfeiting is a north and south road—in view of all these circumstances, I ask the Senate now is it not exactly just and fair that we should accord to the Senators from Michigan what they claim under this amendment?

There is one reason connected with all this agitation about the forfeiture of the Ontonagon land-grant which has always impressed me with the idea that the Congress of the United States is doing wrong to lend its assistance to this act of forfeiture; and if I believed that the act of forfeiture itself would operate to pass the title back into the United States absolutely, without the right of any person to inquire into the effectiveness of our legislation for that purpose, I would vote against the bill. I would feel bound to do it, because I have understood this question from the beginning down to the last word that has ever been spoken before the committee.

The main object of getting this legislation is to try to settle through an act of Congress the titles to certain lands in the peninsula of Michigan. While I am entirely willing that the Government of the United States should do right in respect of every purchaser of land under it and every grantee of land under it, I am not willing, nor have I ever been, to resolve the Senate of the United States into a judicial tribunal to settle, as it is supposed we have the power to do, once for all, the title to any man's land, taking a tract of land from one man and giving it to another. But I will not pursue that line of remark any further because the amendment in this case yields up 50 miles of this railway land-grant to the forfeiture that is claimed by the gentlemen who are so anxious to have a forfeiture declared, and it asks to save only the lands opposite the 19 miles of unconstructed road.

Mr. President, during this session of Congress the Senate has voted upon two propositions here by practically a unanimous vote. One is the confirmation of a grant made to the Backbone Railroad in Louisiana. The Senate found in that case sufficient reasons for departing from that rule which seems to obtain now in the minds of the Senate very largely, that every railroad grant that has not been completed shall be forfeited absolutely, and in the case of the Backbone land grant in Louisiana the Senate voted, and the House of Representatives afterwards voted, that we would compose the difficulty in that part of Louisiana arising out of this land grant, a grant to a company that many of us had believed had no rights at all.

The other case to which I refer is a case in Florida. There a question arose as to whether the land grant had ever been effectual or not. The Committee on Public Lands reported a bill to the Senate for the purpose of carrying that question into the courts of the United States and there having it decided; and that committee declined—and no amendment was offered in the Senate to change its action—that committee declined to report a bill for the forfeiture of the part of the lands that was opposite the uncompleted parts of that railroad.

So, then, here are two cases where the Senate has distinctly departed from the rule requiring an absolute forfeiture of all lands under all circumstances and conditions of every railroad company that had not completed its road within the period limited by the original act of grant. I maintain that this is a case of far greater equity than any case that has been presented to this body. To whom did these lands belong originally? Not to the United States Government. They belonged to the States of the American Union and they were granted by deeds and other conveyances, usually by deed and acts of admission into the Union, to the Government of the United States, to be held by the Government in trust for the States.

When the United States Government becomes possessed of these lands and grants them, as was done in this case to the State of Michigan to enable that State to connect its northern bays along Lake Superior with its southern line, and the people who were encouraged by this legislation have gone on to construct a railroad there, I maintain that when an equity is set up by that State to the enjoyment of these lands, it ought to be respected; and when the two Senators from that State come to us and inform us that to destroy this railroad grant for the 19 miles yet remaining to be completed is to stop the road or to embarrass it very greatly, and that the road is necessary for bringing out valuable material, and the people of that country are interested and in which the United States Government as a Government is interested in getting hold of these valuable Bessemer ores in that country, I think it is as little as the Senate of the United States can do to hear this petition, for it is nothing else, set up by the Senators from that State for the little residuum of that grant after we take 50 miles of it and condemn it for public use.

The senior Senator from Michigan [Mr. CONGER] has been in this body for six years, and whenever any measure came up in respect of the forfeiture of this land grant, animated alone by the desire that his State should have prosperity, and that it should be able to connect its fertile valleys in the south with its bays and its iron ore on the north, he has appeared before the committee time and again with the utmost anxiety arguing and laboring for the preservation of this grant of land. I respect his assiduity and his patriotism, and I never have been able to deny to myelf the thorough conviction that he was representing a right of his State in the matter, and something that we ought not to take away from that State.

Now let me ask of what benefit will this land when forfeited be to the Government of the United States? Who is going to get it? When you projected this grant you put the provision in that was common in all the land grants of the country, that the odd-numbered sections retained by the United States, or the even numbered, whichever it was, should be sold for two dollars and a half an acre. If that law had been maintained, if that system had been kept up, there would not be a railroad in any of the States east of the Mississippi River that would have cost the United States Government one cent of expenditure. On the contrary, the Government of the United States out of the enhanced price of two dollars and a half an acre would have got back every dollar in value of the land in the odd sections which it yielded up into the hands of those States for these works of internal improvement.

Under this grant of lands to Michigan for the benefit of this railroad company settlers went in there, induced by our promise that these lands should remain a grant for that railroad company, and that a railroad would be built through that region. They have settled within the limits of the grant, and many of them have paid two dollars and a half an acre for their lands. Then afterwards we changed our policy; and how did we change it? We changed it so as to give to every foreigner who might approach these shores, and who in an hour after landing might make an oath that he had an intention of becoming a citizen of the United States, the right to take the public domain from our children and receive it at the value only of about $16 per 160 acres, I believe it is, the mere cost of the survey and of getting the title out of the office. We turned away from these men who have paid us two dollars and a half an acre for this land upon our promise that this grant should stand for the building of conveniences of railways into their midst; and for mere political capital, for the mere sake of pandering to the foreign vote of this country, we give away the whole public domain to aliens as well as to citizens, they paying for it the mere price of the fees to get the title out of the office.

Where does this land go when you take it away from the State of Michigan, whose citizens have been thus struggling to build this road? It is to be frittered away into the hands of these very men. You break the morality of your engagement, if not the actual letter of the bond, and take the land out of the hands of the State of Michigan and forfeit it, merely with the desire to give it away to foreigners who may come here and settle on our domain.

I will not lend my vote to any such project as that. I will respect the rights of the people of that State. I will respect the voice of her Senators; yes, I will respect their petitions that have been laid before this body and this committee now year after year trying to save this railroad company in its efforts to benefit the people to whom we have promised benefits under the land grant; and more than that, to benefit very greatly the commerce of the United States, and, still above that, benefit very greatly the very Government of the United States.

I should think that it was an unseemly thing to do in the face of these petitions of these two Senators to take this little modicum of land that lies opposite the 19 miles of uncompleted road and make it a sacrifice to that public sentiment that tries to buy the applause of mankind by making concessions to their cupidity. We can get votes enough without doing that. The people of the United States are not an unjust people. They do not want their representatives to stand on the floor of the House or of the Senate and bribe popular sentiment with largesses and large blocks of public land. They do not applaud a man merely because he may join his voice in a howl against railroad companies. They want to know of a Senator here whether he has got the manhood to do that which is just and right in the face of God and man. What is claimed of us is no more than that, and I trust that the Senate will reconsider its vote and will adopt this amendment, and will consent to limit this land forfeiture by taking 50 miles of the land grant and still leave to the State of Michigan 19 miles with which it can go on and complete this very important road.

Mr. TELLER. I move to lay the motion to reconsider on the table.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the motion to reconsider do lie on the table.

Mr. PALMER. I hope that motion will not prevail.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. PALMER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Will the Chair please again state the question so that we may all understand it.

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. PALMER] moved to reconsider the vote by which the Senate refused to agree to the amendment proposed by him. The Senator from Colorado [Mr. TELLER] moves to lay the motion to reconsider on the table.

The Secretary proceeded to call the roll.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If present, my colleague would vote "yea."

The roll-call having been concluded, the result was announced—yeas 29, nays 22; as follows:

YEAS—29.

| | | | |
|---|---|---|---|
| Aldrich, | Edmunds, | Platt, | Walthall, |
| Beck, | Eustis, | Plumb, | Whitthorne, |
| Berry, | Farwell, | Saulsbury, | Williams, |
| Call, | Gorman, | Sawyer, | Wilson of Iowa, |
| Chace, | Harris, | Teller, | Wilson of Md. |
| Cockrell, | Hawley, | Vance. | |
| Coke, | Ingalls, | Van Wyck, | |
| Colquitt, | Mitchell of Pa., | Vest, | |

NAYS—22.

| | | | |
|---|---|---|---|
| Allison, | Conger, | Hampton, | Payne, |
| Bowen, | Cullom, | Jones of Nevada, | Pugh, |
| Brown, | Evarts, | Mitchell of Oreg., | Ransom, |
| Butler, | Frye, | Morgan, | Sherman. |
| Cameron, | George, | Morrill, | |
| Cheney, | Hale, | Palmer, | |

ABSENT—25.

| | | | |
|---|---|---|---|
| Blackburn, | Gray, | McPherson, | Sewell, |
| Blair, | Harrison, | Mahone, | Spooner, |
| Camden, | Hoar, | Manderson, | Stanford, |
| Dawes, | Jones of Arkansas, | Maxey, | Voorhees. |
| Dolph, | Jones of Florida, | Miller, | |
| Fair, | Kenna, | Riddleberger, | |
| Gibson, | McMillan, | Sabin, | |

So the motion to reconsider was laid on the table.

The PRESIDENT *pro tempore*. The bill is in the Senate and still open to amendment.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ISLAND IN FOX RIVER.

Mr. CULLOM. I move now to take up the bill H. R. 10233. It is a local bill, and I think there will be no discussion about it.

The motion was agreed to; and the bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane and State of Illinois, a small island in Fox River located within the limits of said city, was considered as in Committee of the Whole.

Mr. CONGER. I ask the Senator if he is willing that that bill may be laid aside for a moment until we pass some bridge bills?

Mr. CULLOM. This bill will not take two minutes, I think, and then I shall be out of the Senator's way.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

J. M. HOBBS.

Mr. BERRY. I move that the Senate proceed to the consideration of Order of Business 2368, being the bill (H. R. 118) for the relief of J. M. Hobbs.

The PRESIDENT *pro tempore*. The Chief Clerk informs the Chair that the bill is not in the files of the Senate.

Mr. BERRY. I am sure it can be found in a moment; I have a copy of it here.

The PRESIDENT *pro tempore*. While the bill is being looked for the Chair will recognize the Senator from Virginia [Mr. MAHONE].

EMILE GUERIN AND CHERI P. MAJOR.

Mr. MAHONE. I ask to take up House bill 6330, Order of Business 2198.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands.

Mr. COCKRELL. I should like to hear some explanation of what is the object of the bill. If the United States does not convey anything, why make a deed?

Mr. MAHONE. This a part of a tract of land which was held under a Spanish grant prior to the acquisition of Louisiana by the United States, and the grants as then held were simply pocket titles of the Spanish Government. This pocket title has been lost, as is established by proceedings in this case before a Louisiana court, and it is now asked by the parties who desire to sell the land that they may have a quitclaim to this land from the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. HOBBS.

The PRESIDENT *pro tempore*. The Chair will state that the bill which was moved by the Senator from Arkansas [Mr. BERRY] has been found, and if there is no objection it will be laid before the the Senate as in Committee of the Whole.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 118) for the relief of J. M. Hobbs. It appropriates $973.44 for the benefit of J. M. Hobbs, of Bentonville, Benton County, Arkansas, for tobacco furnished the Indian Department, under contract with the Commissioner of Indian Affairs, in 1860.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BECK. Before the bill was passed I rose to make a remark.

The PRESIDENT *pro tempore*. The Chair begs pardon of the Senator from Kentucky. Supposing that he desired to call attention to some other bill, the Chair proceeded to put the question on this. The order for the passage of the bill will be reconsidered.

Mr. BECK. It was just because the Chair so thought that I spoke as loud as I did. We are now in a general scramble as to who shall get up bills first. I desire to suggest to the Senate that we take up the House bills favorably reported, under the Harris rule, for the rest of the evening, and all will stand a better chance than by having a general scramble.

Mr. VANCE. Beginning where we left off the last time.

Mr. BECK. Let us begin there. ["Right!" "Right!"] Perhaps I am behind some of the others, and because I am behind I should like it to be the regular order to call up the House bills where we left off on the last call of the Calendar, but if that can not be done, I will not make any objection to any other course.

The PRESIDENT *pro tempore*. The Chair will take this occasion to say that the rules require that the Senator first addressing the Chair shall be first recognized, but when a large number are simultaneously addressing the Chair at the same instant, it is impossible to enforce the rule. The Chair is, therefore, left to the principle of natural selection and endeavors to so arrange the recognitions as to accommodate both sides of the Chamber alternately as far as possible. Is there objection to the passage of the bill that is now before the Senate? The Chair hears none, and the bill is passed.

ORDER OF PROCEEDING.

Mr. BECK. I only desire to say that, recognizing fully the right of the Chair to do what he has done and the right of gentlemen to do just what they are doing, I suggested whether it would not be better, by unanimous consent, to go on regularly and avoid just that sort of thing which I know the Chair regards as embarrassing.

Mr. SHERMAN. I have a request which I believe, if listened to, will expedite our business and receive the unanimous approval of both sides of the Senate, and it will improve every hour without loss of time, of to-day and to-morrow at least. I would propose that, by the unanimous consent of the Senate, a vote be taken on what is called the Des Moines grant bill, and next a vote be taken on a bill to settle private land claims reported by the Senator from North Carolina [Mr. RANSOM], and, third, on what is called the Fourth of July bill, reported by the Senator from Wisconsin [Mr. SPOONER], be taken up and acted upon to-night. It probably will not excite any discussion, but it takes a long time to read it.

Mr. MORGAN. I object to any suspension of the rules of the Senate.

Mr. SHERMAN. And that to-morrow we go on under the rules already adopted. It seems to me that is a fair proposition. To-morrow morning we go on under the Harris rule, and in two hours, from 11

o'clock to 1, we can take up a great multitude of bills to which is there no objection.

Mr. CULLOM. I remind the Senator that the Mahone rule, or the change of rule made on the motion of the Senator from Virginia, requires that we should take up Senate bills to-morrow, as we have had House bills up to-day.

Mr. SHERMAN. I simply say that to prevent a scramble we had better do what I propose. There is not a bill on the Calendar that I know of in which I have any local interest or any more than the general interest of every other Senator.

Mr. HAWLEY. I submit that to proceed to the consideration of the Calendar under what we call the Harris rule will be the most practicable thing we can do. We shall get rid then of twenty, thirty, or forty bills that can be enrolled and sent on their course, and after that we can take up the regular order of bills agreed on.

Mr. PLUMB. Let me suggest that we have had an agreement in which both sides of the Chamber have entirely concurred and desire to be carried out. So far as the subjects of that agreement are disposed of it relieves the situation; and the next bill in the order of agreement is what is known as the Des Moines River land bill. It will excite no discussion, I think; it will be passed soon and can be gotten out of the way. Of course in the meantime we can pass many House bills, but in an irregular way, which will take some time. I think if we adhere to the order of business already agreed on we shall get on as well.

Mr. WILSON, of Iowa. I hope the suggestion of the Senator from Kansas will be agreed to. I do not believe that it will take five minutes to dispose of the Des Moines River land-grant bill, and I desire very much to get a vote on that bill. It is the next in the regular order of business, and I therefore desire to move that the Senate proceed to consider Order of Business 2237, being Senate bill 2965.

Mr. HARRIS. I very much hope the suggestion of the Senator from Ohio will be acquiesced in by the Senate, and let us consume no more time in this controversy as to what we shall consider. His suggestion is in accordance with agreements heretofore made, and we shall make greater progress in that way than we can in any other. I very much hope the Senate will consent to it.

Mr. VANCE. If it be in order, as these suggestions amount to nothing, I will make the motion that we proceed to take up the Calendar and consider unobjected House bills.

The PRESIDENT *pro tempore*. That can only be done by unanimous consent. The action of the Senate can only apply to a single question.

Mr. WILSON, of Iowa. I wish to state that the motion I have made is in harmony with the suggestion submitted by the Senator from Ohio, as the bill included in my motion would be the first one in order if the Senate agree to his suggestion.

The PRESIDENT *pro tempore*. The Chair submits to the Senate the request for unanimous consent, which was presented by the Senator from Ohio [Mr. SHERMAN], that after the vote has been taken upon the two measures to which he has alluded the Senate will proceed to the consideration of House bills under what is known as the Harris order. Is there objection?

Mr. MORGAN. I object.

### MISSOURI RIVER BRIDGE AT YANKTON.

Mr. CONGER. It would seem that for two or three hours gentlemen have been recognized to present bills here, and they have got through substantially, and those who have been striving to catch the favorable eye of the President are met by a proposition to forsake the usual way of standing in a row and take the chances and to take another rule. It was with great gratification I heard the Chair state that it was necessary for the Chair to pursue a kind of a rule of natural selection and recognize, according to the eternal fitness of things, those who ought to be recognized, and I took it at once that the Chair intended to intimate that the Senator from Michigan would now be recognized.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Michigan if he addresses the Chair.

Mr. CONGER. I have been trying to have a bridge bill taken up to construct a bridge at Yankton, Dak., across the Missouri River, which, if it can pass the Senate, having been recommended by the Committee on Commerce, there will be a possibility of its passing the other House at this session and becoming a law. I have no interest in it other than to perform my duty, having reported the bill, and I ask the Senate to consider it that it may be sent on its way to the other House. It is a bill which the people of the West seem to think is of very great importance to their interests.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Michigan to move to proceed to the consideration of a bill.

Mr. CONGER. I move that the Senate proceed to the consideration of the bill (S. 3354) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.

Mr. WILSON, of Iowa. I supposed I had the floor to move to proceed to the consideration of the next Order of Business. However, if this will not take considerable time, I will yield.

Mr. CONGER. There will be no objection to it. It will take no time but the reading.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be considered as before the Senate as in Committee of the Whole, and will be read at length.

The Chief Clerk read the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### MICHIGAN LAND GRANT.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c., and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. VAN WYCK, and Mr. WALTHALL were appointed.

### EMILE GUERIN AND CHERI P. MAJOR.

Mr. EDMUNDS. I move to reconsider the vote of the Senate by which it passed the bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands. The bill purports to have been reported from the Committee on Private Land Claims on the 14th of February, 1887, without amendment. I am a member of that committee; I received no notice of any meeting of that committee in the month of February, and I should be glad to know when that committee met, and what there is about this bill. If it be the one that I think it possibly may be, it was considered several sessions ago and reported adversely. Therefore, in order to have time to look into it and to know how this has happened, I enter a motion to reconsider.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

Mr. RANSOM. I desire to say one word. The bill came here and was referred to the Committee on Private Land Claims. The Senator from Vermont was requested to consider the bill as a subcommittee. He did not have time to do so, and it was referred to the Senator from Louisiana [Mr. EUSTIS] to consider it. When he considered it the other members of the committee were seen without a call of the committee, and they approved of it, and it was reported.

Mr. EDMUNDS. And there was not any meeting of the committee?

Mr. RANSOM. There was no formal meeting of the committee. Each member of the committee had been seen in reference to it. I met the Senator from Vermont and told him of the conclusion the committee had come to. The bill was called up and debated ten days ago.

Mr. EDMUNDS. I did not happen to be present.

Mr. RANSOM. The bill was called up and debated.

Mr. EDMUNDS. I will see further about it.

Mr. RANSOM. I should state that when the Senator from Louisiana reported the bill it was at my request.

Mr. EUSTIS. I made the report to the Senate at the request of the chairman of the committee.

### ORDER OF PROCEEDING.

Mr. SHERMAN. I submit an order, and ask unanimous consent for its adoption merely to promote the order of business.

The PRESIDENT *pro tempore*. If there be no objection the resolution of the Senator from Ohio will be read.

Mr. EDMUNDS. For information.

The PRESIDENT *pro tempore*. It will be read for information, subject to objection.

The Chief Clerk read as follows:

*Ordered*, That this evening, after recess, the following bills will be considered in their order:
First, the Des Moines bill.
Second, the private land bill.
Third, the Fourth of July claims appropriation bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. VANCE. I object.

Mr. HAWLEY. I thought it was to be added that we were then to go on under the Harris rule.

Mr. SHERMAN. That is to be done to-morrow.

Mr. HAWLEY. To-morrow is a long way off.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

Mr. RANSOM. I hope my colleague will withdraw his objection to taking up the three bills indicated by the Senator from Ohio. I think we shall get along more rapidly in that way.

Mr. VANCE. I think we shall get along more rapidly by taking up the Calendar of House bills as reported and, as was observed, until the Calendar was almost finished.

Mr. BECK. If the Senator from Ohio would extend the motion by saying that to-morrow, after the ordinary morning business, House bills favorably reported shall be continued till 1 o'clock I think that would meet the objection.

Mr. SHERMAN. I would have no objection to that, only I found that there was a disagreement among Senators around me, some preferring to take up Senate bills rather than House bills. I think it would be better to take up House bills, but I do not wish to add that point of disagreement to my motion.

Mr. VANCE. If the Senator from Ohio will so modify his order, I will withdraw my objection. I want House bills to have some chance.

Mr. SHERMAN. I will add to my order:

And that during the morning hour to-morrow the Senate will proceed under the Harris rule.

Mr. EDMUNDS. To that I object.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. WILSON, of Iowa. I think this interruption has consumed more time than would have been required to dispose of the Des Moines land bill.

PROPOSED RECESS.

Mr. HARRIS. I move that the Senate take a recess at 6 o'clock until 8 o'clock to-night.

Mr. WILSON, of Iowa. I hope the Senator will not propose that now.

Mr. HARRIS. I do not propose to take a recess now, but I move that at 6 o'clock this evening the Senate take a recess from 6 until 8.

Mr. WILSON, of Iowa. I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that at 6 o'clock the Senate take a recess until 8 o'clock.

Mr. EDMUNDS. Let us wait until 6 o'clock comes and see about it.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the consideration of the resolution.

Mr. HARRIS. The motion is in order, notwithstanding the objection.

Mr. EDMUNDS. It is not in order for a future time. It would be in order to take effect at the present moment without a resolution. I should like to see what is to come up at 6. We may wish to sit right along.

DES MOINES RIVER LANDS.

Mr. WILSON, of Iowa. I move that the Senate proceed to the consideration of the bill (S. 2965) to quiet title of settlers on the Des Moines River Lands in the State of Iowa, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill was reported from the Committee on Public Lands with an amendment, which will be stated.

The CHIEF CLERK. The committee propose to strike out section 3, in the following words:

SEC. 3. That any person or persons who have heretofore or may hereafter settle upon and improve any tract of public land, or land the title of which is supposed to be in the United States at the time of such settlement, with the intention of perfecting their title to the same under any of the land laws of the United States, shall be permitted, either they, their heirs or assigns, to plead in support of their title to said land, against any other party or parties claiming the same, the title of the United States to said land as fully and completely as might be done by the United States Government itself.

Mr. PLATT. Is this the same bill which the Senate passed last year?

Mr. WILSON, of Iowa. It is a modification of the bill with respect to the time within which the Attorney-General is required to commence suit for the purpose of enforcing the title of the United States. There was also an additional section to the bill which would authorize the settler to plead in support of his title—the title of the United States—but the Committtee on Public Lands have reported in favor of striking out that section from the bill, and inasmuch as I desire to get a vote upon the bill and get it through the Senate, I shall not object to the adoption of that amendment.

In other respects there is no difference between this bill and the one which passed both Houses at the first session of the present Congress. I do not wish to enter upon a discussion of it. It has been thoroughly discussed and is perfectly understood by members of this body, and without consuming time I should prefer to have a vote.

Mr. EVARTS. When this bill in substance, not identically the same, was before the Senate at the last session, I discussed, in the interest of claimants from the State of Iowa, the merits of this bill. Large and important interests, represented rightfully under the laws and Constitution of the United States, held by constituents of mine in the State of New York had made controversy concerning this bill at previous sessions of Congress. My efforts then to prevent the passage of the bill were not successful, and when the matter was again introduced into this body by the veto, which is the only stage that it was brought to my notice, it passed here notwithstanding the veto of the President; but it failed to pass in the other House.

In the arrangements made for expediting business this bill comes promptly forward. At this stage of the session I shall not think it my duty to repeat at length the argument that was made before. The whole subject is understood upon both sides. The bill I regard as unconstitutional, as very dangerous to the peace of settlers and the quiet of titles which it undertakes to promote, and in all respects is a bill faulty in character and fraught only with mischief.

I shall vote against the bill, and I hope that all who agree with me in this view of the bill and all the Senate who are familiar with the arguments on both sides and with the nature of the provision, will vote against the bill.

Mr. WILSON, of Iowa. But one word in reply to the Senator from New York. There has been a controversy for years in respect to the rights of these settlers. The Senator from New York thinks the bill unconstitutional; I do not. He thinks the settlers upon these lands, who have spent more than a quarter of a century in making homes and raising families, have no rights; I differ from him, as they do. They ask, and I ask for them, that this question of difference be submitted to the courts; and that is all there is of it. It will be a judicial determination of the rights involved in this proceeding.

Mr. EVARTS. The difficulty about that is that the bill itself settles certain rights in advance of the courts.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Public Lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10396) "making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out, in line 4, page 3, of the bill, the words "$10,500" and insert in lieu thereof "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$377,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54 and agree to the same with an amendment, as follows:

Strike out from said amendment the words "Mahé (Seychelles)."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
*Managers on the part of the Senate.*
PERRY BELMONT,
ROBERT R. HITT,
WM. R. COX,
*Managers on the part of the House.*

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

RECESS.

Mr. RANSOM. I move that the Senate proceed to the consideration of the bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado.

Mr. ALLISON. I move that at 6 o'clock the Senate take a recess until 8 o'clock.

Mr. RANSOM. I ask the Senator from Iowa to delay that motion for a little while and let us see how we get along with this bill.

Mr. HARRIS. The bill the Senator from North Carolina has called up will remain the business before the Senate this evening.

Mr. RANSOM. I think we shall get through in a little while. However, I shall not insist.

The PRESIDENT *pro tempore*. Is there objection to entertaining the motion of the Senator from Iowa now? The Chair hears none. The question is on agreeing to the motion.

The motion was agreed to.

PRIVATE LAND CLAIMS.

Mr. RANSOM. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate proceed to the consideration of the bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Private Land Claims with an amendment, to strike out all after the enacting clause and insert:

That it shall and may be lawful for any person or persons, or corporation, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico, and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within

the States of Nevada or Colorado, by virtue of such lawful incomplete Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States, which, at the date of the passage of this act, have not been confirmed by act of Congress, or otherwise finally decided upon by lawful authority, and which have not become complete and perfect, in every such case to present a petition, in writing, to the judge of the district court of the United States in a State or Territory for the judicial district in which such lands may be situate, setting forth fully the nature of their claims to the lands, and particularly stating the date and form of the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same, or any part thereof, otherwise than by the lease or permission of the petitioner; and also the quantity of land claimed and the boundaries thereof, where situate, with a map showing the same, as near as may be; and whether the said claim has heretofore been confirmed, considered, or acted upon by Congress or the authorities of the United States, or been heretofore submitted to any authorities constituted by law for the adjustment of land-titles within the limits of the said territory so acquired, and by them reported on unfavorably or recommended for confirmation, or authorized to be surveyed or not; and praying in such petition that the validity of such title or claim may be inquired into and decided. And the said courts, respectively, are hereby authorized and required to take and exercise jurisdiction of all cases or claims presented by petition in conformity with the provisions of this act, and to hear and determine the same, as hereinafter provided, on the petition and proofs, in case no answer or answers be filed after due notice, or on the petition and the answer or answers of any person or persons interested in preventing any claim from being established, and the answer of the district attorney, where he may have filed an answer, and such testimony and proofs as may be taken; and a copy of such petition, with a citation to any adverse possessor or claimant, shall, immediately after the filing of the same, be served on such possessor or claimant in the ordinary legal manner of serving such process in the proper State or Territory, and in like manner on the district attorney of the United States; and it shall be the duty of the United States attorney for the proper district, as also any adverse possessor or claimant, after service of petition and citation, as hereinbefore provided within thirty days, unless further time shall, for good cause shown, be granted by the judge or court to whom said petition is presented, to enter an appearance and plead, answer, or demur to said petition; and in default of such plea, answer, or demurrer being made within said thirty days, or within the further time which may have been granted as aforesaid, the court shall proceed to hear the cause on the petition and proofs and render a final decree according to the provisions of this act; and in no case shall a decree be entered otherwise than upon full legal proof and hearing; and in every case the court shall require the petition to be sustained by satisfactory proofs, whether an answer or plea shall have been filed or not.

SEC. 2. That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the rules of the courts of equity in the proper Territory or courts of the United States in the States, except that the answer of the attorney of the United States shall not be required to be verified by his oath, and no continuance shall be granted unless for good cause shown; and the said court shall have full power and authority to hear and determine all questions arising in said case relative to the title of the claimants, the extent, locality, and boundaries of said claim, or other matters connected therewith fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication, according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic of Mexico at the city of Guadalupe Hidalgo, on the 2d day of February, in the year of our Lord 1848, or the treaty concluded between the same powers at the city of Mexico, on the 30th day of December, in the year of our Lord 1853, and the laws and ordinances of the government from which it is alleged to have been derived, and all other questions properly arising between the claimants or other parties in the case and the United States, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected; and in all cases the party against whom the judgment or decree of said district court may be finally rendered shall within six months be entitled to an appeal to the supreme court of the proper Territory, and from the supreme court of a Territory, and if the case be in a United States court in a State, from that court to the Supreme Court of the United States, which shall be taken and allowed within one year, and in the manner now prescribed by law for taking appeals from said courts; which Supreme Court shall retry the cause, as well the issues or questions of fact as of law, and may hear testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; in which Supreme Court of the United States every question shall be open, and its decision shall be final and conclusive; and should no appeal be taken as aforesaid, the judgment or the decree of the said district court shall in like manner be final and conclusive, as shall also be the decision of the supreme court of the Territory unless appealed from; and all the courts aforesaid shall advance the hearing of cases under this act as far as the same may be done consistently with the public interest.

SEC. 3. That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State, or by the Commissioner of the General Land Office, upon all claims presented to them, respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject-matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

SEC. 4. That it shall be the duty of the Commissioner of the General Land Office of the United States, the surveyors-general of such Territories and States, or the keeper of any public records who may have possession of the records and testimony pertaining to any land-grants or claims for land within said States and Territories in relation to which any petition shall be brought under this act, on the application of any person interested, or by the attorney of the United States for either of said Territories or districts, to furnish copies of such records and testimony, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office; which copies, if the originals are not within the jurisdiction of the court, shall have the same effect as testimony that the originals would have if produced. The legal fees shall be paid for such copies by the parties applying for the same, except the attorney of the United States.

SEC. 5. That the provisions of this act shall extend only to such claims as may be presented and filed within three years from the date of its passage; and all petitions under this act may be presented in vacation or term time, but the final hearing on the same shall be had and the final decree rendered only at the regular terms of the district courts; and the judges of said district courts and the supreme courts in the said Territories are hereby authorized, in vacation in all cases arising under this act, to grant all orders for taking testimony, or otherwise to hear and dispose of all motions, and do all other things necessary to be done to bring the same on to a final hearing.

SEC. 6. That upon the final decision in accordance with this act of any claim prosecuted under it, in favor of the claimant or claimants, it shall be the duty of the clerk of the court in which such final decree is had to transmit a duly certified copy of the decree to the surveyor-general of the proper State or Territory, who shall thereupon cause the lands specified in said decree to be surveyed at the expense of the United States. Triplicate plats and certificates of the survey so made shall be returned into his office, one of which shall remain in his office, and one, duly authenticated, shall be delivered, on demand, to the party interested therein, and one shall be sent to the Commissioner of the General Land Office; on receipt and approval of which survey and plat by said Commissioner and the Secretary of the Interior, the President of the United States shall issue a patent to said claimant, subject to the provisions of this act; but one-half the necessary expense of making such survey and plat shall be paid by the claimant, and shall be a lien on said land, which may be enforced by sale of so much thereof as shall be necessary for that purpose, after a default of payment thereof for six months next after the approval of such survey and plat; and no patent shall issue until such payment.

SEC. 7. That the clerk of the court in which such petition may be filed shall, and he is hereby directed, when any petition or claim is filed under the provisions of this act, before any proceedings thereon, subject to the direction of a judge, to require reasonable security for all costs and charges which may accrue thereon in prosecuting the same to a final decree; and the district attorney, clerk, marshal, and witnesses shall severally be allowed such fees for their services and attendance as may be allowed by law for like services and attendance in the United States courts for the proper State or Territory.

SEC. 8. That it shall be the duty of the attorney of the United States for the proper Territory, in every case when the decision or decree of the district court is against the United States, to appeal the cause to the supreme court of the Territory; and if the decision of the latter court be against the United States, a copy of the record and decree, with a statement of the legal questions involved, shall be forthwith transmitted by the district attorney to the Attorney-General; and in like manner he shall transmit a copy of the record and decree in any case decided against the United States in the district court in a State; and unless the Attorney-General shall otherwise direct, the district attorney shall appeal the cause to the Supreme Court of the United States.

SEC. 9. That if in any case it shall so happen that the lands decreed to any claimant under the provisions of this act shall have been sold or granted by the United States, it shall be lawful for such claimants, or their legal representatives, at any time within one year after the rendition of the final decree in their favor, to execute, and file in the office of the Commissioner of the General Land Office, a release to the United States of all right, title, or claim to the land so sold or granted by the United States; and thereupon there shall be issued by the said Commissioner (under such regulations as may be prescribed by the Secretary of the Interior), to such claimant, or his legal representatives, scrip for an equal amount of acres so released, in quantities not exceeding 640 acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable, acre for acre, in payment for any public lands in said Territories or States in the State or Territory in which the land grant or claim for which scrip is issued shall be located, that may be subject to private entry at the minimum price.

SEC. 10. That the provisions of this act shall extend to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town, any grant which may be entitled to confirmation under this Government, for the establishment of a city, town, or village, by the Spanish or Mexican Government, or the lawful authorities thereof; but the claim for said city, town, or village shall be presented by the corporate authorities of the said city, town, or village, or, where the land upon which said city, town, or village is situated was originally granted to an individual, the claim shall be presented by or in the name of said individual, or his legal representatives.

SEC. 11. That all claims which are by the provisions of this act authorized to be prosecuted shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred: *Provided*, That minors, married women, and persons *non compos mentis* shall have one year after the removal of their respective disabilities within which to make their claims under the provisions of this act.

SEC. 12. That all the foregoing proceedings and rights shall be conducted and decided subject to the following provisions, as well as to the other provisions of this act, namely:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, and one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States, and that the United States are bound upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect.

Second. No claim shall be allowed that shall interfere with or overthrow any just and unextinguished Indian title or right to any land or place.

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals of the same, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this act. But nothing in this act shall authorize the working of any mines therein by any person except the confirmee or his assigns, until Congress shall provide by law therefor.

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress, or under its authority.

Fifth. No proceeding, decree, or act under this act shall conclude or affect the private rights of persons as between each other, all which rights shall be reserved and saved to the same effect as if this act had not been passed; but the proceedings, decrees, and acts herein provided for shall be conclusive of all rights as between the United States and all persons claiming any interest or right in such lands.

Sixth. No confirmation of or decree concerning any claim under this act shall in any manner operate or have effect against the United States otherwise than as a release by the United States of its right and title to the land confirmed; nor shall it operate to make the United States in any manner liable in respect of any such grants, claims, or lands, or their dispositions, otherwise than is herein provided.

Seventh. No confirmation shall in any case be made or patent issued for a greater quantity than eleven square leagues of land to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

SEC. 13. That section 8 of the act of Congress approved July 22, A. D. 1854, entitled "An act to establish the offices of surveyors-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof, or supplementary thereto, and all provisions of law inconsistent with this act, be, and the same are hereby, repealed.

SEC. 14. That all the public lands of the United States in the Rio Grande Valley and elsewhere in the Territory of New Mexico, and in the State of Colorado, occupied and possessed by persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, and occupied by any person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors or grantors, for fifty years next preceding the date of the passage of this act, be, and the same are hereby, withdrawn from entry and sale under the laws of the United States; and it shall be the duty of the surveyor-general of New Mexico to investigate the rights of the parties claiming such parcels of land, and to report all the facts to the Secretary of the Interior. Said surveyor-general shall

have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession: *Provided*, That all claims under this section shall be filed with the said surveyor-general within two years after the passage of this act: *And provided further*, That no claim shall be so heard or examined exceeding eighty acres in quantity.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Private Land Claims.

Mr. TELLER. I do not propose to discuss this bill. It has been discussed at length on former occasions. I only propose to say that if I did not believe that it was possible to get through a committee of conference a better bill than this I should insist upon being heard at length, although we are so near the close of the session.

Mr. HAWLEY. I gave my opinion at length upon this subject previously; I do not remember when, perhaps two years ago. Seldom have we had before us a bill that in my judgment is worse in a matter of this description. Its exceptions are not sufficient. It compels a great many people who own lands in these Territories, whose title was derived from Mexico, to go into court to prove their title. They may have been upon it forty-nine years and their ancestors one hundred years ago, but they are still compelled to go to the United States courts, and if the decision be in favor of them it is the duty of the United States attorney to appeal to the next higher court, and if the decision still be in favor of them the United States attorney is compelled to appeal it, and if the decision then again be in favor of the old settlers the record is to be sent up to the Supreme Court of the United States, where it is to be tried again unless the Attorney-General here says to the contrary.

The directions are to carry these cases for any small area of land up to the Supreme Court, and the Supreme Court is given direction, or the right to try all questions of fact as well as all questions of law, and those who do not come into this arrangement, no matter what are the excuses except the usual ones, within three years are forever barred from any right in those lands.

The PRESIDENT *pro tempore*. The hour of 6 o'clock having arrived, the Senate takes a recess until 8 o'clock.

---

EVENING SESSION.

The PRESIDENT *pro tempore* (at 8 o'clock p. m.). The hour of 8 o'clock having arrived, the Senate resumes its session.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

Mr. HALE. I ask that that bill be read at once and referred to the Committee on Appropriations.

The bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 3357) for the relief of Mary Shay, mother of Miles Shay; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BOWEN. I submit an amendment to the legislative appropriation bill and move its reference to the Committee on Appropriations.

Mr. EDMUNDS. I should like to hear that amendment read to see what it is.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

Amend by adding after line 1337:

"For freight and transportation charges on gold coin and bullion between the different mints and assay offices of the United States, $15,000: *Provided*, That no charge for transportation shall be made against any person or persons depositing gold for sale or coinage at any mint or assay office in the United States under the provisions of sections 3519, 3544, 3545, and 3553 of the Revised Statutes of the United States."

The PRESIDENT *pro tempore*. The proposed amendment will be referred to the Committee on Appropriations.

Mr. BOWEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MANUFACTURE OF ORDNANCE AND GUNS.

Mr. GORMAN. I desire consent to offer a resolution, and ask for its present consideration.

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read as follows:

*Resolved by the Senate*, That 2,000 copies of Senate Miscellaneous Document, No. 157, Forty-seventh Congress, first session, be printed for the use of the Senate.

Mr. EDMUNDS. What is the document?

Mr. GORMAN. A document in relation to the manufacture of ordnance and guns. The document has been exhausted. There are no longer copies in the document-room.

Mr. EDMUNDS. I suggest to the Senator from Maryland that if he names the number it may be extra copies and may require the concurrence of the two Houses. If he says merely that it be reprinted, then it can go as a Senate resolution.

Mr. GORMAN. I think the Senator will find that it comes within the rule.

Mr. EDMUNDS. Then I have no objection.

The resolution was considered by unanimous consent and agreed to.

JOHN W. MEARS.

Mr. WILSON, of Iowa. I move that the pending bill be temporarily laid aside and that the Senate proceed to the consideration of House bill 5477, Order of Business 2282.

Mr. EDMUNDS. I think we ought to have the regular order, Mr. President. The private land claims bill is the pending business.

Mr. WILSON, of Iowa. We might as well pass this bill while we are waiting for the other bill to be proceeded with.

Mr. EDMUNDS. Let the title be stated.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him.

Mr. EDMUNDS. All right.

Mr. SHERMAN. It had better be read in full before any one objects.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read, as follows:

*Be it enacted*, &c., That the Secretary of the Treasury be, and he is, directed to pay to John W. Mears the sum of $200, being amount of a fine improperly imposed upon and collected from him, and which was turned into the Treasury of the United States.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the pending order be informally laid aside and that this bill be now considered. Is there objection?

Mr. EDMUNDS. I shall not object on this occasion, but afterwards I will call for the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island;

A bill (S. 2930) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 2958) to give the assent of Congress to the construction of of free bridge by the county of Davidson, Tennessee, over the Cumberland River;

A bill (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the falls and to prescribe the dimensions of the same; and

A bill (S. 3165) authorizing the construction of a bridge across the Red River of the North.

PRIVATE LAND CLAIMS.

Mr. EDMUNDS. Now I call for the regular order, Mr. President.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Private Land Claims to strike out all after the enacting clause of the bill and insert the substitute which has been read. The Senator from Connecticut [Mr. HAWLEY] is entitled to the floor.

Mr. BOWEN. I desire to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. In lieu of the matter proposed to be inserted insert the following:

That any person or corporation who claims or may claim title to any real estate to which the United States has not issued a patent may commence in any court of competent jurisdiction and prosecute to final decree a cause in equity to quiet title to such real estate, to define and settle the extent and boundaries of the same, and to determine the nature of such title, as to whether the same includes agricultural or mineral rights, or both.

SEC. 2. That in all causes which may be commenced and prosecuted under the preceding section the United States may be made party respondent, and all proceeding shall be conducted, as near as may be, according to the practice and rules of courts of equity in the States or Territories where such causes may be commenced, except that the answer of the attorney of the United States shall not be required to be verified by his oath.

SEC. 3. That appeals may be taken by either party from the decree of the court of original jurisdiction which may determine any cause under the provisions of this act, and in which the United States is a party, directly to the Supreme Court of the United States; and in all cases where such decree is adverse to the United States the same shall be deemed and held to stand appealed to said Supreme Court without an act on the part of any one. All other decrees may be appealed from, within one year from the date of their entry, in the same manner provided for by law and the rules of courts in other causes; but no bond shall be required except for costs.

SEC. 4. That all causes which may be commenced and prosecuted under the provisions of this act in which the United States is a party shall take precedence to time of hearing over all other civil causes on the dockets of all courts of original jurisdiction, as well as in the Supreme Court of the United States.

SEC. 5. That any person in whose favor a final decree shall be entered by the Supreme Court of the United States, under the provisions and in pursuance of this act, shall be entitled, upon payment of usual and lawful fees, to one or more copies of such decree, duly certified under the hand and seal of the clerk of said court, and may file one of such certified copies in the office of the Commissioner of the General Land Office; whereupon the President of the United States shall execute and deliver to said person, his heirs or assigns, a patent for the real estate described in such decree; and if for any cause such patent shall not be so executed and delivered, such decree shall be received as evidence in all courts of a title in fee-simple.

SEC. 6. That no decree entered under the provisions of this act shall conclude or affect the private rights of persons as between each other, except such as may elect to and do become parties to the record in causes where such persons bring themselves in, by cross-bill or otherwise, for the purpose of having their rights determined, but such decrees shall be conclusive as between the United States and all persons whose rights are litigated and determined as parties to the record.

SEC. 7. That in all causes commenced and prosecuted under this act the complainant's bill shall except all lands lying within the boundaries of his claim held by private persons under the homestead, pre-emption, or mining laws of the United States, and shall expressly waive all claim and right to such lands so held, and all final decrees in favor of complainants shall except such lands so held from the operation thereof, as shall likewise all patents issued in pursuance of such decrees; but the complainant shall nevertheless be entitled to a money decree for an amount equal to the Government price of such lands so excepted, which money decree shall be paid to the claimant, his heirs or assigns, by the United States, out of any money in the Treasury not otherwise appropriated, upon presentation to the proper officers of the Government of a certified copy, the decree of the Supreme Court of the United States.

SEC. 8. That nothing in this act shall prevent claimants of real estate who have proceeded under existing laws of the United States, and who shall, at the date of the passage of this act, be applying to Congress, by bill, for confirmations of grants of the character provided for in the treaty concluded between the United States and the Republic of Mexico at the city of Guadalupe Hidalgo, on the 2d day of February, A. D. 1848, or the treaty concluded between the same powers at the city of Mexico on the 30th day of December, A. D. 1853, from proceeding in their efforts to procure such confirmations. Any of such claimants may, however, avail themselves of the benefits of the provisions of this act either before or after failure to secure such confirmations. All other of such claimants shall be entitled to proceed under the provisions of this act.

SEC. 9. That it shall be the duty of the Attorney-General of the United States to commence and prosecute, in the name of the United States, proceedings to reform the boundaries of any grant of land heretofore confirmed by Congress, upon being satisfactorily informed that such boundaries were unlawfully or fraudulently extended beyond the area described in the original grant before such confirmations were had.

SEC. 10. That section 8 of the act of Congress approved July 22, A. D. 1854, entitled "An act to establish the offices of surveyors-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof or supplementary thereto, and all provisions of law inconsistent with this act be, and the same are hereby, repealed.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Colorado [Mr. BOWEN] to the amendment of the Committee on Private Land Claims.

Mr. BOWEN. This is the same amendment which I offered to this bill before. I do not propose to discuss the amendment. I simply wish to suggest to the gentlemen in charge of the bill that, if they can, they show me why or how or where it has ever before been required that a man in possession of land under color of title should commence suit within a certain number of years, or failing to do it lose his title.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Colorado to the amendment of the Committee on Private Land Claims.

The amendment to the amendment was rejected—ayes 7, noes not counted.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on Private Land Claims.

Mr. HAWLEY. Mr. President, I have been waiting for a quorum. I am willing to be courteous and take it for granted that there is one present. I shall not follow the example of my friend from Vermont [Mr. EDMUNDS] and raise the question. I do not intend, as I said before the recess, to occupy time in arguing this case or discussing this bill. I do not pretend to argue it. My criticisms upon it are very much the same as they were a year or two ago, but I want to point out a few features of it that seem to me quite exceptionable. The first one is a grammatical mistake which the committee can correct, I suppose, without much trouble.

Mr. EDMUNDS. What is the Senator referring to?

Mr. HAWLEY. On page 15.

Mr. EDMUNDS. Of the House bill?

Mr. HAWLEY. No; the committee amendment. I will pass over the intermediate phrases to show what I mean by this being a verbal criticism.

That it shall and may be lawful for any person or persons, or corporation, or their legal representatives, claiming lands * * * by virtue of such lawful incomplete Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States, which, at the date of the passage of this act, *have* not been confirmed by act of Congress.

"Such warrant or survey" as may be not even confirmed, such as "have not been confirmed," referring to several nominatives when there is only one in that case. This directs the owners of land in four Territories and two States claiming from "Spanish or Mexican grants, concessions, warrant, or survey," as the case may be, "to present a petition, in writing, to the judge of the district court of the United States in a State or Territory for the judicial district in which such lands may be situate, setting forth fully the nature of their claims to the lands, and particularly stating the date and form of the grant, concession, warrant, or order of survey under which they claim."

In most of the country covered by the bill when we received these people from Mexico in 1848, we know what sort of a population it was and the general nature of their titles. They owned land in small village lots or in almost illimitable areas, great Spanish grants, somewhat indeterminate probably in outline, doubtless not marked by metes and bounds in many cases, and the title consisted of some old parchment. There were no halls of record, no formal books, as we have in the New England and to a large extent in almost all the other States, in which all deeds are copied. They carried these parchments with them wherever they camped, stored them as best they might in their adobe houses, and after a generation or two they forgot them, and probably they went for kindling. In many cases it will be extremely difficult for many people who have lived for generations on what they considered their own land in these Territories to bring forward any paper or cite any imaginable grant under which they hold it.

The father was there, and the grandfather; and that is probably as far as most of them could go in remembering what their title is. But they are to come up within three years and file a petition involving the employment of a skillful land-lawyer there. The bill is admirably adapted to the legal profession. They must come up within three years and state particularly—

the date and form of the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same, or any part thereof, otherwise than by the lease or permission of the petitioner; and also the quantity of land claimed and the boundaries thereof, &c.

These petitions may be presented at any time during the vacation of court, at any time between terms:

And it shall be the duty of the United States attorney for the proper district, as also any adverse possessor or claimant, after service of petition and citation, as hereinbefore provided, within thirty days, unless further time shall, for good cause shown, be granted by the judge or court to whom said petition is presented, to enter an appearance and plead, answer, or demur to said petition.

All of which may be done during the vacation, though it is provided that no final decree shall be entered save during the term of the court.

There shall be after the first hearing in the courts six months allowed for an appeal to the supreme court of the proper Territory and from the supreme court of the Territory, or if the case be in the United States district court in a State, from that court to the Supreme Court of the United States; and a year is allowed in which to take that appeal, of which the United States may take advantage as well as the petitioner. The Supreme Court shall retry the case, as well the issue on questions of fact as of law, and may hear testimony in addition to that given in the court below, may amend the record, &c.

I am not a practitioner in the Supreme Court, and have not been enough of a lawyer for twenty-five or thirty years to speak very definitely about this, but my impression is that I have never seen the Supreme Court of the United States examining witnesses to any great extent to try questions of fact. It is not frequently seen there, and it will be an interesting spectacle to see some one of these humble greasers from New Mexico, who has lived on four or five hundred acres of land that would not be worth $3 an acre here, employ a lawyer in New Mexico to come up here, a thousand miles or more, with fifteen or twenty witnesses, to prove that he got that land from his grandfather. By the time they get here and try the case they will have to sell the land to get money enough to go home with, or pass the hat for a subscription.

Again:

SEC. 5. That the provisions of this act shall extend only to such claims as may be presented and filed within three years from the date of its passage.

And after that the deluge, so far as most of them are concerned, for there is no further door open to them except to appeal to the equity of Congress, I suppose. But there is one step I omitted to mention before they start in the proceeding. It is the duty of the judge—

To require reasonable security for all costs and charges which may accrue thereon in prosecuting the same to a final decree.

A security in most cases which consists of a few stray cows and a mustang or two in the case of the poorer people.

SEC. 8. That it shall be the duty of the attorney of the United States for the proper Territory, in every case when the decision or decree of the district court is against the United States, to appeal the cause to the supreme court of the Territory—

It is to be taken for granted that the citizen is wrong; that he unrighteously wins on the first trial—

to appeal the cause to the supreme court of the Territory, and if the decision of the latter court be against the United States, a copy of the record and decree, with a statement of the legal questions involved, shall be forthwith transmitted by the district attorney to the Attorney-General; and in like manner he shall transmit a copy of the record and decree in any case decided against the United States in the district court in a State.

* * * * * * *

And unless the Attorney-General shall otherwise direct, the district attorney shall appeal the cause to the Supreme Court of the United States.

The rule is an appeal for a third trial and that a trial upon questions of fact involving the summoning of the original witnesses.

SEC. 11. That all claims which are by the provisions of this act authorized to be prosecuted shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred.

That is to say, the United States takes possession of the lands within three years if the uneducated greaser down there has not heard of this law and has not filed his petition.

One or two other features deserve notice:

SEC. 14. That all the public lands of the United States in the Rio Grande valley and elsewhere in the Territory of New Mexico, and in the State of Colorado, occupied and possessed by persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, and occupied by any person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors or grantors, for fifty years next preceding the date of the passage of this act, be, and the same are hereby, withdrawn from entry and sale under the laws of the United States.

As near as I can understand it, it requires fifty years' occupation to acquire a title by possession and an unmolested title. I wish the lawyers would explain this. But my impression has been that as the treaty of Guadalupe Hidalgo is dated in 1848, proclaimed on the 4th of July of that year, and as by that treaty we solemnly guaranteed all the rights of person, property, and everything else to these Mexicans, we guaranteed them everything that an American citizen was entitled to, that it is hardly fair to go back further than 1848. Fifty years would go back to 1837.

But I said all this and much more before, and I will not detain the Senate further. I said in my haste that this was the wickedest bill I ever knew. I withdraw the expression and give the bill the benefit of the doubt. There may have been a worse one; I am not quite sure about it. But to my only half-professional eye it seems to be beyond measure a harsh and cruel provision. It seems to me that under it inevitably a large class of people of the smaller landholders of these Territories whose title in equity, if not in the strict letter of the law, is unquestioned, and whom we guaranteed by the treaty of Guadalupe Hidalgo, will be dispossessed simply by reason of their guiltless negligence to bring a petition to the court and follow it up to the Supreme Court of the United States.

Mr. EDMUNDS. I think I shall be justified in the judgment of the Senate in saying a word in reply to my distinguished friend from Connecticut.

This Senate amendment has passed the Senate twice or three times, I do not remember which, on a report from the Committee on Private Land Claims as an original Senate bill, when the chairman of that committee was Judge Thurman, when at another time it was Judge Davis, of Illinois, then a Senator, and when at another time Senator Bayard, now the Secretary of State, was its chairman. It has been reported each time by the unanimous voice of that committee.

It has been considered in that committee on these three several occasions, hearing all the objectors representing corporations and large land-grant claimants that might have been represented by my friend from Connecticut if they had known how strong his objections were to this bill, hearing every side of every possible point in respect of these land titles. Yet year after year and time after time, with these eminent gentlemen at the head of that committee, and with a unanimous report, and on a full discussion in the Senate, the amendment of the Committee on Private Land Claims now proposed to the House bill has been agreed to by a very large majority.

And what is it? It simply provides that the courts of the United States, not a commission that may be packed or dealt with as the California land commission was—I do not mean packed but overreached in so many instances that we now know of—but a court shall hear, try, and determine, not land titles obtained from Mexico or Spain that are perfect, but simply the inchoate claims of people who think that under Mexican or Spanish law they had a right which had not become complete when the United States become the sovereign of this territory. It is only incomplete titles, that depend merely upon the sense of justice of the Government, which are drawn into this question at all by the Senate amendment. That is simply where it stands.

Now, my friend from Connecticut says that this is a very bad bill; I suppose first, because it limits any claim to 11 leagues. There are a good many people in the United States, and perhaps some elsewhere, who pretend to have grants from Mexico or Spain that covered leagues multiplied by ten, a hundred leagues, or 111 leagues. There is one corporation that has presented its pretensions to the Committee on Private Land Claims and claims more than 5,000,000 acres of land that it wishes to be secured in by this bill.

We do not propose, we have not proposed, to do that sort of thing, because by the Mexican law of 1824, which I have here, and by the Spanish orders of the king before that time, the right of anybody or any community, or any body of colonization people to take up public lands of that country was limited to 11 leagues, 1 league of river front, irrigable land, 1 league of land that was not quite irrigable, but still come within what they called the middle line of good lands in those dry and extraordinary territories, and then come 5 or 6 leagues of the mere deserts and uplands that could not be irrigated at all, where at certain seasons of the year when the rains came cattle could be pastured, making altogether in these three classes 11 leagues.

So, year after year and time after time, against the pressure of the paid attorneys and agents of the persons who were speculating in vast grants, &c., appearing before us, and heard when Judge Thurman was chairman, and when Judge Davis was chairman, and when Mr. Bayard was chairman, and investigating the whole subject and hearing every side, the committee every time came unanimously to the conclusion that the provisions which appear in the present Senate amendment to the House bill were the right and wise and secure ones to guard against plunder, to guard against fraud, and to do justice to every claimant. That is where it stands.

My good friend from Connecticut said that these poor greasers, as he calls them (which I think is a very unkind description for him to make of them; I will say these poor rural people), are not provided for. If they claim under a Spanish or a Mexican grant they must stand, as everybody else does under an equal law, upon the provisions of the bill to present their claims, but there is the last section in the Senate amendment, as it was in the original Senate bill, which provides that their mere possession outside of any pretense of a grant shall be respected, and that if they are public lands of the United States on which they are, outside of a grant that is superior and a right that is superior to theirs, they shall be protected, and shall have their possessions secured to them against any adverse entry or claimant under pre-emption, or homestead, or whatever. That is what the Senate amendment is, and it is no more than that.

The real trouble is that this Senate amendment, like the three Senate bills that have passed before, makes very stringent securities against the frauds and performances that occurred under the California land-commission act, which covered the same sort of lands in California, but not in the other places that this bill now covers.

It was found by experience that under the California land-commission bill enormous frauds were perpetrated over and over again by the circumstance that the proof would be made and ended before the commission, and that neither the district court, nor the circuit court, nor the Supreme Court of the United States had any power to hear further testimony, as in admiralty under the Constitution and laws of the United States the Supreme Court of the United States always has the power to do.

So, in order to guard against any fraud that might be perpetrated on the Territorial district or Supreme Court, we authorize the Supreme Court of the United States, if any new event takes place, if any new thing comes to light, to have a right to inquire into it in order to do justice to all parties. It may support the claimant; it may dismiss him as being a fraud.

One of the most interesting of those cases, where the failure of the California act was so clearly shown, was what is called the Santillan grant, where finally the Supreme Court of the United States decided against it upon very narrow grounds, I must say, as the proof stood. Within a few years afterwards, when Judge Thurman was chairman of the Committee on Private Land Claims, some Philadelphia people of the highest respectability came to that committee—and I was an humble member of it at that time—and said the Santillan grant, which covered millions of acres, was rejected by the Supreme Court because the court said "you have not proved that this grant existed as being recorded in the book of the alcalde at Monterey at the time when it purported to have been made," and therefore the Supreme Court believed that it was a fabrication.

Now, said these highly respectable Philadelphia gentlemen, as they were, "We have found that book and we have bought this claim, and here is the book. Here is the alcalde's record, which covers the marriages and the christenings and the horse trades and the public sales at auction, and everything that under Spanish and Mexican rule would come into this book of records of the city or pueblo of Monterey; and here is the book."

They brought it to the committee, and it was undoubtedly the book that could not be found when the California Land Commission and the district court and the Supreme Court of the United States had the cause under consideration. It was undoubtedly the genuine book, and in it on the 31st of December and the 1st of January there appeared to be the record of the identical grant that the Supreme Court of the United States had held to be fraudulent and disallowed on the ground that it had not been recorded, with the other circumstances. That was a fair case apparently, and these gentlemen said, "Now, give us our four or five million acres of land." Well, it looked very fair. They told us besides that they had paid a thousand dollars to find that book, or $2,000, or whatever it was, and it came, and there was the record purporting to have been made in the year, I will say, 1835, for instance. I do not remember the year, but it was long before the treaty that gave us the dominion of that country.

We were a little suspicious and a little critical and a little technical, as my friend from Connecticut says, because truth always is technical more or less. We began to inspect this book and we discovered the curious circumstance that the record of this particular deed happened to have been put into an interval between two years. When we turned back through the book which covered years and years of the operations of the alcaldes of that pueblo of Monterey, we found that the habit of the alcalde is just as it is among the farmers of Kansas or

Vermont or wherever, to wind up their year's transactions, and then turn over two or three pages for the first of January and begin again for a new year.

This grant happened to be recorded just on one of those pages, and in all the other parts of the book these spaces were left blank. That was a little suspicious.

Then the handwriting looked a little curious. It looked very much like that in the other parts of the book, where undoubtedly were genuine entries of marriages, and christenings, and the horse trades, and everything that is done and recorded by the alcalde. We had a careful examination made of that, and were satisfied that it was a simulated imitation of the handwriting of the then alcalde. Then we had a chemical inspection made of the composition of the ink in which this was written, and it turned out to be an aniline ink that had not been known among men for more than ten or fifteen years last past. Then, on a still further careful microscopical examination, we discovered that that imitation of the alcalde's hand was with a steel pen, which no Alcalde in the year 1835, or whatever the year was, at Monterey, in California, could possibly have had.

The thing was so clear when it was investigated in that way that these highly respectable Philadelphia gentlemen, who had bought the claim in perfect good faith, who had bought that book and supposed they had had a clear case, went away satisfied, although sorrowful.

It is against frauds of that kind, which when there is any public land or mines in these Territories that would be set up by great speculators against the interest of the United States and against the interest of its settlers, we have tried to take care in this amendment reported by the Committee on Private Land Claims, exactly what has passed the Senate two or three times before. We have tried to take care that the court of last resort shall still have an opportunity, if anything is discovered to require it, to again make an inquiry into the facts about it. That is where it stands.

Mr. MITCHELL, of Oregon. I should like to ask the Senator from Vermont a question before he sits down.

Mr. EDMUNDS. Very well.

Mr. MITCHELL, of Oregon. Is it the intention of this amendment to provide a tribunal wherein any person or persons claiming lands under a grant or concession from either Spain or Mexico can have the inchoate right to the lands claimed by him or them to the full extent of the right that they have under the laws of Spain or Mexico perfected? Is that the object of the amendment?

Mr. EDMUNDS. As far as I understand it I should say yes and say no both. The rights that the Senate bill deals with are described to be imperfect rights, such as only appeal to the justice of the Government, not being titles that are perfect and which require no confirmation at all.

The Spanish laws and the Mexican laws on the subject of acquiring title to public lands in those dominions are not peculiar, but they are positive. They require, as I said before, by the Mexican decree of 1824, that nobody shall have under any circumstances more than a certain amount of land.

One league of irrigable land, two or three leagues of no matter what—perhaps I had better read it, and state exactly what it is:

No one person shall be allowed to obtain the ownership of more than one square league of 5,000 varas—

Which makes a square league—

of irrigable land (de regadio); four superficial ones of land dependent on the seasons (de temporal); and six superficial ones for the purpose of rearing cattle (de abrevadero.)

And putting the one, and the four, and the six together, you get exactly eleven.

Mr. TELLER. I will ask the Senator——

Mr. EDMUNDS. Just wait one moment.

Mr. TELLER. When you finish I want you to present the ordinance you speak of of the King of Spain.

Mr. EDMUNDS. I am now speaking about Mexico.

The Mexican law and the Spanish law before that in respect of settlements, colonizations, military grants, &c., required certain conditions-subsequent, just as in our land-grants to railroads we require that they shall build, &c., or else they shall not have the land; but the peculiarity and the benefit of the Spanish and the Mexican law was that it declared that the grant should not take effect, it should be void, until it appeared that the conditions had been complied with, so that they were not troubled, if the matter had been brought to their judicial tribunals, with the question whether the supreme power had instituted a method of forfeiture afterward, and that the right did not attach until the conditions-subsequent required had been proved and established.

In respect of grants, I will take, under the Spanish grants, the large grants to soldiers, colonizations, &c. They required that they should build mills, and build farm-houses, establish villages, and whatever, but always provided that unless they did the thing required the grant should go for nothing; that the man who asserted a right under it could not stand upon that grant as you can in the United States, according to the decision of the Supreme Court, until he had proved that he had done that thing. So the committee has always felt, and the Senate has always felt hitherto, that when we limit this concession to 11 square leagues we have done exactly what the Spanish law and the Mexican law would have required to be done had the matter continued under their dominion and not under ours.

Mr. TELLER. I ask the Senator now to give us the Spanish ordinance of which he spoke.

Mr. EDMUNDS. I was speaking of the Mexican ordinance.

Mr. TELLER. But the Senator said there was an ordinance of the King of Spain of that kind.

Mr. EDMUNDS. I do not know that I said that, but I will try to find it, if I can, whatever it is.

Mr. TELLER. I should be very glad if the Senator would.

Mr. EDMUNDS. I will see if I can find it.

Mr. MITCHELL, of Oregon. I was either unfortunate in presenting my point, or the Senator from Vermont was a little obscure in answering; perhaps both.

The point which I wish to inquire of the Senator from Vermont is this: Suppose A had, either under a concession from Spain or under a grant from Mexico, the right, the inchoate right, if you please, to a certain specific, definite number of acres of land, in reference to which there was no fraud, all clear, all right, what I wish to know is whether it is the intention of this amendment of the Committee on Private Land Claims to provide that person a tribunal by which he may have that inchoate right perfected to the whole of the land claimed by him, and which he was entitled to have perfected under the laws of Spain or the laws of Mexico, as the case may be, without reference to the quantity of land included in the grant or concession. That is my question.

Mr. EDMUNDS. As far as I am concerned, I answer again, yes and no. This being an application to the political justice of the Government, the committee have been of opinion, as the Supreme Court of the United States have been of opinion, that by the Spanish and Mexican laws nobody was entitled to more than 11 square leagues; and therefore in respect of the right of these people to apply to make good a title that is not perfect already (which we do not touch at all), they must be limited in the act of confirmation which this bill provides to the 11 square leagues, because——

Mr. TELLER. Will the Senator cite a case of that kind in the Supreme Court of the United States?

Mr. EDMUNDS. Because, as we understand the Spanish and the Mexican law, and as I have read out of the act of Mexico of 1824, they are not entitled to more than that, and we do not propose to commit the United States to any more than that by giving a court jurisdiction to go beyond it.

Mr. MITCHELL, of Oregon. I find in subdivision 7 of section 12 of the bill this provision:

No confirmation shall in any case be made or patent issued for a greater quantity than 11 square leagues of land to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

I concede that in any tribunal raised or provided for by any legislation that we may enact the parties should be limited in the amount they may be permitted to claim to the amount which they would have been permitted to claim under the law of that country from which they obtained their grant or concession.

The Senator from Vermont says that the Supreme Court of the United States has decided that no one person could claim a greater quantity than 11 square leagues. I should like the Senator from Vermont to cite the Senate to that decision. I am not aware that the Supreme Court of the United States has ever made any such decision. I do not believe it ever has made any such decision as that. I should like the Senator from Vermont to cite us to-night to that decision. If we concede that that is a matter of doubt—that is, as to what the law is on the subject——

Mr. EDMUNDS. It is not a matter of doubt at all.

Mr. MITCHELL, of Oregon. I insist, with all deference, that there is a doubt, and a very serious doubt, as to whether a person claiming land under a concession or grant from Spain or Mexico was limited by the laws of those countries to 11 square leagues, or any other amount, at least during certain years in which grants were made, and if it is a matter of doubt, then if Congress in its legislation undertakes to limit the amount in all cases, then Congress is assuming to exercise judicial functions, and is undertaking to determine that which properly belongs to the judicial department of the Government.

But there is no necessity, it seems to me, in any event for the words that I will now read in this seventh subdivision:

For a greater quantity than 11 square leagues of land to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor—

Those words should be stricken out, and then the subdivision would read:

No confirmation shall in any case be made or patent issued for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

That seems to me to be a proper provision. Then it would be for the judicial department, finally the Supreme Court of the United

States, to decide how great a quantity any particular person or number of persons could claim under the laws of Spain or Mexico applicable to the claim under any particular grant or concession.

I insist, while providing as we do in the first section, a tribunal by which a person claiming land under the laws of Mexico or the laws of Spain may come in and present his petition and have his rights adjudicated in reference to such claim, then, by this provision, you turn around, and in the seventh subdivision of the twelfth section undertake to make a judicial decision to the effect that his claim, in no case, shall exceed a certain quantity of land, no matter what may have been the quantity included in his concession from Spain, no matter what may have been the quantity included in his grant from Mexico. Here is a direct legislative cutting down and slicing off, in my judgment, that so far from carrying out and enforcing the provisions of the treaty of Guadalupe-Hidalgo, is in direct violation of the provisions of that treaty. It is, in my judgment, a bold attempt at legislative confiscation.

Mr. TELLER. I stated before that I would not debate this bill. There were a great number of grants made by the King of Spain when he was not restricted as to the amount or the condition on which the grants should be made. There were a great number of grants made by the Republic of Mexico after it became a republic, when there was no law, written or unwritten, that limited that republic or any officer thereof to any small ranch of 11 leagues or any other limit. They were grants made by the Mexican Government; they were made by the governors of the States, and made in other ways—all that were recognized by the Mexican Government and that we entered into a treaty to recognize on our part, and that by the law of nations we would have been required to have recognized if there had been no treaty at all.

The honorable Senator from Vermont says that the King of Spain was limited to 11 leagues. He will fail to find any such ordinance, or if he does he will fail to find it at the time that a great number of the grants were made. I think he will find that a great majority of the grants made and still unconfirmed were the grants made when there was no restriction upon the Republic of Mexico. As I remember now, speaking uncertainly on the subject, more than three-fourths of the grants unconfirmed were made prior to 1824.

Mr. EDMUNDS. I wish to call your attention to the matter you were talking about.

Mr. TELLER. The ordinance that you alluded to?

Mr. EDMUNDS. I wish to speak first about Spain.

Mr. TELLER. Yes, the ordinance of Spain; I want to hear you now.

Mr. EDMUNDS. If it does not trouble you now?

Mr. TELLER. I want it now.

The PRESIDENT *pro tempore*. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. TELLER. Certainly; I am anxious that the Senator should give it to us.

Mr. EDMUNDS. I have in my hand a recent book, which was not compiled evidently for the purposes of this bill one way or the other, by Mr. Frederick Hall, printed in San Francisco in 1885, being, as the title-page states, "The Laws of Mexico: A Compilation and Treatise relating to Real Property, Mines, Water Rights, Personal Rights, Contracts and Inheritances."

Mr. TELLER. We all know what it is. Everybody has seen it.

Mr. EDMUNDS. No, not everybody. I am sorry I can not get, as all our libraries are shut up after 4 o'clock, White's Recompilation of the Laws of Spain and Mexico, and so I must take this book.

I find this on page 41, regarding the laws of Spain in force up to 1792, and as I suppose afterwards. Then giving the history of them he says, leaving out certain special matters, the laws regarding the grants of land were these:

1. There was the instruction of Don José de Galvez, of the council of the Indies—

Which includes Mexico and everything else, as we know—

intendant of the army, and visitor-general. This bears date August 12, 1768, and relates entirely to the peninsula of Lower California, and which will be found in this work.

That is the first part of it.

2. There was a cédula—

Or decree; that is what it means—

relating to the town of Pitic, now Hermosillo, Sonora, declaring that the pueblo should contain 4 square leagues.

3. The decree of the military commander, Pedro de Nava, dated March 22, 1791, addressed to the governor of the province of California, which related alone to presidios or military posts, and which is set forth herein.

Now, I come to the point to which my friend refers:

4. On the 14th of February, 1805, a royal cédula was issued approving of the resolution of the superior board of the treasury, dated May 10, 1802, which declared that said board would not adjudicate any more than 3 or 4 leagues of land to any one person in the province of Nuevo Santander (now Tamaulipas), Nuevo Leon, and Coahuila. This resolution was passed on account of the large tracts containing 40 and 50 leagues which some possessed.

They had got them in those territories apparently in these particular divisions, and this royal decree was issued to cut it up again and reduce it to four.

Mr. TELLER. What was that? A royal decree?

Mr. EDMUNDS. That is a matter for my friend to consider. Now, if he will pardon me just a moment, if he understood me to say that the Spanish law made a limitation of 11 leagues, I did not intend to say it, if I did, because as the Senate will see in respect of what I have read, as the old Spanish law applied to some parts of this territory—it does not cover it all, it is true, but they are all alike, I think—it is carefully limited to 4 leagues, just as it was about the pueblos; and, therefore, the 11 leagues which the committee have taken as being the limit of the successor of the Spanish Government by the decree of 1824 of the Mexican nation goes to the utmost of any pretension that anybody at any time would assert in respect of taking up the public lands either of Spain or of Mexico.

Mr. TELLER. The Senator has not found anything in the nature of an ordinance but an administrative resolution of a board with which I am quite as familiar as he is; and I venture to say now that he will not find an ordinance, and that these administrative orders were made from time to time and varied, and they did not have the force of law. They were only obligatory upon this board so long as the board saw fit to observe them. They were but resolutions of a board, so to speak, not an ordinance of the King; and the history of Mexico, of New Mexico, of the various Mexican States is a flat contradiction of the statement that they were restricted to 11 leagues, or 4 leagues, or any other number of leagues.

The Senator reads this as if it was a new thing. These ordinances, these resolutions, these proceedings, have been a matter of public print in this country for a great many years, and if the Senator has got anything in that book from which he read which has not been published before, I have examined the book and have failed to see it. I do not believe there is anything new in the book, that there is anything that the Supreme Court did not have before it year after year, that the California Land Commission did not have before it, and that the lawyers who have given attention to the subject have not had for the last twenty-five years.

There are grants unconfirmed in Arizona that fall within the provisions of this bill which are a hundred and twenty-five years old, which have been in the undisputed and constant possession of the present occupants and their ancestors from the time the grant was made, and they are perfect grants under the Mexican and under the Spanish law.

Mr. EDMUNDS. Then this bill does not touch them.

Mr. TELLER. This bill does touch them, because they have not got any patent, and this bill requires every ignorant Mexican to take the chances whether a court will say that his is a perfect grant within two years or not. I say it is a perfect grant, but the court may think otherwise, and the Mexican is compelled to go into court to try that question.

Mr. HAWLEY. Mr. President, just a word and that of gratitude to the ex-Secretary of the Interior for speaking of this bill mildly in the terms that it deserves. I am very glad to hear from him.

I have been told by a number of Senators—if I had been told confidentially or with any injunction or any implied injunction of secrecy I should not speak of it—"Do not talk upon this bill; do not spend time upon it; it is a bad bill, but we shall get a respectable bill out of the conference." Now, sir; I can not vote for a bill on that ground. Bills go into conference and something comes back that differs very widely from the original bill of either House. It is legislation in conference and we never get the full consideration of a matter that comes here in that way.

I said I did not intend to debate the bill and I do not. I could not do justice to the bill under an hour and a half or a two hours' speech. I do not propose to do that. I have debated it on former occasions. I say here that the bill as now proposed probably will not pass another body. If it comes here in the shape of a conference report I will see that it does not pass the Senate. In my judgment it is confiscation of the very worst character, and I shall feel justified at this late hour of the session in being heard then, but I will not delay the business of the Senate by asking to be heard now.

The Senator tells me that distinguished committees of this body have reported in favor of this bill before. I know it, and that is one of the surprising things about it. They have reported upon it while I have been told by men familiar with Mexican and Spanish law and the commissions in those Territories over and over again that it is a bad bill, which ought not to pass this body. I have authority as good as that against the bill. Distinguished committees may have reported for it, and it is probable that it is going to be passed now, but as far as I learn from the record, it never received five minutes favor in the other House, and I am grateful for that much.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Private Land Claims. [Putting the question.] The noes seems to have it.

Mr. HAWLEY. I understood the contest against the amendment proposed by the Senator from Colorado [Mr. BOWEN] was withdrawn and that amendment was adopted.

Mr. EDMUNDS. Not at all. It was voted down.

Mr. HAWLEY. When they said "no further count," I thought it was because they said the votes in favor did carry it.

Mr. BOWEN. No; it was voted down.

Mr. PLUMB. I do not want to detain the Senate at this late hour

in the evening and in the session. On a former occasion when this bill was before the Senate, I expressed my dissent from the bill as reported by the Committee on Private Land Claims, and while some minor changes have been made in the bill as now reported, at the same time the main objections remain against it.

It is an illustration of the operation of certain mental characteristics, or perhaps I might say of certain moral characteristics, which having been aroused upon a suggestion of a fraud about to be committed, the result is an immediate loss of balance and a swinging to the farthest point on the other side, irrespective of the consequences.

The Senator from Vermont, on his theory that somebody will get some land in New Mexico to which he is not entitled, has made it perfectly certain that he will stamp out every small land-owner in the Territory of New Mexico at least, and while he has done that with one hand on the other hand he has provided for setting in motion the largest scrip factory that ever has been known under our laws, whereby there will be issued *ad libitum* by the Commissioner of the General Land Office scrip of a character which has been the subject of more fraud, of more trouble, and of more wrong than all other forms of land entries that have ever been known.

In the valley of the Rio Grande there are men settled who have been there by themselves and their ancestors for more than a hundred years. The claims in some cases amount to only a few acres, a mere hand's breadth, 2 acres, 5 acres, 10 acres, &c., of land which commercially is not worth probably more than ten, fifteen, or twenty dollars an acre, and yet which is the sum of the possessions of these people, is all they have got, is everything in the world to them, which is not worth 10 per cent. of the cost of the legal expenses imposed by this bill. And yet these people, if they prove up their claim, are bound to have appeals taken, because this bill provides that if judgment is rendered against the United States appeals shall be taken, and thus the possessions of these people, if they have the temerity to go into court at all, will be absolutely eaten up under the provisions of this bill.

I know that the Senator from Vermont has inserted in the last section a provision which was put in after lengthy debate when the bill was before the Senate on a former occasion, which was designed to effect a partial relief to this class of people; and if he had put in a further provision saving the class of claimants mentioned in the last section from the operation of the drastic provisions of the first and second sections requiring these confirmations to be made by the courts on proof presented as on the trial of a lawsuit, it would have been a small measure of justice; but as it is it is in a measure an affirmation of the original wrong. In section 9 occurs this very remarkable provision:

SEC. 9. That if in any case it shall so happen that the lands decreed to any claimant under the provisions of this act shall have been sold or granted by the United States, it shall be lawful for such claimants, or their legal representatives, at any time within one year after the rendition of the final decree in their favor, to execute, and file in the office of the Commissioner of the General Land Office, a release to the United States of all right, title, or claim to the land so sold or granted by the United States; and thereupon there shall be issued by the said Commissioner (under such regulations as may be prescribed by the Secretary of the Interior), to such claimant, or his legal representatives, scrip for an equal amount of acres so released, in quantities not exceeding 640 acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable, acre for acre, in payment for any public lands in said Territories or States in the State or Territory in which the land grant or claim for which scrip is issued shall be located, that may be subject to private entry at the minimum price.

That is a very remarkable provision, because, first, Congress is abandoning its prerogative in disposing of the public lands and remitting it to a court; and in the next place it is very remarkable, because it is provided that this scrip shall be taken in payment of described lands, of which there are no such lands at all. There is not an acre of public land subject to private entry in any State or Territory in which there is a Mexican land grant—not an acre. Of course these people, having got this scrip upon the idea that it is of no value, and consequently no doubt in very large measure, if not by collusion, at all events by carelessness, which often attaches to these transactions which are supposed to represent matters of very little value, will then come to Congress, and say, "You have given us scrip to be located upon land, scrip issued in place of land which we did not get; and now, not having provided in that bill that we can locate upon this scrip, you must come up and pay for it in some other way, and give us the whole domain of the United States to enter upon for the purpose of its location, or else pay for it in cash." And thus the trouble we get out of in one case we get into in another.

Besides, Mr. President, as the Senator from Massachusetts [Mr. DAWES] very well suggests, no matter what their claim may be, no matter what the character of the land over which the claim may have extended, good, bad, or indifferent, mountains, valley, timber, or otherwise, worth five, or ten, or fifteen, or fifty cents an acre, more or less, they get a certificate for an acre of land, each one of course of the same nominal value, and for as much as they will receive their claim they get scrip for acre by acre.

This bill ought to be so framed as to recognize the just claims of those persons who by reason of the war with Mexico and the treaty which ensued thereafter became citizens of the United States and had claims upon their former government for recognition which we agreed in turn to take up and recognize, and the legislation ought to be had in such a way as not only to confirm titles but to make peace and not open new sources of litigation.

It is a crying shame that for forty years the United States Government has failed to confirm these claims, to give the title we promised to give, but it has confirmed many of these grants by special acts. What portion of the area is covered by the grants subsisting I do not know, but a very large number anyhow. By common consent those grants thus confirmed carried title to all the minerals within their limits, to every mine of gold or of silver or of coal; and yet it is proposed now to come in and say to these people, whom we have postponed of their rights during these forty years, and whose rights we propose to confirm by this act or have authorized to bring suit, that they shall not have the mines of gold, silver, and quicksilver that are found within their boundaries, but as to them the entire people of the United States shall be authorized to commit a perpetual trespass, because it is idle to suppose that a gold mine which is the property of the United States shall ever exist within the exterior boundaries of any man's claim that will not subject that claim to the constant trespass of those who seek to mine in that claim.

Thus we shall have established two rules of confirmation, one by special act, which carries everything within the exterior boundaries, and another by a judicial proceeding which limits not only that which is known now to exist in the shape of mines of the precious metals, but also that which may hereafter be discovered.

Mr. President, there is not a mile square in New Mexico that does not contain some gold. There is everywhere to be found what is known among the miners as "color." The time may come when that which can not now be mined at all by reason of lack of water may be mined, and thus the circumstances of a man being subjected to this reservation of the United States Government to title within the limits of his claim may shift from year to year, and the title thus guaranteed will be practically worth nothing.

What is the object of reserving the title to the Government when the Government under the general law sells every acre of its mineral lands at $5 an acre? The reservation is worth nothing to the Treasury of the United States. It would simply be a deprivation and a wrong to the claimant, with no corresponding benefit to the Government. It would keep up always litigation and trouble and insecurity of title, would prevent development, and would shut off the opportunities for enterprise.

I do not care to enlarge upon the seventh subdivision of section 12. Admitting, as I believe to be the case, that the extreme limit or extent of land grants under the law of Mexico or of Spain was 11 leagues to an individual, why declare it in a law legislatively? Why assert in a bill that which is a judicial question and not a legislative question? Suppose we are mistaken about it. We establish a rule of property binding upon the courts because the courts are our creatures and bound to execute the laws we give them to execute, although they may be conscious of the fact that in thus executing the law they are cutting off legal rights, and we do not leave to the party any right against us at all, because this is the only legal proceeding we provide; and if we make a mistake and some of these grants were for a larger quantity than 11 leagues, there is a perpetual estoppel to the assertion of that right.

This, as I said, is a judicial question. It is in no sense a legislative question; and if the Senator from Vermont is so entirely sure of his law, why is he so afraid to leave the decision of that question to the courts to whom are committed all other questions under this bill? Why not let them settle whether the grant in a given case was for 11 leagues, more or less? If the court is competent to determine the boundaries, if it is competent to determine the question up to 11 leagues, if it is competent to determine the sufficiency of the grant, why is it not equally competent to determine the extent of that grant, whether it be less or more than 11 leagues?

I believe this bill will be worse than no bill. I believe it will do more injustice than justice. I believe it will be the beginning of litigation which will outlast the lifetime of every person now living, I believe it is legislation which will not only swindle the United States, but it is legislation which will swindle that class of people who above all other classes have claims upon our good offices, the poor and the humble, and the poorest and most humble of all, the population which we acquired by the treaty of Guadalupe Hidalgo.

The PRESIDENT *pro tempore*. The Senator from Vermont has demanded a division.

Mr. EDMUNDS. Now, Mr. President, I want to demand the right to say something. The poor and the humble are of course the special objects of the guardianship of my friend from Kansas. He is always for them and against everybody else. I have thought that the Committee on Private Land Claims, when it has heard counsel for corporations, mining, and great land-grant corporations claiming under Mexican and Spanish grants and has resisted, as we thought it was right according to what we understood to be the law and the duty of the United States, the grabbing operation which would overturn the settlers and the small claimant, had a right to be considered as not altogether unfriendly to the poor and the humble and the friendless.

But now we have in my friend from Kansas, first, a demand that we should not limit this land-grant business to eleven square leagues, and these big land jobbers, whose representatives are here on this floor—I do not mean personal representatives, but representatives from their States, &c.—object to eleven square leagues, and ask why not leave it to the courts?

The Senator from Kansas misunderstands the scope of this bill as amended by the committee. It does not undertake to deal with or to disturb anybody's legal rights. It undertakes to put the Congress of the United States by this machinery under its law in exactly the attitude that the supreme government of Mexico would have been if we had not acquired this territory, and that is all, and in every one of the cases which come within the definition of this bill that has come before the courts at all the claimant under a Spanish or Mexican grant could not have gone to the courts, but must appeal to the legislative authority of that country to see whether under the circumstances that he could show he was entitled to have a grant at all or not. That is where he stood. It was the incomplete condition that somebody had entered land under the Mexican or Spanish law to which he had not yet acquired any right, depending only on what his government should think fit to do according to the terms of the invitation which was thrown out to him, or the authority that was given him to enter, and then to consider whether he fell within the description of settlement, of pueblo, of mining land, of pastoral land, of irrigable lands, or whatever, and then let the surveyor determine whether it came within the just consideration of what it was entitled to do.

Now, the United States, desiring to do justice to everybody, proposes if this bill passes that these people should have no legal right, but only a right of appeal to the legislative and supreme authority of the government under which they were, if they were still there, and may appeal to us in the same way and we give them a tribunal in which to be heard. That is why the Committee on Private Land Claims has again and again and against the arguments of the most powerful and high-paid counsel for corporations said, "We will not authorize any court, standing as we do in the situation that Mexico did and would if this transfer of territory had not taken place—we will not authorize any court to give to a claimant in that condition more than eleven square leagues of land." The laws of Mexico that I have read and the ordinances from Spain which my friend from Colorado says are not law so provided. That was the government of a king and whatever he authorized his governors, &c., to ordain was law because it was his will. He limited it to four square leagues. There were exceptions undoubtedly to some great military man or somebody who was then required to settle upon that land within a certain time, and as I said before not in our way or for a condition which never could have prevailed until you had judicial process, a new law, that the grant should not take effect at all until the subsequent conditions were complied with.

So we are out of that and we come back simply on the matter of the eleven square leagues to the plain laws of Mexico, to the plain public policy that Mexico had, and which she, being appealed to if the transfer had not been made, would have felt bound, for the interest of her poor and private citizens, the friends of my friend from Kansas and myself, to resist, getting great lumps of land into the hands of combinations of individuals against the common people. That is what we are trying to do.

Now I come to the last section about the settlers on the Rio Grande which my friend says is inadequate and does not go far enough. When a man does not present his claim, the land that he is on becomes public land unless he has a perfect title under the Mexican or Spanish law, and in that case he does not need to present it. We do not put him to any expense at all. He need not go to the courts if he turns out to be on public land, and the fourteenth section was intended to save him. I think it was suggested by my friend from Kansas himself to the Committee on Private Land Claims. I think it was after it got into the Senate. The committee gladly acceded to it and said if this be necessary to provide for securing these settlers on what turns out to be the public lands of the United States in their possession, we are glad to do it. We therefore took the section which I think was suggested by my friend from Kansas, and put it into this bill. That is where we are.

Then the simple thing is that what we are now dealing with are not any legal rights, but only rights that in Mexico, had she the possession of this territory at this moment, would be rights that would have to appeal to the supreme authority there to confirm their claims according to legislative discretion, and exercising this legislative discretion we have provided this bill.

Mr. HAWLEY. Mr. President, the Senator from Kansas will pardon me if I ask the Senator from Vermont to reply to what the Senator from Kansas said about section 9.

Mr. EDMUNDS. Well, let us see what section 9 is.

Mr. HAWLEY. How are you going to give them acre for acre of other lands? It is the easiest thing in the world for a man to surrender one of his incomplete grants, and then he gets simply acre for acre to go on and establish himself on lands open to private entry, when I am told there are none. At any rate, he gets better land than he surrenders.

Mr. EDMUNDS. Section 9 provides:

That if in any case it shall so happen that the lands decreed to any claimant—

That is he has been found entitled to them—

under the provisions of this act shall have been sold or granted by the United States—

Something shall be done. What is to be done then? We have found by the tribunals we have instituted that a certain person, my friend from Connecticut, General HAWLEY, is entitled to 500 acres of land. The United States has thought that to be public land; its administration has so regarded it and has sold it to the Senator from Vermont, Mr. EDMUNDS, who has paid his dollar and a quarter or two dollars and a half an acre and has got the patent. The United States say by this bill, if you pass it, that the patentee under the United States shall not be disturbed, but that the claimant shall have justice done to him by providing a recompense as a substitute for that land to which he otherwise would have been entitled, for you can not give it to both the adverse claimants; the United States has already given it to me by patent, and this court has determined that my friend from Connecticut was really after all entitled to it. What are you going to do then?

You have got to do one of two things: either to say you will not give this claimant anything at all, or that you will turn out the United States patentee and the settler, or else you have to go further and say that one or the other must give up and have a recompense. What is the recompense that is complained of? It is exactly the recompense that in all previous land laws of this kind has been provided, and that is if he can not have those lands he may have some others.

The Senators say that that is not adequate, because in these Territories there are no such lands. That I do not know and I do not believe; but if it were true, then the bill simply ought to be amended by providing that he should have scrip for lands anywhere, whether they are open to private entry or not, because in some way, either by cash or by land, you must make good to him what you have found to be his right, and of which right you have deprived him by giving a patent to me beforehand. Therefore this section has simply followed the course of legislation for one hundred years in respect of cases where people were found to be entitled to land that had already been disposed of by the United States, and must therefore be asked to take something in lieu of it. That is all there is to that.

Mr. PLUMB. One thing the Senator from Vermont overlooked, that is the opportunity for collusion. Supposing it to be true, as he suggested would prove to be so in a number of cases, that land covered by a grant has been sold by the United States, the United States contracts by this bill that it will not disturb the title of the person to whom it has heretofore given possession, but will compensate the grantee by giving him other land. There will be no contention, therefore, between the person in possession under the United States and the holder of the grant. In fact, there will be a practical collusion between those two people to help each other, and therefore one element that would enter into the trial of these causes, the production of testimony or suggestion of facts which would tend to show the invalidity of the grant or limit its extent and so on, is taken away entirely.

But the section is bad in every respect. If the time ever was when the United States gave to the Commissioner of the General Land Office or to a court authority to issue scrip without limit, that time has passed and is to-day. The time within which it was a judicious deposit of power over the public lands of the United States has expired. What the Government would have done forty years ago it will not do to-day, for it has care for the proprieties and the necessities of the situation. It will not do to put into the hands of the courts the power to award large areas to those claimants who are willing to take floating rights instead of rights in place, and then to say to the Commissioner of the General Land Office that he may issue scrip which shall be located upon other public land of the United States.

The power to issue scrip to compensate such grant-holders as desire to have compensation should be left to the Congress of the United States, when the facts are reported, and that power should be held on to until the last moment by Congress for the preservation of the public domain.

Mr. President, pending the motion to adopt the report of the committee, I move to strike out section 9.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas will be read.

The CHIEF CLERK. It is proposed to amend the amendment of the Committee on Private Land Claims by striking out section 9, as follows:

SEC. 9. That if in any case it shall so happen that the lands decreed to any claimant under the provisions of this act shall have been sold or granted by the United States, it shall be lawful for such claimants, or their legal representatives, at any time within one year after the rendition of the final decree in their favor, to execute, and file in the office of the Commissioner of the General Land Office, a release to the United States of all right, title, or claim to the land so sold or granted by the United States; and thereupon there shall be issued by the said Commissioner (under such regulations as may be prescribed by the Secretary of the Interior), to such claimant, or his legal representatives, scrip for an equal amount of acres so released, in quantities not exceeding 640 acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable, acre for acre, in payment for any public lands in said

Territories or States in the State or Territory in which the land grant or claim for which scrip is issued shall be located, that may be subject to private entry at the minimum price.

Mr. RANSOM. Mr. President, I left the impression on the Senate before the recess that this bill would not consume a great deal of time in its passage; and I do not intend to disappoint that expectation or to violate my promise in that regard.

At this late hour of the day in the dying days of the session, I will simply say to the Senate, what they all know as well as I do, that substantially the same bill as the pending amendment of the committee was first reported to the Senate by Judge Thurman, chairman of the Committee on Private Land Claims—a unanimous report from that committee.

It was subsequently at a different Congress reported by the Senator from Vermont [Mr. EDMUNDS] as chairman of the committee, with a unanimous report. At another Congress it was reported by the then chairman of the Private Land Claims Committee, Mr. Bayard, and each time it was passed by the Senate after a lengthy and able discussion upon a vote of at least four to one in its favor.

Now, I have simply to say that large numbers of persons have been here imploring the Senate and the Committee on Private Land Claims to give them some legislation upon this subject. Some of them have preferred the House bill, some have preferred the Senate bill, but all unanimously have asked the committee and the Senate to give them some legislation on this subject.

I will not detain the Senate.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to strike out section 9 of the amendment of the Committee on Private Land Claims.

Mr. PLUMB. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote if present, I withhold my vote.

Mr. DAWES (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY]. Not knowing how he would vote if present, I withhold my vote.

Mr. PLATT (when his name was called). I am paired on all questions with the Senator from South Carolina [Mr. HAMPTON].

The roll-call was concluded.

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. FRYE. My colleague [Mr. HALE] and the senior Senator from Kentucky [Mr. BECK] are absent in the Committee on Appropriations on business of the Senate, and are paired.

Mr. MITCHELL, of Oregon. I am requested to announce that the Senator from Georgia [Mr. BROWN] is paired with my colleague [Mr. DOLPH]. I do not know how they would vote if present.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. HOAR. I have been compelled to be absent in the service of the Senate, and have been unable to hear the debate. I am unable to understand the question, and decline to vote.

The result was announced—yeas 12, nays 28; as follows:

YEAS—12.

| | | | |
|---|---|---|---|
| Aldrich, | Cameron, | Mahone, | Teller, |
| Bowen, | Conger, | Mitchell of Oreg., | Williams, |
| Call, | Hawley, | Plumb, | Wilson of Iowa. |

NAYS—28.

| | | | |
|---|---|---|---|
| Berry, | Fair, | McMillan, | Riddleberger, |
| Blair, | Frye, | Mitchell of Pa., | Sabin, |
| Butler, | George, | Morgan, | Saulsbury, |
| Cockrell, | Gorman, | Morrill, | Sherman, |
| Coke, | Harris, | Palmer, | Vance, |
| Edmunds, | Jones of Arkansas, | Payne, | Walthall, |
| Evarts, | Kenna, | Ransom, | Wilson of Md. |

ABSENT—36.

| | | | |
|---|---|---|---|
| Allison, | Dawes, | Hoar, | Pugh, |
| Beck, | Dolph, | Ingalls, | Sawyer, |
| Blackburn, | Eustis, | Jones of Florida, | Sewell, |
| Brown, | Farwell, | Jones of Nevada, | Spooner, |
| Camden, | Gibson, | McPherson, | Stanford, |
| Chace, | Gray, | Manderson, | Van Wyck, |
| Cheney, | Hale, | Maxey, | Vest, |
| Colquitt, | Hampton, | Miller, | Voorhees, |
| Cullom, | Harrison, | Platt, | Whitthorne. |

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on Private Land Claims.

Mr. PLUMB. I move to add at the close of the last section this further proviso:

*And also provided*, That the claims provided for in this section shall not be required to be proven before the courts, but the Secretary of the Interior is authorized to pass upon the same and issue patents therefor upon satisfactory proof of the fact of occupancy as aforesaid being made therefor, and the cost of such proof shall be paid by the United States.

Mr. EDMUNDS. I have no objection to that.

Mr. RANSOM. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on Private Land Claims as amended.

Mr. PLUMB. Let us have the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. DAWES (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY]. I do not know how he would vote if present, and I withhold my vote.

Mr. PLATT (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

The roll-call was concluded.

Mr. CULLOM. I am informed that the Senator from Delaware [Mr. GRAY] would vote for this bill if present. I will therefore cast my vote for it.

Mr. MITCHELL, of Oregon. My colleague [Mr. DOLPH] is paired with the senior Senator from Georgia [Mr. BROWN].

Mr. WHITTHORNE. I desire to inquire whether the Senator from New Hampshire [Mr. CHENEY] has voted.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is not recorded.

Mr. WHITTHORNE. I am paired with him.

The result was announced—yeas 31, nays 15; as follows:

YEAS—31.

| | | | |
|---|---|---|---|
| Allison, | Evarts, | McMillan, | Riddleberger, |
| Beck, | Fair, | Miller, | Saulsbury, |
| Berry, | Frye, | Mitchell of Pa., | Sherman, |
| Blair, | George, | Morgan, | Vance, |
| Butler, | Gorman, | Morrill, | Voorhees, |
| Cockrell, | Ingalls, | Palmer, | Walthall, |
| Coke, | Jones of Arkansas, | Payne, | Wilson of Md. |
| Cullom, | Kenna, | Ransom, | |

NAYS—15.

| | | | |
|---|---|---|---|
| Aldrich, | Conger, | Mitchell of Oreg., | Van Wyck, |
| Bowen, | Harris, | Plumb, | Williams, |
| Call, | Hawley, | Sabin, | Wilson of Iowa. |
| Cameron, | Mahone, | Teller, | |

ABSENT—30.

| | | | |
|---|---|---|---|
| Blackburn, | Edmunds, | Hoar, | Sawyer, |
| Brown, | Eustis, | Jones of Florida, | Sewell, |
| Camden, | Farwell, | Jones of Nevada, | Spooner, |
| Chace, | Gibson, | McPherson, | Stanford. |
| Cheney, | Gray, | Manderson, | Vest, |
| Colquitt, | Hale, | Maxey, | Whitthorne, |
| Dawes, | Hampton, | Platt, | |
| Dolph, | Harrison, | Pugh, | |

So the amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. BOWEN. I do not desire to call the yeas and nays on the passage of the bill, but simply to announce that I will not vote for the bill as amended by the Senate.

The PRESIDENT *pro tempore*. Shall the bill pass?

The bill was passed.

Mr. EDMUNDS. I move to amend the title to be the title of the Senate bill, which includes one State that is not mentioned in the House bill.

The title was amended so as to read: "A bill to provide for ascertaining and settling private land claims in certain States and Territories."

Mr. RANSOM. I move that the Senate insist on its amendment, and ask for a conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. RANSOM, Mr. EDMUNDS, and Mr. EVARTS were appointed.

## FOURTH OF JULY CLAIMS.

Mr. HARRIS. I move that the Senate proceed to consider House bill 10666, Order of Business 2386.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of House bill 10666.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. CALL. I ask the Senator from Wisconsin [Mr. SPOONER], who reported this bill, to allow me to call up the bill which is Order of Business 1903, informally laying aside this bill.

Mr. HARRIS. I shall object to the calling up of any bill until this bill has been acted upon.

The PRESIDENT *pro tempore*. The Senator from Tennessee objects to the request of the Senator from Florida.

Mr. SPOONER. I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Claims be considered as reached in their order.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

The Secretary proceeded to read the bill.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in line 10, after the word "offices," to strike out the words "the warrants to be delivered to the payees thereof or through the mails," and insert in lieu thereof:

The drafts therefor to be made payable to the order of claimants, or their legal representatives, and to be delivered to the attorney or agent who shall have become entitled, under the act of July 7, 1884, and the rules adopted and to be adopted thereunder, to represent claimants before the Treasury Department, and who shall have filed a power of attorney from the claimant, executed as required by the Secretary of the Treasury, authorizing such attorney or agent to receive such draft, and if there be no such attorney or agent, the said drafts to be transmitted through the mails to the payees.

So as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, upon the requisition of the Secretary of War, without further audit, allowance, or restatement of the claims by the accounting officers, out of any other money in the Treasury not otherwise appropriated, to the several persons in this act named, or to their legal representatives in case of their death since the allowance of their claims by the accounting officers, the drafts therefor to be made payable to the order of claimants, or their legal representatives, and to be delivered to the attorney or agent who shall have become entitled, under the act of July 7, 1884, and the rules adopted and to be adopted thereunder, to represent claimants before the Treasury Department, and who shall have filed a power of attorney from the claimant, executed as required by the Secretary of the Treasury, authorizing such attorney or agent to receive such draft, and if there be no such attorney or agent, the said drafts to be transmitted through the mails to the payees, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers under the provisions of the act of July 4, 1864, since January 14, 1886.

The amendment was agreed to.

Mr. SPOONER. I ask unanimous consent that the reading of the names and the amounts opposite the names be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that the reading of the names and amounts in the bill may be dispensed with.

Mr. SPOONER. And that only the amendments be read.

The PRESIDENT *pro tempore*. Is there objection to that request? The Chair hears none, and that order will be taken. The next amendment of the Committee on Claims will be stated.

The CHIEF CLERK. Page 15, strike out lines 346 and 347, as follows:

To C. R. Holmes, administrator of Luckett Davis, deceased, of Rutherford County, $100.

The amendment was agreed to.

The next amendment was, on page 51, at the end of line 1229, to add "and 60 cents;" so as to read:

To Henry H. McGee, administrator of M. M. Vickers, deceased, of Stewart County, $265.60.

The amendment was agreed to.

The next amendment was, on page 58, at the end of line 1395, to insert "and 50 cents;" so as to read:

To James Canaday, of Webster County, $125.50.

The amendment was agreed to.

The next amendment was, on page 60, in line 1447, to strike out "dollars" and insert "cents;" so as to read:

To Agnes Heral (or Herrel) widow of Noah Heral (or Herrel), deceased, of Butler County, $11.25.

The amendment was agreed to.

Mr. HARRIS. On page 8, line 176, the name ought to be "Aris" instead of "Avis;" so as to read:

Aris Brown.

The PRESIDENT *pro tempore*. The correction will be made by the Secretary.

The next amendment of the Committee on Claims was, on page 62, in line 1494, before the word "cents," to strike out "seventy" and insert "seventy-two;" so as to read:

To William Mix, of Jefferson County, $318.72.

The amendment was agreed to.

The next amendment was, on page 83, at the end of line 2021, to add "and sixty cents;" so as to read:

To Allan D. Huddleston, of Fayette County, $9.60.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. SHERMAN. This bill is the result of a folly by Congress. Under existing law all these claims are passed upon in the ordinary course by the accounting officers of the Treasury Department. It is only recently that they have been required to be sent to Congress for enactment into law. It is a gross outrage to every claimant named in this bill. These persons ought to be paid promptly by the proper department as by law they have been paid until recently; and the requirements of recent laws that these claims should be sent to Congress to be enacted into a great bill like this is an injustice to every claimant, delays him in the collection of his debt, compels him to employ an attorney, and the first section of the bill makes a provision by which the attorney has a lien upon the draft for the payment of the claim, and to my certain knowledge in such cases what is exacted of these small creditors of the Government is an outrageous fee, sometimes amounting to 20, 30, 40, or 50 per cent.

Mr. COCKRELL. Never less than 25 per cent.

Mr. SHERMAN. I say this whole bill therefore is an outrage against private citizens all over the United States, and the law which requires these little claimants to come here and employ an attorney in order to get these sums, amounting to from $10 up to $100 or $200, is wrong, and I trust the Committee on Claims will provide a remedy.

Mr. HARRIS. The attorneys are not employed to come to Congress; they are employed to appear before the executive departments, not before Congress. But the rule for quite ten years or more—how much further back I do not know—has been that a bill similar to this has come to Congress every session to appropriate the money to pay the claims that have been audited and allowed by the accounting officers of the Treasury.

Mr. SHERMAN. If the gross sum should be appropriated, that would be well and good; but I know when I was exercising the powers of Secretary of the Treasury that attorneys received these drafts and held them and refused to hand them over, and sometimes were compelled to do so by process of law, and in many cases were disbarred from practicing before the Department because they exacted from claimants unreasonable and improper fees.

Mr. COCKRELL. I should like to ask the Senator from Ohio if the law requiring these claims to be reported to Congress item by item and name by name has not been in existence for the last fifteen years?

Mr. SHERMAN. It has been probably within ten years. It was done about 1873, or 1874, or 1875. At all events the law authorized these claims to be passed upon and to be paid by the regular accounting officers formerly.

Mr. COCKRELL. It is certainly over fifteen years since the change of the law was made requiring all these claims to be sent by the Secretary of the Treasury to Congress—claims for back pay and bounty and horses lost in the various wars, horses lost in the last war, and all the Fourth of July claims as they are called under the act of July 4, 1864.

Mr. SHERMAN. Another thing that ought to be done which would cut off this long list is, that no claim should be presented against the United States for lost horses, cows, and little injuries that were done from time to time, after a period of five or ten years' limitation.

Mr. COCKRELL. There has been a limitation.

Mr. SHERMAN. That would cut off the great body of these.

Mr. COCKRELL. But the claims have been pending unadjusted. I have no doubt that in the books you will find claims for horses lost by soldiers in the Mexican war, which have been pending in the Department ever since and never admitted until now; and so for horses lost during the last war. There is a limitation upon the presentation of the claims. I reported a bill myself that had a limitation placed on the presentation of claims for horses lost not only by soldiers but also by civilians. There is a limitation now and they can not present those claims.

Mr. SHERMAN. There is no limitation of time against the United States that I am aware of in this class of claims.

Mr. TELLER. The Senator is mistaken about that.

Mr. COCKRELL. I did not catch what the Senator from Ohio said.

Mr. SHERMAN. I do not think there is any limitation against the presentation of claims by private citizens against the United States, but there may be in certain classes of claims.

Mr. COCKRELL. There is a limitation right here in this bill. A claim under the act of July 4, 1864, for quartermasters' stores or commissarys' supplies has not been received by any of the Departments since the 1st day of January, 1880. There is the express limitation. These claims were presented long before the 1st of January, 1880. Fifty-eight thousand claims have been filed under the law of July 4, 1864, before the Quartermaster-General, and there are four thousand claims still pending. Persons began to file them in 1864, and they continued up to the 1st of January, 1880, when by an act passed in 1879 a limitation was placed upon the further presentation of all such claims. The Departments have been ever since 1880 considering the claims filed prior to that time, and I think they have now about three thousand claims still unadjusted.

Mr. SHERMAN. I ask the Senator if the great body of these claims were not old claims growing out of the war?

Mr. COCKRELL. They all grew out of the last war, every one of them. These claims are for quartermasters' stores taken by the Army during the war in the loyal States; that is, in Missouri, in Kentucky, in Maryland, and in certain portions of Tennessee which were declared by proclamation of the President not to be insurrectionary territory, and they are confined entirely to loyal claimants for property taken by the Army and used for Army purposes, not mere losses or damages or anything of that kind.

Mr. SHERMAN. I ask the Senator when were these claims run out?

Mr. COCKRELL. They can not be presented now. Not one of the

claims provided for by the bill has been presented since January 1, 1880. They can not be presented any more. These are the old claims that have been pending. Some of them were presented in 1866, 1867, 1868, and along there and only lately disposed of. Till now the Quartermaster-General has disposed of about 54,000 or 55,000 of these 4th of July claims.

Mr. SHERMAN. What is the use of sending them here to be enacted into law?

Mr. COCKRELL. I do not think myself there is any great propriety in sending them here. We have only changed a few of them. Occasionally we strike out a claim. The Committee on Claims has occasionally stricken out a claim, and sometimes we have recommitted one. The Commissary-General has disposed of all claims filed before him for commissary stores. He has acted upon all of them and they are out of the way; and the Quartermaster-General is year by year acting upon the claims for quartermasters' stores and getting rid of them. There are about three thousand yet.

Mr. HOAR. I suppose these claims are sent here on the same principle that judgments of the Court of Claims are sent here for an appropriation. It is considered as a certain additional safeguard. Although we pay them on the auditing of the Treasury officers, yet Congress has its eye on them and it prevents any abuse.

Mr. COCKRELL. It was intended, doubtless, as a check on them to have their findings reported to Congress.

Mr. SHERMAN. There is another provision here. This must be a new law or it would not be here I presume.

Mr. COCKRELL. The first part?

Mr. SHERMAN. Yes, sir.

Mr. COCKRELL. There is no doubt about that. I never saw that in any bill before.

Mr. SHERMAN. The drafts for the claims of loyal claimants are required by this bill——

> to be made payable to the order of claimants, or their legal representatives, and to be delivered to the attorney or agent who shall have become entitled, under the act of July 7, 1884, and the rules adopted and to be adopted thereunder, to represent claimants before the Treasury Department.

And the attorney holds these drafts—has a lien upon them for any demand he may make against the claimant. In certain cases that transpired in the Treasury Department, they refused to send the drafts to the owners. As a matter of course the attorneys could not draw the money unless they forged the name of the payee. That of course could not be done except under the pains and penalties of forgery, but they could hold the drafts and demand unreasonable fees, and did in repeated cases demand unreasonable and grossly outrageous terms against the poor people whose claims they held, sometimes amounting to 50 per cent. of the amount of the claim.

I have always thought that under the law which was passed, the Senator says, fifteen years ago, these claims ought to be passed upon rapidly by the various Departments of the Government, and they should be furnished with enough force to act upon them promptly, not to delay the claims, and when they are passed the money ought to be sent directly to the owner of the money and not placed in the hands of an attorney, but the attorney should be left to settle with the claimant himself.

I have seen these bills passed very often since I have been a member of the Senate of late years, but it has always seemed to me a waste of labor for them to be sent here and acted on in this formal way.

Mr. TELLER. This is no unusual bill, unless it is the provision referred to in the first section. These bills have been coming here certainly for the last ten years through the Committee on Claims.

Mr. COCKRELL. Longer than that.

Mr. TELLER. Certainly, but I only speak for that time, because I have had some knowledge of the committee most of the time since. These are claims, as stated by the Senator from Missouri, that have been filed long ago, and the claimants have waited a long while for the Government to adjudicate their claims, but they have come pretty promptly from the Department to Congress every session as fast as they have been adjudicated.

It is not any very great hardship upon a claimant that his case goes through these forms, because the claims never have been delayed since I have been a member of the body. The bills have passed promptly. The hardship has been the long delay in settling them in the War Department. That has been partly due to the lack of clerical force, and partly in some instances due to the fact that after the parties filed their claims they did not follow them up with the proper proof.

The Senator from Ohio thinks there is no limitation against filing claims. He will find that the statute provides as to horses and things of that kind a time of several years, and all those claims are now barred by statute. I believe the Government of the United States never has any limitation when it may make a claim upon the citizens, but the citizen is barred in very many of these cases in making his claim against the Government, and I believe in all this class of claims he is now barred.

Mr. COCKRELL. The Senator will recollect that under the act of 1849 claims could be presented by soldiers and by civilians for horses lost or property impressed into the service. In 1874 a limitation was placed upon the presentation of claims of soldiers, and about 1877 or 1878 I reported a bill from the Committee on Military Affairs, and it was passed, removing the limitation upon the soldiers' claims, and subsequently another bill was passed which extended the limitation and then made a bar to all claims under the act of 1849.

Mr. TELLER. That is the fact.

Mr. COCKRELL. And as to claims under the act of July 4, 1864, the limitation was put on them in 1879, and all claims were required to be filed before the 1st day of January, 1880. In the year 1879 several thousand claims were filed, and for a number of years the Quartermaster-General who was then acting decided that he had to pass upon these claims, and that he ought to have an agent sent to the neighborhoods where the claimants resided to procure testimony, and that was done in nearly every solitary instance. We finally amended the law so that three or four different officers in the Quartermaster-General's Office could pass final judgment upon the claims, and they have been disposing of them very rapidly, and I suppose they will probably finish the disposition of these cases during the coming fiscal year. I do not think they will get through this year, but they will probably finish in next year. Of the whole number, 58,000, there will be probably from forty-three to forty-four thousand of these claims that will be rejected or disallowed, where nothing will be allowed at all; but some of those claims are as just and meritorious as any claims which have been allowed, but they have been rejected for some technicality.

Mr. SHERMAN. I will ask, if it is not too late—if so I do not wish to move to reconsider, but I hope it will be regarded as not too late—to take a separate vote on the amendment contained in the first and second pages of the bill, requiring the drafts to be delivered to the attorneys.

The PRESIDENT *pro tempore*. The Senator has a right to ask that the vote may be renewed in the Senate on the amendment to which he refers.

Mr. SHERMAN. I ask then that a separate vote be taken on the first amendment in the bill, on pages 1 and 2, which requires the drafts to be sent to the attorney and gives him a lien on the draft for the payment of his fees.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. The amendments will be considered as concurred in, except the one reserved by the Senator from Ohio. Is the Senate ready for the question on that amendment?

Mr. RIDDLEBERGER. I reserve the whole bill.

Mr. SPOONER. Similar bills, I understand, passed by the House of Representatives hitherto have contained no provision whatever directing the manner in which this money should be disbursed by the Treasury Department. This year we find in the bill as it comes to the Senate in the tenth and eleventh lines of the first section the words:

> The warrants to be delivered to payees thereof or through the mails.

A great many complaints have been communicated to the Committee on Claims from attorneys and agents who represent these claimants. They protest, and it has seemed to the committee with very great force and very great justice, that the provision requiring these drafts to be transmitted to the claimants is unjust to them, and is in a measure trampling upon rights which they fairly possess.

I understand it is true that while the Senator from Ohio was Secretary of the Treasury, and during perhaps some administrations since, there has been difficulty at times between claimants and their attorneys, but I am told the number of cases in which there have been such difficulties compared with the whole number of attorneys is very few.

In 1884, in order to guard somewhat against a recurrence of the difficulty, Congress passed an act giving the Secretary of the Treasury power to make a roster of attorneys and agents who should be admitted to practice before that Department, with power to disbar men once admitted if they were found to have violated any of the rules of the Department or to have been guilty of unprofessional or dishonorable conduct.

I hold in my hand, and it was very carefully examined by the Committee on Claims, the circular issued under the act of July 7, 1884, by the Treasury Department, prescribing the terms under which attorneys and agents might be admitted to practice in that Department and to represent claimants upon such claims, and also prescribing under what circumstances drafts should be delivered to the attorney or agent instead of being transmitted directly to the claimants. I ask the attention of the Senate for a moment to the provision of the circular upon that subject:

> 4. The head of any bureau may require an attorney or agent to present satisfactory evidence that the claimant has authorized him to prosecute the claim, but no draft will be delivered to such attorney or agent, unless he files a power of attorney, duly witnessed and acknowledged, expressly authorizing him to receive it.

It has seemed to the committee that where a claimant employed an attorney, entered into a contract with him, agreeing upon the compensation which he was to receive, executed in accordance with the requirements of the Secretary of the Treasury, acknowledged and under seal, a power of attorney authorizing the delivery of the draft to the attorney, it was not just or fair, after the service had been rendered by an attorney qualified under the law and under this circular, and pos-

sessing the power of attorney, that Congress should step over his head, ignore his claim for compensation under the power of attorney authorizing him to receive the draft, and transmit the draft directly to the claimant.

We have provided with great care in this amendment that the draft shall be made payable to the order of the claimant, so that the money can not be drawn without the indorsement of the claimant, and that it shall only be delivered to the attorney or agent where he had been admitted to practice under this proposed law and under the rules of the Treasury Department, and possessed the power of attorney to receive the draft.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him what claim he proposes to pay? I have heard the argument in behalf of the attorney. What claim does he propose to pay?

Mr. SPOONER. I propose to pay all these claims if there is honesty enough in Congress to do it, as I presume there is.

Mr. RIDDLEBERGER. I should like to know what they are.

Mr. SPOONER. Some of these attorneys are very reputable gentlemen. Some of them are attorneys at law, some of them are agents simply, but men of good standing, men who are all commended under this circular by some judge of a United States court to the Secretary of the Treasury, men whose character for integrity is proven to the Secretary. They tell us that these claims are small. That we see. They tell us that the claimants are in distant States; that they are scattered. That we know. They tell us that if the drafts are delivered directly to the claimants for these small amounts, and they are left to sue the claimants or to depend upon the honesty of the claimants, in half of the cases they will not receive their compensation under those circumstances.

This proposed law does not give the lien; it is the agreement between the client and his attorney that gives the lien. We have thought, under all the circumstances, that it was not more than fair and just that these drafts made payable to the order of the claimants should be delivered to the attorneys and agents admitted by the Secretary of the Treasury under these rules and regulations and under the law.

Mr. VAN WYCK. May I interrupt the Senator a moment? I understood the Senator to say it did not give any lien to the attorneys.

Mr. SPOONER. No, sir, not as a lien.

Mr. VAN WYCK. Is it not practically a lien when you put it in his possession to hold it, of course, until he may receive his fee?

Mr. SPOONER. Certainly.

Mr. VAN WYCK. It is substantially a lien?

Mr. SPOONER. You may call it a lien. It is a delivery by the United States of a draft belonging to A to B under a power of attorney from A authorizing B to receive it; that is all.

Mr. SHERMAN. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Wisconsin has not yielded the floor, the Chair understands.

Mr. HARRIS. I have just suggested to the Senator from Wisconsin that the Senate strike out all the House provisions, that provision which the Senate committee has recommended to be stricken out, and insert nothing, leaving the Treasury Department under its own rules and regulations to send the draft to the attorney or to the claimant, as its rules and regulations may require.

Mr. SHERMAN. It seems to me that it would be a proper disposition of the question to strike out the words proposed, that have been inserted in the House, which require that in all cases the warrants shall be delivered to the payee thereof, and to strike out the amendment agreed to by the Senate, so that the Treasury Department may have the power over these attorneys that it has always exercised, and if an attorney fails to deliver a draft under reasonable circumstances for fair compensation it may have the power to enforce its delivery or issue a duplicate draft. In some cases while I was there duplicate drafts were issued directly to the claimant in order to avoid the claim made by the attorneys. I think probably it will answer the purpose to agree to so much of the amendment of the committee as proposes to strike out the House provision, and disagree to the amendment proposed by the committee, inserting the words "the draft therefor to be made payable," &c.

Mr. SPOONER. I have no objection to that.

The PRESIDENT *pro tempore*. The Chair understands that the proposition is to disagree in the Senate to the amendment made as in Committee of the Whole.

Mr. HOAR. To divide the question.

Mr. SHERMAN. To agree to strike out the words proposed to be stricken out and to disagree to the amendment proposing to insert other words.

The PRESIDENT *pro tempore*. A motion to strike out and insert is not divisible.

Mr. HARRIS. Very well; disagree to the amendment reported by the committee, and then it will be in order to move to strike out other words; and I will make that motion if some other Senator does not.

The PRESIDENT *pro tempore*. Then the amendment made as in Committee of the Whole will be non-concurred in in the Senate, and the Senator from Tennessee now moves to amend.

Mr. HARRIS. I move to amend by striking out, beginning in line 10, the words:

The warrants to be delivered to the payees thereof or through the mails.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, line 10, after the word "offices," strike out the words:

The warrants to be delivered to the payees thereof or through the mails.

The amendment was agreed to.

Mr. HARRIS. In line 10, the word "offices" should be "officers;" so as to read, "by the accounting officers of the Treasury," instead of "offices."

The PRESIDENT *pro tempore*. That amendment will be made, if there be no objection.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist upon its amendments, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. CHENEY, and Mr. JONES of Arkansas were appointed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes;

A bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.;

A bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein; and

A bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River;

A bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana; and

A bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River.

The message further announced that the House had passed the bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HALE. I ask that the legislative appropriation bill be laid before the Senate for reference.

The bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

## JOSEPH FRANCIS.

Mr. EVARTS. I move that the Senate take up the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDENT *pro tempore*. If there be no amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

Mr. COCKRELL. Before it is reported to the Senate, I wish to say that this is a very remarkable measure, and it has been pressed with a great deal of pertinacity. It is an individual measure for the relief of this gentleman. It seems that he is exceedingly anxious to get a gold medal, and that he has—the effrontery, one of my friends suggests—to come here and beg the Senate to confer upon him a gold medal. I think it is a very small piece of business. I ask that the appeal of another gentleman, who contests the right with this claimant, may be read and spread upon the record.

The PRESIDENT *pro tempore*. The paper referred to will be read.

The Chief Clerk proceeded to read the paper, and having read for some time—

Mr. SHERMAN. I ask that the document may be printed in the RECORD without being read at length. I suppose the Senator from Missouri desires only to have it placed in the RECORD.

Mr. COCKRELL. I have no objection to the document being printed without being read.

The paper referred to is as follows:

APPEAL OF CAPT. DOUGLASS OTTINGER AGAINST THE PASSAGE IN THE SENATE OF HOUSE RESOLUTION 125, FIRST SESSION FORTY-NINTH CONGRESS.

This resolution proposes the thanks of Congress and a gold medal to Joseph Francis for the "construction and perfection of life-saving appliances." The House Report No. 529, first session Forty-ninth Congress, goes further and gives him the credit of the "invention" of the life-car. For this reason Capt. Douglass Ottinger (the actual inventor) objects to the passage of the resolution in the Senate, and respectfully asks the Senate to consider the following facts in the case, taken from official or other reliable sources:

I.

In 1848 an appropriation was made by Congress, not confined to light-houses, but to be expended on the coast of New Jersey, between Sandy Hook and Little Egg Harbor, to the extent of $10,000, under the supervision of such officers as should be detailed for this duty by the Secretary of the Treasury; it was "to provide surf-boats, rockets, carronades, and other necessary apparatus for the better preservation of life and property from shipwreck." (U. S. Statutes at Large, vol. 9, page 322.)

II.

On the 18th of October, 1848, the following order assigned Capt. Douglass Ottinger, of the United States Revenue Marine Service, to take the supervision of the expenditure of the above appropriation:

TREASURY DEPARTMENT, *October* 18, 1848.

SIR: Ten thousand dollars were appropriated by an act of the last Congress, to be expended under the supervision of such officer as may be detached by the Secretary of the Treasury.

"For providing surf-boats, rockets, carronades, and other necessary apparatus for the better preservation of life and property from shipwreck on the coast of New Jersey, between Sandy Hook and Little Egg Harbor."

The Department having asked the co-operation of the Board of New York Underwriters, in giving effect to the law, and that board having appointed Messrs. Walter R. Jones, Alfred P. and Alfred O. Ogden, a committee to act with the officer the Department may designate to superintend the arrangements, the Department has selected you for the duty thus indicated.

I have accordingly to request that you will report yourself to those gentlemen, and after informing yourself of their views touching the best means of carrying into effect the objects of Congress, that you will superintend such arrangement as they may direct, for that purpose, observing not to sanction any arrangement which will involve a greater expenditure of money than the amount of the appropriation.

I am, sir, very respectfully, your obedient servant,

R. J. WALKER,
*Secretary of the Treasury.*

Capt. D. OTTINGER,
*United States Revenue Marine, New York.*

The following official communication addressed by Captain Ottinger, May 21, 1849, to the then Secretary of the Treasury, reports the performance of the duty required by the previous Department order of October 18, 1848:

NEW YORK, *May* 21, 1849.

SIR: I have the honor to state that the duty assigned to me by order from the Department, of October 18, 1848, for carrying into effect the law of Congress for the preservation of life and property from shipwreck on the coast of New Jersey, between Sandy Hook and Little Egg Harbor, has been performed, and I respectfully beg leave to offer the following report:

The committee appointed by the Board of New York Underwriters, at the request of the Secretary of the Treasury, and by whom I was advised, selected, as proper places for surf-boat stations, eight points between Sandy Hook and Egg Harbor, and at each there has been constructed a frame boat-house, 28 feet long and 16 feet wide in the clear, containing all the articles as per receipts herewith inclosed.

The galvanized iron surf-boats were adopted on account of their durability, and not being likely to need repairs for a long time. This kind of boats are coming into use very fast, and I think them peculiarly suited to surf-boat stations, as they are not liable to become leaky, and therefore always ready for use. The boats which are at the several stations have a floating power which will sustain 15 persons when they are full of water.

The life-cars are also made of metal, with air chambers of the same material, and, in addition, are fitted with the India-rubber floats and fenders invented by General Santon, United States Army. These cars are constructed on the principle of a buoy and intended to pass through the surf when the surfmen dare not venture off. They are to be hauled to and from the stranded vessel by means of hauling lines attached to each end, and are protected from injury by contact with the ship's side by the inflated floats; these were adopted by R. B. Forbes, esq., to give the boats constructed by him for the Massachusetts Humane Society the essentials of life-boats; and I would here respectfully remark that I believe these fenders could be applied to the boats of the revenue cruisers with great effect, as they could not only give the men and officers increased confidence in boarding vessels at sea when on relief duty, but would protect the boats from being injured by contact with the vessel's side, and keep them fit for service much longer than they would be without such protection.

The rockets, with which the stations are furnished, were imported by R. B. Forbes, esq. The largest are 6 pounds, and will carry out 270 yards of line, weighing nine-tenths of an ounce per yard; the cost of each is about $5. With the mortar and shot, using 5 ounces of powder for a charge, I have thrown out 320 yards of the same line; rockets have generally been preferred on account of not breaking the line, as their motion is an accelerated one.

The shot, on the contrary, has its greatest velocity at the moment its action is felt upon the line, which has been a great objection to using the "carronade." This difficulty has been completely overcome, so far as we have tried it, by putting three small turns of small soft wire through the eye of the shot, with five or six spiral turns just outside of the muzzle.

I have recently been at each of the stations, and delivered all the articles in safety, and instructed the persons in whose charge they were left in the mode of using them, and left with each a card of printed directions, a copy of which I herewith inclose. I am apprehensive that it may appear to the head of the Department that much time has been occupied in bringing this duty to a close; but I would respectfully state, in explanation, that, notwithstanding the high intelligence of the committee and the valuable information which I received from them, yet there was much that we required which could only be obtained by experiment, and frequent alterations and delays were unavoidable. As it was of much importance that the apparatus should be reliable, all the articles, except the life-cars, have been practically tested, and these are approved by most of the intelligent surfmen, and also by Mr. Francis, boat-builder, at the Novelty Works, who has spent much time in obtaining information on the subject of life-boats and life-saving apparatus; and we availed ourselves of his experience in constructing them.

As the efficiency of the apparatus at the surf-boat station depends almost entirely on the projectiles being kept in proper condition, and the persons in whose charge they are left receive no compensation, and can seldom spare the time necessary to keep them in good order, I would respectfully propose that the commanders of revenue vessels, within whose cruising limits the stations are, should visit them once every two months and examine the apparatus, with the person having charge of the same, and have the mortar and shot cleaned, and the lines recoiled. The individuals in charge of the boat-house, and the people generally along the coast, appear to feel much interest in this matter, and, I believe, will exert themselves to make it useful.

I have the honor to transmit herewith the deeds for the land on which the boat-houses stand, and six receipts for the articles furnished for each station. There are two others, which were left to be signed, as the heads of the families were absent from the stations. There has been expended, as per bills transmitted to the Department, $9,848.61, which has provided the eight stations with all that was supposed would be necessary and useful.

I am, sir, very respectfully, your obedient servant,

D. OTTINGER,
*Captain United States Revenue Marine.*

Hon. W. M. MEREDITH,
*Secretary of the Treasury.*

(Report No. 403, first session Thirty-fifth Congress, Hon. E. B. Washburne, Committee on Commerce.)

IV.

Articles contained in the different houses at the life-saving stations, coast of New Jersey, established by the United States, and furnished under the supervision of Captain Ottinger:

One boat-house, 29 by 16 feet.
One metallic surf-boat with air-chambers and cork fenders.
Seven oars and two India-rubber bailing buckets.
One metal life-car with India-rubber floats and fenders, and rings and chains for each end.
One manila hawser, 4½ inch, 180 fathoms.
One hauling line, 2½ inches, 310 fathoms.
Two rocket lines, 9.10 ounces per yard, 300 yards each.
One coiling frame for rocket line and box.
One crotch and range for throwing rockets.
One sand anchor strop and bull's eye.
One tackle with 20 fathoms fall of 2½-inch manila.
One heaver and strop.
One mortar of iron, and 10 shot fitted with spiral wire.
One copper powder canister and 4 pounds powder for same.
Twelve blue lights and box containing 50 quick matches.
Five rockets and rocket box of tin.
Eight pieces of match rope, and 12 pieces of port fire.
Two lanterns and oil can, and oil for same.
One lamp feeder and wick.
One stove and pipe and zinc.
One cord of wood and 10 pounds of oakum.
Two shovels and shot hook.
One priming wire and two shot boxes, zinc.

Very respectfully, your obedient servant,

D. OTTINGER,
*United States Revenue Marine.*

V.

"Card of printed directions," left by Captain Ottinger at each station equipped by him for the United States, prior to May, 1849, as referred to in his letter to the Secretary, May 21, 1840.

---

DIRECTIONS FOR USING THE LIFE-SAVING APPARATUS—TO THROW A LINE WITH A SHOT AND MORTAR.

First wipe the chamber and bore of the mortar clean, and clear the vent with the priming-wire, then raise the muzzle and put in the powder, measured by filling the top of the canister; wipe the shot clean and place it in the mortar, with the eye up, taking great care to keep the spiral turns in the wire which is attached to it, for on that depends the sweep of throwing the line to the stranded vessel. Then dig away the sand until the bed of the mortar lies level. This gives the piece 20° elevation, and is the best angle for throwing 350 yards. Point the mortar in line with the weather rail, if the vessel lies "head on" and the wind along the beach, but for her mainmast, if the wind is blowing on shore. Make the line fast to the wire, and lay 20 or 30 yards of it in front of the mortar, or to the water's edge; put in a quick match and fire, taking care to stand by the side of the mortar and not behind it. The box with the line should be placed 8 or 10 yards in front and about 2 yards aside.

TO PREPARE THE SMALL LINE.

Coil it from one pin to the opposite one on the "coiling frame," until there is one turn on each pin, then cross it in the same manner, and continue to do so until the whole is coiled, and take care to keep it slack enough to slip off the pins when you turn them down into the box, which will require three persons, as care must be taken to have all the line leave the pins at the same time as near as possible. There are two shots of rocket-line, each 310 yards long; and if the stranded vessel is at a greater distance than 300 yards from the beach, both lines must be bent together, and one tablespoonful of powder added to the charge, with a piece of thin paper laid over it, and the shot put in while the muzzle is up, as much of the force is lost if the powder is not kept in the chamber of the piece. Much care should be taken to have the end of the small line made fast before turning it off the pins into the box, or both shot and line may be lost.

TO USE A ROCKET.

Point the "range" so as to be in line with the mastheads, and for the weather side of the vessel; secure the "crotch and range" well in the sand; secure the rocket to the staff with the small wire, then place it in the "range." Bend on the small line, and place the box in which it is coiled directly behind the "range;" put the quick match in the vent of the rocket, and touch it with your match.

TO SEND A HAWSER.

The small line having been thrown to the vessel, bend on the hauling-line, and when the persons on board the ship get hold of it, reeve the end of the hawser through the rings of the life-car, and secure the end to the small line, and let them haul the hawser on board; then put on your tackles and haul it tight, and make use of the small line for hauling the car off and on. Should the cold be severe, it would be better to send a person from the shore to the ship, as he could manage matters more promptly than persons suffering from exposure. The doors of the car should be carefully examined, and the pins tried to see that they are not rusted in.

TO USE THE MATCH ROPE.

Let it be well lighted, and it will then burn at the rate of about 3 inches per hour. If there is any objection to standing by the mortar when it is fired, let some powder be moistened in the hand, and worked into a stiff paste, which will

stick to the top of the quick-match, and will burn a sufficient time to allow the person who fires it to go from the piece.

When the mortar is not in use, the chamber should be kept filled with oil, and the bore be oiled at least once a month.

The powder canister should be kept with the top carefully screwed on, and the tin boxes containing the rockets, &c., to be kept closed.

If the apparatus is used at night, a "blue light" should be burned before firing, so that the persons on board the ship can see what you are preparing to do. This light can be held in the hand, and in such a position as best to show the apparatus.

Very respectfully, yours,

DOUGLASS OTTINGER,
*Captain United States Revenue-Cutter Service.*

(See pages 32 and 33 of the report of "the Life-Saving Benevolent Association of New York" for 1853, and reprinted in 1883.)

VI.

The following extract from a letter in reply to one from Hon. W. A. Newell, M. C., House of Representatives, January 12, 1849, and written by Captain Ottinger, while establishing the first life-saving stations, shows his early idea of the life-car:

NEW YORK, *January* 16, 1849.

DEAR SIR: I take much pleasure in giving you information on the subject of your letter; and although it may appear that we have not progressed rapidly, yet we have been constant in our efforts to bring the matter to good account, and have called to our assistance several of the most intelligent surfmen along the coast, who have selected a boat as a model by which those provided for in the appropriation are to be constructed.

We have selected eight stations on the beach, within the limits embraced in the law "for the preservation of life and property from shipwreck on the coast of New Jersey," and design to have at each of them a frame house of the most substantial kind, to be furnished with a galvanized iron "surf-boat," with ten separate air chambers, 180 fathoms of hawser, 360 fathoms of hauling line, 600 yards of rocket line, rockets, &c.

Stoves and fuel will also be placed in the buildings, which will be sufficiently large to shelter persons and goods. In addition to the surf-boats, I propose to have a "life-car" at each station, which is designed to be sent to the stranded vessel when the wind and sea are too heavy for the best constructed boats to live. I have not yet had the car approved of by the committee of the Board of Underwriters, by whom I am advised in these matters, but I have no doubt it will meet their approbation.

I am much indebted to Maj. Henry Wardell, one of your constituents, for valuable information on the subject of my present duties; and during my recent visit to that vicinity I had the satisfaction of hearing remarks from several intelligent persons, which evidenced that the people throughout the neighborhood were gratified that the Government is about to place under their control more efficient means to enable them to extend their usefulness in saving life and property from shipwreck.

I have made some experiments in throwing a line from the shore to a vessel with a rocket, which was witnessed by Messrs. Suydam and Jones, of the committee, and several other gentlemen, who accompanied us in the United States revenue cutter outside of Sandy Hook, at which I fired several rockets with lines attached, and threw out 250 yards of line, weighing 1.62 ounces per yard, with which we tested the practicability of sending a hawser from the beach to a boat or vessel.

The rockets used on that occasion were imported by R. B. Forbes, esq., of Boston, who is the executive officer of the Massachusetts Humane Society, and is constructing surf-boats from the appropriation of $5,000 given by Congress to that society.

Captain Forbes informs me that Colonel Talcott, of the ordnance at Washington, has offered to furnish rockets from the arsenal at that place; for humane purposes and from experiments recently made by the officers in the pyrotechnic department, it is believed that he can produce rockets fully equal to those imported.

It is my intention, as soon as the weather will permit, to make some trials in throwing a line by means of a mortar and shot, and am of the opinion that we will also place them at the several stations. I can scarcely answer your inquiry respecting the persons to whom the boats are to be intrusted; but from what I can learn on that point, my opinion is that the surfman who first arrives at the boat-house should have the privilege of taking charge of her for that occasion, provided he has the ability to take the "steering-oar;" and if he has not, none of the others will place themselves under his command.

I am, very respectfully, your obedient servant,

DOUGLASS OTTINGER,
*Captain United States Revenue Marine.*

Hon. W. A. NEWELL, *Member of Congress.*

(See Report 403, first session Thirty-fifth Congress.)

VII.

REPORT OF COMMITTEES OF COMMERCE.

May 14, 1858, Hon. E. B. Washburne, from the Committee on Commerce (first session Thirty-fifth Congress), reported (No. 403) that "the committee are satisfied that Captain Ottinger is the original inventor of the life or surf car, and that he has devoted the same to the use of the United States, and that the Government is now using them at fifty-two different stations on the coast. The evidence before the committee is conclusive as to the great value of the invention of Captain Ottinger as a means of saving life. The present Secretary of the Treasury, the Hon. Howell Cobb, in answer to a letter from the committee says, "It has proved of incalculable value in the saving of human life;" and he mentions the case of the wreck of the ship Ayrshire, on the Jersey coast (when it was impossible for any boat to reach her in consequence of the heavy surf rolling in upon the beach), where, by means of this invention, every one on board was saved—men, women, and children, and even infants in their mothers' arms.

As Captain Ottinger, with a laudable public spirit, has for many years devoted his valuable invention to the use of the United States, and has received no compensation therefor, your committee deem his claim for some remuneration not unreasonable. They are prepared, therefore, to recommend the passage of a bill granting him an amount not only as a remuneration for the use of his invention, but to enable him to make some further experiments to test its practicability in rescuing passengers and crews during violent gales at sea.

The committee then "recommended the passage of a bill * * * as a remuneration for the use of his invention," &c. The bill became a law, and reads as follows:

An act for the relief of Captain Douglass Ottinger.

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That there be paid to Capt. Douglass Ottinger, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, in full compensation for the use of his invention of the life or surf-car by the United States; and also to enable him further to test the practicability of adapting such car to the rescuing of passengers and crews during violent gales at sea.

Approved February 14, 1859. (Page 559, volume 2, Statutes at Large.)

VIII.

GOVERNOR NEWELL'S LETTER.

October 16, 1859, Hon. William A. Newell, then governor of New Jersey, in a letter addressed to Captain Ottinger from the "executive department," among other things, said: "I assure you that I shall never cease to know or remember you as one * * * to whom the people of New Jersey are almost entirely indebted for the valuable apparatus which has been the means of saving so many lives," &c. (See Report 403, first session, Forty-fifth Congress.)

Extract from report in 1853 (reprinted in 1883) of the Life-Saving Association of the city of New York, incorporated in March, 1849:

"The surf or life car was invented by Capt. Douglass Ottinger, of the United States revenue-cutter service, in 1849, since which time they have been frequently used in rescuing the passengers and crews from wrecked and stranded vessels on the Atlantic coast, and hundreds of lives saved by them. * * * Mr. Joseph Francis executed the mechanical part of the surf-car and life-boats, under the direction and supervision of the Government officer.

"WALTER R. JONES,
"*President and Executive Officer, and others.*"

It will be observed that the president of this New York benevolent association is the same person with whom the Secretary of the Treasury, at the very inception of the Life-Saving Service, directed Captain Ottinger, October 18, 1848, to confer and co-operate. This gentleman, for years so prominent in this great work of humanity, in 1853, unequivocally affirms in his official report that "Captain Ottinger invented the life-car." Who could know this more certainly than he? And he also affirms at the same time that "Mr. Francis executed the mechanical part," &c.

IX.

Somewhere in 1851, while Captain Ottinger was on the Pacific Ocean, Mr. Francis, the person named in the resolution under consideration, began making claims to the invention, and asked the Patent Office for a patent for the "life-car." To meet the question judicially, Captain Ottinger, in 1858 or '59, as assignor to William Todd, applied also for a patent. The result was an interference trial before the Commissioner of Patents. The following decision by the Commissioner settled the matter, on the evidence, once and for all, in favor of Ottinger; affirming, incidentally, Mr. Washburn's report and the preceding act of Congress as to who was the "original inventor" of the life-car:

UNITED STATES PATENT OFFICE, *August* 8, 1860.

SIR: In the matter of the interference between the applications of Joseph Francis and Douglass Ottinger, assignor to William Todd, for letters patent for alleged improvements in life-boats, I have to submit the following report:

It was the object of the invention in controversy to save human life by rescuing the passengers and crews of ships when stranded or wrecked, and in the roughest weather.

The invention was as novel as it was bold and successful, and it consisted in the construction of a life-boat that should be strong, buoyant, and capable of containing living beings under cover, without suffocating or drowning when pulled through the surf, not be easily upset, and even safe when capsized, and at the same time the boat was protected from destruction by being violently forced either by wind or waves against the wreck, the shore, or the relieving ship.

These conditions were common to both applications, and therefore the declaration of the interference was proper. From the testimony it appears that the boats were built in 1848, that they were built by Francis at the Novelty Works in New York, for the United States Government under Ottinger's instructions; and that Francis gave Ottinger the credit for being the inventor; that Ottinger explained to Francis how to build the boat or "life-car" in 1849.

One witness, G. H. Penfield, is under the impression that Ottinger claimed the invention in 1849, and that Francis denied having invented the "life-car."

It also appears from the evidence that in October, 1848, Ottinger was appointed by the then Secretary of the Treasury to take charge of and disburse an appropriation of $10,000, "for providing such boats, rockets, carronades, and other necessary apparatus for the better preservation of life and property from shipwreck on the coast of New Jersey, between Sandy Hook and Little Egg Harbor;" that in May, 1849, he reported to the Department his proceedings in the premises, embracing an account of the boat in question, which then involved the invention now claimed.

On the 6th of August, 1853, Ottinger writes to the Secretary of the Treasury, asking permission to place one of the life-cars belonging to the United States on exhibition at the World's Fair, at New York, and remarks "that part of the life-saving apparatus is my invention; it has been the means of saving five hundred human lives. I am anxious that the public should have an opportunity of using and availing themselves of its principles. I did not patent the invention, and am desirous that it should be used throughout the world without tax."

The application of Francis was completed in April, 1851, and based on the caveat dated February 11, 1850, while the application of Ottinger was not filed until the 11th of May, 1859.

I am fully satisfied from the testimony that the invention in question was original with Ottinger, and that he was also the first inventor of the same; but that he has by his own acts deliberately abandoned the same to the public, and that now the invention is not the proper subject-matter for the protection of letters patent.

Ottinger was under no obligation to give his invention freely to the use of the United States in disbursing the appropriation under the orders of the Treasury Department merely because he was in the revenue service; and yet he did so, without any assertion of his rights as an inventor, or any interruption to the public use up to August 6, 1853, when, by his own deliberate written declaration to a public department, he gravely says that he is "desirous that it (the invention) should be used throughout the world without tax."

Now, whether the mere public use could have been explained from Ottinger's distant employment in the public service, as in California for example, as merely permissive and experimentive, the letter of August 6, 1853, is a clear and direct dedication of the "life-car" that can not now be explained or recalled, for when an inventor once gives his invention to the public he can never reclaim it—it is gone from him forever.

I am therefore of opinion that both the application of Francis and Ottinger now in interference should be rejected because the invention has long been abandoned to the public.

Very respectfully, your obedient servant,

HENRY BALDWIN, *Examiner.*

Hon. PHILIP F. THOMAS,
*Commissioner of Patents.*

U. S. PATENT OFFICE, *August* 8, 1860.

The foregoing report is confirmed, the interference is dissolved, and patent refused. Thirty days limited for appeal.

PHILIP F. THOMAS, *Commissioner.*

Thus the conclusions of the Thirty-fifth Congress were fully sustained by the judgment of the Patent Office. Mr. Francis did not appeal.

X.

Extracts from the evidence taken in the case before the Commissioner of Patents, and now of record in that office:

1. Extract from the testimony of Captain Ottinger, the inventor of the life-car.

"Mr. Joseph Francis was selected by me (and a committee from the Board of Underwriters of New York with whom I advised) to build metallic surf-boats.

* * * * * * *

"The life or surf car was also built at the same place under my immediate direction. I only gave Mr. Francis a rough sketch of what I desired him to make, trusting his mechanical skill and aptness would enable him to get ideas from frequent conversations, and produce the simple machine that I wished him to build. This, however, he did not do, but always waited for me to be present and to give directions in detail before he would allow his workmen to proceed in making the upper half of the life or surf car, which was entirely novel and original with me."

Extract from the testimony of Capt. John McGowan, United States Revenue Marine Service:

"I know the parties. Have known Captain Ottinger for forty years, and Mr. Francis for twenty years. Captain Ottinger was the first who established and had charge of the life-saving apparatus on the Jersey coast.

"I succeeded him in 1849 as a Government officer in charge of such apparatus. The life-car had been built and established on the Jersey coast from Sandy Hook to Barnegat previous to my taking charge. I established them from Barnegat to Cape May. I superintended the building of six at the Novelty Works in 1849, in the months of August, September, and October. Mr. Francis was the builder and superintendent. I saw him frequently during this period. He never claimed to be the inventor of this car. I understood it always as Ottinger's invention. When I succeeded Captain Ottinger I found these cars then in use, and everything that was necessary to the saving of life ready to my hand.

"The cars that I built were precisely the same as those built by Captain Ottinger, with the exception of a handle inside the scuttle-hatch put on by me. The cars I speak of, as built by me, were those superintended by Mr. Francis at the Novelty Works. I remained in charge of the life-saving apparatus only until it was completed in November, 1849."

Extract from the testimony of George H. Penfield, of New York, who put the rubber floats on the life-car:

"I went for the purpose of taking the dimension of a surf-car, with the view to put india rubber floats on the outside of it. When we got there the work had not been commenced to any extent—I mean the work of building the car. In reply to a question from Captain Ottinger, Mr. Francis said he had not proceeded far with the work, as he was waiting for further directions from Captain Ottinger before proceeding with the work.

* * * * * * *

"After some time spent in explanations Mr. Francis consented to follow his directions and make it as he said; at the same time he said that he should hold Captain Ottinger responsible for the failure, and would take no responsibility himself, and he was satisfied it would be a failure. Captain Ottinger told him he would take all responsibility himself and screen him from all blame from failure."

Extract from testimony of Samuel H. Metcalf, of Erie, Pa.:

* * * "That in March or April, in the year one thousand eight hundred and forty-nine (1849), he in company with Capt. Douglass Ottinger, of the United States Revenue-Cutter Service, visited the Novelty Iron Works, in the city of New York, at which place Mr. Joseph Francis had charge of the shop for the building of metallic boats, and was at that time building surf-boats, under the direction of Captain Ottinger, for the Government.

* * * * * * *

"Captain Ottinger asked Mr. Francis why the building of the life-car had not progressed faster, and what caused the delay. Mr. Francis said in reply that his workmen could not proceed in constructing it unless Captain Ottinger was present to give directions, as neither he, Mr. Francis, nor his workmen knew where to place the entrance or man-hole into the life-car.

* * * * * * *

"Mr. Francis, myself, and Captain Ottinger were standing around the life-car—Captain Ottinger explaining to Mr. Francis, as well as myself, the plan for completing the life-car. Mr. Francis did not appear to be familiar with, nor to feel any interest in the construction or completion of the contrivance or machine that was called a life-car. I was informed, during the conversation above referred to, by Captain Ottinger that the life-car, when finished, would be a covered boat, sufficiently tight and secure to convey its occupants through or under the heavy breaking waves of the ocean in a gale from wrecked vessels to land, and he also informed me of the mode of operating it from shore to wreck.

"I did not understand Mr. Francis had any knowledge in the way of originating the life-car, but even if I had supposed him to be the inventor as well as the builder, the circumstance of his saying that he was not able to proceed in its construction until Captain Ottinger was present to designate the place for the hatch or entrance, would have made me know that Mr. Francis was without knowledge of the principle on which the 'life-car' is constructed.

"Mr. Francis told Captain Ottinger that the building of the car was delayed because he, Francis, could not have his workmen proceed in making the car, as it might be done wrong, unless Captain Ottinger was present to direct, and that he had advanced as far as he had knowledge, which was to make the boat part. The lower portion of the car only was then made."

The fact that the record shows that Mr. Francis never was sworn in the interference case between him and Ottinger's assignee, when he could have claimed his rights under oath, and been cross-examined by the assignee's attorney, is a very significant and telling circumstance.

At that time the witnesses to the inception and completion of the life-car were all alive, and the facts fresh in their memories; and Mr. Francis, if sworn, could have been met face to face by the men who knew all about it.

If Mr. Francis was out of the country, that would have been a sufficient reason for a continuance of the case until he returned, when he could have testified. But he neither testified, nor asked for delay that he might. The conclusion, inevitably, is, that he was afraid to do so for some reason sufficient for himself and his attorney.

J. W. DOUGLASS,
For CAPTAIN OTTINGER.

JANUARY 5, 1887.

Mr. COCKRELL. I would also like to have printed in connection with this a report made in the House of Representatives in 1858 by Mr. Washburne from the Committee on Commerce, being Report No. 403 of the Thirty-fifth Congress, first session, which is upon the same question and gives a history of the whole case.

The PRESIDING OFFICER (Mr. PLATT in the chair). Is there objection to the request of the Senator from Missouri? The Chair hears none, and the report will be printed in the RECORD.

The report referred to is as follows:

Thirty-fifth Congress, first session—House of Representatives—Report No. 403.

CAPT. DOUGLASS OTTINGER.

(To accompany bill H. R. No. 576.)

MAY 14, 1858.

Mr. E. B. WASHBURNE, from the Committee on Commerce, made the following report:

The memorialist, Capt. Douglass Ottinger, of the United States Revenue Service, represents that he is the sole and original inventor of the machine known as life or surf car, and that it was the first invention whereby persons could be safely conveyed through heavy breaking waves from stranded vessels to the shore. He submits that he has voluntarily placed his invention at the life-saving stations of the United States subject to the free use of the Government, unrestricted by patent rights. He asks some remunerative compensation for the labor and expense which the inventions have cost him, and also something in addition to enable him to test practically at sea its adaptation to rescue passengers and crews during violent gales.

The committee are satisfied that Captain Ottinger is the original inventor of the life or surf car, and that he has devoted the same to the use of the United States, and that the Government is now using them at fifty-two different stations on the coast. The evidence before the committee is conclusive as to the great value of the invention of Captain Ottinger as a means of saving life. The present Secretary of the Treasury, the Hon. Howell Cobb, in answer to a letter from the committee, says "it has proved of incalculable value in the saving of human life;" and he mentions the case of the wreck of the ship Ayrshire, on the Jersey coast (when it was impossible for any boat to reach her in consequence of the heavy surf rolling in upon the beach), where, by means of this invention, every one on board was saved—men, women, and children, and even infants in their mothers' arms.

As Captain Ottinger, with a laudable public spirit, has for many years devoted his valuable invention to the use of the United States, and has received no compensation therefor, your committee deem his claim for some remuneration not unreasonable. They are prepared, therefore, to recommend the passage of a bill granting him an amount not only as a remuneration for the use of his invention, but to enable him to make some further experiments to test its practicability in rescuing passengers and crews during violent gales at sea.

A.

GENTLEMEN: In submitting to you a claim for remunerative compensation as the inventor of the "life or surf car," and other parts of an apparatus in use at fifty-two life-saving stations established by acts of Congress, I take the liberty to transmit the accompanying documents, numbered from 1 to 17, which I hope will show to your satisfaction that I am the inventor of the surf car and spiral wire, for overcoming the *vis inertia*, and fastening the line to the shot, as well as to give evidence of its capability to rescue passengers and crews from vessels wrecked near the shore.

I now design to extend the effectiveness of the apparatus to the shipwrecked on the open sea, in such and similar cases as steamers San Francisco and Central America, and trust that the circumstance of having already been instrumental in producing a reliable means of overcoming the dangers of the heaviest breaking waves, will obtain for me your favorable consideration to my proposition for saving life on the ocean.

I ask for such compensation as you may deem just and proper to remunerate me for the past, present, and prospective use of my invention by the United States at such stations on shore as the proper authority may determine will be likely to benefit the cause of humanity, as well as for the unlimited use of the same in the naval service, transport and other vessels of the Army, revenue service, coast survey, and light-house vessels, and such of the merchant marine as may be temporarily in Government employ. I append the following instances where compensation has been given to inventors by Congress:

To the inventor of chloroform, $100,000; to experiments on Morse's telegraph, $48,000; to experiments of Dr. Page, in the application of electricity as a motor, $24,000; to the heirs of Fulton, ——

As it is yet to be established that my apparatus can be successful in storms on the ocean, I rely on the intelligence of your committee to appreciate the fact that it has actually been successful on the strand, and therefore beg you will sanction, in addition to my compensation, an appropriation of $5,000 to enable me to test practically, at sea, its adaptation to rescuing passengers and crews during violent gales.

I am, very respectfully,

DOUGLASS OTTINGER,
*Captain United States Revenue-Cutter Service.*

Hon. JOHN COCHRAN,
*And members of Committee of Commerce, House of Representatives.*

B.

TREASURY DEPARTMENT, *April* 27, 1858.

SIR: I acknowledge the receipt of your letter of the 10th instant, inclosing, by direction of the Committee on Commerce, the petition of Capt. Douglass Ottinger, and requesting to be informed if any of the surf-cars claimed by him to be his invention are in use by the Government, and if so, how many, and whether or not his apparatus be deemed a valuable one, &c., and, in reply, have the honor to say that, in obedience to authority vested in this Department by certain acts of Congress, there have been established, and are now in operation, fifty-four life-saving stations on the coasts of New Jersey and Long Island—twenty-eight on the former and twenty-six on the latter coast—which has been provided with the necessary appurtenances for the saving of human life from shipwreck, including both a life-boat and life-car at each station.

The duty of locating the first eight stations between Sandy Hook and Egg Harbor was assigned to Captain Ottinger, of the Revenue-Cutter Service, who caused the houses to be constructed and the requisite apparatus to be provided therefor, as will be seen on reference to the report of that officer to this Department, under date of 21st May, 1849, a copy of which accompanies this communication. The six succeeding stations, established between Little Egg Harbor and Cape May, were intrusted to First Lieut. John McGowan, of the same service, who acted as the agent of the Department in procuring the required apparatus for the same, a copy of whose report, under date of November 4, 1849, is herewith transmitted. The remaining fourteen stations on the coast of New Jersey and the twenty-six on the coast of Long Island have been established at different times, under the superintendence of Messrs. Edward Watts, Samuel C. Dunham, and J. N. Schellinger, and the necessary apparatus provided therefor.

In answer to that part of your letter as to the valuableness of the apparatus, I have to say, that in many instances, where it has been brought into service, it has proved of incalculable value in the saving of human life. In one instance alone, in a terrific snow-storm on the coast of New Jersey, in January, 1850, the life-car at one of the Government stations on that coast succeeded in saving from the wreck of the ship Ayrshire (when it was impossible for any boat to reach her, in consequence of the heavy surf rolling in upon the beach) every one on board, two hundred in number, consisting of men, women, and children, even infants in their mothers' arms—a description of which will be found in the work

on life-boats and life-cars, published by Francis's Metallic Life-boat Company, of New York. The life-boat has proved equally successful in many instances, not deemed necessary here to enumerate.

The Department in bearing testimony to the great value of the apparatus for saving of human life from shipwreck, in use at the Government stations on the coasts of New Jersey and Long Island, takes the occasion to say that it proposes no means of information beyond what is furnished by the two accompanying reports as to who is the inventor of the "life-car" in use at the Government stations referred to. Those cars which were furnished the stations first established by Captain Ottinger, in 1849, were provided by that officer, under the general instructions of the Department to procure the best means of saving life and property from shipwreck.

In like manner, Lieutenant McGowan procured those which were furnished the stations established under his superintendence. Those provided the Government stations subsequently established were procured by the Department, direct, of Mr. Joseph Francis, of New York, who it was understood was the constructor of those cars in use at the stations previously established by Captain Ottinger and Lieutenant McGowan.

The petition of Captain Ottinger is herewith returned.

I am, very respectfully,

HOWELL COBB,
*Secretary of the Treasury.*

Hon. E. B. WASHBURN,
*Of the Committee on Commerce, House of Representatives.*

C.

PHILADELPHIA, *November* 4, 1849.

SIR: I have the honor to report that the duty assigned me, of carrying into effect the act of Congress for the preservation of life and property from shipwreck between Little Egg Harbor and Cape May, coast of New Jersey, is completed, and I respectfully beg leave to offer the following report:

In obedience to the orders of the committee of the Board of Underwriters of Philadelphia, I proceeded to the coast, and selected six points (all of them on islands except Cape May) as the most suitable for stationing the apparatus, all of which places were approved by the committee. At each station there is constructed a frame boat-house, 29 by 16 feet, sufficiently large to contain the surf-boat, life-car, wagon, and all the apparatus, besides plenty of room for crews of wrecked vessels.

The houses were built by Messrs. N. & S. Middleton, of this city, and are of the best material. They are located as near the beach as the safety of the building would admit, and are perfectly secure from any storms that may occur. They are erected upon locust and cedar piles, 6 feet long, and buried 5 feet in the ground, and securely trenailed to the piles with locust trenails 1½ inches diameter. They are well painted with two good coats of white lead, and the roof well covered with red ocher and tar. The ropes were made (by Messrs. George J. Weaver & Co., of this city) according to the recommendation of Captain Ottinger—that is, spun in very fine yarn, like whale-line or bolt-rope.

The yarns coated with a light coat of tallow, and laid slack, thereby making it float light and very pliable in cold weather, and not apt to kink. The boats and life-cars were built by Mr. Francis, of New York, and are the same as those built for, and recommended by, Captain Ottinger, with an important improvement of covering the whole inside bottom with galvanized iron and securing it to the wooden bottom, thereby making the boat perfectly secure and not liable to leak should the wood become rent or cracked by hard usage.

To show the capability of the boats I will mention that I landed in one of them on Cape May while blowing a double-reef breeze, with considerable surf on the beach, and had in the boat all the life-saving apparatus for the Cape May station, weighing full 2,000 pounds, and five men, and landed the whole in safety.

At each of the stations I have placed everything in proper order in the boat-houses and left with the persons having charge a card of printed directions how to use the apparatus; and in order to give them confidence in the use of it at each place, I fired off a rocket and shot out of the mortar with the lines attached and was very successful in carrying the lines to the point designated. Those persons who witnessed the experiment feel satisfied that they can now throw a line to a stranded vessel (if not over 300 yards from the beach) when it is impossible for a boat to venture off.

As the persons who have charge of the apparatus receive no compensation for taking care of it, I am fearful some of them will neglect keeping it in proper order. I would respectfully recommend that the commander of the Forward be instructed to visit some of the accessible stations occasionally to see that everything is in good condition. I am much indebted to H. C. Holmes, Esq., collector of the Great Egg Harbor district, for assisting me in selecting the locations, procuring the deeds from the owners of the land, and rendering me much valuable assistance, being perfectly acquainted with the coast, and having the confidence of the board of underwriters. I have given him the keys of two of the houses nearest his dwelling, and have requested him to assume the general superintendence of the whole line (except Cape May) until further orders from the Government.

I herewith submit the deeds for the land, receipts for the articles furnished each station, and a printed list of all the articles; also a deed and receipt left by Captain Ottinger.

The names of the stations are as follows:
Brigantine Beach, about midway.
Absecom Beach, opposite Ryan Adams.
Peck's Beach, east end.
Ludlam's Beach, west end.
Five-mile Beach, east end.
Cape May Beach light-house.

There has been expended, as per bills in the hands of the board of underwriters, the sum of $8,364.67, which has provided everything that was supposed useful or necessary.

I am, very respectfully, your obedient servant,

JOHN N. TONER,
*First Lieutenant, United States Revenue Marine.*

Hon. W. M. MEREDITH,
*Secretary of the Treasury, Washington.*

D.

NEW YORK, *May* 21, 1849.

SIR: I have the honor to state that the duty assigned to me, by order from the Department of October 18, 1848, for carrying into effect the law of Congress for the preservation of life and property from shipwreck on the coast of New Jersey, between Sandy Hook and Little Egg Harbor, has been performed; and I respectfully beg leave to offer the following report:

The committee appointed by the Board of New York Underwriters, at the request of the Secretary of the Treasury, and by whom I was advised, selected, as proper places for surf-boat stations eight points between Sandy Hook and Egg Harbor, and at each there has been constructed a frame boat-house, 28 feet long and 16 feet in the clear, containing all the articles as per receipts herewith inclosed.

The galvanized-iron surf-boats were adopted on account of their durability and not being likely to need repairs for a long time. This kind of boats are coming into use very fast, and I think them peculiarly suited to surf-boat stations, as they are not liable to become leaky, and therefore always ready for use. The boats which are at the several stations have a floating power which will sustain fifteen persons when they are full of water.

The "life-cars" are also made of metal, with air chambers of the same material, and, in addition, are fitted with the India-rubber floats and fenders invented by General Santon, United States Army. These "cars" are constructed on the principle of a buoy, and intended to pass through the surf when the surfmen dare not venture off. They are to be hauled to and from the stranded vessel by means of "hauling-lines" attached to each end, and are protected from injury by contact with the ship's side by the inflated floats; these were adopted by R. B. Forbes, esq., to give the boats constructed by him for the Massachusetts Humane Society the essentials of life-boats; and I would here respectfully remark that I believe these fenders could be applied to the boats of the revenue cruisers with great effect, as they could not only give the men and officers increased confidence in boarding vessels at sea when on "relief duty," but would protect the boats from being injured by contact with the vessel's side, and keep them fit for service much longer than they would be without such protection.

The rockets with which the stations are furnished were imported by R. B. Forbes, esq. The largest are 6 pounds, and will carry out 270 yards of line, weighing nine-tenths of an ounce per yard; the cost of each is about $5. With the mortar and shot, using 5 ounces of powder for a charge, I have thrown out 320 yards of the same line; rockets have generally been preferred on account of not breaking the line, as their motion is an accelerated one.

The shot, on the contrary, has its greatest velocity at the moment its action is felt upon the line, which has been a great objection to using the "carronade." This difficulty has been completely overcome, so far as we have tried it, by putting three small turns of small soft wire through the eye of the shot, with five or six spiral turns just outside of the muzzle.

I have recently been at each of the stations, and delivered all the articles in safety, and instructed the persons in whose charge they were left in the mode of using them, and left with each a card of printed directions, a copy of which I herewith inclose. I am apprehensive that it may appear to the head of the Department that much time has been occupied in bringing this duty to a close; but I would respectfully state, in explanation, that, notwithstanding the high intelligence of the committee and the valuable information which I received from them, yet there was much that we required which could only be obtained by experiment, and frequent alterations and delays were unavoidable.

As it was of much importance that the apparatus should be reliable, all the articles except the life-cars have been practically tested, and these are approved by most of the intelligent surfmen, and also by Mr. Francis, boat-builder, at the Novelty Works, who has spent much time in obtaining information on the subject of life-boats and life-saving apparatus; and we availed ourselves of his experience in constructing them.

As the efficiency of the apparatus at the surf-boat station depends almost entirely on the projectiles being kept in proper condition, and the persons in whose charge they are left receive no compensation, and can seldom spare the time necessary to keep them in good order, I would respectfully propose that the commanders of revenue vessels within whose cruising limits the stations are should visit them once every two months and examine the apparatus, with the person having charge of the same, and have the mortar and shot cleaned and the lines recoiled. The individuals in charge of the boat-house and the people generally along the coast appear to feel much interest in this matter, and I believe will exert themselves to make it useful.

I have the honor to transmit herewith the deeds for the land on which the boat-houses stand and six receipts for the articles furnished for each station. There are two others, which were left to be signed, as the heads of the families were absent from the stations. There has been expended, as per bills transmitted to the Department, $9,848.61, which has provided the eight stations with all that was supposed would be necessary and useful.

I am, sir, very respectfully, your obedient servant,

D. OTTINGER,
*Captain United States Revenue Marine.*

Hon. W. M. MEREDITH,
*Secretary of the Treasury.*

E.

ESCAPED FROM SHIPWRECK—THE GOVERNMENT APPARATUS.

LONG BEACH HOUSE, *December* 7, 1852.

DEAR SIR: I had an opportunity of testing the Government apparatus for saving life from shipwrecked vessels on Saturday last. The ship Georgia, Captain Brodie, with 271 passengers on board, came on shore on Friday evening last, the wind blowing nearly a gale and the weather so foggy that the breakers were not seen by those on board till she was hard aground, with the wind on shore. So thick was it that she was not seen from the shore till 11 o'clock in the day, although she lay within a quarter of a mile of the house, in open sight.

I happened at the time to have a good set of men in my employment—carpenters and others—and immediately, on the discovery of the accident, went with my men and team to the Government boat-house, took the necessary apparatus, and reached the beach with it, all in half an hour. The sea was so high that she could not be boarded, and I used the mortar for sending the line on board, and succeeded at the first shot, attaching the larger line to the bow of the ship. This line was then fastened to the forward part of the "surf-car" and another to the stern. I sent her in that manner through the surf to the ship and back till all the passengers and crew were landed without the least bruise or scratch to any one.

I am exceedingly gratified with the result. The arrangement of boats on the beach is a most humane provision, and will save a vast amount of life every year.

I regret to say that the small lines were cut to pieces, and will need to be replaced by new. My time is fully occupied in providing for the large number of passengers, and I have no leisure to write any more.

I have not been over to the ship since the crew landed, but it is reported that the boat is somewhat injured, and I apply to you to assist me to have everything in order again as soon as possible. I inclose you the names of those engaged in rescuing the people, and remain,

Yours,

THOS. BOND,
Long Beach, Little Egg Harbor.

WALTER R. JONES,
*President of the Life-Saving Benevolent Association.*

Amos B. Brown, Henry Stephens, John Cramer, Eben Stevens, Benjamin Gifford, William G. Crane, Peter ——, Capt. John Crawford, William Helly, and crew of schooner.

F.

UNITED STATES STEAMER MICHIGAN, *Erie, December* 3, 1857.

The undersigned officers of the Navy, now attached to the steamer Michigan, have carefully examined a miniature model of a surf-car, together with its accompanying apparatus, of mortar, &c., invented by Captain Douglass Ottinger, of the United States Revenue Service, and, so far as they are able to draw just conclusions without experimental proof, they take pleasure in expressing the opinion that the invention in question seems capable of successful application to the object designated, namely, the rescue of passengers and crew from a sinking ship at sea, and they believe that its merit entitles it to the favorable consideration of the Government.

C. H. McBLAIR, *Commander.*
J. H. SPOTTS, *Lieutenant.*
J. W. McCLELLAND, *Surgeon.*
A. J. MITCHELL, *Purser.*
JAMES E. JENNETT, *Lieutenant.*
R. B. LOWREY, *Lieutenant.*
SAMUEL McGAW, *Lieutenant.*

G.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
*January* 1, 1849.

DEAR SIR: At the last session of Congress I had the honor to introduce and get through a proposition to make an appropriation of $10,000, to be expended on the coast of the district which I represent. I have been informed that you have the superintendence of expending the amount. I have introduced similar propositions in the present session, to be expended in the remnant of my State (New Jersey), and also on a great portion of the Atlantic coast of Long Island. I shall make some remarks on the subject, and wish to know, so that I may make them more interesting, what you have done. Please say, also, if you approve of the plan which I suggest in my proposed remarks, a copy of which I herewith send to you, and if you design in any measure to carry out my suggestions. I should also like to know, if it be agreeable to you to inform me, what principle you design to adopt in relation to selecting individuals to whom these boats are be intrusted.

At the last session of the Twenty-ninth Congress an appropriation of $5,000 was made to be expended at the light-houses for the purpose of providing means for saving life and property, which has not been used as yet. Can not this sum be added to the $10,000, and thus enable you to carry out your views on a more extensive and satisfactory scale?

I am, sir, with much respect, truly yours,

WILLIAM A. NEWELL.

Captain OTTINGER,
*United States Marine Revenue.*

II.

Extract of letter in reply to one from Hon. W. A. Newell, M. C., House of Representatives, January 12, 1849.

NEW YORK, *January* 16, 1849.

DEAR SIR: I take much pleasure in giving you information on the subject of your letter; and although it may appear that we have not progressed rapidly, yet we have been constant in our efforts to bring the matter to good account, and have called to our assistance several of the most intelligent surfmen along the coast, who have selected a boat as a model by which those provided for in the appropriation are to be constructed.

We have selected eight stations on the beach, within the limits embraced in the law "for the preservation of life and property from shipwreck on the coast of New Jersey," and design to have at each of them a frame house of the most substantial kind, to be furnished with a galvanized iron "surf-boat," with ten separate air chambers, 180 fathoms of hawser, 360 fathoms of hauling line, 600 yards of rocket line, rockets, &c.

Stoves and fuel will also be placed in the buildings, which will be sufficiently large to shelter persons and goods. In addition to the surf-boats, I propose to have a "life-car" at each station, which is designed to be sent to the stranded vessel when the wind and sea are too heavy for the best constructed boats to live. I have not yet had the car approved of by the committee of the board of underwriters, by whom I am advised in these matters, but I have no doubt it will meet their approbation.

I am much indebted to Maj. Henry Wardell, one of your constituents, for valuable information on the subject of my present duties; and during my recent visit to that vicinity I had the satisfaction of hearing remarks from several intelligent persons, which evidenced that the people throughout the neighborhood were gratified that the Government is about to place under their control more efficient means to enable them to extend their usefulness in saving life and property from shipwreck.

I have made some experiments in throwing a line from the shore to a vessel with a rocket, which was witnessed by Messrs. Suydam and Jones, of the committee, and several other gentlemen, who accompanied us in the United States revenue cutter outside of Sandy Hook, at which I fired several rockets with lines attached, and threw out 250 yards of line, weighing 1.62 ounces per yard, with which we tested the practicability of sending a hawser from the beach to a boat or vessel.

The rockets used on that occasion were imported by R. B. Forbes, esq., of Boston, who is the executive officer of the Massachusetts Humane Society, and is constructing surf-boats from the appropriation of $5,000 given by Congress to that society.

Captain Forbes informs me that Colonel Talcott, of the ordnance at Washington, has offered to furnish rockets from the arsenal at that place; for humane purposes and from experiments recently made by the officers in the pyrotechnic department, it is believed that he can produce rockets fully equal to those imported.

It is my intention, as soon as the weather will permit, to make some trials in throwing a line by means of a mortar and shot, and am of the opinion that we will also place them at the several stations. I can scarcely answer your inquiry respecting the persons to whom the boats are to be intrusted; but from what I can learn on that point, my opinion is that the surfman who first arrives at the boat-house should have the privilege of taking charge of her for that occasion, provided he has the ability to take the "steering-oar;" and if he has not, none of the others will place themselves under his command.

I am, very respectfully, your obedient servant,

DOUGLASS OTTINGER,
*Captain United States Revenue Marine.*

Hon. W. A. NEWELL,
*Member of Congress.*

I.

SQUAM BEACH, MONMOUTH COUNTY, N. J., *March* 13, 1850.

SIR: I was present and superintended and sent the line by the mortar on board the ship Ayrshire, on the 12th of January, 1850, and by means of the metallic life-car we landed in safety her passengers, in all two hundred and one, which, in my opinion, at that time, could not have been otherwise saved, as the sea was so bad that no open boat could have lived. We attached the line to the shot and fired it from the mortar. It fell directly across the wreck and was caught by the crew on board and the hawser hauled off, to which we attached the metallic life-car, and pulled her to and from the wreck through a terrific foaming surf.

Every soul—men, women, children, and infants—came through the surf during that cold snow-storm dry and comfortable.

During the whole time of landing these persons one of the india-rubber floats put around the cars outside by order of the Government officer who superintended was full of water and the other full of air, showing the ability of the metallic boat to do her work, even under such disadvantages as having air on one side and the weight of water in the india-rubber float on the other, in a heavy surf.

The ship came on shore abreast of the station-house—the station-houses are 10 miles apart. Now, if she had struck between two houses, or even four miles from shelter, many of those we saved from drowning would have perished with cold, as it was a cold snow-storm at the time; but, as it was, all were landed dry and comfortable, and no one suffered, as we immediately put them in the houses, where they had the benefit of the fuel provided by the Government; and this, in my opinion, shows the necessity of having the stations nearer together.

I have had much experience in wrecking, and was present at the wreck of the ship John Minturn, and now state decidedly (and many others who were present at both wrecks, join me), that if we could have had the mortar and metallic life-car we would have saved a great proportion, if not all, of the souls from the John Minturn, which was wrecked on this beach.

The car is also very valuable for landing specie, jewels, silks, and packages of all kinds that could not be saved by an open boat.

We can also now communicate with the ship by means of the mortar and car as soon as she strikes, without waiting, as heretofore, for the storm to cease, by which time she may go to pieces and all be lost.

With the above arrangements, well attended to, there need be but few lives lost and much less property.

Yours, very respectfully,

JOHN MAXEN, *Wreckmaster.*

WALTER R. JONES, Esq.,
*President of the Board of Underwriters of New York.*

K.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
*Trenton, October* 16, 1857.

DEAR SIR: I was very happy to hear from you by your recent favor. It was quite unnecessary for you to inform me who you were. I assure you I shall never cease to know or to remember you as one who has contributed very much towards lessening the dangers of the sea, and one to whom our Jersey people are almost entirely indebted for the valuable apparatus which has been the means of saving so many hundred lives and so much property. I am well satisfied that, had you not been intrusted with the erection and furnishing of the life-saving stations on our coast, my own individual effort to that end would never have amounted to much.

Now, if you could be more specific in your wishes and inform me exactly what you want me to do in the way of recommendation to the Secretary of the Treasury—what office it is you wish to fill—you may command me to any extent.

I am, very respectfully and truly, yours,

WM. A. NEWELL.

Capt. D. OTTINGER.

P. S.—Don't be backward about expressing your wishes.

L.

WASHINGTON, D. C., *March* 4, 1858.

DEAR SIR: We have examined, at your request, your "life-car," and from the good service that it has already rendered in rescuing the lives of nearly five hundred persons from stranded ships on our coast under circumstances of peculiar peril, and when no other human aid could reach them, we do not see why it should not succeed with disabled ships at sea, using the precautions and following the directions so clearly given by you. We also think that "whalers" in the Pacific, as well as other vessels, that are frequently compelled to communicate with the shore through the surf, often find impracticable with the ordinary means at their disposal, would find your life-car of the greatest possible assistance and convenience.

Wishing you all the success that so laudable an undertaking deserves, we are

Very truly, your obedient servants,

WM. W. HUNTER,
*Commander United States Navy.*

JAMES ALDEN,
*Commander United States Navy.*

Capt. DOUGLASS OTTINGER,
*United States Revenue Service.*

The PRESIDING OFFICER. Does the Senator from Missouri desire to occupy the floor?

Mr. COCKRELL. I was going to suggest to the Senator from New York that in his great magnanimity and generosity, and desire to do equal and exact justice to all these parties, I think he ought to accept an amendment to this resolution so that it shall read in this way:

That in view of the life-long services to humanity and to his country of the now venerable Joseph Francis and Captain Douglass Ottinger in the construction and perfection of life-saving appliances by which many thousands of lives have been saved, the thanks of Congress be, and are hereby, tendered to Joseph Francis and Captain Douglass Ottinger; and that the President of the United States is hereby authorized to cause to be prepared gold medals with a suitable inscription, to be presented to Mr. Francis and Captain Ottinger in recognition of their eminent services.

I am certain the Senator from New York will accept those suggestions.

Mr. EVARTS. I am willing they should be treated as suggestions but not as amendments.

The PRESIDING OFFICER. Does the Senator from Missouri press his amendment?

Mr. COCKRELL. I suggest it to the Senator from New York. I think he will accept it.

Mr. EVARTS. I said in the hearing of the Senator from Missouri that I accepted his suggestions but not as amendments to the resolution.

Mr. President, this matter has been open to the Senate. Mr. Francis's relations to the business of life-saving are known perfectly well in all the Eastern States, and I suppose well known in the rest of the country. Before Mr. Ottinger claims to have had anything to do with inventions Mr. Francis might well say, "What region of the world is not full of my benevolent labors?" The fact that he has lived so long and lived so good a life in so steady and pure and constant a devotion to benevolent action is the only reason why so many now about me are not familiar with his life, with which everybody was familiar forty years ago.

Mr. Ottinger was an officer in our revenue marine service and was sent by the Treasury Department to apply recognized methods of saving life along the coast. To these appliances he claims that he made a certain improvement, but Mr. Francis's inventions and his benefits to humanity were already diffused before Mr. Ottinger intervened in the least. As to the matter of fact, the evidence is clear before the Patent Office that Mr. Ottinger had no invention at all.

Besides, Mr. Ottinger, which Mr. Francis has never done, applied to the Government and received a gift of $10,000. I will say nothing

further about that transaction. I do not believe it to have been well-founded. It goes into the record; let it there stand.

Mr. Francis is not a rival of Mr. Ottinger. These matters of Mr. Francis have been examined in the committee of the other House and in the committee here, and no report has been presented of dissent in either House upon the report on which this resolution is based and upon the undisputed record of what Mr. Francis's life discloses. He is at the very beginning of that immense administration of life-saving which has been so great a credit to this country. Mr. Francis has been recognized in every great country of Europe, not only by the governments but by the great humane associations of the continent and of Great Britain.

At this very last moment I have received from eminent citizens of New York a most urgent request that nothing should allow this session to pass without a recognition of this eminent service of Mr. Francis, which has been urged upon us by the two great bodies of New York.

I have in my hand a memoranda presented to the committees exposing the whole matter of the competing claims of these two gentlemen, and I ask that they may be inserted in the RECORD.

The PRESIDING OFFICER. If no objection is made, the paper will be inserted in the RECORD.

The paper referred to is as follows:

In the matter of the memorial of the Chamber of Commerce of the State of New York and the American Institute of the city of New York in behalf of Joseph Francis.

This matter is before Congress by reason of two memorials, emanating from the most distinguished bodies of their separate kinds in the United States. One is from the Chamber of Commerce of the State of New York, the other from the American Institute of the State of New York. They are as follows:

[Chamber of Commerce of the State of New York.]

FOUNDED [SEAL] A. D. 1768.

At a meeting of the Chamber of Commerce held Thursday, November 5, 1885, the following preamble and resolution were unanimously adopted:

Whereas the recent publication of the History of Life-Saving Appliances has recalled the attention of the Chamber of Commerce to the eminent services to humanity rendered by the now venerable Joseph Francis in the invention and construction of the corrugated iron life-car, and numerous other appliances in the form of life-boats, pontoons, &c.; and

Whereas the Chamber of Commerce of the State of New York did, on the 2d day of March, 1841, by resolution, approve of and recommend the valuable inventions of Mr. Francis to the mercantile marine; and

Whereas during the whole period of a long and active life Mr. Francis has devoted his talents and his means to the improvement and development of those appliances which have been the means of saving thousands of valuable lives in all parts of the civilized world, receiving in recognition thereof knighthoods, medals, testimonials, and diplomas from all the great nations of the world except his own country: Therefore,

*Resolved*, That the Chamber of Commerce of the State of New York do hereby memorialize the Congress of the United States to take such action in recognition of the great services to the country and to humanity of Joseph Francis as in its wisdom it may deem most fitting and proper.

A true copy.

JAS. M. BROWN, *President.*

GEORGE WILSON, *Secretary.*

*To the honorable House of Representatives of the United States:*

At the annual meeting of the American Institute of the city of New York, held on Thursday, February 4, 1886, at 8 o'clock, p. m., at its rooms in Clinton Hall, Vice-President James DeLamater in the chair, Mr. R. H. Shannon offered the following preamble and resolution:

Whereas the now venerable Joseph Francis, an old and respected member of this institute, by a long life of usefulness and distinction in the interests of humanity—in the invention and construction of appliances for the saving and protection of human life against the elements—has evoked the admiration, applause, and commendation of civilized nations; and

Whereas in this work and the use of his talents in regard thereto, Mr. Francis has been animated by unselfish motives worthy only of a philanthropist, in and by which multitudes of his fellow-creatures have been saved from sudden and imminent death, for which as yet he has no adequate compensation; and

Whereas while some of the European nations, in recognition of his usefulness and value of the life-saving appliances of Mr. Francis, have rendered to him only a slight token of their appreciation of his inventions by knighthood, testimonials, and diplomas, his own nation has not done that full and ample justice to which Mr. Francis is entitled as an inventor and citizen; and

Whereas in the view of the eminent and distinguished labors of Mr. Francis in a field which, by the record of its results, has proved so humane in the protection of human life, and for which he has had no compensation commensurate with the benefits bestowed thereby; and now that he has reached an age of fourscore years and upwards, when, if at all, his work should be appreciated and acknowledged by his country, to whose honor and renown he has added a share among the nations of the earth: Therefore,

*Be it resolved*, That it is the sense of this institute, of which Mr. Francis has been so long an honored and efficient member, that the philanthropic and self-sacrificing services which he has rendered in the interests of humanity by his invaluable inventions, as shown by remarkable results in the use of these inventions for many years past, by which the lives of multitudes of human beings have been saved and preserved from horrible deaths, ought to receive from his countrymen just and suitable recognition and recompense; and to that end

*It is further resolved*, That in behalf of Mr. Francis the American Institute of the city of New York urge upon, and do hereby memorialize, the Congress of the United States to favorably consider the claims of Mr. Francis for such appropriate action as is due to him from a Republic that never fails to recognize worth and merit in the humblest of its citizens, and to make suitable reward therefor by such other recognition as in its wisdom the honorable Senate and House of Representatives may see fit to bestow.

Unanimously adopted.

JAS. DE LAMATER, *Chairman.*

D. R. CARDEN, *Secretary.*

UNITED STATES NATIONAL MUSEUM,
UNDER DIRECTION OF THE SMITHSONIAN INSTITUTION,
*Washington, December 4*, 1885.

MY DEAR SIR: I have read with feelings of sincere interest the copy of the letter addressed to you by Rev. Morgan Dix, and assure you that his expressions of esteem are fully shared by myself. The end to which you have devoted your intelligence and abilities is indeed most praiseworthy, and if the measure of success attained constitute the basis of appreciation surely the highest award is yours by merit.

The life-car, which is exhibited in your name in the National Museum, will ever be a monument to your zeal, and the most casual visitor seldom passes it without special notice.

Trusting that you may yet live many years to enjoy the fruits of your energies, I am, sincerely, yours,

SPENCER F. BAIRD,
*Secretary Smithsonian Institution and*
*Director United States National Museum.*

JOSEPH FRANCIS, Esq.,
*Stevens House, 27 Broadway, New York, N. Y.*

They sufficiently set forth the purpose here sought, but it may be desirable that the committee should have before it some testimony as to the character of the individual to whom they relate; therefore the following letter of Rev. Morgan Dix, of Trinity Church, New York, is submitted:

61 CHURCH STREET, NEW YORK, *November* 19, 1885.

MY DEAR SIR: Your name has long been a household word in my family. My acquaintance with you began when, as a boy, I used to see you at my father's house and listen to his conversations with you about your wonderful inventions, in which, as you well know, he took a lively interest, and of which he appreciated the value. Honored, indeed, were you among us, and always welcome; and of all those friends from whom you have been separated by the hand of inexorable death I think you might count my father and mother as among the warmest and the most true. The affection borne for you by the parents is continued in the respect and veneration in which you are held by the son.

I say this that you may understand with what pleasure I received, and with what attention I am reading, the book you recently presented to me, entitled History of Life-Saving Appliances and Military and Naval Constructions, appliances and constructions invented by yourself. With much of this history, and with many of the objects described, I have been familiar for years. The volume constitutes a monument such as has been reared to very few men, perhaps indeed unique, for it is a record of a life which, though now protracted beyond the eighty-fourth milestone of the journey, has been devoted, from the age of eleven years, to the study, creation, and manufacture of appliances intended to save human life.

Your ruling thought has been how to benefit and bless your fellow-creatures; your constant occupation has been that of devising means to rescue human beings from horrible deaths. To that object have you devoted a clear intellect, an ingenious mind, great natural ability of the inventive order, and untiring industry. It is not strange that you have reaped a reward fitted to your merit. Your benevolent efforts have not proved unavailing; they were stimulated by decided success from the moment of their inception, and in the course of years they have been crowned by remarkable results, as the multitudes might attest who from time to time have owed to you indirectly the preservation of their lives under circumstances among the most appalling which man can face.

Your work has been duly and suitably recognized in many lands, where special honors have been done to you, and testimonials, insignia, and valuable gifts have been presented to you by governments, societies, and potentates.

It is a strange thing that to this day that work remains unrecognized by any official act of the American Government; your own country is behind the rest of the civilized world in omitting to crown your venerable head with laurels which befit the lover and helper of his fellow-men. You merit a public recognition, which you have not yet received.

On great commanders who have slain their tens and hundreds of thousands, on inventors who have perfected instruments to deal death and destruction, honors have been lavished with great approval; medals, swords, pensions, and similar significant tokens are in their possession or are preserved for memorials of them; but to you, now far beyond the term of life and soon to bid us a long farewell, no honor has yet been publicly done by the representatives of your countrymen. I see here a duty unfulfilled. I wish it might be fulfilled by the Legislatures of those two States whose stormy and dangerous coasts could tell, if they could speak, the thrilling story of hundreds rescued from wreck and death; Congress could also set its seal to the description of your invaluable services.

There is yet time to say to you what we shall be saying after you have left us and shall wish we had said to you should it still remain unsaid—that your countrymen esteem and venerate in you, the modest citizen, the unobtrusive gentleman, the great inventor, the philanthropist, whose name must live in our archives for many years to come; that they appreciate your work and rise up to do you honor.

Accept, my dear sir, the assurance of the very high consideration in which I hold you, and believe that I have great pleasure in subscribing myself,

Faithfully and sincerely, your friend,

MORGAN DIX.

JOSEPH FRANCIS, Esq.

The facts in the case which are here presented to the committee are in accordance with the following narrative: The testimony submitted is all certified as of record.

Mr. Francis first saw the light at the dawn of the present century. He was born in Massachusetts in the year 1801.

As a boy his attention was arrested by the fearful loss of life by shipwreck, and he then found his life work.

Genius nurstles her offspring in strange but safe places, and this earnest, intense, well-poised, steadfast boy, at the age of eleven years, found congenial employment in the boat-building establishment of a near relative in Boston, largely engaged in building boats for the Government during the war of 1812.

From that day on, for the best part of his long life, he has devoted himself to the study, creation, and manufacture of life-saving appliances.

The problem which he set himself was to produce a veritable life-boat. In this were involved the questions of increased buoyant power, strength, resistance, and elasticity, and these were to be secured at the minimum of weight. His first experiment, at only eleven years of age, was a success. He, by the use of cork, produced a veritable life-boat—that is to say, a boat that would not sink when full of water, but would still have buoyant power sufficient to sustain great weight. This little one of his first construction held up four men when full of water. It was the first life-boat ever built or seen in the United States, and is the germ from which has sprung all that has since been done in that direction.

As time advanced he continued his studies and experiments. In 1819 he exhibited a boat at the first fair of the Mechanics' Institute of Boston, and was awarded "honorable recognition" by that distinguished institution. It was the first public tribute paid to his labors.

New York city is our great mart. Towards her gate are turned prows from every sea. The coasts of Long Island and New Jersey, which lie on either side of the entrance to her harbor, though not rock bound, are low, sandy, and dangerous. Throughout our history these coasts have been famous by reason of the numbers of ships wrecked there and of the appalling loss of life and treasure.

The Life-Saving Service of that early day, and down to the year 1848, was of the rudest and crudest character. A few fishermen's huts scattered along the coast and the unpaid heroes of the surf, who, in their frail fishing-boats, voluntarily offered their lives to save those of strangers, was all that this great Gov-

ernment could show towards saving the lives and treasure of those who "go down to the sea in ships." That the Life-Saving Service is now what it is, a splendid and efficient arm of the Government, is due in large part to the impetus first given it by the now venerable Joseph Francis.

Mr. Francis, never for one moment losing sight of his purpose and problem, poor, alone, and unaided, continued his work. At last a boat was produced which stood the severest tests which wooden boats had ever been subjected to. This one was taken to the foot of Wall street, New York, and thrown endwise into the dock, bottom upward. She instantly righted and freed herself of water, which passed through her perforated bottom. She was then hauled endwise to the yard arm of a ship and cut loose. She struck with great violence, but came right side up to the surface uninjured. She was then loaded with men, who could neither upset nor sink her.

These experiments, so novel at that time, were witnessed with interest by the merchants and ship-owners of New York. The experiments were subsequently repeated in Philadelphia before vast crowds, and with increased severity of tests, and always with success to the boat. A Philadelphia paper of June, 1837, says, in concluding an article on the Francis life-boat and the experiments above referred to: "This life-boat may be termed one of the most valuable inventions of modern times."

The fame of Mr. Francis now began to be spread abroad, and orders for his boats began to be received from the most distinguished sources. He received orders from the English Government for boats to be stationed on the coast of Canada. He built for a British regiment a race boat. She was the first American-built boat to come off victorious in a contest with English boats. He constructed, on order, an imperial barge for the Emperor of Brazil, also one for the Czar of Russia, and the Secretary of the Navy ordered his life-boats to be put on all the ships of the Navy.

Day by day, and year by year, alone, unaided, and at his own expense, he continued his studies and experiments. As he improved his life-boats there grew up a demand by the sea-going public that all vessels should be furnished with them, and there were now few sea-going vessels but were fitted with his life-boats and life-saving appliances. (Ex. No. 4.)

Still he was not satisfied with what he had accomplished. He now fully realized that the problem which he had set himself to work out, namely, the production of a perfect life-boat, was a most difficult one. He had, however, obtained a firm grasp upon the truth that a perfect life-boat must be in its construction a compromise between conflicting requisites.

During the years which followed and in the sleepless pursuit of his purpose he invented and built many kinds of boats—portable, screw-boats, molded boats, hydrogiene life-boats, anchor launches, and double or reversed-bottom boats, cargo boats, &c.

So widely spread was the fame of the Francis life-boats now, and so great the fame of the inventor, whose inventions had saved so many lives which must otherwise have perished, that great and distinguished societies both at home and abroad eagerly sought to do honor to him.

Apart from the many certificates which had been given him by the masters of vessels and officers of the Navy as to the value of his inventions and the number of lives saved by them which could have been saved in no other way, the American Institute, on the 14th of September, 1839, and, after many tests and experiments with the Francis life-boats, recommended them to be placed on all sea-going vessels, and especially upon naval vessels, for, as they say, "If one or two sections on both sides of the boat are perforated by a shot, sufficient buoyancy will be left to sustain all that may be required for boarding purposes or any exigency." This report was submitted, along with the report of October, 1840, to a number of the most eminent naval officers then living, who earnestly approved the action of the American Institute (F's History, pages 13 to 23, inclusive). On March 2, 1841, the Chamber of Commerce of New York took action similarly approving the Francis life-boat and recommending it to the public.

But the fame of Mr. Francis was not confined to his own country. At Paris, France, February 1, 1842, the General International Shipwreck Society elected Mr. Francis to its distinguished membership; which action was communicated to Mr. Francis in very flattering terms by its founder and general director, Godde De Lioncourt. On June 1 following the same great institution admitted him not only to its membership, but recorded his name among those of its benefactors. This was also communicated to Mr. Francis in most gratifying terms by the same gentleman, its director-general. This society was under the direct patronage of the King of France, and numbered amongst its membership all the crowned heads and dignitaries of Europe.

The European Shipwreck Society was established in London in 1835, under the patronage of His Royal Highness Prince Albert and Her Royal Highness the Duchess of Kent and the Duke of Sussex, having among its honorary presidents the greatest names in England. This society, in a letter to Mr. Francis, says: "The Superior Council of the Royal and Imperial European Section for Nautical Relief in England is very happy to inform you that it has never seen anything superior nor even equal to the construction of your life-boat, and, to add to this testimony of its approbation, it has been unanimously decided to present you with a medal of honor."

At London, July 4, 1843, the same society communicated its action again to Mr. Francis, with the gratifying intelligence that he had again been awarded a medal of honor.

Mr. Francis was now appointed as the general agent of that society for the United States, to have his residence in New York, and with a request that he would form a section of that society in the United States. This he proceeded to do, having enlisted the interests of the most eminent men of that day in the organization. A reference to the volume on life-saving appliances of Mr. Francis (pages 25, 6, 7, 8, and 9) will show that no name at that day distinguished in law, literature, theology, the arts, sciences, or commerce is absent from the organization of which Mr. Francis was the founder in this country.

As far back as 1838 Mr. Francis had conceived the idea of creating a covered or inclosed vessel, by which to land people from a wreck through a heavy surf in a storm, or from one vessel to another at sea, when no boat could live in the water, and then made the drawings and plans for the construction of his life-car.

Great as had been his success with the many life-boats which he had invented and manufactured, and vast as has been the saving of life and property by these means, when no other would have sufficed, and which had been secured to him by letters patent in 1838, Mr. Francis became satisfied that wood as a material would not do. Even the strongest was too heavy, brittle, and frail for the purpose; and so he set himself to look for some other material.

In 1841 Mr. Francis commenced the construction of a life surf-car with best wooden materials, but found that it was not and could not be made strong enough to resist concussion with wrecks and rocks, and she was broken up as being unsatisfactory.

He, in his many experiments, had tested wood to its utmost capacity, and found that it would not do. Iron was then practically unknown as a material for the construction of vessels, but he determined to make an exhaustive trial of it.

He gave up his business in wooden boats to other hands in order that he might devote his whole time and attention to this single purpose, which may well be called a struggle with iron.

The character of the inventive mind is peculiar. It is absorbed, intense, untiring, sleepless. It pursues its objects eternally. It never rests. It knows no obstacles. It sacrifices everything—comfort, food, health, even life itself, to the pursuit of its single purpose. It is as though one were possessed with either an angel or devil.

Thus possessed, poor, unaided, and alone, Joseph Francis secured a vacant building, No. 83 Anthony street, in the city of New York. The building was the property of a generous gentleman, Myndert Van Schoick, ex-mayor of New York, who, knowing well Mr. Francis and the character of his pursuits, as well as his extreme and bitter poverty, gave him the building free of rent. Here, in 1841, separating himself from his family, which, for purposes of economy, he had located in the country, he shut himself up alone to struggle with his problem. And here, shut out from all the world, he remained an entire year.

Happy as he was, in that happiness which comes from intense preoccupation, still he suffered greatly, for the demands of nature will force themselves after a while upon the most intense mental preoccupation.

One night, after working all day from early dawn without food, Mr. Francis found himself reduced to his last quarter of a dollar. He wanted a piece of iron to continue his experiments, and he was suffering for something to eat. The stern question which met him face to face was iron or bread, which? He went out into the streets and at a neighboring tin shop was so fortunate as to find a scrap of iron which the tinner sold him for 13 cents.

Happy as a king, with this need met, he, with the remainder of his money, bought a loaf of bread and a pint of molasses. Eating a part for his supper, he put by the rest for his breakfast, and continued his experiment deep into the night. In the morning he found that the rats had eaten his bread, and so he went breakfastless; but the night had brought him success with his experiment, and that little sheet of iron has become historic.

The experiments which he had been trying for a year and the problem which he had been seeking to solve was how to stiffen a thin sheet of iron or other metal so as to enable him to construct a perfectly strong boat without braces and frames, and by this means to secure the greatest lightness of structure consistent with greatest strength.

Without entering into the details which are fully set forth on pages 32-36, inclusive, in Mr. Francis's History of Life-Saving Appliances, it is enough to say that his purpose was, by the means of dies, to press a sheet of iron or other metal into corrugations on curved and irregular lines. The difficulty had been that the metal buckled or wrinkled so that it was unfit for use, and the precise object which he had in view was to absorb these bucklings and wrinklings of the metal into the corrugations, thus adding to the strength of the corrugations and of course to the strength of the structure.

Mr. Jacob Abbott, writing on the metal boats of Mr. Francis, in Harper's Magazine for July, 1851, remarks "that it is a curious circumstance in the history of modern inventions that it often requires more ingenuity and effort to contrive a way to make the article when invented than it did to invent the article itself." This was the problem with which Mr. Francis had struggled, and which he had now overcome. He had invented and subsequently built the only set of dies ever made in the United States, the only means by which corrugated metal boats could ever be or have ever been made in the United States. Those dies are still in existence.

It may be added, for the information of those who feel an interest in it, that this pressing of metal of the whole side of a boat into deep corrugations, rigid and firm, on curved and irregular lines, without buckling or wrinkling of the metal, has as its first prerequisite simultaneousness. It is absolutely necessary that it all should be done at and by one operation, and this could only be secured through properly constructed dies. This was the first time in which metal had been so used. It was a great achievement, and may, without exaggeration, be said to be the very first use of metal ever made for use upon water. It was by this means, and by this means alone, that a life-car could be constructed; for it combined extreme lightness with extreme strength, elasticity, and buoyant power.

The machinery for making the corrugations in the sides of metallic boats consists of a set of dies worked by hydraulic presses. Upon the convex die the ribs or corrugations are raised from the surface, and on the concave die are similar depressions and corresponding exactly with the ribs on the convex die. The width or curvature of the ribs and their number and distance apart are regulated according to the surplus metal, resulting from a change of a plane or flat surface to the convex surface which the metal is caused to assume in forming the irregular curves in the operation, and at the same time to afford strength and stiffness wherever it is required; or, in other words, the corrugations are so arranged as to take up the surplus metal into corrugations, that would otherwise gather in and wrinkle, which is not wanted in the contour of the vessel, and form it into curved projecting surfaces, to serve in the place of timbers or braces for the boat.

By this method the whole side of a boat is formed of light and thin metal corrugated. These corrugations give all the requisite strength and hold the sheet rigidly in the shape given by the dies. (See plate in Hist., page 34.)

The cast-iron dies are made as large as a full-sized boat, or in sections of boats, as is judged most convenient, and when a sheet of metal is placed between them it is forced into shape as the dies come together, and the corrugations are formed while it is held rigidly and firmly in that position; and so effectually is this accomplished that the shell or outward surface of the boat, when put together, will retain its shape and withstand hard service without thwarts or braces of any kind.

No frames or timbers are required, as the strength is attained by the corrugations, and these corrugations add nothing to the weight of the structure, for the strength is given to the boat by the peculiar form imparted to the sheet of metal.

This great invention was secured to Mr. Francis by letters patent of March 25, 1845.

From this time forward Mr. Francis gave himself heart and soul to the construction of a perfect life-car. During his experiments he constructed a number of cars which were put on ocean-going vessels to be used either in transporting persons from one vessel to another at sea during heavy gales or to be sent from a stranded ship to the shore.

At last, in the year 1847, Mr. Francis produced what he considered a perfect life-car. This perfect car Mr. Francis had offered to the Secretary of the Treasury to be purchased by the Government as a means of saving people from stranded vessels. The Secretary replied to Mr. Francis that "the Government had no money to try experiments with; that the saving of people from stranded or wrecked vessels was an impossibility; that if Mr. Francis desired to have his machine purchased he must make the test at his own expense. Then, if his appliances were proven effective, the Government would be glad to become a purchaser."

The car remained in Mr. Francis's manufactory, at the Novelty Iron Works, in New York, until the winter of 1848-'49, when she was transported to Squan Beach, on the New Jersey coast, where she remained, without a chance to test her, until January, 1850. On the 12th day of that month, during a terrific snowstorm, the British ship Ayrshire, with 201 souls on board, was stranded on Squan Beach. So terrific was the storm, so blinding the snow, so intense the cold, so appalling the sea, that the brave surfmen, inured to all dangers, held back and refused to attempt the ordinary methods of reaching the ship. At this moment the little life-car was thought of. A line was thrown by mortar over the ship, a hawser made fast, and the car sent on board.

By its means every soul on board was saved, save one; that one, rashly attempting to pass ashore on top of and outside of the car, was washed into and swallowed up by the sea. This achievement rendered the car famous for all time, and the name of her inventor rang around the world. That car was then and has ever since remained the private property of Joseph Francis. It has never been out of his possession except by his special permission and for a specific purpose.

It was returned to his factory from the scene of the wreck. It has been trans-

ported 10,000 miles (see Hist., pages 107 and 108) to be gazed upon by the interested and curious, and it is now in the National Museum in this city, the free gift of Joseph Francis to that Institution, where it is to remain though all time. Of the thousands who daily visit that Institution nothing there attracts them more than this relic car with its interesting history. Her performance has not been paralleled in all the sad history of perils by the sea.

Up to the year 1848-'49 Mr. Francis occupied in this country this great field in the work of humanity entirely alone.

One may look over the field from beginning to end, and from 1812, when as a boy he began his work, down to the construction of the life-car, in 1847-'48, his solitary figure alone catches the eye. It is his name alone that we hear, and to him alone is due all credit; for it was to the impetus first given to it by him that we now have one of the most efficient life-saving services in the world. And it is to his unceasing steadfast devotion to his life work, when poor, unaided, at his own expense, almost starving, that is due the saving of thousands of lives and millions of treasures. What gratitude, what rewards, what honors are too great for a life like this?

(Tabulated statement of the number of lives saved by Mr. Francis's inventions from 1850 to 1853.) (Ex. A.)

On the 18th day of October, 1848, the Secretary of the Treasury issued an order to Capt. Douglass Ottinger, of the Revenue Marine Service, directing him, in pursuance of an act of Congress "appropriating $10,000 for the establishment of life-saving stations on the Long Island and New Jersey coast, and for the purchase of such boats, rockets, and other life-saving appliances as may be necessary for the better protection of life and property from shipwreck," to proceed to New York and report himself to the board of underwriters there as the law required, Walter R. Jones being president, and, "after informing yourself of their views touching the best means of carrying into effect the objects of Congress, that you will superintend such arrangements as they may direct for that purpose." (Order in certified papers from the Interior Department. Ex. No. 5.)

Ottinger proceeded to obey this order, and this was his first connection with or knowledge of anything concerning the life-saving service, or of wrecks, or of the means and methods of saving life and property from wrecked and stranded vessels. Indeed it was not until he visited the coast of New Jersey, in obedience to this order of October 18, 1848, as he swears, that he "first heard the details of suffering and loss of life incident to the stranding of vessels in that vicinity, and of instances where wrecked vessels were so near the shore that the cries of distress of persons on board could be distinctly heard on the beach by persons who were compelled to witness hundreds of human beings washed into the sea without the means of saving a single life." (Ottinger's affidavit made at Erie, Pa., July 14, 1860, among papers on file in the Patent Office. Ex. No. 6.)

Under the directions of this order to purchase life-boats and other life-saving appliances, &c., he one day proceeded to the Novelty Iron Works, in New York city, where Mr. Francis then had his manufactory for corrugated metal life-boats, surf-boats, and life-cars, under the letters patent granted him March 25, 1845, and in which business Stillman, Allen & Co. were half partners; and there it was for the first time that he (Ottinger) saw a life-car—the veritable life car which afterwards did such admirable work at the wreck of the Ayrshire, and which is now in the National Museum in this city.

In the spring of 1849, May 21, Captain Ottinger made his final report to the Secretary of the Treasury in regard to the duty which he had performed there (Ex. No. 7). Shortly thereafter he obtained leave of absence and entered the service of the Pacific Mail Company, proceeding to the Pacific coast, where he remained until 1853, so that he claims that the idea of the life-car was conceived, the experiments made, the car perfected and built, and the whole scheme executed within the brief period of six or eight months.

In strong contrast to this is the life-long labor of Joseph Francis, whose attention as a boy was fastened by the facts which Ottinger says he had never learned until 1848, and the labors of whose life had all been persistently directed to this one single object.

Here it is to be strongly noted that the body or hull of the life-car was made of corrugated iron, which was Francis's invention, secured to him by patent in 1845, and which could only have been done on the dies invented and built by Francis, as they were and are the only set of dies ever constructed in the United States.

It is also to be strongly noted here that at the time that Ottinger now claims that he invented and built the car (the winter and spring of 1848-'49) there is in his official reports no particle of claim to the invention, although there is direct reference to "a car which he intends to have put at the station," along with life-boats (which were the corrugated iron life-boats of Mr. Francis's patent) and other apparatus which he had been ordered to get, "provided it is approved by the board of underwriters, of which I have little doubt." See Ottinger's letter to Hon. William A. Newell, M. C., of New Jersey, dated New York, January 16, 1849, in certified papers from Department of the Interior (Ex. No. 8).

See also report of Ottinger to Secretary of the Treasury Meredith, dated New York, May 21, 1849, in certified papers from Department of the Interior, in which he says "the galvanized iron surf-boats were adopted as the best (they were Francis's patent corrugated iron surf-boats, though he (Ottinger) carefully conceals the fact in his report). "They have a floating power," he says, "which will sustain fifteen persons when full of water." "The life-cars are also made of metal, with air chambers made of the same material." (They were made of Francis's patent corrugated metal, which he again conceals), "and fitted with rubber floats, invented by General Stanton, of the United States Army."

It is to be observed that there is here not only no claim to the cars as his invention; there is not even a single word to suggest any such claim. He mentions the life-cars just as he does the surf-boats of Mr. Francis, without reference to Mr. Francis, and without making the least suggestion that he had invented either or claimed either. (See report in certified papers from Department of the Interior.) (Ex. No. B.)

It was not until as late as the year 1853 that he ever even makes a suggestion or claim that he is the inventor of the life-car, when, in a letter to the Treasury Department (Mr. Guthrie, Secretary) of August 6, 1853, he makes application for the temporary use of one of the life-cars at a life-saving station to exhibit at the World's Fair in New York, and says "part of the life-saving apparatus is my invention, and, as it has been the means of saving nearly five hundred human lives, I am anxious that the public should have an opportunity of seeing it and of availing themselves of its principle. I did not patent the invention and am desirous that it should be used throughout the world without tax." (See letter in certified papers from Department of the Interior.) (Ex. No. 9.)

This is his first avowal of himself as the inventor of the life-car, and, as will be observed, it is not until three years after the great achievement of the car at the wreck of the Ayrshire, by which she and her inventor had become so famous as to be known throughout the civilized world.

There had arisen in his mind a reason for claiming the results of Francis's life labor, and that reason will be shown as developed by his subsequent action.

After the work done by the car at the wreck of the Ayrshire Mr. Francis, although he considered himself fairly protected by his two patents of 1838 and 1845, still, out of abundant caution, and by the advice of his attorney, L. W. Serrell (see affidavit of Serrell, Francis's book, page 117), early in 1850, February 9, filed a caveat to, if possible, more completely protect himself from infringement as to the peculiar hatch and trip-cylinder. The application which was subsequently made, founded on the caveat of 1850, was, however, rejected, on the ground that it contained nothing new or patentable. This rejection was made July 19, 1851, and reference was specially made to a patent to J. D. Greene, granted in 1849, for a ducking boat, &c. (Ex. No. 10.) Mr. Francis had invented this deck hatch and trip-cylinder as early as 1843, but had neglected to patent it, and so Greene got ahead of him.

It is well here to record the fact that all the boats and cars which went out of the Novelty Iron Works bore upon them a plate marked "Francis's patent."

In 1855 Mr. Francis, being broken in health, went, by the advice of his physicians, to Europe. The fame of his life-saving appliances, as well as his military constructions, such as corrugated iron pontoons, pontoon wagons, &c., had preceded him, and he found immediate and urgent calls upon him by England, France, Germany, Austria, and Russia, and a great demand for all his constructions and inventions of both and all kinds. He remained in Europe, with the single exception of a brief visit of less than a week to New York on business, from 1855 to 1863.

Now, in the year 1857, nine years after the time in which he claimed that he had invented and had had built the life-car, seven years after her famous work at the wreck of the Ayrshire, nineteen years after it had been invented by Mr. Francis in 1838, twelve years after Mr. Francis had invented and patented in 1845 the corrugation of iron or copper or other metal, for "all vessels," and of which the body or hull of the Ayrshire car was made, and could have been made in no other way, Captain Ottinger applied for a patent—a patent, not for the whole car, but only for the top or deck of the car.

This application for a patent was rejected on September 25, 1857, as follows, by letter from Patent Office to Captain Ottinger: "Improvement in life-cars or life-boats. Decided not to be patentable. As furnishing reasons for this decision you are referred to an application filed by Joseph Francis, and rejected July 19, 1851. Your letter of 21st instant has a request that you may be heard on the points of new and patentable, which could not be regarded before a decision had been made by this office, but which can now have place. You can now, at your convenience, either personally, by agent, or in writing, show why you are entitled to a patent in view of the reference here given." (Signed "E.") (See certified copy from Patent Office marked Exhibit ——.)

As furnishing reasons for this decision he was referred to the application of Joseph Francis which had been rejected July 19, 1851. This rejection of Francis was based on a patent issued to James D. Greene of September, 1849, anticipating him. (See copy from Patent Office, marked Exhibit No. 11, for particulars.)

It is to be noted here that Mr. Francis had manufactured cars with a top or deck, and had sold them publicly as early as 1842, 1843, and 1844. He had only neglected to secure a patent, not deeming it of first or vital importance to his invention.

Captain Ottinger then made a second application for a patent for the peculiar angle or arch given to his top or deck, which he claimed offered the minimum of resistance to the winds and waves, according to the bulk of the car. This application was again, and for the second time, rejected on June 16, 1859. The official letter from the Patent Office to Captain Ottinger says: "Your application for improvement in surf-boats has been examined under the amendments filed and is again rejected. The first clause of the claim, the arched deck, has no novelty."

The letter then refers him to the fact that all ships have arched decks, and also especially to Alexander's patent submarine boat, patented September 3, 1850; Tewksbury's patent boat, patented August 7, 1849, and Joseph Francis's patent boat, patented January 11, 1838. It then says: "So far as the deck of the latter extends, it appears to bear the curvature given in your drawings. For second claim of the device you are referred to application of Joseph Francis, rejected in August, 1858 (surf-car). Signed J. F. F. (Certified copy from Patent Office, marked Ex. No. 12.)

Captain Ottinger then made a third application, varying the curvature of his deck a little, and claiming that his cars were for special use between vessels at sea (many vessels had been carrying Francis's cars for that purpose for years), and this third application was again and for the third time rejected November 8, 1859, as follows:

Letter from Patent Office to D. Ottinger and F. S. Smith, his attorney.

"Your application for improvements in surf-cars has received its third examination, and is again rejected for the reasons and the references given on its first rejection.

"COUES."

(See certified copy from Patent Office, marked Exhibit No. 13.)

But not only did the Patent Office reject Ottinger's application three times, but the reasons for it and the references to former patents of Mr. Francis were so clear that he himself was forced to admit it.

On June 24, 1859, he wrote to the Commissioner of Patents as follows:

"I have examined the references given, and that of Francis alone appears to anticipate the subject-matter embraced in my first and second claims. * * * None of the references except Francis's application, rejected in 1858, possess the capabilities or resemble this car in the slightest degree in construction or adaptation to this specific use," &c. * * * (Ex. No. 14.)

To which the Patent-Office replied, under date of June 28, 1859, as follows:

"In the matter of your application for improvements in life-cars, one of the references given on its rejection (that of Francis) is acknowledged to be pertinent; the application is, therefore, rightly rejected.

"The office regards the reference to form of deck as pertinent. That of Francis's patent has the degree of arching shown in your drawings. This, it is true, is not a flush deck, but flush decks and arch decks are old." It then refers him to the decks of ancient Chinese ships, and it might with equal cogency have referred him to Noah's ark. (Ex. No. 15.)

We have now seen Captain Ottinger in several lights—first, as an officer of the revenue-marine service, who, although a sailor man, never knew the horrors of shipwreck until, in obedience to the order of October 18, 1848, he went down on the coast of New Jersey and heard it there first from the brave fishermen who then constituted our only life-saving force; then as an inventor, who, in the brief space of seven months and three days (from October 18, 1848, to May 21, 1849), invented, experimented, and had constructed one of the greatest life-saving machines ever known, in regard to which he, in his official reports and communications, remains profoundly silent; then four years after, and three years after her world-famed work at the wreck of the Ayrshire, declaring himself, in an official letter to the Secretary of the Treasury, as the inventor, "in part" only, of the "life-saving apparatus," and generously—even magnificently—dedicating it to the world "without tax;" then subsequently and four years after, in 1857, recanting this munificence and applying for a patent; then a rejected applicant, applying again and again and again, each time rejected more decidedly than before and referred to other patents which covered all he claimed—notably those of Joseph Francis—until at last he is told that that which he claims as an invention—"as new and patentable"—is as old as the hills—as old as Chinese civilization itself, which had a knowledge of navigation and marine architecture and construction almost coeval with the ark.

We have seen him in all these lights, but we have yet to see him in lights still more remarkable and more painful.

It is no pleasant duty to follow the devious ways of wrong-doing, and especially is this so when the wrong-doer has become venerable with years. But the truth so long concealed must now see the light. It is the truth which hurts. It is not by the wish of any person whatever.

It has been said that we were to see Captain Ottinger in new and painful lights, and here they are.

Foiled in every attempt and at every point to secure a patent, he now, with the zeal which is born of a great necessity, turns his longing eyes in another direction—a direction, however, from which nothing but temporary relief, which is secured by darkness, can come to him. His plan is now to admit that the claims of Francis do anticipate him and conflict with his, and he now asks that an interference with Francis may be declared.

In a letter dated at Washington city, November 26, 1859, and addressed to the Commissioner of Patents, he says: "I have to acknowledge the receipt of the official letter of the 8th instant, rejecting the amended claim in my application for an improved surf-car on the same references as given in the first rejection." * * * He then refers to Alexander's boat, patented September 3, 1850, and says it is not at all like his car, &c.; also to Tewksbury's boat, patented August 7, 1849, and the anchor-boat of Joseph Francis, patented January 16, 1838, "both open boats," he says, "in which passengers could not be transferred in safety," &c.

In conclusion he says "the only reference given and which bears the slightest similarity to my car and can be used for the same purpose is the surf-car of Joseph Francis, rejected August, 1858. I have to request that the office will declare an interference between my application and that of Joseph Francis, rejected August, 1858, for the purpose of proving priority of invention."

It must here be strongly noted that he asks the office to declare an interference between his application and that of Joseph Francis, which was rejected August 9, 1858, and July 19, 1851, and for what? For the purpose of proving "priority of invention"—that is to say, he desired an opportunity to prove "priority of invention" on that which had been declared to be no invention, and this is apparent from the very words of the letter in which he makes the request. Surely the man is bent on a fool's errand, or is more sorely pressed by the necessity of making some kind of a showing than ever man was before.

Strange as it may appear, the office declared an interference and called the parties to trial.

Mr. Francis had now been long in Europe. Before leaving this country he had confided his business and interests to a company of which Marshal Lefferts was the secretary, and had thus cast out of his mind everything concerning its and his affairs here.

At the time this affair of the interference was on foot Mr. Francis was engaged in business with the five great governments of Europe.

But what difference could it make even if he had known of it? Why should he defend a rejected application when all that was new and patentable about his car was safely secured by his patents of 1845 and 1838?

Mr. Lefferts, however, it is to be supposed in ignorance, undertook the defense of the undefensible rejected application.

Through three trials and many wasted days did an interference examiner in the Patent Office and the parties, by their attorneys, go on with this solemn fooling, the inquiry with which they were engaged being only and solely and precisely this: Who was the prior inventor of that which is no invention, as already officially declared four separate and distinct times after the fullest investigation?

The records in those cases are quite voluminous, and it is unnecessary to impose them on the time and patience of this honorable and busy committee. The examination shows that of the five witnesses who swore for Captain Ottinger that they were all outsiders. Outsiders as to any knowledge they might have of what was being done in the Francis boat factory in the Novelty Iron Works, and that most of them seem to rest their testimony as to the fact that Ottinger was the inventor of the life-car on the ground that he (Captain Ottinger) told them that he was, and kept on telling them so, while the witnesses who swore that Francis was the inventor were all insiders as to what was going on in the Novelty Iron Works, and spoke from a personal knowledge.

In the first place, Mr. Francis makes oath "that he is the inventor and manufacturer of the well-known Francis patent corrugated metal life-car now in the National Museum; that the said car was manufactured under his special direction in 1847." * * * He further says "that his life-car being his own private property, was, after the wreck of the Ayrshire, returned to his factory in New York, and that by his order one of his workmen painted a description of the shipwreck with paint on one end of the deck of said life-car, and that soon after said life-car was removed to the city of Washington and was placed in the United States arsenal and inspected by the President and Cabinet." * * * "And that the life-car was subsequently removed to the Rotunda of the Capitol for the inspection of both Houses of Congress."

He then gives a detailed account of the movements of the car from that day to this. (See certified copy in book, page 114.) Second Lieut. Charles V. Morris, U. S. N., being duly sworn, deposes "that he is eighty-two years of age; that he entered the Navy in the year 1818, and is now stationed at Sackett's Harbor; that in the year 1844 he was stationed at the Brooklyn navy-yard; * * * that during the time that he was so stationed * * * he frequently visited the factory of Joseph Francis in the city of New York, and at those frequent visits to the said factory examined the different kinds of life-cars and life-boats in progress of building, and that he noticed carefully their construction, and particularly the life-car, and was well satisfied that it was the invention of Joseph Francis; that subsequently and after the wreck of the ship Ayrshire, January 12, 1850, * * * it was taken to the Washington arsenal and placed in the same, and exhibited to the President and Cabinet and Commodore Morris, and from thence removed, under deponent's direction, to the Rotunda of the Capitol for the inspection of both Houses of Congress.

From thence it was removed to the Washington navy-yard, under deponent's orders, where it remained for many years and during Mr. Francis's visit to Europe; that on the return of Mr. Francis from Europe this same life-car was ordered by the Secretary of the Navy to be sent to the navy-yard in New York, to be delivered to the inventor, Joseph Francis, and in accordance with said order the said same life-car was placed on a Government vessel, under the superintendence of this deponent, to be delivered to the navy-yard in New York." (Francis's book, page 114, certified copy.)

Third. Thomas McClary, deposes: * * * "That about the year 1846 he commenced work in the employ of Joseph Francis at the Novelty Iron Works; * * * that he assisted in the manufacture of the corrugated iron life-car; * * * that the same life-car saved the lives of two hundred persons at the wreck of the ship Ayrshire, and that the said car after the wreck was returned to the factory of Joseph Francis; * * * and deponent further says that the said life-car was of his own knowledge the same life-car the deponent assisted in manufacturing as aforesaid." (Francis's book, certified copy, pages 115-16.)

Fourth. Joseph W. Casey * * * deposes: "I went to work for Joseph Francis in the Novelty Iron Works in the year 1847 and was put to work assisting in the construction of metallic life-boats and metallic life-cars. I worked upon the first perfect life-car from its commencement to its completion, and assisted in experiments with it to test its strength. * * * I remember very well when the car was returned to the factory after having been used at the wreck of the Ayrshire, and it was the identical car I assisted to build, and in which I was dropped from the steamer's yard-arm." (Book, certified copy, page 118.)

Fifth. William H. Navarro deposes: * * * "During the year 1844 I was engaged in the manufacture of life preservers * * * on the corner of Broadway and Anthony streets, New York. The rear of the building in which I worked was occupied by Joseph Francis, who was then engaged in experimenting on the construction of metallic boats, and I was often called upon by Mr. Francis to assist him in pressing by hand with a wooden press and pattern sheets of paste-board and also thin sheets of iron into a corrugated form of sections of boats. Early in 1848 I went to work at the Novelty Iron Works under Mr. Francis and found he had perfected his inventions and was using a hydraulic press and cast-iron dies for the same purpose.

I was employed there and subsequently with the Metallic Life-Boat Company in the construction of metallic life-boats and life-cars. A portion of my work was to paint and letter the boats and cars, always lettering them respectively "Francis's metallic life-boats" and "Francis's metallic life-cars." Mr. Francis was always regarded as the inventor of the boats and cars by everybody employed about the works, and although two revenue officers, Ottinger and McGowan, occasionally came into the works to look at the boats and cars, I never at any time, in the years I was employed, heard of either claiming any share in originating the design of the boats or cars, nor of one claiming it for the other, nor did either of them, in my hearing, ever give any directions as to their construction.

"I remember distinctly when the life-car was used at the work of the 'Ayrshire.' * * * I painted with my own hands upon that car an inscription recounting its performance on that remarkable occasion, and a year or two ago I went to Central Park, where the car was on exhibition, and repainted my original inscription, which had become somewhat obliterated and defaced. I declare that the car I so painted at Central Park is the identical car manufactured by Mr. Francis and used at the wreck of the 'Ayshire.' * * * In 1852 I ment to Havre, France, for Mr. Francis, and built there a metallic lifeboat and a life-car similar to those that had been built and were then being manufactured in this country." (Book, certified copy, pp. 116, 117.)

There are other affidavits and depositions all tending to establish the same fact, but it is deemed that here is enough by the persons most intimately acquainted with the facts, and in the best position to know them to satisfy every mind. But one more is offered. It is the affidavit of the now venerable Horatio Allen, of the firm of Stillman, Allen & Co., of the Novelty Iron Works, who were half partners in the corrugated metallic life-car and life-boat business of Mr. Francis.

SOUTH ORANGE, *State of New Jersey, ss:*

Before me personally appeared Horatio Allen, who, being duly sworn, deposes and says that he is of the formerly well known firm of Stillman, Allen & Co., called the Novelty Iron Works, in the city of New York; that the said firm were for many years extensively engaged in the manufacture of steam engines and other constructions of iron.

That about the year 1843 deponent's attention was called to the inventions and experiments being made by Joseph Francis in the construction of life-saving appliances, such as ships, life-boats, life-cars, and boats for general use by his newly-invented system of corrugated metal; that after a thorough and careful examination of his principles of construction which were specially adapted to the articles above cited the said deponent made an arrangement for a joint interest in the manufacture of the inventions of the said Joseph Francis on the following basis, namely:

The said Joseph Francis conveyed to the firm of Stillman, Allen & Co., of which deponent was a member, the undivided one-half interest of, in, and to all of his inventions up to that date, including the constructions already named, as well as all inventions or constructions on that principle (corrugated metal) that he might thereafter make, in consideration of which the said Stillman, Allen & Co. were to furnish ample room at their workshops or manufactory; also to furnish all necessary machinery, such as dies, presses, &c., and all the capital necessary to carry on the manufacture of the articles aforesaid.

This deponent further says that the new manufactures above cited were a branch or appendix of the Novelty Iron Works, and that it was specified in the contract that the said Joseph Francis was to have the full and entire control of his own manufactures, as well as the purchasing of materials, to establish prices, receive orders, collect and pay bills, &c., in mutual interest between him and Stillman, Allen & Co.

This deponent further says that those manufactures extended to vast proportions, supplying the Navy, War, Treasury, State, Light-House, Coast-Survey, and mercantile marine, as well as the supply of corrugated metal surf-boats and life-cars for the entire coast of the United States.

This deponent further says that on examination at the closing of the contract aforesaid the said firm of Stillman, Allen & Co. were satisfied that the origin, creation, and invention of all of these several appliances aforesaid were made by the said Joseph Francis, and that they were all necessary for saving human life, especially the life-cars, the experimental manufacture of which was progressing in the manufactory, together with the life surf-boats and other appliances.

Deponent further says that during the time and subsequent to the invention of life surf-boats and life-cars the said Francis invented military constructions of corrugated metal, such as military ponton-wagons, pontons, hospital bedsteads, and other appliances of metal, all of which were added to the manufactory by the said inventor, Francis.

Deponent further says that in 1883 a report was printed as official by "The Life-Saving Benevolent Association of New York," which purports to be a reprint of the official report of 1853, in which, on page 38 of said publication, is the following: "The surf or life car was invented by Capt. Douglass Ottinger, of the Revenue Cutter Service, in 1849;" also "that Joseph Francis executed the mechanical part of the surf-car and life-boats under the direction and supervision of the Government officer."

This deponent avers that every word of the compiler quoted above from said publication is false of his own knowledge; that the articles cited in the above quotation were the invention of Joseph Francis prior to the contract herein referred to, and that their manufacture from the date herein stated was in the joint interest of the said Stillman, Allen & Co. and the said Joseph Francis; that the said inventions were their private property, and not belonging in any degree to the Government.

This deponent further says that the labor and expense of demonstrating the value of the life-car and other life-saving appliances was very great, but the work was prosecuted with energy and perseverance by the said Francis alone from the date of the contract until 1847, when the first perfect life-car was made by him, and by its wonderful success in saving human life in 1850 added materially to its manufacture and consequent profit. The success of the life-car alluded to inspired confidence in its manufacture and induced Congress to make liberal appropriations for the founding of the present great life-saving system, which was not organized until 1870.

Said deponent further says that neither himself nor any member of the firm ever recognized the said Douglass Ottinger or ever gave him, or any other person, authority to interfere with their private interests in their works.

HORATIO ALLEN.

Sworn and subscribed to before me this 30th day of December, A. D. 1885.

HORACE STETSON,
*Notary Public of New Jersey.*

It is to be borne in mind that what Captain Ottinger was seeking a patent for, and it was all that he claimed throughout this controversy, and all that he had ever claimed up to this time, was the top or deck of the car, which he claimed was given such an angle or curvature that it offered the least resistance to the winds and waves, and that his applications had been three times rejected on the ground that arch decks were not new or patentable, and had been especially referred, among others, to the Francis patent of 1838 as having the same angle or curvature as that shown in his drawings.

The result of two of the three trials on interference was that each of the ap-

plicants was rejected on the grounds already so often stated, that they contained nothing "new or patentable." As already stated, Mr. Francis had nothing to gain by this controversy, because all that was new or patentable about the car was already secured to him by the patents of 1845 and 1838, as had been decided by the Commissioner of Patents, and the contest over the top or deck of the life-car was entered into through the ignorance of Marshall Lefferts, the secretary of the Metallic Life-boat Company, to which Mr. Francis had confided his business before his departure for Europe, where he now was and had been for a long time before (since 1855), and where he remained until long afterwards (until 1863).

Now at the third trial a remarkable result was reached, for after seven separate and distinct decisions by the Patent Office that the top or deck of the life-car was not new and no invention, an examiner in some dark room in that office, on the 9th day of August, 1860, four years after the controversy first began, made a decision granting to Captain Ottinger "priority of invention," but deciding that no patent could issue because he (Ottinger) had abandoned the invention to the public. (Ex. No. 18.)

Which is as if he had said, although this office has, after the fullest investigation, decided seven times that this deck or top is no invention, yet it now decides that Captain Ottinger is the prior inventor; therefore "priority of invention" is awarded to him on that which is most decidedly no invention at all.

Absurd as this decision was, and bearing as it so plainly does all the ear-marks of a fraudulent collusion with the examiner who made it, still it is upon that decision that Captain Ottinger has ever since rested.

In order that this narrative may be made complete, and the whole truth be told, we must now take a glance backward for a moment to the year 1858, when we shall behold Captain Ottinger in a new rôle.

The scene is changed to the Capitol (by that way lies the road which leads to the door of the Treasury), and here we see Captain Ottinger, now no longer with grandiloquent generosity dedicating his great invention to humanity "without tax," but with a petition abjectly asking pay from the Government which had fed and clothed him all his life. Pay for what? We shall see.

On the 14th of May, 1858, Mr. E. B. Washburne made a report, No. 403, from the Committee on Commerce, to accompany House bill No. 576, a bill for the relief of Douglass Ottinger, which says, among other things, he (Captain Ottinger) "represents that he is the sole and original inventor of the machine known as the life or surf car," * * * "and that he has voluntarily placed his invention at the life-saving stations of the United States, subject to the free use of the Government unrestricted by patent rights." * * *

"He therefore asks some remunerative compensation for the labor and expense which the inventions have cost him, and also something in addition to enable him to test practically at sea its adaptation to the rescue of passengers and crews during violent gales." (See report and papers in first session, Thirty-fifth Congress, Reports of Congress, vol. III, 1857 and 1858, no paging.)

It is to be here remarked that all the labor and expense which Captain Ottinger gave to his so-called invention was during the time that he was engaged in obeying the order of the Secretary of the Treasury, which was from the 18th of October, 1848, to the 21st of May, 1849, just seven months and three days, during which time he was under the pay of the Government, and the Government paid for all the life-saving appliances put at the stations.

Annexed to Captain Ottinger's petition there are several exhibits, one of which is a statement showing where Congress had voted $100,000 to the inventor of chloroform, and several other large sums to inventors, including $48,000 to Dr. Page for experiments on an electric motor.

There is also a letter of Captain Bond which will be shown to be important in tracing Ottinger's dark and devious ways.

On April 27, 1858, and just prior to the report of the committee just refered to, the Secretary of the Treasury (Hon. Howell Cobb), in reply to an inquiry from Hon. E. B. Washburne, wrote to him as follows:

TREASURY DEPARTMENT, *April* 27, 1858.

Hon. E. B. WASHBURN,
*Of the Committee on Commerce, House of Representatives:*

I acknowledge the receipt of your letter * * * requesting to be informed if any of the surf-cars claimed by him (Captain Ottinger) to be his invention are in use. * * * There are fifty-four stations now on the coast of Long Island and New Jersey provided with all the necessary apparatus, including a life-boat and life-car at each station.

The duty of locating the first eight stations between Sandy Hook and Egg Harbor was assigned to Captain Ottinger, of the revenue-marine service, who also caused the houses to be constructed and the requisite apparatus to be provided therefor, * * * as will be seen by reference to the report of that officer, dated May 21, 1849. * * * In answer to that part of your letter as to the valuableness of the apparatus, I have to say that in many instances where it has been brought into service it has proved of incalculable value in saving human life. * * * (He then refers to the wreck of the Ayrshire and the results, &c., and continues.)

The Department, in bearing testimony to the great value of the apparatus for the saving of human life from shipwreck, * * * takes this occasion to say that it possesses no means of information * * * as to who is the inventor of the life-car in use at the Government stations referred to. Those cars which were furnished the stations, first established by Captain Ottinger in 1849, were provided by that officer under the general instructions of the Department to procure the best means of saving life and property from shipwreck. In like manner Lieutenant McGowan procured those which were furnished to the stations established under his superintendence.

Those provided the Government stations subsequently established were procured by the Department direct of Mr. Joseph Francis, of New York. * * *

HOWELL COBB.

(Cong. Reports, first session Thirty-fifth Cong., vol. 3, 1857-'58, no paging.)

On the 14th day of February, 1859, the bill granting $10,000 to Captain Ottinger was approved and became a law, so that on that day Ottinger arrived at the door of the Treasury with authority to take therefrom the sum of $10,000.

Reference has heretofore been made to the fact that Captain Ottinger was pressed by a great necessity to make some sort of a showing from the Patent Office. At the time that he put that $10,000 in his pocket on the ground that he was the sole and original inventor of the life-car he had been three times refused a patent, on the very ground that it was no invention, all that was patentable about it having been covered by the Francis patents of 1838 and 1845. He was in the fatal position of having obtained the money from Congress by false and fraudulent pretenses. Hence the great necessity which pressed him of getting some sort of showing from the Patent Office, even if it was no more than the absurd decision which he did get from an examiner granting him "priority of invention" upon that which the office had so often declared to be no invention. A paper so absurd can not relieve him from the fatal position referred to, but it was all he could get.

It may well be asked here, as was asked the other day, when this resolution was before the House of Representatives, by the member from Erie, Pa., who represents Captain Ottinger, if Mr. Francis was the inventor why did he allow this fraud of getting $40,000 on a false claim by Ottinger to be perpetrated on Congress? Why did he not stop it? The answer is that Mr. Francis was in Europe, where he had been for years, and that at the precise time at which this matter was afoot before Congress in 1858-'59 he was in the interior of Russia and knew nothing whatever about it. On his return to the United States in 1863 and when he first heard of it, he, at the same time, learned that Ottinger was dead, and generously determined to let the grave keep the secrets of the dark and devious methods of the man who had so foully wronged him.

Long immunity from the penalty of a successful wrongful act emboldens the wrong-doer to new attempts of a similar character, and so in 1883 we find Captain Ottinger again before Congress with a new scheme and again on his way to the door of the Treasury. Having traveled it before, he knew it well. This time his scheme is to be retired on a pension of $2,500.

Again in 1882 we find Captain Ottinger with bills in both wings of the Capitol—Senate bill No. 734, introduced by Mr. McDill January 9, 1882, and House bill No. 4169, introduced by Mr. Harmer February 7, 1882—and of course he is always on his way to the Treasury with the same old story, claiming to be the sole and original inventor of the life-car and many other inventions for life-saving appliances, all of which he says he has donated to the Government free of charge. His scheme was to be retired on full pay.

Mr. MCMILLAN, chairman of the Committee on Commerce of the Senate, addressed a note to Secretary of the Treasury Folger, asking if there was any reason why the bill should not pass, which letter the Secretary referred to General Superintendent Kimball, of the Life-Saving Service, for particulars, and this time it was that reply of the General Superintendent that brought Captain Ottinger to grief. It is on the files of the Senate and may be ordered by the committee.

Again, in the first session of the Forty-eighth Congress a bill (No. 1334) accompanied by a report (No. 1272) for the relief of Captain Douglass Ottinger was reported to the House from the Committee on Naval Affairs, founded upon a memorial addressed by Ottinger to the Congress of the United States. The character of the memorial is sufficiently set forth in the report. He said that he had been in the revenue-cutter service since 1832; * * * that, "in addition to the long and successful service, he is the original inventor of the famous life-saving device known as the surf-car, now and for many years past in use in all the life-saving stations in the United States, and which had been the means of saving the lives of thousands of human beings from wrecked ships.

"This invention was never patented, but was given by him to the public for the public use." [Note.—There is not a whisper about the $10,000 which he had received from Congress for this very invention.] * * * "It was while engaged in carrying out an order from the Secretary of the Treasury to establish the first life-saving stations that this important invention was produced." [Note.—He was about this just seven months and three days, and had already received $10,000 for it.] * * * "In addition to the surf-car there are various other inventions and devices of his in use at the Government life-saving stations."

In 1849 Captain Ottinger went to California in command of a ship of the Pacific Mail Company, and "while on the Pacific coast, at the solicitation of a mercantile association, he explored the then little known upper coast of California, and first discovered, surveyed, and gave its name to Humboldt Bay, and opened up the trade between that point and San Francisco." [Note.—We shall hear more about Humboldt Bay, but shall probably never know what kind of trade he started between that point and San Francisco.] * * *

The report concludes: "In view of the services of Captain Ottinger, outside the line of his duty," [Note.—What were those services? They do not appear here.] "as a revenue officer, and for this reason alone, your committee are of the opinion that he should be allowed the full salary of his rank while he lives, even though, by reason of his advanced years, he may not be continued upon active duty." * * * [Note.—In all this there is dead silence about the $10,000]. Bill and report Ex. C. In this year of 1883, and in close connection with this application of Ottenger's for a pension, a very singular thing occurred.

A pamphlet containing the transaction, with a copy of its charter, list of managers and donors, and a portion of its correspondence, was, after it had served its purpose, and had lain dead for thirty years, reprinted. It is the pamphlet of The Life-Saving Benevolent Association of New York. Now, the question naturally arises, why was this done? What caused this sudden demand for the republication in part of the transactions of this society as far back as 1853, and when its officers and members were nearly all in their graves? What possible connection could it have with the present, or what possible public interest could it be that a republication of it should be demanded in the year of our Lord 1883? (Benevolent Pam., Ex. D.)

A close examination of the book will show beyond all question that the reason for its republication was not in any public demand for it, but that the reason was one wholly private and in close connection with the present attempt of Captain Ottinger to again reach the door of the Treasury. It was done to help on Ottinger's bill for a pension, and its perpose was to perpetrate a deliberate fraud. [Note.—At this very time Mr. Francis was lying at the point of death in New York city, as then announced by the daily press. It was never dreamed that he would live to expose it.)

Let us look at it, and the fraud will readily appear.

It should be stated here that all the libraries here and in New York and Albany have been searched for the pamphlet of 1853, and that the most skillful men in that business searched for it far and wide, but without success. They since have all been bought up and destroyed.

To return to the pamphlet or republication of 1883. In the affidavit of Mr. Horatio Allen, already before the committee, he says "that in 1883 a report was printed as official of the Life-Saving Benevolent Association of New York, which purports to be a reprint of the official report of 1853, in which, on page 38 of said publication, is the following:

"The surf or life car was invented by Captain Ottinger, of the Revenue-Cutter Service, in 1849;" also "that Joseph Francis executed the mechanical part of the surf-car and life-boats under the direction and supervision of the Government officer."

"This deponent avers that every word of the compiler quoted above from said publication is false of his own knowledge; that the articles cited in the above quotation were the invention of Joseph Francis prior to the contract herein referred to, and that their manufacture from the date herein stated was in the joint interests of the said Stillman, Allen & Co. and the said Joseph Francis; that the said inventions were their private property, and not belonging in any degree to the Government.

"This deponent further says that the labor and expense of demonstrating the value of the life-car and other life-saving appliance was very great, but the work was prosecuted with energy and perseverance by the said Francis alone from the date of the contract until 1847, when the first perfect life-car was made by him." * * *

It may also be stated, on information and belief, that the entire pages of 38 and 39, with the exception of the last paragraph and the names signed thereto, is matter newly added and which did not appear in the original pamphlet. (Benevolent pamphlet put in evidence.)

It is a matter worthy of remark, however, that in the two pictures presented in the said pamphlet the car shown to be in use is exactly similar to the Francis car used at the wreck of the Ayrshire and now in the National Museum, and does not resemble in the least the car which Captain Ottinger claims as his invention, as will be seen by the officially certified photograph now offered in evidence. (Photographs, Ex. Nos. 22, 23, and 24.)

One other reference to the Benevolent pamphlet. In the part of the correspondence reprinted in the pamphlet of 1883 is a letter from Thomas Bond, captain of the wreckers, to Walter R. Jones, dated at Long Beach House, December 7, 1852, as follows:

"DEAR SIR: I had an opportunity of testing the Government apparatus for saving life from shipwrecked vessels on Saturday last. The ship Georgia,

Captain Brodie, with 271 passengers on board, came on shore on Friday evening last, the wind blowing nearly a gale and the weather so foggy that the breakers were not seen till she was hard aground, with the wind on shore. * * * This line was then fastened to the forward part of the life-car and another to the stern. I sent her in that manner through the surf to the ship and back till all the passengers and crew were landed without the least bruise or scratch to any one. * * * I have not been over to the ship since the crew landed, but it is reported that the boat is somewhat injured, and I apply to you to assist me to have everything in order again as soon as possible. * * *

"THOMAS BOND."

(See B. B., pages 59 and 60.)

There is also a letter from Captain Brodie to Walter R. Jones, dated New York, 15th of December, 1852:

"SIR: I was in command of the ship Georgia, wrecked on Long Beach, New Jersey, on Friday, the 3d instant, while on her passage from Liverpool to New York, and take pleasure in bearing testimony to the efficiency of the life-saving apparatus in the Government boat-house.

"We had on board 272 passengers, men, women, and children, and a crew of 18 men—in all, 290 persons." * * * "I consider the apparatus well adapted to the contemplated service, particularly the life boat used by us. She once filled with water, but so admirably is she constructed that, with 25 persons on board she remained upright, and was 9 inches out of water amidships, and worked with more steadiness than when without water in her." * * * "The boat sustained no injury," &c. * * *

"Your obedient servant,

A. M. BRODIE."

(B. B., p. 60.)

The attention of the committee is called to the fact that the integrity of the record in Captain Bond's letter has been at some time tampered with, because, in the fourteenth line of it, *life-car*, in italics, has been inserted for surf-car, as it was written in the original. (Compare with same letter in Ottinger's exhibits to petition for $10,000, volume 3, reports of Congress, 1857-'58.) The fact is that no life-car was used on that occasion, because it was not necessary. The ship stranded in a fog, not in a gale, and could be easily reached by the life-boats; but one of Mr. Francis's corrugated iron surf-boats, which was hauled to and from the ship through the surf by lines attached to her bow and stern.

The fact that the record has been tampered with is apparent from the letter itself, because, in the twenty-fourth line of his letter, Captain Bond refers to it again as "the boat;" also Captain Brodie, in the thirteenth line of his letter, refers to the "life-boat used by us," and in the fourteenth line says "that with twenty-five persons on board she remained upright," &c., and in the twentieth line says "the boat sustained no injury."

Now, it is to be observed that the word "*life-car*," italicised, is the only reference to the life-car in either letter; that all the other references are to boats and life-boats; and Captain Brodie says that with twenty-five persons on board she remained upright, &c., when full of water.

Now, a life-car can not take on board more than five persons, children and adults, whereas the Francis surf-boats can easily carry twenty-five persons.

Now, the question arises, why should this letter have been tampered with in the republication, or possibly in its first publication? The object and answer is not difficult to find. Captain Ottinger was then an applicant for $10,000 for a "life-car," and there seems to be no doubt that it was done to help on that fraudulent scheme.

It may here be stated in this connection that a very recent attempt (last August) was made by Captain Ottinger in person, who had proceeded to Long Beach to see Captain Bond to induce him to say that the life-car was used at the wreck of the Georgia instead of the Francis surf-boat; but that sturdy veteran of the coast indignantly refused to stultify himself, and immediately reported the attempt upon his honor to the authorities at Washington.

But Captain Ottinger's third journey to the Treasury was not so successful as the first, and suddenly came to grief. The manner of it may be best understood by a special telegram from Washington, June 21, to the New York Sun of the next day, June 22, 1884. It is headed "A bill that will not pass"—"Evidence which knocks the bottom out of Captain Ottinger's claim." "Washington, June 21." "There is a bill upon the Calendar of the House of Representatives on which action will not be demanded. It is accompanied by an elaborate report from the Committee on Naval Affairs, * * * and is for the relief of Capt. Douglass Ottinger. * * * Both Ottinger and Goff (its introducer) probably wish the matter had never been introduced to Congress, and would be 'willing to have a millstone tied to it and dropped into the middle of the sea.' And all this because of certain evidence that Hon. Sunset Cox, of New York, has in his pocket."

The preamble of the bill says Captain Ottinger * * * has a stainless record as an officer and man; that his services have been supplemented by useful inventions for saving life for which he has received no compensation. Therefore it is proposed to give him a pension of $2,500 per year during the remainder of his life.

The report is long and recites that Captain Ottinger is the inventor of a life-saving device known as the surf-car, which has saved thousands of lives, but which was never patented, and was given by Captain Ottinger to the Government for public use.

A reference to the report of the Patent Office will show that Captain Ottinger applied for a patent and was refused because the apparatus was not of his invention. Volume 2 of the Statutes at Large, page 559, will show that this invention was not presented to the Government for public use, but that Captain Ottinger received $10,000 for it. * * * The report further alleges that Captain Ottinger was the originator of the Life-Saving Service in this country, and is to be credited with its completeness and efficiency. The records of the Treasury show that the captain's connection with the service was as superintendent of the construction of seven life-saving stations, having been detailed for that purpose from the Revenue Marine Corps.

Captain Ottinger is also credited in the report with having been the discoverer of Humboldt Bay, on the Pacific coast, in 1849, whereas Captain Winship discovered it in 1806, and the records of the Coast Survey of 1848 contained a detailed description of the place. (Francis's History, pages 110 and 111. Coast plat of California, Oregon, and Washington Territories, published in 1869, page 102.)

And so Captain Ottinger's second journey to the Treasury came to grief. The bill for his pension dropped out of sight and has never been heard of again.

Mr. Francis now first heard by this exposure of Ottinger's third scheme in Congress, and determined, after consultation with his friends, to assert his own rights.

In May, 1883, the Great International Fisheries Exposition opened its doors to the world in the city of London. All nations made exhibit there of their progress, not only in regard to fish culture, but in all matters touching maritime affairs, among others the means which had been found most effective in saving life and property from shipwreck. Our own country was among the exhibitors.

On March 31 of that year Lieut. C. H. McClelland, of the Life-Saving Service, an assistant inspector, who was to have charge of the exhibit at London, in a letter to Hon. S. J. Kimball, superintendent and chief of the Life-Saving Service, asks that the "Ayrshire" life-car be borrowed from the Central Park commissioners, where it then was—to whom it had been loaned for exhibition by Mr. Francis, it being his private property—to be sent to London to the fisheries exposition, thinking it would add to the exhibit that was to be made and be of great interest to the thousands who would visit the exposition. (Ex. D.)

Application was duly made to the park commissioners by Captain Merriman, of the Life-Saving Service, and the life-car was shipped by Professor Baird, through his agents, to the exposition. (Ex. E and F.)

On July 31, 1883, a petition addressed to his excellency the American minister at the Court of St. James, signed by Gideon J. Ball and six other residents of Erie, Pa., where Captain Ottinger resides, and, referring to the life-car on exhibition at the exposition, say that it is an imposture and a fraud now being practiced upon the European public, and we feel that it is due to truth and humanity to expose it.

The life-car which saved the people on the Ayrshire was invented by Douglass Ottinger, of this city, * * * when under act of Congress he was charged with the management and construction of the first life-saving stations of the United States. The files of the Treasury Department, the act of Congress, and the archives of the Patent Office authenticate the origin of the life-car. [Note.—It is in this manner that they use the three prominent frauds perpetrated by Ottinger to sustain his title to the life-car.]

"The petitioners protest against it, and ask that their paper may be made public," &c. (Ex. No. 24.)

On June 23, 1883, from Erie, Pa., Captain Ottinger addressed a letter to his excellency J. Russell Lowell, in which he says, among other things, "that the metallic-covered boat that had been on exhibition in Central Park was fraudulent, though purporting to be the authentic life-car that saved the people wrecked on the ship Ayrshire," and that the same car was now on exhibition at the Fisheries Exposition, having been sent there by the Superintendent of the United States Life-Saving Service at Washington. He says: "I have the honor to send to you herewith a photograph taken yesterday of the authentic life-car, in order that it may be compared with the metallic-covered boat sent to the Fisheries Exposition. The inventor of the life-car gave it free of tax for patent, not to the United States alone, but to all other nations. [Note.—He had the $10,000 in his pocket then.]

"Therefore it is important that the lines of construction of the true life-car * * * be shown in order that the fraudulent covered boat be not accepted as a model." (Ex. No. 25.)

In a letter from the American commissioner to the exposition, Hon. G. Brown Goode, to Hon. Sumner J. Kimball, General Superintendent Life-Saving Service, dated at London, 8th of September, 1883, he transmits the letter just quoted from Captain Ottinger, with the photograph of the life-car sent by Captain Ottinger, and the petition of Gideon J. Ball and others, of Erie, which he had received from the American minister, and says: "I have informed Mr. Lowell that I felt that I had no authority in this matter, * * * but that I would forward the inclosed letter, petition, &c., to you to be acted upon as you might think proper." [Note.—Produce photograph here to committee.] (Ex. 26.)

Captain Ottinger also addressed a letter to the Secretary of the Treasury, which was received at the Department April 21, 1885, in which he says: * * * "Mr. Joseph Francis, a boat-builder employed in the shop of Stillman, Allen & Co. at the time they manufactured my life-cars, * * * got up a counterfeit of my life-car. Mr. S. J. Kimball and Capt. J. H. Merriman, of the Life-Saving Service, sent it, with property of this Government, and apparently under the patronage of the United States, to England, and put it conspicuously * * * in the life-saving division * * * in fisheries' exposition of 1883, and by a large placard the counterfeit car made an especial show, being so advertised as the car in which the people of the ship Ayrshire were rescued.

The people of the wrecked ship Ayrshire were saved on the 12th of January, 1850, in the authentic life-car, the property of the United States," &c. (Ex. No. 27.)

All this required investigation, and so an investigation was ordered.

That investigation was ordered, as follows, by a letter dated March 24, 1884, from General Superintendent Kimball to Lieutenant McClellan. (Ex. No. 28.)

Then follows a letter of April 17, 1884, from Mr. Kimball to Mr. Francis, asking him as to the history of the life-car that rescued the people from the Ayrshire, and Mr. Francis's reply of April 20th relative to the authenticity of the life-car. (Ex's 29 and 30.)

Then a letter dated Washington, D. C., May 6, 1884, from B. S. Osborn, addressed to Hon. C. J. Folger, Secretary of the Treasury, with the request that the life-car of Joseph Francis be taken to Bayhead life-saving station, New Jersey, for identification. (Ex. No. 31.)

Then a letter from Hon. H. F. French, Acting Secretary of the Treasury, of May 8, 1884, to Professor Spencer F. Baird, asking that the Francis life-car be forwarded to Bayhead for identification by witnesses. (Ex. No. 32.)

Then a letter dated May 12, 1884, of Professor Baird, of the Smithsonian Institution, to Hon. Charles J. Folger, saying that the Francis life-car had been sent. (Ex. No. 33.)

Then follows a letter from Hon. S. J. Kimball, General Superintendent of the Life-Saving Service, dated May 13, 1884, to Lieut. C. H. McClellan, assistant inspector Life-Saving Service, in which he says: "In compliance with your telegraphic dispatch of to-day, I herewith transmit the photograph which was received in this office on the 18th of September, 1883, from G. Brown Goode, inclosed in his letter dated at the International Fisheries Exhibition, South Kensington, London, September 8, 1883.

"The photograph was accompanied by a letter signed 'Douglass Ottinger, inventor of the life-car,' dated Erie, Pa., June 23, 1883, and addressed to J. Russell Lowell, United States minister to the court of St. James, which described the photograph as that of 'the authentic life-car that saved the people wrecked on the ship Ayrshire.'

"You will please take care that the photograph is not injured while in your possession and return it as soon as possible." (Ex. No 34.)

Then follows the affidavit of Lieutenant McClellan touching the taking of the affidavits for the identification of the Francis life-car. (Ex. No. 35.)

Then follow ten affidavits of indentification. Those of Stout, Hulse, Wilson, J. Fleming, James P. Fleming, Van Note, Loveland, Herbert, Chapman, and David Fleming, which are all very brief. (Ex. No. 36.)

They are the men who assisted at the wreck of the Ayrshire and handled the car on that memorable occasion, every one of whom swear that the Francis life-car is the authentic car used at the wreck of the Ayrshire, and further swear that such a car as that shown in Ottinger's photograph was never seen on that coast.

There are still other affidavits, but this is clearly enough.

And so were General Superintendent Kimball and Captain Merriman, of the Life-Saving Service, completely and splendidly vindicated, for here it is that Captain Ottinger now comes to certain destruction. The human mind can not resist testimony so direct, clear, and overwhelming, and the fact that the Francis life-car now in the National Museum is the authentic car which did such noble work at the wreck of the Ayrshire on January 12, 1850, is now, and must always remain, a fact which is settled forever.

When Captain Ottinger delivered that photograph to the American minister at the Court of St. James and declared it to be a true picture of his invention and the veritable car which was used at the wreck of the Ayrshire the avenging fate which pursues all wrongdoers had overtaken him, for though "the mills of the gods grind slowly, yet they grind exceeding fine."

This plain statement of the facts presents to our mental division panoramic pictures of two lives, now far beyond the natural span—one, that of a man who, at twenty-seven years of age, put on the uniform of the United States Revenue

Marine Service and from that day to this has lived at the public expense. Then we see him sent on the unimportant duty of "superintending" the construction of eight houses for life-saving stations, and the supplying of them with such life-saving appliances as the board of underwriters of New York "may direct," about which duty he was engaged just seven months and three days, when, as he now claims, he made a great invention, about which, however, there is not a word spoken by him in either his official reports and communications, although there is direct reference made to "a life-car," but no whisper of a claim by him that it is his invention.

Then we see him on the Pacific coast, from 1849 until 1853, where he claims the honors of a discoverer, although this is not made known to the world officially until he is seeking a pension from Congress, in 1883, thirty years after the so-called discovery, when he declared himself to be the discoverer, explorer, and namer of Humboldt Bay, and which was then shown to have been discovered in 1806 by Captain Windship, about the year which he (Captain Ottinger) was born, and that the records of the Coast Survey, as early as 1848 and before, Captain Ottinger had reached the Pacific coast, contained a detailed description of the place.

Then we see him in 1853 again on the Atlantic coast, three years after the wreck of the Ayrshire, and four years after the invention of the car as claimed by him, announcing to the Secretary of the Treasury that "a part of the apparatus is my invention," which he then and there grandiloquently dedicates to the world "without tax." Then again, even after the declaration of a generosity so grand, we find him applying for a patent right, not once only, but twice and thrice, and each time rejected on the ground that his claims were neither "new nor patentable."

Then, in 1858-'59, we see him before Congress asking for $10,000 to pay him for that which he had once with such sublime generosity dedicated to the world "without tax," and, forgetting that he had once declared himself in an official letter to be only inventor "in part," now boldly declaring himself in his petition to Congress to be the "sole and only original inventor" of the life-car which saved two hundred souls from the wreck of the Ayrshire, when at that very time his application for a patent had been three times rejected by the Commissioner of Patents as being "no invention." Then, having successfully imposed upon Congress, we behold him at the vaults of the Treasury putting $10,000 of the people's money into his pockets, which a grateful nation had voted him as a benefactor to mankind.

There we find him in the fatal position of one who had obtained money by false and fraudulent pretenses, and, despairing of getting any kind of grant or right from the Patent Office, asking, finally, that an interference may be declared between him and Joseph Francis, which had been already rejected as no invention, and at last, in August, 1860, securing from an examiner in that office a decision granting him "priority of invention" upon that which that office had seven times declared to be no invention, seeming to think that what was declared to be "no invention" could, by such hocus pocus as the examiner resorted to, and seven years after the first decision, be cured by the said examiner's decision giving him priority of invention, and never seeming to know that that which had been so often declared, and as far back as July 19, 1851, to be no invention to Joseph Francis could never after that be an invention to any one on earth, and could not by any possibility whatever, therefore, after that have a "prior" inventor, and that the decision of the examiner simply amounted to his saying "there is no invention, it is true, but, nevertheless, you are the 'prior' inventor."

Utterly silly and absurd, as it is—but when was knavery ever wise?—Captain Ottinger, no doubt relying on the comparative privacy and darkness of the proceeding, and hoping that it would never see the light, has rested on that decision ever since, and rests on it alone down to this day. Then we find him in 1882 again before Congress, with a petition and bill in each House, determined—if two bills could do it—to get again to the vaults of the Treasury, and again we witness his complete discomfiture.

Nothing daunted, we see him again before Congress in 1883—this time for a pension of $2,500, being $700 more than he asked for in 1882—and, to help that matter on, again asserting himself as the inventor of the authentic "Ayrshire" car, of which he has given the free use to the Government, and as the discoverer of Humboldt Bay, given as reasons why the pension should be granted, but keeping dumb as to the $10,000 which he had already received for that which he falsely claimed as his invention, and which he had once with such engaging munificence dedicated to the world "without tax."

It is at this time, too, that a pamphlet which had served its purpose and been dead for thirty years is republished without any public demand for it whatever, and that the integrity of the text of letters reprinted in it was tampered with—this tampering having special reference to the matter which Captain Ottinger then had pending before Congress. As to who did the tampering, let Ottinger's visit to Bond be borne in mind. Then we behold him, as may well be supposed, covered with confusion at the exposure then made on the floors of Congress—skulking away, leaving his petition and bill to their certain fate, and earnestly praying for swift oblivion on the whole exploded scheme.

The next phase in which we see him is before the American minister at the court of St. James declaring that the Francis car, then on exhibition at the Fisheries Exposition in London, is an "imposture and a fraud," that "it was not the authentic car which saved the people from the wreck of the Ayrshire," but that the photograph, which he then furnished to the minister, was a true picture of the veritable car which was used at the wreck of the Ayrshire, and of which he was the "sole and original inventor."

Then later on we see him protesting to the Secretary of the Treasury that General Superintendent Kimball and Capt. James Merriman, of the Life-Saving Service, had sent to the Fisheries Exposition in London, and put on exhibition there as being the car which saved the people from the wreck of the Ayrshire, a "metallic covered boat;" that the said boat was "not the authentic Ayrshire car, but an imposture and a fraud," which the said Kimball and Merriman were imposing upon the public.

We now come upon the last scene of this strange, eventful, and most odorous history. Mr. Kimball, in order to vindicate himself and Captain Merriman, ordered an investigation as to the authenticity of the Ayrshire car, with the overwhelming results just laid before the committee.

In strong contrast to this picture is that of the other life. Here we see an earnest, intense, well-poised, steadfast boy at the age of only eleven years taking up, and even then getting a firm grasp upon, what was to be his life-work. Slowly, earnestly, obscurely, yet sleeplessly, he pursues the even tenor of his way until at the age of eighteen he receives honorable recognition from one of the great institutions of the country for creations for life-saving purposes, the result of his own hands and brain.

Still pursuing the great purpose of his life, and with exhaustless study and crucial experiment he advances in his calling until wooden boats of his invention and construction are in demand by crowned heads and great navies, and are carried by the mercantile marine to all parts of the globe, and in 1838 his inventive genius was recognized and rewarded by the Patent Office of the United States, and at which time he first conceived the idea and designed a life-car. Then, having exhausted the utmost capacities of wood as a material for constructing life-saving appliances as being both too heavy and too frail, he determines to abandon his business in wooden boats and to seek for his purpose some other material.

Then we see him in 1841, with the true spirit of the inventive genius, shutting himself up alone in a vacant building, poor, unaided, almost starving, determined to work out his problem or die.

Then followed his great invention by which metal could be used as a vessel on water, and which was reached, after vast study and experiment, in the invention of corrugating iron or other metal in curved and irregular lines, which invention was secured to him by patent in 1845.

Then we find him being sought after by men of capital who desired to avail themselves of his inventive genius, and he now receives as partners in his business the great firm of Stillman, Allen & Co., of the Novelty Iron Works. His boats of corrugated metal displace in large degree all wooden constructions for life-saving appliances. In 1847, after exhaustive experiments and the building of many experimental cars, he completes a perfect life-car, that car which, in 1850, did such effective work at the wreck of the Ayrshire. His fame had now spread far and wide, not only in his native country, but in other lands, for through his inventions there had been saved thousands of lives and millions of treasure, and he is the recipient from distinguished bodies in his own country and in Europe of resolutions, diplomas, and medals of honor.

Then, in 1855, we see him in Europe, eagerly sought after by crowned heads and men of highest social, official, and scientific distinction, introducing there the results of his inventive genius, doing honor to his own country, and shedding lustre upon American citizenship, receiving in return all marks of favor which they knew how to confer, consisting of medals, rich presents, and decorations of knighthood. For more than seventy years this high, honorable, and shining career has been pursued without a stain or blemish on any part of it. It is no extravagance to say that few lives furnish such a record.

He returns to his native land to find that that which he had wrought out through all his long and tireless life, with so much thought, pain, care, and suffering, and by which thousands of lives and millions of property had been saved, has been stolen from him, and that to another had been given the credit honor, and emoluments which he alone deserved.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### RICHARD FITZPATRICK.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased. It is a very short bill, reported from the Committee on Claims with practical unanimity.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read. It proposes to pay to J. M. English, administrator of the estate of Richard Fitzpatrick, deceased, $12,000, that amount being found due and allowed to Richard Fitzpatrick, during his lifetime, by the Court of Claims, as compensation for the use and occupation of his property by the United States Government.

Mr. SHERMAN. I should like to have the bill read again. I could not hear a word.

The PRESIDING OFFICER. The Chair will appeal to Senators to preserve order. The bill will be again read.

The Chief Clerk again read the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CUSTOMS NIGHT INSPECTORS.

Mr. EVARTS. I move to take up Order of Business 1993, being the bill (S. 3116) for the relief of night inspectors of the ports of New York and Baltimore, a bill that I understand will occupy no time and will be passed very readily.

Mr. COCKRELL. I hope that will not be passed, and I give notice now that it will not pass to-night. If you want an all-night session you can have it.

Mr. SHERMAN. I move that the Senate adjourn.

Mr. SPOONER. I ask the Senator from Ohio to withdraw that motion, as the Senator from New York [Mr. MILLER], the Senator from Maryland [Mr. GORMAN], and myself desire to address the Senate.

Mr. SHERMAN. I withdraw my motion.

### DEATH OF REPRESENTATIVES.

Mr. MILLER. Mr. President, I ask the Chair to lay before the Senate the message of the House of Representatives communicating the resolutions adopted by that body on the death of Hon. John Arnot.

The PRESIDING OFFICER laid before the Senate the following resolutions of the House of Representatives; which were read:

IN THE HOUSE OF REPRESENTATIVES, *February* 22, 1887.

*Resolved*, That the House has received with profound sorrow the announcement of the death of Hon. John Arnot, late a member of the House of Representatives from the State of New York, and tenders to the family and kindred of the deceased the assurance of sympathy in their sad bereavement.

*Resolved*, That the business of the House be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues.

*Resolved*, That the Clerk of the House be directed to communicate the foregoing resolutions to the Senate.

Mr. MILLER. I send resolutions to the desk, which I ask may be read.

The PRESIDING OFFICER. The resolutions submitted by the Senator from New York will be read.

The resolutions were read, as follows:

*Resolved*, That the Senate has received with deep sensibility the announcement of the death of Hon. John Arnot, late a member of the House of Representatives from the State of New York.

*Resolved*, That a copy of these resolutions be transmitted by the Secretary of the Senate to the family of the deceased.

Mr. MILLER. Mr. President, I have asked the Senate to lay aside for a few moments its regular business in order that I may pay a trib-

ute of respect to the memory of Hon. John Arnot, late a Representative in Congress from the State of New York.

Mr. Arnot was first elected to the Forty-eighth Congress and re-elected to the Forty-ninth Congress. He died at his home in the city of Elmira on the 20th of last November.

Mr. Arnot was in no sense a seeker after the honors or emoluments of office. In this case the office sought the man. He was a business man rather than a politician. In the many enterprises in which he was engaged he displayed strong executive ability and clear foresight. He inherited wealth and added largely to it by his industry and business sagacity.

His neighbors came to know him as a man of stern integrity, liberal in his views, generous to a fault, and with great capacity for affairs.

His party forced upon him the nomination for Congress which he unwillingly accepted. He served his people so satisfactorily that he was re-elected to the Forty-ninth Congress without opposition.

Mr. Arnot was a Democrat in politics and a strong party man, but he never allowed his partisan feelings to control his action or to secure his support of a party measure which did not meet the approval of his judgment. Mr. Arnot is an illustrious example of the safety of committing governmental duties to those who have shown great success in the management of their own affairs.

He had not been trained in the science of government as taught in our schools or in the law, but his contact with men and their affairs led him almost intuitively to take that side of a question which was in the interests of the people and for the development of the resources of our country. As his judgment had been almost unerring in his own affairs, so it was sound on nearly every question upon which he was called to act during his service in Congress.

In my judgment the safety and prosperity of our country depend more upon the men who possess the qualities of heart and mind which Mr. Arnot possessed than upon the mere brilliant qualities of the political genius or learned expounder of the law. It is in men of this character that the reserve force of our country is to be found.

To-day the material interests of the nation are controlled by a host of wise and energetic business men who, in a large degree, have subdued the forces of nature and made them work for man. In the all-absorbing nature of their enterprises they seem to forget at times that they owe this nation any duty; but, if by any chance they are drawn into political affairs, they evince the same energy and foresight that characterized them in the private station.

Mr. Arnot was most loved and honored where he was best known. In his home at Elmira, where he had lived all his life—a city which he had seen grow up, and toward which growth he had contributed much—he was known to all its citizens as public-spirited and generous of heart. His death was keenly felt in Elmira and the surrounding country. His memory will be cherished there so long as any shall survive who knew him.

I know of no higher encomium which can be passed on any man than that which was said of Mr. Arnot by his neighbor: "He was a true friend, a good citizen, an honest man."

Mr. BLACKBURN. Mr. President, in a continuous Congressional service of more than half a score of years, this is the first time that I have ever uttered a word on an occasion like this. But when the death of John Arnot, of New York, is announced to a Chamber of which I am a member, I would be unjust to myself and recreant to every prompting of friendship if I permitted it to pass in silence.

It is not of the Congressman or of the law-maker alone that I would speak. It is the dead friend who looms up before me, a man whose life illustrated those nobler properties that teach us to think better of humanity.

I have no prepared eulogium to pronounce, but he was a man who was honest in the discharge of every duty that devolved upon him, painstaking, faithful, and conscientious.

Whether in commercial matters or in the discharge of those duties that rested on him as a public servant, he met the fullest measure of criticism that might be applied. But in his private life he illustrated those properties that made him dear to all who knew him. If it was the weeping widow whom he found in tears attending the sale that a cormorant creditor was enforcing of the shelter that a dead husband had left to her and to her little ones, it was his check that was given, it was his own generous soul that directed that the commissioner should make the deed to her who was unable to protect either herself or those who were dependent on her.

His life was a constant illustration of the broadest philanthropy, and in my judgment the truest religion that a man has ever been permitted to employ among his fellows. It was an enduring effort to lighten the load, to ameliorate the condition, and to advance the welfare of his fellow-men. He believed that it was—

Not well to prate of creeds,
But better to write one's life in noble deeds.

The world was better for his labors, and he passed out of it with a conscience, I am sure, clear of offense either toward his Maker or toward his fellows. Not speeded, but peacefully, he passed into that far-off country where the showers of the rain-storms come not, and where the heaviest-laden wayfarer at last lays down his load.

Fearlessly he met that last of all opponents, before whose grim visage mortality has never failed to yield. Conscious of rectitude in life, remembering that he had done naught to bring discredit upon a name that had been honored among his fellows, fearlessly he crossed the misty boundary that separates us from the great hereafter, bearing in his hand the best and safest passport that immortal soul ever went into eternity with, the burden that he had lifted from the shoulder of some toiling comrade or the tear that he had dried upon the furrowed cheek of sorrow.

Whatever may be said, the testimony of those by whom he was best known, the love that is borne him by those who were closest to him, attest beyond controversy the merit and the worth of this dead comrade. Well may his friends go and inscribe upon the marble that is to mark his resting-place words that were inscribed before for one who was no more worthy, "Earth never pillowed upon her bosom a truer son, nor Heaven opened wide its portals to receive a manlier spirit."

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were agreed to unanimously.

Mr. MILLER. Mr. President, I ask that the Chair lay before the Senate the message of the House of Representatives communicating the resolutions of the House of Representatives on the death of Hon. Lewis Beach.

The PRESIDENT *pro tempore* laid before the Senate the resolutions of the House of Representatives; which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 22, 1887.

*Resolved*, That this House has heard with profound sorrow of the death of Lewis Beach, a Representative in Congress from the State of New York.

*Resolved*, That all other business be suspended in order that fitting tributes of respect may be paid to his memory.

*Resolved*, That these resolutions be communicated to the family of Mr. Beach.

*Resolved*, That the foregoing resolutions be communicated to the Senate.

Mr. MILLER. I send resolutions to the desk, which I ask may be read.

The PRESIDENT *pro tempore*. The resolutions submitted by the Senator from New York will be read.

The resolutions were read, as follows:

*Resolved*, That the Senate receives with sincere regret the announcement of the death of Hon. Lewis Beach, late a member of the House of Representatives from the State of New York, and tenders to the relatives of the deceased the assurance of their sympathy with them under the bereavement they have been called to sustain.

*Resolved*, That the Secretary of the Senate be directed to transmit to the family of Mr. Beach a certified copy of the foregoing resolution.

Mr. MILLER. Mr. President, Mr. Beach was well known to many members of this body as a vigilant, conscientious, and hard-working legislator. He was three times elected to Congress and faithfully represented the interests of his constituents. It is believed by his family and friends that his constant attention to his public duties laid the foundation of the disease which proved fatal.

Mr. Beach was in many ways a strong man. He made his personality felt in the community in which he lived by taking a prominent part in all matters of public interest. He was honored by his neighbors who conferred local offices upon him, and was finally chosen Representative in Congress. His service in the House marked him as a man of great energy and determination, and as conscientiously devoted to what he believed to be right.

Mr. Beach was an educated gentleman who devoted his time to the practice of the law, literary pursuits, and farming. His delight in rural pursuits led him to make his home on a farm at Cornwall, on the Hudson, near the city of Newburg. He was chiefly instrumental in bringing about the centennial celebration of the disbandment of the Revolutionary armies under Washington, at Newburg, after the treaty of peace between the United States and Great Britain had been negotiated.

As a member of the joint Congressional committee which had that celebration in charge, I met Mr. Beach at Cornwall and enjoyed the hospitality of his elegant country home. Thus I came to know Mr. Beach better than I had known him here in his public life. However severe and determined he may have been in the discharge of official duties, he was a most genial and hospitable gentlemen in his own home, and it was these qualities which endeared him to his friends and neighbors.

Mr. Beach will be greatly missed by the community in which he lived. His place in Congress may be filled, for our country is rich in the number of citizens who are capable of filling any position in the Government, but the death of a man possessed of the qualities of Mr. Beach in the prime of life, with all his faculties at their best, can not but be a great loss, not only to his friends and neighbors but also to the whole country.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were agreed to unanimously.

Mr. MILLER. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives communicating the resolutions on the death of Hon. Abraham Dowdney.

The PRESIDENT *pro tempore* laid before the Senate the resolutions of the House of Representatives; which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 22, 1887.

*Resolved*, That in the death of the Hon. Abraham Dowdney, late a Representative of the twelfth Congressional district of the State of New York, that district and State have lost an able, conscientious, and faithful servant and the country a safe, intelligent, and prudent legislator and a public-spirited and patriotic citizen.

*Resolved*, That the Clerk of the House be directed to transmit a copy of these resolutions to the family of the deceased.

*Resolved*, That as a further mark of respect the House, at the conclusion of these ceremonies, do adjourn.

*Resolved*, That the Clerk communicate the foregoing resolutions to the Senate.

Mr. MILLER. I send to the desk resolutions, which I ask may be read.

The PRESIDENT *pro tempore*. The resolutions submitted by the Senator from New York will be read.

The resolutions were read, as follows:

*Resolved*, That the Senate has received with profound sensibility the announcement of the death of Hon. Abraham Dowdney, late a member of the House of Representatives from the State of New York.

*Resolved*, That the sympathies of the members of the Senate be tendered to the family of Mr. Dowdney in their bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Mr. MILLER. Mr. President, Mr. Dowdney a few weeks ago was apparently in perfect health. He left this city and returned to his home in New York city, where he was stricken down and died without a moment's warning. His life's work was not finished, but he had performed well his part in every station he had occupied. His early life had been one of severe toil and self-denial, but he had achieved material success and had won the esteem and confidence of his people, who, recognizing his sterling qualities, promoted him to the councils of the nation.

Mr. Dowdney was born in Ireland in 1840, but decided while still a mere youth to seek to improve his condition by coming to America. When twelve years of age he landed in New York city, which he made his home. He learned the plumber's trade, and was successfully carrying on that business at the outbreak of the late war. He at once gave up his business, recruited a company, and went as its captain.

He showed his love for and his loyalty to the country of his choice by being among the first to take up arms in its defense. He realized fully the benefits he had derived from the institutions of the country, by which he had been able to rise above the station to which he had been born. His gratitude was evinced by the offer of his life for its preservation.

It was a fact well known to all who took part in that struggle that the foreign-born soldiers were not surpassed in loyalty, in self-sacrificing devotion to the cause, or in manly courage by the native-born soldiers.

Mr. Dowdney returned from the war and began his business again anew, and by strict integrity and industry he amassed a liberal fortune. His neighbors, seeing his capacity for affairs, pressed him into the public service, believing that he would guard their interests as faithfully as he had his own.

In this judgment they were not mistaken. He proved his executive capacity in affairs of local importance, and in his short term of service in the House of Representatives he impressed himself on all with whom he came in close relations as a man of sound common sense, wise in council, and sincerely devoted to the public welfare.

His death is a public misfortune, and an irreparable loss to his friends and family.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were agreed to unanimously.

Mr. SPOONER. Mr. President, I ask that the message of the House of Representatives touching the death of Hon. William T. Price be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the resolutions of the House of Representatives; which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 9, 1887.

*Resolved*, That the business of this House be suspended, that appropriate honors may be paid to the memory of Hon. William T. Price, late a Representative in Congress from the State of Wisconsin.

*Resolved*, That in the death of Mr. Price the country has sustained the loss of a patriotic citizen and a most faithful public servant.

*Resolved*, That as a mark of respect to his memory the House, at the conclusion of these ceremonies, shall adjourn.

*Resolved*, That the Clerk of the House communicate these resolutions to the Senate.

Mr. SPOONER. I submit resolutions which I ask may be read:

The PRESIDENT *pro tempore*. The resolutions submitted by the Senator from Wisconsin will be read.

The resolutions were read, as follows:

*Resolved*, That the Senate receives with deep sensibility the announcement of the death of Hon. William T. Price, late a member of the House of Representatives from the State of Wisconsin, and tenders to the family and relatives of the deceased the assurance of its sympathy in their bereavement.

*Resolved*, That the Secretary be directed to transmit to the family of Mr. Price a copy of the foregoing resolution.

Mr. SPOONER. Mr. President, less than one-third of the term for which I was chosen to the Senate is gone, and already for the second time it is my duty to review in this presence the ended life of a colleague from my own State in the work of national legislation. Somehow I note from this standpoint, as never from any other, the quick, sad havoc which death is making around me.

> The air is full of farewells to the dying
> And mournings for the dead.

It is strange if there comes not to each one of us, unbidden and unwelcome, anxious, silent questioning as to who of our number is next to sink into the "sleep that no pain shall wake."

On the 6th of last December, the birthday of this session, before the dawn, at his home, in Black River Falls, Wis., his wife and children bending over him, in full possession of his faculties, conscious that his eye was never to greet the sunlight of another day, with a smile upon his face, William Thompson Price, a member of the House of Representatives from the eighth Congressional district, peacefully folded his tired hands and answered the summons of God.

He of whose career I am briefly to speak was no stranger to me. For seventeen years before his death we lived in the same Congressional district, were partisans in the same political cause, acquaintances, and friends. A truthful sketch of his life and a discriminating analysis of his character and career, without a single embellishing touch from the hand of friendship, shows him to the world for what he was—a remarkable man.

Mr. Price was born at Masseyburg, Huntington County, Pennsylvania, on the 17th day of June, 1824. The educational opportunities of his boyhood were limited to four or five terms of the district school, at which he received his education, except that which came to him in the rough school of life. For a time he worked on a farm, and later, for a year or two, he followed the towpath of a Pennsylvania canal. Then for three years he was a clerk in a store in the village of Hollidaysburg, Pa., and during this mercantile apprenticeship his leisure was devoted to reading law.

In the spring of 1845, rich in ambition, energy, and the other elements of true manhood, but, like so many thousands who preceded and who followed him from the populous East to the western land of hope, poor in every other way, he turned his face and steps westward, and landed at Mount Pleasant, in the Territory of Iowa, ill-clad and travel-stained, with only twenty-five cents in his pocket, and an ax, which he well knew how to use, upon his shoulder. In the autumn of the same year he went to Black River Falls, in the then Territory of Wisconsin, where among the stately waving pines he pitched his tent. From that day on he knew no other home.

From the time of his settlement in Wisconsin to his death he was an important factor, both in the public service and in the business life of the region in which he dwelt. In 1849 he was deputy sheriff of Crawford County, which then included what is now the county of Jackson. He was a member of the first law firm in the latter county, and in 1854 was elected the first judge of that county.

He was a member of the Legislative Assembly of the State in 1851 and in 1852, county treasury in 1856 and 1857, collector of internal revenue from 1863 to 1865, presidential elector on the Republican ticket in 1868, member of the State Senate 1857, 1870, 1871, 1878, 1879, 1880, 1881, and president of the senate in 1879; president of the agricultural society of his county for seven years, the first president of the Tomah and Lake Saint Croix Railway Company (afterwards the West Wisconsin Railway Company), president of the Jackson County Bank from its organization until 1884, chairman of the town board of his town for eight years or more, and president of the village of Black River Falls. He was elected a member of the Forty-eighth, Forty-ninth, and Fiftieth Congresses, receiving at the last election, though helpless through the illness which resulted in his death and unable to take any part in the canvass, over 12,000 majority, a majority larger than any ever before cast for a Congressional candidate in that State.

For a few years prior to the commercial panic of 1857 he was a member of a firm engaged in the mercantile business. This firm went down in the panic, and all the accumulations which the toil and energy of years had brought to him were in a day swept away, leaving him, as he used to say, over $15,000 worse off than nothing; but, undaunted and undiscouraged, he set to work and in a few years had, single handed, redeemed, with interest, the part which bore the name of his firm. His business life thenceforward was successful and he amassed a comfortable fortune.

During the forty-one years of his life in Wisconsin he was extensively engaged in lumbering operations, and came to be one of the principal loggers in the State, cutting and floating to market during the last five years of his life an average of 60,000,000 feet of logs each year.

As has been seen, he was familiar, almost from the outset of his career in Wisconsin to the day of his death, with public duties of different grades, from the offices of the town and village to that of member of Congress, and I only assert what goes without saying in my State when I say that he brought to the discharge of every public duty tireless industry patient and intelligent attention to detail, and unusual sagacity.

He had a peculiary correct idea of the duties of citizenship. To him the Government, State and national, was not a far-away, fanciful thing in which the individual citizen had no direct interest. He realized that the nation is only an aggregation of individuals, and that under our

system of government the ultimate success of the whole vitally depends upon the intelligence and fidelity with which such citizen discharges his duty, and therefore he attended, not as a ward politician or in any sense a political boss but as a citizen, every primary and every meeting which took cognizance of public affairs.

He was married July 10, 1851, to Miss Julia Campbell, who was to him indeed a helpmeet, with whom his home life was exceptionally happy, and upon her face lovingly lingered his last look in life. His family consists of a daughter, just entering upon womanhood, and a son, Hon. HUGH H. PRICE (twenty-seven years of age), whom the electors of the district, partly as a loving tribute to the memory of his father, chose with flattering unanimity to serve out the latter's unexpired term.

There was no neutral tint in this man's character. He was in everything aggressive. He was a force in whatever he undertook. He was no laggard in any relation of life. In business there seemed to be no limit to his capacity or endurance. He managed with great sagacity, energy, and success many different branches of business at the same time, and on a large scale, any one of which would have overtaxed an ordinary man. He employed hundreds of men at a time, always paid them good wages, and demanded of them faithful service.

He despised a drone, and no man better appreciated manly qualities, under whatever guise, and so in the logging camp, and on the great "log-drives" among hundreds of rough men, he was a master, not by reason of his wealth, or because he was employer, but by force of his energy and ability, and because he himself had been a wage-worker among woodsmen. He was an exacting employer, but his men loved him, for he was generous and just to them; and on the wintry day of his burial, which brought prominent men in large numbers from the cities throughout the State to his desolate home, there came out from the lumber-camps, up in the pine woods, red-shirted, kind-hearted lumbermen, to take their part, with bowed heads and tear-blinded eyes, in the last sad rites at his grave.

Mr. Price was a restless man, impatient of restraint, intolerant of opposition, recognizing no obstacle as absolutely insurmountable. Intense, progressive, and a radical in everything, he rarely hesitated to express his opinion of men and things. He was strong in his friendships, bitter in his hatreds, always outspoken and blunt, sometimes harsh in his judgment of friends, sometimes unjust, doubtless, to opponents, but there was in him and in his life so much of generous impulse, of good neighborship, of sympathy for all who suffered, of honest, faithful public service, and of genuine love of country, that he was popular with the whole people of his State, and had troops of partisans and personal friends.

He was of nervous temperament, physically vigorous, and quick of movement, and of exceedingly active and acute mind. With all the details of his great business operations pressing upon him he would attend a session of the Legislature, never voting for an unnecessary adjournment, always at his post, mastering the details of legislation, investigating with scrupulous care all bills proposing to take money from the public Treasury, and contributing his full share and more to the debates of the session. Quick of thought and speech, he analyzed well, and possessed, too, in a rare degree the power of generalization. Such a man could not fail to be a formidable and dangerous antagonist in debate.

I do not remember to have known a more rapid speaker, either in the halls of legislation or on the stump. He was phenomenally quick at repartee, and excelled in vituperative eloquence, but he could be, when the fancy moved him, pathetic also, and I have heard many times from his lips, as a legislator, speeches eloquent and thrilling in words of denunciation and eloquent and thrilling also in words of tenderness and pathos. No man who knew him, or knew of him, will gainsay my statement that he was, taken all in all, a brilliant man.

During the years of my acquaintance with him he was a Republican, sturdy and steadfast in the essential principles of the party, but not always in strict accord with its policies. There were times when he differed from the party; and when he differed from it the party always knew it, and upon what ground he differed. He never concealed his views upon any subject, and though he was thought sometimes to have strayed from the party fold, none denied his right to sit in the party councils, for no one doubted his integrity.

He was a man of great physical courage, and of great moral courage. He would not tolerate an imposition or insult, and he was absolutely fearless of any man anywhere, and yet he was not immodest or without distrust of himself.

He was an attractive speaker to almost any audience. Men always listened to him when he spoke. He was not always right. Who is? He was always earnest, sincere, bright, and original. He hated sham, and was always ready to attack it wherever he found it. He was an iconoclast. He had little reverence for tradition. With him no evil acquired immunity from attack by lapse of time, nor did age constitute a safe armor against his lance.

To the National Congress he brought excellent legislative training, a keen sense of fidelity to public trust, peculiar ability, and a high and reasonable ambition to excel. That he won his way and much impressed himself upon the body of which he was a member eminent associates, oblivious to party lines, warmly testify. He was a substantial factor in Congressional legislation, not simply for the intelligent labor which he performed in committee, nor for the measures which he drafted, and the success of which he promoted, but also in debate.

He compelled attention, challenged investigation, and whether right or wrong in his premises and conclusion, made those around him think. Nothing escaped him. He was pitiless in exposing hypocrisy and denouncing what he deemed extravagance, whether it was in the appropriation of a million dollars to an unwise purpose or a trifling waste of public money in a Congressional funeral or junket. In the State Legislature, as in the higher field of legislation to which he was called, he was careful of the public money. In his view he had no right to be generous with it, as he might be with his own. He was a terror to the promoters of suspicious claims upon the Treasury, and deemed himself absolutely limited as a legislator, in the disbursement of the people's money, to objects and purposes going obviously and directly to the general public good. Sentiment went for little with him in justification of the expenditure of money from the Treasury, and so sometimes to some men he seemed parsimonious may be, but this was his philosophy as to the obligation of a public servant.

He was very tender of the honor of his city, of his county, of his State, and of the nation. If the people made a bad bargain, through legislation or otherwise, however unpopular it grew in time, William T. Price would fight determinedly against its repudiation, and for its enforcement, not in letter simply, but in spirit also. Every man who knew him and his history in the State will recall, as I do, more than one instance in which he upheld what he deemed to be a moral obligation of the people, when it brought to him for the time nothing but obloquy, distrust, and abuse.

He was a strong advocate always and everywhere of the rights of women, and of every proposition in legislation which would release them from what he deemed the bondage of the common law and place within their easy reach facilities for education and independence more in harmony with the growing civilization of the world.

He was a devoted friend of the soldier, and a zealous advocate of liberal pensions to the soldier and the soldier's widow and orphan. This was with him little less than a passion. In his very soul he believed that to the valor and endurance of the grand army which marched to the defense of the Union the people, South as well as North, owed a debt which could never be discharged.

There was in his heart, too, a sense of individual obligation to the Union soldier for his home, his fortune, his future, and the happiness and prosperity of those whom he held dear. The faded, dust-stained, battle-torn uniform of the Federal soldier was to him brighter than the purple robes of royalty, and an honorable discharge from the Union Army was in his opinion the highest patent of nobility that could come to any man on earth; and so it was that he labored in season and out of season for the benefit of the soldier, and "pension night" always found William T. Price in his seat.

He had upon this subject, as upon all others, his own notions, and the RECORD shows him to have voted alone sometimes when it would have been much easier for him to have gone with the multitude. Whatever may be said of his positions, none but his enemies questioned his motives, and even they could not fail to admire his moral courage.

He was a public spirited and generous man. Public improvements found in him always a firm friend. When a charity was to be inaugurated the first man to head a subscription paper was Mr. Price; when a church debt, whatever the denomination, was to be lifted he put his shoulder under the load; when a public library was to be procured he was princely and prompt in his donation.

His secretary tells me that when at the end of the last session, weary and ill, he was going home to rest he assisted him to reckon up his expenditures for the session, and Mr. Price found himself about $900 short and unaccounted for. Upon investigation he discovered that he had sent it in little sums from time to time during the session to soldiers and soldiers' widows and orphans, whose pitiful letters had touched his heart, and who were waiting in distress for the day to come when the Pension Department should afford them relief.

The circle of his private benefactions was a large one. No one but he knew how large it was, for he gave in his own way, and in his own time, and published no bulletin of his charities. He was the good angel of many a poor man's home. When the specter of starvation stood at the threshhold Price drove it away. When sickness came to a neighhor, and the shadow of death settled upon any one's home within his knowledge, he was there, in his own way, and it was not quite like any other man's way, to comfort and to help.

No reasonably complete sketch of Mr. Price's life can be silent as to his attitude upon the question of temperance. In the early days of his Wisconsin life, and while yet his home was on the frontier, he sometimes joined the revels of the hardy and adventurous men by whom he was surrounded; but long, long years ago he turned with loathing from the wine-cup, and to the hour of his death was a strong, active, aggressive temperance orator and agitator, and so known throughout the State.

He was a firm believer in prohibition and strove earnestly and persistently to bring it about, but he always sought the accomplishment of this purpose within the ranks of his own political party. He con-

sidered the traffic in intoxicating drink an unmitigated curse, and was opposed to recognizing its legality by license laws or otherwise. He demanded its obliteration. In the lecture-room, on the stump, in the Legislature, in the Halls of Congress, everywhere, he never failed to denounce it with all the power and eloquence and sarcasm which he possessed, and he everywhere pleaded with powerful pathos for all the good which temperance brings and which drunkenness destroys.

He had bitterness of heart and speech for those, whether men or women, who tempted, anywhere on the earth, a brother to put the chalice to his lips; but, Mr. President, he had even womanly tenderness and pity and a patience almost more than human for him who was held in thralldom by the habit of drink. To such he was patient, watchful, helpful. No matter how often they stumbled and fell, his hand was outstretched to them, and many such an one encouraged, aided, and strengthened by him, was led

> To build a new life on a ruined life,
> To make the future fairer than the past,
> And make the past appear a troubled dream.

In the region where he lived, and lies buried, many a child has been and will be taught to look upon his pictured face as that of the friend whose sympathy and substantial help led the husband and father of that household out from the blackness of night into the soft, sweet light of a happy home.

Mr. Price was very near to the popular heart in Wisconsin, and his name and fame will be always bright among her treasures. His most exacting friend can wish for him no better epitaph than the true story of what he did and was, and no nobler monument than that which he himself did build.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were agreed to unanimously.

Mr. GORMAN. Mr. President, I ask that the Chair lay before the Senate the message of the House of Representatives communicating the intelligence of the death of Hon. William H. Cole.

The PRESIDENT *pro tempore* laid before the Senate the resolutions of the House of Representatives; which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 28, 1887.

*Resolved*, That the business of this House be suspended that appropriate honors may be paid to the memory of Hon. William H. Cole, late a Representative in Congress from the State of Maryland.

*Resolved*, That in the death of Mr. Cole the country has sustained the loss of a patriotic citizen and a most faithful public servant.

*Resolved*, That the Clerk of the House communicate these resolutions to the Senate.

Mr. GORMAN. I submit a series of resolutions, and ask that they be read.

The PRESIDENT *pro tempore*. The resolutions submitted by the Senator from Maryland will be read.

The resolutions were read, as follows:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. William H. Cole, late a Representative in Congress from the State of Maryland, and tenders to the relatives of the deceased the assurance of their sympathy with them under their bereavement.

*Resolved*, That the Secretary of the Senate be directed to transmit to the family of Mr. Cole a copy of these resolutions.

Mr. GORMAN. Mr. President, in asking the Senate to consider resolutions in commemoration of the life and public services of the Hon. William H. Cole, late a Representative from the State of Maryland, it is my privilege to bear testimony to the personal worth, the private character, and public services of one I have known intimately for many years.

The condition of the public business at this late stage of the session forbids any elaborate eulogy on any deceased friend, but it is my pleasure to be able to look back upon his life and find no failure of duty, no betrayal of trust; and to be able to say of him that in every position to which he was called the discharge of duty in a faithful, unobtrusive manner was the one object of his life.

As a member of the press of the city of Baltimore he brought to his work a well-cultivated and improved mind, an integrity of purpose, and a regard for the rights and character of others, which made him a most valuable contributer to the public journals of that city. His personal qualifications soon attracted attention, and he was selected for various public places; as reading clerk to the city council, and of the house of delegates he became familiar with legislative routine, and well fitted for the duties of Representative of the people in the Congress of the United States.

As a member of the House, he devoted himself to the business matters of his constituents with the Government of the United States, preferring to serve in a useful way those who had honored him, than to attempt a more imposing rôle. And in that line of duty his immediate constituents have never had a more zealous, industrious, and indefatigable Representative.

He applied himself with vigor and intelligence to every minute detail of the business of his constituents, and the records of the Departments of the Government will bear testimony that he left no duty unperformed and no trust unexecuted. Nor was this duty a light one, the proximity of his district to the capital of the country, and as a part of a large, prospering city like Baltimore, brought more of the Departmental work upon Mr. Cole than perhaps fell to the lot of any other Representative.

Under the severe strain of harrowing disease this duty was performed from day to day, but no bodily pain was permitted to interfere with its performance. This unselfish devotion to the business of his constituents won for him a more than political regard; it created a warm affection which will cause his services to be long and affectionately remembered.

His election to the House of Representatives was secured by no brilliant public service, it was won by personal regard, by personal popularity, and by a feeling on the part of the people of his district that he had, in other positions of public trust to which he had been appointed, so faithfully discharged his duty that he deserved a reward of higher honor and more extended responsibility.

His private as well as his public life was without a blemish. He was a dutiful son, a faithful and affectionate husband, a kind and generous friend, as well as a worthy citizen.

It would give me a sad pleasure, Mr. President, to dwell longer on the virtues and usefulness of my deceased friend, but I know at this hour of the session public duty demands the sacrifice of some of that honor which the Senate would under other circumstances be glad to pay to the memory of a faithful, industrious member of Congress.

The State has lost a good citizen, the district an earnest Representative, society a useful member, and a large circle of friends mourn the death of one near and dear to them.

Mr. WILSON, of Maryland. Mr. President, I had not the slightest expectation till just before the recess of the Senate this evening that I should be called upon to participate in these ceremonies. Although poorly prepared for the duty, I feel that I can not properly decline its attempted discharge.

When I entered this Chamber on the 19th day of March, 1885, to take the oath of office as a member of this body the first man I saw was William H. Cole, a Representative from my State in the other House.

I have often thought of the startled gesture of surprise which he involuntarily made when he first saw me, a pale, thin, haggard man, just arisen from a bed of dangerous and protracted illness. To me, small then did the chances appear that I would live as a friend to lament his death, and as a fellow Representative in Congress to lay a tribute upon his grave. To all outward appearance he was then a man of strong vitality, being of large frame and of superfluous flesh. But even then the insidious approaches of disease were undermining his health, and it soon became apparent that he was hastening to the grave.

Limited as we now are as to time, being in the last busy hours of an expiring Congress, I for one am not willing that we shall adjourn without a few words of respect towards an honest and worthy man, who died in the service of his country as a member of Congress. Better, far better that the custom of delivering eulogies upon deceased members should forever cease than that any one of such a class should be remitted by us to an unhonored and forgotten grave.

Sir, Dr. Cole was to me a comparative stranger. I had not often met him before the beginning of the present Congress. His health was so poor during the first year of its duration that our opportunities for social or business intercourse was quite limited before disease laid its hand upon him so heavily as to hold him a prisoner in his home.

But what I had been permitted to see of him fully prepared me to believe what others in the spirit of intimate acquaintance and of friendship have said of him, that he was a man of an unselfish nature, strong devotion to duty, generous and steady friendship, open-hearted charity, genial and kindly disposition, strong convictions, and indomitable energy.

Those who knew him most intimately thought that his great power of will actually stayed the progress of disease and the arrival of the mortal hour. However this may be, it is certain that this strong trait of character, which lies as much at the foundation of human greatness as even great abilities, bore him steadily on to the goal of his ambition, a seat in Congress.

Fortunately for the success of this dream of his earlier life, after his return to Maryland at the close of the war, he embarked in the honorable profession of journalism. With the exception of the law (and it sometimes seems as if it might in time even outstrip that noble calling) no other profession is better calculated to fully equip an ambitious man for success in the political world than that of a journalist. From it have already sprung some of our ablest, most successful, and useful public men.

It will inevitably prove a more and more potent factor in controlling and shaping the destinies of the civilized world. It must be the devout wish of every patriot's heart, that, fully knowing their power for weal or woe to their country and to mankind, the members of this noble profession will strive for a lofty ideal in their high calling, and will continually aim to keep up at a high standard that statesmanship which is becoming, day by day, more and more linked with their own aims and aspirations.

Dr. Cole's connection with journalism was, no doubt, the stepping

stone for him to a seat in Congress. But just there the fell destroyer cut short his career, leaving him no room, but for a short time, to show his great zeal and untiring devotion to the interests of his State and of his immediate constituents. As he was devoted and true in every other relation of life, so he was in that one upon which depends more than upon all others the happiness of our race, that of a husband and head of a family. And as such devotion deserved, he was blessed with a partner in his joys and in his sorrows whose pleasure and pride it ever was nobly to cheer and help him onward in all his efforts and aspirations.

Mr. President, I move the adoption of the resolutions offered by my colleague.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were unanimously agreed to.

Mr. EVARTS. Mr. President, in respect to the memory of our late associates in the public service, the deceased members of the House of Representatives from the States of Maryland, New York, and Wisconsin, whose lives and characters have been so feelingly portrayed to us to-night, I move that the Senate now adjourn.

The motion was agreed to; and (at 11 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 2, at 11 o'clock a. m.

---

## SENATE.

### WEDNESDAY, *March* 2, 1887.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

#### THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. MAXEY (at 11 o'clock and 15 minutes a. m.). I think we would save time by dispensing with the reading of the Journal; and I make that request.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. EDMUNDS. I object, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the reading of the Journal will proceed.

The Secretary resumed and concluded the reading of the Journal of yesterday's proceedings; and it was approved.

#### A. H. LAZARE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 22d ultimo, requesting copies of certain letters, dated June 8, 1886, and September 20, 1886, addressed by the counsel of A. H. Lazare to the Secretary of State, in regard to the award against the Republic of Hayti in favor of A. H. Lazare, under the protocol signed by the Secretary of State and the minister of Hayti on May 24, 1884, I transmit a report from the Secretary of State upon the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, March* 1, 1887.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting schedule of claims allowed by the Sixth Auditor on account of compensation of postmasters readjusted under the act of March 3, 1883; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, stating that a reply to the resolution of February 11, 1887, calling for a copy of Col. Henry B. Carrington's History of the Indian Operations on the Plains will be furnished as soon as practicable; which was ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 11, 1887, the correspondence with General Miles relative to the surrender of Geronimo; which was read.

Mr. SHERMAN. The Senator from Massachusetts [Mr. DAWES] who called for that information is not present; and I move that this communication, with the accompanying papers, be referred to the Committee on Indian Affairs, and ordered to be printed.

The motion was agreed to.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of the Treasury, transmitting certain judgments against the United States in the Court of Claims rendered too late to be reported to the Speaker of the House of Representatives; which was read.

The PRESIDENT *pro tempore*. If there be no objection, the communication will be referred to the Committee on Appropriations and printed.

Mr. HALE. I wish it to be sent to the Committee on Appropriations without printing, because the committee wishes to consider it to-day.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Appropriations without printing.

#### BRIDGE BETWEEN OMAHA AND COUNCIL BLUFFS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes; which was, after the word "bridge," in line 13, at the end of section 4, to insert:

And all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them, including the fixing of compensation for the use of said bridge, shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

Mr. WILSON, of Iowa. Inasmuch as the amendment of the House of Representatives is the usual provision incorporated in bills of this kind, providing for the use of the bridge by other companies on the payment of reasonable compensation, I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

#### HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.;

A bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein; and

A bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi.

#### MICHIGAN LAND GRANT.

Mr. PALMER. I should like to enter a motion to reconsider the vote by which the Senate passed the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

Mr. EDMUNDS. I think the Senator from Kansas [Mr. PLUMB] had that bill in charge. He is absent.

Mr. PALMER. I was going to say that I only want to enter the motion now, and I will speak to the Senator from Kansas when he comes in.

The PRESIDENT *pro tempore*. The Senator from Michigan enters a motion to reconsider the vote by which the bill indicated by him was passed.

Mr. EDMUNDS. I beg leave to insist, until the Senator from Kansas [Mr. PLUMB] shall come in, that the motion to reconsider be now put. I do not intend to interrupt anybody, but I think the Senator from Kansas, as it is said that we are getting toward the end of the session, ought to have the opportunity, without having a struggle to get it up again, to consider whether he would not like the question of reconsideration determined at once, if the Chair will kindly wait for a moment until he comes in.

Mr. PALMER. I suppose that I have a right to the notification of a day under the rules.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Michigan has the right to enter a motion to reconsider.

Mr. EDMUNDS. I knew he had the right to make the motion and to have it go on the Calendar if nobody insisted on its being put now; but I do not think the rules provide for any entering of a motion. He makes a motion to reconsider.

The PRESIDENT *pro tempore*. It has been the uniform practice that a motion to reconsider is entered for subsequent consideration.

Mr. EDMUNDS. Undoubtedly, the motion is made and placed on the Calendar, or somewhere, or is disposed of *instanter*, as the Senate may determine. My request was that the Senator in charge of the bill should have the opportunity to take the judgment of the Senate as to what it will do with the motion now before it passes away, as a mere matter of fairness to him. I do not care anything about it.

Mr. PALMER. I will say that I wish all the rights of the Senator from Kansas to be preserved in the matter, and I should not object when he came in to taking any course he saw fit.

Mr. EDMUNDS. All right. That settles it.

Mr. TELLER. I should like to understand whether the Senator

from Michigan enters a motion to reconsider, or whether he gives notice of such a motion.

Mr. CAMERON. He gives notice.

Mr. TELLER. Then it will be in order to move to lay that on the table, will it not? I will move to lay that motion on the table, unless the Senator has some particular reason that I would not wish to interfere with.

The PRESIDENT *pro tempore*. The Chair understands that the matter has passed from the consideration of the Senate, the motion having been entered and agreed to be laid over until the Senator from Kansas comes in. The presentation of petitions is now in order.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented the petition of Charles D. Lippincott and other druggists, of Titusville, Pa., praying for the repeal of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. BERRY. I present a petition of fifteen hotel and boarding-house keepers in Hot Springs, Ark., one hundred and forty-eight visitors and persons who bathe there, and from the president of the board of health and twenty-eight resident physicians of Hot Springs, Ark., praying that the bath-houses located off the reservation be not deprived of the use of the hot water.

I desire to state very briefly in connection with the petition that under the ruling of Secretary Schurz, when he was Secretary of the Interior, bath-houses were authorized to be erected off the reservation to be supplied with hot water from the reservation. Mr. Montgomery, the Assistant Attorney-General, has recently given an opinion that the Secretary of the Interior has no power to allow hot water to be taken off the reservation. There is a bill pending here, unanimously reported by the Committee on Public Lands, settling this entire Hot Springs matter. I have tried from time to time to get the consideration of that bill, but have failed. When it is in order, I propose to introduce a joint resolution authorizing the Secretary of the Interior to continue the supply to the bath-houses off the reservation, provided it shall in no wise interfere with the supply necessary to the Army and Navy Hospital and the bath-houses on the reservation.

If it is in order now, by unanimous consent, to present the resolution, I wish to do so, and ask for its immediate consideration. If not in order I shall present it when in order.

The PRESIDENT *pro tempore*. It is not now in order. What disposition does the Senator desire to be made of the petition?

Mr. BERRY. I ask that it lie on the table.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. WILSON, of Iowa, presented resolutions adopted by Meade Post, No. 50, Grand Army of the Republic, Anita, Iowa, and resolutions adopted by Annett Post, No. 124, Grand Army of the Republic, Spencer, Iowa, urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. MANDERSON presented resolutions adopted by Roberts Post, No. 104, Grand Army of the Republic, Department of Nebraska, of Brock, Nebr., a resolution adopted by Whitehead Post, No. 114, Grand Army of the Republic, Department of Nebraska, of Orleans, Nebr., and a resolution adopted by McPherson Post, No. 4, Grand Army of the Republic, Department of Nebraska, of Fremont, Nebr., in favor of the passage of the dependent relative and service pension bill over the President's veto; which were ordered to lie on the table.

Mr. BLAIR presented resolutions adopted by John Sedgwick Post, No. 4, Grand Army of the Republic, Keene, N. H., urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. CHACE presented the memorial of Alfred H. Love, of Philadelphia, Pa., on behalf of the Universal Peace Union, remonstrating against the passage of all bills for warlike purposes, and favoring the passage of bills providing for peaceful negotiation and arbitration; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WHITTHORNE, from the Committee on Naval Affairs, to whom was referred the bill (S. 3320) to create a naval reserve of auxiliary cruisers, officers, and men from the mercantile marine of the United States, reported it without amendment, and submitted a report thereon.

Mr. EDMUNDS. I am authorized informally by such members of the Committee on the Judiciary as I could consult, to report and ask to be discharged from the consideration of Senate bill 3349, respecting the rectification of certain defects in some acts of the Legislative Assembly of Washington Territory on account of a trouble in their title, or something, which should have gone to the Committee on Territories. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 3349) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and for other purposes, and that it be referred to the Committee on Territories.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6535) to close the account of Franklin W. McCauley, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein, reported it without amendment.

Mr. SAULSBURY, from the Committee on Foreign Relations, to whom was referred the petition of Mrs. Georgiana M. Amidon (represented to be the sole heir of General Frederic T. Ward, deceased), praying for such assistance as Congress can afford in procuring a settlement of a claim which she makes against the Chinese Government for the services rendered by General Ward to that government, submitted a report thereon, and asked to be discharged from its further consideration; which was agreed to.

PRINTING OF EULOGIES.

Mr. MANDERSON. From the Committee on Printing I report favorably, with amendments, the joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, and William H. Cole, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment of the Committee on Printing was, in line 12, after the word "Representatives," to insert:

SEC. 2. That there be also printed of the eulogies delivered in Congress upon the late Austin F. Pike, a Senator from New Hampshire, 12,000 copies, of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives.

The amendment was agreed to.

The next amendment was, in line 12, before the word "And," to insert "Sec. 3," and to strike out "And" and insert "That;" so as to read:

SEC. 3. That the Secretary of the Treasury be, &c.

The amendment was agreed to.

The next amendment was, in line 15, before the word "William," to strike out the word "and," and in the same line, after the word "Cole," to insert "and Austin F. Pike;" so as to read:

William T. Price, William H. Cole, and Austin F. Pike.

The amendment was agreed to.

The next amendment was, in line 17, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" so as to read:

The sum of $3,000, or so much thereof as may be necessary, is hereby appropriated, &c.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, William H. Cole, and Austin F. Pike."

Mr. MANDERSON. I move that the Senate insist upon its amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed.

CUSTOMS FRAUDS AT NEW YORK.

Mr. ALDRICH. By direction of the Committee on Finance, I offer the following resolution, and ask for its present consideration:

*Resolved*, That the Finance Committee have power to continue the investigation into undervaluations of imported merchandise during the recess of Congress, subject to the provisions and with the powers granted in the resolutions of the Senate of December 21, 1885, and January 19, 1886.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. Let that wait a little while. I want to look at it.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the resolution goes over.

Mr. VANCE. I move to take up, if it be in order—to take up a bill that is on the Calendar.

The PRESIDENT *pro tempore*. The order of morning business is not yet closed.

Mr. EDMUNDS. I am advised by people a great deal wiser than I am that it is really essential to the public interest that this resolution about the Finance Committee should go through, and therefore, under that friendly compulsion that I always yield to, I withdraw my objection.

The PRESIDENT *pro tempore*. The resolution of the Senator from Rhode Island will be again read.

The Chief Clerk read the resolution, and it was considered by unanimous consent, and agreed to.

ALLEGED OUTRAGES IN TEXAS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HOAR, March 1, reported it without amendment; and it was read, as follows:

*Resolved*, That the Committee on Privileges and Elections be, and it is hereby, authorized to sit during the coming recess of Congress for the purpose of continuing the investigation ordered by the Senate by the resolutions of January 26 and 28, 1887; and that the necessary expenses be paid out of the contingent fund of the Senate on vouchers to be approved by the chairman of the committee or by the chairman of a subcommittee.

Mr. JONES, of Nevada. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suggest to amend the resolution by putting in the words "and to employ a clerk." I do not know that it is necessary, but the insertion of the words would make it clear.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts will be stated.

The CHIEF CLERK. After the word "Congress" insert the words "and to employ a clerk;" so as to read:

That the Committee on Privileges and Electons be, and it is hereby, authorized to sit during the coming recess of Congress, and to employ a clerk, for the purpose of continuing the investigation, &c.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri;

A bill (H. R. 10098) to authorize the construction of a railroad; wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points;

A bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.;

A bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes; and

A bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.

HOT SPRINGS RESERVATION.

Mr. BERRY introduced a joint resolution (S. R. 117) to authorize the use of hot water off the Government reservation at Hot Springs, Ark.; which was read the first time by its title.

Mr. BERRY. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized to continue to furnish to bath-houses located off the permanent reservation at Hot Springs, Ark., a sufficient amount of hot water for drinking and bathing purposes: *Provided*, That furnishing such bath-houses shall in no way interfere with the supply of hot water necessary for the use of the army and navy hospital and for the bath-houses located upon the permanent reservation.

Mr. BERRY. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. What is to be now considered?

The PRESIDENT *pro tempore*. A joint resolution offered by the Senator from Arkansas. It will be again read.

The Chief Clerk again read the resolution.

Mr. EDMUNDS. Is that reported from a committee?

The PRESIDENT *pro tempore*. It is introduced by the Senator from Arkansas this morning.

Mr. BERRY. If I may be permitted I will state to the Senator from Vermont that there is a bill reported from the Committee on Public Lands embodying this idea with many other provisions, for which we have failed to get consideration.

The Secretary of the Interior heretofore ruled that certain bath-houses located off the reservation could be furnished with the waste water that was not used for those on it. The Assistant Attorney-General, Mr. Montgomery, has recently given an opinion that no such authority exists. That water has been furnished for eight or ten years. I presented a petition here from a large number of citizens, physicians, and others, asking that that practice be continued until legislation can be had—to just let it remain as it is until consideration can be had.

I stated that the Committee on Public Lands unanimously reported in favor of allowing the supply to continue, and that was upon a bill and not upon a joint resolution. I have been forced to introduce the joint resolution because I could not get consideration of the bill. It does not interfere with any of the bath-houses or with the Army and Navy Hospital. It simply provides that the present practice may continue until legislation can be had on the subject, provided that it shall not interfere with bath-houses on the reservation or with the Army and Navy Hospital. I think that there is no one at the Hot Springs or elsewhere who can properly object to the joint resolution.

Mr. EDMUNDS. I certainly am very much indisposed to hasty legislation, but as this is a case where hot water for cleansing purposes seems to be necessary (and I am sorry I can not pour it upon some of our legislation) I shall not object if my friend will add to the joint resolution what is probably entirely unnecessary, "subject to any further action of Congress on the subject," so as to make it clear that this is not a grant in any way that would give these people a right to say that they were entitled to some redress or payment if it should be cut off.

Mr. BERRY. I will add those words with very great pleasure.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be stated.

The CHIEF CLERK. Add to the joint resolution:

Subject to any further action of Congress on the subject.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA STREET RAILROADS.

Mr. VAN WYCK. I offer the following resolution, and ask for its present consideration:

*Resolved*, That the Committee on the District of Columbia be discharged from the further consideration of House bill 10899, and the said bill be taken up for consideration.

Mr. CAMERON. I object.

The PRESIDENT *pro tempore*. The resolution being objected to, lies over.

Mr. VAN WYCK subsequently said: I ask consent to withdraw the last clause in the resolution I submitted during the call for morning business. I ask to modify the resolution by withdrawing that clause.

The PRESIDENT *pro tempore*. The Secretary will read the resolution proposed to be modified by the Senator from Nebraska.

The CHIEF CLERK. The resolution is as follows:

*Resolved*, That the Committee on the District of Columbia be discharged from the further consideration of House bill 10899, and the said bill be taken up for consideration.

It is proposed to strike out the words "and the said bill be taken up for consideration."

Mr. HARRIS. Let the resolution go over.

The PRESIDENT *pro tempore*. The Chair understands that the resolation went over under objection.

Mr. VAN WYCK. But I ask consent that it may be modified, so that when taken up to-morrow the resolution will stand as I now propose.

The PRESIDENT *pro tempore*. The modification will be made.

MICHIGAN LAND GRANT.

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kansas rise to morning business?

Mr. PLUMB. I rise to morning business. I move to lay on the table the motion of the Senator from Michigan [Mr. PALMER], entered some time ago, to reconsider the vote by which the Senate passed yesterday the bill known as the Ontonagon land-grant forfeiture bill.

The PRESIDENT *pro tempore*. Will the Senator pardon the Chair a moment? The Senator from Nevada [Mr. JONES] has taken the floor, and seems to have morning business.

CAMPBELL'S IMPROVED LEDGER.

Mr. JONES, of Nevada. I report favorably from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution submitted by the Senator from Virginia [Mr. MAHONE] January 31, 1887. I ask its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate be, and he is hereby, authorized to purchase, for use in the Senate folding-room, Campbell's Copyright Improved Method and Distributing Ledger at a price fixed by said committee, the amount thus fixed to be paid out of the miscellaneous items of the contingent fund.

FLORA F. FARLEY.

Mr. JONES, of Nevada. I report back from the Committee to Audit and Control the Contingent Expenses of the Senate the resolution submitted by the Senator from Nevada [Mr. FAIR] February 26, 1887, with a recommendation that it be referred to the Committee on Appro-

priations to be placed in the amendments to the deficiency appropriation bill.

The resolution was referred to the Committee on Appropriations, as follows:

*Resolved*, That the Secretary of the Senate pay to Flora F. Farley, widow of Hon. James T. Farley, late a Senator from California, deceased, the sum of $1,248.80 out of the contingent fund of the Senate, being the amount which would have been due him for mileage had he attended the second session of the Forty-eighth Congress.

UNORGANIZED TERRITORY SOUTH OF KANSAS.

Mr. PLUMB. I move the adoption of the following resolution:

*Resolved*, That the House of Representatives be requested to return to the Senate House bill 679.

That is a bill which passed the Senate some time ago, having been amended here. I ask to have it returned. When it is returned, if it shall be returned, I will ask the Senate, on considerations which I shall present, to reconsider the vote by which the bill was amended.

Mr. CONGER. What is the bill?

Mr. PLUMB. A bill to open up to settlement and homestead lands lying south of Kansas.

Mr. CONGER. What was done with the Senator's other motion?

Mr. PLUMB. I will renew that in a moment.

The PRESIDENT *pro tempore*. The question is on the resolution of the Senator from Kansas [Mr. PLUMB].

The resolution was considered by unanimous consent, and agreed to.

MICHIGAN LAND GRANT.

Mr. SHERMAN. There was a resolution which came over from yesterday——

The PRESIDENT *pro tempore*. The order of morning business has not yet been concluded. Are there further resolutions?

Mr. PLUMB. I now move to lay on the table the motion entered by the Senator from Michigan [Mr. PALMER], to reconsider the vote by which the Senate passed the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

Mr. CONGER. The slight mingling of courtesy with the zeal with which the Senator proposes to table the motion made by my colleague, on which he wished to make some remarks, I think will strike the Senator himself as being a little peculiar. It is not usual when a Senator makes a motion to reconsider for the purpose of making some remarks that he should be cut off from the opportunity of so doing. I do not know how long the morning hour will be; but if the Senator wishes to give opportunity for some comments on this occasion both by my colleague and myself, we may as well perhaps take up the matter now as at any other time.

Mr. PLUMB. The defenseless position of the Senator's colleague excites my commiseration. I supposed if he had anything to say about it he would say it himself. I was not aware before that he desired to make any remarks on the subject.

Mr. CONGER. The Senator himself knows that there is considerable responsibility resting both on my colleague and myself from the remarks my colleague did make yesterday, and following those remarks, even with the valuable assistance of the Senator from Alabama [Mr. MORGAN], in a thin house, the Senator from Kansas succeeded in getting, not a majority of the Senators as we know, but a majority of the persons present, to vote us down. It seems to me the matter ought to be considered further. We ought not to have a snap judgment coming in that way, and especially taking up a motion made by another Senator and disposing of it in a somswhat hasty way.

Mr. PLUMB. I am not aware of anybody except a Senator who can make a motion on this floor, and consequently that suggestion does not strike me as of any importance. If the Senator has not had a chance to talk about Ontonagon, I am the last man in the world who would want to cut him off.

Mr. CONGER. We have not quite had the opportunity our constituents desire, and many Senators would like to hear us further on that subject.

The PRESIDENT *pro tempore*. The Chair will conclude the call for morning business.

Mr. SHERMAN. Before the morning business is concluded I should like a resolution that comes over from yesterday to be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair was about to call for further resolutions.

CUSTOMS NIGHT INSPECTORS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury report to the Senate at his earliest convenience the rules and regulations in force at the custom-houses in New York during the years 1876 to 1878, and at Baltimore during the years 1871, 1872, 1873, 1874, and 1875 in regard to the duties and the hours of service of night inspectors, and whether any of such night inspectors performed services for a greater length of time than others, and, if so, under what circumstances and regulations and at what prices, and how and by whom paid; whether any such night inspectors at the time made or presented any claim or demand for any other or greater compensation than they received, and, if so, the names of such night inspectors, and the nature and amount of their claims or demands, and what action has been taken thereon.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, of Pennsylvania, it was

*Ordered*, That Mrs. Clara G. Scott have leave to withdraw from the files of the Senate the papers relating to her claim for pension, no adverse report having been made.

WASHINGTON TERRITORY LEGISLATIVE ACTS.

Mr. PLATT. Mr. President, I ask leave at this time to make a report from the Committee on Territories.

The PRESIDENT *pro tempore*. The report will be received if there be no objection.

Mr. PLATT. I report back favorably from the Committee on Territories, with an amendment, the bill (S. 3349) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and for other purposes, and I ask that the bill may be now considered.

Mr. CAMERON. I object.

The PRESIDENT *pro tempore*. The Senator from Connecticut reports the bill named by him and asks for its immediate consideration. The Chair understands the Senator from Pennsylvania to object.

Mr. CAMERON. I withdraw the objection.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent for the consideration of the bill just reported by him.

Mr. HARRIS. I object.

Mr. BUTLER. I trust the objection will be withdrawn.

Mr. PLATT. I ask to be heard one moment with relation to this matter, and I ask that the Senate may be in order that I may be heard.

The Revised Statutes require that every act which is passed in Washington Territory shall contain but one object and shall state the object in its title. The Territory, overlooking this law, has passed several acts without stating the object in the title, and some containing more than one object. This bill simply provides that those acts shall be validated so far as those defects are concerned. It will pass upon the mere reading.

Mr. HARRIS. If the bill will lead to no debate I shall withdraw the objection I made, but if it leads to any debate I must insist on the objection.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3349) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and for other purposes.

The amendment reported by the Committee on Territories was to strike out all after the enacting clause and to insert:

That any act heretofore passed by the Legislative Assembly of the Territory of Washington, and approved by the governor of said Territory, which has failed to express in its title the object embraced in the act, as required by section 1924 of the Revised Statutes of the United States, which has embraced therein more than one object, in contravention of said section of the Revised Statutes of the United States, be, and the same is hereby, validated so far as respects the defect before mentioned, and any such act shall continue to be subject to be disapproved by Congress as other acts of said Legislative Assembly.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECOGNITION OF HUMANE TREATMENT.

Mr. FRYE. I am instructed by the Committee on Foreign Relations to report favorably an amendment to be proposed to the deficiency appropriation bill. I desire to have it read.

The Chief Clerk read the proposed amendment, as follows:

To enable the President to extend to the inhabitants of the island of Tanegashima, Japan, some suitable recognition of their kind and humane treatment of the survivors of the crew of the American bark Cashmere, lost off that coast in 1885, $5,000, or so much thereof as may be necessary.

Mr. FRYE. I move its reference to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT *pro tempore*. Shall the amendment be printed?

Mr. FRYE. No, there is not time.

The PRESIDENT *pro tempore*. It will be referred without printing.

Mr. FRYE. That is what I desire.

JOHN R. REYNOLDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution reported from the Committee on Claims by the Senator from Wisconsin [Mr. SPOONER] on the 28th of February, which comes over under the rule, and which will be read.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the claim of John R. Reynolds, now of the city of Dayton, in the State of Ohio, and late of the State of Mississippi, for quartermaster and commissary stores and supplies and other property alleged to have been sold to and taken and used by the United States Army during the late war from the plantation of said Reynolds, in the vicinity of Natchez, Miss., be referred to the Secretary of War, who shall investigate the justice and equity of said claim and the loyalty of said claimant, and report the amount and value of said supplies sold to the said Army, and the amount and value of other said property taken and used by the said Army, and also what amount, if any, has been paid on the

same, and that he report all the facts and evidence in the case for the further consideration of the Senate.

The resolution was agreed to.

COMMITTEE ON RULES.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably a resolution submitted by the Senator from Tennessee [Mr. HARRIS] on the 28th of February. I ask its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Rules be, and is hereby, continued and authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of the miscellaneous items of the contingent fund of the Senate.

EXTRA PAY TO CONGRESSIONAL EMPLOYÉS.

Mr. JONES, of Nevada. I am also instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the joint resolution (S. R. 107) providing for one month's extra pay for certain employés of the Senate and House of Representatives, to report it favorably without amendment.

The PRESIDENT *pro tempore*. Does the Senator ask for the immediate consideration of the resolution?

Mr. JONES, of Nevada. If it will not involve discussion.

Mr. CAMERON. I object.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. RICHARDSON, and Mr. HAYDEN managers at the conference on the part of the House.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes;

A bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.;

A bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points; and

A bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri.

Mr. CONGER. I desire to move that the bridge bills which have come and are coming over from the House may be referred to the Committee on Commerce without printing.

The PRESIDENT *pro tempore*. That order will be made without objection. The bills will not be sent to the Printing Office.

CONSIDERATION OF HOUSE BILLS.

Mr. SHERMAN. I call for the regular order. I move that the Senate proceed to consider House bills under the Harris rule.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate now proceed to the consideration of House bills on the Calendar favorably reported under what is known as the Harris rule.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case will be stated.

DISTRICT SCHOOL BOARD.

The bill (H. R. 9125) to create a school board for the District of Columbia, and to prescribe its powers and duties was announced as first in order.

Mr. CULLOM. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill goes over under the rule.

Mr. HARRIS. I move to consider the bill notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of this bill notwithstanding the objection.

Mr. CULLOM. Is that in order during the morning hour?

The PRESIDENT *pro tempore*. It is in order.

Mr. SHERMAN. I trust it will not be done.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee, that the Senate proceed to consider the bill notwithstanding the objection.

The motion was not agreed to.

PORT OF ENTRY AT HARTFORD, CONN.

Mr. HAWLEY. Mr. President——

Mr. SHERMAN. I call for the next case on the Calendar.

Mr. HAWLEY. Will the Senator listen to me a moment? I ask for the consideration of a House bill favorably reported, coming under our rule, but we skipped it the other day for a temporary reason.

Mr. SHERMAN. If it was passed over without prejudice, it can be called up.

The PRESIDENT *pro tempore*. If the bill was passed over retaining its place on the Calendar, it can be called up.

Mr. HAWLEY. The bill is Order of Business 1950, being the bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown.

Mr. HARRIS. Is that the regular order under the rule?

The PRESIDENT *pro tempore*. The Chair understands that the bill was passed over on a previous day informally, retaining its place on the Calendar.

Mr. HARRIS. And so can be called up at any time?

The PRESIDENT *pro tempore*. The Chair is so advised.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown.

The bill was reported to the Senate.

Mr. HAWLEY. This bill comes from the House of Representatives, and has been reported upon favorably by the Committee on Commerce. Its consideration was delayed here that certain opponents might be heard. They have had their hearing before a subcommittee of the Committee on Commerce, and the report is adhered to by that committee—a unanimous report of the Committee on Commerce. It is simply changing the port of entry in the Connecticut River district from Middletown to Hartford. At Middletown last year they collected $500, and at Hartford $250,000, and the collector has to live at Hartford and do his work there. We want to make that the port of entry. The Treasury Department unqualifiedly recommends it.

Mr. PLATT. I do not presume at this stage of the session, with the report of the Committee on Commerce in favor of this House bill, I can prevent its passage, but I simply want to say that it does not receive my support.

The bill was ordered to a third reading, read the third time, and passed.

WILLIAM M. MORRISON.

Mr. KENNA. I ask to have taken up at this time Order of Business 2259.

Mr. CAMERON. I object.

Mr. KENNA. If the Senate will let me have a half minute to make a single statement, I am sure no Senator will object.

This bill has passed the House unanimously, and it is unanimously reported by the Committee on Indian Affairs here. The old gentleman interested is about to be thrown out of his home. I hope the Senate will consider the bill. It will not take a minute.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent for the present consideration of Order of Business 2259, being the bill (H. R. 2629) for the relief of William M. Morrison.

Mr. CAMERON. I object.

Mr. DAWES. I hope the Senator from Pennsylvania will not object.

The PRESIDENT *pro tempore*. The next bill in order will be stated.

ALFRED HEDBERG.

The bill (H. R. 38) for the relief of Alfred Hedberg was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, before the words "of infantry," to strike out "captain" and insert "second lieutenant," and in line 7, after "United States," to strike out "with his former rank and date of commission;" so as to make the bill read:

*Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Hedberg (late a captain in the Fifteenth Infantry) a second lieutenant of infantry in the Army of the United States; and that he, the said Alfred Hedberg, shall be assigned to the first vacancy of his grade occurring in the Fifteenth Regiment of the United States Army: *Provided*, That said Alfred Hedberg shall receive no pay for the time he was out of service, but only from the date of his appointment under this act.

Mr. COCKRELL. I am opposed to this bill and to the principle that is involved in it. It is an attempt to restore to the Army an officer who has been cashiered and dismissed. It is a dangerous proceeding; it is demoralizing to the Army; it is bidding defiance to the courts-martial for the trial of cases and the action of the President in approving their findings. Now I ask that the record of the court-martial in this case, with the charges and specifications and the findings, may be read. Here is an official copy.

The PRESIDENT *pro tempore*. The paper sent up by the Senator from Missouri [Mr. COCKRELL] will be read.

The Chief Clerk proceeded to read the paper.

Mr. SHERMAN. I object to the further consideration of this bill. It is manifestly a long case.

Mr. HAWLEY. I think the reading must be very nearly done. I am unable to know what the Chief Clerk has been reading; but evidently it must be very nearly completed. I know that the bill will take a little time, unexpectedly very much to my regret, but I think the bill is a matter of justice. It will not take much time to complete the reading now. It is about as short to go through the woods at once as to put off the journey.

The PRESIDENT *pro tempore*. Does the Senator from Ohio insist on his objection?

Mr. SHERMAN. Not if it will take but a moment to complete the reading.

Mr. EDMUNDS. Do I understand that under the present order of the Senate under the resolution offered by the Senator from Tennessee [Mr. HARRIS] one objection carries a bill over?

The PRESIDENT *pro tempore*. The Chair understands that it carries a bill over, but it is subject to be moved for consideration notwithstanding the objection.

Mr. EDMUNDS. Very well.

The PRESIDENT *pro tempore*. The reading will be proceeded with if there be no objection.

The Chief Clerk resumed and concluded the reading of the paper, as follows:

GENERAL COURT-MARTIAL ORDERS NO. 4.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, January*, 15, 1873.

I. Before a general court-martial which convened at Santa Fé, N. Mex., August 8, 1872, pursuant to Special Orders No. 105, dated June 21; No. 113, dated July 12; No. 122, dated July 26; and No. 125, dated August 1, 1872, Headquarters Department of the Missouri, Fort Leavenworth, Kans., and of which Lieut. Col. Frederick Myers, deputy quartermaster-general, United States Army, is president, was arraigned and tried:

Capt. Alfred Hedberg, Fifteenth Infantry.

CHARGE I. "Violation of the act of Congress approved March 2, 1863, entitled 'An act to prevent and punish frauds upon the United States.'"

*Specification* 1.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being on duty as commanding officer, post of Fort Cummings, New Mexico, did, by virtue of his official position as such, enter the carpenter shop of the United States Quartermaster's Department at said post, and did take therefrom one hundred tools, the property of the United States, consisting of brace-bits, augers, chisels, gauges, gimlets, chalk-lines, planes, rules, square, saws, tap, and die, for which Second Lieut. Edmund T. Ryan, Fifteenth United States Infantry, acting assistant quartermaster, is responsible to the United States, and that said Captain Hedberg did, wrongfully and knowingly, sell, convey, and dispose of said tools, and appropriate the same to his own use and benefit, the said tools having been furnished by the United States to be used in the military service thereof. This at Fort Cummings, N. Mex., on or about and between the 15th day of January, 1871, and the 16th day of September, 1871."

*Specification* 2.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being on duty as commanding officer, Post of Fort Cummings, N. Mex., did, by virtue of his official position as such, enter the United States commissary store-room at said post, and did take and cause to be taken therefrom 650 pounds of bacon, the property of the United States, and for which Second Lieut. Edmund T. Ryan, Fifteenth Infantry, acting commissary of subsistence, is responsible, and did, wrongfully and knowingly, sell, convey, and dispose of the said bacon, and appropriate the same to his own use and benefit, and said bacon having been furnished by the United States, to be used in the military service thereof. This at Fort Cummings, N. Mex., on or about the 1st day of December, 1871."

CHARGE II.—"Conduct unbecoming an officer and a gentleman."

(*Specifications* 1 and 2 will not be published.)

*Specification* 3.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, when asked by Second Lieut. Edmund T. Ryan, Fifteenth Infantry, A. A. Q. M., whether he, Captain Hedberg, had taken or caused to be taken, from the quartermaster's storehouse, four sets of ambulance harness, the property of the United States, for which he, Lieutenant Ryan, was responsible, did deny all knowledge of the taking of said harness, which said denial was willfully false within the knowledge and intention of said Captain Hedberg, in that he, the said Capt. Alfred Hedberg, had taken, and caused to be taken, the said harness, with intent to appropriate the same to his own use and benefit. This at Fort Cummings, N. Mex., on or about the 21st of June, 1871."

CHARGE III.—"Conduct to the prejudice of good order and military discipline."

*Specification* 1.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being in command of the Post of Fort Cummings, N. Mex., did absent himself from said command over seven days without leave of his superior officer, and visit, during said absence, Camp Bowie, Ariz., distant from his regular station about 114 miles, and did fail to report such absence to his next superior officer, and did take with him on his said visit three enlisted men of his command, and did use for his transportation four mules, the property of the United States, for which the acting assistant quartermaster at said Fort Cummings is responsible. This at the places above specified, and on or about the 5th day of May, 1871."

*Specification* 2.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being in command of the post of Fort Cummings, N. Mex., did absent himself from said command over seven days, without leave of his superior officer, and visit, during said absence, Camp Bowie, Ariz., distant from his regular station about 114 miles, and did fail to report such absence to his next superior officer, and did take with him on his said visit three enlisted men of his command, and use for his transportation four mules, the property of the United States, for which the acting assistant quartermaster of said Fort Cummings is responsible. This at the places above specified, and on or about the 20th day of December, 1871."

*Specification* 3.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, did, without authority from his superior officer, send Sergeant John Neagle and two private soldiers of Company E, Fifteenth Infantry, with eight mules, harness, and wagon, complete, the property of the United States, to Camp Bowie, Ariz., in the military department of Arizona, and distant from Fort Cummings, N. Mex., the station of said Captain Hedberg, and the soldiers aforesaid, about 114 miles, he, Captain Hedberg, not intending that the said soldiers and means of transportation aforesaid were to be used on any public business whatever, and in consequence of such action on the part of the said Captain Hedberg, in the said improper application of said means of transportation, one of said mules sickened and died on said journey. This at Fort Cummings, N. Mex., on or about the 15th day of December, 1871."

*Specification* 4.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being on duty as commanding officer, post of Fort Cummings, N. Mex., and having ordered privates James Orr and Alexander Hubbard, Company E, Fifteenth Infantry, soldiers of his command, with one army wagon, six mules, and harness, complete (the property of the United States), to proceed to Silver City, near Fort Bayard, N. Mex., on business pertaining to the Quartermaster's Department of said Fort Cummings, and having been notified by Capt. Charles Steelhammer, A. A. Q. M., at said Fort Bayard, that the said enlisted men, with the wagon, mules, and harness aforesaid, had left said Fort Bayard *en route* for said Fort Cummings, the distance between these posts being two days' march, or about 40 miles, and the said enlisted men, with the means of transportation aforesaid, not having reported at said Fort Cummings within a reasonable time after said notification, did willfully fail and neglect to ascertain the whereabouts of said enlisted men and the means of transportation aforesaid, in consequence of which neglect on the part of said Captain Hedberg the said privates James Orr and Alexander Hubbard made good their escape and deserted the service of the United States, taking with them in their flight the said six mules, with harness and wagon complete, and which were thus lost to the United States. This at Fort Cummings, N. Mex., on or about the 6th day of January, 1872."

*Specification* 5.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being in command of Company E, Fifteenth Infantry, and charged with the custody of the fund arising from savings in the economical use of the rations of said company, and having by this means accumulated a fund to the amount of about $100, to be applied to the exclusive use of the enlisted men of said company, and having purchased, about the month of October, 1869, from Mr. R. V. Newsham, of Fort Cummings, N. Mex., five or more hogs, for the sum of $80 (from the said company fund of $100), to be used for the exclusive use and benefit of the enlisted men of said company, and the hogs so purchased having increased by breeding to the number of forty or thereabouts, the said Captain Hedberg did, on or about the month of March, 1871, sell and dispose of said hogs (forty, more or less), to Mr. John Brockman, of the Rio Membries, New Mexico, for the sum of $200 (or the equivalent of $200 in bran, at the rate of 2 cents per pound), and did appropriate and apply the same to his own use and benefit, thereby defrauding the enlisted men of said company and regiment out of the said forty hogs, or their equivalent in money value to the amount of $200. This at Fort Cummings, N. Mex."

*Specification* 6.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being on duty as commanding officer, Post of Fort Cummings, N. Mex., with First Lieut. Julian R. Fitch, Fifteenth United States Infantry, acting assistant quartermaster at said post, did, under a written contract between Maj. J. A. Potter, quartermaster, United States Army, chief quartermaster district of New Mexico, on behalf of the United States, and Mr. J. Edgar Griggs, of Messilla, N. Mex., contractor, of date of October 15, 1870, for the delivery of 200,000 pounds of corn to the United States at said Fort Cummings, agree, fraudulently, to induce the said contractor to allow said Captain Hedberg to deliver to the United States, under said contract, 9,000 pounds of bran in lieu of 15,750 pounds of corn, and in pursuance of said fraudulent agreement, said Captain Hedberg did cause and procure the said quantity of bran, in lieu of said corn, to be delivered as aforesaid, and for which said bran the said Captain Hedberg received payment as for 15,750 pounds of corn, to the amount in money value of $417, from the United States, through said contractor, and that the said Captain Hedberg, in the manner and form aforesaid, did cheat and defraud the United States out of said 15,750 pounds of corn. This at Fort Cummings, N. Mex., on or about the 9th day of May, 1871."

*Specification* 7.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being in command of Company E, Fifteenth Infantry, and charged with the custody of the fund, and with keeping the accounts arising from the savings in the economical use of the rations of the enlisted men of said company, did fraudulently and falsely charge said company, and credit himself, Hedberg, in said account with the purchase of 900 pounds of pork, at 28 cents per pound, amounting to $252; which sum he, Hedberg, obtained and collected from the said fund of said company, and appropriated and applied the same to his own use and benefit, thereby defrauding the enlisted men of said company and regiment out of the said sum of $252. This at Fort Cummings, N. Mex., on or about the 18th day of February, 1871."

*Specification* 8.—"In that Capt. Alfred Hedberg, Fifteenth Regiment of United States Infantry, being in command of E Company, Fifteenth Infantry, and charged with the custody of the fund and with keeping the accounts arising from the savings in the economical use of the rations of the enlisted men of said company, and having sold 250 pounds of bacon, arising from said savings of said company, for the sum of $75, did appropriate and apply the said $75 to his own use and benefit, thereby defrauding the enlisted men of said company and regiment out of the said sum of $75. This at Fort Cummings, N. Mex., on or about the 15th day of November, 1871."

Charge four and its specification stricken out by the court.

To which charges and specifications the accused, Capt. Alfred Hedberg, Fifteenth Infantry, pleaded "Not guilty."

FINDING.

The court, have maturely considered the evidence adduced, finds the accused, Capt. Alfred Hedberg, Fifteenth Infantry, as follows:

CHARGE I.

Of the first specification, "Guilty, except the words 'carpenter shop,' and substituting therefor the word 'store-room;' of the excepted words not guilty, and of the substituted word guilty."

Of the second specification, "Guilty, except the words 'and appropriate the same to his own use and benefit,' and attach no criminality thereto; of the excepted words not guilty."

Of the charge, "Guilty."

CHARGE II.

Of the first specification, "Guilty."
Of the second specification, "Guilty."
Of the third specification, "Guilty."
Of the charge, "Guilty."

CHARGE III.

Of the first specification, "Guilty, except the words 'over seven days without leave from his superior officer,' and 'and did fail to report such absence to his next superior officer;' of the excepted words, not guilty."

Of the second specification, "Guilty, but attach no criminality to so much of the specification as relates to the absence of the accused from his regular station."

Of the third specification, "Guilty."
Of the fourth specification, "Guilty."
Of the fifth specification, "Guilty."
Of the sixth specification, "Guilty."
Of the seventh specification, "Guilty."
Of the eighth specification, "Guilty."
Of the charge, "Guilty."

SENTENCE.

And the court does therefore sentence him, Capt. Alfred Hedberg, Fifteenth Infantry, "To be dismissed and cashiered the service; to refund to the United States the sum of $617, and to Company E, Fifteenth United States Infantry, the sum of $527, and to be confined in such penitentiary as the proper authority

may direct for the period of one year, and until such further time as the said sums of money aforesaid shall be refunded; and that the crime, name of the accused, and sentence of the court be published in the Santa Fé New Mexican, Las Cruces Borderer, and the Army and Navy Journal."

II.—In conformity with the 65th of the Rules and Articles of War, the proceedings of the general court-martial in the foregoing case of Capt. Alfred Hedberg, Fifteenth Infantry, have been forwarded to the Secretary of War for the action of the President of the United States.

The department commander approved the proceedings, findings, and sentence, except so much of the sentence as relates to refunding to Company E, Fifteenth Infantry, the sum of $527, which he disapproved as unauthorized by law.

The proceedings, findings, and sentence, with above exception, are approved.

So much of the sentence as relates to confinement in the penitentiary is remitted.

The remainder of the sentence, as approved, will be duly executed.

III.—Capt. Alfred Hedberg, Fifteenth Infantry, ceases to be an officer of the Army from the date of this order.

By order of the Secretary of War:

E. D. TOWNSEND, *Adjutant-General.*

Mr. HAWLEY. Mr. President——

Mr. MANDERSON. Let us vote.

Mr. HAWLEY. I will not occupy the Senate at length in discussing this question, because that would be to trespass too much on their time and patience. I simply say that I am not aware that there has been an adverse report upon this case. It has been in several Congresses. I have here several favorable reports from different committees, all favorable, and all speaking with indignation of the character of the prosecution of this officer.

He was a young Dane, an educated gentleman, who had served in the Army and Navy. He came to this country, but being unable to speak the English language he went in as a private. He rose to be a captain in the regular Army. I have read testimonial after testimonial that he was a specially good soldier and disciplinarian, a gentleman of excellent character and his behavior uniformly excellent.

Here is the record of the court-martial. I affirm that I have read everything that is material in that disagreeable pile of manuscript, and that I believe it was a prosecution unjustified by the evidence. The chief accusation against him that would affect your consideration of his honor was one that he had taken possession of and sold a full set of tools of the Government as his own. It is proved unquestionably in the evidence that—

Hedberg had a full set of tools of his own, which he brought to New Mexico from Texas, and which he permitted to be mingled with the Government tools and used for Government work; and Lieutenant Ryan, who is said to have been responsible for these tools, made two returns of the Government property, with which he was chargeable before he discovered the alleged abstraction of Government tools, and confessed that he never made an inventory of what the Government did own.

Any one who will read the evidence will say that this gentleman of established character would not steal a few tools of the Army.

The other point which would condemn him beyond question, and if he had been properly found guilty of it the committee would have had nothing to say about it, was a charge of rape. I affirm here, upon my judgment as a lawyer and as a fair-minded man that the evidence against him that convicted him of rape ought not to convict the vilest scoundrel in these streets. The alleged rape was committed upon a camp-follower, a disgusting creature who had been a follower of that camp and the wife, nominally, of scores of soldiers in succession. The alleged rape was committed in the camp within 100 yards of where her husband was at work, and where her cry would be heard alarming scores of other people who were within reach. There was no cry heard and no complaint made at the time.

I affirm that five of the officers concerned in that prosecution have been cashiered and dismissed from the Army, and Ryan, the main chief in it, was dismissed for embezzlement and drunkenness. I can give the names of some of them, if it be advisable to add to the disgrace they have already attained. I have here in one of the House reports the name of one Blair. I do not see at this moment the others, but I affirm that five officers connected with that prosecution, and especially the man at the head of that wrong, Ryan, who was chief prosecutor, was dismissed for embezzlement and drunkenness.

Of course it is impossible to go through the argument in detail, but I put against the statement urged here, the mere record of the charges and specifications, the fact that he was not found guilty upon all of them, but mitigating circumstances were found in some of them; and I put against that record the evidence of successive committees of the House of Representatives and the Senate, and the opinion of several officers who formerly served with him in the Army, and the opinion of this committee which has made this report, that it was an unjust prosecution, ay, a persecution, and that upon the dishonorable charges that ought to have dismissed him from the Army there is not sufficient proof on which you would convict a loafer in these streets. That is my candid opinion.

Mr. FRYE. I desire to ask the Senator from Connecticut a question. I have in my hand a letter from an officer connected with the Army in the West, who says:

I never saw Captain Hedberg, and know nothing of him only by reputation, and that is unsavory. We do not want him in our regiment.

In addition to his bad character, if he should come to us he would deprive of promotion one of the most deserving lieutenants of the Army, who fought during the war and has maintained an excellent character in every respect, and who is now fifty-three years old.

I wish to inquire of the Senator from Connecticut whether if this bill should become a law it would prevent the promotion of the senior lieutenant here referred to?

Mr. HAWLEY. The bills, as originally presented in both the other House and the Senate, provided for putting him back as captain in his former rank and with the former date of commission. That would put him ahead of some officers who have come up since then, and know nothing about these affairs. While it is considered only an act of partial justice, the Senate Military Committee amends the bill to give him the chance to be made a second lieutenant, which will put him at the foot of the Army. It simply restores him to the Army, but bars nobody's promotion, as the Senate committee asks to have the bill passed.

Mr. FRYE. That being the case, I shall make no special opposition.

Mr. HAWLEY. I have the names of the officers who were concerned in this matter, and who have since been discharged. They are Colonel Devin, who was aided by Lieutenant Ryan, who was afterwards cashiered for embezzlement and drunkenness; Captain Eckles, Fifteenth Infantry, afterwards cashiered for attempting to bribe a council of administration, and who ran away; Capt. Thomas Blair, alias Thomas Nichols, Fifteenth Infantry, who was court-martialed and dismissed the service for bigamy, having left the country to avoid the civil law.

Mr. MCMILLAN. Were they officers of the court?

Mr. HAWLEY. Some were engaged in the prosecution as witnesses. Judge-Advocate-General Swaim was asked to give an opinion, but did not feel at liberty to do so; still, he made the observation that—

The evidence in support of the findings is exceedingly conflicting, and there is no doubt but the accuser and prosecutor of the charges upon which Captain Hedberg was dismissed was very much prejudiced against him. Aside from this consideration, I believe that previous to his dismissal Captain Hedberg had the reputation of an efficient officer.

Capt. T. H. Norton, United States Army, retired, a commissioned officer of the same regiment, says:

WHEELING, W. VA., *October* 12, 1874.

DEAR SIR: I am duly in receipt of your letter, dated 3d instant, requesting me to furnish you a certificate of character and conduct during the time you served under my command in the United States Army.

In reply I have to say, that from 1862 until 1870 you were a commissioned officer in the same regiment (Fifteenth United States Infantry) to which I belonged, and that during that period you maintained an excellent reputation as a careful, active, and capable officer and soldier.

Your uprightness and integrity, either personally or officially, were never brought into question, and all your duties were discharged in a manner equally creditable to yourself and satisfactory to your superiors.

I remain, very respectfully, &c.,

T. H. NORTON,
*Captain, United States Army, Retired.*

ALFRED HEDBERG, Esq.,
*Late Captain Fifteenth United States Infantry,*
*No.* 112 *Fulton Street, New York.*

Capt. A. M. Brown, United States Army, says:

I take great pleasure in offering this letter as my testimony in your behalf, and will say that during the time I have known and served with you that I have never known a more temperate, honest, and efficient officer.

Lieut. Col. John D. Wilkins, Eighth Infantry, says:

FRIEND HEDBERG: In answer to your letter it affords me much pleasure to state that your conduct as an officer and a gentleman during the period you served under my command was excellent. Your strict attention to duty was remarked by me.

I was very much surprised to learn of your misfortune, and hope that you will succeed in clearing up the matter to your satisfaction.

If I can add anything to the above that will assist you, call on me.

N. A. M. Dudley, major Third United States Cavalry, brevet colonel United States Army, commanding Fort McPherson, says:

HEADQUARTERS FORT MCPHERSON, NEBR., *September* 14, 1874.

*To whom it may concern:*

First Lieut. Alfred Hedberg served as an officer in the Twenty-fourth United States Infantry, under my immediate command and daily observation, about one year, at Vicksburg, Miss., in the years 1865 and 1866, during which time I found him to be a zealous, prompt, and efficient young officer, of good habits, attentive to all his military duties, and at that time few young officers gave promise of higher future usefulness than Lieutenant Hedberg. Since which time I have had no personal knowledge of him.

Wager Swayne, colonel United States Army, retired, writes:

TOLEDO, OHIO, *September* 3, 1877.

SIR: Alfred Hedberg, late captain Fifteenth United States Infantry, and dismissed in 1873, informs me that he is about to apply for a reconsideration of his case, and asks me for such testimonial as I feel at liberty to give.

I have no personal knowledge which bears on the fact of his dismissal. I only know that while serving with his regiment in 1866–'67 he was for a considerable time under my orders, and strongly attracted my attention by his energy, intelligence, and frankness, and further interested me by the fact that he had certainly rendered good service in fighting for a country to which he was not native. I was surprised and distressed when I heard of his dismissal, which impressed me as very harsh. If there was that about it which can be justly remedied, I trust it may be done.

Your obedient servant.

W. W. Dudley, ex-Commissioner of Pensions, says:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
*Washington, D. C., March* 22, 1884.

DEAR SIR: In response to your communication of the 18th instant, relative to the standing as a man and an official of Capt. A. Hedberg, of this bureau, I have the honor to state that it gives me pleasure to inform you that so far as my

knowledge goes his standing as a man is of the highest character, and his qualifications as a clerk in this office are of the very highest order.

(Captain Hedberg was appointed June 1, 1881.)

Very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. MARTIN MCGINNIS,
*House of Representatives.*

He has been a clerk there nearly ever since his dismissal. His private conduct has been unexceptionable there. Ex-Senator Spencer knew him for eleven years. He says that Captain Hedberg is, in his belief—

A man of honesty, integrity, and one whose statements are worthy of confidence.

That is the best I can do in the matter without going into an hour's detail.

Mr. COCKRELL. These charges are very grave. Captain Hedberg was summoned before the court. He was heard; there was a trial; no objection was made to any member of the court; the trial was had; and the finding of the court was submitted to the department commander. He reviewed it and approved the sentence, all except that part which required a payment of $527 to the company. It then went up to the War Department, and was there approved. They had before them the record which the Senator has; they examined it; they sifted the conflicting statements; and that was their judgment. In the face of that, upon testimony that he was an honorable and a brave gentleman from 1861 to 1867 or 1868, we are asked to condone what was done then.

Mr. MITCHELL, of Oregon. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. MITCHELL, of Oregon. What is the difference, so far as the proceeding is concerned, between this case and the case of Fitz-John Porter?

Mr. COCKRELL. I suppose there are two material differences; and I do not know, but I have no doubt that the Senator knows one of them. The difference between setting aside the proceedings as far as they go in the Fitz-John Porter case and this case is very material. There was simply a disobedience of orders in that case; and here there is a disobedience of orders, there is a charge of rape, there is a charge of embezzlement, there is a charge of converting the funds of the company to his own private, individual use. On all these charges this man was found guilty.

Mr. CAMERON. Let us have the question.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. COCKRELL. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 47, nays 5; as follows:

YEAS—47.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Jones of Nevada, | Sabin, |
| Beck, | Dolph, | Kenna, | Sawyer, |
| Berry, | Fair, | Mahone, | Spooner, |
| Blackburn, | Farwell, | Manderson, | Stanford, |
| Blair, | George, | Maxey, | Vance, |
| Butler, | Gorman, | Mitchell of Oreg., | Vest, |
| Call, | Gray, | Mitchell of Pa., | Walthall, |
| Cameron, | Hampton, | Morgan, | Whitthorne, |
| Chace, | Hawley, | Palmer, | Williams, |
| Cheney, | Hoar, | Payne, | Wilson of Iowa, |
| Colquitt, | Ingalls, | Pugh, | Wilson of Md. |
| Conger, | Jones of Arkansas, | Ransom, | |

NAYS—5.

| | | | |
|---|---|---|---|
| Cockrell, | Edmunds, | Frye, | Harris. |
| Coke, | | | |

ABSENT—24.

| | | | |
|---|---|---|---|
| Allison, | Evarts, | McPherson, | Saulsbury, |
| Bowen, | Gibson, | Miller, | Sewell, |
| Brown, | Hale, | Morrill, | Sherman, |
| Camden, | Harrison, | Platt, | Teller, |
| Dawes, | Jones of Florida, | Plumb, | Van Wyck, |
| Eustis, | McMillan, | Riddleberger, | Voorhees. |

So the bill was passed.

Mr. CAMERON. I move that the Senate insist on its amendments to the bill just passed and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. CAMERON, and Mr. CAMDEN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 118) for the relief of J. M. Hobbs;

A bill (H. R. 10421) to provide for a term of court at Duluth, Minn.;

A bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay;

A bill (H. R. 752) granting a pension to James Smithpeter;

A bill (H. R. 731) granting a pension to William H. Heister;

A bill (H. R. 11199) for the relief of Thomas B. Nalle;

A bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

A bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island;

A bill (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; and

A bill (S. 3165) authorizing the construction of a bridge across the Red River of the North.

RIGHT OF WAY TO SALT LAKE AND FORT DOUGLAS RAILWAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes.

Mr. EDMUNDS. I move to amend the bill by adding a new paragraph:

This act shall be at all times subject to amendment, alteration, or repeal as in the judgment of Congress the public good may require.

The PRESIDENT *pro tempore.* The amendment proposed by the Senator from Vermont will be read.

The Chief Clerk read as follows:

SEC. —. This act shall be at all times subject to amendment, alteration, or repeal as in the judgment of Congress the public good may require.

Mr. MANDERSON. I certainly would have no objection to this amendment, for I think it is a provision which it would be very proper to place on this bill, but I fear that at this late hour of the session, if it should be insisted on, it might jeopardize the passage of the bill, which is one that is quite carefully guarded and I think protects all interests. I submit to the Senator from Vermont whether that right would not apply even without such an enactment in this bill?

Mr. EDMUNDS. I am very much afraid that it would not, and this seems to affect a great many different interests, and the preservation of legislative control over this grant ought to be made absolutely secure.

Mr. MANDERSON. Can you get it through?

Mr. EDMUNDS. Oh, yes.

Mr. MANDERSON. I have no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANDERSON. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. CAMERON, and Mr. HAMPTON were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were they were thereupon signed by the President *pro tempore:*

A bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane and State of Illinois, a small island in Fox River, located within the limits of said city;

A bill (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased;

A bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him; and

A joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

AMENDMENTS TO BILLS.

Mr. VOORHEES submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations.

Mr. CALL and Mr. MAXEY submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations.

Mr. COLQUITT, Mr. MITCHELL of Oregon, Mr. TELLER, and Mr. VAN WYCK submitted amendments intended to be proposed by them respectively to the legislative, &c., appropriation bill; which were referred to the Committee on Appropriations.

NAVAL APPROPRIATION BILL.

Mr. HALE. At the request of many Senators I have refrained from seeking to bring up earlier the naval appropriation bill, but as the hour of 1 o'clock has arrived I feel it my duty now to ask the Senate to proceed to its consideration. Of course it is important that it should be got through and the amendments engrossed and the bill enrolled to be sent to the President.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

Mr. HALE. I ask that the formal reading be dispensed with and that the bill be considered, the committee amendments to be acted on as reached in the reading.

Mr. EDMUNDS. Subject to all points of order.

The PRESIDENT *pro tempore*. That order will be made subject to the reservation made by the Senator from Vermont. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "Pay, miscellaneous," in section 1, line 37, after the word "library," to insert "including purchase of books and periodicals;" so as to read:

Care of library, including purchase of books and periodicals.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Navigation," in section 1, line 86, before the word "thousand," to strike out "five" and insert "seven;" so as to read:

For preparing and engraving on copper-plates the surveys of Mexican coast, $7,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 86, to insert:

Naval training station, Coaster's Harbor Island: For repairs and improvements of the buildings now used under the direction of the Secretary of the Navy for the instruction of naval officers; heating, lighting, and furniture for same; books and stationery; freight and other contingent expenses, including facing building with Portland cement, $12,000.

Mr. EDMUNDS. I should like to hear that explained.

Mr. HALE. The Government is the owner of this property. By act of Congress it accepted the cession to it some years ago for the purpose of having at the place what is called a training school of the younger officers of the Navy who have graduated at Annapolis and who are found in the active service. The property is near Newport, off the State of Rhode Island. The property is all owned by the Government and this is for the protection and use of it.

Mr. EDMUNDS. How large is it?

Mr. HALE. It is a small island—Coaster's Island.

Mr. EDMUNDS. Do the United States own the whole island?

Mr. HALE. It was ceded to the United States, and accepted by act of Congress.

Mr. EDMUNDS. All right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the "Bureau of Ordnance," in section 1, line 141, before the word "thousand," to strike out "thirty" and insert "fifty;" so as to make the clause read:

For purchase of land for proving and ranging ground for naval guns, and for constructing buildings, butts, shelters, and batteries, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment and Recruiting," in section 1, line 204, to increase the total amount of the appropriation for "equipment of vessels" from $600,000 to $700,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the Bureau of Equipment and Recruiting, in section 1, after line 230, to insert:

Navy-yard, League Island, Pennsylvania: For one clerk, at $1,200.

The amendment was agreed to.

The next amendment was, in section 1, line 236, after the word "all," to strike out "nine thousand one" and insert "eleven thousand five;" so as to make the clause read:

In all, $11,525. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," in section 1, line 261, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Public works: For rebuilding wharves at the navy-yard, Boston, Mass., $50,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the civil establishment of the Bureau of Yards and Docks, in section 1 to strike out the clause from line 340 to line 342, inclusive, as follows:

Navy-yard Pensacola, Fla.: For one clerk to civil engineer, at $1,200; one mail messenger, at $600 per annum.

The amendment was agreed to.

The next amendment was, in section 1, line 356, after the word "all," to strike out "forty-five thousand seven" and insert "forty-three thousand nine;" so as to make the clause read:

In all, $43,949.09. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Provisions and Clothing," in section 1, line 451, before the word "thousand," to strike out "seventy" and insert "forty;" so as to make the clause read:

For the civil establishment, to include clerks, firemen, writers, receivers, assistant receivers, messengers, leading men and pressmen in inspection office, superintendent of coffee and spice mill, box maker, coffee-roaster, engine-tender, teamster, telephone-operating, cutter, machine operator, and laborers, $40,000. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," in section 1, line 457, after the word "kinds," to insert "for steam-steerers, pneumatic steerers, steam-capstans, steam-windlasses, and other steam auxiliaries;" and in line 460, after the word "machinery," to strike out "rights of patented articles;" so as to read:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; for steam-steerers, pneumatic steerers, steam-capstans, steam-windlasses, and other steam auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery, and tools for use in shops; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postages, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, $900,000.

The amendment was agreed to.

The next amendment was, in section 1, line 481, after the word "Enterprise," to insert "or such of said vessels as the Secretary of the Navy may deem advisable;" so as to make the clause read:

For repair on the Hartford, Kearsarge, Trenton, Swatara, Thetis, Richmond, Nipsic, and Enterprise, or such of said vessels as the Secretary of the Navy may deem advisable, $200,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in section 1, from the appropriations for the civil establishment of the Bureau of Construction and Repair, to strike out lines 507 and 508, as follows:

Navy-yard, Pensacola, Fla.: For one writer, at $1,017.25.

The amendment was agreed to.

The next amendment was, in section 1, line 512, after the word "all," to strike out "$20,989.75" and insert "$19,972.90;" so as to read:

In all, $19,972.90. And no other fund appropriated by this act shall be used in payment of such services.

The amendment was agreed to.

The next amendment was, in the same clause, line 516, after the word "services," to strike out the following proviso:

*Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such additional draughtsmen, writers, and model makers on the designs therefor as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam-Engineering," in section 1, line 523, after the words "new boilers," to strike out "steam-steerers, pneumatic-steerers, steam-capstans, steam-windlasses, and other steam auxiliaries;" so as to read:

Steam-machinery: For completion, repairs, and preservation of machinery and boilers of naval vessels, including cost of new boilers; for preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches.

The amendment was agreed to.

The next amendment was, in the same clause, line 528, after the word "purchase," to insert "handling and preservation;" so as to read:

For purchase, handling, and preservation of materials and stores; for purchase, fitting, repair, and preservation of machinery and tools in the navy-yards and stations; running yard-engines; for incidental expenses for naval vessels, yards, and the bureau, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, $675,000.

The amendment was agreed to.

The next amendment was, in section 1, line 534, after the word "dollars," to insert the following proviso:

*Provided*, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power; but nothing herein contained shall prevent the repair or building of boilers for wooden ships the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and materials.

The amendment was agreed to.

The next amendment was in section 1, to strike from the appropria-

tions for the civil establishment of the Bureau of Construction and Repair, lines 562 and 563, as follows:

Navy yard, Pensacola, Fla.: For writer, at $1,000.

The amendment was agreed to.

The next amendment was, in section 1, line 567, after the word "all," to strike out "seventeen" and insert "sixteen;" so as to make the clause read:

In all, $16,200. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was in section 1, under the head of "Increase of the Navy," to strike out, beginning in line 830, the following clauses:

For the construction by contract of two swift double-bottomed steel cruisers, each of about 4,000 tons displacement, of the type of the Newark, except boilers and machinery; four of about 1,700 tons displacement, of the type of gunboat No. 1, each, and one swift torpedo-boat, said vessels to cost altogether, exclusive of armament, not more than $4,950,000, the sum of $2,470,000 is hereby appropriated.

That each of the aforesaid vessels shall be built, as near as may be, in compliance with the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment."

The amendment was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory;

A bill (S. 2930) authorizing the construction of a bridge across the Red River of the North; and

A bill (S. 2958) to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River.

REPORTS OF COMMITTEES.

Mr. CONGER, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.;

A bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri;

A bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.;

A bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.; and

A bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points, reported it with amendments.

Mr. CONGER. I wish to say that there are some other House bridge bills coming over, and that I desire within a reasonable opportunity to take up the House bridge bills and have them passed; as soon as the naval appropriation bill is disposed of, perhaps.

The PRESIDENT *pro tempore.* The bills will be placed on the Calendar.

HOUSE BILL REFERRED.

The bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Increase of the Navy," after line 843, to insert the following additional section:

SEC. 2. That for the purpose of increasing the naval establishment of the United States the President is hereby authorized to have constructed, by contract, six protected steel cruisers, with such armament for each as the Navy Department may deem suitable, each of said vessels to have a maximum speed of not less than 20 knots over the measured mile, such speed to be exhibited under such test or tests and conditions as the Navy Department may impose. The cost of all of said cruisers in the aggregate, complete, exclusive of armament, shall not be more than $9,000,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available during the five years from March 4, 1887. That in the construction of the aforesaid vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, so far as the same relate to vessels constructed under contract, save that in all their parts they shall be of domestic manufacture. The contracts for the construction of said vessels shall contain provisions to the effect that the contractor guarantees that when completed and tested for speed, under conditions to be prescribed by the Navy Department, the vessel shall exhibit a maximum speed of at least 20 knots per hour; and for every quarter knot of speed so exhibited above said guarantee the contractor shall receive a premium over and above his contract price of $50,000, and for every quarter knot that said vessel fails of reaching said guaranteed speed there shall be deducted from the contract price the sum of $50,000; and for the purposes provided in this section the sum of $1,200,000, or so much of the same as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That for the armament of the vessels provided for in this section the sum of $2,880,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available during five years from March 4, 1887.

In making proposals for contracts for building the vessels authorized to be constructed under this act, it shall be required that one of such vessels shall be built on or near the coast of the Pacific Ocean, or the waters connecting therewith, two of them on or near the coast of the Gulf of Mexico, or the waters connecting therewith, and three of them on or near the coast of the Atlantic Ocean, or the waters connecting therewith, and at such places on or near such coasts or waters as the Secretary of the Navy shall approve.

If it shall appear to the satisfaction of the President of the United States, from the biddings for said contracts, when the same are opened and examined by him, that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall suspend the construction of the vessels herein required to be built on or near said coasts, or either of them, until the further action of Congress, and shall report the reasons for such suspension to Congress with all convenient dispatch.

SEC. 3. That for the purpose of further increasing the naval establishment of the United States, the sums of money hereinafter named are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the President, in the exercise of his discretion, upon plans and specifications to be furnished by the Navy Department:

For the construction of heavily armored vessels or armored floating batteries or rams, to be used for coast and harbor defense, $6,000,000.

For the construction of light-draught gunboats, suitable for interior water ways and canal service, $720,000; said gunboats to be completed and tested within twelve months from the date of the signing of any contract for their construction.

For the construction of torpedo-boats of the highest attainable speed and efficiency, $600,000; said torpedo-boats to be completed and tested within twelve months from the signing of any contract for their construction.

For torpedoes and other explosives and torpedo appliances, including the trial and testing of explosives, such torpedoes and other explosives and torpedo appliances to be operated from naval vessels, floating batteries, or rams, $600,000, of which sum $50,000 shall be immediately available.

For the armament of the vessels provided for in this section, $1,800,000.

That the material used in all naval structures provided for in this act, and the armament for the same, shall be furnished and manufactured in the United States, and all contracts made for their construction shall be under the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment:" *Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such civilian expert aids, additional draughtsmen, writers, copyists, and model-makers on the designs therefor as may be necessary. That the appropriations made under this section shall be available during five years from March 4, 1887.

Mr. GRAY. Mr. President, before the amendment of the committee is voted on I should like to make an observation and an inquiry as to the policy of that part of the amendment commencing in line 45 of section 2, which provides that one of the cruisers proposed by the amendment shall be built upon the waters of the Pacific Ocean, two on the Gulf of Mexico and waters connecting therewith, and three of them on or near the coast of the Atlantic Ocean.

I am heartily in favor of the general object and policy of the amendment of the committee, and for that purpose I want to see the Secretary of the Navy clothed with such power as shall enable him to accomplish that object in the most expeditious, in the most successful, and in the most advantageous manner to the people of this country; and I do not see why he should be trammeled in this amendment, which looks to the creation of six cruisers, by a provision which may result in producing only two.

Mr. HALE. I was unable to hear what portion of the amendment the Senator from Delaware was seeking to call to the attention of the Senate.

Mr. GRAY. Commencing at line 45 of section 2 of the amendment of the committee.

The PRESIDING OFFICER (Mr. CULLOM in the chair). On page 37 of the bill.

Mr. HALE. I see.

Mr. GRAY. It will be observed that by the latter part of the section, commencing at line 54, it is provided that—

If it shall appear to the satisfaction of the President of the United States, from the biddings for said contracts, when the same are opened and examined by him, that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall suspend the construction of the vessels herein required to be built on or near said coasts, or either of them, until the further action of Congress, and shall report the reasons for such suspension to Congress with all convenient dispatch.

It may very well happen that after these proposals are published and the bids opened it shall appear to the President of the United States that these cruisers can not be constructed with advantage to the service and the people of the United States upon the Pacific coast or upon the coast of the Gulf of Mexico, and in that case it will be his duty, if this part of the amendment becomes a law, to dispense with the construction of three of the cruisers which are provided for by the amendment.

I want to see the object proposed by the committee achieved. I want to see six cruisers of the class and of the general character described in this amendment in the possession of the Navy Department of this country. Therefore it seems to me that the provision in the latter part of section 2 is only trammeling the Secretary of the Navy and interfering with the accomplishment of the general object proposed by the amendment.

What we are all interested in is in building up our navy, is in bringing into the possession of the United States suitable, efficient, and practically useful cruisers; and I do not know that any part of that object is the distribution of the work territorially or geographically over the United States. It would be very well, and I should rejoice to know that there were establishments on the Pacific coast or on the Gulf of Mexico, or the waters adjacent thereto, which could turn out the cruisers contemplated by the amendment; but why should we limit the Secretary of the Navy and those who will have the duty of carrying into effect this provision by limiting them as to where they can best provide for the building of the vessels that are described in the first section of the amendment?

Therefore, as I am in favor of the accomplishment of what the committee propose, to wit, the creation of six available swift and efficient cruisers, I am in favor of striking out of that section all after line 45 down to the end of the section; and I now move you, sir, as an amendment, that those lines from line 45 to the end of section 2 be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware to the amendment reported from the Committee on Appropriations.

Mr. HALE. The provisions in the amendment which has been reported by the Committee on Appropriations, which the Senator from Delaware desires to strike from the bill, were adopted by the Senate after full discussion upon the motion of the Senator from Alabama [Mr. MORGAN]. The bill here embodied, as originally reported by the Naval Committee of this body, contained no such division as to the building of these ships. It was all left to the constructors of the country wherever they might be, contracting under bids with specifications and safeguards such as the committee threw about the bill by its provisions.

On motion of the Senator from Alabama, who I see is in his seat, the Senate adopted this other feature. I believed then and believe now that one or two of these vessels can be built and built speedily on the Pacific coast. The original bill as it passed the Senate provided for ten cruisers, two of which were to be built on the Pacific coast and three upon the Gulf. Of course there are no facilities at present upon the Gulf coast, or upon any waters connecting with the Gulf of Mexico.

The thought that the Senator from Alabama had in his mind, as I perceived and as the Senate saw, was that by a little delay and by propositions being offered to enterprising mechanics and contractors, private yards and plants would be built up and established there, and that after some delay these vessels might be built, utilizing the great natural products of that region, the timber, the coal, the iron, that exist there and which are found in such great abundance.

Upon that theory, as the Senate had adopted it upon debate, the Committee on Appropriations in reporting the bill embodied these features in their amendment, taking a proportionate number, as the whole bill was cut down, and instead of giving two to the Pacific coast and three to the Gulf it gave one to the Pacific coast and two to the Gulf, leaving three to be built on the Atlantic coast.

Mr. MORGAN. The amendment which I prepared in the Senate when the bill for constructing ten cruisers was up has been copied almost literally by the Committee on Appropriations in the clause which is under consideration. I desire that the Government of the United States, in building these vessels out of American material, for that is the result of it, and with American workmanship and upon American soil, shall give to the different sections of this country that are capable of building ships a fair opportunity to embark in this business.

It is very true that we have no ship-yards in any of the Southern States and along the Gulf of Mexico, but it is equally true that they are demanded by the necessities of the Government as well as by the rights of the people in that section of the country. If hostile fleets were to meet in the Gulf of Mexico, or if our navy cruising in the Gulf of Mexico should meet with disasters of any kind and it was found to be a dangerous journey to bring a ship from the Gulf of Mexico around as far north as Chester or the Brooklyn navy-yard or the Norfolk navy-yard, we should find the Government at very great inconvenience for the want of some place to repair a ship, and in time of war it would be almost a matter of impossibility to bring a crippled ship out of the Gulf of Mexico for repair into any of the Northern or Northeastern navy-yards. You might just as well start with it to San Francisco as to start with it to New York in the presence of hostile fleets, and when your ships would be crippled by storm or by accident of any kind, or in war, the Gulf of Mexico would be just as good as lost to them.

So, as a matter of national importance, not to say necessity, there should be in the waters, or near the waters, of the Gulf of Mexico places where ships can be taken in for repair. If you will establish a construction yard anywhere accessible to the Gulf of Mexico you will have there a plant and a place where your ships can also be repaired.

Taking that view of it, I think that the Senate would not be willing to pass by such an important fact as this, if by any modification of this amendment the objection of the Senator from Delaware can be met. I suggest to him now that a modification can easily be made in section 2, commencing with the word "he," in line 59, striking out from line 59 all that occurs in that clause of the bill, and inserting:

He may consider and accept bids for building vessels at other places.

Mr. HALE. Will not the Senator indicate again the amendment that he proposes? I think perhaps that may be a way out of the difficulty, and it may be acceptable to the Senator from Delaware.

Mr. MORGAN. I wish to say a few words before I put in any amendment.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. MORGAN. I have already commented very briefly upon the governmental necessity of having a construction yard somewhere near the Gulf of Mexico. Of course it is not necessary to comment upon the necessity of having one upon the Pacific coast. I wish to say that it will not cost exceeding $100,000 to put upon the Alabama River, or at Pensacola, or on the Mississippi River, as good a plant as John Roach has at Chester, entirely new, for the building of a ship. I do not mean the building of engines; I am now talking about the construction of a ship.

What is a ship-yard for the construction of an iron or a steel vessel? It is nothing but a series of blocks of wood set down upon the firm surface of the earth, which are so adjusted as that they give proper shape to the keel of the ship, and then, with certain props, as the ship goes up, on either side to hold it in position, with no cover over it, no house, nor anything of the sort, but built out in the open air. With your shears, and your riveting machines, and your bending machines, and your different furnaces that you have about for these purposes, which are very simple in construction, you have the whole outfit necessary for the construction of a steel or iron ship.

The keel of the great Pocahontas, which I believe is to be by next November the leading ship, is now being laid at Alexandria, Va., in the manner I state. They first get a firm foundation. They then lay their keel down upon either blocks of wood or stone, wood being preferable. Then they commence building, and they build it out in the open air. So there is nothing about a construction yard for building steel or iron vessels that requires any outlay of expense except the machinery necessary to fit the pieces of steel and iron that are brought there, and to rivet them.

We have at Pensacola a dry-dock. I do not know the dimensions of it. Perhaps the Senator from Florida can state.

Mr. BECK. It is not large enough for a great cruiser.

Mr. MORGAN. Perhaps it could be enlarged, I do not know; but at all events we have a dry-dock there sufficient to accommodate ships of war that may be in a wrecked condition from any cause. We must have one. The Government of the United States under a governmental agency needs just such an establishment somewhere upon the coast of the Gulf of Mexico.

You let out these contracts, a million and a half to the ship, for that is the amount of money we appropriate as an average for these six cruisers, the whole amount being $9,000,000. The President in offering these contracts says to the ship-builder, "here is a million and a half of dollars for the construction of a vessel of a certain size and shape," giving all her dimensions, "and you have the option to put a bid on the construction of this vessel on the Atlantic coast, on the Pacific coast, or on the Gulf coast.

Before passing on to the point that I was about to come to, I call attention to page 12, line 266, of the bill as it came from the House:

For two timber dry-docks, to be located at such navy-yards as the Secretary of the Navy may indicate, each dock to be not less than 480 feet in length, the cost of the two docks not to exceed in the aggregate the amount herein appropriated, $1,100,000.

There the Committee on Naval Affairs of the other House prepared for the very emergency, it occurs to me, of which I have been speaking, that of making dry-docks along the Gulf coast where it is necessary to place them, dry-docks for the repair of Government ships when they become crippled. So the provision which was inserted by the committee of the Senate is sustained by the one to which I have just adverted.

Now, I will proceed with the point I was making. The President offers these contracts to ship-builders. A ship-builder looks over the field to see where he can construct his vessel with the greatest convenience and at the least expense, and in the greatest security. He turns his eye to the manufacturing establishments in Alabama, in Georgia, in Tennessee, and all along the Mississippi River, and up to Pittsburgh, including Cincinnati, Saint Louis, and if you please, Chicago. He says, "I can assemble the material, whether it is steel, whether it is iron, or whatever it may be, at the navy-yard at Pensacola, or at the ship-yard at Mount Vernon, on the Alabama River, or at a ship-yard upon the Mississippi River at a convenient location, cheaper than I can get the same material hauled by rail from any part of the United States to the seacoast." If he should choose to build that ship at Mount Vernon, the place I have in my mind and for which, of course, I shall be a firm advocate, giving to every other person concerned the advantage

certainly of whatever another place may possess in the way of superior inducements—if he should conclude to build a ship at Mount Vernon arsenal grounds, on the Alabama River, he would find himself there in immediate contact with three of the most costly elements in ship-building, and of any work of this kind, the iron, the coal, and the timber that is necessary for all of the scaffolding and everything of that kind about a ship. It requires, of course, a very considerable amount to sustain any large ship or any ship while you are building it.

There is no place in the United States where these three great elements of cost in the construction of a ship can be assembled cheaper than they can at the Mount Vernon arsenal, on the Alabama River. There would be very little additional cost in going to Pensacola, and there might still be some saving in one of the materials if you were to stop your boats on the Mississippi River and find some suitable place there to be selected for the building of the ship.

But this contractor would see that he could pay for his plant $100,000, if it cost that much, and more, and make the money back out of his contract, and after he had gotten through with the construction of these two ships he would then be prepared to build ships of commerce or other ships of war, and he would be prepared with all the necessary material and machinery for the repair of ships of the United States; though I think that the ships of the United States ought all of them to be repaired in the navy-yards, it ought to be done under the direction of naval officers in the navy-yards; but the construction of ships of war depends upon an entirely different principle.

I want the opportunity furnished to the people who will engage in building these ships to select a Southern place for their construction, and that is fair and right. We pay our taxes to the Government of the United States in a larger proportion per capita than any other part of the United States, because the people of the South are larger consumers per capita than those of any other part of the United States.

Mr. GRAY. Larger consumers of what?

Mr. MORGAN. Of all that is dutiable of the imports of this country, and consuming a large amount of whisky and a good deal of tobacco. We have a population in the South, particularly our colored population, who are very fond of both. They are there in very large numbers, and they are very extravagant consumers. The fact is that the difficulty is getting the negroes to accumulate almost anything at all is because of the extravagance of their expenditures. They have no economy, or very little idea of it.

But, sir, we are large tax-payers in proportion to our population, and we are growing to be more and more important in that connection; and it is only fair and right that the people of the Gulf States should have an opportunity to embark with their cheap material, in iron and coal and timber, in the construction of these vessels. It is to secure that that I propose to have these contracts so made, or so offered at least, as that the ship-builders there will bid upon them, and then if the President of the United States saw that the bids were too high compared with those from other parts of the United States, he might go elsewhere and make his contracts.

The provision of the amendment is that it shall bring the subject back to Congress, and I think that is a correct provision, because it must depend upon the will of Congress unless the President chooses to exercise his discretion in the direction that I think is correct. It must depend upon the will of Congress, after all, whether the South is going to have any hand in building these ships, and I do not see why there should be any objection to that. The building of these ships runs over a period of five years; the expenditure of this $9,000,000 is spread over five years. There is ample time within that period to make this establishment and build a great many more than six ships.

It does not require five years to build a heavy-armored ship of war. The largest armored ship that we shall have in the United States Navy can be built and the engines put in her and put afloat on the ocean inside of two years. The ship I have just referred to, the Pocahontas, that is to be built at Alexandria, it is stated, will be afloat in November next, and that is a ship which has more intricacy of construction than perhaps any that was ever built in the world. I have no doubt of that, and I believe it is going to be one of the grandest successes of this or any other era in ship-building. But I am referring now to the length of time that is required. There is no reason at all that I can see why this matter should not be brought back to Congress, and there are many good reasons why it should come back to Congress, for we rely upon Congress, and we insist that Congress shall help us go forward and make this foundation in the South for ship-building. I think it is the duty of Congress to do it, and I hope the Senator from Delaware will not move to strike anything out of this provision of the bill. I believe it is correct as it stands.

Mr. GRAY. Mr. President, I was quite willing to accept the modification of my amendment proposed by the Senator from Alabama. I do not understand whether he still proposes it or not. Does the Senator from Alabama still propose the modification?

Mr. MORGAN. Not yet; I will see further on.

Mr. GRAY. I was quite willing to accept that amendment because the paramount reason with me in proposing the amendment I offered was that the object the Committee on Naval Affairs had in view when this amendment was proposed to the bill was that these cruisers should be obtained, and therefore as the modification suggested by the Senator from Alabama kept it still quite in the power of the President to achieve that object, I was willing to accept it, and if he shall see fit to propose it (he says he is not yet ready to propose it), I shall be quite willing to accept it.

But before doing so I wish to say a word about another objection that I have to this portion of the amendment of the committee. No one rejoices more than I do at the nascent manufacturing prosperity of the South. No one views with more satisfaction than I do the signs of the growing wealth and industrial well-being of the Gulf States, and especially of the State of which the Senator is an honored representative. I have no objection to seeing, nay, I have the greatest wish to see every proper encouragement given to those industries which seem to have lately taken root and are growing up and flourishing; but that growth was commenced and that growth will go on, if it is to go on, in health without governmental protection and without governmental interference. I do not believe that the policy indicated by that portion of the amendment to which I have called attention will be conducive of the best results to the manufacturing interests of that section of the country.

I do not believe in Government partnerships, either directly or indirectly, in the business of this country. If there are ship-building industries on the Pacific coast, commencing or growing, then I shall be glad to see them competing with the industries of the Atlantic coast or wherever else they may be; but the policy of this amendment is by an arbitrary geographical distribution of the construction of these ships to bring into competition with those ship-building industries that have grown up from individual enterprise and in the natural and healthy progress of individual enterprise—to bring into competition with them concerns that are not now able to compete, and which only will be able to compete by reason of this indirect interference on the part of the Government and this quasi Government partnership.

If this bill should become a law with a provision that one or two of these ships should be built in the State of Alabama, then *ex necessitate* all other ship-building interests as to that particular work in which all the people of the United States are interested are thrown out of the competition, and the State of Alabama receives from the Government that particular favor, that particular encouragement which it is not right that any section or any set of men or any concern should ever receive from the common government of all. It runs athwart of that principle which it seems to me should guide us not only in this but in all other governmental action. It is the vice of the protective system, it is the vice of that policy which would bring the Government into partnership with or participation in the common affairs and business of every-day life that I object to in this part of the amendment.

For that reason as well as the first reason I have stated, I am opposed to this policy, and yet, notwithstanding that, I will accept the modification that was suggested but not yet offered by the Senator from Alabama, that if the bids from these localities shall not be such as to commend themselves to the President of the United States as fair and advantageous the ships shall still be built by open competition common to all the ship-building industries of the United States.

Mr. BECK. Mr. President, I went over this matter with my colleagues on the subcommittee of the Committee on Appropriations trusting very much to the better judgment of the Senator from Maine [Mr. HALE] and also to what had been done by the Senate, and hoping to come to some agreement with the other House in the closing hours of the session, so that we should have some bill; and I thought upon the whole it was the very best that we could possibly do.

I think no one will accuse me of being a protectionist, and yet I believe that wherever the United States, contradistinguished from an individual, has to provide for its own protection, we ought to endeavor to protect ourselves within ourselves, and have all the material possible to do that, and not be dependent upon any other nation. Therefore, if we are to make big guns I have been willing to help any one to establish a plant that would make big guns at home, and not to have to go to Krupp or anybody else abroad. So with our torpedoes; I do not want to go to Mr. Whitehead or anybody else abroad; I want to make them at home.

Of the three great divisions mentioned in the amendment, the Pacific coast will more and more need protection against foreign invasion as we extend our commerce over the Pacific Ocean. Therefore I desire something there to enable us to build and repair ships. The Gulf of Mexico covers a very important portion of the country, close to Cuba and near all the West India Islands where trouble may come, and if a plant could be established there I feel anxious that it should be done, but the majority, or at least half of the whole, ought to be placed along the Atlantic seaboard.

I agreed to the immediate provision that is now being discussed, because this is a new enterprise along the Gulf coast. I know there are great developments in iron and steel, and perhaps steel has not yet been brought up to the highest point of basic or other process that is used in Europe and applied at Birmingham and in other parts of Europe; but when it is understood that there is a chance to use it and that the United States desires to use it, I hope there will be a great

plant made there by private enterprise, which will enable us to build two of the six ships on or near the Gulf.

But the difficulty I think with the suggestion of the Senator from Delaware and that of the Senator from Alabama at present is that the Gulf coast is not yet provided with those things while that portion of the country which has had ship-yards heretofore is measurably so provided. They may not be able to make satisfactory ships within the time the next few ships are to be made, but I believe they will with the development going on, when they see they are going to have a chance next fall, make proper bids. If they do not the reason will be given in the report which is to be made to Congress. The chances are that there will be such an organization among themselves as will give us a plant on the Gulf coast.

Of course, the Senator from Delaware desires as much as I do that we should be protected along the Gulf coast. I know that he does; and if development can be made there to enable us to build ships, and they should have a chance, I did not feel quite willing that this summer, when three ships are to be built on the Atlantic and they will be started and contracts made for them, that we should deprive those people whose attention had not been turned in that direction without giving them at least some reasonable opportunity to see if they could not do it, and next fall we shall ascertain that fact by the report that is to be made to us. They may be able to do it at once, but as to the suggestion of making them elsewhere without giving any such opportunity as I think they ought to have, but to confine them all to the Atlantic seaboard, and as three can be started there any how, I think that this summer we ought to have a report made as to the reason why the others did not progress, if that reason should in fact exist.

Mr. WHITTHORNE. Mr. President, while I might and would, in two or three regards, criticise the amendment proposed by the Committee on Appropriations, I shall vote for the entire proposition in recognition of the fact that it will after all remain to the conferees representing the two Houses to harmonize upon a measure for the final judgment of the Senate and House. I shall therefore vote for it although, as I said, in my mind I would criticise it, or I would not support it in its details if submitted to me for final action. For instance, in the second section the committee's amendment provides that—

> For every quarter knot of speed so exhibited above said guarantee the contractor shall receive a premium over and above his contract-price of $50,000, and for every quarter knot that said vessel fails of reaching said guaranteed speed there shall be deducted from the contract-price the sum of $50,000.

Too many bad jobs in the history of the navy have been loaded upon the Government, if not for the benefit of the contractor, certainly at the expense of the people, and I would do nothing which would encourage such a state of things, or which would be likely to lead to the multiplication of worthless vessels upon the Navy register. I would, therefore, limit by amendment this reduction from 20 knots to 19 or 18½ knots.

Again, I think in section 3, line 7, where authority is given and an appropriation of $6,000,000 is made for the construction of heavily armed vessels, or armored floating batteries, or rams, to be used for coast and harbor defenses, if Congress means heavily-armored vessels it ought to say so. If it does not mean them, it ought not to confer this discretion upon the Secretary of the Navy. He might absorb, either upon one line or the other, all the amount of money here appropriated.

For one, I do not deem heavily armored vessels a necessity. Nature protects the coast of America, and the heavily armored vessels of the world can not enter our harbors. Nature has done more for us than any heavily armored vessel will do.

Mr. BUTLER. Will it disturb my friend if I ask him a question right there?

Mr. WHITTHORNE. It will not.

Mr. BUTLER. What he says is entirely true as to our harbors being protected in a measure by nature, but I should like to ask the Senator if very many of the heavily armored vessels of foreign countries might not lie off the harbors and destroy a vast amount of property in this country without entering at all?

Mr. WHITTHORNE. I think it quite likely in case of war, especially if the parties were in earnest, that somebody would get hurt and property would probably be destroyed. I do not think even a fort, however strong it might be built, would prevent such destruction or such a contingency as is involved in the question of my friend from South Carolina.

Making this criticism upon the proposed amendment of the Committee, I beg to repeat that I will vote for the amendment as submitted by the committee, and especially I favor that portion of the amendment criticised by the Senator from Delaware. It will be observed upon reading the amendment that it is recited in lines 45 and 46 of section 3:

> In making proposals for contracts for building the vessels authorized to be constructed under this act.

The first section of this amendment not only means cruisers, but gunboats, rams, and other classes of vessels which may be built upon the Mississippi River at almost any point from Saint Louis to its mouth. They can be built upon the Alabama River; and I submit to the Senator from Delaware that there are established industries already in that section of our country which are prepared, and would be prepared, to build the lighter class of vessels here provided for. It so happens that the matter which he has criticised comes, as I take it, from the fact that two separate bills passed by the Senate have been embodied as one amendment to this bill; but with the proper and legitimate, not protection, but duty of the Government, to each and every section of this country under its grant of war powers, it is absolutely necessary, and in time of peace eminently proper, that you should provide each section with the means and facilities of defense.

Hence, I shall very cheerfully support so much of the amendment, and indeed all of it, trusting that when it goes to a committee of conference the united judgment of both Houses will support the action of that conference.

Mr. GRAY. I will modify my amendment in the respect suggested by the Senator from Alabama by confining it to striking out all after the word "he," in line 59, of the second section, down to its close, and inserting in lieu thereof the following words:

> May consider and accept bids for building said vessels at other places.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Delaware to the amendment of the committee will be stated.

The CHIEF CLERK. Page 37, line 59, after the word "he," strike out down to and including the word "dispatch," in line 63, as follows:

> Shall suspend the construction of the vessels herein required to be built on or near said coasts, or either of them, until the further action of Congress, and shall report the reasons for such suspension to Congress with all convenient dispatch.

And in lieu thereof insert:

> May consider and accept bids for building said vessels at other places.

So as to read:

> If it shall appear to the satisfaction of the President of the United States, from the biddings for said contracts, when the same are opened and examined by him, that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he may consider and accept bids for building said vessels at other places.

Mr. CALL. Mr. President, I hope the amendment proposed by the Senator from Delaware will not be adopted. The result of the argument of the Senator from Delaware is that this large expenditure of money shall be made at ship-yards at Wilmington and upon the Delaware. There is a law that is more potent than any enactment of a Legislature, and under that law of the economy of business, as this bill would be when amended by him, it would be a bill for the construction of these ships on the Delaware and at one or two other places.

The great objection to the bill in all its parts is that it is a bill which does not concern the people of the United States. Its expenditure is for the benefit of particular individuals and particular localities. If my vote could defeat this bill it would be defeated. While I acknowledge the ability of the Senator from Maine and his zealous interest in the public service, and while I acknowledge the personal gallantry and character and the high type of men who compose the United States Navy, I can not forget the fact that in the past twenty years $500,000,000, or about that amount, has been expended without benefit to the country and without creating a navy, while the results of the same amount of expenditure in England, France, Spain, and all the European countries has produced a great development of naval power. While we have no navy and the flag of this country is not represented abroad, foreign countries with the same expenditure of money control the seas and everywhere have made an impression of the national character and power of their countries, which gives protection to their people and encourages and develops their commerce, enterprise, and wealth.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. CALL. Certainly.

Mr. PLATT. I should like to inquire of him what the $500,000,000 which he speaks of has been expended for?

Mr. CALL. A great deal of it for the support of a naval establishment, a navy in the same direction this bill provides.

Mr. PLATT. Less than $90,000,000, I understand, have been expended for ships and the repair of ships.

Mr. CALL. Very well; but how does that answer the proposition that as compared with the expenditure of $500,000,000 by England, France, and Spain, or by any other country in the world that less than $90,000,000 have been expended for ships and repairs and $410,000,000 for the establishment? Why is it that we cannot have a better business economy than to spend $500,000,000 without any result, but to have supported so many persons, while the same amount of money in foreign countries has produced a great result? It is because of the methods of administration. It is because of the favoritism, the disreregard of public interest that characterizes the bills which have been passed; the bureaucratic character of the Navy Department; the favorites who are placed in positions without regard to their efficiency; and while I say this, I pay as high a tribute to the personal character and gallantry and accomplishments of the men who compose the United States Navy as any other person. I was impressed with this when some years since an officer of the Navy, a stranger to me, left a home of wealth and luxury and volunteered in an expedition to the polar seas, at the imminent risk of his life. These bills have expended these vast sums of

money as this bill will do—not for the benefit of the people or the honor and dignity of the Government, but for the benefit of favorite places and favorite persons.

The fact is manifest that $500,000,000 can not be expended and produce no results without there being a disgrace upon the business administration of the country.

Well, now, Mr. President, what is this bill? Here is navy-yard after navy-yard, each with its commandant and equipment. What for? What are they doing, what service to the country, except to support the families of the men who receive this money? I am willing to vote as large an amount of money as a taxation on my people as any other man to support a navy and build ships and reorganize this Department, to make the flag of the United States respected abroad; but I am not willing to vote one cent to continue this disgraceful misappropriation of the public moneys which for twenty years has existed, expending as the result $500,000,000 with nothing whatever either for the honor and glory of the country or its efficiency in time of war, except the personal character of the men who are officers and sailors in the Navy. This fact speaks with a force that has impressed the people. England, France, Spain, Russia, Italy, Prussia—all with a navy. The United States, after $500,000,000 expended, no ships, no sailors, nothing but a naval establishment of bureaus and bureau officers, and an annual bill passed by Congress imposing taxes to the amount of millions of dollars to find soft places for them.

But, Mr. President, this amendment will not be of any service whatever to the people of the Southern States, because there is no plant there to build ships. The navy-yards there are left unequipped except with a few favorite office holders from other States. If there is a single human being of the State of Florida who will be benefited one dollar by this expenditure of money I do not know it. If there is one who is in the employment of the Navy, even in the navy-yard at Pensacola, in position, from a charwoman up, except a few cadets of the Naval Academy and one or two graduates, I do not believe it and I do not know it. I have never heard of it, although frequent applications have been made. The navy-yard there is left without any equipment whatever, and yet the navy-yard at Pensacola is in closer proximity than any other to the best iron, to the most inexhaustible supply of wood. At Pensacola alone, I am informed, there are millions of dollars' worth of the best live-oak in the world, stored in a pond covered with water, of which the Navy Department, so far as I have ever heard, has no knowledge whatever—bought for the Government and thrown away years ago and entirely forgotten; the finest timber in the world, so I have been advised.

I do appreciate the ability of the present Secretary of the Navy and do not doubt his patriotism, but I have not seen any evidences that he is advised that there is such a State as Florida and that there are some citizens of the United States who have some rights, at least to an occasional recognition, if only by way of compliment. Under the administration of his predecessor the little places at the Pensacola navy-yard were filled by Florida people, but I do not believe there is a single citizen of Florida in the employment of the Navy Department, and, so far as I have any knowledge, the magnificent navy-yard there, with its unequaled advantages, its capacious deep-water harbor, its salt and its fresh water, where two of the best ships of the old Navy—the Pensacola, of 2,800 tons, and the Seminole, of 1,200 tons—have been built in past times, is kept only as a place of refuge for a few families.

I am told that the Secretary has no power; that he is only the head of a few bureau officers who hold office under the statutes, and are not subject to removal. I do not know how this may be, but it is certainly true that there is a grave fault somewhere, and it ought to be remedied by law and a proper organization made before any more money shall be expended.

Now, Mr. President, what is the result of this amendment? It simply says that the people of the South, and no more of the South than of the Pacific coast, have a right to whatever benefits may proceed from the disbursement of the public money. Why is the Senator from Delaware so anxious that this amendment shall be defeated, but that the money shall be disbursed upon the Delaware and in Wilmington, in his section of the country? Why is it that these ships can be built nowhere else but there? With the establishment of a plant at Pensacola navy-yard, the finest harbor on the Gulf of Mexico, with an abundant depth of water, easy of entry and perfectly protected, every inducement would be furnished to combinations of capital and labor to build ships there, and they can be built more cheaply there than anywhere else. They will never be built there under your policy, which concentrates the expenditure of this vast revenue, this $500,000,000 in the last twenty years, in a few localities upon the Atlantic coast and for the benefit of a few individuals.

Sir, I am not at all narrow in my views. I want your country to have the benefit of the larger proportion of the disbursement, but I do not want your bills to be constructed, as they are, so that the money will be necessarily expended there, and when the Senator from Alabama in this amendment has simply suggested a provision by which it is possible, and barely possible, that these ships may be built on the Gulf, it is sought to be stricken out.

Mr. President, these navy-yards ought to be equipped at a reasonable and economical cost. They ought to be prepared for the construction of ships and the policy of the act of 1883 carried out. That policy was to leave the navy-yards with their equipment to those who may propose contracts to the Government to build ships, in order that a monopoly of this business may not be given to men of vast capital to the exclusion of the enterprise of the American mechanics of limited means.

There is ability, skill, and talent among the poor American men of this country—the mechanics—sufficient to build as fine a ship as ever was built in any foreign country. Give them by your Government policy the opportunity to do it. I propose to put plants in your useless navy-yards instead of your clerks and your commandants; require them to do something, habilitate these navy-yards, equip them properly, and then in all parts of this country the public interest in the Navy will revive. You will have ships, as you ought to have, to a reasonable extent, and you can no longer be reproached with a half a hundred millions of money expended without any result. The country will then feel that these vast sums of money are being expended for the benefit of the country and with some permanent, beneficial results, and not for the advantage of a limited number of persons. The people of the United States in all parts of the country will derive benefit from the expenditure of the money. American enterprise and mechanical skill and invention will combine to produce the finest ships in the world.

Mr. GRAY. Mr. President, if I understood my own motive in offering the amendment to this bill, it certainly was no such narrow and insufficient one as that suggested by the Senator from Florida. He says he is as much in favor of my country as his own. Those are strange words here in the Senate of the United States. His country is my country and my country is his, and I shall rejoice in all that makes for the prosperity of the locality in which he lives as much as I would for that which makes up the prosperity of that in which I live. It is because I want these ships built by the free competition of all the people of this country who are competent to build ships that I offered the amendment, and if as he says they can be built as cheaply or more cheaply at the navy-yard at Pensacola, then I say they ought to be built there. All I propose to effect by this amendment is to take away the narrowing policy that would seek to have one section of our country or one State of this Union or one particular locality made the special region in which this work shall be done by law and not leave it to the open competition of all the mechanics and all the men of genius in the shipbuilding craft.

Mr. CALL. Will the Senator from Delaware allow me a word?

Mr. GRAY. Certainly.

Mr. CALL. Does the Senator from Delaware believe that this amendment will promote the building of these ships on the Delaware River or in his section of the country?

Mr. GRAY. I do not know that it will; but, whether it does or not, if the ships proposed by this amendment can be built more advantageously on the Pacific coast, or on the Gulf of Mexico, or in the harbor of Pensacola, then I say that there should be the opportunity by this bill to have them so built.

My original motion went to striking out from this section every allusion to localities, every allusion to sections, and to leave the matter of the construction of these ships open to free competition among the mechanics and ship-builders of this country. That is all. Whether my section or his section will be ultimately benefited does not affect the principle.

Mr. MAXEY. Mr. President, there can be no question of the imperative necessity of providing for the common defense, especially on the seaboard and on the Gulf coast. We have made no substantial progress during the last twenty years towards the accomplishment of that purpose. Abortive efforts have been made now and then to provide for the common defense and protect the seaboard, but so far nothing of value has been accomplished.

At this Congress public sentiment beyond the limits of the two Houses and public sentiment as expressed in the two Houses favors a broad, liberal provision for the common defense, especially for the protection of our seaboard. That is a question entirely apart from and has nothing whatever to do with the point now presented, which is a commercial question.

From the very foundation of this Government the wisest statesmen have urged that we should provide for our common defense within our borders, and every sensible man ought to know that we should have within the limits of our own country every provision needed for large guns and small guns, and for every necessary advance in the building of ships, the casting of great cannon, and small-arms, in order to make provision for the common defense.

Now, I go one step further——

Mr. GRAY. Will the Senator pardon me a moment? He must have misunderstood me if he understood me to say that the principle involved in this portion of the amendment was the principle of the protective tariff. I did use the word "protection," I admit, but it was merely by way of illustration that this matter of partnership in the private business of the country was one of the vices that entered into the protective system; but I entirely agree with the Senator from Texas that the policy of this bill does not at all occupy the same ground.

Mr. MAXEY. I did not understand the Senator in the way he seems to think because he and I stand together on that question, but I referred to a remark previously made.

It is essential that this country should make ample provision for its own defense under any circumstances. Now, with an overflowing Treasury and without the hope of a reduction of taxation at present, with an absolute necessity that the over-gorged vaults of the Treasury should be opened and the money therein put in circulation among the people, there never was and there never will be a better time for providing for the common defense than now.

I have said before, and I repeat, that I for one would favor ample provision for the defense of every one of our seaports, great and small, in proportion to the necessity of that defense. More than that, we should make provision for building ships. I would go a step further. In a great country, with the Atlantic seaboard and the Gulf seaboard and the Pacific seaboard, there should be plants in every portion of this country, so that in any of the casualties of war we should be prepared to make our own cannon, our own small-arms, and our own ships in the navy-yards in the Northern States, in the Central States, in the Gulf States, and on the Pacific seaboard.

When it comes to the question of the common defense, many of the seaports along the Atlantic seaboard can be defended chiefly by land defenses, aided by torpedoes and by properly equipped armored vessels; but on the Gulf coast, so far as I know, and so far as I believe—and I think I understand that question reasonably well—you have to depend on ships. We have no strategic points of defense on the Gulf seaboard. You must have your gunboats and your ships mainly there, and there should be a plant for the building of ships there.

We have practically no navy-yards at this time, but we should look to the future. We have there the best material in the world. I say to-day that in the great State of Alabama they have iron without limit. They have it in Tennessee and in my own State. I say here that there is not on the wide earth iron ore superior to that of Texas. It has been compared by Professor Everhardt, of the University of Texas, with the finest ores of the world, the ores of Sweden, the ores of England, the ores of Port Henry, N. Y., and the ores of Canada, and there is not to-day on the wide earth ore superior to the iron ore of the State of Texas. It contains 27 per cent. of pure oxide of iron, 59 per cent of peroxide of iron, with few impurities of any kind whatever, and not a trace of sulphuric acid. It is the only one of the great ores of the world that does not contain that unfortunate trace of sulphuric acid. It makes a car-wheel without admixture with any other ore, and has greater power of resistance than any steel which is made. It makes the finest horseshoe, nearly, of any iron in the world.

We have live oak as fine as ever grew out of the earth, and the pines in the Sabine country of my State will furnish that and all the materials necessary, and would be equal to any that ever came out of the earth. I speak only of that because I know it.

Everywhere through the South we have materials for the building up of great navy-yards and the building of a great navy. I agree with what the Senator from Delaware has so well said. It is painful for me to hear any one in the Senate Chamber speak of portions of the United States as separate and distinct countries. We are all one great country. The time has been—I thank God that time is far in the rear—when this country was divided into hostile sections, and the people followed different flags; but all that has passed by, and to-day we are under one flag; we are one people, having one destiny, and all parts of this country are merely parts of that great whole. Make provision for the common defense, make provision for every part of the country. What makes prosperous the great State of Pennsylvania makes the State of Texas prosperous; what prospers the New England States makes my State prosperous. We raise the raw material, and they manufacture that raw material, but unless we have a market our cotton-fields would not find a customer. Every part of this great country is necessary to every other part of this great country, and I want the whole of this country defended and amply defended.

Living as I do in a Gulf State, knowing as I do that the Gulf coast, from Pensacola around to the mouth of the Rio Grande, must be defended chiefly and mainly by armored vessels in this enlightened quarter of the nineteenth century of the world, I want, for one, to see the nucleus for the establishment somewhere on that coast of a great navy-yard, where we have the finest iron ore in the world and where we have live oak in abundance.

These are my views. This Congress, in my judgment, would act blindly if it adjourned without making some provision for the common defense.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, requested the Senate to return to the House the bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River, in Louisiana;

A bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River;

A bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry in place of Middletown; and

A bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes.

### RETURN OF A HOUSE BILL.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1887.

*Resolved*, That the Clerk of the House be directed to request the Senate to return to the House the bill of the House (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi.

The PRESIDENT *pro tempore*. If there be no objection the request will be granted, and the bill returned to the House of Representatives.

### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries, announced that the President had, on the 1st instant, approved and signed the act (S. 1119) to organize the Hospital Corps of the Army of the United States, to define its duty, and to fix its pay.

### NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BLAIR. Mr. President, for about six thousand years the human race has been engaged in the science and the art of war, which is simply the prosecution of those methods by which human beings can best destroy each other. The chief burdens that mankind have borne and that now overload civilization are the results of this tendency to war; and it has seemed to me, I confess, that if the millenium which we are accustomed to believe in is not an absolute myth, a nation like our own with sixty millions of the most highly civilized people that the world has ever seen, still evolving and developing, it may be for the first time in the records of history, might set to the world the example of an effort to settle the controversies which arise between nations without resorting to the destructive arts of butchery.

For one, though I vote all that is asked, it is with great reluctance that I support these bills which call for such enormous expenditures purely in contemplation of conflicts which are to come. Though it may be a sentiment hardly proper to enunciate and which it is certainly not popular to enunciate, yet I still think the American people need do very little in the way of preparing for actual war.

I believe that this nation is great enough and strong enough in its intellectual and moral worth and character to defy the possibility of any conflict by appealing to the sense of justice of the world, and that refusing to engage in warfare from this day forth we might initiate an era which, if not absolute peace at once, would result within a short period in the elimination of wars from among civilized nations; and the great wars of the world have only been those among civilized nations, for only those are capable of a comprehensive concentration of effort which makes a great war.

While I suppose that we are sure to have some expenditure in this direction, I would be very sure to limit the appropriations and expenditure to what may be strictly called national defense. I would not willingly vote to appropriate a single dollar which I thought would induce this nation under any circumstances, even of great provocation, to engage in anything like aggressive war.

But the expenditure for war of a defensive character, the construction of vessels, the making of great guns, the development of new agencies of destruction by modern inventions, such as dynamite, nitroglycerine, and many others, will require, of course, large amounts, and I am willing to vote something, only being assured as far as possible that the expenditures will be simply in the way of defense.

I think, too, that if this be done, it is very proper that measures be taken to secure the expenditure in such a way in different parts of the country as to give to all of our people the advantage of the expenditure of the public funds in their own vicinity. I do not know precisely what the amendment moved may be, but there can be no doubt that the claim of our friends from the Southern country that labor is cheaper there, that raw materials which may be used in the construction of these vessels, or these great guns are cheaper there—there can be no doubt I say that this claim is true, and if these conditions were to continue, I have no doubt that in the not remote future the industries and the labor of the North would find themselves suffering from a form of competition greater than that which we are likely to suffer from, even from the repeal of our protective tariff, and by the introduction of Chinese labor to our shores without limit or stint to any degree whatever.

It is because the Senator from Florida [Mr. CALL] touched upon this point that I am ready at this time to make a few remarks which I had prepared for another occasion, bearing upon this question, which needs to be more considered I think in our country than it has been as yet—the advantages which one section has in this matter of labor; and this is the great item after all of expenditure, for of all the amounts of money that are paid out from one year's end to the other in the form of wages, in the form of payment for materials, at least 90 or 95 per cent. of the whole represents wages for labor; and in this direction I wish to submit a few remarks at this time.

The war between the nation and the Southern States——

Mr. HALE. Will the Senator allow me a question? I know that we are all very desirous of listening to the remarks which the Senator, as he says, has prepared for another occasion; but will not the Senator give way for five or ten minutes and let us pass this bill in order that it may get through and go to the President? Of course, I understand the Senator can go on and I do not attempt to take him from the floor except by his entire good-will and assent.

Mr. BLAIR. Under the circumstances I think the Senator will not press his request.

Mr. HALE. I am at the mercy of the Senator.

Mr. BLAIR. I think the Senator is, and at the same time I will remind him that he has not often been at my mercy in the effort to assert any title of occupancy to this floor. I promise the Senator that I will offer remarks which it will be worth while for him to consider, and that it will be worth while for him and for the President to whom he appeals for his cordial signature to this bill to consider these same remarks. They are pertinent now; they will be pertinent on many other occasions; and it will do the Senator no harm to have these ideas in his mind as he goes on during the remainder of his Senatorial term.

Mr. HALE. I wish the Senator would wait and let me hear them after the Senate has adjourned at 12 o'clock on the 4th day of March.

Mr. BLAIR. I have indicated my desire and propose to be no further interrupted.

The war between the nation and the Southern States was a conflict between systems of industrial production. One system secured to the wage-laborer high returns for his toil and to the individual producer high prices for his commodity. The other system paid the common laborer the scant necessaries of life, just enough to create and preserve him as a profitable animal or an efficient machine, while the entire product as well as the plant of fixed, circulating, and living capital was owned by the employer.

These two systems collided in Kansas, and the war which followed abolished the forms of slavery, retaining much of its power, because the ignorance which made slavery possible with the prejudice against work which grew out of its degradation was neither removed nor seriously diminished.

More than twenty years have now elapsed since peace was restored, during which long period considerable progress has been made in the South in the diversification of industries and of production and in the increase of general intelligence. A corresponding increase of compensation has resulted to all laboring men, whether wage-workers or producers with small capital of their own, and some advancement has been made.

The wonderful natural resources of the South are now being constantly bought up by the capital of the North and of other countries. Already the Southern market for many forms of goods once furnished from the North or from Europe as well as for agricultural productions and raw materials is being supplied, as it should be, at home. More than this, the South is already invading the Northern and Northwestern markets and is competing for trade with production of which the highly paid labor and capital of the North is the chief element.

Foreseeing the inevitable, Northern capital and investments are seeking the South where, with labor of all kinds, agricultural, mechanical, and operative skilled and unskilled, upon an average not more than one-half or two-thirds as high when paid in actual money or in commodities at cash prices as in the North, the profits of their new location will replace the depreciation and losses which are impending to their investments at home.

It is safe to predict that within ten years, unless new and important factors are combined with existing conditions, the productions of the South after fully supplying their own will compete in Northern markets with most of the commodities which now are the chief production of the old free States at prices so low as to make it a matter of indifference to Northern labor whether the protective tariff against the products of "foreign pauper labor" be removed or continued, or even whether Chinese or foreign contract labor be longer excluded from our shores.

The farm laborers and operatives of both races in the South are rapidly acquiring the skill required to equal that of corresponding classes at the North. While the fact that women and children are more generally employed, and that all work more hours than at the North enables a given population if of equal intelligence and skill to produce more for a time at least than the same number could under the more liberal treatment of manual workers in the old free-labor States.

The South contains very nearly, perhaps fully, one-half the natural resources of the whole country, and is certainly capable of greater rapidity of development during the next quarter of a century than the North and further West. Already she has more than one-third the entire population of the Union. Her rate of natural increase is equal to that of the North with our advantage by reason of emigration, while this advantage even is passing away as the capabilities of the South are becoming better known.

The two principal facts to be noted are these: That the average cash compensation for labor at the South is not more than one-half or two-thirds the amount paid for the same at the North, and that capital, cognizant of this fact, and of the superior resources, facilities, and capabilities of the South, is already rushing there from all directions as the most promising field for permanent investment in active production.

On the 10th day of the month of November, 1886, I was in North Carolina and ascertained the wages paid to the men who had charge of the yard work at an important railroad station, the shifting of cars, making up of trains, &c., and to section-men and common laborers. The foreman received the highest pay of any one in the yard, which was $1 a day cash or a check on the bank, including Sabbath, or $30 per month, boarding himself, while the section-men received 50 cents and board, making about 75 cents per diem. Good farm-hands work for $6 per month.

I have here a slip, which I have verified to a large extent, from a gentleman who writes to the editor of the Press, of Philadelphia:

COLORED LABOR AT THE SOUTH—THE WAGES PAID TO THE HANDS ON A VIRGINIA PLANTATION.

To the Editor of the Press:

SIR: I read every few days in the Record and Times of Philadelphia that the negro laborer receives as much in wages at the South as North. Now, I wish to say if they mean the men who work on the farms and plantations receive as much, I beg to state it is not so. I own two plantations in Virginia, about as good as any, and I have men who farm them on shares. They pay, and I never knew any other parties to pay, but 40 cents a day and rations. The rations consist of fifteen pounds of bacon and a bushel and a half of cornmeal a month, and even at 40 cents a day they do not have steady work. Now, if the laborers here do not get more than that I would like to know it. I can hire hundreds South on farms in Virginia at 40 cents a day and the rations specified above, and I know what I am talking about, as they draw on me for money to help run their places. Dr. Bradley, who is connected with your office, can inform you who I am.

C. P. FARNER.

BURLINGTON, N. J., *December* 12, 1886.

You can go out from here anywhere 5, 10, 15, or 20 miles into either Virginia or Maryland and you will find that the prices for common labor are not in excess of what I have mentioned, and if anyone chooses to be at the trouble of consulting the evidence taken by the Committee on Education and Labor two or three years ago in the South he will find that these statements as to the compensation for ordinary labor, which is the great mass of labor, are not overstated in the direction of a minimum. It is true that here and there skilled labor, where it is itself in the nature of instruction, giving instruction to the surrounding labor, commands as high prices as in the North. That is very true. But the great mass of labor—ninetenths of the labor which enters into the production of the South—is this cheap form of labor with which Northern labor has to compete.

But I will not load the pages of the RECORD with the details which establish the well-known proposition that, although here and there skilled labor may be paid nearly the same as in the North, yet as a rule the cost of labor as an element in Southern production is little, if any, more than one-half the cost of like labor at the North, and that this great fact foreshadows a competition ruinous to Northern industries and with no corresponding benefit to the cheap labor in the Southern States. As an illustration of the rapidity with which capital is investing in the Southern States I cite an authoritative statement, recently given to the public, that during the first nine months of the year 1886 eighty-one millions of dollars were invested from other States and countries in Southern enterprises, chiefly manufacturing cloths and metals, with every reason to anticipate at least one hundred millions thus invested as the total for the year 1886. When we consider that this sum is more than one twenty-eighth part of the total of manufacturing capital in the United States, according to the last census, the fact becomes of startling significance to capital fixed in Northern plants, and still more so to Northern laborers, operatives, and mechanics.

Another fact should be comprehended also by the Northern people, and that is the wonderful uprising of the spirit of thrift, energy, and industry observable all over the South.

The traditional conception of the Southern people is no longer true. A new generation controls that land of surpassing resources and natural advantages. The war destroyed the old form of patrician and semi-military supremacy which madly appealed to arms to prolong its power. But informed as well as chastened by defeat the survivors of the struggle and the generation now upon the stage are full of life and hope and enterprise, and are eagerly at work to rebuild their fortunes and restore the power and prestige of their section of our common country by imitating and, if possible, surpassing all the conditions which enabled the North to triumph in the mighty conflict. No one can witness this display of fortitude in adversity and of aggressive courage, when there was room for despair, without admiration. But all the more do these facts demand the attention of the North.

Their contemplation can occasion regret only in the breast of a common enemy of both sections of the country. But they point with un-

erring certainty to a coming competition between the producers of both sections for the home market in all the common articles of consumption in comparison with which that between American labor and the cheap production of the Old World is mere fun. The protective tariff, or absolute prohibition, is the omnipresent and complete defense of American labor and capital whenever threatened with destruction by the commodities of lower civilizations planted on foreign soils. But here we find a cheaper production by a laborer with fewer wants than our own upon which no tariff can be levied and against which no prohibition can be raised. On the contrary, every power of the government, both State and national, is or may be invoked for its development and defense.

In this emergency what shall be done by Northern labor and by Northern capital? The question has already been answered and is being answered by the owners of a great mass of the surplus which those hitherto engaged in the diversified industries of the North, as we have already seen, are planting in the South, where future profits may replace the inevitable losses upon like investments in the North resulting from the coming competition.

But how about that capital fixed in plants already in operation in the North, and which can not be transferred to the more favorable conditions of the South, and whose owners have no capital to invest elsewhere? More serious still is this problem to Northern labor which must, as a whole, live or die where it is. Capital can endure delay, may be transferred elsewhere, or suffer absolute destruction even before its owner is reduced to the level of necessity all the while occupied by the toiler for his daily bread. The laborer must have his work every day, for he is hungry three times every day. So are his wife and their little ones.

Mr. Blaine has recently called public attention to this relation between Northern and Southern labor with his usual ability and power, but no solution of the difficulty or relief from coming calamities to the Northern laborer has been suggested. None can or ought to be suggested which will interfere with the uplifting of laborers at the South or with the rapid progress of that great section of the country in wealth and power. In April, 1886, I had occasion to discuss this subject, and believe the suggestions then made worthy of public attention, and accordingly will reproduce the substance of what was then said.

The late war was a conflict between cheap labor, which cost the master little more than its board and clothes under the institution of slavery, and the intelligent, free, highly civilized, and, consequently, highly paid labor of the North.

The war freed the slaves so far as the Constitution and statutes were concerned, but left him merely a freed man—not a free man—ignorant, unskilled, and, therefore, condemned to low wages and poverty; and so ever since the irrepressible conflict has continued between intelligence and ignorance, free labor and labor still enslaved by ignorance—cheap labor at the South and labor better paid at the North. Hitherto that competition has not been active.

But now new conditions are arising, and throughout the South Northern and European capital are developing that region of wonderful and universal resources, comprising one-third of the territory of the nation, producing all things which come from the soil, the forest, and the mine, close by abounding water-powers, with cheap transportation already provided, and all these combined with the remaining factor of very cheap labor and long hours.

This state of things is becoming more and more formidable, and Southern products and manufactures, free from all restrictions of the tariff and the like, which protect us from ruinous foreign competition—that is, enjoying the benefits of free trade forever between the States—are already disputing with us our own markets and controlling them in many articles of cotton, wool, and iron, those of the Middle and Western States especially, while the Southern market, to us so valuable, is rapidly disappearing by supplying itself.

What does all this save cheap, because ignorant, labor? Labor with long hours imposed upon children as well as adults; because labor is too ignorant and therefore too weak to defend itself.

Northern manufacturers as well as laborers will go to the wall in the end as surely as though the tariff were wholly removed and European production and Asiatic immigration were perfectly free.

Nothing but dense stupidity can fail to see that the manufacturing capital and cities of New England and the North generally are doomed if they are to compete with the cheap labor of the South, which is already becoming skillful with the hand, although, unfortunately, not fully intelligent in the discharge of the duties and in the exercise of the powers of citizenship. This condition comes only with education in the art of reading and writing and in the other common branches of knowledge, thus giving capacity to receive the benefits of that great instructor and preserver of the life of republics—the press.

It has become a question not of extending our markets, but of preserving those we now have; not of preserving our own in one line of production, but already in many lines, and ultimately in nearly all. Every Northern industry is threatened by this cheap labor of the South—the boot and the shoe maker, and the iron-worker no less than the manufacturer and the operative in cotton and wool. It is a question of preserving our vested capital and prosperity and of protecting the masses of our people in reasonable hours of continuous employment with fair pay, which enable them to supply the wants of an advanced civilization.

To one who reflects upon the fact that political unity in a genuine republic depends upon the universal diffusion of intelligence among the people, the converse is also apparent that so far as unity of political jurisdiction extends, if it is to be permanent, there must be established throughout that jurisdiction a high and homogeneous standard of intelligent thought and of moral action. Resulting from these conditions will be a uniformity of individual power, which will enable the producer in every path of industry to secure fair pay for the supply of his wants.

With wise reference to the establishment of this general condition or intelligence, and consequently of industrial independence and equality throughout the country, the national education bill has been earnestly advocated by those who have long forseen, what is now so patent that politicians and statesmen and patriots are sounding the alarm and pressing home upon our people the importance of universal intelligence and industrial training as the only remedy.

What does this national education bill propose to do? Not to lessen the development of the South by any means; but, on the contrary, to increase it. It proposes to make Southern labor and the Southern masses more intelligent, and therefore more highly civilized; to create among their rapidly-multiplying millions of both races a vast increase of the wants of life which must be supplied, so that Southern labor will consume, and therefore enjoy, as well as produce and thus be obliged to receive in order that it may purchase, as high wages as Northern labor, putting an end to the competition between the products of the North and of the South, and improving both sections by uplifting the masses of the people all over the country.

Consumption can only increase by increasing the capacity to enjoy, that is, by adding to the wants of life by higher civilization and providing higher wages or returns for labor wherewith to purchase the more diversified and costly supply of the necessaries and comforts of a higher life. Increased intelligence constitutes that better civilization and gives the power which enables its possessor to command his rightful share in the production of his labor combined with the capital of the employer. This subject of the general diffusion of intelligence throughout the country is thus seen to be as important to the North as to the South. It is the only remedy for our threatened Northern industries except a dissolution of the Government and the establishment of new political relations which will enable the North to apply the principle of protection against Southern cheap production the same as against that of any other foreign power—or a gradual sinking of the pay of Northern producers to the lower level of average Southern compensation for toil.

The schools—common and industrial—with wise and conservative organization of labor are the agencies upon which we must rely. I have abiding faith that these great agencies already in action will carry on their beneficent work until the perfect day. But every philanthropist and patriot should contribute his utmost to stimulate every energy of the individual, the State, and the nation, to lift all portions of our common country to the level of the highest, that nowhere shall any recede or fall.

I hope the gentleman in charge of this bill will be able to make these suggestions of some service to him.

Mr. HALE. Mr. President, I am so desirous of pushing this measure to a vote and getting it out of the Senate that I shall take no time but simply ask that the pending amendment be read.

The PRESIDENT *pro tempore*. The amendment pending is the amendment proposed by the Senator from Delaware [Mr. GRAY] to the amendment reported by the Committee on Appropriations, which will be read.

The CHIEF CLERK. In section 2 on page 37, line 59, after the word "he," it is proposed to strike out all down to and including the word "dispatch" in line 63 at the end of the section, as follows:

Shall suspend the construction of the vessels herein required to be built on or near said coasts, or either of them, until the further action of Congress, and shall report the reasons for such suspension to Congress with all convenient dispatch.

And to insert in lieu thereof:

May consider and accept bids for building said vessels at other places.

Mr. HALE. Let us have a vote on that.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations.

Mr. PLUMB. I move to strike out of section 3 the paragraph from line 7 to line 9, inclusive, and also, at the proper time, the paragraph included from line 10 to line 14.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. In section 3, on page 38, it is proposed to strike out the paragraph from line 7 to line 9, inclusive, as follows:

For the construction of heavily armored vessels or armored floating batteries or rams, to be used for coast and harbor defense, $6,000,000.

Mr. PLUMB. I shall make another motion before the bill is concluded to strike out, in line 3 of the amendment, "6" and insert "2."

I am aware that the Senate has heretofore committed itself not only to this expenditure, but to a much larger one in the same line. The Senator having charge of this bill said to the committee that he had taken six-tenths of the two bills for the purpose of the increase of the Navy heretofore passed by the Senate, and embodied them in the amendment which is now before the Senate as the recommendation of the Committee on Appproriations. I did not vote for the measures which passed the Senate, as heretofore stated, and the reasons which induced me to oppose them lead me now to advocate a modification of the amendment of the committee, which has in view the same general object, though not carrying so much money.

I do not question the propriety of some increase of what is called the navy. About five or six years ago, when I first came to consider this question as a member of the Appropriations Committee, the concern was then about heavily-armored vessels, and the thought of the world on that question of weapons of offense and defense on the water was largely in the direction of the creation of heavily-armored ships exclusively.

Since that time, as the result of experiment and observation, an almost directly opposite conclusion has been arrived at; that is, to the effect that it is not possible to make manageable armored vessels with a resisting capacity which will keep pace with the increasing power of powder and projectiles. In other words, the power of offense is greater than that of defense as applied to anything which can be manufactured of steel or iron and put afloat. It would, of course, be possible to put armor on a fort or turret on land of a thickness to resist any possible projectile, but that is not the case on the sea. And so now in place of providing, as we were a few years ago very desirous of doing, heavily armored ships for our Navy, we have gone to the other extreme, as the balance of the world is also doing, and are providing for what are called protected cruisers, which are practically unarmored ships, and whose merit is chiefly speed and not the ability to resist the power of projectiles.

I am not quite sure that we have got to the end of our tether as to knowledge to be gained either by experience of our own or by the experience of others, and I am unwilling at this time to commit Congress to the very large expenditure provided in this bill upon the theory that we are now to do the very best thing for all coming time in regard to the character of vessels to compose our Navy; but I am quite sure that if along with this bill we had to provide by new taxation the money for this expenditure the expenditure would not be made. To some extent lavish appropriations are the result of the accumulation of a large amount of money in the Treasury beyond that necessary for current expenses.

I do not wish to deny to the Senator from Maine that pleasure which he will have some of these days in case the amendment is adopted by the Senate, as I suppose it will be, of putting to flight that disorganized mob which now constitutes the House of Representatives, and which has no convictions on this subject or any other subject, and is only going to consult, when this comes into conference, its determination that there shall not be any extra session of Congress.

The Senator from Maine has been with this question a long time. This amendment represents largely his fixed judgment of what is necessary and proper. He has devoted himself to this question for many years. I will not say that like Paul he magnifies his office, but no doubt he is governed somewhat by the local feeling which he represents, and his ideas and those of others who have not given so much attention to it and who do not live upon the seacoast ought ultimately to be reconciled in order to get that which is not only the best for the country, but which fairly represents public opinion; and this means concession.

Possibly to some extent he may have been induced to recommend this large expenditure because of a feeling that it was the only thing had any prospect of being done in the way of what is called national defense. I think probably he is justified in believing that there will be no fortification bill passed this year, and that therefore if we are to have anything at all for the defense of our coast out of this year's appropriation it must be by means of additions made to our Navy. But I think he will agree with me that if we are to have coast defenses the first thing that we need is not armored gunboats, but guns. To sum up in three words, we need guns, guns, guns. That is the situation in regard to coast defense. Without guns, and those of the highest power, we can not have anything adequate in the way of defense.

With guns we may have everything, because everything else except the guns can, if necessary, be improvised within a short period of time. Boats which will carry the guns, fortifications behind which they can be manned, rafts, all the *impedimenta* to be put in the way of ships entering our harbor, can, all of them, be brought together quickly in case of emergency, but for the manufacture of high-power guns, which shall be equal to the emergency that might be presented in the case of war, a great deal of time is necessary.

For several years past the Senate has been desirous of having ample provision made for the manufacture of high-power guns, and has been soliciting the House of Representatives to join it in measures calculated to produce the desired result. So far nothing has been done, and I very much fear that the present session will close without anything being accomplished. But it is not wise because we can not get that which we ought to have to take that which is of minor value, as these gunboats will certainly be. I am opposed to taking advantage of the present condition of the House of Representatives, nearly one-half of whose members have not been elected to the next Congress, and all of whom are desirous of getting out of Washington at the earliest possible moment, the public interest to the contrary notwithstanding—a public interest which they have totally and wholly neglected during all the present session of Congress, and which they are prepared now to shirk by accepting anything that the Senate may offer, provided that thereby their own personal convenience may be subserved.

It is cruel in the Senator from Maine to impose on them to the extent contemplated. Has he no bowels of compassion? Will he insist on doing what the public interest does not require merely to show what he can do in the way of compulsion?

But this proposition is unfortunate because of the time at which it has been made. There has been a good deal of agitation about the question of the surplus in the Treasury, and while there have been suggestions for expending it and thus relieving the Treasury from the burden of carrying it, those propositions which have received the greatest favor have been the ones which contemplated the reduction of this surplus by the relief of the people from taxation.

For myself I greatly prefer before any extravagant expenditure of public money for a navy, or for any other purpose, that some sort of reduction of that surplus by a reduction of the taxes which bear upon the people shall be made. This measure will be regarded as in some sense one designed to forestall action of that kind. It comes at a time when we have had some talk about our strained relations with our neighboring Dominion of Canada and with the Government of Great Britain. While there is no emergency whatever, some debates and facts of recent occurrence will lead to the conclusion in the minds of many that this proposed increase of the navy is prompted by a feeling that trouble is likely to ensue, or perhaps that the pretense of trouble is made to excuse this and similar appropriations.

I am not in favor of building guns because there is any present emergency, or because I believe that within any reasonable period of time there will be anything to be provided for except the merest accidents. Of course some accidental occurrence might take place which would precipitate a conflict with some neighboring power, not, however, as I believe, with any first-class power, and it is the part of wisdom to be prepared for every possible contingency, and the one item of preparation that we need more than anything else is the procurement of guns of large caliber and high power. Given the gun, which will take several years to provide, and the other elements of defense can easily be provided, and we need not fear that we shall be set upon in an unwary moment to our disadvantage.

I know that there has been an apparent determination on the part of certain newspapers and also by the Chamber of Commerce of New York to get up an excitement on this question and to crowd Congress into precipitate action, and these newspapers and the Chamber of Commerce have assumed to represent an overruling public opinion. But it is all a mistake. There is not a body of men on the American continent who so little represent public opinion as the Chamber of Commerce of New York. That institution is in a moribund condition. It is ready for the grave. It comes occasionally in a galvanic way to utter prophecies about silver and to demand the retirement of the greenback, but the current which gives it utterance comes from London and not from America. It has neither sympathies nor interests with anything American. In the present case it is merely acting as a tender to the last speculator who desired to make use of its ancient name in order to gratify his cupidity, and so, when analyzed, it will be found that the demand of the Chamber of Commerce is not for national defense except no condition that we have it by the use of cast-iron guns. If other material is to be used, then there is no danger. More than half the pamphlet which has been sent to every Senator is devoted to denunciation of the Ordnance Bureau of the Army because it goes with the world for steel guns, and in the advocacy of the use of cast iron. Such utterances can safely be discarded.

Mr. President, the great body of the American people have not been disturbed by recent occurrences or by clamor. They are as placid as a pan of new milk. They are going about their ordinary avocations without any fear of war at home or abroad; and while they are desirous, I have no doubt sincerely so, that reasonable measures shall be adopted for the national defense, to put the Government in a condition to meet contingencies which may arise, however improbable they may seem now, they do not look upon this as any time of emergency, as any time in which anything unusual should be done, and they will be a great deal more thankful to the Government if it would take the tariff off lumber and salt, and measurably at least off sugar and other necessaries of life, than they will if the Government shall, while continuing to impose these taxes, use unnecessarily large sums of money in what they believe to be a reckless way in providing for an assumed emergency.

For two sessions of Congress, that is to say during the last and the present session, a committee of conference representing the two Houses of Congress has been at work endeavoring to perfect an agreement upon a bill which would result in the manufacture of some high-power guns, and thus put the Government in the possession of that which is not only primary but essential in the matter of defense. Nothing extravagant has been asked for by the Senate conferees. At the very outside they have been willing to take a sum not exceeding one-half what is proposed now for the navy alone by the Senate amendment under consideration. They have only asked that what knowledge was now available might be put to reasonable use.

They have been desirous that this dreary round of experiment which has been going on for the past twelve or fifteen years, and which has resulted in the expenditure of a million and a half of money without bringing to the Government one single gun fitted to be called a modern implement of warfare, should not longer be continued, to the exclusion of the doing of that which done would give us as effective guns as other governments have provided for their own use—and the possesion of which would amply provide for every emergency.

Perhaps I may, without impropriety, in view of what has found its way into the public prints, and because no better opportunity may offer before the close of the session, make mention of the differences which have arisen in that conference.

There has been a more or less widespread opinion for some time that the Ordnance Bureau of the Army was not as enterprising as it ought to be, that it was rather given to following precedents than to making them, that it had got too much into old ruts, committed itself too much to the things of the past, and consequently could not be relied upon for the genius and the enterprise as well as the practical ability necessary for the construction of the best possible weapons for modern warfare. Yielding to that not wholly from conviction but largely from a desire for an accommodation which made practical results possible, the Senate conferees said they were willing to have a board which should control these expenditures, composed of men of character, judgment, and responsibility, and which should give to the country an assurance that the very best possible would be done with the moneys we appropriate for the production of the desired results, and we proposed that a board should be created by the order of the President, to embrace but two members of the Ordnance Corps of the Navy and of the Army, the majority to be composed of the General of the Army and two civilians.

We were met by the remarkable proposition that the President of the United States should not be trusted to create this board, and that however composed it should be upon the appointment of the President of the Senate and the Speaker of the House of Representatives. And when finally, after long contention, in which precious days were wasted, there was a concession that the President should create the board, the determination was then expressed that at least a majority of that board should come from outside the Army and the Navy. And when after further discussion the point was conceded that the board should consist of the Secretaries of War and of the Navy and the General of the Army and of two civilians, to be appointed by the President, there was still such determination that this board should not in any sense recognize the existing executive authority that it was gravely proposed to call it a board of defense. It was not to be a board to advise the President.

Mr. GORMAN. I ask the Senator from Kansas to yield to me for a moment. I submit to the Senator, with all due deference, so long as this matter is in conference and we all hope to come to an agreement within the next twelve hours, whether it would not be better to let the committee of conference come to its conclusions, and then make any statement that may be desirable. I suggest to the Senator that his remarks giving a statement of what has occurred in this very long conference may lead to results which will not be beneficial to the public interests.

Mr. PLUMB. The substance of all this has been made public ahead and presumably by the House conferees. They have put it in type and it has been cast around from time to time and it has been seen by whoever cared to know about it; it has gone into the current reports of the day from time to time, and it is no more private in a practical sense than the proceedings of this body have been private.

Mr. DAWES. With the Senator's permission I wish to say that this committee of conference has had a biographer following it persistently. Every morning after it has held a session the biography has been submitted to the public, the day's proceedings published in the newspapers with such comments and such a glossary or dictionary accompanying it as suited the purpose of some members of the committee.

Mr. PLUMB. This board was to be officially called a Board of Defense. It was not to be an advisory board, it was not to be helpful to the executive authority of the country either as represented by the Secretary of War or the Secretary of the Navy or the President, but it was to be an independent body, very much I suppose such as was set up by the French people after their government had disappeared at Sedan, very much like the vigilance committee that arose at San Francisco when the civil authority was paralyzed there—a separate entity over which the President could have no control—a permanent institution exercising powers which belong to the Executive.

But this board of defense was not to be empowered to authorize the manufacture of guns. It was merely to enter upon a new series of experiments to last for years, and as the result of which at the end of five years the country would have been so far as the possession of suitable guns was concerned exactly where it is now, and such was no doubt the design.

To some extent the proposition contained in this naval bill is the reaction from this practical failure, but as it is in the wrong direction and is providing that which I do not think is essential, as it comes to us in a late hour in the session without the opportunity for that full discussion which ought to be the accompaniment of the expenditure of large sums of money, and in new directions, I think we ought not now to engage in it. I think that if we engage in the construction of two new cruisers each year we shall be better off after the lapse of a few years than we will be if we enter now pell-mell into the expenditure of $24,000,000 or $25,000,000 for the erection not only of six cruisers, but for a flotilla of gunboats, large and small.

We are now proposing to have cruisers with a speed of 20 knots an hour, and yet five years ago when we came seriously to contemplate this question of naval vessels we would have been satisfied if we could have reached a maximum limit of speed of 16 knots an hour. There has been great progress in naval architecture since that time, and who can doubt that there will be progress hereafter? While I would not wait always on experiments, but would proceed each year to utilize existing knowledge and put into our fleets the best that we can make according to our present light, I am not in favor of discounting the future to the extent that is proposed in this bill and to say that we know all or chiefly all that we shall know during the next five or six years, and therefore make an expenditure which will practically tie us up during that period of time from doing better if we can.

This comes at an inopportune time. It will convey the impression, whether we will or not, that we have had more or less partnership with the House of Representatives in that shameful neglect of duty which has prevented the reduction of taxes and thereby reduced the surplus which is the constant temptation to extravagant appropriations. The Senate has had no part in this neglect of duty. It is not permitted by the Constitution to originate revenue bills. That duty is devolved exclusively upon the other branch of Congress, and it is a duty which they have not only evaded but the responsibility of which should be left to rest upon them alone, and let the increasing surplus of the money of the people, taken from them by unnecessary taxation, stand as a monument to that inefficiency.

I would spend what was meet, but I would not spend more in these bills than I would spend if the taxes had to be levied in the bills themselves to produce the necessary money to meet the expenditure.

I think that it would be better to strike out the provision for these gunboats. They are not of the highest type of defensive vessels; they are of a kind which can be, as I said a moment ago, improvised in an emergency. We could then save some of our revenues for the time when we shall have a House of Representatives mindful of its duties and of its obligations, which will be willing to join with us in the construction of that which is essential to national defense—guns of high power.

I was in sympathy with what I understood the Senator from Alabama to say about the paragraph on page 37 of the bill, which provides that if the President shall find that the vessels ordered to be constructed on the Pacific coast or the Gulf of Mexico can not be constructed at a proper price he shall suspend such construction. I should like to inquire of the Senator from Maine why that would not be a useful provision to apply as well to vessels to be constructed on the Atlantic coast? Does he mean thereby to say that if those to be constructed on the Atlantic coast can not be constructed at a reasonable price they are to be constructed anyhow? Let the President build these vessels so far as we agree to build them, and certify as to all of them, no matter what the bids may be, that in his judgment the prices are fair and reasonable, and let that certification be as broad as the power of contract, applying as well to vessels manufactured in the older ship-yards on the Atlantic coast as to those in yards yet to be constructed on the Gulf of Mexico and the Pacific coast.

Mr. HALE. Mr. President, so much of the discussion that has arisen upon this bill has been entirely foreign to all its provisions, that I feel some sense of intrusion in trying to address myself to the amendments that are now sought to be stricken out.

This is not so formidable a bill nor so extravagant a bill as the total amounts provided in it at first view would seem to indicate. The Senate committee in reporting it have increased the appropriations contained in the House bill by the sum of twenty million nine hundred and seventy-eight thousand and odd dollars, in round numbers $21,000,000, but the amendments the Senator from Kansas seeks to strike from the bill, unlike most legislation which Congress has embarked in heretofore for the purpose of building up the Navy, do not appropriate piecemeal, they do not separately and distinctively appropriate, year by year, and thereby in each bill carry the amount of actual increase

for the year, but learning by experience, as the Senator from Kansas has recommended that we do, and in that has given wise and pertinent counsel, the committee has found that in building these great naval structures, or in building armament for them, or armor plate for their protection and to make them impregnable, or relatively so, the money can be much better expended and more reasonable contracts can be made if the total amount necessary to begin and continue upon and complete these works is all given at once.

If investigation into the different branches of this great subject has disclosed anything it is this: If the Senate, including the Senator from Kansas, who has been engaged in long and laborious and faithful service in looking at one of the great branches of the national defense subject, has learned anything it is that piecemeal appropriations are not the need, but that general extensive appropriations, covering, reaching out and embracing the entire subject are in the end the cheapest. So the Committee on Appropriations in the amendments submitted to the Senate has provided that the entire appropriations for the six new, fast cruisers, for the structures for harbor defense, for torpedoes and torpedo-boats, and for everything contained in the former bills, shall be appropriated in the bill here. Therefore the amendments contain provisions to the amount of $23,200,000, and, as the Senator from Kansas has said, they do in effect increase this appropriation bill to nearly $40,000,000; but they do not increase the expenditures of the Navy Department for the year to which this appropriation bill applies in any such degree as those figures indicate. The items are made up as follows, aggregating the $23,200,000:

For the six projected steel cruisers, $9,000,000.
Premiums for speed, $1,200,000.

Not one dollar of that may be paid or will be paid if the cruisers do not attain the speed or go beyond the speed of 20 knots an hour, and if they do attain that speed no man here would object to the payment.

Armament for the cruisers, $2,880,000.
Construction of armored vessels with floating batteries and rams for harbor defense, $6,000,000.
Light-draught gunboats, $800,000.
Torpedo-boats, $720,000.
Torpedoes and torpedo appliances, $600,000.
Armament of said vessels, $2,000,000.
Aggregating $23,200,000.

Mr. President, I venture to say that if the bill should pass I will stake any reputation I may have for intelligence upon this subject on the prediction that of the $23,200,000 appropriated in this bill for the purpose specifically designated, not more than $5,000,000 can possibly be expended between now and the first day of July, 1888. I do not believe so much as that can be expended. Everything in the way of preparation has got to be done, which consumes the time and costs nothing. All the specifications, the bids, the conferences upon them, and the final closing of the contract, the entering upon it, must all be taken up in the time between now and July 1, 1888, and what is done after these preliminaries have been gone through in my judgment will not exceed $3,000,000, and I venture the prediction that it will not be over $5,000,000. Then the appropriation for the year is only increased $5,000,000.

The House of Representatives, looking to the increase of the navy, but not as I believe in so wise a direction, although I have great deference for the investigations which have been pursued by the gentlemen interested in that subject at the other end of the Capitol, have put in the bill a provision which increases the appropriations for the next fiscal year for the increase of the navy to the amount of $2,430,000. The appropriations in this bill, if passed as the committee has reported it, will only raise the appropriations for the increase of the navy provided for in the bill as passed by the House of Representatives to the extent of $2,700,000.

So the bill is not a formidable one in the way that the Senator from Kansas deprecates. It does not involve any draft, or raid, or assault upon the gathered surplus in the Treasury. There has not been a year in the last sixteen years that Great Britain has not, in time of profound peace, building upon an already then colossal naval establishment, spent from $8,000,000 to $10,000,000 and $12,000,000 a year to increase the efficiency of her navy. The French people in the last ten years have followed in the same direction and spent some years more money than Great Britain has done. So taking Germany and Italy and Spain, and there is not one of those powers that has not exceeded any appropriation that may possibly be expended by this bill during the next fiscal year, with all the navy that they have to start with.

I wish Senators to understand that the Committee on Appropriations in reporting these bills has not forced upon the Senate, intruded upon it any crude and extravagant and remarkable proposition. Indeed the committee on the part of the Senate has held its hands from following the already arrived at conclusion of the Senate. The amendments that are reported here only contain a portion of the two bills that were passed within the last three weeks by the Senate and sent to the House of Representatives, where they have been entombed and no notice given to them. Those bills, instead of six vessels that are included in the amendments now reported by the Committee on Appropriations, provided for ten vessels, and instead of $6,000,000 appropriated in this bill those bills proposed to appropriate $10,000,000. The committee has only taken about three-fifths of the appropriation in the bills that have already passed the Senate, and therefore I claim that the Committee on Appropriations has been moderate in this regard.

The features generally that are here (and I am not going to take much time) are simple, easily explained. They contain, first, the provisions for the fast ships. They contain the provisions which shall be embraced in the contracts with the contractors of an initial point of 20 knots an hour, with an incentive to exceed that in the way of a premium of $200,000 for each knot above, or $50,000 for each quarter knot, and a penalty if they fall below of the same amount, that shall keep the contractor always up, aiming at a high mark. There is no need of limitation as you run down, because the penalty is in itself a limit. If you can build one of these ships for $1,500,000 that shall attain a speed of 20 knots an hour, making her almost the fastest of all the cruisers that to-day float on the globe, it is well worth that and more. If the contractor fails and only produces a 19-knot ship you get her $200,000 cheaper than any man can afford to build. If you can only get an 18-knot ship, which is a remarkably fast ship, you get it for $1,100,000. So the extreme limitation as to speed takes care of itself.

The committee studied this subject carefully. It may have been wrong. It may be that you can not attain 20 knots. It is a great desideratum. It is a marvelous ship that will go 20 knots an hour, but consulting with contractors, looking over what had been done in the Old World, learning that one of the latest contracts that has been entered into by one of the most distinguished firms of naval ship-builders has guaranteed 20 knots an hour, the committee believed that this is a possible thing.

It has faith in the ingenuity, in the device, in the enterprise of the American mechanic, of the naval architect heretofore largely undeveloped in this country. There are provisions in the bill by which the Secretary of the Navy is authorized to call to his aid in making the specifications for these ships all the expert civilian talent, and wit, and genius upon this subject that he may find, so that the contractors in bidding for these structures shall not be limited to cut-and-dried Procrustean plans that are made alone in the Navy Department, but that some of the enterprise, some of the enlightenment, some of the genius which radiates outside of that Department may be evoked by the Secretary and may add to the power that he has, and may help to guide his hand.

All these things have been put in here. They may not and are not a perfect plan; undoubtedly that is so. They may be criticised; they may be improved; but looking at it as carefully as possible, first in the Naval Committee, which sent the two bills to the Senate, then in the Senate that adopted them, then in the Committee on Appropriations that has taken three-fifths of the amount in those bills, this subject has been so far as possible looked into carefully and attentively. I should be glad to see these amendments adopted by the Senate and sent to the other House just as they are, so that in conference we may endeavor to persuade that body to go on.

Mr. MAXEY. Mr. President——

Mr. HALE. I have but one word more.

Mr. MAXEY. I wish to ask the Senator from Maine, before he closes, if he does not regard it as wise economy that the best way for the United States to keep the peace would be to show the nations of the earth the ability of this Government to preserve peace?

Mr. HALE. Undoubtedly. I was going to say, begging pardon for taking up even this little time, for I want to get the bill through, that I hope with the Senator from Kansas we are not on the eve of any hostile conflict with a foreign nation. We have had a wonderful exemption for twenty-five years. While other nations have been spending money we have saved it, and instead of accumulating our debt we have largely paid it. We have reduced taxes in years past as no other country ever did. We have gone on utterly regardless of the question of the public safety as against any possible foe that might menace and endanger our peace and our prosperity. I do not believe that in the next twenty-five years we are to be subject to such a happy exemption from all foreign embroilments or intricacies or complications. When anything may come I do not know. I hope not immediately; but, as the Senator from Texas has well said, the way to avert war, the way to save us for peace and to keep us in security, is to be in some degree prepared if war does come.

We do not need the great colossal establishments of the Old World. We do not propose to build up an English navy, or a French navy, perhaps not an Italian navy; but it is a reproach and a shame that so great a people as ours, with so abundant resources, with an overflowing Treasury, with a sea-coast of 10,000 miles, with billions upon billions of aggregated property in large cities lying open and exposed to any second-rate ship of any third-rate power that may either destroy or levy contribution—it is a shame that the American people are found without a respectable naval establisment. It is worse than a shame that it is found in its harbors upon which are situate these great cities without a single gun that can compete with the arms of foreign nations, and without a single floating structure in the waters of those harbors that may in any way say "nay" to the hostile approach of any foe.

The committee is seeking in these two things in a measure to remedy this difficulty. It can not be done to-morrow; it will take time as it is, but it ought to be begun now, and the amendment reported by the Senate committee ought to be sent to the House of Representatives within the next hour, so that they may be got into conference, and this bill be sent to the President in time for him to examine it, to scrutinize it, to know what is in it, before he will, as I have no doubt he will gladly, affix his name and the signature that makes it the written law.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its amendment to the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River;

A bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry;

A bill (H. R. 942) granting a pension to Penelope Morton, widow of Lieut. James Morton;

A bill (H. R. 1710) for the relief of T. J. Payne;

A bill (H. R. 1903) granting a pension to Henry Canode;

A bill (H. R. 2358) granting a pension to Mary Renfro;

A bill (H. R. 3930) for the relief of Wells C. McCool;

A bill (H. R. 3931) to grant a pension to Nancy Gunsales;

A bill (H. R. 3963) granting a pension to Henry P. Reed;

A bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

A bill (H. R. 4585) granting a pension to Mrs. Fannie Carman;

A. bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers;

A bill (H. R. 4745) granting a pension to William S. Bewley;

A bill (H. R. 5056) for the relief of George Lemon;

A bill (H. R. 5171) granting a pension to Missouri Anderson;

A bill (H. R. 5927) for the relief of Louisa Kearney;

A bill (H. R. 6162) granting a pension to Joseph Potter;

A bill (H. R. 6423) for the relief of Mary Kaylor;

A bill (H. R. 6656) for the relief of Mary Tarbell;

A bill (H. R. 6732) for the relief of General Speed S. Fry;

A bill (H. R. 6823) granting a pension to Peter P. Hoffman;

A bill (H. R. 6918) to increase the pension of Lewis M. Strong;

A bill (H. R. 6937) for the relief of George D. Paul;

A bill (H. R. 7176) for the relief of Isaac Crawford;

A bill (H. R. 7221) granting a pension to Thomas B. Walsh;

A bill (H. R. 7643) for the relief of Capt. John Burkhart;

A bill (H. R. 7952) granting a pension to Mary Parrott;

A bill (H. R. 8067) to pension Andrew J. Vanorder;

A bill (H. R. 8355) for the relief of Sarah A. Jones;

A bill (H. R. 8384) for the relief of Mahala Brown;

A bill (H. R. 8437) granting a pension to Thomas Weekly;

A bill (H. R. 8591) directing the Secretary of War to cause the name of Fred. B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes;

A bill (H. R. 8798) granting a pension to Thomas J. Hays;

A bill (H. R. 8826) granting a pension to Mary M. Thompson;

A bill (H. R. 8828) granting a pension to Giles Wright;

A bill (H. R. 8829) granting a pension to Jacob Teits;

A bill (H. R. 9143) granting a pension to Dr. Sabin Stocking;

A bill (H. R. 9170) for the relief of Green Fields;

A bill (H. R. 9213) granting a pension to Mary Corbett;

A bill (H. R. 9248) to increase the pension of Richard Foreman;

A bill (H. R. 9301) granting a pension to Joseph Jones;

A bill (H. R. 9401) granting an increase of pension to H. H. Dodd;

A bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;

A bill (H. R. 9928) granting a pension to Moses Williams;

A bill (H. R. 10050) to increase the pension of Capt. Frank Bell;

A bill (H. R. 10262) granting a pension to Lawrence O'Conner;

A bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin; and

A bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker.

REPORT OF A COMMITTEE.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River, at or near Guntersville, Ala., and for other purposes, reported it without amendment.

REPORT ON ASIATIC CHOLERA.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the official report of the investigations of Dr. Edward O. Shakespeare in Europe and Asia, concerning the nature, causes, method of prevention and cure of epidemic or Asiatic cholera, made by the direction of the President of the United States, be printed, with the accompanying illustrations, and that there be printed, in addition to the usual number, 2,000 copies for the use of the Department of State, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives, said report to be printed under the editorial supervision of Dr. Shakespeare.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON, Mr. LE FEVRE, and Mr. D. B. HENDERSON managers at the further conference on the part of the House.

RAILROAD LAND GRANTS IN IOWA.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, in response to a resolution of February 2, 1887, a communication from the Commissioner of the General Land Office in regard to lands granted to the State of Iowa by act of May 12, 1864; which, with the accompanying papers, was referred to the Committee on Printing.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

Mr. DAWES. Mr. President, the Senator from Maine can not more than I do appreciate the necessity of improving every moment of our time. Any unnecessary consumption of it now would be in my opinion well-nigh a crime; but I think it necessary to take a few minutes upon the subject under discussion.

While the Senator from Kansas was endeavoring to explain the difficulties which the conference committee on the part of the Senate had in their efforts to meet the demand for more efficient provision for coast defenses I received a telegram dated New York, and signed "Ambrose Snow, chairman Chamber of Commerce committee on coast defenses and president of the Board of Trade and Transportion," in these words:

The whole commercial community anxiously hope some agreement providing adequate immediate coast defenses may be made. If not, public opinion will compel an extra session, which business men dread. I send duplicate hereof to your fellow-conferees.

I do think, sir, it is time well spent if some one can show to the country why it is that no adequate provision is made for coast defense, and if the Senator from Maine will pardon so much consumption of time I will endeavor as well as I may to let it be known.

The condition of the coast defenses was, six months ago, precisely as it is now. If there is to-day any necessity for what is called in this telegram adequate provision for coast defense, it existed six months ago, and it has so existed for years, yet the House of Representatives, in the face of that condition of things, sent us this provision for the coast defense of the country:

For the armament of seacoast fortifications, including the procurement of steel forgings for the manufacture of heavy guns; for guns, carriages, projectiles, fuses, powder, implements, and materials for which shall all be of American production, their trial and proof, and the testing of improvements of the same, and all necessary expenses incident thereto—

How much? For all the necessary expenses incident to an adequate provision for coast defenses, "$500,000!"

Mr. EDMUNDS. With 4,000 miles of coast and millions of inhabitants in cities along it.

Mr. DAWES. I can not point out now, but I did undertake, when this bill came back to the Senate from the committee, as well as I could, to show how utterly defenseless was every harbor in the United States.

To this provision the Senate in an endeavor to meet in some measure, if not fully, the call of the country for adequate provision for coast defenses attached this amendment:

For the purchase, manufacture, and erection of the necessary tools and machinery for the finishing and assembling of heavy ordnance at the Frankford arsenal, Philadelphia, Pa., for guns in process of construction, gun-carriages, projectiles, fuses, powder, implements, and materials for the trial and proof of such ordnance, and to complete the two 10-inch breech-loading steel guns now under fabrication, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsman on gun construction while employed in the Ordnance Bureau, $400,000, to be available until expended.

Mr. EDMUNDS. How many guns?

Mr. DAWES. Two guns there.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and hereby are, authorized jointly to make contracts with responsible steel manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned and tempered forged steel in forms suitable for heavy ordnance adapted to modern warfare, for army and navy purposes, in quantity not to exceed 10,000 gross tons, in quality and dimensions conforming

to specifications, subject to inspection and tests at each stage of manufacture and including all the parts of each caliber specified: *Provided*, That no money shall be expended except for steel accepted and delivered; and each bidder shall contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and the largest calibers at the expiration of not more than three years from the date of the execution of the contract; and all the forgings shall be of American product and manufactured in the United States; and one-half of the material purchased under this provision shall be for the use of the War Department, and one-half for the use of the Navy Department, in the armament of ships heretofore or hereafter authorized by Congress; and for the purposes of this section the sum of $6,000,000 is hereby appropriated, to be available during six years from the date of the execution of the contract.

That was not a very adequate provision, Mr. President, but that was an effort to make provision. The country will see how six months ago the question stood between the two branches of the legislative department of the Government, the one proposing an expenditure of $500,000 in the ordinary way of picking up matters and tinkering roofs and repairing sheds and the like, and the other branch, the Senate, proposing to enter upon the work of providing for the production of steel in quantities and in form proper for the production of guns of high power and at the same time of establishing a manufactory where the Government could finish off these guns and in process of time make some progress towards that adequate provision for the defense of the coast of this country; as to which the New York Chamber of Commerce says that unless it is done now within twenty-four or forty-eight hours, public opinion will force upon us an extra session of Congress.

What was the result as between the two branches upon those propositions? The bill went to a committee of conference in the last session. That committee of conference was utterly unable to agree, the Senate conferees adhering to an effort in this manner to produce something for coast defenses and the conferees on the part of the other House adhering to the miserable pittance of $500,000 to be distributed in the manner I have stated; and thus they stood, two distinct disagreements reported to the different branches, and twice a new committee of conference appointed to bring about the result.

The question thus stated between the two branches rested in that committee after these two ineffectual efforts during the vacation, and its sittings were renewed at this session of Congress. In their effort to meet this demand which now is sent to us in this peremptory manner by telegram, the conferees on the part of the Senate offered to add to the proposition for the manufacture of steel guns ample and large provision for the immediate construction of cast-iron guns and cast-iron mortars.

Mr. MORRILL. May I ask the Senator from Massachusetts who it was that sent the peremptory telegram? It was not understood in this part of the Senate.

Mr. DAWES. The gentleman who signs it is Ambrose Snow, chairman of the chamber of commerce committee on coast defenses, and president of the Board of Trade and Transportation, New York.

In addition to the proposition which the Senate made to the House of Representatives at the last session, and which the conferees in conference insisted upon maintaining in view of their conviction as well as that of the Senate that there was a demand for efficient provision for coast defense, the Senate conferees have offered to add to this:

SEC. 7. For the construction of 12-inch rifled mortars, either of cast iron, steel-hooped, or mortars principally or all of cast iron, or mortars principally or all of steel, either muzzle-loading or breech-loading, all as the board hereinafter provided for shall determine, to fire a projectile weighing not less than 615 pounds, to have a maximum range and an accuracy of fire; if of cast iron, to be equally efficient in all respects to any cast-iron mortars of such size yet tested by the Government; if cast iron, steel-hooped, or if made principally of steel, to be equally efficient in all respects with the steel mortars at present made by others, as shown by the published records of like tests, $1,000,000.

Also—

SEC. 9. For the manufacture of twenty 12-inch cast-iron rifle-guns, about 33 calibers length of bore, and weight not less than 104,000 pounds, not exceeding $520,000; for carriages suitable for the same, and such projectiles as the board may order for these guns, including the proving and transportation of these guns, $480,000. Each gun, before it is accepted, shall be subjected to such test as shall be prescribed by said board, not less in effect than that prescribed by statute of July 5, 1884, section 2, making appropriations for fortifications and other purposes, &c.

And also an offer to any person who "shall produce one or more 12-inch, breech-loading, single-charge rifle-guns, of not more than 33 calibers in length of bore, and not more than 104,000 pounds weight, for projectiles of not less than 800 pounds weight each, which guns are to be made principally or wholly of steel"—in short, just such a gun as this—an offer to any private establishment that will produce it to pay for it such a premium as will induce it to make a plant for that purpose, provided the gun shall answer the test, and then to purchase of the maker thirty more such guns.

And also that any man who will produce a cast-iron gun that shall produce a result like to the gun that is now at Sandy Hook, the United States will pay him a premium for that gun sufficient to induce him to make a plant adequate for the production of such guns, and will then purchase of him for a certain price fifty more such guns.

Mr. HAWLEY. That gun has only been fired one hundred and thirty-seven times, and is used up. Are you willing to buy more of them?

Mr. DAWES. The difficulty is that no two men can tell the same story about the results of a trial of a cast-iron gun. The statement that the Senator from Connecticut has just made has been repeated before the committee; but men equally competent, the Senator will permit me to say, have testified that the cast-iron gun at Sandy Hook has borne the severest test ever applied to such a gun, and is now a good gun.

So, without entering into that discussion, whether the gun at Sandy Hook is a good gun or not, we proposed to so guard the proposition that no gun can be put upon the Government that will not in the result be equal to any cast-iron gun ever made. That is the proposition, the details of which I have no time to enter into.

With these propositions for the production of steel and steel guns adopted by the Senate last year, with the other proposition which comes from those at the other end of the Capitol who believe in cast-iron guns more than the Senate does, the Senate conferees have offered to take that load upon their shoulders in order to get the proposition to manufacture steel in such quantities and of such a character as will produce the highest type of steel gun. They have been willing to take any proposition that did anything towards coast defense, whether it be a product that is equal to the test, or only secondary in quality, in order that there might come out of this conference something that would look towards meeting this demand for coast defense. What has been the result?

The PRESIDENT *pro tempore*. The Chair asks the Senator from Massachusetts to yield, that a message may be received.

Mr. DAWES. Certainly.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

## RETURN OF A BILL.

Mr. VEST. Will the Senator from Massachusetts yield to me to offer a resolution asking for the return of a bill from the House of Representatives?

Mr. DAWES. Certainly.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be received.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the House of Representatives be requested to return to the Senate the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi at Grand Tower, Ill.

The resolution was considered by unanimous consent, and agreed to.

## NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

Mr. DAWES. I am not indorsing cast-iron guns, nor are the Senate conferees. They may be good; they may not. There is a diversity of opinion upon that subject; but the Senate conferees—I am defending them at this moment from the charge made by this biographer of this conference that has followed us everywhere—were willing to take a million and a half dollars of experiments in cast-iron guns, thinking that they would be of secondary use, if not of primary use, in order to get a plant and establish some permanent system for the production of guns that would be of the highest type.

Now, sir, with these propositions from the Senate conferees before the committee of conference, what has been the result? We have had session after session till within the last two or three days. Within the last twenty-four hours four ineffectual invitations have been sent to the conferees on the part of the other House to confer still further upon the question whether the country shall have or shall not have efficient provision made for her coast defense—four ineffectual invitations to confer within the last twenty-four hours have been made to them.

Mr. EDMUNDS. Do you mean within the present twenty-four hours?

Mr. DAWES. Within the last twenty-four hours; and if this Congress adjourns without this provision, and if, as is intimated here, public opinion is going to force upon us an extra session of Congress to make this adequate provision, the charge does not lie at the door of the Senate or of its representatives upon this conference. They have done everything they could to secure that end. They have yielded, on suggestions which were explained by the Senator from Kansas, their own judgment upon the question of a board to take charge of this matter.

They thought it best and wisest that the administration of this Government should have charge itself of such a great work as this, those officers being responsible; but the Senate conferees were ready to trust them and put all this power in their hands. They were met, however, as the Senator from Kansas says, with a proposition that we take the subject out of the executive branch of this Government and set up an independent institution, responsible in no respect to the Executive, to carry out this system. When, after a long season of conference we succeeded in getting to this point, we yielding a board, provided the

majority of the board should be of the executive branch and the minority appointed by the President himself, all conference in reference to these particular measures, or any measures so far as I know, has been withdrawn, and as I have said within the last twenty-four hours it has been impossible to get a meeting of the conferees.

The country should know why it is, if we are to adjourn in this condition of affairs, whether critical or otherwise, that the whole coasts of this country remain undefended, her great harbors and commercial cities at the mercy of any hostile ship of war that floats on the ocean.

The Senate conferees, in this proposition which they made in addition to the $6,000,000 to be invested in the course of six years in the establishment and production of steel and steel guns, included in their offer, in order to win the support of others, the amount of $11,897,500 in the aggregate, including the $6,000,000 for steel, and yet they are unable to make a report here at all.

Mr. EDMUNDS. Does the Senator mean by that they can not get the conferees to attend?

Mr. DAWES. The Senator wants me to be more explicit. I have said that at least four ineffectual invitations have been sent to the conferees on the part of the other House within the last twenty-four hours to meet and confer on the questions of difference between the two Houses on a bill that has been in conference ever since last July.

Mr. GORMAN. Mr. President, I dislike very much to take a moment of the time when I know the Senate is anxious to dispose of the bill now before it, but I can not permit the remarks of the Senator from Kansas and the Senator from Massachusetts to go out to the country without a few remarks.

The question of the amount to be appropriated for coast defenses so called has been a matter of very earnest and serious consideration by the committee of conference, of which the Senator from Massachusetts is chairman, since July last, of which committee I am a member. The questions involved have not been considered in any partisan spirit, nor do I think the Senator from Massachusetts or the Senator from Kansas does full justice to the conferees on the part of the House when it is sought to throw on them the entire responsibility of a failure to agree up to this hour.

The fact is known to every member of the Senate and to the country, from the testimony of the highest officials of the Government, that the Secretary of War and the Secretary of the Navy have since the close of the war, since 1869, recognized that the ordnance officers of this Government, both in the War and Navy Departments, have not kept abreast of the times, and have not manufactured guns and other instruments of warfare that it was considered wise for this Government to expend large amounts upon. Since 1869 down to this hour the whole problem has been in whose hands large amounts of money should be placed for the purpose of manufacturing large guns. As early as 1869 this body, then composed almost two-thirds of members of the Republican party, organized by a resolution a special committee which made a report through its chairman, the late Senator Howard, of Michigan, in which they make some very significant statements. They were true then and are true now. I will read an extract on page 4 of this report—Report No. 266, of the Fortieth Congress, third session:

> First, the ordnance officers, knowing their positions secure to them for life, have not felt the incentive to exertion and improvement which stimulates men not in Government employ, and they have become attached to routine and to the traditions of their corps, jealous of innovation and new ideas, and slow to adopt improvements. An illustration of this is found in the fact that the late war was fought with muzzle-loading guns (with the exception of carbines for cavalry), although a variety of excellent breech-loaders were urged upon the attention of the Government constantly, and the honor was reserved for Prussia, with a weapon inferior to many American inventions, to demonstrate the immeasurable superiority of breech-loading guns.
>
> In the second place, these officers, educated to a specialty and proud of their positions, come to look upon themselves as possessing all the knowledge extant upon the subject of ordnance, and regard citizen inventors and mechanics who offer improvements in arms as ignorant and designing persons and pretentious innovators who have no claim to consideration. Instead of encouraging the inventive talent of the country, these officers seem to have constantly discouraged it, and many complaints of improper and oppressive treatment have been laid before the committee by persons who have sought to draw the attention of the proper authorities to what were supposed to be vital principles connected with their art. Another difficulty that has retarded progress in the science of ordnance has been the fact that prominent officers have been inventors of arms, and have possessed sufficient influence to secure the adoption and retention in service of their inventions, frequently without due regard to the question of real merit, and to the prejudice of other and better devices brought forward by citizens or developed in other countries. A further difficulty, calling for a remedy, lies in the want of co-operation between the War and Navy ordnance bureaus.

Further on the report says:

> It is impossible—

Mr. President, this was four years after the close of the war—

> It is impossible to use navy ammunition in an army gun or army ammunition in a navy gun. Co-operation between the Army and Navy while in active service is thus greatly restricted, and in some cases has been entirely prevented. Offensive operations on the part of a joint expedition of the two might be brought to an end by the want of projectiles for the land forces, while the ships of the Navy possessed a surplus of the very articles required, which could not be used by the land forces.

Such was the condition of the two Departments charged with the manufacture and construction of guns; and in the report of the Secretary of the Navy submitted to this body, dated on the 30th of November, 1885, the Secretary of the Navy says:

> The highest official authority in our service said in 1876:
> "There is no navy in the world that is not in advance of us with regard to ships and guns, and I, in common with the older officers of the service, feel an anxiety on the subject which can only be appreciated by those who have to command fleets and take them into battle."
>
> And so recently as 1883 the same distinguished authority stated that it was universally admitted "that we have no navy either for offense or defense."

And the Secretary adds:

> The country has expended since July 1, 1868, more than three years subsequent to the close of the late civil war, over seventy-five millions of money on the construction, repair, equipment, and ordnance of vessels, which sum, with a very slight exception, has been substantially thrown away; the exception being a few ships now in process of construction.

There has not been a report made to Congress from that day to this which has not demonstrated the fact that the Ordnance Bureau, both of the Navy and of the Army, have been unequal to the demands of the country. Their long tenure of office, their desire to exclude the inventive genius of the country from coming forth and producing guns, have kept us in this deplorable condition. It is a most startling illustration of what this theory of excluding the active men who come up from the ordinary avocations of life from positions and opportunities to display their talents in the Government service has brought us to. In this condition of affairs we are met as we were in 1868 and 1869, and the House of Representatives, coming as they do every two years fresh from the people, a House of Representatives, Democratic as it is, has taken the position that every House of Representatives has taken, that we will not make large appropriations for the construction of guns and the manufacture of steel until the door can be thrown open to the inventive genius of our American people to bring forth and produce ordnance equal to that manufactured by any other people on the face of the earth.

I understand the position of the conferees of the House—and until this debate to-day I did not suppose that it was altogether proper to tell the Senate or the country all that occurred in a conference committee—the proposition pure and simple is that we will not, say the conferees on the part of the House, agree to appropriate ten, fifteen, or twenty million dollars for the manufacture of guns or of steel as long as it is under the control of a board of officers who have never produced anything since the war and who, if the report of Mr. Howard is to be credited, as I have no doubt it is, even during the war so conducted the Ordnance Bureau that it was, to say the least, unsatisfactory.

Mr. DAWES. Do not forget to tell what kind of a board we agreed to.

Mr. GORMAN. I beg the Senator's pardon. I did not hear the Senator.

Mr. DAWES. Do not forget to tell the Senate how we agreed to take it out of that.

Mr. GORMAN. No, Mr. President, we have not got it out of the rut yet.

Mr. DAWES. No; because the House conferees do not agree to our proposition.

Mr. GORMAN. We have not come to a conclusion yet, and hence I took the liberty with my friend from Kansas [Mr. PLUMB] to suggest when he brought this question to the attention of the Senate that I did not think it was wise to discuss it while considering the naval bill. I thought it would be better not to bring it before this body until that conference committee was ready to report.

The differences have been radical; there is room for the broadest discussion. The movement has not been made, so far as I have been able to see, in any partisan spirit. A Senate that is Republican, opposed to the present Administration, upon every occasion when the interest of the country required it in the matter of armament and of the construction of guns or the construction of a Navy, has met the question as Americans. You have been probably far in advance of the other branch of Congress in the amount of money that you are ready to appropriate, but the Representatives of the people, equally earnest with the Senate, equally desirous of doing that which the country's interest requires, have not been ready to go so far or exactly in the way that the Senate desires. But still they have the same purpose in view, and will come to the same general result.

Mr. DAWES. Will the Senator let me read the method by which the Senate conferees proposed to the House to have all this done?

Mr. GORMAN. The Senator may do that after I conclude, if he will pardon me.

Mr. DAWES. Will not the Senator read it?

Mr. HALE. Mr. President, evidently there is no intention to pay attention to the naval bill before the Senate, and we may as well take a recess now. I do not want to interrupt the Senator from Maryland, of course.

Mr. EDMUNDS. Will the Senator from Maryland yield to a motion for an executive session, and then we can take a recess until 8 o'clock.

Mr. GORMAN. I yield to the Senator from Vermont.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After one hour and seven minutes spent in executive session the doors were reopened.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 929) for the relief of Albert H. Emery.

The message also announced that the House further insisted on its disagreement to the amendment of the Senate numbered 4 to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM managers at the further conference on the part of the House.

RECESS.

On motion of Mr. PALMER (at 6 o'clock and 25 minutes p. m.), the Senate took a recess until half past 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past 8 o'clock p. m.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from Kansas [Mr. PLUMB] to the amendment proposed by the Committee on Appropriations. Is the Senate ready for the question?

Mr. MORRILL. The question is on the adoption of the amendment of the Senator from Kansas?

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB] to the amendment proposed by the Committee on Appropriations to the naval appropriation bill.

Mr. MORRILL. I do not understand that the amendment of the Senator from Kansas was adopted.

Mr. HALE. If the Chair had not stated what the measure was before the Senate, from the discussion that has occurred nobody would have known what was before the Senate. I trust the vote will be taken at once.

The PRESIDENT *pro tempore*. The Secretary will report the pending amendment.

The CHIEF CLERK. In section 3, on page 38, it is proposed to strike out the clause from line 7 to line 9, inclusive, as follows:

For the construction of heavily armored vessels or armored floating batteries or rams, to be used for coast and harbor defense, $5,000,000.

Mr. GORMAN. Mr. President, I have no desire to prolong this discussion and to finish the statement I was making if the Senator from Maine wishes to go on and complete the bill. If he wishes to have it voted upon without further discussion, I have no desire to detain the Senate a moment even to complete the statement I was making when the Senate took a recess.

Mr. HALE. I do not desire in any way to interfere with the Senator from Maryland. He is in an entirely legitimate way answering things that were presented in this debate upon a subject-matter entirely foreign to the bill which is before the Senate, and I recognize the right that he has and the fitness that there is in his replying; but I should be very glad at this stage of the session and with the intrinsic importance of this bill to have the discussion confined to its merits and demerits, and to have votes upon the different propositions involved in it and upon the amendment offered to it. When we get this measure out of the way, if the unborn report of the committee of conference on the fortification bill of last year is to be considered by the Senate, let the matters which have been under discussion be considered in a proper way upon such report when it does come before us.

Mr. GORMAN. I have no desire to even finish the statement I was making when the Senate took a recess, and I recognize the fact that the discussion has no place in the consideration of the naval appropriation bill. I therefore will yield and reserve whatever I may have to say for some other occasion, when it may be more properly said.

Mr. HALE. I am very much obliged to the Senator, and I hope we shall now have a vote upon the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The Chair understood that the Senator from Kansas either had proposed or intended to propose another amendment. The clerks inform the Chair that the amendment is not indicated upon the bill.

Mr. ALDRICH. Are amendments now in order?

The PRESIDENT *pro tempore*. Amendments are now in order to the amendment proposed by the committee.

Mr. HARRIS. Has the reading of the bill been concluded?

Mr. HALE. Let that be completed.

The PRESIDENT *pro tempore*. The question recurs under the previous order of the Senate upon the amendment proposed by the Committee on Appropriations.

Mr. HALE. I hope that will be adopted.

The PRESIDENT *pro tempore*. The order being that the bill was to be read for amendment.

Mr. HARRIS. So I understand.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment proposed by the committee?

The amendment was agreed to.

The reading of the bill was resumed at section 4.

The next amendment of the Committee on Appropriations was in section 4, after line 28, at the end of the bill, to insert:

For the purchase by the Secretary of the Navy, if he shall deem the purchase advisable, of the Destroyer, a screw steam-vessel of iron designed and built by Capt. John Ericsson, armed with a submarine gun, and projectile torpedo, with their accessories, including an independent submarine gun, $112,000: *Provided*, That the said vessel, steam-machinery, guns, projectiles, and their accessories shall be found to be in perfect working order and ready for immediate use: *Provided*, That it shall satisfactorily appear that said vessel, steam-machinery, guns, projectiles, and experiments developing the same have cost that amount; and to enable the Secretary of the Navy, after said purchase, to care for and operate the same, $10,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The bill is still open to amendment, as in Committee of the Whole.

Mr. HALE. On page 12, in section 1, line 266, after the word "for," I move to insert the words "not more than;" so as to read:

For not more than two timber dry-docks, to be located at such navy-yards as the Secretary of the Navy may indicate, each dock to be not less than 480 feet in length, the cost of the two docks not to exceed in the aggregate the amount herein appropriated, $1,100,000.

The amendment was agreed to.

Mr. ALDRICH. In section 1, on page 9, after line 192, I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, after line 192, it is proposed to insert:

To enable the Secretary of the Navy to purchase the steamer Stiletto for use as a torpedo-boat for experimental purposes, $25,000.

The amendment was agreed to.

Mr. MAHONE. In section 1, on page 18, after line 425, I propose an amendment. It is proper to say that this amendment was reported by the Naval Committee and sent to the Committee on Appropriations.

Mr. HALE. That is upon a report of the Naval Committee, is it not?

Mr. MAHONE. Yes, sir. It was referred to the Committee on Appropriations, but by some mishap it failed to get there in time for the committee to consider it. It is recommended by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, after line 425, it is proposed to insert:

For the improvement of Naval Hospital Park at Portsmouth, Va., $5,000.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes.

WORK IN THE EXECUTIVE DEPARTMENTS.

Mr. COCKRELL. I ask the permission of the Senator having the pending appropriation bill in charge to offer a resolution. I ask that it may be printed so that it may be called up in the morning.

Mr. HALE. Very well.

The PRESIDENT *pro tempore*. The resolution submitted by the gentleman from Missouri will be read if there be no objection.

The resolution was read, as follows:

*Resolved*, That a select committee to consist of five Senators be, and the same is hereby, constituted and appointed, whose duty it shall be to inquire into and examine the methods of business and work in the Executive Departments of the Government, the time and attention devoted to the operations thereof by the persons employed therein, and generally to inquire into and report to the Senate the causes of the delays in transacting the public business said to exist in some of said Departments.

The said committee shall have power and it shall be its duty to inquire and report what further public buildings are necessary to the transaction of the public business in Washington and the proper uses of the public buildings now existing in said city.

Said committee is hereby authorized to employ a clerk and stenographer, and shall have power to send for persons and papers and to sit during the recess of the Senate next to occur. The compensation of any clerk or stenographer, not exceeding the rate of $8 per day, employed by said committee, and its other necessary expenses shall be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

The PRESIDENT *pro tempore*. The resolution will lie over under the rules and be printed.

Mr. EDMUNDS. Does anybody object to it?

The PRESIDENT *pro tempore*. It was offered this evening, the Sen-

ator from Missouri [Mr. COCKRELL] stating that he would call it up to-morrow morning.

Mr. EDMUNDS. If there is no objection to it let it be passed.

Mr. COCKRELL. If there is no objection to it I should like to have it adopted now.

Mr. HOAR. I should like to hear what it is.

Mr. SHERMAN. I thought that matter had gone over. I did not listen to it because the Senator said it would come up in the morning.

The PRESIDENT *pro tempore*. The resolution goes over.

## NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

Mr. DAWES. I should like to inquire of the Senator having the bill in charge as to the amendment beginning in line 340, on page 15. I observe that the navy-yard at Pensacola seems to be dismantled entirely by that amendment. I should like to inquire what is the occasion of striking out that provision.

Mr. HALE. The appropriations for clerical force in the navy-yard at Pensacola were stricken out at the request of the Senator from Florida [Mr. CALL], who desires to have the committee look into the question of the suitability of the appointments there. He states that until within the last two years these places have been filled by Pensacola and Florida residents, as is proper and fitting, but that under the present management and administration of naval affairs all of these places in Florida have been filled by Northern parties imported and sent down there.

It is a reversal of the common idea of the carpet-bagger, and it was a surprise to the committee. Therefore these provisions have been stricken out in order that inquiry might be made whether too many men are there, and whether they have been within the last two years sent down from the North as carpet-baggers to fill these places, which, under a Republican administration, were filled by residents of Florida. I know nothing whatever about it except what the Senator from Florida says.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole have made certain amendments to the bill, and the question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the amendments read as they are reported.

The PRESIDENT *pro tempore*. They will be read.

The Chief Clerk proceeded to read the amendments made as in Committee of the Whole.

The first amendment made as in Committee of the Whole was in section 1, line 37, under the head of "miscellaneous," after the word "library" to insert "including purchase of books and periodicals;" so as to read:

Care of library, including purchase of books and periodicals.

Mr. HALE. I appeal to the Senator from Vermont. All of these amendments have been read. I have never known this to be asked before, and I appeal to him to let this bill proceed in the ordinary course, so that it may go to the other branch, and that we may have a conference upon it.

Mr. EDMUNDS. Before I vote upon these amendments made in Committee of the Whole I propose to hear them read.

Mr. HALE. If the Senator from Vermont was not here when they were acted upon as in Committee of the Whole it is not the fault of the committee.

Mr. EDMUNDS. On the report of the amendments that have been made I demand the reading of the amendment, made as in Committee of the Whole.

The PRESIDENT *pro tempore*. The first amendment has been read. Does the Senator from Vermont desire to have each amendment acted on separately.

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendment which has been stated?

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 86, before the word "thousand," to strike out "five" and insert "seven;" so as to make the clause read:

Publication of surveys of Mexican coast: For preparing and engraving on copper plates the surveys of Mexican coast, $7,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, after line 86, to insert:

Naval training station, Coaster's Harbor Island: For repairs and improvements of the buildings now used under the direction of the Secretary of the Navy for the instruction of naval officers; heating, lighting, and furniture for same; books and stationery; freight and other contingent expenses, including facing building with Portland cement, $12,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, under the head of "Bureau of Ordnance," in section 1, line 141, before the word "thousand," to strike out "thirty" and insert "fifty;" so as to make the clause read:

For purchase of land for proving and ranging ground for naval guns, and for constructing buildings, butts, shelters, and batteries, $50,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, after line 192, to insert:

To enable the Secretary of the Navy to purchase the steamer Stiletto, for use as a torpedo-boat for experimental purposes, $25,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, under the head of "Bureau of Equipment and Recruiting," in section 1, line 204, before the word "hundred," to strike out "six" and insert "seven;" so as to make the clause read:

Equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation, storage, and handling; hemp, wire, and other materials for the manufacture of rope and cordage; iron for the manufacture of anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, bags, and hammocks; water for steam-launches; heating apparatus for receiving-ships; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards, $700,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, after line 230, to insert:

Navy-yard, League Island, Pennsylvania: For one clerk, at $1,200.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 236, after the words "in all," to strike out "nine thousand one" and insert "eleven thousand five;" so as to make the clause read:

Navy-yard, Mare Island, California: For one clerk, at $1,200; in all, $11,525. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 261, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Public works: For rebuilding wharves at the navy-yard, Boston, Mass., $50,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 266, after the word "for," to insert "not more than;" so as to make the clause read:

For not more than two timber dry-docks, to be located at such navy-yards as the Secretary of the Navy may indicate, each dock to be not less than 480 in length, the cost of the two docks not to exceed in the aggregate the amount herein appropriated, $1,100,000.

Mr. EDMUNDS. In what line is that? It does not appear in the printed bill.

Mr. MORRILL. That is a new amendment which was put in.

Mr. EDMUNDS. I ask to have it read again. It does not appear in the printed bill.

Mr. HALE. It is an amendment inserted in line 266.

Mr. EDMUNDS. Let it be again reported.

The PRESIDENT *pro tempore*. The Chief Clerk will again read the amendment.

The Chief Clerk read the amendment.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 1, to strike out from line 340 to line 342, inclusive, as follows:

Navy-yard, Pensacola, Florida: For one clerk to civil engineer, at $1,200; one mail messenger, at $600 per annum.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 356, after the words "in all," to strike out "forty-five thousand seven" and insert "forty-three thousand nine;" so as to read:

In all, $43,949.09.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, after line 425, to insert:

For the improvement of the Naval Hospital Park at Portsmouth, Va., $5,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 451, after the word "laborers," to strike out "seventy" and insert "forty;" so as to read:

For the civil establishment, to include clerks, firemen, writers, receivers, assistant receivers, messengers, leading men and pressmen in inspection office, superintendent of coffee and spice mill, box-maker, coffee-roaster, engine-tender, teamster, telephone-operating, cutter, machine-operator, and laborers, $40,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 457, after the word "kinds," to insert:

For steam-steerers, pneumatic steerers, steam-capstans, steam-windlasses, and other steam auxiliaries.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, lines 460 and 461, to strike out "rights of patented articles;" so as to read:

Purchase of machinery and tools for use in shop.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 481, after the word "Enterprise," to insert "or such of said vessels as the Secretary of the Navy may deem advisable;" so as to read:

For repair on the Hartford, Kearsarge, Trenton, Swatara, Thetis, Richmond, Nipsic, and Enterprise, or such of said vessels as the Secretary of the Navy may deem advisable, $200,000, to be immediately advailable.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, to strike out lines 507 and 508, as follows:

Navy-yard, Pensacola, Fla.; For one writer, at $1,017.25.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 512, after the words "in all," to strike out "twenty thousand nine hundred and eighty-nine dollars and seventy-five" and insert "nineteen thousand nine hundred and seventy-two dollars and ninety;" so as to read:

Navy-yard, Mare Island, California: For one clerk to naval constructor, at $1,400; two writers, at $1,017.25 each; in all, $19,972.90.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 516, after the word "services," to strike out the proviso down to and including the word "necessary" in line 519, in the following words:

*Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such additional draughtsmen, writers, and model makers on the designs therefor as may be necessary.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 523, after the word "boilers," to strike out:

Steam steerers, pneumatic steerers, steam capstans, steam windlasses, and other steam auxiliaries.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 528, after the word "purchase" to insert "handling and preservation;" so as to read:

For purchase, handling, and preservation of materials and stores.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 534, after the word "dollars," to insert the following proviso:

*Provided*, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power; but nothing herein contained shall prevent the repair or building of boilers for wooden ships the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and materials.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, to strike out lines 562 and 563, as follows:

Navy-yard, Pensacola, Fla.: For writer, at $1,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 567, after the word "all," to strike out "seventeen" and insert "sixteen;" so as to read:

Navy-yard, Mare Island, California: For clerk to department, at $1,400; draughtsman, at $1,500; messenger, at $600; writer, at $1,000; in all, $16,200.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole will be read.

The CHIEF CLERK. The next amendment made as in Committee of the Whole is, in section 1, to strike out from line 830 to line 843, inclusive, as follows:

For the construction by contract of two swift double-bottomed steel cruisers, each of about 4,000 tons displacement, of the type of the Newark, except boilers and machinery, four of about 1,700 tons displacement, of the type of gunboat No. 1, each, and one swift torpedo-boat, said vessels to cost altogether, exclusive of armament, not more that $4,950,000, the sum of $2,470,000 is hereby appropriated.

That each of the aforesaid vessels shall be built, as near as may be, in compliance with the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment."

And to insert in lieu thereof:

SEC. 2. That for the purpose of increasing the naval establishment of the United States the President is hereby authorized to have constructed, by contract, six protected steel cruisers, with such armament for each as the Navy Department may deem suitable, each of said vessels to have a maximum speed of not less than 20 knots over the measured mile, such speed to be exhibited under such test or tests and conditions as the Navy Department may impose. The cost of all of said cruisers in the aggregate, complete, exclusive of armament, shall not be more than $9,000,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available during five years from March 4, 1887.

That in the construction of the aforesaid vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, so far as the same relate to vessels constructed under contract, save that in all their parts they shall be of domestic manufacture. The contracts for the construction of said vessels shall contain provisions to the effect that the contractor guarantees that when completed and tested for speed, under conditions to be prescribed by the Navy Department, the vessel shall exhibit a maximum speed of at least 20 knots per hour; and for every quarter knot of speed so exhibited above said guarantee the contractor shall receive a premium over and above his contract price of $50,000, and for every quarter knot that said vessel fails of reaching said guaranteed speed there shall be deducted from the contract price the sum of $50,000; and for the purposes provided in this section the sum of $1,200,000, or so much of the same as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That for the armament of the vessels provided for in this section the sum of $2,880,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available during five years from March 4, 1887.

In making proposals for contracts for building the vessels authorized to be constructed under this act, it shall be required that one of such vessels shall be built on or near the coast of the Pacific Ocean, or the waters connecting therewith, two of them on or near the coast of the Gulf of Mexico, or the waters connecting therewith, and three of them on or near the coast of the Atlantic Ocean, or the waters connecting therewith, and at such places on or near such coasts or waters as the Secretary of the Navy shall approve.

If it shall appear to the satisfaction of the President of the United States, from the biddings for said contracts, when the same are opened and examined by him, that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall suspend the construction of the vessels herein required to be built on or near said coasts, or either of them, until the further action of Congress, and shall report the reasons for such suspension to Congress with all convenient dispatch.

Mr. EDMUNDS. I think that is the end of that amendment, is it not? Then we come to a second section, and I wish to take the sense of the Senate on this by the yeas and nays, as expressing our judgment of the public service. I am for this amendment, although it has some defects that might be suggested, which I do not stand upon at all, yet I want to take the sense of the Senate on the subject of this increase of the armament of the United States, and so I ask for the yeas and nays on the amendment.

The PRESIDENT *pro tempore*. The Senator I suppose desires to include in his motion what is written as section 2 of the proposed amendment, and section 3 in the print.

Mr. EDMUNDS. Yes; it was read by the Chief Clerk, to strike out and insert.

The PRESIDENT *pro tempore*. The Chair understands that the committee reported as one amendment to strike out all between lines 830 and 843 and to insert what follows down to section 4. It is divisible.

Mr. EDMUNDS. If that be so, I have no objection to its being read through and taking one vote on the whole thing.

The PRESIDENT *pro tempore*. The remainder of the amendment proposed by the Committee on Appropriations will be read.

The Chief Clerk read as follows:

SEC. 3. That for the purpose of further increasing the naval establishment of the United States, the sums of money hereinafter named are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the President, in the exercise of his discretion, upon plans and specifications to be furnished by the Navy Department.

For the construction of heavily armored vessels, or armored floating batteries or rams, to be used for coast and harbor defense, $6,000,000.

For the construction of light-draught gunboats, suitable for interior waterways and canal service, $720,000; said gunboats to be completed and tested within twelve months from the date of the signing of any contract for their construction.

For the construction of torpedo-boats of the highest attainable speed and efficiency, $600,000; said torpedo-boats to be completed and tested within twelve months from the signing of any contract for their construction.

For torpedoes and other explosives and torpedo appliances, including the trial and testing of explosives, such torpedoes and other explosives and torpedo appliances to be operated from naval vessels, floating batteries, or rams, $600,000, of which sum $50,000 shall be immediately available.

For the armament of the vessels provided for in this section, $1,800,000.

That the material used in all naval structures provided for in this act, and the armament for the same, shall be furnished and manufactured in the United States, and all contracts made for their construction shall be under the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment:" *Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such civilian expert aids, additional draughtsmen, writers, copyists, and model-makers on the designs therefor as may be necessary. That the appropriations made under this section shall be available during five years from March 4, 1887.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. On the question of concurring in the amendments made as in Committee of the Whole the Senator from Vermont demands the yeas and nays.

Mr. PLUMB. Is that what is known as section 3?

The PRESIDENT *pro tempore*. It is the entire amendment reported by the committee, striking out and inserting.

Mr. PLUMB. I should like to ask the consent of the Senator from Maine and of the Senate to have section 3 amended in line 29 by inserting at the beginning of the line, after the word "be," the words "of American material and."

The PRESIDENT *pro tempore*. Will the Senator send his amendment to the desk?

Mr. EDMUNDS. State it again.

Mr. PLUMB. At the beginning of line 29 I move to add the words "of American material and."

Mr. EDMUNDS. "Shall be of American material."

Mr. PLUMB. "Shall be of American material."

Mr. HALE. The clause reads:

That the material—

"Material" is used in the first place—

used in all naval structures provided for in this act, and the armament for the same, shall be furnished and manufactured in the United States.

I think if the Senator will look again he will see that the clause is fundamental in its purpose of procuring not only manufactured products but material in the United States. That was the intention of the committee.

Mr. PLUMB. That is to say they shall be furnished in the United States; but where furnished from, I think the provision omits to state.

Mr. HALE. I have no objection to the amendment, but I do not think it is needed at all.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas to the amendment of the committee will be stated.

The CHIEF CLERK. On page 39, section 3, line 29, after the word "be," insert the words "of American material and;" so as to read:

That the material used in all naval structures provided for in this act, and the armament for the same, shall be of American material and furnished and manufactured in the United States.

Mr. BECK. The material of course will be furnished here if possible, but we ought not to be excluded from having the use of the best anywhere if we can not get the best here. That is all there is of it. We may have to fix it.

Mr. HOAR. I suggest to the Senator from Kansas to modify that. He will see he has misused the word "material," and that word should be stricken out.

Mr. PLUMB. I will modify my amendment by striking out the word "material" in the amendment. That may put the text in a better shape in what we are seeking without in any way changing it. It will then read, "shall be of American furnished and manufactured," &c.

Mr. HALE. The amendment is all right as it is now.

The PRESIDENT *pro tempore*. The Senator from Kansas modifies his amendment.

Mr. PLUMB. I believe I shall adhere to it as originally proposed.

Mr. BECK. I suppose we all have the same purpose, that what we need is the best, and we ought not to be deprived of the chance to get the best by any view that may deprive us of the use of the best material. There is the danger of limiting it to a point where perhaps we should be deprived of the best material, if we were compelled to use merely what we have already got. That is all there is of it.

Mr. EDMUNDS. I suggest to the Senator from Kentucky, if he will pardon me, and to my friend from Kansas, that the Senator from Kansas modify his amendment to say "so far as practicable."

Mr. BECK. That covers all I ask.

Mr. EDMUNDS. It will then cover the whole thing. I can not move it because it would be an amendment in the third degree.

Mr. BECK. The object of that is the same. I suggest to the Senator from Kansas to put it in that way.

The PRESIDENT *pro tempore*. Does the Senator from Kansas modify his amendment?

Mr. EDMUNDS. It will then read "shall be so far as practicable of American material."

Mr. PLUMB. I think I shall not do that. I have a pretty decided conviction——

Mr. HOAR. I should like to ask the Senator from Kansas, if he will allow me, for my own information, whether they can make in this country steel shafting, the main shafting for steamships.

Mr. HAWLEY. Oh, yes.

Mr. PLUMB. Undoubtedly.

Mr. HOAR. I have heard very patriotic men say otherwise. I do not know anything about it.

Mr. PLUMB. I have heard very patriotic men say the best thing we could do was to buy everything we ate and everything we wore, &c., from abroad, but I am not of that kind of thinking.

Mr. HOAR. The Senator will excuse me; my informant is not of that style, and I am not of that style.

Mr. HAWLEY. If we are going to modify this in accordance with the view of the Senator from Kansas I should strike out, in line 27, the words "the material used in" and insert the words "of American material" in line 29, after the word "be;" so as to read:

That all naval structures provided for in this act and the armament for the same, shall be of American material, furnished and manufactured in the United States.

Mr. PLUMB. I think that is better.

Mr. HALE. That is better.

Mr. HAWLEY. But I have one suggestion to make on that point, and only one. So far as the manufacture is concerned the Senator from Massachusetts need have no concern whatever. Every single ounce of steel and of all imaginable qualities and quantities can be manufactured in the United States, and it must be, if we are to be capable of self-defense. Nothing is required but reasonable contracts that shall justify the great steel manufacturers in putting in a new plant and employing new capital. Nothing else is needed. We can do everything; we can do better than anybody else in the world has been doing it, within a year after we start it, without any doubt.

But now my limitation comes in. On the Atlantic coast or anywhere east of the Alleghanies it is convenient at the steel concerns, at Johnston, at Steelton near Harrisburg, or the Bethlehem Works at Bethlehem, or the Midvale Works to have a little foreign ore to mix with the native American. Foreign ore low in phosphorus mixed with American makes a good quality of steel. The manufacturers go to the great Agogebic mines and get their ore, and we shall not be troubled if we continue to import a little in order to mix the ores. We have the ores at home, but in the mean time there are a number of the best firms in the United States who would be bothered if they were not allowed to import a little foreign ore to make their steel to mix with our own ores. They pay duty upon it and they then can get it a little cheaper.

Mr. MORGAN. Will the Senator from Connecticut allow me to inquire what I believe is the fact, if the cruisers built by Mr. Roach were not built of ores that were imported from abroad?

Mr. HAWLEY. I think he was allowed under the law to import certain foreign ores.

Mr. BECK. The only wish I have is that we should be able to produce the very best and cheapest materials possible. I care nothing about the amount of money required so we have the best, and I want our people to have a chance to get the best and to get the material wherever they can that will enable them to produce the best results. That is what we are looking for now, and what we all hope to accomplish under this bill.

Perhaps the manufacturers are aided now with Mediterranean ores or Spanish ores in the beginning of the development in this country. We have ores equal to the best they have abroad, but, to begin with, I do not think that even the patriotism of the Senator from Kansas would induce him to require our manufacturers to use inferior ore or inferior material if they can buy it cheaper anywhere else.

Mr. HAWLEY. I said in general terms that we could make everything provided for in this bill. I did not mean that we were ready just now to make it all. I am partly answering the Senator from Massachusetts, because in order to make the best steel shafting we ought to have some forging machinery, such as is used by Whitworth. The best steel hammer we have in the country now I think weighs 17 tons.

It is utterly insufficient for making large steel shafting. It flats the steel as with a paddle. You might as well make dough with a spoon for bread. It does not knead the steel as it ought to be kneaded. The Whitworth machinery for hydraulic forgings, making this steel at white heat, makes a shaft as it ought to be made.

When I say we can do it all, I mean if you will offer a chance to steel manufacturers and make a contract such as ought to be made for reasonable work, then they will have the best machinery, and they will give you the process and the product.

Mr. HALE. This is more a question of practical administration than anything else. Guided by every provision that runs through this bill any Secretary of the Navy having charge of this work will see to it with the most sedulous care that the material and the manufacture shall be American. It will be in constructing these great structures, as the Senator from Connecticut has said, that a small component part may be needed of foreign ore, but it is so small that it does not conflict in any way with the theory of the amendment that the manufacture and the product shall be American. It is protection run mad to insist that such a small component part may not be allowed to be purchased to make up what is in effect an American product.

The amendment is well enough as it is now. If there is any discretion left with the Secretary it will be very small. Nobody will buy this material abroad. It will only be some small part of foreign ores necessary for its quick manufacture that will be introduced, and for one I hope that the amendment will be left.

Mr. BECK. The Senator from Maine will allow me to suggest to him before he sits down that we are demanding 20 knots an hour, which up to this time has been an almost impossible condition. We are offering a premium for an excess of that speed; we are imposing a penalty upon anything that falls below it. I do not want to have our contractors come before us and say, "We could have given 20 knots and something above it if you had not forced us to use material we did not want when we could have got better."

Mr. HALE. Neither do I. I am told that the Senator from Kansas has made some modification in his amendment.

Mr. PLUMB. Under the suggestion of various Senators I will modify the amendment by inserting, after the word "be," in line 29, "so far as practicable of American production."

Mr. HALE. That is entirely satisfactory. I think that everybody will agree to that.

Mr. PLUMB. I wish to say further in regard to this matter that I do not doubt that it is possible and practicable to produce at points in the United States steel which shall be equal in quality to the best steel made in the world for all the purposes of ship-building, and in fact for all other purposes. The young men in the Ordnance Department of the Army (and I want to say of them that I regard them as intelligent and enterprising, and as possessing the main qualities necessary for the sta-

tion which they occupy) have said to us over and over again that there is no doubt at all of our being able to procure steel for the high-power guns, which we hope to have some of these days when we shall be able to get legislative concurrence on some plan, which shall be the equal of the best guns made in the world. There is no test to which steel can be applied which is more severe than the powder test. Therefore you can get steel sufficient for making high-power guns and get it for shafting and for all other purposes.

The Senator from Nevada [Mr. FAIR] has made a suggestion, however, which somewhat impresses me, and that is that on the Pacific coast there is not the wide range of material accessible to manufacture that there is east of the Rocky Mountains, and that for the purpose of manufacture within a reasonable price it may be necessary to import a few ores from Spain, not because they are better but because they are cheaper than ores would be taken by rail from the Lake Superior region or from points east of the Rocky Mountains, where they might have to procure them.

I understand perfectly that to produce the best results requires a mixture of ores; but there has been recently a discovery in the upper regions of Wisconsin of a class of ores which competent people say are equal to the best of the Swedish ores. All the time the area of our discovery is extended, as it has been spoken of here, as a quality having reference to the absence of phosphorus, and so far as that substance is concerned there need be no difficulty. But when we come to assemble all these materials and bring them together at a given point, particularly for the purpose of this manufacture, of course there may be a difficulty, not a difficulty that can not be overcome, but a difficulty that will enter into the question of cost, and, inasmuch as in one portion of this amendment the question of cost on the Pacific coast and the question of cost on the Gulf of Mexico is to be subjected to a certain scrutiny, I am willing myself to make this modification.

Mr. HALE. I think that will be acceptable.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas will be read.

The CHIEF CLERK. In section 3, line 29, after the word "be," it is proposed to insert "so far as practicable of American production and;" so as to make the clause read:

That the material used in all naval structures provided for in this act, and the armament for the same, shall be, so far as practicable, of American production, and furnished and manufactured in the United States, and all contracts made for their construction shall be under the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment:" *Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such civilian expert aids, additional draughtsmen, writers, copyists, and model-makers on the designs therefor as may be necessary. That the appropriations made under this section shall be available during five years from March 4, 1887.

Mr. EDMUNDS. That will fix it exactly.

Mr. HALE. That is right.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. Upon the amendment as amended the Senator from Vermont [Mr. EDMUNDS] asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Colorado [Mr. TELLER]. If my colleague were here, he would vote "nay."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr BLACKBURN]; but believing that he would vote "yea" on this proposition, I vote "yea."

Mr. DOLPH (after having voted in the affirmative). During the early part of the session to-day I was paired with the Senator from Georgia [Mr. BROWN]. As I see he is not present, I withdraw my vote. I shall continue to be paired with him.

Mr. MILLER. I am paired with the Senator from West Virginia [Mr. KENNA]. I do not know how he would vote if he were here, but I should vote "yea."

Mr. GORMAN. I have good reason to know that the Senator from West Virginia [Mr. KENNA] would vote "yea."

Mr. MILLER. Then I vote "yea."

Mr. TELLER (after having voted in the affirmative). I am paired with the Senator from Arkansas [Mr. JONES]. I do not know how he would vote if present, and I withdraw my vote.

The result was announced—yeas 42, nays 9, as follows:

YEAS—42.

| | | | |
|---|---|---|---|
| Aldrich, | Farwell, | McMillan, | Sabin, |
| Allison, | Frye, | Mahone, | Saulsbury, |
| Beck, | George, | Manderson, | Sherman, |
| Blair, | Gorman, | Miller, | Spooner, |
| Cameron, | Gray, | Mitchell of Oreg., | Stanford, |
| Cheney, | Hale, | Mitchell of Pa., | Walthall, |
| Cullom, | Hampton, | Morgan, | Whitthorne, |
| Dawes, | Harrison, | Morrill, | Williams, |
| Edmunds, | Hawley, | Palmer, | Wilson of Md. |
| Evarts, | Hoar, | Platt, | |
| Fair, | Ingalls, | Pugh, | |

NAYS—9.

| | | | |
|---|---|---|---|
| Berry, | Harris, | Vance, | Vest, |
| Cockrell, | Plumb, | Van Wyck, | Wilson of Iowa. |
| Coke, | | | |

ABSENT—25.

| | | | |
|---|---|---|---|
| Blackburn, | Colquitt, | Jones of Nevada, | Sawyer, |
| Bowen, | Conger, | Kenna, | Sewell, |
| Brown, | Dolph, | McPherson, | Teller, |
| Butler, | Eustis, | Maxey, | Voorhees, |
| Call, | Gibson, | Payne, | |
| Camden, | Jones of Arkansas, | Ransom, | |
| Chace, | Jones of Florida, | Riddleberger, | |

So the amendment made as in Committee of the Whole as amended was concurred in.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole will be read.

The CHIEF CLERK. The next amendment made as in Committee of the Whole was, at the end of section 4, to add:

For the purchase by the Secretary of the Navy, if he shall deem the purchase advisable, of the Destroyer, a screw steam-vessel of iron designed and built by Capt. John Ericsson, armed with a submarine gun and projectile torpedo, with their accessories, including an independent submarine gun, $112,000: *Provided*, That the said vessel, steam-machinery, guns, projectiles, and their accessories shall be found to be in perfect working order and ready for immediate use: *Provided*, That it shall satisfactorily appear that said vessel, steam-machinery, guns, projectiles, and experiments developing the same have cost that amount; and to enable the Secretary of the Navy, after said purchase, to care for and operate the same, $10,000.

Mr. PLUMB. I should like to have the Senator from Maine give some explanation of that amendment. I ask him what he knows about the value of the vessel and whether he anticipates that under this amendment its value and advantage to the Navy will be considered as ascertained?

Mr. HALE. I do not. This is purely in the domain of experiment. Thirty years ago Captain Ericsson invented a naval vessel which was the scoff and contumely of the naval world. Nobody believed in it. It was difficult to find naval officers or men to embark in the Monitor, but she proved a success and revolutionized modern naval warfare. Everybody has been glad that we adopted and purchased the Monitor.

Now Captain Ericsson has invented or has built this Destroyer which will work under water if she works at all, and will be a wonderfully destructive vessel, if she succeeds, as he believes she will.

On the question of value which the Senator from Kansas raises, I can simply say this: If the Destroyer succeeds and is what is claimed for her, she is invaluable. The Senator from Kansas can not estimate that value; I can not estimate it; no Secretary of the Navy can estimate it; it is beyond all comparison. If she does not succeed and is a failure she is not worth a thousand dollars, probably, as old material.

Mr. GORMAN. Will the Senator allow me to make a suggestion?

Mr. HALE. Yes, sir.

Mr. GORMAN. The Senator from Maine knows perfectly well that owing to the great anxiety to pass this bill I gave way without completing a statement I was making.

Mr. HALE. I am only answering a question of the Senator from Kansas.

Mr. GORMAN. I think other members of the Senate understand this amendment thoroughly. I trust there will be no consumption of time upon it.

Mr. HALE. I am sorry to say that I can not hear the Senator from Maryland.

Mr. GORMAN. I think the Senate understands the amendment thoroughly. It does not require any further debate. I will state to the Senator frankly that if the debate goes on I am entitled to the floor, and shall conclude my remarks to-night.

Mr. HALE. Neither the Senator from Maryland nor any other Senator is afraid that I will occupy much time on this bill. That is not my method of managing bills. I hope to be allowed to answer questions. When the Senator from Kansas asks me about the value of this Destroyer, I answer plainly, if she is good for anything she is invaluable, and if she is not a success she is worth nothing. It is an experiment; and if the Senate does not want to try it, and does not want to purchase this vessel, the Destroyer, strike out the provision from the bill. The element of value is not in it; it is a pure experiment.

Mr. PLUMB. I move to amend, in line 30, after the word "advisable," by inserting "for naval use," so that the advisability shall relate to the value of the vessel in the estimation of the Secretary of the Navy as an addition to the Navy.

Mr. HALE. There is no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment made as in Committee of the Whole.

Mr. HALE. There is no other purpose than naval use that she would ever be bought for.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The PRESIDENT *pro tempore*. All the amendments made as in Committee of the Whole have now been disposed of in the Senate.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 10644) to

authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi; in which it requested the concurrence of the Senate.

DISTRICT APPROPRIATION BILL.

Mr. VEST. Mr. President——

Mr. PLUMB. I rise to make a report from a conference committee.

The PRESIDENT *pro tempore*. That is privileged. The Senator from Kansas will submit the report.

Mr. PLUMB. I ask that the District appropriation bill be laid before the Senate, and the report read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have been unable to agree.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*

WM. L. WILSON,
BEN. LE FEVRE,
D. B. HENDERSON,
*Managers on the part of the House.*

Mr. PLUMB. I will detain the Senate but a moment by a statement of the differences which have resulted in a disagreement.

With few exceptions all the amendments of the Senate were disposed of, either the Senate receding or the House agreeing to the amendments of the Senate, except in regard to the increased appropriation for the improvement of streets, for the construction of county roads and suburban streets, for the purchase and maintenance of an ice-boat, and for the increase of school facilities in the District of Columbia.

The Senate added $100,000, in round numbers, to the appropriation for the improvement of streets. They added $60,000 for the purpose of the construction of county roads and suburban streets, $85,000 for the purchase, the construction and maintenance of an ice-boat, and about $200,000 to the amount appropriated by the House for the purpose of increased school facilities in the District. Upon these items there has so far been a total disagreement. The House conferees have declined to accede to anything upon either one of these points. The disagreement upon the school facilities was more pronounced, if anything, than on any other item, and under the circumstances the Senate conferees did not feel that they ought to yield.

I will say that the money which is appropriated by the bill as it left the Senate is within the revenues of the District of Columbia. There is no question anywhere that I know of that there is an absolute necessity for the expenditure of all these sums that we have appropriated; and not only that, but there will be a necessity for the expenditure of a very much larger sum in several directions if the money could be provided.

Mr. EDMUNDS. And adequate funds on the present system of taxation equal to the appropriations.

Mr. PLUMB. As the Senator from Vermont suggests, and as I think I said, the funds derived from the present system of taxation are equal to the expenditures proposed; and I do not understand that the House conferees themselves challenge the necessity of the expenditures from the ordinary standpoint; that we need better streets in Washington and some improvements on the streets, and so on.

In regard to the schools, that matter was left in a somewhat nebulous condition. The principal objection is that we are appropriating more than the sum appropriated last year, and a larger percentage of appropriation was made last year than the House conferees think advisable; but there is no doubt upon the principle, as I understand that the question is to be discussed from the standpoint of what is necessary for the municipal service.

The evidence before the Committee on Appropriations was to the effect that the school children of the District of Columbia were increasing in number at the rate of seventeen hundred to two thousand per annum. It was the design of the committee to provide beyond any possibility of doubt facilities not only for educating any of those who had been left out under the parsimony of the past, but to take them in hereafter as fast as they become of school age, so that in the city of Washington at least there should not be any lack of school facilities in the primary grades for every child of school age.

Mr. EDMUNDS. Did the House object to that?

Mr. PLUMB. The House objected to that.

Mr. VEST. I move that the Senate proceed to the consideration of House bill 10717. There will be no debate.

Mr. HOAR. I rise to present a conference report.

Mr. PLUMB. I thought some one else desired to speak on the report I made. I move that the Senate further insist on its amendments to the District appropriation bill, and agree to the further conference asked by the House of Representatives thereon.

The motion was agreed to.

The President *pro tempore* was, by unanimous consent, authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

ALBERT H. EMERY.

Mr. HOAR. I submit a report from a conference committee.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 929) for the relief of Albert H. Emery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out of the part proposed to be inserted in the said amendment the words "sixty-three thousand one hundred and sixty-one dollars and sixty-two cents" and insert "one hundred thousand dollars;" and that the House agree to the same.

GEORGE F. HOAR,
M. C. BUTLER,
JOS. R. HAWLEY,
*Managers on the part of the Senate.*

CONNOLLY F. TRIGG,
CHAS. DOUGHERTY,
J. H. GALLINGER,
*Managers on the part of the House.*

Mr. EDMUNDS. Are the papers here?

Mr. HOAR. The papers are on the Secretary's desk.

Mr. EDMUNDS. I should like to hear the message of the House read acting on the report.

The PRESIDENT *pro tempore*. The message of the House of Representatives will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1887.

*Resolved*, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 929) for the relief of Albert H. Emery.

The report was concurred in.

PACIFIC RAILROAD ACCOUNTS.

Mr. HOAR. I rise to another conference report.

The PRESIDENT *pro tempore*. The report will be received and read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the House resolution entitled joint resolution 170, authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, having met, and after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments and concur in the said amendments with an amendment as follows: Strike out, in the first and second lines, the words "by and with the advice and consent of the Senate," and add to the first section as follows:

The term of office of said commissioners shall not extend beyond the beginning of the next session of the Senate. If the Senate shall be convened after the 4th day of March, 1887, and before the 1st of December in said year, and the duties of said commissioners shall not then be completed, the President shall, by and with the advice and consent of the Senate, appoint three commissioners who shall perform and complete the duties prescribed in this act within the time therein specified.

GEORGE F. HOAR,
WM. M. EVARTS,
JAMES L. PUGH,
*Managers on the part of the Senate.*

CHARLES F. CRISP,
JAMES D. RICHARDSON,
E. D. HAYDEN,
*Managers on the part of the House.*

Mr. EDMUNDS. Are the papers here, Mr. President?

The PRESIDENT *pro tempore*. They are.

Mr. EDMUNDS. Have they been laid before the Senate?

The PRESIDENT *pro tempore*. The Chair is informed that the papers are on the table of the Senate.

Mr. EDMUNDS. Have they been presented to the Senate? Just read the House message and let us see that it comes all right.

The PRESIDENT *pro tempore*. The Secretary will read the message.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1887.

*Resolved*, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

The report was concurred in.

BRIDGE OVER MISSOURI RIVER NEAR KANSAS CITY.

Mr. VEST. I move that the Senate proceed to the consideration of House bill 10717.

The motion was agreed to; and the bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the City of Kansas and the town of Sibley, in the county of Jackson and State of Missouri, was considered as in Committee of the Whole.

Mr. SHERMAN. Has that bill been printed?

Mr. VEST. No, sir; that bill was received in the Senate to-day, and on motion sent to the Committee on Commerce without printing.

Mr. EDMUNDS. Did the bill come from the House to-day?

Mr. VEST. It came from the House, and is now reported by the Committee on Commerce of the Senate.

Mr. EDMUNDS. I object to its present consideration until I can see it.

Mr. VEST. I suppose the bill can be read.

The PRESIDENT *pro tempore*. The bill goes to the Calendar under objection.

NATIONAL MEMORIAL BRIDGE.

Mr. MAHONE. I move to take up Order of Business 2345, being Senate bill 3330.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3330) for the erection of a national memorial bridge over the Potomac from Washington to Arlington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. BECK. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Colorado [Mr. TELLER]. My colleague, if present, would vote "nay."

Mr. COKE. My colleague [Mr. MAXEY] is paired generally with the Senator from Iowa [Mr. WILSON].

Mr. WILSON, of Iowa (after having voted in the affirmative). When I voted I did not notice that the Senator from Texas [Mr. MAXEY] was absent. I am paired with him. I therefore withdraw my vote.

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN].

Mr. MILLER. I am paired with the Senator from West Virginia [Mr. KENNA] on political questions. As this is not a political question, I vote "yea."

Mr. SPOONER. My colleague [Mr. SAWYER] is detained by illness from the Chamber this evening. He is paired with the Senator from Delaware [Mr. SAULSBURY]. If present my colleague would vote "yea."

Mr. TELLER. I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea."

Mr. COCKRELL (after having voted in the negative). I am paired generally with the Senator from Iowa [Mr. ALLISON]. He is now engaged in the Committee on Appropriations and can not come out. I withdraw my vote.

The result was announced—yeas 30, nays 18; as follows:

YEAS—30.

| | | | |
|---|---|---|---|
| Aldrich, | Evarts, | McMillan, | Sabin, |
| Blair, | Farwell, | Mahone, | Sherman, |
| Bowen, | Frye, | Miller, | Spooner, |
| Butler, | Hale, | Mitchell of Oreg., | Stanford, |
| Cameron, | Harrison, | Mitchell of Pa., | Van Wyck, |
| Cheney, | Hawley, | Morrill, | Williams. |
| Cullom, | Hoar, | Palmer, | |
| Edmunds, | Ingalls, | Platt, | |

NAYS—18.

| | | | |
|---|---|---|---|
| Beck, | George, | Plumb, | Vest, |
| Berry, | Gray, | Pugh, | Walthall, |
| Coke, | Hampton, | Ransom, | Wilson of Md. |
| Dawes, | Harris, | Saulsbury, | |
| Fair, | Morgan, | Vance, | |

ABSENT—28.

| | | | |
|---|---|---|---|
| Allison, | Colquitt, | Jones of Florida, | Riddleberger, |
| Blackburn, | Conger, | Jones of Nevada, | Sawyer, |
| Brown, | Dolph, | Kenna, | Sewell, |
| Call, | Eustis, | McPherson, | Teller, |
| Camden, | Gibson, | Manderson, | Voorhees, |
| Chace, | Gorman, | Maxey, | Whitthorne, |
| Cockrell, | Jones of Arkansas, | Payne, | Wilson of Iowa. |

So the bill was passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi, was read twice by its title, and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes; and it was thereupon signed by the President *pro tempore*.

AGRICULTURAL APPROPRIATION BILL.

Mr. MAHONE. I submit at this time a conference report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 5, 6, 7, 10, 11, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, 9, 12, 15, 17, 18, 19, 20, 22, 23, 25, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: On page 5, line 1, after the word "including," insert "$50,000 for the continuation of experiments in the manufacture of sugar from sorghum and sugar-cane, and also including the purchase and transportation of samples and supplies, in all, $56,000: *Provided*, That the Commissioner of Agriculture is hereby required to make a separate report to Congress, stating fully and accurately an itemized account of every expenditure made under this provision and the results of all experiments made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 5, line 2, strike out "eighty-one" and insert "in all, fifty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Insert "and a like sum of $5,000 for the same purposes and under the same restrictions and conditions to the California Ladies' Silk Culture Association of California;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Add at the end of said amendment as follows: "One hundred thousand dollars of this sum, or so much thereof as may be necessary, to be immediately available;" and the Senate agree to the same.

WM. MAHONE,
P. B. PLUMB,
WILKINSON CALL,
*Managers on the part of the Senate.*
W. H. HATCH,
WHARTON J. GREEN,
MILO WHITE,
*Managers on the part of the House.*

Mr. EDMUNDS. Are the House papers here? I should like to hear the action of the House.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Chair understands that the papers are here.

Mr. EDMUNDS. Let the message from the House be read, so that we may know that we are going straight forward.

The PRESIDING OFFICER. The message of the House will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1887.

*Resolved*, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes.

Mr. EDMUNDS. Now, I ask the Senator in charge of the bill to explain to us the principal items—I do not care about the little ones—that this conference report covers, particularly about pleuro-pneumonia, so that we may see where we are.

Mr. MAHONE. The changes of the bill as passed by the Senate are quite immaterial until we get to one item, and that is the production of sugar from sorghum. There the House insisted on cutting down what the Senate had put in, from $75,000 to $50,000.

In respect to the matter of pleuro-pneumonia there is no alteration made in the amount allowed in the bill as passed by the Senate, only that $100,000 of the $500,000 is made immediately available. These constitute the principal alterations in the bill.

Mr. EDMUNDS. The other $400,000 is to be available after the 1st of July?

Mr. MAHONE. After the 1st of July.

Mr. EDMUNDS. So that $500,000 is appropriated for the purposes of pleuro-pneumonia eradication.

Mr. MAHONE. Half a million dollars is appropriated in this bill as agreed to by the House of Representatives on account of pleuro-pneumonia.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was concurred in.

BRIDGE OVER MISSOURI RIVER NEAR KANSAS CITY.

Mr. EDMUNDS. I withdraw my objection to the consideration of the bridge bill which my friend from Missouri [Mr. VEST] undertook to bring forward a few moments ago. I have read it carefully through, and I think it is fully guarded. I have no further objection to make to it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri [Mr. VEST] to take up the bill referred to by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible

point between the City of Kansas and the town of Sibley, in the county of Jackson and State of Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTILLED SPIRITS BONDED FOR EXPORT.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting in reply to a resolution of February 25 certain information in relation to the withdrawal of distilled spirits which were bonded for exportation.

The PRESIDING OFFICER. If there be no objection, the communication will be referred to the Committee on Finance, and printed.

Mr. DAWES. On the reference of that to the Committee on Finance I should like to make an inquiry of the chairman of the committee as to when we may expect a report on the matters submitted to them in connection therewith.

Mr. MORRILL. It will be impossible to tell until we have read this communication. It is a long communication and we want to have it so that we can see it to-morrow morning.

Mr. DAWES. Is it expected that there may be a report on the subject before the close of the session?

Mr. EDMUNDS. I should like to have the communication read now if we can not have it printed.

The PRESIDING OFFICER. The Senator from Vermont requests the reading of the communication of the Secretary of the Treasury.

Mr. HOAR. Is that in order at this time?

Mr. MORRILL. The communication has already been referred to the Committee on Finance.

The PRESIDING OFFICER. The Chair thinks it is in order to have the document read.

Mr. HOAR. I think not.

Mr. EDMUNDS. I withdraw my request to have it read.

The PRESIDING OFFICER. The request is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (S. 2451) for the relief of Mrs. Julia De Quindre; and

A bill (S. 2997) granting a pension to Mrs. M. E. Woods.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes; and it was thereupon signed by the President *pro tempore*.

JURISDICTION OF UNITED STATES COURTS.

Mr. WILSON, of Iowa. I move that the Senate now proceed to the consideration of House bill 2441, Order of Business 2336.

Mr. EDMUNDS. Let the title be read for information.

The CHIEF CLERK. A bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. VANCE. Some of us have some bills on the Calendar who are not fortunate enough to be recognized by the Chair, and the only chance we have to get at our bills is to go to the Calendar, and I object to everything that is not taken up by the vote of a majority.

Mr. EDMUNDS. We can not hear the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina objected to the consideration of this bill. The Senator from Iowa moves that the Senate proceed to the consideration of the bill. The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment was, in line 33, after the word "inhabitant," to strike out "or in which he shall be found at the time of serving such process or commencing such proceedings, except as hereinafter provided;" and in line 36, before the word "where," to insert "but;" in the same line, after the word "the," to strike out "controversy" and insert "jurisdiction is founded only on the fact that the action;" after the word "suit," in line 40, to strike out the words "founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon if no assignment had been made, except in cases of bills of exchange," and insert:

Except upon foreign bills of exchange, to recover the contents of any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover the said contents if no assignment or transfer had been made.

So as to make the clause read:

That the first section of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, be, and the same is hereby, amended so as to read as follows:

"That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which controversy the United States are plaintiffs or petitioners or in which there shall be a controversy between citizens of different States, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, and shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable by them. But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant; nor shall any circuit or district court have cognizance of any suit, except upon foreign bills of exchange, to recover the contents of any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover the said contents if no assignment or transfer had been made; and the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions prescribed by law."

The amendment was agreed to.

The next amendment was, after the word "district," in line 63, to strike out the following words:

Whenever it is made to appear *from the application of such defendant* or defendants that his or their defense depends in whole or in part upon a correct construction of some provision of the Constitution or law of the United States, or treaty made by their authority; and.

And in line 73, after the word "therein," to strike out the words—

*Provided*, That such defendant or defendants are non-residents of the State in which the suit is pending,

And insert the words—

Being non-residents of that State;

So as to make the clause read:

That the second section of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending, or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district. Any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending, or which may hereafter be brought, in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein being non-residents of that State."

The amendment was agreed to.

Mr. EDMUNDS. After "therein," in line 73, the colon ought to go out.

The PRESIDING OFFICER. The Senator from Vermont suggests that the colon be stricken out and a comma inserted in its place. That correction will be made unless there be objection. The reading of the amendments reported by the Committee on the Judiciary will be continued.

The next amendment of the Committee on the Judiciary was, in line 84, after the word "State," to strike out "such citizen of another State, whether he be plaintiff or," and insert "any;" in line 85, after the word "defendant," to insert "being such citizen of another State;" in line 89, after the words "appear to," to strike out the words "the satisfaction of the" and insert "said circuit," and in line 91, after the word "court," to insert:

Or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said circuit court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein.

So as to make the clause read:

And where a suit is now pending, or may be hereafter brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant, being such citizen of another State, may remove such suit into the circuit court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said circuit court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said circuit court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein.

Mr. EDMUNDS. I want to vote "no" on that, but the Senate will be for it I suppose.

The amendment was agreed to.

The next amendment was, after line 101, to add:

At any time before the trial of any suit which is now pending in any circuit court or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State court, the circuit court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in such State court, it shall cause the same to be remanded thereto.

Mr. EDMUNDS. I want to vote "no" on that.

The amendment was agreed to.

The next amendment was, after line 112, to insert:

Whenever any cause shall be removed from any State court into any circuit court of the United States, and the circuit court shall decide that the cause was improperly removed, and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the circuit court so remanding such cause shall be allowed.

The amendment was agreed to.

The next amendment was, after the word "suit," in line 144, to strike out "and any bail that may have been originally taken shall be discharged;" so as to read:

It shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court.

The amendment was agreed to.

The next amendment was, after the word "claim," in line 173, to strike out the following words:

And the trial of issues of fact in the circuit court shall, in all suits except those of equity and of admiralty and maritime jurisdiction, be by jury.

The amendment was agreed to.

The next amendment was to strike out the clause from line 176 to line 199, inclusive, as follows:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation, at the time the cause of action accrued, may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same State.

That section 10 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 10. That section 640 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby, repealed: *Provided*, That this act shall not affect the jurisdiction over or disposition of any suit removed from the court of any State, or suit commenced in any court of the United States, before the passage hereof."

The amendment was agreed to.

The next amendment was to insert, as section 2, the following:

SEC. 2. That whenever in any cause pending in any court of the United States there shall be a receiver or manager in possession of any property, such receiver or manager shall manage and operate such property according to the requirements of the valid laws of the State in which such property shall be situated, in the same manner that the owner or possessor thereof would be bound to do if in possession thereof. Any receiver or manager who shall willfully violate the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding $3,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

The amendment was agreed to.

The next amendment was to insert, as section 3, the following:

SEC. 3. That every receiver or manager of any property appointed by any court of the United States may be sued in respect of any act or transaction of his in carrying on the business connected with such property, without the previous leave of the court in which such receiver or manager was appointed; but such suit shall be subject to the general equity jurisdiction of the court in which such receiver or manager was appointed, so far as the same shall be necessary to the ends of justice.

The amendment was agreed to.

The next amendment was to insert, as section 4, the following:

SEC. 4. That all national banking associations established under the laws of the United States shall, for the purposes of all actions by or against them, real, personal, or mixed, and all suits in equity, be deemed citizens of the States in which they are respectively located; and in such cases the circuit and district courts shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State.

The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases commenced by the United States or by direction of any officer thereof, or cases for winding up the affairs of any such bank.

The amendment was agreed to.

The next amendment was to insert as section 5 the following:

SEC. 5. That nothing in this act shall be held, deemed, or construed to repeal or affect any jurisdiction or right mentioned either in sections 641, or in 642, or in 643, or in 722, or in title 24 of the Revised Statutes of the United States, or mentioned in section 8 of the act of Congress of which this act is an amendment, or in the act of Congress approved March 1, 1875, entitled "An act to protect all citizens in their civil and legal rights."

The amendment was agreed to.

The next amendment was to insert as section 6 the following:

SEC. 6. That the last paragraph of section 5 of the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and section 640 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby, repealed: *Provided*, That this act shall not affect the jurisdiction over or disposition of any suit removed from the court of any State, or suit commenced in any court of the United States, before the passage hereof except as otherwise expressly provided in this act.

The amendment was agreed to.

Mr. CULLOM. I submit an amendment in the form of additional sections to the bill.

The CHIEF CLERK. It is proposed to insert as additional sections the following:

SEC. 7. That the salaries of the several judges of the district courts of the United States, including the judges of the supreme court of the District of Columbia, shall hereafter be at the rate of $5,000 per annum.

SEC. 8. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall hereafter be appointed by such court or judge to, or employed by such court or judge in, any office or duty in any court of which such justice or judge may be a member.

Mr. COKE. I move to lay that amendment on the table.

Mr. CULLOM. I hope the Senator will not make that motion. I supposed he wanted to address the Senate on the subject. I hope he will withdraw the motion for a moment at any rate.

The PRESIDING OFFICER. The motion is not debatable.

Mr. COKE. If the Senator wishes to debate the matter I withdraw the motion.

The PRESIDING OFFICER. The motion to lay on the table is withdrawn.

Mr. CULLOM. I do not care to take up the time of the Senate in discussing the amendment at length, as it has been discussed two or three times in the Senate before, but I very earnestly believe that such a provision ought to be adopted by Congress. I offered the same amendment a few days ago to a bill in which the Senator from Mississippi [Mr. GEORGE] was very much interested, and on his appeal I withdrew it. This is a general bill——

Mr. HOAR. Will the Senator pardon me a moment? I desire where the amendment reads "shall hereafter be at the rate of $5,000 per annum" to say "shall hereafter be not less than $5,000 per annum." There is one California judge that has $6,000 salary now, as I am informed, and we can not, under the Constitution, reduce it.

Mr. CULLOM. I will modify the amendment in that way.

The PRESIDING OFFICER. The amendment will be modified according to that suggestion.

Mr. CULLOM. I believe that the public sentiment of this country is in favor of a greater allowance to the judges of the country than they are now generally receiving. I believe there is but one district judge in the United States in the class to which this amendment refers who is getting as much as $5,000 a year. There is one perhaps in California who gets a little more.

Mr. HOAR. Six thousand dollars.

Mr. CULLOM. I know myself of one district judge to whom, if the Government of the United States were to pay him a salary of $10,000 a year, it would not pay him more than he earns. I do not believe that the people of this country are disposed to desire that their judges, who are men who give their entire attention to the administration of the law, should be required to work for the public at less than a reasonable salary.

I do not desire to take up the time of the Senate in discussing the amendment, as it has been discussed by the Senate over and over again in past sessions, but I very much desire that the Senate should have a square vote upon the question whether we are willing to allow an increase of salary to these judges over the country or not.

I hope that the Senator from Texas will not move to lay the amendment on the table, but that he will consent that we may take a direct vote on the question of whether it shall be adopted.

Mr. VAN WYCK. Let me ask the Senator before he sits down if the salaries of the district judges do not range from $3,500 to $6,000?

Mr. CULLOM. From $3,000 to $4,000, I understand.

Mr. VAN WYCK. Who receives a salary of $6,000?

Mr. CULLOM. One of the judges in California.

Mr. DOLPH. There are none. The highest salary is $5,000.

Mr. VAN WYCK. Then the salaries range from $3,500 to $5,000.

Mr. CULLOM. As the Senator has already said, there is only one that gets a salary of $5,000. The great body of them get $3,500 or $4,000.

Mr. VAN WYCK. Several judges get more than $3,500 or $4,000. They have been graduated, depending somewhat on the amount of labor which they perform. My friend, the Senator from Illinois, says that he has in his mind's eye one judge who discharges his duties so well and has so much labor to perform that he ought to have a very much larger salary, as I understand him.

This very bill continues that injustice and inequality, and when this bill is passed, if passed it should be, regulating the salary at $5,000, at the next session of Congress you will be asked to discriminate as we

have done by making a difference in the salaries of these judges commensurate with the ability of the officer or the amount of duty he has to perform. So you start out by doing a rank injustice. The judge in the mind's eye of the Senator, who is worth $5,000 or $10,000, is to receive no more than the judge who has much less labor imposed upon him. So you then commence by doing a rank injustice in placing all the salaries upon an even footing.

My friends talk about the people being anxious that the salary of the judges should be increased. Where is the evidence of that? Where is the evidence that the people demand it? We are always told when we are to increase the salary of an officer that the people are very anxious to have it done. I venture to say that even in the good State of Illinois they have not manifested any very great anxiety in that regard. They are manifesting a great deal of anxiety to have things done which it is impossible to get done here in Congress.

They are begging you to relieve them a little from taxation, and no effort is made to do it, except as you throw out millions upon millions trying to build a navy and erect seacoast defenses, and increase the salaries of judges. But not a single effort is made anywhere to reduce taxation of which the people complain, and they are protesting and begging on that score, not that you shall increase the salaries of the judges or of any other officers. The first thing we are told is that the people are dying to have the salaries of the judges increased, and then you start to do an injustice, for when the judge who does the least work, now receiving $3,500, is paid a salary of $5,000, you do an injustice to the judge you have in your mind's eye who you say can not be compensated in dollars and cents for the work he does.

I beg that the Senate of the United States will not start in that injustice because, as I have said, after we have done it it will be necessary to equalize it. After you have got the minimum to $5,000 then you must equalize from that point up until you get something commensurate with the service performed or the ability of the judge.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois [Mr. CULLOM].

Mr. COKE. I will ask for a division of the question and a separate vote on the two propositions embraced in that amendment.

The PRESIDING OFFICER. The Chair is of opinion that the question is divisible.

Mr. COKE. The first section of the amendment seeks to make a uniform salary of $5,000; the next section provides against the practice of nepotism by the judges. The latter provision I favor; the first I do not favor. I ask for a division of the question and a square vote upon each proposition.

The PRESIDING OFFICER. The question is on agreeing to the first section of the amendment of the Senator from Illinois.

Mr. WILSON, of Iowa. I have heretofore voted for a measure similar to that presented by the Senator from Illinois, but I am not prepared to vote for it to become a part of this bill. It is a very important bill in the way of relief to the United States courts, and in giving the people of the country local jurisdiction in business affairs; and I should prefer not to have the bill weighed down by this amendment.

Mr. DOLPH. The Senate has twice passed a bill which contains the proposition contained in this amendment. Several attempts have been made to put this measure in as an amendment to a House bill in order to secure a vote there upon it. I suppose I may say properly that it is asserted that a large majority of the members of the other House are in favor of increasing the salary of the district judges to $5,000, and if they could get a direct issue by which a majority vote of the body could adopt the proposition, it would be adopted.

But when it is proposed to put it in a local measure, a bill establishing a new district or changing the time of holding courts, we are at once met with the objection that it will kill the bill, because the bill is not of importance enough to carry it in the other House; and when we propose to put an amendment on a bill of general importance then the suggestion comes that it is too important a bill to put the amendment on.

I hope the amendment will be adopted and the other House given an opportunity to vote upon it.

Mr. EDMUNDS. This bill as it came from the House of Representatives was altogether extreme, and the gentlemen of the committee who felt the inconvenience and wrong of subjecting mere local affairs to the great expense of national jurisdiction, diminished their desires so that the committee at last agreed upon the bill as it now stands, which is much less extreme than the one the other House proposed, and which, on the whole, if we correctly understand it, does not do any injustice to any of the people who have national interests in States where they do not live other than carrying the right to go to the United States courts from $500 to $2,000. I thought that was going a little too far, that it had better be $1,500 or $2,000, but on the whole we came to that, and left out of the bill, as the amendments now are, some House provisions which we thought to be quite too extreme.

In this state of things, and wishing myself to diminish the wrong and inconvenience that exist in regard to what is now a national jurisdiction, I was willing to agree to this report. It contains one or two things of small importance and of temporary operation that I should entirely disagree to if they were separate propositions, but the general benefit of the bill, if we correctly understand it, will be greatly to the interest of the people who have merely local controversies with corporations, and so on, that ought fairly to be tried in the local tribunals just as if they were the citizens of the same State.

So, although, as I say, there are two or three small things in the bill that I entirely disagreee to, I do not intend to stand opposed to the bill, but to support it notwithstanding; but I do fear, as much as I am in favor of increasing these salaries to $5,000, that at this late stage in the session it will embarrass getting an agreement on important parts of the bill, and therefore, while I am for the proposition, as I voted for it before, I think it best, being for it, to vote against it now, in order to leave the bill itself as it regards jurisdiction, to see if we can get it into a law.

Mr. CULLOM. I desire to suggest to the Senator from Vermont on the question of the prospect of defeating the bill by adding this amendment to it, that the fact is that the other House has expressed itself, as I understand, very largely in favor of the provision for the increase of the salary, and instead of defeating the bill it will help to pass the bill in the House of Representatives, as I understand the sentiment of the members of that body. So I hope that the amendment will be added to the bill, as it certainly is a thing that ought to have been done long ago.

The PRESIDING OFFICER. The question is on agreeing to the first section of the amendment proposed by the Senator from Illinois.

Mr. COKE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. COKE. My colleague [Mr. MAXEY] is paired with the Senator from Arkansas [Mr. JONES]. The Senator from Arkansas would vote "yea;" my colleague would vote "nay."

Mr. MILLER. I am paired with the Senator from West Virginia [Mr. KENNA]. If I were not paired on this question, I should vote "yea."

Mr. SPOONER. My colleague [Mr. SAWYER] is ill and unable to be present to-night. If he were present, he would vote "yea."

Mr. MANDERSON. I am paired with the junior Senator from Kentucky [Mr. BLACKBURN]. If he were present, I would vote "yea."

The result was announced—yeas 25, nays 18; as follows:

YEAS—25.

| | | | |
|---|---|---|---|
| Aldrich, | Fair, | Mahone, | Spooner, |
| Blair, | Frye, | Mitchell of Oreg., | Stanford, |
| Bowen, | Gray, | Mitchell of Pa., | Teller, |
| Cheney, | Harrison, | Morrill, | Williams. |
| Cullom, | Hawley, | Palmer, | |
| Dolph, | Hoar, | Sabin, | |
| Evarts, | McMillan, | Sherman, | |

NAYS—18.

| | | | |
|---|---|---|---|
| Berry, | George, | Saulsbury, | Whitthorne, |
| Brown, | Harris, | Vance, | Wilson of Iowa, |
| Call, | Ingalls, | Van Wyck, | Wilson of Md. |
| Coke, | Morgan, | Vest, | |
| Edmunds, | Pugh, | Walthall, | |

ABSENT—33.

| | | | |
|---|---|---|---|
| Allison, | Conger, | Jones of Florida, | Plumb, |
| Beck, | Dawes, | Jones of Nevada, | Ransom, |
| Blackburn, | Eustis, | Kenna, | Riddleberger, |
| Butler, | Farwell, | McPherson, | Sawyer, |
| Camden, | Gibson, | Manderson, | Sewell, |
| Cameron, | Gorman, | Maxey, | Voorhees. |
| Chace, | Hale, | Miller, | |
| Cockrell, | Hampton, | Payne, | |
| Colquitt, | Jones of Arkansas, | Platt, | |

So the first section of the amendment was agreed to.

The PRESIDING OFFICER. The question is upon agreeing to the second section of the amendment proposed by the Senator from Illinois.

The second section of the amendment was agreed to.

Mr. MITCHELL, of Oregon. I should like to know from the Judiciary Committee or the Senator having the bill in charge if it does not change the law where a suit is brought by a citizen of one State against a citizen of another State where the Federal jurisdiction arises solely out of that fact, so that a suit may be brought in either the district where the plaintiff resides or the defendant resides? Is there not a radical change in the law in that respect?

Mr. WILSON, of Iowa. No; I do not think there is a radical change.

Mr. MITCHELL, of Oregon. Does not the first section, if it should become a law, enable a person residing in New York, for instance, to sue a person residing in the State of Oregon, for instance, by bringing a suit in the State of New York?

Mr. EDMUNDS. No; quite the reverse. He could only sue him in Oregon.

Mr. MITCHELL, of Oregon. I do not understand it that way. What does this mean?

But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant.

What I wish to call attention to is what follows:

But where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or defendant.

What does that mean if it does not enable a person residing in the State of New York to sue a citizen of the State of Oregon in the district of New York where the jurisdiction arises solely because of the fact that the suit is between citizens of different States?

Mr. WILSON, of Iowa. I do not think that is a change of the section of the law that this bill proposes to modify in the case stated by the Senator.

Mr. MITCHELL, of Oregon. Does the Senator mean to say that that is the law now?

Mr. WILSON, of Iowa. That is the law now, and we propose to contract the jurisdiction.

Mr. MITCHELL, of Oregon. The act which the pending bill proposes to amend, the act of March 3, 1875, in the first section, speaking of jurisdiction provides as follows:

But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts—

That is before the circuit or the district court—

against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving such process or commencing such proceedings.

That being the existing law, as I understand it, when a person wishes to sue an inhabitant of the State of California he must go into that State and bring his suit there, unless he happens to find the person he wishes to sue in some other district, and then he may sue there. Now it is proposed to change that, as I understand.

Mr. HOAR. In the first place, the existing law allows a suit to be brought in the United States court between citizens of different States for amounts exceeding $500. That is put up to $2,000. In the next place, it allows a plaintiff to sue a defendant, a citizen of another State, wherever he catches him all over the United States. That is the existing law, but the proposed change in the law is that he can only sue him, they being citizens of different States, either in the defendant's State or if the defendant happens to be in the district of the plaintiff's home then in the plaintiff's district.

So instead of the sixty or seventy districts which by the existing law the plaintiff can sue him in, there are only two left. Suppose the defendant goes to the plaintiff's home and is found there, a man doing business there, the plaintiff can sue him in the State court and the defendant can take him to the United States court. It is certainly reasonable that the plaintiff should be permitted in the first instance to take him into the United States court.

Mr. MITCHELL, of Oregon. My friend then understands this section to mean that if the plaintiff, for instance, lives in the State of New York and the defendant lives in the State of California, then the plaintiff may either go to California and sue there, or, if he happens to find him in the State of New York, he may sue him there, but he can not sue him anywhere else.

Mr. HOAR. That is it exactly; and in the State of New York, without this proposed statute, he can take him into the New York State courts, and the defendant then can remove the cause to the United States court.

Mr. MITCHELL, of Oregon. I have no objection if that is the construction, but it seems to me that this latter part of the clause enables a plaintiff to bring suit in the district where the defendant does not reside and where he is never found.

Mr. HOAR. In all the districts where both parties reside in the same State the State court is presumed to have jurisdiction between the parties.

Mr. MITCHELL. of Oregon. Then the Senator holds that where the United States jurisdiction attaches only on the fact that the action is between citizens of different States the suit shall be brought only in the district of the residence of either the plaintiff or defendant, qualified by what is herein provided.

Mr. WILSON, of Iowa. Undoubtedly.

Mr. MITCHELL, of Oregon. If that is the construction, I think it is a strained construction.

Mr. WILSON, of Iowa. Instead of widening the present law in regard to the bringing of suits out of the district of the residence of either party, it contracts it and requires all suits to be brought either in the district of the plaintiff's or of the defendant's residence.

Mr. EDMUNDS. Just what the law of nearly every State is.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. The clerks advise the Chair that in getting the amendments proposed by the Senator from Illinois there was some confusion, and the Chair will request that they be read again to see whether they were accurately taken by the clerks.

The Chief Clerk read as follows:

SEC. 7. That the salaries of the several judges of the district courts of the United States, including the judges of the supreme court of the District of Columbia, shall hereafter be not less than $5,000 per annum.

SEC. 8. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall hereafter be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

Mr. VAN WYCK. I ask the Senator from Illinois if the phrase "not less than" a certain amount is not loose and entirely insignificant. I suppose we are fixing the salary. Who has power to make it any more?

Mr. HOAR. I submitted to the Senator from Illinois in private, on what every Senator would agree was entirely proper authority for me to act upon in making a statement to him in private, that it was understood that one of the district judges had already a salary of $6,000 a year. I am now informed, and I have consulted the statute, that that is not the case. I suggest to the Senator from Illinois to return to his original amendment.

Mr. CULLOM. I am perfectly willing to take the amendment as I originally had it.

Mr. EDMUNDS. That can be done by unanimous consent.

Mr. CULLOM. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection to striking out the words "not less than?"

Mr. EDMUNDS. Then it simply stands at $5,000 a year.

The PRESIDING OFFICER. The Chair hears no objection, and that amendment will be regarded as agreed to. The amendment will now be read as it has been modified.

The Chief Clerk read as follows:

That the salaries of the several judges of the district courts of the United States, including the judges of the supreme court of the District of Columbia, shall hereafter be $5,000 per annum.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is: Shall the bill pass?

Mr. SAULSBURY. Mr. President, I desire to say that while I have no doubt the bill contains some wise provisions, I shall vote against it, because I do not believe that the provision which proposes to give a salary of $5,000 to all district judges of the United States is a proper provision. It is very certain that the labors of the judges are very unequal. I would have no objection to giving to the judges who perform a large amount of a labor that salary, but to put them all upon an equality without reference to any of the services which they render the country is not in accordance with my judgment of what is right.

I do not propose to discuss this measure, notwithstanding I believe that the consumption of time by debate is the wisest thing that can be done from now until the end of the session. My observation in my service here for a number of years is that a great many measures right upon the eve of final adjournment pass through the Senate and through Congress that ought not to be passed.

There is a tendency everywhere to increase salaries in this country, but I believe it is wrong. These judges at the age of seventy years, having performed service as judges for ten years, can retire upon the salaries which they now draw. It is a very valuable position for a man to hold, and I am not in favor of giving to these judges a large salary in their lifetime, and then pensioning them upon the people of the country after a service of ten years and their arrival at the age of seventy years.

I am sure that there is not the same service performed by some judges that is performed by others. My understanding is that there are some fifteen district judges who do not perform any very great amount of labor, and yet the proposition is to put them upon an equality with judges who are sitting eight and ten months in the year.

I shall vote against the bill, notwithstanding I have no doubt it contains some wise provisions.

Mr. GEORGE. Mr. President, I agree with the remarks made by the Senator from Delaware as to the propriety of raising the salaries of the district judges and putting them all on an equality. I have expressed my views on that subject several times before the Senate; but I shall vote for the bill, although that amendment has been adopted and become a part of it, because I believe that the benefits accruing to the people from the passage of the bill will fully compensate for the unjust raising of the salaries of the judges.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. COKE called for the yeas and nays, and they were ordered.

Mr. BERRY. Mr. President, I desire to say that I am very much in favor of the bill as reported. I am opposed, however, to an increase of the judges' salaries. Although I am unwilling to vote for a measure of that kind, yet in the hope that the amendment offered by the Senator from Illinois will not be agreed to in conference I shall vote "yea" upon the passage of the bill.

The PRESIDING OFFICER. The Secretary will call the roll on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], who is absent. I transfer that pair to the Senator from Nevada [Mr. JONES] and vote on the passage of the bill. I vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "nay." My pair, however, allows me to vote if it is necessary to make a quorum.

The roll-call was concluded.

Mr. ALDRICH (after having voted in the negative). I have been requested to pair with the Senator from Texas [Mr. MAXEY], who would vote "yea" on the bill. I therefore withdraw my vote.

Mr. MITCHELL, of Oregon (after having voted in the negative). I ask leave to withdraw my vote. I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "nay."

Mr. PLATT. After announcing my pair with the Senator from South Carolina [Mr. HAMPTON] some one requested the Senator from Oregon to pair with that Senator. As he has paired with him I will vote. I vote "nay."

Mr. MITCHELL, of Oregon. I was not aware that there was a pair arranged with the Senator from Connecticut.

The result was announced—yeas 44, nays 6; as follows:

YEAS—44.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | Jones of Arkansas, | Ransom, |
| Beck, | Edmunds, | McMillan, | Sabin, |
| Berry, | Fair, | Mahone, | Spooner, |
| Blair, | Farwell, | Manderson, | Teller, |
| Bowen, | Frye, | Miller, | Vance, |
| Call, | George, | Mitchell of Pa., | Van Wyck, |
| Cheney, | Gorman, | Morgan, | Vest, |
| Cockrell, | Gray, | Morrill, | Walthall, |
| Coke, | Harris, | Palmer, | Williams, |
| Cullom, | Harrison, | Plumb, | Wilson of Iowa, |
| Dawes, | Hoar, | Pugh, | Wilson of Md. |

NAYS—6.

| | | | |
|---|---|---|---|
| Brown, | Platt, | Sherman, | Whitthorne. |
| Hawley, | Saulsbury, | | |

ABSENT—26.

| | | | |
|---|---|---|---|
| Aldrich, | Conger, | Jones of Florida, | Riddleberger, |
| Blackburn, | Eustis, | Jones of Nevada, | Sawyer, |
| Butler, | Evarts, | Kenna, | Sewell, |
| Camden, | Gibson, | McPherson, | Stanford, |
| Cameron, | Hale, | Maxey, | Voorhees. |
| Chace, | Hampton, | Mitchell of Oreg., | |
| Colquitt, | Ingalls, | Payne, | |

So the bill was passed.

Mr. WILSON, of Iowa. There is an amendment to the title.

Mr. EDMUNDS. The committee reported an amendment to the title.

The title was amended so as to read "An act to amend the act of Congress approved March 3, 1875, entitled 'An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes,' and to further regulate the jurisdiction of circuit courts of the United States, and for other purposes."

Mr. WILSON, of Iowa. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. WILSON of Iowa, Mr. HOAR, and Mr. PUGH were appointed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask leave now to report back from the Committee on Appropriations the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, with sundry amendments. I give notice that I shall ask the Senate to consider the bill early to-morrow.

Mr. TELLER. How early?

Mr. ALLISON. As early as the Senate may choose to come here.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 175) for a public building at Monroe, La., with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PUBLIC BUILDING AT MONROE, LA.

Mr. MORGAN. I ask the Chair to lay before the Senate the action of the other House on the bill for a public building at Monroe, La.

The PRESIDING OFFICER (Mr. HARRISON). The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 175) for a public building at Monroe, La.

Mr. MORGAN. The other House reduced the appropriation $25,000, and I ask that the Senate concur in the amendments.

Mr. EDMUNDS. Let us hear the amendments of the House of Representatives read.

The PRESIDING OFFICER. The amendments of the House of Representatives will read.

The CHIEF CLERK. In line 19, before the word "thousand," strike out "one hundred" and insert "seventy-five;" and in line 20, after "dollars," insert:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building.

Mr. EDMUNDS. What is the context relating to the sum appropriated?

The PRESIDING OFFICER. The Secretary will report the amendment in connection with the context.

Mr. EDMUNDS. The first part; the context about the $75,000.

The Chief Clerk read as follows:

The plans and estimates for said building shall first be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and the ultimate cost shall not exceed the sum of $75,000.

Mr. EDMUNDS. It reads to amend how much?

The CHIEF CLERK. "One hundred thousand dollars."

Mr. EDMUNDS. That is what I wanted to get at.

The PRESIDING OFFICER. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

DISTRICT PUBLIC SCHOOLS.

Mr. CALL rose.

Mr. HOAR. I ask the Senator from Florida to yield to me while I introduce a resolution for reference to the Committee on Contingent Expenses.

The resolution was read, as follows:

*Resolved*, That the Committee on Education and Labor be instructed to inquire into the condition of the public schools of the District of Columbia, especially as compared with that of the schools in other cities of the United States, and report upon the same to the next session of Congress. Said committee shall be authorized to sit during the recess, the expense of said inquiry to be paid from the contingent fund of the Senate.

The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

JULIA DE QUINDRE.

Mr. CALL. I move to proceed to the consideration of——

Mr. PALMER. I desire to present a conference report.

The PRESIDENT *pro tempore*. The conference report will be received.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2451) for the relief of Mrs. Julia De Quindre, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

H. W. BLAIR,
PHILETUS SAWYER,
T. W. PALMER,
*Managers on the part of the House.*

W. P. TAULBEE,
E. N. MORRILL,
*Managers on the part of the Senate.*

Mr. EDMUNDS. That does not require any vote, the House receding.

MRS. M. E. WOODS.

Mr. WILSON, of Iowa. I submit a conference report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same, with an amendment as follows: Insert in lieu of the word "twelve" the word "twenty;" and that the House agree to the same.

PHILETUS SAWYER,
H. W. BLAIR,
JAMES F. WILSON,
*Managers on the part of the House.*

W. H. NEECE,
JNO. A. SWOPE,
E. H. CONGER,
*Managers on the part of the Senate.*

The report was concurred in.

CUSTOM-HOUSE NIGHT INSPECTORS.

Mr. CALL. I move that the Senate proceed to the consideration of House bill 3116, Order of Business 1993.

The PRESIDING OFFICER (Mr. HARRISON). The bill will be reported by its title for information.

The CHIEF CLERK. A bill (S. 3116) for the relief of night inspectors of the ports of New York and Baltimore.

RECESS.

Mr. EDMUNDS. Pending that I move that the Senate adjourn until 10 o'clock to-morrow morning.

Mr. ALLISON. I hope the Senator will put his motion in a little different form. I suggest that he say "take a recess until 10 o'clock."

Mr. EDMUNDS. No; this gives us the same time.

Mr. HOAR. No; you have to read the Journal then instead of reading it at 11 o'clock. If you take a recess you have the advantage of another day.

Mr. EDMUNDS. I moved to adjourn until 10 o'clock.

Several SENATORS. Make it a recess.

Mr. EDMUNDS. Very well; I will change my motion and move that the Senate now take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate now take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate took a recess until Thursday, March 3, at 10 o'clock a. m.

MORNING SESSION.

The Senate reassembled at 10 o'clock a. m., Thursday, March 3.

The PRESIDENT *pro tempore*. The hour of 10 having arrived the Senate resumes its session.

ORDER OF PROCEEDING.

Mr. CALL. Before the Senate took its recess last night I had moved to proceed to the consideration of Senate bill 3116.

Mr. EDMUNDS. There is no quorum here. I think the Senator had better wait until we get the Senate a little fuller.

Mr. CALL. If I can do so without losing the privilege I have to the floor I will wait.

The PRESIDENT *pro tempore*. The Senator from Vermont suggests the absence of a quorum.

Mr. EDMUNDS. I will not move to adjourn, because I believe Senators want to do something as of yesterday, but I really think we ought to wait a little while to have enough Senators here to make an air of decency about our performances.

Mr. CALL. I suppose it will not be right to proceed before there is formally a quorum in the Senate.

TELEGRAPHIC OCEAN CABLES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, on motion of Mr. MANDERSON, ordered to lie on the table. and be printed:

*To the Senate of the United States:*

I transmit herewith a report of the Secretary of State, with accompanying papers, furnished in response to the resolution of the Senate of the 26th ultimo, calling for information touching the conditions under which certain transatlantic telegraph companies have been permitted to land their cables in the United States, and touching contracts of such companies with each other or with other cable or telegraph companies.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, March 2, 1887.*

SERVICES OF COUNT PULASKI.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and be printed.

*To the Senate of the United States:*

In response to the resolution of the Senate of the 14th ultimo, requesting information concerning the service rendered by Count Casimir Pulaski, a brigadier-general of the Army of the United States in the years 1777, 1778, and 1779, and also respecting his pay and compensation, I transmit herewith reports upon the subject from the Secretary of State, the Secretary of the Treasury, and the Secretary of War.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1887.*

BAYOU PLAQUEMINE, LOUISIANA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting reports of engineer officers of the results of a survey made in compliance with the river and harbor act of August 5, 1886, of the mouth of Bayou Plaquemine, Louisiana; which, with the accompanying papers, was ordered to lie on the table, and be printed.

PETITION.

Mr. HARRIS presented a petition of the Cotton Exchange of Memphis, Tenn., praying for the extension and encouragement of the Signal Service; which was ordered to lie on the table.

EMILE GUERIN AND CHERI P. MAJOR.

Mr. EDMUNDS. I rise to a privileged question. The other day I entered a motion to reconsider the vote on the passage of the bill (H. R. 6330) relative to the private land claim of Emile Guerin and Cheri P. Major. I have been assured that, although the bill is a quitclaim to particular parties, there is no other claimant, and that these parties are purchasers from people who held the estate for nearly a century. While it is not a very good way to investigate, I am satisfied that it must be so, and I ask leave to withdraw my motion to reconsider.

The PRESIDENT *pro tempore*. The Senator from Vermont asks leave to withdraw his motion to reconsider the vote by which the Senate passed the bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands. Is there objection? The Chair hears none, and the motion is withdrawn.

Mr. EDMUMDS. The bill stands passed.

The PRESIDENT *pro tempore*. The bill stands passed.

CUSTOM-HOUSE NIGHT INSPECTORS.

Mr. CALL. I now move that the Senate proceed to the consideration of Order of Business 1993, being Senate bill 3116.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of the bill (S. 3116) for the relief of night inspectors of the ports of New York and Baltimore. The question is on agreeing to the motion. [Putting the question]. The ayes appear to have it. The ayes have it, and the bill is before the Senate as in Committee of the Whole.

Mr. TELLER. I do not desire to object to that bill, but I want to give notice that I propose to object to every Senate bill that is brought up here until we have disposed of some of the House bills, which are matters of public importance and which ought to be passed. The House of Representatives has sent to us a large number of bills for bridges across navigable waters, matters of public interest that we ought to pass, and it will be indecent almost for the Senate to adjourn and leave those bills on the Calendar.

I am not going to object to this bill, of course, as it is up, but I give notice now, so that I shall not be charged with antagonizing any particular measure, that I shall object hereafter. I want to go to the Calendar and dispose of the class of bills to which I referred, and as many more as we can.

Mr. HOAR. What is the order of business just taken up?

The CHIEF CLERK. Order of Business 1993, a bill (S. 3116) for the relief of night inspectors of the ports of New York and Baltimore.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and will be read at length.

Mr. VEST. Is that a Senate bill?

The PRESIDENT *pro tempore*. It is a Senate bill.

Mr. VEST. I object to its consideration.

The PRESIDENT *pro tempore*. The bill has been taken up already, and is in Committee of the Whole and open to amendment. It will be read.

Mr. EDMUNDS. That bill may be correct, or it may not; but it is, of course, utterly hopeless, if it be a good bill, to pass it at this time, and we hardly want to take up time to go into a discussion and examination of the grounds on which the Secretary of the Treasury for an indefinite length of time is to have the free discretion to investigate the pay of the night inspectors at two ports in the United States, when there are a great many more ports that have night inspectors also, and proceed to take out of the Treasury and give them what he likes.

While it may be entirely right on explanation, it does seem to me that it would be better to consider bills to which there can be no objection and which are in such a state that they can be fairly passed, like some House bridge bills, I am told, that are matters of merely local interest, when safely guarded. But I do not want to do anything that my friend from Florida will think unkind. It is really hopeless, however, no matter how good the bill is, to go on with it.

Mr. CALL. Mr. President, I do not want to detain the Senate. I am friendly to these persons, and I am assured by the highest authority that these cases have received consideration at the hands of the Treasury Department, and that this action is recommended and approved by it; that the cases are within the law, and highly meritorious cases. It simply refers the matter to the Secretary of the Treasury to examine into it and take evidence, and do what is right and proper in the premises. I understand that it is a measure of great justice.

Mr. EDMUNDS. I am informed, and believe it to be correct, that there is yet an unexecuted resolution of the Senate calling on the Secretary of the Treasury for information on this very subject, which the Secretary has not yet responded to, offered, I understand, not long ago by the Senator from Missouri [Mr. COCKRELL], not now in his seat. Under those circumstances, and in order to test the sense of the Senate about getting on, with great respect to my friend from Florida, I move to lay the bill on the table without intending to prejudice it.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to lay the pending bill on the table. [Putting the question.] The ayes appear to have it.

Mr. CALL. I ask for a division.

The PRESIDENT *pro tempore*. A division is called for.

Mr. CALL. I ask the Senator from Vermont to allow the bill to remain on the Calendar.

Mr. VEST. Yes; let it stay on the Calendar.

Mr. HARRIS. The position of the bill is not changed.

The question being put on a division, the ayes were 20——

Mr. CALL. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are demanded.

Several SENATORS. Withdraw the call.

Mr. CALL. I withdraw the demand. The Senator from Maryland [Mr. GORMAN] who has charge of the bill is now in the Chamber.

Mr. GORMAN. I reported the bill by direction of the Committee on Commerce, but, as the Senator from Vermont suggests, it will be utterly impossible to pass a Senate bill through both Houses. I will therefore appeal to my friend from Florida to allow the bill to be postponed.

Mr. EDMUNDS. All right; I withdraw the motion to lay on the table if we can stop debate.

The PRESIDENT *pro tempore*. The Chair was unable to hear the motion of the Senator from Maryland.

Mr. GORMAN. I move that the further consideration of the bill be postponed.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the further consideration of the bill be indefinitely postponed.

Mr. CALL and others. Not indefinitely.

Mr. HARRIS. No; postponed until to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the bill until to-morrow.

Mr. TELLER. I understand the bill is simply to be postponed.

Mr. CAMERON. Not indefinitely?

The PRESIDENT *pro tempore*. The motion is to postpone the bill until to-morrow.

The motion was agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HERBERT, Mr. SAYERS, and Mr. J. R. THOMAS managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. Res. 264) providing for printing the annual report of the Commissioner of Labor, in which it requested the concurrence of the Senate.

## NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. BECK, it was

*Resolved*, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. ALLISON, and Mr. BECK.

## WILLIAM M. MORRISON.

Mr. TELLER. I move that the Senate proceed to the Calendar of House bills and take up unobjected cases.

Mr. DAWES. Will the Senator listen to me for a moment?

Mr. TELLER. I will yield if I do not lose my right to the floor.

Mr. DAWES. It is in line with what the Senator wants to accomplish.

Mr. TELLER. I will not yield to anybody to lose the benefit of my motion. I propose to insist upon the motion to go to the Calendar and take up unobjected House bills.

Mr. EDMUNDS. Ask unanimous consent.

The PRESIDENT *pro tempore*. The Chair suggests to the Senator from Colorado that that motion can not be made under the rules. Unanimous consent can be asked that the Senate proceed to the consideration of House bills on the Calendar, but a motion must apply to one bill or one subject.

Mr. DAWES. I am obliged to leave the Senate Chamber probably for most of the day. There is a little House bill upon the Calendar that will not be reached under half or three-quartres of an hour.

Mr. HARRIS. What is the order of business?

Mr. DAWES. It is Order of Business 2259, reported from the Committee on Indian Affairs. The amount involved is $1,800. There can be no objection to it. I do not want to interfere with the order of business suggested, but it would accommodate me very much if the Senate would take up that little bill. If there is any objection to it of course it will go over.

The PRESIDENT *pro tempore*. The Senator from Massachusetts has a right to make a motion to proceed to the consideration of a bill on the Calendar.

Mr. DAWES. I move to proceed to the consideration of the bill (H. R. 2629) for the relief of William M. Morrison.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to William M. Morrison, of Jefferson County, West Virginia, upon receiving report from Commissioner of Indian Affairs recommending same, the sum of $1,800, in full satisfaction for supplies furnished the Otoe and Missouria tribes of Indians under contract, and for goods stolen by Indians from his storehouse.

Mr. EDMUNDS. Let us hear the report read.

The PRESIDENT *pro tempore*. The Chair is informed that there is no report.

Mr. DAWES. There is a House report.

Mr. EDMUNDS. Let us hear that read.

The Chief Clerk read the following report submitted by Mr. FLEEGER to the House of Representatives June 22, 1886:

The Committee on Claims, to whom was referred the bill (H. R. 2629) for the relief of William M. Morrison, having had the same under consideration, respectfully submit the following report:

A bill for the relief of the claimant in this case was presented in the Forty-eighth Congress and referred to the Committee on Indian Affairs. Mr. Graves, from said committee, made a report, finding the facts and recommending the passage of the bill for the amount of $1,800.

Your committee, after a careful examination of the case, concur in the report made by Mr. Graves, adopt the same, and recommend that the present bill be amended by inserting in the sixth line, between the words "appropriated" and "the," the following, "upon receiving report form Commissioner of Indian Affairs recommending same;" also by striking out, in the sixth and seventh lines, the words "two thousand one hundred and twenty dollars and fifty cents," and inserting in lieu thereof the words "eighteen hundred dollars," and as so amended recommend the passage of the bill.

The report of Mr. Graves was as follows, to wit:

[House of Representatives Report No. 2589, Forty-eighth Congress, second session.]

The Committee on Indian Affairs, to whom was referred the claim of William M. Morrison, formerly a licensed trader at the agency of the Otoe and Missouria agency, has had the same under consideration, and beg leave to report:

That the claim embraced in the bill for $3,120.50 is composed of two accounts:

(1) A claim of $304.47 for goods and property stolen by the Indians of said agency from said Morrison's storehouse.

(2) A claim of $1,816.03 for supplies furnished under the direction of W. W. Dennison, at that time United States Indian agent for Otoe and Missouria Indians.

The first of said claims, for $304.47, is supported by the affidavit of the claimant, corroborated by the affidavits of Robert P. Dowell and Stephen Wood, who swear that they, of their own personal knowledge, know that the trading-house of said Morrison was broken into at the time named in his affidavit, and that it was robbed of a large amount of goods, and that from the fact that a part of the goods were found in possession of some of these Indians who confessed the depredation, as well as from other circumstances, these witnesses say they believe the robbery was committed by the Otoes and Missourias. Your committee is of opinion that this item of the claim is adequately proven, and that said Morrison is entitled to restitution out of any money held by the United States in trust for said Indians.

The second item, of $1,816.03, is placed upon the ground that in 1860 the crops of the Otoes and Missouria Indians were destroyed by drought, and that these Indians were in a starving condition, and that but for these supplies, furnished them by direction of the Indian agent, they would have greatly suffered, and perhaps starved.

The fact that the claimant, Morrison, under these circumstances, and at the request of the agent, William W. Dennison, furnished supplies to these Indians to relieve their distress is proved by the affidavits of the claimant, Morrison, and of two other witnesses, Robert P. Dowell and Stephen Wood, who testify that they were at that time assistant engineers in the Engineer Corps of the Army at the Indian reservation, and heard the agent give the orders to Morrison to advance supplies for the relief of these Indians. The witnesses, Wood and Dowell, also testify that Morrison did, in compliance with such orders of the agent, advance supplies, and thus prevented much distress, and perhaps starvation, among these Indians. But the claimant is the only witness who testifies as to the amount of goods so advanced, and he is the only witness who testifies to the value thereof. The same is likewise true concerning the evidence as to amount and value of goods embraced in the first of the foregoing items.

These claims were passed upon by a similar committee in the Forty-seventh Congress, and the one of $1,816.03 was disallowed, because it did not appear from any evidence but that claimant had already been paid out of annuities of these Indians, which by the evidence seems to have been stopped for that year for the purpose of furnishing the needful supplies for support of these Indians.

But letters from the Department of the Interior and Second Auditor's office, showing an examination of the proper records, fail to disclose any payment or allowance of any claim in favor of Morrison for the supplies so furnished these Indians upon the agent's orders. While it would have been more satisfactory had the testimony of the agent, W. W. Dennison, been procured, or its absence accounted for, yet, in the opinion of your committee, the evidence justifies the conclusion that upon both items of the account the claimant is entitled to relief, and would therefore report favorably upon said bill and recommend its passage for the amount of $1,800 in full satisfaction of such claims, instead of the amount named therein.

Mr. EDMUNDS. I should like to have the Senator explain it. The House report gives us no information at all.

Mr. DAWES. I will explain it. The Otoes and Missourias were in distress. There was no appropriation to supply them. The agent requested this man to supply them to keep them from starving, and he supplied them with $1,800 worth of provisions, and had the approval

of the Secretary of the Interior for that purpose. It is to recover that sum that the bill provides.

Mr. EDMUNDS. It is a good bill then, as you state it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE, from the Committee on Appropriations, to whom was referred the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes, reported it with amendments.

WASHINGTON CABLE RAILWAY.

Mr. PALMER. I move that the Senate proceed to the consideration of the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

Mr. VAN WYCK. That will be a very good bill to take up the whole time of the Senate upon. There are other bills that ought to pass.

Mr. SPOONER. I ask the Senator from Michigan pending that to yield to me a moment.

Mr. PALMER. I will yield to the Senator from Wisconsin.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 1989.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that this bill be informally laid aside——

Mr. ALDRICH. How can it be laid aside before it is taken up?

Mr. HARRIS. The bill is not yet taken up.

The PRESIDENT *pro tempore*. The Chair understood that there was no objection to it.

Mr. VAN WYCK. There was objection.

Mr. MORRILL. I rose to object.

The PRESIDENT *pro tempore*. The Chair will submit the motion of the Senator from Michigan [Mr. PALMER] to the Senate.

Mr. TELLER. What bill does he desire to get up?

Mr. MORRILL. The cable railroad bill; that will take all of the session.

Mr. VAN WYCK. Certainly it will, and half of the next.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

The motion was not agreed to.

LAND TITLES IN WASHINGTON.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 10991) to quiet title to certain land in the city of Washington, District of Columbia.

Mr. CONGER. I desire to say that after this bill is passed I shall ask the Senate to take up bridge bills.

The PRESIDENT *pro tempore*. The Chair again calls the attention of Senators to the embarrassment under which he labors by the existing confusion in the order of business. The rules require that the Senator first rising shall be first recognized, but when there are upon the floor a large number simultaneously demanding recognition from the Chair it is impossible to recognize them all at once. It would be a great accommodation to the Chair and comport with the business of the Senate if some order of business could be adopted. The Senator from Wisconsin moves to proceed to the consideration of the bill indicated by him.

Mr. PLATT. Suppose we have the bill read for information.

Mr. BECK. If that is a House bill I have no objection. I thought as stated it was a Senate bill.

Mr. SPOONER. It is a House bill, reported without amendment.

Mr. PLATT. Then I withdraw my request.

Mr. BECK. I have no objection to its consideration.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Wisconsin to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to quit-claim and release unto the heirs and assigns of James S. Magee, deceased, their heirs and assigns, all the right, title, and interest of the United States in and to lot numbered 13, in square 691, in the city of Washington, as the same is laid down upon the original plat or plan of the city.

Mr. HARRIS. I did not rise for the purpose of saying that I was in favor of the bill, but for the purpose of hanging upon it a suggestion. If we go to the House bills on the Calendar favorably reported we can utilize the little time that remains to us. If we do not, the whole of the time until the legislative appropriation bill shall have been taken up will be wasted in a scramble for consideration. When the pending bill is disposed of I express the earnest hope that the Senate will proceed to the consideration of House bills on the Calendar favorably reported.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. DOMINIC'S CHURCH.

Mr. VANCE. I move to take up for consideration a District of Columbia bill, Order of Business 2270, House bill 10799.

Mr. CONGER. I object to going back to take up bills not in order on the Calendar, unless the bridge bills, which have to be amended and sent back to the House for concurrence, some of them, and are of great public utility, can be passed first. Then I shall have no objection to going back.

The PRESIDENT *pro tempore*. The question is on the motion submitted by the Senator from North Carolina [Mr. VANCE].

Mr. PLATT. Let the bill be read by title.

Mr. TELLER. I want to say one word to the Senate. A committee, organized by both sides of the Senate, agreed, and we all understood it to be the universal consent of the Senate, that we should dispose of House bills in the order in which they stand upon the Calendar. I have upon the Senate Calendar some bills that I am particularly anxious to pass, but I have refrained from calling those up in my anxiety to see the Calendar of House bills disposed of, so that we may pass upon all cases coming from the House that are not objected to by anybody. I appeal to the Senator from North Carolina to let the Calendar go on and his bill will be reached, and will be passed if there is no objection to it. In the method we are now proceeding we are not going to accomplish anything. I ask the Senator to withdraw his motion and let us go to the Calendar of House bills, and run through it in regular order.

Mr. VANCE. I have been trying to get to the Calendar and have objected to several Senators' bills for the purpose of reaching the Calendar of House bills, and for no other purpose, and now that I have at last obtained the floor on the motion to take up this bill I hope I shall not be stopped until I get the bill through. Then I will help Senators to get to the Calender.

Mr. TELLER. When the Senator has his bill through.

Mr. VANCE. I have other bills more important to me, but we could have passed this bill without objection while the Senator and I have been talking about it.

Mr. SHERMAN. I give notice that after the Senator from North Carolina shall get his little lamb out of the way I will try again to recall the Senate to the agreement made and the general understanding that we should proceed with House bills, and I will move to take up the first House bill on the Calendar.

Mr. HOAR. I ask unanimous consent that, after the pending motion has been disposed of, the Chair shall recognize Senators to move to take up unobjected House bills on the Calendar in their order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that, after the disposition of the pending question, the Chair shall recognize Senators asking for action upon House bills on the Calendar.

Mr. EDMUNDS. I object to that.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. EDMUNDS. Let us have equal rights.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent to withdraw the report just made by me on the deficiency appropriation bill. There are certain other things in the committee which ought to be added to it before the final report.

The PRESIDENT *pro tempore*. If there be no objection the report will be withdrawn.

ST. DOMINIC'S CHURCH.

Mr. TELLER. I am not going to make further opposition if the Senator from North Carolina insists on taking up his bill. If we can then go to the Calendar of House bills, I am willing we should so proceed. If not I give notice that there will be no further legislation in this session except the appropriation bills. I propose to see that we carry out an order that we have all agreed to in this part of the House, and that it shall not be said of this Senate that with plenty of opportunities to pass these unobjected cases we adjourned, leaving them on the Calendar to the great detriment of the public service. We can take up these bills and go through with them in their order until somebody objects or we shall cease legislation except upon the bills I have mentioned.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina [Mr. VANCE.]

Mr. EDMUNDS. Let the title of the bill be read.

The CHIEF CLERK. A bill (H. R. 10799) for the relief of St. Dominic's Church, in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It is a direction to the Commissioners of the District of Columbia to remit all taxes, penalties, and interest heretofore assessed and now due and unpaid on all that portion of square No. 466, in the city of Washington, which is exclusively used for religious and educational purposes.

Mr. EDMUNDS. I should like to hear the report. All these churches stood on the same ground in respect to taxation about their property,

and I should be glad to hear the report read to see how it happens that this particular society is to have relief without the others. Perhaps the others have got it already. Let us see what it is.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. VANCE, from the Committee on the District of Columbia, February 18, 1887:

Your committee, to whom was referred the bill (H. R. 10790) for the relief of St. Dominic's Church, in the District of Columbia, having considered the same, recommend its passage. A previous bill (S. 3097) having the same object in view, and couched in the same language, having been reported favorably and being now upon the Calendar, this bill is recommended as a substitute therefor, and that the further consideration of Senate bill 3097 be indefinitely postponed.

The Senate report No. 1663 is adopted as explaining the facts sufficiently.

The Secretary also read the following report, submitted by Mr. VANCE, January 17, 1887:

The Committee on the District of Columbia, to whom was referred Senate bill 3097, having considered the same, report as follows:

This bill for the relief of St. Dominic's church, in the city of Washington, is similar in its provisions to several other bills which have from time to time been acted upon favorably by Congress to relieve church property from taxes which have been assessed against it subsequent to the purchase of the ground for such purpose but prior to the erection of the building thereon.

The opinion of the commissioners of the District was requested upon this measure, to which they made the following reply, which is herewith incorporated and made part of this report:

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
*Washington, January 12, 1887.*

DEAR SIR: The Rev. Father Donelly has informed me that you would be glad to hear without further preliminaries what the opinion of the commissioners of the District of Columbia is with respect to the application of St. Dominic's church, in the city of Washington, for exemption from taxation upon certain of the property held by that church for educational purposes. It appears to the satisfaction of the commissioners that the property in question has never been used for the purposes of revenue, but solely and entirely for educational and religious uses, part of it being occupied by an incomplete building used as a school and another part in connection with said school as a ground for necessary recreation. Upon the whole, and in view of the other and similar cases where exemption has been allowed, the commissioners think the property in question should be exempted as prayed, and so recommend.

Very respectfully,

W. B. WEBB, *President.*

Hon. ZEBULON VANCE,
*United States Senate.*

Your committee having found, upon examination, that the description by number of the lot is erroneous in part have amended the bill to cover only the property affected; and as so amended, recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROAD TO VICKSBURG NATIONAL CEMETERY.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of the first House bill on the Calendar under the Harris rule.

The motion was agreed to

Mr. HARRIS. That is Order of Business 2196.

The PRESIDENT *pro tempore*. The bill will be stated by its title.

The CHIEF CLERK. A bill (H. R. 8593) for the repair and preservation of the road, heretofore constructed by the Government, leading from Vicksburg to the national cemetery adjacent thereto.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair will continue the call of House bills in their order.

ALEXANDER WORRALL.

The bill (H. R. 4476) for the relief of Alexander Worrall was considered as in Committee of the Whole. It provides for payment to Alexander Worrall of $676.33, for the purpose of refunding and repaying to him the amount of judgment recovered from him for damages for the occupation of a property in the State of Virginia, the damages having been recovered for occupation by the owner of the property during a period when Worrall rented the property from the Government of the United States and paid rent therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. WESTMORELAND.

The bill (H. R. 6663) for the relief of Thomas P. Westmoreland was considered as in Committee of the Whole. It provides for the payment to Thomas P. Westmoreland, of Atlanta, Ga., of $500, in payment and satisfaction for his services as prosecuting attorney for the people of the United States against Robert Bolton, W. B. Freeland, Charles Miller, and James F. Self, for murder, in the courts of the United States, under and pursuant to the order of the circuit judge of the United States court in the northern district of Georgia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SAMUEL F. RICE.

The bill (H. R. 8751) for the relief of Samuel F. Rice was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, which was to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Samuel F. Rice, of Montgomery, Ala., out of any moneys in the Treasury not otherwise appropriated, the sum of $1,000, the same to be in full payment and satisfaction for his services as assistant prosecuting attorney for the people of the United States in forty-two criminal cases in the circuit court of the United States for the middle district of Alabama, forty-one of which were against deputy marshals for alleged violations of section 5438 of the Revised Statutes, and the other for alleged perjury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PUGH. I move that the Senate insist on its amendment and request a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PUGH, Mr. GEORGE, and Mr. WILSON, of Iowa, were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 8346) authorizing the employment of mail-messengers in the postal service; and

A bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

NATIONAL BANKS IN RESERVE CITIES.

The bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States was considered as in Committee of the Whole.

Mr. SHERMAN. I am directed by the Committee on Finance to report a substitute for that bill striking out the whole bill and inserting what I send to the Chair.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu to insert:

That whenever three-fourths in number of the national banks located in any city of the United States having a population of 50,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the list of cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller shall have authority to grant such request, upon the condition that every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes.

SEC. 2. That whenever three-fourths in number of the national banks located in any city of the United States having a population of 200,000 people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful-money reserve of the national banks located in other reserve cities may be deposited, as provided in section 5195 of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, upon the condition that every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, 25 per cent. of its deposits, as provided in section 5191 of the Revised Statutes.

Mr. CULLOM. I should like to have some Senator on the Finance Committee explain that; I am not familiar with its provisions.

Mr. SHERMAN. I will explain it; and as this is an important bill I trust that Senators will listen to me while I explain it very briefly.

There has been a constant demand made upon the Finance Committee and upon Congress from time to time by rival cities in the United States to have what they call the benefits of reserve cities, described by section 5191 of the Revised Statutes. That section designated certain cities in the United States the banks in which were required to keep on hand 25 per cent. of the amount of their deposits, to deposit a portion of their deposits in the city of New York. They were called reserve cities, and all the other banks in the United States outside of those cities might deposit in banks in these reserve cities three-fifths of the amount of their deposits.

As this struggle constantly came before Congress the Committee on Finance have endeavored to prescribe a general rule by which cities containing 50,000 inhabitants and upwards may, upon a vote of the banks in those cities themselves, without applying to Congress, by the action of the Comptroller of the Currency, be designated as reserve cities. That is the explanation of the first section.

The second section is much more important. Some of the large cities like Chicago have complained that New York, under our banking laws, has a great advantage because it is the single central reserve of all the banks; but New York is required to keep on hand in the banks, without any right of deposit elsewhere, 25 per cent. of the deposits. This second section authorizes cities containing 200,000 inhabitants and upwards, upon the application of four-fifths of the banks in any such cities, to become like New York central reserves, the same condition that they shall stand exactly on the same footing as to deposits as the

city of New York. That is, they shall have 25 per cent. of the amount of deposits.

The rule appeared to be so equitable and just that to relieve Congress from this contention between rival cities we adopted it. It has been very carefully prepared and we recommend its adoption as a permanent rule to enable the Comptroller of the Currency to allow any city of 50,000 inhabitants, whenever four-fifths of the banks there desire it, to be a reserve city; and whenever any city of 200,000 inhabitants thinks it is of so great importance that it should become a central reserve city it may become such upon a like application by the banks of that city and a like approval of the Comptroller of the Currency subject to the approval of the Secretary of the Treasury.

Mr. ALLISON. Shall I understand the Senator from Ohio to say that under this substitute a reserve bank, for instance, in Kansas City, may keep a portion of its reserve in Chicago or any other city having 200,000 inhabitants?

Mr. SHERMAN. Undoubtedly.

Mr. ALLISON. Will the Senator state exactly how that can be done?

Mr. SHERMAN. Under section 5195 of the Revised Statutes, which is especially referred to in the section, they can deposit in the cities named in section 5191 one-half——

Mr. ALLISON. Take, for illustration, Chicago. Suppose Chicago is designated as one of the central reserve cities like New York.

Mr. SHERMAN. One of the great reserve cities.

Mr. ALLISON. Yes. Can Chicago deposit anywhere else except New York under this bill?

Mr. SHERMAN. No, and it ought not to. It is put exactly on the same footing as New York. If Chicago becomes a great central reserve for the banks of reserve cities it must have in its vaults 25 per centum of the deposits.

Mr. ALLISON. So I agree.

Mr. SHERMAN. That makes it exactly like New York. New York can not put its deposits all over the country. I think there is no objection to the amendment. I do not care to say anything more about it.

Mr. CULLOM. I wanted the bill explained. I thought that was what it meant, but I was not sure about it.

Mr. MANDERSON. I should like to ask a question as to the practical working of this bill. Take, for instance, the city of Omaha. That would have the right to make application which could be granted by the Comptroller of the Currency for the privileges of the first section. Then where would the deposit reserve of a national bank in Omaha be kept? Entirely in the city of Chicago, or part in the city of Chicago and part in New York?

Mr. SHERMAN. It could be put in either of the great central reserves; that is, one-half of the deposits required under the law in Omaha may be deposited in either New York or Chicago in case Chicago should become a great central reserve.

Mr. MANDERSON. A bank would have the option to deposit either in Chicago or in New York?

Mr. SHERMAN. No doubt about it.

Mr. MANDERSON. At the request of the Senator from Kansas [Mr. PLUMB], who is detained in a conference committee, I move to strike out the word "fifty," in line 5 of section 1, and insert "thirty," so that it will apply to cities of thirty thousand people and over.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska to the amendment reported by the Senator from Ohio from the Committee on Finance.

Mr. SHERMAN. I trust that will not be adopted. Fifty thousand even is a little too low in my judgment, because I do not think any place ought to be considered a reserve town for banking deposits unless it contains a larger population than that. Fifty thousand includes every city that has been named thus far as a competitor for this reserve privilege. For instance, in New England there is no necessity for any but Boston; Providence is so near, a large and flourishing city, and there are other large cities, yet they do not require it. It is really a burden on them, and therefore I beg do not ask it. This includes every city for which an application has been made to become a reserve city under the language of section 5191.

Mr. WILLIAMS. Mr. President, I offer a new section——

Mr. MORRILL. That is not in order now.

The PRESIDENT *pro tempore*. That would not be in order at this time.

Mr. VEST. I hope this amendment will not be adopted. In the present condition of the public business between the two Houses of Congress it amounts to a defeat of the bill. In the Revised Statutes Congress adopted in sections 5191 and 5192 the public policy of naming specifically the cities that should be called reserve cities under that law. In other words, Congress reserved to itself the discretion instead of vesting it in an officer or bureau of the Treasury Department to say when these cities should become reserve cities, and the original bill to which this is a substitute simply added certain cities, still pursuing the policy heretofore adopted of reserving this discretion to Congress alone.

Mr. MORRILL. Will the Senator from Missouri allow me to say to him that we could not pass the original bill without adding three or four or half-a-dozen names of cities, which would make it necessary to send the bill back to the House, and, as I understand it, the House is favorable to the amendment we propose, and that will obviate the addition of names every year to the list of reserve cities.

Mr. VEST. As I understand the position of the House of Representatives, without violating any parliamentary rule, the very reverse is the fact in regard to the probability of the enactment of this law and the passage of this substitute in the House. It will elicit debate there, and debate means defeat at this period of the session. I want the Senate to distinctly understand that the information I have now is that if this substitute is adopted it is equivalent to defeating all legislation during this Congress. On the other hand, if a few cities should be added to those named in the bill, one of which I suggested myself to the Committee on Finance of the Senate, those amendments would be concurred in by the House immediately, and it would not result in even a temporary delay.

Now, what is the result of this proposed legislation? Congress abnegates its own discretion in this matter and leaves it to the Comptroller of the Currency. It is not mandatory on that officer, but he exercises the discretion whether he, after the national banks in the different cities have petitioned, shall permit them to come in as reserve cities or not. It seems to me at this stage of the session we should understand distinctly the effect of adopting this substitute. It gives no sort of relief as compared with the original bill, but, on the other hand, it results in the defeat of any bill at all. I do not charge that that is the purpose of the committee. The bill has been pending before the Finance Committee; several of us have called on that committee from time to time to take action upon it, anticipating the very thing that has happened, that they would come in here at the close of the session when we were in this nebulous conditon, every man fighting for his local measure—come in here with some sort of amendment or substitute that would elicit debate in the House and defeat the original bill.

Mr. SHERMAN. The Senator will see that this was reported three weeks ago.

Mr. VEST. I understand; but during all that interval why was not the bill taken up? We know what condition we are in, threatened with an extra session, committees of conference out, appropriation bills thrusting everything else aside. Now we are confronted with a substitute that will bring about such a condition in the House as will inevitably defeat the original bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Ohio.

Mr. MANDERSON. This is the amendment of the Senator from Kansas [Mr. PLUMB], and I have received word from him that he will be here in a moment in order to press its consideration.

I desire, however, to call the attention of the Senate to another matter. I would not favor the bill as it came from the House. I think there are many practical objections to it which I will not take up time to consider. The substitute, I think, is quite acceptable to all who represent Western interests, with the explanation given by the Senator from Ohio. I think, however, that the criticism of the Senator from Missouri upon this substitute is a good one. I do not think Congress should abdicate its power and give the right to the Comptroller of the Currency or to the Secretary of the Treasury to say whether or not these cities should have the privileges granted by the two sections of this substitute, but it should be imperative upon the Comptroller when three-fourths of the banks in any city of 50,000 or 30,000 people, as the case may be, shall make application to grant to that city the reserve privileges.

I propose to follow up the amendment of the Senator from Kanaas which I have offered, with another to strike out from the first section of the substitute the words "have authority to," in line 10, and the words "have authority with the approval of the Secretary of the Treasury to," in lines 9 and 10 of section 2, so that it shall be imperative on the Comptroller when the provisions of these sections are complied with to grant such requests.

## ADJOURNMENT.

Mr. HOAR. I ask unanimous consent that when the Senate assemble at 11 o'clock on the 3rd of March, the reading of the Journal be dispensed with. It is obvious that it can not be made up by the Secretary in the short time remaining.

The PRESIDENT *pro tempore*. The Chair does not think that unanimous consent can be given at this time to suspend the reading of the Journal of a previous day.

Mr. HOAR. I beg the Chair's pardon. We can abolish the rule requiring the reading of the Journal altogether by unanimous consent for the whole year.

The PRESIDENT *pro tempore*. Only by a change of the rules.

Mr. HOAR. Can not unanimous consent always change a rule?

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that when the Senate assemble to-morrow unanimous consent be given for dispensing with the reading of the Journal. Is there objection?

Mr. MORGAN. I object.

Mr. SHERMAN. I move that the Senate do now adjourn.

Mr. CONGER. I hope the Senator will allow me to report a bill to be placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the report will be received.

REPORT OF COMMITTEE.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi, reported it without amendment.

Mr. SHERMAN. I give notice that as soon as the formal morning business is over I will move to take up House bills in their order.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves that the Senate adjourn.

Mr. RIDDLEBERGER. I assume that this matter of giving notice does not give precedence. It is merely the suggestion of the Senator giving the notice.

The PRESIDENT *pro tempore*. It is moved that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 57 minutes a. m., Thursday, March 3) the Senate adjourned until Thursday, March 3, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate March 2, 1887.*

ARMY PROMOTIONS—ADJUTANT-GENERAL'S DEPARTMENT.

*To be assistant adjutants-general with the rank of colonel.*

Lieut. Col. William D. Whipple, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

Lieut. Col. Chauncey McKeever, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

*To be assistant adjutants-general with the rank of lieutenant-colonel.*

Maj. Oliver D. Greene, assistant adjutant-general, February 28, 1887, *vice* Whipple, promoted assistant adjutant-general with the rank of colonel.

Maj. Samuel Breck, assistant adjutant-general, February 28, 1887, *vice* McKeever, promoted assistant adjutant-general with the rank of colonel.

Maj. Henry C. Wood, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

Maj. James P. Martin, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

APPOINTMENTS IN THE NAVY.

Capt. James H. Gillis, a resident of the District of Columbia, to be a commodore in the Navy, from the 29th of January, 1887, *vice* Commodore P. C. Johnson, deceased.

Commander James O'Kane, a resident of Indiana, to be a captain in the Navy, from the 29th of January, 1887, subject to the examinations required by law, *vice* Capt. J. H. Gillis, promoted.

Lieut. Commander John McGowan, a resident of Pennsylvania, to be a commander in the Navy, from the 29th of January, 1887, *vice* Commander J. O'Kane, promoted.

POSTMASTERS.

William T. Kirk, to be postmaster at Atlanta, in the county of Logan and State of Illinois, in the place of Richard T. Gill, deceased.

Mary McLaughlin, to be postmaster at Lake Forest, in the county of Lake and State of Illinois, in the place of Gilbert Rossiter, whose commission expired February 19, 1887.

Anson O. Doolittle, to be postmaster at Charles City, in the county of Floyd and State of Iowa, in the place of Charles A. Slocum, whose commissioned expired January 13, 1887.

Nathaniel H. Du Foe, to be postmaster at Cedar Falls, in the county of Black Hawk and State of Iowa, in the place of George E. Eberhart, resigned.

William J. Denman, to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky, in the place of Mrs. Mary H. Letcher, whose commission expired February 27, 1887.

Lawrence W. Dower, to be postmaster at Easthampton, in the county of Hampshire and State of Massachusetts, in the place of Jeremiah H. Bardwell, whose commission expired February 5, 1887.

John H. Dennis, to be postmaster at Hastings, in the county of Barry and State of Michigan, in the place of William H. Powers, whose commission expired February 24, 1887.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate, February 26, 1887.*

PROMOTION IN THE ARMY.

*Medical Department.*

Maj. Joseph C. Baily, surgeon, to be assistant medical purveyor with the rank of lieutenant-colonel, November 18, 1886, *vice* Moore, appointed Surgeon-General.

*First Regiment of Cavalry.*

First Lieut. Frederick K. Ward, to be captain, February 11, 1887, *vice* Parnell, retired from active service.

Second Lieut. J. F. Reynolds Landis, to be first lieutenant, February 1887, *vice* Ward, promoted.

*Fourth Regiment of Cavalry.*

First Lieut. Alexander Rodgers, to be captain, February 11, 1887, *vice* Callahan, retired from active service.

Second Lieut. Alexander T. Dean, to be first lieutenant, February 11, 1887, *vice* Rodgers, promoted.

*Ninth Regiment of Cavalry.*

First Lieut. John Contine, to be captain, February 11, 1887, *vice* Valios, retired from active service.

ASSISTANT TREASURER.

Samuel N. Aldrich, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass.

SURVEYOR OF CUSTOMS.

Walter J. Carter, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

COLLECTOR OF CUSTOMS.

Daniel Magone, of New York, to be collector of customs for the district of New York, in the State of New York.

ASSISTANT APPRAISER OF MERCHANDISE.

Thomas S. Tice, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

POSTMASTERS.

William H. Cheney, to be postmaster at South Manchester, in the County of Hartford and State of Connecticut.

James L. Hanna, to be postmaster at Oakland, in the County of Alameda and State of California.

Simon Farnsworth, to be postmaster at Millbury, in the county of Worcester and State of Massachusetts.

Charles Walker, to be postmaster at Lewiston, in the county of Androscoggin and State of Maine.

Thomas Buckley, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut.

Adolph F. Hitchler, to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania.

Martin V. B. Smith, to be postmaster at Morrison, in the county of Whiteside and State of Illinois.

Robert S. Randall, to be postmaster at Bushnell, in the county of McDonough and State of Illinois.

Willett W. DeKay, to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota.

John M. Corse, to be postmaster at Boston, in the county of Suffolk and State of Massachusetts.

George W. Osgood, to be postmaster at Mendon, in the county of Saint Joseph and State of Michigan.

George A. Rush, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania.

Agnes J. Smith, to be postmaster at Stockbridge, in the county of Berkshire and State of Massachusetts.

James Shevlin, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

Walter L. Keith, to be postmaster at Campello, in the county of Plymouth and State of Massachusetts.

George C. Thompson, to be postmaster at Midland, in the county of Midland and State of Michigan.

Abner M. Moon, to be postmaster at Dowagiac, in the county of Cass and State of Michigan.

Dudley C. Brown, to be postmaster at Brandon, in the county of Rutland and State of Vermont.

James Mulligan, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island.

Daniel J. McGrory, to be postmaster at Westchester, in the county of Westchester and State of New York.

Asa M. Dickey, to be postmaster at Bradford, in the county of Orange and State of Vermont.

Moses B. Thrasher, to be postmaster at Newport, in the county of Orleans and State of Vermont.

Warren L. Howard, to be postmaster at Fair Haven, in the county of Rutland and State of Vermont.

John J. Christie, to be postmaster at Bristol, in the county of Bristol and State of Rhode Island.

Henry L. Kilgore, to be postmaster at Belfast, in the county of Waldo and State of Maine.

Caleb Holbrook, to be postmaster at Ashland, in the County of Middlesex and State of Massachusetts.

John W. Baldwin, to be postmaster at North Wilbraham, in the County of Hampdem and State of Massachusetts.

Howard Perkins, to be postmaster at Mansfield, in the County of Bristol and State of Massachusetts.

Horace C. Metcalf, to be postmaster at Walpole, in the County of Norfolk and State of Massachusetts.

William I. Ruggles, to be postmaster at Reading, in the County of Middlesex and State of Massachusetts.

Arthur W. Greely, to be postmaster at Ellsworth, in the county of Hancock and State of Maine.

A. L. D. Conrad, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana.

William B. Viall, to be postmaster at West Randolph, in the county of Orange and State of Vermont.

William J. Twohig, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts.

Leollie Simmons, to be postmaster at Buffalo, in the county of Johnson and Territory of Wyoming.

Edward A. Quayle, to be postmaster at Morristown, in the county of Morris and State of New Jersey.

Adam L. Brown, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey.

Nathaniel Beady, to be postmaster at Beaufort, Beaufort County, South Carolina.

Du Bose Egleston, to be postmaster at Winnsborough, Fairfield County, South Carolina.

Frank E. Rich, to be postmaster at Westerly, Washington County, Rhode Island.

George H. Snowman, to be postmaster at Bucksport, Hancock County, Maine.

Charles H. Reynolds, to be postmaster at Swanton, Franklin County, Vermont.

Charles E. Crandall, to be postmaster at Lyons, in the county of Wayne and State of New York.

Michael F. Mulcrone, to be postmaster at Saint Ignace, in the county of Mackinac and State of Michigan.

Frank H. Holbrook, to be postmaster at Muskegon, in the county of Muskegon and State of Michigan.

Waldo B. Tichenor, to be postmaster at Orange, in the county of Essex and State of New Jersey.

Robert S. Perkins, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire.

Albert W. Locklin, to be postmaster at Gloversville, in the county of Fulton and State of New York.

William H. Baldwin, to be postmaster at Watkins, in the county of Schuyler and State of New York.

George W. Beckwith, to be postmaster at Burlington, in the county of Chittenden and State of Vermont.

John H. Mealey, to be postmaster at Greenwich, in the county of Washington and State of New York.

Daniel Bond, to be postmaster at Brownsville, in the county of Haywood and State of Tennessee.

---

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *March* 2, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Monday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2965) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; and

A bill (S. 3354) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener.

The message also announced that the Senate had passed with amendments bills of the following titles, requested a conference with the House upon said bills and amendments, and had appointed on the part of the Senate conferees, as respectively indicated:

A bill (H. R. 8620) granting relief to Henry Durkee: Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL;

A bill (H. R. 9860) to correct the record of the military service of James W. Kingon: Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL;

A bill (H. R. 5935) to remove the charge of desertion against William Figley: Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL;

A bill (H. R. 8599) providing an additional circuit judge in the second judicial circuit, and for other purposes: Mr. EVARTS, Mr. WILSON, of Iowa, and Mr. GEORGE;

A bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor: Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL.

A bill (H. R. 834) for the relief of John A. London: Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL.

A bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona, and the State of Colorado: Mr. RANSOM, Mr. EDMUNDS, and Mr. EVARTS; and

A bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department: Mr. SPOONER, Mr. CHENEY, and Mr. JONES of Arkansas.

The message also announced that the Senate had passed without amendment the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

#### MRS. ARLANTA T. TAYLOR.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 28th ultimo (the Senate concurring), I return herewith the bill of the House (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, March* 1, 1887.

#### SAND-BAR AT SHREVEPORT, LA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House, a report relative to the removal of the sand-bar formed against the piers of the railway bridge across the Red River at Shreveport, La.; which was referred to the Committee on Rivers and Harbors.

#### UNORGANIZED TERRITORY SOUTH OF KANSAS.

The SPEAKER also laid before the House the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, with the amendments of the Senate thereto.

Mr. PETERS. Mr. Speaker, I ask unanimous consent that the House non-concur in the Senate amendments, and agree to a conference.

Mr. WEAVER, of Iowa. I object. Let the bill be referred to the appropriate committee.

Mr. WILKINS. Mr. Speaker, is that one of the bills that came from the Senate this morning?

The SPEAKER. It is not. It has been upon the Speaker's table for two or three days.

Mr. WEAVER, of Iowa. I move to refer it to the Committee on the Public Lands.

Mr. PETERS. That would be equivalent to killing the bill during this session.

The SPEAKER. The gentleman from Kansas [Mr. PETERS] asks unanimous consent that the amendments of the Senate be non-concurred in. The Chair will state that the original bill, which has been amended by the Senate, was reported to the House by the Committee on the Judiciary. The gentleman from Iowa [Mr. WEAVER] now moves that the bill be referred to the Committee on Public Lands.

Mr. PETERS. I hope that will not be done.

Mr. WEAVER, of Iowa. The gentleman from Kansas says that my motion is equivalent to killing this bill. Now, I do not want to say anything harsh, but I have my reasons, and, because there is that in this bill which ought not to become law, I have made my motion and am ready to take the responsibility.

Mr. MORRISON. Regular order.

The SPEAKER. The bill will go to the Committee on the Judiciary, unless some other order is made by the House.

Mr. WEAVER, of Iowa. I move that the bill be referred to the Committee on Public Lands. The amendment creates a new land district, and, in effect, provides for the disposal of over 3,000,000 acres of the public lands.

Mr. MORRISON. Regular order.

Mr. PETERS. Mr. Speaker, there is also in the amendment a provision extending the laws of the United States over No Man's Land——

Mr. MORRISON. Regular order.

The SPEAKER. The Chair thinks the bill might appropriately go to either committee, but the gentleman from Iowa moves that it be referred to the Committee on Public Lands.

The motion of Mr. WEAVER was agreed to, and the bill was referred to the Committee on Public Lands.

#### ANNEXATION TO WASHINGTON TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 2889) to

annex a portion of the Territory of Idaho to Washington Territory, with the amendments of the Senate thereto.

Mr. VOORHEES. Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendments, and that the bill be passed. The amendments are merely formal.

A MEMBER. Let the amendments be read.

The amendments were read, as follows:

Page 4, line 14, after the word "matters," insert "excepting criminal proceedings."

Page 4, line 19, strike out "indictments."

Page 4, line 20, after "proceedings," insert "except in criminal matters."

Page 4, at the end of line 22, insert "all crimes heretofore committed in the territory by this act annexed to the Territory of Washington shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not passed."

Mr. VOORHEES. Mr. Speaker, I am authorized by the majority of the Committee on Territories to state that that committee will concur and do concur in these amendments.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. COBB. I object. I have not examined the amendments.

Mr. COBB subsequently withdrew his objection, and the amendments of the Senate were concurred in.

Mr. SPRINGER moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were respectively referred as indicated:

The bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes—to the Committee on Agriculture;

The bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and providing a penalty for the violation of the same—to the Committee on the Post-Office and Post-Roads;

The bill (S. 74) to grant an increase of pension to Frederick Beno—to the Committee on Invalid Pensions;

The bill (S. 159) granting an increase of pension to Abby J. Slocum—to the Committee on Invalid Pensions;

The bill (S. 234) granting a pension to Sarah Ann Waters—to the Committee on Invalid Pensions;

The bill (S. 1246) for the relief of W. A. Lemaster—to the Committee on Invalid Pensions;

The bill (S. 1336) granting a pension to Jennie H. Coghill—to the Committee on Invalid Pensions;

The bill (S. 1581) granting an increase of pension to Gertrude K. Lyford—to the Committee on Pensions;

The bill (S. 2319) granting a pension to Mrs. Margaret B. Todd—to the Committee on Invalid Pensions;

The bill (S. 2445) granting a pension to Charles W. Holland—to the Committee on Invalid Pensions;

The bill (S. 2564) granting a pension to Mrs. Eleanor S. Lawson—to the Committee on Pensions;

The bill (S. 2765) to increase the pension of James Mans—to the Committee on Pensions;

The bill (S. 2835) granting a pension to Miss Juliet G. Howe—to the Committee on Invalid Pensions;

The bill (S. 3190) granting a pension to Robert H. Sturgess—to the Committee on Invalid Pensions;

The bill (S. 3305) granting a pension to Louise Paul—to the Committee on Invalid Pensions;

The bill (S. 3328) granting a pension to Ida M. Welton—to the Committee on Invalid Pensions;

The bill (S. 3333) for the relief of Orrin R. McDaniel—to the Committee on Military Affairs;

The bill (S. 3334) for the relief of George W. Bolton, alias Charles W. Andrews—to the Committee on Invalid Pensions;

The bill (S. 3350) granting an increase of pension to George S. Hawley—to the Committee on Invalid Pensions; and

The bill (S. 3353) granting an increase of pension to David L. Pool—to the Committee on Invalid Pensions.

### FOURTH OF JULY CLAIMS.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the Treasury Department.

Mr. RICHARDSON. The amendments of the Senate are simply to strike out two or three little claims allowed by the House. The total amount covered by the bill is less than when it left the House.

Mr. SPRINGER. I want to ask if the first clause has been amended?

Mr. RICHARDSON. It has been amended by the Senate.

Mr. SPRINGER. Then I shall make all the objections the rules entitle me to make to the bill.

The SPEAKER. The bill and amendments will be referred to the Committee on War Claims.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLAND, for the remainder of the session, on account of a death in his family.

### ADDITIONAL MEMBERS, COMMITTEE ON ENROLLED BILLS.

The SPEAKER. If there be no objection, the Chair will appoint two additional members for the Committee on Enrolled Bills.

There was no objection.

The SPEAKER announced the appointment of Mr. CONGER and Mr. SWOPE as additional members of said committee.

### ENROLLED BILS SIGNED.

Mr. MCRAE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 118) for the relief of J. M. Hobbs.

### WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. FLEEGER to withdraw from the files of the House copies of papers in the case of Daniel H. Johnson (H. R. 8510), for an increase of pension, there being no adverse report.

Mr. BELMONT. Regular order.

Mr. BRECKINRIDGE, of Arkansas. I ask the gentleman to yield to me to submit a report.

Mr. BELMONT. I will yield for that purpose.

### FIRE AT EASTPORT, ME.

Mr. BRECKINRIDGE, of Arkansas, from the Committee on Ways and Means, reported back adversely the bill (H. R. 10069) for the relief of sufferers by fire at Eastport, Me.; which was referred to the Committee of the Whole House on the state of the Union, and, with the adverse report, ordered to be printed.

Mr. BRECKINRIDGE, of Arkansas. I ask consent that the minority have leave to file their views hereafter.

There was no objection.

### PACIFIC RAILROADS INVESTIGATION.

Mr. BELMONT. I renew the demand for the regular order.

Mr. CRISP. I ask the gentleman to yield to me for a moment to allow me to call up the joint resolution of the House providing an investigation into the accounts of the Pacific railroads, with a view to moving non-concurrence in the Senate amendment, and agree to the conference asked.

Mr. BELMONT. I will yield for that motion.

Mr. CRISP. Then, Mr. Speaker, I move to suspend the rules, discharge the Committee on Pacific Railroads from its further consideration, and non-concur in the Senate amendment to the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, and agree to the conference asked by the Senate.

The SPEAKER. The Senate amendment will be read.

The amendment of the Senate was read at length.

The SPEAKER. Is a second demanded on the motion of the gentleman from Georgia?

A second was not demanded.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the motion agreed to.

The SPEAKER announced the appointment of Mr. CRISP, Mr. RICHARDSON, and Mr. HAYDEN as managers at the conference on the part of the House.

### ORDER OF BUSINESS.

Mr. BELMONT. I now insist upon the regular order.

Mr. BURROWS. I hope the gentleman will yield to me for a single moment.

Mr. BELMONT. I am unable to yield any further time.

Mr. BURROWS. Mr. Speaker, it was announced at the beginning of the six days allowed for suspension of the rules that the Chair would feel constrained to give preference in matters of recognition to appropriation bills. To that statement I have not the slightest objection. I think it ought to be done. But I do not think the gentleman from New York ought to take the floor and then let others in, as has been done.

The SPEAKER. But there is a conference report pending.

Mr. BURROWS. There ought to be fair dealing in this matter.

The SPEAKER. The regular order, which is demanded, is the consideration of the conference report.

Mr. BELMONT. I understand there are forty minutes remaining on each side of this question; and as it is so very late in the session, although that time is very brief for the discussion of the pending question, it seems to me it would be only proper to announce that at the expiration of the eighty minutes the previous question will be demanded.

Mr. REAGAN. Is it necessary to take that much time in this discussion?

Mr. BELMONT. I think it is.

Mr. KING. Will the gentleman not call the previous question before the expiration of the eighty minutes?

Mr. HENLEY. It is to be hoped so.

Mr. REAGAN. This matter has been thoroughly discussed; and I ask that the debate be limited to twenty minutes on each side.

Mr. RICE. That would be acceptable to me.

Mr. BELMONT. It seems to me that it can not be in order for the gentleman to submit that motion, as the time has been already allowed under the rules of the House.

The SPEAKER. There is no motion pending.

Mr. KING. The motion of the gentleman from Texas is that the debate be limited to twenty minutes on each side, instead of forty.

The SPEAKER. That is only a suggestion, as the Chair understands, that debate be closed, and could only be done by unanimous consent. In the House the only way to cut off debate is by the previous question or by unanimous consent.

Mr. KING. I suppose the gentleman from Texas means by unanimous consent.

The SPEAKER. The Chair will submit the request of the gentleman from Texas, that debate be closed in forty minutes, twenty on each side. Is there objection?

Mr. RICE. Before that is determined I want to know exactly the position of the question.

Mr. BELMONT. I object to the request.

Mr. NELSON. Let us know the pending question.

The SPEAKER. It is on accepting the report of the conference committee, which is a disagreement, and the gentleman from Texas asks unanimous consent that the debate be limited to forty minutes, twenty on each side.

Mr. BELMONT. To which I object.

Mr. RICE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICE. The report is now before the House and the first thing is, I suppose, to accept that report. Then I have given notice of a motion that the House recede from this amendment to the Senate bill. Now, is not the first vote upon that motion?

The SPEAKER. Not at all; not until the report is disposed of.

Mr. RICE. If the report be accepted?

The SPEAKER. Then the motion is in order.

Mr. RICE. There can be no objection, I presume, to accepting the report.

The SPEAKER. The Chair will state that the time allowed for debate is passing.

Mr. RICE. I wish to state that I am willing to accept twenty minutes on each side.

Mr. REAGAN. In view of the objection made to my request, I will ask if the Chair will recognize any other gentleman to move the previons question and thus save this useless waste of the time of the House, in view of the fact that this bill has been already thoroughly discussed?

The SPEAKER. The Chair will pursue the usual practice by recognizing the gentleman who has charge of the report.

Mr. BELMONT. I yield ten minutes to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. I sincerely hope for one that a very short time may be taken this morning in the further discussion of this question. It is not the purpose of the Committee on Foreign Affairs to prolong this discussion unnecessarily. But we do think it is proper that the members of this House on both sides should understand what the differences really have been between the managers on the part of the House and the managers on the part of the Senate in this conference.

The gentleman from Massachusetts [Mr. RICE] on yesterday still insisted that this bill as passed by the House and as insisted upon now was subject to the objection that it was in violation of treaty rights.

Mr. RICE. The gentleman from Georgia misunderstood me.

Mr. CLEMENTS. I understood the gentleman from Massachusetts to make a statement to that effect. If he disclaims it I pass from that question, saying, however, that the House managers proposed a distinct amendment which they were willing to agree to and recommend to the House.

Mr. RICE. And to which the Senate conferees were not unwilling to agree.

Mr. CLEMENTS. It was an amendment letting in every article that was entitled to come in under the treaty. The Senate conferees, as the gentleman states, were probably willing to recommend that, provided we would agree to strike out that part of the bill which authorized the President in his discretion to inhibit the incoming of cars and locomotives and other conveyances for transportation. I am free to say that I believe we have agreed upon every other point in the bill except that one.

Mr. RICE. And may I add the Senate conferees also would have agreed.

Mr. CLEMENTS. I mean all of the conferees. That is the vital point in this bill about which we differed.

Now, the gentleman from Massachusetts insists, and it was insisted elsewhere, that this amounted to a prohibition of the intercourse of friends and relatives across the line. It seems to me that this suggestion carries the discussion into the ridiculous. There is nothing in this bill that authorizes that. The true interpretation of the bill would be that inasmuch as it is proposed to inhibit the transportation of goods, wares, and merchandise, that the purpose of stopping the cars and other means of transportation is simply to enable the President to carry out what the gentleman now says the Senate bill proposes to do.

Gentlemen here and elsewhere have shifted the argument on this question. First the grant of this power was objected to because it was said to be in violation of the treaty. The question of the treaty was raised at all times in this argument until this morning; and when we have proposed to remove all doubt on that question by offering, as we did in conference, an amendment which all conceded would remove all doubt as to objection, now they say they are unwilling even to go as far as we can plainly and rightfully go outside of the treaty, not in violation of the treaty, to stop cars, locomotives, &c., not entitled under the treaty to come.

Now, the gentlemen propose to make this a local question, a mere question of the exclusion of fish from our markets. But in doing that, in order to get that exclusive protection on fish, they invoke the power of this Government, through its diplomatic authorities, to give that protection. They say the fishermen are willing to accept that, and they think that that is ample protection to exclude Canadian fish from our markets.

Mr. RICE. Will the gentleman allow me——

Mr. CLEMENTS. I have only ten minutes and do not desire to be interrupted.

Mr. RICE. Just let me say that fish is already protected by a pretty high duty. We do not ask for more.

Mr. CLEMENTS. Certain kinds of it are to some extent, but you propose to exclude it entirely; then you say you will be satisfied.

Mr. RICE. As long as they exclude our fishermen.

Mr. CLEMENTS. Mr. Speaker, we do not see why it should be confined to that. If we are going to have non-intercouse why is it? Simply because this controversy as to a violation of the treaty on the part of Canadian authorities grew out of the question of the rights of our fishermen? It becomes a national question, and why should we confine the inhibition, or so-called retaliation, to the one article of fish?

Mr. RICE. We do not.

Mr. CLEMENTS. The gentleman has an hour and I have only ten minutes, and I desire not to be interrupted.

Mr. RICE. But I must correct such statements as that.

Mr. CLEMENTS. These gentlemen sometimes argue that it is only confined to fish. At other times they claim that it goes further.

Mr. RICE. No one on our side has made that contention.

Mr. MILLIKEN. How far does the gentleman from Georgia say that the Senate bill goes?

Mr. CLEMENTS. There is some doubt whether it gives an effectual remedy against that or not.

Mr. MILLIKEN. The gentleman has not answered my question. What is your interpretation of it?

Mr. CLEMENTS. If it does make an inhibition in respect to other things, why not give the President power to carry that out?

Mr. MILLIKEN. What does it inhibit?

Mr. CLEMENTS. I have said that it is doubtful as to how far the President could go.

It is a doubtful question, and we want to make it plain. If you say it goes further, why do you object to our making it plain that it does go further, and at the same time giving this authority to the President?

Mr. RICE. I say that it authorizes the exclusion of fresh fish, salt fish, or any other product.

Mr. CLEMENTS. I can not yield to the gentleman. He has had an hour. I repeat that the advocates of this Senate bill have narrowed it down to invoking the executive power of this Government upon the mere question of the exclusion of Canadian fish. If this is simply a little question about the commercial advantages of New England dealers in fish, why have you gone to the President of the United States about it? Why have you invoked the executive authority, and inaugurated this correspondence through the Department of State——

Mr. LONG. That is the only place we can go.

Mr. CLEMENTS. If it is a national question, as we insist it is, involving the rights of American citizens, involving a violation of their treaty rights, that is the proper place to go. If it is merely a question of excluding Canadian fish from the New England markets, why not do that by tariff legislation? If you can get this Congress to give you the exclusive right to deal in fish and to prevent the importation of foreign fish—which importation means cheap food to the American people—why do you not try by tariff legislation? Why invoke the executive power of this Government and seek to make this a national question for one purpose and a mere local, New England fish question for another?

Mr. RICE. Will the gentleman allow me to answer him?

Mr. CLEMENTS. No; I can not yield. The gentleman has had an hour. Now, I want to know if the gentleman thinks it will be satisfactory to the New England fishermen for him and those who may act with him here to say that they are unwilling to accept the remedy we offer simply because it affords too much remedy?

Mr. RICE. I will answer that if the gentleman will permit me.

Mr. CLEMENTS. I can not permit the gentleman to take the little time that remains to me. The only objection made to our bill is that it gives too much power to the President to retaliate, that it touches importations by the railroads. You propose to confer this discretion upon the President requiring him, by retaliatory means, to deal with this as an international question, and you do it all for the mere purpose of securing the exclusion of Canadian fish.

Mr. BROWN, of Pennsylvania. Your bill "retaliates" a good deal more upon your own country than upon Canada.

Mr. CLEMENTS. I see no reason why we should single out one product or one kind of goods, and lay an inhibition on that in order to cause Canada to cease violating our treaty rights, our commercial rights to fish and navigate and trade. We should not dwarf this question into a mere effort to get a commercial advantage, and then, for another purpose, call it an international question involving treaty rights. We propose to deal with it as an international question of treaty rights, as I believe it is, because it arises upon violations of the rights of American citizens secured by treaty. We have all been informed as to the harsh treatment of American citizens engaged in that business during the last fishing season, yet gentleman seem to be unwilling to give the President ample power to protect them against similar treatment during the coming season, simply because, as you think, our bill goes too far, and affects the business of some of the railroads that cross the line.

If you propose to give the President this extraordinary power at all, let it be ample to cover all emergencies that may arise. To effectually exclude the coming of Canadian products, which the Senate bill, it is insisted, authorizes, it may become necessary to exclude cars, locomotives, and vehicles for the transportation of Canadian products. The Senate bill authorizes the exclusion of Canadian vessels from our ports because they are means of transportation. Why should we not, with the same propriety, inhibit vehicles transportating inhibited goods by land?

Mr. DANIEL. Mr. Speaker, on yesterday the gentleman from Massachusetts [Mr. RICE], who presented very fully what I suppose to be the general objections which are made to the House bill, declared that there was but one material difference between it and the Senate bill, and that that difference was as to including cars and locomotives in the exclusion of Canadian traffic with the United States. That, I undertake to say, is not the only material difference. There is an objection to the Senate bill *per se*, that it predicates the case of the United States against Great Britain upon the refusal of the Canadian authorities to grant to the United States the privileges of the most favored nation; and while that clause, bunglingly drawn and evidently put into the Senate bill by some hand that did not deal with words in their proper meanings, or did not understand perfectly what it was doing, has been again and again criticised and exposed upon the floor of this House, there has yet been no one bold enough to undertake its defense or to explain to the House how it is justifiable.

There is another material difference between these bills. The House bill in distinct terms looks, in a possible contingency, to the refusal to admit into American ports any vessel owned in whole or in part by a British subject, whereas the Senate bill uses the vague language, "vessels of the Dominion of Canada."

But, sir, I meet the gentleman upon his own ground. His speech is remarkable not more for what it says than for what it does not say. Neither he nor any gentleman on that side has undertaken to point out to this House any objection to the House bill; and I challenge any one now to show an objection to it. The gentleman says that it is extreme, and that he does not think the United States ought to refuse entirely commercial intercourse with Canada.

His speech, sir, is very generous of preamble and very scant of resolution. He tells us time and again that this is a very grave question; he tells us time and again that the New England fishermen have been terribly outraged; and then, making an appeal to this House not to go as far as it is willing to go in their defense, he reminds the gentleman from New York that we had better take care how we challenge England to war lest some gun may fire into New York city; and he recalls, to us the language of Webster, that "the tallest oaks sometimes sway, and the wisest men sometimes beat a retreat." Sir, if Daniel Webster were to-day in the Senate of the United States, or upon the floor of this House, I imagine that his voice would never be heard invoking the American Congress to take counsel of its fears lest a gun might be fired into New York city, and advising them to beat a retreat upon the commencement of a controversy in which we should all stand firm and go forward. [Applause.] And I venture to say that he would turn in his grave if he imagined the perverted use which is given to his words, and that he would bethink himself of those lines—

> Imperious Cæsar, dead, and turned to clay,
> Might stop a hole to keep the wind away.

The position on which the committee stands in this case is a broad American position, and I had hoped and believed that gentlemen on the other side, instead of criticising and censuring that position, would have been gratified to find that there was not a man on this side of the House who is not willing to pledge the whole authority of this nation to make New England's cause his cause and to lift this thing out of the attitude of a little local quarrel and hold it up before Great Britain as the position which America takes when that country has dared through her provinces to insult our flag in Canadian waters. [Applause.]

Sir, the position which the gentleman from Massachusetts takes is one which makes this a squabble between New England and Canada. If it is a squabble between New England and Canada, let them squabble it out to themselves. But when the gentleman introduces this question here he undertakes to ask that it be made a controversy between Great Britain and the United States; and when the Government of the United States takes its position it ought to take a firm, manly, broadside position along the whole line; and the patriotism of this country ought not to cower and hide in the shade upon the apprehension that the railroad magnates of the North and Northwest will look askant upon any action which may involve their interests in the steps taken to defend the country.

I said, sir, that the gentleman had not intimated the reason which makes some shrink from this bill. What can be the reason? I have looked in vain to discern a good one. Is it true that the "almighty dollar" has so eaten into the hearts and souls of men that the people who traffic upon the railroads of the United States are unwilling to make the cause of America their cause lest, perchance, they lose a little money while trade is suspended? Is it true, sir, that corporation power has become so vast along the northern line of the United States that corporation presidents and directors and bondholders and stockholders cry "halt" to the American Congress when it wants to make the whole people of the United States take the cause of the New England fishermen in their hands and settle it by showing Great Britain and Canada that we are not to be trifled with? If there be any other reason it has not been stated, and I have in vain sought for it.

I hope that the House of Representatives will stand by this bill and not yield one jot or tittle. You can not reproach this House that it has not been willing to pass legislation on this question. Last week you said that the Senate had not time, and that was to be the excuse for passing through here the Senate bill. The Senate has had time; it has debated this subject; it has refused to accept the House bill; and if the Senate of the United States chooses to take upon its shoulders the responsibility of saying, "We will not protect New England fishermen lest we may interfere for a little while with railroad traffic," let them take that position, and they will be held up to the reprehension of every independent American who is willing to make this a national question and to bring it at once into the dignity and importance which it ought to occupy before the nations. [Applause.]

I trust, sir, that the House of Representatives, to whom the Chief Magistrate of this nation looks to uphold his hands, knowing that this bill formulates very approximately, if not entirely, the views which have been presented by this administration, will say to him, "You have the responsibility, you have the care, you have the burden of this negotiation; you have shown," as the gentleman from Massachusetts said yesterday, "that you are willing, that you are patriotic, that you are able to conduct it." It is a poor tribute to him to give him the compliment of words and to refuse him the confidence of action. I appeal to this House, to every Democrat here and to every American here, to stand by the Chief Magistrate of this nation, not because he is a Democrat, but because he is the representative of this nation and deserves and ought to receive its unstinted confidence and its thorough backing in this controversy. [Applause.]

[Here the hammer fell.]

Mr. RICE. Mr. Speaker, I take the floor, and yield ten minutes to the gentleman from Illinois, my colleague on the committee [Mr. HITT].

Mr. HITT. Mr. Speaker, I listened with great surprise to the charge made by the gentleman from Virginia [Mr. DANIEL] who has just taken his seat against those of us who favor the Senate bill that we are holding back or preventing action. We have urged action, and united, efficient action in our way and in any and every way. We have assented to, and every one of us voted for, a measure when it contained a most mischievous and objectionable railway-car prohibition rather than have nothing done. Looking solely to the good of our country, anxious to strengthen the Government in its dispute with a great foreign power, we on this side have all of us stood together firmly behind the President, even accepting and voting for the measure after you on the other side of the House had thrust into it a provision which was demonstrated on this floor to be unwise and ill-advised.

The sentiment of patriotism dominated even our aversion to a crudely, unwisely-framed bill with an extreme and unnecessary prohibition of railroad intercourse with Canada.

The gentleman from New York [Mr. BELMONT] said the House conferees whom we sent to confer with those from the Senate in regard to

the difference between the two Houses on this subject, and who were expected to come to an agreement, could not do so because they felt that they ought not to yield to the Senate on the railroad transportation clause, nor give it up for the reason that it had been adopted by the almost unanimous final vote of this House. Had he forgotten that when that was first voted on separately in this House there were 124 votes against that clause, and that it was barely kept in on a vote that would have been reversed by only seven men changing? The gentleman has the whole history of this measure and this struggle upside down. It was after this clause, unwelcome and barely carried, had been put on the bill that it received the final large vote which we generously gave to present a united front in support of our Government. When we had been willing to yield so much, everything, he used the vote we gave for the whole bill, notwithstanding its obnoxious feature, as a reason for stubbornly sticking to that very feature in the conference with the Senate. And he persists in sticking to it now when it is evident that by doing so the House would simply defeat all legislative action, and leave the question in worse shape by our failure to act than if the matter of supporting the Government by the strengthening support of Congress had not been raised at all.

What has the gentleman from New York [Mr. BELMONT] and those with him proposed here? Our fishermen and fishing vessels are being harassed by a foreign power, and the Senate, after months of patient inquiry, pass a bill to strengthen the hands of the President. It comes before the House, broad, searching in its provisions, clothing the President with great powers, wisely guarded in terms, carefully framed—and do the gentlemen propose to take it up promptly and pass it? No; it lies a month waiting, and then they search the proceedings of the Senate in the CONGRESSIONAL RECORD to find something which the Senate has long ago voted down by an almost unanimous voice, by a vote so great that it is unreasonable to expect that body to ever accept it, and they add that very clause to it, and make what is known as the Belmont bill—a bill that thus seems to have been contrived in order to produce confusion. That amendment barely passed this House, so close was the vote. Then the two Houses were in disagreement, and our conferees who went to represent this House refused to yield a step on this doubtful point, and all is to fall. That is the situation of this House, and I hope it will now promptly recede from that ill-contrived railway-car amendment and let this bill, all the rest of which is acceptable to Senate and House, become law immmediately.

There is urgent need of action, and has long been, for the relief of our fishing interest, yet nothing has been done. All has been unsuccessful and unfortunate on our side from the first. The Canadians are in a position to harass and vex and torment our fishermen at their ease. The administration, it seems, wants support here. We are willing to give it, but this contrivance called the Belmont bill is brought in and persistently pressed, certain to defeat our doing anything if we do not vote it down right now.

We have all of us, on both sides of this House, by our solemn vote, recorded our assent to everything in the Senate bill substantially. If any one sticks on minor points or forms, the Senate conferees, as reported by a gentleman from the conference committee, are ready to yield everything of that kind in order to secure a bill which will please the House. They will strike out the favored-nation clause in their bill, if we want it done, or make any other change of words which may be deemed necessary. But as to this very different thing—the obnoxious railroad-car prohibition, so overwhelmingly condemned by the Senate in the first instance—they are not willing to have forced on them at this late hour that proposition which the House could only be brought to accept the other day on a close vote, and which was then carried only by the interference and exercise of an authority outside of this Hall, which ought never to be brought to influence a separate and independent branch of the Government.

Why can not we now accept the Senate bill which we voted for once, though it had other things added then? Why not accept all that the Senate agree to when it is satisfactory to us? If we were wedded to the railway prohibition and could not get it accepted by the Senate, why not take that in which we do all agree at both ends of the Capitol? That is the ordinary and plain duty of a conference committee. But these gentlemen have a new rule by which conference is for the purpose of disagreement and preventing action.

The Senate bill proposes to do what is needed in a logical, business way. Our fishermen have been ill-treated. Our fishing interests have been injured. Perhaps it is not a great sum of money compared to our national wealth. It is not a great number of men, but they are American citizens. In response, for their injuries and for their vindication, we propose to clothe the President with a great power of retaliation that will reach our adversary's property to an amount many times larger in extent than our losses. This retaliation is a peaceful and efficient method of redress. It will soon inflict great and substantial losses upon our opponents and thus induce them to change their course of action. In retaliation for annoying our fishermen and fishing vessels when they go into their harbors, the Senate bill proposes to authorize the President to keep their fishing vessels and fishermen out of our ports altogether. They vex our fishing interests in order to constrain us to admit their fish to our markets without paying duty. Instead of yielding and permitting this, we authorize the President to say to them peremptorily, "You can not come here with any more of your fish, even if you pay the duty."

In addition to that, we would clothe the President with power in his discretion to prohibit any and all of the productions of Canada from coming into the United States. But the specific power pointed out particularly, to be first used, is retaliation in kind. We ought not to loose sight of the great importance and significance of making our retaliation exactly responsive to the injury and in kind wherever it can be done. Always keep the original injury plainly in sight of the world. For what do we resort to this action at all except to influence public opinion both abroad and at home. By selecting the fishing interest of Canada for our proscriptive legislation at first, we keep public opinion every moment centered upon the very point in dispute—the specific wrongs of which we complain. It is not by raising trouble with Manatoba, it is not by disturbing business in Columbia, it is not by cutting off railroads and causing a great shock to all trade in Detroit, Suspension Bridge, and all along the line of the border cities for a thousand miles, that you show the world convincingly that you wish to protect our fishermen along the coast of Nova Scotia. On the contrary, it raises new troubles and irritations worse than the old, inflaming the passions of both sides till the point of dispute is forgotten and far greater danger of mutual exasperation and war arises. Is that the work of statesmen charged with the welfare of nations and the peace of mankind?

But what sort of retaliation for wrongs to fishermen is this stoppage of railway cars and locomotives? Why, there is practically no way of travel or transportation by land in our generation except in railway cars. The whole commerce of mankind by land may now be said to be carried exclusively on railway cars. What, then, does retaliation of this kind mean? It means the total, absolute cessation of business communication, the interruption of all intercourse between adjoining towns and extensive populations adjacent to each other and closely knit by long intimacy along a stretch of 3,000 miles, crossed in more than a dozen places by lines of railway communication. Stopping their cars will be answered by reciprocally stopping ours. It will inflict a great injury. Yes; but upon whom? Nearly all of it upon our own people, upon our own interests. We have five cars crossing the lines where they have one. We turn back ten times as much of the products of our own farms on the way to market as we do of theirs. I thought retaliation was to inflict loss on our adversary. But by this plan we strike ourselves. They can see this as well as we can, and will laugh at such blind, self-injuring anger. When will that bring the Nova Scotians to terms and relieve our fishermen? And when will the passions that it will awaken adjust our dispute? In this ill-chosen, angry exercise of spite you cut off your nose to spite your face; you destroy your own trade and injure your own people, thinking to cripple your neighbors and retaliate for vexations to fishermen in the ports of Nova Scotia. [Applause.]

Mr. RICE. I now yield ten minutes to my colleague [Mr. WORTHINGTON].

Mr. WORTHINGTON. Mr. Speaker, what we want now is practical legislation upon this subject. We have protested through the Secretary of State and through our minister in England against the wrongs and aggressions practiced upon our American fishermen in Canadian waters. Our protests have been so far without avail.

The time has now come when the Congress of the United States must take prompt action. It would have been much better if we had not entered upon any attempt to pursue a policy of retaliation at all than to have it fail now because of disagreement between the two Houses.

What are the wrongs of which we complain? The Canadian authorities have hindered and annoyed our in-shore fishermen in the enjoyment of the privileges of shelter, repair, wood, and water guaranteed to them by the treaty of 1818. They have also insisted that the deep-sea fishermen were subject to the same limitations as those applying to the in-shore fishermen. That is all of the difficulty between us and Canada. There is nothing else in dispute. Our intercourse in every other respect is just as free and harmonious as ever.

Let us now look at what is proposed in the way of retaliation in kind. The Senate took the initiative in this matter. It passed a broad and comprehensive bill. Gentlemen tell us that it is limited only to the fisheries question; but clearly they must have misunderstood its meaning.

Let me call attention in the limited time I have, for I can not read it all, to what the Senate bill does provide. It authorizes the President to prohibit the entrance into American ports of Canadian vessels. Is not that wider than the mere question of fisheries involved in this controversy?

It authorizes him to prohibit the sale in the American markets of any kind of fish, whether salt, dried, or fresh, caught by Canadian fishermen.

It goes still further. It authorizes him to prohibit the introduction into the United States of any product of the Canadian soil. But, says my friend, the gentlemen from Virginia, the action of the President is to be based upon the "most favored nation clause." Why, Mr. Speaker, the language of the Senate bill is much wider. The condi-

tions upon which the President's action is authorized are expressed in the disjunctive, and some of these conditions are as follows:

Whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been—

Now notice how broad this is—

denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places.

Is that not broad enough ground on which the President may stand; and upon whose occurrence he may act? Now, let us see if the powers vested in him by the Senate bill in the line of retaliation are not fully ample. He can close absolutely all American ports against Canadian vessels. He can forbid the introduction and sale in our markets of Canadian fish whether fresh, dried, or salted. More than this. He can forbid the entrance into American territory by land or sea of any Canadian product or products whether of the ground or of the factory. If the policy of retaliation is carried out to this extent and fails to secure the desired object, no policy of mere retaliation can secure it. The Senate, without distinction of party, without distinction of section, knowing no East, South, North, or West, trusting in the ability, firmness, and moderation of the President, passed this bill and sent it to the House where it was referred to the Committee on Foreign Affairs.

What ought to have been the action of that committee? I signed neither the majority nor the minority report, and do not wish to criticise my friends in the majority for their action, but in my judgment that bill having passed the Senate almost unanimously, voted through with but a single vote in the negative, should have been promptly and unanimously reported by the House Committee on Foreign Affairs. It should have been favorably reported and laid upon your desks for action within twenty-four hours after its reception by the committee. If it had been, in my opinion it would have been accepted and unanimously passed by this House without respect to party or section immediately upon its consideration. Then we would have stood together with an unbroken front. Passed in this way it would have carried with it a moral weight, a political inertia, that would have been felt in every part of the Dominion of Canada and at the court of Saint James.

Now, when the proposition was made here, which bill would you prefer, the Senate or the House bill, what was the vote? Two hundred and sixty-one voted upon that question, and there was a bare majority of 13 in favor of the House bill. The Senate unanimously presented its bill. I will go as far as any gentleman here in maintaining and preserving the rights and prerogatives of the House. I believe, directly representing as it does the people of the United States, that where there is a radical difference between the two Houses the other branch should yield, and not this. But there is no radical difference between the Houses upon this question. The power is ample under either bill, and the other branch of the legislative department have voted unanimously in favor of the grant of power as expressed in this Senate bill.

The House preferred the House bill by a bare majority of 13 in a full vote of that body.

Under these circumstances we lose none of our dignity, we surrender no prerogative, in receding from a choice manifested by a majority of 13 in favor of the unanimous expression of the Senate. Let us, then, take the course that secures practical and immediate legislation. Let us direct our committee of conference to recede and unite with the Senate without respect to party in presenting an unbroken front, a unified sentiment, and a firm and definite policy upon this question. [Applause.]

Mr. RICE. I yield ten minutes to the gentleman from Texas [Mr. GRAIN].

Mr. CRAIN. When this question was before the House I submitted my views in favor of the substitute reported from the House Committee on Foreign Affairs. I did so, Mr. Speaker, because I thought it was eminently fit and proper that there should be some legislation upon this subject.

As is known to my colleagues upon the committee, I originally favored the Senate bill; first, as a representative, because I thought if we were in earnest about this matter we ought to pass a retaliatory measure as speedily as possible; second, because, viewing it from a political standpoint, I thought it would be to the advantage of my party to divide honors with the Senate by passing as speedily as possible the measure which they presented for our consideration. It turned out, however, that my vote in the committee would have defeated any legislation upon this question; and in order that there should be some I voted in favor of the substitute after it had been amended by the elimination of the third section, which provided for a commission to take testimony.

Now, actuated by the same motive, having in view the welfare of my country and that alone, without reference at all to the question of politics, I believe that this House ought to recede from its amendment and support the Senate bill. The only difference between the two measures, when we consider them from a practical standpoint, lies in the fact that the House bill is more specific in determining what shall be prohibited from entrance into the United States. If you read the Senate bill you will discover that it is not limited to a prohibition of the entrance of fish. A mistaken impression prevailed the other day on this side of the House in respect to this question. Our Democratic friends thought it was limited to fish in the prohibition of imports. Such is not the case; because the language of the Senate bill, although not as specific as the language of the House bill, still covers everything, no matter what it may be, that may be sought to be imported into this country. This is the language:

The President shall also have power to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said Dominion or other goods coming from said Dominion to the United States.

That language is broad; it is general; it is comprehensive; and the amendment which was put upon the House substitute upon my motion simply specified that the goods which were contained in any car or hauled by any locomotive should be prevented from entrance into the United States.

I was glad that the House conferees adhered to the substitute proposed by this House, because the honor of the chairman of the committee and the honor of the members of that committee were involved. For there appeared on the day after the passage of this bill and before it could possibly have reached the Senate, an interview with the chairman of the committee in which it is reported that he said in substance that he wanted legislation, and that if he had discovered before the passage of the subsitute that he could not succed in getting it through, he would have accepted the Senate bill, and, said he, "The country is safe. The world need not stand alarmed. There will be no war; because I will be chairman of the committee of conference of the House, and I tell you now we will take the Senate bill if we can do no better."

I, therefore, am glad for the sake of the committee of which the gentleman is the honored and distinguished chairman that he refused to recede; that he insisted upon the substitute. But the honor being saved it does not follow that all else is lost; and if he is willing to stand by his statement that if he can do no better he will take the Senate bill let him vote for it to-day; because the closing hours of this session are approaching and it is perfectly apparent that if we do not pass the Senate bill, or, in other words, if we do not recede from the House amendment we will have no bill at all.

The responsibility has been sought to be thrown on this side—not by Republican members but by a Democratic Representative; not for political effect; it is immaterial what the motive is. The fact remains that unless we recede from our amendment we will have no law.

I do not think that the distinguished gentleman who occupies the position of President of the United States seeks to shirk the responsibility of protecting the rights of American citizens. He has shown by his conduct in the vetoing of measures and in affixing his signature to others that he has the courage of his convictions, and that, without respect to the opinions of individuals or classes, he stands ready to do his duty as he understands it.

Therefore I say to this House that I believe it to be our duty, not as Democrats, not as Republicans, but as American citizens, to come to the front and pass the Senate bill, and to tell the people of Great Britain and the people of Canada that whenever the honor of this country is involved, whenever the rights of the citizens of the United States are assailed, this Government has the will and the courage, even if it has not the power, to protect those rights and to defend that honor. [Applause.]

Mr. RICE. Mr. Speaker, I yield three minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY. Mr. Speaker, upon this question no man can say what action this House will take, but in a few moments the position of a majority will be defined, because they must decide one way or the other. As far as I am concerned as an individual Representative, this matter is now just where I hope it will stop. I hope that this House will not recede, and I hope that the Senate will insist, and that this proposed legislation will die, where many a piece of legislation has died, in a committee of conference.

During this whole discussion it has not been discovered that any American citizen has been deprived of any of his rights, because investigation will show, so far as I am advised, that each and every vessel that has been molested in Canadian waters has been taken up in pursuance of a law which is not in derogation of any treaty existing between the two governments. It has not been claimed anywhere that there has been any violation of the existing treaty on the part of the English Government, and the laws of Canada, of which we complain, are in consonance with existing treaty, and when Americans violate them they do so at their own peril. No gentleman has claimed that such is not the case, and the difficulty with which we are brought face to face here is the difficulty which has come to us wherever we have had what is called diplomatic negotiation. Except, perhaps, in the instance when a treaty was negotiated with France during the Revolution, men have been appointed to represent this Government who have yielded everything that the representatives of the opposing government asked, and obtained nothing for us. Mr. Speaker, we are too fast in this matter. This pending bill, if it be carried out, if its provisions be put in force, is a virtual declaration of war against the British Government, a friendly power. I take no stock in this spread-eagle, bloody, and patriotic

war talk. The people of this country have had war enough, they do not want any more without good reason. I rely upon the good sense of the American people, and upon the good sense of the English people, to adjust all difficulties; and, as I have said, I take no stock in this patriotic war talk. I yield to no man in my devotion to this country. Whenever I am called upon I am ready to take my stand for the maintenance of the sovereignty of the Government of the United States, and for the protection of our citizens in all their rights against every enemy, foreign or domestic. But what is the question presented here? It is a proposition for retaliatory legislation, although it has not been even charged—much less successfully maintained—that there has been any violation on the part of the British Government of any stipulation in any existing treaty; in fact it is admitted that the opposite is the truth. Vessels not violating law have not been molested, and being seized and the law complied with they have been released.

The true way to settle this question is through the diplomatic departments of the two governments; or, failing a settlement there, let us have a new treaty, taking care to appoint as our representatives men who will have sense enough not to yield to the commissioners of the British Government all they may demand, and get no advantageous concessions in return. There is no necessity for this haste, and no danger of any war; it is merely a matter of business, and such legislation is simply an effort to bring about by legislation a remedy for difficulties which exist by virtue of the incompetence of what are called diplomats.

Mr. RICE. Mr. Speaker, I yield five minutes to my colleague from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, the points in this case in behalf of the position taken by my colleague from Massachusetts [Mr. RICE] have been so well stated this morning that I shall hardly require the five minutes allowed me. I am very glad that the gentleman from Florida [Mr. DOUGHERTY] has so frankly stated his position, which is that things should remain as they are; in other words, that, according to his view, the House should insist upon its disagreement. For if the House insist upon its disagreement then there will be, as he hopes there will be, no legislation at all upon this subject.

It is practically an admission on his part of the position now taken not only by him but in effect by other gentlemen upon this floor who are insisting upon the disagreement between the two Houses, or upon the substitution of the House bill, which is tantamount to an insistance upon disagreement. It is the position of having no legislation at all. This is a matter of hard common sense which is before us now. It is not a question of party or of eloquent words. If we decide it upon party considerations, then we might as well abandon all hope of any legislation; but if we look at the question as a matter of pure, hard, common sense, then there is no doubt that we shall recede from our position and concur with the Senate, because that is the only way to secure any legislation at all.

What is this question of hard practical sense that is before us? It is this, the House is divided—substantially upon party lines—between two bills which look to the securing of a common object that everbody recognizes as vital, and which differ only in one or two particulars which have been pointed out. The Senate, containing members of both parties, but on this question rising above party considerations, stand unanimously in favor of their bill. What is the presumption? The presumption is that the Senate bill is the better one, and that there is no reason existing in this House to-day why we should refuse to concur in it except possibly a matter of party pride, or of pride in our committee, or pride in our branch of the legislature. Not only is there the presumption that the Senate bill is the better one, but that bill is in fact the better one.

Mr. CLEMENTS. There has been no vote in the Senate on this conference.

Mr. LONG. The Senate bill is better. This is a matter of a good deal of delicacy. Retaliation is a two-edged sword. We want to take it by the handle and not by the blade. The House bill goes farther than the interests which are at stake demand. The Senate bill itself goes a great way. I am inclined to think that possibly it goes too far in providing for the prohibiton of anything except the importation of fish. But it is at least ample; it goes far enough. The House bill goes still further, and, therefore, too far. It prohibits the interchange of railroad-car communication. Mr. Speaker, you might as well inhibit postal communication between the two countries. Such a measure is not demanded by the interests at stake. As surely as you pass this House bill you will create a reaction in public sentiment against the whole business, and I am not sure but that some gentlemen have that in mind. You would awake alarm all through the commercial and industrial interests of this country. They would recognize this as an attempt toward entire non-intercourse—toward staying international communication and business. There would be a reaction of public sentiment which would defeat this matter.

Therefore, because the Senate bill is all that the interests involved require or ask, because the House bill would result in a reaction of public sentiment, because the result of insisting on it would be to defeat any legislation at all, let us do this act of hard, practical, common sense and concur in the Senate bill. Otherwise we adjourn with no legislation at all, with no rebuke of the vexatious and harassing conduct of the Canadian authorities towards our fishermen; with no power lodged in the hands of the President to vindicate our national self-respect; and with the Canadians not only laughing at us but encouraged by our own act in continuing their aggressions.

[Here the hammer fell.]

Mr. RICE. Mr. Speaker, I believe I have six minutes remaining.

The SPEAKER. The gentleman from Massachusetts has six minutes.

Mr. RICE. I yield five minutes to my colleague on the committee, the gentleman from New Jersey [Mr. PHELPS].

Mr. PHELPS. Mr. Speaker, I must refer to the eloquent arraignment made by the gentleman from Virginia [Mr. DANIEL] of the railroad system of the United States. It was beautiful as "the flowers of spring," and like them had "nothing to do with the case." [Laughter.] I must also insist in the interest of Massachusetts that the language which the gentleman put in the mouth of Daniel Webster, after he resurrected him, was so inferior to the eloquence of Virginia that the gentleman made some mistake in his resurrection. [Laughter.]

I want also to say, in full justification of my living friend from Massachusetts [Mr. RICE], that he has behaved with exceeding modesty in view of the peculiar position in which he is placed. He stood last evening a prophet facing the full fulfillment of his prophecy; for when the gentleman from New York, the chairman of the Committee on Foreign Affairs, induced his committee by the slightest majority to adopt this unnecessary substitute, the gentleman from Massachusetts said to that committee what he said in this House when by a majority equally narrow—137 to 124—the House adopted and passed it. The Senate will never in the world accept this substitute, and there is no excuse for this action unless we wish to check all further progress in the direction of retaliatory legislation.

His prophecy is to-day the fact. And what are we to do in the premises? The answer depends upon whether we want to give the President additional powers in the direction of retaliation. If we do we must vote to recede from the amendment of the House. If we do not wish to give the President additional powers, which he may use to menace Great Britain into a compliance with his wishes, then all we have to do to-day is to follow again the blind leading of the chairman of the Committee on Foreign Affairs and we shall get our wish. It is the Senate bill or nothing.

I say, Mr. Speaker, "additional powers," in order that the President may have stronger weapons with which to assault the foreign office of the British Government. Does the House forget that one year ago we said to the President just what the gentleman from Virginia [Mr. DANIEL] wants us to say to-day: "We trust you; on you is the responsibility; take all that you ask." Does the House forget that then and there we passed the Dingley shipping bill without any trouble or delay, and said to the President: "Take what we are told you want; take it and fight the Canadian Government with fire as you wish; fight them with the same fire with which they fight us; here is your authority; close every port in the United States against Canadian vessels; deprive all of them in American ports of every right which American vessels are deprived of in the ports of the dominion." The President of the United States has had these powers for a year and has never yet used them. We might have hesitated in granting new ones under these circumstances, yet when his friends, giving no explanation for his lack of American pluck and spirit, came again to the Senate and said, "Give the President more authority; you have already told him that he can close all the ports of our country; now tell him that he may refuse entry, not only into all ports, but into all places to all Canadian products and goods. Let him enforce the silence of suspended trade;" the Senate did it unanimously, and——

[Here the hammer fell.]

The SPEAKER. The gentleman from Massachusetts [Mr. RICE] has one minute remaining.

Mr. RICE. Mr. Speaker, the one minute I have left is all the time I wish. On the other side of this question is the prestige of the chairman of the committee [Mr. BELMONT] and the flowery eloquence of the gentleman from Virginia [Mr. DANIEL]. But I desire to call the attention of this House to the fact that behind me stands the majority of the Committee on Foreign Affairs; and when I move that the House recede from its amendment, I do so with the majority of that committee indorsing the motion, as is shown by the debate this morning. Mr. Speaker, as soon as that motion is entered, I shall move the previous question——

The SPEAKER. The motion is not pending.

Mr. RICE. I have given notice that I shall make it.

Several MEMBERS. Make it now.

Mr. REED. Mr. Speaker, the gentleman from Massachusetts [Mr. RICE] has just made the motion.

The SPEAKER. He can not make it now. As soon as the report is accepted the motion may be made.

Mr. BELMONT. I yield three minutes to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, as I understand the difference between the House and the Senate, it is simply upon the question how far we

shall go in adopting retaliatory measures to force a settlement of the fishery controversy.

I propose, sir, to look at this question briefly from a national standpoint of view, and then from a New England standpoint of view. In my judgment, if we adopt the Senate proposition, the fishery question can remain unsettled till doomsday. Suppose the Senate proposition is accepted, what power is vested in the President of the United States under it? He can simply prohibit Canadian vessels from entering our ports; he can also prohibit Canadian produce from entering the ports of the United States, and he can prohibit Canadian fish from entering the United States.

I presume, sir, the New England States can well afford to give up the right of fishing in disputed Canadian waters and the right of purchasing bait in Canada if thereby they secure the monopoly of the fish trade of the United States. But, sir, we are looking to retaliatory measures and if such a policy should be adopted, why do we not also authorize the President of the United States to exercise the right of excluding Canadian cars, which, if non-intercourse in the future is to be our policy, would be more effective in accomplishing the object we have in view, if such a policy is admissible at all, than all the other powers you propose to confer on the President. In both the Senate and House propositions the powers conferred on the President are discretionary and not mandatory. It is not to be presumed he will exercise them until all peaceable and conciliatory efforts have failed. But I call the attention of the House to the fact that the railroad interests of the Dominion of Canada and the interests of New England are practically one and the same thing.

The CHAIRMAN. The gentleman's time has expired.

Mr. BELMONT. I will give the gentleman from Pennsylvania two minutes longer.

Mr. SCOTT. Now, Mr. Speaker, the vast traffic from the West and Northwest, local to New England, and seeking the seaboard for transshipment to the continent of Europe, is not only of great importance to the railroads of New England, but also to the ports of Portland, Boston, and other New England cities, and the great bulk of this traffic reaches New England over Canadian railroads.

Mr. REED. In other words, we would hurt them more than ourselves if we tried it.

Mr. SCOTT. New England can not afford to sacrifice her railroad traffic and her great commercial centers for any policy, although that policy may be the best to maintain the honor of the United States and secure to the people the very rights growing out of this question. They want the railroads of Canada to be hauling into Portland, Boston, and the entire New England coast the traffic of the West and the Northwest, so far as this can be done; and at the same time they desire to have a monopoly of the fish trade of the country. The only concession they are willing to make, even in their own interests in connection with this subject, is that American bottoms can not purchase bait in Canada. [Laughter.] I say, sir, if you are going to adopt a retaliatory policy at all, confer upon the President of the United States the fullest and most effective powers possible to enable him to bring this question to a final settlement, which is to exclude Canadian cars along with Canadian bottoms, products, and fish. [Applause.]

Mr. BELMONT. I yield for ten minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Who are the parties to the controversy? The Kingdom of Great Britain and the Republic of the United States. We belittle it when we say it is the Dominion of Canada and the fishermen of New England. What is the object of these proceedings? To authorize negotiations for the purpose of securing a treaty which will settle this controversy between Great Britain and America.

Whatever may have been the causes which produced this controversy, or the acts which have marked its progress, or the merits of the dispute, there is now pending between these great powers a controversy of such a character that in the Senate of the United States a grave Senator has said that during the recess of Congress there may be bloodshed.

Now, it is proposed to put into the hands of the President power—to do what? To force a negotiation with Great Britain for the purpose of securing a permanent peace. It is a peace measure. It takes a dispute about fish and the rights and privileges of fishing vessels, which may result in war, out of the hands of those who are interested in that given industry and puts it into the hands of the cabinets of Great Britain and America. How? The day of the kingdom of men has passed away, and the dominion of public opinion has come. This measure arouses public interest. It makes the entire border, from the Atlantic to the Pacific, alive to the danger of war and sensitive to the result, and anxious, therefore, for settlement; it makes the merchants of Great Britain, one of whose lines of transit from Great Britain to India is partly through America, anxious for the settlement of this controversy.

It makes the great railroad interests of the Dominion of Canada, of New England, and of the West, interested in this subject; and it gives to our administration the power to say to Great Britain: "Give us attention; stop for a moment from the discussion of the wrongs of Ireland and the remedies thereof; turn your attention from India and listen to America, as she demands a treaty that will settle this question."

I have not the time to discuss the merits of this controversy nor all the differences between the House and Senate bills. Since 1783, the date of our first treaty with Great Britain, or from the treaty of 1818, there have been enormous changes in the two countries; in the density of population along the frontier of America and Canada, and the maritime provinces of Canada; in the mode of fishing; in the recognized international privileges accorded to vessels in the ports of friendly nations; in the circumstances surrounding all parties to this controversy. We can not be remitted to the treaty nor to the days of 1818.

We have no treaty with Great Britain as to the commercial rights of our vessels in the ports of Canada. We must by treaty adjust all our difficulties upon a new basis. We must recognize the changes of the years and treat as our present condition requires.

This is the province of negotiation. The only excuse for, as the only province of, retaliation is to produce, to force, negotiation. It is not to punish, to annoy, but to cause peace; to secure a settlement. This is the object to be attained. The retaliation, to be efficient, must be sufficient to produce negotiation. Mere punishment may prolong controversy, and is unbecoming, beneath the dignity of a great country, and unworthy of the civilization of the age.

It is not a play of tit-for-tat, but a mode of forcing such negotiation as will remove all cause for further danger of war. It will necessarily cause temporary loss; perhaps some injury. This may be, must be, the result of all embargoes, of all non-intercourse, and to both parties. This must be understood.

Mr. Speaker, if we are not to have war how are we to avoid it except by negotiation? How are we to settle this irritating question? This question of fisheries has been upon us for nigh a hundred years.

I am, Mr. Speaker, in the short time allotted to me, trying to get away from the mere details of the controversy——

Mr. REED. Evidently.

Mr. BRECKINRIDGE, of Kentucky. Avoiding the discussion of the motives that may control some gentlemen; those who desire to increase the duty on fish, from which retaliatory measure profit to them will ensue, a duty which will be paid out of the pockets of the American fish consumers and to the fishermen of New England; of those who have guns to make and sell for coast defenses, by which a large standing army may be maintained, and the necessary appropriations made to provide for the same; those who clamor for extravagant appropriations under pretense of building a new navy; of those who denounce Great Britain to pose as the friends of Ireland, I desire to present the single issue what is the best course to pursue to produce the result which all desire, a treaty to permanently and amicably settle this controversy, so as to preserve the honor of America and secure all the rights and privileges to which any of her citizens may be entitled.

Mr. Speaker, it is urged that the Senate has the House by the throat. The gentleman from New Jersey [Mr. PHELPS] always incisive, my friend from Massachusetts [Mr. LONG] always eloquent, and the gentleman from Illinois [Mr. HITT] with large diplomatic experience have declared that we must recede or there will be no legislation; which means when you boil down what they say that the Senate has the House by the throat, and if we do not acquiesce in what the Senate wants, we will be held responsible for doing nothing.

In the name of the people whom the House of Representatives immediately represent; in the name of the honor and dignity of this House, the popular branch of Congress, I protest against the indignity to the House that is involved in such an argument [applause], and put the responsibility of failure where it belongs, upon the Senate that will not give us power to make peace by means of sufficient retaliation.

And if it be true that it is wise to keep from our ports the vehicles that transport by sea, why is it not wise also to keep out of our territory the vehicles that go by land?

Why so sensitive when you touch the railroads of New England? Why so anxious to avoid retaliation that will be efficient and sufficient? Is it because by these means you make a double profit? You prohibit Canadian fish and profit by the squabble at the cost of the American fish consumers. You admit freight-bearing cars and profit again by the prohibition of vessels from our ports. The carrying trade on water is not in your hands, so you prohibit them from entering our ports, and your fish go up. The carrying trade on land is partly in your hands, and freight is increased by prohibiting vessels to enter our ports, and you profit by that prohibition. The House bill puts New England under bond to keep the peace, to prevent bloodshed, to be moderate in the claims presented and the mode of obtaining and exercising the rights and privileges claimed; the Senate bill offers a bonus to keep up the present operation, to risk extreme measures, to take violent measures. The House bill means peace now, and quick negotiation and speedy settlement; the Senate means—I fear was intended by some to mean—prolongation of this dispute, continuance of the irritation, and probably graver consequences hereafter.

Mr. Speaker, let us get somewhat higher than the level of the motives that may control those pecuniarily interested; let us take one pure

breath of higher latitude than personal interest. Here we are in the controversy; these are American citizens owning these vessels with the American flag at their mastheads. They have cause, as they think, of complaint. We, too, so believe. That cause of complaint is against the Dominion of Canada, with which we can not have diplomatic relations, as it is a dependency of England. We must, therefore, through England make our negotiations. England refers our demand back to Canada, and we have not been able by this means, notwithstanding the brave, manly, and able presentation of our claim by the Secretary of State and our minister at the court of Great Britain, to secure prompt and proper consideration of our demands; and we are thus delayed by this alleged official courtesy from the home office to the authorities of Canada. We now desire to authorize our Executive to say to England we must have an end of this; we will not be longer baffled by your internal courtesy.

We will not be deterred from the settlement of this question by your claim that it shall be done through Canada. We will have this matter brought not to the arbitrament of war, but of negotiations, by requiring that the retaliatory measures we put into effect will be of such a character as will demand negotiation and settlement. That is the true course to pursue. There lies the remedy, and there is the road to honor and to peace; dignified, asking nothing to which we are not entitled; ready to concede what is friendly and just; powerful, because backed up by sixty millions of freemen, and because our quarrel is just; paltering with no local squabbles, making our case no longer contemptible by connecting it in any manner with mere local disputes, but treating it as a question in which all our people are interested, a national matter, because it is our flag that is involved, and as a national cause, at whatever cost it may be to any section of the country. [Applause.] I can afford to urge this, because I represent that district which over seventy years ago stood for the rights of the seamen and the flag; that district represented by the greatest of parliamentary leaders, who took the ground that I am taking to-day, that the President of the United States should be armed with power sufficient to retaliate with Great Britain for anything that Great Britain did to our commerce or to our seamen.

[Here the hammer fell.]

Mr. BELMONT. I yield three minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I deprecate war as should every intelligent and thoughtful representative man who will but for a moment reflect on the horrors that follow all armed conflicts. I do not believe this is likely to result in a struggle between Great Britain and the United States. The President of the United States is the authorized agent, the mouth-piece of the American people in all its controversies and its negotiations with foreign countries.

There is but a single question involved in the proposition presented. There has been some stress laid upon the unity of the Senate and the divided counsels of this House. I do not think justice has been done in that particular. I remember that when the minority on this question sought in large degree to modify the power of the President, after they failed in that, as has been stated, by 13 votes, they most wisely and, as I thought, in a most patriotic manner, affirmed the proposition of the House committee with but a single dissentient.

The question involved here is, shall we give to the President of the United States not an aggressive, but an effective power within the line and scope of negotiation, so that when we enter upon a retaliatory proceeding it shall reach a satisfactory conclusion. You might as well undertake to send a man into the physical arena with one arm tied to contest against another with both arms as attempt in this way to abridge the discretion of the President of the United States in his purpose to deal by negotiation with foreign governments as to disputes in which the interests of the American people are involved. They have all power. We want in this instance to give to the President of the United States, having confidence in his discretion and his patriotism, yes, and in his courage, such power that he may be able to bring this negotiation to a peaceful conclusion, with honor to both nations and with no discredit to either. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from New York [Mr. BELMONT] has two minutes of his time remaining.

Mr. BELMONT. I call for the previous question on the acceptance of the report.

The previous question was ordered, and under the operation thereof, the report was accepted.

Mr. BELMONT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. RICE. I now move that the House recede from its amendment.

Mr. REED addressed the Chair.

Mr. BELMONT. I ask the previous question.

The SPEAKER. The gentleman from Massachusetts has the floor. Does he yield to the gentleman from Maine?

Mr. RICE. I do.

Mr. REED. Mr. Speaker, there are gentlemen somewhat distant from the scene of this controversy who can afford perhaps to make it a matter of politics; but those of us who live in New England have not that right, nor do we desire that privilege. With us it is a matter which concerns the business interests of our people; and if by any word I can call the attention of this House back to the practical, sensible aspect of this case, I shall do a service to the people of my district and perhaps to the people of the United States.

Some time ago the fishermen of the United States had the right under treaty of fishing in Canadian waters. That right has been taken away from them at their own request by the abrogation of the treaty. Thereupon the Canadians commenced a series of persecutions, having for their object the re-establishment of that treaty. Those persecutions consisted of harassment of our vessels by denying them the right which is given among all civilized communities, that right of ordinary hospitality which Christian nations always, and now even barbaric nations, grant upon their coasts. It is to rid ourselves of this inhospitable treatment that effort is now being made; and the sole question before this House is a question of expediency, a question as to what will enable us to accomplish the result.

There ought not to be either war or the shadow of war in the transactions. What we need is the use of peaceable means such as international law gives us, such as will be as effective as arguments *ad hominem* and not arguments *ad bellum*.

It is proposed by the Senate bill that the President shall have power of retaliation to such an extent as will make the Canadians who are alone doing this thing, realize that it is as disadvantageous to them as it is to us to drop the Christian methods of intercourse among civilized people. The proposition of the House goes one step further. The House bill proposes that we shall do of our own motion precisely the thing we are complaining of on their part; that we shall by refusing to allow railroads to transport their cars here break a treaty which by its very terms we have no right to break except by a notice of two full years; thus putting us, if that power is exercised, absolutely in the wrong before the civilized nations of the world.

Mr. DANIEL. Will the gentleman yield for a correction?

Mr. REED. Surely.

Mr. DANIEL. I beg leave to call the gentleman's attention to the fact that the clause prohibiting the passage of cars is not given——

Mr. REED. The gentleman must permit me to continue—his interruption is a little long.

Mr. DANIEL. Very well, sir.

Mr. REED. Mr. Speaker, I desire to say to the House that this is not a matter for declamation; it is not a question of firing either the Southern or the Northern heart; and yet the gentleman from Kentucky [Mr. BRECKINRIDGE] has certainly exhibited himself in an attitude that was surprising to this House. When the former proposition which was included in the shipping bill of my colleague [Mr. DINGLEY] was up for consideration, a proposition limited to the exclusion of those Canadian vessels that wanted merely to buy bait, he was the gentleman who stood here most conspiciously in opposition thereto; and now he out-Herods the gentleman from Virginia [Mr. DANIEL] in his demand that we shall give this tremendous power to the President, and in that demand he is backed up by the gentleman from the Erie district of Pennsylvania [Mr. SCOTT], who desires, as everybody knows, to crush out the railroad traffic of this country. [Laughter.] Why, nobody need answer that any better than it has been answered by the gentleman from Massachusetts [Governor LONG].

Everybody knows that if we attempt non-intercourse with Canada all along the line, we suffer more than they do, and that is the very reason why the gentleman from Kentucky [Mr. BRECKINRIDGE] takes his position and declares that we ought to have a retaliation which will make us suffer more than it will the enemy. [Laughter.] He says we, on one side, want to retaliate on the ocean carrying trade, and he says that is wrong, because we do not possess that trade; but that we ought to retaliate on the railroad trade, because we do possess that. In other words, his position is that retaliation against the enemy consists in hurting ourselves. [Laughter.]

Why, I only need to take off the rhetoric of the gentleman's statement in order that everybody may see the absurdity of his logic, and that, in the fervor of his zeal to rekindle his own patriotism, he has gone beyond the wishes of every one who is interested in this matter, and even beyond the wishes of his own side of the House.

Mr. Speaker, here is a business question which affects a large portion of our citizens, in whom the nation is much interested, for out of them we must man our Navy. The nation is thoroughly interested in their rights, and let me say, by the way, to the other side of the House, that eight out of ten of them are members of the Democratic party. Now, those men know what they want, and they know what will produce the result which they desire. The Senate of the United States is ready to give it to them, this side of the House is ready to give it to them, and I am happy to say that the majority of the Committee on Foreign Affairs in this Democratic House is ready to give it to them; and the question now is whether the politicians upon the other side, fired up by an appeal from the gentleman from Virginia [Mr. DANIEL] addressed to them as Democrats, will permit this just measure to be defeated

and take away from a Democratic President the right and the power of using peaceable means to make the people of Canada understand the disadvantages as well as the inhumanity of the course which they themselves are pursuing.

Mr. RICE. Does my friend, the chairman of the committee, desire any additional time?

Mr. BELMONT. No. I trust that the gentleman from Massachusetts [Mr. RICE] will carry out the intention which he expressed in his notice that he would call the previous question upon his motion.

Mr. RICE. Then, Mr. Speaker, if the chairman does not desire to occupy any time, I now move the previous question. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Massachusetts [Mr. RICE] moves that the House recede from its amendment, and upon that he demands the previous question.

The previous question was ordered.

Mr. RICE moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, requested that the House return to the Senate the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes.

The message further announced that the Senate had passed the bill (S. 3349) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and for other purposes, in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown.

The message also announced that the Senate had passed with amendments a bill and joint resolution of the following titles; requested a conference with the House on said bill and joint resolution, and the amendments thereto; and had appointed on the part of the Senate conferees as respectively indicated.

A bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes—Mr. MANDERSON, Mr. CAMERON, and Mr. HAMPTON.

Joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, and William H. Cole—Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN.

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island;

A bill (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same;

A bill (S. 3165) authorizing the construction of a bridge across the Red River of the North;

A bill (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased;

A bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him;

A bill (H. R. 10233) to convey and confirm in the city of Aurora, in the county of Kane and State of Illinois, a small island in Fox River located within the limits of said city; and

Joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Mr. MCRAE, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 731) granting a pension to William H. Heister;

A bill (H. R. 752) granting a pension to James Smithpeter;

A bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay;

A bill (H. R. 10421) to provide for a term of court at Duluth, Minn.; and

A bill (H. R. 11199) for the relief of Thomas B. Nalle.

### NON-INTERCOURSE WITH CANADA.

The SPEAKER. The question is now on receding from the amendments adopted by the House.

The question was taken by a *viva voce* vote.

The SPEAKER. The Chair is unable to determine.

Mr. RANDALL. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 136, not voting 35; as follows:

YEAS—148.

| | | | |
|---|---|---|---|
| Adams, G. E. | Findlay, | Lindsley, | Rockwell, |
| Allen, C. H. | Fleger, | Little, | Romeis, |
| Anderson, C. M. | Ford, | Long, | Rowell, |
| Anderson, J. A. | Fuller, | Lore, | Ryan, |
| Atkinson, | Funston, | Lyman, | Sawyer, |
| Baker, | Geddes, | Markham, | Scranton, |
| Barksdale, | Gilfillan, | Martin, | Sessions, |
| Bayne, | Goff, | McComas, | Skinner, |
| Bingham, | Grosvenor, | McKenna, | Smalls, |
| Bound, | Grout, | McKinley, | Spooner, |
| Boutelle, | Guenther, | Millard, | Steele, |
| Browne, T. M. | Hale, | Milliken, | Stephenson, |
| Brown, C. E. | Hall, | Mills, | Stewart, J. W. |
| Brown, W. W. | Harmer, | Moffatt, | Stone, E. F. |
| Brumm, | Hayden, | Morrill, | Strait, |
| Buchanan, | Haynes, | Morrow, | Struble, |
| Buck, | Henderson, T. J. | Negley, | Swinburne, |
| Bunnell, | Hepburn, | Nelson, | Symes, |
| Burleigh, | Hermann, | O'Donnell, | Taylor, E. B. |
| Burrows, | Hiestand, | O'Ferrall, | Taylor, I. H. |
| Butterworth, | Hires, | O'Hara, | Taylor, Zach. |
| Campbell, J. M. | Hiscock, | O'Neill, Charles | Thomas, J. R. |
| Cannon, | Hitt, | O'Neill, J. J. | Thomas, O. B. |
| Caswell, | Holmes, | Osborne, | Thompson, |
| Conger, | Hopkins, | Owen, | Van Eaton, |
| Crain, | Houk, | Parker, | Van Schaick, |
| Cutcheon, | Jackson, | Payne, | Wade, |
| Dargan, | James, | Payson, | Wadsworth, |
| Davis, | Johnson, F. A. | Perkins, | Wakefield, |
| Dingley, | Johnston, J. T. | Peters, | Warner, William |
| Dorsey, | Kelley, | Pettibone, | Weaver, A. J. |
| Dunham, | Ketcham, | Phelps, | Weber, |
| Ely, | Kleiner, | Plumb, | West, |
| Evans, | La Follette, | Price, | White, A. C. |
| Everhart, | Laird, | Reed, | White, Milo |
| Farquhar, | Lehlbach, | Rice, | Woodburn, |
| Felton, | Libbey, | Riggs, | Worthington. |

NAYS—136.

| | | | |
|---|---|---|---|
| Allen, J. M. | Davidson, R. H. M. | Lanham, | Sayers, |
| Bacon, | Dawson, | Lawler, | Scott, |
| Barbour, | Dibble, | Le Fevre, | Seney, |
| Barnes, | Dockery, | Lovering, | Seymour, |
| Barry, | Dougherty, | Lowry, | Shaw, |
| Belmont, | Dunn, | Mahoney, | Singleton, |
| Bennett, | Eden, | Matson, | Sowden, |
| Blanchard, | Eldredge, | Maybury, | Springer, |
| Bliss, | Ermentrout, | McAdoo, | Stahlnecker, |
| Blount, | Fisher, | McCreary, | St. Martin, |
| Boyle, | Forney, | McMillin, | Stone, W. J., Ky. |
| Breckinridge, C. R. | Frederick, | McRae, | Stone, W. J., Mo |
| Breckinridge, WCP | Gibson, C. H. | Merriman, | Storm, |
| Burnes, | Gibson, Eustace | Miller, | Swope, |
| Bynum, | Glass, | Mitchell, | Tarsney, |
| Cabell, | Green, | Morgan, | Taulbee, |
| Caldwell, | Halsell, | Morrison, | Taylor, J. M. |
| Campbell, Felix | Hammond, | Murphy, | Tillman, |
| Campbell, J. E. | Harris, | Neal, | Townshend, |
| Campbell, T. J. | Hatch, | Neece, | Trigg, |
| Candler, | Heard, | Norwood, | Tucker, |
| Carleton, | Hemphill, | Oates, | Turner, |
| Catchings, | Henderson, J. S. | Outhwaite, | Wallace, |
| Clements, | Herbert, | Page, | Ward, J. H. |
| Cobb, | Hill, | Peel, | Ward, T. B. |
| Compton, | Holman, | Perry, | Warner, A. J. |
| Cowles, | Howard, | Pindar, | Weaver, J. B. |
| Cox, S. S. | Hudd, | Randall, | Wellborn, |
| Cox, W. R. | Hutton, | Ranney, | Wheeler, |
| Crisp, | Irion, | Reagan, | Wilkins, |
| Croxton, | Johnston, T. D. | Richardson, | Willis, |
| Culberson, | Jones, J. H. | Robertson, | Wilson, |
| Daniel, | King, | Rogers, | Wise, |
| Davidson, A. C | Laffoon, | Rusk, | Wolford. |

NOT VOTING—35.

| | | | |
|---|---|---|---|
| Adams, J. J. | Cooper, | Henderson, D. B. | Snyder, |
| Aiken. | Curtin, | Henley, | Spriggs, |
| Ballentine, | Davenport, | Jones, J. T. | Stewart, Charles |
| Bland, | Ellsberry, | Landes, | Throckmorton, |
| Brady, | Foran, | Louttit, | Viele, |
| Bragg, | Gallinger, | Muller, | Wait, |
| Clardy, | Gay, | Pidcock, | Whiting, |
| Collins, | Glover, | Reese, | Winans. |
| Comstock, | Hanback, | Sadler, | |

So the motion to recede was agreed to.

The following-named members were announced as paired until further notice:

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. COLLINS with Mr. WHITING.

The following-named members were announced as paired for this day:

Mr. CLARDY with Mr. LOUTTIT.

Mr. BLAND with Mr. HANBACK.

The following-named members were announced as paired on this vote:

Mr. JONES, of Alabama, with Mr. COOPER.

Mr. HENLEY with Mr. WAIT.

Mr. STEWART, of Texas, with Mr. BRADY.

The following-named members were announced as paired on this bill:

Mr. BRAGG with Mr. HENDERSON, of Iowa.

The result of the vote was announced as above stated.

Mr. MILLS. I move to reconsider the vote just taken.

Mr. REED. I move to lay that motion on the table.

Mr. RANDALL. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 142, nays 132, not voting 45; as follows:

YEAS—142.

| | | | |
|---|---|---|---|
| Adams, G. E. | Ford, | Long, | Rowell, |
| Allen, C. H. | Fuller, | Lore, | Ryan, |
| Anderson, C. M. | Funston, | Lyman, | Sawyer, |
| Anderson, J. A. | Gallinger, | Markham, | Scranton, |
| Atkinson, | Geddes, | Martin, | Sessions, |
| Baker, | Gilfillan, | McComas, | Skinner, |
| Barksdale, | Goff, | McKenna, | Smalls, |
| Bayne, | Grosvenor, | McKinley, | Spooner, |
| Bingham, | Grout, | Millard, | Steele, |
| Bound, | Guenther, | Milliken, | Stephenson, |
| Boutelle, | Hale, | Moffatt, | Stewart, J. W. |
| Browne, T. M. | Hall, | Morrill, | Stone, E. F. |
| Brown, C. E. | Harmer, | Morrow, | Strait, |
| Brown, W. W. | Hayden, | Negley, | Struble, |
| Buck, | Haynes, | Nelson, | Swinburne, |
| Bunnell, | Henderson, D. B. | O'Donnell, | Symes, |
| Burleigh, | Henderson, T. J. | O'Ferrall, | Taylor, E. B. |
| Burrows, | Hepburn, | O'Hara, | Taylor, Zach. |
| Butterworth, | Hermann, | O'Neill, Charles | Thomas, J. R. |
| Campbell, J. M. | Hiestand, | O'Neill, J. J. | Thomas, O. B. |
| Cannon, | Hires, | Osborne, | Thompson, |
| Caswell, | Hiscock, | Owen, | Van Eaton, |
| Conger, | Hitt, | Parker, | Van Schaick, |
| Crain, | Holmes, | Payne, | Wade, |
| Cutcheon, | Houk, | Payson, | Wadsworth, |
| Dargan, | Jackson, | Perkins, | Wakefield, |
| Davis, | James, | Peters, | Warner, William |
| Dingley, | Johnson, F. A. | Pettibone, | Weaver, A. J. |
| Dunham, | Johnston, J. T. | Phelps, | Weber, |
| Ely, | Ketcham, | Plumb, | West, |
| Evans, | Kleiner, | Price, | White, A. C. |
| Everhart, | La Follette, | Ranney, | White, Milo |
| Farquhar, | Laird, | Reed, | Woodburn, |
| Felton, | Libbey, | Rice, | Worthington. |
| Findlay, | Lindsley, | Riggs, | |
| Fleeger, | Little, | Rockwell, | |

NAYS—132.

| | | | |
|---|---|---|---|
| Allen, J. M. | Davidson, A. C. | Le Fevre, | Seney, |
| Bacon, | Dawson, | Lovering, | Seymour, |
| Barbour, | Dibble, | Lowry, | Shaw, |
| Barnes, | Dockery, | Mahoney, | Singleton, |
| Barry, | Dougherty, | Matson, | Spriggs, |
| Belmont, | Dunn, | Maybury, | Springer, |
| Bennett, | Eden, | McAdoo, | Stahlnecker, |
| Blanchard, | Eldredge, | McCreary, | St. Martin, |
| Bliss, | Ermentrout, | McMillin, | Stone, W. J., Ky. |
| Blount, | Foran, | McRae, | Stone, W. J., Mo. |
| Boyle, | Forney, | Merriman, | Storm, |
| Breckinridge, C. R. | Frederick, | Miller, | Swope, |
| Breckinridge, WCP | Gibson, C. H. | Mills, | Tarsney, |
| Burnes, | Halsell, | Mitchell, | Taulbee, |
| Bynum, | Hammond, | Morgan, | Taylor, J. M. |
| Cabell, | Harris, | Morrison, | Tillman, |
| Campbell, Felix | Hatch, | Muller, | Townshend, |
| Campbell, J. E. | Heard, | Murphy, | Trigg, |
| Campbell, T. J. | Hemphill, | Neal, | Tucker, |
| Candler, | Henderson, J. S. | Neece, | Turner, |
| Carleton, | Henley, | Norwood, | Viele, |
| Catchings, | Herbert, | Outhwaite, | Wallace, |
| Clements, | Hill, | Page, | Ward, J. H. |
| Cobb, | Holman, | Peel, | Ward, T. B. |
| Compton, | Howard, | Perry, | Warner, A. J. |
| Cowles, | Hudd, | Pindar, | Weaver, J. B. |
| Cox, S. S. | Hutton, | Randall, | Wellborn, |
| Cox, W. R. | Irion, | Reagan, | Wheeler, |
| Crisp, | Johnston, T. D. | Richardson, | Wilkins, |
| Croxton, | Jones, J. H. | Robertson, | Willis, |
| Culberson, | King, | Rogers, | Wilson, |
| Curtin, | Lanham, | Sayers, | Wise. |
| Daniel, | Lawler, | Scott, | Wolford. |

NOT VOTING—45.

| | | | |
|---|---|---|---|
| Adams, J. J. | Cooper, | Hopkins, | Sadler, |
| Aiken, | Davenport, | Jones, J. T. | Snyder, |
| Ballentine, | Davidson, R. H. M. | Kelley, | Sowden, |
| Bland, | Dorsey, | Laffoon, | Stewart, Charles |
| Brady, | Ellsberry, | Landes, | Taylor, I. H. |
| Bragg, | Fisher, | Lehlbach, | Throckmorton, |
| Brumm, | Gay, | Louttit, | Wait, |
| Buchanan, | Gibson, Eustace | Oates, | Whiting, |
| Caldwell, | Glass, | Pidcock, | Winans. |
| Clardy, | Glover, | Reese, | |
| Collins, | Green, | Romeis, | |
| Comstock, | Hanback, | Rusk, | |

So the motion to reconsider was laid on the table.

During the roll-call,

Mr. TAULBEE said: I ask, by unanimous consent, to dispense with the reading of the names.

Mr. RANDALL. I object.

The following additional pairs were announced:

On this vote:

Mr. BRAGG with Mr. KELLEY.

Mr. SOWDEN with Mr. BRUMM.

Mr. PIDCOCK with Mr. COOPER.

Mr. GLOVER with Mr. ROMEIS.

Mr. OATES with Mr. WAIT.

Mr. SADLER with Mr. BRADY.

The vote was then announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2930) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 2958) to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River; and

A bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I submit the following privileged report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 4 to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, having met and after full and free conference have been unable to agree.

JAMES H. BLOUNT,
HENRY H. BINGHAM,
JAMES M. RIGGS,
*Managers on the part of the House.*

P. B. PLUMB,
WILLIAM MAHONE,
JAMES B. BECK,
*Managers on the part of the Senate.*

Mr. BLOUNT. I ask the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. BLOUNT. I now move the House further insist on its disagreement to the Senate amendment and ask for a further conference on the disagreeing votes of the two Houses. On that motion I think we ought to have the yeas and nays and therefore demand them.

The yeas and nays were ordered.

[Cries of "Vote!"]

Mr. BURROWS. I had some conversation with my friend from Georgia, and there was an understanding nothing was to be said in the way of debate. If I had supposed the gentleman would take the course he has taken, I would move the House recede with a view to present some matters to the House.

Mr. BLOUNT. Because of a misunderstanding on the part of the gentleman as to what I intended to do, I do not think I should be asked to surrender my rights.

Mr. BURROWS. If my friend insists, I will move the House recede and agree to the Senate amendment.

Mr. BLOUNT. I have no objection.

Mr. BURROWS. And on that motion I ask the yeas and nays. I believe I have the floor.

The SPEAKER. The previous question has been ordered.

Mr. REED. But not on this motion.

The SPEAKER. If the previous question be ordered on the other motion, although it is in order to move to recede, it is not subject to debate.

Mr. REED. If that is the ruling it can not be done.

Mr. BURROWS. I suppose, Mr. Speaker, there will be the debate under the rule.

The SPEAKER. There will be, of course, fifteen minutes on each side, but no general debate.

Mr. BURROWS. I was in hopes it could have been avoided.

The SPEAKER. Thirty minutes are allowed under the rules, fifteen on each side.

Mr. BLOUNT. Does the gentleman from Michigan desire to discuss the amendment?

Mr. BURROWS. I want to say a word.

RETURN OF A BILL FROM THE SENATE.

The SPEAKER. Before proceeding with this question, if there be no objection, the Chair will lay before the House a resolution for immediate action, it being rendered necessary because of an error in the engrossment of a bill passed last evening.

The Clerk read as follows:

*Resolved*, That the Senate be requested to return to the House the bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi.

There was no objection, and the resolution was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BURROWS. Mr. Speaker, the question of difference now between the two Houses is restricted simply to making provisions for the South American mail service. I understand that upon all other points there is an agreement. I do not propose to enter into a general discussion of this matter again, but since the debate in the House some matters have come to my knowledge which I think may influence the judgment of the House, and I desire to submit them at this time.

It will be remembered that there is nothing in this proposition but to place a sufficient sum of money in the hands of the Postmaster-General to enable him to provide for carrying our mails to the South American Republics and to the Empire of Brazil. Under the provisions of the Senate amendment he is not compelled to use a single dollar if he

does not see fit to do so. He may use such portion of it as may be necessary to carry our mails to these countries, or he need not use any portion of it.

As I said when this matter was under argument, in 1858 the postage to the South American countries was 45 cents on our mails, and now it has been reduced to 5 cents. The law then restricted the Postmaster-General to compensation of sea and inland postage, which was 45 cents.

The House will readily see then the injustice of continuing in force a law which restricts the Postmaster-General to sea and inland postage when that postage is reduced from 45 cents a letter to 5 cents. That must be readily seen.

Now, the object of this amendment is to place in the hands of the Postmaster-General a sufficient fund to enable him to pay, if you please, what was paid when that law was passed. It came to me only recently that there had been a correspondence between the authorities of the Argentine Republic and the Secretary of State of this country upon this subject, and I hold in my hand a letter from Mr. Hanna, the consul-general at Buenos Ayres, directed to Mr. Bayard, and also the correspondence between the minister of foreign affairs of the Argentine Republic and our minister at Buenos Ayres, which I will ask to have incorporated in my remarks in this connection. It discloses this fact, that the Argentine Republic to-day proposes to pay $100,000 a year for a period of ten years to be used to establish a direct line between the River Plate and this country, and that proposition is now pending.

It is for this Congress, then, to say whether it will do anything towards establishing that line with this assistance from that republic, not by paying a hundred thousand dollars, but whether we will do anything or allow the Postmaster-General to do anything which will enable us to establish that line. There are some English, French, German, and other foreign lines standing ready to-day to take that bounty and establish a line between Buenos Ayres and the Government of the United States; and those lines, already subsidized by their home governments, propose to come in and accept the bounty of a hundred thousand dollars offered by the Argentine Republic for the period I have mentioned; and if they do that, it will necessarily drive our line from that service just as they have driven us from the trans-Atlantic service.

Let me insert here the last report of the consul-general from the United States to our State Department:

REPORT OF CONSUL-GENERAL HANNA.

In view of the settled anxiety on the part of this government to engage in closer commercial relations with the United States, and active movements in progress for establishing an American line of steamships between New York and Buenos Ayres, I have thought the Department might regard it worth while to consider some conclusions reached by a personal inspection of the route named, with reference to its safety, chief points of trade, the character of commerce it would probably foment and develop, and its feasibility and importance to the trading and manufacturing industries of the United States.

Before entering into the details of the question it may be proper to note that the United States and Brazil Mail Steamship Company, a corporation of the State of New York, and one or two other companies have recently had agents here surveying the field and negotiating with the Argentine Government in the matter of subsidy in aid of their designs to engage in this trade. They find a friendly and willing spirit on the part of the ministry in charge of such questions, but numerous and stubborn difficulties otherwise.

The long-established plant of the Lamport & Holt English ships, with their sixty-five vessels already in the service, securely resting upon a most enviable reputation for safety and business probity, with tried and efficient agencies in every port, their business in a great degree already embracing New York, Antwerp, and the vast trading centers of England, are liberally paid for the mail service they are doing; also the Pacific Steam Navigation Company, with their great and powerful ships plying semi-monthly between London, Southampton, Liverpool, the Brazilian coast, the River Plate, through the straits of Magellan, and up the Pacific coast to Panama; also the French, Italian, and German lines, each performing monthly service between their respective countries and the Argentine Republic, now the center of commercial attraction of all the American states south of the Caribbean Sea, altogether form a powerful drawback to any additional and weak enterprise seeking to open new paths of trade in South Atlantic waters. It may sound strangely, but there are now one hundred regular steamships plying between Rio de Janeiro and Buenos Ayres.

The United States and Brazil Mail Steamship Company, as you are aware, has already a monthly service between New York and Rio, under the patronage of the Brazilian Government. The agents here, Messrs. Wilson, Sons & Co., well-known commercial agents of very wide connections and established reputation, have already been in communication with this Government with a view to procure a subsidy for extending their Brazilian line to this port. They have been cordially received by the Government, but have been met with formidable objections. The hindrances suggested are the many stops made along the Brazilian coast, and the further fact of the imperative necessity, during the most of the year, of quarantine against the yellow fever of Rio, which surely would cause a delay between that point and this of four days during the most of the year.

I send herewith, as an inclosure, the petition of Yarrow, Kett & Co., by Green & Johnson, all agents of Wilson, Sons & Co., offering to run the United States and Brazil steamships here for a subsidy of $5,000 for each voyage made from New York to Buenos Ayres.

The minister for the interior, in whose department the petition is pending, has propounded to them some very pertinent questions bearing upon the slow progress and sanitary hindrances in the way of the extension of the line already operated between New York and Rio. I understand, however, the Government is willing to give them a subvention of $100,000 gold for twelve annual trips between New York and this port, stopping at no Brazilian city this side of Para, near the mouth of the Amazon. This would be $8,333.33⅓ per trip—a strong inducement. It is quite desirable that it may be accepted, if not by the United States and Brazil Mail Steamship Company, by some other able and willing to put on the line. There is little room to doubt that it will prove eminently successful to its owners, and be the inauguration of a prosperous trade between the two countries, and in time be so enlarged as to become dominant, as the Lamport & Holt line now is, between the River Plate and the European coast.

TRADE WITH THE UNITED STATES.

We have but limited trade now with this country, mainly because merchants will not venture to make or fill orders by slow and uncertain lines of communication.

The certainty of rapid transit in maritime traffic is about the same thing in that regard which stability is in all business—the *sine qua non* of the entire system. The commercial world will not consent to grope its way in the dark. Information about changes at hand and changes to come are the primary essentials of its success. It must know what it is doing, and in a distant country like this its ventures largely follow the advices of the mails. A regular, vigorous, trustworthy postal service, and frequent ships coming and going at fixed certain intervals, are the chief concern of maritime merchants everywhere—a need which has never yet been supplied here. The solution is easy, that these two essentials form the condition precedent to an extended trade between the United States and the Argentine Republic; the necessity is present and pressing. Will the steamships and the mail service be supplied before all is transferred to the European markets?

The great fact we know still remains to us, that the inventive genius and boundless raw material of the United States afford us something of a reserved guarantee of safety, but that is about all that will be left to us if our enterprise does not speedily stretch out its hand in this direction. This is a wonderful country of marvelous possibilities. Do we want to share in the benefits it offers to the commercial world, accept what it offers in exchange for its needs, or shall we passively let others have that which is rightfully our own?

That is the language of our representative at the Argentine Republic to-day, and that is the question which we are asked to meet. The Argentine Republic stands with the bounty of $100,000 in its hand and says to the American Government: "If you will do something to help us establish a line between the United States and our republic, we are willing to pay this amount each year for ten years. We do not ask you to pay $100,000, but to do something." Now we should remember at the same time that Great Britain and France and Germany stand waiting ready to establish these lines and take the bounty; and when we let this opportunity slip I want to say to you it is the end of our commerce in the very beginning with this whole South American country.

I will reserve the remainder of my time.

The SPEAKER. The gentleman has seven minutes of his time remaining.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a joint resolution (S. R. 117) to authorize the use of hot water off the Government reservation at Hot Springs, Ark.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 38) for the relief of Alfred Hedberg, asked a conference with the House on said bill and amendments, and had appointed Mr. HAWLEY, Mr. CAMERON, and Mr. CAMDEN as the conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I hope the House will not concur in the Senate amendment. I have heard no argument that seemed to me to justify this appropriation of $500,000. The measure does not differ in principle from the measure which was before Congress at the last session proposing the appropriation of $800,000 as a subsidy to the owner of ships. The amount involved is not the important feature. It is the principle involved that should arrest attention. But even as regards the matter of expediency, look at the injustice of this kind of legislation. The amount proposed last year was mainly in the interest of the trade between San Francisco and China and Japan. There were two lines of vessels in that trade—that of the Pacific Mail Steamship Company and that of the Oriental and Occidental Steamship Company.

These were competing lines, the one American, with its vessels under the American flag, but largely owned by foreigners, the other, with vessels owned by Americans, but built abroad and under the British flag; the one line with foreign-built vessels, owned by American owners, carrying the mails for the sea-postage; the other line, largely owned by foreign capitalists, but with vessels registered as American vessels and built in the United States, refusing to carry our mails unless you gave them a large subsidy. And this House was assured that unless that subsidy was granted the Pacific Mail Steamship Company, which was here on the ground by its agents, would continue to refuse carrying the mails unless the subsidy was granted, and that the only dependence would be on the other line of vessels, the number of which was insufficient to secure an efficient service. But under the advice of your able and efficient Postmaster-General, you refused the subsidy, and as soon as Congress refused the grant that company was glad to come in and take the compensation heretofore paid instead of the enormous demand made, a dollar a mile going and coming, which would have increased their compensation six or eight fold the rates which were being paid to the Occidental and Oriental Steamship Company, the vessels of which were owned by American capitalists.

Both lines are now carrying your mails and are glad to carry them. One line is, as I have said, largely foreign. The Pacific Mail Steamship Company receives not only the sea postage but the land postage for the transportation, the other the sea postage only—a large increase, as the gentleman will observe—while the other being more American than the Pacific line on account of the fact that the vessels are not built in the United States, are receiving the mails for the ocean postage

alone, and yet both are willing and perhaps anxious to carry your mails, and the compensation of either is ample.

Mr. BLOUNT. Yes; anxious.

Mr. HOLMAN. Now the same is true with reference to the lines between this country and the ports of South America. The same condition of things exists. Our people have a large amount of capital invested in foreign ships. The carrying-trade of the world is the most cosmopolitan of all employments, and the fact that a vessel sails under the French flag or the flag of Nicaragua is no indication of where the capital belongs that is invested in the vessel.

Mr. BURROWS. I suppose the gentleman from Indiana does not require to be informed that the Pacific Mail Steamship Company is not involved in this question.

Mr. HOLMAN. I know that, of course; but I am pointing to a parallel and what was done last session as an illustration. I am pointing to the fact that the predictions made in the last session of Congress were not realized; and that the Pacific Mail Steamship Company, largely a foreign enterprise but floating our flag, was glad to come in and carry our mails upon the advantageous terms of both sea and land postage, the rates we pay to American ships running to South American ports; while the ships that are in fact American by ownership transport our mails for the ocean postage alone.

But I do not care to discuss this question as a matter of detail. The real question is whether you can afford to enter upon and adopt this thoroughly un-American policy as I regard it of subsidizing particular industries with benefit to the commerce and business of this country. I say the policy is not American for the reason that it necessarily proposes to foster one industry or one class of industry at the expense of all the other industries of the country. It is un-American and un-republican in that it does not place all your people on the same footing and open up equal opportunities to all; that it taxes some for the benefit of others. The truth is every gentleman on this floor confronting the present state of our affairs looks with greater or less apprehension to the future. The policy of twenty-five years has been to build up great interests and estates, resulting necessarily in increasing the number of our impoverished people.

One of the perils and perhaps the only great peril of the future which a citizen is compelled to view with apprehension is the fact of the vast gulf now existing between the great body of our people and the fortunate or favored class of our people who have accumulated in the last quarter of a century vast estates beyond what could have been accumulated under ordinary conditions and under a system of government where no favoritism was shown. The truth is, the period in our history since the late war, during which as one of the consequences of the war and one of the consequences of our legislation, has opened up unexampled opportunities for the acquisition of great estates, some of our people have obtained enormous advantages by direct and indirect subsidies. But in time of peace deliberately to go into the business of legislation which shall build up or aid in building up the fortunes of a few, whether in commerce, the carrying-trade, or in any other field of industry is, I think, a course of dangerous statesmanship. It is the most dangerous legislation that could possibly be devised.

Mr. MILLIKEN. Will the gentleman yield for a question?

Mr. HOLMAN. Certainly.

Mr. MILLIKEN. Will the gentleman be good enough to explain to us how it is going to result in the accumulation of large estates in the hands of the few, to give us good communication with the South American states, thus furnishing all the people of this country who produce anything to sell an additional market for their products?

Mr. HOLMAN. I am speaking of the general result of subsidies and of legislation calculated to promote one interest at the expense of another. I concede that in any given instance a bonus of $500,000 would have no appreciable effect in impoverishing one class and enriching another. I admit that. But the system is full of peril in a republic. The question is, can you safely enter upon that policy? Is it wise or safe statesmanship? In our century of history there have been but few instances where, even under the pressure of the moment, the legislators of this country have yielded to that pressure and consented to the adoption of a policy in our carrying trade. I am speaking now of no other form of subsidy which would enrich the few at the expense of the many; and on the occasions when the pressure has been so great as to force the adoption of that policy, as a uniform rule, no benefit to the body of our people followed. I assert that in every case it was a failure, as must be every departure from sound policy. The last generation subsidized the Collins line, but in looking over the records of that period I find that committee after committee was appointed to inquire into the methods by which that legislation was secured, and whether or no any benefits were secured to the country. It is certain there were none, yet some men obtained the advantage while the whole people paid the subsidy.

In the case of the subsidizing of the line between your western coast and the Hawaiian Islands, and in the subsidy which you paid to encourage commerce between Brazil and the United States, and especially in the famous Pacific mail subsidy they were absolute failures so far as general interests were concerned, yet a few men were made rich by them.

Mr. FINDLAY. Will the gentleman yield for a question?

Mr. HOLMAN. In a moment, if I have the time.

Mr. BLOUNT. I ask the gentleman from Indiana to yield for a moment. I gave him five minutes, and the clerk informs me that eleven minutes of my time are gone.

Mr. HOLMAN. I am very sorry that I have consumed my friend's time; I am sorry I cannot have time to answer the question of the gentleman from Maryland [Mr. FINDLAY]. I was just coming to the point where I could have done so. [Laughter.]

Mr. FINDLAY. You are always coming to the point.

Mr. BLOUNT. I reserve the balance of my time.

The SPEAKER. If no gentleman desires to address the House, the question is on the motion of the gentleman from Michigan [Mr. BURROWS] that the House recede from its disagreement to the Senate amendment and concur in the same. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I ask for the yeas and nays on that motion.

Mr. BURROWS. Mr. Speaker, the time is so short that if the yeas and nays are to be demanded I prefer to withdraw the motion for the time being.

The SPEAKER. The gentleman from Michigan withdraws his motion.

Mr. BLOUNT. I ask for the yeas and nays on my own motion.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] demands the yeas and nays upon his motion that the House insist on its disagreement and request a further conference.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 107, not voting 63, as follows:

YEAS—149.

| | | | |
|---|---|---|---|
| Allen, J. M. | Dunn, | Lehlbach, | Sayers, |
| Anderson, C. M. | Eden, | Lovering, | Scott, |
| Bacon, | Ermentrout, | Lowry, | Sessions, |
| Barbour, | Felton, | Mahoney, | Seymour, |
| Barksdale, | Fisher, | Markham, | Shaw, |
| Barnes, | Ford, | Matson, | Singleton, |
| Bayne, | Forney, | McAdoo, | Skinner, |
| Belmont, | Frederick, | McComas, | Snyder, |
| Bennett, | Fuller, | McMillin, | Sowden, |
| Bliss, | Gibson, C. H. | McRae, | Spriggs, |
| Blount, | Glass, | Merriman, | Springer, |
| Boyle, | Green, | Miller, | Stahlnecker, |
| Breckinridge, C. R. | Guenther, | Mills, | Stone, W. J., Ky. |
| Breckinridge, WCP | Hale, | Mitchell, | Stone, W. J., Mo. |
| Burnes, | Hall, | Morgan, | Strait, |
| Bynum, | Halsell, | Morrison, | Struble, |
| Cabell, | Hammond, | Morrow, | Swope, |
| Caldwell, | Harris, | Muller, | Tarsney, |
| Campbell, Felix | Hatch, | Neal, | Taulbee, |
| Campbell, J. E. | Heard, | Neece, | Taylor, J. M. |
| Campbell, T. J. | Hemphill, | Nelson, | Townshend, |
| Carleton, | Henderson, D. B. | Norwood, | Trigg, |
| Clements, | Henderson, J. S. | O'Ferrall, | Turner, |
| Compton, | Henderson, T. J. | O'Neill, J. J. | Viele, |
| Comstock, | Henley, | Outhwaite, | Wakefield, |
| Cowles, | Herbert, | Page, | Ward, J. H. |
| Cox, W. R. | Holman, | Payson, | Warner, A. J. |
| Crain, | Howard, | Peel, | Warner, William |
| Crisp, | Hutton, | Perry, | Weaver, J. B. |
| Croxton, | Johnston, T. D. | Pettibone, | Wellborn, |
| Culberson, | Jones, J. H. | Pindar, | Wilkins, |
| Dargan, | Kleiner, | Randall, | Willis, |
| Davidson, A. C. | Laffoon, | Reagan, | Wilson, |
| Davidson, R. H. M. | La Follette, | Reese, | Wolford, |
| Dawson, | Laird, | Richardson, | Worthington. |
| Dibble, | Landes, | Riggs, | |
| Dockery, | Lanham, | Rogers, | |
| Dougherty, | Le Fevre, | Rowell, | |

NAYS—107.

| | | | |
|---|---|---|---|
| Adams, G. E. | Farquhar, | Libbey, | Scranton, |
| Atkinson, | Findlay, | Lindsley, | Smalls, |
| Baker, | Fleeger, | Long, | Spooner, |
| Bingham, | Foran, | Lore, | Steele, |
| Blanchard, | Funston, | Lyman, | Stephenson, |
| Bound, | Gallinger, | Martin, | Stewart, J. W. |
| Boutelle, | Gilfillan, | McKinley, | St. Martin, |
| Browne, T. M. | Goff, | Millard, | Swinburne, |
| Brown, C. E. | Grosvenor, | Milliken, | Symes, |
| Brown, W. W. | Grout, | Moffatt, | Taylor, E. B. |
| Buchanan, | Hayden, | Morrill, | Taylor, I. H. |
| Buck, | Haynes, | Negley, | Thomas, J. R. |
| Bunnell, | Hepburn, | O'Hara, | Thomas, O. B. |
| Burleigh, | Hermann, | O'Neill, Charles | Thompson, |
| Burrows, | Hiestand, | Osborne, | Tillman, |
| Campbell, J. M. | Hires, | Owen, | Van Schaick, |
| Caswell, | Hiscock, | Payne, | Wade, |
| Conger, | Hitt, | Perkins, | Wadsworth, |
| Curtin, | Holmes, | Peters, | Wait, |
| Cutcheon, | Houk, | Phelps, | Wallace |
| Davis, | Irion, | Plumb, | Weaver, A. J. |
| Dingley, | Jackson, | Price, | Weber, |
| Dorsey, | James, | Reed, | West, |
| Dunham, | Johnston, J. T. | Rice, | White, Milo |
| Ely, | Ketcham, | Rockwell, | Wise, |
| Evans, | King, | Romeis, | Woodburn. |
| Everhart, | Lawler, | Ryan, | |

NOT VOTING—63.

| | | | |
|---|---|---|---|
| Adams, J. J. | Brady, | Clardy, | Eldredge, |
| Aiken, | Bragg, | Cobb, | Ellsberry, |
| Allen, C. H. | Brumm, | Collins, | Gay, |
| Anderson, J. A. | Butterworth, | Cooper, | Geddes, |
| Ballentine, | Candler, | Cox, S. S. | Gibson, Eustace |
| Barry, | Cannon, | Daniel, | Glover, |
| Bland, | Catchings, | Davenport, | Hanback, |

| | | | |
|---|---|---|---|
| Harmer, | Maybury, | Robertson, | Throckmorton, |
| Hill, | McCreary, | Rusk, | Tucker, |
| Hopkins, | McKenna, | Sadler, | Van Eaton, |
| Hudd, | Murphy, | Sawyer, | Ward, T. B. |
| Johnson, F. A. | Oates, | Seney, | Wheeler, |
| Jones, J. T. | O'Donnell, | Stewart, Charles | White, A. C. |
| Kelley, | Parker, | Stone, E. F. | Whiting, |
| Little, | Pidcock, | Storm, | Winans. |
| Louttit, | Ranney, | Taylor, Zach. | |

So the motion was agreed to.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. BRECKINRIDGE, of Kentucky, objected; and the names were read.

The following additional pairs were announced:

Mr. COX, of New York, with Mr. COOPER, until further notice.

Mr. HUTTON with Mr. O'DONNELL, for the remainder of this day.

Mr. SENEY with Mr. CASWELL, for the rest of the day.

Mr. ADAMS, of New York, with Mr. LITTLE, on this vote.

Mr. GLOVER with Mr. CANNON, on this vote.

Mr. STEWART, of Texas, with Mr. BRUMM, for the rest of the day.

The SPEAKER. Upon this question the yeas are 139 and the nays 107. The motion of the gentleman from Georgia [Mr. BLOUNT] is agreed to. The Chair appoints as managers of the conference on the part of the House the gentleman from Georgia [Mr. BLOUNT], the gentleman from Illinois [Mr. RIGGS], and the gentleman from Pennsylvania [Mr. BINGHAM].

### ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes;

A bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River, in Louisiana;

A bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory;

A bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown; and

A bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River.

### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILSON. I rise to make a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference had been unable to agree.

W. L. WILSON,
BENJAMIN LE FEVRE,
D. P. HENDERSON,
*Managers on the part of the House.*

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*

Mr. WILSON. Mr. Speaker, before asking the acceptance of this report, I desire on behalf of the House conferees to submit a statement as to the points of difference between the conferees of the two Houses.

This bill came back to us from the Senate with sixty-six amendments, increasing the appropriations of the House by the amount of $490,060 in money, and also embracing a provision for the sale of certain District real estate, estimated to add $150,000, making an increase of some $640,000 upon the House bill.

Now, the House committee, in the preparation of this bill, to which they gave a great deal of time and a great deal of careful and minute attention, felt that some increase in the expenditures of the District government for the next fiscal year was both reasonable and proper; and they endeavored as far as possible to provide for those increases at the particular points where they appeared to be fairly demanded by the growth of population.

But, Mr. Speaker, it is not only because of the great increase in the bill made by the Senate that the conferees have been unable to come to an agreement; it is also because the two sides seem to have approached the construction of this bill with some difference of opinion and some difference of theory. This is in many respects a very difficult bill to prepare. Here is a large municipality, contributing $2,000,000 in the shape of taxes toward its own support, which $2,000,000 has no representation except such as can be given to it by the committees of Congress dealing with the affairs of the District of Columbia. The District commissioners are not representatives of the tax-payers of the District; they are merely agents of Congress. The committee of the House charged with the preparation of this bill accordingly felt it a duty which they owed to the tax-payers of the District to guard carefully their interests as far as possible, and in its construction to make the appropriations specific wherever that could be done, so that there might be no doubt as to the purposes for which money was appropriated and but little discretion on the part of the agents charged with its expenditure—in other words, to apply the safe and approved plan of "ear-marking" the several appropriations. The Senate bill seems to have been constructed, however, upon another theory—to place large sums of money in the hands of the agents of Congress with very little restriction upon the manner or the localities in which those sums were to be expended.

Now, Mr. Speaker, I shall call attention very briefly to the chief points of disagreement between the two Houses. In the first place as to the appropriation for current improvements and repairs. The estimates of the commissioners asked the appropriation of $400,000 for the paving of additional streets within the city limits. The appropriation for that purpose last year was $267,000. The House committee deemed that an additional $33,000, making up an appropriation of $300,000 for the coming year, would be a reasonable increase and all that could properly be demanded. We accordingly appropriated $300,000; and we provided for the distribution of that amount among the different sections of the city in a manner which my colleague from Iowa [Mr. HENDERSON] will more specifically explain. We also in creased the amount to be allowed for current repairs upon the streets of the District of Columbia, and increased the amount under what is called the permit system, under which the District furnishes one-half of the money and the property owners the other half, for certain improvements which are not included in the schedule proposed by the authorities of the District. Under these circumstances, we thought that our appropriation for new pavements was amply sufficient. The Senate, however, has added to it $100,000 (making the appropriation for the coming year exactly what the estimates called for), and has stricken out our provision as to its distribution among the different sections of the city.

Last year the House committee charged with the preparation of this bill inserted in it, after what they deemed careful investigation, a provision that no contracts should be made for the laying of concrete or asphalt pavements in the District of Columbia at a higher rate than $2 per square yard, of a quality equal to the best heretofore laid in the District. Up to that time the contract price had generally been $2.25 per square yard. We satisfied ourselves that there was ample profit in a contract at $2 per square yard, and that at this price such pavement could be made of a quality equal to the best then laid in the District. Now, the engineer commissioner, or whoever had the making of the contracts for the current year, evaded, in the opinion of the committee, that restriction of the law by making his contracts at $2 per yard, but allowing a base of 4 inches instead of 6 inches, as heretofore required by the specifications, alleging that a better quality and more expensive kind of cement was used in the 4-inch base. The House committee, regarding that to be an evasion of the law, and desiring to re-enact that law in such terms that no such evasion could be made, added to this bill a provision that no contract for this kind of pavement should be made at a rate over $2 per square yard for a quality equal to the best laid in the District prior to July 1, 1886, and with a base of not less than 6 inches. The Senate has stricken out this latter provision, leaving the engineer department of the District free to make contracts for the coming year, as they have for this year, in violation of the plain intention of the law.

But it is upon the item of $60,000 for the construction of suburban streets and roads that the chief, and perhaps the most irreconcilable, difference as yet exists between the conferees of the two Houses. There appeared in the appropriation bill last year, not asked for in the estimates but put on by the Senate, $40,000, reduced in conference to $30,000, for opening suburban streets and roads. That was largely used for work on the projected extension of Massachusetts avenue.

The subcommittee in charge of this bill, in view of the extended criticism on this improvement, examined, with some interest and care, that extension, and, not expressing any opinion, because not called upon to do so, as no further appropriation was asked for it at present, were yet decidedly and unanimously of opinion that no such item as that was needed or appropriate in the appropriation bill for the next fiscal year.

But the estimates of the commissioners call for $60,000 for that purpose, and the Senate has inserted the $60,000, using the words for the "construction of suburban streets and roads," rather than the language of the last year's bill, for "opening suburban streets and roads," words which, in the opinion of the House conferees, are clearly equivalent.

In the report of the commissioners of the District of Columbia for the current year they have stated the purpose for which they ask this appropriation of $60,000 and the expenditure they will make of it if granted to them. I will read from that report:

The further sum of $60,000, in view of the possible condemnation to be made of land lying between Soldiers' Home and Rock Creek.

To be sure the engineer commissioner has written the Senate committee a letter stating the uses to which he now proposes to put this $60,000; but that letter is not to be taken against the official report of the commissioners. Now, the subcommittee of the House have been fully awake to the necessity for improvement of many existing streets and highways of the District of Columbia, not only within the limits of the cities of Washington and Georgetown but for the improvement of suburban roads and streets, but they have felt there was no present necessity and, in my judgment, no present excuse for appropriation for the opening of other streets and roads.

So long as thickly-settled portions of the District are not supplied with good streets and roads it seems to us that the expenditure of money for the construction of other streets and roads is called for by no demands of present population, but in many cases only to subserve the speculative purposes of purchasers of real estate outside of the city. We do not assume to reflect on the motives of any one, but it is possible, it is probable, it seems to me almost inevitable, that this expenditure of $60,000 must largely, if not wholly, inure to the benefit of such purchasers and real-estate owners who have no right to have public moneys expended in furtherance of their speculative schemes. Therefore the conferees of the House have taken their stand, and decline to yield to this appropriation unless ordered to do so by the House. We are not unwilling to increase by a reasonable appropriation, if the necessity be shown, the amount required for work upon the existing roads and streets both within the city limits and without the city limits.

The next amendment of the Senate in which——

Mr. CANNON. Before the gentleman reaches that branch will he permit me to ask him a question?

Mr. WILSON. Yes, sir.

Mr. CANNON. If it is proper to ask him, are the House conferees willing to appropriate for the improvement of suburban roads and streets to the exclusion of those projected in the mountainous district where they are of no use? [Laughter.]

Mr. WILSON. That is our exact position. But we have been told that if we do not agree to that item there will be no agreement between us.

Mr. CANNON. I hope there will be no agreement, and that the bill will fail if that be insisted upon.

Mr. WILSON. That is the stand of the conferees on the part of the House. We propose to stand on that item, and hope the House will back us in it.

The next amendment to which I call attention is an item for the construction of an ice-boat for the harbor of Washington and the Potomac River. There was no call for this expenditure in the estimates sent to the House. Undoubtedly there may be some necessity for an expenditure for this particular purpose. The opinion of the House conferees is that the sum of $5,000 or thereabouts, placed in the hands of the Secretary of the Treasury or of the commissioners of the District, is an ample amount to keep the harbor of Washington free of ice.

We have had communications submitted to us which were placed in the hands of the chairman of the District Committee [Mr. BARBOUR], communications from steamboat companies offering to bid for this work if some moderate sum was given for this specific purpose. We do not see, sir, any necessity for the construction of an expensive ice-boat, costing $75,000, and an additional expenditure of $10,000 every year henceforward for its maintenance and service, when a sum less than $10,000, put into the hands of the proper authorities, can be used to contract with willing and responsible persons to keep the river open.

Mr. SPRINGER. Would it be necessary, anyhow, to construct a separate boat for this business? Could not the boats at present in use, with some additional appliances, be adapted for that purpose?

Mr. WILSON. I have no doubt they could, sir.

The next points of disagreement between the House and the Senate are in the appropriations for public schools in the District of Columbia, and as nothing was said when this bill passed the House I avail myself of this moment to explain the provisions of this bill on that head, because much has been said in the newspapers and elsewhere about insufficient school accommodations in this city. It has often been claimed and published in the papers of this city that there is a deficiency in the school appropriations for the current year, and that there is not a sufficient sum of money to run the schools. Now, the estimates for schools for the District of Columbia last year called for $400,000 for teachers.

After a conference between the subcommittee who prepared this bill and the District commissioners, a supplemental estimate was sent in for $410,000. The subcommittee, not believing even that a sufficient amount, of their own motion went beyond the estimate and provided last year an appropriation of $415,400, being $5,400 more than the most liberal and last estimates sent in by the District commissioners. If there has been any deficiency in the appropriations the fault has not been with the committee of the House or with either branch of Congress. Now, for the present year we have appropriated under this head $438,270, being an increase of nearly $23,000 over last year's appropriation.

We have doubled the appropriation for night schools in the District, and have given $5,000 more for the purpose of industrial education, making the appropriations for the employment of teachers, including industrial training, for the coming year $30,370 more than for the current year. The Senate has agreed to these appropriations with some amendments as to the salaries of teachers, which will not be insuperable ground of disagreement in the conference, but it is chiefly in the appropriation, particularly in the manner of the appropriation for new school-houses, that the disagreement exists between the conferees on the two sides of Congress.

The commissioners estimated for $100,000 for the erection of new school buildings for the coming year, $40,000 of which were for an addition to the high-school building. The House committee struck out the $40,000 for the high-school, believing the demand for primary schools more meritorious and more urgent at this time, and added $28,000 for exchange of site and erection of an additional building for the primary schools beyond what was estimated for by the commissioners. The Senate has gone beyond that and provided for the purchase of a site and the erection of another school building by an additional appropriation of $35,000, in which the conferees of the House are perfectly willing to agree. But beyond that there is in this bill an appropriation which is too vague and indefinite, too dangerous in the opinion of the conferees of this House to be sanctioned by the House. That appropriation is proposed in these words:

And the said commissioners are authorized to sell and convey to the purchaser or purchasers thereof any lot or parcel of land now owned by the District of Columbia in any part of said District and not necessary for the present use of the District, and to apply the proceeds of such sales to the purchase of eligible sites and the erection thereon of such eight-room buildings for public schools as in the judgment of the said commissioners shall be required to furnish school accommodations for all the children of school age in the District of Columbia not otherwise provided for as need such school accommodation, so far as the said proceeds will accomplish said object.

Here, then, in an appropriation bill is an omnibus clause conferring upon the commissioners of the District of Columbia full power and authority to sell and convey any lot or parcel of land owned by the District which the present commissioners may think not needed for the present use of the District, and apply the proceeds to the erection of such school buildings as they may deem necessary and whenever they choose.

Now, sir, we have not been convinced that it would be safe to entrust any such extraordinary and general power of attorney in the hands of any persons, a power so indefinite and far-reaching as this. It is the opinion of the House conferees that if there are pieces of property in the District of Columbia no longer needed for school or municipal purposes then the sale should be ordered with proper directions and safe-guards in a bill carefully considered for that purpose by the appropriate committee, which would be the Committee on the District of Columbia, and the application of the proceeds of sale should also be carefully and specifically passed on by both Houses after a like consideration by that committee, or one with like opportunities for deliberation and decision.

We are not willing in the present fever of real estate speculation in the city of Washington and in the entire District of Columbia to give to the commissioners this undefined and unrestricted authority to sell any piece of ground that they may think it advisable to sell and to erect new school buildings wherever they may think it advisable to erect such school buildings. We believe such buildings should be ordered by Congress, representing the tax-payers and people of the District, not by limiting their location to any particular site, perhaps, but at least by determining their location in the several school divisions of the District of Columbia with reference to the necessity and interests of the school population of the District.

Now, I want to say a word in passing about these statements that have been sent broadcast over the country to the effect that there is insufficient accommodation in the District for the school children. The trustees of the public schools in their last report gave an exaggerated statement of the deficiencies of the public schools of the District, in which they said there were a large number of schools that were but half-day schools, and from that fact represent that many thousand children of both colors in the District were shamefully curtailed in their school facilities. Yet these same officials have subsequently stated, when the committees of both Houses have sought to widen the basis of the school system by declining at present appropriation for its enlargement at the summit, that no child of either color has been denied schooling during the present year because of scant facilities.

The first statement was true, but yet was not the whole truth, because a very large number of those children who attend half-day schools are the children in the lowest grades, from six to eight years of age, who, if every square in the city had a school building on it, ought not to be more than a half day in school, and for whom there should not be more than half a day's attendance permitted no matter how thickly Congress might sprinkle this city with school buildings. The statement, therefore, although literally true, did not tell the whole truth and did not fairly represent the school necessities of the District of Columbia.

I call attention to one other item of disagreement. It is on amendment 66 of the Senate, which, in the water department, increases the appropriation from $80,000 to $125,000 for the following service:

For engineers and firemen, fuel, and for high service, pipe-distribution to high and low service, including public hydrants, fire-plugs, material and labor, repairing and laying new mains, and lowering mains.

The House increased that amount last year, increased it again this year, and we have heard no reason why so large an increase should be granted as is proposed by the Senate amendment.

I now yield to my colleague on the committee, the gentleman from Iowa [Mr. HENDERSON].

The SPEAKER. How much time does the gentleman yield?

Mr. WILSON. I yield the gentleman as much time as he desires to occupy.

Mr. HENDERSON, of Iowa. The District of Columbia bills, whether coming from the District Committee or the Appropriations Committee, are considered dry food, and usually when they come before the House we see members going to the cloak-room or attending to their writing. I acknowledge I have been a good deal afflicted in that way myself. But I deem it my duty to call the attention of the House to the condition of the District appropriation bill at this time; for there is no appropriation bill now in conference where the lines are as sharply drawn as they are between the conferees in respect to some portions of this bill. And inasmuch as we are approaching the closing hours of the session it becomes the duty of members of this House to inform themselves as to the condition of the bill and determine whether they will sustain their conferees or take other action.

The Senate put sixty-six amendments on the House bill. These amendments have all been agreed upon except twelve. While there are twelve that we have not agreed upon there are practically only five or six on which there is any serious difference, but these five or six are very important, and I want to introduce them to the members of this House.

The leading item of difference is in respect to the streets of this city inside and *outside the boundary*.

Since I have given attention to the interests of this District I have found that this House is entirely too indolent touching this District and its affairs, and is disposed to leave on the shoulders of the Senate the great interests of this District in respect to the opening of streets and the improvements thereon. The result is that the legislation of this House is hardly looked at or considered by the Senate, and we feel that they have in a sense become the fathers and guardians of all the improvements with respect to the District of Columbia, especially those outside the boundary. It looks a little as though some of the Senate feel this way too. Now, this not right, and we ought to come to the front and bear our share of the burden. We should not tax the strength of the Senate too much in this respect.

Why, gentlemen of the House of Representatives, when your conferees go over to the other end of the Capitol instead of being treated as conferees, as gentlemen who go there for a conference and to agree and harmonize the differences between the two bodies, we find ourselves in a lecture-room where we are treated gratuitously to lectures. Now, for one, I do not want a lecture unless I go voluntarily to get one.

Mr. STRUBLE. Are there any stories thrown in?

Mr. HENDERSON, of Iowa. I will come to the story part presently. We might as well understand a few things plainly among ourselves, for it does look as though this lecturing propensity was getting to be so developed among some members of the Senate that we may not be able to come to an agreement, and you gentlemen at this late hour of the session ought to look into it and thus qualify yourselves for the responsibility connected with this bill.

Now, as to the improvement of these streets. This is getting to be a pretty aristocratic capital, and wealth and aristocracy are and have been for some time largely shaping the legislation with regard to its improvement. As I will soon show, the policy of appropriations heretofore has been to expend the money by tens of thousands in the northwestern portion of the city, leaving the other regions without even a hearing. The "claw-hammers" are trying to run the affairs of this city, and the great mass of the people having homes inside of the District of Columbia can hardly get access to the legislative halls of Congress, even to the extent of sending in their cards. The influence that reaches the law-making power is planted and intrenched in the great palaces and mansions of the northwest. We have insisted upon a change of policy. For years the commissioners of the District have been accommodated with an appropriation in gross for the opening and improvement of the streets, and they have expended the money just where they pleased.

Now, I do not say that what I am about to describe has been done—I have no knowledge of its being done—but if Tom Jones and his friends could go to the District commissioners and find out in advance that $15,000 or $20,000 was to be spent on a particular street, they could buy up a number of lots there and then go back to their offices and their comfortable homes, and when the money was expended up would go the value of that property from 10 to 25 or 30 cents a square foot. In that way men have become rich as Crœsus almost within the sound of my voice—I mean if these walls were not in the way. [Laughter.]

Now, then, Mr. Speaker, the present subcommittee in charge of the District bill moved upon an entirely different line and demanded that the commissioners should submit their theory of expenditures and tell how much they intended to expend in the northwest, how much in the northeast, how much in the southeast, and how much in the other divisions of the city, and exactly where and in what streets it was to be expended. Well, we got that statement. There was some little trouble about it, but finally we got it, and let me show you now what they brought in. They proposed to spend in Georgetown (I give the round numbers) $48,900; in the southwest, $42,500; in the southeast, $60,400; in the northeast, $47,800, and in the northwest, $190,500. Thus you see nearly one-half of the entire sum proposed was to be expended among the nabobs of the northwest section.

We asked the reason for that discrimination in favor of the northwest. The reason why we asked that question is this: East of this Capitol building we find beautiful parks where, during a considerable portion of the year, you can not drive with a wagon because of the mud. In other portions of the city we find streets extending for miles where, at certain seasons, if you drive there with a horse and buggy, you are liable to get stalled, although on either side of those streets there are blocks of buildings. Why must so much of this improvement and this expenditure be expended in the northwest? "Well," we are answered, "because they pay most of the taxes." Yes, you might build one palace in the northwest the taxation upon which would exceed that of all the rest of the city, but that is no reason why equal justice should not be done in these public expenditures to the other sections. In the proposition which the commissioners laid before us we find that New Hampshire avenue, in the northwest, was to be improved, taking a good portion of this $190,000.

We went out along New Hampshire avenue to view the residences and the homes that were to be benefited by these expensive improvements, and, bless your souls, we found the greater portion of it a barren waste. On the other hand, right here, leading right up to this Capitol, we found New Jersey avenue built up on both sides for nearly its entire length, yet there are portions of it in which you can not pass because of the mud. Well, after discussing the matter, the commissioners concluded to abandon New Hampshire avenue, and the committee took the responsibility of inserting instead New Jersey avenue from M street to the Boundary; but the Senate have put New Hampshire avenue back, offering us as a tempting little bait (to try to avert the point where the lecturing would have to begin) two blocks of New Jersey avenue.

Now I will show the House what your committee have endeavored to do with this plan of expenditure. In Georgetown, instead of $48,900, we propose to allow $40,000; in the northwest we scaled the amount down from $190,500 to $115,000, and I submit that that was very liberal. In the southwest we scaled it down from $42,000 to $40,000; in the southeast from $60,400 to $55,000; in the northeast from $47,800 to $40,000, and the people are informed exactly on what streets the improvements are to be made. These sums would enable the commissioners to go to work and improve the streets of the city, and not allow it, as in the past, to become a creature subject to the dictation of political influence or moneyed power. This plan will also exempt the commissioners from much of the pressure and annoyance to which they have been subjected under the old system.

That is one of the dividing lines between the conferees of the House and those of the Senate. We have in our bill allowed an increase of $34,000 for those purposes alone. The Senate has increased the amount to the extent of $100,000, and wants to rivet us down to the schedule of the commissioners, giving to the northwest its $190,000 and leaving the rest of the city to content itself if it can with the little driblets given in that proposition. Now I wonder if I am understood on this matter. [Laughter.]

A MEMBER. You are pretty plain.

Mr. HENDERSON, of Iowa. In addition to this, Mr. Speaker, the sum of $60,000 is given to be expended outside of the boundary. Thus far I have been traveling with you inside of the boundary. This bill contains $60,000 to be expended outside of the boundary; and in the report of the commissioners we are informed that this amount is to be spent between the Soldiers' Home and Rock Creek. Am I right [addressing Mr. WILSON, chairman of the subcommittee]?

Mr. WILSON assented.

Mr. HENDERSON, of Iowa. Now, there is a business proposition for you. The occasional houses scattered around outside of the boundary are to get the benefit of this $60,000 in opening streets and avenues, while inside the boundary there are places where there are solid blocks of buildings, and yet you can not get about one-half of the year without being caught in the mud.

There has been a good deal of scandal, sometimes openly stated and sometimes stated with bated breath, in regard to these outside operations. Your committee and your conferees are unanimous in desiring not to lead this body into a course of legislation where it will be subject to criticism on that account. We protest against these vast expenditures upon barren, untilled hills and fields, while the city of Washington proper is in the condition I have indicated. Some expenditures are doubtless needed there now, and more will be needed, and *some* parts outside are justly entitled to it. But let us know where it is to be expended, and let it be done in the interest of tax-payers, and not of speculators.

Mr. Speaker, these are the leading features of difference outside of the two discussed by my colleague touching the schools and the $85,000 for an ice-boat on the Potomac River.

Mr. STRUBLE. What is that for?

Mr. HENDERSON, of Iowa. Well, it may be for junketing; but the purpose for which it is asked is to watch the fishermen and hunters on the river. It appears there are some fellows who go in and shoot among the reeds. I am a shooter myself; yet I do not oppose this proposition because I am fond of the shooters. I do not believe we need to expend $85,000 at this time on that sort of a boat for that purpose, especially when we have a good deal of evidence going to show that a contract could be made for taking care of the ice and gorges—that is another thing besides the hunters for which this appropriation is asked—for about how much? Seven thousand dollars, I believe [again addressing Mr. WILSON].

Mr. WILSON. From $5,000 to $7,000 a year.

Mr. HENDERSON, of Iowa. This is a proposition to expend $85,000 for building an expensive boat; and I think about $10,000 will be wanted to run it, while men say they stand ready to contract to take care of the ice-gorges of the Potomac for $5,000 to $7,000 a year. The men who say they can afford to take such a contract may be in error, but until we know whether that can be done, until it is demonstrated that we need a palatial craft to sail the Potomac to watch the fishermen and hunters and "buck" the ice, I am opposed to leading this House into the expenditure of nearly $100,000.

Mr. Speaker and gentlemen, I have trespassed on your time longer than I intended. But these are things which you should know, because you must soon confront them; for we have come pretty near to a deadlock in regard to these propositions.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 942) for the relief of Penelope Morton, widow of Lieut. James Morton;

A bill (H. R. 1710) for the relief T. J. Payne;

A bill (H. R. 1903) granting a pension to Henry Canode;

A bill (H. R. 2358) granting a pension to Mary Renfro;

A bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry;

A bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River;

A bill (H. R. 3930) for the relief of Wells C. McCool;

A bill (H. R. 3931) to grant a pension to Nancy Gunsales;

A bill (H. R. 3963) granting a pension to Henry P. Reed;

A bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

A bill (H. R. 4585) granting a pension to Mrs. Fannie Carman;

A bill (H. R. 4678) restoring to the pension-roll the name of James Monohan;

A bill (H. R. 4745) granting a pension to William Bewley;

A bill (H. R. 5056) for the relief of George Lemon;

A bill (H. R. 5171) granting a pension to Missouri Anderson;

A bill (H. R. 5927) for the relief of Louisa Kearney;

A bill (H. R. 6162) granting a pension to Joseph Potter;

A bill (H. R. 6423) for the relief of Mary Kaylor;

A bill (H. R. 6656) for the relief of Mary Tarbell;

A bill (H. R. 6732) for the relief of General Speed S. Fry;

A bill (H. R. 6823) granting a pension to Peter P. Hoffman;

A bill (H. R. 6918) to increase the pension of Lewis M. Strong;

A bill (H. R. 6937) for the relief of George D. Paul;

A bill (H. R. 7176) for the relief of Isaac Crawford;

A bill (H. R. 7221) granting a pension to Thomas B. Walsh;

A bill (H. R. 7643) for the relief of Capt. John Burkhart;

A bill (H. R. 7952) granting a pension to Mary Parrott;

A bill (H. R. 8067) to pension Andrew J. Vanorder;

A bill (H. R. 8355) for the relief of Sarah A. Jones;

A bill (H. R. 8384) for the relief of Mahala Brown;

A bill (H. R. 8437) granting a pension to Thomas Weekly;

A bill (H. R. 8591) directing the Secretary of War to cause the name of Fred. B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes;

A bill (H. R. 8798) granting a pension to Thomas J. Hays;

A bill (H. R. 8826) granting a pension to Mary M. Thompson;

A bill (H. R. 8828) granting a pension to Giles Wright;

A bill (H. R. 8829) granting a pension to Jacob Teits;

A bill (H. R. 9143) granting a pension to Dr. Sabin Stocking;

A bill (H. R. 9170) for the relief of Green Fields;

A bill (H. R. 9213) granting a pension to Mary Corbett;

A bill (H. R. 9248) to increase the pension of Richard Foreman;

A bill (H. R. 9301) granting a pension to Joseph Jones;

A bill (H. R. 9401) granting an increase of pension to H. H. Dodd;

A bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;

A bill (H. R. 9928) granting a pension to Moses Williams;

A bill (H. R. 10050) to increase the pension of Capt. Frank Bell;

A bill (H. R. 10262) granting a pension to Lawrence O'Connor;

A bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin;

A bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The House resumed the consideration of the report of the committee of conference on the bill (H. R. 10802) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

Mr. WILSON. I demand the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. WILSON. I move the House further insist on its disagreement and ask a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* (Mr. HATCH) announced the appointment as conferees on the part of the House of Mr. WILSON, Mr. LEFEVRE, and Mr. HENDERSON of Iowa.

PACIFIC RAILROAD INVESTIGATION.

Mr. CRISP. I present the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. Res. 170) entitled "A resolution authorizing an investigation of the books, accounts, and methods of the Pacific railroads which received aid from the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its non-concurrence in the Senate amendment and agree to said amendment with an amendment as follows:

Strike out in the first and second lines the words "by and with the advice and consent of the Senate," and add to the first section as follows:

"The term of office of said commissioner shall not extend beyond the beginning of the next session of the Senate. If the Senate shall be convened after the 4th day of March, 1887, and before the 1st day of December, and the duties of said commissioner shall not be completed, the President shall, by and with the advice and consent of the Senate, appoint three commissioners, who shall perform and complete the duties required in this act, within the time therein specified."

That the title of said resolution be amended so as to read as follows:

"Joint resolution authorizing the investigation of the books, accounts, and methods of railroads which received aid from the United States, and for other purposes."

CHARLES F. CRISP,
J. D. RICHARDSON,
E. D. HAYDEN,
*Managers on the part of the House.*

GEORGE F. HOAR,
WM. M. EVARTS,
JAS. I. PUGH,
*Managers on the part of the Senate.*

The statement accompanying the report was read, as follows:

Detailed statement of the conferees on the part of the House on the disagreeing votes of the two Houses on H. Res. 170.

The resolution as it passed the House provided for the appointment by the Secretary of the Interior of three competent persons to investigate the books, accounts, and methods of the Pacific railroads which have received aid from the United States, and appropriated $30,000 for the purposes of the investigation. The Senate amended the House resolution by enlarging the duties and salaries of the commission, increasing the appropriation for the purposes thereof to $100,000, and provided that the commission should be appointed by the President, by and with the advice and consent of the Senate.

They further amended the resolution by a provision enabling the President, if he shall deem it necessary to the protection of the interests and preservation of the security of the United States in respect to its lien, mortgage, or other interests in any or all property of any of the several railroad companies which have been aided by the United States, to direct the Secretary of the Treasury to redeem or otherwise clear off the incumbrances upon the property of said roads prior in lien to the mortgage or lien of the Government, and in the event of such action subrogating the United States to all rights and securities pertaining to the debt, mortgage, or lien so redeemed, and providing that the Attorney-General should take all steps and proceedings necessary and needful to protect the interests of the United States in respect thereto.

The Senate further provided that the sinking funds which are or may be held in the Treasury for the benefit of said railroad companies may, in addition to the investments now authorized by law, be invested in any bonds of the United States heretofore issued for the benefit of either of said companies or in any first-mortgage bonds of either of said companies which have been issued under authority of any law of the United States and secured by mortgages on their roads and franchises.

The conferees accept the amendment of the Senate with an amendment providing a change of the manner of appointment to this extent: That the President may appoint said commission if the Senate is not in session at the time of the original appointment without the consent and assent of the Senate, and that the commissioners so appointed shall hold their offices until the next session of the Senate, at which time, if they have not yet completed their duties, the President shall send in the names of the commissioners to the Senate for their advice and consent.

CHARLES F. CRISP,
JAMES D. RICHARDSON,
E. D. HAYDEN,
*Managers on the part of the House.*

Mr. CRISP. The only change in the Senate amendment relates to the manner of appointment. Under the act as originally drawn there was some doubt as to the right of the President to appoint in the absence of the Senate. That has been changed to give him that right.

Mr. SPRINGER. I ask by unanimous consent to print in the RECORD a statement in regard to what railroads received from the Treasury Department.

Mr. RICHARDSON and Mr. HAYDEN objected.

Mr. CRISP demanded the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBERT H. EMERY.

Mr. TRIGG. I wish to submit a privileged report.

Mr. SPRINGER. I raise the question of consideration on the report proposed to be submitted by the gentleman from Virginia, as it is a mere private bill which will provoke discussion and keep appropriation bills out.

The SPEAKER *pro tempore*. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment agreed to by the House to the bill (S. 929) for the relief of Albert H. Emery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

"Strike out of the part proposed to be inserted in said amendment the words 'sixty-three thousand one hundred and sixty-one dollars and sixty-two cents' and insert 'one hundred thousand dollars;' and the House agree to the same."

C. F. TRIGG,
CHARLES DOUGHERTY,
JACOB H. GALLINGER,
*Managers on the part of the House.*
GEORGE F. HOAR,
M. C. BUTLER.
JOSEPH R. HAWLEY,
*Managers on the part of the Senate.*

Mr. SPRINGER. I raise the question of consideration.

Mr. TRIGG. I demand the previous question.

Mr. SPRINGER. This is a mere private claim and is brought in here to keep appropriation bills out. I shall demand a division and shall resist the passage of this private bill which is being forced through to keep appropriation bills out. [Cries of "Regular order!"]

The House divided; and there were—ayes 144, noes 40.

Mr. SPRINGER. I demand tellers.

Tellers were not ordered.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 168, nays 82, not voting 69; as follows:

YEAS—168.

| | | | |
|---|---|---|---|
| Adams, G. E. | Ely, | Ketcham, | Romeis, |
| Allen, C. H. | Evans, | King, | Rowell, |
| Anderson, C. M. | Everhart, | Kleiner, | Rusk, |
| Atkinson, | Farquhar, | La Follette, | Sawyer, |
| Baker, | Felton, | Laird, | Scranton, |
| Barbour, | Findlay, | Lawler, | Sessions, |
| Barksdale, | Fleeger, | Lehlbach, | Seymour, |
| Barnes, | Foran, | Lindsley, | Shaw, |
| Bayne, | Frederick, | Long, | Singleton, |
| Bingham, | Funston, | Lovering, | Smalls, |
| Blanchard, | Gallinger, | Lyman, | Snyder, |
| Bliss, | Gibson, C. H. | Mahoney, | Spooner, |
| Bound, | Gilfillan, | Markham, | Stahlnecker, |
| Boutelle, | Goff, | Martin, | Steele, |
| Brady, | Green, | Matson, | Stephenson, |
| Breckinridge, WCP | Grosvenor, | McKenna, | Stewart, J. W. |
| Browne, T. M. | Grout, | McKinley, | Strait, |
| Brown, C. E. | Guenther, | Merriman, | Struble, |
| Buchanan, | Hale, | Millard, | Swinburne, |
| Buck, | Hall, | Milliken, | Symes, |
| Bunnell, | Halsell, | Mitchell, | Tarsney, |
| Burleigh, | Harmer, | Moffatt, | Taulbee, |
| Burrows, | Hayden, | Morrill, | Taylor, I. H. |
| Butterworth, | Haynes, | Morrow, | Thomas, J. R. |
| Caldwell, | Heard, | Muller, | Thomas, O. B. |
| Campbell, Felix | Henderson, D. B. | Negley, | Thompson, |
| Campbell, T. J. | Hepburn, | Nelson, | Townshend, |
| Cannon, | Hermann, | O'Donnell, | Trigg, |
| Carleton, | Hiestand, | O'Hara, | Van Eaton, |
| Caswell, | Hill, | O'Neill, J. J. | Viele, |
| Compton, | Hires, | Osborne, | Wadsworth, |
| Conger, | Hitt, | Owen, | Wait, |
| Crain, | Holmes, | Payne, | Warner, William |
| Crisp, | Hopkins, | Payson, | Weber, |
| Croxton, | Houk, | Peters, | West, |
| Davis, | Howard, | Pettibone, | White, A. C. |
| Dingley, | Irion, | Phelps, | White, Milo |
| Dockery, | Jackson, | Plumb, | Wilkins, |
| Dorsey, | James, | Price, | Wilson, |
| Dougherty, | Johnson, F. A. | Randall, | Wise, |
| Dunham, | Johnston, J. T. | Reed, | Wolford, |
| Dunn, | Kelley, | Rockwell, | Woodburn. |

NAYS—82.

| | | | |
|---|---|---|---|
| Allen, J. M. | Cox, W. R. | Henderson, J. S. | Morrison, |
| Anderson, J. A. | Culberson, | Herbert, | Murphy, |
| Bacon, | Dargan, | Holman, | Neal, |
| Belmont, | Davidson, R. H. M. | Johnston, T. D. | Neece, |
| Bennett, | Dawson, | Jones, J. H. | Norwood, |
| Blount, | Dibble, | Landes, | O'Ferrall, |
| Boyle, | Eden, | Lanham, | Outhwaite, |
| Breckinridge, C. R. | Eldredge, | Le Fevre, | Page, |
| Brown, W. W. | Ermentrout, | Lore, | Peel, |
| Burnes, | Ford, | McAdoo, | Perkins, |
| Bynum, | Forney, | McComas, | Perry, |
| Cabell, | Fuller, | McMillin, | Reagan, |
| Campbell, J. E. | Hammond, | McRae, | Richardson, |
| Clements, | Harris, | Miller, | Riggs, |
| Cobb, | Hatch, | Mills, | Rogers, |
| Cowles, | Hemphill, | Morgan, | Sayers, |
| Seney, | Stone, W. J., Ky. | Tillman, | Wellborn, |
| Skinner, | Stone, W. J., Mo. | Turner, | Wheeler, |
| Sowden, | Storm, | Warner, A. J. | Willis. |
| Springer, | Swope, | Weaver, A. J. | |
| Stewart, Charles | Taylor, J. M. | Weaver, J. B. | |

NOT VOTING—69.

| | | | |
|---|---|---|---|
| Adams, J. J. | Davenport, | Little, | St. Martin, |
| Aiken, | Davidson, A. C. | Louttit, | Stone, E. F. |
| Ballentine, | Ellsberry, | Lowry, | Taylor, E. B. |
| Barry, | Fisher, | Maybury, | Taylor, Zach. |
| Bland, | Gay, | McCreary, | Throckmorton, |
| Bragg, | Geddes, | Oates, | Tucker. |
| Brumm, | Gibson, Eustace | O'Neill, Charles | Van Schaick, |
| Campbell, J. M. | Glass, | Parker, | Wade, |
| Candler, | Glover, | Pidcock, | Wakefield, |
| Catchings, | Hanback, | Pindar, | Wallace, |
| Clardy, | Henderson, T. J. | Ranney, | Ward, J. H. |
| Collins, | Henley, | Reese, | Ward, T. B. |
| Comstock, | Hiscock, | Rice, | Whiting, |
| Cooper, | Hudd, | Robertson, | Winans, |
| Cox, S. S. | Hutton, | Ryan, | Worthington. |
| Curtin, | Jones, J. T. | Sadler, | |
| Cutcheon, | Laffoon, | Scott, | |
| Daniel, | Libbey, | Spriggs, | |

So the House determined to consider the report.

Mr. MILLARD. I ask unanimous consent to dispense with the reading of the names.

Mr. GROSVENOR. I object.

The Clerk proceeded to recapitulate the names of those voting.

Mr. GROSVENOR. I withdraw the objection.

Mr. STORM. I renew it.

The Clerk resumed and concluded the reading of the names.

The following additional pairs were announced for the rest of the day:

Mr. TUCKER with Mr. PARKER.

Mr. DANIEL with Mr. O'NEILL, of Pennsylvania.

Mr. LOWRY with Mr. LITTLE.

Mr. LAFFOON with Mr. LIBBEY, on this vote.

The result of the vote was then announced as above recorded.

Mr. TRIGG. I now demand the previous question. Mr. Speaker, this report——

Mr. SPRINGER. I object to debate unless the gentleman withdraws the demand of the previous question.

Mr. TRIGG. I insist upon the demand.

The previous question was ordered.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen in support of and fifteen in opposition to the report. [Cries of "Vote!" "Vote!"]

The Chair recognizes the gentleman from Virginia to control the time in support of, and the gentleman from Illinois in opposition to, the report.

Mr. TRIGG. I reserve my time. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. Mr. Speaker, I ask the attention of the House while I explain briefly the provisions of this bill. [Cries of "Vote!" "Vote!"] And I want to say to those gentlemen who are calling so lustily for a vote that they will not vote until I can, if I am able, as I believe I am, expose the iniquities of this bill.

Mr. DUNHAM. I thought they were exposed a month ago.

Mr. GALLINGER. The gentleman is simply exposing himself now.

Mr. SPRINGER. Just keep your seats, gentlemen; I believe I have the floor.

When this bill was before the House on a previous occasion the Committee of the Whole by a very large majority struck out the $200,000 proposed to be appropriated in the Senate bill and inserted the sum of $63,000. Two gentlemen on the other side friendly to this bill came over here and said to the opponents of the bill that if we would allow it to pass with $63,000 in place of $200,000 it would be acceptable to the claimant.

Mr. GALLINGER. Now, will the gentleman from Illinois just state who those two gentlemen were?

Mr. SPRINGER. I will in my own time.

Mr. GALLINGER. I ask the gentleman to name them now if he has any authority for the statement.

Mr. SPRINGER. I decline to yield to such interruptions.

The SPEAKER. The gentleman from Illinois is entitled to the floor and declines to yield.

Mr. SPRINGER. With that understanding, sir, I made no objection when a committee of conference was asked here on the disagreeing votes on this bill, supposing that that agreement or understanding was to be carried out in good faith. But the Senate refused to concur in the House amendment, and a committee of conference was asked and ordered. That committee having met, now recommends the allowance of $100,000 instead of $63,000.

I want to call the attention of the House to the items that are in this bill to be allowed by this House in case the hundred thousand dollars, as recommended by the conferees, is appropriated. First, we have here an alleged account in the papers submitted in the case for labor and material amounting to $56,000. There were no vouchers for any labor or material in the papers accompanying the bill that anybody would call a voucher, nothing of the kind but merely an *ex parte* statement from the claimant himself alleging that he paid this amount of money. But let that go.

He made a contract at his own request with the Government for $25,000, for which sum he was to furnish a complete machine. Afterwards, after trying two for two years to produce it, at his own request he was allowed $6,500 in addition, making $31,500 in all for the completed machine. Now, we have paid that sum of money and still he comes to Congress and asks to be allowed a salary for himself of $25,000 while he was engaged in building the machine that he had contracted to construct for $25,000 and the additional $6,500 subsequently allowed. Not only that, sir, but while under contract to furnish the machine for that money, he charges the Government an additional sum of $35,000, including his own salary and for the salary of draughtsman and plans, which were to cost, it is alleged, the $35,000. Then his own salary and the salary of his draughtsman are allowed in this report. In addition to that, because he did not get his salary and the draughtsman did not get his salary, he charges the Government interest at 7 per cent., compounded every three months. And we have then this sum of $25,000 also in this claim allowed for interest.

Mr. TRIGG. Not a word of it.

Mr. SPRINGER. Not a word of it? Then where did you get your sums that make up this amount?

Mr. TRIGG. I will explain that in my own time.

Mr. SPRINGER. You can not allow the $100,000 without the interest account, and it is so stated in his vouchers. I think the gentleman will find some difficulty in disputing that.

Now, what have we? We have a claim here for $100,000 in addition to the amounts already paid; the claimant agreeing to make a machine for $25,000, which was afterwards raised at his request to $31,500. We have paid that sum, but now he comes in to the committee and wants us to agree to pay him $100,000 more. What for? For his own salary a portion of it, for interest, for the rent of his office in the city of New York where he was a civil engineer. Here are the charges for monthly rent to be paid for his office as a civil engineer in the city of New York, when this work was to be done at Watertown, Mass. I have never seen so many items aggregated in one bill that are so objectionable. Not only that. In the Forty-sixth Congress the House of Representatives passed a bill intended to finally settle this question. It has been adjudicated once by an act of Congress, wherein we voted this additional claim and supposed it was a final settlement of all demands against us.

I reserve the remainder of my time until I look that up.

Mr. EDEN. I desire to ask my colleague a question before he sits down. I have heard it stated that the Government owned this man's patent. Is that true?

Mr. SPRINGER. This claimant owned a patent and was to build the Government a machine, and if we bought and used the machine we paid for that. All that we were to pay for was the machine which we built with our own money. He has a patent outside of that which he can dispose of in his own way.

Mr. HEARD. Did the Government interfere with his disposition of his machine?

Mr. SPRINGER. Not in the least.

The SPEAKER *pro tempore* (Mr. McCREARY). The gentleman from Illinois [Mr. SPRINGER] has seven minutes remaining.

Mr. TRIGG. I yield five minutes to the gentleman from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. The gentleman from Illinois started out with the statement that he did not propose a vote should be taken on this bill until the iniquities of the measure should be exposed to the House. When a gentleman makes a declaration of that kind, charging upon this House and a conference committee conduct that is not honorable on their part, I feel it my privilege to call the attention of the House to the fact that the gentleman from Illinois himself only a few weeks ago signed a report giving this man $63,000. It is true that after he signed that report he came into this House and fought the claim and filibustered against it and stultified himself by voting against his own report when the question came to a vote on this floor.

The gentleman stands here to-day and says this is an unfair and unjust claim. I hold in my hand an official document which shows that Mr. Emery paid to the Ames Manufacturing Company alone one bill of $37,780; or rather he has paid on that bill the sum of $32,000 and owes on it still the sum of about $6,000. Other equally legitimate expenditures were made aggregating about $75,000, as shown by vouchers that the gentleman from Illinois can have access to at any time.

When the matter was under discussion a few days ago the gentleman from South Carolina [Mr. TILLMAN], who has fought this bill with a consistency which does him credit, but with a misapprehension of the facts which does him discredit, stated on this floor that this claimant had the use of the tools of the Government; that he had the use of the shops of the Government, and that the Government paid for the material and labor that went into this machine. I took upon myself the responsibility of asking the Chief of Ordnance, General Benét, as to the correctness of these statements. I addressed to General Benét this communication:

HOUSE OF REPRESENTATIVES,
*Washington, D. C., January 27, 1887.*

DEAR SIR: In the debate of Mr. Emery's claim in the House of Representatives, on January 21 (see CONGRESSIONAL RECORD, page 922), Mr. TILLMAN tried to make it appear that the Government defrayed all the expense of all the changes made in the testing-machine, including the expenses of the experiments therefor; that it furnished all the material that was spoiled in making experiments to perfect the machine, and permitted him to have the use of its machinery in making his inventions.

For the purpose of setting the House right on these points I now ask you the following questions:

First. Did the Government furnish to Mr. Emery or allow him the use of any machine or machinery, or any building or shop to construct or to make, or to make over any part of the metal work of the testing-machine built by him for the Government, or for any experiment during the building of this machine?

Second. Did the Government furnish him with any labor whatever to construct or to make over any part of this machine?

Third. Did the Government furnish Mr. Emery with a single pound of metal for the construction or alteration or the perfection of this machine?

Respectfully soliciting an early reply, I have the honor to be,

Very respectfully, yours,

J. H. GALLINGER,
*Member of Committee on Claims, Forty-ninth Congress.*

General S. V. BENÉT,
*Chief of Ordnance, United States War Department, Washington, D. C.*

General Benét made this reply:

ORDNANCE OFFICE, *Washington, January 27, 1887.*

Respectfully returned to Hon. J. H. GALLINGER, Committee on Claims, House of Representatives.

The Government paid Mr. Emery the sum of $31,500 for the testing-machine, and as far as the records of this office show the Department did not furnish him any labor, machinery, material, or other assistance.

I therefore reply in the negative to questions Nos. 1, 2, and 3 of your within letter.

S. V. BENÉT,
*Brigadier-General, Chief of Ordnance.*

Mr. TILLMAN. Did not the Government furnish $31,000 to this man?

Mr. GALLINGER. It did. Everybody admits that; it is admitted universally. And no man who has investigated this case can deny that this claimant expended in the vicinity of $100,000 in money in perfecting this machine, thus absolutely bankrupting himself.

Mr. BUCHANAN. Then the statements of the gentlemen from Illinois [Mr. SPRINGER] were drawn from the exuberance of his own imagination.

Mr. GALLINGER. Undoubtedly so. I desire to make one further statement. The Senate of the United States is unanimous in believing that this man ought to have the sum of $200,000 at least. The amount they voted at one time was $225,000. The Senate conferees were unanimous in saying he ought to have $200,000, and the conference once failed to agree. Afterwards the Senate conferees, realizing that there was danger of utter failure on the part of the conference, agreed to reduce the amount one-half in order that this man might get something from the Government, and the agreement to give him $100,000 really deprives him of at least one-half of what is honestly his due.

Now, sir, even if we vote this $100,000, this man does not receive a dollar of interest; but I stand here to say that if he received simple interest on the money he expended for the Government twelve years ago, it would amount to more than the sum that we pay him now, even if we vote this $100,000. And yet, as Senator VOORHEES once said in the Senate in debate on this very bill, we stand here higgling and haggling about a few dollars when the interests and the honor of the Government are at stake.

Mr. Speaker, I am done. I do not believe that this Congress is going to refuse to pay this man this pittance for the great invention which he has given to this nation of ours. Why, sir, it is a conceded fact that it is the greatest machine of its kind that has ever been produced in the civilized world. It is a conceded fact that this inventor sold that machine to the Government believing that the Government was going to use it simply for its own purposes; but instead of that the machine has been thrown open to the public, who are allowed to bring their work and have it done at bare cost, thus closing the public market to the inventor. The claim is just, fair, and honorable, and the recommendation of the conference committee ought to be adopted without a dissenting voice. [Applause.]

Mr. TRIGG. I yield three minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY. Mr. Speaker, having been a member of the conference committee, it is probably due to the House that I should state as briefly as possible the reasons which induced me to disregard what was virtually the instruction of the House, and vote in that committee for a larger appropriation than the House had agreed to make, but the object of a committee of conference is to bring about a compromise. It is admitted upon all hands that this is the greatest and most valuable machine that has ever been constructed for the purposes to which it is applied, and it has been taken from this man—and from time to time different committees of both Houses of Congress have reported sums ranging from $100,000 to $200,000, no matter if it was built under contract with the Government—it has been taken from him and thrown open to the public on the simple condition that they pay its ordinary running expenses, and that goes to the Government, not to the claimant. As I made the figures for myself in the conference committee, I believe that the honest bills and vouchers submitted by the claimant showed that instead of the Government owing him $63,000, it owed him $71,000, and upon that basis I arrived at the conclusion that the machine having cost him $71,000, the difference be-

tween that amount and $100,000 was a small compensation for the use of his brains for the benefit of the public.

If this Government, either under contract or otherwise, takes from a man the use and benefit of a patent which it has agreed to protect, then in my opinion the Government should pay him not only what the machine cost, but also a reasonable sum by way of compensation, especially where the machine is taken out of the hands of the party that built it and thrown open to the public even though it was built in a Government shop; and the difference between $71,000 and $100,000 is a small amount to pay for the acknowledged benefits of this machine to the public, and on account of its value as a means of protecting life and property.

Mr. SPRINGER. The Government owns this machine, does it not?

Mr. DOUGHERTY. It does.

Mr. SPRINGER. It paid for it with its own money.

Mr. TRIGG. I reserve the balance of my time.

Mr. SPRINGER. I yield seven minutes to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, I had not intended to take any part in this debate, but since I have been drawn into the discussion by the criticism of the gentleman from New Hampshire [Mr. GALLINGER], I regret exceedingly that in seven minutes I can do justice neither to the subject nor to myself. So far from opposing this claim on a misapprehension of the facts, as charged by the gentleman from New Hampshire, I oppose it because I know the facts better than he does, and better, perhaps, than any member of the present Committee on Claims or of the preceding committee. In the last Congress, sir, I was a member of the Committee on Claims in the last House, and this particular claim was referred to me as a committee of one. I spent from one to two hours every day for nearly three weeks in investigating the merits of the claim and examining the vouchers, or pretended vouchers, and cross-examining the claimant himself, and, after using all the ability and industry and judicial fairness I was capable of, I came to the deliberate conclusion that it was a cooked-up claim, and I do not hesitate to say now upon my honor as a man, and upon my responsibility as a representative of the American people, that no more fraudulent or unjust claim has ever been presented against this Government since its foundation. [Applause on the Democratic side.]

Mr. Speaker, from my experience in the last Congress and my observation in this, and especially in view of the evident purpose to pass this claim, I have deliberately arrived at the conclusion that any claim can pass Congress if, first, it be old enough or fraudulently prepared enough to obscure the evidence; secondly, if it be large enough to divide—[a hiss]—yes, divide; and, thirdly, if it be pressed, as this claim has been pressed, with shameless, persistent audacity. I wish I had time to explain what I mean by "divide," as gentlemen seem to hiss the expression.

Mr. DUNHAM. You ought to explain it.

Mr. TILLMAN. I did not mean to refer to my colleagues here. I meant divide with witnesses, as I believe this claim will be divided with witnesses; I meant divide with attorneys, lobbyists, and ex-members of this body—I will not say with my colleagues on this floor. But there is one charge I will make against my colleagues here. They are responsible for our faulty and defective method of investigating and settling claims; of our abominable practice of acting upon *ex parte* testimony with no one to represent the Government—to cross-examine witnesses or look after the Government's side of the question.

A MEMBER. That is the Government's own fault.

Mr. TILLMAN. Yes, that is too true, and the sooner we make a change the better, for every claim against the United States ought to be tried by a jury of the federal district court where it arises, where the claimants live, where the witnesses live, where the claim is known, where publicity is given to everything pertaining to the claim, and where the local district attorney can protect the Government. I also charge my colleagues here with laziness in being averse to properly investigating fraudulent claims like this so as to form a correct judgment, and with unconsciously yielding to the mysterious influence of an organized lobby, as well as to the dogged pertinacity of claimants.

A little claim stands but a poor chance here, and even an honest big claim stands next to none unless the owners of it agree to divide and urge it in season and out of season.

But that does not touch the merits of Emery's case. I can not more than fairly begin to do that before the Speaker's hammer would fall, and therefore I have simply given an opinion as to the result of a laborious and impartial investigation, and once more I repeat that this claim has no foundation in justice. It has not even the technical quality of equity, and if we vote this man anything it will be a donation.

This man was allowed to dictate his price twice for making this testing machine. The Government paid it, and paid all he asked. He has produced no vouchers itemizing amounts expended except for about $8,000 worth of drawings, to the propriety of which General Gillmore certifies. The rest of the vouchers are mere *ex parte* affidavits. He only itemizes time, making charges for labor and material between certain dates, without giving anything more specific than alleged lump payments between dates. In his way the great bulk of the amount which he claims to have been expended was made up.

This claimant has haunted the corridors of the Capitol for six years, has tracked the members of the Committee on Claims to their rooms. He frequently came uninvited to my room during the last Congress, until at last, after I had pumped the truth out of him, I ordered him away.

A MEMBER. How about the agreement?

Mr. TILLMAN. There was an agreement as mentioned by the gentleman from Illinois [Mr. SPRINGER], and as he has yielded me all the little time he has left I will say as he did, that two gentlemen—great friends of this claimant, gentlemen from the opposite side of the House—came over here and electioneered with several of us not to fight the $63,000 agreed upon by the minority of the committee; and it was upon that condition that I for one not only ceased to filibuster in order to force a fair discussion but went among my friends and begged them not to do it. Yes, sir, it was upon the condition expressly agreed to that no larger sum than $63,000 should be sought in a conference that we who opposed the bill permitted it to pass.

I said to those two gentlemen, "Make this man accept that proposition," and we will cease to attack the bill—we will acquiesce reluctantly in that sum, because the minority of the committee have agreed to it. Those two gentlemen were Governor LONG and Mr. REED—I name them. Mr. Reed came to my seat and sat by me nearly an hour talking over the matter, before I would make the promise.

Mr. REED. Mr. Speaker, I desire to state that I never made any such agreement with the gentleman from South Carolina. Now, whom do you believe?

Mr. TILLMAN. It is a question of veracity.

Mr. REED. I say there is the proposition—I never thought of making any such agreement.

Mr. TILLMAN. Did you not say that you would use your influence with him?

Mr. REED. No, sir, not at all.

Mr. TILLMAN. I say you did.

Mr. REED. The gentleman is just as much mistaken in that as in his other philippics. He is wild on this subject.

Mr. TILLMAN. Well, sir, it is merely a question of veracity between us; and our characters must go for what they are worth.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Illinois [Mr. SPRINGER] has expired. The gentleman from Virginia [Mr. TRIGG] is entitled to the floor.

Mr. TRIGG. I desire to know whether all the time on the other side has been consumed.

The SPEAKER. It has been.

Mr. TRIGG. I yield two minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, I did go to the gentleman from South Carolina [Mr. TILLMAN] and to others who I believed were opposing a just claim, and urged them to give way—to allow the passage of a bill giving $128,000 or $100,000. The gentleman from South Carolina did say that he would consent to the passage of this bill for $63,000 if no further opposition should be made, if the applicant would be content with that sum. But I did not state to him that that would be acceptable to the claimant. I had no authority to make such a statement. I may have conveyed to the gentleman the impression that I would be glad to have the man accept even $63,000 rather than get nothing. But I had no authority to make such a pledge for the applicant, who is not even a constituent of mine; and I never stated to the gentleman from South Carolina that that sum would be acceptable to him. On the contrary——

Mr. TILLMAN. Did you not say you would use your influence to make him accept it?

Mr. LONG. I am sure I did not say I would use my influence with him. I did say that I would be very glad to have him accept that rather than get nothing, for it then seemed very likely he would otherwise get nothing. I so told the applicant himself, if that is using my influence. It certainly can not be that the gentleman from South Carolina acted upon any such understanding as he suggests.

[Here the hammer fell.]

Mr. LONG. Give me one minute more. [Cries of "Go on!"] Here, he claims, is a bill with no justice in it, no equity in it, a claim the most corrupt since the foundation of the Government, yet in the same breath undertakes to have the House believe he would have consented to have it passed to the extent of $63,000. He would consent to give a man who has no claim, who is corrupt, who, he says, dogged his steps, whom he turned from his door, in whose claim there was not an atom of justice; yet he would give him $63,000.

Nor is it possible the gentleman from Illinois [Mr. SPRINGER] understood that he consented to the $63,000 on the ground that the claimant was to rest content with that. Why, the gentleman himself signed a report granting this man $63,000, yet he would have us believe that he was consenting to its passage not because it was rightly and justly reported by him, but because of a promise not to seek more. Certainly no agreement was necessary to induce the gentleman from Illinois to consent to a sum which he himself joined in reporting. Yet he consented. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from Virginia has four minutes of his time remaining.

Mr. TRIGG. So much has been said on this subject already that I would not detain the House but for the violent phillipic of the gentleman from South Carolina [Mr. TILLMAN]. He has stated there was no corruption in this matter so far as any of his colleagues were concerned. I understand the only charge he made against any of his colleagues was that of laziness. [Laughter.] He has told us that he is the only man of all the men who had to investigate this claim that had the industry to get to the bottom of it—that he was the only member! Yet upon that very committee upon which he alone labored so industriously we find that it has reported to this House that the sum of $100,000 shall be paid to this man on account of this claim.

Mr. TILLMAN. Only the majority of the committee.

Mr. TRIGG. Here is the minority report of the committee with whom the industrious gentleman from South Carolina acted. I hold it in my hand.

Mr. TILLMAN. My answer to that is, there were four who signed the minority report against five who signed the majority report.

Mr. TRIGG. The gentleman has been industrious in telling us here at this time what he has done, but there are no papers in the Committee on Claims, no footprints there, or upon the records of the House from him to show the result of that industry, and we have him here now for the first time proclaiming that there is fraud.

Mr. TILLMAN. The records of the committee show. You have got them in your report.

Mr. TRIGG. Certainly; I have got every word in my report, but I say there is nothing in the report, or in the records, about this being a fraudulent claim thrust before Congress and which is being lobbied by so many persons.

Mr. WARNER, of Ohio. Does the gentleman deny there are lobbyists interested in it?

Mr. TRIGG. I do not know anything of it. Lobbyists do not approach me. [Laughter and applause.]

Mr. WARNER, of Ohio. Has not the gentleman stated there were lobbyists interested in it? [Cries of "Regular order!"]

Mr. TRIGG. In my limited time I can not yield to any further interruptions.

The gentleman from Illinois [Mr. SPRINGER] made a statement that he had arrived at the conclusion this $100,000 was got at by compounding interest. I submit he knows nothing about the case if he states that as a fact.

Mr. SPRINGER. I will show it, if you give me time, in the reports of the committee. [Cries of "Order!"]

Mr. TILLMAN. If the gentleman will only give us time we will show just exactly what this is.

Mr. TRIGG. All the vouchers upon which this is based I hold now in my hand, and they have been as carefully and thoroughly examined by me as I have ever examined any case in my life, and I state on my responsibility to the House that the vouchers, including $21,000 for claimant's services, amount to $103,577.15, and that no interest was computed to arrive at that amount.

A MEMBER. What are the items?

Mr. TRIGG. Here they are, and I wish gentlemen would examine them. Deduct from the $103,577.15, the amount heretofore paid, $31,652.39, and it leaves the sum of $71,824.76, exclusive of interest.

Mr. BYNUM. Did not the gentleman state in his report that but $63,000 was what they found due?

Mr. TRIGG. Yes, sir.

Mr. BYNUM. How, then, do you make it $100,000?

Mr. TRIGG. I have fully explained the reason heretofore. It was a matter of compromise in the conference committee, and it is a sum added to the $63,000 or $71,000, on account of the act throwing the machine open to the use of the public.

[Here the hammer fell.]

The SPEAKER. The gentleman's time has expired.

Mr. SPRINGER. I will show that my statement is true if I can have the floor for a few minutes. [Cries of "Regular order!"]

Mr. TRIGG. The gentleman can not show it. I deny that he can show anything of the kind.

The SPEAKER. The time has expired.

Mr. DOUGHERTY. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. DOUGHERTY. In the remarks of my esteemed friend from South Carolina [Mr. TILLMAN] he made the general charge that the members of the Committee on Claims and of the subcommittee were lazy. [Laughter].

Mr. TILLMAN. I did not charge it specially against the committee. I made the charge against the whole House, as far as the merits of claims are concerned and the opportunity for investigation.

Mr. DOUGHERTY. I have to say—and I have a right when such a charge is made against me to say—in reply to the gentleman from South Carolina, that I have served my constituents with as much industry if not with as much ability as he has served his; and if I have not served them with more, God help my constituents, for his are objects of sympathy. [Laughter.]

As to being approached by a lobbyist, I will say to the gentleman from South Carolina—— [Cries of "Regular order!"]

The SPEAKER. The Chair thinks the gentleman has not stated a question of privilege.

Mr. DOUGHERTY. Then I rise to another question of privilege.

The SPEAKER. The gentleman will state it.

Mr. DOUGHERTY. There was something in the remarks of the gentleman from South Carolina which alluded to a certain class of persons whom I have understood to be tolerably plenty around the city of Washington, called "lobbyists." I wish to say that no lobbyist ever approached me. I do not know the claimant in this case personally. Perhaps the reason why the gentlemen from Indiana, South Carolina, and from Illinois are so well acquainted with those gentlemen is because they have had more to do with them than I ever expect to have. [Cries of "Regular order!"]

The SPEAKER. The question is, Will the House agree to the report of the committee of conference?

Mr. SPRINGER. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 98, not voting 84; as follows:

YEAS—137.

| | | | |
|---|---|---|---|
| Adams, G. E. | Evans, | Kleiner, | Rockwell, |
| Allen, C. H. | Farquhar, | La Follette, | Romeis, |
| Anderson, C. M. | Felton, | Laird, | Rowell, |
| Atkinson, | Findlay, | Lawler, | Rusk, |
| Bayne, | Fleeger, | Lehlbach, | Sawyer, |
| Bennett, | Funston, | Lindsley, | Sessions, |
| Bingham, | Gallinger, | Long, | Seymour, |
| Bliss, | Gibson, C. H. | Louttit, | Shaw, |
| Bound, | Gilfillan, | Lyman, | Smalls, |
| Boutelle, | Goff, | Mahoney, | Snyder, |
| Brady, | Grosvenor, | Markham, | Spooner, |
| Breckinridge, WCP | Guenther, | McKenna, | Steele, |
| Browne, T. M. | Harmer, | McKinley, | Stephenson, |
| Brown, C. E. | Hayden, | Merriman, | Stewart, J. W. |
| Buck, | Haynes, | Millard, | Strait, |
| Bunnell, | Henderson, T. J. | Milliken, | Struble, |
| Burleigh, | Hepburn, | Mitchell, | Symes, |
| Burrows, | Hermann, | Moffatt, | Tarsney, |
| Butterworth, | Hiestand, | Morrill, | Taylor, I. H. |
| Caldwell, | Hill, | Morrow, | Thomas, J. R. |
| Campbell, J. E. | Hires, | Negley, | Thomas, O. B. |
| Campbell, T. J. | Hiscock, | Nelson, | Thompson, |
| Cannon, | Hitt, | O'Donnell, | Townshend, |
| Carleton, | Holmes, | O'Hara, | Trigg, |
| Caswell, | Hopkins, | O'Neill, J. J. | Van Eaton, |
| Compton, | Houk, | Osborne, | Van Schaick, |
| Conger, | Howard, | Owen, | Wade, |
| Curtin, | Irion, | Page, | Wadsworth, |
| Cutcheon, | Jackson, | Payne, | Wait, |
| Davis, | James, | Peters, | West, |
| Dockery, | Johnson, F. A. | Pettibone, | Wolford, |
| Dorsey, | Johnston, J. T. | Phelps, | Woodburn. |
| Dougherty, | Kelley, | Plumb, | |
| Dunham, | Ketcham, | Reed, | |
| Ely, | King, | Rice, | |

NAYS—98.

| | | | |
|---|---|---|---|
| Allen, J. M. | Eden, | McAdoo, | Springer, |
| Anderson, J. A. | Eldredge, | McCreary, | Stahlnecker, |
| Bacon, | Everhart, | McMillin, | Stewart, Charles |
| Barbour, | Ford, | McRae, | St. Martin, |
| Barnes, | Forney, | Miller, | Stone, W. J., Ky. |
| Belmont, | Frederick, | Mills, | Stone, W. J., Mo. |
| Blount, | Fuller, | Morgan, | Storm, |
| Boyle, | Glass, | Morrison, | Swope, |
| Breckinridge, C. R. | Halsell, | Neal, | Taulbee, |
| Brown, W. W. | Hammond, | Neece, | Taylor, J. M. |
| Burnes, | Harris, | Norwood, | Taylor, Zach. |
| Bynum, | Hatch, | O'Ferrall, | Tillman, |
| Cabell, | Heard, | Outhwaite, | Turner, |
| Candler, | Hemphill, | Peel, | Ward, J. H. |
| Catchings, | Henderson, J. S. | Perkins, | Warner, A. J. |
| Clements, | Herbert, | Perry, | Weaver, A. J. |
| Cowles, | Holman, | Reagan, | Weaver, J. B. |
| Cox, W. R. | Hudd, | Richardson, | Wellborn, |
| Crisp, | Johnston, T. D. | Riggs, | Wheeler, |
| Croxton, | Jones, J. H. | Rogers, | Wilkins, |
| Culberson, | Landes, | Sayers, | Willis, |
| Dargan, | Lanham, | Seney, | Wilson, |
| Davidson, R. H. M. | Le Fevre, | Singleton, | Wise. |
| Dawson, | Lore, | Skinner, | |
| Dibble, | Martin, | Sowden, | |

NOT VOTING—84.

| | | | |
|---|---|---|---|
| Adams, J. J. | Davenport, | Laffoon, | Ryan, |
| Aiken, | Davidson, A. C. | Libbey, | Sadler, |
| Baker, | Dingley, | Little, | Scott, |
| Ballentine, | Dunn, | Lovering, | Scranton, |
| Barksdale, | Ellsberry, | Lowry, | Spriggs, |
| Barry, | Ermentrout, | Matson, | Stone, E. F. |
| Blanchard, | Fisher, | Maybury, | Swinburne, |
| Bland, | Foran, | McComas, | Taylor, E. B. |
| Bragg, | Gay, | Muller, | Throckmorton, |
| Brumm, | Geddes, | Murphy, | Tucker, |
| Buchanan, | Gibson, Eustace | Oates, | Viele, |
| Campbell, Felix | Glover, | O'Neill, Charles | Wakefield, |
| Campbell, J. M. | Green, | Parker, | Wallace, |
| Clardy, | Grout, | Payson, | Ward, T. B. |
| Cobb, | Hale, | Pidcock, | Warner, William |
| Collins, | Hall, | Pindar, | Weber, |
| Comstock, | Hanback, | Price, | White, A. C. |
| Cooper, | Henderson, D. B. | Randall, | White, Milo |
| Cox, S. S. | Henley, | Ranney, | Whiting, |
| Crain, | Hutton, | Reese, | Winans, |
| Daniel, | Jones, J. T. | Robertson, | Worthington. |

So the report was agreed to.

Mr. EDEN. I ask that the reading of the names be dispensed with.
Mr. SPRINGER. I object.
The Clerk recapitulated the names of those voting.
The following additional pairs were announced:
Mr. SCOTT with Mr. BAKER on this vote.
Mr. ROBERTSON with Mr. MCCOMAS.
Mr. BRAGG with Mr. HENDERSON, of Iowa.
Mr. RANDALL with Mr. DUNN.
The result of the vote was then announced as above recorded.
Mr. TRIGG moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate requested the return of the bill (S. 3104) authorizing the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House now take a recess until 8 o'clock.
Mr. LAIRD. I trust the gentleman will yield to me to move to discharge the Committee of the Whole from the further consideration of a bill which will take but a moment.
Mr. HATCH. I rise to make a privileged report if the gentleman from Illinois yields the floor.

QUESTION OF PRIVILEGE.

Mr. BRADY. I rise to question of personal privilege.
The SPEAKER. The gentleman will state it.
Mr. BRADY. Mr. Speaker, I rise to a question of privilege, which affects, I think, the integrity of the proceedings of the House more than it does my right as a member of this body. In Jefferson's Manual of Parliamentary Practice it is said: "By strict adherence to the rules the weaker party can only be protected," and that "the rules should not be subject to the caprice of the Speaker or captiousness of the members."
Under the rules of the House of Representatives (Rule XVI, section 2) it is prescribed that when a motion has been made the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House; hence, debate is not allowed on any motion or question until it has been stated or read.
Mr. MILLS. I rise to a question of order, that the gentleman from Virginia is not presenting a question of privilege. If there be a question of privilege, what is it?
The SPEAKER. The Chair does not know. Will the gentleman from Virginia state what is his question of privilege?
Mr. BRADY. I will state it presently. Mr. Speaker, it is parliamentary law "that the privilege of a member is the privilege of the House;" also, "when a member stands up to speak, no question is to be put, but he is to be heard, unless the House overrule him;" and, further, "when the House commands it is by an order."
Section 3 of Rule XXVIII of the House prescribes:

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, &c.

Mr. SPRINGER. I make the point of order that the gentleman is not stating a question of privilege.
The SPEAKER. Will the gentleman from Virginia state his question of privilege? The point of order is made that what the gentleman is stating is not a matter of privilege.
Mr. BRADY. I send to the Clerk's desk and ask for the reading from the RECORD of the proceedings of the House on Monday last.
The Clerk read as follows:

Mr. HOLMAN. I ask by unanimous consent that the session this evening be continued after 9 o'clock for public business.
Mr. BRADY. I object.
Mr. HOLMAN. I submit the following resolution and move the rules be suspended for its adoption.
The Clerk read as follows:
"*Resolved*, That the following resolution, adopted on the 26th instant, namely:
'*Resolved*, That on Monday, February 28, the House take a recess from 5 o'clock p. m. to 7.30 o'clock p. m., the evening session to be devoted to the consideration of resolutions relating to the Hon. William H. Cole, deceased, late a Representative from the State of Maryland.'
be continued so that at 8.30 p. m. the House shall resume its legislative business.'"
Mr. BRADY. On that I demand a second.
The SPEAKER. The Chair will appoint the gentleman from Virginia [Mr. BRADY] and the gentleman from Indiana [Mr. HOLMAN] as tellers.
The House divided; and the the tellers reported—ayes 164, noes not counted.
So there was a second.
Mr. SPRINGER. I demand the yeas and nays.
The yeas and nays were ordered.

Mr. SPRINGER. I make the point of order that the gentleman has not presented a privileged question.
Mr. BRADY. I submit as a question of order that the rules of the House were not observed at that time.
The SPEAKER. Will the gentleman state what is his point of privilege?
Mr. BRADY. I desire to state it in my own way.
Now, Mr. Speaker, I respectfully submit that the rules of the House were not observed in the proceedings I have had read under the motion to suspend the rules. A second was ordered by the House, of which fact the House was not advised.
The SPEAKER. Will the gentleman state distinctly what is the question of privilege to which he has risen?
Mr. BRADY. I am stating it. The order of the House should have been stated, and then, and only then, would it have been in possession of the House for debate. I was on the floor standing up in view of the Speaker, desiring to speak, but under the rule I had no right to speak, because debate was not in order until the question had been stated. The question then in order, and the only question, has thirty minutes' debate, and under the rule it should have been put to the House.
Mr. Speaker, since these proceedings in the House on Monday last I have taken the trouble to ascertain the practice of the Speaker whenever a second is ordered upon the motion to suspend the rules, and invariably it has been as follows:
The Speaker makes this statement to the House, to wit: "A second is ordered. Under the rules thirty minutes are allowed for debate;" and he then names the gentlemen to control the time in support of and in opposition to the motion. This practice—the rule of the House, which so far as I can ascertain has never been disregarded—was not observed on Monday last when the House ordered a second. It may be said that we were near the close of the session, and that important legislation demanded all the time that could be secured. Permit me to ask attention to the proceedings had during the last hour of the Forty-eighth Congress, when General Grant was placed on the retired-list of the Army.
Mr. RANDALL made the motion to suspend the rules and pass the Senate bill. Mr. MCMILLIN demanded a second. It was ordered; and thereupon, in the hurry and confusion of the expiring hour of that Congress, when every moment of time was precious and valuable, the Speaker stated to the House (I quote from the record), "There are now thirty minutes for debate—fifteen minutes in support of the proposition, and fifteen minutes against it."
Mr. Speaker, in availing myself of the privilege under the rules to discharge my duty by making the foregoing statement to the House, I desire to say that my respect and regard for the Speaker of the House is too great for me to entertain for a moment the idea that he would not, under all circumstances, render equal justice to every member of the House, nor would I intimate that he would do anything improper. But I do say that under the rules and under the practice of the House there was a disregard of the rules on the occasion to which I refer.
The SPEAKER. On the occasion to which the gentleman from Virginia refers a second was ordered by a vote of the House, as the Chair now remembers, and the Chair did not state, as is generally done, that under the rules there were thirty minutes allowed for debate, fifteen minutes in support of the resolution and fifteen minutes in opposition to it. But no gentleman, so far as the Chair knows, took the floor for the purpose of engaging in debate, and the question was put on suspending the rules and agreeing to the resolution.
Mr. BRADY. I make the point that the floor could not have been taken by any member to address the House until the Chair stated the question.
The SPEAKER. The Chair did state the question as being on the motion of the gentleman from Indiana to suspend the rules and adopt the resolution.
Mr. BRADY. My point is that the Speaker should have stated that thirty minutes were allowed for debate, fifteen minutes on each side.
The SPEAKER. In other words, the Chair did not make proclamation what the rule of the House was, and no gentleman rose to address the House.
Mr. BRADY. How could I rise to address the House until the Speaker stated the question?
The SPEAKER. The gentleman from Virginia had a right to rise to address the House, because the Chair had stated the question.

ORDER OF BUSINESS.

Mr. HATCH. I rise to present a conference report. But I will yield to the gentleman from Illinois [Mr. MORRISON] for a motion that the House take a recess.
Mr. MORRISON. I move that the House take a recess until 8 o'clock.
The motion was agreed to; and accordingly (at 5 o'clock and 48 minutes p. m.) the House took a recess until 8 o'clock p. m.

---

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] has been recognized to present the report of a committee of conference.
Mr. HATCH. I yield for a moment to the gentleman from Nebraska [Mr. LAIRD].

RELIEF OF SETTLERS ON PUBLIC LANDS.

Mr. LAIRD. I move that the House non-concur in the Senate amendment to the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, and agree to the conference requested by the Senate.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That for the purpose of reimbursing persons and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled 'An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph,' approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees, or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid."

Mr. HOLMAN. I ask that the last section of the House bill be read.

The Clerk read as follows:

SEC. 2. That the provisions of this act shall only apply to the actual and *bona fide* settlers on the lands therein referred to, and no one person shall be entitled to the benefits of this act for compensation for more than 160 acres of land: *Provided*, That all other persons who purchased any part of said land at $1.25 per acre, and the money was actually paid into the Treasury, shall be entitled to repayment of the money so actually paid by them.

Mr. HOLMAN. With the understanding that that provision will be retained by any conference committee that the Speaker may appoint, I shall not object to the conference. Otherwise I should object.

Mr. LAIRD. The case is just this: The Committee on Claims, to whom this bill was referred, have recommended non-concurrence in the Senate amendments and agreement to the conference asked.

The amendments of the Senate were non-concurred in and the conference was agreed to.

DISTRIBUTION OF DOCUMENTS.

Mr. HATCH. I yield now to the gentleman from Georgia [Mr. HAMMOND] who desires to offer a resolution.

Mr. HAMMOND. Mr. Speaker, I ask unanimous consent for the passage of the resolution usually adopted at the end of each Congress in relation to the distribution of documents to members of the outgoing Congress. I send the resolution to the desk to be read.

The resolution was read, as follows:

*Resolved*, That all documents and books ordered to be published by the present Congress which are actually printed prior to the first Monday of December next, together with documents and books hereafter ordered to be printed which have not been actually printed, to which members of the present Congress are or would have been entitled if published prior to the 4th day of March next, and which are actually printed prior to the first Monday of next December, shall be allotted, as heretofore, to members of the present Congress, and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

Mr. HAMMOND. That is the usual resolution, and I move its adoption.

The resolution was agreed to.

Mr. HAMMOND moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY THROUGH PUBLIC LANDS, TERRITORY OF UTAH.

Mr. HATCH. I yield now to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, I move to concur in the Senate amendments to the bill (H. R. 5959) granting the right of way through certain public lands of the United States in the Territory of Utah, and for other purposes.

The amendment of the Senate was read, as follows:

At the end of the bill add the following section:

SEC. 6. This act shall be at all times subject to amendment, alteration, or repeal, as in the judgment of Congress the public good may require.

The amendment was concurred in.

ORDER OF BUSINESS.

Mr. CANNON. I demand the regular order.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] demands the regular order. The Chair will lay before the House a message from the Senate returning a bill at the request of the House. The message will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1887.

*Ordered*, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill of the House (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi.

The SPEAKER. This is one of the bills passed last evening. The gentleman from Georgia [Mr. CRISP] intended to present the bill with the amendments which the committee had recommended, but, by an oversight, the bill was passed as it had been introduced originally. The purpose of recalling it is to correct that mistake by inserting the amendments recommended by the committee. If there be no objection, the bill will be engrossed accordingly.

There was no objection, and it was so ordered.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The Clerk will now read the conference report presented by the gentleman from Missouri [Mr. HATCH].

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 10912, making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 5, 6, 7, 10, 11, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, 9, 12, 15, 17, 18, 19, 20, 22, 23, 25, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: On page 5, line 1, after the word "including," insert "$50,000 for the continuation of experiments in the manufacture of sugar from sorghum and sugar-cane, and also including the purchase and transportation of samples and supplies; in all, $56,000: *Provided*, That the Commissioner of Agriculture is hereby required to make separate report to Congress stating fully and accurately an itemized account of every expenditure made under this provision and the results of all experiments made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 5, line 2, strike out "eighty-one" and insert "in all, fifty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Insert "and a like sum of $5,000 for the same purposes and under the same restrictions and conditions to the California Ladies' Silk Culture Association of California," and the Senate agree to the same.

That the House recede frem its disagreement to the amendments of the Senate numbered 24 and agree to the same with an amendment as follows: Add at the end of said amendment as follows: "One hundred thousand dollars of this sum, or so much thereof as may be necesssary, to be immediately available;" and the Senate agree to the same.

WM. H. HATCH,
WHARTON J. GREEN,
MILO WHITE,
*Managers on the part of the House.*
WILLIAM MAHONE,
P. B. PLUMB,
WILKINSON CALL,
*Managers on the part of the Senate.*

The explanatory statement of the House conferees was read, as follows:

The conferees on the part of the House submit the following statement in writing to accompany conference report on H. R. 10912, making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes:

The Senate recedes from its amendments numbered 1, 3, 4, 5, 6, 7, 10, 11, and 16.

Amendment numbered 1 increases the salary of the botanist from $2,000, amount now paid, to $2,250; an increase of $250.

Amendment numbered 3 is simply formal, being one of additions to make the total conform to the change above stated.

Amendment numbered 4 provided an additional clerk at $1,000 per annum for the chemical division, and amendment numbered 5 is simply formal, being one of additions to make the total conform to the change.

Amendment numbered 6 reduced the salary of the ornithologist $250, and amendment numbered 7 corrects the addition and leaves it as it passed the House.

Amendment numbered 10 increased the amount in botanical division from two to five thousand dollars, and amendment numbered 11 was as follows:

"And the Commissioner of Agriculture may use for the purpose of a station for said investigations such abandoned military reservation as the Secretary of the Interior may temporarily assign to him for this purpose."

In view of the passage of the experiment-stations bill, your conferees deemed this appropriation unnecessary.

Amendment numbered 16 appropriated $5,000 for the promotion of bee culture, which is fully embraced in the general appropriation for the entomological division, and therefore unnecessary.

The House recedes from amendments numbered 2, 8, 9, 12, 15, 17, 18, 19, 20, 22, 23, 25, and 26.

Amendments numbered 2, 8, 9, 12, 17, 18, 19, 20, and 25 are merely formal, perfecting and correcting the text of the bill, and in nowise change the amounts appropriated as passed by the House.

Amendment numbered 15 increases the appropriation to the entomological division from $15,000 to $20,000.

Amendment numbered 22 is as follows:

"*Provided*, That in the expenditure of the money herein appropriated no discrimination shall be made in the compensation paid to persons employed in the seed-room for the same class of work."

Amendments numbered 23 and 24 as amended apply to the Bureau of Animal Industry and increase the sum appropriated by the House from $100,000 to $500,000, with the following proviso added at the end thereof:

"One hundred thousand dollars of this sum, or so much thereof as may be necessary, to be immediately available."

Amendment numbered 26 is as follows:

"SEC. 3. That all machinery purchased under the provisions of this act shall be built in the United States, wholly of domestic material."

The House recedes from its disagreement to the amendments of the Senate numbered 13 and 14, and agrees to the same with an amendment as follows:

Strike out "eighty-one thousand" and insert "fifty-six thousand," with the following additional proviso:

"Fifty thousand dollars for the continuation of experiments in the manufacture of sugar from sorghum and sugar-cane, and also including the purchase and transportation of samples and supplies, in all $56,000: *Provided*, That the Commissioner of Agriculture is hereby required to make a separate report to Congress stating fully and accurately an itemized account of every expenditure made under this provision, and the results of all experiments made."

The House recedes from its disagreement to the amendment of the Senate numbered 21, and agrees to the same with the following amendment:

"And a like sum of $5,000, for the same purposes and under the same restrictions and conditions, to the California Ladies' Silk-Culture Association of California."

All of which is respectfully submitted.

W. H. HATCH,
WHARTON J. GREEN,
MILO WHITE,
*Conferees on the part of the House.*

Mr. HATCH. I will state to the House that there are only two important amendments placed on this bill by the action of the Senate. The first is an appropriation of $50,000 to continue the experiments in progress for the manufacture of sugar from sorghum and sugar-cane by what is known as the saturation process. The House will remember that at the last session of Congress we appropriated for this purpose $94,000. The experiments are incomplete. Valuable machinery has been purchased by the Government and experiments are now in progress. At the last session it was stated to the House by the committee that that appropriation was deemed sufficient to complete these experiments; but experience has demonstrated that it was not, and the Commissioner has asked a further appropriation of $75,000, which the Senate agreed to and placed in the bill. As a compromise on this subject the conferees on the part of the House have agreed to an appropriation of $50,000, with the understanding that this shall complete these experiments and that no further appropriation will be asked in this direction.

Mr. LORE. I desire to ask the gentleman whether it is provided that the machinery required shall be manufactured in this country.

Mr. HATCH. It is. That is the last amendment—amendment 26. It provides that any additional machinery which it may be found necessary to purchase for the completion of these experiments shall be purchased entirely in the United States.

Mr. MILLS. Whether good, bad, or indifferent.

Mr. HATCH. Whether good, bad, or indifferent. The statement has been made by the Commissioner that no additional machinery is necessary except in the way of repairs to the existing machinery or replacing parts which have proved defective.

Mr. HAMMOND. What is the use of the restriction if that is true?

Mr. HATCH. I do not think there is any necessity for it at all; but the amendment was suggested by a distinguished gentleman——

Mr. MILLS. Why not require everything consumed in the United States to be made here?

Mr. MCKINLEY. All right; bring in your bill.

Mr. WILSON. And why not also prevent anything going out of the country?

Mr. MILLS. Yes, sir; let us be entirely self-sustaining.

Mr. HATCH. It is not necessary for me to say to the gentleman from Texas [Mr. MILLS] or to this House that I have as little sympathy with any hide-bound rule on this subject as he or any other gentleman on this floor has. But I did not deem it necessary to make a contest over a matter that was entirely immaterial. In view of the quarter from which the proposition came, I did not feel like opposing it because the gentleman who made the suggestion said that the proposition had passed the Senate without division and without objection on the part of any member of the Senate.

The Commissioner has stated to me that but very little additional machinery will be required. All that is necessary to complete the experiments will be some repairs and the replacing of some parts of the machinery which have proved to be defective. The main machinery has all been purchased and is now in the possession of the Government, a part of it being at Fort Scott, Kans., and a portion of it having been moved down to Louisiana to make the test with sugar cane during the coming season. Every particle of that machinery was manufactured in the United States except a portion amounting in value to about $2,000, which the Commissioner ordered from Europe because it was required in haste.

Mr. CANNON. So far as this machinery is concerned, the gentleman from Missouri will allow me to say that in my portion of Illinois there is some for sale very cheap, which has been used in making hundreds of barrels of sugar, but which, in spite of reasonably cheap labor and magnificent soil, can not now be used with any advantage, owing to the cheapness of sugar.

Mr. HATCH. I am obliged to the gentleman from Illinois for having made that statement. I hope he will send a copy of his remarks to the Commissioner of Agriculture calling attention to the fact he has stated. I have nothing to do with executing the law. I am simply attempting to perfect it in the interest of the sugar growers of the great Mississippi Valley.

Mr. CANNON. My colleague [Mr. EDEN] understands about this matter.

Mr. HATCH. I yield for a moment to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, just one word on the subject of this appropriation. We are all familiar with the figure this question cut a year or two ago, at the last session of Congress or the session before. Ninety-four thousand dollars, then appropriated, has been absolutely wasted, thrown away, this expenditure constituting one of the most disgraceful scandals—I do not mean in the sense of stealing money, but in the squandering of it without any intelligent direction and for no useful purpose. The matter was exposed most freely by the press of the country.

It is now proposed to continue these operations, and to do so with machinery made in this country. A very significant fact in this connection is that there is now before the Committee on Ways and Means a bill introduced by some one representing the sugar-growing interest of this country—I think the gentleman from Louisiana [Mr. GAY]—asking that this kind of machinery be permitted to come into this country free of duty—asking that just one set of it be permitted to come in free; for the process is an old one in Austria and Germany. There is no novelty about it, and there is plenty of machinery with which to carry it on if people wish to put their money in it and buy it like anything else which may be bought and paid for.

And it is perfectly feasible for our machine manufacturers in this country to take copies and make the machine and sell it here. Therefore I say it is singular that we should be called upon to make these appropriations for a machine to be made in this country when up to this time there is not a machine manufacturer who has undertaken to supply the trade with it; not one. And when the example of our past most liberal appropriation is one of no practical utility whatever, for my part I trust the House will not agree to this appropriation with something of a vigorous protest. It not only involves in this appropriation the sum of $50,000, but it involves the question of an unwarranted and indefensible waste of the public money.

Mr. HATCH. Mr. Speaker, I want to say to the gentleman from Arkansas that if he will report that bill, to which he has referred, to this House, he will find me an earnest and an ardent advocate in its support.

Mr. MCMILLIN. But it is in conflict with a similar provision in this bill.

Mr. MCKINLEY. It is not here at all.

Mr. HATCH. It will not interfere with this in any respect. This is for the purchase of machinery to be used by the Government in its experiments. The proposition of the gentleman from Louisiana is to bring in machinery from abroad to be used by an individual or by a corporation. I believe that bill is right, and I would vote for it if it was before the House.

But further than that, sir, I want to state to the gentleman that the question he presents has nothing in the world to do with the question now presented, for it is only a controversy between two chemists in the United States. When the Commissioner of Agriculture makes his report, which he has not yet done because his experiments had not been concluded in this direction—if that report bears out the facts stated by the press, and now reiterated by the gentleman from Arkansas, I will stand up in my place on this floor and ask the House to adopt a resolution of investigation as to the expenditure in the department of the amount of these appropriations.

Mr. BRECKINRIDGE, of Arkansas. How much of the $94,000 already appropriated is left?

Mr. HATCH. Up to this time—the last financial statement sent to my committee shows about $34,000 was left of that appropriation.

In other words, about $60,000, possibly a little more or less, has been already expended, the bulk of it, in the purchase of machinery, and he can not make his report intelligently to Congress until he concludes the experiments in that line, and the reason why this delay has occurred is because it was too late in the season for him to get the proper cane in Louisiana to make the tests which it was necessary to make in order to determine the success of the experiment.

Mr. KING. I would like to ask the gentleman from Missouri if I understand him now to be in favor of using this appropriation for continued experiments in the diffusion process, under the chemist of the Agricultural Department.

Mr. HATCH. Well, I have nothing in the world to do, as the gentleman from Louisiana knows, with the appointment or continuance in office of the present chemists of the Agricultural Department. I have not interfered in any way with the Commissioner in the appointment of any of his staff.

Mr. KING. Then I will limit it to one question. Are you in favor of continuing this appropriation for experiments in the manufacture of sugar from vegetables by the process of diffusion?

Mr. HATCH. I will say this much to my friend from Louisiana: That I am informed, and the Commissioner of Agriculture has so stated to more than one member of the Committee on Agriculture, both in the House and Senate, and it was stated in conference when pressed by the Senate to agree to the terms of this amendment, that the present chemist who had charge there would not have it this season.

Mr. KING. That is not the question. I want to ask the gentleman

this: Are you in favor of additional appropriations for the purpose of making experiments by the diffusion process?

Mr. HATCH. There is nothing included in this appropriation except for experiments for making sugar from sorghum or from sugar-cane; and the statement of the gentleman from Arkansas that this was an old process, the machinery for which had been perfected in Europe, by which sugar had been made by this process either from sorghum or from sugar-cane, is a mistake. My friend is laboring under an error when he makes that statement. It has been perfected and it has worked admirably in producing sugar from beets, and all of the machinery has been perfected to extract the sugar by this process from beets. But when tried here, we found that the machinery for slicing it in various ways, using beets for this process, would not answer for cane, and that is the reason these experiments have been made, and the only reason.

The only experiment as far as our information extends that has been made with sugar-cane at all with this process in the old country has been made in Spain, and as far as it has gone it has proven a success.

Mr. BRECKINRIDGE, of Arkansas. With the permission of the gentleman from Missouri, I want to say this: I am not a sugar-grower and can not pretend to any great information in that line, but we have had before the Committee on Ways and Means, or before some of us there, the gentleman from Louisiana [Mr. GAY], who certainly understands all about this business, and also the German representative of this machinery; and they profess, and I suppose they know what they are talking about, that they are in possession of all the facilities of which the gentleman from Missouri has spoken for working the cane. Therefore I say upon that authority that the gentleman is mistaken. And furthermore, when he expresses his willingness to vote for that bill and help to pass it through this House, and thinks thereby to draw any strength from the feeble argument that I am making to-night, I will say the very reason I am glad the measure is not here is that gentlemen like him are too willing to vote for it.

Mr. HATCH. I know of no other process for making sugar from cane than as stated.

Mr. KING. Are you in favor now of another appropriation by this House for experiments in regard to the manufacture of sugar by the process of diffusion from vegetables?

Mr. HATCH. There is nothing of that kind included in this amendment.

Mr. KING. Or in this bill?

Mr. HATCH. It is not.

Mr. O'NEILL, of Missouri. Will the gentleman permit me to make a brief statement? The conference committee struck from the appropriation bill——

Mr. HATCH. I will yield to the gentleman from Missouri when we get to the amendment to which I suppose he was about to refer. Let us deal with one amendment at a time.

Now, Mr. Speaker, as I have said, this is a Senate amendment.

Mr. KING. What is the amendment?

Mr. HATCH. I am referring to the sugar amendment. It is a Senate amendment. The proposition did not originate in our committee nor was it reported by our committee to the House.

Mr. DUNN. Does the Commissioner of Agriculture ask for it?

Mr. HATCH. He has asked for it. He went in person before the Senate committee and urged it, as I am informed.

Mr. DUNN. From my reading of his last report I supposed he did not want it.

Mr. KING. What amendment is the gentleman from Missouri referring to?

Mr. HATCH. There is but the one amendment referring to sugar, and it includes nothing but sorghum and sugar cane.

Mr. KING. I would like to ask the gentleman from Missouri——

Mr. HATCH. I can not yield further on this subject.

Now, Mr. Speaker, the next most important amendment in this report is that increasing the appropriation to carry out the act known as the act establishing the Bureau of Animal Industry and to prevent the spread of pleuro-pneumonia from one State to another from $100,000, as it passed the House, to $500,000, with the same proviso as is in the appropriation bill for the present fiscal year, except the added words of "exposed" as well as diseased cattle and "quarantine."

Mr. HAMMOND. Will the gentleman from Missouri allow me to ask him a question?

Mr. HATCH. With pleasure.

Mr. HAMMOND. Is there any change in the machinery of the old statute?

Mr. HATCH. Not a particle.

Mr. MILLS. Then the only change is in the appropriation?

Mr. HAMMOND. Allow me to ask the gentleman from Missouri, is the only change what he has just now mentioned?

Mr. HATCH. I do not understand what the gentleman from Georgia means by the machinery of the old statute. This matter is placed in charge of the bureau of animal industry, and this simply removes the restrictions that are embodied in the proviso that was added to the bill last session.

Mr. HAMMOND. I asked the question for information.

Mr. HATCH. I shall be happy to give the gentleman all the information I have.

Mr. HAMMOND. It will perhaps bring your mind to the point I have in view if I ask you——

Mr. HATCH. I ask the Clerk to read the amendment.

Mr. McMILLIN. Let us have the section read to which the amendment pertains.

The Clerk read the proposed twenty-fourth amendment of the Senate as follows:

After the word "dollars" insert the following:
"And the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals, and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another."

Mr. HATCH. Now I will state the only change in this amendment from the existing law is in adding the words "or exposed" after "diseased" and the words "and the quarantine of the same."

Mr. HAMMOND. Is not there this other change that you take out of it the restriction that the number shall not exceed thirty-two?

Mr. HATCH. That is already in the law under which the commissioner is operating, the appropriation bill for the present fiscal year.

Mr. HAMMOND. Yes, but this declares that he may employ just so many as he sees proper.

Mr. HATCH. And I say that the same provision is in the law that he has been operating under ever since the 1st of July last.

Mr. MORGAN. Did not it limit the number to twenty?

Mr. HATCH. It did not. That limitation is in the original act.

Mr. McMILLIN. If the gentleman will bear with me, it seems to me from the reading that this amendment removes the restriction.

Mr. HATCH. I have stated to the gentleman from Georgia [Mr. HAMMOND], and I now restate that while that restriction was in the original act, which was passed by the Forty-eighth Congress, the act creating the Bureau of Animal Industry, the law under which the Commissioner is now operating, and has been operating since the beginning of the present fiscal year, has in it this identical proviso removing the restriction.

Mr. McMILLIN. Removing the restriction?

Mr. HATCH. Removing the restriction.

Mr. McMILLIN. Then does the gentleman announce that under this bill, if it becomes a law, there will be no restriction whatever?

Mr. HATCH. I state as fully and frankly as I can that the restriction as to the number of persons is removed and he can employ as many as he deems necessary.

Mr. HAMMOND. And at any rates of compensation he chooses?

Mr. McMILLIN. Then it turns out that the restrictions imposed by the act organizing the bureau are removed. Now, I will ask the gentleman from Missouri [Mr. HATCH] if it is not also a fact that there is no restriction upon the Commissioner of Agriculture as to the salaries or compensation that he shall pay his employés when this $500,000 appropriation is made?

Mr. HATCH. Except in so far as they are fixed by the original act.

Mr. McMILLIN. But these new employés, this unlimited number—is there any restriction as to their compensation?

Mr. HATCH. I will state to the gentleman that the employés are classified in the original act, and of course the Commissioner can not exceed the compensation there prescribed.

Now, by way of explanation, I will state that when the outbreak of pleuro-pneumonia occurred at Chicago and the Commissioner went there he employed, under the provisions of the act for the current fiscal year, a large number of persons, twenty-five or thirty or more—I will not undertake to state the exact number, because the figures are not before me.

He employed those persons simply to enforce the quarantine of diseased cattle, and paid them, as I recollect the statement, from $1.50 to $3 a day, having them on duty in relays day and night. They, of course, were not experts; but he has employed a certain number of veterinary surgeons as assistants, and he has uniformly, as he tells me, kept within the provisions of the original act. And now I want to state to the House one reason for this amendment. We are here in the closing hours of the session. The Senate, the night before last, upon information which was received and communicated to that body, and which is now in the CONGRESSIONAL RECORD—the Senate, I say, after it had by a vote of 34 to 27 agreed to an amendment offered by the Senator from Vermont to what is known as the commission bill, then pending in the Senate, which appropriated a million dollars, adopted a substitute, placing in the hands of the President of the United States the sum of a million dollars to be used by him as the emergencies might arise.

That very night, upon the announcement that an outbreak of pleuro-pneumonia had occurred in Boston and, as I am informed, that it had been traced back directly as far as Buffalo and from Buffalo to these cattle-pens in Chicago, the Senate reconsidered their action, rejected the

amendment, and passed a bill appropriating a million dollars for this purpose. Now, as a compromise and a settlement of this whole question, and to carry us along until December next, the conferees on the part of the House have accepted this amendment appropriating half a million dollars with this proviso; simply to give to the Government an opportunity to go into the States, and in the interest of the interstate commerce of the country, aid them in stopping the spread of pleuro-pneumonia; and unless something is done now, that disease will extend, inside of six months, to all parts of the country.

Mr. WARNER, of Ohio. Now will the gentleman allow me a question?

Mr. HATCH. With pleasure.

Mr. WARNER, of Ohio. I desire to ask the gentleman if there is any limitation in this bill upon the price that may be paid for cattle?

Mr. MORGAN. And how is that to be determined?

Mr. HATCH. I will answer one question at a time. I will state, in reply to the gentleman from Ohio [Mr. WARNER], that except in so far as the rules and regulations which govern the conduct of the Commissioner have been approved by this administration and are now in force, there is no limit; but those regulations do impose a restriction upon him, and he has never yet exceeded it.

Mr. WARNER, of Ohio. Who makes the regulation?

Mr. HATCH. The Commissioner of Agriculture made the regulations and promulgated them under the original act, and, as far as they have been accepted by the States, operations are now conducted under them.

Mr. WARNER, of Ohio. Then there is, in fact, no limitation in this bill upon the number of persons that may be employed, or to the compensation that may be paid to them, or upon the price that may be paid for cattle taken to be killed; but all that is left to the discretion of the Bureau of Agriculture. Is not that true?

Mr. HATCH. I have already answered every one of the gentleman's questions except the last. I do not care to take up time in reiterating what I have said. I simply state, in reply to the gentleman from Ohio what I have said before, that except in those regulations there is no limit as to the sum to be paid.

I have promised to yield to the gentleman from Mississippi [Mr. MORGAN] and will now do so.

Mr. MORGAN. I have understood the gentleman to state that information was brought to the Senate that there was an outbreak of this disease in Boston——

Mr. HATCH. Yes, sir.

Mr. MORGAN. And that it was traced through Buffalo to Chicago——

Mr. HATCH. Yes, sir.

Mr. MORGAN. And upon that the vote was reconsidered and the bill was passed. So the gentleman has stated to the House.

Mr. HATCH. Yes, sir.

Mr. MORGAN. Now, I ask the gentleman to point to the RECORD to sustain the statement he has made; for I have examined the RECORD carefully and have made inquiry, and I can not find any evidence in support of the gentleman's statement. Before he makes his answer, I will state to the House that on the morning following the day when this bill was first acted on Mr. DAWES came in and entered a motion to reconsider that vote, stating that he had voted through mistake; and Senator BUTLER, in expressing his amazement at the action taken, charged on the floor of the Senate that it was the result of a caucus—a Republican caucus, and that Mr. EDMUNDS and two or three others had retired; and it was then put through upon that kind of a vote. If there is in the RECORD any such statement as the gentleman from Missouri has referred to, I ask him to turn to it and read it. I believe the gentleman can not find anything in the RECORD to sustain him.

Mr. HATCH. When it was asked on the floor of the Senate what had produced this change, and the Senator from South Carolina [Mr. BUTLER] asked the question whether there had been a caucus on the question, nobody said there had been. It was not stated that there had been a caucus; and I have seen no evidence of it. No Senator admitted it. I do not know, and do not care, whether there was any caucus on the subject. If there was a caucus upon it, it showed that the gentlemen who entered that caucus had a conception of the danger of this outbreak and were ready to make necessary provision to meet it.

Mr. MORGAN. Now, let the gentleman read from the RECORD the statement on the subject which he said was included in the RECORD.

Mr. HATCH. I have not said that that of itself and alone produced this change.

Mr. MORGAN. But you have said it is in the RECORD.

Mr. HATCH. I say it is in the RECORD; that telegram is in the RECORD.

Mr. MORGAN. Then turn to it and read it.

Mr. HATCH. I have not time. Let the gentleman turn to it and read it. Nobody else doubts my statement.

Mr. MORGAN. I have never seen that telegram. Now, let me ask the gentleman another question. This appropriation is now increased from $100,000 to $500,000. I ask whether there is any limitation whatever upon the discretion of the Commissioner of Agriculture in the expenditure of this money, whether he may not pay the whole sum for one cow if he sees fit to do so?

Mr. HATCH. I say there is a restriction.

Mr. MORGAN. Where is it?

Mr. HATCH. The restriction is in the common sense, the common integrity, and the common honesty of officers of this administration. [Applause.]

Mr. MORGAN. I say you have no right to make an appropriation which is protected by no other safeguard than that assumption.

Mr. MORRISON. I wish to ascertain whether I have correctly understood the gentleman from Missouri [Mr. HATCH]. If I understand the order of legislation at the other end of the Capitol (in the Senate), this amendment appropriating $500,000 for the purpose which the gentleman from Missouri has just explained was first made by the Senate, and afterwards that body passed the million-dollar bill with very different provisions from anything in this bill. Is that the order in which the action on this subject was taken?

Mr. HATCH. I am not prepared to state which measure passed first.

Mr. MORRISON. Well, I am prepared to say that the legislation occurred in the order I have just stated. Hence the gentleman from Missouri is mistaken in saying that there is any compromise about this, or that this is the adjustment of the matter. The Senate bill is still here, having been passed after this $500,000 appropriation was put into the present bill; and there has been no adjustment of this matter. Gentlemen of the Committee on Agriculture have gone on and passed the appropriation first made by the Senate without any adjustment with the friends of the other bill, which some of us claim is better than any provision in this bill. That other bill is still pending, and there has been no compromise about it.

Mr. HATCH. I will state to my friend from Illinois [Mr. MORRISON] that so far as legislation or the hope of legislation is concerned, the gentleman knows as well as I do, and every gentleman in this House will understand, that the bill to which he has referred came in here yesterday or this morning, and was referred to the Committee on Agriculture. It has to be considered by the Committee on Agriculture and reported back to this House; and while no opportunity is given to committees having reports in their desks to report bills that were acted on a week or ten days ago, I want the gentleman to tell me how that report is ever going to get back here.

Mr. MORRISON. Just exactly as bills get into your possession—by a motion in the House and a vote of the House. You moved to suspend the rules and pass one bill. Can not that be done again with any other bill?

Mr. HATCH. I am not moving to suspend the rules. There is no motion now before the House to suspend the rules.

Mr. MORRISON. How did you get possession of this bill? Did you not suspend the rules and refer this or pass one bill which had already been referred?

Mr. HATCH. No, sir. This is the regular appropriation bill. It is privileged.

Mr. MORRISON. But you did so refer or pass one bill.

Mr. HATCH. The experimental station bill.

Mr. MORRISON. Certainly; and that can be done again.

Mr. HATCH. Oh, yes.

Mr. PETTIBONE. That is not this bill.

Mr. HATCH. I am not going to be led off into a discussion of a bill not before the House and containing provisions which if presented to this House would evoke discussion which would last for days and weeks.

Mr. MORRISON. I had no desire to interfere with the gentleman; I merely wished to correct the gentleman's inaccuracy of statement.

Mr. HATCH. I say, so far as the conferees on the part of the Senate and House are concerned, this has been accepted as a compromise and settlement at this session on that question. I appeal to the House—I say to the friends of this industry throughout the length and breadth of this land, if you do not accept this provision to-night you will not get one dollar for the extirpation of pleuro-pneumonia between now and Friday at 12 o'clock m.

Mr. ROGERS. I hope you will not.

Mr. HATCH. It is this or nothing. I believe it is as well guarded, I believe it is as efficacious, I believe it will accomplish the purpose every single friend of that legislation on this floor has at heart, and that is aiding the States in the extermination of this disease. It is a liberal appropriation. The Commissioner of Agriculture has discretion—he is bound to have it, and it would be utterly valueless without that discretion.

Mr. BRECKINRIDGE, of Kentucky. I would like to know if I understand the gentleman from Missouri to say if the bill he now reports is not adopted that the Committee on Agriculture will not ask the House to suspend the rules and pass what is known as the Miller pleuro-pneumonia bill which passed the Senate?

Mr. HATCH. I will say to the gentleman from Kentucky that I speak for myself, and I have no hesitation in saying to him candidly and frankly, as one member, and as the chairman of that committee, I will never ask the Speaker to recognize me to pass it under a suspension by a two-thirds vote, as I am satisfied we would not get 33⅓ per cent. of this House in favor of it. I am trying to do something that is practicable. I am trying to do something in the interest of this great industry. I do not intend to be led off after a will-o'-the-wisp into the swamps of legislation. [Applause.]

Mr. MORRISON. I ask you to be accurate in your statement, that is all. The Senate first put this $500,000 appropriation in this bill and afterwards passed a better bill, appropriating $1,000,000, and provided for its efficient use.

Mr. HATCH. I am always accurate. I always try to be accurate in any statement I may make; and if it is shown to me any statement I have made is not entirely accurate, I will be the very first to correct it.

Mr. BRECKINRIDGE, of Kentucky. What I wish to understand from the gentleman from Missouri is whether, as chairman of the House conferees and of the Committee on Agriculture, I understood him correctly to say, in reference to some measure for the extirpation of pleuro-pneumonia, this is all there is any chance of getting?

Mr. HATCH. I say to my friend from Kentucky it is all that is possible. That gentleman knows I have in my possession now a bill which passed this House by a majority of 200; that has been amended in the Senate, but having been recognized by the Speaker to pass a bill known as the agricultural experiment-station bill, I can not with any face go to him and ask him again to recognize me until he has recognized other gentlemen and other committees. I can not go to him and ask him to recognize me again for any like purpose.

Mr. BRECKINRIDGE, of Kentucky. That is not the question. I understood the gentleman from Missouri to say he would not ask the Speaker, or get the Committee on Agriculture to ask the Speaker——

Mr. HATCH. I do not speak for the Committee on Agriculture. When they authorize me I am ready to act. I am speaking for myself; and I say when that bill was presented to the Committee on Agriculture it was laid on the table, as we all know, and I have no idea in the world they will reverse that decision.

Mr. BRECKINRIDGE, of Kentucky. That does not answer my question. Do I understand the gentleman from Missouri, the chairman of the Committee on Agriculture, that we are driven to that position, that the friends of the bill for the extirpation of pleuro-pneumonia must take this or take nothing?

Mr. HATCH. I have said it as frankly and as clearly as I can that in my judgment it is the only possible measure of legislation that we can get at this session.

Mr. MILLS. Does the gentleman intend to have discussion on the report?

Mr. HATCH. I am now holding the floor for that purpose.

Mr. KING. I ask the gentleman to yield the floor to me.

Mr. HATCH. I have promised to yield two minutes to my colleague from Missouri [Mr. O'NEILL].

Mr. MILLS rose.

Mr. HATCH. I will yield for two minutes to my colleague.

Mr. O'NEILL, of Missouri. I ask the Clerk first to read the amendment numbered 20. I ask my colleague to yield me five minutes, as the reading will take up at least two minutes and a half.

Mr. HATCH. What is it the gentleman wants done?

Mr. O'NEILL, of Missouri. I want the amendment struck out in regard to prohibiting discrimination in the pay of employés in the seed department.

Mr. O'NEILL, of Missouri. I think the House will recollect the amendment to which I now refer. It was adopted here by an almost unanimous vote after a full discussion; and yet, Mr. Speaker, without one word of explanation on the part of either the committee or the Senate, this amendment, which proposed to regulate what I regard as an abuse in the administration of that Department, has been stricken from this bill. It was an amendment which removed one case of gross discrimination exercised in that Department that was known to the members of this House to exist; a case where people sitting side by side at the same desk, doing exactly the same kind of clerical work, were receiving a difference of pay amounting to about one hundred per cent.; and yet, I repeat, that amendment, made for the purpose and in the direction of breaking up the favoritism prevailing in the various Departments, is stricken from the bill without a word of explanation in either House, as though it was a mere trivial whim that was not intended to have any weight in legislation.

The gentleman in charge of this bill should know that the House had a determined meaning in incorporating that amendment to break up this favoritism prevailing in that Department.

Mr. HATCH. Mr. Speaker, this amendment to which my colleague refers was acted upon by the Senate committee and by the Senate; and I can only state upon the information I have that it was stricken out at the instance and at the request of the Commissioner of Agriculture himself. He went before the committee and stated that no such discrimination existed in the Department.

Mr. O'NEILL, of Missouri. Then I state here on the floor of this House, as a member of the House, that it does exist to my personal knowledge.

Mr. HATCH. Well, the gentleman ought to make his complaint to the Commissioner.

Mr. O'NEILL, of Missouri. And he has now been publicly informed that it does exist, and we will see if he will permit it to continue.

Mr. HATCH. I yield now one minute to the gentleman from Mississippi [Mr. MORGAN], my colleague on the committee.

Mr. MORGAN. Mr. Speaker, the chairman of the committee stated that the Committee on Agriculture had information of the fact of the spread of this disease, and had been able to trace back the disease to Chicago from a case which made its appearance in Boston, and that the information to that effect had come by a certain dispatch. Now, I call for the reading of that dispatch to show what it is, and I send it up to the Clerk's desk to be read. I ask the attention of the House while it is being read.

The Chief Clerk read as follows:

DISEASED CATTLE ON SALE.

BOSTON, MASS., *February* 25.

It is stated that on January 26 last a lot of milch cows from Buffalo were received at Brighton and disposed of to purchasers in the city of Boston. One of the animals died in South Boston on February 15 with suspicious symptoms, and Dr. Lyman, of the Harvard University Veterinary School, upon investigating the case, found that the cow had died of contagious pleuro-pneumonia. Other authorities having been called in consultation confirmed Dr. Lyman's diagnosis, and the State cattle commissioners have been working diligently since then to recover traces of the herd. The commissioners have been successful in a number of cases, and while they admit that there is great danger that the disease has been spread, they believe that the measures adopted will prevent serious results. Most of the animals have been placed in quarantine.

[Here the hammer fell.]

Mr. HATCH. Now, I will state, Mr. Speaker, that while I was speaking rapidly, and in answer to the many questions propounded, I did not wish to be understood as saying that all I referred to as to this disease was embodied in that dispatch. All I stated was that there was a dispatch to that effect; and my information was that the disease had been traced back through Buffalo to Chicago.

Mr. MORGAN. Now, Mr. Speaker, this whole business has been carried forward by excessive extravagance——

The SPEAKER. The time of the gentleman has expired.

Mr. HATCH. Now, Mr. Speaker, I have endeavored in the fullest and fairest way to lay this matter before the House in all of its details. There is nothing in this report that any member of the Committee on Agriculture desires to keep from the House; and if there was time enough I would not hesitate one minute to throw the doors of this discussion wide open because the more it is discussed the stronger will be the report before the House. But the time allotted to this discussion must be necessarily brief. Other matters are pressing.

Mr. KING. I want to ask the gentleman to answer me one question which I have tried to get him to answer before: whether he favors the expenditure of money for the further experiments in manufacturing sugar by the diffusion process?

Mr. HATCH. I demand the previous question upon the adoption of the report.

Mr. KING. I demand a second.

The SPEAKER. There is no second.

Mr. KING. Then I wish to ask unanimous consent of the House to make a short statement which I think is due to the country and due to the House itself before the vote is taken on this report. [Cries of "Regular order!"]

Mr. HATCH. I will withdraw my demand for the previous question and yield five minutes to the gentleman from Louisiana, if that will be satisfactory to him.

Mr. KING. I wish to address myself to the Senate amendment looking to the expenditure of $75,000 for continuing the experiments in the manufacture of sugar by the process commonly known as diffusion; and I simply wish to call the attention of the House to some facts in connection with this matter which I think the House should be fully possessed of, and which should go to the country.

It is rare, sir, that I ever attempt to interfere with the progress of legislative business in this House by any word of mine. I have occupied but little time in discussing these measures before the House, contenting myself with casting my vote as my sense of right dictated.

[For the extension of Mr. KING'S remarks, see Appendix.]

Mr. HATCH. I will only occupy half a minute in saying, in reply to the gentleman from Louisiana, that I stated on the floor of this House when I presented the bill at the last session appropriating $94,000 that in my judgment that was enough to complete these experiments; and I did oppose, and opposed till the last, the appropriation of $75,000, and finally got it reduced to $50,000. I accepted that as a compromise—as the very best we could do. I move the previous question.

Mr. KING. I ask permission to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD.

Objection was made.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. HATCH. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it. The Chair asks the House to come to order, and gentlemen to cease conversation on the floor.

Mr. MORGAN. My question is this: When will it be in order to move to insist on the disagreement to the amendments of the Senate and ask for a further conference? I am satisfied if that course is taken we can dispose of this to-night.

The SPEAKER. If this conference report is not agreed to by the House the whole subject will then be open to be disposed of by the proper motion.

Mr. MORGAN. If the conference report is not agreed to I will make that motion.

The question was taken; and there were—yeas 148, nays 79, not voting 92; as follows:

YEAS—148.

| | | | |
|---|---|---|---|
| Adams, G. E. | Funston, | Laird, | Rockwell, |
| Allen, C. H. | Gallinger, | Libbey, | Romeis, |
| Bacon, | Gibson, C. H. | Lindsley, | Rowell, |
| Baker, | Gilfillan, | Little, | Ryan, |
| Barbour, | Goff, | Long, | Sawyer, |
| Bayne, | Green, | Lore, | Sayers, |
| Bingham, | Grosvenor, | Louttit, | Scott, |
| Bound, | Grout, | Lowry, | Scranton, |
| Brady, | Guenther, | Lyman, | Seney, |
| Brown, C. E. | Hale, | Matson, | Smalls, |
| Brown, W. W. | Halsell, | McAdoo, | Sowden, |
| Buchanan, | Hatch, | McComas, | Spooner, |
| Buck, | Hayden, | McCreary, | Springer, |
| Bunnell, | Haynes, | McKenna, | Stahlnecker, |
| Burrows, | Heard, | McKinley, | Steele, |
| Butterworth, | Henderson, D. B. | Millard, | Stephenson, |
| Bynum, | Henderson, T. J. | Morrill, | St. Martin, |
| Campbell, J. E. | Henley, | Morrison, | Stone, E. F. |
| Cannon, | Hepburn, | Morrow, | Stone, W. J., Ky. |
| Carleton, | Hermann, | Neece, | Strait, |
| Conger, | Hiestand, | Negley, | Symes, |
| Davis, | Hill, | Nelson, | Tarsney, |
| Dingley, | Hires, | O'Donnell, | Taulbee, |
| Dockery, | Hiscock, | O'Ferrall, | Taylor, I. H. |
| Dorsey, | Holman, | O'Hara, | Thomas, J. R. |
| Dunham, | Holmes, | O'Neill, Charles | Townshend, |
| Ely, | Hopkins, | Osborne, | Trigg, |
| Ermentrout, | Houk, | Owen, | Van Schaick, |
| Evans, | Howard, | Page, | Wade, |
| Everhart, | Irion, | Parker, | Wadsworth, |
| Farquhar, | Jackson, | Payson, | Wakefield, |
| Felton, | James, | Perkins, | Warner, William |
| Fleeger, | Johnston, J. T. | Peters, | Weaver, A. J. |
| Foran, | Ketcham, | Pettibone, | Weaver, J. B. |
| Ford, | Kleiner, | Price, | Weber, |
| Frederick, | Laffoon, | Reed, | White, A. C. |
| Fuller, | La Follette, | Robertson, | White, Milo. |

NAYS—79.

| | | | |
|---|---|---|---|
| Allen, J. M. | Cobb, | King, | Shaw, |
| Anderson, C. M. | Cowles, | Landes, | Snyder, |
| Barksdale, | Cox, W. R. | Lanham, | Stewart, Charles, |
| Barnes, | Crisp, | Maybury, | Storm, |
| Barry, | Croxton, | McMillin, | Swope, |
| Belmont, | Culberson, | McRae, | Taylor, J. M. |
| Bennett, | Dargan, | Merriman, | Taylor, Zach. |
| Blanchard, | Davidson, R. H. M. | Mills, | Tillman, |
| Bliss, | Dawson, | Morgan, | Tucker, |
| Blount, | Dibble, | Muller, | Turner, |
| Boyle, | Dougherty, | Neal, | Van Eaton, |
| Breckinridge, C. R. | Dunn, | Norwood, | Wallace, |
| Breckinridge, WCP | Eden, | O'Neill, J. J. | Warner, A. J. |
| Burnes, | Forney, | Peel, | Wellborn, |
| Cabell, | Hall, | Phelps, | Wheeler, |
| Campbell, Felix | Hammond, | Pindar, | Wilkins, |
| Campbell, T. J. | Hemphill, | Ranney, | Willis, |
| Candler, | Henderson, J. S. | Richardson, | Wilson, |
| Catchings, | Johnston, T. D. | Rogers, | Wise. |
| Clements, | Jones, J. H. | Sessions, | |

NOT VOTING—92.

| | | | |
|---|---|---|---|
| Adams, J. J. | Daniel, | Le Fevre, | Sadler, |
| Aiken, | Davenport, | Lehlbach, | Seymour, |
| Anderson, J. A. | Davidson, A. C. | Lovering, | Singleton, |
| Atkinson, | Eldredge, | Mahoney, | Skinner, |
| Ballentine, | Ellsberry, | Markham, | Spriggs, |
| Bland, | Findlay, | Martin, | Stewart, J. W. |
| Boutelle, | Fisher, | Miller, | Stone, W. J., Mo. |
| Bragg, | Gay, | Milliken, | Struble, |
| Browne, T. M. | Geddes, | Mitchell, | Swinburne, |
| Brumm, | Gibson, Eustace | Moffat, | Taylor, E. B. |
| Burleigh, | Glass, | Murphy, | Thomas, O. B. |
| Caldwell, | Glover, | Oates, | Thompson, |
| Campbell, J. M. | Hanback, | Outhwaite, | Throckmorton, |
| Caswell, | Harmer, | Payne, | Viele, |
| Clardy, | Harris, | Perry, | Wait, |
| Collins, | Herbert, | Pidcock, | Ward, J. H. |
| Compton, | Hitt, | Plumb, | Ward, T. B. |
| Comstock, | Hudd, | Randall, | West, |
| Cooper, | Hutton, | Reagan, | Whiting, |
| Cox, S. S. | Johnson, F. A. | Reese, | Winans, |
| Crain, | Jones, J. T. | Rice, | Wolford, |
| Curtin, | Kelley, | Riggs, | Woodburn, |
| Cutcheon, | Lawler, | Rusk, | Worthington. |

So the report of the committee of conference was adopted.

During the roll-call the following occurred:

Mr. HATCH. I ask unanimous consent to make a statement to correct a misapprehension.

Mr. KING. I understand the objection to my request for leave to extend my remarks has been withdrawn.

Mr. HATCH. I will say to the gentleman from Louisiana that it was not I who made the objection.

The SPEAKER. The roll-call can not be interrupted.

Mr. WADSWORTH. I ask the Chair, in view of the confusion prevailing in the Hall, how it would do to call the names of the disorderly gentlemen and enter them on the Journal.

The SPEAKER. The Chair is using every method in his power to preserve order. It seems difficult this evening, for some reason or other, to transact the business of the House in an orderly manner. The Chair requests gentlemen to preserve order. The Clerk will proceed with the call of the roll.

Mr. HATCH. I ask unanimous consent to make a statement not to occupy more than half a minute.

Several members called for the regular order.

The SPEAKER. The regular order is demanded, which cuts off all requests for unanimous consent. The Chair thinks the regular order is the preservation of order on the floor.

After the completion of the roll-call,

Mr. HATCH asked unanimous consent to dispense with the reading of the names.

Mr. ROGERS. I object.

The names of members voting were read.

The following additional pairs were announced:

Mr. OUTHWAITE with Mr. WAIT on this vote.

Mr. BRAGG with Mr. KELLEY on this vote.

Mr. RANDALL with Mr. HARMER on this vote.

Mr. CALDWELL with Mr. ANDERSON, of Kansas, for this evening session.

Mr. CRAIN with Mr. MAHONEY, on this vote.

The result of the vote was then announced as above stated.

Mr. HATCH moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. KING, by unanimous consent, obtained leave to extend his remarks in the RECORD.

Mr. HATCH asked unanimous consent that members desiring to print remarks upon the bill might have leave to do so; but objection was made.

BRIDGE AT GRAND TOWER, ILL.

The SPEAKER. The Chair will lay before the House a message from the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1887.

*Resolved*, That the House of Representatives be requested to return to the Senate Senate bill 3104, to authorize, the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.

The SPEAKER. If there be no objection the request will be complied with, and the Clerk will return the bill.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

A bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes; and

A bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

CONSULAR AND DIPLOMATIC BILL.

Mr. BELMONT. Mr. Speaker, I desire to present a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10396) "making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out in line 4, page 3, of the bill, the words "ten thousand five hundred dollars," and insert in lieu thereof "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment insert "$377,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

Strike out from said amendment the words "Mahé (Seychelles);" and the Senate agree to the same.

PERRY BELMONT,
ROBERT R. HITT,
WM. R. COX,
*Managers on the part of the House.*

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

Statement to accompany conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888.

The amendments non-concurred in reduce the salary of the interpreter to the legation to Turkey below the amount named in the House bill, which amount was made in accordance with existing law, and add to the consuls under class 6, Mahé (Seychelles), which was omitted from the House bill on the recommendation of the State Department as being unnecessary.

The amendments concurred in are as follows:

Twenty-four consuls now paid by fees are appropriated for by fixed salaries, amounting to $45,000. The fees collected by them last year amounted to $82,791, of which they retained under authority of law a sum larger than the salaries established.

An increase of $10,000 is made in the appropriation for clerks at consulates, so as to provide for thirteen additional clerks to be distributed in the discretion of the Department.

Appropriations amounting to $16,000 are made for the Haytien and Venezuelan commissions, which were not included in the House bill because the Committee on Foreign Affairs had been discharged from their consideration in that connection.

A secretary of legation and consul-general to Corea is provided at $1,500, and the consulate at Antwerp is transferred from Class IV to Class III. In all other respects the appropriations now reported from conference are precisely the same in amount as those provided for the current fiscal year.

PERRY BELMONT,
WILLIAM R. COX,
ROBERT R. HITT,
*Managers on the part of the House.*

Mr. BELMONT. Mr. Speaker, it is hardly necessary to detain the House with a discussion of this bill. The House will have seen from the reading of the statement of the House conferees that they agree in the main to the amendments proposed by the Senate, the Senate having perfected the bill, which had been sent to them in a disgraceful condition, owing to the application of the rules. I now ask the previous question on the adoption of the report.

The previous question was ordered.

The report of the committee of conference was adopted.

Mr. BELMONT moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS M. E. WOODS.

Mr. CONGER. I rise to a privileged question, and send to the desk a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Insert in lieu of the word "twelve" the word "twenty;" and that the House agree to the same.

W. H. NEECE,
JOHN A. SWOPE,
E. H. CONGER,
*Managers on the part of the House,*
PHILETUS SAWYER,
H. W. BLAIR,
JAMES F. WILSON,
*Managers on the part of the Senate.*

Mr. CONGER. I move the adoption of this report, and on that motion I demand the previous question.

The SPEAKER. This report does not seem to be accompanied with any statement, as required by the rule. If there be no objection, the gentleman from Iowa [Mr. CONGER] can make a verbal statement.

Mr. MCMILLIN. I have no objection to that in this particular case, but I think we should not permit to grow up a practice of allowing conference reports to be presented without the accompanying statement which the rules require.

Mr. CONGER. This is the case of a very meritorious nurse. The bill as passed by the Senate provided for a pension at the rate of $25 per month, which the House amended by making it $12. After a very full conference we have decided to compromise on $20, all the conferees agreeing in this conclusion. I demand the previous question.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. CONGER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. JULIA DE QUINDRE.

Mr. MORRILL. I send to the desk a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2451) for the relief of Mrs. Julia De Quindre, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

W. P. TAULBEE,
E. N. MORRILL,
*Managers on the part of the House.*
H. W. BLAIR,
PHILETUS SAWYER,
T. W. PALMER,
*Managers on the part of the Senate.*

Mr. MORRILL. I move the adoption of this report.

Mr. EDEN. I call for the reading of the explanatory statement.

The SPEAKER. The Chair is advised that no statement accompanies the report.

Mr. MORRILL. I can make an oral statement of the case.

Mr. EDEN. That will do.

The SPEAKER. If there be no objection, the gentleman from Kansas will be allowed to make an oral explanation in lieu of the written statement. The Chair hears no objection.

Mr. MORRILL. This bill, as passed by the Senate, proposed to allow this lady a pension of $25 a month. The House amended the bill so as to make the pension $12. The committee of conference, after investigation, are satisfied that the bill ought to become a law in the form originally passed by the Senate. The circumstances are simply these: This lady, who, at the commencement of the war, was a widow in good circumstances, living in Detroit, devoted three years, without any compensation whatever, to the nursing of sick and wounded soldiers. During that service she contracted a serious disability.

After the war, by one of those misfortunes which are liable to overtake any of us, she lost all her property. She then obtained a position in the Treasury Department; but the disability contracted during her service as nurse continued until, a few years ago, she was obliged on account of that disability to give up her position. She has been an invalid ever since. She was wealthy at the time she entered upon the duty of nurse. She expended during that service $3,000 of her own money, and she never received any compensation. The committee of conference are satisfied that she is entitled to a pension of $25 a month, as originally proposed in the Senate bill. I move the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. MORRILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT MONROE, LA.

Mr. KING. I move to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 175) for a public building at Monroe, La., and put the same on its passage.

Mr. BARKSDALE. I object.

Mr. KING. I have moved to suspend the rules.

The SPEAKER. The bill will be read.

Mr. EDEN. I call for a second on the motion to suspend the rules.

The bill as amended by the Committee on Public Buildings and Grounds was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise procure, a suitable site, and cause to be erected thereon, at the city of Monroe, in the State of Louisiana, a substantial and commodious public building for the use of the United States courts, post-office, and internal-revenue, land, and other Government offices: *Provided*, That no money appropriated for said building shall be expended until a valid title to the site selected (which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 50 feet, including streets and alleys) shall be vested in the United States, nor until the State of Louisiana shall have ceded jurisdiction over the same for all purposes, during the time the United States shall be or remain the owner thereof, except for the enforcement of the criminal laws of said State and the service of civil process therein. The plans and estimates for said building shall first be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and the ultimate cost shall not exceed the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building, which sum is hereby appropriated for the same out of any money in the Treasury not otherwise appropriated.

Mr. SPRINGER and Mr. WARNER, of Ohio. Let us have a second on that.

The SPEAKER appointed as tellers Mr. KING and Mr. SPRINGER.

The House divided; and there were—ayes 147, noes 10.

So there was a second.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. KING. I call for the previous question.

The SPEAKER. That can not be done if any gentleman desires to debate the motion to suspend the rules.

Mr. KING. I reserve my time.

Mr. SPRINGER. In my time I ask to have the report of the committee read.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred Senate bill 175, submit the following report:

Monroe, La., is the largest and most important town in the State of Louisiana north of the Red River, which divides the northern half of the State into nearly two equal divisions. It is situated on the Ouachita River, at the junction of the Vicksburg, Shreveport and Texas Pacific Railroad, being a large shipping port for both, and largely controls the commerce of the same, amounting annually to upwards of $11,000,000 by the river alone.

There is no public building there belonging to the General Government. The

importance of having one for the use of the United States courts is attested by the following extracts from letters from the judge and chief clerk of the United States courts which sit there, the same being on file with your committee. In a letter from the judge of said court he says:

"The United States court sessions held at Monroe are the most important in the district; we try more cases there than we do at all of the other places in which we have court.

"The court is in session at Monroe about three months of the year, and is busily engaged during the whole time.

"I do not now remember the number of suits on the docket at Monroe, but I expect to be engaged there at the April term for six or eight weeks.

"Monroe is a rich and populous part of the district, and its proximity to that part of the Mississippi River which divides Mississippi from Louisiana will always induce most of the litigation in the United States courts for the western district of Louisiana to be disposed of at Monroe.

"The Government rents a large room for holding sessions of the court at Monroe, but provides nothing else in the way of accommodations for the officers of the court. The clerk has no office, and the papers filed in the court are at the mercy of all sorts of accidents. The marshal has no office; I do not know how he keeps or takes care of his papers."

In his letter on this subject the Chief Clerk says:

"I write to urge the necessity of an appropriation for the erection of a public building (United States court-house) at this place.

"The business in the United States courts here is constantly increasing, and, as a matter of fact, which can be substantiated by the court records, there are a larger number of cases on the docket at this place than at all the other points in the district combined.

"In the building (Masonic Hall) now rented by the Government for use as a court-house there are no rooms for use of the judge, officers of court, or the grand and petit juries. In fact, the marshal has been compelled to rent two rooms over a bar-room, two blocks distant from the court-house, for use of the juries.

"I am compelled for safety to keep the books and records of the court in my room at my boarding-house."

A petition signed by all the lawyers and leading citizens of Monroe and the country adjacent thereto substantially sets forth the above facts also, and asks for a public building at that place. The petition further shows that Monroe is a large mail-distributing point and has no suitable post-office, nor has it accommodations for the deputy internal-revenue or other agencies of the Government.

From these evidences it appears—

1. That the business of these courts is constantly increasing, and that there is a larger number of cases on the docket at Monroe than at all the other points in the district combined.

2. That there is no place of safety in which to keep the records and papers of said courts, in which are involved large amounts and important interests.

3. That the clerk is compelled for safety to keep the books and records of the court in his room at a boarding-house.

4. That the marshal has no apartments owned by the Government in which to convene his juries, but is compelled to rent a room for that purpose at a distance from the hall in which the court holds its sessions, and has to keep his papers and documents as best he can.

5. The United States courts hold sessions at Monroe twice a year, during which it sits about three months, and has a large and increasing business. It is expected, as stated by the judge, that it will be engaged there from six to eight weeks alone the coming April term.

It appears that Monroe is an old and substantial town, that it has a steadily growing population and influence, and is located in the heart of a district embracing a population amounting in number to about 180,000 people, who transact there all the business they have before the United States courts.

Your committee therefore report favorably upon the bill, and recommend its passage, with the following amendment: Strike out the words "one hundred thousand dollars," and insert the following:

"Seventy-five thousand dollars; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building."

Mr. SPRINGER (before the reading of the report was concluded.) I am willing the remaining portion of the report be inserted in the RECORD.

There was no objection.

Mr. STEELE. Is there a post-office there?

Mr. KING. Yes, a presidential office. I will not consume the valuable time of the House by a speech. I know great measures are pressing from behind and in front. I will only state that Monroe is the most important and flourishing city in central North Louisiana. It was once the capital of the State. This measure stands on its own merits. Its importance is shown by the report just read, which is correct. In 1879, in the Forty-sixth Congress, I got an act passed dividing the State of Louisiana into two judicial districts—the Eastern and Western—and the establishment of the United States courts at Monroe, for the relief of the people. This bill is for a public building there for the accommodation of these courts. They sit in Monroe from four to five months in the year, and transact more business, as is seen by the statement of the clerk, than at all the other points in the district put together. I have carried this bill eight years practically in my pocket, urging, waiting, and watching for the time to come to get it through; that moment has arrived; it is a matter of public interest; I call for a vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. If a gentleman desires to debate it further, the question is upon the motion of the gentleman from Louisiana to suspend the rules and pass the bill.

The bill was passed (two-thirds voting in favor thereof).

Mr. WARNER, of Ohio. I move the House adjourn.

Mr. LE FEVRE. I demand a division.

The House divided; and there were—ayes 37, noes not counted.

Mr. WARNER, of Ohio. I ask for no further vote.

So the House refused to adjourn.

### ANNUAL REPORT OF THE COMMISSIONER OF LABOR.

Mr. BARKSDALE. I rise to a privileged report.

The SPEAKER. The gentleman will state it.

Mr. BARKSDALE. I have sent it up.

The Clerk read as follows:

The Committee on Printing, to whom was referred the resolution for printing the regular number and 39,000 additional copies of the second annual report of the Commissioner of Labor, have considered the same, and after examination of the documents, submit the following report:

The estimated cost of printing and binding, the same as furnished by the Public Printer, is $19,994.30. This committee recommends the amendment of the resolution by inserting $19,994.30 in the blank space in line 1 of section 2 of said resolution, and striking out the word "dollars." The Public Printer estimates the approximate cost of amount of printing previously authorized by Congress within the present fiscal year at $191,959.43.

The committee recommend the passage of the resolution as so amended.

As amended, the resolution would read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be printed 39,000 copies, in cloth binding, of the second annual report of the Commissioner of Labor, 26,000 copies for the use of members of the House of Representatives, and 13,000 copies for the use of members of the Senate.

SEC. 2. That the sum of $19,994.30, or so much thereof as may be necessary, to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. BARKSDALE. I wish to state for the information of the House that the Committee on Printing has not been called for the consideration of its reports during the present session of Congress, and unless it is now permitted to have its reports considered there will be no printing authorized for either House or for the Departments during the present session.

I wish to say further that the reports of the Commissioner of Agriculture, of the Chief of the Bureau of Statistics, of the Coast Survey, of Education, of Fish and Fisheries, of the Health Officer of the District of Columbia, of the Smithsonian Institution—none of these reports have been ordered for the use of either House. Therefore, I will move a suspension of the rules to consider these reports from the Committee on Printing, all of them. I ask this resolution be put on its passage immediately, and then I will move a suspension of the rules.

The SPEAKER. The question is on the amendment to the resolution.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, &c., in certain cases, and for other purposes.

### STATISTICS OF AMERICAN FISHERIES, ETC.

Mr. DINGLEY. I move to suspend the rules and pass the bill which I send to the desk as a substitute for Senate bill 2287, being a bill to secure statistics of and to protect the vessel fisheries of the United States, to provide for the taking of testimony relative to injuries inflicted by British authorities upon citizens of the United States engaged in the fisheries, and to amend the shipping act of June 19, 1886.

The SPEAKER. The bill will be read.

The Clerk read as follows:

*Be it enacted, &c.*, That whenever the papers of any vessel of the United States of over 5 tons burden, engaged in the capture or transportation of any kind of cetacea, fish, shell-fish, crustacea, sponges, or any other products of the sea, rivers, or lakes, whether said vessel be enrolled or licensed for either the fisheries or the coasting trade, shall be surrendered or shall have expired, the owner or agent of said vessel shall furnish to the collector of customs for the district in which the papers are to be surrendered or renewed, or to his duly authorized representative, an accurate and detailed report of the quantities of fish, shell-fish, crustacea, sponges, oil, whalebone, ivory, skins, and other primary or secondary products of the fisheries taken or transported by the crew or crews of said vessel during the period that may have elapsed since the last issuance or renewal of the papers under which the vessel has been sailing, specifying therein the quantity of each of the different kinds of fish and other products, the locality where obtained, the quantity taken within three miles of the mainland or islands of the United States or of the mainland or islands belonging to other countries, and such other particulars as may be required by the Secretary of the Treasury; and if at any time the vessel shall change ownership, the former owner or agent shall, prior to the transfer of said vessel to her new owner or owners, make out and deliver to the collector of customs at the former home port of the vessel a full and accurate report, as above described, for such portion of the year as may have elapsed between the issuance or renewal of the last papers and the date of sale, evidence from said collector of the receipt of the same being required by the collector in the district into which the vessel has been brought; and if any owner or agent of any vessel employed as above described shall fail to deliver such record to the proper collector of customs, or his duly authorized representative, covering the period beginning with the issuance or renewal of the last papers and ending with the date of proffered surrender of the papers or application for their renewal, which in no case shall exceed one year, or, in case of sale, prior to the transfer of the vessel to her new owners, said vessel shall be debarred from receiving a new license, any existing law or laws to the contrary notwithstanding, until such record or statement shall have been produced; and the owner or agent failing to conform to these requirements shall be liable to a penalty of $200, which may be collected and distributed in the same manner

as are fines for the violation of the customs-revenue laws; and the form of such record or report shall be prescribed by the Secretary of the Treasury, and such records shall be returned within thirty days by the proper collectors of customs to the Secretary of the Treasury; and the pecuniary penalty herein described shall be subject to remission or mitigation by the Secretary of the Treasury if, upon investigation, he shall be satisfied that it was incurred without willful disregard of law; and any law or laws now in force and authorizing the issuance of documents to vessels shall remain inoperative in the case of vessels above described until such time as the owner or agent shall have complied with the requirements of this act.

SEC. 2. That the master of any vessel of the United States under permanent enrollment, employed in the whale, seal, or other fisheries, whenever landing all or any portion of his cargo within the limits of the United States, shall furnish to the collector of customs, or his duly authorized agent for the district in which all or any portion of said cargo may be landed, the same information and particulars as may be required by the Secretary of the Treasury from the owners or agents of vessels licensed for the fisheries or the coasting trade and employed as above described; the figures to include the actual quantity of the various products landed which may have been obtained by the crew or crews of said vessel in their capacity as fishermen, and, in separate entry, the quantity of each of the various products obtained by the above-named crew or crews that may have been landed in foreign ports, or transferred to other vessels at sea for the purpose of being landed by them, during the period that may have elapsed since January 1, 1885, or, after one report shall have been made, since the last report covering the operations of said vessel was furnished; and he shall, further, furnish separate reports of all products secured by the crew or crews of other vessels, which may have been transferred to his vessel for the purpose of being landed by him, either in American or foreign ports, during the period above described, mentioning separately the information for each vessel, accompanied by the name and home port of said vessel; and if the master of any vessel sailing under permanent enrollment, and employed as above described, shall fail to deliver such record to the proper collector of customs, or his duly authorized representative, within twenty-four hours after the landing of the portion or portions of the cargo as above described, the papers of the vessel shall be forfeited, and it shall be the duty of said collector of customs to take possession of the same and to forbid the issuance of any others, any existing law or laws to the contrary notwithstanding, until such report shall have been furnished; and the master failing to comply with said requirements shall be liable to a penalty of $200, which may be collected and distributed in the same manner as are fines for the violation of the customs-revenue laws; and such record shall be returned within thirty days by the proper collector of customs to the Secretary of the Treasury; and the pecuniary penalty herein described shall be subject to remission or mitigation by the Secretary of the Treasury if, upon investigation, he shall be satisfied that it was incurred without willful disregard of law; and any law or laws now in force and authorizing the issuance of documents to vessels shall remain inoperative in the case of any of the aforesaid vessels until such time as the master shall have complied fully with the requirements of this act.

SEC. 3. That any vessel of foreign nationality, within the meaning of the term "vessel" as defined in section 3 of the Revised Statutes, found engaged in taking fish of any kind within 3 marine miles of any of the marine coasts, bays, creeks, or harbors of the United States, or within sea, lake, or river waters of the United States, shall be liable to seizure and forfeiture, and to proceedings to enforce said forfeiture; and any person employed on or with such vessel found taking fish of any kind in such waters shall be liable to a fine of $50 for every such offense; and said penalty shall be a lien upon the vessel in connection with which such person is employed, to recover which penalty such vessel shall be subject to libel: *Provided*, That this section shall not be construed to affect any right or liberty granted by treaty or reciprocal agreement, or to affect any exclusive rights of a State to regulate fisheries within State jurisdiction: *And provided further*, That the penalities and forfeitures herein described may be remitted or mitigated by the Secretary of the Treasury, when incurred without willful disregard of law, under such regulations and modes of ascertaining the facts as may seem to him advisable.

SEC. 4. That the President be, and is hereby, authorized to appoint a commissioner to proceed to such places in the United States or elsewhere as may be designated by the Secretary of State, to take testimony, under oath or affirmation, in relation to the losses and injuries inflicted since the 31st of December, 1885, by British authorities, imperial or colonial, upon citizens of the United States engaged in the fisheries on the northeast coasts of British North America. Said commissioner shall everywhere have, in respect to the administration of oaths or affirmations and the taking of testimony, the same powers as a commissioner of a circuit court, and shall be paid the same fees as are prescribed for similar services of a commissioner of a circuit court, together with traveling expenses.

SEC. 5. That section 11 of an act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, approved June 19, 1886, be amended by striking out of the sixth and seventh lines of the subproviso of said section the words "of the country in which such port is situated, or on the cargoes of such vessels," and substituting in lieu thereof the words "of such country, or on the cargoes of such vessels; but this proviso shall not be held to be inconsistent with the special regulation by foreign countries of duties and other charges on their vessels, and the cargoes thereof, engaged in their coasting trade, or with the existence between such countries and other states of reciprocal stipulations founded on special conditions and equivalents, and thus not within the treatment of American vessels under the most-favored-nation clause in treaties between the United States and such countries."

SEC. 6. That section 1 of the act mentioned in section 5 be amended, in the third line from the end of said section 1 by inserting after the words "shipping commissioners" the words "and clerks of steamboat inspectors, and such allowances for fees of United States marshals and witnesses for services under the steamboat-inspection laws, and for expenses of steamboat inspectors provided for by section 4461 of the Revised Statutes."

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Maine moves to suspend the rules and pass the Senate bill, with an amendment in the nature of a substitute, which has just been read. Is a second demanded?

Mr. BRECKINRIDGE, of Kentucky. I ask for a second.

Mr. DINGLEY. I ask unanimous consent that the second be considered as ordered.

The SPEAKER *pro tempore*. If there be no objection the second will be considered as ordered.

There was no objection.

Mr. DINGLEY. I desire to make a brief explanation. I wish to say with reference to this bill that the first two sections are a bill that has already passed the Senate unanimously and been reported unanimously by the Select Committee on American Ship-building and Ship-owning Interests of this House. They provide simply that masters of fishing vessels in surrendering their papers to collectors of customs shall also furnish statistics of the fish they have caught during the voyage, and the collector shall make a return of the same to the Secretary of the Treasury to be by him transmitted to the Fish Commissioner. This is very much desired by the Secretary of the Treasury and by the Fish Commissioner. Those sections involve no expense.

The sections which have been added compose another bill, which has been reported unanimously by the committee on shipping and make two amendments to the shipping act of 1886, which are desired by the Secretary of the Treasury, and which were recommended, it will be remembered, in a communication sent to the House by the President of the United States at the last session. There was an accidental omission in the shipping act in the transfer of the fees of inspectors of steam vessels, and the President of the United States in his communication, and the Secretary of the Treasury, desired the omission should be corrected.

As regards the next section, the Secretary of State desired that the exception that was provided in section 11 of the shipping act of 1886 should be made a little clearer. I want to say with reference to these sections that they have all been submitted to the Secretary of the Treasury and the Secretary of State, who will have to administer them. They are desired by those officers and are approved by them.

Another section added is what passed this House unanimously the other day but which has fallen out by virtue of the action of the House to-day with regard to the retaliation bill; the provision prohibiting fishing by foreign vessels within 3 miles of our coasts. This is also approved by the Secretary of the Treasury and has been unanimously approved by the House.

As regards the remaining section, I will ask the chairman of the Committee on Foreign Affairs to state the effect of it, because it is a report from his committee.

Mr. BELMONT. I understand the bill includes the bill which was unanimously reported by the Committee on Foreign Affairs authorizing the taking and perpetuating of testimony as to the damage received by American vessels by the action of the Canadian authorities.

Mr. DINGLEY. I wish to say, also, that that has been submitted to the Secretary of the Treasury and the Secretary of State, and they have not only approved of it, but say it is of the utmost importance that this legislation should be enacted.

Mr. BUCHANAN. I ask the gentleman from Maine, what is the purpose of making a record of the number of fish caught? It entails a hardship on our fishermen.

Mr. DINGLEY. I will state the object. The Secretary of the Treasury asks that these statistics be obtained, and they are obtained in this manner without expense; and the fishermen themselves say they are willing to take the trouble for the purpose of having these statistics. The Secretary of State has also stated that if these facts had been known when the Halifax commission met in 1871 this Government would not have been obliged to pay five and a half million dollars.

Mr. WEAVER, of Iowa. How many sections does the bill contain?

Mr. DINGLEY. Six.

Mr. WEAVER, of Iowa. I understand there are six sections, and they are all very long.

Mr. DINGLEY. Only those relating to statistics.

Mr. WEAVER, of Iowa. I wish to ask this question: Is this a very safe way to legislate in a hurry at a midnight session?

Mr. DINGLEY. The various sections of the bill have been approved by the committees of this House and this is the only chance of passing them. The Secretary of the Treasury and the Secretary of State both say the bill is of the utmost importance. The President of the United States also has sent a communication to this House in regard to one of these sections, saying it ought to be passed at once.

Mr. BUCHANAN. I desire for one to protest against this kind of legislation in this kind of way. Here is a bill compounded of half a dozen different bills relating to different subjects. It might not inaptly be described as a conglomerate mass of heterogeneous incongruities.

Mr. DINGLEY. But all relating to the same subject.

Mr. BUCHANAN. The bill in the form in which it is now presented has never been laid upon our desks and we have had no opportunity of studying the effects of these various provisions.

Mr. DINGLEY. The various sections of this bill have been printed and have been on the desks of members for months.

Mr. BUCHANAN. They may have been printed in separate bills, but they have not been brought together as they are in this bill. And not one of these bills has ever been brought up for consideration in Committee of the Whole; and not one man in ten in this House to-night can vote intelligently on this bill without further explanation than we have had. It may be all right, but representing, as I do, a number of constituents vitally interested in these matters, I protest against being compelled to vote upon measures affecting their interests without having an opportunity to know more about them.

There is a provision here that every owner of a fishing vessel of five tons and over shall, on the surrender of his papers, make return to the collector of the port of the statistics of his trip, and if he fails to do so he is liable to a penalty.

Mr. BLANCHARD. How much?

A MEMBER. Two hundred dollars.

Mr. BUCHANAN. The gentleman from Maine [Mr. DINGLEY] will please state how much. I could not preserve in my memory all the details of the bill as it was read, in the hubbub and confusion incident to this evening session, but I say the owner is liable to a penalty, and I do know that the bill will work a hardship upon the fishermen upon our own coast. It does seem to me, Mr. Speaker, that this legislation ought not to pass in this hasty way, and I for one protest against it. The bill seems to me to have a strong local flavor, and that local flavor savors very much of the coast of Maine.

Mr. DINGLEY. I wish simply to say that this bill is in line with the recommendation of the Secretary of the Treasury and of the Commissioner of Fisheries, who desire these returns, and upon consultation with fishermen in various parts of the country they regard these statistics as of the utmost value. I wish to say further that this bill has been reported and printed in two or three parts, and has been before members in that form for more than a month, and that the Committee on Shipping have been seeking an opportunity to bring the subject before the House in the regular way, but have not been called; that this is the first and only opportunity they have had; and the choice is now between doing nothing in reference to a matter which the officials of the Government pronounce to be so important, or doing what the Senate has agreed to unanimously, what the Shipping Committee have recommended unanimously, what the Secretary of State desires, and what the Secretary of the Treasury desires.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. DINGLEY. Certainly.

Mr. BRECKINRIDGE, of Kentucky. Is there any provision in this bill that has not been favorably reported by some committee of this House?

Mr. DINGLEY. Not at all. They have been unanimously reported.

Mr. TOWNSHEND. When?

Mr. DINGLEY. Within the past month.

Mr. BUCHANAN. But within the past two weeks has not this House reversed the action of committee after committee?

Mr. BRECKINRIDGE, of Kentucky. I desire to ask the gentleman a further question for information. This bill consists, as I understand, of a section which has been passed by the Senate unanimously——

Mr. DINGLEY. Two sections.

Mr. BRECKINRIDGE, of Kentucky. The bill consists, then, of two sections which have been passed by the Senate unanimously, and then of provisions framed for the purpose of curing defects pointed out by the President in his message as existing in the bills passed nearly a year ago.

And then it contains a section of the bill passed the other day by the House, but which was lost by the House receding from its amendments on that very bad vote which the gentleman helped to swell this morning; and lastly, it contains a section reported by the Committee on Foreign Relations pointing out the means by which testimony can be preserved as to the outrages committed upon our fishermen by Canada.

Mr. DINGLEY. The gentleman is correct.

Mr. WEAVER, of Iowa. Then this bill is composed of parts of three bills.

Mr. DINGLEY. Yes, sir.

Mr. WEAVER, of Iowa. And nobody has had an opportunity to examine them and see how they agree with each other.

A MEMBER. The gentleman from Maine [Mr. DINGLEY] has had an opportunity to do that, and he says they do agree.

Mr. DINGLEY. They have all passed under the supervision of the Secretary of State and the Secretary of the Treasury.

Mr. WEAVER, of Iowa. I know; but that is not a good way to prepare legislation.

Mr. FELTON. I will ask the gentleman from Iowa how many bills do we pass here day after day merely upon the reports of committees?

Mr. WEAVER, of Iowa. Entirely too many, I will say to the gentleman from California.

Mr. LORE. I would like to ask the gentleman from Maine [Mr. DINGLEY] what interest would suffer if this bill should not pass?

Mr. DINGLEY. In the first place there are no provisions of law prohibiting fishing by foreign vessels within the three marine miles of our coast.

Mr. MCADOO. Will the gentleman permit me to ask what reply he makes to the question of my colleague [Mr. BUCHANAN] as to the effect of this bill upon the fishing interests on our coast, where we have no deep-sea fishing?

Mr. DINGLEY. So far as I know, they are all in favor of it.

Mr. BUCHANAN. But how far do you know? I undertake to say that the gentleman has not heard from a single fisherman on our coast.

The SPEAKER. The question is upon the motion of the gentleman from Maine [Mr. DINGLEY] to suspend the rules and pass the bill in the nature of a substitute.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent——

Mr. MORRISON. Regular order.

The SPEAKER. The regular order is demanded.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I suppose I have not occupied my time.

The SPEAKER. The Chair supposed that no other gentlemen desired to address the House, and was about to put the question.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from Alabama [Mr. HERBERT] desires any time, I shall be glad to yield it to him.

The SPEAKER. The gentleman from Alabama arose to ask unanimous consent. The question is upon the motion of the gentleman from Maine [Mr. DINGLEY].

The question was taken; and there were—ayes 73, noes 71.

So (two-thirds not having voted in the affirmative) the motion was not agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes.

It also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received advantage from the United States.

It further announced that the Senate had passed a bill of the House (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson, State of Missouri.

It further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes; and

A bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

### SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I send to the desk a privileged report, the report of the committee of conference on the sundry civil appropriation bill. As almost every member of the House is interested in this bill, I ask that there may be order during the reading so that members who desire to give attention to the interests of their constituents may be enabled to do so.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain of the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 6, 7, 9, 19, 20, 23, 33, 34, 38, 46, 48, 49, 50, 51, 52, 56, 61, 67, 69, 151, 156, 164, 166, 168, 173, 182, 184, 186, 187, 191, 192, 196, 204, 209, 211, 214, 217, 223, 224, 233, 252, and 258.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 12, 13, 14, 17, 18, 22, 24, 25, 26, 28, 29, 30, 32, 36, 37, 40, 41, 42, 43, 44, 45, 53, 62, 63, 65, 66, 71, 73, 146, 147, 148, 149, 150, 152, 153, 155, 157, 159, 160, 163, 165, 167, 174, 175 176, 177, 178, 181, 183, 185, 188, 190, 195, 199, 200, 201, 202, 203, 210, 213, 216, 222, 225, 226, 227, 228, 231, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 247, 248, 249, 250, 251, 253, 259, 261, and 262, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all after the word "dollars" where it first occurs in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15; and agree to the same with an amendment as follows: Strike out of the paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Insert the word "commencement" in lieu of the word "erection" in said amendment, and in lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: After the word "roof," in said amendment, insert the words "and for painting;" and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 39, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Insert the

word "commencing" in lieu of the word "completing" in said amendment; and in lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 55; and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"For post-office, custom-house, and court-house at Wilmington, N. C.: For purchase of site and commencing the erection of building, $50,000.

"For court-house and post-office at Jefferson, Tex.: For purchase of site and commencing the erection of building, $25,000.

"For post-office at Houston, Tex.: For purchase of site and commencing the erection of building, $25,000.

"For public building at Santa Fé, N. Mex.: For completion of the building, $62,148.

"For court-house and post-office at Augusta, Ga.: For purchase of site and commencing the erection of building, $50,000.

"For court-house and post-office at Chattanooga, Tenn.: For continuation of the building, $50,000.

"For heating apparatus to be furnished before June 30, 1888, for the following new public buildings, namely:

"At Aberdeen, Miss.; Augusta, Me.; Clarksburg, W. Va.; Columbus, Ohio; Concord, N. H.; Council Bluffs, Iowa; Dallas, Tex.; Erie, Pa.; Hannibal, Mo.; Jefferson City, Mo.; Leavenworth, Kans.; Lynchburg, Va.; Macon, Ga.; New Albany, Ind.; Pensacola, Fla.; Peoria, Ill.; Quincy, Ill.; Shreveport, La.; Syracuse, N. Y.; Terre Haute, Ind.; Toledo, Ohio; Tyler, Tex.; and Waco, Tex., $190,000.

"Contracts shall be made by the Secretary of the Treasury for furnishing and putting in heating apparatus for public buildings upon advertisements in some leading newspaper in the State where each building is situated, containing specifications of the kind of heating apparatus required; and such contracts shall be made with the lowest responsible bidder therefor.

"That the Secretary of the Treasury shall, for the fiscal year 1887, and for each fiscal year thereafter, in the annual estimates, report to Congress the number of persons employed outside of the District of Columbia as superintendents, clerks, watchmen, and otherwise, and paid from appropriations for the construction of public buildings, showing where said persons are employed, in what capacity, the length of time and at what rate of compensation; and hereafter, where public buildings shall be completed with the exception of heating apparatus and approaches, but one person shall be employed by the Government for the supervision and care of such buildings."

And the Senate agree to the same.

That the House recede from its disagreement to amendment of the Senate numbered 57, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"The same to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"That the Secretary of the Treasury is hereby authorized and directed to appoint three persons familiar with the cost of building and the value of ground in the city of Washington, who shall appraise as to its value for the use of the Government the land and buildings thereon, being lots numbered 11 and 12 of subdivision of square numbered 689 of the original plat of land in the city of Washington, bounded north by South B street, east by New Jersey avenue, and west by South Capitol street, and he is hereby directed to report the result of such appraisement to Congress at its next session and whether in his judgment at such appraised value the same can be used economically and for what purpose, provided nothing herein contained shall in any way commit the United States to the purchase of such property."

And that the Senate agre to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter to be inserted insert the following:

"That the Secretary of the Treasury be, and he is hereby, directed to make examination respecting the needs of the Government for a marine hospital at or near the vicinity of New York city, and, in case such hospital is required, to submit a plan for the same and estimate of the cost thereof, said hospital to be erected on property now belonging to the United States, if such property can be found suitable for the purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: After the word "light-house," in said amendment, insert the following:

"At Cape Meares, Tillainook Bay, Oregon, at Cape Lookout, Oregon, if in the opinion of the Light-House Board that site is more advantageous to mariners."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: On page 6, in line 24 of the bill, strike out "ninety" and insert "eighty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: On page 8, line 23 of the bill, after the word "Louisiana," insert "at Chico Pass and to make navigable channel along Grand Lake, Louisiana;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000," and after the amended paragraph insert the following:

"Lighting the Statue of Liberty in New York Harbor: For building four engines and boilers, $10,000; incandescent light plant, $2,500; dynamos, lamps, and lens for torch, $4,000; removing present machinery to new building, additional houses for said lamps, putting grounds in order, fencing and incidentals, $3,000;" in all, $19,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 75 to 145, inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For triangulation, topography, and hydrography of the coast of Maine in Cobscook Bay and Saint Croix River, and for off-shore soundings between Matinicus and Seguin Lights, $10,000.

"For resurveys, for triangulation, topography, and hydrography in the vicinity of the east end of Long Island, Block Island, Nantucket, Nantucket Shoals and approaches, including Vineyard Sound, $15,000."

For physical hydrographic surveys on Monomoy Shoals, $4,000.

For physical hydrography in New York Harbor and its approaches, $3,000.

For observing the movement, lodgment of, and obstructions by ice in the Delaware River, and noting the changes caused thereby in Cherry Island Flats, $200.

For examinations and resurveys on the Virginia coast from Chincoteague to Cherrystone, and especially at Cape Charles and in its vicinity, including triangulation, hydrography, and topography, $5,000.

To continue the surveys in the vicinity of Charleston, S. C., and up the Cooper and Ashley Rivers to the head of navigation; and to continue the astronomical, latitude, and azimuth work, and, in connection therewith, the recovery and remarking of old triangulation stations, for their preservation, and the connection of some detached triangulation between Beaufort and the mouth of the Cape Fear River, North Carolina; and the connection of the Cape Fear River triangulation with the coast triangulation at Masonsborough, $2,000.

To continue the primary triangulation from Atlanta toward Mobile, $3,000.

For continuing the survey of the western coast of Florida from Cape Sable north to Cape Romano, and for hydrography off the same coast, $6,500.

For continuing the survey of the coast of Louisiana west of the Mississippi Delta and between Barataria Bay and Sabine Pass, $7,000.

To make off-shore soundings along the Atlantic coast and current and temperature observations in the Gulf Stream, $8,000.

For continuing the topographical survey of the coast of Southern California, $10,000.

For continuing the primary triangulation of Southern California, and for connecting the same at Mount Conness and Macho stations with the transcontinental arc, and for a primary base line in the vicinity of Los Angeles, $6,000.

For continuing the survey of San Francisco Bay and of San Pablo and Suisun Bays and the Strait of Carquinez, the examination of San Francisco Bar and entrance, and the mouths of Sacramento and San Joaquin Rivers, $5,000.

For continuing the survey of the coast of Oregon, including off-shore hydrography, and to continue the survey of the Columbia River from the mouth of the Willamette toward the Cascades, triangulation, topography, and hydrography, $7,000.

For continuing the survey of the coast of Washington Territory, $9,000.

For continuing explorations in the waters of Alaska, and making hydrographic surveys in the same, and for the establishment of astronomical longitude and magnetic stations between Sitka and the southern end of the Territory, $10,000.

For continuing the researches in physical hydrography relating to harbors and bars, including computations and plottings, $3,000.

For examination into reported dangers on the eastern, Gulf, and Pacific coasts, $1,000.

To continue magnetic observations on the Atlantic and Gulf slopes, $500.

For continuing magnetic observations on the Pacific coast, at the Los Angeles Magnetic Observatory, $1,200.

For continuing the exact line of levels from Cairo westward, $2,000.

For continuing tide observations on the Pacific coast, at Kadiak, in Alaska, and at Saucelito, near San Francisco, in California, $2,300.

To continue tide observations on the Atlantic coast, at Pulpit Harbor, Maine, and at Sandy Hook, New Jersey, $2,000.

To continue gravity experiments, at a cost not exceeding $500 per station, except for special investigations and experiments authorized by the superintendent at one or more stations, the unexpended balance of the appropriations therefor, for the fiscal year ending June 30, 1887.

For furnishing points to State surveys, to be applied, as far as practicable, in States where points have not been furnished, $7,500.

For determinations of geographical positions (longitude party), $3,000.

"For continuation of geodetic work on transcontinental main line between the Atlantic and Pacific Oceans, $19,000.

"To continue the compilation of the Coast Pilot, and to make special hydrographic examinations for the same, $2,500.

"For traveling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, $3,000.

"For objects not hereinbefore named that may be deemed urgent, $3,000.

"And 10 per cent. of the foregoing amounts shall be available interchangeably for expenditure on the objects named; in all, for party expenses, $160,700.

"For repairs and maintenance of vessels: For repairs and maintenance of the complement of vessels used in the Coast and Geodetic Survey, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$10,000;" and the Senate agree to the same.

The the House recede from its disagreement to the amendments of the Senate numbered 169, 170, and 171, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"That as soon as practicable after the completion as provided for in the sundry civil act approved August 4, 1886, and not later than December 1, 1888, the Secretary of the Interior shall cause to be removed to the Pension Bureau, the General Land Office, the Bureau of Education, the Office of the Commissioner of Railroads, and the Bureau of Labor, and vacate the buildings rented for and now occupied by said offices and bureaus, or portions thereof."

And the Senate agree to the same.

That the Heuse recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, insert:

"BUILDING FOR LIBRARY OF CONGRESS.

"That the Library commission is hereby empowered to make leases and collect rents for such houses on the Library site as in its judgment may remain temporarily without obstructing the work; the proceeds from such rents to be paid into the Treasury."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted the following:

"For purchase of horse, $200, or so much thereof as may be necessary.

"And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: Add at the end of the matter proposed to be inserted the following:

"The same to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In the first line of said amendment substitute the word "at" for the word "in," and strike out the word "cemetery;" and in lieu of the sum proposed, insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 245 and agree to the same with an amendment as follows: Strike

out the word "open" in said amendment and in lieu thereof insert the words "opened by the judge;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246 and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made or other fees in any prosecution under the internal-revenue laws unless the prosecution has been approved either before or after such arrest by the attorney of the United States for the district where the offense is alleged to have been committed or the prosecution is by indictment."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 254, and agree to the same with an amendment as follows: In line 19, page 61 of the bill, strike out "twelve" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In line 14, page 62 of the bill, after the word "department," insert the words "including the Civil Service Commission;" and the Senate agree to the same.

SAM. J. RANDALL,
W. H. FORNEY,
THOS. RYAN,
*Managers on the part of the House.*

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
*Managers on the part of the Senate.*

The following statement by the managers on the part of the House was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, submit the following in explanation of the accompanying conference report:

The Senate made 262 amendments, increasing the aggregate sum appropriated $4,038,647.74 over the amount of the bill as it passed the House. Of this sum the Senate conferees have yielded $1,693,216.75.

The bill as it passed the Senate aggregated $23,792,059.71; the House, when it considered the Senate amendments, added to the bill $195,648. In the conference $12,000 of this sum was yielded, being for a public building at Portsmouth, Ohio, and $100,000 was added on account of public buildings at Augusta, Ga., and Chattanooga, Tenn.

The bill, therefore, as it is agreed upon by the conference committee, aggregates $22,382,490.96, being $2,629,078.99 in excess of the bill as it passed the House, and $279,819.62 less than the law for the current year, and $9,158,371.11 less than the estimates which were submitted to Congress.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
*Managers on the part of the House.*

Mr. RANDALL. I demand the previous question, but will hold it in abeyance with a view to answering any questions which any member may desire to put to me.

The SPEAKER. If the previous question is ordered, there will still be thirty minutes allowed for debate. The gentleman from Pennsylvania moves the previous question on the adoption of the report.

The previous question was ordered.

Mr. RANDALL. I reserve my fifteen minutes. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the report.

The report of the conference committee was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### NAVAL APPROPRIATION BILL.

Mr. HERBERT. I ask unanimous consent that the House non-concur in the Senate amendments to the naval appropriation bill, and agree to the conference asked by the Senate on the bill and amendments. I also ask that the bill and amendments be printed.

Mr. BUCK. I object.

Mr. SPRINGER. I ask for the reading of the Senate amendments.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 929) for the relief of Albert H. Emery.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 175) for the erection of a public building at Monroe, La.

The message also announced that the Senate had passed a bill (S. 3330) for the erection of a national memorial bridge over the Potomac River from Washington to Arlington; in which the concurrence of the House was requested.

### NAVAL APPROPRIATION BILL.

Mr. SPRINGER. I withdraw the demand for the reading of the amendments.

Mr. BUCK. I desire to object to the request for unanimous consent to non-concur in the Senate amendments unless it be understood on the part of the House, and be so stated by the chairman of the Committee on Naval Affairs, that this action is to be considered as only formal, and not expressing the sentiment of the House on those amendments.

Mr. HERBERT. Of course the object is merely to get the bill into conference.

Mr. BUCK. There are amendments which involve an amount of $21,000,000 in addition to the report of the Committee on Naval Affairs. I am not willing that the House should take action on such important amendments without its being understood that the con-concurrence in them is merely a formal matter.

Mr. SPRINGER. Perhaps it may be agreed to strike them out.

Mr. REED. Let the gentleman in charge of the bill speak for it.

Mr. SPRINGER. The gentleman from Maine is not in charge of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. HOLMAN. Does that include the printing of the bill with the Senate amendments?

The SPEAKER. That is embraced in the request. Is there objection to the request of the gentleman from Alabama?

There was no objection, and it was so ordered.

The SPEAKER appointed as managers of the conference on the part of the House Mr. HERBERT, Mr. SAYERS, and Mr. THOMAS, of Illinois.

### MAIL MESSENGERS.

Mr. WARD, of Indiana. I present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

THOMAS B. WARD,
J. M. RIGGS,
J. B. WAKEFIELD,
*Managers on the part of the House.*

O. D. CONGER,
PHILETUS SAWYER,
E. K. WILSON,
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

Statement accompanying the report of the conferees on bill H. R. 8346.

Mr. WARD, on the part of the House conferees on the bill (H. R. 8346) "Authorizing the employment of mail messengers in the postal service," submits the following statement explanatory of the report of the joint conferees, herewith submitted for adoption by the House. The sole effect of the action of the conferees is to leave said bill as it originally passed the House.

THOS. B. WARD,
*On the part of the House conferees.*

The report of the committee of conference was agreed to.

Mr. WARD, of Indiana, moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### PRINTING.

Mr. BARKSDALE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARKSDALE. I rise to ask unanimous consent to offer a resolution.

The Clerk read the resolution, as follows:

*Resolved*, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of such bills and joint resolutions and concurrent resolutions——

The SPEAKER. The Chair understood that the gentleman rose to ask unanimous consent.

Mr. BARKSDALE. That is my purpose.

The SPEAKER. But this is a resolution to suspend the rules.

Mr. O'NEILL, of Pennsylvania. Oh! I shall not consent to that. I ask that the resolution be read again.

The Clerk again read as follows:

*Resolved*, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of such bills and joint resolutions and concurrent resolutions reported from the Committee on Printing, as may be indicated by said committee, and pass the same.

Mr. O'NEILL, of Pennsylvania. I withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. If there be no further objection the resolution will be agreed to.

There was no objection, and it was so ordered.

The SPEAKER. The resolution, as the Chair understood from the reading, suspends the rules and passes the bills and joint or concurrent resolutions to which it refers.

Mr. SPRINGER. Oh, no; there is nothing passed by the resolution.

The SPEAKER. Then the Chair misunderstood the reading owing to the disorder in the Hall.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Is it necessary to read the list now, or may they be filed with the Clerk?

The SPEAKER. There is no list at all. The effect of the resolution is to permit the Committee on Printing to present any bills or

joint or concurrent resolutions that they see proper, whether one or many.

Mr. TOWNSHEND. There is a list.

The SPEAKER. There is no list. The resolution, on the contrary, provides that the House shall consider such bills, or joint or concurrent resolutions as the Committee on Printing may present.

Mr. TOWNSHEND. It is intended to cover the measures in the list.

The SPEAKER. The Chair does not know what it is intended to cover. It covers nothing unless the committee present measures for the action of the House.

Mr. BARKSDALE. I ask unanimous consent now to take up these reports from the Committee on Printing, read them by title, and put them on their passage.

Mr. SPRINGER. Oh, no; we want to hear the reports read.

Mr. LONG. Mr. Speaker, in order to a better understanding of this matter, I move to reconsider the order just adopted.

Mr. TOWNSHEND. I hope that will not be done. It is as simple as it can be. The gentleman from Mississippi [Mr. BARKSDALE], representing his committee, has now authority to report the titles of the matters that he desires to have acted on.

Mr. LONG. All I want to know is what the list contains.

Mr. BARKSDALE. It is in the hands of the Clerk.

Mr. WILLIS. A motion to reconsider is not in order.

The SPEAKER. The motion to reconsider is in order. The resolution does not indicate what printing is to be done. Unanimous consent was given simply to adopt the resolution that has been read.

Mr. LONG. Let the gentleman [Mr. BARKSDALE] indicate the measures that he desires to have considered.

Mr. BARKSDALE. I have already sent up the titles of the bills and resolutions that I ask to have put upon their passage.

The SPEAKER. But the gentleman from Illinois [Mr. SPRINGER] asks that each be read.

Mr. SPRINGER. Oh, no.

Mr. LONG. Mr. Speaker, understanding that the list is limited to the one on the Speaker's desk, I withdraw the motion to reconsider.

Mr. BARKSDALE. I ask that the titles be read.

The Clerk read as follows:

A bill (H. R. 198) to provide for the distribution of the Statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories.

Joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States.

Joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; estimated cost, $1,300.

Miscellaneous Document 102, concurrent resolution to print the report of the Superintendent of the United States Coast and Geodetic Survey. Estimated cost, $9,058.

Joint resolution (H. Res. 225) to provide for printing the fourth annual report of the Bureau of Animal Industry for the year 1887.

The SPEAKER (interrupting the reading). As the Chair understands, the gentlemen from Mississippi does not desire to have read now anything more than the titles of these resolutions.

The Clerk continued the reading, as follows:

Joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887.

Joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands.

Concurrent resolution for the printing of Captain Healey's report upon cruise of steamer Corwin in Arctic for 1884 and 1885.

Joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition.

Joint resolution (H. Res. 257) to print a revised edition of the report of the Agricultural Department on insects affecting the orange culture.

Joint resolution (H. Res. 258) to provide for the printing of 4,500 copies of Finley's storm-track charts of the North Atlantic Ocean.

House concurrent resolution providing that 15,000 additional copies of the report on internal commerce by William Switzler, Chief of the Bureau of Statistics, being part 2 of Commerce and Navigation, be printed.

Joint resolution (S. R. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed.

Concurrent resolution to print copies of a compilation of the laws of the United States relating to the improvement of rivers and harbors.

Concurrent resolution to print the report of the Director of the Mint on the production of precious metals in the United States.

Senate concurrent resolution to print the report of the Commissioner of Education for 1885 and 1886.

Senate concurrent resolution to print the report of the Commissioner of Fish and Fisheries for the year 1886.

Senate concurrent resolution to print 2,000 additional copies of the report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia.

Senate concurrent resolution to print the report of Lieut. Henry D. Allen of his explorations in Alaska and to print 35,000 additional copies thereof.

Joint resolution (S. R. 108) providing for the sale of public documents.

Joint resolution (H. Res. 266) authorizing the printing of the report of the Commissioner of Education for 1885 and 1886.

Senate concurrent resolution to print indexes to the compilation of House and Senate reports of committees provided for in public resolution 24 of the first session, Forty-ninth Congress.

Senate concurrent resolution to print the report of the Commissioner of Education.

Senate concurrent resolution to print 4,000 additional copies of Wharton's Digest of International Law.

The bill (S. 3296) to authorize the printing of the eulogies delivered upon the late John A. Logan.

Mr. BARKSDALE. I ask to amend the resolution which relates to the printing of the report of the Commissioner of Agriculture.

The Clerk read as follows:

That joint resolution (H. Res. 238) be amended by inserting:

"SEC. 2. That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the cost of the printing of said report."

The SPEAKER. Is there objection to this amendment?

Mr. HOLMAN. The first title which was read is out of the usual order; it does not refer to the subject of printing, but to the mode of distribution. I hope that first title will be read again.

Mr. MCMILLIN. I desire to inquire of the gentleman from Mississippi [Mr. BARKSDALE] whether the proposition is to pass all these measures in gross and at one time?

Mr. BARKSDALE. Yes, sir.

Mr. MCMILLIN. Then I move to reconsider the vote by which the resolution was adopted, because we ought to see these things in the RECORD and know more about them before we act upon them. There are in this list some propositions for printing which ought to be adopted, and some which ought not. The House ought to have a chance to examine them.

Mr. BARKSDALE. If the gentleman will indicate the matters which he thinks ought not to be printed, we can reserve those for separate consideration.

Mr. WILLIS. I rise to a parliamentary inquiry. If the House should take a recess until to-morrow morning at 10 o'clock, would not this proposition be the first business in order?

The SPEAKER. It would, unless some conference reports or some other privileged matters should come in.

Mr. HOLMAN. I desire to have the first title read again.

The SPEAKER. Any gentleman has the right to call for the reading of each one of these resolutions.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. I desire to know whether these are the ordinary reports of the Departments which are usually published during the session?

The SPEAKER. That is not a parliamentary inquiry.

Mr. BARKSDALE. They are.

A MEMBER. Some are not.

The SPEAKER. The gentleman from Tennessee moves to reconsider——

Mr. MCMILLIN. The gentleman from Mississippi [Mr. BARKSDALE] has indicated a willingness, as I understand, to let this matter go over and be acted on to-morrow.

Mr. BARKSDALE. No. If any gentleman will indicate a resolution or bill to which he has objection, then, in order to have this important business dispatched to-night, I will——

Mr. MCMILLIN. We can not have the list before us. We are acting blindly. I think it is important to have part of the printing done, but there is a part that ought not to be done, and will not be done if the House acts on the subject deliberately.

Mr. TOWNSHEND. Has not the House adopted this resolution?

The SPEAKER. It has not, and does not purport to be. It merely provides for the consideration of such as are reported by the committee.

Mr. MCMILLIN. I move to reconsider the order.

Mr. BARKSDALE. I hope that will not be done.

Mr. WILLIS. I move to lay it on the table.

Mr. MCMILLIN. Will each member have the right to the reading of any resolution or bill asked to be passed?

The SPEAKER. They will.

Mr. MCMILLIN. Then I have no objection, if it is not the purpose of the gentleman to pass them in gross.

Mr. BARKSDALE. I will consent to the reading of the report on any resolution or bill, if called for.

The SPEAKER. The Chair will read again that part of the resolution, so gentlemen may see what the fact of it is. The resolution discharges the Committee of the Whole House on the state of the Union from the further consideration of joint resolutions and bills reported by the said committee, and passes the same.

Mr. FARQUHAR. That is it.

Mr. TOWNSHEND. It is adopted.

The SPEAKER. It is not.

Mr. BARKSDALE. The resolution does it.

The SPEAKER. Nothing is indicated. The House can not pass resolutions without knowing what they are.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. The gentleman moved to suspend the rules and pass the resolutions and bills which have been read.

The SPEAKER. The House agreed to the resolution. The rules were not suspended, because the Chair announced if the gentleman desired to suspend the rules the Chair must proceed in regular order to recognize gentlemen for that purpose.

Mr. TOWNSHEND. Is it not in order for the gentleman to make the motion to suspend the rules?

The SPEAKER. It is, if the gentleman can get the floor for that purpose.

Mr. TOWNSHEND. Has not the gentleman the floor for that purpose?

The SPEAKER. The Chair recognized the gentleman from North Carolina [Mr. HENDERSON] to suspend the rules, and pending that the Chair recognized the gentleman from Mississippi [Mr. BARKSDALE] for this purpose.

Mr. BARKSDALE. May I be allowed to make a statement.

Mr. MORRISON. I move the House take a recess until 10 o'clock to-morrow morning.

Mr. FARQUHAR. That will not do.

Mr. BARKSDALE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKSDALE. Will this resolution be the pending question in the morning when the House meets, if the motion to take a recess is carried?

The SPEAKER. Unless it be displaced by some privileged report it will be the first thing in order.

Mr. MORGAN. And will then resume its present status?

The SPEAKER. It will.

Mr. SOWDEN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SOWDEN. My point of order is that there is so much confusion in front of the Speaker it is absolutely impossible to know what is being done.

The SPEAKER. The Chair will again appeal to gentlemen to resume their seats and to preserve order upon the floor.

The question being taken on the motion of Mr. MORRISON for a recess, the House divided; and there were—ayes 52, noes 77.

So the motion was not agreed to.

Mr. MORRISON. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 32, noes 74.

So the House refused to adjourn.

Mr. BARKSDALE. I wish to make an explanation.

Mr. HENDERSON, of North Carolina. I believe I have been recognized.

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I understood the Speaker had recognized the gentleman from North Carolina.

The SPEAKER. The Chair did; but pending that the gentleman from Mississippi rose and asked unanimous consent to proceed to the consideration of these matters relating to printing. That consent was given; and the gentleman from North Carolina will be entitled to the floor when this matter is disposed of.

Mr. BARKSDALE. I wish to state for the information of the members of the House that if any of them will ask for the reading of a report pending the consideration of any one of these resolutions, I will cheerfully accede to the request. I do not want to force upon the members any measure they are unwilling to pass, or to ask the House to adopt any proposition to which it may object.

Mr. WILLIS. Is the gentleman willing to have the titles of these resolutions read, and if one objection is made to have the resolution passed over?

Mr. BARKSDALE. Certainly.

Mr. MCMILLIN. Then I withdraw my motion to reconsider.

The SPEAKER. The Chair will direct the Clerk to read the resolutions.

Mr. BARKSDALE. Mr. Speaker, I hope I may be understood—— [Cries of "Regular order."]

The SPEAKER. The regular order is insisted upon.

Mr. BARKSDALE. I do not want any misunderstanding of this matter.

The SPEAKER. The Chair thinks the gentleman's statement will not admit of any misunderstanding.

Mr. HOLMAN. I ask for the reading now of the first resolution indicated on that list.

Mr. BARKSDALE. I will pass over that to save time, as I know there is objection to it.

Mr. HOLMAN. Very well.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

A joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States.

Mr. BARKSDALE. That is what is usually called the Blue Book.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the title of the next resolution, as follows:

A joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

The SPEAKER. Is there objection?

Mr. STORM and others objected.

The SPEAKER. That will be laid aside.

Mr. FARQUHAR. I want to make a statement in behalf of the Committee on Printing—— [Cries of "Regular order!"]

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Miscellaneous document 102, concurrent resolution to print the report of the Superintendent of the United States Coast and Geodetic Survey.

The SPEAKER. Is there objection.

Mr. TOWNSHEND. I object.

Mr. BARKSDALE. Why?

Mr. TOWNSHEND. I shall object to this method of proceeding; and shall object to every one of these resolutions.

The SPEAKER. Objection being made, the Clerk will read the next resolution.

The Clerk read as follows:

A joint resolution (H. Res. 225) to provide for printing the fourth annual report of the bureau of animal industry for the year 1887.

Mr. TOWNSHEND. I object.

Mr. BARKSDALE. I would be glad to have the gentleman state some reason.

Mr. TOWNSHEND. For the same reason stated before.

Mr. BAYNE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. By what authority does one objection made by a member defeat the consideration of these resolutions?

The SPEAKER. That was the agreement.

Mr. BAYNE. I did not consent to any such agreement. I heard no such proposition submitted.

The SPEAKER. The gentleman from Mississippi stated it himself.

Mr. BARKSDALE. I did not intend to consent to such an agreement as that. I intended to be understood that whenever a report was called for I would consent that it should be read. In the confusion I misunderstood the inquiry of the gentleman from Kentucky [Mr. WILLIS]. I intended to say that I would consent to the reading of the report accompanying any bill or resolution which might be called for.

Mr. BAYNE. I claim the floor on my point of order. I heard no such proposition submitted to the House. If I had heard it I should save objected to it.

The SPEAKER. The Chair will cause to be read from the Reporter's notes the statement made by the gentleman from Mississippi [Mr. BARKSDALE] in response to the gentleman from Tennessee [Mr. MCMILLIN], who had moved to reconsider the order. Upon the statement of the gentleman from Mississippi the gentleman from Tennessee withdrew his motion to reconsider.

Mr. BAYNE. But the Chair did not submit the proposition to the House.

The SPEAKER. The gentleman from Mississippi who had control of the matter made the statement himself, and upon that the gentleman from Tennessee withdrew his motion to reconsider.

Mr. BAYNE. I did not hear the statement.

The SPEAKER. What occurred will be read from the Reporter's notes.

The Clerk read as follows:

Mr. WILLIS. Is the gentleman willing to have the titles of these resolutions read, and if one objection is made to have the resolution passed over?
Mr. BARKSDALE. Certainly, sir.
Mr. MCMILLIN. Then I withdraw my objection to reconsider.

The SPEAKER. The Chair will state the resolution provides for the consideration of such resolutions as may be indicated by the Committee on Printing. Thereupon the chairman of the committee announced, as has just been read, that if an objection was made to any resolution it would not be insisted on; which was equivalent to saying that it would not be indicated for consideration.

Mr. RANDALL. I think I can settle this difficulty. I objected to the printing of the report of the board of health in good faith. I do not think the Federal Government should pay for the printing of that report. If paid for by the Government it should be paid in part by the Government and in part by the District of Columbia. But sooner than have other reports interfered with that ought to be published, I withdraw the objection to this resolution and allow the House to vote upon it.

The SPEAKER. Is there further objection? The Chair hears none. Does the gentleman from Illinois [Mr. TOWNSHEND] withdraw his objection to the resolutions, the titles of which have been read?

Mr. TOWNSHEND. Yes, sir.

Mr. ALLEN, of Mississippi. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALLEN, of Mississippi. Will the House be entitled to vote separately on these propositions?

The SPEAKER. If any gentleman desires a separate vote on any resolution he can have it read. The resolutions will be considered in the usual way except by consent.

Mr. ALLEN, of Mississippi. I desire to have a vote on the first proposition.

The SPEAKER. That was passed over and was not read.

Mr. ALLEN, of Mississippi. As I understood it was read and objected to and the objection was then withdrawn. Perhaps it was the second on the list.

The Clerk continued to read the titles of the various resolutions, as follows:

Miscellaneous document. Concurrent resolution for printing additional copies of the report of the Senate Committee on Foreign Affairs touching our fisheries.

The SPEAKER. Is there objection?

Mr. BAYNE. The Chair, I understand, has decided that any member can demand the reading of any proposition

The SPEAKER. He can.

Mr. BAYNE. I do not object to that. But I presume no member can defeat the passage of any particular proposition under the resolution submitted by the committee by a single objection.

The SPEAKER. That is what the gentleman from Mississippi stated, according to what the Chair a few moments ago caused to be read from the reporter's notes.

Mr. BAYNE. But the Chair has never submitted that to the House; and I, as a member, do not feel bound by that consent, even if given by the chairman of the Committee on Printing. He can not speak in that respect for the committee, and I do not feel bound by his giving his consent.

Mr. BARKSDALE. To what consent does the gentleman allude?

The SPEAKER. The Chair will state again that the resolution provides only for the consideration of such joint and concurrent resolutions as may be indicated by the Committee on Printing; and the chairman of the Committee on Printing makes a statement equivalent to saying that he will not indicate any one to which objection is made.

Mr. LONG. The objection is not to the passage of the measure but to the consideration.

The SPEAKER. Precisely; to the consideration.

Mr. SCOTT. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. It is that if the Chair has decided the question further debate is not in order. I submit further, if gentlemen on this floor take issue with the Chair whether they should not take an appeal from his decision?

Mr. ALLEN, of Mississippi. The resolution on which I wanted to vote is the one for printing 2,500 copies of the health officer's report.

The SPEAKER. That opportunity will be given when the Clerk has read what are objected to.

The Clerk continued to read the titles of the resolutions, as follows:

A joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887.

The SPEAKER. Is there objection?

Mr. SPRINGER. I would like to have the resolution read.

The SPEAKER. After the Clerk has finished the reading of the list, when the House knows what are the resolutions to be considered, the votes will be taken.

The Clerk continued the reading, as follows:

A joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands.

Miscellaneous document, concurrent resolution for the printing of Captain Healey's report upon the cruise of the steamer Corwin in the Arctic Ocean for 1884 and 1885.

Mr. HOLMAN. Is not that covered by private enterprise?

Mr. FARQUHAR. No, sir; this is the manuscript now for the first time sent to the Government.

The Clerk read as follows:

A joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition.

Mr. SPRINGER. What is the estimated cost of the printing of that resolution?

Mr. BARKSDALE. The estimated cost is $437.10.

The Clerk continued the reading, as follows:

A joint resolution (H. Res. 257) to print a revised edition of the Report of the Agricultural Department on Insects Affecting the Orange Culture.

A joint resolution (H. Res. 258) providing for the printing of 4,500 copies of Finley's storm-track chart of the North Atlantic.

House concurrent resolution providing that 15,000 additional copies of the report on internal commerce by William M. Switzler, Chief of the Bureau of Statistics, being part 2 of Commerce and Navigation, be printed. Estimated cost, $8,384.30.

Senate resolution No. 94, joint resolution ordering the printing of the annual report of the National Academy of Science, with accompanying memoirs. Estimated cost for 1,900 copies, $113.50.

Mr. McMILLIN. I object. Let that go over, and I will look at it in the mean time.

Mr. BARKSDALE. Well, let it go over.

The Clerk read as follows:

Senate concurrent resolution: That there be printed, to correct an error in public resolution No. 28, 2,000 additional copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show in Philadelphia. Estimated cost, $3,160.

Mr. SPRINGER. I object to that.

Mr. HATCH. I object to that.

The Clerk read as follows:

Senate resolution 88, joint resolution authorizing the printing of 2,500 copies of the report of the health officer of the District of Columbia. Estimated cost, $1,300.

Senate concurrent resolution to print report of Lieut. Henry T. Allen of his explorations in Alaska, and to print 35,000 additional copies thereof. Estimated cost, $3,790.45.

Senate concurrent resolution to print the indexes to the compilation of reports of House and Senate committees provided for in public resolution No. 24, first session Forty-ninth Congress. Estimated cost, $5,913.

The SPEAKER. These seem to be all.

Mr. RANDALL. Now let us have a vote on them *seriatim*.

The SPEAKER. The gentleman from Pennsylvania demands a separate vote on the joint resolution providing for the printing of the report of the health officer of the District of Columbia.

Mr. RICHARDSON. I submit that all the matters have not been read.

The SPEAKER. The Chair inquired of the chairman of the committee [Mr. BARKSDALE] and understood him to state that these were all.

Mr. RICHARDSON. There are others.

Mr. FARQUHAR. They have not all been read. There are others on the desk that were not upon that list.

The SPEAKER. If they were not upon this list of course they have not been read. The Clerk will read the others.

The Clerk read as follows:

Senate bill 3296, to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan.

Concurrent resolution of the Senate providing for the printing of Wharton's Digest of International Law, 4,000 additional copies.

Mr. HOLMAN. I think that had better go over.

Mr. TOWNSHEND. I trust not. That is a very important work, one of the most important on the list.

The Clerk read as follows:

Concurrent resolution of the Senate authorizing the Public Printer to deliver to the Commissioner of Education 1,000 copies of report on education in Alaska printed in compliance with the concurrent resolution of August 2, 1886, the distribution of which was not therein directed.

Concurrent resolution of the Senate to print the indexes to the compilation of House and Senate reports of committees provided in public resolution 24, first session Forty-ninth Congress.

Mr. McMILLIN. That I object to because it does not show what is to be printed.

Mr. RICHARDSON. Yes, it does.

Mr. McMILLIN. I do not see that it does.

Mr. FARQUHAR. Let me explain that this relates simply to the mere mechanical matter of printing the indexes. A law was passed at the last session covering all that work, so that the objection does not hold. There was simply a clerical omission in the original bill.

The Clerk read as follows:

House resolution 266, joint resolution authorizing the printing of the report of the Commissioner on Education for 1885 and 1886.

Mr. SPRINGER. I would like to know how many copies are authorized by this. I object for the present.

The Clerk continued the reading:

Joint resolution (S. R. 108) providing for the sale of public documents.

Senate concurrent resolution providing for the printing of the report of Lieut. Henry D. Allen.

Mr. McADOO. I would like to have the report of the committee read in connection with that.

The SPEAKER. That can be called for when the House comes to act on this matter.

Mr. McMILLIN. I will object to that for the present.

Mr. BRECKINRIDGE, of Kentucky. That has already been passed.

The SPEAKER. The Chair thinks it has been read before and not objected to.

Mr. McMILLIN. My only object was to see what it was.

The Clerk continued the reading:

Senate concurrent resolution that there be printed, to correct error in public resolution 28, approved August 4, 1886, 2,000 additional copies of the report of the Commissioner of Agriculture on the International Sheep and Wool Show at Philadelphia.

Mr. BARKSDALE and others. That is objected to.

The Clerk continued the reading:

Senate concurrent resolution providing that the Report of the Commissioner of Fish and Fisheries for 1886 be printed.

Senate concurrent resolution authorizing the printing of the Report of the Commissioner of Education for 1885 and 1886.

House concurrent resolution authorizing the printing of the Report of the Director of the Mint on the production of the precious metals in the United States for the year 1886.

Senate concurrent resolution authorizing the printing of the usual number of copies of a compilation of the laws of the United States relating to the improvement of rivers and harbors.

Mr. HOLMAN. What is the cost of that?

The CLERK (reading). Estimated cost $918.10.

Joint resolution (S. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed.

Joint resolution (H. R. 258) providing for the printing of 4,500 copies of Finley's storm track charts of the North Atlantic Ocean.

The SPEAKER. Now, if gentlemen will indicate upon which of these propositions they desire a separate vote, the Chair will cause them to be selected.

Mr. HOLMAN. Mr. Speaker, I objected to the consideration of the resolution providing for printing Wharton's Digest of International Law. I do not think that work ought to be published by the Government; but in deference to the wishes of gentlemen around me I will not insist on the objection.

The SPEAKER. The gentleman withdraws the objection to the resolution providing for printing Wharton's Digest of International Law. Is there further objection? If not, that is one of the matters to be considered.

Mr. BARKSDALE. I move the adoption of the resolutions the titles of which have been read.

Mr. GIBSON, of West Virginia. I renew the objection to the resolution providing for printing Wharton's Digest of International Law.

Several MEMBERS. Too late.

The SPEAKER. The Chair thinks the objection is too late. The Chair asked for objection, and there was none.

Mr. RANDALL. I withdrew my absolute objection to printing the report of the health officer of this District so that the House might vote on that matter.

The SPEAKER. The Chair understands that the gentleman demands a separate vote on that. The Chair is endeavoring to ascertain whether separate votes are demanded on any other proposition.

Mr. HOLMAN. It is understood that the motion now submitted does not embrace the first title which was read.

The SPEAKER. It does not. That was passed over.

Mr. HOLMAN. I desire to have that read, if it is to be voted on.

The SPEAKER. It is not. As the Chair understands, it was passed over. If there be no further separate vote demanded, the Chair will put the question upon all these resolutions except the one to print the report of the health officer of the District of Columbia.

Mr. BARKSDALE. Before that question is put, I desire to submit an amendment to the resolution for printing the report of the Commissioner of Agriculture. I ask that it be read.

Mr. MCMILLIN. I wish to ask the gentleman in charge of these matters whether these resolutions authorize the printing of the usual number of the reports which are to be printed?

Mr. BARKSDALE. They do in every instance; and all are accompanied by estimates as to their cost.

The question being put upon agreeing to the several resolutions and passing the several joint resolutions, except the resolution for printing the report of the health officer of the District of Columbia, they were respectively adopted or passed.

The SPEAKER. The question is now upon the resolution providing for the printing of the report of the health officer of the District of Columbia.

Mr. HOLMAN. I desire to offer an amendment to that proposition.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

*Resolved by the Senate and House of Representatives, &c.*, That the Public Printer be, and is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District.

Mr. HOLMAN. Inasmuch as this seems to be of mere local interest I will move to amend by adding the words "one-half of which shall be paid out of the funds of the District of Columbia."

Mr. RANDALL. That will not take it out.

Mr. FARQUHAR. Let me say in behalf of the Printing Committee that this report has been printed for the last fourteen years. It is the only exchangeable report that this country sends to Europe. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN'S amendment was disagreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the joint resolution.

The House divided; and there were—ayes 64, noes 32.

Mr. HOLMAN. No quorum.

Mr. MORRISON. I move the House do now adjourn.

Mr. HOLMAN. I withdraw the point of no quorum.

Mr. MORRISON. I will also withdraw the motion to adjourn.

So the resolution was passed

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRISON. I move the House do now adjourn.

Mr. TUCKER. I have a conference to submit.

The SPEAKER. That is in order, even pending a motion to adjourn.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6974) to provide for bringing suits against the Government of the United States——

A MEMBER. Where is the bill?

Mr. TUCKER. The bill is in the Senate. The report ought to be made here, as the bill passed the House and the Senate amended it.

Mr. RANDALL. It depends on which House asks for the conference.

Mr. TUCKER. The Senate did. I submit the report, and ask that it be laid upon the table for the present.

Mr. MORRISON. I insist on my motion that the House do now adjourn.

The House divided; there were—ayes 70, noes 33.

So the motion was agreed to; and accordingly (at 12 o'clock and 40 minutes a. m.) the House adjourned.

---

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of T. W. Walker, of Alcorn County, Mississippi, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOUND: Resolutions of the Commercial Exchange of Philadelphia, in favor of the speedy acquisition by the United States of the Portage Lake and Lake Superior Ship-Canal—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Petition of a large number of citizens of Chester County, Pennsylvania, asking for the passage of the bill (H. R. 1096) allowing pensions to all honorably discharged soldiers after sixty days' service—to the Committee on Invalid Pensions.

By Mr. FINDLAY: Petition of citizens of Baltimore, Md., praying for the establishment of international arbitration—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petition of Post No. 50, Grand Army of the Republic, of Westerville, Ohio, in favor of the bill to repeal the arrearages of pensions—to the Committee on Invalid Pensions.

Also, petition of Jacob Bowles Post, No. 551, Grand Army of the Republic, of Ohio, for equalization of bounties—to the Committee on War Claims.

By Mr. LONG: Memorial of E. T. Pitts and 4 other clergymen of Plymouth, Mass., in favor of national arbitration—to the Committee on Foreign Affairs.

By Mr. MORRISON: Memorial of the General Assembly of Illinois, for the adjustment of swamp-land claims—to the Committee on the Public Lands.

By Mr. NEAL: Petition of Frederick Schneider and of James Fryor, of Hamilton County, and of W. R. Henson, administrator of John Henson, of Sequatchie County, Tennesssee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of Avon Smith, of P. M. Kirkpatrick, of T. N. Harner, and of Alfred McKinney, of Hamblen County, and of John G. King, of Sullivan County, Tennessee, for reference of their claims to the Court of Claims—to the same committee.

By Mr. PLUMB: Joint resolution of the Legislature of Illinois concerning swamp lands—to the Committee on the Public Lands.

By Mr. ROWELL: Petiton of members of Jordan Post, No. 535, Grand Army of the Republic, of Macon, Ill., for the passage of the act granting bounty lands to soldiers of the late war—to the same committee.

By Mr. W. J. STONE, of Missouri: Petition of J. D. West and others, for additional homestead—to the same committee.

By Mr. SWINBURNE: Resolution of the Legislature of New York, in favor of the bill to extend the eight-hour law to letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Petition of George F. Anderson, of Jefferson County; of Hartwell Vaughan, jr., of Cherokee County, and of John R. Green, administrator of David S. Green, of Shelby County, for reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. TRIGG: Petition of William Frye, of Sullivan County, Tennessee, for relief—to the same committee.

---

The following petitions and resolutions for the passage of the dependent relative pension bill, notwithstanding the President's veto, were severally referred to the Committee on Invalid Pensions:

By Mr. BOUTELLE: Of Asbury Caldwell Post, Grand Army of the Republic, of Sherman Mills, Me.

By Mr. GROSVENOR: Of Post No. 484, Grand Army of the Republic, of Ohio.

Also, of Allen Post, No. 65, Grand Army of the Republic, of Ohio.

By Mr. GROUT: Of Post No. 75, Grand Army of the Republic, of Vermont.

By Mr. D. B. HENDERSON: Resolutions of Mix Post, Grand Army of the Republic, of Ackley, Iowa.

By Mr. LYMAN: Of Maxwell Post, No. 114, Grand Army of the Republic, of Stuart, Iowa.

By Mr. LAIRD: Of Lander Post, of Geo. G. Meade Post, of Geo. H. Thomas Post, of Wm. Baumer Post, of Kit Carson Post, of Indianola Post, of Gould Post, of Holland Post, of T. O. Howe Post, of James A. Garfield Post, Grand Army of the Republic, of Nebraska, and of Joseph Pitts, of Davenport, of members of J. F. Reynolds Post, and of J. T. Summy, of Beaver City, Nebr.

By Mr. MCKINLEY: Of Canal Fulton Post, No. 385, Grand Army of the Republic, of Ohio.

By Mr. ROWELL: Of Jordan Post, No. 535, Grand Army of the Republic, of Macon, Ill.

By Mr. PETERS: Of Meade Post, Grand Army of the Republic, of Sterling, and of A. W. Nixon and 20 other ex-soldiers of Hamilton County, Kans.

By Mr. J. W. STEWART: Of J. J. Hale Post, No. 66, Grand Army of the Republic, of Vermont.

By Mr. A. J. WEAVER: Of Kirkwood Post, No. 106; of Butler Post, No. 172, and of Roberts Post, No. 104, Grand Army of the Republic, of Nebraska.

---

The following petitions, asking legislation to secure rights to certain heirs-at-law and descendants of patentees claiming lands on and adjoining Manhattan Island, New York, under patents made in 1666 and 1667 by Richard Nichols, then governor of the Colony of New York, were severally referred to the Committee on the Public Lands:

By Mr. EDEN: Of sundry citizens of Effingham County, Illinois.

By Mr. FARQUHAR: Of citizens of the thirty-second district of New York.

By Mr. FLEEGER: Of citizens of the twenty-sixth district of Pennsylvania.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BAYNE: Of 108 citizens of Allegheny, Pa.

By Mr. LAWLER: Of 20 citizens of Austin, Ill.

By Mr. MOFFATT: Of the officers of the Women's Christian Temperance Union of Michigan.

By Mr. PINDAR: Of 44 citizens of Russia, N. Y.

By Mr. PLUMB: Of 10 citizens of Tanica, Ill.

---

## SENATE.

### THURSDAY, *March* 3, 1887.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

#### THE JOURNAL.

The PRESIDENT *pro tempore*. The Journal of the preceding day will be read.

The Secretary proceeded to read the Journal of the proceedings of Wednesday, March 2.

Mr. MILLER. I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the reading is dispensed with.

#### CREDENTIALS.

Mr. STANFORD presented the credentials of GEORGE HEARST, chosen by the Legislature of California a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be placed on file.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution adopted by John F. Reynolds Post, No. 6, Grand Army of the Republic, Department of the Potomac, disapproving the action of the President in vetoing the dependent pension bill, and asking its passage notwithstanding the veto; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of 73 citizens of Ohio, praying that the citizens of the District of Columbia may be permitted to vote on local option; which was ordered to lie on the table.

Mr. VAN WYCK presented petitions and resolutions from posts of the Grand Army of the Republic in Nebraska, praying the passage of the invalid and dependent pension bill, notwithstanding the veto of the President; which were ordered to lie on the table.

Mr. MCMILLAN presented a memorial of the Legislature of Minnesota favoring an appropriation of $25,000 for the purpose of making a scientific survey for a canal connecting Lake Superior with the Saint Croix River; which was referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 3356) to regulate the compensation of watchmen in the Executive Departments of the Government, reported it without amendment.

#### NEW SENATE MANUAL.

Mr. FRYE. At the suggestion of the Committee on Printing, finding some difficulty about a former resolution, I present this resolution:

*Resolved*, That there be prepared, under the direction of the Committee on Rules, a revision of the Senate Manual, and that said committee have leave to report said revision in print: *Provided*, That the clerk of said committee shall prepare such revision without any compensation other than his salary.

The resolution was considered by unanimous consent, and agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 8346) authorizing the employment of mail messengers in the postal service; and

A bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

#### WORK IN THE EXECUTIVE DEPARTMENTS.

Mr. EDMUNDS. I think there is a resolution on the table that came over from yesterday.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over under the rule from a previous day.

The Chief Clerk read the resolution submitted yesterday by Mr. COCKRELL, as follows:

*Resolved*, That a select committee to consist of five Senators be, and the same is hereby, constituted and appointed, whose duty it shall be to inquire into and examine the methods of business and work in the Executive Departments of the Government, the time and attention devoted to the operations thereof by the persons employed therein, and generally to inquire into and report to the Senate the causes of the delays in transacting the public business said to exist in some of said Departments.

The said committee shall have power, and it shall be its duty, to inquire and report what further public buildings are necessary to the transaction of the public business in Washington and the proper uses of the public buildings now existing in said city.

Said committee is hereby authorized to employ a clerk and stenographer, and shall have power to send for persons and papers and to sit during the recess of the Senate next to occur. The compensation of any clerk or stenographer, not exceeding the rate of $8 per day, employed by said committee, and its other necessary expenses shall be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

Mr. VAN WYCK. Will the mover of the resolution which refers to the delay of public business in the Departments accept an amendment inserting "and also the occasion for the delay of business in Congress?" Then the whole matter will be before the committee. I suggest an amendment inserting "the occasion of the delay of public business in Congress," to come in immediately after the words referring to the delay of business in the Departments.

Mr. HARRIS. As the Senator who offered the resolution is not now in his seat I hope he may have the privilege of calling it up later, and let it go over at present.

Mr. EDMUNDS. I have sent for the Senator from Missouri, who is in the Appropriations Committee room. He will be here in a moment; and meantime I wish to appeal to my friend from Nebraska not to embarrass the resolution about inquiring into the causes of delay in Congress. We all know what they are. We do not work at the beginning of the session, and at the end we want to do it all at once.

Mr. VAN WYCK. The Senate knows the cause of delay of business in the Departments as well as in Congress.

Mr. EDMUNDS. No, we do not; and it is thought and hoped by the Senator from Missouri, who has given a great deal of attention to that subject, that an exploration of the methods of doing business in some of the Departments and the means of co-ordinating their work will show how we can get on with the public business there which is now so much delayed in some respects, as we know, without much further increasing the force. I think, therefore, that the resolution of the Senator from Missouri is a very useful one, and I shall vote for it accordingly.

The PRESIDENT *pro tempore*. Will the Senate agree to the resolution?

Mr. CULLOM. I should like to have the resolution read again.

The resolution was read.

Mr. CULLOM. I am very glad that the Senator from Missouri has introduced the resolution. It is high time, it seems to me, that the Congress of the United States should find out what is necessary to be done in reference to the public business in the Departments and provide some means by which it shall be done promptly. If there is any additional force necessary Congress ought to provide it. If additional force is not necessary we ought to find out that fact, and we ought also to find out whether any additional public buildings are needed. I think it is very imporiant that this investigation should be made.

Mr. HOAR. I wish to inquire why it is that the compensation of the clerk to be employed by this committee is placed at a higher rate than the ordinary compensation of a committee clerk.

Mr. COCKRELL. There is no special reason except that that has been generally the price paid.

Mr. HOAR. No; $6 a day.

Mr. COCKRELL. I have no objection to changing it to the usual price.

Mr. HOAR. I believe the usual compensation is $6 a day.

Mr. COCKRELL. I accept the suggestion.

The PRESIDENT *pro tempore*. The modification will be made.

Mr. EDMUNDS. You can not get a good stenographer for $6 a day.

Mr. COCKRELL. I suggest to the Senator from Massachusetts that it would be probably difficult to get a stenographer at that rate.

Mr. HOAR. I make no criticism on the matter of the stenographer, and I make none on the other. I merely inquired for information.

Several SENATORS. Leave it as it is.

Mr. VEST. I have not any objection to finding out the truth in regard to the public business and the reasons for delay, but I want to call attention to one fact. We are now called on to create another committee to remain in session here with attendants. We have a committee, and have had for the eight years I have been in the Senate, which was constituted for the purpose of examining into the different branches of the civil service. If that committee has done anything at the present or the last session of Congresss I must confess that I do not know it. We have this regular standing committee to examine into the several branches of the civil service, which was inaugurated and established expressly for the purpose of finding out the very thing that this resolution looks to accomplish. We have a standing committee of the Senate on Public Buildings and Grounds, of which I have the honor to be a member. We have endeavored to do our duty. We have introduced bills here, one specifically that I have introduced, which has been passed by the Senate three times, of the highest public necessity, to establish a hall of records for the storage of valuable papers belonging to the Government. It is a reflection on that committee to take away from us our function and place this matter in the hands of a special committee. I think I can claim without any immodesty that we have endeavored to discharge our duty properly. In my judgment there is no necessity for it, and I am constrained to oppose the resolution.

Mr. VAN WYCK. I desire that the amendment I offered shall be stated by the Secretary.

The PRESIDENT *pro tempore*. The Chief Clerk informs the Chair that the resolution has not been amended on the suggestion of the Senator from Nebraska.

Mr. VAN WYCK. As the Chief Clerk is very skillful in the art of writing, I thought probably he would have taken it down. I will repeat it. I propose to insert:

And also the cause of the delay of public business in Congress.

I propose these words to be inserted following the inquiry as to the delay of public business in the Departments. That needs a good deal more remedy than the other.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. At the end of the first paragraph of the resolution it is proposed to insert:

And also the cause of the delay of public business in Congress.

Mr. VAN WYCK. My friend, the Senator from Illinois [Mr. CULLOM], has said that there is much delay of public business in the Departments. I wish he would particularize a little, so that we may have a more intelligent understanding or designation of the Departments in which the delay occurs, and the nature of the public business that is delayed.

I know that there is an allegation made that there is a delay of business in the Departments at Washington. Now, allow me to say that if we are to have a special committee appointed to investigate such a matter, there ought to be some groundwork laid, some reason given. If there be delay in the public business in the Departments, it is at least due to the Senate and to the country to know what it is. I have heard nothing during our stay here at this session or the last that public business was suffering by reason of any delay in the Departments. Where is it? Is it in the Treasury Department?

What public interest is suffering by reason of any delay in the Treasury Department? Is it in the Interior Department? Is there difficulty in replying to applications in regard to pensions in the Pension Bureau? I take it replies come speedily to letters sent to the Land Office. Then the trouble is not in the Land Office. Is it in the Navy Department? If so, the fault is with Congress that they do not give them any ships. Does the public business suffer in the Navy Department? We have no knowledge of that, because from the speeches made here and the action of the Committee on Commerce and the Committee on Naval Affairs it would seem as if there is no responsibility for delay anywhere in the Navy Department. The Department can not build ships unless Congress appropriates millions of dollars for the purpose. If there is any delay in the Navy Department the fault is with Congress, because I presume they have in commission all the ships that they can float and they have all the officers assigned to duty that they can find places for. Is it the War Department? We hear no special complaint about that. Therefore, here is a distinct charge in this resolution—will the Chief Clerk please read that part of the resolution again about the delays in the Departments, that we may see what the charge is?

The Chief Clerk read as follows:

*Resolved*, That a select committee to consist of five Senators be, and the same is hereby, constituted and appointed, whose duty it shall be to inquire into and examine the methods of business and work in the Executive Departments of the Government, the time and attention devoted to the operations thereof by the persons employed therein, and generally to inquire into and report to the Senate the causes of the delays in transacting the public business said to exist in some of said Departments.

Mr. VAN WYCK. Very well. They are charged with delay which is said to exist. Said by whom? It seems impossible to get a bill of particulars in this matter. The charge is that there is delay in the Departments, and without any proof that there is any such delay the committee is asked to ascertain the cause of a difficulty which is not proved to exist, because I venture to say that very few Senators here can make such a charge. Here are committees on the different branches; the Committee on Commerce, the Committee on Naval Affairs, the Committee on Military Affairs, the Public Lands Committee, and the Appropriations Committee, to designate some cause of delay, if there be any, to be remedied.

We do know that there is delay in legislation. Therefore it is I have suggested this amendment that this committee shall also be instructed to ascertain the cause of the delay of public business in Congress. The Senator from Vermont says we do know it. That is the only point we have now before us on which we have any proof.

If it is necessary to have this committee appointed, which I very much doubt, I take it that every cabinet minister in charge of a Department can readily tell you in a letter of ten lines what the cause of delay is in his Department, and I submit whether it would not be the better way for Congress to put itself in communication by letter of instruction with the heads of these Departments. They know all about the matter better than a committee of five or seven men can ascertain it. Every cabinet officer in ten minutes, if there be cause of delay, can very readily tell Congress the reason. But I apprehend Congress already knows it. I apprehend that this body and the other know if there be any delay. If there be any delay in the Pension Bureau or the Land Office, Congress knows what the cause is. It is because Congress does not give them force enough to transact the business of the offices. There can not be any other reason. It does not reflect on the ability of the Cabinet Ministers or their subordinates. There is only one reason and Congress knows it, and that is they have not sufficient force in their offices to do the business.

Now, let Congress do its duty; and there is where the burden of the question comes in. What is the cause of the delay of public business in Congress? We know it just as well as we know the other. We know that three-fourths of the session is wasted—a criminal waste of time. Three-fourths of all the measures that have consumed time this session and last session have not passed into laws, and it was known they would not pass into laws. What is the cause of delay here, or rather what is the remedy for it? We all know the cause.

Mr. EDMUNDS. All see it.

Mr. VAN WYCK. We can all see, and when it comes to the last two or three days of the session we can all feel it. We are struggling at the last end of the session to get important bills through which are actually for the public interest and for the public benefit. Our friend from Colorado and the Senator from Michigan said to us that there were fifteen or twenty bridge bills here that ought absolutely to pass, and yet no time is furnished for them.

If it is necessary to have a committee appointed to find out what every Senator probably knows and what he can find out in two hours, I say if it is necessary to have a committee with all the paraphernalia of a committeee to sit during the recess with a clerk and stenographer to do that, they can make the inquiry suggested in the amendment I have offered, which is the most important of all.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK] to the resolution offered by the Senator from Missouri [Mr. COCKRELL].

The amendment was rejected.

Mr. MORRILL. I move to strike out that part of the resolution which relates to public buildings.

Mr. PLATT. I hope that will not be done.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to strike out:

The said committee shall have power, and it shall be its duty, to inquire and report what further public buildings are necessary to the transaction of the public business in Washington, and the proper uses of the public buildings now existing in said city.

Mr. PLATT. I hope that will not be done. I am thoroughly convinced that we shall never have the public buildings required for the transaction of business in the Executive Departments in Washington until the matter is investigated specially by some committee of this character.

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment proposed by the Senator from Vermont [Mr. MORRILL]?

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the resolution.

The resolution was agreed to.

Mr. EDMUNDS. Let the Chair appoint the committee.

The PRESIDENT *pro tempore*. If there be no objection, the order will be made directing the Chair to appoint the committee.

Mr. MAHONE subsequently said: I desire to enter a motion now or give notice that I will make a motion to reconsider the vote by which the resolution in reference to appointing a select committee to examine the Departments in Washington and report to Congress what public buildings are necessary was adopted.

The PRESIDENT *pro tempore*. The Senator from Virginia gives notice of a motion to reconsider the resolution adopted on motion of the Senator from Missouri [Mr. COCKRELL].

DISTRICT OF COLUMBIA STREET RAILROADS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. VAN WYCK, as follows:

*Resolved*, That the Committee on the District of Columbia be discharged from the further consideration of House bill 10899.

Mr. SHERMAN. I move that the resolution lie on the table.

Mr. VAN WYCK. Let the resolution go over.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. The resolution will be postponed.

KERREMAN'S CONGO MAP.

Mr. MANDERSON, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That Kerreman's map of the European possessions on the Congo be printed to accompany the report of Lieutenant Taunt, Executive Document No. 77.

STATISTICAL ABSTRACT.

Mr. MANDERSON, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That 5,000 copies of the ninth number of the Statistical Abstract of the United States for the fiscal year 1886, prepared by the Chief of the Bureau of Statistics, Treasury Department, be printed for the use of the Senate.

PERSONAL EXPLANATION.

Mr. EDMUNDS. I wish to say, and I may as well do it now, that I find in some remarks I made suddenly the other night on the subject of a private land claims bill that my friend from North Carolina [Mr. RANSOM] understood me to reflect upon him personally, which I did not in the least intend to do. My observations were based upon a misunderstanding or misrecollection of what had been said among the gentlemen of the committee. As my friend from North Carolina feels that my language as printed implied a reflection upon him, I wish to assure him and everybody else that I did not intend anything of the kind.

GEOLOGICAL SURVEY REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey, to report it without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MANDERSON. Now I move that the joint resolution (S. R. 42) providing for the distribution of reports of the United States Geological Survey be indefinitely postponed.

The motion was agreed to.

REPORT ON ASIATIC CHOLERA.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report back the concurrent resolution submitted yesterday by the Senator from Connecticut [Mr. HAWLEY] without amendment, and I ask for its present consideraiion.

The resolution was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the official report of the investigations of Dr. Edward O. Shakespeare in Europe and Asia, concerniug the nature, causes, method of prevention and cure of epidemic or Asiatic cholera, made by the direction of the President of the United States, be printed, with the accompanying illustrations, and that there be printed, in addition to the usual number, 2,000 copies for the use of the Department of State, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives, said report to be printed under the editorial supervision of Dr. Shakespeare.

The PRESIDENT *pro tempore*. This should be a joint resolution—not concurrent. If there be no objection, it will be changed in that way.

There being no objection, the joint resolution (S. R. 118) to print the official report of the investigations of Dr. Edward O. Shakespeare concerning the nature, &c., of epidemic cholera, was read three times, and passed.

MESSENGERS IN THE POSTAL SERVICE.

Mr. CONGER. I submit a conference report on the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Cleak read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

O. D. CONGER,
PHILETUS SAWYER,
E. K. WILSON,
*Managers on the part of the Senate.*
THOS. B. WARD,
J. M. RIGGS,
J. B. WAKEFIELD,
*Managers on the part of the House.*

The report was concurred in.

HOUSE RESOLUTION REFERRED.

The joint resolution (H. Res. 264) providing for printing the annual report of the Commissioner of Labor was read twice by its title.

Mr. MANDERSON. I move that that be referred to the Committee on Printing without printing.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolutions:

A bill (S. 3296) to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan;

Joint resolution (S. R. 88) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (S. R. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed; and

Joint resolution (S. R. 108) providing for the sale of public documents.

The message also announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States;

Joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition; and

Joint resolution (H. Res. 258) providing for the printing of 4,500 copies of Finley's Storm-Track Charts of the North Atlantic Ocean.

The message further returned to the Senate, in compliance with its request, the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.

AMENDMENT TO DEFICIENCY BILL.

Mr. JONES, of Nevada, and Mr. EVARTS submitted amendments intended to be proposed by them, respectively, to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. KENNA, from the Committee on Commerce, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. HAMPTON submitted an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

BRIDGE AT GRAND TOWER, ILL.

Mr. VEST. The bill authorizing the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill., has come back from the House of Representatives. I want simply to correct a word in the bill.

The PRESIDING OFFICER (Mr. MANDERSON in the chair) laid before the Senate the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.

Mr. VEST. I wish to correct a mistake in the bill by an amendment striking out, in section 3, line 41, from the word "current" down to and including the word "bridge," in line 44 in the same section, and inserting:

The main or channel span shall be 85 feet in height, measuring from high-water mark as understood at the point of location to the bottom chords of the bridge, and the other spans shall not be less than 50 feet in height, measured in the same way.

The PRESIDING OFFICER. The amendment may be agreed to by unanimous consent, and the bill returned to the House of Representatives amended in that way.

WEIL AND LA ABRA CLAIMS.

Mr. MORGAN. I call up the resolution I offered on the 1st instant in regard to the Weil and La Abra claims against Mexico.

The PRESIDENT *pro tempore*. The Senator from Alabama moves to proceed to the consideration of a resolution, which will be read.

The Chief Clerk read as follows:

*Resolved*, That in consequence of the inability of the Senate to act upon Senate bills 2207 and 2208, to amend act for the distribution of awards under a treaty with Mexico, so as to give said measures proper consideration, the President of the United States be requested to suspend further payments under the awards named in said bills to the representatives or persons claiming under Benjamin Weil and the La Abra Silver Mining Company, respectively, until the question of fraud in obtaining said awards by the claimants, respectively, or

their agents and attorneys, shall have been duly investigated by the courts of the United States, under the direction of the President, or under the further direction of Congress.

Mr. ALLISON. Pending that I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate now proceed to the consideration of the bill named by him.

Mr. MORGAN. I am very anxious to have this resolution disposed of.

Mr. ALLISON. It is important that the appropriation bill shall be considered.

Mr. MORGAN. I know that.

Mr. ALLISON. Perhaps to-morrow the Senator will have time.

Mr. SHERMAN. Not to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. ALLISON. Now I ask unanimous consent that the formal reading of the bill be dispensed with and that as the reading proceeds the amendments reported by the Committee on Appropriations may be considered.

The PRESIDENT *pro tempore*. That order will be taken if there be no objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in section 1, line 5, after the word "appropriated," to insert "in full compensation;" so as to read:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1888, for the objects hereinafter expressed, namely:

The amendment was agreed to.

The next amendment was, under the head of "Senate," in section 1, line 15, after the words "hundred and," to strike out "eighty-eight" and insert "forty-two thousand nine hundred and ninety-two."

Mr. ALLISON. There is a misprint in the printed bill. I move to strike out, after the word "hundred," in line 14, the words "thousand three hundred."

The CHIEF CLERK. In line 14, after the word "hundred," it is proposed to strike out "thousand three hundred;" so as to make the clause read:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, $342,992.82, namely:

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the clause making appropriations for "clerks and messengers to committees," in line 53, to increase the appropriation for compensation of "assistant clerk to the Committee on Appropriations" from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, in the same clause, line 77, to increase the total amount of the appropriation for compensation of "clerks and messengers to committees" from $59,240 to 59,440.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "office of Sergeant-at-Arms and Doorkeeper," in line 87, to increase the appropriation for compensation of "one messenger, acting as assistant doorkeeper," from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, in the same clause, line 97, after the words "document-room" to insert "(Amzi Smith)," and strike out "two thousand five hundred and ninety-two" and insert "three thousand;" so as to read:

Superintendent of the document-room (Amzi Smith), $3,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 124, after the word "dollars," to insert:

One type-writer for use of the Senate, $900.

The amendment was agreed to.

The next amendment was, in line 132, to increase the total amount of the appropriation for "Office of Sergeant-at-Arms and Doorkeeper" from $141,017.42 to $142,517.42.

The amendment was agreed to.

The next amendment was, after line 137, to insert:

For clerks to Senators who are not chairmen of committees, $40,896.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses" of the Senate, in line 153, after the word "exceeding," to strike out "seventy-five cents" and insert "one dollar;" so as to read:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $2,500.

The amendment was agreed to.

The next amendment was, in line 158, after the word "packing-boxes," to strike out "seven hundred and eighty" and insert "eight hundred and seventy," and, in line 166, after the word "thousand," to strike out "two hundred and eighty" and insert "three hundred and seventy;" so as to read:

For fuel, oil, and cotton-waste, and advertising, for the heating apparatus, $7,500; for furniture and repairs of furniture, $8,000; for packing-boxes, $870; for miscellaneous items, exclusive of labor, $15,000; and for expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.50 per printed page, $15,000; in all, $46,370.

The amendment was agreed to.

Mr. ALLISON. Before the next amendment is read, I desire to insert after the word "and," in line 167, the word "hereafter."

The PRESIDENT *pro tempore*. That will be inserted in the next amendment. Does the Senator from Iowa desire the word "hereafter" or the words "hereafter all" to be inserted?

Mr. ALLISON. I do not object to "all."

The PRESIDENT *pro tempore*. The amendment will be so modified and stated as modified.

The next amendment was, after the word "dollars," in line 167, to insert:

And hereafter all purchases of coal and wood for the Senate and House of Representatives of the United States shall be made by advertising once a week for at least four weeks, in three of the principal papers published in the District of Columbia, for sealed proposals for supplying the same; and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract-price in case of failure. When immediate delivery is required by the public exigency, such supplies may be procured by purchase in open market, at the places and in the manner in which such supplies are usually bought and sold. Purchases of stationery and materials for folding shall be made in accordance with sections 65, 66, 67, 68, and 69 of the Revised Statutes of the United States: *Provided further*, That all contracts and bonds for purchases made under the authority of this act shall be filed with the Committee to Audit and Control the Contingent Expenses of the Senate, or the Committee on Accounts of the House of Representatives, respectively.

The amendment was agreed to.

The next amendment was, after line 187, to insert:

No payments shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or from the contingent fund of the House of Representatives, unless sanctioned by the Committee on Accounts of the House of Representatives; and payments made upon vouchers approved by the respective committees shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 217.

Mr. ALLISON. In line 217, before the word "thousand," I move to strike out "ninety-five" and insert "sixty-eight;" so as to read:

For compensation of Members of the House of Representatives and Delegates from Territories, $1,668,000.

That is the exact amount.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 223.

Mr. ALLISON. In line 222, after the word "thousand," I move to strike out "one hundred and thirteen" and insert "three hundred and sixty-three;" so as to read:

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, $388,363.50, namely.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the items for the office of the Clerk of the House of Representatives, in line 246, after the word "clerk," to insert "and financial clerk;" and in line 247, after the word "dollars," to insert "each;" and in the same line, after the word "for," to strike out the words "disbursing clerk;" so as to read:

For printing and bill clerk, and financial clerk, at $2,500 each; for file clerk, and enrolling clerk, at $2,250 each.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 272.

Mr. ALLISON. In line 272 I move to strike out "$85,954" and insert "$86,104," it being a total.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 284, before the word "stenographers," to insert the word "skilled;" so as to read:

For two skilled stenographers to committees, at $1,000 each.

The amendment was agreed to.

The next amendment was, after line 434, to insert:

To enable the Librarian to continue the preparation of the historical manuscripts in the Library known as Force's American Archives, for publication at the Government Printing Office, under direction of the Joint Library Committee, as provided by act of March 3, 1885, $2,500.

The amendment was agreed to.

The next amendment was, in line 450, after the word "shrubs," to strike out the words "for general repairs to conservatory and propagat-

ing houses, extending concrete walks," and in line 454, before the word "thousand," to strike out "six" and insert "five;" so as to read:

For procuring manure, tools, fuel, purchasing trees and shrubs, and for labor and materials in connection with repairs and improvements to Botanic Garden, under direction of the Joint Library Committee of Congress, $5,000.

The amendment was agreed to.

The next amendment was, in line 483, to strike out the words "one clerk of class 1" and insert "two clerks of class 1; one clerk at $1,000;" in line 485, to insert "one assistant messenger;" and, in line 486, to strike out "$24,800" and insert "$27,720;" so as to read:

CIVIL SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one clerk of class 4, who shall be a stenographer; one clerk of class 3, one clerk of class 2, two clerks of class 1, one clerk at $1,000, two clerks at $900 each, one messenger, one assistant messenger, and one laborer: in all, $27,720.

The amendment was agreed to.

The next amendment was, in line 511, after the word "thousand," to insert "five hundred," and in line 512, after the word "thousand," to strike out "two" and insert "seven;" so as to read:

For proof-reading the laws of the United States and reports to Congress, including boxes and transportation of the same, $1,280; for stationery, furniture, fixtures, and repairs, $5,000; for books and maps, and books for the Library, $2,500; in all, $8,780.

The amendment was agreed to.

The next amendment was, in line 572, before the word "charwoman," to strike out "80" and insert "90;" and in line 579, to increase the total of the appropriations for the Treasury Department, Secretary's Office, from $51,517 to $53,917.

The amendment was agreed to.

The next amendment was, in line 613, to increase the total of appropriations for the division of public moneys, Treasury Department, from $24,110 to $24,510.

The amendment was agreed to.

The next amendment was, in the items for division of loans and currency, Treasury Department, line 621, before the word "clerks," to strike out "three" and insert "four," so as to read: "Four clerks of class 1;" in line 623, to strike out "two copyists at $840 each," and insert "one copyist at $840;" and in line 630, to increase the total of the appropriations from $69,062 to $69,422.

The amendment was agreed to.

The next amendment was, in the appropriations for the division of stationery, printing, and blanks, Treasury Department, line 646, before to word "clerks," to strike out "four" and insert "five," so as to read: "Five clerks of class 4;" in line 647, before the words "clerks," to strike out "three" and insert "two," so as to read: "Two clerks of class 2;" and in line 652, to increase the total of the appropriation from $31,799 to $32,399.

The amendment was agreed to.

The next amendment was, in line 739, to reduce the total of the appropriations for office of Commissioner of Customs from $53,030 to $49,430.

The amendment was agreed to.

The next amendment was, in line 753, before the word "clerks," to strike out "forty" and insert "forty-two;" in line 753, after the word "class," to strike out "four" and insert "three;" in line 756, before the word "clerks," to strike out "forty-four" and insert "forty-eight," and in line 759, before the word "thousand," to strike out "forty-six" and insert "fifty-four;" so as to make the clause read:

Second Auditor: For Second Auditor, $3,600; deputy auditor, $2,250; six chiefs of division, at $2,000 each; ten clerks of class 4; forty-two clerks of class 3; additional to one clerk of class 3 as disbursing clerk, $200; fifty-five clerks of class 2; forty-eight clerks of class 1; eight clerks, at $1,000 each; one messenger, three assistant messengers, eight laborers, and two charwomen, at $240 each; in all, $254,550.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate.

A joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

A joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887.

A joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands; and

A joint resolution (H. Res. 257) to print a revised edition of the report of the Agricultural Department on insects affecting the orange culture.

The message further announced that the House had passed the following concurrent resolutions; in which it requested the concurrence of the Senate:

A concurrent resolution for the printing of Captain Healey's report upon cruise of steamer Corwin in Arctic for 1884 and 1885;

A concurrent resolution authorizing the printing of the Report of the Director of the Mint on the production of the precious metals in the United States for the year 1886; and

A concurrent resolution for the printing of 15,000 additional copies of the Statistical Abstract of the United States for the year 1886.

The message also announced that the House had passed the concurrent resolution of the Senate for the printing of the indexes to the compilation of the House and Senate reports of committees, provided for in public resolution 24, first session Forty-ninth Congress, with an amendment; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most acccessible point between the City of Kansas and the town of Sibley, in the county of Jackson and State of Missouri;

A bill (S. 929) for the relief of Albert H. Emery;

A bill (S. 175) for a public building at Monroe, La.;

A bill (S. 2997) granting a pension to Mrs. M. E. Woods;

A bill (S. 2451) for the relief of Mrs. Julia De Quindre; and

Joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes.

HOUSE RESOLUTIONS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

Joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States;

Joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition; and

Joint resolution (H. Res. 258) providing for the printing of 4,500 copies of Finley's storm-track charts of the North Atlantic.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 957, after the word "dollars," to insert "one clerk acting as deputy commissioner, $2,000;" in line 958, before the words "of class 4," strike out "two clerks" and insert "one clerk;" in line 960, before the word "clerks," to strike out "three" and insert "four;" in line 961, before the word "clerks," to strike out "ten" and insert "nine;" and in line 963, before the word "hundred," strike out "twenty-seven thousand nine" and insert "twenty-eight thousand six;" so as to make the clause read:

Bureau of Navigation:

For Commissioner of Navigation, $3,000; one clerk acting as deputy commissioner, $2,000; one clerk of class 4; one clerk of class 3; four clerks of class 2; three clerks of class 1; one clerk, $1,000; nine clerks at $900 each; one assistant messenger, and one laborer; in all, $28,680.

The amendment was agreed to.

The next amendment was, in line 976, after the word "designate," to insert:

For which purpose there is hereby appropriated the sum of $17,000, which shall be added to and made a part of the appropriation for "plate-printing, Bureau of Engraving and Printing, 1888."

So as to read:

And the employés of the Bureau of Engraving and Printing, including piece-workers, shall be allowed leave of absence, with pay, not exceeding fifteen days in any one year, at such time as the Chief of the Bureau may designate, for which purpose there is hereby appropriated the sum of $17,000, which shall be added to and made a part of the appropriation for "plate-printing, Bureau of Engraving and Printing, 1888."

The amendment was agreed to.

The next amendment was, in the items for "Office of Construction of Standard Weights and Measures" in line 1008, before the word "hundred," to strike out "four" and insert "five;" so as to read:

For purchase of materials and apparatus and incidental expenses, $5,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1069.

Mr. ALLISON. In line 1068, I move to strike out "twenty-five" before "thousand," and insert "thirty;" so as to read:

For stationery for the Treasury Department and its several bureaus, $30,000.

The Secretary of the Treasury says it is impossible to get on with $25,000 in that item.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after the word "buildings," in line 1084, to strike out the words:

For the Bureau of Statistics, the Marine Hospital Service, and a portion of the Second Auditor's Office, for a period not longer than until February 29, 1888, $5,750; and on or before February 29, 1888, the above named offices shall be removed to rooms to be assigned to them by the Secretary of the Treasury in the Winder Building, corner of Seventeenth and F streets.

And to insert "$8,625," so as to read:

For rent of buildings, $8,625.

The amendment was agreed to.

The next amendment was to strike out from line 1094 to line 1096, inclusive, the following words:

For rent of stables for the Treasury Department from March 1 to June 30, 1888, $200.

The amendment was agreed to.

The next amendment was, after the word "harness," in line 1099, to strike out the word "robes;" so as to read:

For purchase of horses for office and mail wagons, care and subsistence of horses, including shoeing, and for wagons, harness, and repairs of the same, $4,000.

The amendment was agreed to.

The next amendment was, in line 1124, after the word "fixtures," to strike out "type-writers" and insert "type-writing machines;" and in line 1132, to strike out "tumbles" and insert "tumblers."

The amendment was agreed to.

The next amendment was, in the appropriations for "collecting internal revenue," after the word "dollars," in line 1144, to insert the following proviso:

*Provided*, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employés be increased beyond the salaries paid during the last fiscal year, exclusive of the number employed under the said act defining butter, &c.

The amendment was agreed to.

The next amendment was, in line 1154, to increase the appropriations "for salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses," from $1,900,000 to $1,950,000.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). In line 1169 there is evidently an error in the print. The word "two" is repeated.

Mr. ALLISON. In line 1169 I move to strike out the word "two" where it first occurs, so as to read "twenty-two hundred."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1207, to reduce the appropriation for the salary of the assistant treasurer at New Orleans from $4,500 to $4,000; and in line 1214, to reduce the total from $15,390 to $14,890.

The amendment was agreed to.

The next amendment was, in line 1269, in the items for the office of assistant treasurer at Philadelphia, after the word "seven" to insert the word "hundred;" so as to read:

Seven watchmen, at $720 each.

The next amendment was, in the items for the "office of assistant treasurer at Saint Louis," line 1279, after the word "seven," to insert the word "hundred;" so as to read:

Three watchmen at $720 each.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1303.

Mr. ALLISON. At the request of the Senator from Nevada [Mr. JONES] I ask that the amendments of the committee, contained in the paragraphs from line 1303 to line 1320, relating to the mint at Carson, Nev., be passed over.

The PRESIDING OFFICER. The amendments will be passed over for the present.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener;

A bill (H. R. 8620) granting relief to Henry Durkee; and

A bill (H. R. 8599) providing an additional circuit judge in the second judicial circuit, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions of the Senate:

A concurrent resolution authorizing the printing of the report of the Commissioner of Education for 1885 and 1886;

A concurrent resolution authorizing the Public Printer to deliver to the Commissioner of Education 1,000 copies of report on education in Alaska, by Jackson, printed in compliance with concurrent resolution of August 2, 1886;

A concurrent resolution to print 4,000 additional copies of Wharton's Digest of International Law;

A concurrent resolution to print the report of the Commissioner of Fish and Fisheries for the year 1886; and

A concurrent resolution to print copies of a compilation of the laws of the United States relating to the improvement of rivers and harbors.

The message also announced that the House had passed the joint resolution (S. R. 117) to authorize the use of hot water off the Government reservation at Hot Springs, Ark.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 10799) for the relief of Saint Dominic's church, in the District of Columbia;

A bill (H. R. 2629) for the relief of William M. Morrison;

A bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands;

A bill (H. R. 10991) to quiet title to certain land in the city of Washington, D. C.; and

A bill (H. R. 10912) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes.

## HOUSE RESOLUTIONS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

Joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887;

Joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands; and

Joint resolution (H. Res. 257) to print a revised edition of the report of the Agricultural Department on insects affecting the orange culture.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 1327, after the word "nine," to insert the word "hundred;" so as read:

Mint at Denver, Colo.: For salary of the assayer in charge, $2,500; for melter, $2,250; chief clerk, $1,800; one clerk, at $1,600; one clerk, at $1,400; assistant assayer, $1,400; in all, $10,950.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for assay-office at Boisé City, Idaho Ter., after line 1390, to insert:

For repairs of building, $1,500.

The amendment was agreed to.

The next amendment was, in the appropriations for assay-office at Saint Louis, Mo., in line 1433, to reduce the appropriation "for incidental and contingent expenses, including labor," from $3,000 to $2,400.

The amendment was agreed to.

The next amendment was, under the head of "government in the Territories," in the clause making appropriations for the "Territory of Dakota," in line 1463, after the word "office," to insert "repairs and purchase of furniture," and in line 1464, after the word "thousand," to insert "five hundred and fifty;" so as to read:

For legislative expenses, namely: For stationery and blanks for secretary's office, fuel and lights, messenger and porter and care of Government property, clerk in secretary's office, repairs and purchase of furniture, and incidental expenses, $2,550.

The amendment was agreed to.

The next amendment was, in the appropriations for "Territory of New Mexico," in line 1504, after the word "porter," to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

For legislative expenses, namely: For light, fuel, casing, carpets and furniture, stationery and record-books, postage and incidentals, clerk, messenger and porter, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "War Department," in line 1577, after the words "class three," to insert:

One clerk of class 3 for the retired General of the Army.

The amendment was agreed to.

The next amendment was, in line 1585, to increase the total amount of the appropriation for "compensation of the Secretary of War, and the clerks and employés in his office" from $111,850 to $113,450.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of the Quartermaster-General's Office," in line 1633, before the word "agents," to strike out "five" and insert "ten;" so as to read:

Ten agents for investigating claims, at $1,400 each.

The amendment was agreed to.

The next amendment was, in line 1644, to increase the total amount of appropriations for "Office of the Quartermaster-General" from $175,355 to $182,355.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1754 to line 1766, inclusive, as follows:

That the offices and clerical force of the Quartermaster-General, Commissary-General, Paymaster-General, Chief of Engineers, Bureau of Military Justice, Chief of Ordnance, so much of the clerical force of the Adjutant-General's Office now occupying rented buildings, and so much of the office and clerical force of the Surgeon-General's Office as can not be accommodated in the building for the Army Medical Museum and Library, shall, on or before the 31st day of January, 1888, be removed to the west and center wing of the State, War, and Navy Department building, and to occupy such rooms therein as may be assigned to them by the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 1772, after the word "until," to strike out "January" and insert "March;" in line 1777, before the word "hundred," to strike out "fourteen thousand six" and insert "eighteen thousand eight;" in line 1778, after the word "until," to strike out "September 30" and insert "December 1;" in line 1781, after the words "Surgeon-General's Office," to strike out "one thousand three hundred and seventy-five" and insert "two thousand two hundred and ninety-two;" and after the word "all," at the end of line 1782, to strike out "twenty-five thousand seven hundred and sixty-five" and insert "thirty thousand eight hundred and eighty-two;" so as to make the clause read:

For rent of buildings for use of the War Department, as follows: For the Signal Office, $7,500; for medical dispensary, Surgeon-General's Office, $1,000; for the Rebellion Record Office, $1,200, for a period not longer than until March 31, 1888; for the Adjutant-General's Office, Quartermaster-General's Office, Commissary-General's Office, Paymaster-General's Office, a portion of the Surgeon-General's Office, and for the Chief of Engineers' Office, $18,890, and for a period not longer than until December 1, 1887; for use of a portion of the Surgeon-General's Office, $2,292; in all, $30,882.

The amendment was agreed to.

The next amendment was, after line 1784, to insert:

To defray the expenses attending the unveiling of the statue of the late Maj. Gen. James A. Garfield, President of the United States, to be erected in the city of Washington, District of Columbia, $1,500, or so much thereof as may be required, to be expended under the direction of the Secretary of War, and to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in line 1868, to increase the total amount of appropriations for compensation of "Secretary of the Navy and the clerks and employés in his office," from $49,530 to $59,530.

The amendment was agreed to.

The next amendment was, in line 1887, before the word "laborers," to strike out "two" and insert "three;" after the word "laborers," to insert "one clerk at $1,000, for office of naval intelligence," and in line 1889, after the word "all," to strike out "eleven thousand three hundred and forty" and insert "thirteen thousand;" so as to make the clause read:

Bureau of Navigation: For chief clerk, $1,800; one clerk of class 3; two clerks of class 2; one clerk of class 1; one clerk, at $1,000; one copyist; one assistant messenger and three laborers; one clerk, at $1,000, for office of naval intelligence; in all, $13,000.

The amendment was agreed to.

The next amendment was, in the appropriations for Hydrographic Office, in line 1936, after the word "rates," to strike out "one thousand three hundred" and insert "two thousand dollars;" so as to read:

For rent of building for printing-presses, draughtsmen and engravers, storage of copper-plates and materials used in the construction of printing charts, and for repairs and heating of the same, and for gas, water, and telephone rates, $2,000.

The amendment was agreed to.

The next amendment was, in line 1944, after the word "established," to strike out "five thousand" and insert "seven thousand five hundred;" so as to make the clause read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, New Orleans, and San Francisco, including furniture, fuel, lights, rent and care of offices, car-fare and ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, $7,500.

The amendment was agreed to.

The next amendment was in the appropriation for "office of Judge-Advocate-General, United States Navy," to strike out lines 2008 and 2009, as follows:

For professional books and periodicals for Department library, $1,000.

The amendment was agreed to.

The next amendment was under the head of "Department of the Interior," in line 2018, after the word "hundred," to insert the word "dollars;" so as to read:

For compensation of the Secretary of the Interior, $8,000; First Assistant Secretary, $4,500.

The amendment was agreed to.

The next amendment was, in the same clause, line 2023, before the word "additional," to strike out "six" and insert "nine;" and in line 2026, after the word "constitute," to strike out "two" and insert "three;" so as to read:

Nine additional persons to be appointed by the Secretary of the Interior to aid him in determining appeals from the Commissioner of Pensions, and from whom he may constitute three additional boards of pension appeals, whose opinion shall be filed in the case, whose term of service shall expire at the close of the fiscal year 1888, at $2,000 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 2038, before the word "clerks," to strike out "five" and insert "seven;" so as to read:

Seven clerks of class 4.

The amendment was agreed to.

The next amendment was, in line 2039, before the word "clerks," to strike out "seven" and insert "eight;" so as to read:

Eight clerks of class 3.

The amendment was agreed to.

The next amendment was, in the same clause, line 2044, before the word "clerks," to strike out "ten" and insert "fifteen;" so as to read:

Fifteen clerks of class 1.

The amendment was agreed to.

The next amendment was, in the same clause, line 2050, after the word "dollars," to insert:

Four clerks at $1,000 each; two copyists at $900.

Mr. ALLISON. In line 2051, I move to insert the word "each" after "dollars;" so as to read:

Two copyists, $900 each.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in the same clause, line 2053, before the word "assistant," to strike out "seven" and insert "nine," and in the same line, before the word "laborers," to strike out "thirteen" and insert "fourteen;" so as to read:

Nine assistant messengers; fourteen laborers.

The amendment was agreed to.

The next amendment was, in the same clause, line 2064, to increase the total amount of the appropriation for compensation of the Secretary of the Interior, Assistant Secretaries, clerks, and employés in the office from $175,390 to $195,370.

The amendment was agreed to.

The next amendment was, in line 2075, before the word "law," to strike out "three" and insert "eight;" after the word "dollars," at the end of line 2077, to insert "and five at $2,000 each;" in line 2078, after the word "each," to strike out "seven" and insert "five;" in line 2081, before the word "hundred," to strike out "six" and insert "eight;" and in the same line, after the word "all," to strike out "twenty-four thousand seven" and insert "thirty-two thousand nine;" so as to make the clause read:

Office of Assistant Attorney-General: For eight law clerks, one at $2,750, one at $2,500, one at $2,250, and five at $2,000 each; five clerks, at $2,000 each; one clerk of class 3; one clerk, who shall act as stenographer, at $1,800; in all, $32,900.

The amendment was agreed to.

The next amendment was, in the appropriations for "Indian Office," in line 2121, before the word "division," to strike out "land;" in line 2123, after the word "four," to insert "one who shall have charge of the educational division;" so as to make the clause read:

Indian Office: For compensation of the Commissioner of Indian Affairs, $4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, $3,000; one financial clerk, at $2,000; chief of division, at $2,000; one principal bookkeeper, $1,800; five clerks of class 4, one of whom shall have charge of the educational division; eight clerks of class 3; one draughtsman, at $1,600; one stenographer, at $1,600; ten clerks of class 2; fifteen clerks of class 1; nine clerks, at $1,000 each; twelve copyists; one messenger; two assistant messengers; one laborer; one messenger boy, at $360; two charwomen, at $240 each; in all, $93,380.

The amendment was agreed to.

The next amendment was, in the appropriations for "Pension Office," in line 2172, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to read:

For per diem, when absent from home on duty, for special examiners, or other persons employed in the Pension Office detailed for the purpose of making special investigations of matters pertaining to the Pension Bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, $250,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "United States Patent Office," in line 2210, before the word "chiefs," to strike out "thee" and insert "three;" so as to read:

Three chiefs of division, at $2,000 each.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Education," in line 2271, after the word "thousand," to insert "one hundred and seventy-five;" so as to make the clause read:

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, $1,175.

The amendment was agreed to.

The next amendment was, in line 2274, before the word "thousand," to strike out "two" and insert "three;" so as to read:

For collecting statistics for special reports and circulars of information, $3,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Labor," after line 2296, to insert:

To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for surveyors-general and other clerks, in line 2410, after the word "thousand," to insert "dollars;" so as to read:

For surveyor-general of Minnesota, $1,800; and for the clerks in his office, $2,000; in all, $3,800.

The amendment was agreed to.

The next amendment was, in line 2464, after the word "office," to strike out "one" and insert "two;" and in line 2465, after the word "all," to strike out "three" and insert "four;" so as to read:

For surveyor-general of Oregon, $1,800; and for the clerks in his office, $2,500; in all, $4,300.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," in the appropriations for office of First Assistant Postmaster-General, after the word "delivery," in line 2515, to increase the appropriation for free delivery from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 2522, to increase the total amount of the appropriation for office of the First Assistant Postmaster-General from $110,900 to $111,400.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2584.

The PRESIDING OFFICER (Mr. MANDERSON). In line 2583 the word "at" is duplicated. By common consent one will be stricken out.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 1413) for the relief of settlers and purchasers of land on the public domain in the States of Nebraska and Kansas, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPRINGER, Mr. SOWDEN, and Mr. LAIRD managers at the conference on the part of the House.

The message also announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, and William H. Cole.

REPORT OF COMMISSIONER OF LABOR.

Mr. HAWLEY. The Senator in charge of the bill kindly intimated that he would yield that I might have two matters of current printing passed. I report from the Committee on Printing and ask unanimous consent for the consideration of the House joint resolution concerning the printing of the annual report of the Commissioner of Labor.

The PRESIDING OFFICER. The joint resolution will be read for information.

The joint resolution was read, as follows:

A joint resolution (H. Res. 264) providing for printing the annual report of the Commissioner of Labor.

*Resolved by the Senate and House of Representatives, &c.*, That there be printed 39,000 copies, in cloth binding, of the second annual report of the Commissioner of Labor; 26,000 copies for the use of members of the House of Representatives and 13,000 copies for the use of members of the Senate.

SEC. 2. That the sum of $19,994.30, or so much thereof as may be necessary to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON CONGO COUNTRY.

Mr. HAWLEY. One more is a resolution of the Senate simply. The Secretary of the Navy asked for a thousand extra copies of the report of Lieutenant Taunt, who has made an expedition to the Congo country. The Committee on Printing has added 500 copies for the Senate and changed the resolution accordingly. We report a substitute for the resolution.

The PRESIDING OFFICER. The substitute reported by the Senator from Connecticut will be read.

The Chief Clerk read as follows:

*Resolved*, That 1,500 additional copies of the report of Lieutenant Taunt, United States Navy, Executive Document No. 77, be printed, with the accompanying map, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the Secretary of the Navy.

The amendment was agreed to.

The resolution as amended was agreed to.

STATISTICAL ABSTRACT FOR 1886.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 15,000 additional copies of the statistical abstract of the United States for the year 1886, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

CRUISE OF THE CORWIN.

The PRESIDING OFFICER laid before the Senate the following concurrent resolutions from the House of Representatives; which were referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 5,000 copies each of the reports of Capt. M. A. Healy, United States revenue marine, with all accompanying charts and documents, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the years 1884 and 1885, and that the Secretary of the Treasury be requested to transmit to the House any charts, drawings, and maps relating thereto not heretofore transmitted.

*Resolved, further* That of the 5,000 copies each of the above reports, 1,000 shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,000 for the use of the Treasury Department.

REPORT ON PRECIOUS METALS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing.

*Resolved by the House of Representatives (the Senate concurring)*, That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1886 be printed, and that 9,000 extra copies be printed, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

COMPILATION OF COMMITTEE REPORTS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate for the printing of the indexes to the compilation of House and Senate reports of committees provided for in public resolution 24, first session, Forty-ninth Congress, which was to add at the end of the resolution the following proviso:

*Provided*, Said compilation of reports shall include reports of Senate and House of Representatives of the Forty-ninth Congress.

The PRESIDING OFFICER. The amendment will be referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8599) providing an additional circuit judge in the second judicial circuit, and for other purposes;

A bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener;

A bill (H. R. 8593) for the repair and preservation of the road heretofore constructed by the Government leading from Vicksburg to the national cemetery adjacent thereto;

A bill (H. R. 4476) for the relief of Alexander Worrall; and

A bill (H. R. 6663) for the relief of Thomas P. Westmoreland.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "judicial," in the appropriations for office of Attorney-General, in line 2659, after the word "claims," to strike out "three thousand five hundred" and insert "four thousand;" so as to read:

Examiner of claims, $4,000.

Mr. EDMUNDS. I should like to have the Senator in charge of the bill explain that. What has been the salary heretofore?

Mr. ALLISON. This is the examiner of claims in the State Department. It is the position now occupied by Mr. Wharton. The appropriation for a good many years has been $3,500 per annum. The law provides a salary of $4,000, and a majority of the committee after investigation recommended that the salary be appropriated for as provided by law.

Mr. EDMUNDS. The law creating the office?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. Where is that, in the organization of the Department?

Mr. ALLISON. In the organization of the Department of Justice.

Mr. EDMUNDS. Let the amendment be adopted, and if it is necessary to go back to it we can do so.

The amendment was agreed to.

Mr. ALLISON. I think to make that understood hereafter, that after the words "examiner of claims" the words "State Department" should be inserted.

Mr. EDMUNDS. In parenthesis.

Mr. ALLISON. Let them be put in parenthesis.

The PRESIDING OFFICER (Mr. MANDERSON). That amendment will be made unless there be objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in lines 2678 and 2679, to increase the total appropriation for compensation of the Attorney-General and

the assistants, clerks, and employés in his office from $112,610 to $113,110.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of the Solicitor of the Treasury, in line 2704, before the word "dollars," to insert "five hundred;" in line 2705, after the word "dollars," to strike out "three" and insert "four;" in line 2706, after the word "three," to strike out "four" and insert "two;" in line 2707, after the word "two" to insert "two clerks of class 1;" and in 2708, after the word "all," to strike out "twenty-six thousand one hundred" and insert "twenty-eight thousand;" so as to read:

Office of the Solicitor of the Treasury: For compensation of the Solicitor of the Treasury, $4,500; assistant solicitor, $3,000; chief clerk, $2,000; four clerks of class 4; three clerks of class 3; two clerks of class 2; two clerks of class 1; one assistant messenger; and one laborer; in all, $28,080.

The amendment was agreed to.

The next amendment was, in the appropriation for the Court of Claims, line 2743, after the word "dollars," to strike out "one clerk, $1,200," and insert "two clerks, at $1,200 each;" and in line 2745, after the word "dollars" to strike out "thirty thousand" and insert the words "thirty-two thousand;" so as to make the clause read:

Court of Claims:
For salaries of five judges of the Court of Claims, at $4,500 each; chief clerk, $3,000; one assistant clerk, $2,000; bailiff, $1,500; two clerks, at $1,200 each; and one messenger; in all, $32,240.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. In line 300, page 13, after the words "war claims," there should be inserted "$2,000 each."

The amendment was agreed to.

Mr. ALLISON. Though I am not authorized to do so by the Committee on Appropriations, I move, in line 103, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred."

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 103, before the word "dollars," strike out "seven hundred and twenty" and insert "nine hundred;" so as to read:

One page in the document-room, $900.

Mr. EDMUNDS. I should like to hear that explained as a matter of justice to all the pages.

Mr. ALLISON. I have here a letter from the superintendent of the Senate document-room suggesting the amendment. He states in regard to this person:

I take pleasure in stating that since his appointment he has proved himself an industrious and intelligent employé, and is, in my judgment, deserving of such increase.

This young man has been in the document-room many years, and has grown up from boy to man receiving a compensation of $720 until now.

The amendment was agreed to.

Mr. HOAR. I move to amend in line 426, page 18, which will be unanimously agreed to I am quite sure, for the convenience of the Senate.

Mr. ALLISON. Will the Senator wait a moment? On line 133 I ask that the footing be corrected by adding one hundred and eighty, making the total appropriation $42,697.42.

Mr. HARRIS. Before agreeing to that amendment I desire to call the attention of the Senator from Iowa to the fact that I wish to offer an amendment in line 105 that will affect the amendment now proposed. I propose an amendment, to strike out the last word in line 105, "two," and insert "four;" and after the word "hundred," in line 106, insert "forty;" so as to read:

One assistant in the folding-room, $1,440.

I desire to say that it is simply an increase from $1,200 to $1,440 of the assistant in the folding-room.

Mr. ALLISON. I am afraid that I have been led into trouble. I had better withdraw my own amendment than to allow this.

Mr. EDMUNDS. I wish to ask the Senator from Iowa to allow an amendment——

Mr. HOAR. Perhaps, as I was recognized by the Chair and yielded merely to the Senator from Iowa, I had better make my amendment, as I desire to leave the Chamber in a moment.

The PRESIDENT *pro tempore*. The pending amendment is the change in the total of the paragraph proposed by the Senator from Iowa. Is there objection?

Mr. ALLISON. That may be suspended until we know what we are about.

The PRESIDENT *pro tempore*. Then the Chair recognizes the Senator from Massachusetts.

Mr. HOAR. I move to add, after the word "dollars," in line 426:

The Law Library to be kept open every day so long as either House of Congress is in session.

It is found very inconvenient when it is necessary to refer to statutes and other books to ascertain that the Library is closed. It seems to me the Law Library should be kept open while either House is in session. That is the desire of several Senators.

Mr. ALLISON. I agree to that.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 426, after the word "dollars," it is proposed to insert:

The Law Library to be kept open every day as long as either House of Congress is in session.

Mr. EDMUNDS. There is no objection to the amendment; it is very important and necessary for the convenience of both Houses; but I suggest to the Senator from Massachusetts that there ought to be added to it a provision appropriating a sufficient sum of money, say $1,000 or $2,000, for introducing gas or some other means of lighting the library—say electric lights, if you please. The room there is perfectly safe against fire. I suppose, unless such an appropriation be made, they can not execute the direction.

Mr. ALLISON. I will say to the Senator from Vermont that in the deficiency bill, which we hope will be reported very soon, there will be a proposition looking to the lighting of the entire Senate wing of the Capitol, including this library.

Mr. EDMUNDS. Very well; that is satisfactory.

The amendment was agreed to.

Mr. EDMUNDS. On the subject of increasing salaries, I was going to appeal to my friend from Iowa, as other people are appealing to him, to increase the salary of one of our messengers, who was a gallant soldier, and who has been standing here at the east door year in and year out, sick and diseased, and who is now a mere messenger getting $1,440 a year, when he ought to have $1,600, and he ought to be made, I think, an assistant doorkeeper.

I have stated to the friends of this gentleman that I did not think anything could be done about it at this time, because it required a change of the law, and that I did not suppose the Committee on Appropriations would consent at this late period to go into the matter of rearranging compensations. Otherwise, it would have given me the greatest pleasure to call it to their attention. If we are to go into this thing, I want to have a provision of that kind.

Mr. ALLISON. I hope we shall not go into it, and if there is a persistence in that regard I shall move to reconsider the vote by which I asked for an increase of the pay of the young man in the document-room, and I make that motion.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the vote by which the last amendment offered by him was agreed to be reconsidered.

Mr. HARRIS. I ask the Senator from Iowa to withhold that amendment for a moment to allow me to offer the amendment I suggested a while ago, and to make an explanation that will not take half a minute.

I move that in line 105 the last word in the line, "two," be stricken out and "four" inserted, and in line 106, after the first word "hundred" in that line, to insert "and forty;" the effect of which will be to make the salary of the assistant in the folding-room $1,440 instead of $1,200.

The assistant in the document-room receives a salary of $1,440, and I am informed by the Sergeant-at-Arms of the Senate that there is no more responsible position in his staff than that of this assistant, filled at present by an eminently competent man, who deserves at least the salary of a messenger. I therefore move to strike out what I have indicated and insert that which will increase the salary from $1,200 to $1,440; and I hope the Senator will allow the amendment that has already been made in respect to the page in the document-room to stand.

Mr. ALLISON. I make the point of order that this is beyond the estimates, and the salary can not be increased in this way.

The PRESIDENT *pro tempore*. The Chair thinks the point of order is well taken.

Mr. HARRIS. Necessarily, if the Senator makes it.

Mr. EDMUNDS. I give notice that when we get into the Senate I will make a point of order on the amendment made as in Committee of the Whole on the motion of the Senator from Iowa [Mr. ALLISON], not because it is not right, but because we can not go into this matter at this time.

Mr. BLAIR. I will state to the Senator from Vermont that it gives to the page in the document-room who works the year round, now having $720 only, the same compensation as the ordinary pages on the floor. His compensation long since should have been raised. It has been proposed by myself several times. It only gives this man, who is equal in the work he renders, as Mr. Smith informs me, to any of his assistants who get $1,400 a year—it simply gives him the pay of an ordinary page on the floor. I hope the Senator will not make any point on it.

The PRESIDENT *pro tempore*. The Chair will state that the question on the motion of the Senator from Iowa [Mr. ALLISON] to reconsider was not determined. The Chair will put the question on the motion to reconsider.

Mr. ALLISON. I withdraw the motion for the present.

The PRESIDENT *pro tempore*. The motion is withdrawn by leave of the Senate.

Mr. CULLOM. I desire to ask the chairman of the Committee on Appropriations what was done, if anything, with reference to the matter referred to that committee pertaining to the Surgeon-General's Office. I see on page 68 and for several pages that there seems to have been no amendment to the House bill in relation to the force in the Surgeon-General's Office. There is no increase of clerks or any additional service provided for in that department, so far as I can see, for the purpose of disposing of the work in those bureaus as rapidly as it ought to be disposed of. I should like to inquire of the Senator from Iowa, the chairman of the committee, whether the committee made an investigation of that subject so as to satisfy themselves that there was no additional clerical force necessary, or what the reason is why there was nothing additional provided.

Mr. ALLISON. Mr. President——

Mr. EDMUNDS. My friend will allow me to put a question, because it will save time for him to answer all at once in that connection. I wish to ask the chairman of the committee how much increase in the number of persons employed in the public service in the various Departments has been made by this bill over that established for last year or two years ago?

Mr. ALLISON. I will answer the question of the Senator from Vermont first. I do not think there is in this bill any increase, taking all the Departments together, over the service as it exists this year and as it existed last year. There has been an increase in the Department of the Interior over the service now provided for during the current year, and there has been a slight decrease of the clerical force in a few of the bureaus of the Treasury Department, but as a rule in the Treasury Department the clerical service as provided for in this bill for the next fiscal year is the same as that for the current year.

In the War Department the force as provided for in this bill is substantially the same as was provided for the current year.

The reason that the Committee on Appropriations recommended an increase of the force in the Interior Department was that the matter was pressed upon us by the Secretary of the Interior as strongly as it could be, he stating that it was absolutely necessary that he should have this increase in order to carry on the current business of his Department, and he sent to us a communication showing that to-day in the Department of the Interior proper there are detailed from the several bureaus of the Department forty-three clerks, and that in each and every one of the bureaus these clerks are needed for the current work of the bureaus.

Mr. EDMUNDS. What are they detailed to do?

Mr. ALLISON. They are detailed for the revision of the work of the several bureaus in the Interior Department proper. They are detailed to the Office of the Secretary of the Interior. They are detailed to the Office of the Secretary of the Interior, and he asks us to put in an increase here equal to the forty-three detailed clerks, saying that every one of these clerks is necessary in their original bureau. Instead of doing that the Committee on Appropriations have only proposed an increase of some sixteen or perhaps seventeen clerks in the Department of the Interior.

Mr. EDMUNDS. Why do you not give all that he asks for?

Mr. ALLISON. I think that is a very pertinent inquiry. The committee thought they would try and see if he could not get along with the number which we have provided for.

Mr. EDMUNDS. Then it turns out, as I understand, that in that particular Department the force that existed before was not exuberant and did not furnish fat places for the people, but was really inadequate for carrying on promptly the business that was going on there.

Mr. ALLISON. That is true. But I will say that so far as these Departments are concerned the Committee on Appropriations found that every one of them desires an increase of force and desires an increase of compensation for the existing force, with the single exception of the Treasury Department. I believe that Department has not asked for an increase of force in any of the bureaus of the Department.

Mr. EDMUNDS. Have they recommended any substantial diminution in the Treasury Department?

Mr. ALLISON. A very small diminution. They have here and there dropped a clerk or dropped a copyist, and so on.

Now, in response to the question of the Senator from Illinois [Mr. CULLOM], I will say that the Committee on Appropriations did make inquiry of the Secretary of War and asked him to make an estimate of the clerical force necessary to do what he was doing with reference to pension claims without the employment of clerks for extra hours, and the Secretary of War in answer to that request sent us a letter, inclosing a letter from the Surgeon-General and a letter from the Adjutant-General, showing the increased number of clerks required if the men now employed there are not to work over-hours. I have the letters before me. The Committee on Appropriations, however, at this late hour of the session, the day before final adjournment, did not feel itself authorized to enter upon the question of largely increasing the clerical force in the War Department and in the bureaus of that Department.

Mr. EDMUNDS. Why did not the committee consider it before?

Mr. PLATT. Is it not true at the present time that the work in the Surgeon-General's Office upon pension claims has been brought up to date?

Mr. ALLISON. I understand that the work in the Surgeon-General's Office with reference to pension claims will be up to date about the 1st of April. There has been a marked improvement in the clerical force in that office.

I will say in response to the Senator from Vermont that the Committee on Appropriations have made these inquiries as rapidly as they could make them, but the Senator must remember that this bill only came to the Committee on Appropriations yesterday morning.

The Adjutant-General asks for twenty-five additional clerks, and the Surgeon-General for an additional number.

I want to say one further word respecting this bill. It came to the Committee on Appropriations yesterday morning in print. It came there an entirely different bill from the bill that was printed in the House of Representatives originally. The Committee on Appropriations of the Senate had made such investigation of that bill as they could make from time to time in advance, but it is impossible to make up these bills with accuracy in advance of their presentation to the Senate, so that this bill came to the Committee on Appropriations only yesterday morning. We spent the entire day and night, until 11 o'clock, on it, and we were convinced that in many of these bureaus it would be necessary to have additional clerks if the current work was to be brought up to date.

Mr. CULLOM. Will the Senator allow me to make an inquiry?

Mr. ALLISON. Yes, sir.

Mr. CULLOM. I desire to inquire of the chairman of the Committee on Appropriations whether he knows of any other committee of either branch of Congress which has had any communication from the War Department asking for additional service for the purpose of performing this work without requiring the clerks to work at night, out of hours and without extra pay, before the present communications of which he has spoken.

Mr. ALLISON. There was no additional estimate, I think, for clerical force in the War Department, or at least there was an estimate for a small additional force and an estimate for increased compensation of clerks already there; but this letter is in response to a telegram sent by the Committee on Appropriations to the Secretary of War after the resolution of the Senator from Illinois had been referred to it.

Mr. CULLOM. I am not surprised that the Committee on Appropriations, having but one day after getting possession of this important bill, should desist from adding very largely to it, because everybody knows that the proper consideration of such a bill ought to require, not one day, but two weeks, in order to thoroughly understand just what ought to be in it and what ought not.

I have been very anxious myself, and I desire it understood now, that as long as the Government undertakes to make a portion of the clerks work beyond the ordinary hours of a day's work, requiring of them, subject to being dismissed for refusal, to go to the Department and work three or four hours of the night, I shall insist upon making war upon that sort of proceeding against these poor men occupying those places who are expecting if they do not obey that sort of an order to be dismissed summarily from the service and turned out upon the cold world. I do not think it is right that an order of that sort should be enforced. This Government is well enough able to make such appropriations as are necessary in order to pay the force that is required to do the work and do it promptly in the settlement of pension claims and other claims of the soldiers of the country on the Government.

Mr. TELLER. The claim made by the present Secretary of the Interior of the lack of force in his office is a well-founded claim, and the evil has been complained of by his predecessors for a number of years. I only regret that the committee should have declined to give him the full number that it is necessary for him to have that he may return to the several bureaus to which they belong the clerks already detailed.

The committee have given him fifteen or sixteen clerks. Three of those are for the purpose of disposing of pension appeals. There are a great number of appeals pending in that Department from the Commissioner of Pensions; appeals that come up and must be examined—two or three thousand of them lying there now, as I understand, unacted upon. A Senator near me says they are six months behind. These three men can only take a very small number of these cases and do justice to the Government and do justice to the parties lodging their appeals for examination. I think it is greatly to be regretted that the committee did not give the Secretary of the Interior the full complement that he asked for—forty-three clerks.

I think it is to be regretted also that the committee did not give to the Commissioner of Pensions an additional force to enable him to dispose of the new cases that will come up under what is called the Mexican pension bill.

I do not believe that there is any economy and I do not believe it meets with the approbation of the people of the United States to compel an Executive Department of the Government to proceed in its business with less force than is necessary to do the business with celerity. The people want their business done promptly and well, and I think we should have had in this bill the full force asked for by the head of the Department unless the Appropriations Committee are prepared to say that in their judgment the head of the Department has asked for more than is necessary. I am prepared to certify that he has not asked

for a single man that he did not need and that has not been imperatively needed in that office for several years past.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. In line 133 it is proposed to change the total amount of the appropriation for "Office of Sergeant-at-Arms and Doorkeeper" from $142,517.42 to $142,697.42.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 5935) to remove the charge of desertion against William Figley, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WHEELER, Mr. ERMENTROUT, and Mr. CUTCHEON managers at the conference on the part of the House.

AMENDMENT TO DEFICIENCY BILL.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 834) for the relief of John A. London, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WHEELER, Mr. WOLFORD, and Mr. STEELE managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WHEELER, Mr. VIELE, and Mr. NEGLEY managers at the conference on the part of the House.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 9860) to correct the record of the military service of James W. Kingon, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WHEELER, Mr. DARGAN, and Mr. LAIRD managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 38) for the relief of Alfred Hedberg, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANDERSON, of Ohio, Mr. WHEELER, and Mr. NEGLEY the managers at the conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. TELLER. In the appropriations for "Office of Director of the Mint," after the word "dollars," in line 1028, I move to add:

*Provided*, That no charge for transportation shall be made against any person or persons depositing gold for sale or coinage to any mint or assay office of the United States, under the provisions of sections 3519, 3544, 3545, and 3553 of the Revised Statutes of the United States.

The amendment was agreed to.

Mr. MILLER. On page 4, line 70, after the words "Public Buildings and Grounds," I move to insert "clerk to the Committee on Agriculture and Forestry."

The amendment was agreed to.

Mr. CONGER. On page 39, line 946, I move to increase the appropriation for the salary of the principal clerk and accountant of the Life-Saving Service, who is chief clerk and manager, from $1,800 to $2,000.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 946, after the word "accountant," it is proposed to strike out $1,800 and insert $2,000; so as to read:

One principal clerk and accountant, $2,000.

Mr. ALLISON. I make the point of order on that if I can. It is not estimated for.

The PRESIDENT *pro tempore*. The Senator from Iowa will state his point of order.

Mr. ALLISON. It is not estimated for.

Mr. CONGER. This has been recommended by the Secretary of the Treasury, and that relieves the amendment of the point of order.

Mr. ALLISON. I will say to the Senator that the Secretary of the Treasury does recommend this increase, but he recommends forty or fifty other increases, and the Committee on Appropriations could not go into this question at this late day of the session.

Mr. CONGER. The Life-Saving Service and the officers of it, I think, have the most laborious and most responsible duties to perform of almost any service in all the offices without exception, as I have found by looking over them.

Mr. ALLISON. Before the Senator proceeds I must say that I was mistaken in reference to the matter of estimates. This is estimated for. So I can not insist upon the point of order.

The PRESIDENT *pro tempore*. The point of order is withdrawn.

Mr. CONGER. I will not discuss the matter. Everybody familiar with the subject knows that the Life-Saving Service has grown to such proportions, and is so familiar to the people, is managed so well that it demands that the chief clerk and accountant in charge of the service should have more salary than an ordinary clerk. This is the sum recommended by the Secretary of the Treasury and the Superintendent of the Life-Saving Service, Mr. Kimball, whom we all recognize as one of the most economical and careful men in the public service. He urges the increase of the salary of this clerk, who is overworked continually; and I hope there will be no objection.

Mr. ALLISON. I hope this amendment will not be agreed to, because if it is we shall have any number of other applications.

Mr. CONGER. I do not wish to detain the Senate on the subject; but this recommendation has been made two years in succession, and to my own personal knowledge the services performed by this officer in a service which is very dear to me, of which I am proud, and of which the whole people of the country are proud, when compared with like services in other officers, are such that to pay him several hundred dollars less than is paid in other Departments with corresponding duties is gross injustice. I hope the amendment will be supported by all those who are in favor of maintaining the Life-Saving Service of the United States.

Mr. ALLISON. If this amendment is agreed to it is the beginning of a series of amendments which will change the bill materially. Here sits the Senator from Colorado [Mr. TELLER] by me, who is preparing an amendment looking to the increase of the compensation of ten or twelve persons in the General Land Office. They are also estimated for. The Book of Estimates is full of proposed increases in the clerical compensation of the force in the Departments. So that if the Senate at this late hour of this late day is to enter on the question of increasing the compensation in all the Departments of the Government it will vote for this increase.

Mr. CONGER. That is no answer to my proposition. The fact that there are other good things which ought to be done is no reason why other good things that are proposed should not be done. I do not know about the others; but about this I do not know that there ought to be an increase; that no person performing like duties receives so small a compensation in any Department of this Government. I think the performance of the duties of the Life-Saving Service, the vast number of lives, the great amount of property saved by that service to the people and to the United States, demand that we should give at least to the clerk a reasonable compensation. I ask for but one, though there are several others that ought to be increased. I trust the friends of the Life-Saving Service will save my motion.

Mr. ALLISON. I move to lay the amendment on the table.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 19; as follows:

YEAS—30.

| | | | |
|---|---|---|---|
| Aldrich, | Coke, | Ingalls, | Sherman, |
| Allison, | Cullom, | Jones of Arkansas, | Vance, |
| Beck, | Edmunds, | Mahone, | Vest, |
| Berry, | Eustis, | Morgan, | Walthall, |
| Blackburn, | Frye, | Morrill, | Whitthorne, |
| Camden, | George, | Payne, | Wilson of Iowa. |
| Chace, | Hampton, | Ransom, | |
| Cockrell, | Hawley, | Sewell, | |

NAYS—19.

| | | | |
|---|---|---|---|
| Blair, | Dolph, | Mitchell of Oreg., | Teller, |
| Bowen, | Farwell, | Palmer, | Van Wyck, |
| Cheney, | Jones of Nevada, | Pugh, | Voorhees, |
| Colquitt, | Manderson, | Sawyer, | Williams. |
| Conger, | Miller, | Stanford, | |

ABSENT—27.

| | | | |
|---|---|---|---|
| Brown, | Gibson, | Jones of Florida, | Plumb, |
| Butler, | Gorman, | Kenna, | Riddleberger, |
| Call, | Gray, | McMillan, | Sabin, |
| Cameron, | Hale, | McPherson, | Saulsbury, |
| Dawes, | Harris, | Maxey, | Spooner, |
| Evarts, | Harrison, | Mitchell of Pa., | Wilson of Md. |
| Fair, | Hoar, | Platt, | |

So the amendment was ordered to lie on the table.

Mr. TELLER. In the General Land Office there are ten divisions presided over by chiefs of division receiving $1,800 a year. In every one of those divisions I think there are one or more clerks receiving the same salary that the chief of the division receives. The Department for a number of years has estimated for the payment of these chiefs at from $2,000 to $2,500, but Congress has always allowed their salaries to remain at $1,800. During this session the Senate, without a dissenting voice, passed a bill to provide for the payment to these ten principal chiefs of a salary of $2,000 per annum. I understand a

respectable scrutiny was given to the question in another body and it found so far as the committee was concerned a favorable response, but it has not yet become a law. Now, it seems to me that it is hardly consistent with good administration that the chief of a division shall receive exactly the same as his subordinates, or some of them at least. I therefore move an amendment that these ten principal chiefs receive a salary of $2,000 per annum. I offer the amendment to come in on page 85, line 2094.

The PRESIDENT *pro tempore*. The amendment proposed will be read.

The CHIEF CLERK. On page 85, line 2094, it is proposed to insert:

That there shall be in the General Land Office ten principal clerks, chiefs of division, to be appointed by the Secretary of the Interior, who shall receive a salary of $2,000 each per annum.

Mr. ALLISON. Of course I can not make the point of order on this amendment, because it is estimated for. Therefore I move to lay it on the table.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to lay on the table the amendment proposed by the Senator from Colorado.

The motion was agreed to.

Mr. TELLER. In view of the recent vote I shall not call for the yeas and nays upon it, because it seems to be the opinion of the Senate not to raise these salaries.

Mr. MORGAN. I offer an amendment, in line 2154, before the word "hundred," to strike out "two" and insert "one," and in line 2155, after the word "each," to insert:

Fifty at $840 each, and fifty at $720 each.

I ask that the amendments be reported in connection.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to amend in line 2154, page 88, after the words "sixty-one clerks of class one," so as to make the clause read:

One hundred clerks at $1,000 each, fifty at $840 each, and fifty at $720 each.

Mr. MORGAN. It will be observed that the amendment I offered reduces the appropriation. I suppose therefore neither this House nor the other will have any objection to it on that account.

I desire to take out of the class of one-thousand-dollar clerks, of which there are two hundred reported in the bill, one hundred of them, fifty of whom shall receive $840 a year and fifty, $720. My purpose is to enable a large number of persons to have the opportunity of rendering the Government of the United States this service, merely copying service, no more, without having to undergo the thorns of the civil-service examination.

I desire to say to the Senate what I suppose almost every Senator here knows, that in consequence of the stringency of the civil-service regulations a large number of persons are found in Washington city to whom the offices are not accessible, who are quite as respectable as any that are inside the offices and quite as competent to perform the duties of copyists and work like that as any who are in these offices. Many of them have been employés of the Government heretofore in the Census Bureau and in other bureaus that have had a sort of ephemeral existence. I have had persons that I knew to be competent, intelligent, educated people of the very best character come to me in the Senate Chamber, send their cards to me in the Senate Chamber to see me in the Marble room, to get places of the kind that I think we ought to prepare for them in this bill, whose cheeks were actually blanched with hunger in making the application.

The application of the civil-service regulations to a mere copyist, one that is to sit down at a book and take off the contents of a piece of paper and transfer them, is something that in itself is entirely ridiculous.

More than that, there is a defect in the civil-service rules and in the civil-service law, as administered, that ought never to have been allowed to creep in. An applicant for a civil-service examination has nothing to do but to get some respectable friend or some person who has a good character for respectability to give him a certificate of character, or of an acquaintance for two, three, or four years, and to get a surgeon's certificate of physical ability, and himself make an affidavit which perhaps does not contain the truth—and if it does not nobody can ever find it out—as to what the person's profession and calling in life has been, what his character is, what he can do or not do, and elect himself to office, provided he has a sufficient amount of education to pass a decent examination before the civil-service examiners.

Now, I believe that if the chiefs of these different bureaus and of the Departments had the right of selection as to a number of these people they would get very much better characters than those who are now in office in the city of Washington. It can be pointed out by Senators on this floor that there are persons who have thus imposed themselves upon the Government of the United States who are totally unworthy in character. There is no chance of preventing it. These examinations are made *ex parte*. They are entirely private. Nobody knows who is going to apply to the Civil Service Commissioners to be admitted to office. So persons put in their applications for examination, they get the certificate of friends who are indulgent to them or who perhaps know very little about them they undergo the examination they are selected upon the papers referred to the chief of the Department or bureau, they are judged entirely by the amount of education that they appear to possess as shown on the face of the papers, and the question of their actual worth, their private character, is never brought to the attention of the Commissioners or the bureau officers.

I protest that we ought not to cut off these people, many of whom have come to Washington city years ago under the invitation of this Government to be appointed to office, and who are now more competent than many persons of the same grade to be found in the offices in this city.

We ought not to cut them off from any chance whatever when they will come and render to the Government of the United States service just as good or better for $840 a year or $720 a year that we are now paying a thousand dollars a year for.

Let there be competition in respect to these appointments in some other direction as well as in the direction of education. Let the Government see whether or not it can not employ people to do this copying work who are entirely competent to do it without paying a thousand dollars a year for it.

Sir, an exclamation of joy would arise throughout this city to-day if the Congress of the United States would provide one hundred places where poor starving women in this town could get employment who are just as respectable and just as competent as any that are in office.

Mr. TELLER. I should like to suggest to the Senator from Alabama that the amendment in the shape he puts it, as I understand, will not accomplish what he proposes.

Mr. MORGAN. Why not?

Mr. TELLER. It will simply reduce the salary of one hundred clerks already there.

Mr. MORGAN. These are not graded clerks. They are below class 1.

Mr. TELLER. The bill provides for "two hundred clerks at $1,000 each." Now the Department has those two hundred clerks already in. If the Senator strikes out "two" and inserts "one," he will either have discharged one hundred of these clerks, or those one hundred clerks will take this salary.

If the Senator will move his amendment so as to provide an additional force in the office he will accomplish his object, and there is great force in what he has said; and otherwise he will do very great damage and injury to the clerks already there by reducing their salary from $1,000 to $720 or $840, or else turning them out, one or the other.

Mr. MORGAN. I would be very willing indeed to put an additional force of one hundred clerks in that office, but the committee have not recommended it, and I suppose it would have a very serious effect on the bill.

Mr. HARRIS. Will the Senator from Alabama allow me to inquire of the Senator from Iowa if any additional clerical force has been allowed the Pension Office in this bill for the execution of the Mexican pension law?

Mr. ALLISON. There has been a very small addition; indeed I may say no addition; but the Commissioner of Pensions, I understand—though I only speak now from having heard this by word of mouth—hopes that the Mexican pension bill will be executed presently before the 1st of July, and provision is to be made in the deficiency bill for a sufficient force to enable him to execute that law up to the 1st of July.

Mr. HARRIS. That is, perhaps, the proper bill; but he needs two hundred and twenty-one additional clerks with which to execute the Mexican pension law in his opinion by the 1st of July.

Mr. ALLISON. Of course he will need them if the work is to be all done in fifteen or twenty days, but the Mexican war pensions of course will be disposed of within a very few months.

Now, I will say in response to the Senator from Alabama [Mr. MORGAN] that we have appropriated in this bill precisely as the clerical force now stands in the Pension Bureau.

Mr. MORGAN. I am aware of that.

Mr. ALLISON. One or two things will happen if the Senator's amendment should be adopted, namely, that the clerks now there employed will be summarily dismissed with all their experience, with all their knowledge of the business, and one hundred or two hundred new people must come in without any knowledge whatever of the business, and thus the whole service will be disrupted for four or five or six months without any material benefit to the service.

Mr. MORGAN. Now, perhaps the chairman of the Committee on Appropriations will not be indisposed to answer this question: In the provision made in the deficiency bill do the rules of the civil-service examination apply to these additional clerks?

Mr. ALLISON. The deficiency bill, I am sorry to say, is under process now of construction, in a condition of evolution, and I do not know certainly whether it will come out with a classified service, or whether it will come out with a lump sum. Of course if it comes out with a lump sum it will be in the discretion of the Secretary of the Interior, but if it appears with a classified service, of course all those from $900 and above must be passed through the ordeal of the Civil Service Commission.

Mr. MORGAN. I was not aware of course what the deficiency bill

would contain, as it has not been reported to the Senate, and I was not aware that any other opportunity would be presented for considering this question than the one that is presented on this bill; but finding that another opportunity is to arise on the deficiency bill that is to meet my views, I withdraw my motion.

Mr. ALLISON. I am much obliged to the Senator. That will enable us to get on.

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Alabama withdraw his amendment?

Mr. MORGAN. Yes, sir; because I am very glad to know that the Committee on Appropriations find it necessary to make an appropriation in the deficiency bill; rather a curious bill to put it on, however, I think.

Mr. ALLISON. It is for the current year, and the only bill to which it belongs.

Mr. MORGAN. I am very glad to know that this additional force is to be given for the purpose of executing the Mexican pension law. Of course I shall be glad also to know that it is only for six months; but I shall greet with joy, and relief too, if we can assist these poor people in the District of Columbia who are entirely competent to do this work, even by giving them a lease upon life for six months in the bread that they can earn in the service of the United States.

Mr. ALLISON. Now, I ask the Senator to return to page 54. There is a series of amendments there relating to the mint at Carson, which the Senator from Nevada [Mr. JONES] asked me to withhold until he could be present.

Mr. JONES, of Nevada. I hope the committee will not insist on the amendments relative to the Carson mint.

A year or two ago that mint was reduced to an assay office, not by law, but by a Treasury order (an order entirely unauthorized, as I think), greatly to the inconvenience of the people in that section. An attempt is now made to further reduce it so that it shall be merely a receptacle, a haven for a few officials, without their having any duties whatever to perform.

That mint is located in the very heart of one of the greatest bullion-producing sections of the United States, but under the recent management of the Treasury Department the Government seems to regard institutions of this character as established not for the benefit of the people, but as catch-penny, money-making affairs on the part of the United States. The theory of the Department seems to be that if the Government can coin a dollar cheaper in one place than in another the coining shall be done where it can be done most cheaply to the Government, no matter what it may cost those who produce the bullion to transport the bullion to that place.

The State of Nevada receives no assistance from river and harbor bills, or from any other governmental source whatever; while, on the other hand, its resources have, in a brief period, added hundreds of millions of dollars to the wealth of the nation. The people of that State have an idea that mints are established for the convenience of the public, and not for the purpose of effecting a paltry saving to the Government—a saving of a mere fifth of 1 per cent. or eighth of 1 per cent. in the expense of coinage—by compelling those who produce bullion to transport it to vast distances in order that it may be coined.

It is not at all impossible that there may be a largely increased output of bullion in that region within the present year. All the indications point to such a result.

In view of the great public convenience involved, I trust the amendments offered by the committee will be non-concurred in by the Senate. I hope the mint will be left where the law put it—where it is now—with its officers and their salaries as they are, and with the appropriation necessary and proper for conducting it at its full capacity.

Mr. ALLISON. After the statement made by the Senator from Nevada I do not know that I shall insist upon the committee amendments. The Committee on Appropriations in preparing the bill and suggesting amendments have confined themselves to the Book of Estimates, and I think in no case have we advanced the appropriations beyond the estimates made in the Book of Estimates, except in one or two instances respecting our own clerical force. I admit there is great force in what the Senator from Nevada says, and these items will be important if it shall turn out that in a few months there will be a large production of gold or silver in that vicinity. Silver, I suppose, is the chief production.

Mr. JONES, of Nevada. Both; the production is equal.

Mr. ALLISON. In that case it will be a wise thing to have in hand machinery of this kind to coin the gold or silver. I leave it to the judgment of the Senate whether this matter shall stand or whether the amendments proposed by the Committee on Appropriations shall be rejected.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Committee on Appropriations.

Mr. ALLISON. There is a series of amendments, all relating to the Carson mint. I will say that the Committee on Appropriations simply reduced the House propositions to the estimates of the Secretary of the Treasury.

The PRESIDING OFFICER. Unless there is objection, the amendments will be considered as one question.

The CHIEF CLERK. The Committee on Appropriations report to insert in line 1305 the word "and" before "melter;" to strike out in line 1306, after the word "refiner," the words "and coiner;" in line 1307, after the word "each," to strike out the words "assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each;" after the words "two thousand," in line 1309, to reduce the appropriation for chief clerk from $2,250 to $2,000; in the same line, after the word "dollars," to strike out the words "cashier, book-keeper, and weigh clerk, at $2,000 each; abstract clerk and register of deposits," and to insert "two clerks;" in line 1312, after the word "each," to insert "one clerk at $1,600;" in line 1314, after the word "all," to strike out "twenty-nine thousand five hundred and fifty" and insert "sixteen thousand four hundred;" in line 1317, to reduce the appropriation for "wages of workmen and adjusters" from $60,000 to $25,000; and in line 1319, to reduce the appropriation for "incidental and contingent expenses" from $25,000 to $10,000; so as to read:

Mint at Carson, Nev.: For salary of superintendent, $3,000; for assayer, and melter and refiner, at $2,500 each; chief clerk, at $2,000; two clerks, at $1,800 each; one clerk, at $1,600; assayer's computation clerk, at $1,200; in all, $16,400.
For wages of workmen and adjusters, $25,000.
For incidental and contingent expenses, $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendments proposed by the Committee on Appropriations.

Mr. HARRIS. It is suggested by the Senator from Nevada to disagree to the committee amendments?

Mr. JONES, of Nevada. Yes; I ask that they be disagreed to.

The amendments were rejected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole, and open to amendment.

Mr. VAN WYCK. I have an amendment which I offered a day or two ago at the request of the Delegate from Montana, and had referred to the Committee on Appropriations. I offer it now.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 2440, strike out "$3,000" and insert "$8,000;" and in the same line strike out "$5,500" and insert "$13,000;" so as to read:

For surveyor-general of the Territory of Montana, $2,500; and for the clerks in his office, $8,000; in all, $13,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. VAN WYCK. Owing to the condition of business in the House of Representatives, when the bill was under consideration there, this matter was omitted, and it evidently should be put in by the Senate. I do not know whether the committee will be disposed to oppose the amendment. The appropriation here is but $3,000, and that, as appears in the papers and in the report to the Land Office from the surveyor-general, is barely enough to examine and make returns upon the surveys already made in that Territory, and the surveys which are to be made in the future will have to remain there, because there is not a clerical force in the office sufficient to do the work.

The Senate will remember that on the sundry civil appropriation bill we increased the appropriation for the survey of lands in that Territory so that the railroad lands could be surveyed. The object, as was conceded by the committee, was to put in force the provision of law whereby railroad lands should be subject to taxation, as only surveyed lands could be so subject to taxation, and therefore it was necessary to increase the appropriation in order that the lands could be surveyed.

Another point made in regard to that section of country was the great depredation made upon the timber-lands, notably the Montana Improvement Company, whereby they had been stripping those forests of millions of feet of timber, and the court there had decided that a suit could not be sustained until there was a survey of the land in that country. Therefore, it became doubly important that appropriations should be made so that the lands could be surveyed.

On one hand we make a beneficent law providing that the lands in that country, which the railroads own, shall be subject to taxation, and on the other hand we withhold the money for surveying them, which is necessary to make them subject to taxation, and after the appropriation has been made for the survey it becomes doubly necessary now that we should furnish clerical force sufficient in the surveyor-general's office to examine the returns, because practically, as far as anything can be done toward stopping these depredations and making the lands subject to taxation that are still unsurveyed, if surveyed the surveys must lie in the office of the surveyor-general and not be examined and returned to the General Land Office, in Washington, because the clerical force is insufficient to do that work.

This item has been estimated for and the estimates show precisely what is required. I have here letters from the surveyor-general and from the Commissioner of the General Land Office showing that this $3,000 barely covers work on the surveys made to this time, and any surveys made in the future, as the chairman of the committee knows, will have to remain in the surveyor-general's office until this handful of clerks can make the examination and return. In Montana there are thousands upon thousands of acres of public land requiring survey in order to make them subject to taxation, so that the Government may recover for the depredations upon the public land. I trust the chairman of the committee will not oppose the amendment.

Mr. ALLISON. I dislike very much of course to oppose anything

suggested by the Senator from Nebraska; I would look into it very carefully first; but if I agree to this amendment and if the Senate shall agree to it then we must go through with all the appropriations for the offices of the surveyors-general and increase them all. The argument made by the Senator from Nebraska will apply to every one of the surveyors-general. The appropriations found in the bill as it came to us from the House are precisely the appropriations of the current year, and the committee did not see proper to change them, except in one instance, for special reasons.

Montana is not likely to be disturbed in the next year with surveys, I will say to the Senator from Nebraska. On the sundry civil bill, which I hope will be considered in the Senate immediately after the pending bill is disposed of, the Senate was obliged to reduce the amount for surveys. We increased the amount for surveys from the enormous sum of $50,000 to $75,000, and so intent are the House of Representatives upon surveying the public land that they required us to release the additional $10,000 which we provided. So along with this appropriation for clerks in the offices of the surveyors-general there goes an appropriation of $50,000, $10,000 of which may be used in going about the country and digging up the surveys already made.

It seems to me that with an entire appropriation of $40,000 for the next fiscal year covering the entire area of our public land, which I think would give Montana about $3,500, the amount that we have appropriated for clerks in the office of the surveyor-general there is sufficient. Therefore I hope the amendment will not be agreed to, and that we shall not increase all the appropriations for clerk-hire in those offices.

Mr. VAN WYCK. The Senate will excuse me for saying just one word more in regard to the matter. Any neglect on the part of the House of Representatives certainly does not excuse us for any neglect on our part. It is true the House of Representatives appropriated $50,000, but that is no reason why we should not appropriate more. My friend from Iowa did not seriously oppose it when we added $25,000 for the surveys, and that was done upon the express ground that it would be a survey of railroad lands and subject them to taxation, so that the people might avail themselves of the benefit in taxing their lands; and the other reason was that those corporations were despoiling the public domain of its timber, and under the decision of the court it was necessary that the lands should be surveyed.

Mr. ALLISON. The conferees on the part of the Senate were obliged to surrender that additional $25,000 because the other House said they had appropriated all the Commissioner of the General Land Office asked. As the surveys now stand under the appropriations for the fiscal year for which this clerical force is required, the total appropriation is $50,000, $10,000 of which may be used in making investigations.

Mr. VAN WYCK. If the House of Representatives refuse to concur, that is another great charge in the indictment which is preferred against them by the chairman of the committee, and very properly so.

Mr. ALLISON. I am saying nothing about that.

Mr. VAN WYCK. We are endeavoring to investigate and help such labors by the committee we agreed on this morning, to find out the cause of delay, and very properly. The surveyor-general says:

> On the 30th of June, 1886, the said appropriation of $9,000 for clerk-hire in this office lapsed, and the new appropriation for clerk-hire was only $3,000, or sufficient to pay the salary of the chief clerk and one draughtsman.
>
> In consequence of the delay in letting these said contracts and the small appropriation for clerk-hire for the current year, this office is confronted with the returns of thirteen contracts, aggregating $23,330 liability, with virtually only funds sufficient to pay one draughtsman to work up the returns under said contracts.

That is all he can do, and the additional contracts and all the additional surveys will remain in that office because there are not clerks enough to examine and make the return. It is for the Senate to determine, but it seems to me this is an important matter.

Here is a public duty, and it is a question between the House and the Senate as to which body is the most responsible. Here are millions of acres of the public domain properly subject to taxation. These land-grant railroads have been exempt from taxation for this immense domain because Congress did not pass a law which should have been passed years ago, allowing the lands to be subject to taxation.

When that law was finally passed, as I stated, we required the lands to be surveyed, and now it is a question between the House and the Senate as to who is most responsible for this neglect. The law which was intended to protect the people is of no benefit to them, and no recovery can be had in the courts under the decision of the court for the immense spoliation of the public domain until the land is surveyed.

I submit this matter to the Senate. I desired to make these suggestions so that it might seem that we should do something ourselves. If the bill has come here in a peculiar shape in almost the last day of the session, is that a reason why we should deny proper appropriations for the purpose of transacting that business which is conceded to be important?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. VAN WYCK].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8620) granting relief to Henry Durkee;

A bill (H. R. 8346) authorizing the employment of mail messengers in the postal service;

A bill (S. 3296) to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan;

Joint resolution (S. R. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed;

Joint resolution (S. R. 88) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, William H. Cole, and Austin F. Pike; and

Joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey.

### UNORGANIZED TERRITORY SOUTH OF KANSAS.

Mr. TELLER. I ask the Senate to take up the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas. It is the bill which has been recalled from the other House, and I wish to move to reconsider the vote by which it was passed, that we may disagree to the amendments and adopt the bill as it passed the House.

The PRESIDING OFFICER. The Chair lays the bill before the Senate.

Mr. TELLER. I move that the vote by which it was passed as amended be reconsidered.

The PRESIDING OFFICER. Does the motion of the Senator from Colorado include the vote by which the bill was ordered to a third reading?

Mr. EDMUNDS. He can only make one motion at a time.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the bill was passed.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill is before the Senate, and the question is on reconsidering the vote by which it was ordered to a third reading.

### PRINTING OF LIST OF CLAIMS.

Mr. ALLISON. Pending that I ask to lay before the Senate a list of certain claims which are usually printed, and I ask that the list be printed. The claims will be included in the deficiency appropriation bill when it is reported, and it ought to be printed immediately.

The PRESIDING OFFICER (Mr. DOLPH). The order to print will be made.

### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. Will the Senator from Colorado yield to me further to submit to the Senate the conference report on the sundry civil appropriation bill?

Mr. TELLER. Certainly.

Mr. ALLISON submitted the following report, which the Chief Clerk proceeded to read:

> The committee of conference on the disagreeing votes of the two Houses on certain of the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendments numbered 1, 2, 6, 7, 9, 19, 20, 23, 33, 34, 38, 46, 48, 49, 50, 51, 52, 56, 61, 67, 69, 151, 156, 164, 166, 168, 173, 182, 184, 186, 187, 191, 192, 196, 204, 209, 211, 214, 217, 223, 224, 233, 252, and 258.
>
> That the House recede from its disagreement to the amendments of the Senate numbered 5, 12, 13, 14, 17, 18, 22, 24, 25, 26, 28, 29, 30, 32, 36, 37, 40, 41, 42, 43, 44, 45, 53, 62, 63, 65, 66, 71, 73, 146, 147, 148, 149, 150, 152, 153, 155, 157, 159, 160, 163, 165, 167, 174, 175, 176, 177, 178, 181, 183, 185, 188, 190, 195, 199, 200, 201, 202, 203, 210, 213, 216, 222, 225, 226, 227, 228, 231, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 247, 248, 249, 250, 251, 253, 259, 261, and 262, and agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$5,000;" and the Senate agreed to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out

all after the word "dollars" where it first occurs in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out of the paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Insert the word "commencement" in lieu of the word "erection" in said amendment, and in lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: "Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "and heating apparatus," and in lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: After the word "roof," in said amendment, insert the words "and for painting;" and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 39, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Insert the word "commencing" in lieu of the word "completing" in said amendment; and in lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For post-office, custom-house, and court-house at Wilmington, N. C.: For purchase of site and commencing the erection of building, $50,000.

"For court-house and post-office at Jefferson, Tex.: For purchase of site and commencing the erection of building, $25,000.

"For post-office at Houston, Tex.: For purchase of site and commencing the erection of building, $25,000.

"For public building at Santa Fé, N. Mex.: For completion of the building, $52,148.

"For court-house and post-office at Augusta, Ga.: For purchase of site and commencing the erection of building, $50,000.

"For court-house and post-office at Chattanooga, Tenn.: For continuation of the building, $50,000.

"For heating apparatus complete to be furnished before June 30, 1888, for the following new public buildings, namely:

"At Aberdeen, Miss.; Augusta, Me.; Clarksburg, W. Va.; Columbus, Ohio; Concord, N. H.; Council Bluffs, Iowa; Dallas, Tex.; Erie, Pa.; Hannibal, Mo.; Jefferson City, Mo.; Leavenworth, Kans.; Lynchburg, Va.; Macon, Ga.; New Albany, Ind.; Pensacola, Fla.; Peoria, Ill.; Quincy, Ill.; Shreveport, La.; Syracuse, N. Y.; Terre Haute, Ind.; Toledo, Ohio; Tyler, Tex.; and Waco, Tex., $190,000.

"That contracts shall be made by the Secretary of the Treasury for furnishing and putting in heating apparatus for public buildings upon advertisements in some leading newspaper in the State where each building is situated, containing specifications of the kind of heating apparatus required; and such contracts shall be made with the lowest responsible bidder therefor.

"That the Secretary of the Treasury shall, for the fiscal year 1887, and for each fiscal year thereafter, in the annual estimates, report to Congress the number of persons employed outside of the District of Columbia as superintendents, clerks, watchmen, and otherwise, and paid from appropriations for the construction of public buildings, showing where said persons are employed, in what capacity, the length of time, and at what rate of compensation; and hereafter, where public buildings shall be completed with the exception of heating apparatus and approaches, but one person shall be employed by the Government for the supervision and care of such buildings."

And the Senate agree to the same.

That the House recede from its disagreement to amendment of the Senate numbered 57, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"The same to be immediately available."

And the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 58, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"That the Secretary of the Treasury is hereby authorized and directed to appoint three persons familiar with the cost of buildings and the value of ground in the city of Washington who shall appraise as to its value for the use of the Government the land and buildings thereon, being lots numbered 11 and 12 of the subdivision of square numbered 689 on the original plat of lands in the city of Washington, bounded north by South B street, east by New Jersey avenue, and west by South Capitol street, and he is hereby directed to report the result of such appraisement to Congress at its next session and whether in his judgment at such appraised value the same can be used economically and for what purpose, provided that nohting herein contained shall in any way commit the United States to the purchase of said property."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"That the Secretary of the Treasury is directed to make examination respecting the needs of the Government for a marine hospital at or in the vicinity of New York city, and, in case such hospital is required, to submit a plan for same and an estimate of the cost thereof, the said hospital to be erected upon property now belonging to the United States, if such property can be found suitable for the purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: After the word "light-house," in said amendment, insert the following:

"At Cape Meares, Tillamook Bay, Oregon, or at Cape Lookout, Oregon, if in the opinion of the Light-House Board that site is more advantageous to mariners."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 6, in line 24 of the bill, strike out "ninety" and insert "eighty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: On page 8, in line 23 of the bill, after the word "Louisiana," insert "at Chico Pass and to mark navigable channel along Grand Lake, Louisiana;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000," and after the amended paragraph insert the following:

"Lighting the Statue of Liberty in New York Harbor: For building for engines and boilers, $10,000; incandescent light plant, $2,500; dynamos, lamps, and lens for torch, $4,000; removing present machinery to new building, additional houses for side lamps, putting grounds in order, fencing and incidentals, $3,000; in all, $19,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 75 to 145, inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraphs insert the following:

"For triangulation, topography, and hydrography of the coast of Maine in Cobscook Bay and Saint Croix River, and for off-shore soundings between Matinicus and Seguin Lights, $10,000.

"For resurveys, for triangulation, topography, and hydrography in the vicinity of the east end of Long Island, Block Island, Nantucket, Nantucket Shoals and approaches and including Vineyard Sound, $15,000.

"For physical hydrographic surveys on Monomoy Shoals, $4,000.

"For physical hydrography in New York Harbor and its approaches, $3,000.

"For observing the movement, lodgment of, and obstructions by ice in the Delaware River, and noting the changes caused thereby in Cherry Island Flats, $200.

"For examinations and resurveys on the Virginia coast from Chincoteague to Cherrystone, and especially at Cape Charles and in its vicinity, including triangulation, hydrography, and topography, $5,000.

"To continue the surveys in the vicinity of Charleston, S. C., and up the Cooper and Ashley Rivers to the head of navigation; and to continue the astronomical, latitude, and azimuth work, and, in connection therewith, the recovery and remarking of old triangulation stations, for their preservation, and the connection of some detached triangulation between Beaufort and the mouth of the Cape Fear River, North Carolina, and the connection of the Cape Fear River triangulation with the coast triangulation at Masonsborough, $2,000.

"To continue the primary triangulation from Atlanta toward Mobile, $3,000.

"For continuing the survey of the western coast of Florida from Cape Sable north to Cape Romano, and for hydrography off the same coast, $6,500.

"For continuing the survey of the coast of Louisiana west of the Mississippi Delta and between Barataria Bay and Sabine Pass, $7,000.

"To make off-shore soundings along the Atlantic coast and current and temperature observations in the Gulf Stream, $8,000.

"For continuing the topographical survey of the coast of Southern California, $10,000.

"For continuing the primary triangulation of Southern California, and for connecting the same at Mount Conness and Macho stations with the transcontinental arc, and for a primary base line in the vicinity of Los Angeles, $6,000.

"For continuing the resurvey of San Francisco Bay and of San Pablo and Suisun Bays and the Strait of Carquinez, the examination of San Francisco Bar and entrance, and the mouths of the Sacramento and San Joaquin Rivers, $5,000.

"For continuing the survey of the coast of Oregon, including off-shore hydrography, and to continue the survey of the Columbia River from the mouth of the Willamette toward the Cascades, triangulation, topography, and hydrography, $7,000.

"For continuing the survey of the coast of Washington Territory, $9,000.

"For continuing explorations in the waters of Alaska, and making hydrographic surveys in the same, and for the establishment of astronomical longitude and magnetic stations between Sitka and the southern end of the Territory, $10,000.

"For continuing the researches in physical hydrography relating to harbors and bars, including computations and plottings, $3,000.

"For examination into reported dangers on the eastern, Gulf, and Pacific coasts, $1,000.

"To continue magnetic observations on the Atlantic and Gulf slopes, $500.

"For continuing magnetic observations on the Pacific coast, at the Los Angeles Magnetic Observatory, $1,200.

"For continuing the exact line of levels from Cairo westward, $2,000.

"For continuing tide observations on the Pacific coast, at Kadiak, in Alaska, and at Saucelito, near San Francisco, in California, $2,300.

"To continue tide observations on the Atlantic coast, at Pulpit Harbor, Maine, and at Sandy Hook, New Jersey, $2,000.

"To continue gravity experiments, at a cost not exceeding $500 per station, except for special investigations and experiments authorized by the Superintendent at one or more stations, the unexpended balance of the appropriation therefor for the fiscal year ending June 30, 1887.

"For furnishing points to State surveys, to be applied, as far as practicable, in States where points have not been furnished, $7,500.

"For determinations of geographical positions (longitude party), $3,000.

"For continuation of geodetic work on transcontinental main line between the Atlantic and Pacific Oceans, $19,000.

"To continue the compilation of the Coast Pilot, and to make special hydrographic examinations for the same, $2,500.

"For traveling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, $3,000.

"For objects not hereinbefore named that may be deemed urgent, $3,000.

"And 10 per cent. of the foregoing amounts shall be available interchangeably for expenditure on the objects named; in all, for party expenses, $160,700.

"For repairs and maintenance of vessels: For repairs and maintenance of the complement of vessels used in the Coast and Geodetic Survey, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 169, 170, and 171, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"That as soon as practicable after the completion as provided for in the sundry civil act approved August 4, 1886, and not later than December 1, 1888, the Secretary of the Interior shall cause to be removed to the Pension Building, the General Land Office, the Bureau of Education, the Office of the Commissioner of Railroads, and Bureau of Labor, and vacate the buildings rented for and now occupied by said offices and bureaus, or portions thereof."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 179, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, insert the following:

"BUILDING FOR LIBRARY OF CONGRESS.

"That the Library commission is hereby empowered to make leases and to collect rents for such houses on the Library site as in its judgment may remain temporarily without obstructing the work; the proceeds from such rents to be paid into the Treasury."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted the following:

"For purchase of horse, $200, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: Add at the end of the matter proposed to be inserted the following:

"The same to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In the first line of said amendment substitute the word "at" for the word "in," and strike out the word "cemetery;" and in lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: Strike out the word "open" in said amendment, and in lieuthere of insert the words "opened by the judge;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made or other fees in prosecutions under the internal-revenue laws unless the prosecution has been approved either before or after such arrest by the attorney of the United States for the district where the offense is alleged to have been committed or the prosecution is by indictment."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 254, and agree to the same with an amendment as follows: In line 19, on page 61 of the bill, strike out "twelve" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In line 14, page 62 of the bill, after the word "department," insert the words "including the Civil Service Commission;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
*Managers on the part of the Senate.*

SAM. J. RANDALL,
W. H. FORNEY,
THOS. RYAN,
*Managers on the part of the House.*

During the reading,

Mr. TELLER. Would it be in order to move to concur in the report without having it read? Nobody is paying any attention to it, and it is only taking time.

Mr. HARRIS. Unanimous consent can be given.

Mr. TELLER. I ask unanimous consent that the conference report be concurred in without further reading.

Mr. ALLISON. I desire to make an explanation before the report is concurred in.

Mr. TELLER. That is better than having it read.

Mr. ALLISON. This is an important bill, and it is a bill to which the Senate added nearly $4,000,000 of appropriations. The Senate conferees have surrendered about $1,700,000 of the $4,000,000 addition made.

I desire to explain briefly that the Senate conferees, in order to secure an agreement upon the bill, were willing to postpone a great many expenditures that are necessary, as we believe, to the proper conduct of the Government. For illustration, the Senate inserted in the bill a provision appropriating a sufficient sum of money to complete the international survey of what is known as the Mexican boundary, a survey that we are bound to make by a treaty provision that we made some three years ago with Mexico. In pursuance of that treaty some two years ago the Senate inserted in a sundry civil appropriation bill a provision providing for that survey, but in conference we were compelled to surrender one-half of it in order to secure an agreement upon the bill. So one-half the sum estimated as the cost of that survey is lying in the Treasury because it is not worth while to begin it in association with Mexico until the whole sum is appropriated. Each succeeding Secretary of State has recommended that the survey be completed, because of the uncertain condition of more than a thousand miles of our boundary lying on land between the Rio Grande River and the Pacific Ocean. When the diplomatic and consular appropriation bill was under consideration the Secretary of State sent to the Committee on Appropriations of the Senate a most urgent letter, saying to us that our treaty obligations with Mexico required that this survey should be made.

There was also in the bill a provision for surveying the Alaskan boundary between British Columbia and Alaska. That survey was also urgently requested by the State Department in a letter which is now upon our files and printed, showing that it was necessary to our peaceful and cordial relations in that region that the survey should be entered upon. But the Committee on Appropriations were not able to hold these two important provisions, resting upon treaty stipulations, because the House of Representatives stated they were not willing to make the appropriation this year.

In further illustration of what was given up by the Senate, we have surrendered the $250,000 appropriated for the purpose of constructing the Library building in this city.

Mr. HOAR. The entire amount?

Mr. ALLISON. The entire amount we were obliged to surrender, because the House of Representatives stated that there is now on hand some $480,000, which is true, and that they were not willing now to appropriate an additional sum because the sum now on hand would be sufficient to carry on the operations for the construction of the Library building until December, when Congress would be again in session, and if it should be necessary then to make appropriations for the Library building it could be done in a deficiency bill. They absolutely refused to appropriate one dollar for that purpose, although those in charge of the construction of the Library building said to us that they could economically expend, in addition to the sum they have now on hand, during the fiscal year $350,000, the Committee on Appropriations of the Senate inserting $250,000, reducing the amount $100,000 below the estimate made by those in charge of the construction of the building.

Mr. HOAR. I should like to ask my honorable friend from Iowa a question, if it will not be disagreeable to him.

Mr. ALLISON. Certainly not.

Mr. HOAR. I wish to ask the Senator whether in his opinion these reductions of expenditure insisted upon by the House of Representatives, although making an immediate showing of saving, do not result in ultimate loss to the Government in the final cost of the public work that has been already ordered?

Mr. BECK (in his seat). There is no doubt about it.

Mr. ALLISON. I thank the Senator from Massachusetts for putting to me that inquiry.

Mr. HOAR. I desire, if the Senator from Kentucky is willing, to have him make the statement publicly, and I should like also to have the Senator from Iowa make it.

Mr. BECK. I beg pardon; I said to the Senator from Iowa there was no doubt about it. What I meant was this: Whenever there is a small public building, costing say $150,000, we have said finish it at once. We are paying rent now for buildings outside, and instead of appropriating one-half this year and one-half the next year, and keeping a superintendent and watchman and clerks and all sorts of supernumeraries until the last brick is laid, we proposed to close up at once and save rents and avoid the expenses to which I have referred, caused by a delay in the completion of the building.

Mr. HOAR. In that way large sums would be saved?

Mr. BECK. Large sums would be saved in that way.

Mr. HOAR. Although, on the other hand, there is a pretense of a saving.

Mr. BECK. There may be in delay an appearance of economy, but it is an actual loss in the end to do it that way. That is what I meant.

Mr. ALLISON. The illustration so well made by the Senator from Kentucky in response to the inquiry of the Senator from Massachusetts applies to this Library building. The Government of the United States has entered upon the project of providing a Library building, and the act was passed by the unanimous judgment of both Houses of Congress, I believe, one year ago. We have expended one-half million of dollars for the site of the building. We need a large portion of the space which is now occupied by the Library in the Capitol for the convenience of the public business of the two Houses. As the expenditure has been entered upon and nearly one-half the entire cost has already been appropriated, it is manifestly true economy for the Government to continue that work with as rapid progress as it can be done usefully and economically. Yet the House of Representatives refused to make an appropriation with reference to this building, simply saying that it is a matter that can be postponed until next year.

Whilst I am on the question of public buildings I desire to say that the Senate of the United States was obliged to surrender large appropriations with reference to public buildings, generally for the reason that the House of Representatives are not willing to adopt the economical principle which the Senate has adopted with reference to these public buildings. Whenever an appropriation is made for a public building, whether it be for $50,000, $100,000, or $200,000, there at once enters into that appropriation an expenditure for a superintendent of the building, and the moment construction is entered upon for a clerk to the superintendent, and a watchman, messenger, &c. A building costing $100,000, fire-proof, whether built of brick or stone, can be completed in a single season.

Mr. BECK. Or one costing $150,000.

Mr. ALLISON. Or one costing $150,000. In examining with care this subject and in consultation with the Supervising Architect of the Treasury he told us that if he could have the whole of the appropriation at once he could make a single contract for the construction, and construct the building in a single season, and thereby save a large sum of money, and thus either secure a better building or a saving of the appropriation itself. When we presented this question to the House of

Representatives they said to us: "No; we will appropriate for these public buildings in tid-bits. We will give $25,000 for a building that costs $50,000; we will give $50,000 for a building that costs $100,000; and will give $75,000 for a building that costs $150,000."

I will illustrate by calling the attention of the Senator from Massachusetts to the fact that at this session of Congress we provided for a public building at Worcester costing $150,000, which the Architect of the Treasury said he could build in a single season if he had the money. The House refused to appropriate more than $75,000. There was passed at this session a law providing for a building at Los Angeles, Cal., costing $150,000, where we are paying large rents on the part of the Government for the use of buildings for the public service.

Mr. WILLIAMS. Nearly 2 per cent. a month.

Mr. ALLISON. We are paying nearly 2 per cent. a month, as the Senator from California tells me, on the cost of the building where the United States courts have to sit and where there is a rapidly increasing population and a rapidly growing development of the country. We said to the House of Representatives: "It is true economy to expend $150,000 in that construction and save the 2 per cent. a month that the Government is paying there in the shape of rents, when the Government itself, if need be, can borrow money at the rate of 2½ per cent. per annum, and when it has in the Treasury undisposed of more than a hundred million dollars." The House of Representatives said: "No; we will give you only $75,000 for the public building at Los Angeles, Cal."

So I might run through this gamut of public buildings and show that we were compelled to make concession after concession with reference to these items, thus appropriating money in tidbits, as I have said, for buildings which ought to be completed in a single year.

There are other appropriations in this bill where the Senate was obliged to make concessions. We have now a Coast Survey that has been established since 1807. It is a scientific survey. Its *personnel*, its employés, except the clerical force, are men skilled in science, who have devoted their lives to the great scientific subjects which are being developed by that Coast Survey. Two or three years ago those in charge made the statement that if they had appropriations upon a fair scale, such as were then going on, the Coast Survey upon the Atlantic coast in its primary survey could be completed within the period of five years, and that within the period of nine years the entire Pacific coast, except Alaska, could be completed in the same way. We appropriated in all for this survey for the field-work, so called, in round numbers, $200,000; I think $218,000; I will not trouble myself with the details. We did that because the Superintendent in charge and the scientific men having control said that amount could be expended economically during the coming season.

We had a struggle over this appropriation, and it was a struggle renewed from last year, when we were compelled then to compromise with the House of Representatives and make the total appropriation for this purpose of $160,000. In order to secure a final report upon this bill the managers on the part of the Senate proposed to the managers on the part of the House that we should give them the appropriations of last year, which amounted in round numbers to $160,000; but we said that in order to distribute that money we would require the scientific people in charge of that survey to propose the method of its apportionment, to which they agreed. The managers on the part of the Senate sent for these people and they distributed this sum of $160,000 so that it would best carry out the purpose and intent of the managers of the two Houses.

In making this distribution over a vast number of items it appeared that the scientific experts in the Coast Survey who made this computation ran up the sum to $162,500 in round numbers, and these were handed to the clerks to make up the report. The managers upon the part of the House of Representatives, discovering that these scientific experts had gone $2,000 or $2,500 above the agreement of last year, came back and demanded of the managers on the part of the Senate that we should reduce these small sums so as to bring it exactly to the apportionment made by the appropriation act of 1886. So in regard to the Coast Survey, the managers on the part of the Senate were compelled to surrender to the House managers in order that the appropriations of the current year should be agreed to without the dotting of an "i" or the crossing of a "t."

So I might go over these appropriations *seriatim;* and I should be glad to answer any inquiry in reference to any particular appropriation and show that perhaps with the exception of two or three items, these appropriations were actually necessary for the purposes of the Government; that in the surrender of the amounts which we had put on, we have only postponed the time when these appropriations will be made; and that every item in the bill practically which we have surrendered, with the few exceptions I have stated, amounting to less than $100,000 in all, are items which will be in the bills of next year or the year after.

Mr. President, having made these statements in justification of the managers on the part of the Senate, and in vindication somewhat of the Senate itself with regard to the appropriations in the bill, I desire a vote upon the conference report.

Mr. HOAR. For my own satisfaction I desire to respond to the Senator's request in regard to the public building provided for at Worcester, Mass. Worcester is a city of 80,000 inhabitants, probably growing as rapidly as any city in the United States. It is the second city in New England, I think, in post-office work and income. It may possibly be exceeded by Providence, but I think not. That appropriation was cut down to $75,000 the present year. I wish to ask the Senator whether that was done by the absolute insistence of the House conferees.

Mr. ALLISON. Yes, sir.

Mr. HOAR. Against the opinion and judgment of the Senate conferees?

Mr. ALLISON. Absolutely.

Mr. BECK. It was very absolutely.

Mr. ALLISON. Yes. I will say to the Senator from Massachusetts that we put in $125,000, being one-half of the estimated cost of that building, but the managers on the part of the House of Representatives, after a great deal of persistence on our part, exerted themselves to the tremendous point where they were willing to give $75,000 for the public building at Worcester, Mass.

I think I ought to have mentioned in speaking of the details of the bill that the House conferees insisted that we should strike out from the Senate amendments all provision for the Library; that is to say, they would not agree to the usual appropriation of $10,000 for works of art, and that item is also out of the bill.

Now, one word with reference to the increase of appropriations found upon the bill as it passed from the Senate. This bill was brought to the Senate on the 20th day of December last. It passed the House of Representatives before many of the reports relating to the subjects embodied in this bill were printed. We received it on the 20th of December. It was referred to the Committee on Appropriations, and on the 22d day of December Congress took a recess. It was not convenient for the Committee on Appropriations to secure a majority during the recess, and the committee took up the bill immediately after Congress convened at the expiration of the holiday recess.

Mr. BECK. I wish to call the attention of the chairman of the committee to an additional fact causing delay, that the supplementary reports, especially the reports of the Light-House Board and two or three other reports, had not been printed either at the time when the other House considered the bill or when we began it, because there is a rule now that nothing can be printed until there is first a report from the Committee on Printing and an estimate made, and we had to wait until we got the printed reports.

Mr. ALLISON. I was about to state that.

Mr. BECK. I beg pardon.

Mr. ALLISON. I thank the Senator from Kentucky for the interruption. I was about to state that when we took up the bill about the 4th day of January we were at every step of its examination impeded because we could find none of the reports in the document-room; they had not been printed. So we struggled along with the bill and we reported it to the Senate and it passed the Senate on the 2d day of February. Practically the bill was in the hands of the Committee on Appropriations less than four weeks, although it has been stated elsewhere that the bill was in the hands of the Committee on Appropriations of the Senate for forty-seven days after it passed the other House.

I will not say what motive guided those who managed this bill, but if they had intended to send to us a bill without the necessary appropriations for the usual purposes involved in it, if they had intended to send us a partial bill in order to force us to increase it with necessary appropriations, they could not have devised a better method to accomplish such a purpose than they did by sending to us on the 20th of December this bill which usually comes to us in February, being one of the last appropriation bills reported, because by the early report of the bill to the Senate it was necessary for the Senate to add many items of appropriation that were entirely omitted from the bill by the other House; and thus it was that the bill was swollen from the original amount appropriated by the body in which it originated.

Having said thus much with reference to this particular bill, I want to add that the Senate Committee on Appropriations have endeavored with the time they have had and the opportunities they have had to secure appropriations for all the necessary purposes of our Government, and if when this bill shall finally become a law great and necessary public objects shall be found to be omitted, it will not be the fault of the Senate of the United States, but the fault must lie elsewhere.

Mr. MITCHELL, of Oregon. I desire to ask the Senator from Iowa what disposition was made of the $60,000 amendment inserted in regard to the light-house at Cape Fear?

Mr. ALLISON. The appropriation for the Cape Fear light-house is left in. There were some modifications of phraseology in it. Also the Northwest Seal Rock light-house appropriation is retained.

Mr. BECK. I do not know that I care to add much to what was said by the Senator from Iowa. Whatever fault we may find with this bill as it now is, it is the very best that can be had at this session of Congress; and whatever may be left out of it, there is nothing in it, so far as I am able to judge, that is not absolutely necessary for the public service, and many of the things that are left will not injure the public service materially by being left out.

It would have been much more economical, in my judgment, to have adopted and maintained the policy suggested by the Senate committee, particularly in regard to public buildings, so as not to deprive ourselves of the use of such buildings. The small buildings can be completed for perhaps 20 per cent. less if the contract is made at once, than they can be if they are postponed and partial contracts made. With all the paraphernalia of superintendents, clerks, and watchmen they are continued for two years instead of one. The rent would be saved to the Government that the Government is now paying for other buildings. But we could not obtain consent in many cases.

Take for instance the Pittsburgh building, which illustrates it better than almost any other. We have spent about a million dollars at Pittsburgh and have to spend a million or so more to complete the building. The House of Representatives saw fit to appropriate $50,000 to continue the building. The Senate committee inserted $200,000. Why? Because the Supervising Architect came to us and said, "$50,000 will do no good; I can make no contract with that. Strike it out altogether, or give us $200,000 with which we can buy stone, go on and make other contracts, and continue the building in good faith." That the Senate inserted. That is part of the increase and that is the character of increase about which a good deal of complaint is made. We had to strike it down to $150,000 in order to get an agreement. I think it is just that much loss to the Government.

So the buildings at Worcester, Springfield, Los Angeles, and other places are in the same category. Where we could not have our own way we had to do the best we could, and we had to keep the buildings going with as much as we could get.

It is said that $1,600,000 has been striken out. Of course it has. We proposed to pay $275,000 to buy the building at the corner opposite the Capitol, owned by General Butler. I do not think the Government could erect as good a building to-day for $500,000, and we are paying rents to the amount perhaps of $150,000 a year in this city besides all the public buildings. The Butler building is adjacent to the House of Representatives. If they did not see fit to buy that, they might have proposed some other arrangement.

We knew we had to have a marine hospital at New York, and the Senate saw fit to put in $250,000 for that purpose, but on examination we concluded it was well enough to let that go and have further investigation in regard to it.

For the Mexican boundary survey the Senate appropriated $100,000, and for the building for the Library of Congress $250,000.

The items I have alluded to make $825,000, half the amount that is said to be saved.

For the terraces about the Capitol we gave up $125,000. I was stubborn about that myself, and in favor of finishing in one year the approaches to the Capitol, but the House allowed $125,000 this year and $125,000 for next year. That meant that we should be having foul air pumped into our nostrils all through the next long session of Congress. I said that work could be done in one year beyond all peradventure, and if the Architect could not do it we would find a man who could. They can close up the terraces on the west end of the Capitol and put all the men they want at work and do it this year, and let us have some comfort during the long session, instead of being annoyed as we are now. I hope that if we have not got men now who can do it, we shall find men who will do it.

There are many people in all these Departments and superintending this Capitol, like the ring that surrounded the Navy Department and others, that are like old rats running in ruts and retiring to their holes, so that if they get out of that track and on fresh ground they can not get on. The sooner we get the infusion of fresh blood into a few things here the better it will be for the country.

I do not mean to talk politics, but things are allowed to drag on and drag on and nothing is done. For the great Library $250,000 ought to be added, and the amount ought to have been $300,000. Indeed we ought to have demanded $500,000, and let the officers make contracts and go on with the work and not let it hang four or five years as it will under the system we are now pursuing.

We found many other things, which I only mention as an illustration to show the good faith with which the Senate committee was endeavoring to carry on the public service. We found that a new light-house district had been made on the Upper Mississippi from Memphis to Saint Paul, and up the Missouri River. For those new districts a tender was absolutely necessary. We had to insert $40,000 for that, and after a long struggle we maintained it.

At the Northwest Seal Rocks Island, about which the Senator from Michigan inquired awhile ago, we gave $20,000 in addition to the $100,000 appropriated, and were informed that unless it was done the Light-House Board would have no material to go on; and while $100,000 would do now, they would be left bare for next year, and no further progress be made. We have spent $170,000 there already, of which $100,000 has been wasted. We can not show anything for $100,000 out of the $170,000 we have given to that great light-house on the Northwest Seal Rocks, simply because we have given it in driblets, and it has been washed away, the plant destroyed or wasted before we got a start again.

There is, perhaps, no other case that more strikingly illustrates the impolicy of giving small appropriations and erecting a little at a time year after year, than the loss of at least $100,000 at the Northwest Seal Rocks; and therefore we inserted the other $20,000 and maintained it, and it is a good thing to do.

In regard to other things, I only want to mention some of them to show that, while most of us may think we are doing right, I believe that every amendment that the Senate put in, or almost every one, should have been maintained. We gave $60,000 for constructing a revenue-marine steamer for the Southern coast. That was left out by the other House altogether. The steamer that was guarding the Gulf coast in the revenue service from the mouth of the Mississippi to the mouth of the Rio Grande was wrecked or lost so as to be unfit for service a year ago. So there was no coast guard there. We endeavored to prepare a ship at New Orleans, but found it could not be done. She was abandoned.

There is a great coast from the mouth of the Mississippi to the mouth of the Rio Grande, opposite the West India Islands, where smuggling can go on more easily than perhaps in any other part of the country, and the House of Representatives sent us this bill without providing for it, and we had to struggle to have it allowed, but we maintained that and endeavored to secure $75,000 instead of $60,000, but we could not succeed in that respect.

This was the character of items with which we had to deal; and whether we were right or wrong in increasing the appropriations as we did, I assert here that after three weeks of hard work by the Senator from Iowa [Mr. ALLISON], the Senator from Maine [Mr. HALE], and myself as a subcommittee, having often to absent ourselves from work in the Senate, not being able to act sooner because for a long time the reports of many of the Departments were not printed, and we had to get them from the Printing Office as best we could, there was not an improper item in this bill as we reported it and as it passed the Senate, with perhaps one or two exceptions that the Senate added I thought unadvisedly and as not conducive to the interests of the public service. I say that this bill as it passed the Senate was a proper bill. I give the members of the other House equal credit with ourselves for endeavoring to do their full duty; but I say the bill as it is now presented in this conference report contains substantially what is absolutely needed, and the matters that were stricken out can be postponed without great detriment to the Government. You will lose money by it, but no principle is sacrificed and no positive public injury is done.

I think the report of the conference committee ought to be agreed to. I know we can not get anything better.

Mr. HOAR. The statement which the two members of the conference committee, representing different opinions in this body, representing different political parties, have united in making, is a very interesting and a very important one, which I hope will arrest the attention of the American people.

It seems that the persons whom the House of Representatives have clothed with a very large authority in dealing with the questions which affect the public expenditures have undertaken to do what in the end is to be in the judgment of the servants of the Senate an extremely expensive thing for the Government, increasing in the end the cost of administration, increasing in the end the burden of taxation upon the people, in order—for we can not doubt that—to temporarily mislead persons who do not look far into the subject by making a showing of economy.

Mr. President, that is bad enough; and unless some other public inconvenience or mischief were occasioned by our refusing our concurrence in this result ought not to be submitted to by the Senate if that were all. But I think it my duty to call the attention of the Senate to what seems to me a much graver evil, one which threatens in substance a revolutionary change in the constitutional methods of government which have existed in this country since its foundation.

What is the effect of this holding back the appropriation bills until the last seven or ten or fifteen days of the session of Congress, a session which is to expire by constitutional limitation on the 3d day of March, and on whose expiration a large proportion of the persons who have been selected to administer the Government for the past two years are to go out of office? The result is that unless the House and Senate both submit to the dictation of some three or four men who happen to be on the Appropriations Committee, members of the majority on the Appropriations Committee of the House of Representatives, either the great appropriation bills fail, and an extra session becomes necessary, and not only are the people of the United States put to the great cost and inconvenience of an extra session of Congress, but the measures of Government which belong to a particular term go over to be enacted by and submitted to persons who are not chosen for that term; so that the House of Representatives and the Senate as constituted for that period of two years are utterly deprived of all constitutional authority or power over the subject.

Mr. BECK. I would be very much obliged to the Senator from Massachusetts if he would allow me to make a suggestion.

Mr. HOAR. I do not hear the Senator entirely.

Mr. BECK. I ask leave to make a suggestion to the Senator from Massachusetts, which I thought he knew more about than I did, and I hope he will think of it, so that either by a rule or by a joint resolu-

tion of both Houses we shall require that all the general appropriation bills shall be sent to the Senate at least two weeks before the day of final adjournment.

Mr. HOAR. There has been for thirty years, I believe, among the rules of the House of Representatives a provision that every appropriation bill should be laid before the House of Representatives in the first thirty days of the session.

Mr. BECK. That has been repealed for the last eight years.

Mr. HOAR. It never was obeyed.

Mr. BECK. But the Senate could serve notice, and then the Senate would see where the responsibility was if the requirement were not obeyed after such a joint resolution was passed.

Mr. HOAR. What is the result of this proceeding? It not merely compels the Senate and the House both to submit, under this penalty of an extra session, to the dictation of these three or four men, but it crowds out of the other House the consideration of all other important measures which do not come within the control of that Committee on Appropriations.

Why, Mr. President, it is perfectly notorious that this body has passed bill after bill and passed with substantial unanimity bills having no political significance, bills matured by able men on both sides of this Chamber and having the indorsement of their great authority, and because three or four persons clothed with the authority of the House of Representatives chose to oppose them they could not get the consideration of that body, although there is no manner of doubt that nine-tenths of the House would be in their favor if they were brought up. That is a condition of things which in the time of our fathers, who were in the habit of studying constitutional principles and of insisting that rules of public procedure should be observed which would last as a good rule for all time and all occasions through the generations and through the centuries, would have caused a revolution.

Mr. President, who does not know that is familiar with the course of legislation for the last three or four Congresses that measure after measure which has received substantially the unanimous approval of this body, representing thirty-eight American States, and which would receive substantially the unanimous approval of the other House of Congress, representing the people more directly, are not permitted to be taken up because the appropriation bills, held over the head of all the business, are used to crowd them out as one, two, three, or four persons happen to disapprove them?

Mr. President, further than that, I read the other day in the papers a letter from a gentleman who was said in the paper where I saw the correspondence to be the Speaker of the House of Representatives—I will not undertake here to say whether he holds that office or not—and it was addressed to a gentleman who was said in the same paper to hold the office of chairman of the Committee on Appropriations in the House of Representatives, and to two other gentlemen of wide national reputation holding high positions in the confidence of the Democratic party.

These three gentlemen wrote to the Speaker a complaint that they had not been recognized by him for the purpose of moving a measure for the revision of the tariff which the American people desired, and which a majority of that body also desires, and the Speaker replied, stating as his reason for refusing to recognize on the floor of the body over which he presided these gentlemen to make that motion, that he did not approve of the measure which it was proposed to move, and therefore would not recognize any one for the purpose, and said that if those gentlemen would carry their proposed revision of the tariff into a Democratic caucus, and would submit to what should turn out to be the view of that caucus on the subject, whether it was the view of the House of Representatives as not, he then, in his discretion, would permit that motion to be made.

I say that up to any time within the last twenty years such an attempted usurpation of power would have created a storm in this country which would either have driven the usurper out of sight or would have occasioned a revolution in the Government itself.

Under the Constitution which our fathers framed a majority of the representatives of the States and a majority of representatives of the people have a right to make or to change the laws under which the people are to live, subject of course to the veto power of the Executive; and here is a claim advanced in the face of the American people, a claim alike overthrowing the constitutional powers of the Senate and the constitutional powers of the House, degrading both of the great public legislative bodies which exist under the Constitution, and degrading every single member of that great assembly, the House of Representatives, which ought to be the most dignified legislative body on the face of the earth, that the question whether a majority, whether two-thirds, whether four-fifths, whether nine-tenths of that body shall be permitted to pass laws is to be decided in accordance with the opinion of the particular gentleman who happens to sit in the Speaker's chair.

Who does not know that under the existing condition of things legislation is conducted in this country under an arrangement by which if every man in every one of the legislative bodies in this country but two or three happens to desire a thing to be done, it can not be done unless those two or three happen also to give it their approbation. There has not come before the American people a question for determination since the end of the war which involved so grave results and upon which their interests so much are dependent as the question whether this attempted usurpation of power shall be permitted to go on. It is new; it is unheard of until lately; it is recent.

Why, Mr. President, Henry Clay was supposed to have a pretty strong will. Mr. Clay would no more have dared to assert such an authority when he was Speaker of the House of Representatives than he would have ventured to cross the Niagara River twenty rods above the falls in a canoe.

Mr. SAULSBURY. Mr. President, I rise to a point of order. I want to know whether it is in order for a member of the Senate to arraign the House of Representatives or any member of the House of Representatives from his seat in the Senate.

Mr. HOAR. I have kept within the rule very carefully.

Mr. SAULSBURY. I submit the question to the President of the Senate whether the speech of the Senator from Massachusetts in arraignment of the House of Representatives, or any members of the House of Representatives, on the floor of the Senate, or of the Speaker of the House, is parliamentary; whether it be in harmony with that courtesy which ought to obtain between the two Houses?

Mr. HOAR. I claim that I have the right to speak of a public assertion of authority which I find stated in the press as there stated.

The PRESIDENT *pro tempore*. The question of order having been raised by the Senator from Delaware, it must be decided without debate. The Chair understands that the language of the Senator from Massachusetts has been strictly within the rules prescribed by this body.

Mr. HOAR. Mr. President, Mr. Blaine, under whom many of us served in another place, is supposed generally to have a pretty strong will and a pretty strong desire to have accomplished in the administration of this country the things which he thinks ought to be done. I served in the House of Representatives with that accomplished gentleman for eight years, and for six of them he was its Speaker, and the humblest Democrat, when we had a majority of two-thirds or three-fourths and nearly four-fifths, as every man on this floor who knows the facts will bear me witness, was permitted to make his motion to suspend the rules. Every Monday morning and the last ten days of the session being assigned for that purpose, they used to put us on record with all sorts of contrivances and in all sorts of ways, calling the yeas and nays on a question which they thought the Republicans would not like to commit themselves on.

It is true that occasionally when the business pressed within the last twenty-four or forty-eight hours Mr. Speaker Blaine would exercise his selection of persons who rose together at the same time to be recognized, in accordance with what he believed to be the will and desire and convenience of the majority of the House, and that was all. But who ever heard in Mr. Blaine's day of a member desiring to be recognized, rising first to be recognized, to move the adoption of a measure which would pass unanimously if it were proposed, or unanimously with the exception of a vote or two, and being informed that the presiding officer had determined that it was not expedient to have any more measures of that kind proposed during the present session and the present Congress?

Mr. President, this is a question which goes clear down to the fundamental rocks upon which our constitutional system and structure are erected. I would rather have the Emperor of Russia or King Bomba to rule over me, and to have it acknowledged and avowed, than to have under the pretense of constitutional forms the right denied to my representative to utter the will of the American people as constitutionally expressed by the voice of a majority in each branch. The way this thing goes on is, first, the assertion is made in the service of a party, next it is made in the service of some particular clique or faction or section of that party; but it is a very delightful and fascinating power and very soon it comes to be used in the service of the personal whim or personal ambition or personal authority of the two or three gentlemen in whom the power is admitted to be vested.

It has seemed best to a majority of the Senate to submit to having the laws required by the public, after being approved unanimously by this branch, never submitted to the other at all, to be eviscerated and emasculated by the process which has been here described. We have not thought it desirable, in the state of public feeling, the condition of business, the varying sentiment of the American people, to insist upon an extra session of Congress; but I wish to give notice for one that in my judgment this is the last time when this usurpation will be submitted to.

Mr. BECK. Mr. President, I was called out for a while during the speech of the Senator from Massachusetts, but I entered the Chamber in time to hear what seemed to me a most remarkable tirade against the Speaker of the House of Representatives. That gentleman needs no defense at my hands. I had supposed that in the Senate of the United States under the rules and under the proprieties of the occasion comments upon the action of the Speaker would not be indulged in here.

I have only to say that there is no man in Massachusetts or outside of that State who will attack either the integrity, or the honesty, or the ability of the Speaker of the present House of Representatives with

impunity in his presence, and it would be more manly for some gentleman on the floor of that House to rise and say whatever it may be deemed proper to say in regard to his action, than to come into a House where he can not be heard, and about which he has no right to speak, and attack him here while there are one hundred and fifty partisans of the Senator from Massachusetts on the floor of the other House, all of whom have a right to make whatever attack they please.

Mr. HOAR. I should like to ask the Senator from Kentucky, if he will allow me, whether he denies a single assertion of fact that I made, whether he does not agree with me in opinion about them, and whether he does not think it an invasion of the constitutional powers of the Senate and of the House of Representatives.

Mr. BECK. I have no right to know on this floor whether the statements made are true or not. If they are true and are invasions of rights, they are invasions of rights of the House of Representatives, and there are Representatives there able to take care of themselves, and the Speaker of the House is able to take care of himself against any and all who may see fit to attack him. And I say here, though Mr. Blaine's name may be brought up and the other great Speakers of the House of Representatives may be brought forward and held up in contrast with the present Speaker, that there never has been in that chair a man of more undoubted integrity, a man of greater fairness or of more ability than the present Speaker of the House. And it is not fair—I will not use any stronger word—to attack him behind his back when no man dares to attack him before his face.

Let the Senator from Massachusetts go over to that House and ask the ablest Republican on that floor to make these charges and I will guarantee that that Speaker will come down from the chair and refute all slanders they dare to put upon him. I have no idea that he has ever violated any rule of that body, any rule of courtesy, any rule of honor, or that he has done any act which was either revolutionary or wrong since he has been presiding over that great body; and no man will dare to charge him with it. I hope the Senator from Massachusetts will go now and tell the bitterest or most malignant partisan on that floor to rise in his place and make the charges there that he has made here, and they will be answered to the satisfaction of the country.

Mr. HOAR. Mr. President, I have made no criticism affecting the personal honor or the personal character of anybody. I have spoken, when the question before the Senate was what the Senate could accomplish of its constitutional duty to the American people in legislation, of the obstacle to the accomplishment of that constitutional duty. I spoke of it on the floor of the Senate when, by the statement of the honorable Senator from Kentucky himself, it was brought before the Senate for discussion. I spoke simply of a usurpation of constitutional power which blocks legislation for which he and I are responsible, blocks the legislation which requires the assent of the Senate for its consummation, blocks the legislative measures which this body unanimously, with the approbation of both sides of the Chamber, had sent over to the other branch for consideration; and I alluded, as was my right and as was my duty, to a correspondence published for the information of the American people in which a high public officer declared that he would not submit and did not submit to that body a policy of tariff revision which it is notorious a majority of the body over which he presided would favor, because he himself did not approve of it, and said that he would submit such as should be presented to a Democratic caucus and approved by a majority of that body.

That correspondence was given to the public that the public might discuss it. If I had been a member of the House of Representatives I should have discussed it there. I discuss it in the body of which I am a member. I discuss it as an American citizen. I discuss it as an American Senator; and I say—and I do not believe there are five men on that side of the Chamber who differ with me—that it is a total reversal and revolution of the constitutional methods of procedure in legislation in this country.

Will the Senator from Kentucky now tell me whether, on his responsibility as a Senator, he will say that he approves of a claim on the part of the presiding officer of any parliamentary body that he will not submit measures to that body, whatever may be the opinion or the will of its majority, which he himself does not approve?

Where is the Blair educational bill? Where is that great and beneficent measure for carrying the light of education into the darkened minds of so many American citizens, so many American sovereigns, so many persons upon whose intelligent votes the Government of this country, the future of this Republic, with its costly freight of liberty and hope, is to depend? There is not a Senator in this body who does not know that a large majority, probably two-thirds, of all those persons anywhere whose assent is necessary to the passage of that benignant measure, would vote for it eagerly if the constitutional right of men to move its passage were recognized.

Mr. HARRIS. I desire to ask the Senator from Massachusetts, parliamentarian as he is, if he is prepared to assert that as a member of this House he has a right upon this floor to criticise a member of the other House?

Mr. HOAR. I am prepared to assert on my responsibility as a member on this floor that I have the right to do everything I have done and to say everything I have said.

Mr. HARRIS. Will the Senator answer my question? Has he the right upon this floor to criticise a member of the other House for his official action?

Mr. HOAR. I have answered the Senator's question in its substance. There is an old, effete rule that you shall not allude by name to a member of the other parliamentary body or the proceedings of the other House, but it is as well settled as that rule itself that you may allude, without calling the name, in substance. It is the commonest thing in the world in the English Parliament, from which that rule came——

Mr. HARRIS. Will the Senator allow me to ask another question?

Mr. HOAR. No, sir; I am answering that.

It is the commonest thing in the world in the English Parliament, from which that rule came, for members of the House of Commons to criticise the Lords, or the reverse, simply using the euphemism of "another place;" and it has been the habit of Congress from its foundation.

I have a perfect right to state that certain things are done, or certain things are said, "in another place," when every member of the Senate will suppose I mean the House of Representatives, and to go on and discuss it as freely as I choose; and the parliamentary right to do it is as well settled as any rule of parliamentary law whatever, and I have kept carefully within it.

Mr. HARRIS. Now, will the Senator allow me?

Mr. HOAR. No, I prefer to make my speech myself. I shall sit down in a moment.

Mr. HARRIS. I rose to ask a question.

Mr. HOAR. I am saying something else.

I repeat, I say nothing which involves any personal disrespect whatever to the accomplished gentleman and public man to whom the Senator from Kentucky just now referred. My respect for him is as great as is the Senator's in all the particulars that make up the character of the gentleman or the able and accomplished statesman.

I am not dealing with that; I am dealing with an assertion of constitutional power, and an assertion of constitutional power which, if it pass unrebuked and be successful, will turn the whole legislative mechanism of this country into a farce, which has already deprived this one branch of its constitutional authority, which has already lowered the influence and the character and the importance of the great office of Representative of the American people, which has already reduced a great assembly, to which John Quincy Adams went from the Presidency, as by an ascent, to the mere function of registering the decrees of three, or four, or five, or six men important in the councils of their party, and which now, as the chairman of the Committee on Appropriations has so well shown, is in danger of reducing and lowering the constitutional power and dignity and importance of the Senate itself.

Mr. BLACKBURN. Mr. President——

Mr. BECK. Will my colleague yield to me for a moment?

Mr. BLACKBURN. Certainly.

Mr. BECK. I only desire to say that within twenty hours of the final adjournment of this Congress by constitutional limitation, with a large number of important bills yet to be acted upon, I do not wish to go into any wrangle or talking match about this thing; but a question was asked me whether I agreed to what Mr. Carlisle had done.

Mr. HOAR. I shall be obliged to call the Senator from Kentucky to order for naming the Speaker.

Mr. BECK. "Mr. Carlisle" may be a man in the galleries; I did not say "Speaker of the House of Representatives." [Laughter.]

Knowing that the Senator from Massachusetts did not like to be interrupted when making a speech, I did not answer him at the time he made the statement, and I therefore now ask my colleague to yield until I do. I only wish to repeat what I said before, that I do not believe that distinguished gentleman has done any wrong, and I do not believe that any man will dare to say in his presence what has been said on this floor behind his back without having an answer that he would not like to hear, and that would be a thorough vindication of the gentleman referred to.

Mr. BLACKBURN. Mr. President, I am disposed to regret that my colleague found it necessary in his own judgment to make any reply to the unwarranted and inexcusable tirade the Senator from Massachusetts has seen fit to indulge in.

It may be true that the rules of the Senate have become moss-grown and old and effete to the Senator from Massachusetts, as he describes them, but it does occur to me that the universal rules of propriety and self-respect and common decency should yet prevail among us.

I do not admit that the Speaker of the House of Representatives needs any defense from an attack like that, emanating from such a quarter. The idea of the Senator from Massachusetts assuming to stand on this floor and preach homilies on non-partisan legislation is more absurd than the devil prating about the scheme of universal redemption. [Laughter.]

Wherever the name of that Speaker of the House of Representatives is known throughout this country, or the world, it is recognized as a synonym for all that is decent, for all that is fair, and for an immense deal that is able. His Republican colleagues in that House, outside of the mere formal methods of attesting their appreciation of these great properties and qualities, as is known to every man in this land, by en-

during mementoes and souvenirs have given proof of their appreciation of the falsity of the charge that is here lodged against him. He needs no defense at the hands of my colleague nor at my hands. Where he is known an assault like that will not hurt him, and I flatter myself that even in the State of Massachusetts, where the Senator is known and seems to be appreciated, it will not work a great deal of harm.

The Senator comes here and makes this assault not on a member of the House of Representatives alone, but on the presiding officer and the constituted exponent and mouthpiece of the co-ordinate branch of the legislative department of this Government; and when pressed by inquiry by the Senator from Tennessee [Mr. HARRIS] as to whether under the rules he had the right to do this, the Senator from Massachusetts makes answer, if answer it can be denominated or termed, that, with his permission, I will say is neither creditable to his candor nor to his manliness.

Mr. HOAR. Why, Mr. President, will the Senator allow me to ask him a question?

Mr. BLACKBURN. With a great deal of pleasure, because I am in the habit of seeing the Senator from Massachusetts interrupt everybody and refuse to allow anybody to interrupt him. [Laughter and applause in the galleries.]

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts will suspend. The Chair takes this occasion to remind the spectators that manifestations of applause or disapprobation are expressly forbidden by the rules of the Senate, and this order will be enforced.

Mr. HOAR. What assault does the Senator from Kentucky refer to? What particular thing have I said in regard to the gentleman to whom the Senator refers in which he differs with?

Mr. BLACKBURN. I will answer the Senator and tell him in many. When he denominates the Speaker of the American Congress a usurper, I deny that and say that is not true, and that nothing in the record will sustain such an assertion. When he says that the Speaker of the American Congress refuses to submit, or stated that he would not submit, a proposed revision of the tariff or taxing system of this country because it emanated from one faction of his party, while he was ready and willing to submit a proposition that should come from another faction of his party, I deny that, and say that it is not true.

Now, I trust the Senator is answered. If an issue upon a statement made by him is what he is courting, he has the answer.

Mr. HOAR. Has the Senator read the letter to which I referred?

Mr. BLACKBURN. I have not; but I have heard it, and I call the attention of the Senator from Massachusetts to one, at least, of the many mistakes that he has made in this attack. He was not discussing the letter that he read, but he was discussing, in violation of all rules—if I had as little regard to the rules of the Senate as he has manifested, I would say in utter derogation of all the suggestions of decency—the action of a member of another House and the Speaker and presiding officer of that House.

There is no necessity for an elaborate defense here. I simply desired, Mr. President, when I rose to express the hope that the day would come when the State that furnished to the Senate Chamber of this country such men as Daniel Webster and Rufus Choate would at last find opportunity to honor itself and do an essential service to the American people by sending a Senator here who was at least the peer of the present Speaker of that House in all that goes to constitute fair-dealing, high character, ability, and patriotism.

Mr. TELLER. Mr. President, I would simply suggest that we proceed now with what is before the Senate.

The PRESIDENT *pro tempore*. The question is, Will the Senate agreee to the report of the committee of conference?

The report was concurred in.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 2d instant, approved and signed the following acts:

An act (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; and

An act (S. 1582) for the relief of Alpheus R. French.

The message also announced that the President had on this day approved and signed the following acts:

An act (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes; and

An act (S. 3165) authorizing the construction of a bridge across the Red River of the North.

## UNORGANIZED TERRITORY SOUTH OF KANSAS.

The Senate resumed the consideration of the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

Mr. TELLER. When I was interrupted we had just reconsidered the vote by which this bill was passed. I now desire to have reconsidered the vote by which the bill was ordered to a third reading.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The question now is, Shall the bill be read a third time?

Mr. MCMILLAN. Let the bill be read.

Mr. TELLER. I now ask to have the Senate amendments disagreed to, so as to bring the House bill before the Senate.

The PRESIDENT *pro tempore*. The Senator from Colorado asks that the vote by which the amendments were agreed to may be reconsidered. That order will be made if there be no objection.

Mr. MCMILLAN. Let the bill be read.

Mr. CONGER. Let the amendments be read.

Mr. TELLER. If the Senate will give me their attention a moment I can show that the amendments need not be read.

Mr. CONGER. I supposed it was another bill. I do not ask it on this bill. I supposed it was a bridge bill.

Mr. TELLER. The House of Representatives sent to us a bill, which the Committee on Public Lands reported a substitute to take the place of, for the purpose of organizing a land district in what is called No Man's Land, south of Kansas. I do not think that anybody has any desire to have it read. I wish to get the bill before the Senate so that we may accept the House bill in lieu of the one passed by the Senate.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the amendments made to this bill in Committee of the Whole?

The amendments were non-concurred in.

The bill was ordered to a third reading, read the third time, and passed.

## SUITS AGAINST THE UNITED STATES.

Mr. CAMERON. I move that the Senate proceed to the consideration of Order of Business——

Mr. HOAR. I rise to present a conference report.

The PRESIDENT *pro tempore*. The report will be received.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following, to wit:

"An act to provide for the bringing of suits against the Government of the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Court of Claims shall have jurisdiction to hear and determine the following matters:

"First. All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however*, That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims which have heretofore been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

"Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

"SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed $1,000, and the circuit courts of the United States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds $1,000 and does not exceed $10,000. All causes brought and tried under the provisions of this act shall be tried by the court without a jury.

"SEC. 3. That whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer, or agent, or contractor so indebted, or that he, or the person for whom he is such surety, guarantor, or personal representative, has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney-General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court. Unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred.

"SEC. 4. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, in so far as the same is applicable and not inconsistent with the provisions of this act; and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt.

"SEC. 5. That the plaintiff in any suit brought under the provisions of the second section of this act shall file a petition, duly verified, with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or other thing claimed, or the damages sought to be recovered, and praying the court for a judgment or decree upon the facts and law.

"SEC. 6. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counter-claim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

"SEC. 7. That it shall be the duty of the court to cause a written opinion to be filed in this cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

"SEC. 8. That in the trial of any suit brought under any of the provisions of this act, no person shall be excluded as a witness because he is a party to or interested in said suit; and any plaintiff or party in interest may be examined as a witness on the part of the Government. Section 1079 of the Revised Statutes is hereby repealed. The provisions of section 1080 of the Revised Statutes shall apply to cases under this act.

"SEC. 9. That the plaintiff or the United States, in any suit brought under the provisions of this act, shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, and as near as may be, to the statutes and rules of court governin appeals and writs of error in like causes.

"SEC. 10. That when the findings of fact and the law applicable thereto have been filed in any case as provided in section 6 of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same; whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same: *Provided*, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit. From the date of such final judgment or decree interest shall be computed thereon, at the rate of 4 per cent. per annum, until the time when an appropriation is made for the payment of the judgment or decree.

"SEC. 11. That the Attorney-General shall report to Congress, and at the beging ning of each session of Congress, the suits under this act in which a final judgment or decree has been rendered, giving the date of each, with a statement of the costs taxed in each case.

"SEC. 12. That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of laws shall have been found, the court shall report its findings to the Department by which it was transmitted.

"SEC. 13. That in every case which shall come before the Court of Claims or is now pending therein under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

"SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed, or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

"SEC. 15. If the Government of the United States shall put in issue the right of the plaintiff to recover the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses and for summoning the same and fees paid to the clerk of the court.

"SEC. 16. That all laws and parts of laws inconsistent with this act are hereby repealed."

And the Senate agree to the same.

JOHN C. SPOONER,
GEORGE F. HOAR,
JAMES K. JONES,
*Managers on the part of the Senate.*

J. R. TUCKER,
GEORGE E. SENEY,
A. X. PARKER,
*Managers on the part of the House.*

Mr. SHERMAN. Upon the question of agreeing to that report I want to say something that has nothing to do with it, but at the same time is as much in order under the rules as a great deal that has been said.

I wish to suggest, in order to expedite business and prevent us from getting into a maelstrom, a proposition which I think will be conceded to be fair on all sides. It is this, that four bills under the charge of the Senator from Virginia [Mr. MAHONE] relating to public buildings, one of which is a veto message and the others are Senate bills for public buildings at Paterson, N. J., Richmond, Ind., and Jacksonville, Fla., be considered. The Senator from Massachusetts says he will try to get in the Lynn bill, and he can make that motion. I propose that the Senator from Virginia be allowed to have a vote on these four bills. He desires to make some remarks on one of them. Then, so far as my vote is concerned, we will go on with the House bills on the Calendar under the Harris rule, and in that way we shall avoid contention and dispute for the floor.

I make that proposition, and I say that these four bills are not bills of interest particularly on this side of the House, but a majority of them are really of interest to the other side. By that arrangement I think we can avoid a struggle.

Mr. HARRIS. I very much hope that the Senate will agree to the request of the Senator from Ohio, and that we may proceed in that order and avoid a wild scramble for the floor and Senators moving for the consideration of particular bills.

Mr. WILSON, of Iowa. Before that understanding is reached I desire to make a motion requesting the House of Representatives to return to the Senate the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from States courts, and for other purposes, approved March 3, 1875, passed by the Senate last night with several amendments, among which was one increasing the salaries of the district judges of the United States, and I wish to state my purpose in making this motion. It is to have the bill returned to the Senate so as to enable me to enter a motion to reconsider the vote by which the amendment relative to the salaries of judges was adopted, in order that if the Senate should conclude to send the bill again to the House it may go there without the incumbrance of that amendment. Unless some such procedure as this is had I feel that we shall not be able to get final action on the bill.

Mr. HARRIS. I suppose the Senator from Iowa will get unanimous consent to make that motion now, and ask the House to return the bill.

Mr. WILSON, of Iowa. That is my purpose.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the bill he has named may be requested to be returned from the House of Representatives.

Mr. DOLPH. I object.

The PRESIDENT *pro tempore*. The Senator from Oregon objects. The question recurs on the conference report submitted by the Senator from Massachusetts [Mr. HOAR].

Mr. SHERMAN. I ask the unanimous consent of the Senate to proceed in the way I have proposed.

Mr. CONGER. I can not consent to that.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the order of business may be such as has been indicated by him. Is there objection?

Mr. CONGER. I applied for a day to get the bridge bills through which it is necessary to pass, so as to give them an opportunity to become laws, but one thing or another has put other bills before them here for the last three days, and I shall not give my consent to a request that any other business be taken up until the ten or twelve bridge bills can be heard. They are of more importance than many of these other things, because the want of them is actually delaying the transportation business of the country, and they are scattered all over the United States, and every Senator is interested in some of these bills, or at least in having them considered. They are House bills which the Committee on Commerce have reported favorably, some with amendments and some without.

Mr. SHERMAN. If the Senator will just be patient and adopt this rule every bridge bill can be reached, and if it is not adopted none will be reached, because, just as certain as fate, there will be a contest and an unseemly struggle; but if this order is pursued, taking up the House bills, and, where a bill gives rise to much contention or debate, objecting to it and letting it go over, every bridge bill will be passed; otherwise they will not be. I give notice that, so far as I am concerned, I feel it my duty to stand by this proposition, and I will move whenever the opportunity offers to take up the bills named in this programme, and then the House bills generally.

Mr. CONGER. The recommendation of patience I return to the Senator from Ohio to improve upon and cultivate. It belongs there. For two days we have been approaching these bridge bills under the Harris rule and for two days we have not reached the first one of them on the Calendar, and under that process we shall not reach them at all, if the Senate were to remain in session three days longer.

I ask unanimous consent, after the passage of the pending bill, that the bridge bills reported favorably by the Committee on Commerce shall be taken up in their order and disposed of.

Mr. HARRIS. House bridge bills?

Mr. CONGER. House bridge bills.

Mr. PALMER. Is there a motion before the Senate?

The PRESIDENT *pro tempore*. The pending question is, Will the Senate agree to the report of the committee of conference submitted by the Senator from Massachusetts [Mr. HOAR]?

Mr. WILSON, of Iowa. I understand that the Senator from Oregon is willing to withdraw his objection.

Mr. CONGER. Is there not a request for unanimous agreement to take up the bridge bills?

The PRESIDENT *pro tempore*. The Chair is unable to decide. The Senator from Ohio had made a previous request for unanimous consent.

Mr. CONGER. To which there was objection.

The PRESIDENT *pro tempore*. The Senator from Michigan now submits another request for unanimous consent.

Mr. SHERMAN. I shall object to any other order except the one heretofore adopted by the Senate.

The PRESIDENT *pro tempore*. The Senator from Ohio objects.

Mr. WILSON, of Iowa. The Senator from Oregon informs me that he will consent to withdraw his objection to the motion I proposed to make, upon condition that it be submitted to a vote. He is not willing to yield unanimous consent. I see no other way to solve the difficulty in connection with this business unless that be done.

Mr. PALMER. I rise to a point of order. I think Senators are not talking to the motion. This is altogether outside the motion now before the Senate.

The PRESIDENT *pro tempore*. The Chair would reply that there is neither rule nor precedent that requires Senators to speak to the question under consideration.

Mr. PALMER. I thought the proprieties of the case and the expedition of public business might.

The PRESIDENT *pro tempore*. Will the Senate concur in the report of the committee of conference submitted by the Senator from Massachusetts?

The report was concurred in.

DISTRICT ACCOUNTS.

Mr. PALMER. I submit a conference report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

T. W. PALMER,
P. C. CHENEY,
ISHAM G. HARRIS,
*Managers on the part of the Senate.*
JNO. J. HEMPHILL,
J. H. ROWELL,
J. E. CAMPBELL,
*Managers on the part of the House.*

The report was concurred in.

PUBLIC BUILDING AT DAYTON, OHIO—VETO MESSAGE.

The PRESIDENT *pro tempore*. The Chair understands that under the agreement of the Senate this morning the next subject under consideration is House bills favorably reported on the Calendar under the Harris rule.

Mr. MAHONE. I ask now that the Senate take up the Senate bill 856, a bill returned by the President with his disapproval.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate do now proceed to the consideration of the message of the President of the United States, returning without approval the bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio. The message of the President will be read.

Mr. MAHONE. It has been read before.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, notwithstanding the objections of the Executive?

Mr. MAHONE. Mr. President, in considering the action of the Executive in this matter, which sets aside the deliberate judgment of the legislative department of the Government, it may be well to recur to the considerations which have shaped the policy of the Government in respect to public buildings and governed the action of Congress in this and the seven other similar cases which have fallen under executive disapproval.

The steadily developed policy of the Government, Mr. President, has been, through all changes of parties and differing administrations, to promote the general welfare as its means would allow, and as the increase of population and the progress of civilization demanded.

The encouragement and material aid which the Government has given to the construction of railways, have brought the ocean-bound coasts of the country into close relation with the interior, and bestowed actual value upon the productive resources of a vast theretofore land-locked section of the Union, and made neighbors of sixty millions of people.

Its aid to rivers and harbors and its provisions for the safety of navigation, are but in response to that constitutional purpose of an enlightened care for the "general welfare" which that clause of the organic law was designed to promote.

Its improved and steadily expanding postal system is but responsive to the duty, which is the aim of the governmental creation—such service as shall adequately accommodate all the wants and necessities of organized society and thus best advance the general welfare of the people.

Its duty to provide suitable accommodations for the convenient discharge of the public business, whether of the judiciary, the customs, or the postal service, due regard for "sound business principles" would seem alike to exact; and step by step as the resources of the Government would permit, that duty had been performed and the policy of so providing for the "general welfare," and for the more orderly, convenient, and economical conduct of the public business, had become fairly ingrafted upon the administration of the Government.

Mr. President, the exercise of the respected constitutional prerogative of the Executive, whereby is set the seal of disapproval upon any measure which the legislative department of the Government shall see fit to adopt, lacks in the present case, it is believed, those considerations for the public convenience which it should be the object of the Government to accommodate; and severely lacks that regard for "sound business principles" and that "economy in public affairs which (as we are reminded) has been promised to the people."

While the right to the exercise of this high and delicate power is surrounded with no qualification, it is not believed, Mr. President, to have been conferred for the purpose of revising and defeating the deliberate judgment of the legislative department of the Government by the contrary opinion of a single person, but out of abundant caution as a means of arresting hasty or imperfect and vicious legislation. No such justification can be found and no such pretext is given for Executive disapproval in these cases. It is merely the opinion of a single person against that of the many who compose and represent a co-ordinate power of the Government, involving, Mr. President, no more, if you please, than a mere application of "sound business principles" in the expenditure of public money, or that "economy in public affairs" which might well be left, I submit, for accountability where the responsibility originated.

The Forty-ninth Congress, Mr. President, up to this day has passed 21 bills for the completion—in some cases, and for the enlargement in other cases—of certain public buildings heretofore begun or heretofore constructed, and it has passed 29 bills authorizing the erection *ab initio* of the same number of such buildings for the accommodation of the public service, located in 11 States and Territories of the Union.

Of the bills comprising this latter class 16 have received Executive sanction and 8 have encountered Executive disapproval. These are:

The bill (H. R. 5546) authorizes the construction of a building to cost $80,000 at Asheville, N. C., for the accommodation of the United States courts and the postal service at that enterprising little town.

The bill (H. R. 5580) authorizes the construction of a building to cost $100,000 for the accommodation of the customs and postal service at the flourishing city of Duluth, Minn. The advantageous situation of this city for conducting the trade of a large area of country with which its connections have lately been improved and are to be multiplied by matured enterprises is demonstrated by a striking development of its commerce and an increase of population to 17,000. The promise is, Mr. President, that we are to have here in the near future at Duluth a city of conspicuous proportions, which might well on "sound business principles" receive that consideration at the hands of the National Government which the bill designated would confer.

The bill (H. R. 1391) authorizes the construction of a building to cost $75,000 at the growing city of Springfield, Mo., for the accommodation of the postal and other service, and for the district court of the United States, which it was believed at the time of the passage of this bill would be fixed at Springfield; meanwhile the bill then pending for that purpose has passed the Congress.

The bill (S. 763) authorizes the construction of a building to cost $100,000, for the accommodation of the United States courts and the postal service at Sioux City, Iowa, one of the most important and enterprising cities of that State, and where the annual rental paid for a post-office is $2,200, and the net revenue of the postal business is over $18,000—the first equal to 2½ and the two to 22 per cent. upon the proposed outlay.

Sioux City, whose population has risen from less than 8,000 in 1880 to over 23,000 in 1886, is the seat of an increasing wholesale and retail trade and of growing manufacturing interests of no mean proportions.

Besides the appropriate accommodations for the postal service which the increase of business and the rapid growth of population demand—and the greater cost to which the Government must surely be subjected on that account, by reason of the higher rentals which follow such results, and against which on "sound business principles" it would seem wise and responsive to that "economy in public affairs which has been promised to the people" to provide—we must not forget, Mr. President, that here at Sioux City, the proposed building is to serve other and more important and urgent public purposes. It is to afford court room for the business of the circuit and district courts of the United States, provide proper office accommodations for their officials, and make safe place for the preservation of the important records of these courts.

By the courtesy of State officials the sessions of these United States courts are now held in the State court-house upon such terms as to time as the business of the State courts allow to be conceded, and we are told by the honorable judge of the United States court for the Sioux City district, "it is impossible (under such circumstances) always to complete the business of a given term without trenching upon the time belonging to another court." Mr. President, the growing business of State and Federal courts here at Sioux City manifestly can not longer be conducted in the one court-room without serious hindrance and delay in the administration of justice, increased court expenses, and costs to litigants.

On "sound business principles" and in pursuance of that "economy in public affairs which has been promised to the people" we have in this case an opportunity and the occasion for a wise and judicious expenditure of public money.

The bill (S. 1162) authorizes the construction of a building to cost $100,000 at Lynn, Mass., for the accommodation of the important postal and customs business of that city.

Lynn has a population of over 46,000 people, not including suburban towns, and a property value of full $30,000,000, and its manufacturing interests, which employs thirteen millions capital and 12,000 workmen, contributes a product of forty millions to the wealth of the country. It is a port of considerable commerce, foreign and domestic. Its contributions to the postal revenue (net) in the past ten years exceed by 90 per cent. the cost of the building which the bill designated would provide in response to such overwhelming just demands of that people, now severed in their necessary business relations with the Government in an overgrown fire-trap.

The bill (H. R. 6976) authorizes the construction of a building to cost $60,000 at Portsmouth, Ohio, for the accommodation of the customs, the postal and internal-revenue business of the Government done there.

Portsmouth is a port of delivery within the customs district of New Orleans and has the promise of an increase of trade which is estimated to amount now to full $10,000,000. Its population has risen from 11,000 in 1880 to 15,000 in 1885. It is the seat of varied manufacturing interests and the headquarters of an internal-revenue district which collects over one million a year.

The business of the Government at Portsmouth and the people of this enterprising, thrifty town are both inadequately and poorly served in rented quarters, where no security is to be found for the mails, and the property of the Government, including an average of $640,000 in stamps which are kept there to meet the public demands.

The bill (S. 206) authorizes the construction of a post-office building to cost $150,000 at Zanesville, Ohio, the largest city of the southern section of that State, located in the center of her grain, coal, and iron region and at the head of navigation on the Muskingum River, the terminus of five important lines of railroad, the seat of large manufacturing interests and of flourishing institutions of learning, all going to make up such considerations of public interests as would seem to invoke the friendly concern of the parental Government.

The bill (S. 856) authorizes the construction of a post-office building, to cost $150,000, at Dayton, Ohio.

Such are the public-building bills, Mr. President, which have failed to receive Executive approval, and Congress is to be congratulated on having its discretion guided by "business principles" in respect to 16 of these bills, and it must endure condemnation on account of the 8 enumerated as failing to conform to the "Executive view of business principles" and that "economy in public affairs" which the Executive had promised the people.

Dayton, Mr. President, is the fifth city in the great State of Ohio, which ranks as the third State in the Union, and whose contributions to the Federal Treasury are annually over twelve and a half millions of dollars. Dayton is one of her most thrifty, prosperous, and progressive cities. It had a population in 1880 of 39,000, and now Dayton has a population of 50,000, and a property value of $20,000,000 in 1880.

It is the terminus of eight leading lines of railway, the seat of extensive manufactures of railway cars, of paper, of stone and hollow ware, of cotton, oil, woolens, and flour, whose products contributed, by the census of 1880, seventeen millions of value annually to the wealth of the country. It is the home of 11 public and 2 Catholic schools; of 47 churches, a public library, and 3 banks. Her own public buildings for the administration of the laws cost nearly three times as much as it is proposed the Government shall expend for a building to accommodate its own business there and for the discharge of its proper duty towards that community.

Mr. President, I submit that refusal to furnish that community with such public accommodations as this vetoed bill would provide does not comport with "sound business principles," nor in any practical sense with that "economy in public affairs which has been promised to the people," but is more in the line of that parsimony which is not true economy; certainly when you consider, Mr. President, that at Dayton the Government is paying for inferior, inadequate, and unsafe accommodations, an annual rental of $3,850, equal to full 2½ per cent. upon the proposed expenditure, for a building to which that State and the people of that city are justly entitled by every consideration which may fairly invoke concern for the "general welfare."

The net revenue of the post-office at Dayton is over $37,500, and the internal-revenue taxes gathered from the people of the district of which Dayton is the center exceed a million and a quarter annually.

It would seem, Mr. President, to be more in accordance with "sound business principles" and with "economy in public affairs" to provide adequate, inviting, and safe accommodations for a community whose contributions to the National Treasury are as imposing as those of that city and State rather than to repel them and refuse that encouragement to architectural taste and the spirit of progress and improvement which the enterprise of that people invites.

It would seem to be more in accord, Mr. President, with "sound business principles" and with true "economy in public affairs" to relieve the Treasury of a part of that increasing surplus which threatens to reach $90,000,000 by the close of the present fiscal year and save the rental of $3,850 at Dayton, rather than refuse to facilitate the public business and comply with the laudable wish of so large a community as we have in Dayton, because, forsooth, they can be served in a rented building at such cost. It is an unwise economy which denies to the public service that safety to its funds, files, and property; that security to its agents and the correspondence of the people; that convenience, economy of administration, and comfort which would follow the construction of the proposed building at Dayton.

Mr. President, I do not question the considerations of public policy which secured Executive approval of the bills for public buildings, where neither the judicial nor customs service are administered, for I know of no case where the duty of other departments of the Government and the just demands of the community directly related to the service rendered do not on "business principles" call for the expenditure of public money in such cases proposed. But, Mr. President, I confess failure to comprehend the "business principles," and to a lack of appreciation for that promise to the people of "economy in public affairs, which while dissenting from the judgment of Congress in respect to the eight bills I have specifically described, approves that judgment in the certain cases to which I am obliged to refer.

I do not understand, Mr. President, the considerations, which on "sound business principles" denies a "public building" at one place upon the pretext that no court of the United States is to be accommodated, and in another approve the expenditure of the public money for such purpose where such courts are not held. Nor do I understand, Mr. President, the changeable interpretation of such "sound business principles" which approves the expenditure of public money for the construction of a public building to accommodate merely the postal service at an inferior town or city and denies the like recognition of the claims of another, which by every consideration of population and values, thrift and importance, are superior.

I do not understand, Mr. President, the true intent and meaning of that "economy in public affairs (which we are told) has been promised to the people," which approves the expenditure of public money where the rental of quarters cost now but 1½ per cent. upon the sum to be expended, and denies it where the cost is 2½ per cent.

The bill of $80,000 for Asheville, N. C., where the United States courts are held and the population is 5,000, and the rents paid for court and post-office accommodations amounts to $250 per annum, is vetoed, and that for Fort Smith of $100,000, where the objects are the same, the population something over three thousand, and the rents paid amount to $360, is approved.

The bill of $100,000 for Huntsville, Ala., where the population may be in excess of 4,000 and the building is to provide accommodations for courts and post-office, has properly received Executive sanction, and the bill of the same amount and for the like purpose at Sioux City, with a population of full 23,000, is vetoed.

The bill of $100,000 for the accommodation of the customs and postal business of the flourishing city of Duluth, with a population of 17,000; the bill of $75,000 for the accommodation of the postal service and the courts now to be held there, at the thriving city of Springfield, with a population of some 20,000; the bill of $100,000 for the building to accommodate the customs and postal business of the city of Lynn, with a population of 46,000, and the immense interests which otherwise backs her claim to that consideration which that bill would confer; the bill of $60,000 for a post-office and customs building at Portsmouth, Ohio, with a population of 15,000; the bill of $150,000 each for post-office buildings at Zanesville and Dayton, with their populations of 20,000 and 50,000, and the great interests which these two cities of that State represent, unhappily have fallen under Executive disapproval.

Yes, Mr. President, such are the bills whose objects in some respect, not conceived, fail to measure up to that self-regulated standard of "sound business principles" which is made the pretext for Executive disapproval, while the bill for a post-office building, to cost $75,000, at Houston, Tex., with a population of 30,000, and other considerations well and sufficiently justifying the recognition so extended, and the bill of fifty thousand for the same purpose at Owensborough, with a population of less than 7,000 and a net revenue of $5,868, are approved.

I do not believe, Mr. President, any Executive heretofore has felt it

to be necessary to interfere with the judgment of Congress in respect to such appropriations as these bills propose to make, and yet there has been no time in the life of the Government till now when its Treasury has been burdened with a surplus so large and increasing as to vex apparently the anxiety of the administration, and that of both political parties, as to what process it may be reduced and the overflow arrested.

Mr. President, the construction of public buildings in cases like the one under immediate consideration, where the service of the Government is fixed and its business relations with the community are certain to go on and grow, would seem to furnish a proper field for the judicious expenditure of the public money on "business principles," and certainly an opportunity for advantageous investment of an idle surplus in the interests of wise "economy in public affairs" and the general welfare as well.

Mr. President, no business concern, whether individual or corporate, contents itself to do business in a rented plant any longer than it may be able to provide one of its own ownership, expressly adapted to its peculiar wants, the character of its own business, and permanent in all its features, where permanency and security are attainable.

On purely business principles such, Mr. President, is the established policy of every well-governed concern and corporation that comes to stay, and such is the conspicuous policy of all enlightened governments of ancient and modern times.

It is believed, Mr. President, that scarcely in any other direction can the expenditure of public money be applied with more satisfactory results, if we consider the permanent interests of the Government with respect to duty, economy of administration and revenue, or that of the people in their intimate relation with it, and the service it renders to them.

The outlay is for permanent value, and the object created serves to impress the presence and the concern of the national authority. It sends back among the people a share of the money drawn into the public Treasury, to give employment and currency touching the interests of every State.

The presence of such structures inspires public taste, stimulates enterprise, and gives the country a better class of public and private buildings; it incites emulation and concern for larger comforts in homes and in public places within the circle of population whose business with the Government is there in such structures to be done. They attest, as do the highways of a country, the character, the taste, the enterprise, and the civilization of a people.

I trust, Mr. President, that it may be the judgment of the Senate to pass this bill into law, the Executive disapproval to the contrary notwithstanding.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the Executive to the contrary notwithstanding?

Mr. SHERMAN. Yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays are required by the Constitution to be taken on the question.

Mr. VEST. Let the President's veto message be read.

The PRESIDENT *pro tempore*. The message will be read.

The Secretary read as follows:

*To the Senate:*

I herewith return without approval Senate bill 856, entitled "An act to provide for the erection of a public building in the city of Dayton, Ohio."

It is not claimed that the Government has any public department or business which it should quarter at Dayton except its post-office and internal-revenue office. The former is represented as employing ten clerks, sixteen regular and two substitute letter-carriers, and two special-delivery employés, who, I suppose, are boys, only occasionally in actual service. I do not understand that the present post-office quarters are either insufficient or inconvenient. By a statement prepared by the present postmaster it appears that they are rented by the Government for a period of ten years from the 15th day of October, 1883, at an annual rent of $2,950, which includes the cost of heating the same.

The office of the internal-revenue collector is claimed to be inadequate, but I am led to believe that this officer is fairly accommodated at an annual rental of $900. It is not impossible that a suggestion to change the area of this revenue district may be adopted, which would relieve any complaint of inadequacy of office room.

With only these two offices to provide for, I am not satisfied that the expenditure of $150,000 for their accommodation, as proposed by this bill, is in accordance with sound business principles or consistent with that economy in public affairs which has been promised to the people.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 9, 1886.

Mr. PAYNE. Mr. President, this bill for a public building in the garden city of Dayton, Ohio, was introduced by me originally in the Senate, and I desire for a moment to call the attention of the Senate to it.

The general statement made by the chairman of the committee is confirmed by a report prepared by a committee of most intelligent and respectable citizens of that city in regard to the necessity for this building, and I will read it. They set forth briefly the facts, and I know these gentleman to be reliable and among the most respectable citizens of that city. At a public meeting called, representing the commercial, manufacturing, laboring, and property interests of the community, they submit a report, which is signed by George W. Houk, chairman, R. R. Dickey, John K. McIntire, A. D. Wilt, N. Thacker, W. Worman, in which they say:

We are now a city of fully 50,000 inhabitants, with a correspondingly large and growing postal service. The annual revenue of our post-office is about $70,000; the aggregate business about a half million per year. Our manufacturing industries aggregate an actively employed capital of many millions. We have eleven railroads and five national banks, and ever since the inauguration of the internal-revenue system its principal office has been in this city. Our collection district now embraces nine counties, and yields an annual revenue to the Federal Government of near two millions. We have upon the city duplicate personal property amounting to $8,283,000, and real estate aggregating seventeen millions and a quarter. Our county buildings have cost over a half million of dollars.

The city is rapidly increasing in population, business, and resources, and property in the business portion is fast growing in value. Out best business property is worth $1,000 per front foot, but within a suitable distance from our business center there are now eligible sites that can be secured at less than half that cost.

We deem the appropriation proposed sufficient to secure the location and erect such a building as our necessities require. If its location and erection shall be deferred the probability is that within a few years the sites referred to will be built up by private enterprise. Until the present term our post-office accommodations have been disgracefully deficient, and now the Government is compelled to pay an annual rent of $2,700 for a post-office, the lease of which is subject to a termination upon a month's notice.

The internal-revenue offices are located in a two-story brick building, for which a rent of $900 is paid, and in which the accommodations are altogether inadequate. The risk of fire in the post-office and internal-revenue buildings and the valuable public property, money, and records therein contained, is a material consideration.

Rent is also paid for the office of a United States commissioner.

In view of the remoteness of the points from here at which the United States courts are held, it is not improbable that at no distant day terms of these courts will be held in this city for the transaction of the important business of this rapidly growing valley.

In view of the fact, so hastily stated, that the Government is now paying nearly $4,000 per annum rent, without any adequate protection against loss by fire and for totally insufficient accommodations, especially in regard to the internal revenues, and in view of the further fact that the business of this city and of the revenue district of which it is the center, has hitherto paid many millions of dollars into the Federal Treasury, and never received a dollar yet by way of disbursement by direct appropriation for public purposes, we feel justified in urging respectfully the approval of the bill.

I shall not detain the Senate by any extended remarks, but I wish to call attention to the fact that in the various veto messages of the President of public building bills he does not regard population and commercial business and manufacturing interests as of any consequence in determining whether such a bill shall become a law. As I understand it, he puts his veto upon the ground that if there be a United States court held at the place, though there be but one district court of the State and it is held in but one city of the State, a public building shall be erected there, but in no other city where terms of the court are not required by law to be held. In other words, in one State, I think in Kentucky, a town with about 6,000 inhabitants that has not one-eighth of the population or the business importance or the commercial and manufacturing interest sof the city of Dayton, may have a public building erected providing for a court-house; but if there is no term of a Federal court to be held in a city, though like Dayton it has 50,000 inhabitants, it is not to be accommodated with a building, and it is a case of "Federal decoration" in his judgment.

Is the Senate prepared to indorse this idea of the Executive, that there shall be no public buildings erected in cities for any purpose but for the accommodation of the Federal courts? If we are prepared to declare that that is the judgment of the Senate, then we may be assured that at no place in the Union hereafter will there be a public building erected, whatever the commercial necessities demand for accommodating the postal service, unless there is to be a Federal court held there. The consequence will be that 95 or more per cent. of the important towns throughout the country will not be accommodated.

I suppose Senators may differ from the President as to the expediency of erecting these public buildings. I believe for myself that wherever built they have a very happy influence over the condition of society. I believe when the disorderly element, to say nothing of the better element, see on every public occasion and during holidays the flag of the Government raised on these post-office buildings it is an admonition and a notice to them of the presence and the power of the Federal Government, and it has a salutary influence, in my judgment, in that way.

Among other things I believe it is a very proper and true policy of this Government to establish in all the principal cities of the Union a building of its own. In other words, I would prefer that the Government should be the proprietor, the owner of the premises rather than the tenant or lessee.

It is for the Senate to determine whether in the judgment of the Senate we are prepared to say there shall be only a public building for the accommodation of a Federal court, which may sit but one week in a year and may have no great amount of business to discharge, and that that shall be the sole basis of the building. I am prepared for one to vote that any city in this Union which has a population of five thousand shall have a post-office building there, owned and controlled by the Government, and I believe that will be the wiser policy.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the Executive to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. If he were present, I would vote "yea."

The roll-call was concluded.

Mr. MANDERSON. I transfer my pair with the Senator from Ken-

tucky [Mr. BLACKBURN] to the Senator from Pennsylvania [Mr. MITCHELL], and I vote "yea."

Mr. WALTHALL (after having voted in the negative). I am paired generally with the Senator from Wisconsin [Mr. SPOONER]. I see he is not present, and I withdraw my vote.

The result was announced—yeas 39, nays 18; as follows:

YEAS—39.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Jones of Nevada, | Sawyer, |
| Allison, | Eustis, | McMillan, | Sherman, |
| Blair, | Evarts, | Manderson, | Stanford, |
| Bowen, | Fair, | Miller, | Teller, |
| Brown, | Farwell, | Mitchell of Oreg., | Vance, |
| Call, | Frye, | Morrill, | Van Wyck, |
| Chace, | Harrison, | Palmer, | Voorhees, |
| Cheney, | Hawley, | Payne, | Williams, |
| Conger, | Hoar, | Platt, | Wilson of Iowa. |
| Cullom, | Ingalls, | Sabin, | |

NAYS—18.

| | | | |
|---|---|---|---|
| Berry, | Gorman, | Kenna, | Vest, |
| Cockrell, | Gray, | Maxey, | Whitthorne, |
| Coke, | Hampton, | Pugh, | Wilson of Md. |
| Colquitt, | Harris, | Ransom, | |
| George, | Jones of Arkansas, | Saulsbury, | |

ABSENT—19.

| | | | |
|---|---|---|---|
| Beck, | Dawes, | McPherson, | Riddleberger, |
| Blackburn, | Edmunds, | Mahone, | Sewell, |
| Butler, | Gibson, | Mitchell of Pa., | Spooner, |
| Camden, | Hale, | Morgan, | Walthall. |
| Cameron, | Jones of Florida. | Plumb, | |

The PRESIDENT *pro tempore*. Two-thirds having voted in the affirmative, the bill is passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2159) granting a pension to Mrs. Almira Ambler.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

A bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Joint resolution (S. R. 117) to authorize the use of hot water off the Government reservation at Hot Springs, Ark.; and

Joint resolution (S. R. 108) providing for the sale of public documents.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. By direction of the Committee on Appropriations I report with sundry amendments the bill (H. R. 11234) making appropriations to supply deficiences in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes. I ask that it be printed.

The PRESIDENT *pro tempore*. The bill will be printed and placed on the Calendar.

MRS. ALMIRA AMBLER.

Mr. PLATT rose.

Mr. SHERMAN. I ask that the Senate now proceed under the Harris rule to the Calendar.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Connecticut to rise with a conference report.

Mr. PLATT. I will wait until the question is put on the request of the Senator from Ohio.

The PRESIDENT *pro tempore*. The Senator from Ohio asks that the Senate proceed to the consideration of House bills on the Calendar.

Mr. CONGER. With the understanding that when we reach the bridge bills they shall then all be considered.

Mr. ALLISON. We want to take up the Sioux City bill.

Mr. CONGER. We are to pass the House bridge bills before going on with the others.

Mr. PLATT. I rise to a question of privilege.

The PRESIDENT *pro tempore*. The Senator from Connecticut rises to a conference report.

Mr. PLATT. I ask that the action of the House of Representatives on Senate bill 2159 be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 3, 1887.

*Resolved*, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2159) granting a pension to Mrs. Almira Ambler.

The PRESIDENT *pro tempore*. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2159) granting a pension to Mrs. Almira Ambler, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the said bill and agree to the same with an amendment as follows: Insert in lieu of the word "twelve" the word "twenty," and that the House agree to the same.

PHILETUS SAWYER,
JAMES F. WILSON,
O. H. PLATT,
*Managers on the part of the Senate.*
JNO. A. SWOPE,
W. H. NEECE,
E. H. CONGER,
*Managers on the part of the House.*

The report was concurred in.

PUBLIC BUILDING AT SIOUX CITY—VETO MESSAGE.

Mr. ALLISON. I move to take up the bill (S. 763) which is the Sioux City bill, and stands in the same relation as the Dayton bill.

Mr. SHERMAN. I ask if my motion is not in order, to proceed to the consideration of House bills on the Calendar?

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the Senate proceed to the consideration of House bills favorably reported upon the Calendar, under what is known as the Harris rule. Is there objection?

Mr. ALLISON. I do not object if this matter, which belongs directly to the question that has just been disposed of, shall now be taken up.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Ohio?

Mr. HARRISON. I must object to that until the bills which are on the Calendar of the same class with the Dayton bill are voted on. I think we can dispose of them in a few minutes.

Mr. SHERMAN. I will not press my request further at this time.

Mr. ALLISON. I move to take up the message from the President of the United States returning the bill (S. 763) for the erection of a public building at Sioux City, Iowa, to the Senate with his objections thereto.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the message is before the Senate. The message of the President has been once read. Shall it be read again? ["No!" "No!"] If not, the question is, Shall the bill pass, the objections of the Executive to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MANDERSON (when the name of Mr. MITCHELL, of Pennsylvania, was called). The Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 38, nays 19; as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Aldrich, | Evarts, | Mahone, | Sawyer, |
| Allison, | Fair, | Manderson, | Sherman, |
| Blair, | Farwell, | Miller, | Stanford, |
| Bowen, | Frye, | Mitchell of Oreg., | Teller, |
| Call, | Harrison, | Morrill, | Van Wyck, |
| Chace, | Hawley, | Palmer, | Voorhees, |
| Cheney, | Hoar, | Payne, | Williams, |
| Conger, | Ingalls, | Platt, | Wilson of Iowa. |
| Cullom, | Jones of Nevada, | Riddleberger, | |
| Dolph, | McMillan, | Sabin, | |

NAYS—19.

| | | | |
|---|---|---|---|
| Berry, | Eustis, | Maxey, | Vance, |
| Brown, | Gray, | Morgan, | Vest, |
| Cockrell, | Hampton, | Pugh, | Whitthorne, |
| Coke, | Harris, | Ransom, | Wilson of Md. |
| Colquitt, | Jones of Arkansas, | Saulsbury, | |

ABSENT—19.

| | | | |
|---|---|---|---|
| Beck, | Dawes, | Hale, | Plumb, |
| Blackburn, | Edmunds, | Jones of Florida, | Sewell, |
| Butler, | George, | Kenna, | Spooner, |
| Camden, | Gibson, | McPherson, | Walthall. |
| Cameron, | Gorman, | Mitchell of Pa., | |

The PRESIDENT *pro tempore*. Two-thirds having voted in the affirmative, the bill is passed.

PUBLIC BUILDING AT LA FAYETTE—VETO MESSAGE.

Mr. HARRISON. I call up now the vetoed bill providing for a public building at La Fayette, Ind.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of the message of the President of the United States returning the bill (S. 531) to provide for the erection of a public building at La Fayette, Ind., with his objections thereto. The Chair hears no objection, and the question is, Shall the bill pass, the objections of the Executive to the contrary notwithstanding?

Mr. HARRISON. I do not desire to detain the Senate. La Fayette is a city of nearly 30,000 inhabitants. It is one of the most prosperous

and enterprising business places in the State. I hope the Senate will pass the bill over the veto.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the Executive to the contrary notwithstanding? The roll will be called.

Mr. HARRIS. The bill has not yet been taken up, I think, Mr. President.

The PRESIDENT *pro tempore*. It has been taken up.

Mr. HARRIS. I did not understand that the question was put.

The PRESIDENT *pro tempore*. Then the Chair will put the question on the motion to proceed to the consideration of the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. If no Senator desires it the bill will not be read again. The question is, Shall the bill pass, the objections of the Executive to the contrary notwithstanding?

The Secretary proceeded to call the roll.

Mr. MANDERSON (when the name of Mr. MITCHELL, of Pennsylvania, was called). The Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 38, nays 18; as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Mahone, | Sawyer, |
| Allison, | Evarts, | Manderson, | Sherman, |
| Blair, | Fair, | Miller, | Stanford, |
| Bowen, | Farwell, | Mitchell of Oreg., | Teller, |
| Brown, | Frye, | Morrill, | Van Wyck, |
| Call, | Harrison, | Palmer, | Voorhees, |
| Chace, | Hawley, | Payne, | Williams, |
| Cheney, | Hoar, | Platt, | Wilson of Iowa. |
| Conger, | Ingalls, | Riddleberger, | |
| Cullom, | Jones of Nevada, | Sabin, | |

NAYS—18.

| | | | |
|---|---|---|---|
| Berry, | Gray, | Morgan, | Vest, |
| Cockrell, | Hampton, | Pugh, | Whitthorne, |
| Coke, | Harris, | Ransom, | Wilson of Md. |
| Colquitt, | Kenna, | Saulsbury, | |
| Gorman, | Maxey, | Vance, | |

ABSENT—20.

| | | | |
|---|---|---|---|
| Beck, | Dawes, | Hale, | Mitchell of Pa., |
| Blackburn, | Edmunds, | Jones of Arkansas, | Plumb, |
| Butler, | Eustis, | Jones of Florida, | Sewell, |
| Camden, | George, | McMillan, | Spooner, |
| Cameron, | Gibson, | McPherson, | Walthall. |

The PRESIDENT *pro tempore*. Two-thirds of the Senate having voted in the affirmative, the bill is passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.

COMMITTEE SERVICE.

Mr. SEWELL. I ask to be relieved from further service on the Select Committee on Ordnance and War Ships.

Mr. HAWLEY. I move that the Chair be authorized to fill the vacancy.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks to be relieved from further service upon the Select Committee on Ordnance and War Ships. If there be no objection, that order will be made. Unless there be objection, the Chair will be authorized to fill the vacancy.

The PRESIDENT *pro tempore* subsequently said: Upon the Select Committee on Ordnance and War Ships, to fill the vacancy caused by the retirement of the Senator from New Jersey [Mr. SEWELL], the Chair appoints the Senator from Maine [Mr. FRYE].

MINNEAPOLIS INDUSTRIAL EXPOSITION.

Mr. SEWELL, from the Committee on the Library, to whom was referred the joint resolution (S. R. 114) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit, reported it with amendments.

PUBLIC BUILDING AT LYNN, MASS.—VETO MESSAGE.

Mr. MAHONE. I ask now that the Senate take up a bill of the same character as the one just passed over the veto of the President, being the bill (S. 1162) for the erection of a post-office building at Lynn, Mass., to which reference was made in the remarks I submitted to the Senate. No stronger case has been presented to the Senate.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the bill?

The motion was agreed to.

Mr. BROWN. Let the message be read.

The PRESIDENT *pro tempore*. The message of the President will be read.

The Chief Clerk read the message of the President of the United States returning the bill with his objections, as follows:

*To the Senate:*

I herewith return without approval Senate bill 1162, entitled "An act for the erection of a post-office building at Lynn, Mass.

The title of this bill sufficiently indicates its purpose.

Congressional action in its favor appears to be based, as usual in such cases, upon representations concerning the population of the town in which it is proposed to erect the building and the increase in such population, the number of railroad trains arriving and departing daily, and various other items calculated to demonstrate the importance of the city selected for Federal decoration.

The statements are supplemented by a report from the postmaster, setting forth that his postal receipts are increasing, giving the number of square feet now occupied by his office, the amount of rent paid, and the number of his employés.

This bill, unlike others of its class which seek to provide a place for a number of Federal offices, simply authorizes the construction of a building for the accommodation of the post-office alone.

The report of the postmaster differs also in this case from those which are usually furnished, inasmuch as it is therein distinctly stated that the space now furnished for his office is sufficient for its present operations. He adds, however, that from present indications there will be a large increase in the business of the office during the next ten years.

It is quite apparent that there is no necessity for the expenditure of $100,000, the amount limited in this bill, or any other sum, for the construction of the proposed building to meet the wants of the Government; and for this reason I am constrained to disapprove the proposed legislation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February 25, 1887.*

Mr. HOAR. This is a town of between forty-eight and forty-nine thousand inhabitants; one of the most rapidly growing towns in the country. It returned two years ago $20,000 income to the Government, and last year $25,000, increasing 25 per cent. in a single year. It is the largest shoe town in the world and the strongest case that has been presented.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the Executive to the contrary notwithstanding? The roll will be called.

The yeas and nays were taken.

Mr. SABIN. On this question I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. ALDRICH (after having voted in the affirmative). I withdraw my vote. I am paired on this question with the Senator from Delaware [Mr. GRAY].

Mr. WALTHALL. I am paired with the Senator from Wisconsin Mr. SPOONER].

The result was announced—yeas 36, nays 15; as follows:

YEAS—36.

| | | | |
|---|---|---|---|
| Blair, | Evarts, | Mahone, | Riddleberger, |
| Brown, | Farwell, | Manderson, | Sawyer, |
| Call, | Frye, | Miller, | Sherman, |
| Chace, | Harrison, | Mitchell of Oreg., | Stanford, |
| Cheney, | Hawley, | Morrill, | Teller, |
| Conger, | Hoar, | Palmer, | Van Wyck, |
| Cullom, | Ingalls, | Payne, | Voorhees, |
| Dawes, | Jones of Nevada, | Platt, | Williams, |
| Dolph, | McMillan, | Plumb, | Wilson of Iowa. |

NAYS—15.

| | | | |
|---|---|---|---|
| Berry, | Gorman, | Maxey, | Vest, |
| Coke, | Hampton, | Morgan, | Whitthorne, |
| Colquitt, | Harris, | Pugh, | Wilson of Md. |
| Eustis, | Kenna, | Ransom, | |

ABSENT—25.

| | | | |
|---|---|---|---|
| Aldrich, | Cameron, | Hale, | Sewell, |
| Allison, | Cockrell, | Jones of Arkansas, | Spooner, |
| Beck, | Edmunds, | Jones of Florida, | Vance, |
| Blackburn, | Fair, | McPherson, | Walthall. |
| Bowen, | George, | Mitchell of Pa., | |
| Butler, | Gibson, | Sabin, | |
| Camden, | Gray, | Saulsbury, | |

The PRESIDENT *pro tempore*. Two-thirds having voted in the affimative, the bill is passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. SHERMAN. I now again ask unanimous consent of the Senate to proceed to the consideration of House bills on the Calendar.

Mr. PLUMB. Pending that I wish to make a conference report.

Mr. SHERMAN. Let this be done first and then the conference report can be made.

The PRESIDENT *pro tempore*. The Senator from Ohio asks for the consideration of House bills on the Calendar under the Harris rule, subject to objection.

Mr. WILSON of Iowa. I object, for the purpose of making a suggestion. I desire before that is done to make a motion.

Mr. SHERMAN. Let my suggestion be adopted and then the Senator can make his motion.

Mr. WILSON, of Iowa. Very well.

The PRESIDENT *pro tempore*. Is there objection?

Mr. MANDERSON. I do not desire to object to this order, but simply to say that some time during the evening, and as early as possible, I wish to present a number of reports from the Committee on Printing and have them passed on.

Mr. EDMUNDS. I understand this to be entirely subject to objection at any time.

The PRESIDENT *pro tempore*. The Chair will again ask, Is there objection to the request of the Senator from Ohio that unanimous consent be given for the consideration of House bills favorably reported upon the Calendar, subject to objection?

Mr. SHERMAN. Under the Harris rule.

Mr. CALL. I hope the Senator from Ohio——

Mr. SHERMAN. Let this question be taken, and then I will hear the Senator.

Mr. CALL. Very well.

The PRESIDENT *pro tempore*. Does the Senator from Florida object?

Mr. CALL. No, sir.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order is made.

JURISDICTION OF UNITED STATES COURTS.

Mr. WILSON, of Iowa. I move to reconsider the vote by which the Senate passed House bill 2441, and that the House be requested to return the bill.

Mr. EDMUNDS. What is the title of the bill?

Mr. WILSON, of Iowa. It is the removal of causes bill relative to the jurisdiction of United States courts.

Mr. EDMUNDS. What is the object?

Mr. WILSON, of Iowa. I stated the object earlier in the session to be this, to recall the bill with a view of reconsidering the vote by which the amendment was put upon the bill with reference to the salaries of the district judges.

Mr. EDMUNDS. The Senator does not intend to disturb the report of the committee, then?

Mr. WILSON, of Iowa. No; only that part of it.

Mr. EDMUNDS. The committee did not report that part of it.

Mr. WILSON, of Iowa. That is true.

Mr. DOLPH. Does not the Senator think we shall be more likely to secure the passage of the bill if we leave it as it is, as I understand now in the other House by a two-thirds vote the rules can be suspended and the amendments of the Senate non-concurred in and a conference ordered? If the bill is recalled and the amendments reported by the committee are still retained the bill goes to the House in precisely the same condition it is now, and a single objection, as I understand, would prevent its consideration. Is it dignified for the Senate whenever a motion of that kind is interposed in the House to recall a bill for the sake of undoing what was done deliberately.

Mr. EDMUNDS. I move that the Senate take a recess until 8 o'clock this evening.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now take a recess until 8 o'clock.

Mr. EDMUNDS. I withdraw that for my friend from Iowa to finish the motion he has made.

Mr. WILSON, of Iowa. I hope we shall vote on my motion. My judgment is that this action will promote the chances of the ultimate passage of the bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the House of Representatives be requested to return the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. DOLPH. I call for the yeas and nays on that motion.

The yeas and nays were ordered and taken.

Mr. MANDERSON. The Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from Kentucky [Mr. BLACKBURN].

The result was announced—yeas 35, nays 23; as follows:

YEAS—35.

| | | | |
|---|---|---|---|
| Beck, | Eustis, | Manderson, | Riddleberger, |
| Berry, | Fair, | Maxey, | Vance, |
| Brown, | George, | Miller, | Van Wyck, |
| Call, | Gorman, | Morgan, | Vest, |
| Cheney, | Hampton, | Palmer, | Voorhees, |
| Cockrell, | Harris, | Payne, | Walthall, |
| Coke, | Ingalls, | Plumb, | Whitthorne, |
| Colquitt, | Jones of Arkansas, | Pugh, | Wilson of Iowa. |
| Edmunds, | Kenna, | Ransom, | |

NAYS—23.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Jones of Nevada, | Sherman, |
| Blair, | Evarts, | Mitchell of Oreg., | Spooner, |
| Bowen, | Farwell, | Morrill, | Stanford, |
| Conger, | Frye, | Platt, | Teller, |
| Cullom, | Harrison, | Sabin, | Williams. |
| Dawes, | Hawley, | Sawyer, | |

ABSENT—18.

| | | | |
|---|---|---|---|
| Allison, | Chace, | Jones of Florida, | Saulsbury, |
| Blackburn, | Gibson, | McMillan, | Sewell, |
| Butler, | Gray, | McPherson, | Wilson of Md. |
| Camden, | Hale, | Mahone, | |
| Cameron, | Hoar, | Mitchell of Pa., | |

So the motion to recall the bill was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. EDMUNDS. I move that the Senate take a recess until 8 o'clock.

Mr. PLUMB. Will the Senator yield to me to present a report of a committee of conference?

Mr. EDMUNDS. Certainly.

Mr. PLUMB. I present the report of the committee of conference on the disagreeing votes of the two Houses in regard to the Post-Office appropriation bill.

Mr. EDMUNDS. Is it an agreement or a disagreement?

Mr. PLUMB. The two Houses disagree as before in regard to the appropriation added to the bill by the Senate for the purpose of securing mail facilities between the Atlantic and Gulf ports of the United States and certain ports of South America. I move that the Senate further insist on its amendment to the House bill and ask for a further conference.

Mr. EDMUNDS. Are the papers here?

The PRESIDENT *pro tempore*. The Chair is informed that the papers are not in possession of the Senate.

Mr. EDMUNDS. The motion can not be made until the papers are here. Which House asked the conference?

Mr. PLUMB. The House of Representatives asked for the last conference.

Mr. EDMUNDS. Where are the papers?

Mr. PLUMB. Perhaps they are with us.

Mr. EDMUNDS. I renew my motion to take a recess until 8 o'clock.

The PRESIDENT *pro tempore*. The Chair is now informed that the papers are in the custody of the Senate.

Mr. PLUMB. I was under the impression that they were here.

The PRESIDENT *pro tempore*. If there be no objection, the order asked by the Senator from Kansas will be agreed to.

Mr. PLUMB. I should like to have a more prominent expression on the part of the Senate on that subject.

The PRESIDENT *pro tempore*. The report of the conferees then must be read.

Mr. EDMUNDS. Pending that, if we are to discuss it, I think we ought to take a recess, as we shall be here all night. I move that the Senate take a recess until 8 o'clock.

The motion was agreed to, and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

---

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

AGRICULTURAL REPORT.

Mr. MANDERSON. I ask unanimous consent to be allowed to make some reports from the Committee on Printing, and I desire the present consideration of the matters reported.

Mr. EDMUNDS. I object. There is not a quorum yet. We must have a quorum before we go on with business.

The PRESIDENT *pro tempore*. The want of a quorum being announced, the Secretary will call the roll of the Senate.

The Secretary called the roll and thirty-nine Senators responded to their names, as follows:

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Hoar, | Plumb, |
| Allison, | Dolph, | Ingalls, | Sherman, |
| Beck, | Edmunds, | Jones of Arkansas, | Spooner, |
| Berry, | Fair, | Kenna, | Teller, |
| Blair, | Farwell, | Manderson, | Voorhees. |
| Bowen, | Frye, | Miller, | Whitthorne, |
| Cheney, | George, | Mitchell of Oreg., | Williams, |
| Cockrell, | Gorman, | Morgan, | Wilson of Iowa, |
| Coke, | Hampton, | Morrill, | Wilson of Md. |
| Colquitt, | Hawley, | Palmer, | |

The PRESIDENT *pro tempore*. A quorum being present further proceedings under the call will be suspended.

Mr. MANDERSON. I ask leave to make some reports from the Committee on Printing.

Mr. EDMUNDS. All of them will be subject to objection.

The PRESIDENT *pro tempore*. The Chair will receive the reports.

Mr. MANDERSON. I report favorably, from the Committee on Printing, the joint resolution (H. Res. 238) authorizing the printing of the Annual Report of the Commissioner of Agriculture for the year 1887.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAP OF THE UNITED STATES.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report back favorably House joint resolution 243, and I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands.

The joint resolution was reported to the Senate without amendment, and ordered to a third reading.

Mr. HOAR. What is meant by providing that the Public Printer shall do the work at the rate of $1.50?

Mr. MANDERSON. The cost of printing these maps shall not exceed $1.35 a map.

Mr. HOAR. Is it a limitation on the style?

Mr. MANDERSON. And that the maps shall not be sold at less than $1.50 each.

The joint resolution was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference, on the disagreeing votes of the two Houses, on the amendments of the Senate to the bill (H. R. 38) for the relief of Alfred Hedberg.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses and the amendment of the House to the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds.

DISTRIBUTION OF OFFICIAL REGISTER.

Mr. MANDERSON. I report favorably from the Committee on Printing House joint resolution 229, and ask for its present consideration.

By unanimous consent the Senate as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States:

Inasmuch as the Official Register of the United States is now supplied to depositories of public documents as one of the set of Congressional documents in leather binding, the resolution repeals so much of the act of December 15, 1877, as provides for supplying depositories with this document; and the Secretary of the Interior is authorized to send the Register to such library not a depository as shall be named to him for the purpose by each Senator, Representative, and Delegate in Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. MANDERSON. I also report favorably from the Committee on Printing House joint resolution 222, and ask its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the Health Officer of the District of Columbia.

Mr. EDMUNDS. I wish to ask the Senator how much this report of the Health Officer will cost?

Mr. MANDERSON. A resolution identical in language with this passed the Senate a few days ago. The House, instead of passing the Senate resolution, has passed a resolution identical in terms. When it was presented by the Committee on Printing to the Senate there was an estimate of the cost. The cost of the volumes, as I recall it, is about 40 cents each.

Mr. EDMUNDS. How much will that make in the total?

Mr. MANDERSON. About $1,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and passed.

COMPILATION OF COMMITTEE REPORTS.

Mr. MANDERSON. The Committee on Printing also instruct me to report a concurrent resolution of the Senate returned from the House of Representatives with an amendment, and I am instructed by the committee to recommend that the Senate concur in the House amendment.

The PRESIDENT *pro tempore*. The resolution and the amendment of the House of Representatives will be read.

The CHIEF CLERK. The resolution is as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the indexes to the compilation of House and Senate reports of committees provided for in public resolution 24, first session, Forty-ninth Congress.

The amendment of the House of Representatives was to add:

*Provided*, Said compilation of reports shall include the reports of the Senate and House of Representatives of the Forty-ninth Congress.

The amendment was concurred in.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. MANDERSON. The Committee on Printing also instruct me to report favorably the concurrent resolution which I send to the desk.

The Chief Clerk read the resolution, as follows:

*Resolved by the House of Representatives, the Senate concurring*, That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1886, of which 5,000 copies shall be for the use of the Senate, and 10,000 copies for the use of the House of Representatives.

Mr. EDMUNDS. What is that abstract?

Mr. MANDERSON. The abstract prepared by the Chief of the Bureau of Statistics, now Mr. Switzler, the same that was prepared for many years by Mr. Nimmo, of the Treasury Department. This is the same number that has been printed for many years for the use of the two Houses, and this as a Senate resolution passed the Senate on the 21st of February, but the House has passed a House resolution and sent it here.

Mr. EDMUNDS. On what ground? That the Senate could not originate such a resolution?

Mr. MANDERSON. I think not. It is a mere matter of inadvertence on the part of the other House.

The resolution was concurred in.

REPORT ON PRECIOUS METALS.

Mr. MANDERSON. The Committee on Printing also instruct me to report another concurrent resolution and ask its present consideration.

The resolution was considered by unanimous consent and concurred in, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1886, be printed, and that 9,000 extra copies be printed, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

COMMANDER SCHLEY'S REPORT.

Mr. MANDERSON. I am also directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition, to report it without amendment and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRODUCTION OF STEEL, ETC.

Mr. MANDERSON. At the request of the Select Committee on Ordnance and War Ships, and by direction of the Committee on Printing, I report the following resolution and ask its adoption:

*Resolved*, That 2,000 copies of Senate Miscellaneous Document No. 157, Forty-ninth Congress, first session, be printed for the use of the Senate.

Mr. EDMUNDS. What is that document?

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MANDERSON. It is the report with reference to ordnance and war ships. The Senator from Maryland [Mr. GORMAN] can explain exactly what it is.

Mr. EDMUNDS. I should like to know what it is.

Mr. GORMAN. I will say to the Senator from Vermont that we asked a few days ago to make a reprint of this. There was a misprint in the resolution by which the Forty-seventh Congress was inserted instead of the Forty-ninth. This is to correct that.

Mr. EDMUNDS. What is the nature of the document?

Mr. GORMAN. Papers laid before committees of the two Houses of Congress in relation to the manufacture of guns.

The resolution was considered by unanimous consent and agreed to.

ORDER OF BUSINESS.

Mr. SHERMAN. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Ohio calls for the regular order, which is the consideration of House bills. The Chair does not understand whether the conference report, which was presented by the Senator from Kansas [Mr. PLUMB], is now to be taken up for consideration or not.

Mr. EDMUNDS. It was not disposed of before the recess.

Mr. PLUMB. I move to proceed to the consideration of the conference report.

The PRESIDENT *pro tempore*. It is in order if called for.

Mr. VOORHEES. I should like to appeal to the Senator from Ohio and the Senator from Kansas to allow me——

Mr. SHERMAN. I give notice to my friend from Indiana that I will stick by the order made by the unanimous vote of both sides.

Mr. VOORHEES. There is a House resolution that I desire to call up for passage. It is in the spirit of the order, and I do not know whether it will be reached or not unless I call it up.

Mr. PLUMB. It will take but a few moments to dispose of the conference report on the post-office appropriation bill.

Mr. VOORHEES. Of course I shall not antagonize a conference report on an appropriation bill.

The PRESIDENT *pro tempore*. The conference report will be read.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB submitted the following report, which was read:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10793) "making appropriations

for the service of the Post-Office Department for the fiscal year ending June 30' 1888," having met, after full and free conference have been unable to agree.

P. B. PLUMB,
WM. MAHONE,
JAS. B. BECK,
*Managers on the part of the Senate.*
JAMES H. BLOUNT,
J. M. RIGGS.
HENRY H. BINGHAM,
*Managers on the part of the House.*

Mr. EDMUNDS. I ask the Senator from Kansas to explain to the Senate just how the differences now stand and the effect of the conference on this bill.

Mr. PLUMB. There is but one difference. There has been but one since the beginning; and that is the amendment the Senate made for mail service between the Atlantic and Gulf ports of the United States and certain countries in South America. That is the only thing in issue between the two Houses.

Mr. EDMUNDS. Do I understand the Senator to mean that the House managers will not agree to do that thing?

Mr. PLUMB. The House managers have declined to agree to it, I think twice on two separate votes. I now move that the Senate further insist on its amendment and ask for a further conference, and on that motion I ask for the yeas and nays.

Mr. BECK. We have had two conferences in regard to that matter and the House twice by a yea-and-nay vote has refused to insert that provision. It has been said time and again in this body, and I suppose it is the true rule, that when one House proposes a matter and the other House peremptorily refuses to accept it, the House proposing must yield. Twice we have proposed this, twice we have insisted on it; and the House has peremptorily refused to agree to it by a yea-and-nay vote of the House. I do not see any use of pressing this further.

Mr. HARRIS. I should like to ask the Senator from Kentucky or the Senator from Kansas if the amendment about which the disagreement continues to exist is a subsidy amendment for the mail service referred to?

Mr. BECK. That is the whole of it.

Mr. PLUMB. It is not a subsidy amendment at all. It is a provision for the payment of a reasonable price, within the discretion of the Postmaster-General, for mail service by steamships of American manufacture between the Atlantic and Gulf ports of the United States and the Atlantic ports of certain countries in South America.

Mr. HARRIS. I will put my question in a little different shape. Is it that sort of allowance that is sometimes called a subsidy given to ships for carrying the mail?

Mr. PLUMB. Certain persons who are not entirely careful about their speech sometimes have called it a subsidy, but it is not so in any proper sense of the term. It is the application of the same rule to the mail service of the United States on the high seas that is applied in regard to the mail service on the land.

Mr. BECK. No matter what it is called, that is it; and although the House of Representatives and the Senate have had two conferences upon it, the fact appears that it is in no wise necessary for the carrying on of the service. The Postmaster-General and all those connected with the service so show us in their reports, and in every other way in which they have discussed it. It has been before us too long for us now to differ about words.

Mr. HARRIS. I rise to ask a parliamentary question. The Senator from Kansas has moved that the Senate further insist. Would it be in order now to move that the Senate recede from its amendment about which there is a disagreement?

Mr. EDMUNDS. That is in order undoubtedly.

Mr. HARRIS. Then I make that motion.

Mr. EDMUNDS. On that motion I wish to call the attention of the Senate to how this matter stands and what it is, so that there shall be no misunderstanding by the intelligent people of the United States as to what one House of Congress is desirous to do, and the other House is desirous not to do, by whatever name we call it. This is the provision that the House of Representatives, through their managers, decline to make a part of the law of the land for carrying on this branch of the business of the people whose Government it is supposed we are carrying on:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American Republics, five hundred thousand dollars; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip one dollar per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress. One of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River.

The proposition which the Senate has again and again submitted to the House of Representatives, and desires to have accomplished, was simply to increase the commercial facilities of intercourse between the United States and the great open markets to which our products and the operations of the industries of the people of the United States may go. That is all. It is not a subsidy, in the offensive sense of that term, that we have been talking about at some time heretofore. It is not a job for any particular steamship line, or anybody else. It is simply to provide for the people of the United States the same facilities for carrying on commerce with foreign and friendly countries who are our neighbors, that we provide for carrying our mails and carrying on commerce between the States, to find outlets for our products, and find inlets for their products that we desire to have. That is all there is to it; and how our good friends at the other end of the Capitol—and I have a right to speak of them in this connection on a conference report—can say that they will not authorize (not compel, but authorize) the trusted agent of this reform and progressive Administration, to give some little aid and facility to intercourse between the people of the United States and these Central and South American Republics, I am quite unable to understand.

I agree entirely with my friend from Kentucky that when we come to the end of such matters, if a co-ordinate branch says that on an affirmative proposition like this it is unwilling to do it and takes that responsibility, we must of course recede, but I think that we might respectfully ask them once more to see if they will not reconsider.

Mr. BECK. I do not object to another trial if it is supposed any good will come from it. I only stated what I did, believing that there was no use, but if the managers desire to make another effort I will stand by them in that as I have done heretofore. Perhaps that is the shorter way out of it.

Mr. HARRIS. The House having twice refused to agree to this amendment and being somewhat in sympathy with the views of the House upon the question, I move that the Senate recede from its amendment.

Mr. PLUMB. I will make a brief statement in regard to this matter before the vote is taken.

Our minister at the Argentine Republic, Bayless W. Hanna, late of the State of Indiana, has reported to the State Department that the Argentine Republic proposed to pay a compensation of $100,000 per annum to the company which first establishes and maintains regular mail steamship communication between the city of New York and the intervening United States Atlantic ports and the main port, whatever it may be, of the Argentine Republic, and that in the event that an American steamship line is not ready and willing to accept of this compensation, this compensation will be paid to a steamship line composed entirely of vessels belonging to and controlled by foreigners. This is a matter, as I think, of some consequence to us as to whether the first communication which shall be established between the United States and the Argentine Republic and the other republics of that portion of South America shall be by lines of American steamships owned and controlled by American owners, or whether it shall be by means of steamships owned and controlled by foreigners and flying a foreign flag.

Mr. FRYE. The Senator from Kansas should go one step further in that statement. There is a steamship line from New York to Brazil now, and that line undertook to run one of its steamers down to the Argentine Republic, which was exceedingly anxious to have a steamer, but refused to play, as they said, second fiddle to Brazil in any way. They were a republic, and had the pride of a republic, and they wanted a line of their own, and were willing to pay for it. They were ready to pay $100,000 a year to an American steamship line. Brazil also was indignant, and said they did not propose to have their lines running to the Argentine Republic. So the attempt ended.

Now this steamship company is ready to put two, three, or four steamers at once—the plans and specifications are prepared for two of them—on a line between New York and the Argentine Republic direct, without any connection whatever with Brazil, and thus secure the $100,000, the pay from the Argentine Republic to the United States, if the United States will pay anything for carrying their mails there.

One word further. The Postmaster-General admits that that steamship line has been carrying the United States mails and delivering them at less than the actual cost to the steamship company and the line from Venezuela—

Mr. EDMUNDS. And under protest all the time.

Mr. FRYE. Under protest all the time. The line from Venezuela is getting comparatively nothing for carrying the United States mail—$1,500 a year. I say it is an indecency, an outrage, and ought to be rectified by the Congress of the United States sometime or other.

Here is the Argentine Republic, modeled upon our own in every regard, growing as rapidly as our own to-day in proportion to its size, increasing in every regard, in business prosperity, in immigration, in civilization, in everything that goes to make up a great country; and here we are without one single steamer to its ports, or one from there to ours. There were 348 steamers last year in and out of the Argentine ports, and not one of them with an American flag on it; every one of them English, German, or French. An importation into that country of $100,000,000 a year, and increasing at the rate of nearly 15 per cent. annually, the United States stagnant to-day with overproduction, men out of work, and here an opening for that balance, a chance to send our surplus to a people anxious to have it,

an open door for relief, and yet Congress stands directly athwart of progress! Let it talk no more of its love for workingmen and the interests of the poor laborers of the United States. [Applause in the galleries.]

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Chair will announce to spectators in the galleries that the rules of the Senate expressly forbid any manifestations of disapprobation or of applause. That rule will be strictly enforced. The Chair hopes there will be no repetition.

Mr. BECK. I do not want at this hour of the night and at this period of the session to be threshing old straw. These questions have been argued over and over, and the Senator from Maine [Mr. FRYE] with his grand voice brings down the applause of the galleries by talking about American labor. He ought not to forget that 90 per cent. of all the mails and all the commerce of this country covering the Atlantic Ocean to-day is carried in foreign-built ships.

Mr. FRYE. I do not forget it.

Mr. BECK. And there is not a ship that leaves the port of New York for any foreign country on the continent of Europe that bears the American flag; and it is all because he and men like him have built a Chinese wall around themselves, pretending to protect American labor, when they are simply robbing the American and making him pay double what anybody is compelled to pay for the same things and surrendering the markets of the world where there are 1,500,000,000 people to trade with. That is surrendered to foreign countries in order to enable a few men to rob our 60,000,000 people at home. That is the way the fact stands, and the record shows that I am right in that. When all the farmers of America have to carry their cotton, their wheat, their cattle, their every product, or their surplus abroad to the markets of the world and sell in those markets in competition with "the pauper labor" of foreign countries without protection anywhere, and they are obliged to pay double for all they want in order to protect American labor, the proposition now presented will not bear argument when it comes to be discussed.

The Postmaster-General to-day is carrying in the cheapest way he can our mails everywhere, and he says he can do it and get better service if not hampered by a subsidy. This $500,000 the House of Representatives think is a repetition of the Roach and the Pacific mail subsidies given to a few men to crowd all other competition out and to put money in the pockets of a few for labor they do not perform.

That is the view the House of Representatives take of it; and let me say to gentlemen on the other side, that if you cut down your tariff taxation, open your ports and go to the world with your trade, then there will be some excuse for the pretense that you are aiding American labor, and not till then. As I say, I do not propose to discuss the question now, but am willing to see it tried over again. It is like the fisheries bill you passed the other day and sent to the other House. The House agreed with you in that. I admit the retaliation is proposed for the fishermen, but the fish trade is only about one-tenth of our trade with Canada. The meaning of it is, if it is reduced down to the bottom facts, that if you will allow a few Gloucester firms to make every man who eats fish in the United States pay $2 a barrel more than the fish is worth, and arrange their own prices, then all your troubles will be settled. All that we have done in this great fishery bill about which so much has been said is to put all the mackerel fisheries in the United States into a syndicate at Gloucester, as bad, as close a corporation as the Standard Oil Company in the petroleum trade, who allow nobody to come into the business except upon such terms as the Gloucester fishermen shall indicate, and make every man who eats mackerel pay $2 a barrel more than the thing is worth; and you call that retaliation against Canada and in the interest of the American people!

Mr. FRYE. The Senator from Kentucky shows that he never has read the report of the committee on the retaliatory bill; nor has he ever read the bill itself, because the statement which he makes is not justified by the facts at all.

The retaliatory bill, which the House of Representatives had the good sense to agree with, was a bill which provided that the President of the United States, on proclamation, might prevent any product whatsoever of Canada from being brought into this country.

Where does the Senator get his authority for saying that it was fish alone and in the interest of a Gloucester monopoly? A Gloucester monopoly! Six thousand fishermen sailing every year from the port of Gloucester, and every year one hundred and fifty to two hundred finding graves in the ocean! Six thousand men earning not over $300 a year in the most hazardous business that is known on this earth, and yet the Senator from Kentucky calls it a monopoly! There are as many more on the coast of the State of Maine; and if the Senator should find a war on his hands between this Republic and Great Britain he would have use for every fisherman under the American flag from the ports of Gloucester and along the coast of Maine.

Why, sir, the Senator himself knows that Great Britain acquired these waters which we are contending about to-day by the bravery of these fishermen of the coast of Maine and Massachusetts. Over 11,000 of them were in the war which resulted in the capture of these waters from the French—11,000 New England men achieved that victory.

And no more does the Senator seem to understand the question touching the tariff, which he is so fond of talking about. He talked of threshing over old straw. I have been with the Senator from Kentucky sixteen years in Congress, and I have heard him thresh that old straw of the tariff more than seventy-five times. I can make his tariff speech perfectly, word for word, from beginning to end. He has not inserted in his speech to-day the fact that I am in favor of a tariff whether we need any revenues or not. This he seems to have strangely forgotten.

Mr. BECK. Whenever you do make it you put it in.

Mr. FRYE. If I do make it, it will be because like the Senator I learned it early in life, and, like a parrot, have repeated it from that time up to the present.

The Senator says the tariff is the cause of the decline of our ocean-carrying trade. The Senator ought to know that it is not; he ought to know that before we had this tariff, when we had free trade, or a revenue tariff, our ocean-carrying trade commenced its decline, and in six years under that tariff declined as much in percentage as it ever has under any other six years in the history of our country.

Why, sir, the only effect this tariff has touching our ocean foreign-carrying trade is that our American tariff has increased American wages more than 50 per cent., so that to-day they are twice the wages in England; they are nearly three times the wages in Germany; and they are nearly three times the wages in France. The tariff effected this, I admit; nothing else; and the sailors' wages have advanced with the farmers' wages, and the mechanics' wages; and the only reason we can not run a ship to-day and compete with Great Britain and Germany and France and Italy is that an American tariff has made a sailor's wages $30 under the United States flag, where it is only $20 under the flag of Great Britain, where it is only $18 under the flag of Germany, where it is only $8 under the flag of Italy. Does the Senator from Kentucky want American wages to go down and thus enable us to compete? God save the American workman from the tender mercies of the free-trader from Kentucky! [Laughter.]

Mr. BECK. Let us have a vote. I am ready.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] moves that the Senate still further insist on its amendment and ask a further conference with the House of Representatives thereon. The Senator from Tennessee [Mr. HARRIS] moves that the Senate recede from its amendment. The motion of the Senator from Tennessee has precedence. Did the Chair understand the Senator to call for the yeas and nays?

Mr. HARRIS. I have not called for them up to now. I may do so hereafter.

Mr. PLUMB. I call for the yeas and nays.

Mr. HARRIS. Very well.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. FAIR (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. If he were present, I should vote "nay."

Mr. GEORGE (when Mr. WALTHALL'S name was called). My colleague [Mr. WALTHALL] is unavoidably absent to-night and is paired with the Senator from Wisconsin [Mr. SPOONER]. My colleague, if he were present, would vote "yea."

The roll-call was concluded.

Mr. BECK (after having voted in the affirmative). Has the Senator from Maine [Mr. HALE] voted?

The PRESIDENT *pro tempore*. He has not.

Mr. BECK. I am paired with him. He is absent in conference on the naval appropriation bill. I withdraw my vote.

Mr. CULLOM. The Senator from Wisconsin [Mr. SAWYER] is absent, as is the Senator from Missouri [Mr. VEST], and I announce their pair with each other.

Mr. COCKRELL. My colleague [Mr. VEST] is detained at home by indisposition this evening. If present, he would vote "yea."

Mr. CULLOM. The Senator from Wisconsin [Mr. SAWYER], if present, would vote "nay."

Mr. MILLER (after having voted in the negative). I am paired with the Senator from West Virginia [Mr. KENNA]. I do not see him in the room. I therefore withdraw my vote. If he were present, I would vote "nay."

The result was announced—yeas 10, nays 32; as follows:

YEAS—10.

| | | | |
|---|---|---|---|
| Berry, | Coke, | Harris, | Whitthorne, |
| Camden, | George, | Jones of Arkansas, | Wilson of Md. |
| Cockrell, | Hampton, | | |

NAYS—32.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Hoar, | Payne, |
| Allison, | Edmunds, | Ingalls, | Platt, |
| Blair, | Evarts, | McMillan, | Plumb, |
| Bowen, | Farwell, | Mahone, | Sherman, |
| Call, | Frye, | Mitchell of Oreg., | Stanford, |
| Cheney, | Gorman, | Morgan, | Teller, |
| Cullom, | Harrison, | Morrill, | Williams, |
| Dawes, | Hawley, | Palmer, | Wilson of Iowa. |

ABSENT—34.

| | | | |
|---|---|---|---|
| Beck, | Fair, | Maxey, | Sawyer, |
| Blackburn, | Gibson, | Miller, | Sewell, |
| Brown, | Gray, | Mitchell of Pa., | Spooner, |
| Butler, | Hale, | Pugh, | Vance. |
| Cameron, | Jones of Florida, | Ransom, | Van Wyck, |
| Chace, | Jones of Nevada, | Riddleberger, | Vest, |
| Colquitt, | Kenna, | Sabin, | Voorhees, |
| Conger, | McPherson, | Saulsbury, | Walthall. |
| Eustis, | Manderson, | | |

So the Senate refused to recede from its amendment.

Mr. PLUMB. I now renew my motion that the Senate further insist on its amendment, and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. MAHONE, and Mr. BECK were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 118) to print the official report of the investigations of Dr. Edward Shakespeare concerning the nature, &c., of epidemic cholera.

The message also announced that the House had passed the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill., with an amendment, in which the concurrence of the Senate was requested.

The message further announced that the House had passed a bill (H. R. 9818) relative to the Minneapolis Industrial Exposition to be held annually in the city of Minneapolis, State of Minnesota; in which it requested the concurrence of the Senate.

MEXICAN WAR PENSIONS.

Mr. ALLISON. The Committee on Appropriations instruct me to report back favorably, without amendment, the bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes, and I ask for its immediate consideration.

Mr. PLUMB. Will the Senator from Iowa state the occasion for this special bill?

Mr. ALLISON. The occasion is the passage of the Mexican pension bill.

Mr. PLUMB. Not the passage of the Union soldiers' dependent pension bill?

Mr. ALLISON. No, sir; it is to provide appropriations made necessary by the passage of the Mexican pension bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes.

The bill was reported to the Senate.

Mr. EDMUNDS. I should like to ask the chairman of the Committee on Appropriations, why that committee should not have added to this bill the proper provisions for paying pensions and appropriating the money for them, so much as should be necessary, to the other soldiers of the Republic who are in distress and need? What special advantage has Mexico over all the rest of the world in that respect?

Mr. ALLISON. The Committee on Appropriations of course can only recommend appropriations in pursuance of laws passed prior to the appropriations. The Committee on Appropriations have no knowledge of any law which suggests appropriations for other purposes than those already appropriated for in the regular appropriation bill for pensions. In other words, the dependent pension bill, so-called, I understand has not become a law.

Mr. EDMUNDS. Why not?

Mr. BECK. It has become a law and appropriates $76,275,000.

Mr. ALLISON. I supposed the Senator from Vermont was directing his inquiry with reference to the pension bill that was vetoed by the President.

Mr. BECK. Oh, I beg pardon; I thought he was alluding to the regular pension appropriation bill.

Mr. ALLISON. I was merely informing the Senator from Vermont that in view of the fact that the President had vetoed the bill referred to, it was not fairly within the provisions of the Committee on Appropriations to report amendments to this bill, based on that.

The bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations in the Territory of Utah, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal., and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill (H. R. 9818) relative to the Minneapolis Industrial Exposition to be held annually in the city of Minneapolis, State of Minnesota, was read twice by its title and referred to the Committee on Finance.

VETOED PENSION BILLS.

Mr. SHERMAN and others. Regular order.

Mr. BLAIR. There are upon the Calendar over twenty cases of private bills granting pensions, which have been vetoed by the President and reported back from the Committee recommending their passage over the vetoes. At some time I wish to ask the Senate to take up one, or perhaps two, of those cases, and I will treat the action of the Senate in those two cases as significant of the probable action of the Senate upon all, because it is manifestly impossible that each one should be taken up and discussed and voted upon *seriatim*. I think this is perhaps as convenient as any time, and as this is a privileged matter, I now ask the Senate to proceed to consider Order of Business 1747, being the bill (S. 1383) granting a pension to Harriet Welch, vetoed, and that the veto be the subject of consideration.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the bill——

Mr. SHERMAN. I do not think that this is debatable. Is the question debatable?

Mr. EDMUNDS. No, it is not.

Mr. SHERMAN. I will not violate the rule, but I call for the regular order, and I give notice that although I have in every case that could possibly be named voted to give relief to soldiers, yet I know that this is a mere farce, and that the passage of the bill at this time, even by the Senate, will be of no benefit to the soldier while there are bills in regular order which may become laws. I therefore call for the regular order, and I give notice that however meritorious the case may be that is called up, I shall insist upon a vote of the Senate, especially when it was agreed to proceed in a certain order of business on the Calendar, which will enable us to pass bills of great importance, and which will secure relief in many cases.

The PRESIDENT *pro tempore*. The Chair will reply to the Senator from Ohio that the regular order is the Calendar of General Orders.

Mr. SHERMAN. That is what I wish to have the Senate consider.

The PRESIDENT *pro tempore*. And the Senator from New Hampshire has the right to make the motion he has submitted. The order which the Senator from Ohio calls for is that, the Chair supposes, which rests upon the consent given before the recess, that the Senate would proceed to the consideration of House bills on the Calendar favorably reported.

Mr. EDMUNDS. Subject to objection.

The PRESIDENT *pro tempore*. Subject to objection. The Chair has no means of enforcing that order; it rests upon unanimous consent, and the Chair must recognize the rule that permits the Senator from New Hampshire, if he so desires, to disregard the unanimous consent, and to make the motion he has submitted.

Mr. SHERMAN. There is no doubt about that.

Mr. BLAIR. This is a privileged question——

Mr. HARRIS. Is the question debatable?

Mr. BLAIR. It has been debated.

Mr. EDMUNDS. No, it is not debatable.

The PRESIDENT *pro tempore*. The motion of the Senator from New Hampshire is not debatable.

Mr. HARRIS. That is what is generally supposed.

The PRESIDENT *pro tempore*. But the Senator from New Hampshire was proceeding, the Chair supposed, by unanimous consent. Does the Senator from Tennessee object?

Mr. HARRIS. As the Senator from New Hampshire disregards the unanimous consent as to the order of business, he cannot have unanimous consent to make a speech.

Mr. BLAIR. I ask leave to say that——

Mr. HARRIS. I object.

Mr. BLAIR. In this matter to which I call attention——

Mr. HARRIS. I object.

Mr. BLAIR. I am violating no unanimous consent in making the motion at this time.

The PRESIDENT *pro tempore*. The Senator from New Hampshire will please suspend. The motion that the Senator from New Hampshire has made is not debatable. The question is, Will the Senate

proceed to the consideration of the message from the President of the United States returning the bill (S. 1383) entitled "An act granting a pension to Harriet Welch," with his objections thereto?

The motion was not agreed to.

MILITARY SITE ON LAKE MICHIGAN.

Mr. CULLOM. There is a joint resolution which has just come over from the other House with an amendment which it will take no time at all to concur in. I ask the Senate to allow me to take it up for concurrence.

The PRESIDENT *pro tempore*. The Chair again calls for the action of the Senate upon the order that was made before the recess.

Mr. CULLOM. There will be no objection, I think, to the disposition of it.

The PRESIDENT *pro tempore*. Unanimous consent was given before the recess that the Senate would proceed to the consideration of House bills on the Calendar favorably reported; to which there was no objection.

Mr. MCMILLAN. The regular order.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.

Mr. CULLOM. There is just a slight amendment made by the other House that I desire the Senate to concur in.

Mr. SHERMAN. I ask for a vote upon the question.

The PRESIDENT *pro tempore*. Will the Senate agree to the motion to proceed to the consideration of the joint resolution?

The motion was not agreed to.

NATIONAL BANKS IN RESERVE CITIES.

Mr. SHERMAN. I call for the regular order.

The PRESIDENT *pro tempore*. The Chief Clerk will announce the first House bill on the Calendar favorably reported.

Mr. HAMPTON. I am fully in accord with the suggestions of the Senator from Ohio, that we proceed to the consideration of House bills on the Calendar, but I suggest to him and to the Senate that it would be advisable to take up those bills which have come from the other House and to which amendments are proposed here. There have been a few such bills, and by passing upon them first they can go back to the House of Representatives and be enrolled.

Mr. SHERMAN. We shall reach all those cases in due course.

Mr. TELLER. Let the first House bill on the Calendar be stated.

The PRESIDENT *pro tempore*. The Chief Clerk will state the bill last under consideration.

The CHIEF CLERK. A bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill as in Committee of the Whole. The pending question is on the amendment offered by the Senator from Nebraska [Mr. MANDERSON] to the amendment reported by the Senator from Ohio. The amendment to the amendment will be stated.

Mr. MANDERSON. I withdraw my proposed amendment in order to hasten a vote.

The PRESIDENT *pro tempore*. The proposed amendment is withdrawn. Will the Senate agree to the amendment reported by the Committee on Finance?

The amendment was agreed to.

Mr. WILLIAMS. I move to add a new section to the bill, as follows:

SEC. —. That section 3 of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payment," be, and the same is hereby, amended by adding after the words "New York" the words "and the city of San Francisco, Cal."

Mr. SHERMAN. I have no objection to that amendment. It has been considered and is a proper one. It makes San Francisco like New York a place of redemption for United States notes, as recommended by the Executive authority.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SHERMAN. I move that the Senate insist on its amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SHERMAN, Mr. MORRILL, and Mr. HARRIS were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. CABELL and Mr. CANNON the managers at the conference on the part of the House.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 8751) for the relief of Samuel F. Rice.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. I ask that the legislative appropriation bill, which has just come over, be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. COCKRELL, it was

*Resolved*, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL.

WILLIAM C. SPENCER.

The bill (H. R. 9905) for the relief of William C. Spencer was considered as in Committee of the Whole. It proposes to relieve William C. Spencer, late a lieutenant in the Second Infantry, and more recently a captain in the Seventeenth Infantry, United States Army, from any liability to the United States for moneys received by him for disbursement as a lieutenant in the Second Infantry and as a captain in the Seventeenth Infantry, and authorizes the proper accounting officers of the Treasury to close all accounts of William C. Spencer as such lieutenant and captain, in accordance with the intent of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPRESENTATIVES OF SAMUEL H. MOER.

The bill (H. R. 3365) for the relief of the heirs or legal representatives of Samuel H. Moer was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury, in the settlement and adjustment of the accounts of Samuel H. Moer, deceased, to allow credit for the disbursement of the public funds disbursed by him under the authority of William Gilpin, late governor of Colorado Territory, of the amount with which he now stands charged upon the books of the Treasury, upon satisfactory evidence being furnished of the actual disbursement of the fund for the benefit of the public service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETURN OF THE TWIGGS SWORDS.

The bill (H. R. 10790) authorizing the President to return the Twiggs swords was considered as in Committee of the Whole.

Mr. HOAR. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. HAWLEY. The report is a very brief one indeed. I can explain the bill in a short time.

The Secretary read the following report submitted by Mr. HAWLEY February 17, 1887:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10790) authorizing the President to return the Twiggs swords to the person or persons legally owning the same at the time said swords were seized, said ownership to be determined by the Court of Claims, deem said bill just, and report the same with a recommendation that it do pass.

Mr. HAWLEY. These are some presentation swords given to General Twiggs before the war. They are among the captured property of the Government. Nobody cares to put them in a museum or to sell them, or anything of that sort. It is the wish of the Treasury Department and others who have looked at the subject to return them, but controversy has arisen as to who are the owners. The bill proposes to submit the question of fact to the Court of Claims, and we report in favor of it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JURISDICTION OF UNITED STATES COURTS.

Mr. WILSON, of Iowa. In response to the request of the Senate, the House of Representatives have returned to this body the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. That request was made with a view to reconsidering the vote by which the bill was passed, in order to reach an amendment, that we might take a vote on reconsidering it and then get the bill back to the other House without that amendment. I ask that the Senate now proceed to consider the motion to reconsider the vote by which the bill was passed.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to re-

consider the vote by which the Senate passed the bill indicated by him.

The motion to reconsider was agreed to.

Mr. WILSON, of Iowa. I now move to reconsider the vote by which the bill was ordered to a third reading.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. FAIR. I move to reconsider the vote by which the Cullom amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the vote by which the Senate agreed to the amendment that he has named be reconsidered.

Mr. EDMUNDS. What is that amendment? Let us know what the amendment is.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. Add as additional sections to the bill:

SEC. 7. That the salaries of the several judges of the district courts of the United States, including the judges of the supreme court of the District of Columbia, shall hereafter be $5,000 per annum.

SEC. 8. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall hereafter be appointed by such court or judge to, or employed by such court or judge in, any office or duty in any court of which such justice or judge may be a member.

Mr. DOLPH. I suppose the test may as well be made on the motion to reconsider as on the adoption of the amendment afterwards. Therefore I call for the yeas and nays on this motion.

Mr. WILSON, of Iowa. My recollection is that the vote on the amendment offered by the Senator from Illinois was by a division of the question, one vote having been taken on the salary question and the other on the subsequent clause.

Mr. CULLOM. There was no yea-and-nay vote on the last section.

Mr. EDMUNDS. But the question was separated, just as the Senator from Iowa says.

Mr. WILSON, of Iowa. The question now will be on reconsidering the vote by which the salary clause of the amendment was adopted.

The PRESIDENT *pro tempore*. On which the Senator from Oregon asks for the yeas and nays. Is the demand sustained?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

M. HAMPTON (when his name was called). I am paired. The Senator from Connecticut [Mr. PLATT] asked me to pair with him to-night if he were absent. I do not see him in his seat and therefore I do not vote.

Mr. GEORGE (when Mr. WALTHALL'S name was called). My colleague [Mr. WALTHALL] is unavoidably absent, and is paired with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were present, he would vote "yea."

The roll-call was concluded.

Mr. CULLOM. The Senator from Michigan [Mr. CONGER] is absent, and also the Senator from Missouri [Mr. VEST]. I announce that they are paired with each other.

Mr. MILLER. I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "nay."

Mr. MANDERSON. I transfer my pair with the Senator from Kentucky [Mr. BLACKBURN] to the Senator from Pennsylvania [Mr. MITCHELL] and vote. I vote "yea."

Mr. SPOONER. I am paired on this question with the Senator from Mississippi [Mr. WALTHALL]. If he were here, I should vote "nay."

The result was announced—yeas 29, nays 23; as follows:

YEAS—29.

| | | | |
|---|---|---|---|
| Beck, | Eustis, | McPherson, | Saulsbury, |
| Berry, | Fair, | Manderson, | Vance, |
| Brown, | George, | Morgan, | Van Wyck, |
| Call, | Gorman, | Payne, | Voorhees, |
| Camden, | Gray, | Plumb, | Whitthorne, |
| Cockrell, | Harris, | Pugh, | Wilson of Iowa, |
| Coke, | Jones of Arkansas, | Ransom. | Wilson of Md. |
| Edmunds, | | | |

NAYS—23.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Hawley, | Sewell, |
| Allison, | Dolph, | Hoar, | Sherman, |
| Blair, | Evarts, | Ingalls, | Stanford, |
| Bowen, | Farwell, | Morrill, | Teller, |
| Cheney, | Frye, | Palmer, | Williams. |
| Cullom, | Harrison, | Sawyer, | |

ABSENT—24.

| | | | |
|---|---|---|---|
| Blackburn, | Gibson, | McMillan, | Platt, |
| Butler, | Hale, | Mahone, | Riddleberger, |
| Cameron, | Hampton, | Maxey, | Sabin, |
| Chace, | Jones of Florida, | Miller, | Spooner, |
| Colquitt, | Jones of Nevada, | Mitchell of Oreg., | Vest, |
| Conger, | Kenna, | Mitchell of Pa., | Walthall. |

So the motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the first section of the amendment proposed by the Senator from Illinois [Mr. CULLOM].

Mr. WILSON, of Iowa. I trust the amendment will not be agreed to, in order that we may pass the bill without it, hoping thereby to get a conference between the two Houses on the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

Mr. WILSON, of Iowa. I move that the Senate insist on its amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WILSON of Iowa, Mr. HOAR, and Mr. PUGH were appointed.

MATHEW H. FULTON.

The bill (H. R. 1753) for the relief of Mathew H. Fulton was considered as in Committee of the Whole. It proposes to pay $337.02 to Mathew H. Fulton, postmaster at Bucyrus, Ohio, being the amount of money stolen from the safe and from registered letters in the post-office at Bucyrus, Ohio, on the night of May 9, 1883, and which sum he made good to the claimants from his own means.

Mr. EDMUNDS. Let us hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report submitted by Mr. SAWYER February 16, 1887:

The Committee on Post-Offices and Post-Roads to whom was referred the bill (H. R. 1753) for the relief of Mathew H. Fulton, have examined the same, and report:

The report of the House committee briefly but satisfactorily explains the object of this bill. It is adopted, and is as follows;

"The proofs in this claim show that on the night of May 9, 1882, the post-office at Bucyrus, Ohio, was broken open by burglars and the safe broken open and rifled of its contents, including postage-stamps to the amount of $1,496.42; stamp funds, $77.24; and money in registered letters, $261.78. The officers of the Department report that there was no negligence on the part of the postmaster, Mathew H. Fulton. The Department afterwards credited him with the amount of stamps stolen, but not with the amount of the stamp funds stolen, or the amount of the stolen money-order funds which he paid to the owners thereof.

"Your committee think Mr. Fulton should be reimbursed, and recommend that the bill do pass."

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY SITE ON LAKE MICHIGAN.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.

The amendment of the House of Representatives was to add to the joint resolution the following proviso:

*Provided*, That the title proposed to be conveyed shall be approved by the Attorney-General of the United States as sufficient to vest the fee-simple of the said above-described land in the United States, free of incumbrance, before the Secretary of War shall formally accept the same.

Mr. CULLOM. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9360) to correct the record of the military service of James W. Kingon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers;

A bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys, in lieu of investing the same in bonds;

A bill (S. 2159) granting a pension to Mrs. Almira Ambler; and

A bill (H. R. 264) providing for printing the annual report of the Commissioner of Labor.

JACOB CRAMER.

The bill (H. R. 3642) for the relief of the heirs of Jacob Cramer was announced as next in order on the calendar.

Mr. EDMUNDS. I object to that bill.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the consideration of the bill, and it goes over upon the Calendar under Rule IX. The next House bill on the Calendar favorably reported will be announced.

Mr. COKE. When the bill for the relief of the heirs of Jacob Cramer was objected to, I was engaged at the time and did not know that it had been reached. I hope the Senator from Vermont will allow us to return to it. I have the House report here, which shows that the claimants are honest, and are entitled to the land scrip called for.

Mr. EDMUNDS. That may be so—I hope it is,—but I have seen the Senate two or three times pass bills of this character at the last end of the session.

Mr. COKE. Will the Senate hear the report?

Mr. EDMUNDS. No, I do not believe I will at this moment, because I should have to take up time. I was going on to say we have discovered to our grief, on looking at the lists of private claims, that

we have either done the same thing two or three times, or have before rejected claims when we had time to consider them. Therefore I think this revolutionary claim can wait until the next session of Congress.

Mr. COKE. Then will the Senator allow the bill to retain its place on the Calendar without prejudice, simply passing it over?

Mr. EDMUNDS. Certainly; I do not wish to do the case any prejudice, but the danger in these ancient claims is so great that I do not want to consent to pass a bill by unanimous consent to-night without having time to see it, and I do not wish to make any prejudice to it.

The PRESIDENT *pro tempore*. The bill objected to by the Senator from Vermont retains its place on the Calendar, and stands without prejudice.

Mr. EDMUNDS. But not to be taken up again by unanimous consent, without giving it time.

### LAND GRANT RAILROADS.

Mr. PLUMB submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out section 1, and insert as follows:

"SECTION 1. That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust in accordance with the decisions of the Supreme Court each of the railroad land grants made by Congess to aid in the construction of railroads and heretofore unadjusted."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out section 2, and insert as follows:

"SEC. 2. That if it shall appear, upon the completion of such adjustments respectively, or sooner, that lands have been, from any cause, heretofore erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney-General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title heretofore issued for such lands, and to restore the title thereof to the United States.

"SEC. 3. That if, in the adjustment of said grants, it shall appear that the homestead or pre-emption entry of any *bona fide* settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler, upon application, shall be reinstated in all his rights and allowed to perfect his entry by complying with the public-land laws: *Provided*, That he has not located another claim, or made an entry in lieu of the one so erroneously canceled: *And provided also*, That he did not voluntarily abandon said original entry: *And provided further*, That if any of said settlers do not renew their application to be reinstated within a reasonable time, to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be disposed of under the public-land laws, with priority of right given to *bona fide* purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to *bona fide* settlers residing thereon."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out section 3, and insert as follows:

"SEC. 4. That as to all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing, in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting; and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney-General shall cause suit or suits to be brought against such company for the said amount: *Provided*, That nothing in this act shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase-money therefor from the grantee company, less the amount paid to the United States by such company as by this act required: *And provided*, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of this act, nor shall this act be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have on account of any breach of said conditions."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out section 4 and insert as follows:

"SEC. 5. That where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for the *bona fide* purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said *bona fide* purchaser, his heirs or assigns: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the *bona fide* occupation of adverse claimants under the pre-emption or homestead laws of the United States, and whose claims and occupation have not since been voluntarily abandoned, as to which excepted lands the said pre-emption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further*, That this section shall not apply to lands settled upon subsequent to the 1st day of December, 1882, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out section 5 and insert as follows:

"SEC. 6. That where any lands have been sold and conveyed, as the property of any railroad company, for State and county taxes thereon, and the grant to such company has been thereafter forfeited, the purchaser thereof shall have the prior right, which shall continue for one year from the approval of this act, and no longer, to purchase such lands from the United States at the Government price, and patents for such lands shall thereupon issue: *Provided*, That said lands were not, previous to or at the time of the taking effect of such grant, in the possession of or subject to the right of any actual settler."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with amendments as follows: Strike out section 6 and insert as follows:

"SEC. 7. That no more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands to which such State, corporation, or individual would be rightfully entitled."

And the Senate agree to the same.

P. B. PLUMB,
H. M. TELLER,
E. C. WALTHALL,
*Managers on the part of the Senate.*

T. R. COBB,
H. S. VAN EATON,
JOHN A. ANDERSON,
*Managers on the part of the House.*

The report was concurred in.

### MINNEAPOLIS INDUSTRIAL EXPOSITION.

Mr. MORRILL. I am directed by the Committee on Finance to report back favorably the bill (H. R. 9818) relative to the Minneapolis Industrial Exposition to be held annually in the city of Minneapolis, State of Minnesota, and if there is no objection I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all articles which shall be imported for the sole purpose of exhibition at the Minneapolis Industrial Exposition, at Minneapolis, Minn., the first exhibition of which is to be held in the year 1886, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ALFRED HEDBERG.

Mr. HAWLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses, on the amendments of the Senate to the bill (H. R. 38) "for the relief of Alfred Hedberg," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

That the House assents, amending the original bill after the words "United States" in line 7 in printed bill by striking out the words "with his former rank and date of commission," and agree to the same.

J. D. CAMERON,
JOS. R. HAWLEY,
J. N. CAMDEN,
*Conferees on the part of the Senate.*

C. M. ANDERSON,
JOS. WHEELER,
JAS. S. NEGLEY,
*Conferees on the part of the House.*

Mr. COCKRELL. I ask that the bill as it has been agreed to by the conference committee be read.

The PRESIDENT *pro tempore*. The bill will be read as agreed to by the conferees.

The Secretary read as follows:

*Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Hedberg (late a captain in the Fifteenth Infantry) a captain of infantry in the Army of the United States, and that he, the said Alfred Hedberg, shall be assigned to the first vacancy of his grade occurring in the infantry arm of the service: *Provided*, That said Alfred Hedberg shall receive no pay for the time he was out of service, but only from the date of his appointment under this act.

Mr. COCKRELL. I should like to ask the Senator making this report why, after such deliberation and action upon the part of the Senate Military Committee and the Senate in agreeing to the appointment of Captain Hedberg as a second lieutenant, they have changed the bill and now authorize him to be appointed a captain instead of a second lieutenant?

Mr. HAWLEY. The House bill originally restored him to his ancient commission and rank as a captain, putting him back as nearly as they could where he was when in our judgment he was unjustly dismissed. The Senate, thinking it would be easier to do so, and that it would vindicate his honor to do that, proposed to let him go in at the foot of the whole Army. Upon meeting in conference, we found the House committee, Confederate and Union officers, solid

and determined against coming down to that, but the conferees split the difference. The majority of the Senate and of the House conferees made him a captain at the foot of the whole list, by which he loses a great many files. A captain at the foot of the list, if he could be nominated and commissioned, is put at the last of the whole Army.

Mr. COCKRELL. I simply desire to record myself, not by a call of the yeas and nays, but in the RECORD, as regarding this as a great injustice to the officers of the Army and as a very bad precedent, and not justified either by the facts or the law in the case.

Mr. HAWLEY. There is a difference of opinion, Mr. President.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

TENNESSEE RIVER BRIDGE AT SHEFFIELD.

The PRESIDENT *pro tempore*. The next House bill on the Calendar favorably reported will be stated.

The CHIEF CLERK. "A bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes."

Mr. MCMILLAN. I ask unanimous consent that the Senate proceed to the consideration of the remaining House bridge bills on the Calendar.

The PRESIDENT *pro tempore*. Does the Chair understand that those bills come in order consecutively on the Calendar?

Mr. MCMILLAN. Not consecutively; there are some interruptions; but the one now reached may be disposed of.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to proceed to the consideration of the bridge bills on the Calendar.

Mr. BECK. I object. I insist that all House bills shall be taken in the regular order. They will all be considered in half an hour if we go on regularly.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Minnesota, and the pending bill will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROAD LAND GRANTS IN IOWA.

Mr. HAWLEY. The Committee on Printing instruct me to make a brief report on a communication from the Acting Secretary of the Interior, transmitting various communications from the Commissioner of the General Land Office in regard to certain lands in Iowa, which was referred to the committee. The committee reports in favor of printing the usual number.

The PRESIDENT *pro tempore*. The report will be received.

Mr. HAWLEY. I ask that it be agreed to.

The PRESIDENT *pro tempore*. It will be agreed to.

Mr. EDMUNDS. Let it be read.

The SECRETARY. "A letter from the Secretary of the Interior transmitting, in reply to a resolution of February 2, 1887, a communication from the Commissioner of the General Land Office in regard to the lands granted to the State of Iowa by the act of May 12, 1864."

Mr. EDMUNDS. Let the resolution which provides for the printing be read.

Mr. HAWLEY. It is simply a motion for the printing of the usual number, 1,950.

Mr. EDMUNDS. I want to hear the resolution read.

The PRESIDENT *pro tempore*. The Chair is informed that there is no resolution.

Mr. MANDERSON. It is simply a motion to print the usual number.

Mr. EDMUNDS. What is the usual number?

Mr. MANDERSON. Nineteen hundred.

The PRESIDENT *pro tempore*. That order will be made if there is no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 11260) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution for the printing of 5,000 additional copies of the Report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary sketches and illustrations, showing the progress made during the year ending June 30, 1886.

URGENCY DEFICIENCY BILL.

Mr. PLUMB. I ask that the urgent deficiency appropriation bill, which has just come from the other House, be referred to the Committee on Appropriations.

Mr. EDMUNDS. Let us have it read the first time first.

The CHIEF CLERK. A bill (H. R. 11260) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1887, and for other purposes."

Mr. EDMUNDS. I object to the second reading.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Vermont objects to the second reading. The Calendar of House bills will be proceeded with.

SAMUEL M. GAINES.

The bill (H. R. 821) for the relief of Samuel M. Gaines was announced as next in order.

Mr. MCMILLAN. No; we want to proceed to finish the House bridge bills.

Mr. PLATT. I do not so understand.

Mr. BECK. In the regular order they will all be reached in half an hour.

Mr. SHERMAN. The regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 821) for the relief of Samuel M. Gaines; which was read, as follows:

*Be it enacted, &c.*, That the letters patent No. 85299, dated December 29, 1868, which were granted by the Patent Office of the United States to Samuel M. Gaines, of Glasgow, Ky., for the period of seventeen years from the date of the original grant, "method of teaching the rudiments of chemistry," be, and are hereby, referred to the Commissioner of Patents, to hear and determine the facts as to whether they shall be continued in force for the period of seven years from the 29th day of December, 1885; and the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patent herein described for the period herein named.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PLATT February 18, 1887:

The Committee on Patents, to whom was referred the bill (H. R. 821) for the relief of Samuel M. Gaines, having had the same under consideration, submit the following report:

The Committee on Patents of the *House of Representatives* made the following report upon this bill:

"The Committee on Patents, to whom was referred the bill (H. R. 821) for the relief of Samuel M. Gaines, have had the same under consideration, and now report the same to the House with an amendment, and recommend its passage.

"This bill provides for an extension of the letters patent which were granted to Samuel M. Gaines, No. 85299, and dated December 29, 1868, for 'method of teaching the rudiments of chemistry,' for the period of seven years from the 29th day of December, 1885. The committee have determined to recommend the passage of this bill, because, in their judgment, it has merit; because the patentee has received no just remuneration for his invention; and, lastly, because further time and labor, with the expense incident thereto, will be required to make the said method of general utility to the public. Besides, it is not an article of manufacture to be put on the market, and upon which the user might be taxed in the form of royalty, but its object is to remedy and correct the system introduced by Berzelius, of illustrating chemical compositions and reactions to the eye by means of symbols and equations, which is too abstract for beginners, by means of a chemical alphabet, found by actual experiments to be far more efficient than any other method heretofore used for such purpose.

"Amend House bill 821 by adding to said bill the following words at the end of line 13: 'And the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patent herein described for the period herein named.'"

From the evidence before the Senate committee it appears that the inventor has derived very little remuneration from his patent, and explains his failure to do so from the fact that during most of the time of the existence of the patent he has been president of a female college in Kentucky, with duties which prevented his writing a text-book on chemistry to be used in teaching that science according to the principles of his invention, and that without such text-book it was impossible to introduce his invention to any considerable extent; that his retirement from the presidency of the college has given him the leisure to complete such a text-book, which is now ready for publication, and that he believes that with an extension of his patent he may obtain some remuneration during its extended term.

As to the question whether the method of teaching chemistry covered by the invention has sufficient merit so that it will be generally received in the educational institutions of the country, the committee has no means of reaching a conclusion except in so far as its judgment is based upon the testimonials of teachers and scholars commending the method, numbers of which have been submitted to the committee. If the invention has the merit which its author claims for it, it will be a valuable aid in teaching chemistry.

It is doubtful whether it falls within the class of inventions which are of such great public utility as to make the extension of the patents securing them advisable. But in view of the fact that its extension cannot result in any particular burden or tax upon the public, and the fact that it will probably stimulate the inventor to make additional efforts to introduce his system of teaching chemistry, and possibly obtain for him some remuneration in his old age, the committee have decided to report in favor of the passage of the bill.

Mr. EDMUNDS. I should like to ask my friend from Connecticut to explain whether this bill has any saving clause in respect to people who meantime have been using and are using this patent?

Mr. PLATT. The information of the committee is that no one is using it except by the permission of the inventor.

Mr. HARRIS. We can hear nothing of the private interview that is going on over there.

Mr. EDMUNDS. There is no private interview going on.

Mr. HARRIS. It is private so far as our hearing it is concerned, for we cannot hear it.

Mr. EDMUNDS. It is public, but unheard of.

The PRESIDING OFFICER. The combined volume of conversation in the galleries is louder than people would ordinarily suppose.

Mr. PLATT. The evidence before the committee was that this invention has not been introduced to any extent. A few persons have adopted its use, paying the inventor a small sum for it. I will say with regard to this case that if there ever was a harmless extension of a patent it is this one.

Mr. EDMUNDS. I did not understand the Senator to state whether the bill contains the usual saving clause.

Mr. PLATT. There is no clause of that kind in the bill. If it were a different case, where people were manufacturing or using the invention, I should feel like having the amendment put in; but as an amendment to the bill would manifestly kill it, and as I said, which the Senator did not probably hear, if there ever was a harmless extension of a patent this is one, I hope the Senator will not propose any amendment to the bill.

Mr. EDMUNDS. That is not a very good reason for not having the bill right; and as this is a night when we pass bills that are not quite right, because we are in a hurry, I will not make the point.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT TAXES.

The bill (H. R. 9469) relating to arrears of taxes in the District of Columbia, was considered as in Committee of the Whole. It proposes to make the rate of interest to be collected on all general taxes in arrears on the 1st day of July, 1886, and on all special assessments due the District of Columbia, 6 per cent., per annum, in lieu of the rate and penalties now fixed by law. But this shall only apply to taxes and assessments paid on or before the 30th of November, 1887.

Mr. EDMUNDS. I should like to hear that explained. What is to be done with the people who have paid the present high per cent. in redeeming their property?

Mr. HARRIS. The explanation is that under existing law when taxes fall due and are not paid there is 2 per cent. per month interest, 24 per cent. per annum, up to the day of sale, and after sale interest at the rate of 10 per cent. per annum until paid. There is something over a million dollars of taxes in arrears, and the penalty and interest in very many of the cases aggregate a larger sum than the property is worth. Similar bills have been passed for very many years, and they have generally resulted in a very large collection; but without such remission of penalty and with a high rate of interest the probabilities are that collections will not be made; and the property in many instances is not worth the amount of taxes, penalties, and interest.

Mr. EDMUNDS. If that philosophy were sound we ought to repeal the provision altogether and not limit it to the time fixed in the bill. This is a special relief to certain people who have not paid their taxes, and is no relief to those who have paid them with this heavy penalty of 2 per cent. a month, or whatever it is.

The consequence will be—and that is the way it goes, and the Senator says we have done it once or twice before—that the people who are ready to fight and who are able to fight, a great many of them, some very rich people in this District, as I have been told, decline to pay their pay their taxes, and let them run, and by and by come and make a trade with Congress to get off on a commutation, and so on. I do not think it is a very good way to legislate. We ought to have a tax law that is permanent, that is fair, and that is enforced.

What is the excuse in this District for a million dollars being behind on taxes upon real estate, as these are, the whole of them almost; and what is the excuse for there being almost another million—certainly four or five hundred thousand dollars—of special or other taxes against the street-railway corporations and so on, that nobody can get? There is something wrong about the administration of the law here, or else the law is so imperfect that nobody can enforce it?

But the effect of this bill is going to be that while it gives relief to some very poor people, whom I should be glad to help, and to other rich people who do not need any help or any sympathy at all, it puts out of the category of any consideration the people who have raked and scraped to get money enough to pay their 2 per cent. a month, and who are to be left out in the cold. That does not look to me as quite right.

Mr. HARRIS. So far as I am advised, or as the Committee on the District of Columbia is advised, that class of very rich people I expect is an exceedingly small one, if there be a single individual of that character embraced in the provisions of the bill; but there is a class of people who are in arrears upon their taxes. The penalties and interest that have accrued amount to quite as much, and in some instances even to more, than the property is worth.

If this relief is given, from the experience of years gone by a large amount of taxes will be collected. If it is not given, nothing will be collected. It is for the Senate to determine whether it will give this relief, this inducement to pay the taxes, or whether it will let the matter remain as it is, with more than a million dollars in arrear.

Mr. EDMUNDS. I hope the Chair will put the question on passing the bill, for I wish to vote against it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT ELEVATORS.

The bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes, was considered as in Committee of the Whole. It authorizes the Commissioners of the District of Columbia to make and publish such orders as may be necessary to regulate the construction, repair, and operation of all elevators within the District of Columbia, and prescribe such means of security as may be found necessary to protect life and limb.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM INDIANA.

Mr. HARRISON. I ask leave at this time to present, in order that it may be laid on the table, a memorial from 18 senators in the State senate of Indiana and from the house of representatives of the State of Indiana protesting against the alleged election of Hon. David Turpie to be a Senator from that State.

Mr. EDMUNDS. Put it in the files along with the so-called credentials.

Mr. HARRISON. I ask that the memorial be placed on the files of the Senate.

The PRESIDING OFFICER. That order will be made.

WASHINGTON COUNTY STREETS AND AVENUES.

A bill (H. R. 11074) directing the Commissioners of the District of Columbia to establish streets and avenues in the county of Washington, District of Columbia, and for other purposes, was announced as next in order.

Mr. EDMUNDS. I object to that bill.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

SERVICE OF SUMMONS.

The bill (H. R. 8586) to amend section 685 of the Revised Statutes relating to the District of Columbia was considered as in Committee of the Whole. It proposes to amend section 685 of the Revised Statutes relating to the District of Columbia by adding:

But in case such party has left the District of Columbia, or cannot be found, said summons may be served by delivering the same to some person of proper age upon the premises described in said summons, or, in the absence of such person, by affixing a copy of said summons to a conspicuous part of the premises where it may be conveniently read.

Mr. EDMUNDS. I should like to hear that explained, and would like to see the section to which it is said to be an amendment.

Mr. HARRIS. The Senator from Vermont asks the attention of the Senator from Kansas [Mr. INGALLS].

Mr. EDMUNDS. That seems to be an amendment of the forcible entry and detainer act of the District. It is rather dangerous to make a provision of that kind, but still it would seem to be just in some way to make it if the party cannot be found.

Mr. MCMILLAN. The service might be made on a person not residing on the premises.

Mr. EDMUNDS. One would suppose so.

Mr. INGALLS. The bill, as the Senator from Vermont has said, is intended as an amendment to the landlord and tenant act in cases of forcible entry and detention. The purpose of it is to provide some method by which service can be had in case the person against whom the proceedings are instituted is a non-resident or is absent. It is a provision that is customary, and the committee after examination believed that the condition of the law here was such as to demand this proposed enactment. The question was submitted to the law officer of the District and after deliberation the committee were convinced that the amendment was one that ought to be made. I trust there may be no objection to it.

Mr. MCMILLAN. If I understood the language of the amendment, the service might be made upon a person who was not in the occupancy of the premises at all, some person taken there by the party making the service.

Mr. INGALLS. Let it be read again.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. EDMUNDS. That ought to say "residing on the premises or being in their occupancy," or somebody might walk on the premises for the purpose of receiving the service. I move to amend by adding "some person residing on the premises."

Mr. INGALLS. If the bill is to be amended it might as well be objected to at once, because, of course, we all know, in the condition of business at this time, an amendment will be fatal to it if the Senator thinks it is objectionable.

Mr. EDMUNDS. I think it is not safe as it is, so I will object.

The PRESIDING OFFICER. The Senator from Vermont objects and the bill will be passed over.

JAMES W. KINGON.

Mr. HARRISON submitted the following report, which was read:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9860) to correct the record of the military service of James W. Kingon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate with an amendment as follows: Add after the word "thereof," in line 18, printed bill as follows:

"As fully and completely as if such proceedings, findings, and sentence had never been had and made."

BENJ. HARRISON,
JOS. R. HAWLEY,
F. M. COCKRELL,
*Conferees on the part of the Senate.*
JOSEPH WHEELER,
G. W. DARGAN,
JAMES LAIRD,
*Conferees on the part of the House.*

Mr. HARRISON. I move that the Senate agree to the report of the committee of conference.

Mr. EDMUNDS. Are the papers here?

Mr. HARRISON. Yes, sir; the papers are here.

The PRESIDING OFFICER. The papers are at the desk.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 38) for the relief of Albert Hedberg;

A bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States;

A bill (H. R. 8751) for the relief of Samuel F. Rice; and

A joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition.

COAST AND GEODETIC SURVEY REPORT.

The PRESIDENT *pro tempore.* The Chair takes this opportunity to lay before the Senate a concurrent resolution from the House of Representatives, which will be read.

The resolution was read, and referred to the Committee on Printing, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 5,000 additional copies of the Report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary progress sketches and illustrations showing the progress made in said survey during the year ending June 30, 1886, 1,000 copies of which shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by said Superintendent.

A. S. BLOOM.

The bill (H. R. 899) for the relief of A. S. Bloom was considered as in Committee of the Whole. It provides for payment to A. S. Bloom, late a major of the Seventh Kentucky Volunteer Cavalry, of the pay and allowances of a major of cavalry from September 2, 1864, until November 1, 1864, deducting therefrom any moneys paid him for any other position held during that period.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The Secretary read the following report submitted by Mr. MANDERSON February 21, 1887:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 899) "for the relief of A. S. Bloom," having duly considered the same, report in favor of its passage.

The bill is in the form in which it passed the House at the second session of the Forty-fifth Congress, June 14, 1878, and provides that Bloom shall be paid as a major of the Seventh Kentucky Volunteer Cavalry from September 2, 1864, to November 1, 1864, deducting any amount paid him for services for any other position held during that period.

The report (No. 470) on this bill in the Forty-fifth Congress, adopted by the House, and hereto annexed, would appear to contain all the facts, and is as follows:

1. That A. S. Bloom was commissioned a major in the Seventh Kentucky Volunteer Cavalry on the 20th day of January, 1864, by the governor of the State of Kentucky, and made application to be mustered at that date under his commission.

2. That Major Bloom was then refused muster and informed that the Seventh Kentucky Volunteer Cavalry was below the minimum, and by reason thereof there was no vacancy in the office of major, said regiment then having a colonel, lieutenant-colonel, and two majors, which was its full complement of field-officers, according to its strength.

3. That Major Bloom, by reason of such failure to be mustered, and with the assent of his colonel, proceeded upon recruiting service, to procure for the regiment a sufficient number of men to fill it to the standard which would entitle him to be mustered.

4. That Major Bloom reported back to his regiment for assignment to duty on the 4th day of July, 1864, but the proofs fail to show that he was then assigned to duty by any authority, competent or otherwise.

5. Major Bloom claims to have entered upon his duties as major of the Seventh Kentucky Volunteer Cavalry July 4, 1864, but where he was on duty, or what duties he performed, or by whose orders, neither the petition nor the proof show with any degree of certainty sufficient to establish a claim for service done and accepted by the Government.

6. Major Bloom first appears to have been assigned for duty as major, by authority having at least color to charge the Government, on the 2d day of September, 1864, by Special Orders No. 207, Headquarters District of Tennessee, Major-General Rousseau, commanding.

7. From September 2, 1864, to the 1st day of November, 1864, when Major Bloom was mustered into service under his commission, he seems, from the evidence and official orders, to have been rendering service and to have been recognized in his rank as major.

8. That at some date which does not appear the colonel of the Seventh Kentucky Volunteer Cavalry was detached from his regiment and placed in command of a brigade; the lieutenant-colonelcy was vacant by reason of the death of the officer who held that position, resulting from a wound received in a personal rencounter with the first major, and which resulted in the arrest of such major and deprivation of him *pro tempore* from the discharge of the functions of his office, and that the second major was absent from his command by reason of disability.

These several casualties if they may be so termed, all seem to have intervened at some time between September 2, 1864, and the date of Major Bloom's muster, November 1, 1864, so that there was during that time, or a portion of it at least, a vacancy in fact, though not in law, in the office of major, which Major Bloom filled, and discharged the duties; being a part of the time, at least, in the actual command of the regiment.

9. That the regiment of which Major Bloom had command, and in which he held his commission, was, in fact, reduced below the minimum when he was mustered, November 1, 1864, and he was no more entitled to his pay from November 1, 1864, than he was from September 2, 1864, if the letter of the law is to be followed; but, notwithstanding the legal bar, the Government availed itself of his services, and have paid him from November 1, 1864; and, in the opinion of your committee, Major Bloom is justly entitled to his pay from the time the proofs show he was under orders of Major-General Rousseau, as much so before his muster as afterward.

By the act of Congress approved June 3, 1884, it was intended, by a general bill, to give relief to this class of claims, and it appears that Bloom has presented his case to the War Department under the act, and that his case has been decided adversely, because—

"During the period claimed the Seventh Regiment Kentucky Cavalry Volunteers was reduced below the minimum strength allowed by law, and consequently not entitled to a third major."

As the commission of Major Bloom bears date *subsequent* to June 20, 1863, and as his command was below the minimum number when he was mustered, he can get no relief under the act approved February 3, 1887.

Mr. EDMUNDS. I think that will make a precedent for a pretty large number of cases. It had better go over.

The PRESIDING OFFICER. The bill is objected to.

Mr. MANDERSON. I did not hear the Senator from Vermont. Did I understand him to object to the further consideration of the bill?

The PRESIDING OFFICER. He did.

Mr. MANDERSON. I hope he will withdraw that objection. This is a case that has a great deal of merit and there are many precedents for it.

Mr. EDMUNDS. We passed a general law in 1863 on this subject, and this case would be one of probably a thousand or more. It may be a good case and it may not. It is not extremely clear, therefore, at this last night of the session, and I do not think it wise to make a precedent of this kind, with great respect to my friend.

Mr. MANDERSON. Do I understand the Senator from Vermont to insist on his objection?

Mr. EDMUNDS. I do.

Mr. BECK. Knowing this man, and knowing this case, and knowing how meritorious a soldier he was, I am constrained to move, if I have the right to move, to proceed to the consideration of this bill notwithstanding the objection.

The PRESIDENT *pro tempore.* The Senator from Kentucky, has that right. He moves to proceed to the consideration of this bill notwithstanding the objection.

The motion was agreed to.

Mr. BECK. I have nothing to say.

Mr. EDMUNDS. On the 3d of February, 1887, as this reports states, which is not long ago, we passed a general bill which was supposed to cover every possible case where, upon principles of justice and good administration, relief of this character should be given, and we follow that in the same month and less than three weeks afterwards with this special bill for this particular gentleman whose career in the Army during the time that he is now to be paid for did not entitle him by law as it then stood or as it stands now to be paid the already belonging to the rank of major.

There are a thousand and more other people, some of whom I know in the State from which I come, and in all the other States, who, on account of their regiments being reduced below the number which entitled them to two or more majors, as this regiment had two all the time besides this gentleman, were not entitled to be mustered in and were not entitled to the pay of that rank, but were entitled to whatever rank they held below that of captain or whatever. Because, first, this gentleman could not be mustered in for the reason that there were two majors in the regiment already, and secondly, for the reason that the number of men in the regiment was far below the minimum, we are now asked, in spite of this general law and beyond it that we have passed, which is favorable to everybody, of course, as every general law is, to make an exception, which immediately becomes a precedent for all other similar cases, and there are thousands of them, to pay this gentleman for the time when having a commission from the governor of Kentucky, as I will assume, to be a major, his regiment was so small and its offices were so full that he could not be mustered in as a major.

If that is right it ought to be right for everybody. Congress has said by a law passed only a month ago that it is not right, and that the line ought to be drawn in a place that will exclude him. I have no doubt that he is a very worthy man, and so were the others; and having said that—I do not wish to take up time—my duty is done, and the Senate can do what it pleases.

Mr. HALE. If a vote can be had on this bill at once I will not interpose; otherwise I must insist on calling up the deficiency bill.

Mr. BECK. I do not wish to say a word, but the Senator from Nebraska [Mr. MANDERSON] who made the report will say something.

Mr. MANDERSON. As the report shows, the fact is that this officer was on duty with his regiment during the time he was major and was part of that time in command of that regiment. He was on duty in the regiment from September 2, 1864, to the 1st day of November, and during the two months' time it is proposed to pay him the pay of a major, he was with his regiment, engaged in action with it part of the time, and part of the time in command. It seems to me it makes an exceptional case and demands this recognition.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal

year ending June 30, 1887, and for prior years, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that it be read for amendment, first considering the amendments of the Committee on Appropriations as they are reached in their order in the reading of the bill.

Mr. EDMUNDS. And subject to all points of order.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the course suggested by the Senator from Maine will be pursued, subject to all points of order.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," after line 8, to insert:

To enable the President to extend to the inhabitants of the island of Tanegashima, Japan, some suitable recognition of their kind and humane treatment of the survivors of the crew of the American bark Cashmere, lost off that coast in 1885, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was after line 20 to insert:

Foreign intercourse:

Salaries of ministers: To enable the accounting officers to settle the account of V. O. King, chargé d'affaires ad interim to Bogota, being a deficiency for the fiscal year 1886, $309.66.

Mr. EDMUNDS. Will the Senator in charge explain that a moment?

Mr. HALE. I have sent for the Book of Estimates, which contains the exact statement in reference to it. It may be passed over, if the Senator desires, until I get the book here.

Mr. EDMUNDS. Yes.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was after line 26, to insert:

To pay G. C. Foulk, charge d'affaires ad interim at Seoul, Corea, the amount of protest fees and expenses incurred by him on drafts returned to him on account of the exhaustion of the appropriation for "Salaries of ministers," 1885 against which they were drawn, $35.92.

The amendment was agreed to.

The next amendment was, after line 33, to insert:

Salaries consular officers not citizens: To enable the accounting officers to settle the accounts of consular officers not citizens, being a deficiency for the fiscal year 1885, $1,808.24.

The amendment was agreed to.

The next amendment was, after line 37, to insert:

To enable the accounting officers to settle the accounts of consular officers not citizens, being a deficiency for the fiscal year 1886, $4,973.86.

Mr. EDMUNDS. I should like to have that explained a little. I want to know how these deficiencies arise. These consular officers get fees. How is it that there is anything due to them from the United States?

Mr. HALE. In the course of the year, in a large establishment like the State Department, these accounts coming in at different times are settled on the basis of old returns of fees, which sometimes are changed from time to time. Sometimes allowances are made in the nature of clerk hire and other things for one year that are left out in another year; and at the end of a fiscal year it is found that there may be a deficiency which is to be settled upon the books of the Treasury, though there is no money payment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 41, to insert:

Contingent expenses foreign missions: To enable the proper accounting officers, without the payment of any money from the Treasury, to settle the accounts of United States ministers and others on account of the appropriation for "Contingent expenses of foreign missions" for the fiscal year ending June 30, 1886, by means of utilizing the entire appropriation under that head generally, and without regard to the division of the amount between specified and unspecified objects, authority is hereby granted for that purpose.

The amendment was agreed to.

The next amendment was, after line 51, to insert:

Contingent expenses United States consulates: To reimburse the following consular officers the protest fees and expenses incurred by them on drafts returned on account of the exhaustion of the appropriation for "Contingent expenses United States consulates," fiscal years 1884 and 1885, against which they were drawn:

Fulton Paul, late United States consul at Odessa, Russia, 1884, $22.50.
J. C. A. Wingate, United States consul at Foo-Chow, China, $1,885.07.
D. M. Dunn, late United States consul at Valparaiso, Chili, 1885, $217.

The amendment was agreed to.

The next amendment was, after line 67, to insert:

Salaries consular service: To enable the accounting officers, without the payment of any money from the Treasury, to allow and credit E. J. Smithers, late consul of the United States at Chin-Kiang, the sum of $133, due on account of his salary from July 9, 1884, to October 20, 1884, while acting as United States consul at Tien-Tsin, under the direction of the Department of State, in addition to the sum of $1,011.48 allowed by the deficiency act of August 4, 1886, said sum of $133 having been disallowed in the settlement of his accounts.

The amendment was agreed to.

The next amendment was, after line 81, to insert:

To pay secretaries of legation for services rendered as chargé d'affaires ad interim during the two years ending June 30, 1880, $30,000.

Mr. EDMUNDS. I should like to hear that explained. That is a pretty large item. I make the point of order on it as well.

Mr. HALE. If the Senator makes a point of order, of course it will go out.

Mr. EDMUNDS. I make the point of order. There is no law for it, and it is exactly against the law.

The PRESIDING OFFICER. The Chair thinks the point of order is good. The Chair rules out the amendment.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 85, to insert:

To refund to John T. Robeson, late United States consul at Beirut, on presentation of proper vouchers therefor to the Department of State, six hundred dollars, being for moneys expended by him for clerk-hire at said consulate during the fiscal year 1885.

The amendment was agreed to.

The next amendment was, after line 91, under the head of "Treasury Department" to insert:

To pay Mrs. Imogene Robinson Morrell for painting the portrait of John C. Spencer, ex-Secretary of the Treasury, $500.

The amendment was agreed to.

The next amendment was, after line 94, to insert;

To enable the Secretary of the Treasury to pay a reasonable additional compensation to the employés of the Treasury Department who were actually employed during the months of July, August, September, and October, 1882, in addition to the usual business hours, on account of the work of exchanging bonds of the United States bearing 3½ per cent. interest for bonds bearing interest at the rate of 3 per cent. per annum, authorized by section 11 of "An act to enable national-banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, to be paid by the said Secretary to those actually engaged as aforesaid, in such sums as shall seem to him to be just and equitable, as follows:

For employés in the division of loans and currency of the office of the Secretary of the Treasury, $1,384.48;
For employés in the division of records, files, and mail in said office, $564.56;
For employés in the office of the Register of the Treasury, $1,498.10;
For employés in the office of the Treasurer of the United States, $699.80; in all, $4,146.95;

The amendment was agreed to.

The reading of the bill was resumed and continued to line 142.

The PRESIDING OFFICER. The Chair will call attention to the word "acts," in line 142, which evidently should be "act."

Mr. HALE. Let that correction be made.

The PRESIDING OFFICER. It will be made, if there be no objection.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 151, to insert:

To pay amount found due the Union Pacific Railway Company (report No. 249413) for transportation of supplies for assay-office at Boisé City in 1884 and 1885, being for the fiscal year 1885, $2.32.

Mr. COCKRELL. I am opposed to this amendment and sundry other amendments of the same character—there are quite a large number of them here—to pay the amounts found due the Union Pacific and Central Pacific Railroads and their branches for transportation. To save time we may as well decide the question at once.

The House bill made no appropriation for the Central Pacific Railroad claims for transportation. These claims were presented; they were attached upon one deficiency bill heretofore, and were stricken out in conference. I do not know the exact amount involved, I have not calculated it, but there are several hundred thousand dollars involved in these claims. I desire to have read and spread upon the RECORD a very full statement of these claims made in another branch, from which I will read a part:

The bill makes no appropriation for the Central Pacific Railroad claims for transportation, and in this connection the committee would state that the United States owes the Central Pacific Railroad Company various sums of money for transportation under the War and Post-Office Departments, aggregating, in round numbers, $2,000,000 or more.

That is the amount practically involved in these amendments, $2,000,000 or more.

The agents and attorneys of that company, with great persistence and activity, have sought to convince the committee that appropriations should be made for the payment of this indebtedness in money, notwithstanding the admitted fact that the railroad company is justly indebted to the United States in the sum of more than $60,000,000.

The committee were of opinion that equity and justice required that the company should be entirely satisfied to have the amount of these claims placed to its credit as a partial payment of, or set-off to, that much of its vast indebtedness to the United States.

The committee were answered by the agents and attorneys, before alluded to, that the debt of the company to the Government was not yet due, and would not be for eight or ten years yet to come; that a test case had been made and tried in the Court of Claims, and on appeal in the Supreme Court of the United States, and that those tribunals had each decided that the company was entitled to the payment of these claims, regardless of its indebtedness of $60,000,000, as before mentioned; and that the indebtedness, of which payment was asked, accrued to the company by reason of its performing the services out of which the claims originate, over branch lines not subsidized or aided by grant, either of bonds or lands, but leased, controlled, and operated by the company.

It should be observed, however, in this connection that the accounts are presented in the name of the Central Pacific Railroad Company; that the indebtedness and the audit are to that company; that the test suit was in the name of and by that company; that the judgment was rendered in its favor, and the services were rendered by it; but in rendering such services the company used its leased lines therefor.

If there was ever a man or a corporation under obligations to keep faith with the Government and people of the United States, the Central Pacific Railroad Company, and those who have control of the vast wealth and power conferred upon them by the legislation of 1862 and 1864, were, and are, bound by every consideration of justice, honor, and gratitude to keep absolute, perfect, and unlimited good faith with such Government and people. Under the legislation alluded to it cannot be too frequently stated or too earnestly considered that the Central Pacific

Railroad Company received from the Government immense privileges, bounties, and subsidies. Among other things:

First, a national legal status.

Second, a grant for right of way of 404½ feet in width.

Third, earth, stone, timber, and other materials of construction from adjacent public land.

Fourth, alternate sections of the public lands on each side of the road for a depth of 10 miles; and in order that the company might have the choice land, it was allowed to extend 20 miles on either side from which to select the quantity indicated.

Fifth. On 17.18 miles of the road the Government lent it $16,000 per mile; on 150 miles the Government lent it $48,000 per mile; on 580.32 miles the Government lent it $32,000 per mile, all in 6 per cent. thirty-year bonds.

Sixth. The bonds of the company issued in 1865, 1866, 1867, 1868, 1869, and made a lien prior to the bonds of the Government lent to the company, and aggregating $27,853,000, with thirty years to run, at 6 per cent., gold, interest.

Seventh. Capital stock issued by authority of law, but required to be paid up in cash and in full, $59,275,500.

We have a right to assume that the land produced revenues equivalent to $32,000 per mile, an amount amply sufficient to complete the road; that the bonds of the Government lent to the corporation, and averaging over $35,000 per mile, were more than sufficient to complete and equip the road; that the second-mortgage bonds allowed to be made a first lien as against the bonds of the Government so lent were sufficient to complete the road; and that the stock required by law to be paid up in full was more than double the amount required to build the road.

Thus this corporation secured through the confidence and bounty of the Government a sum of money sufficient to build and complete five roads of the same length. Where is all this money? Will it be seriously denied that this money—the money of the people and their Government—formed the basis of the great fortunes made by the recipients of all this bounty, and also defrayed the cost of building all the branch roads which were claimed to have been leased, only, by the Central Pacific Railroad Company? And when to these vast sums we add practically the net earnings of the road for twenty years, in which the Government has an interest by law, we recognize the sources from which came the money to build all the roads ever operated or leased by the Central Pacific Railroad Company. In this estate the Government had and has a sovereign interest, subject only to the rights of honest creditors to whom the Government has given prior rights.

But it is said that the company has a judgment in a test case, and therefore we are bound to make appropriations to pay like claims to that sued on. Let us see. The suit was begun in the Court of Claims by the filing of a petition or declaration of law at the November term of said court in 1885. It was the guarded production of several of the skilled lawyers of that powerful company. It of course stated a naked case at law. It did not admit any of the known facts constituting a complete equitable defense.

The attorney representing the United States filed only a general demurrer. This the court very properly overruled, and judgment thereon was allowed to be entered in the Court of Claims. The Supreme Court, on appeal, could do nothing but sustain the judgment of the court below.

I hope the Senate will pay attention to this statement of the facts in regard to these judgments.

What that great tribunal would have decided had the facts and equities of the Government been presented by answer, we, of course, do not know; but it is believed that when a corporation or individual is largely indebted, whether the debt be due or not due, and commits a fraud or frauds upon the creditor, or diverts property unlawfully from the uses prescribed by law for the benefit or safety of such creditor, or in failing circumstances commits an act of bankruptcy, he or it can not either at law or in equity recover payment of a debt due by the creditor to the debtor of such creditor simply because it may not be at the time due or payable.

Almost everywhere an attachment at law against such a debtor is authorized, and equitable proceedings to prevent the recovery by him of a debt due from a creditor situated as the United States now is, are never denied. We think, therefore, that such proceedings as were had in the suit alluded to do not justify us in concluding that the courts, on a full and fair presentation of all known matters of defense, would adjudge payment to the Central Pacific Railroad Company of $2,000,000 owing to it by the United States, when the company is indebted, and has been for twenty years, to the United States in the sum of nearly $30,000,000 for principal and a sum greater now than $30,000,000 for interest paid for the use and benefit of such company. It should be noted that the above-mentioned suit was filed November, 1885, and was carried through both courts and the judgment presented to Congress within six months.

It is to be further noted that the appropriation for the payment of these claims now opens the door to the future payment of all such claims, reaching far into millions of dollars. Less than a year ago the Central Pacific Railroad Company was before us as the alleged lessee of all the branch lines herein alluded to, since which it has been shown to us that grave and serious changes have taken place.

It would seem that the road of the corporation, enriched by the legislation of 1862 and 1864, and in which the Government has such a large interest, together with all its leased or operated lines, is now, or was recently, in the possession or control of a corporation created by a special act of the legislature of the Commonwealth of Kentucky, and called the "Pacific Company," as lessee on a lease or leases for 99 years. As the Government employs a number of gentlemen as representatives of the United States in the directory of the company, we may, at their convenience, get a history of the wanderings of a fugitive debtor to the United States, which, when last heard from, had taken temporary refuge, at least, under a new but pacific name, within a State somewhat distant from its theater of operations. The "Pacific Company," of Kentucky, must be, as lessee, receiving the earnings of its leased lines. Has not the Government such an interest in this property as would justify a strong interference by the proper department of the Government?

Legislative provisions affecting the expenditure of money under certain branches of the public service are recommended in the bill, as follows:

In connection with the sum of $500,000, recommended for the payment to importers of interest and costs on judgments and discontinued suits in customs cases on excess of deposits for unascertained duties or duties or other moneys paid under protest, the following is proposed to be added:

"*Provided*, That section 3011 of the Revised Statutes of the United States be, and the same is herby, amended by inserting after the word 'paid' in the seventh line the following: 'together with costs of suit and interest at the rate of 3 per centum per annum.'"

The Senate has recently passed a bill for the investigation of the accounts and condition of these land-grant railroads, and we now have the spectacle of the Senate adding to this deficiency bill a provision authorizing and compelling the United States to pay in cash to these companies nearly $2,000,000.

Mr. STANFORD, Will the Senator allow me to ask a question?

Mr. COCKRELL. Certainly.

Mr. STANFORD. I understand that the report read by the Senator claims that the Central Pacific Railroad Company has a just claim to these items.

Mr. COCKRELL. I have read it all.

Mr. STANFORD. I want to know if the Senator pleads the baby act for this Government when it has a contract to pay what it owes?

Mr. COCKRELL. No, sir; I do not propose to plead the baby act; but here are corporations to which the United States has issued its bonds for the amount of $64,000,000, and it has paid interest upon that amount until to-day, the actual sum paid by the Government amounting to over $140,000,000.

Mr. STANFORD. Was not that according to the contract?

Mr. COCKRELL. As the court has decided; that is, it has been held that when the Government of the United States pays interest on these bonds the Government can not make the railroad company pay that interest back until the principal of the bonds becomes due. Therefore, the Government is paying year by year the interest on $64,000,000 of bonds, and can not according to the decision of the Supreme Court, legally at least, make the companies refund one particle of that interest until the bonds become due, which will be in 1895 and 1896.

All that we propose now by not admitting these amendments is simply to leave these credits in the hands of the Government, and when the adjustment is made between these land-grant railroad companies and the United States, the railroad companies will get credit for every dollar of these sums; but I say it is not just, it is not right, it is not equitable to make the taxpayers of the United States pay the money out of their pockets and turn it over to these railroad companies while they owe the people of this country millions upon millions upon which the people are receiving no interest whatever, and cannot receive any interest. It is nothing but a matter of justice, equity, honesty, and fair dealing that these credits shall remain in the Treasury of the United States, and they will go to the benefit of the companies, and there is no pleading of any baby act or any other kind of act. It is only a matter of justice. I hope the committee's amendment will not be agreed to.

Mr. MCPHERSON. I supposed if there was anything well understood by the committee after the passage of the resolution for investigating all the affairs of the Pacific railroad companies a few days ago, it was that there would not be found in an appropriation bill, within seven or eight hours of the close of the session, an appropriation of this character. It is very well understood at the Treasury Department, if not elsewhere, that one of the reasons why the sums of money mentioned in this appropriation bill have not been paid is because of the fact of the unwillingness of the Treasury Department to recognize a lease made by the Central Pacific Railroad to the Southern Pacific Railroad. Certain sums of money are alleged to be due. I do not know that the Department has refused to pay all proper claims of the Central Pacific Railroad, but I do know that it has refused to recognize the Southern Pacific as the lessor of these properties.

Now it is proposed to put in an appropriation bill, within seven or eight hours of the end of the session, an appropriation recognizing and confirming almost as far as language can do—it certainly will be a confirmation if the Senate proceeds to demand or require of the Treasury Department to pay over these sums of money to the Southern Pacific Railroad, the assignee of these claims, it will be equal to a confirmation of the lease, and that, too, pending an investigation into all the affairs of the companies. It is the most extraordinary proceeding I ever heard of, with all due deference to the honorable committee, considering as we must the action of the Senate within the past few days touching the Pacific railroads.

Mr. HALE. There is nothing new about this item nor about the other items of a like kind that are interspersed through the bill. They were put upon the deficiency bill last year, and neither the Senator from Missouri nor the Senator from New Jersey protested against them or was found voting against them. They passed the Senate *nem. con.*, and they have been in accordance with that precedent, with the action of the Senate heretofore, incorporated into this bill. Moreover, the Committee on Appropriations in putting these items into this appropriation bill, have followed what so far as I know is the unbroken rule and precedent where the highest court has passed upon a matter and entered up judgment. All of these bills for services rendered by the the non-aided portion of the Union and Central Pacific Railroad systems cover items the facts about which are not in dispute. That the railroad companies did the service, furnished the materials of transportation, nobody denies. That the bills have been duly presented, that they have passed through every stage of examination and scrutiny in the Treasury Department and have been certified upon audit as true and just bills, nobody questions. That in addition to that the question whether or not they are now due, was in due form and by proper progressive action from one court to another submitted first to one court and then to another nobody denies; and that upon such presentation the highest court of the land, the Supreme Court of the United States, decided and declared in terms that they were due, and that the railroad companies were entitled to, that no man has ever raised a doubt about. With all this unbroken line of precedents, of adjudication, or results determined upon by high tribunals, the Committee on Appropriations have inserted these clauses, found upon different pages of the bill, from the beginning to the end, ranging from small sums to

large sums, because the committee believes that these roads are entitled to have their accounts passed. The money will not be paid. The Senator says it will take from the Treasury so much money to be paid out to the companies. It is not so; it is only that the companies, in the course of their transactions of current affairs that arise between them and the Government of the United States, ask to have these accounts allowed; ask that they be no longer held up; ask that they be received by the Government in its transactions and in its current events, and that the roads get the benefit of them.

Now, the theory on the other side is in contravention of the Thurman act so-called, and the decision of the courts upon that. It may be that, at some time in the near or far future, it may be found upon some investigation that there are concerns of these companies that need to be looked into. That may be so; that is a thing which the investigation that has been set on foot will disclose; but whatever may be arrived at in the result of that investigation does not in any way touch the validity of these claims—the fact that the services have been rendered and that the moneys are now due.

It is upon these grounds that the committee, acting as it had done before, sustained as it has been before by a unanimous Senate with no voice of protest raised against them, have put these accounts on the present bill. It is for the Senate to say whether or not this body shall pass these bills. They have got to go before another branch; indeed, they have to pass through two branches. Last year they were thrown out by the action of the House of Representatives. What may be their fate now I do not know. But that the Senate is committed to these two bills by its previous action, by every course of proceeding that has been taken, I can have no doubt.

Mr. McPHERSON. I wish to offer an amendment on page 25, line 583.

Mr. HALE. Will the Senator wait until the amendments of the committee are disposed of? We have not reached page 25 yet. The order is that the amendments of the Committee on Appropriations are first to be considered.

Mr. McPHERSON. Then, if the Senator prefers, I will wait until the amendments on that page are reached. I suppose the amendment can be passed over.

Mr. HALE. The Senator can offer any amendment to the clause we are now considering, but not to any other portion of the bill. We are now on page 7.

Mr. McPHERSON. I may have been misinformed, but I thought the amendment under consideration was one of those on page 25, to which my attention was called.

Mr. HALE. The Senate is now considering the little item on page 7. That, undoubtedly, the Senator from New Jersey can move to amend.

Mr. McPHERSON. The Senator from Maine informs me that the clause under consideration is on page 7.

Mr. HALE. Beginning in line 152.

Mr. McPHERSON. I do not know why all these matters of new legislation are on this bill at a time when an investigation is to be made. I think they ought to be cut out.

Mr. HALE. How does the Senator find warrant for characterizing this as new legislation? Will the Senator be so good as to inform the Senate how it is?

Mr. McPHERSON. I do not understand that it has been determined that the Government owes the Union Pacific Railway the amount of money specified. I find it here in the appropriation bill, but if the Senator will inform me that the Treasury Department have reported that this is a debt to these companies, and that there is no dispute whatever about it, I shall be surprised.

Mr. HALE. That is precisely the fact. It is contained in a document that is referred to in the bill, and it is certified as an amount due, that has been audited, and is now sent for appropriation to Congress by the Secretary of the Treasury. That is precisely the case. I cannot state it as well as the Senator himself has in stating his objection.

Mr. McPHERSON. I should think, as there were so many matters in dispute between the accounting officers of the Treasury and the Pacific railroad companies, that pending the investigation which it is supposed will shortly be made, and a very thorough one, all these matters in dispute should be deferred until the investigation is made. Therefore I object to this amendment, as I do to the others; but as to that coming later, on page 25, I certainly shall not object.

Mr. HALE. That is an entirely different matter. That raises the whole subject of the controversy. That is the ground on which the House of Representatives object; but I do not like the Senator to characterize this as new legislation when the committee has waited until every possible step was taken by the Department of the Government and the courts before it proposed to put this item in the bill.

Mr. McPHERSON. Will the Senator inform me whether the Treasury Department has recommended an appropriation of money to pay this alleged claim?

Mr. HALE. It was sent for that very purpose. If the Senator will look at the document referred to he will easily satisfy himself.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, after line 167, to insert:

Hell Gate electric light: For lease of the ground used as a site for the light-house and fog-signal established at Hallet's Point, near Hell Gate, New York, from April 1, 1886, to June 30, 1887, $750.

The amendment was agreed to.

The next amendment was, after line 174, to insert:

Plans for public buildings: For plans for public buildings, $1,000.

The amendment was agreed to.

The next amendment was, after line 242, in the appropriations for the District of Columbia, to insert:

For fuel, ice, gas, repairs, insurance, and general necessary expenses, such as gas, bookbinding, repairs to Columbia Building, washing, ice, printing, repairs to stoves, and gas-fixtures, $2,000.

The amendment was agreed to.

The next amendment was, after line 313, to insert:

For engineer's office: For contingent expenses, such as livery of horse of Engineer Commissioner, and for printing and binding report of engineer department for 1885, $151.31.

The amendment was agreed to.

The next amendment was, after line 318, to insert:

For District offices and markets: For fuel, ice, gas, repairs, insurance, and general necessary expenses, $270.03.

The amendment was agreed to.

The next amendment was, after line 321, to insert:

For police court: For United States marshal's fees, $285.50.

The amendment was agreed to.

The next amendment was, after line 346, to insert:

For police court: For United States marshal's fees, $395.
For street-lamps: For gas and for the erection of street-lamps, $1,615.34.

The next amendment was, after line 351, to insert:

To supply deficiencies in the appropriations for the fiscal year 1884 as follows:
For street-lamps: For erection of street-lamps, $903.66.
For police court: For United States marshal's fees, $119.50.
For miscellaneous expenses: To pay William Forsyth bill for surveying, $59.50.

The amendment was agreed to.

The next amendment was, after line 360, to insert:

To supply deficiencies in the appropriations for the fiscal year 1883, as follows:
For assessor's office: To pay William Forsyth for surveying, $9.50.
For miscellaneous expenses: To pay William Forsyth for surveying, $190.
For District offices and markets: For fuel, ice, gas, repairs, insurance, and general necessary expenses, $17.20.
For inspector of building's office: For saddlery and horseshoeing, $15.15.
For health department: For contingent expenses, $3.96.
For water department: To pay William Forsyth for surveying, $10.

The amendment was agreed to.

The next amendment was, after line 375, to insert:

To supply deficiencies in the appropriations for the fiscal year 1882 as follows:
For inspector of buildings' office: For livery of horse and for saddlery, $22.50.
For assessor's office: For horseshoeing and for board of horse, $11.50.

The amendment was agreed to.

The amendment was, after line 385, to insert:

To reimburse Frederick Douglass for record-books and general indices purchased and paid for by him while recorder of deeds, for use of his office, $172.70.

The amendment was agreed to.

The next amendment was, after line 419, to insert:

For the employment of a copyist until June 30, 1887, to make copies of the official letter-books of the executive department of the State of North Carolina, in compliance with the joint resolution of Congress of December 20, 1886, $300.

That the Secretary of War be, and he is hereby, authorized to provide suitable medals which are to be presented to the competitors in the national drill which is to take place next May; and that the sum of $1,500, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of War to procure such medals as in his judgment may be appropriate for the purposes indicated, said medals, when made, to be turned over to the committee of national drill having their disposition in charge.

This amendment was agreed to.

The next amendment was, after line 434, to insert:

To pay D. M. & C. P. Dull the amount ascertained by the Secretary of War to be due them for work done on the Great Kanawha River, West Virginia, and by reason of changes in their contract, &c., $34,379.30.

To pay Charles McCafferty the amount ascertained by the Secretary of War to be due him for work on the Great Kanawha River, West Virginia, and by reason of changes in his contract, &c., $30,370.15: *Provided*, That any contract indebtedness of said McCafferty incurred by subcontract, or for labor or material furnished for the prosecution of the work on which this sum is based, shall be first ascertained and paid by the Secretary of War and the balance paid to said McCafferty. Said amounts shall be received in full satisfaction of all claim under said contract.

The amendment was agreed to.

The next amendment was, after line 478, to insert:

For rent, hire of civilian employes, furniture, light, stationery, ice, repairs, rent of telephones, text-books, lumber, and other expenses of offices maintained as stations of observation in cities or places outside of Washington, District of Columbia, $5,000.

The amendment was agreed to.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes;

A bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes;

A joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887;

A joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.; and

A joint resolution (S. R. 118) to print the official report of the investigations of Dr. Edward Shakespeare, concerning the nature, &c., of epidemic cholera.

DISTRICT PUBLIC SCHOOLS.

Mr. JONES, of Nevada. I ask leave to report a resolution from the Committee on Contingent Expenses with a substitute. The committee recommend the passage of the substitute, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The report will be received, if there be no objection.

The SECRETARY. A resolution by Mr. HOAR directing the Committee on Education and Labor to examine into the condition of schools in the District of Columbia.

The PRESIDENT *pro tempore*. The amendment reported by the committee will be read.

The SECRETARY. Strike out all after the word "Resolved," and insert:

That the Committee on Education and Labor be instructed to inquire into the condition of the public schools of the District of Columbia, especially as compared with that of the schools in other cities of the United States, and report upon the same to the next session of Congress. Said committee shall be authorized to sit during the recess, send for persons and papers, and employ a stenographer, the expense of said inquiry to be paid from the contingent fund of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. VAN WYCK. I object.

The PRESIDENT *pro tempore*. The Senator from Nebraska objects, and the resolution will be placed on the Calendar.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, of Oregon, it was—

*Ordered*, That J. J. Vandergrift be permitted, subject to the rules of the Senate, to withdraw from the files of the Senate the papers in the case of the steam tug "Red Fox."

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 521, to insert:

ORDNANCE DEPARTMENT.

For payment to the South Boston Iron Works for guns now being constructed under authority of the act of March 3, 1883, for armament of fortifications, and under contracts dated September 24, 1883, and June 30, 1884, and the extension of said contracts is authorized accordingly, $50,000, or so much thereof as may be necessary.

Mr. ALDRICH. Reserving the point of order, I should like to have that item explained. I think I shall make the point of order upon it.

The PRESIDENT *pro tempore*. The Senator from Rhode Island submits a point of order against the amendment. Will the Senator state the point of order?

Mr. ALDRICH. It extends a contract and is new legislation.

Mr. HALE. What is the point of order?

Mr. ALDRICH. That it is new legislation.

Mr. HALE. It is not only not new legislation, but it is a contract entered into in accordance with the law.

Mr. ALDRICH. I know; but it extends the term of the contract; it changes the terms of the contract.

Mr. EDMUNDS. The phrase "authorized accordingly" would do that.

Mr. ALDRICH. The phrase "authorized accordingly" I suppose is new legislation, or else it is not necessary.

The PRESIDENT *pro tempore*. Does the Senator from Maine desire to be heard further on the point of order?

Mr. HALE. No, sir.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. HALE. As to the last part?

Mr. EDMUNDS. The paragraph is all one thing.

Mr. DOLPH. I ask if there is any estimate for it.

The PRESIDENT *pro tempore*. The Chair sustains the point of order as to the paragraph as read.

Mr. HALE. I will modify it by striking out the last part.

Mr. EDMUNDS. Not while the point of order is raised.

The PRESIDENT *pro tempore*. The amendment will be read as proposed to be modified.

Mr. HALE. I will strike out that portion relating to the extension of the contract.

Mr. EDMUNDS. I do not know that you have a right to modify it now. The paragraph as changed is out of order.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

Mr. EDMUNDS. The Senator from Maine must move it as a new amendment. I do not know anything about the fact.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Maine by his modification to move it as a new amendment as modified.

Mr. EDMUNDS. The Chair rules, and correctly, that the paragraph as it stands is not in order. It is out. The Senator from Maine can move to reinsert as much of it as he thinks is in order, and then take the question on that.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The SECRETARY. After line 521 insert:

Ordnance Department:

For payment to the South Boston Iron Works for guns now being constructed under authority of the act of March 3, 1883, for armament of fortifications, and under contracts dated September 24, 1883, and June 30, 1884, $50,000, or so much thereof as may be necessary.

Mr. ALDRICH. I make the same point of order on that.

The PRESIDENT *pro tempore*. The Chair does not understand that the amendment as modified would be open to the point of order, the appropriation being made in accordance with existing law.

Mr. ALDRICH. It seems to me if the existing law authorizes the expenditure of certain sums of money no deficiency is necessary, as whenever the law was enacted the appropriation made in accordance with it must have been sufficient under the law as it existed at that time. An additional appropriation in a deficiency bill necessarily changes the terms of the contract and extends the amount to be paid under it.

The PRESIDENT *pro tempore*. That appears to the Chair to be an argument rather than a point of order.

Mr. ALDRICH. It is an argument to show that this is new legislation.

Mr. DOLPH. I should like to know of the Senator from Maine what guns are being constructed. I see by the amendment as now offered that certain guns are "being constructed under authority of the act of March 3, 1883, for armament of fortifications," and then "under contracts dated September 24, 1883, and June 30, 1884;" but it is not stated what they are being constructed for. I should like to know what the acts are which are referred to in this amendment. I should like to know what guns are being constructed by the South Boston Iron Works.

For my part, I think it would be just as sensible for the United States to undertake to arm its naval vessels and Army with bows and arrows and spears as to propose to construct cast-iron guns for the armament of fortifications and naval vessels.

Of course if there has been a contract made by authority of law and the Government is under obligation to pay this money, it may be right to appropriate it; but if it is simply for the purpose of giving employment to the South Boston Iron Works, as was suggested when a similar appropriation was put in the fortification bill of last session, I am not in favor of it. There is nothing in the reports of any of the boards which have been constituted under authority of law, there is nothing in any recent reports of any officer of the Army or Navy, there is nothing in the experience of foreign nations, or in the practice of foreign nations, that would justify the manufacture of cast-iron guns.

I should like to know how this amendment comes here, what sort of guns the South Boston Iron Works are now manufacturing, for what purpose they are being manufactured, under the authority of what law, and what the contracts are. It seems to me it is due to the Senate that it should know before we are called upon to vote this $50,000 for cast-iron guns.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the committee as modified.

Mr. ALDRICH. I hope the Senator from Maine will give us an explanation of the amendment.

Mr. HARRIS. It seems to me the Senator in charge of the bill should let the Senate understand what the contracts are, whether they are forfeited or not, and what the necessity is for extending them, before we are asked to vote upon this clause of the bill.

Mr. DAWES. I have been out of the Chamber during this discussion. Just as I came in I heard the Senator from Oregon [Mr. DOLPH] make some inquiry about these guns. I have here a letter from the Secretary of War, inclosing a letter from the Chief of Ordnance in respect of those guns, which I will ask the Secretary to read.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk proceeded to read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
*Washington, D. C., January 4*, 1887.

The Hon. SECRETARY OF WAR:

SIR: I have the honor to return herewith letter of Hon. H. L. DAWES, United States Senate, of 8th ultimo, referring for examination and report letter from William P. Hunt, president of the South Boston Iron Works, suggesting amendment to section 4, fortification bill, relating to construction of 100 12-inch muzzle-loading rifled cast-iron mortars, &c., and to report——

Mr. ALDRICH. It is evident the letter that is being read has nothing to do with the amendment, unless it is very different in the close from what it is in the beginning.

Mr. DAWES. I may have sent to the desk the wrong paper. I can state from memory in regard to these guns. They were contracted for by two contracts made with the South Boston Iron

Works. The Government was to furnish certain tools and implements by which to aid in the construction of the guns. In the construction of one of them the tools and implements furnished by the Government were broken, which caused so much delay in the construction of the gun that they were not able to complete it within the time. The Government itself was unable to fulfill its part of the contract within the time of the contract, and therefore the money lapsed into the Treasury which was appropriated to pay for that gun.

They went on, however, and completed the gun, according to the contract, except as to the time. The failure to complete it within the time, the Government said, was its fault, and not the fault of the South Boston Iron Works.

Therefore, having the completed gun in all respects in conformity with the contract, except as to time, and the Government being in fault, the fact that it was not completed within the time the Government said was no reason why it should not pay for this gun, as it would if it had been completed according to time. The extension of the contract was necessary in order to carry out the completion of the gun according to contract. The money lapsed into the Treasury.

Mr. EDMUNDS. Where are the papers which show that recommendation?

Mr. DAWES. I am unable at this moment to put my hand upon the papers, because I have not charge of this matter.

Mr. EDMUNDS. You have had them?

Mr. DAWES. I have had those papers; and the facts are set forth in a letter which is somewhere in the room of the Committee on Appropriations.

Mr. ALDRICH. I should like to ask the Senator what the tools were that the Government of the United States was to furnish?

Mr. DAWES. If I only knew, I would tell the Senator from Rhode Island. I only know that some part of the apparatus for the construction of the gun was to be supplied and furnished by the Government, and in the process of making the gun these failed, and the South Boston Iron Works were unable to go on with the construction of the gun according to the contract until new apparatus of that kind was supplied by the Government; and the lapse of time consequent upon that failure of its apparatus was the reason, so the Government says, why the contract was not fulfilled in time.

The Government comes forward and asks that the contract be extended and the money reappropriated, Mr. Hunt having gone on with the work precisely as he would have gone on had there not been any such failure.

Mr. ALDRICH. I was a member of the Committee on Ordnance and War-Ships, and visited the South Boston Iron Works two or three years ago in an official capacity, and that committee found, I think I may say without any dispute on the part of anybody, that a large portion of the machinery in that shop, in fact almost all the machinery of any value, belonged to the Government of the United States and was there being used by this company.

Mr. EDMUNDS. How did it get there?

Mr. ALDRICH. The Senator from Vermont asks me how it got there. I do not know how it got there, but it was there. The lathes used by this concern and all the valuable machinery belonged, so we were informed, to the Government of the United States.

If it is true that one of the lathes, which belonged to the Government of the United States and which was being used by the South Boston Iron Company, should have broken down in the process of the construction of the gun, it seems to me rather hard to hold the United States responsible because the South Boston Iron Company did not keep the tools of the United States in repair, or failed to use them in such a way that they could complete the gun within the time contracted for under their contract.

If, as I have reason to believe, that is the kind of deficiency there is on the part of the United States, it strikes me as rather hard to make the United States pay $50,000 for that kind of a default.

Mr. DOLPH. The case made by the Senator from Massachusetts, it appears to me, is a very different case from the one stated in the amendment. If certain guns were constructed by the South Boston Iron Works under contract with the Government, and were not completed within the time limited in the contract, that company may have an equity which it would be well for Congress to recognize, if the facts were before us so that we understood what we were doing. But the amendment speaks of guns now being constructed under the Government, guns not yet constructed.

For my part, I do not wish to vote money at the present time for the construction of cast-iron guns. We have gone to a great deal of expense and trouble to ascertain what kind of guns are necessary for the proper defense of our coast. There was appointed a committee of the Senate of which the late Senator Logan was chairman. That committee took some testimony and received statements from various parties, and recommended the construction of experimental guns, some forged-steel guns, some wire-bound guns and some cast-iron guns. Then, under the authority of law, the Getty board was constituted, and it examined into the question of guns, but made no specific recommendation, I think, as to the proper material for guns. Then came the Gun Foundry Board, and after a thorough examination of the question it emphatically recommended steel as the material for guns; it recommended forged and tempered steel built guns, steel rifles. Then we constituted another special committee, of which the Senator from Connecticut [Mr. HAWLEY] was chairman, a Committee on Ordnance and War Ships, which examined the question thoroughly and made an elaborate and valuable report, and that committee emphatically recommended steel.

The House of Representatives appointed a committee, of which I think Mr. RANDALL, of Pennsylvania, was chairman, and that committee recommended steel as the material for modern power for guns. Then, under the authority of an act of Congress, we had the Board of Fortifications and Other Defenses, and that board emphatically recommended steel.

We have been attempting to get some legislation by which we could secure in this country the steel ingots necessary for the construction of these guns; and while we are doing that we have these propositions continually made for the expenditure of money for the purchase of cast-iron guns.

If the amendment were confined to payment for guns already constructed under authority of law, I should have no objection to it; but, so far as it appears by the amendment, it is to pay for guns yet to be constructed. If the South Boston Iron Works are in default, if they have not kept their contract, then we should do no more than pay them for the guns they have constructed, and stop the construction of these worthless guns, for we have over two thousand cast-iron guns in the Army to-day and about the same number for the Navy, and they are said by the authorities to be worthless for defense.

Mr. DAWES. This is not a question whether it is wise to enter upon the construction of cast-iron or steel guns. Here were two contracts made four or five years ago with the South Boston Iron Works, under a provision of law then existing, to construct these two guns. They have been constructed for the Government, built, completed; the Government has the guns; but they were not completed according to letter of the contract, and therefore they have not been paid for. The Government has the guns; the Government has the benefit of the transaction; and the South Boston Iron Works are out that amount of money.

The Secretary of War has recommended the payment of this money. A provision passed the Senate in the fortification appropriation bill just like it, and it passed the other branch in the fortification bill; and there is now pending in conference on the fortification bill a provision for payment for guns made years ago. The reason why they were not paid for was the reason which I tried to give—that they failed to be made within the letter of the time; and one of them was because of the failure of some sort of apparatus which the Government, by its contract, had agreed to furnish, and the Government recognized the fact that it was its fault; that it had caused the postponement of any attempt to complete the gun within the time, and assured this man that if he would go on and complete it after the time he should have his pay. That did not make any claim upon the Government, I know, but the Government has had the guns and taken them away from the factory.

Mr. DOLPH. Will the Senator allow me to ask him a question?

Mr. DAWES. I will hear the Senator.

Mr. DOLPH. Was there more than one appropriation in the fortification bill as it passed the Senate for the South Boston Iron Works? There was an appropriation contained in that bill for payment for cast-iron mortars to be constructed.

Mr. DAWES. This amendment recites it accurately, for it was drawn by the Ordnance Department.

For payment to the South Boston Iron Works for guns now being constructed under authority of the act of March 3, 1883, for armament of fortifications, and under contracts dated September 24, 1883, and June 30, 1884, and the extension of said contracts is authorized accordingly, $50,000, or so much thereof as may be necessary.

Mr. DOLPH. If the guns have been already constructed, and the amendment was drawn in the War Department, why do they say "now being constructed?"

Mr. DAWES. I think I may not have stated that accurately. They are not completed. I have sent for the document which makes the statement of fact. I do not know that I shall be able to get it in time.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the amendment?

Mr. ALDRICH. I suggest that the amendment go over to be acted upon after the other amendments are disposed of. The Senator from Massachusetts may find his papers in the mean time.

Mr. FRYE. We are ready to vote on it now.

Mr. HALE. Let us have a vote.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks that the amendment be passed over.

Mr. HALE. We had better settle it now, one way or the other. We are making very slow progress with the bill.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the amendment?

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JONES, of Arkansas. I wish to announce the pair between my colleague [Mr. BERRY] and the Senator from Rhode Island [Mr. CHACE].

Mr. KENNA. The Senator from Nebraska [Mr. MANDERSON] and the Senator from Kentucky [Mr. BLACKBURN] are paired.

Mr. CULLOM. The Senator from Michigan [Mr. CONGER] and the Senator from Missouri [Mr. VEST] are paired.

Mr. DOLPH (after having voted in the negative). I withdraw my vote. I am paired with the senior Senator from Georgia [Mr. BROWN].

The result was announced—yeas 32, nays 12; as follows:

YEAS—32.

| | | | |
|---|---|---|---|
| Blair, | Evarts, | Jones of Nevada, | Payne, |
| Bowen, | Fair, | Kenna, | Platt, |
| Call, | Farwell, | McMillan, | Sabin, |
| Cameron, | Frye, | Mahone, | Sewell, |
| Chency, | Hale, | Miller, | Stanford, |
| Cullom, | Harrison, | Mitchell of Oreg., | Teller, |
| Dawes, | Hoar, | Morgan, | Williams, |
| Edmunds, | Ingalls, | Palmer, | Wilson of Iowa. |

NAYS—12.

| | | | |
|---|---|---|---|
| Coke, | Gray, | Jones of Arkansas, | Vance, |
| Eustis, | Hampton, | McPherson, | Voorhees, |
| George, | Harris, | Pugh, | Wilson of Md. |

ABSENT—32.

| | | | |
|---|---|---|---|
| Aldrich, | Chace, | Jones of Florida, | Saulsbury, |
| Allison, | Cockrell, | Manderson, | Sawyer, |
| Beck, | Colquitt, | Maxey, | Sherman, |
| Berry, | Conger, | Mitchell of Pa., | Spooner, |
| Blackburn, | Dolph, | Morrill, | Van Wyck, |
| Brown, | Gibson, | Plumb, | Vest, |
| Butler, | Gorman, | Ransom, | Walthall, |
| Camden, | Hawley, | Riddleberger, | Whitthorne. |

So the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill., and

A joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va.

The message further announced that the House still further insisted upon its disagreement to the fourth amendment of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, insisted upon by the Senate, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. J. M. TAYLOR, and Mr. BINGHAM the managers at the further conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 9818) relative to the Minneapolis Industrial Exposition; and it was thereupon signed by the President *pro tempore*.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 565, to insert:

To pay the amounts certified to be due by the accounting officers of the Treasury Department to the Central Pacific Railroad Company for transportation services rendered the War Department over the several railroads which have been built without the aid of Government bonds, as per settlement certificates Nos. 8311, 8385, 6575, 6381, 2982, 7248, 6994, 2983, 7338, 7501, and 7236, being for the service of the fiscal year ending June 30, 1885, $135,053.81.

To enable the accounting officers of the Treasury Department to pay to the Central Pacific Railroad Company, or the Southern Pacific Company, as assignee of the Central Pacific Railroad Company, the amounts found due and which may be found due for transportation services rendered the War Department over the several railroads which have been built without the aid of Government bonds, being for the service of the fiscal year ending June 30, 1886, $251,444.49.

To enable the accounting officers of the Treasury Department to pay to the Central Pacific Railroad Company, or the Southern Pacific Company, as assignee of the Central Pacific Railroad Company, the amounts found due and which may be found due for transportation services rendered the War Department over the several railroads which have been built without the aid of Government bonds, $171,153.92.

Mr. MCPHERSON. In respect to the amendment from line 566 to line 600, I wish to make a motion concerning it. I do not wish to have the amendment of the committee agreed to until I can offer some amendments to it now, and as the paragraphs all relate to the same subject, I move, in line 583, to strike out the words "or the Southern Pacific Railroad Company, as assignee of the Central Pacific Railroad Company," so as to read:

To enable the accounting officers of the Treasury Department to pay to the Central Pacific Railroad Company the amounts found due and which may be found due, &c.

I should like to ask the Senator who has charge of the bill a simple question. I find these are payments running back to the year 1885, said to be due, also payments for 1886 for an account of the War Department, &c. I should like to ask the Senator why it is that these amounts have not been paid?

Mr. HALE. For the reason that the accounts of 1885 were incorporated in the Senate amendments to the deficiency appropriation bill, and the House of Representatives non-concurred and insisted upon its attitude, and the Senate conferees had to give it up.

Mr. MCPHERSON. I believe there is a general statute requiring that the Treasury Department shall pay certain sums of money on account of transportation. I wish to know why it is that the Treasury Department have not settled for these claims to the year 1885?

Mr. HALE. I can tell the Senator exactly. The Treasury Department has settled up the claims, has certified the amounts and that they are due, and has called upon Congress for the money with which to pay them. The Treasury Department, acting in a cautious, conservative, and perhaps praiseworthy manner, finding that controversies had arisen in Congress upon these claims, and that one branch of Congress at least had set itself in the way of their payment, while these questions were up before Congress has not thought proper out of any other current funds to pay these bills.

Of that I do not complain. I should say that if I had had the honor to administer the Treasury Department during this time, and found that one branch of Congress had persistently opposed the payment of these claims, and refused to give money for them when asked, I do not think that I should direct that it be paid out of the current funds and appropriations until the question had been settled.

Mr. MCPHERSON. Then these amounts have been put in the various appropriation bills year after year, if I understand the Senator aright?

Mr. HALE. I am reminded of the date of the decision by the Senator from Vermont. The decision was rendered on the 10th day of May, 1886, I think.

Mr. MCPHERSON. There are a good many questions involved in this matter which I think ought to be relegated to the commission which we suppose will be appointed to investigate these affairs.

In the first place, if I am correctly informed, the Treasury Department have refused to pay any bills to the Southern Pacific Railroad Company, as assignee or lessee of the Central Pacific property, the claim being on the part of the law officers of the Government and the rulings of the Treasury Department that Congress had never recognized such a lease. Thereupon they have refused to pay any money.

Now, this proposition is brought forward pending the investigation into all these matters as to the legality or the propriety or the right of the managers of the Central Pacific to turn over that property to the Southern Pacific Railroad, and pending the decision of that question they have refused to pay any money whatever.

There is another question involved. You speak of the unaided lines of road. There are pieces of the lines that are unaided lines, over which the business of the Central Pacific Railroad has been diverted, and upon those pieces of road, some of them quite considerable in extent, constructive mileage I understand has been given by the Southern Pacific, as lessee to the parts of lines called unaided lines. They are really competitors of the main line, and have diverted a large percentage of business from the main line. I understand that local freights even are charged on the unaided portion of the line, by that means taking away a very large part of what would be due the Government if properly adjusted between the unaided and the aided portions of the line.

Now, I submit to the Senator from Maine and to the Senate that pending this entire investigation, it seems to me that there should be no recognition in the Statutes of the United States in any sense or form, either expressly or impliedly, of the lease from the Central Pacific Railroad Company to the Southern Pacific Company, inasmuch as it is a question involving very largely the lien that the Government has upon that property.

I shall first try to amend the amendment of the committee, and I therefore move to strike out, beginning from the word "or," at the beginning of line 583, down to and including the word "company," in line 584, so as to make the clause read:

To enable the accounting officers of the Treasury Department to pay to the Central Pacific Railroad Company the amounts found due, &c.

That is the only company that the law officers have ever recognized. The words I propose to strike out read:

Or the Southern Pacific Company, as assignee of the Central Pacific Railroad Company.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey to the amendment reported from the Committee on Appropriations.

Mr. HALE. So far from the Treasury Department declining to in any way recognize this assignment, it sends into Congress its estimates for the money to be paid to the assignee, thereby adopting the assignment and recognizing it. It makes no point, that I ever knew of, in regard to the matter.

Mr. MCPHERSON. And virtually recognizing the lease?

Mr. HALE. Virtually recognizing the lease.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the amendment proposed by the Senator from New Jersey to the amendment of the committee?

Mr. MCPHERSON. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, I feel bound to say just a word.

I struggled as hard as I could the other day to get my friend from New Jersey to require this corporation to pay into the Treasury 15 per cent. more than it is now required to pay in of its earnings on the aided lines, which we have a perfect constitutional right to do, as has been decided. The Senator from New Jersey did not think that was right, and so it did not go in.

Now, then, we have a case where this State corporation has performed service, having lines of its own, and which the Supreme Court of the United States has decided on full argument are lines of its own, with which the United States has nothing whatever to do, just as had been decided in the Kansas Pacific case before, one that did fall within this system. The matter has been carried up, as I say, to the Supreme Court, and decided finally that the act called the Thurman act, and the Constitution as well, did not allow the United States to take any possession, by law or otherwise, of the property or the earnings of the parts of these lines that the Government had not aided.

They have performed this service according to law. Whatever their other faults may be, they have done this work; their accounts have been settled at the Departments. The Supreme Court has decided that they are entitled to the money, and there we stand; and the question is whether we think they have been guilty of wrongs in other respects, and in diverting traffic, as very likely they have. I have been trying to correct all that thing for a good many years, without very large success.

But here we have a case where we are absolutely repudiating what has been finally settled by the last tribunal of this country to be their right, merely on the ground that we think in some other respect they are not doing as they ought to do. We cannot stand in honor upon that, or in law either. Any question about the right of this corporation to lease its lines in California to the Southern Pacific is one that nobody has ever had the force to maintain or suggest in any court in the world whatever, for the reason that the powers of this corporation, aside from its contracts with the United States, are derived from the State of California and its laws, exactly like a railroad in New Jersey or Vermont. The California laws have authorized this lease in plain and explicit terms, as I happen to know, having argued a cause which depended upon that very question.

So in respect of the work that has been done by this company in carrying the mails and in carrying troops, and all the things that are done for the Government, this case stands in the attitude of having been finally settled, first by the Department as to how much money had been earned, and then withholding it until the Supreme Court should decide whether it came within the Thurman act or not, and the Supreme Court has decided that it does not come within the Thurman act, for if the Thurman act is construed so that it would come within it it would be unconstitutional.

Can we repudiate with honor a claim of that kind on the ground that we think this company has been guilty of some other kind of mischief? I can not see it; I wanted to make them pay in, as I think it right to do, more of their earnings, that we were entitled to call in to this sinking fund. However, I could not get my friend from New Jersey to see that that was right; but he seems to think it is quite right to repudiate an obligation which is as clear as anything can be.

Mr. McPHERSON. I should like to ask the Senator from Vermont if the Treasury of the United States, for service rendered to it by the Central Pacific Railway, is supposed to owe the Southern Pacific anything, and if not, why is the name of the Southern Pacific put in here at all?

Mr. EDMUNDS. For the simple reason that the Southern Pacific, according to the laws of California, took a valid and honest and correct lease, so far as the law goes, whatever its motives may have been. I know nothing good or bad about it, but by an arrangement that sovereign State authorized it to lease, just like a dozen roads in New Jersey, I suppose, are leased by one road or another, and being the lessee, performing the service, is entitled to the money, I suppose.

Mr. McPHERSON. The Senator from Vermont takes occasion to refer to something that happened here a few ni ghts ago when we had Pacific railroad matters under consideration, and he accuses me of not being willing to join him in compelling the Pacific railroad companies to pay an increased amount of money into the Federal Treasury for the purpose of protecting the Government obligations. If the Senator from Vermont had appeared before the Senate with an amendment requiring a fixed sum of money to have been paid in by both the Central and the Union Pacific Railroad Companies in a given year, and that fixed sum of money would be equal to the amount the Government paid out for each of those companies as interest or on interest account, he would have found me very willing to have voted with him on such a question.

But when the Central Pacific Railway Company shows that during the years 1884, 1885, and 1886 their earnings were but $800,000, upon which they paid 5 per cent. to the Government as net earnings, making $43,000 in all from net earnings, and on both net earnings and transportation account, paying into the General Government a sum of money which is $1,400,000 less than the Government pays for them, and then when the amendment the Senator from Vermont offered to that bill only compels that line of road to pay $124,000 additional into the Federal Treasury, even then lacking something like $1,300,000 of paying the amount that the Government pays for it every year, I could hardly consent to an arrangement of that kind, particularly as the amount that the Union Pacific Railroad Company would have to pay would be something like $700,000 more than the entire interest account paid for all of its lines to the Government. I am perfectly willing and anxious to make them both pay annually as much money as the Government pays on their account for interest, and in addition to that something for principal.

As to the Central Pacific Railway Company, I believe if the Government would demand of that company all it could do and ought to do, and would do if compelled to do it, it could pay the Government the interest paid annually and not suffer at all. It would do more. It would give to the Union Pacific Railway Company a vast amount of business that it is entitled to, because when these two lines of road were organized and when their charters were given them it was intended that there should be a through line of transportation from the Missouri River to the Pacific Ocean.

The Central Pacific Railway to-day is nothing but a local road, charging upon unaided portions of its line local rates, while upon the aided portions of its line it is charging such rates as it pleases, which the Government has to pay, but taking a large portion, as it does, from the aided portion of the line and adding it to the constructive mileage given to the unaided portion.

That is the way in which the injustice is done here to the Government, and if you incorporate this provision in the bill the result will be that you have given not only your implied but your expressed sanction to the lease itself to the Southern Pacific Company, and you have also given your express sanction to the fact that the constructive mileage is right, and then they go on in the same way they have been going.

Will some Senator please rise and tell me why, if the Government owe the Central Pacific Railway, which it recognizes as its aided road, which has performed this service, not the Southern Pacific, you should recognize in any sense or form another corporation which has leased the Central Pacific property, which has practically wrecked it, which has turned the business from the Central Pacific Railroad on the Southern Pacific line? Now it is proposed in the last hours of the session to incorporate in an appropriation bill a proviso which recognizes in terms all that, and that too within three days after a resolution of investigation had been passed by both Houses of Congress, and unanimously passed, declaring that it was the purpose of the Government and the duty of the Government to investigate these companies.

Mr. STANFORD. Mr. President, I am in rather a delicate position in regard to this debate. I do not want to go into it extensively, and yet I feel that perhaps I ought to say something. Misstatements are made everywhere.

The Senator from New Jersey talks of that about which evidently he knows nothing. I would not be discourteous to him, and yet I can hardly use other language than to say that the statements he has made are not founded in truth.

The Southern Pacific is the road which Congress provided should be constructed as a part of the Texas and Pacific and the Atlantic and Pacific, both of which are roads whose charters were granted by Congress itself, and the roads of which Congress required should be completed.

The Union Pacific Railroad Company has its agents in San Francisco, everywhere in California where they are needed, to see that the business of the State of California and whatever may come to it from the ocean shall go over the Union Pacific to every extent that the agents can obtain the traffic. There is less competition by the Southern Pacific in the hands in which it is now than there would be if it were in the hands of strangers to the Central Pacific. I deny—and there is not a scintilla of evidence for the statement—that business has ever been diverted from the Central Pacific, and they can not do it as long as the Union Pacific are there with their vigilant agents to look after the interests of that road.

I think I have answered the Senator completely.

Mr. McPHERSON. I want the Senator from California to understand that in all these matters the only interest and object I have in view is a public interest. I do not mean to say anything that is discourteous to the Senator from California, but I find a record which has been up and which is in the possession of the Government, from which I quote. I find that the Central Pacific Railway Company has paid to its owners since the organization of that company $34,000,000 in dividends. I find further that it supported the Southern Pacific Railway Company during its construction and during its infancy, that it paid very large mileage as rental upon the uncompleted portions of the Southern Pacific before it became a through line and could stand alone and could pay its own way. In short, the interest on the bonds that were issued by the Southern Pacific officers for the purpose of constructing its line was paid very largely out of the earnings of the Central Pacific. I find that some $30,000,000 of rentals have been paid by the Central Pacific Company in addition to $34,000,000 in dividends; and yet, notwithstanding all that, I find that the Government has received but the

beggarly little amount of $6,000,000 as its full share of that entire revenue. I do not know what sort of arithmetic it is that would enable sixty or seventy million dollars to be divided among the owners of this property, out of which the Government has got so very little. Perhaps it can be explained.

After the Southern Pacific Railroad Company had been able to stand alone and secured a route from San Francisco through to the Atlantic Ocean, making a through line to New York, no sooner was that done than that line turned around and in February, 1885, I suppose about the time that some of these bills fell due, made a transfer. I find one of them is due in the June following, and I find that this Southern Pacific or Kentucky company then leased the Central Pacific Railroad. I do not know whether it was within the competency of the stockholders or officers of the Central Pacific Railroad Company to transfer that property over to the Southern Pacific without some special act of Congress authorizing it to be done.

Perhaps it was competent. Perhaps, as the Senator from Vermont says, it being a California corporation, they had a perfect right to do it. But I find in the argument made for the Central Pacific Railroad Company upon the tax questions in the State of California the distinguished counsel employed by that company, whose argument I have before me, declared that the State of California had no control whatever over the Central Pacific property; that it was a corporation of the General Government; that the State of California had given up all her right and claim to sovereignty over that road, and that the General Government was chief in all matters relating to its management.

Now it appears that when a tax question is under consideration in the State of California it is very convenient to them then to make it a Government corporation. When the question of the lease to the Southern Pacific Railroad Company is to be determined it is a California corporation. Well, I do not know but that is all right; I do not know but that it will stand in law, but certainly not in justice.

Further than that, let me say to the honorable Senator that the earnings of the Central Pacific Railway have fallen off to the amount I have stated, eight hundred and forty-odd thousand dollars a year. I find in a report recently made, which I think was made by the president of the Southern Pacific Company, as a sort of an advertisement to induce people to invest in the stock, I suppose, of the Sunset line, as it is called, of the Southern Pacific, it is there claimed that 70 per cent. of the entire through business between New York and San Francisco now goes over that competing line which the poor Government road helped and sustained during all the days when it could not help itself.

Those are the facts which I take from the public records. If the facts are wrong, then as a matter of course I am wrong; but certainly the facts are very black. Pending the investigation, I think that these matters ought to be left where they were.

I will not say a single word further if it will delay action upon the bill. I am perfectly willing to vote. I ask for the yeas and nays on agreeing to my amendment.

Mr. STANFORD. In general terms, I will say in answer to the Senator from New Jersey with regard to the leases which have been made from time to time by the Central Pacific Railroad Company, that the leases have yielded a profit to the Central Pacific Railroad Company. The leases were made as nearly even between the companies as possible.

Mr. MCPHERSON. I can not hear the Senator. Will he be so kind as to repeat what he has said?

Mr. STANFORD. I say that the leases made by the Central Pacific Railroad Company have paid to that company a profit, not large, but still a profit. It was intended that neither party should have the advantage of the other in the leases. They work in harmony and to very great advantage to the Central Pacific and to the other companies.

As to the Southern Pacific Company, it is a corporation created under the laws of the State of California. It had the right, however, conferred upon it by Congress to meet the Texas Pacific Railroad and the Atlantic and Pacific Railroad at the Colorado River. If business has been divested by those roads from the Union and Central Pacific, it is Congress that is responsible for directing those roads to be built and giving twice the amount of land to each of those two companies that it gave to the pioneer roads, the Central and the Union Pacific. If the Southern Pacific road does take a great deal of the traffic, as I believe it does now—at one time it took over 90 per cent. of the business along the coast of the Atlantic that way—the other roads compete for the interior business; it is only the outside business, and the line has the preference because, being in the control of one company, the freight is delivered with dispatch. But no business has been diverted from the Union Pacific and the Central Pacific lines directly any more than in the operation of that road with its natural advantages, the Union Pacific always being on hand to take care of its interests.

I believe what I have said covers the points noticed by the Senator from New Jersey.

Mr. MCPHERSON. Mr. President, a single word and I have finished. I have a list furnished me by the accounting officers of the Interior Department showing the amount of rentals paid to the Southern Pacific Railroad Company during a certain period of years. I find in one given year—I only recollect one now, as it would take some little time to examine the papers, but I will hand them to the Senator—I speak of one particular year in which the mileage of the Southern Pacific then had reached such a point that they were entitled to about $2,600,000, I think, on rentals for that year. The net earnings of the entire Southern Pacific system for which that rental was paid amounted to about $700,000. I do not know that those rentals have been a source of profit to the Central Pacific Company, but certainly the computation furnished me does not show it. I may have been deceived.

Mr. STANFORD. I have had no opportunity to examine that point, but as a matter of fact the Southern Pacific Railroad Company when leased to the Central Pacific Company was leased at a fair price, as various other roads were, but the Southern Pacific never lived at the expense of the Central Pacific from beginning to end, and it built itself out of its own property, and the Central Pacific never furnished it a cent otherwise than in connection with what was paid for business.

Mr. VAN WYCK. I should like to ask the Senator for information, what was the name of the corporation which built from San Francisco south?

Mr. STANFORD. The Southern Pacific.

Mr. VAN WYCK. The Southern Pacific of what?

Mr. STANFORD. Of California.

Mr. VAN WYCK. The Southern Pacific Railroad of California?

Mr. STANFORD. Yes.

Mr. VAN WYCK. Then why is it that in this bill, in which it is spoken of as the assignee of the Central Pacific, it is called the Southern Pacific?

Mr. STANFORD. For the reason that there was a consolidation. The Southern Pacific Company of Kentucky purchased the stock of all these various railroads, fourteen of them, and it is made of up those various companies. It is a through line; and for convenience, as there was no local law by which we could consolidate them, they obtained a charter from Kentucky to make a through line, with one set of officers and expenses. It is better and it harms nobody. It is a through line under one management, instead of being under fourteen different managers.

Mr. VAN WYCK. If the Senator will allow me, I wish to ask a further question. When the Central Pacific was first leased to some other company, what was the desigation of the company to which it was first leased?

Mr. STANFORD. The Southern Pacific.

Mr. VAN WYCK. The Southern Pacific Railroad Company?

Mr. STANFORD. The Southern Pacific Company.

Mr. HOAR (at 12 o'clock and 40 minutes a. m., Friday, March 4). I rise to ask a question of the Senator who has charge of this bill. I see there are one hundred and four pages of the bill, of which we have passed only twenty-five, and there are almost always some general amendments to be offered by Senators besides the committee amendments. So if we have the usual luck it will be 6 or 8 o'clock in the morning before we can finish the bill. I desire to ask the Senator from Maine whether it would be agreeable to him to have a motion made to proceed to the consideration of executive business at this time, or whether he prefers that we should wait until we go through the bill before making that motion?

Mr. HALE. I am very desirous of completing the consideration of this bill before any interruption occurs. I hope that after taking the vote on the amendment upon which the yeas and nays have been ordered, we may be enabled to go along more expeditiously and get through the bill in the course of an hour or two.

Mr. EDMUNDS. We can not do that.

Mr. HOAR. I withhold my motion. ["Vote!" "Vote!"]

Mr. HALE. I hope we may have a vote.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HAMPTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

The roll-call was concluded.

Mr. BECK. I was requested by the Senator from Iowa [Mr. ALLISON] and the Senator from Missouri [Mr. COCKRELL] to announce that they are in conference committee, and that they are paired. The Senator from Iowa, if present, would vote "nay" on this amendment, and the Senator from Missouri [Mr. COCKRELL] would vote "yea."

Mr. MANDERSON. I transfer my pair with the Senator from Kentucky [Mr. BLACKBURN] to the Senator from Pennsylvania [Mr. MITCHELL], who is absent. I vote "nay."

The result was announced—yeas 19, nays 27; as follows:

YEAS—19.

| | | | |
|---|---|---|---|
| Beck, | Eustis, | Kenna, | Van Wyck, |
| Berry, | George, | McPherson, | Voorhees, |
| Butler, | Gray, | Payne, | Whitthorne, |
| Call, | Harris, | Ransom, | Wilson of Md. |
| Coke, | Jones of Arkansas, | Vance, | |

NAYS—27.

| | | | |
|---|---|---|---|
| Blair, | Farwell, | McMillan, | Riddleberger, |
| Bowen, | Hale, | Mahone, | Sewell, |
| Cameron, | Harrison, | Manderson, | Stanford, |
| Cheney, | Hawley, | Miller, | Teller, |
| Cullom, | Hoar, | Mitchell of Oreg., | Williams, |
| Edmunds, | Ingalls, | Morgan, | Wilson of Iowa. |
| Evarts, | Jones of Nevada, | Palmer, | |

ABSENT—30.

| | | | |
|---|---|---|---|
| Aldrich, | Conger, | Jones of Florida, | Saulsbury, |
| Allison, | Dawes, | Maxey, | Sawyer, |
| Blackburn, | Dolph, | Mitchell of Pa., | Sherman, |
| Brown, | Fair, | Morrill, | Spooner, |
| Camden, | Frye, | Platt, | Vest, |
| Chace, | Gibson, | Plumb, | Walthall. |
| Cockrell, | Gorman, | Pugh, | |
| Colquitt, | Hampton, | Sabin, | |

So the amendment to the amendment was rejected.

Mr. MCPHERSON. I shall not press the amendment I intended to offer in line 594, because I suppose the Senate would take like action upon that proposition, and I shall reserve my right to call for a separate vote on the amendment of the committee when the bill is reported to the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 5935) to remove the charge of desertion against William Figley; and

A bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2382) granting a pension to Alice Kelley.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 821) for the relief of Samuel M. Gaines;

A bill (H. R. 899) for the relief of A. S. Bloom;

A bill (H. R. 1753) for the relief of Mathew H. Fulton;

A bill (H. R. 3365) for the relief of the heirs or legal representatives of Samuel H. Moer;

A bill (H. R. 9469) relating to arrears of taxes in the District of Columbia;

A bill (H. R. 9905) for the relief of William C. Spencer;

A bill (H. R. 10790) authorizing the President to return the Twiggs swords;

A bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes;

A bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes;

Joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (H. Res. 243) to print copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands; and

Joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States.

ALICE KELLEY.

Mr. BLAIR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2382) granting a pension to Alice Kelley, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives and agree to the same with an amendment as follows: In lieu of the word "twelve" insert "twenty;" and that the House agree to the same.

H. W. BLAIR,
J. D. CAMERON,
PHILETUS SAWYER,
*Managers on the part of the Senate.*

JNO. A. SWOPE,
E. H. CONGER,
*Managers on the part of the House.*

The report was concurred in.

WILLIAM FIGLEY.

Mr. HARRISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5935) to remove the charge of desertion against William Figley, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

BENJ. HARRISON,
JOS. R. HAWLEY,
F. M. COCKRELL,
*Conferees on the part of the Senate.*

JOSEPH WHEELER,
DANIEL ERMENTROUT,
B. M. CUTCHEON,
*Conferees on the part of the House.*

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 604, to insert:

Mississippi River Commission: For salaries and traveling expenses of the Mississippi River Commission, and for salaries and traveling expenses of assistant engineers, and for office expenses and contingencies, $15,000.

Mr. MCMILLAN. I desire to call the attention of the Senator having charge of the bill to the fact that a provision is contained in the river and harbor bill, which has passed both Houses, providing for the salaries of the Mississippi River Commission, and I inquire whether it should be provided for in both bills.

Mr. HALE. The estimate here was $100,000. So far as the committee could learn as to what was in the river and harbor bill it believed $15,000 were needed here; but if the Senator from Minnesota is entirely confident that the commission, not only for the year to come but to the end of the present fiscal year between now and the 1st of July is taken care of, I am entirely willing this provision should be stricken out.

Mr. MCMILLAN. I can refer the Senator to the language of the river and harbor bill.

Mr. EUSTIS. No provision has been made for the present year.

Mr. HALE. So the Committee on Appropriations supposed.

Mr. HARRISON. I am satisfied the provision is right.

Mr. MCMILLAN. I do not know what the deficiency provided for may be, but the language of the river and harbor bill is:

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River: Continuing improvement, $1,500,000; which sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, and for the salaries and traveling expenses of the members thereof.

Mr. HALE. If that is all, that would only apply to the next fiscal year. This provision applies between now and the 1st of July. It is a deficiency for the present year.

Mr. HARRISON. There was no appropriation at all for the current year.

Mr. EUSTIS. No provision was made last year to pay the salaries and expenses of the commission for the current year.

Mr. MCMILLAN. I desired to call the attention of the committee to it. I thought it ought not to have been in the river and harbor bill; I am free to say that.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 620 to 625, inclusive, as follows:

To pay the claim of the estate of T. J. League, deceased, settlement numbered 5245, certified by the Second Comptroller of the Treasury in House Executive Document No. 22, Forty-ninth Congress, second session, $10,750.

Mr. COKE. I desire to hear a statement from the Senator from Maine of his reasons for striking out the portion of the bill just read, if he will give them.

Mr. HALE. It is contained in another part of the bill.

Mr. COKE. Will the Senator refer me to the part of the bill?

Mr. HALE. I will when we reach it.

Mr. COKE. I have looked through the bill and can not find it. I think it has been omitted elsewhere.

Mr. HALE. The Senator is referring to line 620?

Mr. COKE. Yes.

Mr. HALE. The committee struck that out upon the belief that it is included in the other general appropriations that have been certified, by the direction of Congress, on a re-examination by the Treasury Department to Congress, and that this appropriation is included in that. If the Senator has examined and is entirely certain that it is not, I am willing to take his word, but that is the theory upon which the committee reported to strike it out.

Mr. COKE. I am sure it is not in this bill.

Mr. HALE. Let it stand over for the present.

The PRESIDING OFFICER (Mr. HARRISON in the chair). If there

be no objection, the amendment will be passed over for future consideration, and the reading of the bill will be continued.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Navy Department," after line 626, to insert:

Contingent and miscellaneous expenses Hydrographic Office: To supply a deficiency in the appropriation for contingent and miscellaneous expenses of the Hydrographic Office, being for the maintenance of the branch offices, $1,000.

The amendment was agreed to.

The next amendment was, after line 641, to insert:

For amount paid by Pay-Director A. W. Russell, United States Navy, to Matthew Wilson, for painting portrait of ex-Secretary Chandler, on bills approved by Hon. William C. Whitney, Secretary of the Navy, being for the service of the fiscal year 1886, $331.50.

Mr. EDMUNDS. I should like to have that explained as compared with the provision on page 5 to pay Mrs. Morrell $500 for painting a portrait of a late Secretary of the Treasury. The provision here is for three hundred and some odd dollars for this work. What is the difference? Why should there be a difference in the sums?

Mr. HALE. In one case there has been nothing hitherto paid. By agreement, in round numbers the work was to be done for $500. In this case it is made up of amounts that have been paid out of different figures which aggregate in a round sum the exact amount that has been paid. I suppose the portrait here provided for is just as good as the $500 one, but we get it a little cheaper, because the Secretary required that the bills for the frame and for everything else should be separate. That is the amount that was paid for it.

Mr. EDMUNDS. Very good.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 647, to insert:

Contingent, Navy: For amount paid by Pay-Director Thomas H. Looker, United States Navy, to E. F. Andrews, for painting portraits of ex-Secretaries of the Navy Borie and Woodbury, on bills approved by Hon. W. E. Chandler, Secretary of the Navy, February 28, 1885, being for the service of the fiscal year 1885, $500.

The amendment was agreed to.

Mr. HALE. I have found the place where the item referred to by the Senator from Texas [Mr. COKE] is included. It is in section 8, at the end of the bill, and therefore I ask that the amendment striking out the clause from line 620 to line 625 be agreed to.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection. It is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 655, to insert:

For amount paid by Pay-Director Thomas H. Looker, United States Navy, to Passed Assistant Paymaster Henry R. Smith, United States Navy, for subsistence of members of the House Committee on Appropriations while making an official visit on board the United States steamer Tallapoosa to the Norfolk navy-yard and Fortress Monroe, in March, 1884, being for the service of the fiscal year 1884, $141.25.

Mr. EDMUNDS. I should like to hear explained how the House of Representatives has been unwilling to pay its own committee, and the Senate is called upon to do this thing.

Mr. HALE. I do not know anything about this trip. I was not present.

Mr. EDMUNDS. Why was it not in the bill when it came from the House of Representatives?

Mr. HALE. I cannot say.

Mr. EDMUNDS. What have we to do with it?

Mr. HOAR. Can the Senator say what they subsisted upon?

Mr. HALE. No; that is a matter left entirely to the imagination.

Mr. EDMUNDS. It is almost an insult to the House to force upon them an amendment of this kind.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HALE. I have just had my attention called to the fact that this item is in the text of the bill as it came from the House. The first item should come out. There is a mistake in making it up.

The PRESIDING OFFICER. To what amendment does the Senator refer?

Mr. HALE. The amendment inserting the clause from lines 656 to 665; it should be stricken out.

The PRESIDING OFFICER. If there be no objection, the vote adopting the amendment will be regarded as reconsidered and the amendment disagreed to. The Chair hears no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 678, to insert:

Contingent, Bureau of Ordnance: To supply deficiency in the appropriation for the contingent service, $1,000.

The amendment was agreed to.

The next amendment was, after line 699, to insert:

To pay outstanding bills on account of the contingent service of the Bureau of Equipment and Recruiting for the fiscal year 1885, $51.86.

The amendment was agreed to.

The next amendment was, after line 711, to insert:

INCREASE OF THE NAVY.

To complete the construction and armament of the three steel cruisers Chicago, Boston, and Atlanta, under the Bureau of Ordnance, $120,000;
Under the Bureau of Construction and Repair, $84,783;
Under the Bureau of Steam-Engineering, $56,360.87; in all, $261,143.87.

The amendment was agreed to.

The next amendment was to strike out the clause from line 722 to line 735, inclusive, as follows:

To pay H. Steers amount due for services as a civilian member of the naval advisory board from February 1, 1885, to and including December 31, 1885, as follows:
Eleven months, at the rate of $2,500 per annum, $2,291.63; amount due for necessary traveling and other expenses to October 31, 1885, $208.50; compensation for the six months ending June 30, 1886, at $2,500 per annum, $1,250; in all, $3,750.13.

And in lieu thereof to insert:

To pay H. Steers amount due for services as a civilian member of the naval advisory board from February 1, 1885, to and including December 31, 1885, as follows:
Eleven months, at the rate of $5,000 per annum, $4,583.33; amount due for necessary traveling and other expenses to October 31, 1885, $208.50; compensation for the six months ending June 31, 1886, at $5,000 per annum, $2,500; in all, $7,291.83.

The amendment was agreed to.

The next amendment was, to strike out the clauses from line 750 to line 765, inclusive, as follows:

Steel cruisers, machinery, Bureau of Steam Engineering: To pay S. Archbold amount due for services as a civilian member of the naval advisory board from June 16, 1885, to and including December 31, 1885, as follows:
Six and one-half months, at the rate of $2,500 per annum, $1,354; amount due for necessary traveling and other expenses to November 30, 1885, $174.40; compensation for the six months ending June 30, 1886, at $2,500 per annum, $1,250; in all, $2,778.40.

And in lieu thereof to insert.

Steel cruisers, machinery, Bureau of Steam Engineering: To pay S. Archbold amount due for services as a civilian member of the naval advisory board from June 16, 1885, to and including December 31, 1885, as follows:
Six and one-half months, at the rate of $5,000 per annum, $2,708.33; amount due for necessary traveling and other expenses to November 30, 1885, $174.40; compensation for the six months ending June 30, 1886, at $5,000 per annum, $2,500; in all $5,382.73.

The amendment was agreed to.

The next amendment was, after line 842, to insert:

Relief of James E. Jouett, rear-admiral, United States Navy: To relieve Rear-Admiral James E. Jouett, United States Navy, from accountability for the sum of $400 paid to him March 6, 1885, by Pay-Inspector John H. Stevenson, United States Navy, upon a voucher for that amount approved February 28, 1885, by the Secretary of the Navy, authority is hereby granted to the proper accounting officers to credit the account of Rear-Admiral Jouett with the said amount expended by him.

The amendment was agreed to.

The next amendment was, after line 854, to insert:

To enable the Secretary of the Interior to provide for the education of feeble-minded children belonging to the District of Columbia, $409.57.

The amendment was agreed to.

The next amendment was, after line 872, to insert:

Lighting the Capitol and grounds: For the payment of amount due for gas furnished during a portion of the month of May and the entire month of June, 1885, $1,945.

The amendment was agreed to.

The next amendment was, after line 876, to insert:

For the payment of the amount due for gas service for the months of May and June, 1886; for the payment of electric lighting for grounds and House restaurant for the months of May and June, 1886; for the salary of superintendent of meters for the months of May and June, 1886; and for the salary of one lamplighter for the month of June, 1886, $4,419.85.

The amendment was agreed to.

The next amendment was, after line 895, to insert:

Industrial Christian Home: To aid the Industrial Christian Home Association of Utah in carrying on, under its articles of incorporation, the work of providing employment and means of self-support for the dependent women who shall have renounced polygamy, and their children of tender age, $40,000; and the unexpended balance of the appropriation for aiding in the establishment of an Industrial Home in the Territory of Utah contained in the act of Congress approved August 4, 1886; entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," shall be deemed a part of this appropriation; and the board of control mentioned in said former appropriation shall audit the expenditures under this appropriation and report yearly to the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, after line 921, to insert:

To pay the Union and Pacific Railway Company for telegraphic service rendered the Indian Department in 1884, being a deficiency for the fiscal year 1884 and prior years, $2.08.

The amendment was agreed to.

The next amendment was, after line 959, to insert:

AGRICULTURAL DEPARTMENT.

To enable the Secretary of the Treasury to adjust the balance of the accounts and pay to Joseph Paul for paving with asphalt the roadways in the Agricultural Grounds, by contract with the Agricultural Department, under appropriations for that department for the fiscal year ending June 30, 1885, $711.

The amendment was agreed to.

The next amendment was, after line 988, to insert:

Inland mail transportation, railroad: For mail transportation over non-aided

railroads operated, leased, or controlled by the Central Pacific Railroad Company, $65,221.46.

Inland mail transportation, railroad: For mail transportation over non-aided railroads operated, leased, or controlled by the Central Pacific Railroad Company, $61,525.09, being a deficiency for the fiscal year 1886.

Inland mail transportation, railroad: For transportation over non-aided railroads operated, leased, or controlled by the Central Pacific Railroad Company: Central Pacific Railroad Company, $3,023.56, being a deficiency for the fiscal year 1885.

Inland mail transportation, railway post-office-car service: For mail transportation over non-aided railroads operated, leased, or controlled by the Central Pacific Railroad Company, $5,169.56.

Inland mail transportation, railway post-office-car service: For mail transportation over non-aided railroads operated, leased, or controlled by the Central Pacific Railroad Company, $5,061.41, being a deficiency for the fiscal year 1886.

The amendment was agreed to.

The next amendment was in line 1018, after the word "therewith," to strike out "$1,093.56" and insert "$1,104.50;" so as to make the clause read:

Mail depredations and post-office inspectors: For fees to United States marshals, attorneys, and the necessary incidental expenses connected therewith, $104.50, being a deficiency for the fiscal year 1886.

The amendment was agreed to.

The next amendment was, in line 1025, after the word "therewith," to strike out "$151.70" and insert "$171.55;" so as to read:

Mail depredations and post-office inspectors: For fees to United States marshals, attorneys, and the necessary incidental expenses connected therewith, $171.55, being a deficiency for the fiscal year 1885.

The amendment was agreed to.

The next amendment was, after line 1032, to insert:

To pay the claim of the Flint and Pere Marquette Railroad Company for additional transportation, certified in House Executive Document No. 70, first session Forty-ninth Congress, $14,394.68.

To pay the claim of the Missouri, Kansas and Texas Railroad Company, certified in House Executive Document No. 70, first session Forty-ninth Congress, $5,083.12.

That the proper officers of the Post-Office Department are hereby authorized and directed to credit in the account of O. M. Laraway, late postmaster at Minneapolis, Minn., the sum of $15,330, being the value of certain postage-stamps which were stolen from the safe in said post-office on the 8th day of July, 1886, without the fault or negligence of said postmaster.

The amendment was agreed to.

Mr. HALE. At the end of line 1049 an amendment was left out by inadvertence. I now present it. After line 1049 I move to insert:

That the proper officers of the Post-Office Department are hereby authorized and directed to credit in the account of William E. Blunt, postmaster at Haverhill, Mass., the sum of $260.03, being the value of certain postal funds which were stolen from the safe inside the post-office on the night of the 31st day of October, 1883, without the fault or negligence of said postmaster.

Mr. EDMUNDS. It seems to me, with great respect to both these amendments, the power given ought to be a mere authority, so that the Post-Office Department having investigated would be authorized to pay, and not directed to pay, because this settles it. I move to amend, in line 1043, by striking out the words "and directed;" so as to read:

That the proper officers of the Post-Office Department are hereby authorized to credit in the account of O. M. Laraway, late postmaster at Minneapolis, Minn., &c.

So as to leave the Department to pass on the justice of the claim, as we do in all the cases we pass.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Chair will put the question on striking out the words indicated by the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. I move the same amendment in the amendment of the Senator from Maine.

Mr. HOAR. There is no objection to that, but there is a finding in favor of the claim.

The PRESIDING OFFICER. The same modification will be made in the amendment of the Senator from Maine; and the question is on that amendment as modified.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to insert after line 1050, the following clause:

To reimburse Shirley C. Ward, special United States attorney for the Mission Indians in California, for expenses and disbursements incurred by him while under such employment, $104.90.

The amendment was agreed to.

The next amendment was, after line 1057, to insert:

The proper accounting officers of the Treasury are hereby authorized and directed to allow credit in the accounts of James M. Ewing, disbursing clerk of the Department of Justice, for the first quarter of 1885, for payments made under approval of the Attorney-General from the appropriation for contingent expenses, miscellaneous expenditures, amounting in all to $1,327.50, as follows:

January 14, 1885, B. Uhle, portrait of Attorney-General MacVeagh, $534.50.

January 19, 1885, F. P. Vinton, portrait of Attorney-General Devens, $775.

January 21, 1885, L. R. Trembly, regilding frame, $18; the same not to involve the payment of any money from the Treasury.

Mr. EDMUNDS. I move, in line 1059, to strike out "and directed" now, so as to put it on the same footing as the others.

The PRESIDING OFFICER. That will be considered agreed to.

Mr. EDMUNDS. In line 1068 the name of the artist is misspelled. It should be "Uhlke."

The PRESIDING OFFICER. That correction will be made.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1075, to insert:

The proper accounting officers of the Treasury are hereby authorized and directed to allow credit in the accounts of Lieut. W. P. Duvall, Fifth Artillery, United States Army, disbursing officer of the board of United States executive departments, New Orleans Exposition, for payments made by order of the said board for filling and engrossing charts for the exhibit of the Department of Justice, amounting in all to $81.75, as follows:

December 1, 1884, to C. Mahon, $37.50.

December 1, 1884, to H. M. McNeal, $10.

December 3, 1884, to S. G. R. Raby, $17.

December 3, 1884, to James V. Kearny, $17.25; the same not to involve the payment of any money from the Treasury.

Mr. EDMUNDS. In line 1077, I move to amend in the same way, to strike out "and directed." All these are little private claims.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for payment of judgments and awards recovered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, and reported to Congress by the Attorney-General, after line 1272," to insert:

But no action or proceeding which shall be pending July 1, 1887, shall be in any way affected by this repeal.

So as to make the clause read:

And the said act approved March 3, 1875, be, and the same is hereby, repealed, but no action or proceeding which shall be pending July 1, 1887, shall be in any way affected by this repeal.

The amendment was agreed to.

The next amendment was, after line 1314, to insert:

For fees and expenses of marshals, United States courts, being a deficiency for the fiscal year 1886, $10,000.

The amendment was agreed to.

The next amendment was, after line 1329, to insert:

Fees of commissioners: For fees of commissioners and justices of the peace acting as commissioners, being a deficiency for the fiscal year 1886, $10,000.

The amendment was agreed to.

The next amendment was, after line 1354, to insert:

For fees of witnesses, United States courts, being a deficiency for the fiscal year 1884, $321.50.

For fees of witnesses, United States courts, being a deficiency for the fiscal year 1883, $5,080.

The amendment was agreed to.

The next amendment was, after line 1384, to insert:

Miscellaneous expenses: For miscellaneous expenses United States courts, $20,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the payment of the judgments of the Court of Claims, after the word "dollars," in line 1616, to insert:

Leland Brothers & Co., $162.42; William and John O'Brien, $4,352.21; H. G. Morquand, $1,440.57; Morgan Keene & Co., $167.49; Warren Kidder & Co., $39.05; Grant & Son, $841.41; Grant & Co., $94.61; Junius W. Branham, $228; Samuel C. Dunlap, $1,145; J. W. McMath, $171; John C. Brittain, $668.

The amendment was agreed to.

The next amendment was, in line 1631, to increase the total appropriation for the payment of the judgments of the Court of Claims from $136,873.90 to $146,186.66.

The amendment was agreed to.

The next amendment was, after line 1652, to insert:

To pay the awards of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," namely:

On the schooner Industry, Benjamin Hawkes master, namely: Thomas Cushing, administrator of Marston Watson, $6,555; Charles F. Adams, administrator of Peter C. Brooks, $3,000; William Sohier, administrator of Nathaniel Fellowes, $1,000; H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000.

On schooner Delight, Stephen Curtis master, namely: George Holbrook, administrator of Edward Holbrook, $6,302: Charles F. Adams, administrator of Peter C. Brooks, $4,000; Ebenezer Gay, administrator of executor of the assignee in bankruptcy of Thomas English, $500; Charles F. Hunt, administrator of Joseph Russell, $1,000; H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000.

On schooner Little Peg, William Auld master, namely: Francis King Carey, administrator of Samuel Hollingsworth, $5,960.50.

On ship Theresa, James Brown master, namely: R. Stewart Strobel and Henry L. Bruns, administrators of Thomas Stewart, $6,350.

Mr. EDMUNDS. I wish the Senator from Maine would explain how these French spoliation claims come into this bill. Congress has not yet committed itself to the payment of them.

Mr. HALE. If Congress does not pass this amendment it will not commit itself.

Mr. EDMUNDS. But how do these items get in here?

Mr. HALE. They are reported from the Court of Claims as judgments.

Mr. EDMUNDS. But we have never authorized the Court of Claims, to pronounce judgment against the United States on these claims, but only to investigate and report to Congress what they find the facts to be.

Mr. HALE. That is precisely what they have done. They have reported to Congress, and the committee has put in these claims.

Mr. EDMUNDS. That involves the whole question, and Congress has never committed itself to it. This means some millions of money if you start with these first reports of the Court of Claims; but in the act that Congress passed it avoided committing itself to any responsibility in respect of these claims until it should have all the facts before it and fully considered them.

Mr. HALE. That is precisely what the court has done.

Mr. EDMUNDS. I should like to see one of their judgments.

Mr. HALE. The court has considered the facts and reports that the facts are established, and the amounts found due in these several cases are the amounts that the committee has incorporated in these amendments. Undoubtedly until Congress passes these amendments and accepts the claims and pays them, which is the object of putting them into this bill, it is not in any way obligated to do it, and that is precisely what the committee asks the Senate to decide.

Mr. EDMUNDS. The question of the liability of the United States to pay any of these claims has never yet been determined by Congress. All that has been done hitherto has been to deny any liability until we passed an act authorizing the investigation, and this is not a deficiency, but it is a very important matter. While it may be right that we should decide in the end that these claims ought to be paid, we ought not to foreclose by three or four here a principle which involves them all until we can have full discussion and deliberation.

Mr. HALE. The committee could only proceed as fast as the court proceeds. All the judgments that were certified to us the committee has put into the bill like any other certifications of the Court of Claims. I know of no reason why they should not be paid.

Mr. EDMUNDS. But the jurisdiction of the Court of Claims in respect to these claims is entirely different to that of any ordinary case of a claim against the Government of the United States, a legal right to be paid money like the railway matters we have been discussing. Congress has never yet admitted any legal right in these claimants or moral right to claim from the United States any payment at all. Therefore to begin this business on a deficiency bill, it seems to me, is quite improper. I must ask the Senate to decide. One House has passed a French spoliation bill and then the other.

Mr. HOAR. I call the attention of the Senator from Vermont, as he might be misunderstood, to the fact that the two Houses of Congress have repeatedly recognized these claims. I do not mean separately.

Mr. EDMUNDS. Now I will go on to say that in the bill that we passed we carefully avoided committing the Congress of the United States to any responsibility about this matter whatever, as I remember it. Perhaps I am wrong, but nobody asserts that I am. Then why should we on the last night of the session begin in this way, which in the nature of it, so far as the United States are concerned, if we adopt any one of these amendments, if it is only for $10, our faith is committed to going on because we can not make fish of one and flesh of the others? All these claims ought to be reserved for full consideration. I must divide the Senate on agreeing to this amendment.

The PRESIDING OFFICER. The question is on the amendment from line 1653 to line 1682.

Mr. HOAR. While what the Senator from Vermont says may be technically true, yet both Houses were absolutely content. There was no voice raised against the justice of these claims with one exception, and that was only the first year. When the matter was brought up there was no voice raised in either House. One Senator claimed that this was practically a state of war out of which no claim could have arisen against France or against our Government which assumed the burden of France's obligation, but on his attention being called to the fact at the time the bill finally passed that both governments had declared that these men were to be paid; when the complaint was made against France she said she was compelled by the conduct of England to observe this policy toward our vessels, but that the persons injured would all get their pay in the end. Our own Government when applied to, said the same thing to our citizens. The Court of Claims have made reports, in which they fully recognize this, and the decision of Judge Davis of that court is a full and complete recognition of the obligation, on the principles of international law and of domestic obligation, of the Government to its citizens.

The PRESIDING OFFICER. The question is on the amendment inserting the clauses from line 1653 to line 1682 inclusive.

Mr. EDMUNDS. This thing is not to go on so rapidly until we find out and see exactly what the act was that authorized the Court of Claims to examine these cases. I have found the act of January 20, 1885, volume 23, Statutes at Large, page 283:

That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800, the ratifications of which were exchanged on the 31st day of July following, may apply by petition to the Court of Claims, within two years from the passage of this act, as hereinafter provided.

Then there is a proviso and limitation excluding certain classes that I will not take the time to read.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor.

Then it is provided that they shall receive suitable testimony, &c. The court shall cause notice of all petitions to be given, &c. The Secretary of State shall procure evidence and documents from abroad.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported. Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress.

That is what it was. It was a mere report, and therefore the passage of a single one of these claims in this deficiency bill (where they have no business at all, for they ought to be in a regular appropriation bill) is, it seems to me, a final judgment on the part of Congress between now and 12 o'clock to-day that all these claims are to be paid. Perhaps they ought to be, but it is a question of great importance that ought to be considered.

The Senator from Massachusetts says that one House of Congress or the other has frequently and often with great unanimity—though I do not quite agree with him about that—said that these matters ought to be paid; but Congress, in passing this act, took great care to say that it did not commit itself at all, but would put them in a condition to be considered. This is not the time to consider them, and without prejudice to what we may do hereafter I must ask the Senate to vote on this question.

Mr. HALE. The scope and effect of the act is entirely clear and explicit as a recognition of the justice of these claims. The Court of Claims is a tribunal constituted by the Government for the purpose of considering questions between citizens and the Government. There never was a time until the act of Congress referred to was passed when these claims had received recognition by Congress accompanied or followed by the signature of the President to any act. Here was a direct purpose on the part of Congress to take these claims, recognize them as being just, and submit them to a tribunal that should pass upon the several amounts due in the individual cases. The Court of Claims has considered all the facts. The Government from time to time has appropriated money for the investigatian of foreign records and archives furnishing evidence bearing upon these cases. The Court of Claims has had the benefit of all that evidence in the individual cases that are incorporated in this bill and has decided that the amounts named here are due. Now it is for Congress to complete the steps that it has taken in recognition of their validity by the payment of these claims. That is all that is required by this amendment that the committee has reported. I am entirely willing to leave it to the Senate.

Mr. EDMUNDS. I will first make the point of order that there is no estimate for this; that it is not to carry out the provisions of any existing law. If my point of order is good it will save the time consumed in taking the yeas and nays.

The PRESIDING OFFICER. The Chair is inclined to sustain the point of order, but will leave the question to the Senate. He is not familiar with the question, and prefers that it should be passed upon by the regular Presiding Officer. He will ask the President *pro tempore* to take the chair.

The President *pro tempore* resumed the chair.

Mr. HOAR. The amendment is moved by direction of a standing committee of the Senate.

The PRESIDENT *pro tempore*. The Chair labors under the disadvantage of not having heard the statement of the point of order.

Mr. HALE. This matter has been submitted to the consideration of one of the standing committees of this House which has reported it as an amendment on this bill and referred it to the Committee on Appropriations, so that it has the sanction not only of the fundamental statute recognizing these claims but is made in order by the action of a standing committee of the Senate.

Mr. EDMUNDS. What committee referred it to the Committee on Appropriations?

Mr. HALE. The Senator from Virginia [Mr. MAHONE] can state that. It is my impression that he reported it as the action of a committee.

Mr. MAHONE. No, Mr. President, it was not reported as the action of any committee. It was introduced as an amendment, and referred to the Committee on Appropriations. It is in accordance with a report of the Committee on Claims to this body.

The PRESIDENT *pro tempore*. As the Chair is advised, then, the amendment has not been reported by any standing committee of the body.

Mr. HALE. I had the impression that the Senator from Virginia reported it from a committee.

Mr. HOAR. I desire to suggest to the Chair, this comes within the provision that it is moved by direction of a standing or select committee of the Senate under the first clause of Rule XVI. Then the second clause of Rule XVI says the amendment shall be offered at least one day before it is considered referred to the Committee on Appropriations. It never has been held that the Committee on Appropriations had not

the same right as any other standing or select committee of the Senate, and that if it recommend an appropriation it can not be in order if it has been referred to it regularly one day before it is reported. This is not an amendment offered outside; it is an amendment reported by the Committee on Appropriations, and all the appropriation bills are full of such items referred to the committee one day before, such as the public buildings items, for the construction of public buildings, and a great many others every year. The Appropriations Committee has precisely the same right as any other committee, and if the amendment is reported by it it is in order if it has been referred to it a day before by any single member. I have acted on that theory, I should presume, twenty times, and I suppose nearly every other Senator has.

Mr. HALE. I think that the distinction on the point suggested by the Senator from Massachusetts is this: Where the Committee on Appropriations upon a matter duly referred to it, as in this case, after one day considers a subject and reports it to the Senate, that is equivalent, of course, to the action of any other standing committee. If this amendment was moved outside by the Senator from Virginia without the action of any committee, the point of order that no standing committee had considered it and reported it would be good; but it seems to me that the suggestion of the Senator from Massachusetts as to the action of the Appropriations Committee is pertinent and good. Otherwise the Appropriations Committee is the one committee in the Senate that can not by its action make a subject in order by reporting it upon an appropriation bill.

Mr. EDMUNDS. The reference of an amendment here by an individual Senator to a committee is entirely outside of the rule. It is amendments reported from a standing or select committee of the Senate that are to be referred one day before, as the Chair will see on reading the rule, to the Committee on Appropriations. This amendment was not reported from any standing or select committee, but was offered by my friend from Virginia as it was now stated, and was sent to the Committee on Appropriations. He would have exactly the same right to offer it in the Senate now as he would have to offer it and send it to the committee, and no more; and therefore, so far as the fact of its having been offered and referred is concerned, it is not within the rule at all. The other part of the question is whether any committee can report any particular appropriation bill on its own action without any previous notice to the Senate by an introduction of an amendment, and a reference to the same committee or some other make in order an amendment of this kind? That is what the real question is?

Mr. HALE. Let me ask the Senator from Vermont one question. Suppose that the Senator from Virginia instead of thus referring the amendment which he introduced to the Committee on Appropriations had referred it to the Committee on Commerce or the Committee on Claims, and either of those committees had reported in favor of it and given the sanction of the action of a standing committee of the body, that no doubt would have made it in order. Here is the Committee on Appropriations, the one committee which, if an amendment is referred to it, can not make it in order by putting it on the appropriation bill.

Mr. HOAR. I should like, with the leave of the chairman of the Committee on Appropriations, before this matter is decided, to ask him what has been the uniform practice of that committee in reference to this matter, and whether it is not true that if a member of the Senate one day beforehand referred to his committee a proposed amendment to an appropriation bill and that committee itself reported it in the bill, it has been the uniform custom of the Senate to treat it as not subject to point of order?

Mr. ALLISON. I think that has been the rule, and the subject of the amendment itself is a proper one, according to law.

Mr. HOAR. Of course.

The PRESIDENT *pro tempore*. The Chair would hold, in view of the statements which have been made, that the point of order is not well taken.

Mr. HALE. Let us have a vote on the amendment.

Mr. EDMUNDS. I ask for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when Mr. SHERMAN'S name was called). The Senator from Ohio [Mr. SHERMAN] is paired with the Senator from Missouri [Mr. VEST].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

The roll-call was concluded.

Mr. GRAY (after having voted in the negative). I am paired with the Senator from California [Mr. STANFORD]. I voted inadvertently, and I withdraw my vote.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea." Assured that the Senator from Nebraska, if present, would vote "yea," I ask leave to vote.

Mr. DOLPH. I am paired with the Senator from Georgia [Mr. BROWN], but at any time that it is necessary to make a quorum I have the liberty to vote.

Mr. GRAY. If it is necessary to make a quorum I record my vote.

The result was announced—yeas 36, nays 12; as follows:

YEAS—36.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | Harrison, | Mitchell of Oreg., |
| Allison, | Dawes, | Hawley, | Palmer, |
| Beck, | Eustis, | Hoar, | Payne, |
| Blackburn, | Fair, | Ingalls, | Platt, |
| Blair, | Farwell, | Jones of Arkansas, | Sabin, |
| Bowen, | Frye, | Jones of Nevada, | Sewell, |
| Butler, | Gorman, | Kenna, | Teller, |
| Cameron, | Hale, | Mahone, | Williams, |
| Cheney, | Hampton, | Miller, | Wilson of Md. |

NAYS—12.

| | | | |
|---|---|---|---|
| Berry, | George, | McPherson, | Vance, |
| Call, | Gray, | Morgan, | Van Wyck, |
| Edmunds, | Harris, | Plumb, | Whitthorne. |

ABSENT—28.

| | | | |
|---|---|---|---|
| Brown, | Dolph, | Mitchell of Pa., | Sherman, |
| Camden, | Evarts, | Morrill, | Spooner, |
| Chace, | Gibson, | Pugh, | Stanford, |
| Cockrell, | Jones of Florida, | Ransom, | Vest, |
| Coke, | McMillan, | Riddleberger, | Voorhees, |
| Colquitt, | Manderson, | Saulsbury, | Walthall, |
| Conger, | Maxey, | Sawyer, | Wilson of Iowa. |

So the amendment was agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the following bills:

A bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor; and

A bill (H. R. 834) for the relief of John A. London.

The message also announced that the House having proceeded, in pursuance of the Constitution, to reconsider the bill (S. 856) entitled "An act to provide for the erection of a public building in the city of Dayton, Ohio," returned to the Senate by the President of the United States with his objections, and sent by the Senate to the House of Representatives with the message of the President returning the bill; and that it had

*Resolved*, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. TUCKER, and Mr. PARKER the managers at the conference on the part of the House.

## JOHN A. LONDON.

Mr. HARRISON. I submit a conference report which requires no action.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 834) for the relief of John A. London, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

BENJ. HARRISON,
JOS. R. HAWLEY,
F. M. COCKRELL,
*Managers on the part of the Senate.*

JOSEPH WHEELER,
FRANK L. WOLFORD,
GEO. W. STEELE,
*Managers on the part of the House.*

## PHILIP TAYLOR.

Mr. HARRISON. I submit another conference report which requires no action.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4727) to remove the charge of desertion from the record of Philip Taylor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its disagreement to the amendment of the Senate, and agree to the same.

BENJ. HARRISON,
JOS. R. HAWLEY,
F. M. COCKRELL,
*Managers on the part of the Senate.*

JOSEPH WHEELER,
EGBERT L. VIELE,
JAS. S. NEGLEY,
*Managers on the part of the House.*

## NAVAL APPROPRIATION BILL.

Mr. HALE. I submit the conference report on the naval appropriation bill.

The PRESIDENT *pro tempore*. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 9, 10, 11, 12, 14, 18, 19, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 7, 8, 13, 15, 16, 17, 20, 21, 22, 23, and 26, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$625,000;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the section proposed insert the following:

"SEC. 2. That for the purpose of increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract, two steel gunboats, each of about 1,700 tons displacement, of the type of Gunboat No. 1, at a cost, exclusive of armament, of not more than $550,000 each, two steel cruisers to be provided with such armament for each as the Navy Department may deem suitable. The cost of both of said cruisers in the aggregate, complete, exclusive of armament, and excluding any premiums that may be paid for speed for the same, shall not be more than $3,000,000. The sum of $1,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated toward the construction of said vessels. That in the construction of the aforesaid vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act so far as the same relate to vessels constructed under the contract, save that in all their parts they shall be of domestic manufacture. The contracts for the construction of said cruisers shall contain provisions to the effect that the contractor guarantees that when completed and tested for speed, under conditions to be prescribed by the Navy Department, the vessels shall exhibit a maximum speed of at least 19 knots per hour; and for every quarter knot of speed so exhibited above said guarantee the contractor shall receive a premium over and above his contract-price of $50,000, and for every quarter knot that said vessel fails of reaching said guaranteed speed there shall be deducted from the contract-price the sum of $50,000.

"In making proposals for contracts for building the vessels authorized to be constructed under this act it shall be required that one of such vessels shall be built on or near the coast of the Pacific Ocean, or the waters connecting therewith, one of them on or near the coast of the Gulf of Mexico, or the waters connecting therewith, and two of them on or near the coast of the Atlantic Ocean, or the waters connecting therewith, and at such places on or near such coasts or waters as the Secretary of the Navy shall approve.

"If it shall appear to the satisfaction of the President of the United States, from the biddings for such contracts, when the same are opened and examined by him, that said vessels cannot be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States.

"And the Secretary of the Navy is hereby authorized to readvertise for the construction of cruiser No. 1, known as the Newark; and the limit of cost of said vessel is hereby extended to $1,300,000, exclusive of armament."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted, insert the following:

"SEC. 3. That, for the purpose of further increasing the naval establishment of the United States, the sums of money hereinafter named are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the President, in the exercise of his discretion, upon plans and specifications to be furnished by the Navy Department.

"For floating batteries or rams, or other naval structures, to be used for coast and harbor defense, $1,000,000. The final cost of said floating batteries, rams, or other naval structures, exclusive of armament, shall not exceed $2,000,000.

"For the purchase of and the trial and testing of torpedoes and appliances using explosives, to be operated from naval vessels, floating batteries, or rams, $50,000, which sum shall be immediately available.

"That the material used in all naval structures provided for in this act, and the armament for the same, shall be, so far as practicable, of American production, and furnished and manufactured in the United States, and all contracts made for their construction shall be under the provisions of the act of August 3, 1886, entitled, 'An act to increase the naval establishment:' *Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such civilian expert aids, additional draughtsmen, writers, copyists, and model-makers on the designs therefor as may be necessary."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out the matter proposed to be inserted by said amendment and strike out on page 28 of the bill lines 2 to 18, both inclusive, and insert in lieu thereof the following:

"SEC. 4. For expenditure towards the construction and completion (exclusive of armament) of the five double-turreted monitors, the four vessels authorized by the act of March 3, 1885, and the vessels authorized by the act of August 3, 1886, $2,420,000.

"Towards the armament, of domestic manufacture, for the vessels authorized by the act of March 3, 1885, of the vessels authorized by sections 1 and 2 of the act of August 3, 1886, of the unfinished monitors mentioned in section 3 of the same act, and of the Miantonomoh, and of the vessels authorized by this act, $2,128,362.

"Towards procuring, testing, and delivering the armor and gun steel for the vessels authorized by section 1 of the act of August 3, 1886, and the unfinished monitors mentioned in section 3 of the same act, and the vessels authorized by this act, $1,000,000: *Provided*, Said armor and gun steel shall be of domestic manufacture."

And the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
*Managers on the part of the Senate.*

H. A. HERBERT,
JOSEPH D. SAYERS,
JOHN R. THOMAS,
*Managers on the part of the House.*

Mr. MCPHERSON. Will the Senator from Maine who has charge of the bill please tell the Senate how much money it appropriates as agreed upon in conference and for what specific purposes?

Mr. HALE. To begin with, there was no great controversy between the conferees representing the two Houses as to the general appropriations for the Department for its running expenses. The real subject-matter that took time to settle was the increase of the Navy as found in the several items that have been reported by the conference committee.

The conferees on the part of the Senate found the House conferees very set and determined as to the amounts of appropriation. The House conferees would not consent to the appropriations that had been made by the Senate, which covered all of the sums required running through three, four, or five years for the completion and armament of the different naval structures provided for by the Senate, and insisted that the appropriations should be made piecemeal year by year. The Senate conferees found that the House conferees were so firm and determined upon this that they yielded.

So the amounts covering all the construction of the ships and the rams and the gunboats and the floating batteries, which the Senate provided for, are very largely reduced, because only appropriations are made for the next fiscal year. These appropriations amount, in addition to the running expenses of the Department, to between $11,000,000 and $12,000,000 for what may be called the new establishment, the increase of the Navy. That comprehends four vessels; that comprehends $2,000,000 for harbor defense, with a small appropriation for torpedoes and experiments.

Mr. HAWLEY. When the Senator says "harbor defense" he means floating batteries?

Mr. HALE. Floating batteries, rams, and other structures. The language of the amendment is "for coast and harbor defense."

Then there are $2,500,000 for work on vessels already begun. There are a little more than $2,000,000 for work upon the iron-clad monitors, which, when completed, will be a feature in harbor defense. There are $4,000,000 for armor, armor plates, and gun steel or forgings, which, together with what the Secretary already has, will enable him to offer inducements to manufacturers to establish a plant to the extent of from 12,000 to 13,000 tons of steel for armor and for gunboats.

The House conferees consented to the method adopted by the Senate of distributing this fund among vessels for harbor defense and upon cruisers provided by this act. The feature adopted by the Senate of additional premium for increased speed in the way of an incentive and the penalty of a reduced appropriation if the initial point is not reached was conceded by the Senate. That initial point, upon the insistance of the other House, was changed from 20 knots to 19 knots.

These are general features of the report. The amounts allowed were all that the Senate conferees could obtain the consent of the House conferees to.

Mr. MCPHERSON. Only providing for four new vessels?

Mr. HALE. Only four new ships.

Mr. HAWLEY. While the bill is not all that I presume the committee would have desired, and some of us would have hoped for, there are in this report some very peculiar reasons for congratulation. While we have had an eight months' war over the question whether we should fool away our time making experiments upon antiquated guns the Navy has succeeded in getting such an appropriation and such orders for new ships that in order to make the armor and get the rough gun-metal for the guns and for the armament of these ships, the Secretary of the Navy, without any cast-iron restriction, is at liberty to contract for some 12,000 tons of steel, which will be forged steel of the best quality under the modern processes. While we have considered in the Senate the general question of what shall be done to rearm the country, and while the fortifications conference committee may amuse itself as much as it pleases, and there is no fortifications bill for this year and there will be none for next year, the victory is won, and in a few months contracts will be made that will justify establishing in this country a costly plant, up to the highest demands of modern science known abroad or at home.

The PRESIDENT *pro tempore*. The question is on the adoption of the report of the committee of conference.

Mr. WHITTHORNE. I have not changed in the least my own opinion formed from my study of what the naval demands of the country require, but as to the differences between the two Houses, I think a very fair and just compromise has been effected, and I am certain that it will receive the approval of the Senate.

Mr. BECK. I intended, as one of the conferees on this bill, to say something about the reasons that induced me to sign the report, and even to agree to it, but the deficiency bill is not yet passed, and therefore I will not say anything now, but on some other conference bill before the final adjournment I expect to give my reasons for voting for this report.

The report was concurred in.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 9110) to amend sections 5191 and 5192 of the

Revised Statutes of the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MILLER, Mr. WILKINS, and Mr. G. E. ADAMS managers at the conference on the part of the House.

The message also announced that the House still further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, insisted upon by the Senate, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON, Mr. LE FEVRE, and Mr. D. B. HENDERSON the managers at the further conference on the part of the House.

## DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1683, to insert:

Senate:

For compensation of officers, clerks, messengers, &c., in the employ of the Senate for the fiscal year ending June 30, 1887, $14,229.08.

For horses and wagons, $1,500.

For fuel, oil, and cotton waste for heating department, $2,000.

For furniture and repairs of furniture, $3,000.

For folding speeches and pamphlets, $4,500.

For miscellaneous items, exclusive of labor, $5,000.

For expenses of inquiries and investigations, $25,000.

The amendment was agreed to.

The next amendment was after line 1699, to insert:

To enable the Secretary of the Senate to pay to Caroline W. Pike, widow of Hon. Austin F. Pike, late a Senator from the State of New Hampshire, deceased, the amount of compensation as a Senator from October, 1886, to March 3, 1887, $2,000.

The amendment was agreed to.

The next amendment was after line 1706, to insert:

To enable the Secretary of the Senate to pay to Mary A. Logan, widow of Hon. John A. Logan, late a Senator from the State of Illinois, deceased, the amount of compensation as a Senator from December 27, 1886, to March 3, 1887, $917.81.

Mr. CULLOM. I desire to call the attention of the Senate to this amendment, and I move to strike out, in line 1711, the words "March 3," and insert "December 27;" and then, in line 1712, to strike out "$917.81," and insert "$5,000."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois to the amendment of the Committee on Appropriations.

Mr. CULLOM. I understand there are several precedents for allowing more than has been given by the amendment of the committee, and I think there are peculiar reasons why my amendment ought to be adopted. I do not care to take up the time of the Senate in discussing a matter of this kind. I hope the amendment I have offered will be agreed to.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. EDMUNDS. I move to amend the paragraph for the widow of Hon. Austin F. Pike to make it exactly the same thing, to December, and $5,000.

Mr. ALLISON. No; from October 1886, to October, 1887.

Mr. EDMUNDS. Very good. I move, to make it conform, to strike out, in lines 1704 and 1705, "March the 3d," and insert "October;" and in lines 1705 and 1706 to strike out "two thousand," and insert "five thousand;" so as to read:

To enable the Secretary of the Senate to pay to Caroline W. Pike, widow of Hon. Austin F. Pike, late a Senator from the State of New Hampshire, deceased, the amount of compensation as a Senator from October, 1886, to October, 1887, $5,000.

The PRESIDENT *pro tempore*. The question is on this amendment.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment as amended is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1713, to insert:

To enable the Secretary of the Senate to pay W. R. Reynolds for services as messenger of the Senate from January 7 to February 3, 1885, inclusive, at the rate of $1,440 per annum, the sum of $104.

The amendment was agreed to.

The next amendment was, after line 1719, to insert:

To enable the Secretary of the Senate to pay W. P. Brownlow for extra services in folding-room, $240.

The amendment was agreed to.

The next amendment was, after line 1722, to insert:

To pay Thornton A. Jackson, laborer of Senate from February 7, 1887, to March 4, 1887, inclusive, $52.

The amendment was agreed to.

The next amendment was, after line 1726, to insert:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to William M. Olin the sum of $123.33, being the amount of his compensation as clerk of the Committee on Indian Affairs, withheld from him by reason of his holding the office of clerk of customs, from December 16, 1885, to January 21, 1886; the same to be paid out of any balance of the appropriation for salaries of officers, clerks, messengers, and others, Senate, for the fiscal year ending June 30, 1886.

The amendment was agreed to.

The next amendment was, after line 1737, to insert:

To enable the Secretary of the Senate to pay George N. Stranaham for extra services on the Senate elevator from April 1, 1886, to March 1, 1887, $250.

The amendment was agreed to.

The next amendment was, after line 1742, to insert:

For the purchase of the Edison electric-light plant, including dynamo base and frame, engine, belting, steam-pipes, and fittings, wiring, lamps, sockets, chandeliers, drop-lights, shades, and all other appurtenances now and for some thirty months on trial in the Senate wing of the Capitol, including the cost of engineer prior to December 1, 1886, $5,350; and the Architect of the Capitol is hereby authorized to expend the money appropriated by the act of August 4, 1886, for an electric-light plant; and he shall report to the next Congress what, if any, will be the additional expense for fixtures, and so forth.

The amendment was agreed to.

The reading of the bill was continued to line 1784.

Mr. GORMAN. In line 1784 I move to strike out "three hundred and seventy-five" and insert "six hundred and twenty-five."

Mr. EDMUNDS. Let that be explained.

Mr. GORMAN. This is a provision for the stationery of certain deceased members of Congress. As it came from the House it provided for only three, whereas there are five.

Mr. EDMUNDS. This is a House matter.

Mr. GORMAN. It is an oversight, and they have called our attention to it.

Mr. EDMUNDS. All right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1784, to insert:

To enable the Clerk of the House of Representatives to pay N. G. Ordway for rent of land used for a stable for the House post-office from January 1, 1885, to December 31, 1886, $720.

The amendment was agreed to.

The reading of the bill was continued to line 1803.

Mr. ALLISON. At this point I desire to offer an amendment to insert a matter omitted in the House because of the passage of the bill under a suspension of the rules.

Mr. EDMUNDS. Is that a good reason for our interference?

Mr. ALLISON. I do this at the unanimous request of the Committee on Elections of the House.

Mr. EDMUNDS. It illustrates the method of legislation somewhere.

Mr. ALLISON. After the word "dollars," in line 1803, I move to insert:

To George W. Steele, additional expenses, $1,000.

And, in the same line, after the word "all," to strike out "four" and insert "five."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1843, to insert:

To pay one hundred compositors and eight pressmen employed exclusively at night on Congressional work during the second session Forty-ninth Congress, $60 each, $6,480, to be paid only to those who have received no extra compensation for night work.

Mr. GORMAN. I offer the following amendment to the amendment: Strike out all the paragraph and insert:

The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to pay 25 per cent. in addition to the amount paid for day labor to the employés of the Government Printing Office, such as compositors, pressmen, stereotypers, laborers, press-feeders, RECORD folders, and engineers who have been and are exclusively employed on the night forces of the Government Printing Office during the second session of the Forty-ninth Congress.

Mr. HALE. The Senator is a member of the Committee on Printing and has thoroughly investigated this matter and knows more about it than I do.

Mr. EDMUNDS. I think that is subject to a point of order.

Mr. HALE. It is undoubtedly subject to a point of order.

The PRESIDENT *pro tempore*. Does the Senator from Vermont raise any point of order?

Mr. GORMAN. I hope the Senator from Vermont will not make a point of order.

Mr. EDMUNDS. I do not understand the amendment. Let the Senator explain it, reserving the point of order for the time being.

Mr. GORMAN. Some of the employés of the Government Printing Office who are at work during the session are compelled to remain from eight to twelve hours at night, beginning at 7 or 8 o'clock and working after 12 at night and till the next day sometimes. The rule in all private printing offices in the country is to pay for night labor about 25 per cent. more than for day labor. The substitute that I have offered for the committee's amendment embraces all who are on night work at the Government Printing Office. The whole amount involved is only $10,000.

Mr. HARRIS. Does it allow the payment usual in such cases?

Mr. GORMAN. Usual in such cases.

Mr. EDMUNDS. I do not make any point of order.

The amendment was agreed to.

Mr. WHITTHORNE. I am not familiar with questions of order, but I desire to offer an amendment here.

The PRESIDENT *pro tempore*. Does the Senator object to action on the amendment of the Committee on Appropriations?

Mr. WHITTHORNE. No, sir.

The amendment as amended was agreed to.

Mr. WHITTHORNE. I desire——

Mr. HALE. Unless the Senator is offering an amendment to a committee amendment, I hope we may go through with the bill until the committee amendments are disposed of.

Mr. HARRIS. My colleague agrees to do that.

The reading of the bill was resumed and continued to section 3.

Mr. EDMUNDS. I should like the Senator in charge of the bill to explain what the third section means. It came to my knowledge a few days ago that under some act of Congress the Treasury Department is now engaged in paying balances of salary, &c., to officers of the Army of the United States who deserted its flag and went into the rebellion down to the time when they were finally dismissed from the service and after they had left their regiments, and so on. I want to know whether this is to cover any more cases of that kind.

Mr. HALE. I do not so understand. The committee was very careful about all *ante bellum* claims.

Mr. EDMUNDS. How came the act to authorize such payments as I have described?

Mr. HALE. There is no appropriation law that authorizes such payments. If there has been any law on the subject passed by Congress, it is a specific statute. The Committee on Appropriations has in every case cut off the bills all *ante bellum* claims.

Mr. EDMUNDS. I asked the Second or Fourth Auditor—whoever it is who has charge of Army claims—in writing, and got his reply that his authority for paying that sort of thing was derived, I think, from a deficiency bill, the date of which he gave to me, and which, I think, I read or called the attention of the Committee on Appropriations to not long ago. It is an interesting public fact. That is all I care to say about it just now.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 3, under the head of "Interior Department," after the word "years," in line 80, to strike out "to pay the claims numbered 253239 and 256060, certified in said Executive Document No. 49, $36.46," and insert "$142,000.71;" so as to make the clause read:

For geological survey, 1884 and prior years, $142,000.71.

The amendment was agreed to.

The next amendment was, in section 3, after line 87, to insert:

DEPARTMENT OF AGRICULTURE.

For data respectiug the agricultural needs of the arid regions of the United States, 1882, $39.

The amendment was agreed to.

The next amendment was, after line 133, to insert:

For heating apparatus for public buildings, 1886, $4,692.

The amendment was agreed to.

The next amendment was, in section 3, after the word "years," in line 179, to strike out "for payment of the claim numbered 9147 certified in said Executive Document No. 49, $9.40," and insert "$34.87;" so as to make the clause read:

Indian service: For contingencies of the Indian Department, 1884 and prior years, $34.87.

The amendment was agreed to.

The next amendment was, in section 3, after line 189, to insert:

For telegraphing and purchase of Indian supplies, 1884 and prior years, $42.67.
For transportation of Indian supplies, 1884 and prior years, $303.77.
For traveling expenses of Indian inspectors, 1884 and prior years, $147.77.

The amendment was agreed to.

The next amendment was, in section 3, line 212, after the word "years," to strike out "for payment of the claims numbered 89644, 89643, and 89033 certified in said Executive Document No. 49, $42.34" and insert "$318.26;" so as to make the clause read:

For Signal Service transportation, 1884 and prior years, $318.26.

The amendment was agreed to.

The next amendment was, in section 3, line 247, after the word "years," to strike out:

Except the claim numbered 81102 in said Executive Document No. 49, $1.006.21.

And insert "$1,079.69;" so as to make the clause read:

For regular supplies, Quartermaster's Department, 1884 and prior years, $1,079.69.

Mr. EDMUNDS. I should like to hear that explained. Why is that stricken out? It is striking out one particular claim.

Mr. HALE. We do not strike it out; we restore it.

Mr. EDMUNDS. No; you strike it out. You except the claim and then strike out the exception.

Mr. HALE. They are all one class of claims.

Mr. EDMUNDS. What was that claim that was excepted?

Mr. HALE. I do not remember what the particular claim is, but the course of the committee, where these claims have been certified and audited and of the same kind, was to put them all in. The other House in some instances struck out particular items, and we reinserted them. What this particular one is I do not now remember; it is a small one.

Mr. EDMUNDS. All right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 3, line 256, after the word "years," to strike out "except the claim of the Central Pacific Railroad Company certified in said Executive Document No. 49, $10,578.15," and to insert "$280,167.98;" so as to make the clause read:

For transportation of the Army and its supplies, 1884 and prior years, $280,167.98.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department claims allowed by the Fourth Auditor and Second Comptroller," after line 297 of section 3, to insert:

For transportation and recruiting Marine Corps, 1884 and prior years, $3.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Sixth Auditor," after the word "numbered," at the end of line 345 of section 3, to strike out "8644 and;" and in line 348, after the number "49," to strike out "$47,935.23" and insert "$48,079.04;" so as to make the clause read:

For deficiency in postal revenues, 1884 and prior years, except the claims numbered 8646 in said Executive Document No. 49, $48,079.04.

The amendment was agreed to.

The next amendment was, in section 4, under the head of "Treasury Department," after line 30, to insert:

Miscellaneous: For Coast and Geodetic Survey (western division), 1883, $16.50.

The amendment was agreed to.

The next amendment was, in section 4, under the head of "Navy Department," after line 34, to insert:

For contingent and miscellaneous expenses Naval Observatory, 1884 and prior years, $6.39.

The amendment was agreed to.

The next amendment was, in section 4, under the head of "claims allowed by the First Auditor and the Commissioner of Customs," after line 71, to insert:

For expenses of revenue-cutter service, 1884 and prior years, $54.50.

The amendment was agreed to.

The next amendment was to insert, as section 5, the following:

SEC. 5. That for the payment of the following supplemental list of claims which are fully set forth in Senate Executive Document No. 110, second session Forty-ninth Congress, there is appropriated as follows:

WAR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay of two and three year volunteers, 1871 and prior years, $13,891.90.
For pay, &c., of the Army, 1884 and prior years, $1,807.20.
For bounty to volunteers and their widows and legal heirs, 1871 and prior years, $14,350.30.
For bounty, act July 28, 1886, 1880 and prior years, $2,990.

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

For fees of clerks, United States courts, 1884 and prior years, $38.

NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, prior to July 1, 1884, $536.73.
For pay, miscellaneous, 1884 and prior years, $42.44.
For contingent, Bureau of Equipment and Recruiting, 1884 and prior years, $44.64.
For provisions, Navy, Bureau of Provisions and Clothing, 1884 and prior years, $565.20.
For enlistment bounties to seamen, prior to July 1, 1884, $233.34.
For bounty for the destruction of enemies' vessels, prior to July 1, 1884, $74.45.
For construction and repair, Bureau of Construction and Repair, 1884 and prior years, $598.55.

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in postal revenues, 1884 and prior years, $42.66.

The amendment was agreed to.

The next amendment was to insert, as section 6, the following:

SEC. 6. That for the payment of the following supplemental list of claims which are fully set forth in Senate Miscellaneous Document No. —, second session Forty-ninth Congress, there is appropriated as follows:
For transportation of the Army and its supplies, 1884 and prior years, $125.
For subsistence of the Army, 1884 and prior years, $21.
For incidental expenses Quartermaster's Department, 1884 and prior years, $16.50.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, 1871 and prior years, $31.02.
For commutation of rations to prisoners of war in rebel States and to soldiers on furlough prior to July 1, 1884, $466.25.
For horses and other property lost in the military service prior to July 1, 1884, $1,390.96.

Mr. EDMUNDS. I want to know what the document is that is referred to on line 3 of section 6. There is a blank there for the number.

Mr. HALE. That has not been inserted, but I have sent to the clerk of the committee for the number of the document. It is the last claims document that came in only a few days ago. I will put in the number.

The amendment was agreed to.

The next amendment was to insert, as section 7, the following:

SEC. 7. For transportation of the Army and its supplies: To pay Randolph Barton, trustee, &c., and other claimants enumerated in the memorandum of the Second Comptroller, House Executive Document 210, page 25, Forty-ninth Congress, first session, the sums severally reported therein, and amounting to the sum of $73,105.64, said sums having heretofore been reported by the Secretary of the Treasury as audited claims in accordance with the provisions of section 4 of the act of June 14, 1878, and enumerated in House Executive Documents 55 and 153, Forty-eighth Congress, first session, under "Transportation of the Army and its supplies."

For transportation of the Army and its supplies: To pay the Pennsylvania Railroad Company and other claimants enumerated in Schedule C, House Executive Document 210, Forty-ninth Congress, first session, the sums severally reported therein, and amounting to the sum of $97,704.57 (see pages 23 and 24 of said House Executive Document 210), said sums having heretofore been reported by the Secretary of the Treasury as audited claims in accordance with the provisions of section 4 of the act of June 14, 1878, and enumerated in House Executive Documents 55 and 153, Forty-eighth Congress, first session, under "Transportation of the Army and its supplies."

The amendment was agreed to.

The next amendment was to insert, as section 8, the following:

SEC. 8. To pay the claims re-examined in compliance with the requirements of the deficiency act of August 4, 1886, and certified by the Second Comptroller of the Treasury in House Executive Document No. 22, Forty-ninth Congress, second session, $77,769.64.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments reported from the Committee on Appropriations.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor;

A bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.; and

Joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va.

## DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

The PRESIDENT *pro tempore*. Are there further amendments to the bill as in Committee of the Whole?

Mr. HALE. On page 91, in section 3, after line 350, I offer an amendment which is of the same nature as the clause preceding.

The SECRETARY. In section 3, after line 350, it is proposed to insert:

Claims allowed by the Sixth Auditor for compensation of postmasters, readjusted under the act of March, 1883, and reported to Congress in Senate Executive Document numbered 116, second session, Forty-ninth Congress, as due and unpaid, payable from deficiency in the postal revenues for 1884 and prior years, $57,501.29.

The amendment was agreed to.

Mr. DAWES. I am instructed by the Committee on Appropriations to submit an amendment to come in on page 39, section 1, after line 935.

The SECRETARY. At the end of line 935 of section 1, after the word "cents," it is proposed to insert:

For payment to the Choctaw Nation, $2,858,798.62; the same being the amount of a judgment in favor of the said Choctaw Nation, rendered on appeal by the Supreme Court of the United States at the October term of said court, in the year 1886; and that said sum shall be paid over directly to the treasurer of the Choctaw Nation.

The amendment was agreed to.

Mr. PALMER. I have an amendment to offer which has been referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Michigan will please indicate the line of the bill in which the amendment is to appear.

Mr. PALMER. Let it be inserted at the end of the bill.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. It is proposed to add to the bill:

To enable the Secretary of War to pay to Chittenden Brothers, contractors, for money expended in the construction of a dam at the Great Falls of the Potomac over and above that contemplated in the contract with said Chittenden Brothers as amended, the sum of $15,000, payable from any unexpended balance of money appropriated for the construction of such dam.

Mr. HARRIS. That is a private claim.

Mr. PALMER. I send to the desk a statement of the case which the Secretary will please read. Then if any further remarks are required I will make them.

The Secretary read as follows:

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The petition of S. H. Chittenden and George B. Chittenden, citizens of the United States, trading under the firm name of Chittenden Brothers, and carrying on the business of general contractors, respectfully shows:

That the bill (S. 938) passed the Senate August 4, 1886, and in Committee of the Whole House of Representatives was laid aside to be reported to said House with a recommendation that it do pass, February 14, 1887. (CONGRESSIONAL RECORD, February 15, 1887.)

That the petitioners are advised that in the present state of business in said House it is impossible that said bill can be reached for such virtually formal action as indicated in the preceding paragraph of this petition.

That the exceeding merit of said bill (which, as stated, has passed the Senate and the Committee of the Whole, House of Representatives) is exhibted in Sen-Report 1413, a copy of which is hereunto appended.

Wherefore, in order that the petitioners may not be subject to further undeserved loss in the faithful execution of a public work, they ask that provision be made in the general deficiency appropriation bill for the payment to them of the approved sum of $15,000 out of the unexpended balance of appropriation for said mentioned dam at the Great Falls of the Potomac.

Mr. PALMER. I will state that this provision was in a bill which passed the Senate at the last session. It went over to the other House and passed the Committee of the Whole there, but owing to their changing and going to some other order of business it did not get to a final vote in the House. It is only the stress of the circumstances of the individuals that impels me to offer it now. This relief means the saving of these persons from bankruptcy. It takes no money out of the Treasury. There will be $10,000 balance left out of the amount appropriated for that work after they are allowed this additional sum.

Mr. HARRIS. This is a private claim. I am not sure whether I did not assent to it as a private claim in the Committee on the District of Columbia, but there are constituents of mine who have claims audited in a much more satisfactory manner than this, which amount to perhaps $100,000, that I do not think in order to offer as an amendment to this bill. This claim is not in order upon this bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee raises the point of order?

Mr. HARRIS. I do.

Mr. PALMER. I should like to have the Senator state his point of order.

Mr. HARRIS. My point of order is that this is a private claim and you can not insert it as an amendment to a general appropriation bill.

Mr. PALMER. I will say that I was instructed by the Committee on the District of Columbia to report this amendment. We have gone through all the forms prescribed. I am not sufficiently a parliamentarian to cope with my friend the Senator from Tennessee in the discussion of parliamentary rules and regulations, but it seems to me that under the circumstances the amendment can come in on this bill.

The PRESIDENT *pro tempore*. The fourth clause of Rule XVI reads:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The Chair would hold that under that rule the amendment is not in order.

Mr. EDMUNDS. That would strike out most of this bill. It ought to be applied to all of it.

Mr. MITCHELL, of Oregon. I offer an amendment to which I hope the members of the Committee on Appropriations will consent.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. After line 483 of section 1, on page 20, it is proposed to insert:

For renewal of the Signal Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, $5,000, or so much thereof as may be necessary: *Provided*, That no part of this money shall be used in laying a new cable at such point until the Secretary of War shall be fully satisfied that it is impossible, with all reasonable and proper efforts, to repair the broken cable at such place, for the repair of which the sum of $500 of the above amount may be used.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. MITCHELL, of Oregon. I do not wish to take time. I will simply say that this is recommended by the Chief of the Signal Service and by the Secretary of War. The amendment was introduced by me and referred to the Committee on Military Affairs. It was recommended by that committee and referred to the Committee on Appropriations. I have modified it so as to provide that the $500 which shall be used to repair the cable, if it is possible to do it, shall come out of the $5,000.

Mr. HALE. Is this recommended by the head of a Department?

Mr. MITCHELL, of Oregon. It is recommended by the Secretary of War and by the Military Committee.

Mr. EDMUNDS. Let us have the papers read.

Mr. MITCHELL, of Oregon. I will have the papers read if required.

The PRESIDENT *pro tempore*. The Secretary will read the papers referred to.

Mr. MITCHELL, of Oregon. First read the letter of the Secretary of War.

The Secretary read as follows:

WAR DEPARTMENT,
*Washington City, February 14, 1887.*

SIR: I have the honor to acknowledge the receipt of a letter of the 10th instant from the clerk of your committee, inclosing, for the views of this Department, a copy of a proposed amendment to the House bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, &c., namely: $5,000 for renewal of the Signal Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, and $500 for the repair of the broken cable, if possible.

In reply I beg to invite attention to the inclosed report of the 11th instant on

the subject, from the Acting Chief Signal Officer, in which the repair or renewal of the cable in question, as provided for in the amendment, is recommended on the ground of its great value to the commercial interests of the Pacific coast.

The copy of the amendment inclosed in the letter from your committee is herewith returned.

Very respectfully, your obedient servant,

WM. C. ENDICOTT, *Secretary of War.*

The ACTING CHAIRMAN,
*Committee on Military Affairs, United States Senate.*

Mr. MITCHELL, of Oregon. Now I ask that the letter of the Chief Signal Officer may be read.

The Secretary read as follows:

SIGNAL OFFICE, WAR DEPARTMENT,
*Washington City, February* 11, 1887.

SIR: Referring to H. R. 113, and the amendment proposed by Mr. MITCHELL, of Oregon, I have the honor to report that July 31, 1886, the cable across the Columbia River failed, presumably broken by some ship anchored in its vicinity. About September 1, 1886, a small steamer was hired for three and a half days, but failed to raise the cable, owing to its being heavily sanded. In October a second attempt was made, in which a steamer was employed for five days, and this attempt was unsuccessful for the same reasons as before. These attemps were made at an expense of $367.50, and in these trials all means at hand were exhausted. It was later asked that the light-house tender Manzanita be used for a third attempt, but her services have not yet been spared, and it is more than doubtful if anything could be done beyond the recovery of a mile of the cable.

The cost of the original cable was over $6,000, it having three conductors. It would be more economical for the Government to buy a new cable of one conductor for the whole distance than to purchase a cable of the old pattern to be spliced with the mile which could be recovered.

The cable in question is represented, and I believe correctly, as being of great value to the commercial interests of the Pacific coast, and its repair or renewal is recommended on this ground.

In case of bad weather, vessels lying off the mouth of the Columbia River are reported from one to three days earlier when the cable is in operation than otherwise, a not unimportant fact considering the great distances between the harbors on the Pacific coast. The appropriation for the renewal is reasonable in amount and the proviso is entirely acceptable to this office, although it is more than probable the $500 will be spent without avail.

I am, very respectfully, your obedient servant,

A. W. GREELY,
*Captain, Fifth Cavalry, A. S. O. and Asst.,*
*Acting Chief Signal Officer, United States Army.*

The honorable SECRETARY OF WAR.

Mr. BECK. Read the last few lines again.

The Secretary read as follows:

The appropriation for the renewal is reasonable in amount and the proviso is entirely acceptable to this office, although it is more than probable that the $500 would be spent without avail.

Mr. MITCHELL, of Oregon. He thinks the effort to repair the cable will be a failure.

Mr. BECK. They will never make the effort if you give them the $5,000 now.

Mr. MITCHELL, of Oregon. They can not use the balance under the amendment until they do make an honest effort, to the satisfaction of the Secretary of War.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. WHITTHORNE. I propose, on page 76, after line 1849, to insert the amendment which I send to the desk.

The SECRETARY. After line 1849 of section 1 it is proposed to insert:

To pay the sum of $71.25 each to J. A. Patterson, John T. Whitaker, W. E. Miller, and John Talbert; $21.75 each to John A. Bayly and A. M. Sprague; $21 to R. W. Simmons; $6.75 each to Russell Barnes and A. R. Hilton; and $4.50 to J. R. Francis, for services performed by them as employés of the Government Printing Office.

Mr. EDMUNDS. That is a private claim.

Mr. WHITTHORNE. I trust the Senator from Vermont will hear me for a moment? These are laborers and employés at the Government Printing Office, and this is a claim for work done, or rather for pay due them for holidays to which they were entitled under the law. It was not paid them, and they are entitled to it.

Mr. EDMUNDS. Why was it not paid to them?

Mr. WHITTHORNE. For the want of money, as I understand.

Mr. EDMUNDS. Want of money with a hundred millions of surplus!

Mr. WHITTHORNE. The amendment only amounts to the sum of $346. They are laboring men; it is a small amount, and it is due them under the law. To present them as individual claims and to pass them through Congress would involve delay, and I think as a matter of justice that no exception or question of order should be made, and the amounts should be paid. I have the recommendation of the Public Printer saying that this is due and proper to be paid.

Mr. EDMUNDS. I make no point of order on the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. HARRIS. The amendment of my colleague which has just been adopted prompts me to withdraw, if I have the liberty to do so, the question of order I made upon the amendment of the Senator from Michigan [Mr. PALMER]. His was a private claim, as this was a private claim, and my recollection is that as a member of the Committee on the District of Columbia I assented to the justice of the claim he seeks to present.

If private claims are to be put upon the bill, I withdraw the question of order that I made, and I am ready to allow the Senate to determine upon the justice of the claim indicated by the Senator from Michigan in favor of Chittenden Brothers.

Mr. PALMER. I accept the withdrawal of the Senator from Tennessee with pleasure. It does credit to his candor and fairness. I ask now that a vote be taken upon the amendment I have offered.

The PRESIDENT *pro tempore*. Will the Senator indicate where the amendment is to be inserted?

Mr. PALMER. At the end of the bill or after line 418; either place.

Mr. HAWLEY. Let it be inserted at the close of the provisions for the District of Columbia, after line 418, on page 18.

The SECRETARY. In section 1, after line 418, it is proposed to insert:

To enable the Secretary of War to pay to Chittenden Brothers, contractors, for money expended in the construction of a dam at the Great Falls of the Potomac over and above that contemplated in the contract with said Chittenden Brothers as amended, the sum of $15,000, payable from any unexpended balance of money appropriated for the construction of such dam.

The amendment was agreed to.

Mr. MILLER. At the end of line 1688 of section 1, on page 69, I move to insert:

For clerk of Senate Committee on Agriculture and Forestry from the 4th day of March to the 1st day of July, 1887, $708.

The amendment was agreed to.

Mr. CALL. I offer an amendment to come in on page 75, at the end of line 1842 of section 1.

The SECRETARY. In section 1, at the end of line 1842, it is proposed to insert:

To enable the Secretary of the Senate to pay one month's salary, from the 15th of April to the 15th of May, 1886, to R. A. Fennell, a messenger of the Senate removed from office as provided for by resolution of the Senate of August 4, 1886, being $123.34.

The amendment was agreed to.

Mr. JONES, of Nevada. Under instruction of the Committee on Contingent Expenses I offer an amendment which I send to the desk.

The SECRETARY. It is proposed to insert:

For compensation to J. M. Coombs for injuries received by the breaking of the gearing of the freight elevator under the sidewalk of the Senate wing of the Capitol, $2,500, said amount to be in full for all damages and for medical and all other expenses incurred and to be incurred by said Coombs on account of said injuries.

The amendment was agreed to.

Mr. CALL. I offer an amendment to come in on page 75, after line 1842, to follow the amendment I previously offered.

The SECRETARY. In section 1, line 1842, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Charles F. Hopkins and William C. Sollee, of Jacksonville, Fla., the sum of $1,567.91, for surveys made by them in 1884 of townships 50 south, range 32 east; 50 south, range 33 east; 52 south, range 33 east; 51 south, range 34 east; and 52 south, range 34 east, Florida, substituted by them for certain other proposed surveys covered by contract with the surveyor-general of Florida numbered 52, dated December 28, 1883, under his verbal authority, which said surveys have been accepted by the Government as though contracted for.

The amendment was agreed to.

Mr. SPOONER. I offer an amendment to come in at any convenient spot in the bill.

The PRESIDENT *pro tempore*. The amendment of the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to insert:

To reimburse A. B. Norton, late postmaster at Dallas, Tex., for payments improperly collected by special agents of the Post-Office Department in 1877, $1,853.

Mr. HALE. The committee rejected that.

The PRESIDENT *pro tempore*. Will the Senator from Wisconsin indicate at what point the amendment is to be inserted?

Mr. HALE. What law is there for that?

Mr. SPOONER. What law is there for several of those which have just been adopted.

Mr. HALE. Not any.

Mr. SPOONER. Then, why this discrimination?

Mr. HALE. I have to make it somewhere.

Mr. SPOONER. It would have been better if the Senator had waited.

Mr. HALE. I am sorry to make it with the Senator from Wisconsin.

The PRESIDENT *pro tempore*. Does the Senator from Maine interpose a point of order?

Mr. HALE. I do.

Mr. SPOONER. The amendment has been reported by a standing committee of the Senate, and was referred to the Committee on Appropriations. I think it is in order under the rule.

Mr. HALE. It is a private claim. I do not suppose a committee reporting a private claim and sending it to the Committee on Appropriations makes it in order.

The PRESIDENT *pro tempore*. The Chair will be compelled to rule, if the point of order is made, that under the fourth clause of the sixteenth rule the amendment is not in order.

Mr. MITCHELL, of Oregon. I have been requested by a member of the House of Representatives to submit an amendment. At the end of line 36, of section 8, of the old print, I move to insert:

To pay funeral expenses of the late Lieut. John G. Kyle, First United States Cavalry, $175.

Mr. HALE. I suppose that is subject to the point of order, of course.

The PRESIDENT *pro tempore*. Does the Senator from Maine interpose a point of order.

Mr. HALE. Yes, sir.

The PRESIDENT *pro tempore*. The Chair will sustain the point of order.

Mr. CALL. I move the following amendment, to come in at the end of the bill:

To enable the Secretary of the Senate to pay Henry G. Healy, an employé of the Senate, the difference between the salary he received and the full pay of a messenger, whose services he performed, from January 1, 1882, to May 1, 1884, $1,026.64.

Mr. HALE. There is no law for that.

Mr. CALL. I wish to state that an amendment similar to this has been offered by the Senator from New York [Mr. EVARTS] and the Senator from Connecticut [Mr. HAWLEY]. The person named is a discharged Union soldier, whose record has been sent to me, although the amendment would more properly be presented by some gentleman on the other side.

Mr. Healy was a man of very distinguished gallantry. He was severely wounded, and afterwards resigned from the service. He was in the employ of the Senate for a number of years, and was discharged without cause; and he claims that under the statutes of the United States he was improperly discharged, and that he ought to have the compensation which he has asked for, the difference between that of a skilled laborer and a messenger, he having performed service as a messenger during that period of time.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Maine to interpose a point of order?

Mr. HALE. Yes, sir.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. CALL. I move to add to the bill the following:

For payment to the State of Florida of 50 per cent. of the amount paid by the State of Florida to supervisors and actual enumerators of the interdecennial census of 1885, $9,326.21, to be expended under the direction of the Secretary of the Treasury.

The sum of $9,326.21, to enable the Secretary of the Treasury to pay the State of Florida for taking and completing a census of that State for the year 1885. (See letter of the Secretary of the Interior of January 29, 1887, Forty-ninth Congress, second session, Executive Document No. 63.)

Mr. HALE. There is no law for that.

The PRESIDENT *pro tempore*. Does the Senator from Maine interpose the point of order?

Mr. CALL. What is the point of order?

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Maine to interpose a point of order upon the ground that there is no law for the proposed appropriation?

Mr. CALL. There was a law authorizing that census to be taken, and authorizing the payment to be made to the States taking the census.

Mr. HALE. There is a general law, but there is no law that has been followed in this case by its being regularly presented for the consideration of the Departments, to be audited and certified to Congress as a deficiency appropriation.

Mr. CALL. I do not understand that there is any statute of the United States requiring that to be done anywhere. That is one of the processes of administration in the Departments, but it is not by virtue of any law. There is a law authorizing this payment, and authorizing and requiring the United States to pay 50 per cent. of the cost of taking the census. This has come from the Department and it has been referred to the Committee on Appropriations.

Mr. HALE. But it is not either presented as an estimate nor from a committee of the Senate.

The PRESIDENT *pro tempore*. And the law authorizing the payment is not recited on the face of the amendment. The point of order is sustained.

Mr. HARRIS. I offer an amendment, and I desire to say that it covers a class of claims allowed by the Court of Claims, where the United States as well as the claimant was represented in their investigation. They are better and more carefully audited than any claims that have been paid by the acts of the Congress of the United States.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the several claims hereinafter mentioned, examined, investigated, and reported favorably upon by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," namely:

To Mary Blackwell, of Shelby County, Tennessee, $940.
To Urias Buskirk, of Logan County, West Virginia, $972.
To John M. Campbell, of Gibson County, Tennessee, $1,046.50.
To Anna M. Cogswell, of Garland County, Arkansas, $3,884.
To Henry Bazsinskey, administrator of Abraham Bazsinskey, deceased, of Warren County, Mississippi, $23,848.
To the Corporation of the Roman Catholic Clergymen of Maryland, $4,035.50.
To W. H. Cook, sr., of Saint Mary's Parish, Louisiana, $2,085.
To Elizabeth P. Dyer, of Fayette County, Tennessee, $480.
To Newitt Harriss, of Fayette County, Tennessee, $600.
To David Hildebrand, of Shelby County, Tennessee, $1,078.
To Horace P. Hobson, administrator of John O. Graves, deceased, of Fayette County, Tennessee, $3,231.
To Indiana E. Hughes, administratrix of John P. Hughes, deceased, of Shelby County, Tennessee, $1,436.
To James P. Jenkins, administrator of Thomas C. Jenkins, deceased, of Hardeman County, Tennessee, $1,275.
To Sarah McFerrin, administratrix of Robert Waters, deceased, of Shelby County, Tennessee, $1,753.
To John R. McKennie, administrator of David McKennie, deceased, of Hardeman County, Tennessee, $11,432.
To Sarah E. Mendenhall, of Shelby County, Tennessee, $583.73.
To John A. Oursler's administrator, of Fayette County, Tennessee, $2,439.10.
To Thomas F. Perkins, administrator of Eliza M. Dawson, deceased, of Marshall County, Mississippi, $19,237.68.
To John B. Reid, of Fayette County, Tennessee, $1,000.
To Robert Smith, of Madison County, Tennessee, $510.
To S. H. Brodnax, executor of George T. Taylor, deceased, of Tipton County, Tennessee, $1,435.
To James Tucker, of Fayette County, Tennessee, $500.
To Robert H. Walton, of Hardeman County, Tennessee, $360.
To Americus V. Warr, administrator of Nicholas H. Isbell, deceased, of Fayette County, Tennessee, $13,475.15.
To John R. Watkins, administrator of Matilda W. Anderson, deceased, of Haywood County, Tennessee, $2,530.
To Simon Witkowski, of West Carroll Parish, Louisiana, $7,200.
To Mrs. Ann Moreau, of Avoyelles Parish, Louisiana, $5,595.
To John R. McDowell, administrator of John McDowell, deceased, of Fayette County, Tennessee, $15,570.
To John Loague, administrator of Delos A. Harrell, deceased, of Shelby County, Tennessee, $885.
To T. J. Powell, administrator of Warren M. Benton, of West Carroll Parish, Louisiana, $14,585.
To John H. Mitchell, of Sebastian County, Arkansas, $2,070.
To Duncan Marr, of Montgomery County, Tennessee, $——.

Mr. HALE. I will raise the point of order upon the amendment, because it is simply a list of claimants and amounts of claims, and there is no law and no judgment at the bottom of this amendment. I do not myself fully understand, and I wish the Senator would explain, what these claims are, and whether there is any judgment of the Court of Claims.

Mr. HARRIS. They are claims that have been referred to the Court of Claims, where the claimants and the Government of the United States have been represented by attorneys, and where all the testimony has been submitted, and the Court of Claims have found the facts; and in every case the proper committee of the House of Representatives have reported in favor of these allowances. They are better authenticated than any claim that has been allowed by this Congress on any private bill that has passed through at this or any other session.

Mr. HALE. Have these matters been before the Committee on Claims?

Mr. HARRIS. I referred this amendment to the Committee on Claims, but for a technical reason the Committee on Claims declined to put it on the Fourth of July claims appropriation bill.

Mr. HALE. That is what I am coming to.

Mr. HARRIS. The Senator from Wisconsin [Mr. SPOONER] can answer perhaps as to the reason why it was not put on that bill. But I can not quite understand the reason, because every other claim in that bill was based upon *ex parte* testimony in the Departments and before the committee, while these claims have stood the ordeal of an investigation in the Court of Claims, where the Government as well as the claimant was represented, and the whole claim thoroughly investigated, and every fact found in favor of the claims, just as I have presented it.

Mr. HALE. I should be glad to know what the technical reason was that prevented these claims from being reported in what is called the Fourth of July claims bill?

Mr. HARRIS. That I can not answer, but if the Senator from Wisconsin [Mr. SPOONER], who represents the Claims Committee, or the Senator from Massachusetts [Mr. HOAR] can answer the question, I can not. I do not know why. I do know, or think I know, that they ought to have been allowed as an amendment to that bill.

Mr. SPOONER. I can state in a word to the Senator from Tennessee and the Senator from Maine why the Committee on Claims did not report in favor of the incorporation of this amendment in what is known as the Fourth of July claims bill.

All of the items of that appropriation bill were adjudications made under the Fourth of July act by the Quartermaster-General and the Commissary-General. That act requires that the investigations be made, and that the facts being found and the amounts ascertained, the proper officers of the Treasury Department shall audit the claims. One section refers to an audit for payment.

We found on examination that each year efforts had been made to incorporate in that bill claims other than those provided for by the act of July 4, 1864, and that those efforts had always been unsuccessful. It seems to have been the policy of Congress to confine the Fourth of July claims appropriations to the claims passed upon under the provisions of the Fourth of July act, and we thought it was wise to limit that bill to those claims.

Mr. HALE. The committee did not believe that the claims now presented come within the scope of that statute.

Mr. SPOONER. It was very clear that they did not. No one pretended that these claims came within the provisions of that act.

Mr. HARRIS. But the committee rejected them simply because they did not come within the technical literalisms of that act. The

committee did not doubt that these claims were as carefully audited and as thoroughly established as any other claims which appeared in that bill.

Mr. SPOONER. The committee did not examine the findings of the Court of Claims as to those claims. Congress has not always been willing to adopt the report of the Court of Claims and its findings under the Bowman act, and has not always been willing to make appropriations upon that basis. These claims have never been reported upon by any standing committee, I understand.

Mr. HARRIS. Every one of them has been reported favorably by the committees of the Senate and of the House.

Mr. SPOONER. That is true, sir.

Mr. HARRIS. I desire to say that I yielded to the decision of the Committee on Claims because they did not fall technically within the appropriations that the committee were required to make to pay what are called the Fourth of July claims; but I reiterate the fact that they are better authenticated; they have stood a more severe ordeal; they have stood the ordeal of an investigation in the Court of Claims where both sides were represented, where every fact has been found as to the justice of these claims by the Court of Claims; and they have stood the additional ordeal of having been favorably reported by a committee of the other House. I say that they are better authenticated than any claim that we have appropriated for in the Fourth of July claims bill, or any claim that we have appropriated for in any private bill that this Congress has passed. I therefore ask that they be incorporated in this bill.

Mr. DOLPH. I think if this discussion was to stop here there would be a wrong impression created. In the case of the Fourth of July claims they are sent to the Quartermaster-General and to the Commissary-General to be examined, and then they are audited by the proper auditing officers of the Treasury.

The Bowman act never was intended for any such purpose. It was intended to make use of the Court of Claims merely as an aid to Congress. Cases which are referred to the Court of Claims under the Bowman act are referred there simply for information for the action of Congress. Congress does not determine, in the first place, whether the law authorizes an appropriation to be made or a claim to be paid. The Court of Claims does not determine whether the facts authorize the payment of the claim. Congress is not bound by the facts found by the Court of Claims. Congress may find on the testimony that the facts are even different, in my judgment. But even if that were not so, the report of the Court of Claims would be no more than the report of a master in chancery or of a jury of inquest to ascertain a fact in any legal proceeding.

It was never intended that the report of the Court of Claims under the Bowman act should be the foundation of an appropriation for the payment of the amount found by that court as a judgment; and it would be a very dangerous proposition to maintain that that was the case, and that all that Congress had to do was to make an appropriation for the amount found where a case was referred by the action of a committee of either branch of Congress to the Court of Claims to find the facts.

This amendment was referred to the Committee on Claims, as it is offered here, consisting of a large number of items, without the testimony accompanying them that was submitted to the Court of Claims, without the facts found by the Court of Claims, or at least without those facts being obtained by the committee, without any opportunity for the committee to examine them. It was offered as a single amendment to a bill.

I think the Senator from Tennessee is entirely mistaken in regard to the intention of the Bowman act or the binding force upon Congress of the findings of the court. As I said before, claims under the Bowman act are merely referred to the Court of Claims to furnish information to Congress itself, and to the committees of Congress, to determine, in the first place, whether the facts found by the court are warranted by the testimony, and if not to determine whether the facts found are sufficient upon which to base the payment of a claim; but the court does not pass upon the question of law at all. Congress under that act reserves to itself the right to pay or not to pay the claim upon the law applicable to the facts found.

Mr. HALE. Or upon other facts.

Mr. DOLPH. Or upon other facts that may be presented to the committee when a case is referred. Every one of these claims ought to be referred afterwards to the committee where it originated when sent to the Court of Claims. Each individual claim ought to be examined in connection with the report of the Court of Claims of the facts; and then Congress is to determine whether the claim should be paid.

If we are to give these findings the force of a judgment, as the Senator from Tennessee would have us to do, we might just as well make a law that they shall all go to the Court of Claims for final judgment in the first instance. I think the Bowman act never was intended for any such purpose.

Mr. WHITTHORNE. It occurs to me that the Senate is already committed to the proposition of my colleague, for we have adopted to-night this amendment of the Committee on Appropriations:

To pay the awards of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," namely:

When the act of Congress referred to the Court of Claims the question of the ascertainment of the rights of American citizens was not the legal and logical effect the same precisely as that of the Bowman act? The Bowman act contemplated a reference of a disputed question before Congress, or any of its committees, to ascertain the loyalty of the claimant and the justice and the amount of any claim against the Government. In logical effect there is the precise condition of things under the one act and the other. Inasmuch as the Senate has decided under the pending bill that it is in order to entertain, consider, and pass the claims under the act referred to, providing for indemnity for spoliations committed by the French prior to 1801 upon the American citizen, I submit that it is in order and germane, and legitimate, in connection with that, to consider the amendment proposed by my colleague.

Mr. HARRIS. The Senator from Oregon has kindly informed the Senate what every Senator knew before he did us the favor to give us the information.

Of course the finding of the Court of Claims is not a judgment against the Government, but that Senator, as a member of the Committee on Claims, has reported favorably and adversely upon many claims on the mere *ex parte* affidavits of parties. The claims that I present here have undergone the ordeal and stood the test of investigation, where the Attorney-General of the United States, on the one side, and the attorney of the claimant, on the other, have presented all the facts pro and con.

I repeat that the claims contained in my amendment are better vindicated and have been more carefully audited than any private claims that this Congress has at this or any other session passed or allowed by special bill.

Mr. DOLPH. Will the Senator allow me to ask him a question?

Mr. HARRIS. I will.

Mr. DOLPH. Did the Court of Claims pass upon the question as to whether there was any obligation upon the Government to pay these amounts?

Mr. HARRIS. The Court of Claims have found the facts that the claimant was loyal, and that the property was taken and used for the benefit of the Government, and as to the value of the property.

Mr. DOLPH. Are the facts the same?

Mr. HARRIS. I repeat that that Senator, as well as every other Senator who is a member of the Committee on Claims, has reported many and many bills favorably that were not the thousandth part as well authenticated as each and every one of the claims that are contained in my amendment.

Mr. DOLPH. Does the Senator know at this moment that the report on any one of these claims shows that the property was taken by any officer of the Government or dealt out and used regularly for the benefit of the Government?

Mr. HARRIS. It was the judgment of the Court of Claims; and I would rather trust that judgment than the judgment of the Senator from Oregon upon *ex parte* testimony.

Mr. DOLPH. Does the report show that?

Mr. HALE. I hope the point of order will be decided.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. HARRIS. I beg to say that when the Senator from Maine sits there and allows other private claims not half so well authenticated to be received, I appreciate his question of order and I shall remember it.

Mr. HALE. I am very sorry to have to make the point of order.

Mr. HARRIS. You may be sorry, but I am sorrier than you are.

Mr. HALE. I did not begin with the Senator from Tennessee by any means, I may say.

Mr. HARRIS. I am sorry the Senator did not begin earlier if he intends to resort to the question of order.

Mr. HALE. I am inclined to think I ought to have begun earlier. I began with the Senator from Wisconsin [Mr. SPOONER], a friend of mine on this side of the Chamber, and I stuck to it, and I have been sticking to it ever since, as I am going to do for the rest of the time on.

Mr. HARRIS. I will watch the Senator from Maine to see that the question of order shall be enforced in every case.

Mr. HALE. I shall be very glad to have the assistance of the Senator from Tennessee.

Mr. HARRIS. You shall have it.

Mr. HALE. In section 6, line 2, after the word "Senate," I move to strike out "miscellaneous" and insert "executive," and to fill the blank in line 3 by inserting "123;" so as to read:

That for the payment of the following supplemental list of claims which are fully set forth in Senate Executive Document No. 123, second session Forty-ninth Congress, there is appropriated as follows:

The amendment was agreed to.

Mr. JONES, of Nevada. By the instruction of the Committee on Contingent Expenses, I report an amendment which I send to the desk.

The SECRETARY. In section 1, after line 1726, on page 71, it is proposed to insert:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay to all committee clerks, pages, laborers, and other employés of the Senate and House of Repre-

sentatives who do not now receive annual salaries a sum equal to one month's pay, at the adjournment of the present session of Congress; and the amount necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, and shall be immediately available.

Mr. HALE. I am constrained to make the point of order upon that amendment.

The PRESIDENT *pro tempore*. The Chair deems that the point of order is well taken.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.;

A bill (S. 2382) granting a pension to Alice Kelley; and

A bill (H. R. 9860) to authorize payment to Sergt. James W. Kingon of amount withheld by reason of sentence of general court-martial.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

The PRESIDENT *pro tempore*. If there be no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The amendments will be regarded as concurred in in gross unless some reservation is made.

Mr. EDMUNDS. I wish to reserve the French spoliation amendment.

The PRESIDENT *pro tempore*. The Chair would call the attention of the Senator from Maine to the fact that the amendment on the second page of the bill, beginning in line 22, was passed over during the progress of the bill. The amendment there under the head of "Foreign Intercourse" was passed over at the request of the Senator from Vermont for the production of a document.

Mr. EDMUNDS. That was a private claim; but I have nothing more to say about it, as the bill is filled up with private claims.

The PRESIDENT *pro tempore*. That amendment will be agreed to, if there be no objection. The Senator from Vermont reserves for a separate vote the amendment regarding French spoliation claims.

Mr. EDMUNDS. Now, I make the point of order that every one of the items named in the amendment is merely to provide for the payment of a private claim.

Mr. HARRIS. I hope the Senator will make the point on all private claims.

Mr. EDMUNDS. No; I make it upon those particular ones, for "there's millions in it."

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole other than those reserved by the Senator from Vermont and the Senator from New Jersey?

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question is on the first reserved amendment.

Mr. EDMUNDS. Now, I make the point of order on the French spoliation matters. They are purely for private claims.

Mr. HALE. That point of order was made in Committee of the Whole and overruled.

Mr. EDMUNDS. Not that point.

The PRESIDENT *pro tempore*. The amendments will be stated in their order.

The first reserved amendment made as in Committee of the Whole was to insert, after line 565, the following:

To pay the amounts certified to be due by the accounting officers of the Treasury Department to the Central Pacific Railroad Company for transportation services rendered the War Department over the several railroads which have been built without the aid of Government bonds, as per settlement certificates numbered 8311, 8385, 6575, 6381, 2982, 7248, 6994, 2983, 7338, 7501, and 7236, being for the service of the fiscal year ending June 30, 1885, $135,053.81.

The amendment was concurred in.

The next reserved amendment was, after line 580, to insert:

To enable the accounting officers of the Treasury Department to pay to the Central Pacific Railroad Company, or the Southern Pacific Company, as assignee of the Central Pacific Railroad Company, the amounts found due and which may be found due for transportation services rendered the War Department over the several railroads which have been built without the aid of Government bonds, being for the service of the fiscal year ending June 30, 1886, $251,444.49.

Mr. MCPHERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MCPHERSON. Why can not a vote be taken on all down to line 600.

The PRESIDENT *pro tempore*. That will be done if Senators desire. The question is on the amendment from line 581 to line 600.

The Secretary proceeded to call the roll.

Mr. GRAY (when his name was called). I am paired with the Senator from California [Mr. STANFORD]. If he were present, I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. HAMPTON. I perceive that the Senator from Connecticut [Mr. PLATT] has voted. I will vote then.

The roll-call was concluded.

Mr. COKE (after having voted in the negative). I withdraw my vote, as I am paired.

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Ohio [Mr. SHERMAN]. If present, my colleague would vote "nay."

Mr. DOLPH. I am paired with the Senator from Georgia [Mr. BROWN].

The result was announced—yeas 27, nays 18; as follows:

YEAS—27.

| | | | |
|---|---|---|---|
| Allison, | Farwell, | Jones of Nevada, | Palmer, |
| Bowen, | Frye, | McMillan, | Platt, |
| Cameron, | Hale, | Mahone, | Sewell, |
| Cheney, | Harrison, | Manderson, | Teller, |
| Cullom, | Hawley, | Miller, | Williams, |
| Dawes, | Hoar, | Mitchell of Oreg., | Wilson of Iowa. |
| Edmunds, | Ingalls, | Morgan, | |

NAYS—18.

| | | | |
|---|---|---|---|
| Beck, | Cockrell, | Jones of Arkansas, | Vance, |
| Berry, | Fair, | Kenna, | Van Wyck, |
| Blackburn, | Gorman, | McPherson, | Whitthorne. |
| Butler, | Hampton, | Payne, | |
| Call, | Harris, | Ransom, | |

ABSENT—31.

| | | | |
|---|---|---|---|
| Aldrich, | Dolph, | Mitchell of Pa., | Sherman, |
| Blair, | Eustis, | Morrill, | Spooner, |
| Brown, | Evarts, | Plumb, | Stanford, |
| Camden, | George, | Pugh, | Vest, |
| Chace, | Gibson, | Riddleberger, | Voorhees, |
| Coke, | Gray, | Sabin, | Walthall, |
| Colquitt, | Jones of Florida, | Saulsbury, | Wilson of Md. |
| Conger, | Maxey, | Sawyer, | |

So the amendment was concurrred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The next reserved amendment made as in Committtee of the Whole was, after line 1652, to insert:

To pay the awards of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," namely:

On the schooner Industry, Benjamin Hawkes master, namely: Thomas Cushing, administrator of Marston Watson, $6,555; Charles F. Adams, administrator of Peter C. Brooks, $3,000; William Sohier, administrator of Nathaniel Fellowes, $1,000; H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000.

On schooner Delight, Stephen Curtis, master, namely: George Holbrook, administrator of Edward Holbrook, $6,302; Charles F. Adams, administrator of Peter C. Brooks, $4,000; Ebenezer Gay, administrator of executor of the assignee in bankruptcy of Thomas English, $500; Charles F. Hunt, administrator of Joseph Russell, $1,000; H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000.

On schooner Little Peg, William Auld, master, namely: Francis King Carey, administrator of Samuel Hollingsworth, $5,960.50.

On ship Theresa, James Brown, master, namely: R. Stewart Strobel and Henry L. Bruns, administrators of Thomas Stewart, $6,350.

Mr. EDMUNDS. I make the point of order that that is to provide for a private claim, and nothing else.

The PRESIDENT *pro tempore*. The Chair would rule on the point of order that although private claims they are in pursuance of the language of the fourth clause of the rule under the provision of an existing law, which is cited on the face of the amendment.

Mr. EDMUNDS. But it is a private claim all the same.

The PRESIDENT *pro tempore*. Rule XVI permits amendments for private claims to be offered if they are offered within the provisions of the fourth clause.

Mr. EDMUNDS. But I submit to the Chair with great respect that the law does not provide for their payment. I have read it and nobody insists that it does. Therefore, although they refer to the act, the act does not bear out the fact that the United States owes these people anything. I read the section and will read it again if the Chair desires. That is my point.

The PRESIDENT *pro tempore*. The Chair still holds that the amendment is in order.

Mr. EDMUNDS. Very well.

The PRESIDENT *pro tempore*. The question is on this amendment.

Mr. HALE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRAY (when his name was called). I am paired with the Senator from California [Mr. STANFORD]. If he were present, I would vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL]. If he were present he would vote "yea" and I would vote "nay."

Mr. CULLOM (when Mr. SHERMAN'S name was called). The Senator from Ohio [Mr. SHERMAN] is paired with the Senator from Missouri [Mr. VEST].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

The roll-call having been concluded, the result was announced—yeas 33, nays 12, as follows:

YEAS—33.

| | | | |
|---|---|---|---|
| Aldrich, | Fair, | Ingalls, | Platt, |
| Beck, | Farwell, | Jones of Nevada, | Ransom, |
| Blackburn, | Frye, | Kenna, | Sewell, |
| Blair, | Gorman, | Mahone, | Teller, |
| Bowen, | Hale, | Manderson, | Williams, |
| Call, | Hampton, | Miller, | Wilson of Md. |
| Cameron, | Harrison, | Mitchell of Oreg., | |
| Cheney, | Hawley, | Palmer, | |
| Dawes, | Hoar, | Payne, | |

NAYS—12.

| | | | |
|---|---|---|---|
| Berry, | Edmunds, | Morgan, | Van Wyck, |
| Coke, | Harris, | Plumb, | Whitthorne, |
| Cullom, | Jones of Arkansas, | Vance, | Wilson of Iowa. |

ABSENT—31.

| | | | |
|---|---|---|---|
| Allison, | Dolph, | McPherson, | Sawyer, |
| Brown, | Eustis, | Maxey, | Sherman, |
| Butler, | Evarts, | Mitchell of Pa., | Spooner, |
| Camden, | George, | Morrill, | Stanford, |
| Chace, | Gibson, | Pugh, | Vest, |
| Cockrell, | Gray, | Riddleberger, | Voorhees, |
| Colquitt, | Jones of Florida, | Sabin, | Walthall. |
| Conger, | McMillan, | Saulsbury, | |

So the amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation in Montana Territory.

The message also announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 2441) to amend sections 1, 2, 3, and 10, of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes; the enrolled bill (H. R. 5935) to remove the charge of desertion against William Figley; and they were thereupon signed by the President *pro tempore*.

DEFICIENCY APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

Mr. MORGAN. I move to amend, after the word "one," in line 865 of section 1, by inserting:

And fifty copyists at $720 each.

I offered an amendment to-day to the legislative, executive, and judicial appropriation bill for the purpose of giving an opportunity to the Commissioner of Pensions to appoint persons at $720 a year and another class at $840 a year as copyists in the Pension Office. I was induced to offer that amendment because I had been informed in person by the Commissioner of Pensions, who exhibited great anxiety on the subject, that he needed three hundred and twenty clerks in the execution of the pension law. He had reference to the law recently passed in regard to Mexican war pensions. I do not know whether any application came in from any Department for these three hundred and twenty clerks, if that was the right number, but I am induced to believe that there was some signification of that character here, that the amount of force would be needed.

While this subject was under discussion the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, suggested that perhaps my amendment might have the effect of removing persons from office who now hold office at $1,000 a year. I believe there are three hundred of those now in the office, and I was informed by the Senator that there would appear upon the deficiency bill a claim for three hundred and twenty clerks, if I remember the number aright—it may have been two hundred and twenty, perhaps. The record will show what occurred to-day in the Senate. I thereupon withdrew my amendment, relying upon the fact that that committee would report either three hundred and twenty or two hundred and thirty clerks.

Mr. ALLISON. The Senator from Alabama certainly misunderstood me if he understood me to state that the Committee on Appropriations would report on this bill for adding any particular number of clerks. I simply stated to the Senator that as I understood that clerks would be dismissed before the 1st of July, and on that day I had been informed, and I suppose it is within the report of the Committee on Appropriations, that one hundred and fifty clerks would be employed, and that provision would be made in this bill for the necessary number of clerks; and on examination, if the Senator will turn to page 36, he will find that the House of Representatives has provided for such number of clerks as in its judgment is required for this specific purpose.

Mr. MORGAN. That gives a chief of division at the rate of $1,800 per annum, ten clerks of class 2, and ten clerks of class 1—twenty-one in all, including the chief of division. I do not think I am mistaken at all, and I do not think the Senate could have understood otherwise than that upon the deficiency bill there would come in a demand for quite a large number of clerks, to which my amendment as I offered it to-day would be applicable, and therefore I withdrew it on the legislative bill. I did not withdraw that amendment because it was out of order, or because I did not believe I had the sympathy in my movement of the Senate, but I withdrew it upon the assurance of the committee that this question would come up on this deficiency bill, and that clerks would be demanded in that Department to whom this provision might be applicable. I was quite astonished when the bill came in to-night without any reference to it at all, and so was the honorable Senator from Tennessee, for we understood it alike. The bill came in here with twenty-one clerks, and with the information also that the Commissioner of Pensions had said to somebody in this House or somewhere else—I do not know where—that he intended to dismiss as many as five hundred clerks.

Mr. HALE. I think not as many as that.

Mr. MORGAN. What number?

Mr. HALE. I did not hear the Commissioner make the statement, but I think probably members of the Committee on Appropriations did hear him make the statement that he expected to discharge of the present force from two to three hundred clerks, and the Committee on Appropriations rejected this request for additional clerks upon the simple and apparent theory that if the Commissioner had an old, established, skillful lot of persons there, men and women, he had better keep them than turn them out and put in a lot of fresh ones.

Mr. HARRIS. I should be glad if the Senator from Alabama would allow me to ask the Senator from Maine to get the communication from the Commissioner, because the statements to me are wholly inconsistent with the statement made by him. I wish to know exactly what the Commissioner officially says in respect to this matter.

Mr. HALE. I think there is no doubt as to what he said before the Committee on Appropriations.

Mr. MORGAN. Has he made a communication to the committee in writing?

Mr. ALLISON. There is a communication from the Commissioner of Pensions, in which he does suggest an additional force of two hundred and twenty-one employés.

Mr. MORGAN. That is what he told me.

Mr. ALLISON. That communication is addressed to the Secretary of the Interior, and is dated the 22d day of February.

Mr. MORGAN. And by the Secretary recommended?

Mr. ALLISON. And the Secretary of the Interior recommends an increase of two hundred and twenty-one in the clerical force, and communication was transmitted to the House of Representatives by Mr. Manning, the Secretary of the Treasury, and after this communication was sent to the House of Representatives the House committee reported the legislative bill, carrying the clerical force of the Pension Office, and reported also this bill, and made the provision only which is to be found on page 36 of this bill.

The Secretary of the Interior appeared personally in the room of the Committee on Appropriations with reference to the legislative bill, and he did not make a suggestion of an increase of force in this case. The Committee on Appropriations of the Senate, so far as I know, have had no recent communication with reference to this subject.

Mr. HARRIS. But his attention was called to the suggestions of the House of Representatives. There is his recommendation in writing. Was his attention called to the fact that the other House had allowed less than he had asked for?

Mr. ALLISON. I will not say that the attention of the Secretary of the Interior was specially and directly called to this communication, but I will say that his attention was called to the clerical force in his Department, covering not only the Pension Bureau but all the other bureaus in it, and he made a great many suggestions, but none in reference to this office.

Mr. HARRIS. There is a written recommendation for a given amount of force for a given purpose, and if he made no retraction of that recommendation the inference is to me certainly that he stands upon it.

Mr. MORGAN. The production of that paper, which I have never had the pleasure of seeing before, makes my motion in order to the number of two hundred and twenty-one clerks.

I am quite surprised to find that no attention has been paid to this request either in the House of Representatives or in the Senate. The Secretary of the Interior and the Secretary of the Treasury, as I understand, and the Commissioner of Pensions have required these clerks, and we are met now with some vague, uncertain, unreliable declaration that some commissioner has said to somebody at some time that he expected to turn out as many perhaps as five hundred clerks on the 1st of July.

I confess that I am unable to understand this thing. The Senate is not enlightened by this committee in regard to the facts of this case, and I was misled this morning in regard to the legislative bill in respect of this very particular matter.

Either the Government wants the clerks asked for in this communication thus deliberately and solemnly made, or it does not want them. I maintain that we ought to vote these clerks into this bill, or at all events we ought to take advantage of this opportunity to make some provision for those people in this town and elsewhere in the United States who may come here that are willing to do this work at $720 a year that we are now paying $1,000 for.

I suppose that the Republican party, having its employés there at a thousand dollars, are unwilling to accept the services of people who offer to do the same kind of work just as well for $720, and therefore the Committee on Appropriations and the committee of the other House have neglected entirely this recommendation of the Secretary of the Interior and the Commissioner of Pensions.

Now, what is the purpose of all this? Here are persons who are willing to serve the Government of the United States at a lower rate than $1,000 a year, and serve it just as well as those who are in office, and the Congress of the United States refuses to accept their services and will vote down my amendment when I offer it as I have before the Senate.

I protest that I have not the slightest feeling in the world in regard to this matter except in one respect, and that I stated to-day. There are persons in this city to-day who are entirely competent to do this work, and who depend upon an opportunity to get it for the bread of life. They can not get away from Washington city. They have been invited here by members of Congress and by their friends, their former political friends, Republicans in this town many of them. They have held office under the Government, and in one way and another they have gone out of office. They have been supplanted through the importunities of members of Congress who demand personal patronage at the expense of many of the poor women in this town.

I repeat what I said to-day, and I do it under the solemnity of the position I hold on this floor, that ladies of the highest respectability, ladies of real accomplishments, ladies who have enjoyed wealth and luxury in life, who are now strong and active and ready to work, have come to me in the Marble room of the Senate Chamber, with the blanch of hunger on their faces, asking for opportunity at the hands of Senators, including myself, to obtain employment. Now, at the close of this Forty-ninth Congress, when we have been squandering our millions amongst persons who have higher or less claims to them, jobbers, lobbyists, contrivers, sappers and miners of the Treasury, men who hold high positions at large salaries who are indulged from year to year in the mere perfunctory performance of the duties of office, we come on this morning of the 4th of March just as the sun is rising, and after having scattered these millions into the hands of our pets and favorites and influential people, notwithstanding the recommendation of the Secretary of the Interior and the Commissioner of Pensions, we refuse to scatter the crumbs of bread that are left in our hands among these poor, penniless, dependent, and yet virtuous and good women, and while we do that we know, as every Senator on this floor has reason to know, that persons under the operation of the civil-service law have elected themselves to places who are utterly unworthy of any recognition at all; and those modest people who have not got the hardiness and the brass upon their cheeks to assist themselves into place by importunity have to go back to the darkness of poverty and into dismay, while we sit here at the close of this Congress and refuse to give the Commissioner of Pensions an opportunity to appoint them unless they can go before a civil-service commission and prove, through geography and arithmetic and history and other branches of education, that they are adepts according to the scrutiny of a civil-service commission.

Mr. EDMUNDS. "Practical printers!"

Mr. MORGAN. Perhaps they may be, or practical engineers or something of that kind. We have a great many ways of judging the qualifications of people in this country, but I notice that the most popular and familiar way is to judge of persons when they go after office. If they have no temptations to offer they are lost, whether they are political temptations or personal temptations, and if they have none to offer they are lost. If they have nothing to recommend them but decent character, honest bringing up, faithful adherence to principle, obedience to the laws of God and of society, a modest delicacy when they look a man in the face, if they have nothing to recommend them but these homely and, I regret to say, these unusual qualities, they are neglected, and what a regret do they leave to the members of Congress who neglect them in their opportunities to do them justice.

Now, let us think of these things for a moment and ask ourselves the question whether we can afford to shut the door in the face of their fears and their importunities and whether we can afford to depart from these precincts where honor and justice and a sentiment of noble and high manhood have always prevailed, leaving these people uncared for.

If we are representative men so far as the offices of this country are concerned we represent all who are worthy of office, and if we can not make the personal selections ourselves there are reasons why we should leave the selections in the hands of the men who are charged with the duty of making them upon the ground of the personal fitness of the applicant for the place, and that personal fitness does not consist merely in the ability to answer questions that might be put by a schoolmaster with the prospect of a successful answer to a boy or girl of thirteen or fifteen years of age. They ought to be asked questions that relate to the character, the fitness, the industry, the honesty, and the integrity of these people.

If you can do a better thing for the Departments in Washington city than to place in the midst of these office-holders an element of strong, earnest, honest Christian virtue and fortitude, I do not know what it is that you can resort to that would be better for you. They need it more than they need anything else. If there is any one thing that is needed among the men and women who hold the offices in this town it is that tempering influence which brings them up to an understanding of their responsibility to society and God for their conduct; and if you will take, not through civil-service recommendations, through geography and arithmetic and history, but through that knowledge of character which impresses itself upon every human mind in the world—if you will take under influences of this kind the women that we can put into office in this city you can leaven the whole lump after a while so that it will at last become an irreproachable public service.

But just as it is I can only confess that I think it needs this leaven very much, and I believe the very best opportunity to get it is not through the Civil Service Commissioners, but through the enlightened and instructed judgment of men who are responsible for the choice they make, for the people they select, men to whom we can go and ask why they appointed this man or that woman to an office.

Mr. President, the amendment being in order, the necessity having been established by this demand coming from a Department of this Government, the opportunity being afforded, I hope the Senate of the United States will accord this much of opportunity to these people to be employed in the service of the Government when they offer and are willing to do it for $720 a year, if not in the place of, at least to do the work done by, those who are now getting $1,000 a year.

### JURISDICTION OF UNITED STATES COURTS.

Mr. WILSON, of Iowa. I desire to submit a conference report which will not require any action.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate.

JAMES F. WILSON,
GEORGE F. HOAR,
*Managers on the part of the Senate.*

D. B. CULBERSON,
J. R. TUCKER,
A. X. PARKER,
*Managers on the part of the House.*

The PRESIDENT *pro tempore*. Will the Senate agree to the report?

Mr. EDMUNDS. There is no necessity of action. The House recedes.

### UNITED STATES COURTS AT BAY CITY, MICH.

Mr. WILSON, of Iowa. I desire to submit another conference report, which should have been submitted some days ago but was overlooked.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan, at Bay City, in said district, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendment.

JAMES F. WILSON,
JOHN J. INGALLS,
J. Z. GEORGE,
*Managers on the part of the Senate.*

JOHN H. ROGERS,
A. A. RANNEY,
*Managers on the part of the House.*

Mr. WILSON, of Iowa. That does not need any action.

### DEFICIENCY APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

Mr. HOAR. I move to amend the amendment of the Senator from Alabama [Mr. MORGAN] by adding these words:

To be appointed after examination and selected in accordance with the provisions of the law known as the civil-service law.

Mr. PLUMB. I rise to submit a conference report.

Mr. HALE. I move to lay the pending amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Kansas has risen to present a conference report.

Mr. HALE. I wish to enter the motion, not to interfere with the Senator from Kansas.

SETTLERS AND PURCHASERS OF LAND IN KANSAS AND NEBRASKA.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments and agree to the House bill with amendments as follows: In line 28, after the word "thereof," insert "so certified as hereinbefore provided."

In line 43, after the words "referred to," insert "his or their heirs, assigns, or legal representatives."

In line 47, after the word "Treasury," insert "such person, his heirs, assigns, or legal representatives."

And the House agree to the same.

P. B. PLUMB,
JAMES H. BERRY,
*Managers on the part of the Senate.*
WM. M. SPRINGER,
W. H. SOWDEN,
JAMES LAIRD,
*Managers on the part of the House.*

Mr. PLUMB. I move the adoption of the report.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I now submit the conference report on the Post-Office appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

P. B. PLUMB,
WM. MAHONE,
JAS. B. BECK,
*Managers on the part of the Senate.*
JAMES H. BLOUNT,
JOHN M. TAYLOR,
HENRY H. BINGHAM,
*Managers on the part of the House.*

Mr. HARRIS. What is "amendment numbered four?"

Mr. PLUMB. That amendment which the Senator from Tennessee in some infelicitous language a few hours ago spoke of as a subsidy.

Mr. EDMUNDS. Are the papers here?

The PRESIDENT *pro tempore*. The Senator from Vermont inquires if the papers are in possession of the Senate.

Mr. PLUMB. They are here.

The report was concurred in.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I ask the Chair to lay before the Senate the District of Columbia appropriation bill.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

Mr. PLUMB. I present the report of the conference committee on that bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have been unable to agree.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*
WM. L. WILSON,
BEN. LE FEVRE,
D. B. HENDERSON,
*Managers on the part of the House.*

Mr. PLUMB. I will state that the differences are the same as they were at the time the last conference was granted—the provision for school facilities in the District of Columbia and the question of appropriations for the streets and the distribution of the same. I believe the House of Representatives has asked for a conference. I move that the Senate further insist on its amendments and agree to the request of the House for a further conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

DEFICIENCY APPROPRIATIONS BILL.

The Senate resumed the consideration of the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

Mr. HALE. I move to lay the amendment of the Senator from Alabama [Mr. MORGAN] on the table.

Mr. HARRIS. On that I ask for the yeas and nays.

Mr. ALLISON. I ask the Senator from Maine to yield to me.

Mr. HALE. I withdraw the motion for a few moments.

Mr. ALLISON. I wish to say to the Senator from Alabama that in my discussion this morning, or rather yesterday morning, on the legislative appropriation bill I stated no number, but stated to him and the Senate at that time that I understood the deficiency bill would provide for this force, because it was contemplated that this whole question would be out of the way by the 1st of July next. At that time I did not know whether or not the Committee on Appropriations would report an increased clerical force for this purpose over and above the force provided for in this bill.

I have before me the testimony taken by the House Committee on Appropriations respecting this very subject, and that testimony will show that the House went into the subject quite fully and examined General Black on the whole question, and General Black said, among other things in his testimony before the House committee, that during the next fiscal year, certainly at the end of it, he would have largely reduced his present force of fifteen hundred and forty-one persons.

Mr. HARRIS. After July next?

Mr. ALLISON. After July next. And he also stated to this committee that his estimate for this force of two hundred and twenty-one clerks was an estimate which would enable him to bring up the entire work by the 1st day of July next; and he stated to the committee that if it was not expected that this work should be completed by the 1st day of July, a smaller force would do for the service.

In the book which I have before me it is disclosed that not only the Pension Bureau but other Departments of the Government, for instance, the Adjutant-General's Office and other bureaus of the War Department, will necessarily be called upon for information with reference to the Mexican war pensions as they are now called upon with reference to the ordinary pensions. So the House committee, after going over this whole question and finding that General Black himself believed that he could dispense with a large number of his present force soon after the first of July, and in a year from the first of July could dispense with at least two hundred and twenty of them, thought it was wiser and better for the service to allow this whole Mexican pension business to run into the ordinary operations of the office and utilize the force that is there now, which is a trained force and which can much better perform the duties required of it with reference to these examinations than can a new set of people; and they believed that with the addition provided for in this bill the Commissioner of Pensions could go on with the pension cases as he goes on with other pension cases. The Mexican pension claims can not be expected to be concluded on the first of July. They cover a large number of persons (from 40,000 to 50,000 in all) almost certainly 50,000. The pensioners are widows and all classes of people, and these soldiers must expect to run, as the soldiers of the war of the rebellion have run, some of them for ten, fifteen, and twenty years, with their pension-claims pending in the Pension Office without having an opportunity of having them disposed of.

So we do not want the Senator from Alabama to suppose that here is a present urgent, absolute necessity that requires a particular, specified force to accomplish a particular, specified thing within three months.

Mr. HARRIS. Will the Senator send that paper to the Secretary's desk and have it read? I want to hear what the Commissioner of Pensions and the Secretary of the Interior say.

Mr. ALLISON. It will give me great pleasure to have this read. This is the examination before the Committee on Appropriations of the House. I certainly have no objection to having it read; but if the Senator from Tennessee insists on the reading of that paper I shall be obliged to ask the Senator from Maine to allow me to present a conference report.

Mr. HALE. I yielded on my motion to lay the amendment on the table with the understanding that it was only for a moment. If the Senator has finished and the Chair will recognize me, I will make the motion.

Mr. HARRIS. I rise to a privileged question. I want the communication from the Interior Department read.

Mr. ALLISON. It is not a communication. It is testimony taken before the House committee.

Mr. HARRIS. Very well; I want it read. I want to hear exactly what it is, because I have some statements from the Department myself.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Maine to move to lay the amendment of the Senator from Alabama on the table.

Mr. HALE. I feel constrained to make that motion; it has been debated on both sides.

Mr. MORGAN. I desire to know what is the number of the force employed now in the Pension Bureau who are not mere copyists.

Mr. ALLISON. There are a number of copyists.

Mr. MORGAN. A large number?

Mr. ALLISON. Not a very large number. The great bulk of this force is of a higher grade than copyists. Although I have not consulted with General Black on the subject, every other Commissioner of Pensions who has ever been before the Committee on Appropriations has said that he had no use for copyists, that what he desired was a force that could examine pension cases.

Mr. MORGAN. General Black informed me that he would need a large number of copyists, persons who had no skill in making examinations, and it was upon that hypothesis that I moved this amendment.

Mr. ALLISON. I have not been consulted about it.

Mr. MORGAN. He told me so, and therefore I offered the amendment.

Mr. HALE. I renew the motion to lay the amendment on the table.

Mr. HARRIS. Can I not have that communication from the Secretary of the Interior or the Commissioner of Pensions read?

The PRESIDENT *pro tempore*. That would be in the nature of debate. A motion to lay on the table is not debatable.

Mr. HARRIS. I am quite aware of that, but here is a communication from the head of one of the Executive Departments of the Government with respect to the subject-matter, I suppose——

Mr. HALE. It is not an executive communication; it is only a partial report of some examination.

Mr. HARRIS. Does the Senator from Maine object to allowing it to be read to the Senate?

Mr. HALE. I object to any more debate, as the question has been discussed on both sides.

Mr. HARRIS. Very well.

The PRESIDENT *pro tempore*. The question is on the motion to lay the amendment on the table.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

The roll-call was concluded.

Mr. GRAY (after having voted in the negative). I withdraw my vote, as I am paired with the Senator from California [Mr. STANFORD].

Mr. COKE (after having voted in the negative). I withdraw my vote, as I am paired.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "nay."

Mr. HAMPTON. I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. SABIN (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. SPOONER. I transfer my pair with the Senator from Mississippi [Mr. WALTHALL] to my colleague [Mr. SAWYER], and vote "yea."

Mr. HAMPTON. Then I vote "nay."

The result was announced—yeas 28, nays 15; as follows:

YEAS—28.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Ingalls, | Plumb, |
| Allison, | Edmunds, | Jones of Nevada, | Ransom, |
| Blair, | Farwell, | McMillan, | Sewell, |
| Bowen, | Hale, | Mahone, | Spooner, |
| Cameron, | Harrison, | Miller, | Van Wyck, |
| Cheney, | Hawley, | Mitchell of Oreg., | Williams, |
| Cullom, | Hoar, | Platt, | Wilson of Iowa. |

NAYS—15.

| | | | |
|---|---|---|---|
| Beck, | George, | Kenna, | Vance, |
| Berry, | Gorman, | Morgan, | Whitthorne, |
| Call, | Hampton, | Payne, | Wilson of Md. |
| Fair, | Harris, | Teller, | |

ABSENT—33.

| | | | |
|---|---|---|---|
| Blackburn, | Dolph, | Manderson, | Sawyer, |
| Brown, | Eustis, | Maxey, | Sherman, |
| Butler, | Evarts, | Mitchell of Pa., | Stanford, |
| Camden, | Frye, | Morrill, | Vest, |
| Chace, | Gibson, | Palmer, | Voorhees, |
| Cockrell, | Gray, | Pugh, | Walthall. |
| Coke, | Jones of Arkansas, | Riddleberger, | |
| Colquitt, | Jones of Florida, | Sabin, | |
| Conger, | McPherson, | Saulsbury, | |

So the amendment was ordered to lie on the table.

Mr. HAWLEY. I wish the Senator would yield to me for a moment for a matter of current business.

Mr. HALE. We are just about through now.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORT OF COAST AND GEODETIC SURVEY.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred the House concurrent resolution for printing the report of the United States Coast and Geodetic Survey, to report it without amendment. I ask its immediate consideration.

The PRESIDENT *pro tempore*. The resolution reported by the Senator from Connecticut will be read.

The resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 5,000 additional copies of the Report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary progress sketches and illustrations, showing the progress made in said survey during the year ending June 30, 1886, 1,000 copies of which shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by said superintendent.

Mr. HAWLEY. I believe this is the usual annual resolution.

The resolution was concurred in.

BARRACKS PROPERTY IN NEWPORT, KY.

Mr. BECK. The next House bill but one on the Calendar under the Harris rule is a bill to authorize the sale of the United States barracks property in the city of Newport, Ky., and the purchase of a new site and the erection of buildings thereon. I ask that it may be considered. I have been trying for a week to get a chance to call it up.

Mr. HOAR. I move to proceed to the consideration of executive business, but I will withdraw for the Senator from Kentucky. I make the motion now so that I may have a right to make it hereafter.

Mr. McMILLAN. I desire to give notice——

Mr. HOAR. I withdraw the motion.

Mr. BECK. I insist on my motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6066) to authorize the sale of the United States barracks property in the city of Newport, Ky., and the purchase of a new site and the erection of buildings thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the legislative bill.

The PRESIDENT *pro tempore*. The report of the committee of conference will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 20, 30, 34, 36, 37, 44, 45, 46, 49, 52, 53, 54, 55, 56, 59, 81, 82, 83, 92, 93, 94, 101, 102, 112, 113, 117, 119, 120, 127, 128, 130, 132, 133, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 21, 23, 24, 25, 25½, 26, 27, 28, 29, 31, 32, 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 57, 58, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 85, 86, 87, 88, 89, 90, 91, 97, 98, 99, 100, 105, 106, 107, 110, 115, 116, 118, 121, 122, 125, 126, 129, 131, 136, and 137, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "and disbursing clerk;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "one clerk of class 1; one clerk at $1,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,800;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,000;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,925,000;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out amended by inserting "first day of March" in lieu of "thirty-first day of January;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$195,690;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,700;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,800;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,600;" and the Senate agree to the same.

Amendments numbered 3 and 14: As to amendments numbered 3 and 14, the committee are unable to agree.

W. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
*Managers on the part of the House.*

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*

Mr. PLATT. What are the amendments on which the conferees are unable to agree?

Mr. ALLISON. The managers on the part of the House were unable to assent to the amendment providing clerks to Senators. That is the point. They could not agree to it without some further consultation with the House of Representatives.

Mr. PLATT. The two amendments are practically one.

Mr. ALLISON. They are one amendment, one of them being a footing.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist on its amendments numbered 3 and 14 to the legislative bill.

The motion was agreed to.

### BRIDGE ACROSS MISSISSIPPI RIVER AT WINONA, MINN.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of House bill No. 10146 and the other House bridge bills on the Calendar. There are four of five of them.

The PRESIDENT *pro tempore*. The motion can only be entertained for one bill at a time.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### LUTHER F. WARDER.

Mr. VOORHEES. I ask leave to call up a joint resolution from the House of Representatives, which will take but a moment. It is Order of Business 2334, House resolution 82.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 82) for the relief of Luther F. Warder. It proposes to pay Luther F. Warder, assistant doorkeeper of the House of Representatives, $394.06, that sum being the difference between the pay of Doorkeeper and assistant-doorkeeper of the House of Representatives for the period of time between the 15th of July, 1885, and the 7th of December, 1885, he having acted as Doorkeeper of the House during that time.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DISTRICT PUBLIC SCHOOLS.

Mr. HOAR. I move that the Senate proceed to the consideration of the resolution authorizing the Committee on Education and Labor to inquire into the condition of the schools in this District, reported this morning.

Mr. MCMILLAN. I yield for that purpose, but I wish to proceed with the other bridge bills immediately afterwards.

Mr. HOAR. Let the resolution as amended by the committee be read.

The resolution as proposed to be amended by the Committee to Audit and Control the Contingent Expenses of the Senate was read, as follows:

*Resolved*, That the Committee on Education and Labor be instructed to inquire into the condition of the public schools of the District of Columbia, especially as compared with that of the schools in other cities of the United States, and report upon the same to the next session of Congress. Said committee shall be authorized to sit during the recess, send for persons and papers, and employ a stenographer, the expense of said inquiry to be paid from the contingent fund of the Senate.

The Senate proceeded to consider the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

### VICKSBURG AND MERIDIAN RAILROAD COMPANY.

Mr. GEORGE. I move to take up Order of Business 2359. It is a local bill, and I desire to state that I have not been one of those who have asked to take up bills out of their order, but older Senators do it, and I ask it now.

Mr. MCMILLAN. I thought it was understood that the bridge bills were to be disposed of immediately on the disposition of the resolution just acted on.

Mr. GEORGE. I ask the Senator to give way. This will take but a very short time, and it is the only request of the sort I have made. It is a local bill.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves to proceed to the consideration of a bill, the title of which will be reported.

The CHIEF CLERK. "A bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### NEW YORK CUSTOM-HOUSE FRAUDS.

Mr. ALDRICH. From the Committee on Finance I report the testimony in relation to the undervaluation of imported merchandise, taken by that committee under the order of the Senate. I ask that it may lie on the table and be printed.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

### FIREMEN'S INSURANCE COMPANY.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 11063) extending the charter of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 834) for the relief of John A. London; and it was thereupon signed by the President *pro tempore*.

### CONSIDERATION OF BRIDGE BILLS.

Mr. MCMILLAN. I ask the unanimous consent of the Senate to proceed to the consideration of the remaining House bills on the Calendar authorizing the construction of bridges in different parts of the country. There are four or five such bills left, and they can be disposed of without much delay.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of certain bills upon the Calendar from the House of Representatives for the construction of bridges. Is there objection?

Mr. VANCE. I should like to inquire if those bills will give rise to any discussion.

The PRESIDENT *pro tempore*. The Chair is not able to advise the Senator.

Mr. MCMILLAN. I think not.

Mr. VANCE. I have no objection to their consideration if they can be passed without discussion.

Mr. TELLER. I do not believe there will be any discussion upon them. There are no amendments, I understand.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Minnesota? The Chair hears none. The Senator from Minnesota will indicate the bills.

Mr. MCMILLAN. The first is House bill 10098.

The bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to strike out section 6 and to insert at the end of section 7 the following:

And if the construction of said bridge shall not be commenced in good faith within two years from the approval of this act, and completed within five years from the same date, the rights and privileges herein granted shall cease and be null and void.

Mr. WILSON, of Iowa. I hope the amendment will not be agreed to.

Mr. McMILLAN. It was recommended by the committee and is an important amendment.

Mr. WILSON, of Iowa. The adoption of the amendment simply kills the bill. It is a House bill, and if it goes back there with an amendment that is the end of it; and it is important to various interests that the bill should pass.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Commerce.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee river at or near the foot of the Mussel Shoals Canal, and for other purposes, was considered as in Commitee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri, River at Pierre, Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HEIRS OF JACOB CRAMER.

Mr. CAMERON. I move that the Senate proceed to the consideration of the bill (H. R. 3642) for the relief of the heirs of Jacob Cramer.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Pensions to issue to the heirs of Jacob Cramer a bounty-land warrant for 200 acres of land, for services rendered by him as a lieutenant in the Pennsylvania Continental Line in the Revolutionary war, Jacob Cramer being entitled thereto, pursuant to the resolution of the Continental Congress of September 16, 1776, and the provisions of the act of July 27, 1842, extended by the act of February 8, 1854.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ARMS FOR STATES.

Mr. VANCE. I move that the Senate proceed to the consideration of the bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal so much of section 3 of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, approved March 3, 1875, as provides that so much of the appropriations between the 1st of January, 1861, and the 9th of April, 1865, under the act of April 23, 1808, therein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion, shall be covered into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DISTRICT PHYSICIANS TO THE POOR.

Mr. CHENEY. I move that the Senate proceed to the consideration of the bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to fix the compensation of the physicians to the poor in the District of Columbia at $50 per month each, so long as employed, to date from January 1, 1887.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation in Montana Territory; and it was thereupon signed by the President *pro tempore*.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 277) for the relief of Samuel P. Evans.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888; and

A bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

### EXTRA PAY FOR EMPLOYÉS.

Mr. VANCE. I move that the Senate proceed to the consideration of Senate joint resolution 107.

The motion was agreed to; and the joint resolution (S. R. 107) providing for one month's extra pay for certain employés of the Senate and House of Representatives was considered as in Committee of the Whole.

It proposes to direct the Secretary of the Senate and the Clerk of the House of Representatives to pay to all committee clerks, pages, laborers, and other employés of the Senate and House of Representatives who do not now receive annual salaries a sum equal to one month's pay at the adjournment of the present session of Congress.

Mr. HARRIS. I move to add at the end of the bill the following proviso:

*Provided*, They shall not receive pay for more than four months.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

### ORDER OF BUSINESS.

Mr. CALL. I move that the Senate proceed to the consideration of the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

Mr. HOAR. That was reported adversely.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The attention of the Chair is called to the fact that the bill does not come within the Harris rule, for it appears to have been reported adversely.

Mr. CALL. I am willing to give way for the consideration of House bills unobjected to, but I want a vote on this bill, as it is a House bill, and a very important one to the State of Florida. But I will give way for the present if there are any House bills to be considered to which there is no objection.

Mr. HOAR. I am informed that it is very doubtful whether the clerks can enroll in the time left the bills already passed. I move that the Senate proceed to the consideration of executive business.

Mr. SABIN. Will the Senator from Massachusetts withhold his motion just a moment?

Mr. HOAR. I yield to the Senator from Minnesota.

Mr. SABIN. I have been informed by a member of the other House that if the joint resolution which I hold in my hand can be sent over there, there is very little question about their being able to pass it there. There is great interest felt in the measure. It is the joint resolution (S. R. 114) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit.

Mr. HARRIS. If it be a Senate joint resolution I object, because there is no hope of action on it in the other House.

Mr. SABIN. I am informed that there is no question about its passage there.

Mr. HARRIS. I object all the same.

Mr. SABIN. The delegation there have looked over the ground.

The PRESIDING OFFICER. The Senator from Tennessee objects to the request of the Senator from Minnesota.

Mr. HOAR rose.

Mr. COCKRELL. I hope the Senator from Massachusetts will withhold his motion until I can make just one remark in response to the Senator from Florida [Mr. CALL].

The Senator from Florida has moved to take up a bill that is an exceedingly important one: to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes. I am compelled to object to that, because it would lead to a long discussion. While the Senator doubtless thinks the claim is due the State, I do not think any of it is, and I think that after discussion it can be shown that there is nothing due the State.

Mr. CALL. Mr. President——

Mr. HOAR. Regular order.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 2441) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and to further regulate the jurisdiction of circuit courts of the United States, and for other purposes;

A bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected;

A bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River, and a certain island thereon;

A bill (H. R. 6066) to authorize the Secretary of War to improve and enlarge the barracks at Newport, Ky.;

A bill (H. R. 3642) for the relief of the heirs of Jacob Cramer;

A bill (H. R. 10040) to provide for holding terms of court at Mississippi City, Miss.;

A bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 11063) extending the charter of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia;

A bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; and

Joint resolution (H. Res. 82) for the relief of Luther F. Warder.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After three hours and eighteen minutes spent in executive session the doors were reopened; and the Senate resumed its legislative session at 9 o'clock and 45 minutes a. m. (Friday, March 3, 1887).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss.;

A bill (S. 2414) for the relief of Miss Eula E. Henry; and

A bill (S. 130) for the relief of John Fletcher.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 277) for the relief of Samuel P. Evans;

A bill (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico;

A bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia;

A bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi;

A bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States;

A bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.;

A bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.;

A bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes;

A bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points; and

A bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River, at or near Guntersville, Ala., and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNES, Mr. LE FEVRE, and Mr. MCCOMAS managers at the conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 8337) for the relief of James Brice; and

A joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE it was

*Resolved*, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, and that it had receded from its disagreement to the third and fourteenth amendments of the Senate to the said bill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2414) for the relief of Miss Eula E. Henry;

A bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss.; and

A bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

PUBLIC BUILDING AT RICHMOND, IND.

Mr. VOORHEES. I move to take up Senate bill 132.

The motion was agreed to; and the bill (S. 132) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 12, after the word "exceed," to strike out "one hundred" and insert "seventy-five;" so that the section will read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase suitable grounds in the city of Richmond, in the State of Indiana, and caused to be erected thereon a suitable public building, with a fire-proof vault, for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city. The cost of the site, and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed $75,000: *Provided*, That no money appropriated for this purpose shall be available until a valid title to the grounds for said building shall be vested in the United States, nor until the State of Indiana shall cede to the United States exclusive jurisdiction over the same, during the time

the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil processes therein.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "of," to strike out the words "one hundred" and insert "seventy-five;" so that the section will read:

SEC. 2. That the sum of $75,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended in the purchase of said grounds and the erection of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and to be read a third time.

The bill was read the third time, and passed.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 15, 24, 36, 37, 38, 39, 40, 48, 49, 50, 56, 57, and 62.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 10, 11, 14, 17, 18, 25, 26, 27, 42, 43, 45, 46, 52, 54, 55, 58, 59, 60, 61, 63, and 64; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out of said amendment the word "preparing" and insert in lieu thereof "completing;" and strike out the sum named in said amendment and insert in lieu thereof "$1,000;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named insert "$16,500;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum named insert "$1,200;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum named insert "$9,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum named insert "$61,190;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum named insert "$80,000;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter stricken out and proposed to be inserted insert the following:

"For improvement of streets and avenues named in the schedule of work on city streets and avenues proposed for the fiscal year 1888, contained in the annual report of the commissioners of the District of Columbia for the year ended June 30, 1886, pages 146 and 147, being part 6, House Executive Document No. 1, Forty-ninth Congress, second session, as follows: In Georgetown, $45,000; in the northwest section, including the pavement of New Jersey avenue from M street to Boundary street northwest, $140,000; in the southwest section, $50,000; in the southeast section, $65,000; in the northeast section, $50,000; and for filling streets below grade, at not exceeding 10 cents per cubic yard, $10,000; in all, $360,000: *Provided*, That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2 per square yard for a quality equal to the best laid in the District prior to July 1, 1886, and with same depth of base."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum named insert "$65,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum named insert "$30,000;" and the Senate agree to the same.

Amendments numbered 21 and 22: That the House recede from its disagreement to the amendments of the Senate numbered 21 and 22, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert the following in lieu thereof:

"For current work of repairs on county roads and suburban streets, $25,000."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"For constructing county roads and suburban streets, including the completion of the Eastern Branch road, the Benning's Bridge road, the Tennallytown road, and the Bladensburg road, $50,000; no part of the above amount to be expended in the laying out of new roads or streets."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and on page 7, in line 27, strike out "ten thousand" and insert "two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum named insert "$7,500;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum named insert "$50,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum named insert "$35,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named insert "$122,500;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out from said amendment the words "for ice boat;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum named insert "$770,970;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert "and no increase in salaries paid to teachers in grades now receiving $900 or more, and no increase in the number of teachers in any of such grades shall be made, and the minimum compensation shall not be less than at the rate of $300 per annum, and the names of and actual compensation paid to each teacher under this provision shall be reported to Congress at its next session by the commissioners;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"For buildings for schools, and for furniture for same: For building an addition to the Columbia road school, $3,000; for building an addition to the Hamilton road school, $3,000; for building an eight-room school building on the lot adjoining the Wallach school building, $25,000; for building an eight-room school building on the lot adjoining the Sumner school building, $25,000; for building an eight-room school building in school division No. 4, $25,000.

"For the erection of an eight-room school building in school division No. 2, $25,000; for the purchase of a site for the same, $10,000, or so much thereof as may be necessary.

"For the erection of an eight-room school building in school division No. 7 or 8, $25,000; for the purchase of site for same, $10,000, or so much thereof as may be necessary.

"For the erection of an eight-room school building in division No. 3, $25,000; for the purchase of a site for same, $10,000, or so much thereof as may be necessary.

"For the purchase of a site and building a school building in school division No. 2, $35,000; for the purchase of proper and sufficient furniture for the several buildings aforesaid, $8,000; for providing and causing to be erected and affixed to such of the school buildings in the District of Columbia as require the same, under the provisions of the act approved January 26, 1887, entitled 'An act for the further protection of property from fire, and safety of lives, in the District of Columbia,' such iron fire-escapes and combined stand-pipes and ladders, or either of said appliances, as may be approved and adopted by the commissioners of said District, $6,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and fifteen;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum named insert "$11,500;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum named insert "two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,900;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out all after the word "necessary," in line 7 of said amendment, and in lieu thereof insert the words "to provide the District with proper institutions of this character;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

WM. L. WILSON,
BEN. LE FEVRE,
D. B. HENDERSON,
*Managers on the part of the House.*

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*

The PRESIDENT *pro tempore*. Will the Senate agree to the conference report?

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich.; in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

Mr. COCKRELL. Mr. President——

The PRESIDENT *pro tempore*. With the permission of the Senator from Missouri, the Chair lays before the Senate messages from the House of Representatives.

The bill (H. R. 8337) for the relief of James Brice was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 9921) for the erection of a public building at East

Saginaw, Mich., was read twice by its title, and referred to the Committee on Public Buildings and Grounds; and

The joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit was read twice by its title, and referred to the Committee on the Library.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. I submit a conference report.

The report was read, as follows:

The committee of conference on the disagreetng votes of the two Houses on the amendments of the Senate to the bill (H. R. 9798) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have been unable to agree.

H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
*Managers on the part of the Senate.*
WM. H. FORNEY,
SAM. J. RANDALL,
BENJ. BUTTERWORTH,
*Managers on the part of the House.*

Mr. DAWES. Mr. President, I wish to detain the Senate a moment upon this report. The history of this negotiation up to the present time has been given to the public in both Houses of Congress. I do not desire to go over that ground at all, or to change anything that was stated in the Senate in reference to it. It is with infinite regret that the conferees on the part of the Senate are obliged to make this report. They feel that they have receded very much in order to reach a conclusion and to save the essence and vitality of the measure designed to bring about an efficient system of coast defense and fortification.

Their plan, which they submitted to the committee, is embraced in the form of an act which I have here, which I ask may be printed in the RECORD, and along with it I desire to have printed the plan which at the last moment, after nearly six months of fruitless negotiation, was submitted on the part of the managers of the other House. The country will judge between these two propositions where the blame lies that nothing has been done by this Congress towards the bringing about the inauguration of some efficient system for fortifications.

The main difference, upon which there seems to be an irreconcilable antagonism, will be found in what is section 8 of the proposition submitted on the part of the Senate conferees. It is upon the question of securing steel for the purpose of making steel guns of the highest type.

The question between the conferees on the part of the Senate and on the part of the House may be summed up in one sentence, whether steel guns shall be subordinated to cast-iron guns or cast-iron guns subordinated to steel guns. The whole plan submitted on the part of the conferees of the House seemed to the conferees of the Senate to subordinate steel guns of the highest type to the cast-iron guns. The effort on the part of the conferees of the Senate was to subordinate the cast-iron gun to the steel gun, not to do away with it entirely, but to hold out and to cling to the effort to avail ourselves of present knowledge and present advance in the manufacture of steel and the construction of steel guns as the primary object in undertaking to improve the fortifications of our harbors. On the other hand it was an effort that our conferees had to encounter to the proposition to manufacture largely cast-iron guns, and to enter into a slow and postponed process of manufacturing steel guns, the first of which would not be made under two years and a half or more, and after that we should undertake the creation of a plant for the assembling of the rough parts of steel which are to be produced by private contractors induced from that point to create a plant for the manufacture of guns.

The conferees on the part of the Senate were anxious to enter at once upon some system that would produce at the earliest possible moment steels guns of the highest type, and at the same time carry on for immediate necessity and for all the uses to which it was possible to apply them, the construction of cast-iron guns of the best possible quality. All this effort in reference to steel was, by the proposition on the part of the House, subordinated and postponed to the manufacture and construction of iron guns. Upon this irreconcilable difference the conferees have been compelled to differ. Of course there is no opportunity for further conference upon this bill, and I shall not ask for a new conference.

I ask that these two propositions may be printed in the RECORD, and to them I invite the attention, not only of the Senate, but all that part of the public that is anxious for some efficient mode of proceeding to fortify our coasts and our harbors.

SENATE CONFEREES' PROPOSITION.

An act making appropriations for fortifications and other works of defense, for the armament thereof, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, namely:

SECTION 1. For the protection, preservation, and repair of fortifications and other work of defense, and for the construction of sea-walls, $125,000.

SEC. 2. For torpedoes for harbor defense; the purchase of submarine mines and necessary appliances to operate them; for needful casemates, cable-galleries, and appliances to render it possible to operate submarine mines; for continuing torpedo experiments, and for practical instruction of engineer troops in detail of the service, $100,000.

SEC. 3. For experiments in guns and projectiles for high explosives, including the purchase of guns, projectiles, and targets for such tests as the board hereinafter authorized shall direct, $100,000.

SEC. 4. For the procurement of powders, projectiles, fuses, implements, and materials for the service of heavy guns, for the alteration of seacoast carriages, and for the compensation of draughtsmen on gun-construction while employed in the Ordnance Bureau, $200,000.

SEC. 5. For the purchase, manufacture, and erection of the necessary buildings, tools, machinery, and fixtures for a gun factory for the finishing and assembling of heavy ordnance at such arsenal as said board may select, having due regard to proximity of material, approach, by rail and water, and security, $500,000.

SEC. 6. To complete the guns now under fabrication by the Ordnance Department, and for testing the same, as follows: One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars on Woodbridge plan, $20,000; for testing the same, $25,000; one 10-inch breech-loading steel-hooped gun, $20,000; for testing the same, $25,000: one 10-inch breech-loading rifle, cast-iron, wire-wrapped, $1,500; for testing the same, $12,000; one 8-inch breech-loading steel-hooped gun, $10,000; for testing the same, $12,000; for testing one 12-inch breech-loading rifle, cast-iron, steel-tubed, $20,000; for testing one 12-inch breech-loading rifle, cast-iron, hooped and tubed with steel on the French system, $20,000; for testing one 12-inch breech-loading mortar, cast-iron, hooped with steel, $12,000.

That the sum of $57,000, or so much thereof as may be necessary, of the unexpended balance of $400,000 appropriated by the act of March 3, 1883, for armament of fortifications, is hereby reappropriated and made available for the construction and payment of the guns authorized by said act and now being constructed by the South Boston Iron Works, under contracts dated September 24, 1883, and June 30, 1884; and the extension of said contracts is authorized accordingly.

SEC. 7. For the construction of 12-inch rifled mortars, either of cast-iron, steel-hooped, or mortars principally or all of cast-iron, or mortars principally or all of steel, either muzzle-loading or breech-loading, all as the board hereinafter provided for shall determine, to fire a projectile weighing not less than 615 pounds, to have a maximum range and an accuracy of fire, if of cast-iron to be equally efficient in all respects to any cast-iron mortars of such size yet tested by the Government; if cast-iron, steel-hooped, or if made principally or all of steel, to be equally efficient in all respects with [the steel] mortars of the best kind at present made by others of like system, as shown by the published records of like tests. If any have stood the required test then the board may retest and purchase therefrom such mortars of such system as proves most efficient to the extent permitted by this appropriation, cost, effectiveness, and time of delivery being considered, $500,000.

SEC. 8. That the said board is hereby authorized and required to make contracts with responsible steel manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered forged steel in forms suitable for heavy ordnance adapted to modern warfare, for Army and Navy purposes, in quantity not to exceed 10,000 gross tons, in quality and dimensions conforming to specifications, which shall insure the production beyond reasonable doubt of sound and reliable material, possessing the necessary tensile strength, elasticity, and extensibility to adapt it to the construction of guns of high power, subject to inspection and tests at each stage of manufacture and including all the parts of each caliber specified: *Provided*, That no money shall be expended except for steel accepted and delivered; and each bidder shall contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and the largest calibers at the expiration of not more than three years from the date of the execution of the contract; and all the forgings shall be of American product and manufactured in the United States; and one-half of the material purchased under this provision shall be for the use of the War Department, and one-half for the use of the Navy Department, in the armament of ships heretofore or hereafter authorized by Congress; and for the purposes of this section the sum of $6,000,000 is hereby appropriated, to be available during six years from the date of the execution of the contract.

SEC. 9. For the manufacture of twenty 12-inch cast-iron rifle-guns, about 33 calibers length of bore, and weight not less than 104,000 pounds, not exceeding $520,000; for carriages suitable for the same, and such projectiles as the board may order for these guns, including the proving and transportation of these guns, $480,000. Each gun, before it is accepted, shall be subjected to such test as shall be prescribed by said board, not less in effect than that prescribed by statute of July 5, 1884, section 2, making appropriations for fortifications, and other purposes, and such other test shall be applied as may be ordered by the board or thought necessary to enable it to determine that such guns are equal in all respects to the 12-inch cast-iron rifle made by the South Boston Iron Company and now at Sandy Hook.

SEC. 10. Whoever shall produce one or more 12-inch breech-loading single-charge rifle-guns, of not more than 33 calibers in length of bore, and not more than 104,000 pounds weight, for projectiles of not less than 800 pounds weight each, which guns are to be made principally or wholly of steel, or principally or wholly of cast-iron, each supplied with projectiles, powder, implements, ordnance supplies, and including all incidental expenses of such a test as is hereinbefore provided for, shall, for each test gun so provided by him or them which withstands the test prescribed, without such injury as would prevent some continuation of the firing, be paid for the same, by direction of said board, if such gun or guns be made principally of steel, at the price of $160,000 each, and if made of cast-iron principally, at the price of $80,000 each, which sums of money are to be accepted as the full prices of the guns and the cost of the test, but not including the cost of the carriages therefor, which, if furnished by the party providing the gun, shall, if it be found suitable for use with such gun, be paid for at a price of not more than $25,000; but should the carriage for testing any such guns be provided by the Government, it shall be paid for by the party whose gun is tested thereon if the gun shall, by bursting, destroy the same before the gun has been fired to the prescribed test. In testing the trial guns the Government shall furnish free of charge the use of proving grounds for range and accuracy, the necessary butts for durability, and targets for penetration, and bear all expense of handling and transporting the guns, and for this purpose and for any further expense of testing such guns $500,000 is hereby appropriated.

The plans of the guns of either kind, the breech-loading mechanism, the system of rifling, the projectiles adapted thereto, and the kind of powder or powder and cases therefor used may be of the kinds heretofore approved by the War and Navy Departments, or may be after original designs or plans and proportions satisfactory to the projector and producer; and the guns furnished by any party, and all the supplies therefor, shall be furnished without any cost to the Government until such guns have endured the prescribed test. If any gun or guns made principally of steel or principally of cast-iron shall be provided which withstand the prescribed test, all such guns shall, if the producer of the gun desires, be further tested at the expense of the Government, under the joint direction of the party producing such gun or guns and the board, until it is fully determined which of the steel guns are the most durable and serviceable, and which of such cast-iron guns are the most durable and serviceable, and that steel gun so selected and the cast-iron gun so selected as the best of its kind shall be contracted for by the board with the party or parties producing such steel gun and such cast-

iron gun. The contract to be for fifty steel guns at 65 cents per pound, with a carriage suitable for each gun, to be delivered therewith, the price of the carriage to be one-third that of the gun, and some projectiles for each gun, the carriage to be bought of the party who produces the gun, provided he or they will furnish such carriages suitable in all respects for use wherewith. The projectiles to be of such kind as the board shall determine, and shall be furnished by the party who furnishes these service guns, on condition that the board can make satisfactory contract therefor. For purchasing these fifty 12-inch steel rifles, $3,380,000; for carriages therefor, $1,125,000; for proving these guns, transportation of the guns and carriages, and for such projectiles as the board may purchase for use therewith, $500,000.

For thirty cast-iron guns, which shall in like manner have stood the prescribed tests, for each gun at the price of not over 25 cents per pound, $780,000; and for thirty suitable carriages therefor, $540,000; for projectiles for these cast-iron guns, to be contracted for by the board under such specifications as they may direct, and for proving these guns and carriages and transportation of the same, $300,000; these carriages and projectiles to be purchased of the party furnishing the said guns if the board can make suitable contract therefor.

The contract for the steel guns or for the cast-iron guns may each be increased to sixty, if the Government shall desire. If more than one of either of each kind has been provided and withstands the prescribed test, then the firing shall continue, under the same conditions and under direction of the board and at the cost of the Government, until it is determined unquestionably which of either or each class has the best endurance, and the board shall report with a recommendation what action ought to be taken with regard to the other gun or guns of either or both kinds which have withstood the prescribed test, but have been excelled in endurance under the continued firing.

SEC. 11. For service and experimental seacoast carriages, and testing the same, $150,000.

SEC. 12. The President of the United States shall appoint an advisory board, to consist of the Secretaries of War and Navy, and the general commanding the Army, and two civilians, the civilians to be appointed by and with the advice and consent of the Senate, which board shall make, execute, and supervise all contracts and authorize all payments provided for by this act. The contracts for material procured under this act, except when made at Government shops, except as herein otherwise directed, shall be awarded to the lowest and best responsible bidder, after proper advertisement, and under such conditions and specifications as the board may determine; and the board shall certify that prices under which contracts are awarded are reasonable and just. The board shall determine, except as otherwise directed, the order and time of delivery of the steel forgings, guns, mortars, and appliances, and all other material, under such checks and rules as it may determine, and have general supervision of all tests necessary to carry out the provisions of this act. The board is further authorized to examine inventions and designs of heavy ordnance, carriages, projectiles, torpedoes, and other defensive appliances which may be submitted to it, and may contract for an 8-inch multicharge gun of such proportions and on such terms as the board may consider for the interest of the Government, and to be tested in such manner and to such extent as the board may direct. For the purpose of carrying out the provisions of this section, $100,000.

SEC. 13. The compensation of the civilian members of the board shall be $7,000 per annum. In the payment of such services, and the contingent and necessary expenses of the board, $40,000, or so much thereof as may be necessary, is hereby appropriated. No person shall be eligible as a member of this board who has any pecuniary interest, either directly or indirectly, in the material, manufacture, or inventions to be employed in the construction or operation of the defenses herein provided for.

SEC. 14. All the material entering into the construction of the armaments herein provided for shall be of American material and manufacture. The appropriations herein made shall remain available until otherwise ordered by Congress. The board herein provided for shall annually report its operations to the Secretary of War, for submission to Congress, at the beginning of each session, which report shall state in detail the amount expended under each section of this act and the progress made in carrying out its provisions, with such additional information as the board may deem advisable.

SEC. 15. All tests to which any material or gun shall be subjected shall be determined and published by said board in advance of any such offer of contract for the furnishing of the same, and there shall be no differences in the test applied to any material or gun furnished or finished by the Government, and a like material or gun furnished by any private contractor.

HOUSE CONFEREES' PROPOSITION.

An act making appropriations for fortifications and other works of defense, for the armament thereof, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, namely:

SECTION 1. For the protection, preservation, and repair of fortifications and other works of defense, and for the construction of sea-walls, $125,000.

SEC. 2. For torpedoes for harbor defense; the purchase of submarine mines and necessary appliances to operate them; for needful casemates, cable-galleries, and appliances to render it possible to operate submarine mines; for continuing torpedo experiments, and for practical instruction of engineer troops in detail of the service, $100,000.

SEC. 3. For experiments in guns and projectiles for high explosives, including the purchase of guns, projectiles, and targets for such tests as the board of defense hereinafter authorized shall direct, $100,000.

SEC. 3. For the procurement of powders, projectiles, fuses, implements, and materials for the service of heavy guns, for the alteration of seacoast carriages, and for the compensation of draughtsmen on gun-construction while employed in the Ordnance Bureau, $300,000.

SEC. 5. For the purchase, manufacture, and erection of the necessary buildings, machinery, tools, and fixtures for a gun-factory for the finishing and assembling of heavy ordnance, to be erected at such arsenal as the board of defense hereinafter provided for may select, $550,000. In determining upon the location the board shall fully consider the facilities for transportation both by water and rail, the proximity to the establishments which may be likely to furnish the materials to be worked, and freedom from danger from hostile forces.

SEC. 6. To complete the guns now under fabrication by the Ordnance Department, and for testing the same, as follows: One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars on Woodbridge plan, $20,000; for testing the same, $25,000; one 10-inch breech-loading steel-hooped gun, $20,000; for testing the same, $25,000; one 10-inch breech-loading rifle, cast-iron, wire-wrapped, $1,500; for testing the same, $12,000; one 8-inch breech-loading steel-hooped gun, $10,000; for testing the same, $12,000; for testing one 12-inch breech-loading rifle, cast-iron, steel-tubed, $20,000; for testing one 12-inch breech-loading rifle, cast-iron, hooped and tubed with steel on the French system, $20,000; for testing one 12-inch breech-loading mortar, cast-iron, hooped with steel, $12,000.

That the sum of $50,000, or so much thereof as may be necessary, of the unexpended balance of $400,000 appropriated by the act of March 3, 1883, for armament of fortifications, is hereby reappropriated and made available for the construction and payment of the guns authorized by said act, and now being constructed by the South Boston Iron Works under contracts dated September 24, 1883, and June 30, 1884; and the extension of said contracts is authorized accordingly.

SEC. 7. For the construction of 12-inch rifle mortars, either of cast-iron, steel-hooped, or mortars principally or all of cast-iron, or mortars principally or all of steel, either muzzle-loading or breech-loading, all as the board hereinafter provided for shall determine, to fire a projectile weighing not less than 615 pounds, to have a maximum range and an accuracy of fire, if of cast-iron to be equally efficient in all respects to any cast-iron mortars of such size yet tested by the Government; if cast-iron, steel-hooped, or if made principally or all of steel, to be equally efficient in all respects with the steel mortars of best kind at present made by others of like system, as shown by the published records of like tests. Unless the trial mortars herein provided for reach the above test they shall not be purchased. If any of said mortars reach the above-specified standard, then the board shall pay an equitable price therefor. If any have stood the required test, then the board may select and purchase therefrom such mortars of such system as seems most efficient, to the extent permitted by this appropriation, cost, effectiveness, and time of delivery being considered; and each service mortar purchased shall be provided with suitable carriage and fifty projectiles, $500,000.

SEC. 8. The standard weight for projectiles for testing 8, 10, and 12-inch rifled guns shall not be less than 250, 500, and 800 pounds, respectively. The standard weight of rifled guns to be tested for endurance and of service guns shall not be more than 33,000, 65,000, and 104,000 pounds, respectively, for 8, 10, and 12-inch rifles.

SEC. 9. For the purchase of oil-tempered steel forgings, rough-dressed, of dimensions suitable for 8-inch, 10-inch, and 12-inch rifles, according to specifications provided by the board of defense; for finishing the same and converting it into finished breech-loading guns at the Government shop or shops; for testing three rifled guns, one 8-inch, one 10-inch, and one 12-inch caliber; for accuracy, range, durability, and penetration; for carriages for the guns to be made from the steel to be purchased from the funds provided in this section, and for projectiles for these guns, $6,000,000: *Provided*, That no steel shall be paid for which does not fill the specifications under which it was purchased, and that only so much steel shall be bought for the guns provided for in this section as shall be required for one 8-inch, one 10-inch, and one 12-inch rifle, other than that required to replace some parts of one of these three guns until they shall have been made and tested sufficiently to determine that they will each endure two hundred rounds of firing with a weight of projectile of not less than one one-hundred and thirtieth part of the weight of the gun and a muzzle velocity of 2,000 feet per second, and each has withstood without serious derangement or injury a rapid firing test of twenty rounds in eighty minutes from the 8-inch rifle, for twenty rounds in one hundred minutes from a 10-inch rifle, and of twenty rounds in one hundred and twenty minutes from a 12-inch rifle: *And provided further*, That these guns shall, of either size, have equaled or exceeded in endurance that of any gun of similar caliber which has been made and tested before July 1, 1891, or July 1, 1892, as provided in this act.

Should these guns, or any of them, fail to fulfill these conditions without more expense for repairs than can be put upon them ordinarily for 5 per cent. of the cost of the gun, if fired two hundred rounds with 2,000 feet muzzle velocity of the projectile, or 10 per cent. if fired two hundred rounds with a projectile of the prescribed standard weight and an average muzzle velocity of not less than 2,200 feet per second, then no more of these guns shall be made from the funds appropriated in this section. If these three guns fulfill all these conditions, the balance of the money appropriated in this section may be expended for the purposes provided; but steel for these guns shall only be purchased to the extent that it can be paid for and converted into such guns as fill all the requirements of this section, with a suitable carriage and a suitable number of projectiles for each gun, all to be paid for from the money provided in this section, and of the guns so provided there shall be an equal number of each of the specified sizes. A sufficient amount of this six millions shall be reserved to complete the proof tests provided for service guns as herein provided for, which shall be applied thereto. The projectiles to be provided for these guns shall be made or purchased under specifications to be provided by the board of defense.

SEC. 10. For service and experimental sea-coast carriages, and testing the same, $150,000.

SEC. 11. For the manufacture of twenty 12-inch cast-iron rifle guns, about 33 calibers length of bore, and weight not less than 104,000 pounds, not exceeding $520,000; for carriages suitable for the same, and such projectiles as the Board may order for these guns, including the proving and transportation of these guns, $480,000. Each gun, before it is accepted, shall be tested with not less than five nor more than ten rounds with the service charge of powder and projectiles, which shall give 1,750 feet velocity per second to an 800-pound projectile; and such other test shall be applied as may be ordered by the board or thought necessary to enable it to determine that such guns are equal in all respects to the 12-inch cast-iron rifle made by the South Boston Iron Company and now at Sandy Hook.

SEC. 12. Whoever shall produce one or more 12-inch breech-loading single-charge rifle-guns, of not more than 33 calibers in length of bore, and not more than 104,000 pounds weight, for projectiles of not less than 800 pounds weight each, which guns are to be made principally or wholly of steel, or principally or wholly of cast-iron, each supplied with projectiles, powder, implements, ordnance supplies, and including all incidental expenses of a test of two hundred rounds, to be fired as hereinafter provided for, shall, for each test gun so provided by him or them which withstands the test of two hundred rounds hereinafter prescribed, without such injury as would prevent some continuation of the firing, be paid for the same, by direction of the board of defense, if such gun or guns be made principally of steel, at the price of $160,000 each, and if made of cast-iron principally at the price of $80,000 each, which sums of money are to be accepted as the full prices of the guns and the cost of the tests, but not including the costs of the carriages therefor, which, if furnished by the party providing the gun, shall, if it be found suitable for use with such gun, be paid for at a price of not more than $25,000; but should the carriage for testing any such guns be provided by the Government, it shall be paid for by the party whose gun is tested thereon, if the gun shall, by bursting, destroy the same before the gun has been fired two hundred rounds.

But no trial or test gun shall be paid for unless it endure the test of firing not less than two hundred rounds with a weight of projectile of not less than 800 pounds from the 12-inch rifle, nor less than one one-hundred and thirtieth part of the weight of the gun, and with an average muzzle velocity for two hundred rounds of not less than 2,000 feet per second, and of these two hundred rounds not less than twenty shot of the prescribed weight shall be fired within two hours, and the firing of this two hundred rounds shall not disable the gun so much as to prevent some continuation of the firing without repairs exceeding 5 per cent. of the cost of the gun ordinarily, if the average velocity of the projectiles is 2,000 feet per second; or such repairs as may cost ordinarily 10 per cent. of the price of the gun if the average velocity reached for two hundred rounds is 2,200 feet per second. In testing the trial guns the Government shall furnish free of charge the use of proving grounds for range and accuracy, the necessary butts for durability, and targets for penetration, and bear all expense of handling and transporting the guns, and for this expense and for the further expense of testing guns after they have been fired the two hundred rounds prescribed, $500,000.

The plans of the guns of either kind, the breech-loading mechanism, the system of rifling, the projectiles adapted thereto, and the kind of powder or powder and cases therefor used may be of the kinds heretofore approved by the War and Navy Departments, or may be after original designs or plans and proportions

satisfactory to the projector and producer; and the guns furnished by any party, and all the supplies therefor, shall be furnished without any cost to the Government until such guns have endured the prescribed test of firing two hundred rounds with a weight of projectile of not less than 800 pounds nor less than one one-hundredth and thirtieth part of the weight of the gun with an average muzzle velocity for such two hundred projectiles of 2,000 feet per second. This firing shall proceed under the joint direction of the producer of the gun and the board, and after one hundred rounds have been fired twenty rounds shall be fired with the prescribed standard weight and velocity of projectile within two hours of time during consecutive firing.

This twenty rounds of continuous firing in two hours may be made at any time after the gun has been fired one hundred rounds, but shall be done before the two hundred rounds are completed, and the firing of this two hundred rounds shall not disable the gun so much as to prevent some continuation of the firing without repairs exceeding 5 per cent. of the cost of the gun ordinarily, if the average velocity of the projectiles is 2,000 feet per second, or such repairs as may cost ordinarily 10 per cent. of the price of the gun, if the average velocity reached for two hundred rounds was 2,200 feet per second. And the test of the trial gun must be such as to make it reasonably certain that, firing from service guns made on any such system, twenty rounds in two hours, of the standard weight of projectiles, with a velocity of 2,000 feet per second, would not disable the service gun.

If any gun or guns made principally of steel or principally of cast-iron shall be provided which withstand the prescribed test of two hundred rounds with the prescribed weight and velocity of the projectile, at least twenty rounds of which were fired consecutively within two hours, all such guns shall, if the producer of the gun desires, be further tested at the expense of the Government, under the joint direction of the party producing such gun or guns and the board, until it is fully determined which of the steel guns are the most durable and serviceable, and which of such cast-iron guns are the most durable and serviceable, and that steel gun so selected and the cast-iron gun so selected as the best of its kind shall be contracted for by the board with the party or parties producing such steel gun and such cast-iron gun.

The contract to be for fifty steel guns at 65 cents per pound, with a carriage suitable for each gun to be delivered therewith, the price of the carriage to be *one-third that of the gun, and some* projectiles for each gun, the carriage to be bought of the party who produces the gun, provided he or they will furnish such carriages suitable in all respects for use therewith. The projectiles to be of such kind as the board shall determine, and shall be furnished by the party who furnished these service guns, on condition that the board can make satisfactory contract therefor. For purchasing these fifty 12-inch steel rifles, $3,380,000; for carriages therefor, $1,125,000; for proving these guns, transportation of the guns and carriages, and for such projectiles as the board may purchase for use therewith, $500,000.

For thirty cast-iron guns, which shall in like manner have stood the prescribed tests, for each gun at the price of not over 25 cents per pound, $780,000; and for thirty suitable carriages therefor, $540,000; for projectiles for these cast-iron guns, to be contracted for by the board under such specifications as they may direct, and for proving these guns and carriages and transportation of the same, $300,000; these carriages and projectiles to be purchased of the party furnishing the said guns, if the board can make suitable contract therefor.

The contract for the steel guns or for the cast-iron guns may each be increased to sixty, if the Government shall desire. If more than one of either of each kind has been provided and withstands the prescribed test, then the firing shall continue, under the same conditions and under direction of the board and at the cost of the Government, until it is determined unquestionably which of either or each class has the best endurance, and the board shall report with a recommendation what action ought to be taken with regard to the other gun or guns of either or both kinds which have withstood the prescribed test, but have been excelled in endurance under the continued firing.

It is herein provided that all guns contracted for as provided in this section, to be delivered for service, shall be tested at the place or places where built, by the party furnishing the same, or at such other suitable place or places as he or they may provide, with not less than five nor more than ten rounds from each gun, with that charge equal to the maximum charge endured for two hundred rounds in the trial gun on which the contract for the gun of such calibre was made, the Government to furnish an officer to witness such test at the time the party making the gun shall desire.

The gun shall endure such test without more injury than the ordinary wear and tear of such guns should be, or that the ordinary wear and tear of the trial gun was in firing a like number of rounds of equal energy. The Government shall not accept guns which are seriously injured by this test or which are injured more than the ordinary wear and tear of such guns, unless the injured parts are replaced or made good, when the gun may be again tested, and must endure the test before it shall be accepted without more injury than ordinary wear and tear that such number of fires shall produce. The powder, cartridges, and projectiles for these tests shall be paid for by the Government at a reasonable price therefor.

SEC. 13. The President of the United States shall appoint a board of defense, to consist of the Secretaries of War and Navy, and the General commanding the Army, and two civilians, the civilians to be appointed by and with the advice and consent of the Senate, which board shall make, execute, and supervise all contracts and authorize all payments provided for by this act. The contracts for material procured under this act, except when made at Government shops, except as herein otherwise directed, shall be awarded to the lowest responsible bidder, after proper advertisement, and under such conditions and specifications as the board may determine; and the board shall certify that prices under which contracts are awarded are reasonable and just.

The board shall determine, except as otherwise directed, the order and time of delivery of the steel forgings, guns, mortars, and appliances, and all other material, under such checks and rules as it may determine, and have general supervision of all tests necessary to carry out the provisions of this act. The board is further authorized to examine inventions and designs of heavy ordnance, carriages, projectiles, torpedoes, and other defensive appliances which may be submitted to it, and may contract for an 8-inch multicharge gun of such proportions and on such terms as the board may consider for the interest of the Government, and to be tested in such manner and to such extent as the board may direct. For the purpose of carrying out the provisions of this section, $100,000.

SEC. 14. The compensation of the civilian members of the board shall be $7,000 per annum. In the payment of such services, and the contingent and necessary expenses of the board, $40,000, or so much thereof as may be necessary, is hereby appropriated. No person shall be eligible as a member of this board who has any pecuniary interest, either directly or indirectly, in the material, manufacture, or inventions to be employed in the construction or operation of the defenses herein provided for.

SEC. 15. All the material entering into the construction of the armaments herein provided for shall be of American material and manufacture. The appropriations herein made shall remain available until otherwise ordered by Congress. The board herein provided for shall annually report its operations to the Secretary of War for submission to Congress, at the beginning of each session, which report shall state in detail the amount expended under each section of this act and the progress made in carrying out its provisions, with such additional information as the board may deem advisable.

SEC. 16. It is hereby provided that all guns for competitive trial and tests to be made and tested as provided in this bill shall be finished ready for test on or before January 1, 1891: *Provided*, That if no 12-inch rifle gun made principally or wholly of steel has been completed and offered for test at that time, which shall withstand the prescribed test of two hundred rounds, then the time for accepting guns for competitive test as herein provided shall be extended to January 12, 1892. The board of defense shall make all reasonable efforts to make all the tests provided for as quickly as possible after any such gun is ready for test; and all the test experiments shall be open to the inspection and observation of all parties furnishing guns for test as provided in this act.

SEC. 17. That with a view of utilizing a portion of the now useless guns on hand; that is to say, the Parrott guns, and the 11, 10, 9, and 8 inch smooth-bores, to the extent which shall seem desirable and in the shortest possible time, as follows:

For the conversion of twenty-two 300-pounder Parrott guns on hand into muzzle-loading rifle guns of 11-inch caliber, for projectiles of 250 pounds weight; forty-two 200-pounder or 8-inch Parrott guns into 9-inch muzzle-loading rifle guns, for projectiles of 150 pounds weight, and forty-two 100-pounder or 6.4-inch Parrott guns into 7-inch rifle guns, for projectiles of 100 pounds weight; one muzzle-loading rifle gun, six hundred and six in all, at a price not to exceed an average of $1,000 per gun, inclusive of transportation; and the board is hereby authorized and directed to cause two or more guns of each caliber and kind of the above guns to be converted as above proposed, beginning with the largest calibers, and have them fired for durability sufficient to properly judge what kind and quantity of powder may probably be used in these converted guns to have them endure from one hundred to one hundred and forty rounds each before bursting; and if the board after such tests think it desirable to alter the specified one hundred and six guns to be so converted, they shall contract, after duly advertising, for the conversion of these one hundred guns, with fifty projectiles for each, provided that all such guns shall be rifled with the uniform twist of the rate provided in the new army and navy guns of similar caliber, but with no more than six-tenths or three-fourths as many grooves, the grooves and lands to be correspondingly wider unless the board find by actual test of one or more guns that the greater number is desirable.

The projectiles to be of the prescribed weight and suitable for use in these guns, and to be furnished at a price of not more than 10 cents a pound. They shall be full caliber cast-iron shot and shell, with chilled fronts to the extent that the board think best, and shall have brass or bronze packing-rings at the rear, and if the board think best shall have a guide-band of brass or bronze at the front. The conversion of these guns and the procuring of the projectiles therefor shall be done as soon as practicable after the rifling is fully determined upon and the size and number of grooves fixed. Suitable contracts to be made for each of these parts of the work after due advertisement.

For the conversion of one hundred and six guns, their transportation and the supply and transportation of five thousand three hundred projectiles therefor, including the conversion and test of the three sizes of the trial guns, $225,000, or so much as the board may find necessary of that amount.

SEC. 18. Section 2 of an act making appropriations for fortifications and other works of defense, and for the armament thereof, and so forth, approved July 5, 1884, is hereby repealed.

Mr. COCKRELL. I move to lay on the table the motion of the Senator from Virginia [Mr. MAHONE] to reconsider the vote by which the resolution I presented in relation to the Executive Departments was passed.

Mr. HAWLEY. Has the report of the conference committee been disposed of?

The PRESIDENT *pro tempore*. The accompanying documents have been ordered to be printed in the RECORD.

Mr. HAWLEY. I desire to say a word with regard to it before it passes away.

Mr. DAWES. The report has not been adopted.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] asked that the report be printed in the RECORD; which was ordered, there being no objection.

Mr. DAWES. No; the two propositions on the part of the Senate conferees and the House conferees make no part of the record but are printed in the Congressional RECORD if the Senate consent; but I suppose the question should be submitted to the Senate whether this report will be accepted or not.

Mr. HAWLEY. I wish only to emphasize in a very few words this most extraordinary condition of affairs.

There is no fortification bill for the current year or for the next year. For two whole years, so far as the Army is concerned, with coast defenses and heavy guns nothing whatever has been done. There is no money to cut the grass along the glacis of our forts, there is not money enough to buy paint to save the old guns from rusting, there are no nails and shingles for the old sheds, the dwellings in the forts—not one solitary cent. The workshops and what we have—it is a good deal in value if not adapted to modern warfare—what little we have is left to go to rack and ruin for the coming two years.

The simple statement of that fact is a most extraordinary indictment of somebody. I have no doubt whatever that if this whole subject can be left open to the full and free deliberation of Congress, high, patriotic, progressive, enterprising ground will be taken by both Houses, by the whole Congress. I have no doubt that if Congress had been permitted to discuss these questions it would have done what would have been substantially a credit to it. So far as the Senate is concerned the debate has been unlimited and the record will show that our votes have been up to the highest demands of the times. On both sides of the Chamber there has been nothing of great national concern in many years concerning which the gentlemen of this Chamber have been so substantially and so heartily united. It is practically a unanimous determination of the Senate that our defenses of all kinds need renewal and must be renewed.

Now let the country say where the blame shall be. I am not speaking of it at all in a partisan sense. I can not, even yet, after all I have heard for eight months concerning conferences on this year's appropriation bill, possibly fathom the motives of those men who have deliberately blocked the way and forbidden Congress to do anything. That is what it amounts to. They have denied the right and privileges of

free government to the people of the United States on this subject of vast national importance.

I affirm again, as has been affirmed by report after report, year after year, by speech after speech, by the scientific magazines of the world, and by the scientific men of war of all nations, that we have reached a stage when there is no longer an excuse for our remaining inactive.

I affirm that the day of manufacturing cast-iron guns of any description has passed. I do not deny the very considerable value of the old guns we have. There are many fighting vessels which these guns would greatly injure; but we have to consider what is the best the world has and how we shall meet that best, and it is deliberately proposed by a part of this Congress that we shall meet the best the world has with the remnants of old science that is worth perhaps seventy-five against one hundred or sixty against one hundred in warfare.

That is the deliberate proposition; and there have been men haunting these halls for months and for years, but especially for months past—haunting these corridors, endeavoring to foist on this Government their worn-out old schemes. They have told us how to take old cast-iron guns and saw them in two, screw a bolt and a jacket on long cast-iron tubes to lengthen those guns that the modern slow-burning powder may be fired from them. They brought us here that once enterprising and advanced idea, but now a useless and an abandoned idea, the Haskell multicharge gun. Honorable as the men are connected with it, they have been trying to get us into the manufacture of 12-inch cast-iron rifles and numerous cast-iron mortars, a thing no civilized country will do now.

We have a vast quantity of old mortars that are of some use, and, as I said before, a great many old cast-iron guns of other kinds that may be of some use to us; but we have come now to a stage where it is absolutely certain that steel in enormous masses, running up to as high as 50 tons, can be handled perfectly, forged, kneaded, worked over, and brought to that condition which will adapt it for the gun where both toughness and elasticity are required under the tremendous blow of the powder twenty, thirty tons to the square inch. Nothing in the world will spring out with elasticity and instantly return to its former dimensions like steel. Every book shows, every man knows, that there is nothing like steel for such a purpose.

I need not answer the question. You can refine steel until it will suspend 200,000 pounds to the inch in diameter if necessary. It may be tempered; it may be brittle. Everybody says your steel may fly to pieces when you apply to it the high charges of the modern gun. It would have done so ten, five, or perhaps three, years ago, though the process began long before that; but there is now no practical difficulty in making a large amount of steel substantially homogeneous throughout the whole mass, cutting it, sawing it this way and that; and taking the little things from the testing-machine for it, and they will show substantially the same character throughout.

It would be just as sensible to go to work and make cast-iron sporting arms as to make cast-iron great cannon, and there is no man of the House conferees, or in the House, or anywhere else who wants a cast-iron fowling-piece, or a cast-iron musket, because he knows with the rolled steel completely forged how elegant a weapon he gets. He can have precisely the same difference in great cannon. The handling of steel in small masses was long ago known. The handling of it in large masses is only now known.

But I do not go any further. There is no time except to read something like what I said during the night—for the distinction between this and yesterday and to-morrow is very indefinite with the twenty-four hours' session—that those men who have attempted to tie us to these worn-out products, without their own knowledge, apparently, have been signally and completely foiled; for, thanks to some patriotism, we have gone on ordering vessels for the Navy armored and partly armored, and ordered guns for them, which guns will be those of modern kind, 6-inch steel guns up to 8 and 10-inch, and even, perhaps, the 12-inch gun, until the laws now on the statute-book, including those that I hope will be signed to-day, put within the hands of the Secretary of the Navy the right to contract for some 22,000 tons of forged steel of the best class, while the two bills called the twin bills, passed here awhile ago, called for a permanent contract of only 10,000.

The Navy Department has practically in its own hands the right to contract for twelve thousand, and I prophecy to you that within a few weeks you will find competing the greatest steel manufacturers in the country for the manufacture of that steel under contract and to put in the best machinery and the best plant known to the world, and we shall begin to have a delivery of forged steel of the kind we have been trying for, and no man will dare after six months are past to talk iron guns any more.

I am not sure sometimes but that I have discovered one secret of this delay. Before next December there will be existing in this country plants, partly or nearly, possibly quite, finished, capable of taking the big contracts we have talked about, because there are one or two people at least who are working for it. If we had put out these great proposals for 10,000 tons for the Army and 10,000 tons for the Navy, perhaps eight or ten firms would have competed for the privilege of putting up the great plants and manufacturing them. But when next December comes one man anyhow, possibly two, will have the plant ready and nobody in the United States can compete against him. He will be ready to promise a gun from six to eight months sooner than anybody else, up to the highest standard; and those who might have competed with him will be entirely left out. Yet we have been told that we were talking jobbery while we endeavored with all our heart to put this thing before the whole magnificent manufacturing interest of the country. It may result in giving it all to one or two, possibly the great contracts to one firm, while they have been crying "monopoly" and "jobbery" to us.

They are taking the course, whether they mean it or not, calculated to entirely cut off competition from the beginning of the work. Now we see what was meant by it. The old common sense of the common law says that a man shall be held to intend that which his action will inevitably produce, to intend the result inevitably following from his acts. If it shall appear inevitable that this course is to throw this primarily into the hands of one man or two men, we shall have a right, on looking back at the history of it, to see how possible it was that all these charges of jobbery may have been directed towards the United States Senate simply to cover the path of Wall street management that would secure to one or two men the beginning of these great contracts.

Mr. GORMAN addressed the Presiding Officer.

Mr. MORRILL. Will the Senator from Maryland allow me to pass a bill of considerable consequence, a House bill that has been agreed to by the Committee on Finance and reported favorably, and will only take a moment or two?

The PRESIDING OFFICER (Mr. WILSON, of Iowa, in the chair). Does the Senator from Maryland yield?

Mr. GORMAN. Yes, sir.

Mr. MORRILL. I ask for the consideration of the bill which I send to the desk.

## SCHOOL-FARM LANDS IN SOUTH CAROLINA.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. MORRILL] asks that the bill, the title of which will be stated, be considered.

Mr. EDMUNDS. Let it be read subject to objection.

The Chief Clerk read the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I must object to that at present until I can get a better look at it.

Mr. MORRILL. Of course any delay in the passage of this bill will secure its rejection. It is an important bill. These eighteen farms of 160 acres of land are owned by the United States, and it is proposed that we give them back to the actual occupants or owners of the land upon the payment of the taxes originally due upon them, and with the interest and penalties that have accrued, and then that the proceeds shall go to the support of schools in those districts, the rice districts of South Carolina, in Beaufort County. I take it there can be no objection. It has received the close scrutiny and the approbation of every member of the Finance Committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I withdraw the objection on such a statement, but I am very much afraid of it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with amendments.

The first amendment was, in section 1, line 20, after the word "the" where it occurs the second time, to strike out "direct tax proper charged" and insert "amount of tax, penalty, interest, and costs properly chargeable;" and, in line 27, before the words "and costs" insert "penalty, interest;" so as to make the section read:

That all the lands in Beaufort County, South Carolina, known as the school-farms, now owned or held by the United States by virtue of the proceedings under the act entitled "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," approved June 7, 1862, and under acts supplementary thereto or upon the same subject-matter, may be redeemed and restored to such persons as shall make application therefor to the Secretary of the Treasury, through the Commissioner of Internal Revenue, within one year from the passage of this act, and furnish satisfactory evidence that such person or applicant in each case was, at the time the United States acquired title thereto, the legal owner of such land, or the heir-at-law or devisee (or grantee, in good faith and for a valuable consideration) of such legal owner; but before such redemption shall be awarded and title restored on any such application and proof, such applicant shall pay into the Treasury of the United States the amount of tax, penalty, interest, and costs properly chargeable against the lands described in such application, together with the cost of advertising the sale of said lands: *Provided*, That if any such school-farm is only a part of a tract of land against which such tax was levied, then the applicant for redemption shall pay only such pro rata share of the tax, penalty, interest, and costs as may be ascertained by the Commissioner of Internal Revenue to be properly chargeable against such school-farm.

The amendment was agreed to.

The next amendment was, at the end of section 2, to add the following proviso:

*Provided*, That if the applicant has received from the United States the surplus proceeds of the sale of such land, under section 36 of the act of August 5,

1861, he shall not be entitled to redeem the same under this act unless such applicant shall refund the surplus so paid.

The amendment was agreed to.

Mr. BUTLER. Is there an amendment to that bill in the Senate?

Mr. MORRILL. I shall ask to have a conference on the amendments.

Mr. BUTLER. I am afraid there will not be time.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time, and passed.

Mr. MORRILL. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MORRILL, Mr. ALDRICH, and Mr. HARRIS were appointed.

EXPENSES OF SENATE INVESTIGATIONS.

The PRESIDING OFFICER. The conference report on the fortification bill is before the Senate. The Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. SEWELL. Will the Senator from Maryland allow me to make a report?

Mr. HOAR. I ask unanimous consent that I may introduce a bill to be put on its passage at once.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to introduce a bill for present consideration.

Mr. EDMUNDS. Let it be read subject to objection.

The bill (S. 3358) to provide for the expenses of certain investigations was read the first time by its title, and the second time at length, as follows:

*Be it enacted, &c.*, That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $30,000, to be immediately available for the expenses of inquiries and investigations ordered by the Senate at its present session.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none. The bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNEAPOLIS INDUSTRIAL EXPOSITION.

Mr. GORMAN. Mr. President——

Mr. SEWELL. Will the Senator from Maryland allow me to report a bill for which I wish to ask immediate consideration? It will take but a minute.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Jersey?

Mr. GORMAN. Yes, sir.

Mr. SEWELL. I report from the Committee on the Library the joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT EAST SAGINAW, MICH.

Mr. GORMAN. Mr. President——

Mr. CONGER. The Senator from Maryland will yield for the passage of a bill which has just passed the House for a public building.

Mr. MAHONE. The Committee on Public Buildings and Grounds direct me to report without amendment the bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich. I ask that it be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. WILSON, of Iowa. I desire to have the first part of this bill read again with reference to the use of the building, what the building is to be erected for.

The Chief Clerk read as follows:

For the use and accommodation of the United States court, post-office, and other Government offices, and for other Government uses.

Mr. WILSON, of Iowa. I would suggest that at the present session of Congress the courts were fixed at Bay City. This provides a court-house at East Saginaw, so that the courts will be convened at one place and the court-house be built at another. It seems to me rather inconsistent.

Mr. CONGER. It is for the post-office and other buildings of that sort. The provision relating to the court was put in in case court should be held there.

Mr. WILSON, of Iowa. I suggest that the bill be amended by striking out the words "United States court," as there is no court there.

Mr. CONGER. You might as well strike out the whole bill as to strike out a word of it, we are so near the final adjournment.

Mr. WILSON, of Iowa. I will not insist if the Senate wish to pass so inconsistent a bill.

The bill was ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SAWYER, it was

*Ordered*, That the petition and accompanying papers in the case of Maj. John L. Sucss be withdrawn from the files of the Senate.

WORK IN THE EXECUTIVE DEPARTMENTS.

Mr. COCKRELL. I ask a vote on my motion to lay on the table the motion of the Senator from Virginia [Mr. MAHONE] to reconsider the resolution submitted by me in relation to the Executive Departments.

The PRESIDENT *pro tempore*. The Chair can only entertain the motion with the consent of the Senator from Maryland.

Mr. GORMAN. I yield.

Mr. MAHONE. I hardly suppose the Senator from Missouri would like to cut off the opportunity of my expressing my views about this matter.

Mr. COCKRELL. The question is not debatable at this late hour.

Mr. HARRIS. It is not a debatable question at any time.

The PRESIDENT *pro tempore*. A motion to lay on the table is not debatable.

Mr. MAHONE. I am aware of that fact, but this resolution was passed in my absence, and as chairman of the Committee on Public Buildings and Grounds, I felt that I had a right, and it should not be refused me by the mover of the resolution, to express my objections to it.

Mr. COCKRELL. Let us vote, Mr. President.

The PRESIDENT *pro tempore*. The question is on the motion to lay on the table the motion to reconsider.

Mr. MAHONE. I call for the yeas and nays.

Mr. SHERMAN. I hope by unanimous consent the Senator from Virginia may have a few moments to state his objections. I should like to hear what they are. Let there be unanimous consent for, say, five minutes.

Mr. COCKRELL. The time is very short, but I have no objection to the Senator having four or five minutes, a reasonable time.

The PRESIDENT *pro tempore*. The Chair, then, will recognize the Senator from Virginia.

Mr. MAHONE. I ought to be very grateful for such a concession on the part of the Senator from Missouri when I say this resolution was passed in my absence. What is the object of this resolution? The Senate will hear it:

*Resolved*, That a select committee to consist of five Senators be, and the same is hereby, constituted and appointed, whose duty it shall be to inquire into and examine the methods of business and work in the Executive Departments of the Government, the time and attention devoted to the operations thereof by the persons employed therein, and generally to inquire into and report to the Senate the causes of the delays in transacting the public business said to exist in some of said Departments.

If that is the object of this special committee that is to sit during the recess, why not confine it to that purpose? If the object is to explore these Departments to ascertain if there is delay in any manner or from any cause, why not confine it to that, and I might inquire wherefore the necessity of such a committee with all the committees of both branches of Congress empowered to make such investigations? But the resolution goes on further. It provides:

We are advised further that this committee is to ascertain what buildings are rented in the city of Washington and what are the rentals paid. That information is to-day in the possession of the Senate. There has been no time when an inquiry in that direction could not have been promptly answered. The information is here, and wherefore the necessity of this committee, I ask, to inquire what additional public buildings are necessary, and what buildings are rented, and what rentals are paid?

The said committee shall have power, and it shall be its duty, to inquire and report what further public buildings are necessary to the transaction of the public business in Washington and the proper uses of the public buildings now existing in said city.

I suggest that if such an inquiry as this is to be made it is eminently proper that the Committee on Public Buildings and Grounds should be empowered and instructed to make the inquiry.

Then I would inquire where there has been a failure on the part of this committee or on the part of this Senate to provide all the additional public buildings that seemed to be necessary for carrying on the business of the Government at the city of Washington? There has been no neglect in that respect.

I say, therefore, that this proposition occurs to me to be a reflection which I feel it to be my duty as the chairman of the Committee on Public Buildings and Grounds to call the attention of the Senate to. I am not aware that that committee has in any respect neglected its duty. I am not aware that it is not fully competent and capable of pursuing this investigation for which this resolution would appoint a special committee to sit during the recess at a considerable charge to the Government.

If such an investigation is necessary, I ask the Senate if the gentle-

men remaining on the Committee on Public Buildings and Grounds, composed of the Senator from Vermont [Mr. MORRILL], of the Senator from Missouri [Mr. VEST], and the Senator from Wisconsin [Mr. SPOONER], are not as capable as any committee that the Senate could form to perform that duty? Hence my opposition to the resolution, Mr. President, and I hope the Senate will not pass it in the form it now is.

Mr. COCKRELL. Just one word, Mr. President, by unanimous consent. This resolution is not intended as a reflection upon the Committee on Public Buildings and Grounds, directly or indirectly. It is not intended to cover any ground which that committee occupies; none whatever. It is simply intended to inquire into the status of the public buildings used by the Departments here, to ascertain whether their business is behind, to ascertain what steps are necessary to bring it up to date, and relieve Senators and Representatives from the immense burdens that are heaped upon them. We now make provision by renting rooms, and also by the erection of new buildings. I propose to inquire into the uses made now of public buildings here, and there is no reflection on the Committee on Public Buildings and Grounds or upon any committee. It is in the interest of the best administration here that we shall make this inquiry.

We have an official report from the War Department that the adjustment of the claims under the act of July 5, 1884, will require four and a half years' time. We have similar reports from other Departments, and all of us are receiving letters every day inquiring into these matters, and it is time to devise some plan or means by which this business can be brought up to date if it is possible, and there is no reflection any one.

I hope that the motion to lay on the table will prevail.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. This motion is debatable only by unanimous consent.

Mr. CALL. I only desire to say a word by unanimous consent.

The appointing of special committees to perform the duties of the standing cammittees is, I think, an unfortunate proceeding. Certainly while there is no reflection intended upon the Committee on Public Buildings and Grounds, it is a reflection upon them to say that some other Senators can perform the duty assigned to them better than they can, and certainly there can be no reason for that assertion. It is not the predicate of the resolution by this body. There are no Senators here who are more capable of performing this duty than those who belong to the Committee on Public Buildings, whose regular business it is to perform them.

I quite agree, therefore, with the Senator from Virginia that this resolution ought not to pass superseding the Committee on Public Buildings and Grounds in the performance of one of the duties assigned to that committee.

The PRESIDENT *pro tempore*. The question is on the motion to lay on the table the motion to reconsider.

Mr. MAHONE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. Is this a motion to reconsider or to lay on the table the motion to reconsider?

The PRESIDENT *pro tempore*. The Senate adopted a resolution on the motion of the Senator from Missouri. The Senator from Virginia moved to reconsider the vote by which the Senate agreed to the resolution. The Senator from Missouri moves to lay that motion to reconsider on the table.

Mr. HARRIS. May I inquire of the Senator from Virginia if I understand his object is to amend the resolution, or to defeat it entirely?

Mr. MAHONE. In answer to the Senator from Tennessee, I suggested to the author of this resolution that if he would strike out the second paragraph of the resolution, we had nothing to say about it; but that he refused to do.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. CHENEY (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 14, nays 47; as follows:

YEAS—14.

| | | | |
|---|---|---|---|
| Allison, | Edmunds, | Hawley, | Platt, |
| Beck, | Gorman, | Jones of Arkansas, | Whithorne. |
| Cockrell, | Gray, | McPherson, | |
| Dolph, | Harris, | Mitchell of Oreg., | |

NAYS—47.

| | | | |
|---|---|---|---|
| Aldrich, | Dawes, | Maxey, | Sherman, |
| Blackburn, | Eustis, | Miller, | Spooner, |
| Blair, | Evarts, | Mitchell of Pa., | Stanford, |
| Bowen, | Farwell, | Morrill, | Teller, |
| Brown, | Harrison, | Palmer, | Vance, |
| Butler, | Hoar, | Plumb, | Van Wyck, |
| Call, | Ingalls, | Pugh, | Voorhees, |
| Camden, | Jones of Nevada, | Ransom, | Walthall, |
| Cameron, | Kenna, | Sabin, | Williams, |
| Chace, | McMillan, | Saulsbury, | Wilson of Iowa, |
| Colquitt, | Mahone, | Sawyer, | Wilson of Md. |
| Conger, | Manderson, | Sewell, | |

ABSENT—15.

| | | | |
|---|---|---|---|
| Berry, | Fair, | Hale, | Payne, |
| Cheney, | Frye, | Hampton, | Riddleberger, |
| Coke, | George, | Jones of Florida, | Vest. |
| Cullom, | Gibson, | Morgan, | |

So the motion to lay on the table the motion to reconsider the vote by which the resolution passed was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion to reconsider.

Mr. MORRILL. Now, I hope the Senator from Missouri will consent to strike out the clause about public buildings.

Mr. COCKRELL. I move that the second clause of the resolution be stricken out.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. Strike out the words:

The said committee shall have power, and it shall be its duty, to inquire and report what further public buildings are necessary to the transaction of the public business in Washington, and the proper uses of the public buildings now existing in said city.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Is the motion to reconsider still insisted on by the Senator from Virginia?

Mr. MAHONE. No, sir.

The PRESIDENT *pro tempore*. By leave of the Senate the motion to reconsider is withdrawn.

Mr. SHERMAN. It will have to be reconsidered in order to put in the amendment.

The PRESIDENT *pro tempore*. The Chair understood the amendment was made by unanimous consent. The Senator from Missouri asked unanimous consent that a reconsideration be had for the purpose of amendment, and the resolution has been amended.

Mr. HOAR. What was the motion passed on the yeas and nays?

The PRESIDENT *pro tempore*. To lay on the table the motion to reconsider. The resolution as amended is agreed to unless there be objection.

The PRESIDENT *pro tempore* appointed Mr. COCKRELL, Mr. HARRIS, Mr. JONES, of Arkansas, Mr. PLATT, and Mr. CULLOM the select committee to inquire into and examine the methods of business and work in the Executive Departments of the Government, &c., authorized by resolution of the Senate of this day.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*.

A bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;

A bill (S. 130) for the relief of John Fletcher; and

Joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit.

## BRIDGES ACROSS CUMBERLAND AND CANEY FORK RIVERS, TENN.

The PRESIDENT *pro tempore*. The Senator from Maryland is entitled to the floor.

Mr. CONGER. The Senator from Maryland will yield to me to pass a bridge bill which did not get here with the others, merely amending an act by changing the names of the parties as they have been changed in the reorganization. I ask that the bill may be passed. I report it from the Committee on Commerce.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NATIONAL BANKS IN RESERVE CITIES.

Mr. SHERMAN. I present a report from a committee of conference, and ask for its adoption. I ask that the report be read.

The PRESIDENT *pro tempore*. There is one report from a committee of conference already pending, on which the Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. SHERMAN. I wish, then, to state that the House of Representatives by an error has sent an enrolled bill, and it has been signed, and the signature of which has been announced, and that is invalid unless this report of the conference committee is agreed to.

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield for that purpose?

Mr. GORMAN. I do.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States, having met, after full and free

conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same amendment to read as follows:

Strike out all of said bill after the enacting clause and insert:

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of 50,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes."

SEC. 2. That whenever three-fourths in number of the national banks located in any city of the United States having a population of 200,000 people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful-money reserve of the national banks located in other reserve cities may be deposited, as provided in section 5195 of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, 25 per cent. of its deposits, as provided in section 5191 of the Revised Statutes.

SEC. 4. That section 3 of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payment," be, and the same is hereby, amended by adding, after the words "New York," the words, "and the city of San Francisco, Cal."

Amend the title to read "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

And the Senate agree to the same.

JAS. F. MILLER,
BERIAH WILKINS,
GEO. E. ADAMS,
*Managers on the part of the House.*
JOHN SHERMAN,
JUSTIN S. MORRILL,
*Managers on the part of the Senate.*

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States.

The message also announced that the House had passed a resolution providing for the appointment of a committee of three members on the part of the House to join such committee as may be appointed by the Senate to wait upon the President of the United States and inform him that Congress, having finished its business unless he may have some further communication to make the two Houses of Congress, are now ready to close its session by an adjournment *sine die*.

The message also announced that the Speaker had appointed under the foregoing resolution Mr. MORRISON, Mr. TUCKER, and Mr. REED the said committee.

PETITIONS.

The PRESIDENT *pro tempore*. The Senator from Maryland.

Mr. WILSON, of Iowa. I ask the Senator from Maryland to yield to me. My colleague [Mr. ALLISON], who is detained from the Chamber by committee duty, requested me to present resolutions of several Grand Army posts of Iowa and of the Women's Christian Temperance Union, praying for the passage of the dependent pension bill over the President's veto. I move that the resolutions lie on the table.

The motion was agreed to.

NOTIFICATION TO THE PRESIDENT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *March* 3, 1887.

*Resolved*, That a committee of three members be appointed on the part of the House to join such committee as may be appointed by the Senate to wait upon the President of the United States and inform him that Congress, having finished its business, unless he may have some further communication to make the two Houses of Congress, is now ready to close the session by an adjournment *sine die*.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich., and it was thereupon signed by the President *pro tempore*.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN submitted the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That a committee of two Senators be appointed by the Chair to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses having completed the business of the present session are ready to adjourn, unless the President has some further communication to make to them.

By unanimous consent the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. SHERMAN and Mr. SAULSBURY were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3358) to provide for the expenses of certain investigations.

FORTIFICATION APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The conference report on the fortification appropriation bill is before the Senate, and the Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. GORMAN. Mr. President, the Senator from Massachusetts [Mr. DAWES], the chairman of the conference committee, as well as the Senator from Connecticut [Mr. HAWLEY], has sought to create the impression that the conferees on the part of the other House have been endeavoring to subordinate steel guns to cast-iron. The Senator from Connecticut is good enough to go further and intimate that there has been a deliberate purpose to tie us to the worn-out practice of making cast-iron guns, and that there was a desire to have this bill fail so that hereafter the manufacture of steel for the larger guns would be confined to one firm.

Mr. President, no Senator regrets more than I do the failure of the conferees to come to an agreement. This failure naturally subjects them to sharp criticisms, but the suggestions of the Senator from Connecticut are so unjust that I can not permit them to go to the country without an answer.

In July last the Senate considered the bill (H. R. 9798) making appropriations for fortifications, &c. The bill as it came to the Senate made no provision for the construction of guns. The Senate added two new sections, Nos. 4 and 5. The fourth provided for the construction of ten 12-inch muzzle-loading rifled cast-iron mortars. Now, it must be noticed that when that bill came to this body there was no provision for a cast-iron gun or a cast-iron mortar. The Senate went beyond this, and provided by section 5 for the purchase of 10,000 gross tons of steel and appropriated therefor $6,000,000, leaving to the Secretary of War the power to purchase this steel upon such tests as he might prescribe, the guns to be made from the steel to be finished in the Government shops.

When we came to consider in conference these propositions there was a wide and radical difference between the conferees of the two Houses as to the propriety of making large appropriations for the construction of guns, to be expended by the Ordnance Bureau of the War Department. Congress since 1870 having failed to make any considerable appropriation for new work, it was urged that it was equivalent to a vote of want of confidence in that bureau as now organized; and the conferees on the part of the House insisted with great force that it was unwise to intrust the expenditure of so large a sum of money in the hands of gentlemen who have not shown any special capacity for such a work. They therefore insisted that no proposition would be entertained unless it embraced a provision to give private enterprise an opportunity to compete for the finishing and assembling of these steel guns, so that there might be active competition between the Government shops and those established by private enterprise. It was insisted upon that by this means, and this alone, the Government could secure first-class guns within reasonable cost.

To go on with this work, to create the best guns that can be made in the world, was the object of every gentleman on this conference. As to the amount of money to be appropriated there was scarcely a difference of opinion. The conferees on both sides were not only prepared to take the $6,000,000 provided for in the bill as it passed the Senate in July last, but to add to it $7,000,000 to $10,000,000 more, the difficulty being as to how it should be expended. The conferees on the part of the other House said that it must be by a board independent of the present organization, and they suggested a board to be composed of civilians to be appointed by the two presiding officers of the respective Houses. After a long conference we all agreed that the Secretary of War and the Secretary of the Navy, the General of the Army, and two civilians to be appointed by the President would be a proper board to expend this money.

The proposition was then to buy $6,000,000 worth of steel, to be manufactured in the Government shops, for which ample provision was made, about which there was no difference of opinion, but it was coupled with the other proposition, coming from the other side, that if the Government should go on and assemble these guns they would only consent to it upon the further condition that an additional appropriation should be made throwing open to the inventive genius of every American the opportunity to manufacture guns to compete.

There is sufficient talent, enterprise, and skill in the manufacturers of this country not only to produce the steel but to make the gun, and make it equal to if not better than any that can be made by the Government; and there can be no question that they will make it at a cost 25 per cent. less than it can be made at any Government shop.

The real point of difference was this: It was insisted that the test of the steel to be made and purchased by the Government should be not only the ordinary test, but that three guns of 8, 10, and 12-inch caliber should be actually made and fired according to the tests to be prescribed by the board. To-day an 8-inch gun can be made out of American-manufactured steel. Beyond that it is impossible with our present facilities to go, and it was insisted upon with great force that it was unwise for the Government to contract for so large an amount of steel until an actual test had been made by firing.

I want to say—and it is proper that I should say it, because it is true—that the Senate conferees did not adhere closely to their proposition. They were ready to accept anything that they believed would

bring about the result with a view to secure the best interests of the Government.

* * * * * * *

Mr. GORMAN. As to the statement of the Senator from Connecticut [Mr. HAWLEY] that the conferees on the part of the Senate, as well as those on the part of the other House, made a great blunder in making provision for cast-iron guns, it is due to the conferees on the part of the Senate, as well as those on the part of the House, to say that both sides have been ready to make more liberal provisions for cast-iron guns than either of us contemplated when we went into conference.

I shall detain the Senate but a few moments. I feel that it is due to gentlemen who labored for months to produce a result to make this statement of fact, that if the entire appropriation of $17,000,000 had been made it would not have been possible to procure the steel guns of large caliber within the next three or four years, and there is not a commercial body to-day upon the Atlantic or Pacific coast that has not come to Congress to insist that at least some provision should be made within the next year or two for the defense of our seacoast cities. Cast-iron or cast-steel is the only metal with which you can construct guns of a greater caliber than 8-inch within two years; and it was to meet this urgent demand that provision was sought to be made for cast-iron guns.

The General of the Army, the fortification board, and every authority that has looked into this subject has urged that we secure mortars at once. I desire to call the attention of the Senate to the proposition that has been made in conference and substantially agreed to by both sides.

SEC. 7. For the construction of 12-inch rifled mortars, either of cast-iron, steel hooped, or mortars principally or all of cast-iron, or mortars principally or all of steel, either muzzle-loading or breech-loading, all as the board hereinafter provided for shall determine.

Leaving it optional with the board to determine whether the mortars and guns should be all of cast-iron or cast-iron bound with steel, or all of steel, and of this whole appropriation of about $17,000,000 not more than a million and a half—I think I am correct in the figures—will be applied for the manufacture of cast-iron guns.

The Senator from Connecticut says that a postponement until December next in the appropriations for the manufacture of steel guns places us hereafter in the hands of one firm.

Mr. HAWLEY. Temporarily, in the beginning.

Mr. GORMAN. Mr. President, everybody knows that none of the great establishments in this country would enter on the manufacture of steel that would make a gun of 10 or 12 inches without a large contract. The Bessemer Iron Company, the Cambria Iron Works, and the Midvale, all say that they must have contracts of from two and a half to four million dollars, and as high as $8,000,000 for the 16-inch gun before they will obtain the plant for the manufacture of the steel.

If this bill had passed you would probably have had at least two great firms preparing to manufacture the steel for the 12 and 16-inch guns. But the Senator from Connecticut knows, as I know, for it is an open secret, that while we can not manufacture steel of that character to-day American enterprise has already made arrangements to secure the two great processes that are considered best in the Old World, and, as the Senator from Connecticut stated on the floor last evening, with the appropriations that have already been made for the Navy, you will secure, as he stated, one and probably two great plants that will enable us to manufacture steel by which we can make 12 and 16-inch guns.

I regret that we have not gone further. I regret extremely that the fortification bill has failed. I regret above all other things that we have not been able to take the manufacture of our arms out of the rut in which it has been. As I said a few days ago, when I addressed the Senate, we have as brilliant and intelligent men in the Ordnance Department of the Army as are to be found on the face of the globe; but as now organized the young men of talent, enterprise, and genius are kept in the rear or banished to some outpost, while the old fossils are kept at the head.

The door must be opened so that any officer of the Army, no matter in what arm of the service, who shows special talent for the construction of guns shall have an opportunity to serve the Government in this particular branch. What reason, Mr. President, can there possibly be for excluding an officer in the Engineer Corps, and especially in the artillery arm of the service, who is to fire and use these guns, from any participation in the manufacture of them? I repeat again that the best interests of the Government demand that the finishing and assembling of the guns in the Government factories shall be under the charge of the most competent officers of the Army, no matter in what arm of the service they may be found; and then the young men of genius and enterprise who are now in the founderies and factories and machine-shops shall have fair opportunity to compete with our officers who are educated at West Point. And this is what the House conferees insisted will produce the best possible result for the Government, and the conferees on the part of the Senate agreed to it.

Mr. President, we have had recently a marked illustration of the effect of such a policy as we had hoped to inaugurate in the manufacture of heavy guns. It is the fault of no party, it is the fault of no particular individual, it was the fault of the system; but you had the same trouble in the Navy. It was so organized that they have failed for years to furnish successful plans and specifications for the construction of ships and the machinery to propel them, but by the legislation of the last session of Congress the Secretary of the Navy was authorized to or he did procure plans for vessels outside of the officers of his department and in the advertisements for proposals for the construction of these ships he permitted private enterprise to come in and not only to build on the plans furnished but to make suggestions and alterations in the machinery provided they guaranteed the power and speed. The result is you now have under contract several vessels which it is believed will equal any of their class in the world. This opened the door wide for every enterprising ship-builder and machinist. Five or six bidders contested for these great ships.

New plans for engines were offered and at prices remarkably low. It has given new life to the construction of iron ships. The Cramps, Harling & Hollingsworth, the two great yards at Baltimore, one at San Francisco, are all now ready to do the Government work and ready to undertake to build the fastest cruisers afloat.

What we sought to do was to put in sharp competition with our Army officers the best and most skillful of our mechanics. We have failed to do so, but it is far better that we should wait another year rather than go on without such competition.

### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3358) to provide for the expenses of certain investigations; and it was thereupon signed by the President *pro tempore*.

### APPOINTMENT OF VISITORS.

The PRESIDENT *pro tempore*. Under the provisions of section 1327, the Chair appoints as the Senators to attend the annual examination at the Military Academy the Senator from Oregon [Mr. DOLPH] and the Senator from Missouri [Mr. COCKRELL], and on the board of examiners at the Naval Academy at Annapolis the Senator from Massachusetts [Mr. DAWES] and the Senator from Delaware [Mr. GRAY].

### FORTIFICATION APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the fortification appropriation bill.

Mr. HAWLEY. I am sorry the time is so limited. I believe it is the first occasion I have regretted the conclusion of a Congress and the beginning of our vacation.

The Senator from Maryland has so confounded error with truth that it is very difficult to sift it precisely. He ought to be criticised. For example, he says that our Ordnance Departments of the Army and Navy, our military men, have failed to produce a first-class gun of either iron or steel within these twenty years past. In 1860 we had the best cast-iron guns in the world and our navy was the best armed navy in the world. There was nothing on any ship abroad so destructive as some of our heavy steel guns and cast-iron guns, and we were in advance of the world in the science of casting them.

The Senator says the Ordnance Department is not to be trusted. I perceive that this scheme of a bill, which I have just glanced at, submitted by the House conferees, provides for a board composed of the Secretary of War, the Secretary of the Navy, the General of the Army, and two civilians—a deliberate verdict of condemnation of the entire Army and Navy boards that have been engaged in studying this subject. And while the Senator talks about the plans for the future, adopting the best ideas going, and speaks of this question having been in discussion for six years past, why does he omit to state that these very same ordnance officers of both Army and Navy, who have given the greatest possible attention to this subject and who have been selected confessedly from among the most skillful men the Army and the Navy have ever seen, reported in one direction only?

The armament board, composed of as able officers as we had; the the gun-foundry board, a competent board of as able officers of the Army and Navy and of civilians as could be found; the fortification board of Army and Navy officers of the ordnance and other branches of the service, and two of the most eminent manufacturers in the country—all three of these boards, and, after them, whatever weight you choose to give it, the Senate Select Committee on Ordnance and War Ships, which compiled the judgment of similar boards in the Old World and this, made reports, all pointing in one direction.

The Senator speaks as if the whole air was murky before us and there was no certain conclusion that had been reached by anybody anywhere on the subject. Definite results have been reached by the science of the world, but the Old World proceeds in one general direction. The board which the conferees propose is a most clumsy one. The Secretary of War and the Secretary of the Navy have no time for any of these matters; the General of the Army has his own necessary duties to perform, and the only two persons who would be supposed to give any real time to the subject are the two civilians to be put upon the board.

So far as this side of the Chamber is concerned—and I desire to avoid partisanship as much as possible here—we can give no higher

evidence of our sincerity than the fact that we are willing, with general instructions pointing out a general plan, to commit the work in its details, without attempting to hamper it in particulars, to Democratic Government officials.

The scheme which has been under discussion here goes into all the technical engineering scientific details of the construction of various kinds of guns and the tests required.

The Senator says that we have met with great difficulty, our conferees have met with great difficulty in conferring with the House conferees in the matter, and he would give us to understand that really the Senate has embarrassed the House in the matter. Now, sir, note the fact that the Senate has passed four great independent bills, at least, and then has taken the substance out of one or two of them, and put it on the fortification bill for the current year. We have made our propositions first in this shape and then in that, and sent them to the other House. Then note the fact that the only energy that the House has displayed has been in nullifying the fortification bill for the current year, and it has not originated one single bill or made one independent proposition of itself, neither its Appropriations Committee, nor its Military Affairs Committee, nor its Naval Affairs Committee. Whatever sign of healthy life there has been in the House of Representatives has been in the Naval Committee and in the Military Committee, and not in the Committee on Appropriations; and the House has failed to send us a single proposition on this subject of any description. It has not matured one, it has not taken up for discussion even, as we have by the hour and by the day, a single proposition of the many that were within its reach. If our plans were not good, if even the twin bills, the bill of the Senator from Maine [Mr. HALE] and the bill of the Senator from Pennsylvania [Mr. CAMERON], were not good, and if the proposition of the Fortification Committee was not good, why did they not pass through the House and send to us a proposition which is good?

There are some extraordinary propositions in this scheme for an act. For example, it is prescribed in regard to steel guns that possibly $6,000,000 may be set aside for steel guns, the purchase of forgings of dimensions suitable for 12-inch rifles. After giving the particulars that are entirely unnecessary, which may be trusted to the technical men who want these guns, it proceeds to say:

That these guns shall, of either size, have equaled or exceeded—

When you come to the test—

in endurance that of any gun of similar caliber which has been made and tested before July 1, 1891.

And it proceeds to give four years to the manufacturer to present a gun for test. It says that these steel guns, these experimental guns, may be presented in four years, in January, 1891, and that they shall not be accepted, none of these steels guns, unless they show an endurance that equals or exceeds "that of any gun of similar caliber." The technical man knows that nobody in the world will compete under such a condition. That $6,000,000 is utterly thrown away; that is to say, it will never be availed of; it will remain in the Treasury, because nobody will prepare the plant of half a million to a million and a half necessary to go into this in order to present four years hence a steel gun, and if that is not satisfactory he shall have no contract.

This is what they challenge us to contract for, that they will deliver to us steel of the best quality, and under the best processes known, and under this proposition we shall not accept a pound of it, after putting it through every stage with the severest tests, unless it comes up to this standard, and then they will go on and make gun after gun and we shall not pay for them until the guns are fired, and then, when a gun fails, the contractors shall get nothing for their steel. You go straight on making threats and have no power to enforce them.

Not to dwell too long on the subject, nobody will contract four years in advance to present one gun, if he is to fail to have any further contract. The manufacturers will make as many guns as you want, and ask not a dollar for any of them unless every one of them passes a satisfactory test.

Here is a proposition to make "twenty 12-inch cast-iron rifle guns." If I were the ruler of a foreign power, and wanted to make war against the United States, I should be glad to pay secret service money to the men who would get this Government into that sort of a scheme. I challenge the gentlemen who advocate these things to bring us the opinion of any three engineers or great artillerists in the Old World who will say that that is a practical and sensible thing, or who will not laugh at it as a farce.

We have some of the old Parrott guns on hand, and here is a proposition to take one hundred and six of them and convert them into what I do not know—for example, "twenty-two 300-pounder Parrott guns on hand into muzzle-loading rifle-guns of 11-inch caliber." The 300-pounder Parrott is a 10-inch gun, and they propose to make it an 11-inch gun, and then they will get better service out of an 11-inch gun with thinner walls than out of the present 10-inch Parrott!

I have stood and seen Parrott gun after Parrott gun go to pieces in the city of Charleston, and I have heard from the ships in the harbor what they lost by it. Read the report of the bombardment of Fort Fisher, and see how gun after gun went to fragments on the decks of those ships, in some cases disabling twenty, thirty, and forty men by a single explosion. More damage to our men was done by those bursting guns than was done by the fire of the enemy.

The Parrott gun was good in its day; it was the best there was. I have seen it do good service, but it was a dangerous gun. I will tell you what is the record of one of these, the pieces of which lie at West Point. It was fired on Morris Island 4,600 times; it was tended like an infant throughout the whole experiment, and it threw 4,600 projectiles toward Charleston.

Suppose you say you will not take any guns from a man unless they are equal in endurance to the best that are known. That was an exceptional, a miraculous gun. You might buy Parrott guns for twenty-five years and never get another to do it. It is four times the ordinary record of any smooth-bore gun, and yet it was a rifle gun. There was something exceptionally fortunate and happy in its construction, and yet, as I tell you, I have seen the breech go out of these guns, scattering over the ground. I have seen 200-pound fragments go 75 feet into the air, and all the men who worked those guns knew what the dangers were.

There is no use now in our having guns of cast-iron or with bands, and yet here is money to be fooled away to alter these into Heaven knows what; to convert them not into a 10-inch gun but into an 11-inch gun at a cost of $1,000 apiece, spending $1,000 apiece on guns that we can not certainly hope to use, and reducing them in strength with the idea that they are going to be valuable.

Yes, sir; I do affirm that the proposition is full of absurdities, and it is almost ridiculous in me to attempt to discuss it at this late moment and under these circumstances; but it is all full of errors, and is, especially as to its steel paragraph, so constructed that absolutely nothing can be done under it. Do not take my impassioned words for that. I affirm that the twelve or fifteen great steel manufacturing concerns in this country, unless I am very much mistaken, will not undertake to make guns under a contract like that.

But I rejoice that there is a prospect of better things.

Mr. HALE. Mr. President, I desire to announce to the Senate from the conference committee upon the deficiency appropriation bill that the committee has agreed upon a report. The bill, however, as it went to the conference committee was not printed. The amendments, which are numerous, are not numbered.

No report can be made until the written amendments in the written bill are selected and numbered by the clerks, and they are now engaged in that duty. It is a long bill, over one hundred pages; the amendments are very numerous, and whether or not the clerks will be able, with this labor upon them, to complete the report so that it can be presented to the Senate in the next seventeen minutes, I am uncertain. Everything is being done that can be done, and if the report can be brought in here before 12 o'clock I shall then read it.

### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes; and it was thereupon signed by the President *pro tempore*.

### WITHDRAWAL OF PAPERS.

On motion of Mr. SPOONER, it was

*Ordered*, That A. H. Herr have leave to withdraw from the files his petition and papers, there being no adverse report.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House agreed to the amendment of the Senate to the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States.

### THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. HARRIS. Mr. President, I offer a resolution and ask its present consideration.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The resolution will be read.

The Secretary read as follows:

*Resolved*, That the thanks of the Senate are due, and hereby are tendered, to Hon. JOHN J. INGALLS, a Senator from the State of Kansas, for the ability, courtesy, and impartiality with which he has fulfilled his duties as President *pro tempore* of the Senate.

The PRESIDING OFFICER put the question and declared the resolution adopted unanimously.

### STATEMENT OF APPROPRIATIONS.

Mr. ALLISON. I ask leave to insert in the RECORD, when it shall be completed, a statement of the amount of the appropriations for the next fiscal year. The clerks will not be able to complete it before 12 o'clock. I ask unanimous consent to have the table inserted with a little analyzation of it.

The PRESIDING OFFICER. The Chair hears no objection to that suggestion.

PERSONAL EXPLANATION.

Mr. HAWLEY. A single word. I disavow entirely any intention or thought of reflecting upon any of the Senate conferees, as I was charged with having done by the Senator from Maryland [Mr. GORMAN]. They have worked for six or seven months, conceding a great deal in a sincere and energetic attempt to come to some reasonable conclusion.

Mr. DAWES. It is due to the Senator from Maryland [Mr. GORMAN], the other conferee, to say that whatever fault may lie at the door of any of the conferees, it does not lie at the door of the Senator from Maryland.

Mr. HAWLEY. Not at all.

PUBLIC BUILDING IN PATERSON, N. J.

Mr. MAHONE. Mr. President, we have a few minutes yet, and I ask leave to pass two bills. It will take but the reading of these bills. I ask that the Senate proceed to the consideration of the public building bill for Paterson, N. J.

The PRESIDING OFFICER. The Senator from Virginia asks that the bill be now considered by the Senate the title of which will be read.

The CHIEF CLERK. "A bill (S. 3130) for the erection of a public building at Paterson, N. J."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I am wholly unable to hear a word of the bill that is being read.

The PRESIDING OFFICER. Senators and persons on the floor will please be seated.

Mr. HARRIS. The galleries had better be emptied.

The PRESIDING OFFICER. Persons in the gallery will keep order.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. MAHONE. I now ask to take up Order of Business 2381, a bill of like character.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3233) to change the limit of appropriation for the public building at Jacksonville, Fla.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States, and it was thereupon signed by the President *pro tempore*.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLAIR, it was

*Ordered*, That the papers in the case of Thomas S. Hopkins be withdrawn from the files of the Senate, there having been no adverse report.

ENROLLED BILL SIGNED.

The signature of the President *pro tempore* of the Senate was announced to the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States.

VISITOR TO NAVAL ACADEMY.

Mr. DAWES. Mr. President, my engagements are such during the summer as to compel me to ask to be excused from service as a member of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Naval Academy at Annapolis.

The PRESIDENT *pro tempore*. The vacancy occasioned by the declination of the Senator from Massachusetts will be filled by the appointment of the Senator from Rhode Island, Mr. ALDRICH.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts and joint resolutions:

An act (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island;

An act (S. 2451) for the relief of Mrs. Julia De Quindre;

An act (S. 2997) granting a pension to Mrs. M. E. Woods;

An act (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same;

An act (S. 2930) authorizing the construction of a bridge across the Red River of the North;

An act (S. 2958) to give the assent of Congress to the construction of a free bridge by the County of Davidson, Tennessee, over the Cumberland River;

An act (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885;

An act (S. 3296) to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan;

An act (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes;

An act (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers;

An act (S. 2159) granting a pension to Mrs. Almira Ambler;

An act (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds;

An act (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.;

An act (S. 2382) granting a pension to Alice Kelley;

An act (S. 1537) for the relief of B. B. Conner, of Louisville, Ky.;

An act (S. 2414) for the relief of Miss Eula E. Henry;

An act (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico;

An act (S. 277) for the relief of Samuel P. Evans;

An act (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.;

An act (S 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation in Montana Territory;

An act (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah Reservations in the Territory of Utah, and for other purposes;

An act (S. 3358) to provide for the expenses of certain investigations;

Joint resolution (S. R. 88) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (S. R. 117) to authorize the use of hot water off the Government reservation at Hot Springs, Ark.;

Joint resolution (S. R. 108) providing for the sale of public documents;

Joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.;

Joint resolution (S. R. 118) to print the official report of the investigations of Dr. Edward Shakespeare concerning the nature, &c., of of epidemic cholera; and

Joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Virginia.

BILLS BECOME LAWS.

The message also announced that the following acts having been presented to the President of the United States for his approval and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; and

An act (S. 199) for the retirement and recoinage of the trade-dollar.

FINAL ADJOURNMENT.

Mr. SHERMAN and Mr. SAULSBURY, of the joint committee, who were appointed to wait upon the President of the United States and inform him that Congress was ready to adjourn, appeared at the bar of the Senate; and,

Mr. SHERMAN said: Mr. President, the joint committee appointed to wait upon the President of the United States and inquire if he had any further communication to make to Congress have performed that duty, and are assured by the President of the United States that he has no further communication to make.

The hour of 12 o'clock m. having arrived,

The PRESIDENT *pro tempore* said: The constitutional period of the Forty-ninth Congress having been completed, the Senate stands adjourned without day.

---

## NOMINATIONS.

*Executive nominations received by the Senate, March 3, 1887.*

ASSISTANT TREASURER OF THE UNITED STATES.

Chauncey R. Shultz, of Missouri, to be assistant treasurer of the United States at Saint Louis, in the State of Missouri, *vice* Albert G. Edwards, whose commission expired March 2, 1887.

The nomination of Henry Overstolz, heretofore nominated for the above-named office, is this day withdrawn.

REGISTER OF THE LAND OFFICE.

Frank W. Beane, of Salt Lake City, Utah, to be register of the land office at Blackfoot (formerly Oxford), Idaho, *vice* August Duddenhausen, to be removed.

Samuel Demers, of Concordia, Kans., to be register of the land office at

Concordia, Kans., *vice* Silvester H. Dodge, whose term of office expired March 2, 1887.

John R. Whiteside, of Vermillion, Dak., to be register of the land office at Deadwood, Dak., *vice* James P. Luse, whose term of office has expired.

RECEIVERS OF PUBLIC MONEYS.

Monroe L. Allison, of Grand Junction, Colo., to be receiver of public moneys at Gunnison, Colo., *vice* Frederick J. Leonard, whose term of office has expired.

Thomas W. Burchinell, of Leadville, Colo., to be receiver of public moneys at Leadville, Colo., *vice* Edward L. Salisbury, whose term of office has expired.

POSTMASTERS.

Frederick A. Gray, to be postmaster at Herkimer, Herkimer County, New York, *vice* Warren Caswell, whose commission expires March 3, 1887.

Edward P. DeGrief, to be postmaster at New Philadelphia, Tuscarawas County, Ohio, *vice* Enoch Fribley, whose commission expired February 24, 1887.

William H. Bartholomew, to be postmaster at Catasauqua, Lehigh County, Pennsylvania, *vice* Adaline Creveling, whose commission expired March 2, 1887.

Michael Carroll, to be postmaster at Sharons, Mercer County, Pennsylvania, *vice* Calvin W. Ray, whose commission expired March 2, 1887.

Henry K. Reiss, to be postmaster at Greenville, Mercer County, Pennsylvania, *vice* Clara E. Achre, whose commission expired March 2, 1887.

FOR APPOINTMENT IN THE ARMY.

Capt. Edmond G. Fechét, Eighth Cavalry, to be captain Eighth Cavalry, to rank from May 23, 1870.

FOR PROMOTION IN THE ARMY.

*Thirteenth Regiment of Infantry.*

First Lieut. John S. Bishop, to be captain, March 1, 1887, *vice* Pratt, deceased.

Second Lieut. Charles S. Hall, to be first lieutenant, March 1, 1887, *vice* Bishop, promoted.

---

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February* 28, 1887.

PROMOTIONS IN THE ARMY.

*Medical Department.*

Capt. Robert M. O'Reilly, assistant surgeon, to be surgeon, with the rank of major, November 1, 1886, *vice* Clements, deceased.

Capt. Charles L. Heizmann, assistant surgeon, to be surgeon, with the rank of major, November 18, 1886, *vice* Bailey, promoted.

APPOINTMENT IN THE ARMY.

*Medical Department.*

To be assistant surgeons, with the rank of first lieutenants, Paul Clendenin, of Illinois, November 5, 1886, *vice* O'Reilly, promoted.

George L. G. Anderson, of Maryland, November 5, 1886, *vice* Wales, resigned.

Robert R. Ball, of Virginia, November 19, *vice* Heizmann, promoted.

COLLECTOR OF CUSTOMS.

Horace E. Morse, of New York, to be collector of customs for the district of Cape Vincent, in the State of New York.

Arthur K. Delaney, of Wisconsin, to be collector of customs for the district of Alaska.

SURVEYOR OF CUSTOMS.

Owen McGloughlin, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa.

John M. Mercer, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

REGISTERS OF LAND OFFICE.

Thomas F. Ashby, of Riverton, Nebr., to be register of the land office at Bloomington, Nebr.

Sterling P. Hart, of Ainsworth, Nebr., to be register of the land office at McCook, Nebr.

RECEIVERS OF PUBLIC MONEYS.

Edward T. Hudson, of Lincoln, Nebr., to be receiver of public moneys at Lincoln, Nebr.

Jacob Steinmetz, of Sutton, Nebr., to be receiver of public moneys at McCook, Nebr.

UNITED STATES CONSULS.

John Dayton, of South Carolina, to be consul of the United States at Tuxpan.

William Gaston Allen, of South Carolina, to be consul of the United States at Piedras Negras.

POSTMASTERS.

Aaron C. Seeley, to be postmaster at Danbury, in the county of Fairfield and State of Connecticut.

Lucius M. Monroe, to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut.

Edward F. Meeker, to be postmaster at Bridgeport, in the county of Fairfield and State of Connecticut.

Frederick A. Ross, to be postmaster at Tuscumbia, in the county of Colbert and State of Alabama.

Irvin P. Powell, to be postmaster at Montgomery City, in the county of Montgomery and State of Missouri.

Edward K. Pitman, to be postmaster at Leon, in the county of Decatur and State of Iowa.

Hiram Hubert, to be postmaster at Quitman, in the county of Brooks and State of Georgia.

William Groome, to be postmaster at Vicksburgh, in the county of Warren and State of Mississippi.

John Cook, to be postmaster at Bridgeport, in the county of Belmont and State of Ohio.

Carlos E. Chafee, to be postmaster at Springville, in the county of Erie and State of New York.

D. F. Whitsitt, to be postmaster at Pleasant Hill, in the county of Cass and State of Missouri.

Samuel E. Fleming, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania.

F. I. Thompson, to be postmaster at Curwinsville, in the county of Clearfield and State of Pennsylvania.

William McClintock, to be postmaster at West Union, in the county of Fayette and State of Iowa.

Patrick Reiley, to be postmaster at West Troy, in the county of Albany and State of New York.

Hiram W. Hill, to be postmaster at Saint Charles, in the county of Winona and State of Minnesota.

William H. Black, to be postmaster at Rochester, in the county of Beaver and State of Pennsylvania.

Charles W. McCrone, to be postmaster at Alexandria, in the county of Hanson and Territory of Dakota.

Charles E. Shenk, to be postmaster at Delphos, in the county of Van Wert and State of Ohio.

George W. McDonald, to be postmaster at Attica, in the county of Fountain and State of Indiana.

Hugh McLaughlin, to be postmaster at Iron Mountain, in the county of Menominee and State of Michigan.

Richard M. Scott, to be postmaster at Ashland, in the county of Saunders and State of Nebraska.

William W. Bogue, to be postmaster at Portland, in the county of Ionia and State of Michigan.

Sumner R. Sanderson, to be postmaster at Plano, in the county of Kendall and State of Illinois.

Jonas W. Olson, to be postmaster at Galva, in the county of Henry and State of Illinois.

Edward N. Stebbins, to be postmaster at Coudersport, in the county of Potter and State of Pennsylvania.

Jacob G. Van Putten, to be postmaster at Holland, in the county of Ottawa and State of Michigan.

*Executive nominations confirmed by the Senate, March* 3, 1887.

ASSOCIATE JUSTICE SUPREME COURT NEW MEXICO.

Reuben A. Reeves, of Palestine, Tex., to be associate justice of the supreme court of the Territory of New Mexico.

CHIEF SIGNAL OFFICER.

To be Chief Signal Officer, with the rank of brigadier-general, Capt. Adolphus W. Greely, Fifth Cavalry.

PROMOTIONS IN THE ARMY.

*Second Regiment of Infantry.*

First Lieut. Luther S. Ames, to be captain, February 27, 1887.

Second Lieut. Abner Pickering, to be first lieutenant, February 27, 1887.

*Thirteenth Regiment of Infantry.*

Capt. Henry C. Cook, Second Infantry, to be major, February 27, 1887.

Second Lieut. Charles S. Hull, to be first lieutenant, March 1, 1887.

First Lieut. John S. Bishop, to be captain, March 1, 1887.

APPOINTMENT IN THE ARMY.

*Eighth Cavalry.*

Capt. Edward G. Fechét, Eighth Cavalry, to be captain, to rank from May 23, 1870, under an act of Congress, approved February 28, 1887.

FOR APPOINTMENT BY TRANSFER IN THE ARMY.

First Lieut. Arthur C. Ducat, jr., Third Cavalry, to be first lieutenant Twenty-fourth Infantry, February 23, 1887.

First Lieut. Henry L. Ripley, Twenty-fourth Infantry, to be first lieutenant Third Cavalry, February 23, 1887.

ADJUTANT-GENERAL'S DEPARTMENT.

*To be assistant adjutants-general with the rank of colonel.*

Lieut. Col. William D. Whipple, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

Lieut. Col. Chauncey McKeever, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

*To be assistant adjutants-general with the rank of lieutenant-colonel.*

Maj. Oliver D. Greene, assistant adjutant-general, February 28, 1887, *vice* Whipple, promoted assistant adjutant-general with the rank of colonel.

Maj. Samuel Breck, assistant adjutant-general, February 28, 1887, *vice* McKeever, promoted assistant adjutant-general with the rank of colonel.

Maj. Henry C. Wood, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

Maj. James P. Martin, assistant adjutant-general, February 28, 1887, to fill an original vacancy.

INDIAN AGENT.

Timothy W. Jackson, of Akron, N. Y., to be agent for the Indians of the New York agency in New York.

THIRD ASSISTANT POSTMASTER-GENERAL.

Henry R. Harris, of Georgia, to be Third Assistant Postmaster-General.

RECEIVERS OF PUBLIC MONEYS.

Monroe L. Allison, of Grand Junction, Colo., to be receiver of public moneys at Gunnison, Colo.

Thomas W. Burchnell, of Leadville, Colo., to be receiver of public moneys at Leadville, Colo.

Ernst A. Umland, of Rush City, Minn., to be receiver of public moneys at Taylor's Falls, Minn.

Samuel G. Glover, of Arlington, Nebr., to be receiver of public moneys at Valentine, Nebr.

UNITED STATES MINISTER.

Dabney H. Maury, of Virginia, to be envoy extraordinary and minister plenipotentiary of the United States to the Republic of Colombia.

RECORDER OF DEEDS.

James M. Trotter, of Massachusetts, to be recorder of deeds in the District of Columbia.

ASSISTANT TREASURER UNITED STATES.

Chauncey R. Shultz, of Missouri, to be assistant treasurer of the United States at Saint Louis, Mo.

PROMOTIONS IN THE NAVY.

Commodore Lewis A. Kimberly, to be a rear-admiral, from the 26th of January, 1887.

Capt. William P. McCann, to be a commodore, from the 26th of January, 1887.

Commander Gilbert C. Wiltse, to be a captain, from the 26th of January, 1887.

Lieut. Commander Felix McCurley, to be a commander, from the 26th of January, 1887.

Capt. James H. Gillis, to be a commodore in the Navy, from the 29th of January, 1887.

Commander James O'Kane, to be a captain in the Navy, from the 29th of January, 1887.

Lieut. Commander John McGowan, to be a commander in the Navy, from the 29th of January, 1887.

SURVEYOR-GENERAL.

George W. Julian, of Irvington, Ind., to be surveyor-general of New Mexico.

REGISTER OF LAND OFFICE.

Samuel F. Burtch, of Papillion, Nebr., to be register of the land office at Valentine, Nebr.

MELTER AND REFINER OF THE UNITED STATES MINT.

David K. Tuttle, of Nevada, to be melter and refiner of the mint of the United States at Carson, in the State of Nevada.

UNITED STATES CONSULS.

Charles T. Grellet, of California, formerly vice and deputy consul at Algiers, to be consul of the United States at that place.

John P. Campbell, of San Francisco, Cal., to be consul of the United States at Tamatave.

POSTMASTERS.

William J. Denman, to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky.

William Hilton, to be postmaster at Bradford, in the county of Essex and State of Massachusetts.

William J. Brewster, to be postmaster at Groton, in the county of Brown and Territory of Dakota.

George L. Bourne, to be postmaster at Auburndale, in the county of Middlesex and State of Massachusetts.

Thomas S. Murphy, to be postmaster at Zanesville, in the county of Washington and State of Ohio.

Louis Hock, to be postmaster at Clyde, in the county of Sandusky and State of Ohio.

Simeon L. Hunt, to be postmaster at Warren, in the county of Trumbull and State of Ohio.

Jacob N. Rogers, to be postmaster at Plainwell, in the county of Allegan and State of Michigan.

Clarence A. Brown, to be postmaster at Palmer, in the county of Hampden and State of Massachusetts.

Frank McGraw, to be postmaster at Eastport, in the county of Washington and State of Maine.

Joseph B. Willis, to be postmaster at Richmond, in the county of Madison and State of Kentucky.

David A. Hudnut, to be postmaster at Princeton, in the county of Mercer and State of New Jersey.

Charles Brewer, to be postmaster at Vineland, in the county of Cumberland and State of New Jersey.

Benjamin W. Mayo, to be postmaster at Turner's Falls, in the county of Franklin and State of Massachusetts.

Patrick Donlon, jr., to be postmaster at Ayer, in the county of Middlesex and State of Massachusetts.

William W. Joyner, to be postmaster at Flint, Genesee County, Michigan.

Meyer M. Kaufman, to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania.

Benjamin B. Read, to be postmaster at Greene, in the county of Chenango and State of New York.

Howard M. Church, to be postmaster at Holly, Oakland County, Michigan.

George L. Rice, to be postmaster at North Adams, Berkshire County, Massachusetts.

James E. Esterbrook, to be postmaster at Worcester, in the county of Worcester and State of Massachusetts.

Mason B. Bartlett, to be postmaster at Eureka, in the county Eureka and State of Nevada.

William McCrudden, to be postmaster at Nevada, in the county of Vernon and State of Missouri.

Walter H. Wells, to be postmaster at Coffeyville, in the county of Montgomery and State of Kansas.

Caleb W. Carson, to be postmaster at Ashland, in the county of Clark and State of Kansas.

Michael Glennan, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia.

Henry J. Wilkinson, to be postmaster at Granite Falls, in the county of Yellow Medicine and State of Minnesota.

Oscar D. Derr, to be postmaster at Roanoke, in the county of Roanoke and State of Virginia.

Frank L. Clark, to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin.

John H. Dennis, to be postmaster at Hastings, in the county of Barry and State of Michigan.

Anson O. Doolittle, to be postmaster at Charles City, in the county of Floyd and State of Iowa.

Nathaniel H. Du Foe, to be postmaster at Cedar Falls, in the county of Black Hawk and State of Iowa.

Mary McLaughlin, to be postmaster at Lake Forest, in the county of Lake and State of Illinois.

Edward P. De Grief, to be postmaster at New Philadelphia, in the county of Tuscarawas and State of Ohio.

Hattie M. Anderson, to be postmaster at Havelock, in the county of Cook and State of Illinois.

Frederick A. Gray, to be postmaster at Herkimer, in the county of Herkimer and State of New York.

Henry K. Reiss, to be postmaster at Greenville, in the county of Mercer and State of Pennsylvania.

Michael Carroll, to be postmaster at Sharon, in the county of Mercer and State of Pennsylvania.

William H. Bartholomew, to be postmaster at Catasauqua, in the county of Lehigh and State of Pennsylvania.

---

## REJECTIONS.

*Executive nomination rejected by the Senate January 26, 1887.*

SURVEYOR-GENERAL.

Charles W. Irish, of Iowa City, Iowa, to be surveyor-general of Nevada.

*Executive nominations rejected by the Senate March 3, 1887.*

REGISTER OF LAND OFFICE.

Charles E. Dailey, of Tucson, Ariz., to be register of the land office at Tucson, Ariz.

RECEIVER OF PUBLIC MONEYS.

Oliver Shannon, of North Platte, Nebr., to be receiver of public moneys at North Platte, Nebr.

# SENATE.

## STATEMENT OF APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1888, MADE AT THE SECOND SESSION OF THE FORTY-NINTH CONGRESS.

SUBMITTED BY MR. ALLISON, MARCH 3, 1887.

[Printed by order of the Senate.]

*History of the fourteen regular appropriation bills passed at the second session of the Forty-ninth Congress, and comparison of estimates for fiscal years* 1887 *and* 1888, *and appropriations for fiscal years* 1885, 1886, 1887, *and* 1888.

| Title. | Estimates, 1887. | Estimates, 1888. | Reported to the House. | | Passed the House. | |
|---|---|---|---|---|---|---|
| | | | Date. | Amount. | Date. | Amount. |
| Agricultural | $651,875 00 | $606,680 00 | Jan. 25, 1887 | $563,730 00 | Jan. 31, 1887 | $563,730 00 |
| Army | 25,356,998 01 | 25,524,587 64 | Dec. 17, 1886 | 23,642,618 69 | Dec. 21, 1886 | 23,642,618 69 |
| Diplomatic and consular | 1,604,961 60 | 1,935,722 44 | Dec. 21, 1886 | 1,679,945 00 | Feb. 18, 1887 | 1,311,720 00 |
| District of Columbia *a* | 3,839,868 99 | 4,365,495 66 | Jan. 22, 1887 | 3,928,130 66 | Jan. 29, 1887 | 3,928,130 66 |
| Fortification | 3,396,000 00 | 5,436,000 00 | ..... | (*d*) | ..... | ..... |
| Indian | 6,051,259 84 | 5,608,873 64 | Dec. 21, 1886 | 5,190,197 64 | Jan. 5, 1887 | 5,190,397 66 |
| Legislative, &c | 21,523,565 62 | 21,267,011 07 | Feb. 3, 1887 | 20,286,910 87 | Feb. 28, 1887 | 20,539,575 67 |
| Military Academy | 412,075 70 | 404,258 63 | Dec. 21, 1886 | 383,336 93 | Jan. 5, 1887 | 384,336 93 |
| Navy | 30,836,357 74 | 20,746,756 86 | Feb. 1, 1887 | 22,991,965 44 | Feb. 25, 1887 | 25,726,148 19 |
| Pension | 75,830,200 00 | 76,252,500 00 | Dec. 21, 1886 | 76,247,500 00 | Jan. 6, 1887 | 76,247,500 00 |
| Post-Office *b* | 54,986,166 89 | 55,342,150 15 | Jan. 18, 1887 | 55,689,650 15 | Jan. 29, 1887 | 55,689,650 00 |
| River and harbor | 10,176,920 00 | *c* 10,175,870 00 | Jan. 8, 1887 | 7,458,250 00 | Jan. 27, 1887 | 7,458,250 00 |
| Sundry civil | 33,554,600 59 | 31,540,862 07 | Dec. 9, 1886 | 19,183,911 97 | Dec. 17, 1886 | 19,753,411 97 |
| Total | 268,220,849 98 | 259,206,768 16 | ..... | 237,246,147 35 | ..... | 240,435,469 77 |
| Deficiency | 14,686,264 10 | *k* 8,500,000 00 | Feb. 25, 1887 | 3,573,504 94 | Mar. 1, 1887 | 3,685,208 34 |
| Mexican pension deficiency | ..... | 4,663,104 00 | Feb. 18, 1887 | 4,663,104 00 | Feb. 28, 1887 | 6,900,000 00 |
| Public printing, &c., deficiency | ..... | 107,000 00 | Dec. 15, 1886 | 107,000 00 | Dec. 16, 1886 | 107,000 00 |
| Total | 282,907,114 08 | 272,476,872 16 | ..... | 245,589,756 29 | ..... | 251,127,678 11 |
| Miscellaneous | 10,769,015,28 | 4,500,000 00 | | | | |
| Grand total | 293,676,129 36 | 276,976,872 16 | | | | |

| Title. | Reported to the Senate. | | Passed the Senate. | | Law, 1887–'88. | | Amount. | | |
|---|---|---|---|---|---|---|---|---|---|
| | Date. | Amount. | Date. | Amount. | Date. | Amount. | Law, 1886–'87. | Law, 1885–'86. | Law, 1884–'85. |
| | 1887. | | 1887. | | 1887. | | | | |
| Agricultural | Feb. 25 | $707,730 00 | Feb. 26 | $1,057,730 00 | March 3 | $1,028,730 00 | $654,715 00 | $585,790 00 | $480,190 00 |
| Army | Jan. 12 | 23,737,718 69 | Jan. 17 | 23,737,718 69 | Feb. 9 | 23,724,718 69 | 23,753,057 21 | 24,014,052 50 | 24,454,450 00 |
| Diplomatic and consular | Feb. 25 | 1,430,442 14 | Feb. 26 | 1,430,942 14 | March 3 | 1,429,942 14 | 1,364,065 00 | 1,242,925 00 | 1,219,390 00 |
| District of Columbia *a* | Feb. 19 | 4,411,290 66 | Feb. 22 | 4,418,190 66 | March 3 | 4,265,890 66 | 3,721,050 99 | 3,622,683 20 | 3,559,835 54 |
| Fortification | ..... | ..... | ..... | ..... | ..... | ..... | (*e*) | 725,000 00 | 700,000 00 |
| Indian | Feb. 2 | 5,189,197 66 | Feb. 5 | 5,194,197 66 | March 2 | 5,226,897 66 | 5,546,262 84 | 5,762,512 70 | 5,859,402 91 |
| Legislative, &c | March 2 | 20,701,806 67 | March 3 | 20,764,956 67 | March 3 | 20,701,221 67 | 20,654,346 37 | 21,376,708 70 | 21,393,141 85 |
| Military Academy | Feb. 19 | 419,336 93 | Feb. 23 | 419,936 93 | March 1 | 419,936 93 | 297,805 00 | 310,021 64 | 314,563 50 |
| Navy | March 1 | 46,704,530 94 | March 2 | 46,734,530 94 | March 3 | 25,753,165 44 | *f* 16,489,907 20 | 15,070,837 95 | 14,980,472 59 |
| Pension | Jan. 12 | 76,247,500 00 | Jan. 17 | 76,252,500 00 | March 1 | 76,252,500 00 | 76,075,200 00 | 60,000,000 00 | *g* 20,810,000 00 |
| Post-Office *b* | Feb. 3 | 56,189,650 15 | Feb. 12 | 56,194,650 15 | March 3 | 55,694,650 15 | 54,365,863 25 | 53,700,990 00 | 49,040,400 00 |
| River and harbor | Feb. 16 | 10,385,300 00 | Feb. 21 | 10,620,300 00 | ..... | (*h*) | 14,473,900 00 | (*i*) | 13,949,200 00 |
| Sundry civil | Jan. 27 | 22,693,856 06 | Feb. 2 | 23,792,059 71 | March 3 | 22,382,490 96 | 22,662,310 58 | 26,079,257 49 | 22,299,434 30 |
| Total | ..... | 268,818,359 90 | ..... | 270,617,713 55 | ..... | 236,880,144 30 | 240,058,483 44 | 212,490,779 18 | 179,060,480 69 |
| Deficiency | March 3 | 5,648,067 51 | March 3 | 8,549,175 17 | ..... | (*l*) | 13,866,719 92 | 4,926,855 80 | 7,057,509 00 |
| Mexican pension deficiency | March 3 | 6,900,000 00 | March 3 | 6,900,000 00 | March 3 | 6,900,000 00 | ..... | ..... | ..... |
| | 1886. | | 1886. | | 1886. | | | | |
| Public printing, &c., deficiency | Dec. 20 | 107,000 00 | Dec. 20 | 107,000 00 | Dec. 22 | 107,000 00 | ..... | ..... | ..... |
| Total | ..... | 281,473,427 41 | ..... | 286,173,888 72 | ..... | 243,887,144 30 | 253,925,203 06 | 217,417,634 98 | 186,117,989 69 |
| Miscellaneous | ..... | ..... | ..... | ..... | ..... | 3,500,000 00 | *m* 9,989,410 14 | 2,177,648 20 | 9,592,598 40 |
| Grand total | ..... | ..... | ..... | ..... | ..... | 247,387,144 30 | 263,914,613 25 | 219,595,283 18 | 195,710,588 09 |

*a*. Fifty per cent. of the amounts appropriated for the District of Columbia are paid by the United States. The amount for the water department (estimated for 1888 at $300,201.69) is paid out of the revenues of that department.

*b*. The appropriations for the postal service are paid out of the postal revenues (estimated for 1888 at $50,612,596.46), and any deficiency in the revenue is provided for out of the Treasury of the United States.

*c*. This is the estimate submitted for rivers and harbors for 1888. "The amount that can be profitably expended," as reported by the Chief of Engineers, is $30,281,749 (Book of Estimates, pages 174–179).

*d*. No bill making appropriations for fortifications for 1888 was reported to the House.

*e*. No appropriations for fortifications were made for 1887.

*f*. This amount includes the sum of $3,500,000 for increase of the naval establishment appropriated by special act.

*g*. In addition to this amount for pensions for 1884–'85, an unexpended balance of appropriation, estimated at $66,000,000, was reappropriated and made available for that fiscal year.

*h*. The river and harbor bill for 1888 failed to receive the approval of the President. As passed Congress it carried an appropriation of $9,913,800.

*i*. No appropriations were made for rivers and harbors for the fiscal year 1885–'86.

*k*. This amount covers deficiency estimates submitted in House Executive Documents Nos. 21, 22, 49, 89, 120, 133, 180, and 187, and Senate Executive Documents Nos. 110, 116, and 123, and other executive and miscellaneous documents, second session, Forty-ninth Congress.

*l*. The general deficiency bill failed to pass; as agreed to in conference it carried an appropriation of $4,275,023.66.

*m*. This amount includes the sum of $5,769,015.28 for payment of Alabama claims awards.

From the above statement it appears that the sum total of the appropriation bills as passed the House of Representatives amounted to $251,127,678.11; and as passed the Senate to $286,173,888.72, showing a net increase made by the Senate of $35,046,210.61.

Some of the principal objects of this increase were as follows:

| | |
|---|---|
| For increase of the naval establishment, namely: | |
| For six protected steel cruisers in lieu of two provided for by House bill, net increase | $6,530,000 |
| For guaranteed speed of 20 knots, &c | 1,200,000 |
| For armament of same | 2,880,000 |
| For armored vessels, or floating batteries, or rams for harbor defense | 6,000,000 |
| For light-draught gunboats | 720,000 |
| For torpedo boats | 600,000 |
| For torpedoes and other explosives to be operated from naval vessels | 600,000 |
| For armament of said batteries and rams | 1,800,000 |
| For purchase of the Destroyer | 122,000 |
| Total increase of the Navy | 20,452,000 |

[The increase of Navy appropriations of $20,452,000, the whole of which is added above, contemplated that the expenditure of the sum would extend over a period of five years, or about $4,000,000 per annum; so that the real increase to be expended for this purpose during

the next fiscal year is $4,000,000, and not $20,452,000, as stated in the tables.]

| | |
|---|---|
| For general support of the naval establishment | $528,000 |
| For audited accounts certified by the Treasury Department | 1,800,000 |
| To pay judgment of the Supreme Court of the United States | 2,858,000 |
| For completing new cruisers, Chicago, Boston, and Atlanta | 261,000 |
| For completing public buildings | 2,300,000 |
| For light-houses and light-house establishment | 259,000 |
| For revenue cutter for Southern coast | 60,000 |
| For Coast and Geodetic Survey | 170,000 |
| For United States and Mexican boundary survey | 100,000 |
| For Alaska and British Columbia boundary survey | 50,000 |
| For completing Capitol terraces | 165,000 |
| For support of the Signal Service | 36,000 |
| For construction of Congressional Library building | 250,000 |
| For hospital buildings at volunteer soldiers' homes | 160,000 |
| To prevent the spread of pleuro-pneumonia | 400,000 |
| For restoring the diplomatic and consular service to status of current fiscal year | 120,000 |
| For support of the government of the District of Columbia | 490,000 |
| For transportation of foreign mails in American steamships to South American republics | 500,000 |
| For river and harbor improvements | 3,000,000 |
| For legislative, executive, and judicial expenses | 140,000 |
| For expenses of collecting internal revenue | 50,000 |
| For public printing and binding | 37,000 |
| For expenses of United States courts | 65,000 |
| For armament of fortifications | 50,000 |

Other items of increase and various reductions in the appropriations provided in House bills were made by the Senate, showing, as above stated, a net increase of $35,046,210.61.

---

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *March* 3, 1887.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 6330) to confirm to Emil Guerin and Cheri P. Major title to certain lands;

A bill (H. R. 2629) for the relief of William M. Morrison;

A bill (H. R. 10991) to quiet title to certain lands in the city of Washington, D. C.; and

A bill (H. R. 10799) for the relief of St. Dominic's church, in the city of Washington, D. C.

Also, that the Senate had passed, with amendments, in which concurrence was requested, the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1885, requested a conference thereon, and had appointed Mr. WILSON, of Iowa, Mr. HOAR, and Mr. PUGH managers on the part of the Senate.

Also, that the Senate insisted on its amendments to the bill (H. R. 11020) making appropriations for the naval service, &c.; and agreed to the conference asked by the House thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. BECK managers on the part of the Senate.

#### PRIVATE LAND CLAIMS, NEW MEXICO, ETC.

The SPEAKER laid before the House Senate amendments to the bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona, and the State of Colorado; with request for a conference on the part of the Senate.

Mr. WILKINS. I object to the consideration of that bill.

Mr. HALSELL. I ask unanimous consent to non-concur in the amendments and agree to the conference.

Mr. WILKINS. I object.

The SPEAKER. The bill will be referred to the Committee on Private Land Claims.

Mr. HALSELL. I move to suspend the rules and adopt the motion I have made.

The SPEAKER. That is not in order at this time, except by consent.

#### PHILIP TAYLOR.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor.

Mr. WHEELER. I ask unanimous consent to submit a motion that the House non-concur in the Senate amendments and agree to the conference asked thereon.

The SPEAKER. The amendments had better be read.

The Senate amendments were read at length.

There being no objection, the motion to non-concur and agree to the conference was agreed to.

#### WILLIAM FIGLEY.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 5935) to remove the charge of desertion against William Figley.

Mr. WHEELER. I ask consent to non-concur and agree to the conference asked by the Senate on that bill.

There was no objection, and it was so ordered.

#### ADDITIONAL CIRCUIT JUDGE, SECOND JUDICIAL CIRCUIT.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 8599) to provide an additional circuit judge in the second judicial circuit, and for other purposes.

Mr. TUCKER. I ask unanimous consent to concur in the Senate amendments.

Mr. HOLMAN. I shall object to that.

Mr. EDEN. Let the amendments be read.

The Senate amendments were read at length.

Mr. TUCKER. I move to concur.

Mr. HOLMAN. Is the subject regularly before the House at this time?

The SPEAKER. The Chair has just laid the bill before the House. It came from the Senate on yesterday.

Mr. HOLMAN. I do not consent to the unanimous consent asked.

Mr. RANDALL. Well, that is killing the bill; and it is a denial of justice to the litigants in that district. If the gentleman does that, of course he takes the responsibility upon himself for defeating the passage of the bill.

Mr. HOLMAN. I understand that.

Mr. TOWNSHEND. This bill comes with the recommendation of the Department.

Mr. TUCKER. Can I submit the motion to concur?

Mr. HOLMAN. I am willing that the House shall vote on the motion of the gentleman; but I do not agree to the unanimous consent asked.

Mr. TUCKER. Very well, then I submit the motion and demand the previous question upon it.

The previous question was ordered. [Cries of "Vote!" "Vote!"]

The question was taken, and on a division there were—ayes 95, noes 11.

Mr. HOLMAN. No quorum, Mr. Speaker, has voted.

Mr. TUCKER. Evidently a quorum is present in the House.

Mr. HOLMAN. Mr. Speaker, it is quite manifest that the House is inclined to pass this bill. I do not think it ought to be passed; but inasmuch as the indications are so clear that a majority of the House favor the passage of the bill, I shall withdraw the point of order so as to avoid delay.

So (no further count being demanded) the Senate amendments were concurred in.

Mr. TUCKER moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### HENRY DURKEE.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 8620) granting relief to Henry Durkee.

Mr. WHEELER. I move that the House concur in the Senate amendments. These I will say simply change the dates fixed in the original bill.

Mr. WARNER, of Ohio. What is the character of this bill?

Mr. WHEELER. It is simply granting a discharge to a man under his proper name.

The SPEAKER. The Senate amendments will be read.

The Senate amendments were read at length.

Mr. HOLMAN. I trust the bill will be reported to the House as amended by the Senate.

The bill was read as proposed to be amended.

Mr. WHEELER. I can state the facts of this bill in a moment. Henry Durkee enlisted in the Army under the name of "Grant," that being the name of his step-father with whom he lived. He simply asks now to have a discharge, to which he is entitled, made out in his own proper name, the name under which he lives and holds office and is known as a good citizen. It appears that he enlisted when a mere boy and having been reared by a step-father he had always been known up to the time of enlistment by the name of Grant. After the war, and after he became of age, he assumed his rightful name, Henry Durkee, and he wishes to have the records of the War Department show that the Henry Durkee who is now an honorable citizen is the same person who served during the war as a private in the Second and the Fifth Wisconsin Volunteers under the name of Henry Grant. The Senate amendments are simply changes of dates. I hope that the House will concur in the Senate amendments.

The motion to concur was agreed to.

Mr. WHEELER moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri; and

Joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

A bill (S. 175) for a public building at Monroe, La.;

A bill (S. 929) for the relief of Albert H. Emery;

A bill (S. 2451) for the relief of Mrs. Julia De Quindre; and

A bill (S. 2997) granting a pension to Mrs. M. E. Woods.

SETTLERS IN NEBRASKA AND KANSAS.

The SPEAKER announced as the conferees on the part of the House on the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas Mr. SPRINGER, Mr. SOWDEN, and Mr. LAIRD.

JAMES W. KINGON.

The SPEAKER also laid before the House the bill (H. R. 9860) to correct the record of the military services of James W. Kingon with amendments by the Senate, a request for a committee of conference, and the announcement by the Senate that it had appointed as conferees on its part Mr. HARRISON, Mr. HAWLEY, and Mr. COCKRELL.

The amendments were read.

Mr. WHEELER. I ask unanimous consent to non-concur in the Senate amendments and agree to the request for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. WARNER, of Ohio. This bill seems to be the reversal of a judgment of a court-martial. The House and Senate disagree. We should have at least some explanation as to the difference between the two Houses.

Mr. WHEELER. I will endeavor in a few words to give the explanation requested by the gentleman from Ohio [Mr. WARNER]. The bill which passed the House was framed by the Committee on Military Affairs, to which committee the petition of Mr. Kingon was referred by the House of Representatives. The petition was supported by affidavits and other proof, all tending to sustain the proposition that the petitioner had been wronged, and this was abundantly confirmed by the report made upon the case by the War Department. The transcript of the proceedings of the court-martial showed that the trial was illegally conducted, and that the verdict of the court was not sustained by the proof. The affidavits of reputable citizens, who had been Kingon's comrades, showed that in violation of the Constitution of the United States the court undertook to try and did try the accused in his absence.

The effect of the bill which passed the House was to set aside these illegal proceedings, which were simply a parody upon justice. The effect of the bill, as amended by the Senate, is to allow the proceedings of the court to stand, but to relieve Kingon from all the penalties inflicted by the court except the stigma which inevitably follows a conviction by any lawfully constituted court. We think that this stigma, thus improperly and illegally cast upon this soldier, should be removed. Sergeant Kingon entered the service when the war commenced, served with distinction, and re-enlisted as a veteran after three years' service, serving altogether for four years and two months. I feel convinced the Senate conferees will agree to a bill which removes an unjust stain from a man who was a good soldier for more than four years, and who has always been a good citizen.

Mr. MILLS. I think this is a very bad character of legislation, for Congress to review decisions of courts in the Army. There can be no proper discipline if we allow every man who is punished for misconduct to appeal to Congress. I do not think Congress should pass such a bill as this.

Mr. STEELE. That was my argument on the Fitz John Porter case.

Mr. WHEELER. The affidavits show that the accused was never before the court, and that the evidence adduced against him did not sustain the charges. He was tried, not being present, in violation of the Constitution, and the charge ought to be removed.

I fully concur with my friend from Texas [Mr. MILLS] that Congress ought never to set aside the findings and verdict of a court-martial where the proceedings are conducted according to law and the finding is sustained by the evidence. But I think my friend will agree with me that it will improve the discipline of the Army to rebuke, censure, and reverse unwarranted and illegal verdicts.

My investigations have shown me that there are cases of this character, and it seems that President Cleveland has made the same discovery, as in his first message to Congress he uses these words:

If some of the proceedings of courts-martial which I have had occasion to examine present the ideas of justice which generally prevail in these tribunals, I am satisfied they should be much reformed if the honor and honesty of the Army and Navy are by their instrumentality to be vindicated and protected.

My friend will always find me an advocate of discipline in the Army, and will never find me advocating anything that can impair the efficiency of the service.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There being no objection, the amendments of the Senate were non-concurred in, and the House agreed to the request for a committee of conference.

EULOGIES ON DECEASED MEMBERS.

The SPEAKER also laid before the House the joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress on the late Abraham S. Dowdney, John Arnot, jr., Lewis Beach, William T. Price, and William H. Cole, with amendments by the Senate and a request for a conference.

The amendments which provided for the printing also of eulogies delivered on the late Senator Pike, of New Hampshire, were read.

Mr. VIELE. I ask unanimous consent to concur in the Senate amendments.

There was no objection.

REMOVAL OF CAUSES FROM STATE COURTS, ETC.

The SPEAKER also laid before the House the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875, with amendments by the Senate and a request for a conference, the Senate having appointed Mr. WILSON of Iowa, Mr. HOAR, and Mr. PUGH as managers of the conference on its part.

The amendments were read.

Mr. CULBERSON. I ask unanimous consent to non-concur in the Senate amendments and agree to the request for a conference.

Mr. HOLMAN. The importance of this bill is well known. It would seem to be a measure of so much importance as to justify a conference, notwithstanding that there is one exceedingly objectionable feature in it. With the understanding that that feature increasing the salaries of district judges will not be yielded by the conferees on the part of the House, I, for one, do not object to the conference.

Mr. STRAIT. I object. I think the amendments should go to the committee.

Mr. CULBERSON. I hope the gentleman from Minnesota will let the amendments go to a conference.

The SPEAKER. The gentleman from Minnesota declines to withdraw his objection.

Mr. CULBERSON. Is it in order to move to suspend the rules so that the House may non-concur in the amendments and agree to the conference asked by the Senate?

The SPEAKER. It is not. Does the gentleman from Minnesota withdraw his objection?

Mr. STRAIT. I do not.

The bill and Senate amendments were referred to the Committee on the Judiciary.

ALFRED HEDBERG.

The SPEAKER also laid before the House a bill (H. R. 38) for the relief of Alfred Hedberg; which bill was returned from the Senate with amendments and a request for a conference.

Mr. ANDERSON, of Ohio. Mr. Speaker, I move that the House non-concur in the amendments of the Senate and agree to a conference.

Mr. EDEN. I would like to have the amendments read.

The amendments were read.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House non-concur in the amendments of the Senate and agree to a conference.

The motion was agreed to.

The SPEAKER. The Chair will appoint as the managers of the conference on the part of the House, the gentleman from Ohio, Mr. ANDERSON, the gentleman from Alabama, Mr. WHEELER, and the gentleman from Pennsylvania, Mr. NEGLEY.

JOHN A. LONDON.

The SPEAKER also laid before the House the bill (H. R. 834) for the relief of John A. London, which bill was returned from the Senate with amendments and a request for a conference.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent that the House non-concur and accede to the request for a conference.

There was no objection, and it was so ordered.

ELIZABETH AND MARY GLASSBRENER.

The SPEAKER also laid before the House the bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener, with the amendments of the Senate thereto.

Mr. MATSON. I ask unanimous consent that the amendments of the Senate be concurred in.

The amendments were read.

Mr. MATSON. The effect of the amendment is to give to the two parties named one pension instead of giving a pension to each.

The amendments of the Senate were concurred in.

HOT SPRINGS, ARK.

The SPEAKER also laid before the House a joint resolution (S. R. 117) to authorize the use of hot water off the Government reservation at Hot Springs, Ark.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that that joint resolution be considered now.

Mr. O'NEILL, of Pennsylvania. Let us hear it read.

The Clerk proceeded to read the joint resolution.

Mr. HOLMAN. Mr. Speaker, I understand that this is being read only for information.

The SPEAKER. That is all.

The Clerk read the joint resolution.

Mr. O'NEILL, of Pennsylvania. I will ask the gentleman whether there is any provision there for the renewal of leases at the Hot Springs?

Mr. ROGERS. None whatever.

Mr. WARNER, of Ohio. Let us have a brief explanation of the joint resolution.

Mr. ROGERS. Ten years ago Secretary Schurz decided that the bath-houses off the reservation might have hot water, and from that time until now they have enjoyed that privilege, but recently the Assistant Attorney-General of the United States decided that the law did not authorize the continuance of the privilege to the bath-houses off the reservation, and the Secretary of the Interior is now in doubt as to whether he ought to continue it, or, when Congress adjourns, cut it off.

This joint resolution allows the water to be continued only to bath-houses now in existence off the reservation until Congress shall take some permanent action, and the matter is left entirely subject to any legislation that may hereafter be enacted by Congress. These bath-houses pay for the water, and of course it is a source of revenue to the Government, and does not affect in any way the status of the property.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. ROGERS]?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DES MOINES RIVER LANDS.

The SPEAKER also laid before the House the bill (S. 2965) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

Mr. HOLMES. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMES. I wish to ask whether it is not in order to move to suspend the rules and pass the bill?

The SPEAKER. It is not.

Mr. HOLMES. Or to move to suspend the rules and consider the bill at the present time?

The SPEAKER. It is not. The gentleman may ask unanimous consent.

Mr. HOLMES. Then, Mr. Speaker, I ask unanimous consent that the bill be now considered.

Mr. MORRISON. I object. We have not time.

The SPEAKER. Is there objection to the request of the gentleman from Iowa.

Mr. PARKER. I object.

The bill having been read twice was referred to the Committee on Public Lands.

VALIDATION OF LAWS OF WASHINGTON TERRITORY.

The SPEAKER also laid before the House the bill (S. 3349) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory, and for other purposes.

Mr. VOORHEES. Mr. Speaker, a bill to accomplish this same result is now on the Calendar, having been reported from the House Committee on Territories, and I now ask unanimous consent that the Senate bill be put upon its passage.

Mr. JOHNSTON, of Indiana. I object.

Mr. VOORHEES. I ask unanimous consent to make a brief statement in connection with this bill.

There was no objection.

Mr. VOORHEES. Mr. Speaker, the passage of this measure is of most vital importance to the Territory of Washington. By virtue of its provisions thirty-five acts of the Legislative Assembly of that Territory are validated. Section 1924 of the Revised Statutes of the United States requires that every act of the Legislative Assembly shall contain in its title a specific statement of the object of the act. The supreme court of that Territory in the early part of last month decided that where the title of an act simply stated that it was, for instance, "An act to amend section 140 or 150 of the code of Washington" the title did not comply with the requirement of section 1924. The effect of this decision is to invalidate every act of the Legislative Assembly of the sessions of 1883–'84 and 1885–'86; so that we in Washington Territory are left for the next year practically without any law.

Mr. DANIEL. Will this bill authorize woman suffrage in that Territory?

Mr. VOORHEES. I am very much obliged to the gentleman from Virginia [Mr. DANIEL] for asking me that question. Amongst the thirty-five acts to be validated is one conferring upon women the right of suffrage; and aside from the sentimental aspect of the woman-suffrage question, it is just as important that this law should be validated as any of the other laws, for during the last two years, or since the passage of the act in question, women have been sitting upon our juries, and have become part and parcel of our whole governmental system.

I do not desire to commit this House to woman suffrage. Speaking only for myself, I am in favor of extending to woman every right that man enjoys in this country. But I do not want to commit Congress or this House—and this bill has no such purpose—on the question of woman suffrage, for it is specifically provided that Congress may at any time invalidate any or all of these acts. This bill simply validates the acts in question so far as the defect to which I have called attention is concerned. I submit that the House, in view of the vital importance of this question, ought to allow this bill to go through.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DANIEL. I object.

Mr. SYMES. I hope the gentleman will not object. To refuse to pass this bill will be a great injustice to that Territory.

Mr. DANIEL. I withdraw the objection.

Mr. JOHNSTON, of Indiana, objected, but subsequently withdrew his objection.

Mr. OATES. I renew the objection.

SENATE BILLS REFERRED.

Bills of the following titles were taken up, laid before the House, and referred as indicated:

The bill (S. 3330) for the erection of a national memorial bridge over the Potomac from Washington to Arlington; to the Committee on the District of Columbia.

The bill (S. 3354) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.; to the Committee on Commerce.

RETURN OF A BILL TO THE SENATE.

The SPEAKER also laid before the House the following message from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1887.

*Ordered*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

The SPEAKER. If there be no objection, the request of the Senate will be granted, and this bill will be returned.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUTTON, for this day.

To Mr. COMSTOCK, for the remainder of the session after 4 o'clock today.

To Mr. MARTIN, for the remainder of the session, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks in the RECORD was granted as follows:

To Mr. DIBBLE, on the joint resolution (H. Res. 61) proposing an amendment to the Constitution of the United States creating and defining the office of Second Vice-President of the United States.

To Mr. FREDERICK, on the appropriation for the extermination of pleuro-pneumonia.

To Mr. HAMMOND, on the bill (H. R. 7219) to amend sections 4132 and 2513 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States and to permit the same to be registered as vessels of the United States, and to admit certain materials to be used in the construction of vessels free of duty.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers without leaving copies was granted in the following cases, there having been no adverse report:

To Mr. JACKSON, in the cases of Mary Thorn (H. R. 2199), George H. Rider (H. R. 2201), W. P. Withrow (H. R. 6888), William Straub (H. R. 6236).

To Mr. ROMEIS, in the case of Mrs. Eliza Whiteaker (papers now in the Committee on War Claims).

To Mr. DAVIS, in the case of Charles Harding, applying for increase of pension.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

A bill (H. R. 4476) for the relief of Alexander Worrall;

A bill (H. R. 6663) for the relief of Thomas P. Westmoreland;

A bill (H. R. 8593) for the repair and preservation of the road heretofore constructed by the Government leading from Vicksburg to the national cemetery adjacent thereto; and

Joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service.

The message also announced that the Senate had passed with an amendment the bill (H. R. 8751) for the relief of Samuel F. Rice, asked a conference with the House on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. PUGH, Mr. GEORGE, and Mr. WILSON of Iowa.

The message also announced that the Senate had passed the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2629) for the relief of William M. Morrison;

A bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands;

A bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes; and

A bill (H. R. 10991) to quiet title to certain land in the city of Washington, D. C.

PRINTING OF A REPORT.

On motion of Mr. CURTIN, it was ordered that the report of the special committee appointed to investigate labor troubles in Missouri, Arkansas, Kansas, Texas, and Illinois, and testimony taken by the committee, necessarily made part of the report, should be printed.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks in the RECORD was granted as follows:

To Mr. GROSVENOR, on the Mexican pension appropriation bill.

To Mr. EZRA B. TAYLOR, on the revenue laws.

VETO MESSAGE—THOMAS S. HOPKINS.

Mr. HAYNES. Mr. Speaker, I rise to submit a privileged report from the Committee on Invalid Pensions. I am directed to report back the veto message of the President on the bill (S. 183) for the relief of Thomas S. Hopkins, and to recommend the passage of the bill.

The SPEAKER. The report of the committee will be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom were referred the bill (S. 183) for the relief of Thomas S. Hopkins, and the message of the President stating his objections thereto, have considered the same, and respectfully submit the following:

As is stated by the President, this bill proposes to remove the limitation fixed by the law of 1879, prescribing the date prior to which an application for pension must be filed in order to entitle the claimant to draw the pension allowed from the time of his discharge from the service. Neither in the original report of this committee nor in the message of the President is attention directly called to the most important fact that the statute alluded to contained a clause which expressly exempted from the limitation contained therein "insane persons and children under sixteen years of age." This provision was duly considered by the committee, and formed the basis of favorable action, and it may be considered an unfortunate oversight that this vital point in the case was not as fully and clearly stated in the report as it should have been.

The vital question is whether the mental condition of claimant was such during the years of 1879 and 1880 as to fairly and equitably entitle him to the benefit of the exemption in favor of "insane persons." The proof of his mental condition from a date prior to the passage of the arrears act down to some months after the limitation expired is absolutely conclusive. There is not a shadow of a doubt in regard to it. The list of physicians who attended him during the period in question, and who certify to his complete prostration, contains the names of some of the most distinguished members of the profession in Washington.

Drs. Fry and Johnson, in their joint affidavit, attached to applicant's memorial to Congress, dated December 27, 1881, say:

"He could see and converse with no one but the members of his own family and his physicians, and even that intercourse was of the simplest and most limited character. He could not read or hear read a single line or put forth the slightest mental effort without producing most distressing symptoms. He was so weak that he could not grasp a pen, lift a book, or feed himself."

And in their subsequent affidavit of June 7, 1882, they say:

"That his disease has been the severest case of nervous exhaustion which has ever come under their observation.

"That from March 3, 1879, and for many months previous thereto, down to November, 1880, he was absolutely disqualified, both mentally and physically, from attending to the business of applying for a pension, or any other business, by reason of the intensity of his symptons, and that there were no intervals, however short, during that period when he could have safely undertaken the work.

"That the effort he made in applying at so early a date has seriously retarded his recovery."

These statements are fully corroborated by the affidavits of such eminent specialists as Dr. S. Weir Mitchell and Dr. A. F. A. King.

It is also shown by certified transcript of record on file with the papers in this case that he was, by decree of the supreme court of the District, removed from his office as trustee under a certain deed of trust on the ground that he was "totally unable to perform his duties as trustee under said deed of trust, or to attend to any business." This decree was made in September, 1879.

There are also affidavits from notaries public of this District certifying that in 1879 and in 1880 they called at the applicant's residence, seeking to obtain his signature and acknowledgment to various deeds. These were formal acts on his part, but it was of great importance to the parties interested that the signatures and acknowledgments should be obtained. But none of the notaries were allowed even to enter the applicant's room, because of his critical condition.

That his then and his present condition are the result of disease contracted in the Army has been officially decided by the Pension Office, which diagnosed his case as "disease of the brain and spinal cord from chronic diarrhea and malarial poisoning," and granted him a pension therefor as soon as he was able to make proper application.

The case briefly summarized is this: In the summer of 1878 Hopkins was suddenly stricken down upon the street with nervous exhaustion (neurasthenia) of the severest character. He lost the use of both his mental and physical powers for several years, and has been confined to his bed ever since.

The disease is not "insanity" within the strict technical definition of that term, but the incompetency is absolute and continuous. It is conceded to be the result of service in the Army. With the very first return of mental strength he applied for a pension, which was granted him for "disease of the brain and spinal cord." While laboring under this disability Congress passed the arrears of pension act of March 3, 1879, which contained a limitation providing that all applications under it must be filed prior to July 1, 1880; but "insane persons and children under sixteen years of age" are especially exempted from the limitation.

The application of the soldier was made four months after the limitation of the time expired. He was then so weak, mentally, that he could neither read, write, nor be read to, and so weak, physically, that he could not feed himself nor make any voluntary effort whatever to attend to his own wants. His physicians certify that his recovery was seriously retarded by the effort which he made in applying for the pension while he was still so feeble. As a result of his complete prostration and inability to avail himself of his rights, his pension only dated from the time when his application was actually filed, so that he received no allowance for the two years and more during which, owing to the extreme character of his illness, he was unable to take any steps toward securing a pension; and he also lost the increase of pension he would otherwise have been entitled to under the act of June 16, 1880.

This committee are of opinion that in such a case the soldier should not be debarred from a participation in the benefits intended to be conferred upon him by law, because the disease of the brain, from which he suffers, happens not to be aptly described by the term "insane," as used in the statute, although the disease does not in fact effectually deprive him of the use of both his mental and physical powers. Nor should the fact that the soldier's illness was of almost unexampled severity, instead of securing him greater consideration, be allowed to become the very means by which he is deprived of the benefit of laws enacted while thus laboring under disability, and which laws were intended for his benefit.

The President states in his veto message that—

"The beneficiary named in this bill had fifteen years after the accruing of his claim, and before it is alleged that he was incapacitated, within which he might have filed his application and entitled himself to the back pension now applied for."

As a fact, during two of the fifteen years indicated by the President this applicant was in the condition of total mental and physical collapse hereinbefore stated in this report. During the thirteen years between his discharge from the Army and his sudden and total breaking down he was engaged in the practice of his profession, self-reliant and self-supporting; and that he refused during that time to apply for the Government aid to which he was by law entitled, should be a matter of commendation rather than reproach.

There is also a manifest error in the statement of the President that—

"If this bill should become a law it would entitle the claimant to about $9,000 of back pension."

Even were this estimate correct, it should not be allowed to override the equities of this case. But it is unquestionably an erroneous computation, based upon the supposition that his present degree of total disability extends back to the time of his discharge. In fact, during thirteen years of that period he was disabled only in a slight degree, and could receive during that time only a small rating, to be fixed by the Pension Office under its rules. His condition of total helplessness was not reached until the summer of 1878, and then came very suddenly. A careful and painstaking computation shows a mistake in the President's estimates of between $5,000 and $6,000.

This committee, adhering to their former judgment as to the merits of this case, recommend that the bill do pass, the objections of the President notwithstanding.

Mr. HAYNES. I yield whatever time I may have to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, if I can have the attention of the House for a very few minutes I think I can justify my action in bringing up a question like this at this late period in the session. I think I can satisfy the House that the President of the United States in compiling this veto message has been misled, has made errors of fact; that he has been misinformed; and if I satisfy the House of those facts I trust I may have the benefit of the unbiased judgment of every member on this floor.

I can best argue this matter by a simple statement of the facts connected with the case. Mr. Thomas S. Hopkins, the beneficiary under this bill, was a soldier in the Union Army during the late war. After coming out of the service he spent thirteen years as a practicing lawyer in the city of Washington—not in good health, but still capable of earning his living, and unwilling to ask the assistance of the Government in his support.

Prior to March 3, 1879, he was suddenly stricken down by a cerebral disease, which has been proved at the Pension Office to have been the result of disabilities contracted by him during his service in the Army.

Shortly after he was reduced to the unfortunate condition which I shall by and by describe, the bill known as the arrears of pensions act became a law. That bill became a law on March 3, 1879, and the limitation expired on the 30th June, 1880. During that whole period this

man was absolutely helpless. He was mentally and physically incapacitated from making an application, and this fact is established not merely by the testimony of reputable physicians in the city of Washington, like Dr. W. W. Johnston and H. D. Frye, but by the solemn adjudication of a court, which removed him from a position as trustee because he was utterly incapable of exercising the trust which devolved upon him.

Now the object of that arrears-of-pension act was to allow to every soldier the interval between the 3d of March, 1879, and June 30, 1880, to file his application in the office for pension; but out of that limitation of time was excepted certain persons: those who were entirely incapable of making application, the language used being "cases of insanity and children under sixteen years of age." The case of this applicant was not a technical case of insanity, but it was a case where the man, by the very injury for which he claims pension, was deprived of the ability, both physical and mental, to make the application. In other words, he never had his day in court.

That is the fundamental fact upon which the case turns. That fact, and that alone, covers the whole ground; and yet it will surprise the House when I say that it is the one fact, of all, of which there is no mention whatever in the President's veto message, showing conclusively that the facts of the case were by some error or misinformation on the part of somebody never brought to his cognizance.

There is another fact stated in this veto message of the President, and that fact has had undoubtedly great weight in his mind. He states that if this bill passes, this man will receive $9,000 as arrears of pension. Now that is obviously a mistake, because it proceeds upon the assumption that he will receive $70 a month from the original date of his disablity up to the present time, while the bill itself simply proposes that this man shall be rated according to the rules of the Pension Office, and those rules rate him year by year on the basis of his disability. And the case shows that for thirteen years this man was here in Washington, was a practicing lawyer who was able to earn and did earn his living. So that it is manifest the President was mistaken or misinformed by the documents before him, and was induced to veto the bill on a statement of fact which really had no foundation.

Now, Mr. Speaker, I believe that is the simple statement of the case, and the question is——

Mr. EDEN. What amount of pension does he receive now?

Mr. REED. He is now receiving pension at the rate of $50 a month.

Mr. HEARD. What will the arrears amount to?

Mr. REED. Probably two or three thousand dollars; but nobody can tell that until the Pension Office has rated the disability for which the pension is to be allowed.

Whatever he gets for arrears will be in accordance with law. The sole effect of this law is to remove the limitation of the statute, a limitation which ought to be removed, because this man has never had his day in court.

Now I will be glad to answer any question from any gentleman, otherwise I will ask the previous question.

Mr. TAULBEE. I desire to ask the gentleman from Maine this question: Does not this bill have the effect of increasing the rate of pension from $50 a month to $72 a month?

Mr. REED. It has that effect.

Mr. TAULBEE. That is another feature of the bill.

Mr. REED. But I will say to the gentleman from Kentucky, inasmuch as the matter surprised me somewhat, that is the necessary effect of the removal of the statute of limitations, because every case of arrears of pension, whether there was insanity or not, was considered to be as of June 16, 1880. For this reason, because the pension dated back to the time of the disability, and that disability occurring during the war, it necessarily took in that date of June 16. That answers the only objection which the gentleman from Kentucky [Mr. TAULBEE] urged at the time this case was originally before the House. I was not able to state to him that fact then because I did not know it myself.

Mr. TAULBEE. Will the gentleman allow me another question?

Mr. REED. Yes, sir.

Mr. TAULBEE. Is it not a fact that the effect of the bill is changed by the peculiar phraseology providing that the rating shall be as though the case had been adjudicated prior to June 16, 1880; that if the bill had read that the pension should be rated as though the application had been filed prior to 1st July, 1880, he would then have received only $50; but that as the bill provides that his pension shall be rated as though his case had been adjudicated prior to 1st July, 1880, that appearing on the face of the bill, will increase his pension?

Mr. REED. With the facts as we knew them when the bill was before the House, the gentleman from Kentucky would be right; but under the rulings of the Pension Office if the objectionable phraseology were not there the result would still be the same.

Mr. TAULBEE. Is it not the fact that the law increasing the pension from $50 to $72 a month for total helplessness only applied to the cases on the pension-roll on the 1st of July, 1880, and, therefore, if the bill had provided that the pension should be rated as if the application had been filed prior to July, 1880, it would be now only $50; whereas it provides his rating should be as though the case had been adjudicated prior to July, 1880, which will make the rate $72?

Mr. REED. I think both phraseologies would do it under the rulings of the Pension Office. The other night when the case was before the House I would have answered unhesitatingly in the way suggested by the gentleman from Kentucky. But with a knowledge of the rulings of the Pension Department, I think even if the language in the bill were not there it would make no difference, because the office requires the pension in every case to which arrears of pension apply to date back to the disability; and that goes back to June 16.

Mr. TAULBEE. Is not this the fact, that the law increasing the rate of pension for total helplessness is only made applicable to those on the pension-roll July 1, 1880? Now does it not follow that if this bill provided for exemption from the limitation as to arrears and made the law applicable to this case as if it had been filed and not admitted the law in this case would not then be applicable to the bill? But inasmuch as it does exempt the case as though it had been admitted, it therefore increases the rate; and is it not further the fact, that the pension laws provide that cases re-rated by the examining board in the Pension Office and found to be that grade of total helplessness are not admitted to the rolls at $72 per month, though they be filed prior, but not adjudicated prior, to July 1, 1880? Therefore, that being a fact (to which the gentleman from Maine assents)——

Mr. REED. No; I do not assent.

Mr. TAULBEE. Well, I undertake to say that that is the law.

Mr. MORRILL. I think you are mistaken. I think it is cases "found to be entitled"——

Mr. TAULBEE. Well, "found to be entitled;" that does not change the theory.

Mr. REED. If the gentleman from Kentucky [Mr. TAULBEE] will permit me I will suggest to him that the question he is asking me is not a question of law; it is a question of fact. I say I am informed that the rulings of the Pension Office require me to answer his question in the way I have answered it. Now I may be right or I may be wrong, but I am so informed and, as I have said, it is not a question of law, but a question of fact.

Mr. TAULBEE. Well, I regard it as a question of law.

Mr. REED. Well, I state it as a matter of fact upon information which I regard as credible, and I have given the reason for it, and it seems to me that it is not only the ruling of the Pension Office, but a correct ruling, and, being such, all we have to do is to conform to it. Now, I trust the gentleman will permit a vote.

Mr. TAULBEE. Yes, sir.

The SPEAKER. The question is, Will the House, on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding? On this question the Constitution requires that the vote shall be taken by yeas and nays.

The question was taken; and there were—yeas 153, nays 95, not voting 71; as follows:

YEAS—153.

| | | | |
|---|---|---|---|
| Adams, G. E. | Findlay, | Libbey, | Ryan, |
| Allen, C. H. | Fleeger, | Lindsley, | Sawyer, |
| Atkinson, | Foran, | Little, | Scott, |
| Baker, | Frederick, | Long, | Scranton, |
| Bayne, | Fuller, | Lovering, | Sessions, |
| Bingham, | Funston, | Lyman, | Smalls, |
| Bliss, | Gallinger, | Markham, | Snyder, |
| Bound, | Geddes, | Matson, | Spooner, |
| Boutelle, | Gilfillan, | McComas, | Springer, |
| Brady, | Goff, | McKenna, | Stephenson, |
| Brown, C. E. | Grosvenor, | McKinley, | Stewart, J. W. |
| Brown, W. W. | Grout, | Milliken, | Stone, E. F. |
| Buchanan, | Guenther, | Moffatt, | Strait, |
| Buck, | Harmer, | Morrill, | Struble, |
| Bunnell, | Hayden, | Morrison, | Swope, |
| Burleigh, | Haynes, | Morrow, | Symes, |
| Burnes, | Henderson, D. B. | Murphy, | Taylor, E. B. |
| Burrows, | Henderson, T. J. | Neece, | Taylor, Zach. |
| Butterworth, | Hepburn, | Negley, | Thomas, J. R. |
| Campbell, J. M. | Hermann, | Nelson, | Thomas, O. B. |
| Campbell, J. E. | Hiestand, | O'Donnell, | Thompson, |
| Cannon, | Hires, | O'Neill, Charles | Townshend, |
| Carleton, | Hiscock, | O'Neill, J. J. | Van Schaick, |
| Caswell, | Hitt, | Osborne, | Wade, |
| Conger, | Holman, | Outhwaite, | Wadsworth, |
| Crain, | Holmes, | Parker, | Wait, |
| Cutcheon, | Hopkins, | Payne, | Wakefield, |
| Davis, | Houk, | Payson, | Warner, A. J. |
| Dingley, | Howard, | Perkins, | Warner, William |
| Dockery, | Irion, | Peters, | Weaver, A. J. |
| Dorsey, | Jackson, | Phelps, | Weaver, J. B. |
| Dunham, | James, | Plumb, | Weber, |
| Eldredge, | Johnson, F. A. | Price, | White, A. C. |
| Ely, | Kelley, | Ranney, | White, Milo |
| Ermentrout, | Ketcham, | Reed, | Wolford, |
| Evans, | Kleiner, | Rice, | Woodburn. |
| Everhart, | La Follette, | Rockwell, | |
| Farquhar, | Laird, | Romeis, | |
| Felton, | Le Fevre, | Rowell, | |

NAYS—95.

| | | | |
|---|---|---|---|
| Allen, J. M. | Belmont, | Bynum, | Catchings, |
| Bacon, | Bennett, | Cabell, | Clements, |
| Barbour, | Blount, | Caldwell, | Cobb, |
| Barnes, | Boyle, | Campbell, Felix | Compton, |
| Barry, | Breckinridge, C. R. | Candler, | Cowles, |

| | | | |
|---|---|---|---|
| Cox, S. S. | Hammond, | Mills, | Sowden, |
| Cox, W. R. | Harris, | Mitchell, | Stahlnecker, |
| Croxton, | Hatch, | Morgan, | Stewart, Charles |
| Daniel, | Heard, | Muller, | St. Martin, |
| Dargan, | Hemphill, | Neal, | Stone, W. J., Mo. |
| Davidson, A. C. | Henderson, J. S. | Norwood, | Storm, |
| Davidson, R. H. M. | Herbert, | Oates, | Taulbee, |
| Dawson, | Hill, | O'Ferrall, | Taylor, J. M. |
| Dibble, | Hudd, | Page, | Tillman, |
| Dougherty, | Johnston, T. D. | Peel, | Trigg, |
| Dunn, | Jones, J. H. | Perry, | Turner, |
| Eden, | King, | Reagan, | Van Eaton, |
| Forney, | Landes, | Richardson, | Viele, |
| Gibson, C. H. | Lanham, | Riggs, | Wallace, |
| Gibson, Eustace | Maybury, | Robertson, | Ward, J. H. |
| Glass, | McCreary, | Sayers, | Ward, T. B. |
| Green, | McMillin, | Shaw, | Wheeler, |
| Hall, | McRae, | Singleton, | Wise. |
| Halsell, | Miller, | Skinner, | |

NOT VOTING—71.

| | | | |
|---|---|---|---|
| Adams, J. J. | Culberson, | Louttit, | Seymour, |
| Aiken, | Curtin, | Lowry, | Spriggs, |
| Anderson, C. M. | Davenport, | Mahoney, | Steele, |
| Anderson, J. A. | Ellsberry, | Martin, | Stone, W. J., Ky. |
| Ballentine, | Fisher, | McAdoo, | Swinburne, |
| Barksdale, | Ford, | Merriman, | Tarsney, |
| Blanchard, | Gay, | Millard, | Taylor, I. H. |
| Bland, | Glover, | O'Hara, | Throckmorton, |
| Bragg, | Hale, | Owen, | Tucker, |
| Breckinridge, WCP | Hanback, | Pettibone, | Wellborn, |
| Browne, T. M. | Henley, | Pidcock, | West, |
| Brumm, | Hutton, | Pindar, | Whiting, |
| Campbell, T. J. | Johnston, J. T. | Randall, | Wilkins, |
| Clardy, | Jones, J. T. | Reese, | Willis, |
| Collins, | Laffoon, | Rogers, | Wilson, |
| Comstock, | Lawler, | Rusk, | Winans, |
| Cooper, | Lehlbach, | Sadler, | Worthington. |
| Crisp, | Lore, | Seney, | |

So, two-thirds not having voted in the affirmative, the bill was not passed.

Mr. WAIT. I move that the reading of the names of members voting be dispensed with.

Mr. DUNN objected, but before the reading was completed withdrew his objection.

The following-named members were announced as paired until further notice:

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. COLLINS with Mr. WHITING.

The following-named members were announced as paired on this vote:

Mr. BLAND with Mr. BRUMM.

Mr. CLARDY with Mr. BROWNE, of Indiana.

Mr. RANDALL with Mr. ANDERSON, of Ohio.

Mr. PIDCOCK with Mr. SWINBURNE.

Mr. SADLER with Mr. JOHNSTON, of Indiana.

The following were announced as paired for this day:

Mr. JONES, of Alabama, with Mr. HANBACK.

Mr. BRAGG with Mr. STEELE.

Mr. LAWLER with Mr. ANDERSON, of Kansas.

The SPEAKER. Upon this question the yeas are 153 and the nays 95. Two-thirds not having voted in the affirmative, the noes have it, and the bill is not passed.

## FOURTH OF JULY CLAIMS.

Mr. SPRINGER. Mr. Speaker, on yesterday I made objection to concurring in the Senate amendments to the bill for the payment of claims filed under the act approved July 4, 1864. I desire now to withdraw my objection so as to let the amendments of the Senate be concurred in. They are informal or immaterial, except in regard to the issuing of the warrants directly to the claimants, and I am willing to withdraw my objection to the Senate amendment striking out that provision, for the reason that my attention has been called to an order issued by the Treasury Department and I have ascertained that it will apply to these cases. On the 14th of October last the Department issued the following circular:

CIRCULAR.—REGULATIONS GOVERNING ATTORNEYS AND AGENTS PRACTISING BEFORE THE TREASURY DEPARTMENT.

[1886, Department No. 142, Division of W., E., and A.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., October* 14, 1886.

In view of the embarrassment to the public service growing out of the many contests which the Department is called upon to decide between different attorneys claiming recognition in the same case, and contests between claimants and their attorneys with reference to the proper measure of compensation to be allowed the latter, Rule IV of the regulations governing attorneys and agents practising before the Treasury Department, issued February 6, 1886, is hereby amended so as to read as follows, the same to take effect on and after December 1, 1886:

"The head of any bureau may require an attorney or agent to present satisfactory evidence that the claimant has authorized him to prosecute the claim, but in all cases of the allowance of a claim the draft or check for the payment of the same will be delivered to the claimant in person, or sent to him by mail at his actual post-office address."

C. S. FAIRCHILD, *Acting Secretary.*

To make the matter certain, I addressed a letter this morning to the Department, inquiring whether this circular would apply to claims under the 4th of July act, and in response to that letter I have just received the following telegram from Mr. Fairchild, the Acting Secretary of the Treasury:

Hon. W. M. SPRINGER:

Department circular of October 14, 1886, in relation to the delivery of Treasury drafts or checks in payment of claims to the claimant in person, or to be sent him by mail, is still in force, and will apply to claims under act of July 4, 1864, and to claims under appropriations made during the present session in pursuance of said act.

C. S. FAIRCHILD, *Acting Secretary.*

The action of the Department having secured all that I desired to secure by these provisions in the original bill, I am willing to withdraw my objection to the Senate amendments. Had not the Department taken this position, I should have insisted upon retaining the provision in the bill which the Senate has stricken out. But in view of the circular and telegram from the Treasury Department, which have been read, there can be no doubt that claimants will be protected, as provided therein. The Department is entitled to the thanks of the country for the firm and just position it has taken in this matter. In view of all the facts, I regard the Department's circular as virtually incorporated in the bill, and I withdraw my objection.

Mr. JOHNSTON, of Indiana. Regular order.

The SPEAKER. The regular order is asked for, which will prevent the consideration of the bill.

Mr. JOHNSTON, of Indiana. I only asked for the regular order to take the gentleman from Illinois off the floor. [Laughter.]

The SPEAKER. If there be no objection, the Committee on War Claims will be discharged from the further consideration of this bill, and the House will concur in the amendments of the Senate.

There was no objection, and it was so ordered.

## SUITS AGAINST THE GOVERNMENT.

Mr. TUCKER. I call up the conference report made last evening upon the bill to provide for the bringing of suits against the Government of the United States.

Mr. DIBBLE. I ask the gentleman to yield to me for a moment.

A MEMBER. Regular order.

The SPEAKER. The conference report will be read.

The Clerk proceeded to read the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following, namely:

"*Be it enacted, &c.*, That the Court of Claims shall have jurisdiction to hear and determine the following matters:

"First. All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however*, That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late civil war and commonly known as 'war claims,' or to hear and determine other claims, which have heretofore been rejected, or reported on adversely, by any court, department, or commissioner authorized to hear and determine the same.

"Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

"SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed $1,000, and the circuit courts of the United States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds $1,000 and does not exceed $10,000. All causes brought and tried under the provisions of this act shall be tried by the court without a jury.

"SEC. 3. That whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer, or agent, or contractor so indebted, or that he, or the person for whom he is such surety, guarantor, or personal representative, has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney-General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court. Unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred.

"SEC. 4. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, in so far as the same is applicable and not inconsistent with the provisions of this act; and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt.

"SEC. 5. That the plaintiff in any suit brought under the provisions of the second section of this act shall file a petition, duly verified, with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or other thing claimed, or the damages sought to be recovered, and praying the court for a judgment or decree upon the facts and law.

"SEC. 6. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counter-claim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

"SEC. 7. That it shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

"SEC. 8. That in the trial of any suit brought under any of the provisions of this act, no person shall be excluded as a witness because he is a party to or interested in said suit; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

"Section 1079 of the Revised Statutes is hereby repealed. The provisions of section 1080 of the Revised Statutes shall apply to cases under this act.

"SEC. 9. That the plaintiff or the United States, in any suit brought under the provisions of this act, shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, and as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.

"SEC. 10. That when the findings of fact and the law applicable thereto have been filed in any case as provided in section 6 of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same; whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same: *Provided*, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit. From the date of such final judgment or decree interest shall be computed thereon, at the rate of 4 per cent. per annum, until the time when an appropriation is made for the payment of the judgment or decree.

"SEC. 11. That the Attorney-General shall report to Congress, and at the beginning of each session of Congress, the suits under this act in which a final judgment or decree has been rendered, giving the date of each, with a statement of the costs taxed in each case.

"SEC. 12. That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the Department by which it was transmitted.

"SEC. 13. That in every case which shall come before the Court of Claims or is now pending therein under the provisions of an act entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' approved March 3, 1883, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

"SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed, or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

"SEC. 15. If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses and for summoning the same and fees paid to the clerk of the court.

"SEC. 16. That all laws and parts of laws inconsistent with this act are hereby repealed."

And the Senate agree to the same.

J. R. TUCKER,
GEORGE E. SENEY,
A. X. PARKER,
*Managers on the part of the House.*

JOHN C. SPOONER,
GEORGE F. HOAR,
JAMES K. JONES,
*Managers on the part of the Senate.*

Mr. TUCKER (before the reading of the report was concluded). Mr. Speaker, I understand the Clerk is reading the bill which is referred to in the report.

The SPEAKER. It is made a part of the report.

Mr. TUCKER. It is; but perhaps for the present it will be sufficient to read the explanatory statement of the House conferees, showing the changes which have been made from the original bill, and the reasons therefor.

The SPEAKER. If there be no objection the further reading of the report will be omitted for the present. If any gentleman, while the report is pending, desires the reading it must be read.

Mr. TOWNSHEND. I will not object to dispensing with the reading if the gentleman from Virginia [Mr. TUCKER] will clearly explain the differences between the proposition now recommended and the original bill.

The SPEAKER. This is not the proper time to make any explanation. The statement accompanying the conference report has not yet been read. As the Chair understands, the reading of the conference report is waived for the present. The Clerk will read the explanatory statement:

The Clerk read as follows:

STATEMENT OF HOUSE CONFEREES—H. R. 6974.

The conferees on the part of the House present a statement of the effect of the substitute proposed by the committee of conference of the two Houses on the disagreeing votes on the bill H. R. 6974.

The first section as passed by the House is modified in the following respects:

1. Actions for torts are excluded.

2. By proviso, war claims and claims adjudicated by any court, department, or commission are excluded.

The second section is amended so as to try the cases by the court without a jury. It will still be in the power of the court to direct issues out of chancery when it is deemed proper.

The eighth section is modified so as to apply section 1080 to cases under this act instead of repealing it. That section gives power to the court, when the claimant refuses to testify when called upon to do so, to postpone the trial of his case until he shall do so by complying with the order of the court.

The tenth section is amended by giving the claimant 4 per cent. per annum from date of payment. The words "per annum" were omitted by inadvertence in the House bill.

The twelfth section of House bill is stricken out. The conferees thought it best not to allow an alien to sue on the basis of treaty or immaterial obligations at the will of the Secretary of State, and that the political power of the Government should be consulted.

The thirteenth section of the House bill, the twelfth of the proposed substitute, applies to all Departments and takes away the power of the Court of Claims to render judgment in cases to be referred to that court by one of the Departments, and gives it power only to send its findings of the facts and its conclusions of law to the Department.

The fourteenth section of the House bill, the thirteenth of the proposed substitute, gives power to the Court of Claims in cases referred to it under the "Bowman act," or now pending therein, to render judgment, when, under this act, the court is authorized to do so. The amendment, "or is now pending thereon," makes a pending case proper for the operation of this act, though the six years' limitation prescribed by it would otherwise apply.

The fourteenth section of this substitute is a new one, and gives power to either House of Congress to send any bill, except for pension, for a claim legal or equitable, or for a grant, gift, or bounty, to the Court of Claims under the same procedure as prescribed by the Bowman act, with power to report the facts as to amount and validity of the claim, and as to laches, limitation in respect thereto, and whether the limitation should be removed. This does not authorize judgment in such cases.

Section 15 of the substitute changes section 16 of the House bill, giving discretion to the court to allow costs to the prevailing party where the Government contests it by making an issue, and limits costs to those incurred for summoning and attendance of witnesses and fees to the clerk of court.

Section 3 of the substitute is a new one. It gives to guarantors, sureties, and personal representatives the right to speed the adjustment by the Government of amounts claimed by it against a dead debtor or a principal debtor in any case of official obligation, agency, or other indebtedness. It gives the right to any such surety, guarantor, or personal representative, when three years have elapsed after application for settlement to the head of a Department, to litigate the liability and have it determined in the Court of Claims. Cases of loss of evidence and other danger of injustice to parties so situated have often occurred, and this section would avoid these perils to such parties without injustice to the Government.

It is proper to add that many propositions have been made from time to time during the progress of this bill through committee and the two Houses to bring within its provisions special classes of claims. The sense of the conferees of the House, with the concurrence of those of the Senate, was to pass this bill, whose general provisions will be salutary in doing justice to the claimants and the Government and in relief of Congress without encumbering it with such special cases. Let Congress under this enlarged jurisdiction hereby conferred hereafter determine whether such special cases should be brought within this jurisdiction upon their peculiar merits.

Respectfully,

J. R. TUCKER.
GEORGE E. SENEY.
A. X. PARKER.

Mr. HOLMAN. This is an unusually important bill, and we ought to have the opportunity fully to understand it.

Mr. TUCKER. I will ask the previous question, and then we will have thirty minutes for debate.

Mr. HOLMAN. Is it not in order to ask for the reading of the two sections as amended and the section which has been added?

The SPEAKER. That can be done in debate after the previous question has been ordered.

Mr. HOLMAN. But have I not the right to ask for the reading?

The SPEAKER. The gentleman from Indiana has the right to ask for the reading of all that is included in the conference report. If he desires to have read any other paper than upon which the House is called to vote, and it is objected to, the question must be submitted to the House.

Mr. HOLMAN. It is impossible to understand the changes which are proposed by this conference report without having them read in connection with the text.

Mr. TUCKER. I will say to my friend from Indiana that by an oral

statement I can make what amendments are proposed clear to gentlemen without the necessity of having the whole bill read through.

Mr. SPRINGER. Let the gentleman demand the previous question, and he can do that afterward.

Mr. TUCKER. I have already demanded the previous question.

The previous question was ordered.

The SPEAKER. Thirty minutes are allowed for debate, fifteen minutes in support of the report and fifteen minutes in opposition.

Mr. TUCKER. Mr. Speaker, this bill was originally passed by the House with great unanimity——

Mr. ROGERS. This bill is of too much importance not to understand it, and while the gentleman is making his explanation we should have order.

The SPEAKER. The Chair appeals to gentlemen on the floor, in the interest of the public business, to take their seats and stop conversation. The Sergeant-at-Arms will request gentlemen to take their seats. This is an important bill, and gentlemen ought to be permitted to hear what is said.

Mr. TUCKER. As I was going to say, Mr. Speaker, this bill as it originally passed the House, on the 13th of January last, had been very carefully prepared by a subcommittee of the Judiciary Committee, and was unanimously reported to the House by that committee. It is designed so to extend the jurisdiction of the judiciary of the United States to more claims than are now within the jurisdiction of the Court of Claims under the Court of Claims act. And the purpose was to extend it to all claims in law, or equity, or admiralty, upon contracts express or implied, for damages liquidated or unliquidated, in every case in which, if the United States were suable as a party, suits could be brought in either one of these courts.

When the bill passed the House and went to the Senate the Senate, for convenience, struck out the whole bill of the House and inserted in lieu of it their own bill. But it is due to the House to say the insertion only operated a change in a few particulars in the bill passed by the House. And the conferees, imitating the same policy, have struck out the bill of the Senate and reported a substitute therefor which incorporates a large part of the House bill, and the Senate conferees agreed to it.

Mr. GIBSON, of West Virginia. Will the gentleman permit me to ask him a question?

Mr. TUCKER. Yes, sir.

Mr. GIBSON, of West Virginia. Do the amendments of the Senate include claims for property taken by the Government of the United States?

Mr. TUCKER. During the war?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. TUCKER. Not a bit of it.

Now, let me go on. That was the language of the original act as it went to the Senate. The Senate doubted whether there should be full power given in case of tort against the United States and so they qualified it that a claim for pension and action of tort against the United States should not be within the provisions of the bill. The conferees on the part of the House, after full discussion, agreed to these two modifications of the original bill, and they are incorparated in the substitute we propose.

It was then proposed—in order to exclude the idea involved in the question of my friend from West Virginia [Mr. GIBSON]—it was then proposed, although the original bill had intended to exclude war claims—and I will say we intended to exclude them because we knew there was a difference of opinion in this House as to the propriety of allowing those war claims to come before the courts—we wanted, and our whole purpose was, to leave off the Calendar of this House a large mass of private claims which were encumbering our business and preventing our discharging our duties to the great public interests of the country.

Mr. GIBSON, of West Virginia. Why not do justice at the same time?

Mr. TUCKER. It is impossible, as my friend from West Virginia knows, to do everything good in this world. If we can only do a part of the good and be saved from doing evil we ought to thank God and take courage. [Laughter.]

There was a proposition, I will explain to my friend, at one time in the course of this discussion to introduce claims for captured and abandoned property, for cotton claims, for swamp lands, for Indian claims, and we just said, do not load down a good bill with controverted questions, and defeat the whole. Therefore we have attempted in conference to present a clean bill as it went from the House, free from outside questions which would promote controversy and defeat the whole bill.

But there is a proviso which was presented by one of the House conferees in the conference that this jurisdiction should not extend to any matter called a war claim, or to any claim which was *res adjudicata* upon being heard and determined before any Department or any court or commission. So that we intended to say that where there was an adjudication of any of these claims, or where the claim was recognized as a war claim, it should not come before these courts.

Now, that explains the whole of the first section, except with reference to the one clause in regard to the statute of limitations, which, however, was in the original bill, and there is no change in the bill so far as it concerns the operation of that statute as applicable to any or all of these cases.

There was another question which was raised and considered, and that was as to whether this limitation of six years should apply to any claim now pending in the Court of Claims. We thought not; and in a subsequent amendment, which is noted among the reasons given in the report of the conference committee, it was provided that this should not apply, and the Court of Claims might act upon and pronounce judgment upon claims already pending in that court where under this act the power to render judgment was given.

Mr. EDEN. Let me ask the gentleman from Virginia, does this bill affect in any manner the status of what are known as the French spoliation claims?

Mr. TUCKER. Not in the slightest degree; and for one very strong reason, which is, that the statute of limitations is six years and the French spoliation claims are nearly one hundred years old.

Now, in reference to the State demands for the swamp lands, it was a matter proposed in the original Senate amendment; but it was resisted, and I will say in all frankness to the House that I feel, in justice and fairness, we could not allow that to come in as a special matter, unless we allowed in all of these other matters which had the same right to demand admission as that. Why should that matter be permitted to come in and the Virginia claim for the loan of 1815 be excluded? My friend from Michigan would say exclude the Virginia claim under any circumstances.

Mr. CASWELL. Let me interrupt the gentleman to say that the subject of abandoned property, as I understand it, was not at all before the committee of conference.

Mr. TUCKER. Not at all.

Mr. CASWELL. Because it was not in either bill; but the subject of State claims for swamp lands was before the conference.

Mr. TUCKER. Yes, unquestionably; but, as my friend will understand, when the whole matter was before us, whether we would accept the Senate substitute subject to the qualifications and conditions suggested, we might have said if you allow in this one class of claims, why you might just as well allow in the other.

My purpose was, as my friend is aware, to exclude war claims, cotton claims, and captured and abandoned property claims from this bill altogether.

Mr. CASWELL. Yes; but captured and abandoned property claims were not in either bill or in the substitute.

Mr. TUCKER. Certainly not.

Mr. CASWELL. And hence they were not before the committee of conference.

Mr. TUCKER. That is true. But we kept out the one which had been put upon the Senate amendment by the committee of conference, because we thought, or I thought, that it was unwise to put into this bill these claims, which were, say, thirty years old.

Mr. CASWELL. Why do you object to giving the States the right to bring suits for their claims any more than the citizens?

Mr. TUCKER. We do give to the States exactly the same right as that given to other people; that is, for all claims coming within the terms of the law, that is to say, within six years. But these claims were thirty years old, some of them, and if proper to put in a claim thirty years old on what ground could we exclude old Virginia's claim, which is sixty years old?

Mr. CASWELL. It has never been the policy to apply the statute of limitation upon the State of Virginia.

Mr. TUCKER. It has been applied upon old Virginia's claim with a great deal of effect, however.

Mr. CASWELL. I hope that is not the grievance of my friend.

Mr. TUCKER. What we loaned for the defense of the country in 1815 has never yet been repaid, while your claim for swamp lands is to be paid with money the Government gave.

Mr. CASWELL. But because your claim has not been paid, is that any just reason for denying to other claimants the right to be paid?

Mr. TUCKER. Not at all. I think all should be paid. But in the preparation of a bill like this it was necessary to fix some limit, and in pursuance of that it was agreed by the conferees on both sides to recede from that Senate amendment and exclude from the bill those claims which have been in existence for the length of time I have mentioned.

Mr. HAMMOND. Are these claims that are left out of the bill put upon any worse ground by that omission than they were before the bill was passed?

Mr. TUCKER. Not a particle. We said, and I say now, that if any of these or other vested claims shall, in the opinion of Congress, be proper to be adjudicated by the terms of jurisdiction provided in this bill, that it is a proper subject for a future act of Congress extending the jurisdiction to cover such claims. But it was not deemed expedient to embarrass this bill in its effects by putting on it claims about which there would be any doubt.

Mr. GIBSON, of West Virginia. Will the gentleman from Virginia allow me to suggest that this bill excludes every private claim that ought to be settled.

Mr. TUCKER. Does my friend from Virginia mean that there are

no private claims of people in this country besides war claims? I let the Committee on Claims and other committees of this House answer that question. Are there no other claims for indebtedness against the Government than war claims? The gentleman from West Virginia surely knows better than that.

Mr. SPRINGER. There are two thousand claims before the Committee on Claims.

Mr. RANNEY. I desire to ask the gentleman from West Virginia, do I understand you to exclude all actions based on torts?

Mr. TUCKER. Yes, sir.

Mr. RANNEY. Marine torts, such as in the case of the Tallapoosa?

Mr. TUCKER. Yes; we agreed it was better not to let either in.

Mr. BAYNE. I would like to ask the gentleman from Virginia whether the Senate has receded from its amendments?

Mr. TUCKER. Yes; and the conferees have agreed to this report as a substitute for both bills, embracing all the good features of both and excluding all that was objectionable to anybody.

There are one or two other provisions that the Senate proposed that we have incorporated in this substitute. One was of this nature. I suppose all gentlemen have seen cases of this kind before some of the committees. A man who is a surety on an official bond, or a guarantor, or who is a personal representative of a deceased obligator to the Government, says: "Nobody will sue me;" or, as the gentleman in Ireland said: "Nobody will tread on my coat tail." Meanwhile the principal obligator fails. The evidence of the extent of his liability is lost, and the Government sues the poor surety, or guarantor, or representative of the deceased obligator when the evidence is gone upon which he might have made his defense. We have seen cases of that kind, and we have seen men claiming that laches of the Government entitled them to relief. We had a case of that kind before us this year.

Mr. TOWNSHEND. I ask the gentleman from Virginia whether the provision of the bill as it passed the House authorizing the circuit and district courts to enter final judgment against the Government is still preserved in the bill?

Mr. TUCKER. It is. In the case to which I was referring a moment ago we provide that the surety of the guarantor may go into the Court of Claims under the provisions incorporated by the Senate; that he may go into court, arraign the Government, and say "Now let this question be settled; all of us are here."

The SPEAKER *pro tempore* (Mr. McMILLIN). The time of the gentleman from Virginia has expired.

Mr. TUCKER. Will the gentleman from Indiana [Mr. HOLMAN] give me a part of his time?

Mr. TOWNSHEND. I desire a few minutes.

Mr. SPRINGER. I ask unanimous consent that the gentleman from Virginia may have five minutes more.

Mr. TOWNSHEND. I have no objection, provided those five minutes do not come out of the time of the opposition.

Several members called for the regular order.

The SPEAKER *pro tempore*. If there be no objection the gentleman from Virginia will proceed for five minutes more.

Mr. MORRISON. I object unless the five minutes come out of the time allowed under the rule for debate.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed without amendment the joint resolution (H. Res. 264) providing for printing the annual report of the Commissioner of Labor.

The message also announced that the Senate had passed a joint resolution (S. R. 118) to print the official report of the investigations of Dr. Edward Shakespeare concerning the nature, &c., of epidemic cholera; in which the concurrence of the House was requested.

### CLAIMS AGAINST THE GOVERNMENT.

Mr. HOLMAN. I yield to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Mr. Speaker, for a bill so far reaching in its effects and fraught with so much danger to the national Treasury, this has received less consideration in the House than any bill within my knowledge. This bill was passed in this House, I might say, without debate; for there were but a few words of explanation from the gentleman from Virginia when it first passed in this House. And now, to-day, the bill is proposed to be passed with only fifteen minutes debate pro and con.

I have no doubt the bill will be adopted because it is not understood, but having virtually received the approval of a majority of both Houses. If it was fully understood by a majority of this House I do not believe it could be enacted.

I find the principal objections of those who have in debate here opposed the bill complain it does not embrace so many classes of claimants as they think it should do. My objection is not on account of what is omitted from the bill, but on account of what is embraced in it. It revolutionizes the policy of the Government from its foundation to this day. The Government has never permitted itself to be made defendant in any district or circuit court in this country. If this bill should pass it will make the Government a defendant in nearly all cases where a private citizen could, under similar circumstances, if a party. Sir, this is contrary to the policy of every State in the Union, so far as my knowledge extends.

No State within my knowledge will permit itself to be sued in its own courts. It is not permitted in Illinois, it is not permitted in Indiana, or in any other State in the Union.

I have not time now to discuss in detail the features of this bill. I rise more for the purpose of entering my protest against its passage, for I believe, sir, that it will open wide the doors of the Treasury for an indefinite time in the future to many million dollars of claims in which there is no merit. It is said that the district attorney will guard the interests of the Government and see that no unjust judgments are obtained against it. We all know, sir, from our own experience, that what is everybody's business is nobody's business, and we all know, too, that when a suit is brought against the Government in any district the sympathies of the community will generally be with the claimant and against the Government, and the probability is that the district attorney's hands will be too full of other business to enable him to look up testimony to defend the Government properly.

Mr. TUCKER. Will my friend from Illinois allow me to ask him a question?

Mr. TOWNSHEND. I have but very little time.

Mr. TUCKER. The gentleman asked me a question when I had very little time. Does he mean to say that this Government has never allowed any claimant to bring suit against it?

Mr. TOWNSHEND. This Government has never yet allowed itself to be made a defendant in any district or circuit court unless by a special act of Congress.

Mr. TUCKER. What about the Court of Claims?

Mr. TOWNSHEND. The Court of Claims has no final jurisdiction except in a limited class of cases; it has no jurisdiction to render final judgment except upon contract. We have at times given jurisdiction to investigate other claims, but its finding must come back for the final action of Congress.

Mr. TUCKER. The Court of Claims enters final judgment, but it can not enter execution.

Mr. TOWNSHEND. The power to enter final judgment is confined to a limited class of cases.

Mr. HAMMOND. It applies to all cases founded on statute or contract.

Mr. TOWNSHEND. Mr. Speaker, I do not wish to be diverted from the point which I have taken the floor to discuss. I want to call attention especially to the fact that this bill clothes every circuit and district court in the United States with power to enter final judgment against the Government of the United States. The great danger is that the bill puts a premium upon perjury, and places the money in the Treasury to some extent under the control of the courts. A man may present a claim, and every scintilla of the evidence may have been manufactured for the purpose of obtaining a judgment against the United States, yet the protection of the interests of the Government will depend almost entirely upon the vigilance, the energy, and the integrity of the district attorney. I say this is unwise legislation; it is dangerous legislation. This will do more in the future to deplete the Treasury than any law that has been passed since I have been a member of Congress.

Mr. RANNEY. If you can not trust the business to the courts where can you trust it?

The SPEAKER *pro tempore*. The time of the gentleman from Illinois [Mr. TOWNSHEND] has expired.

Mr. HOLMAN. I yield three minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I think my colleague is mistaken in regard to the jurisdiction now conferred upon the Court of Claims. That jurisdiction extends to all claims founded upon any law of Congress, upon any regulation of the Executive Departments, or upon any contract, express or implied, with the Government of the United States, and to all claims which may be referred to that court by either House of Congress. By another provision it is required that suit must be brought within six years after the cause of action has accrued. This bill enlarges the general jurisdiction of the Court of Claims so as to include cases arising in equity and in admiralty. It also extends the provisions of the law so that in certain cases suit can be brought in the district where the parties reside instead of in the Court of Claims. Now, what I object to is that the bill does not give larger jurisdiction to the court to hear and determine the facts in other cases than those in which judgment can be rendered. There is a provision which has been cited by the gentleman from Virginia [Mr. TUCKER], authorizing either House of Congress to send any case to the Court of Claims to have the facts judicially ascertained.

I would prefer that it should be provided that Congress should not consider any claim involving the questions of fact until the Court of Claims has first ascertained the facts.

Mr. HAMMOND. The difficulty about that was that we did not think we could repeal the constitutional right of petition.

Mr. SPRINGER. I am glad the gentleman has referred to the Con-

stitution and to the right of petition. The bill which I reported required that in all cases the petition should be brought here and that claims should not be considered except upon petition. The petitions were to go into the petition-box and be referred to the Court of Claims; just as we refer them to the committees of this House. We have as much right to refer a claim to the Court of Claims as we have to refer it to the Judiciary Committee of this House, and the gentleman from Georgia [Mr. HAMMOND] will not say that it is depriving a claimant of his constitutional right to send him to that committee, or to the Committee of the Whole House on the state of the Union, or to the Committee on Claims.

It is the right of this House to say to any claimant that we will consider his case only when he has established the facts in a judicial manner before a tribunal where testimony can be heard and witnesses cross-examined. My friend from Virginia [Mr. TUCKER] says that this bill will relieve the Calendar of the House of a large portion of its business. I wish to say to the gentleman that as the Calendar is now constituted, this bill will not relieve it of 5 per cent. of its business. There are fifteen thousand bills pending in Congress to-day, most of them private, and not five hundred of them will be taken off the Calendar by this bill.

So that this bill, while it does some good, does not reach the evil which has been confronting Congress for the last twelve years—a Calendar overburdened with private claims, and the two Houses having no time to consider them.

Mr. RANNEY. This measure cuts down that Calendar pretty well.

Mr. SPRINGER. About 1 per cent.

[Here the hammer fell].

Mr. HOLMAN. I yield two minutes to the gentleman from West Virginia [Mr. GIBSON].

Mr. GIBSON, of West Virginia. Mr. Speaker, I do not concur in the idea expressed by some gentlemen that this bill is going to make a raid upon the Treasury. In fact, if the bill be carefully studied, it will be found that it amounts to nothing. The great desire of the country has been to get a certain class of claims away from Congress and before the Court of Claims. This bill excludes from consideration by the court almost every claim the judicial hearing of which is not already provided for by law. It excludes specially claims for bounties and pensions. Why should a bill be passed here in Congress to pay a claim for cutting timber in the service of the Government, while we refuse to make similar provision for a man who furnished his cattle for the use of the Government? That is just what this bill does. In my own State and my own district there are hundreds of people who furnished cattle, who furnished fodder, who furnished corn, who furnished subsistence in various forms, to assist in carrying on the war. They can not get their claims recognized here in Congress, and this bill excludes every one of them from a hearing before a court.

There is nothing in this bill. It is a mere "tub to the whale." The gentleman who prepared this bill purporting to provide for private claims ought to have the courage to take up all these questions. Under this bill one whole section of the country is absolutely excluded; and though a man in the South during the war may have been, under extraordinary and adverse circumstances, loyal to the Government, he cannot under this bill go into court to prosecute his claim and obtain redress for his losses.

If we are to have a bill of this character, let us have a bill that gives to all sections equal justice. Let us have a bill that will provide compensation for one class of property as well as for another. Let us not play here with legislation.

[Here the hammer fell.]

Mr. HOLMAN. I now yield, according to promise, one minute to the gentleman from Minnesota [Mr. GILFILLAN].

Mr. GILFILLAN. Mr. Speaker, I have had occasion to give some attention to the present provisions of our statutes governing the Court of Claims as well as the decisions of the courts thereunder. Whatever may be the proper construction of this bill—and there seems to be a great deal of controversy among members participating in this discussion as to what it means—this fact is manifest, that its provisions embrace matters of too much importance and are fraught with too much danger to the Government, and its possible consequences are of too important and serious a character to permit us to properly and carefully consider and dispose of the bill at this late day in the session. I hope, therefore, the House will vote to reject this report.

Mr. HOLMAN. Mr. Speaker, I can not yield further. I think the House has seldom had occasion to consider a bill of the importance of the one now pending. Not only are its provisions wide-reaching, but it is a departure from what has been the settled policy of our Government. For half a century the Government did not permit itself to be sued at all. Then it provided a court for the single purpose of ascertaining facts connected with claims against the Government. That law remained in force until within the last twenty-six years. Then, and not till then, it was thought prudent that the court for the ascertainment of the facts in cases against the Government located at the capital *should have conferred upon it a wider and more final jurisdiction.* Until within a few years no one suggested even that greater facilities should be granted to claimants. I am not aware that any State of the Union authorizes itself to be sued.

Mr. TUCKER. Virginia does; and I would say that every Commonwealth which is awake——

Mr. HOLMAN. My friend must excuse me; I can not yield.

Mr. RANNEY. Every well-regulated government does it.

Mr. HOLMAN. Ours is a "well-regulated government," and I am not ashamed of it, if my friend from Massachusetts is. No member except the members of the Judiciary Committee have even examined or had an opportunity to examine it except at this moment.

On examining this bill I find it has been deemed necessary, as one of the consequences of reference of demands against the Government to the Federal courts in the different States, to incorporate in the bill this extraordinary provision:

*Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim or any part thereof unless he shall establish the same by proof satisfactory to the court.

This bill upon its face naturally mistrusts the various district attorneys who alone will stand between the Government and the claimants. Experience here at the capital has demonstrated how feeble this barrier will be between dishonest claims and the Treasury. The Government is left completely at the mercy of those officers. By this measure you throw open, in my judgment, the widest door for an improper and unjust invasion of your Treasury that has yet been devised.

This measure to confer the jurisdiction on the Federal courts in the several States in the manner proposed is a new measure. So far as I know it was only broached within the last year.

This measure being now formulated for the first time, I submit that its consideration should go over until Congress, at some future time, may have better opportunity for understanding the provisions of the proposed measure. I appeal to the House not to permit a bill of this importance to go through without opportunity for proper consideration. The measure has not been, up to this time, the subject of deliberation and debate which it demands more than any other class of legislation that ever came into this Hall.

[Here the hammer fell.]

Mr. TUCKER. The gentleman says there is a great difference of opinion as to the meaning and effect of the bill, but I desire to say that the difference of opinion to which he refers is not between members of the Committee on the Judiciary.

[Here the hammer fell.]

The SPEAKER. The gentleman from Indiana has now three minutes remaining.

Mr. TUCKER. Will the gentleman allow me to say in reply to the gentleman from Minnesota [Mr. GILFILLAN]——

The SPEAKER. The time for debate has expired.

Mr. TUCKER. I believe my time is exhausted?

The SPEAKER. Yes, sir.

Mr. TUCKER. I call for a vote.

Mr. BAYNE. I ask unanimous consent to be heard for one minute.

The SPEAKER. Is there objection? The Chair hears none.

Mr. BAYNE. Mr. Speaker, I think this bill ought to pass. It is criticised by the gentleman from West Virginia [Mr. GIBSON] because it does not take in particular claims. It is criticised by the gentleman from Illinois [Mr. SPRINGER] because it takes in all the claims against the Government. The fact is that it is going to relieve the Congress of the embarrassment of receiving claim after claim and give the people of the United States what every civilized nation of the world has already done—the right to go into the courts to seek redress against the Government for their grievances. That is all there is of it, and the bill ought to pass.

[Here the hammer fell.]

Mr. HOLMAN. I hope that we will have the yeas and nays on it.

Mr. HAMMOND. That is a waste of time.

Mr. HOLMAN. I withdraw the demand for the yeas and nays.

The House divided; and there were—ayes 102, noes 33.

Mr. HOLMAN. There is no quorum, and I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 187, nays 55, not voting 77; as follows:

YEAS—187.

| | | | |
|---|---|---|---|
| Adams, G. E. | Brumm, | Curtin, | Gallinger, |
| Allen, C. H. | Buchanan, | Davenport, | Geddes, |
| Allen, J. M. | Buck, | Davidson, R. H. M. | Glass, |
| Atkinson, | Bunnell, | Davis, | Goff, |
| Bacon, | Burleigh, | Dawson, | Green, |
| Baker, | Butterworth, | Dingley, | Grosvenor, |
| Barbour, | Campbell, J. M. | Dockery, | Grout, |
| Barksdale, | Campbell, J. E. | Dougherty, | Guenther, |
| Barnes, | Candler, | Eden, | Hall, |
| Barry, | Carleton, | Eldredge, | Halsell, |
| Bayne, | Catchings, | Ermentrout, | Hammond, |
| Bennett, | Clements, | Everhart, | Harmer, |
| Bingham, | Cobb, | Farquhar, | Harris, |
| Bliss, | Collins, | Findlay, | Haynes, |
| Boutelle, | Compton, | Fleeger, | Heard, |
| Brady, | Conger, | Ford, | Hemphill, |
| Breckinridge, C. R. | Crain, | Forney, | Henderson, D. B. |
| Brown, C. E. | Crisp, | Frederick, | Hermann, |
| Brown, W. W. | Culberson, | Funston, | Hiestand, |

| | | | |
|---|---|---|---|
| Hill, | Miller, | Rockwell, | Taylor, E. B. |
| Hiscock, | Milliken, | Rogers, | Taylor, I. H. |
| Holmes, | Mills, | Romeis, | Thomas, J. R. |
| Hudd, | Mitchell, | Ryan, | Thomas, O. B. |
| Hutton, | Morgan, | Sayers, | Tillman, |
| Irion, | Morrill, | Scott, | Trigg, |
| James, | Morrison, | Scranton, | Tucker, |
| Jones, J. H. | Morrow, | Seney, | Van Eaton, |
| Kelley, | Muller, | Sessions, | Van Schaick, |
| King, | Neece, | Seymour, | Viele, |
| Kleiner, | Negley, | Shaw, | Wade, |
| Laffoon, | Norwood, | Singleton, | Wadsworth, |
| La Follette, | Oates, | Skinner, | Wait, |
| Laird, | O'Donnell, | Sowden, | Wakefield, |
| Lanham, | O'Neill, Charles | Springer, | Wallace, |
| Lindsley, | O'Neill, J. J. | Stahlnecker, | Warner, William |
| Little, | Page, | Stephenson, | Weber, |
| Long, | Parker, | Stewart, J. W. | Wellborn, |
| Lore, | Payne, | St. Martin, | West, |
| Louttit, | Perry, | Stone, E. F. | Wheeler, |
| Lovering, | Pettibone, | Stone, W. J., Ky. | White, A. C. |
| Lowry, | Plumb, | Stone, W. J., Mo. | Wilkins, |
| Lyman, | Price, | Struble, | Wilson, |
| McCreary, | Ranney, | Swinburne, | Wise, |
| McKenna, | Reagan, | Swope, | Wolford, |
| McKinley, | Reed, | Symes, | Woodburn, |
| McRae, | Riggs, | Tarsney, | Worthington. |
| Millard, | Robertson, | Taulbee, | |

NAYS—55.

| | | | |
|---|---|---|---|
| Anderson, C. M. | Ely, | Matson, | Richardson, |
| Boyle, | Fuller, | McAdoo, | Rowell, |
| Burrows, | Gibson, Eustace | McComas, | Spooner, |
| Bynum, | Gilfillan, | McMillin, | Strait, |
| Caldwell, | Hale, | Moffatt, | Taylor, J. M. |
| Campbell, Felix | Henderson, J. S. | Neal, | Taylor, Zach. |
| Cannon, | Henderson, T. J. | Nelson, | Townshend, |
| Caswell, | Holman, | O'Ferrall, | Turner, |
| Cowles, | Hopkins, | Osborne, | Ward, T. B. |
| Cox, W. R. | Houk, | Payson, | Warner, A. J. |
| Daniel, | Jackson, | Peel, | Weaver, A. J. |
| Dibble, | Johnston, J. T. | Perkins, | Weaver, J. B. |
| Dorsey, | Johnston, T. D. | Peters, | Willis. |
| Dunn, | Lehlbach, | Pidcock, | |

NOT VOTING—77.

| | | | |
|---|---|---|---|
| Adams, J. J. | Cutcheon, | Howard, | Reese, |
| Aiken, | Dargan, | Johnson, F. A. | Rice, |
| Anderson, J. A. | Davidson, A. C. | Jones, J. T. | Rusk, |
| Ballentine, | Dunham, | Ketcham, | Sadler, |
| Belmont, | Ellsberry, | Landes, | Sawyer, |
| Blanchard, | Evans, | Lawler, | Smalls, |
| Bland, | Felton, | Le Fevre, | Snyder, |
| Blount, | Fisher, | Libbey, | Spriggs, |
| Bound, | Foran, | Mahoney, | Steele, |
| Bragg, | Gay, | Markham, | Stewart, Charles |
| Breckinridge, WCP | Gibson, C. H. | Martin, | Storm, |
| Browne, T. M. | Glover, | Maybury, | Thompson, |
| Burnes, | Hanback, | Merriman, | Throckmorton, |
| Cabell, | Hatch, | Murphy, | Ward, J. H. |
| Campbell, T. J. | Hayden, | O'Hara, | White, Milo |
| Clardy, | Henley, | Outhwaite, | Whiting, |
| Comstock, | Hepburn, | Owen, | Winans. |
| Cooper, | Herbert, | Phelps, | |
| Cox, S. S. | Hires, | Pindar, | |
| Croxton, | Hitt, | Randall, | |

So the conference report was adopted.

During the roll-call, on motion of Mr. GIBSON, of West Virginia, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. COX, of New York, with Mr. COOPER, until further notice.

Mr. SNYDER with Mr. EVANS, on this vote.

Mr. STEWART, of Texas, with Mr. EVANS, for this day.

Mr. HOWARD with Mr. JOHNSON, of New York, on this vote.

The vote was then announced as above recorded.

Mr. TUCKER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TUCKER. In view of the importance of the question and the anxiety of some gentlemen for opportunity to express their views in the RECORD, I ask, by unanimous consent, gentlemen may have leave to print remarks in the RECORD on this report.

There was no objection, and it was ordered accordingly.

CONFERENCE COMMITTEES APPOINTED.

The SPEAKER announced the appointment of the following conferees on the part of the House:

Mr. WHEELER, Mr. ERMENTROUT, and Mr. CUTCHEON on the bill (H. R. 5935) to remove the charge of desertion against William Figley.

Mr. WHEELER, Mr. VIELE, and Mr. NEGLEY on the bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor.

Mr. WHEELER, Mr. WOLFORD, and Mr. STEELE on the bill (H. R. 834) for the relief of John A. London.

Mr. WHEELER, Mr. DARGAN, and Mr. LAIRD on the bill (H. R. 9860) to correct the record of the military service of James W. Kingon.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4476) for the relief of Alexander Worrall;

A bill (H. R. 6663) for the relief of Thomas P. Westmoreland;

A bill (H. R. 8593) for the repair and preservation of the road, heretofore constructed by the Government, leading from Vicksburg to the national cemetery adjacent thereto;

A bill (H. R. 8599) providing an additional judge in the second judicial circuit, and for other purposes; and

A bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener.

MRS. ALMIRA AMBLER.

Mr. HENDERSON, of North Carolina. I rise to move a suspension of the rules——

Mr. SWOPE. I submit the following privileged report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to bill of the Senate 2159, granting a pension to Mrs. Almira Ambler, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to said bill, and agree to the same with an amendment as follows: Insert in lieu of the word "twelve" the word "twenty;" and that the House agree to the same.

JOHN A. SWOPE,
W. H. NEECE,
E. H. CONGER,
*Managers on the part of the House.*
PHILETUS SAWYER,
J. F. WILSON,
O. H. PLATT,
*Managers on the part of the Senate.*

The statement of the House conferees is as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill S. 2159 report that this bill placed Louisa Ambler, army nurse, on the pension-roll at $25 per month. The House reduced this amount to $12, and the committee of conference agreed on $20 per month. The services of this nurse appear to have been peculiarly valuable, and in addition she paid a considerable amount of her own money for the relief of sick soldiers. For these and other reasons the House committee agreed that the pension should be placed at the amount specified.

Mr. SWOPE demanded the previous question.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. SWOPE moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 8620) granting relief to Henry Durkee;

A bill (H. R. 8346) authorizing the employment of mail-messengers in the postal service;

Joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey; and

Joint resolution (H. Res. 263) providing for printing eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, William H. Cole, and Austin F. Pike.

MODIFICATION OF INTERNAL-REVENUE LAWS.

Mr. HENDERSON, of North Carolina. Mr. Speaker, I submit the resolution I send to the desk.

The Clerk read as follows:

*Resolved*, That the rules be suspended and that the following bill be passed: A bill to modify the internal-revenue system of legislation, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

A bill to modify the internal-revenue system of legislation, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proviso contained in subdivision 6 of section 3244 of the Revised Statutes of the United States, which reads as follows: "*Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export," be, and the same is hereby, repealed.

SEC. 2. That section 3361 of the Revised Statutes of the United States, and all laws and parts of laws which impose restrictions upon the sale of leaf-tobacco by the producers thereof, or by guardians, executors, or trustees having the control of the land on which the same was produced, or by owners of land who have received tobacco as rent from their tenants, and all laws and parts of laws imposing penalties therefor, be, and the same are hereby, repealed; and none of the persons or classes of persons above mentioned shall be deemed dealers in leaf-tobacco or retail dealers in leaf-tobacco, or be subject to any special or other tax as such.

SEC. 3. That section 3255 of the Revised Statutes shall be amended by adding at the end of said section the following:

"The Secretary of the Treasury shall exempt all distilleries which mash five bushels of grain or less per day from the operations of the provisions of this title relating to the manufacture of spirits, except as to the payment of the tax, which said tax shall be levied and collected on the capacity of said distilleries; and said distilleries shall be run and operated without storekeepers or 'storekeepers and gaugers.' And the Commissioner of Internal Revenue, with the approval of said Secretary, may exempt any distillery or all distilleries which mash over five and not more than twenty-five bushels of grain per day from the operations of the provisions of this title relating to the manufacture of spirits,

except as to the payment of the tax, which said tax shall be assessed and collected upon the capacity of the distillery so exempted, as hereinbefore provided. And the said Commissioner, with the approval of said Secretary, may establish special warehouses, in which he may authorize to be deposited the product of any number of said distilleries to be designated by him, and in which any distiller operating any such distillery may deposit his product, which when so deposited shall be subject to all the laws and regulations as to bonds, tax, removals, and otherwise as other warehouses. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this section: *Provided*, That such regulations shall be adopted as will require that all the spirits manufactured shall be subject to the payment of the tax as required by law."

SEC. 4. That section 3255 of the Revised Statutes of the United States be amended by striking out all after said number and substituting therefor the following:

"The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, or other fruits from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

SEC. 5. That the provisions of an act entitled "An act relating to the production of fruit-brandy, and to punish frauds connected with the same," approved March 3, 1877, be extended and made applicable to brandy distilled from apples or peaches, or from any other fruit the brandy distilled from which is not now required, or hereafter shall not be required, to be deposited in a distillery warehouse: *Provided*, That each of the warehouses established under said act, or which may hereafter be established, shall be in charge either of a storekeeper or a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue.

SEC. 6. That section 3332 of the Revised Statutes, and the supplement thereto, shall be amended so that said section shall read as follows:

"When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than 150 gallons a day, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be sold, as in case of other forfeited property, without being mutilated or destroyed. And in case of seizure of a still, doubler, worm, worm-tub, fermenting-tub, mash-tub, or other distilling apparatus of any kind whatsoever, for any offense involving forfeiture of the same, it shall be the duty of the seizing officer to remove the same from the place where seized to a place of safe storage; and said property so seized shall be sold as provided by law, but without being mutilated or destroyed."

SEC. 7. That whenever in any statute denouncing any violation of the internal-revenue laws as a crime or misdemeanor, there is prescribed in such statute a minimum punishment, less than which minimum no fine, penalty, imprisonment, or punishment is authorized to be imposed, every such minimum punishment is hereby abolished; and the court or judge in every such case shall have discretion to impose any fine, penalty, imprisonment, or punishment not exceeding the limit authorized by such statute, whether such fine, penalty, imprisonment, or punishment be less or greater than the said minimum so prescribed.

SEC. 8. That no warrant, in any case under the internal-revenue laws, shall be issued upon an affidavit making charges upon information and belief, unless such affidavit is made by a collector or deputy collector of internal revenue or by a revenue agent, nor unless such affidavit is first approved by the district attorney and written instructions given by him for the issuing of the warrant; and with the exception aforesaid every such warrant shall be issued upon a sworn complaint, setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant; and no warrant shall be issued upon the affidavit of a person other than such collector, deputy collector, or revenue agent, unless the commissioner or other officer having jurisdiction shall indorse upon the warrant and shall enter upon his docket an express adjudication that the examination on oath of the affiant shows that there is probable cause for charging the person prosecuted with the offense.

SEC. 9. That whenever it shall be made to appear to the United States court or judge having jurisdiction that the health or life of any person imprisoned for any offense, in a county jail or elsewhere, for a period of one year or less, is endangered by close confinement, the said court or judge is hereby authorized to make such order and provision for the comfort and well-being of the person so imprisoned as shall be deemed reasonable and proper.

SEC. 10. That the circuit courts of the United States and the district courts of the Territories are authorized to remove from office any commissioner appointed or authorized to be appointed by said courts under sections 627 and 1983 of the Revised Statutes.

SEC. 11. That all clauses of section 3244 of the Revised Statutes, and all laws amendatory thereof, and all other laws which impose any special taxes upon manufacturers of stills, are hereby repealed.

SEC. 12. All laws in conflict with this act are hereby repealed.

SEC. 13. This act shall be in force from and after the 1st day of April, in the year 1887.

Mr. WILKINS. I demand a second.

The SPEAKER. The gentleman from Ohio demands a second, and the Chair will appoint tellers.

Mr. HENDERSON, of North Carolina. I ask unanimous consent that a second be considered as ordered.

Mr. WILKINS. I do not rise to oppose this bill, but simply to ask an explanation of its provisions.

Mr. HEPBURN. I object to a second being considered as ordered.

The SPEAKER. The Chair will appoint tellers.

Mr. HEPBURN and Mr. HENDERSON, of North Carolina, were appointed tellers.

The House divided; and the tellers reported—ayes 126, noes 38.

So the motion was seconded.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of and fifteen minutes in opposition to the motion. The Chair will recognize the gentleman from North Carolina [Mr. HENDERSON] in support of the motion and the gentleman from Iowa [Mr. HEPBURN] in opposition to it.

Mr. HENDERSON, of North Carolina. Mr. Speaker, the internal-revenue taxes are war taxes and ought to be abolished. Such a system of taxation could never have been imposed upon the people of the United States in a time of peace. The system is tyrannical, unjust, undemocratic, and unrepublican.

This Congress has lost the opportunity of repealing any portion of these taxes; the agitation of that question has been postponed until another Congress shall assemble. But the whole system is doomed and can not stand many years longer. The internal-revenue laws were never intended as police regulations to secure the peace, good order, well-being, and advancement of society; but their purpose has always been to obtain money due as taxes from the people to the Government. The Government does not now need the money. Its Treasury is filled to overflowing. The annual surplus is estimated to be $120,000,000. This being the case, no necessity can possibly exist for using harsh, vindictive, and extreme measures for the collection of taxes.

The internal-revenue system has been a prolific source of frauds and perjuries. The American people—all people who love and enjoy liberty—have a great horror and detestation for hired spies and informers, who make a business of telling on their neighbors, so that they may obtain from the Government bribes and fees or money in devious ways unknown to the public, or may gratify feelings of envy, hatred, malice, and revenge. The laws should not tolerate the employment by the Government of such shameless and treacherous midnight hirelings. If the courts had the power to tax all such informers with the costs of prosecutions, and to imprison them if the costs were not paid, this evil would be soon abated. The judges in many districts have adopted rules of court to prevent, as far as possible, under the law, oppression of the people on the part of the officers, but the courts can not prevent petty, frivolous, and malicious prosecutions, unless the law confers upon them the power of taxing costs and imprisoning the originators of such prosecutions, or unless the existing law shall be altered in many of its harshest provisions.

As a rule the circuit courts appoint good men as United States commissioners, but sometimes the desire to make and multiply fees induce some of these commissioners to issue warrants unnecessarily if not corruptly in hundreds of petty cases. And there are numbers of such commissioners in office whom the judges believe to be corrupt men; and yet there seems to be no effectual or speedy way to have them removed from office.

To give this House and the country an idea of what devices are resorted to by corrupt or covetous commissioners and officials to make fees, I insert here a letter from a United States commissioner to a deputy collector of internal revenue:

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE,
SIXTH DISTRICT NORTH CAROLINA,
*Hendersonville, June* 17, 1885.

MY DEAR SIR: I send you some affidavits. Please sign and return to me immediately, and greatly oblige me. I have seen some of the witnesses in the cases. There is no doubt about any of them. I will not issue a warrant in any case that I do not know is a good one. Any case I send you to give me a warrant for I will always be sure of conviction. I was at Asheville the other day, but did not get to see you.

I am, as ever, your friend,

W. G. B. MORRIS.

WILLIAM YOUNG,
*Deputy Collector, Asheville, N. C.*

The following is the form of the affidavit referred to:

UNITED STATES OF AMERICA,
*Western District of North Carolina:*

This day personally appeared before me —— ——, a United States commissioner, —— ——, and maketh oath that he is informed and believes that Walker Hathby did on or about the 1st day of June, 188–, as well before as since this date, engage in the business of illicit distilling, removing, and retailing spirituous liquors without having complied with the law of the United States.

—— ——, *Deponent.*

Sworn to before me this — day of ——, 188–.

—— ——, *United States Commissioner.*

The affidavit is to be signed and sworn to in blank in unlimited numbers by the deputy collector, and the commissioner guarantees, in advance of a knowledge of any of the evidence, without having examined a witness, and without having heard a word of explanation from the defendant or his counsel, that the person to be prosecuted shall be "surely convicted." The prisoner is to be convicted first and tried afterwards. I have heard of courts-martial organized to convict. United States commissioners who act in the manner above indicated do much worse. They guarantee to convict before the persons to be charged with violations of the law are arrested or even known or identified. What a mockery of law, of liberty, and of justice!

I send to the Clerk's desk to be read two letters showing some of the evils of the internal-revenue laws as they are enforced in the western district of North Carolina:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
*Washington, D. C., November* 29, 1886.

SIR: Referring you to rule 3 of "Rules of court to apply in revenue cases," western district North Carolina, I would respectfully ask of you if you consider the practice now followed in your district in issuing warrants for the arrest of violators of internal-revenue laws by United States commissioners to be in compliance with the spirit and letter of the said rule.

That your attention may be called more particularly to the practice referred to, I will cite the matter of the commissioner whose account I have before me, namely, J. W. Shook, United States commissioner, Pigeon Valley, N. C. Commissioner Shook has affixed to each fee-bill in his account a copy of the affidavit setting forth the offense with which the accused is charged, and upon which, I presume, warrant was issued. The said affidavits bear the following indorsements, to wit: "After examining the complaint, I am of the opinion that this case should be prosecuted" (signed by commissioner); also, "The commissioner will issue a warrant upon this affidavit if in his opinion there is reasonable grounds to believe the accused guilty" (signed by yourself as United States attorney).

As you are well aware, there is in the Treasury Department a bureau whose especial duty it is to see that the laws of the United States pertaining to the in-

ternal-revenue service are enforced, and to see that violators of the said laws are brought before the proper tribunal for trial. The court, I assume, appreciating the peculiar functions of this bureau and its various officials, has seen fit to promulgate the rule, above referred to, that its (the courts) officials might not trench upon duties clearly incumbent upon another (an executive) branch of the Government by acting as detectives, spying out violations and violators of the said laws.

Your rights, however, as a representative of the Department of Justice, have, in said rule, been respected in that you are therein "authorized to institute prosecutions under the internal-revenue laws."

By this proviso I understand you, and you alone of the judicial officers, have the authority to institute such prosecutions, and that you have not the right to delegate this power to any other judicial officer, however much you may value "his opinion" or discretion.

You would appreciate more fully the necessity for a strict compliance with an enforment of this rule, I have no doubt, if you have more time at your disposal to devote to the examination of accounts rendered against the Government by the United States commissioners and deputy marshals—thereby noticing the number of warrants returned "not found;" the number of defendants "discharged" or found "not guilty;" and the number, which having been held for court, you are constrained to nolle prosequi, or the court, they pleading guilty, to impose only a nominal punishment. In either of these events the United States fails to be benefited, or the evil sought to be abated in any way remedied.

Heretofore this office has had occasion, in several instances, to call the attention of district attorneys to abuses existing in their several districts, and has invariably received hearty support and co-operation in suppressing the same.

The abuses of authority by court officials, to which your attention is herein called, are of a most grievous nature; and, though not criminal in their bearing, mulct the Government in an enormity of costs for prosecutions that are on their face worthless.

I beg to suggest, therefore, that it is in your power to materially assist this office in the correction of flagrant abuses. Into your hands has been intrusted the attorneyship of a district that has been a great burden to the Government.

Many abuses having existed therein, I feel assured that your especial attention needs but to be called to the matter to elicit from you a most hearty co-operation.

Very respectfully,

M. J. DURHAM, *Comptroller.*

H. C. JONES, Esq.,
*United States Attorney, Western District North Carolina, Charlotte, N. C.*

---

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
*Washington, D. C., January 25, 1887.*

SIR: Replying to yours of the 13th instant, also of the 17th, I inclose you a copy of a letter addressed to the Attorney-General, also one to Hon. THOMAS D. JOHNSTON, M. C., and refer you to them as expressing the view and holding of this office on the matter concerning which you write.

In addition I would cite you the following figures, as shown by vouchers now on file in the Department, and your official report, as it appears in abstract in the annual report of the Commissioner of Internal Revenue for fiscal year 1886, pages 142–146.

First. From the vouchers filed by the United States commissioners it appears that fees are claimed in 2,337 cases in which warrants issued during the fiscal year 1886, the aggregate of fees claimed being $22,101.69. There was paid by the United States marshal to witnesses on orders of commissioners, during fiscal year, $10,873.45. If to this amount ($32,975.14) be added the fees and expenses of the United States marshal for serving the warrants, expenses endeavoring to arrest, attendance before commissioners, &c., an approximate may be arrived at as to the cost of prosecutions before commissioners' courts. These prosecutions, as you well know, are, with few exceptions, against persons charged with violations of the internal-revenue laws.

Second. From the abstract of your official report, above referred to, it appears that you reported 587 criminal suits commenced during the fiscal year 1885–'86; none of these cases being on information or indictment in the first instance, but all against persons held to court by commissioners. These figures would indicate that about 75 per cent. of the complaints filed before commissioners are for some reason never prosecuted any further. Either they are dismissed, the warrants are returned "not found," or some disposition is made of the case indicating that it is too trivial to be prosecuted further.

Third. From the abstract, and from your letter of the 13th instant, it appears that 465 criminal suits were terminated during the fiscal year 1886; 357 decided in favor of the United States; 67 against the United States; and 41 were dismissed, abandoned, or consolidated. Of the 357 suits decided in favor of the United States, fines and costs were paid in 37; the amounts paid to collectors (per page 146, Report Commissioner Internal Revenue) being, fines, $265; costs, $1,897.41. In 163 of these 357 cases sentence was suspended. (Page 145, Report Commissioner Internal Revenue.)

With these facts before me, I am driven to the necessity of concluding that a very small per cent. of the prosecutions begun before the commissioner are such as would be instituted were the cases first examined into by yourself or an official of the internal revenue.

To the end that these trivial prosecutions may be abated and this enormous drain on the Treasury (without any adequate results) may be stopped, I ask that you assist me in the rigid enforcement of the law (Rule 3).

Very respectfully,

M. J. DURHAM, *Comptroller.*

H. C. JONES, Esq.,
*United States Attorney, Charlotte, N. C.*

Judge Durham, the First Comptroller of the Treasury, is entitled to the thanks of the country for the common-sense view he has taken of the matter and for his efforts to protect the citizen from oppression, tyranny, and injustice, and the Treasury from paying extravagant, improper, and unnecessary costs and fees.

Col. Hamilton C. Jones, the district attorney, to whom these letters are addressed, is an able and distinguished lawyer and an honorable gentleman. He is an excellent officer and is doing what he can, under the existing law, to put a stop to the frivolous and petty prosecutions referred to by Judge Durham. But there can be no certain cure for the evils of the internal-revenue system except by substantial amendments of the internal-revenue laws. The bill under consideration—although it does not go far enough—is a step in the right direction, and should pass this House without opposition or objection. It proposes such beneficial modifications of the internal-revenue system as will relieve the people from some of the most odious and irritating features thereof. Sections 7, 8, 9, and 10 have been favorably reported to this House by the Judiciary Committee, and the whole bill has received the favorable report and approval of the Committee on Ways and Means.

In deference to that committee many provisions which I considered important have been eliminated from the bill, which has been framed with a view to avoid every reasonable objection to its passage.

It is expressly directed in the proviso to the third section that such regulations shall be adopted by the Treasury Department as will require that all the spirits manufactured shall be subject to the payment of the tax imposed by law, so that the members of this House who are opposed to a repeal or reduction of these taxes need not have any fears on that score. A few clauses of the bill have been inserted on the recommendation of the Commissioner of Internal Revenue. These are:

1. That portion of section 3 which authorizes the Treasury Department to establish special warehouses, in which may be deposited the product of any number of distilleries, to be designated for that purpose.

2. The fourth section, which authorizes the Secretary of the Treasury to extend the benefit of section 3255 of the Revised Statutes not only to those who distill brandy made from apples, peaches, and grapes, but also to distillers of brandy made from any "other fruits."

3. Section 5, which extends the provisions of the act of March 3, 1877, "relating to the production of fruit brandy," &c., to brandy distilled from "any fruit." The Commissioner says that the law, as it stands, practically excludes all fruit from distillation except apples, peaches, and grapes, and works a hardship in this respect which is entirely unnecessary and prevents the collection of a tax which is desired to be paid.

Sections 9 and 10 have been inserted at the suggestion of the district judge for the western district of North Carolina, and these sections authorize the judges to make reasonable provision for the comfort of persons imprisoned in a county jail where their health or life may be endangered by close confinement. Such power is conferred upon the courts of the several States, and the United States ought to be as merciful as the States. Necessity and humanity both frequently require the exercise of such power. There are a great many prisoners, especially those from the mountains, who break down under close confinement, and their health is thereby seriously impaired. The courts should certainly be clothed with power to prevent and to relieve such suffering. These two sections also give the circuit courts express power to remove from office any commissioner appointed by said courts. The power of removal should be ample and summary. United States commissioners are usually good men, but the power of a bad and corrupt commissioner is incalculable.

The sections of the bill I will now proceed to explain are the ones which propose a real reform and modification of the internal-revenue system. Sections 1 and 2 remove all restrictions upon the sale of leaf-tobacco by farmers, and permit them to sell to any persons, whether licensed dealers or not. Under the existing law they can sell to none but licensed dealers. This is a great hardship. As a rule the tobacco farmers are men of limited means; they raise small crops, and they lose much time and no little money in getting their crops to a good and lawful market.

The nearest licensed dealer may have his place of business 30 or 40 miles away, and he may not have any competition; so that after reaching his destination the farmer frequently finds that he has carried his crop to a bad market. His profits being exhausted by his trip he loses heart and does not seek to better his fortunes by going to another market, but returns home a sadder if not a wiser man, and certainly with not any too good an opinion of a Government which imposes such burdensome, embarrassing, and unjust restrictions upon the sale of his tobacco—to say nothing of the tax—while every other agricultural product may not only be sold without any restrictions, but is free from any tax whatever.

There is no justice in this and no government and no party can retain for any length of time the good will of the people who are needlessly compelled to submit to such a vexatious and burdensome law. The tobacco tax is not needed and should be abolished; but the tax might be borne, unnecessary as it is, if the irritating and odious burdens imposed by the laws regulating the sale of the unmanufactured article were removed.

Section 3 abolishes storekeepers at distilleries which mash 5 bushels of grain or less per day, and requires the tax on spirits manufactured there to be levied and collected on the capacity of said distilleries. As a matter of fact, and the records show it, these distilleries have never paid a greater tax than upon the minimum capacity of said distilleries. The storekeepers, therefore, have never been of any real service to the Government in collecting its revenues. Section 6 prohibits the destruction or mutilation of stills; and, in the same connection, section 11 repeals the special taxes upon the manufacturers of stills. There are no features of the internal-revenue system more outrageous and detestable than the wanton "cutting up" or mutilation of stills, and pouring the poor man's "mash" upon the ground. Such property is seized and destroyed by the revenue officers, in a spirit of vindictive animosity, without apparent authority of law, under rules promulgated by the Treasury Department. And there has never been any necessity to justify such harsh measures. No good reason can be given why such

wanton and summary destruction and waste of property should not be forbidden for the future.

Section 7 abolishes what are known as minimum punishments, and gives a discretion to the courts to impose any punishment for the violation of the internal-revenue laws not exceeding the limit authorized by the statute, whether such punishment be less or greater than the minimum mentioned in the law. There are many cases where the judge might properly impose a less sentence than the minimum punishment allowed by law, and would do so if he had the power. This section is intended to put an end to frivolous and malicious prosecutions, and to authorize the judges to be merciful and generous as well as just in the sentences they pass upon offenders, according to the circumstances surrounding each individual case. There is a harshness and severity about the internal-revenue laws, which the judiciary have long abhorred and revolted against. In proof of this, I ask the Clerk to read an extract from an opinion delivered by Mr. Justice Miller, in the case of the United States *vs.* Ulrici, decided in the eastern district of Missouri, in the year 1875, and published in 3 Dillon, 532:

It is very well understood, both by the courts and by the profession, as well as by every one interested in the matter, that the collection of the internal-revenue tax in this country has required a system of legislation for its enforcement harsh beyond everything known in our history. And it is equally well understood that, harsh as these measures are, they have been far from successful. Notwithstanding the heavy penalties denounced against crimes which go to defraud the Government of its revenue from internal taxes, and notwithstanding the minuteness and particularity in the description of these crimes, and notwithstanding all the aids which Congress has given by legislation to the enforcement of the revenue laws, they have been very imperfectly executed, and that the Government is cheated out of perhaps one-half of its revenue, especially from the tax on whisky and tobacco.

Section 8 is the remaining provision to be considered. No warrant is allowed to be issued upon an affidavit making charges upon "information and belief" alone, unless the affidavit is made by a collector or deputy collector of internal revenue or by a revenue agent; and before the warrant is issued the affidavit must be approved by the district attorney and written instructions given by him for the issuing of the warrant.

Every other warrant must be issued upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant; and in such cases the United States commissioner is required to indorse upon the warrant and to enter upon his docket an adjudication that the examination, on oath, of the affiant shows that there is probable cause for charging the person prosecuted with the offense. The precautions required by these sections are not only necessary for the protection of the citizens from vexatious, petty, and frivolous prosecutions, but also to protect the Treasury of the United States from being compelled to audit and pay improper and fraudulent claims, fees, and costs.

The country is demanding a reduction of taxation and a reduction of the revenues. Unnecessary taxation is unjust taxation; and to exact from the people taxes beyond the requirements of the Government economically administered is robbery under the forms of law. I have favored in this body a reduction and revision of tariff duties. Both the great parties are equally pledged to such revision. I have also favored a reduction of internal-revenue taxation. But I am not willing to refuse a reduction in one case because I can not get a reduction in the other. I am always ready to vote for separate propositions looking towards a reduction either of the tariff or of the internal revenue. If I can not have all the reduction I want, I am willing to take such as I can get. An annual reduction of $12,000,000 on the tariff and of $28,000,000 on internal revenue would have been better than no reduction of the revenues.

Parties and factions are so constituted that I do not believe it possible to secure a reduction of an equal amount of taxation from the tariff and the internal-revenues at the same time. My opinion is, and I believe the people agree with me, that a revision of the tariff and of the internal-revenue laws can be attained from time to time by reforming the obvious and greater grievances of the two systems; and no man and no party should refuse to make such reforms because all the changes desired have not been attainable. I shall be glad to vote to "untax the clothing of sixty millions of people" at every opportunity which may be afforded me. I shall also feel it to be my duty to relieve these same people from the grievous burdens and oppressions of the internal-revenue system of taxation. The people demand relief from the exactions and oppressions of both systems.

Mr. HATCH. Will the gentleman allow me to simply correct one statement in his remarks? He said that under the present law the grower of tobacco could only sell it to a licensed dealer. I will call the gentleman's attention to the fact that in the Forty-seventh Congress an amendment to a bill which was considered in the House went over to the Senate with a proviso giving the farmer the privilege of selling his tobacco to the extent of $100 per annum, but no more.

Mr. HENDERSON, of North Carolina. Yes, sir; I was aware of that. But the provision to which the gentleman refers has always been inoperative and is practically a dead letter. It is at the end of section 2 of the act of March 3, 1883, and reads as follows:

*Provided*, That farmers and producers of tobacco may sell, at the place of production, tobacco of their own growth and raising at retail, directly to consumers, to an amount not exceeding $100 annually.

Mr. HATCH. And I want to say in this connection the paragraph in this bill removing all restrictions on the sale of leaf tobacco is sufficient to command my approval and my active and earnest support for the bill, and I hope every gentleman on this side of the House will vote for it and every gentleman on the other side also.

Mr. JOHNSTON, of Indiana. On that one point I will agree with the gentleman, and if you will strike out all of the rest of the bill we will all join you in voting for it.

Mr. HENDERSON, of North Carolina. I reserve the remainder of my time.

Mr. HEPBURN. Mr. Speaker, in my opinion this is much more important than the time chosen for its consideration would seem to indicate. I think that it would produce very marked changes in the revenue collections of the Government, and the bill ought to be entitled "a bill for the relief of moonshiners." The purpose of it and the main purpose in my judgment is to remove all restrictions upon their illegal traffic.

Mr. GROSVENOR. Let me ask the gentleman a question.

Mr. HEPBURN. Certainly.

Mr. GROSVENOR. Ought not the title be amended still further by adding "and to carry out the pledges of the Democratic party made in 1884 to the moonshiners of the mountain districts of the South?" [Laughter.]

Mr. HEPBURN. Mr. Speaker, the main purpose in my judgment of the promoters of this bill is to remove the watchful eye of the Government from the smaller distilleries of the country. He would be willing, I take it, the gentleman who is now urging the passage of this bill, to strike out every other clause if he could only secure that one that removes the watchfulness of the storekeeper from these country distilleries, the four hundred of them that are, or were a little while ago, in the State of North Carolina alone. It looks to me as if that ought not to be done. What possible protection is there for the Government in the collection of the revenue if you remove the watchfulness of the storekeeper?

As to the provision with regard to leaf tobacco, I do not know that that is very important; although there seems to be no necessity for it. The gentleman from North Carolina [Mr. HENDERSON] tells us that it is to permit the small raiser of tobacco to dispose of his crop conveniently. The law permits him now to sell to the extent of one hundred dollars' worth.

Mr. BRADY. In a year.

Mr. HEPBURN. The complaint was made in the Forty-seventh Congress that neighbors could not exchange a single roll of tobacco without making themselves liable to the penalties of the law; and in their interest and at the earnest solicitation of gentlemen representing tobacco-growing districts the modification I have spoken of was made; so that now to the extent of one hundred dollars' worth there is no restraint on them as to the sale of their product.

Mr. SKINNER. One hundred dollars for a whole year.

Mr. HEPBURN. Of course, for a year.

Mr. BRADY. And there is a monopoly now on the purchase of tobacco.

Mr. HEPBURN. Oh, we heard the changes rung on that six years ago about the monopoly there was. There is no monopoly. Any man can secure the right to buy and sell if he chooses to. There is no restraint on any individual, and whatever there is in the way of requiring these sales to be made to licensed dealers is in the interest of the Government. How are you going to protect the interests of the Government or collect the taxes if there is not some one who must have knowledge of the quantity raised?

Mr. JOHNSTON, of North Carolina. Does the gentleman from Iowa not know that this tax is never collected till the tobacco comes to the hands of the manufacturer and is manufactured?

Mr. HEPBURN. That, in my judgment, ought not to be changed. I believe it is wise to leave that as it is.

I will only say further at present that this bill in its entirety has never been considered by any committee. It is a sort of patchwork; a little taken from one committee and a little from another, and a great deal that has never had consideration by any committee.

I yield three minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. I am not particularly in love with the provisions of our internal-revenue system born of the necessities of the war. I am one of those who believe that when the exigency is passed which gave occasion for its existence, it also should have passed away. Our internal-revenue taxes are in fact the only remaining war taxes that we have.

As regards the first portion of the bill, it seems to me that it is not subject to any serious objection. It does seem to me that when a farmer raises tobacco he should be allowed to dispose of it without any tax being imposed on that particular product. And had the bill stopped at that point I should have given my voice and vote heartily in favor of it.

But unfortunately the bill does not stop at that point. It seeks by indirection to repeal the internal-revenue system as applied to the product of distilled spirits. I say by indirection, because, while it leaves the tax on the distiller, it so removes the safeguards which the statute

of to-day has placed around the production of that article as to practically make that statute valueless. It provides, in the first place, that all distilleries mashing five bushels and less per day would be exempt from the internal-revenue tax. I ask you if there is not there a door wide open for fraud. It also provides that distilled spirits made of certain articles shall be exempt from taxation. There is another door wide open for fraud. In certain cases it removes the supervision of the Government storekeeper. That opens another door wide for fraud. And so you go on through the bill, and you find that those provisions that from time to time have been enacted, recommended by the Commissioner of Internal Revenue as absolutely necessary to the due and perfect carrying out of the law taxing distilled spirits, are either removed or so essentially modified as to be of no earthly use whatever.

Mr. COWLES. Will the gentleman permit me to interrupt him?

Mr. BUCHANAN. I have only three minutes. The gentleman can make his speech in the time of the other side. If I had ample time I would yield amply.

The SPEAKER. The time of the gentleman from New Jersey [Mr. BUCHANAN] has expired. The gentleman from Iowa [Mr. HEPBURN] has seven minutes of his time remaining.

Mr. HEPBURN. I reserve that time.

The SPEAKER. To whom does the gentleman from North Carolina [Mr. HENDERSON] yield?

Mr. HENDERSON, of North Carolina. I yield to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, I will claim the attention of the House for a short time in advocacy of the pending bill. It has only to be read for its importance to be appreciated. At an early date in this Congress I introduced a bill to repeal so much of the internal-revenue law as restricts the farmer in the sale of the tobacco he has produced. The Committee on Ways and Means has reported back to this House the substance of that bill, with other sections modifying other features of the internal-revenue laws. The first and second sections of the bill under consideration are as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proviso contained in subdivision 6 of section 3244 of the Revised Statutes of the United States, which reads as follows: "*Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export," be, and the same is hereby, repealed.

SEC. 2. That section 3361 of the Revised Statutes of the United States, and all laws and parts of laws which impose restrictions upon the sale of leaf-tobacco by the producers thereof, or by guardians, executors, or trustees having the control of the land on which the same was produced, or by owners of land who have received tobacco as rent from their tenants, and all laws and parts of laws imposing penalties therefor, be, and the same are hereby, repealed; and none of the persons or classes of persons above mentioned shall be deemed dealers in leaf-tobacco or retail dealers in leaf-tobacco, or be subject to any special or other tax as such.

It will be observed from this, Mr. Speaker, that it is the purpose of those who advocate the passage of this bill to enable the producer of tobacco or the owner of land who receives it for rents, or the guardian of those upon whose land it is raised so receiving it for rent, to be unhampered in its sale. It is the purpose to put this agricultural product in its unmanufactured state on an equal footing with every other product of the soil before it is manufactured, and allow the producer to sell without danger of indictment and prosecution, and without the trouble of hunting up some man who has bought a license to deal in it. I confess I have never been able to see any just grounds for hampering the sale of this product of the soil. Hundreds and thousands of citizens of the United States are engaged in its production, and yet the Government places restrictions upon its sale before it is manufactured. The result of that restriction is to make it more difficult for the producer to sell and more easy for purchasers to combine and control its price.

What excuse is there for any such restriction? The licenses paid by these tobacco dealers afford very little revenue to the Government—not a sufficient amount to pay for the execution of that branch of the law. The only effect that it has is to harass, annoy, and restrict. If the Congress of the United States were to place such a restriction around the sale of corn, of oats, of cattle, of horses, of coal banks or iron beds, a complaining shriek would go up from an outraged public that would be heard from one end of the land to the other. Yet we see this product of a large number of States singled out and hampered as no other is. If the restriction were removed it would enable the producer to sell to his neighbors whatever they needed in an unmanufactured state for their own consumption. It would enable those who produced it and who had remnants left after prizing for the wholesale market to dispose of it without subjecting themselves to Federal prosecutions and without the danger of looking out from the bars of a jail or a penitentiary.

This tax was imposed during the war, when the Government was compelled to have immense revenues. More than three-fourths of the internal taxes imposed for the same purpose have been repealed. The tax on incomes—one of the most just of all internal taxes—was repealed soon after the close of the war. The tax on tobacco was reduced from 24 cents to 16 cents years ago. The tax on cosmetics, the tax on conveyances—such as deeds, wills, deeds of trust, &c.—have been taken from the statute-books; and yet, twenty-two years after the war closed, when a large part of the indebtedness which grew out of it and was the cause of the taxation has been paid, and when the interest on much of the balance has been reduced, we have lingering on our statutes the very tax that ought never to have been imposed, and the very penalties which ought never to have been created, by which the farmer is prevented from selling the labor of his hands and the sweat of his brow without having to go around and hunt up a licensed dealer.

What excuse is there for the retention of this tax? The Government does not need the little revenue that is derived from it, because all the public debt that can be paid prior to 1891 will be paid before the close of the next fiscal year, and the revenues that are derived from other sources are ample to meet the interest on the debt that is not due. No public policy makes its retention essential, and no principle of justice demands it. I therefore earnestly appeal to this House to repeal the law and place this product of the farm on an equality with the others.

DISPENSING WITH STOREKEEPERS AND GAUGERS AT SMALL DISTILLERIES.

Section 3 of the bill is as follows:

SEC. 3. That section 3255 of the Revised Statutes shall be amended by adding at the end of said section the following:

"The Secretary of the Treasury shall exempt all distilleries which mash 5 bushels of grain or less per day from the operations of the provisions of this title relating to the manufacture of spirits, except as to the payment of the tax, which said tax shall be levied and collected on the capacity of said distilleries; and said distilleries shall be run and operated without storekeepers or 'storekeepers and gaugers.' And the Commissioner of Internal Revenue, with the approval of said Secretary, may exempt any distillery or all distilleries which mash over 5 and not more than 25 bushels of grain per day from the operations of the provisions of this title relating to the manufacture of spirits, except as to the payment of the tax, which said tax shall be assessed and collected upon the capacity of the distillery so exempted, as hereinbefore provided. And the said Commissioner, with the approval of said Secretary, may establish special warehouses, in which he may authorize to be deposited the product of any number of said distilleries to be designated by him, and in which any distiller operating any such distillery may deposit his product, which when so deposited shall be subject to all the laws and regulations as to bonds, tax, removals, and otherwise as other warehouses. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this section: *Provided*, That such regulations shall be adopted as will require that all the spirits manufactured shall be subject to the payment of the tax as required by law."

One of the advantages that is derived from changing the law as proposed is that it will tax the capacity of the stills instead of putting the Government to the expense and the citizens to the annoyance of having a storekeeper and gauger stationed at the small still-houses, whose salary consumes from one-third to one-fifth of the revenue that is collected from the stills.

Why is it that this can not be done? When every fruit distillery pays upon what it makes, why can not the small-grain distillers do the same, and get rid of four or five hundred storekeepers and gaugers who are now constantly stationed round small distilleries. It would be to the advantage of the Government, because it would save the $2 to $4 a day expense for each storekeeper and gauger who is kept at these small distilleries. It would be to the advantage of the manufacturer, because he would know exactly what he had to do. As the capacity of his still would be taxed, it would be his own fault if he failed to run it to the capacity. If it became disabled, proper provisions of law or regulations of the Department would be enforced, allowing him to give notice of its disability and thereby suspend its taxation.

DESTRUCTION OF PROPERTY BY INTERNAL-REVENUE OFFICERS.

Mr. Speaker, one very important feature of this bill is that which prevents wanton and unnecessary destruction of property seized by officers of the United States for alleged violation of the internal-revenue laws. It is embodied in section 6, which is as follows:

SEC. 6. That section 3332 of the Revised Statutes, and the supplement thereto, shall be amended so that said section shall read as follows:

"When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than 150 gallons a day, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be sold, as in case of other forfeited property, without being mutilated or destroyed. And in case of seizure of a still, doubler, worm, worm-tub, fermenting-tub, mash-tub, or other distilling apparatus of any kind whatsoever, for any offense involving forfeiture of the same, it shall be the duty of the seizing officer to remove the same from the place where seized to a place of safe storage; and said property so seized shall be sold as provided by law, but without being mutilated or destroyed."

I have always doubted the constitutional right of the Government to destroy property without its condemnation in the way contemplated by the framers of the Constitution. So much have I been impressed with this idea that I have ever deprecated that law which pretends to authorize it. If a citizen has been guilty of a violation of the law punish him, if need be, by fine and imprisonment and the cost of the prosecution. Where is the impropriety of requiring the sale of the property that has been illegally used and the application of the funds received from the sale to the discharge of the costs, which must come out of his pocket if he is able to pay, but which more frequently have to be paid out of the Treasury of the United States, and consequently by the law-abiding citizens thereof.

By the use of the axe and other implements in the destruction of property used in illicit distilling there is an appearance of recklessness, if

not of lawlessness, which has a bad effect upon the citizen. Every man who has a reverence for law will justify the Government in the application of the proceeds of the sale of the property to a debt that the lawbreaker has incurred by his violation. But there is no principle of justice upon which you can destroy the property of the criminal too poor to pay costs and then require the costs of the prosecution to be paid by those who have not offended.

If property is to be destroyed it should be the result of a judicial proceeding, and not merely upon the whim and caprice of an executive officer who has been called upon simply to arrest a citizen and bring him before a tribunal to determine whether or not he is guilty of making whisky in violation of law. They have and should have the authority to arrest a criminal; but judicial functions have not by the Constitution been rested with them.

I do not recall any other instance except that pertaining to the internal-revenue laws where the officer arresting an alleged criminal in advance of a trial, and in advance of any judicial proceeding or ascertainment, destroys property involved in a legal prosecution. Excessive harshness neither increases the citizen's reverence for law nor makes more certain the enforcement of its penalties. The severity of these provisions has been commented upon by Justice Miller, of the Supreme Court, in the case of the United States *vs.* Ulrica, in 1875, published in 3 Dillon, page 532. He said:

It is very well understood, both by the courts and by the profession, as well as by every one interested in the matter, that the collection of the internal-revenue tax in this country has required a system of legislation for its enforcement harsh beyond everything known in our history. And it is equally well understood that, harsh as these measures are, they have been far from successful. Notwithstanding the heavy penalties denounced against crimes which go to defraud the Government of its revenue from internal taxes, and notwithstanding the minuteness and particularity in the description of these crimes, and notwithstanding all the aids which Congress has given by legislation to the enforcement of the revenue laws, they have been very imperfectly executed, and that the Government is cheated out of perhaps one-half of its revenue, especially from the tax on whisky and tobacco.

JUDGES MAY IMPOSE A LESS PENALTY THAN IS NOW REQUIRED.

The seventh section of the bill repeals the clause of the law which fixes the minimum penalty for violating certain internal-revenue laws.

I favor that also, for the effect, as the law now stands, is to force the judge under some circumstances either to order the discharge of a criminal or fix the penalty above what the merits of the case demand. If amended as proposed, the judge could not impose a greater penalty than that now fixed by law, but he might impose a less. It would meet that numerous class of cases where, whilst there is guilt, there is not that degree of guilt which requires the severe penalties now imposed by law.

The eighth section is in the following words:

SEC. 8. That no warrant, in any case under the internal-revenue laws, shall be issued upon an affidavit making charges upon information and belief, unless such affidavit is made by a collector or deputy collector of internal revenue or by a revenue agent, nor unless such affidavit is first approved by the district attorney and written instructions given by him for the issuing of the warrant; and with the exception aforesaid every such warrant shall be issued upon a sworn complaint, setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant; and no warrant shall be issued upon the affidavit of a person other than such collector, deputy collector, or revenue agent, unless the commissioner or other officer having jurisdiction shall indorse upon the warrant and shall enter upon his docket an express *adjudication* that the examination on oath of the affiant shows that there is probable cause for charging the person prosecuted with the offense.

For years the custom prevailed of allowing the deputy marshals to take round with them some commissioner, upon whose suggestion or upon whose authority arrests were made without previous order from the district attorney, collector, or any internal revenue agent. It will be observed that this section requires that a warrant must issue under the direction of one of these three officials or upon the affidavit of some one acquainted with the facts. It is intended to throw around the citizen those safeguards and protections from arrest which were guaranteed to him by Article IV of the amendments to the Constitution of the United States, and which should ever be held his most sacred heritage. That article is in this language:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

I am happy to say that the committee and this House have the hearty approval of the Treasury Department in the effort to prevent unlawful arrests and the institution of frivolous prosecutions. In support of what I say I will send to the Clerk's desk to be read two communications from Hon. M. J. Durham, First Comptroller of the Treasury.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
*Washington, D. C., November* 29, 1886.

SIR: Referring you to rule 3 of "Rules of court to apply in revenue cases," western district North Carolina, I would respectfully ask of you if you consider the practice now followed in your district in issuing warrants for the arrest of violators of internal-revenue laws by United States commissioners to be in compliance with the spirit and letter of the said rule.

That your attention may be called more particularly to the practice referred to, I will cite the matter of the commissioner whose account I have before me, namely, J. W. Shook, United States commissioner, Pigeon Valley, N. C. Commissioner Shook has affixed to each fee-bill in his account a copy of the affidavit setting forth the offense with which the accused is charged, and upon which, I presume, warrant was issued. The said affidavits bear the following indorsements, to wit: "After examining the complaint I am of the opinion that this case should be prosecuted" (signed by commissioner); also, "The commissioner will issue a warrant upon this affidavit if in his opinion there is reasonable ground to believe the accused guilty" (signed by yourself as United States attorney).

As you are well aware, there is in the Treasury Department a bureau whose especial duty it is to see that the laws of the United States pertaining to the internal-revenue service are enforced, and to see that violators of the said laws are brought before the proper tribunal for trial. The court, I assume, appreciating the peculiar functions of this bureau and its various officials, has seen fit to promulgate the rule, above referred to, that its (the court's) officials might not trench upon duties clearly incumbent upon another (an executive) branch of the Government by acting as detectives, spying out violations and violators of the said laws.

Your rights, however, as a representative of the Department of Justice, have, in said rule, been respected in that you are therein "authorized to institute prosecutions under the internal-revenue laws."

By this proviso I understand you, and you alone of the judicial officers, have the authority to institute such prosecutions, and that you have not the right to delegate this power to any other judicial officer, however much you may value "his opinion" or discretion.

You would appreciate more fully the necessity for a strict compliance with and enforcement of this rule, I have no doubt, if you had more time at your disposal to devote to the examination of accounts rendered against the Government by the United States commissioners and deputy marshals—thereby noticing the number of warrants returned "not found;" the number of defendants "discharged" or found "not guilty;" and the number which, having been held for court, you are constrained to nolle prosequi, or the court, they pleading guilty, to impose only a nominal punishment. In either of these events the United States fails to be benefited or the evil sought to be abated in any way remedied.

Heretofore this office has had occasion, in several instances, to call the attention of district attorneys to abuses exising in their several districts, and has invariably received hearty support and co-operation in suppressing the same.

The abuses of authority by court officials, to which your attention is herein called, are of a most grievous nature; and, though not criminal in their bearing, mulct the Government in an enormity of costs for prosecutions that are on their face worthless.

I beg to suggest, therefore, that it is in your power to materially assist this office in the correction of flagrant abuses. Into your hands has been intrusted the attorneyship of a district that has been a great burden to the Government.

Many abuses having existed therein, I feel assured that your especial attention needs but to be called to the matter to elicit from you a most hearty co-operation.

Very respectfully,

M. J. DURHAM, *Comptroller.*

H. C. JONES, Esq.,
*United States Attorney, Western District North Carolina, Charlotte, N. C.*

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
*Washington, D. C., January* 25, 1887.

SIR: Replying to yours of the 13th instant, also of the 17th, I inclose you a copy of a letter addressed to the Attorney-General, also one to Hon. THOMAS D. JOHNSTON, M. C., and refer you to them as expressing the view and holding of this office on the matter concerning which you write.

In addition I would cite you the following figures, as shown by vouchers now on file in the Department, and your official report, as it appears in abstract in the annual report of the Commissioner of Internal Revenue for fiscal year 1886, pages 142–146.

First. From the vouchers filed by the United States commissioner it appears that fees are claimed in 2,337 cases in which warrants issued during the fiscal year 1886, the aggregate of fees claimed being $22,101.69. There was paid by the United States marshal to witnesses on orders of commissioners, during fiscal year, $10,873.45. If to this amount ($32,975.14) be added the fees and expenses of the United States marshal for serving the warrants, expenses endeavoring to arrest, attendance before commissioners, &c., an approximate may be arrived at as to the cost of prosecutions before commissioners' courts. These prosecutions, as you well know, are, with few exceptions, against persons charged with violations of the internal-revenue laws.

Second. From the abstract of your official report, above referred to, it appears that you reported 587 criminal suits commenced during the fiscal year 1885–'86; none of these cases being on information or indictment in the first instance, but all against persons held to court by commissioners. These figures would indicate that about 75 per cent. of the complaints filed before commissioners are for some reason never prosecuted any further. Either they are dismissed, the warrants are returned "not found," or some disposition is made of the case indicating that it is too trivial to be prosecuted further.

Third. From the abstract, and from your letter of the 13th instant, it appears that 465 criminal suits were terminated during the fiscal year 1886; 357 decided in favor of the United States; 67 against the United States; and 41 were dismissed, abandoned, or consolidated. Of the 357 suits decided in favor of the United States, fines and costs were paid in 37; the amounts paid to collectors (per page 146, Report Commissioner Internal Revenue) being, fines, $265; costs, $1,897.41. In 163 of these 357 cases sentence was suspended. (Page 145, Report Commissioner Internal Revenue.)

With these facts before me, I am driven to the necessity of concluding that a very small per cent. of the prosecutions begun before the commissioner are such as would be instituted were the cases first examined into by yourself or an official of the internal revenue.

To the end that these trivial prosecutions may be abated and this enormous drain on the Treasury (without any adequate results) may be stopped, I ask that you assist me in the rigid enforcement of the law (Rule 3).

Very respectfully,

M. J. DURHAM, *Comptroller.*

H. C. JONES, Esq.,
*United States Attorney, Charlotte, N. C.*

The instances there commented upon occurred in the State of North Carolina, but I dare say a duplicate can be found in almost every State of the Union. There are few things that have brought more reproach upon the internal-revenue system than the tendency toward frivolous and worthless prosections. The enactment of this section will go far to prevent the institution of such, and tend to a more thorough reconciliation of the people to the enforcement of these laws.

Endless oppression has grown out of their enforcement. It is a notorious fact that for years it was not infrequent that an unscrupulous party, taking a barrel of whisky, would travel through the country twenty, thirty, fifty, or a hundred miles, selling it on the roadside to every youth or old man that he could inveigle into a purchase; and as soon as the barrel was emptied and the money pocketed this same illegal vendor would become a Government informer, going to a United

States commissioner or to the Federal court and making the affidavits necessary for the issuance of a warrant for the arrest of parties who had bought the vile stuff, charging them with illegal removal of spirits, and that, too, after having been the principal participator in the crime of illegally selling and becoming responsible for all the illicit drinking done in the whole community, deriving the still further benefit of large fees and mileage as a witness against the poor, oftentimes pauper, old men or unfortunate youths whom he had duped into a purchase.

It is a most crying and unmitigated outrage. Such an informer ought to be spurned from a court of justice, and the old maxim *in minimis lex non curat* should be applied. If anybody is dealt with it ought to be the unprincipled creature who hauled the barrel and hunted up all the wild boys of the community and decoyed them into buying his medicated stuff. If any man goes to the penitentiary he is the one that ought to go, and if any man is fined he ought to be, because he is the greatest culprit of the whole gang. I have time and again been urged to try to relieve the dupes who had been inveigled into buying from these itinerant grog-shops, and upon investigation have found out that whilst the fellow who bought a half pint, even for medicinal purposes, had been imprisoned, the intelligent and heartless law-breaker who did the illegal removing and selling not only went unpunished, but was an informer for the Government, and made money out of witness fees as he had made money out of the original crime. The single purchaser punished, whilst the law-breaker who made one hundred illegal sales went unwhipped of justice! The people of this country, if whisky is to be made, do not care if it has to pay a part of the taxes necessary to support the Government, but they insist, as every citizen should insist, that in the enforcement of law all unnecessary fees should be abolished, all unnecessary rigor should cease, all unnecessary prosecution should be desisted from, or, if actually begun, abandoned.

Mr. Speaker, the people of the United States are a law-abiding people. They do not support their Government grudgingly, but with their whole heart. They pay their taxes with more cheerfulness than any other people in the world. Their submission so long to enormous taxation of everything they wear and many things they eat by war tariff proves this. And their long submission to the very oppressions of the law to which I have been addressing myself confirms what I say. It is not the amount of the tax on whisky and manufactured tobacco of which they complain. If they had it in their power to say whether they should cheapen whisky or cheapen clothes, they would unhesitatingly reduce the cost of clothing and the other essentials and comforts of life. But our people do demand, as they have a right to demand, that all laws shall be framed in strict accordance with the Constitution and justice; that they shall have all the power behind them when so framed that is necessary to their enforcement; and that no unnecessary rigor or cruelty shall attend the enforcement. With unjust laws, harshly administered, the people grow restless, complain, and cease to revere "the powers that be," but with just laws, justly administered, they are prosperous in their homes, and contented with their Government.

I urge the House to do itself the justice to pass this bill, and give them the relief they have long deserved.

Mr. HENDERSON, of North Carolina. I yield three minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, this bill is composed of sections all of which except one have been in substance reported to the House by the Committee on Ways and Means or the Committee on the Judiciary. The first sections of the bill have no other purpose than to widen the market of the producer of leaf-tobacco by taking off the limitation which now exists and which prevents him from selling any larger amount than $100 per annum, except to a person who has taken out a license as a retail dealer in leaf-tobacco, or to a manufacturer, or for exportation. So that the first part of this bill gives to the producer of tobacco, to his executor or administrator, if he dies before the crop is ready for sale, or to the guardian, if the producer be a minor, the right to sell his leaf-tobacco to whomsoever he pleases. The other sections of the bill are taken in *ipsissimis verbis* from a bill reported unanimously by the Committee on the Judiciary (H. R. 7894), and they provide substantially that the warrants for violations of the internal-revenue law shall be obtained at the request of the collectors or deputy collectors of internal revenue.

Mr. REED. Was not that voted down by the House?

Mr. BRECKINRIDGE, of Kentucky. That has never been voted down.

Mr. REED. Or a similar proposition made by you?

Mr. BRECKINRIDGE, of Kentucky. No. The bill provides that the judge of the court in which a prisoner is convicted and sentenced to imprisonment for a period of less than one year shall, upon its being shown that the prisoner is in bad health, provide for his imprisonment; and it also provides that the courts which have the power to appoint commissioners shall have power to remove them.

The next provision of the bill is taken from House bill 8327, reported unanimously by the Committee on Ways and Means, and is, in substance, that all distilleries which mash 5 bushels of grain per day, or less, shall be taxed upon their capacity, and that all under a capacity of 25 bushels per day may be so taxed in the discretion of the Treasury Department. The object is this: Brandy distilleries of certain sizes are now taxed in that way, and it is supposed that the change will relieve the Government of some five hundred officers and some $300,000 of expenses. It is to be done under regulations made by the Secretary of the Treasury ——

The SPEAKER. The time of the gentleman has expired.

Mr. CABELL. I yield the gentleman one minute.

Mr. BRECKINRIDGE, of Kentucky. I am much obliged to the gentleman. I say, Mr. Speaker, this is proposed to be done upon the idea that it will not only not diminish, but that it will increase the internal revenue, because it will introduce into the system the plan now adopted exclusively in foreign countries by which the taxation is based upon the capacity of the still. Whether the still runs or not, it is taxed upon its capacity. It can make so much; it can make only so much; it has to pay on that capacity.

The fourth provision embraced in this bill is that the stills which are now, under the law, destroyed by the officers who seize them, shall not be destroyed but shall be sold by a judgment of the court. That is, that the person who is held to be an offender shall, before his property is destroyed, have his day in court. That is the whole bill.

The SPEAKER. The time of the gentleman has expired.

Mr. HENDERSON, of North Carolina. I yield one minute to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, I shall heartily support this measure; and I am glad that the Committee on Ways and Means appears disposed to support the bill in its present shape, for I regard it as tantamount to a confession that the system of collecting internal-revenue taxes is iniquitous. This bill will remove from that system many of the most odious features of the espionage now exercised and give to the growers of tobacco and the small distillers of the country the freedom to which they are entitled as American citizens.

Mr. Speaker, this bill brings before the House and the country the whole question as to the wisdom of continuing internal-revenue war taxes in time of profound peace. Without stopping here to state my views as to these taxes, I want to briefly notice the most specious objection made to their removal. Those who favor a substantial measure of free trade with other countries and those who are protected in liquor and tobacco monopolies immediately cry out as against the abolition of these taxes that we should tax home-made luxuries instead of foreign-made necessities; American alcohol instead of English flannel, American tobacco in place of Spanish pig-iron. This cry is intentionally unfair, and exposes the aims of those who give vent to it in press and forum. Demand for the repeal of the internal revenue rests primarily on the fact that the whole system is un-American and utterly unsuited to republican government. A tax law that has to be enforced in the homes of our own people at the muzzle of breech-loading rifles can not be defended in this country. It is, and has been in all our history, a constant source of irritation and annoyance. No law, even in England, is so detested as the internal-tax system. There, in past years, open revolt and bold frauds have followed its execution. Therefore, whence this rather mildewed and somewhat tiresome cry of opposition? Principally, as I have said, from free-traders and monopolists. The free-traders assume to fear that morals will suffer if the tax is taken off tobacco and whisky by the cheapening of these articles. In this they differ somewhat from the great manufacturers of these articles, who, presuming that the cheapening of these stimulants is the object sought, immediately tell us that taking off the tax will not benefit the consumer so far as price is concerned. It would, however, improve the quality of the liquor ordinarily sold, but this, I suppose, would be a great crime to free-trade morality. Quite singular, too, the professed and radical temperance people oppose the tax, because, in their opinion, it strengthens the traffic in stimulants. Now, leaving out the question of whether these stimulants are a necessity to many people, or whether taking off these taxes would lessen their price and increase their use, we can not get away from the main objection to them, which is that in our country direct or internal taxation is unpopular, and that indirect custom-house taxation has been, is, and always will be the American system. As far as the *morale* of the question is concerned I am certain no more tobacco would be smoked or liquor drank than is now, and that a great many millions of dollars would remain with the people and a heavy burden and oppression be removed from our farmers and people generally.

The next phase of the objection is the cry to take the tax off necessaries. The necessaries here meant are those made abroad. We successfully manufacture all kinds of necessaries, including cloth and pig-iron, in this country, but there is no internal tax upon them. They are free all over this great continent called the United States of America. Our people who make and use them live better and higher and in an entirely different social and political state than those who make and use them in Europe. If the tariff tax represents the difference in cost of production between the two countries it protects American labor. If below it fails to protect; if above it cheats labor for capital; hence the necessity betimes of careful revision.

Take the tax off necessaries of foreign make? Let us see. Champagne is a luxury—except, perhaps, at the gorgeous free-trade dinners

given by the rich importers of New York, Chicago, and Boston—and we as yet make little of it in this country. American labor has little interest in its taxation or freedom. Now a coat is something we manufacture here and all use. Here is a foreign-made coat, and, by the way, not a very neat-looking product, and here is one of American manufacture. Now, you propose to cheapen the foreign coat in our home market, and compel the American to compete as to price, and you say you can do this and undersell the foreigner, and yet pay your American workmen the highest wages in the world. "Go, hie thee to a nunnery," or to the Patent Office, and take out letters on this most extraordinary discovery. High wages and low prices? Ninety-five per cent. of human labor in the coat, and you propose to pay for it the highest price in the world, and then undersell the cheapest price given anywhere. Millions of our people are engaged in making articles of necessity. The protective features of the tariff are retained because they make these articles, not because they use them.

This the working people thoroughly understand. Iteration of catch words in the press and oracular utterances of selfish foreign agents and speculative theorists do not mislead them. What you really mean to do is to reduce wages; to reduce unfair profits I am always ready, but to pull down labor, and finally, with ruined manufactures, leave ourselves undefended against the combinations of English and other foreign capitalists I am opposed now and forever. This is not a political issue. Men in both political parties differ on this question. In some States both parties entirely agree from local and business causes. Many of the leading and staunchest Republican newspapers and men in the Northwest favor free-trade. Many of the New England manufacturers and people, jealous of the tremendous growth of Southern industries, are foolishly for free-trade. But the American people taken as a whole are overwhelmingly in favor of a judiciously-levied tariff as the sole source of national income. Can the Democratic party now in power formulate a correct measure of revenue revision? Undoubtedly. It has no hobbies. It is a broad, unsectional party. The extremists, whether protectionists or free-traders, must no longer consider this question personal property, for purposes of political agitation and personal aggrandizement, but must give way to conservative, patriotic men who are neither hobbyists nor lobbyists, but broad-minded American men in hearty sympathy with all the people of the whole country.

I only notice now this threadbare, factional objection to honest revenue reform. When this question comes more directly before the House, as it will, I will avail myself of the opportunity to consider the whole subject from what to me is a loyal American and common sense view; pausing only to say that a country which could not be enticed or deluded into the arms of the free-trade Delilah can meet the open bluster of a mock Sampson threatening ruin and panic unless the Treasury is unloaded in the interest of foreigners and their American agents. The dropsical Treasury will be relieved without stampeding the people or harming the humblest farmer, artisan, or laborer in our country.

In connection with this question, I will put before the House and the country these letters, which speak for themselves:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, D. C., January* 31, 1887.

GENTLEMEN: In accordance with the understanding between us yesterday afternoon, I have to-day consulted with the Democratic members of the Committee on Ways and Means in the House of Representatives for the purpose of ascertaining whether or not some measure for the reduction of taxation can be agreed upon which will receive the support of all our political friends in the House, and I am directed to request you to submit at your earliest convenience for our consideration some definite proposition.

There is pending upon the Calendar of the House a bill (No. 9702) introduced during the last session by Mr. RANDALL, which proposes legislation upon the subjects of the tariff and the internal revenue, and within the last few days we have been furnished with a copy of a bill which appears to be intended as a substitute to the one now pending, which also relates to both the subjects mentioned above. Whether you desire to make one or both of these bills or some other measure the basis of our action we are not advised, and being anxious to make every effort in our power to secure harmony and concert of action upon these important subjects, we respectfully submit the foregoing.

Yours, respectfully,

JOHN G. CARLISLE.

Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others.

---

MR. RANDALL WILLING.

HOUSE OF REPRESENTATIVES UNITED STATES,
*Washington, D. C., February* 1, 1887.

DEAR SIR: Your communication of January 31, in pursuance of a previous understanding respecting an effort to reach a concurrence on some measure for the reduction of revenue, is now received.

The bill you refer to as a modification of or substitute for House bill 9702 of last session, embracing both tariff and internal-revenue tax reductions, is the measure which the friends with whom we are acting submit for consideration. These gentlemen are prepared to consider in a friendly spirit, and with a view of uniting the party on a revenue-reduction measure, any modification of the proposed bill which the friends of other measures may have to present.

I inclose copy of bill referred to.

Yours, very respectfully,

SAMUEL J. RANDALL,
GEORGE C. CABELL,
*For selves and others.*

Hon. JOHN G. CARLISLE,
*Speaker House of Representatives.*

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, D. C., February* 3, 1887.

GENTLEMEN: Your favor submitting for our consideration the bill recently prepared as a modification of our substitute for House bill 9702, introduced by Mr. RANDALL at the last session of Congress, was received by me late in the afternoon day before yesterday, and was at once submitted to the gentlemen mentioned in my first communication.

We have considered the measure as carefully as its comprehensive character and the limited time at our disposal would permit, and herewith submit it, together with the modifications and changes which, in our opinion, are necessary in order to do it acceptably, as a compromise measure to those who desire to secure material reductions in tariff taxes.

You will observe that we propose to add several articles to the free-list and to strike out of the bill every provision which increases the rates of duty now imposed by law upon imported goods. These increases are numerous and in some cases very material, as will be seen by the memorandum hereto appended. In our opinion the existing financial condition of the Government and the people does not demand, and would not even excuse, an increase in the rates of taxation upon any article embraced in our tariff or internal-revenue laws, and we can not, therefore, agree to support any measure which has that effect.

We propose also to strike out of the bill all provisions abolishing the internal-revenue tax on manufactured tobacco, snuff, and cigars, weiss beer, fruit brandies, and reducing the tax on distilled spirits from 90 cents per gallon to 60 cents, and the provision abolishing the tax on alcohol for use in the arts and manufactures. In lieu of these repeals and reductions we propose to repeal all statutes and parts of statutes imposing restrictions upon the sale of leaf tobacco by planters and farmers, and to so amend the internal-revenue laws as to dispense with the employment of gaugers and storekeepers at distilleries which mash 5 bushels of grain or less per day, and to permit such distilleries to pay tax only upon their surveyed capacity.

We also propose to so amend the internal-revenue laws as to prevent the destruction of stills and other apparatus seized for alleged violations of the internal-revenue laws, and so as to prevent the issuing of any warrant for alleged violation of those laws unless the affidavit therefor is first approved by the district attorney and written instructions given by him for the issuance of the warrant.

In lieu of the administrative part of the bill submitted to we propose to substitute the bill introduced by Mr. Hewitt, as finally revised and corrected at the Treasury Department and heretofore agreed upon by the Committee on Ways and Means, but not yet reported.

We find, upon examination, that the substitute which we recommend relates alone to the administrative features of the law, while that part of the measure submitted to you by us increases the rates of taxation. While we submit the accompanying modifications of the bill referred to us in the sincere hope that it will meet the approval and secure the united support of our political friends, yet in case it should not be agreed to by you and the gentlemen with whom you are acting, we respectfully submit the following alternative propositions:

First. If the reduction of internal-revenue tax upon distilled spirits is to be made a condition upon which you and the gentlemen acting with you will consent to the reduction of tariff taxes, then we shall insist that the rate of taxation shall be the same upon all kinds of distilled spirits.

Second. If the repeal of the internal-revenue tax upon manufactured tobacco, snuff, and cigars, in whole or in part, is to be made a condition upon which you and the gentlemen with whom you are acting will be willing to agree to a reduction of tariff taxation, then we shall insist that in the same bill an equal amount of reduction shall be made in the revenue derived from customs, and that this reduction shall be made upon such articles as those with whom we are acting shall indicate.

Third. We are willing to submit the measure which you have referred to us to a caucus of our political friends for its consideration, all parties to be bound by such action as it may take upon the subjects to which this bill relates.

Fourth. In case none of the suggestions hereinbefore made are accepted by you and the gentlemen with whom you are acting, we are willing at any time, upon reasonable notice, to support a motion to go into the Committee of the Whole on the state of the Union for the consideration of House bill 9702, introduced by Mr. RANDALL at the last session of Congress and now on the Calendar.

Very respectfully,

JOHN G. CARLISLE.

Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others.

---

HOUSE OF REPRESENTATIVES, WASHINGTON, *February* 5.

DEAR SIR: At the instance of many Democratic members of the House, we appeal to you most earnestly to recognize, on Monday next, some Democrat who will move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue taxes on tobacco. Many Republican members, we have reason to believe, are anxious to make such a motion. We believe the country is ready for the repeal of these taxes, and that a large majority of the House will so vote when an opportunity occurs. For a Republican to make the motion would give the Republican party all the credit accruing therefrom, and would almost certainly cause the loss to the Democracy of not less than two Southern States at the general election in the year 1888. This is an isolated proposition, and we believe will command more votes than any other measure pending before the House looking toward a reduction in taxation; and favorable action on this proposition will not interfere with other efforts that are being made to reduce the burdens of the people.

Yours, respectfully,

GEORGE D. WISE.
JOHN S. HENDERSON.
SAMUEL J. RANDALL.

Hon. JOHN G. CARLISLE,
*Speaker of the House of Representatives.*

---

MR. CARLISLE'S REPLY.

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, February* 7, 1887.

GENTLEMEN: Your favor of the 5th instant requesting me to recognize some Democrat "who will move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue tax on tobacco," was duly received and has been carefully considered.

A week ago, in compliance with the request made by you and other gentlemen, I consulted fully with the Democratic members of the Committee on Ways and Means for the purpose of endeavoring to formulate some measure for the reduction of taxation which would meet the approval of our political friends, and enable us to accomplish something practical in that direction during the present session of Congress. The bill which you then submitted for their consideration proposed legislation upon both branches of our revenue laws, and on the 3d instant it was returned to you with such modifications and changes as

were necessary in order to make it acceptable to the gentlemen to whom it had been submitted.

In order, however, that our efforts to secure reduction of taxation might not fail on account of our inability to agree upon a measure in advance, we at the same time submitted certain alternative propositions, some one or more of which we hoped might be acceptable to you. Among other things we proposed to submit the entire subject to a caucus of our political friends, with the understanding that all parties would abide by the results of its action; and in case that course was not satisfactory to you, we informed you that we would at any time, upon a reasonable notice, support a motion to go into Committee of the Whole on the state of the Union for the purpose of considering House bill 9702, introduced by Mr. RANDALL at the last session. That bill relates to internal revenue, as well as tariff taxes, and proposes to repeal the entire internal-revenue tax on manufactured tobacco, snuff, and cigars. We have received no response to that communication, and I consider that it would not be proper, under the circumstances, for me to agree to a course of action which would present for the consideration of the House a simple proposition for the repeal of the internal-revenue tax on tobacco, snuff, and cigars, to the exclusion of all other measures for the reduction of taxation.

Sincerely hoping that some plan may yet be devised which will enable the House to consider the whole subject of revenue reduction,

I am, very truly, yours,

J. G. CARLISLE.

Hon. GEORGE D. WISE, Hon. JOHN S. HENDERSON, Hon. SAMUEL J. RANDALL.

---

WASHINGTON, *February* 8, 1887.

DEAR SIR: We regret exceedingly that you could not see your way clear to give recognition on yesterday to some Democrat to enable him "to move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue tax on tobacco." Your refusal to give this recognition, together with your letter of the 7th instant, deserves more than a passing notice. If two-thirds or more of the House are in favor of such repeal it was a grave responsibility for you to oppose such a large majority of the Representatives of the people. Assuming, however, for the sake of the argument, that the friends of the proposition constitute a less number than two-thirds, their strength is certainly such that they ought to have been permitted to test the sense of the House upon the question, especially since the country is watching with intense interest the action of the House in respect thereto, and the constituents of a large number of the members of the House have been urging them to obtain, if possible, a consideration of this subject.

We do not wish to be misunderstood. We earnestly desire from a party standpoint that recognition should have been given to a Democrat to make the motion, but we would vote cheerfully for the proposition whether made by a Democrat or by a Republican.

You assume in your letter to us that we ignored your communication of the 3d instant, and had deliberately failed to make a response thereto. Our friends did not have an opportunity of considering that communication until Friday evening, the 4th instant. It was of such a character as to require more than a formal reply. We called at your hotel the next day, Saturday, but, through no fault of yours or ours, we did not succeed in obtaining an interview until the day after.

We believed that the friends of the repeal of the tobacco tax were so strong in the House that we would save to the oppressed tax-payers of this country an annual reduction of taxation to the extent of $28,000,000 if the motion for repeal could be made in the House on Monday of this week, the latest day when such a motion, to be effective under the rules, would be in order during the Forty-ninth Congress. The motion, if made during the last six days of the session, would almost certainly be too late to secure favorable consideration for the question in the Senate.

We did not anticipate refusal of recognition for the purpose intended. We understood you to say to us verbally that if you gave to any one of our friends the desired recognition, fair play all round would require you to give other Democrats an opportunity to make a like motion to pass some distinct proposition having a relation to a reduction of the tariff duties. To this we assented. You instanced as one such proposition the putting of salt on the free-list. We think that a revision of the tariff and of the internal-revenue laws can be attained from time to time by reforming the obvious and greater grievances of the two systems, and that we should not refuse to make such reforms because sweeping changes have not been practicable.

The country is expecting to obtain from this Congress relief from the grievous burdens of taxation. If some of us can not get all we want we should take what we can get. Our single proposition for the repeal of the tax on tobacco was not intended and can not fairly be construed as intending to exclude from the consideration of the House "all other measures for the reduction of taxation." We wished to obtain consideration for that proposition, but we were not pressing for the reduction of the internal-revenue taxes to the exclusion of other measures for the revision and reduction of the tariff.

A Democratic caucus can not successfully deal with "the whole subject of revenue reduction" at this late stage of the session. That suggestion comes too late. If the caucus could have controlled the legislation of the Forty-ninth Congress from the beginning the country might have been much better off. If the House was considered competent to deal with the silver question, with the pension question, and with the oleomargarine question, free from the dictation of a Democratic caucus, we think it ought to be competent to deal with the question of a reduction of taxation. The caucus ought not now to be invoked to justify a policy of delay and non-action on this subject.

We sincerely hope "some plan may yet be devised which will enable the House to consider the whole subject of revenue reduction" and revision "in a spirit of fairness to all interests," and in accordance with the letter and spirit of the platform of the national Democratic party adopted at the convention held at Chicago in 1884; and we assure you that we are ready to meet any of our Democratic associates who are prepared to treat with us on such basis.

JOHN S. HENDERSON.
GEORGE D. WISE.
SAM. J. RANDALL.

Hon. J. G. CARLISLE,
*Speaker of the House of Representatives.*

---

GENTLEMEN: Your communication returning substitute for House bill 9702, which was submitted for the consideration of yourself and those holding similar views respecting tariff revision, as a basis of compromise, with a view to the passage of some measure to reduce the revenues, has been received, accompanied with various proposed additions and modifications, and, after consultation upon the matters and suggestions therein contained, we respectfully submit the following in reply:

The gentlemen present at our recent conference, representing States South, West, and North, were led to hope that the way had finally been opened for an agreement on a measure that could be generally supported by our political friends, and we sincerely regret, in view of the importance of the adoption by this Congress of some measure that would materially reduce the revenues and prevent the further accumulation of a Treasury surplus, that differences so wide as appear in your communication should still exist.

It was hoped that a basis of compromise could be reached without requiring of any one a sacrifice of principle or of convictions entertained on the subject of tariff and internal taxes. To do this it is evident that those things respecting which radical differences exist in the minds of men must be excluded from a bill intended as a compromise measure. It was believed there could be found room inside of these limits for an agreement on a list of articles to be remitted to the free-list as well as upon many on which the tariff could be reduced, thereby effecting a material reduction of the revenues without injuring or endangering any important industries or impairing the earnings of labor in this country. It is believed yet that such a measure ought to be agreed upon and carried through the House at this session.

As to the items in the proposed bill on which it is claimed that an increase in the tariff would result, we have to say that the apparent increase arises in most instances from a change from ad valorem to specific duties, made in accordance with recommendations from the Treasury Department. The principal object in making duties specific where they are now ad valorem is to prevent the deception and dishonesty practiced by undervaluation; and while, in fixing what is deemed to be fair specific equivalents, and apparent increase may arise, it is believed to be apparent only and not real, as shown in the following references to the several articles referred to in your letter.

However, on all these matters, inasmuch as the proposed bill is not intended to be a revision of the tariff, but a bill for the reduction of revenues and the correction of certain inequalities only, we think there will be no difficulty in agreeing either to strike out of the bill such articles, or to reduce the proposed rates so as to insure no increase in the actual duties in any case. A careful examination of the list referred to shows, we think, that except as to a very few articles you are in error in the statement that the duty is increased.

1. Coal-tar dyes. The proposed rate is no more than the equivalent of the existing rate based upon actual tests of importations as entered at the custom-house. As it is well understood that these articles are generally undervalued, the rates proposed are really a considerable reduction of the present rate if the same was honestly collected.

2. Insect powder. By reference to the reports of the Bureau of Statistics you will see that two rates of duty are not collected on this article (which is not enumerated in the tariff) namely, 10 per cent. and 20 per cent.; whereas the rate we propose is substantially the equivalent of 10 per cent. only, and is therefore a reduction.

3. Logwood and other extracts. These include logwood now paying 10 per cent. and sumac, hemlock, and other extracts now dutiable at 20 per cent. The specific rate per pound proposed in the bill is the equivalent of about 14 per cent. of the aggregate entered value of all these articles.

4. Antimony. The specific rate is substantially the equivalent of the existing rate.

5. Castile soap. While the rate proposed according to the values reported by the Bureau of Statistics is about 1 per cent. only above existing rate, it is considerably less than that rate upon the article when correctly appraised.

6. Horses, cattle, hogs, and sheep. The rates proposed on horses, cattle, and hogs equal 12 per cent., 20 per cent., and 5 per cent. respectively, on the entered value of these animals free and dutiable, and are, therefore, less than the existing rate imposed on those which now pay duty. The rate on sheep is 3 per cent. higher than that now imposed. The average rates proposed on all live animals are less than the present rate.

It is understood, however, that your objection is made chiefly against our proposition to make all these animals dutiable; and yet there is incorporated in the administrative measure you propose to us a provision limiting the exemption on such animals to those only of superior race or blood designed to improve the stock of the United States. This, if properly enforced, would impose a duty on nearly all the animals now imported free, and at a higher rate than we propose.

7. Beans and peas, green or dried. The rate proposed is equal to only about 14 per cent. of the entered value, while these articles not being provided for by name, it is a question of dispute whether they are dutiable at 20 per cent. as garden seeds, or at 10 per cent. as vegetables, both rates being collected at the various custom-houses. In any event the rate proposed is not in excess of 10 per cent. of the true average value during the past year.

8. Beans and peas preserved. The specific rate proposed is less than the existing rate of 30 per cent. ad valorem honestly collected.

9. Ginger and ginger root, and citron candied, &c. The rate proposed on these articles is considerably less than the existing ad valorem rates, even at the entered value of the merchandise.

10. Olive oil. With respect to this article it is to be said that while the proposed rate on salad oil is apparently somewhat higher than the existing rate, it is well known that the entered value does not represent the true value on account of under-invoicing and large reduction for charges, &c.; so that the rate we propose is not in reality above 25 per cent., and is believed to be less. At the same time the rate we propose on the oil for manufacturing purposes is only about 11 per cent. of the value as entered last year.

11 Oranges, lemons, and limes. The proposed rate on oranges in whole or half boxes is the same as at present. This scale of rates is, however, extended so as to include all the sized packages in which this fruit is usually imported, with an additional rate of $1.75 per 1,000, instead of $1.60 in one case, and 20 per cent. in another. There is no substantial increase in the duty, but the rates are made uniform so as to prevent evasions now so common and vexatious. The rates proposed on lemons are a considerable reduction from existing rates, except as to those imported in bulk, which it is well known are brought in in fraud of the revenue. The rate on limes is not increased.

12. Grapes. The rate proposed is not more, but is really less than the existing rate, if fairly collected on the true purchase price of the article.

13. Cherry juice, prune juice, &c. The rate we propose on this merchandise is for the purpose of excluding the importation. This is also the manifest purpose of the provision on page 11 of your administrative bill.

14. Cement. The rate proposed on cement is based on the value of the article in barrels as it is bought and sold, and on that basis is less than the existing rate.

15. Fish glue and isinglass. On this article the rate we propose is less by 2 per cent. than the existing rate upon the entered value, as shown by the statistical reports.

16. Hamburg edgings, &c. While you have accepted the provision for silk and leather gloves which we have adopted as recommended by Assistant Secretary Fairchild you reject his proposition incorporated in our bill for Hamburg edgings, embroideries, &c., the rates on which, as stated by him to the chairman of the Committee on Ways and Means, are now greater than now imposed; but are, according to the statements of experts, considerably less.

17. Jute, hackled. It can not be contended that the rate proposed on hackled jute is an increase, when it is proposed at the same time to make raw jute free, and to impose this duty, equal to less than 10 per cent., upon the article in an advanced condition, simply for the protection of American labor. You are aware that the present rate on raw jute is 20 per cent.

18. Jute yarns. The proposed rate of 1 cent per pound on jute yarns is less than the existing rate of 35 per cent., even upon the entered values of last year, which are known to be abnormally low and less than the foreign market value.

19. Wool of class 3. The equivalents of the existing rates of 2½ cents and 5 cents upon wool of class 3, based upon the entered quantities and values for the

last fiscal year, and 26.76 per cent. and 29.14 per cent. respectively. While the equivalent of 3 cents per pound as proposed upon the aggregate entered value of the importations is 23.66 per cent. The question whether wool entered at 2½ cents is not properly dutiable at 5 cents is a constant subject of contention, and many advances are made by the appraisers to the higher rate. If these advances are taken into consideration, it will be found that the rate now collected exceeds that proposed.

With respect to taggers iron, steel, wire rods under No. 5 wire gauge, glucose, cod-liver oil, and seal oil there is an apparent increase of rate based on the entered values. We assert, however, that this results from the fact that the merchandise is enormously undervalued in the invoice, a fact which is proven as to taggers iron and wire rods by a comparison of the reported values of these articles with the value of merchandise of the same general class subject to specific rates. For instance, iron and steel wire rods not lighter than No. 5 pay sixtenths per cent. per pound, equal to 36 per cent. ad valorem. Steel wire rods lighter than No. 5, which cost more to produce and are more valuable, should pay a duty as proposed of eight-tenths per cent. per pound, which is relatively a no higher rate than that imposed on the coarser quality. These wire rods are now nominally dutiable at 45 per cent., and the specific rate provided would be a reduction of the present duty honestly collected.

As to glucose, cod-liver oil and seal oil, duties are now imposed only on part of the value, owing to large reductions for packing, &c., which form a large proportion of the cost of the merchandise. If duties were collected on the full value paid, the apparent increase of rates would disappear.

Bronze powder, clay pipes, cotton and woolen clothing, corsets and worsted cloths. The increased rates proposed on these articles are for the purpose of correcting glaring inequalities in the present law, seriously hurtful to domestic industries engaged in their production.

As to bronze powder, the present duty is only 15 per cent., while the duty on the copper from which it is made is equal to about 47 per cent., which is 17 per cent. more than the ad valorem equivalent of the specific rate proposed.

The rate proposed on clay pipes is considerably less than that imposed on other pipes and smokers' articles. This is an unreasonable discrimination. While you object to the proposed correction of this inequality, you propose, in the administrative bill you have adopted, to extend to certain manufacturers of paper (the existing rate of which is 15 per cent.), used as smokers' articles, the high rate of 70 per cent. now provided for other pipes and smokers' articles.

As to worsted cloths, you are aware of the inequality of the rates imposed by existing law as between such manufactures and woolen cloths. You are doubtless also aware of the injustice to the domestic manufacturers of levying a higher rate of duty upon the wool from which worsted cloths are made than is levied upon that same wool in the manufactured article. The specific rate on these cloths valued at less than 80 cents per pound ranges from 10 cents to 24 cents per pound, and the ad valorem rate is 35 per cent., the latter being intended to cover the difference in the cost of labor here and abroad.

Those in the trade inform us that it requires upon an average fully 3 pounds of raw wool to make a pound of cloth. This wool is subject to a duty of 10 cents per pound, and there is therefore exacted from the domestic manufacturer 30 cents per pound upon his raw materials, which when imported in the form of finished cloth is subject to a duty of only 10 to 24 cents per pound. The result has been the gradual destruction of the worsted manufacturing industry in this country, and enormous and constantly increasing importations of worsted cloths.

We can not comprehend the process of reasoning by which you accept the existing rate of 40 per cent. ad valorem as a proper duty upon common cotton laces, insertings, window curtains, damasks, &c., used by the masses, and insist upon retaining a rate of 10 per cent. lower upon the fine linen laces used by the wealthy, and upon ladies' corsets of all qualities, including those made of silk.

But, we repeat, that differences can be adjusted by reducing further specific equivalents, or by striking them out of the bill and leaving them as they are now.

Second. Certain of the things which you ask to be placed on the free-list, as proposed in the Morrison bill, reported from the Committee on Ways and Means at the last session, including lumber partly worked, all wools, unwashed, washed, and scoured, fish, salt, &c., raise at once those vital questions which have heretofore prevented harmonious action on the tariff question. As many of us believe that such a step, if carried to its logical conclusion, would be destructive of very many of our most important agricultural as well as mechanical industries, and in this matter, representing not only our own convictions but the interests of the people we represent, we could not, of course, make this concession, and we did not expect to be asked to make it.

The importation of wool, even under the existing rates of duties, has increased by nearly $5,000,000 during the last year and manufactures of wool by over $8,000,000, showing that the duty on these articles is rather below than above the competing line.

As to fish, we think it an unhappy time, since this has now become an international question between Canada and the United States, to forestall negotiations by admitting Canadian fish free to the markets of the United States.

With a view to saving our forests we have proposed to admit logs, timber, and lumber unworked free, but in order to secure to labor the same advantages in the lumber industry as in other industries we have proposed to retain a duty on lumber when advanced to any stage of manufacture.

Third. With respect to the proposition to adopt a modification of the Hewitt bill, in place of the administrative sections of the bill proposed by us, it may be stated that the latter contains all of the administrative sections of House bill 7652 (with certain verbal modifications) favorably reported by the Ways and Means Committee at the first session of the present Congress, except the section extending the warehousing period, &c., which we did not adopt. Certain of the provisions since recommended by the Secretary of the Treasury have been added also, together with certain additional provisions which we have decreed needful and think ought to be adopted.

You say that the substitute which you recommend relates alone to the administrative features of the law, while that part of the measure submitted by us increases the rates of taxation. A careful comparison and analysis of the two measures does not, we think, sustain this statement. On the contrary, the administrative measures proposed by us make certain distinct reductions of rates which the bill presented by you does not, and in some instances it increases the rates.

In section 12, page 3, of your measure is a provision including certain coal-tar products, namely: toludine, xylidine, &c., at 20 per cent. ad valorem, which articles are included on the free-list of our bill.

On page 6, in the same section, there are certain provisions for earthenware, tiles, and small glass mirrors by which the present rates are retained on the articles mentioned, whereas on pages 25, 26, and 28 of our bill there are provisions of the same substantial purport, but reducing the rates of duty by 5 per cent. on the several groups of articles, which effects a reduction in the revenue approximating $250,000.

In the same section (page 7) of your bill there is a provision modifying tariff paragraph 216 of the metal schedule by which the present rate of 45 per cent. on manufactures of various metals is retained, while on page 29 of our bill there is a provision modifying the same paragraph in important and needful particulars, and reducing the rate on the same manufactures 5 per cent. ad valorem, thus decreasing the revenue by nearly $200,000 annually.

In the proposed modification of tariff, paragraph 269 of your bill, relating to starch, you retain existing rates of 2 cents and 2½ cents per pound on the articles, while on page 9 of our bill there is a provision, which you accept, reducing the rate on the different kinds of starch to 1 cent and 2 cents per pound respectively. You also propose in the same provision to include as dutiable as starch "all substances produced from the *Jatropha manihot*." Is it not obvious that it would be impossible for the custom officers to determine whether an article in the form of starch is produced from the *Jatropha manihot* or from some other source? May not the article on the free-list commercially known as "Tapioca" be in fact the product of the root of the plant referred to?

On page 13 of your bill there is a provision modifying paragraph 790, which limits the free admission of "soap stock" to such as is fit only for use as such. On pages 39 and 40 of our bill there is a provision on the same subject which enlarges the exception to "grease and oils" not only used in soap making, but also to grease and oils used in wire drawing and for stuffing and dressing leather, which will effect a considerable reduction in taxation and revenue.

On pages 33 and 34 of our measure there is a provision relating to cotton goods, the effect of which would be to reduce the rate of duty on certain cotton cloths from the equivalent of from 75 per cent. to 200 per cent. ad valorem to 35 per cent., which provision is not found in your measure.

On page 34 of our bill there is a provision modifying paragraph 336, whereby the rate of duty on certain manufactures of flax, not specially enumerated, is reduced from 40 per cent. to 35 per cent. ad valorem.

The only provisions embraced in our administrative sections, not hereinbefore referred to, by which rates are advanced at all, which are not identical with provisions in your bill, are those relating to "brittannia ware," &c. (page 30), and to sugar drainings and sweepings (page 31), which are unimportant and will have no material effect upon the revenues.

The most important difference between the administrative features of the two measures is the section relating to coverings (section 4 of our bill), which, although embodied in the bill favorably reported by the Committee on Ways and Means at the last session, is now omitted from your bill. This section provides for the correction of the unfortunate phraseology of section 7 of the tariff act of March 3, 1883. As is well known, that section was intended to exempt from duty charges for the packing-cases used for the transportation of merchandise, but under the rulings and opinions of the Supreme Court and the Attorney-General a large part of the value of the merchandise as purchased by the importer, or as shipped by the consignor, is held to be non-dutiable under that section.

The correction of this legislative blunder was regarded by the Treasury Department as the most important and essential feature of the bill proposed by Mr. Hewitt, and the section adopted in the bill H. R. 7052, before mentioned, was the result of correspondence between Mr. Hewitt and the distinguished Assistant Secretary of the Treasury, Hon. C. S. Fairchild, then Acting Secretary, and who has the immediate direction of custom matters. In his letter to Mr. Hewitt discussing the various administrative sections of the "Hewitt bill," Mr. Fairchild says, with reference to the section under consideration:

"Section 4. This section I regard as the most important of the administrative features of the bill so far as relates to the revenue, and as essential to the fair and orderly administration of the tariff. Its purpose is to secure the assessment of duties upon substantially the same basis as it is believed was intended to be established by the section that it repeals, and upon which the Government had levied duties prior to the decision of the Supreme Court in the Obertauffer case. I believe that if it shall become a law it will accomplish this result, and will afford a just, safe, and uniform rule for the assessment of duties on all 'packed' merchandise, save vast trouble to all concerned, prevent litigation, and secure the revenue from immense loss consequent upon the decision mentioned."

In his late report on the "collection of duties," Secretary Manning commends to Congress a consideration of the suggestions made in reports to him on this subject by Assistant Secretary Fairchild and other officers. These reports are appended to the Secretary's report, and contain such facts with regard to the practical operation of the law as it is now construed as to demand an immediate remedy by Congress.

Mr. Fairchild in his report, after citing the many difficulties growing out of the interpretation of the seventh section of the tariff act of 1883, says:

"But the law requiring as it now does the appraising officers to find the market value of articles at the time and place of exportation, and at the same time directing them to find such value in a condition in which the articles are not sold at that time and place, or at any time or place, presents difficulties which call for an amendment of the law. At present every advantage is offered to the unscrupulous and every disadvantage to the conscientious importer."

The testimony of the other officers referred to by Secretary Manning is to the same effect, and shows the impracticability of administering the tariff uniformly and equitably under the existing law, and such is the view held by the chief customs officers and experts at the principal ports.

The Secretary of the Treasury has repeatedly, urgently, and recently recommended to Congress the adoption of specific rates of duty whenever practicable, not only on account of the troubles growing out of the interpretation of the sections of the law above referred to, but generally in the interest alike of orderly administration and of honest traders.

In this view we have, in our proposed bill, changed the rates on a number of articles from ad valorem to specific. This has been done after the most careful and painstaking inquiry, the articles being among those particularly affected by the operation of the section in question. The adoption of these rates would remove the articles from the operation of that section, so that as to them the enactment of the proposed remedial section would in no sense affect the rate of taxation.

It is believed, therefore, that upon careful comparison of the two bills the differences ought not to prevent an agreement on the administrative features of our bill.

4. In striking from the proposed compromise measure the repeal of the tobacco tax, the tax on fruit brandies, alcohol used in the arts, Weiss beer, and the alternative proposition to reduce the tax on all distilled spirits from 90 cents to 60 cents a gallon, you eliminate from the bill all propositions to reduce internal-revenue taxes, except the retail license proposition, and this you do not in terms agree to. The repeal of the tobacco tax, now so urgently demanded, would take off, in round numbers, $28,000,000; the fruit-brandy tax—on the basis of the receipts of last year—$1,400,000. Free alcohol in the arts will also materially reduce the receipts from this source. If the proposition to reduce the tax on all distilled spirits to 60 cents be adopted, a reduction of revenues from this source alone, if proportionate to the reduction of the tax, would amount to over $20,000,000.

In lieu of these provisions in our bill you propose to repeal all statutes imposing restrictions upon the sale of leaf-tobacco by farmers, and to modify the laws relating to storekeepers and gaugers at small distilleries, and the destruction of stills; also to modify the administrative features of the law relating to the issue of warrants, &c. While to all these proposed modifications of the present law we readily assent, we do not see in them alone how the revenue is to be reduced.

Our object, in the matter of internal taxes, is twofold: first, to reduce the revenues, and, second, to relieve the people of vexatious and inquisitorial methods of taxation, and to do this without offering temptations to frauds or to evasions of the law. Furthermore, in proposing the abolition or reduction of internal-revenue taxes, we believe we are acting in harmony with the principles and declarations of the Democratic national platform. The internal-revenue tax in that platform is declared to be a war tax, and the repeal of crushing war taxes is

demanded. It has, moreover, been the policy of our Government after each war to abandon this form of taxation first, as evidenced under the administrations of Jefferson and Jackson; and a tax that requires an armed force to execute it can never be popular in a free country.

Fifth. Your demand, that if the repeal of the tobacco tax, or other internal taxes, in whole or in part, are insisted upon by us, then you and those acting with you will insist that "in the same bill an equal amount of reduction in revenue derived from customs" shall be made, if it presented otherwise debatable ground for a compromise, seems to us to forestall such action by your further demand that the reduction in the tariff shall be made upon such articles only as those with whom you are acting shall indicate.

This is equivalent to saying, at the outset, that those holding different views from your own and the views of those acting with you shall be precluded from having any voice in determining what things duties shall be reduced on. But, in the first place, internal taxes and customs have never stood on equal ground in our system of taxation. Tariff taxes have been always our chief reliance for revenues; internal taxes have been the exceptional taxes. As stated in the last national party platform, "from the foundation of this Government taxes collected from custom-houses have been the chief sources of Federal revenue; such then must continue to be."

In the next place we hold it next to impossible to so adjust tariff rates as to secure a definite reduction of revenues such as the repeal or reduction of an internal-revenue tax will produce. When a direct tax is repealed we know what the loss to the revenue will be. So when dutiable articles are placed on the free-list; but a reduction of the rate of duty may be followed by an increase in revenue, and not a decrease.

Between the two extremes of free trade on the one hand and a prohibitory tariff, or no trade on the other, there are three principles and only three, one of the other of which must govern when duties are intelligently laid. These may be represented by three lines, first, a horizontal line, representing an even rate laid upon all imports for the purpose of revenue only; next, an irregular line representing maximum revenue, and the third, the line representing the difference in the cost of production arising out of the different conditions under which production is carried on in this and other countries. This line is always and necessarily above the line of maximum revenue.

Now it is clear that a reduction of duties from the prohibitory line or from the competing, or difference in cost line, to the line of maximum revenue, will necessarily result in an increase of the revenues. A reduction in the tariff below the line of maximum revenue will decrease revenues; but in what proportion it is impossible beforehand to tell; on the contrary, an increase in the tariff rate above the line of maximum revenue will diminish revenues, until the prohibitory line is reached.

We are ready to join in reducing the tariff on all articles that are above the line of difference in cost of production, and on those things on which the rate of duty is now above that line, thus permitting monopolies to be formed to arbitrarily raise prices to the consumer, without benefiting labor. We think it the imperative duty of Congress to reduce the tariff so as to prevent the possibility of monopoly combinations to put up prices above the competing point.

Labor has no interest above the competing line, or line that marks the difference in cost of production; but up to this point wage-earners are vitally concerned, and we believe that only by maintaining duties up to this line on importations in the production of which there is no competition between this and other countries, can labor continue to receive the larger share of what it produces, which our industrial system affords as compared with the industrial systems of other countries. The continued importation of any competing product, notwithstanding the tariff, is proof that the duty is not above the line of difference in cost.

Our national party platform, recognizing this controlling principle, declares that "the necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successively with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages existing in this country."

In the face of this declaration, and in the light of political events which have transpired since the last national convention sustaining this principle, we would not feel justified in departing from it in any revision of our tariff laws, and we certainly do not think, as a political measure, it can properly be asked of us. There is, however, ample reason for a reduction of tariff and a corresponding reduction of the revenues without contravening this important principle. All that is needed, in our opinion, is a disposition to meet the question fairly and deal with it as a matter of business and not of politics.

Sixth. Respecting your proposition to submit the measure proposed by us to a caucus of our political friends, "all parties to be bound by such action as it may take upon the subjects to which the bill relates," is one, it seems to us, that ought not to be asked. The question is not a political question; it is not a party question, for Republicans differ on it as do Democrats; the differences between us are not political differences, but differences on important economic and industrial questions, and we submit that it is not usual in either party, nor right, to attempt to bind men by caucus action on such action, and thereby not only to take from them their right and duty to act in accordance with their own convictions, but compel them to act contrary to their obligations as faithful representatives of the people who have sent them here.

These, too, are the very matters respecting which we are attempting to effect a compromise. In lieu, therefore, of a caucus, we suggest that a committee composed of members representing different phases of the questions involved in the two measures under discussion should be appointed to take up these differences in a spirit of fairness, with a view of coming together on a measure all can support, without either side being called upon to surrender convictions or to prove derelict in their duty to their constituents. We urge the suggestion of a conference the more because many of the gentlemen acting with us in the matter of internal taxes do not agree on all matters pertaining to the tariff.

Seventh. In accordance with your fourth suggestion, that in case no other arrangement is arrived at, that upon reasonable notice a motion be made to go into the Committee of the Whole on House bill 9702, introduced by Mr. RANDALL at the last session of Congress, we have to say that due notice will be given of the time when it is proposed to make such a motion, so that it may be generally known. We can not, however, close this communication without expressing again the hope that an agreement on a measure which out political friends can generally support is not yet impossible.

Respectfully submitted.

SAMUEL J. RANDALL, Pennsylvania,
A. J. WARNER, Ohio,
BARCLAY HENLEY, California,
WILLIAM McADOO, New Jersey,
JNO. S. HENDERSON, North Carolina,
GEO. D. WISE, Virginia,
EDWARD J. GAY, Louisiana,
*Committee.*

Hon. JOHN G. CARLISLE and others.

Mr. HENDERSON, of North Carolina. I reserve the residue of my time.

The SPEAKER. The gentleman from North Carolina has two minutes remaining. [Cries of "Vote!" "Vote!"]

Mr. CABELL. As the House seems to desire a vote on this question, I will content myself with asking the privilege to print some remarks.

Mr. COWLES, Mr. WISE, Mr. DANIEL, and Mr. O'FERRALL made similar requests.

Mr. TAULBEE. I ask unanimous consent that permission to print remarks in the RECORD on this bill be given to all members desiring to do so.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. TAULBEE]? The Chair hears none; and general leave to print remarks on this bill is granted.

Mr. HEPBURN. I yield three minutes to the gentleman from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. I find, Mr. Speaker, that during the present Congress this House has passed and the President has signed public-building bills for San Antonio, Tex.; El Paso, Tex.; Jacksonville, Fla.; Savannah, Ga.; Huntsville, Ala.; Augusta, Ga.; Owensborough, Ky., and Houston, Tex., while this House has passed and the President has vetoed public-building bills for Duluth, Minn.; Zanesville, Ohio; Sioux City, Iowa; Dayton, Ohio; Portsmouth, Ohio, and Lynn, Mass.

I find furthermore that the State of Ohio, which has had three public-building bills vetoed in this Congress, pays to the Government annually over $12,000,000 of taxes, while the States of Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Maryland, West Virginia, Virginia, Tennessee, and Texas, fourteen States in all, pay $10,000,000 in taxes, less by $2,000,000 than the amount paid by the single State of Ohio.

Mr. Speaker, it seems to me that under this administration the Democratic States of the South are being very well cared for, and I think their "moonshiners" had better continue to pay taxes on their whisky. [Laughter.]

Mr. HEPBURN. I yield one minute to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, this bill embraces a good proposition weighted down by one which is objectionable. For the fruit-brandies and certain other distillations I would have consideration; but so far as can here be seen this bill will make it too easy to evade the taxes, too easy to get rid of the burden; and when the clamor has gone by for a revision of the internal-revenue laws with reference to distilled spirits I fear that it will be found that in our hasty legislation on the dying day of a dying Congress we did not know what we did, so that the "moonshiner" crept through in the early daylight.

I think tobacco should be divorced in this case from whisky. Take away the whisky, and I am ready to vote for the tobacco grown from the soil and now burdened by unjust taxation in fifteen States and sixteen hundred counties.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Speaker, gentlemen who advocate this bill have said very little about the interest of the "moonshiner." One of the provisions of this bill proposes to repeal the law which authorizes the destruction of the still and other machinery used by the illicit manufacturer of distilled spirits. I would like to have gentlemen give some reason why the implements of trade of a man engaged in an illegal business ought not to be destroyed. In the case of the counterfeiter, as well as the man who engages in gaming, the implements of his trade are destroyed. Why should not the same rule be applied in the case of the man engaged in the illicit manufacture of whisky?

Mr. COWLES. I might say to the gentleman from Iowa that the implements of the counterfeiter can not be put to a lawful use, whereas the implements of an illicit distillery are equally serviceable in licensed Government distilleries, and can be sold for such use.

Mr. HEPBURN. The destruction of their stills and machinery is one of the most burdensome and effective of all the punishments now inflicted upon these mountain gentlemen. With juries chosen from among their neighbors they can always be assured of the most lenient consideration when personally arraigned. But when the officers of the Government destroy their stills, there is inflicted a punishment which is felt. If such destruction is in any case unjust and without due process of law; if, in fact, the person whose still is destroyed is not engaged in the illicit manufacture of liquor, he has his action against the sureties of the officer and his action against the officer himself for his illegal proceedings.

They now propose these distilleries shall not be destroyed, but that they shall be offered for sale. I would like to ask the gentleman from North Carolina, in his district with its scores, possibly hundreds, may be, of illicit manufactories, what man would dare to buy in competition with the owner for this machinery? Under the cunning processes which the gentleman proposes to inaugurate here is the still of an individual which has been confiscated by the law, put up for sale, knocked down to whom and for a nominal sum.

[Here the hammer fell.]

Mr. HENDERSON, of North Carolina. I yield to the gentleman from Virginia.

Mr. CABELL. Mr. Speaker, we had hoped for a measure of much greater relief from this Congress, but as it has come to this I advocate this bill and trust that it may be passed. It is not the design of the bill

to take one cent of tax from any article or subject, nor to deprive the Government of one farthing of revenue. The simple purport and intention of this bill is to rid the internal-revenue system of much of its complexity, smooth its asperities, and relieve it of a part of that unnecessary harshness which is so distasteful and oppressive to the people, as also to lessen the expenses of the Government by the dismissal of useless officials.

The main features of the bill are as follows: To make free the sale of leaf tobacco by farmers, producers, and others; to tax stills which mash 5 bushels or less per day upon their capacity rather than by the gallon system; to abolish storekeepers at such distilleries; to give the benefits of the bonded-warehouse system to fruit distillers; to abolish minimum fines and punishments; to permit the courts to look to the health of prisoners; to prevent the destruction of stills and stilling property by revenue officers; to regulate the issue of warrants in revenue cases, and to repeal the law imposing a tax upon the manufacture of stills.

The propriety of the enactment of these several propositions into law is so evident that it would be a waste of time to discuss it at length. As a matter of fact, the whole internal-revenue system should be abolished. It was inaugurated as a war measure—unwholesome and unsavory in every respect—and should have disappeared along with that unhappy event. The tax upon tobacco and the restrictions thrown around the trade, burdens the product in such way that producers, manufacturers, traders, and consumers alike demand the repeal of the law. The extent and weight of the tax has driven the cultivation of tobacco into States and Territories unsuited to its cultivation, until now immense quantities of inferior tobacco overstock the market, depress the trade, and reduce the price below the cost of production.

This very session of Congress we expected that this tax, if no other, would be abolished. It seemed to many of us who have labored unceasingly to that end that a large majority of the House would vote for a repeal of the tax; but the Ways and Means Committee refused to report a bill favoring the project, and at the opportune moment we were refused the opportunity to secure a vote upon the question. It is, however, only a question of time. The people demand a repeal of the law. The condition of the Treasury warrants the diminution of the revenues to the extent of this tax, and Congress will be forced to take action.

Now in regard to other features of the bill. The proposition to tax small distillers upon the capacity of their several stills is a good one. It will prevent much annoyance to the people, and enable the Government to dismiss many storekeepers and other officials whose salaries and cost more than eat up the amount of tax secured. No frauds can be practiced upon the revenue by this change, for when the Government gets the tax upon every gallon of spirits which a still is capable of producing, it surely gets all to which it is entitled. The sections in the bill giving the benefits of the bonded warehouse system to fruit distillers, abolishing minimum fines and punishments, and allowing the courts to make provision for the comfort and health of prisoners are so evidently just that I will not stop to discuss them.

Now, Mr. Speaker, there is only one other provision of this bill of which I need to particularly speak—that in regard to the destruction of stills and distilling property. Under the law as it now stands a distiller may be arrested and his property seized for a violation or fancied violation of the law. If in the opinion of the officer making the arrest and seizure the still and stilling property are worth less than $500, he may, and generally does at once, proceed in the most arbitrary manner to dispose of his entire capture. In actual practice in many parts of the country the officer does not pretend to carry the property seized to a place of safety to await proceedings of forfeiture by a court, but takes upon himself the functions of court, jury and sheriff, decides that his prisoner is guilty and starts him to jail, adjudges that the property is of less value than $500, and forthwith proceeds to cut up and destroy the still and other property, except spirits on hand, which last is borne off in triumph if not in profit to the Government. Frequently in my country it has been shown by judicial investigation that notwithstanding the capture of the distiller and the destruction of his property, the man was not guilty of any violation of law nor his property liable to forfeiture.

Mr. Speaker, this is the most irritating and outrageous law perhaps upon our statute-books. It is clearly against right, if not unconstitutional, and wholly opposed to the genius and spirit of our laws and institutions. To seize a man's property, to confiscate and destroy it oftentimes in his sight, before any judicial determination as to his guilt, or judgment of forfeiture in a proper court, is a high-handed abuse of power which ought never to be tolerated in a law and liberty loving country. It is time enough to punish a citizen after his guilt is shown, and to destroy or confiscate his property after fair judicial proceedings. This bill presents a remedy for the great abuse complained of, and should receive a hearty support upon that ground, if no other.

Mr. Speaker, the people of this country have borne enough and suffered enough of the evils of this internal-revenue system. Since 1862, when the law was enacted, the Government has wrung largely over two thousand million dollars out of the people through the workings of this bad system.

My own poor old State of Virginia, notwithstanding her desolation, poverty, and distress, has paid into the Federal Treasury not less than $113,000,000 of internal taxes, and yet the proposition is to still continue these harassing exactions in their full extent and vigor. I deny that this bill is in the interest of "moonshiners," as some gentlemen have unjustly charged. It is in the interest of law, humanity, and justice. The arguments of several gentlemen on the other side of the House—and I am glad that every speech in opposition to the passage of this measure has come from the Republican side of the House—are neither just, logical, nor in good taste.

Especially is this so in the case of the gentleman from New Hampshire [Mr. GALLINGER], when he charged that "under this administration the Democratic States of the South are being well cared for, and I think that their 'moonshiners' had better continue to pay taxes on their whisky." I hardly wonder that the gentleman should entertain such ideas. So long as the great burden of taxation is kept upon the "Democratic States of the South," so long will his section profit by it. The justice and inconsistency of the gentleman's position will be appreciated when it is remembered that his own State paid last year only $378,787.72 of internal taxes. My State paid about $3,000,000. In fact the records will show that the State of Virginia paid last year nearly three times as much of these taxes as five of the New England States together—the gentleman's State included—and year by year for many years has done the same thing. Mr. Speaker, I hope that this bill will pass.

Mr. HENDERSON, of North Carolina, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 139, nays 112, not voting 68; as follows:

YEAS—139.

| | | | |
|---|---|---|---|
| Allen, J. M. | Davidson, A. C. | Libbey, | Seymour, |
| Anderson, C. M. | Davidson, R. H. M. | Lore, | Shaw, |
| Bacon, | Dawson, | Lowry, | Singleton, |
| Barbour, | Dibble, | McAdoo, | Skinner, |
| Barksdale, | Dunn, | McCreary, | Snyder, |
| Barnes, | Eden, | McMillin, | Sowden, |
| Barry, | Eldredge, | McRae, | Springer, |
| Belmont, | Ermentrout, | Merriman, | Stewart, Charles |
| Bennett, | Forney, | Miller, | Stone, W. J., Ky. |
| Blanchard, | Gibson, C. H. | Mills, | Stone, W. J., Mo. |
| Bliss, | Glass, | Morgan, | Storm, |
| Blount, | Green, | Morrison, | Swope, |
| Boyle, | Hale, | Morrow, | Tarsney, |
| Brady, | Hall, | Murphy, | Taulbee, |
| Breckinridge, C. R. | Halsell, | Neal, | Taylor, J. M. |
| Breckinridge, WCP | Hammond, | Norwood, | Taylor, Zach. |
| Bynum, | Harris, | Oates, | Tillman, |
| Cabell, | Hatch, | O'Ferrall, | Trigg, |
| Caldwell, | Heard, | O'Neill, J. J. | Tucker, |
| Campbell, Felix | Hemphill, | Outhwaite, | Turner, |
| Campbell, T. J. | Henderson, J. S. | Page, | Van Eaton, |
| Candler, | Herbert, | Peel, | Viele, |
| Carleton, | Hiestand, | Perry, | Wadsworth, |
| Catchings, | Hill, | Pettibone, | Ward, J. H. |
| Clements, | Houk, | Pidcock, | Ward, T. B. |
| Cobb, | Howard, | Pindar, | Warner, A. J. |
| Comstock, | Hudd, | Randall, | Wellborn, |
| Cowles, | Hutton, | Reagan, | Wheeler, |
| Cox, W. R. | Irion, | Richardson, | White, A. C. |
| Crisp, | Johnston, T. D. | Robertson, | Wilkins, |
| Croxton, | Jones, J. H. | Rogers, | Willis, |
| Culberson, | Kleiner, | Rusk, | Wise, |
| Curtin, | Landes, | Sayers, | Wolford, |
| Daniel, | Lanham, | Scott, | Worthington. |
| Dargan, | Le Fevre, | Seney, | |

NAYS—112.

| | | | |
|---|---|---|---|
| Adams, G. E. | Farquhar, | La Follette, | Rice, |
| Allen, C. H. | Findlay, | Laird, | Riggs, |
| Atkinson, | Fleeger, | Lehlbach, | Rowell, |
| Baker, | Frederick, | Lindsley, | Ryan, |
| Bayne, | Fuller, | Little, | Sawyer, |
| Bingham, | Funston, | Long, | Scranton, |
| Bound, | Gallinger, | Louttit, | Sessions, |
| Boutelle, | Geddes, | Lyman, | Smalls, |
| Brown, C. E. | Gilfillan, | McComas, | Spooner, |
| Brown, W. W. | Grosvenor, | McKenna, | Stephenson, |
| Buchanan, | Grout, | McKinley, | Stewart, J. W. |
| Buck, | Guenther, | Millard, | Stone, E. F. |
| Bunnell, | Harmer, | Milliken, | Strait, |
| Burleigh, | Hayden, | Moffatt, | Struble, |
| Burrows, | Haynes, | Morrill, | Swinburne, |
| Butterworth, | Henderson, T. J. | Nelson, | Taylor, E. B. |
| Campbell, J. M. | Hepburn, | O'Donnell, | Taylor, I. H. |
| Cannon, | Hermann, | O'Neill, Charles | Thomas, J. R. |
| Caswell, | Hires, | Osborne, | Thomas, O. B. |
| Conger, | Hiscock, | Owen, | Thompson, |
| Cutcheon, | Hitt, | Parker, | Wait, |
| Davenport, | Holman, | Payne, | Wakefield, |
| Davis, | Holmes, | Payson, | Warner, William |
| Dingley, | Hopkins, | Perkins, | Weaver, A. J. |
| Dorsey, | Jackson, | Peters, | Weaver, J. B. |
| Dunham, | James, | Phelps, | Weber, |
| Ely, | Johnson, F. A. | Plumb, | West, |
| Everhart, | Johnston, J. T. | Price, | White, Milo. |

NOT VOTING—68.

| | | | |
|---|---|---|---|
| Adams, J. J. | Brumm, | Cox, S. S. | Fisher, |
| Aiken, | Burnes, | Crain, | Foran, |
| Anderson, J. A. | Campbell, J. E. | Dockery, | Ford, |
| Ballentine, | Clardy, | Dougherty, | Gay, |
| Bland, | Collins, | Ellsberry, | Gibson, Eustace |
| Bragg, | Compton, | Evans, | Glover, |
| Browne, T. M. | Cooper, | Felton, | Goff, |

| | | | |
|---|---|---|---|
| Hanback, | Mahoney, | Ranney, | Symes, |
| Henderson, D. B. | Markham, | Reed, | Throckmorton, |
| Henley, | Martin, | Reese, | Townshend, |
| Jones, J. T. | Matson, | Rockwell, | Van Schaick, |
| Kelley, | Maybury, | Romeis, | Wade, |
| Ketcham, | Mitchell, | Sadler, | Wallace, |
| King, | Muller, | Spriggs, | Whiting, |
| Laffoon, | Neece, | Stahlnecker, | Wilson, |
| Lawler, | Negley, | Steele, | Winans, |
| Lovering, | O'Hara, | St. Martin, | Woodburn. |

So (two-thirds not having voted in favor thereof) the rules were not suspended, and the bill was not passed.

On motion of Mr. TAULBEE, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

For this day:

Mr. FISHER with Mr. HENDERSON, of Iowa.

Mr. LAFFOON with Mr. KELLEY.

Mr. BLAND with Mr. WAIT.

On this vote:

Mr. ROBERTSON with Mr. VAN SCHAICK.

Mr. CRAIN with Mr. BRUMM.

Mr. NEECE with Mr. GOFF.

Mr. TOWNSHEND with Mr. FELTON.

The vote was then announced as above recorded.

SALLIE ANN BRADLEY.

Mr. GROSVENOR. Mr. Speaker, I rise to submit a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I call up for consideration the veto message of the President on the bill (H. R. 5394) granting a pension to Sallie Ann Bradley; and pending that motion I will yield for a few moments to the gentleman from California [Mr. MORROW] who wishes to submit a motion, if I may be permitted afterwards to resume the floor.

Mr. MORROW. Mr. Speaker——

Mr. GIBSON, of Maryland. Mr. Speaker, I rise to present a privileged report.

The SPEAKER. A conference report?

Mr. McKINLEY. I wish to submit an inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKINLEY. The House having now, under a recognition to suspend the rules, spent nearly an hour in the consideration of a bill to encourage distilling, I desire to know if I can be recognized at this time to move to suspend the rules and pass the bill (S. 194) to aid in the establishment and temporary support of common schools—what is known as the Blair bill. I make that request.

The SPEAKER. The Chair has recognized the gentleman from California, as the gentleman from Ohio, the Chair understands, yielded the floor to him; but the gentleman from Maryland rises, as he states, to submit a report from a committee of conference.

Mr. GIBSON, of Maryland. A report from the Committee on Accounts.

The SPEAKER. The Chair misunderstood the gentleman; that is not privileged over the matter called up by the gentleman from Ohio.

Mr. GROSVENOR. I had been recognized and yielded the floor temporarily. I hold it for the purpose of pressing the consideration of this bill, and therefore I deny the right of the gentleman to take me off the floor to submit a report.

The SPEAKER. The Chair has decided that the matter called up by the gentleman from Maryland is not privileged over that called up by the gentleman from Ohio.

Mr. MORROW. Mr. Speaker, now I move to discharge the Committee of the Whole—— [Cries of "Regular order!"]

The SPEAKER. The Chair will state that the regular order is the motion of the gentleman from Ohio, which is a privileged matter.

Mr. COWLES. I want to move to suspend the rules to pass a bill.

The SPEAKER. The regular order is demanded.

Mr. COWLES. Then I ask unanimous consent to submit a motion. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Ohio has called up a privileged matter.

Mr. PARKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PARKER. I understand that recognitions outside of preferred or privileged matters are in the discretion of the Speaker. Now, I wish to know whether that distinction will be observed by merely recognizing gentlemen who succeed in getting in first by attracting the attention of the Chair, or whether the Speaker will recognize the subject-matter of legislation to be presented, and thus exercise his discretion in the matter of recognitions?

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

Mr. PARKER. It is a matter which affects, if the Speaker pleases, the right of every member on the floor with reference to getting recognition.

The SPEAKER. The Chair will state that it is utterly impossible, as the gentleman from New York must know, for the Chair to recognize all gentlemen at once. All the Chair can do is to recognize one gentleman at a time. The gentleman from Ohio has been recognized, he having called up a privileged matter, and the regular order is demanded on all sides of the House. There is no other matter before the House.

Mr. PARKER. But the right of recognition remains with the Speaker.

Mr. LONG. I rise to a parliamentary inquiry.

Mr. MORROW. I believe I have the floor.

Mr. GROSVENOR. I have yielded the floor to the gentleman from California [Mr. MORROW] temporarily.

The SPEAKER. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. LONG. During the last days of the session are not motions to suspend the rules the regular order?

The SPEAKER. Except as to privileged matters.

Mr. LONG. Then the gentleman from Ohio yielded the floor to the gentleman from California, who wishes to submit a motion to suspend the rules.

The SPEAKER. But the gentleman from Ohio stated distinctly that he did not yield the floor except temporarily, and that he would resume the floor again and press the measure he has called up. He yielded the floor temporarily to the gentleman from California. But the regular order is now demanded.

Mr. LONG. But he yielded the floor.

The SPEAKER. The Chair understood the gentleman to distinctly state that he yielded the floor to allow the gentleman from California to submit a motion, but would retain it himself for the purpose of pressing the privileged matter he has called up. The regular order has been demanded, which of course would prevent the Chair from recognizing the gentleman from California; for if the right were given to any gentleman to call up a privileged matter, and on that take the floor and yield to another gentleman to bring in other matters not privileged, it is evident that that could be carried on to the exclusion of all other business. [Cries of "Regular order!"]

Mr. GROSVENOR. I believe I have the floor.

The SPEAKER. The Chair will proceed in the regular way if gentlemen will preserve order upon the floor.

Mr. MORROW. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORROW. I learn that the gentleman from Ohio is willing to allow me to proceed with the matter I have in hand, provided after that is disposed of he will be permitted to resume the consideration of the bill he has called up.

Mr. MORRISON. The gentleman can not yield the floor in that way.

The SPEAKER. The matter the gentleman from Ohio has indicated is privileged, and can be called up at any time, except there be conference reports pending or presented, which, under the rule of the House, are privileged to the exclusion of all other business.

Mr. GROSVENOR. I desire to dispose of this question, and my purpose is this: I ask leave to place in the RECORD a true statement from the official documents relating to the veto of the private pension bill of Sallie Ann Bradley. I do not desire now to take up the time of the House by argument, either to make a speech or read these documents; nor do I desire in this connection, if the privilege is given me to print in the RECORD the remarks I wish to submit on this subject, to insert or publish anything that relates to anything else other than the bill under consideration and that alone, independent of everything else.

If I can have unanimous consent to extend my remarks within that compass in the RECORD I will now ask for a vote on the passage of the bill. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent to extend his remarks on this bill under the terms stated by the gentleman. The Chair hears no objection.

Mr. MATSON. I only wish to say that this bill was first vetoed by a Senator, the chairman of the Committee on Pensions in the Senate in the Forty-eighth Congress, who placed his objections on precisely the same grounds stated by the President in his veto.

Mr. GROSVENOR. Mr. Speaker, few instances of cold-blooded cruelty of one human being against another will compare with the wrong done to the beneficiary under this bill by the veto of the President. I do not desire to detain the House in the closing hour of its session by any lengthy statement. The condition of the poor woman as given by herself, and the undisputed facts from the records of the Government make a speech more eloquent and more appealing to the sensibilities of the American people than any which I can utter. The bill of the House is very simple. It was introduced into the House on the 15th day of March, 1886, and it is in the following words:

An act granting a pension to Sally Ann Bradley.

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally Ann Bradley, widow of Thomas J. Bradley, late a private in Company D, Twenty-fourth Ohio Volunteers.

Passed the House of Representatives March 12, 1886.

The report of the Committee on Invalid Pensions which accompanied

the bill was the unanimous report of that committee, and was made by my colleague [Mr. ELLSBERRY], who had personal knowledge of all the facts in the case of this poor woman, he being a resident of her own county, and being acquainted with her family history. The report written by him and agreed to by every member of the Committee on Invalid Pensions is as follows:

Sally Ann Bradley is the widow of Thomas J. Bradley, who served as a private in Company D, Twenty-fourth Ohio Volunteers, from June 13, 1861, to October 9, 1865. He was pensioned on account of shell wound of back received at Murfreesborough, Tenn., January 2, 1863, and died October 21, 1882. His death is not entirely chargeable to his military service, and consequently his widow has no title before the Pension Office.

A petition signed by nearly three hundred of the best citizens of the county in which she resides, some of whom have known her and her deceased husband for many years before the late war, sets forth that she is seventy years of age, is as helpless as an infant, and left without means of support or friends able to assist her.

Having been left destitute by the death of her husband, who served faithfully for more than four years in defense of his country, and who while in such service contracted a disability which necessarily impaired his ability to provide for himself and wife a comfortable support in their declining years, your committee are clearly of opinion that she should not now be abandoned to the charity of the world, but be, in a measure at least, provided for in her old days, and therefor report favorably on the bill and ask that it do pass.

The bill having been passed unanimously in this House, the Senate Committee on Pensions made a unanimous report in favor of the passage of the bill, and used the following language in addition to setting out the report of the House committee:

An examination of the papers in the case verifies the foregoing statements, and the claim is strengthened, in the opinion of the committee, by the fact that four of the claimant's sons followed their father in the war for the Union, two dying on the field of battle, and the other two returning home cripples for life through wounds received.

The committee, believing this to be a very worthy case, recommend the passage of the bill.

The Senate passed the bill by a unanimous vote, and thereupon Grover Cleveland, President of the United States, returned the bill to the House of Representatives on the 6th day of July, just as the roar of the cannon and the sound of the music that celebrated the birth of the liberties of this country were dying away, with the following cold-blooded, illogical, and unreasoning message:

*To the House of Representatives:*

I herewith return without approval House bill 5394, entitled "An act granting a pension to Sallie Ann Bradley."

The husband of this proposed beneficiary was discharged from the military service in 1865, after a long service, and was afterwards pensioned for gunshot wound.

He died in 1882. The widow appears to have never filed a claim for pension in her own right.

No cause is given of the soldier's death, but it is not claimed that it resulted from his military service, her pension being asked for entirely because of her needs and the faithful service of her husband and her sons.

This presents the question whether a gift in such a case is a proper disposition of money appropriated for the purpose of paying pensions.

The passage of this law would in my opinion establish a precedent so far-reaching, and open the door to such a vast multitude of claims not on principle within our present pension laws, that I am constrained to disapprove the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July*, 6, 1886.

The object of the present motion, Mr. Speaker, is to pass this bill, this statement to the contrary notwithstanding. I desire that this old lady shall be heard in her own behalf by the American people, and so I take the liberty of introducing here a letter which she wrote to me upon the receipt by her of the news that her bill had been vetoed. It is in almost as good language as the President's veto message, and contains an appeal to the American people stronger and better put than the cold-blooded atrocity of his message. This is her letter:

BENTONVILLE, OHIO, *July* 12, 1886.

DEAR SIR AND FRIEND: I see in the Daily Gazette of the 7th, also Enquirer and Gazette of the 10th, of the President vetoing my claim along with a good many there. I am truly sorry that he has done this when I need it so bad, and especially am I sorry in the Enquirer such a piece as this I send with letter. Speaking of unworthy beneficiaries getting on the pension-rolls, I had no chance before the Pension Office and sent in a petition with two hundred and eighty-six names of our citizens, and all of our very best citizens were on it and think I ought to have it. I also sent ten or twelve sworn names some three months ago showing that I was in needy circumstances and ought to draw a pension. I have not sent in any unworthy testimony. What I have written to you is true, and I do not know of any one here that is opposed to me getting a pension but four or five stay-at-home men that should have went out.

Is this the way they are going to treat an old gray-headed woman who is near seventy years of age and not able to be up but very-little more than half of the time, and furnished five of my family to go to the army? Husband and four sons gave them seventeen years' service; there is but very few families that have done more for the Government in time of their trouble than mine did, and now in my declining years and feeble health, when I have not friends able to help me along, and ask the Government for a little support to sustain life a little while, they refuse me. If Mr. Cleveland had been out in front during the war he likely would have a little feeling for soldiers, and especially for their poor widows. The Enquirer also states that at the Forty-seventh Congress a Republican committee of the Senate said I ought not to have a pension, and this is the reason the President said the same. I would just say that the House passed it the week before they adjourned to go to the convention at Chicago and it did not go to the Senate then, for I wrote to Mr. SHERMAN right away and he wrote me that they would not have time as they would adjourn, and that he seen the committee and that they had promised to act on it early in the next session, but I don't think there was anything said or done until this last Congress and Senate, and they have both of them passed it like men.

I do not know what to do if you can not pass it over his head. I do not want to go to the poor-house after doing so much for the Government, as I have not friends that are able to keep me, and I need assistance bad. I am nearly destitute of clothing and scarce of provisions. It looks like there might be enough good men in the House and Senate to pass these vetoes over his head. He is faring sumptuous with his fine living from the Government, and his $50,000 a year, and thousands of poor soldiers and widows and children suffering for something to eat and clothes to keep them warm and to hide their nakedness. Should you not be able to get it passed what would be the proper way for me to pursue—try it again, or not? Could you not have that section of the law changed, through the members, before you adjourn, so the widow women can come in if their husbands should happen not to die with the disease they draw on, that they could still draw; you know that it is taking it from them when they need it worse than any other time, when their support is gone. Please try to get it changed, and these bills passed over his head, and may the Lord bless you for your kindness.

SALLY ANN BRADLEY.

General CHARLES H. GROSVENOR,
*Washington, D. C.*

Shortly after the happening of this unfortunate veto a Democratic newspaper in Ohio assailed the old lady and made charges against her, and it was those publications which called out the letter of Mrs. Bradley.

The following I quote from a newspaper published in Hillsboro', Ohio, the editor of which was personally acquainted with Thomas J. Bradley, and knew of his service in the army:

Among the pension bills voted was one granting $8 per month to Sally Ann Bradley. Her husband and four of her boys were Union soldiers. Two of the boys were shot dead on the battlefield, another had his arm torn off by a shell, and the fourth lost an eye. Her husband was in the Twenty-fourth Ohio—a fighting regiment, as Burch Foraker's friends can tell you, and afterwards was in the ranks of the Eighteenth Ohio, and fell terribly wounded in "Pap" Thomas's fight before Nashville. He lived, however, and drew a pension until 1880 of $4 a month, when worn out with wounds and premature old age he went to camp upon the other shore. His wife, Sally Ann, was poor; her boys were disabled and could not support her, and she was sent to the infirmary. She applied for a pension, but the law would not allow it as it could not be proven that the old soldier's death was caused solely by his wounds.

The report of the Committee on Invalid Pensions upon this veto message of the President is as follows, and it is to uphold this report that I now address the House:

The message correctly states that the claimant has not applied to the Pension Office for a pension. As her husband's death is not directly chargeable to his military service, she could not be benefited by making such an application, as it would meet there with a prompt rejection under the provisions of the general pension laws.

Congress has taken favorable action on this woman's application, not because her husband's death is directly chargeable to his military service, but because by his death she is left in her old age to depend upon the charity of others not legally bound to aid in her support. Her husband served long and faithfully in defense of his country, and at date of his death was a sufferer from a wound received in line of battle. But it was not only the husband who responded to the call of his country. Four sons likewise entered its service. Two died while in service; the others returned home disabled for life, and, in consequence thereof, unable to assist claimant.

It is for these sacrifices that Congress deemed it proper to go outside of the general pension laws and relieve this old and helpless woman by placing her upon the pension-rolls during the last few days of her life.

Believing that the action of the House in favorably considering the bill was eminently just and proper, your committee recommend its passage, the objection of the President to the contrary notwithstanding.

Mr. Speaker, this is a meritorious woman, and I have the honor to permit her to be heard still further in her own behalf, and to that end I append her affidavit made on the 4th of December last. It is as follows:

THE STATE OF OHIO, *Adams County, ss:*

Before me, the undersigned authority, personally appeared Sally Ann Bradley, who, being by me first duly sworn, says:

That she is the identical person she represents herself to be; that she is the widow of Thomas J. Bradley, who enlisted in the United States service in Company D, Twenty-fourth Ohio Infantry Volunteers, on the 27th day of May, A. D. 1861; that he served with said company and regiment until discharged by reason of re-enlistment as veteran; that he was wounded at the battle of Stone River on the 31st day of December, 1862; that after serving a time as veteran his company (D) was transferred to the Eighteenth Ohio Infantry Volunteers, commanded by Col. C. H. Grosvenor; that he served through the entire war, and before he died (October 21, 1882, at home) he was a pensioner at the rate of $6 per month.

Robert J. Bradley, son of Thomas J. and Sally Ann Bradley, enlisted in Company I, Thirty-ninth Regiment Ohio Infantry Volunteers, on the 4th day of July, 1861, and was discharged on the 26th day of December, 1863, by reason of re-enlistment as veteran, and was discharged by reason of orders from the War Department June 22, 1865, having served through the war. He was twice wounded in the battles before Atlanta. He died in New Orleans a few years ago with yellow fever. Robert J. Bradley served three years in the regular Army after the war was over in Company G, Fifth United States Regiment of Infantry. Enlisted the 19th day of May, 1866. Discharged at Fort Hays, Kans., 19th day of May, 1869.

James W. Bradley, son of Thomas J. and Sally Ann Bradley, enlisted when very young in Company D, Twenty-fourth Ohio Infantry Volunteers, on March 7, 1864, was afterwards transferred with his company to the Eighteenth Ohio Infantry Volunteers, was wounded and permanently disabled in left forearm at the battle of Nashville, Tenn., December 15, 1864, and was discharged on account of wounds at Camp Dennison, Ohio, on the 15th of June, 1865.

Casey B. Bradley, son as above stated, enlisted in Company H, One hundred and seventy-third Regiment Ohio Volunteer Infantry, August 13, 1864, was discharged June 26, 1865, at Nashville, Tenn. He had also served, prior to above enlistment, six months in the Tod Scouts, and was discharged therefrom at Camp Dennison, Ohio. He died at home December 26, 1872.

John G. Bradley, son as above stated, enlisted September 20, 1864, in Company I, One hundred and eighty-second Regiment Ohio Volunteer Infantry and was discharged July 7, 1865, at Nashville, Tenn., the war being over.

her
SALLY ANN + BRADLEY.
mark.

Witness: S. N. GAFFIN.

Sworn to before me and signed in my presence, and I further certify that the affiant is to me well known and entitled to credit.

This 4th day of December, A. D. 1886.

WILLIAM W. BAIRD,
*Notary Public.*

In forwarding to me the foregoing affidavits, David Thomas, one of the officials of Adams County, Ohio, forwarded the following letter:

WEST UNION, OHIO, *December* 4, 1886.

DEAR SIR: I have drawn statement of Sally A. Bradley. Most of the facts are personally known to myself, especially as to Thomas J. and James W., as they were members of my company (D) of the Twenty-fourth Ohio Volunteer Infantry. If I can be of any service to you in aiding the wife and mother in her dependent condition you may feel at liberty to command me. They were all loyal and true soldiers, and the Government had the benefit of their services, and it would only be an act of justice to provide for the old lady who gave four of her boys and a husband for its preservation.

Yours truly,

DAVID THOMAS.

Hon. C. H. GROSVENOR, M. C.

While on the subject, and lest there may be some member of this House who doubts the allegation as to the service of this family, I have been at the pains to procure the record of each one of these soldiers in the War Department, and here they are:

First, Thomas J. Bradley.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., February* 4, 1887.

Respectfully returned. Thomas J. Bradley was enrolled on the 13th day of June, 1861, at Camp Jackson, in Company D, Twenty-fourth Regiment of Ohio Volunteers, to serve three years or during the war, and mustered into service as a private on the 16th day of June, 1861, at Camp Jackson, in Company D, Twenty-fourth Regiment of Ohio Volunteers, to serve three years or during the war. On the muster-roll of Company D of that regiment dated August 31, 1861, he is reported present; same to June 30, 1862, July and August, 1862; absent, sick at Murfreesboro', Tenn., since August 1, 1862; September and October, 1862, present; November and December, 1862 (dated January 14, 1863), absent in hospital, wounded before Murfreesboro', Tenn., January 2, 1863, January and February, 1863; absent wounded since January 2, 1863; March and April, 1863, present; same to December 31, 1863; January and February, 1864, not on file. Return January, 1864, does not report him absent. February, 1864, does not account for Company D. Roll, March and April, 1864, present. Re-enlisted as veteran volunteer January 1, 1864, Whiteside, Tenn., detachment roll of men attached to the Eighteenth Ohio Volunteer Infantry, dated June 30, 1864, present; July and August, 1864, not on file; roll of Company D, Eighteenth Ohio Volunteers (to which transferred) for September and October, 1864, present; same to June 30, 1865, July and August, 1865; absent, sick in hospital, Chattanooga, Tenn., since July 7, 1865. Mustered out with company, October 9, 1865, at Augusta, Ga.

R. C. DRUM, *Adjutant-General*,
By H. CLAY WOOD.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., February* 4, 1887.

Respectfully returned. Robert Bradley was enlisted on the 19th day of May, 1866, at Cincinnati, Ohio, and was assigned to Company G, Fifth Regiment of Infantry; discharged May 19, 1869, by expiration of service at Fort Hays, Kans.; a private; record clear.

R. C. DRUM, *Adjutant-General*,
By H. CLAY WOOD.

Next, Robert Bradley.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., February* 4, 1887.

Robert J. Bradley was enrolled on the 12th day of July, 1861, at West Union, in Company I, Thirty-ninth Regiment of Ohio Volunteers, to serve three years or during the war, and mustered into service as a private on the 3d day of August, 1861, at Camp Dennison, in Company I, Thirty-ninth Regiment of Ohio Volunteers, to serve three years or during the war. On the muster-roll of Company I of that regiment for the months of September and October, 1861, he is reported present; November and December, 1861, absent sick in hospital, Quincy, Ill. Subsequent rolls to August 31, 1863, report him present; September and October, 1863, absent serving sentence of court-martial, General Order No. 89, Headquarters Sixteenth Army Corps, October 10, 1863; same report to December 31, 1863, January and February, 1864. Absent without leave since February 17, 1864. March and April, 1864, present with remark, "joined from absent sick April 4, 1864." (He re-enlisted as a veteran volunteer December 27, 1863.) May and June to December 31, 1864, reports him present. January and February, 1865, absent without remarks. March and April, 1865, absent on detached service, Guard at Headquarters Seventeenth Army Corps since January 29, 1865. May and June, 1865, absent on furlough for thirty days from June 23, 1865. Muster-out roll of company, dated July 9, 1865, at Louisville, Ky., reports him among those mustered out with remark "absent on furlough since June 23, 1865." Tried by court-martial on the charge of violation of the ninth article of war, found guilty, and sentenced to be confined in the military prison at Alton, Ill., for six months, and to forfeit all pay and allowances during said time of confinement—General Order No. 89, District of Memphis, October 10, 1863. The findings and sentence disapproved, he was released from confinement or returned to duty—General Order No. 98, District of Memphis, November 23, 1863.

R. C. DRUM, *Adjutant-General*,
By H. CLAY WOOD.

James W. Bradley.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., February* 4, 1887.

James W. Bradley was enrolled on the 7th day of March, 1861, at West Union in Company D, Twenty-fourth Regiment of Ohio Volunteers, to serve three years or during the war, and mustered into service as a private on the 21st day of March, 1861, at Ironton, in Company D, Twenty-fourth Regiment of Ohio Volunteers, to serve three years or during the war. On the muster-roll of Company D of that regiment for the months of March and April, 1861, he is reported present; detail roll of men of the Twenty-fourth Ohio Volunteers attached to the Eighteenth Ohio Volunteers, dated July 30, 1864, reports him present; July and August, 1864, not on file. Roll Company D, Eighteenth Ohio Volunteers (to which transferred) for September and October, 1864, present; November, 1864, to April 30, 1865, absent in hospital; wounded December 15, 1864, battle of Nashville, Tenn. He was discharged on surgeon's certificate of disability June 15, 1865, Dennison United States general hospital, Camp Dennison, Ohio, as of Company D, Eighteenth Ohio Volunteers.

R. C. DRUM, *Adjutant-General*,
By H. CLAY WOOD.

Cary B. Bradley.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., February* 4, 1887.

Cary B. Bradley was enrolled on the 30th day of August, 1864, at Cherry Fork, Ohio, in Company H, One hundred and seventy-third Regiment of Ohio Volunteers, to serve one year or during the war, and mustered into service as a drummer on the 18th day of September, 1864, at Gallipolis, in Company H, One hundred and seventy-third Regiment of Ohio Volunteers, to serve one year or during the war; on the muster-roll of Company H of that regiment for the months from enrollment to February 28, 1865, he is reported present; roll for March and April, 1865, reports him absent, sick in post hospital, Johnsonville, Tenn., since April 4, 1865; return for May, 1865, reports him absent on sick leave for thirty days at Bentonville, Ohio, May 6, 1865; he was mustered out with company June 26, 1865, at Nashville, Tenn.

R. C. DRUM, *Adjutant-General*,
By H. CLAY WOOD.

John G. Bradley.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., February* 4, 1887.

John G. Bradley was enrolled on the 20th day of September, 1864, at Manchester, Ohio, in Company I, One hundred and eighty-second Regiment of Ohio Volunteers, to serve one year or during the war, and mustered into service as a private on the 21st day of September, 1864, at Cincinnati, Ohio, in Company I, One hundred and eighty-second Regiment of Ohio Volunteers, to serve one year or during the war. On the muster-roll of Company I of that regiment for the months of November and December, 1864, he is reported present. January and February, 1865, present. Appointed regimental wagon-master by R. S. O. No. 12, December 26, 1864. March and April, 1865, present. Regimental returns for May and June, 1865, do not report him absent. Mustered out a private with company July 7, 1865, at Nashville, Tenn.

R. C. DRUM, *Adjutant-General*,
By H. CLAY WOOD.

These are the official records of what this family has done to save the country.

The President of the United States signed a bill this year to give pensions which will amount to more than $4,000,000 per annum to men who fought to destroy this Union, many of whom are rich and independent, but he refuses to give this mother of four Union soldiers, the widow of a dead soldier who died of his wounds received in battle in part, a pension of $144 a year.

Read the record of this family. I admit that it appears that one of them was tried by court-martial and sentenced to be punished, but it also appears that the general commanding, who knew of the service of this man, refused to permit him to suffer the penalty of the sentence and remitted it.

I have felt a great interest in this case. Thomas J. Bradley served in my own regiment, and his son was wounded in my presence at the battle of Nashville. That this woman should be consigned to the poor-house and die the death of a pauper because the President of the United States knows of no law to give her a pension is, to my mind, an outrage so shocking that I have no language to describe it.

This is her only remedy, for under the existing statute she can not prove that her husband died of the disease for which he was pensioned. This is her only remedy, for the President has vetoed the dependent parents bill which Congress passed at this session, and under the crack of his whip enough Democrats turned around and voted to uphold the veto to defeat the passage of the bill. It is no wonder, Mr. Chairman, that the soldiers of the Northwest arose in revolt against such tyranny as this last year has manifested. It is no wonder that seat after seat now occupied by Democrats on the other side of this House are to be occupied by Republicans in the next Congress. The bill and the veto, and the report of the committee, and the few imperfect remarks made at the time, were circulated among the soldiers of the Northwest, and upon the tongue of every man discussing this administration and its relation to the soldiers of the country was the name of poor old Sally Ann Bradley.

Democratic newspapers sought to sneer at me during the campaign for my advocacy of this woman's claim. It was used as a term of reproach, and hurled at me as I traveled about my district. The answer came in the form of a majority 500 greater than any Republican has received in that district since 1866.

Mr. Chairman, while I live I will be found championing the cause of the widow and orphan and disabled soldier of the war. I would rather be rated as the champion of them than as the champion of the bondholders of Wall street. I would rather stand in my place here and protest against the wrongs that are done them than to be a favorite at the White House. I would rather discharge my duty to the men who have placed their confidence in me than to be called a "good fellow" and a dispenser of patronage by an administration that can crush helpless women of this country under circumstances like these.

Her remedy, Mr. Chairman, lies in the action of this House. Give it to her by the passage of this bill over the veto, and her declining years will be cheered and brightened and made hopeful. Refuse it, and she goes down under the dark impenetrable wave of poverty and despair. She will die in a poor-house, and up from the ruin and filth and degradation of a county infirmary will go up to God the soul of the mother of four brave men; the wife of a dead Union soldier, whose country in the hour of her distress repudiated its obligation, scorned her appeal for charity, and threw her out upon a cold, bitter, and heartless world.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5394) granting a pension to Sallie Ann Bradley.

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally Ann Bradley, widow of Thomas J. Bradley, late a private in Company D, Twenty-fourth Ohio Volunteers.

The SPEAKER. The question is, Will the House, on reconsidera-

tion, pass the bill? On this question the Constitution requires the yeas and nays to be taken.

Mr. TAULBEE. I ask unanimous consent to have the message of the President read.

Objection was made.

Mr. TAULBEE. I ask unanimous consent to have the message printed in the RECORD.

There was no objection. The message is as follows:

*To the House of Representatives:*

I herewith return without approval House bill 5394, entitled "An act granting a pension to Sallie Ann Bradley."

The husband of this proposed beneficiary was discharged from the military service in 1865, after a long service, and was afterwards pensioned for gunshot wound.

He died in 1882. The widow appears to have never filed a claim for pension in her own right.

No cause is given of the soldier's death, but it is not claimed that it resulted from his military service, her pension being asked for entirely because of her needs and the faithful service of her husband and her sons.

This presents the question whether a gift in such a case is a proper disposition of money appropriated for the purpose of paying pensions.

The passage of this law would in my opinion establish a precedent, so far-reaching, and open the door to such a vast multitude of claims not on principle within our present pension laws, that I am constrained to disapprove the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1886.

VISITORS TO MILITARY ACADEMY.

The SPEAKER announced the appointment of Hon. JOSEPH WHEELER, Hon. C. M. ANDERSON, and Hon. BENJAMIN BUTTERWORTH on the part of the House of Representatives as visitors to the United States Military Academy, to attend the next annual examination of cadets at said academy.

VISITORS TO NAVAL ACADEMY.

The SPEAKER announced the appointment of Hon. HILARY A. HERBERT, Hon. JOSEPH D. SAYERS, and Hon. NATHAN GOFF, jr., on the part of the House of Representatives as Visitors to the United States Naval Academy to attend the next annual examination of cadets at said Academy.

SALLIE ANN BRADLEY.

The question was taken; and there were—yeas 123, nays 122, not voting 74; as follows:

YEAS—123.

| | | | |
|---|---|---|---|
| Adams, G. E. | Farquhar, | La Follette, | Plumb, |
| Allen, C. H. | Felton, | Laird, | Price, |
| Atkinson, | Findlay, | Lehlbach, | Reed, |
| Baker, | Fleeger, | Libbey, | Romeis, |
| Bayne, | Foran, | Lindsley, | Rowell, |
| Bingham, | Ford, | Little, | Scranton, |
| Bliss, | Fuller, | Long, | Sessions, |
| Bound, | Funston, | Louttit, | Smalls, |
| Boutelle, | Gallinger, | Lovering, | Spooner, |
| Brady, | Geddes, | Lyman, | Stephenson, |
| Brown, C. E. | Gilfillan, | Markham, | Stewart, J. W. |
| Buchanan, | Goff, | McComas, | Strait, |
| Buck, | Grosvenor, | McKenna, | Struble, |
| Bunnell, | Guenther, | McKinley, | Swinburne, |
| Burleigh, | Harmer, | Milliken, | Symes, |
| Burrows, | Hayden, | Moffatt, | Taylor, E. B. |
| Butterworth, | Haynes, | Morrill, | Taylor, I. H. |
| Campbell, J. M. | Hepburn, | Morrow, | Thomas, J. R. |
| Campbell, J. E. | Hermann, | Negley, | Thomas, O. B. |
| Cannon, | Hiestand, | Nelson, | Thompson, |
| Carleton, | Hires, | O'Donnell, | Van Schaick, |
| Caswell, | Hiscock, | O'Hara, | Wadsworth, |
| Conger, | Hitt, | O'Neill, Charles | Wait, |
| Cutcheon, | Holmes, | O'Neill, J. J. | Wakefield, |
| Davenport, | Houk, | Osborne, | Warner, A. J. |
| Davis, | Howard, | Outhwaite, | Warner, William |
| Dingley, | Jackson, | Parker, | Weaver, A. J. |
| Dorsey, | James, | Payne, | Weaver, J. B. |
| Ely, | Johnson, F. A. | Perkins, | Weber, |
| Evans, | Johnston, J. T. | Peters, | White, Milo |
| Everhart, | Ketcham, | Pettibone, | |

NAYS—122.

| | | | |
|---|---|---|---|
| Allen, J. M. | Davidson, R. H. M. | Lowry, | Seymour, |
| Bacon, | Dawson, | Mahoney, | Shaw, |
| Barbour, | Dibble, | Martin, | Singleton, |
| Barksdale, | Dunn, | Matson, | Skinner, |
| Barnes, | Eden, | McCreary, | Snyder, |
| Barry, | Eldredge, | McMillin, | Sowden, |
| Belmont, | Ermentrout, | McRae, | Springer, |
| Bennett, | Forney, | Merriman, | Stahlnecker, |
| Blanchard, | Gibson, C. H. | Miller, | Stewart, Charles |
| Blount, | Glass, | Mills, | Stone, W. J., Ky. |
| Boyle, | Green, | Morgan, | Stone, W. J., Mo. |
| Breckinridge, C. R. | Hale, | Morrison, | Storm, |
| Breckinridge, WCP | Hall, | Muller, | Swope, |
| Bynum, | Halseli, | Murphy, | Tarsney, |
| Cabell, | Hammond, | Neal, | Taulbee, |
| Caldwell, | Harris, | Oates, | Taylor, J. M. |
| Campbell, Felix | Hatch, | O'Ferrall, | Tillman, |
| Campbell, T. J. | Heard, | Page, | Townsend, |
| Candler, | Hemphill, | Peel, | Triggs, |
| Catchings, | Henderson, J. S. | Perry, | Tucker, |
| Cobb, | Hill, | Pidcock, | Turner, |
| Compton, | Holman, | Pindar, | Van Eaton, |
| Cowles, | Hudd, | Randall, | Viele, |
| Cox, W. R. | Hutton, | Reagan, | Ward, T. B. |
| Crisp, | Irion, | Richardson, | Wellborn, |
| Croxton, | Johnston, T. D. | Riggs, | Willis, |
| Culberson, | Jones, J. H. | Robertson, | Wise, |
| Curtin, | Kleiner, | Rogers, | Wolford, |
| Daniel, | Landes, | Rusk, | Worthington. |
| Dargan, | Lanham, | Sayers, | |
| Davidson, A. C. | Lore, | Scott, | |

NOT VOTING—74.

| | | | |
|---|---|---|---|
| Adams, J. J. | Dougherty, | Lawler, | Spriggs, |
| Aiken, | Dunham, | Le Fevre, | Steele, |
| Anderson, C. M. | Ellsberry, | Maybury, | St. Martin, |
| Anderson, J. A. | Fisher, | McAdoo, | Stone, E. F. |
| Ballentine, | Frederick, | Millard, | Taylor, Zach. |
| Bland, | Gay, | Mitchell, | Throckmorton, |
| Bragg, | Gibson, Eustace | Neece, | Wade, |
| Browne, T. M. | Glover, | Norwood, | Wallace, |
| Brown, W. W. | Grout, | Owen, | Ward, J. H. |
| Brumm, | Hanback, | Payson, | West, |
| Burnes, | Henderson, D. B. | Phelps, | Wheeler, |
| Clardy, | Henderson, T. J. | Ranney, | White, A. C. |
| Clements, | Henley, | Reese, | Whiting, |
| Collins, | Herbert, | Rice, | Wilkins, |
| Comstock, | Hopkins, | Rockwell, | Wilson, |
| Cooper, | Jones, J. T. | Ryan, | Winans, |
| Cox, S. S. | Kelley, | Sadler, | Woodburn. |
| Crain, | King, | Sawyer, | |
| Dockery, | Laffoon, | Seney, | |

So (two-thirds not having voted in the affirmative) the bill was not passed.

Mr. O'DONNELL. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following additional pairs were announced:

Mr. ANDERSON, of Ohio, with Mr. WILKINS, on this vote.

Mr. FISHER with Mr. ROCKWELL, on this vote.

Mr. CRAIN with Mr. RYAN, on this vote.

Mr. ANDERSON, of Kansas. I have been paired during my absence on conference work. If that had not been the fact I would have voted "aye" on this bill.

The result of the vote was then announced as above stated.

SITE FOR PUBLIC BUILDING AT SAN FRANCISCO.

Mr. MORROW. I move to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal., and to pass the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury is authorized and directed to appoint three competent citizens to act as commissioners on behalf of the United States to select and purchase a piece of ground in the city of San Francisco upon which shall be erected a suitable building for a post-office, court-house, and other offices.

SEC. 2. That immediately after the passage of this act the Secretary of the Treasury shall notify each person selected as aforesaid of his appointment under this act, requesting prompt notice of his acceptance or non-acceptance thereof, and in the latter case shall appoint some other prominent, disinterested citizen in his place, and upon their consent to act shall give notice to the commissioners to proceed as soon as practicable to examine such pieces of ground as shall be judged most suitable for the site of said building, in said examination having due regard to the present needs and future accommodation of the inhabitants, to security against accidents, and the convenience of the public service at all times. They shall negotiate an option of purchase for each site so examined, at the lowest practicable price, decide upon and recommend for purchase said sites in the order of their relative merits, and submit a report thereof, with a proper description of each, to the Secretary of the Treasury, who, in conjunction with the Postmaster-General and Attorney-General, shall immediately decide which site is to be preferred, if any is to be preferred; and if the Secretary of the Treasury, Postmaster-General, and Attorney-General shall approve of any such site and the title thereto, then the commissioners shall be notified thereof, who shall then complete the purchase of the site so chosen: *Provided*, That the site so selected shall be of such dimensions as to leave an open space of not less than 40 feet in width, including streets and alleys, around the building to be constructed thereon: *Provided, further*, That the sum to be paid therefor shall not exceed $350,000.

SEC. 3. That the sum of $350,000, or so much thereof as may be necessary, is hereby appropriated for making said purchase: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States and the State of California shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The SPEAKER. Is a second demanded?

Mr. STORM. I ask for a second.

Mr. LONG. I ask unanimous consent that the second be considered as ordered.

There was no objection.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it. [Cries of "Vote!" "Vote!"]

Mr. MORROW. I reserve my time.

Mr. STORM. I ask to have the report read in my time.

The report [by Mr. HENLEY] was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill No. 174, beg leave to submit the following report:

For ten years the people of San Francisco have been petitioning Congress for the erection of a public building in a convenient place in that city for the purpose of accommodating the large postal business of the place, the United States courts, and other Federal offices.

These requests have been made by means of urgent petitions from leading business men, resolutions of the chamber of commerce and board of trade of the city, the municipal government of San Francisco, and the State Legislature of California. The matter has been thoroughly investigated by several committees of Congress, and the erection of the building always recommended, but the bills introduced for that purpose have failed to pass both Houses, not for want of merit, but because they were not reached on any of the calendars in time to obtain final Congressional approval.

It appears that the building now used for the post-office is 134 feet long, 66 feet wide, and three stories high. It was erected thirty years ago on piles driven

into the soft ground on the margin of the bay. This insecure foundation has naturally caused the building to settle and crack, and on two occasions, first in 1865 and again in 1868, it was so badly shaken by earthquakes as to have become dangerous to life and property. Through the economy of the Government these defects were partially remedied by securing the shattered walls with connecting iron rods, and the unsightly cracks were concealed with plaster and paint, but after twenty years of natural deterioration in the materials these temporary expedients no longer afford even an apparent security to those who occupy or frequent the building.

If these objections were all that pertained to the structure, they might be remedied in a measure by further repairs, but that portion of the building devoted to post-office business is badly lighted and ventilated, and so contracted in space and inconvenient in every way as to be unfit for the transaction of the rapidly increasing postal business of the city.

The location is in an out-of-the-way corner of the city, far removed from the business center, and so distant from the general lines of travel that but few people pass it daily, except those engaged in the shipping interests of that particular locality. So manifest had this inconvenience become, that as long ago as 1878 the Postmaster-General called the attention of Congress to the necessity for a new post-office building. In his annual report for the fiscal year ending June 30, 1878, he says:

"The building used in San Francisco for post-office purposes I found from personal inspection to be entirely inadequate to the necessities of the service. San Francisco is the great commercial city of the Pacific coast. Its business and population are constantly increasing, thus adding to the embarrassments inflicted upon the postal service by its present insufficient accommodations. As several years are usually required for the erection of such buildings, and the necessity of the case is urgent, I feel constrained to call the attention of Congress to the subject for such inquiry and action as it may deem proper."

A year later the Postmaster-General, in a letter written upon the subject, again strongly urged the immediate action of Congress in affording relief to the increased postal business of that city. In the year 1878 the gross postal receipts of the San Fancisco post-office were $412,349.31. For the year ending June 30, 1885, the gross receipts were $502,303.06, showing a steady increase in business, which must necessarily be transacted in contracted and inconvenient quarters.

In money-order business the San Francisco post-office ranks as the fourth office in importance in the United States.

For the fiscal year ending June 30, 1885, the following money-order transactions are reported by the Post-Office Department: Number of money-orders and postal-notes issued, 60,928; amount of money-orders and postal-notes issued, $1,082,745.88; number of money-orders and postal-notes paid 201,389; amount of money-orders and postal notes paid, $3,432,504.99; fees received, $9,598.25; number of deposits received from other offices, 17,441; amount of deposits received from other offices, $3,786,410.54.

In the upper stories of this same building is conducted the customs-revenne business of one of the largest and most important seaports of the United States.

The customs receipts at San Francisco for the fiscal year ending June 30, 1885, were $6,542,243.69; the internal-revenue receipts were $1,983,280; the exports were $38,115,624, and the imports were $35,040,350.

San Francisco ranks as the third city in the Union in the value of her imports, sixth in the value of her exports, fifth in her total trade, and fourth in the amount of customs revenue paid to the General Government.

The clearing-house operations at San Francisco for the year ending October, 1885, amounted to the enormous sum of $562,640,183.

The committee find further that on the same lot belonging to the United States there is a brick building called the "Appraisers' store," in which are located the appraisers' offices, the United States internal-revenue offices, the United States district and circuit courts, the United States Coast Survey, and other officers of the Federal Government.

Like the post-office, the location of the United States courts in this building is inconvenient and out of the way. The other courts of the city, and the State courts, located in San Francisco, are over a mile distant in the direction in which the city is being extended.

These facts respecting the volume and value of the United States postal and other Government business, and the prospective magnitude of the public interest centering in this growing metropolis of our trade on the Pacific Ocean, convince your committee that ample and immediate provision of grounds and buildings for the accommodation of the post-office and the Federal courts should be made at San Francisco for the following reasons:

1. The building in use is both unsuitable and inadequate to the present needs of the postal service.

2. The location is nearly a mile out of the proper place for a post-office building. When a city like San Francisco pays the Government over a half a million of dollars annually for postage it has a right to expect that in the location of the post-office the Government will consult somewhat the convenience of its citizens.

3. The ground on which the present building stands, while quite out of the way for a post-office site, is well enough adapted for the customs-revenue service, and that portion of the building into which the post-office is now cramped is needed for that service.

4. That portion of the appraisers' store in which the United States courts are now located is required for the accommodation of the officers connected with the revenue service.

Your committee therefore have no doubt of the propriety of making immediate provision for procuring a suitable site in San Francisco upon which to erect a building for the accommodation of the post-office and United States courts, and they recommend the passage of Senate bill 1255 for that purpose as a substitute for House bill 174.

Mr. STORM. How much time have I left?

The SPEAKER. Five minutes.

Mr. STORM. I yield that time to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. The gentleman from Pennsylvania has yielded to the gentleman from Mississippi [Mr. ALLEN].

I call the attention of the Chair to whom it is the gentleman from Pennsylvania has yielded, so that the Speaker may recognize me when he sees me again, because I want recognition. [Laughter.]

If the House should suspect for a moment that I violate that rule which requires a speaker to speak to the question at issue, I ask members to remain quiet and I will come to the point before I get through with my remarks.

I just wish to call attention of the House to the fact that I have here a small bill appropriating only $10,000 to construct a road to the national cemetery at Corinth, Miss. This is a matter, sir, that is demanded by every Grand Army post throughout the Union; and any man who stands in the way when I get up here to ask the House for unanimous consent, any man who says "Regular order, Mr. Speaker," or "I object," that man, sir, takes the risk of branding himself and his offspring and his children's children throughout all future generations in the estimation of the Grand Army of the Republic. [Laughter.]

Now, Mr. Speaker, I know there are a great many gentlemen here wanting to be recognized, but I do claim that as this is the only bill local to my district which has been presented in this Congress, and as this is the first time I have ever asked unanimous, magnanimous consent to do anything in this House, and also in view of the fact that I have displayed unexampled patriotism here for the last week or ten days when the galleries have been crowded with people and there have been so many favorable opportunities for the display of my eloquence, yet I have suppressed it all in order to avoid an extra session [laughter]—in view of all this, I do think, sir, that I am entitled to some little consideration at the hands of this House. [Great laughter.] And now, sir, I am going to make a proposition to the House. When the House gets through with the bill under consideration I want unanimous consent for the Speaker to recognize me next, to put my little bill through [laughter], and I want to see if there is any one who will object. I know there are some pretty low-down men in this House [laughter], but I want to see if there is one so low, one who has so far forgotten what is due to himself, who has so little respect for his own reputation, as to say "no." [Renewed laughter.] Is there objection? [A pause.] The Chair hears none. [Great laughter.] Now, Mr. Speaker, that I have unanimous consent, I think I will sit down.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10072) making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1888, and for other purposes.

### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. 117) to authorize the use of hot water off the Government reservation at Hot Springs; when the Speaker signed the same.

Mr. FISHER, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled a joint resolution (S. R. 108) providing for the sale of public documents.

Mr. FISHER, from the Committee on Enrolled Bills, also reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and

A bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

### SITE FOR PUBLIC BUILDING, SAN FRANCISCO.

Mr. CANNON. Mr. Speaker, I want the attention of the House and the Chair for a moment. The pending bill, as I understand it, is a proposition to provide for the construction of a great interest of the country. I approve of that bill. Mr. Speaker, there are many bills pressing for consideration which propose to take money out of the Treasury. Now, I would be very glad if, by unanimous consent or by recognition of the Chair, I could have an opportunity to call up and pass a bill to allow gentlemen to spend $2,000,000 out of their own pockets in constructing here in the city of Washington a hotel like unto the Grand Pacific of Chicago. The Senate has passed such a bill, incorporating a company of gentlemen who, as I am credibly informed, desire to do that thing. I am further credibly informed that, under the rules of this House, captious objections, coming originally from the owners of old rattle-trap hotels in this city, kept the bill from passing on "District day."

Now, sir, I am interested in this proposition—not pecuniarily, but as every gentleman here is interested in having one decent hotel in the city of Washington for the accommodation of the public—and I trust that the Speaker will recognize me either to ask unanimous consent or to move to suspend the rules—not to take two millions out of the Treasury, but to let the gentlemen composing this company spend two millions out of their own pockets; and, if we give them that authority, inside of two years we shall have this hotel.

The SPEAKER. The question is upon the motion made by the gentleman from California [Mr. MORROW] to suspend the rules and pass the bill indicated by him.

The question was taken by a *viva voce* vote.

The SPEAKER. The ayes seem to have it. More than two-thirds, in the opinion of the Chair, having voted in the affirmative, the rules are suspended, and the bill is passed.

### TENURE-OF-OFFICE ACT.

Mr. COX, of North Carolina. Mr. Speaker, I offer the following resolution.

The Clerk read the resolution, as follows:

*Resolved*, That the rules be suspended so as to take from the House Calendar the bill of the Senate (S. 512) for the repeal of the tenure-of-office act, and pass the same.

The SPEAKER. Is a second demanded?

Mr. BAYNE. I demand a second.

The SPEAKER. The gentleman from Pennsylvania demands a second. The Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. BAYNE] and the gentleman from North Carolina [Mr. COX].

Mr. MCMILLIN. I ask unanimous consent that a second be considered as ordered.

Objection was made.

The House divided; and the tellers reported—ayes 134, noes 29.

A MEMBER. No quorum, Mr. Speaker.

The SPEAKER. There is a quorum. The ayes have it, and there is a second. Under the rules thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it.

The Chair will recognize the gentleman from North Carolina [Mr. COX] to control the time in support of the motion, and the gentleman from Pennsylvania [Mr. BAYNE] to control the time in opposition to it.

Mr. COX, of North Carolina. Mr. Speaker, in the closing hours of the Forty-ninth Congress I am gratified to present to this House a measure which should not excite political antagonism. It is one which appeals to the calm judgment and patriotic aspirations of intelligent statesmen. It is one which especially should address itself to the favorable consideration of this body, as the following remarks will demonstrate.

The proposition is to repeal what is known as the "tenure-of-office act." This is a Senate bill which was introduced by the junior member from Massachusetts, the honorable Mr. HOAR, and which passed that body by a handsome majority.

The object of this bill is to remove from the statute-book an obnoxious restriction on the constitutional prerogatives of the President, and leave the law as it stood from the foundation of this Government up to 1867. When amidst the stormy and bitter contest then existing between the executive and legislative branches of the Government, the latter sought to literally confine the President in a strait-jacket.

I know not how better to present this matter intelligently to this House in the brief time allowed than by giving a historical outline of it. From the annals of Congress I find that in the very first Congress which met under the Constitution this very subject was elaborately and exhaustively considered and discussed. The debate occurred on a proposition to establish a department of foreign affairs.

In this Congress there was a large proportion of those who had been delegates to the constitutional convention. The discussion which took place on the power of the President to remove from office is recognized as one of the ablest that has ever occurred in this country. Without dwelling longer upon the proceedings of that day, it is sufficient to say that the views I am now advocating were sustained by a large majority. One of the ablest and most active participators in this debate was Mr. Madison, who is justly esteemed as the Father of the Constitution, and it is almost needless to add he was on the side of the majority.

The views of Mr. Madison were supported and upheld by that great constitutional lawyer, John Marshall, the distinguished Chief Justice of the Supreme Court of the United States.

For seventy-eight years the construction then placed upon the power of the President in regard to removals from office was recognized as the well-established law of the land. The circumstances which led to the present unconstitutional enactment are familiar to this body.

Mr. Blaine, in his Twenty Years in Congress, states that during the administration of President Johnson, when feeling ran high between the executive and legislative branches of the Government, serious fears were entertained by leading Republicans in the Senate and House that during the recess of Congress the President, taking advantage of the absence of the members, would remove leading members of their party to make place for his personal supporters.

This measure was hastily brought forward and unadvisedly enacted in order to accomplish a temporary purpose.

Indeed, the House in its impatience, as might be then expected, went even beyond the Senate in the harshness of its propositions. In the conference committee between the two Houses the extreme measure of the House, to wit, to deprive the President of the power to remove a member of his cabinet (even though a spy in his political family), was denied—a thing unprecedented or even suggested prior to that time.

Now comes the singular part of this history. But the hottest wrath is soonest cooled. Another election was held. The sober second thought returned, and though the Republican majority was increased in this Congress a bill was introduced and passed for the repeal of this very law by an overwhelming majority—138 to 16. The Senate did not concur. In the ensuing year a like bill passed by 159 for the repeal to 25 against it. In 1870 a similar bill passed the House without a division.

So that we have seen that no such enactment as the one we are now seeking to repeal ever marred the statute-books of this country prior to the bitter and acrimonious controversy which existed between President Johnson and the American Congress. It was literally a measure arising out of the suspicions and mistrust of an internecine war. It was war legislation, which should now be repealed.

Every President who has been elected since this law has been on our statute-book has recommended its repeal, and this House, I repeat, has time and again passed bills for this purpose. The law to-day has literally no virtue; it is a dead letter, for it does not prevent removals from office. Now the President removes until Congress meets. The officer is suspended and another is placed in his stead. Congress meets, refuses to confirm the successor. What then? Is the officer suspended restored? Not at all. What then? Has any one ever heard of a President reappointing one whom he has once suspended? No. The only effect, therefore, of this law is to keep up an irritating conflict, such as we witnessed at the beginning of this Congress between the President and the Senate, which proved to be sound and fury, signifying nothing. Was it of any practical advantage? None.

The law is simply embarrassing to the President, whose duties in appointing and removing are already onerous enough without the menace of such an enactment. Therefore, Mr. Speaker, when the Senate has not only met us half way, but gone in advance and presented this bill for our concurrence, I can not understand why we should be tossed about by any fears or doubts. More especially when we have so often given them occasion to know it was acting only in response to our declared wishes. Why hesitate longer? What good reason is there for it? I fail to see any. It is a time of profound political peace and an appropriate season to wipe out the war legislation, born of passion and resentment. I reserve the remainder of my time.

Mr. BAYNE. Mr. Speaker, the Constitution authorizes the President to appoint, by and with the advice and consent of the Senate, various officers of the Federal Government. Provision is made by existing law under the Constitution for the appointment of various other officers of the Government, not supposed to hold the responsible position of those whose appointments must be confirmed by the Senate.

While the Constitution authorizes the President to appoint, there is not in the instrument one line or word that authorizes him to remove a public official who has been confirmed by the Senate. There was at an early day acquiescence in the view that the President might remove a man from a public position; but in the early history of the Government that acquiescence was based upon the ground that removals arose *ex necessitate rei*—from the necessity of the case, and not from any authority conferred by the Constitution.

Congress has seen fit to prescribe terms of certain duration for most of the officers of the Federal Government. There are a few officers, collectors of internal revenue and some others, in the executive branch of the Government, whose tenure is unlimited. But the great mass of the officials confirmed by the Senate hold their offices for a fixed period, that term being in most cases, and I believe in all, four years. The President is authorized by the Constitution to appoint and the Senate to confirm the appointment. If these facts mean anything, they mean that when an officer is appointed for the term of four years and confirmed by the Senate, under the Constitution he should hold his office till the expiration of that term, unless in the mean time he should become incapacitated for the performance of his duties; and then, *ex necessitate rei*, he is removable by the President.

The distinction between this view of the constitutional power of the President and the view which maintains that he can remove any Federal official at his pleasure is, it strikes me, the distinction between the reign of the Constitution and the law, on the one hand, and the supremacy of the Executive will on the other.

If Congress fixes the term of four years, if the President appoints and the Senate confirms an official to office, and that officer faithfully discharges his duties through that period, or the greater part of it, I can not consent to the proposition that the President, under any circumstances, has the constitutional authority to remove that officer.

Now, sir, what is the meaning of the proposition we are called upon by this bill to repeal? That the term of office, the tenure of the office-holder appointed under law made by Congress, shall hold his office for the period of four years, unless the Senate, which had a part in his appointment to the extent of his confirmation, shall ratify the appointment of a successor to him in office, or consent to his removal. By confirming him the Senate will consent to the removal of that officer, for the President might send a message to the Senate, and in my opinion to carry out the theory of the Constitution and the laws enacted under it, that would be the proper way, asking the Senate to consent to the removal of an officer of the Federal Government, because he wanted to supersede that officer with another appointment. The merit of that system would be that examination into the facts could be made by the Senate as well as by the President. The Senate could inquire whether or not that official had been discharging the duties of his office faithfully and efficiently, and whether or not to acquiesce in the request of the President that official should be removed.

The present system has no merit at all. It simply, in my opinion, places every Federal appointment, notwithstanding the provision of the Constitution that the Senate shall confirm—it places every Federal appointment at the discretion of the President, and his will is to be the law, and not the law which was made by Congress under the Constitution.

I will never consent to that doctrine. In the early history of the country it was never claimed any such doctrine prevailed. Here in the

District of Columbia President Madison appointed a justice of the peace for the term of five years, that being the term fixed for these officials. His name was sent to the Senate. It was confirmed by the Senate. The President refused for some reason or other to give a commission to that justice of the peace, and he sought adjudication of the questions involved. The Supreme Court of the United States held that he was entitled to the office of justice of the peace for five years, unless reason was shown why he should not hold that office. That was the early adjudication of the country. That was the principle that obtained until the spoils system came into vogue in 1832. Then commissions began to be issued only for the term of four years, that all officers hold during the pleasure of the President, and from that day commissions were issued to officers, with some exceptions, in the Departments, to hold during the pleasure of the President, or for four years.

I deny when the Senate has power to confirm, when acquiescence is as much of an essential to complete appointment as the naming by the President to the Senate of the official—I deny the President shall have power to remove an officer that is appointed by the President and confirmed by the Senate until his term expires as fixed by law—not as fixed by the will of the President, but by law, a law which was passed by the Congress of the United States, and which was approved by the President of the United States.

Therefore, sir, I trust that no man will remove from the statutes of the United States this last assertion among those statutes of the right of a Federal appointee to hold his office during the time the law says he shall hold it. I trust the tendency which has rapidly developed in the country to "crook the pregnant hinges of the knee where thrift may follow fawning," in acquiescing in any suggestion the President may make—to accept the removal of this or that officer at the dictation of the President—will not be accepted on the part of the House of Representatives.

We part with our own dignity, we part with our own right to say what the law shall be with reference to the Federal officials of the Government when we acquiesce in such a proposition. It is perfectly clear that the power of the President in this great Government of ours, with its one hundred thousand office-holders, with the power of these officials to enter into our political system and work out results as that political system is worked, I say it is perfectly clear that in the interest of free government, in the interest of republican institutions in this country, no more power should be lodged in the hands of any one man than is absolutely necessary; but that the House of Representatives, who represent immediately the people, whose election is passed upon every two years by the people, should conserve the power which the Constitution places in their hands and jealously part with any jot or tittle of it.

And therefore, Mr. Speaker, I insist that we shall oppose the repeal of this measure, and preserve what we have now in the way of power on the record, going to show that the laws enacted by Congress shall be enforced and respected not only by Congress, and not only by the people, but also by the President of the United States himself.

I reserve the remainder of my time.

The SPEAKER. The gentleman has but one minute of his time remaining.

Mr. BAYNE. Then I yield that to the gentleman from Iowa [Mr. HALL].

Mr. HALL. Mr. Speaker, I believe that the proposition to repeal entirely what is known as the civil tenure-of-office act, is a retrogression that will operate injuriously, not only upon the general officials of this country but upon the party that undertakes to make that retrogression. I understand that civil tenure of office, or to speak more accurately, a "definite" tenure of office, is an Anglo-American idea, that lay at the foundation of government in England from which we come, and which lies at the foundation of all the State governments in this country.

It is everywhere a principle of office-holding in all the States without exception, so far as I know, that when an individual has been appointed or elected to an office he holds it for a definite time or until he has been removed either by impeachment or a judicial sentence in which there has been a charge and a fair investigation, or by resignation, and it has only existed in the Federal Government where the Executive has exercised the power of removal, and to cause removal, without consideration, charge, or reason, but merely on political grounds.

[Here the hammer fell.]

Mr. COX, of North Carolina. I yield now one minute to the gentleman from Massachusetts [Mr. LONG].

The SPEAKER. The gentleman has eight minutes of his time remaining.

Mr. LONG. Mr. Speaker, I improve the opportunity afforded me by the gentleman from North Carolina to say a word on the pending question, because I introduced the bill in the Forty-eighth Congress. I shall vote for the bill, repealing as it does the tenure-of-office act, and shall state briefly my reasons.

In the first place, I believe it to be contrary to the spirit if not the letter of the Constitution. The Constitution places the executive power in the hands of the President. A part of that executive power is, of course, the appointment and the removal of the agents who do the executive work. The Constitution expressly provides that these appointments by the executive power shall be made only by and with the advice and consent of the Senate. The very fact that the consent of the Senate is thus expressly omitted in the case of removal is, to my mind, an argument that the consent of the Senate is not necessary in case of removal, and that the power of removal remains solely with the Executive. Therefore, I believe that the tenure-of-office act is contrary to the spirit of the Constitution, if not, as I have said, to its letter.

In the second place, I shall vote for the repeal of this law, because I do not believe it is an expedient or a wise one. I do not believe it accomplishes the purposes intended in its passage. I believe it results in a friction which makes and has made its operation either ineffectual or injurious. It was passed as a makeshift, as we all know. When it was passed there was certainly an impression abroad that it would be repealed as soon as the contingency which it was intended to meet was passed. As soon as that contingency was passed the act was repealed, I think twice, by a vote of the House of Representatives, then largely controlled by a great Republican majority. The Senate, slow to relinquish power once obtained, never consented to its repeal until the present session. Its consent now and here gives this additional argument for its repeal, that is, that the Senate has already power enough in the way of controlling official patronage. I do not believe it wise to give the Senate this additional power. I think it well when the Senate is at last willing to give it up to let it do so, and not let the opportunity pass when the act can be repealed. Leave the power with the President, where the Constitution puts it, and then hold him responsible for its execution.

[Here the hammer fell.]

Mr. COX, of North Carolina. Mr. Speaker, while I have great respect for the legal opinion of the gentleman from Pennsylvania [Mr. BAYNE], and also for that of the gentleman from Iowa [Mr. HALL], they will pardon me if I prefer the contemporaneous exposition of that law from men who are recognized as of world-wide reputation for legal acquirements and distinguished statesmanship, not the least of whom comes from the grand old State of Virginia.

According to Lord Coke, an eminent authority on all legal matters, great consideration is to be given to the contemporaneous construction of a statute or a constitution by these sages, who were familiar with the contemporaneous exposition. And we find, sir, that after the most elaborate discussion in the first Congress under this Constitution, Mr. Madison uses this language:

It is evidently the intention of the Constitution that the First Magistrate should be responsible for the executive department.

That comprehends the argument in a nutshell.

So far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him he is not responsible to the country.

Chief-Justice Marshall, an eminent authority, whom it would be folly to attempt to eulogize in this presence, speaks thus in regard to the action of the first Congress spoken of. He says:

The action of the first Congress on this question has ever been considered as a full expression of the sense of the Legislature on this important part of the American Constitution.

Mr. Blaine, who is an eminent political authority, in his Twenty Years in Congress, says:

According to the long-accepted construction of the Constitution, the President's power of removal was absolute and unqualified. Appointment to office could not be made unless the consent of the Senate was given in each and every case; but the consent of the Senate had not been held as requisite to the removal of an officer.

The Constitution was silent upon the subject, and the existence or non-existence of power in the Senate to prevent a removal from office had been a matter of dispute from the foundation of the Government. Those who contended for the right of the President to remove without consulting the Senate were fortified by the early legislation of Congress and the early practice of the Executive.

I will now call attention to the words of President Grant himself, who expressed a similar opinion when in his message to Congress in 1869 he declared:

It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an administration which they know does not trust them?

I say, therefore, Mr. Speaker, if you are to hold the Executive responsible to the people for the proper administration of his office, you should remove these shackles from around him, for while thus trammeled he is not free and can not be held responsible for the acts of those upon whom he must rely.

Indeed you raise up a spirit of insubordination among those thus situated, who may even form cabals and combinations to defeat him, and by the aid of their representatives greatly embarrass if not defeat important measures.

The SPEAKER. The time allowed for debate has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds.

TENURE-OF-OFFICE ACT.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. COX] to suspend the rules and pass the bill.

Mr. PERKINS. I move that the House take a recess until 8 o'clock.

The SPEAKER. The only motion in order pending a motion to suspend the rules is a motion to adjourn, and only one motion of that character can be made.

Mr. COX, of North Carolina, and Mr. BAYNE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 67, not voting 80; as follows:

YEAS—172.

| | | | |
|---|---|---|---|
| Allen, C. H. | Dibble, | Lovering, | Seney, |
| Allen, J. M. | Dockery, | Lowry, | Seymour, |
| Anderson, C. M. | Dougherty, | Mahoney, | Shaw, |
| Bacon, | Dunn, | Matson, | Singleton, |
| Barbour, | Eden, | McAdoo, | Skinner, |
| Barnes, | Eldredge, | McComas, | Snyder, |
| Belmont, | Ely, | McCreary, | Sowden, |
| Bennett, | Everhart, | McMillin, | Spooner, |
| Blanchard, | Farquhar, | McRae, | Springer, |
| Bliss, | Foran, | Merriman, | Stahlnecker, |
| Blount, | Ford, | Miller, | Stewart, Charles |
| Boyle, | Forney, | Mitchell, | Stewart, J. W. |
| Brady, | Frederick, | Morgan, | St. Martin, |
| Breckinridge, C. R. | Fuller, | Morrill, | Stone, E. F. |
| Breckinridge, WCP | Gallinger, | Morrison, | Stone, W. J., Ky. |
| Brown, C. E. | Gibson, C. H. | Morrow, | Stone, W. J., Mo. |
| Burleigh, | Gilfillan, | Muller, | Storm, |
| Butterworth, | Glass, | Neal, | Struble, |
| Bynum, | Green, | Neece, | Swope, |
| Cabell, | Halsell, | Nelson, | Tarsney, |
| Caldwell, | Hammond, | Norwood, | Taulbee, |
| Campbell, Felix | Hatch, | Oates, | Taylor, J. M. |
| Campbell, J. E. | Hayden, | O'Donnell, | Taylor, Zach. |
| Campbell, T. J. | Hemphill, | O'Ferrall, | Tillman, |
| Carleton, | Henderson, J. S. | O'Hara, | Townshend, |
| Catchings, | Hermann, | O'Neill, J. J. | Trigg, |
| Clements, | Hill, | Outhwaite, | Tucker, |
| Cobb, | Hitt, | Page, | Turner, |
| Compton, | Holman, | Payne, | Van Eaton, |
| Cowles, | Howard, | Peel, | Viele, |
| Cox, W. R. | Hudd, | Perry, | Wallace, |
| Crain, | Hutton, | Pidcock, | Ward, J. H. |
| Crisp, | Irion, | Pindar, | Ward, T. B. |
| Croxton, | James, | Randall, | Warner, A. J. |
| Culberson, | Johnson, F. A. | Ranney, | Warner, William |
| Curtin, | Johnston, T. D. | Reagan, | Weaver, J. B. |
| Cutcheon, | Jones, J. H. | Reese, | Wellborn, |
| Daniel, | King, | Richardson, | Wheeler, |
| Dargan, | Kleiner, | Riggs, | Wilkins, |
| Davidson, A. C. | Landes, | Rockwell, | Willis, |
| Davidson, R. H. M. | Lanham, | Rogers, | Wise, |
| Davis, | Long, | Rusk, | Wolford, |
| Dawson, | Lore, | Scott, | Worthington. |

NAYS—67.

| | | | |
|---|---|---|---|
| Adams, G. E. | Findlay, | Lehlbach, | Reed, |
| Anderson, J. A. | Fleeger, | Little, | Romeis, |
| Atkinson, | Goff, | Lyman, | Ryan, |
| Baker, | Grosvenor, | Markham, | Scranton, |
| Bayne, | Guenther, | McKenna, | Sessions, |
| Bound, | Hall, | McKinley, | Smalls, |
| Buchanan, | Henderson, T. J. | Millard, | Steele, |
| Buck, | Hiestand, | Milliken, | Stephenson, |
| Bunnell, | Hires, | Moffatt, | Strait, |
| Burrows, | Hiscock, | O'Neill, Charles | Taylor, I. H. |
| Cannon, | Holmes, | Osborne, | Thomas, O. B. |
| Caswell, | Hopkins, | Owen, | Thompson, |
| Conger, | Houk, | Parker, | Van Schaick, |
| Dingley, | Jackson, | Perkins, | Wait, |
| Dorsey, | Johnston, J. T. | Peters, | Weaver, A. J. |
| Dunham, | La Follette, | Plumb, | Weber. |
| Evans, | Laird, | Price, | |

NOT VOTING—80.

| | | | |
|---|---|---|---|
| Adams, J. J. | Davenport, | Herbert, | Rowell, |
| Aiken, | Ellsberry, | Jones, J. T. | Sadler, |
| Ballentine, | Ermentrout, | Kelley, | Sawyer, |
| Barksdale, | Felton, | Ketcham, | Sayers, |
| Barry, | Fisher, | Laffoon, | Spriggs, |
| Bingham, | Funston, | Lawler, | Swinburne, |
| Bland, | Gay, | Le Fevre, | Symes, |
| Boutelle, | Geddes, | Libbey, | Taylor, E. B. |
| Bragg, | Gibson, Eustace | Lindsley, | Thomas, J. R. |
| Browne, T. M. | Glover, | Louttit, | Throckmorton, |
| Brown, W. W. | Grout, | Martin, | Wade, |
| Brumm, | Hale, | Maybury, | Wadsworth, |
| Burnes, | Hanback, | Mills, | Wakefield, |
| Campbell, J. M. | Harmer, | Murphy, | West, |
| Candler, | Harris, | Negley, | White, A. C. |
| Clardy, | Haynes, | Payson, | White, Milo |
| Collins, | Heard, | Pettibone, | Whiting, |
| Comstock, | Henderson, D. B. | Phelps, | Wilson, |
| Cooper, | Henley, | Rice, | Winans, |
| Cox, S. S. | Hepburn, | Robertson, | Woodburn. |

So the motion to suspend the rules and pass the bill was agreed to.

Mr. TOWNSHEND. I move to dispense with the reading of the names of members voting.

There was no objection, and it was so ordered.

The following additional pairs were announced:

Mr. HERBERT with Mr. BOUTELLE, on this vote.

Mr. HEARD with Mr. WEST, on this vote.

Mr. ROBERTSON with Mr. BINGHAM, on this vote.

Mr. ERMENTROUT with Mr. NEGLEY, on this vote.

Mr. SAYERS with Mr. THOMAS, of Illinois, on this vote.

Mr. BRAGG and Mr. E. B. TAYLOR were announced as paired until the adjournment.

The SPEAKER. Upon this question the yeas are 172, and the nays are 67. More than two-thirds having voted in the affirmative, the motion is agreed to, and the bill is passed. [Applause on the Democratic side.]

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; when the Speaker signed the same.

DONATION TO THE GOVERNMENT OF LANDS NEAR CHICAGO.

Mr. ADAMS, of Illinois. Mr. Speaker, I move to suspend the rules and pass the joint resolution which I send to the desk, with an amendment thereto, which appears at the end of the resolution as printed.

The joint resolution was read, as follows:

*Resolved, &c.*, That the Secretary of War be, and he is hereby, authorized and directed to accept deed and conveyance of a certain tract of land, when the State of Illinois shall cede jurisdiction of the same to the United States, described as follows: Known as the Highwood tract, in Lake County, Illinois, containing 598½ acres, lying on Lake Michigan, north of the city of Chicago, and distant 25 miles; this land being a tract donated by the Commercial Club of Chicago (represented by John A. Doane, C. B. Farwell, and Alexander P. McClurg), for military purposes: *Provided*, That the title proposed to be conveyed shall be approved by the Attorney-General of the United States as sufficient to vest the fee-simple of the said above-described land in the United States, free of incumbrance, before the Secretary of War shall formally accept the same.

Mr. O'NEILL, of Missouri. I demand a second.

Mr. VAN EATON. I demand a second.

The SPEAKER. A second is demanded. The Chair will appoint as tellers the gentleman from Illinois [Mr. ADAMS] and the gentleman from Mississippi [Mr. VAN EATON].

Mr. ADAMS, of Illinois. I ask unanimous consent that a second be considered as ordered.

Mr. VAN EATON. I have no objection, provided I control the time on this side.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. ADAMS]?

Mr. O'NEILL, of Missouri. I object.

The SPEAKER. Objection is made. The tellers will take their places.

The House divided; and the tellers reported—ayes 156, noes 19.

The SPEAKER. On this question the ayes are 156, and the noes 19. The ayes have it, and there is a second. Under the rules, thirty minutes are allowed for debate, fifteen minutes on each side. The Chair will recognize the gentleman from Illinois [Mr. ADAMS] to control the time in support of the motion and the gentleman from Mississippi [Mr. VAN EATON] to control the time in opposition to it.

Mr. ADAMS, of Illinois. Mr. Speaker, this is the last bill introduced by Senator Logan, the last measure in which he expressed an interest. Its object is simply to have the Government accept a certain tract of land. The purpose to which that land shall be devoted is a matter not for this Congress but for some future Congress to determine. The contracts upon which the title to this land is subject to the control of the donors will expire to-morrow, and therefore they wish Congress to accept the land at this session. As I have already said, what shall be done with this land, whether it shall be made a military post or not, may be determined next year, or five years, or ten years hence, or at any time that Congress may choose. That is a question not now before the House. The only question now before the House is whether the Government will accept nearly 600 acres of land.

Mr. STEELE. Provided the title is made good.

Mr. ADAMS, of Illinois. Provided the title is made good.

Mr. STRUBLE. It does not involve any expense to the Government, I understand?

Mr. ADAMS, of Illinois. It does not involve any expense, unless some future Congress shall see fit to go to some expense in connection with it. Mr. Speaker, I reserve the balance of my time.

Mr. VAN EATON. Mr. Speaker, I do not intend to oppose this bill, and, not desiring to occupy the time of the House, I am willing that we shall now have a vote.

Mr. O'NEILL, of Missouri. Mr. Speaker, I called for a second on this bill before the gentleman from Mississippi [Mr. VAN EATON] did.

The SPEAKER. The Chair did not hear the gentleman from Missouri.

Mr. O'NEILL, of Missouri. I want an opportunity to express my views in regard to this measure.

Several MEMBERS. Regular order.

The SPEAKER. Upon the statement of the gentleman from Missouri [Mr. O'NEILL] that he was the first to call for a second, the Chair thinks that he ought to be heard.

Mr. O'NEILL, of Missouri. I am opposed to the Government receiving gifts of land for this purpose.

Wherever the Government desires to establish military posts it should purchase the property and deal with the question directly, and not through the medium of a tribe of this character. It is an effort to obtain in an indirect manner what should be sought for and dealt with in a straightforward manner.

The Government has ample grounds for its use in the Mississippi Valley without this land.

I am informed that this offer is a product of the labor disturbance that recently occurred at Chicago.

Mr. RANDALL. Not of the labor disturbance.

Several MEMBERS. No! No!

Mr. O'NEILL, of Missouri. Gentlemen say "No!" "No!" but I am informed that the workmen of that city have protested against this resolution, which could only occur from an impression that it had that bearing. If this is the motive I deem it unwise, as I believe the overwhelming mass of the workingmen of this country believe in law and order, and are always ready to put down disorder, to have the laws enforced and property protected. I deem the establishment of barracks near our principal cities as unnecessary—a needless menace to the people.

I now yield to General WEAVER, who is, I believe, familiar with the facts concerning this resolution.

Mr. WEAVER, of Iowa. Mr. Speaker——

Mr. CUTCHEON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. When two gentlemen rise at the same time to demand a second, and one is recognized by the Chair and the other is not, how much time does the other one control? [Laughter.]

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] has stated that he rose before the gentleman from Mississippi [Mr. VAN EATON], and the Chair always accepts the statement of any gentleman to any matter of fact relating to what he has himself done.

Mr. CUTCHEON. But supposing three or four gentlemen rise at the same time to demand a second?

The SPEAKER. But the gentleman from Missouri [Mr. O'NEILL] does not state that he rose at the same time with the gentleman from Mississippi [Mr. VAN EATON]. He states that he rose before him.

Several MEMBERS. Regular order.

Mr. WEAVER, of Iowa. Mr. Speaker, I want order before I proceed.

Mr. HOPKINS. Mr. Speaker, I rise to a parliamentary inquiry. As I understand it, the gentleman from Mississippi [Mr. VAN EATON] was recognized by the Speaker to control the time in opposition to this bill, and the only reason the gentleman from Missouri [Mr. O'NEILL] was recognized at all was that he stated that he had risen first. Now, the gentleman from Missouri [Mr. O'NEILL] has occupied his time, and does not the gentleman from Mississippi [Mr. VAN EATON] control what remains of the fifteen minutes in opposition to this bill?

The SPEAKER. The Chair understood the gentleman from Mississippi [Mr. VAN EATON] to state distinctly upon the floor that he did not propose to oppose this bill; but under the rules of the House fifteen minutes are allowed in support of the motion and fifteen minutes in opposition to it.

Mr. RANDALL. Does the action of the gentleman from Mississippi vacate the right of those who are opposed to the bill to occupy that time?

The SPEAKER. The Chair has just stated that it does not. Under the rules fifteen minutes are allowed in opposition to the motion; and when the gentleman from Mississippi states that he does not propose to oppose the motion the Chair must recognize other gentlemen who do wish to occupy the time in opposition.

Mr. ADAMS, of Illinois. I hope the gentleman from Iowa [Mr. WEAVER] will be heard.

Mr. WEAVER, of Iowa. Mr. Speaker, I do not want anybody to beg a hearing for me.

The SPEAKER. The Chair has decided that the gentleman from Iowa [Mr. WEAVER] has a right to be heard.

Mr. WEAVER, of Iowa. Mr. Speaker, I oppose the passage of this bill for reasons part of which I hope to be able to state in the time allowed me. The original democratic features of our American society seem to be rapidly passing away. We are approaching that condition of things in which, unless we adhere to the old landmarks, you will have to adopt in this country the repressive policy resorted to by the monarchies of the Old World in order to keep the people in subjection. This measure is but an unmistakable indication of the tendency of things in this Republic to-day. Mr. Speaker, we have all noticed how exceedingly difficult it is to prevent the passage of bad legislation and how difficult it is to secure the passage of good legislation.

We have upon our Calendar this moment bills which have been before the House during two or three Congresses and are still not acted upon, bills to compel wealthy corporations to release their clutch upon fifty-odd million acres of land which ought to be consecrated forever and reserved for homeless people who are now, under our land policy, excluded from occupancy of this land and compelled, by the very force of our land system, to congregate in the large cities.

The tendency is away from the farm and away from the rural districts; the trend is toward the city, where the needy congregate and where crime becomes organized and where the Republic is stabbed. Sir, if you want to prevent communism in this country, if you want to do away with the labor troubles, pass laws here which shall be equal in their bearing upon all classes. Repeal your class laws, take the burdens off the people, unlock your Treasury, pay your debts, and relieve the distress of the country. In this way you will have less communism and fewer strikes than you have to-day.

What is this measure? It is an attempt to signalize the advent of a certain gentleman into the Senate of the United States by making a grand donation of land to the Government to be occupied as a military site. It is wrong in policy and in very bad taste.

Mr. DUNHAM. Does not the gentleman from Iowa know that this bill was introduced before the gentleman referred to ever thought of being elected to the Senate?

Mr. WEAVER, of Iowa. The gentleman to whom I refer has been on this floor seeking the passage of this bill. If the Government of the United States wants a military site near Chicago, it is able to buy it and pay for it; and if these generous gentlemen who are proposing to donate 598 acres of land for a military site have more land than they want let them build homes upon it and donate it to the poor wretches around the streets of Chicago. If they will do this they will have less use for a military encampment there. And after doing this if they still have a superabundance of land, they can donate a part of that magnificent tract numbering millions of acres granted to one of these gentlemen by the State of Texas. This tract alone would furnish homes for thousands of the homeless poor of Chicago. If that were done a shout of joy would go up throughout the length and breadth of that city.

Sir, it is an idle slander to say that every man about Chicago belonging to labor organizations is a communist. No man in this House has less sympathy with that class of people than I have. Let us show ourselves just, and then we can reasonably demand obedience among the people. Our legislation must be pure and honest before we can reasonably expect it to be peaceable.

And I warn this House, in the name of the laboring men of this country, not to pass legislation which looks to overawing the people by military establishments, but to go to work and undo the legislation which has brought about our present discontent. It is the greed of the rich and not the dissensions of the poor that we should dread the world over.

I am opposed to this bill. Let the Government, if it wants a military camp, buy its land and pay for it. These gentlemen come in here now with this proposition to donate land to the Government. Next year when the appropriation bill comes up for consideration we shall have a proposition to expend large sums of money for the improvement of this land. Thus appropriation will follow appropriation, amounting doubtless to millions, in order to build up a grand military establishment in the neighborhood of Chicago and to override and overawe the people.

A MEMBER. And to overawe anarchists.

Mr. WEAVER, of Iowa. Not to "overawe anarchists." The anarchists are now in the clutch of the law, and ought to be there. What more do you want?

Mr. BURLEIGH. Why does the gentleman put those two classes together—the communists and the laboring men?

Mr. WEAVER, of Iowa. I do not. But the policy of this bill classes them together, and it has no other logic.

[Here the hammer fell.]

Mr. ADAMS, of Illinois. Mr. Speaker, this project did not originate with either of the present Senators from my State, nor did it originate even with the late Senator Logan. It originated with General Sheridan, who, for four or five years, has been anxious for a change in the management of our Army so that our military forces shall no longer be placed almost exclusively on the frontier, where they are not needed, but shall be placed near our great railroad centers, where it costs less to enlist and transport and subsist them.

Mr. MCADOO. If we establish these barracks near Chicago will not other great centers of the country speedily demand barracks, and shall we not soon have the European system—all our large cities teeming with barracks and soldiers?

Mr. ADAMS, of Illinois. I do not know what the gentleman means by "the European system." We shall not have the "European system," if I understand what it is. We shall have our Army where we can manage it more economically, where it can be used more expeditiously should war break out, which certainly is not to be anticipated on our western frontier.

Mr. PETTIBONE. Will not Congress in all the years to come have the power in its own hands to make proper provision on this subject whenever necessary?

Mr. ADAMS, of Illinois. I yield three minutes to the gentlemen from Michigan [Mr. TARSNEY].

Mr. TARSNEY. I fear, sir, either I or my friend from Iowa [Mr. WEAVER] or my friend from Missouri [Mr. O'NEILL] misapprehends the scope of this bill. If I understand it, it is simply a grant of a tract of land on the shore of Michigan to the Government of the United States to be used for military purposes. The purpose for which the Government shall utilize it hereafter is not named in the bill, but if I for *one moment* supposed, as my friend from Iowa [Mr. WEAVER] seems to understand, that it was for the purpose of crushing the liberal sentiment of our people and crippling their rights within our country, I would join with him in opposing it.

Mr. ADAMS, of Illinois. So say we—all of us.

Mr. TARSNEY. But it is not for that purpose. I am familiar with this land. For seven years of my life I followed the arduous and dangerous calling of a marine engineer upon our inland seas. I have sailed into Chicago and out of Chicago; and let me say to you, in the event of a war with a foreign country, such as that with which we were menaced on the fishery question, our Canadian neighbors would place a fleet of gunboats on the Lakes and decimate our cities on the border unless we should place upon a reservation of this character within 20 miles of Chicago a fort, if Congress sees fit hereafter to place it there, which will prevent any fleet of foreign vessels from entering the harbor of that great metropolis of the Northwest.

I take no part in any talk of this donation being made for the purpose of intimidating, if you please, the people of Chicago. Let us accept it as patriotic American citizens, and let those who follow after us here utilize it for the purpose of protecting all of the people of this broad land. [Applause.]

Mr. SKINNER, of North Carolina. Since when has it become patriotic to accept gifts?

Mr. WARNER, of Ohio. *Timeo Danaos et dona ferentes.*

Mr. PETTIBONE. Let us accept it.

Mr. HAMMOND. The Government accepted a lot worth $70,000 from the little city of Atlanta.

Mr. SKINNER, of North Carolina. Was it considered patriotic?

The question recurred on the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 111, noes 16.

Mr. O'NEILL, of Missouri. I give notice it will require a quorum to pass this bill.

Mr. ADAMS, of Illinois, demanded tellers.

Tellers were ordered; and Mr. ADAMS, of Illinois, and Mr. O'NEILL, of Missouri, were appointed.

Mr. WEAVER, of Iowa, demanded the yeas and nays.

The yeas and nays were not ordered (one-fifth not having voted in favor thereof).

Mr. WEAVER, of Iowa. I move to take a recess until 8 o'clock this evening.

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. Is not one more than half of the members of the House a quorum? How many makes a quorum?

The SPEAKER. One hundred and sixty-three. The present incumbent of the Chair has uniformly held that a quorum consisted of a majority of the members who constitute the House under the Constitution and laws.

The tellers reported—ayes 147, noes 21.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

Mr. WEAVER, of Iowa. I move to reconsider the vote just taken.

Mr. PERKINS. I move the House take a recess until 8 o'clock this evening.

Mr. HEMPHILL. I rise to submit a conference report.

Mr. WEAVER, of Iowa. I have moved to reconsider.

The SPEAKER. The Chair is not aware of any case of a motion to reconsider a vote which suspended the rules of the House.

Mr. WEAVER, of Iowa. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WEAVER, of Iowa. After the Chair makes an announcement that more than two-thirds have voted to suspend the rules and pass the bill that is the end of the suspension of the rules.

Mr. RANDALL. Yes; and it is the end of the bill.

Mr. WEAVER, of Iowa. I have a right to move to reconsider, because the first motion has spent its force.

The SPEAKER. The Chair will cause the decision to be read.

The Clerk read as follows:

A vote on the reconsideration of a vetoed bill can not be reconsidered. (Journal, 1, 28, pages 1093, 1097.) Nor can a vote on a motion to suspend the rules be reconsidered. (Journal, 2, 31, page 134.)

Mr. WEAVER, of Iowa. That is not a rule.

The SPEAKER. Since that time decisions have been uniform so far as the Chair knows.

INVESTMENT OF FUNDS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, I submit a privileged report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

JOHN J. HEMPHILL,
J. H. ROWELL,
JAMES E. CAMPBELL,
*Managers on the part of the House.*
THOMAS W. PALMER,
P. C. CHENEY,
ISHAM G. HARRIS,
*Managers on the part of the Senate.*

The House conferees submit the following report:

MARCH 2, 1887.

Statement to accompany conference report on Senate bill 1854, "authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds."

The effect of this report is to adopt the bill as it originally passed the House.

JNO. J. HEMPHILL,
*Chairman House Committee.*

The report was adopted.

Mr. HEMPHILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALFRED HEDBERG.

Mr. ANDERSON, of Ohio. I submit a privileged report, Mr. Speaker, from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 38) for the relief of Alfred Hedberg, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

That the House assents, by amending the original bill after the words "United States," in line 7 of the printed bill, by striking out the words "with his former rank and date of commission," and agree to the same.

CHARLES M. ANDERSON,
JOSEPH WHEELER,
JAMES S. NEGLEY,
*Managers on the part of the House.*
JAMES D. CAMERON,
JOSEPH R. HAWLEY,
J. N. CAMDEN,
*Managers on the part of the Senate.*

The report was adopted.

Mr. ANDERSON, of Ohio, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PERKINS. I now renew my motion that the House take a recess until 8 o'clock.

Mr. STRUBLE. I move to amend by making it a quarter past 8.

The amendment was not agreed to.

The motion to take a recess was then agreed to; and accordingly (at 6 o'clock and 10 minutes p. m.) the House took a recess until 8 o'clock.

---

EVENING SESSION.

The recess having expired, the House at 8 o'clock resumed its session.

SAMUEL W. RICE.

The SPEAKER laid before the House Senate amendments to the bill (H. R. 8751) for the relief of Samuel W. Rice.

Mr. OATES. I ask unanimous consent to concur in the Senate amendments.

Mr. EDEN. Let the amendments be read.

The amendments were read at length.

Mr. OATES. For the satisfaction of the House I desire to state that the House Judiciary Committee were unanimous in the opinion that the compensation which Judge Rice received was not sufficient, and passed a bill to allow him to go to the Court of Claims and ascertain what he was entitled to; but the Senate Judiciary Committee, on investigation, concluded to allow him $1,000 and not to go to the Court of Claims. [Cries of "Vote!" "Vote!"]

There being no objection, the Senate amendments were concurred in.

REPORT ON ASIATIC CHOLERA.

The SPEAKER also laid before the House the joint resolution (S. 118) to print the official report of the investigations of Dr. Edward O. Shakespeare in Europe and Asia concerning the nature, &c., of Asiatic cholera.

Mr. FARQUHAR. I am instructed by the Committee on Printing to ask unanimous consent to pass this resolution.

The SPEAKER. The resolution will be read.

The joint resolution was read, as follows:

*Be it resolved, &c.*, That the official report of the investigations of Dr. Edward O. Shakespeare in Europe and Asia concerning the nature, causes, method of prevention and cure of epidemic or Asiatic cholera, made by the direction of

the President of the United States, be printed, with the accompanying illustrations, and that there be printed, in addition to the usual number, 2,000 copies for the use of the Department of State, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives, said report to be printed under the editorial supervision of Dr. Shakespeare.

The SPEAKER. Is there objection?

Mr. REAGAN. If there is to be no debate I shall not object.

Mr. FARQUHAR. There will be no debate.

There being no objection, the Senate joint resolution was ordered to a third reading; and being read a third time, was passed.

Mr. FARQUHAR moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

By unanimous consent leave was granted to Mr. DIBBLE to print in the RECORD remarks on the House joint resolution (H. Res. 61) concerning a constitutional amendment providing for a second Vice-President.

MISSISSIPPI LEVEES.

Mr. KING, by unanimous consent, was granted leave to file a report from the Committee on Levees and Improvement of the Mississippi River, which was ordered to be printed.

He was also granted leave to print in the RECORD remarks on the same.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to withdraw from the files of the House papers in the following cases:

To Mr. DAVIS, in the case of Charles Harding for an increase of pension, there being no adverse report;

To Mr. HOLMAN, in connection with the bill (H. R. 440) granting a pension to Neal McGinley, without leaving copies, there being no adverse report; and

To Mr. WOLFORD, in connection with House bills numbered 6051 and 9124, and Report 2700, without leaving copies, there being no adverse report.

LEAVE TO PRINT.

Mr. WISE, by unanimous consent, obtained leave to print in the CONGRESSIONAL RECORD remarks upon the internal-revenue system.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was given to withdraw from the files of the House, without leaving copies, papers as follows:

Mr. MAHONEY, papers in the case of James Cain.

Mr. WADE, papers in the case of S. S. Robinson.

Mr. ZACH. TAYLOR, papers in the case of Elijah Kilday.

BRIDGE AT GRAND TOWER, ILL.

The SPEAKER laid before the House the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.; which was read twice by its title.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that that bill may be put upon its passage.

Several members called for the regular order.

The bill was referred to the Committee on Commerce.

INDUSTRIAL EXPOSITION AT MINNEAPOLIS.

The SPEAKER. The Chair desires to state that by a mistake, the name of another gentleman was substituted for that of the gentleman from Minnesota [Mr. GILFILLAN], on the list of requests for unanimous consent. The consequence was that the gentleman in his absence from the city lost his place. Under the circumstances the Chair thinks the gentleman from Minnesota should be permitted to present his request.

Mr. GILFILLAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9818) relative to the Minneapolis Industrial Exposition to be held annually in the city of Minneapolis, State of Minnesota, and that the same be now considered.

The bill was read, as follows:

Whereas ample means have been provided for the holding in the city of Minneapolis, State of Minnesota, of an exposition of the products of agriculture, manufactures, and the fine arts; and

Whereas the objects of such an exposition should commend themselves to Congress, and its success should be promoted by all reasonable encouragment, provided, it can be done without expense to the general public: Therefore,

*Be it enacted, &c.*, That all articles which shall be imported for the sole purpose of exhibition at the Minneapolis Industrial Exposition, at Minneapolis, Minn., the first exhibition of which is to be held in the year 1886, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States, or withdrawn for consumption therein, at any time after such importation, shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

SEC. 2. That upon the passage of this act the Secretary of State shall notify the consuls, consular agents, and other representatives of our Government in foreign countries of the time and place of holding said Minneapolis Industrial Exposition, together with the fact that all articles intended therefor will be admitted free of duty, as provided herein.

The Committee on Ways and Means recommended the following amendment:

Strike out section 2.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on Ways and Means was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GILFILLAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2159) granting a pension to Mrs. Almira Ambler.

The message further requested the return to the Senate of the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

ORDER OF BUSINESS.

Mr. STRUBLE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRUBLE. Is it in order for me at this time to move a suspension of the rules?

Many MEMBERS. "Oh, no!"

The SPEAKER. The House will be in order. The Chair has recognized the gentleman from Maryland [Mr. GIBSON] to make a privileged report. The Chair will state to the gentleman from Iowa [Mr. STRUBLE] that it is in order for any gentleman to move to suspend the rules when he can get the floor for that purpose and no other business of higher privilege is before the House.

Mr. STRUBLE. I desire to make another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRUBLE. I wish to inquire whether it is in order for the Speaker to recognize a gentleman who remains in his seat to make a motion to suspend the rules?

The SPEAKER. It is whenever the Speaker thinks it his duty to do so.

REPRESENTATIVES OF ABRAM O. BOWEN.

Mr. GIBSON, of Maryland. I rise to present a privileged report from the Committee on Accounts.

The Clerk read the resolution reported by the committee, as follows:

*Resolved*, That the Clerk of the House be directed to pay out of the contingent fund of the House to the legal representatives of Abram O. Bowen, deceased, late an employé of the House of Representatives, a sum equal to his salary for six months; and that the Clerk be further directed to pay out of the contingent fund the expenses connected with the last illness and burial of said Bowen; said expenses not to exceed $250.

The Committee on Accounts recommended the following amendment:

In lines 2 and 3, strike out the words "the legal representatives" and insert the words "Mrs. Joanna R. Carroll, dependent sister."

The amendment was adopted.

The resolution as amended was agreed to.

Mr. GIBSON, of Maryland, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RULE AGAINST SMOKING.

Mr. BROWN, of Pennsylvania. I rise to a question of order. I ask the Clerk to read section 7 of Rule XIV. And in this connection I desire to state that the rule prohibiting smoking was violated to such an extent last night as to drive some of our best members of the House out of this Hall.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER. The officers of the House will see that this rule is enforced.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. The legislative, executive, and judicial appropriation bill has just been brought over from the Senate with very numerous amendments, which, of course, have not yet been printed. At this late hour of the session I ask unanimous consent that the amendments be non-concurred in, that they be ordered to be printed, and that the House ask a conference with the Senate on the bill and amendments.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent to non-concur in the Senate amendments and ask a conference with the Senate, and also that the bill and amendments be printed. Is there objection?

Mr. ZACH. TAYLOR. I object.

Mr. HOLMAN. Then, Mr. Speaker, I move the reference of the bill to the Committee on Appropriations.

Mr. CANNON. If the gentleman will permit me to make a suggestion, why not move to suspend the rules?

Mr. HOLMAN. Mr. Speaker, upon the suggestion of gentlemen around me, I move to suspend the rules, non-concur in the Senate amendments, ask a conference, and order that the bill be printed.

Mr. BAYNE. Mr. Speaker, upon that motion I demand a second.

Mr. ZACH. TAYLOR. Mr. Speaker, I make the point of order that under the rule these amendments ought to be considered in Committee of the Whole.

The SPEAKER. But the gentleman from Indiana moves to suspend the rules.

Mr. ZACH. TAYLOR. Then, sir, I make the point of order that the amendments must be read.

The SPEAKER. The gentleman has the right to have the amendments read.

Mr. STRUBLE. I hope my friend will withdraw that demand.

The SPEAKER. The Clerk will read the amendments.

The Clerk proceeded to read the amendments; but before the reading was concluded Mr. ZACH. TAYLOR withdrew his demand.

The SPEAKER. The gentleman from Tennessee withdraws the demand for the reading of the amendments. If no other gentleman demands that they be read, then the question is on the motion of the gentleman from Indiana [Mr. HOLMAN].

Mr. BAYNE. Mr. Speaker, upon that motion I have demanded a second, but I have no objection to its being considered as ordered.

The SPEAKER. If there be no objection a second will be considered as ordered, and under the rules thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it.

Mr. BAYNE. Mr. Speaker, I shall not occupy more than two or three minutes, as I want to hasten business as rapidly as possible; but I want this bill put in such a position that we may vote separately upon the amendment inserted by the Senate which allows clerks to Senators, and I want an opportunity to make a motion to concur with an amendment to that amendment.

Mr. HOLMAN. I will say to the gentlemen that he shall have that opportunity when the bill is reported back.

Mr. BAYNE. That is all I desire; and I have no more to say, Mr. Speaker.

The motion of Mr. HOLMAN was agreed to.

JURISDICTION OF UNITED STATES CIRCUIT COURTS.

The SPEAKER laid before the House the following resolution:

IN THE SENATE OF THE UNITED STATES, *March* 3, 1887.

*Ordered*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the House 2441, to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from said courts, and for other purposes, approved March 3, 1875.

The SPEAKER. If there be no objection the request will be granted.

There was no objection, and it was so ordered.

RIGHT OF WAY TO UTAH MIDLAND RAILWAY.

Mr. PEEL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes.

The bill was read, as follows:

*Be it enacted*, &c., That the right of way is hereby granted, as hereinafter set forth, to the Utah Midland Railway Company, a corporation created and existing under and by virtue of the laws of the Territory of Utah, and it is hereby authorized and empowered to locate, construct, own, equip, operate, use, and maintain a railway, telegraph, and telephone line through the Indian reservations situated in the Territory of Utah, and known as the Uncompahgre reservation and the Uintah reservation, occupied by the Tabequache Utes, Uintah Utes, White River Utes, and other tribes of Indians. Said railway shall enter said Uncompahgre reservation at a point on the east boundary-line of Utah Territory at or near the place where the White River crosses said boundary line, running thence by the most feasible route in a general westerly direction across said Uncompahgre reservation and across said Uintah reservation to the western boundary of said Uintah reservation, crossing such western boundary at the most feasible point to reach Salt Lake City.

SEC. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and materials, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, whose approval shall be made in writing, and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

SEC. 4. That said company shall not assign, or transfer, or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservations within three years from the passage of this act, or if the consent of the Indians is required under the terms of the proviso to section 2 of this act, then within three years from the date when such consent shall be obtained, as provided in section 2 of this act.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 7. That this act shall be in force from its passage.

Mr. SPRINGER. Mr. Speaker, I demand a second on that bill.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] demands a second. The Chair will appoint to act as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Arkansas [Mr. PEEL].

Mr. PEEL. I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

The SPEAKER. There is a second. Under the rule thirty minutes are allowed for debate, fifteen minutes in support of the motion, and fifteen minutes in opposition to it. The Chair will recognize the gentleman from Arkansas [Mr. PEEL] to control the time in support of the motion, and the gentleman from Illinois [Mr. SPRINGER] to control the time in opposition to it.

Mr. PEEL. Mr. Speaker, I think it is only necessary for the House to understand that this bill contains all the safeguards and guarantees that are to be found in any of the other bills of like character passed in this or the last Congress. It is so guarded that it is impossible for the interests of the Government or of the Indians to be injured in any way. There is a provision in the bill that unless the road is completed within three years the grant is forfeited. There is another provision that the company can not mortgage, sell, or transfer the franchise for any purpose, except that they may mortgage it to raise money to complete the road. There is another provision which requires the consent of the Indians to be obtained if in the discretion of the President he sees proper to so order. There is another provision conferring power upon the Secretary of the Interior to ascertain the compensation that is to be paid, and to settle with the Indians. In short, every safeguard is placed in this bill that can possibly be put into a bill of this kind. That is all I desire to say; and I now yield five minutes to the gentleman from Colorado [Mr. SYMES].

Mr. SYMES. Mr. Speaker, I will reserve my time to see whether there is any opposition to this bill. I can not imagine what opposition there can be to such a bill as this. It is the stereotyped bill which has been repeatedly passed granting the right of way to railroads through Indian reservations.

Mr. SPRINGER. Will the gentleman be kind enough to explain its provisions so that we may know just what sort of a bill it is?

Mr. SYMES. Mr. Speaker, the gentleman from Arkansas [Mr. PEEL] has already explained the provisions of this bill. I could take it up and go through it section by section, and in that way I could repeat the bill as it has been read and as the gentleman from Arkansas has explained it; but I do not wish to occupy the time of the House in that manner. This Utah and Midland Railroad passes from Colorado Springs, in the State of Colorado, to Leadville, the greatest mining camp in the world. It passes from Leadville, mainly over the range of the Rocky Mountains, to the town of Aspen, the second largest mining camp and town in the State. It passes from there down the Eagle River valley to the celebrated Glenwood Springs, and from there across the western line of Colorado and the eastern line of Utah. It passes about equidistant between the Union Pacific Railroad and the Atlantic and Pacific Railroad, by a route which is many miles distant from any other railroad.

Mr. WARNER, of Ohio. How many miles does it extend across the reservation?

Mr. SYMES. I do not remember the distance at this moment; but it runs right straight through the reservation in a westerly direction.

Mr. TARSNEY. Does it interfere with the rights of the Indians under any existing treaty?

Mr. SYMES. It does not.

Mr. Speaker, the Utah Midland is a broad-gauge railway which will develop some of the richest country and mines in the Rocky Mountain region. It passes through some of the finest coking coal-fields in the world. This road is mostly graded from Colorado Springs to and across the main range, and to Aspen and Glenwood Springs.

The construction of this railroad will be a benefit instead of a detriment to the Ute Indian reservation. The pioneer settlers who have gone in advance are praying for the construction of this railroad. They need it to develop the mines and great material interests of that new country.

Mr. Speaker, I submit that the construction of this much-needed railroad should not be retarded when it reaches the west line of this Indian reservation, and I hope the bill will pass.

Mr. SPRINGER. In order that the House may thoroughly understand the provisions of this bill and the necessity for giving another right of way through this Indian reservation, I ask for the reading of the report of the committee.

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 3184) to grant the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah Reservations, and for other purposes, submit the following report:

The company seeking this franchise is organized under the laws of Utah and composed of the following persons, to wit: Caleb W. West, governor of Utah; Eli H. Murray, ex-governor of Utah; W. S. McCornick, P. H. Lannan, Frederick H. Auerbach, John A. Groesbeck, O. J. Salisbury, Joab Lawrence, H. W. Lawrence, and G. S. Erb, all of Salt Lake City; also James J. Hagerman, Orland Metcalf, D. B. Robinson, H. D. Fisher, and Henry T. Rogers, of Colorado.

The bill grants the right of way only, with the usual amount of ground for stations, turn-outs, &c., necessary for the construction and operation of the road. The right of way, as provided in the bill, enters the Uncompahgre reservation at a point on the east boundary line of Utah Territory at or near where the White River crosses said boundary line, running thence by the most feasible route in a westerly direction through the two small reservations in question, the road having Salt Lake City for its western terminus.

It is believed that the rights of the Indians and the Government are carefully guarded. The amount of land which may be taken is less than that given by the general statute where roads are constructed through the ordinary public lands of the United States. The Secretary of the Interior is charged with the duty of fixing the amount of compensation which shall be paid by the railway company to the Indians, and to provide a time and the manner in which such payment shall be made. Thus the danger that the Indians might be deluded and cheated in making contracts with the company is avoided. The road is to be constructed within three years from the passage of the act or from the date of the consent of the Indians, or the rights granted shall be forfeited.

The road contemplated by the bill, when constructed, is to be operated in conjunction with the Colorado Midland Railway Company, making a continuous line of standard gauge road from Salt Lake City to Colorado Springs, a distance of something more than 400 miles. It will be about midway between the "Denver and Rio Grande" on the south and the "Union Pacific" on the north. These two latter roads are from 100 miles to 250 miles apart. The line in question will furnish transportation facilities to this vast stretch of country, most of which, outside of the reservations named, is rich in minerals. It will also enable the Government to send supplies to the Indian agencies and military posts located on or near the line at greatly reduced rates.

After full and due consideration your committee recommend the passage of the bill.

Mr. SPRINGER. Mr. Speaker, from the reading of that report it appears that this railroad is to be built from Colorado Springs to Salt Lake City. There are already two competing lines of road between those points; yet as Colorado is a growing State this road will in all probability be necessary to accommodate the increased traffic.

I have not opposed and do not generally oppose the granting or right of way through Indian reservations for the purpose of building railroads. I think the Indians as a rule should not hold their lands as an obstruction in the pathway of progress——

Mr. WILLIS. And civilization.

Mr. SPRINGER. And civilization, as the gentleman suggests. [Laughter.] There is another bill of this character, a bill in which the people of Dakota are interested, opening up a portion of the great Sioux Reservation and granting right of way for two railroads through that great reservation. I would be very glad to see that bill put on on its passage to-night, so that the people of that Territory might have the advantage of another line east and west through their Territory. At the present time they are restricted to one line, and I hope they will be permitted to have a competing line. If it were in order I would be glad to have that bill passed in connection with the one now pending; but as the motion is to suspend the rules, it must of course be submitted as made. I hope, however, that the Speaker may have the kindness to recognize the gentleman having the other bill in charge.

Mr. Speaker, I yield the residue of my time to any gentleman who wants to defend the rights of the Indians and advocate their protection for all time to come. [Cries of "Vote!" "Vote!"]

The question being taken on the motion of Mr. PEEL to suspend the rules and pass the bill, it was agreed to; there being—ayes 119, noes 12; more than two-thirds voting in the affirmative.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa, obtained the floor and said: I move to suspend the rules so as to discharge the Committee of the Whole House from the further consideration of Senate bill 3050, and pass the same.

The SPEAKER. The Chair will state to the gentleman from Iowa [Mr. HENDERSON] that the gentleman from Missouri [Mr. BURNES], on behalf, as the Chair understands, of the Committee on Appropriations, desires to move to suspend the rules and pass an "urgent deficiency" bill. If the gentleman from Iowa will withhold his motion for a moment, the Chair will recognize him again.

URGENT DEFICIENCY BILL.

Mr. BURNES. I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

*Be it enacted, &c.*, That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed for the service of the fiscal year ending June 30, 1887, and for other purposes, namely:

Post-Office Department:

Postal service: For the extension of the free-delivery service, under the act of January 3, 1887, to an estimated number of seventy-five offices, $55,000.

For salaries for clerks in post-offices left unprovided for by the act of June 29, 1886, consolidating money-order clerks with others, $250,000.

For manufacture of adhesive postage and special-delivery stamps, $5,000.

For manufacture of stamped envelopes, newspaper-wrappers, and letter-sheets, $137,000.

For manufacture of registered-package, tag, official, and dead-letter envelopes, $10,000.

For transportation of the United States mails and for foreign-closed mails, $50,000.

Treasury Department:

Silver certificates and legal-tender notes: For printing and finishing additional silver certificates and legal notes of the denominations of one and two dollars, to be expended as follows: Under the Bureau of Engraving and Printing, for compensation of employés, $5,500; for plate-printing, $14,000; for materials and miscellaneous expenses, $3,700; under the office of the Treasurer of the United States, for materials needed in sealing and separating United States securities, $500; for salaries for additional pressmen, feeders, and separators, $3,300; in all, $27,000; and the number of plate-printers and printers' assistants may, on the passage of this act, be increased to the number provided for in the sundry civil appropriation act for the fiscal year ending June 30, 1888.

JUDICIAL.

Fees of jurors: For fees of jurors, United States courts, $50,000.

Fees of witnesses: For fees of witnesses attending United States courts, other than courts of United States commissioners, $135,000.

For fees of witnesses in attendance before United States commissioners $65,000.

Support of prisoners: For support of prisoners United States courts, $40,000.

Expenses of Territorial courts in Utah: For expenses of Territorial courts in Utah, $5,000.

For the payment of a portion of the claim certified to be due by the several accounting officers of the Treasury Department, and which have been certified to Congress and fully set forth in House Executive Documents numbered 49 and 180 and Senate Executive Document numbered 110, Forty-ninth Congress, second session, there is appropriated as follows:

For all of the claims under "Pay of two and three year volunteers," 1871 and prior years, $250,979.08.

For all of the claims under "Bounty to volunteers and their widows and legal heirs," 1871 and prior years, $284,750.22.

For all of the claims under "Bounty act of July 28, 1866," 1880 and prior years, $51,218.56.

For all of the claims under "Pay, &c., of the Army," 1884 and prior years, $14,052.37.

For all of the claims under "Commutation of rations of prisoners of war in rebel States, and to sailors on furlough prior to July 1, 1884," $19,093.19.

For all of the claims under "Horses and other property lost in the military service prior to July 1, 1884," $114,163.65.

The SPEAKER. Is a second demanded?

Mr. CANNON. I demand a second.

Mr. WARNER, of Ohio. Let a second be considered as ordered by consent.

Mr. CANNON. I have no objection to that.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of and fifteen minutes in opposition to the motion.

Mr. BURNES. Mr. Speaker, the bill which has just been presented and read contains no item that was not in the general deficiency bill that passed this House a day or two ago, but at this late hour in the session it is felt both in this House and in the Senate that the general deficiency bill may fail.

There is such a possibility. In order, therefore, that we may take all proper precautions to provide, first, for the postal service of the country, without which provision that service might be greatly impaired; secondly, that we may provide for the silver certificates and legal-tender notes of the denominations of one and two dollars; third, that the courts of the country may not be compelled to suspend business for the want of appropriations for jury service and for the payment of fees and witnesses; and, finally, that the soldiers of the Republic to whom $734,000 are now due, according to the ascertainment of the Treasury officials, we have by this bill made it certain that whatever may be the fate of other bills these worthy objects will be properly protected.

Mr. MCKINLEY. What is the total amount of this bill?

Mr. BURNES. One million five hundred and sixty-three thousand two hundred and fifty-seven dollars and seven cents.

Mr. McKINLEY. I understand that these are items which are embodied in the general deficiency bill, already passed?

Mr. BURNES. Yes, sir; every one of them.

Mr. BLANCHARD. If this bill passes the effect will be to give the Senate a choice as between the other bill and this, will it not?

Mr. BURNES. In reply to the suggestion of my friend from Louisiana, I will say that it will simply give the other body an opportunity to take its choice.

Mr. WARNER, of Ohio. I notice that in the bill the words "legal-tender notes" occur. I would suggest that by unanimous consent it be made to read "United States legal-tender notes."

Mr. BURNES. I have no objection to that modification.

Mr. WARNER, of Ohio. These notes are designated by the Statute as United States legal-tender notes, and it ought to be made specific, so that there could be no question.

The SPEAKER. If there be no objection the words suggested by the gentleman will be inserted.

There was no objection, and it was so ordered.

Mr. BUTTERWORTH. I understand that proper provision is made here for claims due to officers and soldiers of the Army?

Mr. BURNES. Yes, sir; for commutation of rations, back pay, bounty, horses lost, and all such claims.

Mr. CUTCHEON. I would be glad if my friend would be kind enough to explain why it is that the general deficiency bill has been abandoned in this way?

Mr. BURNES. In reply to the gentleman from Michigan I have only to say that we in no sense abandon the general deficiency bill. It is because of the superior necessity for these particular items that at this late hour, nearly 9 o'clock at night on this last evening of the session, we think it but a part of prudence to have this bill in a condition that the appropriations may be made for these meritorious objects whatever be the fate of the other bill.

Mr. LONG. What is the condition of the other bill?

Mr. BURNES. I understand it to have been in committee and is probably now being considered by the Senate.

Mr. LONG. Then it will probably pass that body?

Mr. BURNES. I do not know, sir. I have stated all I can on this subject. The committee, as I understand it, have reported it back to the Senate and it is probably under consideration. Whether it will pass or not is not for me to say.

Mr. LONG. Of course we may rely upon the committee to do all they can to secure the passage of the general deficiency bill as it passed the House.

Mr. BURNES. I will pledge myself to do all that I can conscientiously do in that direction if I should be a conferee.

Mr. BUTTERWORTH. I understand this includes items on account of demands with reference to which there is no dispute in either body.

Mr. BURNES. This includes items only concerning which the House and Senate are equally willing to agree.

Mr. RYAN. May I ask whether all objects embraced in this bill are embodied in the general deficiency bill now pending in the Senate?

Mr. BURNES. Every one of them. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Illinois is entitled to control the time in opposition.

Mr. CANNON. Mr. Speaker, the first knowledge I had of the contents of the bill just read, or that it was to be presented, was upon hearing it read at the Clerk's desk. I have no doubt that the gentleman is correct in his statement that it contains items that the general deficiency bill contains as it passed the House a day or two ago. I can not tell whether it contains all the items that the gentleman referred to or all that class of items to which he refers from hearing its casual reading.

Mr. BURNES. All of the same class that were contained in the bill passed by the House.

Mr. CANNON. I did, however, hear enough to know that even for the purpose for which the House is asked to pass the bill it might well have contained other items equally important with those it does contain, namely, claims allowed by the Sixth Auditor under what is known as the Spalding act.

But, however anxious I may be that this bill should pass if the other fails, yet, upon the whole, I doubt if I had had the determination of it whether I would have agreed to the policy of presenting this bill at this time. It looks to me as though the gentleman from Missouri had made up his mind before he sees the deficiency bill as it comes from the Senate to get ready to say he will not agree to it, and then to save himself from a fall he proposes to fall back upon this bill and say to the country that he expects——

Mr. RYAN. Will it interrupt my colleague on the committee, the gentleman from Illinois [Mr. CANNON], if I ask him one question?

Mr. CANNON. Not at all.

Mr. RYAN. I desire to know whether this bill has ever been submitted to the Committee on Appropriations or any subcommittee?

Mr. CANNON. Oh, no; not as I understand it. The gentleman from Missouri can tell.

Mr. BURNES. Not at all.

Mr. RYAN. I never heard of it before.

Mr. CANNON. I will only take a little more time; but I should like better order.

The SPEAKER. The Sergeant-at-Arms will go to the rear of the seats and ask gentlemen to be seated and cease conversation. In the confusion that prevails it is impossible for the gentleman from Illinois to be heard.

Mr. CANNON. I want to say again as I did not complete my sentence when the gentleman from Kansas asked me a question that before the deficiency bill has been reported to the Senate, before any of us know what the Senate amendments are, this bill comes in; and it looks to me as though the intention of the gentleman from Missouri—with that acuteness which always characterizes him—as though his intention was to place himself in the position of saying to the Senate that the deficiency bill shall fail.

I will just say one other word in conclusion. After this second bill shall have passed, before we shall have heard from the regular deficiency bill, and after this Congress shall have closed, still the inquiry will rise up in every member's mind and in the minds of the people of the country, why is it that you are driven to these terrible straits in these last hours? And why was it that one week or two weeks ago the deficiency bill was not brought in and considered and completed in order?

I now yield to the gentleman from Maryland [Mr. McCOMAS].

Mr. McCOMAS. How much time have I?

The SPEAKER *pro tempore* (Mr. HATCH). Ten minutes remain on that side.

Mr. McCOMAS. I will not consume the whole of that time.

This bill, purporting to be an urgent deficiency bill, lacks every characteristic of an orderly procedure under the rules of this Congress in the appropriation of public money. With the high regard that I have for the gentleman who has presented this bill I do not know how to explain to myself satisfactorily why an urgent deficiency bill should be brought into this House at the close of the session without being submitted to any subcommittee of the Committee on Appropriations, and I have the honor to be a member of the subcommittee on deficiencies. It comes here for what purpose and how? Why, that we may appropriate in an urgent bill a large sum of money, over half a million dollars, to the Post-Office Department and nearly a half million of dollars to the Department of Justice, and making provision for legal-tender notes and providing for a long list of special claims set forth in the bill.

I beg the House to consider how this stands. I learned but a moment ago that the deficiency bill had been reported to the Senate, and here we are under the same roof spending a second time the same dollars by appropriating a duplicate sum of money. Where we intended half a million of dollars for the Post-Office we are now having that duplicated and are appropriating $1,000,000. And we are appropriating $1,000,000 for the Department of Justice, when but awhile ago we gave that Department but half a million. What would be the result if the first bill should pass the Senate, as it probably will, and go into conference and this bill should pass too? You would then have both of these bills.

If that should hang in conference and this one should pass you would have both these bills, you would have a double appropriation, you would have the most lavish extravagance. Mr. Speaker, the ordinary rules of procedure mean something, and their essence is to give safety in legislation and in the appropriation of public money. Suppose the other bill should seem to fail, then items just as important are left out of this bill. Here in this capital city is the tunnel which extends 4 miles, an extensive work, which is designed to supply the city with water, nineteen-twentieths of it built, only one-twentieth uncompleted. There the expenditure of a million must stand idle, and the water which was to come to cool the parched lips of my temperance friends on this side of the House in December next fails because that item is in the bill of deficiencies.

There are also expenses of courts, compensation of clerks here and there, and various such items. When you come to segregate the parts of this deficiency bill of seventy-three pages containing several thousand items, if you take out a few of them and put them here in this special bill which is sprung suddenly upon the House, then you are in my opinion omitting items fully as important as those which you include. I object to this bill, Mr. Speaker, for the way in which it comes here; I object to it because it is hasty and ill-advised and panic-stricken; I object to it because there is in it so much that it ought not to contain, and because there are so many things omitted from it which it ought to contain. I do not believe, Mr. Speaker, that there is any occasion here and now for this panic.

Let me say to my Democratic friends as a reminder that this condition of affairs is nothing unusual. I have before me the record of the last Congress, when, with 80 Democratic majority in this House, you had it come to pass in the short session that nine out of fourteen of the great appropriation bills were awaiting approval on the very last day of the session. In this Congress you have done a little better than that. You have already passed as many as eight of these bills, and the rest of them are on the way.

You have had the Naval Committee with one bill, roosting and hatching at the end of the session; you have had the Committee on Foreign Affairs with one bill coming in here at the close of the session; you have had another great bill—the Post-Office bill—coming in at the close of the session; you have had the legislative bill also; you have had all four of those great bills piled up together at one time upon this floor, yet now you are panic-stricken about a few items relating to the courts, and you fear that you can not get through. [Cries of "Vote!" "Vote!" on the Democratic side.] I know it is bad, I know it is wrong, I know it ought not to be, Mr. Speaker; but when I tell you that, bad as this is, you did very much worse in the last Congress, you will see that there is no occasion for this bill.

Let me remind the House now that out of the forty-eight working days of this Congress, excluding vacation and Sundays (when you did not sit), out of those forty-eight days you did not occupy one in the consideration of an appropriation bill between the 6th and the 29th of January. During twenty-three days out of the forty-eight you never considered an appropriation bill. The bottom fault is the House itself; the bottom fault is the Democratic majority. You have wasted half of your time which ought to have been given to appropriation bills, and now you wail and gnash your teeth and get panic-stricken and come in here with this urgency deficiency bill. It is simply the sum of your own faults. I shall vote against this duplicate panic-stricken bill.

Mr. RANDALL. Mr. Speaker, there is nobody panic-stricken but the gentleman from Maryland [Mr. McCOMAS]. The majority are quite cool. [Laughter.]

Mr. McCOMAS. I say, Mr. Speaker, there is no need for passing such a bill as this, and I ask the gentleman to tell me, in my own time, why it should be passed.

Mr. RANDALL. Only as a matter of precaution; not as a matter of necessity.

Mr. BURNES. Mr. Speaker, I beg that the thoughtful men in this House will hear me patiently for five minutes. I wish to call attention first to the criticisms made by my distinguished friend from Maryland [Mr. McCOMAS] upon what he calls the irregularity of these proceedings. Sir, every provision was matured in committee; every provision of this bill was matured in and by the Committee on Appropriations; every provision of it has been considered in this House and passed upon favorably by the House.

When the reason of a rule fails the rule should fail. We send our bills to committees to have them put into proper shape, and when that is once done and the action of the committee is sustained by the action of the House, then it is idle to say that the formalities of legislation have not been observed.

Referring for one moment to my distinguished colleague on the committee, the gentleman from Illinois [Mr. CANNON], I beg here to say—and I appeal to my colleagues themselves, and especially to the gentleman from Maryland [Mr. McCOMAS] to pass on the assertion—that in the transaction of business in the Appropriations Committee and with reference to appropriation bills, I have never known or discriminated for party, or thought of the interests of one party as against the other. I believe my friend from Maryland will bear witness to the fact that here to-night I present these urgent deficiencies, not because I seek to benefit one party or the other, not because I have any partisan feeling on the subject, but with an earnest desire to provide for the American soldiers, whose payment this year but for the passage of this bill may be endangered. I appeal to this House in behalf of a proper supply by appropriation for the postal service of the country, in which deficiencies have been ascertained, provision for which has been sanctioned by the Committee on Appropriations and by an almost unanimous vote of this House.

As I have said before, I honestly believe—and if I could give you the opinions of others higher in authority than myself, not only in this Chamber, but the other, you would not doubt for one moment, these gentlemen to the contrary notwithstanding—that there is not only danger, but great danger, of the failure of the general deficiency bill.

Mr. CUTCHEON. Out of what does that danger arise? Will the gentleman tell us?

Mr. BURNES. It arises primarily from the shortness of the time for its consideration.

Mr. CUTCHEON. That is it exactly.

Mr. REED. When did that danger begin?

Mr. HISCOCK. I wish to ask the gentleman from Missouri——

Mr. BURNES. I beg to be permitted to answer gentlemen one at a time.

Mr. HISCOCK. Let me ask the gentleman this question: If we pass this bill to-night under a suspension of the rules, will it not be in the power of the Senate to add to this very bill by way of amendment the same items which are upon the bill now pending in the Senate?

Mr. RYAN. Certainly.

Mr. BURNES. Mr. Speaker, all I need say in reply to the distinguished gentleman from New York is that if Senators have the same sentiment of devotion to these important interests that this House has shown they will do no such thing.

Mr. HISCOCK. Will the gentleman answer my question?

Mr. REED. Why do you not agree to the Senate amendments?

Mr. BURNES. Because I have not seen them, and we have as yet had no conference.

Mr. HISCOCK. I understand the position to be this: The Senate has amended your other bill by adding certain items; and now you want to have this bill passed because you think it will be better in conference to have this bill. That is all there is of it. Is it not so?

Mr. BURNES. No, sir. So far as conference is concerned, the passage or non-passage of this bill will have no sort of effect with me, if I should be one of the conferees.

Mr. HISCOCK. Every item in this bill is now in conference.

Mr. BURNES. It is not, sir. No conference has been held.

Mr. HISCOCK. Well, every item is pending in the Senate.

Mr. BURNES. I presume so; but when that bill will pass the Senate no one can tell; when we can get it into conference no one can determine.

Mr. BOUTELLE. Is there any more assurance in regard to this bill?

Mr. BURNES. I feel confident that the Senate of the United States will pass the bill without objection.

Mr. CUTCHEON. Well, I understand the gentleman is putting this bill out as a sort of life-preserver, so that if the other bill goes down this will float.

Mr. BURNES. That is it exactly. If the other bill goes down this "life-preserver" will "float" the soldiers whose claims have been audited for another year.

Mr. BOUTELLE. Is not the regular deficiency bill now under consideration in the Senate?

Mr. BURNES. So I understand.

Mr. BOUTELLE. How could this bill take precedence of the Senate on the regular deficiency bill?

Mr. BURNES. The Senate can pass this bill or not as it pleases. Its passage here can do no harm in any event.

Mr. BOUTELLE. How does it expedite matters to drop this bill and take up the other?

Mr. BURNES. We do not drop the general bill.

Mr. HEPBURN. I desire to know whether the gentleman from Missouri presents this bill from the Committee on Appropriations?

Mr. BURNES. This bill is not from the Committee on Appropriations; but every item in it was prepared and matured by that committee, and passed through this House by an almost unanimous vote.

Mr. HEPBURN. Is the gentleman acting for that committee now?

Mr. BURNES. I am acting for myself; but I have consulted with various members of the committee whom I have happened to see.

[Here the hammer fell.]

The SPEAKER. The time allowed for debate has expired. The question is now on the motion of the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill which has been read. [The question having been put.] The noes seem to have it.

Mr. BURNES. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. I move to reconsider the vote by which the yeas and nays were ordered. I think the bill can be passed without it.

Mr. BURNES. For the present I will withdraw the demand for the yeas and nays, and ask for a rising vote.

The SPEAKER. The yeas and nays have been ordered by the House.

Mr. BURNES. I ask by unanimous consent that the order be vacated.

There was no objection, and it was so ordered.

Mr. BURNES. I demand a division.

The House divided; and there were—ayes 116, noes 49.

So (two-thirds voting in the affirmative) the rules were suspended, and the bill was passed.

### MESSAGE FROM THE SENATE.

A message from the Senate was received, by Mr. McCOOK, its Secretary, which announced that the President of the United States, having returned the following bills to the Senate, in which they originated, they had passed the same notwithstanding his objections thereto, two-thirds of the Senate voting in favor thereof:

An act (S. 531) to provide for the erection of a public building at La Fayette, Ind.;

An act (S. 856) for the erection of a public building at Sioux City, Iowa;

An act (S. 1162) for the erection of a post-office building at Lynn, Mass.; and

An act (S. 763) to provide for the erection of a public building in the city of Dayton, Ohio.

It further announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

Joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States;

Joint resolution (H. Res. 238) authorizing the printing of the report of the Commissioner of Agriculture for the year 1887;

Joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands; and

Joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report on the search for the Greely expedition.

It further announced that the Senate agreed to the amendment of the House of Representatives to the resolution of the Senate to print the indexes to the compilation of the House and Senate reports of committees.

It further announced that the Senate had agreed to the resolution of the House for printing of the report of the Director of the Mint on the production of precious metals.

MARY A. LOGAN.

Mr. HENDERSON, of Iowa. I move the rules be suspended and the bill (S. 3050) granting a pension to Mary A. Logan be passed.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Logan, widow of the late John A. Logan, a major-general of United States volunteers in the late war for the Union, and to pay her a pension, from the passage of this act, for and during her natural life, at the rate of $2,000 per annum.

Mr. MATSON. I rise to a privileged matter. I desire to call up House bill 5995——

Mr. HENDERSON, of Iowa. I have the floor.

The SPEAKER. Privileged matters have priority under the rules.

Mr. HENDERSON, of Iowa. The bill called up is one of my own bills; beside consideration was entered upon. The bill had been read by the Clerk.

The SPEAKER. The gentleman made his motion to suspend the rules and pass the bill, and pending that the gentleman from Indiana rose to a question of privilege.

Mr. HENDERSON, of Iowa. The Clerk had completed the reading of the bill?

The SPEAKER. That is correct.

Mr. HENDERSON, of Iowa. And that being true, then, it seems to me the gentleman could not interfere with the progress of the bill at any other stage of the proceedings, even while debate is progressing or a vote being taken.

The SPEAKER. But the gentleman's motion had not been seconded. The gentleman submitted the motion, and thereupon the gentleman from Indiana rose to a privileged matter.

Mr. HENDERSON, of Iowa. The bill was called up and I was recognized and moved to suspend the rules and pass it, whereupon the Speaker directed the Clerk to read it.

It was read by the Clerk, and it seems to me the proceedings had gotten to that stage when the next thing in order was for the Speaker to ask whether or not a second was demanded.

The SPEAKER. The Chair has decided throughout these proceedings that when a privileged matter was presented, even pending a motion to suspend the rules, the privileged motion must be disposed of by considering it, just as was the case with reference to the gentleman from Ohio [Mr. GROSVENOR] during the day.

Mr. HENDERSON, of Iowa. I was not aware of that ruling, Mr. Speaker.

I wish now to make a parliamentary inquiry. Do I lose my place?

The SPEAKER. The gentleman does not, except temporarily. The recognition is suspended by the privileged matter.

Mr. MATSON. I desire to call up the bill (H. R. 5995) granting a pension to David T. Elderkin, together with message of the President accompanying the same stating his objections thereto.

The SPEAKER. The bill will be read.

The bill was read at length.

Mr. HENDERSON, of Iowa. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON, of Iowa. The gentleman from Indiana calls up this bill, which is a bill that was by me introduced and was vetoed by the President. The gentleman who calls it up signed the minority report against the bill.

Mr. MATSON. There is no minority report in the case.

Mr. HENDERSON, of Iowa. You did not sign the majority report?

Mr. MATSON. Nobody did.

Mr. HENDERSON, of Iowa. You are against the bill; and the gentleman from Indiana is not the one who reported the bill favorably to the House. He is not, therefore, the one to control it, and I submit that this is a declaration of an evident purpose to antagonize the bill upon which I have been recognized; for if there is any gentleman on this floor who should call up the bill of David T. Elderkin, he is the one who now addresses the House.

I would have done it myself long ago had I believed, from any precedents on this floor, that there was a single hope of having the bill for this poor insane man passed.

The SPEAKER. The matter the gentleman from Indiana calls up is privileged and may be called up by any gentleman on the floor. Several have been called up by gentlemen who are not even members of the Committee on Invalid Pensions, and of course made no report upon the bill. Any member can call up a privileged matter, as the gentleman from Ohio [Mr. GROSVENOR] did this afternoon when he called up a similar bill.

Does the gentleman raise the question of consideration?

Mr. HENDERSON, of Iowa. I will not raise the question of consideration.

Mr. MATSON. If the gentleman does not want his bill considered I will withdraw it.

Mr. HENDERSON, of Iowa. I trust the gentleman will not interfere with the consideration of the bill I have now called up.

Mr. MATSON. I suppose the gentleman would prefer to have his own bill considered, but I withdraw it.

I demand a second on the motion.

JAMES W. KINGON.

Mr. WHEELER. I desire to submit a conference report.

Mr. HENDERSON, of Iowa. I believe I am entitled to the floor.

The SPEAKER. The gentleman from Alabama now intervenes with a conference report, which has precedence of all matters, but the Chair assumes it will not occupy much time.

The Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9860) to correct the military record of James W. Kingon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate with an amendment as follows: Add after the word "thereof," in line 18 of the printed bill, as follows:

"As fully and completely as if such proceeding, findings, and sentence had never been had or made."

JOSEPH WHEELER,
G. W. DARGAN,
JAMES LAIRD,
*Managers on the part of the House.*
BENJAMIN HARRISON,
JOSEPH R. HAWLEY,
F. M. COCKRELL,
*Managers on the part of the Senate.*

The report was adopted.

Mr. WHEELER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARY A. LOGAN.

Mr. HENDERSON, of Iowa. I now call up the motion I made.

Mr. MATSON. I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen in support of and fifteen in opposition to the motion.

Mr. HENDERSON of Iowa. Mr. Speaker, I invoke but for a very few moments the kind attention of this House on both sides. In bringing up the bill granting a pension to the widow of the late General John A. Logan, I do so in obedience to the dictates of my own heart and the overwhelming sentiment of this country.

The power to pass this bill by this body no one disputes. There are three precedents for the passage of the bill. Similar pensions have been granted to the widows of Farragut, of Thomas, and of Hancock. The latter I had the pleasure of voting for myself, with a clear conscience and without hesitation.

There is but one objection I have noted that was urged against the passage of this bill—and I have read the reports—one real reason; and that is that Mrs. Logan has property. I appeal to this House that this is a matter which should not be considered in this connection. Almost every dollar of the property which Mrs. Logan has now is the gift of the benevolent, liberty-loving people of this country. If it has any lesson for us, it shows the sea of sentiment that surrounds the question before us at this hour.

General Logan, when he died, died rich in everything except in property. When he left Mrs. Logan a widow he left her poor in nothing save in property. And to-night the American Congress is confronted with the simple question, Will this noble woman, this widow of the Republic, left to us because of the devotion of her husband to the country—will she be denied the recognition demanded by the vast body of the surviving volunteers of the Union Army and their friends, and for which we have precedents? I trust not.

I do not want to beg for this. I will not. I have no pathetic appeal to make for this act of justice—none. But I would be glad if the wires to-night would send to every part of this Republic the information that the heart-beat has followed the drum-beat in the Republic and that over the grave of the past we can meet like men inspired by a common impulse around the graves of the great men of the Republic who have left trusts for us to cherish.

I reserve the balance of my time.

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman from Iowa [Mr. HENDERSON] has ten minutes of his time remaining.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate further insisted on its amendments to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on its part Mr. PLUMB, Mr. MAHONE, and Mr. BECK.

The message also announced that the Senate insisted on its amendments to the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as managers on the part of the Senate.

PENSION TO MRS. LOGAN.

Mr. MATSON. I yield five minutes to the gentleman from Michigan [Mr. TARSNEY].

Mr. TARSNEY. It is with some degree of diffidence that I rise to oppose the passage of this bill. I come from the great Northwest that furnished to the Federal service the bone and the sinew that saved and preserved the Federal Union, and I regret very much to disagree with my distinguished friend from Iowa upon this question.

But, sir, when the gentleman from Iowa tells me of the great men, the admirals and the generals who have won distinction in the wars of this Union, let me call to his mind and to the mind of this House this fact, that it was not the generals alone that won the victories. There were in the ranks thousands and tens of thousands of humble, noble soldiers, unknown to fame, the graves of many of whom are to-day unmarked over there beyond the Potomac River, and who have never yet been heard of in the halls of Congress asking for a pension.

I, sir, come from a State that furnished 89,000 soldiers to the Federal service. I come from a Michigan Democratic family—although there is no party in this—that furnished five brothers to the Federal service. None of them are here before Congress asking that Congress shall award to them a pension for their valiant services in behalf of the preservation of this Union, nor is there any such claim on behalf of their widows. I come from a family of soldiers, one of whom lies over there somewhere beyond the Potomac. His record upon the books of the War Department reads, "Killed in the Wilderness." Another was for seventeen months and a half within the confines of a confederate prison. Two others bear the scars of an honorable conflict—and let us hope that its bitter memories may soon be forgotten.

But, Mr. Speaker, in the name of our country I protest against our standing here upon this floor and as representatives of constituencies voting to the family of the distinguished statesman—not as a soldier—a pension when the families of the men that bared their breasts to the confederate bullet and walked shoulder to shoulder in the ranks, as privates and non-commissioned officers unknown to fame, are forgotten.

[Here the hammer fell.]

Mr. MATSON. I yield two minutes more to the gentleman from Michigan.

Mr. TARSNEY. My distinguished friend from Iowa [Mr. HENDERSON] refers to the widows of the distinguished Admiral Farragut, General Hancock, and General Thomas. But does he forget that these distinguished officers were still serving as officers and in the line of their duty at the time of their death?

Mr. LOUTTIT. It was not so with General Meagher.

Mr. CRAIN. I ask the gentleman from Michigan to allow me a moment's interruption. The gentleman who speaks about the pension to the widow of General Meagher is the gentleman who wrote the report and got me to call up the bill for passage.

Mr. LOUTTIT. The question I suggested was, what was the difference in principle between passing that pension at $50 a month for the widow of an officer who did not die in the service and this one at $2,000 a year?

Mr. CRAIN. The gentleman from California wrote the report and got me to call it up.

Mr. LOUTTIT. And the President signed the bill.

Mr. TARSNEY. Does my distinguished friend from Iowa, for whom I have the most profound regard, forget that the lady whose name is mentioned in this bill now before the House was not the wife of a soldier serving in the ranks or serving in the capacity of an officer of the army of his country at the time of his death?

Does he forget that the distinguished gentleman, honored though he was—and I honor him for his soldier-like qualities and for his statesmanship—does he forget that that distinguished gentleman left the service——

The SPEAKER. The time of the gentleman has expired.

Mr. MATSON. I yield him one minute more.

Mr. TARSNEY. Does he forget, I say, that that distinguished gentlemen left his line of duty in the military service of the United States and assumed the same rôle that my distinguished friend and others upon this floor are assuming to-night, the rôle of the American statesman instead of the American soldier? Will you force a civil pension list upon the American people? For my part, in behalf of the great Commonwealth of Michigan, from which I come, I protest against it. Yet I stand here to say that, as my votes and my action upon this floor heretofore have shown, I am willing to vote liberally for any pension that you may propose to give within the range of reason to any deserving soldier or to the widow of any such soldier who died in the service. [Applause on the Democratic side.]

The SPEAKER. The gentleman from Indiana [Mr. MATSON] has nine minutes of his time remaining.

Mr. MATSON. I yield three minutes to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Speaker, I would not avail myself of those three minutes to speak on this bill but for the fact that it has been intimated on this floor within the last few days that the votes of those of us here who were opposed to General Logan and other Federal soldiers in the late war would be prompted, in some part at least, by some sort of ill-will or resentment on the part of confederate soldiers against those who were victors over them. I beg to say to my friend from Iowa [Mr. HENDERSON], and to every other gentleman upon this floor who wore the blue, that I believe I represent the confederate sentiment, if not every confederate, when I state that there is not lingering with us one single scintilla of hatred or prejudice or ill-will against any man because he was opposed to us in that unfortunate conflict.

Mr. JOHNSTON, of Indiana. You forgive us, do you? [Laughter.]

Mr. ALLEN, of Mississippi. No. We forgive the soldiers; but we do not forgive the demagogues that are trying to make capital out of what the soldiers fought for. [Renewed laughter and applause.] Mr. Speaker, my vote on this occasion will be a consistent one. If there is one thing that a confederate soldier admired more than another it was a brave and magnanimous foe, and in General Hancock we all recognized such a man; but when the proposition came into this House to pension the widow of General Hancock—a man for whom I had the highest possible admiration and one to whose widow I would be as willing to grant a pension as to any widow in this nation—when that proposition came in here I voted against it, and I so voted because I did not and do not believe it is right to tax the poor people of this country to pay pensions at the rate of $2,000 a year to anybody.

The SPEAKER. The time of the gentleman has expired.

Mr. MATSON. I reserve the balance of my time.

Mr. ALLEN, of Mississippi. If I could have one more minute, Mr. Speaker, I would like to say——

Mr. MATSON. I can not yield further. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman from Indiana has six minutes.

Mr. MATSON. I reserve that.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] has ten minutes of his time remaining.

Mr. HENDERSON, of Iowa. Mr. Speaker, I suppose I have the right to conclude this discussion, and I trust the gentleman from Indiana [Mr. MATSON] will finish on his side.

The SPEAKER. There is no rule upon that subject. [Cries of "Vote!" "Vote!"]

Mr. HENDERSON, of Iowa. I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I wish to say in those two minutes that I believe it is good policy for all of us, Democrats and Republicans, American citizens, to give to the widow of General John A. Logan a pension of $2,000 a year. I have not stopped to inquire whether she is on the verge of poverty or not. You understand how that is. I do not place the case upon that ground. I put it rather on the ground of a tribute upon the part of a grateful country to the widow of a man who served it well, and also upon the ground of furnishing an incentive to others hereafter to follow in his footsteps. Why do you give $5,000 a year to the widow of a President? Because you believe it is sound policy. Why do you give $600 a year by special act to forty or fifty widows of general officers? Because you believe it is sound policy. And so here, having voted for a pension of $2,000 to the widow of General Hancock, a regular Army officer, I come as the representative of my constituents, soldiers and civilians alike, to say that I am willing, from the standpoint of public policy, to do the like thing for the widow of the most magnificent volunteer officer of the civil war [applause]; and I want to say, further, that Uncle Sam is rich enough and broad enough, under wise statesmanship, to do justice to all the soldiers of the Republic, whether they were officers or privates, and it is not my fault or my party's fault that it has not been done. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENDERSON, of Iowa. I yield two minutes to the gentleman from Illinois [Mr. HENDERSON].

Mr. HENDERSON, of Illinois. Mr. Speaker, I regret exceedingly that I have only two minutes in which to speak on this bill, but I want to say in reply to the gentleman from Michigan, that if his argument in opposition to the bill means anything at all it means simply that every pension granted by the Congress of the United States, or

under the laws of the United States, should be exactly the same; that there should be no distinction between pensions granted to privates and pensions granted to officers, no distinction between pensions to officers of inferior rank and pensions to those of exalted rank, or who have rendered distinguished service to their country.

I have as much respect, and love, and admiration for the soldier who carried his knapsack and followed the flag of his country and bared his breast to the bullets of the enemy as any other man can possibly have; but I say now there has been so much said on this floor as an appeal to the common soldiers of the country that it is time now to take a sober and sensible view of this question. Is there to be any encouragement to men to distinguish themselves in the service of their country?

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I yield two minutes to my colleague [Mr. HOLMES].

Mr. HOLMES. Mr. Speaker, it would be amusing if it were not a most serious subject, to consider the attitude of the opponents of this bill in connection with their position on other bills which have been brought up here affecting similar cases. My colleague has well said that the widows of General Hancock, General Thomas, and Admiral Farragut have been pensioned with a like sum to that proposed here. I may add a reference to the case of the widow of General Frank P. Blair. I remember that the chairman of the Committee on Invalid Pensions [Mr. MATSON] was a most eloquent champion of the bill which gave to the widow of General Blair $50 a month, and $5,000.

In speaking upon the subject at that time, I said that the $5,000 was simply arrears; but the gentleman put it upon the ground of the services of General Blair and the money he had expended in the cause of the Union. Had not other officers expended in the cause of the Union their money as well as their blood? yet no bill was ever brought before Congress to compensate them for the money they had expended. Why was not such a claim relegated to the Court of Claims, or left to be provided for as a private claim in a special act of Congress? It would be unfair, perhaps, to say that the politics of General Blair had anything to do with the attitude of gentlemen on that question; but how can the chairman of the Committee on Invalid Pensions claim that the case presented here is different in principle? It is only a question of degree. That allowance of $5,000 to the widow of General Blair was practically arrears of pension; and it is most astonishing now to observe the arguments urged against this bill.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Speaker, I believe I have four minutes left.

The SPEAKER. The gentleman has four minutes.

Mr. HENDERSON, of Iowa. I yield two minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, I have voted in this House to give to the widow of General George H. Thomas and to the widow of General Winfield S. Hancock $2,000 a year. Those were exceptional cases; and I am ready here to-night to make an exceptional case in behalf of the widow of John A. Logan. [Applause.] Why? Because I can not distinguish any difference in the heart-throb or the nerve-pulsation of those three men as they stood in the armies of the United States in behalf of the Union [applause], except that two of them were of the regular Army, which had precedents in its favor. I propose to make a precedent on this occasion in behalf of the volunteer Army of the United States. [Applause.]

I speak in this particular the sentiment of the people I represent. This is not a matter of politics. The question is not whether General Logan was a statesman. The question is, did he render such services in the Army of the United States as to prompt the American people through Congress to give to his widow a soft pillow on which she may rest in the declining years of her life? [Applause.]

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Speaker, I reserve my remaining two minutes.

Mr. MATSON. Mr. Speaker, I would not say one word which might in the least degree detract from the good opinion that all ought to entertain of General Logan; nor would I utter anything which might grate harshly on the ear of the best friend that this recently bereaved woman may have. Mr. Speaker, I am here to discharge a public duty, one which I am led to discharge because I feel that the precedents which are being made here in the form of large pensions are dangerous to the American people and dangerous to this Government.

Mr. HENDERSON, of Iowa. Will my friend allow me——

Mr. MATSON. I cannot yield.

Mr. HENDERSON, of Iowa. Just a short question.

Mr. MATSON. The gentleman must excuse me. No one here can deny that the giving of pensions of $2,000 a year to those who do not need them is in the direction of building up an aristocracy in this country. Nothing could lead in that direction more strongly than to take the money which has been wrung from the sweat of the people, to hand it over in large sums to those who have no need of it. It is upon this ground, Mr. Speaker, that I oppose this pension, and have always opposed large pensions. It is a matter of public knowledge that this proposed beneficiary is worth at least $68,000, recently given her by friends; and I am glad they did it. There is no need of this legislation. Where bills have been passed heretofore giving pensions of $50 a month, the allowance of that sum has been based upon the proposition that there was an absolute necessity to give that much in order that the widow might live in comfort. No bill of this character has been passed here without that kind of showing.

Now, then, what will California say when the widow of that man who perhaps had the brightest intellect which had ever shone in this country, Colonel Baker, who fell leading the Union forces at Ball's Bluff—what will California say when his widow is to be left with a small pension? What will Iowa say when the widow of General Crocker, one of the most brilliant of the soldiers of the recent wars, is left with a pension of $30 a month.

Mr. STRUBLE. We are ready to increase it at the first opportunity.

Mr. MATSON. Certainly you will; there is the point. All of them must be increased if justice is done all round. But the people of this country do not intend there shall be built up an aristocratic class who are to receive $2,000 a year each.

My friend from Pennsylvania [Mr. RANDALL] can justify his vote only on one ground, and that is that this is an exceptional case. It is well known when you begin in this direction there is no place to stop.

Mr. HOLMES. Why did you stop with the bill for the relief of the widow of General Frank P. Blair?

Mr. MATSON. I did not.

Mr. HOLMES. The gentleman reported it favorably.

Mr. MATSON. The Blair bill is a bill for $50 a month.

Mr. HOLMES. Yes; and $5,000 cash.

Mr. MATSON. Five thousand dollars of money which was expended by him.

Mr. HOLMES. But it is cash all the same.

Mr. MATSON. Money owed her husband.

Mr. HOLMES. Did not the gentleman favor it?

Mr. MATSON. They are not alike for the reason stated. Thomas and Farragut were officers during their whole life. They gave their entire life to the service of their country.

Mr. TAULBEE. They died in the service of their country.

Mr. MATSON. There was no question about their right to some pension. But as to the other there is a question of the right of this widow to a pension. I would vote to give her $50 a month, although I have heretofore only voted once in that direction, and that was to give a pension to General Paul, who had both eyes plowed out by a Minnie ball on the field of Gettysburg.

Mr. WARNER, of Ohio. He would be entitled to $50.

Mr. MATSON. No; to only $30. General Warren's widow and children, my friend Governor CURTIN tells me, are to-day in poverty.

Mr. RANDALL. Let us pension her.

Mr. MATSON. Oh, yes; but you say this is exceptional. The gentlemen can not justify his vote upon any other ground. If you give it to one you are bound in justice to give it to all.

[Here the hammer fell].

Mr. HENDERSON, of Iowa. I am glad to state here, Mr. Speaker, that the glorious State from which the gentleman comes has instructed, by its Legislature, the Senators as well as the Representatives from that State, to vote in favor of this bill granting a pension to the widow of General John A. Logan. I congratulate the State of Indiana, which sent 180,000 and more soldiers to the field.

There is one thing I must say to the House. When the Hancock bill passed this House 70 Democrats voted for it. We will plant on this vote to-night 140 votes. If it is beaten, you know who must beat it. Consistency is a jewel which should adorn us all, and it is only right by this legislative body to-night that Mrs. Logan should be recognized as this bill directs. I ask whether this House is to forget that this woman stands forth before the Union as one of the noblest of them all, who went into camp and field herself as a nurse, a woman who was a companion to General Logan, and that of itself is a high tribute to her.

[Here the hammer fell.]

The question recurred on suspending the rules and passing the bill.

The question was taken; and it was decided in the negative—yeas 145, nays 113, not voting 61; as follows:

YEAS—145.

| | | | |
|---|---|---|---|
| Adams, G. E. | Bunnell, | Evans, | Hanback, |
| Allen, C. H. | Burleigh, | Everhart, | Harmer, |
| Anderson, C. M. | Burrows, | Farquhar, | Hayden, |
| Anderson, J. A. | Butterworth, | Felton, | Haynes, |
| Atkinson, | Campbell, Felix | Fleeger, | Henderson, D. B. |
| Baker, | Campbell, J. E. | Foran, | Henderson, T. J. |
| Bayne, | Campbell, T. J. | Ford, | Hepburn, |
| Bingham, | Cannon, | Fuller, | Hermann, |
| Bliss, | Caswell, | Funston, | Hiestand, |
| Bound, | Conger, | Gallinger, | Hires, |
| Boutelle, | Cutcheon, | Gilfillan, | Hiscock, |
| Brady, | Davis, | Goff, | Hitt, |
| Brown, C. E. | Dingley, | Grosvenor, | Holmes, |
| Brown, W. W. | Dorsey, | Grout, | Hopkins, |
| Buchanan, | Dunham, | Guenther, | Houk, |
| Buck, | Ely, | Hale, | Jackson, |

| | | | |
|---|---|---|---|
| James, | Milliken, | Rockwell, | Thomas, J. R. |
| Johnson, F. A. | Moffatt, | Romeis, | Thomas, O. B. |
| Johnston, J. T. | Morrill, | Rowell, | Thompson, |
| Ketcham, | Morrow, | Ryan, | Townshend, |
| La Follette, | Negley, | Sawyer, | Van Schaick, |
| Laird, | Nelson, | Scranton, | Viele, |
| Lehlbach, | O'Donnell, | Seney, | Wadsworth, |
| Libbey, | O'Neill, Charles | Sessions, | Wakefield, |
| Lindsley, | Osborne. | Smalls, | Ward, J. H. |
| Little, | Outhwaite, | Sowden, | Warner, William |
| Long, | Owen, | Spooner, | Weaver, A. J. |
| Louttit, | Page, | Springer, | Weaver, J. B. |
| Lyman, | Parker, | Stahlnecker, | Weber, |
| Mahoney, | Payne, | Steele, | West, |
| Markham, | Payson, | Stephenson, | White, Milo |
| Maybury, | Perkins, | Stone, E. F. | Wilkins, |
| McComas, | Peters, | Strait, | Woodburn, |
| McKenna, | Pettibone, | Struble, | Worthington. |
| McKinley, | Randall, | Symes, | |
| Merriman, | Ranney, | Taylor, I. H. | |
| Millard, | Reed, | Taylor, Zach. | |

NAYS—113.

| | | | |
|---|---|---|---|
| Allen, J. M. | Davidson, R. H. M. | Johnston, T. D. | Richardson, |
| Bacon, | Dawson, | Jones, J. H. | Sayers, |
| Barbour, | Dibble, | King, | Scott, |
| Barnes, | Dougherty, | Kleiner, | Seymour, |
| Barry, | Dunn, | Laffoon, | Shaw, |
| Belmont, | Eden, | Landes, | Skinner, |
| Bennett, | Eldredge, | Lanham, | Stewart, Charles |
| Blanchard, | Ermentrout, | Lore, | St. Martin, |
| Blount, | Findlay, | Lowry, | Stone, W. J., Ky. |
| Boyle, | Forney, | Matson, | Storm, |
| Breckinridge, C. R. | Frederick, | McCreary, | Swope, |
| Breckinridge, WCP | Gibson, C. H. | McMillin, | Tarsney, |
| Bynum, | Glass, | McRae, | Taulbee, |
| Cabell, | Green, | Miller, | Taylor, J. M. |
| Caldwell, | Hall, | Mills, | Tillman, |
| Candler, | Halsell, | Morgan, | Trigg, |
| Carleton, | Hammond, | Morrison, | Tucker, |
| Catchings, | Hatch, | Muller, | Turner, |
| Clements, | Heard, | Murphy, | Van Eaton, |
| Cobb, | Hemphill, | Neal, | Wallace, |
| Compton, | Henderson, J. S. | Neece, | Ward, T. B. |
| Cowles, | Henley, | Norwood, | Warner, A. J. |
| Cox, W. R. | Herbert, | Oates, | Wellborn, |
| Crain, | Hill, | O'Ferrall, | Wheeler, |
| Crisp, | Holman, | Peel, | Willis, |
| Croxton, | Howard, | Perry, | Wise. |
| Culberson, | Hudd, | Price, | |
| Dargan, | Hutton, | Reagan, | |
| Davidson, A. C. | Irion, | Reese. | |

NOT VOTING—61.

| | | | |
|---|---|---|---|
| Adams, J. J. | Daniel, | McAdoo, | Spriggs, |
| Aiken, | Davenport, | Mitchell, | Stewart, J. W. |
| Ballentine, | Dockery, | O'Hara, | Stone, W. J., Mo. |
| Barksdale, | Ellsberry, | O'Neill, J. J. | Swinburne, |
| Bland, | Fisher, | Phelps, | Taylor, E. B. |
| Bragg, | Gay, | Pidcock, | Throckmorton, |
| Browne, T. M. | Geddes, | Pindar, | Wade, |
| Brumm, | Gibson, Eustace, | Plumb, | Wait, |
| Burnes, | Glover, | Rice, | White, A. C. |
| Campbell, J. M. | Harris, | Riggs, | Whiting, |
| Clardy, | Jones, T. J. | Robertson, | Wilson, |
| Collins, | Kelley, | Rogers, | Winans, |
| Comstock, | Lawler, | Rusk, | Wolford. |
| Cooper, | Le Fevre, | Sadler, | |
| Cox, S. S. | Lovering, | Singleton, | |
| Curtin, | Martin, | Snyder, | |

So the motion was not agreed to.

Mr. WISE. I ask unanimous consent to dispense with the reading of the names.

Mr. RANDALL. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. DOCKERY with Mr. WADE.

Mr. WILSON with Mr. MCADOO.

Mr. CANDLER with Mr. RICE, for the remainder of the evening session.

Mr SNYDER with Mr. WAIT, on this vote.

Mr. ROBERTSON with Mr. STEWART, of Vermont, on this vote.

Mr. JONES, of Alabama, with Mr. LAWLER, on this vote. If present Mr. JONES, of Alabama, would vote "no," and Mr. LAWLER "aye."

Mr. GIBSON, of West Virginia. I was not present when my name was called, but should have voted in the negative.

The result of the vote was then announced, as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendments the bills of the following titles, namely:

A bill (H. R. 821) for the relief of Samuel M. Gaines;

A bill (H. R. 1735) for the relief of Matthew H. Fulton;

A bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes;

A bill (H. R. 9905) for the relief of William C. Spencer;

A bill (H. R. 3365) for the relief of the heirs or legal representatives of Samuel H. Moer;

A bill (H. R. 9818) relative to the Minneapolis Industrial Exposition, to be held annually in the city of Minneapolis, State of Minnesota;

A bill (H. R. 11202) making appropriations to pay pensions to the soldiers and sailors of the Mexican war, and for other purposes; and

A bill (H. R. 10790) authorizing the President to return the Twiggs swords.

Also that the Senate agreed to the reports of committees of conference on bills of the following titles, namely:

A bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas; and

A bill (H. R. 38) for the relief of Alfred Hedberg.

Also that the Senate had passed with amendments the bill (H. R. 2441) to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and asked a conference with the House thereon, and had appointed Mr. WILSON, of Iowa, Mr. HOAR, and Mr. PUGH managers on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

Mr. BRECKINRIDGE, of Arkansas. I move to suspend the rules, call up the bill S. 3104, and put it upon its passage.

Mr. BLOUNT. I submit a privileged report.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The Chair will recognize the gentleman from Georgia to submit a conference report.

Mr. BRECKINRIDGE, of Arkansas. He makes that report pending my motion.

The SPEAKER *pro tempore*. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, after full and free conference have been unable to agree.

JAMES H. BLOUNT,
J. M. RIGGS,
HENRY H. BINGHAM,
*Managers on the part of the House.*

P. B. PLUMB,
WILLIAM MAHONE,
JAMES B. BECK,
*Managers on the part of the Senate.*

Mr. BLOUNT. I demand the previous question upon the report.

The SPEAKER *pro tempore*. There is nothing to demand the previous question upon. If there be no objection the report will be accepted.

Mr. BLOUNT. The House entertained a different idea on this question heretofore. I move the adoption of the report, and upon that demand the previous question.

The previous question was ordered.

Mr. BLOUNT. Now, I move that the report be accepted.

Mr. GROSVENOR. I wish to make a parliamentary inquiry. What is the pending question? I understood the gentleman from Georgia made a motion.

The SPEAKER *pro tempore*. The gentleman simply reports now a paper that has been read announcing that the conferees on this bill have failed to agree.

Mr. GROSVENOR. And he makes no motion.

Mr. BLOUNT. I move the adoption of the report.

The SPEAKER *pro tempore*. There is nothing to adopt. The Chair stated that without objection the report would be accepted. Is there objection?

There was no objection.

The SPEAKER *pro tempore*. Now will the gentleman make his motion?

Mr. BLOUNT. I move that the House adhere to its disagreement to the Senate amendments; and on that I ask the previous question.

Mr. BINGHAM. I move that the House recede from its disagreement. May I ask what is the limit of debate?

The SPEAKER *pro tempore*. The gentleman from Georgia demands the previous question upon the motion submitted by him, which covers both motions.

Mr. BINGHAM. I believe I have the floor.

The SPEAKER *pro tempore*. But the gentleman from Georgia has demanded the previous question.

Mr. DINGLEY. How did he get the floor for that purpose?

The SPEAKER *pro tempore*. Before the gentleman from Pennsylvania took the floor the gentleman from Georgia demanded the previous question.

Mr. BURROWS. After the gentleman from Georgia moved to adhere, then the gentleman from Pennsylvania had the right to move that the House recede.

The SPEAKER *pro tempore*. There is no necessity for any misunderstanding. The Chair will state the question. The gentleman from Georgia rose and addressed the Chair and made his motion, and at that time, before any other motion was made, he demanded the previous question. Pending that, the gentleman from Pennsylvania moved that the House recede from its disagreement.

Mr. BINGHAM. Who demanded the previous question?

The SPEAKER *pro tempore*. Allow the Chair to state: Pending that, the gentleman from Pennsylvania moved that the House recede from its disagreement to the Senate amendments, and agree to the same.

But the demand for the previous question had already been made by the gentleman from Georgia.

Mr. BLOUNT. The Speaker ruled the other day that the previous question operated on both motions.

Mr. RANDALL. Only the motion of the gentleman from Pennsylvania comes in as a prior motion to the one made by the gentleman from Georgia.

The SPEAKER *pro tempore*. The Chair has so stated.

Mr. BURROWS. Does the Chair hold that the gentleman from Pennsylvania [Mr. BINGHAM] has not the right to the floor on his motion?

The SPEAKER *pro tempore*. If the previous question shall be ordered there will be thirty minutes allowed for debate, fifteen minutes on each side.

Mr. BURROWS. This question has been up in the House within the last two or three days, and under the ruling of the Speaker the gentleman from Pennsylvania has now the right to the floor.

Mr. LONG. It was so held in regard to the debate on the fisheries bill.

The SPEAKER *pro tempore*. In regard to the very bill referred to by the gentleman from Massachusetts——

Mr. BURROWS. Will the Chair pardon me and allow me to say one word?

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. BURROWS. When the matter now presented came back two days ago, the gentleman from Georgia [Mr. BLOUNT] made the same motion and called the previous question. I then rose in my place and moved that the House recede from its disagreement to the Senate amendment. The Speaker held that I had the right to the floor upon that motion, even although the gentleman from Georgia had demanded the previous question, as the motion to recede took precedence over all other motions. It was so held, and I debated the question till I withdrew the motion.

Mr. PETTIBONE. The record shows that the gentleman from Michigan [Mr. BURROWS] is correct in his statement.

Mr. BLOUNT. I ask if the Chair has not ruled on this question which gentlemen are discussing.

The SPEAKER *pro tempore*. The Chair having heard the statements of the gentleman from Michigan [Mr. BURROWS] and the gentleman from Pennsylvania [Mr. BINGHAM], again states that the gentleman from Georgia submitted a motion and upon that demanded the previous question. Pending that, the gentleman from Pennsylvania submitted his motion. If the demand for the previous question is sustained by the House it will operate on both motions; the precedence in putting the question belonging to the motion submitted by the gentleman from Pennsylvania. The question is on ordering the previous question.

The previous question was ordered, there being—ayes 120, noes 11.

The SPEAKER *pro tempore*. The question now is on the motion submitted by the gentleman from Pennsylvania [Mr. BINGHAM] that the House recede from its disagreement to the amendment of the Senate and agree to the same; thirty minutes are allowed for debate, fifteen minutes on each side. The Chair recognizes the gentleman from Pennsylvania. [Cries of "Vote!" "Vote!"]

Mr. BINGHAM. I do not think that anything I may say in this debate will change the twice expressed judgment of the House. But not having had an opportunity to debate this bill when it was before the House at its first consideration, I desire to submit a few facts and a few statements which as I claim, while they will not change the judgment of the House, may present a phase of the proposition not heretofore presented.

I am not going to discuss the question of trade results and trade benefits to the American people if this proposition is accepted. I believe it has been ably and forcibly debated upon this floor, and nothing that I can say will add to or strengthen the argument that has been presented by those in favor of this Senate proposition.

I will say, however, that this amendment made by the Senate to the Post-Office appropriation bill is different in character from any heretofore considered by either House of Congress. It is not the old proposition, but it is distinctively a new proposition. It is to give for the purpose of securing greater frequency and regularity in the dispatch of our mails to the South American ports and states in American steamships $1 per nautical mile simply for the outgoing trip.

Within the past few days there has been presented to the Secretary of State by Mr. Hanna, of Indiana, minister to the Argentine Republic, the statement that that republic, in character so much like our own, offers $100,000 annually for the mail transportation between the ports of the Argentine Republic and the United States for outgoing mails. There are to-day enterprising men in this country who are willing to make a proposition to carry those mails if they have any guarantee from this Government that a fair and reasonable compensation will be given them for the transportation of mails from this country to that.

Remember the fact that the statute under which you pay to-day for the transportation of your foreign mails was enacted in 1858. You then gave sea and inland postage for the transportation of your foreign mails. In many cases that covered 45 cents a letter, and the compensation extended from that down to the smaller sum. Since that day, throughout the world, there has been a revolution in the matter of the cost of mail transportation by the governments of the world; and under the universal postal union but 5 cents a letter is charged to-day from any one section of the civilized world to any other. You have changed in your legislation the charge that you make to the citizen for carrying his letter, and yet you have never, since 1858, made a single change in the matter of allowance which you give to the vessels carrying your foreign mails.

I desire to make the further statement that this proposition is simply to place your foreign-mail service upon the same basis upon which you placed your railroad transportation, which is that the cost shall not exceed so much per pound per mile. It is on virtually the same basis that you to-day establish your star-route service, the contracts for which are subject to the rule of being awarded to the lowest bidder.

And the purpose of this legislation is that our system may be thoroughly consistent as to the railroad, star-route, steamboat, and foreign-mail service. I desire to say further that in this country, as throughout the civilized world, ocean-mail transportation has been regarded as a handmaid for the development of a marine for defensive purposes as well as of a marine for the carrying of your products to sections of the world where the individual enterprise of your people will not admit of competition with established lines which are aided and abetted by their respective governments; and in this respect the Post-Office Department has ever been an aider and abettor. Gentlemen well know that in connection with the transportation of the mails there is carried on to-day a great banking system by the Post-Office Department, which handles upwards of a hundred millions of dollars through the money-order service.

That has nothing to do with the direct transportation of letters, yet it has been engrafted upon the postal service because the needs and the demands of the people require it. Further than that, we find in what is known as the fast-mail service exactly that which this proviso in the bill proposes to carry out. We give to-day upwards of $200,000 annually for the fast-mail service between points in the East and extreme points in the South. We have given in one year upwards of $600,000 for that same service. The proposition in this bill is identical in principle with that which this very House has engrafted on the present Post-Office bill, covering an appropriation of upwards of $200,000.

Again, what has the Post-Office Department in the mere transportation of mails to do with the conveyance of seeds, bulbs, and clippings, which go directly to aid in the development of the agricultural and farming interests of the country? Bulbs are not, and seeds and cuttings are not mail matter. You lose in your Post-Office Department a million dollars annually because you transmit through the mails seeds and bulbs and that class of matter for the benefit of the agricultural interests.

Within two years the American Congress cut down the postage on newspapers from 2 cents to 1 cent a pound, and to-day from Maine to California newspapers are transmitted at the rate of 1 cent a pound. By that enactment you cut off from the Post-Office, in the year in which you passed it, a million dollars of revenue. Why did you enact that law? Because it was the impression in this House, because it was the good judgment of this House, that the dissemination of information through the newspapers would contribute to the betterment, to the elevation, to the dignity and the true manhood of the American citizen.

You transmit books through the mails; they are not letters; they are not matter such as the mail originally was intended to transport. These measures which you have engrafted upon the postal service have contributed to make you a better and stronger nation. Following the same line of thought and policy, we come now with this appeal and say to you: We do not claim it as a subsidy, but it is a gift to enterprise; it is a gift to American energy; it is the placing of your foreign-mail service upon the same basis as your internal mail service; and we ask that in the development of that service a fair contribution may be made—not as under the law of 1856 but as under the law of thirty years later, the law of 1887—and that there may now be a fair recognition of the value of the development which this foreign-mail service may give to your Post-Office Department. If you do this, we can reach out and bring to ourselves the great trade of the South American nations and use the Post-Office Department in the future as in the past as a handmaid for the development and general growth of our common country. [Applause.] I yield the remainder of my time to the gentleman from Kansas [Mr. PETERS].

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman from Kansas has five minutes.

Mr. PETERS. Mr. Speaker, several years ago a commission was appointed which went to South America for the purpose of making certain investigations in the interests of this Government. That commission, after discharging its duties, returned and made its report, in which it recommended as one of the measures to be adopted by this Government in the interest of the country that there be more frequent mail communication between the United States and the South American countries.

The proposition involved in this difference between the Senate and the House conferees has for its object the increase of such mail facili-

ties. We expended a large sum of money in sending that commission to South America, and we did it for a purpose. We desired to see whether there could not be some means devised by which the United States and those South American communities could be brought into more immediate communication by which there could be a nearer relationship between them. That money having been expended and the report of that commission having been made, shall we allow to go for naught all that we obtained in the way of advice or recommendation from those commissioners who thoroughly looked into South American affairs, or shall we take some action that will redound to the benefit of our country and give us some remuneration for the money which has been spent in sending out that commission?

The proposition which is now presented is simply to make an experiment; and we are making experiments under the authority of legislation continually. We have to-day passed bills appropriating large amounts of money in order to make experiments for the benefit of this country. Large sums are being expended almost constantly for experimental purposes. Is it not proper and judicious that we should make an experiment in the direction of increasing mail facilities between this country and South America in the hope that benefit may accrue to the producers of this country by developing a market nearer to us than any we now enjoy for the surplus products which we raise?

The present proposition leaves this whole matter in the discretion of the Postmaster-General. The whole amount to be appropriated will be expended under his discretion. Is it not wise for us to make a trial in this matter during the coming year to see whether good will not ensue? If the result should not be encouraging we need not follow up this matter by any appropriations in the future. But unless we make a trial how can we tell whether we can increase our facilities for mail transportation in this direction? How can we ever determine this question, which was before the Forty-eighth Congress, as well as before the present Congress of the last session? I say let us agree to the amendment which the Senate proposes; let us make this experiment for the coming year and see whether we may not realize important advantages for the country.

[Here the hammer fell.]

Mr. BLOUNT. I yield five minutes to the gentleman from Wisconsin [Mr. GUENTHER].

Mr. GUENTHER. Mr. Speaker, it is not my purpose to discuss at this time the merits of this subsidy amendment at any length; indeed, I had no intention to take up the time of the House at all with reference to it.

The subsidy feature has been so fully debated in the first session of this Congress last summer and again in this and is so fresh in the minds of almost every member that I deem it quite superfluous to waste any time over it now. As it, however, seems that the other end of this Congress is endeavoring to repeat what they did in the closing hours of the Forty-eighth Congress, to tire out the House and coerce us to adopt their subsidy amendment, I feel compelled to enter my solemn protest and insist upon rejecting it.

My friend from Michigan [Mr. BURROWS], for whom I entertain the highest personal regard, has been unfaltering in his advocacy of this amendment. He tells us in his suave way that it is not a subsidy. I fully appreciate the power of his persuasive eloquence. I even believe that he has convinced himself that he really believes all he has told us, and is entirely honest in his ideas, but I believe him to be mistaken. He has produced everything that can be produced in favor of the proposition. The force of his argumentative talent, combined with the charm of his flute-like, mellow voice, has acted like the song of the sirens upon a number of my Republican friends, who last summer to the number of thirty-two withstood all the temptations of the subsidists. They have been charmed by him and have plunged head foremost into the deep sea of this subsidy.

My genial friend from Michigan has eased your conscience by declaring that this is a different proposition from that of last year.

My friends, it is the same old story, the same old raid upon the Treasury, only in a different form. The voice is Jacob's voice, but the hands are the hands of Esau—still the same grasping hands that are so greedy to grab a few millions of Uncle Sam's gold. True, the Pacific Mail Steamship Company is not included in this amendment. But, Mr. Speaker, our opposition was not against the Pacific Mail Steamship Company *per se*.

Our efforts were directed to prevent a raid upon the Treasury of the United States. Whether this raid is perpetrated by the Pacific Mail Steamship Company or other kindred concerns is immaterial. We object to paying ten times the value of a service rendered. We object to having a rider upon the Post-Office appropriation bill under the pretense of promoting the commerce of the United States. If it were true that this is a commercial measure, then it ought to have been considered by the proper committee—the Committee on Commerce.

I yield to no gentleman upon this floor in devotion to the best interests of my country. I go as far as anybody on this floor to build up the commerce, the manufactories, and all the interests of my country. I am intensely American, and I want to see this, the country of my choice, the greatest, the happiest, the foremost on the face of the globe. I am, however, earnestly opposed that the patriotism of our citizens should be made the cloak under which certain Eastern gentlemen will succeed in entering the vaults of the Treasury of the United States and help themselves to millions of dollars.

I for one—and I know that I am safe in saying that I speak at least for a number of Republicans—will not allow myself to be intimidated into voting this subsidy by threats of an extra session.

I am willing to have the issue made upon this line. If we can not have a Post-Office appropriation bill without yielding to the demands of these Eastern cormorants and subsidy-hunters, I am willing to have an extra session. We are contending for a principle, and are willing to sacrifice personal convenience in order to maintain it. If you want to play a game of political freeze-out we will join you, but bear in mind we have as many chips as you have. A game of bluff will not work. We have seen your hand and we hold a better one than you do. We know that the people who sent us here will approve of our action. They object to being humbugged out of millions of dollars by those Eastern shippers who conceived their peculiar notions of patriotism in the schools of the Pacific Mail Steamship Company. Their exhibition of love of our country and her beautiful flag is always accompanied by a clamor for money, by passing around the hat, and their patriotism is of the kind "for revenue only."

[Here the hammer fell.]

Mr. BLOUNT. The gentleman from Michigan [Mr. BURROWS] in the course of the debate on a previous conference more than once thought it proper to call attention to the fact that the Pacific Mail Steamship Company was not included in this amendment. I wish to say in part that is true and in part it is untrue. The proposition covers the Pacific Mail Steamship Line from San Francisco to Panama. The objection to the Pacific mail grew out of the man who had scandalized this Government by an organized lobby at each end of the Capitol, which is as well known as any other current event. That man, C. P. Huntington, is the vice-president of this Brazilian line which is now seeking a subsidy, and is the principal factor here seeking an additional line to the Argentine Republic.

So whatever weight is to be had in that connection it is not lost by the mere separation of the Pacific Mail Steamship line, for the methods to-night are the same methods employed hitherto—misrepresentation all along the line.

In a communication to the House during the last session of Congress there was an attempt made to mislead the House by the allegation that the Brazilian line got no more for carrying the mails than the actual expenses of entering the ports.

I wish to call attention to one of the items—detention seventy-two hours, at $23.52½ per hour, $1,693.50. The Postmaster-General sent an agent to investigate it as well as into the other false charges. Let me quote from the report of the Postmaster-General in reference to these false charges:

| | |
|---|---|
| Pilotage | $176 00 |
| Custom-house duties and petties | 59 64 |
| Light dues | 40 08 |
| Lighter and tarpaulin | 28 80 |
| Landing mails | 8 00 |
| Translating manifest | 16 00 |
| Custom-house agents | 20 00 |
| Porterage | 12 00 |
| Bill of health | 1 76 |
| Telegrams | 4 00 |
| Commissions | 80 00 |
| Detention seventy-two hours, at $23.52½ per hour | 1,693 50 |
| Making a total of | 2,131 78 |
| This amount is credited by freight list | 720 44 |
| Leaving the amount charged to the mail of | 1,411 34 |

My report shows that the agent of the steamship company at this port informed me that it cost to deliver the mail from the steamer to the post-office from $11 to $22; the cost varying as they use a row-boat or steam-launch; this time a steam-launch was used and the cost was about $22. The agent told me that this was as much as the delivery of the mail cost at this port.

As to the charges made for pilotage, custom duties, light dues, lighter and tarpaulin, translating manifest, bill of health, telegrams, and for commissions have no connection whatever with the mails; these charges would be the same if the steamer had no mail.

As to the detention of the steamer seventy-two hours, the facts are these: This is a tidal harbor; at 1.30 p. m. on May 13 the steamer anchored to wait till the tide was high enough for her to go in the harbor; at 2.50 p. m. the steamer went in the harbor, anchoring at 3.15 p. m. The steamer sailed from this port at 2.45 a. m. May 14, so that it will be seen that from the time the steamer anchored near the city of Maranhão, to wait for high tide, till the time she sailed was just thirteen hours and fifteen minutes; the only delay was caused from low tide, which was one hour and twenty minutes. The time the steamer remained in port was consumed with the cargo, unloading the freight.

Now, sir, here was an expense for a vessel detained in port for its mercantile business charged up against the Government for carrying the mails. I refer to this as an illustration of the deception and falsehood here employed when the question is brought up in order to mislead the House.

Again, sir, you have been told in this debate, and it comes from the very same parties—Huntington and his associates—that there is a proposition on the part of the Argentine Republic, in order to get a line established between Montevideo and New York, to give a subsidy of $100,000; and you have been told further that it is a condition precedent to that subsidy that the United States shall add to it a certain sum.

Now, what are the facts? Is that a correct statement? On the contrary, the communication which I had published in the RECORD a day or two ago from Mr. Hanna, the American consul there, states distinctly that the proposition was submitted by these very gentlemen to the Argentine Republic to take the mails from New York to Montevideo, the line referred to, for $100,000. A proposition was made to that government and accepted without condition; and the American minister says that if that line which made the proposition shall refuse to accept it, other companies will take it up.

Mr. BINGHAM. An English company will get it.

Mr. BLOUNT. No, sir; that is the language of the gentleman from Pennsylvania, but the minister says that parties in New York will get it.

Now let us see in reference to this matter. The Postmaster-General thought at one time that a small sum of money might be used to get an increase of the Brazilian line, and also believed that a small sum might create the line to the Argentine Republic. But he finds now that you can not get any increase in the Brazilian line at a reasonable rate; and furthermore, he believes that whether or not the Government gives a dollar to the line for the establishment of the service, it will be put on any how, and by contract with the Argentine Government, without reference to any such action as that suggested on the part of this Government.

Mr. BURROWS. Will the gentleman allow a question?

Mr. BLOUNT. No, sir.

Mr. BURROWS. I supposed not.

Mr. BLOUNT. See how misleading these statements of the subsidy hunters are! They have come here with correspondence showing that unless the American Government contributed to these subsidies there would be a failure to establish the line, when on the contrary, there is a correspondence of an official character from our minister showing that they have got a proposition to put it on already, and the Argentine Government has accepted the bid. It is just as truthful as the statement we have heard in reference to the expenditures above referred to.

Mr. BURROWS. Will the gentleman allow a question now?

Mr. BLOUNT. No, sir.

Mr. BURROWS. I supposed the gentleman would not yield.

Mr. BLOUNT. My friend has had a good deal to say about the pay being very insignificant for this service.

Mr. BURROWS. How about the $55,000?

Mr. BLOUNT. The gentleman from Michigan has had his say, and the gentleman owes it to me and to himself not to interrupt me.

Mr. BURROWS. I will not, of course, if the gentleman declines to yield.

Mr. BLOUNT. Now let us look at the figures for a moment. The American lines, at sea and inland postage, are paid three times as much as the foreign ships are paid, and these are glad to get the business at that rate. The American lines are paid just as much as the express companies charge, and they have no risk, and hence there is no insurance to pay on what they carry for the Government. Now talk about business transactions.

Is not this pay ample when it is what the express companies charge for the service? The Postmaster-General says it is. He has stated so in a report which has been submitted to this House, for which he was denounced by the steamship companies and their friends. But the House, after a long debate and a deliberate consideration, by an overwhelming vote rejected the idea that the compensation was not sufficient. This, I say, is conclusive of the matter.

Gentleman in this discussion have also been referring to the old rate of letter-postage at 45 cents, a rate paid many years ago when the compulsory clause was passed, and have been comparing it with the rate of to-day. To get the higher rates cited you have to make the calculation on the basis of transporting from this country to England and then back to South America.

Now, Mr. Speaker, notwithstanding this change the reduction of rates has multiplied the amount of mail matter until these ships are getting now in money more than they did then. It is, then, just as I have already stated, the pay they receive is a pay that business men accept everywhere, and are glad to get it.

Now I want to call attention briefly to a statement of the Post-Office Department on this subject of compensation for the different classes of service. They have furnished a table showing the amount per mile paid for the year 1885 for the transportation of mail by railway, star routes, steamboat, coastwise service, and the American steamship service to foreign ports, and also the average amount paid to the eight principal lines of American steamships, as well as the amount that would have been paid if the American steamships had received the sea and inland postage on these lines.

This table shows that the average amount paid per mile to the railroads was nearly 11 cents; the average amount paid on the star-route service was about 6½ cents; the amount paid the steamboat and coastwise service nearly 16 cents, which has been since reduced, while the amount paid, if sea and inland postage was the basis, to the eight American lines, would be a little over 14 cents, showing that the sea and inland postage was considerably greater than the average amount paid for the railroad or star-route service, and nearly equal to the steamboat service, for at the time this table was made the rates for that class of service were somewhat higher than now.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BLOUNT. I ask the yeas and nays on the pending motion.

Mr. BINGHAM. Mr. Speaker, a number of gentlemen have expressed a desire to insert in the RECORD remarks upon this proposition, not being able to get recognition, and I ask unanimous consent that they be permitted to do so.

There was no objection.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 137, not voting 84; as follows:

YEAS—98.

| | | | |
|---|---|---|---|
| Adams, G. E. | Farquhar, | King, | Reed, |
| Allen, C. H. | Findlay, | Libbey, | Rockwell, |
| Atkinson, | Fleeger, | Lindsley, | Romeis, |
| Baker, | Foran, | Little, | Ryan, |
| Bingham, | Funston, | Long, | Sawyer, |
| Blanchard, | Gallinger, | Lore, | Scranton, |
| Bound, | Gilfillan, | Lyman, | Smalls, |
| Boutelle, | Goff, | McKenna, | Spooner, |
| Brady, | Grosvenor, | McKinley, | Steele, |
| Brown, W. W. | Grout, | Millard, | Stephenson, |
| Buck, | Harmer, | Milliken, | St. Martin, |
| Bunnell, | Hayden, | Moffatt, | Stone, E. F. |
| Burleigh, | Haynes, | Morrill, | Symes, |
| Burrows, | Hermann, | Negley, | Taylor, I. H. |
| Butterworth, | Hiestand, | O'Hara, | Taylor, Zach. |
| Caswell, | Hiscock, | O'Neill, Charles | Thomas, J. R. |
| Conger, | Hitt, | Osborne, | Tillman, |
| Cutcheon, | Holmes, | Owen, | Viele, |
| Davis, | Houk, | Parker, | Wadsworth, |
| Dingley, | Irion, | Payne, | Wallace, |
| Dorsey, | Jackson, | Perkins, | Weber, |
| Dunham, | James, | Peters, | White, Milo |
| Ely, | Johnson, F. A. | Pettibone, | Woodburn. |
| Evans, | Johnston, J. T. | Plumb, | |
| Everhart, | Ketcham, | Price, | |

NAYS—137.

| | | | |
|---|---|---|---|
| Allen, J. M. | Dibble, | Mahoney, | Seymour, |
| Anderson, C. M. | Dunn, | Matson, | Shaw, |
| Anderson, J. A. | Eden, | McAdoo, | Skinner, |
| Bacon, | Eldredge, | McComas, | Sowden, |
| Barbour, | Ermentrout, | McCreary, | Springer, |
| Barnes, | Felton, | McMillin, | Stahlnecker, |
| Barry, | Ford, | McRae, | Stewart, Charles |
| Bayne, | Forney, | Merriman, | Stone, W. J., Ky. |
| Belmont, | Frederick, | Miller, | Stone, W. J., Mo. |
| Bennett, | Fuller, | Mills, | Storm, |
| Bliss, | Gibson, C. H. | Morgan, | Strait, |
| Blount, | Green, | Morrison, | Struble, |
| Boyle, | Guenther, | Morrow, | Tarsney, |
| Breckinridge, C. R. | Hall, | Muller, | Taulbee, |
| Breckinridge, WCP | Halsell, | Murphy, | Taylor, J. M. |
| Burnes, | Hammond, | Neal, | Townshend, |
| Bynum, | Hatch, | Neece, | Trigg, |
| Caldwell, | Heard, | Nelson, | Tucker, |
| Campbell, Felix | Hemphill, | Norwood, | Turner, |
| Campbell, J. E. | Henderson, J. S. | Oates, | Van Eaton, |
| Campbell, T. J. | Hill, | O'Donnell, | Van Schaick, |
| Candler, | Howard, | O'Ferrall, | Wakefield, |
| Carleton, | Hudd, | O'Neill, J. J. | Ward, J. H. |
| Catchings, | Johnston, T. D. | Outhwaite, | Ward, T. B. |
| Clements, | Jones, J. H. | Page, | Warner, William |
| Cobb, | Kleiner, | Peel, | Weaver, A. J. |
| Compton, | Laffoon, | Perry, | Weaver, J. B. |
| Cowles, | La Follette, | Randall, | Wellborn, |
| Cox, W. R. | Laird, | Reagan, | Wilkins, |
| Crain, | Landes, | Reese, | Willis, |
| Crisp, | Lanham, | Richardson, | Wolford, |
| Culberson, | Lehlbach, | Rowell, | Worthington. |
| Davidson, A. C. | Louttit, | Sayers, | |
| Davidson, R. H. M. | Lovering, | Scott, | |
| Dawson, | Lowry, | Seney, | |

NOT VOTING—84.

| | | | |
|---|---|---|---|
| Adams, J. J. | Dargan, | Hopkins, | Sessions, |
| Aiken, | Davenport, | Hutton, | Singleton, |
| Ballentine, | Dockery, | Jones, J. T. | Snyder, |
| Barksdale, | Dougherty, | Kelley, | Spriggs, |
| Bland, | Ellsberry, | Lawler, | Stewart, J. W. |
| Bragg, | Fisher, | Le Fevre, | Swinburne, |
| Browne, T. M. | Gay, | Markham, | Swope, |
| Brown, C. E. | Geddes, | Martin, | Taylor, E. B. |
| Brumm, | Gibson, Eustace | Maybury, | Thomas, O. B. |
| Buchanan, | Glass, | Mitchell, | Thompson, |
| Cabell, | Glover, | Payson, | Throckmorton, |
| Campbell, J. M. | Hale, | Phelps, | Wade, |
| Cannon, | Hanback, | Pidcock, | Wait, |
| Clardy, | Harris, | Pindar, | Warner, A. J. |
| Collins, | Henderson, D. B. | Ranney, | West, |
| Comstock, | Henderson, T. J. | Rice, | Wheeler, |
| Cooper, | Henley, | Riggs, | White, A. C. |
| Cox, S. S. | Hepburn, | Robertson | Whiting, |
| Croxton, | Herbert, | Rogers, | Wilson, |
| Curtin, | Hires, | Rusk, | Winans, |
| Daniel, | Holman, | Sadler, | Wise. |

So the motion was not agreed to.

Mr. EDEN. I ask that the reading of the names be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. WISE with Mr. BROWN, of Ohio, for the rest of the night.

Mr. CROXTON with Mr. THOMAS, of Illinois, until to-morrow morning.

Mr. BALLENTINE with Mr. HOPKINS, for the rest of the night.

Mr. CABELL with Mr. THOMPSON, for the rest of the night.

Mr. RIGGS with Mr. WEST, for the rest of the night.

Mr. HOLMAN with Mr. CANNON, for the rest of the evening, being absent on a conference committee.

Mr. WARNER, of Ohio, with Mr. RANNEY, for the rest of the night; also on this vote. If present, Mr. RANNEY would vote "aye" and Mr. WARNER "no."

Mr. HUTTON with Mr. RICE, on this vote.

Mr. MULLER. I desire to know if my vote is recorded.

The SPEAKER *pro tempore*. The gentleman is recorded as having voted in the negative.

Mr. MULLER. That is the way I want to vote.

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The question recurs on the motion made by the gentleman from Georgia [Mr. BLOUNT] that the House insist on its disagreement to the amendment of the Senate, and ask for a further conference.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 118) to print the official report of the investigations of Dr. Edward Shakespeare concerning the nature, &c., of epidemic cholera;

Joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.; and

A joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887.

Mr. MCRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 9818) relative to the Minneapolis Industrial Exposition.

ADJUSTMENT OF RAILROAD LAND GRANTS.

Mr. COBB. I present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out section 1 and insert as follows:

"SECTION 1. That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust in accordance with the decisions of the Supreme Court each of the railroad land grants made by Congress to aid in the construction of railroads and heretofore unadjusted."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out section 2, and insert as follows:

"SEC. 2. That if it shall appear, upon the completion of such adjustments respectively, or sooner, that lands have been, from any cause, heretofore erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney-General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title heretofore issued for such lands, and to restore the title thereof to the United States.

"SEC. 3. That if, in the adjustment of said grants, it shall appear that the homestead or pre-emption entry of any *bona fide* settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler, upon application, shall be reinstated in all his rights and allowed to perfect his entry by complying with the public-land laws: *Provided*, That he has not located another claim, or made an entry in lieu of the one so erroneously canceled: *And provided also*, That he did not voluntarily abandon said original entry: *And provided further*, That if any of said settlers do not renew their application to be reinstated within a reasonable time, to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be disposed of under the public-land laws, with priority of right given to *bona fide* purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to *bona fide* settlers residing thereon."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out section 3, and insert as follows:

"SEC. 4. That as to all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing, in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting; and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney-General shall cause suit or suits to be brought against such company for the said amount: *Provided*, That nothing in this act shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase-money therefor from the grantee company, less the amount paid to the United States by such company as by this act required: *And provided*, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of this act, nor shall this act be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have on account of any branch of said conditions."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out section 4 and insert as follows:

"SEC. 5. That where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for the *bona fide* purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said *bona fide* purchaser, his heirs or assigns: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the *bona fide* occupation of adverse claimants under the pre-emption or homestead laws of the United States, and whose claims and occupation have not since been voluntarily abandoned, as to which excepted lands the said pre-emption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further*, That this section shall not apply to lands settled on subsequent to the 1st day of December, 1882, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amenment, as follows:

"Strike out section 5 and insert as follows:

"SEC. 6. That where any such lands have been sold and conveyed, as the property of any railroad company, for State and county taxes thereon, and the grant to such company has been thereafter forfeited, the purchaser thereof shall have the prior right, which shall continue for one year from the approval of this act, and no longer, to purchase such lands from the United States at the Government price, and patents for such lands shall thereupon issue: *Provided*, That said lands were not, previous to or at the time of the taking effect of such grant, in the possession of or subject to the right of any actual settler."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with amendments as follows: Strike out section 6, and insert as follows:

"SEC. 7. That no more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands to which such State, corporation, or individual would be rightfully entitled."

And the Senate agree to the same.

T. R. COBB,
H. S. VAN EATON,
JOHN A. ANDERSON,
*Managers on the part of the House.*

P. B. PLUMB,
H. M. TELLER,
E. C. WALTHALL,
*Managers on the part of the Senate.*

Mr. COBB. I move the previous question on the adoption of the report.

The previous question was ordered.

Mr. NELSON. Mr. Speaker, I suppose this is now open to debate.

The SPEAKER *pro tempore*. It is.

Mr. NELSON. I dislike to occupy the time of the House, Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman will suspend to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the amendment of the House to the joint resolution (H. Res. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes;

A bill (H. R. 9469) relating to arrears of taxes in the District of Columbia; and

A bill (H. R. 899) for the relief of A. S. Bloom.

The message also announced that the Senate had passed the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States, with an amendment, in which the concurrence of the House was requested, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SHERMAN, Mr. MORRILL, and Mr. HARRIS.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill to correct the record of the military service of James W. Kingon.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The Chair will appoint as conferees on the part of the House on the Post-Office appropriation bill the gentleman from Georgia, Mr. BLOUNT, the gentleman from Tennessee, Mr. J. M. TAYLOR, and the gentleman from Pennsylvania, Mr. BINGHAM.

ORDER OF BUSINESS.

Mr. MILLER. I ask unanimous consent that the House disagree to the Senate amendment to the bill (H. R. 9110) to amend certain sections of the Revised Statutes and agree to the conference asked by the Senate.

The SPEAKER *pro tempore*. There is a question now pending, so the Chair can not entertain the gentleman's request. The gentleman from Minnesota [Mr. NELSON] has the floor.

ADJUSTMENT OF RAILROAD LAND GRANTS.

Mr. NELSON. Mr. Speaker, I am unwilling to take up the time of the House with any debate on this bill. I simply desire to ask either the chairman of the committee or the gentleman from Kansas [Mr. ANDERSON] to explain to the House the nature and effect of the bill as it has been agreed upon. I remember what it was when it passed the House, and I would like to have its provisions as they stand now explained.

Mr. ANDERSON, of Kansas. Very briefly, it is this. There were found to be grants made to railroads in the State of Kansas, where there was no question as to the completion of the roads in time, or as to forfeiture or anything of that kind, but where the Department had issued to the companies more lands than the grants contained—in one case, that of the Atchison, Topeka and Santa Fé Railroad, 15,000 acres more than could by any possibility be in the grant. Accordingly the bill when it passed last year was known as the Kansas adjustment bill.

Mr. NELSON. But it included other roads.

Mr. ANDERSON, of Kansas. Yes, it was so reported by our committee and became a general bill. By that bill this excess land was required to be restored to the public domain, and in order to do that it became necessary that the title should be caused to revert to the United States. Then the bill was made a general bill both here and in the Senate, and it is now a general bill and applies to cases where, when the adjustment of the grant is made, it shall be found that more land has been certified or patented to the railroad company than the grant really gives. This bill simply provides for that excess land.

Mr. NELSON. What is to be done with that excess land?

Mr. ANDERSON, of Kansas. By the second section of the bill the title reverts to the United States.

Mr. NELSON. Suppose it has passed to the company, and from the company to third parties; how then?

Mr. ANDERSON, of Kansas. The second section requires that the Secretary of the Interior shall make demand upon the company to relinquish and reconvey its title, and in the event of the company refusing to do that, then the Attorney-General is to enter proceedings to have the title reconveyed to the United States. Then, as to this excess land, where it is found after such adjustment that the homesteader or pre-emptor had title when the title of the company attached, the second section of the bill secures him priority of right in perfecting that title. Then as to another class of lands, namely, lands which the company has sold, the fourth section gives to the purchaser of that land his title.

I think the gentleman will find that all of the points that can be guarded in such a bill have been very carefully guarded. The bill has been in conference for twenty-four hours, the conferees on the part of the Senate being Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL, and I can assure the House that there has been every disposition on the part of the managers representing both bodies to reach an agreement, and that the agreement which has been reached is believed to be just and satisfactory to all interests concerned.

Mr. NELSON. One more question and I shall have done. Does this deal with any but this so-called excess land?

Mr. ANDERSON, of Kansas. That is all; and the bill is not a forfeiture bill, as we use that term in the House. It is simply a measure to protect the rights of the Government and the rights of settlers and purchasers as to these excess lands. It is not a forfeiture bill.

Mr. NELSON. I can see no objection to it as the gentleman explains it. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The question is on the adoption of the conference report.

The report was adopted.

Mr. COBB moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN HAYES.

Mr. ADAMS, of Illinois. I send to the desk a privileged report from the Committee on Accounts.

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to the widow of John Hayes, late an employé of the House, a sum equal to his salary for six months, and also the expenses attending his last illness and funeral, not to exceed the sum of $250.

The Committee on Accounts, to whom was referred the foregoing, having considered the same, report it back with the recommendation that it be adopted. The deceased was the locksmith employed in the Clerk's office, and died in the employ of the House. The resolution is the usual one in such cases, and in accordance with that practice the committee recommend its passage.

The resolution was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM FIGLEY.

Mr. CUTCHEON. I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5935) to remove the charge of desertion against William Figley, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

JOSEPH WHEELER,
DANIEL ERMENTROUT,
B. M. CUTCHEON,
*Managers on the part of the House.*
BENJAMIN HARRISON,
JOSEPH R. HAWLEY,
F. M. COCKRELL,
*Managers on the part of the Senate.*

Mr. CUTCHEON. I will state that the amendment of the Senate simply fixed a date for the discharge of this enlisted man; that is all. [Cries of "All right;" "Vote!" "Vote!"]

The report was adopted.

Mr. CUTCHEON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD BRIDGE AT GRAND TOWER, ILL.

Mr. BRECKINRIDGE, of Arkansas. I move to suspend the rules so as to put on its passage the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.

The SPEAKER *pro tempore*. The Clerk will read the bill.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the reading be dispensed with. I will state the purpose of the bill.

There is nothing in this bill which has not been reported upon favorably by the Committee on Commerce of the House except certain Senate amendments, the effect of which I will state. The Secretary of War advised that bridges between Saint Louis and Cairo be 500 feet wide in the middle span and 50 feet above high water. Now, some parties wanted this bridge 85 feet high; and I have here a telegram from Mr. Scudder, the president of the Anchor line of steamers, in which he accedes to the provision now in the bill requiring the bridge to be 85 feet high, which is 45 feet more than the Secretary of War has declared to be necessary. Mr. Scudder asked that 500 feet be the width of the central span; and I have a telegram from him to that effect. In this bill we provide that the central span shall be 650 feet. This bridge under the provisions of this bill will be 10 feet higher than the Memphis bridge, and 50 feet wider.

Mr. DAWSON. Mr. Speaker, I sincerely trust the motion of the distinguished gentleman from Arkansas will prevail. His terse and lucid exposition of the provisions of this bill obviates the necessity of any extended remarks from me. But representing, as I do, a constituency almost exclusively agricultural, and wishing to foster competition between rail and river, lower rates, and extend to them every facility for cheap transportation that ingenuity can devise or legislation effect, I desire to add my voice to his and appeal to the House most earnestly for the immediate consideration and passage of this measure.

Every requirement that the most critical and fastidious opposition could suggest or exact has been satisfactorily met, and this bill comes to us from the Senate with the joint approval of the railroads, the river interests, and the people of the already great but rapidly growing South and West.

I trust, therefore, that no factious opposition will be made; that the motion to suspend the rules may prevail, and that the bill may pass.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, there has been a great deal of dispute as to the width which should be required for this bridge. Some say that the main span should be 750 feet. In this bill the Senate has fixed it at 650 feet. I think the gentleman from Arkansas ought to allow an amendment to insert 750 feet as the width of the main span. [Cries of "Oh, no!"]

Mr. MORRISON. That would mean no bridge at all.

Mr. BRECKINRIDGE, of Arkansas. I ask the Clerk to read the telegram of Mr. Scudder, who is president of the largest steamboat company in the West.

The Clerk read as follows:

SAINT LOUIS, MO., *March* 2, 1887.

We have no objection to a bridge at Grand Tower, one span not less than 85 feet high above high-water mark, and one span of 500 feet in width. On the contrary, we wish all assistance given such bridge.

JOHN A. SCUDDER.
JNO. G. PRATHER.

Hon. WILLIAM DAWSON.

Mr. O'NEILL, of Pennsylvania. The main span of the Memphis bridge is 750 feet.

Mr. BRECKINRIDGE, of Arkansas. No; it is 600 feet. I have a statement of the Committee on Commerce to that effect.

Mr. O'NEILL, of Pennsylvania. I have a statement made in the Senate by Senator VEST to the effect that the main spans of the Memphis bridge and the Natchez bridge are 750 feet.

Mr. BRECKINRIDGE, of Arkansas. Here is a statement prepared by the clerk of the Committee on Commerce showing that the main span of the Memphis bridge is 600 feet. The gentleman can read it himself. The bridge authorized by this bill will be 50 feet wider and 10 feet higher.

Mr. O'NEILL, of Pennsylvania. This bill has never been considered by the Committee on Commerce.

Mr. BRECKINRIDGE, of Arkansas. Every feature of it has been considered except these increases, which are deemed an improvement. The bill goes that much beyond what the committee ask.

Mr. O'NEILL, of Pennsylvania. But this bill has not received the sanction of the Committee on Commerce.

Mr. DUNHAM. I demand the reading of the bill.

The Clerk proceeded to read the bill; but before the reading was concluded—

Mr. DUNHAM said: Mr. Speaker, numerous gentlemen here who desire to be recognized object to the consumption of time in reading this bill. I think we ought to know what is in the bill before we vote on it; but in compliance with the urgent requests of gentlemen, I withdraw the demand for the reading.

Mr. O'NEILL, of Pennsylvania. I renew the demand.

The Clerk resumed the reading of the bill, but was interrupted by—

Mr. O'NEILL, of Pennsylvania, who said: I withdraw the demand for the reading of the bill.

The question being taken on the motion of Mr. BRECKINRIDGE, of Arkansas, to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

HOTEL AT FORTRESS MONROE.

Mr. NEGLEY. I move that the rules be suspended, and the joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va., be passed.

The joint resolution was read, as follows:

*Resolved, &c.*, That the Secretary of War be, and he is hereby, authorized to grant permission to John F. Chamberlin to build a hotel upon the lands of the United States at Fortress Monroe, Virginia, upon such site and with such plans and dimensions as may be approved by the Secretary of War and the commanding officer at Fortress Monroe: *Provided*, That the State of Virginia, by its General Assembly and governor, shall, by proper legal enactment, give the consent of said State to the erection of such hotel, and that the building or buildings erected shall be removed, at the expense of the owner or owners, whenever the Secretary of War shall so direct; and no claim for damages by reason of such removal shall be made upon the Government of the United States: *And provided further*, That the buildings so erected shall be subject to State and national taxation as other property.

Mr. GROSVENOR. I demand a second.

Mr. SCOTT. I ask by unanimous consent that the second be considered as ordered.

The SPEAKER *pro tempore*. Is there objection?

Mr. STRUBLE. Yes; I object. [Cries of "No!" "No!"] I withdraw my objection.

The SPEAKER *pro tempore*. The Chair hears no further objection, and by unanimous consent the second is considered as ordered. Under the rules thirty minutes are allowed for debate; fifteen minutes in favor and fifteen minutes in opposition to it. [Cries of "Vote!"]

Mr. NEGLEY. Mr. Speaker, it is only necessary to announce to the House that this bill has a written approval of the Secretary of War, the General of the Army, and the Chief of Engineers.

Mr. GROSVENOR. I would like to know what precedent there is in this country for this legislation. I do not care if there is a hotel there now; that is no reason why the Government should continue to keep leasing or granting the right to erect hotels on the Government property.

Why should it be in this particular case? What are the special reasons which surround Mr. John Chamberlin and his associates that in the closing moments of this Congress we should grant this permit.

Mr. TIMOTHY J. CAMPBELL. We want a hotel there—a good hotel.

Mr. GROSVENOR. Let Mr. Chamberlin get his ground and build a hotel upon it, as other people do.

Mr. NEGLEY. There is one there now. This is to prevent monopoly.

Mr. TIMOTHY J. CAMPBELL. It is a good place to have a hotel and John Chamberlin is a good man to keep it. [Laughter.]

Mr. NEGLEY. It breaks up a monopoly.

Mr. GROSVENOR. It breaks up a monopoly by making another monopoly. [Cries of "Vote!"]

The question recurred on the motion to suspend the rules and pass the bill.

Mr. JOHNSTON, of Indiana. I demand a division.

The House divided; and there were—ayes 141, noes 29.

Mr. JOHNSTON, of Indiana. I demand tellers.

Tellers were not ordered (14 only voting in favor thereof).

The rules were suspended and the bill passed (two-thirds voting in favor thereof).

ALICE KELLEY.

Mr. SWOPE. I present the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2382) granting a pension to Alice Kelley, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the word "twelve" insert "twenty."

And the Senate agree to the same.

JOHN A. SWOPE,
E. H. CONGER,
*Managers on the part of the House.*

H. W. BLAIR,
PHILETUS SAWYER,
J. D. CAMERON,
*Managers on the part of the Senate.*

The statement accompanying the report was read, as follows:

STATEMENT TO ACCOMPANY SENATE BILL 2382.

The committee of conference on the disagreeing votes of the two Houses on the Senate bill 2382, placing Alice Kelley on the pension-roll, report:

The Senate bill placed this pension at $25, which was amended by the House so as to give her $12.

The conferees have agreed that her pension be fixed at $20, this being the amount which the House has fixed in the case of several pensions to nurses whose services and present destitution are not as great as those of the beneficiary of this bill.

Mr. SWOPE demanded the previous question.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. SWOPE moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

B. B. CONNOR.

Mr. WILLIS. I move to suspend the rules and pass the bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury is hereby directed to refund and pay to B. B. Connor & Brother, now of Louisville, Ky., surviving partners of the late firm of B. B. Connor, Brother & Swan, of Nashville, Tenn., the sum of $4,420.32, net proceeds paid into the Treasury from sale of 170 tierces and 120 barrels of lard, shipped by them March 24, 1862, from Nashville to Louisville, without a permit, in ignorant violation of law and trade regulations, and seized, libelled, and sold by the United States, the same having been so shipped after due inquiry, without willful negligence or intent to violate any law or trade regulations; and for that purpose the sum of $4,420.32 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WILLIS. I ask by unanimous consent that a second be considered as ordered in order that I may explain it.

Mr. JOHNSTON, of Indiana. I consent to that.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered. Thirty minutes are allowed for debate, fifteen minutes in favor of the motion and fifteen minutes in opposition to it.

Mr. WILLIS. I desire to say briefly that Mr. Connor resided in Nashville; was a loyal citizen, and sent a lot of lard to Louisville without being aware that it was necessary under the Treasury regulations to be provided with a permit for that purpose. He sent it on a Government boat; he was recognized as a loyal citizen by the authorities of Nashville, and when it reached Louisville, because of this technical violation of the rule requiring the permit, the lard was seized, and subsequently it was sold at a great loss to him.

Mr. WEAVER, of Nebraska. When was this?

Mr. WILLIS. During the war. His claim went to the Department, and was from there referred to Congress, and it was reported favorably on by Mr. MORRISON in the Forty-fourth Congress; has been passed several times by the House, and has also passed the Senate; is now favorably reported by the Senate committee; has the unanimous report of the House committee, passed the Senate by a unanimous vote; and, as exhibiting the gist of the matter, I will ask the Clerk to read a few lines of the report, which states the whole facts.

Mr. WEAVER, of Nebraska. How much lard did he have?

Mr. WILLIS. I am not able to state the exact number of pounds; it is stated in the report.

Mr. WEAVER, of Nebraska. What was the price?

Mr. WILLIS. I think the price at that time was about 15 cents a pound, but it was sold for between 4 and 6 cents a pound.

Mr. ROWELL. Let me ask the gentleman a question. Has this been favorably reported by the House Committee on War Claims?

Mr. WILLIS. Yes, sir.

Mr. SPRINGER. From what committee?

Mr. WILLIS. From the Committee on War Claims. It is on the Calendar.

Mr. WEAVER, of Nebraska. You say this was on a Government boat?

Mr. WILLIS. Yes, sir; it was shipped on a Government boat from Nashville to Louisville. I ask the Clerk to read what I have marked in this report.

The Clerk read as follows:

A loyal citizen of the United States had purchased and paid for in good faith property which the Government agents found in his possession, and after full

examination and careful scrutiny of his books was recognized as his property. This possession and ownership continuing for a month after Federal occupation of Nashville, and there being no market for his goods there, the owner, as the judge certifies, in good faith and openly, and in ignorance of the law, shipped his goods on a Government boat to Louisville. The goods, &c., were seized and condemned, not because of any suspicion of disloyalty or any question of ownership, but simply for failure to comply with a technical regulation.

It would, in the opinion of this committee, be harsh and unjust for the Government under such circumstances to retain the proceeds of the sale, and they recommend the passage of the bill.

Mr. PERKINS. I would like to inquire if that report shows no more than the facts which have been read from the desk?

Mr. WILLIS. The report shows the whole statement of the case, but it is rather lengthy. I asked only to have that portion read which crystallizes in a condensed form the report of the committee. I will state to the gentleman from Kansas that this was a quantity of lard which was shipped from Nashville to Louisville without a permit, which was then required, the party being ignorant of that requirement. It was sold there subsequently at a great loss. It has been reported several times favorably, once by the distinguished gentleman from Illinois [Mr. MORRISON] in the Forty-fourth Congress, and it has just dropped out between the two Houses.

I reserve the remainder of my time.

Mr. JOHNSTON, of Indiana. I yield five minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Now, Mr. Speaker, here is a bill for the relief of a private individual—one man—and it is a war claim at that. Even if there was time enough to properly investigate it I doubt the propriety of passing it. However that may be, there are other bills here, one affecting the people of my State, a portion of them, about twelve hundred families, situated upon a railroad land grant, being harassed——

Mr. JOHNSTON, of Indiana. Mr. Speaker, I shall occupy but four minutes and yield the rest of my time to other gentlemen. I want to say, in the first place, that this is a private claim. It is a claim reported here by the War Claims Committee. I do not know who made the report; but it is a question that should be considered by this House.

Mr. BRADY. Mr. Speaker, I think it is proper that I should say here in my place to the people of my district that I have had a public measure, a Senate bill, which has been upon the Calendar for more than a year, and that I have been promised at least half a dozen times to be recognized.

Mr. JOHNSTON, of Indiana. I ask for a division.

The House divided; and there were—ayes 154, noes 15.

The SPEAKER *pro tempore*. Upon this question the ayes are 154 and the noes 15. More than two-thirds having voted in the affirmative——

Mr. JOHNSTON, of Indiana. I demand tellers.

The question was taken on ordering tellers; and they were refused—only 10 members rising in support of the demand.

The motion of Mr. WILLIS to suspend the rules and pass the bill was then agreed to.

Mr. JOHNSTON, of Indiana. I move to adjourn.

Mr. WHEELER. Pending that motion I desire to present a privileged report.

The SPEAKER *pro tempore*. There is a motion to adjourn pending.

Mr. WHEELER. But pending that motion I present a privileged report.

The SPEAKER *pro tempore*. The gentleman should understand that there is a motion to adjourn pending.

Mr. SPRINGER. A conference report may be received even pending a motion to adjourn.

JOHN A. LONDON.

The SPEAKER *pro tempore*. Does the gentleman from Alabama state that he desires to present a conference report?

Mr. WHEELER. I do.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses to the bill of the Senate (H. R. 831) for the relief of John A. London, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

JOSEPH WHEELER,
F. L. WOLFORD,
G. W. STEELE,
*Managers on the part of the House.*

BENJAMIN HARRISON,
JOSEPH R. HAWLEY,
F. M. COCKRELL,
*Managers on the part of the Senate.*

The conference report was adopted.

Mr. WHEELER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes;

A bill (H. R. 9469) relating to arrears of taxes in the District of Columbia; and

A bill (H. R. 899) for the relief of A. S. Bloom.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from Indiana [Mr. JOHNSTON] that the House adjourn.

Mr. COWLES. I move that the House take a recess until to-morrow morning at 10 o'clock.

The SPEAKER *pro tempore*. That motion is not now in order.

Mr. FELTON. I want to know what a motion to adjourn now means.

The SPEAKER *pro tempore*. It means to adjourn until 11 o'clock to-morrow.

Mr. SPRINGER. I beg pardon. It means an adjournment *sine die*. This House can not sit on the 4th of March. The legislative day of the 3d of March must continue until final adjournment. An adjournment now means an extra session.

The SPEAKER *pro tempore*. The Chair has stated what the motion is. It is not for the Chair to state its effect.

Mr. COWLES. I desire to know whether the effect of the motion would not be an adjournment *sine die*.

Several MEMBERS. Certainly.

Mr. HAMMOND. I rise to ask a parliamentary question.

Mr. JOHNSTON, of Indiana. I withdraw the motion to adjourn.

PHILIP TAYLOR.

Mr. WHEELER. I rise to make a conference report.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

JOSEPH WHEELER,
EGBERT L. VIELE,
JAMES W. NEGLEY,
*Managers on the part of the House.*

BENJAMIN HARRISON,
JOSEPH R. HAWLEY,
F. M. COCKRELL,
*Managers on the part of the Senate.*

The report was adopted.

Mr. WHEELER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY THROUGH CROW INDIAN RESERVATION.

Mr. NELSON. I move to suspend the rules so as to discharge the Committee on Indian Affairs from the further consideration of the bill which I send to the desk, and put the same on its passage.

The title of the bill was read, as follows:

A bill (S. 3005) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation in Montana Territory.

Mr. NELSON. I ask unanimous consent that a second may be considered as ordered.

Mr. JOHNSTON, of Indiana. I demand a second.

The SPEAKER *pro tempore*. The Clerk will report the bill.

ORDER OF BUSINESS.

Mr. ANDERSON, of Ohio. I raise the question of consideration upon the motion of the gentleman from Minnesota [Mr. NELSON].

The SPEAKER *pro tempore*. The question of consideration can not be raised against a motion to suspend the rules.

Mr. ANDERSON, of Ohio. I have a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Ohio. I desire to call up for present consideration the veto message of the President upon Senate bill 856. This I understand to be a question of the highest privilege.

Mr. NELSON. I have not surrendered the floor.

[At this point the Speaker resumed the chair.]

The SPEAKER. The gentleman from Ohio [Mr. ANDERSON] will state his question of privilege.

PUBLIC BUILDING AT DAYTON, OHIO—VETO MESSAGE.

Mr. ANDERSON, of Ohio. I desire to call up for present consideration the veto message of the President upon Senate bill 856. I

desire that the question be considered and that the House pass the bill, notwithstanding the objections of the President.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio.

Mr. SPRINGER. Has this bill been referred to a committee?

Mr. DIBBLE. I raise the question of consideration upon the bill.

Mr. SPRINGER. Is it in order to refer the bill to the Committee on Public Buildings and Grounds?

The SPEAKER. Should the House determine to consider the matter that motion will be in order. The gentleman from South Carolina raises the question of consideration.

Mr. DIBBLE. I will simply state that there are eight of these public building bills which have been vetoed. If the House desires to consume in their consideration the remainder of the session, then let it decide to take up this measure.

The SPEAKER. The question is not debatable.

The question being taken, "Will the House consider the bill?" there were—ayes 65, noes 58.

Mr. DIBBLE. No quorum has voted.

The SPEAKER. The Chair will order tellers.

Mr. ANDERSON, of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SPRINGER. I hope we will not take the yeas and nays twice on this bill. I suggest, by unanimous consent, we only take the yeas and nays on passing the bill over the President's veto.

Mr. LONG. I move to reconsider the vote by which the yeas and nays were ordered.

The motion was agreed to.

The question recurred on ordering the yeas and nays.

A MEMBER. What is it on?

The SPEAKER. On the question of consideration.

Mr. WILKINS. I demand tellers.

Tellers were not ordered, and the yeas and nays were not ordered.

Mr. DIBBLE. No quorum has voted.

Mr. DIBBLE and Mr. ANDERSON, of Ohio, were appointed tellers.

Mr. DIBBLE. I withdraw the point of no quorum and will let the question be decided by yeas and nays on passing the bill over the veto.

So the House agreed to consider the question.

The SPEAKER. The question now recurs on passing the bill, notwithstanding the objection of the President.

Mr. TAULBEE. I will take the floor and ask that the message of the President be read:

The Clerk read as follows:

*To the Senate:*

I herewith return without approval Senate bill 856, entitled "An act to provide for the erection of a public building in the city of Dayton, Ohio."

It is not claimed that the Government has any public department or business which it should quarter at Dayton except its post-office and internal-revenue office. The former is represented as employing ten clerks, sixteen regular and two substitute letter-carriers, and two special-delivery employés, who, I suppose, are boys, only occasionally in actual service.

I do not understand that the present post-office quarters are either insufficient or inconvenient. By a statement prepared by the present postmaster it appears that they are rented by the Government for a period of ten years from the 15th day of October, 1883, at an annual rent of $2,950, which includes the cost of heating the same.

The office of the internal-revenue collector is claimed to be inadequate, but I am led to believe that this officer is fairly accommodated at an annual rental of $900. It is not impossible that a suggestion to change the area of this revenue district may be adopted, which would relieve any complaint of inadequacy of office room.

With only these two offices to provide for, I am not satisfied that the expenditure of $150,000 for their accommodation, as proposed by this bill, is in accordance with sound business principles or consistent with that economy in public affairs which has been promised to the people.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 9, 1886.

Mr. ANDERSON, of Ohio. I desire to make a statement, if I can have the attention of the House. The city of Dayton has a population of between 55,000 and 60,000 inhabitants. A post-office and revenue office located there turn over into the United States Treasury nearly $2,000,000 annually. The Government of the United States is paying now about $4,000 a year rent. It is the only large city in the United States unprovided with a public building. There are one hundred and sixteen Government buildings in the United States in towns smaller than this one. There are but thirty-eight cities in the United States that have Government buildings that are larger than the city of Dayton.

Mr. MCKINLEY. How much does this bill carry?

Mr. ANDERSON, of Ohio. One hundred and fifty thousand dollars. I ask for the reading of the report of the Senate committee. I have the right to have it read.

The SPEAKER. The gentleman has the right to submit any paper not disrespectful to the Senate or the House; it is an official proceeding.

Mr. ANDERSON, of Ohio. I move the previous question.

The previous question was ordered.

The question recurred on passing the bill, notwithstanding the objections of the President.

The question was taken; and there were—ayes 133, noes 64, not voting 122; as follows:

YEAS—133.

| | | | |
|---|---|---|---|
| Adams, George E. | Fleeger, | Matson, | Skinner, |
| Allen, Charles H. | Foran, | McAdoo, | Smalls, |
| Anderson, C. M. | Ford, | McKenna, | Snyder, |
| Anderson, J. A. | Fuller, | McKinley, | Sowden, |
| Baker, | Gallinger, | Merriman, | Spooner, |
| Barbour, | Gibson, C. H. | Milliken, | Stahlnecker, |
| Bayne, | Gilfillan, | Morrill, | Steele, |
| Bingham, | Goff, | Morrow, | Stephenson, |
| Bound, | Grosvenor, | Murphy, | Stone, W. J., Ky. |
| Boutelle, | Guenther, | Neal, | Strait, |
| Brady, | Hanback, | Negley, | Struble, |
| Brown, W. W. | Hayden, | Nelson, | Symes, |
| Buchanan, | Haynes, | O'Ferrall, | Tarsney, |
| Buck, | Henderson, D. B. | O'Hara, | Taulbee, |
| Bunnell, | Henderson, T. J. | O'Neill, Charles | Taylor, I. H. |
| Burnes, | Hermann, | O'Neill, J. J. | Taylor, Zach. |
| Burrows, | Hiestand, | Osborne, | Thomas, J. R. |
| Bynum, | Hill, | Outhwaite, | Thompson, |
| Campbell, J. E. | Hires, | Owen, | Tillman, |
| Carleton, | Hiscock, | Parker, | Townshend, |
| Conger, | Holmes, | Payne, | Van Schaick, |
| Crain, | Houk, | Perkins, | Wade, |
| Curtin, | Jackson, | Peters, | Wadsworth, |
| Cutcheon, | James, | Pettibone, | Wakefield, |
| Davis, | Johnston, J. T. | Price, | Ward, T. B. |
| Dockery, | Ketcham, | Randall, | Warner, Wm. |
| Dorsey, | Kleiner, | Reed, | Weaver, A. J. |
| Dunham, | Lehlbach, | Romeis, | Weber, |
| Ely, | Libbey, | Rowell, | Wilkins, |
| Ermentrout, | Little, | Rusk, | Woodburn, |
| Everhart, | Long, | Ryan, | Worthington. |
| Farquhar, | Lovering, | Sawyer, | |
| Felton, | Lowry, | Scranton, | |
| Findlay, | Lyman, | Seney, | |

NAYS—64.

| | | | |
|---|---|---|---|
| Allen, J. M. | Dibble, | Landes, | Reese, |
| Bacon, | Dunn, | Lanham, | Richardson, |
| Barnes, | Eden, | McCreary, | Sayers, |
| Barry, | Forney, | McMillin, | Scott, |
| Belmont, | Frederick, | McRae, | Seymour, |
| Bennett, | Green, | Miller, | Springer, |
| Blanchard, | Hall, | Mills, | St. Martin, |
| Blount, | Halsell, | Morgan, | Stone, W. J., Mo. |
| Breckinridge, C. R. | Hammond, | Morrison, | Storm, |
| Caldwell, | Heard, | Neece, | Swope, |
| Campbell, T. J. | Hemphill, | Norwood, | Taylor, J. M. |
| Catchings, | Henderson, J. S. | Page, | Trigg, |
| Clements, | Herbert, | Peel, | Tucker, |
| Cowles, | Howard, | Perry, | Van Eaton, |
| Crisp, | Hudd, | Pidcock, | Viele, |
| Davidson, R. H. M. | Irion, | Reagan, | Willis. |

NOT VOTING—122.

| | | | |
|---|---|---|---|
| Adams, J. J. | Daniel, | Jones, J. T. | Rogers, |
| Aiken, | Dargan, | Kelley, | Sadler, |
| Atkinson, | Davenport, | King, | Sessions, |
| Ballentine, | Davidson, A. C. | Laffoon, | Shaw, |
| Barksdale, | Dawson, | La Follette, | Singleton, |
| Bland, | Dingley, | Laird, | Spriggs, |
| Bliss, | Dougherty, | Lawler, | Stewart, Charles |
| Boyle, | Eldredge, | Le Fevre, | Stewart, J. W. |
| Bragg, | Ellsberry, | Lindsley, | Stone, E. F. |
| Breckinridge, W. C. P. | Evans, | Lore, | Swinburne, |
| Browne, T. M. | Fisher, | Louttit, | Taylor, E. B. |
| Brown, C. E. | Funston, | Mahoney, | Thomas, O. B. |
| Brumm, | Gay, | Markham, | Throckmorton, |
| Burleigh, | Geddes, | Martin, | Turner, |
| Butterworth, | Gibson, Eustace | Maybury, | Waite, |
| Cabell, | Glass, | McComas, | Wallace, |
| Campbell, Felix | Glover, | Millard, | Ward, J. H. |
| Campbell, J. M. | Grout, | Mitchell, | Warner, A. J. |
| Candler, | Hale, | Moffatt, | Weaver, J. B. |
| Cannon, | Harmer, | Muller, | Wellborn, |
| Caswell, | Harris, | Oates, | West, |
| Clardy, | Hatch, | O'Donnell, | Wheeler, |
| Cobb, | Henley, | Payson, | White, A. C. |
| Collins, | Hepburn, | Phelps, | White, Milo |
| Compton, | Hitt, | Pindar, | Whiting, |
| Comstock, | Holman, | Plumb, | Wilson, |
| Cooper, | Hopkins, | Ranney, | Winans, |
| Cox, S. S. | Hutton, | Rice, | Wise, |
| Cox, W. R. | Johnson, F. A. | Riggs, | Wolford. |
| Croxton, | Johnston, T. D. | Robertson, | |
| Culberson, | Jones, J. H. | Rockwell, | |

So (two-thirds voting in favor thereof) the bill was passed.

Mr. LE FEVRE. I wish to state that I have been absent on a conference committee, but if present would have voted "aye."

Mr. WILSON. I have been necessarily absent from several roll-calls to-day, being engaged in conferences. If present, I should have voted "aye" on this question.

The following additional pairs were announced for this night:

Mr. BOYLE with Mr. DINGLEY.

Mr. LAFFOON with Mr. BRUMM.

Mr. HUTTON with Mr. PLUMB.

Mr. COMPTON with Mr. LIBBEY.

Mr. COBB with Mr. ATKINSON.

Mr. OATES with Mr. MOFFATT.

Mr. TURNER with Mr. RICE.

Mr. JONES, of Texas, with Mr. LINDSLEY.

Mr. BARNES. I desire to say in behalf of my colleague, Mr. TURNER, that he was compelled to leave the House, being quite unwell.

The result of the vote was then announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States;

Joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887;

Joint resolution (H. Res. 293) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands;

A bill (H. R. 821) for the relief of Samuel M. Gaines;

A bill (H. R. 1753) for the relief of Mathew H. Fulton;

A bill (H. R. 3365) for the relief of the heirs or legal representatives of Samuel H. Moer;

A bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes;

A bill (H. R. 9905) for the relief of William C. Spencer; and

A bill (H. R. 10790) authorizing the President to return the Twiggs swords.

Mr. CONGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 264) providing for printing the annual report of the Commissioner of Labor.

ORDER OF BUSINESS.

Mr. STRUBLE. I move that the House now take up Senate bill 763 as reported from the Senate, being passed by that body over the veto of the President, and put it upon its passage; and upon that I ask to be heard briefly.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILSON. I submit a privileged report from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have been unable to agree.

WM. L. WILSON,
BEN. LE FEVRE,
D. B. HENDERSON,
*Managers on the part of the House.*

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*

Mr. WILSON. In reporting a second inability to agree, Mr. Speaker, I desire to explain to the House very briefly the irreconcilable differences between the conferees of the two Houses on this bill, and the first point is upon the appropriations to be used for the coming year for the improvement of the streets and avenues. The House Appropriations Committee gave 75 per cent. of the estimates called for by the commissioners, adopted, with a single exception, a schedule of streets to be improved by the commissioners, but went a little further than that, and apportioned the amount to be appropriated, amounting to the sum of $300,000 among the five grand divisions of the city, under the impression, under the belief, under what they conceived to be a positive knowledge that some such restriction as this is necessary in the interest of the taxpayers of the District of Columbia as to the localities in which these sums are to be expended.

The Senate committee and the Senate have increased that proposed appropriation by the sum of $100,000, and have stricken out the distribution made by the House among the five sections of the city. In order to arrive at an ageement, if possible, upon that item of the bill, the House conferees have offered to increase the amount to be expended for this purpose from $300,000 to $350,000, but have adhered studiously to their own scheme of distribution among the grand divisions of the city. We have offered to the Senate conferees to make this increase in the appropriation to be distributed according to the scheme adopted by the House in the several sections of the District.

Now, I wish to say here, in explanation of the remarks made on yesterday, that in framing this bill, and in attempting, as we believed it to be our duty, representing the tax-payers of the District of Columbia, representing the two millions of local revenues gathered here for the expenses of the local government, we deemed it our duty to make these appropriations as specific as possible, and to leave very little that could be avoided to the discretion of agents, that is, to the commissioners of the District of Columbia, in their expenditures.

I need hardly say for myself, and the other members of the committee that framed this bill, that it has not been done in any distrust of the present commissioners of the District of Columbia. We believe them to be, we concede them to be, men of the highest personal integrity, but we believe that specific appropriations, under all circumstances, are the proper appropriations, and that no Government agents should have intrusted to them large sums of money for indefinite expenditure, according to their own discretion.

In fixing these limits we have aimed to do for the District of Columbia only that which Congress and its committees aim to do for every department of the Federal Government in the expenditure of these appropriations. It does not imply a distrust of the agent if the power under which he acts is made specific.

Another point of irreconcilable difference between the conferees of the House, Mr. Speaker, has been upon the amendment of the Senate proposing to appropriate $60,000 for constructing county roads and suburban streets, a new item in the District of Columbia appropriation bill, in every respect equivalent, as we regard it, to a new item, of one-half that amount, for opening suburban roads and streets, and we have refused to agree to this appropriation, not because we are unwilling to appropriate whatever amount may be reasonable or necessary for work upon or improvements of existing public highways outside of the city limits, but because we believe that the phraseology of that appropriation is entirely equivalent to the phraseology of the appropriation of last year, and would permit the expenditure of this amount in the opening of new streets and avenues not yet demanded by the population of the District of Columbia or by the convenience of the people of the District themselves, being all the time willing, as I have said, to increase, and offered to increase, the appropriation by $30,000, in order that work upon existing streets and avenues may be continued, and offering to allow the Senate conferees to incorporate streets and avenues they deemed proper to be improved by this expenditure.

Another point of disagreement, Mr. Speaker, is as to the appropriation for the public schools, not for the ordinary running of the schools, but for the erection of new school buildings in the District for the coming year. The House committee went beyond the estimates in providing an additional school building—an eight-room school building—at an expense for the building of $25,000 and $3,000 for an exchange of site. The Senate committee went beyond that by the addition of another building in another division of the city, to cost $10,000 for the site and $25,000 for the building, and then added that omnibus provision, against which we have firmly taken our stand, authorizing the commissioners of the District to sell any lots or parcels of ground in the District deemed by them not needed at present for District purposes, and to apply the proceeds of sale to the erection of new buildings. We were not willing to give this power, not that we were unwilling to trust these commissioners particularly, but we did not deem it proper in an appropriation bill, where such matters could not be carefully considered, to give these commissioners this undefined, unrestricted power of selling any property in the District they might deem it advisable to sell, and to erect new buildings wherever they might deem it advisable to erect them. A bill for that very purpose, for the sale of this property, has been considered, and, as I am informed, has been rejected by the District of Columbia Committee of this House at the present session. We could not pass upon this matter in an appropriation report. But not to be outdone in any necessary and laudable zeal for the providing of school accommodations in the District, we have offered to the Senate, striking out this general provision, to appropriate $70,000 for the erection of two new school buildings, one for the colored and another for the white schools in the designated divisions of the city of Washington.

Mr. HENDERSON, of Iowa. And to accept a third one they have already in the bill.

Mr. WILSON. Yes.

Mr. HENDERSON, of Iowa. Making $105,000 of an advance for schools.

Mr. WILSON. Yes; making, as my colleague on the committee of conference says, $105,000 advance since the bill left the House, where we had advanced $28,000 beyond the estimate of the commissioners for the erection of new school buildings in the District in the coming year.

Mr. GOFF. How many additional buildings does that provide for?

Mr. WILSON. It provides for six eight-room buildings additional, and also for two one-room buildings in the suburban part of the District, making a provision for the coming year far in excess, as I believe, of any that has been made in any recent year, or perhaps in any year—a provision for the erection of fifty new school-rooms in the coming year in the District.

Those, Mr. Speaker, are the chief points of difference between the conferees of the two Houses; and having been unable to agree, we come and submit them to the House and ask the House to accept our report and to insist further on the disagreement to the amendments of the Senate. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on accepting the report.

The report was accepted.

The SPEAKER. The gentleman from West Virginia now moves that the House further insist on its disagreement to the Senate amendments and request a further conference.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House Mr. WILSON, Mr. LE FEVRE, and Mr. HENDERSON, of Iowa.

ORDER OF BUSINESS.

Mr. STRUBLE. I again call up the consideration of the bill (S. 763) vetoed by the President.

Mr. TUCKER. I desire to present a privileged report.

The SPEAKER. The gentleman from Iowa has a matter of privilege before the House, having called up for consideration a veto message of the President. But the Chair understands the gentleman from Virginia desires to make a report not for action, but to have it printed.

Mr. STRUBLE. I yield for that purpose.

HAWAIIAN TREATY.

Mr. TUCKER, from the Committee on the Judiciary, reported back the resolution referred to that committee on the 22d of January in relation to the Hawaiian treaty, accompanied by a report in writing.

The report was ordered to be printed, and to lie over for the present.

SECTIONS 5191 AND 5192 REVISED STATUTES.

Mr. MILLER. I ask the gentleman from Iowa to yield to me to move non-concurrence in amendments by the Senate to the bill H. R. 9110.

Mr. STRUBLE. I yield for that purpose.

Mr. MILLER. I ask unanimous consent to non-concur in the amendments of the Senate to the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States, and to agree to the request of the Senate for a committee of conference.

Mr. NELSON. I do not lose my ground, I presume, by this?

The SPEAKER. The Chair will state to the gentleman from Minnesota that his motion is suspended for the time being by the privileged matter called up by the gentleman from Iowa.

The amendments of the Senate having been read, were non-concurred in, and the request of the Senate for a committee of conference was agreed to.

The SPEAKER appointed as managers of the conference on the part of the House Mr. MILLER, Mr. WILKINS, and Mr. ADAMS, of Illinois.

JURISDICTION OF UNITED STATES CIRCUIT COURTS.

Mr. CULBERSON. I ask the gentleman from Iowa to yield to me to take up a Senate bill and move to non-concur in the amendments of the Senate without any debate.

Mr. STRUBLE. If I may retain the floor, I will yield for that purpose.

The SPEAKER. Then, if there be no objection, the Chair will lay before the House the House bill with the amendments of the Senate.

The Clerk read the title of the bill, as follows:

A bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. CULBERSON. Mr. Speaker, the amendments have been read once this evening in the House, and I now ask unanimous consent that the House non-concur and agree to a conference.

Mr. STRAIT and Mr. HERMANN objected, but subsequently withdrew their objections, and the amendments of the Senate were non-concurred in and a conference agreed to.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

The SPEAKER. The Clerk will read the bill called up by the gentleman from Iowa [Mr. STRUBLE].

The bill was read as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office, post-office, and other Government offices, at the city of Sioux City, Iowa. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury, involving an expenditure exceeding the said sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. For the purposes of this act the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Treasury.

Mr. SCOTT. Mr. Speaker, I desire to raise the question of consideration against this bill.

Mr. COWLES. Mr. Speaker, I rise to a parliamentary inquiry. Is this another bill proposed to be passed over the President's veto?

The SPEAKER. It is.

Mr. COWLES. Then I want to raise the question of consideration.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOTT] has already raised that question. The question now is, Will the House proceed to the consideration of the bill? This question is not debatable.

The question was taken by a *viva voce* vote, and the Speaker declared that he was unable to determine the result.

Mr. HOLMAN demanded the yeas and nays, but withdrew the demand.

Mr. SCOTT. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 73, not voting 138; as follows:

YEAS—108.

| | | | |
|---|---|---|---|
| Adams, G. E. | Felton, | Lehlbach, | Ryan, |
| Allen, C. H. | Findlay, | Little, | Sawyer, |
| Anderson, J. A. | Fleeger, | Long, | Scranton, |
| Baker, | Frederick, | Lovering, | Smalls, |
| Barbour, | Fuller, | Lyman, | Snyder, |
| Bayne, | Gallinger, | McKenna, | Spooner, |
| Bingham, | Gilfillan, | McKinley, | Stephenson, |
| Bound, | Goff, | Milliken, | Strait, |
| Brown, W. W. | Grosvenor, | Morrill, | Struble, |
| Buchanan, | Guenther, | Negley, | Symes, |
| Buck, | Hayden, | Nelson, | Tarsney, |
| Bunnell, | Haynes, | O'Hara, | Taulbee, |
| Burnes, | Henderson, D. B. | O'Neill, Charles | Taylor, I. H. |
| Burrows, | Henderson, T. J. | O'Neill, J. J. | Taylor, Zach. |
| Bynum, | Hermann, | Osborne, | Thomas, J. R. |
| Cannon, | Hiestand, | Owen, | Thompson, |
| Carleton, | Hires, | Parker, | Tillman, |
| Catchings, | Hiscock, | Payne, | Van Schaick, |
| Conger, | Holmes, | Perkins, | Wade, |
| Cutcheon, | Houk, | Perry, | Wadsworth, |
| Davis, | Howard, | Peters, | Wakefield, |
| Dorsey, | Jackson, | Pettibone, | Ward, T. B. |
| Dunham, | Johnston, J. T. | Price, | Warner, William |
| Ely, | Johnston, T. D. | Randall, | Weaver, A. J. |
| Evans, | Ketcham, | Reed, | Weaver, J. B. |
| Everhart, | Laird, | Romeis, | Weber, |
| Farquhar, | Lanham, | Rowell, | Wilkins. |

NAYS—73.

| | | | |
|---|---|---|---|
| Bacon, | Forney, | McRae, | Skinner, |
| Barnes, | Gibson, C. H. | Morgan, | Sowden, |
| Belmont, | Green, | Morrison, | Springer, |
| Bennett, | Hall, | Neal, | St. Martin, |
| Breckinridge, C. R. | Halsell, | Norwood, | Stone, W. J., Ky. |
| Breckinridge, WCP | Hammond, | O'Ferrall, | Stone, W. J., Mo. |
| Cabell, | Hatch, | Outhwaite, | Storm, |
| Caldwell, | Hemphill, | Page, | Swope, |
| Clements, | Henderson, J. S. | Peel, | Taylor, J. M. |
| Cowles, | Herbert, | Pidcock, | Townshend, |
| Cox, W. R. | Hill, | Pindar, | Trigg, |
| Crisp, | Holman, | Reagan, | Van Eaton, |
| Davidson, R. H. M. | Irion, | Reese, | Viele, |
| Dawson, | Le Fevre, | Richardson, | Wallace, |
| Dockery, | Lore, | Sayers, | Wheeler, |
| Dunn, | Lowry, | Scott, | Willis. |
| Eden, | Matson, | Seney, | |
| Ermentrout, | McAdoo, | Seymour, | |
| Ford, | McCreary, | Shaw, | |

NOT VOTING—138.

| | | | |
|---|---|---|---|
| Adams, J. J. | Croxton, | Jones, J. T. | Robertson, |
| Aiken, | Culberson, | Kelley, | Rockwell, |
| Allen, J. M. | Curtin, | King, | Rogers, |
| Anderson, C. M. | Daniel, | Kleiner, | Rusk, |
| Atkinson, | Dargan, | Laffoon, | Sadler, |
| Ballentine, | Davenport, | La Follette, | Sessions, |
| Barksdale, | Davidson, A. C. | Landes, | Singleton, |
| Barry, | Dibble, | Lawler, | Spriggs, |
| Blanchard, | Dingley, | Libbey, | Stahlnecker, |
| Bland, | Dougherty, | Lindsley, | Steele, |
| Bliss, | Eldredge, | Louttit, | Stewart, Charles |
| Blount, | Ellsberry, | Mahoney, | Stewart, J. W. |
| Boutelle, | Fisher, | Markham, | Stone, E. F. |
| Boyle, | Foran, | Martin, | Swinburne, |
| Brady, | Funston, | Maybury, | Taylor, E. B. |
| Bragg, | Gay, | McComas, | Thomas, O. B. |
| Browne, T. M. | Geddes, | McMillin, | Throckmorton, |
| Brown, C. E. | Gibson, Eustace | Merriman, | Tucker, |
| Brumm, | Glass, | Millard, | Turner, |
| Burleigh, | Glover, | Miller, | Wait, |
| Butterworth, | Grout, | Mills, | Ward, J. H. |
| Campbell, Felix | Hale, | Mitchell, | Warner, A. J. |
| Campbell, J. M. | Hanback, | Moffatt, | Wellborn, |
| Campbell, J. E. | Harmer, | Morrow, | West, |
| Campbell, T. J. | Harris, | Muller, | White, A. C. |
| Candler, | Heard, | Murphy, | White, Milo |
| Caswell, | Henley, | Neece, | Whiting, |
| Clardy, | Hepburn, | Oates, | Wilson, |
| Cobb, | Hitt, | O'Donnell, | Winans, |
| Collins, | Hopkins, | Payson, | Wise, |
| Compton, | Hudd, | Phelps, | Wolford, |
| Comstock, | Hutton, | Plumb, | Woodburn, |
| Cooper, | James, | Ranney, | Worthington. |
| Cox, S. S. | Johnson, F. A. | Rice, | |
| Crain, | Jones, J. H. | Riggs, | |

So the House determined to proceed to consider the bill.

Mr. NELSON. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. NEGLEY and Mr. SCOTT objected.

Mr. NEGLEY subsequently withdrew his objection, but Mr. SCOTT insisted upon his, and the names were read.

The following additional pairs were announced:

Mr. LAFFOON with Mr. HENDERSON, of Illinois, on this vote.

Mr. BOUTELLE with Mr. MCMILLIN, on this vote.

Mr. STRUBLE. Mr. Speaker, I ask the attention of the House for a few moments.

Mr. SCOTT. Mr. Speaker, I call for the reading of the veto message.

The SPEAKER. That can be done in the time of the gentleman from Pennsylvania [Mr. SCOTT] when he takes the floor.

Mr. SPRINGER. I object to debate until the previous question is moved; then we shall have an opportunity to debate the matter.

The SPEAKER. The gentleman can not object to debate.

Mr. SPRINGER. I do not object unless the previous question is moved. If it is not moved, I will move it myself.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] has the floor.

Mr. SPRINGER. I object to debate.

The SPEAKER. The gentleman can not object to debate. This is a debatable motion.

Mr. SPRINGER. Then I rise to a parliamentary inquiry. Can the gentleman from Iowa take the floor for two or three minutes and then move the previous question on the bill?

The SPEAKER. He can, but the House is not obliged to sustain it.

Mr. SCOTT. Can we have the bill read?

The SPEAKER. The bill has been read.

Mr. SCOTT. Is a motion now in order to recommit the bill to the Committee on Public Buildings and Grounds?

The SPEAKER. It will be in order whenever the gentleman gets the floor. At present the gentleman from Iowa [Mr. STRUBLE] has the floor.

Mr. STRUBLE. With the understanding that there shall be fifteen minutes' debate on each side, I call the previous question.

The SPEAKER. The rule of the House allows thirty minutes for debate after the previous question is ordered.

Mr. SCOTT. Does the previous question cut off the right to make a motion to recommit the bill?

The SPEAKER. The Chair thinks it does not. The gentleman from Iowa [Mr. STRUBLE] calls for the previous question on the passage of this bill over the veto.

The previous question was ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate, to be equally divided between the two sides.

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.

Mr. CONGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (H. Res. 26) to provide for printing the annual report of the Commissioner of Labor.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

A bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers;

A bill (H. R. 38) for the relief of Alfred Hedberg;

A bill (H. R. 8751) for the relief of Samuel F. Rice;

A bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States; and

Joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

The House resumed the consideration of the veto message of the President of the United States.

Mr. STRUBLE. Mr. Speaker, this bill, which passed both Houses of Congress at the last session, provides for an appropriation of $100,000 with which to erect a public building at Sioux City, Iowa. The President vetoed the bill; and as one of his grounds—I understand the main one—he says he finds upon examination that United States courts are sometimes held in Sioux City. I wish to say for the information of the House that under the law United States courts have been held at Sioux City regularly twice a year for the last four years, and the business of the courts has been increasing annually since the first term. The President was under a misapprehension with respect to this fact.

Now, with regard to the population of Sioux City. The State census, taken in 1885, showed at Sioux City a population of 19,000. A census taken a year later disclosed a population of 23,000. It is within my personal knowledge that since that time the city has grown rapidly, and I estimate that it has now not less than 25,000 people.

Accompanying the report of the House committee on this bill there is a strong letter addressed to me by Judge Shiras, the district judge, urging the importance of this bill.

Mr. LONG. What appropriation do you ask for?

Mr. STRUBLE. One hundred thousand dollars. Judge Shiras urges that this bill be passed, so as to provide within reasonable time a suitable place for the courts now held in that city and for the United States officers located there. I have not time to read that letter, for I do not wish to detain the House; but I will say that the postmaster of Sioux City, in reply to a letter addressed to him by the Supervising Architect of the Treasury in February, 1886, discloses the fact that, in addition to the United States courts, there are located in that city the following Federal officers: district attorney, deputy marshal, pension examiner, paymaster, United States commissioner, United States internal-revenue collector, and headquarters of military and Indian supplies.

The cost of the post-office in that city under the present lease is $2,200 a year. That lease will expire in two years from this time, when, to my knowledge, that building must be vacated, because a large hotel has been built adjoining it by the owners of the post-office building, and they want to use the post-office building in connection with the hotel as soon as the lease expires.

Mr. BAKER. How far is it to the nearest public building?

Mr. STRUBLE. The gentleman from New York asks how far it is from that point to the nearest city having a public building. Council Bluffs, 75 miles away.

The terms of court to which I referred are regular terms, and Judge Shiras discloses, in his letter, a fact well known to me, that since the court was established there the business has been increased to a large extent.

Unless gentlemen want to ask me questions, which I would be glad to answer [cries of "Vote!" "Vote!"], I will reserve the rest of my time.

Mr. SCOTT. Mr. Speaker, since I have been a member of this House to the best of my recollection I have never objected to any proposition of any gentleman upon this floor; but in justice to myself I want to explain why, on this occasion, I object to the proposition made by the gentleman from Iowa [Mr. STRUBLE]. I desired to pass a bridge bill [laughter]—I will explain it—across the Missouri River at this very Sioux City, where he wants the Government of the United States to expend $100,000 to erect a public building, and the gentleman from Iowa has persistently objected that bill off the Calendar. [Laughter.]

Ten years ago a charter was granted by the Government for the construction of a bridge across the Missouri River at Sioux City, and from that day to this not one single shovel-full of earth or one stone has been quarried for its construction. That charter is in the hands of four or five individuals and they hold it for speculative purposes. And when in good faith a corporation desires to build a bridge across the Missouri River at Sioux City it is the gentleman from Iowa who comes up and object it off the Calendar.

Mr. PETTIBONE. Two wrongs do not make one right.

Mr. SCOTT. I know of no way in this world except to treat others as they treat me.

Mr. MILLIKEN rose.

Mr. SCOTT. Now let us look into the merits of this bill.

The proposition is to have the Government expend $100,000 upon a public building at Sioux City, which claims to have a population of 19,000 people, and it is likely the 19,000 people would dwindle to 10,000 or 12,000 under a correct census, and the cost of the building reach $150,000 or $200,000, in place of $100,000, before we got through with it.

Now, where does the economy come in so far as the Government's interest goes? The gentleman says the Government is now paying $2,200 rent at Sioux City. If the building only costs $100,000, and money is worth 4 per cent. per annum, there would be a saving of $1,800 per annum to the Government by renting facilities at Sioux City in place of passing this bill over the President's veto.

Mr. STRUBLE. For a post-office.

Mr. PETTIBONE. Is this bill right?

Mr. SCOTT. I will not yield to any one. The gentleman representing the Sioux City district can support a bill appropriating $100,000 of the people's money for the erection of a public building at Sioux City, and yet he can stand here day after day and night after night objecting to a bill for the construction of a bridge across the Missouri River at Sioux City which will cost possibly half a million of dollars, and which the people of this country will not be taxed for.

The gentleman is not willing that the producers of the West and the consumers of the East, nor even the people of his own city shall enjoy the advantages which this bridge would give them, simply because four or five men have an old charter for a bridge at Sioux City which they wish to dispose of, or for the purpose of speculation.

Mr. PETTIBONE. Then he does wrong.

Mr. SCOTT. That is one of my objections, and that is why I have opposed this bill.

I yield now five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. In 1882 Congress passed an act to divide the State of Iowa into two judicial districts. That bill also provided there should be three terms of courts held in each of these judicial districts; that makes six places for holding United States courts, while in the great State of Illinois, with one-third more population, we have but two places for holding United States courts.

I objected to having so many places for holding United States courts, and I resisted the passage of that bill and stated at the time it would not be long before each of these places would be coming into Congress

and asking for the construction of a public building on the ground a court was held there.

Mr. HENDERSON, of Iowa. Will the gentleman allow a question?

Mr. SPRINGER. Yes, sir.

Mr. HENDERSON, of Iowa. Is the gentleman not aware that when that law was passed it was because Illinois had a great commercial center, while Iowa, though she had a number of large cities scattered throughout the State, none of them like Chicago in extent, but such cities as Dubuque, Sioux City, Council Bluffs, and Des Moines, could not concentrate its business at one point as did Illinois; and I call the gentleman's attention to that as the reason for the distribution of these courts in the manner to which he has referred.

Mr. SPRINGER. I recognize the fact that there were no great cities in the State of Iowa, but a large number of small ones; still that does not create public business, nor does it necessitate the holding of courts in each of these places in the State.

But in order to meet that objection I will read one provision of this law authorizing these courts, to which I call the special attention of the House:

*Provided—*

In the sixth section—

That the additional courts at the places in the several divisions named in this act shall be held in buildings provided for that purpose without expense to the Government.

Mr. HAMMOND. That was evidently to get the bill passed.

Mr. SPRINGER. That is just what I am calling attention to. It was done in that way.

Mr. BUCHANAN. What is the date?

Mr. SPRINGER. Eighteen hundred and eighty-two; and one of the places mentioned in the act for holding these courts was this very city of Sioux City, where it is now proposed to erect this building.

Mr. HAMMOND. That does not amount to anything in the law-books. It was only to secure the passage of the bill.

Mr. SPRINGER. That is exactly the case, I know; and when that bill was up for consideration I objected to it on the ground that these cities would be coming here in a few years asking to have public buildings, though I did not expect to be in Congress long enough for the cities to appear. However, here comes Sioux City right away, and asks that a court-house be built there on the ground of the establishment of this court, when the principal right to hold it there rests on an obligation in the shape of a pledge or contract in the State that the State was to furnish the building for the purpose of accommodating the court without any expense whatever to the United States. Now they come and want an appropriation of $100,000, and the reason assigned is because Sioux City has a court. There is no other good reason for it aside from the court, and there is nothing of a public nature except the business of the court. I do not see the necessity, therefore, for erecting a public building at Sioux City for the sake of accommodating merely the post-office of that city.

Mr. HENDERSON, of Iowa. There are seven United States offices located there.

Mr. SPRINGER. What are they?

Mr. HENDERSON, of Iowa. The United States district court is there.

Mr. SPRINGER. That is exactly what I said, and I have just shown you how it got there.

Mr. HENDERSON, of Iowa. There is the clerk of the circuit court, clerk of the United States district court, the United States commissioner, and the commissioners of the United States circuit court——

Mr. SPRINGER. All of these officials connected with the court under that very act.

Mr. HENDERSON, of Iowa. There is the United States marshal and district attorney, and besides it is the leading town of the State.

[Here the hammer fell.]

Mr. SCOTT. I yield two minutes to the gentleman from North Carolina [Mr. COWLES].

Mr. COWLES. Mr. Speaker, I agree with the reasoning of the gentleman from Illinois in regard to the absence of any necessity for this public building, but I do not think that either of the gentlemen who have spoken in opposition to the bill put it on the strongest ground. I think it ought to be sufficient for us to guide our action to remember that that bill comes from the Senate to-night and is brought before the House without ever having been committed to any committee here since the veto of the President upon it. Since that examination on the part of the President, he having access to all of the statistics in reference to the matter, and basing his veto upon a full investigation of the subject, I hold that it is not proper that we should undertake to consider and pass it through the House, overriding the veto, without any reference to or consideration by a committee.

We all know that such bills are passed here all the time under the whip and spur of the previous question or suspension of the rules, and without that debate or consideration they ought to have. It is generally as a matter of favor by one set of gentlemen to another set. The bills are passed through as a matter of course, and it is looked forward to, likewise as a matter of course, that there will be an investigation somewhere.

Mr. HENDERSON, of Iowa. This bill was recommended unanimously at the last session of this House.

Mr. COWLES. The President after the examination he has given to the matter conceived it to be his duty to veto the bill; and I see no good reason why this House, in view of the examination the President necessarily gave the bill and his expression of opinion upon it, should undertake to pass it over the veto, for which he assigns good reasons.

Mr. HENDERSON, of Iowa. What are the reasons?

Mr. COWLES. Simply because we can get a building cheaper by renting it than the interest on the money you propose to pay for the erection of this one, as shown by the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. I yield three minutes to the gentleman from Iowa [Mr. HALL].

Mr. HALL. Mr. Speaker, I wish simply to state why it is that I, a representative in part of the State of Iowa, feel compelled to stand by the President in his veto of this bill. I understand that the President has attempted to impress upon the administration of the Government a business policy in all of its affairs—that, whilst he does not intend to be understood as objecting to the legitimate construction of court-houses at all points where there shall be need for them, he insists that, like a prudent business man in ordinary life who undertakes to improve his premises, we shall not attempt to construct all of the buildings at once. And he says that in the city of Sioux City and in many other cities where he has applied his executive power of veto the present public affairs can be conducted for a reasonable time without increasing or multiplying the number of public buildings already in process of construction. In proper time Sioux City will get this court-house, but not now.

There is in process of construction at Keokuk a public building the expense of which is $140,000. There is in process of construction at Des Moines a public building the total expense of which will be $600,000, of which $183,000 is appropriated now.

I feel bound out of respect to this business policy of the President to vote against the construction of court-houses at a number of other points in the country, and consistency compels me to stand by that policy even in my own State.

Mr. STRUBLE. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. STRUBLE. I will say with reference to the point made by the gentleman from Illinois [Mr. SPRINGER] that the court-house in Sioux City has been used without charge to this date. At the time the act was passed Sioux City was much smaller than it is now, and the court-house business was much smaller. The last Legislature created three district judges and the business in the courts has much increased, so that a court-house is needed nearly all winter.

As to the objection of my colleague from Iowa [Mr. HALL], which I regretted to hear, I wish to remind the House that that gentleman represents a district in which there is a nice building obtained last session in a city having a population of about 8,000, the city of Keokuk.

I regret exceedingly that my friend from Pennsylvania [Mr. SCOTT] should have brought up a personal matter, and urged it against the passage of this bill. I will say to the House frankly, since that gentleman has referred to it, that there is an outstanding charter providing for the building of a bridge, carefully worded and guarded; and in the last two years the local capitalists of Sioux City have organized under the charter, gone to work, enlisted other capital, putting in also their own, and the engineer and architect are preparing to lay the foundation and commencing to build the bridge. Under these circumstances my own personal friends in Sioux City telegraphed to me that they regarded the pending proposition referred to by the gentleman from Pennsylvania as detrimental to their interests, and that their capital being pledged and their arrangements made under a charter which not only protects the companies already running in but all others that may hereafter run in, this bill ought not to pass.

I went frankly to the gentleman from Pennsylvania when I received that information, because I had previously consulted with him when, not knowing so fully of these matters, I laid the matter before him, and said: "I regret the position in which I am placed, but here are the facts, and I must represent the capitalists who live there and have put their substance into the enterprise." He treated me kindly, and I had no idea he would regard my position as anything different from what he could appreciate under the circumstances. I have endeavored to act the man. Never in my life have I raised an objection to the consideration of a bill except this bill, and I raise the objection to it because of the circumstances I have explained.

I appeal to the good sense and manhood and fairness of this House to say whether that one objection under these circumstances should condemn me before the House and the country. I appeal to both sides of the House to treat the bill on which the House is about to vote as it did the last one—not out of disrespect to the President, but I ask from gentlemen simply fair treatment under the circumstances with respect to this bill. I now call for a vote.

Mr. SCOTT. I move to recommit this bill. [Cries of "Vote!" "Vote!"]

I am not to be taken off the floor by cries of "vote." If I am entitled to the floor I will keep it. I move to recommit this bill to the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Pennsylvania moves to recommit the bill to the Committee on Public Buildings and Grounds.

Mr. STRUBLE. I submit to the Chair whether that motion is in order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on bills of the following titles:

The bill (S. 5935) to remove the charge of desertion against William Figley;

The bill (S. 2352) granting a pension to Alice Kelly; and

The bill (H. R. 11020) making appropriation for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. CONGER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor.

Mr. SWOPE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 9860) to correct the record of the military service of James W. Kingon.

PUBLIC BUILDING AT SIOUX CITY.

Mr. SCOTT. I withdraw the motion to commit.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill? On this question the Constitution requires the yeas and nays to be taken.

The question was taken; and there were—yeas 107, nays 77, not voting 135; as follows:

YEAS—107.

| | | | |
|---|---|---|---|
| Adams, G. E. | Findlay, | Lehlbach, | Seney, |
| Allen, C. H. | Fleeger, | Little, | Smalls, |
| Anderson, J. A. | Frederick, | Long, | Snyder, |
| Baker, | Fuller, | Lore, | Spooner, |
| Bayne, | Gallinger, | Lovering, | Steele, |
| Bingham, | Gilfillan, | Lyman, | Stephenson, |
| Bound, | Goff, | McKenna, | Strait, |
| Boutelle, | Grosvenor, | McKinley, | Struble, |
| Brady, | Guenther, | Milliken, | Symes, |
| Brown, W. W. | Hayden, | Morrill, | Tarsney, |
| Buchanan, | Haynes, | Morrow, | Taulbee, |
| Buck, | Henderson, D. B. | Nelson, | Taylor, I. H. |
| Bunnell, | Henderson, T. J. | O'Ferrall, | Taylor, Zach. |
| Burnes, | Hermann, | O'Hara, | Thomas, J. R. |
| Burrows, | Hiestand, | O'Neill, Charles | Thompson, |
| Butterworth, | Hires, | Osborne, | Tillman, |
| Cannon, | Hiscock, | Parker, | Van Schaick, |
| Carleton, | Holmes, | Payne, | Wade, |
| Conger, | Houk, | Perkins, | Wadsworth, |
| Cutcheon, | Howard, | Perry, | Wakefield, |
| Davis, | Jackson, | Peters, | Ward, T. B. |
| Dorsey. | Johnston, J. T. | Pettibone, | Warner, William |
| Dunham, | Johnston, T. D. | Price, | Weaver, A. J. |
| Ely, | Ketcham, | Romeis, | Weaver, J. B. |
| Evans, | La Follette, | Rowell, | Weber, |
| Everhart, | Laird, | Ryan, | Wilkins. |
| Farquhar, | Lanham, | Sawyer, | |

NAYS—77.

| | | | |
|---|---|---|---|
| Allen, J. M. | Ermentrout, | McCreary, | Seymour, |
| Bacon, | Ford, | McMillin, | Shaw, |
| Barbour, | Forney, | McRae, | Skinner, |
| Barnes, | Gibson, C. H. | Merriman, | Sowden, |
| Barry, | Green, | Miller, | Springer, |
| Belmont, | Hall, | Mills, | St. Martin, |
| Bennett, | Halsell, | Morgan, | Stone, W. J., Ky. |
| Blount, | Hammond, | Morrison, | Storm, |
| Breckinridge, C. R. | Hemphill, | Muller, | Swope, |
| Breckinridge, W C P | Henderson, J. S. | Neal, | Townshend, |
| Cabell, | Herbert, | Norwood, | Trigg, |
| Caldwell, | Hill, | Outhwaite, | Tucker, |
| Clements, | Holman, | Page, | Van Eaton, |
| Cowles, | Irion, | Pidcock, | Viele, |
| Cox, W. R. | King, | Reagan, | Wallace, |
| Crain, | Le Fevre, | Reese, | Wheeler, |
| Crisp, | Lowry, | Richardson, | Willis. |
| Davidson, R. H. M. | Mahoney, | Riggs, | |
| Dunn, | Matson, | Sayers, | |
| Eden, | McAdoo, | Scott, | |

NOT VOTING—135.

| | | | |
|---|---|---|---|
| Adams, J. J. | Brown, C. E. | Cobb, | Davidson, A. C. |
| Aiken, | Brumm, | Collins, | Dawson, |
| Anderson, C. M. | Burleigh, | Compton, | Dibble, |
| Atkinson, | Bynum, | Comstock, | Dingley, |
| Ballentine, | Campbell, Felix | Cooper, | Dockery, |
| Barksdale, | Campbell, J. M. | Cox, S. S. | Dougherty, |
| Blanchard, | Campbell, J. E. | Croxton, | Eldredge, |
| Bland, | Campbell, T. J. | Culberson, | Ellsberry, |
| Bliss, | Candler, | Curtin, | Felton, |
| Boyle, | Caswell, | Daniel, | Fisher, |
| Bragg. | Catchings, | Dargan, | Foran, |
| Browne, T. M. | Clardy, | Davenport, | Funston, |
| Gay, | Kelley, | Payson, | Stone, W. J., Mo. |
| Geddes, | Kleiner, | Peel, | Swinburne, |
| Gibson, Eustace | Laffoon, | Phelps, | Taylor, E. B. |
| Glass, | Landes, | Pindar, | Taylor, J. M. |
| Glover, | Lawler, | Plumb, | Thomas, O. B. |
| Grout, | Libbey, | Randall, | Throckmorton, |
| Hale, | Lindsley, | Ranney, | Turner, |
| Hanback, | Louttit, | Reed, | Wait, |
| Harmer, | Markham, | Rice, | Ward, J. H. |
| Harris, | Martin, | Robertson, | Warner, A. J. |
| Hatch, | Maybury, | Rockwell, | Wellborn, |
| Heard, | McComas, | Rogers, | West, |
| Henley, | Millard, | Rusk, | White, A. C. |
| Hepburn, | Mitchell, | Sadler, | White, Milo |
| Hitt, | Moffatt, | Scranton, | Whiting, |
| Hopkins, | Murphy, | Sessions, | Wilson, |
| Hudd, | Neece, | Singleton, | Winans, |
| Hutton, | Negley, | Spriggs, | Wise. |
| James, | Oates, | Stahlnecker, | Wolford, |
| Johnson, F. A. | O'Donnell, | Stewart, Charles | Woodburn, |
| Jones, J. H. | O'Neill, J. J. | Stewart, J. W. | Worthington. |
| Jones, J. T. | Owen, | Stone, E. F. | |

So (two-thirds not having voted in the affirmative) the bill was not passed.

On motion of Mr. STRUBLE, the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. STAHLNECKER with Mr. SCRANTON, for the rest of the night.

Mr. PEEL with Mr. HENDERSON, of Illinois, for the rest of the night.

Mr. ELDREDGE with Mr. JOHNSON, of New York, for the rest of the night.

Mr. DAVIDSON, of Alabama, with Mr. FUNSTON, until 12 o'clock.

Mr. J. M. TAYLOR with Mr. NEGLEY, on this vote.

The result of the vote was then announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. CONGER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.;

A bill (S. 2382) granting a pension to Alice Kelly;

A bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.; and

Joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlain to erect a hotel upon the lands of the United States at Fortress Monroe, Va.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. Mr. Speaker, I desire to present a conference report on the bill making appropriations for the naval service for the fiscal year ending June 30, 1888. The report is accompanied by a statement in writing, and as the report and statement together are somewhat long, I ask unanimous consent that instead of having them both read, I be permitted to make a brief explanatory statement.

Mr. NEGLEY and Mr. GOFF objected.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 9, 10, 11, 12, 14, 18, 19, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 7, 8, 13, 15, 16, 17, 20, 21, 22, 23, and 26, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$625,000;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the section proposed insert the following:

"SEC. 2. That for the purpose of increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract, two steel gunboats, each of about 1,700 tons displacement, of the type of Gunboat No. 1, at a cost, exclusive of armament, of not more than $550,000 each, two steel cruisers to be provided with such armament for each as the Navy Department may deem suitable. The cost of both of said cruisers in the aggregate, complete, exclusive of armament, and excluding any premiums that may be paid for speed for the same, shall not be more than $3,000,000. The sum of $1,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated toward the construction of said vessels. That in the construction of the aforesaid vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act so far as the same relate to vessels constructed under the contract, save that in all their parts they shall be of domestic manufacture. The contracts for the construction of said cruisers shall contain provisions to the effect that the contractor guarantees that when completed and tested for speed, under conditions to be prescribed by the Navy Department, the vessels shall exhibit a maximum speed of at least 19 knots per hour; and for every quarter knot of speed so exhibited above said guarantee the contractor shall receive a premium over and above his contract-price of $50,000, and for every quarter knot that said vessel fails of reaching said guaranteed speed there shall be deducted from the contract-price the sum of $50,000.

"In making proposals for contracts for building the vessels authorized to be constructed under this act it shall be required that one of such vessels shall be built on or near the coast of the Pacific Ocean, or the waters connecting therewith, one of them on or near the coast of the Gulf of Mexico, or the waters connecting therewith, and two of them on or near the coast of the Atlantic Ocean, or the waters connecting therewith, and at such places on or near such coasts or waters as the Secretary of the Navy shall approve.

"If it shall appear to the satisfaction of the President of the United States, from the biddings for such contracts, when the same are opened and examined by him, that said vessels cannot be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States.

"And the Secretary of the Navy is hereby authorized to readvertise for the construction of cruiser No. 1, known as the Newark; and the limit of cost of said vessel is hereby extended to $1,300,000, exclusive of armament."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted, insert the following:

"SEC. 3. That, for the purpose of further increasing the naval establishment of the United States, the sums of money hereinafter named are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the President, in the exercise of his discretion, upon plans and specifications to be furnished by the Navy Department.

"For floating batteries or rams, or other naval structures, to be used for coast and harbor defense, $1,000,000. The final cost of said floating batteries, rams, or other naval structures, exclusive of armament, shall not exceed $2,000,000.

"For the purchase of and the trial and testing of torpedoes and appliances using explosives, to be operated from naval vessels, floating batteries, or rams, $50,000, which sum shall be immediately available.

"That the material used in all naval structures provided for in this act, and the armament for the same, shall be, so far as practicable, of American production, and furnished and manufactured in the United States, and all contracts made for their construction shall be under the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment:' *Provided*, That the Secretary of the Navy may employ and pay out of appropriations for new ships such civilian expert aids, additional draughtsmen, writers, copyists, and model-makers on the designs therefor as may be necessary."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out the matter proposed to be inserted by said amendment and strike out on page 28 of the bill lines 2 to 18, both inclusive, and insert in lieu thereof the following:

"SEC. 4. For expenditure towards the construction and completion (exclusive of armament) of the five double-turreted monitors, the four vessels authorized by the act of March 3, 1885, and the vessels authorized by the act of August 3, 1886, $2,420,000.

"Towards the armament, of domestic manufacture, for the vessels authorized by the act of March 3, 1885, of the vessels authorized by sections 1 and 2 of the act of August 3, 1886, of the unfinished monitors mentioned in section 3 of the same act, and of the Miantonomoh, and of the vessels authorized by this act, $2,128,362.

"Towards procuring, testing, and delivering the armor and gun steel for the vessels authorized by section 1 of the act of August 3, 1886, and the unfinished monitors mentioned in section 3 of the same act, and the vessels authorized by this act, $4,000,000: *Provided*, Said armor and gun steel shall be of domestic manufacture."

And the Senate agree to the same.

H. A. HERBERT,
JOSEPH D. SAYERS,
JOHN R. THOMAS,
*Managers on the part of the House.*

EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
*Managers on the part of the Senate.*

The SPEAKER. The explanatory statement of the House conferees will be read.

The Clerk read as follows:

Statement to accompany the conference report on the bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes.

The conferees upon the part of the House submit the following statement in writing, to accompany their report on the bill making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes:

The House recede from its disagreement to the amendment of the Senate numbered 1, which provides that pay, miscellaneous, shall include books and periodicals.

The Senate recedes from its amendment numbered 2, making the amount for publishing the surveys of the Mexican coast $7,000 instead of $5,000.

The Senate also recedes from its amendment numbered 3, which appropriated $12,000 for a naval training station at Coaster's Harbor Island, called in previous appropriation bills the naval war college.

The House recedes from its disagreement to the amendment of the Senate numbered 4, by which the Senate increased from $30,000 to $50,000 the appropriation for purchase of proving ground, both Houses agreeing that $40,000 should be submitted.

The House recedes from its disagreement to the amendment of the Senate numbered 5, and agrees to the same. It provides an appropriation of $25,000 for the purchase of the "Stiletto," for use as a torpedo-boat for experimental purposes.

Amendment numbered 6: the Senate, which had added $100,000 to the appropriation for equipment of vessels, agrees to reduce that addition $75,000.

The House recedes from its disagreement to the amendment of the Senate numbered 7, appropriating $1,200 for a clerk at League Island navy-yard.

Amendment numbered 8 simply makes a correction in the aggregate amount appropriated for the Bureau of Equipment rendered necessary by the foregoing amendment.

Amendment numbered 9: The Senate recedes from their insistence upon this amendment and the item remains the same as originally agreed upon by the House.

Amendment numbered 10: The Senate recedes from its amendment inserting the words "not more than" in line 267 of section 1, so as to leave the provision, as put by the House, for two dry-docks instead of allowing the whole sum to be expended upon one.

Amendments 11 and 12: The Senate recedes from its disagreement to the item for a clerk at Pensacola navy-yard, and puts a correction of the amount in the aggregate appropriation under the Bureau of Yards and Docks.

Amendment numbered 13: The House agrees to the amendment of the Senate appropriating $5,000 for the improvement of the naval hospital park at Portsmouth, Va.

Amendment numbered 14: The Senate recedes from its amendment appropriating $40,000, instead of $70,000, for the Bureau of Provisions and Clothing. The increased amount for the civil establishment of that bureau is rendered necessary by the order of the Secretary of the Navy consolidating all the stores at each navy-yard under one head. The result of said order saves a larger and more considerable sum than the increase given in this bill.

Amendment numbered 15: The House consents that steam-steerers, pneumatic steerers, &c., shall be put under the control of the Bureau of Construction and Repair, instead of Steam Engineering.

Amendment numbered 16: The House agrees to this amendment.

Amendment numbered 17: The House agrees to this amendment, which leaves the repair of certain vessels discretionary with the Secretary of the Navy.

Amendments numbered 18 and 19: The Senate recedes from the amendment striking out a writer at Pensacola navy-yard, and in the following amendment the correction of the aggregate appropriation is agreed to.

The House agrees to amendments numbered 20, 21, and 22.

Amendment numbered 23: The House agrees to an amendment limiting repairs upon engines and machinery to 20 per cent. of their original cost.

Amendments numbered 24 and 25 are receded from by the Senate. The first relates to a writer at the Pensacola navy-yard, and the other is a correction of the aggregate appropriation for the civil establishment under the Bureau of Steam Engineering.

Amendments numbered 20, 26, and 27: By agreement between the two Houses, two of the 1700-ton gunboats and the torpedo-boat, included in the House bill, are stricken out, leaving to be constructed only two 1700-ton gunboats and two cruisers. These cruisers are to have a speed of at least 19 knots an hour, and a premium is to be given, and a penalty exacted, for every one-quarter of a knot above or below 19 which may be made by the vessel upon a measured mile. In lieu of the three boats stricken out the House agrees that an expenditure may be made for the construction of floating batteries, or rams, or other naval structures, for coast and harbor defense, to the extent of $2,000,000, of which $1,000,000 is appropriated by this bill; and also that $50,000 may be appropriated for the testing of torpedoes and appliances containing explosives to be used on naval vessels, and that the limit of cost of the Newark be extended from $1,100,000 to $1,300,000. On the foregoing conditions the Senate recedes from its appropriation of $6,000,000 for coast-defense vessels, $720,000 for the construction of light draught gunboats; $600,000 for torpedo-boats; $600,000 for torpedoes and other explosives. The Senate also recedes from the appropriation of $1,800,000 for the armament of the vessels appropriated for by the bill for the increase of the navy agreed upon. The bill, as agreed on by the conferees, appropriates the same sum for increase of the Navy that was contained in the bill as it passed the House.

Amendment numbered 29: The Senate also recedes from its amendment appropriating $112,000 for the purchase of Capt. John Ericsson's boat, the Destroyer, and its appliances.

H. A. HERBERT.
JOSEPH D. SAYERS.
JOHN R. THOMAS.

Mr. BUCK. I desire to ask the gentleman from Alabama [Mr. HERBERT] a question. About how much is the appropriation reduced by this conference report below the amount in the bill as it passed the House?

Mr. HERBERT. It is not reduced at all; the amount is the same.

Mr. BUCK. What is the reduction upon the amount of the bill as passed by the Senate?

Mr. HERBERT. The reduction upon the amount of the bill as passed by the Senate is something over $20,000,000. Mr. Speaker, I demand the previous question upon agreeing to the report.

Mr. BOUTELLE. I think we had better find out something about this bill before we order the previous question.

Mr. HERBERT. There will be fifteen minutes on each side for debate after the previous question is ordered.

The SPEAKER. But there will be no debate after the previous question is ordered, if debate takes place before it is ordered.

The previous question was ordered.

The SPEAKER. Thirty minutes are now allowed for debate—fifteen minutes in favor of the adoption of the report and fifteen minutes against it.

Mr. BUCK. I desire to put one more question to the gentleman from Alabama: Whether it is not true that the number of ships, the construction of which is recommended by this conference report, is less than the number provided for in the bill when it passed the House?

Mr. HERBERT. The number of cruisers is less. The House bill authorized the construction of two cruisers, four gunboats (which may also be called cruisers, and a torpedo-boat. This conference report leaves out two of those gunboats and the torpedo-boat; but in lieu of those we have yielded to the Senate the construction of harbor-defense vessels to the amount of $2,000,000.

Mr. BUCK. That is to say, in yielding to the Senate you have reduced the number of vessels which the House itself authorized to be built. You provide not only for a less number than the Senate voted to construct, but for a less number than the House authorized.

Mr. HERBERT. A less number of cruisers, of course, than the Senate or the House authorized. But the House had authorized no harbor defense vessels at all. The Senate insisted upon harbor-defense vessels. So we sacrificed three of the cruisers which were provided for in the House bill, and then we yielded to the Senate a provision for the building of harbor-defense vessels at a cost of $2,000,000, $1,000,000 of which is now appropriated.

Mr. BOUTELLE. Will the chairman of the committee state what these "naval structures" are; whether they are to be on sea or land.

Mr. HERBERT. They are to be upon the sea; they come within the generic term of "harbor-defense vessels;" but the determination of the particular kind of vessels to be constructed is left entirely to the discretion of the Secretary of the Navy.

Mr. BOUTELLE. If I understood the phraseology of the bill, as proposed in this report, it provides for "floating batteries, rams, or other naval structures."

Mr. HERBERT. Yes, sir; those were the words put in by the Senate conferees, and I believe passed by the Senate itself.

Mr. BOUTELLE. It strikes me that a naval hospital would be a "naval structure."

Mr. HERBERT. The gentleman may criticise what the Senate did; but we yielded to them on this point.

Mr. BOUTELLE. I am trying to "criticise what the Senate did," in order to find out what we are to do. If we are to give the Secretary of the Navy power to build floating batteries or rams, most of us have at least a vague idea of what that language means; but when we authorize the construction of "floating batteries, rams, or other naval structures," the language is rather loose.

Mr. HERBERT. It does vest in the Secretary a good deal of discretion.

Mr. MCADOO. Does not the gentleman from Maine [Mr. BOUTELLE] understand what is meant by a naval structure for harbor defense?

Mr. BOUTELLE. It might mean a naval battery on shore.

Mr. MCADOO. No, sir; a naval structure for harbor defense means something that floats in the harbor and can be made defensive.

Mr. HERBERT. Mr. Speaker, I do not desire to discuss this question any further at present. I will reserve my time.

Mr. BOUTELLE. Mr. Speaker, I think it due to the House that some attention should be called to the fact that this conference committee has succeeded, according to its own statement, in bringing down the demands of the Senate by some $20,000,000. [A voice: "Good!"] Gentlemen say "good!" Very well; I am glad to hear that come from the Democratic side, because it is sincere; and you shall have the benefit of such advertisement as I can give to the country in the statement I make that you say it is "good" when your conferees succeed in forcing the Senate to recede to the amount of $20,000,000 from its own measure in which it proposed to make an adequate contribution to the Navy of the United States.

Mr. Speaker, I want also to call attention to the fact that the Republican sentiment of this House, as expressed on this floor, has not been represented upon this conference committee.

When this naval appropriation bill was up I had the honor to move as a substitute to the amendment of the gentleman from Texas [Mr. SAYRES] a bill which had passed the Senate of the United States by a unanimous vote, appropriating for ten naval cruisers of approved type; a bill which carried $15,000,000 for vessels, $4,800,000 for armament, and $2,000,000 in premiums for speed, making $21,800,000 toward the vaunted rehabilitation of the United States Navy, which Democratic newspapers pretend to be so desirous of securing, and some Democrats individually talk about, but which collectively the Democracy on this floor ridicule.

On that vote—to appropriate $21,000,000 for the Navy—every Republican but two answered to the call. Eighty-six votes were cast in favor of it, every one of them Republicans, and 107 votes were cast against it, all Democrats but two.

In addition to that my colleague from the State of Maine [Mr. REED] moved still further to contribute toward the building up of our Navy by amending that bill with another proposition that had passed a Republican Senate, and with Democratic votes in favor of it at the other end of the Capitol, appropriating $8,000,000 to establish plants necessary to forge steel for armor and guns. Upon that there were cast 94 Republican votes in favor of it and 105 Democratic votes against it.

Finally, Mr. Speaker, we came back to the little contribution which was put forward here as the utmost extent and limit to which the Democracy would go, which was the amendment of my friend from Texas [Mr. SAYRES], providing for two cruisers, four gunboats, and a torpedo boat. We carried that in the House by 151 votes; and 100 of them, I desire to remind gentlemen, were contributed by the Republican side of the House.

Mr. HOLMAN. That is true.

Mr. BOUTELLE. That is true, says my honest friend from Indiana [Mr. HOLMAN], who, I believe, is as willing to stand up in public and sustain his parsimony as he is in private; but I wish to give the rest of his party the benefit of the same publicity in advertising that the little measure of the House contributing toward building up the Navy, out of 151 votes received, 100 votes were on this Republican side. When you got up in the affirmative we sat here still at first to see how lonesome you would look, the few patriotic men of your side who were willing to build up a Navy by Democratic votes, and we then called upon the brethren on this side who have the interest of the Navy at heart, and they came up and furnished the votes by which you were willing to obtain the reputation of making that contribution to the Navy. Seventy-two votes were cast against it, every one of them by a Democrat.

Now, I say that the Republican sentiment in this House has not been represented on that conference; for no man who voted for my proposition, which was the Cameron bill from the Senate—not one of the Republicans who supported that measure—was a member of that conference committee. You went over there and you representative Democrats, you representatives of the Democracy of this House, have succeeded in forcing a Republican Senate to reduce the appropriation to the extent of $21,000,000. [Applause on the Democratic side.] That statement is greeted with applause on the Democratic side of the House [applause on the Democratic side], and I desire to call the attention of the country to the interest you feel in the rehabilitation of the American Navy.

[Here the hammer fell].

The SPEAKER. The gentleman has five minutes of his time remaining.

Mr. BOUTELLE. I will reserve that time.

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. HERBERT. I yield five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, as a member of the conference committee I felt for one that it was my duty to carry out, in good faith, if it were possible, the views of the House as expressed by the vote taken here. I did so with greater good will for the reason that I believed at the time the bill carried as much money and provided for the construction of as large a number of vessels as we could economically and prudently construct during the next fiscal year. [Applause on the Democratic side.]

I explained fully during the debate on this bill in the House in the first instance that there were four vessels already authorized by law, for which appropriations have been made, but which have not been let to contract and yet remain to be built, two of them to cost $5,000,000, and one, a torpedo-boat, to cost $100,000, the other being a 19-knot cruiser, to cost $1,300,000. In addition to these are the five unfinished double-turretted monitors provided for in the appropriations embodied in this bill. Added to these are the two 19-knot cruisers which are provided for here, and the two 1,700-ton sloops-of-war also provided for in this bill, together with the coast and harbor defenses, for which appropriations are also made here, and for the purchase and placing in position of the armor on these men-of-war and monitors. I felt, yes, I knew, from experience on the Committee on Naval Affairs, and after looking into the affairs of the Navy carefully, conscientiously, and fairly, free from all political prejudice or bias, looking only to the good of the country, that there was as much provided by this bill as could be properly used during the next fiscal year. [Applause on the Democratic side.]

In that view, I stood by my colleagues on the committee, without regard to party or political considerations.

I would prefer, sir, doing what I believe to be right and that which my judgment approves than to secure the approval of political associates who think more of making political capital than they do of attending to the real needs of the Government. [Applause on the Democratic side.]

Mr. HERBERT. I will reserve the remainder of my time, unless we can have a vote now.

The SPEAKER *pro tempore*. The gentleman from Maine has four minutes of his time remaining.

Mr. BOUTELLE. I want to ask the chairman of the committee a question, if he pleases. I want to ask the chairman of the Naval Committee if this bill makes any provision for the completion of the work on the hull and engines of the Chicago, Boston, and Atlanta?

Mr. HERBERT. No, sir; that goes into the deficiency bill.

Mr. BOUTELLE. I would like to ask the chairman of the Naval Committee if any provision has been made in any appropriation of the House of Representatives for the completion of these vessels?

Mr. HERBERT. Not in this bill; and I do not know what is in the deficiency bill.

Mr. HOLMAN. The appropriations made heretofore amount to $4,098,000, I believe, for these vessels.

Mr. BOUTELLE. I am not asking what appropriations have been made heretofore; but I ask the chairman of the committee if the appropriations which, I understand he knows, as I know, or as I am informed, are absolutely essential to the completion of these three steel ships have been provided for by any appropriation of this House at this session of Congress?

Mr. HOLMAN. It has all been appropriated, except about $6,000.

Mr. BOUTELLE. In what bill?

Mr. HOLMAN. In former bills $4,098,000 was the amount fixed, and there has been about $4,093,000 appropriated.

Mr. BOUTELLE. The gentleman and myself are evidently at cross purposes. He is speaking of appropriations which have been made heretofore; I am speaking of the fact which comes to me from what I regard as an authoritative source, that now there is really some $84,000 to be appropriated to complete the work in the construction bureau upon these three ships, and some $56,000 to complete the work in the engineering bureau. I am told, in addition, upon what I also deem good authority, that unless these appropriations are made these nearly completed ships, the property of the Government, nearly finished ships which the Government has taken possession of to complete, putting itself in the place of the contractor, will not be completed, but will remain tied up alongside of the wharf and kept there idle until another Congress shall assemble and make that appropriation.

Mr. HOLMAN. Has there been an estimate for those vessels beyond the sum heretofore provided for?

Mr. BOUTELLE. Yes, sir; I understand the estimate has been be-

fore the gentleman's committee, and that the Secretary of the Navy has recommended this session an appropriation to be made in one of the appropriation bills. I refer to the gentleman's colleague on the committee, the gentleman from Missouri [Mr. BURNES], who has charge of the deficiency bill.

Mr. HOLMAN. The limit as I have said was the $4,098,000; and I believe that has all been appropriated except about $6,000.

Mr. BOUTELLE. Has anything been appropriated at this session?

Mr. HOLMAN. I have not heard that the Navy Department has asked for more.

Mr. BOUTELLE. I ask the gentleman's colleague on the deficiency subcommittee if it is or is not true that estimates have been submitted to the House of sums necessary for the completion of those vessels, and whether the Secretary of the Navy has not recommended those amounts to be inserted in the deficiency bill.

Mr. BURNES. I will answer the gentleman from Maine that estimates from the Department were submitted to the committee as stated by him, aggregating about $125,000 or $130,000—I can not state the amount exactly at this moment; and I will say in that connection that the original limit upon the cost of the four vessels has already been exceeded by appropriations, and that the expenditure has probably about reached within a few thousand dollars the extreme limit placed on the cost of those vessels by the legislation authorizing their construction.

The SPEAKER *pro tempore* (Mr. HATCH.) The time of the gentleman from Maine has expired.

Mr. BOUTELLE. Let us have the facts. I think the House is interested in knowing about this.

The SPEAKER *pro tempore*. The fifteen minutes in opposition allowed under the rule have expired.

Mr. BOUTELLE. I ask unanimous consent to get this information before we dispose of this bill. Here are three ships which can not be completed unless the money is furnished.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Alabama has five minutes.

Mr. BOUTELLE. I ask the chairman of the committee in the five minutes at his disposal to make this matter plain.

Mr. HERBERT. I will say in relation to this subject that the gentleman from Maine [Mr. BOUTELLE] well knows no estimates of that kind have come to the Committee on Naval Affairs.

Mr. BOUTELLE. I do not know it.

Mr. HERBERT. The gentleman ought to know it.

Mr. BOUTELLE. I had no opportunity of knowing it. I do not belong to the triumvirate that have taken charge of all the matters devolving on the Naval Committee.

Mr. HERBERT. The gentleman from Maine belongs to the Naval Committee, and if he had performed his duty he would have known what estimates went to that committee.

Mr. BOUTELLE. I say it is part of the duty of the gentleman from Alabama, as chairman of the committee, to see that the appropriations are made by some committee to complete these three Government ships. It is not my business, it is his; and the responsibility will rest on him if those vessels lie up at the wharves uncompleted.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Maine?

Mr. HERBERT. I do not.

Mr. HOLMAN. I ask the chairman of the Committee on Naval Affairs to state the aggregate of the bill as now reported back.

Mr. HERBERT. I can not state the precise amount. I believe it is between twenty-three and twenty-four millions.

Mr. HOLMAN. Which is ten millions larger than any bill that has heretofore passed the House?

Mr. HERBERT. Oh, no; nothing of the kind. There is an amount of $11,098,000 for the increase of the Navy. That money can not all be spent within one year or two years; it will probably run through three years; but that is the appropriation for the increase of the Navy. I will say further that the committee have appropriated what they believed to be right and proper upon every estimate sent to us or that properly belonged to us.

Mr. BOUTELLE. And you do not think that these ships ought to be completed?

Mr. TOWNSHEND. I ask the chairman how much the Senate has increased the amount.

Mr. HERBERT. The Senate tried to increase it $21,000,000.

Mr. TOWNSHEND. How much has it actually increased it by the bill now reported?

Mr. HERBERT. By this report the Senate does not increase the bill for the increase of the Navy by any appropriation whatever; but the limit of authorized ships is increased some $1,200,000.

The SPEAKER. The time of the gentleman from Alabama has expired.

The question being taken on agreeing to the report, the Speaker stated that the "ayes" seemed to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 102, noes 9.

So (further count not being called for) the report was agreed to.

Mr. HERBERT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. CONGER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5935) to remove the charge of desertion against William Figley.

REMOVAL OF CAUSES FROM STATE COURTS, ETC.

Mr. CULBERSON. I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1885, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

D. B. CULBERSON,
J. R. TUCKER,
A. X. PARKER,
*Managers on the part of the House.*

J. F. WILSON,
G. F. HOAR,
*Managers on the part of the Senate.*

The statement of the conferees on the part of the House was read, as follows:

The conferees on the part of the House submit the following statement to accompany House bill 2441:

The amendments of the Senate other than those merely verbal promote the objects of the bill, which is to reduce the jurisdiction of the courts of the United States and to regulate the removal of causes from State to Federal courts. The effect of the amendments is to reduce the jurisdiction of the circuit courts of the United States, and the managers on the part of the House recommend that the House recede from its disagreement and agree to the Senate amendment.

D. B. CULBERSON,
J. RANDOLPH TUCKER,
A. X. PARKER.

Mr. BENNETT. I desire to ask the gentleman from Texas whether that feature which was upon the bill a while ago increasing the salaries to $5,000 is still upon the bill, or is it out of the bill?

Mr. CULBERSON. The Senate recalled this bill and rescinded their action in that particular and struck that amendment out of the bill. It is off. It was not in this conference.

Mr. TUCKER. And is no longer in the bill?

Mr. CULBERSON. It is no longer in the bill.

The report of the committee of conference was agreed to.

Mr. CULBERSON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY THROUGH CROW RESERVATION.

Several members addressed the Chair.

The SPEAKER. The gentleman from Minnesota [Mr. NELSON] was on the floor when interrupted by these privileged matters.

Mr. NELSON. Now, Mr. Speaker, I call up the bill of the Senate No. 3095, which is a bill granting the right of way to the Rocky Fork and Cooke City Railway Company through a part of the Crow Indian Reservation in Montana Territory.

Mr. WARD, of Indiana. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. WARD, of Indiana. I call up Senate bill 531 and move that it be passed, the objections of the President notwithstanding.

Mr. NELSON. I hope the gentleman will yield to me for a moment.

Mr. WARD, of Indiana. I yield for a moment to the gentleman from Minnesota. I understand that I have a right to call up this bill again at any time.

The SPEAKER. It is privileged.

Mr. NELSON. Mr. Speaker, it has been suggested that I ask unanimous consent to dispense with the reading of the bill for the reason that it is in the same form as the other bills granting the right of way through Indian reservations in the Northwest.

Mr. O'NEILL, of Missouri. Mr. Speaker, I demand a second on that bill.

The SPEAKER. The gentleman from Minnesota [Mr. NELSON] asks unanimous consent that the reading of the bill be dispensed with.

Mr. CALDWELL. I object.

Mr. HOLMAN. Let it be read.

The bill was read, as follows:

*Be it enacted, &c.*, That the right of way is hereby granted, as hereinafter set forth, to the Rocky Fork and Cooke City Railway Company, a corporation organized and existing under the laws of the Territory of Montana, for the construction, operation, and maintenance of its railroads through the lands set apart for the use of the Crow Indians, and commonly known as the Crow Indian Reservation, beginning at a point at or near Laurel, in Yellowstone County, Montana Territory, running thence by the most practical route to or near the mouth of Rock Creek, commonly called Rocky Fork; thence up said creek to the coal mines near Red Lodge post-office, in Gallatin County, in said Territory; thence by the most practicable route to Cooke City, in said Gallatin County.

SEC. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to said right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with, and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

SEC. 4. That said company shall not assign, or transfor, or mortgage this right of way for any purpose whatever until said road shall be completed through that part of said reservation through which it shall be constructed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation on said line within two years from the passage of this act: *And provided further*, That no part of said line shall touch any portion of the National Park.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 7. That this act shall be in force from its passage.

Mr. NELSON. I ask unanimous consent that a second may be considered as ordered.

Mr. O'NEILL, of Missouri. I have no objection to that, but I demand a second.

The SPEAKER. If there be no objection, a second will be considered as ordered. Under the rule, thirty minutes are allowed for debate—fifteen minutes in support of the motion, and fifteen minutes in opposition to it. The Chair will recognize the gentleman from Missouri [Mr. O'NEILL] to control the time in opposition.

Mr. NELSON. I reserve my time.

Mr. O'NEILL, of Missouri. Mr. Speaker, I hold in my hand a bill which has been sent by the President to Congress, which has been recommended by the Secretary of the Interior, which has been asked for by the Commissioner of Indian Affairs, a bill to compel the payment to the freedmen in the Indian Territory of money that is due them from the Cherokee Indians. That is a Territory that has no representative upon this floor.

Mr. HATCH. Mr. Speaker, I rise to a question of order.

Mr. O'NEILL, of Missouri. I can not allow these interruptions to come out of my time. [Laughter.]

The SPEAKER. The gentleman [Mr. HATCH] will state his question of order.

Mr. HATCH. I insist that the gentleman is not speaking to the bill now under consideration, but is violating the rules of the House by making a speech upon another bill when the bill called up by the gentleman from Minnesota [Mr. NELSON] is pending.

The SPEAKER. The rule of the House is that gentlemen shall confine themselves to the subject pending before the House.

Mr. O'NEILL, of Missouri. But Mr. Speaker, you are aware that it is a difficult matter for some persons to reach the subject. [Laughter.] I am doing the best I can.

The SPEAKER. The question before the House is the motion of the gentleman from Minnesota [Mr. NELSON] to suspend the rules and pass the bill which has been read.

Mr. O'NEILL, of Missouri. I will come to that after awhile.

The SPEAKER. But the gentleman's colleague [Mr. HATCH] insists that the gentleman shall stay by that all the time, in obedience to the rule of the House. [Laughter.]

Mr. GROSVENOR. I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. GROSVENOR. I deny that the Speaker of this House can apply the argument of the gentleman from Missouri [Mr. O'NEILL] either for or against the bill under consideration.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] demanded a second and was recognized for that purpose, and the Chair stated that the gentleman was recognized to control the time in opposition to the bill called up by the gentleman from Minnesota [Mr. NELSON].

Mr. O'NEILL, of Missouri. Well, I will come to that; but here is a bill that affects fourteen hundred unfortunate freedmen, formerly slaves of the Cherokee Indians. This bill proposes to compel the payment to them——

Mr. HATCH. Mr. Speaker, I insist upon my point of order. The decision of the Chair is not being observed by the gentleman from Missouri [Mr. O'NEILL].

The SPEAKER. The Chair has stated the rule of the House and trusts that gentlemen will observe it.

Mr. O'NEILL, of Missouri. Mr. Speaker, my opposition to the pending bill is this: I have stood here and seen one railroad bill after another go through, and bills of other kinds, and now I want to see if a bill like this, affecting the interests and rights of these poor, unfortunate beings who have no representation here, can not get some recognition from this House.

Mr. NELSON. I yield one minute to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I do not wish to detain the House on this question, but I do want to make one statement. On yesterday when House resolution 170 was under consideration, the joint resolution authorizing the investigation of the books, accounts, and methods of the Pacific railroads which have received aid from the United States Government——

Mr. HATCH. Now, Mr. Speaker, I make the same point of order on the gentleman from Tennessee.

Mr. RICHARDSON. I objected yesterday to the gentleman from Illinois [Mr. SPRINGER] printing some remarks in the RECORD. I desire now to withdraw that objection.

Mr. HATCH. I insist upon the regular order, Mr. Speaker.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] insists on the regular order.

Mr. RICHARDSON. Does the gentleman object to my withdrawing an objection which I made yesterday to the gentleman from Illinois printing some remarks.

Mr. HATCH. No, sir.

Mr. RICHARDSON. Then I will withdraw the objection which I made yesterday to the request of the gentleman from Illinois [Mr. SPRINGER] that he might have leave to print his remarks.

Mr. OUTHWAITE. I object.

Mr. HAYDEN. I object.

The SPEAKER. Objection is made.

Mr. NELSON. Unless some gentleman desires some explanation in connection with this bill, I will not occupy the time of the House.

The question being taken on the motion of Mr. NELSON to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

### ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes; when the Speaker signed the same.

### PUBLIC BUILDING AT LA FAYETTE, IND.

Mr. WARD, of Indiana. I call up as a privileged question the veto message of the President of the United States on the bill (S. 531) to provide for the erection of a public building at La Fayette, Ind.

The bill was read.

Mr. SPRINGER. I raise the question of consideration on this bill.

The SPEAKER. The question is, Will the House now proceed to consider the bill and message?

The question being taken, there were—ayes 29, noes 61.

Mr. WARD, of Indiana, and Mr. NEGLEY called for the yeas and nays.

The yeas and nays were not ordered, only 10 voting therefor.

Mr. WARD, of Indiana. I make the point of no quorum.

The SPEAKER. The Chair will appoint tellers.

Mr. DUNN. Pending that I move that the House take a recess until 8 o'clock in the morning.

Mr. CANNON. I hope that motion will not be agreed to. We may expect the legislative bill here soon.

The question being taken on the motion of Mr. DUNN, there were—ayes 31, noes 73.

Mr. HAMMOND. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. DUNN was not agreed to.

The SPEAKER. The question recurs, Will the House now proceed to consider the bill called up by the gentleman from Indiana [Mr. WARD]? No quorum having voted on the question, the Chair will appoint as tellers the gentleman from Indiana [Mr. WARD] and the gentleman from Illinois [Mr. SPRINGER].

The House proceeded to divide.

### ORDER OF BUSINESS.

Before the tellers had made their report,

Mr. CANNON said: Mr. Speaker, I would be very glad to make a request for unanimous consent. As the tellers have disappeared, I ask unanimous consent to call up Senate bill 2163, discharge the Committee of the Whole from the consideration of the same, and pass it.

Mr. GROSVENOR. What bill is that?

Mr. CANNON. It is a bill to incorporate a hotel company in this city to build a two-million-dollar hotel.

Mr. GROSVENOR. I object.
Mr. CANNON. I hope the gentleman will not object.
Mr. GROSVENOR. I intend to object at every step, and to defeat the bill if I can.
Mr. CANNON. In whose interest does my friend appear?
Mr. GROSVENOR. In my own interest.
Mr. CANNON. Do you own a hotel here?
Mr. GROSVENOR. No, sir; I do not.
Mr. LEHLBACH. I move that the House take a recess till 8 o'clock.
Mr. EVERHART. I ask unanimous consent to make a statement. [Cries of "All right!" "Go on!"]
The SPEAKER. Is there objection to permitting the gentleman from Pennsylvania [Mr. EVERHART] to make a statement?
A MEMBER. On what subject?
The SPEAKER. The Chair does not know the nature of the statement or its subject. Is there objection?
Several members successively objected, but subsequently withdrew their objections.
The SPEAKER. In the absence of objection, the gentleman from Pennsylvania will proceed.

PUBLIC BUILDING AT CHESTER, PA.

Mr. EVERHART. Mr. Speaker, I do not intend to abuse the indulgence which has been shown me. For several years I have listened with exemplary respect and patience to many gentlemen who have on various occasions entertained and informed the House. But having never objected to any request they made, nor made any for myself, it seems reasonable to expect from the justice or grace of members a modicum of reciprocity towards my constituents, who are not to be disparaged in comparison with any represented here. But it is not on this ground chiefly, alalthough it might perhaps induce some consideration in its favor, that I seek to have this bill put upon its passage. [Applause.]
A MEMBER. What is the bill?
Mr. EVERHART. It is for a public building in Chester, Pa. I may say, Mr. Speaker, with verity, that such an improvement is essential on account of the importance of the city. On account of its population, which, with the suburbs to be accommodated, amounts to some 35,000 souls; and of its postal business, which will aggregate quarterly over $10,000; and of its domestic and foreign trade, employing some three hundred vessels yearly, and its harbor, wider, deeper, and nearer the sea than Philadelphia. On account of its industrial works, textile, iron, and chemical, its famous plants for the construction of steel and wooden vessels, and its great refineries of oil. On account of its schools, miscellaneous, military, and theological; and its churches, banks, and newspapers, and its various associations of loyalty and charity. On account of its situation, bounded on the front by the Delaware River, teeming with fish and ventures, with the rolling land behind it exuberant with crops and cattle, while three great lines of railway send numerous loaded trains through it daily to all points of the compass.
On account of its history, as the seat of William Penn's first legislative council, where he organized his Commonwealth of free suffrage and free worship, and proclaimed his immortal policy of peace. On account of its growth, which has duplicated its extent, its correspondence, and resources within a score of years. On account of its necessities, because the present buildings are merely leased and inconvenient in size, arrangements, and locality, for the transaction of the public affairs. [Applause.] Therefore, Mr. Speaker, I ask that this bill be considered and passed. [Applause.]
The SPEAKER. There is a question pending before the House.
Mr. ERMENTROUT. Let him have it by common consent.
The SPEAKER. The Chair will submit the request of the gentleman.
Mr. EVERHART. I ask unanimous consent.
Mr. MORRISON. I object.
The SPEAKER. The tellers will proceed with the count.
Mr. LEHLBACH. I have pending a motion for a recess.
Mr. O'NEILL, of Missouri. I ask unanimous consent. [Cries of "Regular order!"]
I ask unanimous consent to have the attention of the House for a few moments.
The SPEAKER. What is the gentleman's statement?
Mr. O'NEILL, of Missouri. I desire to make a brief statement in regard to a bill to give to these freedmen the money that is due them from the Indians. It will not cost the Government one dollar; and I ask unanimous consent for the passage of the bill. [Cries of "Regular order."]
The SPEAKER. The regular order is demanded.
Mr. ZACH. TAYLOR. I ask that the tellers be required to make their report.
Mr. LEHLBACH. I move that the House take a recess until 8 o'clock to-morrow morning.
The SPEAKER. The tellers have not made their report.
The tellers reported—ayes 74, noes 67.
Mr. HAMMOND. No quorum.
The SPEAKER. The tellers will resume their places and continue the count.

ORDER OF BUSINESS.

Mr. ZACH. TAYLOR. I ask unanimous consent to consider House bill 2516, to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.
Mr. DUNN. Regular order.
Mr. ZACH. TAYLOR. I move to suspend the rules and pass the bill.
The SPEAKER. That motion the Chair has several times decided is not in order while another matter is pending before the House.
Mr. TARSNEY. I ask unanimous consent to take up and consider the bill H. R. 9921. I move to discharge the Committee of the Whole House on the state of the Union and consider the same. This is a bill to erect a public building in the city of East Saginaw.
Mr. COX, of North Carolina. I object.
Mr. HALL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of Senate bill 3026, and put it upon its passage. This is a bill granting the right of way across a small Indian reservation to the Washington and Idaho Railroad Company, under precisely the same conditions as the other bills, three or four of which we have already passed without objection. [Cries of "Regular order!"]
Mr. SKINNER. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 52) to divide a portion of the reservation of the Sioux Indians, in Dakota, and to put it upon its passage.
Mr. SPRINGER. That is a very good bill.
The SPEAKER. Is there objection to the request of the gentleman from North Carolina that the bill he has indicated be now considered?
Several members called for the regular order.
Mr. TARSNEY. The gentleman from North Carolina [Mr. COX] withdraws his objection.
Mr. COX, of North Carolina. I do.
Several members called for the regular order.
Mr. PERKINS. I ask that the gentleman from North Carolina [Mr. SKINNER] have the privilege of stating what the object of the Sioux bill is. If he is permitted to do so, I think there will be no objection to its being put upon its passage.
The SPEAKER. Is there objection to the gentleman from North Carolina being permitted to make a statement?
There was no objection.
Mr. SKINNER. The Great Sioux Reservation contains about 22,000,000 of acres of land situated in the Territory of Dakota; about the size of the State of Ohio. There are about 25,000 Indians upon it. That land divided would give to each Indian, man, woman, and child, 900 acres of land. They cannot by any possibility make use of all that land. They are wild Indians untrained and untutored. They are blanket Indians. They are not in a condition of civilization.
This bill proposes to divide that reservation into six reservations and to authorize the Secretary of the Interior to purchase from those Indians 9,000,000 of acres of that land and use the money for educating the Indians and teaching them how to work and how to be self-sustaining. Already two railroads approach the eastern boundary of this reservation, and the third is seeking to have the right of way through it to reach the Black Hills country, now occupied by 50,000 American citizens, who desire to have communication with the East and who are cut off by the obstacle in the way of civilization.
A MEMBER. What sort of land is it?
Mr. SKINNER. This is arable land. By the sale of this land the Indians can get over four and a half millions of dollars for the purpose of being educated. At present that reservation stands there as a block in the way of the civilization of that country.
Mr. MORGAN. And the bill leaves them plenty of land besides.
Mr. SKINNER. It leaves them 500 acres of land apiece. The bill has twice passed the Senate. It needs merely the assent of this House to become a law.
Mr. PERKINS. In addition to what has been said by the gentleman from North Carolina, I may be permitted to state that the 9,000,000 acres to be treated for are to be open to settlement under the homestead law, and the Indians are to be paid a just compensation for the land they surrender. They have consented to the conditions of this bill. It is of importance to the people of that country that this bill should be considered. There are more than five hundred thousand people in Dakota Territory who are interested in this measure, and it is exceedingly important to the people of that country and of the people of the West that some attention be given to this bill. I hope there will be no objection to this.
All the gentleman from North Carolina asks is that the bill be given consideration; that it be treated as other bills have been treated, and that it shall be amended if there be anything objectionable in it. That reservation stands as a great obstacle to commerce and civilization in that great Territory. The bill ought to be considered, and that is all which the gentleman from North Carolina asks.
Mr. BUCHANAN. I desire to ask the gentleman from Kansas a

question. Do I understand him to say if this bill passes this land is to be disposed of under the present homestead law?

Mr. PERKINS. It will be disposed of under the homestead law; not the commuted homestead law, but the homestead law.

Mr. BUCHANAN. Is that the law under which such gigantic frauds have been practiced in the West, by means of which large tracts of land have passed into the hands of foreign holders?

Mr. PERKINS. Those frauds, as a rule, have occurred under the preemption law and the commuted homestead law. This bill does not open the land to settlement under either of those laws, but opens them to settlement under the homestead law.

Mr. STRAIT. Which requires an actual residence and a payment of 50 cents an acre.

Mr. BUCHANAN. I know what actual residence means.

Mr. NELSON. I may state that the requirement is that the settler shall live on the land for four years and pay 50 cents an acre.

Mr. PERKINS. Those who go upon the lands will have to pay to the Indians 50 cents an acre, and that money will go to them for their civilization and benefit. Mr. Speaker, I hear no objection to the request of the gentleman from North Carolina for the consideration of this bill.

The SPEAKER. There was objection. The regular order was demanded.

Mr. SKINNER. I renew my request for the consideration of the bill.

Mr. HOLMAN. I think the bill requires more consideration than it can receive at this time, and I must object.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 11202) making appropriations to pay Mexican pensioners.

Mr. SWOPE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 834) for the relief of John A. London.

ORDER OF BUSINESS.

Mr. TARSNEY. The objection has been withdrawn to the bill which I called up a short time ago.

The SPEAKER. The regular order was called for by several gentlemen.

Mr. TARSNEY. I send up the report to be read.

The SPEAKER. The Chair desires to understand whether there is objection to the consideration of the bill called up by the gentleman from Michigan.

Mr. BRECKINRIDGE, of Kentucky. I am willing that the report should be read, reserving the right to object.

Several members called for the regular order.

Mr. HALL. Mr. Speaker, the gentleman withdraws the call for the regular order as against the bill which I presented.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I ask unanimous consent to take from the House Calendar Senate bill 430 and put it upon its passage. It is a bill to finish the public building at the city of Terre Haute, Ind., to put an iron roof on it in place of the wooden roof. The *bill* passed the Senate last May, and has been here ever since.

Several members objected.

COURTS IN MISSISSIPPI.

Mr. VAN EATON. Mr. Speaker, I ask unanimous consent to make a statement. Inasmuch as this is probably the last request I shall ever make in the American Congress, I ask magnanimous consent that the House concur in the Senate amendments to a House bill, the object of which is to alter the boundaries of a United States court district, United States circuit, in my State.

Mr. JOHNSTON, of Indiana. Mr. Speaker, the objection to my request for unanimous consent is withdrawn.

The SPEAKER. Three gentlemen objected. Is the objection to the request of the gentleman from Indiana [Mr. JOHNSTON] withdrawn?

Mr. EDEN. It is not.

Mr. VAN EATON. Is my request objected to? It is the last request I shall make, and there is no money in the bill. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. VAN EATON]?

There was no objection.

The bill was read with the Senate amendments thereto.

The amendments were concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. M'COOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

It also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment numbered 4 of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

WILLIAM SCHUCHARDT.

Mr. CRAIN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 1444) for the relief of William Schuchardt. It is a little bill involving only some $1,500. The payment of the claim was recommended by a Republican Secretary of State, Mr. Frelinghuysen, and it has also been approved by the present Secretary of State.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HOLMAN. Let the bill be read.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Schuchardt, United States commercial agent at Piedras Negras, Mexico, the sum of $750, out of any money in the Treasury not otherwise appropriated, in full compensation for his services in obtaining testimony for the use of the United States and Mexican Claims Commission appointed under the convention of July 4, 1868, with Mexico.

Mr. HOLMAN. I hope there will be some explanation of this bill.

The SPEAKER. Does the gentleman from Indiana object to its consideration? Debate is not in order until the bill is before the House.

Mr. HOLMAN. I want an explanation of it.

The SPEAKER. Subject to the right to debate or not?

Mr. CRAIN. Mr. Speaker, the explanation is this: There was a commission appointed by act of Congress to investigate certain claims arising between Mexico and the United States. This man furnished the testimony and was the interpreter for the commission, and this bill is introduced in response to his demand for compensation for his services. Its payment has been recommended by Secretary Frelinghuysen and also by another Secretary of State. The bill has passed both Houses on previous occasions, but at different sessions. The chairman of the Committee on Claims reported it—— [Cries of "Vote!" "Vote!"]

The SPEAKER. Is there objection to the consideration of the bill? There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRAIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I rise to present a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

JAMES H. BLOUNT,
JOHN M. TAYLOR,
HENRY H. BINGHAM,
*Managers on the part of the House.*

P. B. PLUMB,
WM. MAHONE,
J. B. BECK,
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

The difference between the two Houses on the vote on the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, was on the Senate amendment number 4, which is as follows:

"(4) For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, and other Southern and Central American republics, $500,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress. One of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River."

The Senate recedes from this amendment.

J. H. BLOUNT,
JOHN M. TAYLOR,
HENRY H. BINGHAM,
*Managers on the part of the House.*

Mr. BLOUNT. I call the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. BLOUNT moved to reconsider the vote by which the report was

adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS IN NEBRASKA AND KANSAS.

Mr. SPRINGER submitted a conference report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments and agree to the House bill with amendments as follows:

In line 28, after the word "thereof," insert "so certified as hereinbefore provided."

In line 43, after the words "referred to," insert "his or their heirs, assigns, or legal representatives."

In line 47, after the word "Treasury," insert "such person, his heirs, assigns, or legal representatives."

And the House agree to the same.

WILLIAM M. SPRINGER,
W. H. SOWDEN,
JAMES LAIRD,
*Managers on the part of the House.*

P. B. PLUMB,
JAMES H. BERRY,
*Managers on the part of the Senate.*

Mr. HOLMES. I call for the reading of the bill.

The SPEAKER. The gentleman from Iowa calls for the reading of the bill. Is there objection to the reading?

Several members called the regular order.

The SPEAKER. That is equivalent to an objection.

The report was adopted.

Mr. SPRINGER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMES. I rise to a parliamentary inquiry. I asked for the reading of the bill just acted on; and I would like to know for what reason it was not read.

The SPEAKER. Because the House was not called upon to vote on the bill, and objection was made to the reading. Only the conference report was under consideration. The bill was passed by the House long since.

PUBLIC BUILDING AT MILWAUKEE, WIS.

Mr. VAN SCHAICK. I ask unanimous consent to take up and pass the bill (S. 3001) for the erection of a public building at Milwaukee, Wis.

The bill, with the amendments of the Committee on Public Buildings and Grounds, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SOWDEN. I call for the reading of the report.

The SPEAKER. That is in the nature of debate and can not be done except by unanimous consent until the bill is before the House for consideration.

Mr. McKINLEY. This bill is the unanimous report of the Committee on Public Buildings and Grounds.

Mr. SOWDEN. I object.

Mr. VAN SCHAICK. The bill has already passed the Senate, and there is a unanimous report in its favor from the committee of this House.

The SPEAKER. The gentleman from Pennsylvania objects.

RIGHT OF WAY THROUGH CŒUR D'ALENE INDIAN RESERVATION.

Mr. HALL. I ask unanimous consent——

The SPEAKER. The gentleman was recognized a moment ago, and his request was objected to.

Mr. HALL. The gentleman who made that objection has consented to withdraw it.

The SPEAKER. The gentleman from Iowa renews the request for unanimous consent to discharge the Committee of the Whole from the further consideration of Senate bill 3026, and pass the same.

Mr. HALL. This bill is precisely similar in its terms to two or three bills which have been passed granting right of way to railroads through Indian reservations. In this case the reservation is a small one, not exceeding 10 miles square. It is a valley in the mountains, lying exactly in the path of the road, so that the road can not possibly be constructed without this right of way. A large mining region which lies beyond is inaccessible without the construction of this road. The Indians themselves are interested in having this right of way granted. I trust that unanimous consent may be given for the consideration of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REED. Let it be read.

The Clerk proceeded to read the bill (S. 3026) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian Reservation.

Mr. HALL (interrupting the reading). I would like permission to state that two other bills precisely similar in phraseology to this have been passed. This bill has been reported favorably by the committee, and has the recommendation of the Secretary of the Interior. All the provisions which were contained in the bills which were passed for protecting the rights of the Indians are in this bill. The whole matter is placed in the hands of the Secretary of the Interior. The right of way is subject to his approval. The compensation for the right of way is to be fixed by him. The entire matter is left in his hands.

Mr. BURNES. There seem to be two railroads seeking right of way through this reservation.

I hold in my hand a bill which has passed the Senate authorizing another company to have the right of way. There seems to be a contest between them.

Mr. HALL. There is no contest at all.

Mr. BURNES. If there be no contest, will they go together?

Mr. RANDALL. I object to both.

SAMUEL P. EVANS.

Mr. HOUK. I ask by unanimous consent to discharge the Committee of the Whole House on the Private Calendar and take up for consideration the bill (S. 277) for the relief of Samuel P. Evans.

It provides for paying this marshal for fees due him for services rendered by request of the President and Attorney-General eight years ago. It was unanimously passed by the Senate and has been reported favorably by two committees at this session. Recognition to suspend the rules is a hard thing to get in this country. [Laughter.]

The bill was read, as follows:

*Be it enacted, &c.*, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to audit and pay to Samuel P. Evans the sum of $1,154.04, this sum being due to him as fees for services rendered by him as marshal after the expiration of his term of office and before his successor was appointed and qualified.

Mr. HOUK. This marshal, by special request of the President and Attorney-General, proceeded to discharge these duties.

There was no objection, and the Committee of the Whole House on the Private Calendar was discharged from its further consideration.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order of business.

Mr. REAGAN. There is an important bill which has yet to be considered.

The SPEAKER. The regular order of business is the bill to erect a public building at La Fayette, which has been vetoed by the President, and against which the question of consideration has been raised, and upon which no quorum has voted.

Mr. MORRISON. I hope the House will take a recess until 8 o'clock.

Mr. HOLMAN. I hope that will not be done.

Mr. MORRISON. We have been waiting all night on that story of the legislative bill.

Mr. HOLMAN. It will be here in five minutes.

Mr. REAGAN. I demand the regular order, and ask that the tellers shall resume their places.

Mr. SPRINGER. I am a teller. I am like the boy upon the burning deck.

Mr. MORRISON. I move to take a recess until 8 o'clock.

The House divided; and there were—ayes 39, noes 47.

So the motion was disagreed to.

The SPEAKER. The regular order is demanded and insisted upon.

Mr. CURTIN. I move that the House do now adjourn.

The motion was disagreed to.

Mr. COWLES. No one will vote against my bill. It does not take a dollar out of the Treasury.

Mr. MATSON. I move the pending bill be laid aside informally, to be taken up when a quorum appears.

Mr. NEGLEY. I object.

Mr. DUNN. I move that the House take a recess for half an hour.

The motion was disagreed to.

Mr. REAGAN. I ask the tellers to report.

The SPEAKER. The tellers have reported and the Chair has announced the result, and no quorum voting the gentleman from Georgia made the point.

Mr. REAGAN. I ask the tellers to take their places.

The SPEAKER. The tellers have taken their places and the Chair has called upon gentlemen who have not voted to come forward and vote.

Mr. BURNES. I have a suggestion to make for the convenience of members in regard to the business of the House.

The SPEAKER. Is there objection?

Mr. COWLES. Is that the regular order?

The SPEAKER. The gentleman from Missouri has asked to make a statement.

Mr. BURNES. I have information the general deficiency bill will not be reported for half an hour. After it comes here there being so many amendments it will be indispensable for the subcommittee or some member of the Committee on Appropriations to examine them before we can make an intelligent report in regard to them unless we go into conference at once. Supposing members would like to have an explanation I suggest the subcommittee need only be punished by examining and reporting promptly at 8 o'clock. Therefore if the House desires for its convenience we might take a recess until 8 o'clock when the subcommittee could report on the subject. [Cries of "Regular order!"]

Mr. TARNSNEY. We will stay here and continue with general business.

Mr. STONE, of Kentucky. It would be well to have the yeas and nays on the pending amendment.

The SPEAKER. The yeas and nays were demanded, and according to the recollection of the Chair they were refused by the House.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following titles; when the Speaker signed the same:

A bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes.

Mr. McRAE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10793) making appropriations for the services of the Post-Office Department for the fiscal year ending June 30, 1888; and

A bill (S. 395) granting to the Rocky Fork and Cooke City Railroad Company a right of way through a part of the Crow Indian Reservation, in Montana.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1885, relating to the purchase of arms for the States; and

A bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia.

ORDER OF BUSINESS.

Mr. DUNHAM. Mr. Speaker, I ask unanimous consent to pass a little bill of eight lines.

The SPEAKER. The regular order has been demanded and insisted upon by the gentleman from Texas.

Mr. DUNHAM. I ask the gentleman to withdraw for a moment the demand.

Mr. BAKER. I wish to ask a question for information.

This being the 4th day of March, whether it is in order for the Senator from Texas to participate in the deliberations of this House.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that the House take a recess until 6 o'clock, in order to give the Speaker and the officers of the House some little rest. It is now half past 5 o'clock.

The SPEAKER. The Chair is entirely willing to sit here and attempt to transact the business of the House as long as gentlemen desire it. [Applause.]

Mr. DOCKERY. I am sure of that.

Mr. LONG. Regular order. I demand it because I see a message from the Senate is about to be presented.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendments bills and a joint resolution of the following titles:

A bill (H. R. 6066) to authorize the sale of the United States barracks property in the city of Newport, Ky.;

A bill (H. R. 4981) to provide for the settlement of accounts with the Vicksburg and Meridian Railroad Company for internal-revenue tax, &c.;

A bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River;

A bill (H. R. 11063) extending the charter of the President and Directors of the Firemen's Insurance Company, of Washington and Georgetown, D. C.; and

Joint resolution (H. Res. 82) for the relief of Luther F. Warder.

Also, that the Senate agreed to the resolution of the House providing for the printing of 5,000 copies of the report of the United States Coast and Geodetic Survey.

Also, that the Senate agreed to the report of the committee of conference on the bill H. R. 11028, (the legislative appropriation bill), and further insisted on its amendments numbered 3 and 14, disagreed to by the House of Representatives.

Also, that the Senate further insisted on its amendments to the bill (H. R. 10082) to provide for the expenses of the government of the District of Columbia, and for other purposes, disagreed to by the House of Representatives, and agreed to the further conference asked by the House thereon, and had appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL conferees on the part of the Senate.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, in behalf of the conferees on the part of the House on the legislative bill I submit the following report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 20, 30, 34, 36, 37, 44, 45, 46, 49, 52, 53, 54, 55, 56, 59, 81, 82, 83, 92, 93, 94, 101, 102, 112, 113, 117, 119, 120, 127, 128, 130, 132, 133, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 21, 23, 24, 25, 25½, 26, 27, 28, 29, 31, 32, 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 57, 58, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 85, 86, 87, 88, 89, 90, 91, 97, 98, 99, 100, 105, 106, 107, 110, 115, 116, 118, 121, 122, 125, 126, 129, 131, 135, and 137, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numberd 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "and disbursing clerk;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "one clerk of class 1; one clerk at $1,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,800;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,000;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "1,925,000;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out, amended by inserting "first day of March" in lieu of "thirty-first day of January;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$195,690;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,700;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,800;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,600;" and the Senate agree to the same.

Amendments numbered 3 and 14: As to amendments numbered 3 and 14 the committee are unable to agree.

W. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
*Managers on the part of the House.*

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*

The statement is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of

the Government for the fiscal year ending June 30, 1888, and for other purposes, submit the following written statement in explanation of the action agreed upon by the conference committee as submitted in the accompanying report:

The Senate made one hundred and thirty-eight amendments to the bill, increasing the same $225,381 over the amount as it passed the House. Of these amendments the conferees have agreed upon all but the two numbered 3 and 14, which appropriate $40,896 for clerks to Senators who are not chairmen of committees.

In agreeing upon the remaining amendments the Senate conferees have yielded $63,735, and if the amendments 3 and 14 are finally yielded by the House the sum total of the bill will be $20,701,221.67, or $4,234.70 less than the appropriation for the current year, and $472,609.40 less than the estimates submitted to Congress.

WM. S. HOLMAN,
GEO. C. CABELL,
J. G. CANNON,
*Managers on the part of the House.*

Mr. HOLMAN. I demand the previous question on the adoption of the report.

Mr. CANNON. Mr. Speaker, I would be glad to be recognized for a few moments.

Mr. HOLMAN. Would it not be as well to have the previous question seconded, which would give fifteen minutes for debate on each side?

Mr. REED. We desire to see if we can not come to an agreement by an amendment.

Mr. HOLMAN. We can not amend this; it is a conference report.

Mr. REED. But it is not a final agreement.

Mr. HOLMAN. Certainly not; but it is not desirable to open up the debate before the previous question is ordered.

I call for the previous question.

Mr. CANNON. I have no objection to the previous question being ordered.

Mr. BAYNE. I wish to make a motion that the House recede with an amendment.

Mr. HOLMAN. That does not come up until after the report is adopted.

Mr. REED. You will allow that motion?

Mr. HOLMAN. Certainly; I can not help it.

Mr. REED. That is all right.

The previous question was ordered.

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman from Pennsylvania [Mr. BAYNE] submits the motion he has indicated.

Mr. HOLMAN. I desire to make a statement on that subject. The amendments not disposed of by the committee of conference, those numbered 3 and 14, of course come up after the report is adopted. It will then be for the House as regards those amendments either to insist or to recede. The report, as far as it goes, is all that is before the House at this time.

In connection with the report I desire to make a brief statement. I wish to say this bill is not in the shape in which it can be regarded as entirely satisfactory to the House. As reported to the House the bill made a reduction from the appropriations of the current law, the law for the present year, of $418,000, which in a bill of this kind would be a very fair and yet a moderate reduction. I must say from the study I have given to this subject, not only in the present Congress but in former Congresses, it is very unfortunate indeed that at least that much has not been accomplished. Last session in this bill, the bill making appropriations for the legislative, executive, and judicial expenses of the Government, we made a reduction amounting to largely over $700,000; and yet it is absolutely certain that no public interest suffered. Indeed, so far as the reduction promoted economy it purified and elevated the Government.

Mr. BRECKINRIDGE, of Arkansas. Does the gentleman mean that there was that reduction from the amounts authorized by law?

Mr. HOLMAN. I mean there was that reduction from the amounts authorized by the current law of the preceding year.

Mr. BRECKINRIDGE, of Arkansas. The gentleman means the appropriation bill of the preceding year, not the permanent statutes.

Mr. HOLMAN. Ten years ago, as my friend [Mr. BRECKINRIDGE] has heard a hundred times, when the Democratic party came into power after long absence, there was a very heavy reduction of salaries, and those salaries have remained under the standard fixed by permanent statutes from that day to this. And for one, I am not willing, as a Democrat having insisted on the reduction of these salaries when the Republicans were in power, by any vote of mine to deviate from that policy.

Mr. TOWNSHEND. I desire to ask the gentleman from Indiana a question. Is there any reduction of salary yielded by the Senate?

Mr. HOLMAN. There are some few reductions.

Mr. TOWNSHEND. Will the gentleman please state what those reductions are?

Mr. HOLMAN. The Senate made no reductions except in the salary of the subtreasurer at New Orleans. That was reduced $500 to what it is for the current year. That is the only one I remember. All the others were increased.

Mr. TOWNSHEND. Did the House conferees yield on those increases that were demanded by the Senate?

Mr. HOLMAN. The House conferees yielded to a part of them, as the gentleman might have learned by listening to the report. The Senate amendments increase the amount of the bill by $225,381 over the amount of the bill as it left this House and went to the Senate.

Mr. TOWNSHEND. Will the gentleman state how much the amount of the bill is increased now over what it was when it left the House.

Mr. HOLMAN. If the gentleman will follow my figures he will get an answer to these questions. The bill as it left the House was largely increased above the amount it carried when reported from the Committee on Appropriations. More than half of the reduction made of $418,000 by the bill when it came into the House was overcome by the action of the House. Yet I feel confident no gentleman on the floor who has carefully studied the subject can dispute the fact that the reduction of appropriations from those of the current year of $418,000 was a very moderate reduction; and I am confident also that if that had been carried out not only would no branch of the public service have suffered, but, on the contrary, its efficiency would have been absolutely promoted.

Mr. TOWNSHEND. I desire to repeat my question. What is the increase made by the Senate over the bill as it left the House?

Mr. HOLMAN. As I have stated, the Senate amendments made an increase of $225,381. Now, if the House yields $40,000 for the clerks of the Senate they will have yielded $165,000 of the $225,000, and the Senate will have yielded a little over $60,000. As it now stands, if the House should recede as to the clerks of the Senate, the appropriations made by the bill will be but $4,234.70 below the law of the current year, instead of $418,000, as proposed by the Committee on Appropriations; and the bill will be $472,609 less than the estimates. I believe that is all I have to say. The committee of conference have done as well as they could and accomplished as much as they could.

Mr. TOWNSHEND. Before the gentleman from Indiana takes his seat I should like to ask him what proportion of the amendments put on the bill by the Senate have been conceded by the House conferees?

Mr. HOLMAN. The whole number of amendments made by the Senate is one hundred and thirty-eight. I can not state precisely the number conceded.

Mr. TOWNSHEND. I believe about four-fifths.

Mr. HOLMAN. The mere number is a matter of no consequence; what is of importance is the amount involved. Of the Senate amendments the Senate concedes $60,000, and the House concedes $165,000 if the House concedes to the Senate the Senatorial clerks.

One word further in regard to that. I hope the House will not be confused at all by the fact that the two amendments are spoken of, numbers 3 and 14. Amendment No. 3 is simply the footing up of the aggregates. Amendment 14 is the real amendment, and is in the following words:

For clerks to Senators who are not chairmen of committees, $40,890.

I believe, Mr. Speaker, that I have said all that I desire to say upon this subject, except to express my regret that the House did not more carefully consider the recommendations submitted in the first place by the Committee on Appropriations.

Mr. CANNON. I only want to say about this bill that as it passed the House it was for a less amount than was recommended by the Committee on Appropriations. There was a very general desire that the bill in many respects should conform to that of the current year; but I will not go into that matter. The bill went to the Senate, and there a great number of amendments were placed upon it, some decreasing and some increasing the amount. It is not perhaps proper that I should inquire too closely how those amendments were brought about. Suffice it to say that in quite a number of instances our Democratic friends on the House side and our Democratic friends on the Senate side were satisfied that the increases which the Senate put upon the bill should be placed there.

Mr. MORRISON. Expecting to get our fellows in?

Mr. CANNON. Yes; expecting to get your fellows in. So that whatever may appear upon the face of the statement of the House conferees or upon the face of the statement of the gentleman from Indiana [Mr. HOLMAN] the truth is that wherever increases have been made they have been made for the benefit of a Democratic administration and a Democratic House.

One word in conclusion, and then I will yield to my colleague upon the committee, the gentleman from Illinois [Mr. TOWNSHEND], who desires to be heard for a few minutes. So far as I am concerned, or so far as the Republicans upon this side of the House are concerned, and, as I understand, so far as Republicans in the Senate are concerned, we are all willing that the Democratic administration and the Democratic House shall have pretty much such service as they desire to carry on this Government.

Mr. BURNES. Deficiencies and all?

Mr. CANNON. Yes; I think very largely deficiencies and all.

Mr. BURNES. All right.

Mr. CANNON. Of course, I could tell a great big story about this matter if I wanted to go into particulars. [Laughter.] What I mean is that I could tell a great big true story if I desired; but I will not go into particulars. I might say, Mr. Speaker, that in various instances where this economical Democratic House had provided for a certain limited

service there was an immediate rushing over to the Democrats in the Senate, and also to Republicans in the Senate, with requests that increases should be made in that body for this Democratic service. But I will not go into that matter. [Laughter.]

Mr. MORRISON. Can you tell who went over there?

Mr. CANNON. Well, I do not care about being too particular.

Mr. MORRISON. But you ought to be particular.

Mr. CANNON. I will say to my friend that I for one did not go.

Mr. MORRISON. Who did?

Mr. CANNON. Well, I am not here to state that.

Mr. MORRISON. You ought not to say anything about it then.

Mr. TOWNSHEND. As one of the conferees, I am willing that you should tell.

How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. How much time does the other gentleman from Illinois [Mr. CANNON] yield to his colleague?

Mr. CANNON. How much have I left?

The SPEAKER *pro tempore*. Eight minutes.

Mr. CANNON. I yield to my colleague seven minutes and three-quarters.

Mr. TOWNSHEND. Mr. Speaker, prior to the meeting of this session of Congress, at the instance of the chairman of the Committee on Appropriations, the members of the various subcommittees were requested to meet at Washington in order to prepare the bills which were to be submitted to the House. Among others was the subcommittee on the legislative bill. Some of the members of that sub-committee came here, and I am told by them (I was not present myself, although a member of that committee) that they diligently inquired into the needs of the Government, and upon careful investigation prepared this bill in a shape in which they thought it should pass. The bill lay in that condition until after the holidays and until after certain Senatorial elections were over. Then the subcommittee met again, and for days and nights, on Sundays as well as other days of the week, we carefully examined the estimates of the Departments, endeavoring to prepare a bill which would promote economy and at the same time not destroy the efficiency of the public service.

The bill after being thus prepared was brought before the full Committee on Appropriations. The history of that bill thus prepared by that subcommittee is more humiliating in my judgment than the history of any other appropriation bill that has come into this Congress for many years. That bill as prepared by the subcommittee was substantially passed by the general committee. The bill came into this House. The majority of those controlling the subcommittee—I was not one of those who concurred in the movement—succeeded in reducing salaries and the clerical force in the Departments, against the protest of heads of bureaus, who insisted the reductions would be detrimental to the public service. Clerks were stricken out, salaries were struck down here and there, the heads of officials were cut off blindly, without reason, without argument, without judgment. I protested against it. The bill came before the general committee, and the general committee, after hearing suggestions of various members of the subcommitteee, some of the suggestions coming from my friend from Indiana [Mr. HOLMAN], proposed an increase of salary here and there; and in some places they blindly, without any basis whatever for their action, cut down the salaries of certain officials of the Government and reduced the force of certain bureaus.

Mr. Speaker, from the time I became a voter I have been, until recent years, following blindly the views of certain gentlemen who have been advocating economy and reform in the civil service. I was taught, in my primer of Democracy, that economy is one of the great principles of that party; but I was also taught by the great leaders of the party, Jefferson and Jackson, that economy means not only a reduction of expenditures, but a reduction in such a manner as not to impair the efficiency of the service.

When the Republicans had control of this Government I listened to the charges which were made of extravagance in administration. I believed then, as I believe now, that there was much foundation for the charge. But when a Democratic administration came into power I said, "Now there are honest men at the helm of state, and I can trust them." When their estimates came in, and I found that these same gentlemen, who before had been caviling and quibbling over the estimates, were in conflict with the officials of the new administration, I went to some of those officials, who said to me that if I blindly followed the policy and views of certain gentlemen on this floor, who were striking right and left, cutting horizontally, perpendicularly, and every other way, at the force in the different Departments of the Government and the salaries of its officers, the efficiency of the public service would thereby be greatly crippled.

I had faith in this Democratic administration. Grover Cleveland had proved himself a wise executive in New York, and I did not believe he had lost his honesty and his capacity for executive duty when he came to Washington. Therefore, I insisted with my colleagues that we must prevent these officials from being deprived of what ought to be regarded as a proper official force.

But I was overruled. The bill came into this House; and what became of it? The bill on which we had labored day and night, Sundays as well as week days, was repudiated by this House. Nearly every reduction we had made was stricken out. Every increase that had been made (and they were very few in number) was stricken out. The bill was sent to the Senate. The conferees have now concluded their labors; and what is the result of the efforts of this conference, composed no doubt of good men, wise men, and the majority of whom at least we have always regarded as stubborn men? The Senate put on this bill over $200,000 of increase. It undid the work of the House. What do these gentlemen, representing the House, now confess? With the utmost humiliation and chagrin, they acknowledge they have been forced by the Senate to assent to over two-thirds of the amendments put on by the Senate, and to give up in very large measure the economical features which we had put upon the bill.

[Here the hammer fell.]

Mr. TOWNSHEND. I want to know why these gentlemen here have given away the little crumbs of economy which we finally succeeded in injecting into the bill?

Has my time expired?

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. TOWNSHEND. I am not half through with what I wanted to say.

Mr. MILLIKEN. Print.

Mr. TOWNSHEND. No. I do not intend to alter a word of my remarks, but I wish to ask my friend from Indiana before I take my seat why has he surrendered to the dictation of the Senate on two-thirds of the amendments put on this bill by the Senate?

Mr. MILLIKEN. I ask unanimous consent that the gentlemen have half an hour. [Laughter.]

Mr. HOLMAN. I think I have the floor.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent.

Mr. HOLMAN. I do not yield to the gentleman.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Illinois being allowed to proceed for half an hour.

Mr. HAMMOND. Yes, I object.

Mr. HOLMAN. I do not think the gentleman from Illinois expects me to answer or specially refer to the course of his remarks. The gentleman of course knows the concessions made by the conferees on the part of the House are about the usual concessions [laughter] that each party must make.

Mr. MILLIKEN. What are the usual concessions? [Laughter.]

Mr. HOLMAN. That each party must give and take. These are about such as every gentleman experiences in reports of this kind. The report made by my friend from Pennsylvania shows about the same concessions as have been made on this bill.

I yield now any time I have remaining to the gentleman from Virginia [Mr. CABELL].

The SPEAKER. The gentleman has seven minutes of his time remaining.

Mr. CABELL. It is true, Mr. Speaker, as the gentleman from Illinois has stated, that the members of the Committee on Appropriations were summoned here prior to the session of Congress to prepare the bills to go before the House for which that committee was responsible. If the gentleman had done his duty as he might have done it perhaps he would not be here to-night vexing the House with his complaints. He is here undertaking to complain of gentlemen for the manner in which they have performed their work, his own part of which he failed to put in.

The gentleman speaks of the committee having been humiliated. The greatest humiliation that I have witnessed at all during the sessions of the Appropriations Committee occurred when outrageous attempts were made to increase the salaries of officials and augment the expenses of the Government.

Forgetful of the pledges which the Democratic party had given, and disregarding our cry that the Republican party had placed too many people in office and paid them too much for their services, certain gentlemen have subjected us to criticism as well as humiliation by endeavoring to follow and sometimes outstrip bad Republican precedents.

Mr. BUCHANAN. That is about the size of it.

Mr. BUTTERWORTH. You see you had to shear your own lambs.

A MEMBER. By a large majority.

Mr. CABELL. There is not time however to enter into discussions of this character when we have but a few hours remaining of the session and when these and other bills have to be disposed of.

Mr. MORRISON. And that is all we have, CABELL.

Mr. CABELL. I do not understand the animus of the gentleman in his attacks upon the committee of which he is a member.

Mr. TOWNSHEND. He has no animus at all; he has pity.

Mr. CABELL. Pity for what?

Mr. TOWNSHEND. Pity for the humiliating attitude of the subcommittee on the legislative appropriation bill which the subcommittee occupies to-day.

Mr. CABELL. And most of that humiliation will cluster around the gentleman when justice is done. No shadow of censure can rest upon the gentlemen who were sent by the House into conference with the Senate committee. If we were put in a humiliating position it

was done by the help of the gentleman as much as by that of any other man.

Mr. TOWNSHEND. No, sir; that is not true. I co-operated zealously with the committee when the bill came before the House.

Mr. CABELL. When we went into the conference we exerted ourselves to the utmost extent and availed us of all the time and opportunity presented to compose the difficulties that had been placed in our way, and to free this bill from every improper feature and bring about an honorable agreement upon it between the two Houses of Congress.

We succeeded about as well and got about as much as we usually get in these conferences, as my friend from Indiana (Judge HOLMAN) says. We did about as well as could be expected under the circumstances [laughter]—under the circumstances in which we had been placed by the able co-operation of the gentleman from Illinois, with his fellow-complainants.

Mr. STRUBLE. Under the circumstances!

Mr. CABELL. Yes, sir; under the circumstances, and considering the difficulties into which we were drawn largely by the work and active co-operation of the gentleman from Illinois. [Laughter.]

Now, Mr. Speaker, it is proper to say that we contended in conference as stoutly as we could to maintain the House measures in the bill. It was apparent to us as to every one that this bill would fail unless a speedy agreement could be had with the Senate. If there is really any trouble about the bill, it has been brought about by the action of the House with the help of the gentleman from Illinois always. [Laughter.]

The bill was a good one when we brought it out of committee, notwithstanding the efforts of the gentleman from Illinois. It is not very surprising, perhaps, that he criticises it now. Why, it is a fact, well known to that committee—as the gentleman has spoken of what occurred there—that no matters of retrenchment, no reductions, no reforms which we undertook to make were permitted, because the gentleman from Illinois always "stood in" with the other side. [Laughter.]

Mr. TOWNSHEND. Will you allow a question?

Mr. CABELL. Yes, sir.

Mr. TOWNSHEND. I will ask the gentleman, since he has spoken of affairs in committee, if he did not blindly strike out two employés in the Interior Department, and when he found that one was a Virginian, came back into committee and asked to have him put back again? [Laughter.]

Mr. HAMMOND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CABELL. No; there is not a solitary word of truth in it. I deny the statement emphatically.

Mr. TOWNSHEND. I call upon the committee to bear witness.

Mr. CABELL. No man in the committee would bear out that statement.

Mr. HAMMOND. I insist upon my question of order.

Mr. TOWNSHEND. Did you not move to restore one of these men in the Land Office when you found out that he was from Virginia and was stricken out from the bill on your own motion?

Mr. CABELL. No, sir; both were stricken from the bill, I do not know whether on my motion or not, but the Secretary of the Interior came in person to our committee-room and insisted and urged that the names of the men should be put back into the bill.

They were put back into the bill, and it was understood they were to be put back before I ever knew that either of the men was a Virginian. And the over-well informed gentleman from Illinois was the very first man to give me the information.

The SPEAKER *pro tempore*. The gentleman from Virginia will desist. The time has expired, and the gentleman from Georgia is making a point of order.

Mr. HAMMOND. I am trying to make the point of order that these matters which transpired in the committee can not be properly mentioned in the debate.

The SPEAKER *pro tempore*. The point of order is well taken, and the Chair sustains it. The time for debate has expired.

The question is on the motion of the gentleman from Indiana to agree to the report of the committee of conference.

The report was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. Mr. Speaker, I now move that the House further insist on its disagreement to the amendments of the Senate.

Several MEMBERS. Move to recede.

Mr. HOLMAN. I infer from the remarks made around me that perhaps I should come at once to the test vote on these amendments. I shall therefore move that the House recede from its disagreement to the two amendments of the Senate; and upon that I call the previous question.

Mr. TOWNSHEND. I wish to know if one of these is the amendment providing clerks to Senators?

Mr. HOLMAN. Yes, sir.

Mr. TOWNSHEND. The gentleman from Indiana makes a motion to recede?

Mr. HOLMAN. That is my motion.

Mr. TOWNSHEND. I wanted that fact to be known.

Mr. BAYNE. I propose an amendment to the motion of the gentleman from Indiana.

The SPEAKER *pro tempore*. But the gentleman demands the previous question.

Mr. REED. The gentleman from Indiana agreed it should be made.

Mr. HOLMAN. I demand the previous question.

Mr. REED. The gentleman from Indiana agreed that this matter should be brought up, and I think he will stand by his agreement; I know he will, when reminded of it.

Mr. HAMMOND. I rise to a question of order. The gentleman from Indiana can not bind us by any private agreement he may have made.

Mr. REED. It was not a private agreement, but was made in the House in the presence and hearing of everybody.

Mr. HAMMOND. Not in mine; and I object.

Mr. REED. It was in the presence of the whole House.

Mr. TOWNSHEND. The agreement ought to be kept.

Mr. PERKINS. The gentleman from Pennsylvania has the right to move to recede, has he not, with an amendment?

The SPEAKER *pro tempore*. The Chair does not know what the gentleman from Pennsylvania proposes to submit. It may be a motion that is entirely in order pending the demand for the previous question.

Mr. BAYNE. I gave notice to the gentleman from Indiana that I would make a motion that the House recede from its disagreement to the Senate amendments numbered 3 and 14, and agree to the same with an amendment in the nature of a substitute.

The SPEAKER. The Chair thinks that motion is in order. The motion to recede and agree with an amendment has priority over a simple motion to recede.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I understand the parliamentary rule is that motions are entitled to priority which most directly bring the two Houses together at once if carried, while a motion to concur with an amendment still prolongs the disagreement. And besides I called the previous question upon the motion I made that the House recede.

Mr. REED. The gentleman from Indiana [Mr. HOLMAN] agreed that the gentleman from Pennsylvania could make the motion he has indicated.

Mr. TOWNSHEND. What does the gentleman from Indiana say about the agreement?

Mr. HOLMAN. I should be very glad in the interest of fairness if the gentleman from Pennsylvania would state what was said. I never trust myself to repeat anything which may have been said in the hurry of debate.

Mr. REED. It was I who made the statement. I said "the gentleman from Indiana then will permit the amendment to be offered by the gentleman from Pennsylvania?" and the gentleman from Indiana replied "Certainly; of course I can not prevent it."

Mr. HOLMAN. But I do not see any engagement there. But if there is any intimation on the part of the House that that imposed upon me the duty as a representative to open this matter up to amendment, of course I shall very promptly do so. But I do not see it in that light, or any obligation on my part as a member of this House not to make the motion which I have made and to call the previous question upon it.

Mr. SKINNER. I will state what occurred as I heard it. When the gentleman from Maine [Mr. REED] made the remark he has repeated, the gentleman from Indiana replied, "Certainly;" and then he muttered *sotto voce* as he took his seat, "I can not prevent it." It was an agreement if ever there was an agreement.

Mr. HOLMAN. It could not have been said *sub voce*, because the gentleman from Maine heard it. But the House if it pleases can vote down the call for the previous question.

Mr. SPRINGER. I understand the question was asked as to whether a separate vote was to be given on the question of Senator's clerks, and the gentleman from Indiana said that would be allowed.

Mr. SKINNER. What he agreed to was to permit the amendment to be offered by the gentleman from Pennsylvania.

Mr. SPRINGER. Which I understand was a motion to agree to the Senate amendment.

Mr. HOLMAN. I take the statement of the gentleman from Maine to be correct; but I submit that according to that statement there was nothing in the language I employed which could preclude me from calling the previous question on this proposition. If the House sees fit to vote down the previous question then it is open to amendment.

Mr. MCMILLIN. I make the point of order that any statement made by a gentleman in the course of debate or in any way, and not submitted by the Chair to the House so as thereby to give the House an opportunity to reject the proposition, can not bind the House now.

Mr. HOLMAN. But it ought to bind him in honor if he made any such agreement.

Mr. REED. It was an honorable understanding and should be adhered to.

Mr. BRECKINRIDGE, of Kentucky. I think it goes further than the gentleman from Indiana supposes. He was in charge of the bill; he was representing the majority; he did, according to the understanding of all of us around here, and most of us assented in some form or other, agree that the gentleman from Pennsylvania was to have an opportunity to offer a motion to recede from disagreement and agree with an amendment; and it is clear that if that permission had not been given the gentlemen on the other side would have made some motion.

Mr. HOLMAN. I do not consent that there shall be any doubt as to the question of honor resting on any gentleman, so far as I am concerned. Therefore I will not press this motion, but withdraw it for the present. And I hope when the proposition of the gentleman from Pennsylvania is submitted, the effect of which will prevent the two Houses from coming to an agreement, that it will be voted down.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

*Be it enacted, &c.*, That each Senator and Representative in Congress, who is not the chairman of a committee which is allowed a clerk, shall, during the sessions of Congress only, be entitled to a clerk, to be appointed and paid as follows, to wit: Such Senator may, at the beginning of each session, as soon as the committees are announced, nominate to the Secretary of the Senate such person as he desires to be his clerk, and thereupon said Secretary shall enroll the name of such nominee in a record-book to be kept for that purpose, showing the full name of such person and the State or place from which appointed, with the date of the same. Such Representative may, at the beginning of each session of Congress, as soon as the committees are announced, nominate to the Clerk of the House of Representatives such person as he desires to be his clerk, and thereupon the Clerk of the said House shall enroll the name of such nominee in a record-book to be kept for that purpose, showing the full name of such person and State or place from whence appointed, with date of same.

And the aforesaid clerks shall be paid as other employés of the Senate and House of Representatives, but only for the time they are actually present and in the service of the Senator or Representative by whom they are respectively nominated, each at the rate of $100 per month; and such clerks shall be removable at the pleasure of the Senator or Representative at whose instance the appointment is made. And the sum of $192,000, or so much thereof as may be necessary, is hereby appropriated for the salaries of said clerks; $16,800 for the clerks of Senators and $175,200 for the clerks of Representatives.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. This being a new proposition, and one to appropriate money, it must have its first consideration in Committee of the Whole. I may remind the Chair that this is not a new question either to the House or to the Chair, as it was fully considered in the Forty-eighth Congress.

Mr. MCMILLIN. I make the further point of order that it changes existing law, and, therefore, under the rule which has been so rigidly enforced, it is not in order on an appropriation bill.

Mr. HOLMAN. At all events it must receive its first consideration in Committee of the Whole.

Mr. BAYNE. Mr. Speaker, in reply to the point of the gentleman from Indiana [Mr. HOLMAN] this proposition is certainly germane to the Senate amendment, which also makes an appropriation. This simply proposes to increase the amount.

Mr. HOLMAN. Well, that Senate amendment would have had to be considered in Committee of the Whole if the point had been made.

Mr. BAYNE. The point can be made against an amendment to the proposition of the Senate which would have lain against the proposition of the Senate itself. In other words, if the Senate proposition was liable to the point of order, and that point of order was not made, that was an acquiescence in the proposition that the Senate amendment might be amended, under the rules of parliamentary law, with any proposition or amendment which was germane to it. I take it that that is perfectly settled.

Mr. HOLMAN. That is certainly not the rule.

Mr. REED. And as to the proposition with regard to existing law, the House and the Senate both have the right to perfect their organization by the choice and payment of such officers as suit them. That was well argued and settled in the Committee of the Whole.

The SPEAKER. The Chair will state that when the Senate amendment came to the House it was subject, under Rule XX, to the point of order that it must have its first consideration in Committee of the Whole on the state of the Union, and if that point had been made of course the amendment and the bill would have gone to the Committee of the Whole.

The point was not made, however, but it is now made against so much of the amendment offered by the gentleman from Pennsylvania [Mr. BAYNE] as proposes to make an appropriation of money for a different purpose from that specified in the Senate amendment, and the Chair has ruled heretofore that it must go to the Committee of the Whole on the state of the Union, but it takes the bill also; they go together.

Mr. BAYNE. Then, as I understand it, the whole bill and the amendments must be referred to the Committee of the Whole if that point is made by the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER. The Chair thinks so. Of course the committee can not consider the bill, but can consider only the amendments. Nevertheless, the bill must go to the committee because the amendment is proposed as a part of the bill.

Mr. BAYNE. I trust then that my friend from Indiana [Mr. HOLMAN] will make the motion to go into Committee of the Whole to consider this amendment, if he prefers that it should take that course.

Mr. HOLMAN. When this question arose a few years ago the ruling, I think, did not go to the extent now stated by the Chair; that is to say, that the point of order operated on anything except the pending proposition. This is a new substantive proposition.

Mr. REED. You can not have the bill in the House and the amendment in the committee.

The SPEAKER. The Chair has sustained the point of order made by the gentleman from Indiana [Mr. HOLMAN] that this proposition must have its first consideration in Committee of the Whole on the state of the Union.

Mr. TAULBEE. Mr. Speaker, I ask unanimous consent that these amendments be considered in the House as in Committee of the Whole.

Mr. HAMMOND. I object. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. Mr. Speaker, is it in order to make a motion to suspend the rules?

The SPEAKER. It is.

Mr. HAMMOND. I am making a parliamentary inquiry. I ask the Chair what becomes of the point of order raised by the gentleman from Tennessee [Mr. MCMILLIN] that this amendment is not in order because it changes existing law.

The SPEAKER. The Chair thinks that the practice of the House has been that when the Senate sends to this body an amendment which is not in accordance with existing law the House may further amend it.

Mr. HAMMOND. I do not so understand the case.

Mr. HOLMAN. Now, Mr. Speaker, I move that the rules be suspended and that the House recede from its disagreement to the Senate amendment.

Mr. BAYNE. I believe I have the floor.

The SPEAKER. The amendment is in Committee of the Whole on the state of the Union. The Chair has decided that it goes there and is not before the House. The gentleman from Indiana [Mr. HOLMAN] now, instead of moving to go into Committee of the Whole, moves to suspend the rules and discharge the Committee of the Whole from its further consideration, and that it be considered in the House. Is a second demanded?

Mr. REED. What is the effect of that?

The SPEAKER. That the House will now proceed to consider the amendment if the gentleman's motion is agreed to.

Mr. HAMMOND. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] demands a second. The Chair will appoint tellers.

Mr. HOLMAN. I hope that demand will be waived.

Mr. HAMMOND. No; I mean that that provision shall not be put upon this bill if I can help it.

The SPEAKER. The Chair will appoint to act as tellers the gentleman from Georgia [Mr. HAMMOND] and the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN (after the tellers had taken their places). We are both on the same side.

The SPEAKER. The gentleman from Indiana moved to suspend the rules and the gentleman from Georgia [Mr. HAMMOND] demanded a second.

Mr. HAMMOND. I thought that if the gentleman's motion was agreed to it would carry the amendment of the gentleman from Pennsylvania with it, and it is the amendment that I desire to defeat.

The SPEAKER. If the gentleman's motion prevails the amendment will then be before the House for consideration instead of being in Committee of the Whole.

Mr. REED. That is, the effect will be the same as if the gentleman withdrew the point of order.

Mr. HOLMAN. The Chair misapprehends the motion I made. It was that the Committee of the Whole be discharged from the further consideration of the bill and pending proposition, and that the House recede from its disagreement and adopt the same.

Mr. TOWNSHEND. In other words, the gentleman is willing to et Senators have clerks, but not members of the House.

The SPEAKER. The Chair misapprehended the latter part of the motion of the gentleman from Indiana. The gentleman states that his motion was that the rules be suspended and the Committee of the Whole on the state of the Union be discharged from the further consideration of the amendment, and that the House recede from its disagreement to the Senate amendment.

Mr. REED. That is not giving us the vote we were promised. That is breaking the agreement. The gentleman might as well give us a chance to vote.

Mr. BAYNE. This amendment is now connected with the amendment of the Senate. The gentleman can not by any process of that kind——

The SPEAKER. The gentleman moves to suspend the rules.

Mr. BAYNE. Yes, sir; and to separate from an amendment adopted by the Senate and sent over here an amendment which, so far as consideration is concerned, is already attached to the Senate amendment.

The SPEAKER. Even if it were all included in a bill pending in the Committee of the Whole on the state of the Union, the gentleman might move to suspend the rules so as to discharge the Committee of the Whole and pass a certain part of the bill; for instance, the first, second, and third sections, omitting the others entirely. That is the same in substance as the gentleman's motion now. The gentleman moves to suspend the rules so as to discharge the Committee of the Whole on the state of the Union from the further consideration of the amendment, and to recede from the disagreement of the House to the Senate amendment. Gentlemen who oppose that action will vote against the motion of the gentleman from Indiana.

Mr. TAULBEE. Is it in order to move as a substitute that the House insist on its amendment?

The SPEAKER. It is not, because this is a motion to suspend the rules.

Mr. TAULBEE. Does a motion to suspend the rules so as to recede from the disagreement of the House and agree to the Senate amendment have precedence over a motion to insist?

The SPEAKER. This is a motion to suspend the rules, and is not amendable at all.

Mr. BAYNE. Now, Mr. Speaker, the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Georgia [Mr. HAMMOND] represent the same side of this question.

The SPEAKER. But the gentleman from Georgia demanded a second; and the Chair in appointing him as teller followed the invariable custom.

Mr. REED. Let us have a vote.

Mr. BAYNE. I demand a second merely for the purpose of opening the question for debate. I am willing, so far as I am concerned, to consent that a second be considered as ordered.

The SPEAKER. Is there unanimous consent that a second be considered as ordered? The Chair hears no objection. There are now thirty minutes allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition. The Chair will recognize the gentleman from Pennsylvania [Mr. BAYNE] to control the time in opposition. [Cries of "Vote!" "Vote!"]

Mr. BAYNE. I know how precious time is now and I do not desire to delay final action on this bill. I think, however, that when Senators have clerks, the members of this House should have clerks; and I believe that both should have clerks. I feel that members of the House, if provided with clerks, would be relieved from a world of drudgery which each one of them is now compelled to perform. In this way the interests of the constituents of every member would be benefited. He would be enabled to give more time to important matters of general legislation, while at the same time the minor interests of his constituents would receive better attention. We all know the large amount of work required from a member in all the Departments, work which now can not be done properly, but which with a clerk could be promptly disposed of. As a recognition of the dignity of the House, as a matter of fair play to its members, we are entitled to clerks, and should insist on having them as the Senators have. I have nothing further to say.

Mr. HOLMAN. Mr. Speaker, it now lacks ten minutes of 7 o'clock. This Congress, under the limitations of the Constitution and the law, must expire at 12 o'clock. This bill requires to be enrolled and to reach the President in time to be examined by him; for the country has been notified that he intends to examine these bills carefully before giving them his approval; that he will not sign any bill without thoroughly understanding its provisions.

Mr. TOWNSHEND. Can not the clerks enroll at once the whole of this bill, except this provision?

Mr. HOLMAN. A number of other bills are to go to the Executive for examination, and for approval or disapproval. It is manifest that time is now a matter of the utmost importance, and that this measure ought to be disposed of at once. It is almost certain—judging from our past experience I say it is certain—that the House sooner or later will do as it has done in former years, yield this point to the Senate.

Mr. TOWNSHEND. The gentleman will allow me to state that in point of fact this bill has already been enrolled, with the exception of the provision now under discussion.

Mr. HOLMAN. I do not yield. If the gentleman wants to get this little addition to his salary——

Mr. TOWNSHEND. No; I am opposed to it. I am opposed to these clerks for either Senators or Representatives. The gentleman from Indiana is in favor of them for Senators, but against them for members of the House.

Mr. HOLMAN. It is very easy to be courageous when there is no danger pending. [Laughter.] The gentleman knows very well that the House will recede. It has done so now four times in succession. There is not time for us to hang out upon this question; if there were I should hang out as long as any gentleman. I have been as much opposed as any gentleman on this floor to Senators having clerks. But as one individual merely of the two bodies constituting the Congress of the United States, I am not responsible for the action of the Senate. They claimed the right in the first instance to employ their clerks and pay them out of the contingent fund. We peremptorily refused to consent to payment in that form; and they finally made payment in what we consider a more creditable form—a direct appropriation of the salaries of their clerks. I have said and done all that I could in former years against yielding to the action of the Senate. But we have been uniformly defeated; and now at this late hour I for one do not propose to prolong the controversy. I am opposed to the House adopting the practice which we have condemned in the Senate. I am opposed to increasing our salaries by voting ourselves these clerks; for that is what the proposition means. [Cries of "Let us vote."]

Mr. BOUTELLE (to Mr. HOLMAN). Have you moved to concur in the Senate amendment?

Mr. HOLMAN. I have.

Mr. BOUTELLE. The effect of which is to give Senators their clerks.

Mr. HOLMAN. I yield to the gentleman from Georgia the remainder of my time.

Mr. BOUTELLE. Have you not moved to concur with the Senate?

Mr. HOLMAN. I have.

Mr. BOUTELLE. To give them clerks?

Mr. HOLMAN. I yield the balance of my time to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, I do not propose to occupy more than a moment or two of the time of the House. I think to vote to give a member of Congress a clerk is indirectly voting each man $1,000 in addition to his salary.

Mr. PAYNE. It is not so much; $600 for a long session and $300 for a short session.

Mr. HAMMOND. The principle would be the same if it were 60 cents. It is voting to increase your own salary.

I do not think it would be wise for members of Congress to have clerks to transact their business. I think it is unwise for Senators to transact the business for which they were sent here by clerks. It is not a wise thing to do for gentlemen to go into their quarters and prepare for action here, and leave some irresponsible clerk to go to the Departments to deal with matters there. Every thinking man must know the work done by the clerk will be inefficiently done compared with the work done by the member himself. Every gentleman must know the necessary acquaintance of a Senator or Member with the Departments of the Government can not be learned unless he comes in personal contact with them. The information he receives from the Departments will be untrustworthy unless the questions be put by the man who understands the business and who is responsible for dealing with it. If there were a fund out of which clerks could be paid without any wrong in the payment of them I would say, as a representative of the people, "Away with clerks, and attend to these matters yourselves!" [Cries of "Good!" and applause.]

I yield whatever time I have remaining to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. BAYNE. There are only five hours and five minutes of this session left. [Cries of "Vote!"]

Mr. MCMILLIN. I agree to what the gentleman from Georgia [Mr. HAMMOND] has just stated, and I say if this policy is to be adopted it would be decent to notify those before whom they are to make their race that they are in favor of increasing their salaries by voting themselves clerks, and let the people pass upon the matter.

This has not been done in any instance by members of this Congress. I do not charge members of Congress with doing indirectly an improper thing, but if this is to be done at all it should take effect beyond the term of those who are to profit by it, because, as the gentleman from Georgia has stated, it is in effect an increase of the salary of the member who gets the benefit of the clerk's service.

Mr. TAULBEE. Will the gentleman permit me to ask him a question?

Mr. MCMILLIN. Certainly.

Mr. TAULBEE. Is the gentleman in favor of furnishing Senators with clerks?

Mr. MCMILLIN. I am not. I resisted it from the beginning. I was not for it at the beginning. I was not for it at the last session. I am not for it to-day. On the contrary, I can give the gentleman the history of this whole thing.

Mr. REED. Then you will not vote to suspend the rules and do it?

Mr. MCMILLIN. I will not.

Mr. REED. Then you will vote against it?

Mr. MCMILLIN. I do not propose to be responsible for giving Senators and Representatives clerks, for I agree most heartily with the gentleman from Georgia in thinking no good will come to the country from it. I will remind the gentleman from Kentucky that the Senatorial clerks were forced on the country under circumstances similar to those passing here to-day, the Senate saying you must vote us clerks or you shall have no appropriation. So gentlemen will say here, we will have these clerks or you will have no money appropriated by 12 o'clock.

Mr. TAULBEE. Does the gentleman insist this House puts the case in that way?

Mr. McMILLIN. I insist if this House makes the voting of clerks to members a *sine qua non* of the passage of this bill, it will. I hope, however, the House has come to that point, and I believe it will soon. [Cries of "Vote!"]

Mr. TAULBEE. Let me ask another question. Will not the proposition now before this House put us in the attitude of voting clerks to Senators or running the risk of the failure of public business and rendering an extra session necessary? And is it not a fact that there is no contingency upon the proposition to give to the members of the House clerks?

Mr. McMILLIN. I feel that every additional proposition added but complicates the situation and increases the danger. The gentleman in charge of the bill has moved to concur in the Senate amendments.

Now, instead of taking that direct course, the gentleman from Pennsylvania proposes to add an amendment, which carries it back to the Senate; and I submit to the gentleman whether it is not increasing the danger of the very thing we are so anxious to avoid?

Mr. BAYNE. I yield two minutes to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. I would like in that time to answer the question of the gentleman from Tennessee. I do not consider that this House is putting any such hypothesis, nor is it making any such terms upon this bill. I believe I stand identified in sentiment with many members of the House when I say that if we are compelled to either have a called session or give to the Senators clerks, that the members of the House who, in a certain sense, are the direct representatives of the people are more entitled to these clerks than are the Senators who have heretofore enjoyed them. And I will only add this word, that if the amendment of the House is receded from I will resort to every parliamentary right known to the rules of the House of which I may have cognizance before this bill shall pass with clerks for Senators and the members of the House refused them. [Cries of "Vote!" "Vote!"]

Mr. NELSON. Is not the effect of this motion, if it prevails, simply to leave this bill in the House as though it were in Committee of the Whole?

The SPEAKER. The effect of the motion, if agreed to, would be to discharge the Committee of the Whole House on the state of the Union from the further consideration of the amendment against which the point of order was made, and recede from the House disagreement to the amendment of the Senate.

Mr. REED. This is to agree to give the Senators clerks.

Mr. TAULBEE. Upon that I demand a second.

The SPEAKER. That has been already had, otherwise there could have been no debate.

The question being taken on the motion to suspend the rules, the House divided; and there were—ayes 59, noes 41.

So (two-thirds not voting in favor thereof) the motion was rejected.

Mr. REED. I hope the gentleman will now withdraw the point of order, and let us have a square vote on the question.

Mr. HOLMAN. I will withdraw it for that purpose.

Mr. HAMMOND. I renew it.

Mr. HOLMAN. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the amendment.

Mr. TOWNSHEND. I wish to ask if the question before the House is the motion to agree to the Senate amendments?

The SPEAKER. There is nothing before the House except the motion of the gentleman from Indiana.

Mr. TOWNSHEND. Was the motion to concur in the Senate amendments rejected?

The SPEAKER. The Chair has stated more than once that it has been disposed of.

The motion of Mr. HOLMAN was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the amendments to the legislative appropriation bill, which the Clerk will report.

Mr. McMILLIN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McMILLIN. Is it not a fact that the House is in Committee of the Whole for the consideration only of so much of the amendment proposed by the gentleman from Pennsylvania as is additional to the Senate amendment?

The CHAIRMAN. The whole bill is here, and all pending amendments; but the only amendment the Clerk will read is the substitute proposed by the gentleman from Pennsylvania to the pending amendment.

Mr. TAULBEE. I ask to have it read.

The amendment was again reported.

The question was taken, the committee divided, and there were—ayes 46, noes 80.

Mr. TAULBEE. No quorum.

Mr. BAYNE. I hope the gentleman will withdraw that point of order as this has been a test vote.

Mr. TAULBEE. Mr. Chairman, I will withdraw the point of no quorum on the division of this substitute, but I will now give notice that it takes a quorum to pass the Senate amendment.

So (no further count being demanded) the substitute was rejected.

Mr. HOLMAN. I move that the committee rise and report the bill back to the House.

Mr. BAYNE. The Senate amendment has not been considered yet in Committee of the Whole, and it is not fair to take advantage of that and submit the motion now.

Mr. HOLMAN. But that portion of the bill was not before the committee at all.

The CHAIRMAN. The Chair is of the opinion that the motion of the gentleman from Indiana that the committee rise and report the bill to the House is in order.

Mr. BAYNE. Without considering the Senate amendments?

The CHAIRMAN. The point of order was not made on the Senate amendments; but having been made on the proposition of the gentleman from Pennsylvania that carried the bill with it into Committee of the Whole for the purpose of that amendment being considered.

Mr. TAULBEE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. Is it not the fact that the Chair announced in response to a parliamentary question by the gentleman from Tennessee [Mr. McMILLIN] that the House was in Committee of the Whole for the consideration of the Senate amendments with the House amendment thereto?

Mr. McMILLIN. I think the gentleman has misapprehended my point of order. It was just the reverse of what he has stated. I made the point of order that the only thing for consideration in Committee of the Whole was the amendment of the gentleman from Pennsylvania, that under the ruling of the Speaker the Senate amendments could not be considered in the Committee of the Whole.

Mr. TAULBEE. I made no statement as to any point of order made by the gentleman from Tennessee. What I referred to was the answer by the Chair to a parliamentary inquiry by that gentleman.

The CHAIRMAN. The Chair has stated that the motion of the gentleman from Indiana that the committee rise and report this bill to the House is in order.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration an amendment proposed to amendments of the Senate to the legislative, &c., appropriation bill had instructed him to report back the amendment referred to the committee with the recommendation that it be disagreed to.

The SPEAKER. The gentleman from Illinois, chairman of the Committee of the Whole House on the state of the Union, reports that that committee having under consideration the amendment proposed by the gentleman from Pennsylvania [Mr. BAYNE] to the Senate amendments numbered 3 and 14 to the legislative appropriation bill had directed him to report the same back with the recommendation that it be disagreed to.

Mr. HOLMAN. I demand the previous question upon that.

The previous question was ordered.

The SPEAKER. The question is now on agreeing to the report of the Committee of the Whole House on the state of the Union.

The question being taken,

The SPEAKER stated that the "ayes" seemed to have it.

Mr. TAULBEE. I call for a division.

The House divided; and there were—ayes 68, noes 22.

So (further count not being called for) the report of the Committee of the Whole was agreed to.

Mr. HOLMAN. I now move that the House insist on its disagreement to the third and fourteenth amendments of the Senate and ask for a further conference.

Mr. REED. What is the other amendment?

The SPEAKER. They both relate to the same subject, the salaries of clerks of Senators.

Mr. BUTTERWORTH. I wish to call the attention of the gentleman from Indiana to one thing. He knows as well now as he will after going into conference that the conferees on the part of the Senate will continue to insist on their amendments. Has the gentleman any earthly doubt about that?

Mr. HOLMAN. It is not for me to speak for the Senate conferees.

Mr. BUTTERWORTH. Would it not be just as well to recede now as to wait the result of another conference?

Mr. HOLMAN. If gentlemen are willing to take that course let them make that motion.

Mr. BUTTERWORTH. I have no motion to make. I am not in charge of the bill. Let it be made by the gentleman from Indiana.

Mr. HOLMAN. I think the disposition of the House is to act practically. I therefore renew my former motion that the House recede from its disagreement to the Senate amendments.

Mr. TAULBEE. I move that the House insist on its disagreement.

The SPEAKER. The motion of the gentleman from Indiana has priority because it has the tendency to bring the two Houses to an agreement. The gentleman from Indiana moves that the House recede from its disagreement to the Senate amendments 3 and 14.

The question being taken, the Speaker stated that the "ayes" seemed to have it.

Mr. TAULBEE. I call for a division.

The House divided, and there were—ayes 70, noes 19.

Mr. TAULBEE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Kentucky [Mr. TAULBEE] and the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Then I must renew my former motion. I now move that the House insist on its disagreement to the Senate amendments.

The SPEAKER. The gentleman from Indiana withdraws his motion that the House recede from its disagreement.

Mr. LONG. I renew it.

Mr. DUNHAM. I move that the House take a recess until 9 o'clock.

The question being taken on the motion for a recess, there were—ayes 23, noes 60.

So (further count not being called for) the motion was not agreed to.

Mr. HOLMAN. I now make a motion that the House insist on its disagreement.

The SPEAKER. But the gentleman from Massachusetts has made the motion to recede and the Chair has appointed tellers. The gentleman from Massachusetts [Mr. LONG] and the gentleman from Kentucky [Mr. TAULBEE] will act as tellers.

Mr. TAULBEE (while the count was proceeding). If we can have the yeas and nays on this I will not insist on a quorum.

Mr. HOLMAN. So many have voted that I think there will be a quorum.

The count by the tellers was resumed.

Mr. TAULBEE. Inasmuch as there now only lack three votes to disclose the presence of a quorum I withdraw the point of no quorum. But I do it under protest; and I shall now announce to the members of the Appropriations Committee that next session they must bring their bills in earlier.

The tellers reported—ayes 109, noes 52.

So (further count not being called for) the motion that the House recede from its disagreement to the Senate amendments 3 and 14 was agreed to.

Mr. LONG moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I make the point of order that the tellers on the question of consideration in regard to the bill called up by the gentleman from Indiana [Mr. WARD] are still in existence.

The SPEAKER. That is the question before the House.

Mr. BRECKINRIDGE, of Kentucky. I move that the House take a recess until 9 o'clock.

Mr. HOLMAN. I understand the deficiency bill will soon be here.

Mr. STONE, of Kentucky. Does the action of the House during the last hour prevent the further consideration of the matter which was interrupted?

The SPEAKER. No. It was suspended by the presentation of a matter of higher privilege, to wit, a conference report.

Mr. STONE, of Kentucky. Then I suggest that the question be resubmitted.

The SPEAKER. The tellers had reported 68 gentlemen as voting in the affirmative, and 70 in the negative. The point was made by the gentleman from Georgia [Mr. HAMMOND] that no quorum had voted, and thereupon the tellers assumed their places and were continuing the count when they were interrupted by the conference report.

Mr. HOLMAN. Mr. Speaker, it is understood that in a very short time the deficiency bill will be reported to the House with amendments. The most important point of course is the appointment of the conferees on the part of the House, and although the House is not officially informed of the action of the Senate upon that bill, I wish to inquire whether it would not be parliamentary to ask unanimous consent that the bill be received informally, that the amendments of the Senate be non-concurred in, that conferees upon the part of the House be at once appointed, and then that a recess be taken to such hour as may be agreed upon.

Mr. LONG. Mr. Speaker, I ask unanimous consent that the amendments of the Senate to the deficiency bill be considered as disagreed to and a committee of conference appointed.

Mr. DIBBLE. I object.

Mr. BROWN, of Pennsylvania. I move that the House take a recess until 9 o'clock.

The House divided; and there were—ayes 41, noes 63.

Mr. DIBBLE. Mr. Speaker, I withdraw my objection to the request of the gentleman from Massachusetts [Mr. LONG]. I misunderstood it.

The SPEAKER. Is there further objection to the request of the gentleman from Massachusetts [Mr. LONG] that the Senate amendment to the deficiency appropriation bill shall be considered as disagreed to and a committee of conference upon the part of the House be appointed as soon as the bill is received?

There was no objection, and it was so ordered.

Mr. HOLMAN. Mr. Speaker, I move that the House take a recess until half past 8 o'clock.

Mr. SPRINGER. And on that I move the previous question.

Mr. LONG. Mr. Speaker, should not the conferees be appointed before we take a recess.

The SPEAKER. The Chair thinks that he can not appoint them until the bill is received. When it is received the Chair will hand the names of the conferees to the Clerk. The question is on the motion of the gentleman from Indiana that the House take a recess until half past 8 o'clock.

Mr. BRECKINRIDGE, of Arkansas. I move to amend that by making it 9 o'clock.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] has demanded the previous question.

Mr. STONE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STONE, of Kentucky. I wish to ask whether it is not in order for the tellers appointed upon the pending question to make their report. I am informed that a quorum has voted.

The SPEAKER. The Chair was interrupted, but will announce the result. On this question the yeas are 89 and the nays are 74. The ayes have it and the House determines to proceed to the consideration of the bill called up by the gentleman from Indiana [Mr. WARD].

The question now is upon the demand for the previous question upon the motion that the House take a recess until half past 8 o'clock.

The question was taken; and there were—ayes 60, noes 19.

Mr. MATSON and Mr. WILKINS. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Indiana [Mr. MATSON] and the gentleman from Illinois [Mr. SPRINGER].

Mr. HOLMAN (before the completion of the count by tellers). I withdraw the motion for a recess.

Mr. LORE. I move that the House now take a recess until 9 o'clock.

The question was taken on the motion of Mr. LORE; and there were—ayes 68, noes 14.

Mr. DIBBLE. No quorum.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered; and the Speaker *pro tempore* [Mr. HATCH] directed the Clerk to call the roll.

Mr. DOCKERY. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair is proceeding in order and will not recognize any gentleman out of order.

Mr. DOCKERY. I suppose that a motion to reconsider the vote by which the yeas and nays were ordered is in order, is it not?

The SPEAKER *pro tempore*. The Chair thinks it is. Does the gentleman make it?

Mr. DOCKERY. I make that motion.

The question being taken on the motion of Mr. DOCKERY to reconsider the vote by which the yeas and nays were ordered, there were—ayes 44, noes 19.

Mr. DIBBLE. No quorum.

Mr. MILLS. A quorum is not required on a question as to ordering the yeas and nays. The Constitution provides that one-fifth of those present shall be sufficient.

Mr. DIBBLE. This is a question of reconsideration, not a question of ordering the yeas and nays. Under the Constitution the yeas and nays have been ordered. Now, the House can only reconsider the order by the vote of a quorum.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from South Carolina [Mr. DIBBLE] that all votes affecting the question of ordering the yeas and nays are governed by the rule that a quorum is not required. The motion to reconsider is agreed to. The question now recurs upon ordering the yeas and nays on the motion to take a recess until 9 o'clock.

Mr. DOCKERY. Pending that I desire to ask unanimous consent to a proposition; and I would like to make a brief statement.

Several MEMBERS. Regular order.

Mr. HAMMOND. The gentleman wanted to say that when he went outside he found there was snow on the ground and no carriage to be had.

Mr. DOCKERY. Yes; if the "regular order" had not been called I wanted to say that; desiring to return to my hotel, I found 4 inches of snow on the ground and no conveyance in sight; therefore I desired to ask unanimous consent that we take a recess for thirty minutes in order that we might get something to eat here at the Capitol, and that in the mean time the clerks and reporters could take a little rest.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that the House take a recess for thirty minutes.

Mr. DIBBLE. I object.

Mr. GILFILLAN. I renew the request for a recess until 9 o'clock,

so as to give us a chance to get a decent breakfast and have a little rest.

The SPEAKER *pro tempore*. That request has been refused. The question is on ordering the yeas and nays upon the motion to take a recess until 9 o'clock.

The yeas and nays were not ordered—only 8 voting in favor thereof.

The question recurring on the motion to take a recess until 9 o'clock, there were—ayes 47, noes 14.

Mr. MATSON. No quorum.

Tellers were ordered, and Mr. MATSON and Mr. LORE were appointed.

Mr. BRECKINRIDGE, of Kentucky. I move a call of the House.

The motion was agreed to, there being—ayes 35, noes 27.

The Clerk proceeded to call the roll; but at the conclusion of the first call,

Mr. WILKINS said: I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. MCRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States;

A bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.;

A bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes;

A bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi;

A bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.;

A bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes; and

A bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points.

MESSAGES FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 11234) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and other purposes.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a joint resolution (S. R. 107) providing for one month's extra pay for certain employés of the Senate and House of Representatives; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. SPRINGER. I now ask unanimous consent that the House take a recess until 9 o'clock.

Mr. MATSON. I object.

The SPEAKER *pro tempore*. The Chair is informed that the result of the vote on this bill was decided in the affirmative, and the House will therefore proceed to consider the bill (S. 531) for the erection of a public building at La Fayette, Ind.

Mr. MILLS. I move to reconsider the vote by which the House agreed to consider that bill.

Mr. STEELE. I ask the Speaker if it is not a fact that a call of the House has just demonstrated the fact that no quorum has voted?

The SPEAKER *pro tempore*. A call of the House was ordered, but on motion of the gentleman from Ohio [Mr. WILKINS] all further proceedings under the call were dispensed with.

Mr. STEELE. Then I move a call of the House.

The SPEAKER *pro tempore*. No further business has been done since the last call was ordered.

Mr. STEELE. A message from the Senate was received.

The SPEAKER *pro tempore*. But no question has been taken by which the absence of a quorum is shown.

Mr. STEELE. A roll-call was taken a moment since on the call of the House, which developed the fact that no quorum was present.

The SPEAKER *pro tempore*. The Chair will state that the roll had not been completed when the call was dispensed with.

Mr. SPRINGER. Would it be in order to move to take a recess until 9 o'clock?

The SPEAKER *pro tempore*. The Chair will entertain that motion.

The question was taken; and on a division there were—ayes 27, noes 18.

Mr. MATSON. No quorum.

The SPEAKER *pro tempore* appointed Mr. MATSON and Mr. SPRINGER as tellers.

Mr. RICHARDSON. I want to ask unanimous consent to pass a bill. I have never asked it during my service in this House. It does not involve the taking of a cent of money out of the Treasury.

The SPEAKER *pro tempore*. But the House is now dividing.

Mr. RICHARDSON. It can be done by unanimous consent.

The SPEAKER *pro tempore*. The Chair will proceed in order with the business of the House.

Mr. RICHARDSON. I would like to make a statement to the House.

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. RICHARDSON. But, Mr. Speaker, by unanimous consent bills have been passed during these proceedings to-night.

The SPEAKER *pro tempore*. The Chair will again state that the House is dividing on a question, and pending that the Chair will not recognize any gentleman out of order.

Mr. RICHARDSON. If any gentleman objects to the bill which I have for the construction of a bridge I will withdraw it.

Mr. MATSON. Mr. Speaker, three or four of us here having bills have waited patiently for a long time for the purpose of calling them up. There are several that I know of myself to which nobody can object—little bills that involve no expenditure, for the bill that I desire to call up does not take one dollar out of the Treasury. I have been standing here two days trying to pass it, and this is my last opportunity, and I can not afford to lose it by giving my consent to a recess.

Mr. MILLS. I ask unanimous consent that all of these proceedings be withdrawn for the present, and that we take up and consider these little bills and dispose of them. Take, for instance, the bill of the gentleman from Tennessee and that of the gentleman from Indiana.

The SPEAKER *pro tempore*. But there is a question pending before the House.

Mr. MILLS. Yes; but we can get unanimous consent, and that dispenses with all rules.

The SPEAKER. Does the Chair understand the gentleman from Illinois to withdraw the motion for a recess?

Mr. SPRINGER. I do not see any probability of getting a quorum at this particular moment.

Mr. MATSON. I ask unanimous consent to pass this bill.

Mr. RICHARDSON. I was on the floor.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Illinois to withdraw the motion for a recess?

Mr. SPRINGER. Yes, sir.

The SPEAKER. Then the Chair will recognize the gentleman from Indiana.

JOHN FLETCHER.

Mr. MATSON. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 130) for the relief of John Fletcher, and put it upon its passage.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and is hereby, authorized and required to pay to John Fletcher, out of any money that may hereafter be appropriated for the use of the Cheyenne and Arapaho Indians, $3,450, for the loss of cattle, while in the employment of the Government of the United States, in the year 1870, by the Cheyenne and Arapaho Indians.

Mr. MATSON. It does not require an expenditure of a dollar. All of the money for this payment comes out of the Cheyenne and Arapaho Indian fund.

Mr. HOLMAN. What is this bill?

Mr. STEELE. It is to reimburse Mr. Fletcher for cattle stolen by the Indians, and to pay it out of their funds.

Mr. HOLMAN. I do not see any objection to it.

There being no objection, the bill was considered, the question being on ordering the bill to be read a third time.

Mr. ADAMS, of Illinois. Mr. Speaker, I should like to know something about this bill before giving my consent. Here is a bill which the gentleman from Indiana said would not take a dollar out of the Treasury, and yet it is manifest that it takes many dollars out of somebody's treasury, because it takes the money from the funds that shall be hereafter appropriated for certain persons. Even if they are Indians, I think we ought at least to have some explanation as to why we appropriate money that has heretofore belonged to them.

Mr. MATSON. If the gentleman will allow me, I will explain.

Mr. ADAMS, of Illinois. That is just what I wish.

Mr. MATSON. If the gentleman from Illinois [Mr. ADAMS] will allow me to give an explanation I will do so. This bill has been pending in Congress for a number of years. It has been reported eight times favorably to this House and the Senate; the last time by the gentleman from Pennsylvania [Mr. STORM], who is known to be one of the most rigid in opposing claims against the Government or any one else. It has passed the House twice and I think the Senate twice, at no one session of Congress having passed both branches.

There can not be any objection to the bill. The report is very lengthy and I will not ask the House to stop to hear it read. It is as clear a case as can be. This man had a contract with the Government to furnish cattle to Camp Supply in the Indian Territory. When within 25 miles of his destination the Cheyennes and Arapahoes made a raid and took his cattle.

Mr. ADAMS, of Illinois. I think the gentleman need not proceed

further. If the bill has been repeatedly passed by both Houses of Congress there is nothing more to be said.

The bill was passed.

Mr. MATSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOAN TO MINNEAPOLIS INDUSTRIAL EXPOSITION.

Mr. STRAIT. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit, and that the same be now considered.

The joint resolution was read, as follows:

*Resolved, &c.*, That it is desirable, in any way consistent with existing laws, and without risk to Government property or expense to the national Treasury, to encourage the effort being made for the opening and holding of a grand industrial and educational exposition of the Northwest, at the city of Minneapolis, in the State of Minnesota, and the interests of the whole northwestern section of our country demand it be made an unqualified success; and it be, and is hereby, approved that the heads of the several Executive Departments shall, in whatever respects they may in their judgment see convenient and proper, loan any articles or material suitable to such purpose: *Provided*, That such loan be made entirely on the responsibility of said Minneapolis Industrial Exposition, and shall not be of material needed for use in either Department, and shall not in any way interrupt the daily routine of duty or order in any branch of the Government, and shall be returned to the proper Department, in good order, within one month after the close of the exposition: *And provided further*, That before any such loan shall be made the proper head of the Department shall require and receive a good and sufficient bond, by or in behalf of such exposition, for the safe return thereof as aforesaid, and to indemnify and save harmless the Government of the United States, or any Department thereof, from any liability or expense on account thereof, or on account of this resolution.

Mr. STRAIT. This resolution only asks for a loan of some property of the Government to the Minneapolis Industrial Exposition. I think there can be no objection to it.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL CEMETERY AT CORINTH, MISS.

Mr. ALLEN, of Mississippi. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss., and that the same be now considered.

The bill was read, as follows:

*Be it enacted, &c.*, That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized or gravel road, or a road partly of gravel and partly of stone, from the town of Corinth, Miss., to the national cemetery near that town, to be expended under the direction of the Secretary of War, or so much of the above sum as is necessary: *Provided*, That the right of way for said road, not less than 60 feet wide, shall first be secured to the United States.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ALLEN, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES BRICE.

Mr. WARNER, of Missouri. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 8337) for the relief of James Brice, and that the same be considered:

*Be it enacted, &c.*, That the claim of James Brice, of the city of Kansas, Jackson County, Missouri, for the value of property taken and damages occasioned him by the depredations of the Arapaho Indians in the year A. D. 1868, be, and the same is hereby, referred to the Court of Claims for a finding of all the facts; that it shall be the duty of said court to report its findings of fact to Congress.

SEC. 2. That the claimant, James Brice, shall be a competent witness in his own behalf in said case.

Mr. WARNER, of Missouri. In this matter the amount in controversy is $1,100. The bill authorizes a finding of fact by the Court of Claims.

Mr. HOLMAN. I should not have allowed this bill to pass without a quorum on account of the provision in the second section that the claimant shall be a competent witness in his own behalf if it were not for the fact that that extraordinary provision for the first time in our history was put in the general bill which we passed yesterday. I think it is a very unsafe rule and different from that which prevails in the States. No man should be permitted to testify in his own case against the Government.

Mr. WARNER, of Missouri. As we have made that enactment in the general law this bill can not be objected to on that ground.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States;

A bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.;

A bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points;

A bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes;

A bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia;

A bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi;

A bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875;

A bill (H. R. 3642) for the relief of the heirs of Jacob Cramer;

A bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected;

A bill (H. R. 6066) to authorize the Secretary of War to improve and enlarge the barracks at Newport, Ky.;

Joint resolution (H. Res. 82) for the relief of Luther F. Warder;

A bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 10040) to provide for holding terms of court at Mississippi City, Miss.;

A bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein;

A bill (H. R. 11063) extending the charter of the President and Directors of the Firemen's Insurance Company of Washington and Georgetown, in the District of Columbia;

A bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.; and

A bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes.

PUBLIC BUILDING AT SAGINAW, MICH.

Mr. TARSNEY. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich., and that the same be now considered.

The bill was read, as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States court, post-office, and other Government offices, and for other Government uses, at East Saginaw, in the State of Michigan. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which will not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Michigan shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOLMAN. While I will not object, I will state that there ought to be a quorum to transact business. I will ask the gentleman from Michigan what is the amount involved in this bill?

Mr. TARSNEY. The cost of the site and building is limited to $100,000; and we are sending in to the Government $25,000 of net revenue annually.

Mr. HOLMAN. What is the population of the city?

Mr. TARSNEY. The city itself contains 32,000 people, and across the river there are enough to bring it up to 50,000.

Mr. HOLMAN. Is there a Federal court?

Mr. TARSNEY. We will have one if you will let us alone.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I hope it is understood that the regular order is called now.

Mr. GALLINGER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa.

Mr. CATCHINGS. I object.

Mr. MCRAE. The Chair has recognized me.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Mississippi [Mr. CATCHINGS] to object to the present consideration of that bill. Does he demand the regular order?

Mr. MCRAE. If I have been recognized, that bill is the regular order.

Mr. HOLMAN. I call for the regular order, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] demands the regular order. The regular order is the bill——

Mr. MCRAE. After I have been recognized can the gentleman from Indiana [Mr. HOLMAN] call for the regular order and take my bill out of the consideration of the House?

The SPEAKER *pro tempore*. Because the gentleman from Arkansas [Mr. MCRAE] is asking for unanimous consent, and the demand for the regular order is equivalent to an objection.

Mr. MCRAE. Then, if I can not get unanimous consent, I move to suspend the rules and pass that bill. It does not call for more than $200.

Mr. HOLMAN. Mr. Speaker, although there is no quorum present, yet, understanding that the bill which the gentleman from Arkansas [Mr. MCRAE] presents covers a very small claim, only about $200, I do not press the demand for the regular order.

MISS EULA E. HENRY.

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. HOLMAN] withdraw his demand for the regular order?

Mr. HOLMAN. As to this small bill, yes.

The bill was read, as follows:

*Be it enacted, &c.*, That the Postmaster-General be, and he is hereby, authorized, in his discretion, to credit the account of Miss Eula E. Henry, late postmaster at Centre Point, Ark., with the sum of $202, lost by a robbery of the mails at or near Hope, Ark., on or about November 30, 1884.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MCRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GALLINGER. The gentleman from Mississippi [Mr. CATCHINGS] withdraws the objection which he made a while ago.

The SPEAKER *pro tempore*. But there is another matter now before the House. The Chair will recognize the gentleman at the proper time.

Mr. MCADOO. Regular order.

The SPEAKER *pro tempore*. The gentleman from New Jersey [Mr. MCADOO] demands the regular order. The regular order is the motion submitted by the gentleman from Indiana [Mr. WARD], to proceed to the consideration of the bill called up by him, a public-building bill which has been vetoed by the President.

Mr. SPRINGER. I ask unanimous consent that the House take a recess for thirty minutes.

Several MEMBERS. Regular order.

Mr. SPRINGER. I move that the House take a recess for thirty minutes.

The question was taken on the motion of Mr. SPRINGER; and it was rejected—ayes 31, noes 34.

Mr. PARKER. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair can not recognize any gentleman. The regular order has been demanded.

Mr. PARKER. I ask unanimous consent to have a bill read; and then, if any one has any objection to it, I will withdraw it.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from New York [Mr. PARKER] that the gentleman from New Jersey [Mr. MCADOO] has demanded the regular order, and until that demand is withdrawn the Chair can not recognize any gentleman for any motion.

Mr. BYNUM. What is the regular order?

The SPEAKER *pro tempore*. The Chair has stated that it is the consideration of the bill called up by the gentleman from Indiana [Mr. WARD].

Mr. MILLS. That is a vetoed bill, which will require a yea-and-nay vote, which will demonstrate that we have no quorum. We had better go on and finish up the appropriation bills.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. WARD] is entitled to the floor.

Mr. MILLS. I move to postpone the consideration of that bill for one hour.

Mr. HOLMAN. Mr. Speaker, that can not be done, I think, from the fact that the House was dividing upon the bill.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana [Mr. HOLMAN] that the House, by a quorum vote, had decided to consider the bill.

Mr. HOLMAN. Yes; but the House was dividing, I think.

The SPEAKER *pro tempore*. The Chair has been informed that the consideration had been entered upon.

Mr. HOLMAN. I think there is no quorum; if there was I would call for a vote.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS] moves to postpone the further consideration of the bill called up by the gentleman from Indiana [Mr. WARD].

The question was taken on the motion of Mr. MILLS to postpone the bill; and there were—ayes 19, noes 27.

Mr. HAMMOND. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Georgia [Mr. HAMMOND] and the gentleman from Texas [Mr. MILLS].

Mr. WARD, of Indiana. Mr. Speaker, I understand the motion to be that the further consideration of the bill which I have called up shall be postponed for one hour. Is it for one hour or indefinitely?

Mr. MILLS. Mr. Speaker, I will adopt "indefinitely." What I want to do is to avoid a yea-and-nay vote, which would demonstrate the fact that we have no quorum; so that when the conference reports come in we may be able to take such action as is necessary to dispose of those bills.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I think I can make a proposition which will be accepted by this House.

Mr. SPRINGER. Try it on once. [Laughter.]

The SPEAKER *pro tempore*. The House is dividing.

Mr. BYNUM. I ask unanimous consent that the House take up for consideration a small bill——

The SPEAKER *pro tempore*. The demand for the regular order has been insisted on, and the House is now dividing upon a question on which no quorum has voted. The Chair will not entertain any request for unanimous consent until this matter is settled.

Mr. BYNUM. Is not the present occupant of the chair departing from the ruling which has been heretofore made by the regular Speaker?

Mr. HERMANN. Pending the call for a quorum is not a motion for a recess in order?

The SPEAKER *pro tempore*. It is.

Mr. HERMANN. Then I move a recess until half past 9 o'clock.

Mr. BYNUM. I rise to a point of order, that the motion for a recess is not in order while the House is dividing on another question.

The SPEAKER *pro tempore*. The motion to take a recess is in order.

Mr. O'NEILL, of Pennsylvania. Why should not those who want a recess take it, and those who wish to attend to business remain here and do so?

The question being taken on the motion of Mr. HERMANN, there were—ayes 33, noes 14.

Mr. BYNUM. No quorum.

Mr. WHEELER. I think the gentleman from Indiana will now certainly consent——

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. WHEELER] is not in order.

Mr. WHEELER. I can ask the gentleman to withdraw his motion.

The SPEAKER *pro tempore*. But the gentleman is not in order. The Chair has stated that, pending the demand for the regular order and during the progress of the vote on the pending question, the Chair will not recognize any request for unanimous consent.

Mr. HALL. I ask leave to make a statement with a view of obtaining unanimous consent.

The SPEAKER *pro tempore*. The Chair cannot recognize the gentleman from Iowa for that purpose.

Mr. HALL. I ask the attention of the Speaker for a moment. I desire to state to the Speaker himself,

The SPEAKER *pro tempore*. The Chair cannot recognize the gentleman for any purpose.

Mr. BYNUM. I believe the point of "no quorum" was raised on the motion to take a recess. Is it not proper to have tellers on that motion?

The SPEAKER *pro tempore*. The tellers are now making the count on another question.

Mr. HERMANN. I presume that my former motion proposed rather too long a recess. I now move a recess for ten minutes.

The question having been put,

The SPEAKER *pro tempore*. The ayes seem to have it.

Mr. BYNUM. I call for a division.

The question being again taken, there were—ayes 24, noes 10.

Mr. SOWDEN. No quorum.

Mr. JOHNSTON, of Indiana. I wish to make a parliamentary inquiry. Is it in order now to ask unanimous consent to pass a little bill?

The SPEAKER *pro tempore*. It is not.

Mr. BUCHANAN. Mr. Speaker, I would like to know what gentleman called for regular order.

The SPEAKER *pro tempore*. The Chair stated at the time that the regular order was demanded by the gentleman from New Jersey on the right [Mr. McADOO] and the gentleman from Indiana [Mr. HOLMAN].

Mr. BUCHANAN. Then I appeal to my colleague [Mr. McADOO] to withdraw the demand for a moment, while I ask to put upon its passage a bill for the relief of the survivors of the Greely expedition.

The SPEAKER *pro tempore*. The gentleman from New Jersey is not in order.

Mr. BUCHANAN. I submit that I am in order in making this request of the gentleman who called for the regular order.

The SPEAKER *pro tempore*. The regular order was demanded by more than one gentleman.

Mr. BUCHANAN. I extend the request to the gentleman from Indiana. I have not asked recognition at all this session. As a member of the Committee on Claims I have worked faithfully in reporting bills for other members. I simply ask this one little privilege.

Mr. MILLS. There is a motion pending to postpone indefinitely the bill, which is the regular order.

Mr. SKINNER. I ask unanimous consent that all the members here who have bills which they want to get through be permitted to put them in an "omnibus bill," which may go through without objection. [Laughter.]

A MEMBER. Put them in the petition-box.

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. COWLES. Mr. Speaker, is it in order for me to have a report read on a bill which I desire to have passed?

The SPEAKER *pro tempore*. It is not.

Mr. COWLES. By unanimous consent it would be?

The SPEAKER *pro tempore*. The Chair has stated repeatedly that he can not recognize any request for unanimous consent while the regular order is demanded and insisted upon. A motion is now pending on which a vote is being taken by tellers.

Mr. BUCHANAN. But the tellers do not appear to be visible to the naked eye.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS] and the gentleman from Georgia [Mr. HAMMOND] will resume their places as tellers.

Mr. MORROW. What is the question?

The SPEAKER *pro tempore*. The question is on the motion to postpone the further consideration of the bill called up by the gentleman from Indiana [Mr. WARD]. On that question the House is dividing.

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHEELER. I wish to ask whether it is in order by unanimous consent to have an order entered that all members having reports from committees to submit can do so by placing them upon the Speaker's desk, so they may go into the RECORD and be ordered to be printed.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman to ask unanimous consent for that purpose after the tellers have submitted their report.

Mr. HERBERT. I ask, by unanimous consent, to pass a resolution authorizing the President of the United States to accept on the part of the United States the sword of Capt. Samuel Chester Reed.

The SPEAKER *pro tempore*. The Chair can not recognize the gentleman for that purpose, as the regular order is insisted upon by the gentleman from New Jersey [Mr. McADOO] and by other gentlemen, who insist upon it.

Mr. WHEELER. Is it not in order to appeal to gentlemen to withdraw the demand for the regular order?

Mr. McADOO. I am willing to withdraw the demand for the regular order.

Mr. MILLS. The regular order of business is the postponement of the La Fayette public building.

Mr. WHEELER. Is it not in order to ask the gentleman from Texas to withdraw his demand for the regular order so that we may proceed with the business of the House?

Mr. HERBERT. The gentleman from New Jersey has withdrawn his demand for the regular order.

The SPEAKER *pro tempore*. The Chair has stated to the gentleman from Alabama as plainly as he could state it that the gentleman from Texas insists on his demand.

Mr. WHEELER. I understood he did not.

The SPEAKER *pro tempore*. The Chair does not know anything except by the statement of the gentleman from Texas, and he has stated that he insisted on the demand for the regular order.

Mr. GALLINGER. If the regular order is withdrawn, I wish to say that I have been recognized, and I shall insist upon my right to the floor.

The SPEAKER *pro tempore*. When recognitions are again in order the Chair will recognize the gentleman from New Hampshire.

Mr. BAKER. At what hour does the legislative day end?

The SPEAKER *pro tempore*. Twelve o'clock to-day.

Mr. BAKER. What day of the month is this?

The SPEAKER *pro tempore*. The Chair supposes the gentleman from New York is as well informed on that subject as the Chair.

Mr. HAMMOND. That is not a parliamentary inquiry.

The SPEAKER *pro tempore*. Besides it is not a parliamentary question.

Mr. BAKER. I see the Senator from the State of Texas [Mr. REAGAN], and I would like to understand how long he has the right to co-operate in the deliberations of this body? [Laughter.]

The SPEAKER *pro tempore*. This is the legislative day of March 3.

Mr. BAKER. When it ends no doubt he will be sworn in.

Mr. O'NEILL, of Pennsylvania. I am advised by my friend from Indiana that if I ask unanimous consent it will be granted. I would like to ask the privilege of presenting a proposition to finish the Mary Washington monument.

The SPEAKER *pro tempore*. It is not in order, as the regular order has been demanded time and again.

Mr. WHEELER. The right of petition to Congress always exists, and upon that constitutional right I appeal to the House the call for the regular order may be withdrawn, and we may proceed to the consideration of the business of the House. I hold in my hand a bill which I have held all night asking recognition to pass it. It is Senate bill 19, which was passed in the first days of this Congress.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. WHEELER. It is a denial of the constitutional right of the citizens.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Alabama that he is not in order, and he hopes that he will not insist further.

Mr. WHEELER. I have such great respect to the Chair I will not further transgress on the time of the House.

Mr. PAYSON. I ask by unanimous consent the gentleman from Alabama be allowed time to make his statement.

Mr. ZACH. TAYLOR. I ask to take up Senate bill 2516, to authorize the construction of a bridge over the Mississippi River at Memphis, Tenn.

The SPEAKER *pro tempore*. The demand for the regular order has not been withdrawn.

Mr. O'NEILL, of Pennsylvania. The gentleman from Indiana is present, and is willing to withdraw his demand for the regular order.

The SPEAKER *pro tempore*. That may be true, but the gentleman from Texas and other members insist on the regular order.

Mr. COBB. I rise to submit a privileged report.

Mr. ZACH. TAYLOR. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ZACH. TAYLOR. Can that be read when no quorum is present?

The SPEAKER *pro tempore*. The Chair is not of the opinion that a quorum is not present.

Mr. HERMANN. It is presumed a quorum is present until the contrary is shown.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, having met, after full and free conference have been unable to agree.

THOS. R. COBB,
WM. J. STONE,
L. E. PAYSON,
*Managers on the part of the House.*

J. N. DOLPH,
H. M. TELLER,
F. M. COCKRELL,
*Managers on the part of the Senate.*

The SPEAKER *pro tempore*. If there be no objection the report will be accepted.

Mr. ZACH. TAYLOR. I object.

Mr. COBB. There is a statement accompanying the report which has not been read.

The SPEAKER *pro tempore*. The reading of the report has not yet been completed, and the Chair will direct the Clerk to read the statement.

The statement of the House managers was read, as follows:

The managers on the part of the House make the following statement: Immediately following their appointment they communicated with the managers on the part of the Senate, and a conference was arranged for February 25. On that day the committee met and the conferees on the part of the Senate stated they preferred to submit a proposition in writing, and the conference was thereupon concluded and we returned to await the pleasure of the Senate conferees. About the hour of 5 o'clock, Saturday, February 26, we received a communica-

tion from the Senate conferees, to which we replied on the 1st instant, and to-day have received their rejoinder. The correspondence alluded to is as follows:

The conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes, submit to the conferees on the part of the House as follows: We propose to strike out of section 1 of the Senate amendments the following words, in lines 20 to 27, inclusive, and to the end of the word "sale," in line 28, to wit:

"That all entries made under the pre-emption or homestead laws on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale."

We propose to strike out section 8 of the Senate amendments, and to substitute the following:

"SEC. 8. That whenever it shall appear upon the face of the papers returned to the Commissioner's Office that a clerical error has been committed, such entry may be suspended, upon proper notification to the entryman or his assigns, through the local land office, until the error has been corrected; and after the issuing of the duplicate receiver's receipt, upon any final entry under the pre-emption, timber-culture, desert-land, and homestead acts, or under this act, if it shall appear to the satisfaction of the Commissioner that such duplicate receiver's receipt has been obtained by fraud the Commissioner shall hold the entry for cancellation and at once notify the entryman or his assigns, which action shall become absolutely final unless, within sixty days from notice thereof, the entryman or his assignee shall appeal from the action of the Commissioner to the Secretary of the Interior. The decision of the Secretary upon such appeal shall in like manner be final unless such entryman or his assignee shall, within sixty days after notice thereof, file with the Secretary of the Interior a written request for a judicial investigation, in which case the Secretary shall suspend further action and file, without delay, with the Attorney-General of the United States, notice of such suspension with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to cancel such entry if in his judgment such proceedings can be maintained, and if in his judgment such proceedings can not be maintained, or no proceedings shall be instituted within two years after the filing in his office of the notice of the suspension, then a patent shall be issued upon such entry: *Provided*, That nothing herein shall be held or construed to impair the rights of any *bona fide* purchaser or mortgagee of any such lands under existing laws; and all purchasers, mortgagees, and parties in interest of record shall be made parties to such proceedings and may defend in their own right.

"This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption, timber-culture, desert-land, and homestead acts: *Provided*, That after the lapse of three years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or pre-emption laws or under this act and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of three years from the date of said entry before the issuing of a patent therefor."

We further propose to agree to the other minor amendments and changes which have been discussed in conference and partially agreed to.

J. N. DOLPH.
H. M. TELLER.
F. M. COCKRELL.

MARCH 1, 1887.

The conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes, acknowledge the receipt, by messenger, of a proposition from the conferees on the part of the Senate, submitted as a basis for the settlement of the differences between the two Houses.

On the 11th day of February the Senate conferees reported to that body that the committee of conference had not been able to agree, and moved that the Senate further insist on its amendments and ask a further conference with the House of Representatives, which motion prevailed.

On February 19 and 21 the conference report was considered in the House, and after full debate the House determined to insist on its disagreement to the Senate amendments, and agree to the further conference asked by the Senate.

On the 25th of February the conferees of the two Houses, as you remember, met in the committee-room of the Senate Committee on Public Lands, and we were then informed that the Senate conferees preferred not to discuss the points of disagreement verbally, but would prepare and submit to us an ultimate proposition in writing. The document above quoted embraces that proposition. If it is intended as an ultimatum on your part the discussion had as well cease, for we can not agree to it. But in view of the importance and necessity of the pending legislation we venture to indulge the hope that no spirit of mere obstinacy or dictation will be permitted to intrude upon our deliberations.

Is it not better to discuss the points of disagreement openly and frankly as becomes our duty, and endeavor to reach some common ground upon which all of us can stand? The public interests involved are very great and the country has a right to expect that the representatives of both Houses will make every proper effort to bring this important legislation to some satisfactory conclusion, and we submit that this can not be satisfactorily performed by formal interchanges of opinion in writing, an unusual method in legislation, but the course of the Senate conferees compels this. With this purpose only in view we will venture to indicate briefly our objections to the proposition you submit, and suggest a proposition of our own as the basis of a compromise. In the first place, you have confined your proposition to the provisions of the first and eighth sections, leaving out of consideration other points of radical disagreement. We refer especially to the following:

1. The bill as it passed the House repealed the desert-land act. That the Senate struck out, and in lieu thereof inserted certain amendments to that act.

2. The bill as it passed the House withdrew all offered lands from private cash entry and reserved them exclusively for homesteads. The tenth section of the Senate amendments leaves such lands, amounting to millions of acres, still subject to cash entry by any one individual, and in unlimited quantities.

3. The seventh section of the Senate amendments creates a new classification of the public lands, to be known as "mountainous," and provides for the entry of 320 acres by a single person, and that is opposed by the House.

None of these points of difference are referred to in the proposition you submit. Indeed your proposition touches only one point of disagreement, namely, that predicated on the eighth section; for it has been already agreed, as stated by you in the Senate, that the provision in section 1, beginning with line 20 and ending with the word "sale," in line 28, should be eliminated.

Now as to section 8. The proposition we now have before us contains some alterations in phraseology from the one previously submitted by you, but in substance is the same as that which the House rejected on the 21st instant.

Our objections to the proposition are well known to you and were fully expressed in our several speeches made while the conference report was being considered by the House, and well stated by the Secretary of the Interior, who carefully examined the eighth section and aptly summarized his objections to it, and as those objections are equally pertinent to the present consideration, we adopt what the Secretary then said:

"First, it is a radical departure from the letter and the spirit of all former land laws; second, it assumes that title passes out of the United States by an entry or location, whereas both the Department and the courts have almost invariably held to the contrary; third, it divests the Land Department of a jurisdiction over entries which it has always exercised, which does and of right ought to belong to it until the issue of patent, and for the exercise of which adequate quasi-judicial machinery has been or may be devised; fourth, it will provoke a multiplicity of suits, since it contemplates a complete trial in the Land Department and another in the courts, with the result of an increase of expense both to the claimant and to the Government; fifth, it will prolong controversies over the issue raised, often for several years, whereas the preliminary trial, with the appeals, must also usually consume one or more years, and it will thus tie up the land for an unnecessarily long period in the hands of persons adjudged by the Department to have entered by fraud, and to the great and often irreparable damage of other and *bona fide* adverse claimants; sixth, it will result in flooding the courts with the already great quantity of contested entries, whose number will be vastly augmented by the resistance of those fraudulent entry-men who now never take an appeal when their wrongdoings have been exposed; seventh, it will discourage the institution of contests, for it will create delays and finally take the conduct of the cases away from the contestants, who are under existing laws the best safeguards against fraudulent entries, which are so readily made by reason of the *ex parte* proceedings at final proof; eighth, it is opposed to sound policy, for the reason that the surest guarantee of *bona fide* settlement and entry is facility of contest, followed by a swift, sure trial, and a summary cancellation upon proof of the fraud.

This might be elaborated and other important objections added, but the nature of this communication forbids a more extended discussion. We have considered the proposition with great care, desiring with the utmost good faith to agree to it if we could, but we can not escape conviction that such an enactment would result in legalizing the frauds on the public domain which have been committed on so vast a scale and would imperil the most important interest of the people. The thing, gentlemen, we started out to do was to repeal the pre-emption and other laws whose well-intended provisions have been so grossly abused. Our purpose was to prevent the fraudulent appropriation of the public lands in future, and preserve what remains for homestead uses only.

Hitherto, through all our history, the Secretary of the Interior and his subordinates have exercised the jurisdiction they now assert. Never until now has it been seriously suggested that the right, as well as the policy, of the Secretary of the Interior or the Commissioner of the General Land Office to inquire into the *bona fides* of an entry prior to patent, and to vacate it for fraud should be withdrawn or denied. The great States of the West have grown up under the present system, and now that individuals and corporations have been tempted by reason of the diminished area and the increased value of the public lands to make speculative and fraudulent entries on a scale so large as to attract universal attention, and to create an imperative public demand for the repeal of the laws under cover of which these great frauds have been committed, it strikes us as strange, inconsistent, incongruous and unwise at this juncture, when we come to repeal the objectionable statutes and to terminate the abuses under them, that we should at the same time reverse or change the old law governing the rights and claims of entrymen and their assignees and overthrow the long established practice of the Department.

The repeal of the pre-emption and similar laws is demanded chiefly because of the frauds that have been committed under them. If we repeal them, as we started out to do, frauds in the future will be practically impossible. The proposed eighth section, therefore, would in practice apply only to entries already made. Why not simply repeal those statues and leave the past as we found it—leave outstanding entries to be adjusted under existing law and the present practice of the Department, as all others have been for more than half a century.

We beg most respectfully to say that in our judgment this proposition of the Senate has no proper connection with the main object of the pending legislation, is not demanded by any public interest, and we think ought not to be insisted upon so as to prevent the repeal of those laws under which millions of acres of the public lands are being stolen. Only the rights of present claimants, founded on entries already made, would be affected by the proposition you submit. Those rights were acquired with a knowledge of existing law and of the lawful right and the long-established practice of the Department to review entries, inquire into them, ascertain whether they are made in good faith and conformity to law, and to cancel them for good cause.

In view of the undisputed fact that so many fraudulent entries have been made, that so many have been discovered, and so many more are being traced with the certainty of exposure, it seems to us it would be a dangerous mistake, now that the Department has those matters so well in hand as the result of long years of patient effort, to undo all its work, abridge its jurisdiction, change the law and break up a practice as old as our public-land system itself, and confer new rights and advantages upon all claimants, to be enjoyed by the dishonest in common with the honest, and go floundering into an experiment of the most doubtful expediency. We repeat we feel sure it ought not to be insisted upon, as it will result in preventing any legislation whatever.

As a compromise we submit the following proposition:

1. We favor the repeal of the desert-land act. We will give that up, and agree to the Senate amendments instead.

2. We are opposed to the seventh section, but we will agree to that.

3. As to offered lands we ask you to concur in the House view that those lands be withdrawn from private cash entry.

4. We ask that the eighth section, of which your last proposition is an amendment, be stricken out.

5. We agree to amend the existing law, wherever amendment is necessary, so as to authorize any claimant whose entry has been cancelled, or who has been denied a patent, to go into the United States district or circuit court for the district within which the land lies, and institute in his own name a proceeding against the Secretary or commissioner to compel the issuance of his patent, or to enforce any right growing out of the premises; and to provide for the service of writs and notices, and for making defense against such proceedings, &c. In other words, we propose to go into details and perfect the proposition which we made to you on a former occasion in conference.

T. R. COBB.
WILLIAM J. STONE (Mo.).
L. E. PAYSON.

---

WASHINGTON, D. C., *March* 2, 1887.

GENTLEMEN: We have the honor to acknowledge the receipt of your communication of yesterday. We had understood, and as we thought we had reason to understand, until the receipt of your communication, that if an agreement could be reached as to section 8 the balance of the bill as it passed the Senate, with the amendment proposed by us to section 1, would be agreed to by you.

Our last proposition was made in writing in order that we should not be misunderstood, as in your communication you not only renew the whole controversy but enter into an argument upon questions which have been thoroughly discussed by the committee, and which we have not the time during the closing hours of the session to further discuss, and which we have not the disposition

to discuss by written correspondence, and as your proposition of a substitute for section 8 is not acceptable to us, and there appears to be no prospect of reaching an agreement, we transmit you herewith a report of the disagreement signed by the managers on the part of the Senate, which please sign and return us one copy. As the House agreed to the last conference and the report should be first submitted there, we send by the bearer, the clerk of the Senate Committee on Public Lands, the bill H. R. 7887.

Very respectfully,

J. N. DOLPH,
H. M. TELLER,
F. M. COCKRELL.

Messrs. T. R. COBB, W. J. STONE, and L. E. PAYSON, managers on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes:

This correspondence sufficiently explains the differences between the managers of the two Houses, and we deem it unnecessary to add anything further.

In conclusion, we desire to say that the practice of conferees discussing in reports or debate what may have occurred in conference is one the propriety of which we greatly doubt. But in this instance the example was set by some of the conferees of the Senate, first on the last day of the last session and afterwards during the present session. Still we think it a practice which would perhaps be more honored in the breach than the observance.

During the reading of the foregoing report the following proceedings took place:

Mr. PERKINS. I understood the Speaker to ask the House the question whether there was objection, and objection was made. Is it in order under these circumstances to submit the report to the House?

The SPEAKER *pro tempore*. The Chair had overlooked the fact that a statement accompanied the report. The statement is a part of the report of the conference committee, and the Chair thinks should be read before action is taken on the report.

Mr. ZACH. TAYLOR. Before the motion is submitted to the House have I a right under the rules of the House to demand the reading of the bill so that I may know where these amendments are and how they affect the bill?

Mr. WEAVER, of Iowa. The report has not yet been read.

The Clerk resumed and concluded the reading of the report as above.

Mr. NEGLEY. I now ask for the reading of the bill.

The SPEAKER. The bill is not before the House for consideration.

Mr. NEGLEY. It is impossible to understand from the reading of the report what the bill is.

Mr. COBB. I move that the House insist upon its disagreement to the Senate amendments.

The SPEAKER. That can be done after the report is disposed of. The question now is on accepting the report.

There being no objection, the report was accepted.

Mr. COBB. I now move that the House further insist on its disagreement.

The SPEAKER. And ask a further conference?

Mr. COBB. No; there is no earthly possibility of agreeing.

The question was taken on the motion of Mr. COBB, and, on a division, there were—ayes 65, noes 14.

Mr. ZACH. TAYLOR. No quorum.

Mr. WILSON. I ask the gentleman to withdraw the point for a moment to permit me to present a conference report.

Mr. ZACH. TAYLOR. I ask unanimous consent to take up and pass the bill S. 2516.

Mr. WILSON. This is a privileged report.

The SPEAKER. The Chair will submit the request of the gentleman from Tennessee. The gentleman asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill S. 2516 and consider the same. Is there objection?

Mr. DUNN. Regular order.

Mr. ZACH. TAYLOR. I have not withdrawn the demand for a quorum on the pending proposition. I dislike very much to do so, but the matter I desire to bring before the House is of vital importance to the interests of my constituents as affording absolutely necessary facilities for the commerce of my section. It affects four-fifths of the people of the South and Southwest, who insist upon the demand for it; and consequently I move to suspend the rules and pass the bill I have indicated.

The SPEAKER. That motion is not in order while this matter is pending before the House on a demand for the regular order.

Mr. NEGLEY. I insist on the regular order.

Mr. COBB. As the point of a quorum is pending, I will ask leave to withdraw the motion for the present.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill H. R. 11234, the deficiency bill, and agreed to the conference asked thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as managers at the conference on the part of the Senate.

## DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILSON. I rise to submit a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 15, 24, 36, 37, 38, 39, 40, 48, 49, 50, 56, 57, and 62.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 10, 11, 14, 17, 18, 25, 26, 27, 42, 43, 45, 46, 52, 54, 55, 58, 59, 60, 61, 63, and 64, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out of said amendment the word "preparing" and insert in lieu thereof "completing," and strike out the sum named in said amendment and insert in lieu thereof $1,000; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named insert $16,500; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum named insert "$1,200;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum named insert "$9,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum named insert "$61,190;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum named insert "$80,000;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter stricken out and proposed to be inserted insert the following:

"For improvement of streets and avenues named in the schedule of work on city streets and avenues proposed for the fiscal year 1888, contained in the annual report of the commissioners of the District of Columbia for the year ended June 30, 1888, pages 146 and 147, being part 6, House Executive Document, No. 1, Forty-ninth Congress, second session, as follows: In Georgetown, $45,000; in the northwest section, including the pavement of New Jersey avenue from M street to Boundary street northwest, $140,000; in the southwest section, $50,000; in the southeast section, $65,000; in the northeast section, $50,000; and for filling streets below grade, at not exceeding 10 cents per cubic yard, $10,000; in all, $360,000: *Provided*, That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2 per square yard for a quantity equal to the best laid in the District prior to July 1, 1886, and with same depth of base."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum named insert "$65,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum named insert "$30,000;" and the Senate agree to the same.

Amendments numbered 21 and 22: That the House recede from its disagreement to the amendments of the Senate numbered 21 and 22, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert the following in lieu thereof:

"For current work of repair on county roads and suburban streets, $25,000."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"For constructing county roads and suburban streets, including the completion of the Eastern Branch road, the Bennings Bridge road, the Tennallytown road, and the Bladensburg road, $50,000; no part of the above amount to be expended in the laying out of new roads or streets."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and, on page 7, in line 27, strike out "ten thousand" and insert "two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum named insert "$7,500;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum named insert "$50,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum named insert "$35,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named insert "$122,500;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out from said amendment the words "for ice-boat;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum named insert "$770,970;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert:

"And no increase in salaries paid to teachers in grades now receiving $900 or more, and no increase in the number of teachers in any of such grades shall be made, and the minimum compensation shall not be less than at the rate of $300 per annum, and the names of and actual compensation paid to each teacher under this provision shall be reported to Congress at its next session by the commissioners."

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the

amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"For buildings for schools, and for furniture for the same: For building an addition to the Columbia road school, $3,000; for building an addition to the Hamilton road school, $3,000; for building an eight-room school building on the lot adjoining the Wallach school building, $25,000; for building an eight-room school building on the lot adjoining the Sumner school building, $25,000; for building an eight-room school building in school division No. 4, $25,000; and the commissioners are authorized to sell and convey any lot now owned by the District in said division and to apply the proceeds of such sale to the purchase of a more eligible building lot, if in their judgment expedient; and for such purpose the additional sum of $3,000, or so much thereof as may be necessary, is also appropriated.

"For the erection of an eight-room school building in school division No. 2, $25,000; for the purchase of a site for the same, $10,000, or so much thereof as may be necessary.

"For the erection of an eight-room school building in school division No. 7 or 8, $25,000; for the purchase of site for same, $10,000, or so much thereof as may be necessary.

"For the erection of an eight-room school building in division No. 3, $25,000; for the purchase of a site for same, $10,000, or so much thereof as may be necessary.

"For the purchase of a site and building a school building in school division No. 2, $35,000; for the purchase of proper and sufficient furniture for the several buildings aforesaid, $8,000; for providing and causing to be erected and affixed to such of the school buildings in the District of Columbia as require the same, under the provisions of the act approved January 26, 1887, entitled 'An act for the further protection of property from fire, and safety of lives, in the District of Columbia,' such iron fire-escapes and combined stand-pipes and ladders, or either of said appliances, as may be approved and adopted by the commissioners of said District, $6,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "one hundred and fifteen;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum named insert "$11,500;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum named insert "$2,500;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,900;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out all after the word "necessary," in line 7 of said amendment, and in lieu thereof insert the words "to provide the District with proper institutions of this character;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same

WM. L. WILSON,
BEN. LE FEVRE,
D. B. HENDERSON,
*Managers on the part of the House.*
P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
*Managers on the part of the Senate.*

Mr. WILSON. I move the previous question on the adoption of the report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the report.

Mr. ZACH. TAYLOR. I call for a division.

The House divided; and there were—ayes 129, noes 7.

Mr. ZACH. TAYLOR. No quorum. I ask unanimous consent that the House take up for present consideration the bill S. 2516.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take up for consideration the bill S. 2516, and put the same on its passage.

Mr. DUNN. I call for the regular order.

Mr. ZACH. TAYLOR. Would it be in order for me to move to suspend the rules?

The SPEAKER. The Chair will state to the gentleman from Tennessee that there is a privileged matter pending. In the first place, the House by a vote has determined to proceed to the consideration of a privileged matter called up by the gentleman from Indiana [Mr. WARD], the President's veto message on a public-building bill. Pending the consideration of that bill a committee of conference makes a report of a higher privilege, and that is still pending; and the Chair has no power under the rules to recognize any gentleman to move to suspend the rules and pass a bill while another matter, especially a privileged matter, is pending before the House.

Mr. ZACH. TAYLOR. I make the point of no quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Tennessee [Mr. ZACH. TAYLOR] and the gentleman from West Virginia [Mr. WILSON].

Before the tellers made their report,

Mr. ZACH. TAYLOR (one of the tellers) said: I withdraw the call for a quorum.

So the report of the conference committee was adopted.

Mr. WILSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2441) for the relief of Mrs. Eula E. Henry;

A bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss.; and

A bill (S. 130) for the relief of John Fletcher.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

ORDER OF BUSINESS.

Mr. ZACH. TAYLOR. I now move to suspend the rules and pass the bill (S. 2516).

The SPEAKER. The Chair has just stated to the gentleman from Tennessee that there is a privileged matter pending before the House, which the House, by a vote, has determined to consider. The Chair, therefore, can not, under the rules, recognize the gentleman.

Mr. REAGAN. I ask that the tellers on what the Chair has just stated to be the pending privileged matter, the bill called up by the gentleman from Indiana [Mr. WARD], take their places and settle the question. There is a quorum here now.

Mr. MILLS. I withdraw my motion to indefinitely postpone.

SECTIONS 5191 AND 5192 REVISED STATUTES.

Mr. MILLER. I present a privileged report; the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, amended to read as follows: Strike out all of said bill after the enacting clause and insert:

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of 50,000 people shall make application to the Comptroller of the Currency in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per centum of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes.

"SEC. 2. That whenever three-fourths in number of the national banks located in any city of the United States having a population of 200,000 people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful-money reserve of the national banks located in other reserve cities may be deposited, as provided in section 5195 of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, 25 per cent. of its deposits, as provided in section 5191 of the Revised Statutes.

"SEC. 3. That section 3 of the act of January 14, 1875, entitled 'An act to provide for the resumption of specie payment,' be, and the same is hereby, amended by adding, after the words "New York," the words 'and the city of San Francisco, Cal.'"

Amend the title to read: "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;" and the Senate agree to the same.

JAMES F. MILLER,
BERIAH WILKINS,
GEO. E. ADAMS,
*Managers on the part of the House.*
JOHN SHERMAN,
JUSTIN S. MORRILL,
ISHAM G. HARRIS,
*Managers on the part of the Senate.*

The detailed statement of the conferees was read, as follows:

The bill as it passed the House merely added the names of certain cities to the cities named in sections 5191 and 5192 of the Revised Statutes, thereby constituting them reserve cities and requiring them to keep on hand a reserve of 25 per cent.

The Senate amendment in the nature of a substitute provides a method under which national banks in any city of fifty thousand inhabitants may on application to the Comptroller of the Currency become entitled to the privileges conferred and subject to the obligations imposed by said sections 5191 and 5192 of the Revised Statutes.

The Senate substitute further provides a method by which national banks in cities of two hundred thousand inhabitants may on application to the Comptroller of the Currency become entitled to the privilege of holding one-half of the lawful money reserve of the national banks located in other reserve cities, a privilege now exclusively enjoyed by banks in the city of New York.

The Senate substitute further provides that United States legal-tender notes shall hereafter be redeemed on demand at the office of the assistant treasurer in San Francisco, as well as in the city of New York.

The conferees accept the amendment of the Senate with some verbal changes.

J. F. MILLER,
BERIAH WILKINS,
GEO. E. ADAMS.

Mr. MILLER. I demand the previous question on agreeing to the report.

The previous question was ordered.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. SPRINGER. I ask the gentleman from Texas to explain the effect of this report.

Mr. WEAVER, of Iowa. It is all right.

Mr. MILLER. I am requested to make a statement with reference to this matter.

The House bill simply added to sections 5191 and 5192 certain cities named in the bill and did not release any of them from any liability under the provisions of the act of Congress in relation to national banks. Nor did it release them from the requirements of the statute in reference to the amount of deposits required to be held by them to answer for their reserve funds.

The Senate amendment provided by a general act that any city having a population of 50,000 inhabitants might by a vote of three-fourths of all the national banks in that city and with the approval of the Comptroller become a reserve city, and that all cities having a population of over 200,000 inhabitants might by a vote of three-fourths of all the national banks become central reserve cities in which the deposits of these other reserve cities might be kept, the same as in the city of New York. This law provides that all these banks instead of keeping a reserve of 15 per cent. should keep a reserve of 25 per cent. of their deposits.

Mr. WEAVER, of Iowa. I understand the section as to greenbacks does not change the law.

Mr. MILLER. No. Another amendment made by the committee provided that the United States Treasury notes should be made redeemable at San Francisco as well as at New York.

Mr. DOCKERY. I desire to say that I have just been informed by a message from my colleague, Colonel BURNES, that he is opposed to this bill. I know nothing of its merits, but I want to state that fact in his behalf, and that, being on a conference committee, he can not be here just now. I think it but due to him that the consideration of the report should be deferred for a brief time until he can be present.

The report was adopted.

Mr. MILLER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LA FAYETTE COURT-HOUSE.

Mr. SPRINGER. I call for the regular order; and I move to postpone for thirty minutes the consideration of the La Fayette court-house bill.

Mr. HAMMOND. The motion to indefinitely postpone is pending.

The SPEAKER. The Chair understood the gentleman from Texas [Mr. MILLS] to withdraw that motion.

Mr. HAMMOND. I was not aware that he had done so, but very probably he did.

Mr. NEGLEY. I renew that motion to indefinitely postpone the consideration of the bill.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The question was taken; and the Speaker stated that the ayes seemed to have it.

Mr. NEGLEY. I call for a division.

The House divided; and there were—ayes 71, noes 26.

Several MEMBERS. No quorum.

Mr. WARD, of Indiana. I call for tellers.

The SPEAKER. The point of no quorum having been made, the Chair appoints as tellers the gentleman from Pennsylvania [Mr. NEGLEY] and the gentleman from Indiana [Mr. WARD].

The House again divided, and pending the report of the tellers the following proceedings took place:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed an act (S. 132) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, the United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes.

PUBLIC BUILDING, ALLEGHENY, PA.

Mr. BROWN, of Pennsylvania, by unanimous consent, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 2006) to provide for the construction of a public building for the accommodation of the post-office and other Government offices in the city of Allegheny, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska. Mr. Speaker, I ask unanimous consent to call up Senate bill 3254, and to have the report read. I know there will be no objection to the bill, so I will ask to have it put upon its passage.

Mr. SPRINGER. I think we must have the regular order, Mr. Speaker.

Mr. O'FERRALL. Mr. Speaker, I ask unanimous consent to file a report from the Committee on Commerce.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] demands the regular order.

Mr. O'FERRALL. I merely wish to get this report off my hands.

The SPEAKER. Yes; but the demand for the regular order cuts off all requests for unanimous consent.

Mr. LORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the reorganization of the Navy Department.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] insists on the regular order.

Mr. LORE. He withdraws that demand.

The SPEAKER. The gentleman has not so informed the Chair.

Mr. LORE. I asked the gentleman, and he said he would waive the demand in this case.

The SPEAKER. But the gentleman declines to do so. Upon the motion to postpone the consideration of the bill called up by the gentleman from Indiana [Mr. WARD] the tellers report—yeas 75, noes 92. The noes have it, and the House refuses to postpone the bill.

Mr. WARD, of Indiana. Now, Mr. Speaker, I ask for the regular order, and I demand the previous question on the passage of the bill.

The SPEAKER. The question is, Will the House, upon reconsideration, pass the bill? and upon this question the Constitution requires that the yeas and nays be taken.

Mr. HAMMOND. Is it in order, Mr. Speaker, to debate that question?

The SPEAKER. It is.

Mr. HAMMOND. Then I would like to hear the veto message of the President read as a part of my remarks.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] takes the floor, and asks to have the veto message read in his time. The Clerk will read the message.

The Clerk read as follows:

*To the Senate:*

I herewith return without approval Senate bill 531, entitled "An act to provide for the erection of a public building at La Fayette, Ind."

This bill appropriates $50,000 for the purpose indicated in its title.

It is represented that a deputy internal-revenue collector is located at La Fayette, but no information is furnished that he has an office there, which is, or ought to be, furnished by the Government. It is not claimed that the Federal business at this point requires other accommodation except for the post-office located there.

As usual in such cases, the postmaster reports, in reply to inquiries, that his present quarters are inadequate, and, as usual, it appears that the postal business is increasing. The rent paid for the rooms or building in which the post-office is kept is $1,100 per annum.

I have been informed since this bill has been in my hands that last spring a building was erected at La Fayette with special reference to its use for the post-office, and that a part of it was leased by the Government for that purpose for the term of five years. Upon the faith of such lease the premises thus rented were fitted up and furnished by the owner of the building in a manner especially adapted to postal uses, and an account of such fitting up and furnishing is before me showing the expense of the same to have been more than $2,500.

In view of such new and recent arrangements made by the Government for the transaction of its postal business at this place, it seems that the proposed expenditure for the erection of a building for that purpose is hardly necessary or justifiable.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, February* 28, 1887.

Mr. HAMMOND. Mr. Speaker, I do not desire to detain the House further with argument upon this bill.

Mr. WARD, of Indiana. Mr. Speaker, I am so anxious for the business of the House to progress that I am quite willing that a vote shall be taken without further argument upon either side, and unless some gentleman opposed to the bill wishes to discuss it, I am willing to forego my own right to advocate it and take a vote at once. I now call the previous question.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit.

The message also announced that the Senate had passed an act (S. 3358) to provide for the expenses of certain investigations.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana [Mr. WARD] demands the previous question.

The question was taken on ordering the previous question; and the Speaker declared that the ayes seemed to have it.

Mr. COX, of North Carolina, called for a division.

The House divided; and there were—ayes 85, noes 26.

Mr. NEGLEY. I call for the yeas and nays.

The yeas and nays were refused.

Mr. COX, of North Carolina. No quorum.

The SPEAKER. The point being made that no quorum has voted,

the Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. NEGLEY] and the gentleman from Indiana [Mr. WARD].

Pending the report of the tellers,

Mr. MORRISON, by unanimous consent, offered the following resolution:

*Resolved*, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait on the President of the United States and inform him that Congress having finished its business, unless he may have some further communication to make, the two Houses of Congress are now ready to close its session by an adjournment *sine die*.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed as the committee on the part of the House Mr. MORRISON, Mr. TUCKER, and Mr. REED.

Mr. DOCKERY. Pending this I desire to ask unanimous consent for the adoption of the following resolution——

The SPEAKER *pro tempore*. The Chair can not recognize the gentleman, as the regular order has been demanded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 10802) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska. Mr. Speaker, the objection has been withdrawn to Senate bill 3254, and I ask unanimous consent——

The SPEAKER *pro tempore*. The regular order has been demanded and insisted upon.

Mr. WEAVER, of Nebraska. The call for the regular order is withdrawn, so far as this bill is concerned. I ask unanimous consent that this report of five lines may be read.

The SPEAKER *pro tempore*. The gentleman from North Carolina demands the regular order.

APPROPRIATION FOR SENATE INVESTIGATIONS.

Mr. RANDALL. I ask consent for the consideration at this time of the bill (S. 3358) to provide for the expenses of certain investigations.

The bill was read, as follows:

*Be it enacted, &c.*, That there be appropriated out of any money in the Treasury not otherwise appropriated, the sum of $30,000, to be immediately available, for the expenses of investigations and inquiries ordered by the Senate at its present session.

Mr. RANDALL. This additional appropriation is desired in order to execute the orders of the Senate in regard to investigations.

Mr. DUNHAM. I call for the regular order.

The SPEAKER *pro tempore*. This is in the nature of an appropriation from the Appropriations Committee. Does the gentleman object?

Mr. ZACH. TAYLOR. I object.

Mr. RANDALL. I move to suspend the rules and pass the bill.

Mr. MILLS. The Senate has requested that this appropriation be made at once.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. ZACH. TAYLOR] withdraw his objection?

Mr. ZACH. TAYLOR. I do not.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules and pass the bill which has just been read.

Mr. DUNHAM. I rise to a point of order. While the House is dividing that can not be done.

The SPEAKER *pro tempore*. A motion to suspend the rules suspends, if necessary, all the rules of the House. The motion is in order.

Mr. DUNHAM. But the House is dividing, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair has stated that a motion to suspend the rules suspends all rules.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

Mr. WEAVER, of Nebraska. I move to suspend the rules——

THANKS TO SPEAKER CARLISLE.

Mr. REED. I rise to submit a privileged resolution.

The SPEAKER *pro tempore* [Mr. HATCH]. The gentleman from Maine rises to submit a privileged resolution. The Chair hopes that every gentleman will take his seat, and that order will be preserved while this resolution is read.

The Clerk read as follows:

*Resolved*, That the thanks of this House are hereby tendered to the Hon. JOHN G. CARLISLE, the Speaker, for the courtesy, ability, and fairness with which he has presided over the deliberations of the Forty-ninth Congress.

Mr. REED. As an additional mark of respect, I hope this resolution will be adopted by a rising vote.

The SPEAKER *pro tempore*. All gentlemen in favor of the adoption of this resolution will please rise. [A pause, during which members on both sides of the House rose to their feet with loud demonstrations of applause.] Three hundred and ten Representatives have voted in the affirmative; and the resolution is adopted unanimously. [Renewed applause.]

ENROLLED BILL SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 9921) for the erection of a public building at East Saginaw, Mich.; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska. I move the suspension of the rules to pass Senate bill 3254. I ask that the report be read. I know there will be no objection to the bill when the report has been read.

Mr. ZACH. TAYLOR. I understood the Chair to state a moment ago that while the House was dividing it was in order to suspend the rules to pass a bill. I move to suspend the rules in order to pass a Senate bill which I hold in my hand.

The SPEAKER *pro tempore*. But the Chair has not recognized the gentleman from Tennessee [Mr. ZACH. TAYLOR] nor the gentleman from Nebraska [Mr. WEAVER].

Mr. ZACH. TAYLOR. Well, I ask for recognition now for the purpose of suspending the rules and passing this bill.

Mr. DUNN. I move that the House now take a recess for half an hour.

The motion of Mr. DUNN was not agreed to.

Mr. CANNON and Mr. HEPBURN addressed the Chair.

The SPEAKER *pro tempore*. The regular order is demanded by several gentlemen, and the Chair can not recognize any gentleman for unanimous consent.

Mr. CANNON. This is the regular order. I am not asking unanimous consent. I rise to make a motion which I have a right to make.

Mr. HEPBURN. I rise to a parliamentary inquiry. I desire to know whether it is now in order to move a suspension of the rules for the passage of a bill.

The SPEAKER *pro tempore*. Not while the House is dividing upon a motion already submitted to the House.

Mr. WEAVER, of Nebraska. The Chair just ruled that it was in order to suspend the rules and pass the bill of the gentleman from Pennsylvania [Mr. RANDALL].

Mr. CUTCHEON. I desire the Chair to answer this question: If it is not in order now to suspend the rules and pass a bill, why was it in order a few moments since when the gentleman from Pennsylvania [Mr. RANDALL] made such a motion?

The SPEAKER *pro tempore*. Because the bill called up by the gentleman from Pennsylvania was in the nature of an emergency appropriation bill, and was privileged.

ORDER OF BUSINESS.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HEPBURN. It is whether in the last fifteen minutes there has been a change in the rules of this House. The Speaker recognized and answered a query I made, and fifteen minutes afterwards the same procedure asked for was tolerated which was before denied by the occupant of the chair. I wish to inquire if there has been any change in the rules of the House.

The SPEAKER. The Chair is not aware there has been any change in the rules. [Laughter.]

Mr. HEPBURN. If following the precedent of fifteen minutes ago, it is now in order to have a suspension of the rules——

The SPEAKER. It is not if the regular order is insisted upon.

Mr. DUNN. It is insisted upon.

SCHOOL AND FARM LANDS, BEAUFORT COUNTY, SOUTH CAROLINA.

Mr. SMALLS. I move, by unanimous consent, Mr. Speaker, that the House concur in the amendment of the Senate to the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States.

These amendments are satisfactory to the Senators from South Carolina.

Mr. DIBBLE. I hope there will be no objection.

The SPEAKER. Is there objection?

Mr. HEMPHILL. That is all right.

Mr. COX, of North Carolina. Let the amendments be read.

The amendments were read, as follows:

Strike out, in line 20, after the word "the," the words "direct tax proper charged," and insert in lieu thereof the words "amount of tax, penalty, interest, and costs properly chargeable;" also, in line 26, after the word "tax," insert the words "penalty, interest."

Also, in section 2, add the following proviso:

*Provided*, That if the applicant has received from the United States the sur-

plus proceeds of the sale of such land, under section 36 of the act of August 5, 1861, he shall not be entitled to redeem the same under this act unless such applicant shall refund the surplus so paid.

The amendments were concurred in.

Mr. SMALLS moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRA MONTH'S PAY.

Mr. PETTIBONE. I offer the following resolution.

The Clerk read as follows:

*Resolved*, That the Secretary of the Senate and Clerk of the House of Representatives are hereby authorized and directed to pay all committee clerks, messengers, and other employés of the Senate and House of Representatives who receive annual salaries amounting to $1,200 per annum and under, and who are in such employ at the passage of this resolution, their present rate of compensation respectively for one month from the date of adjournment of this session of Congress; and the money required to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall be immediately available.

Mr. WARNER, of Ohio. Is this for the annual or the session employés?

Mr. REAGAN objected.

LIEUT. JOHN G. KYLE.

Mr. LITTLE. I move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 1926) for the payment of the funeral expenses of Lieut. John G. Kyle.

Mr. OATES. I object.

ORDER OF BUSINESS.

Mr. HEPBURN. I move the House adopt the following resolution.

The Clerk read as follows:

*Resolved*, That the rules be suspended——

Mr. SPRINGER. I call for the regular order.

The SPEAKER. The regular order being demanded is equivalent to an objection.

Mr. HEPBURN. I desire to inquire if I can not have the resolution read?

The SPEAKER. Not when objected to and the regular order is demanded.

CALIFORNIA SCHOOL FUNDS.

Mr. LOUTTIT. I ask by unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands.

Mr. SPRINGER. I demand the regular order of business.

REMOVAL OF A QUARANTINE STATION FROM SHIP ISLAND.

Mr. BARKSDALE. I ask unanimous consent to take up and put on its passage Senate bill 3157, entitled "An act to authorize the removal of the quarantine station from Ship Island, Mississippi." I ask that the bill be read for information. It is designed to protect the entire Gulf and South Atlantic coast and people from epidemic and contagious disease. I appeal to the House to suspend the rules and pass this important measure.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] demands the regular order of business.

Mr. BARKSDALE. I hope the gentleman from Illinois will withdraw his objection.

Mr. SPRINGER. I withdraw the demand for the regular order.

Mr. BARKSDALE. Then I ask, inasmuch as the demand is withdrawn, unanimous consent to have the Senate bill read.

The SPEAKER. The Chair will cause the bill to be read subject to objection.

The Clerk read as follows:

A bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [Cries of "Regular order!"]

Mr. BARKSDALE. Let the report be read.

The SPEAKER. The regular order is demanded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9110) to amend sections 5191 and 8192 of the Revised Statutes of the United States.

The message also announced that the Senate had passed without amendment the bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee.

CONFERENCE REPORT—FORTIFICATIONS.

Mr. FORNEY. Mr. Speaker, I rise to submit a privileged report. I am directed by the committee of conference to submit the report I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9798) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1887, having met, after full and free conference, have been unable to agree.

WM. H. FORNEY,
SAMUEL J. RANDALL,
BENJ. BUTTERWORTH,
*Managers on the part of the House.*
H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
*Managers on the part of the Senate.*

Mr. FORNEY. I now yield to the chairman of the Committee on Appropriations.

Mr. RANDALL. I present on the part of the majority of the House conferees the bill which they insisted upon in this connection. I also, in the light of fair play, present the Senate bill, as the one on which the Senate conferees insisted, and I also present a report which is a recital of the differences between the two bills. The Senate bill involves, as the majority of the House conferees construe it, an expenditure approaching or above $40,000,000, while the House bill, which the majority of the conferees of the House were willing to adopt, appropriates $17,000,000. Between these divergences we have been unable to agree, and I submit this report to be published in the RECORD so that the House may judge as between the two propositions about which the disagreement arose.

No. 1.

An act making appropriations for fortifications and other works of defense, for the armament thereof, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, namely:

SEC. 1. For the protection, preservation, and repair of fortifications and other work of defense, and for the construction of sea-walls, $125,000.

SEC. 2. For torpedoes for harbor defense; the purchase of submarine mines and necessary appliances to operate them; for needful casemates, cable-galleries, and appliances to render it possible to operate submarine mines; for continuing torpedo experiments, and for practical instruction of engineer troops in detail of the service, $100,000.

SEC. 3. For experiments in guns and projectiles for high explosives, including the purchase of guns, projectiles, and targets for such tests as board of ordnance hereinafter authorized shall direct, $100,000.

SEC. 4. For the procurement of powders, projectiles, fuses, implements, and materials for the service of heavy guns, for the alteration of seacoast carriages, and for the compensation of draughtsmen on gun-construction while employed in the Ordnance Bureau, $300,000.

SEC. 5. For the purchase, manufacture, and erection of the necessary buildings, machinery, tools, and fixtures for a gun-factory for the finishing and assembling of heavy ordnance, to be erected at such arsenal as the board on ordnance herein provided for may select, $550,000. In determining upon the location the board shall fully consider the facilities for transportation both by water and rail, the proximity to the establishments which may be likely to furnish the materials to be worked, and freedom from danger from hostile forces.

SEC. 6. To complete the guns now under fabrication by the Ordnance Department, and for testing the same, as follows: One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars on Woodbridge plan, $20,000; for testing the same, $25,000; one 10-inch breech-loading steel-hooped gun, $20,000; for testing the same, $25,000; one 10-inch breech-loading rifle, cast-iron, wire-wrapped, $1,500; for testing the same, $12,000; one 8-inch breech-loading steel-hooped gun, $10,000; for testing the same, $12,000; for testing one 12-inch breech-loading rifle, cast-iron, steel-tubed, $20,000; for testing one 12-inch breech-loading rifle, cast-iron, hooped and tubed with steel on the French system, $20,000; for testing one 12-inch breech-loading mortar, cast-iron, hooped with steel, 12,000.

SEC. 7. For the construction of 12-inch rifle mortars, either of cast-iron, steel-hooped, or mortars principally or all of cast-iron, or mortars principally or all of steel, either muzzle-loading or breech-loading, all as the board hereinafter provided for shall determine, to fire a projectile weighing not less than 615 pounds, if of cast-iron, to have a maximum range and an accuracy of fire, and to be equally efficient in all respects to any cast-iron mortars of such size yet tested by the Government; if cast-iron, steel-hooped, or if made principally of steel, to be equally efficient in all respects with the steel mortars at present made by others, as shown by the published records of like tests. Unless the trial mortars herein provided for reach the above test they shall not be purchased. If any of said mortars reach the above specified standard, then the said board shall pay an equitable price therefor. If any have stood the required test, then the board may select and purchase therefrom such mortars of such system as seems most efficient, to the extent permitted by this appropriation, cost and effectiveness both being considered; and each service mortar purchased shall be provided with suitable carriage and fifty projectiles, $500,000.

SEC. 8. The standard weight for projectiles for testing 8, 10, and 12 inch rifled guns shall not be less than 250, 500, and 800 pounds, respectively. The standard weight of rifled guns to be tested for endurance and of service guns shall not be more than 33,000, 65,000, and 104,000 pounds, respectively, for 8, 10, and 12 inch rifles.

SEC. 9. For the purchase of oil-tempered steel forgings, rough-dressed, of dimensions suitable for 8-inch, 10-inch, and 12-inch rifles, according to specifications to be provided by the said board on ordnance; for finishing the same and converting it into finished breech-loading guns at the Government shop or shops; for testing three rifled guns, one 8-inch, one 10-inch, and one 12-inch caliber; for accuracy, range, durability, and penetration; for carriages for the guns, to be made from the steel to be purchased from the funds provided for in this section, and for projectiles for these guns, $6,000,000: *Provided*, That no steel shall be paid for which does not fill the specifications under which it was purchased, and that only so much steel shall be bought for the guns provided for in this section as shall be required for one 8-inch, one 10-inch, and one 12-inch rifle, other than that required to replace some parts of one of these three guns until they shall have been made and tested sufficiently to determine that they will each endure two hundred rounds of firing with a weight of projectile of not less than one one-hundred-and-thirtieth part of the weight of the gun and a muzzle velocity of 2,000 feet per second, and each has withstood without serious derangement or injury a rapid firing test of twenty rounds in eighty minutes from

the 8-inch rifle, of twenty rounds in one hundred minutes from a 10-inch rifle, and of twenty rounds in one hundred and twenty minutes from a 12-inch rifle: *And provided further*, That these guns shall, of either size, have equaled or exceeded in endurance that of any gun of similar caliber which has been made and tested before July 1, 1891, or July 1, 1892, as provided in this act.

Should these guns, or any of them, fail to fulfill these conditions without more expense for repairs than can be put upon them ordinarily for 5 per cent. of the cost of the gun, if fired two hundred rounds with 2,000 feet muzzle velocity of the projectile, or 10 per cent. if fired two hundred rounds with a projectile of the prescribed standard weight and an average muzzle velocity of not less than 2,200 feet per second, then no more of these guns shall be made from the funds appropriated in this section. If these three guns fulfill all these conditions, the balance of the money appropriated in this section may be expended for the purposes provided; but steel for these guns shall only be purchased to the extent that it can be paid for and converted into such guns as fill all the requirements of this section, with a suitable carriage and a suitable number of projectiles for each gun, all to be paid for from the money provided in this section, and of the guns so provided there shall be an equal number of each of the specified sizes. A sufficient amount of this six millions shall be reserved to complete the proof tests provided for service guns as herein provided for, which shall be applied thereto. The projectiles to be provided for these guns shall be made or purchased under specifications to be provided by the said board on ordnance.

SEC. 10. For service and experimental seacoast carriages, and testing the same, $150,000.

SEC. 11. For the manufacture of twenty 12-inch cast-iron rifle-guns, about 33-calibers length of bore, and weight not less than 104,000 pounds, not exceeding $520,000; for carriages suitable for the same, and such projectiles as the said board may order for these guns, including the proving and transportation of these guns, $480,000. Each gun, before it is accepted, shall be tested with not less than five nor more than ten rounds with the service charge of powder and projectiles, which shall give 1,750 feet velocity per second to an 800-pound projectile; and such other test shall be applied as may be ordered by the board or thought necessary to enable it to determine that such guns are equal in all respects to the 12-inch cast-iron rifle made by the South Boston Iron Company and now at Sandy Hook.

SEC. 12. Whoever shall produce one or more 12-inch breech-loading single-charge rifle-guns, of not more than 33 calibers in length of bore, and not more than 104,000 pounds weight, for projectiles of not less than 800 pounds weight each, which guns are to be made principally or wholly of steel, or principally or wholly of cast-iron, each supplied with projectiles, powder, implements, ordnance supplies, and including all incidental expenses of a test of two hundred rounds, to be fired as hereinafter provided for, shall, for each test gun so provided by him or them which withstands the test of two hundred rounds hereinafter prescribed without such injury as would prevent some continuation of the firing, be paid for the same, by direction of the said board on ordnance, if such gun or guns be made principally of steel, at the price of $160,000 each, and if made of cast-iron principally, at the price of $80,000 each, which sums of money are to be accepted as the full prices of the guns and the cost of the tests, which sum shall be due and paid for each such gun and tests as soon as any such test gun has withstood the prescribed test of two hundred rounds, by draft drawn on the Treasury by the board or by its authorized agent, but not including the cost of the carriages therefor, which, if furnished by the party providing the gun, shall, if it be found suitable for use with such gun, be paid for at a price of not more than $25,000; to be paid for by the order of said board by a draft on the Treasury drawn by the board or its authorized agent; but should the carriage for testing any such guns be provided by the Government, it shall be paid for by the party whose gun is tested thereon if the gun shall, by bursting, destroy the same before the gun has been fired two hundred rounds. But no trial or test gun shall be paid for unless it endure the test of firing not less than two hundred rounds with a weight of projectile of not less than 800 pounds from the 12-inch rifle nor less than one one-hundred-and-thirtieth part of the weight of the gun, and with an average muzzle velocity for two hundred rounds of not less than 2,000 feet per second, and of these two hundred rounds not less than twenty shot of the prescribed weight shall be fired within two hours, and the firing of this two hundred rounds shall not disable the gun so much as to prevent some continuation of the firing without repairs exceeding 5 per cent. of the cost of the gun ordinarily, if the average velocity of the projectiles is 2,000 feet per second; or such repairs as may cost ordinarily 10 per cent. of the price of the gun if the average velocity reached for two hundred rounds was 2,200 feet per second. In testing the trial guns the Government shall furnish free of charge the use of proving grounds for range and accuracy, the necessary butts for durability, and targets for penetration, and bear all expense of handling and transporting the guns, and for this purpose and for any further expense of testing such guns, $500,000 is hereby appropriated. The plans of the guns of either kind, the breech-loading mechanism, the system of rifling, the projectiles adapted thereto, and the kind of powder or powder and cases therefor used may be of the kinds heretofore approved by the War and Navy Departments, or may be after original designs or plans and proportions satisfactory to the projector and producer; and the guns furnished by any party, and all the supplies therefor, shall be furnished without any cost to the Government until such guns have endured the prescribed test of firing two hundred rounds with a weight of projectile of not less than 800 pounds nor less than one one-hundred-and-thirtieth part of the weight of the gun with an average muzzle velocity for such two hundred projectiles of 2,000 feet per second. This firing shall proceed under the joint direction of the producer of the gun and the said board, and after one hundred rounds have been fired twenty rounds shall be fired with the prescribed standard weight and velocity of projectile within two hours of time during consecutive firing. This twenty rounds of continuous firing in two hours may be made at any time after the gun has been fired one hundred rounds, but shall be done before the two hundred rounds are completed, and the firing of this two hundred rounds shall not disable the gun so much as to prevent some continuation of the firing without repairs exceeding 5 per cent. of the cost of the gun ordinarily, if the average velocity of the projectiles is 2,000 feet per second, or such repairs as may cost ordinarily 10 per cent. of the price of the gun, if the average velocity reached for two hundred rounds was 2,200 feet per second. And the test of the trial gun must be such as to make it reasonably certain that, firing from service guns made on any such system, twenty rounds in two hours, of the standard weight of projectiles, with a velocity of 2,000 feet per second, would not disable the service gun.

If any gun or guns made principally of steel or principally of cast iron shall be provided which withstand the prescribed test of two hundred rounds with the prescribed weight and velocity of the projectile, at least twenty rounds of which were fired consecutively within two hours, all such guns shall, if the producer of the gun desires, be further tested at the expense of the Government, under the joint direction of the party producing such gun or guns and the said board, until it is fully determined which of the steel guns are the most durable and serviceable, and that steel gun so selected and the cast-iron gun so selected as the best of its kind shall be contracted for by the said board with the party or parties producing such steel gun and such cast-iron gun. The contract to be for fifty steel guns at 65 cents per pound, with a carriage suitable for each gun, to be delivered therewith, the price of the carriage to be one-third that of the gun, and some projectiles for each gun, the carriage to be bought of the party who produces the gun, provided he or they will furnish such carriages suitable in all respects for use wherewith. The projectiles to be of such kind as the board shall determine, and shall be furnished by the party who furnishes these service guns, on condition that the board can make satisfactory contract therefor. For purchasing these fifty 12-inch steel rifles, $3,380,000; for carriages therefor, $1,125,000; for proving these guns, transportation of the guns and carriages, and for such projectiles as the board may purchase for use therewith, $500,000.

For thirty cast-iron guns, which shall in like manner have stood the prescribed tests, for each gun at the price of not over 25 cents per pound, $780,000; and for thirty suitable carriages therefor, $540,000; for projectiles for these cast-iron guns, to be contracted for by the said board under such specifications as they may direct, and for proving these guns and carriages and transportation of the same, $300,000; these carriages and projectiles to be purchased of the party furnishing the said guns if the board can make suitable contract therefor.

The contract for the steel guns or for the cast-iron guns may each be increased to sixty, if the Government shall desire. If more than one of either of each kind has been provided, which withstands the prescribed test, then the firing shall continue, under the same conditions and under direction of the said board and at the cost of the Government, until it is determined unquestionably which of either or each class has the best endurance, and the board shall report with a recommendation what action ought to be taken with regard to the other gun or guns of either or both kinds which have withstood the prescribed test, but have been excelled in endurance under the continued firing.

It is herein provided that all guns contracted for as provided in this section, to be delivered for service, shall be tested at the place or places where built, by the party furnishing the same, or at such other suitable place or places as he or they may provide, with not less than five nor more than ten rounds from each gun, with that charge equal to the maximum charge endured for two hundred rounds in the trial gun on which the contract for the gun of such caliber was made, the Government to furnish an officer to witness such test at the time the party making the gun shall desire. The gun shall endure such test without more injury than the ordinary wear and tear of such guns should be, or that the ordinary wear and tear of the trial gun was in firing a like number of rounds of equal energy. The Government shall not accept guns which are seriously injured by this test or which are injured more than the ordinary wear or tear of such guns, unless the injured parts are replaced or made good, when the gun may be again tested, and must endure the test before it shall be accepted without more injury than ordinary wear and tear that such number of fires shall produce. The powder, cartridges, and projectiles for these tests shall be paid for by the Government at a reasonable price therefor.

Should any of the test guns of the kind to be contracted for as above provided have endured a greater amount of work in firing any two hundred rounds therefrom than that prescribed, namely: Two hundred rounds of projectiles of a weight one one hundred and thirtieth part of the gun, with a velocity of 2,000 feet per second, the price of the gun to be contracted for, shall be increased above the price herein provided to the extent of the work done on the projectiles by any said test gun, in firing any two hundred rounds, exceeds that prescribed, namely: Two hundred rounds with a velocity of 2,000 per feet per second, and a weight of projectile one one-hundred and thirtieth part of the gun, which increase of price shall be paid by the order of the board by a draft drawn on the Treasury by the board or its authorized agent.

All service guns, gun-carriages, projectiles, and cartridges therefor may be delivered to the Government at the place or places of manufacture.

No service gun of any of the specified 12-inch calibers shall be accepted unless it appears to be as good in all respects as were the trial guns furnished by the party with whom the contracts for such service guns was made. And the party making contracts for any of these service guns shall contract and guarantee that all material used therein shall be equal in quality and workmanship to that provided in the trial guns, and that he or they will institute a thorough system of tests by which they may know that all parts of the gun, as far as may be, are of good material and workmanship in all respects. The delivery of these guns to begin within two years of the dates of the respective contracts therefor and continue at such rate as would complete the delivery within six years from the date of the respective contracts.

SEC. 13. The President of the United States shall appoint a board on ordnance, to consist of the Secretaries of War and Navy, and the General commanding the Army, and two civilians, the civilians to be appointed by and with the advice and consent of the Senate, which board shall make, execute, and supervise all contracts and authorize all payments provided for by this act. The contracts for material to be procured under this act, except when made at Government shops, except as herein otherwise directed, shall be awarded to the lowest responsible bidder, after proper advertisement, and under such conditions and specifications as the said board may determine; and the board shall certify that prices under which contracts are awarded are reasonable and just. The board shall determine, except as otherwise directed, the order and time of delivery of the steel forgings, guns, mortars, and appliances, and all other material, under such checks and rules as it may determine, and have general supervision of all tests necessary to carry out the provisions of this act. The board is further authorized to examine inventions and designs of heavy ordnance, carriages, projectiles, torpedoes, and other defensive appliances which may be submitted to it, and may contract for 8-inch multicharge guns of such proportions and on such terms as the board may consider for the interest of the Government, and to be tested in such manner and to such extent as the board may direct. For the purpose of carrying out the provisions of this section, $100,000 is hereby appropriated.

SEC. 14. The compensation of the civilian members of the board shall be $7,000 per annum. In the payment of such services, and the contingent and necessary expenses of the board, $40,000, or so much thereof as may be necessary, is hereby appropriated. No person shall be eligible as a member of this board who has any pecuniary interest, either directly or indirectly, in the material, manufacture, or inventions to be employed in the construction or operation of the defenses herein provided for.

SEC. 15. All the material entering into the construction of the armaments herein provided for shall be of American material and manufacture. The appropriations herein made shall remain available until otherwise ordered by Congress. The board herein provided for shall annually report its operations to the Secretary of War, for submission to Congress, at the beginning of each session, which report shall state in detail the amount expended under each section of this act and the progress made in carrying out its provisions, with such additional information as the board may deem advisable.

SEC. 16. It is hereby provided that all guns for competitive trial and tests to be made and tested as provided in this bill shall be finished ready for test on or before January 1, 1891: *Provided*, That if no 12-inch rifle gun made principally or wholly of steel has been completed and offered for test at that time which shall withstand the prescribed test of two hundred rounds, then the time for accepting guns for competitive test as herein provided shall be extended to January 1, 1892. The board on ordnance shall make all reasonable efforts to make all the tests provided for as quickly as possible after any such gun is ready for test; and all the test experiments shall be open to the inspection and observation of all parties furnishing guns for test as provided in this act.

SEC. 17. That with a view of utilizing a portion of the now useless guns on hand, that is to say the Parrott guns, to the extent which shall seem desirable and in the shortest possible time, as follows:

For the conversion of twenty-two 300-pounder Parrott guns on hand, into muzzle-loading rifle guns of 11-inch caliber, for projectiles of 250 pounds weight; forty-two 200-pounder or 8-inch Parrott guns into 9-inch muzzle-loading rifle guns, for projectiles of 150 pounds weight, and forty-two 100-pounder or 6.4-inch Parrott guns into 7-inch muzzle-loading rifle guns, for projectiles of 100 pounds weight; one hundred and six in all, at a price not to exceed an average of $1,000

per gun, inclusive of transportation; and the board is hereby authorized and directed to cause two or more guns of each caliber and kind of the above guns to be converted as above proposed, beginning with the largest calibers, and have them fired for durability sufficient to properly judge what kind and quantity of powder may probably be used in these converted guns to have them endure from one hundred to one hundred and forty rounds each before bursting; and if the board after such tests think it desirable to alter the specified one hundred and six guns to be so converted, they shall contract, after duly advertising, for the conversion of these one hundred guns, with fifty projectiles for each, provided that all such guns shall be rifled with the uniform twist of the rate provided in the new army and navy guns of similar caliber, but with no more than six-tenths or three-fourths as many grooves, the grooves and lands to be correspondingly wider unless the board find by actual test of one or more guns that the greater number is desirable. The projectiles to be of the prescribed weight and suitable for use in these guns, and to be furnished at a price of not more than 10 cents per pound. They shall be full caliber cast-iron shot and shell, with chilled fronts to the extent that the board think best, and shall have brass or bronze packing rings at the rear, and if the board think best shall have a guide-band of brass or bronze at the front. The conversion of these guns and the procuring of the projectiles therefor shall be done as soon as practicable after the rifling is fully determined upon and the size and number of grooves fixed, provided, in the judgment of the board, it shall then appear desirable to make the conversions of the said specified one hundred guns. Suitable contracts to be made for each of these parts of the work after due advertisement.

For the conversion of one hundred and six guns, their transportation, and the supply and transportation of five thousand three hundred projectiles therefor, including the conversion and test of the three sizes of the trial guns, $225,000, or so much as the board may find necessary of that amount.

SEC. 18. Section 2 of an act making appropriations for fortifications and other works of defense, and for the armament thereof, &c., approved July 5, 1884, is hereby repealed.

No. 2.

An act making appropriations for fortifications and other works of defense, for the armament thereof, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, namely:

SECTION 1. For the protection, preservation, and repair of fortifications and other work of defense, and for the construction of sea walls, $125,000.

SEC. 2. For torpedoes for harbor defense; the purchase of submarine mines and necessary appliances to operate them; for needful casemates, cable galleries, and appliances to render it possible to operate submarine mines; for continuing torpedo experiments and for practical instruction of engineer troops in detail of the service, $100,000.

SEC. 3. For experiments in guns and projectiles for high explosives, including the purchase of guns, projectiles, and targets for such tests as the board hereinafter authorized shall direct, $100,000.

SEC. 4. For the procurement of powders, projectiles, fuses, implements, and materials for the service of heavy guns, for the alteration of seacoast carriages, and for the compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, $200,000.

SEC. 5. For the purchase, manufacture, and erection of the necessary buildings, tools, machinery, and fixtures for a gun factory for the finishing and assembling of heavy ordnance at such arsenal as said board may select, having due regard to proximity of material, approach by rail and water, and security, $500,000.

SEC. 6. To complete the guns now under fabrication by the Ordnance Department, and for testing the same, as follows: One 10-inch breech-loading steel gun, wire-rapped, with longitudinal bars on Woodbridge plan, $20,000; for testing the same, $25,000; one 10-inch breech-loading steel-hooped gun, $20,000; for testing the same, $25,000; one 10-inch breech-loading rifle, cast-iron, wire-rapped, $1,500; for testing the same, $12,000; one 8-inch breech-loading steel-hooped gun, $10,000; for testing the same, $12,000; for testing one 12-inch breech-loading rifle, cast-iron, steel-tubed, $20,000; for testing one 12-inch breech-loading rifle, cast-iron, hooped and tubed with steel on the French system, $20,000; for testing one 12-inch breech-loading mortar, cast-iron, hooped with steel, $12,000.

That the sum of $50,000, or so much thereof as may be necessary, of the unexpended balance of $400,000 appropriated by the act of March 3, 1883, for armament of fortifications, is hereby reappropriated and made available for the construction and payment of the guns authorized by said act, and now being constructed by the South Boston Iron Works, under contracts dated September 24, 1883, and June 30, 1884; and the extension of said contracts is authorized accordingly.

SEC. 7. For the construction of 12-inch rifled mortars, either of cast-iron, steel-hooped, or mortars principally or all of cast-iron, or mortars principally or all of steel, either muzzle-loading or breech-loading, all as the board hereinafter provided shall determine, to fire a projectile weighing not less than 615 pounds, to have a maximum range and an accuracy of fire, if of cast-iron to be equally efficient in all respects to any cast-iron mortars of such size yet tested by the Government; if cast-iron, steel-hooped, or if made principally or all of steel, to be equally efficient in all respects with mortars of the best kind at present made by others of like system, as shown by the published records of like tests. If any have stood the required test, then the board may select and purchase therefrom such mortars of such system as proves most efficient to the extent permitted by this appropriation, cost, effectiveness, and time of delivery being considered, $500,000.

(4) SEC. 8. That the said board is hereby authorized and required to make contracts with responsible steel-manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered forged steel in forms suitable for heavy ordnance adapted to modern warfare, for Army and Navy purposes, in quantity not to exceed 10,000 gross tons, in quality and dimensions conforming to specifications, which shall insure the production beyond reasonable doubt of sound and reliable material possessing the necessary tensile strength, elasticity, and extensibility to adapt it to the construction of guns of high power subject to inspection and tests at each stage of manufacture and including all the parts of each caliber specified: *Provided*, That no money shall be expended except for steel accepted and delivered; and each bidder shall contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and the largest calibers at the expiration of not more than three years from the date of the execution of the contract; and all the forgings shall be of American product and manufactured in the United States; and one-half of the material purchased under this provision shall be for the use of the War Department, and one-half for the use of the Navy Department, in the armament of ships heretofore or hereafter authorized by Congress; and for the purposes of this section the sum of $6,000,000 is hereby appropriated, to be available during six years from the date of the execution of the contract.

SEC. 9. For the manufacture of twenty 12-inch cast-iron rifle guns, about 33 calibers length of bore, and weight not less than 104,000 pounds, not exceeding $520,000; for carriages suitable for the same, and such projectiles as the board may order for these guns, including the proving and transportation of these guns, $480,000. Each gun, before it is accepted, shall be subjected to such test as shall be prescribed by said board, not less in effect than that prescribed by statute of July 5, 1884, section 2, making appropriations for fortifications, and other purposes, and such other test shall be applied as may be ordered by the board or thought necessary to enable it to determine that such guns are equal in all respects to the 12-inch cast-iron rifle made by the South Boston Iron Company, and now at Sandy Hook.

SEC. 10. Whoever shall produce one or more 12-inch breech-loading single-charge rifle guns, of not more than 33 calibers in length of bore, and not more than 104,000 pounds weight, four projectiles of not less than 800 pounds weight each, which guns are to be made principally or wholly of steel, or principally or wholly of cast-iron, each supplied with projectiles, powder implements, ordnance supplies, and including all incidental expenses of such a test as is hereinbefore provided for, shall for each test-gun so provided by him or them which withstands the test prescribed, without such injury as would prevent some continuation of the firing, be paid for the same by direction of said board, if such gun or guns be made principally of steel, at the price of $160,000 each, and if made of cast-iron principally, at the price of $80,000 each, which sums of money are to be accepted as the full prices of the guns and the cost of the tests, but not including the cost of the carriages therefor, which, if furnished by the party providing the gun, shall, if it be found suitable for use with such gun, be paid for at a price of not more than $25,000; but should the carriage for testing any such guns be provided by the Government, it shall be paid for by the party whose gun is tested thereon if the gun shall, by bursting, destroy the same before the gun has been fired to the prescribed test.

In testing the trial guns the Government shall furnish free of charge the use of proving grounds for range and accuracy, the necessary butts for durability, and targets for penetration, and bear all expense of handling and transporting the guns; and for this purpose, and for any further expense of testing such guns, $500,000 is hereby appropriated. The plans of the guns of either kind, the breech-loading mechanism, the system of rifling, the projectiles adapted thereto, and the kind of powder or powder and cases therefor used may be of the kinds heretofore approved by the War and Navy Departments, or may be after original designs or plans and proportions satisfactory to the projector and producer; and the guns furnished by any party, and all the supplies therefor, shall be furnished without any cost to the Government until such guns have endured the prescribed test.

If any gun or guns made principally of steel or principally of cast-iron shall be provided which withstand the prescribed test, all such guns shall, if the producer of the gun desires, be further tested at the expense of the Government, under the joint direction of the party producing such gun or guns and the board, until it is fully determined which of the steel guns are the most durable and serviceable, and which of such cast-iron guns are the most durable and serviceable, and that steel gun so selected, and the cast-iron gun so selected, as the test of its kind, shall be contracted for by the board with the party or parties producing such steel gun and such cast-iron gun.

The contract to be for fifty steel guns at 65 cents per pound, with a carriage suitable for each gun, to be delivered therewith, the price of the carriage to be one-third that of the gun, and some projectiles for each gun, the carriage to be bought of the party who produces the gun, provided he or they will furnish such carriages suitable in all respects for use wherewith. The projectiles to be of such kind as the board shall determine, and shall be furnished by the party who furnishes the service guns, on condition that the board can make satisfactory contract therefor. For purchasing these fifty 12-inch steel rifles, $3,380,000; for carriages therefor, $1,125,000; for proving these guns, transportation of the guns and carriages, and for such projectiles as the board may purchase for use therewith, $500,000.

For thirty cast-iron guns, which shall in like manner have stood the prescribed tests for each gun at the price of not over 25 cents per pound, $780,000; and for thirty suitable carriages therefor, $540,000; for projectiles for these cast-iron guns, to be contracted for by the board under such specifications as they may direct, and for proving these guns and carriages and transportation of the same, $300,000; these carriages and projectiles to be purchased of the party furnishing the said guns if the board can make suitable contract therefor.

The contract for the steel guns or for the cast-iron guns may be increased to sixty, if the Government shall desire. If more than one of either of each kind has been provided and withstands the prescribed test, then the firing shall continue, under the same conditions and under direction of the board and at the cost of the Government, until it is determined unquestionably which of either or each class has the best endurance, and the board shall report with a recommendation what action ought to be taken with regard to the other gun or guns of either or both kinds which have withstood the prescribed test, but have been excelled in endurance under the continued firing.

SEC. 11. For service and experimental seacoast carriages, and testing the same, $150,000.

SEC. 12. The President of the United States shall appoint an advisory board, to consist of the Secretaries of War and Navy, and the General commanding the Army, and two civilians, the civilians to be appointed by and with the advice and consent of the Senate, which board shall make, execute, and supervise all contracts and authorize all payments provided for by this act. The contracts for material procured under this act, except when made at Government shops, except as herein otherwise directed, shall be awarded to the lowest and best responsible bidder, after proper advertisement, and under such conditions and specifications as the board may determine; and the board shall certify that prices under which contracts are awarded are reasonable and just.

The board shall determine, except as otherwise directed, the order and time of delivery of the steel forgings, guns, mortars, and appliances, and all other material, under such checks and rules as it may determine, and have general supervision of all tests necessary to carry out the provisions of this act. The board is further authorized to examine inventions and designs of heavy ordnance, carriages, projectiles, torpedoes, and other defensive appliances which may be submitted to it, and may contract for an 8-inch multicharge gun of such proportions and on such terms as the board may consider for the interest of the Government, and to be tested in such manner and to such extent as the board may direct. For the purpose of carrying out the provisions of this section, $100,000.

SEC. 13. The compensation of the civilian members of the board shall be $7,000 per annum. In the payment of such services and the contingent and necessary expenses of the board $40,000, or so much thereof as may be necessary, is hereby appropriated. No person shall be eligible as a member of this board who has any pecuniary interest, either directly or indirectly, in the material, manufacture, or inventions to be employed in the construction or operation of the defenses herein provided for.

SEC. 14. All the material entering into the construction of the armaments herein provided for shall be of American material and manufacture. The appropriations herein made shall remain available until otherwise ordered by Congress. The board herein provided for shall annually report its operations to the Secretary of War for submission to Congress at the beginning of each session, which report shall state in detail the amount expended under each section of this act and the progress made in carrying out its provisions, with such additional information as the board may deem advisable.

SEC. 20. All tests to which any material or gun shall be subjected shall be determined and published by said board in advance of any such offer of contract for the furnishing of the same, and there shall be no differences in the tests applied to any materials or gun furnished or finished by the Government, and a like material or gun furnished by any private contractor.

No. 3.

Section 1. No change.
Section 2. No change.
Section 4. No change.
Section 5. Substantially the same.
Section 6. No change.
Section 7. No change down to line 12, inclusive, but cuts out the rest of the section and leaves no appropriation for this purpose. Both of these changes are objectionable.

Sections 8 and 9 are both cut out, and new section 8 substituted therefor, which provides for the purchase of 10,000 gross tons of forgings, but only appriates $6,000,000, a sum too small by $2,000,000 or $3,000,000 to pay for the quantity of steel authorized to be purchased. Again, it makes no provision for making this $8,000,000 or $9,000,000 worth of steel into guns. This sum must be doubled to make this steel available as guns when we should have $16,000,000 or $18,000,000 spent for guns without a carriage for one of them.

Add $6,000,000 for this and we then have $22,000,000 to $24,000,000 cost of guns and carriages, without adding anything for the several millions that will be asked for for shops and gun construction plant before this 10,000 tons of steel has been put into guns. After all this is done what have we? Why, guns from 10,000 gross tons of steel which have probably cost for—

| | |
|---|---|
| Steel | $9,000,000 |
| Finishing | 9,000,000 |
| Carriages therefor | 6,000,000 |
| Shops, &c., probably | 3,000,000 |
| Total | 27,000,000 |

Or after making a probable expenditure of even more than this sum.

Why start on this enormous expenditure before a single gun of 10 or 12 inch caliber has been tested on this plan, while both 8-inch guns of the Army and Navy are only partially tested, so far as we are informed, and certainly not sufficient to warrant this large expenditure, and the little the 8-inch gun of the Army has been tested shows that even the one they have made is in a somewhat embryo state? Ten thousand dollars and $12,000 are asked to finish this gun. No more steel for any of these guns should be purchased than is necessary for test guns until they are finished and thoroughly tested and found to be the best known at the time such tests are completed, and no more than there is money appropriated for, not only to pay for steel, but to make it into finished proof-tested guns, and each supplied with a suitable carriage and some projectiles; and even then it becomes a grave question whether all the guns then desired should not be purchased in open market, which will certainly give better guns in less time, and at much less expense.

House section 10 is made by Senate section 11.

Section 11. Change to section 9 (their number). Senate cuts out lines 9 to 12, inclusive, to word "projectiles."

The change is not desirable. This gun at Sandy Hook was carefully made, and the test of it should be completed. The provisions in the House bill for testing these guns and proving them to the extent the board may desire seem ample, and leave the board free to apply the Senate-bill test if it should deem such test advisable.

But it does not seem desirable to go to the expense of wearing out service-guns to find by the test of each one if it is good for endurance. These twenty 12-inch rifles are cheap guns, and not expected to have very great endurance, but will doubtless stand all the work of battle they will ever have to endure.

House section 12 is by Senate made section 10.

The Senate bill cuts out the "test of two hundred rounds," provided in lines 9 and 10, and substitutes "such test as is hereinbefore" prescribed. No test is thereinbefore provided, except the battle test is referred to in section 11 (their 9).

Changes also lines 27 and 28 by striking out the words "two hundred rounds" and insert "to the prescribed test," meaning the Senate test instead of the prescribed test of the House bill. They cut out also lines 28 to word "second," inclusive, in line 43, which is very objectionable, as the test there prescribed is exeedingly desirable, and the guns should not be paid for if they do not endure it. They also cut out the words, in lines 49 and 50, "after they have been fired the two hundred rounds prescribed." This should remain. The Senate cuts out all after the word "test," in line 60, page 10, to line 84, inclusive, page 11.

This leaves out the necessary and desirable twenty rounds rapid-firing test with the standard weight and velocity of the projectile, also further endurance test to be made under the direction of the producer and the board.

The great difference primarily between the Senate and House bills, as regards this whole section, is, first, the Senate substitute their wholly inadequate, undefined, and uncertain "battle test" of section 2, act of July 5, 1884, for the endurance and rapid-firing tests of the House bill, both of which are severe, and sufficient, are determinate, clear, and well defined, both as to weight and velocity of projectile, rapidity of firing, the endurance of the gun, and the condition it must be in after the test, as well as the amount of repairs allowed to be put upon it during these tests.

It is not to be supposed that men able to put up the works to build the test-guns and supply the service-guns are going to do it without knowing their guns will be selected, if after it should be selected they can have no certain and well-defined tests as proofs to go by. In the Senate bill they ask for precisely the same test for the twenty cast-iron service guns and the fifty steel guns and the thirty cast-iron guns that they do for the trial of the test guns to be put in competition. Now, if this battle test is not too severe for service guns it is insufficient for test guns.

Service guns should not be injured more by their proof tests than the ordinary wear and tear, but should be fired five to ten rounds, part of them rapidly, to see if all the breech mechanism, loading apparatus, &c., is working smoothly and properly, while test guns should be put to such severe tests as may seriously disable or destroy them, unless they prove well able to bear heavy work and a great deal of it; or, in other words, the test gun should be put to such an amount of and severity of tests as would pretty well wear out the service gun.

It would thus appear that by the Senate bill the trial guns will have to be paid for without having to be put to severe test, but are to be put to unknown and not well-defined tests, and the service guns are likewise to be put to unknown and undetermined tests. Both of those conditions are unjust to the Government and unjust and unsatisfactory to the producer of the gun, and are not likely to produce the gun we need.

Section 13 is changed to section 12, and the board of defense is changed to an advisory board. What is needed is a board not to advise so much as a board with power and wisdom to perform. There has been a very great amount of advice but very little performance already.

The Senate inserts, in line 10, after the word "lowest," the words "and best." It is difficult to see how they can well leave the "lowest responsible bidder" and give the work to some other party without some well-defined and substantial reason therefor, which it would be difficult to define in law. To give them this authority would place them in a very unpleasant position, and one in which they would be likely to be the subject of scandal, if they did not give the contract to the lowest responsible bidder.

Section 14 Senate makes section 13, and section 15 they make No. 14.

Section 16 of House bill is left out and nothing put in its place. In this case the presentation of test guns may be interminable, and a long time elapse before contracts could be given, and as new guns may be offered repeatedly for test before the testing of the others is fully completed, and then they must be tested or there may be serious and well founded complaint. The last comer certainly has the best opportunity to bring the best gun, and if he do so in the absence of a fixed time for receiving test guns, there would be just grounds for complaint unless his gun is also tested. The provision made in this section for extending the time may be very essential, as good guns may be made, but none of the desired qualities may be offered as early as January 1, 1891. The observance of all these tests by parties furnishing test guns is of great help to the producers of the guns, to school them in all the details and experience of this business is the testing process, and will certainly help them in their search for better methods.

Section 17 the Senate strikes out. They are willing to start on the wasteful system provided in their section 9, but seem unwilling to give the board authority to spend the modest sum of $225,000, by which they may be able in two or three years to convert one hundred now useless guns into serviceable guns supplied with fifty rounds of projectiles each. These guns could partly, or wholly if necessary, be ready for service during the second year, while from four to six years must elapse before much, if any, of the steel provided by section 8 could be put in service guns if it is not done until the trial guns on this system are made and properly tested.

Senate strikes out section 18. This law provides an uncertain, poorly defined, and indeterminate system of tests, which may well be dispensed with. As already remarked, it is either much too severe for service guns or else wholly insufficient for test guns, and do not define any difference of tests for the two classes of guns.

The law should be repealed and the test provided in the House bill should be enforced. It is severe on the test guns, very severe, but probably not too much so. It will weed out all but very strong serviceable guns, while the proof tests proposed for service guns are sufficient to insure the proper working of the gun.

Mr. BUTTERWORTH. Mr. Speaker, it is proper to say, touching the report which has just been handed in by the gentlemen from Pennsylvania, that I think it not at all improbable that if the committees of the two Houses had addressed themselves to this work at an earlier date, a satisfactory conclusion to the two Houses, as well as to the country, might have been reached. I think that the failure to agree was largely due to the delay in beginning the work on the bill, and to the necessary interruptions of the work by the pressure of other legislative duties after the conference assembled.

It is true that we have labored diligently and untiringly for some days to reach a satisfactory agreement, but my honorable colleague on the committee, the chairman, as well as the Senate committee, were constantly called away for conferences touching other appropriation bills, and hence the full and fair consideration that we might otherwise have given to it we were unable to bestow upon the subject committed to us.

It is true, as the honorable chairman of the subcommittee of the House suggested, that there were radical differences touching the two bodies. It has been suggested by the honorable chairman of the conference on the part of the House that I should call attention to the differences between the Senate conferees and the House, or a majority of the House conferees, but I do not care to go into that subject now, as it would consume more time than is at our disposal at this period of the session. I can only say that I regret exceedingly this Congress must now adjourn without having enacted any provisions for taking at least one step in the direction of adequate coast defenses.

The difference, I may say in brief, between the two bodies related in a measure to the method of securing heavy ordnance, each chairman of the conference committee having decided views as to some practical way of reaching a satisfactory result. But, I repeat, the failure to agree upon a report, or rather a bill, which would have been satisfactory, and secure to the country, at least in a measure, such defenses as would serve all temporary purposes and make such provision for building the defenses as would have been satisfactory to the committee arose from the late date of beginning the conference. Under present circumstances at best a number of years must be consumed before any satisfactory progress is made in the matter of securing heavy ordnance.

Mr. CUTCHEON. Let me ask the gentleman a question. I understand him to say that if the conferees had had more time allowed them they would have been enabled to arrive at a satisfactory result?

Mr. BUTTERWORTH. I did not say that. But I did say that it was probable we might have done so had we commenced earlier.

Mr. CUTCHEON. Now, as this bill has been in conference since last July, will the gentleman be kind enough to tell us about how long it would have taken?

Mr. BUTTERWORTH. I called the attention of my friend from Michigan when I first arose to speak to this matter that we only met recently, and by reason of important legislative events precipitated at each end of the Capitol the conferees of both Houses were unable to devote as much time as was required to the consideration of this question.

I desired, as one of the conferees, to reach some result even though that was not the best result; and I deemed it wise that we should try to get together, each yielding to some extent, that the country might have something. But the differences were too radical to enable the conferees of the House and of the Senate to come together in the short time that we have had; because constantly members of the conference committee have been called away to meet with other conference committees in regard to appropriation bills which it would not do to postpone.

Mr. BURLEIGH. May I ask the gentleman a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. BURLEIGH. Did not the Senate conferees agree, the Democrat and the two Republicans?

Mr. RANDALL. No, sir.

Mr. BUTTERWORTH. I think not. While the minority of the Senate committee, if I may so speak, partly agreed with the conferees on the part of the House, and in part agreed with his colleagues of the Senate, they were not able in general to unite.

Mr. VIELE. Did not the differences come down to one single point; that is, how the material was to be tested by the board?

Mr. BUTTERWORTH. I think one of the main differences was as to testing the guns as they were produced.

Mr. VIELE. Would not that be the duty of scientific officers?

Mr. BUTTERWORTH. Undoubtedly, but the question was how there could be a proper testing unless in the procuring of ordnance there was competition. In other words, the point was how best to draw on the resources of the Army and the Navy and the genius of this country to secure the best possible arm for coast defenses. I am giving the view of the majority of the conferees on the part of the House as to how those guns should be tested and the manner of entering into a contract. That was the main difference. The idea was, if my honorable friend from Pennsylvania [Mr. RANDALL] will permit me to speak for him, that if suitable competition was invited the man producing the guns must in the nature of things produce the plant. If he produced guns at all and they came up to the test a large number were to be ordered.

Mr. REED. Did you ask a man to risk a million dollars on the chance of getting an order?

Mr. BUTTERWORTH. It was understood there were firms in the United States that were willing to enter into competition to produce a gun of steel or iron, or of steel and iron, that would come up to the standard of the best gun ever produced in the world; the idea being to fix the minimum test with authority in the board to have such other additional tests as they might think required.

Mr. VIELE. Would it not require the expenditure of a million of dollars for a man to get $50,000 back?

Mr. RANDALL. We were quite willing to give a million dollars to assemble the guns.

Mr. BUTTERWORTH. As I understood it, in the matter of this competition abundant funds were to be appropriated for the purpose of giving whoever might enter the field of competition abundance of assurance that if they produced a gun which came up to the minimum test they would in no event lose anything, but the gun would be purchased or paid for.

Mr. VIELE. But yet if they produced steel which was shown to be good steel they would not get the order?

Mr. RANDALL. Yes, they would.

Mr. BUTTERWORTH. The idea, I understood, was this. The gun was to be assembled, mounted, and completed by the Government. An appropriation was contemplated for that purpose. An order was to be given to the parties producing the steel in case the steel met the required test, and in the premium to be offered in case it was produced the element of time as well as quality entered into and was a factor in the field of competition, the committee being assured that there would be no trouble so far as competition was concerned about feeling assured that guns which would meet every requirement would be produced.

Mr. REED. What was the proposition to be made to the manufacturers of steel?

Mr. BUTTERWORTH. The proposition, as I understand it, and as it is embodied in the bill—the gentleman will correct me if I am wrong, and possibly I am usurping his province a little in giving an account of this matter—the proposition, as I understand it, was that an advertisement was to be inserted in the papers inviting competitive bids for the production of iron guns, guns made of cast-iron, or partly of cast-iron and partly of steel, or wholly of steel, and the gun which proved most efficient, which developed greatest power and endurance; in other words, the gun which ranked highest as an effective piece of ordnance, was to be bought, and an order given for an additional number.

Mr. REED. In other words, the iron gun-foundry which required no additional expenditure for plant, could produce a gun to compete, while the steel manufactories, which would require an expenditure of $2,000,000 for additional plant, could not afford to enter into the competition, and the result would be that we should have miserable iron guns, such as have been discarded by every civilized nation on the earth, and there would be no opportunity to make the only gun that is fit for use at this time.

Mr. BUTTERWORTH. My friend is entirely in error.

Mr. REED. Not in the least.

Mr. BUTTERWORTH. He is; and the proposition is as far from what my friend suggests as Dives from the courts of Heaven. [Laughter.] The fact is that the field was opened to both the steel and the iron manufacturers, and they would in no way interfere with each other or enter into competition with each other.

Mr. REED. But the makers of the steel gun would have to expend $2,000,000 before they could make a gun—such a gun as is acknowledged by all competent scientific men to be suitable for the requirements of modern warfare.

Mr. BUTTERWORTH. Undoubtedly, if the iron gun proved to be better than any steel gun, we would take the iron gun.

Mr. REED. But nobody could by any possibility produce a steel gun in this country without a preliminary expenditure of $2,000,000 on the chance of getting a Government order afterwards; so the only people that could make a decent gun were excluded, and all these trumpery iron-gun people were allowed full and free opportunity to compete; and that these gentlemen call attending to the interests of the country. [Applause.]

Mr. BUTTERWORTH. I have not yielded the floor, Mr. Speaker. The gentleman from Maine [Mr. REED] has not come near the truth, and there is not a fragment of truth in what he has said. [Laughter and applause.]

A MEMBER (on the Democratic side). A family fight!

Mr. BUTTERWORTH. No, it is not a family fight; but I want to be treated fairly in this matter. The fact is, that the field of competition was opened freely to all, and I assure my friend [Mr. REED] again that it is open under this proposition to the makers of both iron and steel guns.

Now, I say again to my friend that I think the differences between the two Houses might have reached a satisfactory settlement. While I did not agree in full with the majority of the House conferees, I did not altogether agree with the majority of the Senate conferees either; for I thought the whole field should be thrown open as fully as possible, as has been done in every other civilized country, and my friend is entirely in error if he supposes that there was the slightest idea or purpose to narrow the competition so far as the manufacturers of steel guns were concerned. On the contrary, I think the majority of the committees believed, and so said, that the gun of the future would be the steel gun and not the iron gun. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman had an hour when he began. [Laughter.]

Mr. RANDALL. I suggest that the gentleman yield for the presentation of the conference report on the deficiency bill.

Mr. REED. I should like to have about five minutes on this subject. I do not want any more than that.

Mr. BUTTERWORTH. I yield now to the gentleman from Missouri [Mr. BURNES] who, I understand, is ready to present the conference report on the deficiency bill.

## DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. Mr. Speaker, we have not had time to prepare a formal report, but I am instructed by the conferees to say to the House that after a rapid but earnest conference we have agreed upon the general deficiency bill, and the report is now being put in shape by the clerks. I apprehend, however, that that formal report will not be in time to be presented in the House.

We have agreed, and I believe the measure as agreed upon will, if the report should come here in time, be satisfactory to the House and to all parties. I fear, however, that there will not be time to have the bill enrolled.

I desire to call attention to the fact that the "urgent deficiency bill" is in the Senate; and we have some hope that it may be called up and passed. Beyond this, I can say nothing. If there were time to consider the report, I think the House would be gratified to observe the provisions which have been retained in the bill.

Mr. TOWNSHEND. How much has been the increase on the part of the Senate?

Mr. BURNES. We have not had time to make any computations of that sort.

Mr. MCCOMAS. I desire to say that the conference committee upon this bill, although fearing that the bill could not be finished in time to be sent to the President, and although informed that he would not come to the Capitol, proceeded nevertheless with the conference and agreed upon a report. We were then informed that the President was about to come to the Capitol. As my colleague on the committee [Mr. BURNES] has stated, the report is being made out but can hardly get in here in time. The fact, however, remains that an agreement was reached, though the want of time to engross the bill and place it in the hands of the President must now cause its failure.

The SPEAKER. The Chair understands that the President is now in the Capitol.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a resolution providing that two Senators be appointed by the Chair to join a similar committee to be appointed on the part of the House of Representatives to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session, and are ready to adjourn, unless the President has some further communication to make to them; and that Mr. SHERMAN and Mr. SAULSBURY had been appointed the committee on the part of the Senate.

FORTIFICATION APPROPRIATION BILL.

Mr. BUTTERWORTH. I yield five minutes to my friend from Maine [Mr. REED].

Mr. REED. Mr. Speaker, I feel so earnestly on this subject that, in spite of the disadvantage of speaking against gentlemen who have had almost unlimited time, while I am confined to five minutes, I desire to say a few words in regard to this fortification bill.

It is the bill of the last session. There has been ample time and opportunity to mature some reasonable plan. It is a well-established fact that the gun to be built, the best gun, the one adopted by every nation in Europe that has ever gone into this subject exhaustively, is the built-up steel gun. Such a gun being demonstrated as the suitable one for us to build, the question becomes merely one of mechanical execution. What are the difficulties in the way? The one great difficulty is that, even to make the material out of which the gun can be built, it would be necessary for the best steel works of the United States to expend $1,200,000 for plant before a single ounce of gun-metal could be melted. If we should require the same steel works to make the whole gun, to put it together, I venture to say that two and a half million dollars of outlay would be necessary before a single gun could be built; while a cast-iron gun, such as has been discarded by every other nation, discarded by our own officers, which is not suitable to be thought of, you can build in the foundries existing to-day. You then have a gun that will not send one-quarter of the distance that a built-up steel gun will.

You purposed to issue proposals (that was part of the plan) for whole guns. What did that mean? That would bring into competition with the steel gun, which would cost two and a half millions of outlay before it could be commenced, these other guns which can be cast now in the foundries already existing. What would be the effect? Simply that these iron guns, these bursted guns, would undertake to compete with such guns as I have described.

I take this occasion, even in the closing hours of the session, to attract if possible the attention of members to the true situation of this affair and to beg that they will not allow themselves to be led away from the plain path of duty—the very simple business of purchasing materials and building guns which are well established to be the best guns that we can now build. If hereafter any better guns should be found, we can manage to build them. But our duty to-day is so clear that it ought not to be obscured by these efforts which mean in their essence to do nothing. That is the matter to which I want to call the attention of the House.

[Here the hammer fell.]

REPORTS OF COMMITTEES.

The SPEAKER. The Chair has been requested by a number of gentleman on the floor to ask unanimous consent that members of committees who have reports be allowed to present them at the Clerk's desk.

Objection was made.

FORTIFICATION APPROPRIATION BILL.

Mr. RANDALL. I desire to occupy only a minute or two. The House conferees were ready and willing to expend six millions of money in the purchase of steel for built-up steel guns; but they exacted the requirement that before the Government should be involved in an expenditure, which would ultimately be more than $30,000, these steel tubes should be tested by fire and not by a mere piece of the steel. In other words, the House conferees were ready to have an 8-inch, a 10-inch, or a 12-inch gun capable of discharging an 800-pound projectile with a velocity of 2,000 feet to the second; but they were not willing to buy $6,000,000 worth of steel, and after spending this money to have no gun at all. But that is about the condition.

I wish to say a word more. I do not believe the manufacturers of steel would have objected in any particular to the arrangement proposed in the bill which the House conferees support.

DEFICIENCY BILL.

Mr. BUTTERWORTH. I yield to the gentleman from Missouri [Mr. BURNES] to present the deficiency bill report.

Mr. BURNES. I ask the House to accept this report, informal as it is. I can only state of the items sent us by the Senate two are still in the bill. The claims of the Pacific railroads, the judgment of the Choctaw Nation, and other things deemed offensive to a portion of the committee have been left out. We appropriate in this bill for finishing the four steel cruisers.

The SPEAKER. Is there objection to the request made by the gentleman from Missouri? [After a pause]. There is none; and the report is agreed to.

FORTIFICATION BILL.

Mr. BUTTERWORTH. I wish to say, Mr. Speaker, that I have not sought in the slightest degree to excuse anybody for this long detail. The gentleman knows as well as I do that I have urged with all my might, in season and out of season, the provision it made for fortifying the coast and providing such ordnance as may be necessary for that purpose.

It is fair to believe the method suggested to the Senate conferees and the House conferees in the matter of competition was wise. I believe it was well to have tests, and I do not know anything in the way, so far as I am advised, of securing guns at an early day if we adopt the plan of competition.

I have only to say in conclusion it is with great regret on my part we had not accomplished what we all know we ought to have secured.

Mr. BURLEIGH. Let me ask the gentleman from Ohio whether if Frankford had been put into the bill there would have been any difficulty about it?

Mr. RANDALL. I resisted it.

Mr. BUTTERWORTH. The conferees of the two Houses agreed that the parts of the guns should be assembled at such points as the conferees had selected.

Mr. BURLEIGH. When that was agreed upon they adjourned from day to day, so that no agreement could be had.

Mr. RANDALL. I never favored Frankford. You know it as well as anybody.

Mr. BUTTERWORTH rose.

Mr. RANDALL. You know it as well as the gentleman from Ohio.

Mr. BURLEIGH. The gentleman from Pennsylvania dominated this whole conference committee.

Mr. RANDALL. Nonsense.

Mr. BUTTERWORTH. I do not know. I was the junior member of the committee.

Mr. BURLEIGH. The gentleman dominated the committee of conference just as much as Bismarck dominated the Reichstag.

Mr. BUTTERWORTH. I am only saying what came under my own observation. I now move the previous question—no, I will yield the floor to the gentleman from Pennsylvania.

Mr. RANDALL. Mr. Speaker, I wish to say in reply to the insinuation of the gentlemen from New York—and I appeal to my colleagues on the committee to substantiate my statement—that I never favored Frankford at all.

Mr. REED. There is no appropriation for artillery and fortification, and you were at the head of the committee.

Mr. RANDALL. I was not. I now demand the previous question.

The previous question was ordered; and under the operation thereof the conference report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FILED.

By unanimous consent leave to file reports was granted as follows:

To Mr. BROWN, of Pennsylvania, a report directed by the Committee on Public Buildings and Grounds; and

To Mr. PERKINS, two reports from the Committee on Indian Affairs, on Senate bill 2676 and House bill 746.

LEAVE TO PRINT.

By unanimous consent leave to print in the RECORD was granted as follows:

To Mr. DIBBLE, remarks on House bill 856; and

To Mr. WILSON, a brief statement explanatory of the District of Columbia appropriation bill.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to withdraw from the files of the House papers in the following cases:

To Mr. REED, papers on file in the case of Thomas S. Hopkins, there being no adverse report.

To Mr. HOUK, to withdraw the discharge of Rufus Fisher, a soldier, filed in his claim for pension, there being no adverse report.

To Mr. MORROW, to withdraw papers relating to the claim of Joseph D. Redding, for legal services in California.

To Mr. PETTIBONE, to withdraw papers filed in the case of William L. Henry; and

To Mr. CUTCHEON, papers filed in support of House bill 5750, there being no adverse report.

PRESIDENTIAL APPROVALS.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced the approval of the following acts and joint resolutions:

The President on the 3d March, 1887, approved bills and joint resolutions of the following titles:

Joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit;

An act (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes;

An act (H. R. 10802) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States;

An act (H. R. 3365) for the relief of the heirs or legal representatives of Samuel H. Moer;

An act (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;

An act (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes;

An act (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes;

An act (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points;

An act (H. R. 5935) to remove the charge of desertion against William Figley.

An act (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein.

An act (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas;

An act (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season;

An act (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888;

An act (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 5629) granting a pension to Thomas G. Polley;

An act (H. R. 7971) granting a pension to Mary Wood;

An act (H. R. 8205) granting a pension to J. W. Gooding;

An act (H. R. 8469) granting a pension to John Moran;

An act (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes;

An act (H. R. 8486) granting a pension to Rebecca Morris;

An act (H. R. 8720) granting a pension to William B. Eve;

An act (H. R. 8818) granting a pension to Frederick Dierking;

An act (H. R. 9863) granting a pension to Mary McCoy;

An act (H. R. 10021) granting a pension to Mrs. Mary Lathrop;

An act (H. R. 6712) granting a pension to William N. Canady;

An act (H. R. 11199) granting a pension to Thomas B. Nalle;

An act (H. R. 6423) for the relief of Mary Kaylor;

An act (H. R. 10799) for the relief of St. Dominic's church, in the District of Columbia;

An act (H. R. 10991) to quiet title to certain land in the city of Washington, D. C.;

An act (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown;

An act (H. R. 8346) authorizing the employment of mail-messengers in the postal service;

An act (H. R. 10470) granting a pension to Mrs. S. C. Goodin;

An act (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains;

An act (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria;

An act (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building, for more suitable property;

An act (H. R. 6637) relating to contested elections;

An act (H. R. 3230) to restrict the ownership of real estate in the Territories to American citizens, &c.;

An act (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes;

An act (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y.;

An act (H. R. 6656) for the relief of Mary Tarbell;

An act (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him;

An act (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes;

An act (H. R. 118) for the relief of J. M. Hobbs;

An act (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri;

Joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States;

An act (H. R. 8826) granting a pension to Mary M. Thompson;

An act (H. R. 8829) granting a pension to Jacob Teits;

An act (H. R. 1903) granting a pension to Henry Canode;

An act (H. R. 5927) for the relief of Louisa Kearney;

An act (H. R. 8355) for the relief of Sarah A. Jones;

An act (H. R. 6732) for the relief of General Speed S. Fry;

An act (H. R. 8599) providing an additional circuit judge in the second judicial circuit, and for other purposes;

Joint resolution (H. Res. 263) providing for printing the eulogies delivered in Congress upon the late Abraham Dowdney, John Arnot, jr., Lewis Beach, William T. Price, William H. Cole, and Austin F. Pike;

An act (H. R. 6918) to increase the pension of Lewis M. Strong;

An act (H. R. 3963) granting a pension to Henry P. Reed;

An act (H. R. 8593) for the repair and preservation of the road, heretofore constructed by the Government, leading from Vicksburg to the national cemetery adjacent thereto;

An act (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

An act (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River;

An act (H. R. 8798) granting a pension to Thomas J. Hays;

An act (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

An act (H. R. 1710) for the relief of T. J. Payne;

An act (H. R. 7176) for the relief of Isaac Crawford;

An act (H. R. 5056) for the relief of George Lemon;

An act (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana;

An act (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River;

Joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey;

An act (H. R. 6663) for the relief of Thomas P. Westmoreland;

An act (H. R. 8591) directing the Secretary of War to cause the name of Fred B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes;

An act (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry;

An act (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay;

An act (H. R. 9248) to increase the pension of Richard Foreman;

An act (H. R. 9928) granting a pension to Moses Williams;

An act (H. R. 6162) granting a pension to Joseph Potter;

An act (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane and State of Illinois, a small island in Fox River, located within the limits of said city;

An act (H. R. 6823) granting a pension to Peter P. Hoffman;

An act (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 10050) to increase the pension of Capt. Frank Bell;

An act (H. R. 5171) granting a pension to Missouri Anderson;

An act (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased;

An act (H. R. 9143) granting a pension to Dr. Sabin Stocking;

An act (H. R. 9401) granting an increasing of pension to H. H. Dodd;

An act (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker;

An act (H. R. 7952) granting a pension to Mary Parrott;

An act (H. R. 752) granting a pension to James Smithpeter;

An act (H. R. 10262) granting a pension to Lawrence O'Conner;

An act (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;

An act (H. R. 2358) granting a pension to Mary Renfro;

An act (H. R. 6937) for the relief of George D. Paul;

An act (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands;

An act (H. R. 8620) granting relief to Henry Durkee;

An act (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener;

An act (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes;

An act (H. R. 8751) for the relief of Samuel F. Price;

Joint resolution (H. Res. 264) providing for printing the annual report of the Commissioner of Labor;

An act (H. R. 6974) to provide for the bringing of suits against the Government of the United States;

An act (H. R. 2441) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, and to further regulate the jurisdiction of circuit courts of the United States, and for other purposes."

An act (H. R. 9818) relative to the Minneapolis Industrial Exposition to be held annually in the city of Minneapolis, State of Minnesota;

Joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States;

An act (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888;

An act (H. R. 899) for the relief of A. S. Bloom;

An act (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 6066) to authorize the sale of the United States barracks property in the city of Newport, Ky., and the purchase of a new site and the erection of a building thereon;

An act (H. R. 9469) relating to arrears of taxes in the District of Columbia;

An act (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes;

An act (H. R. 11063) extending the charter of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia;

An act (H. R. 10790) authorizing the President to return the Twiggs swords;

Joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887;

An act (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States;

An act (H. R. 834) for the relief of John A. London;

An act (11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes;

An act (H. R. 821) for the relief of Samuel M. Gaines;

An act (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor;

An act (H. R. 4476) for the relief of Alexander Worrall;

An act (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.;

An act (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridge, across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi;

An act (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.;

An act (H. R. 9905) for the relief of William C. Spencer;

Joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition;

An act (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.;

An act (H. R. 2629) for the relief of William M. Morrison;

An act (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected.

ENROLLED BILL SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. MORRISON. Mr. Speaker, the committee appointed to wait upon the President beg leave to report that they have performed that duty, and that the President has no further communication to make to Congress.

ADJOURNMENT.

The SPEAKER. Gentlemen of the House of Representatives: The time for the final adjournment of the Forty-ninth Congress has arrived, and I will not detain you a moment longer than is necessary to return my sincere acknowledgments for the uniform and valuable assistance you have rendered every proper effort to preserve order, and to facilitate the transaction of the public business.

I thank you also, gentlemen, for the resolution passed this morning, and for the many evidences of friendship exhibited during our personal and official intercourse as members of this House; and sincerely wishing each and every one of you a happy reunion with his family and his friends, I now declare this House adjourned *sine die*. [Prolonged applause.]

---

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Resolution of the General Assembly of Illinois, concerning swamp lands—to the Committee on the Public Lands.

By Mr. BALLENTINE: Petition of Mrs. Jane Moore, of Giles County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. BAYNE: Petition of citizens of Pennsylvania, for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. BRUMM: Petition of William L. Yoder and 60 others, citizens of Pennsylvania, asking for the redemption of trade-dollars—to the Committee on Banking and Currency.

By Mr. BUNNELL: Memorial of State Grange, Patrons of Husbandry, of Pennsylvania, against the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. BUCHANAN: Petition of the gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. CANDLER: Petition of Nancy E. Addington and of Thomas A. Cantrell, of Georgia, asking reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DINGLEY: Petition of Edmund B. Clayton Post, Grand Army of the Republic, of Strong, Me., in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. FORAN: Petition of citizens of Cleveland, Ohio, praying for certain amendments to section 3893 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Women's Christian Temperance Union of Brush Creek, Iowa, for the passage of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. GILFILLAN: Memorial of the Legislature of Minnesota, for an appropriation of $25,000 for a survey for a canal connecting Lake Superior with the Saint Croix River—to the Committee on Rivers and Harbors.

By Mr. GROUT: Petition of the mayor and council of Socorro, N. Mex., relating to House bill 9985—to the Committee on the Public Lands.

By Mr. HERMANN: Memorial of people in Morrow County, Oregon, for forfeiture of the land grant to the Northern Pacific Railroad—to the same committee.

By Mr. JACKSON: Petition of the Lawrence County, Pennsylvania, Grange, against the repeal of law taxing oleomargarine—to the Committee on Agriculture.

By Mr. STORM: Petition of Lewis Robacker, for a pension—to the Committee on Invalid Pensions.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, asking for an appropriation of $25,000 for the purpose of making a scientific survey for a canal connecting Lake Superior with the Saint Croix River—to the Committee on Rivers and Harbors.

By Mr. ZACH. TAYLOR: Resolutions of the mercantile exchanges of Memphis, Tenn., in regard to the weather bureau—to the Committee on Military Affairs.

Also, petition of S. Bagnall, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. VOORHEES: Petition of J. W. Hull and others, of Washington Territory, for the passage of a law to enable school district No. 11, Garfield County, Washington Territory, to borrow money to build a school-house—to the Committee on the Territories.

Also, three petitions of citizens of Washington Territory, for the passage of a law validating certain acts of the Legislative Assembly of Washington Territory—to the same committee.

By Mr. MILO WHITE: Memorial of the Legislature of Minnesota, favoring an appropriation of $25,000 for a survey for a canal to connect the Mississippi River with Lake Superior via the Saint Croix River—to the Committee on Rivers and Harbors.

By Mr. WILKINS: Petition of John Osborne, of Linton Mills; and of William F. Park, of Avondale, Ohio, in favor of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

The following petitions and resolutions for the passage of the dependent relative pension bill, notwithstanding the President's veto, were severally referred to the Committee on Invalid Pensions:

By Mr. GROUT: Resolutions of Sherman Post, Grand Army of the Republic, of Vermont.

By Mr. HALL: Of McFarland Post, Grand Army of the Republic, of Mount Pleasant, Iowa.

By Mr. D. B. HENDERSON: Of E. C. Little Post, No. 54, of Independence, Iowa.

By Mr. PERKINS: Of Erie Post, of Wilmington Post, of Altoona Post, of Hallowell Post, and of Federal Post, Grand Army of the Republic, of Kansas.

By Mr. STEPHENSON: Of Charles Sunser and 11 others, citizens of Pensaukee, Wis.

By Mr. STRAIT: Of McPherson Post, No. 17, Grand Army of the Republic, of Minnesota.

By Mr. E. B. TAYLOR: Of Haskell Post, Grand Army of the Republic, of Ohio.

---

The following petitions, asking legislation to secure rights to certain heirs-at-law and descendants and patentees claiming lands on and adjoining Manhattan Island, New York, under patents made in 1666 and 1667 by Richard Nichols, then governor of the Colony of New York, were severally referred to the Committee on the Public Lands:

By Mr. FLEEGER: Of citizens of the twenty-sixth district of Pennsylvania.

By Mr. F. A. JOHNSON: Of 43 citizens of Essex County, New York.

---

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BAYNE: Of 419 citizens of McKeesport, Pa.

By Mr. BOUTELLE: Petition of citizens of Oldtown, Me.

By Mr. EVANS: Of 101 citizens of Conshohocken, Pa.

By Mr. GROUT: Petition of Rev. E. W. Whitney and others, citizens of Brattleborough, Vt., and of 46 citizens of Wardsborough, Vt.

By Mr. HIRES: Of 342 citizens of Millville, N. J.

By Mr. LINDSLEY: Of 92 citizens of Ellenville, N. Y.

By Mr. LONG: Of 46 citizens of Middleborough, Mass.

By Mr. PARKER: Of 44 citizens of Gouvernour, N. Y.

By Mr. PAYNE: Of citizens of Huron, N. J.

By Mr. E. B. TAYLOR: Of 105 citizens of Madison, Ohio.

By Mr. VOORHEES: Of the Methodist church and citizens of La Conner, Wash.

# APPENDIX.

# APPENDIX

TO THE

# CONGRESSIONAL RECORD.

**Let Federal Courts Discharge Bankrupts, but State Courts Administer Their Estates.**

## SPEECH

OF

## HON. GEORGE E. SENEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, December* 9, 1886,

On the bills (H. R. 1119) and (H. R. 5369) to establish a uniform system of bankruptcy throughout the United States.

Mr. SENEY said:

Mr. SPEAKER: Two bills proposing to establish a uniform system of bankruptcy are upon our calendar. One (H. R. 1119) was introduced by the honorable gentleman from Massachusetts [Mr. COLLINS]; the other (H. R. 5369) by myself. Both bills were referred to the Committee on the Judiciary. A favorable report was made on the former, and an adverse report on the latter. Regarding the bill which I had the honor to introduce as the best measure, I shall, at the proper time, offer it to the House as a substitute for the bill introduced by my friend from Massachusetts.

We have had three bankrupt laws. The first one was enacted in 1800, the second in 1841, and the third in 1867.

The reasons for enacting the first law are given by Mr. Hildreth in his United States history, in these words:

> The numerous insolvencies produced by the rage of land speculation, and by the uncertainties of commerce, aggravated as they had been by the conduct of the belligerents, had made evident the necessity of laws for the discharge of insolvent debtors.

The bankrupt law of 1841 was passed to relieve those whom the hard times, from 1836 to 1841, had made hopelessly insolvent. Four years of war among our own people made necessary the bankrupt law of 1867. It is to be remarked that each one of these laws was short-lived. The law of 1800 was in force three years; the law of 1841 two years, and the law of 1867 eleven years. There was an interval between the first and second law of thirty-eight years, and between the second and third law of twenty-four years, and it is now eight years since the repeal of the last law. Thus, it will be seen that during the past eighty-five years a bankrupt law has been in force sixteen years. In other words, near one-fifth of the entire time since the Government began we have had a bankrupt law.

These facts show plainly that our lawmakers in the past believed in a bankrupt law only as a periodical necessity. The three laws they made, it will be noticed, followed immediately after periods of great financial distress. They were repealed as soon as it became apparent that the country was financially prosperous. Three times enacting and three times repealing bankrupt laws within a period of less than eighty years ought to leave no one in doubt as to the legislative policy respecting the subject of bankruptcies. Heretofore the friends of a bankruptcy system were content with a temporary law. Now they demand the passage of a permanent law.

### OUGHT WE TO PASS A BANKRUPT LAW?

The country is reasonably prosperous. A bankrupt law, such as we have had, will not better its condition, or the condition of the people.

When the late bankrupt law was repealed the country enjoyed a very high degree of prosperity, unequaled, perhaps, in its history. Since the repeal of that law nothing has occurred to make a similar law a necessity. Every State has its own insolvent laws under which both debtor and creditor find relief. While a debtor can not be discharged from his debts by State law, yet, in every other respect it is believed that State laws do for debtors and their creditors better than can be done by Congress in any law it can enact.

As far as my information extends, no debtor asks Congress to establish a bankruptcy system modeled after either of the systems heretofore in force. The appeals for such a system come from the creditor class. In the last Congress the creditor class clamored for this system. The same class importune this Congress to re-enact, substantially, the system established by the law of 1867. No one believes this is done for the benefit of debtors. Far from it. Creditors are taking care of themselves, or at least they so believe. Boards of trade, chambers of commerce, and other organizations which look after the interests of the creditor class first, and those of the debtor class second, favor this system. They tell us that a system of bankruptcy such as the bill offered by the gentleman from Massachusetts proposes, which, in many respects, is like the law of 1867, is one of the country's greatest needs.

The creditor class say they want protection against the acts of dishonest debtors; against assignments with preferences, and also against all acts of an insolvent debtor which give an advantage to one creditor over another; the creditor class demand legislation. In other, if not in better, words, creditors ask for legislation that will secure equality among the creditors of an insolvent debtor. Surely if it be the right or the duty of Congrss to so legislate it can be done without re-enacting, substantially, the bankrupt law of 1867. By many it is thought that the only way to have equality among the creditors of a common debtor is by means of a bankruptcy system. For some reason they are wedded to this plan, and appear unfriendly to all others.

The truth is, that creditors, as a rule, have little to expect from a bankrupt's estate upon its seizure in bankruptcy, and seldom are they disappointed. Eleven years of experience under the bankrupt law of 1867 teaches that after the registers, marshals, assignees, clerks, lawyers, and all the other comers and goers get their tolls, there is little if any grist left for the creditors. Why creditors favor such a bankrupt law I am unable to understand. A proceeding in bankruptcy, voluntary or involuntary, under the law of 1867, was a very expensive affair. All creditors understand this, and understand, too, that all the costs and expenses of administering a bankrupt's estate were paid out of the estate. Creditors received nothing upon their debts except what remained of the estate after satisfying all costs and expenses of administration. There were 104,695 cases in bankruptcy under the law of 1867. The number of cases under the law of 1841, or of 1800, can not now be stated.

Did we know the value of the estates, the amount of the debts, and the cost of administration a safe estimate might be made of the many million dollars creditors paid in costs and expenses from 1867 to 1878 to free their debtors from debt. Within the range of my observation the dividends received hardly compensated for the time lost and the attention required. There is no doubt that legislation respecting a debtor's estate which will secure perfect equality among creditors would be highly advantageous to the creditor class, and at the same time would work no disadvantage to those who are in debt. But ought we to enact a bankrupt law containing twenty thousand words for no other purpose than to prevent insolvent debtors from favoring creditors? This is what we are asked to do by the friends of the bill introduced by the gentleman from Massachusetts.

### THE RIGHTS OF BOTH DEBTOR AND CREDITOR SHOULD BE RESPECTED.

In considering a bankruptcy system we must regard the rights of the debtor as well as the rights of the creditor. In one sense it is a matter of little concern to a debtor, when insolvent, whether his creditors

share equally or unequally in his estate, provided he is released from the payment of what he then owes. The debtor's interest in a bankrupt law is the discharge for which it provides. His estate passes from his hands into the hands of others for administration and distribution. Ordinarily, upon its seizure, all further connection with it upon his part ceases forever. The law proposed by the bill urged by my distinguished friend has one hundred and two sections.

Will any one tell me what real interest the debtor has in any of these sections except the two or three which relate to a discharge? Is there no way by which an insolvent debtor can be discharged from his debts except by an act of Congress which can not be read inside of three hours, and which when read is not understood until learned lawyers discuss it and learned judges declare its meaning? To me it seems that a law authorizing a debtor's discharge ought to be put in a few words and upon less than a printed page.

Consider for a moment the interest of creditors in the estate of their bankrupt debtors. If they have any other interest than to have the debtor's assets converted into money, at the earliest moment and at the least possible cost, it has not occurred to me in my reflections upon this subject. What need is there for a law covering seventy-four printed pages to work out of an insolvent debtor's estate equal dividends to his creditors? Why legislate with so much particularity and minuteness upon so simple a subject? Is it said that frequently bankruptcy proceedings give rise to difficult questions of law and of fact? Yes, this is true. The same kind or class of questions arise every day in every county court where common-law jurisdiction is exercised.

The administration of the estate of an insolvent debtor is nothing more or less than the administration of the estate of a person in life; not so difficult, by half, as the administration of the estate of a person deceased. The States, as has been observed, have satisfactory insolvent laws, under which insolvent debtors' estates are administered. They have laws, too, under which the estates of deceased persons are speedily and satisfactorily settled. Laws for the administration of the estates of the imbecile, insane, minors, and others under legal disability will be found in all the States.

Under these laws it is no uncommon thing for contentions to arise, and when they do, generally, theorder of a single judge settles the controversy. Tribunals nearest the homes of the people are the best in which to settle the ordinary disputes which arise between creditors respecting the property of a common debtor. Courts which are far away from the place where disputes arise, and from the place where the parties and witnesses reside, ought not to be clothed with the power to hear and determine such controversies. Time, convenience, and expense forbid.

If we must have a bankruptcy system, permanent or otherwise, in the interest of both debtor and creditor it ought to be different from the one recently in force. That part of the system which relates to the discharge of a bankrupt must of necessity remain where the Constitution places it—in the courts of the United States. But that part of a bankruptcy system which relates to the administration of a bankrupt's estate ought, for many reasons, to be kept out of the Federal courts. Enact a law authorizing the United States courts in a given case, upon the petition of a debtor, and with notice to his creditors, to discharge a debtor, and all constitutional obligation to the debtor class respecting a bankruptcy system will be best fulfilled. For the creditor class the constitutional provision as to bankruptcy is well enforced when the estate of the bankrupt is authorized to be held for their benefit.

A bankrupt law providing for the debtor and for the creditor in the manner suggested would be, in my opinion, in perfect accord with the Constitution, and would in every respect promote the highest and best interests of both debtor and creditor. Give such a law a trial for one year, or two, and it is believed that the public judgment will secure for it a permanent place among our laws.

A bill to establish a uniform system of bankruptcy throughout the United States, drawn in the light of these suggestions, I had the honor to introduce into the House on the 8th day of February last.

The Clerk will oblige me by reading the bill at his desk.

The Clerk read as follows:

*Be it enacted, &c.*, That every debtor who assigns, in writing, all of his property of every kind and description, in trust for the equal benefit of his creditors, and delivers the said writing to the trustee, or trustees, named therein within ten days after the making thereof, and the same operates to vest the right and title in and to the property assigned in the said trustee, or trustees, for the equal benefit of the creditors of such debtor, may, at any time within one year after making the said assignment, file his petition in the district court of the United States for the district in which he resides, or if he be a resident of the District of Columbia, then in the supreme court of the said District, alleging therein that he did make and deliver an assignment of the tenor and effect aforementioned, and describing therein the property assigned, and stating the value thereof, also the names of his creditors, their places of residence, and the amount of each of their debts, and praying therein that the court adjudge that he be discharged from the payment of the said debts. The creditors of such debtor shall be made parties defendant to the petition, and shall have at least thirty days' notice of the filing thereof, and thirty days thereafter in which to answer the same. Upon the hearing of the petition the court, if satisfied that such debtor did make and deliver an assignment in manner and form and of the effect aforementioned, and that for six months prior thereto no creditor of such debtor had been preferred, and during said time no other act was done, or suffered to be done, by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give to one creditor an advantage over a co-creditor, shall order and adjudge that such debtor be forever discharged from the payment of the debts mentioned and set forth in the petition; and such order and adjudication shall be a full, complete, and final discharge of such debtor from the payment of the said debts.

To the debtor class the bill just read by the Clerk is believed to be fair and just. Where a debtor surrenders all of his property to his creditors, and for six months previous has shown no preference between them, his right to a discharge stands upon the highest possible ground. It is doubtful whether a stronger case for a discharge can be made. Why not, then, provide for such a case and provide for none other? A bankrupt law, such as I have indicated, would offer the strongest possible inducement to debtors to treat each and every creditor alike. Against such a law who, except creditors, would have a legal right to complain? With all of the debtor's property held in trust for the creditor's benefit upon what ground could they base a complaint? More than this they could not have under any system of bankruptcy that can be established.

If the debtor complies with the law there can be no legal objection to his discharge. The interest of the creditors in the debtor's estate the trustees will convert into money without unnecessary delay, and at the least possible cost; close to the place where the debtor resides, possibly, close to the place where he did business, or where his property is situated, is the county court, clothed with full and ample power to administer upon the estate of an insolvent debtor, and to determine with learning and ability every question of fact and of law that may arise.

As a rule, the convenience of creditors would be promoted, time, labor, and expense saved, dividends increased, and in many other ways the interests of every one connected with a case in bankruptcy would be greatly subserved if State courts were opened for the administration of a bankrupt's estate.

THE BILL IS FREE FROM CONSTITUTIONAL OBJECTIONS.

Will it be said that the system proposed by my bill is not uniform, and is, therefore, repugnant to the Constitution? So far as it concerns the debtor, it is thought to be free from objection. As to him the principle of the bill is that an unconditional surrender of all property for the equal benefit of creditors merits all that it is possible for a bankrupt law to do for a debtor. In this respect the bill, if a law, would operate the same in one State as in another, and the same in each of the Territories and in the District of Columbia.

But it may be said that the bill does not propose a uniform system, because it contemplates that the estate of the bankrupt shall be administered under State laws and in State courts. This objection proceeds upon the ground that State laws differ, and owing to these differences the bill if a law would not operate uniformly. We all know that there is a wide difference in the laws of the States upon the questions which usually have the attention of a bankrupt's court. Questions relating to the title of real and personal property, to the existence and validity of liens, in the marshaling of liens and arranging their priorities, in proving debts, in converting assets, in their distribution, and at the final settlement of the estate, depend for their solution, largely, if not altogether, upon State laws.

To illustrate: In one State title deeds deposited operate as a mortgage, while in another State they do not. In one State a vendor's lien is good, while in another State it is not. A valid mortgage in one State may be invalid in another State. No two States have the same statutory liens, or the same liens at the common law. Liens by judgment, by execution, and by attachment differ as do the laws of the States which create and regulate them. In all legal procedure there is more or less difference between the laws of the States, and consequently the rights of persons and of property in some particulars vary.

The estate of a bankrupt, as a rule, is administered upon according to the law of the State where it is situated. This can not be otherwise. As the States provide the law which determines most, if not all, of the disputes that arise in bankruptcy proceedings as well may the States provide the forum in which to adjudicate them. Such disputes as may depend upon the laws of another State or upon the laws of the United States can be satisfactorily settled in the State court administering the estate. A law for the administration of a bankrupt's estate uniform in all respects is simply impossible. The laws we have had, in several particulars, were directly the opposite of uniform.

The law of 1867, it will be remembered, secured to a bankrupt the property which by the laws of his State was exempt from seizure and sale for his debts. These exemptions varied in value. The lowest, perhaps, $500, and the highest not exceeding $3,000. In this very important particular the law of 1867 was not perhaps strictly uniform in its effect and operation, yet we have seen it was in force eleven years, and 104,695 debtors had its benefits. No one thought the law repugnant to the Constitution because a debtor in one State got a larger exemption than a debtor in another State. The difference in State laws respecting exemptions did not stand in the way of the execution of the law of 1867.

In other respects, material and immaterial, State laws affecting a bankrupt's estate differed, but notwithstanding these differences the law of 1867 was supposed to be a constitutional enactment. It is en-

tirely safe to say that if the bankrupt law of 1867 was a uniform law that none the less uniform is the law proposed by the bill just read at the Clerk's desk. In enacting a bankrupt law, if provision be made for administering the estate, it is competent for Congress to say whether the administration shall be in the courts of the United States, or in the courts of the States having common-law jurisdiction. The power of Congress with respect to a bankruptcy system is derived from that part of the Constitution which is in these words:

The Congress shall have power to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

As early as 1802 the Congress, in execution of that part of this clause which relates to naturalization, enacted that aliens might be admitted to citizenship in the courts of the United States, or in the courts of records in the States. This law has been in force for eighty-four years. Its validity no one questions. If, under this clause, Congress may confer jurisdiction in naturalization cases upon the courts of a State, it is clear that it may authorize the same courts to exercise all the power necessary for the proper administration of a bankrupt's estate. Indeed, there is no reason why Congress may not, in providing a bankruptcy system, confer concurrent jurisdiction respecting the administration of the estate upon the State and Federal courts.

Keeping in mind that a leading purpose of a system of bankruptcy is to release debtors from their obligations to their creditors, can it be doubted for a moment that a law which provides for nothing else save and except such a release is constitutional both in letter and spirit? The constitutional provision upon this subject, according to my understanding, means that the debtor's property shall be received by his creditors as payment in full of all that he owes. Any law which gives effect to this interpretation of the Constitution is a valid enactment. For every purpose, save and except a discharge, each State may establish its own bankruptcy system. No State can enact a law which will discharge a debtor. Such a law Congress alone can enact.

THE ADMINISTRATION OF THE BANKRUPT'S ESTATE.

The system of bankruptcy Congress is authorized to establish may provide for a debtor's discharge, either with or without providing for administering the debtor's estate. To provide for a discharge, and to provide, also, for administering the estate in the Federal courts, is to establish a system of bankruptcy inconvenient, expensive and intricate, and wholly unsatisfactory to the true business interests of the country.

Whatsoever law we enact we must not forget that it is our duty to secure for the creditors of a bankrupt all of the estate of which the bankrupt is seized or possessed. A bankrupt law which takes from the creditors a large portion of the bankrupt's estate to pay the costs and expenses of administration is not the law which the creditor class ought to ask Congress to pass. This was one of the offensive features of the law of 1867. Still more offensive in this particular is the law proposed by the bill urged by my friend from Massachusetts. Under his bill the costs and expenses of administration would be greatly increased. It provides more sinecures for more placemen and mere hangers-on than the law of 1867.

All of these are to be paid. The pay of some is to come from the public treasury, while the others are paid directly from the bankrupt's estate, but indirectly from the creditors' pockets. Under the bill read by the Clerk the discharge of a debtor will not take a penny from the public treasury or a penny from the debtor's estate. It will not add one name to the salaried roll, or make a single place for a court favorite to fill. It contemplates a plain and simple proceeding for the discharge of a debtor, at his own request, and at his own costs, which can not, as a rule, exceed the fee prescribed for the marshal and clerk for similar services rendered in other cases.

A bankrupt law occupying less than a printed page, giving to the district courts of the United States the power to discharge debtors upon their showing that they have given their property equally to their creditors, would be, in my judgment, better as a system of bankruptcy than either of the three we have had. Infinitely better would it be than the intricate and long and many-sectioned and long and many-paged system proposed by the bill introduced by the gentleman from Massachusetts.

Such a law the Constitution authorizes Congress to make. Under such a law every honest debtor, whether a citizen of Maine or Missouri, of Ohio or Oregon, or of an organized Territory, or of the District of Columbia, can, upon a surrender of his property, be discharged from his debts. If aside from our right it is our duty to provide by law for the discharge of a debtor, the right is best exercised and the duty best performed by enacting a law which will enable a debtor to procure his own discharge in a direct proceeding instituted by himself for that purpose.

Such a proceeding we may authorize without enacting a tedious, complicated, and expensive system providing for the administration of a debtor's estate. From debts or obligations wrongfully, fraudulently, or criminally contracted it may be debtors ought not to be released. If so, my bill may need amendment; and possibly it ought to be amended in other respects, so that it may better execute its purpose to have bankrupts discharged by the Federal courts and their estates administered in State courts, under State laws, instead of in United States courts under laws enacted by Congress.

THE INTERESTS OF CREDITORS.

Let no creditor of a bankrupt believe that he would be a loser under the bankruptcy system proposed by my bill. Before a debtor is entitled to a discharge he must have assigned in writing all of his property in trust for the equal benefit of his creditors. The assignment must operate to vest the debtor's right and title in and to all of his property in trustees, and it must appear that for six months preceding the assignment the debtor has given no preference to any person to whom he was indebted or with whom he had dealings.

With all of the property of the debtor in the hands of trustees for the creditors' benefit the condition of the creditors is as good as it is possible to make it under any system of bankruptcy that can be devised. The condition is better than it was under the law of 1867. That law, it will be remembered, allowed a debtor to hold whatever property the law of his State exempted from seizure and sale for the payment of debt. My bill contemplates that all of the property of the debtor, of whatsoever kind or description, or wheresoever situated, shall pass by the assignment and vest in the trustees for the benefit of creditors. No provision is made for executing the assignment, and none is thought to be necessary.

The laws of the State in which the debtor resides will, if they provide for the execution of assignments in trust, speedily and at a reasonable cost convert the property into money and give to each creditor his rightful share. The estate of the debtor can be administered by a trustee under an assignment as well as by an assignee in bankruptcy. Jurisdiction in all controverted matters would be as safely and correctly exercised in the courts of a State as in the courts of the United States. Administration in the Federal courts is expensive and discounts largely a creditor's claim. In the State courts cost-bills and allowances of every sort are kept within reasonable bounds.

The bankruptcy bill of my honorable friend provides for the help of trustees, arbitrators, stenographers, receivers, &c.—all to administer a bankrupt estate. For the services of all these place-men the creditors pay. My bill contemplates a far more economical administration of a debtor's estate. Aside from the compensation of a trustee and the costs of administration, taxed under home laws and by home courts, the estate is subject to no charge which will lessen a creditor's dividend.

In the absence of State statutes providing for the execution of an assignment in trust it may be executed in every particular like all other trusts, according to the course of the common law. To this law the trustee is amenable. This law is supposed to be the same in one State as in another, and the same in the State courts as in the United States courts. So that whether such a trust be executed according to the common law, or the statutory laws of a State, in the Federal or in the State courts, the rights of creditors in the estates of their debtors are precisely the same.

In the same manner the debtor held his estate at the time of the assignment will it be held by his trustee subsequently. All liens, charges, and incumbrances thereon, or upon any part, made by the debtor six months prior to the assignment may be enforced against the trustee. The rights of no creditor, whether secured or unsecured, are in any wise affected by administering the estate in State courts, under State laws, instead of in Federal courts under Federal laws. Where business has been done in a State under its laws the right of both debtor and creditor become fixed by those laws, and no assignment or other act of the debtor can alter them.

My bill violates no right either of the debtor or creditor, but respects each and enforces all. Aiming as it does to discharge a debtor from the payment of his debts upon satisfactory proof that he has dealt honestly with his creditors, and has assigned to them for their equal benefit all of his property; aiming also to secure to the creditors of a bankrupt a speedy and economical administration of a bankrupt's estate by home courts and under home laws, what tenable objection, in conscience, in morals, or in law, can be urged against its adoption as an equitable, just, and permanent system of bankruptcy?

Make my bill a law and the creditors of a bankrupt will realize more and sooner and with less inconvenience, care, trouble, and expense from his estate than they did under either of the three systems hitherto in force. If any of the States are without laws providing for the execution of assignments in trust for the equal benefit of all creditors, it is believed that they will enact them so that their people may have the full benefit of such a system of bankruptcy in case it should be established.

But it will be said that my bill will not do because of the want of uniformity in the laws of the States respecting assignments by insolvent debtors. I am aware, sir, that in one State, possibly in more than one, assignments in trust for the equal benefit of creditors are void. In more than one State an assignment with preferences is valid—while in other States such an assignment inures to the benefit of all creditors. That the business interests of the country need an uniform rule upon

this subject no one will dispute. In establishing a system of bankruptcy undoubtedly Congress has power to declare the legal effect of assignments made by insolvent debtors.

If all of the creditors of a bankrupt ought to share pro rata in the distribution of his estate, then assignments in trust for the equal benefit of all creditors ought for bankruptcy purposes, if for none other, to be valid, and all others different in intent or effect ought to be invalid.

I repeat what was said in another connection, that an insolvent debtor can do no act respecting his estate more consistent with fair and honorable dealing than to surrender it, without reserve, for the equal benefit of all to whom he is indebted. Unquestionably, then, the rule for us to adopt is that which will best secure to each and every creditor of a bankrupt a pro rata share of the bankrupt's estate. To this the friends of the bill which my friend from Massachusetts advocates ought not to object, for they urge us to pass their measure for the purpose, among others, of securing equality among the creditors of insolvent debtors.

INVOLUNTARY BANKRUPTCY.

The bill which my honorable friend introduced provides for involuntary bankruptcy. The bill read but a moment ago has no such provision. Involuntary bankruptcy is wrong. It has ruined many a solvent debtor honest in all of his dealings. At best it is no legitimate part of a sound system of bankruptcy. It is nothing more and nothing less than a hard, unscrupulous, and exacting method for the collection of debts. Both in theory and in practice it is unfair, unjust, and oppressive to the debtor class; and for these, among other reasons, it ought not to be a part of any bankruptcy system Congress may establish.

TAX ON PROCEEDINGS IN BANKRUPTCY.

One of the sections (16) of the bill proposed by my honorable friend imposes a tax of $60 in every bankruptcy case, and requires its payment by the debtor or the creditor at the time proceedings are commenced; and also imposes a tax of 1 per cent. on the amount of money realized from the bankrupt's assets in excess of $500; and if the debtor makes a settlement with his creditors he is required to pay a tax of one-half of 1 per cent. upon the amount he agrees to pay them. In these respects the bill appears to be more of a revenue measure than a part of a system of bankruptcy.

During the war period every suit or proceeding in a court of record was taxed 50 cents. Small as was this tax and great as was the necessity for imposing it, our people rejoiced when the law authorizing it was repealed. Better that we have no bankruptcy system than one requiring suitors in bankruptcy cases to pay in advance any sum, large or small, for admission into our courts. To raise revenue by such a tax may be justified as a necessity in war, but in peace its imposition would be a reproach to our people. The courts of our country ought to be open to every citizen, however poor, humble, or unfortunate, and right and justice done him without money or price, and without denial or delay.

It is true that the bill, if a law, will put into the Treasury yearly more money than it will take out; but I insist if the Government needs more revenue, it ought to be raised in some other way than by imposing an odious and burdensome tax upon insolvent debtors and their unfortunate creditors; and if a system of bankruptcy ought to be established it can be done without subjecting the parties interested to any costs except those incident to every legal proceeding.

All of the costs and expenses of proceedings in bankruptcy ought to be paid by the parties immediately interested. This is the rule in all legal proceedings. There ought to be no exception to this rule. No part of the costs and expenses incident to a debtor's discharge, or of administering his estate, ought to be taken from the people by taxation. Against the payment of such demands the doors of the Treasury ought to be closed.

A bankruptcy proceeding interests no one save the debtor and his creditors, and therefore they, and not the public Treasury, ought to meet every cost and expense. Under my bill the cost of procuring a discharge the debtor must pay, and the expenses of administering his estate are paid from what the trustees hold for his creditors.

The other bill, in case it becomes a law, will require, as we shall see presently, large yearly appropriations from the public revenues to meet the expenses for which it provides.

THE BILL IS OPEN TO OTHER MATERIAL OBJECTIONS.

It is said to be, substantially, the same bill which passed the Senate in the last Congress. For some reason the bill is known to the country as the Lowell bill. It contains 102 sections and covers, with the index, 74 printed pages. The average reader will not read the bill in less time than three hours, and without skilled help will never understand it. While some business and trade associations favor this measure there are others who oppose it. Apparently the legal profession divide upon the bill. It is to be remarked that lawyers who live where United States courts are held, as a rule, favor it, while lawyers who live a day or a half a day's journey away, oppose it.

The friends of the bill say that it is intended for a permanent law. Let us consider it for a few moments. The bill does not confer upon the United States courts in the States or the Territories or in the District of Columbia a bankruptcy jurisdiction to be exercised by the judges of these courts. On the contrary, the several district courts of the United States and the supreme courts in the Territories and in the District of Columbia are by the bill constituted courts of bankruptcy within their territorial limits; but the bankruptcy jurisdiction provided is to be exercised by officers appointed for that purpose called commissioners in bankruptcy. A commissioner in bankruptcy is to be appointed in each of the eight organized Territories and one in the District of Columbia. In the States, the number of commissioners may be any number not exceeding the number of members of Congress to which a State is entitled.

The same provisions are found in the bankrupt law of 1867. When that law was passed there were 243 Congressional districts, and a register in bankruptcy (commissioner in bankruptcy) was appointed in each district. It is entirely safe to say that should this bill become a law the number of commissioners will not be less than the number of registers under the law of 1867. We have now 325 Congressional districts, and if a commissioner should be appointed, which is not improbable, in each district, one in each of the eight organized Territories, and one in the District of Columbia, 334 would be added to the number now drawing judicial salaries from the public Treasury. One hundred and fourteen names are now on this roll. Pass this bill and the number is increased to 448.

The Senate, at the last session, passed a bill to increase from $3,500 to $5,000 per year the salaries of the judges of the United States district courts, and this bill is now on our Calendar and before the close of the session the House will be urged to make it a law. To-day we are asked to give to these same judges 334 helpers and assistants and to pay them liberally and quarterly at the Treasury.

The commissioner's salary the bill fixes at $1,000 per year with an allowance of $15 for each case, both payable quarterly at the United States Treasury. The office of commissioner in bankruptcy, it will be seen, will be as lucrative as the average county office in eight out of ten of the Congressional districts of the Union. This bill will make an annual draft upon the Treasury of $500,000.

The judicial salaries for the past year amount to $478,500. With this bill a law they will foot up nearly $1,000,000. The office of commissioner, the bill says, no person not a practicing lawyer shall fill. Ought such a measure to have the support of the Democratic side of this House? If we vote for this bill it will pass the House, and if it passes this body its passage in the Senate is reasonably certain. Whom will the country hold responsible if this Congress creates 334 new offices in the Judicial Department of the Government? Will it be the party in power, or the party out of power?

But more than this. The bill proposes to create a large number of positions in the public service. These positions are both lucrative and permanent. A commissioner in bankruptcy will exercise judicial power. In bankruptcy cases he will be, practically, a judge. His adjudications may be reviewed in the higher courts, but unless they are, they are final and binding. By whom, then, ought these judges in fact, if not in name, to be appointed? My mind unhesitatingly says by the President of the United States. The President appoints all officers of the Government except those for which the Constitution otherwise provides, and except those which are strictly inferior in character. All judges of the United States courts are appointed by the President; why, then, ought he not to appoint all officers, by whatsoever name they are called, who are to exercise the powers of a judge, or of a court, in the legal and equitable controversies that arise in bankruptcy cases?

The bill provides that the commissioners shall be appointed by the United States circuit courts. In other words, the appointing power in the nine judges of the circuit courts and the fifty-six judges of the district courts.

Under the bankrupt law of 1867 the commissioners (registers) were appointed by the district courts upon the nomination of the Chief-Justice of the Supreme Court of the United States (Chase). My information is that all of these registers voted the Republican ticket. We all know that under the rule of the Republican party no Democrat was allowed to hold any office, civil or military, if it could be prevented. Of the fifty-six district court judges but four are Democrats and of the nine circuit court judges eight are Republicans. Judge ye, therefore, whether Democrats or Republicans would get these places from the appointing court. This feature of this bill cannot be otherwise than offensive to the majority in this House.

The highest court of the country stands, politically, eight Republicans to one Democrat. In three of the subordinate courts, composed of nine, six, and five judges, respectively, the Democratic party has but one representative, while the district court judges, we have seen, are divided, politically, fifty-two Republicans and four Democrats. Unsatisfactory as the judicial situation is to the majority of American voters, because of its uneven division in politics, it must be endured, for no change at this time appears to be possible. But, speaking for myself only, I am free to say that no bill creating another judicial office for a Republican to fill shall have my vote.

## Duties on Tobacco.

SPEECH

OF

# HON. JOHN R. BUCK,

OF CONNECTICUT.

IN THE HOUSE OF REPRESENTATIVES,

*Monday, December* 20, 1886,

On the bill (H. R. 4434) relating to duties on tobacco.

Mr. BUCK said:

Mr. SPEAKER: This bill corrects the phraseology of the law of 1883 relating to importations of leaf-tobacco. The amount of duty is not changed. The duty under the present law is 75 cents per pound for unstemmed tobacco and $1 per pound for stemmed tobacco. This bill preserves the same rates of duty, but changes the wording of the law so as to prevent evasions.

The law of 1883 has been persistently evaded by the importers of what is known as Sumatran tobacco leaf, an attractive-colored, suspicious-tasting, cheap tobacco, raised on the island of Sumatra, and imported into the United States by way of Holland, the trade being controlled by a few merchants at Amsterdam.

The present law is as follows:

Leaf-tobacco, of which 85 per cent. is of the requisite size and of the necessary fineness of texture to be suitable for wrappers, and of which more than one hundred leaves are required to weigh a pound, if not stemmed, 75 cents per pound; if stemmed, $1 per pound.

It will be seen that this law makes the imposition of the duty depend upon two conditions. First, 85 per cent. of it must be suitable for wrappers. Second, it must take more than one hundred leaves of it to weigh a pound.

Unless these two conditions can be shown, the tobacco comes in at 35 cents per pound, under the provisions of another clause of the act, which reads as follows:

All other tobacco in leaf, unmanufactured and not stemmed, 35 cents per pound.

The importers of this tobacco have not been slow to discover the weak points in this law, and to take advantage of them to enrich themselves, deprive the Government of its revenue, and the American farmers of the protection which the law meant to give them.

The evasions thus far have been carried on mainly under the 85 per cent. provision.

The tobacco is imported in bales or packages, and the wrapper-leaf is packed with other kinds of tobacco in the same bale or package, the two kinds being separated from each other by strips of paper or cloth. In this way the bale or package is made to contain less than 85 per cent. of wrapper-leaf, and accordingly is entered at the custom-house as being liable only to a duty of 35 cents per pound.

The Government, it is true, disputes this claim of the importers, and has instituted suit to recover the full duty of 75 cents per pound upon tobacco packed in this way. The decision was adverse to the Government in the first instance, but the court afterwards reversed its own decision and rendered judgment for the Government. The case is still pending, having gone up on appeal.

For many years a duty of 35 cents per pound has been collected on leaf-tobacco. That amount has been considered sufficient to protect the grower from foreign competition. When that duty was imposed Sumatra tobacco was unknown. Prior to 1880 this tobacco has appeared in our markets at irregular intervals. In that year 38 pounds were entered for duty at the custom-house; and since that time the importations have rapidly increased. In 1883 3,818,931 pounds were imported. From that time to the beginning of the fiscal year ending June 30, 1885, the amounts were somewhat less, but in that year they reached the number of 2,189,847 pounds, not entered as wrappers, although used as such, and 28,070 pounds entered as being suitable for wrappers, making a total of 2,217,917 pounds for that one year.

The following six months, ending December 30, 1885, showed an extraordinary increase over prior importations. During this period 3,472,300 pounds were entered at the custom-house, valued at $2,932,841, of which only 224 pounds were entered as "suitable for wrappers," although every pound of it, except the 15 per cent. which came in the bales packed as I have stated before, was suitable for wrappers. It thus appears that the amount imported during this period of only six months exceeds the entire importation of the fiscal year 1885, and nearly reaches that of 1883.

The amount imported in the fiscal year ending June 30, 1886, not entered as "suitable for wrappers" was 3,979,503 pounds. Sumatran tobacco has a greater wrapping capacity per pound than the American seed-leaf. The leaf of the former is shaped somewhat like the human hand. It has a small stem running through the middle of it, and while it has branching fibrous stems connected with the central stem, they are scarcely perceptible, so that when it is made into cigar-wrappers the leaf can be used by cutting right across it, thus utilizing all of the leaf. The American leaf is long and tapers to a point, with a large stem in the middle of it with branching stems, making it necessary to cut the wrapper from the two sides of the central stem instead of across it. This causes waste, and it is said that for this reason 1 pound of Sumatran tobacco is equal to from 3½ to 4 pounds of the domestic production.

If, as I have stated, 1 pound of Sumatran tobacco is equal to 4 pounds of our tobacco in wrapping capacity, the importation of 1886 will be equal to 15,918,012 pounds of American seed-leaf, and will, of course, displace in the American market that number of pounds.

According to the census of 1880 the United States raised 91,797,722 pounds of seed-leaf tobacco in 1879. Bradstreet reports 101,592,000 pounds as the amount which we raised in 1885, of which it is stated by those engaged in the business that about 60 per cent. is suitable for wrappers. This would make our crop of wrapper leaf in 1885 60,955,200 pounds. The importations of Sumatran tobacco last year being equal to 15,918,012 pounds of American tobacco, it seems that about 26 per cent. of our wrapper-leaf crop of 1885 has been displaced.

In consequence of the rulings of the Secretary of the Treasury, made early in 1886, that Sumatran tobacco, packed or "nested" to evade the 85-per-cent. clause, as I have described, should notwithstanding pay the 75-cent duty, the importation of that tobacco fell off in the last half of the year, so that for the six months ending June 30, 1886, only 507,203 pounds, valued at $444,030, of this kind of tobacco was entered at our custom-houses. But the wily importers were only preparing for an evasion of the law under the one-hundred-leaf clause, which by dishonest packing would still enable them to import it subject to the low duty of 35 cents per pound. The result is that from July 1, 1886, to October 31, 1886, the importations of Sumatran tobacco reached the large amount of 2,170,775 pounds, which, in wrapping capacity, is equal to 8,683,100 pounds of our American leaf-tobacco, valued at $1,819,547, not entered as suitable for wrappers, not a pound of which paid over 35 cents duty, and every pound of which went into our American market and was used for wrappers.

I will ask to have printed in the RECORD certain official tables, which will sustain these statements.

Considering the extraordinary character of this tobacco, the large quantities of it, its wrapping capacity, and the small cost of its production, the duty imposed by the act of 1883 is little enough for the protection of the growers. In fact it is no increase of the old duty of 35 cents when we consider the nature of this product.

The testimony taken by the Ways and Means Committee shows that the price of this tobacco in Holland in 84½ cents per pound. If this be correct the duty authorized by the law of 1883, 75 cents per pound, is at the rate of about 90 per cent.

The peculiar character of this tobacco must, however, always be kept in mind when we are judging of the reasonableness of the rate imposed. These peculiarities I have already mentioned.

The pending bill applies to all leaf tobacco alike. This is the only correct method in dealing with this question. No matter where these importations come from they should all be treated the same. The trouble with the old wording was that it sought to discriminate in favor of one kind of tobacco as against others.

Some of the objectors to this bill do so because they think it may include what are known as Havana wrappers. But most of the tobacco which takes the name of "Havana tobacco" comes in as "fillers." We have large importations of Havana "fillers" and but few of Havana "wrappers."

It will be seen by the table which I have here, and which I will have inserted in the RECORD, that during the fiscal year ending June 30, 1884, the importation of tobacco from the island of Cuba, which includes about all of what is commercially known as "Havana tobacco," and which was entered as "suitable for wrappers," amounted to 6,225 pounds, and was worth $2,665, and all the rest of the tobacco which came from that country, and which may be classed as "fillers," amounted to 11,697,168 pounds, and was worth $5,235,569.

Of the importation from the same source in 1885 none is entered as "suitable for wrappers," while all other kinds, mostly "fillers," amount to 9,754,099 pounds, and was worth $3,930,580. For the six months ending December 31, 1885, the importation from this country was 5,434,479 pounds, worth $2,055,615, and none of it is entered as being "suitable for wrappers."

It will be seen, therefore, that by making the law apply alike to all very little tobacco known as "Havana wrappers" will be affected, and we shall have a plain law.

Holland has objected to the wording of the present law as discriminating against her merchants who are engaged in this tobacco trade, and has taken some initiatory steps by way of retaliation.

In February last I introduced the following resolution, which on March 7 was passed by this House:

*Resolved*, That the Secretary of State be requested to communicate to the House of Representatives, if not incompatible with the public interest, copies of the recent correspondence and dispatches between the Secretary of State and the minister of the United States at The Hague, touching the subject of taxation on petroleum in Holland and in the Dutch colonies, and that of the export therefrom of leaf-tobacco to the United States.

In response to this resolution, the President has sent to the House, the correspondence which has taken place on this subject between the State Department and our minister at The Hague.

With the permission of the House, I will have printed in the RECORD the letter of Mr. Bayard of date December 8, 1885, and the two letters of Mr. Bell, dated December 16 and December 22, 1885. They will show the claim of our Government and the position of Holland on this question.

*Mr. Bayard to Mr. Bell.*

DEPARTMENT OF STATE, *Washington, December* 8, 1885.

SIR: The attention of the Department has been called to a measure now before the States General of Holland, which will, if adopted, increase the duty upon refined petroleum imported into the Dutch colonies from 5d. to 1s. 6d. a case. Such a measure can not but be prejudicial to the commercial interests of the United States, and in an even greater degree to those of the colonies of the Netherlands, for it threatens the existence of a commerce now highly advantageous to both parties to the exchange.

The proposed duties would, under existing conditions of trade, prove almost a prohibition upon the commodity taxed, and, by depriving the inhabitants of the colonies of an illuminating oil of high quality and low price, would impose a heavy burden upon them.

You are therefore instructed to make the strongest possible representations against the proposed change in duties, which, under all the circumstances, can not be regarded as friendly to the United States.

The importance of this trade in petroleum between the United States and the Dutch colonies may be seen from the following facts:

During the fiscal year ending June 30, 1885, the value of the total exports of domestic merchandise from the United States to the Dutch East Indies was $2,103,066, and to this total petroleum contributed $2,024,732.

The entire export trade of the United States to these colonies may thus be said to rest upon this one article. The importance of this commodity in the trade with the Netherlands and the other colonial possessions of that country is somewhat less, but still of no mean proportions. Of the total export trade to the Netherlands of $16,634,137, petroleum forms nearly one-eighth ($2,047,597); in that to the Dutch West Indies it figures with only $9,859 out of a total of $653,853—the comparative insignificance of which is attributed to natural causes—and in that to Dutch Guiana it contributes $13,928 out of $296,667. To impose a duty which is even a moderate increase on that now assessed would inflict a loss that can only be counted by millions.

The prejudice arising from the proposed change in duties would not be confined to the trade between the United States and the Dutch colonies, but would also affect injuriously the commercial relations between the United States and the mother country. This injury would not apply to petroleum alone, but to general commerce, where the interests at stake are far greater. To level a blow at so important an article of export as petroleum is to the United States must create a prejudice against the nation that struck the blow. It is hardly necessary to show why retaliatory duties are to be condemned; but the feeling created in this country by the restrictions and prohibitions upon meat and meat products of the United States by European nations gave accession to a movement in favor of such duties which can not but be strengthened by such a policy as this proposed increase of duty embodies. In the fiscal year 1885 the total imports from the Netherlands and her colonies into the United States amounted to $9,566,427, and the total exports from the United States to these countries amounted to $19,687,723. To strike at petroleum would threaten a direct loss in that commodity of upwards of $4,000,000, and involve an indirect loss of an unknown extent upon the import and export trade under discussion which, without petroleum, amounts to more than $25,000,000 annually.

The proposed duty can not be levied for revenue purposes, as it virtually amounts to a prohibition upon the importation of petroleum; neither can it be regarded as a measure of protection, as there is no native product in either colonies or mother country that needs protection or that is able to supply the place of petroleum. Nor is there any country on either continent apart from the United States that can furnish an illuminating oil of such a quality as is now imported into the Dutch colonies. It is not, therefore, straining a point to regard the proposed duty as one leveled directly against trade interests of the United States.

There are other considerations which enforce the position of the United States in this matter. In the year 1885 the total imports into the United States from the Netherlands and her colonies amounted in value to $9,566,427. Of this total, $5,414,599, or more than half, was subject to no duties whatever under the tariff of the United States. The showing is even more striking when the trade of the colonies alone is considered.

Of a total import trade from the Dutch West Indies of $3,261,671, more than 91 per cent., or $2,991,490, was admitted free of duties. In the trade with the Dutch East Indies the imports not subject to duty were more than seven times as large as those on which duties were assessed. And in the trade with Dutch Guiana only one-fifth of the imports paid duties at our custom-houses. Few countries of Europe are so little affected by the tariff of the United States as the Netherlands.

The United States in 1883 removed all duties from spices, which form, next to sugar, the chief article of export from the Dutch colonies, and this repeal resulted in conferring substantial advantages upon these colonies by throwing open to their products an extensive and rapidly increasing market.

From the English colonies alone are the imports of spices greater than from the Dutch, so that the highest advantage to be obtained from the repeal was received by these two nations.

The repeal of this and other duties should be taken as an earnest of a wish on the part of the United States to remove restrictions upon trade and to invite and encourage freer commercial relations between this country and other nations. The proposed increase in the duty on petroleum imported into the Dutch colonies can only be regarded as a measure of a contrary tendency, and calculated not only to impede but to destroy an extensive commercial interest which can exist only through the mutual advantage accruing through it to both parties to the exchange.

I am, &c.,

T. F. BAYARD.

---

*Mr. Bell to Mr. Bayard.*

No. 84.] LEGATION OF THE UNITED STATES,
*The Hague, December* 16, 1886. (Received December 29.)

SIR: Referring to my No. 82 of the 14th instant, I have the honor to report that yesterday I attended an official dinner at the residence of the minister for foreign affairs. During a conversation after dinner his excellency said to me, "I am very sorry, but I am afraid that I shall have to take some retaliatory measures against your Government on account of their discrimination against Sumatra tobacco." To my inquiry as to what the discrimination was, he replied that it arose from a duty based on the dimensions of the leaf, which made the law applicable only to Sumatra tobacco, and that numerous applications had been made to him by shippers here to take some action in the matter.

The minister further added that he found that large quantities of Maryland tobacco were imported here, and that he would have to find some measures which would operate against its entrance into the Netherlands on as advantageous terms as other tobacco unless our restrictions against Sumatra tobacco were removed.

He distinctly intimated that he wished me to report this conversation to my Government, and that he hoped that matters might be arranged without any retaliatory measures being adopted.

I asked him if he had come to any conclusion as yet how such views could be carried out, to which he replied that he had not, but that he expected in a few days to discuss the matter with the minister of finance.

I told him that when the matter had been discussed I would gladly come and see him informally and get his views. He replied that he would be very happy to have me do so and would send for me after his interview, so that I might make a full report of the matter to my Government.

I may state in this connection that in my No. 8 of June 18 I asked for certain copies of the United States Statutes which were missing at this legation, and that the volume containing the text of this law concerning the duty on tobacco is among them, so that my knowledge of the reading of it is very imperfect.

I would respectfully request that the Department furnish me with the volumes already referred to.

I am fully aware that this question, as presented to me by the minister of foreign affairs, involves the construction of the treaties in force between this country and the United States, as well as the laws of the United States, so I have no intention, in the absence of instructions from the Department, to engage in an official discussion of those questions.

I shall at all times, however, endeavor to learn the views of the minister of foreign affairs in order to communicate them to you, and I have distinctly informed him that I have no instructions from the Department on the subject.

I have, &c.,

ISAAC BELL, JR.

---

*Mr. Bell to Mr. Bayard.*

[Extract.]

No. 88.] LEGATION OF THE UNITED STATES,
*The Hague, Netherlands, December* 22, 1885.
(Received January 4, 1886.)

SIR: I have the honor to acknowledge the receipt of your No. 30, of December 8, saying that "the attention of the Department has been called to a measure now before the States General of Holland, which, if adopted, will increase the duty on refined petroleum imported into the Dutch colonies from 5*d.* to 1*s.* 6*d.* per case."

* * * * * * *

Immediately upon the receipt of your dispatch I addressed a note to the minister of foreign affairs (copy of which is inclosed), and in order to secure prompt attention, brought it to him myself.

In delivering it I called particular attention to the various points it contained. He at once replied emphatically that the projected measure was by no means intended to discriminate against American petroleum, and, in fact, that it would distress the Government of the Netherlands to a greater extent even than the Government of the United States if any measures should be adopted which would in the slightest degree detract from the shipments of petroleum. He added that such a result would utterly defeat the purpose of the law, as it was entirely based upon a desire to increase the revenue of the colonies and must be regarded as a fiscal measure and not as a desire to restrict commerce.

His excellency then referred to the deficit in the colonial budget and the distress existing among the planters. With a view to afford some relief to the latter, he stated there was a project to reduce the export tax on coffee, tea, and sugar, by which act the deficit in the budget would be still further increased.

In order to provide for this deficiency, it was necessary to tax some article which would yield a revenue and the burden of which would at the same time be generally distributed.

I then informed him that the project of such a duty produced upon my Government the impression of an unfriendly act, in view of the liberal concession which they had made in favor of Indian produce, and more especially so as petroleum was exported principally, and I might say only, from the United States.

His excellency then remarked that the bill regulating this tax had not yet been distinctly formulated, and that he would have a further consultation with his colleague, the minister of finance, and that it might be so arranged as to collect the equivalent revenue by means of an excise law which would equally answer their purpose. I replied that whilst such a method might be preferable to a direct tax on imports, it did not meet all the features of the case, as possibly there were other articles procurable in the colonies, which, owing to the increased price in petroleum, might enter into competition with it, and that at all events the increased price would tend to decrease the consumption. He assured me that there was neither any article in the colonies nor any article under the proposed tariff capable of importation into the colonies which could in any manner compete with petroleum in its most ordinary use, and that in fact it was an actual necessity.

His excellency then alluded to the question of Sumatra tobacco, and said, "On this point I expect soon to have a conversation with you of quite a different nature, as other principles are involved."

Recalling our previous conversation, he added that he understood that it was contemplated to place duties on tobacco in the United States which would directly discriminate against Sumatra tobacco, and that it would be done in order to protect certain agricultural interests.

I replied that I knew nothing of the matter beyond what he himself had told me, but that the constantly increasing figures of export would seem to indicate a profitable industry, and, moreover, that I had seen it mentioned in the Rotterdam papers that some of the Sumatra tobacco companies had declared annual dividends of over 100 per cent., which suggested that it was not a commerce which required material protection from the Government.

To this he answered that the Government derived no direct benefit from it, as the tobacco industry in Sumatra was entirely a private enterprise, and not, as the coffee culture in Java, a Government monopoly.

On taking my leave he again expressed his desire that I should inform my Government that he trusted that nothing could possibly occur which would detract from the commerce in petroleum, and that he would shortly send me a written answer to my communication.

The press of this country are devoting considerable space and time to the discussion of the Sumatra tobacco question, and especially to rights of this Government to invoke the aid of the "favored nation clause" of the treaty of 1782 in case of an attempt on the part of the United States to levy further duties on tobacco which may or may not discriminate against the Sumatra article.

From the official correspondence of Mr. Fish with the Dutch minister at Washington (Foreign Relations, 1873) it seems that the Government of the United States have for some time maintained that "the venerable document" known as the treaty of 1782 with the United Provinces is not in force.

The newspapers of this country claim that this view has recently been concurred in by you through the columns of a tobacco journal of the United States.

I should feel obliged, in case you have examined into the question, for an expression of your views as to whether the treaty in question is still in force, and for any other or further advice you may have to impart in connection with this Sumatra tobacco agitation.

I have, &c.,

ISAAC BELL, JR.

It will be seen that the Dutch Government soon complained of the discriminations of the act of 1883. It is well enough to remember, however, that while that government has complained, its citizens have done a thriving business by evading that act, and have flooded this country

with inferior tobacco. This bill makes no discrimination, and by placing it on our statute-book, we shall remove all cause of complaint on the part of the Holland Government, and at the same time prevent the Holland syndicate from evading the law. Mr. Speaker, it has surprised me that even a small number of cigar-manufacturers residing in New York, Philadelphia, and Chicago have endeavored to prevent the passage of this bill. Some of them appeared before the committee.

Cigars, cigarettes, and cheroots of all kinds have a protective duty of $2.50 per pound and 25 per centum ad valorem. It would seem that while the cigar manufacturers have ample protection for their own product they are unwilling to allow the tobacco growers an even chance by way of a protective duty on their product.

The share which the farmer gets is small enough at best. Assuming that he receives on an average 12 cents per pound for his tobacco, and that the average price of cigars is $25 per thousand, about 25 pounds of tobacco being required to make 1,000 cigars, and the farmer would receive $3 for the tobacco, the Government tax would be $3, and the cigar-maker averages about $7 per thousand, leaving $12 for the manufacturer's profits and expenses. The farmer certainly don't get the lion's share in this case.

This bill is in legal effect similar to the tobacco clause of the administration bill introduced by the gentleman from New York [Mr. HEWITT] and reported by the Ways and Means Committee, except that what is called the "hundred-leaf clause" is left out.

This clause is in the present law. We believe that it will enable importers to continue this evasion of the law which heretofore has been principally confined to the 85 per cent. clause. It takes of this tobacco from ninety-five to one hundred and four or one hundred and five leaves to weigh a pound. If the clause is left in, all of this tobacco of which it takes less than one hundred leaves to weigh a pound will come in at 35 cents per pound, and all above that weight at 75 cents. It will cost about 2 cents per pound to sort this tobacco, so that large portions would come in at the lower rate of duty. The same ingenuity displayed in the evasion of the 85 per cent. clause by way of "nesting," as I have already stated, will be able to increase the weight of these leaves to the small extent required to make the article subject to the lower duty.

A law which depends for its application upon the weight of a leaf, and fluctuates between 35 and 75 cents per pound, according to its changing weight, is easy to be evaded, hard to be enforced, and of doubtful expediency.

Let there be no misunderstanding as to the law; let us make it plain, so that honest men will be protected by it and sharp men be unable to dodge it. We are not now asking that the duty be increased; we ask that the present duty be collected.

I ask to have printed in the RECORD certain tables furnished by the Chief of the Bureau of Statistics, showing the importation of tobacco from 1876 to October 31, 1886, and the value of it.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
*Washington, D. C., December 2, 1886.*

DEAR SIR: Referring to your letter of — ultimo, I have the honor to forward to you a statement showing the quantity and value of leaf-tobacco imported into the United States from January to June 30, 1886, and from July to October last, respectively. The latter is the latest date for which I have the complete data.

Tobacco reported as coming from the Netherlands is mainly Sumatra tobacco No tobacco is imported directly into the country from that island.

Very respectfully,

WM. F. SWITZLER,
*Chief of Bureau.*

Hon. JOHN R. BUCK, M. C.,
*Hartford, Conn.*

*Statement showing the imports of Tobacco-leaf into the United States from January 1, 1886, to June 30, 1886, and from July 1, 1886, to October 31, 1886.*

| Countries from which imported. | Tobacco, leaf. | | | | Countries from which imported. | Tobacco, leaf. | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Suitable for wrappers. | | All other. | | | Suitable for wrappers. | | All other. | |
| | Quantity. | Value. | Quantity. | Value. | | Quantity. | Value. | Quantity. | Value. |
| Germany: | *Pounds.* | | *Pounds.* | | Spain: | *Pounds.* | | *Pounds.* | |
| From Jan. 1, 1886, to June 30, 1886.. | 112 | $78 | 50,310 | $22,490 | From Jan. 1, 1886, to June 30, 1886.. | ..... | ..... | 5,489 | $2,965 |
| From July 1, 1886, to Oct. 31, 1886.. | 2,731 | 2,018 | 265,429 | 187,133 | From July 1, 1886, to Oct. 31, 1886.. | ..... | ..... | 8,162 | 4,295 |
| England: | | | | | Cuba: | | | | |
| From Jan. 1, 1886, to June 30, 1886.. | 15 | 16 | 57,669 | 35,610 | From Jan. 1, 1886, to June 30, 1886.. | ..... | ..... | 5,254,616 | 1,945,579 |
| From July 1, 1886, to Oct. 31, 1886.. | ..... | ..... | 19,548 | 3,234 | From July 1, 1886, to Oct. 31, 1886.. | ..... | ..... | 2,736,450 | 1,078,109 |
| Quebec, Ontario, Manitoba, and the Northwest Territory: | | | | | Turkey in Europe: | | | | |
| From Jan. 1, 1886, to June 30, 1886.. | ..... | ..... | 191,465 | 89,979 | From Jan. 1, 1886, to June 30, 1886.. | ..... | ..... | 18,229 | 4,450 |
| From July 1, 1886, to Oct. 31, 1886.. | ..... | ..... | 213,174 | 108,405 | From July 1, 1886, to Oct. 31, 1886.. | ..... | ..... | 8,959 | 2,340 |
| British West Indies: | | | | | All other countries: | | | | |
| From Jan. 1, 1886, to June 30, 1886.. | ..... | ..... | 20,288 | 5,903 | From Jan. 1, 1886, to June 30, 1886.. | 1,453 | $803 | 7,229 | 5,991 |
| From July 1, 1886, to Oct. 31, 1886.. | ..... | ..... | 47,918 | 15,598 | From July 1, 1886, to Oct. 31, 1886.. | 25 | 15 | 18,264 | 9,934 |
| Mexico: | | | | | | | | | |
| From Jan. 1, 1886, to June 30, 1886.. | ..... | ..... | 672 | 218 | Total from Jan. 1, 1886, to June 30, 1886 | 22,372 | 17,960 | 6,113,170 | 2,557,215 |
| From July 1, 1886, to Oct. 31, 1886.. | ..... | ..... | 16,072 | 7,884 | Total from July 1, 1886, to Oct. 31, 1886 | 9,883 | 7,650 | 5,504,751 | 3,236,479 |
| Netherlands: | | | | | | | | | |
| From Jan. 1, 1886, to June 30, 1886.. | 20,792 | 17,063 | 507,203 | 444,030 | Total for the ten months ending Oct. 31, 1886 | 32,255 | 25,610 | 11,617,921 | 5,793,694 |
| From July 1, 1886, to Oct. 31, 1886.. | 7,127 | 5,617 | 2,170,775 | 1,819,547 | | | | | |

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *December 2, 1886.* WM. F. SWITZLER, *Chief of Bureau.*

*Statement showing the imports of Tobacco-leaf into the United States for the six months ending December 31, 1885.*

| Countries. | Suitable for wrappers. | | All other. | | Countries. | Suitable for wrappers. | | All other. | |
|---|---|---|---|---|---|---|---|---|---|
| | *Pounds.* | | *Pounds.* | | | *Pounds.* | | *Pounds.* | |
| Belgium | ..... | ..... | ..... | ..... | Netherlands | 221 | $212 | 3,472,300 | $2,932,841 |
| China | ..... | ..... | ..... | ..... | Cuba | ..... | ..... | 5,434,479 | 2,055,615 |
| Germany | ..... | ..... | 103,446 | $55,926 | All other countries | 865 | 656 | 239,030 | 43,973 |
| England | ..... | ..... | 50,687 | 14,664 | | | | | |
| Dominion of Canada | 24,730 | $18,347 | 201,205 | 76,814 | Total | 25,819 | 19,215 | 9,512,638 | 5,184,289 |
| Mexico | ..... | ..... | 8,491 | 3,456 | | | | | |

TREASURY DEPARTMENT, BUREAU of STATISTICS, *January 25, 1886.* J. N. WHITNEY, *Acting Chief of Bureau.*

*Statement showing the imports of Tobacco-leaf into the United States during the years ending June 30, from 1876 to 1885, inclusive.*

| Countries. | 1876. | | 1877. | | 1878. | | 1879. | | 1880. | | 1881. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Pounds.* | | *Pounds.* | | *Pounds.* | | *Pounds.* | | *Pounds.* | | *Pounds.* | |
| Belgium | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 1,174 | $759 | 2,027 | $1,524 |
| China | ..... | ..... | 204 | $147 | ..... | ..... | ..... | ..... | 160 | 66 | 71 | 37 |
| Germany | 74,426 | $30,948 | 32,157 | 18,202 | 87,251 | $18,587 | 321,614 | $197,681 | 119,884 | 73,114 | 106,321 | 61,762 |
| England | 30,520 | 24,927 | 63,105 | 46,014 | 57,393 | 36,349 | 37,442 | 29,288 | 39,251 | 12,633 | 40,860 | 16,541 |
| Dominion of Canada | 7,053 | 1,574 | 26,358 | 11,727 | 19,923 | 8,163 | 43,295 | 10,691 | 59,010 | 24,184 | 109,494 | 46,229 |
| Mexico | 10,083 | 2,862 | 3,638 | 649 | 21,393 | 4,209 | 20,510 | 4,046 | 60,245 | 15,219 | 54,563 | 22,314 |
| Netherlands | ..... | ..... | 868 | 674 | ..... | ..... | 1,013 | 858 | 38 | 15 | 200,602 | 140,665 |
| Cuba | 7,209,218 | 3,641,102 | 7,319,106 | 3,640,521 | 7,769,955 | 4,020,981 | 6,101,593 | 3,288,596 | 9,299,637 | 4,742,701 | 6,895,505 | 3,596,511 |
| All other countries | 51,674 | 9,077 | 106,147 | 10,685 | 24,421 | 4,493 | 67,999 | 14,355 | 179,956 | 42,400 | 59,221 | 12,397 |
| Total | 7,382,974 | 3,710,490 | 7,551,583 | 3,728,619 | 7,980,836 | 4,102,782 | 6,593,466 | 3,545,515 | 9,759,355 | 4,911,086 | 7,468,664 | 3,897,980 |

*Statement showing the imports of Tobacco-leaf into the United States.*—Continued.

| Countries. | 1882. | | 1883. | | 1884. | | | | 1885. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Suitable for wrappers. | | All other. | | Suitable for wrappers. | | All other. | |
| | *Pounds.* | | *Pounds.* | | *Pounds.* | | *Pounds.* | | *Pounds.* | | *Pounds.* | |
| Belgium | 19,034 | $10,161 | 5,765 | $2,567 | ..... | ..... | 5,933 | $3,803 | ..... | ..... | 12,306 | $10,472 |
| China | 15,347 | 8,437 | 106,680 | 90,068 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Germany | 318,952 | 154,451 | 591,606 | 345,621 | 68 | $42 | 321,266 | 115,375 | 1,899 | $1,686 | 239,204 | 232,372 |
| England | 107,370 | 23,896 | 71,820 | 41,370 | ..... | ..... | 25,819 | 6,838 | 101 | 52 | 136,282 | 81,961 |
| Dominion of Canada | 172,526 | 82,978 | 158,464 | 66,366 | ..... | ..... | 222,164 | 94,247 | 1,341 | 1,341 | 467,611 | 136,543 |
| Mexico | 52,820 | 31,150 | 31,309 | 20,651 | ..... | ..... | 15,369 | 6,000 | ..... | ..... | 35,010 | 9,506 |
| Netherlands | 782,763 | 487,127 | 3,818,931 | 2,942,148 | 34,318 | 27,148 | 569,218 | 453,554 | 28,070 | 24,235 | 2,189,847 | 1,857,259 |
| Cuba | 10,377,360 | 5,415,121 | 10,017,635 | 5,012,178 | 6,225 | 2,665 | 11,697,168 | 5,235,569 | ..... | ..... | 9,754,099 | 3,930,580 |
| All other countries | 43,651 | 17,544 | 90,921 | 28,030 | *150 | 145 | 57,319 | 16,777 | ..... | ..... | 58,495 | 15,981 |
| Total | 11,889,823 | 6,230,865 | 14,893,131 | 8,548,999 | 40,761 | 30,000 | 12,914,256 | 5,932,163 | 31,411 | 27,314 | 12,892,854 | 6,274,674 |

*French West Indies.

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 20, 1886.

J. N. WHITNEY, *Acting Chief of Bureau.*

## Improvement of the Erie and Oswego Canals.

### SPEECH

OF

# HON. JAMES D. BRADY,

OF VIRGINIA.

### IN THE HOUSE OF REPRESENTATIVES,

*Friday, January* 7, 1887,

On the bill (H. R. 1577) for the permanent improvement of the Erie and Oswego Canals, and to secure the freedom of the same to the commerce of the United States.

Mr. BRADY said:

Mr. CHAIRMAN: I can not hope to add to the able and exhaustive remarks made upon the pending bill by the gentleman from New York [Mr. WEBER], and by other members representing the East and the West; but I desire to heartily indorse the underlying principles of the measure.

It is not difficult to understand the concern of the representatives of the great West and Northwest in the proper maintenance and improvement of the Erie and Oswego Canals, for they are the vital arteries through which flow the products of their grain-fields on the way to the seaboard. The marvelous progress of those sections, reflected as it is upon every part of this country, is primarily due to these works, and its further advancement hinges largely upon the continuance of the system and the ability to keep pace with the rapid forward strides of the transportation problem.

The injustice which insists upon a free water way for the nation to be provided by the State of New York can only result in the development of a desire and determination to cast off the burden, and the West may well view with grave apprehension the growth of this sentiment.

But, sir, coming from the State of Virginia, a State some distance removed from the sections which may be considered particularly and locally interested, I can impartially stand upon ground far above the criticisms which will be leveled against those whose localities are especially interested. I stand here as a Virginian to advocate the principles of this bill, because I believe that my people desire their Representative to legislate for the whole country, and not to be restricted to the circumscribed lines of a Congressional district or a State. I am deeply impressed with the importance of a measure which in its scope assumes a character unquestionably national and far-reaching. In it is involved the prosperity of a great and growing section of this nation. It means to a certain extent the natural, irresistible regulation and control of interstate commerce without legislative enactments. It means wise assistance toward meeting the rapid, growing competition of the grain-fields of India and the East. It means a prudent help to continue the balance of trade in our favor. It means prosperity to the agricultural interests of the land, upon which our strength is founded. It means the advancement of the material wealth of the whole country, and therefore I welcome the pending measure with cordial sincerity as a step in the right direction, and hope that the seed sown here to-day may blossom and bear fruit in the interest and for the benefit of the American people.

But, Mr. Chairman, availing myself of the privilege under the rules of the House, I will not occupy the time allowed me in further discussion of the bill under consideration. I desire to submit some views upon public matters affecting the people of Virginia and the South, and I trust that I shall be able to show Southern men who will cast away prejudice and permit reason instead of hate to assert itself that the policy and practices of the Democratic party are really injurious to the South, and are destructive of the best interests of the Southern people. From an experience of more than a quarter of a century I know that nothing rallies so often or dies so hard as intolerance.

The South has too long heeded appeals to prejudice and passion. Too long indeed for the peace, happiness, and prosperity of my State and my section have the brave, noble, and generous sons of Virginia and the South blindly followed Democratic politicians in their impassionate appeals to the woeful recollections of the "lost cause," and in their never-ceasing abuse and misrepresentation of Republicans and the principles of the national Republican party.

#### "THE NEW SOUTH."

Mr. Chairman, the signs indicate that we are to soon have a new South, not in name, but in reality. Virginia has heroically burst the chains that bound her to free-trade Democracy, and has declared in emphatic terms for protection to American industry in all its branches. She has repudiated the cardinal doctrine of Democratic party faith, "taxation for revenue only."

In effect, the most renowned of the Southern States has recently said that war, pestilence, and famine could not damage her half so much as this absurd political economy. It is the people's doings, not the work of the politicians. The majority of the thinking, intelligent people of Virginia have declared in favor of the great manufacturing interests of the country, and they now realize that, to make their State wealthy and prosperous, manufacturing establishments should be scattered through her domain. Once again Virginia is for the doctrines of Washington, Marshall, Hamilton, Webster, and Clay; and, pursuing that policy, she will in due time be restored to her pristine position of honor and commanding influence in the nation.

#### "DEMOCRATIC RECORD."

Mr. Chairman, I expect to be able to show, by the record of the Democratic majority in the present and in the Forty-eighth Congress, that all important measures affecting the material welfare of Virginia and the South, have been shamefully neglected, and Democratic representatives from the South who were in favor of legislation of benefit to their section have been, and are, without the power or influence to secure its adoption. The present House of Representatives has forty-one Democratic majority, and in the Forty-eighth Congress the Democratic majority was seventy-seven, so that the Democratic party is responsible for the political sins of omission and commission by the House of Representatives. Now, 108 of the 184 Democratic members of the present House are from the South.

The Speaker, who appoints the committees, is from the South; the organization of the House is in the hands of Southern men, and thirty chairmen of the forty-seven standing committees are from the South. Surely, Mr. Chairman, with this immense power vested in Southern Representatives there must be something radically wrong somewhere if needful legislation affecting the interest of the South can not be secured from Congress.

#### THE BLAIR EDUCATIONAL BILL.

Mr. Chairman, early during the first session of the present Congress I introduced a bill (H. R. 2572) "to aid in the establishment and temporary support of common schools," known as the Blair educational bill, which was referred to the Committee on Education, where it was promptly smothered. This beneficent measure was approved by the formal action of the Virginia General Assembly, as will appear by the following resolution, a copy of which I received from the clerk of the house of delegates.

*Resolved (the house of delegates concurring)*, That the Senators from Virginia be instructed and the Representatives in Congress requested to vote for what is commonly known as the Blair educational bill, or for some other better measure having for its objects to secure to the people of this State (in common with the other States) an appropriation for the benefit of the public free-school system

from the surplus revenues of the Federal Government, and that a copy of this resolution be forwarded to the Senators and Representatives in Congress from Virginia.

OFFICE OF CLERK OF HOUSE OF DELEGATES
AND KEEPER OF THE ROLLS OF VIRGINIA,
*December* 10, 1885.

The foregoing resolution was agreed to by General Assembly of Virginia on December 7, 1885.

J. BELL BIGGER,
*C. H. D. and K. of R. of Va.*

Mr. Chairman, the Blair educational bill passed the Republican Senate at the first session of this Congress, and a like bill was also passed by the Republican Senate of the Forty-eighth Congress, but the measure during the Forty-eighth Congress in the House of Representatives with 77 Democratic majority was not even considered; it remained on the Democratic Speaker's table smothered for nearly three months after the bill had been sent from the Senate. It has not been acted upon during this Congress, and will not be passed, because the Democratic leaders and the Democratic majority in the House are opposed to it, and the people of Virginia, and those Southern States favorable to the measure, should know the fact.

Here is a bill which appropriates out of the rich and overflowing Treasury of the United States over $76,000,000 to be distributed to the various States and Territories according to their educational necessities, and of the amount the South would receive more than $58,000,000; Virginia's share of the fund would be over $5,000,000, and be it known that notwithstanding the impoverished condition of the Southern country, and the inability of many of her people to educate their children, the Democratic majorities in the Forty-eighth and Forty-ninth Congresses have failed to pass the bill.

ILLITERACY IN VIRGINIA.

The illiteracy of the South is actually appalling. Why, Mr. Chairman, in the State of Virginia in 1880, from the report of Senator BUTLER, made to the Forty-eighth Congress, there were 71,004 whites and 214,340 colored over twenty-one years of age, and 114,692 whites and 315,660 colored over ten years of age, who could not read and write; and according to this same report the school population in Virginia was 555,807, of which 220,736 were enrolled, with an average attendance of only 128,409, and it was estimated at that time there were in the State over 250,000 children without any education. The people of Virginia are sadly in need of aid, which this educational bill would grant. For years we have had, and there still exists, a general depression in trade and commerce.

The New England, the Middle, and Western States, and even the Territories, are all more wealthy and prosperous than our section. The valuation per capita, according to the census of 1880, was, New England States, $611; Middle States, $473; Western States, $334; Territories, $211; and the Southern States only $155. While our population, from 1870 to 1880 increased 4,000,000 (2,500,000 whites and 1,500,000 colored), the aggregate values of our section during the same period have decreased to an alarming extent.

Times are hard in Virginia. Cotton does not pay and tobacco hardly brings the expense of raising. Western corn and wheat can be purchased cheaper at Richmond than the Virginia farmer's crop of the same, and money never during the darkest days of the worse panic was harder to get for commercial and agricultural purposes, although our banks seem to have it in abundance.

SOUTHERN REPRESENTATIVES POWERLESS.

Mr. Chairman, I admit that a number of our Democratic Representatives from the South are in favor of the passage of the Blair educational bill, and I know that they have done all they could to overcome the opposition of their party associates to the measure. But the Southern Democratic friends of the bill are powerless, because the national Democratic party and the Democratic leaders in Congress are bitterly opposed to the proposed legislation. The friends of national aid to public education in the South should remember all this, and they must not forget that the Democratic party, at its last national convention, declared against the measure in its platform, as follows:

We are opposed to all propositions which upon any pretext would convert the General Government into a machine for collecting taxes to be distributed among the States or the citizens thereof.

Let us contrast this with the declaration of the national Republican party at its last national convention upon the same subject, viz:

We favor a wise and judicious system of general education by adequate appropriation from the national revenue wherever the same is needed.

Mr. Chairman, the friends and the opponents of this measure were disclosed when the vote was taken in the House on the 29th day of March, 1886, upon the question of reference to another committee than that on Education, and thereupon 83 Democrats, in effect, voted against the bill, and only 66 Democrats of the 184 Democratic members of the House voted for the bill; and the record further shows that of the 55 Northern Democrats voting upon the proposition 48 declared themselves against the bill and only 7 for it, and that the bill is favored by a majority of Republicans and opposed by a majority of Democrats. It is a well-known fact that the Democratic Committee on Education of the present Congress have manifested such hostility to the measure that its friends abandoned all hope of securing any action upon the bill which passed the Republican Senate last session, and which, under the rules, was referred to this committee.

It is a Republican measure. It has the approval of the national Republican party, its most earnest and able advocates are the leaders of the Republican party, its author is a Republican Senator, and the Republicans of the North—those who make up the bulk of the intelligence, wealth, and respectability of that section—favor the passage of the bill, and if there was a Republican majority in this House and a Republican administration in power the measure would be enacted and the schools established.

INTERNAL-REVENUE TAXES.

Mr. Chairman, another important question to the people of Virginia and other Southern States is the repeal of the internal-revenue system of taxation, and upon which the attitude of the Democratic party, its leaders and its majority in this Congress, is that of open and most determined opposition. During the month of January last, in performance of pledges I had made to my constituents, and with the desire to serve and promote the best interest of the people of my State, I introduced in the House three internal-revenue bills. The first (H. R. 2575) "to repeal all laws imposing internal-revenue taxes upon brandy and wine manufactured from fruits;" the second (H. R. 2576) "to repeal all laws imposing internal-revenue taxes upon smoking and manufactured tobacco, snuff, cigars, cheroots, and cigarettes;" and the third (H. R. 2577) "to repeal all internal-revenue laws imposing special taxes;" all of which were duly referred to the Committee on Ways and Means.

The General Assembly of Virginia passed, and I received from the clerk of the house of delegates the following joint resolution:

*Resolved by the house of delegates (the senate concurring)*, That the Virginia Senators and Representatives in the Congress of the United States are requested to exert themselves earnestly for the passage of a law repealing all existing laws imposing internal-revenue taxes by the Federal Government.

OFFICE OF THE CLERK OF HOUSE OF DELEGATES
AND KEEPER, OF THE ROLLS OF VIRGINIA, *January* 9, 1886.

The foregoing resolution was agreed to by the General Assembly of Virginia on January 9, 1886.

J. BELL BIGGER,
*C. H. D. and K. of R. of Virginia.*

HOSTILITY OF DEMOCRATIC MAJORITY.

Mr. Chairman, responding to the foregoing resolution, I here and now inform the people of Virginia that I have exerted myself earnestly for the passage of a law repealing internal-revenue taxes, but that the efforts of Southern Representatives who desire the repeal of these obnoxious laws have been unavailing, because of the active and open hostility of the Democratic Committee on Ways and Means, and the Democratic majority in the present Congress; and I make bold to assert that there will be no repeal of the internal-revenue laws during the continuance in power of the present Democratic administration, and of a Democratic majority in Congress.

The distinguished gentleman who so ably and impartially presides over the House was, with his pronounced views upon these important questions, unanimously nominated for Speaker by the Democratic caucus, not long since in a published interview declared that there never will be a reduction of internal-revenue taxes until the tariff is reduced. This is evidently conclusive as to his position upon this question, and therefore from Mr. Speaker CARLISLE and his Democratic followers in Congress the people of Virginia and the South may depend upon continued opposition to all efforts which may be made to get rid of internal-revenue taxes. What hope have the people of Virginia and the South from the Democratic party?

The last national Democratic convention not only refused to consider the resolution of the delegate from Georgia "that the system of direct taxation known as the internal revenue is a war tax and should be abolished," but it adopted and made part of its platform the declarations in favor of the retention of the odious system of taxation, and that the money derived therefrom should be applied to the payment of pensions. In other words, the Democratic party would have the tobacco of the poor Virginia farmer taxed to pay the pensions of Union soldiers disabled during the late war. Let every Virginian ponder upon this fact, and let him read carefully and consider the reports Nos. 3209 and 3210, first session, Forty-ninth Congress, made by the Democratic Committee on Ways and Means, and then seriously consider the great injury to his State and section caused by the retention in power of the Democratic party.

TAX UPON TOBACCO.

Mr. Chairman, with reference to the internal-revenue tax upon tobacco, I expect to be able to show by the record that the Democratic majority in Congress is responsible for the retention of this tax which is so injurious to the tobacco-growers of the country. The States mainly engaged in the production of tobacco are Virginia, North Carolina, Kentucky, and Missouri. During the year 1885 the number of tobacco facto-

ries in operation, the quantity of leaf-tobacco used by manufacturers, and the amount of internal-revenue taxes collected in the thirteen leading States engaged in that business appears in the following table, prepared from records furnished by the honorable Commissioner of Internal Revenue:

| States. | Number of factories operated. | Leaf-tobacco used by tobacco manufacturers. | Internal-revenue tax collected. |
|---|---|---|---|
| | | *Pounds.* | |
| Virginia | 189 | 42,754,806 | $2,409,243 32 |
| North Carolina | 205 | 13,294,676 | 976,418 51 |
| Kentucky | 77 | 11,269,023 | 1,051,503 02 |
| Missouri | 67 | 22,633,675 | 2,068,263 18 |
| Tennessee | 44 | 1,024,725 | 73,948 37 |
| Louisiana | 42 | 2,337,957 | 129,771 75 |
| Maryland | 14 | 4,845,311 | 490,234 32 |
| | 638 | 98,160,173 | 7,199,382 47 |
| New York | 96 | 13,950,425 | 1,205,501 36 |
| Ohio | 42 | 8,598,393 | 809,204 96 |
| Pennsylvania | 37 | 3,249,300 | 245,675 19 |
| Illinois | 28 | 6,785,339 | 728,460 54 |
| Massachusetts | 8 | 461,582 | 39,226 00 |
| New Jersey | 13 | 19,535,154 | 1,789,579 44 |
| | 224 | 52,580,193 | 4,817,647 49 |
| All other States | 64 | 12,121,897 | 1,340,127 45 |
| Total in United States | 926 | 162,862,263 | 13,357,157 41 |

From the foregoing statement it is ascertained that during the year 1885 the seven Southern States operated six hundred and thirty-eight of the nine hundred and twenty-six tobacco factories in the United States; that these seven States used 98,160,173 pounds of the 162,862,263 pounds of leaf-tobacco used by all the tobacco manufacturers, and that they paid $7,199,382.47 of the $13,357,157.14, the total internal-revenue tax collected upon manufactured tobacco.

CULTURE OF TOBACCO RESTRAINED.

Mr. Chairman, it is a fact that the culture of tobacco is to-day restrained in the South by the fear which the people entertain for the internal-revenue officials, with their spies, informers, and the un-American control of private enterprise. The poor, hard-working, honest Virginia farmer who grows tobacco, and from his orchard gathers sufficient fruit to enable him to distill a small package of brandy has too long and too often been imposed upon by the Democratic politician seeking his vote.

Year after year he has been told that the "radicals" were responsible for the retention of the "infernal" revenue laws, which imposed such an unjust and heavy burden upon the product of his farm. Now, to his dismay, he realizes that these same laws are enforced against him with far more severity and cruelty under Democratic than under Republican rule. Hence his love for Democracy is on the wane. He is learning that the responsibility for the retention of these taxes belongs to the Democratic majority in Congress and the Democratic administration, and if he examines the record he will find that the House in the Forty-eighth Congress, with its seventy-seven Democratic majority, voted against Mr. KELLEY'S (Republican) proposition to reduce internal-revenue taxes, and that every effort of another prominent Republican, Mr. HISCOCK, in the same direction was voted down; the yea-and-nay vote disclosing the fact that one hundred and fifteen Republicans voted for reduction of these taxes and seventy-four Democrats against it.

The tobacco-growers of Virginia and the South should know tha the Republican leaders, KELLEY and HISCOCK, and a majority of the Republican members of Congress favored the repeal of the internal-revenue tax upon tobacco, but the Democrats then, as now, controlled the House, and all of the leaders of that party, with the exception of Mr. RANDALL, are opposed to the abolition of the tax.

OPPOSITION FROM THE COMMITTEE ON WAYS AND MEANS.

The Committee on Ways and Means, representing the majority in the present Congress, say (Reports Nos. 3209 and 3210):

Attempts to remove the tobacco and other internal taxes are usually justified by asserting these to be war taxes, and in apparent forgetfulness of the fact that so far as relates to its money obligations the war is not half over, and will not be over until we have paid $4,000,000,000 yet to be collected in taxes from the people.

* * * * * * *

This tax should not be removed.

* * * * * * *

The removal of the tobacco tax will furnish no new employment. Neither its smoke nor its juices will turn a wheel, shaft, or spindle.

* * * * * * *

It is a war tax, and the financial war is not yet ended, and will not be until the last dollar of our war debt is paid and the last pension is fully in.

* * * * * * *

For these and other reasons we believe that it is expedient to maintain taxes both upon domestic production and foreign import of tobacco.

And so, with a Democratic majority in Congress, and under a Democratic administration, the tax upon tobacco is not to be removed "until the last dollar of our war debt is paid and the last pension is fully in."

During the first session of the present Congress, Mr. FINDLAY, the able Democratic member from Maryland, introduced the following joint resolution (H. Res. 164):

Whereas the tax on tobacco is a heavy burden upon the large and important agricultural interest engaged in its cultivation, and is, besides, a special and unusual exaction, originally laid for the purpose of raising the necessary revenue to carry on the recent war; and

Whereas the system devised for the assessment and collection of this tax operates disadvantageously upon manufacturers with limited capital, and by the requirement of bonds, licenses, and other vexatious regulations deprives many industrious and deserving persons of a means of livelihood heretofore open to them, and has a strong tendency to concentrate in a few hands the monopoly of manufacturing both cigars and tobacco; now, as a consequence of this system, chiefly carried on in the large cities, from which sales are made by sample and otherwise, to the great prejudice and damage to the country trade:

* * * * * * *

Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That all taxes of whatever description upon tobacco, special or otherwise, and upon the manufacture or sale thereof, in any form or under any name, including cigars, cheroots, cigarettes, and snuff, be, and the same are hereby, abolished; and all acts or parts of acts inconsistent with this resolution are hereby repealed.

Which, having been referred to the Committee on Ways and Means, was by Mr. BRECKINRIDGE, of the committee, forwarded to the honorable Commissioner of Internal Revenue for his opinion thereon.

Mr. Miller, in his position as Commissioner of Internal Revenue, speaks for and represents the Treasury Department and the Democratic administration in this matter of so much interest and importance to the farmers of the South raising tobacco, and what does he say, responding to said resolution (see his letter, May 12, 1886, to Hon. W. C. P. BRECKINRIDGE):

I am unable to see that anything would be gained, either by the Government or by the manufacturers, by the passage of the joint resolution that you inclosed.

Contrast all this with what the Hon. W. D. Kelley, the great protectionist, says with regard to the internal-revenue system. Every Southern man who really desires the repeal of these taxes should read his great speech giving his reasons for their abolition, delivered in the House, March 25, 1884. I quote therefrom:

The service requires an army of over 4,000 men, whose principal employment is, as I shall abundantly prove, the persecution of small farmers and fruit-growers of the South. The direct annual expenditure required to maintain this army is over $5,000,000, and the indirect expenditure is said, and I believe truly, to amount to largely more than two and a half millions in addition. These are but some items of the cost of maintaining a system of taxation in support of private monopolies which Thomas Jefferson denounced as an infernal system that should never have been admitted into the Constitution.

TAX UPON FRUIT BRANDY.

Mr. Chairman, the small but numerous distillers of brandy from fruit in the States of Virginia and North Carolina and other Southern States were assured by those authorized to speak for the Democratic party that in the event of an election of a Democratic President that this unjust tax would be promptly repealed. The truth is, not only is the tax retained, and its collection rigidly enforced by Democratic internal-revenue officials, but the Democratic majority in the present House, carrying out the recommendation of the Democratic Commissioner of Internal Revenue, have, instead of repealing the law, passed a bill (H. R. 4833) imposing an additional hardship upon these fruit distillers by taxing a fractional part of a gallon of spirits. When the bill was under consideration, February 24, 1886, I submitted some remarks, showing the great injury this law would inflict, and I now repeat them for the benefit of our Virginia fruit distillers.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits—

Mr. BRADY said:

Mr. CHAIRMAN: * * * With regard to fruit distillers, and I speak especially with reference to the fruit-distilling interests in the State of Virginia, which I have the honor in part to represent on this floor, and in North Carolina, Kentucky, and Georgia, under the operation of the proposed bill, should it pass, the interests of the fruit distillers of the country will be most injuriously affected.

On the 9th instant, when the bill was under consideration, I gave notice that I would propose to amend it as follows:

"Add to section 1 the following proviso:

"'*Provided*, That the provisions of this act shall not apply to brandy and wine manufactured from fruit, nor shall any such tax upon the fractional part of a gallon be assessed against any distiller engaged in the manufacture of brandy and wine from fruit.'"

Let us see about the operations of the present internal-revenue laws concerning fruit distillers.

From the report of the Commissioner of Internal Revenue for the year ending June 30, 1885, it will be seen that the total receipts for that year from spirits distilled from apples, grapes, or peaches was $1,321,897.58. The total number of fruit distilleries in operation during said year was 4,245, and the tax collected from them would average $311+ each. The four States operating the greatest number of fruit distilleries were Georgia, Kentucky, North Carolina, and Virginia; and upon this point I invite attention to the following statement from the Commissioner of Internal Revenue:

Number of fruit distilleries operated, the quantities of fruit brandy produced,

and the amount of revenue derived therefrom during the last fiscal year in Georgia, Kentucky, North Carolina, and Virginia:

| States. | Distilleries. | Production. | Tax collected. |
|---|---|---|---|
| | *Number.* | *Gallons.* | *Dollars.* |
| Georgia | 291 | 43,894 | 39,504 64 |
| Kentucky | 360 | 142,533 | 128,279 84 |
| North Carolina | 1,214 | 85,062 | 76,555 38 |
| Virginia | 1,071 | 138,103 | 124,292 92 |
| Total | 2,936 | 409,592 | 368,632 78 |

Respectfully,

JOS. S. MILLER,
*Commissioner.*

In these four States, 2,936 fruit distilleries were operated, and the average tax collected from them during the last fiscal year was $125+. Only 1,309 fruit distilleries were operated in all other States.

Mr. Chairman, the cost of collecting this tax during the last fiscal year in the said four States is shown from the following information kindly furnished me by the Commissioner of Internal Revenue:

| | |
|---|---|
| In Georgia ten gaugers were on this duty at an expense of | $2,368 |
| In Kentucky nineteen gaugers and six special deputies were employed; cost | 8,929 |
| In North Carolina fifty-eight gaugers and ten special deputies, expending | 26,990 |
| In Virginia forty-five gaugers and twelve special deputies, costing | 23,134 |
| | 61,421 |
| The total number of regular internal-revenue deputies and clerks on duty in said States was two hundred and sixty, and allowances for their pay and expenses $330,556. I am sure that 3 per cent. of this expenditure is a low estimate of the amount thereof properly chargeable to the operations of fruit distillers | 9,916 |
| The total amount expended for discovery and punishment of violations of internal-revenue laws during said year was $34,387.29, and I am certain that it is a low estimate to charge said four States under this account | $3,000 |
| For court expenses, arrest, trial, examination of witnesses, fees, &c., for these violations of law, in the four States, I estimate the small amount of | 5,000 |
| Thus the total expenses to the Government connected with the collection of said tax and enforcement of the law in said four States, as to fruit distillers, amounts to | $79,337 |

The average tax paid by said 2 936 fruit distillers in the four States named was $125+, and it cost the Government an average of $27+ each to collect it.

Mr. Chairman, the total collections from all sources in the United States from internal revenue during the last fiscal year were $112,421,000, and the total cost of collecting the same was $4,455,430.27, or 3.9 per cent.

The total receipts from fruit distillers in the States of Georgia, Kentucky, North Carolina, and Virginia, as shown by the tabular statement of the Commissioner of Internal Revenue, was $368,632.78, and the cost of collecting this tax, according to the figures herein given, was $79,337, or 21.5 per cent.

These figures from official records, and estimates far below the actual expenditures for the purposes named, speak for themselves, and clearly demonstrate the great injustice of the tax. It is a heavy burden upon the poor farmers engaged in making a barrel or two of brandy from the fruit, and as a matter of economy the Government should abolish the tax altogether. To impose the additional burden upon the hard-working tillers of the soil, as will be done under the present bill, is indeed a great wrong.

Let us examine the effect of the enforcement of the law as the present bill proposes; and in order to do this I will endeavor to illustrate the practical operations of assessments against fruit distillers. The distiller registers his still for use; it has a producing capacity under the survey of 96 gallons per day, or 4 gallons per hour. July 1 he operates the same 13 hours, producing 52 gallons. He is for this 13 hours charged 24 hours and for 96 gallons of spirits. July 15 and 16 he again operates his still and for 25 hours, really producing 100 gallons of spirits; he is again charged for two whole days, 48 hours, and taxed with 192 gallons of brandy and spirits. July 30 he again operates his still, and for only 10 hours, producing only 40 gallons of spirits, yet he is charged for 24 hours' operation, or 96 gallons of spirits. Thus he has operated his still 48 hours, producing actually 192 gallons, the tax on which would be $162.80; yet he will be charged with 96 hours, or 384 gallons, the tax on which is $325.60, just a difference of $162.80, which latter amount is assessed against him and he has to pay.

Now, as to operation of the assessment feature under the proposed bill.

The production of fruit brandy by the distilleries in the four States named, last fiscal year, was 409,592 gallons, or an average of 139 gallons—say four packages (the usual size) each.

If one thousand of these small distillers on each package of brandy produced by them have an excess of one-half gallon, we will have one thousand assessments against them of two gallons each, or $1.80 tax each, and I undertake to say that it will cost the Government in many cases twenty times the amount of the assessment to collect it, not to mention the vexation and injustice frequently done the fruit distillers.

In many instances, as I know from my own personal experience, the assessments made have been wrong, yet it has been with great difficulty, and very seldom, that the distillers have succeeded in getting relief from the internal-revenue department; in fact, under the law and the decisions there is nothing else for the collector to do but to insist upon the payment of the assessments as made by the internal-revenue office. I know of many cases where poor fruit distillers have had assessments against them of about $8 or $10 deficiency, where judgment has been obtained in the courts and where it has sometimes cost the Government over $150 to collect the small judgment upon these assessments. I wish to say that this bill, unless it is amended, will work great injury and great wrong to the fruit-distilling interests, not only in the States that I have named, but in every part of the country where fruit distilleries are in operation.

Mr. Chairman, I have given the record of the Democratic leaders and majority in Congress, and shown the attitude of the present Democratic administration, upon the question of internal-revenue taxation, and from the facts presented it is manifest that until we have a change of parties the internal-revenue tax upon tobacco and fruit brandy will remain. Upon the questions of protection, the Blair educational bill, the repeal of the internal-revenue system, liberal appropriations for judicious internal improvements, indeed, upon every subject relating to the prosperity and general welfare of the South, the Democratic majority in Congress occupy an antagonistic position. The Southern people have no interest in common with the present Democratic party, and if left to their own free will, and permitted to exercise their own unbiased judgment, I believe that they would vote so as to restore the Republican party to the control of all branches of the Government.

PROTECTION IN VIRGINIA AND THE SOUTH.

Mr. Chairman, protection to American industry in all its branches against free trade is to-day the most important question before the people of this country. The National Republican party should stand fairly and squarely for protection as the National Democratic party does for free trade. With that issue clearly defined you can safely put Virginia in 1888, with a free ballot and a fair count, in the Republican column. Upon that issue, and that issue only, the Republican party can carry the country in the next Presidential election. Democratic politicians can not much longer humbug and hoodwink the people of the South.

Unfortunately, in Virginia and the South, since the end of the war, none of the great economic questions, upon which other sections of the country divide, have been properly presented or fairly considered; neither the tariff or the labor question, national aid to public education or civil-service reform; monopoly or hard times, have been the issue. The Democratic politicians have kept themselves in office and deluded the people by the old, but senseless, cry of "nigger," "nigger," and "Radical," "Radical." The workingmen of Virginia are learning that the present hard times is mainly attributable to the free-trade heresy of the Democratic party, and they begin to realize that it is of more importance to themselves and their families to bend their energies in developing the great manufacturing power of their State than it is to blindly vote the Democratic ticket.

VIRGINIA SHOULD BE FOR PROTECTION.

Mr. Chairman, Virginia should be more interested in protection than any State in the Union. Under the wise protective policy of the Republican party she will take her place as the great manufacturing State of the nation. The descendants of the secession, free-trade Virginians, those haughty, aristocratic, "better than thou" gentlemen, who live, and would die, by the resolutions of '98, and who have ruled Virginia before and since the war, are rapidly passing away. Peace to their ashes.

Not very long ago Mr. Fitzhugh, of Virginia, denounced the "poor whites" as ignorant, criminal and degraded, "little better than the Indians;" and he said, "two hundred years of liberty have made the white laborers a pauper banditti. Liberty for the few, slavery in every form for the masses."

Thanks be to God, the worthy sons of farmers, mechanics, and laborers are now honored and respected in Virginia. It looks like the dawn of better days for the mother of States and statesmen. New men and new ideas—practical, honest, industrious men, thrifty and enterprising, with brains and muscle—are surely forcing their way to the front, and before long they will govern the old commonwealth and make her a safe and sure protection State.

Mr. Chairman, it is English, you know, to be a free-trader, and the baneful influence of the Cobden Club is felt in Virginia, as it is in other sections of the country. The protectionists of Virginia have been bitterly assailed, their motives misjudged, and their actions denounced; and old prejudices, hatred, and intolerance have to be fought and overcome in the struggle for supremacy.

I shall not stop to show by official reports and statistics how our country has prospered under the operation of the system of protection. Our unparalleled success amazes the world. Said Bismarck, May, 1882:

The success of the United States in national development is the most illustrious of modern times. The American nation has not only successfully borne and suppressed the most gigantic and expensive war of all history, but immediately afterward found employment for all its soldiers and marines, paid off most of the debts, gave labor and homes to all the unemployed of Europe as fast as they could arrive within its territory, and still by a system of taxation so indirect as not to be perceived, much less felt.

All this before the Democratic majority in Congress had demonstrated its power to cripple the great industries of the country. Times were easy, our workingmen were employed, the people were contented and happy, and our future prospects were bright until the Democratic party began its warfare upon protection; and since that evil day the farmer has not found a remunerative market for his products, mechanics and laborers by the tens of thousands have been idle, and there has been much distress in the land. Were it not for the pluck and energy of our manufacturers, who, in the face of constant threats of legislation by Congress destructive of their business, have boldly ventured much and given employment to so many, universal poverty would prevail. The effect of free trade is to cheapen and degrade labor; most certainly this result has followed the track of free trade in England.

The honorable WILLIAM D. KELLEY, of Pennsylvania, with his daughter traveled two years ago in that country, and I beg to invite the attention of the mechanics and laborers of the South to some of their observations as given by Mr. KELLEY in the speech delivered in the House of Representatives April 15, 1884. He said:

A dissenting clergyman, the eloquent and devoted pastor of Bloomsbury Chapel, which stands but a few hundred feet from Bloomsbury Square and the

solid middle-class mansions around it, said to his congregation that he had found but a short distance from the pulpit from which he spoke a family of nine, including father, mother, sons, and daughters, who occupied a cellar not larger than the space marked by six of the pews his hearers occupied. "This was not," he said, "a peculiar case, but one of many thousands."

* * * * * * * * *

* * * in one of the most aristocratic quarters of London, in a cellar without a window, one member of which, a girl of full age, had just died, but whose flesh had been largely consumed by vermin before death came to her relief. These are said to be familiar chapters in the lives of tens of thousands who, though able and willing to work, can find no place among the wage-earners of free-trade England, whom our Democratic friends present as a national exemplar from whom they would have us accept as indisputable truths dogmas the prevalence of which has produced in that country these terrible results.

"Yes," I think I hear some of you reply to me, "you studied the poverty of London, which is, we are ready to admit, unparalleled." No; I spent ten days, unknown to everybody but my daughter, who was my companion, in Birmingham, and in visiting the manufacturing towns around that rich and beautiful city. We visited so much of the overcrowded precincts of the city itself as a lady might ride into, and in charge of a policeman I went beyond these limits. Our visits embraced Halesowen, Lye, Lye-Waste, and Cradley, where we found women making nails, trace-chains, heavy fire-bricks, and galvanizing hollow-ware. I observe among those who do me the honor to be present, my friend from Kentucky [Mr. TURNER], who comes to each succeeding Congress on the doctrine of free trace-chains, a bill to transfer which article to the free-list he never fails to introduce. The introduction of the bill does nobody any harm, and I shall continue to welcome him as long as I shall be returned and a Democrat comes from that district.

Mr. TURNER, of Kentucky. I never weary in well doing, and I hope that after awhile you will grant us that reasonable request.

Mr. KELLEY. Oh, yes; you ought to have free trace-chains, for we learned that the women who make them, if they are quick and good hands, can realize 25 cents a day. [Applause on the Republican side.] And all they have to pay out of their weekly wages of 6*s.* is 1*s.* 6*d.* for the forge and fuel, and another 6*d.* for having the rods out of which to make the chains brought to the forge. Free trace-chains! God forbid that any Kentucky girl or woman should ever work at such unwomanly employment for such starvation wages, even though it be to furnish free trace-chains to my friend and his constituents. [Applause.]

In one of the smallest and dingiest of the forges of Halesowen we found two men at work making light nails, such as girls are put to making when at fourteen years of age the British law will allow them to leave school and enter upon their lives of unwomanly toil. One of these men was a cripple, and the other was evidently suffering from pulmonary disease. One of them by expending his force for full time could earn 3*s.* per week and the other 4*s.*, from each of which sums are deducted weekly 1*s.* for fuel and furnace rent, so that at the close of the week they had as a net result of their joint toil $1.25. In the villages I have named, all of which are appendages of Birmingham, we also saw English girls and matrons making large fire-bricks; one carrying against her breast or stomach heavy lumps of wet clay, out of which her co-worker, it may be her sister or mother, molded the immense bricks which she who had brought the clay carried to a heated space near to where she was to pick up her next load of wet clay. Why, you ask, do these girls engage in such work? The answer is a simple one; they prefer to make bricks because they can make 6*s.*, or $1.50 net, per week, while their sisters who make nails or chains can not assuredly earn so much, and are, as I have said, subject to a charge of 1*s.* 6*d.* per week for fuel and rent of forge.

The chief specialties of Cradley are chains and hollow-ware. There we saw girls galvanizing stew-pans, boilers, bath-tubs, and other articles of like nature. The desperate struggle for life imposed on British toilers by cheap goods and low wages is well illustrated at Cradley. The assured receipt of $1.50 a week will tempt women from the nail or chain-maker's forge to the brick-shed. The pay of a galvanizer is $1.75 per week; and for this additional shilling girls will pass the forge and the brick-shed to engage in a galvanizing room, although the strongest of them knows that in less than six months the gases generated by the process will vitally impair her health.

In this connection I submit a brief extract from one of Miss Kelley's published letters:

"It is characteristic of the neighborhood of Birmingham that each village has one industry; thus nailers and chainmakers are as thoroughly separated as though their work differed radically and separation were needed. But the difference between Lye-Waste and Cradley is slight. There are the same forges, the same hovels, the same dusty roads, and the same industrious people. To tell the story of the chainmakers whom we watched at their forges, is merely to repeat the picture of Stocking Lane, and this I have no wish to do. Here and there, however, the forges are interspersed with factories and 'works,' and the facts as to these works illustrate some of the ills to which the nailers eagerly fly in their efforts to escape from their peculiar slavery.

"In one establishment we were shown young women at work on galvanizing pails, and our guide (who had come over from Lye-Waste for a benefit) observed privately concerning them, 'They'm flyin' from nailin', and they thinks it's a fine thing to get 7*s.* a week. But they gets poorly, and then they gets sick, and then their parents has to keep 'em, and they don't earn nothin' for a long time till they'm well again.' This we are prepared to believe, for we found difficulty in breathing in the first room to which an intelligent foreman showed us. This was a large, dusty room with a high ceiling and arrangements for ventilation with which we could find no fault. But in the middle of the room stood a seething caldron of a steaming fluid. Back of this stood a man dipping pails in the caldron and handing them to young girls, who swiftly rolled each pail in a heap of sawdust, then deftly brushed the fluid over the metal surface, assuring an equal coating to every part. A few moments of breathing the fumes from the caldron made our retreat to the sultry out-door air very refreshing, and sufficed to convince us of the unwholesome nature of this work, even before we noticed long rows of carboys of vitriol which furnish one ingredient of the galvanizing fluid. 'The inspection is severe,' observed the foreman. 'The works are closely watched, and if a girl works a half-hour over time we're brought up roundly. It's very unwholesome work.'"

This brief extract will convince you that I do not speak of things which I have merely read. No, gentlemen, I speak of incidents that I saw and of people with whom and whose employers I conversed. Sir, I do not want American goods to become so cheap that, as my distinguished friend, the chairman of the Committee on Ways and Means [Mr. MORRISON] said, we can sell to other people. God forbid that American labor shall ever be embodied in any production that shall be cheap enough to be sold at Halesowen, Lye, Lye-Waste, Cradley, and other manufacturing villages that surround Birmingham. [Applause.]

As further proof of the wretched condition of the unprotected labor in free-trade England, I beg to submit and to ask attention to extracts from the report of the parliamentary commission made in 1884.

TERRIBLE CONDITION OF THE ENGLISH COAL MINER.

In the Lancashire coal fields, lying to the north and west of Manchester, females are regularly employed in underground labor, and the brutal conduct of the men and the abasement of the women are well described by some of the witnesses examined by them.

Peter Garkel, collier, testified that he "prefers women to boys as drawers; they are better to manage and keep time better; they will fight and shriek and do everything but let anybody pass them."

Betty Harris, aged thirty-seven, a drawer in a coal pit, testified:

"I have a belt around my waist and a chain between my legs to the truck, and I go on my hands and feet; the road is very steep, and we have to hold by a rope, and when there is no rope by anything we can catch hold of. There are six women and about six boys or girls in the pit I work in; it is very wet, and the water comes over our clog-tops always, and I have seen it up to my thighs; my clothes are always wet."

Patience Kershaw, aged seventeen, testified:

"I work in the clothes I now have on (trousers and ragged jacket); the bald place upon my head is made by thrusting the cones; the getters I work for are naked, except their caps; they pull off their clothes; all the men are naked."

Margaret Hibbs, aged eighteen, testified:

"My employment after reaching the wall-face is to fill my bagie, or stype, with two and a half or three hundred-weight of coal; I then hook it onto my chain and drag it through the seam—which is from 26 to 28 inches high—till I get to the main road, a good distance—probably 200 to 400 yards; the pavement I drag over is wet, and I am obliged at all times to crawl on my hands and feet, with my bagie hung to the chain and ropes. It is sad, sweating, sore, and fatiguing work, and frequently maims the women."

R. Bald, government coal viewer, testified:

"In surveying the workings of an extensive colliery under ground a married woman came forward, groaning under an excessive weight of coals, trembling in every nerve, and almost unable to keep her knees from sinking under her. On coming up she said, in a plaintive and melancholy voice, 'Oh, sir, this is sore, sore, sore work.'"

Said a subcommissioner:

"It is almost incredible that human beings can submit to such employment—crawling on hands and knees, harnessed like horses, over soft, slushy floors, more difficult than dragging the same weight through our lowest sewers."

POLITICAL DISABILITIES.

Mr. Chairman, with the desire of removing the only remaining cause of irritation in the South, on January the 6th last I introduced a bill (H. R. 2571) "For the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States," which was duly referred to the Committee on the Judiciary, where it has ever since slumbered. The distinguished chairman of that committee is a well known and influential Southern Democrat, and I assume that his failure to report this, or a similar bill, is because of the opposition of Northern Democrats in the House to the measure.

I am sure the bill will not lack for support on this side. The people of the country remember that General Grant, in his message to Congress, December, 1873, recommended amnesty, and that it was eloquently advocated upon this floor more than ten years ago by many of the leading Republicans.

I remember with great pleasure the able and eloquent speech of the present father of the House, Mr. KELLEY, on that subject, delivered January 10, 1876; and, voting with those who supported measures in Congress removing political disabilities, I find the names of such conspicuous Republicans as Conkling, WILSON, EDMUNDS, Morton, Harlan, Howe, MORRILL, and BLAIR. In fact political disabilities have invariably been removed without objection. I am not, Mr. Speaker, unmindful of the objection which was made, and which now may be urged, to Jefferson Davis being embraced in the proposed measure of relief, and upon that point I shall quote for the purpose of my argument from the speeches of General Garfield and Mr. Blaine. In the House of Representatives, January 12, 1876, General Garfield said, during the debate upon amnesty:

I do not object to Jefferson Davis because he was a conspicuous leader. Whatever we may believe theologically, I do not believe in the doctrine of vicarious atonement in politics. Jefferson Davis was no more guilty for taking up arms than any other man who went into the rebellion with equal intelligence.

* * * * * * * *

Our enemies were as gallant a people as ever drew the sword.

* * * * * * * *

Toward those men who gallantly fought us on the field I cherish the kindest feeling. I feel a sincere reverence for the soldierly qualities they displayed on many a well-fought battle-field. I hope the day will come when their swords and ours will be crossed over many a doorway of our children, who will remember the glory of their ancestors with pride. The high qualities displayed in that conflict now belong to the whole nation. Let them be consecrated to the Union and its future peace and glory. I shall hail that consecration as a pledge and symbol of our perpetuity.

And, on the day following, January 13, 1876, Mr. Blaine said:

No man on this side has ever intimated that Jefferson Davis should be refused pardon on account of any political crimes; it is too late for that.

I do not believe that Jefferson Davis was responsible for the atrocities at Andersonville, and I think a careful examination of all the evidence submitted will force the conviction upon impartial minds that he is innocent of the serious charges which have been made against him in this connection, and, in the language of General Garfield, "he is no more guilty for taking up arms than any other man of equal intelligence."

The Lees and Longstreet, Gordon and Mosby, the Reagans and Tuckers, and nearly all ex-confederates, civil and military, have had, without objection, their political disabilities promptly removed.

Leading ex-confederates, under Republican and Democratic administrations, have filled the high and responsible positions of Cabinet ministers. The ex-confederate to-day is the trusted guardian of the nation's honor and interest at most of the courts of foreign countries. Under the judicial branch of our Government he expounds our laws, and here in Congress for many years he has been of the most numerous and influential class of our lawmakers, and yet, more than twenty

years after the end of the war, a Democratic House of Representatives, apparently, has not the courage to pass a general law removing political disabilities incurred by participation in the rebellion from the few remaining ex-confederates now affected by this useless Constitutional prohibition.

DEMOCRATIC PLEDGES AND DEMOCRATIC PRACTICE.

Mr. Chairman, the Democratic party came into power upon the plea that the Republican party had been extravagant in its management of the Government, and the promise was made that we should have a more economical administration. The record shows that since March, 1885, more new places have been created than during the same period since the end of the war. A larger outlay of the public money has been made by this Congress than at any time during the history of the Government in time of peace. The appropriations for expenditures for the present fiscal year exceed $383,000,000, while the Democratic Secretary of the Treasury estimates the revenue will not exceed $362,000,000. Our coast defenses, our Navy, and public improvements have not received that consideration in the appropriations which the interests of the country demand.

As to the national interest-bearing debt, contrast the record of the Democratic and Republican administrations. Under the Democratic, from March 5, 1885, to June 30, 1886, sixteen months, this debt has been reduced only $50,143,900, while for the preceding sixteen months, under Republican, the reduction was $116,297,000.

MEXICAN PENSION BILL.

Mr. Chairman, the Democratic majority have also failed to pass the Mexican pension bill, another measure in which the South is more interested than any other section of the country, because the soldiers from the South outnumbered all other soldiers in that war, and to their patriotism, conspicuous bravery, and skill is mainly due the great success of our Army in that conquest, by which our Government gained such a vast and wealthy territory. In the performance of my duty as a member of the Committee on Pensions, and having among my constituents a number of these gallant veterans, who, unfortunately, are now in reduced circumstances, I have, with other Southern Representatives, made special efforts to secure the passage of this bill, but the opposition thereto on the part of leading Democrats, the known friends of the administration, has been too powerful to overcome; the policy evidently being to kill any proper bill granting pensions to the deserving veterans of the Mexican war.

NORFOLK NAVY-YARD.

Mr. Chairman, any person who will examine the proceedings of Congress since the Democratic party secured control of the House of Representatives ten years ago can not fail to be struck with the persistent and determined opposition on the part of the Northern Democrats to every measure of interest and benefit to Virginia and the other Southern States. I have given a number of examples of that opposition during the present Congress, and I ask attention to another.

During the consideration of the naval bill in the House, on July 24 last, I offered an amendment to the fifth section of the bill providing that one of the vessels be built at the Norfolk navy-yard, and it was voted down by the Democratic majority. I was assured by a number of Southern Democrats that my amendment was right and should be adopted, but that they could not vote against the action of their own committee, nor oppose the administration, as it was authoritatively announced that the Secretary of the Navy desired the passage of the bill in the shape it came from the committee, and thus, in the interest of Democratic policy, our great Southern navy-yard was neglected. In presenting this matter to the House I said:

* * * * * * *

It is a well known fact that the navy-yard at Norfolk is superior in many respects to any navy-yard in this country, if not in the world. Admiral Decatur, Rear-Admiral Smith, successive boards of naval officers, and successive Secretaries of the Navy have, in their reports, all agreed that it is, or should be made, the great navy-yard of the country. Its climate is unsurpassed, its harbor is open all seasons of the year, mechanics can work at Norfolk out of doors all the year around—indeed, it is the only great naval establishment on the whole Atlantic coast.

Now, as to the plant necessary for the construction of these vessels, a very considerable portion of it is already on hand at the Norfolk navy-yard. We also have the facilities in order to establish all the requisite plant to do the work. Millions of dollars of Northern capital have been invested in our State to develop our valuable iron and coal resources, and we can more readily than many other sections of the country furnish all the iron and steel needed for the complete construction of all these vessels. As to skilled mechanics and laborers, I assert that we have at Norfolk men who are equal in that respect to any elsewhere.

These mechanics and laborers are now and have been for months unemployed; idleness reigns supreme at this magnificent naval establishment, and our people, when Virginia pays the United States millions of dollars yearly of internal-revenue taxes, are sadly in need of work.

Under the provisions of the section as embodied in the bill, and without the amendment I have submitted, the discretion as to the construction and completion of these vessels is left with the Secretary of the Navy. I am not in favor, in consideration of the treatment by the present Democratic administration of the Norfolk navy-yard, of permitting that discretion to remain in his hands. I have no fault to find with him; but I do claim that he is under the influence of New York. We have a New York President and a New York Secretary of the Treasury, and a New York Secretary of the Navy; and, sir, unless the amendment I propose is adopted, in my judgment, this work will go to New York and to the other navy-yards in the North, and the Norfolk navy-yard will be left out and our section of the country will not receive the consideration it deserves in the distribution of the work authorized under the bill.

I am not here, Mr. Chairman, making an appeal for my own party, because it is a fact well known that we have had under the present administration a clean sweep in the Norfolk navy-yard, and the question of politics, therefore, has nothing to do with it, so far as I am concerned. I am for justice to all sections; and I believe that the Norfolk navy-yard, with all its facilities, can do this work equally as good, if not better, than any other navy-yard in the country. It can be demonstrated to every fair-minded man that in many respects our Virginia navy-yard is the best in the United States, and as a matter of justice and fair-dealing we should have at least one of these vessels to build.

THE CONGRESSIONAL ELECTION IN VIRGINIA AND CIVIL SERVICE.

Mr. Chairman, the recent election in Virginia has demonstrated that the masses of the people of that State are indifferent as to the particular class of her citizens who hold the Federal offices. Under the present "reform" administration civil service in our section has been completely ignored; and as to Virginia it may be truthfully said that the civil service of the Democratic administration is "a delusion, a mockery, and a snare."

When the Republican party went out of power the Federal offices in Virginia were filled by old, experienced, capable officials, who had made a record for honesty and faithful performance of duty unsurpassed. With but few exceptions they were Virginians, and the people having business relations with them did not seek or desire their displacement. The Democratic politicians did, and the President, disregarding his pledges as to civil service, yielded to their demands and made a clean sweep.

The Staunton Vindicator, a Democratic organ, has recently stated:

The administration has given Virginia the United States minister to Italy, Mr. Kiely; United States minister to Spain, Dr. Curry; United States consul-general to China, Colonel Withers; United States minister to Colombia, D. H. Maury; United States minister to Costa Rica, Mr. Wingfield; United States Commissioner of Railroads, General Johnston; United States Solicitor-General, Mr. Goode; appointed Democratic collectors of internal revenue, Democratic district attorneys, democratic United States marshals—a clean sweep. It has put every post-office worth having in the State in the hands of Democrats—a clean sweep. It has put every custom-house in the State in the hands of Democrats—a clean sweep. It has appointed scores of Virginia Democrats to various offices in Washington and the Territories.

RECENT ELECTION IN VIRGINIA.

Mr. Chairman, the result of the recent election in Virginia was a great surprise to the Republicans. The politicians are entitled to no credit for the victory. It is the people's work. They, without being harrassed by the politicians of one side, and in disregard of the wishes of the leaders on the other side, and caring little for Federal patronage, have pronounced for protection, for national aid to public education, for the abolition of the internal-revenue system of taxation, and for liberal appropriations by Congress for necessary public improvements, and they—the protectionists of new Virginia—will take no step backwards.

---

## Interstate Commerce.

### SPEECH

OF

### NELSON W. ALDRICH,

OF RHODE ISLAND,

IN THE SENATE OF THE UNITED STATES,

*Friday, January* 14, 1887.

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. ALDRICH said:

Mr. PRESIDENT: I do not intend to enter upon a discussion of the general features of this bill. The provisions which authorize the appointment of a commission, which enforce the publicity of rates, which prohibit the exaction of unreasonable charges, and which seek to shield the public from undue and unjust discriminations, have my hearty approval. I shall confine my remarks to a criticism of the fourth section, and I am led to claim the attention of the Senate for this purpose because I desire to express my emphatic dissent from the interpretation sought to be placed on its terms by the Senator from Illinois [Mr. CULLOM], the chairman of the conference committee, and from a profound conviction that if the provisions of this section are enacted into law the result must be disastrous to great interests.

I believe this section to be revolutionary in its character and in violation of the sound principles which should govern transportation charges, and that the rigid enforcement of its provisions would demoralize business, change the channels of trade, destroy values through vast areas, and cripple both internal and external commerce.

The magnitude of the interests involved in the construction of the section are by no means measured by the value of the railroad property in the United States, or even by the extent of our internal commerce. Home and foreign competition have made cheap transportation a necessity to a large portion of our people, and anything which tends to restrict the movement or to increase the cost of the transportation of the great agricultural and manufactured products of the country affects injuriously the welfare of every individual and the prosperity of every community.

This bill is here in obedience to the general desire that Congress should exercise its unquestioned power over interstate commerce and endeavor to cure by appropriate legislation some of the evils which have

accompanied our rapid and phenomenal railway development, a class of evils which seem to be incident to the management of all great enterprises.

Preliminary to the examination of the specific terms of the fourth section, it may be profitable to consider, briefly, the results which the advocates of long and short haul legislation seek to accomplish. Attracted by the difference between through and local rates, they have assumed that the rates imposed at non-competitive points are unjust and excessive, and that to reduce these to reasonable proportions a process of equalization is necessary. This was clearly stated by the Senator from Illinois in the report of the select committee.

In that report he said:

The purpose to be accomplished by prohibiting greater charges for shorter than for longer hauls is to equalize the existing differences between through and local rates. It is intended for the protection of those most in need of protection—the shippers at interior non-competitive points, &c.

The Senator from Tennessee [Mr. HARRIS], a member of the conference committee, stated in the debate a few days since that he had "insisted upon a short-haul provision to give a shipper from non-competitive points some protection against unreasonable and unjust exaction."

I might quote the chairman of the conferees on the part of the House, Judge REAGAN, to the same effect, but the statements which I have read fairly represent the conferees' understanding of the nature of the evils complained of and the manner in which the remedy should be applied. These explicit declarations, by the responsible authors of the section, of the purpose they had in view, should be constantly borne in mind in our efforts to construe the meaning of the language used.

The fourth section, omitting the proviso, reads as follows:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance.

In its application to the transportation of merchandise the rule laid down by the section may be otherwise stated as follows:

That the aggregate sum received in each case, by any and every common carrier operating an interstate railroad, for the transportation of property over the whole or any portion of its own line, fixes a rigid maximum or minimum limit on the charges it may make for the carriage of a like kind of property under similar circumstances between any other stations on its road, and in all other cases.

That the prohibition in the section against unlawful charges applies, and can be made to apply only, to each individual common carrier seems too clear to be disputed.

The use of the singular number would seem to preclude any other construction were it not for the contention of the chairman of the conference that "any common carrier" also means any combination of common carriers, and that when the language applies to a number of carriers it has a different significance than when applied to one.

The words "any common carrier subject to the provisions of this act" are used in almost every section of the bill, always with the same meaning and never in such manner as to admit of an inference that the words might signify a combination of two or more.

The language used in the fifth section seems to be conclusive of this.

This section reads:

That it shall be unlawful for any common carrier subject to the provisions of this act—

The same words used in the fourth section—

to enter into any contract, agreement, or combination with any other common carrier, &c.

If the words "common carrier" can be understood as meaning also a combination of common carriers the fifth section is devoid of sense.

The contention that the aggregate compensation received by any common carrier as its proportion of a through rate obviously fixes a maximum limit for all aggregate charges between stations on the same line is strenuously objected to by the chairman of the conference committee, who says:

But when two or more companies unite in making joint rates over their respective roads, they become in the eye of this bill one line, and this section says that the short-haul principle must be observed in making rates over that line, the two or more roads composing it being, within the meaning of the section, the same line so far as such joint rates are concerned. The word "railroad" is used throughout the bill and the word "line" is used only in this section. The courts will be bound to assume that the word "line" means something different from the word "railroad," or it would not have been used in this one instance when the word "railroad" would naturally have been used if something different had not been intended. The word "line" means a railroad or a combination of railroads. It means a route.

* * * * * * *

The joint through rates which are made by two or more railroad companies, between points upon their respective roads, are made over an entirely different and distinct line from that over which any one of the companies individually makes rates. And they are also made under different "circumstances and conditions" from those which govern and determine rates made over a single railroad.

The two transactions are separate and distinct, neither being necessarily governed by the other. Furthermore, the making of joint through rates is specifically recognized by the bill in the section requiring publicity of rates, and nowhere in the bill can anything be found in relation to the division of a joint rate by connecting roads. I am satisfied, therefore, that the only construction that is warranted by the language of the section is the one I have given it, and that, instead of requiring rates to be measured by the percentage of a through rate which a road accepts, or of requiring through rates over connecting roads to be an aggregation of the local rates over each road, as some have claimed, the section as it stands simply requires that each railroad company shall observe the short-haul principle as to its own rates, and that the same principle shall also be observed by a combination of railroads as to the joint through rates between points upon their respective roads agreed upon by such a combination.

It will be observed that in this argument the Senator from Illinois rests his claim for a construction which is obviously unnatural, solely on the special significance which he says should be given to the word "line," but it is apparent upon examination that the word as used in this section has no such meaning as that attributed to it by the honorable Senator.

In making the statement that the word "line" is used nowhere else in the bill, and it therefore must mean something different from the word "railroad," the chairman displays a surprising lack of knowledge of the terms of his own bill.

The third section provides:

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines.

The sixth section provides:

And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes, &c.

Notwithstanding the clumsy construction of the sentence, the words "their respective lines" in the third section evidently refer distinctly to the railroad or railroads of a single common carrier, and the words have the same significance in the sixth, and by analogy as well as by all rules of construction in the fourth section.

The word "line" as used in the fourth section can have but one meaning and that is, the physical structure, the track over which property is transported.

To transform this mass of rails, ties, and sidings, over which freight is hauled, into a living, responsible being which can make contracts and be subjected to penalties, is beyond the power of human effort. The Senator from Illinois evidently confuses the material structure with the person or corporation which owns and controls it.

If the same line means a definite combination of roads which can fix rates independent of every other combination, the rates so fixed not affecting the local rates on any of the separate roads, then many of the evils complained of by these gentlemen will not be remedied, for we might have, as I suggested the other day, ten different rates along any extended route, the rates from all interior points at short distance being greater than those over longer distances. The rate, for instance, from Buffalo, Cleveland, or Chicago to New York might be much greater than the rate from Saint Paul or Bismarck to that point. The Rock Island road might charge twice as much for a car-load of corn from Council Bluffs to New York as the Union Pacific charged for a car-load the longer distance from Omaha to New York. A short road, five miles long, might be constructed or purchased of other companies running through Chicago, which as a separate corporation might act as a sort of transportation clearing-house, and make contracts for all east and west bound freight at any rates it pleased, and these rates would not affect local or through rates on any other road.

If the honorable Senator should be correct in the assumption that the limitations of the section apply to a combination of carriers as well as to single carriers the penal provisions of the bill could not be enforced against the combination, as it has no responsible officers, no corporate or other existence.

It is true that the sixth section authorizes the use of a joint tariff. It will be noticed, however, that while each common carrier is compelled by the bill to prepare and publish schedules of the charges over its own line, the preparation and publication of joint tariffs is not mandatory, but is merely permitted. When such joint tariffs are used, however, the section further provides that—

No common carrier party to any such joint tariff shall be liable for the failure of any other common carrier party thereto to observe and adhere to the rates, fares, or charges thus made and published.

This fixes a responsibility upon each carrier only for the proportion it may receive of the joint rates, and the language used is clearly, it seems to me, in confirmation of the construction I am contending for.

In further explanation of the construction placed by him on the section the chairman of the conference makes the statement:

Suppose there are four roads coming to Albany, and each one of them does business with the Albany and Boston road. At the other end of its line, if you please, each one of them has its arrangements of through rates, by which, from Kansas City, the Wabash, for instance, carries freight to Albany, and on to Boston on that line; another road from Chicago carries freight from Chicago to Albany and on to Boston on that line; another one from Detroit carries freight to Albany and on to Boston on that line.

* * * * * * *

Each one of these different roads makes its own combination, its own arrangements, with the Boston and Albany by which grain or other products are transported over its line from Albany to Boston; and the charge that the Albany and Boston road makes, or the agreement that it makes, if you please, with these different separate lines has nothing to do with what it charges one or the other of them, and it has nothing to do with its own local rates from Albany to Boston.

This opinion seems to be in direct conflict with that held by Judge REAGAN, whose testimony on this point may be considered pertinent and valuable. He was asked by Mr. Stahlman, at a hearing before a

House committee, "whether the Chicago, Milwaukee and Saint Paul road, after having accepted 14 cents per hundred pounds for transportation between Chicago and Omaha on a shipment from Boston to San Francisco, would be limited to that charge on all shipments of like freight over its line, no matter where it originated?" The provisions of the fourth section of the Reagan bill which was under consideration were substantially the same as the fourth section of this bill.

The answer was:

The Chicago, Milwaukee and Saint Paul road is not obliged to take this freight at 14 cents, or any other sum less than its local rate; but if it does it will have no right to charge more to points on its line for a shorter distance.

Let us examine the statement of the honorable Senator from Illinois closely. The Boston and Albany road takes up in its freight yard on the same day and hauls from Albany to Boston, with the same locomotive on the same train, four car-loads of corn of equal weight belonging to the same shipper and destined to the same consignee in Boston but representing shipments originally made from widely different points. The service rendered by the Boston and Albany road in connection with each car and all transportation circumstances and conditions are identical, and notwithstanding the fact stated by the honorable Senator that "nowhere in the bill can anything be found in relation to the division of a joint rate by connecting roads," it is safe to assume that the Boston and Albany corporation, a "common carrier subject to the provisions of this act," will at some time and in some manner receive an aggregate sum for the transportation of each one of these cars to Boston, and it is very difficult to understand the process of reasoning by which it can be said that the aggregate sum so received does not limit by the plain terms of the fourth section all other charges for similar transportation for shorter distances over the same line, *i. e.*, the road from Albany to Boston. If the different routes by which the property reaches Albany may be taken into consideration in fixing rates outside the requirements of law, how would it be if the four car-loads had all been shipped originally from Buffalo by the same person, at same rate of freight on a through bill of lading, the corn having all been taken from the same elevator? Could the shipper claim different rates, or the road claim exemption from the provisions of the section, because the corn had been previously transported to Buffalo from different States, over different routes, or had been produced on different farms? Could any coloring be given to the word "line" which would cover these cases?

Mr. DAWES. I should like to ask my friend what force he gives to the word "aggregate?"

Mr. ALDRICH. The "aggregate" compensation I understand to be the total sum received by any common carrier for any given service in the transportation of passengers or property. When the bill was before the Senate originally for discussion the Senator from Connecticut [Mr. PLATT] said that it was intended to embrace terminal and other charges as well as compensation for the transportation of merchandise; but the term "transportation," as defined in the bill, includes "all instrumentalities of shipment and carriage." So it makes no difference in the amount of the charge whether the word "aggregate" is used or not, as the charge for all terminal and other services, it seems to me, must be included in the charge for transportation.

Mr. SEWELL. Taking the word "aggregate" in that sense, $10 would be the charge for the transportation of a hundred barrels of flour——

Mr. ALDRICH. Yes, it means, I repeat, the total sum received by any railroad company for a particular service rendered by it.

Mr. DAWES. I suppose, if I do not interrupt the Senator, that the word "aggregate" put in would prevent inequality of rates in a particular case by terminal charges.

Mr. ALDRICH. The Senator from Connecticut [Mr. PLATT] suggests it means the total sum received for taking a given quantity of freight from one point to another. It means the sum of every conceivable charge which can be made for service from one station to another.

Mr. ALLISON. On the same line.

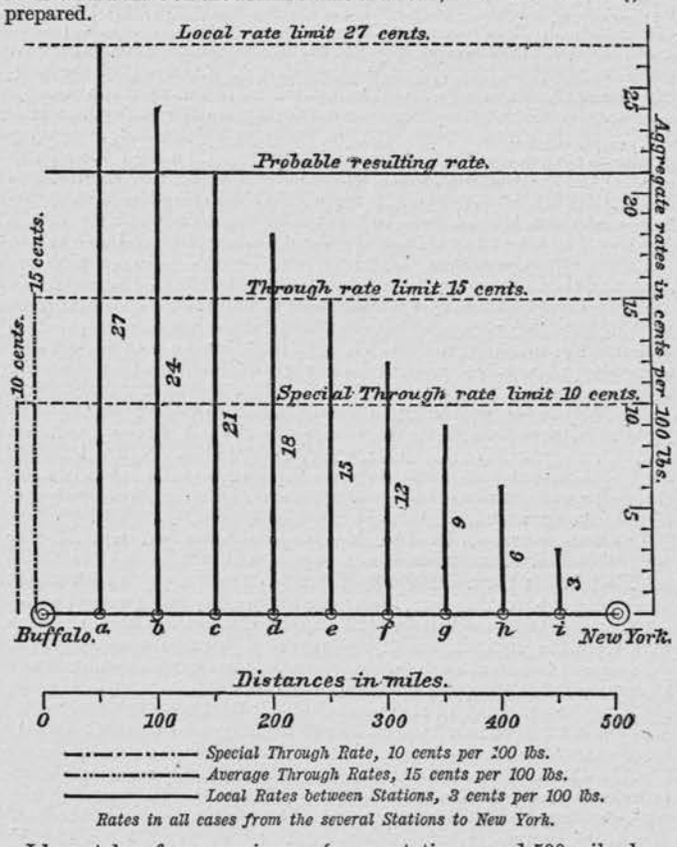
Mr. ALDRICH. Yes, on the same line; and I repeat again that the aggregate sum so received is the inexorable measure by which all the other business of the line, through or local, must be limited.

If the requirements of the section had not been limited by the words "in the aggregate," its provisions would have obliged every common carrier to charge a uniform rate per ton per mile for the transportation of like property.

With this limitation in the section, however, the ultimate effect will be to establish on all interstate roads charges which will approximate equal mileage rates.

The variation in "aggregate" sums received will not be determined by the difference in the number of miles freight is moved, but by the difference in the number of stations between the points of shipment and arrival on any given road.

Instead of taking an exact and invariable unit of distance for measurement, one is taken which is conspicuously inexact. Take for illustration a road 100 miles long with one hundred stations; the aggregate rate in each case would be the same as if computed on a mileage basis. If a road of equal length were taken, with a less number of stations, the extent of the variation from an equal mileage rate would depend upon the number of stations on the road. If there should be but three the rate to the intermediate station might be nearly twice as great per ton per mile as that between the termini. The rate imposed by the terms of the section as it stands would not be a certain rate per ton or per 100 pounds per mile, but an aggregate sum per ton or per 100 pounds per station; the rate, in both cases, however, being determined by the distance hauled, but by different methods. To illustrate my understanding of the effect which the provisions of the section if they become operative would have on the actual traffic of a road, I have had this diagram prepared.




*Rates in all cases from the several Stations to New York.*

I have taken for convenience of computation a road 500 miles long, with local stations, *a*, *b*, *c*, *d*, *e*, *f*, *g*, *h*, *i*, 50 miles apart, and have supposed it to be an interstate road running from Buffalo to New York. In the preparation of the diagram aggregate sums in cents per 100 pounds have been fixed for the charge in each case from the various stations t New York. The local rates are fixed at what may fairly be taken as an average rate on roads doing a heavy business, namely, 1.20 cents per ton per mile, or 3 cents per 100 pounds from one local station to another. The through rate is fixed on a basis of 0.60 cent per ton per mile, or 15 cents per 100 pounds for the haul from Buffalo to New York. The rates I have taken are the average rates shown by the following table for a series of ten years on the only road whose reports are available to show for a considerable period the comparative rates on through and local freight.

*Comparative statement of the freight traffic rates of the Cleveland, Columbus, Cincinnati and Indianapolis Railroad, as per annual reports from* 1875 *to* 1884, *inclusive.*

| Year. | Average receipts per ton per mile. | |
|---|---|---|
| | Through traffic. | Local traffic. |
| | *Cents.* | *Cents.* |
| 1875 | .778 | 1.622 |
| 1876 | .650 | 1.429 |
| 1877 | .716 | 1.538 |
| 1878 | .613 | 1.303 |
| 1879 | .565 | 1.215 |
| 1880 | .681 | 1.110 |
| 1881 | .532 | 1.146 |
| 1882 | .591 | 1.176 |
| 1883 | .652 | 1.079 |
| 1884 | .525 | 1.018 |
| Ten years | .618 | 1.234 |

The average rates of the table have been adopted because it is believed that they fairly represent the average variation between through and local rates. The freight charges on the Chicago, Milwaukee and Saint Paul road in 1885 were 0.84 cent per ton per mile for through and 1.34 cents per ton per mile for local traffic. It will be observed that it makes no difference what rates are used in the construction of the diagram so long as the proper relative proportion between through and local charges is preserved.

I have also shown the effect of a special through rate of 0.40 cent per ton per mile, or 10 cents per 100 pounds from Buffalo to New York. If the Senate conferees' understanding of the section is correct this special-rate limit would not be effective, but the other limitations would apply.

The figures used show, and the length of perpendicular lines indicate the aggregate charges, local and through, in cents per 100 pounds, from each station to New York for the transportation of any like kind of property (say a car-load of flour in every case), the freight moving in the same direction in all cases. The horizontal dotted lines show some of the maximum and minimum limitations fixed by the terms of the section. It will be evident, however, on examination of the problem, that the limitations marked on the diagram are but a few of the great variety which the traffic between different combinations of stations would produce, as the aggregate sum charged between any two stations fixes a minimum limit for the sum to be charged between any other stations located a greater distance apart, and a maximum limit for the sum to be charged between any stations which are nearer together. For instance, the sum charged from station *a* to New York, being the greatest local rate, 27 cents per 100 pounds, fixes a limit for the lowest sum to be charged for through freight from Buffalo to New York. While the sum charged from Buffalo to New York, 10 or 15 cents per 100 pounds, being the lowest through rate, fixes a maximum limit for the rate from stations *a*, *b*, *c*, *d*, *e*, &c., to New York. It is evident that in order to reconcile these limitations an equalization of through and local rates is necessary. This equalizing process can only be effected by advancing through rates.

The rates to or from local stations *a*, *b*, *c*, *d*, *e*, &c., are now fixed by conditions and necessities entirely independent of the through rate from Buffalo to New York. The amount of business done at each station, the character of competition, if any, with other lines, and, more important than all, the necessities of the railroad company to obtain income with which to pay charges and expenses of all kinds, interest on its indebtedness, and possible dividends on capital stock, are elements which have been taken into consideration in the establishment of local rates, and these conditions will all remain in vital force after this section becomes a law. The new local rates will be gauged by distance, but the total sum to be received from local traffic can not be greatly diminished, so that the general range of local rates must remain substantially at present. This will certainly be true on all Eastern roads where the local traffic forms in earnings 75 to 90 per cent. of the business of the companies.

I am reminded by the Senator from Massachusetts [Mr. HOAR] that on the Providence and Worcester road local traffic furnishes 93 per cent. of the receipts.

In the interior of the country, in Ohio and Illinois, the relative percentages are 70 for local and 30 for through business. On some roads in the extreme West the percentage of through business is much greater. In Iowa in 1883 about 80 per cent. of the business was through and about 20 per cent. local. It must be evident from a consideration of these figures that it is essential in order to secure the continued operation of the roads, especially those in the East, that the income from local rates shall be substantially preserved. To refer again to the diagram. It would not be possible, for many reasons, to cut all local rates down to the unbroken level of 15 cents per 100 pounds fixed by the through rate. It would be prevented by the trade conditions and the necessities to which I have already alluded, and the rates fixed would probably be found in conflict with the terms of the second section of the bill, which requires that all rates shall be reasonable, as the rates from stations *a*, *b*, *c*, and *d* would probably be unreasonably low, and from stations *f*, *g*, *h*, and *i* unreasonably high. Several Senators have stated that this section would permit as great a charge for one hundred as for one thousand miles, and that the rate might, for example, be the same from Denver, Omaha, Chicago, or Cleveland to New York, as from San Francisco to that city. The section would undoubtedly prevent a greater charge from any of the intermediate points than from San Francisco; but this prohibition would have no practical effect, as the rate from San Francisco, if reasonable, would be so far above the rate from Cleveland that the limitation would be valueless. The rates from Cleveland could never be as great as the rate from San Francisco or the rates from Cleveland, Chicago, &c., to New York would be fixed by other conditions, limitations, and comparisons, without reference to the rate from San Francisco. To illustrate by the diagram, the rate from *i* to New York could never be greater than the rate from Buffalo to New York, but the comparison is one which never would be made in an actual transaction. The rate from *i* to New York would be in the first instance compared with and must not be greater than the rate from *h* to New York, and the rate from *h* is compared with *g*, and so on through a long series of gradually increasing rates.

As the financial needs of railroad companies will not admit of any considerable reduction in the income from local traffic, nothing is left but to advance through rates; but this would not always be possible. To refer to the diagram again, the through rates from Buffalo to New York are fixed in competition with water carriage by the Erie and Welland Canals and with a carrier whose railroad, entirely within the boundaries of a State, is expressly exempted from the rule laid down in this bill. To advance rates from Buffalo, materially, means loss of through business and a necessary advance of local rates to recoup the loss of receipts thus sustained. Where, then, would be the limit and what would be the average rate after the equalizing process was completed? I believe that it would not be less than the average rate received for transporting freight on all the railroads in the United States, namely, 1.06 cents per ton per mile. The approximate resulting rate limit on the diagram is placed at 0.84 cent per ton per mile, which is about the average rate for all traffic on the trunk lines in recent years.

To avoid the necessary inference that through rates must be advanced if rates are to be equalized as required by the section, some of the advocates of the bill have intimated rather than asserted that the qualifying words "under substantially similar circumstances and conditions" may be construed to authorize carriers to charge more from non-competitive short-haul points than from competitive points where a longer haul is necessary.

The chairman of the conference committee, in his explanation of the meaning of the words, said:

> They mean just what they say, that you shall not charge more for the shorter than for the longer distance on the same line in the same direction under substantially similar circumstances and conditions, and those conditions and circumstances may be, if you please, the fact that one place is a competing point and that another place is not, the fact that one place furnishes a large amount of business and the way-station does not furnish perhaps more than a car-load, and that it incurs additional expense and all that sort of thing.

The words referred to were, I think, inserted in the section at my suggestion, and it was my purpose, by the insertion, to limit as far as possible the disastrous effects which would follow the adoption of the rigid rule laid down in the section, but I could not hope that any such significance as that now suggested could be given them. If the proportion of a through rate, which a carrier receives, places no limit on local charges, and if there is such dissimilarity of circumstance and condition between points where there is competition and those where there is none, as would allow higher rates for a shorter haul to or from the latter, then what is the purpose of the section, and what becomes of the protection to be afforded shippers at non-competitive points?

If this interpretation can be given the section those gentlemen who believe that a long and short haul provision furnishes a panacea for all railroad troubles will sooner or later find out that this bill is a delusion and a sham, and the country may as well understand that it is an empty menace to great interests, made to answer the clamor of the ignorant and the unreasoning.

It is an open secret that this bill does not represent the deliberate judgment of the Senate. Many Senators will vote for it with the hope rather than the belief that the courts will construe the fourth section to be meaningless, but we should remember that the courts may not be impressed with the necessity of explaining away the fatal defects of the measure, and that they will be bound only to give an interpretation to the words which are used in the section, and to give to these their usual significance. Senators will be constrained to admit that if this bill becomes a law and the section under consideration should not be construed to be purposeless, that to save their own constituency from ruin, its monstrous provisions must be evaded or ignored by the railroads and the commission. To legislate on a subject of serious import in this manner is not worthy the Senate or creditable to the representatives of the American people.

I do not see how the words "under substantially similar circumstances and conditions" can be held to apply to any but transportation conditions and circumstances, and if so construed they would have no application to the great volume of through or competitive freight.

Along the great freight routes of the country there is an incessant flow of traffic, like in kind and moved under substantially similar circumstances and conditions. A large portion of east-bound freight is made up of the great products of the West—grain, flour, and provisions in various forms—moved in car-load lots to the seaboard, while the bulk of the westward shipments consists largely of domestic and foreign manufactured articles, similar in character. Between the South and the East and West there is a constant interchange of products moving in the same channels and under similar conditions.

This traffic between sections makes up a considerable portion of the internal commerce of the country.

I believe, therefore, that these qualifying words can not be understood as relieving common carriers from the obligation of equalizing their rates on the basis of distance in the manner I have stated, and the inexorable conditions of railroad traffic are such that the result of this equalization must be to advance the low rates now prevailing for long hauls to a point where they will be prohibitive in many cases.

Before calling your attention to the serious consequences which will surely follow any considerable advance in through rates, I will ask you to consider some of the obvious reasons why Congress should not adopt

the policy embodied in the fourth section. First, it is unwise to attempt to fix rates by legislation.

This seems to have been well understood by the select committee, of which the Senator from Illinois is chairman, at the time their report was made. They say in that report (p. 194):

When all these considerations have been given due weight the conclusion seems irresistible that a very considerable disparity in charges upon different railroads is inevitable, and that it would be inexpedient and impracticable to attempt to adjust existing inequalities by any system of rates established by legislation, as many witnesses have suggested.

* * * * * * *

In either case it would be impossible to avoid taking into account the considerations which absolutely enforce inequalities in rates, and the inevitable result of any attempt to establish rates by legislation would be, as it always has been, the adoption of tariffs arranged upon the same general principles as those now in use, and perpetuating the system of differential rates now in force.

Nor has it been made to appear that the establishing of a minimum rate would be of advantage, while consideration has made it clear that the difficulties attending the adjustment of such a rate would be no less formidable than those encountered in establishing complete schedules for every interstate road, and that the only effect of a minimum rate would be to increase the charges for long-distance transportation.

It is difficult to understand how a Senator who could enunciate sound principles with such force and clearness could support the provisions of this section as reported from the conference committee.

Second, it is clear from the most casual examination of the transportation problem that distance does not furnish a correct or practicable basis for transportation charges.

The provision that no more shall be charged for a shorter than for a longer haul must be based on the theory that distance furnishes a proper measure of the value of transportation. Against this theory it may be conclusively urged that it rejects all the elements of cost or value except that of the length of the haul, and upon this, which is by no means the most important element—often-times it is the least important—it proposes to base all traffic charges. It does not take into consideration the difference in the cost of construction or maintenance of the line, the difference in the actual cost of carriage, or the difference in the value of terminal or other services rendered. It ignores the natural advantages of locality, and disregards competition by river, lake, and ocean carriage. It fails to notice the most important fact of all, that a considerable portion of the business of railroads must be done, if done at all, at a rate which the traffic will bear, and that it is constantly necessary to fix rates for this kind of business much lower than those charged for the regular business of the line.

The objections to long and short haul legislation were also forcibly stated in the report of the select committee (page 195), as follows:

And when the effect of the proposed prohibition principle—*i. e.*, that no greater charge should be made for shorter than for a longer distance—is considered with reference to the whole internal commerce of the United States, and especially with reference to the necessity of preserving the prevailing cheap rates for long-distance transportation, there is reason to fear that the result of rigidly enforcing the proposed regulations would be to stifle competition in numberless cases where it now exists, and is to the general public interest, and perhaps to deprive the country of the benefits of the low through rates now and for years given to and from tide-water, without practical or appreciable advantage to intervening points.

Third. The adoption of a distance basis in the manner now proposed is an untried experiment in railroad legislation.

The necessity for making lower rates on competitive than on local traffic is recognized in railway management in every country in the world. The Senator from Vermont has alluded to the legislation of England and some of the continental countries. Neither England nor any of the European countries has any legislation analogous to that contemplated by this act in regard to the long and short haul. In England, Germany, and France the subject has been exhaustively investigated by commissions and elaborate reports have been made, and the practice of making lower charges for long hauls in particular cases fully justified.

The so-called long and short-haul laws of Massachusetts, Connecticut, and other States are similar to this only in name. The use of the words "from the original point of departure" in the statutes of those States restricts their operation to very narrow limits, and the natural advantages of competitive points are effectually preserved.

Fourth. The fourth section does not establish an equitable rule which applies with equal force to the freight traffic of all roads. Difference in the length of the roads which different carriers operate would necessitate differences in rates for similar and contemporaneous service between competing cities and sections. The traffic of an interstate road is placed at the mercy of a competitor whose line is entirely within the boundaries of a State.

A carrier with but one line between great trade centres could not compete with a rival controling two lines, one of which could be used for local and the other for through business.

Fifth. If we are to legislate upon a matter of this importance the rights and obligations of the public and the railroad companies should be clearly defined and understood; and yet if this bill is adopted by the Senate and the fourth section is retained, three-fourths of the Senators who vote for it will do so with an understanding that it has one meaning, and the other quarter on the understanding that it has an opposite meaning.

If the section has the significance given to it by a large majority of its supporters, its adoption will result in the reversal of the policy which has been pursued by the railroad managers of the country with the acquiescence and approval of the people. We have heretofore sought, by means of vast expenditures and valuable grants from the public domain, to rapidly extend our railroad system that competition might be increased and rates reduced. We now propose by law to restrict competition and to increase rates.

New roads have been constructed across barren plains and over mountain ranges in answer to an imperative public demand. Our rapid railroad extension, which had no warrant in the experience of other nations, has borne fruit beyond the wildest hopes of the most sanguine. Wherever the railroad has penetrated, thriving communities have sprung up as if by magic. The prosperity and development of the fertile trans-Mississippi States have been rendered possible by the fact that modern transportation methods allowed lower rates for a long haul. The wonderful effects which have resulted from this policy, and the evil effects which must result from its reversal, have never been more clearly, cogently, and eloquently described than by a gentleman now a member of this body, the Senator from Iowa [Mr. WILSON].

In an address which was made before the Committee on Commerce of the House of Representatives January 20, 1880, he said:

This section has a knife in it. Its blade is sharp and long. It cuts clear through the railroad corporations and reaches the people, especially those remote from the great market centers. It is hurtful both to the railroad companies and their patrons. It is impracticable, unphilosophical, opposed to the best interests of the country, and strikes the West a fearfully discriminating blow.

* * * * * * *

Another has well said that the unit of profit in railroad management is a car-wheel in motion, and that the unit of loss is a car-wheel at rest.

* * * * * * *

The wheel which carries freight 1,000 miles has more steady employment than the one that traverses 10 miles. Therefore it can afford to work for a lower rate of wages.

This means a low rate for a long haul and a higher rate for a short haul. This is the whole story. It discloses the principle that develops regions remote from market and converts waste places into gardens.

The principle of the low rate for the long haul is the true one. It is the only one through which the advantages of railroad transportation can be equitably distributed. The equitable distribution has made the West what it is, in spite of frequent violations of the principle involved. It has encouraged emigration, opened farms, built towns, created cities, developed States, equalized the values of property, made business for the roads, opened markets for manufacturers, and brought prosperity to the people. It is this that makes the Eastern Iowa farm substantially equal in value to that of the Central and Western Illinois farm, and enables the Western Iowa farmer to count the returns from his crops almost equal to those of the one in the eastern section of the State, and still gives him but little advantage over the cultivators of Nebraska fields. It tends to equalize the values of real estate throughout the State, enhances the price of all products sent East to market, and reduces the cost of all articles carried West for use and consumption. It assures good prices for all Western products, and consequently enhances the prices of the farms from which they are derived. Whatever advantage the West gets from railroad transportation comes through the low rate for the long haul.

It was stated before this committee the other day that flour is carried from Saint Paul, Minn., to New York for $1.15 per barrel, and that in the recent past it cost $1.20 per barrel to transport it from Buffalo to the same destination. This is the low rate for the long haul. What has it done for Minnesota? Or, rather, what has it not done? See how that State has grown into one of the great wheat-producing sections of the Union! Her merchant mills are equal to any in the world, and are the pride of her people. The flour which they manufacture places the best of bread upon the tables of Europe and South America. The State has been covered with farms, beautified with towns and cities, and filled with population. As it is in that State so it is in all the West.

* * * * * * *

Who has been wronged by the application of the low rate to the long haul? Has harm come to the East by it? Why, the millions of people of the Western States, who depend upon the practice of this rule to get their vast products to the world's markets, are most generous contributors to the prosperity of the East. They are liberal consumers of everything which the East manufactures. The low rate for a long haul of the manufactured articles of the East promotes consumption in the West. This keeps the Eastern spindles in motion, and they consume the cotton of the South. It keeps the looms in action, and they use the wool of all sections of the country. It fills the furnaces and forges and rolling-mills with orders. It deepens and extends the mines and creates a market for the product. It fills manufacturing localities with dense populations, and thus secures to the Eastern agriculturist a home market and good prices for all of the products of his farm. In every way it benefits the East. Does it harm the country at large? Look at the balance of trade against Europe in our favor. What would it have been but for the enormous crops of the West and the low rate for the long haul which carries them to market? This it was that brought the cattle, sheep, hogs, wheat, flour, corn, and other products from the remote West, and sent them abroad to feed the people of the Old World. This it was that largely made up for our balance of trade, and brought home your bonds and gave us the coin of Europe. No such results would have been realized but for the wondrous development of the West, and that development could not have occurred under the fourth section of this bill.

* * * * * * *

If section 4 should be given the force of law and received the construction which I have, with others who have addressed the committee given to it, it may be asked: "Will the railroad companies be so unwise as to destroy the great business from and to the West?" Certainly not, so far as they have any election in the premises by which they can foster that business. But they could do but little in the way of aiding the West. They will do the best they can. But that best must be oppressive and depressive in the West. The people are there and they must stay. They will go on planting and harvesting and sending to market, but the cost of transportation will eat out their substance. A check will be put upon the development of that section, now going on so rapidly and satisfactorily. Prices of both land and products must recede. What high rents are to the people of Ireland, the rates under section 4 will be to the people of the Western States. Low rates of transportation are like low rents. Those who pay them can prosper. High rates of transportation, like high rents, foster discontent and distress. This will be the mission of section 4 should Congress give it the force of law. Its enactment certainly is another of the things that ought not to be done concerning commerce between the States.

That there may be no misapprehension as to the provisions of the

section to which the Senator from Iowa was then alluding, I will read the fourth section of the Reagan bill, then pending in the House:

That it shall be unlawful for any person or persons engaged in the transportation of property, as provided in the first section of this act, to charge or receive any greater compensation per car-load of similar property for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance in one continuous carriage.

It is not alone the farmers of Iowa and the West who are interested in maintaining a low rate for the long haul. The cattle growers, the producers of sheep and wool in Colorado, Montana, and Missouri, the cotton planters of Arkansas, Mississippi, and Texas, the men who are struggling so manfully to build up the new South in Georgia, South Carolina, Alabama, and Tennessee, and the operatives, artisans, and mechanics of the East have all felt the beneficial effects of this wise policy, and their prosperity is largely dependent upon its continuance.

To change this beneficent policy by enforcing any considerable advance in through rates on cotton, grain, and provisions, would not only restrict traffic so as to impair the income of existing roads, but the reduction in volume of business would have a decided tendency to check the building of new roads. Such an advance would embarrass if not paralyze our foreign commerce. It would exclude from the markets of the world the agricultural products of the great States west of the Mississippi and Missouri Rivers.

The prices of cotton and wheat are fixed in Liverpool and not in Memphis, Minneapolis, or Chicago. The price of wheat is fixed in competition with India, Russia, and South America. Great Britian has manifested in many ways her anxiety to develop the wheat-producing capacity of her colonies, that they might be able to furnish the large annual deficiency in her food supply.

She has expended about $800,000,000 in building up the railway system of India. She has succeeded in effecting such a reduction in the transportation rates of that country that wheat is now carried over long hauls at half a cent per ton per mile.

We now propose to do for India, Manitoba, and Australasia what Great Britian could never do for them. We propose to enchain the too vigorous forces which have given to American enterprise the undisputed lead in British markets.

The time selected for this radical change of policy is inopportune, as we have to meet reduced rates of freight and improved transportation facilities all over the world. No other nation has in contemplation the stupendous folly of attempting to fix rates or to restrain their downward tendency by legislation.

The amount to be received by an American producer for a bushel of wheat is not determined by the cost of production in Minnesota or Illinois, it is the price in Liverpool minus the freight from Minnesota or Illinois.

To show the close relation of prices of wheat in this country with the British prices, I submit the following table, showing the price of No. 2 spring wheat for a series of years, from 1873 to 1885, in Chicago, the average (Gazette) price in Great Britain, and the average rate of freight from Chicago to Liverpool. This shows that in 1873 the average price in Chicago was $1.19, the freight to Liverpool 48 cents; price in Great Britain, $1.78. There was a constant decline in price until in 1885 the price of wheat in Chicago was 84 cents; the rate of freight was 16 cents from Chicago to Liverpool and the price in Great Britain was a dollar. The decline in English prices from 1873 to 1885 has been 78 cents a bushel, while the decline in prices at Chicago has been but 35 cents per bushel, the decline in the rates of freight from 1873 to 1885 being from 48 cents a bushel to 16 cents in 1885:

| Year. | Average price in Chicago. | Average rate of freight Chicago to Liverpool. | Average price in Great Britain. |
|---|---|---|---|
| 1873 | $1 19 | $0 48 | $1 78 |
| 1874 | 1 09 | 35 | 1 69 |
| 1875 | 1 02 | 31 | 1 37 |
| 1876 | 1 03 | 28 | 1 40 |
| 1877 | 1 27 | 30 | 1 73 |
| 1878 | 97 | 27 | 1 41 |
| 1879 | 99 | 26 | 1 33 |
| 1880 | 1 05 | 27 | 1 35 |
| 1881 | 1 03 | 19 | 1 38 |
| 1882 | 1 16 | 19 | 1 37 |
| 1883 | 1 01 | 21 | 1 26 |
| 1884 | 83 | 17 | 1 09 |
| 1885 | 84 | 16 | 1 00 |

This table shows conclusively that the American farmer has received the full benefit of the great decline in transportation charges.

To illustrate the effect which an advance in through rates would have on the price of some of our staple agricultural products, I will say, and I desire to call the attention of the Senator from Iowa [Mr. ALLISON], who now favors me with his attention, to this particular feature of the case, that if the charge for transporting corn were advanced to 1 cent per ton per mile, which is, as I have stated, the average rate on all roads in the United States, it would cost to transport a bushel of corn from Council Bluffs to New York 45 cents, a sum about equal to its present value in New York. At 1.20 cents per ton per mile, the rate which I have taken as the average local rate, it would cost to carry a bushel of corn from Council Bluffs to New York 54 cents, 9 cents more than the price in New York. At the rate of 1 cent per ton per mile it would cost to transport a bale of cotton from Waco, Texas, to a New England mill $4.50 per bale, or about four times the present rate. If rates should be restored to the average charges on the trunk lines in 1860—3.07 cents per ton per mile—the cost of carrying a bushel of wheat or corn from Chicago to New York would be 92 cents per bushel, a sum equal to the present value of the wheat and twice as great as that of corn.

Now let us look at the effect of an advance in wheat rates. If the rate for transporting wheat from Dakota to New York were 1 cent per ton per mile, the average to which I have alluded, the cost of the carriage would be 60 cents a bushel, and allowing 10 cents per bushel for carting to station, the farmers of Dakota would receive 20 cents a bushel for their wheat on a basis of 90 cents in New York. If the cost of transportation were 1.20 cents per ton per mile it would cost 72 cents from Dakota to New York, leaving 8 cents to the farmer for his wheat in Dakota. If 1½ cents per ton per mile were the rate, it would cost more than the value of the wheat in New York to transport it from Dakota. An advance of $\frac{1}{10}$ of a cent per ton per mile on the rate of freight on wheat means a reduction of 6 cents per bushel to the farmers of the Northwest in the price which they will receive.

It is well known to Senators that the great competition which the wheat-growers of the United States are now subjected to, is from India. Wheat is now transported from the principal ports of India, Bombay, and Kurrachee, to Liverpool at 16 cents a bushel, which is the exact price now charged from Chicago to Liverpool, and this wheat is carried over the Indian railways from the interior grain centers of India to the seaboard at prices as low in the aggregate as are now charged the farmers of Dakota and Minnesota to Chicago. In other words, so far as the question of transportation is concerned, the farmers of India are to-day in a state of absolute equality with the farmers of the Northwest in competing for the English market. If through freights are to be advanced how can the farmers of Minnesota and Dakota hope to compete with the ryots of India in wheat-producing, when wages for agricultural laborers in the latter country are from 3 to 6 cents per day?

Mr. CONGER. Will the Senator allow me to ask a question?

Mr. ALDRICH. Certainly.

Mr. CONGER. If Dakota, Kansas, and the extreme Western States can not compete with the Indian wheat and with labor in India at a transportation rate of 20 cents a bushel, how can the farmers of Michigan and Ohio and Pennsylvania live and raise wheat and compete with the same wheat grown in India at a transportation rate of 40 cents a bushel, a higher rate on the shorter route?

Mr. ALDRICH. I know of no railroad company—and I have had occasion to give considerable study to railroad tariffs—that charges the farmers of Michigan and of Ohio and of Illinois more for transporting a bushel of wheat than they do the farmers of Minnesota and Dakota.

Mr. CONGER. Then what objection is there, if they do not do it in fact, to having it in the bill that they shall not do it?

Mr. ALDRICH. There would be no objection if you stopped there, but at the same time you fix a rate for Ohio and Indiana and Illinois; you fix an inflexible rate at every railroad station in the United States without regard to conditions. If you will put into this bill, in definite terms, that no greater charge shall be made for carrying wheat from Michigan, Indiana, or Illinois to New York than is charged for transportation from Dakota to New York I will vote for it. If that was all there was in the fourth section it would have my hearty support; but it means a great deal more. What I find fault with is that in order to cure evils which are apparent to the farmers of Illinois or Michigan, you propose to demoralize the whole commerce of the country; you propose to establish an arbitrary, unjust, unreasonable, impracticable rule, which, while it will do what you say, will do much more.

The evils you complain of can be cured in a great many other ways.

Mr. CONGER. Does the Senator believe in any event, and does his argument lead justly to such a conclusion, that it is proper to charge the wheat-grower of Michigan any greater sum for carrying his wheat to the markets of the world—say at New York—over the same road, 500 miles less distance, than is charged the farmer of Minnesota? That is a plain question, which the common people of the United States will inquire into, no matter what the argument may be.

Mr. ALDRICH. I do not believe it was ever true that the farmers of Minnesota and Dakota could ship their wheat to New York at a less rate per bushel than was charged from Michigan and Indiana and Illinois. If it is true, as I say, it can be cured in some other way than by this drastic and far-reaching remedy.

I can conceive of circumstances and conditions under which it might be necessary in carrying the wheat from points of shipment in Michigan to charge the greater sum for the shorter haul, perhaps under some circumstances a much sherter haul, but they do not exist except in very rare cases and at very long intervals.

The Senator from Massachusetts [Mr. HOAR] reminds me that I have

not alluded to the fact in answer to the Senator from Michigan that a portion of the wheat to which he alludes may be destined to a foreign market, where the price is absolutely and irrevocably fixed by influences beyond our control. I do not believe that the Senator from Michigan can point to a single instance where a bushel of wheat was charged more from any point in his State than it was from Minnesota or Dakota.

Mr. CONGER. Will the Senator allow me to interject a remark here?

Mr. ALDRICH. Yes, sir.

Mr. CONGER. It is a notorious matter that at points between Chicago and New York where there is water-power used——

Mr. ALDRICH. Water competition?

Mr. CONGER. No, not water competition, but water power. At points 60, 70, 100, 113, and 123 miles east of Chicago, which I know, where power is furnished to change wheat into flour, the people of Michigan have availed themselves of it, and they have for years paid to have the barrel of flour transported from those 60, 70, and over 100 miles at way rates to Chicago, because there they could get transportation over the same road for their same product to the New York market at through rates. The farmers had to pay this back transportation to Chicago. Instead of paying the actual price charged from Chicago to New York, which they were willing to do, they had to transport their wheat from their mills 70 or 100 miles back to Chicago, and there pay for it over the same road the through rate, and they made money by taking it back.

Mr. ALDRICH. One of two answers might be given to the proposition now made by the Senator from Michigan.

Mr. CONGER. If the Senator can give one answer to satisfy the common people of my State that they are wrong in their suppositions and that he is right, let him try it.

Mr. ALDRICH. In the first place, the second section of this bill, requiring that all rates should be reasonable, will effectually cure the evil he complains of. In the next place, if the stations and localities to which the Senator has alluded are of such a character that from the amount of business transacted or other conditions the rule of reasonableness does not apply, then it is right that a higher rate should be charged. I do not understand the Senator to say that a bushel of wheat should be transported from some interior inaccessible point on a local road to New York at the same rate which it charged from Chicago to that city.

I know the Senator does not mean to say that. I have here a statement of the average rates per ton per mile charged on all the roads in Michigan in 1883. The rates vary from the through rate of 0.42 cent per ton per mile on the Lake Shore road, which carried 9,194,988 tons of freight, to 5.93 cents per ton per mile on the Michigan Air Line, which carried 24,841 tons in the same year, the rate being fourteen times as great in one case as the other. The circumstances are certainly dissimilar between these roads.

Mr. CONGER. The case to which I referred was not on a little road, but on the Central road, a road known wherever railroads are known, one of the best roads in the United States, one of the best managed, a through route. It is on that road and on the direct line, not on any little road in the upper peninsula, that what I mentioned occurred. But the Senator does not answer my proposition at all, by repeating his statement, that it is not just to make intermediate stations pay for the passage back to Chicago at a much higher price than is charged for carrying the same product the longer distance.

Mr. ALDRICH. Under similar circumstances it would certainly not be just, and this bill would cure that evil whether the fourth section is retained or not.

American transportation interests would suffer indirectly as well as directly by the passage of this bill, for a large portion of the business along our northern frontier would be diverted to Canadian roads which can not be made to feel the restrictive power of our legislation. The Canadian Pacific, now engaged in building short branches as feeders into all the border States, would thrive upon our misfortunes.

But it is said by Senators even if the construction which we put upon the fourth section is correct, the commission have a right to suspend its operation. This is too vast and dangerous a power to be placed in the hands of any men. An anxiety is often expressed in regard to the dominating influence of great corporations in politics. But you propose without hesitation to put into the hands of five men, a majority of whom shall belong to one political party, and selected partly on that account, the power, to be exercised without appeal, to make or unmake States, to build up or destroy communities, and to increase or extinguish the earnings of railroad companies.

You propose to give this commission an autocratic, imperial power, which is greater than that exercised by any sovereign in the world. I do not say that they would abuse the power thus unwisely conferred, but no more effective instrument could be found to perpetuate an administration or to continue a party in control of the Government. The duties you assign this commission it would be physically impossible for them to discharge. They could not listen to the statement of the numberless exemptions which would be claimed under the fourth section, much less could they undertake to give an intelligent, and equitable decision in each case.

For the purpose of showing the growth of the transportation interests of the country and the great reduction which has taken place in rates during the past twenty years I submit a table showing aggregate tonnage on principal railroads in 1865, 1875, and 1885, and the rates per ton, per mile, in each of these years, as follows:

| Year. | Aggregate tonnage moved. | Rate charged per ton per mile on trunk lines. | Rate per mile on principal Western roads. |
|---|---|---|---|
| | *Tons.* | *Cents.* | *Cents.* |
| 1865 | 15,183,867 | 2.900 | 3.642 |
| 1875 | 45,619,423 | 1.161 | 1.979 |
| 1885 | 100,869,837 | .636 | 1.200 |

If the rate of 1865 had been charged on the tonnage of 1885 the cost of transportation by railroad to the people of the country in the latter year would have been $410,255,829 greater than the sum paid.

Also, a statement showing the rate per ton, per mile, charged on the principal trunk lines and on several of the principal Western roads in each year from 1865 to 1885:

| Year. | Rate charged per ton per mile on trunk lines. | Rate charged per ton per mile on principal Western roads. | Year. | Rate charged per ton per mile on trunk lines. | Rate charged per ton per mile on principal Western roads. |
|---|---|---|---|---|---|
| | *Cents.* | *Cents.* | | *Cents.* | *Cents.* |
| 1865 | 2.900 | 3.642 | 1876 | .983 | 1.877 |
| 1866 | 2.546 | 3.459 | 1877 | .971 | 1.664 |
| 1867 | 2.306 | 3.175 | 1878 | .807 | 1.476 |
| 1868 | 1.951 | 3.154 | 1879 | .725 | 1.280 |
| 1869 | 1.715 | 3.026 | 1880 | .840 | 1.266 |
| 1870 | 1.585 | 2.423 | 1881 | .759 | 1.420 |
| 1871 | 1.478 | 2.509 | 1882 | .665 | 1.364 |
| 1872 | 1.475 | 2.582 | 1883 | .842 | 1.308 |
| 1873 | 1.470 | 2.188 | 1884 | .740 | 1.251 |
| 1874 | 1.342 | 2.160 | 1885 | .636 | 1.200 |
| 1875 | 1.161 | 1.979 | | | |

The railroad mileage of this country is nearly equal to that of all the rest of the world combined. The rates for carrying freight charged by our transportation companies, with all the evils of which gentlemen have complained, are lower to-day than they are in any other country of the world. We have a country vast in area. Great Britain, Belgium, Germany, and France have compact little communities with a dense population; and with all these advantages and influences in their favor the cost of transportation in this country is less than in any of them, the average on all roads in the United States being, as I have stated, 1.06 cents per ton per mile, while the rate in Belgium is 1.30 cents, in Germany about 1.35, and in Austria and France about 1.50 cents. The rate in Great Britian is estimated at 2 cents per ton per mile, and while the decrease in rates on trunk-lines in this country in twenty years has been from 2.90 to 0.64 cents per ton per mile, the estimated reduction in English rates during the same period has been from 2.75 to 2 cents per ton per mile.

---

## Public Building at Charleston, S. C.

### SPEECH

OF

### HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, January* 8, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10051) for the construction of a public building at Charleston, S. C.—

Mr. HEPBURN said:

Mr. CHAIRMAN: I have no captious opposition to make to this bill; but it seems to me exceedingly unwise for the Government, at this time, to indulge in an expenditure of half-a-million of dollars for the erection of a public building in the city of Charleston. We know that, through no fault of the people there, that city has been, within a very few months, the seat of terrible calamities, of such a character as to show, in my judgment, that it is unwise to engage in the erection at that place of this character of buildings. I am told by those who are

familiar with the subject, and I believe it to be true from illustrations which the gentleman from South Carolina has shown me, that there is to-day in that city no structure designed to be of a permanent character which has not been seriously injured, if not well-nigh destroyed. We know that the vibrations from which that city has suffered are still continuing, and, in the face of this fact, it seems to me we ought not now to try to erect a building there at a cost of $500,000.

But I am opposed to this proposition on other grounds. In my judgment, the expenditure is entirely disproportionate to the demands of the Government at that place. We have already a building in that city, which I understand from the gentleman from South Carolina has cost more than $2,000,000. Here is a proposition to invest another half million, and I make the statement that all the receipts of the Government, the net receipts of the Government of all classes of revenue in the city of Charleston, would not pay the interest on the expenditure made in that city and vicinity for buildings, defenses, and harbor improvements at one and a half per cent. per annum, all of them.

The President of the United States saw fit to interpose his constitutional objection to the erection of a building in Sioux City. I invite the gentleman from South Carolina to institute a comparison between the business demands of these two cities for a public building. The one is a thrifty, growing city with a magnificent future before it. The other is a city in decadence, actually losing its business. While there is seen a seeming growth of population, but a slow one, yet, so far as commercial advantages are concerned, the growth is not of a population indicating advance in commercial power. The number of white persons in the city is but little greater to-day than it was twenty-six years ago. Its comparative importance in the commerce of the country has been retrograding constantly since that period, and it is not, in my judgment, wise to attempt to resuscitate its waning fortunes by the expenditure of this great sum of money.

In the building we have there are ample accommodations for all of the public offices of the Government. The spacious building that is now occupied by the customs department affords ample room, with slight modifications, for the courts, and for the post-office, and for other governmental uses. So that we ought not, for this reason, engage in this expenditure.

Before this Congress is over there will be asked a large appropriation for the repair of the buildings already constructed in that city, repair undoubtedly necessary because of the disturbance of last August.

I reserve the balance of my time.

The CHAIRMAN. The gentleman has two minutes of his time left.

*Tuesday, January* 11, 1884.

Mr. HEPBURN. I move to strike out the word "four," in line 18, and insert the word "two;" so it will read:

And no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sums of $100,000 for the site and $200,000 for the building.

Mr. Chairman, I am fully persuaded that the sum named in the bill is entirely disproportioned to the importance of this site. I had occasion to say on a previous occasion that this city of Charleston, S. C., is in decadence. I have certain facts which will sustain me in that opinion. The population of the county of Charleston, at least the white population, between 1860 and 1880 has increased only 1,700. The population of the city of Charleston from 1870 to 1880, the entire population, increased only 1,053.

In 1860 there was collected at the port of Charleston customs duties amounting to $379,873, producing a net revenue of nearly $350,000; while in the last fiscal year there was collected at that port only a little over $30,000 of net revenue, showing a loss of $320,000 in the annual net revenue at that port.

The business done in the courts, the district and circuit courts of the United States at Charleston, is comparatively insignificant. The whole number of suits begun in the Federal courts in South Carolina for the year ending June 30, 1885, in which the United States was not a party is as follows: Admiralty, 18; all other suits, 68; or a total of 86.

The number terminated during that year was 51. The number pending July 1, 1885, was as follows: Admiralty, 5; all other suits 94. The amount of judgments rendered during the fiscal year 1885 in favor of the United States in civil suits was $1,962.67, of which there was collected $267. The amount of fines and penalties imposed during that period was $10,705, of which there was collected $5.

There has been already expended in Charleston prior to 1882 the sum of $2,986,472 on public buildings, and a considerable amount since that time. For light-houses there has been expended prior to the time named $280,000. On forts and arsenals, exclusive of sums expended during the war, $2,200,000; and on Charleston Harbor, $894,007, or a a total of public expenditures in or immediately about that city prior to 1882 of $6,359,174. The whole sum realized from the postal department, the total receipts for the last fiscal year, amounted to $63,799. The net result was thirty-eight thousand and some odd dollars.

Now, Mr. Chairman, the President refused to approve a bill for the erection of a public building in the city of Sioux City, where the net postal revenue is $20,000. That bill provided for an expenditure of but $100,000; this bill for $500,000. The court business of the city of Sioux City is very nearly equal to that transacted at Charleston, and there is but little difference to-day in the amount of public business transacted in the two places. In my judgment, long before ten years shall have elapsed the public business transacted in Sioux City will be far more important, and result much more favorably to the country, as far as revenues are concerned, than that of Charleston. The President was unwilling that there should be a public building in Sioux City, however, and I think his friends ought not to embarrass him with this question and compel him to thwart their views and wishes for the extraordinary and extravagant amount they are attempting to appropriate, which he must and doubtless will do in order to preserve his consistency.

[Here the hammer fell.]

---

## Interstate Commerce.

### SPEECH

OF

# HON. LEWIS HANBACK,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887.

The House being in Committee of the Whole, and having under consideration the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. HANBACK said:

Mr. CHAIRMAN: Twenty-two years ago I went to Kansas a young man. The State was then in its infancy, having only 35 miles of railroad. From that time on I have seen my State develop almost alone by and through the influence of railways. We have now nearly 5,000 miles of railway built by men who have invested their money because they believed success would attend their efforts.

Undoubtedly wrongs have been committed by the great transportation lines through my State. I remember well when the Kansas Pacific was simply two lines of rust; when the cars that ran on these lines of rust were linked together as they were in the days of our fathers, and I remember well, also, the time when a great man who has been greatly abused by some people within my State came there and put the Kansas Pacific into such condition that from 12 miles an hour the speed was increased to 30 miles. Through his endeavor the lines of railway and telegraphic dispatch through my district were made safe; so much so that any man who traveled need not take out a life-insurance policy if he desired to go 10 or 15 miles or more.

This man was one of the developers of my State. In the hour of its adversity, without solicitation (when the question was a doubtful one as to whether the part of the State where I live would be a success or not), he gave thousands where others gave dollars, and by his confident action he gave faith and hope to the men who were striving for their existence under most adverse circumstances; but that day has passed, and that part of the State that he assisted and where I lived is independent, so far as the future is concerned. I have said this much preliminary to what I desire to say in support of my decision upon the vote I would give if I was not paired with my distinguished friend from West Virginia.

My judgment, composed by years of experience, leads me to believe that the legislation proposed by the bill in question will be fatal to the best interests of my State, as well as to the whole country. The men who in their early manhood made it great came there from all the States in the Union. They brought with them their wives and children; they endured the calamities belonging to a new country. The storm of winter or the hot and parching summer sky made no difference to them. They had a determined will, and out of that will the State has grown magnificently.

Where I live, sixteen years ago, the buffalo and the Indian controlled the land. Through the enterprise of men through the eastern portion of this great country railroads were built in my State and will be built there. We all know that capital is timid, providing as it does for the support of men and women in my country. The people who labor are well paid; I desire that they shall continue to be as well paid in the future as they have in the past.

This is one of the main reasons why I oppose the bill in question. I admit the power, but deny the remedy. I have grave doubts as to the right of the Government to interfere in affairs of this kind; and I say this as a Republican. As I said before, my State has been built up by the railroads, and I have no desire to vote for legislation the tendency of which will be to defeat competition.

I am as well satisfied as I can possibly be on any question that my State will be greatly injured by the passage of this bill. We are interested in the long haul. We are in the center of the United States,

and we raise corn, wheat, cattle, horses, and hogs. Like the men of the State, all these products are of the best degree. Situated as I have said, we can feed the North, the South, the West, and the East, but the natural line of our communication is to New York and Boston. Wool to Boston and corn and wheat to New York, thence to Liverpool, at this time the great terminal point of the world.

I think it is safe to say, and upon that opinion I stand, that these great lines of industry, the product of capital and the employer of labor, ought not to be interfered with, as they will be by the provisions of this bill. I admit that wrongs have been committed in the past, but am well satisfied that the future will settle the balance in favor of the people through competitive forces, and so relying upon the future, I give my vote against this bill.

---

## Public Building at Charleston, S. C.

SPEECH

OF

# HON. SAMUEL DIBBLE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, January* 11, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10051) for the erection of a public building at Charleston, S. C.—

Mr. DIBBLE said:

Mr. CHAIRMAN: The importance of the city of Charleston and its business prosperity have been placed by the gentleman from Iowa upon a basis of comparison, which I submit is not a fair and proper criterion by which to judge of the prosperity or decadence of any place. The gentleman will remember, for he well knows, that in the period intervening between 1860, from which he dates his comparison, and the year 1880 or 1882, Charleston passed through all the misfortunes of a four years' war; that her population were refugees in the interior, and that in 1865, when the war was over, the grass was growing in her streets. I propose to submit to this committee the statistics of the last twenty years to show that the people of that city came together within her borders, accepting the situation as it was, becoming once again loyal citizens to this Union in spirit as well as in name, and laid their hands, their heads, and their hearts together to revive her fallen fortunes. The bare figures of those years will be sufficient answer to the argument of the gentleman from Iowa [Mr. HEPBURN].

I will present to the committee what I have carefully prepared from official data, being a comparative statement of the business of the city of Charleston in her leading industries and commercial interests for the last twenty years. I have the figures in my hand, and to them I ask the careful attention of the committee.

Take, Mr. Chairman, the item of cotton receipts, and make the comparison. The cotton receipts of Charleston for the ten years from 1866 to 1875, inclusive, were 2,857,993 bales, while the receipts for the ten years from 1876 to 1885, inclusive, were 4,781,511 bales, an increase in the last decade over the previous decade of 67 per cent. Take the rice receipts. Rice receipts in the first ten years of the last twenty were 339,276 tierces, and in the last ten years 453,744 tierces; showing an increase of 33 per cent. in that branch of the business of the city of Charleston.

Mr. HEPBURN. Would it interrupt the gentleman from South Carolina to ask him to give the statistics of the ten years between 1850 and 1860?

Mr. DIBBLE. I am not prepared to give the statistics between 1850 and 1860, and submit that they have nothing whatever to do with the question under consideration. We are not dealing with the question of the past—the dead past—but with the present, the living present.

Perusing this table further, we find in the matter of naval stores—turpentine and rosin—the receipts for the period covered by the ten years from 1866 to 1875 amounted 1,334,574 barrels, while in the ten years from 1876 to 1885, they reached 3,036,284 barrels, being an increase of 127 per cent. in naval stores. The lumber business for the same period shows receipts for the first ten years of 157,680,822 feet, while for the succeeding ten years they had reached 213,105,719 feet, indicating an increase of 35 per cent. in that branch of Charleston's commerce.

But it is well known, Mr. Chairman, that Charleston is enlarging the scope of her industries, and that one of her prime enterprises to-day is the phosphate business. As was stated in 1883, by the secretary of the National Fertilizer Association of this country, the State of South Carolina, owing to its natural deposits of phosphates, is the second State in the manufacture of commercial fertilizers in this Union, Maryland being the first. One-third of the entire quantity of commercial fertilizers manufactured in the United States is made in the State of South Carolina, and of that supply two-thirds is from the city of Charleston and its vicinity, and more than two-thirds is the result of Charleston capital and Charleston business enterprise.

Let us look at the phosphate trade and see how it has grown. It is an industry only of the last fifteen years; and I have placed the statistics in periods of five years. The crude phosphate shipped in the five years from 1876 to 1880 was 480,549 tons. The shipments of crude phosphate for the five years from 1881 to 1885 were 842,318 tons; an increase of 75 per cent. in five years.

[Here the hammer fell; but, having obtained leave so to do, Mr. DIBBLE extended his remarks, as follows:]

But the rapid growth of the "crude-phosphate" trade will be still further realized when we find that in 1875 the shipments were only 71,173 tons, and in 1885 they amounted to 189,096 tons; an increase of 166 per cent. in ten years.

In addition to crude phosphates shipped to foreign and domestic markets, a large manufacturing industry has been established in the production of the commercial fertilizers, which have taken the place of the Peruvian guano, once so heavily imported from South America to our shores. Millions of Charleston capital have been invested in the preparation of prepared phosphates from the crude rock of which I have spoken; and a comparative statement shows the following results. The amount of these fertilizers manufactured in and around Charleston—"within sight of St. Michael's steeple," as is said in one of the annual reports of this business—is as follows: In five years, from 1871 to 1875, inclusive, 209,770 tons; in five years, from 1876 to 1880, inclusive, 280,147 tons; and in five years, from 1881 to 1885, inclusive, 626,926 tons, or, in other words, an increase to three times as great a production in ten years. These indications of business growth and prosperity are supplemented by minor enterprises showing similar conditions, such as the shipments of early fruits and vegetables, reaching a value of $1,000,000 annually during each of the years 1883, 1884, and 1885. And these results have been achieved by the Charlestonians under drawbacks such as few communities have ever endured in times of peace. There were ten years of misrule and extravagance of municipal administration after the war was over, and their consequent burdens of taxation upon an impoverished people, while those who paid the taxes had no part in the administration of the city government, and the public credit became impaired, though now restored under the good government of the last few years.

And to-day, in spite of the devastation of war, and the decade of misgovernment thereafter, in spite of the conflagration which swept through the heart of the city, from Cooper River to Ashley River, in 1863, and the cyclone of 1885, which shattered her docks and wharves, and the more terrible and destructive earthquake of 1886, which, in a single moment, destroyed values exceeding five millions of dollars, her waste places have been rebuilt, her wharves were ready for commerce in thirty days after the cyclone, and her citizens are now restoring the buildings damaged or destroyed by earthquake, and the Charleston of to-day is a city full of enterprise and hopeful of continued prosperity. The great sympathy which her recent misfortune has called forth from every part of our common country, has encouraged a people who have learned heretofore how to rise above adversity, and who do not succumb to this greater calamity.

Another item of statistics, Mr. Chairman, which we may properly consider, relates to population. According to the United States census of 1880, the city of Charleston contained 49,984 inhabitants, and by the census of 1885, taken under authority of the city council, the population was 60,145, being an increase of over 20 per cent. in five years. Of this, the increase of white inhabitants in five years was over 21 per cent., while the increase of colored inhabitants was about 19 per cent. I have made this comparison between white and colored inhabitants because the gentleman from Iowa [Mr. HEPBURN] has seen fit to base one of his comparisons on the statistics of the white population, and this is in answer to his statement.

The gentleman from Iowa [Mr. HEPBURN] takes the ground that Charleston should not have a post-office building, because it is likely to be destroyed by another earthquake. In opposition to this theory we have the unanimous opinion of scientific men familiar with the history of past seismic disturbances, to the effect that it is not usual for an earthquake shock such as the one felt at Charleston to be succeeded by another of similar severity, though slight disturbances are likely to occur for several months; and the experience of the last four months corroborates their views. And the solid business men of Charleston are restoring their shattered buildings with their own means, for the funds contributed by the generosity of our friends elsewhere were devoted exclusively to assisting those, who were not able to rebuild and repair without such aid. And I submit that where business men are willing to invest their money in rebuilding an American city, the Government ought not to discourage them, by hesitating to provide for its own business at that city in like manner. Besides, Mr. Chairman, the finest models of architectural skill that the world has known are the public edifices of ancient Greece, a country ever subject to earthquakes; and those structures have endured for ages.

And on this subject I can appropriately refer to the opinion of the Supervising Architect, who states that with the sum proposed in this

bill he can erect a building which will provide the necessary accommodations for the public business and will be strong enough to withstand an earthquake shock of greater severity than that of the 31st of August last.

The gentleman from Iowa has taken the pains to collect with great care the expenditures made by the Government in the past for various public purposes in and about Charleston, from the adoption of the Constitution to the present time, embracing about a century. He has made up an account, including as charges against us the sums expended for light-houses to guide the mariners in their voyages over the trackless waves of the Atlantic Ocean at night, and the cost of forts and arsenals built for the common defense.

I confess my inability, Mr. Chairman, to see the pertinence of these antiquarian researches to the matter now in issue. The single question is the need of the Government for a public building at Charleston to replace two such buildings rendered unfit for use by the earthquake. That is the issue; and when we have the fact before us that the post-office building is only made fit for temporary use by being propped up with timbers and braces, inside and outside, and that the old club-house building is a complete wreck, and that both of these buildings are injured so that they can not be repaired for permanent use—and such is the report of the Government expert who was sent down by the Treasury Department to inspect these buildings—then the business-like way to do, is to provide for the erection of one substantial building to take the place of the two which have been damaged beyond repair.

I have dwelt thus at length on this subject simply because the gentleman from Iowa, from lack of information concerning the resources and prospects of the section and the people I have the honor to represent, has done an injustice to a community which, I am proud to say, has retrieved disaster in the past and will do so in the future, asking only, while rebuilding our shattered homes and school-houses and churches, that in the time of our calamity we may find the Federal Government willing to give us facilities at least equal to those we have enjoyed in the past for the transaction of the public business in our midst.

I append the statements I have made in tabular form:

COMPARATIVE STATEMENT OF POPULATION AND BUSINESS OF CHARLESTON, S. C

| | | |
|---|---|---|
| Cotton receipts for ten years, 1866 to 1875 | bales... | 2,857,993 |
| Cotton receipts for ten years, 1876 to 1885 | do..... | 4,781,511 |
| Increase in ten years, 67 per cent. | | |
| Rice receipts for ten years, 1866 to 1875 | tierces... | 339,276 |
| Rice receipts for ten years, 1876 to 1885 | do..... | 453,744 |
| Increase in ten years, 33 per cent. | | |
| Naval stores (turpentine and rosin) ten years, 1866 to 1875 | barrels... | 1,334,574 |
| Naval stores (turpentine and rosin) ten years, 1876 to 1885 | do..... | 3,036,284 |
| Increase in ten years, 127 per cent. | | |
| Lumber for ten years, 1866 to 1875 | feet... | 157,680,822 |
| Lumber for ten years, 1876 to 1885 | do..... | 213,105,719 |
| Increase in ten years, 35 per cent. | | |
| Crude phosphates for five years, 1876 to 1880 | tons... | 480,549 |
| Crude phosphates for five years, 1881 to 1885 | do..... | 842,318 |
| Increase in five years, 75 per cent. | | |
| In 1875, only 71,173 tons of crude phosphates. | | |
| In 1885, 186,096 tons of crude phosphates. | | |
| Increase in ten years, 166 per cent. | | |
| Manufactured fertilizers for five years, 1871 to 1875 | tons... | 209,770 |
| Manufactured fertilizers for five years, 1876 to 1880 | do..... | 280,147 |
| Manufactured fertilizers for five years, 1881 to 1885 | do..... | 626,926 |
| Increase of 3 times in ten years. | | |
| Population by United States census of 1880 | | 49,984 |
| Population by city census of 1885 | | 60,145 |
| Increase of population in five years, over 20 per cent. | | |
| Increase of whites in five years, over 21 per cent. | | |
| Increase of colored in five years, 19 per cent. | | |

## Agricultural Department.

## SPEECH

OF

# HON. DAVID B. CULBERSON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, January* 11, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture and Labor—

Mr. CULBERSON said:

Mr. CHAIRMAN: There are some important and startling facts presented by a comparison of the rates of increase in the value of farms and live stock as shown by the censuses of 1850, 1860, 1870, and 1880. The figures from which these rates are taken may be found in the compendium of the last census on page —.

The value of all the farms in the United States, as shown by the census of 1850, was $3,271,575,426. In 1860 the value was $6,645,045,107. In 1870 the value was returned at $9,268,803,861, and in 1880 the value was estimated at $10,127,096,776.

It follows from these figures that during the decade from 1850 to 1860 the rate of increase in the value of farms was more than 100 per cent.

From 1860 to 1870 the rate of increase was less than 40 per cent.; and from 1870 to 1880 the rate of increase in value was less than 9 per cent.

It further appears from the tables to which I have referred that the value of all the live-stock in the United States in 1850 was $544,180,586. In 1860 the value was $1,089,329,915. In 1870 the value was $1,525,276,547.

In 1880 the value was returned at $1,500,464,609.

The rate of increase from 1850 to 1860 was over 100 per cent.

From 1860 to 1870 less than 40 per cent., and from 1870 to 1880 instead of an increase in the rate the total value declined more than $25,000,000.

I take the rates of increase from the statement made by Mr. J. Q. Smith before the Committee on Ways and Means of the House, and I have verified them by the actual figures.

There are no official figures by which to ascertain the rate of increase or decrease in the value of the farms and live-stock in the United States during the last six years.

But, Mr. Speaker, our observation and knowledge of the condition of our farmers, the reduced value of agricultural lands except in favored localities, the enormous indebtedness of this class of our population, the usurious interest everywhere exacted of them for advances, the immense cost and expense of railway transportation of agricultural products to market, the scarcity of money in circulation, the onerous burden of taxation, direct and indirect, imposed by law upon all, but which by its operation affects more oppressively those who are engaged in agricultural pursuits than any other class of our population, the cruel and unjust taxation of some of the products of the soil, must convince every one that there has been no improvement in agricultural values. If a similar blight and decay had fallen upon other great industries it might be difficult to ascertain the true cause of the decline; but such is not the case.

I make the following quotation from the statement of Mr. Smith, to which I have already referred:

> Without wearying you with further figures, do not all these statistics point strongly, if not conclusively, to the fact that, from some cause or causes, there has been, since 1860, a great arrest in the prosperity of the country, and especially of those engaged in agriculture? Are not the statistical figures I have given such as to demand at the hands of your committee a careful and disinterested inquiry into the subject? There seems every reason to believe that between 1850 and 1860 there was a very rapid increase in wealth. In the general prosperity of the country the great farming community appears to have fully participated. Then, as now, it comprised about half of all our people. Starting in 1850 with less than $4,000,000,000, they increased their wealth by more than an equal amount in ten years. But since 1860, with far more than twice as much capital, and added millions of persons employed, they have scarcely been able even by the highest estimates the census officers could possibly make, to add as much to their wealth in twenty years as they did in the preceding ten. In 1860 farmers owned half of the wealth of the country. In 1880 they owned but a quarter. By the census estimates the other half of the community between 1860 and 1880 increased their wealth by more than $23,000,000,000; but farmers, starting with an equal capital, increased their wealth during the same time only a little more than $4,000,000,000.

The remarkable decline in the prosperity of those engaged in agricultural pursuits is peculiar, significant, and appalling.

No other great industry presents such evidence of decay. On the contrary, all other industries show remarkable growth during the two last census decades. Indeed, it appears that as the prosperity of those engaged in agricultural pursuits has waned and declined other industries have prospered with unparalleled rapidity.

In view of the fact that more than one-half of our population is engaged and employed in agricultural pursuits; that this great industry produces more than ten billion dollars' worth of products annually with which to feed and clothe the people of the world; that 80 per cent. of all the exports from the United States consist of agricultural products—and especially in view of the fact, conceded on all sides, that enlightened and prosperous agriculture is the basis of all individual and national wealth, and that no genuine, general prosperity can exist while farms decay—it would seem to be the very highest duty of all legislators to explore the whole field of inquiry to ascertain the cause of the decline of agricultural prosperity and to promote by all lawful means the interests of this great and all-important industry.

If the individual exertions of the legislator are inadequate to this great task, there should be do hesitation to employ every necessary lawful auxiliary to aid in the noble work. It is our duty to do so.

The distressed condition of agriculture and labor is not the result of accident or chance, nor can it be justly attributed to any want of energy, industry, and economy on the part of the tillers of the soil.

The same friendly skies and sunshine and season that blessed the farmers of the earlier decades to which I have referred still remain to cheer and encourage the husbandman.

The same pluck, industry, and frugality that characterized our farmers during the periods of agricultural prosperity continue to characterize their conduct in the gloom of agricultural adversity.

Yet, Mr. Speaker, despite the abundant yield of the soil, and the industry and frugality of our farmers, year by year a deeper gloom and decay are spreading over farms and stock, and the farmer grows poorer as the years go by.

I believe that the cause of the decline of prosperity among those engaged in agricultural pursuits in the main is due to the evils of class legislation, State and national.

The laboring population, those who in the farm or workshop, or wherever else brain and muscle toil for a living, have been the victims of legislation designed to promote the interests of corporations and classes. For more than a quarter of a century there have been constant and exhaustive exactions, under the forms and color of law, upon the profits of agriculture and the wages of labor to build up special classes and favored industries. The limit of exactions is fixed by the ability of agriculture and labor to comply with them.

In the great battle of life for comfort and competency the farmer has had an unequal chance of success with those engaged in other pursuits. This fact the census tables abundantly show.

I can only refer now, within the time allowed, to a few instances of class legislation which have been destructive of agricultural profits.

We all know, Mr. Speaker, that no people, however frugal and industrious, can prosper who are denied the advantage and convenience of a volume of circulation sufficient to meet and accommodate all the requirements of business. Whenever such condition exists, certain results, to the disadvantage of those engaged in agricultural pursuits especially, are inevitable. The value of agricultural lands, houses, live-stock, and all other agricultural products decline in value, and the fortunate possessors of money or fixed securities increase their fortunes rapidly. The flow of circulation to the great stock-jobbing and commercial centers increases, and agricultural districts struggle with hard times.

The prophetic wisdom of the framers of the Constitution, apparent in every article of that wonderful product of statesmanship, is no where more clearly exhibited than in that provision which vests in Congress the exclusive authority to coin money and regulate its value. Who but the representatives of the people should possess and exercise the power of determining how much money should constitute the volume of circulation?

In a matter of such vital importance none but disinterested representatives of the people, inspired as they are supposed to be by an earnest and patriotic desire to serve the best interests of all the people, should be allowed to set a limit upon the volume of circulation. Yet, more than two decades ago, Congress surrendered substantially this great and vital function of government to private corporations.

More than two thousand banking corporations, organized under the laws of Congress, united by a bond of common interest, and inspired by the spirit of a common greed to make money, virtually control the volume of circulation. The value of farms, live-stock, and other agricultural products are at the mercy of these private corporations. Armed with power to make money scarce or plentiful, they regulate the volume of circulation as their interests dictate.

Although under the wise provisions of laws enacted since 1877, under the auspices of the Democratic party, our volume of authorized money, consisting of gold and silver and their representatives, gold and silver certificates, legal-tender greenbacks and bank notes, has grown from nine hundred and fifty millions of dollars to more than one billion six hundred millions, more than one-half of this authorized volume of money is arbitrarily and otherwise withheld from the channels of circulation by the banks and the Treasury of the United States. The result is that the volume of money is stinted and starved, and everywhere away from commercial centers the cry of hard times is heard. No class of our population is as seriously affected by our financial system as those engaged in agricultural pursuits. The doors of national banks are closed to the farmer. They have no accommodations for him.

If his business could support the interest demanded, he is not permitted by the law to offer his lands as security for loans.

If this system could be abolished and the Government resume its rightful authority over the volume of money and circulation, a few thousand bankers, enriched by the spoils of fluctuation in values and high-rate interest, will no longer dole out to the people a volume of circulation.

How far our system of finance has contributed to impoverishing those engaged in agricultural pursuits or in bringing upon agriculture and labor its present distressed condition, is a question of great and vital importance, and is quite too broad and deep for the research of a bureau originally designed to gather and distribute rare and choice seeds. The interests involved are so vast and the conflicting and opposing industries are so powerful and strong that the subject should be committed to the special care of an executive department of the Government.

It is estimated that railroad companies organized under the laws of the several States and of Congress have capitalized their properties at the sum of nine billions of dollars. Though quasi public corporations, they are essentially devoted to the interests of shareholders and bondholders.

They have superseded all other modes of transportation mainly, and have become a public and private necessity.

Their ability to promote or depress the business of agriculture by charges for transportation of agricultural products is known and felt throughout the country. How have they treated this great industry? Have they fixed their charges for transportation upon a basis of fairness or are their charges made with reference only to the ability of agriculture to respond to them? Have they exercised their kingly power over transportation to oppress those engaged in agricultural pursuits? These are vital questions in view of the wonderful decline in agricultural prosperity.

It is said, Mr. Speaker, that fully one-third of the capitalized value of railroad properties, or the sum of three billions, is unreal and fictitious, sometimes called watered stock. Is it a fact, as alleged, that the railroad corporations fix the rate of charges for transportation and the wages of labor in order to furnish a fund with which to pay interest and dividends upon unreal as well as real capital.

If that be so, it is a manifest injustice and an unmixed outrage upon the people, and no class of the people are so vitally interested in the matter as those who are engaged in agricultural pursuits, because the transportation of agricultural products constitutes the bulk of the business of the railroads.

It cannot be denied, however, that there is but little profit in the business of agriculture now which is permitted to be retained by the farmer. How much of the profits of this industry have gone into the coffers of railroad companies for the purpose of providing a fund with which to pay interest upon unreal capital will be difficult to ascertain. The conviction that such injustice is being imposed upon agriculture and labor is the chief cause of the unrest and disquiet among the great army of the people engaged in agriculture and employed by railroad companies. The great question may be, not how the railroad companies have diluted their capital, but are the rates for the transportation of agricultural products just, reasonable, and fair? Is there extortion?

The legislature of every State in the Union, and Congress in cases within its authority and jurisdiction, must undertake the great work of unloading agriculture of all unjust burdens and unreasonable exactions imposed upon it by corporations created for public as well as private purposes. How shall this great work be undertaken? Where are the facts upon which it must be prosecuted? Can Congress enter successfully upon this duty, and in the future legislate intelligently without the aid of some such powerful auxiliary as an executive department?

If the convictions of the people are correct, a despotism of fraud has intrenched itself under cover of corporate privileges. If its thralldom is to be broken, and agriculture and labor emancipated from its oppression, all the information and light which can be given by an executive department will be needed to carry on the work and shield this great industry in the future from the evil effects of class legislation.

Mr. Speaker, the product of the soil in some States of the Union is taxed, and scores of revenue officers and deputy marshals swarm over the country to harass our farmers and destroy their substance; and for what? To pile up money in the Treasury not needed for any public purpose and keep in pay an army of useless officials. The fangs of an infamous system of tariff taxation have been fastened in the very vitals of agriculture, and for more than twenty years the greater part of the earnings and profits of that industry have been transferred to the pockets of domestic manufacturers without reciprocal advantage.

In order to keep and preserve the home market for our domestic manufactures the markets of the world have been practically closed against our farmers.

The protected industries, aided by all other consumers in the United States, can not use or consume the enormous products of agriculture.

The result is that 80 per cent. of all exports from the United States consist of the products of agriculture.

When these products reach the foreign markets they are sold for money in a free market and in competition with similar products of all nations. They can not be exchanged for manufactured products, such even as farmers are compelled to use, because of the high rate of import duty upon such products.

The farmer must sell his surplus products in a foreign market and buy such manufactured products in the home market as he is compelled to use at a price usually enhanced by the rate of import duty upon a similar product manufactured abroad. Our manufacturers do not buy and manufacture all the cotton, wheat, and beef produced by our farmers. The surplus must waste or perish, or be shipped to foreign markets. The price for which the surplus cotton raised in the United States sells in Liverpool in competition with the cottons of other countries, fixes the price of cotton at home. So of wheat, oats, and beef, sold in foreign markets. The vast army of people engaged in agricultural pursuits, the millions of toiling people outside of protected industries are compelled under our system of taxation to pay an annual tribute of 46 per cent. average upon all manufactured products used and consumed by them to swell the profits of home manufacturers without the reciprocal advantage of an enhanced home market for their products. No wonder the farms and fields are decaying and farmers are growing poorer year by year.

From 1850 to 1860 the rate of increase in the value of farms and live-stock in the United States was over 100 per cent. A Democratic system of tariff taxation was in force. The average rate of import duties

did not exceed 18 per cent. It was a tariff for revenue, and not a tariff for protection and bounty. There was general prosperity. Agriculture flourished, and all other industries grew and prospered.

Since the tariff for protection and bounty has been in existence agricultural prosperity has steadily declined. From 1860 to 1870 the rate of increase in the value of farms fell from 100 per cent. to 40 per cent., and from 1870 to 1880 the rate of increase was only 9 per cent. Over three hundred millions of dollars find their way into the pockets of protected barons annually, as a mere bounty, or the enhanced value of their products by reason of the tariff. Agriculture contributes of its hard earnings more to this bounty fund than any other industry.

It is said, Mr. Speaker, that under this system of taxation our country has wonderfully increased its wealth. That is conceded, but the system robs one industry to build up another, and impoverishes the great body of the people to enrich favored classes.

Two years ago I addressed the House upon the subject of the tariff. I quote the following from my remarks on that occasion:

Mr. Chairman, it is said that the marvelous development of the resources of the country during the last twenty years and the enormous addition to the wealth of the people and their apparent prosperity are all due to the protective system, and they are eloquently displayed as the beneficent results of protection. Is the credit due? I think not. If you will compare the results of the period when we had a Democratic tariff with those which are now claimed for protection fairly and with reference to the conditions applicable to each, you will find the prosperity of the people under the former period far more satisfactory to the philanthropist and the patriot than that which now exists. During the period of a tariff for revenue, the prosperity of the people (as shown by the census) was marked and significant. It was widely diffused. The *acquêts* and gains of labor, industry, and enterprise were shared by the whole people, from the humblest tiller of the soil to the millionaire.

The prosperity which is apparent to-day is in a large degree deceptive. The general and substantial prosperity of the tariff-for-revenue period does not exist. It is true that we are dazed by the glare of wealth and stand lost in admiration at the grand development of the inherent resources of the country. But I regret to say that the wealth which attracts our attention to-day lies up in heaps. It is enthroned in palatial residences that shelter the bounty-fed barons of protection. It displays itself in the long lines of railway stretching across the continent, all owned by money kings; in the "million list," who cut the coupons from untaxed bonds; in the long roll of banks and bankers, fattening day by day upon the spoils gathered from the people by the favor of class legislation; in the costly public buildings, more fit for the scarlet henchmen of royalty to dwell in than the servants of a republican people, erected all over the country by the money wrung from the public by this system of indirect taxation; and finally, in the baronial landed estates filched from the public domain, the heritage of the poor, under the forms of law. [Applause.]

From 1860 to 1870 the nine leading manufacturing States increased their wealth 173 per cent.; from 1870 to 1880, 200 per cent.; while for the same period the nine most fertile agricultural States show no such wonderful achievements in the acquisition of wealth. The truth is, and I regret to say it, that the wealth of the country acquired under the protective system is most unevenly divided. There is abundant wealth and prosperity, but who shares it? There are to-day more modest homes where the comforts of wealth are unknown, there are more tenement houses where tired people are supposed to rest, there are more cabins clinging to the hillsides or dotting the great plains, there are more hovels where squalid poverty sleeps upon its rags, and there are more able-bodied men and women eking out a miserable existence upon scant wages than at any other period in the history of the country. In the very glare and glamour of centralized wealth and corporate power which the protective system promotes there is a vast army of men, women, and children struggling for the barest living. There is no factor in American politics or policies that has contributed more to centralize the wealth of the country, to make the rich richer and the poor poorer, than the system of protection.

The measure under consideration was designed by its author, the distinguished gentleman from Missouri [Mr. HATCH] as one method to aid Congress in the overthrow of the despotism of class legislation over agriculture, the paramount industry of the country, and to make it impossible in the future to despoil it of its just profits by vicious legislation. Agriculture needs at the council board of the Executive a friend and representative, whose duty it shall be to lay bare before the President, Congress, and the country the relation which agriculture bears to existing legislation, and such as may be from time to time proposed.

The relation that this great industry sustains to the well-being of all the people and all other industries demands that Congress shall be informed how much class legislation has contributed to its impoverishment, and how the legislative functions of the Government may be exercised without depriving those engaged in it of legitimate profits. I do not understand that agriculture is a function of government, and therefore entitled as a matter of right to be represented by a cabinet officer, nor is this measure based upon any such assumption; but I do recognize the fact that agriculture is the chief industry of the United States, and the very foundation upon which all other industries rest and depend for prosperity.

It is unequally depressed and unjustly oppressed by the effects of legislation. It is known of all men that its prosperity has declined, and that the millions engaged in it are staggering under burdens too intolerable to be much longer borne. The peace and good order of the country are imperiled, and the well-being and prosperity of the whole country imperatively demand that the cause of the decay that is sapping and weakening the foundation of all individual and national wealth shall be discovered and removed. What more powerful auxiliary to aid in the accomplishment of such important work can be suggested than the one proposed by this measure?

Agriculture and labor ask no bounty from the Government. They do not ask that other industries may be taxed, directly or indirectly, to swell their profits. They ask no class legislation in their behalf. They seek no advantages over other industries to be enjoyed under color of law. They do not desire to escape taxation, direct or indirect. They submit with cheerfulness to all legitimate burdens of Government. But they demand equal and exact justice, and above all they demand that Congress shall exercise its legislative powers without casting upon them unfair and unequal burdens, and vesting in private or public corporations power to strip them of their hard earnings and the legitimate profits of their toil.

As a means, not unlawful in its character or scope, to accomplish this laudable legislative purpose, the construction of an executive department, charged with the duty of collecting information of all matters affecting the well-being of this great industry and maintaining its right to fair and just treatment, as is proposed by this bill, seems to me not inconsistent with the legislative authority of Congress or an unjust discrimination in favor of one industry over another.

It is said by the strict constructionists that Congress possesses the authority to expend millions of dollars in the purchase of books for a library and to construct upon land, seized and taken from citizens, under the extraordinary power of eminent domain, which ought never to be exercised except for public necessary purposes, a marble palace to cost not less than $6,000,000 to shelter the books and an army of officials for the purpose of educating Congressmen and enabling them to properly discharge their legislative duties.

If that be so, it would seem that Congress for the same purpose might avail itself of the aid of an executive department, although it may be less costly and far less ornamental. The friends of this measure are not prompted by a desire to obtain for this industry exclusive advantages over other industries, but because of its paramount importance they demand that all lawful means should be employed to rescue it from decay and to shield it in the future from the aggressions and spoliation of corporate power and the unjust and oppressive exercise of legislative authority.

---

## The Pacific Railroads Investigation.

### SPEECH

OF

# HON. WILLIAM S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, January* 18, 1887.

The House having under consideration the joint resolution (H. Res. 170) authorizing an investigation into the books, accounts, and methods of the Pacific railroads, and

Mr. HOLMAN having submitted the following amendment:

After the word "use" in the twenty-eighth line insert "and whether any of the Pacific railroad corporations which obtained bonds of the United States to aid in the construction of their railroads have expended any of their money or other assets in the construction, or to aid in the construction, of other railroads, or invested any of their money or other assets in the stocks or bonds of other railroad corporations. If any such expenditure or investments have been made, the extent and character thereof made by each of said corporations shall be inquired into, and also the present interest of any of said corporations in the railroads auxiliary to their respective railroads"—

Mr. HOLMAN said:

Mr. SPEAKER: I do not find any provision in the pending joint resolution that seems to cover the matter embraced in this amendment. It seems to me that the most important information which can be secured through this investigation is the extent to which these various Pacific railroad corporations are interested in the auxiliary lines. These auxiliary lines are of special interest in this inquiry. There has been some conflict of opinion upon the floor upon that subject, and I think it is of the highest importance to ascertain to what extent these various corporations have invested their means in the construction of auxiliary lines and the extent to which those lines are now owned by the original Pacific railroad corporations.

Mr. DUNN. And the incumbrances upon them held by others.

Mr. HOLMAN. I have no objection to an inquiry into that, but I have not included it in my amendment. I wish now to call the attention of the gentleman from Tennessee [Mr. RICHARDSON] having charge of the joint resolution to the fact that in line 13, page 2, the words "or land" are included, embracing the land-grant railroads in the inquiry. I submit that an inquiry into the land-grant railroads is unnecessary and unprofitable. This proposed investigation as to the land-grant roads will amount to nothing. If those roads have obtained their lands properly and in conformity with the terms of the grants, the manner in which they have disposed of them is a matter of no consequence to the Government. The fatal mistake was in making the grants. Those grants, so far as they have been completed in conformity with the terms of the grants and the title secured through the executive department are, of course, beyond our reach, and I think there is no advantage in spending time in such an investigation as that, anxious as I am to annul every grant within our reach; but the facts as to

the land-grant roads are all fully known to Congress. Then, too, there is this provision, which I think quite unimportant: "And if any, how much, money is due and owing to the United States on account of mistakes and erroneous accounts." That could be ascertained very readily by competent accountants, but it has not heretofore been deemed a matter of any special moment. It is unimportant in view of the far greater interests involved. The House is now clearly informed that we must resort to expedients far more effectual than overhauling accounts—expedients that will compel the payment into the public Treasury during the next eleven years that the bonds of all the corporations have to run of all the net earnings, or at least the greater part of the net earnings, of these corporations. That is inevitable if the rights of the Government and people of the United States are to be respected; and a mere inquiry into false accounts designed to diminish payments to the Government under existing laws (and they are undoubtedly numerous and flagrant) will be found to be of little or no value.

The duty of Congress is clear and manifest if it intends to protect the Government from the methods of these corporations and prevent the perpetration by them of greater wrongs upon the Government than those already inflicted. It will find itself under the necessity of compelling these corporations to pay into the public Treasury annually the sum of money they are able to pay—their net earnings; and in that view, and if you intend that they shall pay as far as possible, I submit that it is a matter of no kind of consequence to inquire into errors of statement, honest or dishonest, or of misappropriations of money here and there heretofore made upon which the payment of the 5 per cent., or the 25 per cent., to which the Government was entitled, has been evaded.

These powerful corporations owe their vast resources to the United States. Their more than imperial wealth is substantially a gift from the Government. Such a grant in value, in public credit, and public lands as these corporations obtained was never before known in the history of any country. They are able to pay the money they owe and will owe the Government when it shall become finally due if Congress will in the mean time employ the power it has retained to compel them to apply their resources to the payment of their debt instead of permitting them to enlarge the wealth of their stockholders, already grown rich on this enormous subsidy of the Government.

But a cry of alarm has been raised that if the Government does not nurse these corporations with more than maternal tenderness the vast sum of money, now amounting to more than $110,000,000 loaned and advanced by the Government for their benefit, to say nothing of 30,000,000 acres of land given to them outright out of the patrimony of the people, will be lost; yet the papers before us show that these Union Pacific corporations (six original corporate bodies now consolidated into three) have assets amounting in value in the aggregate to $452,316,450, the outgrowth of the national munificence, on which the lien prior to that of the United States is $64,623,512, the interest on which has been paid; and yet the extraordinary pretense is raised that these corporations, with $452,316,450 of assets subject to a prior lien of $64,623,512, can not pay the debt it owes to the Government of one hundred and ten million and will become bankrupt if the Government does not extend its debt at 3 per cent. interest through seventy years.

It is claimed, however, that the Government lien is on the railroads and franchises, and that the mortgages given by the corporations on the land grants are prior to the lien of the Government; that is true, but they do not exceed $23,000,000, and I think are much less. It is true these corporations owe vasts sums of money, have issued bonds secured by mortgages, but their lien on these railroads is subject to that of the United States, and even these deferred bonds are sold in the market at a high premium. The fact is the Government's debt against these corporations is amply secured unless Congress shall permit them to misappropriate their enormous resources and defeat the ends of justice.

So that while I support the pending resolution, I still believe that the well known facts touching these corporations and their resources and indebtedness are sufficient to enable Congress to legislate intelligently and amply secure every right of the Government. All that is necessary is that these corporations be required to apply their resources in the payment of their honest debts.

Another point to which I wish to call attention is this: I have seldom known Congress to think it necessary to make a larger appropriation for the performance of any public work than was deemed necessary and recommended by the head of the Department to which the work appertained. In this case the Secretary of the Interior recommends that $15,000 or $20,000 be appropriated to meet the expenses and pay the compensation of the commission, yet I see that the committee propose an appropriation of $30,000. I do not think we are warranted in exceeding the amount recommended by the head of a Department.

Mr. OUTHWAITE. Will the gentleman permit me to ask him whether the Secretary of the Interior includes in his estimates all the items that are covered by this proposed investigation?

Mr. HOLMAN. I so understand. The inquiry involved in this joint resolution is necessarily limited in its scope and will not require any prolonged period of time to complete the work.

[Here the hammer fell.]

## Interstate Commerce.

### SPEECH

OF

# HON. JAMES E. CAMPBELL.

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. CAMPBELL, of Ohio, said:

Mr. SPEAKER: The report under consideration, when adopted, will result in legislation conceded by its friends to be crude and believed by its enemies to be empiric. That it is certain of passage by this House nobody who sees the stampede in its favor can doubt. It is questionable whether one-sixth of the Representatives present will go on record against it. Yet nobody understands it; none of the conferees in either Chamber agree upon its meaning; and no one has pretended to intelligently explain some of its provisions. It was truthfully as well as pungently said by one of the Senators from Kansas [Mr. INGALLS]:

> This is a bill which practically nobody wants, and which everybody intends to vote for; a bill which nobody is satisfied with, and which everybody intends to accept; a bill which nobody knows what it means, and yet we have all agreed it ought to pass.

Not only did he indulge in caustic criticism of the bill but his adverse opinion was shared in by the acting Vice-President [Mr. SHERMAN] and by many other Senators, whose ability in exposing the shortcomings of the measure was equalled only by their inconsistency in voting for it.

Nearly the entire Senate found fault with the bill, and yet, upon its passage by that body a few days ago, only 15 votes were recorded against it.

In this House the debate has been carried on in much the same manner. For two whole days we have enjoyed a ludicrous spectacle. One member after another has risen in his seat, gravely denounced the bill as ambiguous, pernicious, or unnecessary, and finally wound up, in a shame-faced manner, with the illogical statement that he intended to vote for it as an experiment—apparently trusting to Providence that it might not result in irretrievable disaster to the country. If gentlemen will thus contradict their votes by their public utterances what will they not say in private? It is my belief that a large majority of the membership of this House will frankly admit this bill to be dangerous in its tendencies, and that one, at least, of its provisions is a deadly menace to every business interest.

I am afraid that too many gentlemen here are overanxious to please a clamorous but misinformed constituency, and that in trying to do this they are about to fasten upon the country a law which, while it has some good features, is liable to create greater evils than those we are striving to cure. No one disputes or justifies the existence of the many and bitter grievances which have exasperated the people against the railroads. Those corporations have robbed their stockholders, ruined their builders, discriminated against shippers, fostered monopolies, oppressed producers, stolen Government subsidies, misappropriated public lands, evaded taxes, corrupted the administration of justice, increased their tolls beyond the point of endurance in order to pay extravagant salaries and dividends on watered stock. They have heartlessly disregarded the lives and safety of their passengers and are notorious for overworking and underpaying their employés. Their rapacity and brutality have become a by-word in the land.

The committee appointed by the Senate to take testimony upon the subject of interstate commerce have drawn an indictment against the railroads embodying the grievances which the business interests have complained of, and which are as follows:

1. That local rates are unreasonably high, compared with through rates.
2. That both local and through rates are unreasonably high at non-competing points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.
3. That rates are established without apparent regard to the actual cost of the service performed, and are based largely on "what the traffic will bear."
4. That unjustifiable discriminations are constantly made between individuals in the rates charged for like service under similar circumstances.
5. That improper discriminations are made between articles of freight and branches of business of a like character and between different quantities of the same class of freight.
6. That unreasonable discriminations are made between localities similarly situated.
7. That the effect of the prevailing policy of railroad management is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.
8. That such favoritism and secrecy introduce an element of uncertainty into legitimate business that greatly retards the development of our industries and commerce.
9. That the secret cutting of rates and the sudden fluctuations that constantly take place are demoralizing to all business except that of a purely speculative character, and frequently occasion great injustice and heavy losses.

10. That, in the absence of national and uniform legislation, the railroads are able by various devices to avoid their responsibility as carriers, especially on shipments over more than one road, or from one State to another, and that shippers find great difficulty in recovering damages for the loss of property or for injury thereto.

11. That railroads refuse to be bound by their own contracts, and arbitrarily collect large sums in the shape of overcharges in addition to the rates agreed upon at the time of shipment.

12. That railroads often refuse to recognize or be responsible for the acts of dishonest agents acting under their authority.

13. That the common law fails to afford a remedy for such grievances, and that in cases of dispute the shipper is compelled to submit to the decision of the railroad manager or pool commissioner, or run the risk of incurring further losses by greater discriminations.

14. That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.

15. That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.

16. That the capitalization and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.

17. That railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.

18. That the management of the railroad business is extravagant and wasteful, and that a needless tax is imposed upon the shipping and traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business.

The foregoing charges, formulated by the committee, are, as to many of the railroads of the country, unquestionably true.

These corporations were created by the people, and can be made amenable to their control. They must be compelled to do equal and exact justice to everybody. They must be so compelled by the strong arm of the Federal Government. It is true that where they lie wholly within one State they are subject only to the jurisdiction of that State; but when they cross State lines they become subject to the sovereignty of the United States; and it is the right and duty of Congress to interfere and protect the people from their greed and mismanagement.

Let us see what attempts have been made in this Congress to exercise that power. A brief glance at the action of both Houses will refresh our recollection and fix the responsibility for success or failure where it properly belongs.

On the 12th day of last May the Senate passed a bill (S. 1532) known as the "Cullom bill," and sent it to us for consideration. After some debate we refused their bill, and on July 30 passed a substitute, known as the "Reagan bill" (being similar to H. R. 6657), and sent it back to the Senate. Said substitute thereby became Senate bill No. 1532. For that substitute I voted, although I did not approve some of its provisions—as I may explain later. It provided full remedies for the principal grievances complained of in railroad management, and was wholly in the interest of the people. It went to the full extent that any tentative legislation should go, and even farther than was thought prudent by myself and others of its supporters. That bill was based upon the theory of furnishing remedies in both State and Federal courts for violations of its provisions. It commanded what should be done by the railroads, and prohibited what should not be done.

Its leading features are succinctly stated in House Report No. 902, which recites that the bill—

Provides that the charges of the railroads shall be reasonable; that persons engaged in the transportation of interstate commerce by railroads shall furnish without discrimination the same facilities for the carriage, receiving, delivery, storage and handling of property of like character, and shall perform with equal expedition the same kind of services connected with contemporaneous transportation.

It makes provision against evasion of the continuous carriage of freights by prohibiting stoppage or interruption of the transmission of freights at intermediate stations. It makes it unlawful to allow any rebate, drawback, or other advantage in any form upon shipments made for any person. It makes combinations for pooling unlawful, and it prohibits charging more for a given amount and kind of service for a shorter than for a longer distance, which includes the shorter distance on any one railroad.

It provides that the railroad companies shall post up schedules of the rates and charges on their respective roads, and shall not change schedules so as to increase charges without giving five days' notice. It makes provision that railroads receiving freight for shipment in the United States to be carried through a foreign country, the ultimate destination of which is some place in the United States, shall keep posted in a conspicuous place at the depot where said freight is received for shipment schedules giving the through rates to all the points in the United States beyond the foreign territory, and it provides that any freight shipped into a foreign country and reshipped into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties.

It provides that those violating the provisions of the act shall be held to pay to the person or persons injured the full amount of the damage sustained by such violation, together with reasonable counsel's or attorney's fees, to be fixed by the court in every case of recovery, and that suits under this provision of the act may be brought in any State or United States court of competent jurisdiction.

It provides for the equitable cognizance of cases arising under this act, for the production of the books, papers, &c., of any company when necessary, and that parties to such suits may be compelled to testify, with the reservation that their testimony shall not be used against them in a criminal prosecution. It also provides that for any violation of the provisions of this act the parties guilty of such violation shall be liable to a fine of not more than $2,000, and that nothing in the act shall apply to the carriage, receiving, storage, handling, and forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory or the District of Columbia; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable or religious purposes, or to and from public fairs and expositions for exhibition.

These constitute a portion of the leading features of the bill which we report to the House. It is believed that the enactment and enforcement of such a law will provide for the just and necessary abridgement of the monopoly powers of these corporations, and protect the people against unreasonable charges and extortionate exactions, and will at the same time not interfere with or embarrass the management of railroad corporations in anything which it is reasonable and just they should do.

This salutary measure went back to the Senate and they refused to concur. Thereupon a conference committee was appointed, and as a result of their labors we have the pending bill, which passed the Senate a few days ago and has now become the Senate bill No. 1532.

The principal changes made by the conference committee in the substitute bill heretofore passed by the House and above referred to are as follows:

It extends the operation of the law to include passenger traffic, as well as freight, and seeks to control water ways in addition to railroads. To these changes I have no serious objection, although it would have been wiser, in such purely experimental legislation, to have moved more slowly. It takes away from the people any right to seek justice in the State courts, and compels them to resort to a commission located at Washington city, or to Federal courts which are few in number, and usually distant from the places where rights of action accrue.

This is a provision in the interest of the railways and derogatory to the rights of the people; yet if it were the only objectionable addition I would support the bill, hoping for a change in this respect at the next session of Congress. I do most earnestly protest, however, that the State courts should have concurrent jurisdiction with the Federal courts in all suits against railroads which are contemplated by this bill. I do not agree with the Senate conferees who injected this idea into it. I am an advocate of the right of the people to try the issues which may be forced upon them in the courts nearest their homes. The State courts have the power of life and death. They can be trusted to administer upon all the property we have or hope for, but in the judgment of some people they are not good enough to try cases against a railroad company. Perhaps they are too convenient of access and too inexpensive in costs to suit the ideas of gentlemen at the other end of the Capitol. However, I pass over this section, contenting myself by adding that it shows the drift and tendency of the changes engrafted by the Senate—shows that somebody is anxious to succor the railroads rather than the people who may be compelled to sue them.

This bill creates a sort of railway syndicate, designated as "The interstate-commerce commission," consisting of five persons, appointed by the President of the United States, who have an office at Washington city. They are empowered to hold sessions elsewhere, and any single member may take testimony anywhere. They have authority to employ as many persons as they deem proper, and pay them what they please, subject to the approval of the Secretary of the Interior, provided, of course, that Congress appropriate enough money. Into the hands of these five gentlemen, from whose actions and decisions in all vitally important matters there is no appeal, is placed 130,000 miles of railroads, the great water ways of the continent, and all the business which is carried over them or affected by them. As was well said on this floor yesterday, this bill ought to be entitled "A bill to more completely give over the control of the business and political interests of the people into the hands of the confederated monopolists."

These five men can build up the business of one road and tear down that of another. They can make and unmake fortunes with the stroke of a pen. They can prostrate or destroy the commerce of any city, State, or section. Every railroad and transportation company is made a beggar at their feet and can practically do nothing—not even keep its accounts—except in such manner as may, forsooth, please these, their masters. No potentate in the world would dare attempt the exercise of such arbitrary and unlimited powers.

This bill is a wide departure from the customs of this Republic. It is a gigantic stride toward paternal government, and is fraught with dangers yet to follow. It will create alarm among the people when its startling innovations are known and understood. Yet, we have been warned. Chambers of commerce and boards of trade all over the country have memorialized us. As showing the character of their predictions I read a sentence or two from the resolutions sent here by the citizens of Minneapolis:

At best, it gives to five men, about whose competency, experience, and integrity nothing can be known in advance, almost autocratic power over the market value of hundreds of millions of dollars of railway stocks and bonds, over the market value of the agricultural products of half a continent, as well as of the lands upon which these products are grown.

So great a power and so tremendous a temptation to its abuse ought not to be presented unnecessarily to any committee of citizens or be made the foot-ball of politics.

Under the provisions of this bill this commission can create large numbers of office-holders, and with these and the business of the country under their iron control what political schemes may not be consummated? What elections may not be carried? What doubtful or disputed Presidential successions may not lie within their power? For while they are the masters of the people the President of the United States is their master, and he becomes by this bill the absolute political monarch of the country. I can not better express my sentiments

on this subject than by quoting the words of the eloquent Senator from Alabama [Mr. MORGAN]:

I have heard of Presidents with whom I would not trust that power. I do not say that I would not trust that power in the hands of Mr. Cleveland, for I think he is a very honest man, but it is a dangerous power to put into the hands of any man. He can appoint three commissioners of his own political party, and then the responsibility of those commissioners is directly on him. The responsibility is not with the Senate on impeachment; it is not with a grand jury on a question of fraud in the administration of their offices. By this bill their responsibility is made directly to the President, and not the responsibility merely, but all that they do. The President is the man who acts through them, and they are responsible to him, and he removes them if they do not suit him.

Suppose he wanted to be re-elected President of the United States and he should say, "Here is a doubtful State;" it may be Indiana; "I wish you would just arrange to find sufficient reasons why this law ought to be let up on that railroad company out there. They have a great many employés. It is a very powerful organization. There need not be anything said about it; there is no crime about it. It is a mere piece of political strategy. Could you not afford just quietly to let up on that Indiana railroad company and let its competitor, running north and south through Illinois, which is a dead-certain Republican State, feel all the force of the law?" Why not? This thing will probably never be done; but how have we provided that it shall not be done? That is the question. What safeguards are we putting in the way of a temptation of this kind, which to my mind it seems at least is one of the greatest that could be set?

Mr. President, it will not do to put this sort of power of the administration of private rights into the hands of any five men in the United States, and then leave the question of their remaining in office, and continuing to do things that they want to do in the hands of one man, and he the President of the United States. It is autocratic and oligarchic power, a power that American statesmen ought never to trust in the hands of any man in the world.

As for me I do not believe in any such omnipotent commission. There are not five men living whom I would trust with such unbridled power. I prefer that every right of the people should be adjudged and passed upon by the courts and juries of the country, and when a commission can be formed whose every act can be reviewed by or appealed to a court, then, and not until then, will I vote to establish it.

But this is not all. Worse yet is to follow. The bill as it originally passed the House contained a provision called the "long and short haul clause," which read as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

While this may have overstepped the actual requirements of a measure tentative in its nature, and partly conjectural as to its results, yet it was a square, plain prohibition aimed directly at the outrageous discrimination existing against local shippers. But now comes the conference bill, and so metamorphoses this section that its own father [Judge REAGAN], if he were here, could not recognize a single lineament of its features. The section now reads:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The first half of this section is a mass of pompous verbiage, meaning nothing, and intended by its framer to mean a good deal less than nothing. The latter half of the section contains a grant of power to the commission, the power of arbitrarily fixing rates for every pound of freight that travels by land or water, which is simply appalling.

Let us first address ourselves to the meaning of the section. Does anybody understand it? Who has been able to explain its scope and extent? The conferees do not agree. No two Senators appear to agree. No two members of this House, so far as I can learn, have even attempted an agreement. The author of the Senate bill [Mr. CULLOM] interprets this ambiguous muddle of words as follows:

The limitations placed upon the prohibition that is made are very significant, and they must not be overlooked. They require that in determining the sum that may be charged for a shorter as compared with a longer distance, the comparison must be made—

1. Between shipments "of like kind of property."
2. "Under substantially similar circumstances and conditions."
3. "Over the same line."
4. "In the same direction."
5. When the shorter is "included within the longer distance."

When the act is to be applied in any given case to measure the charge that may be made for any distance, as compared with a longer distance, all of these limitations must be taken into account, and they must all apply to the case—not three or four of them, but all of them.

Whereupon another learned Senator [Mr. GEORGE] retorts very truthfully that if the clause is to receive such a construction "then the whole provision in the bill in reference to the long and short hauls amounts to nothing." There is a growing suspicion pervading this House that the railroads "have had their finger in the pie," and that this section has been so manipulated that it is not intended to hamper them much on either long or short hauls.

One Senator [Mr. FRYE] says:

I should like to know what the fourth section means from this discussion. I should like to know how I or my constituents are to determine what it means from this discussion. I should like to know what lights have been thrown upon it. The conferees disagree in relation to it; almost every Senator who has discussed it disagrees with the other Senators in relation to it. Boards of trade in Boston and Indianapolis, the Chamber of Commerce in New York, Legislatures of the different States, all absolutely disagree diametrically as to what this fourth section is.

Another Senator says:

Honorable Senators on this floor who announce their adherence to each and every section of the bill, and who propose to vote for it as a whole as it stands, without the dotting of an "i" or the crossing of a "t," and who do not desire its amendment in any particular, differ widely, and radically, and irreconcilably as to the proper construction to be placed on some of its most important provisions. That the bill is therefore in its most salient features ambiguous in its phraseology, uncertain in its purpose, and vague and misleading in its structure, if not indeed absolutely inefficient as a means of meeting and overcoming the evil against which it is ostensibly directed, is a fact patent to all.

While a member of this House [Mr. ELY] says:

Nobody knows what the language used in this section means. Attempts have been made by the members of the conference committee and others to define the principal proposition of this section and its collateral supports, but in vain. Only yesterday the gentleman from Iowa inquired of the gentleman from Georgia, a member of the conference committee, whether the word "cases" in this section referred to shipments or to roads. The gentleman from Georgia replied that it referred to shipments. The gentleman from Iowa evidently believes that it refers to roads. The gentleman from Georgia is asked to explain and illustrate the provisions of this section so that we can understand it, and he admits his inability to do so. The meaning of every important phrase in this fourth section is incomprehensible even to the members of the committee who reported the bill.

And everybody else expresses just about the same opinion.

I submit whether, if nobody here can agree on the *meaning* of this section, it is probable that the five commissioners created by the bill will agree? If the framers of this important section do not know its meaning will not endless litigation arise out of it? And will not "confusion worse confounded" come when the various Federal courts have put their contradictory constructions upon it? It seems to me that such legislation should be certain and unambiguous. Nothing ought to be left to the discretion of the commission, and as little as possible for the decision of the courts. When I read and re-read this section, in a hopeless attempt to unravel it, I feel like exclaiming, as was done here yesterday, that "it seems to be the theory of the pending bill to do as little for the people as possible, and to render those sections relating to the rights of the people as obscure and unintelligible as human ingenuity can make them."

Now let us turn our attention to the most astonishing, and to me utterly indefensible, feature of the bill. It is contained in the following lines of the section just referred to:

That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

If the first half of the section should turn out to really mean something, and the law proves to be that through freights shall regulate local freights, then the commission is empowered to suspend, abrogate, or modify it at their own sweet will, and no court in the land can be appealed to for injunction against threatened ruin, or compensation for damage however great. Was ever legislation stretched so far? Not the President, nor the Cabinet, nor the governors of the States, nor the highest courts have ever been intrusted with power to suspend, repeal, or annul the law. Yet this commission, which may be ignorant, willful, or corrupt, can abrogate the law as to one road and enforce it upon another, being all the while responsible to nobody for their action! Was such a thing ever dreamed of before? It was well said by Senator INGALLS that—

This is the first time in the history of legislation that such power as this was declared, that such a declaration was made that this particular discrimination should be unlawful, that it should be denounced in a legislative enactment, and at the same time that the tribunal which was created to enforce the law should in specific terms be authorized to abrogate, veto, annul, and repeal it.

This section vests in these commissioners, or, in fact, in a bare majority of them, the power to send the stock of one railroad up and another down by the mere order to suspend or enforce this law. They can put millions into Wall street in one day and take millions out of it the next. They can furnish information, or permit it to be done, by which fortunes can be made by one man at the expense of another's bankruptcy. They may favor one competing line of railway until it becomes overgrown and rich and utterly destroy its rival. I do not intend to vote to put this temptation before anybody, for, sooner or later, somebody will fall and public scandal ensue.

This section is not only pernicious, but it is ridiculous. The absurdity consists in describing an offense, forbidding its practice, decreeing its punishment, and then serenely permitting it to be committed with impunity by the consent of a commission who are empowered by law to grant the privilege of sinning. Nothing like it has been known since the sale of indulgences, which Martin Luther thundered against

and which disrupted the all-powerful Roman Church. If this principle is to be ingrafted upon our jurisprudence it would be next in order to establish a commission to modify or annul the decalogue and prescribe upon what terms certain favored persons might steal, covet, and commit other offenses prohibited in that fundamental moral law. Then there is another absurdity in those sections of the bill which relegate to this commission the hearing and settling of all complaints and difficulties affecting the transportation business of the country. Does anybody seriously urge that these five men can determine even a tithe of the controversies arising between sixty millions of people and the network of railroads crossing the country like a labyrinth? The commission will be utterly impotent to protect the people even if it were so inclined. You know how overcrowded are the courts of this country sitting in every city and county—Federal, State, and municipal.

There are thousands of courts transacting the business of the people, and nearly all of them behind with their dockets. How is it possible for one little commission to transact the enormous business of railroading? I do not believe anybody imagines it can be properly done. Senator MORRILL gives his estimates in the following words:

To take charge of this bill under its present terms I do not think fifty commissioners would be able the first year to transact the business that will be thrown on their hands, and yet we provide in this bill that there shall be only five commissioners, and leave it, even for those who are not at all interested in any freight matter, to make any complaint that they see fit, and that complaint has to be considered by these five commissioners.

Senator SHERMAN concurs, and says:

Then the bill limits the powers of the commission to allow special rates to a considerable extent, somewhat more than the original Senate bill did, because they must take up each particular case, each particular matter, and decide upon that. What does that mean? Does that mean that they shall not make any general regulations which would apply to all articles exported to foreign countries? Not at all. But they must take up the case as applied to a particular railroad under particular circumstances and particular conditions. If that is the duty imposed on this commission there will not be time in the twelve months between January and January to act upon one-tenth of the cases that will be presented to it.

And so says nearly every member of either House who has spoken to this point. The practical railroad men of the country see it in the same light. The president of the New York, Lake Erie and Western Railroad is reported in the New York Tribune of December 19 as follows:

The proposed board of commissioners will at least for a long time only aggravate the situation. Five commissioners to examine and decide promptly such delicate, difficult, and complicated questions as these! Seventy-five commissioners well trained in the necessary requirements of their positions could not do it. It would require the whole time of five commissioners to hear and pass upon the grievances of this company alone. It would take five for each of the other trunk lines. It would take months of careful and diligent examination to make an intelligent report or reach a wise conclusion.

The only redeeming feature of the matter is that the commission may be kept so busy and overworked by these details that they will be comparatively powerless to perpetrate the mischief lurking in other sections of the bill. The less they are permitted to meddle with the business of the country the better it will be. I can not stop to discuss other evils of the conference bill—such is the wide door thrown open to systematic and universal blackmailing of railroads under fictitious complaints—for I assume that dangers of that character will be exposed by gentlemen who are accustomed to espouse the cause of the railroads. I find use for all my time in laying bare the jeopardy in which the people are placed by this ill-advised bill.

Before I close my argument I wish to say a few words in regard to the subject of "pooling." Section 5 of the pending bill absolutely and unconditionally prohibits the pooling of freights or the division of aggregate receipts between competing railroads. This provision was also embodied in the House bill for which I voted. I do not, however, assent wholly to the proposition. Pooling should not be prohibited, for it is often a benefit rather than an injury to the public. It should be regulated, controlled, and held thoroughly in check, so that it could not be used as a means of imposing on the shipper or producer. This could be readily done under either the House bill or the pending bill, both of which prohibit unjust and unreasonable charges for transportation. Any one who will carefully peruse the report of Hon. Joseph Nimmo, jr., Chief of the Bureau of Statistics, made to the Secretary of the Treasury December 31, 1884, upon the subject of "railroad federations and the relation of railroads to commerce," will, I think, concur in the opinion that pooling should be directed and kept within proper bounds, but not prohibited. I quote so much of his report as contains his conclusions upon this subject in condensed form:

In conclusion, the following general observations may be made in regard to railroad federations or pooling organizations:

First. They have been instrumental in preventing unjust discriminations through special secret rates to favored shippers, and the consequent demoralization of trade.

Second. They have prevented many unjust and ruinous discriminations against towns and cities, and against particular States or sections of the country.

Third. They have put a stop to violently fluctuating rates.

Fourth. They have had the effect of protecting the weaker lines and of preventing their absorption by the stronger lines, and thus of conserving elements of competition in transportation.

Fifth. By preventing the absorption of the weaker by the stronger lines they have prevented the threatened danger to the country of its being districted among a few great corporations, by which means the regulating influence of the competition of trade forces would have been eliminated, and transportation would have gotten the mastery of trade.

Sixth. They have tended to prevent those shocks to the financial interests of the country which generally accompany the bankruptcy of great railroad corporations.

Seventh. Since they have been adopted the railroad transportation facilities of the country have been greatly extended. The volume of traffic has also enormously increased, and rates have constantly fallen. These facts seem to prove that railroad federation has not had the effect of obstructing the beneficial operation of the competition of trade forces and of the direct competition between transportation lines. Statistics hereinbefore presented clearly indicate this fact.

Eighth. The most hopeful aspect of federations for the division or pooling of traffic is that thereby the railroads have been brought to a condition in which their accountability to the public interests may be more clearly defined, and in which any departure from undoubted principles of right can be observed and the responsibility therefor located. It is believed to be much easier to regulate great federations of railroads with respect to matters relating to commerce among the States than to regulate a great number of railroads acting independently, for the reason that these federations constitute concrete expressions of relationships and antagonisms both among railroads and among trade centers, and tend to illustrate the relative force of the same.

Ninth. Railroad pools have not proved to be rigid compacts, but they have been constantly subject to change. Occasional and even protracted wars of rates render their requirements at times almost entirely inoperative. This must, in the light of public interest, be regarded as a favorable symptom of their practical workings. The conditions surrounding and governing the commercial and transportation interests of the country are constantly subject to change, and it is impracticable that any fixed rules or set of rules should be formulated which in practice would tend to prevent such changes.

This seems to me to be sound logic, good judgment, fair to the railroads, and for the general benefit of the public.

In concluding I presume it is unnecessary for me to say that I shall vote "nay." Such a vote does not, nor do I intend it should, imply that I disfavor legislation upon this subject. Neither do I wish it understood that I would not support a reasonable bill even if it did not precisely conform to my views. In my judgment this conference report ought not to be concurred in by the House. Such action here will send it back to a new conference committee which, in all probability, would amend the bill so that the commission might be empowered only to hear, investigate, and recommend, with the additional right to exercise certain executive functions, subject at all times to the restraining orders of the courts. The long and short haul clause should be so modified as not to risk the diversion or destruction of our transcontinental carrying trade, whereby the products of China and India are transported to Europe in competition with the Suez Canal, the Panama route, and the ocean lines. It should also be so modified as not to interfere with the free shipment abroad of the agricultural products of the great West and the mechanical products of the interior cities. The pooling clause should also be made more elastic.

Were these changes made I would earnestly, although not without apprehension, support the bill. If it did not prove all that it ought to be we could, at future sessions, so amend it that it would become a wise and beneficent law. But in its present condition, with the insuperable objections I have pointed out, I can not vote to concur.

---

## APPENDIX A.

THE BILL AS IT PASSED THE HOUSE OF REPRESENTATIVES JULY 30, 1886—COMMONLY CALLED THE REAGAN BILL.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad from one State or Territory or the District of Columbia to or through one or more other States or Territories of the United States or the District of Columbia, or to or from any foreign country, directly or indirectly to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same. All charges for such services shall be reasonable. And all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding shall have been made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 2. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads; and it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights, of different and competing railroads, by dividing between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them; and in any case of an agreement for the pooling of freights or earnings as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property,

for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

SEC. 5. That all persons engaged in carrying property as provided in the first section of this act shall adopt and keep posted up schedules on their respective roads, as described in section 4 of this act, which shall plainly state:

First. The different kinds and classes of property to be carried.

Second. The different places between which such property shall be carried.

Third. The rates of freight and prices of carriage between such places, and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same. And the accounts for such service shall show what part of the charges are for transportation, and what part are for loading, unloading, and other terminal facilities.

Such schedules may be changed from time to time as hereinafter provided. Copies of such schedules shall be printed in plain, large type, at least the size of ordinary pica, and shall be kept plainly posted for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be raised in any particular except by the substitution of another schedule containing the specifications above required, which substitute schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted as above provided at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall as aforesaid be substituted; and it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the first section of this act than shall be specified in such schedule as may at the time be in force. Any company or corporation receiving freight for shipment in the United States to be carried through a foreign country, the ultimate destination of which is some place in the United States, said company so receiving said freight shall keep posted in a conspicuous place at the depot where said freight is received for shipment a schedule giving the through rates to all points in the United States beyond the foreign territory, a failure to do which shall subject the said company or corporation to all the penalties herein fixed; and any freight shipped into a foreign country, and reshipped into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

SEC. 6. That each and all of the provisions of this act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same, on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in the first section of this act, and the compensation thereof, whether such property be carried wholly on one railroad or partly on several railroads, as defined in section 4 of this act, and whether such services are performed or compensation paid or received by or to one person alone or in connection with another or other persons.

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall be held to pay the person or persons injured the full amount of damages so sustained, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as costs in the case, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business. Any action to be brought as aforesaid may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance as aforesaid, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them, alone or with any other corporation, company, person, or party, who shall willfully do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more more than $2,000.

SEC. 9. That nothing in this act shall apply to the carriage, receiving, storage, handling, or forwarding of property wholly within one State, and not shipped from or destined to some foreign country or other State or Territory; nor shall it apply to property carried for the United States at lower rates of freight and charges than for the general public, or to the transportation of articles free or at reduced rates of freight for charitable or religious purposes, or to or from public fairs and expositions for exhibition.

SEC. 10. That the words "person or persons" as used in this act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this act.

## APPENDIX B.

THE PENDING BILL, REPORTED FROM THE COMMITTEE OF CONFERENCE, AND AGREED TO BY THE SENATE JANUARY 14, 1887.

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the roads in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivery, storage, or handling of such property, shall be reasonable and just, and every unjust, unreasonable charge for such service is prohibited and declared to be unlawful.

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 6. That every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, of at least the size of ordinary pica, and copies for the use of the public shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep for public inspection, at every depot where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept for public inspection. Reductions in such published rates, fares, or charges may be made without previous public notice; but whenever any such reduction is made, notice of the same shall immediately be publicly posted and the changes made shall immediately be made public by printing new schedules, or shall immediately

be plainly indicated upon the schedules at the time in force and kept for public inspection.

And when any such common carrier shall have established and published its rates, fares, and charges, in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates, or fares, or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published; but no common carrier party to any such joint tariff shall be liable for the failure of any other common carrier party thereto to observe and adhere to the rates, fares, or charges thus made and published.

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation, in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

SEC. 7. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destina ion; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 8. That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense.

SEC. 11. That a commission is hereby created and established, to be known as the interstate-commerce commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the 1st day of January, A. D. 1887, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of, or holding any official relation to, any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any way pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 12. That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and for the purposes of this act the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other persons, issue an order, requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Said commission shall, in like manner, investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory, at the request of such commissioner or commission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 14. That whenever an investigation shall be made by said commission it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found.

All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

SEC. 15. That if in any case in which an investigation shall be made by said commission it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply, in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceeding applicable to ordinary suits in equity, but in such a manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order

directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of $500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations.

SEC. 18. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employés under their orders, in making any investigation in any other places than in the city of Washington, shall be allowed and paid, on the presentation of itemized vouchers therefor approved by the chairman of the commission and the Secretary of the Interior.

SEC. 19. That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employés, and the salary paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts for each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operation of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations, concerning fares or freights, or agreements, arrangements, or contracts with other common carriers, as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 22. That nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act.

SEC. 23. That the sum of $100,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1888, and the intervening time anterior thereto.

SEC. 24. That the provisions of sections 11 and 18 of this act, relating to the appointment and organization of the commission herein provided for, shall take effect immediately, and the remaining provisions of this act shall take effect sixty days after its passage.



## Interstate Commerce.

### SPEECH

OF

# HON. BINGER HERMANN,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. HERMANN said:

Mr. SPEAKER: I thank the gentleman from North Carolina for his courtesy in sharing with me this valued privilege, and I now beg the indulgence of the House while I devote this time in advocacy of the pending bill.

Mr. Speaker, the interests of various portions of this great nation have been ably presented in this discussion, and every virtue, as well as every defect of the measure before us, critically reviewed. Its application to different States has been well illustrated, with its promised benefits or apprehended injuries to the commerce of each.

Representing singly, as I do, a State larger in area than New York and Pennsylvania which have a representation on this floor of sixty-one members; with a greater diversity of interests, and with resources more inexhaustible than both of these great States combined, I conceive it my duty impartially and conscientiously to represent these great interests; to understand the relation and effect of the pending bill to the Pacific Northwest; and thus as far as I can to give voice to the sentiments of the people of the great State of Oregon.

OREGON'S FUTURE COMMERCIAL GREATNESS.

Sir, no State in this Union can more cordially welcome this class of legislation than my own State. Her commercial advancement and internal development, in spite of excessive transportation charges and distance from market, has been indeed marvelous. But a few years since and her position was one of comparative isolation, with little external and less internal commerce. With but 52,465 of population in 1860 it has grown to over 300,000 up to the present moment. With but 5 miles of railway in 1862 there are now 1,180 miles. With only a long wagon road, and a rough ocean route to the Atlantic States as late as 1875, we have now a direct and indirect transcontinental communication by the Northern Pacific, the Union Pacific, the Canadian Pacific, and the Southern Pacific Railroads, with the rapidly approaching completion of the Oregon Pacific road soon to pass through Eastern and Central Oregon, and already receiving and discharging its rich shipments on the Yaquina Bay.

In 1859 the total imports and exports of Oregon in her foreign commerce only amounted in value to $49,512, while in 1882 they had reached the maximum value of over $11,000,000. This great increase is attributable largely to our wonderful agricultural resources, and the energy with which they have been developed. We shall soon rank among the largest grain-producing States of the Union. The far-famed timber of Oregon, similar to that of Puget Sound, challenges the nation in rivalry. The fishery exports, especially the world-renowned Columbia River salmon, rank among the first in quality and extent. The abundance of coal and iron, gold and silver, copper and cinnabar, and great varieties of valuable stone, already constitute leading industries in the State.

With a soil of enduring fertility, a timely distribution of rainfall, a climate mild and equable, the heat of summer and the cold of winter tempered by the genial warmth of the Japan current, and with a failure of crops and fruits unknown, these abundant natural riches of the State with her magnificent future possibilities must invite to her shores a population and a capital which will at no remote period place her without an equal in the Union. With such great interests in view it is right and proper, sir, that her people should, as they do, take an anxious, continuous, and intelligent account of the present legislation so far as it may affect them. The greater the development of their manifold resources, the greater the necessity for transportation, State as well as interstate; and hence their well-expressed desire for some radical intervention on the part of the National Government restricting the common carrier in interstate commerce within reasonable rates.

A REGULATOR REQUIRED.

The commercial, industrial, and transportation interests of a country are paramount to all others, if, indeed, they do not include all. When happily blended and balanced we should expect to behold a nation great in proportion to the magnitude of its resources. In the political economy of all prosperous society there are three elements so intimately interwoven in their relations that to eliminate one from the other is to impair and often to destroy all. These are production, transportation, and consumption. Depreciate the capacity of either one and all must

suffer. Demand regulates supply, and transportation affects both. Each is jealous of the other. There is a constant antagonism between them.

The common carrier with his capital establishes his own compensation, while production, with its labor, demands a reasonable surplus over transportation as its compensation. As the industries of a country increase and multiply these relations become more and more distinct; the transactions become greater and more intricate, and the rights and responsibilities of each more undefined. The more powerful one in the contest at length dominates. When the carrier reaches this superiority he is tempted to dictate, to discriminate, and to command; prices are fixed; wages established; production regulated; and thus both the producer and consumer are injured. The law of the transporter is the law for all, and in fixing his limits he simply asks, What will the traffic bear? The conflict of these antagonisms tends to disarrangements of business and to unsettle prices, while it offers a premium to the unscrupulous speculator and stock-gambler.

One of the results most complained of is the exaction of a greater charge for a short haul than a long haul under substantially similar circumstances. Another is the practice of pooling, and still another is that of rebates. To correct these inequalities as far as possible is the object of the pending legislation. Without this the advantage in these conflicts is always to organized capital as against unorganized labor and production. To harmonize these conflicts, to remedy these inequalities, and to repress these monopolistic discriminations appears to be the general desire of the American people.

A variety of interpretations have been given the measure before us. Some provisions may be too vague, and should have been omitted, and others more clear and definite substituted.

WHAT ARE "SIMILAR CIRCUMSTANCES AND CONDITIONS?"

We can only conjecture how the courts and the commission will construe the phrase "under substantially similar circumstances and conditions."

This is the one least understood and more debated than all the rest.

We may illustrate some of the much complained of discriminations between shippers, as well as places of shipment, to which the proposed law must apply.

At New Orleans sharp competition exists by river and from the sea and gulf, and in order to secure this valuable terminal traffic the railway lines from New York via Atlanta to New Orleans, distant about 1,000 miles, charge a rate of 76 cents per hundred pounds, while from New York to Atlanta, on the same line, in the same direction, and about 500 miles shorter, the rate is $1 per hundred pounds. Does the fact of competition in this instance enter into the conditions, so as to make them substantially dissimilar, and hence not subject to the proposed legislation? From Memphis to New York it costs only 90 cents to transport a bale of cotton, while from Covington to Memphis, only 37 miles, on the same line of road, it costs $1.15 per bale. What circumstances and conditions exist here to justify this apparently unjust and unreasonable discrimination? Can the proposed law be so construed as under any circumstances to sustain the existing difference?

From the same point one man ships a car-load of valuable quartz rock, and another ships a car-load of building rock. Are these "substantially similar circumstances and conditions?" Can a rebate be allowed the man who ships the cheaper rock? Will it be an unjust discrimination? From Spokane Falls to Ellensburg the route of the Northern Pacific Railroad is comparatively of light grade and economic construction; but between Ellensburg and Tacoma the Cascade range is crossed at an immense cost per mile. Can a greater compensation be charged between these latter named points, this being the short haul, than on the long haul between Tacoma and Spokane Falls? Can a greater rate be charged per mile west of Ellensburg than east to Spokane Falls? Are these under "substantially similar circumstances and conditions?" Can the common carrier in these cases expect from the commission authority to charge less for the longer than the shorter distances? One man is a regular cattle-exporter, and ships thousands of head per year over a railway line, and receives a liberal rebate, or special rate, while another man ships but one load of cattle in the same time over the same road, and to and from the same points.

Is this a "like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions?" Is the carrier guilty of unjust discrimination? Are the circumstances and conditions alike? Is it not cheaper to the carrier to transport and care for ten loads of cattle per day than an occasional one load in a month, and does this not substantially change the similarity of the circumstances and conditions? At Spokane Falls, Arlington, and The Dalles there is no competition with the railway lines, but at Portland, Oreg., there is competition both by rail and ship. From Chicago to Portland the rate is 65 cents per hundred, but from Chicago to The Dalles in Oregon, 88 miles shorter, and on the same line in the same direction the rate is $1.10 per hundred pounds. It costs more to ship from Portland to Arlington, 141 miles, than from Portland to Chicago over 2,200 miles. Baker City, Pendleton, and La Grande, are still on a shorter distance with a correspondingly greater compensation for the short over the long haul. Having water competition at the terminal long hauls, and none at all at the intermediate or shorter hauls, the question of construction arises: Is this transportation of a "like kind of property, under substantially similar circumstances and conditions?" It is in the "same line, in the same direction, and the shorter being included within the longer distance."

Will competition at the terminal points vary the circumstances? Is this one of the "special cases" in which a less charge may be allowed for the longer haul? The through rate may be at a mere nominal profit, and it may be at a loss; though this has not been discovered. But here is where the mischief comes in. Some one must pay for this loss. The intermediate shipper instead of being even charged the through long haul terminal rate or some less, which at The Dalles City on the direct line would be about 65 cents, is often charged the local back rate in addition, which to The Dalles is 45 cents, making in this case the through short haul $1.10. The intermediate shippers are taxed to pay the reduced rate to the terminal shipper, and the farther they are from competition the more they pay. The shorter the haul the greater the rate.

THE PEOPLE DEMAND A REMEDY.

Is it any wonder these rate-burdened people should cry out in anguish? The committee of The Dalles City Board of Trade, in my State, Messrs. McFarland, Macallister, and Huntington, complainingly say in their address to the Oregon Senators and myself, "Concerning this through rate no complaint is made, and merchants at the way points are entirely willing to pay the same rates as are charged for the haul to Portland. But the arbitrary local back rate charged is deemed a most unjust and burdensome exaction, falling little short of systematic robbery." This language, severe as it is, is justified by the statement of grievances borne. Is there no remedy? Shall we quietly fold our arms and look on, while the driving, thriving energy of the great Pacific Northwest is thus systematically taxed for all the traffic will bear? The most hopeful heart and the most enthusiastic and energetic spirit will in time retire from such an unequal contest. Finding all other efforts in vain, they cast their eyes to this Capitol for a remedy. Their last hope is in the representatives of the people. "Give us relief from this unjust and burdensome discrimination" is their appeal. For one, I think the hour has arrived for action.

The question then for us to consider is: Will this measure accomplish the desired result? Will it in the first place prevent unjust discrimination?

THE LONG AND SHORT HAUL.

Much reliance is professed for the fourth section, which provides:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

As a declaration of the purposes of Congress, of the object to be subserved, this section may not be entirely useless; and as a law is construed by a reference to its entirety, this section may shed a light upon all the rest; but still its uncertainty may lead to misconstruction, confusion, and litigation. The intent, the object, however, is clear enough. Transportation must be reasonable. What meaning the word "aggregate" will bear when applied to "compensation for a shorter than a longer distance" is difficult to imagine; as likewise the qualification "under substantially similar circumstances and conditions." Then after prohibiting greater compensation for a shorter than for a longer distance, it provides that this may be done in "special cases." What these special cases are to be is not defined. It may bear the construction that the rate for 1 mile shall not exceed that for another, or the opposite construction, that the transportation company may charge as much for 10 miles of short haul as for 100 miles of long haul, and that it may even charge more in "special cases." It may charge 5 cents a mile on the short haul where the through rate is only 3 cents a mile. Standing alone such a sweeping discretion might be subject to the most glaring abuses, and the real object of the legislation, to "regulate interstate commerce," defeated.

CHARGES MUST BE REASONABLE.

But happily another section, definite and clear, is relied on, in which this discretionary latitude is limited. Section 1 provides that:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivery, storage, or handling of such property, shall be reasonable and just, and every unjust, unreasonable charge for such service is prohibited and declared to be unlawful.

This is not a new principle. It is adopted in the legislation of twenty-six States and Territories and found efficient. It is incorporated in the constitutions of four States of this Union. It is older still. It is the reiteration of the old and well-known common-law declaration. This applies to the long as well as the short haul. It is now a part of this measure, amplified and surrounded with powers for its impartial en-

forcement. It is a check upon the section last referred to. Is it reasonable and just, under all the circumstances, that $1 should be the rate from New York to Atlanta, 500 miles, while 76 cents is the charge to New Orleans, 1,000 miles, on the same line? This section involves the questions which may arise in section 4; it supersedes that section and construes it.

THE COMMISSION A POOR MAN'S COURT.

A further most commendable feature, as well as a safeguard, in this entire bill is that found in the provision for a commission which is to hear and examine all complaints and to supervise and adjust every unjust and unreasonable charge complained of. It stands as the arbitrator in the first instance between the shipper and the common carrier. It is impartial between the two. In one sense it may be said to be the poor man's court. When he enters that forum and files his sworn petition with a statement of the facts the offending party—even the lordly Jay Gould—is called to answer the complainant, and if entitled to reparation and none be made he may himself, or it is the duty of the commission to apply to the United States circuit court in a summary way by petition to determine the matter, and counsel fees are provided, and the district attorney prosecutes on behalf of the commission. This produces an equality between the parties litigant, and no one need be deterred from seeking his remedy. It is a notice to the humblest citizen of the land that if his rights are invaded he shall have redress, and without price.

Some object to this bill because of the power conferred upon the commission. It is true this is almost autocratic. The power is great, the temptation greater, and the results, be they good or evil, far-reaching. Unknown and unforeseen controversies will arise, intricate problems in every phase of commercial economy must be met and solved. Different rules must be applied to different and widely variant sections, accordingly as the circumstances and conditions of one place or of one industry differ from another. While regulations may differ, but one principle will pervade all—all charges must be reasonable and just. I express my confidence in advance as to the integrity and ability and fidelity of the commission. They are appointed by the President of the United States presumably from its best known, oft tried, and capable citizens. They pass through the critical ordeal of a Senatorial confirmation. The life-record of each one is passed in review. They are appointed from different political parties, and thus partisan bias is largely disarmed.

They receive generous salaries, even larger than any of the judges of the United States courts, excepting of the Supreme Court, and they are thus rendered greatly independent of temptation. Their tenure of office continues for six years. And still more. Should either of them prove corrupt, inefficient, negligent, or false to duty, his immediate removal from office by the President is authorized. Five eminent men are thus appointed and thus guarded and thus rewarded. And further still. Even their proceedings are subject to review and enforcement by the higher courts. Can human affairs be more honestly, more efficiently, and in the ultimate more perfectly conserved by human effort than this? Our boasted trial by jury is not more perfect, while frequently it falls far short.

POOLING A COMMON-LAW VIOLATION.

Perfect as are these various safeguards, a great defect might still remain were it not for that wise and precautionary prohibition against what is commonly known in railroad operations as "pooling," which is a combination, contract, or agreement between two or more companies or carriers to pool the freight proceeds of competing lines and to divide the net receipts or earnings of such roads or companies among themselves. It is in one sense a railroad partnership to divide the community profits. It may be defined as a contrivance to suspend competition. In the meanwhile but one rate prevails on all the roads in the pool. The object is also to increase the rate, and then to maintain it. The power to regulate is in the combination, and herein is the greatest danger. Market prices are determined by the carrier—the producer and consumer have no voice. Those great factors in political economy—supply and demand, production and consumption—are subordinate to that artificial and arbitrary limitation; and whenever this condition exists then indeed you have a complete monopoly.

"Pooling is a violation of the common law, because it is a restraint upon the freedom of trade and a conspiracy against the public welfare." This is the language of the courts.

A LIMITATION ON JOINT RATES.

This bill provides that where two or more independent lines or roads agree to make joint rates over their several roads, they are to be taken as one entire road and become subject to the short haul principle as it is generally construed by the advocates of the bill; the through long haul being the basis, and the short haul not to exceed the aggregate or maximum of the through rate, except in special cases. Where, however, independent and yet connecting roads transfer their passing shipments to each other, each road is held to the maximum on its own line, and the short haul rate shall not in the aggregate exceed its own through rate. In either event the fundamental principle of a "just and reasonable charge" is applied.

In my own State the Oregon Railroad and Navigation Company's line connects near the State boundary with the Union Pacific Railroad system and terminates in Portland—its long haul. This bill prohibits a greater charge in the aggregate to an intermediate point than its maximum through rate. Should it unite with its connecting but independent lines in a joint through rate for all, then this becomes the maximum or basis, on which the aggregate rate for the short haul is estimated. But, as illustrated, if a company is compelled by sharp competition at its terminal points to make a very low and unprofitable through rate, as is claimed in the case of the through line from New York to New Orleans, or on the Southern Pacific system from San Francisco to the Atlantic waters, there is still reserved that latent and elastic discretion in the commission in these special cases to allow even a greater aggregate for the intermediate short haul than for this maximum through rate; but this discretion is itself measured by that ever present and ever prompting principle, "a reasonable and just charge."

If it should be developed to the commission that the through rate from San Francisco to New Orleans is controlled by the low-water transportation by Cape Horn and by competition across the Isthmus of Panama, and is so low a rate as that, with the gross earnings and gross expense, there remains so small a net profit that it is neither just nor reasonable for the service, then it is thought this should not be a basis on which to aggregate the intermediate short haul rate. The question, then, in each instance must be left for the commission to determine on the more equitable basis of a "reasonable and just" charge. In a word, it makes the commission the judge as to what is reasonable and just; while heretofore the railroad corporation has been its own judge. This is briefly the philosophy of the situation.

UNJUST DISCRIMINATION—ITS PREVENTION.

Its effect will be, as it is intended, to destroy the power of unjust traffic discrimination. This power has been potent both to persons and places. Some men have been discriminated for and some against; some towns have been destroyed, and others built up at unseasonable places; a price at one place has been lowered and at another place increased. As the country and its commerce increased and extended—becoming the marvel of the world—the power and influence of great corporations became correspondingly profitable, strong, and omnipotent. Arbitrary restrictions—which always follow power—and intolerable exactions on the industry and producing capacity of the country, at last awakened attention, complaints followed from all classes, and the dormant resistance of the combined shipper, producer, and consumer was aroused. The fiat went forth from the legislative halls and from the judiciary that charges must be reasonable, and that this power of limitation was reserved to the people. There was music in these words. They had the sound, clear ring of justice. The long and unequal contest at length terminated in the highest court of the land with these memorable sentences:

> The highways of a country are not of private but of public institution and regulation. * * * This is not only its indefeasible right, but it is necessary for the protection of the people against extortion and abuse. * * * Railroads and railroad corporations are in this category.

Thus spoke the Supreme Court of the United States in a well-known case. This was a revolution against corporate power, peaceful in its character, but greater in its results to this nation than was to England at the time, the victory won from King John by the bold Barons at Runnymead. Legislation rapidly followed in different States; but when the farmers of the West first effected these legislative reforms, they were ridiculed, and able jurists predicted a judicial reversal of the system. Railroad experts pointed out the calamities to ensue to the commerce of the country. The jurists, however, were soon answered in the celebrated granger acts and decisions of Iowa sustaining the farmers; and the easy and rapid adjustment of the railway system to the change, with the continued and increased prosperity of the country set at rest any remaining fears. Now that it is deemed necessary to protect the interstate commerce of the country like predictions are uttered as to the probable effects of the pending bill on the industries of the nation.

But present irregularities in transportation between the States will soon change and conform to the proposed limitations, as they have under State laws for commerce entirely within the State; and as to the constitutional power of Congress to regulate interstate transportation, no doubt any longer exists.

DO NOT REJECT ALL BECAUSE A PART IS DEFECTIVE.

But we are told that the bill is imperfect and should be defeated. That it is in some parts imperfect is possible, but it is the best upon which a majority can at present unite. Shall it be rejected because all can not agree? Our National Constitution would have failed if this had been a prerequisite. That instrument was but a compromise. Mutual sacrifices were made that a common object should result. Let us at least make a commencement to regulate existing evils; let us experiment; and as the defects of the law are developed let us remedy them.

CAPITAL AND RAILWAYS A NATIONAL BLESSING.

In the discussion of this measure some have indulged in a severe and excessive arraignment of capital and railway corporations, even disputing their right to judicial remedy and their property to protection. Every person associated in railway enterprises seems to share in the same general anathemas. Such ill-tempered sentiment is but the germ of

communism, of agrarianism, and of that socialistic dream, "the world owes me a living."

The legitimate interests of stockholders should be protected as vigilantly as any other property; their capital is invested in this kind of property and they should be entitled to a fair return on their investment.

The valuation of railroad property in our nation to-day is estimated at the fabulous sum of eight thousand millions of dollars. Over one hundred and twenty-five thousand miles of roads traverse our land from ocean to ocean, from the lakes to the gulf, and then cross and recross each other from the center of the Union to its remotest confines.

On the plain, in the valley, over the hills, and under and through the great mountain ranges, the locomotive thunders along, night and day, winter and summer, in sunshine and storm, like a thing of magic. Towns and cities rise up, population comes, the forest disappears, the desert is reclaimed, homes, schools, churches, manufactories, society, all cluster around. The new empire is there to amaze the beholder and confound the idealist. The virgin prairies and loamy valleys of the wonderful West yield their abundant riches to the energy of man. Production is encouraged and transportation increases. From 70,000,000 tons in 1865, it increased to 437,000,000 tons in 1885. About thirty-three years ago there was produced in this whole country but 10,000,000 bushels of wheat, less than is now produced in the Columbia River valley, or in Oregon alone, and since then we have produced 500,000,000 bushels.

We are to-day the greatest food-producing and the greatest grain-exporting country in the world. Russia is second, Germany third, and British India is now fourth. We are the greatest manufacturing nation of the world. All these results are largely attributable to the increased transportation facilities of our railways. In fact, there is hardly an industry in this country which is not more or less affected by these systems. Yes, even time is regulated by their calendars. The American people—especially the farmers of the country, who number nearly one-half of our nation's population—realize and appreciate these facts. They realize that capital is the child of labor, and that it in its turn seeks and points out the way to increased effort. Then as labor is capital, we are all capitalists in one sense, only differing in degree. They also realize the reciprocity of interest. One is dependent on the other. One must produce, another must transport, and all must consume. The millions of Vanderbilt and Astor are but crystallized labor. The people of our country—those most largely interested in this legislation—are just as well as generous; they are reflective, public spirited, and American in all their aspirations. The industrious, self-denying laborer—he who rises with the sun and toils to its setting, whether in the quarry, field, forest, or shop—realizes the honored relation he bears to the contributing factors in the great march of progress.

It is not such a people who raise the hand of destruction and wantonly strike down the works of advancement and the sources of labor. As a class they are forbearing, law-abiding, yet jealous of their just demands. It is not such who desire to injure and cripple the railways of our country, those great arteries in the internal commerce of this nation. It is not to their interest to do so. But, sir, there is one thing they do want. There is one thing they are entitled to. They want fair play. They demand equal and exact justice to all. In theory all are equal before the law. They demand that this shall be in practice as well as theory. The reward for the services of a corporation should be judged by the same principle, and be as just and reasonable, all things considered, as that for the sweat of toiling man. Believing, sir, that the great measure before us will accomplish this practical equality, that it will harmonize the discordant elements of industry, and prove a safeguard and remedy against unjust, unequal, and discriminating rates—with this hope, and with a view to simple justice to all classes involved, I most heartily support it.

COMMERCE SHOULD BE STIMULATED.

In conclusion I may be pardoned for referring, for the last time, more immediately to my own State. We are becoming a great producing State, and being blessed with a number of navigable streams all running to the seaboard, our shipments seek these channels and go largely on the short haul. It is here the farmer and shipper bear the heaviest burden. Railway imports from the East likewise bear an added rate. Thus labor as well as consumption suffer the discrimination. The people complain and express themselves in a language which can neither be misconstrued nor ignored. Through boards of trade, chambers of commerce, in petitions and memorials, and through the newspapers, and still more recently in the legislative halls of my State they have spoken. It is the imperative duty of a Representative to obey this voice. He should have no inclination, no interest, and no voice in conflict with this duty. The people of Oregon keenly appreciate the future advantages to arise from every improvement and encouragement of their commercial facilities.

ENCOURAGE THE WATER WAYS.

To this end they receive with gratitude and enthusiasm the generous aid of this Congress in the river and harbor acts for the Oregon water ways. With a seacoast of over 300 miles and numerous bold and deep tide-water rivers and bays, ebbing and flowing, connecting the rich inland valleys with the ocean, the policy as well as necessity of removing all obstructions in these natural highways, are at once apparent. There is not a river or bay now being improved in my State which will not, as soon as the works are finished, return each year to the people a saving in freights alone equal to the present annual appropriations. Some have already done this, and others will far exceed it.

The direct and immediate annual increase in the collection of duties on foreign shipments on the Columbia River and Yaquina Bay will alone exceed the annual expenditures now made for improvements in navigation. These estimates cannot be gainsaid. Should such conditions not encourage an increased liberality on the part of the National Government? It is to the improvement of the water ways of the nation we can look for the most substantial and most permanent regulation in State as well as interstate commerce. Herein lies the safety and future prosperity of Oregon. Give us deep channels and free and open rivers to the oceanic highways. Give us a boat railway at the Dalles of the Columbia River, which will virtually unlock this second greatest river of the Republic to continuous navigation for the commerce of the world from Montana to the sea! Give us the cheap, short, and direct route through the Panama Canal! No pools, no rebates, no long and short hauls need be feared then. The free and flowing waters need no interpretation of courts, and fear no betrayal of man! Well may we be proud of our grand rivers. Already the commerce of the Orient and the Occident meet on the lordly Columbia to discharge their rich and passing cargoes.

The survivors of the brave pioneers of Oregon have not forgotten the prophetic words of old Tom Benton, addressed to them from his seat in the United States Senate over forty long years ago:

> This spirit still animates me, and will continue to do so while I live, which I hope will be long enough to see an emporium of Asiatic commerce at the mouth of your river, and a stream of Asiatic trade pouring into the valley of the Mississippi through the channel of Oregon.

Gazing into their camp fires they doubtless smiled upon this hopeful yet dreamy future of the old statesman, little thinking that ere their own suns should set they should behold the reality. May their descendants prize the heritage won by so much self-sacrifice, disinterested patriotism, and untiring devotion of their pioneer ancestry. May the people ever guard with zealous care every encroachment of their popular rights, and thus preserve for themselves and those who shall come after them, a legacy which shall in all the centuries of time bid defiance alike to the blandishments of wealth, the corruption of power, and the betrayal of patriotic duty.

---

## Interstate Commerce.

---

### SPEECH

OF

### HON. JOHN C. SPOONER,

OF WISCONSIN,

IN THE SENATE OF THE UNITED STATES,

*Friday, January* 14, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. SPOONER said:

Mr. PRESIDENT: I think I do not underestimate the complexity and dimensions of this subject. The States have one after another during the last fifteen years passed laws within the sphere of State legislation for regulating commerce, but up to this time "commerce among the several States" has gone without the exercise of the regulating power confessedly conferred by the Constitution upon Congress, and we are brought to face the problem to-day with about 130,000 miles of railway in operation in the United States, and the situation pregnant with discriminations and other evils, very marked and very gross, against which the people have long and justly complained. I have deplored somewhat the spirit in which one or two Senators have approached the discussion of this subject. Recognizing the evils to be eradicated, and sincerely desiring that a remedy be found for them, I do not feel called upon to justify strong legislation by an arraignment of the railway companies of the country and their managers for general want of business sense or of business integrity.

It has been my fortune, good or ill, for the greater part of my professional life to have had some connection with railways. I have, therefore, seen something of the difficulties under which some railway carriers of the country have labored, and I have intimately known railway managers, honorable men, who have won fame in their profession—and the management of railways has grown to be a profession—who have risen from the lowest grade of railway work, who never gamble in railway stocks, who have endeavored in conservative ways to maintain their properties, to deal fairly by the people and faithfully by their

stockholders, made gray too soon in life by vain efforts to maintain rates, and to carry on the business of transportation in a just and fair manner. Many of the evils which we seek to eradicate have been of slow growth. They are attributable in part, in my judgment, to the railroad companies, somewhat to the legislative policy of the States, and somewhat to the logic of events.

The rapid growth of the country, the stimulus of the war, the flush times following the resumption of specie payments, and the wild spirit of speculation which flush times always bring, led to the too rapid construction of railways. They have been built where they were not needed, and for purely speculative purposes. The strife between competing companies has grown to be wild and senseless, and out of this strife have come the rebate, free transportation, special rates, commissions, pools, and all manner of favoritism and discrimination. These methods have been in vogue so long that the companies seem to have grown to regard them as a part of their prescriptive rights. The States have aided in this consummation somewhat by the unrestrained generosity with which they have granted corporate franchises. In almost every State of the Union upon the payment of a dollar or two a franchise is granted to be a corporation, clothed with the power to construct and operate a railway, and with the great power of eminent domain, and with authority to capitalize and to issue bonds at will, regardless of question as to the public need or utility of such a franchise.

The immense capitalization of which the Senator from Florida [Mr. CALL] has earnestly spoken as so largely fictitious, has, I dare to say, been largely under authority of State legislation. In almost every instance in which stocks are to-day considered as watered, the increase of capital has been under authority of State laws, and it would not be unwisdom for the States even now to adopt stringent laws granting franchises to construct railways only where upon investigation it is found that they would subserve a public instead of a purely speculative purpose, and prohibiting the issue of stocks and bonds except for money actually invested in construction, equipment, and betterment, in order that, looking to the great future before us in the way of railway construction and otherwise, and taking counsel of the past, the people shall be protected from rates of freight which are fixed in part with reference to affording interest upon money which did not enter into cost.

I have said this much because I should regret, in the public interest, to have it understood that this legislation is in any degree for the purpose of inflicting punishment for past corporate misdeeds, or is anything other than an honest endeavor to fairly correct palpable evils, and being enacted in that spirit I hope the carriers of the country will, without captiousness, accept it. I know, as does every member of the Senate, that, after long waiting, the people will be bitterly disappointed if this Congress shall adjourn leaving its sessions as barren of legislation upon this subject as have been those of its predecessors, and I would not willingly aid in such a result. If I felt, however, as to this bill and its construction as the Senator from Kansas [Mr. INGALLS] has expressed himself, I could not be brought, in deference to any clamor, or upon any consideration, in any event, to support it.

I live in a State, Mr. President, which I think can as well as any State in the Union get along safely with the "long haul short haul" experiment as strictly as Congress may see fit to adopt it. Wisconsin is bounded in part by the Mississippi River. Its great commercial metropolis, Milwaukee, sits on the banks of Lake Michigan. To the northward is Lake Superior. It has railways leading from the interior in every direction to these water ways, and to-day Canadian money is building a railroad across that State to the Sault to connect with a railroad to Montreal. While it would not be, in my judgment, patriotic, or even fair statesmanship, for me to act upon this question solely with reference to its effect upon my own State, I trust I may be pardoned for remarking that if Iowa and Kansas and Nebraska and Colorado can tolerate the "long haul short haul" principle, certainly Wisconsin and Minnesota need not fear it.

I voted for the measure which passed the Senate, and I have examined with great care the amendments reported by the conference committee, not for the purpose of finding foundation for criticism, but with a view to reconcile the cordial support of this report with my sense of public duty.

DISCRIMINATION BETWEEN CONNECTING CARRIERS.

The conference committee has added to the bill a few lines in section 3, which, in my opinion, greatly improve the section and the bill. I quote part of the section, italicizing the words added: "Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, *and equal* facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, *and shall not discriminate in their rates and charges between such connecting lines.*"

The principle embodied in the amendment will serve a wise purpose as a general regulation. Congress long ago imposed the same in a qualified way upon the Union Pacific and Northern Pacific Companies, and the failure sometimes to observe that corporate obligation has been a detriment to other carriers and to large regions of country.

"LONG HAUL, SHORT HAUL."

The sections of the bill as reported by the conference committee which are most criticized in the press and in the argument of railroad men and pool commissioners, are sections 4 and 5, the former the "long haul short haul" section, the latter the anti-pooling section. I beg leave, though late in the day and in the debate, to present briefly my views upon these sections for the information of those to whom I am answerable. Section 4 when reported to the Senate by the Senator from Illinois at the last session was as follows:

SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall have like force and effect as though the same had been specified in this section.

This was, as I remember it, practically a copy of the Massachusetts law. The Senator from West Virginia [Mr. CAMDEN] moved to strike out, as Senators will recollect, the words "from the same original point of departure," so as to leave it an unqualified prohibition upon a railway company from charging more for a shorter than for a longer distance over the same line in the same direction, &c. I felt it to be my duty to oppose, with all the earnestness and vigor I could command, that proposition. I insisted to the Senate that it was an attempt to discriminate on the part of Congress between points which possessed advantages in the way of competition and those which had none, that it was not just in itself, but was a sort of socialism precisely kindred to that spirit which calls upon the rich to divide with the poor in order that they may be thereby put more upon an equality. I urged upon the Senate that it discriminated against the West and the far West, that it stifled competition, that it would lengthen the distance between the sea and the West, would force up the low through rates which had built up the West, and would be destructive to the interest of the farmer, the cattle-raiser, the dairymen of the West, and the merchants, manufacturers, and consumers of the East, and, moreover, would, in my judgment, not result in lowering local rates.

Mr. President, that proposition, bald and bare as it was, was adopted by the Senate, leaving what seemed to me simply an arbitrary, unreasonable, undiscriminating prohibition upon a railway company, under any circumstances, charging more for a shorter than for a longer distance, on the same road, &c., thus impounding the competitive forces of the country. My opinion as to the effect of such a provision has undergone no change, and if the section had thus remained in the bill I could not, with my convictions, have voted for its passage, as I did. Before the passage of the bill, however, upon the motion of the Senator from Rhode Island [Mr. ALDRICH], the words "like kind of property, under substantially similar circumstances and conditions," were added, and then, upon motion of the Senator from Vermont [Mr. EDMUNDS], the words stricken out by the Camden amendment were restored, with added words, so that the section, as the bill passed, was as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure or to the same point of arrival; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall, until changed by the commission or by law, have like force and effect as though the same had been specified in this section.

As reported by the conference committee it is as follows:

SEC. 4. That it shall be lawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The opponents of this bill construe it to mean what I construed it to mean as amended upon the motion of the Senator from West Virginia. I think the Senator from Kansas [Mr. INGALLS] so construes it, and, if it bears that construction, I can not vote for it. But, sir, when the Senate inserted in this section the words "like kind of property, under substantially similar circumstances and conditions," it robbed the section of what to my mind had been so objectionable, and

I have not been able to consider it, as reported by the conference committee, justly liable to the objections which are urged against it. I think the change in it is not substantial, and, as I construe it, I see no great occasion to fear its operation, although I sincerely desire, dealing as it does with a matter of great consequence, that it be made plainer in one particular at least. I agree in substance with the construction which the Senator from Illinois [Mr. CULLOM] puts upon the section.

It will be observed that it does not prohibit under all circumstances the charging by a carrier of more for a short haul than for a long haul, as it did, and as it would, without the words "under substantially similar circumstances and conditions." Manifestly it is only sought here to formulate a general principle. More than that would be inconsistent with the elasticity absolutely essential to such a statute. What rule does it declare?

That it shall be unlawful for any common carrier, &c., to charge or receive any greater compensation in the aggregate (not per ton per mile, as its critics argue) for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance, over the same line, in the same direction, the shorter being included within the longer distance.

What element of unfairness does this rule possess? Who will undertake to assert the converse of the proposition, and to maintain that a railway company ought to be permitted to charge for transporting a like kind of property under substantially similar circumstances and conditions, on the same line, in the same direction, more for a short distance than for a greater distance? It is not fair to read the section as though the words "under substantially similar circumstances and conditions" were omitted. Without them it would be fatally wanting in elasticity. It would take no account of advantages or disadvantages of location, of competitive elements, of the question whether it was an original shipment, to be loaded and handled by the carrier making the charge, and to go solely over its line, or was carried as part of a through line, on the mileage basis, &c.

The words "under substantially similar circumstances and conditions" are powerful words in that connection. They must be construed to mean something. They were put there originally because they meant something, and because the Senate was not satisfied with the iron rule which the section constituted without those words. Under any just construction they would seem to leave ample room for the play of competitive forces. The words are not technical words, although they have been construed by the courts. They are words of common, well understood signification. Webster defines "substantially" to mean "really, essentially." "Similar" is defined to mean "resembling closely, somewhat alike, nearly corresponding." So that the phrase must be construed, as here used, as equivalent to the expression "under essentially like or corresponding circumstances or conditions." The Senator from Illinois has given abundant reasons for not using the word "same" instead of "similar." The word "substantially" seems to me to be a wise word in that connection. It deals with the substance of things; not with mere form.

I think that every condition or circumstance which does in fact distinguish one shipment from another would be open to proof under this section. What element that ought to be considered could be excluded? It has seemed to me that in each case it would be a matter of fact for the railway company to establish, in order to take a shipment out from under the operation of the "long haul short haul" provision, that the circumstances and conditions of the shipment were in substance not similar to some other shipment with which the comparison is to be made. Who can better tell, in a given case, whether the circumstances are similar or are not similar in substance, in essence, than the railway agents? Is it to be expected that this bill, which, at best, is to formulate a general principle, must be, or can be, so framed that there can be no question as to its application to the infinite number of cases which may arise? If the rule be a fair one, leaving its application to be determined upon the circumstances and situation of each case, tell me upon what ground any Senator assumes that the question of fact will not be fairly determined?

Mr. HOAR. The facts being all found, for instance that one is a competing point, does the Senator understand that the further fact whether within the meaning of this bill the circumstances and conditions are substantially similar would be also found by a jury?

Mr. SPOONER. I have not said so.

Mr. HOAR. I suppose it would be like the case of probable cause and a thousand other cases where the facts being found the application of the law would be for the court.

Mr. SPOONER. I would not at all be willing to trust the question finally to the decision of the commission.

Mr. HOAR. Then does the Senator understand that the question whether a particular rebate like the one which has been stated here on freights to Boston for foreign commerce may be determined by a jury? If the discrimination is made at one end of the route by the Chicago shipper or made at the other end by the Boston shipper, or if the freight goes elsewhere by New York or Philadelphia, that the question whether the fact that the freight is destined for foreign commerce or that its point of arrival or departure is a competing point makes a dissimilarity of circumstances and conditions which may be settled in one place by one jury one way and in another place by another jury another way?

Mr. SPOONER. The question of fact and of law may arise in different parts of the United States, and I suppose that each court would exercise an independent judgment upon the question, and so it might well happen in the adjudications under this section that there would be different views taken. It might be found and decided one way in one place and another way in another place.

Mr. EVARTS. And if the Senator will allow me, I shall venture to suggest that the question is whether the facts found differ so that absolutely different rules are rightfully to prevail. That is the question. If jurors find one way in one court and jurors another way in another court, and they are masters of the question, then we have different rules in different places.

Mr. EDMUNDS. Just like any other case submitted to a jury.

Mr. EVARTS. But if the question whether the conditions are similar is one of law; whatever the findings of the jury are they will be the subject of revision and of regulation by the court.

Mr. SPOONER. It would not take long to present the question for final adjudication to the Supreme Court of the United States. I have no doubt under this section that the fact that a shipment is from a competing point must be held to distinguish it from a similar shipment from a non-competing point. It certainly could not be said that in the one case the circumstances and conditions are substantially similar to those in the other case. It must not be forgotten that each of these words, "circumstances" and "conditions," is to have some meaning. They do not refer to the kind of property, for this is taken care of by appropriate words, which mean nothing else—"a like kind of property." As I understand it, the Senate conferees agree, in the main, upon the construction of these words, "under substantially similar circumstances and conditions." But I can not, at this stage of the debate, elaborate.

The construction which the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Kansas [Mr. INGALLS] give to the section takes no account whatever, in my judgment, of the words "under substantially similar circumstances and conditions," and is an attempt to make the section read just as the corresponding section of the Reagan bill reads and just as the section read after the amendment of the Senator from West Virginia had been adopted. To my mind the sections are not "substantially similar."

I do not disguise, Mr. President, my embarrassment in attempting to discuss this question at so late an hour.

The phase of the question which troubles me, because necessarily left somewhat to argument, and in my view dangerous if wrongly held, is, whether the proportion which the railway company, whose road constitutes one of several links in a line of transportation, receives or accepts of a through rate, upon a mileage basis, is to be taken as the maximum charge which it may make for the transportation of similar property over its own road as an independent shipment. Every one knows that it has grown to be an essential part of transportation that the terminal carrier makes through bills of lading over its own and connecting roads, giving to each connecting company its proportion of the through rate, upon a mileage basis. This method can not well be dispensed with without detriment to the public interest.

If the amount of a through rate which the connecting carrier accepts as its proportion, upon a mileage basis, is to constitute the maximum of that carrier's charge for an original shipment over its road, manifestly the present method must be abrogated, for no carrier would permit, or could be expected to permit, another to fix for it the maximum charge for transportation over its own road; and the result would be that the through rates would hereafter be the sum of the charges made by each carrier over its own road as an independent shipment. This would be disastrous to the people.

But it has seemed to me quite clear, for several reasons, that the section would not be so construed. I think the service which a connecting carrier renders in transporting a car-load of freight over its road as part of the through line, and for which it accepts its proportion, upon the mileage basis, of the through rate fixed by another carrier, could not well be held to be "under substantially similar circumstances and conditions," as an original shipment of like kind of property from one of its termini to the other. There is certainly a difference in fact. Ordinarily the carrier to which the freight is first delivered, and which makes the through rate, furnishes the car, stands the demurrage, loads the freight, and generally the liability which the first carrier assumes is different from that which is assumed by the connecting carrier. As a rule the first carrier may be sued for the default of the connecting carrier, but the connecting carrier can only be sued for default upon its own road. There are doubtless other differences which practical railroad men could readily point out.

Again, this bill distinguishes very clearly between a shipment over the carrier's own road and a shipment over a line made up of several roads, operated by different railway companies.

The mandate of section 6, that the common carrier shall print and keep for public inspection schedules showing the rates and fares and charges, &c., applies only to its "railroad as defined by the first section of this act;" that is, "all the railroad in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or a lease." There is no requirement, absolute, as in the

case just put, for the publication of rates for transportation over continuous lines or routes operated by more than one carrier. Even where joint tariffs are made there is no requirement for their publication, except so far as may "in the judgment of the commission be deemed practicable." The bill deals with the line as distinct from the railroad, and it is hardly to be supposed that a court, or the commission, in view of the construction which the conferees of the Senate, all lawyers, who aided in framing the original bill, give it in this regard, and in view of the considerations which have been suggested in support of that construction, would construe it so as to put an end, against the interests of the people, to through bills of lading.

The Supreme Court of the United States has recently made a decision which throws some light upon the proposition as a mere question of law. It is a case which arose between the United States and the Union Pacific Railroad Company as to the compensation which the Union Pacific was entitled to receive from the Government for transporting passengers in the service of the Government over the bridge and road from Omaha to Council Bluffs. (117 U. S., 355.) By the law the company—

was entitled to be paid by the Government for services rendered in the transportation of the mails over its road, and of the employés accompanying them, compensation at fair and reasonable rates, not to exceed the amounts paid by private parties for the *same kind of service.*

The facts found were as follows:

The company's uniform rate, during the time covered by this suit, for the transportation of passengers between Council Bluffs and Omaha, over its bridge and approaches, a distance of 3.97 miles, was 50 cents each, which sum was included in the price of tickets sold for longer or shorter distances. That was a fair and reasonable rate of compensation to be paid by the defendants and not in excess of the rates paid by private parties for the same kind of service.

The Treasury Department did not allow 50 cents for each passenger so transported for the defendants, but in each case, ascertaining over what railroad or public highway the passenger reached Council Bluffs or Omaha, and the rate per mile paid by him over such part of said railroad or public highway as he had thus traveled, the company was allowed only the same rate per mile for transporting such passenger between Council Bluffs and Omaha as he had so paid on the road leading to the bridge. On the roads leading to said bridge the rates per mile are different, and the rates on the same road differ according to distance traveled.

The court say:

The contention on the part of the United States is, that local passengers carried on its account between Council Bluffs and Ogden, shall be carried at the same rate as are charged for through passengers passing between those points, as part of a journey over the whole line, although a difference is made in respect to all other persons. But the Court of Claims has found as a fact that the amount found by it is based on rates between those points which are fair and reasonable, and not in excess of those charged to private persons for the same service. We can not review this finding of fact, and no question of law arises upon it, unless it be one, whether the service rendered in transporting a local passenger between the two points is in law identical with that rendered in transporting a through passenger between the same points as part of the transit over the distance of the whole line. This we can not affirm.

Mr. ALDRICH. I do not suppose the Senator from Wisconsin means to say that there is any analogy between that and this section.

Mr. SPOONER. I only made the proposition that the court would not decide as matter of law that the service was identical, though the persons were transported over the same rails, one being local and the other as part of a through transit.

Mr. HOAR. Then is not that a decision of the court in conflict with the position the Senator stated a while ago, that the question of dissimilarity of the circumstances and conditions would be for a jury as as a matter of fact? It seems to me that the argument against the bill is very much stronger if the question is to be disposed of by juries in different parts of the country.

Mr. SPOONER. But, Mr. President, I am anxious that in this particular all doubt should be removed, and that the section should be made to clearly express the intent stated by the Senator from Illinois and his associate conferees. It is too important to the people to be left to mere inference and argument if it can be avoided, although, if necessary to legislation upon the subject, I shall be willing to chance it.

POWER OF COMMISSION.

The proviso of section 4 seems to me broader and stronger in the power it gives the commissioners to make exceptions and exemptions than it was when the measure passed the Senate. Under it, as I understand it, the commission is authorized to deal with special cases, and with designated carriers generally, independent of special cases. It provides—

That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property.

I am inclined to construe the words "special cases" as referring to special shipments, but be that as it may, the words which follow do not confine and are not intended to confine the commissioners to special shipments or special cases. They are:

And the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

This language is very broad and very plain, and is an improvement upon the confused language for which it is a substitute. It certainly authorizes the commission to exempt a carrier from the operation of section 4, wholly, if in its judgment the public interest would be thereby subserved. Under this power, as I understand it, where it is determined that the shipment is under substantially similar circumstances and conditions, if the commission consider the determination erroneous, or if, for any reason, the enforcement of the rule is found to be against the public interest or manifestly unjust to the carrier, the power exists to suspend the section in its operation upon that carrier. If the statutory rule were less flexible than I construe it to be I would not be willing to rely upon this power in the commission.

It has been suggested against this bill that it makes the carrier liable to severe penalty if it should be held to have wrongly construed this law, as to the construction of which even Senators differ. This argument is without foundation, for section 10 denounces the penalty upon the corporation, director, officer, receiver, trustee, lessee, agent, &c., who shall *willfully* do or cause to be done, or shall *willfully* suffer or permit to be done, any act, matter, or thing in this act prohibited, &c. The word "willfully," as used in such a statute, is one of well-settled meaning, and certainly if railway officers construe the statute as the Senate conferees construe it and declare upon the record it is intended to be construed, no court or jury would mulct them for so doing.

REBATES.

I desire briefly, if the Senate will indulge me, to refer to another section of the bill which gives me much trouble, and that is the rebate section, under which, as I understand it, arises the difficulty suggested by the Senator from Massachusetts, which is only typical of other difficulties of the same kind in different parts of the country, if the section bears the construction feared. It is as follows:

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

I am in receipt of letters from constituents, stating that they are so situated that justice to them requires special rates in order to put them on a basis of competition with manufacturers and persons in some respects more advantageously located on other railroads, or at other points, and complaining that the prohibition of rebates and special rates contained in this bill will injuriously affect them. This complaint from them, as I understand it, is based upon a misconception or misunderstanding of the terms of the section. The section, it will be observed, does not prohibit rebates or special rates under all circumstances. It seems to be aimed simply at mere favoritism, which no shipper has a right to ask. Its prohibition is only to shippers where the service is like and contemporaneous in the transportation of a like kind of traffic under substantially similar circumstances and conditions.

It seemed to me when I read the section that it was the statement of a just rule, and that no shipper could reasonably ask that he should be charged by a common carrier less for a like and contemporaneous service in the transportation of a like kind of traffic, under substantially similar circumstances and conditions, than his neighbor was. The prohibition is aimed, not at persons differently situated and whom a rebate would simply put on an equality with others, but it is aimed at persons situated alike and to whom the rebate would be, as compared to others, a mere partiality. The section seemed to me not subject to the criticism made upon it, and to be free from objection until the case stated by the Senator from Massachusetts, in its relation to exports, was presented. The case, as presented to me by the merchants, is thus: At Minneapolis millions of barrels of flour are manufactured each year. It is stated, and it is undoubtedly true, that large amounts of this flour are shipped from Minneapolis to Boston, part of it for the domestic trade and part of it for export, and that in order to stimulate the export trade the railway companies have been in the habit of giving a 5-cent preference or rebate in favor of the flour intended for export, and it is claimed that this section prohibits such an arrangement. I am inclined to think it does.

I have not been able to satisfy myself that the mere difference in destination, under section 2, would render inapplicable the prohibition. The flour may go from the same shipper to the same consignee; it certainly goes from the same point to the same point. It may go over the same line. The service rendered by the land carrier, subject to the provisions of this bill, seems to me to be precisely the same, whether the flour goes for distribution in New England or for export to some foreign country. If, the service being identical in all other respects, the mere fact that a part of the freight is to be exported, and a part of it not, does not constitute a substantial difference in circumstances and conditions, then the rebate heretofore given would be prohibited, and, as I understand it, if it were held to be prohibited there is no power in the commission to relieve from the operation of the section. That power arises under the fourth section, and the case put is not one where there is a greater charge for a short haul than for a long haul.

I apprehend that what is true as to the shipment of flour from Minneapolis to Boston is true as to the shipment of flour from other places in the United States to export points, and is true as to the shipment of grain and beef and other food products of the country for export. If the section can reasonably be construed, as I fear it can be, to prevent just and reasonable discriminations in favor of the export trade of the United

States from Kansas, from Colorado, from Minnesota, from Wisconsin, and the other States, I am not willing, without an effort to correct it, to vote for the bill as it stands. It is to my mind, as stated by the Senator from Ohio, a matter of grave consequence. It has been a part of the policy of our legislation to stimulate our export trade. It has been wisely deemed all-important to the producers throughout the country. This flour rebate, in favor of export, from Minneapolis stimulates the foreign shipments obviously, makes a larger market and a greater demand and hence a better price for the wheat raised in that region.

Rebates are allowed by many acts of Congress for the sole purpose, and defensible only on that principle, of stimulating our export trade and helping to keep the balance of trade in our favor. Why grant such directly and prohibit carriers from giving for the same purpose a similar favor in their business? It is important to the Western farmer that the railway companies of the country should not only be permitted but encouraged to put them as near as may be upon a basis of successful competition as to their surplus with the wheat growers of India, Russia, and other countries.

Mr. EDMUNDS. May I interrupt the Senator?

Mr. SPOONER. Certainly.

Mr. EDMUNDS. Agreeing to all that he has said, would he not also be willing to require that if a rebate is made in favor of the Minneapolis flour, we should also make it in favor of the Worcester, Mass., flour? Here is a simple case, as my friend from Wisconsin states it, of an exportation which we ought to encourage. Now, the question is whether the man who, in Minneapolis, makes flour for exportation, on the same line, the same car, ought to be enabled to carry his freight cheaper than a man who is within 40 miles of the point of export, exporting his flour to the same market.

Mr. SPOONER. But that is hardly the question I am discussing. If my assumption of fact is correct, my point is that this section would prohibit the granting by a railway company on the transportation of flour or wheat or any other product from Minneapolis to Boston, the transportation being precisely the same, of a rebate in favor of the export.

Mr. EDMUNDS. If you give a rebate from Minneapolis, why should you not give it from Worcester for the same exportation to the same point?

Mr. SPOONER. I will not say I would not give it. I will not say that if flour was shipped from Worcester to Boston for export and flour was shipped from Worcester to Boston for use in Boston, I would not upon the same principle give the rebate. I should permit, no matter where, remote from the seaboard or near to the port, such rebate as is wise, reasonable, and necessary in order to stimulate the export trade of the country, dependent on a thousand surrounding circumstances. As I view this rebate section it seems to me quite clear that such rebates, such discrimination in favor of the export trade would be prohibited by this section and that there would be no power under the long and short haul section to relieve from it if it should be so construed.

Mr. EDMUNDS. I do not understand the bill in that way at all. I understand it on the question of foreign exportation to say that the man who has to send from Worcester to Boston and to Liverpool shall not be compelled to pay any more freight on his 40 miles distance from Boston than the man in Minnesota who has 1,500 miles of transportation to carry. It does not say he shall pay less, but that he shall not pay more—both to go to a foreign market under the same conditions—that he shall not be compelled to pay more for carrying flour 40 miles than the Minneapolis man who sends it 1,500 miles.

Mr. SPOONER. As I understand the Senator from Vermont, he is applying to the case the long haul and short haul provision, which I am not now discussing. I ask him, with his permission, this question: Suppose flour to be shipped by the same consignor from Worcester, if you please, to Boston for use and sale in Boston. Suppose flour to be shipped from Worcester to Boston for export. Suppose the railway company, being the same in either case, in order to stimulate the demand for that flour, in order to build up an export trade, grants a reasonable rebate to the shipper in favor of the export flour, would it not be in violation of this rebate section?

Mr. EDMUNDS. I do not think it would.

Mr. SPOONER. Then the Senator is of opinion——

Mr. EDMUNDS. But I do think, if I may extend my observation, that that rebate having been granted to the Worcester man, and granted to the Minneapolis man, the Minneapolis man with the same export trade should not have an advantage over the Worcester man.

Mr. SPOONER. I do not claim that.

Mr. EDMUNDS. So, if I may finish what I was saying, the equality and justice to be applied to shippers is under the same circumstances and conditions, and therefore all that this proposed law says is, as to the export trade, that everybody shall stand on an equal footing as to the same trade. If it is fair and proper for a railway company to make a small rate from Oregon to Boston for flour or grain that is to be shipped abroad, and will not exceed that rate for any point between, it is all right, although if it is to be consumed in Boston it may charge much more, if it treats everybody alike.

Mr. SPOONER. I am unable to agree that the mere fact, the transportation service being in all other respects identical, that one shipment is to be exported and another not would so distinguish it as to take it out from the prohibition of the rebate section.

Mr. GEORGE. Let me ask the Senator, does he consider that there is anything in the bill to prohibit an arrangement of this sort? Take the Minneapolis shipment of flour, a part of which may be exported, a part may be consumed in this country. Is there anything in this bill which would prohibit the transportation company from agreeing when the exportation is made to advance or pay to the steamer the amount of 5 per cent. upon that portion of its freight which is transported from Minneapolis? In other words, is there anything in this bill to prohibit a railroad company from increasing its traffic by agreeing, after it has performed service at the same rate that it charges everybody else, to pay to another carrier who is to carry the product out of the country a certain sum of money?

Mr. SPOONER. That certainly does not answer the proposition which I have been discussing. That would be the granting of a rebate. It matters not whether that rebate be paid by check or in currency, or whether it be by way of advance or part payment by the railroad company of the ocean freight. In either event it would be a rebate; it would be granting to a shipper for export a better rate from Minneapolis to Boston, in whatever guise you put it, than is granted where the shipment is to end at Boston.

Mr. GEORGE. It would rather be a premium given to the consignee in Boston to export the flour.

Mr. SPOONER. What is the difference whether you call it a premium or a rebate, or a special rate? The fact of discrimination remains the same; that in the one case for carrying the flour between the same points a lower rate is allowed than in the other, simply because in the one case it is intended for export, and in the other it is not.

Mr. MITCHELL, of Oregon. Suppose a common carrier transporting a ton of flour from Minneapolis to Boston for export allows a rebate of 5 per cent., and suppose that some common carrier on the same line of road, running through Buffalo, carries the same kind of freight on the same road to Boston for export and makes no rebate, in that case the Senator from Wisconsin understands that there is nothing in this bill which would make that an unlawful discrimination. The two sections are entirely different, so far as that is concerned, the long and short haul section and the discrimination section.

Mr. SPOONER. One deals, as I understand it, with one subject; the other with an entirely different subject. One relates to difference in distance, the long haul as it relates to the short haul; the other, in the case I put, and in the case stated to me from Boston, which I believe to be accurately stated, is a case of discrimination simply in favor of export, nothing else.

Mr. GEORGE. Does not the provision of the bill, as it now stands, so far as it relates to a rebate, correspond exactly with the provision in the bill as it passed the Senate?

Mr. SPOONER. That is undoubtedly true. The rebate section is precisely the same to-day, as I understand, as it was when we passed this bill. I examined it, as I stated, and came to the conclusion that it was a fair rule; that it simply prohibited favoritism. I presume this conference committee came to the same conclusion. I did not know of the existence of the facts to which I have been calling the attention of the Senate. I did not know the fact that to favor exports as compared to purely domestic commerce, under circumstances so identical in every other respect, the rebate was given; and I venture to say that the conference committee did not know of the fact. I doubt very much if the Senator from Illinois will say that the conference committee considered this case, and having considered it were willing to make it a rule in the law that in such a case as the Minneapolis shipment for export and for domestic use there should be no lawful difference in charge.

Now, Mr. President, I am as anxious as any Senator on this floor that the popular demand for legislation upon this subject shall be met at this session, and if the alternative were presented of endangering the passage of this bill in any form or of voting for it as it stands, I am frank to say that I should vote for the bill, expecting that the Senator from Massachusetts would be able to secure the passage of an independent enactment preventing its interference with the export trade, and trusting that the dangerous doubt suggested as to the construction of the fourth section would be resolved in favor of what I deem the plain public interest, and the intention, as declared by the Senate conferees. But I am not quite willing to record my vote in favor of a proposition which I fear will be deleterious until the Senate has made a fair effort to correct it in the respects mentioned. If the bill can be recommitted I intend to offer, by way of recommendation to the conferees, the following proposition.

Mr. CONGER. Before the Senator states his proposition I should like to ask him if he understands that under the present law there is any rebate in favor of articles exported except a return or rebate of moneys paid in the shape of duties on some of the ordinary articles manufactured in the United States and exported. I am speaking of any law on our statute-book authorizing officers of the Government to make rebates in any form except a rebate of duties or internal taxes

that had already been paid on the whole or a part of the materials of which those articles were made.

Mr. SPOONER. That is a rebate.

Mr. CONGER. It is a paying back of money paid by the party, but not any additional payment by the Government.

Mr. SPOONER. That is certainly equivalent to a rebate. I shall propose this:

Nothing contained in this act shall be so construed as to prohibit any carrier subject to the provisions hereof from making reasonable discrimination, by special rate or otherwise, in favor of freight of any kind carried from any part of the United States for export to foreign countries.

Mr. EDMUNDS. So that it should be equal between all the people of the United States.

Mr. SPOONER. Yes, sir; as to all products for export.

I am not at all prepared to believe as to this section or as to the long and short haul section, if there be in the minds of Senators substantial disagreement as to the construction upon a point vital to the interests of the country, that we may not reasonably expect that the conference committee after all this debate will be able to agree upon and report to the Senate the bill in better form than it is now in. I do not quite like the suggestion that to recommit this bill to the committee is to kill it. I know of no reason why that suggestion should be made. Who is there here who does not desire the passage of a wise bill upon this subject? Who here will not co-operate to that end? Is this question of interstate commerce to be the foot-ball of party politics? Is it to be supposed that either party, with nearly two months before us, will, rather than submit to a wise amendment of this bill prefer that Congress shall adjourn without any legislation on this subject?

I doubt if the people will take kindly to such a suggestion. No one will dispute that a bill of so great importance, so far reaching and vital in its effects, should be made as perfect as may be, and at least that it should be freed from the ambiguity and uncertainty which many claim to exist. I feel bound, in justice to the Congress, and the spirit which pervades it upon this subject, to assume that the conference committee of both Houses would do their utmost to agree to the modifications suggested, and that with forty-nine days of the session still remaining, under rules which render a conference report at all times a privileged question, there is no danger that we shall adjourn without legislation regulating interstate commerce. If the conferees can not agree to change it, the bill can come back to us as it is, and we can pass it as it is, if it should become necessary.

ANTI-POOLING.

I desire before taking my seat to say a few words upon the fifth section, which is as follows:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

I find in this section, Mr. President, no objection to the bill, and I would not vote to recommit it with a recommendation that it be eliminated. I do not believe the railway pool, all things considered, subserves the true interests either of the people or of railway companies. It is declared that its purpose and effect is to "equalize rates." This is in a sense true, but it is, in my judgment, neither more nor less than an attempt to equalize rates by stifling competition, for the pool is operative only where there is competition and upon business which is competitive. It is stated by the pool commissioners and by the advocates of the pooling system, by way of vindicating it as an improved railway method, that during the existence of the pools, which for so many years have been in vogue, rates have been "held level" and have steadily gone down. An unqualified admission of the first statement would not be founded in fact. You could fill this Senate Chamber with broken pool contracts.

Year after year, notwithstanding the system of pooling freights and dividing earnings, we have had rate wars so violent as to almost unsettle the business of the continent. Almost every month, I might say almost every week, the people have been advised by the press of rate cutting and of the disruption of railway pools. That rates during the last ten years have gone down is of course true, but by what warrant is it contended that this is attributable to the system of pooling? The increase in railway mileage, the great growth in population, the obliteration of the frontier, the marvelous increase of tonnage, the legislation of the States against extortion, and the competition existing at times, have all tended to bring down rates. The tendency of the pool has been, however, to put them up from time to time, and that they have gone down is on the whole, in spite of, not because of, the pool.

It is stated that this railway organization is valid. I can not now enter upon an elaborate discussion of that question. I have never supposed that the pool would be upheld by the courts. I have found no satisfactory authority in this country for any such proposition. I know that in many of the States laws have been passed, notably in the State of Iowa, prohibiting them. I know that there have been violations of pool contracts, costing millions of dollars to the parties to them, and that no railroad company in the United States has dared to sue the competitor which has violated its faith and broken the pool, for damages. Why not, if they are valid?

The English decisions cited are not satisfactory law upon that subject in this country. The English system of railway management and supervision is different, and the doctrine of their courts upon one or two pertinent principles is essentially different from ours. To illustrate: In Shrewsbury, &c., Railway Company *vs.* The London, &c., Railway Company, 21 L. J. Q. B., 89, Lord Campbell, C. J., speaking of a pool agreement, says:

The question, then, is, whether the agreement is void in law. And it has been clearly settled that an agreement to withdraw [parliamentary] opposition to a railway bill, for a pecuniary or other consideration, is not illegal. The agreement in question would only be void in case it was illegal upon other grounds, such as those suggested upon the part of the defendant—that it was injurious to, and therefore in a legal sense a fraud upon, the public by the shareholders.

Such contracts by railway companies to withdraw opposition to bills in Parliament granting authority to construct competing railways, &c., have been held valid in England, and such a principle might very well lead to the upholding of an agreement to pool; but that doctrine is not tolerated in the United States. It was long ago decided, and has been steadily held, that such an agreement is subversive of good legislation and against public policy. The only argument I have seen in any American law-book in support of the general proposition that the pool between competing railway carriers by which the tonnage or earnings are divided, is in harmony with public policy and valid, I find in Wood on Railways, formulated thus:

But where by its charter, or the general law, a railroad company is authorized to consolidate with or lease its road to any other railroad company, upon the principle that the greater includes the less, there would seem to be some reason for holding that it might enter into a contract with a rival road by which their joint earning upon their through traffic should be divided between them upon such a basis as the companies could agree upon without impugning the policy of the law, because in such a case they only accomplish *partially* and indirectly what they are authorized to accomplish directly. (1st Wood on Railways, 596).

If the premise of this author be correct, that rival companies are authorized by statute to consolidate their stock and franchises, his conclusion that they may enter legally into the "lesser consolidation," which a pool certainly is, is logical; but it surely has not been the policy of American courts to hold, as I now remember it, that under general authority to consolidate with other railroads, or with any other railroad, competing companies could consolidate, nor has it been the policy of the States to grant such power. In most of the States the consolidation of such roads is prohibited. In some of the States it is prohibited by constitutional enactment. Pennsylvania has notably sought, within a year, to enforce a constitutional prohibition upon the subject, and most of the States have guarded against it by direct prohibition, and ineffectually perhaps by forbidding the ownership of stocks of one competing company by another.

But the foundation of this argument is correct, that a pool is one form of consolidation. The statutory authority to consolidate usually is confined to railways whose lines are so situated with reference to each other as to make a continuous line of railway. The consolidation of railways not competing or parallel has been in the public interest. The consolidation, whether by pooling or otherwise, of parallel or competing lines of railway, I venture to assert, can not be in the public interest, and will not be authorized by the States.

I have seen something myself of the operations of the pool. I do not deny that, although in itself an evil, it has at times seemed a lesser evil than some of those which it was proposed to remedy; but to my mind it has been the breeder, and a fruitful one, of almost every evil which has disfigured the transportation system of this country. It has been an instrument of blackmail in the hands of railway companies unfortunately located. One Senator, speaking upon this subject, has said that it enabled a weaker road to control its share of the business. It has enabled the weaker road often to control more than its share of the business, and this control has been stimulated and brought about by long-continued and vicious rate-cutting, detrimental to the interests of other carriers and of the people; for I agree to all that the Senator from Connecticut [Mr. PLATT] has so clearly and eloquently said as to the evil of unrestrained competition, and the uncertainty introduced into business by rate wars.

A railroad company competing with others between two terminals, not satisfied with the proportion of business which it is receiving, though it may be receiving its full share, regard being had to the advantages which it affords in comparison with its rivals, has only to cut rates to force a readjustment of percentages, either of tonnage or earnings in the pool. I think I have known cases in which a railway company disadvantageously situated, its line being very much longer than those of its competitors, began the cutting of rates to force its admission into a pool, and continued the cutting of rates long before entering upon the negotiations for a pool, in order that its tonnage record might give an undue proportion of business when the pool was formed.

It is manifest, and its effect has been seen in every portion of the United States, that the possibility of forming and maintaing pools has put it within the power of competing railway companies, and furnished a strong incentive to the exercise of that power to bring on rate wars, and continue them, to the demoralization of business. And suppose the pool to be once formed by such means, some of the members of it

feel that they are being blackmailed, that there has been forced upon them an unfair division of business, and they retaliate by secret cutting of rates, by rebates, and "specials," and passes, and the like; and thus it happens that the pool, while perhaps on its face at times operating to steady and maintain rates, breeds secret cutting and favoritism and discriminations which have brought intense and widespread dissatisfaction to the people.

I think I may safely appeal to the Senator from New Jersey [Mr. SEWELL], who has had experience and opportunity for observation, that there is hardly a railway company which has maintained in absolute good faith for any length of time toward its associates its position in a pool. The pool has led to the payment of vast sums in commissions, to bad faith, to unlimited free transportation, and has involved the expenditure of vast sums as salaries to pool commissioners and clerks. It binds no railway company any longer than it chooses to obey it. It is dissolved upon the caprice or anger or jealousy of the ruling officer of any member of it.

The pool has invited the construction of thousands of miles of railway not needed by the public and not built for the public interest which have cost legitimate railway enterprises millions of dollars. Does any one think that the Nickel-Plate and West Shore Railroads were legitimate ventures? Does any one think that they were undertaken because the business necessities of the country required it? They came because it was known that, the pool being a possibility, the newcomers would be able so to cut rates and demoralize the business of the Pennsylvania Railway Company, the Baltimore and Ohio Railway Company, the New York Central Railway Company, the Erie, and other railway companies as to force a division of business by way of pool or to compel a purchase at a profit to construction companies. Who can estimate the cost to the business of the country of the great and long-continued rate wars brought about in that way? The Senator from Connecticut, who has said in an able and bold way all that I think can be said in vindication of the system, insists that if pooling be not permitted capitalistic consolidation will be inevitable. What is pooling but consolidation?

Mr. PLATT. Simply this: It is co-operation; that is all.

Mr. SPOONER. Is that co-operation which is simply an agreement between parallel and competing carriers that they will not compete? What is the difference in fact and in truth, having regard to the interest of the public, whether the Northern Pacific Railway Company and the Union Pacific Railway Company and the Southern Pacific Railway Company consolidate their stock into one management or whether they agree that they will not compete with each other for business?

Mr. PLATT. If the Senator desires an answer it is altogether different. The combinations between manufacturers may be used for the purpose of illustration, although they are not by any means as defensible as they are among railroad companies—the combinations among manufacturers, or even among the anthracite coal companies, that they will not sell their product at less than a certain sum are entirely different from capitalistic consolidation. The railroad company does not consolidate its whole business by this means; a portion of it only.

Another thing, it does not lead to what capitalistic consolidation does, and that is the political power and the power of railroads, which is the most dangerous thing this Government has to contend with.

Mr. SPOONER. I can see, and I think the people of this country can see, no distinction in fact between the combination to which the Senator alludes and the partial consolidation by pooling, of competing lines of railway. What is the difference so far as the public interest is concerned? In the pool the only business that is affected is the competing business. It may level rates by stifling competition with competing roads; it does not reach the great mass of discrimination between the competing points and the local and non-competing points. The railway companies have their own sweet will as to that as completely, and no more so, with the pool in existence as they would have if there were an actual consolidation of stock.

The Government of the United States granted to the Union and Central Pacific Railway Companies millions of dollars in the way of lands; showered upon them millions of dollars by way of subsidy bonds. I think it was wise public policy to do so. I suppose it was in part for the purpose of creating a competing line across this continent that Congress was led to grant a great domain of public land to the Northern Pacific Railway Company. I suppose the same principle of public policy led to the grant to the Southern Pacific Railway Company. Is it a matter of no consequence to the public whether or not these competing lines of railway compete? Is it of no concern to the public whether they make a contract to divide business or earnings, so that no matter whether the Northern Pacific Railway Company carries much tonnage or little it gets its proportion of what the whole carry, or whether it earns much money or little it gets its proportion of the earnings of the whole?

Mr. PLATT. I think there is no pool in the country to-day where a railroad gets pay for business which it does not perform. The money pools are obsolete. All pools in the country amount simply to a division of tonnage, and each company has and performs the amount of business which it agrees to accept of the competing business, and if there be any difference it is made up by letting that company have a little more in order to keep up its share of the business, and that is done without diversion of freight, by which I mean by sending freight over another line than the shipper intended it to go over. There is always enough freight which is not consigned to any particular road, so that all those matters can be evened and adjusted.

Mr. SPOONER. I do not know of any investigation in this country which has given to the public the true situation and effect of the great railway pools. I do not know but that the pool may be upon the face of the paper—*per se*, as my friend from Connecticut sees fit to call it—legitimate. That is a mere question of recital; but who has been able to explore the influences, the methods, the effects upon a great territory of a pool embracing the business of two or three or four or five States?

Another thing, the public have some interest in the transportation question beyond the mere question of rates. The public have an interest in the prompt, faithful, honest, and substantial performance by competing railway companies of the duty of the common carrier. The pool, whether it be a money pool or a tonnage pool, tends to withdraw from the carriers, who are members of it, much of the inducement otherwise existing to discharge fully the duty of the carrier. By division, by contract, one of several competing railway companies receives its proportion of the business of the country. What difference does it make to it whether or not it pleases its shippers? What difference does it make to it whether or not it is prompt in furnishing cars, or prompt in moving cars, or whether it deals fairly and liberally with its patrons? It receives its proportion of the business whether it does its duty as a carrier or not. The pool abolished, would the competing carriers of the country not be placed under a stronger incentive to attract business by merit than under the present system? Would not they count more upon improved facilities, better service, more prompt payment of claims for damage, &c., quicker transit, and generally better service?

There was a time, it is said, when there was practically a pool between the Union and Central Pacific Railway Companies and the Pacific Mail Steamship Company. There may be such now. From the railroad standpoint that was well enough. Was it well enough from the standpoint of the public interest? It was a division of earnings between two carriers, each of which had been subsidized, and one of which was enjoying a current subsidy, by the United States. Was it not an element in the policy which granted subsidy to the Pacific Mail Steamship Company that it would tend to keep afloat upon the ocean a carrier to compete with the transcontinental railways? If so, was not this great element of public policy defeated when under contract competition between the carriers by land and by sea was stifled? Talk about the pool leveling rates, being a mere co-operation between competing carriers mainly in the interests of the public!

The public has been permitted within a fortnight to obtain a glimpse of one phase of the inner working of one great pool. I refer to the Colorado pool, made up, as I understand it, of the Union Pacific Railway Company, the Denver and Rio Grande Railway Company, the Atchison, Topeka and Santa Fé Railway Company, and I do not know how many other railway companies, for the transaction, control, division, and regulation of the business of several States, including at least Kansas, Nebraska, and Colorado. Certain steel rail companies of Chicago received propositions to furnish for railway construction in Colorado about 17,000 tons of steel rails. They found that the rate from Chicago to Council Bluffs and Kansas City was $3 per gross ton, while the rate to Denver, Colorado Springs, and Pueblo was $13.40 per gross ton, the difference in distance from Chicago to the Missouri River, and from the Missouri River to the Colorado points, being only about 60 miles. Am I right as to this distance?

Mr. TELLER. Yes, sir.

Mr. SPOONER. With only 60 miles difference in distance the rate was over four times as great per gross ton west of the Missouri River. This rate from the Missouri River to the Colorado points is, I find in correspondence published upon the subject, denounced as unjust by Mr. H. H. Porter, a gentleman of great experience in transportation, and it is denounced as a prohibitory tariff by J. W. Midgely, commissioner of the Southwestern Traffic Association, one of the best authorities upon railway rates in this country. These steel companies offered to pay $12 per gross ton, but were unable to secure that rate, because the Colorado Traffic Association would not permit it.

It seems that under that contract no member of the association was permitted to reduce a rate without the consent of all, however just the public demand might be for such a reduction, and that the Denver and Rio Grande Railway Company objected to any other than a prohibitory tariff on these steel rails because they were destined to be used in the construction of a rival road. Here was an offer to give to the Union Pacific Railway Company freight, at fair rates, amounting perhaps to a quarter of a million dollars or thereabouts, and this company, under the operation of the pool for dividing business, for equalizing rates, for tenderly looking after the business interests of that country, and of the shippers, was obliged to refuse to take a pound of it. This pool impudently put itself between this great carrier, in debt to the Government of the United States, under every obligation to earn as a carrier all that it could, and the opportunity to earn this large sum, and

precluded it from so doing, the motive of the objecting company being that stated. No contract or arrangement under which such results can be produced can be justified or ought to be permitted to stand.

The railway pool with its machinery and its legislation has been a tyrant in many ways, and to the detriment of many interests.

Mr. TELLER. I would like to give the Senator from Wisconsin the benefit of a statement as to the way this beneficent pool has worked. Goods have been shipped for merchants of Denver from Chicago, have been sent to San Francisco, and the low freight paid from San Francisco back to Denver, a distance of 1,200 miles, making cheaper freight than they could get from the East to Denver. That was under the pool, or in defiance of the pool, at all events when the pool was in existence.

Mr. SPOONER. Mr. President, I am not ready to believe that the transportation interests of this people are to be subserved by legalizing the railway pools of the country. Under this bill, put in fair form, framed with reference to the interest of the people and in a spirit of justice to the carrier, framed for the purpose not only of protecting the people against discriminations, but of protecting railway carriers against each other, I have no doubt that the alleged necessity for pools will cease. At any rate I think we had better try the experiment.

This bill, if it shall become a law, prohibits favoritism by rebate. It prohibits favoritism by special rates. It requires the publication of rates. It prohibits the advance of rates without notice. Railway companies will be very careful how they lower their rates whenever caprice, anger, or temporary interest shall call for it, knowing that under this measure the rates thus lowered can not be advanced at will. The bill prohibits not simply the advance of rates without notice, but it seems to prohibit the issue, at least in interstate commerce, of passes, one of the most powerful instrumentalities used by railway companies in pools for "cutting under" each other.

It has seemed to me that with these provisions plainly enacted and fairly enforced the railway companies of the country, as well as the shippers of the country, would be in a much better position than by the attempt to maintain rates in a spasmodic way by means of pools.

The Senator from Connecticut asserted the other day, with great earnestness, his belief that without pools rates can not be maintained, and ruinous competition can not be prevented. Why not? Very often pending the formation of the pool, and when the pool is broken, rates are maintained by agreement. I find nothing in this bill prohibiting an agreement to maintain rates or which will preclude the maintenance of rates. If the pool is no longer a possibility it can not be in the interest of any carrier to ruinously or unreasonably cut, for any great length of time, the rates. The mere maintenance of rates, with no division of earnings or division of tonnage, each company obtaining by legitimate means its proportion of business, is every way preferable to the pool, with its temptations to rate wars and demoralization and uncertainty in business, and to the secret discriminations with which every one is familiar.

The Senator from Connecticut fears that the prohibition of pooling may lead to consolidation, but I hazard the assertion that the people are not quite ready to admit that competition between railway carriers is a thing of the past, and that the transportation business from this time forward can be done only at rates governed by pools. They have the power, and will exercise it if need be, to protect themselves from consolidation, under whatever name or by whatever means it may be effected.

---

## Interstate Commerce.

---

### SPEECH

OF

# HON. WILLIAM P. HEPBURN,

OF IOWA,

### IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887.

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. HEPBURN said:

Mr. SPEAKER: A great deal of complaint has been made with reference to this bill, because sufficient deliberation has not been given to it, and its sentences have not been pruned of all ambiguity. I want to call the attention of the House to some facts connected with this legislation.

On the 8th day of last March, the Committee on Commerce reported to this House a measure on the subject of interstate transportation, popularly known as the Reagan bill. On the 14th of last May the Senate passed a measure on that subject (the Cullom bill) and sent it to the House. It was referred to the Committee on Commerce, and on the 22d of May it was reported back to the House—all of the Senate bill, after the enacting clause, stricken out and the Reagan bill inserted. It was then permitted by the majority of this House to sleep without an effort toward its consideration until the 26th of July, after the House had adopted a resolution to adjourn, I think, on the 3d of August. They—the Democratic majority—refused to consider that measure, they refused to call it up or allow it to be called up.

The chairman of the committee slept upon his rights, and gave this side of the House no opportunity to consider the measure; and when on the 26th of July it was called up, they permitted something like eight hours of discussion, and then moved the previous question, cutting off further debate and all possibility of amendment before the bill had ever gone to the Committee of the Whole, where it first could be amended, and before it was possible for any member on this side of the House to offer a single amendment, or attempt in any way to perfect the legislation. Then, under the operation of the previous question, we were compelled to vote upon it. Under those circumstances, the Reagan bill was forced upon this House and the country. Remember, that there was no discussion of this question—interstate commerce—to any considerable extent—not more than half a dozen hours in the Forty-eighth Congress, and only eight or ten hours in this House in the first session of the Forty-ninth Congress.

Now the bill comes back to us as a conference report, where there is no possibility for any member on this side of the House under the rules that forbid the amendment of a conference report to have a word to say in the direction of its improvement. We have to vote on it just as it is. We have to submit to this legislation or we will have to say there shall be no legislation on this vexed question which has agitated the people of the country to a greater extent than any other question during the last fifteen years.

There is no question so much discussed by the people at their homes. There is no question in which so many people are vitally interested. There is none which goes so closely to so many homes and their interests as this one of interstate commerce. The party in power in this House has so managed it, there has not been a day or a moment the propositions of this bill could in any way be amended or improved. It does not, therefore, behoove gentlemen on that side of the House at least to talk about this measure as crude and imperfect, uncertain, ambiguous.

Mr. Speaker, there are gentlemen here who are refusing to support this bill because it does not, in their judgment, give them all they desire. What is the situation now? We have absolutely nothing—there is no statute that in any way controls or limits the greed of the great railroad corporations. This bill does give us something. Now we have nothing. It does give us something, and it is a step toward that more which we ask. Is it wise to say because we can not have the fullness of the repast we crave, we shall choose therefore to starve?

What would you say of the wisdom of that man who is out in the surf with the rising tide, unable to extricate himself from his peril, who would refuse aid that would require himself to exercise some of his own power, and who should insist that he would have no relief unless some supernatural power could give him ability to fly above the waves? That is just what gentlemen insist upon. Because they cannot have all they will have none; because they cannot reach the goal instantly they will not move towards it; because there must be successive steps of progression, therefore they will not move at all. It is my humble judgment that is not wisdom.

I wanted to speak with reference to some of the positions taken by my colleague [Mr. WEAVER] on yesterday. I am sorry he is not in his seat. I wanted to remind him that nearly every alleged defect he has urged against this bill, on another occasion has been approved by him, or at least on another occasion was not such an objection as to prevent him casting an affirmative vote for substantially this measure. The very words and provisions, in the main, that with hypercriticism he condemned on yesterday, he approved in another bill he voted for in July last. He is, of all men in the State from which he comes, cited by his many admirers as *par excellence* the friend of the people in their demand for interstate-commerce legislation. I would have thought (if it had not been uncharitable) that the action of the gentleman at the last session in voting for the Reagan bill was not in the best of faith—that he did not expect or want at that time the enactment of legislation on this subject. No one believed at the time that the defeat of the Senate bill and the substitution of the House bill, that he aided by his votes in bringing about, would result in legislation at the last session. The Senate had, by a vote almost unanimous, there being only four negative votes on the question of the passage of it, passed Senator CULLOM'S bill, and the action of the House in adopting another measure, containing provisions that the Senate after deliberate consideration had disapproved, forbade the hope that in the four or five remaining days of the session there could be such conference or concession as would result in legislation.

Therefore, possibly, some gentleman who did not want any legislation, who wanted to keep the question open and vexed, who wanted to use it as a foot-ball in the then approaching campaign, voted for the Reagan bill, so that the House should pass a different bill from the Senate, producing irreconcilable disagreements resulting in no legislation, and thus keeping alive and unsettled a question of prime importance to the people, and one that might be used by thrifty politicians in the enhancement of their own worth and in support of their pretentions, as the especial champions of the interests of the people. These pretentions could, with

seeming plausibility, be urged after voting to substitute the House bill for that of the Senate.

The former was by many believed to be a very radical measure, one that shook all possibility for future harm or wrong-doing out of the "soulless corporations"—one that brought "the robber barons of the rail" to their knees. The man voting for that measure, it was believed by these thrifty ones, would show to the people his ardent zeal in their behalf—his sleepless vigilance in the pursuit of their welfare; while at the same time he would by this deft use of his vote successfully block legislation through the well-assured disagreements of the two Houses, and preserve the question as an open one to be used in the campaign. They could urge upon the hustings that this warfare of interests was still going on, and strive to show how much they were needed on the side of the people in the battle still raging.

This suspicion of the questionable good faith of gentlemen might be strengthened by the knowledge that they were growing somewhat scant of issues. The greenback craze is no longer effective or useful. The people no longer rally at the sound of the old war-cry. "Fiat money" is no longer in demand. The $1,800,000,000 of circulation—greenback, national-bank notes, silver certificates, gold certificates, gold, and silver—every dollar of which is interchangeable with gold—has removed that question, so potential a half score of years ago, to the status of "an unhappy reminiscence," and closed the mouths of all "the crazy cacklers for the craze," save those whose volubility is their chief excellence.

The fears of the people preceding the date fixed for resumption of coin payments by the Government have been dispelled by the experiences of the past. I remember there were dolorous lamentations in those days. Resumption, weeping prophets told us, would result in dire calamity. The quack political doctors told us the honest way to pay our debts was to continue to promise to pay them. Some of them secured seats in this floor through pledges to excited and alarmed constituencies that they would secure the repeal of the much-vilified resumption act; but wisdom and honesty prevailed instead of the cant and hypocrisy of the hour, and the legislation of '75 was undisturbed, and the blessings of an honest, safe, and abundant circulation were secured to us, and the issue of the repeal of the resumption act joined that of "fiat money" in an unhonored grave.

In the State of Iowa the policy of "prohibition" is securely fixed in the legislation of the State. It can not be disturbed. My colleague in his personal utterances or in his partisan affiliations has been on every one of the many sides this question has been made to present in the politics of Iowa by the opponents of the Republican party. Himself a prohibitionist, as an ally of the Democracy he has been compelled to aid in the efforts to secure low license, high license, and local option. Having thus been on the four sides of the question, it can not again be used for the purposes of a campaign. The party of which he is a most useful and devoted ally will not again dare to assert any or all of its old opinions or formulate new opinions on this once agitating question. Its next platform will be silent on the whisky question.

The distance from free whisky to prohibition is great, but all the ground has been traveled by my honored friend, either in his own principles or by his alliances. But each of these policies at their time of presentation have been definitely settled.

In this way the "principles" of my friend have been narrowed; and if this Congress should "mercilessly," by the passage of this bill, settle the transportation question, as an agitator he would have in bitterness of soul to exclaim:

Othello's occupation 's gone.

The Republican Legislature of Iowa and the Republican party through its last State convention declared in favor of the passage of the Senate bill regulating interstate commerce. In order to have an issue my friend must oppose its passage. The Republican party in order to secure some legislation, in order to take a first step in a right direction—the direction of national control over carriers engaged in carrying commerce between the States—is willing to take that bill. The gentleman says the Cullom bill and the one reported by the conference committee are identical, and as he wants to preserve his opposition to the Republican party he is forced to antagonize the bill pending. He opposed the Republican party in the last campaign in its action on this question. He must oppose this bill or confess himself to be in error in that opposition.

The intensity of his passion for opposition to that party will, I think, be developed as I proceed, and I will try to show that that passion, and I say this with great respect, is the controlling motor in his opposition to this measure.

Mr. Speaker, let us look at the present situation. We have in the United States 130,000 miles of railway, costing about $4,000,000,000, controlled by common carriers who transport for our 60,000,000 inhabitants about $8,000,000,000 in value of their property each year, earning thereby about $700,000,000. So far as national legislation is concerned, these carriers are uncontrolled and this great interest is unprotected. The Supreme Court has affirmed the right of Congress to legislate upon the question, and the people demand legislation. The people affirm that the charges of the carriers are often unjust, unstable, and unequal. They demand rates that shall be just, uniform, and stable. They can secure these only through the action of this body.

The Senate has acted. Will we act? Will we do the best we can? If we can not do all we would like to do, will we do the best possible under the circumstances? If we vote down this bill, then the matter is ended for this Congress. We have but thirty days of session left, and every member of the House knows that it is this pending bill or nothing. We may not like all of its provisions. It may not be what we would write if we were empowered to write it, but here it is face to face with us; we have no power under the rules to change or amend it; we must take it all, or none of it.

My colleague criticises certain words and phrases of the bill. He does not like them, and he will not have the bill because they are in it and he can not get them out. He complains of the word "cotemporaneous" in the second section, which prohibits special rates, rebates, drawbacks, &c., and yet, Mr. Speaker, in the bill which he voted for in July last in the first section prohibiting preferences that same objectionable word is found, and in the same connection. It had precisely the same relation to the subject in the bill that he voted for that it has in the bill he refuses to vote for. It was of most euphonious sound in the Reagan bill, but it assaults his delicate ear as discord in the bill he must now vote for if he would secure legislation.

The phrase "under substantially similar circumstances and conditions" when found in the second section is unsatisfactory to my friend. Let it be remembered that the primary object—the central thought—of this bill is to secure reasonable rates. All the rest of its provisions are but the machinery or means by which this object is to be attained. Section 2 asserts in brief that the benefits or facilities that are given to A shall, "if the conditions and circumstances are substantially" (not precisely) "similar," be given to B. This is right. The law ought not to require, in order that B should have the same facilities and benefits that A gets, that the conditions and circumstances should be precisely, identically, exactly the same. There should be some reasonable room for difference.

It scarcely ever would happen that two shipments would be under precisely the same "conditions and circumstances," and hence the word "substantially" is inserted. It is enough if they are substantially the same, and greater exactness of similarity ought not to be required. If you were to strike out the word "substantially" the section would be of comparatively but little value.

On the other hand, if the circumstances and conditions of A's shipment were greatly dissimilar and unlike those of B's, then A ought not to have the same benefits and facilities. A's right to demand the same treatment is based upon the ground of substantial similarity of circumstances and condition. It is upon this ground that his claim ought to be heard and acceded to; when the reason fails the right fails.

My colleague is again an objector because, he says, he does not understand the meaning of the words "undue or unreasonable" as they occur in the third section, which prohibits the giving of "undue or unreasonable" advantage to one person or locality that is not given to another person or locality. The words are of very common use and not difficult of definition. If there is difficulty presented to the gentleman by them he may be assured that our courts are usually presided over by men of intelligence, whose duty it is to give construction to the language used in statutes, and the courts will have no difficulty in giving proper meaning to these simple words. The assumption of my colleague that "the railroad companies are to be the judges of whether the preference or advantage is undue or unreasonable" is untenable. He has forgotten the methods of our courts and the policy of our laws. He used to be a public prosecutor some years ago.

At that time, doubtless, he knew that it was not a popular method of our courts to permit the criminal to construe the law or to tell its meaning. "Murder" often had to be defined in judicial proceedings, but the individual charged in the indictment with its perpetration was never called upon to determine whether his deed, as explained by all of his cotemporaneous conduct and motive, constituted the crime of murder. The meaning of words as used in a statute is determined by the court, and not by either of the litigants, and I want to assure my colleague that this rule is universally recognized by all the courts of the country above that of justice's courts.

My colleague does not like the fourth section, which prohibits the carrier from charging a greater sum for a shorter than a longer distance. He thinks there are entirely too many conditions connected with the prohibition. Yet the corresponding section in the bill he voted for contained a prohibition that was based upon four conditions, and all of the four conditions must concur in order to make the prohibition operative. In the Reagan bill conditions did not alarm him. It is only when they appear in the "Cullom bill" that his fears are violently excited.

For my part, Mr. Speaker, some of the conditions in this section are necessary to make it acceptable to me. The section reads as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any

common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

I very much doubt the wisdom of this section, and, representing a people who are 1,200 miles from the seaboard, I would hesitate to give it my assent were it not for the flexibility given to it by the proviso.

The corresponding section in the bill voted for by the gentleman from Iowa [Mr. WEAVER] is as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property, as provided in the first section of this act, to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

This is an inflexible, unyielding declaration that in certain shipments the carrier shall not charge a greater sum for a shorter than for a longer distance. It is designed to make initial charges greater than those that are intermediate. Chicago is the point where nearly all of the farm products raised in Iowa and sold are gathered for shipment to their final market.

The price the Iowa producer receives in Chicago is increased or diminished to correspond with the rate charged by the carrier for moving the product eastward to the seaboard. If this rate is low, the Iowa farmer gets more; if the rate is high he gets less. Usually—always during the season the lakes and canals are free from ice—the rate is very low, lower than for any other similar service in the world. At Chicago the roads leading eastward meet with water competition. Each week they unload thousands of cars in Chicago that must be hauled back, eastward, empty or filled with western produce. The roads, if they fill these cars, must reduce their rates to the low rates of the vessels. It is better for them to do this than to get nothing and haul the empty car. It has to go. It is better to have it filled, yielding a sum that will pay for hauling the car rather than yield no sum at all.

The rates accepted are often far lower than those charged from intermediate points several hundred miles east of Chicago. This low rate by rail is a check upon the carrier by vessel, and keeps down the rate by water. The car is in active competition with the ship and the canal-boat, and the Iowa farmer gets the benefit of the competition. The road can not reduce all of its charges at intermediate points to correspond with this low rate forced upon it by competition at Chicago. The result would be, if the section last quoted were the law, that the Chicago rate would be raised. Even if the intermediate rate should be somewhat lowered, which would not in all probability be the case, the Chicago rate would have to be made greater, for the law would not permit it to be less than that from the points farther to the east.

By raising this rate the business would not be affected by competition, and the vessel-owner would increase his charge. The only limitation would be his rapacity. The Iowa farmer would be the sufferer, for the price he would receive for his produce would be diminished as the cost of transportation would be increased. We would be harmed, and no one but the vessel-owner would be benefited. But by the proviso found in the bill of the conference committee the commission have the power in special cases, "after investigation," to authorize the rail-carrier to charge a less sum for its service for the longer distance.

In other words, if the commission invested the roads leading eastward from Chicago to charge a less sum for the longer than the shorter distance, we in Iowa would be the gainers. It simply means that in this case the Pennsylvania road and the Baltimore and Ohio road and others are permitted to charge the Iowa farmer a less sum for hauling his products to market than it charges the Indiana farmer or the Ohio farmer. I desire the roads should have this permission; my colleague does not. He would refuse to let the carrier give his people an advantage he is willing to give them. He seems anxious to serve another constituency than his own—another State than the one that has so often honored him.

He is disturbed also by the fifth section, prohibiting pooling. There is much contention about the merits and demerits of the methods known as pooling.

The difficulty would be lessened if in the discussion the purpose of the particular pool was first stated. All pools are not alike in their purposes. Some of these purposes are good; others are bad. The combination called a pool usually is for a threefold object: to affect the amount of charges, to preserve their stability, and to secure their uniformity. Much of the prosperity of a shipping community is dependent upon the stability of the rates and their uniformity to all patrons alike. The great mass of men desire these results. The combination secures these But it too often happens that the rate by the combination is fixed too high; often it is extortionate. It is this that the community rebel against.

If the rate is reasonable, none object to the agreement, because all intelligent men recognize the fact that through it they secure the presence of stability and the absence of preferences. So that it is not so much the pool as the extortionate rate made possible by the pool that receives condemnation.

The provision in the Reagan bill respecting the pool is as follows:

It shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for pooling of freights or pooling freights of different or competing railroads by dividing between them the aggregate or net proceeds of such railroads or any portion of them, and in any case of an agreement for the pooling of freights or earnings as aforesaid each day of its continuance shall be deemed a separate offense.

Here we find a prohibition against the "money pool;" no other. "It shall be unlawful for any person * * * to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different or competing roads by dividing between them the aggregate or the net proceeds of the earnings of such railroads or any portion of them." The agreement or pooling that is forbidden is that where the division of the earnings is stipulated. "Only that and nothing more." All other pools are permitted. They may divide and divert the freights as much as they choose; and yet this form of pooling is much the most common. This my colleague did not object to. Nor did he object to it because the section, like all the rest of the bill, was silent on the subject of passengers. The bill he approved does not affect in any way passengers, although 25 per cent. of the gross earnings of the roads is from this class of business. This section of the committee's bill is as follows:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

Here is a broad and sweeping prohibition of all kinds of pooling. All pools are forbidden, including those for passengers. It is infinitely more far-reaching in its terms and operation than the other section. But my friend condemns it. He will not vote for the control of railroads because of it. And why? When Reagan's gnat was enough, why will not the committee's lion suffice? Because the gentleman thinks that the clause, "and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense," does not apply to passenger pools.

This offense is not a continuing one in his belief. True, a fine of $5,000 might be imposed for the formation of such a pool, but because the penalty is not made $5,000 a day he will have none of it. True, the section does contain all that the Reagan section contained and much more, yet because it does not contain all that his fancy now suggests he will not have even the confessedly good provisions of the section. By the section the offense of pooling freights in any form is a continuing offense. A fine of $5,000 for each day of its existence may be imposed. That provision is broader than the one he voted for and approved. But now it is not enough. It prohibits the roads from "dividing between them the aggregate or net proceeds of the earnings of such railroads or any portion thereof." If any portion of the earnings is received from carrying passengers then it must not be divided. That provision was not in the Reagan bill. But because the offense committed by making a division of that part of the earnings that is derived from passengers is not made a continuing offense, the gentleman will not have any of the many good things the bill does contain. He asked for a prohibition of the "money-pool." It is given him. More, he is given a prohibition of all freight pools. More, the continuance of this pool is made a continuing offense. More, he is given a prohibition of all passenger pools.

Now he will not have any prohibition because he is given even more than he asked for. My friend must reform his prayer, for if he should petition, "Give us this day our daily bread," and secure a week's supply at once, he would have to refuse it and starve in order to be consistent with his action on this bill. Objection is made to the bill because it does not confer jurisdiction upon the State courts to determine contentions that may arise under it. It is doubted by many lawyers whether Congress has the power to confer judicial power upon State courts. By the Constitution "the judicial power of the United States shall be vested in a Supreme Court, and in such inferior courts as the Congress shall from time to time ordain and establish."

The Supreme Court has decided "that State courts were not courts established and ordained by Congress." But even if it has the power and exercises it, all admit that Congress has now power to compel State courts to assume jurisdiction. It would at best be optional with them to exercise it or not, as they might choose. But the bill passed by this House in July last did not even attempt to confer such power on the State courts. The language used is as follows:

SEC. 7. That each and every act, matter, or thing in this act declared to be unlawful is hereby prohibited; and in case any person or persons as defined in this act, engaged as aforesaid, shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such person or persons shall be held to pay to the person or persons injured the full amount of damages so sustained, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as costs in the case, to be recovered by the person or persons so damaged by suit in any State or

United States court of competent jurisdiction where the person or persons causing such damage can be found or may have an agent, office, or place of business.

This is the only provision in the Reagan bill bearing on this subject. The language of the section here important is "in any State or United States court of competent jurisdiction." Those State courts that now have jurisdiction is the meaning of that language, and there is no pretense, from first to last, of conferring new jurisdiction. No new power is conferred by the bill, and none of the State courts had it before. How, then, could the State courts exercise it? They did not have it, and it was not granted, and it could not be exercised without a specific grant. In fact, no State court could have exercised any power under the Reagan bill. All the power it could assert would be through its common-law jurisdiction, which it can still do.

The law under the Reagan bill would have been just the same in this matter of jurisdiction as under the bill before this committee. But that was all right, we are told, while this is all wrong. Mr. Speaker, let me invite your attention to the fact that none of the remedies now possessed by the people are impaired by this bill. All are preserved. Whatever changes are made are those of addition, of increased facilities and additional tribunals. Every suit that may be brought to-day may be brought, and in the same courts, after this measure becomes law. Let me read this provision of the bill:

And nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act.

All of the remedies provided by the bill are additional remedies. Nothing is taken away. Much is added. A personal injury, an overcharge, a breach of contract, all matters of similar character that are to-day the subjects of litigation may be entertained by the same State courts, after we pass this bill that entertain them to-day. All this talk about the people being sent before a Federal court at the State capital, or before the commission at the National capital, is without foundation in fact. The jurisdiction of the Federal courts and of the commission conferred by the bill is in addition to that we now have; and all we now have is carefully preserved to us.

But "the commission!" "the commission!" disturbs the repose of many gentlemen, and notably my distinguished colleague. On this matter of a railroad commission he has been perturbed for several years. We have one in Iowa. It does not give universal satisfaction. It is the object of much criticism. And I have sometimes thought, Mr. Speaker, that much of it was owing to the fact that its limited jurisdiction, and the necessary reason for its limited jurisdiction, was not fully understood. Many persons fail to recollect that under our double system of government, State and Federal, there is divided power and authority—the State exercising control over that part of our railroad transportation that is wholly within our State boundaries, and the Federal Government controlling that portion that crosses the boundaries of the State, either in going out or coming in. In that State much the larger portion is interstate, and over this our State commission has no authority whatever.

It is true there was quite recently a ripple of assininity that developed itself in a pretension that the State authorities might control interstate commerce, but it quietly subsided under the flattening forces of a recent decision of the Supreme Court of the United States, and it is now conceded that the power does not exist. But this limited authority of the State commission is not at all times borne in mind, and many thoughtless people complain that evils are not remedied that are entirely without the control of the commission. Within the limits of its jurisdiction its influence and effect are most beneficial. Until quite recently it has had no power to enforce its conclusions; but it has determined a multitude of disputes, and this prevented hundreds of suits each year that would, without its aid, have been settled by the court, at great cost and inconvenience to the parties. And although for four years of its existence it had none but "advisory" powers, in all instances save one its conclusions were adopted by the carriers.

The real trouble with us has been, not that we had too much commission, but that we did not have enough. We have needed the extension of the authority of our State commission, and then a Federal commission to exercise authority over interstate commerce, as the Iowa commission does over State commerce. This bill in the provisions creating the commission provides in great degree for that want. If the Federal commission can perform the same office in relation to the interstate commerce that the State commission does in relation to State traffic, very many of the evils that our people now complain of will no longer be matter of complaint.

But we are told that there are many persons determined in advance to distrust this commission. To such I say, do not go to it. You need not. If you seek the aid of the commission your so doing will be entirely voluntary. It will be your own choice if you go to it for aid. This bill furnishes you a remedy entirely independent of it. Such distrustful persons can go to the courts. If the wrong you complain of is such an one as you can now have redress for, then go to your local State courts. If the redress you seek is given by this bill, then go to the Federal court and let the commission "severely alone." But if you want redress without expense to yourself, if you want the aid of the commission in your contest with the carrier, then go to the commission, remembering always that the court remedies and the remedies provided by the commission are entirely independent of each other, if you choose to have them independent.

But, Mr. Speaker, my colleague is opposed to the commission because it is too powerful. (In Iowa the commission is condemned because of its insufficient power.) Here this one is invested with too great power. It is feared that its power over the railroad corporations is so great that they will be induced to enter politics, and by the use of corrupt means sully and disturb its pure fountains. It is said that "during the next Presidential term a majority of the members of the commission will be appointed," and these appointments will furnish such a "tempting prize" as the "virtue" of the corporations can not withstand, and they will thus be seduced into politics. This was to my mind a strange position for the gentleman from Iowa to take.

Why, Mr. Speaker, for ten years the gentleman has been declaring on every "stump" he has adorned (and he adorns all he declaims from) that the corporations are now and have been for years in politics; and not only in politics, but controlling politics—State and national. His speeches have been overrunning with such declarations for full ten years. His warnings to the people of the perils, dire and imminent, certainly to follow this corporate control of the politics of the country have vexed the ears and disturbed the repose of timid people all over the State of Iowa. Now by implication he confesses that the burden of half a thousand of his speeches has been an egregious error; that he has been mistaken all these years about the corporations actually being in, and in control of, political affairs.

But he is nevertheless unhappy, for by his prophetic ken he sees the railroad companies, now for the first time, are about to enter the political arena, with a full determination to "swoop down" and "jump in" and elect our President and wrest our liberties and cherished rights from us if we dare to pass this bill creating a railroad commission.

But, Mr. Speaker, how much better would our condition be if we struck out of the bill the sections creating the commission or if we should enact the Reagan bill? The questions arising under that bill would ultimately have to be determined by the Supreme Court. Every good provision in that bill might be frittered away by a corrupt court, if we had one. Their power is infinitely greater than the power of the commission, because they may pass upon every important question determined by it and may reverse the decisions of the commission. Whatever of objection may be urged against the commission may be urged against the court.

Five of the judges of the Supreme Court, a controlling majority, have already arrived at the age when they may retire, creating vacancies. It is more than probable—almost certain—that the President inaugurated March 4, 1889, will appoint at least five members of the Supreme Court. In the language of my colleague, "What a tempting prize" they would be to the railroad corporations. These "soulless corporations" may conclude they will go into politics and elect a President who will appoint a majority of the Supreme Court at their dictation. That will destroy the effect of all beneficial legislation that we may secure in the way of protection against them, whether it may be in this bill or the Reagan bill. The logic of the gentleman's position is that we must enact no legislation not satisfactory to the corporations; that when a man is engaged in usurpation and wrong you must not interrupt him, for fear he will counteract your efforts by the perpetration of a still greater wrong.

It is a sad fact that all laws have to be interpreted and enforced by men, and that all men are not pure and honest. If all men were pure and honest in their lives society would need no laws; every man "would be a law unto himself." We enact laws because many men are bad, and we do not omit their enactment because of the possibility that baneful influences may bring a scoundrel into the seat of power or judgment. We have to take that chance and run that risk; and the risk is the same whether the bill my colleague voted for or this one should be the law. We have to trust to men, and I have faith to believe that any American citizen who could be elected to the high office of President would strive, in obedience to duty, conscience, and his oath of office, to faithfully administer this law by the selection of such men to fill the honorable positions of judges and commissioners as would strive to do the very right in deciding all contentions that might arise under the law we enact.

Another objection to the commission is that it would have too much to do. "It could not possibly do all that would be required of it." Mr. Speaker, this may be true. It might not be able to do all of its work. But we know that it would be able to do some part of it. And whatever part it might do would be in addition to that that is done now. It would be that much more than can be done with the court facilities of to-day. It would be an additional tribunal to those we now have. It would be one more. If it determined but one hundred cases in a year, that would be one hundred cases more than can be decided by our present courts, and would be that much of a gain. The commission would, however, in my belief, prevent or dispose of thou-

sands of cases; not, perhaps, by decisions, but by prevention—by settling questions out of which litigation would otherwise grow.

The bill favored by the gentleman from Iowa offers the wronged shipper but one remedy. It says to him, "If you are aggrieved or wronged by a railroad corporation you may go into court and sue it." It invites him to the remedy of unlimited litigation—litigation with a powerful, skilled, rich adversary. That is all. It gives him no other aid or remedy. He may be, and is, graciously permitted to help himself in court, if he wants to. True, he may recover an attorney's fee if he wins, but he only secures that little boon by victory. He has no one to aid him.

Not so under the committee's bill. He has all of the court remedies under it that are given him by the Reagan bill, and in addition he has the aid of the commission, without trouble or expense to himself. He calls for its aid, and it is bound to respond and bring with it the whole judicial power of the United States to aid him if he is in the right, to punish his oppressor, and to right him if he has been wronged. And yet my colleague says his constituents do not want this commission because it has too much power; because it will be overworked; because it may be made political; because the railroads may be seduced into politics; because the commission will have to be composed of men, with the frailties and passions of men, coupled with the possibility of being corrupt, and thus become the oppressors of the people rather than their servants.

I confess, Mr. Speaker, that each of these reasons may have some force. But our Government must be administered by men. There is a possibility that no man is so strong in his virtue that overmastering temptation may not be his assailant. He may yield. The trusted friend of the people may become their oppressor. The faithful servant may betray his trust. But because of this remote possibility we do not abandon civil government. To attain the ideal government is the hope of the best civilization. This civilization will not be abandoned because the ideal is postponed, for the reason that the agencies to be used are imperfect. We will still strive after the best, notwithstanding disappointments and deferred hopes. We may not have attained perfect remedies through this bill, but we have added to those we now have, and they are, at least, of equal value.

No one believes this law to be perfect. No one believes it will accomplish relief from all the evils complained of. Doubtless each gentleman present sees in it provisions that he thinks should not be in it, and regrets the omission of some that he regards as most important. But it can not now be changed. It is the best we can get. It is this or no law at all.

I do not believe that it will meet all of the expectations of the people. There are unreasonable classes that hope for results from legislation that it is beyond the capacity of any legislative body in the world to give; but it will satisfy many of the reasonable rational people of the country that the Congress is striving to grapple with and to meet this great question and to accomplish something in the direction of what is good. We have an infinite variety of interests involved in this subject. We have interests that are as diversified or as widely separated as the limits of the country. We have billions of dollars to deal with. We have climatic differences and differences that are created by density or sparsity of population; differences that are created by the different grades, mileage, length, and location of railways. No one can expect by a single legislative act to harmonize all of these and secure to each and to the people their full measure and degree of justice. To do this it will take time and many experiments. I am told that hundreds of English statutes have been enacted and repealed since the railways of England became the subjects of law.

Doubtless we will have similar experience. Our success in the prevention of wrong, in securing justice, will be the result of much of patient effort and experience. The proper remedies are known to but few. They are the experts who have gained their valuable knowledge in practical railroad operation. They are not the men who occupy seats on this floor; and our experiences here will be the same as have been the experiences of our predecessors in all legislative effort. Time, experience, observation, persistent and repeated trial will be the factors of success.

Every man of intelligence knows that legislation of value is a thing of growth. Statutes that bear blessing to the people do not spring into full value at the first essay from the brain of the legislator. One class of men inaugurate the reform, another class of men improve upon it, and still another and another class, until at last we have the approximately perfect statute ladened with good results to mankind.

But what one is there of all those laws we value most that even today we are not constantly changing? And every change is made in the hope of making it better. Look even at those which affect the domestic relations, those affecting us in our dearest interests, those affecting the relations of husband and wife, of parent and child, of the distribution of property, and of inheritance. Almost every assemblage vested with legislative power makes some change in regard to those, satisfied that ultimate perfection has not yet been reached. So it is with this statute. It will be improved by successive legislators until at last it conserves in a great measure the demands of the people.

Some gentlemen are opposed to this bill because certain sentences are alleged to be ambiguous. I do not know of a sentence containing fifteen lines in the English language that an astute critic cannot plausibly declare to bear more than a single meaning. The ingenuity of man is far beyond the perfection of his language, and because of the imperfection of language it is absolutely impossible for any man, no matter what his genius may be, to write a statute that another man may not be able to give to it with seeming plausibility a construction different from that of the writer.

Thousands of volumes of the reports of the courts of appeals of this country and England attest the insufficiency of our language, and the want of power on the part of men to use it without ambiguity. Undoubtedly there are sections here which will bear more than a single construction, but if that is true the fathers have created a tribunal that will determine the true meaning. We have a Supreme Court.

But we are more unfortunate in respect to our religion than our law. Based on inspired Holy Writ are, in our country, more than six hundred religions, each supported by devotees insisting that their cherished dogmas are right; each insisting that ambiguous inspiration justifies them in blazing a heavenly way, from which there is no necessity for wandering, and unfortunately we have no supreme court to determine the measure of merit in the pretensions of the rival religious sects. Yet we do not lose our faith in either statute or moral law because the language in which they are expressed is ambiguous and sometimes difficult to interpret.

The framers of the Constitution knew as well as we do the difficulties of accurate expression, and hence they established courts of appeal to construe the statutes and tell us in an authoritative way what they mean. Will gentlemen refuse to vote for measures because, perchance, there may be a necessity for the exercise of the functions of a co-ordinate branch of the Government? Do these gentlemen demand that the Supreme Court of the United States and of the States go out of use? Do they propose that they shall abdicate because of the want of a vocation? Their arguments would seem to indicate that this is their purpose.

I urge upon gentlemen the necessity of concession and compromise. To emulate the spirit of the fathers of the Constitution. It has been said that no member of the constitutional convention was satisfied with its labors. There were provisions in the Constitution that many thought most unwise. There were others omitted many gentlemen thought to be imperatively necessary. Each found some defect. Yet in a spirit of concession a majority were brought into accord, and most beneficent results followed. They took it for the acknowledged good they found, hoping to cure defects by subsequent efforts. This way is open to us. Let us start with the good we have. Ten months will give us a new Congress that will have had eight months of observation of the operations of this law.

If the words "cotemporaneous," "under substantially similar circumstances and conditions," "undue or unreasonable," "special cases" are found to have too much of qualifying force, or if they present ambiguities or doubtful meanings too great for the capacities of the courts, or if there are too many conditions coupled with the prohibitions of the fourth section, or if "the commission has too much power," or if "it has too little power," or if "the corporations are tempted into politics," or if "they should seize the executive and judicial departments of the Government and the commission as 'tempting prizes,'" the doubtful words and sentences and sections can be amended or repealed by the Fiftieth Congress, leaving to us that that is good in the law to be added to and built upon, as enlarged experience and wisdom shall dictate in the interest of justice to all that is involved.

We have in this bill this broad legislative declaration:

> All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

And if there was no other provision in the bill I would vote for it. For in this declaration is the germ of all needed legislation. It simply declares that in all business relations between the common carrier and the shipper the rule of justice shall be in force. That the one shall pay what is just, and the other shall demand no more. It is that rule that the people demand; with that rule the servants of the people ought to be content. Every other provision in the bill is but mere machinery and method by which to secure this measure of justice.

Prior to twelve years ago the carriers denied the right or power in Congress to establish that rule. The courts determined the question in favor of Congress, but up to this day Congress has never asserted its right or power. The people demand that it shall declare it now. By this bill that declaration is made. It is the first declaration. Let us make it, and make it now, hoping that whatever is defective in machinery or method may, by the wiser men who will succeed us, be so effectually remedied as to bring no harm to the just rights of the corporations, and yet bring to the people of this land that day so longed for, when from the carrying service will be swept away the extortion of unreasonable charge and the injustice of discriminating and unstable rates.

[Here the hammer fell.]

## Interstate Commerce.

# SPEECH

OF

# HON. I. NEWTON EVANS.

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January 20, 1887,*

On the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. EVANS said:

Mr. SPEAKER: I shall not occupy the time of the House very long in what I have to say on the question now under discussion. It would seem to me that the query to be determined at this time is: Is it better to accept this bill with its doubtful provisions and great imperfections than to fail to pass it in this Congress?

It has been asserted by at least one learned Senator that—

It is a bill which practically nobody wants and which everybody intends to vote for; a bill which nobody is satisfied with and which everybody intends to accept; a bill which nobody knows what it means, and yet we have all agreed it ought to pass.

There is much truth in what the Senator says; for in the discussion of the question in that body of wise men scarcely two could be found to put the same construction upon some of the sections of the bill. We find that boards of trade in the East and in the West and in New York, as well as Legislatures of different States, disagree as to its provisions. We need not be surprised when the conferees who have reported the bill can not agree to place the same construction upon it. It is of the highest importance that those who make the law should be able to tell us exactly what it means, and yet the gentleman from Georgia says that he can only give his own views and does not pretend to speak for other members of the conference committee.

In view of the fact that almost every Senator and every Member of the House will say that the bill is imperfect and that it is a doubtful experiment, would it not be better for us to wait another Congress at least than to endeavor to pass it at this short session? For a period of more than fifty years, ever since the establishment of railroads without any national legislation regulating interstate commerce, is it not possible for us to get along another year, or until we have time to fully mature and perfect a bill which will be just to all parties, just to the shipper, just to the carrier as well as to the consumer, and just to those whose means have been honestly invested in the great railroad enterprises which have done so much to develop the resources of our country? And in addition we should not forget to be just to those, many of them women and orphan children, whose means of support are derived from dividends made from the earnings of railroads. Many of us, indeed I may say most of us, have no experience and very little knowledge of the great business of these common carriers. It is also of the utmost importance that we legislate so that the millions and millions of dollars invested and otherwise employed in the internal commerce of this vast country shall not be so deranged as to bring about a crisis in our financial affairs, which would not only bankrupt many railroads, but, like the pebble on the smooth waters, its influence would be felt far and wide. Agriculture, commerce, manufactures, and, most of all, labor would suffer greatly by such a result.

While I believe that an interstate-commerce law might be passed by Congress that would be of benefit to the whole country, and with this belief I voted last session to substitute the Cullom for the Reagan bill, which in many of its provisions was similar to this bill, but in others it was very different. It is not necessary for me to state wherein they differ; that has been done by my colleague Mr. O'NEILL. As an evidence of their difference, we had the Legislatures of the different States, boards of trade, chambers of commerce, and other commercial bodies passing resolutions and sending us petitions favoring the Cullom bill; but how is it now? The very same bodies are now protesting against the passage of this bill, or at least two of its sections. Mr. Speaker, I fail to see the great advantage to be gained by the passage of this crude and imperfect bill; it can only be experimental, and in its consequences may be disastrous, not only to our interstate but to our foreign commerce.

Under the present arrangement with the railroads the wheat and other grains shipped from the West to our seaboard expressly for export are entitled to a rebate, so that our shippers can compete in a measure with the cheap wheat of Russia and India in the European markets. This enables us to get rid of a portion of our surplus cereals, which would be thrown on our own markets if the freights were so high as to shut it out of the foreign market. Should this bill become a law it will not admit of rebates or discriminations, and the grain of the West, if exported at all, will have to find its way to the seaboard through the Mississippi River and the Canadian Pacific Railroad.

The people of my immediate district are interested in more ways than one in the shipment of western freights to the East. We are engaged in agriculture and manufactures, and the two great cities of New York and Philadelphia are our markets; hence our prosperity greatly depends on their welfare and prosperity. But in addition to this, many of my people invested their earnings in Northern Pacific Railroad securities, believing that they would get a fair rate of interest for their money. They would not feel that I was looking after their interests if I should vote for a bill which should discriminate against that road, and in favor of the Canadian Pacific, which runs parallel to it across the continent to the Pacific Ocean. There are no legislative restrictions in Canada against their roads. On the contrary, the British Government has subsidized the Canadian Pacific by guaranteeing $60,000,000 of its stock at 3 per cent., a higher rate of interest than is paid in England. The object of this is to steal away our trade on the Pacific roads to Australia, China, and Japan.

The passage of this bill with its restrictions, if carried out, will not only bankrupt the Northern Pacific Railroad but will destroy in a great measure the prosperity of the great West through which the road passes. The State of Pennsylvania, which I have the honor in part to represent, ships largely to the West coal, iron, and other products; and we in return receive their grain, lumber, salt, &c. This reciprocal interchange of commodities is necessary to our growth, prosperity, and well being as a nation. Let us not put such restrictions on these common carriers as will retard the progress of our country. On the other hand, let us do everything to encourage our own people to build it up and to be dependent on each other instead of the people and the products of other lands.

It seems to me there is a morbid antipathy in the masses against corporations, and especially against railroads. They forget that these great arteries of trade and commerce have been the principal means of developing the varied resources of our vast domain. They never stop to think of the advantages the building of railroads have given to almost every section of our country and how little has been realized by many who have invested their money in these roads. We find in Poor's Railroad Manual that in 1885 the capital and the earnings of all the railroads in the United States were as follows:

| | |
|---|---|
| Capital stock | $3,817,697,862 |
| Funded debt | 3,765,727,066 |
| Other debt | 259,108,281 |

On which the earnings were as follows:

| | Per cent. |
|---|---|
| On the stock | 2.02 |
| On the bonds | 4.77 |
| On the bonds and debt | 4.62 |

And on the average of the whole amount of indebtedness 3.36 per cent.

Can it be charged with any claim to fairness that 3½ per cent. is too great a rate of interest for those who have been willing to risk their money in these great enterprises? I think not. Neither can it be charged that the rates of freight have been exorbitant. Within the last decade the rates have been reduced from 2½ cents to less than 1 cent per ton per mile. Many of these roads, which have been of great benefit to the districts through which they pass, have paid nothing to the stockholders, nor even to the bondholders; and yet the people are crying out against the arbitrary and lawless management of railroads, which they pretend to claim are run for the sole purpose of paying enormous dividends to their stockholders.

No doubt some of the members of this House regard it as a popular thing to do, as evinced in the language of the reverend member from Kansas, who says, "for many years these men have been beyond all control, except the general 'cussedness' of themselves." He regards it "the duty of the Government to put itself between the people of the United States and the rapacity of these irresponsible pirates."

How strange it is we are so largely governed by our selfish interests, and fail to see that which is for the good of the whole people. The gentleman from Kansas and his constituents are of the opinion that the rates of freight are so high that it is ruinous to the prosperity of the Western farmer.

On the other hand, my constituents who are engaged in farming, feel that the freights are so low that it is ruinous to their prosperity. They feel that it would be to their advantage if the railroads could be compelled to charge the same proportionately for the long as for the short haul. But there is nothing in this bill which requires them to do it; therefore it can not benefit the farmers of my district. It must be admitted that the fourth section of the bill is very vague and indistinct, which makes its practical application very uncertain; but the framers of the bill all agree that under its provisions as much can be charged for a short haul as a long haul, but no greater charge; this is in the aggregate, not per mile. Why is it, may I ask, that all these restrictions are to be put on the railroads? There is not one word in the bill against discrimination or pooling by water carriage.

The canals, the steamboat navigation of our rivers, and the steamships on the great lakes, they can discriminate, form pools and make rates as they choose, and yet nothing is said or done. If we are to have an interstate law let it apply to all common carriers alike. If you fail to do this you are discriminating and legislating in the interest of

water carriage as against railroads. This bill provides for five commissioners to be immediately appointed by the President. Is it possible that a board of five men can successfully supervise, control, make decisions and rules for the management of more than 138,000 miles of railroad, spreading its network in all directions over the United States?

I find on investigation we have over eighteen hundred railroads. Most of these have from nine to fifteen directors; allowing nine members to each board it would make over sixteen thousand persons whose business it is to look after the interests of these roads. Can it be that five men, selected on the shortest notice, will be equal in knowledge, business capacity and experience to the combined knowledge and experience of all the directors of all the railroads in the United States? If they can be found, they will be more than human, both in understanding and in physical endurance.

If it is the intention of the Federal Government to regulate and control the railroad business of the United States, it would seem that it ought to be done intelligently, impartially, and effectively; and in order to do that there should be appointed, in my judgment, one commissioner for every State in the Union, whose duty it should be to collect and compile all information, statistical and otherwise, in reference to the railroad business of the State he represents, and to report the same to the five commissioners at Washington. In this way the interests of all the States could be carefully guarded and protected. The State commissioners would stand somewhat in the same relation to the five commissioners that the consuls do to the Secretary of State. Their work would greatly relieve the labors of the Washington board, and thereby give them more time to arrive at just conclusions and decisions.

Mr. Speaker, in my opinion the good in this bill is not commensurate with the evil which may come out of it. Its ambiguity will, I fear, lead to endless litigation and obstructions, which will seriously cripple the industries of our people, and may lead to bankruptcy and financial ruin the great commercial and other business interests of the country. I am therefore in favor of recommitting it for revision and amendment; and in order to do that I shall vote against the adoption of the report of the committee in the hope that the House will have the good sense to recommit it.

---

## Interstate Commerce.

---

### SPEECH

OF

# HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. GROSVENOR said:

Mr. SPEAKER: I approach the discussion of this question with a good deal of doubt as to my abiiity to say anything that will be new or valuable to the House. It is a remarkable fact that after nearly three weeks' discussion of it in the Senate, and after the expressions of opinion that have been made by a large number of the members of this House, no member of either the Senate or the House has been found who believes that this is a proper bill. No single member has unreservedly approved it, unless, indeed, the magnificent panegyric which the eloquent gentleman from Wisconsin [Mr. GUENTHER] delivered yesterday, in the form of a eulogy on the "rising sun," which he says is bursting through the clouds of the tyranny, outrage, degradation, and criminality of the railroad companies of this country, may be said to be a wholesale indorsement of the provisions of this measure.

There have occupied the floor of the Senate and of the House the distinguished lawyers of both those bodies, and the authors of this conference report, and no two of them agree as to the construction which will ultimately be given by the court of last resort to the language of any of the sections of the bill about which there is any controversy. In other words, it is admitted that the law-making power of the country, the Congress of the United States, is about to seize directly upon 130,000 miles of railroad, valued at something like eight thousand millions of dollars, and indirectly all the industries of the country, and to turn the whole thing over to an authority whose jurisdiction is not defined in the statute, by an act, the construction of which is as uncertain as the depths of the waters at various points in the ocean. The farmers of the country, it is said, are in favor of this enactment. The farmers of my district have not asked for it. I think I know something of the burdens borne by the farmers of my district and State, and do not find in any provision of this bill anything which holds out a reasonable hope of relief. If I did I would waive some of my objections and vote for it. As it is I can not do so.

The farmers of the country sometimes complain that the lawyers in the legislative bodies of the country enact legislation that gives rise to and multiplies litigation in the courts. If this bill becomes law it will certainly belong to that category. If it becomes law—and it certainly will, because, in my humble judgment, it is being driven to an issue which must result in its triumphant passage in this House, driven by a condition of things which produces a refusal on the part of the members of the House to examine and understand its provisions—it will produce more litigation than has any law of Congress passed during this session. I have yet to find around me here a single gentleman who does not say to me, privately and in great confidence, that he thinks the bill is utterly worthless for the purpose for which it is designed, or else that he could suggest a vastly better scheme, and yet, Mr. Speaker, underlying the whole of this discussion there runs a vein of certainty upon one point, namely, that every line and every section of the bill, if passed into a law, will produce in some court in this country a lawsuit. It is a bill to fatten lawyers and impoverish everybody else.

The bill, as I will try to show when I come to that feature of it, is so worded as to mask under the uncertainties of its language enough to show that the construction of every provision of it will be fought over in the courts, contended over by the lawyers of the country, and ultimately, if we live long enough, must be decided by the Supreme Court of the United States.

I recognize the force of the argument made by the distinguished lawyer from South Carolina [Mr. DIBBLE], that there is no provision whereby the shipper will be able to have his appeal prosecuted in the upper courts. He claims that the carrier can appeal, but the shipper can not. But that is a matter of so little importance, in view of the construction which I am compelled to put upon certain language in this bill, that I will not, at least at this time, enlarge upon it.

Mr. Speaker, this bill of uncertainties, this bundle of incongruities, which has been worked out by compromises, worked out by concessions made between the two Houses, worked out by a contest in which one side was determined that its especial views should find development, and the other side determined that those special views should not find a place in the enactment, comes to us now to be considered upon its merits—comes to us in the most unfortunate of all ways for the purposes of clear and lucid enactment—comes to us in the ironclad form of a report from a committee of conference, so that the measure can not be recommitted generally, or recommitted with instructions, or amended in the House. And so we are to take all this; to take it with the declaration from the mouth of every gentleman who has spoken that there is something wrong about the bill. Even the distinguished and enthusiastic gentleman from Georgia [Mr. CRISP] says that the section constituting this commission, if he had his way about it, should not be in the bill. Yet it seems to me that upon that commission hinges the whole of the just opposition to this bill. It is upon the power granted to this commission and the uncertainty as to what the bill means that my opposition is based. Is it not strange that this Congress is compelled to take a bad measure or nothing? Why can we not defeat this measure and have an unobjectionable one ready for our action to-morrow? The defeat of this report leaves the way clear to another committee of conference and another report.

Now, I want to describe this commission before I go to the question of what it is the commission is to take hold of. The qualification of these commissioners is described in the law. They are to take hold of 130,000 miles of railroad and indirectly affect all the industries of the country. They are to have more power than has the President of the United States—more power for evil or good than has the Congress of the United States; for they may do what neither the President nor Congress may do; they may suspend the operation of law; they may enforce the operation of law upon one man and withhold its operation from another. They may give whatever is good of this law to one section of the country and deprive another section of its benefits. So this commission is to have a power that no other body of men on this continent or in any free government ever undertook to exercise, and the qualification or fitness of these commissioners is described in the law. Who are they to be? They are to be five gentlemen who know nothing whatever of their business. That is the first requisite; that is a qualification not to be varied from under any circumstances. Men who know anything about this business upon which the commission is to embark are to be debarred from appointment. The commissioners are to hold no stocks in railroads or any other carrier by land or water, are not to be officers or attorneys of railroads, are not to be interested directly or indirectly in the railroads of the country or any of the carriers of the country.

Mr. BROWN, of Pennsylvania. That refers only to the time of their appointment. They may have previous knowledge to any extent whatever.

Mr. GROSVENOR. Ah!

Mr. ROWELL. The gentleman will let me ask this question: Is a member of Congress fit to act upon a law incorporating a national bank unless he owns national-bank stock?

Mr. GROSVENOR. Some members of Congress are, and some are not. [Laughter.] These commissioners are to be "tramps" without any visible means of support. And to this body of men is to be committed this omnipotent control over the greatest interests that this country every had. Upon its passage the defeated candidates for Congress and other political officers will rush upon the Executive and ask to be compensated for their loss of position and lack of probable future profitable occupation.

But I am omitting one of the qualifications of this board. Not more than three of them are to belong to one of the great political parties of this country. The bill assumes that if a man happens to be without politics, he is not fit to sit on this board; and I agree to that. It is the best provision in the bill. No more than three of them are to belong to one political party. I can understand from whence will come these three. I can understand who they will be. Where the other two will come from I know not. This measure will give to the Executive of this Government and to the Senate an opportunity to define whether the genus known in politics as "the mugwump" belongs to a distinctive family or whether he is a parasitical growth upon the surface of some other political body; and to define the difference, if any there be, between Tammany Hall and Plymouth church.

Mr. GUENTHER. Would not that be worth finding out?

Mr. GROSVENOR. That may be one of the considerations which the gentleman from Michigan says outweigh the bad probabilities of this bill. I do not know, but it may be possible to find somewhere upon the face of this earth somebody who has defined his position upon the politics of the day, and yet has no interest, remote or contingent, directly or indirectly, heretofore, now, or hereafter, in the development and prosperity of a system of internal commerce which has made this country what it is to-day.

These gentlemen, thus equipped, are to have the power to appoint agents wherever they may see fit. There is no limit. They may appoint an agent in every doubtful county, in every doubtful State of the Union, and set him to work upon the imaginary difficulties growing out of the solution of this great railroad problem. They may appoint thousands in great political years and remove them when the occasion has passed.

Mr. GOFF. What do you mean by "doubtful" counties?

Mr. GROSVENOR. Close counties, like some of those in the State of my friend from West Virginia. I think it would have been a glorious thing for some of us if we could have had an agent or two of this character distributed along down the Ohio River Railroad during the election last November. And I can suggest many other places. There is, I say, no limit to this power of appointment. That is not all. The commissioners may fix the salaries of these agents, and may locate them at every station on every railroad in the United States, so far as the terms of this bill are concerned. Gentlemen say it is not to be supposed that this commission will exercise any undue authority. In answer to that suggestion I would like to ask, when was there a commission appointed in this country that fell short of exercising the full power that was given to it, especially when expressly told that party lines and party considerations had entered into their appointment? Party obligation and gratitude and the hope of reward go a great way.

Three of these commissioners may exercise the full authority of the board. Three of them belong to a political party; and if they fail in efficiency (recollect they are appointed without any knowledge of the business to which they are assigned, and but one qualification is required, that they belong to a political party)—if they are lacking in efficiency, the Executive may remove them one by one, and the remainder of them may act, or the President may appoint somebody else. The granting of such power is inconsistent with a government by the people.

Now I want to put a question to gentlemen on the other side of this Chamber who have so long protested against the growing tendency toward "centralization of power," who for the last quarter of a century have been coming in regularly from the barren hills where they were feasting upon the husks that grew outside of political office, and protesting in their political platforms once a year that a great party in power in this Government was developing a growing tendency to "centralization of power." I want to ask these gentlemen, when before did any party or any set of men ever undertake to grasp all the interests and industries of this country in one great bundle and hand them over to the tender mercies of a commission of five men, to be appointed by the Federal Executive and confirmed by the Federal Senate?

Mr. CRISP. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. Certainly.

Mr. CRISP. Is not the gentleman aware when he addresses this side of the House upon this question that the commission feature of the bill originated in and came from a Republican Senate, and that we were forced to agree to that to get anything to restrain these corporations?

Mr. GROSVENOR. The gentleman was fully advised of it, and this side of the House has not been so sensitive on the subject of the "growing tendency toward the centralization of power." Therefore it was that I appealed to gentlemen on the other side. I appealed to them because I thought now was a good opportunity for them to protest against the grandest stride, the most significant stride, the most terrible stride ever made or suggested, even in the dreams of centralists, in the direction of putting the political, the commercial, and the industrial interests of the country into the grasp of a single commission of men admittedly incompetent in the outset to administer their trust.

And they are to be the appointees of the Executive of the Government and to be removed by him at his pleasure, whenever in his judgment they are inefficient.

The SPEAKER *pro tempore* (Mr. McMILLIN in the chair). The gentleman's time has expired.

Mr. GROSVENOR. I desire to continue my remarks in the time of the gentleman from Massachusetts [Mr. DAVIS], a member of the Committee on Commerce, which was given to me.

The SPEAKER *pro tempore*. That can only be done by unanimous consent. Is there objection?

There was no objection.

Mr. GROSVENOR. I desire to pass to one or two peculiar features of this bill. I will not be tedious. I recognize, Mr. Speaker, there are others here who have just as good a claim as I have to the floor who desire to be heard, and I do not intend to complete my speech or occupy more than a quarter of the time assigned to me.

Mr. BRUMM. You promised to give me some time.

Mr. GROSVENOR. And I will do so. I wish to speak of the peculiar language used in one of these sections.

Mr. DUNHAM. Is the gentleman now occupying different time from that he occupied at the beginning?

The SPEAKER *pro tempore*. The gentleman from Ohio stated that the gentleman from Massachusetts [Mr. DAVIS] gave him his time, and it is that time he is now occupying, there being no objection.

Mr. GROSVENOR. I have an hour if I choose to occupy it, but I do not propose to occupy that much time. The gentleman from Massachusetts gave his time to me and I propose to occupy only fifteen minutes and then to give what remains to others.

The SPEAKER *pro tempore*. The gentleman has an hour, and will proceed.

Mr. GROSVENOR. Mr. Speaker, how does it happen, notwithstanding the distinguished talent brought to the consideration of the various sections of this bill, we find at this late day a form of expression which can not be found in any other statute of the United States—I think in no other State of the Union where there is a common school system. I refer to the language of the fourth section where we find those peculiar words about which we have had so much discussion and over which we are to have so much contention in the courts of the country: "That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation," &c., "for the transportation of passengers and like kind of property under substantially similar circumstances and conditions." Is it supposed now at this late day that this language has strayed into this bill by accident? Nobody knows what it means. Nobody pretends to say what it means.

I followed the discussion of the distinguished chairman of the committee of conference in the Senate, and he finally had to admit, after a fire of cross-examination, that he did not know what it meant, that it would have to be left to the courts to decide. Did that language get there accidentally, or was it not put there for a purpose? If for a purpose, what was the purpose? I have been trying to ascertain. I heard the gentleman from Wisconsin [Mr. BRAGG], who gave us a pyrotechnical flood of questions, speak about the Standard Oil Company as having been among the tendencies crushing out the liberties of this country.

Had I been allowed to do so under the rules, I should have asked to add to the bill these words: "Nor shall it be lawful for any carrier to transport any commodity for any shipper in any car or cars belonging to such shipper, or controlled or leased by such shipper;" but I could not do so, and so the greatest discrimination possible is not affected by the bill.

Now let me see if I can not make a suggestion that will probably remove the doubt from the mind of somebody, at least as to how that language came to be incorporated in the bill, inadvertently, no doubt, so far as the members of the committee of conference are concerned, for I do not use any criticism against them of which they could complain, because they do not undertake themselves to define the meaning of the language, or if they do no two give the same construction to it; but let me see if I can not give by possibility a solution of this trouble.

Mr. CRISP. To what language do you refer?

Mr. GROSVENOR. To the language of this fourth section "under substantially similar circumstances and conditions."

Mr. CRISP. Would the gentleman be willing to say "under exactly similar circumstances and conditions?"

Mr. GROSVENOR. No, sir.

Mr. CRISP. Then, how would you remedy it?

Mr. GROSVENOR. I would not say anything about it. I would say to every carrier of freight that every man and every corporation who employs that carrier should be granted the same terms and none other.

Many a good law has been destroyed by an attempt to be so specific that the force of the statute has been destroyed, and this is no exception.

Mr. CRISP. You do not mean to say that you would require a transportation company to carry a car-load at the same proportionate rates that it would carry 100 pounds?

Mr. GROSVENOR. Why not?

Mr. CRISP. There are many reasons why.

Mr. GROSVENOR. I repeat, why not? If I would not, then the second section of the bill has no force in it, because it says in so many words that it shall be done without discrimination and without any rule having application to one man that does not affect all other men.

Mr. CRISP. Of course; but the gentleman understands, I take it, for it is reasonable and just, that the transportation of the article over a short distance should be a little higher, should pay a little more, than the transportation, you may say, over the whole country.

Mr. GROSVENOR. That is just the reason why I am opposed to limiting it.

Mr. CRISP. And these words were intended, as I stated before, to meet the proposition that when you cite the railroad companies before the courts they will say that the circumstances in the cases of A and of B are not exactly similar circumstances; and hence they have not violated the law by making a discrimination in favor of either. That the circumstances were not the same. Now we intend to say that it is for the court and jury to determine whether they believe that the circumstances are substantially similar. That is what it means.

Mr. GROSVENOR. Yes, you are to have a jury to decide what we have taken six weeks trying to decide, and no two of us have reached the same conclusion.

In other words, Congress launches upon the country a statute which no two members of Congress understand alike, and propose to remit the solution of the problems to a jury trial.

But, Mr. Speaker, I will show you where it comes in; I will show you the reason why this language has crept in. I hold in my hand a letter from a distinguished lawyer and shipper and railroad man in Ohio, who points out to me wherein the latent trouble of this bill lies; and I believe that it was out of the subject-matter of his suggestion that this uncertain language has crept into this enactment. He tells me, after criticising the measure in some respects and indorsing it in most respects, that—

> Neither the commission nor the railroads should be allowed to charge less for a greater than for a less number of cars. There should be no discrimination between the different classes of shippers. Shippers should not be allowed to use their own cars for their own business. If cars belonging to any shipper are used upon any line they should be required to furnish such cars to other shippers in the same line of business upon the same terms that they are furnished to the owners, the railway, of course, being liable to the owner for the mileage in such cases.

Had this provision been in the bill the ambiguous language complained of would not have appeared.

Now, I will show you how the language "under substantially similar circumstances and conditions" effectually blocks the operation of this bill in the direction of the only evil under which the people of Ohio, so far as I have knowledge, are laboring in connection with this matter of local railroad transportation. The shipper at Cleveland, for instance, applies to the railroad company to carry for him a thousand barrels of oil to Louisville or Nashville. He is given a rate. If he accepts it he rolls his barrels of oil into the cars and they are transported. But he asks the railroad agent, "Is that the best you do for anybody? Do you not carry for somebody else for less money?" The response is, "No, sir; not under exactly 'similar circumstances and conditions.'" "How does it happen then that my competitors can undersell me in the market at Nashville?" "Oh, that is very simple; they do not ship their oil under exactly 'similar circumstances and conditions.' They furnish tank cars of their own. They own them. They are rich enough to own all the tank cars—they and their branches in the United States—and we haul their cars at a certain price, and we will haul yours at the same price. Bring on your cars and you will be operating under 'substantially similar circumstances and conditions.'"

Now that language, born by accident, if you please, introduced into the bill by accident, if you please, is a complete barrier to the application of this law in connection with the only subject which the people of my part of the State are complaining of. While attempting to do so much, I oppose this bill for doing so little.

Now, Mr. Speaker, under the rule of the House which enables me to extend my remarks, I will close. I am in favor of the passage of a law which is necessary to restrain discriminations between railroads and shippers; but I am opposed to this bill upon the ground that in the first place, in my judgment, it is unconstitutional in that it attempts, by indirection, to affect and control the price of railroad transportation within a State; for, after listening to all that has been said—I can see no possible escape from the proposition that if the railroad commission is permitted to fix a rate from New York to Chicago, and it is rendered unlawful to charge a higher rate for a shorter portion of the line—I can see no escape but that it is obnoxious to the proposition, that it is an attempt by indirection to do that which it cannot do directly; and it will bring about conflict of jurisdiction between local rates fixed by the States and interstate rates fixed under this bill. In such an event, which side must succumb?

Mr. BRUMM. I would like to ask the gentleman from Ohio [Mr. GROSVENOR] one question before he takes his seat, and then, perhaps, I will not ask for any time in this debate.

I happen to represent in part the anthracite coal interests of this country. But a few years ago anthracite coal was not burned in the far Western States. In fact in many instances they burned their corn as fuel. Lately we have begun to ship anthracite coal to the far Western States. We do it because the through freights from the far West to the East are always full; the cars are loaded with grain; going West the through cars are generally empty. Lately, however, the railroads, for the purpose of getting traffic both ways, are carrying our coal at as low as 75 cents a ton, I am told.

Now, then, if this bill passes with the long and short haul in it, it will prevent the railroads from carrying coal to the extreme West at a cheaper rate than they are carrying it locally—for I have here figures that show that the through freights beyond Pittsburgh are 1,684,000 tons East in round numbers, while West they are 572,000 tons; of local freights the tonnage East is 13,884,000, while West it is 7,905,000; showing that the local freights are largely in excess of the through freights. If this bill is passed now—and the roads certainly will not give up their larger freights for the shorter freights, or the greater bulk of percentage for the smaller bulk—will not the practical result be that the farmer of the West will either have no anthracite coal at all, and the anthracite region will not have that Western market for its coal, or you men of the West will have to pay a much higher rate for your anthracite coal?

Mr. GROSVENOR. I will remit the question of the gentleman from Pennsylvania to some far Western Representative. I do not think it can be answered satisfactorily by the friends of this bill.

Mr. HENDERSON, of Iowa. We have coal in the West now.

Mr. BRUMM. I beg your pardon; not anthracite.

Mr. GROSVENOR. I represent an agricultural district that is not interested in having the cheap lands of Dakota brought into the same relation to New York and New England as the farming lands of Ohio are. Therefore I am not in favor of abolishing the geography of this country according to which Ohio is placed half way between the wheat-growing section of the West and the wheat-eating section of the East. And I am in favor of maintaining all the advantages of our location and the superior advantage nature has given us for the sale of our agricultural and industrial products.

I oppose this measure because it will not render any relief to shippers; and I oppose it because it puts an unwarranted and dangerous power in the hands of a commission not qualified to administer it.

Mr. Speaker, I am aware that it is a common and cheap line of talk to condemn the railroads and charge all our evils up to their extortion.

Mr. Poor, perhaps the best authority upon railroad statistics in the United States, gives a statement of the comparative rates upon all the railroads in the country. The comparison is between the years 1865 and 1885, a period of twenty years. It will be seen that the prices of carrying have fallen at a ratio out of proportion to all other reduction. The cost of all the commodities which enter into the every-day living of a family has fallen, it is true, but the prices of railroad transportation has fallen to less than one-fourth the cost in 1865.

Mr. Poor says:

> In illustration of the correctness of these observations certain tabular statements have been prepared and annexed hereto, compiled from the annual reports of the railroad companies as printed in Poor's Manual of the Railroads of the United States. From the statements 1, 2, and 3, which include the Pennsylvania, the Pittsburgh, Fort Wayne and Chicago, the New York Central, the Lake Shore, the Michigan Central, the Boston and Albany, and the Erie Railroads, the great carriers between Chicago and the seaboard, it will be seen that the number of tons transported over these lines in 1865 equaled 11,151,701 tons; in 1885, 66,521,153 tons, the increase within the period of twenty years equaling 55,369,452 tons, the rate per cent. increase equaling 500 per cent. Their earnings from freight equaled $47,832,873 in 1865, and $72,138,792 in 1885: the increase of earnings in the twenty years equaling $24,305,989, the rate of increase being about 50 per cent.
>
> It further appears that the number of tons moved 1 mile in 1865 by the roads named equaled 1,654,324,000 tons; in 1885, 11,331,306,000 tons, the service performed being nearly seven times greater in 1885 than in 1865, the increase of earnings in the same period equaling only about 50 per cent. The average charge per ton per mile in 1865 on the roads named equaled 2.90 cents; in 1885, 0.636 cent per ton per mile, the reduction equaling 2.264 cents per ton per mile, the rate in 1885 equaling only 22 per cent. of that of 1865. Had the rates charged in 1885 been the same as those charged in 1865, the earnings from freight would have equaled $328,617,874, or $256,479,081 more than that received.
>
> The number of tons of freight transported in 1865 by the great lines entering Chicago from the South, West, and Northwest—the Illinois Central, the Chicago and Alton, the Chicago and Rock Island, the Chicago, Burlington, and Quincy, the Chicago and Northwestern, and the Chicago, Milwaukee, and Saint Paul—included in the statements 4, 5, and 6, equaled 4,032,166 tons; in 1885, 34,348,684 tons, the increase in the twenty years equaling 30,336,518 tons, the rate of increase being over eightfold. Their earnings from their transportation of freight in 1865 equaled $18,703,805: in 1885, $75,307,684, the increase in the period named being $56,603,879. The number of tons moved in one mile in 1865, equaled 513,421,500 tons: in 1885, 6,287,346,000 tons. The average charge per ton per mile in 1865 was 3.642 cents; in 1885, 1.200 cents, the decrease in the period of twenty years equaling 2.442 cents per ton per mile, the percentage of decrease being 67 per cent. Had the charges been the same in 1885 as they were in 1865, then their earnings would have equaled $229,084,432 against $75,307,684, or a sum of $153,776,748 greater than that received.
>
> A very large proportion of the freight received in Chicago is destined for Eastern or for foreign markets. A very large amount of it is produced in districts

1,500 miles distant from the seaboard. At the average rate, 3.07 cents per ton per mile, charged in 1865 by the lines included in the annexed statements, it would cost fully $30 to transport a ton of freight from Chicago to the seaboard, and $45 per ton from points 500 miles further west, and from which large portions of the breadstuffs and provisions now sent to the seaboard for domestic and foreign consumption are received. At the rate of 3.07 per ton per mile, the charge of the tonnage moved on the roads named in 1885 would have been $538,890,731 in the place of $147,446,476, the amount actually received.

An increase in the tonnage of the railroads named from 15,183,867 in 1865 to 100,879,837 in 1885, accompanied by a reduction of net charges of transportation from 3.07 cents to 0.831 cents per ton per mile, the saving, 2.176 cents per ton per mile effected thereby to be divided between producer and consumer, equaling $391,453,855, is complete vindication of the railroad companies from the charges of oppression and misconduct brought against the same, of which an example will be given. Such a development could have been possible only by the adoption by the railroads of a policy suited to the problem to be solved, which was nothing less than to give a commercial value to the products of every acre included in our vast domain. While the average charge for 1885 of the great lines from Chicago to New York averaged 0.636 cents per ton per mile, and that on the great lines centering at Chicago averaged 1.200 cents per mile, the average for all being 0.831 cents per ton per mile, the charge for moving a ton of wheat or flour from Minneapolis to the seaboard did not much exceed one-half the general average, or $6 the ton.

At the average minimum rate, the charge would have been $12 per ton. As the greater part of the wheat grown in Minnesota is accumulated at that place preparatory to its being sent to the Eastern markets, every farmer in the State of Minnesota is benefited in the degree of the cheapness of the "long haul." If according to the doctrine of the bill now before Congress the charges for the "short haul" should not exceed those of the "long haul," then it is equally true that the charges of the "long haul" should equal those of the "short haul." No proposition could be more obnoxious to the farmers in the far West, or in fact in every portion of the country, than that the charge of the "long haul" should equal that of the "short haul;" in other words, that the same charges should be made under all circumstances and conditions. No proposition could have been more unwise or unjust. The rigid application of such a rule would so increase the rates of the "long haul" that no wheat could be probably grown in the far West, the cost of its carriage exceeding its value after reaching its proper markets. A rigid application of the doctrine laid down in the report of the committee of conference would destroy the greater part of the domestic and foreign commerce of the country. It may here be remarked that while there has been an enormous reduction in the rates on the "long haul" there has, on the average, been a still greater reduction in the rates charged on the "short haul."

I respectfully put up these facts against the lurid denunciation of all railroads to which the House and the country have been subjected during the past month.

The great railroad men of the country do not oppose regulation, but they do condemn some of the provisions of this bill. I quote from a letter which was written by one of the most intelligent railroad men of the West. He says:

The long and short haul at the same rate per ton per mile is the specially vicious feature of the bill, in my judgment. Roads like the Pennsylvania, New York Central and Hudson River, or the New York and New Haven, which run through populous cities and towns, may not be severely injured by the passage and enforcement of that bill, but longer and shorter lines, in comparatively sparsely settled districts, and, in fact, most lines, will suffer very much.

The local traffic of most roads is a very large portion of the whole; the through traffic generally a small portion. Naturally all tariffs of roads will, when that bill takes effect, be based on the local traffic, with the intent, so far as State laws will allow, to obtain from it the means of paying expenses and interest, and a dividend if possible.

Local tariffs will, therefore, be necessarily such that the products of the Western and Southern farms can not be sent to the seaboard by rail, because the charges, under such local tariffs, added together will make virtually worthless at the farm the products of the farm. While the railroads would suffer, some less, some more, some to the extent of bankruptcy, I think the effect upon the people as a whole would be far worse; hence I think that a very short time would pass, subsequent to the taking effect of such bill, before a loud demand would come from every part of the country for its repeal; hence I do not favor railroads combining to oppose the bill, because I think such joint action would have an effect the exact opposite to that desired.

One more very objectionable feature, in my opinion, is that authorizing a commission to modify the application of the law in special cases—a power the Supreme Court of the United States has not. Unless there be a human equivalent for the angel Gabriel, who is also a citizen of the United States, and therefore a possible commissioner, I know no person with whom it would be wise to intrust such power and control of rates for the transportation of the vast commerce of this country.

And again another distinguished railroad operator says:

In regard to the Reagan bill it has seemed to me a wretched mistake. It will set the country back five years in its material prosperity; but I have taken the ground that if it must come this is the best time for it. I am one of the railway managers who have always been in favor of a bill that should establish a railway commission with supervisory powers. I also believe that rates should be made public; that the payments of rebates and special contracts should be stopped. It is a mistake, however, to prohibit pooling, as that serves to steady the rates, and it is absolutely death to our Western country to have the long and short haul clause enacted. Why can not your colleagues be persuaded to pass a bill leaving this clause out, but instructing the commission to report as to the advisability of the same. It seems to me that if they were managing their own business affairs that is a course they would pursue. You well understand that in order to get corn from the Missouri Valley to the markets of Europe, *via* Baltimore or other seaports, we have to make a very low rate. This helps the farmer, the railroads, and the entire country. I can not see how it will be possible to do anything of this kind if the long and short haul clause is retained. This, in brief, is my judgment.

A gentleman residing at a point in my own Congressional district, himself an ex-member of Congress, and whose interests are in buying and shipping timber and lumber, writes me as follows:

I view with some apprehension the "short and long haul" clause in the interstate-commerce bill, and think it worth while to write you. It often happens that the business application of well-intended law is precisely opposite from that desired or expected. This clause is intended to protect the local shipper. In our case the heavy tonnage is timber and coal. The effect on coal rates you know as well as I. On timber I will illustrate: I move about one hundred carloads this month. Sixty cars go to Buffalo and points in New York and Pennsylvania. This market for our hard wood is rapidly increasing. To reach it low rates are essential, as much so as for coal. Now we get 10 cents per 100.

To Buffalo, for example, the proportion to Cleveland is 6 cents; Cleveland to Buffalo, 4 cents per hundred. Under the proposed clause the Lake Shore Railroad must carry all lumber from Cleveland to Buffalo at 4 cents per hundredweight or refuse ours, or advance our rates, which is the same thing. When the saw-mills that are buzzing all over the district stop, then, like the reduction on wool, we will hear inquiry as to cause. The East is our great timber market, and lations are being rapidly established. Sudden or violent disruption will give a long set-back. I write hastily to suggest more careful inquiry on your own part. What is good in the bill may be saved without imposing difficulties in an effort to apply untried principles to railroad managements by sudden force.

One of the ablest lawyers of Ohio, largely interested in interstate commerce, writes to me as follows:

I have given the interstate-commerce bill very considerable attention. I do not believe that Congress has the constitutional power to enact such a law as is proposed. Barring that question, however, I am decidedly in favor of a law of the general tenor and effect of the one reported by the joint committee. The law, however, is very imperfect, and to be efficient should be amended. Of course I understand that to be amended it must first be rejected and then submitted to a new conference. The new conference should, in my judgment, amend the bill as follows:

First. Strike out the whole of section 4. There is no need of any special legislation upon the subject of long and short hauls so long as the railroads are required to carry at a reasonable rate, and the commission has full power to judge of what is reasonable. The public would be amply protected and the hands of the commission would not be tied upon this important question.

Second. Section 6 should be amended so as to require the same notice of a reduction in rates that is required for an advance. The reasons for this will suggest themselves to you at once. The interest of the shipper and the railroads fairly conducted would be alike promoted by this requirement.

Third. The penalties provided by the law should reach those who are really guilty. Railway officials, from the president down, giving advantages to favored shippers should be punished instead of innocent stockholders.

Fourth. The guilty shipper gaining an undue advantage should be punished to the same extent as the guilty railway official. Moreover, he should be held liable to refund the money or other thing of value gained to the railway company, and in case the railway company omits to bring suit any informer should be allowed to bring suit upon such terms as may be deemed reasonable.

Fifth. Neither the commission nor railways should be allowed to charge less for a greater than for a less number of cars. There should be no discrimination between the different classes of shippers. Both railroad men and the commission will fix the rates for transportation in view of all the business to be done, and hence no deductions should be allowed because of the large quantity furnished by any one man for transportation.

Sixth. Time contracts for carrying freight or passengers should be absolutely prohibited.

Seventh. Shippers should not be allowed to use their own cars for their own business. If cars belonging to any shipper are used upon any line, they should be under the control of the railway, and the railway should be required to furnish such cars to other shippers in the same line of business upon the same terms that they are furnished to the owners, the railway, of course, being liable to the owner for the usual mileage in such cases.

I make these suggestions for the purpose of making the law what it was evidently intended by the joint conference—a law that will open the railroads to the public upon the same terms, so that every man desiring to make use of the railways for the transportation of persons or property will have the same freedom in regard to their use that every man to-day has in regard to the facilities of the Post-Office Department."

A shipper of long and varied experience has made to me the following suggestions:

The intention of the framers of the interstate-commerce bill in inserting the long and short haul clause seems to be to do away with differences in rates which generally exist between commercial centers and local stations.

The practical working of this clause will probably be as follows:

Most of the roads having a larger interest in their local than in their through business will, rather than reduce their local, advance their through rates. Wherever commercial centers have water ways this will naturally throw the through business to the water lines, thus losing tonnage to that extent to the rail lines. As the net earnings of most of the roads are not any greater than they are compelled to have to keep out of the hands of receivers, they would be naturally forced to advance their local rates sufficiently to make up for the loss of through business, directed to water lines, while the commercial centers having water ways would have rates almost if not quite as low by the water lines as they had previously by the rail lines. We thus find that the short and long haul clause, instead of doing away with differences in rates between commercial centers and local stations, will tend to make them greater than they have heretofore been.

The press of the country has given some reviews of this bill which are very valuable. I quote from the Louisville Courier-Journal.

INTERSTATE COMMERCE—THE SENATE DEBATE.

Mr. BECK has spoken in defense of the interstate-commerce bill, urging its passage on general principles which no one denies. That the railroads should do equal and exact justice to all men; that their rates should be reasonable; that no favoritism should be shown to shippers or localities, are perfectly legitimate demands. As we understand the general laws, they are sufficient for these things; the trouble is to have them enforced. We believe they can be enforced. We believe that by judicial rulings year by year the obligations of the roads are more accurately defined, and the limits of their power are more definitely fixed. This may seem a slow method of reform, but it is logical; it is gradual; it accords perfectly with the genius of our institutions; it conforms to the habits and the customs of our people. The measure under discussion in the Senate, on the contrary, is an experiment; it is a wide departure from the customs of the Government; it is tentative; it is empirical; and for good or evil it is a change so radical as to cause the utmost alarm and uneasiness.

Mr. BECK does not discuss the objections urged against the bill; he does not consider the suggestions and remonstrances urged by the shippers; he simply says these remonstrances are another evidence of the autocratic power of the transportation companies, showing that the whole commercial community has surrendered its right of free speech and free thought. In this view of the matter no measure could be too radical, but it certainly is entitled to investigation.

Senator CULLOM, on the other hand, gives his entire attention to section 4, the clause prohibiting a greater charge for a short than for a long haul. Mr. CULLOM says in effect it contains no such prohibition; that there is nothing in it which prevents low through rates, and that it will not do what the board of trade urge it will do.

In that case it should be stricken out. If it is even open to the interpretation placed on it by Senator CULLOM, it is of no effect whatever; it is a mere sham, a fraud, a false pretense. If the roads can, in the way suggested by Senator CULLOM, nullify the law, it is the part of wisdom not to pass the law.

Senator HARRIS supports the bill because he thinks it will put an end to "the ruinous rate war." He wishes to protect the railroads against their own folly. He is extremely solicitous for their welfare. A rate war is a temporary mis-

fortune, but an ultimate benefit. A material reduction of rates follows a rate war. We mean after a rate war the rates existing before the war are seldom permanently regained. The steady decline in the cost of transportation has taken place under a free system of competition, of which rate wars are one feature. It is the testimony of practical railroad managers that the result of the rate war is permanently lower rates. We fail to see, therefore, why railroads should be protected against each other. We do not understand who has been ruined by "ruinous competition." When railroads fall out, shippers get their dues, and sometimes a little more. We do not insist that the wars in themselves are blessings; in that they disturb rates and introduce into commercial affairs additional elements of uncertainty, they are an evil, but not an unmixed evil. We hold that it is an evil which will in time regulate itself; that the interest of railroads and the shippers will devise some solution; that the pool, instead of being a settlement, is only a temporary expedient, but that it is in the right direction.

It seems to us, therefore, extremely unwise for the Government now to step in to protect the railroads and to reverse a policy which, notwithstanding its recognized shortcomings, has, in the words of Senator BECK, done more than anything else for the development of the country.

Mr. CAMDEN, with certain other Eastern Senators, favor the bill because it is to do just what Senator CULLOM says it is not to do. Senator CAMDEN thinks the Western farmer is undermining the price of food in the East; that on cheap lands and with cheap transportation he is selling wheat at prices which New York and Eastern farmers can not meet. That is true; therein lies the chief benefit of this vast system of transportation. It has subdued a continent to the uses of civilization. It has made it possible for the food product to increase in a ratio 50 per cent. greater than the increase of population. It has given value to Western lands and Texas lands, which otherwise would have been a howling wilderness.

It was with this object in view money subsidies and land grants were given to Western roads; and now that the object is obtained, the Senate of the United States seems to think that attainment is a disaster, and they are devising a scheme for turning back the wheels of progress and for "protecting" the Eastern farmer against Western competition, and Eastern furnace-owners against Southern furnaces, just as the tariff protects the Eastern manufacturer against the English manufacturer at the expense of the West and South.

The Courier-Journal has sought during the past ten years to make plain these truths as they relate to transportation. The law, as it stands to-day, was devised to secure justice and equity. Suppose the policy of enforcing the laws we have is tried before we make new laws. Over legislation, the expansion of governmental authority, the restriction of individual liberty, are the crying evils of to-day.

And again:

INTERSTATE COMMERCE—A LEAP IN THE DARK.

[Courier-Journal, December 29, 1886.]

The evils of many of the practices prevailing among the railroads during the past twenty years are confessed by all men, but the remedies are not so plain.

Any one at all familiar with our transportation interests knows that great progress has been made within that time; that not only have the rates regularly decreased, but the methods of the roads have greatly improved; that many of the old and vicious practices have fallen into disrepute and disuse, and that in this direction, as well as in others, advance in America, under the system of competition, has been more clearly marked than in England, Germany, or France, where paternal governments have, in one way and another, been seeking to do for the citizen what, in America, the citizen is doing much more efficiently for himself.

Our entire commerce, foreign and domestic, rests on cheaper rates for through than for local business. This system of charges is not the work of one man, or of a pool; it is not the clear conception of any commercial organization offered to transportation. It has grown up gradually and unintentionally, and it must be traced to some influence outside of the control of pools or of legislation. It has been due to the all-pervading law of competition which, like the great force of gravity, has defined the limits or orbits of each commercial center. It is not conceivable that traffic managers would, for mere pleasure alone, carry freight for less pay one hundred than fifty miles. When done it is done under compulsion; it is a concession, a compromise, made necessary by the river or the canal, or the discovery of new facilities of production or construction greater in one locality than in another.

This transportation system is an accepted fact. We do not say it is the ideal system, dispensing equal and exact justice to all concerned, but we say, faulty as it may be, all business plans and purposes rest on it; it is steadily improving, and any radical change, any enactment that overthrows it and substitutes another must, whatever its ultimate consequences, be disastrous to every interest as to-day established.

Here is, according to our idea of political economy, the radical defect in the bill now under discussion in the Senate. Even if it were possible, without a jar, to make this change, we are quite certain that to producer and consumer alike the change would work great mischief; that whatever opinion one may hold as to the benefits which, years hence, are to follow, the results for a long time will be an entire disruption of all existing commercial relations.

Take, for instance, Louisville as a tobacco market, or Minneapolis as a grain market, or Memphis as a cotton market, section 4 will strike directly at these cities, and at all interior cities, and destroy the business connections, which are the growth of a generation. Section 4 is as follows:

"It shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, under substantially similar circumstances, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance."

To this there is added a provision which virtually authorizes the commission to suspend or annul this section, showing a doubt in the minds of the committee of its value, admitting, in effect, that they are simply experimenting with a matter involving the welfare of all the people.

The railroads will, if the bill passes, either have to apply the through rates to all local points or they will abandon all competitive or through business to the river, the canal, and the Canadian roads.

If they apply through rates to all local points all business will be centered in New York. That city will overshadow this country as Paris does France. All interior points will sink into insignificance and impotence, and we will have such a centralization of commercial and political power as we have not heretofore dreamed of.

On the other hand, if the roads withdraw all through rates; if they abandon all attempts to control competitive business, the value of our farming lands in the West and South, with the marketable value of all Western and Southern products, will at once decline. It would put an embargo on all exports more effective than would be the blockade of our ports. It would paralyze our whole internal commerce.

The effect would be to annul the natural advantages of points where water and rail compete, and put all on a dead level. The system which makes it possible to ship through cars from San Francisco to New York would slowly disintegrate, and the various trunk-lines would be cut up into mere local roads.

For all this there is no compensation. The wheat-grower in the State of New York will be happier, because his Western competitor is shut out of Eastern markets, and the cotton-planter along the Atlantic coast will not have so much to fear from Texas and Arkansas, but it will be the many sacrificed for the few.

Certainly this is not the character of legislation the times demand. We want to enlarge the markets for the producer; we want more customers for our corn, wheat, and cotton; we want lower, not higher, rates of transportation. We do not question the motives of the gentlemen in charge of the interstate-commerce bill, but we are certain that if it is passed with section 4 as it stands the evil to agriculture and to commerce will be incalculable.

And again:

THE CULLOM BILL.

[Editorial Louisville Courier-Journal, May 7, 1886.]

The Senate Committee on Interstate Commerce during the recess entered upon a most thorough investigation of the railroad question, and, as a result, introduced what is known as the Cullom bill.

This bill organizes a national railroad commission, the objections to which the Courier-Journal has pointed out from time to time, and which we are very certain will result in commercial and political evils at no distant day.

The Senate committee learned enough during its investigation to fully appreciate the arguments against any absolute prohibition of a smaller charge for a long than a short haul. In the bill such a charge was recognized under certain circumstances as just and necessary. It is the very corner-stone of the whole system of competition, which, in America, if it has not settled all disputed points to the entire satisfaction of the public, has at least given us the cheapest system of freight transportation known to the civilized world.

Wednesday, by a vote of 29 to 25, the Senate adopted an amendment prohibiting any greater charge for a short than for a long haul. The passage by Congress and the approval by the President of such an act would precipitate a commercial disaster such as the country has never known. It would change in a day the whole system of rates, through and local.

It interferes with free interchange of commercial commodities.

It puts an embargo on all foreign commerce.

It limits to a very narrow range the market for all farm produce.

It depreciates the value of every bushel of wheat, of every bale of cotton, in the farmer's hand or of the coming crop.

Instead of lowering, it will advance freight rates, through and local.

It aims to annul the natural advantages of points where water and rail transportation compete, and puts all on a dead level; it says that when a man locates on the top of a hill, his rates should be no more than his neighbor's who settles at the foot.

This whole question has been gone over time and again in this country and in Europe. The present rates are not constructed by the will or in accordance with the wish of one man. They are the result of fifty years of increasing competition. About them has grown up the most gigantic commercial system, internal and external, of which the world has any knowledge. This system the Senate proposes to paralyze by the Camden amendment.

If such a law is passed, and the railroad managers should apply it to-morrow it would precipitate an industrial revolution.

It would impair the value of every mill and foundry, of every dwelling and storehouse, in all the cities from New York to San Francisco.

It would depreciate the value of every acre of land given to agriculture. It would turn back the wheels of progress twenty-five years.

Undoubtedly there are evils connected with our railroad system, but they can be traced directly to ignorant or corrupt legislation. Stockholders are robbed under special provisions in peculiar charters. Confiding citizens are misled by offers of land grants and bounties. Government subsidies have corrupted Congress and commerce, but this Camden amendment rectifies no evil, but precipitates others.

It will compel hundreds of railroads to abandon all competitive traffic, all through business, all long hauls. The system which makes it possible to ship through cars from Omaha to New York will slowly disintegrate. It will destroy all argument for a uniform gauge. It makes it necessary to break up the various trunk-lines into local roads.

The Louisville and Nashville would be compelled to refuse business to Memphis, to New Orleans, to Montgomery. It would have to confine itself strictly to local business, to non-competitive business, and just in proportion as this decreased its net revenues would it be compelled to advance its local rates.

All the trunk-lines from Chicago, except the Grand Trunk, of Canada, would withdraw all effort to get grain for Liverpool or meat for New York. The Grand Trunk could advance through rates 50 per cent., and get practically all it could handle.

Our export trade would dwindle to small proportions. Distress and low prices would everywhere prevail. The evils of the tariff would be intensified by this commercial revolution, and three men would be idle where one is idle now.

The effect on financial affairs would be lamentable. Numbers of railroads could only pass from one system, the system of competition to the system of restriction and national regulation, through bankruptcy.

The Courier-Journal is no alarmist, but it knows that we can not interfere with the very foundation of business without shaking the whole structure.

The Nashville Union says:

INTERSTATE COMMERCE—THE RAILROAD BILL.

The bill is one of great length, but in substance contemplates putting the railroads of the United States under the control of a commission of five persons, to be appointed by the President and confirmed by the Senate, not more than three of whom are to belong to the same political party. They are to have a salary of $7,500 each. They are to be furnished quarters by the Secretary of the Interior; but they may travel where and when their business, in their judgment, calls them, and transportation shall be furnished. They have a clerk at $3,500 a year, and may employ agents without limit. They must own no stock or bonds nor have any interest in railroads.

They look into the management and business of all the railroads in the United States, and they must keep themselves informed as to the manner and method of conducting the roads. They can send for books and papers and prescribe the method of keeping accounts. They are to see all contracts and agreements. Witnesses are to be punished for contempt in failing to bring books. They are to investigate matters forwarded by State commissions. The finding of the commission is taken as proof in court. They decide what reparation shall be made; the trial is to be a speedy trial and without pleadings. The courts are given power to inflict severe penalties. The commission makes its own rules for the conduct of business. All the expenses of the commission and employés, including traveling expenses and the attendance of witnesses, are to be paid by the United States. The commission may suspend the operation of the law in special cases.

The bill undertakes to regulate all railroads, or connecting roads, doing a through business, where the freight or travel passes from one State to another, but not where the traffic does not pass State lines.

We have thus made a pretty fair synopsis of the Reagan-Cullom bill, agreed upon by the committee, with a view of giving it a fair show before our readers.

The public will bear us witness that when a question arises between the railroads and the people—of protecting the people against monopolies by building other and competing lines—we are always on the side of the people, and urge the building of more railroads as the proper solution of the question of cheap transportation, and when politicians, or even the mass of the people, misapprehend their rights and powers over this class of property, and undertake, in our judgment, to exercise unauthorized powers, we are just as ready to stand by the right, though it may seem to favor a "soulless corporation." A newspaper is nothing if it will not defend the right, even against the popular clamor.

We now put on record for future reference our opinion—worth but little, probably—that if this bill becomes a law it will prove most disastrous. We shall not discuss the constitutional question further than to say that the "power to regulate commerce among the several States" is given in the Constitution to Congress, and it can not be delegated to any other body. For Congress to make a law that through freights shall regulate local freights on all the railroads in the United States, and then confess the error and remedy it by creating a new tribunal not named in the Constitution, with power to watch it and suspend its operation in special cases, is a stretch of legislative power entirely beyond the landmarks.

But suppose such a law can be passed and the power delegated to suspend its operation, can it be executed without friction and danger? Nothing but the direst necessity can justify legislative interference to the extent of controlling or regulating business, and almost without exception such legislation has proved disastrous.

Whoever studies this bill with any degree of care will see that ingenuity could not more effectually devise a scheme to cripple the railroads and hurt shippers by breaking down all competition between the water ways and the railroads, transferring all through business to the water ways, thereby forcing the railroads to sustain life by local business alone; and secondly, it will destroy the interior cities and towns and build up all the cities on the water ways that can thrive without railroads.

If it were allowable to draw such an inference, one would be forced to the conclusion that this bill had its paternity in water craft and seaport towns. It effectually destroys the interior towns and the farmers.

Competing with the water ways the railroads carry freight long distances at rates which only help to pay expenses; and by this bill, these scant rates, each road taking the loaded car at one end and delivering it at the other end to the connecting road, getting its ratable part of the through haul, fixes its rates on all local business. If, for illustration, through freight from New York to New Orleans is 60 cents per hundred pounds, divided up between all the roads, the amount each gets out of the 60 cents fixes the charge on the local freights.

This as a business proposition is an absurdity, and would force the railroads to abandon the through business and make up the loss on local business. Then they would charge on local business what they pleased. The farmers in the West or South, away from water ways, could get no through rates, in fact no rates at all, because they could not pay local rates on grain or meat to the seaboard. In other words, the through freights under the bill fixing the rates for all freight, through business or local business, one or the other must be abandoned and the through business, being perhaps one-tenth on an average, would be abandoned to get the right to charge paying local rates.

The manufacturers in the interior would have to break up and move to the water ways. We repeat, this bill must have had its paternity in water ways and seaport towns. It will force the railroads, if they keep alive, to charge rates which the farmers and manufacturers in the interior can not stand; and in time this destroys the capital invested in railroads.

But the power given to this commission is the astounding feature of the bill. What may this commission not do? The President and all his Cabinet have not been intrusted with power to suspend the operation of statutes. This power is given in special cases. It may do it as to one road or one community, and not to another. It makes every road in the United States a beggar at the feet of this commission. It can make fish of one and flesh of another. It has power to appoint an agent in every town in the United States. It can cripple or build up the business of any road it pleases. It can make a kitchen exchange in Washington or New York, and give information about the business of the roads and their conditions that, in ways that are sharp and tricks that are dark, will make Wall street a reputable religious institution.

What may it not do in politics? Under the law the party in power has three, and the party out of power two. What fixes a man's party relations? The number of votes, or the last one? Suppose a man changes his politics after he goes in; shall he be removed? Such statutory provisions as this argue weakness in the legislature or distrust in our form of government.

With headquarters at Washington, big salaries, transportation free, one thousand agents all over the United States, the railroads prepared to pray or pay for peace, the courts of the country given power to punish for contempt in case of disobedience of the commissioner's orders, in short, a new tribunal, with 130,000 miles of railroads under its control, and all the employés subject to orders, even as to the mode of keeping accounts, what may this power not do? It can take either party on its back and carry it. It can control any political convention. Its political power is simply omnipotent.

This bill carries along the implication of a remarkably innocent and confiding Congress.

If all public men were as wise as Solomon and as pure as angels the bill would be nothing more than a plain violation of the Constitution. But a wise Congress will take the world as they find it, and not as they would have it. What five men can be picked up all of whom can stand up against temptations the like of which have but one parallel, and that was up in a high mountain?

If this bill passes, who are to be the wearers of the crown? Who will be the fortunate ones? There is only one inhibition. No man must be appointed that knows anything about the business he is going to perform, for really there can not be five men in the United States found of first-rate railroad sense that has not some interest in roads, directly or indirectly.

Everybody that has watched the course of events at Washington must know that the struggle for this crown will be between politicians—not business men. What class of men will the President appoint? If not politicians, will the office-hunters in the Senate confirm?

There are no doubt many retiring members of Congress who would like to have these offices, and if there was in the Constitution of the United States such an inhibition as some of the States have found it necessary to make, a great big temptation would be removed. That is, that a member shall hold no office or place of trust created by the body of which he was a member. To speak plainly but truthfully inflicts no injury, and to guard the future against evils of the past is only prudence.

Judging from the past, does anybody believe that five politicians will be picked up, none of whom will wink away the secrets which this law bestows on this commission, when every secret is a bag of gold and every wink an open door?

Does the history of the past justify setting a temptation before public men that invites by shining gold and the allurements of power as never before in free America? Is it not a dangerous experiment? Is it wise to risk it?

It is enough to say that for the last twenty-five years the public men who have had great opportunities, but withstood the temptation, are conspicuous as exceptions.

The man who has held a place of trust for many years whose secrets were worth money on Wall street and hasn't got rich is the exception.

This bill can't go into operation and be operated for any length of time without greatly increasing public vice and seriously disturbing our finances, besides bankrupting all the industries of the interior.

We do not hesitate to say that such power as this bill gives the commission ought not to be conferred on any five men in the United States. We do not now and never will believe in the sovereignty of the States. We believe in the rights of the States rather than "States' rights," but this bill is an assumption of Federal power that far eclipses the dreams of the "Blue-lights."

One of the greatest manufacturing establishments in Ohio sends out the following:

GENERAL OFFICES OF THE AULTMAN & TAYLOR COMPANY,
*Mansfield, Ohio, December* 24, 1886.

DEAR SIR: Thinking you may not have noticed the Reagan bill, or that you may have overlooked some of its features, and as an implement manufacturer you have not only a direct but in some of its features a vital interest, I take the liberty of calling your attention to it and of asking immediate action on your part, as no time is to be lost. The question of its constitutionality I pass by, as that will come before a much more competent authority should the bill pass both Houses of Congress and by unfortunate accident escape the veto of the President; but there is one feature in the bill so dangerous to the interests of every farmer, and every implement manufacturer and dealer, that it should have your instant examination. I refer to that portion which compels railroads to charge the same price per mile on a long haul that they do upon a short one.

If the bill becomes a law it will work untold injury to you and to all of your customers. A single example will suffice: Wheat is selling in Nebraska at about 35 cents, say 40 cents, and I select Exeter, Nebr., as an illustration, though almost any other point in any State in the Union would serve as well. Under the present system the freight charge to New York is probably in the neighborhood of 60 cents per hundred-weight (possibly less), carried, let us say, over the Burlington and Pennsylvania systems. The distance from Exeter to New York is 1,523 miles. Now, under this interstate-commerce bill, the Burlington and Pennsylvania roads would be obliged to charge the same rate per mile all the way from Exeter to New York that they charge for a short haul (on local business), and the result may be seen at a glance.

The Pennsylvania Company charges on grain between Mansfield and Lucas, Ohio, 4 cents per hundred-weight, and the distance is but 7 miles. This rate would be very excessive upon large shipments, but they do not have large shipments, and, doubtless, cannot afford to do the business for less. If the Reagan bill becomes a law this would oblige the two railroads named to charge the Exeter shipper 868 cents per hundred-weight from Exeter, Nebr., to New York, which would make the freight on a bushel of wheat from Exeter to New York over $5.20 per bushel, and his grade of wheat when it reaches New York will not bring over 90 cents per bushel.

What is true of wheat is true of corn, pork, beef, and of every article shipped out of Nebraska. It follows, therefore, that the passage of the Reagan act would reduce the value of Nebraska land to nothing. It would be a foolish inmate of an almshouse even who would accept a deed for the entire State as a gift if the Reagan bill is to control transportation. Not a farmer in Nebraska could ever hope to pay his debts, and not another farm implement or tool could ever be sold in the State. What is true of Nebraska, Iowa, Missouri, Illinois, Dakota, Minnesota, and Wisconsin would be equally so of Mr. REAGAN'S own State, as well as of every other Southern State. The bill would render the land in such a garden as Stark County, Ohio, worthless, while lands in the best localities in the Eastern States (near the sea) would have but trifling value. The effect of the bill becoming a law upon the business of agricultural implement manufacturers would be disastrous beyond description. None of our customers (practically none) would be able to pay us anything upon their debts, and the sale of our goods would stop instantly and almost absolutely. Such points as Canton, Akron, Massillon, Mansfield, Springfield, Dayton, Richmond, &c., the seats of this general line of manufacture, would go to wreck and ruin. While the effect upon your business and ours would be disastrous it would hardly be less upon any other. Not a flour mill out of every two hundred could run, and the general business of the country would come to a stand-still. Examine this matter yourself, go over it with care, and if your conclusions are the same as those herein expressed, which they must be except that they may be more clearly worked out, telegraph your Congressman, and follow it up by an urgent letter and by personal visit if necessary. Of course a special session of Congress (which the universal distress and general, if not universal, bankruptcy of the people would bring about) would repeal the law, yet it would and could only be after damage impossible to estimate and which hundreds of millions of dollars could not measure had resulted. Should you see fit to show this letter to other business men who will be effected disastrously by this bill, of course there will be no objection, but whether other branches of industry act or not let us move at once. The bill requires that the rate per mile on short hauls shall be the same as upon long, leaving it to the railroad companies themselves whether they will reach the equality of rate by raising the through or lowering the local rate; but as 70 or 80 per cent. of the business of our railroads is local, self-interest, in fact self-preservation, will compel every railroad to advance its through rates as herein outlined.

In all its history the country and its business interests have never been so menaced, and as the question is not a party issue, immediate individual action upon the part of the business community, or even that portion to which we belong, will be a great blessing to the country.

If such legislation as the Reagan bill is constitutional, then there are some few provisions in it which may be useful, as, for instance, the compelling of all railroads to charge the same sum for the same service; but this again is more than offset by the prohibition directed against the system (it ought almost to be even now called the science) of pooling, for out of this system, when brought to perfection, must develop the great preservative and conservative principle in American railroading, and it is certain that all classes of people have much to gain and nothing to lose by a system of railroad pooling reduced to a science. The largest measure of business ability which the country possesses is employed in its transportation interests, and those having them in charge will, in point of honesty and public spirit, compare favorably with any like number of business men or professionals in the country. It would be well then if the level-headed business men of the country were to frown upon the constant and persistent efforts of legislators, State and national, to interfere with the working out of the great question of public transportation. In the case laid before you in this somewhat disconnected letter not only regard for the public welfare, but every instinct of self-preservation, calls for the most earnest, direct, and effective individual action upon our part. A few letters and dispatches from each to whom this is addressed reaching their respective members of Congress will avert a disaster compared with which the financial crises of 1837, 1857, and 1873 were but zephyr in the financial sky, and alongside of which Black Friday and the periodical disturbances on Wall street are mere bagatelles.

Respectfully,

M. D. HARTER, *Treasurer.*

*Note.*—Since the letter on the other side was written I found that there was a difference of opinion about the feature of the Reagan bill referred to in it. I accordingly submitted it to nine of the most competent authorities in the entire country, and find a wide difference in the views of these gentlemen. On receipt of eight of these opinions I felt inclined to drop the matter, because of the utter impossibility of presenting to you a view of the case in which all would join,

but upon receipt of the ninth letter I felt that while my own letter was inaccurate in statement, yet the results of the passage of the bill would be so serious that it ought to be stopped in its present shape at all hazards. I print below a letter entire from one of the clearest and ablest men in the entire country; and wherever his view does not agree with mine you will, of course, take his and pay no attention to mine; but, in any event, I think you will see your interest is by telegraph, mail, and personal effort with your Congressman (even to the neglect of your business) to stop the passage of the bill in its present shape, as the joint verdict of the most capable men in the United States would unquestionably be against its passage on the grounds that it would produce universal injury, as its first and worst consequences would fall on that largest body of our people (the farmers) upon whose prosperity and patronage the whole manufacturing and commercial prosperity of the country hangs.

Respectfully,

M. D. H.

---

MY DEAR SIR: I am in receipt of your esteemed circular letter of December 24, asking my reply by telegraph whether you quote correctly the part italicised in the first paragraph. As I can not do so well by telegraph, I write you more fully.

As I read the Reagan bill, while it does not read that they shall charge the same rate per ton per mile, the effect upon the business interests of the country will result very much as you illustrate the case subsequently. The conference bill provides, under section 4, that it shall be unlawful to charge more in the aggregate for a shorter than a longer distance over the same line in the same direction. This does not mean the same rate per ton per mile, but, to illustrate: If a railroad company in competition with water transportation, which is not affected by the provisions of the bill, makes an exceedingly low rate, they can not charge more for the same or less distance traveled than they do on this competitive business; as, for instance, should the lines between Chicago and New York, in competition with water transportation, make a rate of 10 cents a hundred, which would allow the line between Chicago and Buffalo but 5 cents a hundred, they could, in no event, charge more than 5 cents a hundred upon any traffic of like class from any point between Chicago and Buffalo. You can readily see, take the present rate, for instance, of 25 cents per hundred on grain, that this allows less than one-half cent per ton per mile for its transportation; as this is less than cost to any railway company, they could not continue the present rate between Chicago and New York, since the reduction of the locals to the same basis would make them carry all their traffic at less than cost. For that reason their only alternative must be to put up the through rates, in order that they might protect their locals, therefore the result to the producer in the extreme western Territories would be precisely as indicated by you in your circular letter. Now, while this may not so seriously affect Chicago, having the benefit of water competition, it would be almost death to nearly all of the inland towns, as other rates, under any circumstances, must be put up to the basis of the sum of the locals, thereby giving the advantage over inland towns to those having the benefit of water competition for a certain period of the year.

Another objectionable feature of the bill will be its effect in reducing competition, as it must naturally close up the longer routes, as it would throw through traffic over the short lines between points.

These two points are readily appreciated by manufacturers and shippers, and I think they themselves should have combined action and lay the matter properly before their representatives in Congress, whom, I am confident, do not appreciate the situation.

I was in Washington on Tuesday last, and conferred with many of them, and was quite surprised to find how little these points were understood, all acting under the impulse that their constituency demanded an interstate-commerce bill, and as this was the only one before them, they felt compelled to act, and act promptly, thereon.

I confess, for myself, and I believe I express the opinion of most railroad managers, that there should be an interstate-commerce bill, but not the one as now proposed. This one certainly means bankruptcy to many railroads, particularly those working in competition with lake transportation and passing through several States; but to me its more serious objection is one to the commercial interests of the country, and I am pleased to see the action taken by your company in this line, and hope you may be able to impress all commercial interests with the danger in passing the pending bill.

I think also that the provision of the bill preventing pooling is a very serious mistake. My own experience for several years in managing railroad property has convinced me that this is more of a protection to the public than it is to railroads; it certainly has not worked any detriment to them, as there are no excessive rates made by pools.

I agree with you that the all-important question is to prevent hasty action, and that that must be done by the commercial interests, for the reason if railroad managers were to attempt to oppose it, with the spirit now prevailing at Washington, I believe it would lead to corruption on the part of some Congressmen, and hasten undue action on the part of others.

Very truly yours,

V. P. & G. M.

M. D. HARTER, Esq.,
*Mansfield, Ohio.*

The Chamber of Commerce of Cincinnati opposes the bill, and one of its members makes the following points:

Take a case like this, for instance: Two merchants, located equally distant from a common point, desire to ship to that point an equal number of cars of the same class of merchandise. A is located on a water way which reaches the point he wishes to ship to, while a railroad also runs past his door and reaches the point he wants his goods to go to. B is located at an interior town, and has the advantage of rail transportation only. Because A is located advantageously geographically, the bill proposes to give B the advantage of the competition the railroad meets in carrying freight from A's door, from which point, if they take any freight at all, it must be carried at a very low rate, and, as a fact, is actually carried by the railroad during the season of open water navigation at a rate which very seldom pays more than the cost of transportation, and sometimes not even that much.

Clause 2 prohibits pooling, and makes it an offense.

Why pooling should be prohibited is difficult to surmise. If the railroads went into the pools for the purpose of demanding exorbitant rates for transporting freight or passengers, then pooling ought to be prohibited, but such is not the case. The pools are for the purpose of maintaining existing rates as nearly as possible, and when rates are maintained it is to the advantage of the entire business community. Exorbitant rates will never prevail among the railroads of the United States, owing to the numerous rail-line competitors for business from almost every point. During the time that the trunk-line pool was inoperative, and before the Central Traffic Association was formed, the various roads took business at almost any rate that was offered, and this very competition resulted so disastrously that about forty railroad companies were placed in receivers' hands in less than a year. During this scramble for business grain was transported from Chicago to New York for as low as $2 per ton, when the actual cost to the railroads for transportation at the lowest calculation was $4.56 per ton. This demoralization of rates hurt general business more than if the through rate had been 40 cents per hundred, or $8 per ton, between Chicago and New York, and that rate has been maintained, or nearly so, as it would have been under a pooling contract. Past experience does not indicate that the railroad pools have inflicted any great injury upon any one, but, on the other hand, shows that they have been of advantage to the railroads and the business world as well.

Clause 3 should stand just as it is, and is a protection that should be afforded the shipper.

Clause 4. This is Mr. Reagan's pet, is unjust, and would, if enforced, work irreparable injury for various reasons. First of all, through rates, as a general thing, are not remunerative, and under the long and short haul clause a railroad company would be compelled to advance their through rates to the basis of the local rates, or else reduce the local rates to the through tariff. This would work admirably where one rail line alone reached certain territory, or, in other words, if there was no competition, but as the States east of the Missouri River are a net-work of railroads, and in addition to this water competition exists from many points, the plan would be a failure. Of course the roads where water competition exists could not advance through rates to their local rate basis, for if they did they would not carry a pound of freight in competition with the water ways. During the season of water navigation the railroads in competition, to get through business, would be obliged to make a through rate very nearly as low, if not as low, as the water rate. As this through rate would scarcely pay for the cost of moving the freight, of course a road could not afford to transport its through and local business at a rate which would leave no margin of profit. What would be the consequence? Why this road would be compelled to abandon through business because of the fact if it carried it at the rate which it would be obliged to make to get the business it would be making a rate for its local business, which would leave no margin of profit for the transportation of local traffic either, and if no profit could be made off any of its business it might as well give up at once, send engines and equipment to the scrap-heap, tear up the rails and sell them for old iron, for bankruptcy would be the certain result of operating a railroad under such a condition of affairs.

Take the Pennsylvania road for example. President Roberts in his examination a few days ago before Attorney-General Cassidy testified that the through business done by that company was but 8 per cent. of its total business. Now, no one would suppose for a moment that the Pennsylvania Railroad, during the time that the water ways are navigable, say for seven months of the year, would take through business at the low rates that it would be necessary to make to secure it and cut its own throat by this action, which would make the rate for its large local business unprofitable. No; the Pennsylvania, under the interstate-commerce bill as a law, would of course let the 8 per cent. of through business go, and carry the 92 per cent. local business at rates that would yield a profit. So it would be with a large number of other roads. Under the interstate-commerce bill they would withdraw altogether from through business. Under the provisions of the proposed bill the railroads have the right to issue a new tariff-sheet upon giving ten days' notice, and with this privilege they could, as soon as water navigation closed, advance through rates to a basis that would be a paying one, but in order to protect their local business it would necessarily be so high as to shut out all shipments for export.

The fact is, the interstate-commerce bill, as proposed, is entirely in favor of the water ways as against the railroads where they are competitors for the same business. Interior towns like Indianapolis, Ind., Lexington, Ky., and Columbus, Ohio, might as well be fenced in if the interstate-commerce bill becomes a law, for they will have no earthly show for doing business unless their business men go back to the primitive teaming for moving freight and merchandise. Under the operations of this interstate-commerce bill the farmers of the great Northwest could burn their corn and grain, because they could get nothing for it at home. While the railroads would undoubtedly suffer if the bill becomes a law, they would take off cars, cut down forces, and do only what business they could at paying rates. The manufacturing, mercantile, and especially the farming community would moreover suffer under this law to as great if not a greater extent than the railroads.

No city on the continent will suffer as much as Cincinnati by this legislation.

From the great Northwest comes the following:

THE INTERSTATE-COMMERCE BILL.

*To the Senators and Representatives in Congress from Minnesota:*

GENTLEMEN: The Minneapolis Board of Trade, at its regular meeting of December 22, 1886, unanimously adopted the following resolutions:

*Resolved*, That while this board of trade fully approves the general principle of national legislation for the control and regulation of our interstate-carrying trade, and while in the main it concurs in the provisions of the compromise bill now pending before Congress, it thoroughly disapproves and deprecates the provisions of section 4, relating to what is known as the long and short haul, and of section 5, relating to pooling arrangements between parallel or competing railway lines. In the judgment of this board, section 4, if enacted, would give to the proposed national commission powers whose exercise would always be dangerous and might easily become destructive to the interests of the distinctively agricultural sections of the country.

*Resolved*, That a committee be appointed with instructions to forward the foregoing resolution to our Senators and Representatives in Congress, accompanied with a letter of transmission which shall more fully set forth the views of this board.

In forwarding these resolutions to you permit the undersigned, as the committee appointed for the purpose, to call your attention to the following brief summary of objections, which, in the judgment of our board of trade, lie against sections 4 and 5 of the pending interstate-commerce bill, and respectfully to express the opinion that you can in no way render a more important or timely service to your constituents than by aggressively helping to secure the omission of these sections from the measure before it becomes a law. Allow us also, in passing, to remind you of the fact that of the entire membership of the Minneapolis Board of Trade, representing all leading branches of legitimate business and productive industry, not half a dozen have any pecuniary interest in railroads, direct or indirect, and we do not know of half that number who are so interested. The board speaks for the producers and shippers of the Northwest. Further, it is fully recognized that national supervision of our railway system is necessary and best, in the interest both of the people and of the railways themselves; that this supervision has already been too long delayed; that there are wrongs to be righted and corporate abuses to be corrected, and that the pending interstate-commerce bill, when duly amended, will constitute a wise first step in the right direction. It is simply insisted that a measure which is necessarily experimental, and which deals with the most complicated and far-reaching commercial problems known to mankind, vitally affecting the interests of every class and of every section, should not go so far, or attempt so much, at the outset, as to cause infinite damage where it might accomplish unmeasured good.

OBJECTIONS: THE "LONG AND SHORT HAUL."

1. Section 4, relating to the "long and short haul," is, intentionally or unintentionally, vague and ambiguous in its language. If enacted into law its interpretation by the courts, must, therefore, be wholly uncertain, its practical application doubtful, and some of its effects impossible to predict. This is sufficiently shown beforehand by the known fact that scarcely two persons understand the

section alike—even zealous advocates of the bill as it stands differing widely as to the real meaning and intent of the words employed.

2. Assuming that the section means what its language naturally imports, the consequence of enforcing such a law would, we believe, be gravely injurious to many important interests in all parts of the country, but especially would such enforcement prove destructive in its effect upon the great agricultural section of which our own State forms so important a part.

It would very greatly increase the cost to our people of heavy commodities of all kinds which are brought in from eastern sections, including coal, without which our prairie farms could not be occupied.

It would ruinously depreciate the value of every bushel of wheat and every pound of beef produced in Minnesota, by compelling the railroads to adopt a freight tariff on through shipments eastward, which, if not prohibitory, would leave to our farmers no reward for their labor and invested means.

It would depress manufacturing industries and deprive many working men of employment.

It would reduce to a minimum the trade of the Northwest by largely destroying the purchasing ability of our producers.

It would drive a large share of the long-distance traffic from American to Canadian lines.

It would cripple, if it did not bankrupt, many railroads by compelling them to relinquish a large part of either their through or their local traffic—both of which are essential to their solvency.

The very people who ought to derive most benefit from legislation of this general character—the farmers and wage-earners of the country—would be the first and greatest sufferers from its injurious effects.

3. It is not a sufficient answer to say that the bill gives to the proposed commission discretionary power to avert these otherwise inevitable calamities. The ambiguity of language, already mentioned, renders it doubtful whether this power is fully given; and even if it is conferred, its exercise would be a most unnecessary and dangerous prerogative to be vested in any untried commission, however able and disinterested, under an untried statute, in a difficult field, where national legislation is now making its first tentative venture. At best, it gives to five men, about whose competency, experience, and integrity nothing can be known in advance, almost autocratic power over the market value of hundreds of millions of dollars of railway stocks and bonds, over the market value of the agricultural products of half a continent, as well as of the lands upon which these products are grown.

So great a power, and so tremendous a temptation to its abuse, ought not to be presented unnecessarily to any committee of citizens or be made the foot-ball of politics. Besides, so enormous would be the task undertaken, and so extensive its domain, that no commission, however capable, could successively consider and adjust the inevitable frictions and controversies in time to prevent the predicted evils, if those evils in fact impend.

THE PROHIBITION OF RAILWAY POOLING.

4. Section 5, which arbitrarily prohibits the pooling of railway earnings, is not less objectionable than section 4. It proceeds upon the assumption that an amicable apportionment of traffic among substantially parallel railway lines destroys wholesome competition, creates a "monopoly," results in exorbitant transportation charges, and thus wrongs the general body of producers, shippers, and consumers who constitute the people. With exceptions so rare as only to prove the rule, this assumption is a fallacy, and legislation based upon it must prove a hurtful blunder. The facts are that such apportionments of traffic are a natural and necessary outgrowth of the development of our national transportation system; that they constitute the only plan of self-preservation for railroads which time, and thought, and experience have been able to evolve from a most difficult and perplexing situation; that they are the only known and feasible alternative for that system of cut-throat competition which foments chronic "rate-wars," and which, unless held in check, would end in the bankruptcy, first of the weak lines, and then of the strong ones—for a bankrupt railway, having no responsibility to bondholders or shareholders, is the most reckless and destructive of competitors.

These adjustments and divisions of traffic, known as railway pools, do not raise transportation charges above a reasonable level. Almost without exception they have resulted in holding rates steadily at the lowest point at which the business can be done at a living profit. This is notably illustrated just now, as you are aware, in our own section. Never was there a closer pooling arrangement between trunk lines than that which now exists between the six roads leading from Minneapolis to Chicago, yet never were freight tariffs so low as at the present time, and never were the people better accommodated.

The well-known fact that concurrently with the development of the railway pooling system railway rates have steadily, greatly, and everywhere decreased, is a summary refutation of the whole theory on which section 5 is founded.

The pooling or apportionment system, besides preserving railways from insolvency and railway investments from destruction, directly benefits every business community by giving some degree of uniformity and stability to transportation charges, and thus enabling business men to shape their course with greater certainty and safety. A railway rate war, although it temporarily reduces the market price of transportation below actual cost, is universally and justly regarded as a misfortune to all legitimate lines of trade. Obviously it is of no advantage to the public to enjoy any service at less than its reasonable cost, including a fair return upon the capital invested in rendering that service. The rule of unregulated and unreasoning competition, followed by the "survival of the fittest," when applied to railroads, means their own ruin, with resulting calamity to every other business interest which is worth preserving.

The railway pool, honestly administered, is the natural balance-wheel of interstate commerce. Section 5 of the pending bill does not provide or suggest any substitute for this regulative and conservative ageney. On the contrary, it would seem to render commercial chaos legally obligatory.

5. It is not a sufficient answer to say that if found to be injurious in their working these provisions may be repealed at the next session of Congress. The mischief that can be accomplished by their operation during a single business season is simply immeasurable, and there is not the slightest necessity for assuming the risk.

The interstate-commerce bill has adequate scope for its initial purpose without including the sections to which objection is here made. Omitting these, the bill lays the broad foundation of a system of salutary legislation, which a little time and experience will develop and perfect. It is evolution, and not revolution, that the situation calls for. Such a policy will avoid the risk of serious and disastrous mistakes; at least it will not invite that demoralization of now reviving business, that shock to commercial confidence, that stagnation of enterprise, that aggravation of the labor difficulties, that wholesale depreciation and destruction of values which many competent and disinterested students of the problem foresee in case the bill becomes a law in its present form. The panic of 1873 was precipitated and intensified, if it was not largely caused, by injurious State legislation affecting railroads, hastily enacted in response to unreasoning clamor. It would seem to be hardly the part of wisdom or of statesmanship to incur even the liability of repeating that experience, and on a larger scale, during the present century.

With great respect, your obedient servants,

A. B. NETTLETON,
H. A. TOWNE,
EDMUND J. PHELPS,
T. B. WALKER,
*Committee.*

MINNEAPOLIS, MINN., *January* 5, 1887.

Mr. Speaker, the mistake of this bill, in my judgment, consists largely in the attempt of its projectors to build up a ready-made system or code of laws upon this great subject of interstate commerce. Human ingenuity has never yet constructed a finished code of law in a new field theretofore unoccupied and uncultivated. Take the statutes of our States, and I draw an illustration from the State in which I live, which applies with equal force to the other States of the country. We have upon our statute-books a complete system of legislation upon the subject of roads, the common schools, the municipal corporations, &c., but going back to the origin of the legislation upon those subjects, you will find a few simple sections, tentative in their character, providing for a few simple principles as the beginning or foundation of all that has followed; and it has taken time, study, and experience to construct the systems now in use.

Experience has taught that a section should be added here, another there; the enforcement of the law in one direction has suggested another step, and so on; and finally, after years and years of experience, we have a code of legislation not yet fully developed, and to which we are adding year by year. But here is an attempt to invade the field of interstate commerce, and to project a statute fully armed and panoplied on the statute-books of the country, without any experience, without testing any of the provisions of the law; and in that direction we are sure to fail.

The provisions of this bill will render relief under it unattainable by the average shipper of the country. In the first place, its provisions are such as to render interminable delay absolutely necessary. Let us see. I quite agree with the distinguished gentleman from South Carolina [Mr. DIBBLE] that the jurisdiction for redress here prescribed is exclusive of all other jurisdiction, and that the citizen complaining of railroad extortion or discrimination is confined to the remedy here provided or he is without remedy. What is the proceeding? The first step is in the nature of a written complaint to the commissioners. Upon such complaint being made notice is sent to the railroad company, and this provision covers all complaints "of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof."

A complaint having been made to the commission, which briefly states the facts a statement of the charges is forwarded to the common carrier, and he is called upon to answer the complaint within a reasonable time, to be specified by the commission. If he fails, the commission proceeds to investigate the complaint. Ultimately, when the commission has made a report of its finding of fact, they shall furnish a copy to the party who complained and to the common carrier. Now, then, if these parties, having thus started on the road, fail at the end of this long proceeding to reach an amicable adjustment of the difficulty, then action may be brought in the United States court. I submit that this feature alone brands this bill as placing an insurmountable barrier in the way of any relief, to any sufferer, against a railroad corporation disregarding the law. It ousts the State courts of their jurisdiction; it orders the citizen to abandon his common-law remedy; it compels him to relinquish his claim under his State laws, and forces him into the jurisdiction of the United States courts, with their environment of security for costs, of extravagant cost bills, of long delays, and ultimately the bill provides that the carrier may appeal; but it is doubtful, very doubtful, if the shipper has any remedy by appeal.

But again, the title of this bill and the provisions of the bill in the early sections are in every respect misleading, in my judgment. The purpose and intent of the bill is "to prevent discrimination," but it is careful in the second section to use the words "unjust discrimination," and then leaves it to this commission to say what "unjust discrimination" it means. But that is not all. They started out to put everybody upon an absolute equality and to inveigh against discrimination, but turn around and authorize these five commissioners to discriminate just as much as they please. The language is as follows:

> And the commission may, from time to time, make general rules covering exceptions to any such common carrier in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier from the operation of this section of the act.

Here lies the power in this commission to discriminate. Under the condition of things which we have now the discrimination of one carrier can be met by the competition of another; but here is a body authorized to discriminate, and it is a criminal act for an other carrier to meet that discrimination by discrimination, and so we fly from the monopolies of the great railroad systems of the country which are competitors one with the other to a body of five men, without experience, and necessarily without knowledge, and necessarily incompetent to carry on so vast a business. We are forbidden to seek the remedy of competition against the discrimination ordered by this board. It puts every location in the country into the hands of this commission. It gives an opportunity for favoritism unsurpassed by any enactment ever devised by the wit of man.

A railroad running from the seaboard inland may be exempted from the operation of this law, because of the proximity of ocean competition. Fortunes may be made and fortunes may be lost by a mere error of judgment of this commission, and there is no remedy for the evil. I protest, Mr. Speaker, in the name of my constituents, who frown upon

monopolies, that here is the most dangerous, the most powerful, the most unjustifiable monopoly ever created by law or devised by the ingenuity of mankind.

The systems of industry throughout the country are to be shaken and remodeled by this bill. In the great city of Cincinnati, in the State which I have the honor in part to represent, there are splendid industries which have been builded by the enterprise, the wisdom, and the perseverance of her citizens. The city of Cincinnati manufactures more carriages than any other city in the world. By close economy in the purchase of timber, care in the employment of labor, and the competition afforded by the various lines of railroads extending from Cincinnati to the Eastern markets that industry has grown and prospered. An army of operatives are employed, whole armies of men, women, and children are fed, clothed, and educated. Those industries stand to-day upon the special rates of freight which they have been enabled to get from railroad corporations by reason of the great competition between that inland city and the great markets east of the mountains.

Under the provisions of this bill they must submit to a schedule of rates which this commission in its wisdom will be willing to approve, and they shall not have cheaper rates, though all the railroads on the continent should offer them. The monopoly of Eastern manufacturers is thereby built up, and the industries of Cincinnati will be paralyzed. Again, in the absurd attempt to go into details, this bill forbids the carrier to advance his rates without a certain specified length of notice, but it forgets to forbid the reduction of rates, whereby as injurious a system of discrimination would be inaugurated as there would be in an advance of rate. Shipper A, relying on the current rates of freight, ships his commodity to the Eastern market, and two hours behind him comes another train at a reduced rate, and his competitor finds himself in the Eastern market able to drive him out of the market simply because this non-discriminating system of interstate commerce has permitted the railroad to take one price from shipper A in the morning and a reduced price from shipper B in the afternoon. This bill is full of incongruities of this character. This legislation is dangerous in another direction. It permits a mere commission to demand the production of papers, and lays open to the public the private affairs of private citizens.

Mr. Speaker, if the House passes this bill I doubt not the President will send it to his distinguished Attorney-General to report upon its constitutionality; and it is proper perhaps that attention be called to a recent opinion of that gentleman when he was a Senator from Arkansas and was debating an interstate-commerce bill. On January 8, 1885, in the Senate, Mr. Garland said:

> While Congress, in the exercise of a legislative power delegated to it by the Constitution, may do a thing, where do we find the power in Congress to delegate this authority delegated to it to a mere commission of seven or five or three, as the case may be? * * * The Congress of the United States in this bill * * * is divesting itself of its legislative power as to regulating commerce among the States and putting it in the hands of a commission. * * * Senators may examine this section and see if I am correct that the commission provided in this bill has the supervision of the regulation of commerce. We get this power, so far as Congress is concerned, entirely from the Constitution, to regulate commerce among the States; that is, in other words, translated properly, to make rules to govern commerce among the States. But here we say, we will not do this, but will transfer it to a commission to make these laws, these regulations, and supervise them. That is the starting-point of the bill. It takes a very large space; that is, the legislative feature of the bill delegating the regulation of commerce to the commission.

And upon another branch of the subject he said:

> The bill gives this commission the compulsory power at once to compel the production of books and papers and the attendance of parties, and subjects the companies to this investigation and witnesses to this compulsory process. * * * Never before in the case of mere outside commissions has the power to compel the attendance of witnesses been given. Congress sometimes seek to compel such attendance through its own committees, but the Supreme Court, in the recent Kilbourne case, sheared this power down very materially. * * * This is a power which I contend, under the Constitution, we can not put into the hands of this commission. We can not do it, though we have unlimited control over interstate commerce, under the Constitution, when we understand what interstate commerce is; when we have prescribed what it is, yet we can not do this. There are other provisions of the Constitution which stand as high as that, and are of as much importance and as much sacredness and as much dignity, that forbid the clothing of this commission with the power that is here proposed to be given.

It will be seen probably whether Senator Garland was right; and the opinion is to be given by Attorney-General Garland. He stood then upon his feet upon the broad and sound basis of the Constitution. Will he now stand upon his head amid the confusion and chaos of prejudice and misinformation? I therefore oppose this bill for the reasons:

It inveighs against monopolies, and yet creates the greatest monopoly of modern times; it denounces discrimination, and makes discrimination not only possible, but destructive; it proposes to give all shippers a fair and equal chance, and hedges about its remedial clauses with conditions which destroy its effectiveness; it proposes to equalize the opportunities of shippers, and then does more to discriminate against railroads and in favor of water routes than all the enemies of railroads ever tried to do; it puts a degree of political power into the hands of the President and a commission which will enable them to force all the industries of the country to contribute to the election of a political party to office; it is full of vague expressions which will lead to delays in administration.

It makes the cost of redress to a wronged shipper so great as to disarm his remedy and leave him in the hands of the extortionate tendencies of the railroads or ignorance or helplessness of the commission. It will unsettle rates, disorganize the industries of the country, and thus force a reconstruction of systems of production. In the mean time labor will suffer, the farmers' products will lack a remunerative market, and uncertainty will discourage industry. It is a dangerous stride toward a centralization of power in the hands of the few to the hinderance, vexation, and permanent injury of the many. The good in the bill does not compensate for the evil; and, controlled by my conscientious judgment, I will vote to abide by the evils we have rather than to fly to greater which we know of, and even greater "that we know not of."

---

## Interstate Commerce.

### SPEECH

OF

# HON. NICHOLAS E. WORTHINGTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887.

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. WORTHINGTON said:

Mr. SPEAKER: The question whether the good predominates over the bad sufficiently to warrantvoting for the present bill is a question that is perplexing many members of this House. All agree that some legislation is needed; that there are many abuses that should be corrected; that prompt and efficient remedies should be provided. All agree, too, that there are many excellent provisions in the present bill. But there is one provision, one section, about which the gravest doubts exist.

The meaning of all laws ought to stand out in bold relief from the words in which they are written. Statutes are sometimes hastily and carelessly enacted and for these reasons are vague and obscure. But even such reasons afford no adequate excuse for the obscurity or uncertainty of the statutes so made. What, then, shall be said of deliberately and with full knowledge of the facts making a law that we do not understand ourselves and about whose construction in most important particulars the widest diversity of opinion exists? A law that deals with the vast, wide-spread, and complicated interests that are affected by this bill ought most certainly to be clear, precise, and definite. That the long-and-short-haul section is not clear, is not precise, is not definite, is proven by the questions that come from all parts of this House as to its meaning, and by the more striking fact that the members of the conference committee themselves who recommend this bill to us do not agree upon its meaning.

We are asked to vote for a measure affecting every producer, every consumer, every shipper, and every interstate railroad without knowing and without the possibility of knowing what meaning the courts will give to the measure for which we have voted. In other words, instead of the legislative department of the Government enacting a law to regulate interstate commerce, it is making a riddle and leaving its solution to the courts, and knows that it is so doing when doing it. If this bill becomes a law the Supreme Court of the United States, in tedious process of litigation, some time within the next five or six years, will declare what this long-and-short-haul section means. Until that time no shipper, no railroad company, no lawyer, no judge, no legislator can with certainty tell what the law is. In other words, the court will make the law upon this subject. It will do by construction what Congress ought to have done by enactment. We, as members of the legislative department, by passing a bill so obscure that we do not know what it means ourselves, confess our incompetency to legislate, and abdicate in favor of the judicial department of the Government. What answer will gentlemen give to their constituents when they go home after the 4th of March and are asked, as they will be, "What is the meaning of the fourth section of this bill?" "What are 'similar circumstances and conditions?'" "When does this 'long-and-short-haul clause' apply, and when does it not?" If gentlemen are honest in their replies the answer to each and all will be, "I don't know." There will be such an exhibition of legislative agnosticism upon a point about which there should be no doubt as has never before been confessed to inquiring constituents.

If I understand the construction given to this section by the gentleman from Georgia [Mr. CRISP] it is, that shipments made from two points on the same line, one having the advantages of competition by water or by rail, or both, and the other not having them, are nevertheless, under this clause, made under "similar circumstances and conditions," and are therefore subject to the prohibitory enactment forbidding less rates for the longer than for the shorter haul. If I understand the construction given to this section by another distinguished

member of the conference committee, the Senator from my own State, in a speech at the other end of the Capitol, such shipments would not be made under similar circumstances and conditions, and would not be subject to the prohibitory enactment forbidding less rates for a longer than for a shorter haul. When doctors disagree who shall decide?

Millions of dollars have been expended by towns and cities all over the country to secure the advantages of competition in transportation. If the construction of the gentleman from Georgia is the correct one, these towns and cities must lose the advantages of the competition which they have secured; or every village and cross-road shipping point must secure the same advantages that the great commercial centers enjoy. How will this result of equalization be secured? Will it be by leveling down rates or by leveling them up? Can you by legislation give to Atlanta the benefit of the water competition to New York that New Orleans possesses? Can you by law secure to the town upon a single line of railway the advantages that a city enjoys that has half a dozen competing lines?

To do this is to violate all natural laws of trade, all principles and methods that control business. It is to contradict and set at naught all human experience and practice in every age and in every land. It is an attempt by law to extend the advantages of competition to points where there is no competition, or to destroy its advantages at points where there is competition. That the rates of a railroad company should be reasonable from all points every one will admit. That the States within their territory, and the General Government upon lines extending beyond State limits, should, by appropriate legislation, compel railroads to limit there charges to reasonable rates no one denies. The gentleman from Georgia says that what are reasonable rates is to be determined by the actual cost of transportation, with a fair per cent. for the capital consumed in construction.

Six per cent. upon such capital would not be considered, I presume, an unreasonable profit. If, taking the illustration that was used on yesterday, Atlanta pays rates to New York that yield 6 per cent. upon the railroad investment that transfers her freight, what right has she to complain if the directors of that railroad, compelled by the competition of steamships, fix a rate from New Orleans to New York that pays them only 2 per cent. upon their investment? It would be a complaint, not that her charges were too high, but that the charges from New Orleans were too low. It would be a complaint that New Orleans was situated at the mouth of the Mississippi River, and that Atlanta was not. It would be the complaint of the dog in the manger that could not eat hay, and therefore would not let the ox eat it.

It is the long hauls and not the short hauls that carry the wheat and corn and hogs and cattle and cotton from the receiving centers of the West and South to the distributing centers of the East; that bring producers and consumers together; that make farming for profit possible on the prairies of Illinois, Minnesota, Iowa, and Texas; that carry the surplus to the seaboard for shipment to foreign markets. Whatever increases rates of transportation on these long hauls, injures not only the cities that are collecting centers by reasons of the roads that radiate from them and the roads that compete for eastern freight, but injures every farmer and planter that sells to a buyer at a point where there is no competition in transportation. The dispatches from London and Liverpool to the great collecting centers both East and West, daily received, daily regulate the markets at these centers. The dispatches from these centers to every railway station where there is an elevator or a warehouse daily fix the rates for farmers' products at these minor points.

If the Chicago wheat buyer can ship wheat at a profit to London, the wires flash the news to a thousand local stations and grain moves towards this center, and prices stiffen. The low rates that railway and water competition give to Chicago are felt at every point at which her dealers buy. What is true of Chicago is true in a degree of every collecting center in the South and West—of every center that has the advantages of competition in transportation. Illustrating by my own city of Peoria, in Central Illinois, which has the advantage of several competing lines of railway East, together with the Illinois River, and Illinois and Michigan Canal, and which is a large grain-collecting center and shipping point to Eastern distributing points, it is not the city of Peoria alone that is benefited by competition in the long hauls eastward. Every farmer whose grain finds a market there from Iowa, Missouri, Minnesota, or Illinois shares in the advantages of the competition in transportation that Peoria enjoys.

If the operation of this bill should be to make it more profitable for one or more of the competing lines from Peoria to the East to abandon its competition for through business for the sake of maintaining local rates, every farmer whose produce finds a market in Peoria suffers for this decreased competition, and no one along the line of railway that has ceased to compete gains a penny by it. Railroads are built to make money. They are run to make money, and they will seek their business from such points as pay best. If it becomes unprofitable, through the operation of this long and short haul clause, to carry freight from towns and cities where they meet competition and are thereby compelled to fix low rates, they will most certainly adhere to local rates although these rates may lose them the long hauls.

It is the West and the South that will suffer most, in my judgment, by this legislation against competition, for that is what it amounts to. When the attention of the gentleman from Georgia was called to the striking average decrease in rates of transportation within the last twenty years, he replied in substance that it was in the long hauls and not the short hauls that this decrease had been most marked. This is true, and it is also true that it is on the long hauls that the decrease most benefits the entire country, because they are the thoroughfares of the nation's trade and commerce.

On the great inland carriers between Chicago and the seaboard—the Pennsylvania, the Pittsburgh, Fort Wayne and Chicago, the New York Central, the Lake Shore, the Michigan Central, the Boston, Albany and Erie Railroads—the amount of freight has increased from 11,151,701 tons, in 1865, to 66,521,153 tons, in 1885, while the average rate of transporting a ton of freight per mile on these roads has within the same time decreased from 2.90 cents to 0.636—decreased from over 2 cents per ton to less than 1 cent. This decrease has been to the benefit of every producer in the great Northwest, to the benefit of every consumer in the great cities and populous centers of the East. Is it not well to pause and weigh well every possible effect before striking a blow at the competition that has brought to the people the benefits of this reduction?

Another very peculiar, very ambiguous, and very questionable provision of this section 4 is found in the following words:

*Provided, however*, That, upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

What is meant by "special cases" has already been asked in the course of this debate. Does it mean special towns or cities, special shippers, special instances of shipment, or special roads? No one can answer with certainty. It is a far-reaching exception of some kind. It is a fearful temptation to the exercise of power to put in the hands of five men called a commission. Just exactly what it is we do not know. We never will know until the Supreme Court tells us. It is another instance in this bill where the courts and not Congress will make the law.

If one common carrier may be designated who shall be relieved from the operation of this clause, another competing carrier might also in the wisdom of the commission be relieved, and so on until all that compete from a given point were relieved. Indeed, in fairness, it is difficult to see why if one competitor was relieved, all should not be. The effect of this would be to take one town or city out of the operation of the fourth section, Chicago for instance. How would Saint Louis, or Kansas City, or Minneapolis, or Peoria enjoy this discrimination? Or if one designated road was excepted, how would its competitors enjoy the exception? Or if the extent was prescribed to the designated common carrier, to a certain shipper, or class of shippers, or kind of shipments, what equality or fairness could there be in the operation of the law?

Under this exception it is in the power of five men to build up and to tear down, to enrich a corporation and to destroy its rival, to stimulate the growth of one city and to force another up—and this, too, in dealing not with hundreds of thousands, but with thousands of millions of dollars—dealing with the arteries of trade and commerce of sixty millions of people. Ought such a provision to become law? Should there be such a section in a bill as to require such a dangerous, uncertain exception? There are so many excellent features in this bill, Mr. Chairman, that it is exceedingly irksome to see them marred by so pernicious a provision as the entire fourth section seems to me to be. I hope to see the bill recommitted and amended by omitting the section entirely.

---

## Interstate Commerce.

### SPEECH

OF

### HON. ORMSBY B. THOMAS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1886,

On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. THOMAS said:

Mr. SPEAKER: After a careful examination of the provisions of the bill agreed to by the committee of conference, and after attentively listening to the able arguments on both sides of the question presented in this House, I have no doubt whatever as to my duty to vote for this

bill. While many would prefer the Reagan bill, which has been before Congress for a long time, and many others would prefer the Senate bill, known as the Cullom bill, it must be remembered that the pending bill is a compromise made by the committee of conference, and we must now at this stage take this measure as presented by this conference committee, or else abandon the subject entirely and fail to pass any bill whatever, as has been done so many times before.

At the first session of this Congress when this question was before the House I voted for the Cullom bill, and when that measure was defeated I voted for the Reagan bill. I am one of those who believe that it is the duty of Congress to regulate the railway traffic between the States. The power to do this is conceded. The necessity for a measure of this kind is found in the general desire and demand of the people for it all over this broad land. The great evils complained of can not be remedied without this kind of legislation. The railroads themselves, however well disposed, are powerless in the matter. Is it then best to defeat all legislation upon this subject because we can not get just what we want?

It is the complaint of the opponents of this bill that section 4, in relation to the long and short haul, is a dangerous provision; that it will be the means of increasing the freight charges on through freights from the West to such an extent that the producers of the West will find it difficult to profitably market their wheat and other productions on account of the increase of freight charges which the railroads will be compelled to make by reason of this law. The conference committee seems to have felt that there might be force in this objection, and have so changed the House bill as to give the power to the commissioners to modify the rule in such cases as they may find it to be just to do so after investigation. It is probable that sharp competition of transportation companies with each other by rail and water have reduced freight charges on through freights from the West below a paying rate oftentimes, and that to make up for such losses increased charges upon freights shipped at intermediate non-competing points on the same line have been found necessary by the railroad companies.

As a general rule and under ordinary circumstances I do not see that there is any justice whatever in permitting the common carrier to charge and receive a greater compensation for the transportation of property for a shorter than a longer distance over the same line under substantially similar circumstances. The mere statement of the proposition shows that it is a grave violation of the rights of the people who are obliged to employ the services of these common carriers. Why should a railway company be permitted to charge you more for the transportation of your property 500 miles than it charges me for like transportation for a thousand miles? There can be but one case where such charge would be even tolerable, and that would be where the shippers for the longer distance on account of their location could not afford to pay a just and adequate compensation, and it became necessary in order that they might have transportation facilities at all that those living nearer market should bear a part of their transportation charges. In such case the commissioners may relieve the companies from the strict letter of the law; if in any other case there is any good reason for such discrimination I am unable to see it. This is one of the evils that this bill seeks to remedy; but such remedy, as will be seen, is applied with great care. The people, as I said before, are demanding a remedy for this, as they believe, unjust system adopted, it may be by force of circumstances by transportation companies. The subject of the regulation of freight and passenger charges has been considered by many of the States of the Union, and in some of them, especially in my own State, legislation directly controlling these charges has been adopted. In commerce between the States, however, these State laws have no force or effect, consequently it becomes a matter of great necessity that some act of this kind should be passed by Congress. The two other important features of this bill are the provisions against drawbacks and rebates and pooling.

I do not believe these practices should be allowed. They are injurious and extremely detrimental to the public. The railroad companies have granted to them extraordinary powers in order that they may accomplish the objects for which they are organized; but they should be held to a strict account and not permitted to go beyond these objects. When a transportation company receives for its services an adequate and just compensation it should be permitted to go no further in that direction. It should not be permitted to discriminate in favor of one shipper and against another. It should be prohibited from entering into unjust and oppressive combinations with other like companies to keep up the prices of freight charges, and ought not to be allowed to build up one town or locality at the expense of another.

All these things are wrong, are oppressive and injurious to the public, are beyond the objects for which transportation companies are organized, and the bill before us seeks to prevent such practices. In aid of this the bill requires the publication of the schedule of freight and passenger charges by each company, and prohibits a change in such schedule, except to reduce such charges, until after ten days' public notice. Suitable penalties are provided for violation of the provisions of this act, and the courts are opened to all persons injured for the recovery of damages, or complaint may be made to the commission, which has the power to redress the wrong. I think in the main this bill is as wise, just, and practicable as an initial measure of this kind can be made.

I have no idea that it is a perfect law, or that in its operation it will do in all cases exact justice to the people or the common carriers; but nothing has been suggested that is in any manner better than this. There has been much criticism upon this bill, but it is vastly easier to criticise than to create, and I have noticed with interest that during the discussion in this House upon this measure there has been a great amount of denunciation, but not a word of suggestion of improvement. This, I submit, is hardly fair, if, as is claimed, every one recognizes and desires in some proper way to remedy the evils now existing.

While this measure is as yet an untried experiment, and in the actual practical operation of its provisions there may be many things that will require improvement, I submit that this would be the case to a greater or less extent in relation to any measure of this kind that could be adopted. I shall vote for the bill, and hope that it may become a law; and if upon the test of practical application it shall be apparent that any of its provisions need amendment in order to better serve the interests of the people or relieve transportation companies from any unjust burdens, Congress may be relied upon to pass the necessary legislation.

---

## Washington Cable Railway.

---

### SPEECH

OF

# THOMAS M. BAYNE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 27, 1887,

On the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

Mr. BAYNE said:

Mr. SPEAKER: The substitute for the original bill incorporating the cable railway company has been carefully prepared, and I believe every just objection to the original bill has been met and remedied in the substitute.

In view of the readiness with which the friends of the bill accepted amendments looking to its perfection, it is but fair to assume that nothing but a proper and just measure of incorporation was desired. The limitations and restrictions in the substitute are so numerous and so comprehensive as to forbid almost the possibilities of evading the just responsibilities and duties of the corporation.

Cheap and convenient modes of carriage are the order of the day, and when responsible parties offer to supply such means to the public they deserve encouragement.

The only proposition connected with the passage of this measure that may elicit criticism is that offered by the gentleman from South Carolina [Mr. HEMPHILL]. That gentleman made a motion to recommit the bill with instructions to report it back with an additional section providing for a public sale of the franchises of the corporation for the benefit of the District. Ordinarily that would not be an objectionable scheme. I think it would be better in the long run to require such corporations to pay for their franchises by an adequate annual tax.

The proposition of the gentleman from Missouri [Mr. WARNER], slightly modified, would fill the exact measure of such compensation, in my opinion. If the corporation, after paying the usual rate of taxes on its property, were required to pay annually in addition from, say, 5 to 10 per cent. of its net profits as a compensation for its franchises, it would be a manifestly fair measure of requiting the public for the extraordinary privileges conferred. That was voted down, but Congress has the power to require it at any time.

But the proposition of the gentleman from South Carolina to offer the franchises at public sale and to sell them to the highest bidder is seriously objectionable under the circumstances now existing in the District. It so happens that there are now several rich corporations in the District with whose business the operations of the new company are likely to come into vigorous competition. It is quite certain that these rich corporations are not only able to pay a high price for such franchises, but it is equally clear that their self-interest would prompt a larger liberality than any others not so interested would be likely to feel.

To subject the new enterprise to such a risk would therefore be bad policy, especially when Congress can at any time exact a fair compensation for the franchises in the form of a percentage of the net profits as I have indicated.

## The River and Harbor Bill—The Muskingum Improvement.

"It is a valley of beauty. The far-famed Rhine upon a beautiful day does not, to an American, present so fine a view of mountain, valley, farm, and home as does the beautiful, the rich Muskingum Valley."

SPEECH

OF

# HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, February* 5, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10419) for the improvement of rivers and harbors—

Mr. GROSVENOR said:

Mr. CHAIRMAN: It has not been my purpose to participate in the general debate growing out of the opposition to this bill, but I feel called upon, as a member of the Committee on Rivers and Harbors, to make some explanation in regard to one item in the bill. I refer to the item making an appropriation for the improvement of the Muskingum River in the State of Ohio.

This item seems to have called forth a good deal of criticism, and the gentleman from Iowa [Mr. HEPBURN] has seen fit, in this connection, to speak of the river and its appropriation as "the Little Muskingum," and as my "Little Muskingum," and he seems to be especially anxious to show that this is an unworthy appropriation, and that, by some means or other, it has crept into this bill as a matter of favoritism or of personal interest to myself. I want to disabuse his mind upon this point, and then I know his sense of justice will suggest to him what he ought to do in the premises, and, at the same time, enlighten the House.

To begin with, I desire to inform the gentleman that the improvement is not in or connected with the "Little Muskingum" River. An elementary knowledge of the geography of the great State which I have the honor in part to represent, will disclose the fact that the "Little Muskingum" enters the Ohio River above, and not at, Marietta, and that at no point is the city of Zanesville situated on that stream. It is possible that the gentleman's knowledge or information of the character of "the Little Muskingum" River may have misled him in his criticisms upon this appropriation.

But the Muskingum River is a splendid stream of water. Its headwaters rise in the neighborhood of Cleveland, and, crossing the State to the improvement proper, extend from Dresden to Marietta, a distance of 91 miles. It traverses one of the most beautiful valleys in the world, rich in minerals and timber, but rich almost beyond description in agricultural products. It is a valley of beauty. The far-famed Rhine upon a beautiful day does not, to an American, present so fair a view of mountain, valley, farm, and home as does the beautiful, the rich Muskingum Valley. I traversed a part of it last fall with the distinguished Senator from Ohio, Mr. SHERMAN, and the rich farms teeming with the cereal products of that favored section of country, the outcroppings of the exhaustless coal veins, the beautiful timbered hills, the undulating bottom lands teeming with the most magnificent corn crop that has been produced in any valley within my recollection, and the cattle upon all the hills, was a sight worth seeing. There were homes there, too, and houses there, and villages and manufacturing industries, and the hum of life, stirring, pushing, the church with its spire, and the school-house with its throng of coming voters, the appliances of modern civilization and comfort—all this made up a picture of American life in this Muskingum Valley that is without parallel outside of the great middle section of this country.

Along the valley of this stream, between Marietta and Zanesville, the part improved now, there are, first, Marietta, a beautiful city teeming with industrial institutions, the key of the valley, first of the settlements of the northwestern territory; the towns of Lowell, of Beverly, of Windsor, the towns of McConnellsville and Malta, the latter a manufacturing point where an enormous flour-mill stands, a great plow manufactory, and other industrial institutions. Still ascending the river, we pass the small towns of Taylorsville and Eagleport and other growing villages, and then come to the great town of Zanesville. Zanesville is a city upon the one side of the river and Putnam on the other, both now, I believe, united in a common municipal government, a city devoted to manufacturing enterprises, one of the most enterprising, energetic, and prosperous cities in Ohio. All these have grown up upon the banks of this beautiful river.

It is not a "canal;" and when the gentleman from Iowa [Mr. HEPBURN] calls it a "canal" he does himself injustice. It does not affect the merits of the controversy, or of the appropriation rather, to have this river sneered at as a "canal." It is a river larger than the Monongahela, barely second to the Great Kanawha, and vastly better for navigation than the Wabash. It was a navigable stream before the State of Ohio touched it with its improvements. But away back in 1836 the State of Ohio, then organizing its great system of public works, built the Muskingum improvement at a cost to the State of $1,627,018. From that day to this it has expended upon that river in the matter of improvements $704,571.26, and it has received from tolls and rents $670,975.88.

Now, then, the gentleman from Iowa said something about a scheme to rent the water. Let me show him how small a statement will explain all that. During most of the year there is surplus water in the Muskingum River, more water than is needed for navigation. The dams are overflowed, the locks are full, and at such times the water is used for manufacturing purposes along the line of the river. The lessees heretofore paid the State for it, and hereafter will pay to th General Government the rental value of their privileges.

During the year just ended on the 1st of January the receipts from water rents amounted to $5,118.69, a very respectable sum, and which will go a long ways in the end to keep the works on the river in repair, $8,000 per annum being the estimated cost after the new improvements are made. But bear in mind that under the contract the lease, and under the decisions of the courts in Ohio the water thus leased, is surplus water, and the supreme court of Ohio held long ago that the lessees of these water rights had no claim for damages because any part or all of the supply of water is withheld, or even if the works are abandoned, and that they hold their leases subject to the paramount rights and interests of navigation; and, by the act of August 5, 1886, accepting the cession from the State of Ohio, the General Government has been careful to provide that the leases of the water rights or privileges shall be subject to the paramount interests of navigation. It is one of the means by which the industries along the bank are to be fostered and built up. They are not to be built up, however, at the expense of the navigation, but they are to be built up in the very interest of the navigation.

Now, Mr. Chairman, one thing further. In the present bill there is a provision that so much of the act of August 5, 1886, as required that the balance remaining on hand of the appropriation made by the State of Ohio, and unexpended on the 15th of July last, should be transferred to the General Government, shall be repealed, and the necessity and propriety of this legislation is what I wish to speak about. The State last year made an appropriation of $12,000 for the improvement of the Muskingum River. Assuming that the river and harbor bill would become a law prior to or at least as early as the 15th of July, the proviso was put in that this fund, or any balance remaining on hand, should be transferred to the General Government; but it so happened that the bill did not become a law until the 5th of August, and at that time the State had made contracts and was expending the money.

Nor is this all. The failure on the part of both the United States authorities and those of the State of Ohio to promptly act upon the details of the transfer left the river in the hands of the authorities of the State until winter set in, and, indeed, its transfer in fact is a matter of very recent date. In the mean time the State was collecting tolls, the State was collectiug water rents, and the State had on hand the $12,000 of appropriation, and had proceeded by its duly authorized agents to expend this money in the improvement of the river. By an unusual and unexpected casuality the dam at Lowell was broken and a new and substantial dam was put in by the State; and I here append a full statement made officially by the board of public works of Ohio showing the financial transactions of the State in connection with the Muskingum improvement during the year. The statement is as follows:

First. The funds to the credit of the Muskingum improvement on May 19, 1886, including the appropriation by the Legislature last winter, $13,840.80.
Second. Expenditures on the Muskingum improvement from May 19, 1886, to July 15, $4,058.98.
Third. Expenditures between July 15 and August 5, nothing.
Fourth. Expenditures between August 5 and December 21, 1886, $15,953.81.
Fifth. Tolls received from the Muskingum improvement from July 15, to December 21, 1886, $4,247.61.
Sixth. Tolls have all been expended on Muskingum improvement, and more than $3,000 outstanding bills yet to be paid.

COLUMBUS, OHIO, *December* 21, 1886.

I certify the above statement to be correct.

A. DOWNING,
*Secretary State Board of Public Works.*

I also have a statement of the receipts by the month for each month showing the amount of water rents and the amount of tolls charged; and I point out to the gentlemen who sneer at this river as a matter of little importance that during the summer season of 1886, when the water was very low a greater part of the time, and with the broken dam at Lowell, and the other impediments to navigation, the receipts to the State from tolls alone for the year amounted to $10,024.68, showing that the "Little Muskingum" matter is in point of fact a splendid piece of navigable water. The statement is as follows:

BOARD OF PUBLIC WORKS, COLUMBUS, OHIO, *December* 31, 1886.

DEAR SIR: Yours of 29th instant at hand, and in compliance with your request I inclose herewith a full statement of the receipts and expenditures on the Muskingum improvement for the fiscal year ending November 15, 1886, from which you will see that the improvement has received its full share and more of its

receipts than it was entitled, as you perhaps are aware that all receipts from tolls and water-rents, by act of the Legislature, go into what is called the general-repair fund for the use of all the public works of the State.

Hoping the inclosed statements are such as will meet your request, I am yours truly,

A. DOWNING, *Secretary.*

Hon. CHARLES H. GROSVENOR, M. C., *Athens, Ohio.*

---

*Abstract of receipts of tolls and water-rents on the Muskingum River improvement for the fiscal year ending November 15, 1886.*

| Date. | Tolls. | Rents. | Total. | Paid out for repairs. |
|---|---|---|---|---|
| 1885. | | | | |
| November 16 to 30 | $422 86 | | $422 86 | |
| December | 828 24 | $131 50 | 959 74 | $33,006 03 |
| 1886. | | | | |
| January | 312 93 | | 312 93 | 2,776 31 |
| February | 429 74 | | 429 74 | 1,941 51 |
| March | 954 14 | 110 00 | 1,064 14 | 1,269 88 |
| April | 837 22 | 2,500 00 | 3,337 22 | 2,920 50 |
| May | 1,267 99 | 951 34 | 2,219 33 | 1,023 09 |
| June | 997 38 | 350 00 | 1,347 38 | 1,566 61 |
| July | 1,112 14 | 319 00 | 1,431 14 | 2,492 37 |
| August | 1,046 27 | | 1,046 27 | 2,159 32 |
| September | 616 90 | 200 35 | 817 25 | 3,659 35 |
| October | 874 70 | 31 50 | 906 20 | 3,005 10 |
| November 1 to 15 | 324 17 | 525 00 | 849 17 | 4,432 04 |
| Total | 10,024 68 | 5,118 69 | 15,143 37 | 30,552 11 |

COLUMBUS OHIO, *January* 1, 1887.

I certify the above statement to be correct.

A. DOWNING, *Secretary.*

---

*Statement of funds to the credit of the Muskingum River improvement for the fiscal year ending November 15, 1886, and also disbursements for repairs, &c.*

| | | |
|---|---|---|
| On hand November 15, 1886 | | $7,025 90 |
| Appropriated May 11, 1886, by Legislature | | 12,000 00 |
| Receipts from tolls and water-rents | | 15,143 37 |
| Total receipts and appropriations | | 34,169 27 |
| Amount paid for repairs, &c | $30,552 11 | |
| Lapsed into treasury | 2,121 57 | |
| Total expended during year and lapsed | | 32,673 68 |
| Receipts and appropriations above expenditures | | 1,495 59 |

More than $3,000 of outstanding indebtedness yet to pay.

The above statement is correct.

A. DOWNING, *Secretary.*

I herewith append the letters of the United States engineers, showing that the money expended by the State was necessarily expended and judiciously expended:

UNITED STATES ENGINEER OFFICE, CUSTOM-HOUSE,
*Cincinnati, January* 4, 1887.

MY DEAR GENERAL: In reply to yours of the 29th ultimo, I inclose herewith the statement of Lieutenant Beach, Corps of Engineers, who is more familiar with what was done on the Muskingum River during the summer and autumn than any one else in this office. Personally I have no information on the matter, as I was not on duty during the period in question.

I return herewith the statement of the board of public works.

Respectfully, your obedient servant,

WM. E. MERRILL,
*Lieutenant-Colonel of Engineers.*

Gen. C. H. GROSVENOR, M. C.,
*Washington, D. C.*

---

UNITED STATES ENGINEER OFFICE, CUSTOM-HOUSE,
*Cincinnati, January* 4, 1887.

SIR: In reply to the letter of Gen. C. H. GROSVENOR, M. C., of December 29, 1886, referred by you to me, and inquiring whether the appropriation last made by the State of Ohio for the Muskingham River improvement has been judiciously expended, I would say that this office has had no opportunity or means afforded it upon which a positive statement can be made. The dilapidated and even dangerous condition in which parts of the work are represented to be would call for the expenditure of a much larger sum than the appropriation above mentioned, and from conversations that I have had with various persons fully competent to express an opinion, I should say that the work done was of the utmost importance and necessity. Of the manner in which the work has been performed, I know nothing, though, if I may be allowed to form an opinion from the judgments of other people, I would say that the expenditure of the appropriation was not only justified but demanded by the condition of the improvement.

Very respectfully,

LANSING H. BEACH,
*First Lieutenant of Engineers.*

Lieut. Col. W. E. MERRILL,
*Corps of Engineers, U. S. A., Cincinnati, Ohio.*

So, Mr. Speaker, the propriety of this clause in the bill will be apparent to every man. The State had on hand a fund. As one of the conditions of the transfer, the Government required that the balance should be turned over, but, by reason of the delay, the money was expended, and expended wisely and judiciously, for the improvement and benefit of the property, and there would be no equity in now requiring the State of Ohio to turn over a fund which she has already expended for the improvement of the property of the General Government. The river has been formally and officially transferred to the Government. The deed, signed by the board of public works, as required by law, has been formally accepted by the Government. I attach the correspondence with the Attorney-General:

HOUSE OF REPRESENTATIVES, UNITED STATES,
*Washington, D. C., February* 3, 1887.

SIR: I have the honor to ask if the deed from the board of public works of the State of Ohio, transferring the Muskingum improvement to the United States, pursuant to the act of Congress approved August 5, 1886, has been received by the United States, and if so whether it has been approved by you as in all respects complying with that act so as to make the transfer legal and complete.

I have the honor to be your obedient servant,

C. H. GROSVENOR.

Hon. A. H. GARLAND, *Attorney-General.*

---

DEPARTMENT OF JUSTICE,
*Washington, D. C., February* 3, 1887.

SIR: In reply to your inquiry of to-day I have the honor to state that a deed, executed by the board of public works of the State of Ohio, under authority of the Legislature of that State, transferring to the United States all the right, title, and interest whatever of the State of Ohio to and in the real property belonging to the Muskingum River improvement, between Zanesville and the mouth of that river, has been received by this Department and transmitted to the Secretary of War. I have approved this deed as a valid conveyance to the United States of the property of the State, described therein.

I am, sir, respectfully,

A. H. GARLAND,
*Attorney-General.*

Hon. C. H. GROSVENOR,
*House of Representatives.*

It will thus be seen that the Muskingum River, with its splendid property and its great promise of usefulness, has been turned over to the Government, that the plant is there. It is not a canal; it is a river. It is a river with the ordinary appliances of slackwater navigation, with locks and dams to deepen the water at certain places and to control the water at certain places. The estimate of the Engineer Department is, that for the purpose of putting the river into absolute efficiency, with new locks and new dams, the whole cost will be something like $200,000, and that after that the cost of the care of the river will not greatly exceed the income from the water rents, and the committee put this river upon an exact equality with the other schemes of improvement. It gave to it 25 per cent. of the estimates, which amounted to $50,000. There can be no just criticism of this sum of money. Its expenditure will bring an immediate return to the commerce of the river, and to cut it down or to strike it out would be an unwarranted and unjust discrimination against that section of the country. The bill of last year appropriated $20,000 for the care and protection of the locks and property. This bill makes available that sum of money, to be expended during the current year for the care and protection of the locks and dams and other property, and is not an additional appropriation.

Now, Mr. Chairman, this is the only navigable river within the great State of Ohio. I have no greater interest in this mattter than have other gentlemen here. The gentleman from Ohio, my colleague, Mr. WILKINS, represents more miles of this valley than I do. My immediate representative capacity extends over but the small county of Morgan, while his extends over the great county of Muskingum; and the gentleman from Ohio, my colleague, General WARNER, represents much more of this river than I do. It is, therefore, in no sense a matter exclusively personal to myself. It is a just and fair appropriation of the public money, a small return to the great State that contributes so largely to the national wealth and the money in the Treasury of the National Government.

---

## The Internal-Revenue System Ought to be Abolished.

---

SPEECH

OF

# HON. JOHN W. DANIEL,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, January* 12, 1887.

"The system of direct taxation known as the internal revenue is a war tax."—*National Democratic Platform*, 1884.

The House being in the Committee of the Whole on the state of the Union, and having under consideration House bill No. 5190 to enlarge the powers and duties of the Department of Agriculture—

Mr. DANIEL said:

Mr. CHAIRMAN: The pending bill shall have my support; but I shall discuss a subject more interesting to the farmers of my State than the creation of a Cabinet office.

Those of us who favor the abolition of the internal-revenue system have been unable as yet to get before this House any measure looking to its accomplishment, and hence have had no such opportunity as we

have desired to present our views on the subject. For this reason I avail myself of the latitude of debate now accorded to state the considerations which in my judgment should induce the speedy abrogation of all internal taxes.

ABOLITION OF THE SYSTEM PRACTICABLE.

The Secretary of the Treasury estimates that the surplus revenue for the next fiscal year will amount to $125,000,000. Of this probable sum that will overrun the Treasury the Commissioner of Internal Revenue estimates that the internal-revenue taxes will contribute $118,000,000. If the calculations of our financial officers be correct it is plain that the internal taxes will not be needed, provided, of course, that the tariff taxes continue to produce a sum equal to that now derived from them; and that it is a practicable thing to abolish now the internal taxes is obvious.

It is true that the increase of charges upon the Treasury unforeseen and unconjectured by the Secretary of the Treasury may alter this calculation. The passage of the new pension bill has already, to an extent estimated at some six millions and upwards, increased the probable charges, and if some of the schemes now pending should succeed the abolition of all internal taxes might create a deficit.

But no deficit can arise which would be likely in any degree to embarrass the Government. A brief suspension of debt payment would "make buckle and tongue meet," and the rapidity with which the debt is now being paid is in itself a source of embarrassment for the reason that it forces the contraction of national-bank circulation.

In short, the aggregate internal taxes and the surplus are so nearly offsets to each other that if Congress has the will to abolish such taxes the way is not difficult, and no embarrassment is likely to ensue.

THE NECESSITY OF TAX REDUCTION.

Not only is it practicable to abolish the entire revenue system, but it is universally conceded that we must make large reductions in taxation—reductions fully or nearly equal to the aggregate sum of internal-revenue taxes. The Federal Treasury groans under the burden of its enormous surplus, and the existence of that surplus is a manifold evil.

It withdraws from the pockets of the people the means upon which they depend for livelihood and for prosperity without occasion for their use. It withdraws from the channels of trade the capital which rightly occupied would stimulate enterprise and reward labor. It creates a conspicuous and standing invitation to extravagant and wasteful legislation. It accumulates expense upon expense in the cost of collecting and guarding it. It keeps in service an array of office-holders. It is the embodiment of a vast raid upon the people; a wrong upon and an insult to them; a reproach to all persons and all parties who tolerate it, and a reproach to our form of government.

THE POSSIBLE METHODS OF TAX REDUCTION.

It being conceded that the necessity for tax reduction exists, and that the abolition of the internal-revenue system is practicable, we should consider whether or not it is best to adopt this practicable plan. There are but three plans that we can pursue to reduce the taxes. First, by a revision of the tariff; second, by abolishing the internal-revenue system; and, third, by a combination of tariff and internal-revenue reduction. So eager am I to see some one of these plans adopted, and so grievous is the wrong of delay, that I should be glad to go any road that would lead to tax reduction. And I have never failed to vote for any proposition looking that way. But I have my convictions that the internal-revenue abolition road is the shortest, simplest, and best road, and I think it is a great mistake not to take it at once and be done with it.

THE ADVANTAGES OF REDUCING TAXATION BY INTERNAL-REVENUE ABOLITION.

A few plain, practical reasons in favor of this view are to me convincing. An act of Congress making a clean sweep of internal taxes would end the problem of the surplus, clear away all questions that complicate and becloud the tariff, and present to the people the sole and clean-cut issue of taxation, "What is the best form of tariff?" We would know exactly what we were doing in abolishing internal taxes, and enter upon no uncertain and experimental scheme. Whereas when we touch the tariff we can not foretell the resultant of any scheme of revision. To lower the tariff on many articles may be, and probably will be, to increase the revenue by stimulating and increasing importations. And at the end of such revision, unless internal-revenue abolition or reduction preceded it, we might have a greater surplus than we now have, and a still more difficult problem to solve than that now presented.

THE INTERNAL-REVENUE SYSTEM A WAR TAX OPPOSED TO THE SPIRIT OF OUR INSTITUTIONS.

Besides these simple and practical reasons there are many others that tend to the same conclusion. It should not be forgotten that as the platform upon which Mr. Cleveland was nominated and elected President declared, "The system of direct taxation known as the internal revenue is a war tax," and that this truth is of long historical application.

In English and in American history the excise has never been anything else but a war tax; never anything else than an expedient designed to meet transient emergencies; never anything else than a hated system, tolerated on account of necessity. Before the revolution of Cromwell against the Stuarts both houses of Parliament declared (in 1626) that excise taxation was contrary to the English constitution. But when the civil war came the excise tax for the first time came with it, and Parliament ventured to impose it upon beer, cider, and perry, pleading necessity as an excuse.

London rioted against it; and it was held out to be a temporary expedient. Charles I denounced it, and then, hard pressed for funds, his ministry favored it. On the accession of James Parliament renewed the temporary excise for his life, and increased it by additional duties on wines, vinegar, and tobacco; but with the revolution of 1688 it was again reduced, "such a tax," as we are told, "being considered peculiarly obnoxious to the spirit and principles of the constitution," its unpopularity never abating by long usage. (Levi on Taxation pp. 114, 115.)

THE EXPERIENCE OF ENGLAND REPEATED HERE.

Blackstone, in his Commentaries on the Laws of England (vol. 1, pp. 317, 318), gives a sketch of the excise history which, were names and dates changed, would seem to be a passage from our own experience. He says:

> The rigor and arbitrary proceedings of excise laws seem hardly compatible with the temper of a free nation. For the frauds that might be committed in this branch of the revenue, unless a strict watch is kept, make it necessary wherever it is established to give the officers the power of entering and searching the houses of such as deal in excisable commodities at any hour of the day and in many cases of the night likewise. And the proceedings in case of transgression are summary and sudden. * * * Lord Clarendon tells us that to his knowledge the Earl of Bedford (who was made lord treasurer by King Charles the First to oblige his Parliament) intended to have set up the excise in England, yet it never made a part of that unfortunate prince's revenue, being first introduced, on the model of the Dutch prototype, by the Parliament itself after its rupture with the Crown. Yet such was the opinion of its genuine unpopularity that when in 1642 "aspersions were cast by malignant persons upon the House of Commons, that they intended to introduce excises, the house for its vindication therein did declare that these rumors were false and scandalous, and that their authors should be apprehended and brought to condign punishment.
>
> However, its original establishment was in 1643 and its progress was gradual, * * * both sides protesting that it should be continued no longer than to the end of the war, and then be utterly abolished.

Here in the United States our wars with England, and our great civil war, have each successively spawned upon us internal Federal taxes, first in 1791, next in 1812, and finally in 1862. But in each case they have been adopted under the strain of financial difficulty as temporary expedients, with no thought on the part of their authors of embodying them as permanent parts of our establishment, and with the almost universal contemplation of their abolition as soon as the exigency which called them into being should terminate. Those who at the first opposed the excise (and many there were who opposed it even when the necessities of a new Government, an empty Treasury, and an impoverished people justified every possible resort for revenue) urged that excise tax of any kind was dangerous to the liberties of the people. The second excise bill of 1792 passed the House of Representatives by a vote of 35 to 21; yet many who voted for it under stress of the hour had expressed themselves against its principle; and had it been attempted at that time to extend it to any article but spirits it is doubtful if it would have succeeded. The outburst of popular hostility which resisted it even on that basis is matter of familiar history. In Pennsylvania, Maryland, Virginia, and North Carolina mass meetings denounced it in resolutions; and in Western Pennsylvania the popular uprising known as "the whisky insurrection" grew to such portentous proportions that Light-Horse Harry Lee was sent at the head of an army to suppress it, and Washington himself went to Pennsylvania to take the field against it.

It would be vain in view of judicial decisions to deny that the internal-revenue system is constitutional in the sense that Congress has the legal power to impose it. But that power was conferred to be used under such circumstances as might warrant its use consistently with public necessities, with a spirit of fairness to all interests, and with due deference to the history, the traditions, and the tone of thought of the people. To exercise power merely because of its possession and for selfish ends is the very definition of tyranny, and the time has arrived when to continue the tobacco excise system is to fulfill this definition.

FAILURE OF THE REPUBLICAN PARTY TO ABOLISH INTERNAL TAXES.

The Republican party for years and years held out the idea that it would abolish internal-revenue taxes as soon as possible; and there is no doubt that its failure to meet the expectations it excited contributed to its overthrow in 1884.

As long ago as the 12th of December, 1870, Hon. W. D. KELLEY, of Pennsylvania, offered in this House, then strongly Republican, the following resolution:

> *Resolved*, That the true principle of revenue reform points to the abolition of the internal-revenue system, which was created as a war measure to provide for extraordinary expenses, and a continuance of which involves the employment at the cost of millions of dollars annually of an army of assessors, collectors, supervisors, detectives, and other officers; and requires the repeal at the earliest day consistent with the maintenance of the faith and credit of the Government of all stamp and other internal taxes; and that properly adjusted rates shall be maintained on distilled spirits, tobacco, and malt liquors so long as the legitimate expenses of the Government require the collection of any sum from internal taxes.

Upon his motion the rules were suspended, and the resolution was promptly adopted. The vote on suspending the rules was as follows:

YEAS—168.

| | | | |
|---|---|---|---|
| Allison, | Duke, | McKenzie, | Sheldon, Porter |
| Ambler, | Duval, | McNeely, | Sherrod, |
| Armstrong, | Eldridge, | Mercur, | Shober, |
| Arnell, | Farnsworth, | Moore, E. H. | Slocum, |
| Atwood, | Ferris, | Moore, J. H. | Smith, J. A. |
| Axtell, | Ferry, | Moore, William | Smith, W. C. |
| Barry, | Fisher, | Morey, | Starkweather, |
| Beaman, | Fitch, | Morgan, | Stevens, |
| Beatty, | Fox, | Morphis, | Stevenson, |
| Beck, | Garfield, | Morrell, | Stiles, |
| Benton, | Getz, | Morrill, | Stokes, |
| Bingham, | Gibson, | Morrissey, | Stone, |
| Bird, | Gilfillan, | Mungen, | Stoughton, |
| Blair, | Griswold, | Myers, | Strader, |
| Boles, | Hamill, | Negley, | Strickland, |
| Booker, | Hawkins, | Niblack, | Strong, |
| Bowen, | Hawley, | O'Neill, | Swaim, |
| Boyd, | Hay, | Orth, | Sypher, |
| Brooks, James | Heflin, | Packard, | Taffe, |
| Buckley, | Holmes, | Packer, | Tanner, |
| Buffinton, | Ingersoll, | Paine, | Taylor, |
| Burchard, | Jenckes, | Palmer, | Tillman, |
| Burdett, | Johnson, | Peck, | Townsend, |
| Burr, | Jones, A. H. | Perce, | Trimble, |
| Butler, R. R. | Jones, T. L. | Peters, | Tyner, |
| Calkin, | Julian, | Phelps, | Upson, |
| Churchill, | Kelley, | Platt, | Van Horn, |
| Clark, W. T. | Kellogg, | Poland, | Van Trump, |
| Clarke, Sidney | Kelsey, | Pomeroy, | Voorhees, |
| Cobb, Amasa | Ketcham, | Porter, | Wallace, |
| Cobb, C. L. | Knapp, | Prosser, | Washburn, |
| Coburn, | Knott, | Rainey, | Welker, |
| Conger, | Laflin, | Reeves, | Wells, |
| Cook, | Logan, | Rice, | Wilkinson, |
| Cowles, | Lynch, | Sanford, | Willard, |
| Crebs, | Manning, | Sargent, | Williams, |
| Cullom, | Mayham, | Sawyer, | Wilson, |
| Darrell, | Maynard, | Schenck, | Witcher, |
| Dickinson, | McCormick, | Schumaker, | Wolf, |
| Dixon, N. F. | McCrary, | Scofield, | Wood, |
| Douley, | McGrew, | Shanks, | Woodward. |
| Dox, | McKee, | Sheldon, L. A. | |

NAYS—6.

| | | | |
|---|---|---|---|
| Asper, | Benjamin, | Finkelnburg, | Smith, W. J. |
| Ayer, | Cox, | | |

In his message to Congress of December 4, 1882, President Arthur called attention to the fact that "for the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000, and for the fiscal year ended on the 30th of June last (1882) the surplus was more than $145,000,000."

He declared that:

Either the surplus must be idle in the Treasury or the Government will be forced to buy at market rates its bonds then not redeemable, and which, under such circumstances, can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing Treasury.

And he gave his recommendation as follows:

I venture now to suggest that unless it shall be ascertained that the probable expenditures of the Government for the coming year have been underestimated, all internal taxes, save those which relate to distilled spirits, can be prudently abrogated.

Such a course, if accompanied by a simplification of the machinery of collection, which would then be easy of accomplishment, might reasonably be expected to result in diminishing the cost of such collection by at least two millions and a half of dollars, and in the retirement of from fifteen hundred to two thousand persons.

The system of excise duties has never commended itself to the favor of the American people, and has never been resorted to except for supplying deficiencies in the Treasury, by reason of special exigencies, the duties on imports having proved inadequate for the needs of the Government.

The sentiment of the country doubtless demands that the present excise tax shall be abolished as soon as such a course can be safely pursued.

President Arthur's words were wise and true. He justly interpreted the situation and the sentiment of the country. But his party did not. They lightly heeded his counsel. Two years went by and the obnoxious statutes were still standing; the Presidential campaign came on, and the Democratic convention met in Chicago to arraign their opponents for their shortcomings and to place a Presidential candidate before the people.

THE PLEDGES OF THE DEMOCRATIC PARTY.

Permit me now to ask the attention of my Democratic brethren to the pledges which our party made on that occasion when Mr. Cleveland received their nomination. I commend to them the careful reading of their own manifesto. It was welcomed in Virginia as a ringing declaration of Democratic principles, and many a time at the hustings did the people shout approval of its promises.

Read it, gentlemen! Here are some of its sayings:

That change is necessary is proved by an existing surplus of more than $100,000,000, which has yearly been collected from a suffering people. Unnecessary taxation is unjust taxation. We denounce the Republican party for having failed to relieve the people from crushing war taxes, which have paralyzed business, crippled industry, and deprived labor of employment and of just reward.

* * * * * * *

From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be.

* * * * * * *

All taxation should be limited to the requirements of economical government. The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages existing in this country.

Sufficient revenue to pay all the expenses of the Federal Government economically administered, including pension, interest and principal of the public debt, can be gotten under our present system of taxation from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury and lightest on on articles of necessity.

* * * * * * *

The system of direct taxation known as the "internal revenue" is a war tax, and so long as the law continues the money derived therefrom should be devoted to the relief of the people from the remaining burdens of the war, and to be made a fund to defray the expense of the care and comfort of worthy soldiers disabled in the line of duty in the wars of the Republic, and for the payment of such pensions as Congress may from time to time grant to such soldiers; a like fund for the sailors having been already provided, and any surplus should be paid into the Treasury.

*

No honest, intelligent mind can, in my judgment, so twist and distort this reading as to make it anything else than a clear, specific, and emphatic denunciation of the surplus, and a clear, specific, and emphatic promise to rid us of it by reducing the internal taxes. It is true that there is expression of opinion that "so long as the internal-revenue law continues the money derived therefrom should be devoted" to paying pensions and defraying expenses of "the care and comfort of worthy soldiers." "So long as the law continues;" but how long was that to be? The sentences of the text must be read together; and when you so read them it is plain as light and knowledge can make it that the plan propounded by the Democracy, and upon which it carried the country, was to thus appropriate the revenue derived while the law continued, but so to change the law as to pay "all the expenses of the Federal Government economically administered, including pensions, interest, and principal of the public debt" by "custom-house taxes on fewer imported articles."

To make it conspicuous that this was the Democratic scheme, the platform denounced the surplus; denounced the Republicans for "failing to relieve the people of crushing war taxes;" pointed to the historical fact that from the foundation of the Government "taxes collected at the custom-house have been the chief source of revenue;" declared that "such they must continue to be;" and then denounced the internal revenue as a war tax, seeking to make, and making, the distinct impression on all minds that if Mr. Cleveland were elected the internal revenue would go.

It should be remembered that these expressions were not only the earnest invocations of the hour, but that they interpreted the history and the practice and the ancient creeds of the party that made them. Under the lead of Jefferson the internal-revenue system that followed the Revolution of 1776 was abolished. Under the lead of Madison the same system that followed the War of 1812 was abolished. And that these illustrious examples were to be followed when, after an absence of a quarter of a century from power, the rejuvenated Democracy should rise again with Cleveland as its leader was the very genius that inspired the promise, and gave hope of its fulfillment. And when the contrast was made between the Democracy and the faithless Republicans, who had in 1870 adopted in this House the resolution offered by Hon. WILLIAM D. KELLEY, declaring for the repeal "at the earliest day consistent with the maintenance of the faith and credit of the Government of all stamp and other internal taxes," the picture of their apostasy was as dark as the hope inspired by Democratic ascendancy was bright and alluring.

For shame that that hope has not been fulfilled!

REASONS ASSIGNED FOR CONTINUING THE INTERNAL-REVENUE SYSTEM.

Some say that they are in favor of decreasing taxes, but think reductions should begin in the tariff on articles of necessity, such as woolen goods, horse-shoe nails, trace-chains, window-glass, &c., articles which the masses want and use; some say that whisky, wine, beer, brandy, and tobacco are luxuries and ought to be taxed; some say that they are noxious and ought to be taxed; some say that these taxes are paid by the consumer, and that they are not felt. But none who here favor the continuation of the system give the most potent reason which keeps it up—the fact that it creates monopoly, and that the monopolists lose no opportunity to advocate and protect it.

THE TARIFF AND THE INTERNAL-REVENUE SYSTEMS CONTRASTED.

I am far from saying, as I am from believing, that all those who advocate the reduction of the tariff before the reduction of internal-revenue taxes are sinister in their pretentions; but I am quite sure that the support of this plan comes in large measure from interested monopolists, and it seems to me that its defenders are inconsistent in their theories. The logical method of dealing with the extraordinary conditions of taxation which war created is the reversal of the steps which led to them and the repeal of the systems which grew out of them.

Remembering that the internal-revenue system is purely a war system, and realizing that war and its necessities are ended; remembering that the English and the American constitutions have never tolerated the system save under the goad of necessity, and that the free spirit of the people has never ceased to chafe under its restrictions, the logical mind, as it would seem to me, would conside the general causes

and the general principles that had induced the specific burden, and would cast it off instinctively as soon as these causes and principles ceased to operate. True, indeed, the tariff should be reformed, and true, also, that this ought already to have been accomplished.

DIFFERENCES BETWEEN INTERNAL REVENUE AND TARIFF SYSTEMS.

But the differences between the internal-revenue system and the tariff (or foreign-revenue system, as it might be called) are differences which give the case of the people against the internal revenue precedence upon the legislative docket. The tariff (or foreign-revenue system) lays its direct burden solely on the products and manufactures of foreign climes. The internal-revenue system lays its direct burden solely upon the products of the American farmer and the American manufacturer. The tariff interjects its burden between the foreign producer and the American market, and increases the difficulty of foreign competition with American wares. The internal tax enhances the price of the American product, and tends to increase foreign competition in both American and foreign markets.

The tariff intercepts foreign goods at our gates, and charges a toll for their entry to our markets. The internal tax enters the field, the factory, and the shop of the American at his home, and places a burden upon production. The tariff lets go its hold as soon as the goods touch our markets. The internal tax follows them from the field to the consumer, watches over their every manipulation, sets a spy upon the citzen, supervises his business, restricts the process, and discounts the profits of his labor.

The tariff, including thousands of foreign articles in its scope, treats the United States as a unit, and diffuses its burden through all classes and all sections. The internal tax spots a few classes and a few sections, and locates its direct burden upon a few shoulders.

The tariff employs no vast corps of office-holders in the interior, rummaging around stores and plantations, and holding a sword over the people in their domestic occupations. The internal revenue fills the city and the countryside with an army of collectors, assessors, gaugers, spies, and informers, whose very being is a menace to the honesty of elections and to the peace of society.

The tariff, whatever else may be said of its indirect influences and of its peculiar discriminations, gives no advantage to any but Americans. The internal tax sets one American to prey upon another, and calls in the foreigner to help the strong in hunting down his prey.

The tariff has existed ever since the first administration of Washington, and will exist as long as the United States endure. The internal tax, the expedient of an hour of agony, is the most conspicuous relic of that agony and perpetuates it only to those who have borne its most exquisite pangs.

THE WHISKY TAX.

The whisky tax, the most fruitful of all the internal-revenue subjects—some sixty-two millions in amount—we can scarcely hope to see repealed at this session of Congress; not because there can be any justification of its retention, but because we are all aware that the whisky monopolists are so rich and powerful that they and their friends are as yet irresistible.

THE FRUIT-BRANDY TAX

is a mere song—less than a million and a half in amount—but an enormous burden in its details, and could be easily dispensed with; but as long as the whisky tax continues it is argued that to release fruit brandy would turn all the whisky into fruit brandy, by hocus pocus, to evade the law. And so does one wrong breed another that an unnecessary tax on whisky, kept up to enable the large manufacturers to kill off the small ones, instigates the retention of another useless tax that carries turmoil and vexation to the homes of thousands. The poor farmer can not sit under his own vine and fig tree and distill the juices of his garden fruits, forsooth, because the whisky monopolist will not let him; and far off from the markets they rot uselessly before his eyes.

THE TOBACCO TAX.

If you are unwilling to go farther, I ask at least that the internal tobacco taxes may be repealed. This tax in all its forms aggregated $26,407,088.48 in 1885, and $27,907,362.53 in 1886. It will be but little over one-fifth of the surplus revenue of the next fiscal year; and to repeal it will happily rid the Treasury of a burden, and yet leave a superabundance of surplus for the anti-tariff men and the anti-internal revenue men to debate over upon their pet theories.

The enormous sum of $717,873,343—nearly three-quarters of a billion of dollars—have already been paid into the Treasury by tobacco alone. Is not this enough for one article of agriculture to bear? Why accumulate the burden upon those who have borne so much?

Listen to what the Western and Virginia Leaf Tobacco Trade of New York say on this subject in the communication sent to this House by their committee, Messrs. Evans, Edmonston, Blakemore, and Arkenburgh:

The internal-revenue system was inaugurated in a great national emergency, and tobacco was selected as a most prolific source of revenue, and while this trade gave loyal support to the laws, it was called upon to make many sacrifices of rights and interest.

Through the operations of this tax restraint is put upon the planter in the disposition of his crop, and men of small means absolutely debarred from engaging in the manufacture of tobacco. An espionage is introduced offensive alike to private commercial interests and the principles of American institutions.

It has hampered the exportation of the manufactured article, unrelaxedly favored the opulent manufacturer, and driven the less fortunate but equally skillful and experienced from attempted competition. It has all the while plainly fostered monopoly, and all the wrongs related exist to-day.

Tobacco has become absolutely one of the necessities of a majority of the working poor, and therefore the burden of this tax falls upon the workingman at last, and when manufacturers claim to pay so many millions of tax to the Government annually they but commercially transfer the money of the people paid them as a tax to the people's treasury. The overflowing revenues of the Government would seem to absolutely dispute the integrity of this tax were it even less odiously burdensome than now.

Therefore, in behalf of this trade, its committee would earnestly pray that this great obstruction to the channel of free and profitable mercantile operations in tobacco, and that which fetters the facilities which would give impulse to its business and discriminates with such palpable injustice, be removed at this session of your honorably body.

I could fill a volume with the petitions, resolutions, and letters of this kind that have been sent me from farmers on the one hand and manufacturers on the other. What is the apology or excuse for not heeding them?

TOBACCO NOT ALTOGETHER A LUXURY.

"It is a luxury and ought to be taxed" I hear frequently said, but I deny the fact in its broad sense, and controvert the conclusion. Tobacco is a great medicinal agent, as attested by scientific opinion and by large and enlightened experiences. And while I do not doubt that it is a luxury to many, it is also true that it is a necessity to many.

There are many things originally used as luxuries only, and which would be luxuries to those who are in a semi-barbarous state, which become necessities to man in the second nature of his highly civilized life.

Coffee and tea are articles of this class, and tobacco is another. The severe physical and mental strains to which men are inevitably subjected in the ordeals of labor require the use of those stimulants which nature has provided. They are often misused, and dreadfully abused. So are all blessings. But they become necessities for appropriate uses, neverthless; and cease to be luxuries merely. The sailor at the masthead in the midnight storm; the soldier on guard while the army slumbers; the doctor strained in nerve and brain watching his patient; the railroad engineer; the editor, the lawyer, the laborer—all these working, and compelled to work when they should rest—all these know that tobacco is often as necessary to enable them to stand the strain as bread and meat are to the life of the body.

IF TOBACCO BE A LUXURY, IT IS THE LUXURY OF THE WORKING CLASSES.

If tobacco be classed as luxurious, it is certainly the luxury of the working classes—especially the tobacco produced upon American soil.

The millionaire smokes the fragrant Havana, and 25 or 50 cents or $1 is nothing for him to pay as a price for the precious weeds. They are imported articles; they come in competition with our domestic products; they are a high-priced luxury, beyond the reach of the masses, and like other importations are fit subjects for custom-house taxation. But our domestic tobaccos are emphatically the luxuries of the working masses, if luxuries at all they be.

Mr. Noble, in his book on the queen's taxes, has justly stated the case in England in language which I conceive to be equally applicable here. He says:

It was stated before a Parliamentary committee in 1844 that nine-tenths of the tobacco imported into this country (England) was consumed by the working classes.

Mr. Dudley Baxter, in his recent work on taxation, states, as the result of extensive inquiries, that three-fourths of the workingmen consume tobacco.

It must therefore be evident that the tax upon that commodity is paid to a large extent by the workingmen. Opinions vary as to the propriety or necessity of the tax. Some defend it as a restraint upon the consumption of a pernicious indulgence; others as an impost upon a luxury which those who use it can afford to pay.

If tobacco be a pernicious indulgence it is hard to see how the state can with propriety derive a revenue from such a source.

If, on the other hand, it is considered a luxury, the question naturally arises as to the policy of placing so heavy a tax upon the luxury of workingmen while the many and varied enjoyments of the rich are untaxed. It certainly can not be said with any show of accuracy that an operative, mechanic, or laborer who consumes tobacco is "an untaxed workingman." (The Queen's Taxes, by John Noble, p. 16.)

WHY TAX ONE OR TWO LUXURIES AND SPARE THE MILLION?

Now, looking at the matter in its narrowest aspect, and supposing that tobacco is a luxury altogether, let me ask why should you tax this luxury when you do not need the tax and let the millions of other luxuries go untaxed? Diamonds, jewels of all kinds, gold and silver plate, silks, satins, velvets, purple and fine linen, terrapin and soft crabs, pleasure carriages, and plate-glass mirrors—all these things are luxuries—luxuries of the rich only; why pass them by without any internal tax and pick out the poor man's solace? Why spare the diamond of Dives and tax the quid of Lazarus?

IT IS IMMORAL TO LICENSE VICE UPON A PLAN TO SHARE ITS PROFITS.

"It is injurious in its use and ought to be taxed," is another outcry. If so injurious in its use to society that the law should put it down, then the States, which have the right to deal with it, should meet the issue squarley. If vice is to be made a subject of Federal revenue, certainly there is a broad subject of taxation which is not limited by spirits and tobacco, a fertile field, indeed, for the exercise of that statesmanship which wishes to go halves in the wages of sin. But the Federal Government can not undertake to regulate public morals or private habits. That domain of legislation by general concession and plain prerogative bet longs to the States alone. And whether Federal or State governmen-

seek to deal with the subject-matter, the fact that anything is vicious is the last and most untenable of all arguments to be made in favor of licensing and taxing it.

Whenever government undertakes to go in partnership with vice upon a plan to share its profits, its own immorality transcends that which it attempts to profit by. Some men are benefited by and some men are injured by stimulants. Those who are benefited by them commit no wrong in using them. Those who are injured by them do commit a wrong; but the law is impotent to discriminate, as it can not act the part of physician to the citizen. And all that can be done is to leave the question to the intellect and conscience of the individual, instructed through the ordinary channels of intelligence and by enlightened public opinion, and corrected by legal punishment when that becomes necessary.

THE TAX LIMITS THE MARKET OF THE ARTICLE TAXED, AND HENCE DIMINISHES ITS PRICE AND THE EMPLOYMENT OF CAPITAL AND LABOR.

"The consumer pays the tax," it is said. It is not true, as broadly stated, that the consumer pays the entire tax, although he does bear a full share of its burden. The tax distributes itself upon the shoulders of all who produce, manufacture, deal in, or consume the article taxed, acting as a depressing influence upon every connection with it.

It is quite evident that when the consumer pays for the article he uses in normal conditions of trade he pays for original cost plus the tax and plus the profits of handling it. As price is enhanced to the body of consumers, correspondingly the number of consumers is reduced; for many are unable to pay for and indulge in high-priced articles who would use them if they were cheaper. The poor are denied indulgence in the things which rise beyond their means. The reaction of the tax is, then, to decrease the number who may consume—a decrease of custom for the product—and as a final consequence a decrease of that portion of its market price which is represented by the cost of its production, the tax being the fixed portion of the price which does not vary.

This is an effect of excise taxation well understood by political economists; and it is plain that the farmers and farm laborers who produce the materials out of which the taxed articles are manufactured are the chief sufferers, as all intermediate parties between them and the consumer take care to add to prices whatever is needful to their protection. The farmer can not translate his capital into other things, like the manufacturer and the merchant. His fields, his barns, his machinery are a fixed plant annexed to his home. He must produce the things he has prepared to produce or lose his outfit. And when the market for that produce is contracted by a tax which limits its consumption, it is upon him that the principal detriment falls.

TAX INDUCES ADULTERATION; AND DOES NOT REFORM CONSUMPTION.

I have argued, correctly, I think, that the check upon consumption consequent upon the tax reduces the market price of the subject-matter taxed, and doubtless those who are glad to see the consumption of tobacco restricted, regarding it as injurious to those who indulge its use, will find in this fact an argument for the tax, not against it. But pause a little. This would be a superficial view. Consumption of a good article of tobacco is undoubtedly checked. But the appetite which finds solace in the weed is not destroyed; it still seeks gratification. And it finds it as nearly as it may in the use of an inferior or adulterated article; and for the price that the consumer once satisfied the cravings of nature with a stimulant that was the best, and least innocuous of its kind, he now contents himself with some vile substitute compounded of what was waste before—some miserable bedrugged and bedizened leavings of manufacture so fabricated that while the eye is deceived, the system is doubly poisoned by ingredients far more pernicious than that which they adulterate.

Let no anti-liquor or anti-tobacco man take to himself the flattering unction that he is helping temperance and the economy of health by piling taxes on spirits and tobacco. He is only squeezing the pure juices out of them and squeezing poisons into them. He is depraving the article that is palmed off for whisky and tobacco. He is making a victim of the patient whom he would cure. Temperance in the use of spirits and tobacco is a noble thing to preach and a noble thing to practice; but it is either hypocritical cant or shallow wit to contend that high tax upon the article restrains intemperance in its use. It only enhances and debases the folly of immoderate indulgence.

In the year ending 31st March, 1868, one hundred and thirty-five samples of tobacco were analyzed in England, of which ninety-six were adulterated, the ingredients employed being licorice, sugar, salt, anise-seed, starch, brown paper, and sand. Rhubarb, cabbage leaves, exhausted tea leaves at other times were found in tobaccos; and the author to whom we are indebted for these statements about tobacco in England declares that "another evil which is an invariable attendant of high duties is the encouragement they afford to adulterations." (The Queen's Taxes, page 17.)

Says Sir S. Morton Peto (Peto on Taxation, page 123):

It was a work worthy the best efforts of an English statesman to effect the relief of our national trade and industry from the operation of the old excise taxes. It was not so much the amount of these duties which injuriously affected us, although by increasing prices they no doubt limited the market for commodities, and thereby diminished the employment of capital and labor.

And here another direction in which the tax depresses the market price for the original product appears. The tax by restricting the manufacture of the article taxed diminishes the number of purchasers, and hence diminishes the price.

The baneful effects (of the excise laws), continues Peto—

The baneful effects were most felt in their interference with the free course of manufacture, in which they tended to prevent activity, invention, and the application of new forms of machinery. They compelled every manufacturer to manage his trade, not according to the teachings of his own experience, but according to an act of Parliament, which imposed upon him restrictive regulations, and taught him nothing except how to pay a tax. The natural result was inferiority in the quality of the articles produced, which inferiority lost us no inconsiderable proportion of the market of the world.

THE EFFECTS OF THE TAX UPON OUR TOBACCO TRADE.

The effect of the tobacco tax upon our trade has been just that which Sir Morton Peto attributes to the like cause in England—it has greatly depreciated the character of our products, agricultural and manufactured, and has injured our sales, domestic and foreign. Cheap and adulterated articles have taken the place of those which ranked in the first class of their kind, and in proportion as the American products have depreciated the demand for the finer goods of Cuba and other foreign lands has increased.

Another ill effect upon the tobacco trade arises through the element of uncertainty that this tax interjects. Mercantile business is speculative at best. Its natural and inevitable uncertainties are difficult for the best minds to deal with; and when any new element of risk is introduced its tendency is exceedingly depressing. Tobacco merchants are kept in a perpetual fever of excitement and agitation by this tax. They know not when it may be repealed or decreased, and act in the dark in making estimates. Will you rebate the tax paid on unsold tobacco if you repeal the tax? Will your action go into effect this month or the next? These are questions constantly disturbing their calculations. And these questions will never be put at rest until you repeal the tax. Meanwhile their trade is depressed and the farmer's product is depreciated.

THE VETO OF MONOPOLISTS WHO STRIVE TO CONTINUE THE INTERNAL-REVENUE TAXES.

Were it not for the monopolists who find in heavy taxation a means to exclude small competitors from sharing the profits of their business, the internal-revenue taxes would long since have been abolished.

When you find a man clamoring to be taxed you may be sure he derives some advantage from the thing he asks for. When one finds it sweet to be taxed for his country it is because he is thereby getting some benefit. And it can not escape your notice that those who want to continue these war taxes are the large manipulators whose motives are as transparent as the air.

Monopoly is concentrative, and ever ready to move at a moment's notice. And those who grind the faces of the poor with these heavy taxes are busy now deprecating agitation and appealing to be left alone while they gorge themselves still further. Here is a sample circular which speaks for itself:

JERSEY CITY, N. J., *December* 27, 1886.

GENTLEMEN: We presume that you have seen by the newspaper record that an attempt is to be made in Congress at an early date to abrogate the present tax on tobacco, wiping out the internal-revenue laws relating to the same, or, if this is unsuccessful, to make a further reduction in the tax.

In our judgment such action on the part of Congress would be very unwise, and inimical to such manufacturers as are now engaged in the business, for obvious reasons. We believe that it is only necessary to enlighten Congressmen upon this subject to prevent the contemplated action. If you agree with us will you join in calling a meeting of the National Tobacco Association at Washington at an early date, and will you personally attend such meeting in furtherance of the above purpose? We will thank you for your reply, addressed to our Mr. C. Siedler.

Yours, respectfully,

P. LORILLARD & CO.

These circulars have been distributed to tobacco manufacturers North, South, East, and West, and "have brought forth fruit after their kind" in exciting some small manufacturers to chime in with the big ones, and a number of copies have been sent to me from various sources.

This circular is instructive. It gives no reason whatever for not abolishing or abating the internal taxes. It simply recites that such action would be, in the opinion of its writers, "inimical to such manufacturers, as are now engaged in the business, for obvious reasons."

"Obvious reasons!" Yes, very obvious reasons, easily translated from the knowing wink of the big manufacturer to his confrères. These obvious reasons are that as soon as the tax is done with thousands not "now engaged" in the business will engage in it, not impeded longer as now by the burdens upon it, easily borne by the rich, but almost insuperable to the poor; broader competition for the raw material would be created; higher prices would follow; the profits of the producer would be greater, the profits of the large manufacturer would lessen, and consumption would increase as a better article gradually came upon the market for less money. Monopoly would be struck down, and domestic free trade in tobacco, as in nearly all other commodities, would ensue; and to the people in the mass would be distributed the benefits which are now aggrandized by the few. These are "the obvious reasons" why monopoly cries aloud, "Keep on glutting the Treasury; keep up the tax."

THE PEOPLE NOT DECEIVED.

Mr. Chairman, the masses of the people are not deceived by the pretensions put forth excusatory of the perpetuation of this tax. The farmers, the enterprising and enlightened manufacturers and dealers who are not in league with the great monopolists, and the working classes who use tobacco all of these know full well that the tax is a great burden upon them, and understand exactly how the burden falls, and where it pinches.

They know that when a man must pay a license tax before he can start business as a retail dealer, that a poor man is put at a disadvantage. They know that a tax is put upon oleomargarine upon the openly expressed theory, and upon the certainty, in fact, that such tax will impair or destroy the trade in the article; and they know that this is the tendency of the tax on other articles. They know that when a farmer can not sell his tobacco save to the licensed traders of the cities that he is cut out of a market of free competition, and turned over to the tender mercies of a small coterie whose interests are opposed to his interests. They know that when 8 cents a pound tax is put upon an article which costs in its raw state an average of 6 cents a pound, and which costs about as much more to manufacture, that a burden is put upon its manipulation which reaches down to the producer, and hampers everybody between him and the consumer.

They know further that this tax, so far from being needed by the Government, is a burden to it as well as to them; and that whatever of sham is gotten up to prolong the burden, at the bottom the main spring of monopoly is the chief and potent cause of its continuance.

The men who wish to make this Government a splendid pile of extravagance and to rule the people through the temptations of large appropriations to favored sects and sections, will always clamor in general terms for the reduction of taxes, and always oppose the particular method fashioned to effect it. But surrounded as we are by monopolists in every avenue of approach to the Capitol—land monopolists, railroad monopolists, tariff monopolists, bank monopolists, gold monopolists, internal-revenue monopolists, and their brethren—it is the part of patriotism to strike down first those who thrive upon measures which grew out of the turmoil and the exigency of war, and which were never tolerated by Americans or their progenitors, save when needed for the common good.

In conclusion, I have the honor to present to the House certain resolutions which have been sent to me advocating the views which I have endeavored to place before you; and in addition other resolutions and communications which serve to illustrate and impress them. And it is my earnest hope that the Forty-ninth Congress will not adjourn and leave to its successor the honor and the duty of removing the impediments to our prosperity which now exist in an overflowing volume of taxation and an idly accumulating surplus.

Let not the Democracy go to sleep with $125,000,000 of surplus under its pillow, lest it be awakened with a rude shock that will put an end to peaceful dreams. Jefferson and Madison have pointed the way. Let us follow it.

APPENDIX.

Resolutions of the General Assembly of Virginia.

*Resolved by the house of delegates (the senate concurring)*, That the Virginia Senators and Representatives in the Congress of the United States are requested to exert themselves earnestly for the passage of a law repealing all existing laws imposing internal-revenue taxes by the Federal Government.

OFFICE OF CLERK OF HOUSE OF DELEGATES AND KEEPER OF THE ROLLS OF VIRGINIA, *January* 9, 1886.

The foregoing resolution was agreed to by the General Assembly of Virginia on January 9, 1886.

J. BELL BIGGER,
*C. H. D. and K. of R. of Virginia.*

---

[Petition of the Richmond, Va., manufacturers.]

*To the Senators and Representatives from Virginia in the Congress of the United States:*

We, the undersigned, manufacturers of and dealers in tobacco in the city of Richmond, Va., do most respectfully request that you will use all of your influence and power to have the internal-revenue tax on tobacco abolished by Congress as early as possible. The operation of this tax tends to greatly reduce the consumption of tobacco, as it increases the cost to consumers, and is driving small manufacturers and dealers from the trade. Leaf-tobacco being the main product of Virginia, thus curtailing its consumption reacts to the great detriment of all of her people.

Charles Watkins & Co., C. R. Barksdale, A. M. Lyon & Co., Vaughan & Janay, Charles Winfree, agent, W. G. Miller, L. M. Griffin & Co., M. T. Smith & Co., W. R. Mallory, J. G. Goldsmith, W. D. Gibson, A. C. Attkisson, E. H. Simpson, Jno. L. Wingo, D. Tidemann & Co., Charles D. Hill & Co., Pemberton & Hill Company, J. Samuel Taylor, Mathew Gilmour, A. D. Chockley, N. F. Willson, David Bridges, W. D. Tompkins & Co., C. W. Spicer, Butler & Wilson, J. J. Wilson, Son & Co., C. L. Wormley, R. H. Dibrell & Co., Williams & Rehling, W. H. Jones, Scott & Clarke, R. J. Christian, James H. Hardgrove, E. T. Crump & Co., J. W. Lewis, jr., W. T. Hancock, A. B. Eddings, Jno. A. Mosby, J. M. Conrad's Sons, W. A. Blankenship & Co., W. D. Watson, A. Asterloh & Co., Palmer, Hartsook & Co., F. D. Barksdale & Co., R. C. Morton, T. T. Mayo, J. N. Vaughan, Silas Shelburne, Carrington & Co., Sublett & Frazier, W. T. Yarbrough, William F. Gray, Thomas & Aborn, H. C. Magruder, H. E. Gray, T. W. Pemberton, George D. Harwood, Lightfoot, Bohmer & Co., T. I. Noble, W. S. Archer, R. B. Somerville, Peyton Wise, Thornton & Co., W. A. Bragg, Blackmour & Co., Horace Blackmour, Talbott Tobacco Company, G. Haake, P. Whitlock, C. G. Shafer, P. Lightfoot Wormley.

Resolutions of the Lynchburg (Virginia) Tobacco Association:

LYNCHBURG, VA., *December* 6, 1886.

At a regular meeting of the Lynchburg Tobacco Association held in their hall in the city of Lynchburg, Va., December 6, 1886, the following resolutions were unanimously adopted:

1. *Resolved*, That our Senators and Representatives be, and are hereby, requested to use their best efforts for the immediate repeal of the internal-revenue tax on manufactured tobacco and the special-license tax on dealers in leaf-tobacco.

2. *Resolved*, That the president of this association, John T. Edwards, is requested to present these resolutions in person to our Senators and Representatives, and urge the importance of the repeal of these laws.

Extract copy from the proceedings of the meeting of the Lynchburg Tobacco Association.

JNO. T. EDWARDS, *President.*

JAMES FRANKLIN, Jr., *Secretary.*

RESOLUTIONS OF THE PEOPLE OF BEDFORD COUNTY, VIRGINIA.

LIBERTY, *December* 24.

A large meeting of the people of Bedford County, irrespective of party affiliation, was held at Liberty yesterday (court day), at which Mr. Walker McDaniel was called to act as chairman, and Mr. Robert Mead was made secretary.

The following preamble and resolutions were offered by Mr. R. D. Buford, seconded by Mr. John M. Wright, and unanimously adopted:

The people of this county, many of whom are engaged in the yearly cultivation of tobacco as a standard crop, viewing with deep interest the present movement in the Congress of the United States to abolish internal-revenue taxation (it being apparent that the taxation is not needed for governmental purposes) and believing that the operation of the present tax-law tends to reduce the consumption of tobacco; that it restricts the natural development of the trade; that it drives off small manufacturers and dealers, thus narrowing competition and encouraging monopolists, and in these and other ways works direct loss and injury to the producer: Therefore,

*Resolved*, That we regard it the duty of our Senators and Representatives in Congress to do all in their power to aid in the passage of an act abolishing all internal-revenue taxation.

*Resolved*, That a copy of the foregoing preamble and resolutions be forwarded to our Senators and Representative in Congress from this district.

RESOLUTIONS OF THE SOUTH BOSTON, HALIFAX COUNTY (VIRGINIA), BOARD OF TRADE.

SOUTH BOSTON, VA., *January*, 1887.

SIR: We have the honor to present for your consideration the following resolutions which were unanimously adopted to-day by the South Boston Tobacco Board of Trade at a meeting held to consider the question of the tobacco tax, namely:

Whereas the internal-revenue laws relating to tobacco is a war measure, and as a means of raising revenue now utterly unnecessary, oppressive, unjust, and repugnant to the spirit of our free American institutions; and

Whereas no other American agricultural product has ever been taxed as onerously as tobacco now is—a tax greater than the value realized by the producer for the raw material—whilst there is not another staple product of our soil that in proportion to its value gives employment, food, and clothing to so many poor working people: Therefore,

*Resolved*, That we request and urge our Representative and Senators in Congress to use their utmost endeavors to have all the internal-revenue laws relating to tobacco in any of its forms repealed at the present session of Congress.

*Resolved*, That a committee consisting of the president of this association, Mr. A. B. Willingham, and Hon. R. R. Noblin, and J. M. Carrington, esq., be appointed to prepare and forward copies of the proceedings of this meeting to our Representative and Senators in Congress, and that the same be published in our county papers and in the New York Tobacco Leaf.

Trusting that the wishes above expressed may prevail, we have the honor to be, most respectfully, your obedient servants,

A. B. WILLINGHAM,
R. R. NOBLIN,
J. M. CARRINGTON,
*Committee.*

Hon. JOHN W. DANIEL,
*House of Representatives, Washington, D. C.*

ACTION OF THE WHOLESALE DEALERS AND MANUFACTURERS OF BALTIMORE, MD.

During the week the wholesale dealers and manufacturers of tobacco and cigars held a meeting at the rooms of the Tobacco Board of Trade, Baltimore, and with an almost unanimous vote determined to work for the repeal of the tax on tobacco and its manufactures in its different forms. They have paid millions on the top of millions into the national Treasury almost without complaint during the past twenty-five years, because the Government needed the money; but now, when the Treasury is overflowing, they think it nothing but justice to them and the consumers of tobacco, in its different forms, that they should be relieved of this burden and annoyance. It is true, the amount of tax is small, but it has paid the last year $28,000,000 into the national Treasury, and—would you believe it?—cost the consumers of tobacco and cigars nearly fifty millions of dollars. It is a terrible drain on the poor man for this one comfort, this solace of his toil. To remove the tax would greatly benefit the poor working man; his tobacco would come to him so much cheaper, not only for the amount of the tax, but added costs that the law carries with it. For instance, the tobacco in a 5-cent package costs less than 1 cent; tax 1 cent; expense of bagging, caused by the tax, 1 cent; profit of the manufacturer, wholesale dealer and retail dealer combined, 2 cents—thus making two ounces of tobacco cost 5 cents, or 40 cents a pound. Without the tax, any retail dealer would furnish the same quality of tobacco for 10 to 12 cents a pound. Fine tobacco, of course, does not bear the same proportion, as the tax on all grades is the same.

The fostering care of the Government in levying the tax on tobacco has ruined the great bulk of the small manufacturers and aided in building up a few gigantic factories which are striving to monopolize the business; and in a great measure they have succeeded. One renowned factory of smoking tobacco, not in Baltimore, turns out millions of pounds a year, on which they have a profit of 20 cents a pound, or about 75 per cent. on cost of production. This is accomplished through the internal-revenue tax law, as it turns the business into a sort of patent. The poor consumer buys on account of the picture on the package and the windy advertisements of the factory, as he is not permitted to open the package to examine the goods. The law says if the stamp is broken it is illegal to sell it; so, in every case he must buy his pig in the bag, sight unseen.

Since the internal-revenue tax has been levied the tobacco business of Baltimore has constantly decreased in importance. Formerly there were twenty to thirty smoking-tobacco factories located in Baltimore; now there are but five or six. The plug-tobacco commission business—once the pride not only of Baltimore, but the largest in the country—has been comparatively wiped out.

The sale of plug tobacco for export has been about abandoned at this port, on account of the internal-revenue tax. Vessels can not wait a week or ten days

to get the tobacco from the Virginia factories, and tobacco in store can not be sold for export, because it is stamped, without the loss of the cost of the stamps.

The people of this country now desire that this odious tax, with its accompanied evils, be abolished, and Congress no doubt will hearken to their wishes, as almost every consumer of tobacco is a voter; and Congressmen do not often neglect their friends, especially when these friends are not in quest of an office. Some of the requirements of the internal-revenue law are as follows:

A farmer can not sell his leaf-tobacco except to a licensed dealer; this licensed dealer can not sell his tobacco except to another licensed dealer, or to a licensed manufacturer, and he is held responsible to the Government that the manufacturer has a license, under penalty of fine and imprisonment. The dealer and manufacturer each must keep what is called a Government book, in which each day is recorded every sale, and the name and business place of the buyer and seller, under penalty of $500 fine and six months' imprisonment. Then, the manufacturers sell to dealers, who must take out a Government license. After enduring the above and other rulings and regulations, is it any wonder that the entire tobacco trade, producers and consumers, ask that the interual-revenue tax on tobacco and its several manufactures be abolished?

ROBERT STEWART, *Secretary.*

---

## Pensions.

---

# SPEECH

OF

# HON. JONATHAN H. ROWELL,

OF ILLINOIS,

## IN THE HOUSE OF REPRESENTATIVES,

*Friday, February 4, 1887.*

The House being in Committee of the Whole on the Private Calendar, and having under consideration the bill (S. 3050) granting a pension to Mrs. Mary A. Logan—

Mr. ROWELL said:

MR. CHAIRMAN: It is a part of the unwritten law of this House, binding only upon the conscience of members, that tacit understandings arrived at in compromise of differences shall be carried out.

To-night, however, the tacit understanding of last Friday night, that members should be recognized in the order that their names appear on the list of the Chairmen to call up bills for consideration, is objected to, unless exception is made to the effect that bills for granting pensions to the widows of General Logan and General Blair shall not be called up. Why this invidious distinction is made I do not care to inquire; but I will not consent that bills for the relief of all other soldiers and soldiers' widows may be called up for consideration, amendments, rejection, or passage, while I, a Representative from Illinois, and an Illinois soldier, am denied the privilege of even asking the committee to consider the bill proposing to pension the widow of the greatest of our volunteer officers, General John A. Logan.

It is no part of my purpose to discuss at this time the provisions of this bill or go into the reasons why Congress ought to pass it. I only wish to say that above all others General Logan was a representative of the volunteer soldier. Whatever Congress does in the way of honoring his memory will, through his name, be a recognition of the debt which the nation owes to his late comrades in arms, the volunteer army.

The Committee on Invalid Pensions of this Congress unanimously recommended, and the House with great unanimity passed, a bill giving to the widow of General Hancock a pension of $2,000 per annum. General Hancock was a grand soldier, a soldier by profession, a representative of the regular Army. As a fitting recognition of his services, and the services of the soldiers whom his name represents in the annals of the country, a grateful country approves the action of Congress upon that bill.

But now—when the country is waiting for a like recognition of the services of the volunteer army—we are met by the statement that we shall not call up this case on the night set apart for the consideration of private pension bills; not even for the purpose of having it referred to the full House for a vote, so as to secure certain consideration at this session. Had consent been given to call up this bill, it was my intention to ask that it might be referred to the full House for a vote, with the previous question ordered. It was my further purpose to call the attention of the committee to evidence of Army officers, and of attending physician, showing that the death of General Logan was the direct result of his exposure and wounds while in the field; and showing how during all the years of the war he endured and suffered as few men have endured and suffered, and remained at the post of duty under conditions which would have forced less resolute men to the hospital or to their homes.

It was my purpose to show how, in all the years since the close of the war, he has been the earnest, able, and ever-alert defender of the honor and the rights of the soldier, while declining to ask for himself that pension to which he was entitled under the law.

But I shall not enter upon this question. I shall content myself under the leave granted me with placing in the RECORD for permanent preservation the written statements of his condition during and since the war furnished me by the gentleman from Iowa [Mr. CONGER], a member of the Committee on Invalid Pensions, who prepared the views of the minority on this bill, and who has so earnestly sought to obtain for the bill consideration at this session of the committee. These certificates and statements I append to my remarks for publication as a part thereof.

WASHINGTON, D. C., *February 4, 1887.*

I certify that I have been the family physician of the late General John A. Logan for the past twelve years. That I attended him in his last illness, and that his death resulted from the effect of cerebral rheumatism. I have frequently attended him professionally and treated him for rheumatism during the past twelve years, and have no doubt that this disease was the result of exposure during his military services in the late war.

General Logan informed me that he contracted this disease from exposure at the battle of Fort Donelson, Tenn.

J. H. BAXTER, M. D.,
*Chief Medical Purveyor, United States Army.*

MY DEAR SIR: I was intimately acquainted with the late General John A. Logan, and frequently gave him medical advice. On the occasion of his severe attack of rheumatism in 1881 or 1882, when he went to Hot Springs, Ark., I was called by Dr. Baxter in consultation, and also in his last illness. He finally died from cerebral rheumatism—which is a metastasis (or change of the seat) of the rheumatism to the meninges (coverings) of the brain. There were undoubtedly a variety of circumstances favoring this change of seat of the rheumatic manifestations, but they are not material to your inquiry, for although the immediate cause of death was the cerebral pressure, the real or remote cause was the presence of the rheumatic diathesis.

The origin of this rheumatism, I have always thought, was due to exposure in the field, and the sciatic pains from which the late general so often suffered were undoubtedly due to the injury done the parts in the vicinity of the sciatic nerve by one of his wounds. The wound through his foot, he often assured me, never gave him any pain after it closed, but the one near the hip was a constant source of suffering. He said to me that he was entitled to a pension if he chose to apply for it, and in my professional opinion there can be no doubt of the development of the rheumatism from exposure in the field. I have not left out of sight, in forming this opinion, the question of heredity, for there is every reason to suppose that even had there been an inherited tendency, without the exposure, his superb physique and good general condition would have greatly delayed the development of the rheumatic diathesis, if not altogether kept it in abeyance.

Very truly yours,

JOHN B. HAMILTON, M. D.

WASHINGTON, D. C., *February 4, 1887.*

---

HOUSE OF REPRESENTATIVES,
*Washington, D. C., February 4, 1887.*

This is to certify that I was personally acquainted with the late General John A. Logan from early in 1862 to the date of his death, in 1886; that I served with and near him in the same army, from the battle of Donelson, in 1862, through all the campaigns of the Army of the Tennessee to the close of the war, in 1865; that since that time up to the date of his death I had means of knowing his physical condition, and was cognizant of his sufferings from the wound received by him at Donelson, and the exposure to which he was subjected on that battle-field during the 15th, 16th, and 17th of February, 1862; that during and after the Mississippi campaign of November and December, 1862, General Logan was very ill from the effects of his wound, and the exposure in the field, lying, at one time, critically ill at Memphis for three weeks, the illness superinduced by his field service after his wound; that during the campaign of Vicksburg, from May 4, 1863, to July 4, 1863, General Logan was at times prostrated from the effects of his old wound, rendering it very difficult to bear the fatigue and exposure of that campaign, and it was only after the surrender of Vicksburg that he was induced to get some relief from constant rheumatic pains by availing himself of his leave of absence granted weeks before.

In the Atlanta campaign, from May 1 to September 2, 1864, the strain upon General Logan's system was constant and severe, and he was frequently suffering intensely from his old wound and the superinduced rheumatism. In the Carolina campaign, from January 17, 1865, to April 26, 1865, General Logan was suffering amid the drenching rains and all the miseries of that march through the swamps and streams and rivers which the army were compelled to cross in the face of every obstacle. I saw General Logan at this time nearly every day, and know that he continually suffered from his old wound and the accompanying rheumatic pains. Since the war I have seen General Logan many times when he was afflicted with the old trouble—his "Donelson pet," as he used to call it—and I am satisfied that the immediate cause of his death can be traced to the wounds and exposure of the war. Indeed, I have remarked to him many times since the war that "Donelson would get him yet if he did not look out."

W. T. CLARK.

Subscribed and sworn to before me this 4th day of February, 1887.

[SEAL.] JOHN H. ROGERS,
*Notary Public, D. C.*

WASHINGTON, D. C., *February 3, 1887.*

I hereby certify that I first met the late General John A. Logan shortly after the battle of Pittsburg Landing in 1862, and I served with him continuously in his command and on his staff till the close of the war, and the army was finally disbanded and ordered to their homes from Louisville, Ky. I knew him intimately during this entire period. I was assigned to General Logan's personal staff, Headquarters Fifteenth Army Corps, at the commencement of the Atlanta campaign. When I first knew him General Logan was to all appearances a healthy man in the full vigor of manhood. My first intimation of his disability from exposure was during the early part of the Vicksburg campaign, while rendezvousing at Memphis, Tenn., at which time he had a serious attack of rheumatism and neuralgia, the result evidently of exposure while on a march from Holly Springs, Miss., to Memphis, the weather being unusually severe; it consisted of daily rains and hard exposure. From this time on I can state definitely that he was subject to periodical attacks of rheumatism when exposed to severe weather.

After General Sherman's army had started from Chattanooga with Atlanta as an objective point, I was with General Logan daily, and as adjutant-general of his command was intimately associated with him, often going to his tent at night to submit orders from superior headquarters, and to receive instructions. During the entire campaign General Logan was afflicted more or less with rheumatism and neuralgia. On such occasions I frequently assisted him by rubbing and by applications of liniment before he had relief. After the fall of Atlanta and Savannah the armies under General Sherman started north, and on this march through the Carolinas the armies were subjected to the severest of exposure, continuous rains and never-ending wind, and with but scant shelter, until the final ending in the surrender of General Johnston's army. From my personal knowledge I can state that General Logan at times suffered excruciating agony from rheumatism caused by exposure and hardships on this campaign.

FRED. F. WHITEHEAD,
*Captain Commissary Subsistence, U. S. A.,*
*Late Assistant Adjutant-General, Fifteenth Army Corps.*

## Tariff Taxation.

# SPEECH

OF

# HON. JAMES W. THROCKMORTON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, February* 5, 1887,

On the bill (H. R. 7652) to reduce tariff taxation and to modify the laws in relation to the collection of the revenue.

Mr. THROCKMORTON said:

Mr. SPEAKER: The constitutional provision under which we derive the revenues necessary for the support of the Government, the public defense, and the general welfare authorizes Congress to levy and collect taxes, to impose duties, imposts and excise.

Under this provision our revenue legislation might create a system of direct taxation only, or a system of imposts exclusively, or a mixed system of external and internal taxation.

The sentiments and the traditions of our people are opposed to direct taxation, and they have never admitted this as an element in legislation, except when the exigencies of a war rendered its introduction necessary.

At present more than one-third of our revenues are derived from the internal or direct taxes levied upon stimulants and tobacco.

In my judgment the tobacco tax should be gradually reduced, and entirely taken off at no distant day, and the tax on alcoholic spirits, except when used as a beverage, should be dispensed with. It would not be wise to make these changes hastily, but they should be modified, from time to time, to the point at which they will entirely disappear from our tax-list.

We are not committed by the Constitution to any one of the three systems to which I have adverted; nor are we restricted, in the exercise of our discretion, as to the subjects or articles upon which taxes may be imposed.

We are, however, specifically directed as to the purposes for which revenues shall be raised, to wit, the expenses of the Government, the public defense, and the general welfare. These three specifications come under the general idea of public wants and necessities, and the latter, the general-welfare clause, should be, in my opinion, construed as excluding the doctrine of the protectionists who claim it as an authorization for making the taxing power of the Government an auxiliary, specifically, to advance private interests. In my judgment, it is to be considered as referring to the common political rather than to the personal interests of the people as certainly as the injunctions to provide for the public expense and the public defense.

The laws that maintain public authority at home and abroad, and protect individual rights and property as an incident thereto, will, in advancing the aggregate welfare by the maintenance and defense of the political communities, necessarily be an auxiliary to further individual interests. But it was not the purpose of the Constitution, in defining the taxing power of the Government, one of the greatest and most important powers, to make the advancement of individual industrial interests a specific object. These interests are personal, and, in their nature, must succeed on their merits and survive or perish according to the energy and excellence of the parties to whom they attach.

The laws should be constructed so as to impose equal burdens and equal benefits upon all citizens and classes alike; the rights of all should be equally protected, their opportunities evenly and impartially supplied, and thereafter individual success should be the resultant of individual intelligence, energy, and integrity.

It is pertinent for Congress, in levying and collecting taxes, whether imposts or excise, to consider not only the question of revenue that may be needed for the purposes indicated by the Constitution, but the influence of the tax schedules and methods upon the general trade and commerce of the country.

Free trade, that leaves commerce unembarrassed and imposes no burdens, as an abstract proposition, is philosophically correct, and would be practicable if all the great political communities of the world were consolidated into one. But when they are distributed into ten, twenty, or a hundred political jurisdictions, free trade becomes unwise and impracticable; because the different independent nationalities originate antagonisms that cannot be reconciled and necessitate special local legislation and discriminations as the condition of local protection and prosperity.

The handicapped horse that bears 10 pounds extra weight may lose the race, because the energy necessary to bear this extra burden is subtracted from the sum of the forces required to be expended in placing him at the front. Yet the horse free from the weight of rider would lose the race as against his competitor burdened with both rider and extra weight, but which secured thereby the guidance of the rein and the stimulus of the spur. The winning, in this competition, would depend not only upon the physical possibilities of bottom and speed, but upon the best development that intelligent direction and impulse might give. So with commerce. Its progress depends not only upon the original conditions of production but upon the presence of the intelligence and motives that judicious legislation may supply to quicken and bring into actual fruition the productive conditions that exist.

Recognizing this as the true philosophy of legislation, the general policy of the country has always maintained, as the most important element in our revenue system, the quality of imposts that constitutes the basis of our tariff legislation.

But, Mr. Speaker, I do not believe in the idea promulgated by a distinguished American financier when attempting most favorably to place our national securities, "that a public debt is a blessing," nor in the kindred idea suggested by the friends of a high tariff, that import duties are not a tax.

Debt is a burden, and the contributions made by the people, whether in the form of excise or imposts, are a tax, and therefore a burden; and the public man who legislates on this subject without keeping this idea constantly in view, and consequently collects needless revenues, is not only derelict in duty but is very partially equipped with the qualities that prepare him to represent a constituency of freemen.

The first duty of the legislative representative of the people in the imposition of taxes is to see to it that no unnecessary embarrassments are placed upon the citizens of the country, or its commerce, by the collection of a single surplus dollar.

And the second duty is to see that the burden of taxation, which may be needful, shall be distributed evenly and impartially upon the separate classes of the community that have to contribute them.

In thus assessing the people, through imposts or otherwise, for the public welfare, we shall incidentally, necessarily, and sufficiently protect the industries and labor of the country, without creating a surplus revenue, imposing needless burdens, and advancing the interests of a particular class; and we find in the fact that the subjects of taxation are left undetermined by the Constitution all the margin that will be necessary to the legislator in so imposing tariff duties as to protect our people, capitalists and laborers, against hurtful and destructive competition.

Our revenue system, especially the external element of it, known as the tariff system, has been discussed elaborately and exhaustively for nearly a hundred years, both as a system and as a means; as an abstraction and a concretion; and it is difficult to add anything new, either in the data or the reasoning involved. Yet there is something in the history of our legislation on this subject that is suggestive as marking the ideas that gave complexion to our first laws, and as indicating the transitions from the primary to the secondary phases of the subject, and the direction and measure of the rates that have been indicated in the various impost schedules.

In the law of 1789, enacted in the first year of Washington's administration, the moderate rates, averaging 8½ per cent., were laid with the view of protecting our young and struggling industries; and even this moderate burden, which was to be of short duration, was deprecated, but was justified on the plea that the circumstances of the country were exceptional and demanded provisionally such legislation. This idea dominated our tariff legislation until 1833, when the law was enacted that originated nullification in South Carolina and marked the birth of a pronounced protective tariff, known as the American system.

From that period until 1861, covering several tariff acts in which the revenue and protective elements alternated more or less, protection, a high rate of impost duties, was based upon a very debatable economic philosophy and was an open question. From 1861 to the present the dominant theory has been a tariff for protection as the primary object and revenue as the incident, the schedule being arranged for the purpose of protection without special reference whether there should be a surplus or not.

The enormous demands for interest on the public debt, for pensions, and for the expenses incident to the wonderful growth of our population and industry, have supplied, not only the plausible occasion for keeping up an unprecedentedly high rate of taxation but have created a new leadership and public opinion on this question which demand, openly, that the impost schedule shall be constructed primarily with the view of protecting especially certain classes of manufacturing industries, and that said schedule must be maintained for this purpose, *per se*, if needful, no matter what the surplus in the Treasury nor what the burdens imposed upon the masses as a consequence may be.

A further characteristic brought out in this historical résumé of tariff legislation is that the average rate of imposts, with a year or two of exception, since 1789 has steadily increased from the infancy of the Republic to the present date of its maturity, and that, too, whether the law was esteemed technically a revenue or protective one.

Under the act of 1789 it was 8½ per cent., with the understanding that the rate was to prevail only until 1796. Yet in 1791 the average was increased to 11 per cent.; in 1792 to 13½ per cent.; in 1816 it was 30 per cent.; 1824, 37 per cent.; 1828, 41 per cent., and in 1852 a still higher per cent., and so continuing, with slight variations, to the present, it is 48 per cent.

Thus, originally an exceptional provision for the protection of young industries, their demands have increased as the minors have become

majors, and under this fostering and pampering care have grown to such vast proportions of vigor and power that they no longer plead for moderate assistance, but imperiously demand still larger and greater favors at the hands of the Government. The child that appealed for help on the score of its weakness has been succeeded by the strong man, who no longer implores but demands recognition, special legislation, and increasing bonuses that he may not only rejoice but revel in his power and strength.

There is something in this condition of things that suggests morbidity in the classes of interests which have used the taxing power of the Government as an auxiliary for class and individual prosperity.

While every measure entitled to consideration must be based upon and expressive of a just principle—and the tariff is no exception to this rule—the question that commands our immediate attention is one of detail, practical rather than theoretical; and the statesmanship of Congress will find its best expression in the simplification of the methods and the improvement of the agencies by which imposts shall be laid and collected, and thereafter in such a modification of the existing schedules as will practically distribute, evenly and impartially, the burdens of taxation upon all classes, and in such degree as will approximately secure as much revenue as the Government may need and no more.

Action based upon these grounds will sufficiently protect and encourage the industries of the country and the capital and labor interested.

In addressing ourselves to this question of details and schedules we undertake to solve a very delicate and difficult problem.

I believe, Mr. Speaker, that the free list should be materially enlarged, and that certain regulative facts should control us in determining its character.

First. Such articles of general and necessary consumption as can not, from climatic or other natural causes, be produced among us, Peruvian bark, coffee, dye-woods, tea, cocoa, &c.

Second. Such articles as may be of general use and not of the class of luxuries, but which can not be sufficiently or cheaply produced by us, salt, sugar, &c.

Third. Such raw materials, whether produced by us or not, as enter into the public wants generally, and in the manufactured product of which the people are most concerned, such as wool, wood, ores, &c. So far as the exemption of these raw materials will cheapen the manufactured product in the interests of the great body of consumers I would relieve them of all duty.

I believe, further, in a substantial reduction of the imposts upon commodities that can not be appropriately put upon the free list.

There are industries fostered by exorbitant duties, duties not prohibitory, which do not materially reduce the volume of importations, but which do contribute to a surplus revenue, greatly enhancing the value of products, whether imported or domestic, and thus imposing an unjust and unnecessary burden upon the mass of the consumers.

My judgment is to readjust the schedule in these particulars so as to increase the foreign competition, reduce the price of products, and yet not destroy home industries and consequent local competition.

Such adjustment will secure the survival of the fittest of these industries among us by guaranteeing to them a fair and sufficient profit on the capital invested.

I treat this part of the subject generally, and fully appreciate the difficulty of carrying the idea suggested into practice. It is a difficult matter to graduate the schedule so as to accomplish the double purpose of securing a sufficient revenue—enough, but not too much—and yet not disastrously disturb the industries that have grown up under the abnormal and unhealthy schedules of the last twenty years. It will be necessary to do this work gradually; but a substantial positive action should be taken now in this direction, because of the overwhelming popular demand for revenue reform, and for the double purpose of reducing the surplus and equalizing the burdens imposed upon the various classes of the people so seriously affected by our revenue laws.

If we reduce the duty too much, while we may thereby equalize the burdens, we would stimulate importations to such an extent as to increase the revenues.

If, on the other hand, we advance the schedule to such an extent as will not check importations we would have increased revenue and increased cost to consumers.

If, further, we make duties prohibitory, while we would reduce the revenue we would enhance the price of Ameriean production enormously and oppressively, and the wrong worked upon the consumer would find no correction until, after a series of years, the exaggerated profit of the industries thus protected should invite the investment of additional and competing capital at home. In the meanwhile, by such an act of the Government, nine-tenths of the people of the country would be outraged and oppressed for the benefit of a fostered, protected, and privileged class.

To correctly solve this question of detail demands a knowledge of the cost of production at home and abroad, and the volume thereof, so as to determine how a reduction or an increase of duty will affect the amount of importations and the revenue to be derived from them. The schedule that may do for one period may become impracticable and unwise for another, and I can conceive of no adjustment that will obviate the necessity of modification from time to time.

These modifications, however, will be easily made when we have once agreed upon a satisfactory basis; and until the system of tariff legislation is perfected in its principles and details neither the public credit, commercial prosperity, nor the convenience and comfort of the people will be seriously affected by a small surplus or a slight deficiency of revenue.

I have attempted to approach this subject frankly, without prejudice, and, with the best possible lights available, have reached the opinions expressed, and believe the conclusions stated as to the true theory of tariff legislation are fully sustained by the experiences of the past history of our own and other countries.

I believe the industries of the country should be diversified; the soil, the minerals, the forests, the waters and all their residuum of values and utilities should be converted to the uses and appropriated for the benefit of the people of the Republic.

This diversification should be healthful and natural, each industry kept in its proper relations and proportions, that we may preserve our national independence, promote the prosperity of every class of our people, encouraging all, oppressing none, and realize the great destiny that Providence intended under free institutions we should achieve on this continent.

Being the largest civilized nation in area and population in the world under one jurisdiction, our home market is not only the largest, cheapest, and surest, but in every way the best, and should be guarded by such legitimate discriminations as we may make in its favor in the exercise of the powers that the Constitution confers upon us.

I believe it is desirable that both domestic and foreign competition should exercise their legitimate influence in the regulation of the prices of products; and, finally, I heartily believe that it is eminently proper that American labor should be adequately paid; that it should receive its just quota of the profits of its own creation; and that American workmen, the best in the world, and receiving the highest wages because they are the best, should be regarded not only as producers, entitled to fair wages, but as citizens, whose compensation and hours of work alike should be graded with the view of securing to them the information, dignity, and comfortable surroundings that should justly belong to the uncrowned rulers of a great nation.

These substantial results we admit to be of primary importance as fully as our friends of the opposition, but can not concede, as a matter of law, that a protective tariff like the one now in force is an allowable agency to produce them, nor, as a matter of fact, that it has done or will do so.

A schedule of imposts made in harmony with the principles enunciated will reduce the burdens upon trade and the tax-payer alike by adjusting the volume of the revenues to the legitimate needs of the Government.

Such a policy will diversify the industries of the country, because it will prevent the localization and concentration of production and wealth in a few favored communities. Our industries will not be forced and ephemeral, but come in their order, as the wants of the great masses require, and will come to stay, because they are normal, and in their coming will not create that vicious concentration of wealth in the hands of privileged classes, nor bring into our midst as an inevitable concomitant that fearful evil, pauper labor. It will not jeopardize the home market by uncovering it to its enemies, yet will not so hedge it in as to prevent a healthful competition from abroad. A legitimate regulative element will be introduced affecting the prices of articles in which the people are most concerned, and at the same time an open egress will be furnished for such of our productions as seek a foreign market.

I am compelled to say that there is a great deal of pretense and humbug in some of the claims that our friends of the opposition set forth on the subject under consideration. The broad claim of the protective-tariff system nominally takes in all classes of producers—manufacturing, commercial, and agricultural. The class that they are particularly concerned to conciliate constitute the major class, the agriculturalists, who represent nine million of the seventeen million of workers. They affirm that their theory and practice embrace all classes alike and equally, but if any class is preferred it is the agriculturalists.

To prove this they cite a schedule embracing quite a number of agricultural products, such as rice, sugar, tobacco, wheat, corn, barley, rye, oats, various kinds of stock and meats, wood, wool, hay, &c. They make an estimate based upon the bulk of agricultural products and the average rate of percentage to show that this class of production is more highly favored than any other. By adding the nominal tariff rates on agricultural products they get a tax of more than 30 per cent.; and by aggregating all the products of the farm they make actual protection amount to more than a thousand million dollars.

This reasoning may be specious, but it is full of fallacies. In the instance of lumber it has practically enriched a few at the expense and inconvenience of the general community, and at the same time has led to the premature and needless destruction of our forests. In the matter of sugar, it has, for the convenience of a few counties in two or three States, placed the whole country under heavy burdens to procure what has ceased to be a luxury, but is esteemed a necessity to the common comfort of the people.

In 1850, under an ad valorem duty of 30 per cent., Louisiana produced 126,421 tons of sugar. The aggregate consumption then was 269,466 tons, of which amount 143,045 was imported.

In 1880, under a duty of 2½ cents per pound, the domestic product was 93,823 tons, and the foreign product consumed, including 40,617 tons made here from imported molasses, was 865,987 tons.

In 1883, under a duty of 2 cents per pound, the domestic product was 142,298 tons, and the foreign product, including sugar manufactured from imported molasses, was 949,439 tons.

In 1884 the approximate production, under 2 cents per pound duty, of domestic sugar was 120,000 tons, and the foreign imported product was 1,250,000 tons.

It will be observed that, under an average of rate more than 50 per cent. ad valorem in 1884, we produced less sugar than in 1850, under an ad valorem duty of 30 per cent., and that in 1850 the domestic product was 47 per cent. of the whole consumption, while in 1884 it was less than 10 per cent.

To give Louisiana the 2 cents per pound protection, which amounted, on the estimated annual product, to the sum of $5,000,000, the general community was required to pay imposts to the extent of $49,000,000. As an economic question, it would have been better and easier for the Government to have paid this sum as a direct bonus for the benefit of this hungry infant industry.

It is believed that by adequate effort tea can be grown in certain sections of Georgia and South Carolina; that cocoanuts on the southern coast of Florida, and, as for that matter, bananas, with adequate outlays for hot-houses, can be produced; but it is neither wise nor allowable to minister to local pride and whim simply because they are American at such costly expenditures to the people.

In the instance of wool, for the convenience of 9,665 flock-masters and the herders employed, it has enhanced prices on the manufactured woolen products that are needful to the sixty million of American people.

The domestic product of wool for 1884 was 308,000,000 pounds, and the imported product for 1885 was a fraction more than 70,500,000 pounds, more than one-half being consumed for carpets, so that the tax is practically a protection only to the wools produced upon the high-priced lands of Pennsylvania, Ohio, and Michigan. All the taxes are for the benefit of this limited section, whose valuable lands could be more profitably worked in some other way and in some other form. The lands in these States are no more valuable than are the lands of New York, where the farmers raise sheep for mutton, and not for wool, and realize a fair profit.

The consumption of wool in 1840 was 4.3 pounds per capita, and in 1880 it was 6 pounds. This amount is much below the normal, healthy demand, but the enhanced cost of manufactured woolens incident to heavy duties on the raw material restricts the purchase thereof, and thus really cripples all alike. Cheap raw material, cheap manufactured products, and a larger and ultimately more remunerative market will always be found conjoined. But the vice of this pretended friendship to the farmers is to be found not only in the narrow, selfish follies that I have indicated, but in the further facts that the great bulk of agricultural products have no practical or hurtful competition, need no protective duties, and the nominal duties are not available for them, nor were they intended to be.

This so-called protection to the farming interests is simply a tub thrown to the agricultural whale, and is one of the most transparent frauds and shallowest pretenses that has ever been imposed upon the American people.

In order to place this question beyond dispute we have only to refer to the statistics of the country showing the amount of capital invested in farming and manufactures and the profits derived from each. These facts will fully illustrate the practical working of the present tariff and will clearly prove that its discriminations are not impartially made in the interest of the general community, but of one favored class, the manufacturers of the country.

As confirmative of this position I submit the following tables, based upon data derived from the census of 1880 and other official sources:

No. 1.—*The amount of capital, number of laborers or operatives, and the aggregate value of products of agriculture and manufactories in the United States in* 1880.

| Industries. | Capital. | Operatives. | Value of products. |
|---|---|---|---|
| Agriculture | $10,709,966,634 | 6,500,000 | $2,212,540,927 |
| Manufactories | 2,790,272,606 | 3,232,629 | 5,369,579,191 |

The volume of capital employed in agriculture is derived by adding the items found in this census of value of farms, buildings, fences, implements, and fertilizers.

The number of agricultural laborers is based upon an addition of farm employers, 3,000,000; the tenant farmers, more than 28 per cent. of the 4,000,000 farmers given in the census; market gardeners; and more than four-fifths of the farm proprietors.

To ascertain the actual workers in factories 500,000 laborers have been added to the 2,752,629 employés as enumerated in the census with the view of representing supervisional and outside work of the 253,852 established manufactories.

No. 2.—*General statistics of agriculture and manufactures in the United States from* 1850 *to* 1880.

AGRICULTURE.

| Year. | Value of farms. | Value of live-stock. | Value of products. |
|---|---|---|---|
| 1850 | $3,423,163,064 | $549,180,586 | No report. |
| 1860 | 6,891,163,567 | 1,089,329,586 | No report. |
| 1870 | 9,599,682,290 | 1,525,276,547 | $2,447,538,658 |
| 1880 | 10,709,966,634 | 1,500,384,707 | 2,212,540,927 |

MANUFACTURES.

| Year. | Establishments. | Capital. | Value of products. |
|---|---|---|---|
| 1850 | 123,025 | $533,245,351 | $1,019,106,616 |
| 1860 | 140,433 | 1,009,855,715 | 1,885,861,676 |
| 1870 | 252,148 | 2,118,208,769 | 4,232,325,442 |
| 1880 | 253,852 | 2,790,272,606 | 5,369,579,191 |

I have embraced in the value of farms the census items of implements and machinery for each period.

The following statement and tables of profit and loss by manufacturing industry in Illinois and Massachusetts for 1880 was kindly furnished me by the Chief of the Bureau of Statistics from the Department of the Interior and derived from the reports of the chiefs of the bureaus of statistics of those States:

No. 3.—*Profit and loss by manufacturing industries, Illinois and Massachusetts,* 1880; *establishments paying annually* $5,000 *or more in wages.*

[The calculations in this table are made up from the report on manufactures, Tenth Census (1880), cost being obtained by adding to the wages paid 6 per cent. on the capital and 10 per cent. on the reported value of the product. The latter item is considered as fairly covering the miscellaneous expenses of conducting the business and disposing of the product.]

| Industries. | Illinois. | | Massachusetts. | |
|---|---|---|---|---|
| | Per cent. of establishments making net profit. | Per cent. of establishments incurring net loss. | Per cent. of establishments making net profit. | Per cent. of establishments incurring net loss. |
| Agricultural implements | 78+ | 21+ | | |
| Boots and shoes | 70 | 30 | 56+ | 43+ |
| Boxes | 53+ | 46+ | 76+ | 23+ |
| Brick | 98+ | 1+ | 60 | 40 |
| Brooms and brushes | 50 | 50 | | |
| Buildings | 43 | 57 | 65+ | 34+ |
| Carriages and wagons | 77+ | 22+ | 63+ | 36+ |
| Chemical preparations | 81+ | 18+ | | |
| Cigars | 77+ | 25+ | | |
| Clocks and watches | 60 | 40 | | |
| Clothing | 71+ | 28+ | 77+ | 22+ |
| Cooking and heating apparatus | 85 | 15 | | |
| Cotton goods | | | 74 | 26 |
| Cured and packed meats | 11+ | 88+ | | |
| Drugs and medicines | 88+ | 11+ | | |
| Flour and meal | 24+ | 75+ | | |
| Food preparations | 73+ | 26+ | 47+ | 52+ |
| Furniture | 78 | 22 | 78 | 22 |
| Leather | 48+ | 51+ | 46+ | 53+ |
| Lumber | 69 | 30 | | |
| Machines and machinery | 77 | 23 | 75+ | 24+ |
| Malt | 55+ | 44+ | | |
| Metals and metallic goods | 76+ | 23+ | 70+ | 29+ |
| Musical instruments and materials | 90 | 10 | 70 | 30 |
| Paints and oils | 87+ | 12+ | | |
| Paper | 77+ | 22+ | 68+ | 31+ |
| Photographs and other likenesses | 100 | | | |
| Printing and publishing | 85+ | 14+ | 87 | 13 |
| Railroad and other cars and materials | 35+ | 64+ | | |
| Rubber and elastic goods | | | 72 | 28 |
| Soaps | 70 | 30 | | |
| Stone | 67+ | 32+ | 77+ | 22+ |
| Tobacco | 71+ | 28+ | 63+ | 36+ |
| Vessels, sails, &c | 72+ | 27+ | | |
| Wooden goods | 69+ | 30+ | 62+ | 37+ |
| Woolen goods | 37+ | 62+ | 73+ | 26+ |
| Worsted goods | | | 53+ | 46+ |
| Percentages | 67 | 32 | 66 | 33 |

NOTE.—The blank spaces occurring in both profit and loss columns indicate industries not tabulated for that State. In Massachusetts cured and packed meats and flour and meal are included in food preparations; and cigars are included in tobacco. Six establishments in Illinois (distributed among five industries) which showed neither profit nor loss are credited to the profit column.

These tables not only indicate the condition in 1880 of the great interests of agriculture and manufactures in the United States, but their relative progress for the period covered by the data, and the degree of security with which they may be prosecuted under existing law. The facts are not only instructive but should be suggestive to the lawmakers of the Republic. The first table illustrates the unequal fortunes of the agriculturist and manufacturer. Labor and capital in each class combines to produce the values that minister to human wants and comforts, but with very dissimilar results.

Six million and a half of agriculturists, with more than ten thousand seven hundred millions of capital, produce only $2,212,540,927, while less than three millions and a quarter of manufacturing workers, with not more than two thousand eight hundred million of capital, create a product worth $5,369,579,191—that is, the manufacturers, with one-fourth the capital and one-half the labor, create products twice as valuable as those created by the tillers of the soil. Can such a condition of things arise under just and equal laws? Can such industrial inequalities, among a common citizenship, continue except from the presence and influence of class legislation of the most pernicious character?

While the facts of the first table show not only inequalities in the fortunes of the two great classes of our citizens but suggest unfriendly and unwise legislation as largely the result of such inequality, the second table emphasizes the lesson of the first and indicates that the present disabilities of our agriculturists will be perpetuated upon them and become more grevious in their effect unless wiser counsels prevail among those who control and determine the revenue policy and legislation of the country.

Beginning in 1850, and proceeding under a just system of revenue laws until 1860, the value of farms advanced from $3,423,163,064 to $6,891,163,567, and our-live stock for like period advanced from $544,-180,586 to $1,089,329,915, being an increase of 100 per cent. From 1860 to 1870, under a vicious tariff law, the value of farms advanced to $9,599,682,290 and the value of live-stock to $1,525,276,543, and the value of products, reported for the first time in the census, was $2,447,-538,658. This decade witnessed a reduction in the relative advance in the values of both farm and live-stock as contrasted with the previous ten years of at least 60 per cent., the increase in 1870 in each case being only 40 per cent. of the values of 1860.

From 1860 to 1870 we find farms worth $10,709,966,634, being 9 per cent. increase only over their values ten years before, and find live-stock worth $1,500,384,707, being less by nearly $25,000,000 than the value of 1870, and value of products is found to be $2,212,540,927, being less than the product of 1870 by more than $230,000,000. Contrast the decay and depression of the agricultural interests of the country as exhibited by these figures with the advance and growth of manufactories for the same period. In 1850 there were 123,025 manufacturing establishments, with a capital of $533,245,357 and a product of $1,109,106,616. In 1880 there were 253,852 establishments, with a capital of $2,709,272,606 and a product of $5,369,579,191.

Over these four decades, and especially since 1860, their interests have constantly prospered, have increased in number, capital, and value of products. In 1850 the value of products exceeded the capital nearly 100 per cent. In 1860 the value of products over capital was more than 100 per cent., and has increased in the same ratio in 1870 and 1880. This good fortune to the manufacturing lords was not an accident, but a specific result of class legislation. They did not earn it, but it was given from without. This is the result of an unnatural condition of things, and is abnormal, and can not be maintained except by injustice and oppression.

The third table is introduced to show the greater security under the present tariff system of manufactures as contrasted with agricultural pursuits. In these two representative States, Illinois and Massachusetts, it shows that in the former 67 and in the latter 66 per cent. of the factories make profits, and in 32 or 33 per cent. lose or fail. What a startling contrast is presented in these statistics between the condition and fortunes of this former class and that of the millions of toilers who depend upon the soil for support. More than two-thirds of our enormous revenue is raised upon imports, and four-fifths of this is derived from taxes levied on manufactured fabrics consumed and used by the people, and not from import dues derived from agricultural products. The protection was not designed to foster agriculture, and does not go there though its votaries have to bear the greater part of the financial burden involved in this protective system, both in the increased taxes, and the increased cost of many of the articles that are necessary for their comfort and convenience.

Another claim, equally unallowable, is that set forth in behalf of labor. Take the report of the Tariff Commission, which was Republican, and take the standard Republican speeches from the hustings and rostrum, and the two salient points found in each will be the magnitude and grandeur of the manufacturing interests of the country, and the argument of last resort to the voters that these interests must be maintained in order to pay the workers of America the wages that their dignity as American citizens demands. They assert that the workers in our manufactories receive higher wages than the laborers in free-trade England, and it is modestly suggested that the duties on certain competitive foreign products are requisite to enable our manufacturers not only to pay these adequate wages, but that such duties are the measures of difference between the cost of production of the foreign and domestic commodities. They might add that the American receives more than similar workmen in high-protective France, Germany, and Russia; consequently their first citation proves nothing.

The insincerity of the claim, when considered in connection with our labor troubles, is illustrated by the statistics just referred to.

The manufacturers are making 37 per cent. profit, and yet all the manufacturing centers are pivotal points for industrial strikes; showing that, although ability to do so exists, these monopolistic capitalists have failed to pay their workmen satisfactory wages. Superior wages are paid to American workmen because of their superior ability, and in view of the amount and superiority of their work. While their wages are higher nominally their labor is really cheaper to their employers than would be inferior and lower wage-workers.

The term wages when considered as a compensation is a measure of the value of work, like money measures debts; but when considered in relation to products that the laborers' wants require, when its purchasing rather than its paying qualities are contemplated, its ability depends upon its concomitant surroundings, depends upon what it represents. The worker whose wages are 50 cents per day and who can purchase his supplies for 40 cents is as well to do as the man who works for $1 per day but is compelled to expend for thes ame supplies 90 cents. They each save 10 cents per day, though the nominal wages of one are double that of the other. So, if it should occur that the protective system that increases wages 50 per cent. should, at the same time, as it does, enhance the value of products for which these wages are to be expended 75 per cent., the wage improvement is apparent, not real.

The statistics of the country abundantly prove that this system, even when it does increase the nominal wages of laborers, increases in a greater ratio the value of the commodities and necessities that these wages must purchase.

Any system that improves wages without a corresponding improvement of the general prosperity is a sham. It may supply a stimulant to the workman that draws out the strength that is in him, but gives neither bread nor meat to add to his positive strength.

Mr. Speaker, in territorial extent, variety of climate, fertility of soil, multiplicity and volume of mineral resources, we possess the conditions of great industrial development almost as fully as if we were the owners of the continent. In all the things needful for healthy and comfortable subsistence of a great population, needful for wealth and refinement, needful for defense against foreign foes, we are amply supplied. By the utilization of these precious gifts we have become great and independent. It is both wise and proper that we should appreciate and improve these privileges, as fully as may be, in the exercise of our constitutional powers, and in equal justice to every class of our people.

But there are some elements of production which we do not possess, which we can not create profitably, and the things we lack render us dependent upon our exterior relations and constitute the basis of that commerce which contemplates not only an exchange of commodities, but secures that intermingling of different peoples, and that intercommunication of thought that produce the good will between nations upon which the peace of the world rests.

While appreciating the primary importance of national independence, both for purposes of support and defense, when it becomes so absolute as to isolate us, it is to be deprecated as breeding selfishness, dwarfing the national charities, and creating that "pride," both in the nation and the individual, "that goeth before destruction."

I would therefore eschew the legislation that proposes, simply because they are American, to build up unprofitable, special industries at the expense of the many for the benefit of the few. I hope never to see the day, Mr. Speaker, when we shall not find it to our interest to exchange the things that we profitably produce for articles that we may desire or need that are produced by other nations.

In conclusion, I call attention to a phase of the industrial problem that sometimes seems to be overlooked. In the beginning of the Republic, when our industries were young, we were met in their development by fierce competition, and discriminative legislation, by the consent of all parties, was invoked in their behalf.

This legislation has continued to this date, and when conjoined with American intelligence, skill, and enterprise has contributed to make our industrial progress, in every direction, truly wonderful. We have created and supplied a great home market, and have gone abroad and occupied fields hitherto possessed by our competitors. The effect of this phenomenal success has been, to some extent, to produce confusion of judgment and superciliousness of spirit.

The impression obtains that, if our victory is not final at all events, the fiercest of the conflict is over. The impression also prevails that what we have achieved is a legislative success, is to be referred to the extraordinary, and what I am constrained to characterize as the unwise and oppressive discriminative legislation of the last twenty years. There is an error in each of these impressions. The hottest of the conflict is not over, because other competing nations have rapidly progressed

also, and, like ourselves, they are making new industrial combinations, improving and multiplying the appliances of production and commerce, and are preparing to retrieve in new fields the losses they have sustained in the old.

Nor is the victory final, nor will it be, as long as human wants inspire men to wage the industrial battle of life. We must expect, as the price of continued victory, strife and effort, for we shall never reach the vantage-ground where we can dispense with watchful effort. It is an error still more grave to attribute our industrial successes mainly to legislation. They are to be referred to the enterprise of American capital, and the ingenuity, skill, versatility, and irresistible energy of American workmen.

Protective legislation, on this subject at all events, has reached its limit, and American industries hereafter, based upon the exceptionally favorable conditions of our geographical position, climate, soil, mineral resources, and free institutions, must achieve and maintain their success by the superior enterprise and skill of American producers. The excellence of the citizen, in virtue, intelligence, and resources, and not the favoritism of the law, must be our guarantee of future industrial progress.

---

## Interstate Commerce.

### SPEECH

OF

# HON. JOHN LITTLE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887,

**On the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.**

Mr. LITTLE said:

Mr. SPEAKER: A statement of reasons influencing any member in his vote upon an important measure becoming law may have value. Especially is this true where controversy is likely to arise as to the true intent and construction of the measure.

This consideration leads me to submit some observations, under the general leave, upon the interstate-commerce bill.

That Congress has the authority to legislate upon the subject of interstate commerce as it pertains to common carriers of all kinds under the specific grant "to regulate commerce with foreign nations, and among the several States and with the Indian tribes," is beyond the pale of profitable controversy. What Congress may do, if anything, toward regulating commerce wholly within a State, if such regulation becomes necessary or expedient to the full and effective enjoyment of its authority so specifically given, is a question not involved in this bill, and not necessary now to be considered.

I may say, however, that for one I am unwilling to subscribe to the broad and unqualified doctrine repeatedly asserted here and elsewhere that under no circumstances can Congress in the exercise of this power interfere with common carriers operating, or commerce carried on, wholly within a State. It is conceivable that cases may arise under this very bill, matured into law, where its enforcement may be hindered or even defeated by great railroad corporations acting entirely within State boundaries.

Take the case of the New York Central Railroad, leading from Buffalo to New York city, altogether within the State of New York. Should this great highway of commerce be so managed, and it seems to me it might be so managed, as to impede, frustrate, or render impracticable the operation or enforcement of such a law as this in respect of other lines, interstate, competing for freights between other States and that great seaboard city, carried by, but not stored on its way at Buffalo; in such a case could not Congress raise its hands in support of its own enactment, in restraint of interference with the due operation thereof? Would Congress be compelled to give up its jurisdiction over these competing interstate lines because of the conduct of the State line, or could it exert a restraining authority over the latter?

Strong reason might be urged for such an exercise of incidental power, supported by analogies in legislation and by judicial decision. But sufficient unto the day is the evil thereof.

The wrongs which beset the commerce of the country because of the conduct of railroads have been so often portrayed in Congress and out that they need not be recounted. They are generally known, and in no quarter denied. That these evils, quite possibly often overstated, are, as to railroads crossing State lines, beyond correction by State authority, is judicially established. They are widespread and far-reaching, if not colossal. They affect individuals and communities, operating to take from one for the upbuilding of another, to impose unjust and unreasonable burdens, and to subject to sudden and severe losses.

Congress alone is adequate to afford the legislative correction, and the time has fully come for its action. Indeed, the people have justly complained at its delay hitherto. The question then is not whether we shall legislate, but how we shall legislate. It is even narrower than that at this particular juncture. It is just now whether we shall take the legislation proposed by the conference report or none, for the report is not amendable.

With the differences, substantially the same as two years ago, developed between the two Houses, the agreement upon another report, should this one be defeated and especially defeated because of departure from the House bill, would be exceedingly doubtful at this late day of the session. If another agreement were reached its adoption would be as doubtful. The practical question then is whether we shall take this bill reported from the conference or none; take it, or defer action to the next Congress, or the next, or the next. In this situation, with my understanding of the measure, I can not hesitate in my support.

If we are to wait till a bill is matured to suit the views of all, or until even plausible objections cease to be made, we shall wait forever. Yet, much as legislation may be needed and is desired, if the fear of evil consequences expressed by the opponents of this measure had substantial basis in its provisions, it should not be adopted, even though its errors might be cured at the next session. But after thoughtful examination of the objections made I am persuaded there is no good ground for such fear.

What about this bill, then, which a few, assuming with precisely as much information as modesty to speak for all, say nobody wants yet everybody intends to vote for?

An attentive reading will disclose, I am sure, two chief underlying principles or features which it is framed and fashioned to impress upon the business of common carriers subject to its provisions; that is, those doing a carrying business across State lines, namely:

1. Reasonableness and justice in all charges.
2. Equality, all things considered, in accommodations and facilities, as well as in charges.

I might add a third, although perhaps a corollary to the first, to wit: Reasonable permanency in rates once established. Its provisions seem to me intended, and not inaptly devised and constructed, to give effect to and enforce the plain common-law principles indicated.

The first of these is the chief one. It is formulated in the first section, and forms, to my mind, the great, commanding, pervading precept of the measure. It is in these words:

> All charges made for any service rendered, or to be rendered, in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property SHALL BE *reasonable and just.*

It applies to all the railroad and other lines contemplated by the bill, and to all their charges of every kind and character pertaining to traffic or carriage across any State line. It is always a present command in respect of any service. Whatever else happens, whatever other rule pertains, "all charges shall be reasonable and just." This rule is absolute. No power can suspend, no tribunal refuse to enforce it. It is the guiding star of the measure in cases of doubt and uncertainty. It is the key for the solution of difficulties under the suspension clause of section 4, which manifestly was inserted that it might be relieved of possible hindrance in any case.

Subsidiary or ancillary rules are laid down as aids in the application and enforcement of these common-law ones.

The rule against discrimination in charges, the one against discrimination in accommodations and facilities, the one against rebates and drawbacks which are mere devices to cover up favoritism in rates, the one on the long and short haul, the one against pooling, are of this character. I might include in the category the general prohibition of favoritism. And right here it is worth while to note a fact not mentioned in this discussion, so far as I have heard, that the effect of all these provisions unquestionably will be to prevent the issue of free passes for carriage across a State line—a circumstance not of the greatest importance in itself, yet worthy of mention.

The things prohibited are in the judgment of Congress—if it so be—unreasonable and work injustice. Their prohibition is just so much accomplished toward the application and enforcement of the great common law precepts referred to.

Instead of leaving it to the slow process of the courts to work out and define the practices and doings not permitted by these principles of the common law, Congress starts out in this new field of national legislation and jurisprudence, if I may so term it, with a few of such practices defined and condemned, leaving it to the future to make such additions, subtractions, alterations and corrections as experience may suggest.

It will be observed that these ancillary provisions are not of the cast-iron pattern. Carriers, for instance, are not prohibited absolutely from charging one person more for a given service than another person for the same or a like service. It is only when the services are contemporaneous and performed "under substantially similar circumstances and conditions," that the prohibition applies. It is not absolutely forbidden to give a preference to one person, place, or commodity over another. It is only an "undue or unreasonable preference or advantage" that is inhibited. So the prohibition against charging more in the aggre-

gate for the transportation of passengers or like kind of property for a shorter than a longer distance, &c., is not absolute. It may be relieved against by the commission. I should prefer to say it is left with the commission to determine in what cases the common-law rule of section 1 relieves against it.

And why this freedom from rigidity in these ancillary provisions? My answer is: Simply and solely that the great common law rules spoken of may have free scope for unimpeded operation in all cases and under any and all circumstances and conditions.

Cases might arise, and they often do, where reason and justice would unite in granting preferences and advantages in shipment as to one person, commodity, or locality over another. Shipments—I do not allude to those for "charitable purposes"—to or from localities suffering from or threatened with epidemics, or other calamities, are of this class. So, perhaps, would be those the failure to make which would cause great and peculiar loss or hardship. Quantity and character of shipments and the business concerned may be factors in the question.

There are various objections urged to the bill as it comes from the conference committee. Some oppose it because it is not sufficiently radical—does not go the lengths they think they desire; others for an opposite reason.

The main objections seem to be directed at the fourth section and from opposite standpoints. That section reads:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

One refuses his support because there is any long-and-short-haul provision at all; another because that provision is not absolute: one because it is in any case commanded that such a rule shall be enforced; the other because it is not so commanded in every case. I care only to notice briefly some of the objections of the former. They come from sources entitled to great respect.

Many commercial bodies and men of large experience and mature judgment have petitioned us to eliminate this section. I beg to hand in, to be printed as an appendix to these remarks, a letter from the Messrs. Whiteley & Kelly, of Springfield, Ohio, as a forcible and able presentation of objections to this section as well as one lending strong support to other mooted provisions. They are manufacturers of the Champion harvesting machines, which are sent from that city annually to perhaps every cereal-producing locality in the country, as well as to all the civilized countries in the world. Perhaps fifty to seventy-five thousand of these machines are thus shipped out every year. Their experience, therefore, with common carriers, as to local, through, and foreign freights, is, and has been, such as to entitle their judgment on this subject to great weight.

It will be observed, however, that they, like many others who have sent in their protests, are under a misapprehension as to the section. It does not, as they suppose, require that no more *per mile* be charged for the short than the long haul. The prohibition is simply that no more in the *aggregate* shall be charged. Under the section a railroad, for illustration, would not be authorized to charge them a greater sum for shipping a reaper or mower from Springfield, Ohio, to Indianapolis than to ship the same or a like machine on through Indianapolis to Saint Louis, "under substantially similar circumstances and conditions." It would not follow that if the railroad's charge for a car-load of say ten machines to the latter point were $100, its charge for a single machine to the former must not exceed $10; for the "conditions and circumstances" would not necessarily be the same. The amount shipped is a circumstance to be considered, doubtless.

Nor would it follow for the same reason if its charge for fifty carloads to Saint Louis were $100 each that the charge to Indianapolis for a single car-load should not exceed that figure. I mean it would not follow from this section. Independently of this section, however, if $100 for the car, or $10 for the single machine, to Indianapolis would be an unreasonable or unjust charge, it would be unlawful and could not be enforced because of the common-law rule in section 1, which, as stated, is always operative.

There is little doubt that the vast bulk of the through carrying business of the country is now done in accordance with—that is, not in contravention to—the long-and-short haul provision. There will be no revolution therefore in this business, and no material drawback to business interests generally. That there will be some disturbance for a time, by way of needed changes and corrections, I do not question. Shipments of farm products from the far West east to the seaboard at unremunerative rates will be checked, and, in time, perhaps, turned to other and nearer markets. In reason and justice should they not be? Losses in such shipments must be made up by increase of way freights. Is this right? Why should the Ohio farmer, for instance, pay an excess of freight to carry his grain and cattle to the Eastern markets in order that the Colorado farmer may ship his there to compete at less than the cost of carriage?

In other words, why should the intermediate States be taxed by excessive freights for the benefit of those at the ends of carrying lines? Ohio farmers pay for their advantages of proximity to markets in the increased cost of their land. And these advantages should not be taxed away in high freights for the benefit of others. And what is right or wrong as to Ohio farmers is right or wrong, of course, as to those of other States. The farmers of any State are entitled to the natural advantages of their location and soil. They pay for them in their lands, and the railroads should not disturb their enjoyment by burdensome freights.

That the tendency of this measure will be to stimulate farming and stock-raising in Ohio and other Middle States I think is quite probable; and this I think, also, quite reasonable and just. Should the through rates be raised, or all rates—which is more probable—equalized to conform to the law, the effect will be the same. Farming communities will be more certainly than hitherto assured of the rightful advantages of their proximity to markets; and this remark will apply also to mining and other industrial interests.

Again, it may be—it probably will be—that a healthful disturbance, not great, not violent, but moderate and gradual, will result in manufacturing industries. It has become so, as shown in the Congressional investigation and known by common observation, that manufacturing establishments have necessarily been drawn from localities of their choice, where their products are most needed, to great cities on account of the reduced rates on railroads allowed there. In this way and by this policy of the railroad interests which are concentrated at the great centers such cities have grown enormously at the expense of the rest of the country. If this clause shall materially check and hinder this tendency it will, in my humble judgment, prove a great blessing to the country. At any rate, the country and smaller town manufactories will no longer be subjected to so unequal a contest with their city rivals.

When one remembers that the long-and-short-haul clause does not relieve from the requirement that "all charges * * * shall be reasonable and just," it is difficult to understand what valid objection can be made to it. How can any shipper ask to pay less than what is reasonable and just? How can a railroad demand more?

It may be retorted, what then is the use of section 4 if the common law rule is to be applied in every case? Like the other ancillary rules referred to, this provision is only an aid in applying the great common law rule.

There would be no need of any of these aids were the common law principles lived up to. Section 4 serves, so to speak, to shift the burden. Under it the controling presumption is that reason and justice require short hauls to be made as cheaply, in the aggregate, as long ones under like conditions and circumstances, and it is for those who assert the contrary to establish their claim before the commission. Without the section the presumption would be in favor of the practice adopted, and he who would assert the contrary would have to complain to the commission or go into court and establish his claim. Thus it seems to me the section will prove very useful.

It is objected that the commission created is given vast and dangerous powers, and its authority to relieve, in special cases, after examination and under certain circumstances, against the operation of the long-and-short-haul provision, is cited as one such power.

But this authority is of a judicial character. It is not for arbitrary exercise. I take it the commission can give relief, on investigation, in any case, to the extent and only to the extent that reason and justice may require. Otherwise, it would be suspending the common-law rule of section 1, which it has no power to do. The principle of construction and execution of law is familiar, that all provisions of an act must be given operation when that can be done. Aside from this one feature it is really interesting to note how little power the commission has. Its other authority is, I believe, entirely of an inquisitorial, advisory, or ancillary character.

It may investigate, advise, complain, and sue. That is about the sum of its alleged dangerous powers. The courts are always between it and binding orders and decrees, even in subpœnaing witnesses. But suppose it had great powers? Is that an objection to its creation? What officer of the United States is not clothed with powers that might not be dangerously exerted? When has injury sprung from the dangerous exercise of authority? It is in the mind of all when harm, appalling harm, came from lack of exercise of power! The commissioners are subject to removal by the President, and liable to impeachment. That is ample security even if they were fatally bent on mischief.

It is further objected that the phrase "under substantially similar circumstances and conditions," as found in section 4 and elsewhere in the bill, is vague, ambiguous, uncertain, and sure to give rise to litigation. The clause with which it is connected, wherever occurring, forms a part of a rule to be applied in numberless situations. Specific language, as if there were but one condition of things, is impossible. General terms alone can be used. Let him who thinks he can improve on this phrase try his hand at a substitute. Before he proceeds far he will

probably conclude to let it stand and leave its interpretation to the one who is to tell just what equity is, and what is meant by the familiar phrase, "reasonable and just."

It seems to me there will be no such difficulty in practice as is anticipated. Suits undoubtedly will arise, not so much because of doubt as to the meaning of the phrase, as because of dispute of fact concerning the existence of alleged circumstances and conditions. But should litigation occur, the decisions and judgments of courts will be worth more than their cost. The common law will be enriched, which is the best and the least costly of all law.

Again, still it is objected that the State courts are not given jurisdiction concurrently with the national courts under the bill. It is sufficient to say, in reply, that by express reservation the State courts will retain all their present jurisdiction—all they would have without this act. This bill in no way curtails any one in his rights or remedies as pertains to State courts. It adds new ones which he may pursue before other tribunals. That is all. This is of a class of objections which are merely captious and need not be further noticed.

After as thoughtful a consideration to these and other objections urged against this bill as I could give, I do not find them of sufficient moment to defeat or endanger legislation on this subject.

I feel that a beginning should be no longer delayed. These national highways of commerce, operating more than a hundred thousand miles of road, representing thousands of millions of capital, and gathering annually from the people eight hundred millions of money—an income largely in excess of that of any government of the world—have come to be, through combinations and combination influences, an enormous and an enormously growing power. A controling and guiding authority over it, on behalf of the public, is no longer merely desirable; it is a public necessity. The United States alone can provide that authority. There is no other power strong enough. This bill makes at least the beginning to that end, and, in my opinion, a fairly good one. It may not be wisest in all its appointments and features. I, myself, should have preferred a more simple measure. But its superfluities, defects, and errors, if they exist, can readily be lopped off, supplied, or corrected as they develop themselves.

In fact, one of the good results of the law may be to reveal its own shortcomings and mistakes and open up the way to better legislation.

The bill has at least the elements and foundation of a good legislative structure. It may not be the panacea for all real or supposed railroad ills—it is quite sure not to be. It is quite sure to disappoint its most sanguine friends in not accomplishing all they expect. On the whole, however, it will prove, I doubt not, to be greatly beneficial.

Mr. Speaker, give the common-law precepts underlying and pervading this bill full scope and operation; let its provisions be administered in complete accordance therewith, and the measure matured into law will prove a beneficent one, and be numbered among the great enactments of the American Congress.

---

SPRINGFIELD, OHIO, *January* 14, 1887.

DEAR SIR:—Other pressing engagements have prevented us from earlier carefully examining into the provisions of the Reagan-Cullom interstate-commerce bill, which we need not advise you, owing to our extensive business interests and their connections with the general business interests and the prosperity of the country, we feel especially interested in.

As extensive manufacturers of agricultural implements and machinery we necessarily sustain very close relations to other manufacturing and mining interests, notably the manufacture of iron and steel in all its various forms, the mining of coal, ores, &c., and to the entire farming community, and whatever affects the general manufacturing, mining, and agricultural interests of this country directly interests and affects us, as well as all other parties engaged in similar pursuits.

That some kind of interstate-commerce legislation is probably demanded and might be made advantageous, or at least mutually equitable to all of the various interests of the country, we agree, and it would be specially desirable that Congress should so legislate as would avoid the necessity of State or Territorial legislation by any of the several States and Territories, and thus secure as far as practicable uniform laws governing the commerce of the country, but in this legislation we think you will agree with us that the greatest care should be exercised, so that in endeavoring to correct existing errors graver ones are not caused.

In this connection, after a careful examination of the bill referred to, together with the amendments thereto agreed upon by the Cullom conference committee, we are of the opinion that while certain provisions of the bill should meet with general approval, other provisions of it are seriously objectionable and adverse to the interests of the country generally.

Sections 2 and 3. While the provisions of the bill generally, and especially sections 2 and 3 prohibiting any discrimination by common carriers in favor of or against any person, firm, company, or corporation would not be objectionable if it could be applied to unjust discrimination, we think it hardly fair or practicable to prevent discrimination which may be advantageous and equitable. However, if that portion of section 2 which reads as follows: "A like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions," is construed considering the volume of business done by each and its value to the common carrier, &c., we see no special objections to the provisions of sections 2 and 3.

Section 4, known as the long and short haul section, which provides "that it shall be unlawful to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance" is, we think, the most objectionable feature or provision of the bill, for while this section also provides that upon application to the commission such common carrier may in special cases, after investigation by the commission, be authorized to charge less for longer than shorter distances, &c., to the extent which may from time to time be prescribed by said commission, unless the exemptions from the provision of this section by the commission were made the rule instead of the exception, the result would work almost inestimable injury, if not actual bankruptcy, to some of the most important industries of the country.

It is, we believe, a well-settled fact that the future prosperity of all of the various agricultural, mechanical, commercial, and mercantile interests of the United States depends very largely upon the American farmer being enabled to produce wheat, corn, cotton, beef, &c., at prices that will enable us to compete favorably with other countries in supplying the European market with our surplus product, and if this be true, and prices in foreign markets are fixed by competition, it is imperatively necessary that our producers be enabled to produce and market our surplus products on the most economical basis, while the inevitable result of the provisions of section 4 of this bill would be to materially advance prices in our own principal markets to an extent that would make it impossible to export in competition with other countries and bankrupt the agricultural and stock-raising interests, and all other interests dependent upon them, in the vast portion of territory unfavorably situated to the principal markets, or to bankrupt the railroad interests, which would be equally disastrous.

It is also, we believe, an equally well-established fact that it is impossible for railroad and other transportation companies to receive the same, or approximatingly the same proportionate revenue on all kinds of business, or on the same class of business emanating at the same point and shipped to different markets, or emanating at different points for the same market. In fact it should be a part of the mission of the railroad and transportation companies to foster and build up in every way practical all of the various agricultural, mining, manufacturing, and commercial interests of the country, for in that they best promote the general interests, and in this each particular line of railroad should not only be permitted but, if practical, required to co-operate with its connecting lines in transporting to market the product of the country on a basis that will enable it to compete successfully with similar products of other portions of the country, and in order to do this the railroads must necessarily govern their revenue to a certain extent by what the product can afford to pay.

Take as an illustration the Cambria Iron Company, of Johnstown, Pa., one of the largest producers of steel and iron in the country, located on the Pennsylvania Railroad. If said railroad company and its connecting lines were to charge the Cambria Iron Company the same rate per mile on its product to all markets it would be deprived of many of its customers, and its customers would be deprived of the competition thus afforded them in making favorable purchases, and the business of that company would be limited to supplying the trade within equal distances with other manufacturers in its line.

Again, if the railroad companies are compelled to charge on wheat, corn, &c., shipped from Kansas, Nebraska, Iowa, and other Western States over their lines to the Eastern markets the same rate per mile as they charge for business passing the same or a shorter distance over their lines, they must necessarily materially advance the rates, and to such a point that after paying the transportation the farmers of those Western States could not realize for their grain the expense of raising it, saying nothing of the value of their lands.

And the same rule applied to the shipment of agricultural implements, machinery, and merchandise generally from the Eastern and Central to the Western States would increase the prices of same to the Western farmers so that they could not afford to purchase them, even if they could realize present prices for their product; while on the contrary, the fact that the railroad companies transport at a proportionately less rate agricultural implements and machinery from Ohio to Missouri, Iowa, Kansas, Texas, Minnesota, Dakota, and territory farther West, as well as to points in the Eastern and New England States, and transport the farm products of those Western States to the Eastern markets at proportionately less rates than the same is transported within the State of Ohio, or between points within the State of Ohio and adjoining States or Eastern markets is, we maintain, no injustice to any portion of the business interests of Ohio, while it is manifestly advantageous to the great mining and manufacturing interests of this State.

It is impractical for manufacturers and equally impractical for railroad and transportation companies to realize the same net profits, earnings or revenue from all business of the same class. The railroads are affected equally with the other business interests by competition and must necessarily adapt themselves to it, and any legislation tending to reduce the price of the produce of the Western farmer or increase the price of agricultural implements, machinery, and all other supplies to him is antagonistic to the best interests of the people of Ohio, and we believe of the country generally.

Through the open competition and the necessity of enabling the farmer to produce and market his crops at the lowest possible cost, as recognized by the manufacturers, the prices of agricultural implements and machinery have been steadily reduced until the profits of the manufacturer have been reduced to a minimum and in some cases entirely abrogated, and yet it is urged and pretty generally admitted that present prices are as high as the farmers can afford to pay in proportion to prices which they are able to realize for their products.

Through the open competition in transportation, except where pools or other combinations have been formed, the railroad companies have aided the manufacturer in reducing the cost of supplies to the farmer, and we believe that the very best guarantee of remunerative prices to the producer, as well as the lowest prices to the consumer is afforded by open competition in all classes of business, including transportation.

While it is generally conceded that the business interests of the country, which have been so universally depressed for the past two years, are now in a more prosperous condition, prospectively at least, we believe that if the provisions of section 4 of this bill should become a law the result would prove most disastrous, especially to the Western country, depriving the farming community of the means of paying debts already contracted, or making additional purchases, prohibiting the manufacturers and others who have extended large credits to them from making collections, and seriously embarrass the interests of the country generally.

In this connection we are aware that it may be, and no doubt has been, urged that if by the passage of this bill greater evils are created than are sought to be remedied, after giving it a trial, the law may be amended, &c., but in our opinion this would be a very dangerous experiment, and one that would be likely to cause irreparable damage.

Section 5, by the provisions of which all contracts or combinations of common carriers with other common carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, &c., are prohibited, we heartily approve, as we believe that all such combinations, pools, and similar organizations are antagonistic to the best interests of the country, depriving the community of the open competition that they would otherwise have the benefit of. We have never known of any combination formed for the benefit of its patrons or customers, but on the contrary the reverse is always the case, and as the railroads enjoy certain special privileges on account of their necessity they should not be permitted through combination to deprive the people of legitimate competition.

In open competition we believe the rule is that the shortest line presumably establishes the rate, based upon an equitable revenue to the railroad company, and the other longer lines who compete for the business are expected to meet the competition, and where they can not do so and realize a profit from the business we maintain that such lines have no right to form combinations and advance the rates, requiring the community to pay a satisfactory revenue to the longer lines, which combinations usually result in charging unreasonably high, if not extortionate rates.

We presume it is hardly necessary for us to refer to the manifest objections to that feature of the bill giving the commission provided for almost unlimited power, and the dangers attending the clothing of human beings with such power, the corruption likely to follow, &c.; and while it is undoubtedly proper that the business of the transportation companies, to the construction of which the people have contributed to a considerable extent, should be reasonably controlled by proper restrictions, in view of the enormous amount of capital invested by such companies, and the advantages to be derived from them by the community through efficient as well as reasonably liberal management, it is, we think, very questionable whether, in justice, the Government can assume such unlimited control of the business of the railroads as is contemplated by the powers delegated by this bill to the commission, without first purchasing the property to be so controlled.

For these and many other equally good reasons which we have no doubt will be apparent to you, we think this bill with its present objectionable features should not become a law, and presuming that it will not and that another and more equitable and practical bill will be introduced, we beg to suggest inserting therein a provision making the common carrier whose officer or agent contracts for the transportation of property from any point within any of the States or Territories to any other point within any of the other States or Territories of the United States the agent of all of the other common carrier connecting lines by whom said property is to be transported from the point of shipment to destination, binding them for the contracts and acts of said agent, so that the prepayment of freight at the contracted rate named in the bills of lading signed by the agent of the contracting line, or written contract or proposition made by said contracting line, or the tender of the freight at the rate named in such contracts to the line that delivers same at the point of destination, shall be considered full payment or legal-tender of payment, and a refusal to accept in full payment so tendered and deliver the property shall give the consignee or the shipper the right of action to recover the property by writ of replevin at the expense of said common carrier.

The object of this provision being to prevent a system of overcharging by the railroad companies at the point of delivery, and the serious difficulties and vexatious delays experienced by shippers and consignees in collecting from the railroad companies overcharges which they have been required to pay on shipments, such a provision of law we believe would be just and equitable to all and relieve the community of one of the worst evils inflicted, and in many cases systematically practiced, upon the community, giving the railroad companies of the United States the use of millions of dollars collected by them from their patrons as overcharges and refunded by them only at their pleasure, if at all.

Very respectfully,

AMOS WHITELY.
W. N. WHITELY.
O. S. KELLY.

Hon. JOHN LITTLE, M. C., *Washington, D. C.*

---

## Agricultural Department.

## SPEECH

OF

# HON. P. T. GLASS,

OF TENNESSEE.

### IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, January* 12, 1887.

The House being in the Committee of the Whole, and having under consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an executive department to be known as the department of agriculture and labor—

Mr. GLASS said:

Mr. CHAIRMAN: The industry of agriculture has hitherto been denied that recognition by Congress which its importance and magnitude deserved. The great industries of our country are: Agriculture, mining, manufacture, and commerce. I mention them in the order of their importance and utility, if not of their commercial value. These industries have each received the fostering care of the Government, and especially have the latter two enjoyed it to a much larger extent than the first named—the greatest of them all. The creation by law of additional departments in our Government is not a new thing in Congressional legislation. Originally there were established but five, the State, the Treasury, the Army, the Law, and Post-Office Departments. Later on, the Navy, and still more recently, the Interior. And by this bill it is proposed to create the department of agriculture, and to make it one in fact as well as one in name; a department that will embrace the interests of three-fourths of our population, and almost the entire wealth-producing classes of the country.

It has been asserted on this floor that Congress has no constitutional right to create a department, with an executive officer at its head, to represent and superintend that which does not belong to the Government; that Congress controls and directs our intercourse with foreign nations, and hence the State Department; provides and regulates the currency, regulates foreign and interstate commerce, and hence the Treasury; the Government possesses the Army and Navy, and hence these departments; and so with the Departments of Justice, the Post-Office, and the Interior; but that the Government does not own the farms of the country and therefore has no power to create an executive officer to look after them.

This is a narrow view and unworthy of that broad statesmanship that should control our actions on this floor. If authority is conferred by the Constitution to establish a bureau of agriculture and one of animal industries, it is certainly no greater stretch of power to declare it broad enough to embrace an executive department charged with similar duties. I have heard no such objections made to the creation and continuance of these bureaus, the former having been established in 1839 and enlarged in 1862, and the latter more recently.

The Constitution would appear broad enough to authorize protection to manufactures, bounties to commerce, and scientific expeditions to watch the transit of Venus, to search for the north pole, and to fish up the lost cities of Sodom and Gomorrah from the depths of the Dead Sea, but too narrow to authorize the creation of a department to promote and develop the great agricultural industries of our country. Away with such constitutional theories! Again it has been said that, "agriculture" is not even mentioned in the Constitution. I will say to gentlemen that the people demand the creation of such a department as this bill proposes, and if it can not be accomplished without, thirty millions of farmers will keep up the agitation until the word "agriculture" shall be put into the Constitution.

The farmers constitute more than one-half of our population, and twenty-seven years ago they owned one-half of the wealth; but class legislation has transferred much of their earnings to the favored classes, and especially the corporations, and now they own but one-fourth. This is an appalling fact, and can only be accounted for on the hypothesis that pernicious legislation has enabled other less productive industries to appropriate a part of the rewards of the farmers' toils. The farmers of the land are the most patient and conservative portion of our population, and on this account have been subjected to an unjust share of governmental burdens. The 4,000,000 of farms in this country are tilled by 7,670,000 intelligent and law-abiding citizens, producing annually products valued at $3,000,000,000 upon farms worth $10,129,096,776. They pay 75 per cent. of all Federal taxes and contribute of our exports more than 80 per cent, and have done so much of the time for more than fifty years.

In view of such facts, will Congress longer refuse to do simple justice to this paramount industry and to dignify it with an executive officer to represent it in the Cabinet councils of the nation? I think not. Justice requires that this large class shall have a spokesman near the President, who may give his opinions upon all questions affecting their rights and interests, and especially in the discussion of treaties proposed to be negotiated with foreign powers.

Reciprocity treaties almost invariably affect injuriously the farming interests of our people. Hence the necessity and importance of having a Cabinet minister at the council-board of the nation, who will have been prepared by his knowledge and practical experience to make a full and clear presentation of the claims, rights, and interests of the farming classes. In nearly every instance where reciprocity treaties have been entered into with other governments it has been with countries purely agricultural, whose products are similar to our own, hence the advantages arising therefrom have accrued almost exclusively to the manufacturing industries.

It is so under the treaty with the Hawaiian Islands admitting sugar and rice into our Pacific ports free of duty in consideration that certain manufactured products of this country be admitted free into the ports of the latter government. And so it would be under the proposed treaties with Mexico, the South American republics, and the West India Islands, and has been such under a similar treaty with Canada. In other words, reciprocity treaties are not generally promotive of the agricultural industries of our country, but in direct antagonism to them, and should not be favored by that class engaged in tilling the soil. Give to the people engaged in this great and overshadowing industry a Cabinet minister to watch and guard their interests, and to prevent as far as he may be able any wrong or injustice to the farming classes. Commerce and manufactures to some extent are represented in the Cabinet by the Secretary of the Treasury, whilst the tillers of the soil have no special friend there whose voice might become potential to protect their rights.

Other nations much less interested in the cultivation of the soil than ours have such cabinet ministers. Prussia, France, Austria, and Russia, as well as others, have them, but it is left to this Government, almost alone of the leading ones of the world, to withhold that justice which should be accorded in this regard.

European countries through their advanced scientific systems of tillage have succeeded in doubling the productive capacity of their soils. In this country, with its virgin soil, we are producing only 14 bushels of wheat per acre as the general average. In England, where the land has been cultivated for more than a thousand years, the country makes a yield of 29 bushels, and in some of the countries in Europe as high as 35; and almost all of them a much larger yield than our country, now the largest wheat-producing country on the globe.

How is this accomplished? By governmental encouragement, supplementing private capital and enterprise. J. B. Laws, of Rothamsted, England, a public-spirited and scientific gentleman, at his expense established in 1843 an experimental farm, where he proposed to analyze soils, fertilizers, &c., and also to test the germinating properties of seeds, and their productive capacities under different conditions and under different modes of culture, and to publish the results to the world, so that the masses who were unable to make these costly experiments might avail themselves of his learning and benefaction.

These experiments have been kept up with incalculable results for the advancement of agriculture and their scientific application to practical

farming. And since the establishment of this more than one hundred have been established on the continent, with equally beneficial results to those who till the soil. The time has come in the history of our farming when greater skill and knowledge of science is required to induce the earth to yield its annual crops in quantities to make farming remunerative and satisfactory. The complaint comes up from all over the country that the sprightly and educated young men are leaving the farms, and flocking to the cities to crowd the learned professions and the mercantile pursuits, chiefly because success upon the farm is as much the result of muscular power and brute force as it is of intellect and culture; and to avoid this character of competition they leave the farm. How can this state of things be changed? Make farming more attractive, and more of an intellectual pursuit. Establish the experiment stations, and these will constitute centers from which will go forth trained experts, scientific farmers, whose attainments will redound to the benefit and advancement of the whole class, just as West Point and Annapolis form the necleus of the educated and trained soldiers and seamen of our Army and Navy.

The tiller of the soil has ever been the pioneer in civilization, while commerce has often led the way by opening up the unknown paths of the ocean; those engaged in it are often moved by the spirit of adventure, and rarely built up a true and substantial civilization, but too frequently corrupted, debauched, and retarded its progress. Ours is essentially an agricultural country, has been since its early settlement, and in the very nature of things must continue as such. Our farmers under a wise and just system of laws would be the most prosperous and contented under the sun. It is to them chiefly that we are indebted for the stability of our institutions and the conservatism in the administration of our Government. Strikes and riots are almost unknown among them, and communism and anarchism will never take root in their midst. There was more consideration given to this industry by public men in the early history of our Republic, when our lawmakers came more from the farming classes than they have latterly. One or two farmers now constitute the entire number of them sitting in the Chamber at the other end of this Capitol, and scarcely a dozen sit in this House.

How inadequate is this representation in view of their numbers. We find sixty-five of the seventy-six members of the Senate belonging to the legal profession and about the same proportion occupying seats on this floor. The country needs the learning and ability of the legal profession and fully appreciates their usefulness; but they not infrequently use their learning to defeat important legislation in the interest of the farming classes. They are not in every instance familiar with the proposed legislation here in furtherance of our agriculture, and often have no practical knowledge of its effects upon the industry.

Washington, the farmer President, in his fourth annual message to Congress, recommended legislation to aid and encourage this great national industry; and the committee having the matter in charge reported a bill for creating a national board of agriculture, to be composed of "the judges of the Supreme Court, members of the Cabinet, and the National Congress." The apparant ludicrousness of creating a national board of agriculture to be composed of these officials will, in a measure, be dispelled when we reflect that at that time cultivators of the soil were frequently to be found among the counselors and lawmakers of the nation. This bill did not, however, become a law, and it does not appear that any further attempt to aid agriculture by national legislation was made until 1839, when Congress made an appropriation of $500 to be expended by the Commissioner of Patents in collecting agricultural statistics. Jefferson, the true friend of agriculture, declared that his confidence in the perpetuity of republican institutions in this country was based upon the fact that agriculture was to be the chief occupation of the people.

Everywhere and in all ages agriculture has been the handmaid and companion of good society and honest government, and it has equally been the basis and foundation throughout the ages of the highest civilization and the purest religion. Wherever it has reached a high development, there learning and religion flourished, and where it has been most neglected and held in the least repute, as in Eastern countries, there paganism and idolatry corrupted and degraded mankind. Palestine was never strictly an agricultural country, but pastoral and pomological, the inhabitants subsisting chiefly upon their flocks and herds and the spontaneous fruits of the forests, hence their crude and rugged civilization.

But we find the earliest dawn of a higher and better civilization on the fertile plains of Mesopotamia, upon the banks of the Tigris and Euphrates, where the ruins of ancient irrigating canals are still to be seen. And later, upon the alluvial delta of the Nile, the seat and center of the world's early development of science and the fine arts. Next, the statesmen and philosophers of Greece became the patrons of agriculture, and devoted much of their lives to its study and practical development. And again, in Rome, when her fertile valleys and plains early begat a love of farm life, even on the part of her patricians, her poets sang of its charms, her philosophers wrote essays upon it, and her purest and noblest statesman followed the plow.

I might continue this narration down to our own times and country, and the parallel would hold good all the way along without a break.

After the breaking up of the Roman Empire the dark ages supervened, and war became the ordinary occupation of man, agriculture was neglected and passed into disrepute, civilization retrograded, Christianity fled to the monasteries and the mountains, and mankind lapsed into semi-barbarism. After this night of a thousand years the dawn of agricultural progress, letters, and Christianity was coeval with each other. And whenever, since that period, the tillage of the soil has been encouraged and honored by government, then the highest type of man, intellectually and morally, has been developed, the arts, literature, and science have had their highest expression, and Christianity has elevated and ennobled the human race. Now, let the United States, as the grandest agricultural country of the world, set an example as the foremost promoter and patron of this the purest and noblest of all industries. I hope the bill will pass.

---

## Tax or Duty on Raw Cotton.

### SPEECH

OF

### HON. THOMAS C. McRAE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

*Monday, February* 14, 1887,

On the bill (H. R. 11096) to credit and pay to the States all moneys collected as a tax or duty on raw cotton under the act approved July 1, 1862, and the acts amendatory thereto.

Mr. McRAE said:

Mr. CHAIRMAN: Since under the rules and practice of the House when in Committee of the Whole on the state of the Union members are not bound to confine themselves to the question under debate I propose at this time to submit some observations upon the question of refunding the cotton tax collected between 1863 and 1868. Early in the first session of the present Congress, on the 21st day of December, 1885, I introduced a bill (H. R. 133) upon this subject. It was referred to the Committee on Claims, but has never been reported back, and I am convinced that it will not be. On the 4th day of the present month the Senate of the United States passed by a yea-and-nay vote, with only one vote in the negative, a bill (S. 995) which seeks to credit and pay to the several States all the moneys collected under the direct tax levied by the act of Congress approved August 5, 1861. It was transmitted to this House, and its friends here believing that the Judiciary Committee was more friendly to the proposition than the Committee on Ways and Means, to which under the rules it would have gone, moved to refer the bill to that committee.

The motion was agreed to by a vote of 134 to 93. Seeing in these votes a disposition on the part of Congress, as I thought, to even up some of the inequalities of the repealed war taxes, on the 6th day of this month I introduced another bill upon the same subject, and moved its reference to the Committee on the Judiciary with the statement at the time that I thought it and the bill passed by the Senate should be considered by the same committee and in the same connection. This motion was agreed to by the House, and so both are before the Committee on the Judiciary, and I trust will be considered together and so reported to this House.

The last bill (H. R. 11096) is as follows:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit and pay to each State a sum equal to the amounts collected therein respectively as a tax or duty on raw cotton, under the provisions of the act approved July 1, 1862, and the supplemental and amendatory acts thereto, which sums, when so credited and paid, shall be accepted and held by the States in trust, first, for such of the producers who paid said tax or duty, or their legal representatives, as may make claim to and prove their identity, and the amount of taxes paid, in two years after the passage of this act, and, second, the remainder, if any, to be held and used only as a permanent free-school fund.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act: *Provided*, That any State accepting the trust hereby created is prohibited from paying any part of the funds received to any person, syndicate, or corporation, except the producers who paid the taxes on cotton grown by them or their legal representatives; and in no case shall the payment be made to an assignee of such claim.

I do not claim that this bill is perfect in all the details necessary to carry into effect the main purpose. It ought, perhaps, to be amended in some respects, but as my purpose is not to discuss the details at this time, but only to place the facts before the committee with my argument upon the illegality and reasons for the introduction and support of the measure, I will leave the matters of detail to the House when the bill is under consideration.

The only apology that I have to offer the committee for detaining it at this time is the interest of my constituents in the measure and my desire to call attention to the claims of the two propositions upon the score of inequality before they are acted upon by the Judiciary Committee.

THE DIRECT TAX OF 1861.

It is admitted that the direct-tax bill of 1861 was constitutional. This much can not be said of the cotton tax. No State paid more of the direct tax than was legally assessed against its citizens. The tax was in no sense a charge against the States in their sovereign or corporate capacity. The only effect of that law was to fix an amount for each State beyond which the United States collector could not go in his collections from the citizens thereof, who alone were liable for such tax. The amount apportioned to each State was assessed against the tax-payers residing therein in proportion to the amount of land each owned, and so it was the individual citizens and not the States who became indebted to the United States. The States who paid it were allowed 15 per cent. for collecting. This was the reason some States assumed it. There was no effort to collect this tax from the citizens of the Southern States at that time. They were in rebellion. No one believed that it would ever be collected. The tax was not a lien upon the land, and was only a debt against the citizens. Many of them were killed in battle, others have since died from natural causes, and nearly all of those who now survive had their property swept away by the war and are insolvent. The United States finding it impossible to collect the taxes, either during or since the war, from the citizens of the Southern States, have charged the amounts apportioned to each of these States to the States in their corporate capacity, and the accounting officers, by reason of these unwarranted charges, withhold from the States all sums due from the United States, and in this way payment is being coerced without law. The only reason given for this bill is that as the tax was collected in the Northern and not in the Southern States the whole amount, about fifteen millions, should be refunded and credited to the States, and the unpaid three million remitted to the delinquent States. It is said by the friends of the bill that this will equalize the matter and save the United States much trouble and litigation with the Southern States. Many Southern Representatives, believing that it is the only way to relieve their States of these illegal and unjust charges are disposed to support the bill. Such was the feeling of Southern Senators who voted for the measure.

That the committee may understand the full scope and effect of these bills, I will state such facts as I have been able to get bearing upon them, and where it is possible to do so will give them in tabular form.

The following table will, I think, show the amount paid, as well as the amount unpaid, of the sums apportioned to the several States under the act of August 5, 1861: (Stat. 12, p 292.)

| State or Territory. | Amount paid. | Balance unpaid. |
|---|---|---|
| Alabama | $18,285 03 | $511,028 30 |
| Arkansas | 184,082 18 | 77,803 82 |
| California | 254,538 67 | |
| Colorado | 22,189 96 | 715 37 |
| Connecticut | 261,981 90 | |
| Dakota | 3,241 33 | |
| Delaware | 70,332 83 | |
| District of Columbia | 49,437 33 | |
| Florida | 43,529 81 | 33,992 86 |
| Georgia | 106,963 17 | 477,404 16 |
| Illinois | 974,568 63 | |
| Indiana | 769,144 03 | |
| Iowa | 384,274 80 | |
| Kansas | 71,743 33 | |
| Kentucky | 606,641 03 | |
| Louisiana | 268,515 12 | 117,371 55 |
| Maine | 357,702 10 | |
| Maryland | 371,299 83 | |
| Massachusetts | 700,894 14 | |
| Michigan | 426,498 83 | |
| Minnesota | 92,245 40 | |
| Mississippi | 101,717 04 | 311,367 63 |
| Missouri | 646,958 23 | |
| Nebraska | 19,312 00 | |
| Nevada | 4,592 67 | |
| New Hampshire | 185,645 67 | |
| New Jersey | 382,614 83 | |
| New Mexico | 62,648 00 | |
| New York | 2,213,330 86 | |
| North Carolina | 386,194 45 | 190,000 22 |
| Ohio | 1,332,025 93 | |
| Oregon | 35,140 67 | |
| Pennsylvania | 1,654,711 43 | |
| Rhode Island | 99,419 11 | |
| Tennessee | 387,734 31 | 281,763 69 |
| Texas | 130,008 06 | 225,098 61 |
| Utah | | 26,982 00 |
| Vermont | 179,407 80 | |
| Virginia | 515,569 72 | 213,501 30 |
| West Virginia | 181,306 93 | |
| Washington | 4,268 16 | 3,487 17 |
| Wisconsin | 454,944 84 | 25,397 40 |
| South Carolina | 377,961 30 | |

It appears from this that there is yet unpaid of the sums apportioned to the eleven Southern States about three millions of the amount apportioned to them, which was something less than six millions, nearly 50 per cent. of the amount having been paid, or collections forced in some way.

The following table will show as nearly as can be the amounts proposed to be credited by the two bills in question. The first column shows the amount intended to be refunded under the direct-tax bill; the second the amounts of the cotton tax collected, while the third shows the aggregate of the two bills by States.

| States and Territories. | Amounts to be credited under bill S. 995. | Amounts to be credited under bill H. R. 11096. | Aggregate of both bills. |
|---|---|---|---|
| Alabama | $529,313 33 | $10,388,072 10 | $10,917,385 43 |
| Arkansas | 261,886 00 | 2,555,638 43 | 2,817,524 43 |
| California | 254,538 67 | 430 04 | 254,968 71 |
| Colorado | 22,905 33 | | 22,905 33 |
| Connecticut | 261,981 90 | 193 64 | 262,175 54 |
| Dakota | 3,241 33 | | 3,241 33 |
| Delaware | 70,332 83 | | 70,332 83 |
| District of Columbia | 49,437 33 | | 49,437 33 |
| Florida | 77,522 67 | 918,944 98 | 996,467 65 |
| Georgia | 584,367 33 | 11,897,094 98 | 12,481,462 31 |
| Illinois | 974,568 63 | 379,144 42 | 1,354,713 05 |
| Indiana | 769,144 03 | 92,727 22 | 861,871 25 |
| Iowa | 384,274 80 | | 384,274 80 |
| Kansas | $71,743 33 | $286 15 | $72,029 48 |
| Kentucky | 606,641 03 | 553,327 45 | 1,159,968 48 |
| Louisiana | 385,886 67 | 10,098 501 00 | 10,483,387 67 |
| Maine | 357,702 10 | | 357,702 10 |
| Maryland | 371,299 83 | 51,349 52 | 422,649 35 |
| Massachusetts | 700,894 14 | 66,679 30 | 777,573 44 |
| Michigan | 426,498 83 | | 426,498 83 |
| Minnesota | 92,245, 40 | | 92,245 40 |
| Mississippi | 413,084 67 | 8,742,995 93 | 9,156,080 60 |
| Missouri | 646,958 23 | 592,098 36 | 1,239,056 59 |
| Nebraska | 19,312 00 | | 19,312 00 |
| Nevada | 4,592 67 | | 4,592 67 |
| New Hampshire | 185,645 67 | | 185,645 67 |
| New Jersey | 382,614 83 | 3,656 42 | 386,271 25 |
| New Mexico | 62,648 00 | | 62,648 00 |
| New York | 2,313,330 86 | 867,942 68 | 3,081,273 54 |
| North Carolina | 576,194 67 | 1,959,704 87 | 2,535,899 54 |
| Ohio | 1,332,025 93 | 447,127 12 | 1,779,153 05 |
| Oregon | 35,140 67 | | 35,140 67 |
| Pennsylvania | 1,654,711 43 | 78,535 06 | 1,733,246 49 |
| Rhode Island | 99,419 11 | 2,424 73 | 101,843 84 |
| South Carolina | 377,961 30 | 4,172,420 16 | 4,550,381 46 |
| Tennessee | 669,498 00 | 7,873,460 71 | 8,542,958 70 |
| Texas | 355,106 67 | 5,502,401 24 | 5,857,507 91 |
| Utah | 26,982 00 | 1,375 34 | 28,357 34 |
| Vermont | 179,407 80 | | 179,407 80 |
| Virginia | 729,071 02 | 825,856 87 | 1,554,927 89 |
| West Virginia | 181,306 93 | | 181,306 93 |
| Washington | 7,755 33 | | 7,755 33 |
| Wisconsin | 454,944 84 | | 454,944 84 |
| Total direct tax | 17,874,137 13 | | |
| Total cotton tax | | 68,072,388 99 | |
| Total of both direct and cotton tax | | | 85,946,526 12 |

It appears from this table that of the States composing the Union at that time, and I include those then in rebellion, ten of the Southern States were delinquent as to the direct taxes, while the same number of Northern States paid no cotton tax. The citizens of these same States who failed to pay the $3,079.932.14 of direct taxes during the war did pay immediately after the war more than sixty millions on their cotton, besides the thirty millions of property taken from them under the captured and abandoned property acts, much of which has never been returned to them.

The Internal-Revenue Commissioner's books show the sums collected as duties on cotton under the laws in question. The following sums were collected for the year indicated:

| | |
|---|---|
| For the fiscal year ending June 30, 1863 | $351,311 48 |
| For the fiscal year ending June 30, 1864 | 1,268,412 56 |
| For the fiscal year ending June 30, 1865 | 1,772,983 48 |
| For the fiscal year ending June 30, 1866 | 18,409,654 90 |
| For the fiscal year ending June 30, 1867 | 23,769,078 80 |
| For the fiscal year ending June 30, 1868 | 22,500,947 77 |
| Making the aggregate sum of | 68,072,388 99 |

This total appears large and will have a tendency to frighten away members who would support the measure if it only involved as many thousands as it does millions. This only intensifies the wrong. Large as the sum appears, it is less than the annual appropriation for pensions.

Although the tax, in the language of the law, was "to be paid by the producer," and heavy penalties denounced by the law for a failure to pay before removal or sale, during the war, some of the cotton was removed from the Southern States to the Northern States, under the intercourse laws before the tax was paid, mainly because the collectors of the United States did not find it practicable to force collection during hostilities.

In such cases the tax was paid by purchasers from the producer. This was particularly the case as to the cotton on hand at the time of the passage of the first act in July, 1862. The law fixed a lien on the cotton from the day of the assessment, which was in March of each year, until paid even in the hands of a purchaser. So we find that the tax was in some instances paid by persons other than the producer, and in States other than cotton producing States. Much of the crop of 1860 at the breaking out of the war between the States was held by brokers for the producers. In such cases the brokers paid the tax for the pro-

ducers. I have said this much in explanation of the foregoing statement, which I think shows the correct amounts collected in each State under all the laws during the time they were in force.

While it appears from these tables that collections were made in as many as twenty-six States, less than one-half of them cotton States, it also appears that nine-tenths of the tax was paid in the eleven Southern cotton-growing States.

I submit, first, that the tax was not constitutional, because it violated the rule of uniformity, and because it was a tax upon exports; second, that it was unequal and unjust, because it was a tax upon a particular production of the soil peculiar to less than one-third of the States with no corresponding tax upon the productions of the other States. Before proceeding to the consideration of these propositions, I desire to cite the several sections of the acts under which the duties were laid and collected.

The first act laying such a tax was dated July 1, 1862 (12 Statutes, page 432). The duty in this act was fixed at one-half of 1 cent per pound.

On the 7th of March, 1864 (13 Statutes, page 15), this act was amended, and the fourth section of the amendatory act is as follows:

That from and after the passage of this act, in lieu of the duties provided in the act referred to in the first section of this act, there shall be levied, collected, and paid upon all cotton produced or sold and removed for consumption, and upon which no duty has been levied, paid, or collected, a duty of 2 cents per pound; and such duty shall be and remain a lien thereon until said duty shall have been paid, in the possession of any person whomsoever. And further, if any person or persons, corporation or association of persons remove, carry, or transport the same, or procure any other party or parties to remove, carry, or transport the same *from the* place of its production, with the intent to evade the duty thereon, or to defraud the Government, before said duty shall have been paid, such person or persons, corporation or association of persons shall forfeit and pay to the United States double the amount of said duty, to be recovered in any court of competent jurisdiction.

This act was amended by the act approved July 13, 1866, entitled "An act to reduce internal taxation and to amend an act entitled, &c." (14 Statutes, page 98). As nearly all the collections as far as cotton was concerned were made under this act, I will cite the first two sections:

There shall be paid by the producer, owner, or holder, upon all cotton produced within the United States, and upon which no tax has been levied, paid, or collected, a tax of 3 cents per pound as hereinafter provided; and the weight of such cotton shall be ascertained by deducting 4 per cent. for tare from the gross weight of each bale or package; and such tax shall be and remain a lien thereon, in the possession of any person whomsoever from the time when this law takes effect, or such cotton is produced as aforesaid, until the same shall have been paid; and no drawback shall, in any case, be allowed on raw or unmanufactured cotton of any tax paid thereon when exported in the raw or unmanufactured condition.

That the aforesaid tax upon cotton shall be levied by the assessor on the producer, owner, or holder thereof. And said tax shall be paid to the collector of internal revenue within and for the collection district in which said cotton shall have been produced, and before the same shall have been removed therefrom, except where otherwise provided in this act; and every collector to whom any tax upon cotton shall be paid shall mark the bales or other packages upon which the tax shall have been paid, in such manner as may clearly indicate the payment thereof, and shall give to the owner or other person having charge of such cotton a permit for the removal of the same, stating therein the amount and payment of the tax, the time and place of payment and the weight and marks upon the bales and packages, so that the same may be fully identified; and it shall be the duty of every such collector to keep clear and sufficient records of all such cotton inspected or marked, and of all marks and identifications thereof, and of all permits for the removal of the same, and of all his transactions relating thereto, and he shall make full returns thereof monthly to the Commissioner of Internal Revenue.

Although the title of this act indicated a reduction, it is noticeable that the tax on cotton was increased from 2 to 3 cents per pound.

THE TAX UNCONSTITUTIONAL.

The only power granted to Congress authorizing the laying and collecting of taxes, duties, imposts, and excises is to be gathered from the following parts of the Constitution:

ARTICLE I.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

And this power is restricted by the following prohibitory clauses:

ARTICLE I.

SEC. 9. * * * No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

Taking these provisions together I conclude that Congress has full power to lay and collect all such taxes as are enumerated when necessary for the legitimate purposes of the Government, but always subject to the following restrictions and limitations, namely: Direct taxes must be apportioned; duties, imposts, and excises must be uniform, and that neither Congress nor the States have power to tax exports from any State.

The legality of this tax has never been passed upon by the Supreme Court and is an open question. One case was appealed to the Supreme Court from Tennessee, but the court was equally divided and made no decision.

That we may test the legality of this tax let us ask what kind of a tax it was. Was it a direct tax? To correctly answer this inquiry we should understand what is meant by this term as used in the Constitution. It is generally understood to be "a tax assessed directly on possessions, incomes, or polls distinguished from taxes on merchandise or customs and from excises." Justice Chase in Hylton's case (3 Dallas, 171) said:

I am inclined to think that the direct taxes, contemplated by the Constitution, are only two, namely: a capitation or poll-tax simply, without regard to property, profession, or other circumstances, and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term direct tax.

The real question in this case was whether a tax upon pleasure carriages throughout the United States was constitutional, the same not having been apportioned, &c. The judges all agreed that it was not a direct tax. Justice Patterson in the same case used this language:

It is not necessary to determine whether a tax on the produce of land, in its original and crude state, ought to be considered as a part of the land itself; it makes part of it; or else the provisions made against taxing exports would be easily eluded. Land, independent of its produce, is of no value.

This puts the case in its true light; although it may not be decisive of the case, it is strongly persuasive. Following this idea suggested by this learned judge so soon after the adoption of the Constitution and in view of the fact that for more than three-quarters of a century after the adoption of the Constitution no tax was ever laid on the produce of land, I think I might, with propriety, insist that a tax upon raw cotton, the lien for which commenced the moment the cotton came into being and continued until manufactured for export, is a direct tax. If this position is correct, then it is unnecessary to pursue the argument further, because there was no effort to apportion it according "to the census or enumeration;" but we will consider the other branch of the question, and not rest the issue upon the proposition that it is a direct tax, as we might well do.

NOT UNIFORM.

Passing from this view of the case let us treat it as a duty as it is called in the acts. As such it should be uniform throughout the United States. The fact that the duty was on raw cotton which could only be produced in a part of the States of the Union precludes the idea of uniformity throughout the United States. Of the sixty-eight millions collected under the laws nearly all was collected from citizens of the Southern cotton States, and the citizens of the Northern States paid no tax corresponding to it. When it was stated in the debates upon the Constitution that under the taxing clause certain States having property peculiar to its climate and surroundings might be oppressed, Mr. Madison very promptly and emphatically repudiated the idea, and declared that the Constitution did not admit of it, and insisted that either in the rule of apportionment or of uniformity all States and their interests would be protected. If the cotton tax can be sustained then the rule of uniformity has utterly failed of its purpose and imposes no restrictions on Congress whatever.

TAX OR DUTY ON EXPORTS.

If the tax is found not to be a direct tax, and also found to be uniform throughout the United States, yet is it not a tax or duty on exports and unauthorized? I understand exports to mean commodities conveyed from one country or State to another in traffic, and that the thing is exported when carried out of the country or State. A commodity may clearly be exported from one State into another, and when the market for the article or thing, grown or manufactured, is outside of the country or State where produced or made, then it is an export. A careful reading of the Constitution and the debates upon it by the delegates who framed and the State conventions that afterward adopted it will, I think, make it perfectly clear that it was intended that no tax was to be laid on articles exported from any State. I desire to emphasize the fact that it does not say from the United States nor any port thereof to a foreign country. When the clause was first proposed the prohibition was against any tax on exports "from the States." This was changed so that no tax or duty could be laid on exports "from any State."

There was a purpose in making this change, and I believe that purpose was to prevent the laying and collecting of just such taxes as the cotton tax. It was not accidentally but purposely amended, and for the evident intention of prohibiting the imposition of any tax on products of a State taken beyond its limits for sale or consumption. Let us remember that the framers of the Constitution, men of learning, who adopted these words with so much care, were delegates of sovereign and independent States, at that time confederated together only and as such refused to adopt a national consolidated government.

Without reference to how the Union is now regarded in some quarters, it can not be denied that then it was understood by the convention that there was to be no new, but simply a "more perfect Union," an indissoluble Union of independent States, with an enlargement of the power of the General Government clearly defined, but without any attempt at the annihilation of the State governments. They still remained foreign to each other for many purposes. A bill of exchange drawn in one State on a person in another was then and is yet a foreign bill as much as if drawn in Europe. Administrations in one State were foreign as to all others, and the same rule applies to corporations created by the States. A judgment of a court in one State is treated

as foreign as to all others. Even the statute laws of one State must be proven in other States as the laws of foreign nations are.

The cotton was produced almost exclusively for export, either to the Northern States or to foreign countries. The strongest proof of this is in the fact that during the years of the rebellion when none could be exported none was grown.

I have stated this much in behalf of what I conceive to be the proper construction to be given to this prohibition, but for my present purpose in this argument I am willing to concede that "exported" means sent out of the United States to foreign countries, for the tax in my opinion was equally unconstitutional, because it was laid on all cotton, whether sent to domestic or foreign markets. The tax or duty was laid on all cotton in the hands of any person whatever, and payment was required before sending it to market under a severe penalty denounced by the law.

It is perfectly clear that Congress intended to lay the tax upon the cotton for export as well as that used here, because it declares that "no drawback shall in any case be allowed on raw or unmanufactured cotton of any tax paid thereon when exported." As the cotton was grown principally for export to foreign countries and the tax being on all alike, it was necessarily a tax or duty to that extent, at least on exports to foreign countries, and is in plain violation of the fundamental law, which is based upon the soundest reasons, very forcibly expressed by Mr. Ellsworth in the following:

> There are solid reasons against Congress taxing exports: First, it will discourage industry, as taxes on imports discourage luxury. Secondly, the produce of different States is such as to prevent uniformity in such taxes. There are indeed but a few articles that could be taxed at all, as tobacco, rice, and indigo, and a tax on these alone would be partial and unjust. Thirdly, the taxing of exports would engender incurable jealousies.

The tax being on all that was produced, and as it was impossible to know what bales were to be exported, the acts can not be upheld in part even if the United States should determine to confine it to such as was not sent to foreign countries. This principle is clearly announced in the case of Wynehauner *vs.* The People (13 N. Y., 441):

> The general rule on this subject is that where part of a law is in conflict with the Constitution, and that part is entirely separable from the residue, so that other portions of the law can be enforced without reference to it, then the unconstitutional part only will be condemned. But where the legislative provision is indivisible, and the necessary discrimination has, as in this case, to be made at the trial, so that the rights invaded can only be protected by repeated judgments against the validity of the law, although there may be a class of cases to which it might properly apply, the provision is wholly void. The law, therefore, must be revised and the proper discrimination made before it can be enforced.

Indeed, Mr. Chairman, if this decision, which appears to be so well founded in principle and supported by abundant authority, is correct, it would be impossible to hold the tax constitutional, even if it could be shown whether the particular cotton taxed was or was not sent abroad. The provisions of the act were not divisible, and so the whole was void. It would be utterly impossible for any producer who paid this tax to tell whether the cotton upon which he paid was sent beyond the United States or not. The Supreme Court in Brown *vs.* Maryland (12 Wheat., 419) say:

> An impost, or duty on imports, is a custom or a tax levied on articles brought into a country, and is most usually secured before the importer is allowed to exercise his rights of ownership over them, because evasions of the law can be prevented more certainly by executing it while the articles are in its custody. It would not, however, be less an impost or duty on the articles if it were to be levied on them after they were landed. The policy and consequent practice of laying or securing the duty before or on entering the port does not limit the power to that state of things, nor, consequently, the prohibition, unless the true meaning of the clause so confines it. What, then, are "imports?" The lexicons inform us they are "things imported." If we appeal to usage for the meaning of the word we shall receive the same answer. They are the articles themselves which are brought into the country. "A duty on imports," then, is not merely a duty on the act of importation, but it is a duty on the thing imported. It is not, taken in its literal sense, confined to a duty levied while the article is entering the country, but extends to a duty levied after it has entered the country.

If the prohibition prevents the States from taxing articles imported, even after entering the territory of the State, would not they be prohibited from taxing articles prepared for export, although not exported? In the one case it would be impracticable to collect until it comes in and the other after it went out. If the States can not lay the tax on exports, then the United States can not, for the same prohibition exists in the one case as in the other. The cotton was necessarily an export, for there was no sufficient home market for it. It was grown for that purpose.

When does the going out or the exportation begin? Is it when it leaves some port of entry or when it leaves the cotton-press of the farmer? If the former, the prohibition against taxing exports extends alone to the Atlantic and Pacific States, such as have ports of entry, and exports may be taxed in all other States.

Will any one contend that the Government could tax a product grown principally for export while in the hands of the producer and prohibit the shipment to New Orleans until the tax is paid when it could not tax the same product there when ready for shipment? If the right existed at all it commenced when the property came into being and continued until it passed beyond the jurisdiction of the United States, and as it could not continue as to products going out so it never existed at all as to articles grown for the export trade.

Mr. Story, in discussing this clause of the Constitution in his able commentaries on the Constitution, declares that it was the "obvious object of the convention to prevent any possibility of applying the power to lay taxes or regulate commerce injuriously to the interests of any one State so as to favor or aid another." He argued with great force that if Congress were to lay a duty on exports from any one State it might unreasonably injure or even destroy the staple productions or commerce articles of that State. Continuing with the argument, as if he had in his mind the cotton tax now in question, he said: "The inequalities of such a tax would be extreme. In some States the whole of their means result from agricultural exports." Such, Mr. Chairman, was the condition of the cotton States. Again, in the same connection, he said "the burthen of such a tax would, of course, be very unequally distributed. The power is therefore wholly taken away to intermeddle with the subject of exports." He concludes his able exposition of this clause with the statement that "the prohibition extends not only to exports but to the exporter. Congress can no more rightly tax the one than the other."

But to use a cant phrase it is said that "the proof of the pudding is in chewing the bag." To prove that the cotton so taxed was raised principally for exportation we have but to refer to the crops produced and the number of bales exported in 1866 and 1867, the last two years under the operations of the act.

The whole crop in 1866 was 2,193,987 bales, worth, in round numbers, $350,000,000, and the crop of 1867 was 2,019,774 bales, worth $200,000,000, of which two crops there were exported from the United States $482,855,646 worth, leaving for home consumption $67,144,354 worth; not more than one-tenth part of this was manufactured in the States where it was grown.

The tax on each bale, at 3 cents per pound, estimating the bales at 440 pounds, was $13.20, and on the whole crops for these years the sum of $55,621,675.20, more than four-fifths of which was beyond all question laid and collected on an article exported from the United States to foreign countries and nine-tenths of the same exported from some of the States.

If I have succeeded in showing the act unconstitutional, then the United States has no more right to retain the money than if no law had ever existed. It of right belongs to the persons from whom it was collected, and I insist upon legal grounds that it should be returned. But whether constitutional or not, it was very unjust to the people who were made to pay it, and ought, as a matter of justice, be refunded. Let us examine for a few moments the inequality of the tax.

NOT A TAX ON CONSUMPTION.

I have heard it charged by persons who were opposed to the refunding of this tax that the producer paid no part of it; that it was like the tax on imports and the tax on whisky and tobacco; that the tax was added to the price and was paid in the end by the consumers. This is not true. The larger part of our cotton is purchased and consumed by countries outside of the United States, and the controlling market for it is Liverpool, the recognized central cotton market of the world.

This being the case, the price there controls the prices elsewhere, and is itself dependent upon many things, such as supply and demand, commercial troubles, &c. If the crop should be cut short by any cause, or there should be wars so as to affect the centers of trade, these affect prices at Liverpool, and in this way they are regulated at the center, and by it all other markets are regulated. If there is a rise or fall in the price there, it is at once telegraphed to all parts of the world, and there is at once a corresponding rise or fall, as the case may be.

The prices here are governed entirely by the prices there, whether the cotton is held for manufacturing here or for export. The tax affected the price only as so much expense in getting the cotton to the controlling market, and it added nothing to the value in that market. It was the same as if expenses of transportation. The purchasers did not have to pay the tax; it was paid by the producer when he sold, and was forever lost to him. The act was careful to provide for drawbacks to manufacturers for all the tax on cotton manufactured for export. So the manufacturers got the tax on such as was manufactured for export. To this extent it was truly a tax upon the Southern farmer for the benefit of the Northern manufacturer, without any effort to disguise it as there is in the tariff taxes.

Under these laws raw cotton was made to pay this heavy duty, which fell upon less than one-third of the people residing in only a part of the States, when corn, wheat, and hay, in fact all other productions of the soil of every description paid nothing. A duty upon corn could have been laid with more uniformity than upon cotton, because it was grown and consumed in every State in the Union, and was more profitable to the producer than cotton. Was this exact justice? By what rule of right and justice could Congress say that the black and white laborers of the South should be made to pay a tax on their chief product, amounting in most instances to more than the profit they made upon it, when other laborers were more profitably employed in raising corn, wheat, fruits, and other products in the Northern and Middle States, were exempt. There is no parallel in history for such a tax. All the principles of taxation were disregarded. The income of the cotton-grower was first taxed, and in estimating that the amount of sales of all productions of every kind including, cotton were added; so that the

Southern farmer was taxed twice on the value of all cotton produced by him, and this double tax was cumulative to the other taxes required to be paid. The amount paid had no proportion to the value of the cotton.

Cotton that cost 25 cents to produce paid as much as that which only cost 15 cents. The poorest quality of cheap cotton paid as much as the best sea-island. It was laid at a time when not a person who was to pay it was represented in Congress. The heaviest of it was laid and collected after the civil war, with all its desolation and waste, had ceased; and the great bulk of it was collected from a people who had surrendered with the promise that they should be allowed to remain in the Union on the same terms and entitled to the same rights as those of other sections; at a time when the Southern heart was sick and saddened; when grief and sorrow was in every household; when widowhood and orphanage was all over the land; at a time when the horses, mules, farming implements, fences, houses, towns, and cities were destroyed.

The people of these States have submitted uncomplainingly to the results of the war, which swept away a hundred-fold more property than is involved in this bill, and some may be surprised that they should persist in having this piece of injustice righted. The reason for it is natural and is but an illustration of the truth of the statement of Sir Walter Raleigh, made years ago, that "with more patience men endure the losses that befall them by mere casualty than the damages which they sustain by injustice." They give no thought to the losses which come as the result of the war and their defeat, but they and their children after them will complain of this wrong committed after the war in the name of law; not so much for the loss to them as the injustice. The laying and collection of this tax was a wrong amounting to an outrage, and I believe the time will come when the great wrong will be righted. No representative Government like ours can afford to treat its citizens in such manner. The United States can afford to do right because it is right to do right, and I have such faith in the sense of honor in our people and our institutions as to believe that in the end they will do right.

Whoever gains, and whoever enjoys the emoluments of State in consideration of supporting bad measures, and acting upon slavish principles, will still find his splendor chequered by the disesteem of his country; and whilst a spirit of liberty and sense of virtue remain, there is always danger that the womb of events may pour forth some hidden vengeance upon men who injure and betray their country.

---

## Diplomatic and Consular Appropriation Bill.

---

SPEECH

OF

# HON. JOHN M. ALLEN,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, February* 12, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. ALLEN, of Mississippi, said:

Mr. CHAIRMAN: I am indebted to the gentleman from Illinois [Mr. CANNON] for the time he has given me. I desire to submit some remarks on the pending bill, but am so much troubled with a painful headache to-day that I doubt if I shall be able to say what I had intended. Being a new member, I would not have been provoked into a discussion of this bill but for some remarks made by my friend from North Carolina [Mr. COX] in which I thought he spoke rather contemptuously of my friend "Judge W. Q. Waxem" and his "Wayback" constituents. [Laughter.] And notwithstanding the personal inconvenience to me I feel it my duty to submit a few feeble remarks [laughter] in vindication of the "judge" and his constituents.

Mr. COX, of North Carolina. With the gentleman's permission I will apologize to his friend, Judge Waxem, for any disrespectful remarks I may have made. [Laughter.]

Mr. ALLEN, of Mississippi. Mr. Chairman, it is a very easy thing to get up on this floor and disparage a man, and when his friends come to his rescue to propose to apologize. [Laughter.] This is not satisfactory to the "judge's" friends.

In replying to the gentleman from Kentucky [Mr. MCCREARY], who had spoken against the increase of appropriations in this bill, and sounded the Democratic keynote of economy, the gentleman from North Carolina said such talk might sound very well to Judge Waxem and his Wayback constituents, but intimated that it did not suit here in Washington, where we move in more diplomatic circles [laughter]; and he further said that he would prefer to take the recommendations of the distinguished gentleman at the head of the State Department than the judgment of any of the members on this floor who had been spending their summer in canvassing among their rural constituents.

I do not doubt that the Secretary of State is more familiar with the wants of the officeholders under his Department than we are; and if it were my purpose to try to satisfy their wants, I would rely very much upon his recommendation; but, sir, knowing as I do that any effort upon the part of Congress to satisfy the wants of any set of office-holders would result in a certain distribution of the surplus in the Treasury among them [laughter], I prefer to be guided to some extent at least by some of the lessons I have learned in my associations with my rural constituents. I confess that I have more anxiety about pleasing them than I have about satisfying the wishes of the office-holders.

Any man who comes to Congress from my country must know something of the wants of his constituents; and if he expects to come long he must respect those wants. I think I am fresh enough from the people to be pretty fully impressed with their needs and desires, and I plead guilty to a strong disposition to conform to them, both because I sympathize with them and desire their approval.

Mr. Chairman, a good many gentlemen on this floor seem to think that talk about retrenchment and economy is all very well as a mere "verbial exercise" for campaign purposes among a rural constituency [laughter], but that when we reach Washington and get to riding over asphalt pavements and walking through marble halls, with attendants everywhere to take our hats and brush us down, and get to eating terrapin stew with punch *a la romaine*, and attending high teas and receptions, surrounded by the glamor of Washington society, it is beneath the dignity of a member of Congress to consider the people at home or the pledges he has made them, and that in the matter of appropriations he must follow blindly the estimates of some official who has been devoting himself for some time to figuring on how he could distribute the surplus in the Treasury among the office-holders and employés of the Government.

Mr. Chairman, let us look, sir, at the proposition contained in this bill. We are asked to appropriate $1,681,445 for the consular and diplomatic service. This proposition comes from a committee the majority of whom are Democrats, and is made to a Democratic House. Now, sir, in the face of our party pledges and the record of the Democratic party on this consular and diplomatic appropriation bill, can we afford as the representatives of the Democratic party to make the increase this bill calls for?

Mr. BELMONT. Will the gentleman allow me a question?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. BELMONT. Does the gentleman know the amount of increase of this bill over last year's appropriation?

Mr. ALLEN, of Mississippi. Yes, sir; I have the figures in my hand. The bill of last year appropriated $121,000 more for a Democratic administration than had been appropriated the year before for a Republican administration that we had charged was wasteful and extravagant.

Now, sir, this bill proposes to appropriate $317,380 more than the bill of last year, and $438,520 more than the bill of two years ago, when there was a Republican administration, and $764,797.50 more than the Democratic Committee on Appropriations reported as sufficient for the Republican administration for the fiscal year 1877.

I remember, Mr. Chairman, something of the history of legislation on this bill for the last ten years. I remember the memorable debate in 1876, participated in on the Democratic side by the gentleman from Indiana [Mr. HOLMAN], the gentleman from Illinois [Mr. SPRINGER], the gentleman from New York [Mr. COX], and my venerable colleague from Mississippi [Mr. SINGLETON].

Those gentlemen all made able speeches, and that Democratic House, under the influence of their arraignment of the Republican party for its extravagance in connection with the diplomatic service, passed the consular and diplomatic bill carrying less than a million of dollars. It would be interesting, sir, to go back and read that discussion, and I must say that the criticisms of the gentleman from Illinois [Mr. CANNON] in his speech on yesterday were just and appropriate as applied to those Democrats who support this bill with its increases. I appeal to my Democratic brethren and ask them if it is not time to call a halt.

Those gentlemen over there—[the Republicans] and a very respectable set they are—have no idea of stopping us or aiding those of us who want to stop extravagant appropriations. They will taunt us with having failed to keep our pledges, but in matters of appropriation they will see us and go us ten better every time, and by uniting with a minority of Democrats will vote away all the money possible; but the Democratic party will be held responsible therefor.

For this reason, I appeal to my Democratic friends to return to the faith, and let us keep the pledges upon which we came into power. I for one, sir, was sincere when I charged in my campaign that the Republican party was extravagant and wasteful and had maladministered the Government, and that these evils would be remedied by a Democratic administration. Now, sir, some of my Democratic friends are, with this bill, endeavoring to convince me that in these charges I have been perpetrating a slander against the Republican party, because they are now asking more for an economical Democratic administration than was used by an extravagant Republican administration.

If the amount asked in this bill is necessary for the consular and

diplomatic service, one of two things must be true: the Republicans either did not spend too much or the Democrats propose to be extravagant. There has been no such change in condition as to justify the increase in amount. I do not believe we will merit the confidence of the American people by beginning to adopt the moment we get into power the very practices which we condemned in our opponents, and for which we persuaded the people to turn them out and entrust the administration of the Government to us. Sir, I hate shams and false pretenses; I believe in honesty and fair dealing, and we should improve on the record made by the Republican party, or we should apologize. Was not economy one of the watch-words in our battle-cry? How did we get here?

I remember, sir, reading the remarks made by my friend TARSNEY, who sits before me, to his Democratic constituents in Michigan when congratulating them upon the wise selection they had made in nominating him for Congress. [Laughter.] I remember that in his peroration, after having inveighed against the office-holders as a privileged class, he promised his constituents "that so long as the mass of the people composed the bulk of the population they should not be overcome by the privileged few." [Great laughter and applause.]

Now, Mr. Chairman, there's many a Democrat here who came in on a platform the same in substance if not in phraseology. This bill, sir, in my opinion, makes the sharp issue between the bulk of the population and the privileged few. Those who hold the diplomatic and consular offices are the privileged few who want these increases in appropriations. In my judgment the bulk of the people do not want the appropriations increased, and others may do as they will, but as for me, I propose to stand for the bulk of the people. [Laughter.]

Mr BELMONT. Will my friend from Mississippi allow me one moment?

Mr. ALLEN, of Mississippi. I have but little time. I can only yield for applause. [Great laughter and applause.] Mr. Chairman, I want to suggest to my Democratic friends that it is better for us that we should be reminded of our pledges now while it is not too late to keep them than to let these bills increasing appropriations pass and then expect to deceive the people with fallacious explanations. The people are not so easily fooled.

Some doubtless think I am having too much to say about this matter for a new member, and one too who has never served on the Committee on Appropriations; but, sir, while this is my first term in Congress, I am not altogether without experience in deliberative bodies. I served for one full term of a year as a member of the board of aldermen of the town of Tupelo, where I reside. [Great laughter.] While we had no committee on appropriations, I was chairman of the finance committee. [Laughter.] We spent that year the sum of $900; that board was defeated for re-election on account of its profligate extravagance. [Laughter.] Having been one of the victims of this bitter experience, you can readily understand how it has made me cautious in the expenditure of public money. [Laughter.]

Gentlemen defending the increase of the salary of the minister to China from $12,000 to $17,500 say that the people of this great rich Government do not want to starve their ministers abroad. I have heard a great deal since I have been here about our rich Government and the surplus in the Treasury. Whenever a raid on the Treasury is contemplated there is a great deal of talk about the rich Government and the surplus.

I would ask gentlemen who talk about our rich Government where its riches and its surplus come from. It is from the taxation of the people. Then so long as these burdens are borne in a large measure by the poor, away with the cry of a "rich Government" as a pretext for extravagant appropriations. If you will change your system of taxation so that the Government will become rich from the abundance of the rich I will meet you on a broad and liberal system of appropriations. I would ask the gentleman from North Carolina [Mr. COX] to go down among his constituents and ask the man who spends two or three days getting up his pine knots and as many more burning a barrel of tar, then hauls it twenty-five or thirty miles to market and sells it for four and a half or five dollars, invests this money in the necessaries of life for his family, most of which are heavily taxed and a part of which taxes helps to pay the salary of the minister to China—go ask him what he thinks of a man starving to death on $12,000 a year. Or go to the girls as I saw them in your State last summer, spending an entire day picking huckleberries and chincapins, and on the day following taking them some six or eight miles to town to sell them for twenty-five or fifty cents, as the market might rule—ask them what they think of a man starving to death on $12,000 a year. Go down among my constitutents, where a man works hard thirteen months in the year, and by the aid of his wife and little children makes $200 worth of cotton, a portion of which goes to pay taxes—ask him what he thinks of a man starving to death on a salary of $12,000 a year.

Go to the poor sewing women in Washington and New York city who, as I have read within the last few days, sew from twelve to fourteen hours a day without rest even on the Sabbath; who furnish their own needles, thread, and wax, and have families to support and only get about $3.50 a week. Go ask them what they think of a man starving to death on $12,000 a year. So long as these people have to help bear an appreciable portion of the burdens of this Government, so long as the Government gets its riches and its surplus in part from this portion of our population, gentlemen must excuse me if I refuse to follow them in their proposition for extravagant appropriations. They may call it parsimony or demagogy—they can not frighten me with such appellations.

I am going to fight it out on this line unless after a long stay in Washington I imbibe the views of those who consider themselves broad-gauge statesmen—those who mistake voting away other people's money for individual liberality. Mr. Chairman, I can not surrender my views of the interest of the people who sent me here to follow the recommendations of gentlemen who occupy spacious rooms in buildings that cost millions, walk on deep Brussels carpets, with as many electric bells around them as there are keys to a piano with which to summon attendants or messengers to carry their orders or supply their wants.

Mr. Chairman, if I had my way and could enforce it on the members of this body, I would require each of them to go home after the 4th of March and plant a crop, and hoe it, and plow it, and I would confine them in their rations and raiment to what they realized from farming. [Laughter.] They would come back here next December with one great truth deeply impressed on their minds, and that is how the great majority of the working people of this nation earn the money which the Government takes from them by way of taxation. I think it would make us a little more particular, at least until we had forgotten this experience, as some who are here and who come from similar surroundings seem to have done.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ALLEN, of Mississippi. Mr. Chairman, that is a pity [laughter], for I had many other things of great interest to say, but as my time has expired, and not wishing to further interrupt the proceedings of the committee, I will retire to the cloak-room to receive congratulations. [Prolonged laughter and applause.]

---

## Diplomatic and Consular Service---Our Commercial Relations with China.

SPEECH

OF

# HON. RICHARD W. TOWNSHEND,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, February* 3, 1887,

On the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. TOWNSHEND said:

Mr. SPEAKER: I beg leave at this time to submit some remarks upon some of the items in the bill making appropriations for the consular and diplomatic service, which will soon be under consideration in this House. The item to which I desire to draw special attention is the amendment increasing the appropriation for the mission to China.

This amendment raises our legation at Peking to a first-class mission and places it upon an equality with those at London, Paris, Berlin, and St. Petersburg. I desire to offer some reasons why this should be done.

There is as pressing necessity for the maintenance of a first-class mission to China as to any other country in the world. Most of our diplomatic officials in Europe can, without detriment to the permanency of our peace or sacrifice to our commercial interests, be dispensed with. At any rate, if an efficient consular service is provided all our missions to Europe can with safety be consolidated into one and a very large saving be secured by reducing the present large and unnecessary diplomatic force in those countries. The telegraph, newspaper enterprise, and means of quick transit have rendered the maintenance of diplomatic officers in each of the European countries wholly useless from any point of view.

This is not so with Oriental countries and those south of us. A judicious policy on our part towards those countries will enhance our high standing among them and give us a vastly larger share in the trade of their markets than that of any other foreign nation. Those markets are now in the main monopolized by European countries. All of them are nearer to us and more friendly disposed towards us than they are to any other country, and when all things are equal prefer to trade with us.

I have heretofore discussed this subject quite elaborately so far as relates to the southern countries in submitting my views upon the proposition which I introduced two years ago for the formation of an American zollverein or commercial union of the nations on this conti-

nent. I shall not, therefore, do more now than to draw attention to the commercial relations of China and our opportunity for better trade with that country.

China has causes for grievance against England, France, Germany, and Russia because of aggressions upon her territorial integrity. On the other hand, the United States have never attempted to encroach upon her territorial domain, and in all her troubles with European countries she has had the sympathy and good-will of this country. China has shown her friendship for us and her confidence in our good intentions by the treaties she has made with us. In compliance with our intercessions she has consented to restrictions upon the emigration of her subjects to our shores, such as we have never asked, and which would never have been conceded by, any European country.

There is no sentiment of hostility in this country against China. We have a well-grounded aversion to the importation of her laboring classes because they are dangerous to the morals, prosperity, and happiness of American laborers. When the law now in force restricting the immigration of Chinese laborers was under consideration in this House in 188–, the RECORD will show I did my utmost by voice and vote to exclude or restrict such immigration. I mention this to show that nothing I may now say can be construed as inconsistent with my position on that question. Indeed, the Chinese Government does not object to such restriction. It is as desirous of retaining at home its subjects as we would be with ours if an efflux of our laboring classes from our shores threatened us.

China does, however, demand that those of her people who are lawfully in this country, who came here at a time when the treaties between the two Governments permitted their immigration, shall be treated with humanity and as becomes a civilized nation. Therefore she has a right to complain of and protest against such savage outrages as was committed against peaceable Chinamen in Wyoming not very long ago. Her demand for indemnity to those wronged is reasonable and is nothing more than what this Government has demanded and recovered for its subjects in China who have been wronged or treated with injustice, although no such barbariously cruel atrocities have yet been inflicted upon Americans in China, as those in Wyoming and elsewhere in this country. If her reasonable demand for indemnity is denied we should not be surprised if China shall feel resentment and all civilized nations lose some respect for us.

VALUE OF CHINA TRADE—LARGE SHARE OF ENGLAND AND SMALL SHARE OF THE UNITED STATES.

If you will look at the statistics you will find that the value of the trade with China is so great that its possession is worthy of the best efforts of our statesmen and business interests. Owing to our superior advantage over Europe in distance, and other respects, we should control most of the foreign trade of China, but statistics reveal to us the fact that both England and France have outstripped us in that trade. Indeed it is said that to-day three-fourths of the trade of China is with England and her colonies.

There are twenty-two "treaty ports" in China open to foreign commerce.

| | |
|---|---|
| The imports at treaty ports in 1885 | $168,000,000 |
| Exports at treaty ports in 1885 | 105,625,000 |
| Total trade | 273,625,000 |
| In 1886 United States imports from China | 18,972,963 |
| In 1886 United States exports to China | 7,520,581 |
| Total | 26,493,544 |

This does not include Hong-Kong, which, although a British island, yet, as it is only 10 miles off the coast of China, and its trade is actually as much a part of the trade of China as if it was under the Chinese dominion, it being merely a point of transshipment of products destined for China or brought from China, our trade with Hong-Kong therefore should be added to that of our trade with China.

In 1886 it was:

| | |
|---|---|
| United States imports from Hong-Kong | $1,072,459 |
| United States exports to Hong-Kong | 4,056,236 |
| Total | 5,128,695 |

Which, added to our trade with China already mentioned, aggregates for 1886 the total of $31,632,239, which is about 8 per cent. of the trade of that country, as against 75 per cent. with Great Britain. What a humiliation to our national pride when we see a rival situated so far away from China outstrip us when our western border is on the same ocean with China, with far superior natural advantages in our favor over those of England or any European country.

I will append to my remarks some valuable tables furnished to me by the Bureau of Statistics in the Treasury Department, which will show the character of the articles we receive from and send to China, and also the amount of our trade with that country since 1840. They will illustrate the annual fluctuations and progress of our commerce with China.

The statistics I have given furnish a sufficient incentive for judicious and determined efforts to enlarge our commerce with China; but when we contemplate the vast population, immense resources, field for development and opportunity for expansion of the foreign commerce of that country, far beyond its existing volume, all who are interested in the extension of our foreign markets will admit the importance of our utmost exertions to secure not only an equal share of that trade, but to secure for our flag a larger proportion of it than that of any European country. In this connection it will be well for me to draw attention to some important facts regarding China, some of which are not generally known.

IMPORTANT FACTS ABOUT CHINA.

Most of the information and suggestions which I shall present to the House in these remarks have been furnished to me by General James Harrison Wilson, one of the ablest and most successful cavalry commanders during the late war, who, after a sojourn of about one year in China, returned home last September, bringing with him probably a larger fund of valuable practical knowledge of the institutions, resources, and people of China than any foreigner ever learned in China during the same length of time. It is said the Chinese authorities offered him more consideration and facilities for travel and observation than they have extended to any foreigner except General Grant. General Wilson, as previously shown by him, is a very able writer upon economic questions and historical subjects. He has just completed a work upon his observations and studies in China which will soon be published. I have no doubt it will be found very valuable to American statesman and business men.

IMPORTANCE OF OUR POSITION ON THE PACIFIC.

It should not be forgotten that the United States is the greatest power bordering on the Pacific Ocean; that its remotest territorial possessions are farther west of San Francisco than San Francisco is of New York; that our destiny is always to maintain our supremacy on the shores of that ocean, and that we are by many days' journey, by the fastest steamships, nearer neighbors to China and Japan and all the islands of the vast Pacific than any European power; and that it is within our grasp to control a greater part of the commerce of those countries and islands than all other powers combined if we will only look to the improvement of our natural advantages and opportunities.

Let us consider for a moment. The Japanese Empire contains an area of about 150,000 square miles and a population of 35,000,000 souls.

China contains, in her nineteen provinces and outlying territories and dependencies, not counting Corea, but including Manchuria, Inner and Outer Mongolia, Ili, Turkestan or Chinese Tartary, and Thibet, about 5,000,000 square miles, or one-ninth of the habitable globe, and a population variously estimated at from 300,000,000 to 450,000,000 souls, or from one-fifth to one-third of all the people in the world. And, contrary to the commonly accepted belief, it is nowhere overpopulated. It is estimated that with a properly laid out and constructed railroad system, and the varied industries which would follow, it could support over three times as many people as it now contains. It has a generally healthy and salubrious climate of every kind, from subtropical to subpolar. It has every variety of soil, and much of it of surprising fertility. It has coal of every variety, from lignite to the finest quality of anthracite, and one or the other kind is found in sixteen of the nineteen provinces. It has iron ore, copper ore, silver and gold, kaolin and clay, but nearly all of them undeveloped. The Chinese are a strictly agricultural people, and so far have crystallized their labor in no great public works except the great wall, the river embankments, the grand canal, and the brick walls of their cities. These were all made as public works, and are in no sense the results of private enterprise.

But withall China is the richest country in the world in cheap labor and an inexhaustible supply of it. The Chinese are a strong, healthy, frugal, industrious, patient race, possessed of as many virtues and as few vices as other human beings similarly situated. They are subject to the same wants and requirements, the same hopes and ambitions, as the rest of mankind. They are not an effete and played-out race, but merely one which by its isolation and its peculiar evolution presents a case of arrested development. The people are ready to move, but are waiting for the government and governing class to show them how to move; and the latter are simply waiting to be educated to be drawn out of their ignorance and conceit, and to be shown a better civilization than their own, to lead their people forward in what we call the march of modern progress. Their hesitation and doubt are natural and can not be helped except by the progress of education.

Old age and ignorance are always conservative. China is governed by its old men, and they are cautious and exclusive; but there are some great men like Li Hung Chang and the Tsengs, and even like the uncle and father of the young emperor, who have been taught by war and association with foreigners that western civilization is better in some respects than their own; that steamships and telegraphs, which they have adopted and are now using, are better than junks and couriers; that railroads are necessary for the public defense as well as for intercommunication; that coal and iron mines, furnaces and rolling-mills are great adjuncts of civilization for both peace and war. Every Chinaman who goes abroad as a minister or consul or as a student goes back home a liberal and in favor of progress, and progress is sure to continue and to move even faster than it has for the last twenty years.

Now let it be remembered also that there is no overproduction in

China. The results of human labor—the houses, furniture, clothing, means of transportation, are all poor; the consumption of iron per capita is small; houses are poor and poorly built and furnished; clothing is abundant and cheap, but poor; there is but little comfort, and less luxury. The Chinese are, however, ingenious workers, and good merchants, and will buy more cotton goods, and the trade in which with America is rapidly on the increase, more woolen, more iron utensils, more needles, thread, matches, more everything, if they can only sell more silk, tea, porcelain, &c.

They will build railroads, open mines, erect furnaces, rolling-mills and factories, whenever they can be shown that they need not borrow foreign money, nor make concessions to foreign capitalists, but can get the money at home, and manufacture the steel and iron from their own raw materials.

The trade of China and Japan with foreign countries is in its infancy. Whenever the Chinese people begin to do the things which constitute modern progress their wants will increase with their knowledge and with their power to gratify them. Trade will increase *pari passu*. The trade with China, which practically began in 1840, although American ships first visited China in 1786, has grown at a rapid rate. England still controls 75 per cent. of all the foreign trade with China. The Germans are making great efforts to increase their trade. They have recently built a splendid consulate at Shanghai. France is doing the same.

GENERAL WILSON'S SUGGESTIONS.

I desire now to present some suggestions which General Wilson has furnished me with, and ask for them the most careful consideration.

"Pass the Chinese indemnity bill as an act of justice and fair dealing, and not as an act of grace. The treaties are the supreme law of the land, and the Chinese are under them entitled to protection. We expect it of them for our citizens in China, and have always exacted prompt payment of indemnity by the imperial government for any outrages upon our people.

They have a provincial organization, consisting of nineteen separate provinces, with governments which are, in a less degree, the counterparts of the imperial government, as our States are of the General Government. We and all other treaty powers ignore their provincial governments and will have nothing whatever to do with them. We hold the imperial government responsible for everything, and it has paid to foreign governments over $30,000,000 since 1842 in indemnification for foreign lives and property lost in battle and through outrage by the people of the provinces.

Those who demand equity must do equity. On the rule of practice, which we and all other foreigners apply in our dealings with them, they have a right to ignore our States and hold our General Government liable for all infractions thereof. It is ignoble for our Government to say it can not control the lawlessness on our Western coast and Territories, and we can not expect the Chinese to listen with respect to any such claim from our Government. Pass the bill, therefore, without conditions, and pay the money over promptly, gracefully, and cheerfully.

The restoration of the $480,000 last year, on the ground that it was wrongfully taken from the Chinese in the first place (as set forth in Executive Documents for 1885), will do much good.

Authorize the Chinese and Japanese Governments to maintain five cadets each at each of our national academies.

The men thus educated will become disciples of our civilization and friends of our country, and will do much to advance our interests in the East. I know of nothing which could benefit us more than this measure; and as it will cost us nothing why not adopt it at once? It may be answered that the Powers have not asked for it, and this may be so. They probably never will, for they are proud and do not like to ask favors which may be denied. If they are offered gracefully, they will be gracefully accepted; our Government should not hesitate to make the favor free of charge. We at least should say nothing whatever about the cost of maintenance, but leave the beneficiaries free to pay or not as they please. I happen to know that the son of the richest Japanese subject is now going to school in this country, and will spend four or five years amongst us. He would be delighted to have the advantage of a West Point education, and it could not fail to gratify his Government if it could obtain the privilege for him and a few other young men.

The President should be authorized to lend two officers of each arm of service to the Chinese Government as instructors for periods of four years. And, as before, it could well afford to pay their salaries and expenses while serving in China.

Last year the viceroy, Li Hung Chang, who is also first grand secretary or premier of China, asked for the loan of three officers of the Army to assist in organizing and instructing the Corean Army, and so much red tape and delay was necessary before the favor could be granted that he almost became discouraged and was on the eve of asking one of the European Governments for them.

Corea is an outlying dependency of China, paying tribute to and acknowledging the Emperor of China as sovereign. Population, 10,000,000. Country poor in everything except labor and undeveloped mines. Almost absolutely under American guidance at present. O. N. Denny, esq., late United States consul at Tien-Tsin and consul-general at Shanghai, has been employed by the King of Corea as foreign adviser. He was selected and recommended by Li Hung Chang after Herr Von Möllendorf, a German, had been tried and failed. Judge Denny is a clear-headed, judicious, sensible, and eminently respectable American, proud of his country, and an honor to it, and now holds the position of vice-president of the council and director of foreign affairs. Of course his preferences, affiliations, and ambitions are American, and while he in no way holds an official position from our Government or is in any way responsible to it, it should be our endeavor to strengthen his hands in every proper way.

Repeal section —— Revised Statutes, which prohibits any foreign minister from recommending any one for office or employment abroad. Make it the duty of every minister and consul in the East to secure places for as many worthy American citizens as they possibly can. Let them take all proper care to select only worthy men for recommendation; but do not forget that even the average American citizen is quite equal to the average citizen of the world at large, and much superior in intelligence, enterprise, and progress to the average Chinaman. Every American so employed abroad becomes an evangel for the great Republic and does something to increase our influence and to benefit our commercial relations with Oriental countries. The more Americans there are in China, and especially the more American Army and Navy officers, doctors, lawyers, teachers, and merchants the greater will be the trade with America and the greater will be the influence of our Government and people in the development of China.

Put our legation at Peking and our consuls and consuls-general at all Chinese ports on a footing equal to that of any other power. The salary of our minister should be $17,500, with an allowance of $5,000 for contingent expenses, getting information, and maintaining the dignity and state of the office he holds as the representative of the richest and most powerful civilized nation of the world. The first secretary of legation should have a salary of $3,600; the second secretary, $3,000; the interpreter, who should be styled "Chinese secretary," and have the diplomatic rank of a first secretary of legation, should have a salary of $3,600. The Chinese writer and gate-keeper should also be paid by the Government.

In thus advocating the establishment of our legation on a first-class basis I have an eye only to the increase of our influence with the Chinese Government, who with Oriental shrewdness value foreign powers as they value themselves; and in affixing this value it looks at once to the dignity and state of the ministers and servants accredited to it. If they are poorly paid and live poorly they are looked upon as representing a poor, weak government and a poor people.

Hence our legation should be housed as well as any other. England, Russia, France, and Germany, and even Japan, all own their legation buildings, and have built and furnished them in magnificent style, and at their own cost. Our legation lives in a rented establishment built and owned by the late Prof. S. Wells Williams, for many years chargé d'affaires for our Government. It is entirely too small; it is not furnished at all; the minister had to buy everything, and inasmuch as all furniture, carpets, hangings, &c., have to be imported, they are costly as well as difficult to obtain. We should buy the premises or accept the offer of the Chinese Government (if it has made the offer) to furnish us with ground and build and furnish a legation as good as anybody's. It should be equal to that of any foreign power, and you can well afford to put the means of making it so into the hands of our present able, accomplished, and honest minister, Colonel Denby, who represents us with so much dignity and credit in every way.

I would in addition furnish the legation with a platoon of cavalry, say twenty men, two lieutenants, and the proper number of non-commissioned officers, the best that could be organized or detached from the regular Army, to act as escort to the minister whenever he goes out upon public business. Every high official of the Chinese Government goes out with an escort and retinue appropriate to his grade, and our ministers should have the power of doing so also. This may not accord with our ideas of republican simplicity, but "it is business," and will pay!

If we maintain diplomatic and consular agents anywhere in the world, we should maintain them in all oriental countries. They are absolutely necessary in China and should be put on the best possible footing. The first and greatest duty assigned them should be to maintain the dignity, honor, and power of our country abreast of the greatest powers of the world, and the second should be to foster and extend American commerce, skill, and enterprise in the development of trade, railroads, mines, furnaces, rolling-mills, and manufactures of all kinds.

If our diplomatic representatives do not or are not required to look after the advancement of our commercial interests they might just as well be recalled, for the spread of our commerce primarily constitutes the greatest interest we have in China, and in all countries bordering on the Pacific Ocean.

European powers and diplomatic agents, in pursuance of European diplomatic usage, affect to look down upon trade, and they are accustomed to cry out upon every movement made by American ministers to advance or protect the trade of their countrymen in China; but of late years they are all secretly doing whatever they can to promote the trade of their respective countries, and to drive out ours. We should

make no disguise about it, but give every American diplomatic as well as consular agent to understand that the promotion of commerce with our countrymen and country is the first and is the most practical duty for him to devote himself to.

Our consular system in China is popular with foreigners because American consuls do not regard themselves as above trade as do the English. Our system of consular reports is popular.

Our interpreters all underpaid; should have but two classes; first class, $2,400 per year; second class (students) $1,800. Language difficult, and hard to master.

English trading houses pay some of their interpreters as much as $12,000 with traveling expenses. English consuls all required to know the language. One of them lent by English Government to Jardine, Matheson & Co. to help them secure contracts for guns, armor ships, arms," &c.

Mr. Speaker, whilst we may not feel disposed to fully agree with General Wilso in all his suggestions, yet it must be admitted that his opportunities for forming correct conclusions as to what should be our relations with China, and how our commercial interests there may be best promoted, have been far superior to our own. His views, therefore, should have great weight with us in legislating on this subject.

REVISION OF THE CONSULAR SYSTEM.

Our consular service at many important points is inefficient. No doubt the cause of this in quite a number of places is that the meager pay afforded is insufficient to induce persons of requisite qualifications to accept appointments to such places. In my judgment public interest demands that this service should be revised and the force reorganized. The prosperity of our agricultural, manufacturing, and mercantile interest largely depend upon the extension and protection of our trade in foreign markets. This can most effectually be accomplished through an efficient, capable consular service.

The Committee on Foreign Affairs recognize these facts, and by provisions in this bill are seeking to remedy the defects in our present service and promote its efficiency. I am not at this time prepared to say whether the plan proposed by the committee is the best that can be devised. I shall reserve my opinion in regard to that until I have heard the discussion.

I will say now, however, that if it can be demonstrated that this plan will improve our present system and result in enlarging our markets for the wheat, corn, provisions, manufactures, and other products of our country, I shall not oppose it because of the comparatively small increase of its cost. Opposition on that ground would not be wise economy but foolish parsimony. I am, however, fully convinced that we can by lopping off useless and expensive diplomatic missions in Europe save a sufficient amount to secure the best material for our essential diplomatic and consular service, without increasing the cost of our foreign service, and thereby greatly extend our foreign markets and increase the prosperity of all our domestic interests.

*Statement of the principal and all other articles of merchandise imported into and exported from the United States from and into China and Hong-Kong during the years* 1840, 1850, 1860, 1870, 1880, *and* 1886.

CHINA.

[NOTE.—Includes Hong-Kong prior to 1873.]

| Articles. | Years ending— | | | | | |
|---|---|---|---|---|---|---|
| | September 30. | June 30. | | | | |
| | 1840. | 1850. | 1860. | 1870. | 1880. | 1886. |
| IMPORTS. | | | | | | |
| Hemp and jute, unmanufactured | ..... | $40,538 | $10,435 | $185,905 | $136,971 | $4,106 |
| Oils, vegetable, fixed, or expressed | ..... | ..... | 99,056 | 94,734 | 162,180 | 198,334 |
| Opium | ..... | ..... | ..... | 124,730 | 951,273 | 331,908 |
| Rice | ..... | ..... | ..... | 519,572 | 980,284 | 636,618 |
| Silk, unmanufactured | $141,818 | 198,649 | 1,021,829 | 432,792 | 6,794,065 | 4,421,151 |
| Silk, manufactures of | 779,629 | 1,244,799 | 905,596 | 44,113 | 142,545 | 523,686 |
| Sugar, brown | 10,839 | 27,023 | 628,668 | 110,841 | 117,315 | 39,560 |
| Tea | 5,414,548 | 4,585,720 | 8,799,820 | 9,795,933 | 9,995,499 | 9,424,779 |
| All other | 293,995 | 496,733 | 2,100,683 | 3,256,907 | 2,489,486 | 3,392,821 |
| Total imports | 6,640,829 | 6,593,462 | 13,566,087 | 14,565,527 | 21,769,618 | 18,972,963 |
| IMPORTS (DOMESTIC). | | | | | | |
| Breadstuffs | 12,662 | 28,110 | 356,901 | 855,429 | 37,301 | 35,016 |
| Cotton, manufactures of | 376,473 | 1,203,997 | 3,897,360 | 526,172 | 339,134 | 4,595,952 |
| Ginseng | 17,159 | 122,916 | 295,766 | 455,097 | 151 | ..... |
| Oils, mineral, illuminating | ..... | ..... | ..... | 143,324 | 366,367 | 2,417,160 |
| Provisions | 26,475 | 38,628 | 195,047 | 95,571 | 30,441 | 39,151 |
| Wood, and manufactures of | ..... | 16,983 | 63,465 | 97,281 | 19,358 | 27,626 |
| All other | 36,417 | 75,327 | 816,331 | 878,742 | 308,563 | 403,372 |
| Total domestic exports | 469,186 | 1,485,961 | 5,624,870 | 3,051,616 | 1,101,315 | 7,518,277 |
| Total foreign exports | 63,777 | 94,256 | 159,877 | 64,765 | 68 | 2,304 |
| Total domestic and foreign exports | 532,963 | 1,580,217 | 5,784,747 | 3,116,381 | 1,101,383 | 7,520,581 |

HONG-KONG.

| | | | | | | |
|---|---|---|---|---|---|---|
| IMPORTS. | | | | | | |
| Chemicals, drugs, and dyes (free of duty) | ..... | ..... | ..... | ..... | $252,812 | $19,427 |
| Hemp, unmanufactured | ..... | ..... | ..... | ..... | 230,040 | 6,997 |
| Hides and skins, other than fur-skins | ..... | ..... | ..... | ..... | 175,597 | 21,560 |
| Oils, volatile or essential (free of duty) | ..... | ..... | ..... | ..... | 160,929 | 95,911 |
| Rice | ..... | ..... | ..... | ..... | 17,391 | 71,686 |
| Silk, raw | ..... | ..... | ..... | ..... | 177,109 | 63,949 |
| Silk, manufactures of | ..... | ..... | ..... | ..... | 17,263 | 103,036 |
| Spices | ..... | ..... | ..... | ..... | 105,824 | 91,658 |
| Sugar, brown | ..... | ..... | ..... | ..... | 53,757 | 57,271 |
| Tea | ..... | ..... | ..... | ..... | 178,019 | 40,493 |
| All other | ..... | ..... | ..... | ..... | 862,348 | 500,471 |
| Total imports | ..... | ..... | ..... | ..... | 2,251,089 | 1,072,459 |
| EXPORTS (DOMESTIC). | | | | | | |
| Breadstuffs | ..... | ..... | ..... | ..... | 1,078,243 | 1,724,587 |
| Fish | ..... | ..... | ..... | ..... | 262,185 | 221,061 |
| Ginseng | ..... | ..... | ..... | ..... | 503,576 | 998,332 |
| Oils, mineral, refined | ..... | ..... | ..... | ..... | 57,493 | 613,750 |
| Quicksilver | ..... | ..... | ..... | ..... | 750,630 | 930 |
| All other | ..... | ..... | ..... | ..... | 221,005 | 485,664 |
| Total domestic exports | ..... | ..... | ..... | ..... | 2,873,132 | 4,044,384 |
| Total foreign exports | ..... | ..... | ..... | ..... | 4,260 | 11,852 |
| Total exports | ..... | ..... | ..... | ..... | 2,877,392 | 4,056,236 |

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 5, 1887.

WM. F. SWITZLER, *Chief of Bureau.*

*Value of merchandise imported into and exported from the United States from and to China during the years* 1840 *to* 1886 *inclusive.*

MERCHANDISE.

[NOTE.—Includes Hong-Kong prior to 1873.]

| Years ending— | Exports. | | | Imports. | Total imports and exports. |
|---|---|---|---|---|---|
| | Domestic. | Foreign. | Total. | | |
| September 30— | | | | | |
| 1840 | $469,186 | $63,777 | $532,963 | $6,640,829 | $7,173,792 |
| 1841 | 715,322 | 58,902 | 774,224 | 3,984,903 | 4,759,127 |
| 1842 | 719,509 | 118,174 | 837,683 | 4,934,645 | 5,772,328 |
| June 30— | | | | | |
| 1843 (nine months) | 1,755,393 | 91,905 | 1,847,298 | 4,385,566 | 6,232,864 |
| 1844 | 1,109,023 | 80,963 | 1,189,986 | 4,931,255 | 6,121,241 |
| 1845 | 2,074,791 | 37,794 | 2,112,585 | 7,258,807 | 9,371,392 |
| 1846 | 1,173,488 | 45,679 | 1,219,167 | 6,593,881 | 7,813,048 |
| 1847 | 1,708,655 | 90,921 | 1,799,576 | 5,583,343 | 7,382,919 |
| 1848 | 2,063,625 | 54,375 | 2,118,000 | 8,083,496 | 10,201,496 |
| 1849 | 1,460,945 | 112,312 | 1,573,257 | 5,513,785 | 7,087,042 |
| 1850 | 1,485,961 | 94,256 | 1,580,217 | 6,593,462 | 8,173,679 |
| 1851 | 2,154,445 | 183,367 | 2,337,812 | 7,065,144 | 9,402,956 |
| 1852 | 2,480,066 | 163,383 | 2,643,449 | 10,593,669 | 13,237,118 |
| 1853 | 3,212,574 | 35,074 | 3,247,648 | 10,573,710 | 13,821,358 |
| 1854 | 1,212,944 | 29,556 | 1,242,500 | 10,398,262 | 11,640,762 |
| 1855 | 926,406 | 118,058 | 1,044,464 | 11,028,576 | 12,073,040 |
| 1856 | 1,750,216 | 174,429 | 1,924,645 | 10,453,436 | 12,378,081 |
| 1857 | 1,723,987 | 287,444 | 2,011,431 | 8,356,932 | 10,368,363 |
| 1858 | 2,783,754 | 127,399 | 2,911,153 | 10,570,442 | 13,481,595 |
| 1859 | 3,707,094 | 169,885 | 3,876,979 | 10,788,767 | 14,665,746 |
| 1860 | 5,624,870 | 159,877 | 5,784,747 | 13,566,087 | 19,350,834 |
| 1861 | 4,186,259 | 161,609 | 4,347,868 | 11,351,281 | 15,699,149 |
| 1862* | 2,205,163 | 167,147 | 2,372,310 | 7,540,048 | 9,912,358 |
| June 30— | | | | | |
| 1863* | $2,897,005 | $222,556 | $3,119,561 | $11,030,149 | $14,149,710 |
| 1864* | 3,249,448 | 84,566 | 3,334,014 | 10,435,027 | 13,769,041 |
| 1865 | 2,631,825 | 37,624 | 2,669,449 | 5,129,917 | 7,799,366 |
| 1866 | 3,045,610 | 99,621 | 3,145,231 | 10,131,142 | 13,276,373 |
| 1867 | 3,550,815 | 27,993 | 3,578,808 | 12,112,440 | 15,691,248 |
| 1868 | 3,942,332 | 37,682 | 3,980,014 | 11,384,999 | 15,365,013 |
| 1869 | 5,170,884 | 32,354 | 5,203,238 | 13,207,361 | 18,410,599 |
| 1870 | 3,051,616 | 64,765 | 3,116,381 | 14,565,527 | 17,681,908 |
| 1871 | 2,041,836 | 28,996 | 2,070,832 | 20,064,365 | 22,135,197 |
| 1872 | 2,915,466 | 21,370 | 2,936,836 | 26,752,835 | 29,689,671 |
| 1873 | 1,061,430 | 1,168 | 1,062,598 | 26,353,110 | 27,415,708 |
| 1874 | 843,121 | 4,532 | 847,653 | 18,119,710 | 18,967,363 |
| 1875 | 1,464,434 | 90 | 1,464,524 | 13,473,600 | 14,938,124 |
| 1876 | 1,390,360 | | 1,390,360 | 12,353,943 | 13,744,303 |
| 1877 | 1,686,688 | 21,184 | 1,707,872 | 11,130,495 | 12,838,367 |
| 1878 | 3,603,192 | 1,354 | 3,604,546 | 15,887,820 | 19,492,366 |
| 1879 | 2,651,677 | | 2,651,677 | 16,431,344 | 19,083,021 |
| 1880 | 1,101,315 | 68 | 1,101,383 | 21,769,618 | 22,871,001 |
| 1881 | 5,447,281 | 399 | 5,447,680 | 22,317,729 | 27,765,409 |
| 1882 | 5,895,503 | 480 | 5,895,983 | 20,214,341 | 26,110,324 |
| 1883 | 4,079,522 | 800 | 4,080,322 | 20,141,331 | 24,221,653 |
| 1884 | 4,626,480 | 98 | 4,626,578 | 15,616,793 | 20,243,371 |
| 1885 | 6,396,178 | 322 | 6,396,500 | 16,292,169 | 22,688,669 |
| 1886 | 7,518,277 | 2,304 | 7,520,581 | 18,972,963 | 26,493,544 |

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 5, 1887.

*Includes Japan.

WM. F. SWITZLER, *Chief of Bureau.*

*Value of merchandise and gold and silver coin and bullion imported into, and exported from, the United States from and to Hong-Kong during the years* 1873 *to* 1886, *inclusive.*

MERCHANDISE.

| Years ending June 30— | Exports. | | | Imports. | Total imports and exports. |
|---|---|---|---|---|---|
| | Domestic. | Foreign. | Total. | | |
| | *Dollars.* | *Dollars.* | *Dollars.* | *Dollars.* | *Dollars.* |
| 1873 | 1,485,655 | 7,717 | 1,493,372 | 833,649 | 2,337,021 |
| 1874 | 1,235,444 | 50,564 | 1,286,008 | 449,230 | 1,735,238 |
| 1875 | 2,086,604 | 15,620 | 2,102,224 | 1,202,816 | 3,305,040 |
| 1876 | 3,324,755 | 14,777 | 3,339,532 | 493,690 | 3,833,222 |
| 1877 | 3,216,387 | 13,447 | 3,229,834 | 1,171,189 | 4,401,023 |
| 1878 | 3,247,739 | 14,970 | 3,262,709 | 2,232,663 | 5,495,372 |
| 1879 | 3,279,277 | 11,245 | 3,290,522 | 1,653,350 | 4,943,872 |
| 1880 | 2,873,132 | 4,260 | 2,877,392 | 2,251,089 | 5,128,481 |
| 1881 | 2,914,668 | 2,186 | 2,916,854 | 2,399,828 | 5,316,682 |
| 1882 | 3,211,399 | 16,498 | 3,227,897 | 2,424,092 | 5,651,989 |
| 1883 | 3,766,231 | 11,528 | 3,777,759 | 1,918,894 | 5,696,653 |
| 1884 | 3,078,542 | 5,307 | 3,083,849 | 1,504,580 | 4,588,429 |
| 1885 | 4,134,592 | 14,719 | 4,149,311 | 983,815 | 5,133,126 |
| 1886 | 4,044,384 | 11,852 | 4,056,236 | 1,072,459 | 5,128,695 |

GOLD AND SILVER COIN AND BULLION.

| | | | | | |
|---|---|---|---|---|---|
| 1873 | 3,937,306 | 2,364,941 | 6,302,247 | ..... | ..... |
| 1874 | 5,835,356 | 2,759,641 | 8,594,997 | ..... | ..... |
| 1875 | 5,209,466 | 1,392,403 | 6,601,869 | ..... | ..... |
| 1876 | 5,842,947 | 2,086,642 | 7,929,589 | ..... | ..... |
| 1877 | 10,763,353 | 1,023,500 | 11,786,853 | ..... | ..... |
| 1878 | 5,343,419 | 2,388,965 | 7,732,384 | ..... | ..... |
| 1879 | 2,582,338 | 2,838,744 | 5,428,082 | ..... | ..... |
| 1880 | 2,781,381 | 2,228,842 | 5,010,223 | ..... | ..... |
| 1881 | 1,367,034 | 2,079,168 | 3,446,202 | ..... | ..... |
| 1882 | 1,773,820 | 2,142,590 | 3,916,410 | ..... | ..... |
| 1883 | 4,000,736 | 2,883,744 | 6,884,480 | ..... | ..... |
| 1884 | 4,884,283 | 4,404,574 | 9,288,857 | ..... | ..... |
| 1885 | 5,188,705 | 9,384,528 | 14,573,233 | ..... | ..... |
| 1886 | 2,948,405 | 7,069,286 | 10,017,691 | ..... | ..... |
| September 30— | | | | | |
| 1840 | ..... | 477,003 | 477,003 | ..... | 477,003 |
| 1841 | ..... | 426,592 | 426,592 | 485 | 427,077 |
| 1842 | 18,000 | 588,714 | 606,714 | ..... | 606,714 |
| June 30— | | | | | |
| 1843 (nine months) | ..... | 571,660 | 571,660 | ..... | 571,660 |
| 1844 | 1,000 | 565,955 | 566,955 | ..... | 566,955 |
| 1845 | 4,550 | 158,860 | 163,410 | 27,107 | 190,517 |
| 1846 | 4,700 | 157,874 | 112,574 | ..... | 112,574 |
| 1847 | ..... | 33,308 | 33,308 | ..... | 33,308 |
| 1848 | ..... | 72,013 | 72,013 | ..... | 72,013 |
| 1849 | ..... | 9,967 | 9,967 | ..... | 9,967 |
| 1850 | ..... | 25,000 | 25,000 | ..... | 25,000 |
| 1851 | 1,500 | 145,975 | 147,475 | ..... | 147,475 |
| 1852 | ..... | 19,728 | 19,728 | 281 | 20,009 |
| 1853 | ..... | 489,344 | 489,344 | ..... | 489,344 |
| 1854 | 80,981 | 74,607 | 155,588 | 108,067 | 263,655 |
| 1855 | 606,651 | 68,314 | 674,965 | 20,150 | 695,115 |
| 1856 | 298,028 | 335,564 | 633,592 | 1,000 | 634,592 |
| 1857 | 295,913 | 2,087,786 | 2,383,699 | ..... | 2,383,699 |
| 1858 | 223,994 | 2,562,204 | 2,786,198 | 94 | 2,786,292 |

*Value of merchandise and gold and silver coin and bullion, &c.*—Cont'd.

GOLD AND SILVER COIN AND BULLION.

| Years ending June 30— | Exports.* | | | Imports. | Total imports and exports. |
|---|---|---|---|---|---|
| | Domestic. | Foreign. | Total. | | |
| | *Dollars.* | *Dollars.* | *Dollars.* | *Dollars.* | *Dollars.* |
| 1859 | 525,832 | 2,721,298 | 3,247,230 | 2,614 | 3,249,844 |
| 1860 | 1,545,914 | 1,575,457 | 3,121,371 | 500 | 3,121,871 |
| 1861 | 1,623,465 | 910,013 | 2,533,478 | 438 | 2,533,916 |
| 1862* | 2,123,343 | 1,126,585 | 3,249,928 | 6,783 | 3,256,711 |
| 1863* | 2,295,079 | 941,095 | 3,236,174 | 4,766 | 3,240,940 |
| 1864* | 4,492,550 | 956,502 | 5,449,052 | 974 | 5,450,026 |
| 1865 | 3,871,073 | 564,913 | 4,435,986 | 726 | 4,436,712 |
| 1866 | 5,586,478 | 1,418,115 | 7,004,593 | 1,541 | 7,006,134 |
| 1867 | 5,237,330 | 951,478 | 6,188,808 | ..... | 6,188,808 |
| 1868 | 5,579,454 | 2,132,022 | 7,711,476 | 25 | 7,711,501 |
| 1869 | 5,087,294 | 2,085,200 | 7,172,494 | 1,760 | 7,174,254 |
| 1870 | 3,369,547 | 2,554,138 | 5,923,685 | 62,960 | 5,986,645 |
| 1871 | 1,878,380 | 1,693,267 | 3,571,647 | 1,950 | 3,573,597 |
| 1872 | 4,799,469 | 1,199,865 | 5,999,334 | 700 | 6,000,034 |
| 1873 | 852,302 | ..... | 852,302 | 181 | 852,483 |
| 1874 | 786,044 | ..... | 786,044 | 39,772 | 825,816 |
| 1875 | 1,500 | ..... | 1,500 | 6,840 | 8,340 |
| 1876 | ..... | ..... | ..... | 6,908 | 6,908 |
| 1877 | 1,491,906 | 2,152,106 | 3,644,012 | 10,952 | 3,654,964 |
| 1878 | 7,857,506 | 622,685 | 8,480,191 | 7,559 | 8,487,750 |
| 1879 | 1,831,280 | 179,000 | 2,010,280 | 134,635 | 2,144,915 |
| 1880 | 1,501,000 | 1,600 | 1,502,600 | 90,991 | 1,593,591 |
| 1881 | ..... | 32,400 | 32,400 | 41,179 | 73,579 |
| 1882 | 533,800 | ..... | 533,800 | 36,005 | 569,805 |
| 1883 | 168,000 | 88,000 | 256,000 | 192,801 | 448,801 |
| 1884 | 52,702 | ..... | 52,702 | 5,260 | 57,962 |
| 1885 | ..... | ..... | ..... | 1,529 | 1,529 |
| 1886 | 230,000 | ..... | 230,000 | 2,400 | 232,400 |

*Includes Japan.

WM. F. SWITZLER,
*Chief of Bureau.*

*Statement of the principal articles imported into Great Britain and Ireland from, and exported to, China (including Hong-Kong) during the year* 1884.

| Principal and other articles. | | Imports. | |
|---|---|---|---|
| | | Quantities. | Value. |
| Bristles | pounds | 437,203 | $252,829 |
| China and earthenware | cwts. | 2,857 | 59,863 |
| Cotton, raw | do | ..... | ..... |
| Drugs, unenumerated | value | ..... | 281,610 |
| Feathers, for beds | cwts. | 7,278 | 94,323 |
| Galls | do | 17,792 | 219,533 |
| Hair, unenumerated | value | ..... | 262,703 |
| Hemp | cwts. | 79,799 | 712,412 |
| Hides, raw | do | 34,394 | 541,807 |
| Perfumery, unenumerated | pounds | 917 | 141,496 |
| Silk, raw | do | 3,660,014 | 12,853,979 |
| Silk, knubs or husks, and waste | cwts. | 44,627 | 2,475,734 |
| Silk manufactures | value | ..... | 699,253 |

*Statement of the principal articles imported, &c.*—Continued.

| Principal and other articles. | Imports. | |
|---|---|---|
| | Quantities. | Value. |
| Spices of all kinds.....pounds... | 1,656,330 | $99,875 |
| Succades.....cwts... | 11,469 | 117,925 |
| Sugar, unrefined.....do..... | 103,647 | 347,838 |
| Tea.....pounds... | 143,708,568 | 31,018,769 |
| Tin, in blocks, ingots, slabs, &c.....cwts... | 1,090 | 22,016 |
| Tobacco, unmanufactured.....pounds... | 1,813,221 | 309,344 |
| Wool, sheep and lamb.....do..... | 1,185,587 | 164,760 |
| All other articles.....value... | ..... | 3,796,050 |
| Total..... | ..... | 54,472,092 |

WM. F. SWITZLER,
*Chief of Bureau.*

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 17, 1887.

*Exports from United Kingdom of British and Irish products.*

| Principal and other articles. | Exports. | |
|---|---|---|
| | Quantities. | Value. |
| Apparel and haberdashery.....value... | ..... | $199,906 |
| Arms, ammunition, and military stores..... do. | ..... | 1,144,002 |
| Beer and ale.....barrels... | 7,987 | 143,343 |
| Chemical products and preparations (including dye stuffs).....value... | ..... | 59,761 |
| Coal, cinders, and fuel.....tons... | 104,681 | 292,462 |
| Cotton-yarn.....pounds... | 15,721,300 | 2,997,419 |
| Cotton, entered by the yard.....yards... | 394,583,600 | 20,371,743 |
| Cotton, entered at value.....value... | ..... | 358,320 |
| Hardwares and cutlery, unenumerated..... do. | ..... | 135,503 |
| Linens, entered by the yard.....yards... | 407,800 | 73,947 |
| Machinery and mill-work.....value... | ..... | 459,446 |
| Metals: | | |
| Iron, wrought and unwrought.....tons... | 43,332 | 1,325,897 |
| Copper, wrought and unwrought.....cwts... | 41,086 | 574,865 |
| Lead, pig, pipe, and sheet.....tons... | 6,631 | 364,277 |
| Provisions (including meat).....value... | ..... | 70,881 |
| Soap.....cwts... | 46,317 | 207,843 |
| Telegraphic wires and apparatus.....value... | ..... | 246,829 |
| Umbrellas and parasols..... do. | ..... | 123,395 |
| Woolens, entered by the yard.....yards... | 19,593,300 | 4,863,239 |
| Woolens, entered at value.....value... | ..... | 65,805 |
| All other articles..... do. | ..... | 1,797,675 |
| Total..... | ..... | 35,876,558 |

WM. F. SWITZLER,
*Chief of Bureau.*

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 17, 1887.

*Exports from United Kingdom of foreign and colonial products.*

| Principal and other articles. | Exports. | |
|---|---|---|
| | Quantities. | Values. |
| Arms and ammunition..... | ..... | $455,865 |
| Bones for manufacturing purposes .....tons... | ..... | ..... |
| Butter and butterine.....cwts... | 1,056 | 38,601 |
| Candles of all sorts .....do... | 1,238 | 15,262 |
| Clocks.....number... | 7,768 | 15,305 |
| Confectionery .....cwts... | 1,638 | 26,576 |
| Cordage, twine, and cable yarn ..... | ..... | 10,351 |
| Cotton manufactures..... | ..... | 245,690 |
| Drugs: | | |
| Opium.....pounds... | 125,300 | 536,483 |
| Unenumerated..... | ..... | 3,538 |
| Glass of all kinds .....cwts... | 2,741 | 12,813 |
| Metals: | | |
| Copper, unwrought, part wrought, and old copper.....tons... | 29 | 9,587 |
| Iron bars, &c.....do.... | 895 | 43,200 |
| Steel, unwrought.....do.... | 95 | 5,154 |
| Manufactures of iron or steel unenumerated..cwts... | 19,346 | 92,249 |
| Painter's colors unenumerated..... | ..... | 9,563 |
| Quicksilver.....pounds... | 1,794,300 | 630,801 |
| Spirits: | | |
| Brandy.....proof gallons... | 2,865 | 9,324 |
| Wine .....gallons... | 25,964 | 79,066 |
| Woolen manufactures..... | ..... | 134,213 |
| All other articles..... | ..... | 647,663 |
| Total..... | ..... | 3,021,304 |

WM. F. SWITZLER,
*Chief of Bureau of Statistics.*

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 17, 1887.

*Statement showing the imports into and the exports from Germany, from and to China, during the year* 1884.

IMPORTS.

| Articles. | Pounds. | Dollars. |
|---|---|---|
| Animals, living..... | 1,980 | 238 |
| Provisions; including meat and dairy products..... | 7,920 | 714 |
| Breadstuffs..... | 14,080 | 238 |
| Tea..... | 28,820 | 6,902 |
| Sweetmeats..... | 5,060 | 952 |
| Salt and spices..... | 10,780 | 1,428 |
| Tobacco, and manufactures of..... | 220 | 476 |
| Chemicals, dyes, and medicines..... | 493,480 | 41,888 |
| Earthen and stone-ware..... | 95,524 | 5,236 |
| Metals, and manufactures of..... | 24,420 | 4,998 |
| Wood, manufactures of..... | 99,220 | 11,186 |
| Feathers..... | 62,480 | 30,464 |
| Yarns..... | 1,320 | 6,902 |
| Dress goods..... | 440 | 2,380 |
| Jewelry..... | 660 | 2,380 |
| All other articles..... | ..... | 11,662 |
| Total imports..... | ..... | 128,044 |

EXPORTS.

| | | | |
|---|---|---|---|
| Malt liquors..... | | 5,222 | 18,564 |
| Sweetmeats and confectionery..... | | 85,360 | 11,186 |
| Paints..... | | 1,366,860 | 983,416 |
| Soap, fancy..... | | 76,780 | 16,660 |
| Perfumery..... | | 13,200 | 17,136 |
| Gunpowder and other explosives..... | | 537,240 | 104,244 |
| Glass and glassware..... | | ..... | 28,798 |
| Iron, and manufactures of: | Bar-iron..... | 9,055,640 | 112,574 |
| | Wire..... | 2,209,980 | 44,030 |
| | Fire-arms..... | 41,580 | 31,416 |
| | Machinery..... | 494,340 | 34,272 |
| | Needles..... | 366,740 | 396,746 |
| | Other manufactures of..... | ..... | 422,926 |
| Metal (copper, brass, &c.) and manufactures of..... | | ..... | 143,276 |
| Wood, manufactures of..... | | ..... | 11,662 |
| Leather, manufactures of..... | | ..... | 30,702 |
| Wool, manufactures of..... | | ..... | 128,996 |
| Cotton, manufactures of..... | | ..... | 11,662 |
| Wearing apparel, of silk or wool..... | | ..... | 14,280 |
| India-rubber, manufactures of ..... | | 22,880 | 14,756 |
| All other articles..... | | ..... | 144,228 |
| Total exports..... | | ..... | 2,721,530 |

WM. F. SWITZLER,
*Chief of Bureau of Statistics.*

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 15, 1887.

*Statement of the principal articles imported into France from, and exported to, China, during the year* 1884.

| Order of magnitude. | Articles. | Imports. | | Entered for consumption. | |
|---|---|---|---|---|---|
| | | Quantity | Value. | Quantity | Value. |
| 1 | Silk and silk waste.....kilog... | 3,614,070 | $21,034,077 02 | 2,453,108 | $14,081,453 12 |
| 2 | Tea..... do... | 3,340,256 | 2,095,551 91 | 342,804 | 215,423 81 |
| 3 | Straw, bark, sparterie, bundles of, unmanufactured, kilog..... | 78,646 | 1,209,648 73 | 67,954 | 1,028,280 07 |
| 4 | Silk, manufactures of, waste, kilog..... | 365,855 | 761,406 81 | 68,154 | 110,957 24 |
| 5 | Furs and fur-skins, undressed.....kilog... | 1,317,741 | 624,411 16 | 229,116 | 73,770 97 |
| 6 | Musk.....gramme... | 792,400 | 458,799 60 | 767,200 | 444,208 80 |
| 7 | Manufactures of bone, horn, wood, and vulcanized rubber.....kilog... | 111,955 | 201,641 19 | 10,150 | 18,173 07 |
| 8 | China-ware.....do... | 207,685 | 168,712 30 | 170,668 | 141,485 99 |
| 9 | Nut-galls.....do... | 571,628 | 143,421 39 | 497,798 | 124,897 45 |
| 10 | Hair, unmanufactured... do... | 31,178 | 122,269 36 | 21,357 | 82,438 02 |
| 11 | Feathers, ornamental.....do... | 8,325 | 80,770 50 | 300 | 3,329 25 |
| 12 | Hemp fiber..... do... | 212,190 | 40,680 73 | 11,740 | 1,993 88 |
| 13 | Copper, manufactures of, pure or alloyed, art bronzes, kilog..... | 8,032 | 33,976 49 | 6,844 | 29,059 62 |
| 14 | Reed and osier, unmanufactured.....kilog... | 240,382 | 30,155 87 | 180,482 | 22,641 41 |
| 15 | Cinnamon of all kinds...do... | 114,935 | 28,839 03 | 58,176 | 14,596 40 |
| 16 | Collection of articles, outside of commerce..... | ..... | 28,518 45 | ..... | 28,238 60 |
| 17 | Cordage of sparterie, willow, and reed.....kilog... | 8,468 | 21,246 21 | 17,246 | 43,270 21 |
| 18 | Straw hats, fine or coarse, kilog..... | 13,632 | 7,892 93 | 14,256 | 8,260 01 |
| | Other articles..... | ..... | 651,052 89 | ..... | 315,543 23 |
| | Total..... | ..... | 27,743,072 57 | ..... | 16,787,621 15 |

*Statement of the principal articles imported, &c.*—Continued.

| Order of magnitude. | Articles. | Domestic and foreign exports. | | Domestic exports. | |
|---|---|---|---|---|---|
| | | Quantity | Value. | Quantity | Value. |
| 1 | Cotton, manufact. of...kilog... | 1,320,111 | $1,265,394 46 | 11,863 | $20,214 82 |
| 2 | Coal-tar dyes.....do... | 124,167 | 304,012 06 | 15,403 | 41,618 91 |
| 3 | Wines.....liters... | 1,215,884 | 184,918 90 | 1,130,293 | 170,128 73 |
| 4 | Implements and manufactures of metal.....kilog... | 1,034,221 | 171,788 91 | 66,778 | 15,023 70 |
| 5 | Buttons of all kinds.....do... | 140,134 | 159,633 77 | 12,304 | 19,370 25 |
| 6 | Clocks and watches..... | ..... | 127,034 14 | ..... | 25,863 74 |
| 7 | Wool, manufact. of.....kilog... | 44,959 | 120,523 87 | 44,308 | 118,211 73 |
| 8 | Thread of all kinds.. ... ..do... | 175,134 | 97,309 25 | 1,405 | 184 89 |
| 9 | Silk, manufactures of, and waste.....kilog... | 6,017 | 91,550 13 | 464 | 8,458 80 |
| 10 | Medicines (compound)...do... | 133,953 | 83,206 35 | 52,583 | 7,009 76 |
| 11 | Spices, ground..... .....do... | 99,065 | 76.054 93 | 1,593 | 834 15 |
| 12 | Coral, cut, unmounted....do... | 1,050 | 74,746 00 | 1,023 | 73,052 43 |
| 13 | Books, engravings, cardboard, paper.....kilog... | 52,201 | 21,625 65 | 40,648 | 15,242 18 |
| | Other articles..... | ..... | 455,807 72 | ..... | 257,035 66 |
| | Total..... | ..... | 3,233,606 14 | ..... | 772,249 75 |

WM. F. SWITZLER,
*Chief of Bureau of Statistics.*

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *January* 18, 1887.

## Death of John A. Logan.

"In war, in the camp of instruction, he was patient and teachable. By the camp-fire and in the society of his fellows he was the type of good fellowship and strong comradeship. In the hospital he was gentle and sympathetic. On the march persistent and indefatigable. In battle he was a thunderbolt."

# SPEECH

OF

# HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, February* 16, 1887.

The House having under consideration resolutions of respect to the memory of John A. Logan, a Senator of the United State from Illinois—

Mr. GROSVENOR said:

Mr. SPEAKER: The news that flashed along the wires announcing that Logan was dead smote painfully upon the hearts of more soldiers than did any other news that for twenty years has been conveyed to the American people. Logan was peculiarly and especially near to the volunteer soldier. He was without doubt the greatest of them all. He was their leader, and was so recognized by them. He was the highest type of excellence.

In war he had set them the example of a great leader of men; in peace he had never faltered in the work assigned him as champion of their interests. The strong individuality of the man shone out on all occasions in war and in peace. In war, in the camp of instruction, he was patient and teachable. By the camp-fire and in the society of his fellows he was the type of good-fellowship and strong comradeship. In the hospital he was gentle and sympathetic. On the march, persistent and indefatigable. In battle he was a thunderbolt.

The pictures of heroic leaders drawn by the pen of word painters are faint, pale, and unmeaning as compared with Logan as he rode down the line of his men at Atlanta and assumed the responsibility which the death of McPherson had cast upon him, and caused the army to believe and truly that as great a man as McPherson was there. I offer two pictures, one to show that Logan was a far-seeing, wise man, the other to show that he was a modest and patriotic man.

He was ordered to command the great Army of the Cumberland at the end of three years of its service and history. He was ordered to supersede George H. Thomas, who was of that army, had grown with that army, and was the pride and idol of that army. He was to command the Army of the Cumberland, the army that had stood in the cedar jungles of Stone River like an insurmountable wall of blood and fire and patriotism when the serried columns of Bragg had been hurled almost irresistably upon it, had won a glorious victory, occupied Murfreesboro' and reorganized its plans, which were carried out in proud triumph as the banner of America crossed the Georgia mountains and flashed full in the faces of the grand gathering of the confederates at La Fayette and Lee and Gordon's Mills.

The army that, retiring from the terrible battle of Chickamauga, had preserved its honor untarnished, had occupied Chattanooga, holding the key of all the future operations in the South the army that had scaled Mission Ridge and Lookout Mountain, the army that for all those weary days, weeks, and months had marched and fought over the blood-stained pathway it cut and hewed from Chattanooga to Atlanta, the army that had never ingloriously turned its back upon a foe, without a stain upon its escutcheon, proud of its achievements, proud of its commander, was to be turned over to John A. Logan by the mistaken judgment of the great commander of the army. Logan saw all that I have described and more.

He saw that the plans and procedure of Thomas had been faultless—absolutely above criticism. He saw that in the hearts of the men of the Cumberland Army there was enshrined and engraven the name and fame of George H. Thomas. He saw that, for the first time, Thomas was to have an independent command of a great army in a great battle. He knew that before that army lay victory. He knew that in the air that encirled Overton and the environments of Brentwood there was being sung a song of triumph.

In his mind's eye he beheld the serried columns of Smith's Corps joining with that of Steedman, and Wood, and others scaling the fortifications around Nashville, crushing the army of Hood, driving it starving and disintegrating out of Tennessee; marking its pathway with the blood of its brave men, and crushing and destroying that great army; and he knew that around such a victory as that would cluster the laurel wreaths of glory and that they would descend upon the brow of the commander. And he never doubted the loyalty of the Army of the Cumberland to him should he become their leader, for he knew the place he occupied in the hearts of the men of that army; but he was a just man and he would not pluck the ripe fruit that hung so tempting, which was the just due of the great hero of Chickamauga and Nashville, the immortal George H. Thomas.

Logan then and there, by that act of self-abnegation, demonstrated his far-seeing wisdom and foresight. He saw more keenly than Grant that Thomas had not been slow, that Thomas had not faltered, that Thomas had made no mistake; and his sense of justice, his love of fairness forbade him to reap the victory that was due a commander. In this he was a just man, a wise man, and a far-seeing soldier.

But when McPherson fell, by common acclaim Logan was entitled to the command thus vacated. He had been to McPherson what Ney was to Napoleon; he had been to McPherson what Von Moltke was to Kaiser Wilhelm. The strategy of the campaign was familiar to him; the details of the army organization were like a primer to him. He had never made a mistake in any movement that he had attempted, and he passed through the bloody baptism of the first hours of his command with a keen intelligence and broad grasp of generalship and a magnificence of execution which said to all the world Logan should command.

But when he was superseded he modestly took his place at the head of the old Army of the Tennessee. He would not leave his comrades without his presence and advice and assistance. He would not leave his country without the strong arm upon which she was relying. He waived the question of rank and modestly and faithfully supported Howard, as he had done his predecessor. He was a far abler man than Howard, a greater man than Howard, a more able general than Howard, wiser in all except West Point tactics than Howard, many fold more fitted to the command of that great army than Howard, and yet, while others resented the assignment, left the flag, and sought other service, Logan hammered away at the enemy. If he felt within him a keen sense of injustice, he dealt the retaliatory blows upon the enemies of his country. If he felt the injustice of the new assignment, he struggled the harder to win battles to save the commander who had superseded him from failure. In all this Logan was a modest man and a patriot.

It has been said that a great general of the war spoke of Logan as a "political general." The statement has been denied, but the suggestion was taken up and the changes rung on it all over the country. It was used as a term of reproach. My opinion is, Mr. Speaker—and I mention it modestly—that there was no successful general of the war who was not, to a certain extent, a "political general." The war was a political contest. It grew out of two antagonistic systems and principles of government, two widely adverse and different constructions of the Constitution, two distinct political interests, and therefore the contest was a political one.

It was born and nurtured, had its growth and development in political platforms of political parties. It was a political movement on the side of the attempted destroyers of the Union, and patriotic resistance, without regard to party, on the other; and the man, therefore, who best understood the nature of the contest, best understood how to meet the emergency of the contest, was a politician. It was a political general who assailed slavery in the very beginning of the war and declared that there could be no successful prosecution of the war until the Government accepted the issue. Time proved his opinion correct.

It was non-political generalship that reversed his orders, prolonged the war, and ultimately came climbing up upon the platform and shouting about the keystone of the arch that they had refused in dis-

dain. It was politics, a knowledge of politics, and the deep-seated political purposes of the men of the South that suggested to General Sherman, in October, 1861, to say that there ought to be two hundred thousand soldiers sent to Louisville to march against the rebels at Muldraugh's Hill, and so on down into the confederacy.

It caused the report to go out and to be believed that he was crazy. He based his judgment upon his intimate knowledge of the political purposes, the political aspirations of the people of the South, and when he marched his victorious columns down through Georgia, subsisting off the country; when the sweet potatoes "started from the ground," and the turkeys gobbled "which our commissaries found," there was more politics than war in the movement. It was a political suggestion by politicians, and not soldiers in the abstract, that demanded the abolition of slavery and the enlistment of colored men into the army.

The weak and the unpatriotic faltered; the Caucasian in a few instances resigned his commission and went home, because the African was about to shoulder arms. The Army grew no weaker for the absence of the former, and immeasurably stronger by the presence of the latter. It was a non-political and soldierly suggestion that the soldiers of the Union army should stand guard over rebel property, preserve fences and cornfields and sweet potato patches; it was a political idea that lighted the camp-fires with the rails, and furnished the mess tables with the products of the country.

That was war, but it was political war. With the training of the soldier the whole thing was over when the rebel flag was pulled down; but with men like Logan and Garfield and their compeers, the amendments to the Constitution were conditions-precedent to the fact of the restoration of the States. So, after all, there was a blending of the knowledge and purposes of the politician with the knowledge and skill and bravery of the soldier, and no one man in all the long years of war and reconstruction consolidated and embraced in one person so much that was right, patriotic, and wise of the politics of the war or war itself, the skill of the soldier and the politics of reconstructions and the politics that grew out of the war than did John A. Logan.

I come to a matter of very recent date, Mr. Speaker, and speak frankly about it, for, because a man is dead, that is no reason why the truth should not be told. Because a man is dead—a debt we all must pay—that is no reason why a man in his lifetime should be held up to scorn. Men differ in this country. They differ honestly, bitterly sometimes. The death of one while the other survives does not affect the criticism of the one nor the faults or foibles of the other, if any such he had.

In the State which I have the honor in part to represent there was last year a feeling of disappointment and sorrow because of one of the acts of Logan. If history is to be written in this way, let it be written truthfully. If facts are to be referred to, let them be facts, and not attempt to substitute fiction for fact. The people of Ohio, without distinction of party, had felt, and felt as they never before felt, upon a question like this, that a great wrong had been done to them, and that a great stigma had been fastened upon them; and they appealed to the Senate to right the wrong and efface the stigma.

It was not the clamor of partisan bitterness. It was the declaration of honest men regardless of party. It had its original statements and declarations of fact from the mouths of distinguished Democrats. Allegations of the most bitter character, illumined with satisfactory details, were furnished by the Democratic newspapers of the State, and so it came. I stop not to discuss the right or the wrong of it. Nine out of every ten people of Ohio earnestly demanded, in their hearts at least, that the wrong should be righted, or at least, Mr. Speaker, if there was no wrong the stigma should be removed by proof and demonstration that the people were mistaken.

It became the watchword of civilization and public honor throughout the State. It was taken up as the rallying cry of the young men. It was the household word of the Ohio man that this investigation must go on. General Logan differed in opinion with this cry and this demand, and no appeal could swerve him from what he believed to be right. I stop not here and now to argue against his position, and I refer to it simply to point out the time and place and the circumstances where, in my judgment, the highest compliment was paid to John A. Logan that was ever paid to him by mortal man.

In the hour of the people's disappointment and in the weeks and months that followed it, smarting under the misfortune which they understood had befallen them, and attributing the failure very largely to him, bringing the blame to his door, never from the tongue of one man or pen, never under any circumstances did any Ohio man attribute to John A. Logan base or improper motives for his conduct. They may have shed tears of regret, they may have felt the sting of disappointment that their plans and purposes had failed, but at the door of the great soldier and patriot, Logan, they never brought an insinuation of dishonor.

In times like those popular judgment is unreasoning sometimes, and we are prone to ascribe base motives to the conduct of men, but in this instance the shaft was too high, its surface was too solid, its purity was too well established, and no archer hurled his arrow of detraction against the character of John A. Logan. There was more in this controversy to gratify Logan than to hurt his feelings, and the men who, differing with him, yet ascribe no dishonest motives to him, stand better to-day than they who seek to tarnish the reputation of others by taking advantage of the public sentiment toward a dead man.

So that, Mr. Speaker, I come as a representative in part of my State, without hesitation, without reservation, reverently to lay upon the bier of John A. Logan a tribute of our love, affection, appreciation, admiration. He is dead and the world is the poorer for his death. "Earth may run red in other wars," but the superior of John A. Logan as a soldier will not appear. Revolutions and rebellions may shake the foundations of government again, but a more unselfish patriot than John A. Logan will not espouse the cause of his country in future years.

Great political contests may disturb the people, but a wiser, cooler, braver statesmen will not arise in her councils. He is gone, and the flowers of spring will shortly bloom over his grave and the song of the birds will make melody in the air above him, but his example will live while patriotism lives, his courage will be mentioned in song and story while courage is an attribute of humanity which the people love and admire. Great leader, pure patriot, noble comrade, farewell. May "the sunshine of Heaven beam bright on thy waking," and may the song that thou hearest be "the Seraphim's song."

---

**Death of John A. Logan.**

## SPEECH

OF

# HON. WILLIAM W. BROWN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, February* 16, 1887,

**On the resolutions of respect for the memory of the late Senator John A. Logan.**

Mr. BROWN, of Pennsylvania, said:

Mr. SPEAKER: The heritage of good deeds is mightier for a nation's defense than many armies with banners. It builds empires and conquers the foes of freedom. In the dread time of war it creates armies and nerves them to battle for the right. The Republic takes pride in her great names. Though but a century old, our temple of fame has garnered so fast and so well within its mystic walls that for every exigency we have our mentor and for every peril our inspiration. Among the names there enshrined is now that of John Alexander Logan.

I shall never forget the clear notes of the bugle blast that sounded "lights out" on the 31st of December last, when this hero and patriot was left "where the dead reign alone." There was a solemn stillness in the air, and out upon the heights the clouds bended low and wept icy tears. By the tomb where we laid him stood a comrade-bugler, martial and melancholy. "Earth to earth and dust to dust" was said, and then the bugle touched his quivering lips, and in a single breath told a story that bows a nation in grief. "Lights out," is the closing epitome of all that tread the earth. I can not tell what was in the mind of the author of "Lights out" when he set it to martial music; but in it there is more to me than its title indicates. If it announces mortality it often proclaims immortality as well. The better part of Logan is not in the grave—that can never die. For if there be no home of the soul in the bosom of our God, as our faith teaches there is, we know there is yet a realm wherein deeds die not, and where human sacrifices keep vigils with the centuries and the cycles. When will the achievements of Washington be forgotten? When will the deeds of Lincoln die? How can time efface the record of that valor which gave and preserved us a nation? Will the thunders of the Declaration of Independence cease amid the roll of the ages? And while the earth stands will freedmen forget "freedom's proclamation?"

Ah! sir, these shall all outstay the monuments that are of marble and of bronze! So, too, in all generations yet to be, as they shall read the story of Belmont, Donalson, Corinth, Port Gibson, Raymond, Champion Hill and Vicksburg, Missionary Ridge, Kenesaw and Lookout Mountains, and the mighty march to Atlanta and to the sea, will not all these millions bless this warrior's name and draw fresh inspiration from the matchless valor he achieved on these battlefields for freedom and for freedom's citadel?

But there is more to challenge our admiration in the career of Logan than his military renown. He believed that having "let the oppressed go free" we should protect the freedman. He believed that freedom without the panoply of citizenship is a mockery, and hence he early championed equal rights and enfranchisement for the colored man. To contend for these in behalf of an outraged and despised race required as much courage in that transition period as to meet the enemy on the field of carnage.

There never was an hour of greater peril to the Republic than when, after the war, all the leading men in one of the great parties, and many in the other, disclosed the purpose of leaving four millions of people in

the nation without status and without hope of ever attaining unto citizenship. But there were "giants in those days," and none stood firmer or dealt more telling blows for the right than John A. Logan.

I shall not attempt to explain what made Logan a leader among men or by what "sign he conquered." I am not certain that I could should I try. I know, however, that he was mighty for the right in every conflict in which he engaged, both in war and in peace, and I know that with his rugged manhood he was yet gentle and sensitive as a woman, and as loyal to friendship as the mother to her child. Whatever then may have contributed to his greatness, we are sure that these kindly qualities are not barriers in the highways to fame.

Logan in the United States Senate was as conspicuous to the whole nation as he was to his soldiers in the day of battle. During his career there, no man ever made a pilgrimage to the national capital, seeking to know her great Senators, who did not, among the very first, regard with pride and satisfaction the figure of the "warrior statesman from Illinois." There are few men of our time whose influence as an orator has been so widely felt and admired as that of Senator Logan. No man ever questioned his ability or his skill in the use of the English language, save the ignorant or the malicious. His impeachment of Fitz-John Porter in the Senate and his oration at the tomb of Grant are among the very best productions of this generation.

No, we have not buried the glorious conquests in the field and in the forum of John A. Logan. They live and speak, and shall live and speak while true chivalry and exalted patriotism remain in the earth.

Surely the actions of the just
Smell sweetly and blossom in the dust.

---

## War Taxes as Set-offs against States.

## SPEECH

OF

# HON. AMBROSE A. RANNEY,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, February* 9, 1886.

The House having under consideration the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-offs against States having claims against the General Government—

Mr. RANNEY said:

Mr. SPEAKER: The provisions of the pending bill strike me as somewhat extraordinary in character, and if enacted into law as likely to be mischievous in operation and evil in results. It is not, as might be supposed from some things said in the course of this discussion, a bill designed to relieve some one State only, but it comprehends and affects the dealings of the National Government with all of the States as regards the war tax in question. It condemns as unlawful the withholding of money due any State because of its quota of the war tax laid under the act of August 5, 1861, being unpaid, and the treating of the same as in any sense a proper subject of set-off. It then proceeds to repeal all existing laws and to annul all rulings and decisions of the Treasury Department or any officer thereof which are in conflict with the rule of law as so declared. In other words, the aim and scope of the bill is to destroy the legal foundation on which the prior action of the Government in the premises rests and to establish a new rule of law for the future.

As one of the minority members of the committee reporting adversely, I propose to give the reasons for my opposition.

1. The bill seems to me to be dealing with special cases by means of or under the guise of unwise general legislation.

2. It invades the judicial precincts of the Treasury Department, wherein Congress long since erected a special tribunal with full jurisdiction to adjudicate such questions, and proposes to annul rulings and decisions which have governed for a long time the action of the Government.

3. If the decisions sought to be reversed were claimed to be erroneous in law, parties interested should have proceeded in the Court of Claims and had them tested by a proper judicial tribunal.

4. In my opinion the Government adopted and has followed a rule which was sound and in accord with the law, as well as with an established policy.

5. If the question admits of doubt, or the rulings are now deemed to be erroneous, Congress should not interfere and reverse the same at this late day, because substantial justice has been done and these rulings have been executed.

Gentlemen are probably aware that the Treasury Department, although some of its officers once decided otherwise, have hitherto treated the war tax laid under the act of August 5, 1861, and the supplementary acts, as a proper charge against the States in making up their accounts and certifying balances. Counter-claims due from the General Government to the States, respectively, have been entered as credits in their accounts and thus applied in set-off, or as payment *pro tanto*, and the balance struck and certified accordingly. Most of the States not in insurrection acceded to that view and course of proceeding, and the accounts have long since been adjusted and settled accordingly. This has been the rule adopted in the dealings of the Government with all of the States, both those which assumed the tax and those which did not. Kansas, Missouri, West Virginia, and others did not assume the tax. The State of Kansas had a claim against the Government and contested the right to apply it on the war tax. The decision was adverse under the rule now sought to be reversed. The Attorney-General refused to relieve that State from the decision (2 Lawrence, Reports, 305). Georgia, more fortunate, had first got money allowed the State by an act of Congress under a decision the other way by Mr. Porter (Senate Executive Document, No. 24, first session Forty-sixth Congress). But having been allowed in 1883 another sum of $35,555.42 for an old and a stale claim originating in 1777, growing out of the war of the Revolution, she failed to obtain the same, because, delinquent in respect to the war tax to the extent of over $500,000, and which sum was charged up against the State in 1868, the amount was applied thereon as a set-off or in part payment. A full hearing was had, but after able arguments by eminent counsel an adverse decision was made in an exhaustive opinion by Judge Lawrence, reported in 4 Lawrence's Reports, 354. It appears that Mississippi had a like case, and was treated in a like manner, the present Comptroller having made a like decision in adherence to the rule enforced in the case of Georgia. Hence the bill introduced by the gentleman from Georgia [Mr. HAMMOND], and the other bill introduced by the gentleman from Mississippi [Mr. BARKSDALE], and the pending bill as the result of the same. I do not understand that either of these States, or the State of Kansas, has ever proceeded in an attempt to get that ruling reversed in the Court of Claims, which would probably have had jurisdiction in the premises, and led possibly to an authoritative decision in that court and in the Supreme Court. The decisions therefore are final and conclusive as rendered, and will so stand unless Congress annuls them. Taking them as illustrations it is for the House to decide whether they are such as to call for the general legislation proposed, or whether they should not be dealt with separately, if at all, and determined on their own merits or demerits, as the case may be.

If a general law is enacted declaring the law to be as stated in this bill, and also annulling all the decisions heretofore made which are in conflict with it, this will destroy, as it seems to me, the entire foundation on which the prior action of the Government in the premises rests, and the legal and logical result will be to reopen all the accounts which have been settled with the States, and wherein counter-claims have been applied in set-off as against a charge of the war tax. The quota of the war tax charged to the States respectively in the accounts must be eliminated therefrom, a new balance struck, certified, and paid. Equal and exact justice should be done to all, and each State treated alike in this matter. It is well known that counter-claims have been allowed and applied in like manner in the accounts with most of the States. They differ widely in amount, some of them being some $200,000, as I am told. This would produce unequal results as to the States, as will readily be seeu.

If it be true, as is now contended, that the war tax created only an individual liability as against the individual upon whom it was, or was to be, levied, I do not see that the State had any right to pay the amount of its quota by the use of common funds or by the application of money due the State. One man's money could not be legally used with which to pay another man's debt without his consent. I do not see how Congress could authorize or render legal the assumption of the tax on the part of any State upon this theory. If this be so it would seem logically to vitiate all transactions of that kind, and the Government ought to pay back the money thus misappropriated. This bill is put upon that ground, and if the doctrine is sanctioned by the House the amendment proposed by the minority ought to be adopted. As I do not adopt this view of the law I do not propose to discuss the merits of the proposed amendment.

The House will find in volume 5 of Lawrence's reports a communication and the suggested draught of a bill from that eminent jurist and most excellent officer and man, the late Charles J. Folger, then Secretary of the Treasury, which set forth this whole matter of the war tax of 1861, and the inequalities which have resulted and the injustices occasioned. In the insurrectionary States small portions of the people have been compelled to pay all that has been paid. In South Carolina some few counties were compelled to pay the whole quota of that State and several thousand dollars more. The claims which will have to be paid some of these States if this bill passes will go to the States, while certain portions of the people who paid a portion of the war tax perforce will not get the relief to which they are entitled.

Under these circumstances it does appear to me that it would be very unwise for the House to pass this bill. The special tribunal which has adjudicated upon the matter is one which was created by Congress, and of the final and conclusive effect of the judgments thereof as they now stand there can be no doubt under the decisions of the courts. For this House to declare the rule adopted to be unlawful and not warranted by the Constitution is to set itself up as a judicial instead of a legisla-

tive body. Congress has impliedly sanctioned the decisions made by not interposing and legislating upon the subject before.

I come now to the contention of the supporters of this bill that the direct tax in question was and is in no just sense the subject of a charge against the State and that it created an individual liability only as against the owners of the real estate upon which it might be levied. They go back and indulge in abstract theories and complicated constitutional questions about which intelligent men have always differed and about which they probably always will differ. What is a direct tax, and what the scope and effect of it when laid, is a problem not easy to solve.

Whatever may have been said to the contrary, it has always seemed to me, and seems to me now, that the amount of the direct tax when laid by Congress under the provisions of the Constitution is laid upon the States, each being assigned its own quota, creating an obligation, moral, equitable, and even legal, which the State should discharge; and that its operation upon individuals, as between the General Government and them, comes from the remedy and the mode of enforcement provided by Congress in case the State as such does not respond. The Constitution, when paraphrased or when expressed in its legal effect and according to its intended meaning on the subject of direct taxes, seems to me to be simply this: Congress shall have power to lay and collect direct taxes whenever they deem it best. When laid they shall be laid upon the United States and apportioned among the several States according to their population as determined by the next preceding census. By the "United States" is meant not the Government, but the States composing the Union under that name. Laying the tax in this way does what? It imposes a burden on each State to the extent of its quota, with a duty, a corresponding duty to pay it. The word *lay*, as used in the Constitution, is not the same as *levy*, although those words often mean the same thing.

The money to be raised is presumably for the benefit of all, and all should share the burden. Hence the quota should be, and may be, paid out of the common funds of the State, and it becomes thereupon the implied duty and the obligation of the State to provide for and pay it in that way. But if this is not done Congress has the right and the power, either in the same act or by a separate act, to provide the mode and the machinery requisite to enforce its payment out of the individuals at large, or out of individual property in the State. It is well known that in the confederation Congress determined the proportion which each State should pay, when money was to be raised, and assigned the quota to each State, calling upon it for the same by a requisition, so called. The State Legislatures were to attend to the laying and the levying of the tax, and Congress had no power to do anything more about it. But when the Constitution was framed it was deemed necessary, for manifest and urgent reasons which the sad experience of the past had demonstrated, to confer upon Congress not only authority to lay the tax, but also plenary power to collect the same. Hence it required Congress to lay the tax upon the States primarily, according to a given proportion. The other branch of the twofold power to collect the tax left Congress at liberty to adopt such measures and to provide such machinery as in the exercise of its discretion it might deem suitable and adequate to that end. As expressed, the taxing power was paramount and unlimited. But it has been decided that there are implied limitations and prohibitions which serve to protect the means, agencies, and instrumentalities of the State governments, so that they can not be embarrassed or destroyed in the exercise of the taxing power. Subject to those restraints the power of Congress is supreme in that regard.

By requiring direct taxes to be laid upon, and apportioned among, the States in the first instance, in a given proportion, the ideas of the extreme State rights men were conserved, while those who felt more deeply the necessity of an adequate power vested in Congress to enforce payment, secured what satisfied them. It is manifest that the Constitution would not have been adopted and ratified by the requisite number of States but for the provision requiring the tax to be laid upon the States in the first instance. The laying of the tax upon the States, and the apportionment thereof, was the full equivalent and more, in effect, of the determination of the quota made under the confederation, and of the requisition, and was provided for in adherence to the general plan of the same thus far, while the added power to enforce payment supplied its defects in that particular.

Mr. HAMMOND. Does the gentleman mean that the Government could collect it from the State by force?

Mr. RANNEY. No, sir.

Mr. HAMMOND. That is what you say in the minority report.

Mr. RANNEY. That depends upon how the language is construed. In Texas *vs.* White, 7 Wall., the Supreme Court has defined the word State as used in the Constitution. It may mean the Government, or the people, or the territory or region of land. I do not mean to assert in the theory which I am endeavoring to maintain that the corporate State could be forced to pay this tax; that is, in its corporate capacity. The State considered as a government, with all its means, agencies, and instrumentalities, would be protected under the principles which I have stated. But I do mean to contend that, under this theory, Congress could enact that if the corporate State did not provide for and pay it, the tax should be enforced against the individuals at large, and not otherwise. In the case referred to Texas had no government which could be recognized and treated as such, and yet it was held to be a State so as to give the court jurisdiction in the action of law pending.

Enforcing payment by levying the tax upon individuals or individual property, is only by analogy adopting and pursuing the remedy furnished in my own State and in some others in case of an execution issued on a judgment obtained against a municipal corporation, a town for instance, or any other association of individuals, for political or civil purposes, with corporate powers but without funds. It can be levied and enforced by a resort to, and a direct levy upon, the property of the individual inhabitants of that town or of the members of that association.

Mr. TUCKER. Is not that by virtue of a special statute?

Mr. RANNEY. No, sir; I think not. It depends upon common-law principles, as I recollect it, there being no statute to prevent it. The principle is that the inhabitants of the town or the members of the association constitute the town or the association sued, and are in theory of law parties defendant to the suit in which the judgment is rendered. The law is otherwise as to other kinds of corporations, stock corporations for instance, they having presumably corporate funds. Different modes of remedy are furnished or pursued in other States. The inhabitants of the city of Memphis, Tenn., have been made to feel the force of the principle which I have invoked. They have found out that abolishing the city charter and the corporate government did not deprive creditors of their remedy for just debts held against the city.

Mr. Speaker, I have referred to the implied limitations which the Supreme Court have adjudicated and read into the Constitution as designed to preserve and protect the State government with all of its agencies and instrumentalities. But, sir, suppose that Government is engaged, and those instruments are employed, in waging war against the Union, and Congress proceeds to lay a war tax, for the purposes of common defense and to carry on that war. Let us see how the matter stands in that aspect.

Mr. TILLMAN. Will the gentleman permit me to ask him whether the Federal Government can not levy a direct tax in time of peace?

Mr. RANNEY. I should say so. I think that question answers itself. The Constitution provides for it in express terms.

Mr. HAMMOND. Is the taxing power any broader in war than in peace?

Mr. RANNEY. Yes, sir.

Mr. HAMMOND. How?

Mr. RANNEY. The implied limitations to which I have adverted would not apply or operate then in the insurrectionary States. The Government would have a right, and it might be its bounden duty, to embarrass and even destroy what in time of peace it would be bound to let alone and protect. The means, agencies, and instrumentalities, the government of the State, when employed in open war against the Union, are placed beyond the pale of that protection.

Mr. HAMMOND. The point to which I am trying to get the gentleman's attention, if he will permit me, is this: The direct tax levied by the act of 1861 was levied as much on Massachusetts as on South Carolina. Now, does the gentleman say that the Constitution meant one thing in South Carolina and another thing in Massachusetts; or was the same Constitution in force in both places?

Mr. RANNEY. I am dealing with the question now in its practical aspects. The loyal States paid their respective quotas, as a tax laid upon them, and which they might and should pay. The States in insurrection did not do it. I am not now blaming them, or casting upon them any unpleasant reflections. You now seek to reverse the action of the Government as regards the former when they have complied with the law and yielded to the rule complained of. The insurrectionary States had no governments which Congress could recognize as in legitimate relations to the Union. They were out of their normal relations to the same, and the theoretical State, to wit, the State in one of the other senses named, was all that Congress could deal with. What I say is that they ought not now to complain of the rule of law applied to them and the other States alike.

Mr. Speaker, my position, I hope, is understood. The theory which I have been attempting to maintain, however unsuccessful I may have been, is that by laying the tax upon the State a corresponding duty was imposed upon it, to provide for and pay its respective quota, this duty raising an implied obligation that rested on the State, primarily, and which, if not discharged, Congress had power to enforce by proceedings which reached the individuals at large.

Mr. TILLMAN. Will the gentleman allow me to ask him a question?

Mr. RANNEY. Certainly; if it will not take up my time.

Mr. TILLMAN. It will occupy only half a minute. If this direct tax is to be levied against the corporations called States how can the money be made out of the individual citizens instead of out of the corporate property of the State?

Mr. RANNEY. I thought I had answered that question. I had likened the remedy provided by Congress by analogy to the proceedings had in the levy of an execution in the class of cases which I have before described. The tax is laid upon the State, and the remedy or mode

of enforcement provided by Congress is by a levy upon the individuals at large who constitute the political division or association called a State, because the corporate State can not as such be forced to pay perhaps. It is doubtful whether the United States could sue a State for any debt whatever. Congress first gives the corporate State, through its Legislature or other officers, the right and opportunity to pay the tax as a tax properly laid upon it, and which the State has a perfect right to do, because the money to be raised, being presumably for the benefit of all, the burden should be shared by all, and then if compliance is not had the process of collection goes on as against the collective people of the State, the individuals at large embraced within the purview of the act. This is the theory of the act of Congress of 1861.

But, Mr. Speaker, I do not care to spin fine theories. Refine as you may, the call by Congress was upon the States respectively, and the obligation rested upon them and was answered as such in States not in insurrection. Such is virtually and to all intents and purposes the character of the obligation. As I read the Constitution the taxing power conferred upon Congress was plenary, and justified it in laying a tax upon the States and in treating it as the duty of the State to pay it directly by the use of common funds, or by the application in payment of sums of money due and belonging to the corporate State, and in proceeding by force to collect the money out of the citizens at large in case the State did not respond. That is the theory under which the act of 1861 seems to have been framed and under which it has been administered.

Mr. Speaker, when I occupied the floor before in opposition to this bill I had proceeded in an endeavor to show two things: First, that the provisions of the bill were unwise and mischievous in their effect, in so far, at least, as they tend to overturn everything which has been done under the rule of law established in the Treasury Department in adjusting the mutual accounts between the National Government and the several States; second, that the rule of law as decided by the legal tribunal erected within that Department and invested with plenary jurisdiction in the premises was not so clearly wrong as to justify the proposed action by Congress. In continuation of the remarks, which were interrupted by the close of the morning hour, I beg leave to call the attention of the House to the fact that in the four acts of Congress laying a direct tax Congress has in each and every case laid the tax in express language, in the first instance upon the States, and in the last three of them, that of 1813, that of 1815, and that of 1861, provision was made that it was not to be enforced against individuals if the State paid the same, or satisfactorily provided for its payment. In the last act there was a further provision making the quota imposed upon each State liable to be paid and satisfied in whole or in part by the application or release of any liquidated and determined claim due from the Government to the State.

In the act relating to West Virginia, Congress provided expressly that a prescribed portion of the tax apportioned to Virginia should be charged to that State. In some of the acts passed the quota assigned is spoken of as payable by the State. In one instance the Legislature of the State was given power to change the assessment in some cases where it was being collected in distribution.

I will refer to these acts with more detail. Each act says the tax is laid upon the United States and the same is hereby apportioned to the States respectively, &c. Statutes of 1813, section 7, provides that each State may pay its quota into the Treasury of the United States if notice of the intention to do so is given within a prescribed time, and in case payment is made no further proceedings to collect the tax are to be taken. Section 2 says:

> The quotas or portions payable by the States respectively shall be laid and apportioned on the several counties and State districts as defined, &c.

Section 6 says:

> Each State may vary, by an act of its Legislature, the respective quotas imposed by the act on the several counties, &c., and the tax levied and collected as to varied or changed, &c.

Act of 1819, chapter 14, provides that in certain cases named there need to be no notice of the assumption of the quota of the State. Statute of 1815 says:

> Each State may pay its quota of the direct tax into the Treasury of the United States, and provides for discontinuance of proceedings to enforce collection in that event.

The act of August 5, 1861, section 53, provides:

> Any State * * * may lawfully assume, assess, collect, and pay into the Treasury of the United States the direct tax as its quota imposed by this act upon the State in its own way and manner.

Section 53 provides that—

> The amount of direct tax apportioned to any State, &c., shall be liable to be paid and satisfied, in whole or in part, by the release of such State, &c., * * * of any liquidated and determined claim of such State.

The act of May 13, 1862, copies this provision and extends it to other claims. In determining the quota of the direct tax of 1861 for West Virginia to pay, the resolution of February 25, 1867, says the Secretary of the Treasury was authorized and directed to charge the said State with the sum prescribed—that is, the accounting officers are to make the charge. In the act of July 17, 1862, it is provided that the State of Missouri shall be entitled to a credit against the direct tax apportioned to said State, for all sums expended by said State, &c.

Now I ask gentlemen to consider and say whether this legislation is not a significant and potent confirmation of the views of the Constitution which I have indicated and urged? It confirms my idea of the Constitution that it requires a direct tax, not only to be apportioned among the States, but to be laid upon them in a prescribed ratio. It also confirms my idea that the quota assigned to each State was what each State might lawfully and ought to pay as a burden imposed for the benefit of all the people of the State, and one which consequently all should share. It demonstrates also that Congress has always regarded itself as empowered to provide for the State paying the tax, and for a remedy to be enforced against the individuals at large only in the alternative. What repugnance is there in the idea that Congress can and does deal with the State in the first instance? Did it not do that altogether under the Confederation?

That made a requisition upon each State for its quota, and the State was to pay the same then, under this implied or express obligation of the compact. The Federal Constitution retained this feature of the Confederation, adopting a different rule of apportionment (that is to say, acording to population instead of the value of land), and expressly saying that the tax should be laid upon and apportioned among the States, instead of saying, as did the articles of confederation, that the States were to lay and assess the tax. The laying and apportionment of the tax under the Constitution are the equivalent at least of the requisition made under the Confederation. Instead of the extreme State-rights men being averse to the idea that the National Government was to thus deal with the States in the first instance, they sought diligently to retain the requisition system.

The extreme State-rights men, so called, desired to prevent the National Government from dealing directly with the individuals or the collective people of the State at all. But the necessity of conferring such a power upon Congress was manifest, demonstrated as it was by what had occurred under the confederation. It was concluded that the embarrassments experienced from long delays or an entire failure to respond on the part of the States should not be encountered again. Hence there was a combination of the two ideas, to wit, that of laying the tax upon the State and then the power to enforce payment by levying the tax upon individuals or individual property. Several States in ratifying the Constitution did so with a proposed amendment, which would serve to make it obligatory upon Congress, after laying the tax upon the States and assigning them their respective quotas, to provide for notifying the States and to accept the action of the Legislatures thereof if they formally voted to pay the tax and to provide for it.

But, sir, the Constitution was not so amended, and it was left so that Congress was invested with full power to provide for the collection of the tax when laid as it saw fit. It could do just what it has done in the last three acts, impose the burden on the States, with the duty to respond, and with an express provision for the State paying the same by a formal assumption or otherwise, and at the same time arm a body of assessors and collectors with power to proceed against the people at once if the State did not properly respond. The wisdom of investing Congress with such a plenary power was manifest and was exemplified in the late civil war. The National Government is allowed under that power to go to the State and say: "Pay me your quota as you ought to do and are bound to do, else the assessors and collectors will proceed and enforce payment out of individuals or individual property, in a proper subassessment or distribution thereof."

As said in the Federalist, page 214, by Alexander Hamilton:

> When the States know that the Union can supply itself without their agency it will be a powerful motive for exertion on their part.

It is a mistake to say that the provision for assuming the tax implies that this was necessary to the creation of any obligation on the part of the State. It was designed only as a formal expression of what was implied before that. If not a State burden, a State Legislature would have no legal right or valid power to assume and pay the tax. If the obligation exclusively of a limited class of individuals, common funds could not be legally used or appropriated for its discharge.

Those who insist that no implied obligation was imposed upon the State by the tax might with equal force say that the States were under no obligation to provide for and elect Representatives to Congress after they had been apportioned and allotted under the same clause of the Constitution. The corporate States could not be forced to do this more than they could be forced to pay the tax laid. But by adopting the Constitution was there no implied obligation to elect Representatives? Are not implied obligations just as strong as expressed ones? Inasmuch as a State might decline or fail to regulate the matter and choose Representatives to Congress, as was deemed possible or probable when the Constitution was framed, power was given Congress to regulate the matter to the extent of defining the districts, providing the ballot-boxes, and the men with which and by whom the election should be conducted and the result determined and certified to this House. The obligation existed on the part of the State, and Congress was given power to prescribe the remedy if the State failed to comply. That remedy reached the individual electors and gave them an opportunity

to fulfill the obligation the same as the prescribed remedy reaches individuals in the matter of a direct tax.

It is said that the State was under no obligation to pay the tax, because it could not be enforced against the corporate State. If that is a sound argument, then it follows that there is no existing valid obligation against the United States, because it can not be sued at all in the courts, except so far as is allowed by Congress. The citizens of a State can with that test have no valid debt against the same, for it can not be sued or forced to pay. But, sir, it is held by high authority that the United States can sue a State. Citizens of one State could once, before the Constitution was amended, sue another State. If judgment was obtained against the State in such suits, how could it be enforced as against the corporate State? It being an association for political and civil purposes, with corporate powers, but without corporate funds, would it not be competent for Congress to provide for the seizure of individual property owned by the inhabitants of the States on which a levy and satisfaction could be made and had? If so, would that be doing anything more than is done as the mode of collecting direct taxes, if the State does not pay its quota?

I know, sir, that eminent statesmen in arguing against the theory that the Union is a compact between States and not the people, in a more comprehensive sense, have referred to this taxing power as an illustration of the argument made. But it seems to me that the individual liability arising out of the mode of enforced collection has been made too prominent in such arguments, while the requirement that the tax should be laid first upon the State has been too often ignored on that side of the question. Any one who has read carefully the debates can not have failed to see that but for the provision last mentioned and the mode of apportionment provided the Constitution never would have been adopted or ratified by the extremists on one side. Dealing with the State was made necessary up to this very point where it might become necessary to provide an adequate mode of enforcement, and then in theory Congress was put in the place of the State Legislature.

But, sir, I am extending this discussion too much. It is enough to say that the Government has administered the law of 1861 on the theory that the tax could be properly charged against the States. It has been so adjudicated by a special judicial tribunal with full jurisdiction, and no other court has held otherwise. Congress has never interfered to change the law, but has impliedly sanctioned the rule adopted up to this time by not interfering, and meanwhile it has been executed as to most of the States. Most of the States have yielded to it as the law, and settled in accordance therewith.

Those who felt aggrieved by an adverse decision, like Kansas, Georgia, and Mississippi, have never felt confidence enough in their contention to carry the question to the Supreme Court through the Court of Claims and have this decision tested. It would ill become Congress now to sit in judgment upon this rule of law, acting in a judicial capacity purely, and proceed to reverse it, in retroactive, as well as prospective, operation, just for the purpose of practicing a piece of favoritism toward Georgia and Mississippi. I would not, for one, favor enforcing the rule in the future, as to any claims originating in the States since reconstruction of the States, but would draw the line there. Georgia since that time has once voted to assume the unpaid balance of her quota of the war tax in question, and thus shown that she regarded it as a proper debt to be paid by the State. The former Secretary of the Treasury, Mr. McCulloch, declined to accept the assumption, and proceeded to take an extreme view of the war tax, as not the debt of the States, and the long document on the subject found in Senate Document No. 24, Forty-sixth Congress, first session, and alluded to by the gentleman from Mississippi [Mr. BARKSDALE] appears to me to have more bulk than discriminating legal sense.

Judge Lawrence has dealt with the subject since then, with an opinion which is moderate and more in accordance with what seems to me to be sound principles. The law, as held by him, being arraigned now, I beg leave to insert as a part of my remarks certain portions thereof, because this House ought to read before it condemns the same. My friend from Georgia [Mr. HAMMOND], and my other friend from South Carolina [Mr. TILLMAN], in their fusillade of questions asked about the war powers of the Government. I did not care then to be diverted from my remarks into a general discussion on that subject. Neither do I care to thus indulge now. But I will insert what is said by Judge Lawrence on the point, and leave it there:

The question whether, under the Constitution, a State can for all purposes be charged with a liability for a tax is not without difficulty. This may present different phases. Congress may exercise some powers in time of war which it may not in time of peace. Even in time of peace, if Congress can not charge a State with a liability to be enforced by any executive or judicial process against the property or credits of the State, yet it may so far declare a State indebted to the United States as to secure satisfaction of the debt by withholding from it by set-off, as in this case, money admitted to be due from the United States to such State. This does not assume that a State may be charged for all purposes with a corporate liability for the direct tax, but only for one purpose. Congress can undoubtedly prescribe the terms on or circumstances under which it will pay debts due from the United States to a State. And the ample discussion of the war power of Congress, growing ont of the late civil war, would seem to show that Congress can in time of such war charge a corporate State, which has renounced its allegiance to the Union, with a liability to aid the United States in carrying on the war, and may enforce it, if need be, by the sale of the real and personal property of such State, and may attach its stocks and credits.

Thus, it is said by the Supreme Court, in Miller *vs.* United States (in Wall., 305), that "the Constitution confers upon Congress expressly power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed. Of course the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted. It, therefore, includes the right to seize and confiscate all property of an enemy, and to dispose of it at the will of the captor. This is and always has been a belligerent right." There are many authorities equally conclusive.

Congress did not, by the direct-tax acts, seek to enforce the collection of tax against the corporate property of the State, but the power to do so in time of war seems undoubted. The direct-tax acts were war measures, and the validity of the judgment of the Comptroller of May 29, 1868, is not affected by any want of constitutional power in Congress to charge a corporate State with a liability when in the condition Georgia was in, in 1861 and 1862. But the action of the Comptroller in 1868 is only involved now for the sole purpose of set-off—not for any purpose of enforcing the collection of any charge against a corporate State.

Upon the question of the final and conclusive effect of the decisions made in the Treasury Department I quote the following:

The First Comptroller, by his judgment of May 29, 1868, decided that the corporate State was liable to be and was so charged, for the one purpose named, and his decision is now conclusive on all executive officers.

The action of the Comptroller, in certifying a balance against the State of Georgia, is conclusive on the accounting officers now. The authorities and usage settle this question.

It was said by the Supreme Court of the United States on the question as to whether the Postmaster-General had authority to disallow credits in favor of a contractor, which had been allowed by his predecessor:

The United States *vs.* Bank of Metropolis, 15 Peters, 400, 401.

The conclusive effect of a decision of the Comptroller is recognized in Murray's Lessee *vs.* Hoboken Land and Improvement Company (18 How., 281) in which the court says, "The act of 1820 (3 Stat., 505) makes * * * provision for reversing the decision of the accounting officers of the Treasury. *But until reversed it is final and binding.*" (Ridgway *vs.* Hays, 5 Cranch, C. C., 23; Comegys *vs.* Vasse, 1 Pet., 193.)

The same principle has been affirmed by successive Attorneys-General.

I omit the long list of distinguished officers named. The same rule is recognized in the Court of Claims—Lavalettes case, 1 Ct. Cl., 147; Corston *vs.* United States, 17 Ct. Cl., 348. Rev. Stat., sec. 191, so makes it.

As to the right to withhold, and apply in set-off, claims due the States, the following will suffice:

The provision of section 53 of the act of August 5, 1861, furnishes a special and specific mode by which "any liquidated and determined claim of such [any] State * * * against the United States," as the act says, "shall be liable to be paid" when the quota of direct taxes apportioned to the State remains unpaid. Here is a special mode provided for paying such "liquidated and determined claim." It was designed to do justice to each State, and to the United States. The citizens of Georgia are interested in having the claim of Georgia now applied as payment on the direct tax if their lands may yet be charged with the payment of direct taxes. And there is much reason for saying that the State of Georgia is confined to the statutory mode of redress. It is well settled that where a right is created by a statute, and a specific mode of relief is therein given to secure it, the parties are confined to that alone. Thus, it is said, that "where by a statute * * * a new right is given, and a specific relief given for the violation of such right the * * * remedy is confined to that given by the statute." (Sedgwick on Statutes, 2d ed., 76, citing City of Boston *vs.* Shaw, 1 Met., 130; Crosby *vs.* Bennett, 7 Met., 17; Smith *vs.* Lockwood, 13 Barb., 209; Dudley *vs.* Mayhew, 3 Coms., 9. And see State *vs.* Marlow, 15 Ohio St., 134; Haycrafts, 10 Court Cl., 114; S. C., 22 Wall., 81; State *ex rel.* Commissioners of Hamilton Co., 26 Ohio St. R., 369.)

The principle thus stated may have some application by way of analogy here. And, in view of all the circumstances, it may reasonably be inferred that Congress intended, that when the United States is indebted to a State, and the quota of direct tax apportioned to such State has not been paid, such quota as the statute says "shall be liable to be paid and satisfied in whole or in part" by the application thereon of such claim of the State. The manifest justice of such a construction, in reference to conditions which existed at the time said acts were passed, is an element which can not be overlooked, since it is to be presumed that Congress then intended to secure equal and exact justice among all the States. And it would seem that the idea which prevailed in Congress, in passing these acts, was, that it would not be equal justice for Congress to reward any States for refusing to assume and pay its just quota of the tax, by paying to it the claims it might present against the United States, and, at the same time, to withold the payment of such claims from States which had by law assumed the payment of their respective quotas of the tax. It may be stated also that sums due to the States of Kansas, Missouri, West Virginia, and other States, respectively, have been withheld and applied on the respective quotas of direct tax apportioned to said States, neither one of which assumed such quota. The Attorney-General refused to aid the State of Kansas in obtaining relief against the set off made.

Mr. Speaker, the decision of the Comptroller quoted does not go so far even as I am ready to go, as will be perceived from what I have already argued. There is no authoritative decision in point made by the courts of the land. Those made have dealt with the statutes in their operations upon individual property in administering the remedy. I come back then to the point first made, and still insist that whatever may be the law, or however much gentlemen may differ about it, it is at best only doubtful and there is no occasion now to disturb the rule adopted, because it has been executed in most every case likely to arise and the prior action of the Government can not be annulled without doing mischief. The responsibility rests with the quasi-judicial tribunal to which Congress had committed such matters. The thing has been done and should be let alone, so long as no proper court elsewhere has condemned the rule adopted. No substantial harm has been done in the past and much evil will ensue in the future if the bill is passed and becomes a law.

Mr. Speaker, the Senate has now passed a bill providing for the repayment to the respective States of the money paid and collected on the direct war tax of 1861. The Judiciary Committee of the House have duly considered the matter and by a report recommended the passage of the Senate bill with an amendment. I need only say that I am in favor of the plan devised and embraced in this Senate bill. If passed, the pending bill now in question will become unnecessary in any event.

## Diplomatic and Consular Appropriation Bill.

### SPEECH

OF

# HON. WILLIAM J. STONE.

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, February* 10, 1887.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. STONE, of Missouri, said:

Mr. CHAIRMAN: I, too, labor under the misfortune which embarrassed my friend from Mississippi [Mr. ALLEN] of being a new member. Still, if I can be honored with the attention of the House, I desire to discuss some of the features of the pending bill.

There may be those who will feel disposed to criticise the audacity of a new member in attacking so formidable a thing as an appropriation bill. However, I shall venture to do so. I do not believe there is anything dangerous in it. There is neither poetry nor philosophy in these appropriation bills, unless it be the poetry of mathematics and the philosophy of plain business. I have gone over the more important appropriation bills introduced at this session with some degree of care. I have devoted many hours of patient study to them, not for the mere sake of criticism or of searching out unimportant objections, but for the purpose of informing myself, as far as it is possible for me to do so, as to the nature, purpose, and necessity of proposed expenditures, in order that I may act intelligently in the discharge of my duty.

Naturally I would feel inclined to follow rather than criticise the suggestions of the appropriation committees, for, so far as my knowledge extends, I have every reason to repose the highest confidence in the capacity and fitness of the gentlemen who are on those committees for the discharge of the duties imposed upon them. Their recommendations ought to have and do have considerable weight with me. But for all that I do not feel disposed to follow their suggestions with a blind and simple faith. I am sent here as the agent of the people to attend to their public business. I am here not only as the representative of my local constituency, but in a larger sense as the representative of the whole people, charged with the responsibility of a vote, and I want to know what I am doing when I come to exercise that responsibility.

Mr. Chairman, it is an old Democratic dogma, as well as a sound economic principle, that taxation should be limited to public purposes, and that no more should be exacted of the people than is necessary for an economical and honest administration of public affairs. But if a gentleman stands on this floor and speaks a word for the poor people at home and protests against extravagant appropriations, against increasing taxation, and against the unhealthy conditions of public life he is blacklisted as a demagogue. We all have a great many high-sounding phrases in our platforms about honest administration, economy in expenditures, and the protection of the tax-payers from all kinds of wasteful extravagance. But it seems we are expected to forget all that after the election and when we reach the practical part of public work.

Those very gentlemen, those excellent statesmen, who will to-day turn up their noses with virtuous contempt for what they are pleased to denominate demagogy, will in the coming year lead the delegations from their States to national conventions, and their "fine Italian hands" will draft the magnificent platforms of their parties, and then they will go out into the campaign and absolutely froth at the mouth while they depict with mournful pathos the miseries of the poor and denounce with vehement eloquence the extravagances and corruptions of public life. But they will come back here with all their impetuous ardor cooled down to the same old temperature and their nasal organs adjusted to the same old curl of contempt for the "demagogue" who will upon this floor endeavor to redeem the pledges made in the platforms and upon the stump. One is the "demagogy" of promise and the other of performance. I prefer to stand among those "demagogues" who attempt to enforce here in practical legislation the pledges written in our platforms rather than among those who are prolific in promise upon the stump and sterile in performance here. It is altogether a matter of conscience and of taste, and we can choose as we prefer.

Now, sir, no sensible man would desire to cripple or embarrass any necessary or useful branch of the public service, and every sensible man desires to pay our public agents such compensation as ought reasonably to command a grade of capacity and talent commensurate with the responsibilities and necessities of the service. But when we go beyond that and maintain either a useless service or pay an exorbitant salary we are unfaithful and unjust to the great industrial classes of the country, the tax-payers, whose interests have been committed to our hands.

Now, I suppose a diplomatic and consular appropriation bill is a necessity. At least I am heartily in favor of maintaining a vigorous and well-equipped consular force, wisely distributed with a view to commercial ends, of aiding and advancing American enterprise and of protecting every proper American interest. And it is possible also that the maintenance of a diplomatic corps is a public necessity; though I will take the risk of incurring the ridicule of gentlemen better skilled in statecraft than I am by venturing to question either the necessity or utility of most of our diplomatic establishments.

The necessity for maintaining such establishments which existed before the days of Morse and Fulton have been greatly modified, if they have not largely disappeared, since steam and electricity have so radically changed the conditions of our civilization.

Mr. BELMONT. Does my friend suppose that there is any use of a minister in London at this time?

Mr. STONE, of Missouri. At this moment there happens to be some little friction between this country and Great Britain about the fisheries. If we had no minister there, and if the questions at issue are of so grave and delicate a character as to require the services of a great international lawyer or an expert in diplomacy, the President could appoint a special commissioner for the emergency, and in ten days he could be in London.

Situated as we are in this country, with the international conditions surrounding us, I am unable to discover now any duty ordinarily devolving upon that distinguished gentleman who represents us at the court of St. James which could not be transacted with equal dispatch and efficiency by an intelligent consul or consul-general. In point of truth, what real good do these ministers accomplish as far as the public interests of the country are concerned?

I speak now in a general way. There are some States, I am inclined to believe, where the maintenance of a permanent diplomatic establishment might serve some useful end, but the reasons therefor do not generally obtain. A hundred years ago, when it required two or three months to communicate with most foreign countries, and to learn what was going on, these establishments were a necessity. But to-day, in a moment of time, a whisper can be heard, or the touch of a finger felt around the world. To-morrow morning our Secretary of State can know what has happened to-day in London or in Paris about as well as our ministers resident in those capitals. But we are told this thing is a sort of international courtesy—a long established custom. I know that, and I know it is very expensive luxury. It is a custom, too, which would be more honored in the breach than the observance, if we could get down from our tall stilts long enough to consult the interests of the common people and the tax-payers of this country.

I have heard it said, also, that these ministers are sometimes the instruments of peace—the means of preventing war between nations. In a modified sense that may be true and possibly is. We have our ministers at these courts and we conduct our negotiations through them. Occasionally they have an opportunity to render a valuable service. But suppose we did not have them, how would we be any worse off?

If a question should arise where a high order of diplomatic talent would be required to meet the exigencies of some peculiarly delicate occasion we could, as I have said, appoint a special commissioner for the purpose, and in that way we could meet every end now accomplished by the ministers and thus rid ourselves of these perpetual and expensive diplomatic establishments.

I am talking now about the United States. I am not interested in the diplomatic establishments of other countries. As long as Europe keeps up her armies and the countries of Europe keep alive their enmities, jealousies, and hatreds they can not abolish their diplomatic establishments. But we are here in another hemisphere, remote from all those desperate entanglements, a free people, a simple people, a republican people, and a great and powerful people. Our conditions do not require it and our good sense should forbid our maintaining as a matter of choice what some other nations must maintain as a matter of necessity. It is simply a piece of bombastic tomfoolery.

My friend from Georgia says they are useful to American citizens who go abroad for business or pleasure. I expect the pleasure-seekers do find some comfort in the ministers, and I am glad of it. But that is not a matter of very great public importance. They may also be of some occasional value to our people who go abroad on business ventures, but I imagine the consuls are generally relied on in such cases. Plain business is too plebeian for a great minister plenipotentiary and envoy extraordinary. He represents the power, dignity, grandeur of the country; trade and commerce are too common for him. Those things can be attended to by our representatives of lesser grade.

Mr. Chairman, when it comes to grasping and pushing opportunities for the improvement and extension of our commerce I would not give one smart, prudent, enterprising, aggressive consul, stationed at any of the great foreign ports or marts, for an entire regiment of these great dignitaries, whose titles are described by a whole lexicon of large and euphonious words, galloping around the gay capitals of the world, ambitious to attract attention and excel in public display, exchanging flatteries with ministers, feasting with lords, or "capering nimbly in a lady's chamber to the lascivious pleasings of a lute."

At all events there is certainly no necessity for any increase or extension in this branch of the public service. This is a luxuriant tree

where pruning would be far more healthful than grafting. We have been without a minister to Austria for, lo, these many moons! Yet all Europe, and Austria especially, has been vibrating with premonitions of the most desperate wars in the world's history, and we have plodded along the old way without suffering either alarm or detriment. I see this bill has in it an item of $12,000 for the minister to Austria. I do not know just what need we now have for this minister, unless he shall be sent over to discuss the question as to what sort of person we may be graciously permitted to send to that court—a question I had supposed already settled when that splendid specimen of American manhood, our Democratic President, politely but urgently invited his Imperial Majesty the Emperor of Austria to go to—Halifax.

At all events this appropriation means we are not going to get rid of our minister plenipotentiary and envoy extraordinary to Austria. Of course not. We will not dispense with any of these great offices. They have come to stay. They will remain to the end. We have all talked much about reform, and will again, but none of these big fellows will ever be reformed out of their sinecures. But for the Lord's sake let us stop where we are. Let us not follow the committee in the proposition they make here in this bill to increase the extent or expense of this service.

The very first item in this bill, the first and the third items, are increases of the salaries of the ministers to China and the Argentine Republic. The salary of the minister to China was fixed at $12,000 by the act of 1856, and for more than thirty years has remained at that sum. The act of 1856 placed China in the second grade of foreign missions on a par with Austria, Italy, Spain, Mexico, Japan, and Brazil. It is proposed now to take China out of that class, where she has been for more than thirty years, and to exalt her to the very pinnacle of diplomatic grandeur, upon a par with the first powers of Europe.

Mr. COX, of North Carolina. Will the gentleman allow me to refer to the fact that at that time we had not the Burlingame treaty; no Chinese immigration, and the ports of that country had not been opened to our commerce.

Mr. STONE, of Missouri. Well, our minister certainly ought to have something to do, or the pretense of something to do. It surely will not be claimed that the poor fellow is overworked, even though it be contended he is underpaid. But my friend from North Carolina speaks of our commerce with China. Why, sir, I find by an inspection of the last report of the Chief of the Bureau of Statistics on the foreign commerce of the United States that during the last fiscal year the volume of our commerce with China was practically the same as that carried on between this country and Mexico, or between this country and Italy or Japan, and not one-half as much as the aggregate of our trade with Brazil.

If it is necessary or proper to increase the salary of our Chinese minister because of his arduous labors in connection with Chinese-American commerce, why not apply the same rule to Japan, Mexico, and Brazil? I am aware China is a vast country in area and in population; so, also, are the other countries named in a relative degree. I know we desire to extend our commerce with China; so, also, do we with Japan, Mexico, Brazil, and all the countries of the earth.

Mr. Chairman, why make this distinction in favor of China and against the great countries with which she has been associated in our diplomatic classifications for the last thirty years? Why take China out of the second grade and leave Austria, Italy, Spain, Japan, Brazil, and Mexico unchanged? Why prefer the Emperor of China to the Mikado of Japan, the Emperor of Austria, or the King of Spain? Why prefer Mohammedan to Catholic, Confucius to Christ, Pekin to Rome? Has anything occurred in the social, moral, political or commercial conditions of that empire within the last quarter of a century to justify it?

Mr. COX, of North Carolina. I think so, sir. There are now some of the most delicate diplomatic questions agitating this country pending between ourselves and China.

Mr. STONE, of Missouri. There may be delicate questions of diplomacy between the United States and China. My friend says there are. I do not know. I know the Chinese Government is very justly incensed at the monstrous butchery of her subjects which took place in one of our Northwestern Territories a short time since, and there has been some discussion as to the rights of Americans in China and of Chinese in America growing out of the Burlingame treaty, but I have not understood that it is serious. But is that the reason for proposing this increase? Is it because the minister is supposed to have something to do?

Mr. BELMONT. Will the gentleman permit me?

Mr. STONE, of Missouri. Certainly.

Mr. BELMONT. The reason I think is because of the expense of living in China and the expense of reaching the post. That is the real reason of the increase.

Mr. STONE, of Missouri. A moment ago it was diplomacy. Now we are told, in the crude classics of the far West, it is—"grub." But has the expense of living greatly increased within the last year or the last decade? I have never understood that living in China is very expensive or that the Chinese are a very luxurious people. They are generally understood to live on rice and rats. The noble, the mandarin, the ruler—all the great fellows—I suppose do live in luxury and splendor, and the millions who toil for a bare subsistence are taxed to pay the bills. Do you wish to follow that example and tax the plain, simple, working people of this country to enable our minister and his suite to imitate the pig-tail aristocracy of China?

Mr. BELMONT. Permit me again. The fact is our minister in China has been underpaid ever since the mission was established, and the gentleman will at once perceive it by a comparison of the salaries paid to the representatives of the other great powers. The United States is one of the great powers, if the gentleman will permit me to say so.

Mr. STONE, of Missouri. Yes, I do myself the honor to say I am well aware the United States is one of the great powers, and I am aware our scale of salaries is not up to that of the other great powers. But does my friend wish us to follow him into that sort of business? The British minister to this country, I am just informed, receives $50,000, has the use of a fine legation building, and receives other perquisites. Our minister to Great Britain receives $17,500. Do you wish to increase that to correspond with the salary of the British minister here? The President of the United States receives a salary of $50,000 per annum. The president of the French Republic receives a salary, I believe, of $200,000. The Republic of the United States is far greater in every respect than France. Shall we pinch and starve our poor Presidents? We are a great, rich, and proud people, and we "have a surplus in the Treasury." Why not go along the whole line and relieve the cramping necessities of all our officials—those self-sacrificing patriots who are starving on miserable salaries ranging from $3,000 or $4,000 up to $20,000—so that our dignity may suffer no impairment? Why not go along the whole line and raise all the salaries, and give "the other great powers" distinctly to understand that when it comes to salaries and dignity the United States don't propose to get left? The logic of my friend's suggestion as to the compensation paid by other countries to their ministers would lead to that. Now our ministers have managed to disport themselves, with becoming dignity I presume, among the Celestials for the last thirty years on a salary of $12,000 per year, and I do not see why they can not continue to do so. I see no necessity for raising this salary $5,500.

Mr. BELMONT. Will the gentleman permit me again? Would he insist they should continue to be burdened with expenditures themselves and to pay out of their own pockets what the Government should pay for them? For that is what they have been doing.

Mr. STONE, of Missouri. No, sir. I would not have them pay any proper expense which the Government ought to pay for them. As long as we have these establishments I am in favor of maintaining them at public and not private expense, and I am in favor of furnishing all moneys necessary for their honest, economical, and efficient administration. I am not disposed to be unreasonable, and if my friend could show me that there exists any necessity for any of these proposed increases I would yield my assent to them. But I am not aware that any such necessity exists, and do not believe it does. I am not advised that our Chinese ministers have been falling behind; and if they have we would like to know something as to the cause of it.

My friend from Georgia [Mr. CLEMENTS] and the gentleman from Illinois [Mr. HITT], replying to the criticisms of the gentleman from Mississippi [Mr. ALLEN], seek to excite our fears that the poor men of the country will be largely excluded from this ornamental though highly honorable service unless more liberal salaries are paid, on the theory that only the rich can afford to bear the enormous expense incident to diplomatic station. Mr. Chairman, I have no apprehensions of that sort. Talk to me about a man starving on a salary of $12,000 a year! I speak not in the language of my humorous friend from Mississippi, but I tell you in plain English that the tax-payers of this country do not want a man to represent them in China, or anywhere else, who can not live decently on $12,000 a year. Of course he can expend $100,000 if we give him free rein to run as he pleases, with all the toggery and tomfoolery, the fuss and feathers incident to these establishments.

Mr. BELMONT. Will the gentleman permit me again? It seems to me he should be aware that one of the most creditable representatives we have abroad is Mr. Denby, our minister to China. I think a gentleman of his character is certainly entitled to that amount of consideration. It might seem from what the gentleman from Missouri says, that the minister asks for an increase on account of extravagance and tomfoolery, as the gentleman states it. But I am willing to leave that matter to his record in the Department of State and his standing in China as an American minister.

Mr. STONE, of Missouri. I can not yield further. I can not yield for a speech.

Mr. Chairman, I suppose that the members around me here are, in the main, gentlemen of small means. There are gentlemen of small means upon the floor of this House who possess every qualification necessary to enable them to represent this Republic in China or elsewhere with distinguished credit and ability. I suppose there is not a gentleman upon this floor of moderate means who does not live within his salary of $5,000. Out of this we pay our election expenses, employ clerks to aid us in our duties here, and with the remainder

manage to support our families with modest respectability, although Washington is one of the most expensive capitals in the world.

How much greater is the cost of living—the absolute and necessary cost of living—abroad than here in Washington? If a Representative or Senator can live in Washington on $3,000 or $4,000 a year, I believe he can go to China and maintain himself and uphold his position with every proper degree of respectability on the present salary. It is useless to discuss the question in that view. It is the encouragement we are giving to the extravagances of public life that tends to exclude all but the rich from the public service of the country. When we start into public life we are prompted by a worthy and patriotic ambition to enjoy its honors and distinctions and to be useful in our generation; but when we feel we are firmly rooted in our places we are tempted into the dissipations and extravagances that surround us, and easily persuade ourselves that our services are not appreciated at their value.

No, sir; you may say what you please with reference to China, but there is no justification for this proposed increase of salary. The China of to-day is the China of 1856. I might go further and be safe in saying that no substantial change has taken place in the conditions of that empire, no material advancement in methods or civilization, since the great wall was built, two hundred years before the Christian era. I think we had better leave it where it is.

I desire now to call attention briefly to another item in this bill. It is this:

Chargés d'affaires *ad interim* and diplomatic officers abroad, $20,000.

I believe the point of order which will be made against that under the third clause of Rule XXI will be well taken. In the Supplement to the Revised Statutes, on page 331, I find this provision:

That hereafter chargés d'affaires *ad interim* shall receive no additional pay beyond that which the law provides for the regular offices which they hold in their respective legations.

And the closing provisions of the act of which that is a part are as follows:

And the salaries provided in this act for the officers within named, respectively, shall be in full for the annual salaries thereof from and after the 1st day of July, 1878; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

That is the act of 1878.

Prior to that the law was as follows:

Unless when otherwise provided by law, chargés d'affaires shall be entitled to compensation at the rate of 50 per centum of the amounts allowed to embassadors, envoys extraordinary, and ministers plenipotentiary to the said countries, respectively.

I read from section 1675 of the Revised Statutes. Does not the act of 1878 repeal this provision in section 1675? The act of 1878 is now incorporated into the permanent law of the country. It says that "hereafter" chargés d'affaires shall not receive additional pay beyond the salaries of their regular offices. If that provision be a part of the permanent law, then this appropriation, which proposes additional pay—an additional or different salary—beyond the salary of the regular office of a chargé d'affaires, is certainly in conflict with the limitations of the twenty-first rule.

But aside from any technical objection, is not the idea embodied in the act of 1878 a sound one? Why, indeed, should those gentlemen be paid an extra sum beyond their regular salaries for the services they render while temporarily in charge of a station? In the absence of the minister the secretary is usually left in charge. The position of secretary to most of our legations is a desirable one. They have *entrée* to public and social place, which otherwise would be denied them. They go abroad and are supported at public expense, and enjoy peculiar opportunities for studying the language, manners, habits, and civilization of the people to whose government they are accredited. If the minister is temporarily absent the secretary is left in charge. He has new and greater honors, which sit lightly upon him, without any real additional responsibility.

The idea of new responsibilities being imposed upon a chargé d'affaires *ad interim* is a dream—not a reality. What new responsibilities are thrown upon him? I would like to hear them enumerated for the information of the tax-payers of the country. The minister would not leave, or be permitted to abandon his post, if there should be any real necessity for his presence. I regard this simply as an abuse which has grown up out of this service, and it ought to be extirpated. At all events the amount should not be increased. During the last Congress only $12,000 was appropriated under this head.

And then here is an increase of the salary of the interpreter to the legation in Bangkok, Siam, although the office was created only last year. What is there of growing importance about his Siamese Majesty's court that makes Uncle Sam care to spread himself and strut in more gaudy feathers about the streets of Bangkok? In this same bill we are asked to appropriate $3,000 to repair the mansion of the minister, which we are told is the gift of the king. What will come next? I know the minister at Bangkok. He is from my State, and is a genial and accomplished gentleman. He was a plain, unwashed Missouri Democrat a few months ago, and like the rest of us, not given to much display. He was a gentleman of the highest character, of irreproachable morals, and in all virtuous behavior was, as Cæsar would have had his wife, above suspicion; and I can not believe that the voluptuous habits of the Siamese court have corrupted his morals or his manners. I am satisfied he will get along as well as his predecessors without any extra expense.

I call attention to one other item—that of the contingent expenses of the consulates, for which it is proposed to appropriate $200,000. At the first session of the Forty-eighth Congress $110,000 was appropriated under this head, and the same sum was again appropriated at the second session of that Congress—making a total of $220,000 appropriated for this particular purpose by the Forty-eighth Congress. Last year we appropriated $150,000; and now we are proposing to swell it to $200,000. If this proposition prevails it will make a total appropriation of $350,000 for the two sessions of this Congress against $210,000 for the two sessions of the last Congress—a difference of $130,000, or $10,000 more than was appropriated at either session of the last Congress. This may be all right, but it certainly needs explanation.

But, Mr. Chairman, I can not now call attention to these matters in detail, which altogether swell the aggregate of this appropriation $325,380 above the amount appropriated last year. Attention will be directed to them when we come to consider the bill by sections.

So far as the reorganization of our consular establishment is concerned, I am disposed to favor it. I am anxious to see this branch of the service as strong, thorough, and effective as possible. Wherever a consul is needed at all at any place to look after our ships or seamen, to protect our revenues, our commerce, or our people, we should have there an American citizen as our consul, and we should pay him a liberal salary. We should make it a business establishment, and put it on a sound business basis. I am in favor of that, and I believe the reorganization of that force, contemplated here in this bill, will be a great improvement. But there are many other things in the bill that ought not to be in it.

I now yield to the gentleman from Kentucky [Mr. McCREARY].

---

## Death of Abraham Dowdney.

### REMARKS
OF
### HON. NICHOLAS MULLER,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, February* 8, 1887.

The House having under consideration resolutions announcing the death of Hon. Abraham Dowdney, late a Representative of the twelfth Congressional district of the State of New York—

Mr. MULLER said:

Mr. SPEAKER: The State of New York has experienced the misfortune of losing during the Forty-ninth Congress three of her Representatives—Lewis Beach, of Cornwall, John Arnot, jr., of Elmira, and Abraham Dowdney, of New York city; and I come to join my voice with that of my delegation in this House, and of their associates generally from the several States, in the expression of our sorrow at the death of these three men, who by their high character and successful efforts during their lifetime had won the worthy renown of being good citizens and capable and faithful men in all the stations they were called to fill.

We have heard from their close and special friends how bravely and honestly and justly Mr. Beach and Mr. Arnot reached high positions of trust and confidence in their several Congressional districts, and with them I appreciate the State and nation will miss the sage counsel and patriotic efforts of those who have gone.

But my purpose is to address myself to the career and public services of Abraham Dowdney, whom I was proud to call my friend, and whose death was not only a public loss, but to me a personal one.

He was born in Ireland in 1840, but came early to America and cast his fortunes with so many hundreds of thousands of his countrymen in aiding to build up the prosperity of this free country. It gave him and them scope for the exercise of their ambition to get on in the world and make homes for themselves and families. He took advantage of his opportunities, and industriously pursued the way to independence so far as pecuniary means are concerned and in winning the respect and confidence of his neighbors and fellow-citizens.

His education was received at private schools, and, as we know, his calm, thoughtful, even-tempered mind turned it to the best advantage. He rose to be chairman of the public school trustees in his Congressional district for many years, and sought earnestly to spread the means and blessings of the most general diffusion of knowledge among the people.

He loved the fair and beautiful land which gave him birth, and his democracy took on a deeper and more earnest feeling when he remembered the cruel oppression under which it had unjustly suffered.

But, while he loved his native Ireland, his love for his adopted country and her free institutions was as true and far-reaching as that of her most devoted son. He was among the first to offer his services in her hour of distress and peril when war shook the foundations of our fair fabric of free government. He risked his life in her defense upon the battle-field, and no man could do more.

There is an old Spanish saying that a man is the child of his works. It is so plainly and palpably just that it must have come down from the earliest days when mankind labored and earned their bread by the sweat of their brows. It was specially true of the career of Mr. Dowdney. He learned a trade and followed it till he had gained a competence. He lived honestly and justly before all men, and his advancement in public positions came rather as a demand from those who knew and appreciated his virtues than from any seeking on his part.

His devotion to the Catholic faith of his ancestors was stripped of every sectarian feeling of intolerance; it was genuinely universal, and it had the effect of softening and mellowing his whole nature and enriching his manner and address with a quietness and repose which were as beautiful and enduring as they were attractive.

He filled out his days in honor and good works. His loss to his family is irreparable. His State and the nation may have millions of men who are as good citizens and as ready to do and dare what is necessary for right and country, but never a one of them could boast a purer, gentler, braver, nobler heart and head than my dead colleague and associate Abraham Dowdney.

Peace to his ashes.

## Why a Great Navy?

### REMARKS
OF
# HON. WILLIAM S. HOLMAN,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,

*Saturday, February 26, 1887.*

The House being in Commitee of the Whole, and having under consideration the bill (H. R. 11020) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1888, and for other purposes—

Mr. HOLMAN said:

Mr. CHAIRMAN: There is an extraordinary demand at this time in certain sections of the country for the appropriation of large sums of money for the construction of ships of war, the building of forts, the manufacture of guns and torpedoes. Our present Navy is above the standard of our navies for many years. It is greatly beyond the strength and capacity of our navies of former years in time of peace.

The Naval Register of the present year shows that the following vessels of war compose our Navy at the present time:

*List of vessels of the United States Navy.*

| Name, rate, and class. | Propulsion. | Guns. | Tonnage. | Displacement. | Station or condition. |
|---|---|---|---|---|---|
| SERVICEABLE. | | | | | |
| *First rate.* | | | | | |
| Tennessee | Screw | 22 | 2,840 | 4,840 | Navy-yard, New York, condemned. |
| Chicago | Screw | 14 | ..... | 4,500 | Building at Chester, Pa. |
| *Second rate.* | | | | | |
| Powhatan | Paddle | 14 | 2,182 | 3,980 | Condemned by survey; navy-yard, New York. |
| Trenton | Screw | 10 | 2,300 | 3,900 | Norfolk, Va.; refitting. |
| Lancaster | Screw | 10 | 2,120 | 3,250 | Flag-ship, South Atlantic station. |
| Brooklyn | Screw | 14 | 1,600 | 3,000 | Flag-ship of Asiatic squadron. |
| Pensacola | Screw | 16 | 2,000 | 3,000 | Flag-ship, European station. |
| Boston | Screw | 8 | ..... | 3,000 | Navy-yard, New York; not in commission. |
| Atlanta | Screw | 8 | ..... | 3,000 | Navy-yard, New York; in commission. |
| Hartford | Screw | 14 | 1,800 | 2,900 | Mare Island, California. |
| Richmond | Screw | 14 | 1,525 | 2,700 | Flag-ship, North Atlantic station. |
| Omaha | Screw | 12 | 1,122 | 2,400 | Asiatic station. |
| Lackawanna | Screw | 9 | 1,026 | 2,220 | Navy-yard, Mare Island, California; condemned. |
| Vandalia | Screw | 8 | 981 | 2,100 | Pacific station. |
| Shenandoah | Screw | 9 | 929 | 2,100 | Condemned; Mare Island, California. |
| *Third rate.* | | | | | |
| Juniata | Screw | 8 | 828 | 1,900 | Pacific station. |
| Ossipee | Screw | 8 | 828 | 1,900 | On return to United States. |
| Quinnebaug | Screw | 8 | 910 | 1,900 | European station. |
| Swatara | Screw | 8 | 910 | 1,900 | Portsmouth, N. H.; repairing. |
| Galena | Screw | 8 | 910 | 1,900 | North Atlantic station. |
| Marion | Screw | 8 | 910 | 1,900 | Asiatic station. |
| Mohican | Screw | 8 | 910 | 1,900 | Pacific station. |
| Iroquois | Screw | 7 | 695 | 1,575 | Pacific station. |

*List of vessels of the United States Navy*—Continued.

| Name, rate, and class. | Propulsion. | Guns. | Tonnage. | Displacement. | Station or condition. |
|---|---|---|---|---|---|
| SERVICEABLE—c'd. | | | | | |
| *Third rate*—Con'd. | | | | | |
| Kearsarge | Screw | 7 | 695 | 1,550 | Portsmouth, N.H.; to be repaired. |
| Dolphin | Screw | 1 | ..... | 1,500 | North Atlantic station. |
| Adams | Screw | 6 | 615 | 1,375 | Pacific station. |
| Alliance | Screw | 6 | 615 | 1,375 | South Atlantic station. |
| Essex | Screw | 6 | 615 | 1,375 | Asiatic station |
| Enterprise | Screw | 6 | 615 | 1,375 | Repairing, navy-yard, New York. |
| Nipsic | Screw | 6 | 615 | 1,375 | Repairing, navy-yard, New York. |
| Monocacy* | Paddle | 6 | 747 | 1,370 | Asiatic station. |
| Tallapoosa | Paddle | †6 | 650 | 1,270 | South Atlantic station. |
| Alert* | Screw | 4 | 541 | 1,020 | Pacific station. |
| Ranger* | Screw | 4 | 541 | 1,020 | North Pacific (surveying). |
| Yantic | Screw | 4 | 410 | 900 | North Atlantic station. |
| *Fourth rate.* | | | | | |
| Michigan* | Paddle | 4 | 450 | 685 | Northwestern lakes. |
| Palos* | Screw | †6 | 306 | 420 | Asiatic station. |
| Pinta* | Screw | †2 | 306 | 550 | Pacific station. |
| Despatch | Screw | ..... | ‡730 | 560 | Special service. |
| Thetis | Screw | †1 | 723 | 1,250 | Special service. |
| TORPEDO RAMS. | | | | | |
| *Fourth rate.* | | | | | |
| Intrepid | ..... | ..... | 438 | 1,150 | Undergoing alterations at New York. |
| Alarm | (?) | 1 | 311 | 800 | New York; out of commission. |
| *First rate.* | | | | | |
| Franklin | Screw | 22 | 3,173 | 5,170 | Receiving-ship, Norfolk. |
| Wabash | Screw | 26 | 3,000 | 4,650 | Receiving-ship, Boston. |
| Minnesota | Screw | 25 | 3,000 | 4,700 | Receiving-ship for boys, New York. |
| New York | Screw | ..... | 2,490 | 4,527 | On the stocks, New York, unfinished. |

*Iron vessel. †Battery of howitzers. ‡Old measurement.
?Mallory propeller. ||Not recommended for further sea-service.

IRON-CLAD VESSELS.

REQUIRING EXTENSIVE REPAIRS TO MAKE SERVICEABLE.

| Name. | Rate. | Class. | Guns. | Tonnage. | Displacement. | Station or condition. |
|---|---|---|---|---|---|---|
| Ajax | Fourth. | Screw. | 2 | 550 | 2,100 | City Point, James River. |
| Canonicus | Fourth. | Screw. | 2 | 550 | 2,100 | City Point, James River. |
| Camanche | Fourth. | Screw. | 2 | 496 | 1,875 | Navy-yard, Mare Island. |
| Catskill | Fourth. | Screw. | 2 | 496 | 1,875 | City Point, James River. |
| Jason | Fourth. | Screw. | 2 | 496 | 1,875 | Navy-yard, League Island. |
| Lehigh | Fourth. | Screw. | 2 | 496 | 1,875 | City Point, James River. |
| Mahopac | Fourth. | Screw. | 2 | 550 | 2,100 | City Point, James River. |
| Manhattan | Fourth. | Screw. | 2 | 550 | 2,100 | City Point, James River. |
| Montauk | Fourth. | Screw. | 2 | 496 | 1,875 | Navy-yard, League Island. |
| Nahant | Fourth. | Screw. | 2 | 496 | 1,875 | Navy-yard, League Island. |
| Nantucket | Fourth. | Screw. | 2 | 496 | 1,875 | Navy-yard, Brooklyn. |
| Passaic | Fourth. | Screw. | 2 | 496 | 1,875 | Naval Academy. |
| Saugus | Fourth. | Screw. | 2 | 550 | 2,100 | Laid up, Washington; cond'd. |
| Wyandotte | Fourth. | Screw. | 2 | 550 | 2,100 | City Point, James River. |

LAUNCHED AND AWAITING COMPLETION.

| | | | | | | |
|---|---|---|---|---|---|---|
| Amphitrite* | Third. | Screw. | 4 | 1,276 | 3,815 | Wilmington, Del. |
| Miantonomoh* | Third. | Screw. | 4 | 1,276 | 3,815 | New York. |
| Monadnock* | Third. | Screw. | 4 | 1,276 | 3,815 | Navy-yard, Mare Island. |
| Puritan* | Third. | Screw. | 4 | 1,870 | 6,000 | Navy-yard, League Island; in ordinary. |
| Terror* | Third. | Screw. | 4 | 1,276 | 3,815 | Philadelphia. |

* New double-turreted monitor, iron hull.

TUGS.

| Name. | Rate. | Class. | Guns. | Tonnage. | Station or condition. |
|---|---|---|---|---|---|
| Catalpa | Fourth. | Screw. | ..... | 191 | Yard-tug, New York. |
| Cohasset | Fourth. | Screw. | ..... | 100 | Newport, R. I. |
| Fortune* | Fourth. | Screw. | ..... | 306 | Repairing at Norfolk, Va. |
| Leyden* | Fourth. | Screw. | ..... | 306 | Yard-tug, Portsmouth, N. H. |
| Mayflower* | Fourth. | Screw. | ..... | 306 | Laid up at Norfolk, Va. |
| Monterey | Fourth. | Screw. | ..... | 52 | Yard-tug, Mare Island. |
| Nellie | Fourth. | Screw. | ..... | ..... | Mare Island. |
| Nina* | Fourth. | Screw. | ..... | 306 | Special service. |
| Rescue* | Fourth. | Screw. | ..... | 111 | Fire-tug, Washington; con'd. |
| Rocket | Fourth. | Screw. | ..... | 127 | Yard-tug, navy-yard, Boston. |
| Speedwell* | Fourth. | Screw. | †1 | 306 | Yard-tug, Norfolk, Va. |
| Standish* | Fourth. | Screw. | 2 | 306 | Annapolis (Naval Academy). |
| Triana* | Fourth. | Screw. | ..... | 306 | Yard-tug, New York. |

* Iron vessel. † Howitzers.

*List of vessels of the United States Navy*—Continued.

WOODEN SAILING-VESSELS.

| Name, rate, and class. | Propulsion. | Guns. | Tonnage. | Displacement. | Station or condition. |
|---|---|---|---|---|---|
| SECOND RATE. | | | | | |
| New Hampshire... | Sails..... | 16 | 2,600 | 4,150 | Receiving-ship, Newport. |
| Vermont..... | Sails..... | 7 | 2,600 | 4,150 | Receiving-ship, New York. |
| THIRD RATE. | | | | | |
| *First class.* | | | | | |
| Constellation..... | Sails..... | 10 | 1,236 | 1,886 | School-ship, Naval Academy. |
| Constitution..... | Sails..... | 4 | 1,335 | 2,200 | Portsmouth, N.H.; receiving-ship (not in commission). |
| Independence..... | Sails..... | 6 | 1,891 | 3,270 | Receiving-ship, Mare Island, California. |
| Monongahela..... | Sails..... | 2 | ..... | 2,100 | Store-ship, Pacific station. |
| *Second class.* | | | | | |
| Portsmouth ..... | Sails..... | 12 | 846 | 1,125 | Apprentice training-ship. |
| Jamestown ..... | Sails..... | 12 | 888 | 1,150 | Apprentice training-ship. |
| Saratoga ..... | Sails..... | 12 | 757 | 1,025 | Apprentice training-ship. |
| Saint Louis..... | Sails..... | ..... | 431 | 830 | Receiving-ship, League Island, Pennsylvania. |
| Saint Mary's..... | Sails..... | 8 | 766 | 1,025 | Public Marine School, New York. |
| Dale..... | Sails..... | 8 | 320 | 675 | Receiving-ship, Washington, D.C. |

There, sir, were four steel vessels of the new fleet provided for in 1884. In 1885, on the 3d of March, four vessels were authorized at a cost of $1,895,000. I believe these have been let to contract.

Mr. STORM. Yes, sir; I so understand.

Mr. HOLMAN. In 1886 we provided for five vessels, by the act of August 3, of that year, at a cost of $2,500,000, or rather we appropriated that sum of money to commence their construction.

Mr. BUCK. Six vessels were authorized in 1886.

Mr. THOMAS, of Illinois. No; but five were authorized.

Mr. HOLMAN. Five is the number, according to my recollection. And it seems that we appropriated at the same time and in the same act $1,000,000 for their armament.

I wish now to ask the gentleman from Alabama whether these five vessels, or any of them, have been let to contract; I mean those provided for under the act of August 3, 1886, for which $2,500,000 was appropriated?

Mr. HERBERT. Yes, sir.

Mr. HOLMAN. How many?

Mr. THOMAS, of Illinois. Five.

Mr. HERBERT. All five have been let to contract.

Mr. GOFF. All but one.

Mr. HOLMAN. Five millions three hundred and ninety-five thousand dollars have been appropriated for these vessels authorized under the acts of 1885 and 1886. Here, then, we have a total of nine war vessels provided for, in addition to those provided for in the act of 1884.

Now it is proposed, after providing for the construction of these fourteen ironclad vessels, in addition to the navy now in commission, a navy above the needs of the people of the United States at this time of profound peace—you are proposing, at a cost of $8,628,362, being the amount required for the completion of the ships authorized by the acts of 1885 and 1886, you propose to appropriate still further for seven war vessels which are to cost when completed $4,950,000.

[Here the hammer fell.]

Mr. REAGAN was recognized and yielded his time.

Mr. HOLMAN. I thank my friend from Texas. I avail myself of the privilege given by the House to extend remarks to more fully present the facts, but I must to some extent recapitulate.

In 1884 you provided for the construction of four steel vessels of war, the Chicago, Boston, Atlanta, and Dolphin, three of them cruisers of the greater capacity, at a cost of $4,098,000. These vessels are being completed, armed, and added to your navy.

In 1885, by the act of the 3d of March, you provided for the construction of two cruisers of from 3,000 to 5,000 tons displacement, at a cost of $1,100,000 each; one heavily armed gunboat at a cost of $520,000, exclusive of armament; one light gunboat at a cost of $275,000.

By the act of August 3, 1886, you have provided for the construction of two sea-going, bouble-bottomed armored vessels at a cost not exceeding $2,500,000 each, exclusive of armament; one double-bottomed cruiser of not less than 3,000 tons displacement at a cost of $1,500,000, exclusive of armament; one first-class torpedo-boat at a cost of one hundred thousand, and the same act provided for the completion of the double-turreted monitors Puritan, Amphitrite, Monadnock, and Terror at a cost, excluding armament, of $3,173,048; and the same act appropriates $1,000,000 for armament, including the other monitor, the Miantonomoh, previously provided for. The same act provides for the construction of a dynamite-gun cruiser at a cost of $350,000.

It thus appears that during the last three years you have authorized the construction of thirteen war vessels, in addition to continuing the construction of the monitors Puritan, Amphitrite, Monadnock, and Terror, and also the Miantonomoh, involving an expenditure of $21,319,000, excluding armament. And the pending bill proposes appropriations to the amount of $8,000,000 to continue these works and $1,000,000 on account of armament. Now, it is manifest that the amendment offered by the gentleman from Texas [Mr. SAYERS], evidently with the approbation of the Naval Committee, proposes the construction of seven more vessels of war at a cost, excluding armament, of $4,950,000, with an appropriation of $2,470,000 to begin with, will become a part of this bill and will pass this House and of course the Senate, making twenty-one vessels of war, including the Miantonomoh, provided for, and proposed to be provided for, in this brief period to deplete the Treasury to the extent of $26,269,000. And the gentleman from Maine [Mr. BOUTELLE] also comes forward with a further amendment to add ten steel cruisers to cost $15,000,000, exclusive of armament, and proposing to appropriate outright $15,000,000 for that purpose and $4,800,000 for the armament of the vessels, in all $19,800,000.

Now, this bill, without either of those amendments, is the largest naval appropriation bill that ever passed Congress in time of peace. It reaches $23,000,000, including $9,000,000 for continuing the construction of the vessels named, and for armament, while the amendment of the gentleman from Texas [Mr. SAYERS] will swell the vast amount up to $27,950,000. We are moving rapidly. Last year the entire appropriations for the Navy, including $452,695 embraced in the sundry civil bill, only reached $15,070,837, but the enormous increase is seen in the fact that only twenty-eight years ago the entire annual cost of our Navy was only $10,000,000.

And yet twenty-eight years ago we had as large a field for the employment of a navy as we have to-day, and indeed larger, for then the power and resources of our Government were not so well known, especially to remote nations, as they are to-day. This is rapid progression. Twenty-eight years ago $10,000,000, ten years ago $14,000,000, even last year $15,070,837, this year $27,950,000. Ingenuity itself is being exhausted for methods to reach the surplus in the Treasury and maintain the present high rate of taxation. Within a few days bills have been reported to us from the Senate providing for the expenditure of $51,000,000 for war ships, fortifications, and munitions of war. If we were actually on the verge of war with a great naval power gentlemen could not display a greater solicitude for warlike preparation; this $51,000,000 equals the entire cost of the Government thirty-five years ago.

The Army appropriation bill for the coming year increases the expense of that branch of the public service $130,000 over even the expenditures of the present year. This naval bill will increase the expenditure next year over the present year over $10,000,000. The Senate is demanding the expenditure of vast sums of money on fortifications which the experience of the late war shows would be of no value if an emergency for their employment should arise. It seems to be taken for granted that our people will tolerate these vast expenditures because they are demanded in the name of patriotism and for the public safety. Yet the experience of every war in which we have been engaged has demonstrated the fact that when the calamity of war comes our people are fully equal to the emergency, and that the supposed preparations made were of little or no value in actual war. Commodore Perry won his great victory with vessels which had been hewed from the forests in ninety days and after the tocsin of war sounded. In the late war it was the earthworks thrown up in the emergency and not costly fortifications that were of value. The vast accumulation of munitions of war were thrown aside and your Army in the main fought with arms furnished on the spur of the occasion by the resistless energy of our people.

When this Republic was still feeble and all of Europe and the continent of America, except our own portion of North America, was under kingly power and every crowned head viewed with jealousy and alarm the growth of free institutions, the then maxim, "In time of peace prepare for war," was an expression of prudent statesmanship. But with the United States, now the foremost of the nations and guaranteed by Providence and the laws of the geography of the earth from a great invasion, with no occasion for unfriendly relations with remote powers, that maxim is a term of unseemly timidity, not of patriotic solicitude.

But gentleman cry out, "the work of creating a formidable war navy must not be delayed. We must have such a navy at once, forts must be erected, munitions of war must be at once provided," and the metropolitan press points with alarm to the defenseless condition of our coasts—defenseless since the days of the Revolution!

During the last sixty years on several occasions the relations between the United States and Great Britain have been in sharp antagonism. The northeastern and the northwestern boundary questions gave rise to fierce controversies. On the latter question the demand of our people was "54° 40′ or fight." Public indignation against Great Britain was intense; that Government was then as now a great naval power, and yet on neither occasion did our people display the least anxiety in case hostilities should occur!

When we demanded of France and other European powers the abandonment of their scheme to give an imperial government to Mexico we were weakened by four years of intestine war, and yet actually disbanding our army. There the Government displayed its old-time confidence in its resources for any emergency; yet now, at a period of profound peace, there is a pretense of danger from abroad demanding prompt preparation!

Now, sir, what is the meaning of all this? It can not be pretended that our commerce requires the protection of a war navy. The protection of commerce is the common interest of all nations. Our restricted policy has ruined our carrying trade. That is a cosmopolitan employment in which those who carry the cheapest monopolize the trade, yet our commerce reaches every shore.

Our nation having no "entangling alliances" with other nations, and only related to them by the peaceful and friendly ties of commerce, and occupying such a commanding position not only on account of the number and intelligence of our people and the vastness of our resources but on account of the high sense of honor and justice which has from the beginning character ized our Government in its intercourse with the nations, that without an army or navy our people and our commerce are secure in every quarter of the globe.

If we imitated the policy of monarchies and impoverished our people by supporting the costly luxury of a great navy it would not add one particle to the honor and respect which gathers around our flag floating in peaceful security over our consulates from the ports of the half-civilized people of Corea to the most enlightened capital of Europe. Gentlemen who believe that a powerful navy would add to the respect and honor of the American flag abroad and our security at home underestimate the standing of their Government among the nations.

The mutterings of war between Germany and France recall an event which illustrates the moral power of a people too great and powerful to require the parade of armies or navies to command the respect of the world. In the closing hours of the death struggle between those powers over an issue which the petty ambition of kings had transmitted from age to age, when government was overthrown and the despotism of the commune overawed the capital of France, the flags of the nations supported by armies and navies went down and their representatives fled, while your flag floated over the ministerial residence of your ambassador, Hon. E. B. Washburne, in the midst of the storm of revolution, as secure from insult and dishonor as it does from the Dome of this Capitol. You had then three wooden ships in the European waters.

A feeble government may find it necessary to win respect by a display of power; this our fathers never did, even in the infancy of the Republic. It was not in harmony with their theory of government. The Republic they established rested and must ever rest on the moral power of a free and enlightened people.

The traditions of this Government are against a great military force. A few regiments to guard the frontier against savage tribes, and to form the nucleus of an army when an occasion for an army should arise, a small and respectable navy to keep up the traditional courtesies between ours and other nations, and furnish the Government with officers and men skilled in naval warfare, for any emergency has been the extent of our war preparations in time of peace for a century—to this extent, following the practice of all the former years of our history, I think both Army and Navy should be maintained. Our present Army and Navy are now full up to the requirements of prudent statesmanship. Great Britain is the only naval power with which by any and reasonable possibility serious complications can arise so long as we adhere to the traditional policy of this Republic of standing aloof from polititcal relations with other governments, and this alone can result from our relations to the dependencies of Great Britain on this continent; and yet the most improbable event in the history of the times that are coming is a war between us and Great Britain.

The events of centuries have so adjusted the relations between us and Great Britain that a war could only be fatal to her. We hold as guarantees for her fair dealing, and as a bond to keep the peace with us, her vast possessions on this continent north of us. Every year increases the value of the security. Her people have hundreds of millions of dollars of wealth invested in the Canadian Pacific Railway and other public works in her North American possessions. She has Jamaica and other valuable islands on our coasts.

Does any human being doubt that in the event of war between these governments every vestige of British possession on this continent would be wiped out within a year? Within sixty days of the first tap of the drum announcing war between the United States and Great Britain an army which could not be resisted by all the force that the combined navies of Europe could bring to these shores would occupy the British possessions from the Gulf of Saint Lawrence to Puget Sound and Jamaica and every other British island on the American coast. I do not speak extravagantly, but in moderation. Besides, such a war would be fatal to her carrying trade—her commercial navy. It would disappear from the ocean.

No, sir. We hold the highest guarantees ever held by a nation that Great Britain will not break the peace with us. Talk about a fleet entering the Northern lakes by the Welland Canal! We would occupy at once both sides of the line from the Welland Canal to the entrance of Lake Superior, and on west to Puget Sound. It is absolutely absurd to talk about a nation sending a navy into the absolute possession of its enemy. We would not destroy the Welland Canal in such an event, but hold it by an irresistible force. Gentlemen greatly underestimate the resources of their Government.

Our torpedo system will see to it that no enemy's vessel ever enters our ports; every year renders it the more efficient. Again, let me ask, what is the meaning of this extraordinary solicitude for the creation at once of a great war navy, building forts, and laying up munitions of war? I need not say it is a proceeding in striking contrast with the policy of our fathers and of the statesmen of modern times even down to a recent period. The European governments, still overmastered by the traditions of centuries, traditions from which even France, after the fierce struggle of a hundred years, can not escape, are armed to the teeth, not only to resist the aggression of neighboring States, but to overawe their people. So that Europe to-day, as in the past centuries, bristles with arms. Besides, the nobility and privileged classes which give strength to monarchy, could only be maintained by permanent military power. So that every state of Europe, except perhaps the free Swiss in their impregnable mountain fastnesses, leans on the sword, and armies and navies eat up the fruit of labor and fill the continent with poverty and wretchedness.

On every frontier of the nations armies watch each other, and every coast is patroled by ships of war. War navies are the police of the colonies held by European powers. No nation of Europe has a large war navy unless it has outlying possessions as well as cities on its own coasts to overawe. Great Britain, with a monarchical establishment to maintain at home and wide-extended colonial possessions, has the greatest of the war navies of the world. Have gentlemen who are moving in this effort to arm America and place this free Republic on a war footing considered the wonderful contrast between European states accursed by military government and this blessed land of ours, resting in safety on the patriotism and manhood of its people?

The history of the world presents no other such contrast. The despotism of feudalism formed the governments of Europe; peaceful industry laid the foundation of the States of this Union. In Europe the petty ambition of kings, the mean ambition of conquest and dominion, organized armies and navies; the fruits of this in the course of centuries is kings, nobles, and serfs—in America the recognized natural equality of men and the dignity of labor, organized government, its fruit free institutions, a free, intelligent, and prosperous people, who in the course of a few generations have developed the foremost nation on the face of the globe.

And now in a time of profound peace, with every guarantee of security from foreign interference increased beyond that ever known in the former years of our history, with no outlying possessions to require a war navy, it is proposed by gentlemen in the Senate and House to enter upon a system of naval and military preparation—ships, forts, and munitions of war as if a formidable enemy was actually threatening our shores. Now, sir, I ask again what is the meaning of all this? The expenditure of the vast sums of money proposed to be expended in ships, fortifications, torpedoes, and military supplies, suggested by the surplus in our Treasury—a surplus that excites the cupidity of the great multitude of men who seek to live off of the labor of our people—is an incidental and purely mercenary motive for this extraordinary movement, but this is but the impulse of the hour, the result only of sordid motives. If this was all it would simply involve the useless expenditure of millions of money for the benefit of the great capital interest of the East with inconsiderable benefit to labor. Nothing less, nothing more.

But, sir, there is no disguise as to the real meaning of all this. The unexampled accumulation of great fortunes during the last quarter of a century—the outgrowth in a large degree of partial and vicious legislation, for in the natural course of events and without favoritism in legislation no such result was possible—threatens an entire change in your system of government. Through all the former years your Government has rested securely on the patriotism of your people and their devotion to your free institutions. Occasional public disorders and the natural unrest of multitudes of your people, conscious of unjust legislation which has created and centralized the wealth of our Government to an extent never before known in history, has alarmed the great capital interests, naturally timid and unself-reliant.

The vast and dishonoring surplus in the Treasury excites the cupidity of that great and evergrowing number of men who are resolute in their determination to live off of the labor of other men. Besides these influences, the press of the country, always eager to create a sensation by cries of alarm for the public safety, excites the fears of the well-meaning and timid.

Here, sir, are the underlying forces which are precipitating this Congress into an unprecedented expenditure for warlike preparation. But the most powerful of all these forces is the silent and effective movements of the men of overgrown estates, the controllers of great monopolies and of centralized wealth, who have lost faith in the people and free institutions and seek the shelter of a strong Government, and the wealth drawn from labor is sought to be employed in vast sums to place

your Government, in imitation of the governments of Europe, on a military foundation. Our Government, in the opinion of the new statesmanship, must lean for safety upon the sword—not on the patriotism, intelligence, and manhood of our people.

This extraordinary movement has been for several years silently pressing its theories upon Congress, and now bills involving vast millions of the wealth of our people are demanding a hearing and forcing their way through the Houses of Congress. Warlike supplies, forts, ships of war! Can any man doubt that the ingenious methods by which the public mind has been prepared to accept these measures will soon enlarge your standing army as well as man your enlarged naval establishment? I protest against these measures. Your army as it is—although the occasion for it when established by our fathers, that of protecting our frontiers from the Indian tribes, has in the main gone by—I am willing to keep up, and a small and respectable navy, according to the traditional policy of our Government, to meet an emergency that might possibly arise—and such an emergency, according to our experience, may arise at remote intervals—and to keep up the occasional courtesies between our Republic and other nations—a cheap imitation of the customs of feudalism. In this way our small Navy has in our long periods of peace been heretofore mainly employed.

But I protest even against the beginning of the revolution, silent as it may be, that aims at placing this Republic on a military footing—a revolution involving a change in our system of government, of which even many of the chief actors are, or seem to be, unconscious. If our people, in the dream of peaceful security, shall permit this vast accumulation of wealth in the national Treasury to be the pretext and the occasion for entering upon this scheme of military power to bolster up the Government, instead of the old reliance on the patriotism of the people, a reliance sanctified by a century of prosperity and peace such as elsewhere the world has never witnessed, it will be the greatest misfortune that ever befell the human race. The day should be forever accursed that witnessed its beginning.

---

## Pleuro-Pneumonia.

---

SPEECH

OF

# HON. BENJAMIN T. FREDERICK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March* 3, 1887,

On the bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes.

Mr. FREDERICK said:

Mr. SPEAKER: The subject of pleuro-pneumonia is a serious matter with the cattle industry of the United States; and the people of the West are terribly in earnest and feel deeply that it is the duty of this body to pass such laws as will give them protection. There is no class of people who are so deserving of the consideration of this body as those who till the soil, grow the grain, and feed and raise the cattle that fill the markets of the world. And yet there is no class of our citizens who receive less attention from our lawmakers, or are more easily satisfied. The farmer and stock-grower are the same, the interests of the one being identical with those of the other; and, therefore, when we protect the animal industry we protect the agricultural industry as well.

And, Mr. Speaker, is it not a fact that this industry has been asking of this House for several sessions that there be enacted such laws as would prevent the spreading of this dreaded disease among their herds? Ay, more! such laws as would exterminate it from the country? And, Mr. Speaker, it seems to me that when such interests—the largest in our land—are demanding our attention they certainly should be heard and given that recognition and protection they so richly deserve.

The passage of this bill, Mr. Speaker, will enable our Government to give protection to all alike. The district I represent contains but six counties, or about 4,000 square miles; but there is not a finer agricultural or cattle-growing region, covering the same amount of territory, on the face of the globe.

The cattle industry in my district in 1885 amounted to 334,953 head, of which was marketed during the year and slaughtered for home consumption 56,337 head; and in the district was harvested 16,777,926 bushels of corn, which is largely fed to cattle and marketed in that way. Is it any wonder that my people are terribly in earnest and calling for the extermination of pleuro-pneumonia? The cattle industry of Iowa is second to but one State in the Union, Texas alone being ahead of Iowa, yet the valuation of live-stock in Iowa is $124,715,103, while that of Texas is but $60,307,987; Illinois being largest in valuation, it being $132,437,762. This valuation includes all live-stock in 1880. And, Mr. Speaker, there is yet another industry that is loudly calling for relief and national investigation—the hog and pork industry. The cholera and trichina in our pork industry, if not eradicated, will eventually cause it to be entirely excluded from the foreign markets and should demand the attention of this House; and there should be employed by this Government two or more men who should be furnished with means and every facility to eradicate and stamp out the disease. Iowa alone is losing millions of dollars yearly by this much-dreaded disease.

The State of Iowa and other Western States are growing fast in the line of manufacturing, and to-day where forty years ago we had naught but naked prairies, we now have large manufactories of almost every description. This is the result of our growing agricultural and animal industries, and when we benefit one we benefit the whole. "As the laborer is worthy of his hire," so are the interests that produce all the wealth of the earth more than worthy of all the recognition, assistance, and protection that can be rendered them by this House, which is the servant of the people, convened here to attend to and transact their business.

This bill will benefit every farmer, stock-grower, mechanic, and laborer in the United States.

The prosperity of the one depends upon the prosperity of the other; and the more speedy the eradication and extermination of this much-dreaded disease, pleuro-pneumonia, the less will be the expense to the people of our country. If allowed to spread, the disease will bring distress, poverty, and want upon many who now have large herds of cattle; it will stop one of the greatest commercial interests of our nation, our railroads, and all transportation interests will be seriously injured.

Mr. Speaker, there is no end to the calamity this dreaded disease brings to a country where it once gets a start. Just imagine Texas, with her 3,084,600 head; Iowa, with her 2,613,063 head; Illinois, with her 2,384,322 head; and Missouri, with her 2,070,932 head of cattle quarantined against shipping a single animal out of their territory. Can this nation pause to think of such a calamity, when it lies within its power to avert it by passing a law giving to the proper authorities the power to prevent it? Can it pause, with an overburdened Treasury of the people's money, while they are asking for relief from all quarters of the Union, and while only a small appropriation is needed to satisfy their just demands?

Mr. Speaker, if the great Mississippi River were to become suddenly and permanently dry, the commercial world would be no more affected than it would were this dreaded disease to spread throughout the length and breadth of our land. And yet we appropriate yearly for the improvement of the Mississippi twenty to forty times the amount asked for by this bill. During the last twenty years the growing demand for beef from the increase of our population has been met by the extension of the beef-producing industry into the Territories. No such increase of beef producing can again take place on this continent, and the demand for beef in the future, for an ever-increasing population, must be supplied from the increase on small farms. This industry, therefore, is of vital importance to the political economy of the country.

The law as it stands on the statutes, enacted by the last Congress, provides briefly for a bureau of animal industry presided over by a skilled veterinarian, charged with the duty of inquiring into the condition of our domestic animals, especially with regard to contagious diseases, their prevention and cure. The present law limits the working force in the bureau to twenty persons. This limitation should be repealed. Two agents are provided for, who should be experts respecting live-stock in all their relations. The act provides that expenditure of public money for investigation, disinfection and quarantining, protection to the export trade, and prevention of all movement of diseased animals.

Federal courts have jurisdiction of offenses against the act, but the act itself falls short of what is required, inasmuch as it fails to provide for the extermination of the plagues imported from foreign countries. It may have been wise to limit its operations two years ago, when there was dispute concerning the very existence of the disease; but now that it has crossed the Alleghany Mountains and afflicted half a dozen of the Western and Southern States, causing the loss of millions of dollars, it would be criminal negligence to longer dally with it. The country knows no hindrance to commerce at all comparable to that which may be caused by pleuro-pneumonia. It is no trivial matter when half the States in the Union are declaring quarantine in the movement of cattle against the other half. Should Congress now refuse to act with sufficient vigor, the immediate future will see all the Western and Southern States quarantining against the seaboard States.

The law of self-preservation will compel it. No wise distinction of constitutional law will be considered to repel this foreign invasion. The immediate danger of the West and South is from the shipment of calves from the dairy districts of the East to the cheaper feeding grounds of the West and South; and also from the shipment West and South of imported pedigree milk-stock from the depots of importers in the Eastern seaboard States. Western importers shun the Atlantic seaports, and bring cattle through Canadian ports. This is no matter for

an American to be proud of, and certainly should appeal to the patriotism of every member of Congress.

The records of Congress show that any hindrance to commerce affecting our merchants, however trivial, commands at once the championship of the metropolitan press, and hasty relief from Congress, even should the interest be no more dignified than that of junk-bottles or moieties. Is it more than modest that the great cattle interest of the country should also receive protection from foreign invasion? The powers of our Government, through the State Department, are leveled at the Chinaman on the West and the emigrant pauper on the East. I am speaking of an invasion that threatens the whole country.

Experience has taught us that co-operation in the expenditure of money to stamp out this disease between the Federal Government and the States is not practicable. Some States are poor and find it difficult to repel an invasion of this nature. Co-operation with regard to valuation should be had. The experience of foreign countries that have been compelled to spend money to protect their cattle interests admonishes us that the valuation of animals to be destroyed must be on the basis of health before being exposed to bring diseased animals to notice.

Our foreign commerce is seriously interfered with in consequence of the existence within our borders of this plague of pleuro-pneumonia. Our animals shipped abroad must be slaughtered at the port of landing, consequently we lose more every year, twice told, than would be required to destroy affected and exposed animals in the United States; and it is conceded but for the restriction on account of disease our cattle would be taken to every county in England and there fed out and bring to us much more than now, which would be divided between the stockman and the farmer, and every year would amount to $2,000,000 more than we now receive.

Then is it any wonder that every stockman and farmer should demand of this House that such laws are given them that will insure their cattle clear bills of health to any port on the earth? The history of this disease shows that countries that do not import cattle can stamp it out and keep it out. Massachusetts in 1860 is an illustration. That State was visited by the plague, the Legislature was called together, money appropriated, and such steps taken as effectually eradicated the disease. Great Britain, that continually imports beef-cattle from the continent of Europe, is continuously fighting the disease. We can have safety only by stamping it out once for all and preventing all importations of cattle except through periods of such extended quarantining that it would be impossible to have it smuggled through.

The cattle industry to the people whom I represent is vital, and, as I have said before on this floor, the rich prairies of the West can not be maintained in their fertility if grain-raising be the only industry. And if they could commerce has extended by water and rail to the ends of the earth, bringing grain-raising of the West into competition with the cheaper transportation and labor of India and other countries. But if the fertility of the Western prairies is to be maintained cattle-breeding, grazing, and feeding must of necessity be a leading industry.

The manufacturing interests of the country are subserved by an abundance of cheap food. Serious interference with the raising of cattle will raise the price of beef so that our workmen will see it as seldom on their tables as workmen abroad. Distress can not strike any one of our great industries without affecting them all. Our Committee of Agriculture in asking for a secretary of agriculture and labor had in mind the mutual relations existing between the farmer and the workman, and think that a watchman should be placed on the national walls to look out for danger to either. I ask the gentlemen of this House to tax their memories and think how little has been done by the Federal legislation for either of these classes? And I again reiterate:

> The growth of our population and increase of our commerce are bringing to the front questions affecting our producers and workingmen—questions of capital and labor that can not be thrust aside.

The legislation of Congress for the last century has avoided all questions of this nature. It was observed by a Senator in his place, a few years ago, that for the last fifty years Congress had done nothing for the farmer. At no time in our history has Congress been called upon more urgently or more unanimously by this class than now. The danger is one the farmer can not by any foresight of his own prevent.

And here permit me to quote a resolution passed at the Farmers' Congress held at Indianapolis December 2 and 3, 1885:

> *Resolved*, That the Farmers' Congress recommend to the Congress of the United States that the sum of $3,000,000, or so much thereof as may be necessary, be appropriated to stamp out pleuro-pneumonia among cattle wherever it may exist; that the Legislatures of the several States of the Union are respectfully requested to enact such laws as may be necessary to supplement the act or acts of the Congress of the United States for the extinction of pleuro-pneumonia or other contagious diseases of cattle.

Also, resolution passed at late session of Farmers' Congress held at Saint Paul, Minn., August 25, 1886:

> *Resolved*, That the Farmers' Congress recommend to the Congress of the United States that the sum of $3,000,000, or so much thereof as may be necessary, be appropriated to stamp out contagious diseases among all domestic animals wherever such diseases may exist; and that the Legislatures of the several States of the Union are respectfully requested to enact such laws as may be necessary to supplement the acts of the Congress of the United States for the extinction of all such contagious diseases.

Also, extract of a lecture delivered by Dr. D. E. Salmon, chief of the bureau of animal industry, before the National Cattle-Growers' Association in Chicago, Ill., November, 1885:

MAGNITUDE OF THE INDUSTRIES AFFECTED.

The national importance of the two chief industries involved may be seen by condensed statement, as follows:

| | |
|---|---|
| Cattle industry, 45,000,000 head | $1,200,000,000 |
| Annual production, 7,000,000 head | 350,000,000 |
| Become a part of interstate commerce, 5,000,000 head | 250,000,000 |
| Veals, 3,000,000 | 15,000,000 |
| Export trade, the greater part of which is under restrictions, 182,000 head | 13,000,000 |
| Total exports of cattle and cattle products | 50,000,000 |
| The swine industry, annual product, 29,000,000 head | 340,000,000 |
| Value of the product which goes into interstate commerce | 243,000,000 |
| Annual products exported | 92,000,000 |

Upon figures like these it is unnecessary to comment. If industries and a commerce of such dimensions are not worthy of protection and encouragement, then there surely must be few subjects left of sufficient importance to engage the legislative mind. With such great interests involved, and such reports made from the highest authority, can we, the representatives of the people, afford to adjourn this House without giving them all the aid and appropriations necessary, even were it ten times the amount asked for? The time has come when these interests will have protection. The people are watching this body and will be on hand in the future at the polls to protect themselves if we do not do it here for them.

Mr. Speaker, I hope this House will pass this bill. It has been carefully prepared by the Committee on Agriculture, together with the aid of the committee sent to visit this body by the Cattle-Growers' Association of America—men who have made this subject a matter of study and thoroughly understand what is needed. Here should be concert of action, in this matter of all others. As I have said before, its interests are many and widespread. The commercial, manufacturing, and laboring interests all should work together to advance the prosperity of each. All are mutually interested.

---

## Public Building at Portsmouth, Ohio.

---

SPEECH

OF

# HON. ALBERT C. THOMPSON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, March* 2, 1887,

On the bill (H. R. 6976) to erect a public building at Portsmouth, Ohio.

Mr. THOMPSON said:

Mr. SPEAKER: During the sittings of this Congress twenty-five bills for the erection of public buildings in places where no Federal buildings have heretofore been erected have been passed and presented to the President. In addition to these many other bills have been passed to complete buildings already commenced, and to replace buildings which do not afford adequate accommodations for the public business, or which have been destroyed by fire or otherwise. Of the twenty-five bills first mentioned, sixteen have received the approval of the President and nine have been returned to Congress without his approval—have been vetoed.

The declared policy of these vetoes is that "the necessities of the Government should control the question," and "that new projects for public buildings shall for the present be limited to such as are required by the most pressing necessities of the Government's business."

The soundness of this doctrine will not be questioned, but the practical question is: What are to be regarded as "pressing necessities of the Government's business?" Ordinarily we would say that a city having fifty thousand people, in which many railroads center, where manufacturing is largely carried on, where population and wealth are rapidly increasing, where the revenue collected by the postmaster and the collector of internal revenue amounts to $2,000,000 per annum, and where the rents paid by the Government amount to more than $3,800 per annum—such a city as Dayton, Ohio, for instance—would present a case where the business needs of the Government would justify the erection of a public building.

But for the present, at least, we must be guided by the wisdom of the present Executive in deciding when a business necessity exists for the erection of a public building. It is important, therefore, to carefully examine and scrutinize his action upon the twenty-five bills presented to him in order to obtain the light we so much need in determining our action upon the bill under discussion, and in shaping our future policy in such matters.

It is said in the vetoes that the "necessity" does not exist when only a post-office is to be provided for; that statistics showing the population, extent of business, prospective growth, &c., of a city, while interesting, do not demonstrate the necessity for a public building;

and it is intimated that only such places as have United States courts should have public buildings.

It is also said that public buildings should not "be erected upon any principle of fair distribution among localities." Now, here are hints and suggestions putting us in the way of a solution of our question; and yet I apprehend that the Executive policy as evinced by the action taken on the twenty-five bills referred to will be best understood by comparing the apparent needs of the Government business at the different places affected by that action. Let us see, then, what places have been "selected for Federal decoration" and what places have been refused that distinction, and institute between them such comparisons as to wealth, population, business, growth, Government revenue, accommodations for the transactions of the public business, rents, and such other matters as may best illustrate the Executive action. The following is a list of the twenty-five places whose interests are affected by the bills referred to, and gives from official sources statistics showing the population, revenue, &c., of these places, and the action of the President upon the bills:

| Name of place. | Amount to be expended. | Federal offices, &c., to be provided for. | Population of place. | Income of post-office, 1886. | | Rent, light, fuel, &c. | Internal revenue collected, 1886. |
|---|---|---|---|---|---|---|---|
| | | | | Gross. | Net. | | |
| APPROVED. | | | | | | | |
| Fort Smith, Ark | $100,000 00 | United States courts, post-office, and collector internal revenue. | 3,099 | $9,703 56 | $5,762 56 | $580 50 | |
| San Antonio, Tex | 200,000 00 | United States courts and post-office | 20,550 | 32,067 23 | 13,057 32 | 1,366 67 | |
| El Paso, Tex | 150,000 00 | United States courts, post-office, and collector of customs. | 736 | 12,221 59 | 7,384 29 | 682 25 | |
| Jefferson, Tex | 50,000 00 | United States courts and post-office | 3,260 | 3,743 64 | 1,843 64 | | |
| Houston, Tex | 75,000 00 | Post-office only | 16,513 | 33,007 36 | 12,788 09 | 1,314 10 | |
| Jacksonville, Fla | 150,000 00 | United States courts, customs, post-office, and internal revenue. | 7,650 | 42,977 99 | 24,012 29 | 2,940 00 | $237,271 82 |
| Wilmington, N. C | 200,000 00 | United States courts, post-office, and customs | 17,350 | 20,322 93 | 8,356 92 | 1,862 50 | |
| Augusta, Ga | 50,000 00 | Post-office and internal revenue | 21,891 | 34,185 43 | 17,319 50 | 1,520 29 | 304,384 29 |
| Savannah, Ga | 200,000 00 | United States courts and post-office | 30,709 | 63,440 82 | 40,785 77 | 2,571 54 | |
| Owensborough, Ky | 50,000 00 | Post-office and internal revenue | 6,231 | 9,572 43 | 5,868 18 | 575 78 | 1,774,514 97 |
| Huntsville, Ala | 100,000 00 | United States courts and post-office | 4,977 | 5,954 17 | 3,696 41 | | |
| Oshkosh, Wis | 100,000 00 | United States courts and post-offices | 15,748 | 21,377 74 | 7,768 29 | 1,690 04 | |
| Springfield, Mass | 150,000 00 | Post-office only | 33,340 | 75,173 79 | 50,690 83 | 2,840 86 | |
| Worcester, Mass | 250,000 00 | do | 58,291 | 93,076 50 | 60,107 50 | 3,850 00 | |
| Camden, N. J | 100,000 00 | Post-office, internal revenue, and customs | 41,659 | 31,634 35 | 15,487 40 | 1,495 00 | 191,739 69 |
| Los Angeles, Cal | 150,000 00 | United States courts and post-offices | 11,183 | 51,868 09 | 32,427 93 | 1,090 00 | |
| VETOED. | | | | | | | |
| Zanesville, Ohio | 100,000 00 | Post-office only | 18,113 | 24,818 80 | 13,231 48 | 994 34 | |
| Dayton, Ohio | 150,000 00 | Post-offices and internal revenue | 38,678 | 68,729 03 | 39,344 41 | 3,850 00 | 1,893,894 64 |
| Portsmouth, Ohio | 60,000 00 | do | 11,321 | 11,639 71 | 7,455 41 | 655 03 | 1,165,356 49 |
| Sioux City, Iowa | 100,000 00 | United States courts, internal revenue, and post-offices. | 7,366 | 33,295 61 | 20,316 32 | 2,200 00 | 192,005 13 |
| Lynn, Mass | 100,000 00 | Post-office only | 38,274 | 47,426 65 | 25,537 49 | 1,919 25 | |
| Springfield, Mo | 75,000 00 | Post-office and land office | 6,522 | 16,128 15 | 10,935 28 | 150 00 | |
| Duluth, Minn | 100,000 00 | Post-offices, customs, and land office | 838 | 25,870 78 | 16,406 48 | 1,500 00 | |
| La Fayette, Ind | 50,000 00 | Post-office only | 14,860 | 23,820 68 | 10,208 41 | 1,750 00 | |
| Asheville, N. C | 80,000 00 | United States courts and post-offices | 2,616 | 8,155 56 | 5,155 56 | 800 00 | |

The population of those towns given here is from the census of 1880. Many of them have greatly increased their population since. Duluth for instance is now a city of 18,000 people, and Sioux City of over 20,000, while Dayton has more than 50,000 people.

Of the sixteen places receiving "Federal decoration," eleven are in the South and five are in the North, and of those denied it, eight are in the North and one is in the South. The places in the above list having post-offices only are:

1. Springfield, Mass.
2. Worcester, Mass.
3. Houston, Tex.
4. Zanesville, Ohio.
5. Lynn, Mass.
6. La Fayette, Ind.

The bills for the first three were approved and for the last three were vetoed. Just why Springfield, Worcester, and Houston should be "selected for Federal decoration," while Zanesville, Lynn, and La Fayette are denied it, does not very clearly appear. Lynn has a larger population than any of these cities except Worcester, and the net income of its post-office is $25,537.49, while that of Houston is only $12,788.09; and the rent which the Government is compelled to pay at Lynn is $1,919.25, while the rent paid at Houston is only $1,314.10. As between Houston and Zanesville the comparison is in favor of the latter place. At the last census the population of Zanesville was 18,113; while that of Houston was only 16,513. For the last fiscal year the net income of the Zanesville post-office was $13,231.48; while that of Houston was only $12,788.09. Worcester for the purposes of her post-office is "decorated" at an expense of $250,000; while Lynn is refused $100,000 for her post-office. So far the light thrown upon our question by these comparisons is confusing and not helpful.

The places having United States courts are:

1. Fort Smith, Ark.
2. Oshkosh, Wis.
3. San Antonio, Tex.
4. El Paso, Tex.
5. Jefferson, Tex.
6. Los Angeles, Cal.
7. Wilmington, N. C.
8. Huntsville, Ala.
9. Savannah, Ga.
10. Jacksonville, Fla.
11. Asheville, N. C.
12. Sioux City, Iowa.

The first ten of these are on the favored list and the last two on the vetoed list.

It may be a little difficult for the common mind to understand why Huntsville, with a population of 4,977, a net postal revenue of $3,696.41, and an office rent free, should be chosen, and Sioux City, with a population of 7,366, a net postal revenue of $20,316.32, and rent to pay of $2,200 per annum, should be rejected, especially when there is a collector of internal revenue to be provided for at Sioux City and none at Huntsville, and yet that was the result worked out by the executive policy.

The comparison between Owensborough, Ky., and Portsmouth, Ohio, is a very interesting one. At the census of 1880 Portsmouth had a population of 11,321, and her population is now estimated at 15,000, while Owensborough by the same census had a population of but 6,231, and the present estimate of her population is 10,000. The postal income of the Portsmouth office for the last fiscal year was gross $11,639.71 and net $7,455.41, while the income of the Owensborough office for the same time was gross $9,572.43 and net $5,868.18. The internal revenue collected at Portsmouth during the last fiscal year was $1,165,356.49, and at Owensborough $1,774,514.97. The rents paid at Portsmouth for the same time amounted to $655.03, and at Owensborough $575.78.

The differences are in favor of Portsmouth, yet Owensborough is "decorated" and Portsmouth is advised that "the Government is not an almoner of gifts among the people, but an instrumentality by which the people's affair should be conducted upon business principles, regulated by the public needs," and her appeal for reasonable accommodations for the convenient transaction of the public business is rejected. These comparisons still leave us groping in the dark for a rule or policy to guide us in determining what are the "pressing necessities of the Government's business" which justify the erection of a public building.

But were it not for the fact that we are told that public buildings should not "be erected upon any principle of fair distribution among localities" we might be warranted by the Presidential action in the deduction that the question of business necessity should be controlled by locality and that "Federal decorations" should mainly be distributed south of Mason and Dixon's line. So far as Ohio is concerned, while she is denied "Federal decoration," she is yet permitted to contribute liberally to the expenses of decoration in the other States. Last year she paid into the Treasury in internal-revenue taxes the sum of $12,921,349.10, being $2,362,488.09 more than was paid by all the Southern States, leaving out Kentucky and Missouri.

If we presume, as I think we are bound to do, that there was a pressing business necessity for the erection of a public building at

Owensborough, Ky., then surely the President was misled or illy advised when he returned to us the bill under discussion without his approval, and it would seem to be our duty therefore to pass it notwithstanding his veto. Indeed it should be presumed that, if properly advised, he himself would desire that result.

But I put it on broader ground. In my judgment the Government should furnish buildings to reasonably accommodate the Federal service in every town of 10,000 inhabitants and upwards in the country. It is extending its jurisdiction in every direction, and is constantly coming closer to the people, and should own and control the property and buildings in which it transacts its business, and extend to the people the facilities and conveniences that it, and it only, can afford, which private enterprise can not furnish without the aid of the Government or without some arrangement with the Government permanent in its character which will practically make it a Government enterprise. I submit the matter to the judgment of the House.

---

## No Interference by the Federal Government in the Common School Systems Established and Controlled by the States.

---

SPEECH

OF

# HON. GEORGE E. SENEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, March* 1, 1887,

On the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. SENEY said:

Mr. SPEAKER: The bill under consideration proposes to give $77,000,000 to the States, Territories, and the District of Columbia to aid in the support of common schools. Of this sum $7,000,000 is to be given in 1886, $10,000,000 in 1887, $15,000,000 in 1888, $13,000,000 in 1889, $11,000,000 in 1890, $9,000,000 in 1891, $7,000,000 in 1892, and $5,000,000 in 1893.

This money it is proposed to distribute among the States, Territories, and the District of Columbia, according to their respective population, of ten-year old and upward who can not write.

The bill provides that one-tenth part of the appropriation ($7,700,000) may be used in the education of teachers for these schools, and that $2,000,000 thereof may be expended in building school-houses.

### COMMON SCHOOLS ARE STATE INSTITUTIONS.

This measure ought not to become a law. The very title of the bill is suggestive of improper and unauthorized legislation. As to the bill itself it would be difficult, in my opinion, to put upon ten pages of paper more repugnance to the Constitution of the United States and more of evil to the two systems of government under which we live.

My opposition to this measure is free from sectional feeling and free from partisan bias. In opposing it no opposition is made to a free common-school system of education, for this every true American favors. My friendship for free common schools began early in life and has grown with my growth and strengthened with my strength. Their maintenance by the States, under State laws, regardless of their cost, I zealously favor, but to their maintenance or control by the General Government in whole or in part, for a time long or short, my opposition is fixed and unalterable. Common schools under our State and Federal systems are State institutions. The General Government has no power to establish, maintain, or control them.

This power belongs to the States, and by the States it has been exercised, exclusively and without question, since the Government began. Common schools have been maintained from the beginning by taxes levied, collected, and disbursed by the States. When the original States were colonies each, unaided by the British Government, maintained by taxation its own educational system. Those colonial systems were in force at the close of the Revolutionary struggle. When the colonies became States these systems were a part of the colonial laws, and without re-enactment they became the laws of the States.

These States in creating the General Government withheld from it all power to legislate respecting educational affairs. This power, wisely and well, the States reserved to themselves and to their people. Acting upon this understanding of constitutional right the original States have continued to control, without interference, direct or indirect, from the General Government, the education of their own people. The other States, or many of them, came into the Union obligated by their organic law to establish and maintain public schools for the education of their people.

For nearly a century the law-makers, State and Federal, enacted laws in the belief that common schools were local institutions, known to State and unknown to Federal authority. The statute-books of the States are full of laws establishing common schools and providing for their maintenance and control. No such enactments are to be found among the statutes of the Congress of the United States. In these laws are found the will of the people, and under their operation free common schools have been made the pride and the glory of the American States.

No institution, State or Federal, stands higher in public favor, and there is none to which the people are more warmly and devotedly attached. Free common schools ought to remain, as they are, local institutions of the States. Under the control of the States they are under the control of the people, and thus controlled they will be always thorough and efficient. Interference with this rule, friendly or unfriendly, directly or indirectly, from any quarter, under any pretense, is destructive of the best interests of the people.

### REASONS FOR SUPPORTING THE BILL.

This measure is well calculated to secure public favor. All who love intelligence and hate ignorance naturally sympathize with whatever promotes education. It is not strange, therefore, that this measure attracts the attention of our people. It has friends everywhere. Gentlemen of the highest character advocate it. Men and women prominently identified with the educational interests of the country favor its passage. Year after year has it been urged upon Congress.

Once, perhaps two years ago, a bill substantially the same as this, passed the Senate. This bill, or one not materially different passed the Senate at the last session, and there is reason to believe that the measure has many friends, possibly a majority, upon this floor. The advocates of this bill tell us that one-eighth of our population is unable to read or write; that these illiterate people are to be found in every part of our country, and that their ignorance endangers the peace and perpetuity of the Government. Some of the States, it is claimed, are unable to give their illiterates proper educational advantages, while others, it is alleged, are unwilling to levy taxes sufficient for their education.

Many good people think that that part of our population the war made free ought to be taught to read and write at the expense of the General Government. Others say that it would be right to take from the large surplus in the Treasury enough to educate all illiterates and distribute it among the States for that purpose. These are the principal reasons urged in support of this measure.

### AMOUNT OF APPROPRIATION WITHOUT PRECEDENT.

Twenty-five years ago the amount which this bill appropriates ($77,000,000) was considered a very large sum of money. It is a very large sum of money now, except, perhaps, in the minds of the most determined advocates of this measure. In what are called the earlier and better days of the Republic the annual expenditures of the Government were far below this sum. These expenditures for the year 1793 were $1,749,070.73. The largest annual expenditure prior to 1861 was in 1858, and amounted to $72,330,437.17. The average yearly expenditure for seventy-two years prior to 1861 was $22,603,395.36.

During the war of 1812 the largest expenditure in a single year was $30,127,686.38; and during the Mexican war the Government's expenses in 1847 were $53,801,569.37. Except for war purposes this appropriation is believed to be the largest ever made for a single purpose. It is almost one-half of the expenses of the public service for the year 1885. All of this comment, however, may be out of place. It may serve possibly to remind the representatives of the Democratic party upon this floor that they are under some obligation to see that the public revenues are not wasted in unauthorized appropriations.

In the last year of the administration of President Buchanan (1860–'61) the public expenditures were, in round numbers, $60,000,000. The Republican party, it will be remembered, indignated vehemently and terribly at this condition of affairs. In convention at Chicago, in May, 1860, that party resolved:

> That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government—that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public Treasury by favored partisans—and that an entire change of administration is imperatively demanded.

Six months later, the people voted the sixty-million-dollar-a-year party out of power. Twenty-four years later, the annual public expenditures, excluding pensions and interest on the public debt, was $152,738,411, and the party responsible was rebuked by the people for its reckless use of the public revenues. The evils which this bill proposes to remedy have existed for twenty-one years. If, for this long period, the Republican party, having the power, was unwilling to add $77,000,000 to the money burdens of the people for the purpose of educating our illiterate population to read and write, why should it be done now by the Democratic party, pledged, as we all know it is, to keep the expenses of the public service within economical limits, and opposed, as it is, and always has been, to any interference upon the part of the General Government in the local affairs of the States.

Whom did the people hold responsible for the $18,988,875 appropriated in March, 1883, for river and harbor improvements? In the House that passed that bill there was a Republican majority of 11. In the House elected six months later the Democratic majority was 75. Pass this bill, as the river and harbor bill was passed, by votes from both sides of the House, and still the responsibility for making it a law is with the Democratic party. Enact this bill into a law, and my word

for it, in the next Congress to be elected, there will not be 71 Democrats from the twenty-two Northern States to answer at the roll-calls. Our political opponents even now are earth-raking and sky-scraping to defeat us in the great contest in 1888. In our follies are their hopes of success.

If an appropriation of near $19,000,000 for rivers and harbors cost the Republican party twenty-eight members of the House, how many members will the Democratic party lose by appropriating $77,000,000 to build thousands of school houses and educate thousands of school teachers to teach our illiterate population to read and write?

A correct solution of this problem can not be made here or now, but if this plunder bill passes this House, the problem will be solved by the people when the next general election is held.

THE BILL IS NOT CONSTITUTIONAL BECAUSE THE APPROPRIATION IS FOR SEVEN YEARS.

The bill, it will be noticed, appropriates money for the current year, and also annually thereafter for seven years. This provision of the bill alone ought to condemn the measure. That such legislation is unusual and extraordinary all will agree. That it is constitutional there are many who doubt. It is true that the Constitution does not in express terms require annual appropriations. For raising and supporting armies it forbids appropriation of money for a period longer than two years. That the spirit of the Constitution is unfriendly to permanent appropriations there can be no doubt.

The best interests of the Government, it is believed, require that that instrument be so read and construed. Cases may arise in which the necessities of the Government may be so urgent and pressing as to compel appropriations for a period longer than one year, but the appropriation contemplated by this bill is not of this character. It is more in the nature of a gift. It supplies no want of the Government, and meets no one of its obligations. It is a gratuity. Should this bill become a law a precedent is made respecting appropriations, which may be used in the future to promote schemes for plundering the Treasury more high-handed, if it is possible, than the one now being considered. If the General Government must aid the States in maintaining their common schools the appropriation for this purpose ought to be made as all other appropriations are made, annually.

There is no good reason for making this appropriation cover a period of seven years. Such legislation is without excuse, or justification. This measure, at best, is an experiment. Three years, or less, of trial will show it to be wise or foolish. If wise, appropriations may be continued. If foolish, the folly may then end. If the common schools in any part of our country need help, and the help must come from the General Government, it ought to be extended for the shortest possible period. Long before 1893 the schools now wanting help may be sustained without Government aid. The appropriation for the period fixed by this bill is believed to be without precedent in Federal legislation. To my mind every consideration suggestive of duty admonishes that it is best to make no appropriation, for any purpose whatever, for a period longer than that plainly and clearly contemplated by the Constitution.

Again, the money appropriated by the bill is not in the Treasury. True, there is money enough in the Treasury unappropriated to meet the entire demands of the bill. But it will be borne in mind that but $7,000,000 of the $77,000,000 is to be paid down. To meet this installment, I admit, the money is in the Treasury. But to meet the other installments, seven in number, annually, I deny that the money is in the Treasury. In the absence of law, $77,000,000 now in the Treasury can not be set apart to remain idle for years to come, in order to meet these installments as they mature.

To meet these deferred installments amounting to $70,000,000 taxes must be levied and taxes must be collected, yearly, for seven years to come. This burden I am unwilling to impose upon the tax-payers of the country. Taxes, State and Federal, are high, and bear heavily upon the people. To raise this seventy million of money almost every article we eat, drink, wear, or use, must be heavily taxed. Money is scarce, labor unemployed, business inactive, wages poor, and farm products low in price. Surely this is not the time to add seventy million to the public debt, now over fifteen hundred million dollars, and upon which the people pay, annually, nearly $50,000,000 for interest.

The money to meet these installments, I repeat, is not in the Treasury, nor is it in the pockets of the people. It is yet unmade. It is yet to be earned. Earned in the field, in the workshop, and elsewhere, where labor, trade, and business are done. Whether earned or unearned, made or not made, it must be paid. The Federal tax-gatherer will collect it, peaceably if he can, forcibly if he must. An appropriation of money for the period fixed by this bill can not be otherwise than repugnant to the Constitution. Who will say that such legislation is wise? It is bad legislation—it is inexcusable legislation to give away the revenues of the Government, held at the Treasury, to meet the demands of the public service.

This bill proposes to give away a considerable portion of the public revenues years in advance of their levy. The obligation to pay each year for seven years to come it is proposed to fix beyond recall by this bill. When these installments mature the money to meet them may not be in the Treasury, or if there, it may be needed for the most necessitous purposes. To give away $7,000,000 in 1887 will occasion no embarrassment. To give away $11,000,000 in 1890, or $7,000,000 in 1892, might strip the Treasury of its last dollar.

If we ought to make gifts of money to the States for their schools, let us give of the money we have, but make no engagements to give of that which is to be earned years hence by the people. We ought to be ordinarily prudent, at least, in the management of the revenues of the Government. To give away any portion years in advance of their levy and collection is wrong, and in the considerate judgment of the people it will be so regarded.

IN OTHER RESPECTS THE BILL IS REPUGNANT TO THE CONSTITUTION.

The Constitution of the United States prescribes the law-making powers of the General Government. Upon the subject of education this instrument is profoundly silent. The power to establish or maintain public schools is not expressly or impliedly conferred upon Congress by the Constitution. By the terms of this instrument this power belongs to the States. If free common schools are to be maintained in whole or in part, temporarily or otherwise, by the General Government, there will be a necessity hitherto unknown for the exercise of the taxing powers of the Government.

The Constitution, best read and interpreted, limits these powers to the purposes for which the Government was established. That a tax levied by the Government for the sole purpose of maintaining a free common-school system of education would be repugnant to the Constitution needs no argument to demonstrate. If Congress has no constitutional power to levy a tax for such a purpose, clearly it has no power to use for such a purpose the revenues raised by taxation for the Government's support.

Taxes levied and collected to maintain the Government can not be appropriated to purposes unknown to the Constitution. If the money proposed to be appropriated by this bill had to be taken from the pockets of the people by direct taxation, this measure would not, I verily believe, have a single advocate in this House. Or, if the bill named the articles to be taxed $77,000,000 in addition to the taxes they now bear, it would have very few friends.

The schools to be aided by this measure, it will be noticed, are established, maintained, and controlled by State laws. If Congress has no constitutional power to establish or maintain free common schools, upon what ground can it be claimed that it has the power to aid in maintaining those established and controlled by State laws? If there is power in Congress to maintain or aid in maintaining such schools, unquestionably Congress has power to control them.

If there is no power to control them, there is no power to maintain or aid in maintaining. The power to maintain and the power to control are inseparable. The very fact that these schools are under State control is a conclusive argument against the right of the General Government to aid in their support. If Congress has the power to levy and collect taxes to pay a part of the expense of maintaining schools established and controlled by State laws, it has power to tax, and use the revenues to pay the whole of the expense. If the one power exists, so, too, does the other.

Without the power to maintain these schools there is no power to help in their maintenance. To support or aid in their support concedes the power of Congress to create educational systems for the States. If Congress may raise revenue to aid in maintaining public schools under State control, it may establish and maintain its own system of free common schools different from that of the States, and control it independent of and against State authority.

GENERAL-WELFARE CLAUSE OF THE CONSTITUTION.

The advocates of this measure tell us that Congress has power to provide for the general welfare of the United States, and that in the exercise of this power it may legislate respecting the local affairs of the States whenever such legislation will promote the welfare of the General Government. Under the general-welfare clause of the Constitution, they say, Congress may rightfully interfere in the educational affairs of the States, if interference will conduce to the general welfare of all the States.

This interpretation of the general-welfare clause of the Constitution differs, widely differs, from that given to it by those who made that instrument, and by those who administered the government under it so wisely and so well for the first seventy-two years of its existence. Jefferson, Madison, and Hamilton in their day believed that Congress had no power to legislate under the general-welfare clause, except by such means and for such objects as are expressly or impliedly embraced in the Constitution. In later times, Story, Kent, Webster, and Wharton held that the general-welfare clause gave Congress power to impose taxes to pay for that which Congress was by other clauses clearly authorized to do.

Among the authoritative writers upon this subject there is no difference in opinion as to the meaning of the general-welfare clause of the Constitution.

In the local affairs of the States there can be no rightful interference, friendly or unfriendly, direct or indirect, upon the part of the General Government. This is forbidden by the letter and spirit of the Constitution of the United States. The spirit, if not the letter, of all State

constitutions oppose it. Against it is the understanding of fifty-six millions of people.

Non-interference in State affairs by the Federal Government and non-interference in Federal affairs by the State governments is a marked feature in legislation, State and Federal, from 1789 to 1861. All who took part in public affairs during this period agreed that within the limits of State authority the States were supreme and within the limits of Federal authority the General Government was supreme.

In those days the general welfare of the United States was promoted by keeping the legislation of Congress within the limits of Federal authority, and as well was the general welfare of each of the States promoted by confining their legislation within the limits of State authority. In these ways, and in none other, can our two systems of government be harmoniously maintained. The legislation proposed by this bill is a wide departure from this constitutional policy. It is little, if any, short of revolutionary. Within the limits of Federal authority I admit that Congress may legislate under the general-welfare clause of the Constitution, but within the limits of State authority I deny that Congress can legislate under this or under any other clause of the Constitution.

All laws enacted by Congress are supposed to be for the general welfare of the United States. Those enacted under the general-welfare clause of the Constitution stand upon the same footing as those enacted under the other clauses of that instrument. All must conform to the Constitution. In their construction, we are told, the spirit of that instrument is controlling. Opposed as this is to Federal interference in the local affairs of the States, how can the pending bill become a valid law? The general-welfare clause of the Constitution can not make it binding. Under no interpretation of this clause can Congress go beyond the powers granted to it by the Constitution.

Upon no pretense of providing for the general welfare can we legislate respecting that which the Constitution places under the exclusive control of the States. How can that be done under the general-welfare clause which another clause expressly or impliedly forbids. Certainly that which Congress has no power to do can not be done however much the act might promote the general welfare. We know that the Constitution provides in express terms that all powers not delegated or prohibited are reserved to the States or to the people. All will agree that one of the reserved powers is that of legislating respecting the educational or other internal affairs of the States.

Over all such subjects the States have, by the Constitution, exclusive control. If this be so, then it is perfectly plain that this control, in whole or in part, can not be taken from the States or from the people thereof by the legislation of Congress. The general-welfare clause in our Constitution has no annulling power, nor does it enlarge in the slightest degree the legislative powers which are expressed or implied in other parts of that instrument. When doubts arise as to the exercise of such powers this clause can not remove them. We may use the general-welfare clause to help execute the powers granted, whether expressed or implied; but when we have done this all the intent, force, and effect of the clause are expended.

We are asked by the pending bill to violate the Constitution and violate the oaths we have taken to support it upon no justifiable ground. We concede what the friends of this bill claim, that illiteracy is an evil, and that the States wherein it exists to any considerable extent fail, if not refuse, to remove it. But is this any reason why we should interfere? Illiteracy is not the only evil existing under State authority. If it was and could not be removed in any other way than by Federal interference there would be, possibly, some justification for the legislation proposed by this bill; but there are other evils in the States more threatening to the well-being of the people than illiteracy, and if we interfere for its removal now how soon will it be until we will be called upon to legislate for the extinction of the others?

This bill, in no constitutional sense, provides for the general welfare of all the States. Legislation which levies a tax of $77,000,000 upon fifty-six million of people, and when collected gives it away—$58,000,000 to sixteen States from whose people less than $23,000,000 was collected, and but $17,000,000 to twenty-two States from whose people full $54,000,000 was collected, is hostile to the general welfare of the United States. Such inequality in imposing burdens and distributing benefits can not promote the welfare of the States or the people.

In providing for the general welfare of the United States there can be no legislation for the support of free common schools established and controlled by State laws. If Congress, in providing for the general welfare of the Government may aid the States in supporting their common schools, it may aid the States also in maintaining either or all of the many good works established and controlled by State laws. Independent of the General Government and wholly free from its control or assistance the States maintain institutions for the education of the deaf, dumb, and blind. Institutions caring for the insane and for other unfortunates are maintained by the States.

And so, too, other institutions of a benevolent and charitable character. As well may the Government help either or all of those institutions as the public schools. To this Congress the friends of the illiterate appeal for aid. To the next the appeal may come from those friendly to the deaf and dumb. And in the next the friends of the blind and the insane may ask for help. Once begin legislating the public revenues into the States for State uses and for State disbursements and when and where will such legislation end?

In legislation precedents are the most potent of all arguments. Money given to the States for school purposes to-day means more money for the same purposes to-morrow, and money for other State purposes the day following. If, under the general welfare clause of the Constitution, we are authorized to vote money to the States for school purposes, the same clause authorizes us to vote the States money for every other purpose purely local in character.

We cannot appropriate money to help our illiterate population without incurring an obligation to give the same kind of help to other classes of our people equally deserving, and especially those classes who, from any cause, are unable to help themselves. But there are those advocating this bill who claim that there is no limitation upon the power to provide for the general welfare except the discretion of Congress.

Their construction of the general-welfare clause stated in other words is that Congress may do whatever a majority of its members believe will promote the welfare of the people. Unless the Constitution is so read, this bill if made a law can not be a valid enactment. Such a construction of our fundamental law it is to be hoped will never obtain. It ought to be resisted to the uttermost. When the mere will of a majority in the two Houses, which may be one way in one Congress and the opposite way in another, is substituted for the existing limitations upon legislative power, there will be no further use for all that part of our Constitution which delegates or limits the power of Congress.

Upon the vote of a bare majority taxes levied and collected for Federal purposes may be appropriated for State purposes, and laws suggested by the mere whim of a dominant party may be enacted to regulate any or all of the internal affairs of the States. It would be difficult, if not impossible, to conceive a doctrine more destructive of the principles upon which our two systems of government are based.

Sir, it will be a sorry day for the American people when their local affairs are regulated by laws enacted in this Capitol. Mr. Speaker, I am not one of those who believe that the powers of the State governments ought to be lessened and those of the General Government increased. If I did, this measure would have my hearty support. Between the rule which is nearest the homes of the people and that which is farthest away the contest is but fairly begun. For that rule whose seat is at this great political center stands the party out of power. For the rule of the people and nearest to their homes stands the party to whom power was so recently given.

The measure we are discussing opposes State rule in the educational affairs of the people, and for it substitutes the rule of the Federal Government. Such a radical and fundamental change in our State and Federal systems we are told the general-welfare clause in the Constitution authorizes Congress to make. If this be true, sir, then it follows that State control over State affairs is held only to be surrendered to the General Government whenever Congress chooses to assert its interfering power. The general-welfare clause thus construed opens wide and straight the way to centralization. Among the advocates of this bill are those who heretofore have opposed the centralization of power.

The section of our country with which they are identified and the political party to which they belong are distinguished in our history for a century's opposition to all legislation tending to strengthen the Federal Government by weakening the government of the States. Well do the men of the South understand that between their life-long convictions and the principles involved in this measure there is a deadly antagonism. Shall the common schools of the country remain as they now are, under the control of the people, or shall they be regulated by laws made at this Capitol? This is the question plainly and truthfully stated.

In this measure, artfully concealed, in my judgment, is the purpose to place the common schools of our country under the supervising control of the General Government. Against such a policy all opponents of centralized power ought to take a resolute stand. A vote for this bill may make a law more centralizing in its reach than can now be foretold, while a vote against the bill may end, here and now, all effort at Federal interference in the internal affairs of the States. It may be true, sir, that the South needs $58,000,000, for we know that many millions more than this sum it lost by the war.

But can the Southern States take this money and for it do what this bill requires—make it their law? Did the bill offer no inducement would these States make it their law, or would they indignantly resent the proposed interference in their local affairs? The Congress may pass this bill, and the Legislatures of some, if not all, of the States may pass it. One of the high contracting parties may pay the consideration money, and other high contracting parties may accept it, but will it then be a binding compact?

There may be those who will so regard it, but to the country at large it will appear as an unauthorized, if not a corrupt, bargain and sale.

In the general-welfare clause of our Constitution is the hope of those who believe that one government, instead of two, would best promote the welfare of our people.

The Democratic party believes in State rule and in Federal rule, and believes, also, that the two governments under which we live and

have prospered in a degree without a parallel in history should be maintained for the purposes for which they were established. The Republican party is full of bitter hate to State rule, and the speeches and writings of many of its leaders show a purpose to put the internal affairs of the States under the supervising control of the Federal Government. The measure we are discussing is a move in this direction.

Under a pretense of teaching a few illiterates in a few States to read, it assails the right of all the States, unquestioned for nearly a century, to regulate their educational affairs. This is done, not for the good which may result to these ignorant and harmless people or to the States in which they live, but for the purpose of securing, if possible, such an authoritative construction of the general-welfare clause of the Constitution as will enable ambitious and unscrupulous party rulers to subordinate State rule to the rule of the Federal Government. In their school of politics this clause has no higher dignity than that of the india-rubber clause of the Constitution.

While all other parts of that instrument refuse to bend or yield to their purposes, this part, they say, may be stretched and stretched until it covers all subjects of legislation, State as well as Federal. What a multitude of vicious and revolutionary schemes will be pressed year after year upon the attention of Congress if this bill becomes a binding law, and how many of them sooner or later will work their way into our statute-books?

Sir, it is too true that in these latter days the general-welfare clause has been put to uses never intended by those who made the Constitution and never thought of before the Republican party had control of the Government. Is it not time, high time, to call a halt? Here and now is the place and the time for the representatives of the people to protest against the further abuse of the general welfare clause of the Constitution. Now and here is the time and the place for us to say that it shall not be used to take from the people the control of their neighborhood affairs.

SUBVERSIVE OF STATE EQUALITY.

This measure is subversive of that equality of right which, under our system of government, exists among the people of the States and also among the States. The money to be distributed by the bill is to be collected from the people. In distributing it among the States the distribution should be made, if it is possible, upon a basis of exact equality. To give each State and Territory, including the District of Columbia, an equal share of the money, $1,617,021, or to distribute it upon the basis of property values would be far from satisfactory.

To distribute it by any rule suggested by the interests of a few States will not do, unless like interests in other States would be equally subserved. Population, it is believed, is the fairest basis of apportionment. This the bill ignores. It ignores, also, all equality of right. Illiteracy, instead of population or right, is the basis of apportionment adopted by the bill. Upon this basis the sixteen Southern States, with a population of 18,507,324, will receive $58,000,000 of the money appropriated by the bill, while the twenty-two Northern States, with a population of 30,866,016, will receive but $18,000,000.

The sixteen States will have $3.14 for each person, and the twenty-two States 55 cents for each person. Georgia, with a population of 1,542,180 will receive $6,448,482, or $4.18 for each man, woman, and child in the State. Ohio, with a population of 3,198,062, will receive $1,633,718, or 51 cents for each man, woman, and child in the State. Michigan and Kentucky have about equal population, 1,648,690. Michigan will receive $789,592; Kentucky, $4,316,930.

The three States of Indiana, Illinois, and Massachusetts, with 6,839,257 population, get $4,326,173, while Virginia, Tennessee, and North Carolina, with 4,454,674 population, receive $16,170,889. These are examples. Like inequalities will appear upon a comparison of other States. Distribute the money according to population, and the sixteen States will have $28,316,205, and the twenty-two States $47,225,004. Ohio will have $4,893,348, Georgia $2,359,535, Kentucky $2,500,495, Michigan $2,504,513, Indiana, Illinois, and Massachusetts $10,464,063, Virginia, Tennessee, and North Carolina $6,815,651.

The inequalities in the distribution of this money are the more apparent when it is considered that fully 70 per cent. of the public revenues are paid by the people of the twenty-two States, and about 30 per cent. by the people of the sixteen States. If $77,000,000 is to be distributed among the States, the twenty-two have a just claim to $54,000,000, and the sixteen have no claim beyond $23,000,000. That the distribution is in aid of common schools is no reason why it should be unequal or that illiteracy instead of population should be the basis. The people of the Northern States have an undoubted right to share equally with the people of the Southern States in any and all distributions of the public money.

This right no just act can defeat. It is no matter that one State is poor and another rich—that one needs help while another does not. Upon no basis except that of absolute and perfect equality can the distribution be properly made. The distribution is unequal, unfair, and unjust. Upon the basis of illiteracy the distribution will increase the school fund in some States about 12 per cent., and in others more than 200 per cent. The people in the Northern States will pay $54,000,000 of the $77,000,000 this bill appropriates, and they will receive back $18,000,000.

In other words the bill imposes a tax of $36,000,000 upon the people of the Northern States for the sole benefit of the people in the Southern States. Ohio's share of this tax may be estimated at $3,000,000. The share of the people I represent will be little, if any, less than $200,000. My people have their own schools to support, their township, county, State, town, and city governments to maintain. For all of these purposes they are heavily taxed.

To add to the burdens of taxation they now bear to build schoolhouses a thousand miles distant from their homes, educate schoolmasters and the children of a people they do not know, will never see, and to whom they owe no such duty would be, speaking mildly, an outrage without a parallel in our history, unless it be in the infamous act of George III imposing taxes upon the colonies preceding our Revolutionary struggle.

THE EXPENSE TO BE DIVIDED BETWEEN THE STATES AND THE GENERAL GOVERNMENT.

Should this bill become a law the expense of maintaining the different common-school systems of the States will be, for seven years to come, divided between the States and the General Government. Well may it be asked what part of the Constitution authorizes legislation of this character? Let it be pointed out by the friends of the bill. The Government's share of this expense is $77,000,000. It is given to the States in proportion to the number of their respective populations of ten years old and upward who can not write.

If this class of our population is to be used to get $77,000,000 out of the Treasury, this class, and this class only, should have all of the money. The money, it will be borne in mind, is apportioned upon the basis of illiteracy. It belongs, therefore, to the illiterates, and those not illiterates should be excluded from its benefits. The bill does not so provide. All persons of school age who can write share in the benefits of this measure equally with those who can not write. According to the census of 1880, the number of persons who can not write is 6,239,958.

Of this number more than one-half are beyond educating age. The number of school children, according to the last census, is 15,527,332. If the interests of the Government require that that part of our population which can not write and who are of educating age, numbering, say, 3,000,000, be taught to write at the expense of the Government, this can be done without taxing the people to give more education to about 12,000,000 who can read and write.

EDUCATION OF SCHOOL-TEACHERS.

One of the most offensive features of this measure is found in the ninth section. This section provides for the education of persons at the expense of the Government to teach public schools controlled by the States.

Ten per cent. of the money appropriated by the bill is to be used for the education of professional school-teachers. In other words, $7,700,000 is to be taken from the people, by taxation, for the purpose of educating men and women to teach in the common schools of the country. To educate these teachers the bill authorizes normal institutes and training schools to be established, and provides for their maintenance with the money appropriated.

Against such legislation the better judgment of the people will surely protest. Special legislation such as this will not have the approval of the farmers, mechanics, tradesmen, and laboring men we represent upon this floor. There will be just cause for complaint by all of our people if we allow this feature of this measure to become a law. If we are to pay out at the Treasury for eight years to come, $7,700,000 for the education of school-teachers, we might as well add several thousand names to the one hundred thousand and more now on the Government pay-rolls and every month open the Treasury for the payment of the additional drafts that will be made. The vote on this bill will test the sincerity of those who have given pledges to the people that under Democratic rule taxation and public expenditures shall not be increased.

In what manner I ask are these embryo school teachers to be selected and by whom are the selections to be made? The bill upon this subject is silent. Is this work to be done by the States or by the General Government? Are the sixteen Southern States to furnish all these dependents, or are the twenty-two Northern States, including the eight Territories and the District of Columbia, to share equally, or at all, in these spoils.

I had supposed that the people of the South had had enough of carpet-baggers and their rule. Do they want more? Appropriate $7,000,000 to make common-school teachers, and the North, in due time, will put a carpet-bag and a carpet-bagger into almost every school-house in the South. You gentlemen from the South who favor this measure, keep your eye on these Northern school-masters when they drop down among your people. You will find them to be intelligent, energetic, aggressive, and rising individuals.

They will be among you, not only to teach in your schools, but to use their opportunities to better their fortunes. Your schools will be made good, thorough, and efficient under their management, but they will not be content with this employment. Many of these carpet-baggers will show themselves worthy of higher trust and confidence. I have to repeat, when these schoolmasters respond to your invitation and quarter themselves among your people, keep one eye upon them

and the other upon your seats in this House. When they occupy your places here and the places filled by your friends at home you will know more of a Northern schoolmaster's character.

BUILDING SCHOOL HOUSES.

Another provision of the bill more offensive, if possible, than the one for educating thousands of school-masters at the Government's expense is that authorizing the expenditure of $2,000,000 of the public revenues for the building of a school-house in every sparsely-populated school district of the United States where the people in such district are unable to build it themselves. The lowest sum to be paid out of this appropriation toward the cost of a school-house is $150, and one-half of the cost is the highest.

The most striking feature of this house-building scheme is that all these school-houses are to be built in accordance with plans prepared and furnished by the Bureau of Education in Washington. Who is to own these school-houses in whole or in part when built, or who is to control them then or thereafter, the bill does not provide. If the builder be the owner, or if he who partly builds, partly owns, this scheme, if successful, will make the General Government the owner equitably, if not legally, in whole or in part of ten thousand school-houses situated in ten thousand different school districts of the United States. The popular cry, educate our illiterates, may possibly for a brief time mislead and deceive the people as to the true purpose of this legislation, but if they do not understand it now they will understand it after it becomes a law.

DOES ILLITERACY ENDANGER THE PUBLIC PEACE?

The friends of this bill say it ought to pass because the illiterate condition of so large a part of our population endangers the peace and perpetuity of the Government. This consideration, more than all others, is urged and emphasized. Let no one be misled by this argument. Against the authority of our Government our illiterate people will never rebel. The general peace of the United States will never be broken by this class of our population. If a general disturbance is to come, it is more apt to be brought on and carried forward by that class of our population whose education is not limited to reading and writing.

In the twenty-two Northern States the people who can not read and write number 1,414,210 in a population of 30,866,016. Of this number many are women and children. In these States free common schools are open from five to eight months in each year. With such advantages, it is believed that but few children will pass beyond school-age without learning to read and write. The men and women, many of them, are in middle life, and value peace, order, and law. Of the men, the largest number are industrious and exemplary citizens. Scattered as those people are, here and there, over twenty-two States, most of them engaged in honorable and useful pursuits, who can say truly that their inability to read and write endangers the public peace?

Under the liberal educational policy of these States the number of their illiterates must gradually grow less. The illiterate people of these States could not if they would, and would not if they could, offend against the peace and dignity of their Government. What, then, is to be feared from our illiterate population? Nothing, in either of the twenty-two States. In the other sixteen States, it is said, there is cause for alarm. If so, let the cause be removed. Removed, not by the legislation of Congress, but by the legislation of each of the sixteen States. Each of the sixteen States can lessen the number of its illiterate people. This can be done without the unconstitutional and revolutionary methods employed by this bill.

A judicious exercise of the taxing power in these States would secure as good educational advantages as the other States enjoy. Heavy taxation for school purposes is the rule in twenty-two States. Insufficient taxation appears to be the rule in sixteen States. It is said that the sixteen Southern States were made poor by the war. It is said, also, that the slaves made free by the war and their descendants have educational claims upon these States, which their tax-paying people are unable, if not unwilling, to meet.

Whether or not it is the duty of the General Government to better the mental condition of those made poor by the war or their descendants is a question unimportant at this time to discuss. Upon this point it is sufficient to state that if the General Government is under obligation to educate the freedmen and their descendants this may be done without educating those who are neither freedmen nor the descendants of freedmen. That this bill intends to do more than to teach those who were slaves to read and write is shown by the fact that nearly sixteen million persons are entitled to share in its benefits, and of this number less than three million are emancipated slaves.

It is safe to say that one half of these slaves are beyond educating age. To appropriate money to educate this half is useless. The 1,655,149 illiterate white persons in the sixteen States have no educational claims upon the General Government. For their education their States should provide. The twenty-two Northern States provide amply for the education of 1,272,208 white illiterates, and also for their 46,191 colored illiterates. The schools in these States are open and free to all, white or colored, and if their illiterates do not learn to read and write the fault is their own and not that of the States. The bill in this respect is false, because, under a pretense of educating less than 1,500,000 of slave descendants, it aims at the education of over fourteen million persons whose claims to education are upon the States and not upon the General Government.

ARE THE FORMER SLAVE-HOLDING STATES POOR?

That the sixteen States were made poor by the war I admit. That they are poor now I deny. The census of 1880 shows their population to be 18,507,324. Their taxable values are $3,460,978,384; school taxes, $12,472,824. For school purposes their taxes are less than 68 cents for each man, woman, and child. The same census shows the population of the other twenty-two States to be 30,866,016; their taxable values, $13,214,399,739; school taxes, $59,028,918.

For school purposes the twenty-two States tax themselves over $1.89 for each man, woman, and child. Ohio school tax for 1880 is $7,707,630. The school tax for 1880 of the sixteen Southern States is $12,472,824. In 1880 Ohio paid more taxes for the education of her people than the sixteen Southern States, Missouri and Maryland excepted, paid in the same year for the education of their people.

In the same year Ohio taxation, upon a taxable valuation of $1,534,360,508, amounted to $25,756,658. The taxation for the same year in the sixteen Southern States, Maryland and Missouri excepted, upon a taxable valuation of $2,291,867,557, amounted to $42,552,136. Ohio white population is 3,117,920. The white population of the sixteen Southern States, excepting Missouri and Maryland, is 9,737,325. Need more be said upon this point? The district I have the honor to represent, according to the census of 1880, shows population 151,023; taxable valuation, $79,648,839. Compare this district with the population and taxable valuations in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and South Carolina:

| | Population. | Valuation. |
|---|---|---|
| Alabama | 1,262,505 | $122,867,258 |
| Arkansas | 802,525 | 86,409,364 |
| Georgia | 1,542,180 | 239,472,599 |
| Mississippi | 1,131,597 | 110,528,129 |
| North Carolina | 1,399,750 | 156,100,202 |
| South Carolina | 995,577 | 133,560,135 |

These facts justify the belief that the States most to be benefited by this measure are more unwilling than unable to tax themselves for the support of a thorough and efficient system of common schools.

DISTRIBUTION OF THE SURPLUS MONEY.

There are those who say that the surplus in the Treasury ought to be distributed among the States. Some say for one purpose, some say for another. Better if this surplus was where it belongs, in the pockets of the people. More than ten thousand bills have been introduced into the Senate and House this Congress. How many of these bills propose to legislate the surplus out of the Treasury I am unable to state. That some of them do is a fact well known to the House and the country. Pass the one we are now considering and a few others and the surplus is gone. Distribute the surplus among the States, say many high in control.

The surplus revenue in 1836, they say, was distributed to the States. Why not distribute to the States the surplus revenue in 1887? My information is that in 1836 the surplus revenue was loaned to the States, and subsequently the loans were repaid. That some of the States used the money for educational purposes has nothing to do with the merits of the bill under discussion. The act of Congress authorizing the distribution did not specify the purpose for which the money should be used. The States were free to do with it as they pleased.

The history of the legislation in 1836 shows that the passage of the bill was resisted upon the ground that it was repugnant to the Constitution. The precedent is not binding, for it is lacking in principle. Whether or not the General Government may loan its revenues to the States is a question not involved in this debate. This bill proposes to make no loan to the States. The $77,000,000 it appropriates is an out-and-out gift to the States. If Congress has the power either to loan or give away the revenues of the Government, I am free to admit that my understanding of its constitutional powers are wrong.

The Constitution, as I read it, contemplates no surplus in the revenues. I know of no part of that instrument which authorizes the loaning of the public revenues. The Constitution makes no provision for getting rid of revenues by gift, or for returning it to the States or to the people.

GOVERNMENT EDUCATES FOR THE ARMY AND NAVY, INDIANS AND FREEDMEN, AND DONATES LANDS FOR EDUCATIONAL PURPOSES.

We are told that because the Government educates young men for the Army and Navy it ought to assist in teaching every illiterate person in the States and Territories and the District of Columbia to read and write. We are told, also, that the Government has given money to improve the minds and the morals of Indians and freedmen, and therefore it ought to give money to the States to aid them in maintaining their common schools. The policy of the Government respecting the maintenance of an army and navy is not to be considered when discussing the merits of this bill.

It is wanting in everything that is essential to make it a precedent, and as to principle, it has no place in this contention. If the friends of this measure would bring before the House the claims of Indians and freedmen upon the Government for the improvement of their mental condition, let them withdraw this bill and in its stead present one for that purpose only. If the Government has assisted Indians and freedmen to better their condition, a high duty it owes to these people has been partially performed. In the discharge of this duty there is neither principle nor precedent for the support of this measure.

Much is said about what the Government has done for some of the States for educational purposes. That lands have been granted to nearly one-half of the States to aid in the education of their people is true. Who will say that the grants of land made by the Government for educational purposes make a precedent which obligates the House to vote more taxation upon a tax-ridden people for educational purposes. This bill asks for no lands. Its demand is money.

If lands were sought in aid of education by States to whom none have been granted the grants made to the other States would be precedents supporting the claims. The other States have had no money from the Government for educational purposes. None of the States have had money help. They ask for none. There is, then, no precedent for the legislation proposed by this bill.

Mr. Speaker, we are told that this bill involves a problem of no ordinary magnitude. Let no one suppose that the problem, whatever it is, is solved by this bill. Legislative problems are not solved by unconstitutional or revolutionary methods. The problem, if such it be, may be easily solved by the States. No just solution is possible by the General Government. Ohio has 131,847 illiterates. This fact is humiliating at home, and equally so abroad.

The State is not at fault. The illiterates, themselves, are to blame. They could learn to read and write if they would. The schools are open to them, as they are to all others of school age. Still they will not attend. Laws have been enacted compelling attendance at school. Yet in the face of this legislation illiteracy exists. In a word, the illiterate population of Ohio, small as it is, will not attend school, and for this reason, and this reason only, it is unable to read and write. There is nothing in this bill inducing or compelling a single illiterate to attend school, or to educate himself to read and write.

Make the bill a law and the illiterates in Ohio will be illiterates still. Their number will not be one less, whatever the legislation of Congress upon the subject may be. What is said of illiteracy in Ohio in this connection may be said of each of the other Northern States. It may be said also of three if not more of the former slaveholding States.

What, then, will it profit the people of Ohio to make this bill a law? There is nothing to be gained. There is much to be lost. The people of Ohio are opposed to all interference, friendly or unfriendly, direct or indirect, in their educational affairs. In the educational work in that State her people need no help. This labor of love they would do themselves. In it every hand and every heart are joined. The educational system of Ohio is very dear to her people. They love their common schools. They made them. They maintain and control them. No better system of common-school education has been devised by the genius of man. There can be none more thorough, none more efficient. These schools are free.

All of school age, rich and poor, high and low, white and colored, are welcome scholars. The burdens they impose upon the tax-payers of the State are heavy, but they are cheerfully borne. Full $60,000,000 represent the value of school property in Ohio. Nearly $8,000,000 was the cost of maintaining her common schools in 1880. Over 1,000,000 of the State's population are of school age. Upon the quiet hillsides and in the peaceful valleys of that State stand more than 13,000 school-houses. In these humble temples of learning assemble each school-day, for six to eight months in each year, the coming men and women of that great commonwealth.

Twenty-four thousand teachers are there to greet them, and the days are passed in teaching and in learning all that need be taught and learned to do life's ordinary duties usefully and well. No statement of what Ohio is doing for the education of her people would be complete if it omitted the fact that in the eighty-eight counties in that State there are over one hundred academies, seminaries, colleges, and universities, and to all these must be added many private schools of low and high grade.

What can Federal legislation do more, or better than this for the education of the people of my State? Untouched by Federal hands the common schools of Ohio will ever be, as they are, noble and grand institutions of that State. Federal interference, slight as it may be thought this bill proposes, can not promote their usefulness and may do much to mar their prosperity.

Of the common school system of my State I speak with more than ordinary pride. Excited somewhat I may be by the reflection that this system of education is the work of the political party with whom I have acted through life. A little more than thirty-five years ago the Democrats of Ohio made the organic law of that State. The educational foundations they laid broad, deep, and strong.

Upon them Democratic legislation reared the structure which now stands, admired wherever learning is valued and wherever the rule of the people has a friend.

## Honest Elections—New England vs. Georgia.

### SPEECH
OF
### HON. JACOB H. GALLINGER,
OF NEW HAMPSHIRE,
IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, January 25, 1887.*

The House having under consideration the report of the Committee on Elections upon the contested-election case of Page *vs.* Pirce, from the State of Rhode Island—

Mr. GALLINGER said:

Mr. SPEAKER: There has never been, in the history of this Government, a flimsier pretext upon which to unseat a Representative than is contained in the report of the majority of the Committee on Elections in this case. The sitting member [Mr. Pirce] received 1,751 more votes than his Democratic competitor, and 16 votes more than were cast for the combined opposition, including Democrats, Prohibitionists, Greenbackers, and scattering. Notwithstanding this it is proposed to declare the seat vacant, and to accomplish this outrage the gentleman from Georgia [Mr. TURNER], chairman of the committee, boldly proclaims that fraud and intimidation have been proven.

Just think of it. "Fraud and intimidation" in a Congressional election in New England, and the allegation made by a gentleman representing a district in which at the last election the aggregate vote cast was 2,418, only 7 of which were Republican! "Fraud and intimidation" in a New England election, and the allegation made by a gentleman from a State the aggregate vote of the ten Congressional districts of which was 27,553, or less than the average vote of a single Congressional district in the New England States!

"Fraud and intimidation," and the allegation made by a representative from a State that only a few years ago was Republican, but the citizens of which, at the last election, under a condition of things gradually brought about by Democratic election methods, cast only 1,960 Republican votes in the entire State! Surely the gentleman has not stopped to reflect upon the ridiculously absurd position he occupies in this discussion. When Georgia assumes to lecture New England in the matter of honest elections, then certainly it is time for us to seriously inquire into the facts, with a view of vindicating the truth.

But not only does the gentleman from Georgia charge, by implication at least, that the people of New England are bribers and bribe-takers—that they practice fraud and intimidation—but he makes the additional accusation of "bulldozing" against the Republicans of this particular Congressional district in Rhode Island. How strange that word sounds when applied to New England by men who, when popular government was overthrown in the South after the reconstruction period, had the reputation of not only understanding its significance, but likewise its practical value to the Democratic party.

What proof does the gentleman bring to sustain the charge? Only the fact that some of the manufacturers of the district remained at the polls during a portion of the day, and that one man who employed labor advised his men to vote the Republican ticket. That is the sum total of the offending that troubles the virtuous political soul of the gentleman from Georgia. Let us hope that the manufacturers of New England may never forget to exert themselves against the free-trade heresies of the Southern Democracy—heresies that, if enacted into law, would largely wipe out the industries of the North, and bring desolation to the busy cities and villages of New England.

The charge of "bulldozing" against New England is supremely ridiculous, and the effort to unseat a Representative upon an accusation of that kind would be laughable were it not likely, as in this case, to accomplish its purpose. When the South renounces all forms of election frauds, and gives every voter an equal right at the polls, then she may turn her attention to New England and find, if she can, practices deserving of condemnation; but so long as the existing condition of things continues in that section it does not lie in the mouth of any Southern Democrat to parade before the country charges of bulldozing against a community which knows the term only because of its proper and legitimate application to Southern election methods.

The gentleman from Georgia in endeavoring to bolster up the report of the Committee on Elections has seen fit to malign the character of the citizens of New England. I have no desire at this late day of the session to engage in a sectional discussion, nor to retaliate by telling in detail the true and familiar story of how Southern States, naturally Republican, have been transformed into solidly Democratic States by means of fraud, corruption, intimidation, bulldozing, and almost every conceivable crime, but when the gentleman says—and this is the purport of his language—that the men of New England are so lacking in manhood, so indifferent to their political rights, and so wanting in patriotism and honor, that they will yet demand pay for the time they lose in celebrating the Fourth of July, I feel bound as a citizen of New England, and one of its Representatives on this floor, to refute the slander.

It is nothing new for men of the South to sneer at the laboring men of the North, and to hold in contempt the toiling masses of New England, but it comes with poor grace for men whose patriotism, to-day, seems to be measured by the extent of the appropriations that are secured for their section of the country to impeach the virtue and integrity of those whose courage and valor helped to preserve the Union which the South tried to destroy, and to whose courage, valor, and magnanimity they owe the opportunity of occupying seats on this floor.

It is true that most of the citizens of New England earn their bread by the sweat of their brow; that their hands are hardened by honest toil, and that in a rigorous climate and with a sterile soil they have been obliged to be frugal to meet their obligations; but labor, however plebeian, never corrupted their souls nor lessened their love of liberty and justice. Neither political crimes nor repudiation ever stained the escutcheon of their States. Their ancestors, of the best blood of Old England, left comfortable homes to secure for themselves and their descendants both civil and religious liberty; and when oppression followed them here they were the first to rebel against tyranny. They have ever been jealous of the rights secured by the blood of the Revolution, and when bad men and unprincipled leaders have attempted to betray those rights they have been repudiated and overthrown.

I say to the gentleman from Georgia that New England invites the closest scrutiny of her elections. They are held in open day, in strict compliance with law, with the fullest opportunity for every vote to be cast and honestly counted. Her courts are open to the black and white man alike, to the poor and the rich, and to the minority party in politics as well as to the majority. Look through her whole history, and you will find no record of intimidation to voters, of oppression for opinion's sake, of midnight assassination, of fraudulent ballots, of suppression of votes, of complicated election machinery set in force to bewilder and disfranchise the weak and ignorant; and it is a matter of history that whenever a crime against suffrage has been attempted within her borders it has been at the instigation of the leaders of the party to which the gentleman from Georgia belongs.

It ill becomes the gentleman to impugn New England when he represents in part a State where elections are a mockery and a farce, and where the minority party has been terrorized into silence and almost blotted out. Why, in the entire State of Georgia, sending ten Representatives to this House, the opposition to the Democratic party at the last election, including Republicans and independents of all descriptions, was returned as casting only 2,083 votes, an average of less than 209 votes for each district.

To account for this phenomenal condition of things the gentleman says that at the last election some leading Republicans gave him their support, and that throughout the State the election was merely a "dress-parade" affair in honor of the Democratic candidates. It certainly is singular, if the gentleman's offensive allusion to New England is correct, that we fail to find in the North any State or district where a similar condition of things exists—where the dominant party utterly blots out the minority. He intimates that suffrage in New England is so corrupt—that her citizens are so destitute of patriotic impulses—that very soon they will have to be paid to celebrate the Fourth of July, and yet the simple and undeniable facts are that ten times as large a proportion of the voters of New England cast their ballots at the last election as did those of Georgia.

To show the difference between the North and the South in reference to suffrage, it is only necessary to look at the district represented by the gentleman from Georgia, where only seven Republican votes were cast, and at that represented by the gentleman from Massachusetts [Mr. COLLINS]. The latter is a hopelessly Democratic district, and Mr. COLLINS is accounted as acceptable to his Republican constituents as the gentleman from Georgia can possibly be to his. Massachusetts is a State where parties often merge in the personality of their candidates, yet in Mr. COLLINS'S district, with all his personal following, with all the respect that his ability and industry have won, the Republicans polled 3,829 votes to his 11,201, and the entire opposition to him was over 4,000, or more than twice the entire opposition vote of Georgia.

In the State of Vermont, where Democracy grew faint waiting for a national triumph of its party, where the organization has sometimes been too poor to send ballots into all the towns of the State, and where election day is without solace to ambitious Democrats, the party mustered in the late Congressional election 13,831 votes in the two districts into which the State is divided, or nearly seven times the vote cast by the Republicans in the ten districts of Georgia. The Republicans of Vermont came to the polls as well. The total vote for Congressmen in the State was 48,473, or nearly twice the total vote in the ten Congressional districts of Georgia.

In New Hampshire, which is allotted only two seats in this House, the total vote for Congressmen at the last election was 76,993, or nearly three times the total vote for ten Congressmen in Georgia. In my own district, where it was generally conceded that a Democratic triumph was out of the question, 39,559 votes were cast, or more than one and a half times the entire vote in the ten Congressional districts of Georgia.

In this connection I have prepared a table showing the vote in every district of Georgia at the last election, and the vote in ten districts of New England, including the northern half—Maine, New Hampshire, and Vermont—and the State of Rhode Island, where suffrage is restricted by the State constitution. I find that in these ten New England districts there was cast at the last election 271,617 votes, or ten times as many votes as were returned in the ten Congressional districts of Georgia. In other words, it takes ten times as many votes to elect a Congressman in New England as in Georgia. I also find that in the ten New England districts the minority parties cast 122,065 votes, or about sixty-one times the vote of the minority parties in Georgia.

Yet there is hardly a district in Georgia that the Republicans, in a free and fair election, and with an honest count, do not stand at least an equal chance of carrying than do the Democrats of carrying any one of the New England districts used for this comparison. I invite attention to the following table and the deductions that can be drawn from it, and especially desire the gentleman from Georgia, who talks so flippantly about the indifference of the voters of New England to the privileges of the elective franchise, to give it a careful and conscientious study:

*Vote for Congressmen in the ten Congressional districts of Georgia in November, 1886.*

| Districts. | Republican. | Democratic. | Scattering. | Total. |
|---|---|---|---|---|
| First | 17 | 2,061 | ..... | 2,078 |
| Second | 7 | 2,411 | ..... | 2,418 |
| Third | ..... | 1,704 | ..... | 1,704 |
| Fourth | 330 | 2,909 | ..... | 3,239 |
| Fifth | 1 | 2,999 | ..... | 3,000 |
| Sixth | 1 | 1,722 | ..... | 1,723 |
| Seventh | 1,537 | 5,043 | 100 | 6,680 |
| Eighth | 33 | 2,322 | 23 | 2,378 |
| Ninth | 27 | 2,355 | ..... | 2,382 |
| Tenth | 7 | 1,944 | ..... | 1,951 |
| Total | 1,960 | 25,470 | 123 | 27,553 |

*Vote for Congressmen in ten Congressional districts of New England in November, 1886.*

| Districts. | Republican. | Democratic. | Scattering. | Total. |
|---|---|---|---|---|
| First Maine | 15,625 | 14,299 | 1,120 | 31,044 |
| Second Maine | 18,240 | 11,811 | 3,929 | 33,980 |
| Third Maine | 17,994 | 13,003 | 755 | 31,752 |
| Fourth Maine | 17,240 | 13,666 | 685 | 31,591 |
| First New Hampshire | 18,165 | 18,370 | 899 | 37,434 |
| Second New Hampshire | 19,715 | 18,549 | 1,295 | 39,559 |
| First Vermont | 15,632 | 5,655 | 264 | 21,551 |
| Second Vermont | 18,685 | 8,176 | 61 | 26,922 |
| First Rhode Island | 3,517 | 2,372 | 747 | 6,636 |
| Second Rhode Island | 4,849 | 5,426 | 983 | 11,258 |
| Total | 149,662 | 111,327 | 10,738 | 271,727 |

An analysis of the table gives the following startling and instructive facts:

| | |
|---|---|
| Total vote in the ten Congressional districts of Georgia | 27,553 |
| Total vote in ten Congressional districts of New England | 271,727 |
| Total Republican vote in the ten Congressional districts of Georgia | 1,960 |
| Total Democratic vote in ten Congressional districts of New England | 111,327 |
| Total opposition vote to the Democratic party in the ten Congressional districts of Georgia | 2,083 |
| Total opposition vote to the Republican party in ten Congressional Districts of New England | 122,065 |
| Total opposition vote to the Democratic party in the ten Congressional districts of Georgia | 2,083 |
| Third party and scattering vote in ten Congressional districts in New England | 10,738 |
| Total vote in the ten Congressional districts of Georgia | 27,553 |
| Total vote in the second Congressional district of New Hampshire (Mr. Gallinger's) | 39,559 |
| Total vote in the second Congressional district of Georgia (Mr. Turner's) | 2,418 |
| Total vote in the second Congressional district of New Hampshire (Mr. Gallinger's) | 39,559 |
| Total vote in the ten Congressional districts of Georgia | 27,553 |
| Total vote in the two Congressional districts of New Hampshire | 76,993 |

Surely the gentleman from Georgia will not fail to find in these facts and figures food for sober reflection. They certainly furnish indisputable evidence that his slurs and innuendoes, aimed at New England, ought to have been applied to his own State. One of two things is absolutely certain: Either the voters of Georgia are not allowed to exercise the right of suffrage or there is an alarming decadence of interest in the matter throughout the State; and the figures conclusively show that there is a strong probability that in the near future either every voter of the State will have to be paid to vote or there will be no voting at all, while the matter of celebrating the Fourth of July by citizens who are not patriotic enough to vote at a Congressional election is a contingency quite too remote to be taken into account at all.

If the voters are not allowed to vote, then all talk about fraud and intimidation in the North should cease, while if the smallness of the vote is due to indifference as regards the suffrage, then surely the energies of the gentleman and his colleagues should be employed to bring about a different state of affairs. When only one voter in ten goes to the polls (supposing they are permitted to do so) there is certainly an

apathy that bodes no good to the Republic—an apathy that, unless corrected, may again estrange the State from the Union and bring about a renewal of the controversies of a quarter of a century ago.

Thank heaven, New England is not responsible for Hamburg, Danville, or Copiah, or for the recent outrages that have driven from their homes in Texas well-known citizens of that State simply because they were Republicans. Thank heaven, New England is not responsible for the tissue-ballot frauds, the multiple-box scheme, the false counting, the threats, intimidations, and political murders that more than one Southern man has defended on the ground that they were necessary to keep the South solid for the Democratic party. Elections in New England have always been conducted fairly. No voter, black or white, rich or poor, foreign-born or native, has been denied his right or driven from the polls. Proud of her magnificent system of town government, proud of her schools and her churches, her mills and her homes, and proud alike of the fairness of her elections, she stands to-day as the best illustration of an enlightened and progressive republicanism. Men may sneer at her on this floor or elsewhere, but her achievements are too well known to need eulogy from me. Secure in the glory of her fame she will withstand all attacks upon her integrity and loyalty to the right.

Rhode Island is a small State. She has but two Representatives on this floor, and it is proposed to deprive one of them of his seat. But while small in area and population, the hum of the industries of Rhode Island is heard around the world, and every State of New England is distinguished for thrift, enterprise, and prosperity.

Nestled among the hills—with a rough soil and cold climate—is the little State of New Hampshire. A good State, many say, to emigrate from. Yet so long as the Merrimack continues to carry more spindles than any other river in the world, so long as the savings banks of the State can show nearly $50,000,000 as the surplus earnings of her common people, so long as her churches and schools and homes will favorably compare with any to be found in the world, so long as her judiciary remains incorruptible and her elections are untainted by fraud, just so long will the Old Granite State have reason to be proud of her name and her fame. It was Homer, I believe, who said of Ithaca, "Rugged are her hills and sterile is her soil, but she is the nursing mother of great men."

And so with a sterile soil and rugged hills New Hampshire can point with pride to Daniel Webster, Salmon P. Chase, William Pitt Fessenden, Horace Greeley, John A. Dix, Zachary Chandler, John P. Hale, Levi Woodbury, Lewis Cass, Franklin Pierce, and a host of other illustrious men as specimens of her productions.

It is being claimed in certain quarters that the South of to-day is a "New South," and that New England is governed by prejudice toward her. Let us hope that a new light has burst upon the Southern States, that the wrong of secession and the crime of rebellion are at length to be acknowledged, that the fundamental and vital principles of constitutional government are to be exemplified in the free and fair exercise of the elective franchise, and in the recognition of the universal brotherhood of man. New England will hail such a change. But that change never will come in fact so long as a portion of her vote is suppressed, and a large percentage of her people are kept in political slavery. That change can only come through a repudiation of all wrongful election methods, all devices to cheat and defraud the voter, all schemes of disfranchisement and persecution for opinion's sake. When it comes in reality, when the worship of Jefferson Davis and the confederacy is laid aside forever, then New England will gladly welcome the New South, and with hope and pride point out to her the grand possibilities and magnificent achievements that lie in her path.

But it must be a new South in fact as well as in name, and not a relic of the South of ante-bellum days. God speed the time when the new South of the eloquent Grady will repudiate the South that avails herself of 30 votes in the electoral college and 30 votes on this floor, which represent a constituency living under the despotism of political hate, and practically denied the exercise of the suffrage upon which is based the right of this representation, and through which the election of a Democratic President and Democratic Congress was made possible in 1884.

New England only asks that the South shall imitate her fair and honorable election methods, and that Southern men on this floor shall not attempt to hide from view the wicked political practices of their own section by making accusations against New England or the North which every well-informed man knows to be incorrect and unjust. If a Representative from any district of New England is to be unseated, let the issue be made upon the facts developed in that particular case, rather than to be made an occasion for sweeping condemnation and denunciation of a section of the country where election frauds are never justified, and where every voter is given the utmost facility to express at the ballot-box his individual preference. That is all New England asks, and for that right New England will contend here and elsewhere, no matter who her accusers may be. Her voice will ever be raised in advocacy of honest elections in every State of the Union, believing, as she does, that the suppression of the right of suffrage in the South is a blow at the very fundamental principles of our Government, and a wrong that, unless righted, will endanger the perpetuity of the Republic.

## Death of Hon. Abraham Dowdney.

### REMARKS
OF
### HON. PETER P. MAHONEY,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, February* 8, 1887,

On the resolutions of respect to the memory of the late Hon. Abraham Dowdney, a Representative in Congress from the State of New York.

Mr. MAHONEY said:

Mr. SPEAKER: It would be very much against my desires were this occasion to pass without at least a word or two from me regarding the man whose life and character we are considering to-night. I had known him for many years, and had learned to admire his character as one full of sincerity, unaffected simplicity, determination of purpose, and honesty of intent, which could not fail to appeal to the appreciation of all with whom he was brought in contact.

His kindness of heart was proverbial. Nothing pleased him more than to be able to perform a good act, and to do it in his own unassuming way, without noise or self-acclaim. He took a deep interest in the educational affairs of New York city, and by his painstaking and persistent attention to this subject did much to promote the excellent educational facilities now enjoyed in the metropolis.

He was a man of intense conviction, and possessed a mind capable of dealing with questions in a broad and comprehensive sense. There was no smallness in his nature. In his business relations he was plain, direct, and scrupulously conscientious; while in the domestic circle he was loved and honored as a devoted husband and parent.

Here in Congress Mr. Dowdney was esteemed for his carefulness, his conservatism, and his attention to duty. His was in every sense a manly character, beautiful in many of its attributes, always just, always frank and sincere, always kind and generous. If the record of a life fragrant as this with worthy aspiration and good deeds and generous intent be claim to rest and happiness hereafter, then they are his forevermore.

## Veto Message—Simmons W. Harden.

### SPEECH
OF
### HON. ARCHIBALD J. WEAVER,
OF NEBRASKA,
IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, March* 1, 1887.

On the bill (H. R. 1406) granting a pension to Simmons W. Harden—

Mr. WEAVER, of Nebraska, said:

Mr. SPEAKER: At the outset in this case, and as a good and sufficient reason why this bill should be passed, the objection of the President to the contrary notwithstanding, I will send to the clerk the veto message of the President and the unanimous report of the Committee on Invalid Pensions, and ask that each be read. This report which I send to the desk is numbered 3204, and contains the veto message, the report of the committee recommending the passage of the bill over the veto, and the act as it passed the House and Senate.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 1406) granting a pension to Simmons W. Harden, submit the following report:

The objections of the President are set forth in his message (Ex. Doc. 252), which is as follows:

*To the House of Representatives:*

I hereby return, without approval, bill No. 1406, which originated in the House of Representatives, and is entitled "An act granting a pension to Simmons W. Harden."

The claimant mentioned in this bill enlisted as a private December 30, 1863, and was discharged May 17, 1865.

He filed an application for pension in 1866, in which he alleged that he was injured in the left side by a fall from a wagon while in the service.

In 1880 he filed another application, in which he claimed that he was afflicted with an enlargement of the lungs and heart from overexertion at a review. His record in the Army makes no mention of either of these troubles, but does show that he had at some time during his service dyspepsia and intermittent fever.

The fact that fourteen years elapsed after he claimed to have been injured by a fall from a wagon before he discovered that enlargement of the lungs and heart was his real difficulty is calculated to at least raise a doubt as to the validity of his claim.

The evidence as to his condition at the time of enlistment, as well as since, seems quite contradictory and unsatisfactory. The committee to which the bill was referred report that "the only question in the case is as to his condition at time of enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question."

Notwithstanding this declaration it is proposed to allow him a pension of $16 a month, though he has survived all his ailments long enough to reach the age of seventy-two years.

I think, upon the case presented, the action of the Pension Bureau overruling his claim should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

It appears from the papers submitted to your committee that Simmons W. Harden enlisted in Company L, First Iowa Cavalry, December 30, 1863, and was discharged May 17, 1865. On the 23d day of July, 1866, he filed an application for a pension, alleging "that on the 25th day of March, 1864, while dipping water from the Mississippi River for the use of the company he was standing on the spoke of the wagon wheel and fell on his right side on the tire of the wheel. It was a cold day—as fast as water was spilled on the wheels it froze, causing him to slip. He was so disabled that he was sent to the post hospital at Davenport, March 30, 1864, where he remained eleven days. He was then sent to his company and detailed as cook, which duty he performed until he was discharged, with the exception of the time from March 1, 1865, to May 16, 1865, during which time he was in Overton hospital, Memphis, receiving treatment for this injury." Subsequently, in June, 1880, he filed a supplemental declaration, alleging that at Little Rock, Ark., on the 24th day of June, 1864, his company was dismounted and marched on double-quick two miles, causing him to become overheated, and resulting in enlargement of the heart, producing organic heart trouble, pain and palpitation of the heart, fullness in the cardiac region, excessive and great nervousness, and frequent unconsciousness.

The following is a complete summary of the evidence on file in the case:

Dr. D. C. Hastings testifies that he was personally acquainted with claimant from 1855 till enlistment, and that he was during all that time free from disease.

A. D. Hastings testifies that he knew claimant for the seven years prior to enlistment, and that he was sound.

E. A. Harden testifies to prior acquaintance with claimant, and to his soundness at enlistmeut.

W. H. Keeling testifies that he became acquainted with him in 1861, and in the winter of 1861 and 1862 he employed him to take recruits from Quasqueton to Dubuque when the railroads were blocked with snow, and from the nature of the service knows that he must have been a stout, healthy man. He met him again in 1863, and saw nothing to lead him to suppose he was not a sound man.

David Swartz and Felix Kitch testify as to his soundness at time of enlistment, and that on March 25, 1864, while standing on the hub of the wheel of a wagon, while getting water for his company, he fell, striking on the top of the wheel, causing severe injury; also that at Little Rock, Ark., June 24, 1864, he became overcome with heat from marching two miles on double-quick, injuring him so as to unfit him for duty, and rendering it necessary to send him to the hospital. Subsequently, in answer to an office letter, this witness says he knows positively that claimant was so overcome with heat that he fell in a fit, and was thereafter unfit for duty; that he, witness, and another comrade caught him as he fell; that afterwards he complained of his lungs, was unable to wear a belt, and was detailed as cook. C. S. Newell, another comrade, testifies to claimant's being overcome with heat as claimed.

George M. Minkler testifies that in December, 1863, we enlisted together in the First Iowa Cavalry; had known him for several years, and his health was good, and he could do any kind of manual labor. I never knew him to suffer from sickness until the 24th of June, 1864. At that time we were marching from Fort Cotton to the arsenal grounds, 2 miles east of the fort, at Little Rock, and when we formed into line he was suddenly taken sick and almost fainted. David Swartiel and I caught him in our arms and had to hold him up. We requested him to go to hospital, and, if I remember right, we accompanied him to the hospital. I thought at the time that he had a sunstroke. He was on the sick list a long time, and was cupped and blistered several times. From that time he was never fit to do a soldier's duty. He could not ride on horseback nor wear a belt. He was detailed to do light work, cooking for the mess, &c.

R. W. Bodell testifies that he went with claimant to enlist; that both were stripped naked and passed as sound, which he believes they both were at that time.

William Miller, another comrade, testifies that he knew claimant intimately from 1856, living within 40 rods of him, and boarding for a long time at his house; knew him to perform all kinds of hard labor; the country was new at that time, and he did a great amount of chopping and logging; knew him to be sick in service; visited him in hospital in Memphis; would not be positive what he was treated for, but think it was some kind of heart disease.

J. M. Simerol, lieutenant of the company, testifies as to the incurrence of sunstroke, and his subsequent unfitness for general duty; that he remained with the company and did such light duty as he was able to do until March 1, 1865, when he was sent to hospital, and remained until May 17, when he was discharged.

A. G. Hastings testifies that claimant was an able-bodied man at time of enlistment, and that since his discharge he has been unable to perform manual labor, and that he is now wholly disabled from earning his support.

Dr. D. C. Hastings testifies to treatment for heart disease from soon after discharge until 1867.

Dr. E. M. Wilson testifies that he is well acquainted with claimant, and that he has suffered with heart disease ever since discharge.

Emily Summers and Emerson Harding testify that claimant was absolutely free from any heart disease at time of enlistment and has been affected ever since discharge with that disability.

Thomas Lore testifies that claimant has been unable to perform any manual labor since 1870.

H. B. Grable testifies that he has known claimant since 1872, and that he has been unable to perform any manual labor.

A. G. Hastings, E. A. Harden, Felix Kilet, and G. G. Newell testify that claimant has been unable to do any manual labor since discharge on account of heart disease. The examining surgeon at Independence, Iowa, reported June 30, 1887, that he is three-fourths disabled from heart disease.

The examining surgeon at Fall's City, Nebr., reported September, 1881, that he was one-half disabled from same disability. A subsequent examination at Pawnee recommended a third of a third grade pension for same cause. The adverse testimony is as follows:

E. W. Hastings testifies that claimant was troubled in breathing when overworked before he enlisted.

H. G. Chamberlain testifies that he had heard that claimant had heart disease before enlistment, but that his memory is not clear in the matter.

A. P. Bunhus testifies that claimant was sound at enlistment, and he did not hear him complain of heart disease until 1867.

W. F. Wallace testifies that he did not consider him fit for service at enlistment, and that he never performed much duty. (Special examiner says this witness is unreliable.)

Hugh Henry testifies that claimant complained before enlistment of his heart fluttering when he overworked; that he had seen him frequently when he would be short of breath after getting excited.

The special examiner in the case reports that he is reliably informed that Dr. Hasting's reputation is not good.

The special examiner closes his report as follows: "From the evidence before me, and the impressions I have formed of the honesty and reliability of the claimant and his witnesses, I am of the opinion that the claim is meritorious."

From the evidence submitted it would seem to be clearly proven that this man, nearly fifty years of age when he enlisted, was at that time able to do all kinds of hard manual labor; that he received an injury and a sunstroke in the service, and was ever after unable to labor for his subsistence; that the disability has continued ever since, and that he is now, at the age of seventy-two years, destitute and dependent on friends for support. That he was suffering at discharge, and has suffered ever since, from heart disease is well established. It would seem that a pension can only be denied him on the theory that the disease existed at the time of enlistment.

The act of March 3, 1885, provides "that all applicants for pensions shall be presumed to have had no disability at the time of enlistment, but such presumption may be rebutted." This, in the judgment of your committee, has not been done. Only three witnesses testify on this point, and they say that when overworked or excited he was short of breath. How many members of this body could work earnestly at hard manual labor for an hour without being affected in the same way? Nearly a dozen witnesses testify positively that he was not only able, but did perform the most arduous labor prior to enlistment. When the Government accepted this man its chosen agent stripped him and, giving him a thorough examination, pronounced him sound. After seventeen months of service they discharged him, broken down and unable to earn a livelihood, and now, after waiting twenty years, he is denied the pittance which would enable him to eke out a scanty subsistence upon the petty evidence that when he overworked or got excited he seemed troubled with shortness of breath. It is contemptible for a rich and powerful Government to interpose such a trivial plea to avoid the payment of a small pension to a man who cheerfully offered his life in its defense.

Your committee therefore recommend the passage of the bill, the President's veto to the contrary, notwithstanding.

[H. R. 1406, Forty-ninth Congress, first session.]

An act granting a pension to Simmons W. Harden.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $16 per month.

Mr. Speaker, the House having heard the report of the committee on the message of the President vetoing the bill, as a preliminary statement in this case I desire to call attention to the frequent assertion of the public press "that this special legislation on behalf of soldiers is political capital made use of by Congressmen to enhance their chances of a return to the Halls of Congress," and to deny the truth of the charge.

Of the bills I have introduced to grant pensions to my constituents where the claims had been rejected by the Pension Office, three have received the favorable consideration of the House and Senate; and of these three two were for Democrats.

I have introduced as many bills for soldiers that I have never seen and who never lived in my district nor in my State as for soldiers that live in my district.

Whenever a rejected case has been presented to me, the proof in which, in my judgment, would sustain a favorable finding, I have introduced a bill to the end that the case might be fairly considered. I have never made the inquiry as to whether the soldier was a Democrat or a Republican.

If time and pressure of business were an element that was to determine as to whether I should act for a constituent or one residing out of my district, where one only could be served, I have no hesitancy in saying that I would give preference to my constituent; yet I have always found time to give attention to every call that has come from any soldier in the whole country, and while I live I pray God to give me sufficient gratitude for the preservation of this nation to never turn my back upon its defenders.

Now to the case under consideration. I do not think that this is an occasion for throwing mud at the President of the United States from this side nor for an effort on the part of the other side to sustain him without regard to whether he is right or wrong.

I challenge the attention of this House to the facts in this case as reported by the committee, and especially invite the House to notice that of all this long and exhaustive report—all of which tends to show that this soldier is entitled to a pension—the President singles out one isolated sentence, which sentence is modified by the same paragraph, and tearing it loose from everything else because it seems to make against the old soldier, rests his whole judgment upon this sentence and places his seal of condemnation on this claim. Why did not the President, who draws as much salary for one day while recruiting at Deer Park or down the Potomac as is proposed to grant this old soldier on which to subsist for a whole year, call attention to that part of the report of the committee which says "until he received his injury" in the Army, "there is no record or evidence that he was in any way disabled," or that part which says "the case is a strong one with the exception of the doubt as to soundness at time of enlistment," and that "your committee believing the old soldier should have the benefit of the doubt recommend the passage of the bill?"

Why did not this immaculate man of destiny speak of the uncontradicted testimony of Lieutenant Simeral and William T. Wallace, who say that this old soldier, dismounted, after a forced march of two miles through the heat at Little Rock, Ark., was thereafter unfit for duty; or, of D. S. Levastrel, who says that after this forced two miles run the old man fell in a fit; that he and another comrade caught him as he was falling; that he was taken to the hospital, and was thereafter unfit for any duty.

At the time of this forced march of two miles through the midday heat of a July sun, this old veteran was older than President Cleveland is

to-day; and I venture the assertion that if the Executive who wrote the veto were required to make one trip on double-quick, from the Capitol to the White House, which is only one mile, and then read this report he would say that we have a good case—that is, if he had breath enough left to say anything; but one thing sure, under such a test, he never would sign the veto.

It is agreed by the committee and fully established by the proof, and no conflicting testimony on this point, that when this seventy-two-year-old veteran was discharged he was broken down and unfit for service, and the Government ought to be estopped from gainsaying this point because he was discharged for disabilities which rendered him unfit for the service; and now, Mr. Speaker, the only ground on which this claim can be rejected is the possible unsoundness of the soldier at time of enlistment. And upon this point the testimony preponderates strongly in favor of prior soundness.

The only physician who testifies in the case, and who was the family physician of this man from 1855 to the time of enlistment, says the soldier was sound, and others support this statement by testifying to the ability of this man to constantly follow the occupation of farming and to daily perform a full day's work.

The testimony of the two witnesses who say they had heard the old man complain before going into the war is entitled to no weight, because if true it amounts to nothing, and like testimony could be procured against nine-tenths of the soldiers who fought in the war, and especially when procured by special agents who conceive it to be their duty to find adverse proof to the end that their services may be made apparent in the protection of the Treasury. This *ex parte* gossip should go for nothing, and this old soldier should be given a pittance for bread and clothes for the short time he may have to live.

Who, save Grover Cleveland, would attempt to say that if this question were to turn upon a doubt that the doubt should not be solved in favor of this old soldier?

Now, sir, one special examiner said that the claim is meritorious, and the committee of the House said the same and the House approved of it; the Senate committee say it is meritorious and the Senate approves of the finding, and only the President fails to concur.

The judgment of this people has not always been in accord with the views of Grover Cleveland—not in accord with him when he said by his veto there was no relief against the thieves that were running the elevated railroads in the city of New York, nor when he said that the coinage of silver should be discontinued, and I trust this House will have the courage to do justice in this case regardless of the views of the President.

This claimant was voting the Democratic ticket before Grover Cleveland was born, and has voted it to this day; and while this is only an evidence of a want of early training and an education, yet I feel that this ought to be overlooked by the Democratic majority in this House who should join the Republicans in doing justice to this old soldier.

Mr. Speaker, during the first session of this Congress the President of the United States vetoed more than one hundred individual pension bills for the relief of poor disabled soldiers whose services contributed to the preservation of this great and glorious nation and made it possible for Grover Cleveland to become the chief executive of our undivided country; and now to give full proof of his loyalty to the moneyed aristocracy of this country and his contempt for the twelve hundred thousand surviving soldiers whose valor and patriotism has been attested upon a hundred battlefields he places his seal of condemnation upon the general pension bill "for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support."

Mr. Speaker, the opposition to this just measure does not come from the honest, hard-working masses of this country, but from those who, when the battles of our country were being fought, were coining money out of blood—who have amassed uncounted millions out of speculations in Government securities at a time when the nation's life had to be saved at great sacrifice.

The President in his message says:

> I can not but remember that the soldiers of our civil war, in their pay and bounty, received such compensation for military service as has never been received by soldiers before since mankind first went to war.

What is this but a suggestion that the soldiers of this country have received all they are entitled to; and this brings us to an inquiry as to what has become of the revenues of this nation for the last twenty-five years? The President says 2,772,408 soldiers were engaged in the war, and the Commissioner of Pensions says that there has been paid out in pensions $765,092,640, which, if distributed among the whole soldiery, would be less than $275 each, while the bondholders in interest alone have received $2,205,019,419.19, seven times as much for interest as has been paid the two and one-half million of soldiers, but money is more sacred than flesh and blood, and the patriots who staid at home to save the country and take advantage of her distress have received not only all they contracted for, but new laws have been made that legislated into their pockets hundreds of millions to which there was no shadow of claim.

To show more fully the actual situation and relation of the bondholders and soldiers to the public Treasury I here quote from a speech made by myself in this House on the 27th of February, 1886:

> Now, Mr. Speaker, for an answer to the inquiry as to whether or not the bondholders have had more or less than what they are entitled to by the law under which the Government became obligated, let the facts bear witness and attest to the wrongs that have been inflicted upon the people and the favors that have been extended to the bondholders by a failure to execute the law in the first instance, and in the second instance by Congress yielding to the importunities and influence of the bondholders and passing the law of 1869 which pledged the faith of the Government for coin in the discharge of this indebtedness.
>
> Up to that time legal tenders, commonly known as the greenbacks, was lawful money for the discharge of the bonded obligations of the Government, and no one could plead a want of knowledge of this fact, because written upon this circulation, on each and every dollar, we find "This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt."
>
> This was the money that paid for the bonds when gold ranged from $1.17½ to $2.18. From 1862 to 1866, inclusive, the price of gold in greenbacks was:

| | |
|---|---|
| 1862 | $1 17½ |
| 1863 | 1 47½ |
| 1864 | 2 18 |
| 1865 | 1 81 |
| 1866 | 1 46 |

> During the five years, on an average, it took $1.62 in legal tender to buy $1 in gold, so that on an average for all these years $100 in gold, by first converting it into legal-tender notes, would buy $162 in bonds, and this is the way in which the bonds were bought—bought with greenbacks and were payable in the same money; and yet not a dollar in greenback currency was ever paid in discharge of bonded indebtedness, and notwithstanding the greenback had paid for the bonds and paid the Army of more than two and one-half millions of soldiers who saved both the country and the bonds and had greatly appreciated in value since the purchase of the bonds, yet the rapacity of this species of pediculi that has been sucking the blood of the nation (the bondholders) was not satisfied until the passage of the act of 1869 pledging the Government to the payment of the bonded obligations in coin. By this wicked and unpatriotic legislation from twenty to thirty cents on every dollar of bonded indebtedness was legislated into the pockets of the bondholders and out of the pockets of the tax-payers of this country, because at the time of this legislation the greenback dollar would buy only about 70 cents in coin.
>
> One would suppose that the national devil-fishes, with whose tentacles has already been clawed out of the national Treasury several hundred millions of dollars by the legislation of 1869 without any consideration received on the part of the Government, could see it to their own interest to rest content with the one grand larceny so successfully consummated, lest by their continued efforts to absorb all the national revenues by making money scarce they might so paralyze the hands of industry as to make doubtful the ability on the part of the Government to pay their continued exactions; but their greed seems to have no limit.
>
> We are constantly reminded of the great drain upon the national Treasury by the payment of such immense amounts of pensions to our soldiers, but the amount paid in pensions is comparatively small when compared with the amount that has been paid to the bondholders.
>
> There has already been paid to the bondholders four times the amount of money that has been paid to the soldiers, their widows and orphans, as may be seen by the report of the Commissioner of Pensions.

| Year. | Pensions. | Interest. |
|---|---|---|
| 1862 | $852,170 47 | $13,190,344 84 |
| 1863 | 1,078,513 36 | 24,729,700 62 |
| 1864 | 4,985,473 90 | 53,685,421 69 |
| 1865 | 16,347,621 34 | 77,395,090 30 |
| 1866 | 15,605,549 88 | 133,067,624 91 |
| 1867 | 20,936,551 71 | 143,781,591 91 |
| 1868 | 23,782,386 78 | 140,424,045 71 |
| 1869 | 28,476,621 78 | 130,691,242 80 |
| 1870 | 28,340,202 17 | 129,235,498 00 |
| 1871 | 34,443,894 83 | 125,576,565 93 |
| 1872 | 28,553,402 76 | 117,357,839 72 |
| 1873 | 29,359,426 86 | 104,750,688 44 |
| 1874 | 29,038,414 66 | 107,119,815 21 |
| 1875 | 29,456,216 22 | 103,093,544 57 |
| 1876 | 28,257,395 69 | 100,243,271 23 |
| 1877 | 27,963,752 27 | 97,124,511 58 |
| 1878 | 27,137,019 08 | 102,500,874 65 |
| 1879 | 35,121,482 39 | 105,327,949 00 |
| 1880 | 56,777,174 44 | 95,757,575 11 |
| 1881 | 50,059,279 62 | 82,508,741 18 |
| 1882 | 61,345,193 95 | 71,077,206 79 |
| 1883 | 66,012,573 64 | 51,436,709 50 |
| 1884 | 55,429,228 06 | 47,926,432 50 |
| 1885 | 65,733,094 27 | 47,014,133 00 |
| Total | 765,092,640 18 | 2,205,019,419 19 |

> In addition to the interest, $889,054,445 has been paid upon the principal, so that the account stands thus:

| | |
|---|---|
| Total amount paid to bondholders | $3,094,073,864 19 |
| Total amount paid to pensioners | 765,092,640 18 |
| Excess paid bondholders over pensioners | 2,328,981,224 01 |

> The soldier was paid for his services when it took on an average during the war $1.62 in greenbacks to buy $1 in gold, but while the greenbacks saved the country and bought the bonds it was not good enough for the privileged class, and was in 1869 actually demonetized so far as being applicable to the bonded indebtedness is concerned, and then for the first time the nation was pledged to pay coin.
>
> And again by the act of 1870 the national debt was refunded, and again the bondholders exacted a pledge at the hands of the Government that the bonds should be paid in coin of the standard value prescribed by the act of July 14, 1870, and to the end that no one should be able to gainsay the fact, upon the face of the bond was written the pledge of the Government to pay both the interest and principal in coin of the standard value of the United States of July 14, 1870.
>
> Our silver dollar was an unlimited legal-tender then, and is now, and contained the same amount of silver with the same degree of fineness then as now; yet for all these years not one dollar in silver has been paid the bondholders, while the

Secretary of the Treasury is constantly complaining that the vaults of the Treasury are overloaded with silver dollars, and this in the face of the fact that more than one hundred and ninety-four millions of the national debt are option bonds and drawing interest, and can be paid at the pleasure of the Government, and are payable in silver coin of the present standard.

From this state of facts what should be the judgment of the country upon this kind of management?

It should be what it is, that the conspiracy of the bondholders to make a second raid upon the Treasury by repudiating the written contract and demonetizing silver, and thus double the value of the bonds, is being aided and abetted by the Secretary of the Treasury.

Mr. Speaker, there is no use of trying to cover up the actual situation. The President of the United States, in the matter of pensions, is in absolute harmony with the solid South. Look at the vote on the question of passing the general pension bill over the President's veto and you see at once that, with the President against the soldiers, it is absolutely impossible to have legislation in favor of the Union soldiers, because the solid South is always more than one-third of the vote upon this floor.

As shown by the vote upon this floor, in all these pension bills, where the test has been as to whether or not the bill should be passed over the President's veto, every bill would have passed not only by a two-thirds vote, but by a three-fourths vote, if we exclude the vote of the recent confederacy; yes, the general pension bill would have passed over the President's veto, if we could exclude only the vote of those who served in the confederate army.

The soldiers who kept the country together are now, by the aid of the President, in the power of those who fought to destroy the Union. This is the simple, plain fact, and the responsibility rests with Grover Cleveland.

The Mexican pension bill was a movement for the solid South, where nearly all the beneficiaries of this bill reside, and while its provisions are twice as broad and liberal as the provisions in the bill for the soldiers of the civil war, yet the President gives this measure his approval. When we come to money matters the President and his Secretary of the Treasury are with the Wall-street brokers. I only have to call attention to the effort on the part of the President and his Secretary to discontinue the coinage of silver and retire the $346,000,000 of non-interest-bearing greenbacks to prove this. The people of this country will have an opportunity to express their opinion of the action of the President and this administration in 1888.

---

## Agricultural Experiment Station.

---

# SPEECH

OF

# WILLIAM W. GROUT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, March* 1, 1887.

On the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. GROUT said:

Mr. SPEAKER: The Legislature of the State which I have the honor to represent in part on this floor at its recent biennial session adopted the following joint resolution relative to the bill now under consideration, which I will thank the Clerk to read.

*Resolved by the senate and house of representatives, That—*

Whereas there was introduced at the first session of the Forty-ninth Congress a bill, commonly known as the "Hatch bill," and entitled "A bill to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplemental thereto;" and

Whereas said bill is still pending before Congress: Therefore,

*Resolved*, That our Senators and Representatives in Congress are respectfully requested to lend their aid and influence to secure the passage of the said bill.

*Resolved*, That a copy of these resolutions be forwarded to each of the Senators and Representatives in Congress from this State.

JOSIAH GROUT,
*Speaker of the House of Representatives.*
LEVI K. FULLER,
*President of the Senate.*

Mr. GROUT. This resolution expresses the sentiment of a people engaged largely in agriculture; a people who inhabit a tract of land the original fertility of which drew to it a hardy set of pioneers in the latter half of the last century—immediately upon the close of the French and Indian war. Hence much of this land has been under cultivation something more than a hundred years, and as the result of that wasteful husbandry—I mean wasteful of the resources of the soil—incident to all new countries, it is a fact, sad but true, that the green hills of Vermont are not now as green as once they were.

A hundred years and more of constant cropping, with no adequate return of the elements of plant food to the soil, has sapped much of it of a great share of its original fertility. Especially is this true of the hill-sides and the hill-tops. The bottoms and the hollows, not a large portion of the whole area of the State, are in better condition, but still somewhat worn. In short, the time has come in the history of Vermont farming when if there is anything in agricultural chemistry the Vermont farmer needs the benefit of it. The time has come when a hap-hazard system of cropping and of fertilizing for the crop bring results altogether too uncertain for successful husbandry. And what is thus true of Vermont is equally true of all New England and of the Middle States also, and, in fact, of the whole Atlantic seaboard, from Maine to the Gulf of Mexico. Not only this, but it is rapidly becoming true of the newer States throughout the great West.

In all the older portions of the country the time has come when the problem is no longer what it was when the soil was first brought under cultivation, and was still loaded with that rich mold which the vegetable growth and decay of centuries had left upon it. Then the planting and the harvesting were the only conditions of the crop. Now the question of fertilization has become a leading one, and involves not only the inquiry of how most completely to save the waste from the farm and transfer it without loss of quality to the soil, but how to supplement this home-made fertilizer with such commercial elements as may be necessary to produce in perfection a given crop; or perchance to supply the particular ingredients in which the soil may be wanting, and fit it for a profitable production of all crops.

Now, this is the great question to-day with the tillers of the soil in all the older States of the Union; and in undertaking to solve this question they pay millions of dollars every year for commercial fertilizers. And right here a question arises which is vital not only to the farmers but to the whole country, for if the farming industry suffers every other industry suffers with it; and that is, is this vast outlay profitably made? The answer to this question depends upon whether it is understandingly made; whether it is made with special reference to the necessities of the soil. It depends, for instance, upon whether that soil requires nitrogen, nitrate of sodium, potash, phosphoric acid, or superphosphate of lime—my chemistry *fails* me to go through the entire list—and whether its particular wants are supplied. Now, all this belongs to the domain of agricultural chemistry.

But what does the average farmer know of agricultural chemistry? Confessedly, nothing whatever; and as the result he is proceeding at random and may be paying $40, perhaps, $80 per ton for a fertilizer, when one costing one-half or a quarter as much would answer the same purpose in producing a crop; for it is sometimes the case that the chemical condition of the soil is such that it needs only some simple, inexpensive substance to set free the wealth of plant food which it already contains, but which is so locked up by some other substance as to render such soil unproductive until a chemical change is produced by the union of these two substances. But to know all this one must understand chemistry, must possess the expensive apparatus for chemical analysis, and must have command of much time to bestow upon experimenting.

But every one knows that these things are wholly out of the question with the average farmer. Every one knows that he is without knowledge of chemistry and has neither money nor time for experiments.

In his struggle to pay off the mortgage upon his farm and feed and clothe and educate his children he has all and frequently more than he can do.

Nevertheless, this information is essential to his success; and how is he to acquire it? How, except from the agricultural experiment station, such as is provided by this bill, to which he may send samples of his soil for analysis and from which he may learn the relative value of fertilizers and their adaptability to the wants of his soil? The work of the experiment station is educational in character, and upon every principle of sound public policy entitled to the support of the State.

Talleyrand, prime minister under the great Napoleon, said:

Both education and agriculture ought to be assisted by government; wit and manufactures will come of themselves.

Now, while the American people, following, in part, the formula of this noted French statesman, find themselves famous for "a plentiful lack of wit," they can not be said to have left manufactures to themselves. Under a very liberal protective tariff, consistently maintained for now more than a quarter of a century, the manufactures of this country long since left "the day of small things." The manufacturers of goods from iron and brass and copper and cotton and wool, and of lumber and other staple articles are among the wealthiest citizens of the Republic; while the labor employed in these manufactures is well fed and well clothed and housed, and as a rule is contented and happy.

Nor are the products of agriculture wholly without protection, but I assert not as well protected, practically, as are the manufactures of the country. This is not because the rate of duty is relatively lower, but because our markets are not exposed to any such volume of the products of husbandry as of manufactured articles; or, in other words, because the American people are by a large balance exporters of farm products, as will more fully appear before I close, whereas we are importers of manufactured articles; and our tariff system works protection only against imports.

But the principle of protection for American industries and American

labor, though perhaps sometimes difficult of application in a way to protect every interest equally, is nevertheless essentially helpful to the development of our resources as a nation, and, because of the general prosperity which it produces, it confers certain indirect benefits upon the agricultural classes which they are unwilling to relinquish, and as the result the agricultural sections of the country, as well as the manufacturing districts, stand resolutely by our protective tariff. Such, at least, is the case with the people I represent.

But, I repeat, the agriculture of this country does not share equally with our manufactures in the direct benefits of the tariff; and in this fact alone I find ample justification for the passage of this bill, which, it will be observed, does not grant direct pecuniary aid to agriculture, but still materially assists it by furnishing the necessary information whereby the farmer may the better act his part, make fewer mistakes, and suffer less imposition, especially in the purchase and application of commercial fertilizers. Nor is the information proposed to be furnished by it confined to the subject of fertilization alone. Section 2 of the bill is as follows:

SEC. 2. It shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

Now here is provision for experiments entering into every department of agriculture. And section 5 provides as follows for giving to the public all information gained from these experiments:

SEC. 5. That in order to make the results of the work of said stations immediately useful, they shall publish at least once in every three months bulletins or reports of progress, one copy of which shall be sent to each newspaper in the States and Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

Section 6 authorizes an annual appropriation of $15,000 to each State and Territory for the establishment and maintenance of an experiment station therein and the promulgation of this important information. Does some one ask why this should be done at the public expense? If so, then I answer, for the reason that on all accounts the public is interested in a thrifty, progressive agriculture. For the reason, also, that those engaged in the toilsome pursuit of cultivating the soil, from which only small profits are realized, are entitled to the assistance which this information would furnish them; information not otherwise within their reach and valuable to them beyond all proportion to the expense of it to the Government. And not alone valuable to them, but valuable to the Government itself; for by how much the agricultural lands of the country are increased in fertility and productiveness by so much is the total taxable wealth of the country increased.

By so much, also, is our export trade increased, for any surplus of production is sure to find outlet in foreign markets, and bring back into the channels of trade so much more gold and silver, thereby increasing by so much the circulating medium of the country, making money more plenty and the rate of interest lower. Does some one say this is magnifying too much our agricultural products in the trade of the world? Let us see.

In 1880 the total export of domestic productions from the United States was $823,946,353, of which the products of the farm were $685,961,091, or 83.25 per cent. of the whole amount.

Think of that a moment. More than four-fifths of all we sell to foreign countries is the product of agriculture. And remember that as with the individual so it is with us as a nation; we are richer, not by what we produce and ourselves consume, but by what we sell to the other nations of the earth; for that and that alone draws from their supply of cash and adds to our own. Surely in an economic point of view alone it must be for the interest of the American people to foster and keep thrifty an industry which enables us in our trade with the world to keep a balance constantly in our favor. And who will say that an industry of this national consequence is not worthy of national protection? Who will say that it can be safely neglected in the administration of the affairs of the Government? Who will claim that it is sound public policy, saying nothing of what is fair, to leave to its own strugglings the agriculture of this country, with a soil every year growing less fertile and consequently more dependent upon the mysterious aid of chemical qualities which it does not possess, as well as a more thorough cultivation; all of which depends in turn upon more hard work and a more careful inquiry into the secret operations of nature, including the occult question of plant food and the mystery of plant growth?

I say, who will claim that an industry in which center such vast possibilities of wealth, not because of its extreme profitableness, but because it aggregates the small individual earnings of just about one-half our entire population; an industry involving so largely questions of demand and supply, of taxation and labor, and trade and finance, and whose province it is, through its vast army of hard workers, "to keep and dress the earth," and gather the fruits thereof for all men; who will say, in short, that this industry, essential alike to the success of government and the support of the race, is not entitled to the small assistance afforded by this bill?

Mr. Speaker, this is one of the most important measures, if not the most important, which has engaged the attention of this Congress. It takes by the forelock the problem which is now perplexing the older nations of the earth, and which sooner or later will be brought home to the American people, namely: How to subsist a dense population upon land that has been a long time cropped. It will not be forgotten that population is a prime element of empire, but with population comes always the problem of food and raiment and shelter. And that legislation is wisest and best which deals with these questions fundamentally and in a way to prevent threatening dangers rather than wait till those dangers ripen. The experiment station, assisted by chemistry, the handmaid of agriculture, in looking into the hidden processes of nature, which work it is set to do, can hardly fail to glean information, and, perchance, make discoveries, which shall overcome nature and make her contribute in some new way to the wants of man; and possibly in a way as notable as did the five schools of chemistry to which Napoleon, under the advice of Talleyrand, assigned the duty of finding out how to make beet-sugar, offering 1,000,000 francs to the chemist who should succeed, which straightway brought success; and to-day more than one-half the entire sugar product of the whole world is made from the beet.

But suppose no great victory like this attend the work of these experiment stations, they must still result in adding, to some extent at least, to the agricultural products of the country.

Dean Swift, one of the ablest and most original of English writers, said "that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together."

Mr. Speaker, this occasion gives every member of this House a chance to take himself out from among Dean Swift's "race of politicians" and perform an "essential service to his country" by voting for this bill. If we would "deserve" well of the American people we shall do it.

---

**How?—The Democratic majority in the House of Representatives found a way not to reduce the revenue.**

---

## SPEECH

OF

# HON. SERENO E. PAYNE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, March* 1, 1887.

The House having under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. PAYNE said:

Mr. SPEAKER: But two more days of life remain to the Forty-ninth Congress, and what a record this branch has made. To the House is conceded the origination of all appropriation and revenue bills, and the Democratic majority of this House is alone responsible for all the delays and failures that have disgraced and brought into disrepute this Congress. This, the most important appropriation bill, carrying more than $20,000,000, and without which the Government could not run for a single day after the 30th of June next, although reported by the committee on the 3d day of last month, was never before the House for consideration until the 26th of last month.

No attempt was made to call it up until the 22d day of last month, and then the half-hearted attempt of one member of the Committee on Appropriations was antagonized by the chairman of the committee. And now, when not half of the bill has been read for amendment, the committee come in begging the House (the second time on this bill) to pass it under the suspension of the rules, with only an hour's debate; and not only that, the gentleman in charge of the bill agrees to strike out all the changes from the appropriation bill for the current year, changes which have resulted from a whole winter of incubation, and to leave the bill in this respect precisely where the last one was.

Already another appropriation bill (the deficiency) has been passed this very day under a suspension of the rules, and it is proposed to

dump these two bills, containing more than a hundred and fifty pages of printed matter, upon the Senate, which they can not reach until to-morrow, and so give "the co-ordinate branch," one whole legislative day for consideration in the committee, debate and amendment in the Senate, conferences, and final passage of these two important measures. This leaves the Senate but one alternative, to pass these bills without consideration, or an extra session of the Fiftieth Congress. No one will have the hardihood to deny that such conduct is both a disgrace to the House, and an insult to the Senate, as well as to the President, who seems to enjoy so thoroughly the free use of the veto power.

But, Mr. Speaker, I arose not so much to advert to the appropriation bills and the shameless manner in which they have been brought before the House or the utter neglect of the majority to meet the universal demand of the country for a navy, fortification of our defenseless coasts, and the production of ordnance equal to any in the world. I wish to call the attention of the House to another subject wherein the Democratic party has signally disappointed the just expectations and demands of the country.

In the report submitted by the Secretary of the Treasury to Congress for the year 1886 it is stated:

Shortly after the term of the present Congress expires, and long before the Fiftieth Congress in the natural order of events would assemble, organize, and determine upon new legislation, it is probable that existing tax laws (at a time when in the annual larger commercial need and use of money, in moving the crops, gives their operation the most serious consequence) will be withdrawing from circulation and pouring into the Treasury the proceeds of a surplus taxation beyond all sums of which the present Congress has heretofore considered or prescribed the employment. During the years of the immediate future, under the operation of the existing tax laws, this surplus and taxation would be at least as onerous and excessive as now. A world-wide monetary dislocation the present Congress can assist to cure. A needless depletion of the people's earnings at the rate of $125,000,000 a year the present Congress can completely cure.

The President in his last annual message informs us "that the revenues of the Government exceed its actual needs," and it was suggested "that legislative action should be taken to relieve the people from the unnecessary burdens of taxation thus made apparent." In view of the pressing importance of the subject the President said, "I deem it my duty to again urge its consideration;" and he proceeds at length to impress upon Congress necessity for the reduction of our revenues. I make these references to illustrate more forcibly the divisions in the Democratic party which I am about to refer to.

We have now reached a period in the life of this Congress when it may safely be assumed that there is to be no reduction of our revenues and none attempted by this House. By the Constitution the 3d of March terminates the Forty-ninth Congress.

On this 1st day of March, as we have seen, it has become a serious question whether, in the two days remaining, we can perfect and pass the appropriation bills. It is not improbable that the failure of one or more of them may render necessary an extra session of the Fiftieth Congress to provide the needful supplies for the Government; but however that may be revenue reduction is out of the question.

The Democratic party is here with a majority of 43, and from our first organization to the present time nothing in that direction has been accomplished, and I charge that nothing has been earnestly attempted. All measures of this nature must originate in the House of Representatives, and there has been an absolute refusal to bring before it any measure or any proposition upon which a majority could arrive at an agreement by fair concession and compromise. This is the record of that "great reform party" that carried the country in 1884. Up to the present time, without principles of government in common upon financial questions, it has divided into factions, at variance and warring with each other, in sympathy only in their greed for the spoils of office. But I did not arise for the purpose simply of noting the shortcomings, divisions, and incompetency of the Democratic majority, but to call the attention of the House and the country to, and to place in our records that most remarkable correspondence between, the representative leaders of the two factions or wings of the Democratic majority here, by which all that I have charged is made apparent.

It has seemed to me, sir, that declarations by gentlemen so distinguished, so representative, upon a question of vital interest to the country, should be preserved as a part of our official records, especially as it will appear to be at least semi-official in its nature, and I invite the attention of the House, first, to the letter of the Speaker, dated from his room, House of Representatives, the 31st day of January last, addressed to Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others, and their answer to it:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, D. C., January* 31, 1887.

GENTLEMEN: In accordance with the understanding between us yesterday afternoon, I have to-day consulted with the Democratic members of the Committee on Ways and Means in the House of Representatives for the purpose of ascertaining whether or not some measure for the reduction of taxation can be agreed upon which will receive the support of all our political friends in the House, and I am directed to request you to submit at your earliest convenience for our consideration some definite proposition.

There is pending upon the Calendar of the House a bill (No. 9702) introduced during the last session by Mr. RANDALL, which proposes legislation upon the subjects of the tariff and the internal revenue, and within the last few days we have been furnished with a copy of a bill which appears to be intended as a substitute to the one now pending, which also relates to both the subjects mentioned above. Whether you desire to make one or both of these bills or some other measure the basis of our action we are not advised, and being anxious to make every effort in our power to secure harmony and concert of action upon these important subjects, we respectfully submit the foregoing.

Yours respectfully,

JOHN G. CARLISLE.

Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others.

MR. RANDALL WILLING.

HOUSE OF REPRESENTATIVES UNITED STATES,
*Washington, D. C., February* 1, 1887.

DEAR SIR: Your communication of January 31, in pursuance of a previous understanding respecting an effort to reach a concurrence on some measure for the reduction of revenue, is now received.

The bill you refer to as a modification of or substitute for House bill 9702 of last session, embracing both tariff and internal-revenue tax reductions, is the measure which the friends with whom we are acting submit for consideration. These gentlemen are prepared to consider in a friendly spirit, and with a view of uniting the party on a revenue-reduction measure, any modification of the proposed bill which the friends of other measures may have to present.

I inclose copy of bill referred to.

Yours very respectfully,

SAMUEL J. RANDALL,
GEORGE C. CABELL,
*For selves and others.*

Hon. JOHN G. CARLISLE, *Speaker House of Representatives.*

The Speaker's letter professes a disposition on his part to unite with his brethren upon some measure for the reduction of taxation, and the reply gives the unqualified assurance of Mr. RANDALL, Mr. CABELL, and the gentlemen with whom they were acting of a purpose to unite the party—the Democratic party—in a measure for revenue reduction; and, sir, let us bear in mind, all these gentlemen are members of this House; daily, hourly, we note their meeting and their cordial greetings to each other, and upon all bills that will increase the Federal patronage that can be bestowed upon faithful followers in their respective districts standing solidly in their support; for a public building that will strengthen one of their number with his constituency they will give a united vote.

Why, then, was this correspondence initiated, if these gentlemen were honest in their professions, and expected to unite their party upon a policy? Why correspond at all? Why did they not meet and consult with the same freedom as they would if it had been about the creation of a new office for some half-starved Democrat? Well, we shall see a little later on; for the correspondence does not stop here.

Next follows a letter from the Speaker to Mr. RANDALL and Mr. CABELL; I will read it in full.

OPPOSING INCREASED DUTIES.

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, D. C., February* 3, 1887.

GENTLEMEN: Your favor submitting for our consideration the bill recently prepared as a modification of our substitute for House bill No. 9702, introduced by Mr. RANDALL at the last session of Congress, was received by me late in the afternoon day before yesterday, and was at once submitted to the gentlemen mentioned in my first communication.

We have considered the measure as carefully as its comprehensive character and the limited time at our disposal would permit, and herewith submit it, together with the modifications and changes which, in our opinion, are necessary in order to do it acceptably, as a compromise measure to those who desire to secure material reductions in tariff taxes.

You will observe that we propose to add several articles to the free-list and to strike out of the bill every provision which increases the rates of duty now imposed by law upon imported goods. These increases are numerous and in some cases very material, as will be seen by the memorandum hereto appended. In our opinion the existing financial condition of the Government and the people does not demand, and would not even excuse, an increase in the rates of taxation upon any article embraced in our tariff or internal-revenue laws, and we can not, therefore, agree to support any measure which has that effect.

We propose also to strike out of the bill all provisions abolishing the internal-revenue tax on manufactured tobacco, snuff, and cigars, weiss beer, fruit brandies, and reducing the tax on distilled spirits from 90 cents per gallon to 60 cents, and the provision abolishing the tax on alcohol for use in the arts and manufactures. In lieu of these repeals and reductions we propose to repeal all statutes and parts of statutes imposing restrictions upon the sale of leaf tobacco by planters and farmers, and to so amend the internal-revenue laws as to dispense with the employment of gaugers and storekeepers at distilleries which mash five bushels of grain or less per day, and to permit such distilleries to pay tax only upon their surveyed capacity.

We also propose to so amend the internal-revenue laws as to prevent the destruction of stills and other apparatus seized for alleged violations of the internal-revenue laws, and so as to prevent the issuing of any warrant for alleged violation of those laws unless the affidavit therefor is first approved by the district attorney and written instructions given by him for the issuance of the warrant.

In lieu of the administrative part of the bill submitted to us we propose to substitute the bill introduced by Mr. Hewitt, as finally revised and corrected at the Treasury Department and heretofore agreed upon by the Committee on Ways and Means, but not yet reported.

We find, upon examination, that the substitute which we recommend relates alone to the administrative features of the law, while that part of the measure submitted by you to us increases the rates of taxation. While we submit the accompanying modifications of the bill referred to us in the sincere hope that it will meet the approval and secure the united support of our political friends, yet in case it should not be agreed to by you and the gentlemen with whom you are acting, we respectfully submit the following alternative propositions:

First. If the reduction of internal-revenue tax upon distilled spirits is to be made a condition upon which you and the gentlemen acting with you will consent to the reduction of tariff taxes, then we shall insist that the rate of taxation shall be the same upon all kinds of distilled spirits.

Second. If the repeal of the internal-revenue tax upon manufactured tobacco, snuff, and cigars, in whole or in part, is to be made a condition upon which you and the gentlemen with whom you are acting will be willing to agree to a reduction of tariff taxation, then we shall insist that in the same bill an equal amount of reduction shall be made in the revenue derived from customs, and that this reduction shall be made upon such articles as those with whom we are acting shall indicate.

Third. We are willing to submit the measure which you have referred to us to a caucus of our political friends for its consideration, all parties to be bound by such action as it may take upon the subjects to which this bill relates.

Fourth. In case none of the suggestions hereinbefore made are accepted by you and the gentlemen with whom you are acting, we are willing at any time, upon reasonable notice, to support a motion to go into the Committee of the Whole on the state of the Union for the consideration of House bill No. 9702, introduced by Mr. RANDALL at the last session of Congress and now on the Calendar.

Very respectfully, JOHN G. CARLISLE.

Hon. SAMUEL J. RANDALL, Hon. GEORGE C. CABELL, and others.

This letter is a very important one, for it contains propositions from the Speaker for the reduction of the surplus, and in writing it he represented the vast majority of his party here. I do not intend to examine or criticise the propositions at this time, but only to make them of record. I also place in the record the letter of Mr. WISE, Mr. HENDERSON of North Carolina, and Mr. RANDALL, to the Speaker, and I call your attention to the fact that the correspondence is with the Speaker, officially; also the Speaker's reply, the letter dated February 5, and the reply the 7th. (Possibly the chairman of the Committee on Appropriations was so busy with correspondence of this nature at this date that he had no time to call up this appropriation bill reported the 3d.)

HOUSE OF REPRESENTATIVES, WASHINGTON, *February* 5.

DEAR SIR: At the instance of many Democratic members of the House, we appeal to you most earnestly to recognize, on Monday next, some Democrat who will move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue taxes on tobacco. Many Republican members, we have reason to believe, are anxious to make such a motion. We believe the country is ready for the repeal of these taxes, and that a large majority of the House will so vote when an opportunity occurs. For a Republican to make the motion would give the Republican party all the credit accruing therefrom, and would almost certainly cause the loss to the Democracy of not less than two Southern States at the general election in the year 1888. This is an isolated proposition, and we believe will command more votes than any other measure pending before the House looking towards a reduction in taxation; and favorable action on this proposition will not interfere with other efforts that are being made to reduce the burdens of the people.

Yours respectfully,

GEORGE D. WISE.
JOHN S. HENDERSON.
SAMUEL J. RANDALL.

Hon. JOHN G. CARLISLE,
*Speaker of the House of Representatives.*

MR. CARLISLE'S REPLY.

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
*Washington, February* 7, 1887.

GENTLEMEN: Your favor of the 5th instant requesting me to recognize some Democrat "who will move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue tax on tobacco," was duly received and has been carefully considered.

A week ago, in compliance with the request made by you and other gentlemen, I consulted fully with the Democratic members of the Committee on Ways and Means for the purpose of endeavoring to formulate some measure for the reduction of taxation which would meet the approval of our political friends, and enable us to accomplish something practical in that direction during the present session of Congress. The bill which you then submitted for their consideration proposed legislation upon both branches of our revenue laws, and on the 3d instant it was returned to you with such modifications and changes as were necessary in order to make it acceptable to the gentlemen to whom it had been submitted.

In order, however, that our efforts to secure reduction of taxation might not fail on account of our inability to agree upon a measure in advance, we at the same time submitted certain alternative propositions, some one or more of which we hoped might be acceptable to you. Among other things we proposed to submit the entire subject to a caucus of our political friends, with the understanding that all parties would abide by the results of its action; and in case that course was not satisfactory to you, we informed you that we would at any time, upon a reasonable notice, support a motion to go into Committee of the Whole on the state of the Union for the purpose of considering House bill No. 9702, introduced by Mr. RANDALL at the last session. That bill relates to internal revenue, as well as tariff taxes, and proposes to repeal the entire internal-revenue tax on manufactured tobacco, snuff, and cigars. We have received no response to that communication, and I consider that it would not be proper, under the circumstances, for me to agree to a course of action which would present for the consideration of the House a simple proposition for the repeal of the internal-revenue tax on tobacco, snuff, and cigars, to the exclusion of all other measures for the reduction of taxation.

Sincerely hoping that some plan may yet be devised which will enable the House to consider the whole subject of revenue reduction,

I am, very truly, yours,

J. G. CARLISLE.

Hon. GEORGE D. WISE, Hon. JOHN S. HENDERSON, Hon. SAMUEL J. RANDALL.

We have here a proposition on the part of Messrs. WISE, HENDERSON, and RANDALL to repeal the internal-revenue taxes on tobacco, and a refusal on the part of the Speaker to harmonize the party upon that proposition, to even give it consideration.

Without further comment upon these letters, I will proceed to the communication from Mr. HENDERSON, Mr. WISE, and Mr. RANDALL to the Speaker officially, February 8:

WASHINGTON, *February* 8, 1887.

DEAR SIR: We regret exceedingly that you could not see your way clear to give recognition on yesterday to some Democrat to enable him "to move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal-revenue tax on tobacco." Your refusal to give this recognition, together with your letter of the 7th instant, deserves more than a passing notice. If two-thirds or more of the House are in favor of such repeal, it was a grave responsibility for you to oppose such a large majority of the Representatives of the people. Assuming, however, for the sake of the argument, that the friends of the proposition constitute a less number than two-thirds, their strength is certainly such that they ought to have been permitted to test the sense of the House upon the question, especially since the country is watching with intense interest the action of the House in respect thereto, and the constituents of a large number of the members of the House have been urging them to obtain, if possible, a consideration of this subject.

We do not wish to be misunderstood. We earnestly desire from a party standpoint that recognition should have been given to a Democrat to make the motion, but we would vote cheerfully for the proposition whether made by a Democrat or by a Republican.

You assume in your letter to us that we ignored your communication of the 3d instant, and had deliberately failed to make a response thereto. Our friends did not have an opportunity of considering that communication until Friday evening, the 4th instant. It was of such a character as to require more than a formal reply. We called at your hotel the next day, Saturday, but, through no fault of yours or ours, we did not succeed in obtaining an interview until the day after.

We believed that the friends of the repeal of the tobacco tax were so strong in the House that we would save to the oppressed tax-payers of this country an annual reduction of taxation to the extent of $28,000,000 if the motion for repeal could be made in the House on Monday of this week, the latest day when such a motion, to be effective under the rules, would be in order during the Forty-ninth Congress. The motion, if made during the last six days of the session, would almost certainly be too late to secure favorable consideration for the question in the Senate.

We did not anticipate refusal of recognition for the purpose intended. We understood you to say to us verbally that if you gave to any one of our friends the desired recognition, fair play all round would require you to give other Democrats an opportunity to make a like motion to pass some distinct proposition having relation to a reduction of the tariff duties. To this we assented. You instanced as one such proposition the putting of salt on the free-list. We think that a revision of the tariff and of the internal-revenue laws can be attained from time to time by reforming the obvious and greater grievances of the two systems, and that we should not refuse to make such reforms because sweeping changes have not been practicable.

The country is expecting to obtain from this Congress relief from the grievous burdens of taxation. If some of us can not get all we want we should take what we can get. Our single proposition for the repeal of the tax on tobacco was not intended and can not fairly be construed as intending to exclude from the consideration of the House "all other measures for the reduction of taxation." We wished to obtain consideration for that proposition, but we were not pressing for the reduction of the internal-revenue taxes to the exclusion of other measures for the revision and reduction of the tariff.

A Democratic caucus can not successfully deal with "the whole subject of revenue reduction" at this late stage of the session. That suggestion comes too late. If the caucus could have controlled the legislation of the Forty-ninth Congress from the beginning the country might have been much better off. If the House was considered competent to deal with the silver question, with the pension question, and with the oleomargarine question, free from the dictation of a Democratic caucus, we think it ought to be competent to deal with the question of a reduction of taxation. The caucus ought not now to be invoked to justify a policy of delay and non-action on this subject.

We sincerely hope "some plan may yet be devised which will enable the House to consider the whole subject of revenue reduction" and revision "in a spirit of fairness to all interests," and in accordance with the letter and spirit of the platform of the national Democratic party adopted at the convention held at Chicago in 1884; and we assure you that we are ready to meet any of our Democratic associates who are prepared to treat with us on such basis.

JOHN S. HENDERSON.
GEORGE D. WISE.
SAM. J. RANDALL.

Hon. J. G. CARLISLE,
*Speaker of the House of Representatives.*

This letter is somewhat in review of the situation; is disposed to discussion, and is still professedly hopeful in spirit. Under the same date, however, we have a letter more numerously signed by the gentlemen engaged with the Speaker in this dicker of principles, in this unnatural, unconstitutional attempt to legislate (if it was the purpose to agree) in regard to great economic questions freighted with the fortune, the destiny of the country, of vital interest to our people, they having in view only (how contemptible by way of comparison) the maintainance of their party in power for the places it gives them—even if their conference had as exalted a purpose as that and, I freely admit, I doubt it. But let us come to the last letter in this remarkable series:

WASHINGTON, D. C., *February* 8, 1887.

SIR: The gentlemen present at our recent conference, representing States South, West, and North, were led to hope that the way had finally been opened for an agreement on a measure that could be generally supported by our political friends, and we sincerely regret, in view of the importance of the adoption by this Congress of some measure that would materially reduce the revenues and prevent the further accumulation of a Treasury surplus, that differences so wide as appear in your communication should still exist. It was hoped that a basis of compromise could be reached without requiring of any one a sacrifice of principle or of convictions entertained on the subject of tariff and internal taxes. To do this it is evident that those things respecting which radical differences exist in the minds of men must be excluded from a bill intended as a compromise measure. It was believed there could be found room inside of these limits for an agreement on a list of articles to be remitted to the free-list as well as upon many on which the tariff could be reduced, thereby effecting a material reduction of the revenues without injuring or endangering any important industries or impairing the earnings of labor in this country. It is believed yet that such a measure ought to be agreed upon and carried through the House at this session.

As to the items in the proposed bill on which it is claimed that an increase in the tariff would result, we have to say that the apparent increase arises in most instances from a change from ad valorem to specific duties, made in accordance with recommendations from the Treasury Department. The principal object in making duties specific where they are now ad valorem is to prevent the deception and dishonesty practiced by undervaluation, and while in fixing what is deemed to be fair specific equivalents an apparent increase may arise it is believed to be apparent only and not real. However, on all these matters, inasmuch as the proposed bill is not intended to be a revision of the tariff, but a bill for the reduction of revenues and the correction of certain inequalities only, we think there will be no difficulty in agreeing either to strike out of the bill such articles or to reduce the proposed rates so as to insure no increase in the actual duties in any case. A careful examination of the list shows, we think, that, except as to a very few articles, you are in error in the statement that the duty is increased.

A CONCESSION THAT CAN NOT BE MADE.

Certain of the things which you ask to be placed on the free-list, as proposed in the Morrison bill, raise at once those vital questions which have heretofore prevented harmonious action on the tariff question. As many of us believe that such a step, if carried to its logical conclusion, would be destructive of very many of our most important agricultural as well as mechanical industries, and as we are in this matter representing not only our own convictions but the interests of the people we represent, we could not, of course, make this concession, and we did not expect to be asked to make it.

THE HEWITT BILL.

With respect to the proposition to adopt a modification of the Hewitt bill in place of the administrative sections of the bill proposed by us it may be stated that the latter contains all of the administrative sections of House bill No. 7652 (with certain verbal modifications) favorably reported by the Ways and Means Committee at the first session of the present Congress, except the section extending the warehousing period, &c., which we did not adopt. Certain of the provisions since recommended by the Secretary of the Treasury have been added also, together with certain additional provisions which we have deemed needful and think ought to be adopted. You say that the substitute which you recommend relates alone to the administrative features of the law, while that part of the measure submitted by us increases the rates of taxation. A careful comparison and an analysis of the two measures does not, we think, sustain this statement. On the contrary, the administrative measures proposed by us make certain distinct reductions of rates which the bill presented by you does not, and in some instances it increases the rates.

MARKED DIFFERENCES IN THE MEASURES.

The most important difference between the administrative features of the two measures is in the section relating to coverings which, although embodied in the bill favorably reported by the Committee on Ways and Means at the last session, is now omitted from your bill. This section provides for the correction of the unfortunate phraseology of section 7 of the tariff act of March 3, 1883. As is well known, that section was intended to except from duty charges for the packing cases used for the transportation of merchandise, but under the rulings and opinions of the Supreme Court and the Attorney-General a large part of the value of the merchandise as purchased by the importer, or as shipped by the consignor, is held to be non-dutiable under that section. The correction of this legislative blunder was regarded by the Treasury Department as the most important and essential feature of the bill proposed by Mr. Hewitt.

In striking from the proposed compromise measure the repeal of the tobacco tax, the tax on fruit brandies, alcohol used in the arts, weiss beer, and the alternative proposition to reduce the tax on all distilled spirits from 90 cents to 80 cents a gallon, you eliminate from the bill all propositions to reduce internal-revenue taxes except the retail license provision, and this you do not in terms agree to.

In lieu of these provisions in our bill you propose to repeal all statutes imposing restrictions upon the sale of leaf tobacco by farmers and to modify the laws relating to storekeepers and gaugers at small distilleries and the destruction of stills, also to modify the administrative features of the law relating to the issue of warrants, &c.

While to all these proposed modifications of the present law we readily assent, we do not see in them alone how the revenue is to be reduced.

A DOUBLE OBJECT AIMED AT.

Our object, in the matter of internal taxes, is twofold; first, to reduce the revenues, and second to relieve the people of vexatious and inquisitorial methods of taxation, and to do this without offering temptations to frauds or to the evasions of the law. Furthermore, in proposing the abolition or reduction of internal-revenue taxes, we believe we are acting in harmony with the principles and declarations of the Democratic national platform. The internal-revenue tax in that platform is declared to be a war tax, and the repeal of crushing war taxes is demanded. It has, moreover, been the policy of our Government after each war to abandon this form of taxation first, as evinced under administrations of Jefferson and Jackson; and a tax that requires an armed force to execute it can never be popular in a free country.

A BROAD CHASM.

Your demand that if the repeal of the tobacco tax or other internal taxes in whole or in part is insisted upon by us, then you and those acting with you will insist that "in the same bill an equal amount of reduction in revenue derived from customs" shall be made, if it presented otherwise debatable ground, for a compromise seems to us to forestall such action by your further demand that the reduction in the tariff shall be made upon such articles only as those with whom you are acting shall indicate. This is equivalent to saying at the outset that those holding different views from your own and the views of those acting with you shall be precluded from having any voice in determining what things duties shall be reduced on. But, in the first place, internal taxes and customs have never stood on equal ground in our system of taxation. Tariff taxes have been always our chief reliance for revenue; internal taxes have been the exceptional taxes.

In the next place, we hold it next to impossible to so adjust tariff rates as to secure a definite reduction of revenues, such as the repeal of reduction of an internal-revenue tax will produce. When a direct tax is repealed we know what the loss to the revenue will be; so when dutiable articles are placed on the free-list, but a reduction of the rates of duty may be followed by an increase in revenue and not a decrease.

PROTECTION OF AMERICAN LABOR.

Between the two extremes of free trade on the one hand and a prohibitory tariff or no trade on the other, there are three principles and only three, one or the other of which must govern when duties are intelligently laid. These may be represented by three lines. First, a horizontal line, representing an even rate laid upon all imports for the purpose of revenue only; next an irregular line, representing maximum revenue, and, third, the line representing the difference in the cost of production arising out of the different conditions under which production is carried on in this and other countries.

We are ready to join in reducing the tariff on all articles that are above the line of difference in cost of production and on those things on which the rate of duty is now above the line, thus permitting monopolies to be formed to arbitrarily raise prices to the consumer, without benefiting labor, we think it the imperative duty of Congress to reduce the tariff so as to prevent the possibility of monopoly combinations to put up prices above the competing point.

Labor has no interest above the competing line, or line that marks the difference in cost of production; but up to this point wage-earners are vitally concerned, and we believe that only by maintaining duties up to this line on importations in the production of which there is competition between this and other countries can labor continue to receive the larger share of what it produces, which our industrial system affords as compared with the industrial systems of other countries. The continued importation of any competing product, notwithstanding the tariff, is proof that the duty is not above the line of difference in cost.

Our national party platform, recognizing this controlling principle, declares that "the necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages existing in this country." In the face of this declaration and in the light of political events which have transpired since the last national convention sustaining this principle, we would not feel justified in departing from it in any division of our tariff laws, and we certainly do not think, as a political measure, it can properly be asked of us. There is, however, ample room for a reduction of tariff and a corresponding reduction of the revenues without contravening this important principle. All that is needed, in our opinion, is a disposition to meet the question fairly and deal with it as a matter of business, and not of politics.

A CONFERENCE PROPOSED.

Respecting your proposition to submit the measure proposed by us to a caucus of our political friends, "all parties to be bound by such action as it may take upon the subjects to which the bill relates," is one, it seems to us, that ought not to be asked. The question is not a political question; it is not a party question, for Republicans differ on it as do Democrats; the differences between us are not political differences, but differences on important economic and industrial questions, and we submit that it is not usual in either party nor right to attempt to bind men by caucus action on such questions, and thereby not only to take from them their right and duty to act in accordance with their own convictions, but compel them to act contrary to their obligations as faithful representatives of the people who have sent them here.

These, too, are the very matters respecting which we are attempting to effect a compromise. In lieu, therefore, of a caucus we suggest that a committee composed of members representing different phases of the question involved in the two measures under discussion should be appointed to take up these differences in a spirit of fairness, with a view of coming together on a measure all can support, without either side being called upon to surrender convictions, or to prove derelict in their duty to their constituents. We urge the suggestion of a conference the more because many of the gentlemen acting with us in the matter of internal taxes do not agree on all matters pertaining to the tariff.

In accordance with your fourth suggestion, that in case no other arrangement is arrived at upon reasonable notice a motion be made to go into Committee of the Whole on bill 9,702, introduced by Mr. RANDALL at the last session of Congress, we have to say that due notice will be given of the time when it is proposed to make such a motion, so that it may be generally known. We can not, however, close this communication without expressing again the hope that an agreement on a measure which our political friends can generally support is not yet impossible.

Hon. JOHN G. CARLISLE, *Speaker House of Representatives*,

The foregoing letter was signed by S. J. RANDALL, A. J. WARNER, B. HENLEY, WILLIAM MCADOO, JNO. S. HENDERSON, GEORGE D. WISE, EDWARD J. GAY.

I will call attention briefly to the issues between these contending factions. Mr. RANDALL and his associates favor the abolition of the internal-revenue taxes upon domestic tobacco and the reduction of the taxes upon distilled spirits; the Speaker and those for whom he writes, resisting those propositions and favoring the repeal of the provisions, that experience has demonstrated are indispensable to the execution or enforcement of the revenue laws in respect to alcohol and tobacco. I will not dwell upon the minor issues between the two factions, as they only involve a certain license to cheat and defraud the Government, and doubtless our friends upon the other side would be able to reach an understanding upon these points. I understand the correspondence to say as much.

"The broad chasm" claims attention and must have it.

The Speaker, in his letter of February 3, gives, as an alternative proposition, "if the repeal of the internal-revenue tax upon manufactured tobacco, snuff, and cigars, in whole or in part, is made a condition upon which you and the gentleman with whom you are acting will be willing to agree to a reduction a tariff taxation, then we shall insist that in the same bill an equal amount of reduction shall be made in the revenue received from customs, and this reduction shall be made upon such articles as those with whom we (the Speaker) are acting, shall indicate." The Speaker should have furnished a list of those with whom and for whom he was acting. True, we know who they are; but the record would be more complete, the history more interesting, if it contained these names and the Congressional districts represented. The letter of Mr. RANDALL and his associates, of February 8, confronting the Speaker's proposition, reveals a "broad chasm." I do not wonder at it; and, gentlemen, if you have been sincere, you can not bridge it. One faction of the Democratic party must go down, and I do not doubt which it will be.

Do you say the Speaker was arrogant? I grant it. Contemptuous of your rights, I grant; and that which he proposed is without parallel in American politics or legislation: that he and his friends alone should indicate the articles upon which a reduction of our customs duties should be had, without the advice or influence of their party associates, much less of the very respectable Republican minority here.

Messrs. RANDALL, WARNER, HENLEY, MCADOO, HENDERSON, WISE, GAY, and their associates may not look to us, to the Republican side of the House, for help. The Democracy of Pennsylvania, Ohio, California, New York, New Jersey, North Carolina, Virginia, and Louisiana are now informed by official letter that on this question of protection, between our Democratic administration, this and the next Democratic House, and a coterie of Democratic statesmen here, there yawns a broad, deep, impassable chasm; this coterie holds so many seats here that they are a balance of power between the two great parties. They influenced votes enough in the last national election to control it.

Their constituencies and voters were deceived by their speeches into the belief that the Democratic party was and that Mr. Cleveland's administration would be in favor of the protection of American industries. In fact, the distinguished gentleman from Pennsylvania [Mr. RANDALL] boasted during the present Congress that in the last national campaign the dominant wing of his party sent him to New York and other protection States, where they did not dare to go themselves and proclaim their free-trade doctrines. And no one was found in the House to deny that New York was carried in 1884 on these false pretenses.

But, gentlemen, the partnership seems at last dissolved; the foothold in the Democratic party that you have so long precariously held by makeshifts you are now forced to surrender, and you must stand not upon the order of your going but go at once, unless you will meekly

consent that the Speaker and the Administration may settle the question of the protection to be continued to American industries with your votes, but without your advice or the exercise of any judgment or discretion on your part. And "what are you going to do about it?" The offices are on the other side of the "chasm." Do you think it very deep and broad after all? Are you quite sure there is a chasm? Next December will you not go into a caucus, foreordained from the beginning to make the present Speaker his own successor? We shall see! Time will tell!

The protectionists, or that there may be no mistake, the tariff Democracy of the States I have named, from this correspondence, have received notice that they must depend upon the Speaker and his (to them) unknown friends for the protection of their industries, or else accept their complete destruction without a murmur or a protest.

The Speaker must have believed his letters to have been in accord with the views of the Administration. Who imagines for a moment that the Speaker would have given them to the public if the policy he indicates is not to be adopted by the President towards the Speaker's correspondents? We all do know that these letters are in line with the President's messages and with Mr. Manning's reports. Who has heard a whisper of dissent from the White House? Mr. Manning, on the 20th of May last, in his letter tendering his resignation to the President, says:

Our present tariff laws are a needless oppression, instead of an easy burden.

I charge that the Speaker and the Administration are in accord upon this question; and who of those who signed these communication to the Speaker will contradict it? Here and now I give them the opportunity.

They state the question fairly when they characterize it as a "broad chasm," and in too evident alarm protest, "this is equivalent to saying at the outset, that those holding different views from your [Mr. CARLISLE'S] friends shall be precluded from having any voice in determining what things duties shall be reduced on." Gentlemen, you understood the Speaker—and I believe he intended that you should; the party lash is to be applied. Again I refer you to the President's messages, and the reports of the Secretary of the Treasury, as well as to his letter. Is it not obvious to you that the Administration is to support the Speaker and his friends?

I have expressed a doubt if at the commencement or at any point in the correspondence the parties expected to agree upon a measure for the reduction of our revenues, and I now charge it to be a fact that they did not, without fear of contradiction by the responsible parties. The Morrison bill was introduced here to reduce customs duties, as he estimated, only $25,000,000, and was so proposed and prepared that, under our rules, we could not under or by it reduce internal-revenue taxes. The Treasury Department recommended a reduction of $125,000,000; nowhere does the administration favor the reduction of the internal-revenue taxes. Exclusive of the duties on sugars, the removal of which the administration opposes, the reduction of customs taxes $125,000,000 will place upon the free-list every article for consumption produced in the United States. Neither the administration or the dominant faction dare attempt that.

The Speaker offered to go to the consideration of Mr. RANDALL'S bill, when the whole question of customs and internal-revenue reduction would by its terms be before the House, and Mr. RANDALL did not accede to the proposition. Who believes that there was ever any possibility of his acceding, or that the Speaker would consent to the reduction or abolition of the revenue from manufactured tobacco? Was this correspondence anything more than a piece of diplomacy, thinly disguised, not for the purpose of reaching an arrangement, but to enable these gentlemen to get before their respective constituencies the fact of a failure to agree as the fault of the other wing of the party; or was it, still more contemptible, a struggle for popular favor, involving the absolute surrender of the people's interests?

There has been no day when a bill for the reduction of both customs and internal revenue would not have obtained consideration, but the gentlemen upon the other side have not permitted any such bill to be brought before the House for consideration.

The controlling forces in the Democratic majority here have been willing to go upon record in this correspondence, refusing reduction unless one faction surrendered to the other the right to voice or vote their individual judgment, or the preferences and sentiments of their constituency, and refusing any consideration whatever to the Republican side of the Chamber. The correspondence was conducted upon the understanding that Republicans should be excluded from the consideration of the question. The capital, the labor, the intelligence, the constituencies that have achieved the present prosperity of the country were to go unrepresented. The question was to be settled by a dicker, a trade between party chieftains in a committee-room, away from the light of day. Gentlemen, permit me to thank you that you have made this correspondence public. It places the responsibility where it belongs.

While my surprise at the temerity of the proceeding is boundless, my gratification is equally so. You have refused to permit us even to aid you in the reduction of the revenues, and have confessed to the country that you can not agree how to do it, and therefore can not do it; though incompetent, your obstinacy is potent to prevent action. At last we have this party of hollow, empty profession before the country in its true character.

The last tariff legislation was accomplished by the Forty-seventh Congress, where the Republican party were in a majority by about a half a dozen votes. It looks now as if there would be no more revenue legislation until the people again restore that great party to power. To the Fifty-first Congress, then, must the people look for the proper adjustment of the revenues to the wants of the Government and for continuing protection to American industry.

---

## Oklahoma.

### SPEECH
OF
# HON. JAMES H. WARD,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, December* 18, 1886,

On the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. WARD, of Illinois, said:

Mr. SPEAKER: The principal questions that this House ought to well consider before this bill is put upon its final passage are:

First. Is the design of this bill expedient?

Second. Are the objects therein contained equitable; does the bill deal fairly with the Indian?

Third. Has this bill merit sufficient to receive the support of fair-minded and just jurists?

And, Mr. Speaker, I believe that the answer to all these questions must be in the affirmative. And, as one member looking towards the advancement of his country, and without wishing injustice done to the red man, I heartily support this measure. I believe it will civilize him, educate him, Americanize him.

Sir, all legislation should be for the benefit of the masses, without regard to color or condition.

In our consideration of this bill, that truth should not be lost sight of. It should be kept specially prominent. The necessities of both the red and the white man, the demands of commerce, and the destiny of civilization on this continent must be considered. The troublesome Indian problem is rapidly approximating solution in the advancing strides of civilization, and the Indian can neither stem nor stay that encroachment. The moral feature has nothing to do with the case. The right or wrong of either party in the century-conflict is now an insignificant factor in the problem. From the Eastern to the Western margin of the world the onward, irresistible march of the Caucasian has been the "manifest destiny" settling all proprietary rights. We can not, if we would, stop that march.

In the great family of man we as the stronger should protect the weaker, and common philanthropy suggests that in the case of the Indian, as affected by that onward march, we so shape our legislation that the tramp of civilization's soldiery may not exterminate. We should study to soften the inevitable. We can not stop to weep over the anomaly in history that the path of our boasted civilization has been wet with tears—too often with blood. The weaker has been trampled under and sometimes annihilated. In this instance the history of the past century teaches that the salvation of the weaker tribes who have peopled this continent depends immediately upon their assimilation with the great citizenship of the stronger. Utter annihilation of the Indians can only be prevented by absorption. If the red men are the "wards of the Government" then Government should save them from extermination.

Sir, it is idle for gentlemen to talk about "original rights." Sickly sentimentality will not stem nor stop the tide of civilization. The celebrated jurist, the world-accepted Kent, has settled the proprietary question of Indian title. In volume 3, pages 377–400, in his chapter on the "Foundation of title to land," he lays down the axiom that—

It is the destiny and duty of the human race to subdue the earth and till the ground. * * And if unsettled and sparsely scattered tribes show no disposition to perform that duty, their right to keep some of the fairest portions of the earth as a wilderness, simply for hunting, becomes utterly inconsistent with the civilization and moral improvement of mankind.

If such a people will usurp more territory than they can subdue and cultivate, they have no right to complain if a nation of cultivators put in a claim for a part, and confines the natives within narrower limits.

He specifically applies this argument to the establishment of the French and English colonies in North America as being entirely lawful, because of this duty of mankind to till the whole earth. Discovery was

conquest. Conquest is the basis of all government title to land. And it is now too late to question the validity of such title, for it is the foundation of all real property.

"If the hunter state is a necessity to the Indian, then," says the above-quoted authority, "let him be confined to the narrow limits necessary to the hunter state." And he but echoes the decisions of Chalmers, Vattel, and other legal writers.

So much for the sentimentality that would upset and disturb title to all real property on this continent, or wrest that title from Government and vest it in the Indian.

But, sir, for the benefit of these sentimentalists, let me assure them that this bill does not propose to rob the Indian of a single acre of his present reservation. It is no longer hunting-grounds, for the approach of civilization has destroyed the game; so the red hunter does not claim it for that "necessary state." He can not till it; more, he does not and can not occupy it. But it lays there a broad ocean of wasting grass. It is a bar to commerce because of the blind policy of the Government, which, until the last Congress, forbade the construction of a railroad through the Indian Territory without the consent of the Indian councils—checking the commerce of sixty million people to satisfy a handful of Indians.

The world's commerce stopped by the barrier of this missing link in transportation. From the Lakes to the Gulf, from the Atlantic to the Pacific—north, south, east, and west—sixty million people crippled in their commercial rights in order that seventy-five thousand Indians may keep as a desert wild thousands of acres of land that should thrill with the music of industry and progress.

The report for 1886 of the Commissioner of Indian Affairs, pages 428 and 429, gives to the Indian reservations of Indian Territory 4,741,038 acres of tillable land, of which the Indians cultivated last year 26,098 acres and the Government 731 acres. Here is over 4,000,000 acres of idle land, untilled for want of white labor, and all of it reported by the commissioners as tillable land, inside the Indian reservations of this Territory. Kent had in mind just such vast territories as this idle waste, kept so by a few nomads, when he forever settled the legality of civilization's stepping in and rescuing it to industry.

What are the facts in the case? There are over 41,000,000 acres of land in the Indian Territory, and a great part of it untrodden by foot of man.

The "five civilized tribes"—Cherokees, Seminole, Creek, Chickasaw, and Choctaw tribes—occupy the eastern, northeastern, and southeastern borders. A few scattered tribes adjoin them. The Cheyenne and Arapahoes have their reservation on the western border, and all between a waste of grass, and comprising the portion proposed by this bill for the new territory.

Commissioner Atkins, in his 1886 report, gives the following population in Indian Territory:

| | |
|---|---|
| Cheyenne and Arapaho agency | 3,431 |
| Kroma, Comanche, and Wichita | 4,182 |
| Osage | 1,905 |
| Ponca, Pawnee, and Otoe | 1,968 |
| Quapaw | 1,049 |
| Sac and Fox | 2,261 |
| Union (five civilized tribes) | 61,000 |
| | 75,799 |

The same report gives the number of acres of land in Indian Territory at 41,102,546. Divide this rich heritage among this population and you give to each 541 acres and a fraction. Every Indian and squaw and papoose 541 acres of land! Verily a happy hunting-ground—a hunting-ground without game! Not a buffalo to shake his shaggy mane in all this wilderness of waste!

The bill lately passed by Congress giving lands in severalty to Indians has settled it that 160 acres of ground to each adult and 80 acres to each minor child is sufficient for the necessities of the Indians—more, sir, than they can or will till and render productive.

The principles involved in this bill, under section 8, and guaranteed by the "lands in severalty" bill, enacted this Congress, goes further yet in favoring the Indian. After allowing him to locate his quota as he may please, and have the first pick of the soil, it offers to pay him for the surplus of the land. Such munificence would make the Indians of Indian Territory the richest people, as a whole, in the world.

But, sir, this bill does not propose to divide all of Indian Territory. It simply takes the waste lands unoccupied by the Indian and comprising in all 17,044 square miles, or 11,583,295 acres, embracing the Cherokee Strip or Outlet of 9,410 square miles, or 6,022,855 acres; Oklahoma, amounting to 2,934 square miles, or 1,887,800 acres, and the Public Land Strip, 4,700 square miles, or 3,672,640 acres.

And, sir, I will here state that Oklahoma was originally part of the Creek and Seminole purchase, and was by them ceded to the United States, and the Secretary of the Interior reports it as paid for. That Cherokee Outlet was ceded by the Cherokees to the United States in 1866, and $300,000 of the purchase money has been paid. The Government, however, reserved to the Cherokees the right to use it as "an outlet" to the salt fields and hunting grounds west—a use no longer needed or utilized. And that the Public Land Strip was ceded by Texas to the United States in 1860. It is, however, in disputed title, consequently has no jurisdiction, and no one owns it; hence its title, "No Man's Land," or as on the Government map, "Public Land Strip."

Now, sir, as to the effect of such legislation upon the whites, for if it only benefits the Indian it would be class legislation. Our people are clamoring for homes. Our over-crowded cities are producing labor riots, mobbism, anarchy, and all the miseries of landless, homeless, idle poor. The minds and hearts of statesmen are burdened searching for a remedy for these evils.

House these homeless ones on this surplus 17,044 square miles. Let the land teem with the hum of labor, people it with industrialists, enlighten it with school-houses and churches, touch it with the wand of progress, and make the wilderness blossom like the rose. Drain your crowded cities of their surplus people and make of this a State. This surplus 17,044 square miles or 11,583,295 acres of land divided into homesteads would create homes for thousands of American citizens. Many of our people have been so long knocking to be admitted into that Territory that, if this bill should become a law, a State would spring up there as if by the magic of a night, and by opening up this Territory you also benefit the Indian.

Take, for instance, the Cherokees, many of whom are far advanced in all that makes up civilization; they have churches and schools. Those thus advanced were and are in daily contact with and surrounded by white enlightenment. So much has been done for the Cherokees by limited contact with white advancement.

An agent for the Indian Defense Association lately visited Indian Territory, and says in his report, speaking of the Chickasaws: "These people are slowly but surely progressing in industrial arts and in general education."

Do not forget, sir, that these Chickasaw Indians have been in daily contact with white civilization for a number of years. He speaks similarly of the Creeks—another of the five civilized nations—and of their progress, by the fact evident of the influence of white men's examples in industry and economy.

The sore problem of what shall we do with the Indian finds apt solution in that sorer problem so happily solved by President Lincoln's treatment of the negroes. With one stroke of his pen four million slaves were made freedmen—citizens—and they have flourished under that treatment.

So treat the Indian. Let him reserve his homestead. Buy his surplus lands. Protect and check him with the rights and duties of citizenship. Give him the franchise when you give him a home. Citizenize him, make him a free man. Let the ballot lift him still higher. And throw around him the restraints as well as the protection of law.

Homes for the homeless is what this bill promises the white man. A thrifty, busy, prosperous State where now is a wilderness is promised for the country. Unimpeded commerce to our sixty million of people is the promise to the nation.

And, sir, as to the law in the case: There is a large portion of the Indian Territory embraced in these 17,044 square miles upon which neither Indians or whites are settled and have no legal rights to settle, but without authority they are leased to cattle syndicates. And these "leases" are from Indians who by statute law of the United States have no authority to sell or lease a foot of the reservations allotted to them. But they are so leased and are thus occupied.

In 1883 the Cherokees leased to the Cherokee Live-Stock Association 6,000,000 acres of land west of 96° (or Indian meridian) known as the Cherokee Outlet, and located within this proposed territory, notwithstanding the statute declares such lease to be illegal, and as the Attorney-General has since decided.

This lease gave, for $100,000 per annum, 6,000,000 acres of the finest grass land in the world to the Cherokee Strip Live-Stock Association.

This Cherokee Outlet comprises a part of the public domain described in the bill before us for consideration, and to which I have above referred.

These 6,000,000 acres of land were ceded by the Cherokees to the United States, July 19, 1866, and is most unquestionably public domain. Yet it is unoccupied by Indians or whites, except by the cattle barons, who lease it at $100,000 per annum from the Indians.

Six million acres of land desecrated by dedication to cattle and cowboys!

These millions of acres of the people's domain are being leased out to cattle barons contrary to section 2116 of the Revised Statutes, which is as follows, to wit:

> No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution.

This unoccupied 17,044 square miles of land is nearly in the center of this Union. It lies upon the path of commerce over the continent. It is a vacant waste because of its inoccupancy, except by cattle and cow-boys as I have stated, but admirably adapted by nature in gifts of soil, climate, and mineral wealth for a prosperous territory. Thousands of our producers are clamoring for homes and leave to till the soil. Here it lays, waiting for them. This bill proposes to grant them the legal right to make of it a great State. And why object to such concession?

**Pleuro-Pneumonia.**

# SPEECH

OF

# WILLIAM M. SPRINGER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

*Friday, January 28, 1887.*

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884—

Mr. SPRINGER said:

Mr. CHAIRMAN: This bill has been attacked by gentlemen on both sides of the House as being unnecessary and also unconstitutional. The gentleman from Ohio [Mr. WARNER] and the gentleman from Tennessee [Mr. MCMILLIN] have both asserted that it violates the Constitution, and Article IV of the amendments has been quoted for the purpose of fortifying that position. The article quoted by the gentleman from Tennessee has reference only to criminal prosecutions.

The article is as follows: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause," &c. Probable cause of what? Of guilt. It prohibits unreasonable searches. It was never supposed to apply to those questions which relate to the public health, and it has never been quoted in that connection, so far as I know, until to-day. This bill relates to another subject entirely, and has no reference whatever to the provision in the Constitution which is designed to protect the citizen from persecution on account of alleged criminal offenses.

Mr. MCMILLIN. Will the gentleman permit me to interrupt him?

Mr. SPRINGER. I can not yield, Mr. Chairman; I have no time. I desire to call the attention of the gentleman from Tennessee to that maxim with which he is undoubtedly familiar, *salus populi suprema est lex*. I have never known an occasion, sir, where the public health required the intervention of extraordinary power, that power was not found to exist adequate to the demands of the occasion.

Mr. MCMILLIN. I suppose, then, that if a man has a contagious disease, you can do anything you please on his premises without constitutional warrant?

Mr. SPRINGER. The Constitution does not require a warrant to issue in order to authorize an officer to board a vessel entering our ports, search it to ascertain whether there is a contagious disease aboard, or to hold the vessel in quarantine until the danger has passed. In the gentleman's own State, sir, when the yellow fever raged in Memphis, the agents of the General Government went there and exercised extraordinary powers in order to prevent the spread of the disease. They did it with the consent of the gentleman from Tennessee, no doubt, and when pleuro-pneumonia shall invade his State, the power of the General Government will be there, under the provisions of this bill, to protect his property and that of his fellow-citizens, as it was there to protect them against the contagion of yellow fever.

The honorable gentleman from Ohio [Mr. WARNER] has asserted that no intelligent farmer in the United States desires this legislation. My friend from Ohio has not been reading the papers recently. If he will look over the newspapers which have been received by him but which he has probably been unable to find time to examine, he will discover that the following associations of "intelligent farmers" in this country have asked for legislation upon this subject:

The Consolidated Cattle Growers' Association of the United States, embracing in its membership the American Short-Horn Breeders' Association.
The American Holstein Breeders' Association.
The American Hereford Breeders' Association.
The American Jersey Cattle Club.
The American Aberdeen Angus Breeders' Association.
The Illinois State Board of Agriculture.
The Kansas State Board of Agriculture.
The Iowa State Board of Agriculture.
The Ohio State Board of Agriculture.
The Iowa Improved Stock-Breeders' Association.
The Iowa Short-Horn Association.
The Kansas Short-Horn Association.
The Ohio Short-Horn Association.
The Farmers' Congress.
The Nevada Live-Stock Association.
The Missouri Short-Horn Association.
The Chicago Live-Stock Exchange.
The Wyoming Cattle-Growers' Association.
The Montana Cattle-Growers' Association.
The Dakota Live-Stock Association.
The New York State Board of Agriculture, and a great number of local organizations throughout the United States.

The Miller bill, having the same object in view, is also indorsed by joint resolutions of

The Illinois Legislature.
The Michigan Legislature.
The Minnesota Legislature.
The Kansas Legislature.

By Col. R. G. Head, president of the International Range Association.

J. N. Simpson, president of the Texas Cattlemen's Association, and many others.

These, Mr. Chairman, are the associations and individuals in the United States which have petitioned Congress for some measure of relief upon this very subject and during this very session.

In addition to the numerous petitions received members are in receipt of letters from prominent breeders and farmers. To show the feeling among farmers on this subject, I will print in my remarks the following letter from Messrs. James N. Brown's Sons, of Grove Park Farm, near Berlin, Sangamon County, well-known stock-breeders in Illinois:

BERLIN, ILL., *January* 28, 1887.

DEAR SIR: We, as well as a large majority of the cattle-men and farmers of our State, are very anxious that some measure may be passed by the present Congress for the protection of our cattle from pleuro-pneumonia by proper quarantine and any other regulations that may tend to suppress it wherever it may spring up; and in order that the owners of cattle may promptly report any disease among their herds, it is very proper and right that the owners of afflicted herds may be compensated for losses that may occur. The cattle interests of our country are vitally interested in the matter and feel that, since they are large bearers of the burdens of taxation, their Representatives in Congress should do all in their power for them at this time. The Miller bill fills the bill, and we earnestly hope that you take a warm interest in its success.

Hoping that you are quite well, we remain as ever,

Your friends,

JAMES N. BROWN'S SONS.

Hon. WM. M. SPRINGER, *Washington, D. C.*

Mr. CUTCHEON. Are not those all, or nearly all, organizations connected with the breeding of blooded stock, which would bring a high price under this bill?

Mr. SPRINGER. Many of them are, but all the live-stock organizations in the United States are represented, and the cattle interests everywhere are deeply interested in this legislation.

Mr. WARNER, of Ohio. Those gentlemen will get a high price for their stock if any of them have to be destroyed.

Mr. SPRINGER. The Stock Exchange of Chicago, which formerly resisted legislation of this kind, is now petitioning Congress for efficient legislation on this subject. In addition to the action of the cattle-growers' associations I call attention to the action of the State Board of Agriculture of the State of Illinois, which represents the farmers of that State. Among the resolutions recently adopted by that association I call special attention to the following:

That in view of the nature and importance of this bill nothing should be permitted to stand in the way of affording prompt measures of relief, and we are of the opinion that the general welfare of the people of these United States imperatively requires this legislation.

Here are the resolutions in full, which I will ask to have printed as a part of my remarks:

Resolutions adopted by the Illinois State Board of Agriculture, January 4, 1887.

Whereas the continued existence of contagious pleuro-pneumonia among cattle in this country is due solely to the failure of the National Government in maintaining proper quarantine regulations on the seaboard; and

Whereas said disease has now, in the opinion of prominent veterinary surgeons, got such foothold as to seriously affect a great business industry and threaten a serious interruption to interstate and foreign commerce in cattle; and

Whereas State laws alone have seemed to be unavailing in dealing with this disease: Therefore,

*Resolved*, That we regard it as the duty of the Congress of the United States to speedily enact a proper law for the suppression of all contagious diseases among cattle in the United States, placing the execution of such a law in the hands of able and energetic business men, whose sole efforts and energies shall be directed to the one task.

*Resolved*, That in view of the nature and importance of this subject, nothing should be permitted to stand in the way of affording prompt measures of relief, and we are of the opinion that the general welfare of the people of the United States imperatively require this legislation.

*Resolved*, That copies of these resolutions be sent to each member of Congress from Illinois, and that each individual member of this board is hereby requested to write a personal letter to his Representative, urging him to support the bill for the suppression of exotic diseases, introduced by Senator MILLER and Delegate CAREY.

I have also a joint resolution passed by the Legislature of Illinois, the greatest agricultural State in the Union, a body containing a large number of intelligent farmers.

Mr. WARNER, of Ohio. The newspapers——

Mr. SPRINGER. No, sir, not controlled by the newspapers. The gentleman impeaches the intelligence of the legislators of the State of Illinois when he assumes that they are controlled by the newspapers.

Mr. WARNER, of Ohio. That is where the gentleman is getting his authorities and his constitutional law.

Mr. SPRINGER. The Legislature of the State of Illinois, composed of farmers and the representatives of farmers, have adopted this joint resolution:

Joint resolution adopted by the thirty-fifth General Assembly of the State of Illinois.

Whereas the existence of contagious pleuro-pneumonia among cattle in the United States is the result of negligence upon the part of the Federal Government, in failing to enact and enforce proper quarantine measures on the seaboard; and

Whereas the various States and Territories of the Union have, for their own

protection, been compelled to resort to embarrassing quarantine regulations, thereby seriously obstructing interstate commerce; and

Whereas this disease has during the past two years made rapid progress in spite of the utmost endeavor of State authorities: Therefore,

*Resolved by the senate (the house concurring herein)*, That we do hereby urge upon Congress the speedy enactment of the bill now pending in the United States Senate for the suppression of exotic contagious diseases among cattle, to the end that one of our greatest business industries may be relieved from an impending calamity, that the meat supply of the nation may be saved from losses which would directly affect every consumer of meat, and that the foreign stigma now attaching to one of our principal articles of export may be removed.

*Resolved*, That the vigorous measures proposed in the Miller bill should be made to apply only to diseases of foreign origin, and not to the common diseases to which the cattle of the United States are subject, and which are only equivalent to the ordinary dangers to which other branches of business are subjected.

Adopted by the senate January 12, 1887, and concurred in by the house of representatives January 13, 1887.

A certificate in due form is attached, signed by Henry D. Dement, secretary of state.

Mr. MCMILLIN. Is not the Senate bill which is referred to in that resolution entirely different from this?

Mr. SPRINGER. It is much more radical and thorough than this. It goes further than this bill goes.

Now, I wish to call the attention of members of the House to the fact that all the farmers' associations of the United States, embracing the great bulk of the intelligent farmers of this whole country, are petitioning Congress to pass some effective measure for the suppression of this contagious disease, which is threatening to destroy one of the great industries of the country.

Now, gentlemen who are quibbling about constitutional limitations may make a serious mistake. The farmers in the country comprise one half of the population of the United States. Their interests are immense, and especially their interests as involved in this question. If gentlemen suppose the intelligent farmers of this country are not in favor of the extirpation of this cattle disease through the agency of the Government of the United States they are acting under an erroneous impression. The farmers will learn who are their friends, and will also learn who are hostile to or indifferent as to their interests. When some gentlemen are candidates for re-election they may find it difficult to explain their records on this bill.

[Here the hammer fell.]

## The Trade-Dollar.

### SPEECH
OF
### HON. SAMUEL J. RANDALL,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
*Saturday, February* 12, 1887,

On the bill (S. 199) for the retirement and recoinage of the trade-dollar.

Mr. RANDALL said:

Mr. SPEAKER: This is a question within narrow limits. The principle involved is whether a great Government like this should inject into the circulation of the country a coin and thereafter refuse to redeem it at the value for which it was issued.

It should not be considered as to whether it is inside or outside of the limits fixed by the coinage law which authorized what is known as the standard dollar. I would prefer not to involve it in that connection, but permit it to be in excess of what the law provides in that respect. I have lived long enough to get rid of some of my graver apprehensions as to silver coinage. [Applause and cries of "Good!"]

It has been said here that this is a proposition to vote money out of the Treasury into the pockets of individuals—of speculators. It is not a matter of consequence to me whether Jew or gentile, individual or corporation, holds these trade-dollars. The original benefit was perhaps in some degree to the bullion owner; but the very moment the Government sent this coin out among its citizens as a coin of the United States, and the citizens in the interchange of their commodities used it as a measure of value among themselves, the matter of profit ceased to be a factor.

There are about two millions, if I am advised correctly, of these dollars held by banks, and the balance, or about five and a half millions, are held by individuals. The Government should meet its obligations with reference to them. To my mind the principle of honesty is involved in behalf of their redemption, whether they were issued under the legal-tender clause or not; they were actually issued as money by the Government and used as such by the people, and therefore it is, in my judgment, right that the Government of the United States, as I said when I began, should take back its own coins issued by virtue of its own laws, which laws compelled the citizen to take them at a fixed value—at exactly the same rate at which it required the citizens to take them.

[Here the hammer fell.]

## Agricultural Experiment Stations.

### SPEECH
OF
### HON. JAMES D. BRADY,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,
*Saturday, February* 26, 1887,

On the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. BRADY said:

Mr. CHAIRMAN: I desire in the first place to invite attention to House bill 2933, known as the "Hatch agricultural experiment-station bill," which is as follows, the amendments to said bill agreed upon by the Committee on Agriculture being in italics:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to aid the Department of Agriculture in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, in connection with the college or colleges in each State established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, *or such college which has been or may hereafter be established and operated under the laws of any Territory in conformity with the provisions of this act*, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State in which two such colleges have been or may be so established the appropriation hereinafter made to such State shall be equally divided between such colleges, unless the Legislature of such State shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States *and Territories*.

SEC. 3. That the said experiment stations shall be under the direction and control of the trustees or other governing body of such colleges, who shall have power to appoint a director and such assistants as may in each case be necessary.

SEC. 4. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to determine annually a standard of valuation of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said stations, shall be based; to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act; but nothing herein contained shall be construed to authorize said Commissioner to control or direct the work or management of any such station except as to the standard of valuation of commercial fertilizers. It shall be the duty of each of said stations, annually, on or before the 1st day of February, to make to the governor of the State *or Territory* in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 5. That in order to make the results of the work of said stations immediately useful, they shall publish at least once in every three months bulletins or reports of progress, one copy of which shall be sent to each newspaper in the States *and Territories* in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

SEC. 6. That for the purpose of paying the salaries and wages of the director and other employés of said stations, and the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State *and Territory*, to be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the aforesaid boards of trustees to receive the same; the first payment to be made on the 1st day of July, 1886; but no such payment shall be made to any station until the trustees or other governing body of the college at which such station is located shall have executed, under their corporate seal, and filed with the Secretary of the Treasury *of the United States* an agreement to expend all moneys received under this act for the sole and exclusive purpose and in the manner herein directed, and to maintain a farm of at least 25 acres in connection with such college, and shall also have executed and filed with said Secretary their bond, in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State *or Territory*, conditioned on the faithful expenditure of and accounting for all moneys so received: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent. of such annual appropriation may be so expended.

SEC. 7. That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a portion of the preceding annual appropriation remains unexpended, such

amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 8. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States *and Territories* in which they are respectively located.

The report of the Committee on Agriculture upon the foregoing bill is as follows:

The Committee on Agriculture, to whom was referred the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, having had the same under consideration, submit the following report:

The object of the bill is to aid agriculture by the establishment of what are known in Europe and the United States as experiment stations. The Agricultural Department was established, among other things, "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants." Experiments in the Agricultural Department at Washington are reliable only for such portions of the country as present the same conditions of temperature, moisture, soil, &c. A large proportion of seeds and plants tested at Washington fail in other portions of the country where the conditions are different. Agriculture is so variable in the different States that it is impracticable for one station to cover the field of needed investigation. The cotton and rice States have their climate, their peculiar crops, their insect enemies, and their special problems. The great prairie States have their peculiar wants and difficulties, and so of the several sections. Experiments that are at all reliable can only be performed in the several localities and under their varying conditions.

The amount of annual appropriations for the Agricultaral Department are not sufficient to justify the commission to employ agents who possess the necessary scientifio acquirements, and who can devote sufficient time to make accurate reports. The result has been that voluntary lay correspondents have been employed, without compensation, whose reports of crop prospects, soils, &c., have often been inaccurate and conflicting. The experiment stations provided for in this bill would furnish scientific data on all matters contemplated in the bill, and would enable the department to disseminate reliable and valuable information.

When we consider the vast area of our country it will not be seriously contended that one such station in each State would be too many. In some of the larger States two could be maintained with profit. In such case it is provided that the amount appropriated to the State be equally divided unless the legislature of the State shall provide otherwise. It is believed that this discretion would be proper, and that the public sentiment of the State would be sufficient to prevent its abuse.

It is becoming apparent from year to year that the United States have not the undisputed monopoly as the producers of cereals. For many years, owing to newness and richness of our soils, we had a decided advantage over our competitors, much of which was due to advantages in transportation as well as ease and cheapness of production, and we held the markets of Southern Europe and Great Britain. Of late years Russia has become a large producer and exporter of wheat, while Australia and India are rapidly developing as in wheat-producing and exporting countries. The same is true of meat and other agricultural products. While this competition is sharp, and becoming more so as transportation facilities are afforded our competitors, it would seem that every encouragement consistent with economy derived from science and experiment should be given in aid of this great industry. The object should be to increase production at a decreased cost and at the same time to preserve the fertility of our soils.

But the committee deem it unnecessary to enlarge upon the importance of the end to be attained. No principle is better established among civilized nations than that the prosperity of agriculture involves that of every other interest. No conviction is stronger or more universal among our own people than that it is the duty of the Government, by every legitimate means in its power, to aid in preserving and developing the agricultural resources of the country, thereby promoting the welfare not only of those who make this branch of industry the business of their lives, but that of every other class of citizens.

Equally beyond question, in the judgment of the committee, are the wisdom and effectiveness of the means proposed by this bill to accomplish the desired results. Upon this point we need not resort to conjecture. We can appeal to what has already been done, here and elsewhere, as the surest indication of what may reasonably be expected in the future. Experiment stations have been in operation in Europe upwards of thirty years, not including in this statement the establishment of Sir John Bennet Laws, of Rothamstead, England, who has spent much of his life and a large part of his princely fortune in experimenting in agriculture for the benefit of mankind. His experiment station was fully organized in 1843, with Dr. Gilbert, one of the first agricultural chemists in Europe, at its head, and has probably done more work of permanent importance than any similar station in the world.

Mr. Laws has made arrangements in his will for carrying on the station he has so nobly established after his death by giving sufficient land and donating near a half million of dollars in money. The first experiment station after that of Mr. Laws (under that title, "Versuchs-Station") was established at Moeckern, Saxony, in 1852. Since that time only two years have passed without witnessing the establishment of from one to twenty of such stations, until at the end of the year 1884 there had been 148 established on the continent of Europe—81 in the various states of Germany, and 67 in other countries. About a dozen of these have either been discontinued or, as in several cases has happened, been merged in some other organization. The rest continue in successful operation. They have created processes and produced results which are everywhere accepted as introducing a new era in agricultural advancement.

It would not be possible, within moderate limits, to give any full detail of these results; but the lines they have followed and the extent of the field covered may be indicated by a few summary statements. Sixteen stations, for example, are principally devoted to soil investigations; 23, to investigations in modes of cultivation and fertilization; 13, to questions connected with viticulture and the manufacture of wine; 3, to horticulture; 1, to olive culture; 9, to silviculture; 2, to methods of cultivating moor, swamp, and waste lands; 28, to researches in plant physiology; 11, to diseases of plants; 21, to investigations in animal physiology, feeding, digestion, &c.; 11, to dairy investigations; 6, to the scientific points in silk culture; 3, to the sugar industry; 2, to alcohol manufacture, the chemistry of fermentation, &c.; 2, to beer manufacture; 22, to technical researches in agricultural chemistry; and 5, to questions respecting some minor agricultural industries.

All the foregoing lines of investigation are pursued from the scientific standpoint, and with reference to scientific rather than directly practical results; but many of the stations are employed in practical work for immediate ends. Fifty-four, for example, are occupied in the work of fertilizer control; 43, in seed control; and 38, in feeding stuff control. These subjects of inquiry are subdivided into various special branches, which it is not necessary to enumerate. They will readily suggest themselves. Another highly interesting and important result from the establishment of these stations is the remarkable activity that they have stimulated in agricultural writings. More than 2,000 books and pamphlets were published by experiment stations between the years of 1852 and 1877. Of these, 66 treated of the original sources of plant food; 103, of soils, including soil formation, physical and chemical properties of soils, soil analysis, and soil improvements; 484, of plant physiology, including plant nutrition, in general, mineral and other foods, the mutual action of root and soil, the mutual action of stem and leaves with the atmosphere, the circulation of material within the plant, the genesis, metamorphosis, and character of organic plant products.

Under this head also were treated the action of physical agents upon plants; the phenomenon of plant development, as germination, development of organs, production of material, reproduction; the diseases and malformations of cultivated plants, including injuries from parasites, fungi, and animals. Ninety-eight works treated of the chemical composition of plants; 217, of fertilization, with analysis of natural and artificial manures; 229, of field experiments, including the action of fertilizers and researches respecting the effect of cultivation and fertilization on different kinds of plants; 594 works were devoted to a consideration of the numerous questions respectiug the production of farm animals, such as the constituents and secretions of the animal body, the composition of feeding stuffs and nutrients, the preparation and preservation of foods, the digestibility and the assimilation of foods, the chemical changes involved in animal growth, the effect of external conditions, diseases of domestic animals, and many others; 359 works treated of special topics in agricultural technology and of analytical methods.

This bare enumeration presents a striking picture of the activity of the experiment stations and of the immense impulse they have given to agricultural research. Combining, as they do, the precision of scientific methods with an intelligent regard to the requirements of practical operations, it is not surprising that they have come to be looked upon, wherever established, as the most important aids to successful farming, as well as the foremost agency for the advancement of agricultural science. They have taught the most profitable methods of cultivation and fertilization with the different soils and crops, and the best ways of doing the thousand minor operations of daily work; have driven out of the market inferior fertilizers, food-stuffs, and seeds, thereby saving millions of dollars to the farming community; and, by raising the productiveness of agricultural industry, have to that extent helped to solve one of the standing problems of society—how to relieve the pressure of population upon subsistence.

Agricultural experiments are not a new thing. They are as old as the tillage of the soil. Until recently the existing state of agriculture was almost exclusively a result of centuries of crude experimentation. But it is only since the theories of Liebig were organized into working institutions (the experiment stations) that experiments have been so conducted as to furnish a helpful and authoritative rule of practice. A scientific experiment is made, not for the purpose of seeking or sustaining a theory, but of learning a fact. It must be conducted, as far as possible, under ascertained and controllable conditions; and, where that is not possible, intelligent allowance for the variation must be made and stated. Each step must be accurately observed and verified, and this process must be repeated, under identical conditions, times enough to eliminate every form of error. The logical process is like that in support of a legal proposition. The ground must be cleared and the foundation laid. Each advance in the argument must rest securely on that which precedes. No link in the chain must be omitted. The appropriate evidence must be marshaled in support of each point. The irresistible conclusion follows. Compared with such a process, the ordinary field experiment is as the bungling of an apprentice to the finished work of the trained artisan.

The work being done by European stations is equally needed in the United States, and is already begun in obedience to an imperative public demand. The decay of agriculture in the older States, the deterioration of soils in the first-settled group of new States, the rapid absorption of public lands, and the increasing competition of Russia and India in the food-markets of the world, have strongly arrested public attention. The conviction has become general that waste must be checked and productiveness increased. The growth of intelligent interest in this and similar subjects among the agricultural community within a few years past is one of the most striking and hopeful signs of the times. The increase of knowledge on the scientific questions involved in farming and the growing demand for trustworthy information are altogether unprecedented, and every effort to supply the demand seems only to stimulate rather than to satisfy it. Agricultural societies, boards of agriculture, and other organizations have long given important aid in this direction, but the agency which has proved so beneficial abroad has within the last ten years received a remarkable impulse in our own country, and few who have not given the matter special attention can have more than an imperfect idea of the extent to which efforts in this direction have been begun within the period named.

The first "experiment station" under that specific designation in the United States was established at Middletown, Conn., in 1875, by the joint action of Mr. Orange Judd, the trustee of the university at Middletown, and the State Legislature, with Prof. W. O. Atwater as director. In 1877 the station was taken under the more direct control of the State and removed to New Haven, where it has since been in successful operation. In the same year, 1877, the example of Connecticut was followed by North Carolina; in 1880, by New Jersey; and in 1881, by New York. Of these four experiment stations that in Connecticut, as already stated, and the one in North Carolina, were first established in connection with colleges, but afterwards removed. The New York station has from the first been a separate establishment. The New Jersey station was established, and has since continued, in connection with the State Agricultural College at New Brunswick. Since 1881 the Legislatures of several States have either recognized or reorganized the departments of agriculture in the land-grant colleges as "experiment stations," thus following substantially the course adopted by New Jersey. Such stations have been established in Maine, Massachusetts, Ohio, Tennessee, Wisconsin

In three other States (possibly more), without legislative action, the college authorities have organized their agricultural work as experiment stations. This has been done in California, Missouri, and New York. But in addition to the twelve experiment stations specifically designated by that name a very large number of the colleges established under the act of 1862 are doing important work of a precisely similar kind. Many of them began such work immediately upon their establishment and have since maintained it continuously; others have entered upon it more recently. The colleges in Colorado, Indiana, Kansas, Michigan, and Pennsylvania are carrying on what is strictly experiment-station work as a part of their ordinary duty. Next in importance to the results obtained through these varied and widespread activities is the effort generally made to bring them directly within reach of those actually engaged in farm-work. This is done by means of the newspaper press, by annual or biennial reports, and especially by slips, folders, or bulletins, which are scattered broadcast, disseminating information, stimulating thought, teaching how best to coin work into wealth. As illustrating the range of the work that some of these colleges and stations are doing, the following summary statement is given, naming a few of the subjects that have recently occupied their attention:

*Alabama* (State station, located at college):

1. Fertilizer control.
2. Development of Alabama phosphates.
3. Fish culture.
4. Field experiments on cotton, wheat, and corn.
5. Insects injurious to cotton.

*Connecticut* (State station, independent):
1. This station is chiefly devoted to fertilizer control, analyzing 115 to 175 samples yearly; has added much of value to knowledge of the fertilizing value of natural manures, and of manufacturing wastes and of composting.
2. Next in importance are its analysis of feeding stuffs, which number 25 to 50 yearly, including many new commercial articles, and also studies of values of hay and maize at different stages in growth and curing and from different species and varieties.
3. Third in importance are the feeding experiments, mainly on milking cows; these have added much to the knowledge of American foods and of the milk of different breeds.
4. Studies of the relation of evaporation and percolation to various soils.
5. Seed tests, testing purity and vitality of various samples and effect of age on different species.
6. Improvement of chemical methods applied to agricultural investigation; soda-lime method of nitrogen determination; improvement of apparatus for absolute nitrogen determination; studies of different methods of determining albuminoids, arsenics, phosphoric acid, &c.; forms of apparatus for seed tests, &c.
7. Studies on the composition of leaves and of tobacco leaf and stalk.
8. Investigation on soils, rocks, and waters.
9. Poisoning cases.
10. Studies in stringy milk, peach yellows, potato scat, and skin crack, and strawberry blight.
11. Studies on antiseptics used for dairy purposes.

*Massachusetts* (State station, connected with college):
1. Fertilizer control.
2. Fodder analyses.
3. Drainage experiments.
4. Feeding experiments with milch cows and pigs.
5. Observations on milk.
6. Injurious insects.
7. Fruit-culture experiments.
8. Peach yellows.
9. Drinking-water analyses.
10. Meteorology.
11. Seed tests.

*New Jersey* (State station, connected with college):
1. Fertilizer control.
2. Feeding experiments with dairy cows.
3. Field experiments with various fertilizers.
4. Sorghum-sugar manufacture.
5. Ensilage, its composition and feeding value.
6. Financial studies of the dairy business.
7. Chemical composition of diseased plants, cranberries, and sweet potatoes, with experimental treatment.
8. Fodder analyses.

*North Carolina* (State station, independent):
1. Fertilizer control (chemical and field tests).
2. Development and analyses of North Carolina phosphates, marls, and limestones.
3. Studies of home sources of nitrogen and potash (N. C.).
4. Analyses of soils, rocks, and ores for State geologist.
5. Analyses of waters, drugs, and foods, poisons, for board of health.
6. Field tests on silicated fertilizers, North Carolina superphosphates.
7. Notes on composting.
8. Study of cultures in North Carolina, and chemical composition of sugar beet, cotton, jute, soja bean.
9. Manufacturing relations of rice and cotton-seed industries.
10. Seed tests.
11. Study of special fertilizer ingredients as affecting North Carolina soils and crops.
12. Feeding stuffs and ensilage.

*Ohio* (State station, connected with college):
1. Wheat experiments, including comparative tests of varieties; cross-fertilization and selection; thick and thin seeding; winter protection and spring cultivation; early and late plowing and sowing; application of fertilizers; methods of seeding.
2. Corn experiments, including comparison of varieties; planting at different depths; thick and thin seeding; methods of culture; application of fertilizers.
3. Experiments in pig-feeding.
4. Other experiments, including small fruits; oats; garden vegetables; injurious insects; weeds—methods by which weeds are disseminated and propagated—habit of growth and duration of life—the best methods of destruction (at least twelve kinds examined); grasses, forest trees; seed tests; meteorological record; sorghum; chemical researches.

*Pennsylvania* (college experiments):
1. Effects of various fertilizers on the growth of wheat, corn, oats, and grass, including comparative effect of single ingredients; effect of complete as compared with partial fertilizers; comparative effect of different forms of nitrogen; necessary artificial supply of nitrogen; comparative effect of commercial fertilizers and yard manure; effect of lime, ground limestone, and plaster; permanency of effect of the different fertilizers; effect of the various fertilizers upon the comparative growth of the crops; effect of the various fertilizers upon the relation of grain and straw; the necessary error involved in field experimentation; yield of wheat sown at different depths and with different quantities of seed; experiment with different forms of phosphoric acid; experiments with field plots; experiments with boxes.
2. Examination of agricultural seeds.
3. Ensilage, including cultivation of the crop; preservation of fodder by ensilage; character and appearance of the ensilage; results of feeding ensilage; method of taking samples; amount and kind of loss that occurs; effect of loose and gradual filling of the silo; changes that occur in the nitrogen compounds of ensilage.
4. Descriptive notes on trees, shrubs, and vines on college grounds.
5. Effect of cutting timothy and clover grasses at different stages of growth.
6. Feeding experiments.
7. Sorghum.
8. Cattle food analyses.
9. Effect of different fertilizers upon the composition of the ash of tobacco.
10. The feeding value of soft corn.
11. Nitrogen determinations.

*Tennessee* (State station, connected with college):
1. Wheat culture, including amount of seed and product per acre, with comparative results for four years; varieties and produce; modes of seeding; time of cultivating; tests with barn-yard manures; tests with commercial fertilizers; tests with chemical fertilizers.
2. Oat culture.
3. Corn culture.
4. Ensilage.
5. Forage and silage crops, including sorghum; teosinte (tropical, resembling pearl millet); millo maize; durra; upland rice; Johnson grass; soja hispida (Japan pea); clover; grass.
6. Other experiments, including cotton, Irish potato, fruits, flowers, garden vegetables, stock and stock-feeding, tests of commercial fertilizers.

*Wisconsin* (State station, connected with college):
1. Feeding experiments on milch cows, calves, sheep, and pigs, with digestion experiments.
2. Study of fungoid disease of plants.
3. Observations on the time of appearance and falling of leaves of trees, vines, &c.
4. Experiments in methods of manufacturing milk products.
5. Field experiments with varieties of wheat, oats, barley, and sorghum.
6. Fodder analyses.
7. Meteorology.
8. Machine trials.
9. Fertilizer control.

The above are only specimen lists, and might be greatly extended. They give but a bare hint of the number and variety of questions, scientific and practical, which continually present themselves to the farmer or investigator, or both. Nor is it alone in connection with old facts and theories that such questions arise. Every modification of conditions, soil, climate, treatment, cross-fertilization in plants, cross-breeding in animals, creates new problems for the solution of which past experience or knowledge is often entirely inadequate. It is this situation that the land-grant colleges have tried to meet in the way above indicated. That the results produced, while of the greatest value, have been far from satisfactory to themselves and far from meeting the pressing requirements of public need, is freely admitted. But it should be borne in mind that experiment work is only an incidental part of their proper vocation.

Their leading function is, in the words of the law of 1862, "to teach branches of learning." If the work of the institutions related exclusively to agriculture, or could be so restricted in honest compliance with the provisions of the law, experiment work would be legitimate so far as it found a method of teaching, but could scarcely be extended so as to cover the broad field of practical life. But their work can not be restricted to agriculture. Under the law they must also teach "the branches of learning related to the mechanic arts," and are not to exclude "other scientific and classical studies." What they have done, therefore, in experimenting and publishing for practical, as distinguished from educational, ends, has been done in recognition of a deeply-felt public need, and only by diverting to this use resources which were already inadequate for their strictly educational work.

Congress is now asked to undertake, on the broadest grounds of public policy and of enlightened care for the national well-being, the work so urgently needed but so imperfectly provided for. The benefits that would be conferred upon the country by the passage of this bill are immeasurable. They are limited by no State or sectional lines. The bill proposes to utilize the buildings, laboratories, farms, libraries, and apparatus belonging to the institutions which Congress has already established, and thus to supplement, for a specific end, the appliances already created for general ends. The provisions made for conducting the work, with careful restrictions upon waste of funds, the methods provided for collating and publishing results, and for co-operation among the stations, all tend to give the proposed operations a character of breadth, permanence, and general usefulness which could not so well (if at all) be secured in any other way.

It should be observed also that this bill is not open to the objection of entering upon any new or untried field of Congressional legislation. It only proposes to give a practical direction to agencies which Congress has already created.

The act appropriating scrip to the amount of 30,000 acres for each Senator and Representative in Congress for the endowment of colleges for the benefit of agriculture and the mechanic arts, which was passed in 1862, has been fruitful. Some of the States endowed single colleges while others divided the gift between two or three. There were 17,430,000 acres of scrip and land granted, and the fund arising from their sales is $7,545,405. This has been increased by gifts from the States and from benevolent individuals of grounds, buildings, and apparatus to the amount of $5,000,000 more. And the last reports show that these colleges employed more than 400 professors, and had under instruction more than 4,000 students. This donation of the public funds has been eminently profitable for the Government and the country. Many thousands of young men educated in science have already gone out from their colleges to engage in the practical duties of life, and the provision is made for sending out a continued succession of these for all future time. And as science is not limited by State boundaries, it makes but little difference for the common good which of these institutions or States these graduates come from; their attainments are for the common good. The bill under consideration proposes to increase the efficiency of these colleges in their relations to agriculture exclusively.

The appropriation sought is $15,000 a year for each State, or $570,000 in all the States. This is a small sum to appropriate for the special improvement of an industry which requires the labor of 7,500,000 men and gives direct support to one-half of our population; which has invested in its lands, $10,000,000,000; in its implements and machinery, $400,000,000; in its live-stock, $1,500,000,000, and in its products an annual value of $2,200,000,000. It makes but little difference whether an experiment station is located in Delaware or in Texas; its work is in scientific investigation and its application to practice. The results of the work done as contemplated by this bill are at once published and communicated to all the others and to the Department here at Washington, so that the work is national. To have so many stations occupied in investigating the questions which interest all agriculturists must produce results which can not be reached by single institutions or by divided efforts. A discovery by one of these will be accepted and welcomed by all, and will lend new incentives to a generous and active rivalry in all, at the same time that each may have some subjects of special interest in its own State.

For the foregoing reasons, and many others which might be named, your committee report back the bill (H. R. 2933) with amendments, and recommend the passage of the amended bill.

The foregoing bill (the Hatch bill) remains on the House Calendar, not having been considered by the House.

The Senate during the present session of this Congress passed the bill, Senate bill 372, and on February 2, 1887, it was reported to the House from the Committee on Agriculture, and on February 25, 1887, it passed the House under a suspension of the rules. It as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges, or agricultural department of colleges, in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and

mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the Legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins of reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments, and printing and distributing the results, as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section 8 of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the 1st day of October, 1887: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent. of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act, and having also agricultural experiment stations established by law, separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July 2 aforesaid, an agricultural department or experimental station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the Legislature of such State may apply, in whole or in part, the appropriation by this act made to such separate agricultural college or school; and no Legislature shall, by contract, express or implied, disable itself from so doing.

SEC. 9. That the grants of money authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its Legislature meeting next after the passage of this act, shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Passed the Senate January 27, 1887.

Attest: ANSON G. McCOOK, *Secretary*.

Mr. Chairman, when the Senate bill was before the House on the motion to suspend the rules and pass the same, on February 25 last, my intention was to amend the bill, but as will be seen by reference to the RECORD the Speaker decided I could not propose an amendment. If allowed under the rules I would have submitted the following amendment, namely:

Amend section 5 by adding thereto:

"*Provided*, That the board of trustees or other governing body of such colleges be composed of an equal number, from each of the two political parties of the country: *And provided further*, It require a vote of two-thirds of the whole board of trustees or other governing body to remove a director, professor, assistant, or other officer."

The reasons, which to my mind are conclusive why the bill should be amended as proposed, will appear by the letter of Thomas N. Conrad, of Virginia, which I will now subjoin to my remarks. The views of Professor Conrad, as expressed in his able letter, are entitled to great weight, for no man in Virginia has done more to promote the agricultural interests of the country.

Here is his letter:

BLACKSBURG, VA., *February* 21, 1886.

MY DEAR SIR: Allow me to call your attention to an important bill now pending in your honorable body—the experiment-station bill. It proposes to appropriate $15,000 annually to each of the forty-odd agricultural colleges of the States for the establishment of an experiment station at each of them. The fifth section of the bill should be amended so as to protect these stations, if established, from partisan governors and narrow-minded political boards. The usefulness of these agricultural colleges has been greatly impaired, and in some instances, absolutely destroyed by the appointment of political partisans upon boards of trustees by partisan governors. And this appropriation will only serve to establish another institution upon which political parasites will delight to feast, unless prevented by vigorous provisions embodied in the bill. I do not know whether you are prepared to go as far as I am regarding Federal appropriations, and I therefore will not take any risk. I believe that in every case where large appropriations are made to States, Federal supervision should follow. If this is not "State's rights," it is business. I would not vote even for the Blair bill without such a provision, fearing the unscrupulous greed of political partisans, and the voracious maw of party spoilsmen.

In 1862 Congress appropriated nine and a half millions of acres of the public domain for the establishment of an agricultural college in each of the States of the Union, and the colleges have been established and are in operation. What now is their condition, and what has caused it? With a few exceptions, they are comparative failures. And why? Not because agriculture will not admit of scientific treatment, and needs it, but because, in many instances, partisan governors have packed the boards of trustees in the interest of party politics, thus converting these schools of learning into asylums for the maintenance, as professors, of incompetent and impecunious kinfolks and political allies. The industrial classes have not been sought; agriculture has not been made prominent in the course of study and embodied in an active, vigorous, and able professor. Labor has not been made manly and honorable, because lawyers and politicians upon boards of trustees have not had these objects in view, and have not been in active sympathy with the purposes of the colleges.

Look at the agricultural college beneath the very shadow of the Capitol—the Maryland Agricultural College—which has had its very vitals torn out of it by thirteen presidents being appointed in its brief history of thirteen years! Perhaps every change in the board of trustees caused a change in the headship. And when at last a naval officer was made President of the Agricultural College, the farmers in disgust abandoned the college, and the State voted it an appropriation of 1 cent! Look, my dear sir, at the agricultural college of your own State. Instead of having more matriculates than any other college in the State, as it did a few years ago, it now has less than any other college in the State. It has been "organized" and "reorganized" seven times in its brief history, until it now stands with an ex-major-general of cavalry at its head, and the chair of agriculture vacant!

The president of a Western univerity, which embraces the State agricultural college, in answer to my question, "Why these changes," writes me:

"The board of trustees is a political body."

Another president of a university, in answer to the same question, writes me:

"The reorganizations of the board have been political."

The president of an agricultural college, in answer to the same question, writes me:

"Every change has only weakened."

A president of a Southern college writes me:

"No changes. We are all Democrats here."

So, you see, my dear sir, the risk incurred by the experiment-station bill, unless so amended as to prevent these frequent changes (which will destroy any institution of learning) and which will place them beyond the reach of party politics.

At the farmers' national congress, recently held in the city of Saint Paul, a paper was read by a prominent agriculturist charging "the fraudulent perversion of the endowment fund of agricultural colleges by political boards," and urging that something be done to prevent its continuance.

Professor Ellzey, of the University of Georgetown, and an ex-professor of agriculture, in a recent article to a leading agricultural journal, writes:

"The above sketch of the organization and equipment of the Rothamsted agricultural experiment station may serve to open the eyes of some who think we ought to have five or six of them in Virginia, and especially of the board of visitors of the Virginia Agricultural and Mechanical College, who are now advertising for a man, merely a man, who shall undertake to be professor of agriculture, of horticulture, of floriculture, of botany, and director of the experiment station. Sir John Lawes and Dr. Gilbert, with three chemical assistants and divers laboratory men, and general assistant calculators, computers, and recorders, find more than they can all do to do the work of the station, and London, Paris, Berlin, &c., are laid under contribution for chemical work from time to time.

"The so-styled Virginia Agricultural and Mechanical College does not have in possession or prospect one-tenth of the annual sum necessary to do the work they have laid out. If they had, as they have not, anything there deserving to be called an agricultural school, that would be reason sufficient why they should not undertake the duties and work of an experiment station, which are completely out of harmony with those of schools and school-boys and teachers. If there is to be an experiment station in Virginia let it be an agricultural and not a mechanical nor a military nor a naval nor a grammar school station, to be run by lawyers and politicians. If trifling sums are to be dribbled about they will simply be used up to pay incompetent men to do nothing, while they shirk observation as best they may and live as well as they can in receipt of their pay, and out of view of public contempt. It is necessary that somebody should say the truth about these things in a plain fashion that can not be misunderstood. The truth is that the whole system of political control and visitorial administration of these public establishments for the benefit of agriculture is grossly faulty, and calls loudly for thorough revision and reorganization."

Thus, Dr. Ellzey puts it, and by no means in too strong a light.

Now, my dear sir, if you wish the appropriation contemplated in the Hatch bill to be utilized exclusively in the interests of agriculture, guard well the provisions of the bill. Secure the adoption of the amendment inclosed, together with any other amendment necessary, you can suggest. Perfect it, so that political partizans may not continue to divert endowment and other funds, and flourish, whilst agriculture bleeds at every pore. Perfect it, so that governors can not appoint their political friends only on the boards, and thereby secure the removal of efficient professors and officers and the appointment of personal and political favorites. Perfect it, so as to secure stability, efficiency, and direct application of the funds to the needs of the experiment station. See that these stations are not made the footballs of party politics, as the colleges now are, in too many instances.

This amendment, if adopted, will give stability to the faculties of these stations, by preventing changes, unless for satisfactory reasons. The Republicans can not remove without the consent of the Democrats, nor the Democrats without the consent of the Republicans, and if removals are necessary, they can be secured by a vote of two-thirds of the board.

Hoping as a friend of the bill and of the agricultural people of the country you may secure the adoption of this amendment and the passage of the bill,

I am, very truly, yours,

THOS. N. CONRAD.

Hon. J. D. BRADY.

## Agricultural Experiment Stations.

SPEECH

OF

# HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, February 26, 1887,*

On the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. OATES said:

Mr. SPEAKER: Under the act of July 2, 1862, land or land scrip was granted to establish one or more schools in each State, and in which the agricultural, mechanical, and military sciences, as well as general literature were required to be taught. The college established in my State under this act is located at Auburn, a healthful and beautiful village of most intelligent people, and situated in the district which I have the honor to represent.

The college is under the supervision of an excellent board of trustees, the governor of the State being one of the number. A more efficient faculty in a school of like grade would be most difficult to find in the United States. I have heard criticisms on the college to the effect that it had no connection with agriculture except the educating of young men away from it, and that all who receive an education there take up the learned professions or become teachers or engage in some business other than that of agriculture.

While, sir, this is perhaps true, I presume the fault to be due more perhaps to hopeful or over-zealous parents than to any errors in the college management. The prevalence of an erroneous impression among the people that the vocation of farming is not quite so honorable as that of the lawyer or doctor likewise has its effect. Some people would prefer being a lamp-post in a town or city rather than to be a live farmer and reside on a plantation. The college is not responsible for this popular fallacy.

On reading the debate which occurred in the Senate upon this bill I was surprised to learn that the senior Senator from my State [Mr. MORGAN], usually so accurate and reliable, did an injustice (unintentionally, I am sure) to the college at Auburn in representing that the experimental farm there had proved a failure and had been abandoned because of the extreme poverty of the soil, and that the experiment station had been transferred to and established at Uniontown, in the black lands of the State.

Mr. Speaker, an agricultural experiment station was established at Uniontown by the Legislature, and it is supported by the State for the benefit of farmers of that section, where there is a rich soil and vast agricultural interests. But, sir, it is altogether a mistake to say that the Auburn experimental farm has been abandoned. There is now a farm there in successful operation, consisting of 216 acres, and though the land is poor it is of about the same quality as that of other lands in that section upon which, through the judicious use of fertilizers, the farmers make not only a comfortable living, but many of them make it profitable.

The Senator from Missouri [Mr. VEST] also stated in the debate that there were but nineteen students of agriculture in that college last year. I believe that the report from the Commissioner of Education, by which the Senator spoke, justified his assertion, but it did not exhibit the facts in the premises. I send to the Clerk's desk to be read a letter from the president of the college, Dr. William Le Roy Broun, which shows the errors as well as the facts in respect to these matters.

AUBURN, ALA., *February* 3, 1887.

DEAR SIR: I beg to correct an impression in regard to this college made by remarks of Senators VEST and MORGAN in the debate in the Senate on the experimental station bill.

Senator VEST stated, on information from the Commissioner of Education, that of 145 students in this college only 19 were studying agriculture in 1886. In fact 19 were students in the senior and junior classes, of agriculture out of 29, and 30 in the lower classes, making about 50 in agriculture and also 93 in mechanic arts.

At the present time, of 178 students over 60 are in agriculture and 100 in mechanic arts. With us, students in the lower classes do not study agriculture.

Senator MORGAN stated that the experiment station here had failed; could do nothing with it, and a station 100 miles off had been bought in the black lands.

Now, the facts are we have a farm of 226 acres; have made numerous experiments, and published bulletins, and the professor reports this year over four hundred experiments in horticulture and agriculture; and the professor of chemmistry in connection with the station has made in three years nearly five hundred analyses of soils, marls, fertilizers, &c., in the interests of agriculture.

The branch station at Uniontown was established by the Legislature and supported by the funds from the State department of agriculture, and the college has nothing whatever to do with it.

We hope the experimental station bill will pass the House, and with the large farm here I expect work of great value to the agricultural interests of the State will be accomplished.

Very respectfully,

WILLIAM LE ROY BROUN.

Hon. WM. C. OATES,
*House of Representatives.*

A fine college building and grounds at Auburn worth over $100,000 were given to the State for the use of the college, but the embarrassment of the institution has been because of the inability of the State to make the needed appropriations to erect buildings and procure suitable machinery adapted to teaching young men the mechanic arts as well as agriculture and the sciences. But within the last few years larger appropriations have been made, and the college is now on a solid and prosperous foundation.

I have heard it alleged, sir, that this bill is unconstitutional; that it is on all fours with the Blair educational bill. I deny that proposition. If the appropriation proposed by this bill was of money out of the general Treasury, raised by taxation under the eighth section of article 1 of the Constitution, I should hold it unconstitutional and refuse to vote for it; but it does not. Mr. Speaker, the bill under consideration appropriates $15,000 per annum to each State and Territory, aggregating $690,000 yearly out of the proceeds of the sales of public lands, to establish and maintain agricultural experiment stations as adjuncts to and practically a part of these agricultural colleges. My faith in the efficiency of the bill to promote the agricultural interests of the country is not so great as that of some gentlemen, but, sir, I believe that much good will result from it, especially to these colleges, and considerable no doubt directly to the farmers, who are the very salt of the earth and entitled to my best exertions in their behalf.

I have often been called upon in this Chamber to vote for measures on the plea that they were for the benefit of the farmers, but I have never been able to discover any real benefit for them in any one of these measures only where it has been proposed to lighten their burdens of taxation, which, however, has not been done. This is the only measure I have seen which had a ghost of a chance to become a law, the probable effect of which is to benefit the farming interests of the country, and hence I am heartily in favor of it.

Subdivision 2 of section 3, Article IV of the Constitution, declares that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

I have seen it stated by some of those who quote the general-welfare clause as authority to Congress to pass the Blair educational bill, that there were but seventeen express grants of power to Congress in the entire Constitution. Such assertion is reckless to say the least of it.

Why, sir, there are eighteen express grants of power to Congress in section 8 of Article I. In Article II there are three grants, in Article III there are three grants, in Article IV there are three grants, and in Article V there is one grant of power; making a total of twenty-eight express grants of power to the Congress within the original Constitution. That which I have just read from section 3 of Article IV is one of the express grants. Under it Congress clearly has the right to dispose of the territory—the public lands belonging to the United States. The manner of disposition is not indicated. It is an absolute plenary power and under it the Congress has, from its organization to the present, in numerous instances, donated the public lands to the States and State institutions for educational purposes.

The agricultural colleges, I have already shown, were established in this way. When each of the States which have been formed since the Constitution was adopted were admitted into the Union, with the exception of Texas, which retained all her land, it was upon the condition of a reservation of the sixteenth and in some also of the thirty-sixth sections of each township for educational purposes, and a relinquishment of all claim to the remainder to the United States.

Mr. Speaker, I hear a gentleman suggest that after territory or public lands are sold and the proceeds covered into the Treasury there is no difference between them and the money raised out of the people by taxation. I might answer that objection by saying that the appropriation provided for in this bill is of the proceeds of public lands to be sold, and not out of proceeds of sales which have already been made and have lost their identity by being covered into the Treasury; but, sir, the constitutionality of appropriating public lands or their proceeds and the unconstitutionality of appropriating money raised by taxation to education rests upon a broader and firmer basis.

The proceeds of the sale of lands is governed by the same rule of descent as the land itself. This is a familiar principle of law, and hence there is no difference in the power of Congress to dispose of the land or the money arising from the sale of it. But the Constitution nowhere in any of its provisions gives Congress the power to appropriate money raised by taxation to the promotion of education. The framers of that instrument withheld that power.

The power to appropriate revenue raised by taxation to the purpose of public education is very generally attributed to the general-welfare clause of the Constitution, which, instead of being a grant of power, is a limitation on the right of appropriating it. If it be a grant of power no others are necessary; for it renders them nugatory. Mr. Jefferson defined the meaning of the words in the Constitution "to provide for the general welfare of the United States" in the following language:

To lay taxes to provide for the general welfare of the United States is—

Says he—

to lay taxes for the purpose of providing for the general welfare; for the laying

of taxes is the power, and the general welfare the purpose, for which the power is to be exercised. Congress is not to lay taxes *ad libitum* for any purpose they please, but only to pay the debts or provide for the general welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase, not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please, which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase—that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased. It was intended to lace Congress up strictly within the enumerated powers, and those without which, as means, those powers could not be carried into effect.

In his sixth annual message to Congress when President he favored the application in part of the surplus revenue which had accumulated to public education, but said that an amendment to the Constitution was necessary, as the power to do so was not among those enumerated in that instrument. Sir, it is quite astounding to me that so many who profess to be his political disciples can find in the Constitution a power which Jefferson himself was unable to discover. Indeed, it shows wonderful progress.

Eighty-seven years ago Jefferson founded his party on the principle that Congress can not exercise any powers except such as are expressly delegated in the Constitution and such implied ones as are necessary to give force and effect to the expressed powers. This is the corner-stone of Jeffersonian Democracy. The Federalists and statesmen of the Hamilton school of politics adhered to the opposite latitudinous general-welfare theory, and contended that the words "to provide for the general welfare of the United States" conferred upon Congress power to appropriate money and to legislate for whatever they held to be for the general welfare of the people of the United States.

This is the fundamental principle of the present Republican party. This difference in construction was the main question involved in the great debate in the Senate between Webster and Calhoun. I have heard it alleged that Jefferson, in the latter part of his administration, had recourse to the general-welfare clause of the Constitution to justify the purchase of Louisiana, but that assertion is not very creditable to the intelligence of those who make it. The Constitution operates only on the parties to its creation.

The late civil war settled it that among them it is a continuing indissoluble compact of Union.

Foreign states do not recognize the factors in its creation, but the Union as a nation, which it is, with power unlimited in its dealings with them. In the relation of this Government to foreign powers the Constitution fixes no limit. The sound discretion of the President and Congress is the measure of its foreign policy and power.

The acquisition of Louisiana and Florida was perfectly constitutional under the treaty-making power, and was so decided by the Supreme Court of the United States in the case of the American Insurance Company *vs.* Canter, 1 Peters Reports, 511.

But no decision of that court can be found which holds that the general-welfare clause in the Constitution is a grant of power.

Mr. Speaker, in the Forty-eighth Congress, when the House was considering a resolution to appropriate money out of the Treasury for the relief of sufferers by an overflow of the Mississippi River, I expressed my opinion as to the powers of Congress to appropriate money raised by taxation, and I quote from that speech so much as is pertinent to the question I am now discussing:

Mr. Speaker, Congress has no constitutional power to make such appropriations as that now proposed. The only clause in the Constitution under which any one pretends to find authority for it is the following, in section 8 of article 1:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States."

This invests Congress with the taxing power and expresses only in a general way the three grand purposes for which this power may be exercised. As to the manner in which Congress may use the money obtained to effect these grand purposes we must look further on in the same instrument for more minute and specific directions or grants of power.

The first, to pay the debts, is so unambiguous and self-defining that nothing more is necessary, notwithstanding "to borrow money" and "to coin money" follow as express grants.

The second, to provide for the common defense, is followed by the express grants, "to raise and support armies," and "to provide and maintain a navy."

Now, in the absence of these specific directions as to how the grand purpose of common defense is to be accomplished, Congress might adopt some other method, such as buying our peace by paying an invader the money of the Government to withdraw from our shores, or using the money to pay for assassinations and poisoning of the common enemy. But the Constitution comes to our aid and tells us plainly how to provide for the common defense: by raising armies and providing a navy.

The third grand object, to provide for the general welfare, finds its field of operation and application in all of the other express directions or grants of power. For example, to regulate commerce, to establish rules of naturalization, to make uniform laws upon the subject of bankruptcy, to provide for the punishment of counterfeiting, to establish post-offices and post-roads, to promote the progress of science, to constitute judicial tribunals inferior to the Supreme Court, to define and punish piracies and felonies and offenses against the law of nations committed upon the high seas, to declare war, to make rules for the government of the land and naval forces, to provide for calling forth the militia, to provide for organizing, &c., the militia, to exercise exclusive legislation in this District, and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." I presume it is not necessary for me to enumerate the "other powers" named in the paragraph just read. No one is so obtuse as not to be able to distinguish them.

As there is, then, no express grant of power to Congress to bestow the largesses of the Government upon either real or fancied objects of charity, there is nothing from which such a power can be implied, since the general welfare, as we have seen, is provided for and specified in many ways in the Constitution. And the tenth article of amendment declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Such measures as that now proposed, not being among the powers expressly nor impliedly delegated, reside in the States, and Congress can not exercise them.

This is not a government of original but of derived powers. Its powers are limited and enumerated in the instrument of its creation. The third and most comprehensive grand purpose for which taxes, imposts, and excises are to be laid and collected, it should be observed, is not to provide for the general welfare of the people of the United States, for such is not the language employed. That purpose as expressed is "to provide for the general welfare of the United States;" that is, to provide for the general welfare of that government called "the United States," or that government which the States unitedly established. The purpose was and is political, and not domestic; hence the enumeration and particular specification, so far as the cardinal principle of brevity applicable to a constitution would admit, of what should be done and to which the revenues of the Government should be applied.

I do not contend for a strict construction but a strict observance of the Constitution. I do not contend for a strict or narrow construction, but I do contend for the Constitution which I have sworn to support and defend; and I do so because it is the palladium of the liberties of the people, and the oath is binding on my conscience. Whenever by express words a power is delegated to the United States, I, as a Representative, will vote for any measure proper in itself, though not within the expressed power, if it be necessary to give full operation, force, and efficacy to such expressed power. Everything which I can conscientiously concede to have been confided to "the Congress" by the Constitution I will most cheerfully, yea, generously and liberally, exercise to ameliorate suffering humanity or to advance the interests of the whole people of the United States, without distinction as to locality or previous condition.

But further than this I will not go, because I believe in the restraints on discretion imposed by a written constitution. If it be admitted that Congress can do anything which the Constitution does not prohibit, which is the rule of construction a Legislature puts upon a State constitution, there are so small a number of these that you in effect subvert the Constitution and substitute the unbridled will or discretion of a majority of the members. Legislation would then depend more on the state of Congressional stomachs than upon a written Constitution. Centralism in all of its amplitude would be then established, enthroned where boasted American Liberty once presided.

"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes" is an express grant of power to Congress. Publicists, statesmen, and scholars have held, and in fact it has been judicially determined, that Congress, to give force and amplitude to this provision, may exercise an implied power to appropriate money out of the Treasury, for the improvement of the navigation of rivers and harbors. Under the express grant of power to Congress "to provide and maintain a navy" we can appropriate money for the maintenance of the Naval Academy at Annapolis under an implied power, for the reason that no one can deny that by this means skillful officers are supplied and the Navy made efficient at least in that respect.

* * * * * * * *

So, too, there being an express grant to Congress of power "to raise and support armies and to make rules for the government of the land and naval forces," there is an implied power to maintain at the expense of the public the Military Academy at West Point for the education of officers to command the armies in an efficient and skillful manner. The same or a similar rule applies, and very properly, too, to the power "to establish post-offices and post-roads," and in fact to all of the express delegations of power. Many acts of Congress are claimed by the thoughtless, and sometimes even by the members of Congress, to be violations of the Constitution when they are not obnoxious to that censure. But the force of precedent in this House and the Senate is so much honored that hoary error stalks abroad on stilts and violates the Constitution with impunity, and with no better apology or excuse for it than that some American Lycurgus has set him the example.

I have no veneration, sir, for age nor precedent when panoplied in error and fatally bent to mischief. If, as we are told, in 1812, Macon, Calhoun, Johnson, King, Randolph, Troup, and other great men voted $50,000 to be used in purchasing and shipping flour for the relief of the starving people of Caracas, in Venezuela, who were suffering from the effects of a terrible earthquake, and also for the people of the island of Teneriffe, who were starving in consequence of their crops having been eaten up by locusts; or if, still later, in 1847, Calhoun, Webster, Cameron, Corwin, Sam Houston, Reverdy Johnson, and other noted statesmen voted with the majority to tender provisions to Great Britain for the relief of the people of Ireland and Scotland during the prevalence of a famine, do these justify the adoption of the resolution now before the House, or the appropriation for the overflow on the Ohio?

In 1812, the House of Representatives struck out of the resolution the latter part, providing for the island of Teneriffe, ostensibly because they did not have evidence sufficient of the suffering of the people, but really because the island was under British dominion, and it was not probable that any advantage to the foreign policy would be obtained thereby. Mr. Rhea spoke against extending aid to Teneriffe as a mere charity, but in favor of Caracas; for, he said, "in doing so he was actuated by a regard to the interests of the United States, which peculiarly required them to cultivate amity with and conciliate the South American provinces." Mark you, a war was then in progress with Great Britain. After the resolution was so amended as to apply only to Caracas, it was passed unanimously.

In 1847, March 1, now a little over thirty-seven years ago, when Mr. Crittenden introduced into the Senate his bill to appropriate $500,000 for the relief of the people of Ireland and Scotland from famine, among other things he said:

"So far as the constitutional argument is concerned, with the voice of suffering ringing in my ears and this precedent before me (Caracas) I lay down all objections at the feet of charity."

Mr. Niles said they had better leave the business of dispensing alms to the liberality, generosity, and better judgment of their constituents. He felt that he had no authority to vote half a million of money for the people of Ireland—none at all in his representative capacity. He did not feel justified in taking the people's money for any object which was not committed to our charge. It was all wrong. Senators seemed to rely on the precedent established by the act of Congress—an inconsiderate act he considered it—giving a portion of public money in the case of the earthquake at Caracas. He did not regard that as establishing a precedent for this appropriation which would be placed on record to justify similar appropriations for all time to come. He would not put his hands into the public Treasury to make an improper, he had almost said unconstitutional, use of the public money, of the money of his constituents.

Mr. Butler, of South Carolina, said that with the views he entertained of the Constitution and our national policy he could not vote for the bill. Mr. Bagby, a Senator from Alabama, said that he denied that they had any constitutional authority to appropriate money for such objects. He thought he could see some of the consequences of such a precedent as this would be. * * * If this system of national charity was to be indulged in he asked where would it end? He said they had no such power; and if they had, human imagination would not be able to fix to it a limit. The revenues of this country were derived from one source, and one only. They are derived from the people of the United

States, and they were derived for specific purposes. Mr. Mason, of Virginia, said that he could not but see in it a perversion of the trust reposed in them under the Constitution of the United States.

One Senator alone, Mr. Hannegan, of Indiana, contended that there was constitutional power to make the appropriation, and he put it upon the ground that there was no prohibition against it. But when Mr. Bagby asked if the Senator contended that Congress could do anything not prohibited in the Constitution, he put it on the teaching of the Saviour in the parable of the good Samaritan. Mr. Webster, in his remarks, did not touch the constitutional question, and Mr. Dayton said they had a precedent in 1812, which in this instance he desired to see followed. Mr. Fairfield, of Maine, said no Senator had put his finger on a single section of the Constitution which authorized them to give this appropriation, although they were contending for the constitutional power to do so. It was a very easy thing to expend charities in this way; but he thought they should put their hands in their own pockets and do it, but they had no right to put their hands in the pockets of the people.

Mr. Calhoun spoke in a very low tone so that he could not be very distinctly heard, but the remarks of the Senator from Indiana caused him to explain why he had no constitutional objection to the measure. He drew a distinction between the foreign and domestic policy of this Government. Entertaining these views, he had voted for the appropriation for the relief of the people of Caracas in 1812. And it is true that the Constitution does not undertake to deal with, prescribe, nor limit the external or foreign powers or policy of this Government. The Constitution is a compact between the States, while outside to all the world this is a nation and may use the money of the Government in advancing whatever international policy the Congress and President may deem best for the general welfare of the United States as a nation.

When Mr. Crittenden's bill was put on its passage in the House of Representatives, G. W. Jones, of Tennessee, moved to lay it on the table, and there were 75 yeas and 79 nays. John Quincy Adams, John Bell, T. H. Benton, Andrew Johnson, Jacob Thompson, Seaborn Jones of Georgia, Chase of Ohio, Houston, Cobb, and Chapman of Alabama, were among those who voted to table and against the bill.

Mr. Speaker, I have read with profound interest the argument of one gentleman of great ability in favor of the constitutionality of the Blair bill, who claims the power independently of any express grant and of the general welfare clause also. He assumes that the bill is a measure merely to aid the States with their schools to expel from their midst a public evil of calamitous portent—illiteracy in the franchise; that the Supreme Court in Gibbons *vs.* Ogden, 9 Wheaton, recognized the right of Congress to aid the States in the enforcement of their health laws and quarantine regulations, and therefore Congress has the right to pass the Blair bill. This conclusion is based upon the assumption that "negro illiteracy" is as dangerous to the body politic as yellow fever, cholera, small-pox, or the plague is to the human body.

The argument may be said to be syllogistic.

The major premise is that the Government may appropriate all of its revenues, in the absence of any express power in the Constitution, to prevent its own destruction, or to perpetuate its existence. It was so decided in Maran *vs.* The Insurance Company, in 6 Wallace.

The minor premise is that the illiteracy of negro voters threatens to assassinate the life out of the Nation; that it is such an impending danger as threatens the integrity of the Union, and therefore Congress has the power, and it is their duty, to pass this bill to avert that calamity.

The vice of the argument lies in the unwarranted assumption of the minor premise. Who believes at this date—eighteen years after their enfranchisement—that the right of illiterate negroes to vote endangers the Union? Are they not much more intelligent now in respect to voting than they were then?

I have been of the opinion for some years that the danger from that source was so modified by the mellowing influence of time and experience that no one fears it now. Sir, there is far more danger to this Government from the literate communists than from the illiterate negroes. The bill does not propose to educate the illiterate voters. Their age excludes them from any participation in the benefits of the bill. It would but aid in the educating of their children, which is now being done by all the States to as great an extent as the laboring people of any country ever have been educated.

It is not the duty nor is it to the interest of the State to educate its entire population beyond the primaries. That is quite as far as ninety per cent. of the negro children are capable of going. Universal experience teaches that if a boy, without regard to his color, be educated beyond this point he declines ever to work another day in the sun. A higher education may do for New England, whose laboring people are chiefly engaged in manufacturing, but how would it work in Alabama, where 75 per cent. of the people are engaged in agriculture?

Sir, in my State, and I believe in all the other States of the Union, there is a system of public schools open from three to five months each year to all the children, in which every one can learn to read and write and obtain a sufficient knowledge of arithmetic and grammar for the ordinary pursuits of life.

The burden which illiteracy imposes upon the Southern States is the tax they have to pay to maintain the public schools. Alabama pays between five and six hundred thousand dollars a year for this purpose. Will the Blair bill, if passed, lighten this burden? The eighth section provides—

> That no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

On illiteracy as the basis of distribution Alabama would receive each year the following amounts: The first year, $488,258.95; the second, $697,512.78; the third, $1,046,269.14; the fourth, $906,766.59; the fifth, $767,264.07; the sixth, $627,761.49; the seventh, $488,258.95; and the eighth year, $348,756.39—aggregating $5,370,848.45.

What would it cost the tax-payers of the State to obtain it? The bill requires the expenditure by the State of an equal amount as a condition-precedent to obtaining the State's quota each year, out of its "own revenues" or out of "moneys raised under its authority," which means by local taxation.

The aggregate expenditure by the State must therefore be just $5,370,848.45 in order to obtain an equal amount in this grand gift Federal enterprise. How much more taxation must the State impose on its people over and above the present appropriations for the schools before it can obtain its share on the same basis of other States under the bill? The total annual expenditure for public school education in Alabama is now about $550,000. About $150,000 of that sum is for interest on sixteenth section and other trust funds, and is not therefore expended out of the State's "own revenues," and hence must be deducted from the annual appropriation in order to find the correct basis upon which the State would share in the Blair distribution.

About $400,000 per annum is therefore the amount now expended out of the "State's own revenues." Eight times this sum would be $3,200,000. Hence to obtain the Blair benefaction the property owners of Alabama must during the next seven years have their taxes increased to pay the aggregate sum of two million one hundred and seventy thousand eight hundred and forty-eight dollars, all of which must be not merely appropriated, but expended to maintain public schools. It is a hardship, sir, which should not be imposed though it were constitutional, which I deny.

If this Blair benefaction be intended to relieve the Southern States from their burdens, as I have heard alleged, why was the distribution extended to the States of the North who do not need it? Why not refund the cotton-tax, $68,000,000, wrongfully taken, to the Southern people or Southern States, and thereby the better enable them to wrestle with the so-called monster of illiteracy? Mr. Speaker, there are many other objectionable features of the bill which I have not the time to discuss. One point more concerning the question of power. Congress has no power expressed in the Constitution to make this appropriation.

If it has unlimited power to tax and appropriate to avert a calamity threatening its integrity, and the illiteracy of negro voters constitutes such danger, it is known of all men that Congress gave them the franchise, and if this confers a power which Congress did not before possess, then this presents the anomaly of Congress conferring by its own act a power on itself which the Constitution withheld. I have heard it said by some of the advocates of the Blair bill that for the last half century the South has been represented mainly by a class of politicians who on account of their strict construction of the Constitution have prevented Southern advancement. That whenever a measure is brought forward in Congress appropriating money for the benefit of the South the Constitution is at once invoked for its defeat, and thus the Southern States are kept poor while those North grow rich on the largesses of the Government. I deny the charge.

Sir, it is the pride and glory of the Southern States that their representative men here and elsewhere have ever been the staunch and able defenders of constitutional government. In them and their precepts, truly democratic, constitutional government founds its only hope and last rallying point. When the advocates of Jeffersonian Democracy are "relegated to the musty storehouse of the past," if that ever, unhappily for this country, occurs, a paternal centralized government will take the place of that founded by Washington and his compeers, which has secured to the people more wonderful progress and development and more manifold blessings than any government ever devised by man secured to its people.

Sir, while there has been, I freely admit, much partiality in our legislative history towards the Northern and Eastern States of the Union and their people, I deny that any very large number of them have ever grown rich out of Government jobs and favoritism excepting the period covered by the late war; and I deny on the other hand that the Southern States or their people have been kept from prospering and remained poor in consequence of their Representatives and Senators in Congress opposing jobbery and the exercise of usurped powers, which is called by some liberal and sensible construction of the Constitution.

I deny that the prosperity of the Southern States or people would be enhanced by any amount of appropriation from the Treasury which they can possibly secure. The Southern States pay, as nearly as it can be ascertained, about one-third of the revenues of the Government, and if the scheme of addition, division, and silence, or a race for appropriations to benefit either State, corporate, or individual enterprises South and North be inaugurated, the result is foreshadowed and illustrated by occurrences familiar to every member of this House. When sectional legislation is before Congress, party lines disappear, except in rare instances, when a Democrat of the "musty store-house" kind, adhering to the ancient faith of his party, considers first the right and power of Congress to pass the measure and then the expediency of it.

When public money is to be appropriated, constitutionally, for local governmental purposes, as in the erection of public buildings—and I know of no better illustration—they usually alternate sectionally in the

consideration of such bills. Congress will pass a bill to erect a public building in a Southern city to cost $100,000. The next bill considered is to erect a public building in a Northern city and $1,000,000 is appropriated for that. That is about the character and proportion sectionally in the grab game.

If the South in such game were to get one-third of all the money in the Treasury and the other States the remainder they would make nothing by it, as they would take out only what they put in. So unless the Southern States could get more out of the Treasury than one-third, which they have not voting strength enough to do were they disposed, they would not gain by such a scheme. The Blair bill I admit would, if there were no other basis of distribution than that of illiteracy, give a decided advantage in that respect to the States of the South, but since it requires equal expenditure out of State revenue, together with all the other objectionable features, I would consider it a very dear measure for all of the States. Seventy-nine millions of dollars would not compensate for a violated Constitution.

---

## War Taxes as Sett-offs against States.

---

SPEECH

OF

# HON. NATHANIEL J. HAMMOND,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES.

*Tuesday, February* 9, 1886.

The House having under consideration the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-offs against States having claims against the General Government—

Mr. HAMMOND said:

Mr. SPEAKER: Much of the trouble made by the minority report of the Judiciary Committee and by the remarks of the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Massachusetts [Mr. RANNEY], who signed that report, comes from misconception of the situation.

The bill under consideration does not propose to release the States which did not pay the direct tax from any real or supposed liability therefor. It simply declares that such claim of the direct tax shall not be used as a set-off to prevent payment in cash of any recognized claim of such a State against the United States.

The report of the committee expressly declares that though such claim of the direct tax from such States may be right, it is not just to force some to pay part, by set-off against admitted claims due to them, without requiring other non-paying States to pay like parts to the United States.

And because such States are not now asking for relief from said tax nor getting any release therefrom by this bill, the contention of the minority that this bill should not pass unless at the same time provision be made for repaying what the United States received on this direct tax from the other States is illogical and unjust. The two things are wholly distinct and dissimilar, neither is germane to the other.

Everybody concedes that if the United States could constitutionally levy a tax on lands in States then in recognized war with the United States there is no prospect that any attempt will ever be made to collect that tax. It seems to be understood that none ever will be made.

If so, it is manifestly unjust to compel Georgia to lose this $35,000 appropriated to pay a debt long due to her, by charging it up against the direct tax. It is absurd to say that the United States should not otherwise pay that debt unless simultaneously the direct taxes assumed and paid by other States be returned to them.

It is not true that this bill seeks to "establish a new rule of law for the future," nor "to annul rulings and decisions which have governed for a long time the action of the Government," as stated by the gentleman from Massachusetts [Mr. RANNEY].

Secretary McCulloch decided that the non-paying States which did not, within the time limited by the act of 1861, assume their quota could not afterwards make such assumption, and therefore did not owe these taxes. Mr. Porter, First Comptroller of the Treasury, decided that Georgia did not owe said tax (though her Legislature tried to assume it in 1866).

Under that decision Georgia was twice since the war paid large sums of money from the United States Treasury in cash. The decision in the Kansas case was put expressly upon the ground that Kansas assumed her quota of the tax. (See 2 Law. Rep., 305.) No accounts were raised on the books of the Treasury until July, 1868, and then against all the States and Territories which had and which had not paid. It was not done to make accounts to be paid, but to show how the account of each State stood. For like purposes accounts were also raised against the collectors in each State. Each State's account was credited with all sums paid by a State or its citizens or proceeds of property sold.

Each collector's account was so debited and credited as to make him account for any cash balance in his hands. Lawrence, First Comptroller of the Treasury, held that the opening of those accounts was a decision which bound him, and for that reason he refused to pay Georgia the $35,000 which Congress voted her in 1883. His successor refused to pay Mississippi an amount due that State because, he said, he was by the statute bound to follow Lawrence. Lawrence had ignored the decisions of McCulloch in 1866, seized upon the raising of those accounts in 1868 as a decision binding him under the statute, in spite of the decisions on the very question made by Porter, his predecessor, in 1877 and 1879. And Lawrence practically decided that though he could not authorize the payment under the circumstances, the sum should be paid by positive order of Congress or the judgment of the Court of Claims. Georgia is here seeking that order by this bill because she would avoid expense and delay of suit.

It is plain from the text of the acts levying this tax that Congress did not undertake to impose any obligation on any State. The States' property is exempted from this tax, and the property of individual landowners is made liable to it in express words. The minority report attempts to meet that forceful fact with this declaration:

But it was known that several of the States were hostile to the Government; that they would not pay the sum apportioned to them, and for this reason, and in our judgment only for this reason, do we find these provisions in the law that look to the collection of the sums not paid by States from the citizens of the delinquent States.

How men do err not knowing the law!

From the beginning the property of each State was exempted from direct taxes. (See eighth section of the act of July 9, 1878.) The fortieth section of the direct-tax act of 1815 allowed a State to assume the tax levied upon lands and slaves therein, just as the fifty-third section of the act of July 5, 1861, allowed, save that this last did not tax slaves. Indeed, the act of 1861 is almost an exact *copy of that of* 1815 in every matter material to this discussion. None of the States were "hostile to the Government" in 1815. So much for the reason given by the minority report for the verbiage and form of the act of 1861.

Now, let us consider the speech made 9th of February, 1886, but not published until the RECORD of the proceedings of 26th February, 1887. Therein the gentleman from Massachusetts [Mr. RANNEY] contended that the direct tax allowed by the Constitution was upon the States and not upon the property of the citizens of the States. His language was:

It imposes a burden on each State to the extent of its quota, with a duty, a corresponding duty, to pay it. * * * Congress has the right and the power, either in the same act or by a separate act, to provide the mode and the machinery requisite to enforce its payment out of the individuals at large or out of individual property in the State.

He meant, obviously, property belonging to the State.

The Constitution—

He said—

required Congress to lay the tax upon the States primarily according to a given proportion.

He contended in words that the corporate State owes the tax like a municipality owes a debt, and that Congress can enforce payment of that State debt by levy on its citizens' lands just as a court may require a tax to be levied on the citizens of a municipality to pay a judgment against such municipal corporation. The Supreme Court in United States *vs.* Railroad Company (17 Wall., 322) held that "a municipal corporation is a portion of the sovereign power of the State, and is not subject to taxation by Congress upon its municipal revenues."

That the gentleman from Massachusetts regarded this tax as levied upon the States in the sense of "governments," and not the territorial sense, is plain from the minority report signed by himself, Mr. HEPBURN of Iowa, Mr. PARKER of New York, and Mr. CASWELL of Wisconsin. There they held this language:

The majority of the Committee on the Judiciary answer that the claim against Georgia and the other delinquent States is not a debt due from the State, making a distinction between Georgia as a political corporation and the whole of the people of Georgia. Indeed it is claimed that a tax can not be levied upon a State. We do not see why. There might be difficulty in many instances to make collections, if the State refused to perform its duty by prompt payment.

They proceeded to say that the United States might sell all a State has, as a matter of right, but was interested in not going that far, and hence would collect from the people of the State. To the remark that these States had not assumed this debt, as the act of 1861 levying the tax left optional with them, but which the later act as to the "insurrectionary States" did not allow, that minority report replied:

We submit that if the power to tax exists, it exists independently of consent. * * * The language is: "The Congress shall have power to lay and collect taxes." Direct taxes shall be apportioned among the several States. Not among the people of the several States, but among the States.

The gentleman from Massachusetts in that speech cited Texas *vs.* White, 7 Wallace S. C. R., 700, to show that the word "State," in our Constitution, means sometimes "the people or community," sometimes "only the country or territorial region inhabited by such a community," sometimes the "government," and again "the combined idea of people, territory, and government." And in his speech the gentleman from Iowa [Mr. HEPBURN] called attention to the words of the

statute that the tax is "laid upon the United States, and apportioned to the States respectively," &c.

Now, for a moment let us inquire in what sense State is used, whether people, territory, or government in these direct-tax acts. Of the thirty places in which the word "State" in the singular and of the seventeen places in which the plural "States" is used in our Constitution there is but one place where the preposition "to" precedes either the plural or singular. That is: "The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion," &c. The Supreme Court in Texas *vs.* White, *supra*, said that guarantee is to the people in the State. The last clause, of course, alludes to invading the territory. The Constitution requires taxes to be apportioned according to "the census" of the people. Again, they must be apportioned "among the States according to their respective numbers." The constitutional word is not "to" "but among."

That word "among" is used in but one other place in the Constitution, namely: "Congress shall have power to regulate commerce * * * among the several States." That does not mean commerce to which the States as "political corporations" are parties, but commerce passing from one into or through another territorial State.

In this sense was the word "among" understood by Congress when in the first section of the act of 7th June, 1862, solely applicable to these taxes, the taxes under the act of 1861 are denominated "the said direct taxes, by said act apportioned among the several States and Territories respectively," and "apportioned and charged in each State * * * upon all the lands and lots of ground situate therein respectively," &c. So the clauses of the Constitution as to direct taxes mean by "States" the territorial States.

The proposition in that minority report that Congress has the power to tax the "political corporation" called a State is so novel, so startling, and so dangerous that no apology is needed for its further consideration. Chief-Justice Marshall's memorable decision, "the power to tax involves the power to destroy," rushes upon our minds. We ask how can we be, in the language of our Supreme Court, "an indestructible Union of indestructible States," if the Union has the power to destroy the States?

The gentleman from Massachusetts [Mr. RANNEY], to enforce his idea, compared the old "Articles of Confederation," and our present Constitution. I thank him for the opportunity for such comparison to back my opinion. The weakness of the old Confederation was because it operated only on and through the States. The advantage gained by the "more perfect Union," under the Constitution, was that it operated as to taxation not upon the States, but upon the people of the United States. Citations to prove this might be fatiguingly made. Let these suffice:

Mr. Madison, speaking in favor of adopting the Constitution in 1788, said:

> The component States of the Amphyctionic league retained their sovereignty and enjoyed an equality of suffrage in the federal council; but though its powers were more considerable in many respects than those of our present system, yet it had the same radical defect. Its powers were exercised over its own individual members (States) in their political capacities. To this capital defect it owed its disorders and final destruction. * * * I believe it will be found in practice, that those who fix the public burdens will feel a greater degree of responsibility when they are to impose them on the citizens immediately than if they were to say what sums should be paid by the States.

And after the Constitution had been ratified, Rhode Island, North Carolina, Virginia, New York, and Massachusetts severally proposed to amend it so as to require the General Government to seek its taxes first from the States, and from the people only in default of payment by the States. But no such amendment was adopted. The memorable debate of Mr. Webster and others in the United States Senate in 1830 enforces this argument powerfully. In the debate upon this very direct tax of 1861 Mr. Stevens, of Pennsylvania, chairman of the Committee of Ways and Means of the House, speaking of our Constitution, said:

> That Constitution authorized Congress to call upon the States—not upon the governors or Legislatures of the States, but upon the people directly. * * * Congress has no constitutional power to assess taxes upon a State. It must assess them upon the individual.

This was so familiar doctrine that no man challenged it, though the war was then flagrant, and this was a measure to aid its prosecution.

The same doctrine has been held by the courts wherever this power has come into question. In the matter of taxing the processes of the State courts by stamp-taxes and like cases Alabama, Arkansas, Mississippi, North Carolina, California, Illinois, Vermont, Connecticut, Michigan, New York, and Massachusetts are uniformly of opinion that no such power exists in the General Government and no State court has ruled otherwise.

The Supreme Court of the United States in Lane *vs.* Oregon, 7 Wallace Reports, said:

> The United States cannot exercise its power of taxation so as to destroy the State governments or embarrass their lawful action.
> * * * * * * *

True, that was a dictum where State power was being measured. But this matter was directly in question in Collector *vs.* Day. (11 Wallace Reports, 113.) There the court held that the United States had no right to tax "a means or instrumentality employed to carry into execution one of its (a State) most important functions, the administration of the laws, and which concerns the exercise of a right reserved to the States," and therefore could not tax the salary of a State officer. This was reiterated and applied to a municipal government, because part of the State. (United States *vs.* Railroad Company, 17 Wallace, *supra.*)

The court were in both those cases unanimous upon the principle for which I contend. In the first, Bradley, J., dissented, but solely upon the ground that he thought the application of the principle was carried too far when made to cover the salary of a State's officer which was his private property. And he and two others dissented in the last solely because they thought the property of the city of Baltimore taxable, notwithstanding that principle. There may be no danger that the United States would ever exercise such power if admitted; but it is dangerous to teach the existence of such power.

The construction above given will not be narrowed but broadened. Suppose some future Congress should levy a direct tax upon the States as "political corporations," as this minority report claims may be done constitutionally. Suppose the State of Massachusetts (whose Representative here argues for such power) should refuse to pay its quota and the Federal officers were ordered to levy upon and sell such property of the State as was neither necessary nor convenient for the exercise of the functions of a State. Suppose him ready to sell the battle flags, the busts, the statues and monuments in and about the Capitol. Would not the courts of the United States enjoin that officer? I believe they would unless saved the necessity by some valiant man who would "shoot him on the spot."

Unless some such process or some such bullet should arrest his arm as he was about to "knock down" at auction, for paltry cash, the Emancipation Monument, life would come into the marble forms of Sumner, who talked for freedom, and of Lincoln, who signed the proclamation, and they would rush out of the Capitol and scatter to the winds the void process of the usurping government. The minority report goes further. It declares that under such circumstances that officers might "seize the capitol, the prisons, the hospitals and colleges belonging to the non-paying State and sell them in order to realize the tax."

Suppose that officer in Boston about to sell for taxes the magnificent seats of learning of the Commonwealth which have sent forth so many trained minds to enlighten and bless mankind, about to sell the covering roofs from sick and suffering and to cast back upon society the felons from her prisons. From her mountains and her valleys, from field and forge and factory would crowd her population, scholars, philanthropists, priests, and people until no foot of standing room on Boston Common or on Beacon hill would be, to denounce the vandalism and the perversion of the Constitution of the country.

Once more. Suppose that officer about to sell the capitol of that State, that grand old monument of former times, whose corner-stone was laid in 1795 by Samuel Adams, and within whose walls the history of her progress and her glory has been made. It would need not the living to interfere then. The statues of Mann and Wilson and Everett would take on vitality. Down from the canvas in Fanueil Hall, with solemn mien and stately tread, would come Daniel Webster, holding in one hand his reply to Hayne and in the other bearing the constitution of Massachusetts, which, for a hundred years, has proclaimed her "a free, sovereign, and independent State" * * * with "every power, jurisdiction, and right" * * * not "expressly delegated to the United States of America in Congress assembled."

Warren would rise from Bunker Hill, and with him would come the more than four hundred disembodied spirits who fell there in 1775. Bartlett, the hero of Yorktown and Port Hudson, all the better known to his comrades by his wounded arm and missing leg, would lead to the conference those who fell in "the war of secession." And the stillness of death would be broken by "the great expounder" in words like these: Ye, who fought against British oppression; ye, who, though my eyes were spared the sight, looked "on States dissevered, discordant, belligerent, on a land rent with civil feuds and drenched in fraternal blood;" ye, who died to restore the Union, not of subject provinces, but "an indestructible Union of indestructible States," go breathe the lofty spirit which inspired your souls into the people, from ocean to ocean, from the Gulf to the Northern lakes, and bid them strike, not in the name of nullification, not in the name of secession, but by the sacred right of revolution by which any "people * * * may resist usurpation and relieve themselves from a tyrannical government;" strike once again for "American liberty."

The gentleman from Massachusetts [Mr. RANNEY] rests upon two long quotations from the opinion of Lawrence, Comptroller of the Treasury, in the Georgia case, already mentioned. One of them is to show what no one doubted, that he is by statute bound by the decisions of his predecessors. The only trouble was that Lawrence refused to be bound by the opinion of his predecessors.

The other quotation is to prove that the Constitution gives power in time of war which the United States has not when at peace, and that though the United States may not make a State their debtor by taxation, that may be done by set-off if the United States owes the State and desires an excuse for not paying. Naught but the fact that the

gentleman from Massachusetts has adopted the language restrains me from animadverting upon its extreme folly.

It is true, as mentioned in the conclusion of the printed remarks of the gentleman from Massachusetts, that the Senate has this month passed a bill to pay back to the States all of the direct tax paid by them and to balance the books as to those against which it was so charged. This latter is pregnant with the declaration that those were debts against the States who never assumed the tax, say the advocates of this Senate measure. I rather think it a convenient false statement on which to base the taking from the Treasury $17,500,000 of cash belonging to all the States to transfer it to States which have never asked for it, nor dreamed that such petition would ever be noticed.

It is not true that the Judiciary Committee of this House reported in favor of that Senate bill with an amendment. I do not feel at liberty to speak of what was done in committee; but I know that seven of the fifteen members of that committee opposed that bill with or without amendment.

If that Senate bill is ever publicly discussed it will be in another Congress. But as it has been introduced in this debate a word is excusable. I have heard no argument to justify this taking of money out of the common treasury except that as all the people of all the States should have paid and some did not because their States were in "rebellion," it is right to refund to those which paid. If that be sound, we should refund all other internal taxes levied for the whole country but not paid south of Mason and Dixon's line because these laws were defied. Many millions will be the fruit of that fallacy if once adopted; millions all going to the rich North from the treasure owned no more by it than by the impoverished South; millions from the common treasure of the people to refund to dwellers in cities and to manufacturers the stamp taxes which they placed on their contracts and wares.

It is well for gentlemen to read President Jackson's declaration in his eighth annual message:

In my opinion, distribution of the surplus revenue by Congress, either to the States or the people, is to be considered among the prohibitions of the Constitution.

It will be well for them to remember that the utmost Congress would do in 1836 was to lend money to the States upon their legislative declarations that they would pay on demand. They should recall that Mr. Webster justified that as only a temporary expedient not to be repeated. His language was:

There would be insuperable objections, in my opinion, to a settled practice of distributing revenue among the States. It would be a strange operation of things, and its effects upon our system of government might well be feared.

I regard this Senate bill as a clean-cut gift offered to the States, and as so far-reaching in its possible, if not probable, consequences that the thought of its passage is to me appalling.

---

## Post-Office Appropriation Bill.

### SPEECH
OF
# HON. NATHANIEL D. WALLACE,
OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, February* 23, 1887.

On the Senate amendment appropriating $500,000 to expedite the South American mail service.

Mr. WALLACE said:

Mr. SPEAKER: In the consideration of this amendment it seems unwise to look at the subject in any but a commercial light. There can be no question about commerce following the mail. There can be no commerce without regular, direct, and national interest in delivery of the mail, and as the benefit is national as well as individual, why should not the Government be willing to do the part which is so necessary and without which our commerce and shipping can never be revived?

In looking at this question from a southern standpoint, it appears so imperatively the duty of those having the interest of the Gulf coast in trust that it is surprising to find so many professing to represent those interests now antagonizing this measure, which will extend the southern terminus of our railroads and develop an export trade of the products that are so rapidly growing in quantity and promising so great a field for industry.

The report of the Chief of the Bureau of Statistics, issued only a week ago, shows in its analytical review a demand for the national provision in steamship facilities with South American countries which embraces every Southern State, from Virginia to Texas.

Every industry as well as every citizen is deeply concerned in this provision.

The manifests of the monthly Brazil steamers bearing the American flag show a freight of diversified staples taken at Hampton Roads, which are forwarded to that point for export from every Southern State.

In the Southwest we are not so fortunate in means of exportation, and it is necessary to offer our merchants some encouragement against risk and ruin in event of an enterprise to relieve the great Mississippi Valley of an accumulation of products.

Through the want of steamship connection between New Orleans and the South American ports almost all shipments find an outlet only across the mountains to the Atlantic coast to feed foreign steamships and foreign capitalists by taking a triangular route to South America; and in fact to-day the city of New Orleans and other cities of the South are being robbed of their legitimate trade.

The commerce of the Southern ports is suffering seriously because of neglect in economic legislation.

In evidence of this fact the following statistics, prepared by a distinguished authority, for the year 1885 will show the injustice to the South and unnatural tide of commerce which has drifted into British control:

| | Into United States. | Into New Orleans. | Per cent. |
|---|---|---|---|
| Coffee | $42,050,513 | $2,511,301 | .05 |
| Sugar | 84,176,771 | 3,488,857 | .04 |
| Tobacco | 8,548,909 | 3,131,218 | .36 |
| Cigars | 3,137,278 | 59,819 | .01 |
| Cocoa | 1,671,864 | 1,225 | .007 |
| Fruits | 20,000,000 | 5,000,000 | .25 |
| Dye | 1,756,362 | 10,606 | .006 |
| Hides | 27,640,030 | 37,230 | |
| Rubber | 15,511,066 | 143,263 | .009 |
| Medicinal woods | 1,202,505 | | |
| | 205,665,298 | 14,385,519 | Near 10 |

By the following figures and exhibit of the same authority this course of trade of latitudinal connection, instead of direct and regular delivery and receipt across the Gulf of Mexico, is shown:

| Route. | Land. | Ocean. | Time. |
|---|---|---|---|
| | *Miles.* | *Miles.* | *Days. hrs.* |
| From Saint Paul to Panama via New York | 1,441 | 2,050 | 12 2 |
| From Saint Paul to Panama via New Orleans | 1,251 | 1,450 | 7 8 |
| From Saint Louis to Panama via New York | 1,084 | 2,050 | 11 5 |
| From Saint Louis to Panama via New Orleans | 700 | 1,450 | 6 2 |
| From Chicago to Panama via New York | 911 | 2,050 | 11 |
| From Chicago to Panama via New Orleans | 915 | 1,450 | 6 20 |
| From New York to Panama via all ocean routes | | 2,050 | 10 |
| From New York to Panama via New Orleans | 1,350 | 1,450 | 7 12 |

And why is this the case? Because it is impossible for an American ship unaided by proper mail pay to compete with foreign subsidized lines in foreign ports; it is impossible for an American ship to live against the odds. If $1 per ton is charged for return cargo the foreign subsidized ship at once bids it in at 50 cents per ton via England and makes up the loss from the British exchequer, and besides the foreign ship has the weight of the British Lloyd's rating in its favor.

The people of Louisiana are not more interested in the adoption of this amendment than the people of Mississippi, of Missouri, of Arkansas, Kansas, Minnesota, Wisconsin, Illinois, Ohio, and Kentucky, which should furnish the products for trade to Galveston, New Orleans, and other Gulf ports.

But New Orleans, the chief Gulf port, has had her trade removed until it has dwindled down from 600,000 to 32,000 barrels of flour annually exported.

The importation of coffee is only about half a million sacks to all Gulf ports, and even that entire amount is most likely to be received within a few months, a wretched consequence of irregularity of mails and absence of communication by American steamship lines.

It has been surprising to hear the gentleman from Georgia [Mr. HAMMOND] here upon this floor claim a sufficient mail and transport service, and declare it to be unnecessary to improve our means of communication, when petitions are so frequently presented from people of every part of our country signifying the contrary.

It is remarkable that he should antagonize such a commercial and economic necessity even regardless of the patriotic and Democratic policy.

The gentleman from Georgia presents a great contrast to that distinguished and far-sighted statesman of Georgia, Thomas Butler King, who, in 1844, prophesied our exact dependent condition if a liberal policy were not adopted.

Mr. King said, in 1846:

Great Britain is thus enabled by confining commercial enterprise with her naval armaments to keep afloat a steam force more than equal to one-half our ships in commission, and to maintain twenty of these powerful steamers in constant and active service at a cost of $1,000,000 annually. By the Cunard and "West Indian" lines of mail steamers Great Britain maintains rapid and certain communication with her colonies on this side of the Atlantic, the United States, Mexico, and her fleets in the Pacific Ocean.

In the event of war she could readily command this force and concentrate it at any point upon our Atlantic or Gulf coast, and our vast commerce, valued at

some $200,000,000, would, without suitable preparation on our part, fall a prey to her arms. It is mortifying to reflect that this force which may become so formidable against us is in a great degree supported by the intercourse growing out of our own commercial enterprise. While our commercial marine is unrivaled and our sails whiten every ocean and our steam marine at home superior to that of all other nations, we have been left in the distance and outmaneuvered by our great commercial rival in the employment of steam upon the ocean.

If it be asked why Great Britain has thus taken the lead of us in ocean steam navigation while we are so greatly superior in domestic steamers and sailing ships, the answer is that she has anticipated us through the extension of her mail system to foreign countries in combination with her naval arrangements, thus rendering it almost impossible for mere private enterprise to enter into competition with her.

France also has become alive to the importance of this great system, and her minister of finance has been authorized to treat with companies for the establishment of lines of steamers to Brazil, Havana, New York, La Plata, La Guayara, and such ports in the Gulf of Mexico and the Antilles as may be designated by royal ordinance.

Such a policy was adopted but abolished in five years through some strange influence, but not by a Democratic administration.

The gentleman from Georgia is very wrong in his assertions to this effect. It was because our Government deserted this policy that it was not successful, and no one more forcibly protested against the injustice of abrogating the steamship contracts made at that time than the great patriot of Delaware, Hon. James H. Bayard, who, by the continual agitation and effort of Congress from 1850 to 1856 to break those contracts, proved that the steamship builders had expended more money in their zeal than their contracts called for.

The true history of this trifling is clear in the Congressional Globe. In the Senate, on the 27th of February, 1855, Mr. Badger, of North Carolina, said:

I do not wish to keep this matter always recurring at every succeeding session of Congress, with applications made for giving notice and putting an end to the contract, * * * keeping it always a matter uncertain in the public estimation whether this great enterprise is to be supported and carried through by the Government. * * * The additional compensation, having been shown to be reasonable, the enterprise concerning at once the interest and the honor of the country, I think the House have acted wisely in proposing to take it out of future contest in Congress and to save both the country and the contractor from this perpetually recurring agitation with regard to the termination of the contract.

And, indorsing the above, Mr. Bayard added:

I entirely agree with the views stated by the honorable Senator.

* * * * * * *

It seems to me, therefore, that by retaining this power you cripple the efficiency of the one, because you leave things in an uncertain state. You will not diminish the cost to the Government for or against the cost of the contract—on the one side you must take the expense of prolonged discussion and the consequent consumption of time involved by bringing the question before Congress at each session.

Here are the plain facts, here is explained the cause of the destruction of our merchant marine from the highest authority; for notwithstanding the protests of these great men the influence of the British Lloyds was too great, sad be it to say, and our flag went down upon the ocean in 1857, four years before our civil war.

It is folly to claim that our shipping went down in 1861. Statistics and facts prove the absurdity of such assertion. But in further evidence of the error of the gentleman from Georgia [Mr. BLOUNT] the following extract is taken from the message of President Polk of December 7, 1847:

The enlightened policy by which a rapid communication with the various distant parts of the world is established, by means of American-built sea steamers, would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of the mail, over and above the postage received.

A just, national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels. They can be built in our country cheaper and in greater numbers than in any other in the world. I refer you to the accompanying report of the Postmaster-General for a detailed and satisfactory account of the condition and operations of that Department during the past year. It is gratifying to find that, within so short a period after the reduction in the rate of postage, and notwithstanding the great increase of mail service, the revenue received for the year will be sufficient to defray all the expenses, and that no further aid will be required from the Treasury for that purpose.

Here is the assurance of the wisdom of such liberal policy and of good results. And again, to call to the attention of the gentleman from Georgia [Mr. HAMMOND], who asserts that only the ships were built as an experiment, that he has only glanced at the beginning of the facts, I quote further from President Polk of same date, December 7, 1847:

To the steamers thus authorized under contracts made by the Secretary of the Navy should be added five other steamers authorized under contracts made in pursuance of law by the Postmaster-General, making an addition, in the whole, of eighteen war steamers, subject to be taken for public use.

As further contracts for the transportation of the mail to foreign countries may be authorized by Congress, this number may be enlarged indefinitely.

One year later the good results of such a policy are again set forth, as follows:

The increase in the mail transportation within the last three years has been 5,378,310 miles, whilst the expenses were reduced $456,738, making an increase of service at the rate of 15 per cent., and a reduction in the expenses of more than 15 per cent.

During the past year there have been employed under contracts with the Post-Office Department two ocean steamers in conveying the mails monthly between New York and Bremen, and one since October last performing semi-monthly service between Charleston and Havana; and a contract has been made for the transportation of the Pacific mails across the Isthmus from Chagres to Panama.

Under the authority given to the Secretary of the Navy three ocean steamers have been constructed and sent to the Pacific, and are expected to enter upon the mail service between Panama and Oregon and the intermediate ports on the 1st of January next, and a fourth has been engaged by him for the service between Havana and Chagres, so that a regular monthly mail line will be kept up after that time between the United States and our Territories on the Pacific. Notwithstanding this great increase in the mail service, should the revenue continue to increase the present year as it did in the last, there will be received nearly $450,000 more than the expenditures. * * *

JAMES K. POLK.

Message of December 5, 1848.

Here, then, we have the prophecy and appeal of Southern statesmen of forty years ago. We have the evidence of it being of Democratic origin and Democratic continuance, but of unpatriotic abrogation of those solemn steam mail contracts which caused our merchant marine to go down upon the seas five years before our civil war.

There is no way of judging of the future but by the past. Let us now, though late, but before it is too late, accept the wisdom of our illustrious predecessors.

We have paid a tribute of $15,000,000 per year to foreign ships long enough in freight and passenger rates. It is time now to try a more liberal and wise policy to our own people. There is no wiser course than to try the principles and policy so earnestly advanced by our predecessors of the Polk administration and so successful until interrupted by foreign influences.

The only direction in which we can extend our trade to advantage is to the south of us, and there lies a field indeed worthy of a battle among commercial giants. Requiring so enormously the very products of our soil, of whose surplus we to-day complain, it would seem that we are criminally blind to our great national duties to hesitate an instant to do all that lies within the constitutional power of this House to foster and encourage a trade of such importance. It can be done only by establishing steamships and regular communication between our ports and those of the golden countries toward and beyond the equator. Private capital will not do it without some support similar to that given to rivals from European ports. England, Germany, and France see the necessity and advantage to be had from subsidies. We have years ago experienced it in this country. Shall we sit idly by and see each year the great harvest gathered by our commercial enemies, when a few thousands properly appropriated by this Government would bring all that vast trade to our own doors?

---

## Pensions.

---

The legislation of the Forty-ninth Congress has resulted in adding to the pension-rolls of the country the names of vastly more men who fought to destroy the Union than of those who fought to save the nation.

---

## SPEECH

OF

# HON. C. H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, March* 2, 1887.

The House being in Committee of the Whole and having under consideration the bill (H. R. 11202) making appropriation for payment of pensions under the Mexican pension bill—

Mr. GROSVENOR said:

Mr. CHAIRMAN: The appropriation asked for in this bill is to be applied to the payment of pensions under the act of Congress of the present session, popularly called the Mexican pension bill, and I avail myself of this opportunity to make a few statements in regard, not only to the character of this especial enactment, but also of those which have gone before. This bill is expressly and without qualification a service-pension act. It confers the bounty of the Government upon the soldiers of the Mexican war and the widows of dead soldiers who served therein. The benefits are conferred for service only. No prerequisite of disability incurred in the service, nor of the character of the service is required, and, what is more startling to us on this side of the House, it confers the benefit of this bounty upon all the honorably discharged soldiers of the Mexican war who served the requisite time in camp or field, or on the way thereto, without regard to whether or not in the war for the destruction of the Union the said Mexican soldier fought upon the one side or upon the other. The prerequisites to the benefits of this act are—first, those which I have enumerated and then the following:

First, that the soldier has reached the age of sixty-two years, or, second, served in a battle or is indigent and dependent upon his labor for support. But in all substantial particulars and respects this is a service pension. Now, Mr. Chairman, I voted for this bill, and under the circumstances, as I then understood them, I would do so again. Under the circumstances as I now understand them I would hesitate a long time, and this brings me to the consideration of certain matters con-

nected with the pension legislation of the Forty-ninth Congress, which I desire to speak about. The campaign of 1884 was a most interesting one to the people in this country.

The Republican party has been substantially in power in the executive branch of the Government from 1861 down. It had faithfully and honestly administered the Government but there had grown up among the ex-soldiers of the great war a feeling that the Republican party moved too slowly in the work of conferring the benefit of pensions upon the worthy and deserving men of the great contest, and so it was that Mr. Cleveland received in the election of 1884 an enormous soldier vote. It was given to him because of the assurance everywhere conveyed by the Democratic party that it was inclined to be not only generous but more than generous to the defenders of the country.

It was insisted upon the stump everywhere in the North that it was the Democratic party which had secured the equalization of bounty bill, which it was pretended, falsely, as I demonstrated in the last Congress, that General Grant had vetoed. And insidiously this Democracy filled the minds of the soldiers of the country with the idea that the Republican party had moved too slowly in their interest. It is not too much to say that the majority of the Forty-ninth Congress was elected as the result of the promises made to the soldiers of the battlefield. It was pointed out that there was no danger that the ex-confederates could ever be pensioned. It was understood that the Democratic party was prevented in any event by the provisions of the Constitution from thus conferring benefits upon the ex-confederates, and pledges of the most thorough and far-reaching character were made by the Democrats everywhere to the soldiers of the late war.

The history, Mr. Chairman, of the Forty-ninth Congress is about written. It is entirely so, so far as the question of pensions is involved; and I make a statement now, which no man will deny, that our legislation has resulted in adding to the pension-rolls of the country the names of vastly more men who fought to destroy the Union than of those who fought on the other side. This is a most singular condition of things, and it is one that may well startle the people of the country. We have passed into law a few private pension bills, and of that number of course the beneficiaries were all Union men.

Those of our private bills which escaped the veto of the President conferred the benefits of pensions on men who fought for the Union and their widows and orphans; and, sir, we have passed this pension act, about which I have spoken—the Mexican pension act—by which we will add to the pension-rolls fully 30,000 names, and of that 30,000 it is safe to say that, and I say it without hesitation, two-thirds of them will be men who fought to destroy the Union in the late war of the rebellion, and of their widows who remained behind them. So in the aggregate we have placed about two ex-confederates upon the pension-rolls of the country where we have added one Union man, and this is the feast to which our Democratic friends invited the soldiers of the country. The soldiers in the campaign of 1884 asked for bread in the form of liberal pensions to disabled and indigent comrades. They have received stones in the form of Presidential vetoes and of a bill the character of which I have described.

I do not complain that the Mexican soldiers have been pensioned. It is the just policy of all governments to confer pensions like this upon the men who have fought for the nation in the national wars which have gone before. The soldiers of the Mexican war were patriotic; they fought for the honor of the flag of their country, and a generous government could do no less than what this Government has done for them. But, Mr. Chairman, we passed the dependent parents' bill at about the same time and under about the same circumstances that we did the Mexican pension bill. They were both in the hands of the President at one time. They were both being considered by him at the same time, and one was signed and the other was vetoed. The one carried the names of a great majority of those who fought to destroy the Union, and the other carried the names of those alone who fought to save the Union. Our friends on the floor of the House did not contract with us that we should pass the Mexican pension bill in consideration that they would also pass the dependent pension bill, but there was a sort of compromise, a sort of agreement implied in the action of the House.

The veto by the President of the one and the signing by the President of the other reminds me very much of an anecdote which is current in Ohio and which explains probably why we have never had the veto power in our State constitution. The last Territorial governor of the Territory of Ohio was appealed to by members of the Legislature with the statement that there was a feeling in the Territory that the tax in the form of a license to get married was an onerous and unjust tax and that it ought to be repealed. In the then condition of the Territory of Ohio it was felt to be a burden. The governor, while admitting this, insisted that his salary was so meager that he could not afford to have the act conferring these perquisites upon him repealed.

To meet the governor's views upon this subject, which were considered to be just, the Legislature repealed the marriage-license tax and passed another act contemporaneously conferring upon the governor an increased salary. The governor took them both at one time, examined them very carefully, studied all their provisions, referred them to his counsellors and advisors, and then promptly signed the one which increased his salary and vetoed the one which repealed the marriage-license tax, and from that day to this we have had no veto in Ohio. And could the people of the Union get the same sort of shot at the veto power in our National Constitution they would certainly repeal it unless they could be satisfied that the successors of the present Executive will be different men from what he is.

The veto was never intended to vest in one man all the legislative and executive power of this Government and to treat the legislative branch of the Government with such disrespect as is involved in the veto of more than one hundred and sixty-five bills passed by one Congress. It is an assumption of power never dreamed of by the makers of the Constitution. Many unjust and unreasonable assaults were made upon the dependent pension bill during its consideration, and, perhaps, there was none more so than the attack that was made by indirection upon the bill through the agency of the assault upon pension agents.

Now, Mr. Chairman, I am not here to champion the cause of any man or set of men in this connection. I have never been a pension agent myself and never expect to be, but when a soldier of the Union Army, who fought bravely to save this country from destruction, and who has been an exemplary citizen in every walk of life, is assaulted upon the floor of this House by the charge that he is an infamous scoundrel and no other specifications are attached to the charge except that he is a pension agent and has faithfully represented the interests of the soldiers of the country, I feel like going out of my way a little and saying that I have some knowledge of the character and standing of that gentleman, Col. George E. Lemon, in the department of pensions. I know what the opinion is of the patriotic and distinguished Commissioner of Pensions upon this question. I know from his personal statements that he esteems him as a gentleman in all respects, honorable, upright, and efficient, and that he has over and over again said that no more efficient or honorable pension attorney has ever practiced in his Department. He edits a newspaper devoted to the interest of the soldiers, not to the claim-agents, for he seldom ever speaks of the subject of his own business in his own newspaper. His paper is read by more than 400,000 honorably-discharged soldiers to-day, and if he has from time to time exposed the hypocrisy and unmasked the double-dealing and treachery of men who professed to be the friends of soldiers, it is not strange that the wrath of some men should be poured out upon his head. For my own part, I honor him for his faithfulness to his comrades. I honor him for the success he has had in the prosecution of his pension business. I defy legitimate attack upon him, and say without hesitation that, having met him over and over again in the grand national encampments of his comrades of the Grand Army of the Republic, I can stand by him with that comradeship which one soldier owes to another and testify to his high character and honorable career. I say this much not stopping to characterize the assaults made upon him upon this floor under the screen of a member's privilege and to which the victim can not be heard to reply.

The opinion of this House upon the main controversy upon this man's career is involved in the following:

[Forty-ninth Congress, first session. House of Representatives. Report No. 632.]

FEES OF CLAIM AGENTS, ETC., IN PENSION CASES.

February 23, 1886.—Laid on the table and ordered to be printed.

Mr. CASWELL, from the Committee on the Judiciary, submitted the following report, to accompany bill H. R. 76:

The Committee on the Judiciary, to whom was referred the bill (H. R. 76) relating to claim agents' and attorneys' fees in pension cases, submit the following report:

The only substantial difference between the bill and the law as it now exists is found in the section which would repeal the present law providing for the payment of the attorneys' fee in claims filed between the years 1878 and 1884 through the pension agency.

During the period referred to the fee in pension claims was fixed by statute at $10, payable whether the claim was admitted or not. Under that law it had become the practice of agents, to a large extent, to collect a part or all of the fee in advance of the adjudication, and often when the claim was without merit. The collection in advance often resulted, too, in an abandonment of the claim on the part of the agent, and the unfortunate applicant had no remedy left except an appeal to members of Congress.

To put an end to this practice, Congress passed a law in 1884 prohibiting the agent from making collections in advance. In this enactment a form of contract was prescribed for both parties to sign, which permits the agent to receive in some cases as high as $25, contingent, however, upon success. This contract provides that the stipulated fee, or such portion thereof as the Commissioner of Pensions may direct, shall be retained from the pension allowed and paid by him to the agent.

Under this law a large number of contracts have been executed in the claims filed between the years 1878 and 1884. The mischievous practice of collecting fees before the claim is admitted has been wholly abandoned under the penalties inflicted by the act of 1884, and the form of procedure settled, both parties conforming to the regulation with apparent satisfaction.

The pending bill seeks to repeal that part of the law of 1884 which provides for the payment of the fee stipulated in the contract in claims filed between the years 1878 and 1884, through the Commissioner of Pensions, notwithstanding the rights which we think have become vested under the contracts and the obligation on the part of the Government to retain from the pension granted the stipulated fee for the agent.

We think it would be unfair at this late day, if not a violation of rights acquired and of good faith on our part, after having divested the agent of his right to receive pay in advance, especially in the claims which he was already prosecuting, to repeal the law which authorized the execution of the new contracts which he had been induced to sign under the provision that the fee should be retained by the Commissioner for him, and refuse to carry out the agreement on our part. We think a change of this character would cause great annoyance to

the Pension Department, and work an irreparable confusion, both for the claimant and the agent, in which the former would be the loser in the end, while Congress would be placed in the unenviable position of having restricted the practice in pension cases to a form prescribed at length in the law itself, and then recede from its own undertaking, regardless of the rights of parties who may have become involved.

A committee of the Grand Army of the Republic, representing the applicants for pensions, in a letter addressed to the chairman of this committee, under date of January 20, 1886, uses the following language in approval of the law as it now exists:

"This law is entirely satisfactory to the claimants. They do not object to the payment of that fee; it is far better for them to pay it when they have had their claims successfully prosecuted than to pay the sum of $10 with no assurance of success, and they are entirely willing to pay it, although these cases were filed between 1878 and 1884. * * * We address you this letter because House bill 76 is pending before your committee. We do not think that such a bill ought to pass."

In view of these facts we report this bill back to the House, and recommend that it lie upon the table.

Colonel Lemon was the man aimed at by this bill, and this House expressed its opinion by sustaining the foregoing report.

I do not stand alone in the view I take of Captain Lemon, as witness the statements of members of the Forty-eighth Congress touching this same matter:

UNITED STATES SENATE CHAMBER, *Washington, D. C., July* 8, 1884.

MY DEAR SIR: Before leaving for home I desire to express to you my high appreciation of the methods used in your business office, resulting as they do in a degree of efficiency that gives to your clients a prompt, careful, and successful management of their personal interests. This is due to the many excellent qualities that distinguish you as a man, and I am glad of the opportunity to assure you of my high esteem.

Very truly, yours,

CHARLES F. MANDERSON, U. S. S.

GEORGE E. LEMON, Esq.,
*Washington, D. C.*

We regard George E. Lemon, of this city, as a competent and reliable attorney in pension cases.

JOHN F. MILLER, U. S. S.
JOHN J. INGALLS, U. S. S.

HOUSE OF REPRESENTATIVES, *Washington, D. C., July* 3, 1884.

I take pleasure in recommending George E. Lemon, of this city, as a reliable attorney and worthy lawyer, to whom claimants can intrust their business with assurances that it will be well and honestly attended to.

L. E. ATKINSON, M. C.,
*Eighteenth Pennsylvania District.*

GEORGE E. LEMON, Esq.:

I have never had any trouble with pension or other claims prosecuted by your firm, and have uniformly commended you to my soldier constituents and others.

JOHN S. ROBINSON, M. C.,
*Ninth Ohio District.*

I take pleasure in recommending George E. Lemon, of this city, as a reliable attorney, and I should be glad to remember him to the soldiers of my district.

T. J. WOOD, M. C.,
*Tenth Indiana District.*

I believe that George E. Lemon, of this city, is a competent and reliable attorney in pension cases, and one who stands well with the Commissioner of Pensions and Department.

B. W. PERKINS, M. C., *Kansas.*

I have known something of the manner in which Mr. George E. Lemon, of this city, has conducted his business. I have found him an efficient, attentive, and trustworthy attorney.

A. X. PARKER, M. C.,
*Nineteenth District, New York.*

I take pleasure in recommending Mr. George E. Lemon, of this city, as a lawyer of good reputation for skill and reliability.

B. M. CUTCHEON, M. C.,
*Ninth District, Michigan.*

Attention is also invited to the following from other members of Congress:

HOUSE OF REPRESENTATIVES, *Washington, D. C., July* 3, 1884.

We take pleasure in recommending George E. Lemon, of this city, as a reliable attorney.

W. S. ROSECRANS, 1st dist., Cal.
JAMES LAIRD, 2d dist., Nebr.
J. G. CANNON, 15th dist., Ill.
GEORGE R. DAVIS, 3d dist., Ill.
J. H. BAGLEY, Jr., 15th dist., N. Y.
H. H. BINGHAM, 1st dist., Pa.
J. C. S. BLACKBURN, 7th dist., Ky.
C. A. BOUTELLE, at large, Me.
THOMAS H. BRENTS, Wash.
J. H. BREWER, 2d dist., N. J.
J. O. BROADHEAD, 9th dist., Mo.
T. M. BROWNE, 6th dist., Ind.
HUGH BUCHANAN, 4th dist., Ga.
J. N. BURNES, 4th dist., Mo.
W. H. CALKINS, 13th dist., Ind.
J. F. CLAY, 2d dist., Ky.
POINDEXTER DUNN, 1st dist., Ark.
N. B. ELDREDGE, 2d dist., Mich.
T. M. FERRELL, 1st dist., N. J.
J. F. FINERTY, 2d dist., Ill.
J. F. FOLLETT, 1st dist., Ohio.
E. H. FUNSTON, 2d dist., Kans.
G. W. GEDDES, 14th dist., Ohio.
D. B. HENDERSON, 3d dist., Iowa.
B. F. HOWEY, 4th dist., N. J.
ELZA S. JEFFORDS, 3d dist., Miss.
B. W. JONES, 3d dist., Wis.
J. A. KASSON, 7th dist., Iowa.
W. P. KELLOGG, 3d dist., La.
J. H. KETCHAM, 13th dist., N. Y.
G. V. LAWRENCE, 24th dist., Pa.
BENJ. LE FEVRE, 4th dist., Ohio.
H. B. LOVERING, 6th dist., Mass.
J. W. MCCORMICK, 11th dist., Ohio.
BENTON MCMILLIN, 4th dist., Tenn.
EUSTACE GIBSON, 4th dist., W. Va.
WILLIAM DORSHEIMER, 7th dist., N. Y.
R. Q. MILLS, 9th dist., Texas.
C. H. MORGAN, 12th dist., Mo.
E. N. MORRILL, at large, Kans.
W. C. OATES, 3d dist., Ala.
CHARLES O'NEILL, 2d dist., Pa.
D. R. PAIGE, 20th dist., Ohio.
L. P. POLAND, 2d dist., Vt.
J. R. RAYMOND, Dakota.
J. M. RIGGS, 12th dist., Ill.
W. E. ROBINSON, 2d dist., N. Y.
O. R. SINGLETON, 5th dist., Miss.
CHARLES STEWART, 1st dist., Tex.
J. B. STORM, 11th dist., Pa.
I. S. STRUBLE, 11th dist., Iowa.
J. R. THOMAS, 20th dist., Ill.
J. R. TUCKER, 6th dist., Va.
J. H. WALLACE, Ohio.
MILO WHITE, 1st dist., Minn.
W. L. WILSON, 2d dist., W. Va.
E. B. WINANS, 6th dist., Mich.
H. S. VAN EATON, 6th dist., Miss.
P. V. DEUSTER, 4th dist., Wis.
D. W. CONNOLLY, 12th dist., Pa.
A. H. PETTIBONE, 1st dist., Tenn.
JAMES C. NICHOLS, 1st dist., Ga.
GEORGE W. RAY, 21st dist., N. Y.
W. D. HILL, 6th dist., Ohio.
S. W. MOULTON, 17th dist., Ill.
A. J. HOLMES, 10th dist., Iowa.
J. D. TAYLOR, 17th dist., Ohio.
M. L. CLARDY, 10th dist., Mo.
J. E. O'HARA, 2d dist., N. C.
H. G. BURLEIGH, 17th dist., N. Y.
E. S. LACEY, 8th dist., Mich.
S. L. MILLIKEN, at large, Me.
S. H. MILLER, 26th dist., Pa.
J. J. KLEINER, 1st dist., Ind.

This will do very well for a man who was called a scoundrel the other day.

And now, Mr. Chairman, there is another phase of this subject about which I wish to speak. There comes to us, borne upon the breeze that rises in and about the city of New York and from the press of other Eastern cities, a bitter tirade against the whole system of pension legislation for the soldiers. There has been no plan in Congress for twenty years to relieve the sufferings of the men who saved the Union that that scheme has not been denounced by a majority of the newspapers published in the city of New York. The organs of Wall street, the mouthpiece of the bondholders, the men who cry out against all legislation in the interest of the great masses of the people, shout against the proposition to pension the soldiers of the country. The files of those papers way back following the war will show that their denunciation of the early pension legislation, limited as it was to the few and special cases, was just as bitterly assailed as is the present plan to alleviate all the sufferings of our comrades of the war.

What is the spirit that inspires this outcry? It is the spirit of mammon. It is the cry of the leech; it is the sordid spirit of the usurer; the blatant outcry of the Shylock. They are in favor of free trade in the city of New York and no pensions, and high rates of interest upon the bonds of the country; great harbor improvements in New York and none West. The city of New York and the moneyed men—and I use the term in a generic sense—invested their money in the bonds of the country when the money so invested was worth about 38 cents on the dollar. Step by step they have secured legislation which has brought their 38 cents up to 100 cents, and have applied the revenues of the country to the redemption of their property. They have secured more money for the interest upon their bonded debt than all that has been paid to the soldiers who saved the nation for pensions. Had there been no men to bear arms other than those who invested in the bonds, there would have been no country to-day to pay for the bonds.

It was the men who carried the musket at $16 a month and slept in the swamps of the South, in the open air, and filled their system with the seeds of disease, from which they never recovered, that saved the credit of this nation and made the men of New York the millionaires that they are, that enable them to grasp the industries of this country by the throat; to build up monopolies that are to-day the monuments of their grasping tendencies, and yet they turn about and through their organs denounce the efforts of the friends of the soldiers to save these men from the poor-houses.

It is not worth while, Mr. Chairman, to be overmodest about this matter. If these men were content to offer even a fair division, their insolence would not be so intolerable, but they call a pension bill a steal. They denominate a bill for the improvement of the rivers and harbors of the West a steal. They call everything a steal that does not pour money into the coffers of the money kings of New York. The men who fought in the army by proxy, men who sent representatives to the army do not feel any great amount of gratitude over and above the payment of the money to the men who screened them from the draft; and what is the burden of their song to-day? They are crying to Congress to shield them from the coming of the storm, the mutterings of which are heard over the mountain tops of the country and are whistling through the pine forests of the South, and are concentrating in opposition to the grasping monopolies, whose mouth-pieces denounce this pension legislation. They are *all in* favor of enormous expenditures for the militia of the country and for the armament of the country, to the end that, when popular outcry can be no longer suppressed, the armies of the United States may be invoked to shield them from the wrath to come. But in the mean time they are not willing to divide. They are not willing that justice shall be done to the brave men who made their country worth having, who made their country a place where they could ply their vocations and accumulate wealth. Mr. Chairman, I am not an alarmist, nor do I favor any uprising against law and order, and the settled course of business in this country. I stand in a conservative position upon this question, and I ask these men, in all justice to them, are you willing that the soldiers of the Union Army, who shed their blood and lost their health in support of the Union cause, shall be protected by the Government from suffering and the degradation of the poor-house? If you are, why not say so?

This bill, Mr. Chairman, has received its proper consideration from the honorable chairman of the Committee on Pensions, Mr. MATSON. He is right when he says that it provides a pension only for the men who are dependent upon their labor for support and are totally disabled. Any other construction is absurd. Any other construction given it by any man, great or small, simply advertises him as ignorant of the rules of construction of law. I need not stop to read the language of the bill. It requires no comment. The beneficiaries under this bill must be totally disabled from earning a livelihood by labor, and they must be wholly dependent upon their labor for means of support. There is not an intelligent lawyer in the country who holds to any other doctrine, so far as I have heard; and if this be so now, Mr. Chairman, do the men of New York desire that the Government shall do less than support these men? Fifteen thousand of them are in the poor-houses to-day, unable to support themselves, groaning under the stigma of

pauperism, and when we bring a bill here to rescue just these men and nobody else we are denounced as demagogues, and the bill is called a pauper pension bill.

Mr. Chairman, the object of this bill was to prevent pauperism. The object of this bill was to take our comrades from the grasp of pauperism. We want them to come out of the poor-houses. I say, and I do not hesitate to affirm it, that there is no nation on the earth barbarous enough to be content that the men who fought to save their country and the honor of their flag shall perish in the poor-house but the people of America. What good does it do to compile the figures and statistics of the amounts of money paid for pensions? How does that feed the impoverished comrades who are suffering and dying of want to-day? How does it compensate comrade A for his suffering and his loss that comrade B is receiving that which is justly due to him?

There is another view, Mr. Chairman. These men must be fed and clothed, and cared for, aside from their character as soldiers of the war. The common instincts of humanity and the laws of the country forbid that people shall die of starvation unprotected. Hence we have almshouses throughout the country. Hence we require that men without means of support shall be protected and saved from starvation. That they shall be clothed, and when they die they shall be buried at public expense. What say the people of the country? Shall these soldiers be thus fed, clothed, supported, and buried at the public expense of the United States Government, the Government for which they fought, or shall they be thus fed, clothed, and protected by the townships and counties, and States in which they live? It must be done by the one or the other.

This bill said it should be done by the General Government. This bill said the taxes for this purpose shall be levied upon the revenues of the people of the whole country. If I had my way, Mr. Chairman, I should levy this tax upon the section of the country that by violating their obligations to the Constitution, by being unfaithful to the flag, by being derelict in patriotism, brought on the war and caused these deaths and these ruined healths and these impoverished households; but that can not be done. And now the question is, shall the support of these "paupers," if you please to call them, these totally disabled persons, shall that support be taxed upon the Treasury of the United States and contribution levied upon all people alike, or shall the States that saved the Union be taxed and the farms of the people and the horses or cattle of the people be taxed for their support?

I speak, then, Mr. Chairman, for the men of my district, the men of small means, the men who are struggling to make a livelihood in the world, and I call upon the Government in their behalf to discharge its debt to these men. There goes up throughout the country a cry against the President. It is said that he has used language derogatory to the soldiers in his veto message; that he has been actuated either by unkind feelings or else feelings of disregard and carelessness toward the soldiers; that while in his annual message he used language which led Congress to believe that he favored liberal pensions, in his veto message he has treated the soldiers with indifference and scorn.

Mr. Chairman, the sympathies of this Democratic President are with the section of the country that gave him his high position. He is not a man of ingratitude. Witness his approval of public building bills in the States that voted for him and his disapproval of those in the States that voted against him. He feels grateful to that great section of the country that votes largely against pensions, and I have no doubt that it was an act very grateful to him to be enabled to sign the Mexican pension bill, that gave to the men who voted for him in the South large access to the Treasury of the United States, notwithstanding that they had fought to destroy the Union. I doubt not that his sympathies run with them. I sympathize with him, situated as he is and owing what he does, in that feeling. It is an exhibition of comradeship that is in the highest degree commendable.

One hundred and fifty-three electoral votes, Mr. Chairman, that were his without a struggle, that did not cost him an anxious thought; that came as the ripe fruit comes; that came to him hermetically sealed and ready for delivery; that came to him without a struggle or contest at the ballot-box and narrowed his contest down to 38 electoral votes, is not a circumstance to be forgotton by a man of a generous heart. I doubt not, therefore, that it was pleasant for him to be able to sign this bill, and I do not complain of that great comradeship that inspired the sentiment. Did a similar feeling cause his veto? Nor do I complain of the men of the South, the ex-confederates, who vote against us upon these measures.

If the people of this country who are acquainted with the history of the Democratic party, or the history of the great majority of it, are willing to put this party into power, I do not complain that these men use their position to render respectable and to render benefits to the men who stood by them in the war. The trouble is in the North, Mr. Chairman—this evident tendency to break down the discrimination between the men who fought for the country and the men who fought against it. The fault lies with the men of the North who voted to put this party into power. The fault lies with the soldiers of the North who have listened to the siren song of Democratic candidates for office, and have voted for them, and found themselves betrayed when the hour of trial came.

Mr. Chairman, this contest is not ended. This battle is not fought out. The soldiers of this country begin to understand the issues. They see in this action of the President, they see in the passage of the Mexican pension bill and the defeat of the bill to pension their own comrades what lies ahead of them when there is a full restoration of power to the hands of the Democratic party. They begin to see the effect of a Democratic Senate, and a Democratic Supreme Court, and a Democratic President; and mark my word, Mr. Chairman, the Fifty-first Congress of the United States will be a Congress that will keep the word of promise to the ear of the country and will not break it to the hope. I shall vote for this appropriation bill, for the faith of the Government is pledged to the appropriation of this money. I shall vote in the future as in the past, to rescue my comrades of the war from poverty and suffering, and to aid their widows and orphans, and thereby the whole country. I shall vote to adjust the laws of the country so that every man who did honest service for his country shall be saved from the degradation of a pauper's death and a pauper's burial, and the people of the country, disabused of their false impression of Democratic pledges and Democratic purposes, will stand with me and will see to it that the plighted faith of the Government is redeemed.

---

## Rivers and Harbors.

### SPEECH

OF

### HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, January* 15, 1887.

**The House being in Committee of the Whole, and having under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—**

Mr. HEPBURN said:

Mr. CHAIRMAN: I do not think it wise to consider this bill at all at this time. I know that it is impossible for the House to have that information which would enable it to consider the bill intelligently. I know that it has been impossible for persons who are not in favor of the provisions of this bill to secure copies of the reports of the Chief of Engineers. There seems to be some peculiar method of favoritism with regard to the report of that officer, by which persons who are in favor of large and extravagant appropriations of this kind can secure copies of it, while those members of the House who desire to antagonize such appropriations find it impossible to secure the reports.

Further, I think that even the gentleman from Kentucky himself [Mr. WILLIS] has been unable to secure all the information he would desire, if he desired to be informed with regard to the necessity and propriety of these appropriations, because I learn that some of the appendices to the Engineer's report which are necessary to a correct understanding of this general subject-matter, have not yet been received by the gentleman, and that he has not yet got the benefit of the information which they contain. It looks to me, Mr. Chairman, as if there was something wrong, some effort to withhold the facts from the House and to force action in this hasty and unadvised way, and I am bound to come to the conclusion that in those reports there are some statements which the gentleman from Kentucky is unwilling shall go before the country, or, at least, before the House prior to action being taken upon certain of the provisions contained in this bill.

Mr. WILLIS. Does the gentleman himself believe that? [Laughter.]

Mr. HEPBURN. I do not know, Mr. Chairman, of any better evidence that I could give of my belief than what I have given already. My friend seeks simply to parry the force of the suggestion that I make, by his wit. That is not fair. He will not tell the House that he has been advised by authority as to the unexpended appropriations that are now in the hands of the officers charged with their expenditure. I undertake to say that he has no accurate knowledge upon that subject, and that even with regard to the greater larceny that is contained in this bill, the chief one, the one which to certain minds makes it most attractive, the Mississippi River scheme, he is not now able to advise the House as to what proportion of the last two millions appropriated remains unexpended.

Mr. WILLIS. If I did not know that my friend was making a purely Pickwickian speech, I would say to him that we have two official reports of the unexpended balances.

Mr. HEPBURN. Complete?

Mr. WILLIS. Two official reports, one of which is printed as an executive document, one of the few things that have escaped the diligence and industry of the gentleman from Iowa in his opposition to this bill; and the other of which is on my desk. So we have two reports instead of one.

Mr. HEPBURN. I suggest, Mr. Chairman, that the fact that the gentleman from Kentucky [Mr. WILLIS] has been provided with these

reports does not meet the criticisms I have made. He, it appears, has means of acquiring information which other members of the House do not have; and, while he may perhaps be able to give us the information I have suggested, so far he has been entirely unwilling to do so. If he has, it would have been wise, it seems to me—certainly it would have been generous, to have allowed some of the rest of us some portion of this superabundant information.

Mr. WILLIS. My friend will permit me to say the information I referred to is printed as an executive document which is at the disposal of himself and every other member of the House; he has only to send a page and procure it right now.

Mr. ADAMS, of Illinois. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa [Mr. HEPBURN] yield?

Mr. HEPBURN. Yes, sir.

Mr. ADAMS, of Illinois. I do not propose to take the position of being opposed to this bill. But I do not like to have such a bill considered until we have full information. My local interest in this bill is with reference to the port of Chicago; and when I heard the statement of the gentleman from Kentucky, I went to the clerk of the committee to get the report of the local engineer. There was no index to the appendices; but on looking at the report of the Chief Engineer, I found that this report of the local engineer would be "H H 1," whereupon I was immediately informed by the clerk that the printing had not reached so far as that, but had only embraced the documents indicated by single letters. Hence, I have no means of knowing what the recommendation of the local engineer for the coming year in regard to the breakwater at Chicago may be. That was my only reason for voting against the consideration of this bill to-day. I think the remarks of the gentleman from Iowa are, to a certain extent, well founded; that whatever information the gentleman from Kentucky has, we have it not, and we should have it.

Mr. WILLIS. My friend from Illinois is speaking of one thing and the gentleman from Iowa was speaking of another and entirely different thing. The gentleman from Iowa stated that there was no report to this House of the unexpended balances. In reply to that remark I said that we had two reports, one of which had been printed as a document. That was the one I was speaking about.

Mr. HEPBURN. When I made my statement I made it with reference to the reports of the engineers. It is to those reports, as a rule, that we go for information of this character. I had no knowledge that there was information furnished in any other form than that. I know that is the convenient and usual way in which we receive this information, and I again make the statement that it is not possible for any member, so far as I am advised, except the members of the Committee on Rivers and Harbors, to secure any portion of the report of the Chief of Engineers.

Mr. ADAMS, of Illinois. With the leave of the gentleman from Iowa, I desire to ask whether an "unexpended balance," in the sense of the gentleman from Kentucky, does not mean a balance unexpended at the end of the last fiscal year; and is it not proper for us to consider rather the unexpended balance at a later period of the year? I happen to know that my own port suffers by the statement that there was last July an unexpended balance of nearly $75,000. That is not an unexpended balance now, nor was it at the time when the local engineer made his recent report to the Chief of Engineers.

Mr. HEPBURN. Mr. Chairman, at this moment a gentleman has kindly handed me a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a tabulated statement of unexpended balances for works on rivers and harbors November 1, 1886, from which I learn that of appropriations heretofore made, there is unexpended, or was unexpended on the first day of last November, and in the hands of the officers or in the Treasury of the United States, $16,636,362.71, making with this bill a total of more than $24,000,000, which will be in the hands of the officers for expenditure during the coming summer. Is that correct?

Mr. BLANCHARD. If the gentleman will allow me, I will say it is not correct. It is for the present fiscal year and the next fiscal year. The appropriation in this bill is entirely for the next fiscal year; and that in the last bill is for the present fiscal year.

Mr. HEPBURN. The gentleman has undertaken to correct me, without varying the statement which I made. There will be during the next summer, the summer of 1887, upwards of $24,000,000 to be expended for works of this character, the present appropriation becoming available on the 1st of July, 1887; and it may all be expended within the four or five months immediately succeeding that date. So that there will be in the hands of the engineer officers for expenditure upon these works between the present time and the end of the labor period of the present year, $24,000,000.

I do not want to be understood, Mr. Chairman, as opposed to the principle or the practice of improving the great needed water ways of this country, those which enter into our interstate commerce, those which the Government of the United States ought to improve, or the harbors into which the interstate commerce of the country is poured. I have no hostility whatever to their improvement; but I have an uncompromising hostility to the "jobs" and the useless squandering of the public money, as carried on from year to year through the instrumentality of the iniquitous river and harbor bill. I undertake to say, Mr. Chairman, that there are not, in this entire bill, twenty propositions which, if they stood alone, unaided and unsupported by others, could receive the sanction of this House. But these various items are railroaded into the bill, and then they are railroaded through Congress by the "swapping" of interests and the interchange of votes. Here is, we will say simply for illustration, a proposition for an expenditure in the State of Maine, which has no national significance whatever—a work for which there ought to be no expenditure of the money of the people of the whole country.

Mr. MILLIKEN. There is no such proposition in the bill.

Mr. HEPBURN. This work, we will suppose, is entirely local, benefiting only the people of a circumscribed district. There could not be obtained for this expenditure, if it stood alone, a single vote outside of the limits of that State. But for the next State, Massachusetts, there are certain other propositions of a like character, utterly without merit of their own as improvements of water ways affecting the commerce of the whole country. The gentlemen from Maine desire the success of their proposition; the gentlemen from Massachusetts the success of theirs; so they unite their interests to secure the passage of the bill. In Connecticut there is another work of similar character to be provided for; in Rhode Island another, and so you pass all round the coast. Still, there are not votes enough. So the Mississippi River scheme is included, with all its iniquities. Still there is something lacking. So the framers of the bill go up to the great lakes, and bring into the support of measures which are local to them in the main the aid of certain gentlemen representing those constituencies. That is the way the river and harbor bill is made up; that is the reason why this bill has its standing upon this floor, and why, year after year, we make these extravagant appropriations, which, so far as the improvement of national water ways is concerned, are wasted.

This bill, in my judgment, is objectionable beyond all its predecessors. The estimates made by competent authority of the sums which could be most easily and judiciously expended in the improvement of rivers and harbors is upward of $30,000,000 for the next fiscal year. Now, by some process—I do not know what—the committee have taken a percentage of these estimates. Just why they should have arrived at 23½ per cent. I do not know. I would have been glad if the chairman of the committee had informed us why this percentage of the sum recommended by the engineers was adopted.

Mr. HOLMES. The committee made a "horizontal reduction."

Mr. HEPBURN. I think it would have been infinitely better, if these appropriations are to be made, that the whole $30,000,000 should have been appropriated. Those who may be presumed to be wisest with regard to these expenditures say that $30,000,000 is the sum of all others that most judiciously and economically could have been expended. Why does not the committee give that sum? Why give 23½ per cent.? In very many instances, as I am informed, this entire percentage would be required to preserve from destruction those works which have already been partially erected; so that there will be no advance made; and next year when this appropriation bill is passed there will be a necessity for a like appropriation simply for preservation of works—works which will then be, a year hence, in the same condition that they are to-day, making the appropriation of this year a matter of absolute and entire waste. Is there economy in that?

Again, with this very meager percentage of the appropriations recommended, there is imposed upon the Government the necessity of paying greater prices for labor and the same expenditure for plant that would be required if the whole work on the improvements were done.

So we have to pay a greater price. We have to pay for the whole plant where parties have worked only for a portion of the season. Therefore their own interests required them to demand a greater sum than though their energies could be employed during the whole season.

Again, a plant is provided and work is done for a month or two or three. When the appropriation is exhausted then the plant is removed to some other place. Hence the Government has in fact to purchase a new plant for that work the next year. It seems to me that is not a wise and judicious expenditure of the public money.

I have objections to some of the particular features of the bill, and especially to having appropriations made for the so-called improvement of the Mississippi River under the control and direction of the Mississippi River Commission. And I here challenge the gentlemen who favor this to show, if they can, that of the $10,000,000 we have poured into the hands of this commission the expenditure of 10 per cent. of that has been put upon the channel navigation of the Mississippi River? I especially invite the attention of the chairman of the committee to that proposition. I do not believe that 10 per cent. of the $10,000,000 that we have up to this time appropriated can be shown to have been used in improving the channel navigation of that river. A large percentage of it has been expended in the purchase of a costly plant, including more than nine hundred boats and vessels of all kinds and sizes. The gentleman from Louisiana contradicted me when I made this statement upon a previous occasion—more than nine hundred vessels, large and small, about three times as many as belong to the Federal Navy. We have expended in a single year—if we may place confidence in the

statements which are found in the Blue Book or Official Register—and if the persons named served for the entire year, in one year the Mississippi River Commission expended $512,000 in salaries over and above those sums which were paid to persons who were graded as laborers, and exclusive of the sums which were paid to the officers of the Army. This statement I make on the supposition that the large list of employés whose names are found in the Blue Book were continued at the rate per month, or year, during the whole year of which I speak. Five hundred and twelve thousand dollars in salaries to persons who were above the grade of laborers!

This commission has all kinds and classes of vessels, from a $65,000 steamer down to those of inconsiderable value. They have expended vast sums of money in the improvement of alleged harbors along the river for that class of work in many instances that more enterprising and business towns farther north that have a necessity for commercial facilities do for themselves in the establishment of their wharves and in grading and riprapping and paving their wharves.

At the city of New Orleans they have expended hundreds of thousands of dollars in attempting to prevent the city of New Orleans from being inundated by the breaking of the banks of the river, and they do that under the specious pretense of improving the harbor of New Orleans. There above the city of New Orleans is the great bend of the river, which is constantly making inroads upon the valuable lands of private individuals, and the Government is called upon to ward off the encroaching current by the building of improvements out in the stream, where there is a depth of 90 feet of water, for the commerce of the States to pass over—to build improvements to protect the private property of the owners on the banks of the river. I see in this appropriation bill there is a continuation of this same prodigal use of public money for the benefit of individual owners along the banks. Other thousands if not millions of dollars have been expended in the building of levees along the Mississippi River and its tributaries for the sole and only protection, as I believe, of the planters who live along the banks of the river.

Mr. Chairman, if gentlemen would come here frankly and candidly, if they would come here in an open way and say to us, because of the inflictions of the war, because of the disturbance of their labor system, because of poverty, or any other cause of a similar nature, and because of the great national importance of the sugar and cotton lands, they ask the Government, as a national measure, to protect those plantations, we would then at least have the choice of doing or not doing a generous thing.

But gentlemen will not do that. They come here under the specious and false pretense of aiding the navigation of that great river and facilitating the commerce of the States, under the pretense of in some degree benefiting us who do not live immediately upon its banks. They ask us to enhance our own interests and benefit the navigation of the stream; and by the false pretense of improving the navigation of the river, they strive to extort these sums that are used only in the improvement of their own estates. If I am to vote appropriations of this kind I want at least to have the knowledge or belief that I am doing a generous or magnanimous thing. I do not want to be tricked into doing it.

All the way along up the river are these pretenses of harbor improvement. The harbor of Hickman, for instance. Think of it. Hickman with a "harbor" to improve, when no man ever dreamed that Hickman had a harbor; that it was anything else but the merest and most meager landing-place in which a steamboat could tie up to a stubbing-post occasionally, if there was a passenger to be landed, or if it happened there was a hogshead of tobacco to take on.

When this method of getting some of the Government's money was discovered it was applied to New Orleans and the "harbor of New Orleans," miles above its steamboat landing, received ample aid from the Government; and, now, in the last appropriation bill, Hickman puts in a modest appearance asking for $25,000 or $50,000 to improve its harbor. Why, sir, if the Government would take the $50,000, or allow some judicious agent to do that, it could become the owner of the hamlet and thus remove absolutely the necessity of any improvement of Hickman harbor.

Mr. Chairman, I have tried, time and again, to get from the chairman of the Committee on Rivers and Harbors some estimate—because I know he is informed on this subject—some estimate as to the probable ultimate cost of the improvement of the Mississippi River according to the plans of the Mississippi River Commission. I have never been able to secure from that gentleman a guess even to within $50,000,000 of its probable cost. I know there is a great variety of opinion on that subject. I think the gentleman from Louisiana [Mr. BLANCHARD] is of opinion, or was on one occasion, that probably $50,000,000 would be needed. I know that other gentlemen think a billion of dollars would be necessary. I know that some members of the commission, when the matter was put to them as to the probable cost, stepped back aghast and declared their unwillingness to even approach an estimate or the verge of it. One has stated that seventy-five millions, in his judgment, would not be sufficient.

But I want to call the attention of the committee, for I am afraid they have failed to observe it, that there are certain estimates as to cer-

work that has already been done. Certain gentlemen at Plum Point reach or New Madrid reach say that the bank improvement, the revetment, cost an average, so far as they have gone, of something like $21 a lineal foot and the channel contraction something over $19 a foot. Revetment and channel improvement go together or should according to the belief of some of the commission but not according to the belief of the committee. If they go together here is the basis of an estimate. Forty-two dollars a foot. The whole length of the Mississippi River, 1,200 miles, from Cairo to New Orleans, at $42 a foot! Gentlemen, that is the feast of expenditure that you have been invited to by the Committee on Rivers and Harbors.

But that is not all. Remember that they use in their channel contraction the soft woods of that country, which are subject to the rapid decay that follows the alternation of being dry and then wet. A period of three or four years absolutely destroys the timber that is used in these improvements between the low-water and high-water mark. So that you may count on the replacement of this portion of the work each three or four years.

So, too, it will be with the mattresses that are used in revetments. They are made of the soft woods of rapid growth in the moist alluvial soil of that region. You may expect to replace them, all those that are used as curtains or lie under the riprap between the lowest water and the highest point to which they reach, each three or four years. These must be replaced.

But that is not all. If all of this improvement was completed in this line and in this way there would be no advocates of the Mississippi River scheme along the banks of the river. The great object and a great expenditure, though not the greatest, is in building levees that I have not included in the estimate of $42 to the lineal foot. These are estimated to cost $15,000 to the mile. And remember, gentlemen, they are not simply along the margin of the Mississippi River, but they are along each of the tributaries; up the tributary until you reach a point where the bank is the same point above the sea as is the top of the levee on the bank of the Mississippi River.

So that you may multiply two or three times over the length of the river from Cairo to the Gulf if you wish to get at the actual mileage of the levees that you are providing for.

Now, Mr. Chairman, I do not believe that that is what the people of this country want. The gentlemen who are the proponents of this measure have an entirely different object and interest from those who desire the honest improvement of the channel navigation of the Mississippi River. What the latter desire is that the navigation may be improved when the river is at a low stage; but when it is at a low stage the gentlemen who live upon its banks are entirely satisfied with it. There is then water enough for their commerce, and there is no overflow of their plantations. They are content.

But when the river is at flood, when it is at such a height, or when there is such a depth of water as satisfies the man who only wants to secure good channel navigation, that is the time when the friends of this measure are dissatisfied. When the Almighty has done for us all that we wish done, then these gentlemen are in rebellion and ready to propose that the Government shall thwart His purposes. When the river is fit for navigation along its whole course, then is the time when they insist upon this expenditure for its "improvement." Why? Because they want to keep out the incursions of the river from their plantations; they want this levee system. But gentlemen say that this is not true; that they are only in favor of the levees because the commission say that they will facilitate channel navigation. I submit to you, gentlemen, that you do not pin your faith to the reports and suggestions of the commission with regard to other matters.

This bill itself contains a proposition to a certain extent against the bank revetments, does it not? And yet the last report of the commission which I have been permitted to see contains an elaborate argument in defense of that portion of their scheme. They say that without it there will be failure, and they only prophesy success in the event that you allow them to pursue their own method of bank improvement in connection with channel contraction. The gentleman from Arkansas [Mr. BRECKINRIDGE], whom I do not now see in his seat, inveighed two years ago most vigorously against bank revetments. He told us that it was a departure from the original plan of Captain Eads. He told us that every dollar of expenditure made in pursuance of the then plans of the commission would be a ruinous and reckless waste of the public money. But the commission defended their action; they insisted that there had been no departure, and that they were simply pursuing, without giving extraordinary emphasis to, the plans of the original projectors. So that you are not willing, gentlemen, to be guided by the opinions of the commission with reference to anything else save your tenacious clinging to the levee system. You give to that an importance which, in connection with other evidences I have, satisfies me that it is the levee system, and the levee system only, that you are wedded to and desire to insist upon.

But when we come to the Missouri River Commission there is proposed an expenditure of a quarter of a million of dollars. Why, gentlemen, that is not enough to reclaim a single mile of that turbulent and uncontrollable stream, even if the Committee on Rivers and Harbors were permitted to select the mile at any point from Sioux City to

the mouth. We were told years ago that with an expenditure of $8,000 a mile there would be secured a uniform channel from Sioux City to the mouth of the river of 9 feet, yet, in my opinion there is not a man living who ever saw that river in its turbulent moods who believes that $90,000, or twice that amount, per mile could control it. I have seen that river at a point more than 500 miles from its mouth a raging torrent, extending from bluff to bluff, a distance of 5 miles, and varying in depth from 5 to 25 feet; yet it is proposed to "protect" its banks and control its current and keep it in its place doing the work of commerce and furnishing a uniform channel of 9 feet! In a single night I have known that river to change its location 8 miles. There is a town in my district which a few years ago was a "port" with its "harbor"——

Mr. RANNEY. Like Hickman.

Mr. HEPBURN. Very like Hickman. Yet to-day that town is 8 miles away from the Missouri River. The town of Saint Mary's in Iowa, a flourishing village stood several years ago about half a mile east of the east bank of the river. Half a mile still farther east was a frame-house with a large brick chimney built on the outside. It has only been a year or two since that chimney tumbled into the Missouri River. The whole town has disappeared, and the half mile of prairie between the farm-house and the river has tumbled into the river. Yet you are going to "improve" that river, and you propose to appropriate $250,000 to improve 850 miles of its channel-way!

Last year you appropriated something over $300,000 for the improvement of the river; you provided that it should be expended in accordance with the plans and specifications of the commission. They advised that the improvement should begin at the mouth of the river and work along upward as appropriations might be given, yet you put a proviso in the bill authorizing the expenditure of the money, or so much of it as might be necessary, at eleven towns, naming them. And when we come to examine where the towns are we find that nearly every one of them, if I mistake not, is the site of a railway bridge. So that you have simply authorized the commission to expend the money of the Government in the protection of the abutments of these railroad bridges.

A year before that there were two hundred and odd thousand dollars, I think, expended on this river, and I would be glad if the chairman of the Committee on Rivers and Harbors would point out to us where a dollar of that money was expended except in the protection of the railroad bridges at Kansas City and Saint Joseph, Mo. Not a dollar of it was spent in the improvement of the river; not a dollar of it in any work looking to the better navigation of the river; not a dollar of it to open up the great water ways of the country for the commerce of the whole people, except indeed as commerce may have been promoted by protecting the bridges of the railways across that stream.

Mr. Chairman, there is another scheme in this bill to which I want to call attention—the improvement of Galveston Harbor. I believe, sir, with great deference to the opinion of my friend from Texas [Mr. CRAIN] representing the Galveston district, that this is an unwise expenditure. I know that the plan suggested involves the building of two sea-walls, 3,000 feet apart, out into the Gulf to such a distance as that they shall reach a depth of 30 feet. My information is that that depth is found at a distance of 11 miles from the shore line. In other words, for the purpose of "improving" the harbor at Galveston you propose to build two sea-wells, in the aggregate probably, 22 miles in length, extending out into the Gulf.

Those walls must be of stone, for you have already tried the experiment with wood, and you have found that the teredo tears down faster than you can build up. They must be of immense strength, because they are to withstand the storms and the hurricanes of that region. There has been an estimate made of $7,000,000. I am not willing to place much faith in that estimate, because another estimate was made of about a million and a half, or a little more than that, as the amount necessary to secure the depth of water that was then demanded, and nearly the whole of that sum was expended, and finally the whole work was abandoned, no part of it being of any value, except as here and there a diver might dig out a block of stone which had been used as ballast and had thus been protected from the crumbling influences of the waves and winds.

This is all that is left of that million and a half of dollars which was to complete that work which met the demands of Galveston only a few years ago. I undertake to say that no person would build such a wall as this upon land for twice $7,000,000. It must be thirty-five or more feet high, and of such breadth and strength as would resist the whole power of the Gulf when lashed by the storms. If it were on land you could not do it for twice the amount of the estimate; and the committee is apparently going on, blindly relying upon the estimates, with the knowledge before them that the estimates heretofore made with regard to the same work were absolutely worthless, and that the very men who urged the improvement a few years ago were most vigorous in their denunciations when it was proposed to continue the same scheme to completion.

Mr. Chairman, these are some of my reasons for opposing this bill. I believe it to be absolutely unnecessary, as there is to-day a very large unexpended balance, exceeding more than twice the entire sum carried by this bill. You are giving $24,000,000 for expenditure during the coming summer, while pretending to give seven and a half million. These specific works of which I have spoken are reprehensible in their character. I believe that the work of continuing the improvement of the Mississippi River ought to be taken out of the hands of the commission and that the Secretary of War ought to be instructed simply to improve by temporary contraction works those places where sand-bars are found in the low stages of navigation. I think that something of good could be done in this way. It could be effected by the building of wing dams made of mattresses and weighted with rock, which would be comparatively inexpensive.

Twenty-five or thirty of them would meet the whole demands of the entire river; and even if another bar formed below in another season, a rapid construction of the same character would give all the needed relief. For an improvement of that kind amply sufficient in my judgment for all the commerce of that river and the growing commerce that I hope to live to see upon it, I would be glad to vote. But to these useless, wasteful expenditures which bring no desirable results I am utterly opposed. It is not contended that with the expenditure of $10,000,000 more than 25 miles of the whole 1,200 miles between Cairo and the Gulf have been affected in the slightest degree by channel improvement. Twenty-five miles and $10,000,000 of expenditure! You can easily see how much is yet to be thrown into the river before the whole stream can be brought to that condition which the people of the West desire to see.

Mr. Chairman, I reserve the residue of my time.

---

## Internal-Revenue Laws.

### SPEECH

OF

# HON. THOMAS D. JOHNSTON,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March* 3, 1887,

On the resolution of Mr. HENDERSON, of North Carolina, to suspend the rules and pass a bill to modify the internal-revenue system, and for other purposes.

Mr. JOHNSTON, of North Carolina, said:

Mr. SPEAKER: In the limited time allowed for the discussion of this bill it is impossible to present to the House the many benefits which its passage would effect.

Mr. Speaker, I protest against the clamor which comes from the other side of this House that this bill is for the benefit of "moonshiners." The provisions as to the distillation of spirits are simply to relieve the law of the many rigors which were put upon it at the time of its passage during the war, when it was originated for the purpose of raising the immense revenues required for prosecuting the war. The object being to raise revenue, the details of securing it, so far as any hardships came of it, were not much considered.

These provisions have never been changed; its hardships never ameliorated. In fact it is in all respects a war measure with all the symptoms and rigors of war itself. Now let us see what a position the Republicans of this House assume in regard to it. The law says that if a citizen is found engaged in illicit distillation of spirits he shall be arrested, &c. This no one objects to. Parties who violate the laws of the country must suffer the penalties denounced against these violations. This is all right, but where is the justice, where the right, to say that because that same citizen is unable to own a still worth $500 his property (the still and fixtures) shall be seized and destroyed; but if it is worth $500 or more then it shall not be destroyed, but shall be seized and taken to a place of safety?

Thus it is virtually enacted that poverty shall be a crime. For many years this iniquitous provision—this unjust discrimination against the poor citizen—has been standing on our statute-books, a burning shame, a positive declaration that the poor shall not have the just protection which our Constitution and our very system of Government declares they shall have. Nothing is more plainly or more thoroughly ingrafted in the very fibers of this Republic than the immortal declaration "that all men are created free and equal."

Does not the law which destroys the still of a poor citizen and protects that of a more favored one contradict this great underlying principle of republican government and of right? Again, we propose by this bill to protect our people from that system of espionage which has so long existed and has been practiced under the provisions of the revenue law which requires all distilleries to have "storekeepers." Why have these officers of the Government to measure out the material, to gauge the amount of spirits made, and to watch the citizen as if he was a dishonest man and a thief? Do we pursue this practice under other systems of collecting revenue?

In all other occupations the Government and the laws recognize the

citizen as honest and trusts to his honor and truthfulness in his statements as to amount of property he may have subject to taxation, and say to him, as every Government should say to the citizen: "You are one of my subjects; you know that taxes must be collected; go on and distill your spirits, and I shall take your statement as to the amount you produce, and tax you accordingly." Not so, however, under the provisions of this rigorous law. What we say to him is: "Well, you propose to engage in distilling; we do not believe you are honest; we will therefore put a spy over you to watch you and to see that you properly account for the production of your distillery while so engaged."

Thus, Mr. Speaker, we reverse that great fundamental rule of law that a man shall be regarded innocent or honest until the contrary is proved, and at the very outset of his occupation we "outlaw" him, put him beyond the pale of this wise provision of the fundamental law, and publish him to the world as a man not to be trusted by putting him under surveillance, and watch over him through the storekeeper appointed for that purpose, who acts as a detective. Now, can any gentleman tell why, in this single instance, we adopt this "spy" system so repulsive to every idea of that trust and confidence which is the very corner-stone upon which is builded the great structure of republican institutions so dear to every American heart? In this repect we follow the example of some of the autocratic governments of the world—notably that of Russia; and we all know how harshly this system is carried out in all departments of that despotic government.

Let us, then, by passing this bill, wipe this great blot from our statute-books, and say to our people that we still regard every citizen, however humble or in whatever occupation he may engage, as a free man, honest and entirely worthy of confidence, and that he will faithfully discharge his every duty to the Government.

Now, the gentleman from Iowa [Mr. HEPBURN] says that this bill is for the benefit of "moonshiners," and this is the great cry with which we are met when we are doing what we can to destroy this inequality, to protect the rights of our citizens, and to provide a remedy against the vicious provisions of a most un-American law.

I should be glad, sir, to see the law itself repealed. It has outlived its needs. The war which begot it has terminated; the necessity for its existence has long since ceased; the immense surplus piled up in the vaults of our Treasury each year, amounting to about the sum raised by these internal-revenue laws, testify to the uselessness of its further existence. Before the war our revenues were derived entirely from custom duties. Why not have them raised in the same way now? "Repeal the 'war' taxes" has been the political "war" cry of our parties in several recent campaigns; then why not repeal this internal-revenue law? Evidently this whole system is a war-tax system, and we should repeal it. This law, through its officers, is constantly presented in all its rigors and exactions to every State, to every county, and to every neighborhood—yes, sir, to almost every citizen in all this vast country, reminding him of the unfortunate war and its consequences. Its iniquities, its hardships, its unjust discriminations, such as I have referred to, are almost daily seen and known throughout the land.

Its very existence therefore, aside from its execution, is calculated and does produce dissatisfaction in the minds of our people, and irritation such as no other law has ever done. In my section, sir, many of the people are dealt with by the Government only through this law and its disagreeable provisions. Let us repeal it then and show to them that the war has actually ended, that the Government will no longer recognize the inequalities and unjust discriminations which so long have disgraced (I may be permitted to say) the statute-books of our country.

The present bill also provides for remedying many other evils which exist in sections of the country where there are many small distilleries.

One of the most unjust practices (among the many other hardships of this law) is that of arresting citizens on the most frivolous and often baseless charges of violation of this law. Under its provisions men are arrested and carried a very long distance from their homes to answer accusations of the most trivial nature. I have seen the dockets of the courts in my district crowded with cases against the poorest of my people, who, at an expense far beyond their ability to bear—yes, sir, even at the expense of the suffering of their families, who are left at their homes, in many instances, with but little means of living—are brought to the courts on charges founded on "information and belief," only to be told that they were not guilty of any offense, while the officers who issued the warrant for their arrest pocketed the fees (paid by the Government) and returned to their homes with plethoric purses, only to repeat the same practices by the next term of the court.

This bill puts limitations upon these officers and forbids the arrest of these people except it be done upon affidavits setting forth the charge specifically on the knowledge of the affiant and not on "information and belief," as has heretofore been done, and thus, as we hope, will prevent the oppression of the citizen and protect him in his right to be informed by a responsible party of the grounds of his arrest.

Again, Mr. Speaker, there are hardships contained in the sections of the law providing for minimum punishment for offenses against this law. These minimum punishments are more severe than they should be. There are instances where defendants have been imprisoned for a long period and fined in large sums when the offense was of a very trivial nature, probably committed in entire ignorance of the requirements of the law. Now, we wish to remedy this extraordinary hardship and leave it in the discretion of the judge to punish as his judgment may dictate.

I can not understand this opposition to this bill which comes from the other side of this House. In my section you tell our people that the Democrats will neither repeal nor modify this revenue law, but that you, the Republicans, will do so now that there is no longer any necessity for it. Yet here are my Democratic friends in a body sustaining this proposition to modify this oppressive law while the Republicans on this floor are opposing it in "full force." Gentlemen, we entreat you to join us in passing this great measure of relief to the people. If it benefits a Democrat it equally benefits a Republican. Then why this partisan opposition? In my country Republicans as well as Democrats engage in distilling. It is a measure for the relief of all citizens in whatever section of this country, and one which, in my judgment, is demanded by every consideration of right and justice to the people of the entire country.

Mr. Speaker, I repeat that I want to see this internal-revenue law repealed. I believe its provisions to be obnoxious to the spirit of equity and justice which should pervade every act of Congress. Since I am unable to secure its repeal I will take any occasion which may be offered me to modify it and strip it, as far as possible, of its pernicious and irritating exactions. I most heartily, therefore, support this bill, and hope it may pass.

---

## Telegraph Monopoly of the South, West, and Pacific.

[Extract from testimony under oath.]

With regard to the postal telegraph bill which was pending before Congress some years since, I will say that *we have regretted ever since that* WE DID NOT ALLOW IT TO PASS when it was under consideration two years ago, or at least regret having said anything about it to prevent its passage, because it would have had the same fate as the rest.

NORVIN GREEN,
*President Western Union Telegraph Company.*

---

# SPEECH

OF

# HON. JOHN A. ANDERSON,

OF KANSAS.

IN THE HOUSE OF REPRESENTATIVES,

*Monday, February* 28, 1887,

On the bills (H. R. 4919 and H. R. 10398) to amend the act to aid in the construction of telegraph lines, July 24, 1866—

Mr. ANDERSON, of Kansas, said:

Mr. SPEAKER: More than one-half the area of the United States lies west of the Missouri River and of the eastern termini of the Pacific railways. Upon it are eight States and nine Territories, containing over seven millions of persons, or one-eighth of our population.

Respecting the varied and wonderful resources of this vast region little need be said. Its climates range from the tropics to the frigid zone, and the elevations of its surface from the tides of the Atlantic and Pacific to the pinnacles of the Rocky Mountains, while no richer soil exists than that of its valleys and plains.

The industry of those who have made homes and are building States upon it is best shown by the crops and countless herds of Texas and southerly Territories, by the millions of bushels of grain and the diversified products annually raised in Kansas, Nebraska, Minnesota, and the Pacific slope, by the output of ores and precious metals, and by the forests and furs of the North. Not only is it an empire, but one settled and filling with unexampled rapidity. What its national importance, and that of the Pacific Coast, with its relations to the islands and continents beyond, may hereafter be no one can now say.

Yet, a quarter of a century ago Congress vividly recognized the necessity for speedy and cheap trans-continental communication by making imperial gifts of land and loans of bonds to build the railways now penetrating this area, with a munificence which then dazzled other nations, and with a reckless prodigality that to-day horrifies our own common sense. Grants of land for railroads were made to the following States, among many others: Iowa, 5,534,345; Wisconsin, 3,758,434; Kansas, 9,370,000; Minnesota, 10,048,407—a total of 28,711,186 acres. After that came the deluge—to the several Pacific railways, aggregating over 150,000,000 acres; or in all a body of land more than double the area of Great Britain and Ireland, and quadruple the size of New England. In addition, Government loaned to these companies $65,000,000 in bonds upon which it has ever since paid the interest, the debt now being $115,697,324.

PACIFIC RAILROADS REQUIRED BY THE CHARTERS TO OPERATE THEIR TELEGRAPH LINES.

This enormous price was paid for the construction and operation of telegraph lines co-equally with that of railways. The two are always mentioned together; and there is not a single one of the granting acts, whether to States or corporations, which does not require the building and use of the wires precisely as it does that of rails. The delivery of the lands and bonds was expressly conditioned upon the completion of the telegraph as well as of the road, and not an acre or dollar was ever transferred until the officers of a company had sworn to the fulfillment of this condition, and the commissioners had so certified.

It is easy to see why Congress, when broadly providing for the future commerce of this young empire, should place the use of the telegraph upon an equal footing with that of the railroad. The latter is the chief instrumentality for moving people and products; the former is the chief conveyor of that intelligence which creates and regulates this movement. The rumors of war or peace in Europe, the prospects of large or scant crops in Russia and India, the report of over-supply or shortage in foreign ports, the news of booms, corners or panics in our own cities, all go by wire instead of mail.

So that while for one purpose the road is of greater importance, yet for another purpose the wire is the more important; and in every sense each of them is an essential agency of national commerce, and as such is vital to the general welfare. Communities and States are helpless without either. The labor, profit, and fortunes of all men depend more or less on the rightful use of both. And it is evident that Congress took this broad and wise view when making the grants and specifying the conditions for "a railroad 'and' telegraph line." It sought to legislate for the benefit of the masses, and not for the pockets of the score of persons who now control these corporations. Its great object was to promote the public welfare by providing improved facilities for commerce. The original law of 1862 so declares in section 18:

And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time * * * add to, alter, amend, or repeal this act.

DESIGN OF CONGRESS WAS TO SECURE COMPETITION BETWEEN TELEGRAPH LINES FOR THE BENEFIT OF THE PEOPLE.

And nothing can be clearer, both from the nature of things and the debates, than the fact that Congress designed not only to secure for the public the operation of wires wherever a car should run over these roads, but also to secure competitive rates in telegraphy as in traffic by making grants for parallel and rival lines. Not a vote in that or any Congress would have been cast for a bill giving $125,000,000 and 150,000,000 acres to a single company which alone should own and operate all the existing roads without competition.

The sole purpose in making different grants to rival companies was to prevent a monopoly, both of wire and rail. To give to one man or corporation the exclusive handling of the telegraphic communications and the traffic of eight millions of Americans is against public policy and dangerous to public safety. Because it is a well-established maxim that the whole people have such an interest in, and are so vitally affected by, the manner in which and the rates at which such a service is performed, that the good of all prohibits its surrender to the selfish will of any man or set of men. So to do would be to create a monarch of commerce and to leave the property of all defenseless against his tyrannical demands. Such a monopoly is abhorrent to every principle of a republic, every notion of justice, and throb of humanity. It is a monstrosity in logic as in liberty. To permit it is to permit the wolf to herd the sheep, or a rattlesnake to coil in the bosom of a sleeping babe.

THE LAW VIOLATED IN ORDER TO GIVE JAY GOULD A MONOPOLY.

And yet this is precisely what Congress is permitting to-day! For, regardless of the huge grants of land and bonds, each and every one of the Pacific railroads, with less soul than that of a cur and not even the gratitude of a cat, has violated the law by practically transferring its telegraphic franchise and service to the Western Union; so that when any rival company builds from the Atlantic to the Missouri and offers to interchange business with a Pacific company, it is met in the railroad office by the Western Union agent and effectually barred by the arrogant usurpation and organic devilism of Jay Gould's monopoly.

As a consequence half a continent, with its millions of people and myriads of interests, is left helplessly in the grip of the most unscrupulous, merciless, and extortionate incorporation of pirates that ever blackened American civilization or robbed its people. Beginning in 1851, with a capital of $360,000, its profits have swollen the capital to $80,000,000. By its own reports during the last eighteen years its gross earnings have been $225,000,000 and its clear profits $77,000,000. Out of whose pockets did these enormous sums come? And yet it is to this sweet-scented batch of philanthropists that the Pacific roads have turned over the wires for which Congress paid by its subsidies!

INVESTIGATION AND REPORT BY POST-OFFICE COMMITTEE.

February 1, 1886, I introduced the following resolution, and the first bill (H. R. 4919) relating to this evil:

*Resolved*, That the Committee on the Post-Office and Post-Roads is hereby empowered to ascertain whether additional legislation is needed to prevent a monopoly of telegraphic facilities; to secure to the Southern, Western, and Pacific States the benefit of competition between the telegraph companies, and to protect the people of the United States against unreasonable charges for telegraphic services [with power to examine witnesses, &c.].

After a thorough investigation the committee made a report of 268 pages (Forty-ninth Congress, second session, H. R. 3501). It summarizes the law governing the Pacific roads thus:

From an inspection of the several acts relating to the construction of the several railroads and telegraphs it will be seen, first, that in all cases the grants of land and of bonds, where bonds were granted, were to aid in the construction of a railroad and telegraph line, the two being inseparably connected in all the grants. The grant was for a telegraph line as well as for a railroad, and the obligation to construct, maintain, and operate a telegraph line rests upon precisely the same foundation, and subject to the same conditions, and is as binding as the obligation to construct, maintain, and operate a railroad.

Second. The railroads were required to be operated as continuous lines for all purposes of communication, travel, and transportation, as far as the Government and the public are concerned, and in such operation and use to afford and secure to each equal advantages and facilities, without discrimination. These provisions apply as explicitly to the construction, maintenance, and operation of a telegraph line as to the railroads. Nor can a railroad company divest itself of its obligation by contract with another company. It is an obligation the railroad company can not abandon.

The grant of public lands and of the public credit in aid of the construction of the railroad and telegraph lines in question, even without express provisions, imply a public use of them. Public aid can not be legitimately extended to purely private enterprises (authorities cited). Public aid not only implies public use but imposes duties and responsibilities in the nature of trusts. Nor is this responsibility or obligation altered because public interests and private rights become united. The principle that covers the public use of any right or privilege is that it shall be equal for all and without discrimination. Equal privileges and equal facilities are fundamental conditions in the public use of any thing.

As to the facts in the case, showing that the roads are violating the law, the committee found as follows:

Do the land-grant roads now maintain and operate telegraph lines as they operate their roads, affording equal facilities to the public in general, or do they not? The evidence presented to the committee seems conclusive that they do not; but, on the other hand, that they have entered into contracts with the Western Union Telegraph Company, by which said company does most of the business for the roads themselves, and practically the entire commercial business done over the wires stretched along the land-grant roads. These contracts are exclusive in their nature, and practically place the entire control of the business between the Atlantic and Pacific States in the hands of one telegraph company.

The contract of the Union Pacific is a fair sample of all the rest, and has been stated thus:

The broad grant to the telegraph company is "for an exclusive right of way over the lines, lands, and bridges of the railway company for the construction, maintenance, operation, and use of lines, of poles, and wires, with the right to put up additional wires on the railway company's poles, coupled with a compact by the latter company, 'that it will not furnish for any competing line any facilities or assistance that it may lawfully withhold.'"

And then it is declared that all the telegraph lines and wires on the road, whether belonging to or used by the telegraph company or the railway company, "shall form part of the general system of the Western Union Telegraph Company."

Again: "No employé of the railway company shall be employed by or have any connection with any other telegraph company than the Western Union, and the latter shall have the exclusive right to the occupancy of and connection with the railway company depots or station houses for commercial or public telegraph purposes as against any other telegraph company.

"The telegraph company is to supply blanks and stationery for commercial business at offices maintained by the railway. At all suboffices the railway employés shall transmit all commercial messages and pay the receipts over monthly to the telegraph company."

And mark: "The railway company agrees that its employés shall not compete with the telegraph company's offices on commercial business, at any point where the telegraph company may maintain a separate office, by cutting rates, or by active efforts to divert business from the telegraph company."

These are the general objects to be accomplished, and which are carried out by the detailed provisions of the contract.

The important differences in the contracts with the Northern Pacific, Atchison, Topeka and Santa Fé, Atlantic and Pacific, Texas, Southern, Central, and other Pacific roads are simply as to the terms on which the boodle is divided and as to the duration of the agreement. When asked whether the Western Union rented or leased the Central Pacific wires, Dr. Green, its president, swore:

No, sir; we do not exactly rent or lease their lines, but we take all the revenues. They operate their way stations just as the Union Pacific does. They operate their way stations in the same manner; take any business that comes and turn over all the revenues to us—all the receipts. We give them, I am pretty sure, $100,000 (annually).

The Union Pacific receives one-half of the receipts for public as distinct from railroad messages taken at their own offices; and Dr. Green states that "as to the public service, the interests of the two companies are merged."

These contracts furnish irrefragible proof that the roads have in fact absolutely transferred the use of their wires, so far as the people are concerned, to the Western Union; and in effect have transferred the power to fix the rates of toll.

The evidence shows indisputably that "all these Pacific companies were chartered by Congress, charged with the duty of constructing and operating telegraph lines, and received Government grants of lands and bonds to aid them in the construction; that they did, in every case, construct such lines; swear that they had constructed them as the condition on which they received such lands and bonds; and that they did, in every case, in the beginning operate those telegraph lines under the requirements of the charters to which they owe their being."

THE CONTRACTS OF THE ROADS WITH THE WESTERN UNION ILLEGAL AND VOID.

How, then, is it that at this day we find these corporate franchises and duties for the performance of which these companies alone are amenable to Congress surrendered by them to the Western Union?

Two claims were set up by its counsel, and also by counsel for the Union Pacific, who, under the contract, acted for the Western Union "in the name of the Union Pacific!" The first claim applied only to the Union Pacific lines, and was in effect that the Western Union as the successor of former companies built and owned these lines, and hence was lawfully substituted as their operator. The pretense was completely overthrown by the evidence. If that company were in fact such owner, how could it, as in the contract of 1881, become subsequently the agent of the Union Pacific to operate lines which it itself owned?

The second and important claim of the Western Union and the roads was that by the contracts it had become the lawful agent of the companies for the performance of their telegraphic service. This raises the question whether the roads have the legal power to divest themselves of a personal performance of their franchise and obligations. It arose and was decided in the circuit court of Kansas in 1880, upon a similar contract to the one made by the Union Pacific in 1881. Judge McCrary said (1 Federal Reports, page 745):

The rules by which this question is to be determined are now well settled, at least in the Federal courts. They have been clearly stated by the Supreme Court in the recent case of Thomas *et al. vs.* The West Jersey Railroad Company.

He then quotes the language of Justice Miller in that case, as follows:

The principle is that where a corporation, like a railroad company, has granted to it by charter a franchise intended in a large measure to be exercised for the public good, the due performance of those functions being the consideration of the public grant, any contract which disables the corporation from performing those functions, which undertakes, without consent of the State, to transfer to others the rights and powers conferred by the charter, and to relieve the grantees of the burden which it imposes, is a violation of the contract with the State, and is void as against public policy.

Following this principle, Judge McCrary says:

The contract in question amounted to a lease or alienation by the Union Pacific Railroad Company of property which was necessary to the performance of its obligations and duties to the Government and to the public. In my judgment, the act of July 1, 1862, and its amendments, must be construed as chartering the Union Pacific Railroad Company, and devolving upon it, individually and personally, the power and duty of constructing, maintaining, and operating a telegraph line as well as a railroad. It is clear from the language of the first section that the power conferred was personal and carried with it a duty and an obligation which could not be transferred. The very same language which authorizes the construction and operation of the telegraph line, also authorizes the construction and operation of the railroad, and the property in the one is as necessary to the performance of the public duties of the corporation as that in the other. The charter of the company, with the amendments considered as a whole, was manifestly intended to create a corporation, which should be personally amenable to the Government in the exercise of the powers conferred, and which should in a *quasi* public capacity perform the duties imposed and render an account of its earnings. The railroad company certainly could not divest itself of its powers and duties without express authority from Congress.

But if the contracts in question are not *ultra vires* by reason of the transfer of property necessary to the performance by the railway company of its public duties, they are so because they attempt to transfer certain franchises of the company. The right to operate a telegraph line and to collect tolls for the use of the same, is, to say the least, the most valuable part of the franchise conferred by Congress upon the railroad company as a telegraph company. This right is alienated by a clear and unequivocal assignment or transfer by the railroad company to the plaintiff. Without discussing other features, I am compelled to hold that this alone is sufficient to render them in excess of the corporate powers of the company.

Judge Foster expressed the same opinion:

Under the provisions of the Pacific railroad act of 1862, and the powers and duties conferred thereby, I am of opinion that this contract is *ultra vires* of the defendant company, and therefore *void*. (3 Fed. Rep., p. 11.)

Judge Miller, when the case came before him, said:

I concur with Judge McCrary in the opinions delivered by him on the former applications before him to dissolve this injunction, that on the face of the acts of Congress of 1862 and 1864, called the Pacific railroad acts, the obligation of building a telegraph line along its right of way and of operating that line, or of having it operated under the control of the railroad company, was an obligation which they could not abandon, and which was inconsistent with the contract made in this case, so far as those two acts are concerned.

An able jurist has well said in this connection:

Nothing, as it seems to me, could possibly be more emphatic than are these Federal judicial decisions that the Pacific railroads are amenable to Congress for the operation of their own telegraph lines; that they have no power to abandon or to transfer to others, in whole or in part, the personal duty of their operation and maintenance; that in transferring to other companies the right to charge and collect tolls upon their telegraph lines, they are unlawfully parting with a franchise which is exclusively their own, and for which they are responsible to Congress; and when we find, as in the contract we are considering, and the others like it, that these Pacific roads have transferred their telegraph lines boldly and unequivocally to the Western Union Telegraph Company, under the broad and express stipulation that they are to be operated as part of the general telegraph system of that company, I say emphatically that these contracts are to-day, by the declared law of the land, unlawful and void, just as much so as were the contracts which preceded them, and upon which these judgments were pronounced.

DIFFERENCE TO THE PUBLIC BETWEEN COMPETITION AND MONOPOLY.

The effect of this illegal monopoly in the matter of extracting money from those who use the telegraph was clearly shown by the testimony of Superintendent Dickey. Prior to 1881 the Union Pacific wires on the Omaha stem and those of the Western Union were in competition. He gave the total receipts from public messages on the Union Pacific as follows: 1878, $15,000; 1879, $18,000; 1880, $39,000; 1881, first year under the contract, $82,000; 1882, $98,000; 1883, $107,000; 1884, $105,000; 1885, $110,000.

Mr. DICKEY. In 1879 and 1880 they [the Union Pacific wires] were operated under a contract they then had with the Atlantic and Pacific Company, and the accounts were kept in precisely the same way that they are kept with the Western Union. It represents——

Mr. GREEN. Mr. Dickey, there seems to be a reluctance to account for this great jump in receipts from 1880 to 1881. Was it not because some of the Western Union offices were withdrawn?

Mr. DICKEY. That is so to some extent; yes, sir.

Mr. GREEN. When the Western Union had offices at these places and there was competiton, you were getting most of the business, were you not?

Mr. DICKEY. Yes, sir.

Mr. GREEN. After this contract was entered into, those Western Union offices were withdrawn?

Mr. DICKEY. Yes, sir; they had offices at a number of places—at probaby ten or fifteen of those points, and after this arrangement was made they drew out. They were competing with the railroad company previous to that time.

Mr. GREEN. But that is the reason of the great increase in receipts?

Mr. DICKEY. That is partly so, and then the population has increased. The rates have been lowered. I think there is more telegraphing done, proportionately, than there was at that time. There are various causes for the increase. It is, however, very largely due to the fact that the Western Union closed up several of their offices along the line.

There are two notable facts revealed by these figures: First, that when the Atlantic and Pacific took the Union Pacific wires in 1879 and 1880 the receipts jumped from $15,000 to $39,000; and, again, when all competition was abolished by the Western Union contract of 1881, that they jumped to $82,000 and $98,000. The second fact is that, in spite of the other "various causes" suggested by Dickey, during the last three years the receipts have not varied $3,000 from those of 1883. The business has reached its limit just because of high rates and slouchiness; and the people, who would have been better served at $50,000, have $110,000 picked from their pockets and put into Jay Gould's.

Any one who will examine the map and note how closely the several subsidized roads, with their branches, are related and interlaced, must see that if their telegraph lines were operated in competition a better service would be rendered at much lower rates. In my own district alone are six of these railways, yet at no station on any one of them is there any other telegraph sign than that of the Western Union. If the Union Pacific, as it claims, is doing a telegraph business, or the Santa Fé, why are not its signs up?

And, too, the slouchiness of the Western Union service is as great as its rates. More than once I have delivered a message by 9 a. m. at Kansas City announcing arrival home, 120 miles distant, and at 3 p. m. received it there in person long after arrival. A postal card would have done better. At the late election some of my telegrams and replies were from twenty-four to sixty hours on the way; and after spending $15 for telegraphing, 50 cents in postage-stamps finally brought the returns. Doubtless others have had similar experiences.

THIS ILLEGAL MONOPOLY WRONGS THE WHOLE NATION AND ROBS GOVERNMENT.

But the effect of this unlawful and outrageous monopoly is not confined to the trans-Missouri region; it reaches every commercial city in the nation and touches every person who uses a Southern or Western product. For years it has been the practice of the Western Union to stop competition by buying up and consolidating its rivals. Latterly, however, a company with greater annual revenues, and infinitely greater honesty, the Baltimore and Ohio Railroad has entered the field and vows that it will stay. Its wires and connections have reached the Texas Pacific, Kansas City, Omaha, and can reach the Northern Pacific road. For the first time in years there seems to be a reasonable prospect of continued competition from the Atlantic to these points, at least until the one company absorbs or pools with the other, in which event a Government postal telegraph is the only remedy. These rivals have greatly reduced rates in the East, and were each of the Pacific lines operated as are its rails, and ready to exchange telegraphic business as it does traffic with connecting roads, the South, West, and Pacific would have the benefit of such eastern competition, and the Atlantic slope would be as greatly benefited as the Pacific, a fact clearly established by the following statements:

*A statement giving the inequalities in Western Union tolls through territory in which it has no competition, and showing a uniform rate irrespective of distance to all points west of Omaha.*

| Station. | Tolls. | Miles. |
|---|---|---|
| From Washington, D. C., to— | | |
| Chicago, Ill | $0 50 | 813 |
| Keokuk, Iowa | 75 | 990 |
| Omaha, Nebr | 75 | 1,303 |
| Bismarck, Dak | 1 00 | 1,500 |
| Denver, Colo | 1 00 | 1,810 |
| Cheyenne, Wyo | 1 00 | 1,819 |
| Ogden, Utah | 1 00 | 2,333 |
| Franklin, Idaho | 1 00 | 2,400 |
| Virginia City, Nev | 1 00 | 2,900 |
| Portland, Oreg | 1 00 | 3,122 |
| San Francisco, Cal | 1 00 | 3,167 |

*A comparative statement giving the Western Union and Baltimore and Ohio tolls to points covered by both companies, and showing the inequalities of the Western Union rates as compared with adjacent non-competing territory.*

| State. | Place. | Western Union. | Baltimore and Ohio. |
|---|---|---|---|
| | From Washington, D. C., to— | | |
| Maine | All Baltimore and Ohio points | $0 20 | $0 20 |
| | Non-competing points | 50 | |
| New Hampshire | All Baltimore and Ohio points | 50 | 20 |
| | Non-competing points | 50 | |
| Massachusetts | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 50 | |
| Rhode Island | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 50 | |
| Connecticut | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 50 | |
| New York | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 50 | |
| New Jersey | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 25 | |
| Pennsylvania | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 40 | |
| Delaware | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 25 | |
| Maryland | All Baltimore and Ohio points | 20 | 20 |
| | Non-competing points | 25 | |

*A statement of tolls demanded by the Southern and Western Union Telegraph Companies to large commercial centers in the South, both companies covering the territory, compared with the Baltimore and Ohio Company's tolls to similar points North and West.*

| Southern and Western Union—South. | Tolls. | Miles. | Baltimore and Ohio—North and West. | Tolls. | Miles. |
|---|---|---|---|---|---|
| From Washington, D. C., to— | | | From Washington, D. C., to— | | |
| Richmond, Va | $0 25 | 115 | New York, N. Y | $0 10 | 228 |
| Atlanta, Ga | 50 | 646 | Indianapolis, Ind | 20 | 664 |
| Augusta, Ga | 50 | 570 | Portland, Me | 20 | 566 |
| Savannah, Ga | 50 | 673 | Chicago, Ill | 20 | 813 |
| Charlotte, N. C | 50 | 379 | Boston, Mass | 20 | 458 |
| Wilmington, N. C | 50 | 350 | Buffalo, N. Y | 20 | 442 |
| Charleston, S. C | 50 | 572 | La Fayette, Ind | 20 | 600 |
| Montgomery, Ala | 50 | 821 | Saint Louis, Mo | 20 | 894 |

*A comparative statement of tolls to some of the large commercial centers to which the Baltimore and Ohio Telegraph Company have given reduced rates.*

| Station. | Western Union. | Baltimore and Ohio. |
|---|---|---|
| From Washington, D. C., to— | | |
| Wilmington, Del | $0 20 | $0 10 |
| Chicago, Ill | 50 | 20 |
| Union Stock Yards, Ill | 50 | 20 |
| Indianapolis, Ind | 50 | 20 |
| La Fayette, Ind | 50 | 20 |
| Baltimore, Md | 15 | 10 |
| Detroit, Mich | 40 | 20 |
| Camden, N. J | 20 | 15 |
| Brooklyn, N. Y | 20 | 15 |
| East Buffalo, N. Y | 50 | 20 |
| New York city, N. Y | 15 | 10 |
| Cincinnati, Ohio | 50 | 20 |
| Cleveland, Ohio | 50 | 20 |
| Columbus, Ohio | 50 | 20 |
| Chester, Pa | 20 | 15 |
| Harrisburg, Pa | 20 | 10 |
| Lancaster, Pa | 20 | 10 |
| Philadelphia, Pa | 15 | 10 |
| York, Pa | 20 | 10 |

That a foul wrong, both upon the Government and the public, is thus being committed by the Pacific roads needs no further argument. As to the Government, these telegraph lines and the revenues which the roads should themselves be deriving from their operation, are a valuable part of the property upon which the United States holds a mortgage for its $115,000,000 of bonds. By the Thurman act the specified percentage of these very revenues should be paid into the sinking fund created for the redemption of these bonds. The alienation of the wires and revenues is a fraud upon Government, which alone should insure a speedy remedy in the shape of effective legislation enforcing a resumption of the franchise by the roads and a fulfillment of their obligations. Congress, as the guardian of the people's interest, has no possible right to suffer the continuance of such a swindle by such creditors.

Nor has it any excuse whatever for suffering the far greater fraud upon the public. An enactment of the bill reported by the Post-Office Committee would instantly secure a discharge of their duties by the companies. Its enforcement would free the territory between the Missouri and the Pacific and between Canada and the Gulf from the grasp of Jay Gould's monopoly; and by so doing, by rendering the telegraphic business of that half a continent open to all competitors who should reach the Missouri, would assure and permanize a profitable trade that of itself would cause the building of new lines from the east, and thus prevent any one company from long monopolizing the wires of the nation. Were the Western Union to-day stripped of its exclusive control of the West and deprived of the revenues collected therefrom, its arrogant power would be less dangerous. And that would be a gain to humanity and civilization. But that corporation is not the real party in this case, being simply the beneficiary of the fraud. The true parties are the land-grant railroads; and they should be made to do the work which by accepting their charters they contracted to do, and for the doing of which such subsidies were given as history can not parallel.

---

## Free Ships.

### SPEECH

OF

# HON. NATHANIEL J. HAMMOND,

OF GEORGIA,

### IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March 3, 1887.*

The House having under consideration the bill (H. R. 7219) to amend sections 4132 and 2513 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States and to permit the same to be registered as vessels of the United States, and to admit certain materials to be used in the construction of vessels free of duty—

Mr. HAMMOND said:

Mr. SPEAKER: My remarks on this bill will possess very little new to those who have investigated this subject. They are simply to present what I have read in such form as to refresh those who care to consider the matter.

Our commerce with foreign nations is fourfold what it was in 1860; fivefold if measured in the light of present lower prices. The only complaint here is that but 15 per cent. of that commerce is carried in American bottoms. To the extent that American capital would be and is not employed in carrying the 85 per cent. we lose financially. How far this loss is produced by our restrictive policy and how far free ships would give relief, is the question of present interest and importance.

Fortunately we have seen both the exclusive and the free policy tried at home and in our mother country. A review of the history, though familiar, will cast some light upon the question.

The old doctrine was exclusion. Under British law no ship was "British" unless built wholly in the United Kingdom or captured in war and wholly belonging to English subjects.

By act of Parliament in 1651 no goods grown, produced, or manufactured in Africa, Asia, or America could be imported into Great Britain or any of its dependencies, except from the places of production and in ships owned wholly by British subjects, and whereof the master and three-fourths of the mariners should be such subjects. Nor could anything be imported from Europe except in British ships, or in the ships of the countries where the goods were produced.

No repairs beyond 20 shillings' worth could be done abroad except in case of necessity.

None but British ships could carry goods of any kind or quantity from one to another port of the United Kingdom. Well might our colonies in their Declaration of Independence, when proclaiming the reasons prompting them to rebellion against England, include "for cutting off our trade with all parts of the world."

Such unwarrantable claims and the wrongs naturally consequent brought on our war of 1812. It ended by the treaty of 1815, by which discriminating duties between the belligerents were repealed and a qualified freedom granted to the ships of each in the waters of the other except in the coastwise trade.

In 1823 Prussia, the States-General of the United Netherlands, and Sweden threatened retaliatory legislation against England if they were not dealt with more liberally. In 1824 England began her reciprocity treaties as to navigation. She made them with Prussia and Denmark in 1824, with the United States in 1827, with Russia in 1843, and with Sweden in 1845. In 1849 she opened her trade, foreign and coastwise, to the shipping of the world. We will consider the consequences later.

Now as to the navigation laws of our own country. In 1792 we followed England's example of 1651, and built up that wall of exclusion which appears in our Revised Statutes at sections 4132, 4133, 4134, 4142, &c. By them no foreigner can be an officer of an American registered vessel, nor own a dollar therein or in its profits. By them if a naturalized citizen of the United States resides abroad more than one year, not in the service of the United States, or if a native-born citizen usually resides abroad, in either case a vessel owned even in part by such citizen lost its American register. Our citizens are absolutely prohibited from purchasing any vessel foreign-built and floating it under the American flag. Against such a purchase and use the prohibition is to-day as complete as against the importation of counterfeit money, obscene literature, or contagious diseases.

Because at that time the ocean path was the only way for commerce, the tonnage of the world increased enormously, and ours especially because of the war in Europe. In 1807 the tonnage was 849,000 tons. Then came the modification of 1815 and the reciprocity treaty with England of 1827 and our act of Congress of 1828, authorizing the President to proclaim reciprocity as to foreign trade with any nation which levied no discriminating duties upon our ships or their contents. (Revised Statutes, section 4228.)

Now recall that steamships entered the British carrying trade about 1838 and ours about 1848. We had learned to build faster and better sailing vessels than England could. We gained in the carrying trade because we carried cheaply. A difference of one-sixteenth of a cent per pound decided what ship would carry cotton across the ocean. I submit that the gentleman from Maine [Mr. DINGLEY] overstated Mr. Lindsey's position when he said Mr. Lindsey "concedes that but for her ability to make cheap iron vessels, England would have been beaten in the contest for maritime supremacy" after her free-ship policy was adopted. All that his quotation from Mr. Lindsey declared was that, England's

Position appeared, therefore, critical; and had it not been for the resources we held within ourselves [referring to iron, coal, and cheap labor]—

The words in brackets are Mr. DINGLEY'S—

and the indomitable energy of our people, foreign shipping might then and there have gained an ascendency which might not afterward have been easily overcome.

Mr. Lindsey simply declared that because the situation was "critical" and laziness or carelessness "might" have resulted in injury, England could keep, and had she lost could have regained her position by the indomitable energy of her people exerted on her resources.

The gentleman from Maine [Mr. DINGLEY] admitted that England's experiment in building iron vessels was not successful till 1854, and compelled her from 1850 to 1854 to buy largely from us. And yet he sought to satisfy us with this declaration and argument:

Now, if the free-ship policy was wise, if it has built up British shipping, this result must have been manifest between 1850 and 1855, when it was doing its work on British shipping under far more favorable conditions than would now be afforded in this country.

Yet the official statistics show that it was during this period that American shipping made its greatest growth and British shipping had its slowest progress. In these five years the merchant marine of the United States increased 1,977,985 tons, while that of the United Kingdom increased only 894,828 tons, notwithstanding the largely increased demand for ships during this period.

It should have been stated that an impetus was given shipping here for carrying troops and munitions of war to Mexico in 1846, and food to the starving mouths of Ireland in 1847, by the rush to California in 1848. And in 1854, when England, France, and Russia were devoting all their energies to the Crimean war, it remained to us to supply transportation to the thousands seeking the gold fields of Australia and supply the vacuum in the world's business made by the diversion of those great powers by war.

The gentleman from Maine [Mr. DINGLEY] claimed that our earliest statesmen favored this exclusive policy. I do not so understand our history. In 1778 Benjamin Franklin and others in our behalf at Paris agreed with France to "the most perfect equality and reciprocity * * * and just rules of free intercourse." True, that contract was never confirmed. In 1785 Mr. Adams, our minister to England, proposed to her absolute reciprocity as to navigation and trade between ours and all of her dominions. His offer was refused. Thereupon he wrote Mr. Jay, our secretary of foreign affairs, urging retaliation. His language was:

You may depend upon it, the commerce of America will have no relief at present, nor, in my opinion, ever, until the United States shall have generally passed navigation acts.

But the several States could not come to a common consent on the subject.

The "more perfect Union" was formed in 1789. The gentleman from Maine [Mr. DINGLEY] called attention to a notable debate of that year in this way. He said:

In the discussion in the House of Representatives May 4, 1789, on a bill to promote our navigation interests and insure the construction of vessels in our own ship-yards, Mr. Madison enforced the views which I have endeavored to present at this time, and said:

"We have maritime dangers to guard against, and we can be secured in no other way. * * * We must pay for the national security."

I commend to gentlemen who insist that a ship is only a wagon to be bought anywhere—on the Clyde or the Tyne, or wherever it can be bought cheapest—the statesmanship of Madison, who insisted that we must build our own vessels in order to protect the nation even if it cost us more to build them than they could be purchased for in Europe.

The gentleman's language was misleading. The bill then under discussion was not "a bill to promote our navigation interests and insure the construction of vessels in our own ship-yards," as the gentleman from Maine declared, but a bill to raise revenue by duties on imposts. No allusion to shipping or navigation was made in that bill save that it proposed to levy a tonnage tax on all vessels, but less on foreign than on our own, and less on the vessels of some nations than of others. Nor is it true that Mr. Madison in that debate "enforced the views" which the gentleman from Maine "endeavored to present at this time." In that debate Mr. Madison did use the words:

We have maritime dangers to guard against, and we can be secured in no other way.

The quotation of Mr. DINGLEY omitted the word "but," with which it should have begun. That word suggested Mr. Madison's views, and that in that case he was making an exception. After stating that he knew that by 50 cents on foreign and 6 cents on home tonnage "the owners of American shipping will put a considerable part of the difference in their pockets," he said he considered that as "a sacrifice of interest to policy." He then proceeded as follows:

Were it not for the necessity we are under of having some naval strength I should be an advocate of throwing wide open the doors of commerce to all the world and making no kind of discrimination in favor of our own citizens. But we have maritime dangers to guard against, and we can be secured from them in no other way than by having a navy and seamen of our own; these can only be obtained by giving a preference. I admit it is a tax, and a tax upon our produce, but it is a tax we must pay for the national security," &c.

Mr. Madison urged that as but a temporary expedient. His remarks on the 3d of April, when he introduced the bill, indicated that. On the 9th of April he said, on the question whether our present system should be a temporary or permanent one:

In the first place, I own myself the friend of a very free system of commerce, and I hold it as a truth that commercial shackles are generally unjust, oppressive, and impolitic; it is also a truth that if industry and labor are left to take their own course they will generally be directed to those objects which are the most productive, and this in a more certain and direct manner than the wisdom of the most enlightened legislature could point out. Nor do I think that the national interest is more promoted by such restrictions than the interest of individuals would be promoted by legislative interference directing the particular application of its industry.

See further his speech of April 21, and note especially his motion on the 15th of May to limit the time for the operation of that act, because, he said, "to pass a bill not limited in duration which was to draw revenue from the pockets of the people appeared to be dangerous in the administration of any government," &c. And a limit of the 1st of June, 1796, was voted by yeas 41 to nays 8.

How freedom of navigation affects the power of national defense may be seen from the following figures: The number of men and boys navigating British vessels in 1814 was 172,786. When her reciprocity treaties began in 1824 they were but 168,637, a decrease of 5 per cent. in a decade of exclusion. For the next decade there was but little change. But, under reciprocity, by 1847 they became 232,890, and are now more than half a million. Europe, always at war, has freedom of navigation. We alone are afraid. But war should not be a factor in this calculation. War is at a discount because unpopular and unprofitable. Besides, it is folly to talk of patriotism in connection with the foreign carrying trade when 90 per cent. of those who walk the decks of ours and British vessels in that trade owe no allegiance to the flags which float above them.

But to return: Mr. Madison's main impulse in that debate was retaliation against Great Britain. That is everywhere apparent. See his speeches in that debate, wherein he speaks of Great Britain as "the nation who has acquired more than is naturally her due" of our trade. He said:

I wish to teach those nations who have declined to enter into commercial treaties with us that we have the power to extend or withhold advantages as their conduct shall deserve. * * * I would give no encouragement unless equal advantages were obtained on our side.

Harshly denouncing the British navigation laws as an "obnoxious policy," he begged "to give some symptom of the power and will of the new Government to redress our national wrongs." The fact that Mr. Madison used discrimination only to enforce reciprocity and to get a freer trade is further abundantly shown in his letters to Jefferson 9th of May and 30th of June, 1789, and to Mr. Monroe, of 9th of August, 1789, and later in his joy at the prospect of such reciprocity in his letter to Jefferson 15th February, 1817, to Gallatin in March, 1817, and to Maury of 22d September, 1817.

The gentleman from Maine [Mr. DINGLEY] brought into requisition a quotation from Mr. Jefferson's report "on the privileges and restrictions on the commerce of the United States in foreign countries," written in the summer of 1792. That quotation I first saw in a brief of John Roach's in the Forty-sixth Congress. It has been on duty ever since. The language of the gentleman from Maine was as follows:

I see before me gentlemen who claim to be Jeffersonian Democrats, and who profess to be admirers of Jeffersonian principles. To such gentlemen I desire to commend the views which Mr. Jefferson expressed in his celebrated report on commerce when Secretary of State, as follows:

"Our navigation involves still higher considerations. As a branch of industry

it is valuable, but as a resource of defense it is essential. The position and circumstances of the United States leave them nothing to fear from their landboard, and nothing to desire beyond their present rights. But on the seaboard they are open to injury; and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and artists, and establishments in readiness for ship-building."

It seemed clear to such patriots and statesmen as Washington, Madison, and Jefferson that an American merchant marine could be maintained only by building our vessels in home ship-yards, and that such ship-yards were essential for national safety and defense. It is impossible for any nation to maintain navy-yards of sufficient extent to do more than repair public vessels and to slowly construct a few naval vessels in time of peace.

The quotation is from Jefferson's works, volume 7, page 647. But that Jefferson meant, as the gentleman from Maine declared, "that an American merchant marine could be maintained only by building our vessels in home ship-yards," &c., is wholly untrue. Jefferson never favored the exclusive policy of our navigation acts of 1792 for that reason, nor for the protection of American shipping.

On the 14th of February, 1791, Washington sent a message to Congress complaining that his administration had been unable "to enter into arrangements, by mutual consent, which might fix the commerce between the two nations (United States and Great Britain) on principles of reciprocal advantage," because Great Britain was unwilling to enter into "any arrangements merely commercial." There was a verbal report on said message, and it was referred to the Secretary of State, Mr. Jefferson. The quotation by the gentleman from Maine [Mr. DINGLEY] from Jefferson's report is not a sentence lopped off at both ends, as was the quotation from Mr. Madison. But, by leaving out what preceded and what followed the quotation, the opinion of Jefferson is made to appear the opposite of what it was.

This famous report of Jefferson was written in the summer of 1792, as stated. After reciting the various commercial restrictions as to foreign commerce made by other nations, he said there were two remedies for the evil:

1. By friendly arrangements with the several nations with whom these restrictions exist; or,
2. By the separate act of our own Legislatures for countervailing their effects.

Proceeding he said:

There can be no doubt but that of these two friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased and their condition bettered.

Would even a single nation begin with the United States this system of free commerce it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others. * * * But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter-prohibitions, duties, and regulations also.

Then follows what the gentleman from Maine [Mr. DINGLEY] quoted above, &c. But immediately after follows this:

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business and for keeping the marine class of the citizens equal to their object. But if particular nations grasp at undue shares, and more especially if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, &c.

The gentleman from Maine [Mr. DINGLEY] may not rightfully claim the weight of those great Democrats on his side of this contest. They, fairly interpreted, never favored the narrow, exclusive policy for which he so stoutly contends. Rather, their voices were for restriction only to get freedom; they, practically considered, exclaimed with Dido:

*Subducite navis; Tros Tyriusve Mihi nullo discrimine agetur.*

But what were the motives of our predecessors who made and upheld our exclusive policy and of those who repealed the exclusive laws of Great Britain is less important than to learn how the shipping and mercantile interests of the nations were affected by our clinging to and her abandonment of the exclusive policy.

Let us examine the facts.

In 1807 we had 849,000 tonnage; it was 1,241,000 in 1847; by 1857 it was 2,463,000 and by 1861 it was 2,642,000.

Now, of the forty-five thousand sailing vessels of 50 tons and over Great Britain has a third and we less than one-seventh. Now, of the thirteen millions of net tonnage of these vessels in the world Great Britain has nearly five millions and we only two millions. Of the world's eight thousand five hundred steamers of 100 tons and over Great Britain has five thousand and we but three hundred and fifty. Of that net steam tonnage of six and three-fourths millions Great Britain has four and a quarter millions and we three hundred and fifty thousand.

Other causes produced some of the great effects, but surely a great part was due to her liberal inducements for trade.

I will not discuss how far our tariffs have affected our carrying trade. It may be remarked that our tonnage in 1807 was nearly 40,000 more than in 1837, and that meanwhile we had our first avowedly protective tariff of 1816. It was followed by the tariffs of 1824 and 1828. How New England men then thought tariffs affected their interests will strongly appear by recalling one expression from Webster's speech in 1830. He was denouncing the tariff of 1816, and used these words: "The tariff of 1816 (one of the plain cases of oppression and usurpation for which if the Government does not recede individual States may justly secede from the Government) is, sir, in truth, a South Carolina tariff." He explained that South Carolina's vote carried the bill in spite of Massachusetts's against the same.

The decreasing tariff of 1833 had but little effect by 1837. The free-trade tariff of 1846 was in force when our carrying trade was at its best condition in 1857. I have before me the "report on shipping and ship-building," made by a committee of five to the Manufacturer's Association, the Board of Trade, and the Chamber of Commerce of San Francisco, Cal., in 1882, which attributes all the decadence of our carrying trade to the tariff, and demands for that reason cash subsidies from the Treasury. They say that naught but subsidies or free ships can give relief.

Gentlemen are greatly concerned lest the coastwise trade should be disturbed. For one hundred years by law it has had a monopoly to charge what it pleased. From the north of Maine, along the Atlantic coast, from the Gulf, at San Francisco, and up the Pacific coast, none but American vessels, built by Americans, have been allowed to carry a pound of freight or a passenger. If the foreign vessel would carry for half price the merchant and farmer must pay double to the American vessel. And gentlemen complained that competition had forced reduction of freights until the owners were not making as much as they should. How much should they make, in their estimation?

What caused other American vessels to compete with those first in the trade, and why were the parallel lines of railroad built? What but the hope to share in the exorbitant rates of freight charged on our cotton and the thousands of other things transported? Can not Americans, with all this start, with their superior knowledge of the coast and business connections, defy competition in that quarter? Will our brave Yankees skulk behind these statutes longer? When foreigners come will they run?

When British statesmen pressed England to action her traders so cried out, but history has shown their fears were imaginary. Prussia and other countries then built ships much cheaper than England could, and timid Englishmen looked to a destruction of that industry if freedom were granted. The reply was, the English ship will outlast the cheaper Prussian vessel. They complained, too, of degrading Englishmen by foreign association. Their question was: "And though you might employ foreign sailors, you no doubt would employ some British sailors?" The answer was: "We could not mix them; otherwise we must victual and pay them all alike unless the English seamen would submit to the wages and food of the foreign seamen." They repeated all such prophecies of evil as the ship-owners and builders here do now.

The prophesies of the other side were more hopeful and confident and truthful. They were well stated in the Edinburg Review in 1847 in these words:

We may depend upon it, that were full permission given us to purchase and employ foreign-built ships, where ships of home construction can now alone be used, our ship-wrights, anchor-smiths, sail-makers, and the whole army of mechanics, whose ruin in that event is so confidently predicted, would only receive a new impulse. The more direct foreign competition would render them more skillful and more industrious, by which means they would acquire, with a better security than they now enjoy for its continuance, a virtual monopoly of the manufacture of British shipping.

The result is matter of history.

From the same testimony we have a comparison of the direct effect of the liberalizing policy with that of exclusion. From 1824 to 1846 the tonnage of Great Britain increased with those countries with which she did not make reciprocity treaties from 893,097 tons to 1,735,924. But during the same time the increase with those countries made free by such treaties was from 994,223 tons to 2,558,809 tons; being only a little over 4 per cent. with the former and a little over 8 per cent. with the free countries.

A very instructive table, throwing much light on the subject, is at page 27 of the report of the evidence taken by the committee of Parliament in 1847, and at page 484 is another table, showing the gain in tonnage coming from the reciprocity treaties. I go not into these in detail. We need no figures to tell the extent of British commerce. It is immeasurably beyond what it was when Pitt boasted to Napoleon that "with her ships England encircles the world." As her morning drumbeat never ceases, so no breeze blows which does not swell the sails or waft the smoke of the engines moving her vessels.

Her march is on the ocean wave,
Her home is on the deep.

I do not mean to say that our exclusive policy or any other statutes are the sole causes of the present state of our carrying trade.

The war had some effect, but not much. For a time our tonnage went under other flags for safety. Many vessels were then destroyed. But England's indemnity and insurance companies paid for them. Had we wished to own ships more would have been built. The plain

truth is we ceased to carry on water because we could make more at something else. It was a mere question of dollars and cents.

For gold the merchant plows the main,
The farmer plows the manor.

Commerce knows no law but gain. For that it seeks the cheapest vessel and straightest course. If in its way it would scatter the twelve stones which Joshua "set up in the midst of Jordan, in the place where the feet of the priests which bare the ark of the covenant stood." There is no sentiment in trade. It is immaterial to the farmer whether the flag which covers his cotton or wheat bears the bars of Germany or the stars of the United States, or be the red flag of England. His only question is as to price of carriage.

This is why we abandoned the ocean for the land. While England has been building iron ships we have put more money into railroads than would buy three times over every vessel which floats her flag. The South has been demonstrating the folly of Mr. Clay when he warned her that her 453,000 bales of cotton had reached the extreme demand of the world by sending to market 6,500,000 bales annually.

The Protection Society of Boston once declared that no produce from the West could cross the Atlantic till its waters washed the base of the Alleghanies. The sea knows its bounds and the mountains hold their eternal fixedness, and yet west of these mountains has been for years the meat-house and granary of Europe. Go see in the census the movement westward. The population of Maine increased but 1 per cent. in the last decade; she has increased but little for years because of emigration westward. The sons of the fishermen of the eastern shore went to Michigan; their sons settled in Kansas, and theirs in Washington Territory; and should they ever go to sea again it will be from Puget Sound or Hudson Bay.

I stop not to discuss the question of wages of ship-carpenters, &c. I believe that wages here will, just as in Europe they did, increase uniformly under the stimulus of increased demand caused by enlarged commerce. Perhaps I underrate the value of the merchant marine to our country. I hope I do not. It is probably true that my tendency of thought is in that direction. I care not to deny that.

Proudly do I see the glinting of the stars of our flag upon the ocean waves, but I behold with grander pride those other stars flashing from forges forming irons for river-spanning bridges, and those other stars sparkling from the points of Burleigh drills forcing through mountains a way for interstate commerce.

Smooth and bright is the ocean path always ready for the cutting keel, but more beautiful to me are embanked roads belted with cross-ties and listed with steel, made, laid, and kept in place by wage-earning sweat of American muscle. I would not, if I could, transfer the country's wealth from land to ocean.

---

## Polygamy.

---

### SPEECH

OF

# HON. RISDEN T. BENNETT,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, January* 12, 1887.

The House having under consideration the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes," approved March 22, 1882, with a substitute reported from the Committee on the Judiciary—

Mr. BENNETT said:

Mr. SPEAKER: I hope to conquer the attention of the House. As this House is always possessed of a sort of statistical demon, I will submit some extracts from the reports of certain officials who have been charged with the government of the Territory of Utah the past four years. The House will bear in mind that the Territory of Utah has been governed during the last four years by the act of Congress approved the 22d of March, 1882, and known as the Edmunds act. In the report of the Utah Commission to the Secretary of the Interior for the year 1883, I find these words:

As to the declared objects of the act of Congress as therein set forth—

Meaning the Edmunds act—

so far as appertains to our duties it is not denied that the operation of the act has been eminently successful; that is to say, the polygamists have all been excluded from the polls and are ineligible to office—

A pretty good beginning.

Considering that during the twenty years since the anti-polygamy act of 1862 was passed the penalties of the law have been enforced against not exceeding three persons, it would seem that in the enforcement of the present law against some 12,000 polygamists who have been excluded from the polls it must justly be regarded that the act has been fully and successfully executed.

I think so. With the indulgence of the House I may say I am reminded in this case of a report made by a sheriff to an Arkansas judge. He was instructed to bring in a jury. After a while he came in panting for breath. The judge said: "Have you got the jury?" Said he:

I have got eleven of them and have got the dogs after the others.

[Laughter.]

In the report of the Utah Commission to the Secretary of the Interior for the year 1884 they say:

We have more than once in our former reports suggested that as the Government has to deal here with a people who are wonderfully superstitious and fanatically devoted to their system of religion—

Orthodoxy is my doxy; heterodoxy is your doxy—

the public should not expect, as the immediate result of the present laws of Congress, nor indeed of any legislation however radical, the sudden overthrow of polygamy, and we now repeat the most that can be predicted of such legislation is that it will, if no step backward is taken, soon ameliorate the harder conditions of Mormonism and hasten the day for its final extinction.

This is said in relation to the Edmunds act. In the same report of the same commission I find this:

Many of the non-Mormons or Gentiles are doing a prosperous business in banking, mining, and mercantile pursuits. Candor requires us also to say that personal security and the property rights appear to be as inviolate in Utah as in any of the States or Territories.

In the report of the commission for the year 1886 I find this language:

Whether, upon the whole, polygamous marriages are on the decrease in Utah is a matter on which different opinions are expressed, but undoubtedly many persons have been restrained by the fear of disfranchisement and the penitentiary, and we think it is safe to say that in the more enlightened portion of the Territory, as for example Salt Lake City and its vicinity, very few polygamous marriages have occurred within the last year, while, on the other hand, in some parts of the Territory—

"Far off hills are green;" or, to make it more rustic, "cows have long horns a long way off," [laughter]—

in some parts of the Territory they have reason to believe that it is otherwise.

* * * * * * *

In such a condition there is no remedy that can be immediate in its effects except military force, and this can not now be applied, because no civilized government in this age will wage a war of extermination against unarmed men, women, and children. But the evils existing in Utah can not be ignored by the Government. Devoted as the American people are to religious liberty by education, tradition, and constitutional sanction, they will never allow this principle to be subverted for the toleration or sanction of crime.

This report is made with reference to the Edmunds act.

Here is the report of the governor of Utah to the Secretary of the Interior for 1886, an extract from which I will have read by the Clerk.

The Clerk read as follows:

The following showing is made of the convictions obtained in the courts in polygamy and unlawful cohabitation cases: From July 1, 1884, to June 30, 1885, 9 convictions were had, 3 for polygamy and 6 for unlawful cohabitation, 8 of whom resided in Salt Lake and 1 in Beaver County. From July 1, 1885, to June 30, 1886, there were 84 convictions, 3 for polygamy and 8 for unlawful cohabitation, making a total of 93 convictions.

Of the 84 convictions obtained in the past year, 51 resided in Salt Lake, 11 in Weber, 8 in Beaver, 5 in Tooele, 3 in Box Elder, 1 in Utah, and 1 in Sevier County. Thus the convictions have all been had in 8 out of the 24 counties of the Territory. In the 16 counties in which no convictions have been had the Mormon population is largely in the ascendancy, and it is known that the population in those counties believe and practice polygamy as well as their brothers in the other counties.

In the first district court, which sits at Beaver, Beaver County, there are now pending 14 indictments for polygamy and unlawful cohabitation. Three of those charged reside in Beaver, 5 in Garfield, 4 in Piute, 1 in Kane, and 1 in Iron County. I have no information as to the number who have been arrested.

In the second district court, held at Ogden, there are 55 indictments pending against those charged with a like offense, 34 of whom reside in Weber, 18 in Cache, 2 in Davis, and 1 in Box Elder County.

Twenty of those residing in Weber County have not been arrested, and of the 18 residing in Cache County none have been arrested.

In the second district court, held at Provo, 7 indictments are pending, all against citizens of Utah County. I have no information as to the number of arrests.

In the third district court, held at Salt Lake City, there are 123 indictments pending, 115 against citizens residing in Salt Lake, 7 from Tooele, and 1 from Davis County. The clerk of the court says as to these indictments: "In a large number of these cases the defendants are at large, it not having been possible to arrest them."

In three of the counties where no convictions have been had the Mormons have temples located where their secret rites of celestial or plural marriage are celebrated, namely, at Logan, Cache County, which lies north of Salt Lake; at Manti, San Pete County, south of Salt Lake, and almost in the center of, and at Saint George, in Washington County, in the extreme southwestern corner of the Territory.

Heretofore terms of the district court have only been held at Salt Lake City, Salt Lake County; at Ogden, Weber County; Provo, Utah County, and at Beaver, Beaver County. As the condition of business in the First and Second districts will allow it, it is my purpose under the authority vested in me by law to fix terms of the district court to be held at Logan and Manti, and of the Second district court at St. George, believing that the presence of the courts and its officers will have a wholesome effect in preventing the contracting and the celebrating of plural marriages, and that the authority of the law if not acknowledged may be equally felt in every part of the Territory, and that the place of residence may not, as it seems to have heretofore done, furnish immunity from punishment to law violators.

I know of no armed organization for the purpose of opposing the lawful authorities or resisting the enforcement of the laws; nor do I believe any such now exists. The process out of the courts is met with no physical resistance, and society is peaceable, and no outbreaks have occurred since I came to the Territory.

Such is the testimony of the governor in 1886. I take the liberty of reading from the argument made by the member from Virginia [Mr. TUCKER] in 1882 when the original Edmunds act was before this

House. No member of this House raised his voice more energetically on that occasion than did the member from Virginia.

The theory upon which our political institutions rests is that all men have certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; and that in the pursuit of happiness, all avocations, all business, all positions are alike open to every one; and that in the protection of these rights all are equal before the law. Any deprivation or suspension of any of these rights for past conduct is punishment, and can be in no other way defined.

The honorable member from Virginia [Mr. TUCKER] was, at that time, sustained, and energetically sustained, in this line of argument by the distinguished gentleman who now presides over the deliberations of this House.

Mr. Speaker, there are many features of this bill which I regard as bad, but none of them are so excessively bad as that which seizes the church in Utah, and empowers and instructs the Attorney-General of the United States to institute proceedings, in the nature of a *quo warranto*, against that church, and to push those proceedings until the property belonging to it is sold, sequestered, and distributed among those who may be able to make some proof of their right thereto, after the debts of the institution are paid.

The first amendment to the Constitution of the United States says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I ask this House whether the converse of that proposition is not true? If Congress have no power to make a law respecting an establishment of religion, have Congress the power to make a law respecting the disestablishment of religion? If Congress have no power to make a law respecting an establishment of religion, has it the power to turn Almighty God out of His "mansion house," as Blackstone styles the church, and scatter and disestablish the church? The Supreme Court of the United States, in the Reynolds case (98 United States Supreme Court Reports), say:

Congress have the power to enact that any citizen of the United States who violates any law made by Congress shall be punished by fine or imprisonment, or both, in the discretion of the court or judge. Congress have no power in such a case to enact that the estate and property of such offender shall, by a proceeding in the nature of *quo warranto*, commenced by the Attorney-General, be administered by any court of the United States.

If the power to do this as to an individual does not exist in Congress, then, by parity of reason, such power does not exist as to a church, especially a church whose only fault is in the fact that two or three thousand of its members out of a staggering total of 150,000 practice polygamy. A people who have traced in deep lines upon the soil of their Territory the virtues which adorn "the simple annals of the poor" are to be dealt with under the harsh provisions of this act without the benefit of clergy. If in order, I would commend to the attention of this House a dialogue between the Lord and Abraham, the father of the race that has monopolized much of the talents and genius of the world, touching the fate of Sodom and Gomorrah, to be found in the book of Genesis. [Laughter.]

We are not wholly without authority on the question of vested rights of churches. In the case of Terrett and others *vs.* Taylor and others, to be found in 9 Cranch, page 42, the Supreme Court of the United States say:

But that the Legislature can repeal statutes creating private corporations, or confirming to them property already acquired under the faith of previous laws, and by such repeal can vest the property of such corporations exclusively in the State, or dispose of the same to such purposes as they may please without the consent or default of the corporators, we are not prepared to admit; and we think ourselves standing upon the principles of natural justice, upon the fundamental laws of every free government, upon the spirit and the letter of the Constitution of the United States, and upon the decisions of most respectable judicial tribunals in resisting such a doctrine.

Such is the language of Justice Story, who spoke for the court. The question came to the court of last resort from the State of Virginia. I read from the syllabus in that case:

The religious establishment of England was adopted by the colony of Virginia, together with the common law upon that subject as far as it was applicable to the circumstances of the colony. The freehold of the church lands is in the parson.

A legislative grant is not revokable.

The act of Virginia of 1776, confirming to the church its rights to lands, was not inconsistent with the constitution or bill of rights of Virginia; nor did the acts of 1784, chapter 88, and 1785, chapter 37, infringe any of the rights intended to be secured under the constitution, either civil, political, or religious.

The acts of 1798, chapter 9, and 1801, chapter 5, so far as they go to divest the Episcopal Church of the property acquired previous to the Revolution by purchase or donation, are unconstitutional and inoperative.

Let me now read from the decision of the Supreme Court in the case of Reynolds *vs.* The United States, 98 S. C. Reports:

Before the adoption of the Constitution attempts were made in some of the colonies and States to legislate not only in respect to the establishment of religion, but in respect to its doctrines and precepts as well. The people were taxed, against their will, for the support of religion, and sometimes for the support of particular sects, to whose tenets they could not and did not subscribe. Punishments were prescribed for a failure to attend upon public worship, and sometimes for entertaining heretical opinions. The controversy upon this general subject was animated in many of the States, but seemed at last to culminate in Virginia. In 1784, the House of Delegates of that State, having under consideration "a bill establishing provision for teachers of the Christian religion," postponed it until the next session, and directed that the bill should be published and distributed, and that the people be requested "to signify their opinion respecting the adoption of such a bill at the next session of Assembly."

This brought out a determined opposition. Amongst others, Mr. Madison prepared a "memorial and remonstrance," which was widely circulated and signed, and in which he demonstrated "that religion, or the duty we owe the Creator," was not within the cognizance of civil government. (Semple's Virginia Baptists, Appendix.) At the next session the proposed bill was not only defeated, but another, "for establishing religious freedom," drafted by Mr. Jefferson, was passed. (1 Jefferson's Works, 45; 2 Howison, History of Virginia, 298.) In the preamble of this act (12 Hennin's Statutes, 84) religious freedom is defined; and after a recital "that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty," it is declared "that it is time enough"—

Let me call attention especially to this language—

"It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."

Then the court goes on to remark:

In these two sentences is found the true distinction between what properly belongs to the church and what to the State.

Now, while the power of Congress is thus confined to the individual, while the coercive or punitive hand of the Government can, under this and other well-defined decisions, be laid only upon the individual member of the church, this bill proposes to invade the vestibule of the church itself, and scatter its possessions, and that, too, under a proceeding in the nature of a *quo warranto* instituted by the Attorney-General of the United States at the instance of the Government, leaving these unfortunate people to appeal *in forma pauperis* to God. [Laughter.]

I would like to fasten the thoughts of this House, and if possible impress upon it the views which I have in regard to the line of divide between the responsibility of the citizen to the law for unhallowed practices, whether under the guise of religion or not, and the absence of responsibility of the church itself, the noble animal which carries the soul. Am I understood? The individual is liable for crime—either to fine, or imprisonment, or both. The church is liable to neither.

This bill should be entitled a bill to put the Mormon Church in liquidation. [Great laughter and applause.] Bringing it under the force and operation of the old ca. sa. laws of the State. Dryden describes the apostolical Roman Catholic Church as a milk-white hind, which for eighteen hundred years has been the best comfort of our imperfect condition. The church, I say, is to be put into liquidation; and the Attorney-General, with his deputy marshals with beards of formal cut, is to administer its assets, the *bona notabilia*, belonging to it. [Laughter and applause.] I declare, sir, it is monstrous.

To pay the debts and dispose of the whole property and assets thereof, according to law and equity! Mind you, the Attorney-General gets it into equity, into a court the jurisdiction of which, according to very eminent authority, was originally founded in fraud. [Laughter and applause.]

The SPEAKER. The gentleman's time has expired. [Cries of "Go on!"]

Mr. SOWDEN. I ask by unanimous consent that the gentleman from North Carolina be permitted to continue his remarks.

Mr. MILLS. Until he has concluded.

Mr. TUCKER. I will take the floor, and yield ten minutes of my time to the gentleman from North Carolina.

Mr. MILLS. No; I hope not, as we all want this matter discussed.

The SPEAKER. Is there objection to the motion of the gentleman from Pennsylvania?

There was no objection, and it was ordered accordingly.

Mr. BENNETT. The church service is carried out. Even the precious elements of the body and blood are not beyond the reach of these mercenaries. The church service is carried from these unfortunate people who have blossomed that wild Territory with the sweat of their faces. The flight of a Tartar tribe near the close of the last century, as described by De Quincey, is feeble in its moving accidents as compared with the sufferings of free-born men in Utah. I see the deputy marshal bearing away in triumph the sacred insignia of the dismantled church. These people appeal to the judicial tribunals of the country, the last resort of the oppressed, the resort of the humble, because violence dwells in high places. And the judge makes an order appointing a receiver of the church, its property, its assets, its ritual. They are met at the threshold of their appeal with this announcement, delivered with great solemnity: "Interlocutory orders in equity are not appealable." [Laughter and applause.]

There is to be no appeal. That is to say, an appeal does not affect or impair the force and effect of the order appointing a receiver of the assets of the Lord. [Laughter and applause.] The receiver stands and holds the ark of the covenant committed to him as receiver. [Laughter and applause.]

A celebrated father of the church, named Athanasius, made a famous prayer—I do not think it is so good as it seems to be, but some gentlemen seem to enjoy it: "Lord, deliver my body from the doctors, my soul from the devil, and my estate from the lawyers." [Laughter and applause.]

The church is to be taken into court, tied to the wall of the courthouse. It is said that the spectacle of a Bible chained to the walls of a monastery first suggested to Martin Luther the idea of the Reformation; but no such living, moving, impassioned idea will be drawn in this eminently practical age. It is an age when all things are turned to

commercial accounts; the music of the dollar's clink is now well nigh irresistible to the average mind [laughter], and the Bible and the church of Utah, bound in the strong cords of the law, will make an appeal in vain to this materialistic age. The ideals of faith and enthusiasm are not the strong, living forces they once were. [Laughter.] Such, Mr. Speaker, is the exact situation now. We stand now at the division of the ways. This legislation commits us to a series of acts to which there is but little hope of setting bounds. Talk no more about an "open reservoir into which you can pour every uncertain species of legislation." [Laughter.]

Polygamy is an evil. But the Constitution should not be stabbed even through the disguise of scoundrels. No one denies it; but are you called upon to resort to the cruel surgery of the sword to cure every evil? Do not these official gentlemen say in their reports that if the provisions of the Edmunds law are not interfered with everything will be rightly ordered by and by? Why then go further? What is the need for it?

Every official class in this country or any other country is clamorous and always clamorous for legislation to perpetuate its existence and give it more government pap. [Laughter.] Out of the mouths of these gentlemen—I do not know them—charged with the execution of this most unwholesome statute, the Edmunds law, we have the clear, strong, unequivocal, and unquestioned testimony that the law is easily enforced and that there is no opposition to it. There is no difficulty whatever in enforcing the processes of the law and the authority of the courts.

Mr. Speaker, it is said that in Great Britain, a country which enforces the law more rigidly than any other free country on the face of the earth, forty-six convictions in a hundred is a large average; and in the matter of prosecutions for perjury I saw a while ago statistics showing that convictions in England were less than thirty in the hundred; and yet, in this country, this great country, with its immense possibilities, its inherited love of freedom, it seems from these official reports that the very last gentleman in the unfortunate Territory of Utah who has been tried under the Edmunds law has suffered an adverse verdict at the hands of the Government. There has not been a single exception. What is the grievance, then, that you would cure? What further steps would you take?

Why not go along with the law as it is, that has already been so rigidly enforced and which was deemed so harsh, unjust, and unconstitutional when under consideration in the Forty-seventh Congress as to provoke the energetic hostilty of Democratic leaders on this floor? It is running smoothly; everybody is convicted; nobody escapes. What more do you want? Something to make their poverty more completely splendid? An age of hypocrisy is followed by an age of cruelty and vice. It is the Anglo-Saxon rapacity in that Territory as it occurs to me, the Anglo-Saxon greed for land at the bottom of much of this complaint. Here is a community distinguished for those virtues which mark purity of life and simplicity of manners. The law is enforced; no man raises his arm against the authority of the Government.

These people are to be scattered and another people to take their habitation and their bishopric. Nobody has any excuse to offer for polygamy. The idea that for the king's offenses the people died, is no part of the theory of American political institutions. Every man, however humble, whether Jew or Gentile, can have the full measure of justice at the hands of this great Government, and if two thousand or twenty-five hundred, or three thousand of these people have the mark upon them, let the effective, fearful, terrible machinery of existing law be continued in motion, from which none of them can escape; let it go on; but do not bring the mantle of shame to the cheek of the American people by sacrificing in a tempest of passion principles as precious as life itself to brave and free men. The anomalous state of things in Utah will cure itself under the force and efficacy of existing laws, as well as the laws inherent to modern civilized communities. It will give place to the march of progress and prosperity.

Another section of this bill, Mr. Speaker, I regard as a fearful one. It is the eleventh:

SEC. 11. That the marriage relation between one person of either sex and more than one person of the other sex shall be deemed polygamy. Polygamy or any polygamous association or cohabitation between the sexes is hereby declared to be a felony, and shall be punished by confinement in the penitentiary for a term not less than one year nor more than five years; and the continuance of the polygamy or polygamous association or cohabitation between the sexes after any indictment or other legal proceeding is commenced against any person shall be deemed a new offense, punishable as aforesaid.

Now, sir, under the decisions of the Supreme Court of the United States, to be found in the 114th volume of that court, at page 43, in the case of Murphy *vs.* Ramsay, the court used this language:

That the disfranchisement operates upon the existing state or condition of the person and not upon a past offense.

And the court say in this case that it was not the previous status that subjected the party to conviction and punishment, but it was the status that he maintained at the date of the trial.

This eleventh section in express terms subjects the man who married twenty years ago, who entered into polygamous relations twenty years ago to the full penalties of the bill. The Supreme Court said in that decision, 114th United States, Murphy against Ramsay, that such legislation was obnoxious and open to the objection that it was *ex post facto* and in the nature of a bill of attainder.

If this bill passes a man who entered into a polygamous marriage thirty years ago is liable to be pursued in the courts for such polygamous marriage; whereas in the decision made by the court they say it is not the fact of the marriage status, to wit, that the man made this polygamous marriage thirty years ago, that made him amenable to prosecution, but that of the status he had when the trial occurred. And this eleventh section is put into the bill for the express purpose of putting these men who entered into polygamous marriages years ago within the pains and penalties of the bill.

Somebody said of the act of 29th Charles II, with its pains and penalties, that every line of it had cost a subsidy. Every line of this section will not only cost a subsidy, but will do violence to all the basic principles of American liberty.

This same section provides:

And the continuance of the polygamy or polygamous association or cohabitation between the sexes after any indictment or other legal proceeding is commenced against any person shall be deemed a new offense, punishable as aforesaid.

Let us look at that a little. Bishop says, in his work upon criminal law, a book of good authority:

Not twice in jeopardy. In the criminal law in England this doctrine has received form in the maxim "that," as Blackstone expresses it, "no man is to be brought into jeopardy of his life more than once for the same offense." Yet a comparison of the English adjudications, not speaking now of *dicta* of judges, with this maxim, will probably show that it is not quite supported by them

How of twice in jeopardy with us? [Constitutional provision.] In this country we have taken the maxim itself for our unbending rule, superseding thereby the common law as adjudged, if really differing from it. The Constitution of the United States provides that "no person shall be * * * subject for the same offense, to be twice put in jeopardy of life or limb." And though this provision binds only the United States, not extending to the States—a question on which judicial opinions formerly differed—the constitutions of nearly all the States have the same provision; and the courts of all receive it as expressive of the true common-law rule.

But this bill segregates the offenses, and if after the finding of the bill of indictment and before the trial this relation should exist, the man who manages to escape the fierceness of a jury in that Territory on the first charge, finds himself, without any circuitous route, in the prison cell, to be tried on another charge arising after the finding of the first bill of indictment.

Mr. CASWELL. Polygamy is a prohibited practice.

Mr. BENNETT. Yes; that sort of thing is prohibited. But this section says:

The continuance of the polygamy or polygamous association or cohabitation—

Not polygamy alone—

between the sexes after any indictment or other legal proceeding is commenced against any person shall be deemed a new offense, punishable as aforesaid.

If I am permitted to repeat in this House, I will say there is no end of this thing. It is the circumlocution office round and round and round. It defies the principles of the Constitution of the United States. It does violence to all sense of right, that a man once indicted should be liable again and afresh to be put on trial on a similar accusation for the same offense pending the bill of indictment. It is wrong, and the member from Virginia [Mr. TUCKER] must know it to be wrong.

Let me address the Representatives upon this particular feature of the bill, which is new in the annals of Congressional legislation. I speak subject to correction, but I know no precedent for it in our legislative history. You are about to introduce a new feature in the criminal legislation of this country.

Mr. CUTCHEON. Would it not require a new and separate indictment for that offense?

Mr. BENNETT. Oh, yes; that is one of the terrors of the thing. [Laughter.] You put him to the rack and torture afresh. I call upon the Representatives of that great Commonwealth which has given birth to writers of much authority upon the law, Bishop and others, to treat with becoming reverence the weighty words of this man who has devoted fifty years to the pursuit of his profession as a science.

I will not trespass upon the patience of the House or abuse their kindness; but there is one other feature of this bill which I can not allow to go by unchallenged.

This is not the one, though this one is worthy of consideration:

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

If this were a new proposition I should support it. That is, if for the first time the question of female suffrage were presented and I were allowed to vote upon it, I should vote against it, but I believe in the inherent, God-given right of American citizens in their States, in their Territories, in their municipalities, to establish, order, and control their own domestic institutions, and believing in that with all the earnestness of religious conviction, believing that and feeling that, I would

not raise my voice against the action of the people of this Territory in giving suffrage to its female residents.

We have adopted the suffrage of the plow in this country as the fixed policy of our Government, and the sooner gentlemen recognize that the suffrage of the plow is God's gospel applied to the ballot the better it will be for them. [Applause.] And now, Mr. Speaker, I call attention again to the twenty-fifth section of this bill, which provides:

That every male person over twenty-one years of age resident in the Territory of Utah shall appear before the clerk of the probate court of the county wherein he resides, and register himself by his full name, with his age, place of business, his status, whether single or married, and if married, the name of his lawful wife, and shall take and subscribe an oath, to be filed in said court, stating the facts aforesaid, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the law aforesaid approved March 22, 1882, and this act, in respect of the crimes in said acts defined and forbidden; and that he will not directly or indirectly aid, abet, counsel, or advise any other person to commit the same. No person not so registered, or who shall have been convicted of any crime under this act or under "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, or who shall be a polygamist, or shall associate or cohabit polygamously with persons of the other sex, or who shall not take and subscribe the oath aforesaid, shall be entitled to vote in any election in the Territory, or be capable of jury service, or to hold any office of trust or emolument in the Territory.

I regard that, Mr. Speaker, as a test oath imposed upon the voters of that Territory, and therefore as falling clearly within the denunciation contained in the cases of *ex parte* Garland and *ex parte* Cumming, the latter the case of a Missouri priest who, during the tempestuous excitement of the civil war, was not allowed to administer the sacraments to the dying until he had subscribed the test oath. Said a great man of Virginia, Benjamin Watkins Lee: "These test oaths are the sharp weapons which young oppression first learns to wield." Fortunately, they have been swept from the statute-books of this country almost, if not entirely. A free government, and yet, for the purpose of reaching two thousand or twenty-five hundred men out of one hundred and sixty thousand, we are to be subjected to the beginning of that state of things which ended in the South in a corporal of the guard revising the decision of the supreme court of a sovereign State! [Loud applause on the Democratic side.]

---

## Agricultural Experiment Stations.

### REMARKS
OF
### HON. ROBERT M. LA FOLLETTE,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,

*Friday, February* 25, 1887,

On the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplemental thereto.

Mr. LA FOLLETTE said:

Mr. SPEAKER: Indulged by the House with special permission, I desire to submit some reasons in support of this bill as a part of the record on its consideration. I shall, however, be able to but little more than suggest the importance of the measure as it presents itself to my mind.

We go back to-day with the accumulated experience of almost a quarter of a century and round out into reasonable perfection one of the wisest pieces of legislation of our time. It has taken many years to acquaint the public with the possibilities embraced in the original act establishing colleges in the States and Territories for the benefit of agriculture and the mechanic arts. Even now we are scarcely more than in the first stages of a full realization. The return from such an investment by the Government can not from its very nature be immediate.

Indeed, in the beginning we scarcely had the force in this country to fully man the institutions. In its application to agriculture it was not then so well understood nor so warmly welcomed as now. The farmer to-day fully appreciates the value of scientific experiment in determining those natural laws to which every operation of his calling is subject. No lawyer better realizes the fact that advancement in his business depends on understanding the laws under which he practices than does the farmer the prime importance of an intelligent comprehension of the natural laws which determine the success or failure of his business.

For these reasons, and stimulated by the patient devotion of the first scientific educators of this country, they ask us to pursue the policy which has already found constitutional sanction, and enact this necessary supplement to existing law.

The bill under consideration appropriates to each State the sum of $15,000 to establish and maintain, as a part of its agricultural college, an experiment station. The same or a larger amount will be appropriated to continue the work from year to year. These stations will—

Conduct original research or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analyses of soils and water; the chemical composition of manures, natural and artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese, and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable.

Already there are over four hundred such stations in the Old World, and within the last ten years, beginning with Connecticut, several of our own States have rendered conspicuous service to agriculture in the establishment of these stations of investigation. The one in connection with the State University at Madison, Wis., in particular is doing work in this line which has attracted attention both at home and abroad.

After an extended notice of experiments by the director, Professor W. A. Henry, the Ohio Farmer of January 15, 1887, says of the institution generally:

Wisconsin is a lively State agriculturally. Its people are intelligent and realize that honest industry is the basis of all true prosperity, and that in Wisconsin agriculture is the basis. Hence the State is setting a noble example to all other agricultural States in its encouragement to this leading industry. It has a good agricultural college and an experiment station that is attracting national attention by the practical and useful nature of its investigations. We have just received the third annual report of this station for the year 1885, and find it replete with information.

Numerous extracts from the press of other States might be made, but I only take time to call your attention to this from the Live-Stock Journal, London, England, December 31, 1886:

At the recent Wisconsin State fair, at Milwaukee, some interesting milking and dairy tests were made under the supervision of Professor H. P. Armsby, associate director of the experiment station. Professor Armsby's report of these tests has recently been made to the State Agricultural Society, and embodied in a bulletin (No. 10) of the experiment station, of which a copy has been sent us:

"We have received the two last of these reports of the Wisconsin experiment station, that for 1884, published in 1885, and that for 1885, published in 1886. The contents are varied, but all bearing evidence of good sense in selecting subjects for inquiry and of care and thoroughness in carrying the inquiry out. There are experiments with various kinds of cattle food for dairy or feeding beasts; experiments in dairy practice; with different varieties of cereals and forage plants to ascertain their relative productiveness and hardiness. No one who carefully examines the contents of these two thin octavo pamphlets but will admit that to tax themselves to give their youth the best opportunities of acquiring knowledge of the arts by which they will have to live, is to spend their money as judiciously as they raise it generously. The whole of these reports are highly creditable to the managers of the Wisconsin agricultural experiment station, and are examples of what kind of work might with advantage be done in England either with or without government help."

It is, sir, a matter of much pride to the people of my State that they have in so short a time built up this great aid to their leading industry. It is under a most competent and progressive management, enjoying to the fullest extent popular esteem and confidence. The people there are beginning to realize what it may finally be worth to them. And in Wisconsin as in many other States they are thoroughly alive to the importance of this national legislation.

The character and significance of each investigation, requiring as it does peculiar adaptation, special talent, long training, great care and skill, and many verifications to eliminate all errors, is of course attended with large expense. It becomes, therefore, of the highest importance that none of these experiments should be thrown away or unnecessarily repeated. The States have done much wherever they have started the work. But taking a national view of the benefits to be derived, there is under the State system a radical and costly defect.

The labor of each station is entirely independent of every other one. Hence, there is an entire lack of unity and order of investigation. State stations with like climate and soil go on season after season making similar experiments, each constantly and needlessly repeating the experiments of the others with a consequent waste of time and effort and money. This bill when enacted into law will tend to secure a national organization of this important work, bring all the stations into intelligent co-operation, greatly reduce expense, and extend the scope of the investigations.

If it were safe to amend the bill so near the time of adjournment I should have been glad to offer a provision with special reference to national organization. But, sir, I am not willing to see its passage jeopardized in any way, and am therefore content to leave this and other corrections to a subsequent session.

And now I wish to refer briefly to an amendment presented and successfully urged by the very able and distinguished Senator from my State [Mr. SPOONER] while the bill was under discussion in the Senate. The amendment provides in substance that in case any State, under the act of 1862, has established an agricultural department in connection with a college or university not distinctively an agricultural school or college and subsequently establishes a separate agricultural college or school, the Legislature of such State shall have and always retain the power to apply the appropriation provided herein, in whole or in part, to such separate school.

The purposes of this amendment and its scope were tersely stated by the Senator in that discussion, as follows:

I do not wish by this amendment to do anything more than to leave the ap-

plication of the fund open to change, by prohibiting any State from disabling itself hereafter from making such disposition of the money appropriated by this act as shall then seem wise. The farmers of Wisconsin may become extremely anxious that there should be a separate agricultural college or school, and I desire that the law shall be left in such form as the Legislature, if such shall be the public sentiment at any time, may apply this fund, in whole or in part, in that way.

While it may be prudent to invest a State with this discretion, yet the amendment was manifestly not designed, and I trust will not operate in any instance to separate from any well-established, well-equipped college or university in this country the agricultural department and experiment station connected with it until this legislation shall have been fairly tested. I am aware, sir, of the fact that many agricultural colleges have not succeeded well in connection with and as a part of other colleges and universities. I am also aware of the fact that many such schools, established under the same act, separately and disconnected from any other college, have likewise failed. The best information I have been able to obtain persuades me to believe that there is about an equal number of failures under each plan.

But there are, I believe, fundamental reasons for the want of more perfect success in our agricultural schools and departments. I believe, too, that they apply with equal force to the independent schools and those connected with other colleges and universities. These reasons are entirely ignored by gentlemen who do not distinguish between the fact and the cause of failure. No better statement of them can be furnished than that made to me by one of the most distinguished scientists of this country, in a recent conversation, in which he said substantially, "that the most serious obstacle to the complete success of agricultural colleges is the lack of a thorough-going science of agriculture. In teaching the branches of science it is found impossible to develop permanent and abiding interest without a substantial, tangible foundation in a well-determined and systematized body of facts and principles. So long as a large part of the matter taught is composed of opinions, of doctrines not completely and thoroughly demonstrated, of tenets which can not be clearly and completely proven to the student's satisfaction, just so long will it be difficult to make strong, devoted, and enthusiastic students. The comparison and discussion of opinions is interesting and profitable to students for a time; but, without knowing just why, they become wearied and dissatisfied with it, and unless there are certain ascertained and fixed principles to which these opinions may at the proper time be referred for determination the course fails of a strong and abiding hold upon them. The firm grasp which mathematics and the classics have on our education system is more largely due to the perfection of the development of knowledge in those branches than to any inherent superiority in the subjects themselves. The natural sciences have labored under difficulties somewhat similar. They have made and are still making marvelous progress toward a more complete development, and have reached that stage where they now present strong attractive courses of study. Now, in agriculture, so soon as we have a body of well-determined facts to offer our students, and so soon as we can introduce them to well-defined lines of investigation, and show them that along these facts the completer science is to be wrought out, and that they are to be participators in this noble work of construction, then will our agricultural courses command their affection and become assured successes whether put in competition with other courses or not."

It seems to me, sir, that this presents a thought worth the serious consideration of the real friends of agriculture everywhere. The establishment of the stations for investigation and experimentation contemplated by this bill opens the way to the earliest determination of the facts and principles which every real science demands. Then will there be founded such a course of study as shall attract and hold its fair share of the best student material of the country.

This cannot be accomplished in a breath, but a few years will not fail to mark great progress in the growth of agricultural schools and departments, whether connected with other colleges or separate from them. And the new impulse will be felt in some measure very soon. For if there is any other thing which can partially supply the interest and incentive especially demanded here, it is the experimental search under scientific methods for the science itself.

The best results will be secured soonest at those stations where there are already experimental farms, well appointed laboratories, and the entire "plant" for immediate and varied operation.

When it shall have been determined beyond reasonable doubt that agricultural schools can not stand the direct competition of other courses of study, when all other probable causes of their partial failure shall have been eliminated, except their connection with other colleges—when it shall have been clearly demonstrated that this legislation will not measurably aid to cure the ills that all are at present heir to, whether connected with other colleges and universities or separate—then and not until then, it seems to me, will it be a real economy or a wise educational policy to lop them off from the advantages found in perfect facilities for experimental work and in the superior teaching force gathered in our strong colleges and universities.

In the mean time this bill establishing these experimental stations and working out its primary object will have done more in a practical way to benefit agriculture than all legislation which has preceded it. The work proposed here is to give to agriculture not theories and sermons and lectures, but facts. Facts which will further systematize farming, render returns more certain and swift; insure profit, economize expenditure and effort, and render every farmer less the creature and more the master of the circumstances and conditions which environ him and his business.

At every one of these stations a record of all experimental tests and of all final determinations will be carefully preserved. These are to be printed from time to time for general distribution in bulletin form, and are to be given free transmission through the mails. They will be furnished to farmers who make application for them, and will also be published in the newspapers for public information.

Why, sir, it is scarcely possible in language to measure the real worth of this to every farmer in the land.

I may anticipate too much, but to me this seems a fortunate hour for American agriculture. While it must be a matter of growth, as must all development of real value, yet no man can be blind to the great possibilities which this bill places within reach of the people as it passes into law. Much legislation has been designed to promote this industry, but this measure goes forth as no other one ever has to carry instruction in agriculture of the sort it needs into every farm-house and every field. It annexes an experimental farm to every man's land, places him next door to a chemical laboratory, makes him neighbor to and sharer in all technical skill and scientific information touching the business in which he is engaged.

I believe, also, that it will help us to keep the boys upon the farm. It will more and more make the business an absorbing study. It will extend the school age to the last limit. More and more each day will be filled with mental exercise, made still more zestful with increasing profit. Every piece of labor will be rendered a fresh lesson in the chemistry and physiology of farm life. Every changing phase will acquire a new interest be fraught with peculiar significance. The turning furrow, the curing hay, the rotting straw, the replenished earth, the quickening germ will become more and more an object of special investigation and scientific study. Thought will be mingled in many new ways with the sowing and the reaping, the spring-time and the harvest. And more and more as the years go by will this ultimately be felt as a powerful influence in giving the boys a profound and increasing affection and esteem for the wholesome life which honors every man who honors it.

And giving, as I think this measure does, precisely the instrumentalities necessary to the complete success of all agricultural colleges, supplying the facilities for determining the basic principles essential to every science, disseminating day by day among farmers practical knowledge of priceless value to them, laying day by day new foundation facts to bring their business to a better command of natural conditions, into a better understood alliance with economic laws, I am glad, sir, to have contributed some thing to its success. I esteem it the wisest and best offering made through legislation in many years to our chief industry.

---

## Interstate Commerce.

---

### REMARKS
OF
### HON. WILLIAM S. HOLMAN,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,
*Thursday, January* 20, 1887.

The House being in Committee of the Whole, and having under consideration the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. HOLMAN said:

Mr. CHAIRMAN: No subject in a time of peace has received the attention of Congress of greater importance than the subject now under debate. The extraordinary capacity of the railroads of the United States to unite into a general and consolidated system was not seen prior to the late war, and no effort was made in Congress until 1864 to impose any limitations on the aggressive methods and extortionate demands of railroad corporations. The first struggle in Congress to restrict the power of these corporations was over the question whether or no they should be permitted to add to their charges for the transportation of passengers the tax of 2½ per cent. which Congress imposed on their gross earnings as a war measure. This action of Congress grew out of the fact that certain States of the eastern section of the Union had imposed a specific limitation on the charges by railroads for the transportation of passengers, and the railroads were determined to impose the tax which Congress had imposed on them on the traveling public by increasing the fare, and thus overriding the laws of the States imposing such limitation. This attempt to restrict the charges of railroad companies failed, as I will hereafter show, for even then it ap-

peared, from the action of Congress, only a strong and well-defined public opinion could secure legislation which would impose restrictions on corporations possessed of the extraordinary advantages incident to the railroad system.

But the first systematic effort to regulate commerce between the States was thirteen years ago, in the Forty-third Congress, 1874, and the measure then pending was House bill 1385, entitled "A bill to regulate commerce by railroads in the United States." The bill was elaborately discussed. That discussion disposed of many questions which are now considered forever settled, especially the question of the power of Congress to regulate commerce between the States by railroads. That question is no longer open to controversy. Indeed, the discussion at this time is greatly simplified. There is now no doubt of the power of Congress to regulate railroad traffic between the States, or, as it is now termed, "commerce between the States," and no doubt exists about the authority of the States to regulate local railroad traffic within the limit of the States. The question now is simply one of expediency. The decisions of the Supreme Court of the United States have in the mean time disposed of all of the other questions.

The bill to which I have referred of 1874 was elaborately discussed and passed the House by a close vote, but received no attention in the Senate. It involved all the leading features of the pending bill in its general provisions, but was far less valuable than the present bill on account of the meagerness of its details. The fundamental provision of that bill was that railroads should transport persons and freights at "fair and reasonable rates," reasserting a principle of the common law, providing a commission to ascertain what such "fair and reasonable rates" were, making the determination of the commission *prima facie* evidence of the fact and providing the means of compelling the railroad corporations to observe the schedule of rates established by the commission. As a preliminary measure of legislation on a great question it is entitled to high consideration.

The merit of the pending bill lies in the fact that it goes beyond the general provisions of the former bill and enters into the details, for the feature of a commission, which was very prominent in the former bill and subordinate in the present measure, is manifestly of doubtful expediency.

When the bill of 1874 was pending I called attention to the effort made by Congress in 1864 to restrict railroad charges in some detail, and set forth and in brief the discussion of the subject in the House in the following terms:

Now, Mr. Speaker, one other fact. We have heard fervent appeals to the Constitution against this bill. It is singular how we shift grounds here in this House on constitutional questions. This subject has been before Congress once before. I brought it to the attention of the House of Representatives in 1864. It was then sufficiently manifest that at an early day the exercise of this power by Congress would be inevitable, unless the whole country was to be left at the mercy of these monopolies. It was then manifest, as it is now, that it was not the intention, and had not been, of these corporations to content themselves with a reasonable profit on their investments. When was monopoly ever moderate in its demands? The power of monopoly was too great; and great power inevitably leads to great abuses.

Everybody in this country knows that that which is made to represent the wealth of these corporations, the bonds in various forms, and the stocks, represent a wealth far beyond the capital actually invested, and on which reasonable profits should be made. Everybody saw years ago that the thing to be condemned and resisted was the systematic struggle of these corporations by the consolidation and monopoly to make the industries and labor of the whole country pay a profit on fictitious capitals.

It was very manifest in 1864 that the railroads were determined that their fictitious stocks should pay dividends. The times were favorable for such schemes, for the attention of the whole country was engrossed by the then impending struggle for the Union. Taxation was inevitable, and the railroads were resisting taxation.

When I brought this subject to the attention of Congress, I brought it in the best form I could under the necessities of the hour. Congress was considering the subject of the taxation of railroad corporations; it had imposed a tax of 2½ per cent. on to the gross earnings, and inasmuch as New York and some other States east of the mountains had, as to some of their roads, limited the charges for passengers, the people on this side of the mountains having been much more vigilant and considerate of their rights as to these corporations than the States of the West, they were not able to add this tax of 2½ per cent. on to the charges which they were authorized to make. Congress, therefore, was proposing to enable them to escape bearing the burden of the tax themselves by providing that a railroad corporation might add the tax imposed upon it to the cost of transportation of persons and freight, notwithstanding it was limited in its charges by the act creating it. This was a case in which the interference of Congress was invoked in behalf of the railroad.

[Here the hammer fell.]

Mr. HOLMAN. I ask for a few moments longer.

Mr. WILSON, of Iowa. I ask unanimous consent that the gentleman be allowed to proceed.

There was no objection.

Mr. HOLMAN. Congress was asked by the Republican leader of this House to override the legislation of the States fixing the cost of transportation, by permitting citizens to be taxed by the railroads to pay the very tax which was imposed upon the corporations. I then brought forward this proposition in an amendment:

"That whenever any railroad company shall demand or receive a rate of tax for passengers over and above 3 cents per mile for each mile that any passenger may be carried, the excess over such rate shall be deemed and taken as a tax levied upon such railroad company, to be returned and paid in the same manner as is provided in this act for the collection of the per cent. on the gross receipts of said company; provided, however, that nothing herein shall be so construed as to authorize any railroad company to charge and receive a higher price for the conveyance of passengers than shall be allowed by the laws of the State chartering the same."

Would any gentleman suppose that that was a violation of the Constitution? But, sir, strangely enough the appeal to the Constitution on behalf of railroad corporations came from the other side of the House. A gentleman from Vermont appealed to the doctrine of State rights against this manifestly just and fair proposition.

In submitting this proposition to the House I said:

"I trust the importance of this proposition will secure it some consideration. I think no more important subject has been brought to the attention of this committee since the consideration of this bill commenced. It will be observed that the duty imposed on the gross amount of the receipts of railroads is 2 per cent., and the question is whether that 2 per cent. duty imposed upon the railroads shall be paid by the railroads themselves or by the traveling public who are compelled to resort to that mode of transportation. The effect of the amendment is to compel the railroads to bear this duty, and if they charge more than three cents per mile—which is a very fair and liberal compensation—that surplus shall be deemed a tax, and be paid into the Treasury of the United States instead of into the treasury of these corporations.

"Mr. GANSON. I would suggest to the gentleman that if the whole excess over three cents a mile shall go into the Treasury of the United States, no railroad company will charge more than that. I therefore suggest that he make the amount so to be paid in one-half.

"Mr. HOLMAN. I think my proposition will very effectually accomplish the object I have in view. It is to prevent the railroad from adding the tax to the fare on travelers. If they charge more than three cents a mile let the people have the benefit of it through their Government. If you simply propose to tax them upon their gross earnings, they will add not simply 2 but 4 or 5 per cent., and in some instances 10 per cent. upon the travel to the country by the increased fare they will exact. It is asserted that railroads are compelled to increase the fare with the tax. I have compiled from the American Railroad Journal a statement of dividends of a number of the leading roads, East and West, to repel that pretense, and indicate their earnings at the present rates. I ask that it may be read by the Clerk.

"The statement, which was read, is as follows:

*Dividends and price of stock of certain railroads during the past year.*

| Railroads. | Dividends, per cent. | Price of shares. |
|---|---|---|
| Illinois Central | 7 | 130 |
| Terre Haute and Richmond | 13 | 125 |
| New York and New Haven | 12 | 160½ |
| New Castle and Frenchtown | 9 | ..... |
| Indianapolis and Cincinnati | 9 | 100 |
| Michigan Central | 8 | 141½ |
| Camden and Amboy | 10 | 186 |
| Central New Jersey | 10 | 175 |
| Buffalo and State Line | 11 | 201 |
| Cincinnati, Hamilton and Dayton | 10 | 132 |
| Cleveland, Columbus and Cincinnati | 20 | 170 |
| Cleveland, Painesville and Ashtabula | 33½ | 180 |
| Columbus and Xenia | 15 | ..... |
| Little Miami | 15 | 140 |
| Pittsburgh, Fort Wayne and Chicago | 10 | 114 |
| Pennsylvania | 8 | 75½ |
| New York Central | 7 | 135½ |

"Mr. HOLMAN. I take the dividends on the Illinois Central from other sources than the Journal referred to, but equally reliable.

"Mr. MORRILL. I desire to ask the gentleman from Indiana whether that percentage is not calculated on the capital of these roads merely, and not on all their indebtedness?

"Mr. HOLMAN. I understand that these are the dividends declared on their capital stock. I take the statement from the American Railroad Journal.

"Mr. MORRILL. Many of those roads have got three or four times as much money represented in their indebtedness as in their capital.

"Mr. HOLMAN. A single instance will illustrate how these dividends are made, and whether the basis is reliable or not. The Illinois Central declared a dividend of 7 per cent. during the past year, and still had remaining of cash assets, after the paying of the last February's dividend, $2,000,000. That is but one of many instances indicating the extraordinary profits of these roads. I take this statement from a leading New York paper.

"Under the influence of the war the profits of most of the leading roads have more than doubled in four years. The capital is mostly held by European capitalists, from whom you receive no other tax than what is imposed upon the roads themselves. They are managed with no reference to public interests or convenience, but only for their own profit, favored monopolies; and yet you impose upon them less tax than the individual citizen must pay, and give them an opportunity—yes, you invite them by the proviso I propose to strike out—to impose the tax you impose on them on the traveling public who possess no remedy against their exactions. The enormity of this proviso I will not attempt to argue. It is infamous, and only needs to be read to be condemned."

Mr. Price, of Iowa, opposed the proposition, and said in the course of his remarks:

"It is impolitic to authorize or restrict railroad companies, for they will always manage in some way to escape from your restrictions."

Mr. Farnsworth, of Illinois, supported the proposition, and said:

"We might as well come at once and declare a tax upon passengers on railroads, for unless you place restrictions in the way, the railroad companies that you tax will exact their taxation out of the passengers. They will increase the rates of fare so as to cover the taxes twice over. This we can prevent them doing in a very simple, easy manner, such as the gentleman from Indiana proposes."

Mr. James C. Allen, of Illinois, supported the measure, and in the course of his remarks said:

"Now, sir, gentlemen who know anything about railroads, in the West particularly, know that as soon as the tax bill passed last Congress they advanced both their passage fares and their freight charges, not in proportion to the tax imposed on them, but upon the principal roads in the West they advanced their fare 1 cent a mile; and I believe some of the roads running eastward to New York advanced their freights from 75 cents to $1.50 on a barrel of flour, and on a barrel of pork, for which they formerly charged $1.25, they now charge $3; so of everything in proportion."

Mr. MORRILL, of Vermont, answering the gentleman from Illinois, said:

"I desire to ask the gentleman a question. I ask the gentleman whether he does not think that these are State institutions which ought not to be interfered with by the Government?"

Mr. J. C. Allen, in reply to this, said:

"Mr. Chairman, we in the West suffer enough now from the exactions of railroad corporations; we have in one sense become their slaves."

The proposition was defeated, but it was evident, from the spirit of the debate, that the oppressive exactions of these corporations would be ultimately resisted.

Mr. E. B. Washburne, of Illinois, was, at the time of this debate, in the chair, and therefore did not engage in the discussion, but he was an earnest supporter of this attempt to limit railroad charges, and was, during his long period of service in this House, the most able, effective, and persistent enemy to the encroachments and exactions of corporations.

I submit the foregoing statement from the public records to show the beginning of this movement and illustrate the spirit of corporate power at a period of great public embarrassment, and to show that while railroad corporations were realizing unexampled profits from public misfortunes they were seeking to escape from the burdens of taxation all classes of citizens submitted to without complaint.

In reviewing the discussion on the bill I have mentioned of 1874, I am astonished to find that the extortions of which our people now so justly complain were then as well understood as now, and this extraordinary delay of Congress in redressing the evils of which the country has so long complained, and complained with so much justice, only illustrates the power these corporations exert in controlling the affairs of Government—their control over the action of Congress.

The vast system of railroads, aggregating 128,967 miles and exercising the absolute power to control the trade and commerce of the country, is a dangerous power in a republic, and when its methods are considered the peril is greatly increased. The capital stock of the railroads of the United States is the sum of $3,817,697,832. Their funded debt is the enormous sum of $3,765,727,066. Their unfunded debt, $259,108,281. Their shares, capital and indebtedness, reach in the aggregate $7,676,399,054. The amount of interest paid last year, $189,426,035, and dividends, $77,672,105. And these billions of dollars of indebtedness, as well as billions of dollars of capital stock, to say nothing of the unfunded debt, are as exacting in their demands as the tax levied by the United States to meet the public debt and requirements of the Government.

And these are public corporations, organized for public purposes, and yet claim exemption from public control. I insist that the right to regulate and control these corporations is absolutely necessary for the public safety. There can be no doubt of the power of Congress to regulate the interstate traffic of these corporations, or of the States to regulate their traffic within their borders and control their charges for transporting persons and freight. The extraordinary privileges conferred on them indicates this.

It must be admitted that the right of eminent domain and sovereign prerogatives which have been employed under the authority of the several States in the creation of these railways, appropriating the property of the citizen and subordinating his rights to a corporation, would never have been tolerated except to promote a high public purpose. Certainly all this has not been done and these corporations invested with perpetual franchises simply for the aggrandizements of the stockholders. Such an interpretation of the laws which underlie this vast system of railway corporations would be repugnant to the spirit of our institutions.

No, sir; these railways are public highways, and these corporations are invested with great franchises for public purposes, and the aggrandizement of the stockholders is subordinate, and must be subordinate, to the public purpose of securing commercial channels at a reasonable cost to the people. The good faith of the States and of the nation requires that these corporators shall be entitled to charge and receive a reasonable compensation for transportation based, perhaps, on the capital actually invested, nothing more; and no charter granted by any State can receive any other interpretation. A charter attempting anything more would be still subject to this limitation by the law of the highest public policy.

I deny that a State of this Union can clothe a corporate body with a portion of her sovereignty and with unlimited power to tax the industry of the people by the monopoly even of advantages, and beyond and above legislative control. "If the Dartmouth College case sustains such pretensions—grants of the State sovereignty from the control of successive Legislatures forever—I deny its authority at this day." But the power of Congress to regulate commerce is not limited by special franchises.

This vast network of railways by the consolidation of corporate power not only monopolizes the channels of commerce, but monopolizes all advantages, and its power is wielded by a handful of successful adventurers. A handful of men emerging from the stock-gambling chambers of Wall street have almost the entire labor of the country at their mercy. A convention at New York of a few railroad kings, made such by the successful manipulation of stocks, determine what tax the industries of the country—this great nation of farmers and mechanics and workmen in every field of productive industry—shall bear. The country has seen how competition disappears before consolidation.

I expressed the foregoing views when the bill of 1874 was pending. I reaffirm them now; and it is now more manifest than then that this enormous railroad system must be subject to the control of the Government or the Government and the people will become subordinate to its interests and demands.

The railroad system has aided in a marvelous degree to develop the resources of the United States, but it must be admitted that it has opened up unexampled opportunities for the fraudulent employment of public grants and franchises for personal aggrandizement.

It is very manifest that those opportunities have not been neglected and that private fortunes have been amassed, within the last quarter of a century, through the public franchises granted to these corporations unexampled in the history of the world, and all this by an almost direct tax on every other industry of the country. The mere statement of capital stock and indebtedness of these corporations clearly indicated the fraudulent method. Capital stock and indebtedness, represented by interest-bearing bonds, $7,842,533,179; gross earnings, $772,568,833; net earnings, $269,493,931. Now, sir, Poor's Manual of Railroads (the highest authority we have on this subject) for 1884 makes this statement:

If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,787,410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling about 9 per cent. on their cost. If the fictitious capital could be eliminated from their accounts their success as investments would have no parallel.

Hudson's work, recently published, entitled "The Railways and the Republic," says:

Surely the estimate of Poor's Manual that the actual cost in money of all the railroads in the United States did not exceed their funded and floating debts, an aggregate of $3,787,000,000, and that the fictitious capitalization was $3,708,000,000 is moderate and conservative.

Now, what is the result of all this? If it affected only the holders of these securities it would be a matter of little moment; but this fictitious indebtedness represented by stocks and bonds demands interest and dividends, and the whole of the industries of the country must be taxed to support this vast volume of fictitious securities, greatly exceeding in amount the public debt of the United States at the close of the war. Yes, exceeding the public debt at the highest point it reached more than a billion dollars. The result is manifest; the railroad system with an absolute control of the industries of the country and a power of taxation as systematic and absolute as that of the Government of the United States, by fraudulent methods compels the country to support not only a legitimate capital of $3,787,410,728, but an additional and wholly fictitious capital in bonds and stocks of $3,708,000,000, and the country can not escape this burden even partially except by breaking down the consolidation of the railroad system. It is through this system of consolidation, this pooling of interests, destroying just and wholesome competition, that a few railroad kings are able to tax the whole people at their pleasure, and give solidity and value to a gigantic mass of fictitious wealth.

Our country and our free institutions are undergoing a change the magnitude of which our people hardly seem conscious. The excessive taxation imposed upon our people by the Federal Government far beyond the just requirements of the public service; the enormous grants of our most valuable public possessions, our public lands, heretofore made, and the mass of public securities issued by railroad corporations, which rest upon the industries of the country, are centralizing the wealth of our people to an extent never before experienced in the history of the world. We see vast private estates on the one hand and a growing multitude of impoverished people on the other. The farmers of the country, that great and conservative body of men, who in all ages have been the support of free institutions, find the fruits of their fields burdened by oppressive exactions, and their labor unprofitable.

It must be admitted that the extortionate demands of the railway corporations on the labor of the country are a leading cause of this discouraging condition in our affairs. Great corporate interests, always exacting, extortionate, and despotic, and great private estates, always timid, have no faith in free institutions or a free people, but seek the shelter of a strong government. Hence the extraordinary effort we are now witnessing, at a time of profound peace, with higher guarantees, if possible, than those we have formerly possessed of peace with all the world, to place this Government on a military foundation. I admit that Congress is making concessions to the great capital interests slowly, but the movement goes on without pause. Unconsciously we drift into the old methods of government from which our fathers believed they had forever emancipated our Republic.

Any measure, therefore, that will restrict the aggressive tendencies of these corporations and secure the wholesome power of free competition and put an end to the practice of unjust discriminations between persons dependent on railroad facilities, will so far at least be of benefit to the people and will curtail the power for evil of these corporations. This bill aims at the following results:

1. It prohibits unjust discriminations and favoritism to any particular person, company, or corporation.

2. It prohibits any railroad company from charging a greater price for transporting persons or freight for a shorter than a longer distance on the same line.

3. It prohibits the pooling of freights of different and competing railroads or dividing between them the aggregate or net earnings of such railroads or any part thereof.

There are many subordinate provisions of the bill of value, but this statement presents the leading features. I sincerely regret that such large power is conferred on the commissioners over the question of charges for a shorter than a longer distance. I think the rule should have been absolute. I regret indeed the creation of this commission, but it is a small evil compared with the great good sought to be secured.

Considering the bill as a whole I give it my cordial support, yet it is clear that it will require years to perfect the measure. It is certain that the Government must regulate and control these powerful corporations, else they will control the Government. This bill is at least a good beginning, but the work will not be completed until the legislation of Congress shall establish beyond question that the imperial franchises conferred upon these corporations were designed to promote public interests and advance the public good, and not for the mere purpose of creating imperial private estates; that the Government—not a few railroad kings, arrogant in the possession of imperial power—shall determine what are fair and reasonable charges for the transportation of persons and freights.

This measure, too, will encourage the States to exercise the power they possess to regulate the local railroad traffic within their borders, and with the passage of this bill the hope may be indulged that in the course of a few years, by the united action of the Federal Government and the States, within their respective jurisdictions, this gigantic system of railroad corporations, organized for the public good, but with its enormous powers perverted to the purposes of extortion, injustice, and personal aggrandizement to an extent that no Government, monarchy or republic—with any remaining sense of justice could tolerate, will be brought within the proper control of law, a subject and servant of the Government and not its master, the agent of the people and not their arrogant oppressor.

After these years of contest I congratulate this House on the certainty that this bill will soon become a law; that one system at least of corporate franchises and overbearing monopoly, which has hitherto employed its combined powers in the amassing of imperial private fortunes by extortion, oppression, and injustice, will be placed under the restrictions of imperative law. This measure, at least, is an auspicious beginning.

---

## Legislative, Executive, and Judicial Appropriation Bill.

---

### SPEECH
OF
# HON. GEORGE C. CABELL,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,

*Monday, February* 28, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. CABELL said:

Mr. CHAIRMAN: I do not feel like undertaking to discuss this bill in the short time allowed me; but it has been criticised by a number of gentlemen with a good deal of severity, and I think something ought to be said in reply. Complaint has been made that the bill has been retarded; that it has not been brought before the House in good time. If that be so, whose fault is it? This bill was reported to the House upon the 3d day of February, and from that day on until now it might have been taken up and considered at any time. At least three distinct attempts have been made by the chairman of the subcommittee, my friend Mr. HOLMAN, to take up the bill for consideration, but the House declined to do it. Therefore, if there is a fault anywhere, let the House take it to itself, and not ascribe it to the Committee on Appropriations.

That committee may not have brought in a bill to suit everybody. To do that were impossible. No committee, gentlemen, could have done that, and I take it for granted, as you upon consideration will do, that the great clamor raised against this bill results from the fact that the friends of some gentlemen were not allowed to put their hands into the Treasury as deeply as they desired, rather than from any defects in the bill itself. It was the duty of the Committee on Appropriations to reduce the expenditures of this Government as far as it could. Not only the House but the country expected that; and it certainly comes with ill grace from Democratic members of this House to complain when the Committee on Appropriations have reported a bill which gives evidence of economy and a regard for the public interests.

Amongst those who have complained about this bill coming into the House at so late a stage in the session is my distinguished friend from Louisiana [Mr. BLANCHARD]. I do not think it lies in the mouth of that gentleman, who is a shining light upon the Committee on Rivers and Harbors, which committee has been twice before this House upon a suspension of the rules—I say I do not think it lies in the mouth of any gentleman representing that committee, for whom we had to stand aside, to complain of the Committee on Appropriations for bringing in this bill at so late a day or any other day. Another gentleman who has complained is my friend from Illinois [Mr. CANNON]. I am astonished at that. Mention was made while he was addressing the House of the fact that the Committee on Appropriations was summoned here in November, in advance of the session of Congress, to make up all the bills for which that committee is responsible.

That is true; and who was it that failed to appear to help to perform that duty? My friend from Illinois [Mr. CANNON] was one of the delinquents. And not only that, sir, but I will only add—and I am sure he will not take it amiss—that the work of the committee was further retarded by the absence of that distinguished gentleman while he was seeking a seat in another portion of this Capitol. [Laughter.]

Therefore, it does not come with very good grace from that gentleman to make such criticisms as he has upon the committee of which he is a member.

Our friend Mr. BUTTERWORTH, another member of the Committee on Appropriations, has aired his views in a criticism of the actions of his committee. I challenge the propriety of his criticisms also. Amongst other things he claims that this House is but the sounding board of public sentiment, and that the members are moved by every popular breeze. Perhaps that is true, but is not the gentleman himself somewhat amenable to the infirmities of his brethren, and does not he sometimes "catch on" and utilize the popular breeze in his own behalf? Methinks I remember that but a short time ago, after having made an eloquent speech—such as he generally makes—upon the interstate-commerce bill—I think—he retired from this Hall, caught a little of the popular breeze overnight and came in next morning and voted for a bill of abominations, as he must have regarded it, which he had so eloquently denounced the day before. [Laughter.] Under all the circumstances we can not esteem very highly the taste which inspired the gentleman's criticisms upon the consistency and labors of the Committee on Appropriations.

The fact is, Mr. Chairman, we have done the best we could. We have done about as well as any other fifteen men could or would have done under the circumstances. It is easy for gentlemen to throw their own shortcomings upon the shoulders of others, and the Appropriations Committee seems to be the annual scapegoat of this House; and it has become somewhat of a habit that when a member goes before his constituency to give an account of the deeds done in this body, he finds it very easy for him to say that "that great bugbear, the Committee on Appriations, is responsible for all my sins and failures." [Laughter.]

Some gentlemen nurse this idea with such tenacity that they really persuade themselves, and would have their constituents believe, that they are the victims of a ruthless band of financial marauders—this so-called "autocratic committee" whose mission culminated in the endeavor to ruin the country, to strand the hopes and wreck the achievements of every member of this House outside of their own little "family circle." This fancy may beguile the statesman and soothe his disappointments, but it will hardly satisfy either the country or the, perhaps, too inquisitive constituents. The demand will be as it has ever been—"tell us of the good deeds you have done, rather than the evil that somebody else has wrought." The present Committee on Appropriations I suppose fairly averages with its predecessors. In my association with its members I have never heard that they claimed infallibility or desired to grasp power or usurp authority. That they have labored faithfully to discharge every duty I know, and so does every well-informed member of this House. In my experience here I have never known the work of any appropriation committee please everybody; of course not; it was not desirable that it should. The very fact that the committee has stood as a breakwater between the people's treasury and its hungry assailants inside and outside of Congress is a fruitful cause of offense to many. This House no doubt—the people certainly—will appreciate every effort towards reasonable economy.

The majority of the committee endeavored to redeem our party's pledges to the country. For this we are assailed. Certain gentlemen without regard to consistency in one breath assail us for decreasing salaries, in the next for increasing them. What are the facts? The aggregate increase of salaries in this bill amounts to $4,100, the aggregate decrease to largely over $100,000. Before the advent of the Democratic administration there were loud complaints of the great number of officials and the extravagant salaries paid them. No sooner were many of our people—after much tribulation it is true—put in position than they began almost with one accord to clamor for "more pay." During last session and this they came down upon our committee singly, in squads, and almost in battalions.

Not always alone, however; their Republican brethren—too many of whom in my judgment have been kept in office—came along too. The high official and the low, the efficient and the inefficient—if all could not come they generally had representation—all and each wanted something more, and each and every man could show with unerring logic why of all others his salary should be raised. The committee could not always see matters in the same light as those who were seeking more. Their memories reverted to promises of two years or more ago, perhaps, and their visions annihilated space and rested in perspective upon countenances of beloved constituents shortly to be confronted. For these and other reasons not many new offices were created, some were dispensed with, but few salaries were raised, many were cut down, and appropriations for a number of objects decreased. "Hence these tears."

The general reductions in the bill foot up over $400,000. Now let us see whether the quondam economists of the House will sustain the committee's action. You must do so, gentlemen, or prepare to show to the country why you do not. When a bill is brought into the House by a committee providing for a decrease of expenditure and goes out greatly enlarged, a very "meek-minded" constituency would know where to place the responsibility.

That there may be defects in this bill I do not deny—there are provisions in it which I do not approve—but it presents the results of the best efforts of a hardly worked committee anxious to legislate for the best interests of the country. The objections taken to it, I say again, are that more money was not given. In view of all the facts should

more have been appropriated? The country is yet burdened with an enormous debt. Its yearly expenditures are increasing, while the ability of the people to pay withering taxes is diminishing. When the late war ended the public debt amounted to $2,773,236,176.69. Notwithstanding the fact that the enormous sum of $7,353,000,000 has been collected from the people since the 1st day of July, 1866, in the shape of taxes, the public debt is to-day about $1,730,000,000. This is a bad exhibit, but it is not all. Although nearly twenty-two years have gone by since the late unhappy war, war taxes have been kept up, tariff taxation has been but little reduced, and that miserable system of internal taxation despised by our fathers and abhorred by their children yet remains to insult the intelligence and blight the prosperity of the people of a large part of this country.

The spy and the informer yet holds his place; the commissioner and the marshal still do their baleful work; and the collectors of the country wring annually from a hapless people more than $116,000,000—the spoils of a horrid law. For myself, I can say that I have labored for years to rid the country of an oppressive system. In season and out I have besought Congress to grant this measure of relief to the people, and my greatest regret as I go out of public life, as I shall do in a few days, is, that I have not been permitted to witness the abolition of a system undemocratic, unrepublican, un-American, and which has never conferred benefits commensurate with its burdens and enormities.

But to return to the bill, Mr. Chairman. I aver that the criticisms directed against this bill are groundless, and I warn gentlemen, especially of the Democratic side of this House, that any material departure from the provisions of the pending bill will result in the final passage of a measure worse in every respect than the one here presented. This bill provides for a great reduction in the expenses of the Government. In the name of all good conscience if we can not remove existing burdens from the shoulders of the people, at least let us not impose new ones upon them.

---

## Transportation of Mails to Foreign Lands.

SPEECH

OF

# HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, February* 24, 1887.

The House being in Committee of the Whole on the state of the Union for the consideration of general appropriation bills, and having under consideration the amendments of the Senate to the bill (H. R. 10793)making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888—

Mr. BLANCHARD said:

Mr. CHAIRMAN: The proposition over which this controversy has arisen is an amendment placed on this bill by the Senate making an appropriation of $500,000—for what? To pay for the transportation of our foreign mails to the Empire of Brazil and the Argentine Republic and the Republics of Uruguay and Paraguay, and to the other South American republics. To my mind it is a misnomer to call it a subsidy, and that scarecrow set up over this amendment shall not deter me from voting for it.

We have tried the present system of endeavoring to build up a mail service between our country and our neighbors on the south, and our policy in that respect has proven a dismal failure.

Underlying this Senate amendment are sound business principles. If we have failed under the present system of paying inland and sea postage for the transportation of our foreign mails, which is only 5 cents a letter, let us embark in another policy, that of putting money into the hands of the Postmaster-General to enable him to pay out what is necessary to secure direct and regular transportation of mails between our country and our sister republics in South America.

This is not a new policy. I hold in my hand a statement which I will read. From 1848 to 1860, both inclusive, a period of thirteen years—and a period, I will say to my Democratic friends, of Democratic ascendancy, of great Democratic administrations under whose wise rule our country grew, flourished, and developed—under those administrations and in that period of thirteen years there was appropriated $16,542,722.54 for carrying our foreign mails, of which $16,232,529.19 were paid to American ships, leaving only $310,193.35 which was paid to vessels of foreign register for carrying our mails. I cite this to show that this Senate amendment is no new departure; that in those thirteen years we spent those millions of dollars in order to acquire direct and regular mail communication between our country and foreign countries.

It was no more of a subsidy then than now. It was merely paying an adequate price for what we wanted, and that is just what it is at the present time—no more and no less.

Mr. Chairman, the three following reasons given in a business periodical of the day express exactly and tersely my judgment of the situation, and fully justify the vote I shall cast in favor of this amendment:

First. Three-quarters of the mail routes of the United States would be suspended if the same principle was applied to them that our Government seeks to apply to ocean mail service, namely, that only the postage earned on that particular route should be given as compensation to the carrier.

Second. The experience of all other nations, with whom we must compete for the trade of the world, shows this, and in consequence they assist in the establishing of steam lines by paying a liberal compensation for mail service until trade is sufficiently developed so that the lines become self-sustaining when the amount of such pay is reduced.

Third. All Central and South American countries would naturally trade with us if we had quick and frequent steam communication, but a large part of the correspondence of American merchants now goes via Liverpool to be distributed to these countries by English steamship lines, and even the disbursements of our Navy and consular officers have to pay tribute to foreign bankers by passing through London.

Besides, sir, if I understand the English language, the Postmaster-General, in his last annual report, has strongly recommended something of this sort. I quote from his report:

In the appended report of the foreign mails office a particular statement is given of the quantities of mail matter transported by, and of the payments and rates to, each of the various companies which participated in this service, with much other interesting matter.

Petitions, numerously signed by well-known and enterprising merchants and manufacturers of New York, Philadelphia, Baltimore, New Orleans, Saint Paul, Minneapolis, and other places, have been presented to the Department for the establishment of direct and regular mail communication with the Argentine Republic, the Republics of Uruguay and Paraguay, and for a semi-monthly service to the Empire of Brazil. These petitions represent that within a few years past the Argentine Republic has increased in population and wealth with greater proportionable rapidity than any other country on the globe; that our manufactures, particularly machinery and coarse cottons, are in demand there, but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines; that our direct monthly mail service to Brazil has increased our exports of manufactures to that empire; and it may be confidently expected further advantageous results would follow the solicited enlargement of mail communication.

No authority of law exists of which the Department can avail itself to meet this request. The statutes now give power to employ only such vessels as may be intending voyages to foreign ports in the course of their trade. It has been a constant study to secure by such means the greatest possible frequency and celerity of dispatch, and every opportunity afforded by the sailing of any vessel promising any such advantage has been promptly seized, so that, at the present time, the Department enjoys the best methods for the transportation of its mails to foreign ports which the existing establishments of lines of ships or the occasional sailings of vessels foreign-bound render possible. No gain in regularity, frequency, security, or speed can be obtained unless other ships shall be put upon the seas by private adventure or by foreign powers, or other provision shall be made by the Congress.

The particular application of these petitioners appears to me to be entitled to serious consideration. There is now direct mail communication between this country and no port south of Rio de Janeiro. To the latter the ships of the United States and Brazil Mail Steamship Company afford but one dispatch a month. To more northern ports of the Brazilian Empire somewhat greater frequency is attained by the occasional use of other vessels; but the sailings of these are not regular, and the gain by their employment is but moderate. It is not to be doubted that the extension of direct service to the southern republics of the continent, and regular semi-monthly service to the Brazilian metropolis, would be valuable and desirable, measured by the principles which should alone govern sound postal administration. The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress at the last session. The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have multiplied its cost, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers.

This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner. The requisite expenditure would be for something worthy of expenditure, and within the general usage and the sound principles of the postal service. It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce. Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns, but undeniably to the great increase of the country's general welfare; and whenever the substantial need of intercourse by the mails rises provision for such communication is promptly made.

These considerations suggest inquiry whether there be the need of such mail communication with the mentioned countries of the southern continent, whether that need be worthy of special effort to meet it, and whether it can be supplied at a cost justifiably adequate to the present and prospective value of the proposed intercourse. The determination of these inquiries rests with the Congress, and the Department is privileged, and by its information able, only to express the general opinion that such service would be highly useful and is fairly demanded by the interests of the country, and its early establishment should be attempted; and I respectfully suggest that you invite the attention of that body to the subject in such terms as shall commend it to careful consideration. Should the recommendation meet with favor in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view, their lack of manufacturing establishments of their own, the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens, as well as of creating firmer ties between the peoples of our continent, invite the extension and

enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

Mr. Chairman, the argument presented so clearly by the Postmaster-General is sufficient for me. I need not look further. I am ready to vote this $500,000, to place this money in his hands, so that a step may be taken in the direction so plainly pointed out by him. The House Committee on the Post-Office and Post-Roads recommended nothing in this respect. They simply ignored the Postmaster-General's recommendation. The Senate has treated him with more consideration. They have suggested something. Let us take it rather than continue longer in a miserable policy of denial and negation.

Mr. Chairman, there is within the limits of this great country of ours one-sixth of the world's entire wealth, and we are growing in wealth at the rate of $2,000,000 a day, more than twice as rapidly as the nearest and most formidable of our rivals, Germany and Great Britain, and nearly six times as rapidly as the most prosperous of our other rival nationalities.

The American people are already doing one-third of the world's mining, one-fourth of its manufacturing, one-fifth of its agriculture, and one-sixth of its banking—and that upon a territorial capital of but one-eighteenth of the world's land area, and that, too, but very partially reduced to use.

These, sir, are grand and glorious achievements. But what have we done in another direction—in the great national and international direction of the transportation of the world's commerce? Sir, in that respect we are behind nations of the fourth and fifth-rate character.

I say, sir, down with the policy that keeps us down in this respect, and up with the policy—broad, liberal, international—which will build up our foreign carrying trade, which will give us the broad range of the oceans, even as we have on land the undisputed range of nearly one-half of a great continent of the world.

I shall, therefore, sir, vote for this Senate amendment; and no bold, vehement, declamatory, speech on the other side of this question, no attempt at whipping into traces, no drawing of party lines upon a question essentially non-political, shall deter me from so doing.

[Here the hammer fell.]

---

## Death of Hon. Lewis Beach.

REMARKS

OF

# HON. JOHN J. O'NEILL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, February* 8, 1887.

The House having under consideration resolutions announcing the death of Hon. Lewis Beach, late a Representative from the State of New York—

Mr. O'NEILL, of Missouri, said:

Mr. SPEAKER: I came here to-night to pay a slight tribute to the memory of Mr. Beach, one with whom I was intimately associated. During my first winter in Congress we occupied adjoining suites of rooms in the same hotel, and it is in that close communion where you are brought together every day and every night that you begin to realize the hidden worth of a man which is not manifest always in his discharge of public duties.

In all my experience among men I have never known a more earnest or a more conscientious and faithful representative of what he deemed to be his duty than Mr. Beach. He had a conscientious fearlessness that carried him so far that he was willing to stand in this House solitary and alone, objecting to the consideration of measures that he thought should have been brought up at a regular time and presented in accordance with the regular mode of procedure. While he incurred for the time being the hostility of men when he objected to special measures they desired to pass, still that earnest, steadfast purpose of Mr. Beach to discharge his duty ultimately won the respect of every member in this House. And when, after his lingering illness, the sad news came that Lewis Beach, of Cornwall, was dead, I know that every member felt that the American people had lost a fearless, an earnest, and an honest representative, and that Congress had lost one of its most useful members.

I realize that to-night we have met here for the purpose of paying a tribute not alone to the memory of Mr. Beach, but also to that of Mr. Dowdney, and also Mr. Arnot, late members from the great State of New York, all of them possessing peculiar excellencies that endear their memory to us all.

Of John Arnot I will say he was an earnest, honest man, not brilliant, but exact and correct in every detail of life, a man who simply recognized the one object in life that no matter what your duty was you should discharge it fearlessly, and persevere until it was accomplished.

Concerning the late Mr. Dowdney, I was one of the committee that went with the delegation from this city to New York to pay the last tribute of respect at his grave. I know that the members with whom he came in contact could easily appreciate how that simple, unassuming man, by close attention to his business, had achieved a position in New York, not alone a position of independence so far as financial matters were concerned, but had obtained the confidence of the people of that city until they elected him to the highest office in their gift. And standing by his grave I could not help realizing what a mere trifle are earthly ambitions when, in the midst of the possession of the highest honors in the gift of the people, we are cut off, leaving simply behind us the heritage to our posterity of the reputation that while in public life we honestly and earnestly discharged our duty.

---

## Sugar-Making by Diffusion—Government Experiments.

A letter from the late Professor Silliman; report of the National Academy of Sciences on Government sugar experiments; and sundry reports upon the experiments at Fort Scott, Kansas, &c.

SPEECH

OF

# HON. J. FLOYD KING,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

*Wednesday, March* 2, 1887,

On the bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes—

Mr. KING said:

Mr. SPEAKER: I would like to ask the gentleman from Missouri if I understand him now to be in favor of using this appropriation for continued experiments in the diffusion process, under the chemist of the Agricultural Department.

Mr. HATCH. I will say this much to my friend from Louisiana: That I am informed, and the Commissioner of Agriculture has so stated to more than one member of the Committee on Agriculture, both in the House and Senate, and it was stated in conference when pressed by the Senate to agree to the terms of this amendment, that the present chemist who had charge there would not have it this season.

Mr. KING. That is not the question. I want to ask the gentleman this: Are you in favor of additional appropriations for the purpose of making experiments by the diffusion process? I wish to address myself to the Senate amendment looking to the expenditure of $50,000 for continuing the experiments in the manufacture of sugar by the process commonly known as diffusion; and I simply wish to call the attention of the House to some facts in connection with this matter which I think the House should be fully possessed of, and which should go to the country. For the past seven years, year after year, appropriation after appropriation has been made by this House for this purpose, now amounting to $330,300 altogether.

Of this amount all but $46,800 has been appropriated during the last five years, to be squandered in the most scandalous manner by Chief Chemist Harvey W. Wiley, who has had the unrestricted control of it, and who will have control of the $50,000 which the pending bill proposes to add to it for the fiscal year ending June 30, 1888.

Suit has been entered by the United States against ex-Commissioner of Agriculture George B. Loring for the recovery of some $21,000 of these appropriations, which the First Comptroller of the Treasury decides have been unlawfully expended, and preliminary steps have been taken to bring a similar suit against the present Commissioner, Colman, for the recovery of $1,800 expended in the same unlawful manner. These unlawful expenditures were made by Chief Chemist Wiley, in charge of the sugar business of the department, but the Commissioners are held responsible.

PRESIDENT CLEVELAND

removed Commissioner Loring immediately after his inauguration and afterwards instituted suit against him for the recovery of money appropriated for experiments in the application of diffusion in the manufacture of cane sugar, but which the Commissioner had permitted the Wiley foreign sugar coterie to squander in the purchase of a cargo of imported beet seed.

It is time that this waste of money should be stopped; and I wish to call the attention of the House and of the country to the matter.

I am as much in earnest in my desire to have an honest experiment in the application of diffusion in the manufacture of cane sugar, which it is estimated will result in a saving of $5,000,000 per year to the sugar planters of Louisiana alone, as any man on this floor or in this country.

But in this Department of Agriculture they have made failure after failure, and upon the most frivolous pretenses come here again and again for more money, hungry for the people's money to be squandered.

Now you come back again for $50,000. I understood the chairman

of the committee to tell me two days ago he would oppose this amendment if brought from the Senate. Now he comes with that amendment here and endeavors to crowd it down the throats of the members of this body without discussion. I say it is an improper way of spending the money of the people of this country, and I beg members to vote down this appropriation. Strike it from this bill and pass no appropriation until you can have these moneys spent honestly and for the purposes for which they are intended.

THE WILL OF THE HOUSE SHOULD BE OBSERVED.

I believe that the will of the House should be observed in this matter, and that we ought not to go on year after year voting these appropriations in blind obedience to the Department of Agriculture. I believe with the late Professor Silliman, as expressed in his letter to Hon. Abram S. Hewitt, that the Government sugar experiments should be conducted independently of the Department of Agriculture as it has been organized for five years past. The letter is as follows, and I commend it to the attention of the House and to the people:

NEW HAVEN, CONN., *January* 24, 1884.

MY DEAR MR. HEWITT: Yours of the 20th came in during my absence, and in reply to your inquiry I must say that I doubt if cane-sugar can be made at a profit at the present state of the art without a protective duty.

I am, on the broad ground of good statesmanship, in favor of free trade. But practical statesmanship, it appears to me, must admit the wisdom of France in the beet-sugar industry. It needs no augmental proof that, save for the aid offered by that Government, the remarkable result could never have been attained by producing sugar from that source at a cost to compete with the Cuban muscovado, as was true here in New York and Philadelphia this past season.

We are far from having reached a full knowledge of the conditions under which cane sugar can be best produced. If the whole matter could be placed in the hands of a commission with Dr. Collier at its head to carry on the investigations independently of the Agricultural Department, as at present organized, a satisfactory solution of this question might be anticipated. It was a part of my purpose when in Washington to have stated to you more fully than can well be done in a letter my views on this subject. But the very dismal weather on the last day of my stay kept me housed, not being then very well. I hope I may yet enjoy this opportunity at an early day.

Yours faithfully,

B. SILLIMAN.

Hon. ABRAM S. HEWITT, M. C., *Washington, D. C.*

PROFESSOR SILLIMAN ON PROFESSOR WILEY.

It should be borne in mind that Professor Silliman was chairman of the sugar experiment committee of the National Academy of Sciences, whose report I shall refer to later on, and when he wrote the above letter he had examined the work of Chief Chemist Collier, whom Commissioner Loring removed without cause, and also the work of Chief Chemist Wiley, who had been appointed in the place, and after a careful examination of both, condemned Wiley and recommended that the sugar experiments should be conducted "independently of the Department of Agriculture as at present organized," under Wiley and "put in the hands of a commission under Dr. Collier."

Here is Professor Silliman's letter. It speaks for itself. The further communication which he promised Mr. Hewitt was prevented by death, and the contemplated investigation was never made. Harvey W. Wiley, the present chief chemist, has remained in control of the Department of Agriculture since 1882—squandering the appropriations as they have been made year after year. I hold that we should either stop these appropriations or place proper restrictions around their expenditure.

THE NATIONAL ACADEMY OF SCIENCES.

The Senate, by resolution of July 1, 1882, directed the Commissioner of Agriculture to transmit the reports of the chief chemist of the Department upon sugar experiments to the National Academy of Sciences for "report and investigation."

The following committee on sugar experiments was accordingly appointed by the academy to make the "investigation and report" requested by the Senate under resolution:

Benjamin Silliman, M. A., M. D., chairman, professor of chemistry, &c., Yale College.

William H. Brewer, Ph. D., Norton, professor of agriculture, Sheffield Scientific School, Yale College.

Charles F. Chandler, Ph. D., professor of chemistry, Columbia College, New York.

Samuel W. Johnson, M. A., professor of theoretical and agricultural chemistry, Sheffield Scientific School.

J. Lawrence Smith, M. D., late professor of chemistry, University of Louisville, Ky.

Dr. Gideon E. Moore, Ph. D., consulting and analytical chemist, New York.

Dr. C. A. Goessmann, professor of chemistry at the Massachusetts Agricultural College at Amherst.

This committee made its report to Hon. David Davis, President of the Senate, through the Commissioner of Agriculture, on the 10th of January, 1883. The conclusions reached are stated by the committee, as follows:

FUTURE INVESTIGATION.

Although much important work has been already accomplished and results fully repaying the care and expense bestowed have been attained, there yet remains a vast amount of work demanding further investigation. Even granting that the questions already settled may suffice to place the cane-sugar industry upon a safe and profitable footing, it by no means follows that it may not be made more profitable.

Under the careful supervision of science from its earliest infancy, the beet-sugar industry has so advanced that to-day 38 per cent. of the world's supply of sugar is derived from this source—a plant poorer in sugar, more expensive in cultivation, and far more difficult and costly in the means required for the extraction of its sugar than sugar-cane—and yet under this scientific supervision it stands practically the sole rival of the cane as a source of supply for sugar.

Perfected processes and improved appliances have enabled the manufacturers to obtain practically all of the sugar present in the beet, either as sugar or molasses or spirits, while, on the other hand, it is estimated that fully one-third of all the sugar in the cane is burned up in the bagasse upon the sugar plantation.

The same methods, the same apparatus, the same waste which are in use and characterize our production of sugar from cane obtains in its production from sorghum. Sixty per cent. of juice from an actual 90 per cent. is the maximum yield of our cane mills. This, then, remains a matter for future experiments and solution.

The methods of defecation in the process of manufacture are completely unsettled, and the greatest difference of opinion and practice prevails among cultivators and manufacturers.

The use of lime or of some other alkaline agent, the removal of the sediment, and the treatment of both the scum and the precipitate demand further investigation.

The same is true of the use of sulphurous acid or oxide, in solution or in vapor, which is open to many doubts in the minds of the sugar-masters—doubts which may be empirical, but which careful research alone can dispel and confirm. It is worse than idle to dogmatize on matters of this description, but dogmas will prevail where sound evidence is wanting.

There are chemical agents which may be tried in connection with cane-sugar production of which, as yet, we have no recorded experience and no laboratory guidance; for example, the action of sulphites and hyposulphites of the alkalies and of alkaline earths in place of sulphur fumes or sulphurous acid.

There is a wide range of experiment possible in the methods of clarification by other agents than those familiar at present.

We are ignorant of the possibilities which may attend the attempt to reduce the sucrose to an insoluble lime-salt which can be kept indefinitely and transported as flour.

The extensive literature of the sugar industry, enriched during the half century or more since the days of Napoleon I by the labors of the best technical chemists of Europe, is far from being exhausted in the search for data long slumbering in almost forgotten pages from which important suggestions may arise in aid of the cane-sugar industry.

We must not rest until an economical and rapid method is discovered to save the loss of about 40 per cent. of the juice which is now wasted in the begasse. Such an invention would enrich the world equally in the tropics and all cane-growing countries as in the fields of sorghum. But such methods are perfected only as the fruit of research, and this must not be relaxed when we are possibly on the verge of success.

It will be found on consulting the records of the Department of Agriculture that a notable amount of good work has been done in this direction by the chemical division, and it is clearly desirable that it may be made a subject of further inquiry. The committee are of the opinion that many important questions are yet unsettled, some of which have been indicated in this report; and that the sugar-producing industry of the whole country, both the tropical cane in the South and the sorghum, will derive yet greater benefits from the continued investigations of the chemist of this Department (Dr. Peter Collier), to whose former work we are already so much indebted.

B. SILLIMAN, M. D.,
*Professor of Chemistry, Yale College, Chairman.*
WM. H. BREWER, PH. D.,
*Norton Professor of Agriculture in Yale College.*
C. F. CHANDLER,
*Professor of Chemistry, Columbia College, New York.*
S. W. JOHNSON,
*Professor of Agricultural Chemistry, Yale College, and Director of the Connecticut Agricultural Experiment Station.*
GIDEON E. MOORE, PH. D.,
*Consulting and Analytical Chemist, New York.*
J. LAWRENCE SMITH, M. D.,
*Louisville, Ky.*

AN UNFORTUNATE CHANGE.

Shortly after the above report was made Commissioner Loring dismissed Dr. Collier and appointed the present incumbent, H. W. Wiley, who he brought from Indiana for the purpose.

Since his appointment this man Wiley has had virtually the control of the patronage of a department amounting in the aggregate to about $2,500,000, and absolute and unrestricted control of appropriations for the chemical division, amounting during the period of his mismanagement to $284,500, appropriated mainly for experiments in the application of the diffusion process in the manufacture of cane-sugar; and yet in all these four years, and for all the annual appropriations, Wiley has not made one pound of cane-sugar by the diffusion process in Louisiana or in any of the Gulf States.

THE LOUISIANA SUGAR PLANTERS' ASSOCIATION

utterly repudiated Wiley at its regular monthly meeting last May. Some days before the meeting Hon. Duncan F. Kenner, the president of the association, asked and received from me permission to read my letter of April 3, thoroughly exposing Wiley's true character, at the meeting.

In that letter I stated that the Department of Agriculture had, in my opinion, expended thousands of dollars in the vain attempt to educate Wiley as a chemist and sugar engineer; that Western Senators and Representativess had expressed a determination to oppose all further appropriations to be expended by Wiley, and that at least two members of our delegation felt inclined the same way.

I stated also that a well-known Kansas sugar engineer and chemist had been appointed to conduct the sorghum experiments, and suggested that a new superintendent should be appointed, in place of Wiley, to take charge of the tropical cane experiments in Louisiana.

My letter was read, as requested, and printed, as is shown by the following from the secretary of the association:

[Louisiana Scientific Agricultural Association, Professor W. C. Stubbs, director sugar-experiment station, Kenner, La.]

OFFICE OF THE SECRETARY, 6 CAMP STREET,
*New Orleans, La., May* 28, 1886.

DEAR SIR: At the regular monthly meeting of the Louisiana Sugar-Planters' Association the following resolution was unanimously adopted:

"*Resolved*, That the very interesting letter of General KING, and his defense of the sugar indnstry of Louisiana in the matter of diffusion, be published for the benefit of the planters not present to-night.

Yours, respectfully,

J. Y. GILMORE, *Secretary.*

Hon. J. FLOYD KING, *Washington.*

At the same meeting a letter was received from Commissioner Colman, announcing the postponement of the Louisiana diffusion experiments, for which we had appropriated $111,500, another year, and referred to the executive committee and never acted upon.

It will be seen, therefore, that the National Academy of Sciences and the Louisiana Sugar-Planters' Association are thoroughly in accord in this matter. They hold that the experiments should be conducted independently of the Department of Agriculture. The chief chemist has, indeed, a little coterie of retainers, who have profited by the squandered appropriations, but the solid men of Louisiana expressed their sentiments by passing the above resolution *unanimously!*

THE NEW ORLEANS PICAYUNE INVESTIGATION.

During the summer and fall of 1885 and the winter following, I made a careful investigation of this subject, and gave the results in an interview with a special correspondent of the New Orleans Picayune, which was published in its issue of February 3, 1886, as follows:

DIFFUSING MONEY—THE GOVERNMENT EXPERIMENTS IN SUGAR-MAKING BY DIFFUSION—STARTLING DISCLOSURES—$218,800 APPROPRIATED IN SIX YEARS, AND NO DIFFUSION EXPERIMENTS IN THE SOUTHERN STATES—SERIOUS CHARGES BROUGHT AGAINST THE CHIEF CHEMIST BY A UNITED STATES SENATOR—AN INTERVIEW WITH GENERAL J. FLOYD KING.

[Special to the Picayune.]

WASHINGTON, *February* 1, 1886.

It is announced here that "the eighth annual convention of the National Sugar-Growers' Association is to be held at Saint Louis on the 16th and 17th of this month," and that Professor Wiley, chief of the chemists' division of the Department of Agriculture, and for some years past in sole charge of Government diffusion experiments, mechanical and chemical, will be present, to give an account of his recent visit of two months in Europe for the purpose of investigating the system in use there in the reduction of beet-sugar, &c., which is expected to be of great interest.

Seeing this announcement and remembering that the First Napoleon introduced the beet-sugar manufacture in Europe, and that everything connected with it was known years ago the world over, I did not clearly see the necessity of sending our well-paid Government chemist or his assistant to Europe, as has been done for two years past, to investigate the subject—particularly since it has been ascertained by many costly experiments that beet-sugar can not ever be profitably produced anywhere within the exterior boundary of the United States, except in a small district in California. These annual trips to Europe are doubtless enjoyed by the gentlemen of the chemists' division, but I was in doubt as to the propriety of spending the Government money that way, and, moreover, somewhat in the dark in relation to the Government diffusion experiments in sugar making generally; and accordingly called on our Representative, General KING, of the fifth district, for information, who, kindly replying to my numerous inquiries, said:

"Since 1880 Congress has appropriated $218,800 for the chemists' division and laboratory of the Department of Agriculture, mainly or in part for necessary expenses in conducting experiments in the manufacture of sugar by the diffusion process from tropical sugar-cane and other vegetable plants.

"This table," continued General KING, "which I have had compiled from the different acts of Congress making appropriations for the Department of Agriculture, shows the amounts appropriated for the chemists' division and laboratory for sugar-making experiments, &c., from 1881 to 1886, inclusive. It is of interest, particularly to our sugar-planters and other tax-payers:

| | | |
|---|---|---|
| Compensation of chief chemist and assistants and extras | $4,800 | |
| Extra pay for chief chemist | 1,000 | |
| For laboratory, sugar experiments, &c | 6,000 | |
| Total for 1881 | | $11,800 |
| Compensation of chief chemist and assistants and extras | 9,000 | |
| Extra compensation for chief chemist | 1,000 | |
| Laboratory, sugar experiments, &c | 24,000 | |
| Total for 1882 | | 34,000 |
| Compensation of chief chemist and assistants and extra assistance | 9,500 | |
| Laboratory, sugar experiments, &c | 25,000 | |
| Total for 1883 | | 34,500 |
| Compensation of chief chemist and assistants and extra assistance | 9,500 | |
| Laboratory, sugar experiments, &c | 16,000 | |
| Total for 1884 | | 25,500 |
| Compensation of chief chemist and assistants | 11,500 | |
| Laboratory, sugar experiments, &c | 50,000 | |
| Total for 1885 | | 61,500 |
| Compensation of chief chemist and assistants and extra assistance | 11,500 | |
| Laboratory, sugar experiments, &c | 40,000 | |
| Total for 1886 | | 51,500 |
| Total for six years chemists' division and laboratory | | 218,800 |

"It will be seen from this table that there has been appropriated 'for chief chemist,' two assistants, and for the 'employment of additional assistance when necessary,' $57,800. And for the laboratory $161,000, for diffusion experiments, &c. In all, $218,800 in six years—and no diffusion experiments yet made on the tropical sugar-cane of Louisiana.

"It should be borne in mind that our sugar-planters have not urged Congress to make these appropriations. When, however, the subject has been under consideration, I have, with other members of our delegation, made suggestions regarding the direction of the expenditure, and afterwards endeavored to have the intentions of Congress carried into effect, in our State at least. It is estimated that upwards of $1,000,000 of private capital has been expended in these experiments during the past fifteen years, mainly in Louisiana. We have not therefore placed great dependence upon the little aid extended by Congress to this great interest, though the object has had our approval.

"On the 10th of July, 1884, shortly after the passage of the act appropriating $61,500 for the chemist's division and laboratory, the Commissioner of Agriculture, with the consent of the chief chemist in charge, entered into a contract with a responsible company having superior facilities for building and setting up diffusion machinery for a ten-cell battery and sugar-cane-cutting machine capable of working 100 tons of cane in twenty-four hours 'to be finished at as early a day as possible.' It being an experimental machine—the first of the size ever built for experiments in tropical sugar-cane—no other requirement than the capacity to work 4½ tons of sugar-cane per hour was mentioned in the contract.

"'The machinery was finished according to contract, and inspected, approved, and paid for, in time to experiment with the crop of 1884; but for some unexplained reason the chief chemist delayed giving the order for the foundations and buildings in Louisiana, and to set up the machinery for operations, until towards the middle of September, and shortly thereafter countermanded it, and had the machinery stored in the builders' warehouse all through the sugar-making season of 1884, thus postponing the experiments twelve months.

"In January, 1885, I called upon the chief chemist, Professor Wiley, and requested him to renew his countermanded order and have the machinery set up in Louisiana so as to experiment upon the sugar-cane crop of that year without fail, but received no satisfactory reply or explanation as to his purpose. Senator GIBSON also called for the same purpose and with the same result.

"We were finally informed that the experimental battery and sugar-cane cutter built and ordered to be set up in Louisiana in 1884 had been sent to Kansas to be used in sorghum experiments, but that another battery, with the same-sized cells and same capacity, and with a cutter especially adapted to the ribbon sugar-cane, would be built and set up in Louisiana in time to experiment with the crop of that year. This arrangement was entirely satisfactory, and there would be no cause of complaint if the chemists' division—which, by the way, seems to be an independent department of the Government—had kept its promise.

"This battery was finished and ready for delivery on the 2d of July last, at least four months before it was needed for experimenting in Louisiana. It was inspected, approved, decided to be in accordance with the contract, accepted and paid for, but not set up and used as promised. It was stored away somewhere in Louisiana, by order of the chemists' division, the same as in 1884, and another year lost to the sugar-cane interests of Louisiana.

"Where the blame rests for these years of unnecessary delay I leave for others to say. It is surely not with the builders of the machinery, as this letter of approval from Professor Wiley, copied from the archives of the Department, most conclusively shows:

"'UNITED STATES DEPARTMENT OF AGRICULTURE,
"'DIVISION OF CHEMISTRY,
"'*Washington, D. C., July* 25, 1885.

"'SIR: On the 3d of this month I went to Wilmington, Del., and inspected the circular diffusion battery of twelve cells which has been constructed by The Pusey & Jones Company, for Department use in Louisiana.

"'I found the battery well built and furnished with all the appliances necessary to its proper working, in accordance with the agreement between this Department and the Pusey & Jones Company.

"'The value of the machinery accepted by me is $8,000, as near as I can estimate it.

"'Respectfully,
"'W. H. WILEY, *Chemist.*

"'Hon. NORMAN W. COLMAN, *Commissioner.*'

"'The sorghum-sugar interest has had the same unaccountable and vexatious delays to contend with. Perhaps this correspondence between Senator PLUMB and the builder of the diffusion machinery may account for the delay in Louisiana:

"'EMPORIA, KANS., *July* 6, 1885.

"'GENTLEMEN: I am quite strongly impressed with the belief that unless you send some practical person to Ottawa, Kans., to superintend the setting up and operation of the machinery that you manufactured for the Government, the result will be a failure, damaging both yourselves and the sorghum-sugar interest.

"'The Government has a handful of persons employed, but such as lack the proper qualifications. There is no interest in the experiment on the part of any one in Government employ, and unless there is some change in the situation there will be simply the record of another dismal failure.

"'It is to your interest that this machinery should succeed; that all weak points developed by the experiment should at once be remedied, so that the same may be continued to the end of the season.

"'While the present Commissioner is himself in earnest, Professor Wiley, the chemist who is in direct charge, seems particularly desirous that no favorable result should be reached this season at least.

"'If this experiment is permitted to fail, there will be no money for others in the future.

"'Respectfully,
"'P. B. PLUMB.

"'Messrs. PUSEY & JONES, *Wilmington, Del.*'

"'WILMINGTON, DEL., *July* 13, 1885.

"'DEAR SIR: We are in receipt of your favor of the 6th instant. We fully share your impressions regarding the probable result of the experiment with diffusion, and gladly would do anything to bring about a successful result.

"'Anticipating the condition that now obtains, we addressed both the late and present head of the bureau, offering our services to set up the apparatus, not only at Kansas, but in Louisiana. In both instances was the offer declined.

"'Our order from the Department of Agriculture was merely to build the apparatus, leaving the setting up and the starting for its future conclusions. You will see that we are without power in the matter, and can only look on, with hands tied, as it were. However much we might be desirous of putting some energy into the erection, and doing what we might to secure success, the Government, being the owner of the machinery, of course has the whole power of making directions concerning it.

"'We are glad that you have so lively an interest in the process. It seems to us that the planters must look to diffusion as the one thing that will convert sugar-growing from a losing to a profitable branch of business.

"'Yours, truly,
"'THE PUSEY & JONES COMPANY,
"'By WILLIAM G. GIBBONS, *President.*

"'Hon. PRESTON B. PLUMB,
"'*United States Senator, Emporia, Kans.*'

"This is a serious charge that a United States Senator brings against Professor Wiley, in sole charge of the sugar experiments, and Senator PLUMB is not the man to make such a charge without just grounds. Politics can have nothing to do with it. Here is a Republican Senator commending the Democratic Commissioner and bringing serious charges against a Republican chemist.

"On the 20th of February last he introduced an amendment increasing the laboratory appropriation $20,000 for the purpose of providing a hundred-ton diffusion battery and cutter for experimenting with the ribbon sugar-cane of Louisiana. The amendment was warmly supported by Senator GIBSON, and I need not say that it had my best efforts in the House. It passed without a dissenting vote in either House.

"The battery was accordingly built under the personal supervision of Chief Chemist Wiley, after plans specially selected and approved by him, and by him inspected, approved, and accepted, and afterwards paid for, with the approval of the Treasury accounting officers, and shipped to Louisiana, and condemned to disuse—possibly in order that the chief chemist may have an excuse for making the tour in Europe that he is now enjoying. It appears to be the rule of the chemists' division that one of its members must take a trip to Europe every year.

"This is certainly an outrage upon a great public interest. The intention of Congress, so clearly expressed, particularly in Senate debate of February 20, 1885, on the laboratory appropriation, and finally indorsed by both Houses, has been frustrated, the people's money has been squandered, and the sugar interest of the country, involving altogether some $100,000,000 annually, disregarded and put in jeopardy.

"Thus has the tropical sugar-cane interest of our Southern States—Louisiana, Florida, Alabama, and Texas, capable, if diffusion succeeds, of producing the sugar for our whole country and a good portion of the 80,000 tons per year that our refiners are now exporting—been studiously neglected.

"PLENTY OF MONEY FOR EVERYTHING ELSE.

"Bulletin No. 5, issued by the chemists' division, at the expense of upwards of $1,000, contains 224 pages of accounts of useless experiments. We are treated to 'analyses of ash from maple sap, beet juices, California beets, butternut sirup, gas from maple sap, juices from siloed cane, maple sap taken from trees of different heights, from different sides of tree, and at different times of day,' and so on through 224 pages, at Government expense. Six years of appropriations and nothing whatever done for diffusion in the Southern States. Upwards of 1,000,000 acres of the best sugar land in the world in Louisiana awaiting the result of these proposed experiments, and the chief of the chemists' division traveling in Europe examining the results of the best sugar experiments commenced by the first empire.

"In everything that relates to the manufacture of sugar from tropical cane, the United States is far in advance of Europe. The American sugar-cane cutter worked at its first trial on sorghum in Kansas far beyond its contract requirements, both as to quantity and quality of work. Here is the official account of the first trial in Kansas. Perhaps it will interest you. The official report handed me by General KING is as follows:

"'I reached Ottawa on Wednesday, September 8, and the work of erection was pushed with all possible dispatch. On Sunday, September 27, the rest of the machinery arrived. During the following week, one cutter having been completed, preliminiary trials were made with the apparatus. The cutter was found to give good satisfaction, with a capacity of 6 tons per hour, giving a nicely grooved chip well suited for diffusion.

"'And yet,' continued the general, 'we are officially informed' that the chief chemist has gone to Europe to find a sugar-cane cutter.'

"'I find that the Commissioner of Agriculture, in his annual report to the President for 1885, gives this interesting account of the result of some two days diffusion experiments on sorghum in Kansas, which were made in spite of all obstacles thrown in the way.

"'Sugar-planters have long been aware that a large percentage of the sugar produced was lost either in milling or in the processes of manufacture. It is scarcely extravagant to say that during the last decade fully half of the sugar the soil has produced has been lost before the manufactured article has entered commerce. It was with the purpose of checking this waste that the Department undertook the experiments mentioned.

"'To avoid the loss in milling it was determined to try the process of diffusion. For this purpose apparatus was erected in Kansas for cutting sorghum cane into thin slices and extracting the sugar therefrom in a diffusion battery consisting of ten cells. The result of the experiment was highly gratifying. The degree of extraction was fully 98 per cent. of the total sugars present. Mechanical difficulties in the form of the apparatus, which could not have been foreseen, interfered somewhat with the successful working of the process economically, but these difficulties are readily overcome.'

"These slight obstacles in the way of the successful application of diffusion to sugar-cane are wholly mechanical, and should be placed in the hands of competent sugar engineers skilled in diffusion machinery, and not with chemists alone."

---

Four days later my colleague, Mr. GAY, had an interview with another representative of the Picayune, and his statement, confirming mine fully in every particular, was published on the 7th of the same month.

FURTHER WARNINGS NECESSARY.

Finding that these warnings by Mr. Gay and myself were not sufficient, I had the following correspondence with Mr. Duncan F. Kenner, president, and Mr. John Dymond, vice-president, of the Louisiana Sugar Planters' Association:

HOUSE OF REPRESENTATIVES, *Washington, D. C., March* 8, 1886.

MY DEAR SIR: Some months ago I addressed you a letter asking you to advise me what to do to provide for the interests of the diffusion process in the manufacture of sugar from tropical cane, but have received no reply.

Upon investigation of the subject I discovered that in the last six years here the Government has appropriated $218,000 mainly for experiments in this matter, and that not one pound, so far, of sugar has been tested by the diffusion process of tropical cane grown in Louisiana.

I clearly see that unless Professor Wiley, the Government chemist, is removed from his present position, the hope of getting further appropriation from Congress for this worthy purpose will be greatly imperiled, if not made impossible. Do you know of any one who would fill this position. Some time ago the Commissioner of Agriculture [Mr. Colman] stated to me if I would name a suitable person he would have him appointed. I replied that I had no one in my mind whom I could name for such a purpose, but that I would submit the matter to Hon. Mr. GAY and request him to name a man for the position. Mr. GAY tells me he is unable to find the man needed. I therefore write to you to ask that you take steps at once to furnish me the name and address of such a person, being president, as you are, of the Sugar Planters' Association. I feel that in doing this I am but performing my duty.

I do know men whom I believe would fill the position, but I fear they might not do so well as some who might be known to yourself and your associates. This does not require the qualities of a chemist so much as those of a practical constructive sugar engineer and chemist. It is simply arranging the most simple machinery and putting it into operation.

Believing that this effort on the part of the Government to devise means whereby greater results can be obtained in the production of sugar from Louisiana is a movement in the right direction in aid of the sugar-growing interests of Louisiana, I naturally feel great concern in its success.

With this view I make this application to you, and ask for an early reply.

Yours, very truly,

J. FLOYD KING.

Hon. DUNCAN F. KENNER,
*President of the Louisiana Sugar-Planters' Association.*

---

To this letter I received the following reply from Mr. Kenner, which I submit here as showing the hold that the Wiley coterie had in Louisiana a year ago before it was thoroughly exposed:

NEW ORLEANS, *March* 15, 1886.

DEAR SIR: Your letter of March 8 has been received. I owe you an apology for not answering your first letter. But when it was received I was quite unwell, and when I recovered my answer was postponed from day to day until finally it was forgotten. The broad assertion that the Government has appropriated in the last seven years $218,000 for these experiments mainly is calculated to prejudice the minds of the members of Congress against any further appropriation. I have no doubt the figures are correct, and that this amount of money has been appropriated to the Agricultural Bureau, but not for the purpose of diffusion experiments. These experiments have only been inaugurated on a scale commensuary with the importance of the subject in the last twelve or fifteen months, and consequently should not be charged with the appropriations of the last seven years.

These appropriations, I presume, were for the general expenses of the Agricultural Bureau, including its organization, and to the purchase of seeds, plants, &c., for general distribution by members of Congress. You allude to the inefficiency or unsuitableness of Professor Wiley as chief of the chemical department. I know but little of him. I met him in Washington last year, and for a week in Louisiana since. He impressed me very favorably. He certainly appeared to understand the scientific view of the application of the diffusion process to tropical sugar-cane. Of course he is not a mechanic, but he even understood the mechanical part of the process better than could be expected. The Government has paid, I have no doubt, several thousand dollars to have him instructed in the matter of diffusion, and it seems to me it would be bad policy to displace him, and to put another in his place to serve, as it were, another apprenticeage, and thus throw the experiment back a year or so more. I know several chemists who have the necessary *scientific knowledge to qualify* them to discharge the duties of the position, but who have had no practical experience of the mechanical difficulties to be overcome, and who would require months and months to be as advanced as Professor Wiley is in the business. I therefore can recommend no one to take his place, but advise that Professor Wiley be allowed to finish the experiment which he has commenced.

Yours truly,

D. F. KENNER.

Hon. J. FLOYD KING, *Washington.*

In reply to the above, I wrote to Mr. Kenner as follows, which it will be seen by his reply, opened his eyes somewhat to the true character of the coterie that had deceived the planters so long, and which my investigation had disclosed the true character of:

HOUSE OF REPRESENTATIVES, *Washington, March* 27, 1886.

DEAR SIR: I must beg leave to correct numerous erroneous statements in your letter of the 15th instant. Referring to my statements regarding the appropriations for sugar experiments, contained in my interview published in the Picayune of February 3, and repeated in my letter to you of the 8th instant, you say:

"The broad assertion that the Government has appropriated in the past six years $218,800 for the sugar experiments mainly is calculated to prejudice the minds of members of Congress against the further appropriation.

"I have no doubt the figures are correct, and that this amount of money has been appropriated to the Agricultural Department, but not for the purpose of diffusion experiments. These experiments have only been inaugurated on a scale commensurate with the importance of the subject in the last twelve or fifteen months, and consequently should not be charged with the appropriations of the last six years. These appropriations were for the general expenses of the Agricultural Department, including its organization and to purchase seeds, plants, &c., for general distribution to members of Congress."

In all this you are wholly mistaken. My statements, published in the Picayune, are absolutely correct in aggregate and detail, and are not calculated to prejudice the minds of members of Congress against further appropriations for sugar experiments. Members are not controlled to any great extent by their prejudices.

A true statement of facts is never prejudicial to any good cause.

Regarding the special appropriation for sugar experiments, I made the following true statement:

"Since 1880 Congress has appropriated $218,800 for the chemists' division and laboratory of the Department of Agriculture, mainly, or in part, for necessary expenses in conducting experiments in the manufacture of sugar by the diffusion process from tropical sugar-cane and other vegetable plants, and no diffusion experiments have yet been made on the tropical sugar-cane of Louisiana!"

During my seven years' service in Congress I have never let any measure of interest to Louisiana pass the House without giving it the closest scrutiny and my best attention.

The appropriations above mentioned for the chemists' division and laboratory were all made, in the language of the law, solely for the chief chemist, his two assistants, and additional assistance when necessary, and for apparatus and expenses of the laboratory, including expenses in conducting experiments in the manufacture of sugar, by diffusion, from tropical sugar-cane, sorghum, and other vegetable plants; and for no other purpose whatever, as the late Commissioner Loring and the present Commissioner Colman have learned to their cost.

The first named paid $20,000 from the laboratory appropriation for beet seeds, and has had that amount charged against him, and suit entered by the Government for the recovery of the amount, while Commissioner Colman is in trouble to the amount of $1,800 for a similar payment for beet seed from the laboratory appropriation, both of which are held to be unlawful by the First Comptroller of the Treasury.

I only mention the fact to show that you are wholly mistaken in supposing that the appropriations of the laboratory and chemists' division can be used for the purchase of seeds.

The first appropriation for sugar experiments was made in 1881. The first diffusion battery was built in 1883, and experimented with, on sorghum, in 1883, with a good degree of success.

The second battery was built for tropical sugar-cane and ordered to be set up in Louisiana in 1884. But just as the builders had their engineers and diffusion experts ready to start for Louisiana the order to set up the machinery was countermanded by the chief chemist, Wiley, and no experiments were made in the season of 1884.

The sugar appropriation was, however, expended all the same.

In 1885 a third diffusion battery was ordered to be built and set up in Louisiana. It was finished on the 3d of July, and inspected, approved, and paid for; but the order to set it up and put it in operation in Louisiana was also countermanded by Chief Chemist Wiley, and another year lost, and another appropriation expended.

Professor Wiley certifies that the machinery was built according to orders of the Department, issued by himself.

You are also wholly mistaken when you assume that any portion of the $218,800 appropriated for sugar experiments during the past six years was intended by Congress for the "expenses of the Agricultural Department generally or for the purchase of seeds, plants, &c., for general distribution to members of Congress."

The general expenses of the Department for the past six years have been about $3,000,000. The appropriation for the seed division alone is upward of $100,000 per year—$108,240 for the present year—and about $600,000 for the period you name.

Agricultural Department statistics for the present year cost $109,300; Commissioner's Office, $72,280; bureau of animal industry, $100,000; cattle quarantine stations, $30,000; forestry, $10,000; silk culture, $15,000; tea culture, $2,000.

The appropriations for the Department of Agriculture, including its fourteen divisions, amounted to $581,740 for the present year.

The appropriations for the chemists' division and laboratory alone have been as stated, $218,800 during the past six years. Of this amount $113,000 was for the present year and the year before.

Three entire sets of diffusion machinery—each including a battery and sugar-cane cutting machine—have been built and paid for since 1882, and no diffusion experiments yet made upon the tropical sugar-cane of Louisiana.

Nearly a quarter of a million dollars has been expended by the chemists' division for the sorghum, beet, and maple sugar interest.

An experimental station for maple-sugar experiments was established in Vermont that the delegation in Congress from that State, as I am informed, neither asked for nor even knew of until they saw the official reports of Professor Wiley.

I do not share your apprehension that an exposure of these facts will create any prejudice in Congress against the Louisiana sugar interest. I think, on the contrary, that a full discussion will remove prejudices already created by the record of blundering incapacity which Chief Chemist Wiley has been making for several years past, and promote the best interests of our State generally.

In reply to my request of you to give me the name of a competent chemist to take charge of the proposed Government experiments in the manufacture of sugar by diffusion in our State you say that you know of several chemists in Louisiana who have all the necessary scientific knowledge to qualify them to discharge the duties of the position, but who have had no practical experience of the mechanical difficulties to be overcome, and who would require months to be as advanced as Professor Wiley is in the business.

The mechanical difficulties you mention have been created by the chief chemist. Relieve him and you remove the difficulties.

Mr. GAY, who is certainly excellent authority in all matters connected with the sugar interest, characterized Professor Wiley's management, in his interview with one of the Picayune correspondents, in these words, which were published on the 7th of February:

"The construction of the diffusion plants were studiously obstructed.

"The Department has consumed valuable time in schooling itself to a knowledge of what was already in practical daily use in other cane-growing countries and familiar to many practical and scientific men whose devices in manufacture and skill in manipulation have long been available.

"The just expectations of the public have been wearied by delays in the exemplification of a system already well understood and practiced in this and other countries."

Mr. GAY's testimony is clear and direct upon this point. The "mechanical difficulties" were also pointed out by Senator PLUMB in his letter of July 5, 1885, to the builders of the Kansas diffusion battery in these emphatic words:

"The Government has a handful of persons employed, but such as lack the proper qualifications. There is no interest in the experiment on the part of any one in Government employ, and unless there is some change in the situation there will be simply the record of another dismal failure.

"It is to your interest that this machinery should succeed; that all weak points developed by the experiment should at once be remedied, so that the same may be continued to the end of the season.

"While the present Commissioner is himself in earnest, Professor Wiley, the chemist who is in direct charge, seems particularly desirous that no favorable result should be reached this season at least."

Replying, the builders made known their ability and willingness to remove the "difficulties" as follows:

"Anticipating the condition that now obtains, we addressed both the late and present head of the bureau, offering our services to set up the apparatus, not only at Kansas but in Louisiana. In both instances was the offer declined.

"Our order from the Department of Agriculture was merely to build the apparatus, leaving the setting up and the starting for its future conclusions. You will see that we are without power in the matter, and can only look on, with hands tied, as it were."

But for the excellence of the machinery, and the skill of Assistant Chemist Richardson and the resident engineer on the sorghum plantation assisted also by another chemist, the Kansas experiments would have been an utter failure. The battery was run only about forty-eight hours continuously, and started occasionally for a few days afterwards under the nominal direction of Chief Chemist Wiley, who manages in all cases to secure the credit for the success of others and shirk the responsibility of his own failures, and the success achieved was in spite of him rather than by his aid.

Accordingly the Kansans insist that if there is to be any more sorghum experiments made in their State by the Department of Agriculture a Kansas chemist of known ability must be appointed to conduct them in place of Wiley, relieved from local duty in that State; and Commissioner Colman has, I understand, agreed to the arrangement.

It is in order now therefore to have a similar arrangement made for the tropical sugar-cane interest. A competent Louisiana chemist should be appointed to take charge of the proposed experiments in our State, precisely as has been done in Kansas.

Commissioner Colman has told me that if we would name a more suitable man than Professor Wiley he would make the appointment. I have no choice of my own, and only ask that you and your association will name a chemist who will be acceptable to you, and I will try and get him appointed.

I hope therefore that you will, upon consultation with members of the Sugar Planters' Association, select one of the Louisiana chemists, who you say are so well qualified, for appointment. We ought not to have any more failures.

My only desire in the matter is to promote the sugar interests of Louisiana. I am tired of seeing these repeated failures of the chemists division, after all the efforts made and money appropriated—tired of seeing our Government chemists sent annually on official tours to Europe ostensibly for the purpose of studying the methods of sugar production in France and Germany, when everything pertaining to tropical cane-sugar growing and manufacture is better known here at home.

I have the honor to be, very respectfully, your obedient servant,

J. FLOYD KING.

Hon. DUNCAN F. KENNER,
*President of the Louisiana Sugar-Planters' Association, New Orleans, La.*

P. S.—Since writing the above I have received a letter from Mr. Charles G. Johnson, sugar engineer, 169 Gravier street, New Orleans, and have also read his protest against the sugar appropriation addressed to the chairman of the House Committee on Agriculture.

While I disagree with him generally, I most heartily concur in his criticism upon Professor Wiley's methods of conducting the sugar experiments. He says:

"In a review of the work done by the Agricultural Bureau I do not find a single discovery of any value to the sugar industry; on the contrary, much has been done by the misleading statement of the bureau.

"The Government has spent $218,000 attempting to educate Professor Wiley as an engineer and sugar-maker. It is a soft thing for Wiley."

I would suggest that there are plenty of engineers and sugar-makers who are familiar with the results that will be obtained by Wiley's experiments—none of which are new—who can be employed for a moderate sum if the Government continues in the business.

If the bureau has information of value, and publishes it, those connected with the sugar industry are quite capable of applying it.

The solution of the future of the sugar industry does not rest, in the remotest degree, with the Bureau of Agriculture.

---

To the above Mr. Kenner replied as follows:

NEW ORLEANS, *March* 30, 1886.

MY DEAR SIR: Your letter of the 27th of March has been duly received and contents carefully noted. I shall at the earliest possible moment confer with several members of our association on the subject-matter referred to by you and inform you of the result. In the mean time I refer you to a letter written by me (February 18) to Mr. Gay some weeks since. It expresses somewhat my views on the subject.

Yours, truly,

D. F. KENNER.

Hon. J. FLOYD KING,
*Washington.*

To the above I replied as follows:

COMMITTEE ON LEVEES AND IMPROVEMENTS OF THE MISSISSIPPI RIVER,
HOUSE OF REPRESENTATIVES, *Washington, D. C., April* 3, 1886.

SIR: Your esteemed favor of the 30th ultimo is received and contents carefully noted. I have none but the interests of the sugar producers of our State at heart in the course I am pursuing relative to the Government experiments in diffusion. I wish to see those experiments made successful. I am satisfied that the present chief chemist of the Agricultural Department is not a suitable man for the sugar interests of Louisiana.

Yours, truly,

J. FLOYD KING.

Hon. DUNCAN F. KENNER,
*President of the Sugar-Planters' Association, New Orleans, La.*

---

The following is the letter referred to by Mr. Kenner in his note of March 30 to me. It was written for the information of Mr. GAY and myself:

NEW ORLEANS, LA., *February* 18, 1886.

DEAR SIR: Your letter of 13th of February is to hand and I am somewhat surprised at the information you give. I had supposed the chief chemist stood very high with our Kansas friends, and I was not at all prepared to learn that the Kansas people objected to the experiment in diffusion being renewed under his superintendence. Your letter was a revelation to me. I agree with you fully that some practical knowledge must be infused into the control and management of the new process or we will never get beyond the theoretical point. The great difficulty will be to find a suitable person to occupy the position of superintendent of the new process under the Commissioner of Agriculture, with such necessary scientific knowledge and practical experience as to justify his appointment by the Commissioner. And next, would the Commissioner be willing to appoint him?

Of course I shall say nothing of the matter until I hear further from you on the subject. This is in answer to your inquiry, and I also agree with you that we should treat the subject as if it were now upon us.

Yours, truly,

DUNCAN F. KENNER.

Hon. EDWARD J. GAY, M. C.,
*Washington.*

---

VICE-PRESIDENT DYMOND'S LETTER.

My correspondence with Mr. John Dymond, vice-president of the Sugar-Planters' Association, which I here submit, explains itself:

BELAIR, LA., *April* 25, 1886.

DEAR SIR: Your valued favor of 15th reached me in due course and would have been sooner acknowledged but for my illness here this week.

I have not seen Mr. Kenner and shall not for some time yet, as I don't expect to go to town before May 1. I shall then discuss the matter with him.

We are here so anxious to see diffusion tested that I think we all fear to throw any obstacle in the way or demand any change now during the actual inquiry and experiment. Any readjustment and new men might cause more delay, and we certainly have not got the men with practical experience in cane diffusion as now successfully applied.

I shall write to you again as soon as practicable after going to the city.

Yours, truly,

JOHN DYMOND.

Hon. J. FLOYD KING,
*House of Representatives, Washington, D. C.*

---

In my reply to the above I wrote the following, which was published in the Picayune of August 21:

THE DIFFUSION SUGAR EXPERIMENT—NEW MEN WANTED—ANOTHER POSTPONEMENT—THE FOLLOWING LETTER EXPLAINS ITSELF.

HOUSE OF REPRESENTATIVES, *Washington, D. C., August* 3, 1886.

MY DEAR SIR: Pressure of business and a conviction that an answer would do no good has prevented me until now from replying to your letter of April 25, in which you say:

"We are here so anxious to see diffusion tested that I think we all fear to throw any obstacle in the way or demand any change now during the inquiry and experiment. Any readjustment and new men might cause delay, and we certainly have not got the men with practical experience in cane diffusion as now successfully applied."

In other words, you disregard and disapprove my opposition to Wiley, who has successfully stagnated for years past your every effort to have diffusion experiments made upon the tropical sugar-cane of Louisiana. The peculiar dif-

fusion process adopted by this chief chemist has been "successfully applied" in extracting $330,800 from our National Treasury, but as yet, in all these six years past, not one drop of saccharine matter from tropical sugar-cane. It seems to me that we have had something too much of this peculiar process "of diffusion as now successfully applied" by this "professor" of chemistry; and that a "readjustment and new men" have been greatly needed for some time past. We had something of a general readjustment of the executive department of the Government on the 4th of March, 1885, and it has been found to work exceedingly well as far as it has been tried. It has not as yet extended down to the chemist's division of the Department of Agriculture, but should it reach there any day I shall have no fears of the result, but, on the contrary, a hope for much good.

Year after year the chief chemist has postponed experiments in tropical sugar-cane extraction, but continued with unfailing regularity to ask and receive appropriations from Congress—and with each appropriation promising to do something the year thereafter—promises that have been broken as often as made.

You make a very great and dangerous mistake in assuming that this man Wiley has had any practical experience in tropical cane-sugar diffusion. He has some theories but no real practical experience—none whatever in tropical sugar-cane diffusion, not even a single day—and very little experience in sorghum.

The sorghum experiments of 1883 were conducted mainly by Assistant Chemist Richardson, and in 1885 by Messrs. Richardson, Swenson, and another, whose name I do not remember. Mr. Wiley merely looked on and claimed the credit as usual.

Senator PLUMB told me that the successful diffusion and carbonatation experiments in Kansas last year would have been an utter failure if left under Wiley's direction alone. The Senator not only told me this, but his statement that Wiley, in his opinion, desired a failure is of record and published in the Picayune of the 3d of February last.

It is only by "readjustment and new men" that you can hope for success. We want new men friendly to success, and not those who are only intent upon postponement of work with a view of continued appropriations.

On the 15th of March last the director-general of the Fives Lilles Company of Paris, France, wrote a letter marked "confidential" to Mr. Wiley, advising the postponement of our proposed cane-sugar experiments intended to be made during the approaching season of the present year until the season of 1887-'88. It appears from this interesting correspondence that Mr. Wiley decided as early as 23d of February last that the experiments in Louisiana should be postponed another year, as has been his usual practice.

The only object that this foreign sugar-machine builder can have in the matter is to stagnate our competing sugar industry here. He can not and does not expect to sell machinery here in competition with our builders.

The "European sugar kings," as Mr. Wiley calls them, and with whom he has been in conference, and whose views regarding our tariff laws he agrees with, as he admits in his Saint Louis speech delivered on the 5th of February last, control an annual output of about 4,000,000 tons of cane and beet-root sugar—full two-thirds of the sugar product of the world. The only interest they have here is to stagnate our sugar industry and keep the annual product in Louisiana down to 135,000 tons, instead of 500,000 tons and upwards, as I believe it will be when diffusion is successfully and economically applied. I do not think the European "sugar kings," as Mr. Wiley calls his friends over the water, should be consulted in relation to our affairs or have any voice in deciding that our experiments should be postponed another year.

It was stated in a Picayune article some months since that those very "sugar kings" have looked towards the development of our sugar industry with some anxiety, and would "rejoice at any false step our planters can be induced to take, or every failure caused by imprudent counsel"—or by treachery, might well have been added.

Our Kansas friends did not take kindly to the proposition to postpone the experiments another year, even though it was so strongly indorsed by our European enemies.

The alert agent of the sorghum-cane interest here demanded last March that Mr. Wiley should be retired from the management of the sorghum experiments, and Professor Swenson, a practical sugar-maker, appointed superintendent to take charge of the experiments in Kansas. Commissioner Colman consented to the proposition; Professor Swenson was appointed in due time, and is now engaged in setting up at Fort Scott, Kans., the largest and finest cane-sugar diffusion plant that was ever constructed.

It contains all the latest improvements and is intended to work between two and three hundred tons of sugar-cane in twenty-four hours, and will be in operation in about two weeks. Colman's Rural World, of the 15th ultimo, contains a glowing editorial account of the new works, giving the new superintendent, Professor Swenson, full credit for his success thus far. You will therefore see what sorghum people have accomplished by "a readjustment and new men."

At the time the arrangements for sorghum experiments were made, I suggested to Commissioner Colman that a similar plan should be adopted for the tropical sugar-cane experiments in Louisiana, which he agreed to, and offered to appoint any superintendent I might name. I referred the matter to the Sugar Planters' Association, though I had in mind the names of two practical, experienced men, every way more suitable for the position than Wiley.

It appears to have been decided, on account of divided counsel, to adhere to Wiley's plan and postpone the experiments in Louisiana another year.

Mr. Kenner wrote me that he and several of his associates were endeavoring to find a new superintendent of the experiments, while you wrote me in favor of Wiley, wherein you made a very great mistake, as you have doubtless learned by this time.

I most sincerely regret that you are to have no experiments upon tropical sugar-cane in Southern Louisiana this year. I had hoped to see a first-class diffusion plant, with all the latest improvements and capable of working 400 tons of tropical sugar-cane in twenty-four hours, erected in Southern Louisiana and worked through the approaching season, and it is no fault of mine that it has not been done.

When I suggested to Commissioner Colman last winter that the plan of "readjustment and new men" adopted for the sorghum-cane industry, should be adapted also to the tropical-cane interests of Southern Louisiana, and to which he assented, there were full eight months' time for preparation for the experiments, and plenty of money—there being a balance then remaining of the $115,000 appropriated by the Forty-eighth Congress—to commence the work.

On the 30th of June the present Congress added $111,500 to the balance of the chemist division appropriation remaining over from the appropriation for the fiscal year which ended that day.

There was therefore plenty of time and money for the work last March. But now, with the summer nearly gone, it is too late to do anything with tropical sugar-cane in Southern Louisiana this year, and any attempt in this direction is money thrown away.

There is only one good carbonatation machine in the United States—now being set up in Kansas—and it is too late either to build or import another. Our tropical cane experiments must therefore, much to my regret, wait another year. So far as Northern Louisiana is concerned in this matter of sugar experiments, everything is entirely satisfactory. My district is, as you know, in the lower edge of the sorghum region. It contains more than 100,000 acres of the best sorghum lands in the world now lying idle, which, if the diffusion and carbonatation experiments in Kansas this season prove successful, will be put under profitable cultivation in the near future. The people of my district are acquainted with the cultivation and prepared to supply any demand that the success of the Government experiments may create.

We shall also have some practical experiments in tropical-cane diffusion this year, but not in Louisiana, as I had hoped. Mr. W. G. Gibbons, the builder of the Kansas plant, writes me that he intends purchasing 100 tons of tropical cane in Louisiana and shipping it to Kansas, where it will be worked in the new diffusion and carbonatation machinery now being erected, and which will enable our planters to determine what course to pursue in the following season. I have sent Mr. Gibbon's letter to Mr. Kenner with the full particulars.

You should remember that "the practical experience in cane diffusion" which you so much desire is yet to be developed. It is for that we make appropriations. The conditions necessary to complete success of diffusion are nowhere known in the cane-sugar-producing world. It is as yet "an experiment." It was a success chemically years before Wiley's day. The little battery that was tested in 1883, and afterwards exhibited at the New Orleans Exhibition, extracted all but a trace of the saccharine matter contained in the sorghum cane, but the sugar thus obtained cost about $1 per pound. The battery that was tested in Kansas in 1885 was very nearly a success. It also extracted all but a trace of the sugar from the sorghum cane, but failed to work as economically as desired.

The diffusion battery that Congress desires to have constructed must work as economically as the roller mill and save all the sugar contained in the cane. It is for that we are "experimenting." It is a question of machinery, rapid and economically-working machinery.

According to the Picayune, which is high authority on all matters pertaining to the sugar industry, the last year cane-sugar experiments in Java and Spain were not entirely successful, and consequently not satisfactory to the planters. I quote a recent editorial:

"The Java planters, who were very anxious to have diffusion, and the French planters, who were still more in need of it, and had probably seen enough of it to form a competent judgment, were the least pleased with the results of the two experiments in Java and Spain."

The Kansas experiments last year were unquestionably the most successful of any that have as yet been made; and it is hoped that with a proper "readjustment and new men" the appropriation of the present session will bring us absolute success.

Hoping you will have next year a series of experiments upon tropical sugar-cane under a new superintendent who shall have the success of his experiments more at heart than continued appropriation,

I remain, sincerely yours,

J. FLOYD KING.

JOHN DYMOND, Esq.,
*Vice-President of the Sugar-Planters' Association, Belair, La.*

---

THE SAINT LOUIS GLOBE-DEMOCRAT INVESTIGATION.

The Saint Louis (Missouri) Globe-Democrat made a thorough investigation of this man Wiley's management of the Government sugar experiments which were witnessed by some twenty sugar-cane sugar experts, sugar experts from different parts of the world, and gives a summary of their verdict in its issue of the 30th of October last in these words. It will be seen that they conclude that "Wiley is trying to either destroy the sugar interest or substitute an impossible chemical process for an easy and practical one:"

SORGHUM SUGAR—RESULT OF THE GOVERNMENTAL EXPERIMENTS AT FORT SCOTT—DR. WILEY SEVERELY CRITICISED FOR HIS FAILURE—THE VERDICT OF INTERESTED SPECTATORS AND PRACTICAL BUSINESS MEN.

[Special dispatch to the Globe-Democrat.]

FORT SCOTT, KANS., *October* 29.

Realizing the importance to the whole country of the experiments being made here in the manufacture of sorghum sugar, the Globe-Democrat representative has endeavored to keep its readers posted as to the progress of the experiments and results as far as reached. The season is now about closed, and soon the inside history of the management of governmental experiments here will be told, both officially and by interested spectators, among whom have been representatives from foreign governments and delegates from sugar associations everywhere. Practical business men naturally inquire: Is the process of manufacturing sorghum sugar by diffusion and carbonatation a success, and has such been demonstrated to be a fact by the experiments at Fort Scott? The answer to this is a long story involving the usual inefficiency of the agents of the Government, and demonstrating the advantage which practical business men have over the mere theorist. As it is a part of the people's business, it is a duty of the Globe-Democrat to tell this story, awarding evidence where it is due and placing blame where it belongs. As has been before stated, the plant of the immense sorghum manufactory here was built by a company composed chiefly of local capitalists under an understanding with Commissioner Colman that he by authority given him by Congress would make it a station of the Government to experiment in an effort to perfect a system which had been practically perfected last year at Ottawa. This plant was erected at a cost of $50,000 to $100,000, and is conceded to be perfect in all of its points.

SPECIAL INQUIRIES.

Your correspondent, in order to determine just what has been accomplished and wherein the deficiency lies, if deficiency there be, has directed especial inquiries as to the character, quality, and workings of the machinery, and there is but one verdict, to wit: That it is perfect and gives forth results with the certainty of clockwork. Of course, it is not claimed but that experience may suggest slight improvements, but that the application of mechanical principles in its construction has been skillfully done, no one denies. Investigation has been directed to ascertain what quality of cane has been produced. Upon this point there is absolute unanimity of opinion by fully twenty gentlemen who have knowledge of the subject consulted in company with a number of gentlemen yesterday.

Dr. Peter Collier, formerly Government chemist, and a gentleman who is widely known, declared that he questioned whether any country had ever grown cane richer in sucrose than the sorghum which he has seen drawn into Fort Scott every day for the past month. Under these favorable circumstances, Dr. H. W. Wiley, with a corps of assistants, assumed charge of the works on the 10th day of September. The understanding with the company was to the effect that he had only come to perfect experiments formally made last year, and he would not remain to exceed two weeks, that being regarded as ample time with the improved machinery at command. It is with what has and has not been accomplished that we may have to do.

Dr. Wiley came here determined to achieve success in his own way, and no one will deny that he has failed, and through his failure has greatly retarded the growth of a much-demanded industry.

DIFFUSION WITH HOT WATER.

First he was wedded to diffusion with hot water, which he claimed would extract all of the sugar from the cane, with a large amount of impure matter

which he then proposed to remove by a process of carbonatation and sulphurization. He failed, and the grievous fault with him was that, failing, he refused to listen to what the experience of practical men had proven. This foolish policy was pursued until the 1st day of October, when Professor Wiley left for Washington, and was gone ten days. He attributed his failures to the warm weather, and predicted success when frost came.

But, once relieved of the presence of Professor Wiley, the company determined to apply diffusion by the cold-water process, with a different method of carbonatation, and as a result produced the first run of marketable sugar, which was duly announced in the Globe-Democrat, and claimed by Professor Wiley as a success for himself in a dispatch from Washington. Upon his return he bluntly attributed the success of the experiments to other than the real cause, and reinaugurated his pet theory, continuing his experiments, which should have been completed within two weeks, up to the 27th of this month, when he finally turned the works over to the company. During these fruitless experiments, which have taken up the entire season, 2,000 tons of cane have been worked up and the product thrown away as worthless, and a hard blow given to the sorghum interest simply to gratify an inordinate ambition.

SOME TERMS DEFINED.

In order that the reader may understand the meaning of the terms, carbonatation consists of adding from 1 to 2 per cent. of quicklime to the juice, and then passing through the juice thus limed a stream of carbonic-acid gas, by which the lime is neutralized. The carbonate of lime thus formed facilitates the filtering of the juice, but its action is purely mechanical, preventing the gumming up of the filterers. The addition of this large quantity of caustic lime is, however, very detrimental, owing to its destroying the glucose and blackening the juice, and, therefore, carbonate of lime or some other inert substance has been substituted with equally favorable results, so far as filtering is concerned, and without the injurious action on the sucrose and juice. It was by the use of this carbonate of lime with the cold diffusion that the company achieved success during the absence of Dr. Wiley at Washington, and yet upon his return he insisted upon a return to the use of quicklime and the hot-water process, and continued to run the works up to the 27th of this month, making a failure every day until the end. Gentlemen here from Louisiana declared that they will protest against his having anything to do with the experiments there.

It is expected that 200 tons of Southern cane will arrive here within a few days, but it is doubtful about its being worked, owing to a singular circumstance, as follows:

THE DOCTOR'S LAST EXPERIMENT.

For some reason, unknown to any one but himself, Dr. Wiley ordered a wagon-load of lime thrown into the pond from which the water supply is obtained for the works, which entirely unfits it for use. Those who claim to know insist that he does not wish to have this Southern cane experimented on here by the company after the work had passed out of his hands. Commissioner Colman is here, however, and no doubt some means of obtaining water will be devised. Mr. Colman is not blamed for the shortcoming of his lieutenant, but is regarded as a firm friend of the sorghum interest, and must unload Dr. Wiley to save himself and the sugar interest from the reproach which must necessarily follow such wastefulness as that shown by his subordinate here. Interested spectators have looked on in disgust and dismay at the wastefulness with which the money appropriated by the Government was being thrown away, while the local friends of the interest were powerless to help themselves. Dr. Wiley's failure is due either to a willful or ignorant effort to apply the process of extracting the sugar from the beet to sorghum.

To sum up results, the Government experiments under Professor Wiley's management have been a failure, but, on the other hand, it has been demonstrated that the finest sorghum can be grown here; that the seasons are long enough to allow a larger crop to be cared for, and that diffusion by what is known as the cold-water process will produce sorghum sugar of fine quality and in paying quantities. The gentlemen who are embarked in the enterprise are in nowise disheartened, but are convinced that success has been attained in spite of the waste and useless expenditure made by Dr. Wiley in trying to either destroy the sorghum interest or substitute an impracticable and impossible chemical process for an easy and certain one.

---

THE NEW ORLEANS TIMES-DEMOCRAT INVESTIGATION.

I submit here, for the information of the House and the country, a leading editorial and Washington letter which appeared in the New Orleans Times-Democrat of the 10th of January of the present year:

AN EXPENSIVE CHEMIST.

We publish elsewhere a letter from Washington on the expenditure of the appropriations granted by Congress for experiments in the manufacture of sugar by means of the diffusion process.

The letter is a severe arraignment of the chemist of the Agricultural Department, Professor Wiley, who has had the matter in charge. It scarcely needs any comments or explanation, so thoroughly are all the facts demonstrated, so conclusively is the expensive and extravagant manner in which these experiments were conducted proved. All of over a quarter of a million dollars, set aside by Congress for the purpose of finding whether this country can manufacture its own sugar, have been expended, save the small sum of $50,000 remaining; and no proper or satisfactory test of diffusion has been made with the tropical sugar-cane of the Gulf States, the source of nineteen-twentieths of our supply of home-made sugar.

It was the intention of Congress in giving this appropriation that a test should be made in Louisiana. In the consideration of the appropriation in the Senate, Senator PLUMB, of Kansas, declared that the Commissioner of Agriculture intended, if the appropriation was made, to erect a machine in Louisiana to test the sugar-canes here. Senators EUSTIS, GIBSON, and others all made the same statements—that one of the purposes of the appropriation was to enable the Agricultural Department to adopt the diffusion process to the sugar-cane.

Notwithstanding these conditions made by the Senators in voting this appropriation, Chief Chemist Wiley has not made one pound of sugar by the diffusion process from cane in the Gulf States during the five years that he has had charge of the chemical division of the Department of Agriculture. He has, instead, postponed the experiment from year to year, each session calling upon Congress to grant an appropriation for experiments in Louisiana, and then putting it off until next season. In this connection, our correspondent quotes from that eminent and successful sugar planter, Mr. E. J. GAY, as follows: "The just expectations of the public have been wearied by delays in the exemplification of a system already understood and practiced in other countries."

The facts bearing on this subject are all given in the letter we publish elsewhere, as well as the views of the most prominent sugar planters and manufacturers of sugar machinery. All agree that the experiments have been conducted extravagantly and unsatisfactorily; that Professor Wiley, while perhaps an able chemist, has not the practical knowledge of sugar-making to conduct the experiments, and that if results of any value are to be secured, future appropriations to test this important question must be under different auspices.

AN EXPENSIVE CHEMIST—THE MANNER IN WHICH DIFFUSION EXPERIMENTS HAVE BEEN CONDUCTED—THE COST OF KEEPING "DR." WILEY IN OFFICE—LETTERS ON WILEY BY DISTINGUISHED LOUISIANA REPRESENTATIVES OF THE SUGAR INDUSTRY—STATEMENTS BY SENATORS EUSTIS, HALE, AND PLUMB.

WASHINGTON, *January* 6, 1887.

*To the Editor of the Times-Democrat:*

I notice that the Picayune, in its issue of November 8, permits a correspondent to rush to the defense of Chief Chemist Wiley, and take the Times-Democrat to task for copying from a Saint Louis paper a letter criticising his most extraordinary "experiments" at Fort Scott.

It is singular that the Picayune should come to the defense of Wiley now, after denouncing his methods, or rather want of methods, all last winter and through the spring and summer.

A brief review of Wiley's case, and a reference to written opinions of him, as fully set forth by competent Louisiana judges, will show him to be sadly in need of defenders.

The appropriations for the chemical division and laboratory of the Department of Agriculture, mainly or in part for experiments in the manufacture of sugar from the tropical sugar-cane in the Gulf States, and sorghum of the North and West, by the diffusion process, since the fiscal year ending June 30, 1882 have been as follows:

| | | |
|---|---|---|
| Compensation of chief chemist and assistants and extra assistance | $9,500 | |
| Labratory, sugar experiments, &c | 25,000 | |
| Total for 1883 | | $34,500 |
| Compensation of chief chemist and assistants and extra assistance | 9,500 | |
| Labratory, sugar experiments, &c | 16,000 | |
| Total for 1884 | | 25,500 |
| Compensation of chief chemist and assistants | 11,500 | |
| Labratory, sugar experiments, &c | 50,000 | |
| Total for 1885 | | 61,500 |
| Compensation of chief chemist and assistants and extra assistance | 11,500 | |
| Labratory, sugar experiments, &c | 40,000 | |
| Total for 1886 | | 51,500 |
| Compensation of chief chemist and assistants and extra assistance when necessary, &c | 17,500 | |
| Sugar experiments by diffusion | 94,000 | |
| Total for year ending June 30, 1887 | | 111,500 |
| Total for five years, under Wiley | | 284,500 |

The object of these appropriations has been stated over and over again in the debates of Congress for five years past. In Senate debate February 20, 1885, and June 10, 1886, as follows:

"Mr. PLUMB. The amount of money proposed by the amendment which I now offer was appropriated by the last agricultural appropriation bill. The design of the committee, and of the Senate, in providing for that appropriation was to enable the Commissioner of Agriculture to engage in certain experiments in regard to machinery necessary for the manufacture of sugar from sorghum.

"It is conceded now everywhere that the ordinary crushing machinery applied to the extraction of juice from cane, whether the Louisiana cane or the bastard cane known as sorghum, does not ordinarily result in the extraction of more than 50 to 55 per cent. of the juice. A firm in Wilmington, Del., The Pusey & Jones Manufacturing Company, I believe, have manufactured an apparatus of that character which they believe, and which is believed by intelligent people who have inspected it, comes near at least to answering this purpose, but the actual fact can only be determined by experiment.

"Mr. HALE. Is it expected that this appropriation, or some portion of it, will be devoted to the end of securing an advanced method of machinery as applied to the sorghum in extracting the juice?

"Mr. PLUMB. That certainly is the expectation. The present Commissioner of Agriculture has stated to me that he designed, if this appropriation was made (and no doubt his successor would feel similarly minded), to erect a machine of that kind in Louisiana, to be used there in connection with the manufacture of sugar by private apparatus, which would demonstrate, if demonstrate it can, the ability of that machine to meet this great lack.

"Mr. GIBSON. The Commissioner of Agriculture, with the appropriation that was made last year of $50,000, has done much by scientific experiments and investigations to aid the manufacture of sugar, and has had constructed in Wilmington, Del., a diffusion machine for manufacturing sugar from sorghum cane. It is of American manufacture, and the first of its kind, I believe. It has not yet been tested, but will be in readiness for the crop this autumn. The Commissioner desires to contract for a diffusion machine adapted to the ribbon cane that is produced in Louisiana, which is harder and of a tougher texture than sorghum cane. The machine will require certain modifications to suit this cane."

In the debate of June 10, 1886, Senator EUSTIS stated the object of the appropriation as follows:

"Mr. EUSTIS. Now, a word in reference to the diffusion process. In Europe, where of course they do not cultivate the cane, but make their sugar from beet-root, they have used the diffusion process for a great many years. They have made improvements upon the diffusion process. They have, by study and experiments, brought the diffusion process to such a point of perfection that to-day the sugar planters of Cuba, Jamaica, and Louisiana can not compete with the beet planters of Germany, Austria, and France; and by reason of the very success of the experiments which have been conducted in those countries for years they have placed the cane-sugar growers of this and other countries almost at their mercy. Therefore, the idea, as I understand it, is to try to adapt the diffusion process, which has been successfully applied to the beet-producing sugar, to the peculiar structure of the cane."

Senator EUSTIS was not in Congress when Wiley's four previous annual appropriations for diffusion experiments on tropical sugar-cane in Louisiana were made, but his concise statement of the object, five years sought for, but not yet attained, so far as Louisiana is concerned, applies to all five of the chemical division and laboratory appropriations, amounting, as above stated, to $284,000. They were, as the Senator says, made mainly "to try to adapt the diffusion process, which has been successfully applied to the beet-producing sugar, to the peculiar structure of the cane." That is the whole case in a nutshell.

The statements above quoted of the two Louisiana Senators, made in 1885 and 1886, settles that point beyond controversy. Moreover, Senator EUSTIS's statement confirmed and agreed with all that had been said by Senators GIBSON, SAULSBURY, CALL, HALE, PLUMB, and others the year before, and before his term in the Senate commenced.

About a quarter of a million dollars of this money has been expended or squandered (all of it, in fact, except some $50,000), and yet Chief Chemist Wiley has not made one pound of sugar by the diffusion process from tropical cane in

the Gulf States during all the five years that he has had charge of the chemical division of the Department of Agriculture. There is no getting around this astounding fact. None of Wiley's half dozen satellites in Louisiana will dare deny this. No member of his coterie in New Orleans will dare dispute it. About a quarter of a million dollars appropriated, mainly or in part for the diffusion experiments, as stated by the distinguished Senators above quoted, and no experiments in the diffusion process upon tropical sugar-cane in the Gulf States.

HON. EDWARD J. GAY'S STATEMENT.

On February 7 last the Picayune published the following interview between its regular Washington correspondent and Hon. EDWARD J. GAY:

Diffusion—The Government sugar experiment in Louisiana—Hon. E. J. GAY interviewed.

WASHINGTON, *February* 6, 1886.

*To the Editor of the Picayune:*

The views of Hon. E. J. GAY on the subject of the Government diffusion experiments in Louisiana will naturally be of great interest to your readers, and at my request he has kindly furnished me with the following observations for the Picayune.

L. Q. W.

DIFFUSION.

"On the subject of the extraction of cane juice by the mode of diffusion there is great and increasing interest in the sugar-growing districts of the United States.

"The principle of diffusion is generally understood and greatly appreciated, and the practical question before us is: How can diffusion be fully tested upon sugar-cane, the growth of this country, under circumstances which will establish in the public mind full confidence in its advantages over every other mode of juice extraction, or the reverse?

"The interest manifested by Congress on this subject, in making liberal appropriations in 1884 and 1885, fully justified the expectations that our country should now be in possession of full knowledge of diffusion as applicable to our sugar production. This has been prevented.

"The Department has consumed valuable time in schooling itself to a knowledge of what was already in practical daily use in other cane-growing countries, and familiar to many practical and scientific men, whose devices in manufacture and skill in manipulation have long been available.

"The just expectations of the public have been wearied by delays in the exemplification of a system already well understood and practiced in this and other countries. * * *

"The plant in Kansas was sufficiently tested upon sorghum to satisfy the chief chemist of the Agricultural Department, Professor Wiley, who was in charge, as well as other experienced sorghum-sugar experts there, of the surpassing advantages of the diffusion principle.

"As some mechanical defects were apparent from this experience, and from the lack in Louisiana of the provision of a carbonizer for the generation of carbonic-acid gas, deemed valuable as a purifying agent in connection with the successful experiment in sugar-cane, Professor Wiley deemed it best to suspend the work of erection of the 'plant' in Louisiana. This postpones the trial in Louisiana until the season of 1886."

Mr. GAY's disappointment and disgust can be imagined now that Wiley has obtained another appropriation of $111,500, and expended nearly all of it, and again postponed the diffusion experiments upon the tropical sugar-cane in the Gulf States until the sugar-making season of 1887-'88, for which yet another appropriation will be demanded this winter.

It will be observed, moreover, that Mr. GAY says that the "liberal appropriations in 1884 and 1885 fully justified the expectation that the country should be in possession of full knowledge of diffusion as applicable to our sugar production," but that "it has been prevented." He then goes on and tells us how "it has been prevented." He says of Wiley's management:

"The just expectations of the public have been wearied by delays in the exemplification of a system already understood and practiced in this and other countries. The department has consumed valuable time in schooling itself to a knowledge of what was already in practical daily use."

HON. DUNCAN F. KENNER ON WILEY.

The following letter from Hon. Duncan F. Kenner, president of the Sugar Planters' Association, to Hon. EDWARD J. GAY, explains itself:

NEW ORLEANS, *February* 16, 1886.

DEAR SIR: Your letter of 13th February is to hand, and I am somewhat surprised at the information you give. I had supposed the chief chemist stood very high with our Kansas friends, and I was not at all prepared to learn that the Kansas people objected to the experiment in diffusion being renewed under the superintendence of the chief chemist. Your letter was a revelation to me. I agree with you fully that some practical knowledge must be infused into the control and management of the new process or we will never get beyond the theoretical point. The great difficulty will be to find a suitable person to occupy the position of *superintendent* of the new process under the Commissioner of Agriculture, with such necessary scientific knowledge and practical experience as to justify his appointment by the Commissioner. And next, would the Commissioner be willing to appoint him? * * *

I agree with you that we should treat the subject as if it were now upon us.

Yours truly,

DUNCAN F. KENNER.

Hon. EDWARD J. GAY, M. C.,
*Washington, D. C.*

Messrs. GAY and Kenner, it should be borne in mind, are among the largest and wealthiest sugar planters in the United States. Mr. GAY is re-elected to the next Congress from the district formerly represented by Kellogg. He has large experience as a sugar planter, manufacturer, and *refiner*, and at the present time the owner of a number of large sugar plantations. Mr. Kenner, president of the Sugar Planters' Association, is actively engaged in promoting the sugar industry. Both gentlemen have, it will be seen, put themselves upon record as to Wiley's unfitness for the place he now holds. If any further expert evidence is required it can be found on every hand, particularly among sugar engineers, chemists, and sugar experts generally.

MR. CHARLES G. JOHNSEN'S STATEMENT.

The eminent sugar engineer and successful inventor, Mr. Charles G. Johnsen, of New Orleans, wrote under date of March 16, 1886, to Hon. WILLIAM H. HATCH, chairman of the House Committee of Agriculture, as follows:

"In a review of the work done by the Agricultural Bureau I do not find a single discovery of any value to the sugar industry; on the contrary, much harm has been done by the misleading statements of the bureau.

"The Government has spent $218,000 attempting to educate Professor Wiley as an engineer and sugar-maker. It is a soft thing for Wiley.

"The solution of the future of the sugar industry does not rest, in the remotest degree, with the Bureau of Agriculture.

"CHAS. G. JOHNSEN."

Mr. Johnsen also wrote to General KING, Representative in Congress for the past eight years from the fifth Louisiana district, calling his attention to the above, and received a lengthy reply, which closed as follows:

"I most heartily agree with all you say as to Professor Wiley's unfitness to superintend, or even assist in superintending, the proposed Government sugar-making experiments in our State. You are quite right in saying that the Government has spent many thousand dollars in attempting to educate Professor Wiley as an engineer and sugar-maker, and Hon. Duncan F. Kenner, president of the Sugar Planters' Association, makes the same statement to me in his letter of the 15th ultimo.

"You are quite right, also, I am convinced, in stating that there are plenty of competent engineers and sugar-makers in Louisiana whose services can be obtained by the Government to conduct the diffusion experiments whenever needed.

"Western Senators and Representatives have, I am informed, expressed a determination to oppose all further appropriations for sugar experiments to be conducted by Professor Wiley in their section; and at least two members of our delegation are strongly inclined the same way.

"A well-known Kansas engineer and chemist, Professor Swenson, has accordingly been selected, as I learn, to take charge of the proposed sorghum-sugar experiments in that State.

"A similar arrangement should be made for the experiments upon the tropical sugar-cane of Louisiana.

"I have no personal choice in this respect, but am endeavoring to get the Sugar Planters' Association, through their president, to nominate a suitable person for appointment.

"Very respectfully,

"J. FLOYD KING."

As Mr. Kenner was quoted in the above, General KING sent him a copy, whereupon the following correspondence ensued (see CONGRESSIONAL RECORD, June 30, 1886):

"NEW ORLEANS, *April* 19, 1886.

"DEAR SIR: Your letter of 16th of April, including your correspondence with Mr. Charles G. Johnsen, has been received. I have to thank you for your kind attention in sending it to me. I was not at all prepared for anything of the kind. Your reply is perfectly unanswerable, and if it meets your entire approval, I will have it read to the Sugar Planters' Association at their next meeting. Several of our members are making constant efforts to find some one who will suit the purpose as an experienced chemist to assume the management of the diffusion apparatus, but so far without success.

"Yours, truly,

"D. F. KENNER.

"Hon. J. FLOYD KING,
"*Washington.*"

It is a well known fact that the authors of the above letters differ widely in many matters—in State politics and other things—but they all agree in utter condemnation of Chief Chemist Wiley.

It should, moreover, be borne in mind that Mr. Johnson's terrible arraignment of Wiley before the House Committee on Agriculture was mentioned in the Times-Democrat dispatches the day it was made, and afterward criticised and indorsed by a member of the Louisiana delegation in Congress, and transmitted to the president of the Sugar Planters' Association, and by him again indorsed and ordered to be read at the May meeting of the association, and by resolution, unanimously adopted, ordered to be "printed for the benefit of members not present to-night," and not one word was uttered at the meeting, or since, in defense of Wiley.

And so, in Senate debate of 10th of June last, on the agricultural appropriation bill, Wiley was again denounced, but no one said a solitary word in his defense. *Senators widely differed in other matters, but there was no difference as to Wiley. No one to say a good word for him—not one!*

OTTAWA.

---

A CRIME AGAINST THE UNITED STATES.

The Fort Scott correspondent of The Times-Democrat gives, in his report published in that paper on the 29th of December last, this account of an act committed by this man Wiley, which I think should be investigated with a view to a criminal prosecution, and have so stated to the proper authorities:

As to the addition of quick lime and of slaked lime by the thousands of pounds to the limited water supply, it would seem to be either the result of stupidity or something far worse. It was currently reported at the time that when Mr. Deming remonstrated with Professor Wiley, who directed this lime to be added in such quantity, and stated that it would interfere with the experiments which Professor Swenson desired to try, that Professor Wiley retorted, "D—n Swenson's experiments!" and when it was represented to him that the safety of the boilers would be endangered by the use of this lime water, that he exclaimed, "D—n the boilers!" If this statement is not true, it behooves Professor Wiley speedily to contradict it. If it is true, his course in the matter was clearly criminal and not the result of ignorance or stupidity. But he states that this lime was added on account of the bad condition of the water. Why, then, was it not added at least a month earlier and during the hot weather? He also states that the water was not alkaline, apparently forgetting how during the experiments with the Potter evaporator everybody exclaimed that there was in each experiment evidence of an excess of lime, for the presence of which nobody could account, as it was only the next day that Mr. Deming informed Professor Swenson of what he had done to the water supply, against his own judgment and at Professor Wiley's positive command.

Why did Professor Wiley have this mass of lime (sufficient to have made lime water of at least ten times the supply of water) directly before the supply-pipe which supplied the pump for the mill, and directly under the discharge of the sluice-box of the steam pump, so that every gallon of water for the works could only be obtained after it had been saturated by passage through a mass of quicklime? Should he be disposed to insist that it was harmless, I need but cite the testimony of everybody at Fort Scott competent to form an opinion that this addition of lime rendered, for the time being at least, all experiments useless, and I mention Professor Swenson, Dr. Collier, Mr. Kirchoff, and others.

The beneficial effects of this lime from a sanitary standpoint, as claimed by Professor Wiley, were secured by the addition of "so small a proportion of lime!" Professor Wiley had better consult some elementary text-book on chemistry and find how much water this lime he added would saturate. He is absolutely alone in his pretended belief that what he did was not, as Professor Swenson at least believes it was, intended to absolutely frustrate the possibility of success by anybody else after his own lamentable failure.

In the same letter with the above may be found the following statement:

WILEY THE SOLE CAUSE OF THE FAILURE AT FORT SCOTT:

"Professor Wiley gives unqualified approval to the machinery, excepting only the cane-cutters, which, however, after slight changes, so satisfactorily performed their work that he was willing to permit, if, indeed, he did not direct, that a large card should be placed near them announcing that they were 'designed by H. W. Wiley and built by the Pusey & Jones Company, Wilmington, Del.'

* * * * * * *

"Dr. Collier's repeated statements while here were that no sorghum crop ever grown was

RICHER IN SUCROSE

than that grown at Fort Scott had been at some time during the season, and before it was practically destroyed by the frost. He based his decided opinion upon an analysis of an average sample of cane brought in from the field August 30, the juice from which contained 13.25 per cent. of sucrose; upon another sample which, by his request, was analyzed by Professor Swenson October 15 from cane planted the 20th of July, and which had escaped the frosts of the 28th of September. This sample gave a juice containing 13.07 per cent. of sucrose and had a coefficient of purity of 81°, but a load delivered gave evidence of having been as good or better than these average samples, and Professor Wiley will hardly deny their superiority to even the Louisiana cane he worked, not only in content of sugar, but in coefficient of purity.

* * * * * * *

FACTS ABOUT PROFESSOR WILEY'S PROCESS.

"The average results for the entire season show that by Professor Wiley's diffusion which, owing to the very high temperature at which it was conducted, would better be termed decoction—he lost by inversion exactly 16.33 per cent. of the sucrose present in the mill juice, and as the glucose formed by this inversion would keep its own weight of sugar from crystallization it is plain that by *his* diffusion process Professor Wiley lost exactly one-third of all the sugar present in the cane; and as this is the amount of loss by the roller mill, it is clear that *his* process lost all the sugar which it was hoped to recover by these experiments in diffusion. But this is not all. By *his* process of diffusion he added upon the average for the season over 53 gallons of water to every 100 gallons of juice, so that the amount of water to be evaporated was nearly doubled. Now, is this all? By *his* 'carbonatation' Professor Wiley destroyed over 28 per cent. of the glucose, converting it into a black and bitter product, which destroyed the molasses or rendered it unfit for use."

IN CONFIRMATION OF THE TIMES-DEMOCRAT'S STATEMENT

of these facts the representative of the Louisiana Sugar Exchange at Fort Scott certifies in his report, published in the Picayune of September 17, that the machinery provided by Congress for Wiley to experiment was all that could be desired. His report closes in these words:

Take it all in all, this sugar-house, if not the largest, is surely the most convenient of and decidedly the most perfected yet erected or in existence within the United States.

R. SEIG.

Mr. E. W. Deming, the engineer in charge of the Government machinery, certifies to the efficiency of American machinery built by The Pusey & Jones Company, of Wilmington, Del., in these words:

The cutters and diffusers are meeting all expectations, the former furnishing a constant supply of chipped cane, while the diffusers leave scarcely a trace of sweet in exhausted chips or waste water.

Regarding the Sangerhuysen, Germany, machinery, Mr. Engineer Deming makes this report:

The carbonic-acid pump, a huge affair of German manufacture, failed to give the necessary volume of gas for rapid carbonatation, reducing the work of the factory one-half, or to the use of one cutter.

According to all accounts this "huge German pump," purchased by Wiley of a member of his coterie, and forced upon the Government at a cost of some $3,000, was finally thrown aside and a little American pump, built in New York, and which cost less than the freight on the German pump across the Atlantic, was substituted, after which there was no trouble. All accounts agree that the triumph of American machinery was complete.

The sugar expert employed at Fort Scott by the Saint Louis Globe-Democrat makes his report upon the machinery after the German cane-cutters and huge carbonatation pump had been thrown aside and an American pump and cutters substituted, in these words:

As to the character, quality, and working of the machinery (American), there is but one verdict, to wit, that it is perfect and gives forth results with the certainty of clock-work. Of course it is not claimed but that experience may suggest slight improvements, but that the application of mechanical principles in its construction has been skillfully done no one denies. Investigation has also been directed to ascertain what quality of cane has been produced. Upon this point there is absolute unanimity of opinion by fully twenty gentlemen who have knowledge of the subject and who consulted in company yesterday. A gentleman who is widely known declared that he questioned whether any country had ever grown cane richer in sucrose than the sorghum he had seen drawn into Fort Scott every day for a month past.

It is thus shown beyond all question that this man Wiley has stagnated our whole sugar industry during the period that he has had control of the chemical division of the Department of Agriculture—since 1882 in fact.

With the best machinery in the world and an abundance of sorghum cane, as rich in sugar as any ever grown, he failed all through the season to make as much sugar at Fort Scott last season as could have been obtained by an old roller mill of the last century. The first 2,000 tons of cane, containing at least a quarter of a million pounds of available sugar, was ground, and the juice extracted, spoiled, and poured into the gutter. Instead of making more sugar by the new process than by the old, he actually made less.

Each ton of sorghum cane that was hauled to the Government experimental works at Fort Scott last season contained, and would have yielded, if worked at the proper time and in the proper manner—

From 100 to 150 pounds of available sugar.
From 8 to 12 gallons of molasses.
From 80 to 90 pounds of leaf fodder.
From 2 to 3 bushels of seed.
From 80 to 90 pounds of fine paper pulp.

All this is proven by repeated analyses made by honest and competent chemists at Fort Scott, Kans., and fully confirmed by the experiments of other equally competent chemists at Rio Grande, N. J., and Kenner, La.

Ninety-five analyses made by Professor Stubbs of sorghum juices at the Louisiana Experiment station during the past season were successful and conclusive in proving that sorghum will be a valuable adjunct to tropical cane sugar manufactured in the Gulf States; as by its earlier ripening and sugar making qualities it will enable our planters to exteud the manufacturing season to six months or so. And yet this man Wiley, with all these advantages, failed to take off the crop at Fort Scott. Indeed, he failed, for weeks after the machinery was all put in working order, to make any sugar whatever, and it was not until he left the works in charge of Assistant Chemist Swenson, while he went on a few days' trip to Washington, that any was made.

A United States Senator [Mr. PLUMB[ certifies in writing that Wiley desired to make the Government experiments fail last year, and I believe he is correct.

Hon. John S. Williams, Third Auditor of the Treasury, who was president of the Indiana State Agricultural College, and had this man Wiley under him for awhile as professor of chemistry, assured me that he is utterly unfit for the position he now holds; and his testimony is fully in accord with that of all who have knowledge of the man.

---

FOREIGN INFLUENCE.

The influence that the English, German, and French sugar interests are secretly exerting upon our affairs has not received the attention that it should. Indeed, it has scarcely been recognized. The strange obstacles thrown by unseen hands, as it were, in the way of the development of our sugar industry, after all the efforts made and money appropriated to promote it, is of the utmost importance, though the facts have strangely escaped attention.

Nearly one-third of the sugar product of the world is grown and manufactured in the British possessions, and we do not fully realize that the English sugar interest is, of all others, the most intense in its hostility toward American competition. The British colonial sugar growers and the Refiners in England are equally hostile to our sugar interests.

In my speech of the 6th of May last I showed that the exports of British East India sugar was increased from 41,000,000 pounds in 1879 to 200,000,000 in 1884, the last year named being an increase of 159,000,000 pounds in four years. Every pound of this sugar, it should be borne in mind, is the product of British East India slave labor.

It is estimated that there are 150,000 square miles of undeveloped British East Indian sugar, wheat, cotton, and rice lands yet to be put under cultivation, and upward of two hundred million British East India cooley slaves available for working them, and putting their products upon the markets of the world *in competition* with the free-labor products of the United States.

According to the board of trade reports to the English Parliament the entire sugar product of the world amounts to something over 6,000,000 tons per year. Of this amount 1,800,000 tons of cane sugar is grown and manufactured in the British possessions of Asia, Africa, Oceanica, South America, and West Indies, and wholly controlled in England.

About 2,200,000 tons of beet-root sugar is contributed to the world's supply by Germany, France, and other European countries; while 2,000,000 tons of tropical cane sugar comes from other countries, not directly antagonistic to the United States.

In other words, our English competitors are supplying the markets of the world, including our own, with about 1,800,000 tons of tropical cane sugar annually; while other European countries are contributing some 2,200,000 tons of beet-root sugar, making an aggregate European sugar-producing interest of 4,000,000 tons per year that is hostile to any development ofthe sugar industry of the United States.

This immense European sugar interest, representing two-thirds of the world's entire production, makes no secret of its hostility towards our sugar growers, or of its desire to crush us out.

When I read of the unsuccessful efforts made by agents of English sugar refiners in Parliament to obtain legislation adverse to the sugar interests of the United States, I at once perceived that an effort would be made to obtain secretly and by indirection in Washington what they had failed to obtain openly in London; the object being to stagnate the sugar industry of the United States, it mattered not whether it was attained openly in the English Parliament or by secret intrigue in Washington. Every effort made by Congress during the past six years to promote our sugar industry has been strangely throttled by some secret agency.

The chief chemist of the Department of Agriculture, a mere department clerk, having been permitted during the past few years to usurp the charge of almost everything relating to the sugar industry, even to the extent of recommending changes in the sugar tariff, and having sole control of the Government sugar-making experiments, has every opportunity to serve secretly these foreign sugar interests which are in every possible way antagonizing ours; and I say here and now that Professor Wiley improves his opportunities wonderfully well. I do not say that he is in their pay, for I do not know, but I do say that he is doing the work that a paid secret agent of these foreign sugar interests might well be expected to do. I am not indulging in conjecture

in this matter, but have substantial proof; and ask the attention of the House and of the country to what I have to say. I charge—

First. That this man Wiley has wantonly and extravagantly spent the money appropriated for the department as already most fully shown.

Second. That he is, in my judgment, in the employ of French and German beet-root sugar manufacturers and sugar-machine builders, and London refiners, whose sole object is to stagnate all efforts of the Government to aid in developing our cane-sugar industry by the introduction of the diffusion process which seems to me to be the only hope of our sugar planters and which it seems certain will, if the work is put in competent hands, enable them to compete with the bounty-fed beet-root sugar of Europe, and cooly-slave labor tropical-cane products of Cuba and British colonies.

That he is working in European sugar interests and against our own his every official and unofficial act since 1882 shows.

WILEY'S TRIP TO EUROPE—MORE FOREIGN INFLUENCE.

It has been stated that Wiley's trip through England, France, Germany, and Spain at Government expense, in the fall and winter of 1885–'86, was made by request of the Louisiana Sugar-Planters' Association. But I take this occasion to pronounce the statement unqualifiedly false. No such request was ever made.

After Wiley had gone to Europe in November, 1885, Hon. Duncan F. Kenner, president of the Sugar-Planters' Association, addressed a letter to Commissioner Colman through Mr. Colcock, secretary of the Louisiana Sugar Exchange, merely suggesting that Wiley be instructed, since he was already in Europe, that, inasmuch as Louisiana was not at all interested in beet-root-sugar production, he should direct his attention to the cane-sugar-diffusion experiments in Southern Spain. Mr. Kenner's suggestions were embodied in Commissioner Colman's instructions to Wiley, and forwarded to him in Paris.

It is important to know how he obeyed them. Instead of going direct to Spain as instructed, he reports at once to the British sugar refiners, and they find in him a willing tool for the accomplishment of their ends against the sugar manufacturers of this country. The British sugar refiners had sent a committee to this country to recommend to our Government a revision of the United States regulations concerning drawback, in accordance with their wishes and based on their calculations, but this English deputation had been very properly snubbed by the Secretary of the Treasury and had returned unsuccessful. They were quick to see, however, in the person of Mr. Wiley, a man whom they could use for the accomplishment of their purpose, and judged rightly that the official relation he held to the Government would give weight to his presentation of their cause.

In the following extract from a speech made by the chemist of the Agricultural Department at the annual meeting of the National Sugar Growers' Association, held at Saint Louis February 5, 1886, he unwittingly boasts of his action and presents as a finality certain statements relating to drawback—a subject concerning which he has not a single qualification to judge independently—which are, word for word, the arguments of British sugar refiners aimed at the industries of this country and which have no foundation in fact as applied to American manufacturers:

Professor WILEY. Mr. President and gentlemen of the convention: The idea, I suppose, which will be the theme of this address might be termed "recent improvements in the manufacture of sugar with special reference to their application to sugar-cane and sorghum," and connected with this an incidental account of the observations made during the investigations of these improvements in Europe during my recent visit.

On my arrival in London I at once addressed letters to the chief sugar refiners of Europe, inclosing my card and note of instructions which I received, and asking the privilege of visiting their factories for the purpose of consulting with them in reference to these matters. Every one to whom I addressed this note responded at once and very courteously, and not only accorded the privilege but offered every aid in their power to help me in the investigation. While awaiting those replies in London, I busied myself in visiting the refiners of the city, and in making the acquaintance of the men there who are, you may say, the sugar kings of England—those who are most interested in the development of the refining interests of that country. I found that there was quite a feeling among these men in regard to the policy of our own Government which promises a drawback for exporting sugar, which is really more than the duty which the raw sugar from which it has been made has paid. In other words the granting of a bounty on exportation, which is contrary to the spirit of our institutions.

Of course the object of the Treasury regulation, made some years ago, under which this bounty is paid was not to give a bounty, but simply to allow a rebate upon the exported sugar of the amount of duty which had been paid, but, unfortunately, as I think, the commission which was appointed in 1883 for the purpose of determining what this drawback should be listened more to the arguments of American refiners than to the interests of our country, and the result of their report seems to have been extremely unfavorable to foreign refiners. Now, I do not believe that the people of this country are willing to help contribute cheap sugar to England. It seems as if the whole world is determined that England shall pay nothing for her sugar; for the whole world is buying this sugar to-day and presenting it to the people of England. A most magnanimous act, perhaps, but one we can not afford. The bounty that is paid by the United States of America on exported sugar has swelled the exportations of fine sugar from almost nothing to nearly 150,000 tons annually, and the quantity which is exported is rapidly increasing. I found in every part of London American sugars were selling at a lower price than that for which the English refiners could buy raw sugar and refine it. The fact is that they receive a bounty of about three-tenths of one cent a pound more than the amount of duty that is paid upon the raw sugar from which it is made. You know that is a good margin; an eighth of a cent is a good margin in all sugar transactions.

This most audacious speech is a fair sample of Wiley. He is constantly promoting and advocating foreign interests and stagnating our own in any way in his power. In his address before the Washington Chemical Society, at the Columbian University in this city, on the 9th of December last, he went out of his way to sneer at portions of

PRESIDENT CLEVELAND'S MESSAGE,

in which the promotion of our own home industries are recommended; made ironical allusions to "*tariff-tortured citizens of New York*," and in terms of contempt referred to President Cleveland and his Cabinet as "*certain wise political economists*" who had gone astray.

My friend from Missouri [Mr. HATCH] assures us that there is an "understanding" that Wiley will have nothing to do with the sugar experiments hereafter; that "the Commissioner of Agriculture has so stated to more than one member of the Committee on Agriculture, both in the House and Senate; and *it was stated in conference*, when pressed by the Senate to agree to the terms of this amendment, *that the present chemist* (Wiley) *who had charge last season would not have it this season.*"

What an extraordinary confession is this from the member from Missouri in behalf of the present Commissioner of Agriculture! The chief chemist, who will have sole control of this appropriation, is so notoriously and confessedly corrupt and incompetenf that the Commissioner of Agriculture is compelled to confess judgment in his behalf in advance, and promise that he shall have nothing to do with the expenditure of the appropriation as a condition precedent to our voting for it! Would it not be better for the Commissioner to discharge his incompetent and corrupt chemist and appoint an honest and competent man?

We appropriated $111,500 for the chemical division last session on the same condition, and the Commissioner's promise was broken and falsified by his own subsequent action, and the bulk of the money squandered. I am opposed to appropriating more money on such terms. Some provision should be made for dividing the amount appropriated among the three existing sugar experiment stations at Kenner, La., Fort Scott, Kans., and Rio Grande, N. J.—an equal sum to each—the experiments to be conducted "independently of the Department of Agriculture as at present organized," as recommended by the late Professor Silliman, in his letter to Mr. Hewitt, which I have already placed before the House.

These three stations are already equipped and in charge of competent sugar experts. They will need very little new machinery in addition to that which we provided for last session. I will favor the appropropriation of $50,000 in the pending bill, provided it is divided equally among the three existing stations and "independently of the Department of Agriculture as at present organized."

---

## Consolidation of Naval Bureaus.

---

SPEECH

OF

# HON. CHARLES B. LORE,

OF DELAWARE,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March* 3, 1887.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes—

Mr. LORE said:

Mr. CHAIRMAN: Since my remarks of January 8 on this subject, the chairman of the Committee on Naval Affairs [Mr. HERBERT] has given additional reasons for the passage of the bill. Let us consider them:

First. He lays much stress on the fact that "set after set of boilers were constructed when there was either no use for them or long before there was any need of them." He appends to his remarks a table of United States vessels for which boilers were so constructed, and singles out the new vessel New York as a typical instance of the whole class.

If the chairman means us to infer that these errors and abuses grew out of a want of harmony between the Bureaus of Steam Engineering and Construction and Repairs, and would be corrected by the consolidation of these bureaus as proposed in this bill, all I have to say is his premises are as false historically as his conclusions are unjust and inconclusive.

I now submit to the candid mind his table, and give a short history of each case, which demonstrates that in every instance the order emanated directly from the Secretary of the Navy, so that the result possibly would have been the same if there had been a consolidation of bureaus as now proposed, aggravated perhaps by the interposition of another intermediary to make confusion worse confounded.

But let us examine the table on history:

*A list of boilers for various ships, with dates of building and erection on board ship, furnished by the chairman of the Committee on Naval Affairs with the intent to show want of harmony between the Bureaus of Steam-Engineering and of Construction and Repairs.*

| Name of ship. | Boilers built or building. | When put in ship. | Reference to accompanying notes. |
|---|---|---|---|
| Amphitrite | 1876, 1877, 1879. | Recently | Note 2. |
| Colorado | 1876, 1877 | Not yet | Note 9. |
| Franklin | 1877 | Not yet | Note 9. |
| Hartford | 1877 | 1880, 1881 | Note 3. |
| Juniata | 1876 | 1881, 1882 | Note 4. |
| Lancaster | 1875, 1876 | 1880, 1881 | Note 5. |
| Monadnock | 1875, 1876, 1879 | Not yet | Note 2. |
| New York | 1883, 1884 | Ship not launched | Note 7. |
| Omaha | 1877 | 1883, 1885 | Note 8. |
| Puritan | 1876, 1877, 1879 | Recently | Note 2. |
| Terror | 1875, 1877, 1879 | Recently | Note 2. |
| Wabash | 1877 | Not yet | Note 9. |
| Tuscarora | 1881, 1882 | Vessel sold | Note 6. |

NOTE 1. In the Navy, as in the mercantile marine, the building of new boilers for a ship is seldom delayed until the ship is laid up for repairs. The life of a boiler, according to its type and the service to which it is put, is pretty well determined. When this period is nearly ended, new boilers are made and are ready to be put in at short notice whenever required.

In the mercantile marine a vessel is usually laid up for but a short time to receive new boilers, as the work is pushed as rapidly as possible in order to avoid having capital lying idle. In the Navy, on the contrary, the repairs on ships are often delayed to suit the money available for the purpose, and, consequently, boilers made for a given ship are sometimes unavoidably kept for several years to await other repairs to the ship, and are frequently put into sister ships where they may be more needed.

NOTE 2. The boilers of the Amphitrite were contracted for May 12, 1875; those for the Terror on April 14, 1875; those for the Monadnock on April 13, 1875; those for the Puritan on September 5, 1876. The contracts for the engines of these ships were originally made early in 1877, but were subsequently annulled on account of failure of appropriation to complete the work. Money has been recently appropriated for this purpose, and the ships are now being completed.

The reason for making the contracts for the boilers while the hulls were still in an incomplete state is shown in the annual report of the Engineer-in-Chief for 1876 (see Report of the Secretary of the Navy for 1876, page 250): "In my last report I had the honor to call your attention to the necessity of erecting engines on board the twin screw double-turreted monitors Amphitrite, Terror, and Monadnock. In this respect nothing has been done except to place under contract the boilers for these vessels as previously reported, that they might be placed in the holds of the vessels prior to putting on the iron decks, beams, and plates, a necessity arising from there being no permanent openings in the decks large enough to admit them into the holds of the vessels after the completion of the latter, then under contract by the Bureau of Construction."

The difference between interfering with the arrangements of an armored deck and removing part of a wooden one for the introduction of boilers into a ship may be illustrated by the case of the British ram Polyphemus. This vessel had boilers which on trial proved to be failures. It was determined to remove them and put in others of a different type. It was found more convenient to put the ship in dock, take out a portion of her bottom plating and frames, and take out the old boilers and put in the new ones through the opening so formed, rather than remove a portion of the iron-armored deck.

NOTE 3. The Hartford was laid up for repairs in 1869 and new boilers were put in. She then served for two cruises, one on the Asiatic station and one on the North Atlantic. Towards the end of the latter cruise, when new boilers would be probably needed, a new set was built, being completed in 1877. The old boilers on thorough examination proved to be fit for another cruise with slight repairs, and were retained in the ship until the end of her next cruise as flag-ship of the South Atlantic station. The new boilers were put in in 1880 and are still in the ship.

NOTE 4. The Juniata returned from a foreign station in 1876. The hull was examined and found fit for repair. New boilers were built and kept in readiness to put in whenever the repairs of the hull should be in a sufficiently advanced state. More important work prevented the repairing of the hull until 1879, when work was commenced on her at League Island navy-yard. The resources of this yard being small, the work progressed but slowly, and it was not until 1881 that the boilers could be put in.

NOTE 5. The Lancaster was in continuous commission on a foreign station from 1870 to 1876. Boilers were contracted for in 1875 in anticipation of her return, as the old boilers were known to be totally unfit for another cruise. The repairs to the hull could not be made until 1879 and were not far enough advanced to receive the boilers until 1880. Had any emergency required the services of this ship during the period that she was laid up, the substitution of new boilers for the old ones could have been speedily done and the ship put in readiness for active service.

NOTE 6. In 1881 material was procured for the construction of boilers for the Tuscarora, but as doubts were entertained as to the condition of the hull the building of the boilers was delayed until a thorough examination of the ship was made. The hull was condemned as unfit for repair and was sold. The boiler material, which is of the best quality, remains on hand ready to be worked into the next boilers required.

NOTE 7. The New York has never been launched. She, in common with others of her class, was commenced near the end of the late war. The building of the engines was commenced about simultaneously with the building of the hull. The engines built by contract were completed in a short time, but the work on the hull was stopped at the end of the war. It was decided by the Secretary to resume work on the ship in 1882, and boilers were built in obedience to that order. The work on the hull was again suspended for lack of funds. Of these six boilers four are about to be put into the Kearsarge, and the other two are available for the first of several ships which will soon need new boilers.

This class of boiler was designed to be interchangeable for a large number of ships. The history of the construction of the New York's boilers is detailed in the respective reports of the Secretary of the Navy.

NOTE 8. The Omaha served continuously on the South Pacific station from 1872 to 1877. New boilers were built for her in the latter year. The putting in of the new boilers was delayed until repairs to the hull were sufficiently advanced, in 1883. The boilers were, however, ready to be put in at short notice in case the ship was at any time required for active service.

NOTE 9. In 1876 it was decided by the Secretary of the Navy to use the frigates Colorado, Franklin, and Wabash for receiving-ships, instead of the old hulks which had previously been used for that purpose, and to keep them, as far as possible, in readiness for sea service at short notice. This policy is mentioned in the report of the Secretary of the Navy, 1876, page 105.

In pursuance of the policy of the Department to have the ships employed on the recruiting stations in condition for sea service as near as possible, the steam frigates Colorado and Wabash are now in commission as receiving-ships at New York and Boston; the Franklin, on her way home from Europe, has been ordered to Norfolk, and the Wyoming is fitting out at Washington. These ships constitute a reserved class, and, although not of modern type, might be employed with great advantage in any emergency arising near our coasts, as they carry formidable batteries and have steam power.

Soon after this work was begun on new boilers for these ships. The boilers, after completion, were kept ready for use when occasion required. The Colorado having been subsequently sold, her boilers were otherwise disposed of; two having been turned over to the Bureau of Yards and Docks for use in connection with the dry-dock pumping-engines at the New York navy-yard, and the others put into the Wyoming. Four out of the five Wabash boilers have been put into the Richmond, and one is on hand in good condition.

The Franklin's boilers are still on hand in good condition.

NOTE 10. Within the last two years new boilers have been built for the Alliance and the Swatara, six for the former and eight for the latter, to take the place of similar boilers which were worn out.

The Bureau of Steam Engineering determined to make an experiment on the former ship with a system of forced draught, which the officers of the bureau considered to be far superior to anything which had been previously attempted in that line. Accordingly, only four out of the six boilers were put in, thus allowing 27 tons more coal to be carried, and increasing her cruising endurance by about 18 per cent., at the same time lightening the ship about 10 tons.

Upon trial the ship easily reached her former speed and power, and proved the expectations of the Bureau of Steam Engineering.

The same system is now being applied to the Swatara, six only out of the eight boilers being put in. There are thus four boilers, two from the Alliance and two from the Swatara, reserved for use in some other ship; there being enough to reboiler a ship of the Alliance class. These boilers are interchangeable for this class of ship.

The fact of these boilers being on hand is the result of the successful experiments in forced draught.

NOTE 11. The boilers mentioned in these notes, as well as all other boilers built from time to time, have been noted by the Engineer-in-Chief in his annual reports, stating for what ships they were intended. The Bureau of Steam Engineering is the only bureau in the Navy Department which reports its expenditures in detail, showing the amount expended on each ship.

These boilers were all built by the orders of the respective Secretaries of the Navy, transmitted in the usual manner to the Engineer-in-Chief.

If there have been any mistakes as to the time or manner of building the same, or in the uses made of them, they were purely mistakes of administration, emanating directly from the Secretary of the Navy, and for which the Bureau of Steam Engineering was in nowise responsible.

I submit that in the light of the history of these cases given above it is disingenuous to make a scapegoat of the two bureaus named, when the fault (if fault there was) lay directly at the door of the Secretary himself in each case. It adds no force to the argument in favor of the proposed measure, and is an unjust perversion of history.

Second. But it is urged the late Secretary of the Navy, Mr. Chandler, recommended such a change, that the present Secretary and the Admiral of the Navy are now in favor of this measure. In the absence of convincing reasons, this is a singular argument to influence an American Congress and would savor much of Bismarckian intolerance and executive dictation to legislative power were it offered in sincerity. It is surely unnecessary to answer such a proposition in our well-adjusted and well-balanced constitutional Government. The interests of the people are paramount to the wishes of any and all their servants. The only question is, what is their best interest in this behalf.

The last argument, if it were possible to dignify the suggestion by such a misnomer, was the attempt of the chairman to influence this House by the extract from letters to Mr. Hewitt that this bill was antagonized by "a very powerful and influential body of naval officers and their friends, strong enough to hold the balance of power in any case of important action in either House or Senate." I am at a loss to characterize this statement.

It is an appeal to prejudice, an attempt to bias legislation by matters which have no relevancy to the merits of the bill and savor little of statesmanship. Indeed, it is a confession of weakness in the bill itself. If it refers to the staff officers of the Navy, it is an unwarranted attack upon that large and most efficient part of our Navy, and tends to encourage the assumed superiority of the line officers, which has been so offensively and persistently demanded and enforced by the line against the staff ever since science and steam have made the epauletted quarter-deck a gradually diminishing power.

The staff, which is the civil and labor element of our naval *personnel*, is drawn largely from civil life, and annually infuses into the Navy new elements of strength, and has been the potent factor in revolutionizing naval implements and naval warfare, and lifting our naval corps out of the rut of red tape, hereditary traditions and exclusiveness, and placing them fully abreast of modern progress and in full accord with our national life and institutions. In a word, it has popularized the Navy. We should take no part in the insane and aristocratic jealousy of the line officers against the staff, which was expressed in an evidently inspired editorial of the Washington Post of February 14 last, which branded the Corps of Engineers as the "engine drivers of the Navy," but see to it that exact justice is done to both staff and line, and their relative positions determined not by artificial lines and tra-

ditions, but by real merit and the best interests of this arm of our national service.

The line and staff are both essential elements of our naval organization. The harmonious blending of the two will insure the highest possible success. The glory of naval warfare will, in the future as in the past, gather about the brow of commanding line officers whose sole word moves the *personnel* and machinery of the floating leviathan as he proudly treads the quarter-deck, and at whose feet the trophies of victory will ever be laid, while the toilers of the staff, whose skill and science render the triumph a possibility, will labor obscurely in the superheated bowels of his steam-girt home. The applause of a grateful country will be lavished on the one, while the other will only be rewarded by the consciousness of work well done.

I therefore envy not the defender of this bill who is driven to such strait that he must invoke this jealousy in the Navy as ground for the innovation.

That the plan of reorganization will lead to economy is speculative. It starts with increased machinery and costs, and the friction of new methods and appliances will soon rub out all hope of a saving to the Government. Experience and common sense teach that increase in *personnel* and machinery tend to extravagance, not economy.

I have tried to summarize the new reasons given for the passage of the bill. I submit that they weaken rather than strengthen the position of its advocates.

On the other hand, the objections to its passage grow stronger the more they are considered.

At considerable trouble I have had made a diagram of the present and also one of the proposed organization of the Navy Department, which I here append, and which to my mind demonstrates the unwisdom of the proposed change.*

Diagram A represents the present eight-bureau system of organization. Commencing with the circle, central power, which represents the Secretary of Navy, each bureau connects directly with its chief, the Secretary, while the length of each arm gives the exact mathematical relation or point of expenditure of each bureau to the Secretary and to Congress. The unity and harmony of this system is apparent, and indicates the process of natural growth, under the only safe test, the crucible of the needs of a gigantic civil war.

Diagram B represents the proposed organization, and manifests the zigzag eccentricity of empiricism. The length of each arm here gives the exact relation of each bureau and division to the Secretary and to Congress under the proposed reorganization.

Under the new plan five of the old bureaus are abolished, namely:

1. Equipment and Recruiting.
2. Yards and Docks.
3. Steam Engineering.
4. Provisions and Clothing.
5. Construction and Repairs.

And in their places are created two new bureaus.

1. Material, construction, and repairs, with two divisions: (1) Construction and equipment; (2) Steam engineering.

2. Supplies and accounts, with two divisions: (1) Supplies and purchases; (2) Audit and accounts.

The diagrams show that under the present system the expenditure of each bureau bears a natural relation to the importance of the independent bureau as indicated by the length of each arm, while in the proposed system the arms run off in wild extravagance, as though seeking to hide their abnormal deformity or veil some hidden and unseemly purpose. Indeed, the proposed method can not be formulated into a geometric figure without disclosing its absurdity.

This objection, however, deals with the question in its financial relation to the Secretary and to Congress.

There is a more important and unanswerable objection to the proposed measure.

Congress has entered with spirit upon the rehabilitation of the American Navy. The people are demanding a restoration of our naval supremacy and prowess.

The old wooden ships, typified in the world-famed Constitution, whose decks were trodden in gory history by our naval heroes, Paul Jones, Hull, Lawrence, Perry, McDonough, and hosts of others, are fast passing away, and will soon become only a glorious memory and heritage of our marvelous birth among the nations.

In modern naval vessels for hulls we have gone down into the bowels of the earth for ribs of iron and sheathing of steel to take the place of the oak timber and wooden covering once cut from earth's surface for such use. For propelling power the white-winged sail, copied from heaven's winged denizens, is supplanted by scalding steam, borrowed from the subterranean forces that, now and then, rock and shake our earth from center to circumference. In short, the full-sail wooden ship, "a thing of beauty and a joy forever," is almost a memory, while in its place the iron-clad, iron-bound, and iron-ribbed leviathan cleaves the waves, vomiting forth smoke and steam from its subaqueous caverns.

In artillery the smooth-bore gun has given place to the rifled cannon, and the range of shot increased from a few hundred yards to ten and twelve miles, while the dynamite air gun, torpedoes, and other kindred devices are making naval warfare the embodiment of earth's mysterious subterranean forces.

In this evolution the men most familiar with these forces, who have studied their limitations and conditions, must inevitably come to the front.

To-day the question is not so much who shall command the vessel when made as who can best solve the problem involved in this transition from wood to iron, from sail to steam, who shall best fashion the infernal machine. Since the duel between the Monitor and Merrimac this transition has made rapid progress. In an able article on "The Navies of the Continent," in Harper's Magazine for January, 1887, by the great English naval authority, Sir Edward J. Reed, the problem which the naval powers of Europe have for twenty years been seeking to solve is stated to be "the effort to reduce the weight of the hulls of ships (apart from armor) by the extended use first of iron and afterwards of steel, and to apply the saving of weight thus effected to the development of engine-power, speed, and steam endurance."

In the solution of this problem continental nations have wisely invoked the highest constructive and engineering skill, and have given to naval constructors and engineers every stimulus of honor and reward.

We on the contrary by the proposed reorganization strike down the two Bureaus of "Construction" and "Steam Engineering" (the twin Titantic sisters which must nurse us into naval vitality), and make them mere divisions of a bureau. Further, as if in mockery of wisdom and experience, the "board of council" created by the proposed bill, who shall determine with the Secretary of the Navy the type of vessel, model of hull, design and power of engine of the new navy, will be composed of the Chiefs of the Bureaus of "Navigation," "Ordnance," "Material, Construction and Repair," and "Supplies and Accounts," with three other officers of the Navy to be selected by the Secretary, while the Chiefs of "Construction" and "Steam Engineering," the specially skilled and competent advisers in such matters, are left out. This is verily the play of Hamlet, with Hamlet out.

Think of such a "council" with the merchant chief of supplies and the quill-driving chief of accounts gravely prescribing the type of ship, hull, engine, with all the details of driving the electrical dynamo, steering, pumping, forced draught, twin propellers, &c., to the skilled, but unnoticed, constructors and engineers who have no voice save through their hermaphrodite head, the Chief of the Bureau of "Materials, Construction, and Repairs."

The wisdom that could conceive such a plan is only commensurate with the brilliant results that would cover the scheme in practice with undying ridicule.

Therefore, in reviewing the field, how slender are the grounds urged in support of the proposed change. Every reason thus far given is an administrative and not organic defect. The remedy is the enforcement of existing law. Let defiant subordinates be held to their duty by the Secretary of the Navy and the remedy is applied.

The destruction of the present system and construction of a new one on the basis proposed would be akin in wisdom to the reconstructor who took his ship to pieces plank by plank in order to remove the barnacles that had fastened on the bottom, and the man who took down his house piece by piece and brick by brick in order to get the soot out of his chimney, and then when out of the *débris* a new but inferior ship and house were reconstructed other barnacles would fasten and other soot would accumulate. Scrape off the barnacles and sweep out the accumulated soot by the strong hand of executive power, already provided, but leave the grand old system, naturally grown, well developed, and crowned with the glory of a magnificent success, unmarred in her symmetry. The system is good enough. Let the administrative hand be strong and firm, and we will have the needed reform.

The nation looks longingly for the new navy. Our naval constructors and engineers are able, trained, and of marked ability. Give them merited recognition and reward, and we need not fear competition with other maritime powers in the war ships that shall spring from their cunning fingers and fertile brains.

In this there need be no jealousy between the line and staff—each in his proper sphere co-operating for the national weal, bending every energy to the one end of rehabilitation.

The unconquerable spirit that prompted Nelson in 1798 at Aboukir to say, "Before to-morrow I shall have gained a peerage or Westminster Abbey," and to signal to his fleet at Trafalgar in 1805, "England expects every man to do his duty," and that fired our own loved Lawrence, as he cried in the throes of death, "Don't give up the ship," has ever been the characteristic of the line officers of the American Navy. In the hour of need they have been the bravest of the brave. With the petty jealousies between the line and staff (which I fear largely suggested this bill) buried forever, we may confidently look forward to the dawning of the day which shall hear proclaimed among the nations, in patriotic fulfillment of prophecy, "Columbia, not Britannia, rules the wave."

* NOTE BY PRINTER.—Diagrams not inserted, owing to lack of approval from Joint Committee on Printing as required by section 6 of Rules for Publication of RECORD.

## Pre-emption of Public Lands.

# SPEECH

OF

# HON. JAMES LAIRD,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

*Monday, February* 21, 1887.

The House having under consideration the conference report on the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes—

Mr. LAIRD said:

Mr. SPEAKER: I think that the real point in issue in this controversy can be stated in a single sentence, and that is, whether the Congress representing the entire people of this country, is willing to protect every American citizen in his inalienable right to a day in court. This is the issue and all of it. All the hue and cry about fraud and robbery as against the right of a citizen to be heard is bosh. All the clamor of cattle syndicates and great land monopolies is foreign to the issue; it is a trap set by the hand of demagogues for the feet of the unwary.

Land-Commissioner Sparks for two years has robbed the Western settlers of their constitutional right to hold their property until they are divested of it by due process of law.

That Land Commissioner, through the Land Committee of this House, now asks this body to indorse his high-handed defiance of the property and legal rights of the Western settlers by rejecting the following amendment to the House bill proposed and insisted on by the Senate conferees:

*Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, the Commissioner shall hold the entry for cancelation, which action shall become final unless within sixty days from notice thereof the claimant or other party in interest shall ask in writing for a judicial investigation of the case, and thereupon the Commissioner shall suspend further action in the case and file with the United States Attorney-General notice of such suspension, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained.

The Senate, Mr. Speaker, insists that a settler has some rights which he does not hold at the discretion of the Commissioner of the General Land Office, and in the effort to aid such settler in maintaining such rights it demands the adoption of the above amendment as a condition-precedent to the passage of the bill. The Commissioner and his too subservient committee in this House refuse to consent to that amendment, and ask you to indorse their refusal. They ask you to indorse their denial of the right of an American citizen to go into the courts of the country and defend his property. If we were in the dark ages, if we were savages and barbarians, I take it that the attitude of the House conferees might not challenge alarming attention; but as we are supposed to be at least semi-civilized, I cannot understand the brazen effrontery with which men contend for the right of confiscation now enjoyed by the all-devouring head of the Land Department.

Mr. Speaker, what is it that the Senate seeks to protect? It is the rights of the settler after issue of final receipt, after compliance by him with the laws and the conclusive statement of that fact by a final receipt, which in the absence of fraud is an absolute estoppel upon the Government, and that fraud which would void his final receipt can not be presumed, it can not even be inquired into, by the Land Commissioner under the law except on appeal from the local land officers.

A final receipt can not be attacked collaterally by the Commissioner. He can not, in the absence of an appeal from the decision of a local land office, have any jurisdiction over a final receipt, whether fraudulent or not, no more than he could have jurisdiction to set aside a patent. These things are for the courts, where a man can have his day and enjoy his guarantee that he shall not be deprived of life, liberty, or property without due process of law. Of this right the people of the West have been causelessly robbed by this Commissioner for two years, and to-day they want to know whether the House of Representatives of the United States will deliberately deny them the right of trial, which is all they demand.

I have sometimes thought that we of the West erred in supposing that all other Representatives were as familiar as we with the land subject, and particularly as to the respective rights of individuals on the one hand and the Government on the other. With this thought in view, you will pardon me if I discuss for a moment what is to us the a b c's of the case.

Mr. Speaker, what is a final receipt and how is it obtained? Let us suppose that A is seeking a pre-emption. His first step is to locate and make settlement on not exceeding 160 acres of the unappropriated public domain offered for sale under the pre-emption laws by the Government. Having done this, he must present himself at the local land office and there make oath that he is twenty-one years old, or the head of a family, that he is a citizen of the United States, or has declared his intention to become such, that he is not the owner of 320 acres of land in the United States, that he has made settlement on the tract of land which he offers to take, and that he desires to take it for his own use and benefit.

This being done, he is permitted on the payment of certain fees to make what is called a "filing" on the land. This being done, he must proceed to live upon and cultivate the same as required by law for at least six months from the date of the filing; when, if he so desires, he can "prove up" and take what is called his "final receipt." To do this he must first advertise the fact that he intends to do so, giving the names of his witnesses, the place and person before whom their evidence and his own will be taken, and this notice must be printed for sixty consecutive days in a newspaper printed and in general circulation in the district where his claim is located. This notice having been given he must present himself at the local land office with at least two witnesses and prove under oath his compliance with the land laws of the United States as to the time of settlement, at least six months, and also as to the character of the improvements.

He then becomes, if the land officers are satisfied with the proof, entitled to a duplicate register and receiver's receipt on the payment by him to the United States of $1.25 per acre, or $200 per quarter section, and certain land-office fees. This receipt is called the final receipt, and in the absence of contest is regarded as conclusive evidence of title, as conclusive as the patent of the Government, which without further action on his part it entitles him to.

It will not have escaped the notice of my colleagues unfamiliar with the detail of the land laws and practice thereunder that the claimant has been required to give sixty days' notice to the world of his intention to prove up. Under that notice any person can come in and contest or protest his title, and if that be done the local land officers withhold the final receipt and forward the whole case to the Commissioner of the General Land Office, who thus obtains his only jurisdiction over the case by appeal, and his decision is again subject to review by appeal to the Secretary of the Interior. In the absence of any protest or contest the final receipt issues and as against all comers, the Government as well, is title; that is, as between the settler and the Land Department the Government is forever foreclosed. If fraud has been perpetrated it can be reached but through the courts alone.

So strongly is this held that in the late Oregon case in the United States circuit court it was held that, admitting the fraud of the original taker, his grantee, for a valuable consideration, without notice, took a good title. The final receipt is evidence of the equitable title and entitles the possessor to the full legal title represented by the receipt. This is the universal holding of the courts, both State and National, and the question here presented is whether Congress will permit Mr. Sparks or any other ministerial officer to confiscate this private property in defiance of statute and Constitution, or whether it will compel this autocrat to bow his neck to the courts of the country, or if he refuses to bow, then break it.

Mr. Speaker, what is the status of this title by final receipt in the domestic courts of the West? As soon as the settler has his final receipt the taxing authorities enter his land on the tax-roll, and unless he responds it is sold for the taxes, and a good tax deed may be made on it years before the patent issues. If the holder of the final receipt is indebted the land may be sold on execution, and the purchaser at sheriff's sale takes a good title. If this final receipt is not good title, then for at least fifty years we have been taxing Government lands in the West; we have been selling and are to-day selling it in satisfaction of private debts.

If a final receipt is not title, then we have no title to land in the West, for that is all the title we do have and hundreds of millions of mortgage securities held in the East are worthless, for they are based on just that and nothing more. Are you men of New England and New York, the investing States, going to vote for a vast scheme of repudiation, and that a repudiation of the titles upon which rest the investments of the millions of your capitalists and the earnings of your poor? And yet this is what you will do if you stand by the House conferees.

Mr. Speaker, not only does this Commissioner of the General Land Office refuse to recognize the rights of the holders of uncontested final receipts, but he will not even allow their grantees in good faith to be heard in defense of their rights acquired by honest purchase. The gentleman from Illinois [Mr. PAYSON] undertakes to say, interrupting the gentleman from Kansas [Mr. PERKINS], that there has never been a time when the Commissioner of the General Land Office held that a grantee of the holder of title by final receipt was denied the right to intervene to defend his claim before that officer or the Secretary of the Interior.

Mr. PAYSON. I hope the gentleman will not misstate what I said. I say it was never so held by the Secretary of the Interior, as I understood was asserted by the gentleman from Kansas.

Mr. LAIRD. I understood you to say that it had not been so held by the Department of the Interior.

Mr. PAYSON. I did say by the Department of the Interior.

Mr. LAIRD. What took place between you and the gentleman from Kansas was as follows:

Mr. PERKINS. I want to call attention to one other point. A man settles upon

160 acres in the West and establishes his right to that land in the local land office. He pays his money; he gets his certificate; he prosecutes his efforts to make a home; he adds to his improvements; and when such a man as I spoke of a few minutes ago from Illinois, or Indiana, or Iowa, comes and finds these facts, buys from him his right, enters upon the possession, and continues the improvements, an agent who has been sent out by the Commissioner reports on *ex parte* testimony that the original occupant was a fraudulent one and did not conform to the law, and this *bona fide* purchaser, who, under existing law and existing practices, has gone there and invested everything he has in the world, is allowed no opportunity of defending his property, no opportunity of making an entry upon that quarter section of land as an original occupant.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. PERKINS. Certainly.

Mr. PAYSON. Does the gentleman make that assertion upon newspaper reports or upon inquiry at the Department as to the practice? I wish to correct the gentleman because I know he desires to be accurate in his statement of facts.

Mr. PERKINS. I do, indeed.

Mr. PAYSON. I wish to say that there is not in the practice of the Interior Department a shadow of foundation for the statement the gentleman has just made, as I will proceed to demonstrate, when my time shall come, from official documents now in my hand. I interpose now simply for the purpose of correcting the gentleman from Kansas, who, I know, desires always to be accurate in his statement of facts.

Mr. LAIRD. You did say that it had not been the practice of the Department of the Interior to deny the grantee of the holder of a final receipt the right to be heard in defense of his interests, and you promised to demonstrate that the gentleman from Kansas [Mr. PERKINS] was wrong when he so states. Now, the Commissioner of the General Land Office is the head of the land bureau in the Interior Department. He is, in the absence of appeal to the Secretary, supreme in his authority over all questions touching the public lands and the rights of parties thereto. He is not only a part of the Department of the Interior, but he is too often the whole establishment; and I undertake to say that you can not demonstrate anything that you say on this point, for here are his letters, addressed to myself, which settle the controversy, and in which the Commissioner specifically refuses to allow the owner of a given quarter-section of land, to which he held a warrantee deed executed by the holder of the final receipt, to appear and prove his good faith and defend. The gentleman from Illinois [Mr. PAYSON] says that such was the rule of the Land Commissioner for a day or so. Here is his order denying grantees the right to come in, and here is the order of the Secretary reversing it. Compare the dates and you will find the Commissioner's order was the law over a year instead of two or three days, as you say. And yet this is the man you want to clothe with absolute power, and yet you must confess he does not know enough to know that a purchaser has some rights. You come confessing that his rules have to be reversed by the Secretary before they are defensible.

I also hold the written refusal of the Commissioner to allow the same person to be advised of the accusation filed against the title of his grantor by a special agent, on the ground that the complaint upon which he and his grantor were to be deprived of their title to the land in question was a privileged communication. The proposition that in a free country of free citizens, subject to enlightened government, a secret charge, in reality a public record, so important that it becomes the sole ground of the denial and destruction of vested rights being withheld from the person therein charged with fraud, is too monstrous to be entertained for a moment; and yet that is what this committee ask you to do. They demand that you shall fix this outrageous system in your laws and give a legislative recognition to the inquisition carried on by Sparks.

In this connection, Mr. Speaker, here is a sample of the orders (laws) of this man Sparks, who asks to be clothed with final and absolute power to confiscate private property:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., July* 31, 1885.

*To Registers and Receivers and Special Agents:*

GENTLEMEN: The practice of ordering hearings, as a matter of course and without application, in cases of entries held for cancellation on special agents' reports, is discontinued.

Hereafter when an entry is so held for cancellation, the claimant will be allowed sixty days after due notice in which to appeal to the Secretary of the Interior, or to show cause why the entry should be sustained.

Applications for hearings must be accompanied by the sworn statement of claimant, setting forth specifically the grounds of his defense and what he expects to prove at such hearings. He must also make oath that his application is made in good faith and not for the purpose of delay.

Notice to claimants will be sent by registered letter to their last known post-office address, and the return letter receipt (or returned letter) will be transmitted to this office with register and receiver's report.

Notice will also be served personally if claimant can be reached, and registers and receivers and special agents will take every precaution to see that notice reaches the party or his attorney, and to preserve and transmit the evidence of service, or of attempt to procure service.

Attorneys appearing for alleged fraudulent entrymen will be required to file the written authority of the claimant for such appearance.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Approved.

G. A. JENKS, *Acting Secretary.*

I call the attention of the House to the second paragraph particularly:

Hereafter when an entry is so held for cancellation, the claimant will be allowed sixty days after due notice in which to appeal to the Secretary of the Interior, or to show cause why the entry should be sustained.

This circular does not refer to cases that reach the Commissioner on appeal and where he has jurisdiction; it refers to cases where the holders are seized of a vested right, which this man claims the monstrous right to divest them of without trial upon the secret report of a secret agent, which, when they ask to see it, they are told is privileged. Here are men deprived of their property on a secret report, and if they are not satisfied with the justice of the robber they may have sixty days in which to satisfy their despoiler that he was wrong or they can appeal to his legal superior, or they can submit like dogs—and you are asked in a free country governed by law to perpetuate a system that would not be tolerated in pandemonium.

Did the learned Commissioner never hear of what his profession calls a presumption of law? Is it not presumed that the officers of the Government did their duty when they passed upon the settler's proof and gave him his receipt? Is it not presumed that the settler and his two disinterested witnesses swore to the truth when they swore to his compliance with the law? In the absence of proof impeaching these mixed presumptions of law and fact, does he not know that the presumptions are conclusive, and does this man not know that by the rules, from the Roman law down, the one who alleges fraud must prove it; that the burden of proof is upon him?

Mr. Speaker, it is a simple thing which is asked here; so simple that the wonder is how any one can be found so blunted to the instincts of natural justice as to deny it. The people ask to be permitted to enjoy a fundamental right of appeal to the courts, free from the outrageous interference of the Land Commissioner. They ask that when an issue of law and fact affecting vested rights is raised it may, on the demand of the party affected thereby, be referred to a court and not be absorbed by an inquisitor who has thus far shown himself absolutely incapable of comprehending justice, much less of executing it.

If the law had always required issues as to the legality of title to public land to be referred to the courts, as is provided in the amendment under consideration, the nation would have saved $500,000 taken from the Treasury to quiet the title to certain lands in the State of Mississippi to which the Government, acting on the advice of the then Land Commissioner, had issued its patent and which was also claimed by other parties who were supported by a decision of the United States court.

Such a law as is now proposed would have saved the nation $25,000 growing out of conflict of titles in the State of Virginia, and, finally, would have saved this Forty-ninth Congress from legislating $250,000 out of the Treasury to make good the losses sustained by settlers in Nebraska and Kansas arising from a failure of the Government patent—a saving in fifty years of $775,000, caused by the blunders of the various Commissioners of the General Land Office and Secretaries of the Interior. Blunders that never could have happened had the practice obtained which is proposed by this amendment of referring questions of law, of constructions of statute, and the decision of the rights of parties under grants of Congress to the courts for judicial settlement as they arise, instead of allowing thousands of innocent people to acquire rights on erroneous ruling of the Land Department, finally to be ripped up by the courts.

Mr. PAYSON. What Commissioner was that?

Mr. LAIRD. It was not Sparks. That is one sin we can not lay to Sparks; the only one I know of. [Laughter.]

I trust, Mr. Speaker, that I have made it plain that the question is whether or not an American citizen, or one who has declared his intention to become such, is to be robbed of his title to land by the arbitrary act of a mere ministerial officer, and upon an inquiry which bears no more right relation to a judicial proceeding than the tortures of the inquisition bear to the peaceable Christian jurisprudence of to-day; or whether he shall be allowed his fundamental right of appealing to the courts of his country; whether we will or not make good the constitutional guarantee which provides that no man shall be deprived of life, liberty, or property without due process of law. There are doubtless from fifty thousand to one hundred thousand settlers upon the public lands in my State alone that are interested in this discussion, and I will be pardoned some warmth in a contention where their rights are drawn in question—not their doubtful, speculative, prospective rights, but their actual, present rights to property which they are now in actual possession of, holding the equitable title thereto, and have been in some cases for seven to eight years, but which if this law be not passed the Commissioner will strip them of without an opportunity to be heard.

I hold in my hand now a long letter from two citizens residing in the northwestern part of my State, who have lived upon their claims, one six and the other seven years; who have well-improved farms, one 75 and the other 50 acres, under plow; who have houses, barns, wells, orchards, and everything that goes to make up a rural home; whose lands have been taken from them on the report of a special agent, who, notwithstanding their seven years of residence, makes a secret complaint that they have failed of compliance with the law in that respect. They write to me, asking if the Congress of the United States will not afford them some relief against the dangerous system of espionage, seconded by the still more pernicious exercise of an arbitrary power by an irresponsible bureau officer.

One of the letters contains this paragraph:

Sparks might as well have sent Doc Middleton (a notorious outlaw of the Northwest) around to steal our horses as to send his agents, Coburn, Carr, and others,

to rob us out of our homes and turn our families into the street after we have lived upon these lands for seven years. They have sold our homes to be paid for in the perjury of the people who accuse us, and who, if we are beaten in these cases, are to be rewarded by the possession of our property.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. PERKINS. I yield the gentleman from Nebraska five minutes more.

Mr. LAIRD. After what has been said showing the nature of the title of the holder of a final receipt from the Government I take it that gentlemen will see the force in a supposititious case which I will put, and of which there are doubtless thousands and tens of thousands of parallels in the State of Nebraska alone: A settler having acquired title to Government land sells the same to an innocent purchaser, and after having done so innocently departs from the country; a special agent hears of this transfer and the departure of the grantor and reports the same to the Department.

That fact alone is held by the Commissioner of the General Land Office to be conclusive evidence of fraud upon the part of the grantor, because he assumes that the sale of this property immediately upon the receipt of the title thereto is upon a secret understanding between the grantor and the grantee, made previous to the settlement by the grantor, which vitiates the final receipt. Upon the receipt of this report by the Commissioner notice is sent to the holder of the final receipt that his entry has been canceled for fraud, proof of which was furnished by the report of the special agent, which he is not permitted to see, nor are his attorneys permitted to see it for him; and that he has sixty days in which to come in and show cause why the cancellation should not be made final, or in which to appeal from the decision of the Commissioner canceling the entry. If the holder of the final receipt, the grantor in the supposititious case, is absent from the country, and his grantee remains ignorant of what has transpired, there will be no answer to the *ex parte* proceedings before the Commissioner, and the cancellation will become final.

If the grantee chances to hear of this proceeding, he may ask to appear by attorney or he may, as has happened in my own district in scores of cases, write to his member of Congress and ask him to represent the matter to the Commissioner of the General Land Office and request that he be permitted to intervene and protect his rights in this property. The answer of the Commissioner is that he has no right to be heard to defend his interest in the property; that the department does not recognize his right to protect himself, and will not permit him to be subrogated to the rights of his grantor.

On the other hand, the person who may have furnished the special agent with the information as to the sale of this land by the holder of the final receipt to the grantee in question, and who is in the confidence of the agent, is upon the cancellation of this claim preferred over all other persons in his right to secure the land if he desires to. He comes in protected in the enjoyment of the fruit of his conspiracy against an absent neighbor; is permitted to file upon the land in question, avail himself of the improvements of the original taker, complete his settlement for six months as required by law, make proof of the fact that he has so done to the satisfaction of the local land officers, pay his money, and receive a final receipt, which in time ripens into patent.

By this time, let us suppose, the purchaser of the holder of the original receipt, some citizen of Massachusetts, or Maine, or Pennsylvania, comes on to examine his property upon which he has been mercifully permitted to pay taxes for several years, and finds an adversary in possession, claiming title, as he does, directly from the United States, and as evidence of the same displaying his patent for the land in question. He asks for possession—it is refused. What are his remedies? An action upon the covenant of warranty against his grantor, or an action in the circuit court of the United States to quiet his title. He goes into court, and he finds there the decisions piled mountain high that the final receipt, in the absence of fraud, is absolute evidence of title; so that, being prior in time to the holder of the patent acquired in the tortuous methods here set out, he is prior in right, and takes the property.

[Here the hammer fell.]

Mr. PERKINS. I yield three minutes more to the gentleman from Nebraska.

Mr. LAIRD. I repeat, prior in time, prior in right; and the grantee of the holder of the final receipt takes the property; and this in accordance with the laws of the United States as adjudicated by the Supreme Court and as affirmed by the supreme courts of all the States, so far as I have knowledge of their decisions. Certainly so in Nebraska, Kansas, Iowa, Colorado, and in all the States where of late years title has been acquired from the Government. So much for the supposititious case.

But what shall be said of the mischief resulting from the interference with the course of law by the Commissioner of the General Land Office? He has robbed the rightful owner of his property to bestow it upon a conspirator from whom it is taken in the end by the grantee of the original settler, not as reprisal, not by force or fraud, but by the solemn adjudication of the courts doing common, every-day, daylight justice between these two, and overthrowing the iniquitous judgments and proceedings of the Commissioner of the General Land Office, who has during the two years of his term sown the country west of the Missouri River with the dragon's teeth of litigation that are to rise for the next quarter of a century to harass and torture the otherwise prosperous West.

To return to the original proposition, all that is involved in the question is this: Whether upon a case presented which impels the Commissioner to think that there is fraud, and where notice of the cancellation of the claim of the holder of the final receipt is given to the claimant and he answers: "I desire to be permitted to come in and defend my title;" or if there has been a conveyance, his grantee comes in and says: "I desire to defend my title"—whether in such a case the Congress of the United States will permit that to be done, as is asked by the conferees of the Senate, or whether they will refuse to allow it to be done, as is asked by the conferees of the House. If the Congress of the United States want to do simple justice between man and man, to defend the common rights of the common people of the West, to give them some sort of a continuing guarantee of the sacredness of their titles, to inspire them with additional purpose and impulse in the great struggle which has built up empires, first west of the Mississippi, and then west of the Missouri—if the Congress of the United States want to do these things, then there is only one course for them to take, and that is, to stand by the conferees of the Senate and refuse to disagree with their report.

* * * * * * *

[Here the hammer fell. Then followed Mr. PAYSON'S remarks, at the conclusion of which Mr. STRAIT took the floor.]

Mr. STRAIT. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. The gentleman from Illinois [Mr. PAYSON] takes issue with the law on the subject. I desire to read from the decision of a district judge recently rendered in the State of Oregon. The language of the court is this:

When a certificate of purchase has been issued to a pre-emptor in due form and no appeal has been taken from the decision or action of the register or receiver the land described in the certificate becomes the property of the pre-emptor. He has the equitable title thereto and has a right to the legal one as soon as the patent can issue in the due course of proceedings. And he can dispose of the same and pass his interest therein as if the purchase had been made from a private person (Carroll *vs.* Safford, 3 How., 460; Myers *vs.* Croft, 13 Wall., 291; Camp *vs.* Smith, 2 Minn., 155; Cornelius *vs.* Kissel, 58 Wis., 237; Bull *vs.* Stiles, 35 Ill.).

Mr. PAYSON. His interest, whatever that was.

Mr. LAIRD. His interest is a vested interest; it is all the interest there is; it is property, and even you will not contend that Sparks can deprive a man of a vested right. It takes a court to do that, a court competent to understand the law and administer justice—two things impossible to Sparks.

Mr. Speaker, the case made out by the gentleman from Illinois [Mr. PAYSON] amounts to establishing, what he no doubt can establish again and again, namely, a conceded state of facts which no man defending these settlers seeks to palliate or deny. We are as much interested in the punishment of these scoundrels as you are. The virtue of the earth is not all confined to Illinois or Indiana; there is some decency outside of those States, and some even outside the precious personality of the Commissioner and his tools and defenders on this floor. You want to punish the guilty; so do we.

We want to protect the innocent; you do not. You say there have been frauds; so do we. We say there are innocent settlers; you deny it. You assert, declare, declaim, and pettifog; we demand proof, and contend that no man is guilty until proven so. You dodge the issue, play the demagogue, and from a score of cases of fraud denied by none, confined to a single class of men, relating to a time when owing to the absence of settlers frauds were possible, proclaim that a whole country is rotten with perjury and crime. I deny it, and I live in the midst of these people and know what I am talking about, and you do not, but base your denunciations of innocent men upon the cut and dried statements—privileged statements, secret accusations—of hirelings who are employed to assassinate the homes and honor of the West.

You of this committee league yourselves with a conspiracy against Kansas, and Nebraska, and Colorado, and Dakota, and other States and Territories which, minus the bloodshed of the border ruffianism of the old days, is more cruel, cowardly, and contemptible than that crime against the free State men in 1858 and 1859.

If this committee is willing that justice should be done, then let them open the letters of their spies. When was the stab of an assassin sacred before? Come with us into the courts of the country—give these hunted home seekers, denounced as outcasts and criminals, a chance to confront their accusers.

Is the great Commissioner of the General Land Office afraid to meet these outcasts in court? They are so poor that many of them have to borrow money to buy a postage stamp to send the letter that curses him. He has his hundred spies and an unlimited credit. If the Commissioner and his apologists and defenders on this floor are so armed in justice, why not meet these perjurers and robbers of the public domain in court? Your answer is that these people are guilty. Yes; if accusation and guilt are one, they are; but that is the question to be tried, and for one I demand for my constituents a change of venue—a change of venue to a decent court—an upright forum and a public trial, accorded by the Constitution before any man guilty or innocent shall be deprived of life, liberty, or property.

This right you deny, and demand that the fate of a great land and a brave people be intrusted in perpetuity to the hands of the Commissioner of the General Land Office. This is a fit sequence to a policy which suspended the very laws the repeal of which we are now considering, and which, by the order of April 3, struck down the title to a hundred thousand farms and made a half a million people homeless. You demand that Sparks try these people; you doubt the ability of the circuit and Supreme courts of the United States to do it; you doubt their zeal; you impeach their integrity along with that of the settlers; you can trust no one save Sparks.

What are the peculiar qualifications of this immaculate and infallible man? He has violated in his prosecution of the Western settlers all the laws of the country enacted for the protection of private property; he has ignored the rules as to the burden of proof; he has violated the presumptions of law as to public officers and innocent men; he has outraged the very instincts of decency. This is in brief the record of your judge. It would have been worse if he had known more. These are the qualifications of your judge, who, as opposed to the renowned jurists in the great forum of the nation, is better fitted to extract justice to these settlers from the secret and poisoned evidence of his spies than are they of the bench to award it after public trial, consideration, and judgment. And here, Mr. Speaker, I leave this case. These pretensions in behalf of Sparks are in keeping with the man they concern; an individual cipher, clothed with brief official power to injure, fortified in his immense stupidity, he presents a spectacle appalling to mankind, from the standpoint of the honest settlers of the West, infamous and contented.

A word in conclusion, Mr. Speaker. I submit to the House that the argument of the gentleman from Illinois [Mr. PAYSON] is entirely wide of the proposition presented to the House. He has shown that the Interior Department, upon *ex parte* testimony by *ex parte* affidavits, upon an *ex parte* hearing by *ex parte* officers of the Government, has been able to overturn the titles to thousands of acres of these lands. Then, if those titles have been obtained through fraud, let these gentlemen and the committee and the Commissioner of the General Land Office submit them to the courts, where the fraud can be established if it exists, and where, at the same time, innocent men will have an opportunity to defend their rights. The gentleman makes a tragic appeal to the galleries, and says that there sits a man who is the dishonest possessor of thousands of acres of land robbed from the Government. The difference between the gentleman and us in this controversy is that we come here to speak for men who are not able to reach the galleries. He pleads against a man in the gallery; we plead for the men in the "dugouts." And if the gentleman in good faith seeks the best interest of the Government, which includes the governed as well as the Government, then I demand that he support the amendment of the Senate, which takes a dangerous power from a dangerous officer and places it where conspicuous learning, together with publicity, guarantees justice to all.

---

## Post-Office Appropriation Bill.

---

# SPEECH

OF

# HON. PRESTON B. PLUMB,

OF KANSAS,

IN THE SENATE OF THE UNITED STATES,

*Saturday, February* 12, 1887,

On the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. PLUMB said:

Mr. PRESIDENT: The remarks of the Senator from Kentucky, in connection with the remarks of the Postmaster-General which he has read, both considered in connection with the annual report of the Postmaster-General, seem to have left this matter in a little confusion, and no doubt a confusion for which neither he nor the Postmaster-General is responsible, but I should like to have it resolved in some way.

The Postmaster-General recommends legislation to enable him to establish mail facilities between the United States and the South American republics. He has not got the money nor the facilities now under the existing law. He therefore wants us to give them to him. There can not be any question about that, I take it. The amendment under consideration proposes to give him the money, just as he asks for it, and we do not limit him as to the amount he shall expend. We only say that he shall not spend more than a certain amount—$500,000.

Now, I can not see wherein we have failed to exac ly respond to the request of the Postmaster-General. He certainly was not putting all this matter in his report simply to exhibit his fine writing. He argues the case at great length, and with equal ability he commends it to the consideration of Congress; he recommends that we give him the facilities necessary to do the very thing that he is there saying is so desirable, and this amendment is the response. Does it give him too much? If that is the case, I will ask the Senator from Kentucky, who is representing the Postmaster-General, to move to reduce the amount, if he thinks his friend is in danger of being run away with some night by a bad ship-owner.

Then I should like to have a little of the confusion that I am in in regard to the position of the Senator from Kentucky settled also. The Senator has voted on two or three different occasions for the subsidizing of a line from Tampa, Fla., to Havana, Cuba. I should like to have his attention to this matter now if I can.

Mr. BECK. I beg pardon.

Mr. PLUMB. I was saying that I am in a little confusion about the position also of the Senator from Kentucky, and I am very considerate indeed of his opinions. He has voted repeatedly during the last three or four years to subsidize a line of steamers to run from Tampa to Havana. The Government is paying to-day $60,000 a year to a line of steamers to carry the mails of the United States from Tampa to Havana, 90 miles of which distance is in foreign waters. The pay which that steamship line could receive under the law applicable to the foreign mail service would not be more than a thousand dollars a year. Yet the Senator from Kentucky has voted over and over again, and we have put into the body of the permanent law of the United States, by his help as well as mine, a provision that the Postmaster-General might pay whatever he saw fit for the establishment of a line of steamers between Tampa and Havana to carry the mails.

Mr. MCPHERSON. And he saw fit to pay $60,000.

Mr. PLUMB. And he saw fit to pay $60,000, at least sixty times the ordinary mail pay, a sum larger than the maximum sum provided for in this bill, to be paid within his discretion for a line of steamers to carry the mail from some ports of the United States to ports in the Argentine Republic.

Mr. President, it is worth something to get away from the crotchets of men, from the mere position of indorsing or condemning an administration, and to get down to the thing itself. Wherein is the proposition to pay not exceeding 50 cents a nautical mile, in the discretion of the Postmaster-General, any more of a subsidy, any more of a violation of that principle which is so dear to the Senator from Kentucky, and which he contends here so zealously for, than it is to pay double that sum to a line extending from the United States to Cuba?

Mr. President, I may be permitted to say that this second argument or second report of the Postmaster-General which the Senator from Kentucky has read is a mere subterfuge, an afterthought. He is not willing now to take the responsibility of his own official utterances, but wants to draw back from them. I shall read from the annual report of the Postmaster-General again to show how elaborate and well considered are his arguments, urging Congress to give him authority and the money necessary to enable him to contract for the establishment of a line of steamers between the United States and these South American republics, to provide him with means, with authority, which under existing law he does not have.

We have done just that, nothing more and nothing less, by this amendment. We said $500,000 because we did not know the amount that he might find it necessary to use. We provided that he should open it to competition, and in order that he might not be run away with unbeknown to himself by some bad ship-owner we limited him as to the amount he should pay. That is all. We provided a bulwark against his own lapse from virtue.

The Postmaster-General refers to the petition of the merchants of Chicago and other cities in his report. He argues in the first paragraph as to the necessity of this communication. For what purpose? After reading the report of the same officer for last year on this subject of mail communication with foreign countries, I felt that, following the ideas there expressed by the Postmaster-General, it would not do to vote money to carry our mails to foreign countries without first making sure that there should not be any indirect advantage given to anybody or to trade, and so pernicious did the Postmaster-General make it appear—this idea of using the mail service in the way of stimulating trade relations—that I felt the only way to be safe was to provide that the vessels which carried the mails should not carry merchandise, and thus wholly avoid the contaminations of commerce. But this year when the Postmaster-General comes to consider the question of the desirability of this service to be established by a provision of law which he solicits us to enact, he says—

> That our manufactures, particularly machinery and coarse cottons, are in demand there—

That is, in the Argentine Republic. What has that got to do with carrying letters and newspapers?—

> but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines.

That is his argument in this case showing why we ought to give him this authority. He says:

> The particular application of these petitioners appears to me to be entitled to serious consideration. There is now direct mail communication between this country and no port south of Rio de Janeiro.

Continuing, he says:

> This application suggests the augmentation of existing service and the creation of new with the particular states—

He not only wants that given greater certainly as to existing lines for transportation of mails, but he wants new lines as well.

This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner.

It is not an ordinary condition of things—it is an emergency which he asks us to provide for.

The requisite expenditure would be for something worthy of expenditure and within the general usage and the sound principles of the postal service.

That is to say, the addition to the old facilities and the creation of new ones not now existing by a new law and a new appropriation would be a worthy expenditure and "within the general usage and the sound principles of the postal service."

It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce.

I think the fact that this amendment came from the Committee on Commerce is directly in the line of the recommendation of the Postmaster-General as to the results which he desires to be realized by the American people from the establishment of this line. Commerce, trade, business interest, and so on, were uppermost in his mind, and are foremost in his argument, in every line of it.

Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns—

Which was the whole basis of my argument last year in regard to the propriety of the expenditure then proposed—

but undeniably to the great increase of the country's general welfare.

No strict construction of the Constitution there, no limitation to the direct results to follow the carrying of a letter from the sender to the person who is to receive it, but the general welfare is to be taken into account, and that, too, in connection not alone with the distribution of the mails to persons upon our own soil but also to persons on a foreign soil—

And whenever the substantial need of intercourse by the mails arises provision for such communication is promptly made—

Referring now to the domestic service. Then he goes on to say that these considerations suggest the inquiry as to the necessity of the service, and he says to the President:

I respectfully suggest that you invite the attention of that body [Congress] to the subject in such terms as shall commend it to careful consideration. Should the recommendation meet with favor, in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment.

Not that of the Postmaster-General; he specially remitted that whole question to us. He did not burden us with the suggestion that he could get service for five, ten, fifteen, or fifty thousand dollars a year, but he urges the President to recommend to Congress and ask them to put such limitation upon this expenditure in regard to its terms and amounts as they shall deem wise—

with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

Taking in the widest possible scope of the results to be reached, he asked Congress to take them all into consideration in determining the cost of the service desired, and this amendment simply fixes a maximum and authorizes the Postmaster-General to do the best he can within the outside limit which we name. Within that he has entire discretion.

There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view—

Not their capacity for subscribing to American newspapers or getting up a correspondence upon social or other friendly topics—

their lack of manufacturing establishments of their own—

What has that got to do with the mail service?—

the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens, as well as of creating firmer ties between the peoples of our continent—

Now he is getting into the domain of the Monroe doctrine, the political consequences to follow the general assimilation of the institutions and destiny of the people inhabiting North and South America respectively. These things he says—

Invite the extension and enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

Mr. President, I have not placed my argument in favor of this amendment upon so broad a base as that. I have advocated it here and elsewhere upon narrower grounds. Still I was glad to welcome the Postmaster-General to this higher plane upon which he voluntarily put himself, and from which he has now, I suppose equally voluntarily, taken himself.

This whole thing is summed up in a nut-shell. The Postmaster-General says we need these facilities for all the great reasons which he has so well set forth. He says there is no provision of law and no adequate appropriation of money to enable him to provide them. In the amendment the committee propose to give him the money and the authority of law to contract, and then we say to him: "Use this just as you please for the accomplishment of this purpose; and you need not use it at all if you do not want it." Wherein is there subsidy in that?

According to the theory which he has developed in this new exegesis upon his report, he is paying a subsidy to every railroad in the United States to-day, and has been every moment of time since he came into the Department. If a thing is adequate compensation as determined by him, how does it become a subsidy? And if he can not trust himself, I am willing to deal more liberally with him than he is with himself, and to give him a chance to try his hand in the line of the recommendations of his report, more especially as I believe that this report expresses his sound and final judgment, and that he has only yielded to the solicitation of some people who saw with dismay that he had stepped over the line of the Democratic faith as expressed here and elsewhere upon this most important subject, and he has been coached until he has retired.

Mr. BECK. I did not catch the last suggestion of the Senator from Kansas. He said that somebody had done *what* with the Postmaster-General?

Mr. PLUMB. I said I thought that on the whole the Postmaster-General had been solicited to take back what he had said in his report because it had been discovered with some dismay that he had got out of the Democratic fold on this question.

---

## Hon. William H. Cole.

### SPEECH
OF
# HON. BENTON McMILLIN,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,
*Monday, February* 28, 1887.

The House having under consideration the resolutions of respect in memory of Hon. William H. Cole, of Maryland—

Mr. McMILLIN said:

Mr. SPEAKER: The solemn duty has again devolved on us of commemorating the virtues of one who died at his post in our midst. Again we are by an illustrious example admonished that our stay here at the best is but brief and its termination inevitable.

Dr. Cole, the distinguished citizen and Representative of Maryland, whose untimely death we are called to mourn, was born in that State in 1837. Like many of our American youth he determined at an early age to leave the home of his fathers and try his fortunes in the West. In that, as in everything else, he evinced self-reliance and a determination to succeed. Protected by the laws of his country and encouraged by its free institutions he had no fear for the future. Wherever he went his life was characterized by activity and indomitable energy. Selecting the medical profession, he graduated with distinction in one of the medical colleges of Louisiana; but having a political turn of mind, notwithstanding he was well equipped for his profession, he determined to seek a field more congenial, and chose that of journalism.

When, in 1861, the civil war broke upon the country he identified himself with the people of the South, and showed a readiness to sacrifice himself for what he conceived to be right. As a soldier he had dauntless courage, and never shrank from the post of duty. Returning from the war he took up his residence again in the State of his nativity. He accepted the results of the war without murmuring. What a grand commentary it is upon the patriotism of the people of the United States that those who so recently engaged in fratricidal strife and were so ready to take each others' lives, when the war ended vied with each other in efforts to make our Government and keep it all that its framers designed it should be. Who that has seen Doctor Cole on this floor will doubt either his patriotism or his willingness to make whatever sacrifice was necessary to maintain and perpetuate our glorious Government.

Dr. Cole continued in a journalistic pursuit, spending a portion of his time as clerk in the Legislature of his native State. I remember well the first time I ever met him. It was in the contest of our present minister to France, Governor Robert M. McLane, for the governorship of Maryland. Having been invited to participate in that canvass, soon after my arrival at Baltimore I met Dr. Cole and traveled with him during a good portion of the canvass. He then said to me that if I continued in Congress he would meet me here. He spoke with the assurance of a self-reliant man. It was his highest ambition to become a member of the greatest legislative body on earth, and he believed that a combination of intelligence, integrity, and industry would insure it. How well he calculated and how thoroughly he had the confidence of his people is shown by the fact that he was elected to the second Congress chosen after the conversation I have narrated.

It was my good fortune to draw a seat immediately in front of him, so that I knew him not only as a citizen, but as a Representative, and

saw his everyday walk and heard his everyday conversation in the discharge of his duties; and I do no disparagement to others when I say that Maryland had no Representative who could exert himself more energetically and earnestly in the discharge of his official duties than did Dr. Cole. He was patriotic as a citizen, bold and fearless in his advocacy of the right as a Representative, and never tiring in the discharge of his duty. But it soon became evident that he was not long for this earth. Day by day he grew more pallid, and day by day became more feeble; but notwithstanding death had him marked and he knew it, his spirits never flagged, nor did his resolution ever fail. He seemed to feel that for a public servant there was no better place to end life than at the post of duty.

I remember the last time he was in this Hall. It had been supposed that he could never be brought here; but an important measure came up—one that it was known would require every friend of the measure to secure its passage—a bill looking to the reduction of the taxation of the people. Although physicians protested, and friends urged him not to take the risk, he was hauled to the House and brought up in time to cast his last vote. I remember approaching him and speaking to him, telling him how glad I was to see him able to be here. With a smile that showed that he feared not death and was not afraid to sacrifice his life in the discharge of duty, he said that, "although his physicians regarded it perilous, he had resolved to come and risk the consequences." He was taken back to his sick-bed, from which he never rallied. It is gratifying to be able to say that those who knew him best loved him most.

In the strenuous exertion he made to discharge his duty he was urged on by a confidence that even if injured in its discharge in this life there was a life beyond where faithful service was rewarded and where want of fidelity was punished. He had confidence that for him and for all who believed in the blessed Redeemer and kept His commandments there was a life eternal, where mortality should put on immortality, and where life should become an endless splendor.

Is it not sweet to think hereafter,
When the soul shall leave this sphere,
Love with deathless wings shall waft her
To those she long hath mourned for here?

Hearts from which 'twas death to sever,
Eyes this world can ne'er restore,
There as warm, as bright as ever,
Shall meet to part no more.

Mr. Speaker, this Congress has lost an efficient and faithful member, his family its strong support, and his country an unselfish patriot.

---

## Interstate Commerce.

---

SPEECH

OF

# HON. JOHN J. O'NEILL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887.

The House having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. O'NEILL, of Missouri, said:

Mr. SPEAKER: There is one phase of this question that I can not understand. The friends of this bill say that you must vote for the conference report, or if you do not vote for the conference report you are voting against the bill.

Mr. ADAMS, of New York. That is parliamentary law.

Mr. O'NEILL, of Missouri. Well, that is a confession either that gentlemen have not confidence in the members of those two committees, or else that they have not confidence in themselves. After a discussion ranging through many days in the Senate and extending over several days in the House, you have finally come to the conclusion that there are but one or two defects in this bill. I believe that the fourth section comprises nearly all of the points to which objections have been urged—the provisions in regard to the long and the short haul—and I believe the chairman of the committee would state to-night that if that section could be changed the result would be that the bill would pass this House by an almost unanimous vote. Now, for one, I am not willing to admit that if I should vote against the conference report, I would therefore be voting against the interstate-commerce bill. It is six weeks before Congress adjourns; this is a privileged question; your conference committee can report at any moment, and do you mean to tell me that that conference committee, after having obtained the judgment of the members of both Houses, could not meet and remove the many points of objection which you admit exist in the bill as it now stands?

Mr. CRISP. The trouble with the conferees would be in coming to an agreement. If it is not unparliamentary, I will say to the gentleman that the Senate have agreed to this bill.

Mr. O'NEILL, of Missouri. I am aware that they have, but it requires the consent of the two bodies to make a perfect agreement.

Mr. CRISP. But suppose we should disagree?

Mr. O'NEILL, of Missouri. Then it would go back.

Mr. CRISP. But the mind of the Senate is satisfied with this bill.

Mr. O'NEILL, of Missouri. Mr. Speaker, I do not want to repeat what has transpired in the Senate, but everybody knows that Senator after Senator got up there and stated that, while he did not think this was a proper bill, and while he thought certain provisions ought to be stricken out, yet he had to vote for the bill.

Mr. CRISP. And right there is the danger. If the House should vote down this report, whilst of course if I should have the honor to be one of the conferees I would do every thing I could to bring about an agreement, and while I would not say positively that we could not agree, yet I fear that we might not reach an agreement and the result would be that we should have no legislation upon this subject at this session.

Mr. O'NEILL, of Missouri. Let me tell the gentleman frankly that I believe that inside of twenty-four hours this provision in the bill which makes it objectionable and which causes members to hesitate to vote for it would be changed, and then the bill would pass. Let us look at this thing candidly. There is one serious defect in this bill. If the long and short haul provision is enforced in the spirit in which it is placed in the bill—if you leave out this little qualification about the commission exercising their discretion and come right down to the plain proposition that there shall not be any greater charge for the short than for the long haul, then if that results practically in increasing the rates from the West to the seaboard, the consequence will be that the great majority of your commerce from the cities on the lakes will go by rail through Canada, or else will go through the lakes to Buffalo, and from there over the New York Central road, which will not be controlled by this bill. Of course we shall be told that in that case, rather than see American commerce injured and the grain of our country shipped through a foreign land, the commission would allow our own lines to make different rates.

Mr. CRISP. May I ask the gentleman a question?

Mr. O'NEILL, of Missouri. Certainly.

Mr. CRISP. My friend seems to be under the impression that the House wants to change that fourth section.

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. CRISP. Now, does not my friend believe that if the majority had the power to change that section, the change they would make would be to strike out the authority given to the commission to make any change at all in the rule?

Mr. O'NEILL, of Missouri. You have given the commission ample power to prevent unjust discriminations, and that will do very well for all those little local cases where there are excessive charges for short distances; but you recognize the fact, as well as I do, that the trouble does not arise from the business of the great cities. I represent, in part, a city of about half a million people, and we have not much trouble about rates. We have some five trunk-lines to the seaboard. The trouble is at the way stations, and most of the support behind the bill comes from those little way stations where they are compelled to ship in broken cars and under other disadvantages.

Mr. CRISP. From the people.

Mr. O'NEILL, of Missouri. "The people." Well, I represent a city of half a million people, and I have not had the first human being in that city write to me in support of the long and short haul clause. On the contrary, many of the brightest business men in Saint Louis claim that it will seriously injure the great commercial interests of the country, and may also check the export of our grain.

Mr. CRISP. The gentleman should remember that the large cities do not embrace one-fifth of the population of the United States.

Mr. O'NEILL, of Missouri. I am not willing to admit, because I want to perfect this bill to get it in proper shape, that I am opposed to it, nor am I willing to admit that if I vote agninst this conference report I am voting against the interstate-commerce bill, and I will not be dragooned into voting for the bill under such conditions. That is about the amount of it. We have had it drummed into our ears day after day that if we vote against this conference report we vote against the bill. This is the first conference report you have had on the bill, is it not?

Mr. CRISP. The agitation of twenty years has resulted and ripened in this report.

Mr. O'NEILL, of Missouri. And it is the quintessence of human wisdom.

Mr. CRISP. And if this report be not adopted, it is possible we may have to wait twenty years more for another opportunity to consummate this legislation.

Mr. O'NEILL, of Missouri. I do not know about that. I am willing to trust this committee.

Mr. MCADOO. Will the gentleman from Missouri allow me to interrupt him a moment?

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. MCADOO. I wish only to say a word in reply about the New

York Central and the lake transportation—a subject which has been so often brought up on the floor of this House, and to which the gentleman himself has just referred. Any undue advantage that there might be in that direction is provided for in the proviso of the fourth section of this bill; that is the very sort of exception with which this commission is authorized to deal. They will prevent your lake transportation, your New York Central, and your Canadian railroads from having an improper advantage.

Mr. O'NEILL, of Missouri. The bill does not provide for that.

Mr. MCADOO. Oh, yes, it does.

Mr. O'NEILL, of Missouri. How does this bill make provision in reference to commerce shipped from Duluth, Chicago, and other cities on the lakes?

Mr. MCADOO. Because the commission will have the discretion to provide for just those exceptional cases.

Mr. O'NEILL, of Missouri. Then this is a sort of amendment to the reciprocity treaty.

Now, Mr. Speaker, I have stated my objection to this bill; and I am in earnest about it. If that objection were removed, I should be as earnestly in favor of this measure as any one.

Mr. BROWN, of Pennsylvania. Will you not vote for it as it is?

Mr. O'NEILL, of Missouri. No, not for this conference report.

In view of the fact that we have six weeks of this session before adjournment, in view of the fact that this is a privileged matter, which my friend from Georgia can bring up at any moment, and that there are but one or two objectionable points which the members of the committee know ought not to be in it, I think it the plain duty of the House to perfect this bill before enacting it into law. [Applause.]

---

## District of Columbia Appropriation Bill.

SPEECH

OF

# HON. WILLIAM L. WILSON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March* 3, 1887,

On the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

Mr. WILSON said:

Mr. SPEAKER: The conferees have reached an agreement at so late an hour upon this bill that it is not deemed wise to imperil its passage by consuming any time in preparing the statement explanatory of their report, which the rules require, or even in revising the report itself with reference to the accuracy of its details.

I may say, comprehensively, that the differences between the two Houses have been settled, as is usual and proper, by mutual concession. We have agreed to many of the increases made by the Senate, and to some of its other amendments, but as to the frame and theory of the bill we have not felt free to make any surrender.

That was the unanimous result of two months earnest consideration of the bill by the House subcommittee, and has been several times as unanimously indorsed by the House. It has been subject to so much misconception that I may repeat what I have already stated, that it consists simply in applying to this bill the rule of specific appropriation observed in other general appropriation bills. This involved much labor, for it would have been far easier, and possibly more popular in influential quarters at least, to have adopted the plan of the Senate and appropriated lump sums with but general directions as to their expenditure.

This is not done with the great departments of the General Government if it is possible to avoid it, and to do so in this bill would be to introduce personal government in this District, contrary I am sure to the law establishing the existing scheme of government, and contrary to all sound policy. No one can fail to see that there is much ferment in the District now, much greater than at any time during the past four years that I have been intimately associated with its affairs. Local associations are forming in every section to look after local interests, and every section complains and doubtless really believes that it is discriminated against in the distribution of local improvements.

As long, therefore, as this bill fails to make some apportionment, however general, of those improvements, great complaint, much aspersion and resentment, inevitably follow those charged with such apportionment, no matter how prudently and uprightly they perform their duty.

In introducing into this bill some general distribution we do not wish to be put in the attitude of discrediting either the capacity or the integrity of the present commissioners. We are simply dealing with them as we deal with the heads of the Departments. We are relieving them from much of the censure and criticism which inevitably befall public officers whose means are limited, but whose discretion and opportunities for reasonable expenditure are not limited.

STREET IMPROVEMENTS.

As to street improvements, we have adopted the schedule of the commissioners in its details, adding one street in the northwest, not by way of preference, but merely as a footing of equality with the other scheduled streets of that section; and we have adhered to the House plan of distributing the fund, increased from $300,000 to $360,000, among the several grand divisions of the city. The provision as to contracts for new pavement is substantially as the House bill made it.

SUBURBAN STREETS AND ROADS.

The amount allowed for suburban streets and roads is specifically appropriated, and none of it is to be used in laying out new streets and roads.

We held to this limitation, not because the subcommittee have seen any reason to call in question the good faith and probity of any recent expenditure for these purposes, notwithstanding the wide criticism upon one such expenditure, namely, for the extension of Massachusetts avenue, but because for the coming year, at least, we were convinced that other improvements would meet a more urgent necessity and a more general desire among the tax-payers of the District.

SCHOOLS AND SCHOOL BUILDINGS.

We have accepted with some verbal amendment the limitations proposed by the Senate on the appropriation for teachers' fund. Personally I should have preferred a slight increase in this sum, and some change in these limitations, but the Senate conferees were very decided, and it is believed that the schools can be well maintained under this appropriation. As to new buildings the bill is very liberal. It provides for the erection of six eight-room buildings in the school divisions of the city, and of two one-room buildings in the country. This adds, in one year, fifty rooms for as many schools. We have put these eight-room buildings at the uniform price of $25,000 each, and added amounts for the purchase of sites, where sites are not already owned. The Senate amendment giving the commissioners general authority to sell unused parcels of ground for this purpose is accordingly stricken out.

ICE-BOAT.

The appropriation for an ice-boat was omitted, in lieu of which the House conferees were willing to insert a reasonable sum to keep the harbor open to navigation.

RENT OF BUILDING FOR THE COMMISSIONERS.

The Senate amendment increasing the amount for rent of building for the commissioners was stricken out, not that the conferees on either side deemed such appropriation unreasonable or unnecessary, but because they feared it might delay the erection or purchase of an adequate municipal building.

These, Mr. Speaker, are the main features of the bill as finally agreed upon in the provisions where the chief controversy between the two Houses occurred. The inevitable haste with which this conference report has been prepared and rushed through both Houses may result in some error of detail, but I believe the bill in its entirety an unusually good one, and that it will bear the scrutiny of the tax-payers of the District as both just and liberal in its intentions and provisions, and be finally accepted by the commissioners as a sincere effort to free them from much misconception and embarrassment.

---

## River and Harbor Improvements---The Mississippi River.

SPEECH

OF

# HON. CLIFTON R. BRECKINRIDGE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

*Monday, January* 24, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BRECKINRIDGE, of Arkansas, said:

Mr. CHAIRMAN: The concluding address upon this bill on Saturday last was made by the gentleman from Mississippi [Mr. CATCHINGS]. In the course of his remarks he made statements concerning the improvement of the Mississippi River which I told him at the time I considered erroneous and to which I promised to reply.

I hold, Mr. Chairman, that the position of this work is clear and distinct, and that if it becomes dislocated by the errors of friends or the misrepresentations of foes, the result in either case will be the temporary abandonment of the work on the part of the Government, and, consequently, of injury to the people, not only of the alluvial districts, but also of the entire Mississippi Valley.

It is natural and customary in a work of this kind to expect those immediately adjacent to it to be most active in its inauguration and most

zealous in urging its completion; and yet the people of the alluvial districts are most dangerously situated for the execution of these purposes. There is no denying that they are far more vitally interested in the incident of the permanent improvement of the Mississippi River than they are in the main and the only constitutional purpose which the Government and the people at large have or need be expected to ever have—that incident is the protection of their individual lands from overflow, and the general purpose is the complete improvement of the Mississippi River under the commerce power of the Federal Government for the benefit of interstate and foreign commerce; in other words, for navigation.

This incident is certain to follow the execution of the purpose of the whole people and the purpose of the Government, but the anxieties of the riparian population cause them to steadily thrust forward the incident as being the lawful purpose of the Government, and this results solely in clouding and confusing the question and in endangering the interests of this most excellent part of our population. Their intense solicitude and anxiety causes them to underestimate the strength of the general purpose and to overestimate their dependence upon individuals, loud in their professions of local devotion, and their dependence upon mere executive instrumentalities. Hence, Mr. Chairman, this great work has two classes to fear—the one its over-anxious and immediately dependent friends, and the other class is its undoubted foes.

It is my observation and belief that the one is as dangerous to the success of the enterprise as the other.

My service of two years upon the River and Harbor Committee and my at least very laborious attention to this subject, an attention confined not merely to study of the records, conferences with engineers, and peoples, and to labor in the committee-room and also in this House, but embracing also many personal visits of close inspection to the works in progress—this, and I may add, the vital interest of this matter to the people of my State, must serve as my excuse for following up the subject to maintain the integrity of the unbroken line of policy which, up to this time, Congress has sought to maintain and now adheres to in the bill under consideration, and which I think is the only line, so far as present lights are afforded us, of success.

I have no secrets in public affairs. I have no friends to reward and no enemies to punish, but only the public interests to advance and defend, and I firmly believe that the only way to speedy success, and indeed to success ever and at all, is to deal with perfect frankness with public questions and to be the first to uncover and correct serious wrongs and errors which may exist in connection with the objects which we seek to advance, pursuing the dual policy of telling the truth and demanding our rights. In saying this I do not mean to impeach the motives or the integrity of any gentleman who differs with me, and all that I ask or have a right to expect is a fair consideration of the proofs which I adduce to sustain my position.

The gentleman from Mississippi [Mr. CATCHINGS], being a member of the present Committee on Rivers and Harbors, speaks, of course, as an authority on this subject in this House. I hold that the position he seemingly sustains, as set forth in the bill under consideration, is correct, and I hold that the position he sustains in the remarks he made on Saturday is incorrect, and this I will proceed to prove.

That part of the gentleman's remarks to which I shall allude is as follows (CONGRESSIONAL RECORD No. 32, page 923):

> Judging the question by what has been accomplished, I would say that $30,000,000 would be a large estimate. The commission has been most recklessly and needlessly assailed. It is composed of able and faithful men, who have given the work great attention, and whose achievements, notwithstanding what has been stated to the contrary, have been signally successful and fully justify the confidence expressed by them.
>
> The statement repeatedly made on this floor that they contemplated reveting the banks of the river on both sides from Cairo to the Gulf, at a cost of probably $150,000,000, is not justified by anything ever said or done by them. It is certain that they have never considered such a project. They are entitled to the confidence and respect of the country, and what they have said is entitled to far more consideration than the groundless assertions annually so vociferously declaimed here by the enemies of the enterprise.
>
> If the river is worthy of improvement, the work should remain in their hands. By experience, acquired through long years of careful study of the conditions of the river, the problems involved, and the means to be used in their solution, they are far better qualified to carry it to a successful conclusion than new and untried men would be.
>
> To strike them down is but part of the plan to strike down the whole enterprise, and I appeal to the friends of the river to turn a deaf ear to these insidious proposals, and hold up the hands of these able, impartial, and faithful public servants. If the plan being pursued is discarded, the whole work must be abandoned, for nothing is proposed in its stead.
>
> Is this House prepared to say that these engineers are imbecile, or what is worse, that they have acted and spoken insincerely or with duplicity, and that all efforts to restrain, control, and direct the energies of this greatest and most useful of rivers shall be abandoned? That is the real issue which its adversaries seek to present, disguise it as they may. If we are reasonable men we will be governed by the opinions of the scientific workmen who have it in charge rather than the clamor of those who strive to make reckless assertion obscure and overwhelm legitimate examination and argument.

The foregoing, as I understand it, contains the following propositions:

First. Thirty million dollars is a reasonable estimate of the cost of completion of the Mississippi River improvement from Cairo to the Gulf.

Second. The commission is composed of an able, faithful body of men, especially scientific and proficient in hydraulic engineering, and they are entitled to the full and entire confidence of the country, and consequently to the confidence of Congress, and they are logical, true, and consistent in their policy or plan of work and in their reports to Congress.

Third. The commission has never proposed a system or plan of work that it would probably cost $150,000,000 to complete, and they have been reasonably successful and economical in the work they have caused the War Department to execute.

Fourth. The commission itself is an engineering plan and not a supervisory executive body, and the Government is committed to the improvement of the Mississippi River according to the plan or plans, theory or theories, that they may evolve from time to time. In other words, that we have no specific, distinct, carefully matured, and adopted plan, formulated by engineers, recommended to Congress, and adopted by that body for the commission to advise and direct the War Department in the execution of; but Congress is appropriating money to be expended in any way that the commission may choose to devise, and that the present attempt to improve the Mississippi River hinges upon the maintenance of this commission, and it and the river must stand or fall together.

Fifth. All who criticise the organic idea of a commission, or who criticise the men who are now on that commission, or who criticise the manner in which the public money is being expended by them, are enemies of the Mississippi River improvement.

Now, in regard to the first proposition of $30,000,000 being a reasonable estimate for the final improvement of the river from Cairo down. I think, Mr. Chairman, that this is probably an estimate talked about some six years ago as the probable cost of improving some 200 miles of the worst part of the river, levees and all, and that it is too low an estimate for the 1,000 miles, or more, that has to be improved to a greater or less extent. But about this I am not entirely certain.

We have now appropriated nearly $10,000,000, which has been expended principally upon a small part of the 200 miles just spoken of, say one-third. We know that the expenditures at these localities are by no means at an end, and hence it seems reasonable to expect that $30,000,000, the way things are going, will be required, all told, for that portion of the river. I think it not an unreasonable conjecture to say that $50,000,000, judiciously expended, ought to effect the completion of the work from Cairo down. Certain it is that the benefits to this country are not to be measured by that sum or by ten times that sum—so far as benefits are concerned; but no one will contend that a work is to be done extravagantly for the sake of extravagance, however great the ultimate benefit to the people may be.

Hence we have to scrutinize carefully, at every stage, the expenditure of the public money. That the foregoing will be the limit of expense if we do not exercise a wise oversight upon proceedings, I do not pretend to say; but, sir, if a work be absolutely necessary and feasible, danger to its execution lies not in a careful and searching inquiry into its progress and into the conduct of the public servants intrusted with its execution; but the danger, and the only danger, lies in a failure on our part to exercise this sovereign oversight as delegated with lawful power and grave responsibility by the people so to do.

But why are we thus left to conjecture about the ultimate cost of this work, and I may say, substantially, about every part of this work? If it be admitted that even approximate estimates are impossible, then it is admitted that the whole work is purely experimental. We had some partial estimates in 1880. Those estimates were for certain reaches, of which I shall speak more fully later on. They have been promptly appropriated and rapidly expended, yet now, after the lapse of more than six years, Congress is still expending money upon these localities with no authoritative estimates, approximate or otherwise, for the completion of the entire river, or of the particular spots just spoken of.

Gentlemen may say that these difficulties are personal and not general, and that the true remedy and course of treatment is to effect a change of individuals in charge of the work; but my reply is that this matter is no new thing to me or to Congress; that the individuals are holding official places; they are strongly intrenched in private friendship, and to some extent with local political powers, and they still remain in office, and only by a sufficient power of public sentiment can it apparently be adequately demonstrated that their removal is necessary for the public interest.

I have no especial exception then to take from the gentleman's statement of what ought to be the total cost of final completion of this work; but later on I will take marked exception to what he states as the probable cost if the commission is to be permitted, as he advocates in his speech, to proceed according to their present, and, for the most part, past practices. It is, however, gravely to the discredit of these gentlemen that now, after nearly seven years of employment of most of them upon this work, we have no estimate of its probable cost to the Government nor of the probable cost of any part of the disconnected links on which they are engaged.

Now, sir, I wish to go to the next proposition contained in the gentleman's remarks, namely, that the commission is able, faithful, and especially scientific in hydraulic engineering, and that they are entitled to the confidence of Congress and the country.

As bearing upon that I call the attention of the House to the follow-

ing language, on page 37, of the bill now under consideration. This bill and this language is reported to us by the River and Harbor Committee, of which the gentleman from Mississippi [Mr. CATCHINGS] is a member, and that gentleman does not dissent from the language of the bill, nor does any other member of the committee. It is as follows:

That no works of bank protection or revetment shall be executed in said reaches or elsewhere until *after* it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks.

Surely, sir, neither the committee nor the House propose to set themselves up as hydraulic engineers. We have never ventured to adopt plans or specifications of this kind without the indorsement of specialists and scientific men. I have never known of an exception to this rule. Sometimes, when "the doctors disagree," we have to choose as to what seems the more reasonable, acting in our capacity as representatives of the people, and thus take one or the other of the plans or theories presented by scientific specialists, as we never take action—that is, we never appropriate money—until we see our way clear to adopt some definite general plan or theory of expenditure; but we do not originate these scientific plans; we simply take counsel, especially the committees do, and then we adopt or reject them, and on this action hinges the subsequent getting of appropriations of money.

But whence came the language in the bill that I have just quoted? Did this theory of work originate with Congress or with any member of Congress? No. Did it come to us as a recommendation from this commission, so capable, so scientific, and so worthy of our confidence and trust? Let us see.

We have a communication from the commission dated November 27, 1886. It was transmitted to Congress January 5, 1887. It is House Executive Document No. 66 of this Congress. This communication was before me; it was before the House; it was before the Committee on Rivers and Harbors, and it was before the gentleman from Mississippi [Mr. CATCHINGS] before this bill was brought into this House. What does it say? It speaks as follows:

The river and harbor act of August 5, 1886, imposed on the Mississippi River Commission the condition "that no work of bank protection or revetment shall be executed in said reaches or elsewhere until *after* it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks."

This, it will be observed, is the exact language used in the bill now under consideration. It is to be expected that these able, faithful, and scientific gentlemen have commended this language and condition in very high terms. Surely, we would not go in the face of men we should trust. But in speaking of this condition and language they say:

The commission is somewhat familiar with the opinions and writings of hydraulic engineers, and, so far as it is advised, this theory is totally unrecognized by any authoritative writer on hydraulics.

They further say, on page 2 of this communication, and in speaking of this same condition and language:

To adopt such a system is, in the opinion of the commission, to waste public money. Holding these views, the commission, as engineers, can not recommend to Congress so futile an undertaking.

Now what have we done? Have we trusted them? Have we paid the slightest respect to their opinion, and, I may say, to their unanimous opinion, for every member of the commission signed this paper? Has the committee trusted them? Has the gentleman from Mississippi [Mr. CATCHINGS] trusted them? Has any member on this floor treated their opinion with confidence and respect? It would seem not when the committee and the House retain the very language they condemn, and which they say is "to waste public money," and which they denounce as "so futile an undertaking."

It will readily be seen, Mr. Speaker, that the theory of improvement contemplated in the bill, so far at least as its application is concerned, is to bring the "high-water banks" of the river to a "uniform width," and that this is to be done by means of permeable contracting works at the excessively wide places, which are always just above the caving bends; and, mark the word, this uniformity of width, procured by these permeable contracting works, is to precede—I repeat, it is to precede—any revetting of the caving banks in the bends.

Now, whether the contracting works shall precede the revetting of the caving banks in the bends or whether they shall follow along after the revetting has been done, is supposed to make a very great difference indeed.

The authorities tell us that these two different methods proceed upon two entirely different, distinct, and antagonistic theories of work. The commission now tells us, if their language means anything, that the first proposition is "to waste public money," and that it is "so futile an undertaking." Others hold that the latter theory is equally unwise and futile. Little, sir, as may be our ability to choose wisely, yet, under our system of government the responsibility rests upon us to choose and to authorize by law the one or the other of these two plans of work, as I hold we did in 1880, and we can not escape the issue if we would, unless we conclude to stop the work and invoke further counsel. This would be only to defer the day of renewed decision and to limit expenditures the while to merely experimental undertakings, just as we do in military matters, matters of ordnance, &c., before we authorize and appropriate for extensive armaments.

I may say, in passing, that a contraction work is a work that projects from the river bank. It is a dike, and in silt-bearing streams it is generally a permeable dike, composed of one or more rows of piles, with saplings or boughs woven in between them. To revet a river bank is to grade it down to a moderate slope and then to cover it with stone, or with a comparatively thin mattrass, woven out of willow saplings or similar material, and to weight that down with enough stone to keep it in place.

I regret, sir, that the commission has made this issue anew. I deeply regretted in the Forty-eighth Congress, when I was a member of the River and Harbor Committee, to see that they were drifting into this issue, and of this I shall speak more fully later on. I saw then, and I see now, that Congress could not and can not accede to their views without a complete reversal of all it has done before, and I saw no wisdom in the change. I saw only expense and folly in the change, and I opposed letting the commission make the change of plan. The country may be unfortunate in not having wiser men than I, and wiser men than any of us to decide in these matters; but I opposed this change in the past, just as you, gentlemen, are opposing it now.

But let us see where we get authority for the proposition we have in this bill. I ask the attention of the House to extracts from the first, the great initial report of the Mississippi River Commission, this same commission, for the year 1880. It starts out with a heading the letters of which I will give of the size employed, that all may know that what follows was no minor suggestion. It is as follows:

"PLAN OF IMPROVEMENT RECOMMENDED."

I italicize certain parts of my quotations. The report reads as follows; and I will give all of the report under the above heading, making such deductions as I think are fairly and incontestably authorized:

The bad navigation of the river is produced by the caving and erosion of its banks and the excessive widths with the bars and shoals resulting directly therefrom. It has been observed in the Mississippi River, and is indeed true of all silt-bearing streams flowing through alluvial deposits, that the more nearly the high-river width, or width between the banks, approaches to uniformity, the more nearly uniform will be the channel depth, the less will be the variations of velocity, and the *less* the rate of *caving* to be expected *in concave bends.*

It is clearly stated here, Mr. Chairman, that the bringing of the high-water banks or high-river width to a width similar to that where the river is not too wide will lessen, or is expected to lessen, the caving of the river banks in the concave bends. This, I think, is most clearly stated. Now, the revetting of the banks in the concave bends is for the purpose of preventing the banks from caving, and the whole question is, shall we first do that which is stated to be a great preventive of the caving, and perhaps an entire preventive of it, or shall we leave that preventive unapplied and first revet the bends.

It may be said that if the preventive of caving is first applied the difficulties of successful revetment would be very greatly ameliorated and removed, and perhaps no revetment at all would be necessary. It is nowhere stated in this report, either in what I have read or in what I shall read, and I shall read it all, that the bringing of the wide places by contraction works to a width uniform with what are called the narrow or normal widths of the river, can ever be dispensed with. The reverse is everywhere insisted upon.

But it is clearly stated that the revetting, by far the most costly part of the work, may be largely, if not entirely, dispensed with as a result of first producing by projecting works from the banks the uniformity of width spoken of. This result, while not absolutely promised, was, in the language of the commission, nevertheless "expected," and this theory and order of work was adopted and authorized, and none other was adopted or authorized by Congress. This accords with the provision now in the bill, and it is an authority for it.

The official adoption of the plan of improvement from which I am reading will be specifically set forth a little later on; but the commission, in speaking of what I have just read, proceeded in regular order, as follows:

This would seem to be so in the very nature of things, because uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shoal places, accompanied by corresponding *deposit* of silt at the *deep* places.

Please note that erosion and scour at the deep places, which are in the concave bends, is to be supplemented by "deposit," and, consequently, greater "uniformity of depth."

It would be interesting, Mr. Chairman, to quote from, I believe, the report of these gentlemen to the last session of Congress, and show where they repudiated the whole idea and plan of something like uniformity of depth, and to lay that over against the closing words I have just quoted, and I may do so later on.

Much revetting, or similar work, might have to follow the bringing of the wide places above the caving bends to a uniform and normal width. I do not say that many did not and do not expect it; but all conceded that it would be far less difficult, with the river "depositing" instead of "eroding" or "washing out" soil from the places to be revetted. This is the plain logic and meaning of plain words employed by our then advisers, and they were so understood by all men then, and they are so construed in the bill before us. I proceed to quote:

Uniform depth, joined to uniform width, that is to say, uniformity of effective cross-section, implies uniform velocity, and this means that there will be no vio-

lent eddies and cross-currents and no great and sudden fluctuations in the silt-transporting power of the current. There will, therefore, be less erosion—

Here we have it again—

from oblique currents and eddies, and no formation of shoals and bars produced by silt taken up from one part of the channel and dropped in another.

The shoals and bars here are the places to be deepened, and their scoured material is the "deposit" that is to drop in the "deep places" and not upon the other shoals and bars, which also are to be similarly deepened; and "no formation of shoals and bars" can then be "produced."

They further say:

As the friction of the bed retards the flow of the water any diminution of the friction will promote the discharge of the floods. The frictional surface is greater in proportion to volume of discharge where the river is wide and shoal than where it is narrow and deep. It follows, therefore, that *after* the wide shoal places are suitably narrowed, and the normal sectional area is restored by deepening the channel, the friction will be less than it was before. This will result in a more *easy* and rapid discharge of the flowing water, and consequently in a lowering of the flood-surface. It would seem, therefore, that the plan of improvement must comprise, as its essential features—

What does it comprise as the first thing? The first thing named is:

the contraction of the water way of the river to a comparatively uniform width;

What then follows after this, and not before it?

and the protection of the caving banks;

And what is all this presumed to mean? The commission plainly answers this question:

and this is presumed to be the plan referred to in the act as the "*jetty* system."

Now, sir, we all know what the jetty system is. It is what the bill before us insists upon, according to the report and plan that was recommended to us for adoption, and which was adopted in 1880.

Every success we have is marshaled under this plan of work. Every partial success has been where it has been partially adhered to. Every failure has been where it has been departed from. The commission has presented no reason to sustain their advocacy of abandonment, and their unwarranted abandonment in part has been condemned by failure. I firmly believe that for this generation at least the river and this plan must stand or fall together. If you strike down this plan what plan do you offer in its stead? Why strike it down? Why permit a body of obstinate, wrangling men to embarrass us by eating their own words, jealous of an illustrious former associate, the presiding genius of their early deliberations, who gave them the ideas that are in this plan, now envious of the credit the public gave him?

But, sir, the report is replete with just such language as I have quoted.

It goes on:

It is known from observation of the river below Cairo, not only that shoals and bars, producing insufficient depth and bad navigation, are *always* accompanied by a low-water width exceeding 3,000 feet, but that *wherever the river does not exceed that width there is a good channel.* In other words, bad navigation—

And it is navigation we are after, and the commerce power only that we are operating under—

invariably accompanies a wide low-river water way, and good navigation a narrow one.

Then comes a summary of all that goes before:

The work to be done, therefore—

What is the work to be done? It—

is to *scour out* and maintain *a channel through the shoals and bars* existing in those portions of the river where the *width is excessive* and to *build up new banks* and develop *new shore lines*, so as to establish as far as practicable the requisite conditions of *uniform velocity* for all stages of the river.

Where do they propose to build up new banks and to develop new shore lines? Where everything is flattened out and the "width is excessive," of course. They do not propose to make the river go on and cave in those banks that are already high. They expected to get a "deposit" there. Again, they want uniform velocity for *all* stages of the river; which means, of course, as is elsewhere said, that the projecting, silt-arresting works are to be renewed upon the deposits gained from time to time, until the new banks are built up by the current in these wide shoal places to the high-water mark.

They go on to say:

It is believed that this improvement can be accomplished below Cairo—

How? By revetting the bends? no, but—

by *contracting* the low-water channel-way to an approximately uniform width of about 3,000 feet for the *purpose* of *scouring* out a channel *through the shoals and bars* and, by causing, through the action of appropriate works constructed at suitable localities, the *deposition* of sand and other earthy material transported by the water *upon the dry bars* and other portions of the present *bed* not embraced within the limits of the proposed low-water channel. The *ultimate* effect sought to be produced by such *deposits* is a comparative uniformity in the *width* of the *high*-water channel of the river.

This reminds me of an error made by the gentleman from Louisiana [Mr. BLANCHARD] when he stated that the work being done and contemplated in the reaches was the same as that advised by the Army board in 1879. Why, sir, that board was convened to consider a low-water proposition, pure and simple. I may go into this a little more fully later on. The "initial" works in the reaches embraced all that the board of 1879 and their report ever contemplated. They nowhere even mention a "high-water" treatment of the river. It is very important that we should know exactly what we are doing, and I see nothing but evil to come from confounding things that are different and that can not consist.

The plan we were persuaded to adopt, and which we refuse to change, is clear, distinct, and far in advance of any other plan ever proposed for this river, and, I may say, far in advance of any plan for the treatment of a silt-bearing river that has ever been proposed. I think that our only hope of success and safety is in sticking to this adopted plan and in not permitting it to be confused, superseded, or explained away.

The commission proceed to state the minimum result, in depth, expected from the plan of treatment which they have set forth:

It is believed that the works estimated for in this report will create and establish a depth of at least 10 feet at extreme low stages of the river over all the bars below Cairo, where they are located.

Then the commission proceeded to advise us in regard to the question of straightening the river. They say:

It is the opinion of this commission that, as a general rule, the channel shall be fixed and maintained in its present location, and that no attempt should be made to straighten the river or to shorten it by cut-offs.

The commission then proceeded to assure us of the yielding character of the bottom of the river, showing that it will wash out wherever the current is gathered and directed upon it. They say:

The borings which were made in 1879 at New Madrid and Plum Point by direction of the board of engineers for the improvement of the low-water navigation of the Mississippi River below Cairo, and those of more recent date at Memphis and Helena, made under the orders of this commission, as well as those near Lake Borgne, reported by the levee commission of 1875, and others made along the proposed line of the Fort Saint Philip Canal, and the artesian well sunk at New Orleans, all furnish concurrent evidence of the yielding character of the strata forming the river bed.

I pause, Mr. Chairman, before quoting the next sentence to consider a point which it covers as well as that of the yielding character of the river bed. The same point is very clearly expressed in quotations which have gone before, but I wish to bring it out just here in connection with the succeeding sentence and also in connection with certain remarks of the commission in its latest communication to Congress (House Executive Document No. 66, this session, page 2). They say:

The contraction works at Golddust, Plum Point, Duncansby, and Baleshed have been followed by caving on the *opposite* bank, whose immediate result is, by again enlarging the cross-section of the river, to destroy any beneficial results the contraction works might otherwise produce.

They also say:

That such works may secure any valuable permanent contraction, the *opposite* bank must in general be held by protection works.

Now, Mr. Chairman, it will seem strange to any one who has given attention to the plain words which have been read from this report that works, directed solely and singly, as the commission confess have now been directed, straight toward that part of the river which is already caving and scouring and giving all manner of trouble by reason of being too narrow and too deep in its effective channel, could have anything to do with the projected works which we were told were to be directed toward those parts of the channel where the water was not deep enough.

The plan clearly stated that it was these wide and shallow parts of the river above the caving bends which were to be scoured out by means of these dikes, and deposits of this scour were to be dropped into the deep places, instead of works being projected right against such deep places so as to make them scour worse than they did before. It is very clear that the river scours in some places and deposits in others. It scours in the narrow bends which these gentlemen say they have been trying to make still more narrow, and it deposits on the wide bars just above these bends.

In other words, it has too much energy in one place and is sluggish in another, owing, as they told us, to a lack of uniformity of width, which uniformity of width they said would soon be followed by all the other uniformities so much desired, such as depth, velocity, and stability of banks, and they have said time over and again that this uniformity of width, the great condition-precedent, was to be obtained in no other way than by contraction at the excessively wide place; and now, with official solemnity, this strange and peculiar body of men come and tell us that the way to contract the wide place above a bend is to contract the narrow place below it.

In other words, if you wish to construct given works at a particular and given point, the way to do it is to go somewhere else and locate the works at this wholly different and far-removed point, and then you will have them, not at the point where you located them, but at the point where you said they ought to be located. This is simply an instance of the most wretched maladministration of the plan Congress was persuaded to adopt and which has led to the inexcusable heaping up of expenses in the reaches under treatment; and as to some further extraordinary statements about those reaches I will call attention to them further on. But to go back now to the succeeding sentence where I left off in quoting from the report of 1880. They say:

This evidence taken in connection with the fact that deep water is found in all the bends of the river where the width is not excessive, and that these bends have, by their shiftings at one time or another, probably occupied and covered nearly every part of the belt from 10 to 20 miles in width from Cairo to the Gulf, point to the conclusion, if it does not indeed justify it, that there is no extensive stratum of material capable of resisting erosion and preventing the river from deepen-

ing its own bed. In exceptional localities where the material is too tough or the gravel too heavy for removal by scour, dredging may have to be resorted to as an auxiliary, the depth secured by this means being maintained.

And mark, Mr. Chairman, how they are to be maintained—

By the works erected for *narrowing* the stream.

What a pity, Mr. Chairman, that these gentlemen should find difficulty in narrowing the stream where they say it is already too narrow; when, too, they are applying that as a pretended means of narrowing it where it is too wide; and what a pity that they should fail of good results by deepening it where it is already too deep when their plan was not to deepen it there at all, but to deepen it at the shallow place above there and to secure "deposits in the deep places" which they are now trying to make deeper; and this they tell us is an evidence of the impracticability of the former. But I proceed to quote from the report of 1880:

Experience, as well in this country as in Europe, justifies the belief that the requisite correction and the equalization of the tranverse profile of the stream, by developing new shore-lines and building up new banks, may be made,

How?

*chiefly* through the instrumentalities of light, flexible, and comparatively inexpensive constructions of poles and brush and materials of like character.

Now, once more, what is meant by these constructions on which they are to rely "chiefly?" Is revetment meant? Let the perfectly plain language which immediately follows speak for itself:

These constructions will *commonly* be *open* or *permeable* to such a degree that, without too violently *arresting* the *flow* of water, thereby unduly increasing the head and causing dangerous under-scour, they will sufficiently *check* the *current* to induce a *deposit of silt* in selected localities.

Revetment, Mr. Chairman, is not the current "arresting" dike that produces a "head" of water and that causes "a deposit of silt;" and yet these gentlemen now tell us when we require them to do what is expressed in the above quotation and in many others that I have read, that we are requiring them to do an unheard of thing. They claim to have tried this in cases where they have projected dikes so as to prevent deposits in deep places, when what is here stated is to cause deposits in deep places, and to cause those parts of the shoal places, which are left for the channel, to be scoured out, and that scour to be deposited in the very deep places which they now confess that they are projecting their dikes upon in order to make still deeper. They go on in this adopted report of 1880 and describe various devices to be used under different conditions and circumstances.

The works which have been used in similar improvements are of various forms and devices, such as the hurdle, composed of a line of stakes of light piles with brush interlaced; the open dike, formed of stakes with walling strips on both sides filled in loosely with brush; the continuous brush mattress, built or woven on fixed or floating ways and launched as fast as completed, as a revetment to a caving bank, the mattress used as a verticle or inclined curtain, placed in the stream to check the current—

It is proper to remark here that this last use of the mattress is as a screen suspended along the face of a dike, kept in place by the current, and is a common substitute for brush interlaced between the piles or for more solid structures of brush placed between rows of piles and generally weighted with stone, both being simply a projecting dike.

the same laid flat on the bottom as the foundation for such a curtain or as an anchorage for other brush devices; curtains of wire or brush netting, placed vertically or inclined in the streams, and various other forms of permeable brush dikes, jetties, or revetments. Some of these methods of construction have been used on the Mississippi and Missouri Rivers with increasing satisfaction and success, although they can not yet be regarded as entirely beyond the experimental stage. In some, perhaps in many localities, works of a much more solid character than those above indicated may be necessary.

The closure of deep channels or low-water chutes, with the view of confining the flow to a single passage, may require substantial dams of brush-and riprap stone or gravel, but it is believed the lighter and less costly works will generally suffice.

The next paragraph is substantially a restatement of much that has gone before. It is as follows:

By a *permeable* dike located upon the new shore-line to be developed, connected with the old bank at suitable intervals by cross-lines of like character, or by jetties of hurdles or other permeable works *projecting from the bank* with their channel ends terminating on the margin of the proposed water way, or by any other *equivalent* works, the *areas* to be reclaimed and raised will be converted into a series of silting basins, from which the water, flowing *through* the *barriers* with *diminished* velocity, will, after depositing its heavier material, pass off and give place to a new supply. In this manner the accretions will go on continuously through the *high-water* season, or through two or more seasons if necessary, the works being *renewed* on the *higher* level as occasion requires.

Here, Mr. Chairman, is another very good point for the gentleman from Louisiana [Mr. BLANCHARD] to consider whenever he is disposed to justify anybody in giving merely a low-water treatment to this river. And it will be noted that they are dependent upon high water or floods as indispensable aids in the improvement.

They proceed to say:

Wherever necessary the new bank must be protected by a mattress, revetment, or some equivalent device.

That these methods of improvement are practicable is shown by the works already executed on the Mississippi and Missouri Rivers.

I will pause to consider for a moment the proposed revetment of the "new bank." As the "new bank" is formed where the river has been too wide, there is, of course, what is called a narrow or normal width of the river both above and below it. So far as the caving of this new bank is concerned, if it should be troubled to any degree in that way, it could not be prevented or moderated, further than existing conditions might affect it, by the means we have been advised to first employ as the great and chief preventive of the excessive caving of the old banks, under the particular conditions in which we are told they are originally placed, namely, by suitably narrowing the wide place immediately above, for in the case of these new banks we know there would be no wide place just above them to narrow.

The plan of revetting the new banks, should occasion prove to require it, is plainly stated; but there are two evidences which lead us to expect that the expense attending this revetment would not be excessive. One is, that if the treatment of the river were continuous we could hope that the caving here, the point being preceded by a normal channel, would be moderate, as they state to us that when they make the channel normal at these point they expect to lessen the caving in the bends just below them; and indeed they tell us that where caving was they would now hope to acquire something in the way of a fill or "deposit." In the next place, I attach very considerable weight to the testimony upon this point of Mr. Clemens Herschel, a distinguished hydraulic engineer of Massachusetts. On page 333, Report No. 1985, Forty-seventh Congress, second session, he says, in speaking of these new banks:

Q. But it has no protection in the perished dike work?
A. It has no artificial protection.
Q. Then it comes down substantially to the soil which forms the new bank?
A. I can say on that point that there is little or no fear of any erosion of those banks after they are formed; all experience proves that. I am not confined to reasoning on that point; it is a matter of experience.

Why is this? It is because the conditions are "uniform." "All experience proves that there is little or no fear of any erosion of those banks" where the widths are "uniform," for then, as stated, uniform depth and uniform velocity for all stages of water follow, and hence uniform stability. What is true of the new banks is equally true of the old banks under exactly the same conditions of uniformity.

The commission proceeded to say:

The plan submitted by the board of engineers for the improvement of the *low*-water navigation of the river below Cairo, in their report, dated January 25, 1879 (see House Executive Document No. 41, Forty-fifth Congress, third session), in which it is recommended that $600,000 be asked for the improvement of the Plum Point Reach, and "that the improvement be effected by *narrowing* the shoal and wide portions of the *low*-water river to about 3,500 feet, and by protecting caving banks *when necessary*," is substantially adopted for the *initial* works submitted for construction in this report.

This protection of caving banks by special means, as a secondary step, "when necessary," plainly as it has been set forth, will be, if possible, yet more plainly set forth later on.

I call the attention of the gentleman from Louisiana [Mr. BLANCHARD] to this paragraph in passing. It covers a former allusion, and it will be seen that where the plan of 1879 leaves off the plan of 1880 really begins. It is only in the "*initial*" works that they are the same.

The commission proceeded to say:

An *accurate* estimate of the cost of properly improving the entire river below Cairo can not be made until after the completion of the surveys now in progress. Moreover, estimates based upon the latest data from those surveys will doubtless require modification in *some* particulars, to meet subsequent changes in the river, and will perhaps *be considerably reduced* in the aggregate amount by improved methods of construction developed during the progress of the work.

Estimates, Mr. Chairman, always prove to be of value only in a general way. They only serve as a general guide. I am disposed to concede that an "accurate" estimate could hardly be expected from the commission even now, though I am *not* perfectly certain about this, for, if I mistake not, their maps, based upon complete surveys from Cairo down, have been issued now something like a year. But it is unfortunate and perhaps significant that now, after a lapse of more than six years, we have not even an approximate estimate from them of the probable cost of this work. They certainly have exact and full data now for these reaches, and much fuller data for the whole river than they had for the original estimates for the reaches in 1880. They ought to know something by this time. Either they or the work has to carry this reproach. I do not think that it rightly belongs to the work if rightly conducted. But to relieve the river from responsibilities that do not belong to it I will call attention to the fact that they expected the estimates they do give from "latest data" to be "considerably reduced" on account of "improved methods of construction developed during the progress of the work."

I call especial attention to this, because the utter failure of these expectations are distinctly laid upon the river and upon Congress, as I will specifically show. This attempt to make the river and Congress a pair of scape-goats must stand the test of the record as shown in the reports of the commission itself. Now, in regard to the initial work in the reaches under treatment, they proceeded to say:

INITIAL WORKS.

Under the authority conferred in section 5 of the act, estimates of cost of certain initial works, constituting a component part of the general system of works contemplated, are submitted.

These works of channel contraction and bank protection, which, in the judgment of this commission, may be advantagously undertaken during the coming fiscal year or as soon as Congress supplies the means, are confined to an aggregate length of 200 miles of the shoalest water below Cairo, embracing the following localities, namely: New Madrid, Plum Point, Memphis, Helena, Choctaw Bend, and Lake Providence.

The estimates are intended to cover the cost of the work for contracting the

channel, and for securing and protecting the banks; for the necessary outfit of boats, tugs, tools, &c., to carry on the work for local surveys, the salaries of engineers, superintendents, and inspectors, and the necessary office expenses. Further appropriations will be needed to complete the works, secure their permanence, and develop the full benefit of the system.

As regards the *final cost*, the novelty of the devices to be employed, and the absence of experience with respect to the rapidity and degree of their results, forbid any *exact* estimate, but it is believed that such *additional* works as will *ultimately* be required to *complete* and render *permanent* the improvement contemplated in this system at the localities specified will *not exceed* the amount herein below stated as needed for initial works.

This estimate, Mr. Chairman, will be given a little more in detail directly; but I pause to call attention to the limits which are given to it in the paragraph just quoted. The figures that I shall give will show whether or not the total estimates have been "considerably reduced" or not, and I shall at a more appropriate time in the course of my remarks take up the reasons which are given by the commission for their excessive expenditures in these reaches. I shall lay those reasons over against the facts as set forth in their own reports, and will show that their alleged reasons are not true; all of which means that either the commission is not making correct reports to Congress, that it is blundering in its work and butchering the river and pursuing no authorized plan, and is seeking by all manner of sophistry and misstatements of facts to cover up its errors and to conceal its waste of public money—I say all this either means that, or it means that the river and not the commission is responsible for what has taken place.

If we fail we should know exactly what principle or plan of work it is that has failed, and this we can only know by insisting upon and securing a faithful adherence in practice and expenditures to that plan. But they proceed to say:

It is considered necessary that a contingent sum, which is inserted in the estimates for initial work, be appropriated for use in any emergency that may arise for securing or protecting the works at any point after the specific appropriation may have been exhausted.

Now come the estimates for the reaches under consideration, and I give the footings:

New Madrid reach, 40 miles long, $923,000; Plum Point reach, 33 miles long, $736,000; Memphis reach, 16 miles long, $382,000; Helena reach, 30 miles long, $627,000; Choctaw Bend, 35 miles long, $576,000; Lake Providence reach, 25 miles long, $619,000; contingencies, $250,000.

Now, it will be remembered, that the ultimate cost "to complete and render permanent the improvement" * * * at the localities specified "would not exceed the amount * * * stated as needed for initial works." This makes it necessary for us to double the respective estimates for the foregoing localities in order to get at what they stated would be their ultimate cost, unless, indeed, they should prove able to "considerably reduce" the estimates. No increase was expected. That would make the total estimates then as follows:

| | |
|---|---|
| New Madrid reach | $1,846,000 |
| Plum Point reach | 1,472,000 |
| Memphis reach | 769,000 |
| Helena reach | 1,254,000 |
| Choctaw bend | 1,152,000 |
| Lake Providence | 1,238,000 |

The commission proceeded to say:

Should it be determined not to appropriate the amounts estimated for *all* the initial works, it is considered important that the reduction should be made rather in the *number of places* at which work is proposed than by reducing the estimates for any one place—

Then follows a condensation of the foregoing estimates, and an estimate for levees of $1,010,000, and for

Checking enlargement of Atchafalaya, $10,000.

It will be seen, Mr. Chairman, that Congress dealt in an exceptional manner by this commission and by this work. It adopted the plan recommended for adoption by the commission, and since sought by the commission to be repudiated and abandoned; and the appropriations have been made in lump, except specifications for the checking of the enlargement of the Atchafalaya crevasse, and the last two bills that have passed mention some few places, but generally, even then, no diversions of funds were required. The commission had perfect liberty to concentrate expenditures upon as few of the foregoing reaches as they chose. Nay, Congress by repeated votes has refused to spread them out, and has ever shown a tendency to the limitations the commission asked for.

They proceeded to make estimates for surveys and expenses of the commission for the fiscal year ending June 30, 1881, amounting to $200,000.

Then the report continues:

If Congress shall authorize any extensive works of improvement on the Mississippi we would respectfully suggest that provision be made by law for the appropriation of such land and materials as may be needed in the work when the same can not be obtained upon equitable terms by purchase from the owner. We do not contemplate that a resort to such proceedings would often be necessary, but in the absence of any such provision of law individual owners of the property required might greatly and unjustly enhance the cost of the work.

Authority to file in the proper court of the United States an article of appropriation describing the property to be taken, and to have an assessment by competent appraisers of its value, would tend to prevent extortion, and at the same time secure to the individual a just recompense for the property taken.

We venture to suggest further that, in case the commission should be continued in existence and the works recommended by it be in whole or in part authorized by Congress, the execution of the work and the expenditure of the appropriations therefor shall not be made part of the duty of the commission. We think the duties of the commission should be limited to the preparation of plans, their modification when necessary, the advisory supervision of the work, and the completion of the surveys and observations.

This would secure unity of plan, greater efficiency in the work, and a better system of checks upon the expenditures than we could hope to secure if the entire work of devising, executing, and disbursing were cast upon the commission.

All of which is respectfully submitted.

Q. A. GILLMORE,
*Lieutenant-Colonel of Engineers, Bvt. Maj. Gen., President Mississippi River Commission.*
CHAS. R. SUTER,
*Major of Engineers, U. S. A.*
HENRY MITCHELL,
*Coast and Geodetic Survey.*
JAS. B. EADS.
B. M. HARROD.

Hon. ALEXANDER RAMSEY,
*Secretary of War, Washington, D. C.*

It will be seen from the closing part of the report that the commission had doubts about the wisdom or necessity of their continuance. I think now, Mr. Chairman, that it was unfortunate that they were not dispensed with then and there, and the continuation of the surveys and the execution of the plan left with the War Department. There has been nothing but envies, strifes, inconsistences, efforts to magnify and continue self and to draw pay, ever since. As long as the War Department is the executive department for these civil works we ought to leave the execution of them with it, excepting, of course, when we can make contracts more economical than is promised by our own executive, and then we leave, and justly, the War Department to inspect and approve of the work before we pay out a cent. Thus we have definite responsibility. We follow the usual order.

But here we have an advisory body ordering all the details of execution. In other words, it is a mixed and multiform executive body, and a mixture of both advisory and executive functions. Hence the advice and the results are made to square at every turn. We have nothing else like this in our system. It was, I am now persuaded, in this, as in other particulars, a grave mistake to give this body directory powers. No one man is responsible, as the President and the cabinet officers are. This body is under no man; not even under the President. It is a group, accountable, with mixed functions, to Congress alone. We are their only critics and supervisors. Every principle of sound and customary administration is violated in this case.

I would put all these civil works into a civil organization, just as we are talking about separating the Weather Bureau from the Military Signal Bureau. I would not confound these things, especially after they get big enough to divide. I would have our military engineers (scarcely more than one hundred in number that we have for sixty million of people), the best military engineers in the world, abreast with the rapid growth of the science of war, conversant with all of our wants and resources, and full of the pride and honor of their special profession. I do not approve of this "half-and-half" policy. It makes neither "fish nor fowl."

There was a short minority report, signed by Messrs. COMSTOCK and HARRISON, expressive merely of some doubts entertained by those gentlemen, and which it is not necessary to quote.

In the course of the analysis I have made of the report of 1880 it will not be lost sight of that in discussing these matters under the head drawn from the remarks of the gentleman from Mississippi [Mr. CATCHINGS], of "the ability, trustworthiness," &c., of the commission. I have sought to sustain, or rather to show that the report sustains and compels the language in the bill, and refutes the statement of the commission that there is no authority for it or for the proposition therein involved, namely: that revetment of the bends must come after and not before the shallow bars above have been washed out by means of jetties or dikes projecting toward them from the banks. And if I have succeeded in vindicating the language in the bill, I think I have, while vindicating the action of the gentleman from Mississippi [Mr. CATCHINGS], refuted his speech.

But, Mr. Chairman, the report of 1880 is not the only place that we have this main feature of the adopted plan plainly set forth. The report of 1880 was preceded by many and lengthy discussions on the part of the commission. The report is simply the embodiment of sundry propositions which were formally drawn and submitted to the commission for adoption. It may be well, therefore, if any one disputes the meaning of the report of 1880, to go behind that report to the minutes which preceded it—to consider the report in its formative state when the propositions embodied in the adopted report were distinctly stated as propositions. This calls for no deductions and permits no doubts as to what was intended to be the meaning of the report. Of course very many propositions were considered. Some were rejected; some were accepted in part and in part not accepted.

I have looked for something comprehensive in its character and perfectly plain in its meaning; and I desired, if possible, to find such date where it had been adopted by the commission without a dissenting voice. I find that in the deliberations of the commission on the 17th of January, 1880, preceding the final draughting of the report, and while the report was being blocked out or constructed in its fundamental elements, the minutes say:

The commission met at 11 a. m., pursuant to adjournment.
Present *all* members and the secretary.

In the course of this meeting the following resolution was presented. This resolution was offered by the then president of the commission, General Gillmore, also president now, and it is as follows:

That the method of improvement of the navigation of the Mississippi River, which promises the most valuable and permanent results, will comprise as its essential features the contraction by suitable works of the water way in the wide portions of the river and the protection of caving banks by special means *wherever the contracting works referred to do not effect that result.*

Mr. Chairman, what "result" is meant here? You observe that it comes in the qualifying clause immediately after the last declarative clause of the sentence. There must be "protection of caving banks by special means *wherever* the contracting works do not effect *that* result," namely, that "protection" to caving banks.

You have seen in the early part of the report of 1880 that the bringing of the river to a state of uniformity, by contracting the wide and shallow places, was expected to materially, if not altogether, prevent the caving of the banks, which generally is in the bends. Indeed, where caving was it was expected, as a result of the foregoing, that a "deposit" and not further washing out would be had. Then we see that if any revetting had to be done the difficulties arising from rapid currents and deep water would be greatly lessened when the spot to be treated became so circumstanced, as was proposed, as to be the recipient of "deposits" instead of washouts and scour; in other words, when the river should become constructive instead of destructive at these points.

But how were they to know how much the contraction would lessen the caving until after the contraction works had been constructed and had operated? Indeed, they say themselves that they are only to resort to protection of caving banks "by special means *wherever* the contracting works referred to do not," in other words, shall not, "effect *that result.*"

But, perhaps I am proceeding a little too fast. This resolution was not adopted in the exact form in which it has just appeared. The commission seemed to think that the word "wherever" did not sufficiently express the idea of time and order of proceeding; and hence we find that when the commission next met, which was on January 9, 1880, Sunday having intervened, they made a change in the resolution.

It is proper to observe that the minutes of this meeting show that of the members of the commission there were—

Present—*all* the members and the secretary.

Various propositions of Mr. Eads' were taken up. I find that they were adopted by votes of 5 to 2, 6 to 1, and 6 to 1, and 6 to 1. And then comes a proposition from Major Suter holding the question of improvement to be less a matter of principle than of special methods and appliances, which experimental way of doing business, which disregard of what the hydraulic engineers tell us are the plain and simple laws and principles controlling the flow and management of water, which, if I may use the word, with so excellent a "constructive" engineer, and, perhaps, accomplished engineer in all that relates to earthworks, sapping and mining, and the various other things incident to the art of war, to which art he has been educated—which empirical doctrine I do not trace up to see whether it was acted upon at some subsequent meeting or not. It was only submitted at this meeting, but the resolution we have just been considering, by General Gillmore, was taken up. It is preceded by the following language:

*Resolved*, That the following general principle be embodied in the report of the commission:

Then follows the resolution I just read from General Gillmore with the change that I spoke of. That change is a single word. They change the word "wherever" into "*whenever.*" So it reads as follows:

That the method of improvement of the navigation of the Mississippi River, which promises the most valuable and permanent results, will comprise as its essential features the contraction by suitable works of the water way in the wide portions of the river, and the protection of caving banks by special means *whenever the contracting works referred to do not effect that result.*

This was "unanimously adopted."

Now, Mr. Chairman, I will again produce the language that we have in the bill under consideration at this time. It is on page 62, and is as follows:

That no works of bank protection shall be executed in said reaches or elsewhere until *after* it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks.

Mr. Chairman, I ask any gentleman to point out to me and to this House any logical difference between the language of the bill which I have just quoted and the plan and principles so plainly set forth in the adopted report of 1880; and what difference is there between the plain meaning of the language I have quoted from the bill and that of the resolution which was offered by General Gillmore for the express purpose of being made a part of the report, and which was "unanimously adopted" by that body.

And, sir, this language in the bill is the identical language that was in the bill that passed at the last session of Congress, and it is the identical language quoted to us by the commission in their communication transmitted to Congress on the 5th day of last month, in which communication they say that the idea expressed in this language

Is totally unrecognized by any authoritative writer on hydraulics.

And they further say in the same communication:

To adopt such a system is, in the opinion of the commission, to waste public money. Holding these views, the commission as engineers can not recommend to Congress so futile an undertaking.

Mr Chairman, I would be glad for the gentleman from Mississippi [Mr. CATCHINGS] to let us know whether or not this commission is consistent; to let us know whether or not they are warring, not only perhaps among themselves, not only in general feuds and rivalries, but also warring upon the Mississippi River itself. I would like to know how, if these gentlemen are so eminently worthy of our confidence as engineers and as public officials, that they can speak as they have spoken in the quotations I have given; and how his committee can bring into this House such proposed legislation as we have in the bill before us, right in the teeth of the views now expressed by the commission. We knew that they were as much opposed to this provision when it passed both Houses of Congress last session as they are now.

Clearly, Mr. Chairman, somebody is radically wrong, and I wish to save the Mississippi River and the adopted plan from the inevitable consequences of errors so gross.

No one ever entered this Congress a firmer believer in these gentlemen than I was. No one had less faith in them than I had when I got to know them and their doings well. Time, study, and reflection have only convinced me that they are an incubus upon the public Treasury and a curse to the river and to the public interest. They have discharged their functions. They have outlived their usefulness. They ought no longer to be carried upon the public pay-rolls.

To Congress only do they report. The President can remove them; but neither he nor the Secretary of War is called upon to review their course. At the proper time, if opportunity offers, I shall move to abolish them and the places they hold, and let the Secretary of War go on and execute the orders of Congress in carrying on the adopted plan. If I fail in this I will urge the President to remove them. I have waited two years upon the tardy action of gentlemen from Louisiana and Mississippi, in which States two of the commissioners live. It is a grave mistake to keep men in charge of this great work in whom Congress has no confidence. Their suggestions are disregarded. Their pay even is not voted. When matters come to this pass they had better be dispensed with. But if they do stay I trust the President will appoint men in their places who will not fight the plan they are ordered to execute; who are free from these quarrels which make fidelity now the means of their mortification. And I will say that in my opinion not a man on that commission should come from the alluvial district south of Cairo, nor come in any way to be influenced by the local property interests on the river.

But, sir, this bill and the last bill that passed Congress are not the only ones in which Congress has sought to enforce fidelity to the adopted plan of 1880. At the second session of the Forty-eighth Congress in the bill of January 17, 1885, on page 33, it was required that the moneys there appropriated for the Lower Mississippi, &c.—

Shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, and of an *advisory engineer of said commission*, which office is hereby created.

It is very well known, Mr. Chairman, that the above language and that which follows it, which it is not necessary to quote, was for the express purpose of supplying this commission with engineering ability.

That is the only honorable and truthful statement of the case, as shown by the committee's action. It desired fidelity to the adopted plan of 1880.

As a means of securing fidelity to that plan it provided, so far as it could provide, for the employment by the Government of James B. Eads, who was considered the real father and author of the main ideas and principles of the plan that Congress adopted in 1880. It provided that the Government should pay him an annual salary of $3,000. Gentlemen, remember that during that short session of Congress there was, as there always is, much filibustering against the river and harbor bill. We were told by some that the principal objection was the matter of personal pride about having Mr. Eads being made a head over the commission.

Of course it laid in the power of any six or any one man at that time to filibuster under the rules, and thus defeat the bill in that soon-expiring Congress, it going out on the 4th day of March. But the committee had no desire to help or to unnecessarily hurt any body, but simply to advance in some effectual way the public interest. Hence they agreed, as is well known, to strike out all that related to the employment of Mr. Eads as an advisory engineer, and to insert in lieu thereof a specific requirement and order that the commission should adhere to the adopted plan of 1880. The bill failed to pass, as it often does at a short session, but it will be observed that as far back as this third session of Congress, the idea now in the bill was clearly and positively insisted upon. I took all the part that I knew how to enforce this proposition two sessions ago, and I support it now. An abandonment of this policy before it has been logically and faithfully tried is most hurtful to the public interest.

If the commission are a help, and are competent, and all that, why not call them here before committees? Why adopt legislation, session after session, and here this session, right in the teeth of their statement

that our action is "a waste of public money," why condemn them, disregard them, cut off their pay, which latter part we should not do, and treat them with unanimous and repeated contempt, and not grant them a hearing? Is this the way to treat men of ability, worthy of the confidence and following of Congress and the country? I do not call this tact. I do not consider it good public policy or private fair play.

When I was on the committee I did not call them here again when I voted to condemn them, because I had heard them fully and I was satisfied. I did not think them competent or faithful. I would not have condemned them, as this bill does, if I had had confidence in them. They have no money now, perhaps, to travel on. Their pay has been stopped. They had money last session and were not brought here. Some are Army officers, and have their pay and live near here. Have any been invited to come, if they chose, to defend themselves? No. Why not? I think it is because there is no doubt felt that they are incompetent and have been heard enough.

They have had their day. Their reports and newspaper articles and speeches and clap-trap generally have all been gone over time and again. They were before the River and Harbor Committee in 1884—the spring or summer of 1884. They did not come here by my asking, for I had my doubts about them then. The proceedings were published, and placed upon the desks of members. A more impotent proceeding I never knew. They slaughtered and butchered the Mississippi River right in the committee-room.

The gentleman from Louisiana [Mr. BLANCHARD] knows all this. Others know it. Why permit the river to carry the dead weight of incompetent men? Did not the committee proceed at once to strike out, and did strike out, every dollar that we had in the bill for levees and conservation thereby? Did not all know and agree that the commission asked for levees and at the same time argued them out of court? Was it not childish, and was it not so pronounced? Was not the contingent fund alone considered enough "to waste" in the hands of men who evidently did not know what they were driving at or anything about the work they had in hand? Let gentlemen stand by the record. Let them reconcile the facts. Public interests are too grave to be put in jeopardy by personal favoritism.

Who are these "hydraulic" engineers that gentlemen seek to make the Mississippi River responsible for? Lawyers, architects, professors of geography, and military specialists. Is there one who has ever been employed or consulted by any citizen or business concern, the world over, about a single hydraulic work? If so, name the man and name the work. Is there one who has ever achieved a single success in a hydraulic work? If so, name the man and name the work. Eminent "hydraulic" engineers! God save the mark! Give us a surgeon and a professor of astronomy on the board and complete the harmonies at once. I will not, Mr. Chairman, see the Mississippi River made the scapegoat of incompetent men.

Now, sir, the next proposition I wish to call the attention of the House to is the denial of the gentleman from Mississippi [Mr. CATCHINGS] that the commission ever contemplated a plan of improvement that it would probably cost $150,000,000 to complete. The gentleman saw fit to use positive words about this. I wish to be distinctly understood as saying that Congress never authorized any such plan, and I trust it never will do so, unless the present plan should clearly prove to be a failure, and the public interest should justify this perhaps threefold increase of expenditures. I stated in debate in the Forty-eighth Congress that the commission contemplated and was practicing departures from the authorized plan, and that their course was not only a disregard of law but that it was also going in a direction that sound engineering advice and the teachings of experience would not permit us to sanction.

I further stated that I could not figure out the end of this new step at less than some $150,000,000, and that I was unable to point the House to any evidence that the work would stand or serve its purpose even after that sum might be expended. Sir, it is belief of this kind that is the basis of the legislation in the bill before us now, and was the basis of the legislation in the bill that passed Congress last session, as well as of the proposed legislation cited in the bill of the session before that, at which time the gentleman [Mr. CATCHINGS] was not a member of the House. All agree that such evils and departures must be corrected.

Sir, I spoke with deliberation when I expressed this opinion to the House. I had served two years upon this subject and I had often inspected the works. I have kept close upon the track of this subject now for two years more, and I here and now repeat the statement and opinion I then expressed. I have seen and heard denials of the correctness of my statement; but I have never seen or heard any denial accompanied by proof. No gentleman has taken the actual final cost of all or of any part of the work of this kind, as shown in the expense accounts in the reports, and even attempted to figure it out at a less figure than I gave. Of course, what I say is nothing unless I prove it. But if I clearly prove it from the official facts and figures, certified to us here by the commission itself, then denials are perfectly worthless unless gentlemen can show that my citations are false, or that my conclusions from them are unsound.

It is a grave matter to state this if it be not true, and it is equally as grave a matter to conceal it and not to state it if it be true.

We have got certain leading points to consider—first, the cost per unit of measure; second, the extent of application; third, the frequency of renewals of the work.

Reasoning from the data given us—I call attention to page 2565, report of 1885—we find that the original estimate for the final improvement of the 25 miles of Lake Providence reach was $1,238,000. This is also given in a previous quotation. We find on page 2566 of this report that, in the opinion of one of the commission—

> It is now certain that the cost of these works will be not less than *three* times the original estimate, and even yet it is not practicable to state with definiteness what the ultimate cost will be.

Now, no less estimate has been made by any member of the commission. Three times the above estimate makes $3,714,000 as the yet unclosed estimate, under the largely unauthorized manner in which this work has been done, for this 25 miles. This threefold increase alone would, if general—and he can not point to a lesser figure—bring the gentleman's $30,000,000 up to $90,000,000, and my $50,000,000 to $150,000,000. The rate here, however, makes $148,560 a mile, exclusive of levees. This reach consisted of bad navigation; that is, of much shoal and wide river. Where the river is very deep there the revetment is most difficult and expensive, as, for instance, at Memphis Harbor.

Such work as that at Memphis has proved more expensive than the reach under consideration. The river consists, substantially then, of these two kinds—that at Memphis and that in Lake Providence reach. What the river costs or may cost at these two places, if we permit the work to be conducted as it has been at both places, gives a fair index of the average cost of giving fixation to the river in that way all along the line. How, then, does it figure out? The original estimate for Lake Providence reach was $1,238,000. There had been expended on this reach down to November 30, 1885, $2,255,503.53, nearly double the original estimate. (See page 10, Ex. Doc. No. 38, Forty-ninth Congress, first session.) The estimate I have quoted, saying it is "certain" that $3,714,000 will be needed, and that it is uncertain how much more will be needed, seems reasonable.

Now from Cairo to the mouth of Red River is, say, 870 miles. The whole length of this has got to be treated either as in Lake Providence reach or as at Memphis. That at Memphis takes in a bend, first on one side of the river and then on the other, with dike works, divided into silting basins in between these bends; and as this costs more, as matters are going, than the work in Lake Providence reach, we are not in excess of the total cost when we apply the lesser to the whole. Eight hundred and seventy miles of river at $148,560 a mile amounts to $129,247,200 as the probable first cost from Cairo to the mouth of Red River, so far as these items go. But, we are told, after this basis is given us that—

> Even yet it is not practicable to state with definiteness *what* the *ultimate* cost will be.

Will that cost run up to $150,000,000? Perhaps not. But this calculation for the total cost does not include the great cost of levees. When you get to Red River you are still, say, 300 miles from the Gulf. The last time I came up the Mississippi River the water was, say, 15 feet above low water; but we had only 9 feet of water then on the bar below the mouth of Red River. The "bad river" is extending rapidly down stream, increasing the length. The deep-water "jump off" is no longer at Vicksburg, no longer at Natchez, no longer even at the mouth of Red River. We are now struggling with caving banks even at New Orleans, within 100 miles of the Gulf.

The estimate I have given, drawn from official data, of the way things are going, includes no part of the river from the Red River to the Gulf, neither channel nor levee work. Will all these things bring the total up to $150,000,000? I think, Mr. Chairman, that amount a reasonable and low estimate of even first completion. Hence, I approve of the language in the bill, holding the commission back to the original plan, having, for my part, great faith in it and none in these departures of the commission, which clearly foreshadow such expenditures, and, as I will yet show, even worse.

Later on I will consider the question of the stability of these unauthorized experimental works.

Now, I will take a look at the figures at Memphis. We find on page 2779, Report of 1884, that the cost of revetment per linear foot of bank for mattress, 150 feet wide, and stone work, 100 feet (approximate), $17. This is not including plant and equipment.

They are finding, however, that they need to extend the revetment double the above distance, or 300 feet, under water, and a number of their mats are of that width. (See page 2776.) There is nothing in the reports or in my personal observation to satisfy me that even this is adequate to stand, except where the current has largely ceased to attack it. But on page 2774, Captain Sears, the officer in charge, says:

> I have estimated my revetment work at $20 per linear foot.

This is a little higher than the "approximate" estimate made by Engineer Reese, immediately in charge of this work.

I think I have seen it stated somewhere, but can not lay my eye upon it just now, that the cost here, including plant, which has been "excluded" before, is $30 a foot.

But on page 2955, Report of 1885, Captain Leach, engineer then in charge, states that his revetment "*can* be put down," not has been, for "$25 per linear foot." But even this, he says, is with the proviso that no piece of work be undertaken until money and material to complete it are in sight. He does not say whether this includes "plant." I take $30, then, especially as they find they have to get wider and wider, and considering usual contingencies, as a reasonable and authorized estimate.

But, Mr. Chairman, this is the second, if not the third or fourth, time this work has been done. Work has been going on there since 1878. The work remaining there to-day has never yet had a real test. The river may this year test some of it; but last year there was not very high water or even long-maintained water, such as it was. But the real cost is to take the money that has been spent and the work there is to show for it, and from this figure out the actual cost as measured by money spent and results obtained.

But apply these figures first to the whole river from Cairo to the mouth of Red River, allowing that the dike work at the short sections between revetments would amount to the same per linear foot, measured by the axis of the current, for they run back and forth so as to form silting basins, and we have the following result:

At $30 a foot, taking former distance, total cost, exclusive of levees and of works below Red River, $137,808,000.

This is cost upon an estimate from the engineer, applied to the greater part of the river for such work as they are doing, and its stability is not proven, and for years the boasted work of the same kind preceding this has regularly and time after time utterly failed. If their widening should continue, as seems quite certain, the cost would run nearer to $50 a foot. The partial but greater cost at this rate would be $229,680,000. Cost per mile at $30, is $158,400; at $50, it is $264,000 per mile.

I wish now, however, to go back to the total expenditures and final results, and figure from them. We find on page 2955, report of 1885, under the head of "Memphis reach and harbor," that—

The work on the Memphis reach has been entirely for bank protection.

It is perfectly well known that it has been for revetment exclusively, not a dollar having been spent to contract the wide places. The reach includes the harbor. On page 2774, report of 1884, printed also with the report of 1885, is a statement of the allotments for this work from August, 1882, to July, 1884, for this work, and also of the expenditures, as follows:

| | |
|---|---|
| Amount allotted by appropriation of— | |
| August 2, 1882 | $325,000 00 |
| January 18, 1884 | 90,000 00 |
| July 5, 1884 | 200,000 00 |
| | 615,000 00 |
| Total amount expended to September 30, 1884 | 431,672 97 |
| Balance available October 1, 1884 | 183,327 03 |

Then turn to page 2956, report of 1885, and we find the following:

| | | |
|---|---|---|
| Balance on hand October 1, 1884, as per last report | | $183,327 03 |
| Long Lake levee | | 15,000 00 |
| | | 198,327 03 |
| Amounts received since | | 315 56 |
| | | 198,642 59 |
| Expended from October 1, 1884, to June 15, 1885: | | |
| Memphis reach and harbor | $180,333 03 | |
| Long Lake levee | 15,000 00 | |
| Total expended | 195,333 03 | |
| Estimated liabilities to June 30, 1885 | 1,750 00 | |
| | | 197,083 03 |
| Balance June 30, 1885 (Memphis reach and harbor) | | 1,559 56 |

This leaves

| | |
|---|---|
| Expended to September 30, 1884 | 431,672 97 |
| Expended since (exclusive of Long Lake levee and to June 15, 1885) | 180,333 03 |
| | 612,006 00 |

But this omits an item of $54,870.89 that appears in the general statement just below this, combining both of the statements I have given, and which item is an allotment, April 1, 1885, drawn from the "general service" fund. This statement makes the total expenditure June 30, 1885, $670,195.07. This is exclusive of Horn Lake levee and inclusive of the $1,750 of liabilities, and the $1,559.56 on hand and unpledged. Taking then the cash on hand and unpledged from the total spent and due for work done, and we have $670,195.67, less $1,559.56, equal to $668,636.11. This sum then is the total that has been actually spent here, exclusive of expenditures from 1878 to August, 1882.

Now, what have they got to show for it?

On page 2862, report of 1885, this same report, the commission tell us that—

The total length of revetment is about 4,700 feet.

And of this, the "submerged" part, the costly part, is only "1,600 feet." The best they say about it is that it "appears to be secure;" and then they proceed to say that—

Work in Hopefield Bend consisted in the repair of breaks, the extension of the upper bank revetment for about 3,000 feet, and construction and sinking of about 3,000 feet of mattresses 150 feet wide.

This width is about half of what they are finding or thinking necessary, and consequently is not up to the standard of endurance or of cost. I by no means confess that this or any of it has ever withstood a fair and square attack of the current. But I know what this "repair" means. I examined that bend, in company with the engineer then in charge, Major Miller, during the first half of this fiscal year quoted from.

No revetment was to be seen there, save here and there a random stick, and I could not learn, upon inquiry, of any remains anywhere. The "repairs" going on there was new work outright. You observe that the top work and the submerged work exactly tally. In other words, there is, or was at the time of this report, just about 3,000 feet of revetment in that bend, and that of short cut and measure. The grand total then was 4,700 feet of so-called good work, part of it submerged, and 3,000 feet of short measure (narrow) work, making in all 7,700 feet of revetment; half, or more of it not yet completed and none of it yet tested. This and only this is what they had to show after an expenditure of $668,636.11.

This distance is a little over one mile and a half, and the work is not equal to one mile of "completed" work. This we have of untested work, and we only know that it is of a kind that has never yet stood a single square test of this river, and we have paid out $668,636.11 for practically one mile or less of it.

Our work to be done, of all kinds, reaches down nearly 1,000 miles to-day. It is growing daily, and while we sleep the neglected and betrayed river continues its rapid self-deterioration. Sir, since 1828 the width of this river from Red River up to Cairo has become nearly half again as great as it was then, before nature's self-sustaining means were destroyed by advancing agriculture; and that signifies much more in the way of general deterioration.

Who can measure the ultimate cost of this unauthorized plan? No levees are in these last figures. Is the probable first cost $150,000,000? Is it $600,000,000? Is there any limit to a system that has no stability? Had this plan been authorized I would call a halt. Being unauthorized, I rebuke it both as a gross breach of law and betrayal of trust, and an immeasurable waste of the public money.

These are startling figures, Mr. Chairman. They were startling to me when I first was compelled to see that they were being piled up upon us and upon the Mississippi River; but, sir, what was more startling to me was the clear conception and conviction that such totally unauthorized and unnecessary things would dare to be done.

"Legitimate examination and argument" can best be drawn from the official reports and other authenticated data. If gentlemen choose to stand by their constituents, personal friends, and favorites on the commission they can do so; but I protest that their eyes are being blinded to what is best for the river and the public interests.

I wish now to show some of the difficulties that are experienced by seeking to revet before that change is made which it is said will lessen the difficulties, if, indeed, it does not render the revetting wholly unnecessary. The following is an instance of work at Memphis, page 2777, report of 1885:

On August 12 the construction of a mattress 300 feet wide was begun; great care was taken in its construction and also in removing it to the shore.

Two five-eighths-inch iron rods and three five-eighths wire ropes were run through it longitudinally. It was held to the mooring barge by 1-inch and 1¼-inch slip lines every 16 feet across the head. Seven shackle lines, from 1¼ to 2 inches diameter, ran from the head to the shore, while the mooring barge was held in place by nine lines of from 1¼ to 2 inches diameter, all the lines having long leads. In addition the mattress was fastened to shore by diagonal lines running across it at about every 100 feet in length.

After completing 690 linear feet, an attempt was made to sink. The entire mat was well ballasted, and the head sunk to the bottom, when it broke straight across a short distance below the middle. The lower portion, swinging around was checked and sunk in front of the elevator. Another mattress 250 feet wide was immediately begun, additional strength being added in the shape of iron rods and cables; this also broke when being sunk, parting the iron rods and wire rope.

When it is remembered that these mats are powerful structures of poles capable of floating many tons of stone, and strongly bound by wire at every joint in addition to the rods and cables spoken of, it will be seen what almost incalculable force is thus gratuitously opposed. We need not wonder that these great structures snapped like walking sticks, nor that the same unaltered current cuts away the bank beyond them and under them until it all caves into the river and the mattresses are broken up and carried down the great river.

Another illustration of the difficulties attending this unauthorized work, this reversal of the adopted plan, is shown at Delta Point, opposite Vicksburg (see page 2787, same report). Down to October 10, 1884, there had been expended on this point $303,229.87. Captain Sears says:

The point has been held by brush and stone revetment against a fierce current for two years, but at great expense for repairs and enlargement.

This means that the whole revetment has continued to tumble into the river, as I have observed from the recessions and changes of the point that it has done. I last saw it in the autumn of 1885. I was satisfied then that the caving in, which was then in progress, would go on until the river changed its course and ceased to attack it; but when

the river ceases to attack a bank it no longer needs to be revetted. Indeed, the engineer says substantially this in his next sentence:

There is no reason to suppose that extensive repairs will not be necessary *annually*, unless the river, due to changes in the curvature above, changes over so as to *leave* this point in *slack water*.

Of course "slack water" never scours out a river bottom or caves in a bank. Captain Sears plainly and frankly gives up the whole case. I observed that the current was beginning to stand over toward the other side of the river, and would probably soon begin to form a bar along the revetted bank. I asked a very intelligent pilot to continue observations there for me, as well as all along the river, and I will introduce one or several letters that I have received from him. There are no men in the world who are equal to the pilots as observers of physical facts on a river. That is their business, and they have to keep an account in a book, every trip, of the changes on the shore and in the channel.

They are not engineers, and their opinions about the cause of changes are not apt to be any more sound than those of other intelligent men living on the river, but who are not engineers; but no men are so reliable as to the facts of where bars are forming or changing, where the channel is changing, and what is becoming of the river banks and of that which is on them. In addition to repeated personal observations of these facts, I have made it a rule to ask the pilots about them, and there is not a more honest and manly class of men in America than this class of our people, and I say to this House that I know of no instance, and I have never heard of one, from a pilot or from any other disinterested party, where this revetment work has stood against a fair attack of the current at a really high stage of water—not one.

Had they carried out the plan of first scouring out the bars—the submerged dams—above, and of first producing the contemplated uniformity of width, depth, or velocity—faster on the bars where now too slow, and slower in the bends where now too rapid—had they done this, and then failed, as they have so often failed, I should be compelled to admit that the plan of improvement had received a blow.

But the plan has not received a blow. The river, however, has received a stab. I wish gentlemen to see the wound, and to know by whose hands it has been dealt.

I will here introduce a letter from Mr. Harrison Matson, a pilot on one of the Anchor Line steamers plying between Saint Louis and New Orleans. The gentleman from Mississippi [Mr. CATCHINGS] knows him to be a good pilot, as honest a man as lives, a man with a cool head and fine sense. He is a plain man, but the peer in point of pure, high, and intrepid character of any gentleman upon this floor. Mr. Matson has been a pilot upon the Mississippi River for many years, and it is hardly a figure to say that he has seen every stick of piling and every square foot of revetment that has ever been put into that river, and he has seen all the changes, and he knows and says that all the revetment the commission has ever put there has regularly yielded to the unregulated and unrestrained current until such time as the mighty current has gone away from them and let them alone.

Mr. Matson says:

ON BOARD SAINT LOUIS AND NEW ORLEANS ANCHOR LINE
STEAMER ARKANSAS CITY, *Vicksburg, March* 24, 1886.

DEAR SIR: I learned to-day on my arrival here that Captain Sears, of United States engineers, had just made an examination and, I believe, a resurvey of Delta Point, Louisiana, opposite South Vicksburg, in obedience to the instructions of the river commission. And as it is well known that this Delta Point is *the last resort they have to establish the efficiency of their manner of revetting the banks* and as it is the only piece left not entirely destroyed, and as they no doubt intend to use this in another attempt to relieve themselves of the unpleasant position the results of your investigation placed them in, thereby making you an interested party, I felt I could perhaps be of some service to you in at least putting you on your guard. Now, this Delta Point business is the most flimsy subterfuge you can imagine when you or any one else understands it. Now, it is true Delta Point is not washing away now, nor will it wash away for some time, but the revetting is not the *cause* of its not washing away, for it is also true that Delta Point did wash away, *revetting* and all, yes, just as substantial revetting as they have there now did wash away as so much sand, till there was a *cause* that stopped it. Now I will try and tell you what that *cause* is. When they commenced work on this point the channel from Young's Point Landing (which is in the bend opposite mouth of Yazoo River) went over above King's Point, Mississippi, and was deflected by King's Point to Delta Point, and all the revetting they could do did not hold the point, but they kept up the work as fast as the revetting would cave away and the mattresses float away down the river. In the mean time the bank at Young's Point Landing was caving away very fast, whole plantations going in, thus making the crossing lower down from the Louisiana shore to King's Point, until leaving the shore so low down the current did not touch King's Point at all; and having nothing to deflect it to the right or Delta Point, it took a direct course to Kleinston or South Vicksburg, and has been cutting that away ever since the depot and part of the railroad track at Kleinston caved in last fall; and not only was Delta Point relieved by the natural course the river had taken, but if you will look on the map you may see the bar that has been opposite Grant's Canal above Delta Point for years. Well, the caving of the banks at Young's Point Landing has caused heavy deposits on this bar, augmenting it and affording relief to Delta Point, which is just below on same side. Thus, you see, Delta Point is relieved by the river itself by taking a course favorable to Delta but very unfavorable to Kleinston or South Vicksburg, and this course, as I have shown, is not due to any revetment, but is due to the caving of the banks above where the engineer's work could have no influence whatever.

I fear I have not made it plain enough, as you are aware of the difficulty of a satisfactory description of anything of this kind. I may sum it all up in this, namely:

First. King's Point no longer deflects the current to Delta Point.

Second. The bar immediately above Delta Point, on the same shore and opposite "Grant's Canal," has been augmented and aids in deflecting the current from Delta Point, and thus the preservation of the revetment at Delta Point is from a natural cause, and not from the efficiency of the revetment itself.

You may be aided by the map. Unfortunately, I have not this part of the map of the river with me.

You know those in charge of the river improvement above Cairo pointed with pride to their stopping up the Illinois side of Devil's Island. Well, the river took a notion to go down that side last low water. It was the channel, and one of the Anchor Line boats in running it in the night struck a part of one of the old dikes, knocked her chimneys overboard, and I haven't heard them refer to that piece of improvement since.

I intended to speak of other parts of the river, but will defer it, hoping this long letter will not prove too great an annoyance.

I am yours, truly,
HARRISON MATSON.

Hon. C. R. BRECKINRIDGE.

The point of value in this letter is the fact that the river, having no deflecting works at all, steadily caved in the revetment at Delta Point until the general caving there and above was followed by the channel or current leaving the point in comparatively slack water. Then and only then the revetment begins to stand. The same is stated of all the balance of the revetment work.

It is almost pathetic to read the remarks of Captain Sears, in the report of 1885, page 2963, in speaking of estimates for his, the third district, in which Providence Reach is the principal work. He says:

I am not prepared to ask for any definite sum as being the amount that can profitably be spent during the next fiscal year, as this will depend upon whether we continue the *experiments* of revetting caving banks.

Then he says $200,000 can be "profitably expended" upon certain dike work, repair of plant, &c.; and, if the "experimental" revetment work be "renewed," then "$400,000 in addition can be expended;" but he refrains from saying that it can be "profitably" expended.

On the previous page he speaks of the over two miles, 12,500 feet, of revetment work at Pilcher's Point, and says:

I confess my deep disappointment at the result of this work.

And again he says of this work:

I apprehend no further caving until next high water, when I should not be surprised to see the rest of the revetment go.

He further says:

It seems to me to demonstrate that the *average* bank of the Lower Mississippi can not be held at a reasonable cost by this form of revetment.

Then he says he "thinks" it could have been held with "double lower mattress" at a cost of "about $30 a linear foot."

Here it is, five or six years from the beginning, millions upon millions spent, and all is conjecture, all "experiment," and what they were told to try not tried yet. This is all the more significant when we read Captain Sears' statement, page 2774, report of 1884:

It is not expected that bank revetment will have *any* positive effect in improving a channel-way.

Sir, the extent of caving banks in any given reach of river is not only clear to observation, but we have some very interesting figures on page 2685, report of 1884. Changes are always going on and new points becoming involved; but as a first measurement, and making no allowance for the inevitable losses of work and increases of space, we have from Island No. 1 to Island No. 10, in a distance of 55 miles, 209,850 feet of caving bank, or 3,816 feet to the mile. From Caruthersville to Frame Chute, in 115 miles of river, we have 502,000 feet of caving bank, or 4,365 to the mile. From Commerce Cut-off to Saint Louis Landing, in 77 miles of river, we have 392,520 feet of caving bank, or 5,098 feet to the mile. Sir, he is a bold man, and one unsustained by facts or experience, who will venture the opinion that the extent of this unwarranted and unauthorized revetment upon the two sides of the river for a length of 100, or 200, or 500, or 1,000 miles of the river will not exceed the navigable length of the river embraced.

We have another piece of evidence, and very striking testimony it is. People are more particular about spending their own money than they are about having other people's money spent for them. Recipients seem to accept money on any terms, and call it reasonable; but the same parties often refuse to take money out of their own pockets for the same kind of investment. The people of Memphis raised some $60,000 to protect their river bank. Did they permit it to be expended for revetment? No, sir. They put every dollar of it in spur dikes.

For my part I think they acted wisely. I think they would have done better to have put some thousands of it in a permeable dike or two to cut out the bar above them; but if they did not feel equal to that they did well to put spur dikes along their front.

We have a similar case at and near my town, Pine Bluff, Ark. Sixty-odd thousand dollars had been absolutely thrown away in revetment. Every citizen was disgusted with the work and with the result of the work. Spur dikes were afterwards put in, and not a dollar has been lost. The work has stood perfectly. The accomplished young officer of engineers, Captain Taber, now in charge of the Arkansas River improvement, made a careful study of his problem, submitted his views to his chief here in Washington, and got permission to use deflecting dikes.

He located them so as to take hold of no more current than he could handle; and by following up his ground, receiving aid at every step from the dikes above him, he has, with a trifling expenditure of $48,000, cut out one of the worst bars in that great river, regulated a long stretch of it, and moved the river at one point squarely out of its old bed and placed it, like a child in a cradle, into a new bed, symmetrical in form, and exactly where he said he was going to place it. I believe that if he had the work to do over again he could accomplish it with

the knowledge and experience he now has for one-half of this expenditure.

The first channel work, if I mistake not, ever done on the Mississippi River was done prior to 1840, at Saint Louis, by Capt. Robert E. Lee of the United States Engineer Corps. I recall a, to me, most interesting conversation with this great engineer in 1869 upon this subject. His opinion was in favor, substantially, of the policy Congress has authorized.

But I proceed. The gentleman from Mississippi [Mr. CATCHINGS] says these gentlemen (the commission) are not only faithful, able, and all that, but also that they "have been signally successful." This, in one way, has already been considered. But page 2 of Executive Document 66, this session, the commission say, in speaking of the work in Lake Providence and in Plum Point reaches:

> The work has been conducted under difficulties which can justly be called extraordinary. * * * On two occasions the annual appropriations have failed entirely, and in no case except one has it reached the amount recommended. During long intervals of time the works have remained in an unfinished condition, exposed to injuries which under favorable conditions might have been prevented.

We have heard and seen much in reports and elsewhere to the effect that results would have been better if a reasonable and steady supply of money had been granted them. I presume the gentleman from Mississippi means that the commission has been signally successful considering the small and disjointed appropriations that Congress has made for them. To say more than this is to be refuted by the commission itself. Now let us look into this.

You remember that they recommended in 1880 that work be restricted to a few reaches, rather than scattered over many, in case Congress should not appropriate fully for all. From that day to this Congress has taken them at their word and has left them at liberty to use as much money as they chose out of every appropriation for as few (reaches) as they chose. It is fair to say that if they allotted to Plum Point and Lake Providence reaches, and spent in regular and uninterrupted order upon those reaches all they said they could spend, or that they asked for, then their complaint has no ground to rest upon, and all this kind of talk is unworthy of any respect, except that personal respect and courtesy which is due to the gentleman from Mississippi [Mr. CATCHINGS], who is hardly expected to be the first to see fault in his friend and influential constituent who is on the commission, or in those that that gentleman stands up for.

I think it unfortunate, and it may be repetition to say so, that this commission has not been composed solely of competent engineers and of men entirely removed from the local constituencies upon the river. This is, legitimately, simply a scientific question so far as Congress had any use for this commission; and local sentiment has proven, without exception, a vicious and baneful influence, retarding and thwarting the national purpose, and warping and being warped by the national agents. I think these "resident" members of the commission are better politicians than they are anything else, except that they have overreached themselves; and as for being engineers, it is a farce to use the word. But what were the estimates for these reaches?

To revert to the report of 1880, we find them as follows:

| | |
|---|---|
| Plum Point, for initial works | $736,000 |
| For final completion | 736,000 |
| Total | 1,472,000 |
| Lake Providence reach, for initial works | 619,000 |
| For final completion | 619 000 |
| Total | 1,238,000 |

The first appropriation was in the act of March 3, 1881, and was for $1,000,000. On page 6 of that act we find the following language:

> For the improvement of the Mississippi River, *in accordance with the plan therefor recommended in Executive Document No. 58, second session Forty-sixth Congress, by Mississippi River Commission*, to be expended by the Secretary of War, with the advice and under the supervision of said commission, the sum of $1,000,000.

It will be observed that this was not "continuing" an old plan and work according to the usual language in the bill. It begins a new work, upon a specific plan; and right there a great mistake was made by Congress. Having a plan, I say again, Congress ought not to have assumed that the War Department did not have enough sense and enough fidelity to law to execute it. There was no more occasion to continue this commission to run the War Department than there was to continue the Tariff Commission to run the Treasury Department. Congress may well bring in all sorts of counsel to aid it in shaping legislation; but that being done, and propositions being crystallized into law, then the execution of the law should be intrusted to one or the other of the great Executive Departments of the Government.

We have always done that except in this instance, and I, for one, sincerely repent of this departure. A useless and idle body has invented all sorts of pretenses for its own continuance to draw pay. It has become vain and pig-headed, setting itself up against the War Department, against Congress, and against the law. Supervising the War Department! Like our once famous Doorkeeper, transported to unexpected authority it has become "a biger man than old Grant." It has made only mischief and trouble, and in its meddlesomeness and misstatements it has given an additional illustration of the truth of the old couplet that—

> Satan finds some mischief still
> For idle hands to do.

Well, what did they do with this $1,000,000? They could do just what they wanted to in the way of concentration. As a beginning they, of their own free will, gave $491,552.44 to Plum Point reach and $364,456.12 to Lake Providence reach. As I stated, they need not have started but one if they had not thought this sufficient for two, counting upon the chances of a prompt and adequate appropriation the next year. Hence we see they did exactly what they wanted to do, and without a particle of constraint as to the amount of money for any given point.

What, then, was the next step? You find on pages 33 and 34 of the same report statements brought down to December 1, 1882. They state as follows:

| | |
|---|---|
| Amount allotted for improvement of Plum Point reach | $700,000 |
| Allotments Lake Providence reach | 650,000 |

It will be remembered that the act of August 2, 1882, the act immediately succeeding the one just referred to, and coming promptly the year after it, appropriated $4,123,000 for this work below Cairo, and it also left the commission at perfect liberty to concentrate their full estimates upon these two reaches. Then, turning to page 32 of the report for 1883, what do we find? We find a table called—

*Table of total expenditures, construction department, Mississippi River Commission, from the beginning of construction up to November 1, 1883.*

[Covering appropriations of March 3, 1881, and August 2, 1882.]

| | |
|---|---|
| Plum Point reach | $1,406,216 85 |
| Lake Providence reach | 1,225,582 33 |

These are the amounts they actually spent in the first two years. Here are the amounts they spent, and they might have spent double these amounts here had they liked. Now, when the parsimony, &c., of Congress is talked about, let us see how these figures compare with what they said would "complete" these works; and engineers' estimates are generally very ample if the appropriations be prompt, and none could be more prompt than was the case here, and certainly none more ample. They expected also to lessen and not to increase expenses when they came to working under their estimates. The total estimate to "complete" the Plum Point reach was $1,472,000; and the total estimate to "complete" the Lake Providence reach was $1,238,000.

Thus it is seen that they promptly had and spent within $65,783.15 of the estimated total for the final completion of Plum Point reach, and within $12,417.67 of the estimated total for the final completion of Lake Providence reach; and they had the money and the power to put as much more as the total upon either or both the reaches, then and there, had they wanted to. There were floods in the river. Of course there were floods in the river. It is a rare exception when there is not a great spring and summer flood in the river; and they were and are actually dependent upon these same floods to help them build up their new bank and to scour out the bars at the wide places.

There is nothing in all this talk about scarcity of funds and unexpected difficulties, and neither the river nor the plan nor the supply of money is responsible for this unhappy showing; but maladministration is responsible for it.

But some gentleman will say "'it was the last feather that broke the camel's back,' and the lack of these last few dollars caused the works to be left incomplete and exposed. They lacked their capping and finishing touches, owing to the foolish, wicked delays of Congress." My first reply to this is that they had the money to make this up and they ought to have used it. My second reply is that they had the money to make this up and they did use it. Let us see. From the appropriation of 1881 Plum Point got $491,552.44; from that of 1882 it got $700,000, and by a transfer from other works it got on March 16, 1883, as shown on page 7, report of 1883, $300,000.

This makes the total assigned to Plum Point, but not all yet spent, $1,491,552.44, or considerably more than the original estimate for "final completion." And as for Lake Providence it got $364,456.12 in 1881; $650,000 in 1882, and a transfer, as above, of $187,500 in 1883, making a total of $1,201,956.12, but a few thousand less than the surplus upon Plum Point, which they could put here, and without that it is within, say, $12,417.67 of the total by the autumn of 1883. Then came the failure of the river and harbor bill to pass at the short session of Congress, followed by the early and prompt appropriation of $1,000,000 on the 19th of January, 1884, with a large addition the following July, amounting to $2,070,000 more, making a total for 1884 of $3,070,000. (See page 2570, Report of 1885.)

Money has been shoved in upon them, so far as the needs of these reaches are concerned, without measure and without stint, and the reasons assigned to us do not exist. Why, sir, without following the details further, look at the result down to November 30, 1885, only four short years since these works were begun—works that they said it might take years to complete, as they were dependent upon floods. (See page 10, Supplement to Report of 1885.)

| | |
|---|---|
| Expended on Plum Point reach | $2,387,850 13 |
| On hand | 18,742 30 |
| Total to November 30, 1885 | 2,406,592 43 |

| | |
|---|---|
| Expended on Lake Providence reach | $2,255,503 53 |
| On hand | 37,475 71 |
| Total to November 30, 1885 | 2,292,979 24 |

In other words, they have had and have spent on these two reaches in the short space of four years nearly double the amount of money upon each that they said would suffice for final completion. They could have applied double these amounts if they had wanted to. They have had all they wanted and more than they could spend on these reaches, and they have had it promptly and have spent it promptly and under normal conditions; and the reasons assigned for the partial results and dismal showing have no foundation in fact.

Now, sir, at the risk of repeating something that has gone before, I will refer briefly to the legislative history of the commission. The Mississippi River was desired and needed to be improved. All sorts of "plans" were crowded upon Congress and in Congress. Congress was not competent to deal with the *technique* of the question. Congress was not a body of engineers, nor a body of specialists; and never is, and perhaps there was not and is not an engineer in this body. What, then, did it do? The House appointed a committee on the improvement of the Mississippi River, to which committee in the first place all propositions were referred. What next? This committee could not fairly decide. So they brought in a bill to organize a commission to look into these plans, &c., and to report to Congress what legislation they thought would do. They were instructed to report on all these plans, and also to report some plan that in their opinion would work. I will here give this act, the act of organization:

[Public—No. 34.]

An act to provide for the appointment of a "Mississippi River Commission" for the improvement of said river from the Head of the Passes near its mouth to its headwaters.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a commission is hereby created to be called "the Mississippi River Commission," to consist of seven members.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law, and the other three commissioners shall receive as pay and compensation for their services each the sum of $3,000 per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

SEC 3. It shall be the duty of said commission to direct and complete such surveys of said river, between the Head of the Passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topograpical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

And the Secretary of the Treasury shall, when requested by said commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purpose aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

SEC. 5. The said commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

SEC. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

SEC. 7. The Secretary of War is hereby authorized to expend the sum of *one hundred and seventy-five thousand dollars*, or so much thereof as may be necessary, for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated.

Approved June 28, 1879.

What did the commission do? Authorized in 1879 and organized at once, they made a report in compliance with this act in 1880—the report I have given and referred to so often. It is dated March 6, 1880. Congress formally adopted the plan therein recommended in the act of March 3, 1881. The language I have heretofore given. From that moment the Committee on the Improvement of the Mississippi River has been a defunct committee of this House. It has never had a lick of work to do, for a plan had been agreed upon and adopted, and after this it only remained for the appropriating committee to provide money for its execution and for Congress to see that the plan was fairly tried.

We were ready to say to inventors, "A plan has been agreed upon and adopted, and we can not entertain any new plans until we see how the commission gets along executing the one we have already agreed to try." Nothing remained but to make further surveys and final calculation of total cost for the whole river. This, as well as the execution of the adopted plan, should have been promptly intrusted to the War Department to execute, which really does all the work now. The plan was, and is, simple. The commission really knew that their real usefulness and logical functions were ended. See what they say on page 20 of the report of 1880:

We venture to suggest further that, in case the commission should be continued in existence and the works recommended by it be in whole or in part authorized by Congress, the execution of the work and the expenditure of the appropriations therefor shall not be made part of the duty of the commission.

Every subsequent bill has carried with it the language "continuing improvement," which language always continues the former plan unless a change is specified and permission granted.

What, then, Mr. Chairman, must be our surprise, and how serious must be the issue with the great body of the people who authorize this work and pay for it, to find the commission coming in with a radical abandonment of every leading feature and principle of the plan of 1880, denying facts and refusing to obey the law, and the friends of those gentlemen announcing the doctrine that "the commission is a plan," and "we are trying the plan of a commission," instead of the fact that we are trying a plan of engineering device which the War Department certainly has sense enough and I trust fidelity to law enough to execute, and that Department should be intrusted with the execution of all such plans until we transfer the execution of them to some civil department either existing or to be created. Indeed, the friends of the commission have advanced far enough to tell us that the "commission and the river must stand or fall together." We must either say that we have the adopted plan, or that we as yet have no plan, or that we have and approve of the plan as shown by the practices and recent utterances of the commission, with all the expense and folly it figures up and foreshadows. Which of these alternatives shall we accept?

I repeat that the plan and the river must stand or fall together, and I will defend that plan and the river from all assumptions of personal supersedure and from all responsibility for the errors of individuals, come from whence it may. I would attack the War Department as quickly as I do the commission if it too disregarded law and betrayed the public interest; and I solemnly warn the gentleman from Mississippi that the people of this whole country are not improving the Mississippi River for the sake of his friends and of my friends, and of scores of them I may say, my blood kin, who live upon its banks. They think we are. They hug a fatal delusion to their breasts, and to inject their favorites, men they have been taught to believe they are dependent upon, men who in fact have caused appropriations for them to be restricted, but living in part among them have taught them to think were procured by them—to do this is to reduce that work to a scandal, and temporarily to a wreck.

Sir, this is no new question. We have the board of 1879, as it is called, the report of which is House Executive Document No. 41, Forty-fifth Congress, third session. It is a low-water report exclusively. The heading of it is:

Low-water navigation of the Mississippi River.

Then, again:

Letter from the Secretary of War, transmitting report upon the improvement of the low-water navigation of the Mississippi River.

It is a very good report of its kind, but gentlemen make a mistake in saying that it is at all the equivalent of the distinctively "high-water" plan of 1880 that we are operating under.

Then we have the report of the commission of the act of June 22, 1874. That act is short, and it is as follows:

An act to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he is hereby, authorized and directed to assign three officers of the Corps of Engineers, United States Army, and to appoint two civil engineers, eminent in their profession and who are acquainted with the alluvial basin of the Mississippi River, to serve as a board of commissioners; the president of said board to be designated by the President of the United States. It shall be the duty of said commission to make a full report to the President of the best system for the permanent reclamation and redemption of said alluvial basin from inundation, which report the President shall transmit to Congress at its next session, with such recommendations as he shall think proper.

SEC. 2. That the members of the commission who may be appointed from civil life shall receive compensation at the rate of $5,000 per annum. The commission may employ a secretary at a rate of compensation not exceeding $200 per month for the time he is employed, and the necessary traveling expenses of the members of said commission not officers of the Army, and of the secretary, shall be paid upon the approval of bills for the same by the Secretary of War.

SEC. 3. That the sum of $25,000, or so much thereof as may be necessary to carry into effect the foregoing provisions, is hereby appropriated, and shall be subject to disbursement by the Secretary of War in accordance with the provisions of this act.

Approved, June 22, 1874.

The report which came out of this is Executive Document No. 127, Forty-third Congress, second session. It is not now by me.

Then we have the very exhaustive report of Humphries and Abbot, a report that has been shown to contain many errors; but nevertheless a very valuable report, and very correct for its day.

Now, Mr. Chairman, I want to call the attention of the House to the, to my mind, criminal manner in which the commission has neglected the work at the head of the Atchafalaya. This involves a great waste of public money, an augmentation of destruction by overflow, and a complete departure from every expression of principle upon which the levee system is based. As bearing upon this, and clearly expressing the matter, I introduce some of the remarks of the commission in the Report of 1880, under the head of "Outlets." They say:

THE OUTLET SYSTEM.

It has been supposed by many persons that, because the immediate effects of a crevasse during a flood is the reduction of the height of the river's surface in the vicinity of the crevasse and below it, lateral outlets, either natural or artificial, by which the flood-waters of the river are drawn off and conveyed through a shorter route to the sea, tend to prevent the recurrence of destructive floods, by supplying additional avenues for their escape. This method would undoubtedly be effective if the flood-waters of the Mississippi were not highly charged with sedimentary matters, which are held in suspension in the water by the current. To support this immense mass of earth and sand in suspension, and thus insure its transportation to the Gulf, the velocity of the current must be sustained. Without stopping to determine, or even discuss, the character of the relation which exists between the various velocities of current and the proportionate quantities of sediment which such velocities are capable of carrying in suspension, the fact seems to be established that when the current is checked in its natural flow during floods, a deposit of sediment will occur. Shoals are found in the river immediately below crevasses which it is difficult to refer to any other cause than the loss of current velocity which takes place below the crevasse.

As a portion of the volume of the river is drawn off by the crevasse when it is first made, it is impossible that the current below the crevasse can then be as rapid as it was before its occurrence. Being less rapid, it is unable to sustain the whole quantity of matter held in suspension by the more rapid current above the outlet, and consequently its surplus sediment falls to the bottom below the crevasse. This deposition continues until the size of the river below the crevasse has been so reduced by the shoaling that the current is again restored through the short distance in which the bottom of the river has been thus raised and the channel diminished. If the crevasse remained open, however, for several years, it is evident that the shoal will continue to extend down the stream, for the reduced velocity will still exist in the river below the shoal. If the crevasse be kept open indefinitely, the shoaling will continue to extend down the stream until certain other injurious effects are produced, which will be presently referred to.

It is a well-established law of hydraulics that the ratio of frictional resistance per unit of volume increases if the sectional area be diminished. Thus, if the volume of the river were suddenly divided by an island into two channels, the water flowing in them would encounter more frictional resistance than it met with while flowing in a single channel. Hence the currents through these channels would be more sluggish. As the water is charged with sediment the sluggish current would cause a deposit in the channels which would first begin at their upper ends, and would continue until the bottoms of the two channels would be so steepened that the current would attain a velocity capable of carrying the suspended sediment through them without further deposit. If the two channels were of nearly equal length and size, they would probably remain permanent, and the slope of the river's surface in flood time would be found to be steeper through them than above and below, where the volume flows in a single channel.

If one of the two channels were materially longer than the other, the effort of the river to increase the steepness of the longer channel would be abortive, because its slope would be controlled by the shorter one. A shoal in the upper end of the long channel would, however, be built up to such height by the depositing action of the sluggish water in it as finally to shut it off altogether from any connection with the river, while the still water at the lower end of such channel would promote the deposition of sediment at that end to such an extent as to build it up also, and thus completely separate the long channel from the main body of the river; in the mean time the shorter channel would have enlarged so as to accommodate the entire river. The longer channel would, in this event, constitute a lake, like one of the many lakes which are seen on a map of the alluvial basin of the river. Being removed from the influence of overflows, these lakes remain deep and clear for many centuries. The phenomenon just described invariably accompanies the formation of a cut-off. When one of these occurs, the volume of the river is at first divided into two channels of unequal length, an island being left between them.

In the case of a crevasse an island is also formed, having the main body of the river on the one side of it, and the crevasse channel on the other side. As the volume flowing in the main channel below a crevasse has been decreased by the amount drawn off through it, a steeper slope in the main river, if the crevasse be kept permanently open, becomes inevitable; because the shoal below the outlet, as it grows in length down stream from the deposition of successive floods, gradually increases the frictional resistance of the volume flowing through that diminished channel, and this tends to check the current of the river above the crevasse, and thus the shoaling of the river bed and the raising of the flood line above the site of the outlet ensue as a secondary and permanent effect.

The fall of the Atchafalaya is about 6 inches per mile from its head to the Gulf level, while the fall of the Mississippi from the same point is less than 2 inches per mile. The volume of the Atchafalaya is only about one-twelfth as great as that of the Mississippi where they separate. The fall of the South Pass is 3 inches per mile, whilst that of the Southwest Pass is but 2 inches per mile. The volume of the South Pass is only about one-quarter as large as that of the Southwest Pass.

As water selects the line of least resistance in flowing from a higher to a lower level, it follows that, inasmuch as that portion of the Mississippi floods which enters the Atchafalaya seeks the Gulf level through a route not half so long as that which follows the main river, and as it has a descent threefold greater than the portion that flows in the main river, the resistance in the shorter and steeper route of the Atchafalaya must be so much greater that these elements which tend to increase the current are so far neutralized as to produce in both routes to the sea that rate of current which is capable of transporting the sediment without loss or gain to the Gulf level, and thus a condition of equilibrium is established between these two routes to the sea.

It seems unnecessary to state that the ratio of frictional resistance to volume of water resulting from the smaller size of the Atchafalaya is so much greater than that in the main river, that this condition of equilibrium or regimen of the two channels is the result. Anything which will tend to increase the flow permanently through either route would, if unchecked, have a tendency to cause the entire river to find its way ultimately through that route to the sea by lessening in it, as it enlarged, the ratio of frictional resistance to volume of water flowing in it.

The subdelta building ability of the smaller passes by which they prolong their length and thus flatten their slopes, will invariably tend to cause their extinction by results similar to those hereinafter referred to at Cubitt's Gap, the Jump, and the extinct outlets below them.

This cause has tended to the extinction of many well known bayous below the Atchafalaya. That the Atchafalaya remained so long unaltered, and is now evidently enlarging, is owing to important changes in the bed of the Mississippi near it, by which a large portion of the floods of Red River have been recently discharged through it.

This explanation of the relation between slope and volume is, of course, applicable to the other existing outlets referred to in this connection. *For this reason the commission believes that no surer method of ultimately raising the flood surface of the river can be adopted than by making lateral outlets for the escape of its flood-waters.*

*The rising of the flood surface necessitates an increase in the height of the levees and leaves shallower channels for navigation.*

*As the system of improvement proposed by the commisson is based upon a conservation of the flood-waters of the river, and their concentration into one channel of an approximately uniform width, it would seem scarcely necessary further to consider a system based upon theories and arguments so diametrically opposed to it as the outlet system is thus shown to be.*

With reference to that part of the plan set forth in House bill 5413, relating to the Atchafalaya outlet, the commission suggest that, as Major Benyaurd, of the United States Corps of Engineers, in charge of the Government works upon this portion of the Mississippi, has now under consideration the question of the permanent improvement of the mouth of the Red River, with the intention, as expressed in his last annual report, of making a special report thereon at *the earliest possible moment*, it is not deemed advisable that any work at this locality, except what may be required to *check the enlargewent* of the Atchafalaya, should be recommended by this commission in anticipation of the matured views and opinions of that officer. This can be done in such locality and in such manner as will not interfere with the navigation of the Red and Atchafalaya Rivers, and at a cost not exceeding $10,000.

Now, we find the part of the total floods that escaped through the Atchafalaya, through which some years prior none escaped at all, was 12 per cent. There is no need of going back to the record to show the truth of what the commission says, that as the channel divides up the friction increases and the floods rise higher in all silt-bearing streams. It may be granted that the reverse of this is true of streams that do not bear sand and soil in their currents. But just as the floods below Red River have increased while the Achafalaya crevasse was growing from nothing to 12 per cent., so it has gone on increasing, as the commission told us it would, while the crevasse was growing from 12 to, say, over 30 per cent. It was 28 per cent. several years ago, and I presume it is over one-third of the total flood to-day.

It is idle to talk levees and yet to equally talk crevasses or outlets, and also to systematically practice crevasses. If we want to abandon the conservation or levee system, let us know it. But I, for one, believe in it, and hence I oppose its abandonment either openly or secretly. This crevasse could have been held at a capacity of 12 per cent. of the floods in 1880, as we see from the report, for $10,000. That amount was all that they said was needed to pass a "sill" or mattress band along the bottom across the outlet, extending from one bank across to and up the other. I think every bill from 1881 down to this time has made special mention of this crevasse. Not a dollar has been spent to stop enlargement down to the last report.

It would be difficult to say, Mr. Chairman, to what extent the expense of treating this crevasse has been increased by delay. It is my belief that a couple of hundred thousand dollars, or somewhere about that amount, would have effectually closed this crevasse in 1880, upon the basis and principles of the report of that year.

But what do we find now? In the report of 1884 they want (page 2561) $960,000 for dams, and sums for other purposes in connection with this work aggregating $6,010,000.

And what do they say in their report to this session about this simple question of a crevasse? On page 3 they say:

The rectification of the Red and Atchafalaya Rivers presents a special problem, a solution of which was offered by the commission in their report of December 19, 1884, the plan presented being, however, subject to modification after *further study of the conditions.*

Mr. Chairman, they have been studying these "conditions" for seven years. That is a long time for a work that finds its duplicate in every break in a levee that ever occurred. We know that this is a flagrant abandonment of the levee system. If one crevasse is good, why not have forty? Congress has in vain tried to get the commission to begin this work. We adopted the plan of 1884 and told them to start ahead. We adopted the "sill" beginning of 1880. We have mentioned this work in every bill. I am unwilling to believe that these men are such amazing fools as not to understand the simple "conditions" of a crevasse. They knew them all seven years ago. They have known them ever since. Their delay is to magnify a trifle in science, but a matter of grave importance, logically and materially, to the public; and all to continue to draw pay and to be pig-headed about the plan of 1880 that they did not get the credit of.

Sir, some charitable friend may say, "Well, what further proof have you of their abandonment of the plan of 1880?" I call attention to their language on page 2538, Report of 1884, saying:

They also deem it essential to the success of the work already done, and a necessary part of their plan of improvement, that the *revetment* of banks, which are caving with sufficient rapidity to endanger or embarrass navigation, should

be at once undertaken and carried forward *systematically*, beginning at Cairo and progressing down stream, precedence in time being given to those places where the caving is most rapid or injurious. Throughout the portions of the river lying between the reaches of bad navigation are found many long stretches where navigation is now good, and which only need work of *this character* to keep it so, while at other points shoals exist which would probably disappear or become less troublesome if the banks were held and the river allowed to contract and deepen by *natural* agencies.

This language, Mr. Chairman, is as plain as their practices. Here they swing entirely loose in profession, as they had substantially already done in practice, from the plan of 1880. This is for revetment only. The contraction and deepening is not only not to precede revetment, but it is not to be applied at all (and this embraces both reaches and bends), just as it has never been applied above Memphis and other places, and only partially so in the reaches. They are hostile to the plan, from pride, or vanity, or some other reason, and they fight it instead of executing it, and eat their own words, trample on the law, and waste the public money.

In the face of the language I have just read the commission say, on page 2868 of their next report (1885):

It may be stated that it is not the *intention* nor has it been the practice of the commission to protect a bank by revetment merely because it is caving. Other considerations must govern this question. But where an imminent danger threatens the immediate destruction of interests of great value, as, for example, where a caving bend is about to take in flank and carry away costly works of improvement or produce a disastrous cut-off, or where a city's front is to be maintained, as at Vicksburg, or a portion of the city itself is to be protected from undermining, as at Memphis—then it is believed to be imperative that the local remedy of holding the banks intact by a mattress revetment or other equivalent device should be adopted.

I would like to know, Mr. Chairman, what cities are "systematically" situated on the bends and reaches, "beginning at Cairo and progressing down stream," which are to receive the benefit of "work of this character *only*." What "costly works of improvement" have they got in here to protect the "flank" of?

This is on a par with their statement on page 2866, same report, that the—

Minutes of the proceedings of the commission show, however, that a detailed estimate for each of the six reaches was prepared by a committee, presented to the commission, discussed, and adopted without recorded dissent, all the members being present. In that estimate the works for bank protection on the six reaches were computed to cost four and a half times as much as the works for channel contraction.

There is hardly a true word in this statement. They back it by no quotations, and they can not do so. The minutes show that the estimates they speak of were introduced February 12, 1880. They met at 11.15 a. m. General Harrison made a single statement, and then the report is introduced by Mr. Harrod. "Absent—Mr. James B. Eads, until 1 p. m., and Maj. C. R. Suter." There is not a line to show that these estimates were ever even considered. The "report," which is spoken of separately from the estimates, was frequently "discussed," and it was in the hands, by subjects, of other committees. The only form of estimates ever shown to have been adopted or "considered" are those given in our copy here of the final report of 1880, in which no such separation appears. An allusion to "estimates" at the close of the minutes of February 11 shows no such division.

We hear a good deal, Mr. Chairman, about the jetties at the mouth "damming up" the river, and the increase of floods below Red River are cited in proof of this. The commission told us in 1880 that if crevasses were left open the friction would be increased and the floods increased; and this is a reasonable cause. But if we want to seek another and go to the mouth of the river for it we must admit that the first effect of the "damming up" there would be seen immediately above the dam. Argument has not been wanting to prove that the reverse would be the ultimate result of this. There has been much argument on both sides, but the facts are the final means of determining the matter.

Some two years ago I saw the record from the Government inspector at the jetties, and whatever may once have been the temporary reading of the gauge, say some few inches increase until the scour set in, nevertheless the record showed that the final and settled condition was that at given stages of flood-water the gauge reading was about eight-tenths of a foot lower at the Head of the Passes than it was before the improvements were made. It is a mistake, therefore, to say that the improvements have increased the floods in the upper parts of the river, when the effect just above the works, where the increase would be first noted, is a permanent lowering of the flood-mark for every given volume of water in every flood.

Mr. Chairman, the gentleman from Mississippi [Mr. CATCHINGS] is correct in his bill and wrong in his speech. I oppose any effort to make the river and the adopted plan responsible for the acts of the commission. I would gladly see matters made a little easy for them if we were rid of them. I have spoken only of matters that the reports show, of what I have seen personally, and my proofs are drawn, not from hearsay, but from the official reports and from personal testimony of parties having no connection with this work or selfish interest of any kind. The commission should be paid off and dismissed. The plan of 1880 should be adhered to, and until the commission is dispensed with it should be composed of men in harmony with Congress and the adopted plan.

## Mexican War Pensions.

### SPEECH
OF
# HON. RICHARD W. TOWNSHEND,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, March* 1, 1887.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes—

Mr. TOWNSHEND said:

Mr. SPEAKER: I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 11202) making appropriations to pay pensions to soldiers and sailors of the Mexican war, and for other purposes. I desire to present on behalf of the Committee on Appropriations a substitute for the original bill. The matter will occupy but a moment. The bill is designed to make appropriations in pursuance of the bill recently passed providing pensions for the soldiers of the Mexican war.

The SPEAKER. The substitute proposed by the gentleman from Illinois [Mr. TOWNSHEND] will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions provided for under the act entitled 'An act granting pensions to soldiers of the Mexican war, and for other purposes,' approved January 29, 1887, as follows: For the balance of the fiscal year ending June 30, 1887, $2,300,000; for the fiscal year ending June 30, 1888, $4,600,000; in all, $6,900,000: *Provided*, That the whole sum herein appropriated shall be available for expenditure until the close of the fiscal year ending June 30, 1888."

Mr. TOWNSHEND. This is the unanimous report of the Committee on Appropriations, and proposes to appropriate the amount estimated by the Secretary of the Interior, covering the period from now until June 30, 1888.

The SPEAKER. If there be no objection, the Committee of the Whole House on the state of the Union will be discharged from the further consideration of this bill, and the House will proceed to consider it.

There was no objection, and it was ordered accordingly.

The substitute proposed by Mr. TOWNSHEND was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. Speaker, in addition to what has just transpired permit me to say that the bill authorizing pensions to be granted to soldiers and sailors of the Mexican war became a law on January 29 last. Before, however, those entitled can receive the benefit of that law it is necessary that Congress shall pass the bill I have just introduced, making appropriations from the Treasury of the money to pay such claims when allowed. This bill is intended to provide the funds for that purpose. Acting upon the estimates of the Secretary of the Interior and the Commissioner of Pensions, the Committee on Appropriations has determined that the amounts carried by this bill will be sufficient to pay all the pensions which will accrue under the Mexican pension law during the first year and a half following its enactment.

The Commissioner of Pensions states that the probable number of surviving enlisted men of the various classes described in the act is 34,748, and the probable number of widows is 13,826. It will be seen by reading the law, which I will append to my remarks, that the following classes, as has been stated by the Commissioner of Pensions, are entitled to receive pensions under that act:

The first group of conditions which entitles a claimant to pension is that he served sixty days in the military or naval service of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto, in the war with that nation, and is sixty-two years of age, or is disabled, or is dependent.

The second group of conditions which will entitle a claimant to pension is that the claimant was actually engaged in battle with the enemy in that war, and is sixty-two years of age, or is disabled, or is dependent. The length of service is not an essential element in this group of conditions.

The third group of conditions which will entitle a claimant to pension is that the claimant was personally named in a resolution of Congress for some specific service in said war, and is sixty-two years of age, or is disabled, or is dependent. The length of service is not an essential element in this group of conditions.

Mr. Speaker, in the enactment of this law Congress has simply adhered to the policy established by the fathers when they granted a service pension to the soldiers of the Revolutionary war. The same policy was extended to the soldiers of the war of 1812.

Before becoming entitled to a service pension the Mexican soldiers have been compelled to wait longer than those of the war of the Revolution, but their reward came to them earlier than a reward of the same nature came to the soldiers of the war of 1812.

This measure falls short of what has been done for the survivors of the other wars. I have mentioned all who were in those wars have been pensioned. I believe the time has arrived when every veteran who served the Republic in the Mexican war should be pensioned. In order to accomplish that object I presented, in March, 1884, a bill in this House to that effect, which was passed by over two-thirds majority. It finally failed because of amendments placed upon the bill in the Senate. While I did not believe the bill which has finally passed is as complete and just as it should be, yet I supported it because it was in the right direction, and it seemed to be all that could be secured at this session; and, imperfect as it is, yet it will bring relief to a vast majority of Mexican veterans, and in some degree will furnish the needed necessities of life to many aged and infirm veterans who are in extreme poverty.

No patriotic breast in this country will grudge the small pittance Congress has given these old soldiers as a recognition of their services in Mexico. It is not my intention now to again tell the story of the Mexican war, of the heroes who fought for the flag of the Republic upon the bloody fields of Mexico, of their unparalleled victories, of the immense area of territory and incalculable national wealth achieved by their valor. All these are well known throughout the civilized world and have gone into the imperishable archives of history.

I am gratified that the law authorizing pensions to be granted to these veterans has been passed in Congress by such unanimity that it has received the approval of the President and has been so generally acquiesced in by the people.

Acting upon the authority given me by the Committee on Appropriations, I presented to this House on the 6th of January last the annual appropriation bill, which appropriated $75,000,000 to pay during the coming fiscal year all pensions not included in the Mexican pension bill—being all the pensioners of the war of 1812, of the Indian wars, the Mexican war, and the late civil war, as will be seen by a portion of the proceedings of that date which I will quote from the CONGRESSIONAL RECORD of January 7, last:

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. HERBERT rose.

The SPEAKER. The motion of the gentleman from Illinois has precedence over the order of the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 7635) to consolidate certain bureaus of the Navy Department, and for other purposes.

The SPEAKER. That motion can not be made while the other motion is pending. The only way to reach that is to refuse to agree to the motion of the gentleman from Illinois, which has precedence under the rule. The question is on the motion of the gentleman from Illinois.

The question being taken, there were—ayes 94, noes 28.

So (further count not being called for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

"A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes."

Mr. TOWNSHEND. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. TOWNSHEND. I now ask the Clerk to read so much of the report as relates to the bill.

The Clerk read from the report (by Mr. TOWNSHEND) as follows:

"The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1888, submit the following in explanation thereof:

"The estimates upon which the bill is based will be found on page 153 of the Book of Estimates for 1888, and amount to $76,252,500.

"The accompanying bill appropriates $76,247,500, apportioned as follows:

| | |
|---|---|
| For the payment of pensions | $75,000,000 |
| For fees and expenses of examining surgeons | 1,000,000 |
| For salaries of pension agents | 72,000 |
| For clerk-hire | 150,000 |
| For rents | 15,000 |
| For fuel | 750 |
| For lights | 750 |
| For stationery and incidentals | 9,000 |

"The amount for payment of pensions is the same as was appropriated for 1887.

"The amount for examining surgeons is increased $179,000 over the sum given for the current year, and the appropriation is limited to payment for services rendered within the fiscal year 1888."

Mr. TOWNSHEND. Mr. Chairman, I ask that the reading of the remainder of the report be omitted, as it consists simply of tables, which do not explain the character of the bill or throw any light directly upon its provisions. I have no remarks to make, and unless there be a desire for debate, or unless some gentleman wishes further explanation of the bill, I will ask that the Clerk proceed to read it by sections.

The CHAIRMAN. If there be no objection, the committee will proceed to consider the bill under the five-minute rule.

There was no objection, and it was so ordered.

The bill was accordingly read and considered by sections.

Mr. TOWNSHEND. Mr. Chairman, I move that the committee now rise and report this bill to the House.

The motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The total amount embraced in both these bills for payment of pensions allowed by law, outside of all expenses of adjusting and paying same, aggregate the sum of $81,900,000. This vast sum is over twenty millions greater than all the pensions annually paid to the soldiers of all the other nations of the world combined. It can no longer be said all republics are ungrateful to its military defenders.

---

## Interstate Commerce.

---

### SPEECH

OF

# HON. ROBERT M. LA FOLLETTE,

OF WISCONSIN.

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, January* 20, 1887.

The House having under consideration the report of the conference committee on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce—

Mr. LA FOLLETTE said:

Mr. SPEAKER: Throughout this debate we have heard complaints without criticisms and objections without reasons. Gentlemen rise to condemn, and conclude with the statement that they will support the bill. It does not quite suit them in all respects. They would like it much if "some things" were omitted from it, or it would please them greatly if "some other" provisions were incorporated in it. They entertain grave doubts as to it in "some respects," and though it will doubtless do "some good," yet there is serious apprehension that it may result in "some harm."

No man can have followed gentlemen who have spoken and failed to observe the indefiniteness and general mistiness of much of the criticism upon this bill by many even who support it. There appears to be upon the part of certain gentlemen a consuming desire to hedge against future developments when it shall have become an applied law. Because certain sections have, under ingenious manipulation, been twisted from the plain and manifest purpose of the words, they seem to see it as a deformity, a sort of legislative enigma. They describe it as equivocal, uncertain, vague, obscure, ambiguous.

Each one of them leaves with the House and the country the unmistakable impression that he could have framed a bill that would at once have brought this suffering and confused people, and particularly this legislative body, out of the chaos of difficulties which close us round; that he could have blessed us with the very acme of statutory perfection by a few strokes of the pen. True they have none of them said just how this would have been done, and it will surely go down to history as one of the unfortunate things connected with this important discussion that each of these distinguished gentlemen concluded his speech of general complaint and solemn prophecy without a single flash of his intellectual head-light on the Erebus-like darkness which he has, alas, only sensibly deepened and intensified.

But, sir, it occurs to me to say that even if there were real, intelligent differences of opinion, definitely and unqualifiedly expressed here as to the purport of the several sections of this bill, it would not for that reason alone stand condemned. The proper test of this or any other measure is not whether it satisfies every one in all respects, nor yet whether each one gives exactly the same interpretation to all of its language. I apprehend that such a statute has never been passed in the whole history of law-making.

If the framers of the Constitution had sought to define and limit the meaning of each word used, and to explain the exact application of every clause of that instrument in every possible contingency, they would never have finished their labors, or if they had, the highest value of that great charter would have been absolutely destroyed. So all laws of large scope enact general propositions under which varied and multitudinous controversies may be determined as they arise rather than a complex infinity of rules to forestall every imaginary case which human invention may suggest. Laws embracing large subjects to be effective must enunciate principles and leave their application to the courts.

The right test of this legislation is whether it provides with reasonable certainty proper and efficient means of securing necessary, just, and legitimate objects. The question at issue is, then, whether there is necessity for Congress exercising its constitutional power to regulate commerce between the States, and if so, will the provisions adopted by the committee of conference fairly meet the objects for which they were designed.

The discussion has arisen chiefly from difference of opinion as to the

best methods of correcting existing evils. That is an open question, a new field of speculation, and consequently many different views have been presented upon it. But there is no opportunity for theory and conjecture and difference as to the necessity itself of some legislation. There are too many bare, uncontrovertible facts testifying the urgency of some action designed to remove the unequal burdens which partiality and favoritism have created, and to secure to the great body of producers and consumers alike common rights and common justice.

This bill has been so long resisted, so strenuously opposed on the one hand, and so ardently advocated, so persistently sustained on the other, its disastrous effects so tragically depicted and its certain benefits so glowingly declaimed upon, that the opinion prevails everywhere that it is a most unusual and extravagant piece of legislation. It is supposed to deprive railways of nearly all their natural rights and with the same stroke to confer on the people very extraordinary powers and privileges.

As I understand this bill it but declares certain common-law provisions in reference to common carriers, and provides means for their enforcement.

Railways have so long ignored all the restrictions of the common law that they have actually come to believe their rights are not only coextensive with but paramount to those of individuals. They are so sincerely convinced of the necessity and justice of their business code that they succeed in convincing others of it; and it has taken sixteen years to persuade Congress that there is anything intrinsically wrong in it. Even now many defend this bill much as a "war measure," much as though there were no excuse for it except necessity. Some of its supporters seem to feel that it is a bold invasion of the natural rights of railways instead of a removal of encroachments made by railways on the natural rights of the people.

Now, if I believed such to be the character of this bill; if I believed that it is designed or would operate to place arbitrary and artificial barriers about commerce, I would not vote for it. But its purpose is simply to remove the artificial restrictions that hinder the natural operation and course of trade and traffic.

There is probably not a railway of any importance in the country that does not make itself liable to countless common-law actions daily. Whenever and wherever persons engage in the business of public carrying, the law says to them: You must provide efficient service, you must be fair and impartial, your charges must be just and reasonable. Your "legitimate function is transportation." In your capacity as a public servant you must know nothing of persons, things, or places. You are legally bound to treat all alike. Discriminations and favoritisms are forbidden.

How do the practices of railways conform to these first principles of the common law? While Congress has been considering, debating, and through its committees investigating this important subject, interesting evidence has been taken, many facts compiled, and much valuable matter contributed to the railway history of this country. I invite your consideration for a moment to a few typical illustrations of usages violative of the public obligations mentioned, and answering fully and plainly the question just asked.

> The respective classification of domestic dry goods and groceries imposed in 1883 a rate of 75 cents per hundred pounds on domestic dry goods from New York to Chicago, while the rate on coffee or sugar by the car-load was 35 cents per hundred pounds. The representatives of the dry-goods interest urged that it cost no more to haul a car-load of cotton fabrics from New York to Chicago than it did a car-load of coffee; that dry goods were cleaner, more easily handled, and less liable to damage than sugar and coffee; and, finally, that the profit on domestic dry goods was notably smaller than on almost any other class of wholesale trade, and furnished no justification for the policy of making it bear twice as large a proportion of the railway charges as other lines of trade.

The unjust distribution of charges in this instance probably has its origin in custom, and is a sort of survival. The profits on cotton goods were much greater formerly than now, and according to the practice of "charging freight what it will bear," the rates were established which it is now found impossible to get changed. No such explanation, however, can be offered for the discrimination made in rates on live-stock and dressed beef, under which on the first day of last month dressed beef was charged 65 cents per hundred pounds and live cattle 35 cents per hundred for transportation from Chicago to New York. One writer, after reviewing the reasons assigned on the part of the railroads in defense of this practice, says:

> The inadequacy of these pretexts forces us to believe that the real reason why the railways uphold this discrimination is, the generally received one, that railway corporations themselves, or the influential railway managers, have large proprietary interests in live-stock yards throughout the country, and that, rather than allow their vested interests to be depreciated by the general introduction of dressed beef, they are united in depriving shippers and consumers of the benefits of the economy of transportation made possible by the dressed-beef trade.

Discriminations as to places have led to some highly ridiculous absurdities. Think of goods being transported one-fourth cheaper from New York to New Orleans than from New York to Atlanta! Behold Pittsburgh freight destined for Texas start for New York and return by way of Pittsburgh! Look at Pennsylvania wheat going by way of Ohio to New York; of goods from Chicago to Denver by way of San Francisco, and the coal of Eastern Pennsylvania selling at a lower price in Boston than in Philadelphia!

It is scarcely necessary to cite instances of partiality to special corporations and individuals. It is the most reprehensible and least excusable form of favoritism, and is by no means the least common. There is scarcely a shipping point of any significance in the country where railways have not practiced this vicious abuse. The Standard Oil Company is an appalling example of its evils. It has been well said concerning this that—

> It does not require any great technical knowledge to see that the payment of $10,000,000 rebates to a single oil-refining corporation in sixteen months is a vital attack upon the independence and even the existence of its competitors. * * * The wealth of this company represents the reward which can be obtained by securing the favor of the railways to crush out open and honest competition. The infliction of that curse (the Standard Oil Company) upon the nation must be charged to the policy which unites the railways in efforts to suppress competition among themselves and to give favored shippers a monopoly of the traffic by discriminating rates.

No one on this floor can defend such acts as these. Think for a moment of their general application. If individuals were to resort to such practice it would condemn and ruin any private business dependent on the good will of the public for its support. What would become of the farmer's market if the price of his produce varied with his customer's ability to pay? What liveryman could afford to charge patrons more for the hire of his carriage one hour than for ten? How long would any merchant stay in business who favored customers from one locality over those of another?

No, gentlemen, such a system of management is absolutely without defense or justification. It violates not only the simplest and best understood common-law obligations, but it unsettles all business calculations—is against all business principles. It builds up one man's fortunes on the ruins of another, is without legal or moral support anywhere, and unchecked is a menace to private and public prosperity.

Any measure which deals temperately and fairly with the great interests involved, but at the same time brings the railways back and confines them with strong hand to their legitimate business as common carriers, restoring to the public its own again, would be little less than a second bill of rights.

I am not such an enthusiast as to expect this of a single legislative act alone, nor a single spasm of interest in the subject by the people; but all advancement must have its origin, and I am for this bill because I believe it moves out in that direction.

The key-note of the whole measure is sounded in the first section, which declares that all rates shall be reasonable and just. The next few sections, until we come to the provision for the establishment of the commission, little more than specify and forbid special practices of railways which are in violation of this principle.

It is unjust and unreasonable for a common carrier to charge one person more than another for the same service, under similar circumstances and conditions, so the second section prohibits special rates and drawbacks. And all devices which are a means to this end are prohibited and declared unlawful.

The third section involves exactly the same principle, but especially directs its application to the prevention of preferences being given to one place or kind of traffic to the prejudice or disadvantage of any other place or kind of traffic.

The much-discussed fourth section seems to me to be little more than a corollary to those which precede it. The practice of charging more for a short than for a long haul when the shorter is included within the longer presents on its face an unjust discrimination. Hence, the section specifies such cases as violations of law. This would doubtless have been the judgment of the courts in most instances when such cases came before them for determination without this express provision. The value of this as well as the two preceding sections lies in the fact that the application of the law is here made certain and definitely settled in a large class of cases, and in some measure a proportionate amount of litigation will be thereby forestalled and obviated.

It is, however, contended that it is not unjust and unreasonable to charge more for a short than for a long haul, and gentlemen here and elsewhere have pronounced this section both arbitrary and preposterous. They maintain that it will work great hardship to railroad companies and greatly injure the large commercial cities and shipping points and country tributary thereto; that it will deprive them of the natural advantages which built them up and bring them to the common level, commercially, of every little village and station in the country. They argue that it is not an unfair discrimination to charge, for instance, less for a car from Chicago to New York than from some intermediate point.

They say the effect of this law will be to raise the price of the car from Chicago without in the least degree lessening the rate from the intermediate point. The natural inference to be drawn from this is that railways are carrying through freight at a losing rate and making their profit upon local traffic; and it has been asserted that through freights are simply carried because they help pay running expenses, while local charges are regulated to yield a fair return upon the great capital invested.

Whether this be true, the public has no means of knowing. They are ignorant, totally ignorant, of the profits or losses of railways on their capital actually invested. There is, however, no sufficient reason

which suggests itself to the average mind why railways, obeying no law but their own voluntary regulations, should fix through rates so low as to yield no profit at all. But some one says competition forces them down at these great shipping points to actual losing rates. Surely competition between the railways alone does not do this, for none of the competitors could or would long pursue such an expensive policy from choice. Besides, they have a plan of combination called "pooling," which pretty effectually dulls the edge of railway competition, makes the different corporations members of one great family, with ties stronger than those of blood.

Ay; but, says some gentleman, strife with river, lake, and coastwise carriers is, however, a competition which forces rates below all possibility of profit for the railways, and where this exists they always carry at an actual loss on the through freight. While it is true that lake and canal charges modify railway rates in a degree in localities and on lines in contact with the water system, still even here railways are not wholly defenseless, although it has been asserted and gone unchallenged in this debate that they are. Several qualifications, and even exceptions, I think, may be fairly made to this claim, and I state them briefly without taking the time to enlarge upon them.

Carrying by water is limited to comparatively few shipping points, while the discriminations complained of in long and short hauls are not confined to those competing points nor their connecting lines, and can not, therefore, be assigned to this cause alone.

Water ways are open to use for only a portion of the year, and though the effect of their competition is marked during that time in the sections of country contiguous to them, yet the advance in railway rates in the winter months is not so great as to indicate a certain losing rate while navigation is open.

The rates from Chicago each month of the year 1885, which I give you, do not, I think, show either such rates or such a variation in rates as to warrant the belief that from the 1st day of May to the 1st day of December the railroads were carrying freight to New York at less than cost.

The rates from Chicago to New York upon certain products, as reported by the several trunk lines upon the first day of each month for the year 1885, were as follows:

[In cents per 100 pounds.]

| Months. | Cattle. | Horses. | Sheep. | Hogs. | Dressed beef. | Grain. | Flour. | Potatoes. | Tobacco. | Lard. | Pork. | Wool. | Lumber. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| January | 40 | 60 | 50 | 30 | 70 | 25 | 25 | 30 | 27½ | 30 | 30 | 60 | 35 |
| February | 40 | 60 | 50 | 30 | 70 | 25 | 25 | 30 | 32 | 30 | 30 | 60 | 32 |
| March | 40 | 60 | 50 | 30 | 70 | 25 | 25 | 30 | 32 | 30 | 30 | 60 | 32 |
| April | 40 | 60 | 50 | 25 | 70 | 20 | 20 | 30 | 28 | 25 | 25 | 60 | 32 |
| May | 40 | 60 | 50 | 25 | 70 | 20 | 20 | 25 | 28 | 25 | 25 | 60 | 30 |
| June | 30 | 60 | 40 | 25 | 70 | 20 | 20 | 25 | 28 | 25 | 25 | 60 | 30 |
| July | 25 | 60 | 40 | 20 | 43½ | 15 | 15 | 25 | 28 | 25 | 25 | 60 | 30 |
| August | 25 | 60 | 40 | 25 | 43½ | 20 | 20 | 25 | 24 | 25 | 25 | 60 | 30 |
| September | 25 | 60 | 40 | 25 | 43½ | 20 | 20 | 25 | 28 | 25 | 25 | 60 | 30 |
| October | 25 | 60 | 40 | 25 | 43½ | 20 | 20 | 25 | 28 | 25 | 25 | 60 | 30 |
| November | 25 | 60 | 40 | 25 | 43½ | 20 | 20 | 25 | 28 | 25 | 25 | 60 | 35 |
| December | 25 | 60 | 40 | 30 | 43½ | 25 | 25 | 25 | 28 | 30 | 30 | 60 | 35 |

Some articles in the foregoing table are shipped almost entirely by rail, and yet there runs about the same variation throughout the whole list. All rates were a little lower through the summer and autumn months, when there was not so much produce to move.

There is another significant fact meriting mention in this connection. In this day and age of changing markets and perfect telegraph communication quick transportation is one of the most vital considerations both with producers and shippers. Only a limited number of articles of commerce can afford to take the chances of fluctuating markets to which they are subjected in the delays and uncertainties incident to water transportation. Quick and certain delivery at a fixed date, for most articles of farm produce especially, is demanded by the commercial spirit of our times. These are strong inducements to all shippers to pay freight charges to the railways, notwithstanding the opportunity to ship by water, which lifts them above the necessity of accepting a losing rate, or even one barely paying the expense of moving the train.

And so I say it may be fairly doubted, even where the facilities for water transportation are perfect, whether the railways in order to get their share of the business in any instances are compelled to carry at less than cost or indeed without a reasonable profit.

It must, however, be admitted that to a certain extent water ways and railways are competitors, and that the former with their natural courses have some advantages over the latter. It is for this reason, and for this reason chiefly, I apprehend, that the bill confers upon the commission it creates the authority to suspend the operation of the long and short haul provision. I do not believe that clause was born out of an overweaning desire on the part of the committee to protect either the railways or the shippers, but that it was prompted by a wise and thoughtful prudence.

And right in this connection I desire to ask the gentleman representing the conference committee on the part of the House, Judge CRISP, whether I rightly understood his explanation of the term "special cases" as used in this fourth section. When the gentleman from Iowa [Mr. HEPBURN] asked him whether these words in his judgment referred to shipments or to roads, he answered that in his judgment the words referred to shipments. Following out that construction logically it would mean this: Since the operation of the long and short haul provision will only be suspended by the commission "upon application, in special cases," if "special cases" means special shipments then application and decision will be required in each particular case or class of shipments before exemption or suspension can be made. Such a construction, it seems to me, and I say it with great respect to the distinguished gentleman, narrows the scope and meaning of the language unreasonably.

Mr. CRISP. I did not intend to convey that idea. As I understand this section, or that provision rather, it was inserted with this idea: Some of us, and I was one, believed that the absolute prohibition of a greater charge for a shorter haul should be made. I believed in that principle. Other gentlemen insisted that there were particular cases where it would be only just to the railroad to permit the increased charge for the shorter haul; and while I confess that to my mind any suggestions they made in that regard were unsatisfactory, yet in the interest of an agreement, and to prevent any sort of injury, we provided that where there was a particular case, and the railroad company could show it to the satisfaction of the commission, the commission should have power to relieve that railroad company at that station or wherever the case originated from the operation of the rule.

Mr. LA FOLLETTE. Let me inquire further. Do you mean by particular case, particular shipments only, or may not the term fairly apply in your judgment to a particular road or part of a road, as well as to special cases or classes of shipments?

Mr. CRISP. I am inclined to think a reasonable construction of the language would allow it also to apply either from a particular station to a particular station, or to the whole line of road if they might show a proper case. That is what I understand it to mean.

Mr. LA FOLLETTE. That is exactly as I understand it, but it is not the interpretation which the gentleman gave in answering the question asked by the gentleman from Iowa.

Mr. CRISP. I will look at the exact language.

Mr. LA FOLLETTE. I think if you will look at your speech you will find the construction there is not the same as the one just now given.

And when a short time ago the gentleman from Tennessee [Mr. PETTIBONE] said he would whip any twelve-year old boy in his school who did not at once subscribe to a very similar construction of the same clause, I wanted to advise him never to try it, for the boys ought to and probably would pitch him from the school-house for attempting to force such a reading as that upon them.

Mr. BROWN, of Pennsylvania. That would be a strike. [Laughter.]

Mr. LA FOLLETTE. Yes, and would justify it, if anything could.

Mr. CRISP. I find on reference to the RECORD that this is the language used:

Mr. HEPBURN. I would be glad if my friend from Georgia would allow me a question here before he proceeds with his remarks.

Mr. CRISP. Certainly.

Mr. HEPBURN. Does the word "cases," in the fourteenth line of the fourth section, in your judgment, refer to shipments or to roads?

I refer to the use of the word in connection with the proviso:

"*Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property."

Mr. CRISP. In my judgment it applies to shipments.

Mr. HEPBURN. If I believed that I would not vote for your bill.

Mr. CRISP. I should be sorry to lose the support of my friend from Iowa. I do not want to be misunderstood in the answer I have given. I think that it applies to shipments in this sense, that all like cases on that railroad should be operated under the same rule.

Is there any material difference?

Mr. LA FOLLETTE. It seems to me the only conclusion to be drawn from the language just read is that the commission could not suspend the operation of the rule in reference to places and roads, but only in case of shipments. I did not believe that to be the right interpretation, and I am glad to have drawn out the explanation and correction given by the gentleman in this connection.

I do not agree with him in his opinion that the power to suspend in special cases should have been altogether withheld. While I regret its necessity, because it requires special application and decision to give it effect, and on this account renders the section less serviceable than it would otherwise be in contravening litigation and determining issues really before they are raised, still I believe it was an absolutely necessary discretion to confer on the commission, and I would not see it stricken from the bill. And, sir, finally, when subjected to fair consideration this entire section will be found wise in its purposes, certain in its terms, practical in application.

The fifth section, which forbids pooling, is but a declaration of the fundamental principle of law that agreements in restraint of trade and competition are against public policy, and are therefore unlawful.

The question of the legality of pools has often been before our courts, and they have almost uniformly held that such contracts are unlawful. In 15 Federal Reporter, 650, we find:

An association of carriers to regulate the price of freight, with provisions prohibiting the members from engaging in similar business out of the association, has a tendency to increase the price of carriage, and to suppress competition, and is therefore illegal.

Language no less plain and strong can be found in the reports of New York, Pennsylvania, Ohio, and other States.

Those who object to this section can not do so on the ground that it is any infringement of the lawful rights of railways. But there are those who maintain that pooling is for the people's interest; that it secures certainty and uniformity of rates and should be encouraged as a matter of public policy. Some even seem to think Congress should exercise its power to regulate commerce in making laws to sustain and perfect the pooling system instead of providing means of enforcing the common law against it. The practical objection to this is that pools do not prevent frequent and bitter railway wars and correspondingly uncertain fluctuations in rates. I believe the well-considered checks and balances incorporated in this bill will absolutely protect the business interests of the country from the shocks and disorganizing effects of variations in rates to which they are frequently subjected under the present system.

The simple provisions of the sixth and seventh sections requiring railways to keep in convenient places for public use schedules of their rates and fares, and requiring them to give ten days' notice of any advance in such rates and fares, may seem at first glance to have little significance. But these requirements, together with the restraints of the long and short haul clause, will prove powerful agencies in securing equable and uniform rates. Railways will be reluctant to hastily reduce their rates if they are obliged to give ten days' notice before they can restore them. They will not be apt to allow jealousy nor strife nor even the desire to injure or destroy another company to induce a rate-war when the law forces them to lower all their local charges whenever and wherever those of the short haul exceed those of the long.

The pool destroys competition. It fails signally to preserve even moderately stable and uniform rates because the courts will not enforce the pool agreements and rightly declare them agreements to suppress competition and against public policy. They have therefore become a kind of covenant made between railways with reference to the public business, although the public is not a party, to be kept so long only as it is more profitable to the immediate parties to keep than to break them, and at pleasure ignored as quickly as it is not so profitable, no matter how direful the consequences to the public interest.

It may be difficult to make the provisions of this bill reach every species of these agreements, but it breaks through the line and announces a judgment which at least is the beginning of the end of pooling.

I can not forbear to notice briefly in conclusion upon this section the statement often made in the discussion that even if the pool does interfere with competition this bill will in effect destroy it completely. Why is competition desirable? Simply as a means of securing reasonable rates to the public. And if the effect of this bill is to completely destroy a competition which the pool has already practically suspended it gives us something in its stead which the pool did not give us. It gives us a law which says rates must be reasonable, and furnishes us the means of enforcing that law. It lays bare to the public the business, the books, the expenses, the earnings of the railways, so that it may know when the rates are reasonable. This is all the most perfect competition could give the public, and infinitely more than competition shackled with combinations and pools has ever been able to bestow.

And now a glance at the means provided for the enforcement of these provisions, and I am done. The reasons why unlawful discriminations have been tolerated until a reaffirmance of the common law forbidding them seems like a revolution are obvious. Few indeed dare enter into litigation with railways. The amounts involved are usually small, litigation expensive, results uncertain. Those who can afford to fight the railways are those usually who enjoy their favor. And thus arises the necessity of the Government providing means for the enforcement and execution of the law.

To meet this necessity the bill provides for the creation of a commission whose duty it shall be to watch over the railways and punish violations of law. Every citizen of the United States is given the right to present his grievance and have his case tried without the attendant cost which now practically closes the courts to him. The definition of the powers of the commission, the directions for making applications, the requirement of written reports of all investigations and decisions, thus preserving for public inspection full records of all their proceedings, the right of appeal by petition to the United States courts and for the payment of expenses, are simply means to an end, and for the first time in our history arm the individual for an even-handed contest with a corporation. It has been objected that the commission can not do the work intended. The idea of five men overseeing all the railways of this country has been much ridiculed. Answer might be made that two or three men do dictate the policy of most of them under the present régime; but without flippancy it may be suggested that it will be easy to provide the necessary force to do the work as soon as it is found that the commission is overburdened.

If it were to be presumed that the law would be persistently defied, and that every case arising under it would be tried, the commission and the courts would indeed have to be multiplied many times to meet the emergency. But the committee has not proceeded upon any such theory, nor is it the correct one. If we can judge the operation of this law from the experience of States in the administration of similar legislation affecting corporations, we must be prepared for some sharply-contested litigation in the beginning. The railways will insist on their own construction of it; the people upon theirs. But the cool, determined administration of the law in a few test cases settling pivotal points will change the whole aspect of affairs, will bring order out of chaos. The railways will alter their management to conform to the decisions, and the benefits of the law will soon be secured without further strife or opposition. The judicial functions of the commission will cease to be arduous, and will become chiefly supervisory and executory.

Mr. Speaker, I have no apology to make for my support of this measure. I know little of railway management, but I think it is no injustice to suppose that some of the fear and alarm expressed in railway circles concerning this bill is but the exaggerated apprehension with which conservative men always regard any radical change in the method of conducting their business. The prosperity of this country and of railways are interdependent. Any measure that would permanently injure railways, that would cripple their usefulness, would certainly be against public interests. But this legislation has been under consideration many years. All sides have had a hearing. It is no hasty expedient adopted to meet some sudden emergency or popular demand of the hour. It pursues no short-sighted, suicidal policy. And all railways that are sincerely anxious to put their business upon a firm and stable, an honest and enduring basis will share the benefits of this law equally with the public.

It is urged in vindication of these discriminations as to different kinds of traffic that they are the result of custom and that railways are not to blame for the practice. If railways maintain incongruous rates upon dry goods and groceries simply because dealers in the one insist upon a long-established low tariff while transporters of another submit to a relatively exorbitant rate because of long usage, if managers dare not make new classifications because of the responsibility that the consequent strife and contention and business disturbance would place upon them; if this is true—and it is the reasoning of men who ought to know—then in this instance the law will surely be a great benefaction to railways. They will secure the benefit of a reasonable and just standard of classification without being in any degree made answerable for any of the unfortunate consequences that may result from the change. If the enforcement of the provision that all rates must be just and reasonable should necessitate a readjustment of the charges on different kinds of traffic, surely no one could complain nor hold the railways answerable for any temporary business unsettlement that might occur, because the classification would be made in accordance with express law.

So if discriminations in favor of places are, as is claimed, necessary under existing conditions of competition, and if the provisions of this law, operating as they do upon all railways alike, relieve them from the pressure of that necessity, they will profit accordingly. If the publication of rates, the obligation to give notice of any advance in them, together with the restraint of the long and the short haul clause, operate to make their business certain and stable, railways are as much the gainers as the public. While it may cut off a few sources of large profit, it acts as a preventive of great losses.

And so, sir, while it may be difficult for men of the present school of railway management to adapt themselves to the new conditions; while it may be impossible for them to understand how any other practices than those which have been long established can succeed, still I believe the time will come when even they will recognize the wisdom, from a business standpoint, of the principles of this law; when they will wonder how a management permitting such disproportional rates, such acts of favoritism, involving so many conflicting ideas, how such a management ever flourished.

And, sir, the time will come when it will be a marvel how such abuses ever arose and why they were so long tolerated; when all parties alike will wonder how the just and simple provisions of this initiatory measure ever created such bitter and uncompromising opposition.

And so, Mr. Speaker, believing as I do that this legislation is for the real interest of all parties and for the whole country, I give it my cordial and hearty support without reservation or without qualification. I do this, too, knowing full well that its enemies will not be swift to admit its wisdom, and that some of its friends will not find its immediate effects an entire fulfillment of their most ardent anticipations.

Those who expect the law will cure all evils; that it will bring prosperous times and pay every man's debts; that it will make the sun shine opportunely and the rain fall in season; that it will open a mine on every man's land and put money in every man's purse, are to be grievously disappointed.

But those whose expectations are in line with the purposes of the bill will, I trust, ultimately see its promises fulfilled. It may take years of supplemental legislation to accomplish it, but I believe the time will surely come, and I hope it is not far off, when railways will be limited to their legitimate sphere as common carriers; when they will conduct their business upon the same principles of impartiality toward persons, places, and things as govern the United States mail service; when they will have but one standard of regulating rates, the cost of transportation; when they will seek but one object, perfect service to the public and fair profits upon the great capital actually invested.

---

## Revenue and Tariff Laws.

---

# SPEECH

OF

# HON. E. B. TAYLOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March* 3, 1887,

On the revenue laws and the tariff.

"Oftentimes the cheapest is the dearest; the money price is not always the whole price."

Mr. E. B. TAYLOR said:

Mr. SPEAKER: The bill now under consideration affords an opportunity for discussion of the opposing doctrine of protection and free trade, but I shall not avail myself of it to any considerable extent; and yet I shall glance at some of the views of those engaged in the controversy.

He who adopts a theory of legislation founded upon philosophical speculation purely, without regarding the conditions existing outside of it, although he may remain satisfied with his principles and confident of success finally, will be astonished to find unexpected results when he makes the application to practical affairs. Experiments made in an exhausted air-receiver might not be recognized when repeated in the open air.

So it is useless to inquire what would be the true principles of international trade if the conditions of all the nations were alike, or if unlike, equal in respect to each other. In that case one might conclude that the freest exchange of the diverse products of all would be to the advantage of each, but if location, fertility of soil, superior natural productions, ability or skill in availing itself of advantages, one nation should be superior to all others, or to any other, it might be fairly concluded that free, unregulated interchange of commodities might result in the disadvantage of some.

The abstract question of free trade therefore is an unprofitable subject of debate.

Ours is an undeveloped, new country, occupying a peculiar situation, abounding in condition elsewhere non-existing. So far as it has been developed, and so far as its conditions have been fixed by legislation that development and those conditions have been made under and largely by virtue of protection legislation. Under such circumstances as surround us now it is not necessary to inquire what would have been wise in the beginning, but rather what is wise now.

We can not if we would, and I trust we would not if we could, abandon custom duties. Revenue must be had, and must be raised by duties on importations, by special tax on home products, or by direct taxation apportioned among the States in proportion to population. The last named method would be unequal and unendurable; the second is also unequal and obnoxious.

The first is most adjustable, fairer, less burdensome, and it has capacity to protect and relieve. We should act for the interest of our own people and not for the benefit of rivals. Those even who look to foreign sources for their opinions will adopt this view.

Our aim is the just interest of England regardless of the object of other nations—

Declares the Cobden Club. Bismarck wrote:

In revising the tariff our own interest is the only thing that can guide us.

He also said:

In the field of political economy the abstract doctrines of science leave me perfectly cold, my only standard of judgment being experience.

Claiming to be as patriotic as Bismarck or the Cobden Club, I adopt the sentiments of these citations and look upon the promotion of our own national interests as a duty and to experience as a safe guide.

Thus far protection to American industry has assisted in the development of the resources of our people, and has given our wage-earners better remuneration for their labor than was ever received before by the laborers of any country. An English author long ago wrote:

It is much more desirable that the laboring classes should be well paid for a much more important reason than any that can relate to wealth, namely: The happiness of the great mass of society.

And again:

I consider the laboring classes as forming the largest part of the nation, and therefore their final condition is the most important of all.

To which I add an earnest Amen! With large employment of labor at good prices a country must be prosperous; no other test of prosperity is so certain. Aggregate wealth may abound, and still misery and poverty be the rule. The sails of commerce may whiten every sea and the capital of the world center in her borders, but a nation whose people work for low wages or are unemployed is full of paupers and sunk in vice. The state of a nation is fixed by the state of the common people, and the wage rate determines as well as measures the condition of the common people.

It may be that the poor will always be with us, but the highest good of all, as well as the clearest justice, requires that the industrious laborer shall not want for the comforts of life, including reasonable means for the education of his children. If there must be poverty, let it only arise from idleness and vice.

A tariff is a tax, but it is not always paid by the country imposing it, and it often ceases to have the effect of a tax; always when by the protection it affords by inducing investments of capital and development of skill it has created competition and reduced the price of commodities below the rate they would otherwise carry. Experience points to a thousand pages of our history covered with the record of such results, in proof of which I point to the acknowledged, unanswerable and decisive fact that all manufactured goods, most highly and for the longest period protected and which are most largely consumed, are now lower in price and better in quality than ever before. Domestic and foreign competition have been more effective in reducing prices than foreign alone would have been.

Notwithstanding this great success, however, it must be admitted that we have not been able to reach the "market of the world," that cold and cruel north pole of free traders, to reach which no expense of effort or sacrifice of prosperity has been or is being spared. Expedition after expedition is wrecked in the frozen seas of senseless experiments in fruitless endeavor, but the disappointing search goes on and on. Each new pilot with the charts of the lost before him is sure of his points, and under his guidance fools embark in successive voyages, and never emerge from the frosty fogs which experience in vain warns them to shun. Suppose it reached, what would be its value? The world's market glutted with the products of cheap toil is a disastrous market for a cargo produced by well-paid labor.

Can we sell glass in Belgium; silks and fine cloths in France; cutlery in Sheffield; cottons in Manchester; iron goods in Birmingham; or ships in Liverpool or Glasgow at our present rate of wages? We can as well reach that El Dorado of the free trader's dreams, the market of the world, with our tariff on as off if we can sell needed commodities cheaper than others. We may stand in that market-place and cry our wares in vain in any case, unless we can sell as cheap as any. We may take our duties off iron and steel, woolens and fibers, but will England buy our cereals at greater prices than those of Russia and India cost her? Will kindly feelings control her on change, and will sentiment govern her bargains?

The business generosity of England is known to the ends of the earth and in the isles of the sea. She built for our use Alabamas, Floridas, and Shenandoahs, and equipped and manned some of them. She is now willing to build or sell us ships and is ready to supply us with engines for our Navy, and in the most disinterested way she furnishes us, free of cost, literature glorifying free trade, and she illustrates the doctrine by an exhibition of one million of her pauper people.

Notwithstanding our high appreciation of the unexampled generosity of the business interest of England, let me repeat, by way of warning, the maxim of the Cobden club: "Our sole aim is the just interest of England regardless of the objects of other nations;" and suggest that England, possibly, after all, may not care to pay for our manufactured goods or agricultural products beyond the price they bear in the market of the world, even though we humbly lay ourselves at her feet, and for her sacrifice the great system of American development.

Mr. Speaker, though deprecating the attack this bill makes on the lumber, salt, and fish interests, yea, even the slight reduction of duty on sugar, and on the various manufactured articles which come within the scope of its proposed operations, I shall mainly confine my remarks to the feature of the bill affecting wool, and in a preliminary way I desire to call attention to previous, and especially recent legislation upon the subject.

Early in this century import duties were placed on wool, and they remained with only trifling changes till 1867, when disagreements, and perhaps jealousies, having grown up between wool-growers and manufacturers of woolens relating to the effect of existing laws upon their respective industries, an adjustment of their disputes was effected, and was expressed in the laws of that year which largely increased the duties on wools and woolens. The rate then made remained unchanged until 1883, when it was slightly decreased on each.

This reduction caused very great complaint on the part of wool-growers, and much discussion as to the responsibility of the reduction. It was

charged upon the Republican party as they were in power, but was by them vigorously denied. They claimed that in the Senate there was no preponderance in their favor, while in the House nearly all their members were opposed to the reduction, while nearly all the Democrats were in favor of a still more sweeping change. Those who made the change, however, had the advantage of a suggestion in the President's message expressly favoring the reduction.

The full strength of this fact can be tested by recent occurrences. If the official recommendation of the President involves the party to which he belongs in the full responsibility of the measures so favored, it follows that the Democracy is not only pledged to the civil service reform but also to radical changes in our silver coinage. The doctrine is not so firmly held now as it then was. However that may be it is well to present the facts and allow the people to judge of the responsibility as it was then called, or the measure of praise as it would seem to be now considered, to which each party is entitled in the premises.

It should be remembered that for years prior to 1883 a great and constant clamor, having effect upon the public mind, was kept up in favor of a revision of what was called "war taxes" by the Democrats and some others, and which resulted in the general expectation and desire that the tariff should be revised. Each party desired to do the work; the Republicans because they feared the others would prune too much, would revise to death; the Democrats because they feared their adversaries would treat it too tenderly.

The Forty-seventh Congress, barely Republican in politics, provided for a commission to examine and report upon the general subject. On this commission the President, among others, appointed a gentleman largely interested in the manufacture of woolens, and also the president of the Wool-Growers' Association of the United States. These gentlemen with their associates agreed upon what was by them supposed to be a fair schedule for wools and woolens, and made their report to Congress. The House Committee on Ways and Means took this report under consideration, and in due time reported a bill conforming in this respect to the recommendations of the commission, not having heard a word of complaint from any wool-grower, intending to make a reduction not large, but all along the line.

Soon complaints of injustice came from the flock-masters; the committee reconsidered its action and having become satisfied that injustice had been done, it authorized one of its members, Mr. MCKINLEY, to offer in the House at the proper time an amendment to the effect of conforming the bill to the then existing law of 1867.

It never came to the notice of the public that any Democratic member of the committee opposed in the first place the proposed reduction or aided in authorizing the amendment; on the contrary, the public understood, and I here charge the fact to be, that the Democratic members urged a still greater reduction even to the abolition of duties on wool altogether.

I invite contradiction if I err in this assertion. The bill being in the Committee of the Whole was debated clause by clause with pertinacity, till near the close of the session, without ever reaching the wool schedule, and thus no opportunity was given Mr. MCKINLEY to offer the committee's amendment. At this period of time a bill, which had early passed the House, relating to internal revenue, came from the Senate with amendments involving the substance of the House tariff revision bill till then under discussion. The Senate had also adopted the views of the tariff commission so far as the subject now in hand is concerned.

The House bill had been talked to death purposely, because its proposed reduction on wool and various other products was too slight to meet the views of the minority; it was therefore of necessity abandoned, and the Senate amendments to the House revenue bill considered instead. As disagreements arose between the two Houses a committee on the part of each met in conference when the House managers made an effort to strike out the provisions relating to wool and failed, so that the bill was voted on in the House entire without an opportunity for amendment.

Most of the Republicans voted for the bill protesting against this feature of it; a few Democrats voted for it under like protest, but nearly all of them voted against it, not because the reduction was contained in it or because it was excessive, but because it was not sufficient. Some of the Republicans voted against the bill because of the reduction of duties on wool and two or three other articles, among them five members from Ohio, including Mr. MCKINLEY and myself.

While the bill was before the Senate, on the 20th day of February, Senator SHERMAN'S motion to strike out the proposed reduction on wool was lost by a close vote, every Democratic Senator voting "no."

After the passage of the law the Democratic press, public speakers, and conventions denounced the action of Congress as unwise, unjust, and outrageously distructive to the interests of the farmers, alleged that the Democrats voted to protect that interest, and promised to restore the duty on wool when in power. By means of such charges and such promises largely, the Democratic party at the next election carried the House by a majority of about 70. A bill to restore the duties of 1867 on wool was introduced early; after much difficulty and delay it was brought to a vote on motion to suspend the rules and pass the bill, a vote requiring two-thirds of those voting. Of course the bill was lost, no one expected any other result. The bill received 119 votes, 84 cast by Republicans and 35 by Democrats. Against the bill 121 Democrats and 5 Republicans voted.

These facts should be known to the people, and to assist that knowledge I record them here. The distance between promise and performance is too great to require comment, and I make none further than to say that I hope that the people will some day, and in some way, exact from their political leaders a degree of honesty on the stump and in the press that would keep them out of penitentiary if applied to business affairs.

After this attempt at fulfilling promises, the Democratic conventions, notably in Ohio, continued to resolve in favor of restoring the duty and to denounce the Republican party for reducing it. They took advantage of an apparent phase of the vote in the Forty-seventh Congress, and construed their vote against the tariff-revision bill as an intended vote against the reduction of duties on wool and nothing more, as dishonest a construction as it would be to read the command against murder omitting the word "not." Many, however, were honest in it, having been misled by those who were not.

The people were made to feel that the Republican party had done the wool-growers a great and purposed wrong, and that relief must come through the efforts of their opponents. None of the many Democratic orators informed the people that wool was raw material and should be free. None of the Democratic conventions whose proceedings I have seen have yet declared that fact. Nay, even in the national platform of 1884 is repeated this charge of having injured the great wool-growing interest in these words:

It—

The Republican party—

has depleted the revenues of American agriculture, an industry followed by half our people.

A damaging impeachment, if true, and as damaging against any other party of whom it becomes true. From the many pledges of that platform I also quote one:

The Democratic party is pledged to revise the tariff in the spirit of fairness to all interests. But in making reduction of taxes it is not disposed to injure any domestic industries, but rather to promote their healthy growth.

The platform, by complaint and pledge, had its expected effect, and its fruit has been gathered in the election of a Democratic majority of the House and a Democratic President; but now, at the first opportunity, that majority, forgetful of charges made against opponents or pledges made by their own party, seek to put wool on the free-list. Had the distinguished chairman of the Committee on Ways and Means put the avowals of this bill into the Chicago platform, the question of civil service reform would not now be seriously disturbing the harmony of the Democratic party.

Under these circumstances the introduction of the bill is an unexpected event, but by far it is less surprising than the reasons given by the committee for it. I quote two extracts from the report:

From the statements of the Ohio Wool-Growers' Association it appears that the market price of wool is not three-fourths of the cost of actual production; that with the existing protective rate of 10 cents on the pound the price is still 10 cents below the price at which it can be profitably grown in the great wool-growing States of Ohio and Pennsylvania.

Again:

It has already been shown, by statements of wool-growers, that the wool duty imposed by General Garfield's associates, successors, and school of economists did not promote the growth of sheep husbandry, and it is proposed to remove it.

These extracts, it must be remembered, are the statements of the committee and not of the Ohio Wool-Growers' Association or of wool-growers, notwithstanding the phraseology of the report. The allegation that the tariff of 1867 did not promote sheep husbandry is as certainly the assertion of the committee as are the words immediately following, to wit: "And it is proposed to remove it." The statements of the Ohio Wool-Growers' Association as to the cost of growing wool were made during a period of extreme depression of its price, when wool brought the lowest price it had ever reached, quality considered. The reduction of duty in 1883, joined with other depressing influences, had driven it out of the range of ordinary quotations, and from which it was expected to recover even with an unchanged duty. Moreover, they were made with a view of inducing a restoration of the old rate of duty, and, confessedly upon a basis of mere approximation of cost, necessarily so.

To take such statements, made to apply to a temporary condition of affairs, and represent them as showing the condition of sheep husbandry, past and future as well as present is apparently to be uncandid and unfair. To make them the basis of legislation as showing the natural and permanent situation of the subject upon which it was to take effect would be to exhibit the extreme folly of apprenticed statesmanship.

The ability and known candor of the eminent gentlemen composing the majority of the committee preclude the possibility of their having acted in so important a matter upon such reasons, and I infer that this part of the report was written without due consideration.

It is to be regretted that the committee was not more specific as to the authority upon which they declare that the wool duty of 1867 did not promote the growth of sheep husbandry. It is not fully satisfactory to say: "It has already been shown by statements of wool-growers." One would like to know what the statements were, who "the wool-growers"

are; or does the committee refer to the Ohio Wool-Growers' Association, and to the statements quoted? No wool-grower of any intelligence in his own business could have made any such statements, and none ever did. No matter, however, what the character or intelligence of the informant, abundant facts in the possession of the committee, or easily obtainable by it, forbade any faith in such information.

I know of no better illustration of the power of duties upon import in development of industries than that furnished by the law of 1867 and its results. In the spring of that year there were in the United States 22,000,000 sheep, yielding 60,000,000 pounds of wool; in 1883, notwithstanding the business depression of 1873 and several suceeeding years, involving all lines of business, sheep had increased to the number of 50,000,000, shearing 320,000,000 pounds. By reason of careful and expensive breeding and attention the clip was more than doubled per head and the quality much improved, so that we had the best wools in the world. Food and shelter had been provided at unstinted cost, and the farmer was proud of his work.

In 1883 the capital invested in wool-growing was estimated at more than $500,000,000, more than three times that of 1867. This result was traceable directly to the act of 1867. The committee say, however, that the statements of wool growers show that the tariff of 1867 did not promote the growth of sheep husbandry. Impossible! If this be not growth, what is it? If it be not astonishing growth, at what could we be amazed? Without profit no one would have persisted during all those years in investing money, labor, and intelligence in the enterprise.

But lo! misfortune has come and that by a change in the stimulating, developing law existing for years, and the flock-masters come to Congress for aid and petition only to be put back to their old place; the mockery of a hearing is allowed them; they come again to this Congress, open their books and show their claims; they ask for the law under which they prospered; their bill lies on the table of the Committee on Ways and Means without even the poor favor of an adverse report, lest it be placed on the Calendar within the limits of a possible vote; but as their business seems not to be—is not—profitable just at this juncture, the committee seize that fact as an excuse for its attempted destruction; they are told: "Your business is not good; we will take it from you. You have to be sure of $500,000,000 in it, yielding $120,000,000 yearly to the resources of the country. But let it go; we have promised to reduce taxation, and to put wool on the free list will reduce the revenue $3,164,295.96 annually, while the tax has been a great national hinderance to the woolen-manufacturing industry."

Shades of Machiavelli and Munchausen! The free trade Democratic House Committee on Ways and Means urging the interest of "the robber baron monopolists" as a reason for withdrawing all protection from the wool-growing agriculturists! In the words of Reverend Jasper, "Brethren, the sun do move."

As one more example of the fairness of the reasons given by the committee I refer to page 3 of their report, and quote:

> For many years last past the rate on imported wool has been more than double that imposed on other products of the pasture, field, and farm. These lower tax-protected products have outrun or kept far in advance of the wondrous growth of our population. Wool protected double as much has fallen farther behind.

I have already shown how true this last sentence is. Prior to 1867 we furnished but a small proportion of the wool entering into consumption. Since then, or at least recently, notwithstanding the "wondrous growth of our population," and the still more wondrous growth of consumption, we have been able substantially to supply the demand.

On the same page the committee say:

> The price of wool has been downward for many years; it declined when the tax was highest and protection greatest.

Are they prepared to say that it declined because of protection and consequent home competition? If not, there is no point in the statement. If yea, what becomes of the essential theory of free trade that a duty increases the price of commodities? Mr. Speaker, the committee knows that the price of wool has declined because of the increased production in Australia and New Zealand, cheaply and abundantly grown, and though they failed to mention it, they know that wheat has declined in as great proportion for like causes. "The products of pasture, field, and farm" have in truth lessened in value; cereals, fibers, and vegetables, as well as the products of the orchard and the dairy, are cheaper, but shall their productions be despised and abandoned? You who eternally clamor for cheap things should rejoice; and you do. There need be no great anxiety for a decrease of the revenue. I think I see causes which will make it sufficiently limited. The surplus in the Treasury can be gotten rid of, and doubtless will be. If our productive industries are to be continually raided and crippled our people will soon become too poor to buy imported luxuries or necessaries, and the blessings of a depleted Treasury will be on us before we are prepared for the boon. This bill, if it becomes a law, may assist in reducing the public revenues, but that is not certain, because it is now unknown to what extent importation of woolen goods will take place under its provisions; but admit that a reduction of over $3,000,000 will be effected, as its friends contemplate, I submit the sacrifice made to obtain it is too great. If wool-raising is unprofitable with a duty of 10 cents on each imported pound, it can not exist if that duty is remitted. Deduct ten, and the industry can not survive, and the capital invested in it must for the most part be lost.

A measure to facilitate the introduction and spread of pleuro-pneumonia would be as wise and not more destructive. It would, like this, also reduce the revenues of the people, if not those of the Government. There are some industries that must be preserved at any or all costs, no matter what supposed political exigencies may require, or what the Manchester school of political economy asserts. We must at all times have the skill and means of forging and providing all weapons and materials necessary for defense, whether they be ships, or guns, or food, or clothing. Wars will come, and when they do it will be too late to buy Krupp guns, or armored ships, foreign food, or foreign clothing. He is no friend of his country who in times of peace disarms and binds her; he is no friend of his country who buys ships abroad and would put English engines in our Navy, and permit the skill and muscle of our artisans to perish of non-use; but such are no less patriotic than he who would feed us from the granaries of India and clothe us from the wools of Australia.

The rot of cheapness possesses men's minds and paralyzes their good sense. Oftentimes the cheapest is the dearest; the money price is not always the whole price. An English writer of nearly a century ago said:

> If a country can only be rich by running a successful race for low wages, I should be disposed to say at once, "Perish such riches!"

A glance at this bill shows that its penalties fall mainly on the farmers. It is difficult to account for this, as the first clause of the committee's report shows that duties of 200 per cent. ad valorem rest on some articles of import. To reduce such enormous duties would lessen the revenues and on free-trade principles relieve the consumer; but they remain untouched while an article of domestic industry of prime importance, involving the welfare of millions of people, though bearing but 30 per cent. duty on its average price, is selected for the free-list and destruction.

Place the already quoted paragraph from the Democratic platform of 1884 by the side of this fact and note their correspondence:

> The Democratic party is pledged to revise the tariff in a spirit of fairness to all interests. But in making reductions of taxes it is not disposed to injure any domestic industries, but rather promote their hearty growth.

Possibly sheep husbandry may be regarded a domestic industry not to be injured, but rather promoted in its healthy growth. The assurance of healthy growth may not be apparent in this bill, but it is doubtless there; real free-trade growth and fostering care! such as is assured a kitten in a bag at the bottom of the river.

What a huge joke, what a screaming farce those solemn words disclose when read in the light of their true interpretation here!

For a time the pledge answered its purpose and appeased those Democrats who, in the Forty-eighth Congress, assisted in the defeat of the late lamented horizontal bill, and thereby made possible the return of the Democracy to power, but beyond them and their following it did not amount to deceit. It was not intended for further belief. Nevertheless it was an attempted and successful crime against the faith of the people, one that will not be forgotten or condoned, but one to which due punishment is attached by the laws of justice and of fate. No righteousness imparted to the little band of Democratic protestants can again ward off swift and thorough condemnation; nay, by joining in the organization of the House they have made this bill a living, threatening danger.

A blind rage for revising "the odious war tariff" has seized upon the Democratic party; it matters not to them how or when it is done, so that it is accomplished. In the Forty-eighth Congress a general, even reduction all through was attempted. In the Forty-ninth Congress a bill was introduced striking at a long line of industries, iron, steel, cottons, woolens, glass, &c., but not at wool. The laboring men engaged in those industries brandished their organized votes in the face of the committee and in sight of the House, when instantly the whole array of gentlemen bearing Democratic pet names, such as "iron king," "robber baron," "monopolistic" and "wage-grinding aristocrats," found favor in the sight of free-traders and were released from serious peril. But the vow had been recorded; the sacrifice must be made, and Isaac was offered instead of the ram. In the effort to revise the tariff the farmer was made the victim.

The farmers, undemonstrative, patient in carrying the burdens of others, loyal to party, confiding in promises, inclined to accept excuses and apologies, although millions in number, being unorganized in action offered the least prospective resistance and received the blow.

But, gentlemen, you have made a mistake. The farmer is also a laboring man, though you had forgotten it; he too votes, and you will learn his power. You cower and cringe before the cap and apron of the mechanic, but you will learn in time that red blood runs in the veins of agriculturists also. You should have known it. It crimsoned every battlefield of the great rebellion.

The farmer was at the beginning and end of the war. He was at Gettysburg, in the Wilderness, at Appomattox, and he will meet you at "Philippi." He can take care of his interests by his ballot, as he protected the flag and saved the country by his arm. He is as earnest

now as he was then, and as strong. You have played the foot-ball with his interest long enough. He now says to you, "Beware!"

The sudden change of the front of the enemy of the development of American resources deceives no one. The attack began early in last session on iron, steel, ore, cottons, woolens, glass, and pottery, abandoned for the most part as to them, and continued as to salt, lumber, fish, and hemp, and later commenced on wool, is in every phase an attack on the citadel of protection. There has been no change of mind or heart on the part of the assailants, only a change of point of assault. Once in the citadel, it matters not by what gate they entered.

The woolen manufacturers and free-traders have made no compromise. The lion and the lamb have not lain down together, or if they have, so much the worse for the lamb. The attachment of the free-traders to the manufacturers, notwithstanding the wooing language they now employ, is not as strong as the love of David and Jonathan, above that of women. The intention of the free-traders may be honorable, but I advise caution against a betrayal.

In any event, however, I can assure all interested that if for free goods and light tax the flock-master's investments are destroyed, he will need very cheap goods; taxes will interest him less, as he will have little to pay on and less to pay with.

Mr. Speaker, in conclusion I protest against the blind policy of legislation which runs amuck with great national interest for mere supposed party necessity, careless and indifferent as to all other objects, striking to the right or left as accident, caprice, or chance of success may direct, with wisdom no more emphasized than that which sent a cargo of skates to Rio de Janeiro, under the equator, for a market in 1808.

---

NOTE.—"War taxes!" During the war and just after almost every article of domestic manufacture was taxed specially; the list contributing to the internal revenue was endless, and brought in one year, 1866, more money by $16,000,000 than the receipts in 1884–'85 from all sources. Now the list consists of whisky, malt liquors, tobacco, and national-bank circulation. Income tax, stamps, and all others excepting those stated have been abolished.

Also during the war in addition to expending the revenues we made large indebtedness; now with largely reduced income we are paying debts and pensions. As large a revenue is required to pay debts as to create them.

Why, then, should we not expect to bear, even yet, some of the burdens of the war. The war debt is unpaid and the interest on it is constantly maturing. The widow of the dead soldier and the battered victim of the war still live. The war is over but the cost is not paid. Thousands of millions will be required before the debt-sheet is balanced. Let those who made the war shudder at the recollection of their crimes rather than shirk the expense.

---

**Legislative, Executive, and Judicial Appropriation Bill.**

---

## SPEECH

OF

# HON. NEWTON C. BLANCHARD,

OF LOUISIANA.

IN THE HOUSE OF REPRESENTATIVES,

*Saturday Night, February* 26, 1887.

The House being in Committee of the Whole on the state of the Union for the consideration of general appropriation bills, and having under consideration the bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes—

Mr. BLANCHARD said:

Mr. CHAIRMAN: It is due to the House collectively, and to my friends on the floor of the House individually, as well as just to myself, that I should be given the opportunity to state my reasons for my inflexible opposition to this bill.

Those who are responsible for this bill, its preparation and presentation to the House, should seek the earliest possible opportunity to confess themselves in the solemn and impressive language of the Episcopal prayer-book, "We have done those things which we ought not to have done, and have left undone those things which we ought to have done."

A MEMBER. "And there is no health in us."

Mr. BLANCHARD. The bill is an abomination both as respects matters that are in it which should be out of it and matters that are out of it that should be in it. It is a record of some of the sins of the committee—sins of commission and sins of omission. On the one hand it might be fitly characterized as a bill of suppression of the just and legal rights of some of the officials of the Federal Government, and on the other hand it may be not inappropriately described as a bill of expression of favoritism to a fortunate few.

I have heard the bill denounced by a competent judge, himself a distinguished and experienced member of this body, as the worst and meanest appropriation bill of the kind which has been brought in in years.

Mr. Chairman, that is strong language with which to criticise a bill brought in by a committee of this House, and I give utterance to it with the greatest deference for the House, and with profound respect personally—with a distinct emphasis upon the word "personally"—for every one of the fifteen estimable and excellent gentlemen composing the Committee on Appropriations. But, sir, however harsh the language may seem to be, if I have time to speak on the bill at length, as I shall have if it be considered in the ordinary way, and is not attempted to be put through under suspension of the rules, I hope to justify it by an analysis and dissection of the bill before the House.

Mr. Chairman, this House has for years witnessed the spectacle of the Committee on Appropriations attempting to dominate over and to dictate to the House, and it is time that that should cease. As I understand the duties of the Committee on Appropriations, it is that it is given to them in charge to bring in a bill appropriating in detail, pursuant to the provisions of existing laws, the funds necessary to carry on the business of the Government. Their mandate is prescribed to them in specific terms, and the right or power to change existing law in reporting appropriations is distinctly and jealously withheld.

The rule of the House is as follows: "No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

This bill attempts to evade that rule both directly and indirectly.

Directly, by containing provisions which operate a change of existing law, and were deliberately designed to accomplish that very thing. Indirectly, by withholding appropriations called for by existing laws, and without which the duties and work enjoined by those laws can not be performed—tantamount to repealing or rendering inoperative those laws, and equivalent to a direct proposition to change them.

Mr. Chairman, after a study of this bill for some days, I stand here in my place with all the responsibility devolving upon me as a representative of the people, to say that the bill violates the rules of the House more than one hundred and fifty times. Those violations consist in changing existing law by raising salaries in some instances, and in other instances reducing salaries below the amounts at which they are fixed by law. Not only that, sir, but there are other provisions in this bill that have no relation to salaries, which change existing law. The very first few lines of the bill contain the provision that the salaries in it "shall be in full compensation for the objects hereinafter expressed," and yet, as I have stated, in more than one hundred and fifty instances the salaries of officials have been changed by the bill from the sums at which they are fixed by law.

A point of order will doubtless be made against those words "in full compensation," and under the rules of the House they will be ruled out. And what will be the result? Why, sir, every official of the Government whose salary is reduced by the bill can go into the Court of Claims and sue for the difference between what the bill provides for him and what the law fixes his salary at, and recovery is inevitable. On this very point I quote the language of the gentleman from Indiana [Mr. HOLMAN] himself, chairman of the subcommittee which prepared this bill and who is now in charge of it—language used by him in debate in the last session of Congress when the legislative, executive, and judicial appropriation bill of that year was under consideration.

I read:

Mr. HOLMAN. As a matter of course if the language "in full compensation" is to be omitted from this bill, Congress should at once appropriate the whole amount of these various salaries, for otherwise the Government will be subjected to the expense of suits in which recovery by the officers is absolutely inevitable.

The Committee on Appropriations in that session of Congress had put the words "in full compensation" in the bill, and the point of order against it was made by the distinguished gentleman from Illinois [Mr. MORRISON]. The point was sustained and those words were stricken out, and it was in the debate on the point of order that the gentleman from Indiana used the language I have quoted. Notwithstanding the lesson then taught him that it was a violation of the rules of the House to use the words "in full compensation" in a bill which reduces salaries below what they are fixed by law at, he brings in the present bill with identically the same language.

Mr. Chairman, early in this session of Congress, I, with one or two of my colleagues from Louisiana, and with the senior Senator from our State, went before the Committee on Appropriations and pointed out to them the law creating the Mississippi River Commission, prescribing the duties of the commission and fixing the salaries of its members. We further pointed out to them that in the first session of this Congress they had deliberately omitted from every one of their appropriation bills provision for the salaries of the commission, notwithstanding their fixed legal status and their undeniable right thereunder to their salaries. We reminded the committee that it was as much their duty to provide for the payment of the salaries of the com-

mission as it was to provide for their own salaries or for that of the President himself.

Mr. HOLMAN. I hope the gentleman from Louisiana will remember that the salaries of the members of the Mississippi River Commission were never in the legislative, executive, and judicial appropriation bill at any time.

Mr. BLANCHARD. Mr. Chairman, I thank the gentleman for his interruption, for it gives me the opportunity to say that the senior Senator from Louisiana and myself conferred with the chairman of the Committee on Appropriations [Mr. RANDALL] on that very point, and that gentleman gave it as his judgment that the sundry civil appropriation bill, of which he was in charge, and where those salaries have heretofore been provided for, was really not the proper bill for them, and that the legislative, executive, and judicial bill is the proper one.

The gentleman from Pennsylvania [Mr. RANDALL], who now sits near the gentleman from Indiana [Mr. HOLMAN], well remembers that conversation. We replied to the chairman of the committee that it mattered not to us which bill contained the appropriation, provided it was incorporated in one of them; and the impression left on our minds was that it would be done. After this conversation with the chairman we went before the Committee on Appropriations and asked those gentlemen to put into one of their bills—if not the sundry civil, then the legislative, executive, and judicial bill—a provision to pay the salaries of the commission. We stated what had been said to us by the chairman of the committee, that the sundry civil was not the proper bill in which to make provision for the salaries of the river commission, and that the legislative, executive, and judicial bill was; and at that meeting of the committee, at which this statement was made, the gentleman from Indiana [Mr. HOLMAN] was present.

It comes, therefore, now with bad grace from him to plead as an excuse for the omission of an appropriation for these salaries in this bill, that the salaries of the commission have not heretofore been provided for in the legislative, executive, and judicial bill. Why were they not, then, provided for in the sundry civil bill, which was reported from the committee earlier than the present bill? And not having been included in that bill, and after what had been said by the chairman of the committee, the gentleman from Indiana is now estopped to deny that this is the proper bill for them.

In the first session of this Congress, Mr. Chairman, when, under the arbitrary direction of the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN], who disport themselves as first and second lords of the Treasury, and who rule the Committee on Appropriations, no provision whatever was made to pay the compensation guaranteed by law to the river commission, we from Louisiana submitted to their unjust action without a word and permitted their appropriation bills to go through the House without obstruction. We hoped the Senate would remedy the injustice and take care of the commission, but for some reason or other it was overlooked there, and all the appropriation bills became laws without providing for the compensation of the commission. Notwithstanding that fact the river commission have been and are now actively engaged in the discharge of their duties prescribed by law, though they are being paid nothing.

Early in this session we asked this Committee on Appropriations to put in the deficiency appropriation bill a sum to cover the salaries of the commission for the current year. In other words, to perform now the duty it was incumbent on them to have performed in the last session of this Congress.

They ignored entirely that request to them to perform their simple duty, as well as the request to perform their further duty of incorporating in some one of the appropriation bills a provision for the salaries of the commission for the next fiscal year.

This refusal was an outrage upon the State I in part represent, and upon the section from which I come. We, down there, are vitally interested in the maintenance of the great work being done by the Government upon the Mississippi River, and we know the work can not be done unless the officials appointed to do it are paid.

I will pause long enough here to say that the gentleman from Missouri [Mr. BURNES], who is chairman of the subcommittee in charge of the deficiency appropriation bill, was not present when we appeared before the committee.

What right has this Committee on Appropriations—these grave and reverend seignors who esteem themselves high lords of the Treasury—what right have they to override the law? What right have they to say, "We will not appropriate for these officials, notwithstanding the fact that they are creatures of the law and their salaries are fixed by law?" It is just that kind of domination, just that kind of attempted dictation, which I, for one, protest against and will continue to protest against as long as I have a voice upon this floor.

The Committee on Appropriations, sir, are but a committee of audit; that only is their function under the present rules of the House. They are but a committee to audit the expenditures of the Government; to ascertain what expenditures in number and amount the law has directed, and prepare bills appropriating the funds to meet the same. It is not given to them to say that this or that official, or set of officials, is not needed, and therefore we will cut them off. The exercise of any such power by them is an usurpation, is an attempt to dictate to the House, is a going beyond the scope of their powers, and can not be too severely rebuked.

In another view of the matter it is ridiculous to fail to appropriate for the salaries of officials created by law. The failure to appropriate, while it works great inconvenience, does not destroy the right to the compensation fixed by law. Nothing is plainer in law than that the officials thus ignored can go into the Court of Claims and sue for their salaries, and recover a judgment against the Government for the amount of same.

A salary fixed by law for an official discharging his duties is in the nature of a contract between the Government and himself, and has been so held repeatedly by the Supreme Court of the United States.

That the Court of Claims has jurisdiction of such suits will be seen at a glance by the following extract from the law (Revised Statutes, 1059) defining its jurisdiction:

> All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

And in the case of Patton *vs.* United States, 7 Court of Claims Reports, 371, the court held as follows:

> All questions of salary are questions of contract. Whether the salary be fixed by law or by the order of a Department under authority of law the Government contracts to pay the officer his salary, and, failing to do so, is liable to be sued therefor whether the case arise under a revenue act or any other.

It is clear, therefore, that the river commission can go into the Court of Claims and sue for and recover a judgment for their salaries, and that the United States will be mulcted in costs. Under the circumstances it is absurd and puerile for the Committee on Appropriations to withhold provision for their compensation.

While this bill, Mr. Chairman, reduces the salary of more than one hundred unfortunate officials, in a few instances it increases the salaries of favored officials. Let us run over the list a little.

The assistant treasurer at Philadelphia is one of the favored ones. His salary in the last bill of this sort was $4,500. It is here increased to $5,000. But then, you know, the great State of Pennsylvania, in which Philadelphia is, can boast that she furnishes the chairman of the Committee on Appropriations.

The assistant treasurer at Chicago got $4,500 in the last bill. In this one he gets $5,000. But then, you know, the great State of Illinois, the State of Lincoln and Douglas, produces statesmen in this generation as well as in the former, and somehow or other two able-bodied ones from that State have found lodgment upon the Committee on Appropriations. [Laughter.]

The Commissioner of the General Land Office, also from the State of Illinois, finds himself well taken care of by the committee, since his salary is raised, in violation of the rules of the House, from $4,000, as fixed by law, to $4,500.

Take the case of the Assistant Commissioner of the General Land Office, for whom, as well as for his chief, I have great regard and esteem. His salary is fixed by law at $3,000. Yet we find it raised in this bill to $3,200. Does he come from Louisiana? Oh, no; if he had he would have been "left." He comes from the great Hoosier State of Indiana, the land of Hendricks and Holman; and, of course, his salary is increased.

We also find that the salary of the Assistant Commissioner of Patents is increased from $3,000, as fixed by law, to $3,200. And yet, wonderful to relate, he actually comes from North Carolina and not from Indiana; and, stranger still, the Old Tar-Heel State has no representative on the committee. Raising his salary must have been a mistake—an oversight, perhaps, of the clerk of the committee.

The Commissioner of Indian Affairs finds his salary increased from $3,000, as fixed by law, and from $4,000, as appropriated for in the last bill of this sort, to $4,500, as fixed in the present bill. That is accounted for, most likely, upon the ground that the gentleman who now occupies that position was himself once chairman of the Committee on Appropriations. Otherwise the increase is remarkable, as that gentleman comes from Tennessee, and that State has no representative upon the committee.

But take the case of the Assistant Commissioner of Indian Affairs, also from Tennessee. That gentleman finds himself lonesome when he peruses this bill. He sees the salaries increased of the Commissioner and Assistant Commissioner of the General Land Office, of the Assistant Commissioner of Patents, and of his own chief, the Commissioner of Indian Affairs. Yet there is no increase for him; his salary remains at $3,000, though the law requires him to perform, besides the duties of assistant commissioner, those of chief clerk of the Indian Bureau. The Assistant Commissioner of the General Land Office and the Assistant Commissioner of Patents, both of whose salaries are increased, do not have to perform the duties of chief clerk of their respective bureaus, a chief clerk for each being provided at a salary of $2,000. No explanation of this gross discrimination is vouchsafed in the elaborate report which accompanies this bill.

There are other increases of salary in the bill, but the instances I have given suffice to show their general character.

Let us look now at some of the reductions. Take the cases of the

governor and judge of Alaska—officials sent to that far-away land of ours, more than 10,000 miles from this capital city, to an inhospitable and frigid climate, away from home and friends; sent there under a contract with the Government to receive $3,000 a year salary. Yet this Committee on Appropriations, in a spirit of miserable economy amounting to parsimony, has pinched off $400 from the salary of the governor and $500 from the salary of the judge.

Contrast that with the action of the committee in adding to the salary of the favored officials heretofore mentioned coming from favored States whose favored sons have been given places on this favorite committee.

Take the case of the tally clerk of this House. He comes from Michigan—not Indiana—and it is a work of supererogation to add that Michigan has no representation on the Appropriation Committee. His salary is fixed by law at $3,000. This bill reduces it to $2,500. The same thing was attempted in the last session on this very bill. The House rebuked it then and restored the salary. Now the reduction is attempted again. The rebuke of the House last session on this thick-skinned committee appears to have made no impression.

From the meager salary of $2,500 given by law to the chief of the division of captured property, claims, and lands in the Treasury Department they have pinched off $250.

Mr. REED. That is "economy!"

Mr. BLANCHARD. That is "economy," Mr. Chairman, with vengeance. The Commissioner of Customs in the Treasury Department finds his salary, which is fixed by law at $4,000, reduced to $3,600.

The assistant treasurers at Baltimore, Cincinnati, Saint Louis, San Francisco, and New Orleans all find their compensation reduced in this bill to $4,000, though their salaries are rated by law, respectively, at $5,000 and $4,500.

The assayer at Denver moans over the reduction of his salary from $2,500 to $2,250; the assayer at Helena, Mont., from $2,250 to $2,000; and the assayer at Saint Louis from $2,500 to $2,000.

The Superintendent of Foreign Mails is reduced to $2,500, though his salary is fixed by law at $4,000, and though he was allowed in the bill of last session $3,000.

This office is held by Mr. Nicholas Bell, of Missouri, and how my friend from Missouri [Mr. BURNES] sat on the committee and permitted the salary of that very efficient officer, who was for years secretary of the Democratic national executive committee, to be reduced in violation of law and in violation of the rules of the House, I do not understand. He must have been absent from the committee when this "pinching off" process was indulged in.

Mr. Chairman, these are but a few of the reductions in salaries made by this bill from what they are fixed by law. That there are some reductions which should be made I do not doubt, but the point I insist on is that reductions on an appropriation bill are violations of the rules of the House. The rule which forbids any change of existing law on an appropriation bill may be a bad one. If so, the best way to bring about the repeal of a bad law is to enforce its execution.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. I ask that the gentleman from Louisiana [Mr. BLANCHARD] have fifteen minutes more.

The CHAIRMAN. The gentleman from Louisiana has been speaking in the time of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Chairman, the gentleman from Louisiana, I think, is fairly entitled to a half hour, for he understood from me, I have no doubt, that he was to have that amount of time in opposition to this bill. I hope there will be no objection to his occupying half an hour. [Cries of "Go on!" "Go on!"]

Mr. BLANCHARD. Now, Mr. Chairman, as showing some of the discriminations practiced by the Committee on Appropriations in making up this bill, let us take the case of the subtreasuries. The very report of the committee shows that at the subtreasury in New Orleans the business transactions aggregate $64,000,000 a year. At Cincinnati, in the great State of Ohio, which State is fortunate in having two able-bodied representatives upon the committee, the subtreasury does $24,000,000 less business in a year than the subtreasury at New Orleans. Yet what does this committee do?

Mr BUTTERWORTH. Mr. Chairman——

Mr. BLANCHARD. I can not yield.

Mr. BUTTERWORTH. If you can not yield, I hope you will be accurate.

Mr. BLANCHARD. I will yield for a correction, if necessary.

Mr. BUTTERWORTH. The salary of the subtreasurer at Cincinnati was cut down against my vote.

Mr. BLANCHARD. I am not talking about the salary. My friend from Ohio [Mr. BUTTERWORTH], for whom I have profound respect as well as admiration, misunderstands me. I was going on to say that the result of the work of the Committee on Appropriations with reference to the subtreasuries at Cincinnati and New Orleans is that, whereas New Orleans does $24,000,000 a year more business than the subtreasury at Cincinnati, yet when it comes to providing clerks for those two offices the committee give the subtreasury at New Orleans nine employés and the subtreasury at Cincinnati twelve. They give New Orleans for salaries, including the salary of the subtreasurer himself, $13,690, and Cincinnati $16,060. At Baltimore, where their own report shows the subtreasury does $10,843,000 less business per year than is done at New Orleans, what do they do, this interesting Committee on Appropriations? They allow Baltimore fourteen employés as against nine for New Orleans.

Mr. BRECKINRIDGE, of Kentucky. Has Maryland a member on the Committee on Appropriations?

Mr. BLANCHARD. Yes, sir; it has Mr. MCCOMAS.

Mr. MCCOMAS. The salary there of the subtreasurer is decreased.

Mr. BLANCHARD. I am not now speaking of the salary of the subtreasurers. Take the case of the subtreasury at Saint Louis, a State represented by my distinguished friend from Missouri [Mr. BURNES]. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Another member of the Committee on Appropriations.

Mr. BLANCHARD. Yes. The subtreasury at Saint Louis does just $6,551,000 less business per year than is done at New Orleans, as shown by the report, yet the committee give Saint Louis ten employés and New Orleans nine.

The amount allowed for clerical work at the subtreasuries of these cities, including the salaries of the subtreasurers, is as follows:

New Orleans, $13,690.

Baltimore, $21,100, or $7,410 more than New Orleans.

Saint Louis, $15,360, or $1,670 more than New Orleans.

Cincinnati, $16,060, or $2,370 more than New Orleans.

Yet New Orleans is far ahead of any of them in the aggregate of business transactions done at the subtreasury there.

Take the subtreasury at San Francisco. The transactions per annum at that office amount to $69,056,000, or only $4,561,000 more than at the subtreasury at New Orleans. Yet San Francisco is allowed fifteen employés, New Orleans nine. San Francisco is given $26,620 for clerical work, New Orleans $13,690. San Francisco is thus allowed $12,930 more than New Orleans, though her transactions amount to only four and a half millions more than New Orleans.

This is simply blind discrimination, for it happens that no member of the Appropriations Committee comes from the great Golden State. In the case of San Francisco the committee seem to have opened up the liberality of their souls, and actually give to the subtreasury there nearly double what they give to the one at New Orleans, though the business done is approximately the same. Their method of economy is unique. It seems to come and go like the shifting sands on a treacherous shore. But they constantly keep "an eye to the windward" when their own home affairs are up. They can see the greatest necessity for economy and practice parsimony in almost every proposition pertaining to other States and affecting other people, but are always great, generous, liberal-minded fellows whenever a question arises relating to their own States or affecting their own people.

There is nothing mean about them—oh, no! nothing at all—when their home matters are involved. But they are marvels of frugality and simplicity when some other fellow's home affairs are up for consideration. With them, like with all other mortals, "it makes a good deal of difference whose ox is gored."

The CHAIRMAN. The gentleman's time has expired. [Cries of "Go on!" "Go on!"]

Mr. HOLMAN. I yield further time to the gentleman.

Mr. Chairman, I have heretofore referred to the fact that this bill increases the salary of the subtreasurer at Philadelphia and the salary of the subtreasurer at Chicago from $4,500, as fixed in the last bill of this sort, to $5,000, and that this was not surprising since the honorable chairman of the Committee on Appropriations comes from Pennsylvania and two members of the committee hail from Illinois. It is true that $5.000 is the amount fixed by the permanent law for these salaries, and I am not finding fault that they apply that rule to Philadelphia and Chicago, but do find fault that they should discriminate in favor of those two places by failing to apply the same rule to the adjustment of the salary of the subtreasurer at New Orleans, and to the adjustment of the compensation of over one hundred other officials named in this bill who do not happen to come from either Pennsylvania or Illinois.

Mr. TOWNSHEND. Will the gentleman do me the justice to state, since he has referred to the members of the committee from Illinois, that the work of the subtreasurer's office at Chicago is nearly twice as great as that at New Orleans, and yet the salary is only $1,000 more than that paid at New Orleans?

Mr. BLANCHARD. The point I make is that you give the assistant treasurer at Chicago the amount to which he is entitled by law, but refuse it at New Orleans, and refuse it to over one hundred other officials named in this bill.

Mr. Chairman, there are many other matters in this bill subject to grave objection and criticism; but what I have already alluded to suffices to show its vicious character.

A few days ago, sir, we witnessed the spectacle of the Foreign Affairs Committee of the House attempting to pass the consular and diplomatic appropriation bill, which is given to them in charge—a bill which contained many increases of salary over what the law fixes the same at. These increases, it was pointed out, were all recommended by the

State Department. Yet the gentleman from Missouri [Mr. BURNES] and the gentleman from Indiana [Mr. HOLMAN], two shining lights on the Appropriations Committee, stood in their places and made points of order on every increase as changing existing law and, therefore, obnoxious to the rules of the House; and in every instance the points were sustained, and the Foreign Affairs Committee saw their bill knocked out on every round, until at the end, so disfigured was it, that they knew it not. And yet, sir, at that very time this abortion of a legislative, executive, and judicial appropriation bill was on the desk of the gentleman from Indiana, and itself contained over one hundred and fifty violations of the same rule he was invoking against the consular and diplomatic bill.

O Consistency, Consistency! Thou mayest be, as it is said, "a jewel," with all the brilliant radiance of the diamond; but no single ray of thy light ever guides the devious action of some members of this House, else we would not have beheld the edifying spectacle of the gentleman from Indiana straining at the gnat of the meager salary of the governor of Alaska, while he gulps down without a grimace the huge camel of a dependent pension bill which would have carried an expenditure of forty or fifty million dollars a year over and above the eighty millions a year we now pay for pensions; nor have seen him repeat the nauseous dose, the Executive veto to the contrary notwithstanding.

---

## The right of actual settlers and citizens of Florida to the ownership of their homes on the public lands of the United States and the necessity of the forfeiture of the grant to the State of Florida by the United States of May 17, 1856.

---

### SPEECH

OF

# HON. WILKINSON CALL,

OF FLORIDA,

IN THE SENATE OF THE UNITED STATES,

*Thursday, March* 3, 1887.

Continuation of remarks made on January 19 and 21, 1887, on resolutions submitted by himself January 7, 1887.

Mr. CALL said:

Mr. PRESIDENT: First, the Secretary of the Interior is neither a court nor the Legislature nor governor of a State nor the Congress of the United States. He is subject to the laws, and can neither make nor unmake them.

His opinion beyond controlling his subordinates in the performance of an executive duty authorized by law has no force or effect.

I said that the fact that the State of Florida had expressly denied to this company the right to the grant of 1856 had never been considered by the Interior Department. The report of the Secretary shows this to be the fact. If it is not true, point out where it is stated.

I had supposed that on the production of the acts of the Legislature of Florida and the message of her governor and the opinion of her attorney-general in December, 1858, that this fact was established, that by an act of sovereign legislation, of full force and effect, the State of Florida did in 1858 deny to the Florida Railroad Company the benefits of the internal-improvement act of 1856, and granted it to another company.

I reasonably assumed that this act of legislative power could not be questioned by any executive officer of the United States, and that when the governor and the Legislature of a State, on a subject within her own territory and subject to her exclusive authority, had made a law, that no executive authority of the United States could unmake it; that when the State had declared that a corporation, a creature of her laws, should not receive the benefits of a grant of land resting in her absolute disposal for certain purposes, that twenty-three years after a Secretary of the Interior, an executive officer of the United States, could not substitute himself in the place of the State and give the land to the corporation to which the State had denied it.

But it seems to be necessary to enter into the consideration of these propositions. I will endeavor then to state the facts and the proposition. In 1858 the governor of Florida, *ex officio* trustee of the board of trustees of the internal-improvement fund, in the exercise of his official duty and power as governor of the State, informed the Legislature, three years after the passage of the internal-improvement act of January 5, 1855, that the Florida Railroad Company had not accepted the provisions of the internal-improvement act for the part of the line from Waldo to Tampa, and that the line of railroad from Waldo to Tampa was not then under construction, and recommended that another railroad company should be incorporated, and the benefits of the internal-improvement act should be given to the company then to be incorporated. In pursuance of this recommendation such a company, namely, the Florida Peninsula Railroad Company, was then incorporated, and the benefits of the internal-improvement act granted to such new company. In 1868 the State again, by a joint resolution, declared that the Florida Railroad Company should not have the benefit of this grant.

These acts of the Legislature were acts of lawful sovereign power, unless they were void for violation of the Constitution of the United States or of the State, in impairing a contract, even if so long acquiescence in them, until after the grant had expired, would not estop the Florida Railroad Company from claiming any contract right or vested right in the grant. But let us see if there is even a vestige of a reason for alleging that these acts impaired any contract or vested right. No claim of this kind was made by the Florida Railroad Company until many years after this grant expired and the land had become valuable by the settlement of the people on it and by the construction of other lines of railroad.

Let us see if the opinion of the attorney-general in 1858, and the act of the Legislature of Florida, that the Florida Railroad Company had not acquired any right to the benefits of the internal-improvement act of Florida of 1855, and that the State had full, complete, and unquestionable authority to grant the benefits of the act for that part of the line to another railroad company, is not entirely and abundantly clear.

The charter of the Florida Railroad Company required it to build a railroad from Amelia Island to some port or terminus on the Gulf of Mexico south of the mouth of the Suwannee River, but it could have only one terminus. Under this charter it was located at Cedar Key. The internal-improvement act was approved January, 1885. It required a main line to Tampa, and a branch or extension to Cedar Key.

The internal-improvement act required railroads authorized at the time of its passage to build any part of the lines to give notice of acceptance in six months.

The Florida Railroad Company accepted for Cedar Key, and could only accept for Cedar Key because it was not until December, 1855, that its charter was amended so as to allow it to build a main line to Tampa with an extension to Cedar Key, and then the six months had expired. So that under the law it could only have acquired any rights by grading 20 miles, and surveying and adopting the survey, and filing a plat in the office of the secretary of state, which it did not do until 1860, two years after the Legislature had chartered the Peninsula Railroad Company, and given it an exclusive right.

The most remarkable part of this fraud, equally stupid and bold, is the acquiescence in 1881, of the General Land Office in it, and the absurd legal pretenses on which it is founded.

Here is land worth probably a million and a half or two millions of dollars placed in the hands of a few speculators in New York, depriving the people of the proceeds of their labor and their families of comfortable food, clothing, and houses, without a single even plausible reason, without evidence of even a single material fact, with the act of May 17, 1856, before them, which in express terms forbids any disposal of these lands except by the Legislature of the State, which requires the governor to select the lands, with the refusal of the governor to select, with the failure and the refusal of the Legislature to dispose of the lands under the act of Congress, even up to this hour, as to the Waldo and Tampa line, with the certificate of the governor which I herewith print, that the Florida Railroad Company and its successors did not own and were not building the road from Ocala to Tampa, but that the Tropical Railroad Company was, a company that is not publicly known to have any existence, but which these enterprising people are probably carrying in their pockets, in order to claim 13,600 acres to the mile more of the swamp and overflowed land grant besides this grant.

I here print copies of the letters of Governor Bloxham, in 1881, with the letter of Mr. Hendricks, former Commissioner of the General Land Office, stating that the reservation from entry under the grant, not of the Waldo and Tampa line, for that was never selected, never located, not even to this day, but was for the first time reserved in 1881 by Mr. Schurz, but of the line from Jacksonville to Pensacola, and the line from Amelia Island to Cedar Key, that the reservation was allowed conditionally. On the assumption that the Legislature would authorize it, and would dispose of the land, which they never did or pretended to do under the authority of the internal-improvement act.

EXECUTIVE OFFICE, *Tallahassee, Fla., July* 11, 1881.

SIR: I have the honor to certify that the railroad from Waldo to Ocala, in the State of Florida, being a part of the line of railroad from Amelia Island, on the Atlantic, to the waters of Tampa Bay, specified in the act of Congress approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," has been completed, and is in actual operation, and that said railroad from Waldo to Ocala is of a continuous length of 44.88 miles.

I have the honor to be, very respectfully,

[SEAL] W. D. BLOXHAM,
*Governor of Florida.*

Attest: JNO. L. CRAWFORD,
*Secretary of State.*

Hon. SECRETARY OF THE INTERIOR, *Washington, D. C.*

---

EXECUTIVE OFFICE, TALLAHASSEE, FLA.

*To the honorable Secretary of the Interior of the United States, Washington, D. C.:*

I have the honor to certify that 26 miles 520 feet of railroad, commencing at Ocala, in Marion County, State of Florida, and running southwardly toward Tampa Bay, the same being a part of the line of railroad designated in the act

of Congress approved May 17, 1856, entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," to run from Amelia Island, on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Key, on the Gulf of Mexico, are completed, and that the said 26 miles 520 feet of railroad is owned and operated by the Tropical Florida Railroad Company.

In testimony whereof I have hereto set my hand and caused the great seal of the State to be hereunto affixed at the capitol at Tallahassee, this 5th day of August, A. D. 1882.

[SEAL.]

W. D. BLOXHAM,
*Governor of Florida.*
JNO. L. CRAWFORD,
*Secretary of State.*

I now print here in connection with these letters an official letter from Mr. Hendricks, Commissioner of Public Lands of the United States, to show that at the time this grant of 1856 was made, one year and four months after the internal-improvement act was passed, on the 5th of January, 1855, in which he states that at the request of Mr. Yulee, then Senator, and president of the Florida Railroad Company, he has informally and provisionally, in anticipation of the State's legislative action, withdrawn the lands along the line of the routes designated in the internal-improvement act, including the route from Amelia Island to Cedar Key, but had not withdrawn the land from Waldo to Tampa. It appears from this letter that Mr. Yulee did not even ask for the withdrawal of the land from Waldo to Tampa, and with the letter of Mr. Joseph Wilson, Commissioner of the General Land Office, it shows the decision of the General Land Office that the grant could only be located and the lands disposed of by the action of the Legislature of the State.

GENERAL LAND OFFICE, *May* 20, 1857 (1856).

SIR: I have the honor to herewith inclose the copy of "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States, approved May 17, 1856."

On the 17th instant telegraphic dispatches were sent from this office, at the request of Senator Yulee, of Florida, to the several land offices in Florida and Alabama, withdrawing all the lands from sale and location, within the probable limits of 15 miles on each side of the several railroads named in the act, except the part of the road terminating at Tampa, and on the same day instructions were transmitted by mail to the land offices at St. Augustine and Newmansville, giving a list of the townships to be withheld for the said railroads from Fernandina to Cedar Keys, according to the route furnished by Mr. Yulee.

The first thing to be done, if not already effected, is to locate the several roads and transmit, duly certified under seal of the State, separate connected maps thereof to this and the proper local land offices, each showing the actual location of the road and its connection with the lines of the public surveys, on a convenient scale, say one inch to the mile, and it will be sufficient if only one section on each side of the road be shown.

On the receipt of the maps of final location at this office, the routes will be laid down on the township plats, as also the 6 and 15 miles lateral limits, and lists prepared without delay of the vacant and sold lands within 6 miles, also such lands as are found not to fall within 15 miles, the prescribed limits of selection, can at once be relieved from suspension and returned to market.

As the title of the State will vest in the alternate sections within 6 miles of the roads, from the date of filing the maps at the local land offices, and also the "right of way" under the general law of the 4th of August, 1852, from the date of filing the same in this office, the importance of early compliance with these requisitions, as well as the accuracy in showing the tracts actually cut by the routes, will be seen.

A similar communication to the above has this day been made to the governor of Alabama relative to the grant falling in that State.

I am, very respectfully, your obedient servant,

THOMAS A. HENDRICKS,
*Commissioner.*

His Excellency JAS. E. BROOME,
*Governor of Florida.*

---

GENERAL LAND OFFICE, *August* 13, 1856.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, and of the certified maps of the adopted route of the Florida portion of the Pensacola and Montgomery Railroad therewith transmitted, which I have to inform you has been placed on file in this office for further action whenever the duly authorized agent of the State shall present himself to co-operate with this office in the adjustment of the grant, as suggested in the communication of the Commissioner to you of the 20th of May last. In the mean time the line will be laid down upon the official plats of this office as heretofore promised.

In reply to your request to annex a copy of the act with explanations of the duties which attach to the governor of the State, according to one construction of the law, I beg leave to refer to the printed copy of the act heretofore sent, there being no extra copies in this office, and to make the following suggestions: After the State Legislatures shall have accepted the grant, a copy of the law, together with any other acts of the State for incorporating or constituting the railroad companies to which the grant may be turned over, on which subject, it is understood at this office, that the State has legislated prospectively in reference to lands which might be granted to the State by the United States. The particular routes now described in the act of Congress should be immediately transmitted to this office, certified under the seal of the State.

Of course it will depend on the condition of the transfer from the State to the companies as to what duties, if any further than transmitting certified copies of the laws, may devolve on the Executive, and until such legislation is had those duties can not be defined. But it will be observed that the law of Congress, which is our only present guide, makes the grant direct to the State of Florida, placing it, however, at the disposal of the State Legislature, and authorizing the selections to be made by any agent or agents, to be appointed by the governor under it; therefore any action of the companies had now can only be recognized through the governor; hence the necessity of attaching the seal of State to the maps of the roads, to give them a binding effect under the law, which is important, as they constitute the basis of adjustment.

The appointment of an agent for the adjustment of such grants has usually been left to the companies. It is therefore respectfully suggested that such appointments be made in the present case by the companies, and be approved and transmitted to this office by the governor, which would be in accordance with the word of the act of Congress above quoted.

It will afford me great pleasure to answer any inquiries, if in power, and to make such further suggestions as may be considered necessary, with the appointment of the proper agent or agents. In the mean time I respectfully request that the maps of location of the several roads may be forwarded to this office with as little delay as practicable, in order that the lands not needed for the grants may be relieved from suspension, and such additional withdrawal of lands as found necessary may be made for the Tampa Bay main stem, for which no land has been withdrawn for the want of the sketch of the route.

I am, very respectfully, your obedient servant,

JOSEPH S. WILSON,
*Acting Commissioner.*

His Excellency JAMES E. BROOME,
*Governor of Florida.*

The internal-improvement act of Florida, under the twenty-first section of which this claim is made, contains these provisions, all of which must be considered:

SEC. 5. The several railroad companies now organized or chartered by the Legislature or that may hereafter be chartered, any portions of whose routes as authorized by their different charters and amendments thereto shall be within the line or routes laid down in section 4, shall have the right and privilege of constructing that part of the line embraced in their charter in giving notice to the trustees of the internal improvement fund of their full acceptance of the provisions of this act, specifying the part of the route they propose to construct, and upon the refusal or neglect of any railroad company now organized to accept, within six months from the passage of this act, the provisions of the same, any other company duly authorized by law may undertake the construction of such part of the line as they desire to make, and which may not be in progress of construction under a previous charter.

Hence in six months from the date of the act, in January 5, 1855, they were required to give notice of acceptance to the trustees, but this was not all that was required for the purpose of the act. The building of a railroad could not be carried out by giving notice of their acceptance of the act, and failing to perform the provisions of the act, and thus keep the Legislature from authorizing other companies to build the road, and thus prevent the provisions of the act from having effect in building the railroad; hence the act provides, in the eighth section, "that before any railroad company shall be entitled to the provisions of this act, said railroad company shall first grade continuously 20 miles according to the following specifications:

But the company might accept and might also grade continuously 20 miles, and yet the route it should take to the terminal point be unlocated and indefinite; therefore before it could exclude any other company from building a lateral road over the same route it must do something more. It was provided by the twentieth section:

That after the routes indicated have been actually surveyed and adopted, and a plat thereof deposited in the office of the secretary of state, it shall not be lawful for any other railroad to be built, cut, or constructed in any way or manner, or by any authority whatever, running laterally within 25 miles of the route so adopted.

Up to the time of accurate survey, adoption, and filing of the plat in the office of the secretary of state it was lawful for any other company to build a line laterally over the same route within 25 miles, and being so lawful in the opinion of the attorney-general and the legislature and the governor, it was not intended by the act that if such other company should build such lateral road over the same route to the same termini that the benefits of the act should be given to the dilatory and defaulting corporation which had not surveyed accurately and adopted and filed a located line.

Hence, in December, 1858, there were three things necessary to have been done before that time by the Florida Railroad Company, even if, under its charter, it had the right to build to Tampa and Cedar Key, to acquire a right to the benefits of that act for the line or any part of it from Waldo to Tampa, so as to constitute a valid and lawful acceptance.

First. Notice of acceptance to the trustees of the internal-improvement fund, the governor, the attorney-general, the comptroller, the treasurer, and the register of public lands of the State.

Second. Grading 20 miles on the line from Waldo to Tampa.

Third. Making an accurate survey, adopting it, and filing a plat thereof in the office of the secretary of state.

These three things constituted the valid legal acceptance of the act.

Another essential thing was required. The route was to be a main line from Amelia Island to Tampa Bay, with an extension to Cedar Key. The building of a line of road to Cedar Key with an extension afterward to Tampa was not a compliance with the provisions of the act. In December, 1858, the governor and the Legislature declared that the Florida Railroad Company had not accepted the provisions of the act, and that the route from Waldo to Tampa was not under construction, and granted the rights and privileges of the act to another company. If it was competent for the Secretary of the Interior, twenty-three years after the act and after acquiescence in it by the Florida Railroad Company until 1875, nine years after the act of May, 1856, had expired, and nine years after the Florida Railroad had been sold under this internal-improvement act as a completed road, what evidence is there that the Florida Railroad Company before December, 1858, had given notice of their acceptance of the provisions of the act, and had graded 20 or 10 miles of the road from Waldo to Tampa, and had accurately surveyed, adopted, and filed a plat of their route from Amelia Island to Tampa?

On the 3d of January, 1860, five years from January 1, 1855, less two days, F. L. Vellipïgue, secretary of state of Florida, certifies that "on *this* day a map of the location of a portion of a railroad between the points of Amelia Island and Tampa Bay," which is being constructed by the Florida Railroad Company, * * * to the town of Ocala, the total length of said located road being 44.88 miles," was *that* day filed. Given under his hand and the great seal of the State.

Here is the evidence under the great seal of State, that five years after

the passage of the act the road was for the first time located, not to Tampa, but 44 miles to Ocala.

This is conclusive evidence, taken in connection with the presumption of law arising from the governor and the State's legislative act that the provisions of the internal-improvement act had not been accepted in the sense of the law, and that no part of the line from Waldo was under construction in 1858; and that no part of it was either being built or could be built under the internal-improvement act by the Florida Railroad Company, but that it had commenced this part of the road under its general charter. The road to Ocala, not to Tampa, 44 miles, was then for the first time located and a plat filed, two years after the Legislature had declared their right not to have attached, and had granted all the benefits of the act to the Florida Peninsular Railroad Company.

The affidavit of Mr. Yulee, made on April 3, 1856, does not allege that in 1858 or in January, 1860, any part of the road from Waldo to Tampa had been graded, and the act says:

Before any railroad company shall be entitled to the provisions of this act such railroad company shall first grade continuously 20 miles.

The evidence, then, under the great seal of the State conclusively proves the fact as stated by the governor and acted on by the Legislature in the passage of the act incorporating the Florida Peninsula Railroad Company in 1858 and granting to it the benefits of the act of internal improvements and denying the benefits of the act to the Florida Railroad Company. On what ground, then, can the sovereign legislative power of the State to enact this law granting the benefits of the act to the Florida Peninsula Railroad Company be questioned or denied? On what ground of reason can any one deny the legislative power of the State in this act, standing as it does unrepealed, but re-enacted in the joint resolution of 1868 denying the benefits of the twenty-first section of the act of internal improvement to the Florida Railroad Company?

How can any reasonable person maintain that any Secretary of the Interior can annul and set aside a law of the State and dispose of a grant to the State in a different manner and to a different person from that designated by the State? And when the State by legislative action disclaims any interest in the grant and places it at the disposal of Congress, how can the Secretary of the Interior invalidate her act and how can Congress declare that the State was mistaken in her knowledge of her rights? Suppose she was, does that invalidate the law? And can the Interior Department or Congress release a corporation in the State of Florida from obedience and subjection to her legislative will and power?

But let us suppose, for argument sake, that the Florida Railroad Company had complied and given notice of acceptance of the provisions of the internal-improvement act for the route from Waldo to Tampa, and had graded 20 miles continuously, and had filed a plat of the survey of the route actually made and adopted, what then if it did not complete the road to Tampa in eight years? What then if it stopped and proceeded no further, and did not build a foot of the road, but waited from July, 1855, until 1881 without building any railroad. Is that complying with their contract, to delay performing it for twenty-one years? What if the State has repeatedly and continuously given the right and authority to other companies, and given them the lands which once constituted this trust, has the Secretary of the Interior or Congress the right to step between the State and her defaulting corporations and citizens and annul her laws?

In 1858 the State refused to allow the Florida Railroad Company the benefits of the improvement act and of this grant, so far as the internal-improvement act had anything to do with it, and granted it, so far as the internal-improvement act was concerned, to the Florida Peninula Railroad Company. In 1868 the State again denied it, no road being then built, both to the Florida Railroad Company and all other companies then chartered.

In 1869 the State authorized the issue of money bonds to any railroad company who might be authorized under a charter from the Legislature, all the lands of the internal-improvement fund having been attached, under the decree of the circuit court, for the debts of the old Florida Railroad Company and its new purchasers. The Florida Railroad Company took the bonds, as I am informed, and failed to sell them, and failed to build an inch of the road from Waldo to Tampa.

In 1870–'72 the Legislature limited the Florida Railroad Company to two years to complete the road to Tampa, on condition of forfeiture of the right of way, and it failed to build an inch of the road in two years. In 1881 the State incorporated the Tropical Peninsular Railroad Company, and gave them ten thousand acres to the mile of the swamp and overflowed land and the alternate sections of the same, and it failed to build an inch of the road; and yet in the face of these facts in the public laws of the State running through so many years, and so many acts of the exercise of unquestioned legislative power, the audacious fraud of a pretended right to this grant of May, 1856, conferred by the State in this company is asserted in the Interior Department in 1881, and allowed by Secretary Schurz, without any investigation or any consideration or any knowledge of the facts. These important facts are not even alluded to in the Executive Document 91, Forty-eighth Congress, first session. Now let us recapitulate the facts.

Charter of incorporation of Florida Railroad Company to build railroad from Amelia Island, in Atlantic Ocean, to some point on Gulf of Mexico, south of the mouth of Suwannee River, having a harbor and depth of water for a sufficient outlet for sea-going steamers in 1853. Amendment to charter in December, 1855, allowing Florida Railroad Company to construct a main line of railway from Amelia Island to Tampa Bay, with an extension to Cedar Key, under internal-improvement act of January, 1855. Internal-improvement act of January 5, 1855. To build lines of railroad from Saint John's River to Escambia Bay—that is, Jacksonville to Pensacola—and from Amelia Island to Tampa Bay, with an extension to Cedar Key.

This act conveys all the swamp and overflowed lands granted in the act of 1850 to the State; also all the internal-improvement land granted by the act of admission and previously to the governor, treasurer, comptroller, attorney-general, and register of State lands as *ex officio* trustees to sell the same and pay the interest on the bonds of certain lines or parts of lines of road.

The act also in its twenty-first section promises to give the benefits of any land which shall thereafter be granted by Congress to the State for internal improvement to the railroad as authorized by the act which should accept its provisions and build the designated roads subject to all the conditions and requirements of the act of Congress.

The act of incorporation of December, 1858, of the Florida Peninsula Railroad Company authorizes that company to build the road from Waldo to Tampa, and gives to them the benefits of the internal-improvement act and of the second section.

The message of the governor in 1858 and the proceedings of the Legislature, as evidenced by the governor's message and the opinion of the attorney-general, deny to the Florida Railroad Company the benefits of the internal-improvement act of 1855 and of the twenty-first section. On the 3d of December, 1856, Thompson B. Lamar, chairman of senate committee on internal improvements, reported that legislative action by the State of Florida was necessary to give any railroad company the benefits of the grant of May 17, 1856, and that the twenty-first section of the internal-improvement act is not sufficient hereunto.

The report was adopted, and the two houses passed an act giving the Alabama and Florida Railroad Company the benefits of the grant of May 17, 1856.

No legislative action has ever been had giving the other companies or the Florida Railroad Company the benefits of this grant.

In 1868 the State passed a joint resolution declaring that the requirements of the grant had not been complied with, and the roads had not been built, and asking Congress to pass an act for the renewal of the grant on condition that the Florida Railroad Company and the Peninsula Railroad Company should not have the benefit of the grant.

In 1866 the Florida railroad was seized and sold under the trustees of the internal-improvement fund as a completed road. In 1868 the internal improvement lands were attached under decree of the United States court for the debts of the Florida Railroad Company, and the claim to this grant is made through the alleged right of the stockholders and contractors of that company, who purchased the road when it was sold for their default in paying their own debts and obligations incurred in its construction.

From this time the trust ceased, and the lands of the trust have been given away by the State Legislature for the construction of other lines of railway on other and different routes; and the act which declares that a line of railroad from Waldo to Tampa and a line from Chattahoochee to Pensacola are objects of internal improvement to be aided in the manner hereinafter provided has been repealed by other and inconsistent acts which are now the law, which act gave away to other lines and other routes all the trust fund.

In 1869, on the 11th June, the Legislature of Florida passed an act incorporating the Jacksonville, Pensacola and Mobile Railroad Company in order to secure the speedy completion of a line of railway from Jacksonville on the Atlantic coast and Pensacola on the Gulf coast.

Section 4 gives the exclusive authority for twenty years to this company to build a line of road over this route—being from the terminus of Pensacola and Georgia road, at Quincy, to a point on the Pensacola and Louisville road north of Pensacola, and thence in the direction of Mobile.

Ninth section. The governor of the State is directed to deliver to the president of said company coupon bonds of the State to an amount equal to $14,000 per mile of the estimated length, the State to receive a mortgage on the road for the same.

The twenty-fifth section of the act provides that for the purpose of completing that part of the line of railroad from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, provided for in the act of July 6, 1855, "it shall be lawful for any corporate company which may have or acquire the right to construct the same to execute and deliver to the governor of the State of Florida for the time being a deed of trust carrying all the rights, franchises, and privileges of said company * * * and issue bonds of the company for $14,000 a mile having thirty years to run or to be delivered as each 10 miles is completed, said bonds to be indorsed by the governor and collected by him."

This act also failed to accomplish the building of the railroad from Waldo to Tampa or from Chattahoochee to Pensacola. The bonds were issued for both lines in violation of the provisions of the act and delivered and no part of either line built. Four millions of State bonds

for the Jacksonville, Pensacola and Mobile Railroad Company were sold in Germany, and the supreme court of the State declared them void. The bonds for the Waldo and Tampa line were not sold. The Florida Railroad Company having accepted the provisions of the act of 1869 and having the right under its original charter to go to Tampa, in 1870 the Legislature of the State of Florida passed the following act:

SECTION 1. That the Florida Railroad Company is hereby required to commence operations on the construction of the road, commencing at a suitable point on their present line of road and running southward to some point on the Gulf coast, within twelve months next succeeding the passage of this act, and to complete said road as far south as the town of Ocala, in Marion County, within two years from the date of this act. That in case of failure of said company to comply with the provisions of this act all exclusive right of way between said road and Tampa Bay heretofore granted to said Florida Railroad Company shall cease to exist.

At the extra session, June 9, 1870, the Legislature passed the following act:

That the said railroad—

That is, the Jacksonville and Pensacola Railroad Company—

shall, within five years from January, 1870, complete the road, otherwise all chartered rights vested by this act—

Being act of 1869—

shall be forfeited to the State.

Neither road was even commenced by 1875.

In 1881 the State of Florida granted a charter of incorporation to the Pensacola and Atlantic Railroad Company to build a railroad from Chattahoochee to Pensacola, Fla., and granted them 23,600 acres to the mile of the swamp and overflowed land grants and the internal-improvement grant given the State on her admission; and in the act, section 16, provided as follows:

That the State of Florida hereby grants to the said company, its successors and assigns, all powers and privileges and all the title and interest of the State in and to the lands granted by an act of Congress, approved May 17, 1856, entitled "An act granting public lands in alternate sections to the States of Alabama and Florida for the construction of certain railroads," so far as said lands lie along the proposed railroad from the Apalachicola River to the waters of Escambia Bay, for the uses and purposes mentioned in said act of Congress, and upon the completion of each and every section of 10 miles of said road all the right, title, and interest of the State in the alternate sections granted by said act shall vest in said company.

This railroad was built in the time required by the act.

In 1856 the Senate committee reported that legislation by the State was necessary to dispose of the State's rights to this grant, and the Legislature granted the alternate sections from Pensacola to the Alabama line to the Alabama and Florida Railroad Company.

In 1858 the governor in his message informed the Legislature that no disposition had been made by the State of the grant to any other company, and stated that he had asked for lists of the land from Jacksonville to Escambia Bay and from Waldo to Tampa that he might lay them before the Legislature for their disposal.

This was never done.

No other action was had by the State until 1868; the State declared that the act of Congress had not been complied with, and that it had expired, and asked Congress to revive it.

No location of the land under the grant to the State by authority of the State was ever made, and none ever communicated to the Legislature or acted on by them. Lists were made by the Pensacola and Georgia Railroad Company, but that corporation never built a foot of the line from Chattahoochee to Pensacola and became a defunct corporation under the laws of the State; hence in 1881, twenty-five years after the grant was made and fifteen years after it had expired, no location had ever been made under it up to that time, and none has been made up to this time. The grant is still a part of the public domain. It was not possible for the State to dispose of it, for no title ever vested in the State, and neither a location of the road by any authorized company or any building of the road was ever done until after the grant had expired.

In 1881 the State by act of the Legislature incorporated the Tropical Peninsular Railroad Company, and by section 2 provided that the said company shall have the right and privilege to construct and complete a railroad from a point in Marion County at or near Ocala, at the terminus of the Peninsula Railroad, via Leesburg and Sumterville in Sumter County, and Brooksville in Hernando County, to the city of Tampa, and section 4 donated to it the alternate sections of the swamp and overflowed land grant for 6 miles on each side as each 6 miles was completed; and also granted 10,000 acres to the mile as each 6 miles was completed, and required it to commence in one year and be completed within four years.

It will be thus seen from the above acts that the Legislature of Florida never gave by any act or in any form any rights in this grant to the Florida Railroad Company from Waldo to Tampa; that it never has given by any act, deed, or word to this day any of the lands of this grant from Waldo to Tampa to any corporation; that the lands were never located, and have never to this day been located, under the authority of the Legislature; that the Legislature denied the right of the Florida Railroad Company; that the Legislature commencing in 1858, before any road was commenced from Waldo to Tampa, gave all the benefits of the internal-improvement act to another corporation; that it has made numerous grants of charters of incorporation with the aid of the swamp and overflowed lands, and with State bonds to different companies, who failed to build the road for twenty years, never claiming any interest under this grant of 1856 of the lands from Waldo to Tampa. That by express provision of law in 1870 it limited even the exclusive right of way of the Florida Railroad Company to two years from the date of the act for the completion of the road to Tampa, which expired without a foot or an inch of the roads being built.

All these acts were manifestly inconsistent with and repugnant to the internal-improvement act of 1856, and repealed the same in these respects.

I will now show that under the act of Congress the Legislature had no power to make any disposition of the lands from Waldo to Tampa, and that even if the second section of the internal-improvement act had become operative for the benefit of the Florida Railroad Company as to the lands from Waldo to Tampa, no estate or title could have vested in the Florida Railroad Company, or its successor. The act of May 17, 1856, contains these words in section 1:

*Provided further*, That the lands hereby granted for and on account of said roads and branch severally shall be exclusively applied to the construction of that road or branch for and on account of which said lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever.

Now, the grant expired before this work on the part of the line ever commenced or progressed, hence until 1879, thirteen years after the grant expired, the State could not have disposed of them, because the work had not progressed nor been commenced in twenty-three years.

In section 3 it is provided that the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof for the purposes aforesaid and no other. The Legislature alone could dispose of them, and the Legislature not only did not ever dispose of them to the Florida Railroad Company, and not only refused to dispose of them to the Florida Railroad Company, but if the Legislature had given them to the Florida Railroad Company the disposal would have been invalid and forbidden by the act.

SEC. 5. That the lands hereby granted shall be disposed of by said State only in manner following; that is to say, that a quantity of land not exceeding one hundred and twenty sections for each of said roads and branch, and included within a continuous length of 20 miles of each of said roads and branch may be sold. And when the governor of the State shall certify to the Secretary of the Interior that 20 continuous miles of any or either of said roads or branch is completed then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads or branch having 20 continuous miles completed as aforesaid and included within a continuous length of 20 miles of each of such roads or branch, may be sold, and so from time to time until said roads are completed. And if any or either of said roads or branch is not completed within ten years no further sales shall be made, and the lands shall revert to the United States.

The State never sold or authorized the sale of any of these lands nor could it dispose of them, for she was prohibited from disposing of them "only as the work progresses," and the work never did progress. In 1879-'80, thirteen years after this grant had expired, twenty-three years after the Legislature of the State, which, alone by the terms of the act of Congress of May, 1856, could dispose of these lands, had refused to dispose of them to the Florida Railroad Company—fifteen years after the eight years required in the internal-improvement act for the completion of the road to Tampa—ten years after the Florida Railroad had forfeited even an exclusive right of way from Waldo to Tampa—twenty-five years after the Legislature had incorporated the Florida Peninsula Railroad Company to build the line from Waldo to Tampa because of its neglect and refusal, as the attorney-general said, to come within the conditions and obligations of the laws of which the Legislature was the sole judge—after the sale of the trust fund and the determination of the trust and the repeal of the law by the passage of new enactments inconsistent with and repugnant to it—after the charter of the Florida Peninsula Railroad Company by the Legislature in 1858 and the act to perfect the public works of the State in 1869, and the limitation in the act of 1872 to two years for the completion of the road to Tampa and after the charter of the Tropical road company in 1881—after the building to Tampa of the South Florida Railroad with the lands of the internal-improvement fund, without a single foot of road built towards Tampa in all this twenty-five years—the persons who had bought the Florida Railroad and its franchises when it was sold to pay their debt—the same persons for whose debts the proceeds of sale of the school lands of the State had been used, and for the payment of whose personal debts and obligations four millions of acres of the swamp and overflowed lands of the State had been sold, the same persons who in the name of the Jacksonville, Pensacola and Mobile Railroad Company and the Florida Railroad Compay, consolidated under a general act of incorporation as the Florida Railroad and Navigation Company, have created an indebtness of $18,000,000 on these railroads, appear in the General Land Office and perpetrate this barefaced and audacious fraud.

Suppose the Florida Railroad Company had accepted the internal improvement act, and that the twenty-first section was operative, can there be any doubt that failing to build the road, the State could charter other companies to do it, and that in the lifetime of the grant the State could have given it to any other corporation, subject to the conditions and limitations of the act?

The pretexts on which the fraudulent claim is based that the State through its Legislature ever gave the benefit of this grant from Waldo to Tampa to the Florida Railroad are irrational even to the extent of childish absurdity, and are a disgrace to the Government and to Congress. They are as follows:

First. That the twenty-first section of the internal-improvement act

of Florida promised that if the United States should grant land to the State for internal improvement the State would give it to the companies authorized by the act.

Second. That the Florida Railroad Company was authorized by the internal-improvement act.

Third. That a location of the grant was made by the filing of a map without the governor's certificate in 1860.

Fourth. That the location of land under this grant by the other companies authorized by this act was made by the General Land Office by the filing of a map of their several routes, with the approval of the General Land Office.

Fifth. That the Florida Railroad commenced to grade the line from Waldo to Ocala in 1860, or before the war.

Sixth. That the war interrupted them.

Seventh. That the Secretary of the Interior refused to recognize their right to this grant of January, 1856, in 1875, and they were thus delayed until 1881 in commencing it.

These are the several propositions on which their claim is based. If they were true, which they are not, no rational person will say that either separately or collectively they maintain the proposition that the Legislature disposed of the grant to the Florida Railroad; or, second, that the Legislature disposed of it to the Florida Railroad Company only as the work progressed; or, third, that the Legislature authorized the location of the grant or the route; or, fourth, that the governor certified any lists or any completion of any part of the line; or, fifth, that the Florida Railroad Company ever built any road on the line from Waldo to Tampa; or, sixth, that it built any road from Waldo to Tampa in the eight years required by the act; or, seventh, that the internal-improvement act did not cease to have force by its repeal and by the passage of other repugnant and inconsistent enactments.

The claim of the validity of the right of the Florida Railway and Navigation Company to this grant is quite as unreasonable as it would be for the Interior Department to formally decide that two and two did not make four, but that it made ten, and for the Senate to sustain it in this deduction. The act of May 17, 1856, grants to the State the alternate sections for 6 miles on each side of a line of road built from Jacksonville, on the Saint John's River, to Escambia Bay, at Pensacola, and a line of railroad built from Amelia Island to Tampa Bay.

The road must be built, not laid out, before any right can attach to the land, for the act says the State can dispose of them "only as the road progressess," and if no road is built there can not be any "land for 6 miles on each side" of a railroad that does not exist.

This act of May 17, 1856, requires the railroad to be built in ten years from the date of the passage of the act; here is a claim to land made twenty years after the time limited in the act for building the road, on the ground that they are 6 miles on each side of a road that was never built and is not now built, and which there is no charter to build.

The fact was that the Pensacola and Georgia Railroad Company was chartered under several acts to be built from Jacksonville to Pensacola before 1855, and was required by the internal-improvement act to be built in eight years, but the eight years expired and the road was not built for any part of the line from Chattahoochee to Pensacola. The Pensacola and Georgia Railroad Company selected the lands for 6 miles on either side of the road that was not built, and became defunct without building the road. The State did not select the land nor approve the selection, and could not do so under the act; and in 1881, and fifteen years after the act expired, the claim is that she can give the land selected by a railroad company 6 miles on each side of a railroad that was not built.

If the Pensacola and Atlantic Railroad Company could take under this grant to the State fifteen years after the grant expired, it will have to be of land for 6 miles on either side of the Pensacola and Atlantic Railroad Company, and the road actually built after 1881–'82, and the land will have to be selected under the direction of the governor and be approved by him. They certainly can not take land certified without the governor's approval and without the Legislature's disposal, and in violation of the express terms of the act to the Pensacola and Georgia Railroad Company, which was never built and where there is now no railroad.

It would seem that it ought to be too plain to need any argument—

1. That there is no such land as that described in this grant, namely, the alternate sections for 6 miles on either side "of a railroad not built."

2. That the Pensacola and Atlantic Railroad Company can not claim under a grant from the State made in 1881, fifteen years after the State was by law prohibited from making any disposal of the land under the grant, the alternate sections for 6 miles on either side of the Pensacola and Atlantic road, then for the first time to be selected from the public domain, in violation of the rights of actual settlers and in violation of the express terms of the act of May 17, 1856; but no such selections have been made and this whole claim is for the alternate sections of the line projected, and not built, by the Pensacola and Georgia Railroad Company.

As to the line from Waldo to Tampa the claim is that the Florida Railway and Navigation Company, incorporated after 1881, under the general incorporation law of the State, became the owner from the Florida Railroad Company, of the land for 6 miles on either side of a line of road from Waldo to Tampa, which the Florida Railroad did not build, and which was never selected or located, and for the first time reserved from entry by Mr. Schurz, Secretary of Interior, in 1881, fifteen years after the act expired, and which is not to-day being built on any line from Waldo to Tampa, but from Waldo to Plant City, where it makes a junction with the South Florida Railroad from Sanford to Tampa. The letter of the governor of the State, herewith filed, states that in 1882 the road from Waldo to Tampa was owned by the Tropical Railroad Company, but the Florida Railroad Company, which was created in 1881, and aided by a grant from the State of 13,600 acres of the swamp and overflowed lands, but which has no grant from the State, but rests its right to dispossess the citizens of Florida of their homes and their rights under the homestead law on the ground that they are the successors of the Florida Railroad Company, and have the right under this act of Congress to the "alternate sections for 6 miles on either side of the railroad" which the Florida Railroad Company did not build and which they never claimed or selected or located. The letter from Hon. M. S. Perry, governor of Florida from 1856 to 1860, conclusively proves that this grant was never located and no selections ever made by the governor of the State or by authority of the Legislature, and therefore that it is within the express language of the decisions of the supreme court a case where no estate, right, title, or interest ever vested under the grant, a selection and location by the governor under authority of the Legislature being a condition precedent to the vesting of any right, title, or interest.

EXECUTIVE CHAMBER, *Tallahassee, November 3, 1859.*

SIR: I have noticed a paragraph going the rounds of the papers to the effect that certified lists have been issued by your department for the lands lying along the line of the Florida, Atlantic and Gulf Central Railroad, being a portion of the land inuring to this State conditionally under the Congressional act of May 17, 1856. Mr. Wells, the land agent of the State and agent for the Florida, Atlantic and Gulf Central and Alabama and Florida Railroad Companies, informs me that he has only received the certified lists for lands to which the Alabama and Florida Railroad Company are entitled by virtue of the Congressional act of May 17, 1856, and the act of the State Legislature of December 27, 1856; that when he left Washington he understood it to be the opinion of your department that the certified lists could not issue to the companies direct for lands to which they may be entitled for the obvious reason that the grant being a grant in entirety to the State of Florida "subject to the disposal of the Legislature thereof for the purposes aforesaid," your department could not recognize third parties to whom no assignment had been made by the State.

In this view he concurred, and did not ask for certified lists from your office for lands which the Florida, Atlantic and Gulf Central Railroad will be entitled to receive from the State. By the act of the Legislature dated December 27, 1856 (which I herewith inclose), the State of Florida accepted the lands granted to her upon the terms, conditions, and restrictions imposed in the Congressional act of May 17, 1856, and by the second section of the same act disposed of that portion of it to which the Alabama and Florida Railroad Company are entitled and have received.

The Legislature has as yet made no further disposition of the lands inuring to this State under the Congressional act of May 17, 1856. That body will again be in session within the present month, when they will undoubtedly make such disposition of these lands as in their wisdom they deem proper. In the mean time I request that the adjustment of the grant to the State may be brought to as speedy a conclusion as the labors of your Department will permit, and that lists of the lands be made out in the name of the State and forwarded to me that I may lay the matter before the proper body for disposition as provided for by the third section of the act of Congress of May 17, 1856, making the grant.

Very respectfully, your obedient servant,

M. S. PERRY.

Hon. THOMAS A. HENDRICKS,
*Commissioner of the General Land Office, Washington city, D. C.*

---

## Levees on the Banks of the Mississippi River.

---

# SPEECH

OF

# HON. J. FLOYD KING,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March 3, 1887,*

On the bill (H. R. 4937) for closing the gaps in the levees on the banks of the Mississippi River, and for locating, strengthening, and giving permanency to the same.

Mr. KING said:

Mr. SPEAKER: The Committee on Levees and Improvements of the Mississippi River had before it for several months the pending bill, and after the most searching examination of all the authorities and all the facts bearing upon the subject unanimously recommend its passage.

Sir, silt-bearing streams, flowing through alluvial deposits, have certain fixed laws, conditions, and tendencies, which govern them under all circumstances. Of the governing tendencies, the most frequent—and at the same time the most disastrous to navigators and to dwellers on the river-banks—is the aptitude of the stream to burst through its shores, or to overflow them, and thus to injure navigation and, for a time at least, to destroy agriculture.

Various plans have been devised for the prevention of these irruptions, but the careful and laborious researches of scientific experts who have made a life study of this important question have, in almost every case, resulted in recommendations to permanently confine the stream, not only by building artificial boundaries, but by assisting na-

ture herself to repair the damage she has done, and by taking advantage of the operations of her laws to insure their not being broken in the future.

Thus, the plan of constructing jetties and levees to confine the flood volume has recommended itself to the most eminent experts, and has been adopted by the present Mississippi River Commission. It is true that other and less effective schemes have for a time occupied the attention of that eminently respectable body, but the result of these later experiments has not been such as to induce to their further prosecution.

The amount asked for by this bill is small indeed, if the object it has in view will secure to the people of the Mississippi Valley, the United States, and the commercial world—safety to the first in the cultivation of their lands, sure and rapid transportation of their products to the second, and certain and secure water communication for ports on the river with all other commercial ports for all. To prove that a judicious expenditure in the line of levees will do this I will offer a few arguments and facts.

First of all, let me state here, broadly and specifically, that that greatest of the world's geniuses, James B. Eads, the foremost of the men of science in magnificent works of engineering, he who has spanned the Mississippi with his marvelous bridge at Saint Louis, explored its depths in marine armor, controlled its outlet to the sea, and made it navigable for the largest steamships of the world—Eads, who projected the wonderful marine railway for the transfer of ships of the most stupendous size and burthen from ocean to ocean across the American isthmus—declared, when a member of the Mississippi River Commission, and since, by publications and by arguments before committees of both bodies of Congress, that levees are of primary importance to the improvement of the Mississippi River and for the prevention of destructive floods.

Mr. G. R. W. Bayley, an eminent civil engineer, who gave much intelligent study to this subject, said (in his paper read before the American Society of Civil Engineers, "Transactions," No. CXXI):

> There is no evidence that the normal flood-line of the Mississippi River from Red River to the Head of the Passes (except where affected by cut-offs) is a fraction of an inch higher now than in 1717, before the commencement of the levee system, but there is evidence that it is not higher.

Messrs. Harrod (civil engineer) and Suter (military engineer), a committee appointed by the Mississippi River Commission to investigate this subject, declare, after a careful examination as to facts of both history and conditions, that "the building of levees, originally undertaken for reclamation only, has now become a question of maintaining artificially the former height of the banks to preserve navigation."

General Warren, of the United States Engineers, says:

> Obviously we cannot get the increased "scour" until we build the levees and close the outlets, so as to confine the escaping flood waters.

He also remarks that the levees should be, at the first—

> As high as if the river-bed was unchangeable, even though, when once the water was actually confined to the channel, the flood heights should afterwards, through many years of erosion, gradually diminish.

The Mississippi River Commission, while discussing the attacks upon the "levee system," propound the following pertinent questions, which can be answered only in the affirmative:

> 1. Would not the navigation of the river be most seriously obstructed if the normal banks were lowered 7 or 8 feet (as they would be by the obliteration of levees), so as to allow the dispersion of the flood waters at a stage that much lower than the height which the river established in compliance with the laws of its regimen?

The word "regimen" is here used to mean proper or orderly government.

> 2. Do not the present levees, instead of being only supplementary works built on top of the banks, stand as a part of the normal bed, giving that height of bank and maintaining that restraint upon flood waters which were established as conditions of its regimen?
>
> 3. Is not the retention of such part of the flood discharge as is now (1881) held by the levees necessary to maintain the navigation of the river in its present condition? Without these levees the most moderate floods would overtop the banks and disperse their waters through the innumerable lateral swamp-drains from bluff to bluff, with loss of velocity and consequent obstruction of the channel. (Report of Commissioners, 1831, page 125.)

General Barnard, of the United States Engineers, in a letter to De Bow's Review, as far back as 1850, says:

> The levee system, instead of favoring, as is alleged, the tendency of the bed of the river to rise, has precisely the reverse effect. By confining the waters within their limits, levees increase the velocity and abrading power of the current, causing a deepening rather than an elevation of the bed. It may be safely affirmed that the bed of the river is lower now than it would have been had no levees been made.

Again, in 1858, he writes to Mr. Bayley:

> There is but one protection for Louisiana, and that is levees. * * * The idea that levees have any tendency to cause a rising of the bed is so simply absurd, so destitute of a single reason to justify it, that it hardly seems necessary to allude to it. It is the want of levees, and that alone, which can cause such a rising.

Capt. T. P. Leathers, an old steamboat captain of great experience, testified before a committee of Congress that when he first came on the river, in 1836, the deep water was continuous only where the levees were built; and that above the levees the bars had only from 4 to 5 feet over them. When levees were built above Red River the channel began to deepen; and in 1857 there was not less than 8½ feet on bars where formerly there had been but 4. He continues, and I give his own words:

> I am convinced from my observation that if the levees were built and kept up on the low lands, the concentration of volume and consequent acceleration of current would soon wash out a channel large enough and deep enough for any purposes of commercial navigation. * * * I am confident that the only way of deepening the channel and getting reliable navigation is to concentrate the current; and if the great river accommodates itself by scouring out the bottom, there will be no necessity for higher barriers at the top, and the levees will become more solid and reliable, because relieved, in a measure, from the great pressure to which they are subjected.

(The commission, however, in the course of their investigations and experiments, have seen good reasons to recommend an increase in the heights of levees above what was formerly considered sufficient, rightly judging that in this, as in other cases where great interests are involved, "an ounce of prevention is worth a" million pounds of cure.)

In the report of the Mississippi River Commission for 1881, page 11, we find the recorded opinion up to that date:

> There is no doubt that levees exert a direct action in deepening the channel and enlarging the bed of the river during the periods of "rise" and "flood," when, by preventing the dispersion of the flood waters over the adjacent lands (either over the river banks or through bayous and other openings) they actually cause the water to rise to a higher level within the river-bed than it would attain if not thus restrained. * * * There is reason to believe that during the period when levees were in their most perfect condition (from 1850 to 1858) the channel of the river was better generally for purposes of navigation than it has been since that time. It is known that during the last twenty years (1861 to 1881) the levee system has been continuously interrupted by a great number of crevasses between Cairo and Red River.
>
> The immediate effect of the levees would be to increase the volume and height, and accelerate the velocity of the flood-waters between them, resulting in an erosion and deepening of the river-bed; and, ultimately, in a corresponding lowering of the flood slope in accordance with the general law, that "an increase in the normal volume of discharge in a sediment-bearing stream flowing through alluvial deposits, results ultimately in a lowering of the flood surface." It would seem, therefore, that a closure of the crevasses might be expected to accelerate the removal of the shoals which have been produced by them; and if this closure be accompanied by the requisite contraction of the channel to a more nearly uniform high-water width, a lowering of the flood level may be expected.
>
> A levee system aids and facilitates the postal service by protecting from injury and destruction, by freshets and floods, the various common roads and railways upon which that service is conducted to and from the river banks, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance of a connected levee system of sufficient strength to inspire confidence would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the productions of agricultural industry indigenous to that region, and in those branches of manufacturing enterprise relating thereto.

In their report on the Missouri River floods of 1881 Engineers Harrod and Suter say, in effect, that—

> If the floods that had been restrained by levees where necessary, and, still better, if the high-water section had been reduced to any approximately uniform and suitable width, the water surface would nowhere have surpassed, and would generally have fallen much below, the level of the present banks.

From this report and the accompanying facts submitted the commission conclude that the importance of levees in preventing such overflows applies not merely to the protection of the alluvial lands on the river bank from inundation, but also to the prevention of injurious deposits in the river-bed, which have been shown to accompany this overflow of lands.

> In a comprehensive scheme of improvements [say the commission] it is essential that the water reaching the river shall be kept thoroughly under control throughout its course, and that its action shall be so concentrated by suitable works as to insure the excavation of a water way of sufficient size to pass off any water which may arrive with the least possible elevation of flood-level. Large losses of water, either by lateral outlets or by escape over the banks, should be effectually prevented.

In November, 1880, the committee of the Mississippi River Commission, appointed to investigate the question of levees *vs.* outlets, after an exhaustive examination and discussion of the history and effects of crevasses at Cubitt's, the junction of the Mississippi, Red, and Atchafalaya Rivers and the Yazoo Bottom front, came to the final conclusion, which they supported by a formidable array of facts:

> That the direct influence of a levee system is to improve navigation and prevent destructive floods by the establishment of a regimen and the elimination of varying abnormal local conditions.

In other words, the levees act by establishing an unyielding governing power, and thereby doing away with the occurrence, from time to time, and irregularly, of accidental, unusual, or irregular movements of the waters; also, the confinement of the flood-waters within regular and permanent bounds and by artificial means, such as levees, is becoming of more importance every year, both in preserving navigation and preventing destructive floods, and has, in many parts of the river, become essential.

Mr. Henry Mitchell, assistant in the Coast and Geodetic Survey, in a report to the commission (of which he is a member), 1882, also favors the employment of levees as aids to low-water navigation. Like his brethren of the commission, and in accordance with the experience of all who have studied the history of the river, he finds the worst bars or shoals in front of the great "bottoms" or outlets, where the river has lost a great deal of its volume by the escape of the floods through gaps natural or artificial. He shows by reference to the history and condition of Cubitt's Gap (4 miles above the Head of the Passes) that "the escape of water over a waste-weir 6 feet deep has been sufficient to turn the great river from its former course at a depth of 4 fathoms"—a most significant fact, and one which, it would seem, if deposited upon the

heads of the "outlet" agitators ought to cause a disappearance of them and their schemes more rapid than the transformations of the clown in the pantomime, and, we might hope, more lasting.

He further states (and for obvious reasons I do not use his own words; but those who wish may read them on pages 263–265 of the report of the commission for 1882)—he says, in effect, that a greater depth in the channel at low water must result from the establishment of levees, because their introduction, confining the waters within narrower bounds, compels the floods to greater velocity, and consequently to cut out at the bottom instead of at the sides. The bed of the river will take a new shape; instead of being wide and flat it will become narrower and sharper at the bottom, and naturally deeper, although the stream of deepest water will not be so wide.

He concludes that "the levee is a useful auxiliary to channel improvement even as now located; and, if relocated with due regard to the special office of river improvement, would be of decided benefit."

The above are opinions of eminent men based upon reason, experience, and facts. Below are given a few facts, which we select from thousands:

*The Bonnet Carré Crevasse of* 1850.—This great break caused the formation, in the bed of the river immediately below it, of a great shoal, which diminished the depth about 12 feet and the area of a cross-section of the river at the site of the shoal 75,613 feet as compared with a similar cross-section above the crevasse. This shoal disappeared when the river was confined by the new levee, and when, by the erection of that levee, the stream had risen high enough to assume its greatest velocity. (Report of Mississippi River Commission 1881, page 126.)

In 1871 the river again broke through at this place, and final inclosure was not made until 1883. The cost of the new levee was defrayed by the Mississippi River Commission, the State authorities, the New Orleans and Mississippi Valley Railroad Company, and private parties. The closing of the crevasse had a remarkable effect in deepening the bed of the river in the vicinity.

The closing of the outlets on the Atchafalaya River in ten years lowered the river-bed and flood surface by several feet; and lands on its borders which were swamps before the levees were constructed were found, after ten years, under cultivation and above the reach of high water.

Between 1852 and 1858 engineers were engaged in closing the outlets on the same river, and in the latter year it was found that, notwithstanding that the aggregate capacity of the outlets closed was greater than the whole capacity of the river itself, the lands 50 miles below the closed outlets had, in a season of exceptionally high water, higher banks than ever before known. At the same time the bed of the river was deepened and its general capacity increased.

Engineer Leavenworth says, in 1875:

> The closing of thirty-seven outlet bayous on either side of the Atchafalaya caused the river to scour its bed, deepening and widening it everywhere.

The effect of jetties (which work in the same manner as levees) when applied to river bars affords a remarkable confirmation of the truth of the statements in favor of confining the currents of silt-bearing streams, and thus deepening the channels.

Eads, by his jetties, deepened the mouth of the Mississippi River in the South Pass—a pass unknown to navigators before Congress gave it to him for improvement—from 6 to 31 feet, as is shown by the Government reports. This depth is permanent, and where the smallest sea craft dared not venture, before the largest ships now go in and out with the ease and regularity of railroad trains. Levees, as it is known to all, are but comparatively inexpensive and easily-maintained jetties on the banks of the river.

Capt. J. A. Aiken, late president of the New Orleans and Red River Transportation Company, stated before a committee of Congress as follows:

> The water over Snaggy Point Bar (Red River, 75 miles above its mouth) and Alexandria Bar (3 miles below Alexandria) was increased in depth by the construction of jetties, so as to offer no longer any obstruction to navigation. Snaggy Point Bar deepened from 20 inches to 5½ feet in less than fifty hours. Alexandria Bar, which had but 16 inches, deepened to between 4 and 5 feet at the lowest stages of the river; and freight charges by the steamboats were in consequence lowered one-third.

After nearly four years' of labor and experiment the Mississippi River Commission, in its report for 1883, settles the question as to the deepening of the channel below crevasses or outlets by the increased scour caused by building levees and closing those outlets. Careful examinations, surveys, and measurements resulted in developing, beyond a doubt, the fact that an increased scour, amounting to about 12 per centum of the low-water area, followed the building of the levees, and the probabilities are that in some cases it would be found to be even more.

Thus far I have, in support of my position in favor of levees as an important factor in improving the navigation of streams like the Mississippi, confined myself to instances on the river itself and its tributaries. Let us now look at the history of river improvements in other countries.

Holland, the land of dikes and canals, teaches us many useful lessons on the subject of embankments, the most valuable of which is, first to be satisfied that a scheme proposed has the elements of success, and then not to spare expense in carrying it out to completion. She increased her area by dikes and embankments to restrain overflow. In 1833 her area was only 8,768 square miles, and in 1877 it had been enlarged to 12,731 square miles, due to impoldering and draining operations. The amount of reclamations was as follows: In North Holland, up to 1864, 72,283 acres; in the South Holland Islands, to 1850, 168,302 acres; Friesland, to same date, 36,368 acres; Groningen, to same date, 86,838 acres; in North Brabant, to 1843, 95,391 acres; Zealand, to 1859, 220,411 acres.

By planting the marshy grounds and the ground along the foot of the dunes with trees and agricultural products, and by the conveyance of the water from the numerous springs at the base of the dunes through canals to the great cities, the agricultural condition of the country and the sanitary condition of the cities were both vastly improved at the same time. The result of the drainage of the country by the dike system was the disappearance to a great extent of the unhealthy climate, and the comparative freedom of the Netherlands from the malarious influences formerly so prevalent. We have reliable data for early periods; but the statistics for twenty-five years—from 1840 to 1865—show an annual death-rate of 1 in 36.73, or 100 in 3,673; not a large rate certainly for such a country, whose swamps and fens and overflowed lands were formerly so deadly to humanity. The population, on the other hand, during the forty-seven years between 1829 and 1876, had increased 1,368,182, and its density per square mile from 295 to 312¾. Besides, the area of waste lands had diminished 4.6 per cent., and the cultivated and arable lands has increased 3½ per cent.

Dikes, or embankments for protection against overflow, were constructed in Holland as early as the days of the Romans, and also in the eleventh, twelfth, and thirteenth centuries; but the comprehensive system now in operation, and which is the admiration of the world, belongs to modern times. The formation of the first dikes was quickly followed by the construction of a connected system of earthen ramparts, behind which the country now lies secure; while at the same time hundreds of thousands of acres of fertile land have been recovered from the sea. The united lengths of the canals amount to 1,522 miles.

There are some notable features in connection with floods and overflowed lands in Holland similar to conditions obtaining in the immediate valley of the Mississippi. The great floods we find to occur in Holland once in eleven years, whereas on the Mississippi the period of recurrence is ten years. The famous Haarlem Lake (drained between 1848 and 1852) formerly presented the same features as do the lakes on the Mississippi—the results of former cut-offs, such as Lake Concordia, Lake Saint Joseph, Horn Lakes, Horseshoe Lake, Devil's Elbow, and many others.

Haarlem Lake was a relic of the northern arm of the Rhine, and being united with the smaller lakes in its vicinity by successive inundations, finally threatened Amsterdam on one hand and Leyden on the other, and occupied an area of 70 square miles. It was drained inside of four years by a very laborious and expensive process, and the reclaimed lands (42,000 acres) were at once sold for more than two-thirds of the whole cost of the enterprise. The figures are as follows: Cost of drainage, dikes, &c., $5,400,000; price for which the reclaimed lands sold, $3,640,000; net cost, $1,760,000.

The people of the Netherlands spared no legitimate expense to make themselves secure. The famous Westkappel Dike, a little over 2⅛ miles long, cost $62,500,000. It is 23 feet high, 39 feet wide on top, and carries both a roadway and a service railway. This dike protects an immense amount of country, and has fully repaid the government for its cost.

The annual expenditure for maintenance of the dike and drainage system in Holland for 1877–'78 was $10,217,940.

It is noticeable also, in examining the history of these great public works, that a series of floating (or rather sunken) jetties was used for the purpose of deflecting or turning aside the current. They are called zink-stukken (sinking-pieces), and are composed of bulrushes, reeds, and branches laden with stones, and are mostly about 400 yards in circumference. A somewhat similar plan has lately been proposed for the same purpose in the Mississippi River by Mr. G. Erkson, of New York.

As to canal cost, it may be mentioned as an example that for the one single Amsterdam canal—extending from Amsterdam to the sea (a distance of 16½ miles)—there was expended the sum of $11,250,000.

In Hindustan dikes and embankments were made for purposes of irrigation mainly, but the canals are also used for commerce. The system of confined water ways, called the Three Nadiya Rivers, in Bengal, are kept open for traffic by a constant system of supervision and inspection, such as is suggested on page 15 of this report for the Mississippi. The cost of maintenance was, in 1877–'78, £9,522, and the receipts from tolls £32,494.

For 2,800 miles of embankments in the lower valleys of the Ganges and Brahmaputra Rivers the government expended in one year £79,105, or about $395,500 (1877–'78), but the results justified the outlay.

The Han-kiang or Han River, in China, has its summer water-line for a greater part of its course above the level of the banks, and these are protected from overflow by levees. These levees are very high, and are constructed at a distance back of the natural banks. This space is

flooded every year, and by the deposit of sand and soil the embankments are annually strengthened. It is said they have kept out floods for one thousand years.

In the province of Gaan-hwuy (or Peace and Plenty Province), the name arises from the extreme fertility of the soil, which is protected by levees from the encroachments of floods from the Yang-tse-kiang and the Shun-gan-kiang.

Disastrous inundations often accompany the rise of the Hwang-ho, because the greater part of the plain through which it flows is below the level of the river and is not properly protected.

It is to be understood from the preceding remarks that the people of the Mississippi Valley want a system of levees which shall serve to improve the low-water navigation of the river, and at the same time protect the adjacent lands from overflow at all times. In planning such a system, we must consider the following conditions:

I. The cost, which will, of necessity, be great in the outset.

II. The great cost of repairs and the immense damage to the channel and to landed and other property should they be broken through or overtopped from want of sufficient strength or height.

III. On the other hand, the great advantage to commerce from the deepening of the channel, and the immense value of the alluvial lands which would be reclaimed by the construction of embankments sufficiently high and strong to control the greatest floods.

If it be urged that it would be cheaper (if the interest on the outlay is taken into consideration) to allow great floods to break through or overflow the levees than to incur the expense necessary to avoid an evil that occurs but seldom, we reply that the real damage in such a case would be, not to the levees, but to the bed of the stream and to the valuable reclaimed land behind the levees, and no one could predict how great that damage would be. Once a flood of this exceptional character occurs, it defies all rules and all prognostications, and all we can certainly rely upon is that the results both to the channel and to the adjacent lands will be lamentable in the extreme.

The records show, also, that great floods are not so rare as many persons have imagined. Reasoning from the history of the river during the past twenty-eight years, exceptionally high floods may be expected at intervals of ten years, as follows:

At Cairo, 51.5 feet; at Memphis, 34.5 feet; at Helena, 46.5 feet; at the mouth of White River, 47.5 feet; at Vicksburg, 49 feet; at Natchez, 48 feet; at Red River Landing, 47 feet; at Carrollton, 15.6 feet.

These extremely high floods should form the basis on which to plan the proper system for improving the channel and securing the lands from overflow.

The Mississippi River Commission—on the basis that for half the distance below Cairo only one bank of the river needs levees (the other side being protected by the proximity of the hills), and that a very large portion of the works is already in existence, the result of the endeavors by the several bordering States to protect their lands—on this basis I find that the commission estimate the amount of earthwork embankment required at 45,775,000 cubic yards, and the cost of the same at $11,443,770. Congress might hesitate to appropriate this in "a lump sum," although its expenditure would be but a small matter compared with the valuable results which are claimed, namely, the improvement of the river channel and the value of the restored lands. Indeed, it would not be advisable under present conditions to do so. Therefore, this bill (No. 4937) by providing for the appropriation of $3,000,000 for the same purpose, presents something definite, something tangible and understandable, something the effects whereof Congress can have presented before it year by year, so that if what is claimed shall be done is not done no good money need be thrown after bad. But if the results of the expenditures are satisfactory, as they have already proven most highly under the commission, and as proving the soundness of the premises upon which we reason as advocates of a levee system, then it is hoped that Congress will press the good work on annually to its completion.

It must not be lost sight of in this connection that the struggle with the Mississippi and its complicated conditions will be a continuous fight. Congress having adopted a plan embracing levees as a principal feature, when that system is established and completed to the best of our ability, we can not sit idly down and fold our hands in peace. We can not say to the mighty Father of Waters, "hereunto shalt thou come and no farther," unless we stand sentry always on the banks, and armed at all points, to see that the untiring enemy does not turn our flank. But the cost of keeping the works in first-rate order, of watching for and at once repairing the merest little crack or crevice in their continuity, will be a trifle, and the lines will need only eternal vigilance from the dwellers on the banks.

If we expect, therefore, to improve the navigation of the river, and reclaim the vast acreage now waste and valueless on its banks, we must be prepared to expend on the establishment of the barriers to inundation a sufficient annual sum until they are completed; and when completed we must exercise vigilance—intelligent and untiring vigilance—to see that they are not overcome and our labor and expense cast away. A system of inspection should be organized; and the riparian communities and other owners should be expected to give their energies and local knowledge to a watchful care, that shall always be at hand to check the slightest inroad at its very beginning, thus preserving the impregnability of the whole structure at an almost nominal pecuniary cost.

Now, as to heights of these levees, assuming that enough proof has been adduced to satisfy the most skeptical that levees are a necessity, the Mississippi River Commission treats this subject, if we may be allowed the slang expression, gingerly. They know and feel (they can not, as educated men and skilled engineers, but know and feel) the importance of the question. But I think they shrink at the cost, and are also rendered somewhat timid by the persistent opposition of one of their number, General Comstock, for whom personally I entertain the highest regard, who decries the levee system and will have none of it, although he seems to have nothing to offer in its place. Let us, for the space of a few lines, review the official action of the commission on this particular question.

In their preliminary report for 1880, just after organization, the commission, while recognizing fully the importance of a levee system as a factor in the improvement of low-water navigation, make this statement:

> For the absolute prevention of destructive floods the former height of the levees would have to be increased; but no exact estimate of the cost of these higher levees can be made at present for want of necessary data.

In the report for 1881, under the head of "Borings" (page 15), occurs the remark:

> On the assumption of an immovable river-bed, heights have been proposed for levees which are now seen to be unnecessarily great.

In the report for 1882 they approach the subject more nearly. On pages 38, 39 we find the following:

> The standard of elevation for levees should be sufficient to confine floods most frequently recurring, with the intention of producing the maximum effect of channel improvement at a minimum of cost. The restraint of those great floods, which recur only at long intervals, would involve a cost disproportionate to the injury which would be inflicted upon the maintenance and improvement of the channel by overflows occurring at such intervals. The extent to which the system should be carried would be determined by considerations of economy. * * * It is proper to add that, while levees, judiciously erected, under the system we have indicated, would produce the maximum effect in channel improvement at a minimum of cost, they would not be of sufficient height to protect the adjacent lands from overflow during great floods.

Mr. Henry Mitchell, in a separate paper in the same report (page 265), says:

> The grades to which levees should be raised are those required by floods; but provision against anomalous floods is not necessary unless under a question of economy.

In the report for 1883 we find a cautious but important advance toward the final and proper conclusion:

> It may be stated that there are serious practical difficulties in the way of constructing a system of levees no higher than would be necessary for the confinement of ordinary floods, and at the same time protecting them against disastrous injury from the great floods which occur at irregular intervals. It is obvious that for the secure protection of the valley from overflow, there is necessary a system of levees high enough and strong enough to withstand the greatest flood. No other means of protection is practicable or even possible. These facts obviously suggest the idea of co-operation between the General Government and the communities interested in the prevention of overflow, for the maintenance of a levee system which shall serve at the same time the purposes of improvement in the channel and protection from overflow.

(That is precisely the kind of a levee system that is needed, and to aid in the construction and maintenance of which this bill is designed.)

In the report for 1884 we find the following (pages 16, 17):

> Since such levees as have been built have never restrained the higher floods in safety, it can not be expected that the closing of "existing gaps" will suffice to restrain volumes greater than those which have heretofore overwhelmed them. They must be higher, stronger, and more continuous than they have heretofore been built.
>
> The grade of levees for the improvement of navigation should be at least the normal height of the bank of the river, or the height to which the bank would be built by such floods as recur with sufficient frequency to exert an appreciable influence in bank-building or enlargement of water-way. This grade should be supplemented by such additional height as will protect it against frequent injury or destruction.

This is all we have from the commission up to date. It is obvious that they only await encouragement from Congress to recommend strongly what is, doubtless, in their hearts; that is, the construction and maintenance of a levee system which shall at the same time meet the demands for improvement of low-water navigation, and be strong enough and high enough to protect the adjacent lands from any overflow whatever. This is the kind of levee system which the people of the Mississippi Valley and the people of the whole country want.

There are many more facts that could be cited and many more arguments adduced, but I deem the subject exhausted. It remains only to say, with the great preacher of Ecclesiastes, "Hear the conclusion of the whole matter." Given a certain volume of water, obliged, through circumstances over which it has no control, to reach an outlet through a certain channel-way, the velocity of that volume of water and its scouring properties will be increased or diminished according as the width of that channel is diminished or increased. A system of well-built levees of sufficient height, by confining the floods to the river-bed proper, will increase the velocity of the current and the erosive (or wearing-away) power of the floods. So that by the deepening of the channel the height of the flood-rise will be regularly and steadily diminished. In addition the adjacent lands will be protected and will grow more valuable year by year, agriculture will flourish, commerce and manufactures will be attracted, and what was formerly a swampy, ma-

larious waste of fen and fog in our beautiful Mississippi Valley will blossom as the rose.

Let us consider a moment, though not perhaps the point of the greatest importance in the levee system, the enormous extent and value in a commercial sense of the alluvial lands of the Mississippi Valley. There is not at present any accurate information as to their extent, and I would strongly advise that an investigation be had by Congress through some competent person or persons of the actual area of inundated and swamp lands bordering on that great river and its tributaries. A full and exhaustive report made to Congress after such investigation would give tangible information upon which to proceed. At present we can only make, from the best means at our disposal, an approximation; and we estimate that their area is not less than from 25,000,000 to 30,000,000 of acres, a territory very nearly as great as the whole tillable area of the State of Kentucky. The value of this enormous extent of country when made fit for tillage is, however, not to be attained through comparison with the whole area of any State, because it is capable of being made vastly more productive than the arable lands of any ordinary State.

In nearly all of the States in this country and Europe the soil is not over a foot or so deep, and, after a certain time, it becomes impoverished by cultivation; but these alluvial soils extend to a depth of hundreds of feet, and are altogether composed of the waste of other soils which the rivers have swept from the upland districts. They are extraordinarily fertile, and, in case of surface exhaustion, after a lapse of time, irrigation and a new supply of silt from the streams is easy. It is safe to say that the whole of this area will in time have the tillage value of the similar soils in Holland or the lower portion of the valley of the Po. On this basis it will be fair to place the money value of these lands at not less than $200; which, on the above estimate of 25,000,000 of acres, gives a value of five thousand millions of dollars for the land alone, without reference to any concomitant elements of wealth, such as cities, towns, or transportation routes, which the development of population would create. A small portion of this value has been already won by the improvement of a limited part of this alluvial land by means of levees; but even this scant winning of territory from the domain of the river depends mainly for its security on the way in which the ever-increasing danger of floods is to be met by the devices of engineering.

Again, as to the value of the stream for purposes of navigation and commerce. The extent of streams in this valley traversable by some form of trading-craft is not less than 10,000 miles. Add to this the improvement of the less navigable streams through Government appropriations, and it is likely that the water ways will, within fifty years, have a total length available for trade of not less than 20,000 miles, or about one-fifth of the total present railway mileage of the United States. Although railways have taken the place of water-ways in certain forms of carriage, experience in all countries has gone to prove that interior water-ways have, for other certain forms of commerce, indubitable advantages. In carrying such products as grain, coal, iron, building materials, &c., which are the most important elements in the interstate commerce of the Mississippi Valley, the actual cost over considerable distances by water routes is far less than by rail. A large part—probably nearly one-half—of the commerce between the States bordering on the Mississippi system of waters is aided, if not made possible, by the flow of its streams. When the mineral products of this valley—those products it is so well fitted to return—come to have their place in the commerce of the world (as they soon must), then this route to the sea will have its value much increased.

It will be seen that the Mississippi River and its tributaries offer the greatest advantages for the needs of traffic to the sea, particularly our trade with South America, provided a liberal commercial policy is adopted toward those southern countries by this Government, and the ports of this continent south of the Rio Grande, as well as with the islands above the American Mediterraneans—the Gulf of Mexico and the Caribbean Sea. The shores of these inland seas are as extensive as are the bordering lands, and more fertile than those of the European Mediterranean. They are at present waiting for the commercial awakening which will come to them when the population of the Mississippi Valley—in time having obtained the control of that domain and having affirmed their, as yet, imperfect industries—shall extend their commerce to those dormant lands.

The geographical configuration of the Mississippi Valley, as well as the character of its population, makes it easy and safe to prophesy that its people will control the commercial life of this great realm of tropical lands, provided that a reasonable care can be taken that nature is not hampered or impeded in her proper tendencies by unwise commercial restrictions. The maintenance and improvement of the Mississippi River channel as a great highway of trade seems one of the first conditions on which depends the fulfillment of the great promise of our future commercial supremacy on the shores of the Mexican and Caribbean seas. If that channel remains a pathway of uncontrolled floods; if the vast area of fertile lands which border it for thousands of miles of its course are allowed to stay in the state of unprofitable swamp, we will probably have to abandon the opportunity of gaining this field of national commerce. If, however, the wealth of this district is developed by the improvement of the river and the bordering low lands; if the ports at the mouth of the river are brought to the condition of power which these improvements would give them, then the future of our commerce with the central districts of the American continent will be assured.

We have previously referred to the advantages, from a sanitary point of view, which would accrue to the valley by the protection of the bordering lands by levees. It is now confessed by every civilized government that the physical condition of its people is a matter of consequence to the state, and that there exists an obligation to do all that is possible in order to make their condition as good as can be made by the public control. Where possible, these sanitary measures should be cared for by the local government; but in case the evil is only to be met by national control, as in the matter of quarantine, or the extirpation of plagues, the general government must exercise its legitimate power. It is for such purposes that general governments exist.

The Mississippi Valley is, on the whole, a healthful region. The exception is the inundated area of the lower part of the main river and its tributaries, which are extremely malarious. The people of this district, in consequence, are subjected not only to a number of local diseases, but the whole population is accessible to the more malignant fevers which are brought from tropical countries. It is noticeable that yellow fever, though frequently imported into the valley, has never obtained anything like a firm foot-hold except within the district of inundated lands.

It is now, also, a generally accepted opinion that malaria is generally connected with a variable level of water—that is, that its home is for the most part in those regions which by floods are alternately inundated and left to dry. As long as the Mississippi Valley is left in this condition, it will be the breeding-place of fevers. Its population will be lowered by malarial diseases, and will in time become a weak element in the social system of the nation. If, however, these lands are brought into the condition of the similar districts in Holland and by the same means, there is every reason to believe they may become wholesome fields for the occupation of the race. If the sanitation of these lands were within the province of any one State, it would doubtless be fit that the problem should be left to the local governments; but as the waters which need to be controlled are derived from nearly half the States of the Union, and as the acts for their controlment will have to be executed in those States, it is evidently not a matter with which individual commonwealths can deal. The regulation of these waters is the most distinctly national problem with which this country has to deal, the matter of seaboard defenses being the only engineering problem which can be compared with it in importance.

As Holland, as has already been shown, elevated her sanitary condition by means of dikes from that of the lowest to a very respectable position in the scale of health—so that her death rate in 1865 was but one in thirty-seven—so can the valley of the Mississippi be reclaimed by confining the floods, draining the overflowed and swamp lands, and restoring to agriculture what is now but a den of malaria and disease.

Now, as to the cost. The highest estimate has made it not more than $40,000,000, with a strong probability that it will not be more than twenty-five millions. Holland spent five millions on Haarlem Lake alone; and the Westkappel Dike cost sixty-two millions. She expends over ten millions annually for maintenance of her system; and yet her entire area is 13,000 square miles less, or about one-third of the area of the swamp lands of the Mississippi Valley. These lands again, according to Professor Shaler's valuation, will, when fully reclaimed, have a money value of $5,000,000,000—a sum so vast that one can hardly comprehend its immensity.

In the speech delivered by me in this House on the 6th of May last I quoted the following startling figures from the remarks of Hon. Mark H. Dunnell, delegate from the Saint Paul convention, which was held in September last, before the Committee on Rivers and Harbors. I wish to call the attention of our Western friends particularly to this; it but foreshadows the result were the improvements on the Mississippi River alone carried to a final and successful consummation:

During the season of navigation of the Mississippi River the rate from Saint Louis to Liverpool, by rail to New York and by river to New Orleans has been as follows for the past three years:

| | | |
|---|---|---|
| 1883. | Via railroad to New York, per bushel | 23 to 29 |
| | Via river to New Orleans, per bushel | 17 to 23 |
| | Difference in favor of the river route | 6 |
| 1884. | Via rail to New York, per bushel | 15 to 29 |
| | Via river to New Orleans, per bushel | 11 to 20 |
| | Difference in favor of the river route | 4 to 9 |
| 1885. | Via rail to New York, per bushel | 14 to 27 |
| | Via river to New Orleans, per bushel | 13 to 13 |
| | Difference in favor of the river route | 1 to 14 |

And this, it must be borne in mind, is done on a river which, between the points mentioned, on account of numerous bars and bad channels, is not navigable for large boats during several months in the year.

In relation to the improvement effected by the jetties built by Eads at the mouth of the river, I quote from Mr. Converse, ex-president of

the New Orleans Chamber of Commerce, who appeared before your River and Harbor Committee on the occasion above referred to. He states a series of facts, each and all of which deserve the earnest consideration of this House. I quote him as follows:

Before the jetties, the foreign steamship arrivals in 1873 numbered 83, with an aggregate tonnage of 107,000 tons; in 1883 they numbered 402, with an aggregate tonnage of 653,000 tons.

Before the jetties, a vessel of 1,500 or 2,000 tons capacity was above the average in arrivals. Now vessels of 5,000 tons capacity are loaded at New Orleans.

Before the jetties, vessels were loaded to not over 14 feet of draught. Now vessels loaded to 26½ and 27 feet pass out to the sea.

Before the jetties, skillful pilotage and management were of no avail, for the channels were ever changing. Now, where a vessel is kept within the jetty channel, detentions are unknown.

Before the jetties, the towage on vessels was from $1.25 to $1.50 per ton. Now it can and has been had for 50 cents a ton, and a proportionate reduction in the rates of insurance on vessels and cargoes has also been made.

Before the jetties, the exports of grain were 5,750,000 bushels in a year. Now they are 14,250,000. The total exports were valued at $68,000,000. Now they amount to $94,000,000, an increase of 50 per cent.

Before the jetties, foreign freights were 18 to 24 cents per bushel. Now it is from 8 to 12 cents; and right here I will state that although there has been a reduction to some slight extent in the rates of river transportation, it is not nearly proportionate to the reduction in ocean freights, because, from the improved outlet to the sea, the largest of steamers can come and go at will, while upon the rivers the need of improved navigation prevents it.

This, Mr. Chairman, is the result of removing one bar, and thereby opening the mouth of the Mississippi. What must be the result if we remove all the bars between Saint Louis and New Orleans and open the river to continuous and safe navigation the year round?

In this connection, I will read the following telegram to the New York Times, dated Berlin, 11th ultimo:

The German River Shipping Association reports that within the last ten years the shipping of goods has doubled on the Rhine, tripled on the Elbe, near Hamburg, and quadrupled on the Oder, near Stettin.

These rivers have been improved under the supervision of the ablest engineers, civil and military, of Europe, and on a scale unknown on this side of the Atlantic.

At the same time I stated that the British East Indian Government had expended upwnrd of four hundred million dollars ($400,000,000) in improving the water routes and railways from its cotton, sugar, rice, and wheat producing regions to tho seaboard since 1880, and that the earnings of these improved transportation lines amounted in 1883-'48 to $62,441,280.

According to British Official Reports, the export of the East India cotton increased from 332,255,728 pounds in the year 1879 to 691,049,376 pounds in 1883, an increase of over 358,000,000 pounds, or more than 100 per cent. in four years, or an average of upward of 25 per cent. per year increase.

The export of British East India wheat, according to the same authority, increased from 95,000 bushels in 1874 to something over 43,000,000 bushels in 1885. The exports of 1884 and 1885 amounted to 84,600,000 bushels, resulting in a loss to our farmers of over $80,000,000, and of nearly 4,000,000 tons of freight to our water routes and railways.

In 1883 we exported 106,385,000 bushels of wheat at $1.12 per bushel. In 1885 our export of wheat was reduced by competition with British East India wheat to 84,500,000 bushels at 87 cents per bushel.

The shipment of wheat from San Francisco for the six months ending December 31, 1884, was 12,447,000 bushels; for the corresponding months of 1885 only 5,850,000 bushels.

Onr shipments of wheat to Great Britain during the last five months of the year 1884 were, stated in round numbers, 11,900,000 bushels; for the corresponding months of 1885, 4,500,000; showing a decrease of 7,400,000. During the same months the shipment of East India wheat to Great Britain amounted to 6,833,000 in 1884, and to 8,867,000 in 1885; showing an increase of 2,034,000.

The exports of British East India sugar was increased faom 41,000,000 pounds in 1879 to 200,000,000 in 1884, the last year named being an increase of 159,000,000 pounds over the export of 1879.

It is estimated that there are 150,000 square miles of undeveloped British East Indian sugar, wheat, cotton, and rice lands yet to be put under cultivation; and there is a population of at least 260,000,000 "ryots" or slaves available for working them.

The British East Indian "ryot," slave, or farm laborer, the worst oppressed and most degraded of all human beings, lives on broken rice and millit seed, goes almost entirely without clothing all the year round, and for about three "annas," or 8 or 9 cents per day; thus Great Britain is forcing the products of its slave labor into our markets in direct competition with the free labor of the United States.

It was for this purpose that Great Britain laid her deep and long projected schemes, whereby the war of secession was brought about for the double purpose of at once exterminnting slave competition and destroying republican institutions in this country.

Had it not been for the machinations of England and English gold, I am convinced that the institution of slavery would have soon disappeared from the United States peaceably, as it has since done from all the civilized nations on the earth, whereby the oceans of blood shed in that protracted and terrific struggle would have been saved, and all the suffering and ruin which has followed would have been averted.

There were not exceeding 4,000,000 slaves in the United States, whereas Great Britain to-day controls a population amounting to nearly 300,000,000 human beings, who are slaves to all intents and purposes.

It is with this unpaid, unclad, poorly fed, forced labor, which produces all classes of raw material for food, drink, and manufacture, that American free labor is called upon to contend in the markets of the world.

When our wheat-growers in the Great West, our wool-growers in Texas, Ohio, and Vermont, our sugar growers in Louisiana, Texas, Florida, and California, our growers of cotton and rice throughout the great producing South inquire for the cause of the fatal depression in their business and the low prices of their products, one has but to point to slave-ridden British India, the British possessions in Africa, to the continent of British Australia, and the British dominions throughout the tropics worked by cooley labor, where Great Britain is rapidly acquiring a monopoly in the production of all that is consumed by man. It will be seen from this brief and hasty review of facts that England aims not only at a monopoly of the world's market for the products of manufacture, but also of raw material—cotton, sugar, wheat, rice, lumber, wool, and all other products. It is with these forces, though remote apparantly, but direct in their action, that we must deal largely in the consideration of this subject.

Mr. Speaker, I have endeavored to show the interest this country, as a whole, has in the improvement of the Mississippi River. I have quoted the highest and most responsible authorities to prove that a permanent, continuous, and efficient line of levees on the banks of that river is the most important feature in the work proposed for its improvement. Hence, in my judgment and in the judgment of the committee having this matter in charge, and I believe it is rapidly becoming the judgment of the entire country and of all who are interested in cheap transportation in the Mississippi Valley, where three-fourths of the internal commerce of this country is carried on, and of the people concerned in the protection of the States in that valley from overflow, a system of levees built high enough and strong enough and so located and protected as will confine the water of that stream to its channel, thereby giving ease and safety to navigation all the year round, and preventing its overflow at all times, is the first and most economical work the Government could undertake to rectify that stream. To this end I hope the commission in charge of these improvements will be instructed by Congress to direct their energies.

Gentlemen may say that if this is so rich and valuable a section of the world, why do not the people who live there protect it themselves? In reply, I will state that, in the first place, it is not their duty to do so. The Federal Government owns the Mississippi River, and should control it. It is a sea flowing throngh a number of States who have no right under the Constitution to enter into any compact with each other for any purposes whatever; and even if they possessed that right, which the Constitution distinctly denies them, it has been proven by nearly a century of work that they are unable to do so of themselves; and secondly, that this wealth is but potential—it has yet to be developed—this vast and rich country has yet to be reclaimed before it can become strong enough for self-protection; but, as I have said, it is clearly the duty of the Federal Government to employ its own great power in controlling this stream, so that it will become the greatest highway of commerce in the world, and cease to be a terror to those who dwell upon its shores. By levees alone this can be most economically and effectively accomplished.

To the statesman, values expressed in money units are of much interest; but of vastly greater interest are those values which can be stated in terms of human life to be—life which is to find its place on the earth by his foresight and intelligent law-giving. From this point of view, the subjugation of the watery deserts of the Mississippi Valley affords a noble prospect in those who are planning the future of this continent. This area is capable of maintaining in plenty a population as dense as that of the richest agricultural lands of Europe. It can from its rich soil easily supply the necessities of fifteen millions of people. Its products are neighboring to one of the greatest systems of water-ways, and may find by those ways easy transportation to regions in the more northern parts of the Mississippi Valley, which are destined by their stores of mineral wealth to be the seats of great manufacturing industries. Thus, it is not merely for its possible acres of corn or cotton and sugar, but on account of its relations to the development of the whole country, that this inundated region commands the attention of all those who feel an interest in the future of the people of this great nation of unparalleled growth and power.

The commission, to whom has been intrusted the responsibility of improving this river, was created by act of Congress in 1879, after I had first taken my seat in this body. Since then it has received and expended appropriations amounting to something over $8,000,000 in their work, which has consisted of levees, jetties—perminable works—and bank revetments. However effective, the latter have proven costly, and are necessarily slow of construction. The former—the levees—are built easily and rapidly, cost but little comparatively, and can be made absolutely permanent.

It will be a long time, Mr. Speaker, before the revetting of the banks and the perminable or jetty structures can be completed; but with the

expenditure of what must prove to be a small sum when compared with results that will be achieved the levee feature of this work can be finished from the Gulf to the highest point desirable on this river in the course of three or four years. For this purpose the commission asks a little over $11,000,000. They have expended already about a million and a half; but suppose the completion should cost twenty millions, it would be nothing compared with the vast benefits that would follow to the country. Had the commission put every dollar they have received into the construction of such a system of levees as is finally proposed by them there would have been to-day a magnificent line of such works already completed on the river which would have given us safe navigation and protection to the States through which the river passes from the perils and destruction of inundation.

This was the principle idea of the great engineer Eads when he accepted a place on the commission, and all other features of the work for the improvement of the river were subordinate. Even General Comstock, the most skeptical on this subject, has admitted that levees can be built strong enough to confine the water to the bed of the stream, and all testimony goes to confirm the wisdom, the practicability of the Eads plan of controlling the river by levees.

The day is not distant when the country will demand its absolute and unqualified adoption. It may be tampered with and postponed, but it must come.

Then, Mr. Speaker, will the grandeur of this wise and munificent legislation be triumphantly vindicated to the eyes of the whole world.

---

## Internal Revenue.

---

### SPEECH

OF

# HON. GEORGE D. WISE.

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

*Thursday, March* 3, 1887.

The House having under consideration a bill to modify the internal-revenue system of legislation, and for other purposes—

Mr. WISE said:

Mr. SPEAKER: This bill contains many important provisions, and, if passed, will afford relief from many of the annoyances and hardships of an odious system of taxation. So far from diminishing, I am satisfied that its effect would be to increase the revenues of the Government by preventing prosecutions for trivial offenses. If gentlemen will examine in this connection the letters from Mr. Durham, the First Comptroller, addressed to Mr. Jones, United States attorney for the western district of North Carolina, they will be convinced that large sums of money are annually being taken from the Treasury for the payment of the costs of such prosecutions without compensating or beneficial results. He tells us that the practice followed in issuing warrants for alleged violations of the internal-revenue laws in this district resulted in bringing to the Treasury during the fiscal year ending June 30, 1886, the sum of $265, and in taking therefrom the sum of $1,807.41.

An examination of the accounts of United States commissioners and deputy marshals reveals the existence of methods in the inauguration of criminal proceedings which call loudly for legislative correction. The provisions of this bill, which have for their object the extinguishment of these practices, have been carefully considered and favorably reported by the Committee on the Judiciary of this House, and it seems to me that no one should halt in the opinion that they should be adopted.

The producer of leaf-tobacco is limited by existing statutes in the disposition of his crop to licensed dealers, except that he may sell at the place of production at retail directly to consumers, to an amount not exceeding $100 annually. And he is forbidden even to issue as rations or supplies to his laborers or employés tobacco of his own growth and raising in excess of 100 pounds in any special tax year, without first having paid the special tax of a dealer in manufactured tobacco. These restrictions work a great hardship to the tillers of the soil, and should not be continued when there is no necessity for them. They are especially injurious to the small farmers, who should be the objects of the fostering care of the Government, instead of being subjected to unfriendly and repressive legislation.

No citizen, except under peculiar circumstances, requiring the exercise of such an extraordinary power, should be deprived of the right to dispose of the products of his toil and labor as he pleases; and if this internal-revenue system cannot be maintained without interfering with the rights of ownership of private property, that fact is the best argument against its perpetuation. As the tax is paid by the manufacturer of tobacco, I am unable to discover a reason for the continuance of this limitation upon the producer thereof.

While this bill is a step in the right direction, and will, as I have said, afford relief from many unnecessary hardships and vexations, it stops short of that full measure of relief for which my people have petitioned. The people of the States in which the culture and manufacture of tobacco are important industries are loud in their demands for the abolition of the system of direct taxation known as the internal revenue, which was resorted to with reluctance when the country was in the throes of a gigantic civil war.

We have been deluged with a flood of petitions favoring action in this direction, coming from the best representatives of the industries and the interests involved. These petitions were sent here not by moonshiners, of whom gentlemen speak contemptuously, but by men of large experience and commanding influence, and they embody the sentiments of an overwhelming majority of the people of the States where the vexations and hardships inherent in the administration of the system are felt. They come from gentlemen who have an intelligent appreciation of the subject, and whose views and opinions are worthy of respectful consideration. Their clamors for relief can not be silenced by sneers or denunciation.

"From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue," and such in my opinion they should continue to be. Internal taxes have never been resorted to, except when required by extraordinary emergencies, and on all former occasions were repealed promptly when the necessity for their imposition ceased to exist. They have never failed to arouse a feeling of discontent among the people. The first attempt to obtain revenue by this method, authorized by the first Congress which assembled under the Constitution, caused in the western counties of Pennsylvania what is known in history as the "whisky rebellion." The spirit of resistance which it aroused was so violent and persistent as to require an armed force for its subjugation.

The present system was devised and put into operation during our civil war, but not until nearly fifteen months after its outbreak. Even then, when the requirements of the Government for money were most urgent, and when a sufficiency of it for the equipment and supply of troops could not be obtained from other sources of revenue, Congress hesitated to resort to this method. It was feared that the imposition of direct or internal taxation would create such discontent as to interfere with the vigorous prosecution of the war. Twenty-two years have passed since the termination of hostilities, and these internal-revenue taxes remain, and there are many here unwilling even to make such a modification of the statutes which authorize their collection as will render them less odious and obnoxious.

The people are restless under the unnecessary exactions to which they are subjected, and while their opposition has not been carried to the extent of forcible resistance, their demands for corrective legislation are loud and deep. The day of their deliverance may be postponed, but this agitation for reform will continue until existing abuses and evils shall have ceased to exist. Our attention has been repeatedly directed to the necessity for the reduction of the revenues of the Government, which can only be accomplished by a thorough and radical revision of our fiscal arrangements.

We are told by the Secretary of the Treasury in his last annual report that under the operation of existing laws the proceeds of surplus taxation amount to more than $100,000,000 per annum. The effect of the continuance of this useless depletion of the earnings of the people must be to paralyze business and cripple industries. If this annual surplus should be kept locked in the vaults of the Treasury a panic would thereby inevitably be created, and the result would be widespread ruin and disaster. This vast surplus can not be much longer used in the extinguishment of our indebtedness without paying to the creditors of the Government large premiums in the purchase of bonds before the dates of their maturity.

Upon this subject the President in his annual message says that—

The application of the surplus to the payment of such portion of the public debt as is now at our option subject to extinguishment, if continued at the rate which has lately prevailed, would retire that class of indebtedness within less than one year from this date. Thus a continuation of our present revenue system would soon result in the receipt of an annual income much greater than necessary to meet Government expenses, with no indebtedness upon which it could be applied.

The employment of this surplus in useless and unnecessary expenditures is not to be thought of as an excuse for its continuance. There is but one remedy for the evil, and that is to be found in the immediate reduction of taxation.

We have reached the point when something must be done to escape the dangers close at hand. We will soon be confronted with the serious and blighting consequences, which must inevitably follow, if some action be not taken "to transfer our present and accruing proceeds of surplus taxation from the Treasury vaults to the pockets of the people." Hesitation is weakness and folly; and the policy of inaction is criminal when the demands for money to be employed in productive industries and commercial enterprises are so urgent. I beg to remind my party friends upon this floor that we are in a large majority, and that the people will hold us responsible for the failure to do something to avert threatened evils.

In the platform upon which the present administration came into

power the Republican party was denounced "for having failed to relieve the people from crushing war taxes," and the distinct pledge was made to accomplish that result and "to purify the administration from corruption." I warn you that our lingering in the policies and methods which characterized the conduct and management of public affairs by the Republican party will be pursued with whips of scorpions. Our people have become accustomed to import duties, and they are endured without a murmur, while on the other hand internal taxation produces friction, and is regarded with feelings of hate and aversion.

The aggregate collections from this source amounted, in round numbers during the last fiscal year, to $117,000,000, which is less by $8,000,000 than the surplus for the same period. If this odious system is not to remain permanently as a part of our fiscal arrangements, then the time has arrived when we can and, in my judgment, should move in the direction of its repeal. In assuming this position I place myself in harmony with the settled policy of the Government from its foundation and in accord with Democratic platforms since the war, and especially with those of our party in the States of Virginia, Pennsylvania, New Jersey, Ohio, North Carolina, and West Virginia.

In this bill material modifications and changes are proposed by which the system will be relieved of many of its irritating and oppressive features, but the financial situation will not be improved by its enactment. The difficulties and embarrassments by which we are surrounded will still remain to plague us. The people will still be left to stagger under unnecessary burdens. Tobacco is the chief money crop of several of the great States of the Union, and the continuance of the tax upon it is injurious to the interests of their people. An excuse for its retention can not be found in the necessity to make suitable provision for the defense of the country, nor is it required for the preservation of the faith of the nation to its creditors and pensioners.

If time permitted, many strong and urgent reasons for its immediate abolition might be offered, but none more convincing than the bare statement of the fact that the effects of the laws enacted and maintained to insure its collection have created and fostered monopolies. They have operated to deprive many poor and deserving citizens of their accustomed employment and to confer special favors upon the rich. The gentleman from Iowa [Mr. HEPBURN] says, "there is no monopoly; any man can secure the right to buy and sell if he chooses to." He takes a very narrow view of the subject, and exhibits a paucity of knowledge of it which renders his opinion of little value. "Any man can secure the right to buy and sell," if he has the capital with which to engage in the business. Let me place by the side of this declaration the statement of the wholesale dealers and manufacturers of tobacco and cigars of the city of Baltimore, which is, that—

> The fostering care of the Government in levying the tax on tobacco has ruined the great bulk of the small manufacturers and aided in building up a few gigantic factories which are striving to monopolize the business, and in a great measure they have succeeded. One renowned factory of smoking tobacco, not in Baltimore, turns out millions of pounds a year, on which they have a profit of 20 cents a pound, or about 75 per cent. on cost of production. This is accomplished through the internal-revenue tax law, as it turns the business into a sort of patent. The poor consumer buys on account of the picture on the package and the windy advertisements of the factory, as he is not permitted to open the package to examine the goods. The law says if the stamp is broken it is illegal to sell it—so, in every case, he must buy his pig in the bag, sight unseen.
>
> Since the internal-revenue tax has been levied the tobacco business of Baltimore has constantly decreased in importance. Formerly there were twenty to thirty smoking-tobacco factories located in Baltimore; now there are but five or six. The plug-tobacco commission business, once the pride not only of Baltimore, but the largest in the country, has been comparatively wiped out.
>
> The sale of plug tobacco for export has been about abandoned at this port on account of the internal-revenue tax. Vessels can not wait a week or ten days to get the tobacco from the Virginia factories, and tobacco in store can not be sold for export, because it is stamped, without the loss of the cost of the stamps.

These are the utterances of men having knowledge of the subject of which they speak derived from experience. Similar results have been produced in Virginia and other States. But there are those who tell us that tobacco is a luxury, and that the abolition of the tax upon it is not to be thought of until we shall have conferred "upon the wage-earners of the United States the boon of untaxed clothing." I am in favor of a revision of the tariff, as my votes here show, but we must not lose sight of the question at issue, which is, what shall be the sources of revenue, the methods of taxation?

In speaking upon this subject Mr. Madison said that "the system must be such a one that, while it secures the object of revenue, it shall not be oppressive. Happy it is for us that such a system is within our power, for I apprehend that both these objects may be obtained from an impost on articles imported into the United States." And in harmony with the views thus presented by that great statesman are the declarations of our party platform, to which I have already referred, "that from the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue, and such they must continue to be."

Tobacco may be a luxury; call it so, if you will; but I make the assertion, without fear of successful contradiction, that in taxing it you place upon the shoulders of wage-earners a heavier burden than is imposed by the taxation of any other article. It is the poor man's luxury; the solace of his toil. It is in general use by the laboring classes, and they will not be without it if it can be had. During our civil conflict the soldiers of the Union were always found ready to give in exchange for it clothing, or their rations of coffee and sugar. I know of no greater luxury than a large bank account, ample for the supply, not only of the necessaries of life, but sufficient to enable its possessor in the pursuit of pleasure to surround himself with all the allurements which his fancy may suggest. There was a time when a luxury of that kind was made to bear a portion of the burdens imposed for the support of Government. I refer to the tax on incomes, which was removed in 1870, nearly seventeen years ago. We did not hear then the cry that this tax should remain until the duties on certain articles of general consumption should be reduced. This income tax was obnoxious because inquisitorial, and I beg gentlemen not to forget that that presents one of the chief points of objection to the whole system of internal-revenue taxation,

Blackstone, in his Commentaries, says:

> The rigor and arbitrary proceedings of excise laws seem hardly compatible with the temper of a free nation. For the frauds that might be committed in this branch of the revenue, unless a strict watch is kept, make it necessary, wherever it is established, to give the officers the power of entering and searching the houses of such as deal in excisable commodities, at any hour of the day, and, in many cases, of the night likewise. And the proceedings, in case of transgression, are summary and sudden.
>
> * * * * * * *
>
> However, its "original establishment was in 1643, and its progress was gradual, both sides protesting it should continue no longer than to the end of the war, and then be utterly abolished. * * * But from its first origin to the present time its very name has been odious to the people of England." It has been kept up, however, to supply the enormous sums necessary to carry on the continental wars of Europe.

The dispute arises as to the methods by which a sufficient income for the requirements of the Government shall be obtained, and not as to whether this or that article shall be taxed. When the work of a revision of the tariff shall have been entered upon I shall have something to say upon that subject also. Its discussion would be out of place in this connection. But I will add that I will approach its consideration "in a spirit of fairness to all interests, and with the purpose not to injure any domestic industries, but rather to promote their healthy growth." Both parties are pledged to a revision, and it is demanded both as a measure of justice to consumers and for the promotion of the general industrial prosperity.

But believing that a national revenue sufficient for the requirements of the Government economically administered can be obtained from an impost on articles imported into the United States and that internal taxes are unnecessary and a prolific source of discontent, I am in favor of the repeal of all laws authorizing their collection.

---

## Rivers and Harbors.

---

# SPEECH

OF

# HON. THOMAS C. CATCHINGS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

*Saturday, February* 26, 1887.

The House having under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors—

Mr. CATCHINGS said:

Mr. CHAIRMAN: I had the temerity, in the remarks made by me a few days since, to express my belief that the gentlemen constituting the Mississippi River Commission are able and faithful men; that their achievements have been signally successful; that by reason of their experience in dealing with the Mississippi River and the difficult problems involved, the work of improving it should be left in their hands; that they have been recklessly and needlessly assailed; and that the charge, repeatedly heretofore made upon this floor, that they contemplated revetting the banks on both sides of the river from Cairo to the Gulf at a probable cost of $150,000,000 is not justified by anything ever said or done by them.

I also said that to discard the plan of improvement being pursued would involve the abandonment of the whole work, inasmuch as nothing is proposed in its stead, and that to strike down the commission is a part of the scheme to strike down the whole enterprise.

I also ventured the opinion that $30,000,000 would be quite sufficient to accomplish the desired improvement of the channel for the purposes of navigation. I was not thinking of the gentleman from Arkansas [Mr. BRECKINRIDGE], or the views entertained now or in the past expressed by him; and what I said was said in the effort, modestly but firmly, to present the views and give utterance to the sentiments of my constituents. That gentleman appears to have been greatly excited by what I said, and has delivered a long and, in some respects, intemperate and ill-natured speech in reply.

I appreciate the unjust and discourteous intimations thrown out by him from time to time as to the motives which control my actions, and

but for them I would not take the trouble to answer the gentleman. I shall do so, however, lest my silence may be misconstrued.

Much said by him I regard as wholly irrelevant and fanciful, and I shall therefore not attempt to follow him in detail, for if any good is to come of this discussion we must not let the main question get sidetracked. I begin by denying that I ever said, or thought of saying, so ridiculous a thing as that "all who criticise the organic idea of a commission, or who criticise the men who are now on that commission, or who criticise the manner in which the public money is being expended by them, are enemies of the Mississippi River improvement."

I have never in my life been conceited enough or silly enough to attempt to deny in such a manner liberty of thought or action to others. In defending the commission I was engaged in discussion with those known by every member of the House to be opposed to the improvement of the river. I merely meant that the efforts of these enemies of the river to strike down the commission were part of their purpose to strike down the whole enterprise, and my language can not be made to bear any other construction.

I next deny that I ever said, or thought of saying, so absurd a thing as that "the commission itself is an engineering plan," and that the work is not to be done according to a plan approved by Congress; but that "Congress is appropriating money to be expended in any way that the commission may choose to devise, and that the present attempt to improve the Mississippi River hinges upon the maintenance of this commission, and it and the river must stand or fall together."

The exact language used by me is this:

> If the river is worthy of improvement the work should remain in their hands. By experience, acquired through long years of careful study of the conditions of the river, the problems involved, and the means to be used in their solution, they are far better qualified to carry it to a successful conclusion than new and untried men would be.
>
> To strike them down is but part of the plan to strike down the whole enterprise, and I appeal to the friends of the river to turn a deaf ear to these insidious proposals, and hold up the hands of these able, impartial, and faithful public servants. If the plan being pursued is discarded the whole work must be abandoned, for nothing is proposed in its stead. Is this House prepared to say that these engineers are imbecile, or what is worse, that they have acted and spoken insincerely or with duplicity, and that all efforts to restrain, control, and direct the energies of this greatest and most useful of rivers shall be abandoned? That is the real issue which its adversaries seek to present, disguise it as they may.

My remarks were made in the course of general debate on the bill in reply to bitter attacks of the enemies of the river and in anticipation of the effort they were expected to make to abrogate the commission.

To strike it down is what the enemies of the river have always sought and its friends have always opposed.

I meant no more than that in my judgment the enemies of the river were seeking, as a means of destroying the enterprise, to strike down the commission, and that to do this would be to practically discard the plan of improvement in process of execution, leaving nothing in its stead.

Everybody knows that it is the duty of the commission to expend the money given to them in accordance with the plan formulated in 1880, and that it would be the most arrant nonsense to speak or think of the commission as being itself "an engineering plan."

The gentleman from Arkansas bases his assault upon the commission upon the charge that they have departed from the plan of 1880. I deny that there has been any such departure, and will endeavor to maintain my denial by the record.

His contention is, that no revetment work to protect caving banks is allowable under that plan until all the wide shoal places have been narrowed to a comparatively uniform width by the use of permeable dikes; that the use of revetment upon caving banks by the commission before these contraction works are completed is in violation of and a departure from the plan, and that in so using revetment they have clearly and willfully disregarded the law and defied the will of Congress.

By the act of June 28, 1879, which created the commission, they were required, among other things, to report specifically upon the practicability, feasibility, and probable cost of the plans known as the jetty system, the levee system, and the outlet system.

They discussed ably and elaborately in their report of February 17, 1880, these three plans, and recommended the jetty system as the one to be adopted. This system is based upon the theory that "the bad navigation of the river is produced by the caving and erosion of its banks, and the excessive widths and the bars and shoals resulting directly therefrom," and that in all silt-bearing streams flowing through alluvial deposits "the more nearly the high-river width, or width between the banks, approaches to uniformity the more nearly uniform will be the channel depth, the less will be the variations of velocity, and the less the rate of caving to be expected in concave bends;" and that "uniformity of width secured by contraction will produce increased velocity, and, therefore, increased erosion of bed at the shoal places, accompanied by a corresponding deposition of silt at the deep places, and consequently greater uniformity of depth."

From this it would necessarily follow "that after the wide shoal places are suitably narrowed, and the normal sectional area is restored by deepening the channel, the friction will be less than it was before," and that "this will result in a more easy and rapid discharge of the flowing water and consequently in a lowering of the flood-surface."

The commission, after stating and elaborating this theory, said: "It wolud seem, therefore, that the plan of improvement must comprise, as its essential features, the contraction of the water way of the river to a comparatively uniform width and the protection of caving banks, and this is presumed to be the plan referred to in the act as the jetty system."

The purpose was to secure deeper water over the shoals and bars, and as far as possible to make such improvement as might be effected permanent, and prevent further deterioration of the river bed.

Under the plan of 1880 this was to be accomplished by narrowing the channel in the wide places to about 3,000 feet by means of "light, flexible, and comparatively inexpensive constructions of poles and brush and materials of like character," which, while not arresting the flow of water violently, would sufficiently check it "to induce a deposit of silt in selected localities," and "by the protection of caving banks."

In explaining the means by which they hoped to carry their purpose into execution, the commission said:

> The works which have been used in similar improvements are of various forms and devices, such as the hurdle, composed of a line of stakes, or light piles, with brush interlaced; the open dike, formed of stakes with waling strips on both sides filled in loosely with brush; the continuous-brush mattress, built or woven on fixed or floating ways and launched as fast as completed, as a revetment to a caving bank, the mattress used as a vertical or inclined curtain, placed in the stream to check the current, the same laid flat on the bottom as the foundation for such a curtain, or as an anchorage for other brush devices; curtains of wire or brush netting, placed vertically or inclined in the stream; and various other forms of permeable brush dikes, jetties, or revetments.

It will thus be seen that the protection of caving banks by revetment was a prominent feature of the plan adopted by Congress. It is true it was expected that the reduction of the channel to a comparatively uniform width of about 3,000 feet would very greatly arrest caving of the banks, and that result is still looked for when the whole channel, or even a considerable part, has been so rectified. But until then it was believed that caving would continue, and that meantime it might be necessary to aid the channel or contraction works, if not, indeed, to save them from absolute destruction, by holding rapidly-caving banks by revetment.

Having explained their plan the commission continued:

> Those works of channel contraction and bank protection—

Treating, it will be noted, bank protection as something separate and apart from channel contraction—

> which, in the judgment of this commission, may be advantageously undertaken during the coming fiscal year, or as soon as Congress supplies the means, are confined to an aggregate length of nearly 200 miles of the shoalest water below Cairo, embracing the following localities, namely, New Madrid, Plum Point, Memphis, Helena, Choctaw Bend, and Lake Providence. The estimates are intended to cover the cost of works for contracting the channel and for securing and protecting the banks, for the necessary outfit of boats, tugs, tools, &c., to carry on the work for local surveys, the salaries of engineers, superintendents, and inspectors, and the necessary office expenses.

The estimates submitted with the report are then summed up as follows:

| Estimates for works of improvement for the first fiscal year: | |
|---|---|
| Initial works for channel contraction and bank protection | $4,113,000 |
| Closing gaps in levees | 1,010,000 |
| Checking enlargement of Atchafalaya | 10,000 |

Thus it will be seen that throughout the explanation of the plan, the statement of the works proposed to be inaugurated, and the estimates therefor, channel contraction is treated as one thing and revetment or the protection of caving banks as another and that both are put prominently to the front as essential features.

At a meeting of the commission held February 12, 1880, five days before the plan for the improvement of the river was prepared for submission to Congress, a detailed estimate was adopted for each of the reaches selected for improvement, wherein the works for bank protection were computed to cost four and a half times as much as those for channel contraction. Captain Eads asserts that he was not present at that meeting, and I accept his statement as true, but that does not alter the fact that the interpretation of the plan by the commission, contemporaneously with their submission of it to Congress, looked to the immediate and extensive use of bank revetment.

Congress made the first appropriation for the work on March 3, 1881, and we see from the report of the commission in the following November, that they immediately expended a large part of it in the purchase of the plant needed to do the work, which comprised "among its principal articles four barges for grading the banks, each equipped with a force-pump and necessary pipes and hose for delivering 2,000 gallons of water per minute under a high pressure; two mattress barges fitted out with suitable wire-net weaving apparatus for the manufacture of wire-netting for permeable dikes and revetments; thirty pile-drivers; seventy-eight barges for the transportation of brush and stone; two large quarter-boats for offices and quarters for the superintending engineers, and for store-rooms and quarters and mess-rooms for skilled labor; two smaller quarter-boats for brush-cutting parties moving from place to place; five tow-boats of different sizes for towing stone and brush barges and hauling the same at the works; two steam-launches

for the use of the superintending engineers and inspectors; portable quarters and mess-rooms for the accommodation of five hundred common laborers, and moderate outfits for two blacksmith-shops and two carpenter-shops."

It will be perceived that nearly the whole of this plant was designed to be used in revetment work only. In the same report they informed Congress that they had contracted for "425 tons of galvanized steel wire of suitable sizes, and for 20,000 cubic yards of riprap stone delivered to barges at the quarries," all of which was intended, of course, for bank revetment.

The report also stated:

Work in the way of preparation, and consisting in the clearing of the banks which will first be protected, has already been begun.

And by way of excusing themselves for not making, as required by the act of March 3, 1881, before the 1st of January, 1882, a detailed statement of the work done and expenditures made, accompanied by their opinion as to the effect of such work, and the practicability and probable cost of the improvements in contemplation, they said, "Very little of the work of revetment for bank protection, and perhaps none of the permeable dikes for contracting the channel, will be actually completed before the time specified," and "there are some objections also to putting down bank revetments on a rapidly-rising river, as the Mississippi is known to be at the present time, unless the entire slope to the crest of the bank can be graded and covered about the same time; and this is impracticable, in a large degree, under existing circumstances, for the reason that the pumps for two of the four grading boats will not be ready for delivery until some time during January next."

In this same report, as if determined that there should be no room for the slightest misunderstanding as to what the plan for improvement and the methods for carrying it into effect were, the commission say:

With regard to the practicability of improving the navigation of the river below Cairo upon the general plan recommended and to the full extent required by the increasing demands of commerce, attention is respectfully invited to the views of the commission as expressed on pages 16, 17, and 18 of the report dated February 17, 1880. As a brief summary of those views it may be here stated that the improvement is to be secured by narrowing the low-river channel-way to an approximately uniform width of 3,000 feet in localities where widths are excessive and the navigation bad, to be accomplished and rendered permanent through the agency of such work as will also create a comparative uniformity in the width of the high-water channel. For the attainment of this result two distinct classes of works, differing widely in character and purpose, will be required, namely, revetments for the protection of caving banks, and dikes or other structures for the contraction of the channel-way. The bank revetments are intended not only to stop the constant and, in some localities, very rapid enlargement produced by erosion and caving of concave bends, but in addition thereto to check the growth of bars and shoals below by accretions supplied directly therefrom

They then gave quite an elaborate description of the processes by which these two distinct classes of work were to be done, and said:

It is the unanimous opinion of the commission that the improvement of the navigation of the Mississippi River below Cairo, upon the general plan recommended in their report of February 17, 1880, is entirely practicable, and that the completion of the works, for which partial estimates were then submitted, with others of similar character, where the navigation is bad, or may hereafter become so, will establish and maintain a continuous low-river channel, not less than 10 feet deep, over all the shoals and bars between Cairo and the Head of the Passes, with the possibility of attaining practicable depths considerably beyond that limit.

The reports of 1880 and 1881 make it perfectly certain that from the very beginning the plan adopted, as interpreted and explained by the commission and acted on by Congress, recognized that bank protection by means of revetment and channel contraction by means of permeable dikes would be used conjointly, and that each had its peculiar purpose to subserve in effectuating the general scheme of improvement. This report of 1881 was not signed by Captain Eads, because, as stated by him in his individual communication to General Gillmore, transmitted by the Secretary of War under date of April 26, 1882, he differed "with the views expressed therein on the following important points: 'Levees,' the 'Atchafalaya,' 'harbor of Vicksburg,' and 'improvements between the mouths of the Missouri and Ohio Rivers.'" The communication very ably elaborates his views concerning these several "important points," but not one word is spoken against revetment work, no complaint is uttered of the large expenditure made by the commission for plant with which to do such work, and no objection is advanced to their interpretation of the plan of 1880.

They phrase their estimate for the next fiscal year as follows:

For initial work for contracting the channel and protecting caving banks on six reaches of the river, constituting a length of 184 miles, * * * $3,113,000. For closing existing gaps in levees, $1,010,000.

In view of the explanation of the plan and of their proposed methods of executing it, as stated in their report of 1880 and elaborated in that of 1881, and in accordance with the said estimates, Congress, on August 2, 1882, appropriated for the work $4,123,000.

This action of Congress was a most emphatic and unequivocal approval of the plan and methods of work as described by the commission.

The next report of the commission was made December 1, 1882.

They again describe the plan for improving the river, saying:

It consists essentially in seeking to increase the navigable depth at low-water by narrowing the width at that stage to about 3,000 feet, it being found that where this width is exceeded bad navigation as a rule exists. To accomplish this result recourse is had to light permeable structures erected in the river bed and designed by checking the velocity of the current to induce deposits of sediment on those portions of the bed which it is proposed to reclaim from the river. By a continuance of this action, which merely imitates the natural processes constantly at work, it is expected that these deposits will ultimately be raised to the level of the normal banks. When this is done the river will have a nearly uniform width, and the tendency which now exists to form shoals in the wide places will be done away with. At the same time the concentrated flow thus set up will scour down the bed, remove the present shoals, and ultimately to some extent lower the flood-line. To prevent the constant bank erosion now going on both the old banks and the new ones, when exposed to this action, must be protected by brush mattresses below the low-water line, and above that point by brush or stone or the natural vegetation.

In addition to this reiteration of the revetment feature of the plan they informed Congress that at the date of their last annual report (November 25, 1881) "parties had been set to work on both reaches (Plum Point and Lake Providence) to clear the standing timber from banks where revetment work was contemplated," and that since then considerable revetment had been done in both of these reaches, and in Hopefield Bend and at Memphis.

Their estimate for the next fiscal year is:

For works for contracting the channel and protecting caving banks on six reaches of the river, &c.

So when we turn to the reports for 1883, 1884, and 1885 we find that accounts are given of various revetment work in progress. At the risk of being tedious I have gone over the reports from the beginning for the purpose of showing that there has been no departure by the commission from the plan adopted in 1880; that by that plan, as explained by them and acted on by Congress, extensive revetment as well as channel work was contemplated; that these two classes of work were always intended by the commission to go on hand in hand together, and that their intention was repeatedly and plainly expressed to Congress; that Congress adopted the plan as elucidated by them and made appropriations accordingly; that there has been perfect consistency in all that has been said or done by them; that there has been no quibbling or vacillation or concealment by them; and that their use of revetment is directly in accodance with their purpose and understanding of the plan of improvement, as frankly and clearly set forth by them in their published reports.

The understanding of the plan by my distinguished colleague upon the committee [Mr. BLANCHARD] can best be stated in the words spoken by him on this floor on January 19. He said:

It was matured after careful and elaborate study of the river. It consisted in what is called the contraction system, united with the plan of revetment of the banks, so as to hold them and thus to preserve the results achieved by the contraction of the channel in the wide places, and, as incidental and a necessary adjunct to the channel improvement of the river, the construction of levees upon the banks in order to conserve the forces of the river at its flood stages.

It will be seen that the gentleman from Louisiana understands the plan of 1880 exactly as I do, and as it has been repeatedly explained by the commission.

The gentleman from Arkansas calls upon me to let the House know whether or not the members of the commission "are warring, not only, perhaps, among themselves, not only in general feuds and rivalries, but also warring upon the Mississippi River itself." I have seen no evidence that they are warring among themselves, and I believe that they are faithfully endeavoring to execute the plan of 1880 as interpreted and understood both by themselves and Congress. There has been always some difference of opinion among them as to some of the details of the work, but none as to the feasibility of the scheme, and none as to the value of works for the protection of caving banks. I have shown that the commission in their several reports have repeatedly stated and restated the plan; that they have always discussed plainly and frankly the revetment feature; that they have given a history of the work in all its parts year by year as it progressed, and a reference to the records will also show that they have exhibited the reports of the various engineers in charge of the works at the different localities, showing in the minutest details all losses sustained as well as successes achieved and the use to which every dollar of the appropriations has been applied.

No matter what may be said of the plan or the results attained, it can not be justly charged that they have been lacking in candor or frankness, or that they have withheld anything from Congress which should have been made known. By the river and harbor act of August 5, 1886, the condition was imposed upon the commission "that no work of bank protection or revetment shall be executed in said reaches (meaning the reaches being improved) or elsewhere, until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks."

The same limitation is contained in the bill reported at this session by the committee of which I have the honor to be a member, and this, too, notwithstanding the fact that the commission had sent in a communication wherein they said:

The idea that the Mississippi River can be permanently improved by contraction works alone is purely visionary and theoretical, contradicted by experience and not supported by any good authority. To adopt such a system is, in the opinion of the commission, to waste public money.

The gentleman from Arkansas regards my failure to object to this limitation in view of this communication as indicating my distrust of the commission and as inconsistent with the confidence expressed upon this floor by me in their ability and fidelity, and emphasizes it in his

remarks with very apparent glee. My course in this connection is easily explained. I do not pretend to know more about this great question than any other gentleman who has bestowed thought upon it. I know no member who by education or experience can claim superior knowledge of it. I have assumed that all those professing friendship for the enterprise are equally earnest in their labors and wishes for its success, and equally capable of understanding and dealing with the difficulties attending its advancement and accomplishment. I have recognized that nothing could be done unless its friends would agree that the course advised by a majority of them, as contingencies might arise, should be supported by all. Such agreement involved no sacrifice of principle or integrity. When the river and harbor bill was reported, and as it passed the House in the first session of this Congres, no such limitation was contained in it. After it reached the Senate it was inserted, after a consultation of its friends, for reasons not necessary to be mentioned here.

In the same spirit of concession, and acting as we believed for the best, the gentleman from Louisiana [Mr. BLANCHARD] and myself, who especially had in charge this matter in the committee, caused the same limitation to be inserted in the present bill. And we did this the more readily as the commission, in the communication already quoted from, did not construe the limitation as prohibiting revetment where they regarded it as necessary.

They said upon this point:

> In the recommendations made for the expenditures of this appropriation (meaning that of August, 1886), the commission have regarded these restrictions, and have recommended no work of bank protection or revetment that does not seem to them to be absolutely necessary to save from destruction costly work already done or valuable results already attained, leaving to yourself, at the same time, the final question of the full meaning and intent of the law.

My whole purpose is to push forward this great work in which my constituents are so vitally interested as rapidly as possible, and no views of mine shall stand in its way. I claim no superior knowledge upon the subject, and while I have well defined ideas concerning it, I have no pride of opinion which could make me hesitate a moment in laying them absolutely aside if the enterprise could be in the least degree thereby benefited. That is the platform upon which I stand, and I think all of the friends of the river should also occupy it. I do not wish to be understood as being wedded to the commission as it is now organized. While I have confidence in their ability, and believe that they will, if let alone, achieve that result we all so anxiously hope for, there never has been a time when I have not been ready, if a majority of the friends of the river thought it best, to co-operate promptly and earnestly in an effort to have its membership entirely changed. I have so repeatedly stated in consultation with friends. But I do protest against these gentlemen, one of whom is a friend and constituent of mine, and the equal in integrity, character, intelligence, manliness, and honorable purpose of any member of this House, being denounced here by the gentleman from Arkansas, or anybody else, as "a body of obstinate wrangling men, * * * jealous of an illustrious former associate," and as "pursuing no authorized plan," and as "seeking by all manner of sophistry to cover up its errors and to conceal its waste of public money," and as engaging in nothing "but envies, strifes, inconsistencies, efforts to magnify and continue self and to draw pay," and as fighting the plan they are ordered to execute.

They have pursued the plan of 1880 literally, and have neither done nor said anything to justify such coarse abuse. The charge that they are striving merely to "continue self and to draw pay" is without the slightest foundation. Of the seven commissioners four are United States officers, whose salaries are in no sense dependent upon the maintenance of the commission, as the gentleman from Arkansas knows, and I leave the House to determine the weight which should be attached to his assertion that these officers are engaged in some sort of conspiracy with the three members from civil life to have the commission continued that the latter may continue to draw pay.

As to the propriety or necessity of using revetment to prevent the banks from caving, in connection with contraction works, not being either a real or pretended engineer, I will content myself by referring to the communications of the commission and of Captain Turtle upon that point, which I will append to my remarks. From actual observations made it appears that when contraction works have been constructed the bank opposite to them has invariably caved rapidly, and that when wide places have been narrowed caving in the bends below them has not been thereby stopped. The only revetment used has been to prevent these opposite banks from caving, whereby the river would again become abnormally wide and undo all the good effected by the contraction works, and to prevent the contraction works themselves from being taken in flank and destroyed by the river eating in behind them.

The idea of the commission upon this point is thus succinctly and clearly stated by General C. B. Comstock in his separate report of July 3, 1885:

> I fully concur in the opinion that any attempt to improve the navigation of the Lower Mississippi by contraction works alone without the extensive use of bank protection would be a failure. I think, even if it were possible in that way temporarily to improve the river, it would be only temporarily, since the river, still free to cave in its bends, would recede from those works unless the bends were held by protection works, and would thus return to its present bad condition.
>
> Not believing that contraction works alone can improve the navigable depth of the river, neither do I believe that revetment works alone can do it, and I am not in favor of either class of works except in proper connection with the other. The Mississippi is like other rivers, differing only in size, and the general plans for improving rivers in alluvial bottoms, followed for many years in Europe and tested by experience, must be followed here, namely, contraction works to secure increased depths where needed, and protection works in caving bends to prevent the river from abandoning or destroying the contraction works either during or after their completion.

The appropriations have been as follows:

| | |
|---|---|
| Act of March 3, 1881 | $1,000,000 00 |
| Act of August 2, 1882 | 4,123,000 00 |
| Act of January 19, 1884 | 1,000,000 00 |
| Act of July 5, 1884 | 2,065,000 00 |
| Act of August, 1886 | 2,000,000 00 |

Add to this—

| | |
|---|---|
| Balances from former appropriations for works below Cairo, July 1, 1882 | 272,504 96 |
| Balances, same kind, for works above Cairo, July 1, 1884 | 22,632 53 |
| Total | 10,483,548 56 |

Of this the $2,000,000 of August, 1886, remain practically unexpended and need be no further considered. There have been expended to June 30, 1885, above Cairo, $538,128.77. For levees there have been expended $1,578,695.36; for plant, about $1,400,000; for surveys, $24,690.11; for Vicksburg Harbor, $61,812.13; for Natchez and Vidalia, $6,626.09; for Delta Point, $115,573.71; for Memphis Harbor, $198,580.97; for Memphis Reach, $477,073.04; for Lake Providence Reach, $2,240,285.73; for Plum Point Reach, $2,379,019.12; and for New Madrid Reach, $210,364.74.

Out of this whole sum only $2,240,000 have been expended for works for protecting the banks, about which such a dismal howl has been raised, and this includes the first cost of plant, less its present value, and the cost of its maintenance, and also the cost of the special work for the protection of the Memphis and Vicksburg harbors, all of which was bank revetment.

Deduct this last, $803,011.49, which was for the protection of given localities, and only $1,436,988.51 have gone for bank protection. Nor have all the losses which have occurred been confined to revetment.

| | Per cent. of cost. |
|---|---|
| The damage to works of channel contraction has been | 22 |
| To works of bank protection | 26 |

And these percentages include the cost of maintenance of plant, and also its original cost less its present value. The works at Lake Providence and Plum Point have cost more than was anticipated. General Gillmore, speaking of this in 1885, said:

> The cost of improving the Mississippi River in the manner and to the extent contemplated will doubtless considerably exceed the estimate formerly submitted by the commission. For this there are two reasons principally: First, that it has been found necessary to make use of stronger and firmer, and, therefore, more expensive, methods of construction than those upon which, from a want of experimental knowledge, that estimate of cost was based; and second, that the percentage of loss from floods has exceeded what was formerly thought to be a fair allowance for this contingency. Much of this loss, however, would have been spared had the stronger methods of construction been resorted to at an earlier day, and future loss from this cause may therefore in some measure be avoided. In other respects, also, the experience gained in the application of new and untried devices can not fail to tend in the direction of economy.

Add to this that during the whole period there has been a succession of unprecedented floods, interrupting labor for months at a time, and leaving unfinished work exposed to their ravages, and that for other long periods work has been suspended for want of appropriations, and we can readily understand why the original estimates have been largely exceeded. It is hardly to be doubted that with their present experience, and average floods and ample means, the commission could duplicate all they have done, outside of levee work, for one-half of what they have expended.

It is a false assumption of the gentleman from Arkansas that the river must receive such treatment from Cairo to the Gulf, or even to Red River, as it must have at the reaches selected by the commission for improvement.

These cover altogether 184 miles, and the work, aside from them, will consist of levees and comparatively inexpensive treatment of the channel and banks.

As pointed out by General Gillmore in 1885, work below Red River will be devoted entirely to securing an enlarged local water way, that the floods may pass off rapidly to the sea, there being now no difficulty of navigation, and this will be effected by restraining the floods by levees, thus scouring out and enlarging the channel. Throughout the portions of the river between the reaches of bad navigation there are many long stretches where navigation is good and which require but slight protection to be kept good.

The topography is such that for about one-half the distance below Cairo only one side of the river requires to be leveed.

Along both sides in Arkansas, Louisiana, and Mississippi there are many hundreds of miles of strong, substantial levees now successfully warding off the floods.

My colleague from Louisiana [Mr. BLANCHARD] has gathered from

the reports the following estimates, showing that in addition to what has already been expended for levees the commission do not contemplate expending more than $4,240,000, namely:

| | |
|---|---|
| Total estimates for levees yet to be constructed— | |
| Cairo to Island No. 40, 220 miles | $2,300,000 |
| Island No. 40 to Saint Francis River, 78 miles | 430,000 |
| Saint Francis River to White River, 95 miles | 150,000 |
| Amos Ridge to Arkansas City | 30,000 |
| Arkansas City to Louisiana State line | 375,000 |
| Louisiana State line to Warrenton | 260,000 |
| Warrenton to Red River | 125,000 |
| Morganza Crevasse River (now being closed) | 70,000 |
| Total | 3,740,000 |
| Add for reconstruction of Kempe levee, for work on Lake Concordia levee, and for additional work on levees on Yazoo front (not estimated for by commission), say | 500,000 |
| | 4,240,000 |

I am willing, for the purpose of the argument, to concede that twice this sum may be needed to aid the States, riparian counties, and districts to perfect the levees, and still the ultimate cost will not be excessive.

Now, as showing what my colleague [Mr. BLANCHARD], than whom there is not a more careful, conscientious, and intelligent man upon this floor, thinks of the probable cost of the work, I will read from the able and elegant speech delivered by him on January 15. After discussing the levee feature of the plan, he said

The other part of the system adopted is the contraction of the wide places and the revetment of the banks. This is the most costly part of the system. The gentleman from Iowa has stated, and stated recklessly (which was the character of many of his statements), that it is impossible to tell what this revetment of the banks is going to cost; and the gentleman even had the temerity to venture an opinion on this floor, as I understood him, that the cost will reach $75,000,000. In refutation of that statement I need only refer members to what has been done at two of the great reaches of the river. What has it cost to revet the banks and to contract the river at Plum Point reach and at Lake Providence reach, where this improvement has been going on? It is true that these reaches are not yet completed, but they are nearly so. They are sufficiently completed to have gained a depth at each of them of from 5 feet at low water to 12 and 15 feet at high water. What has it cost to contract those reaches of the river and to revet their banks? There has been expended at Plum Point reach a little more than $2,300,000 and at Lake Providence reach about $2,250,000.

Say that it will cost three quarters of a million more at each to finsh the work (which I think would be an outside figure), then we would have two reaches of the river each about 40 miles long, upon each of which we will have spent $3,000,000 in the work of contracting the 10,000 feet (which is the width of the river there, or nearly so) to the requisite width of 3,500 feet, and also revetting the banks.

Now, there are but six of those reaches, and if they are all to cost as much as $3,000,000 each, that will aggregate only $18,000,000, not only for revetment, but for contraction works. It was never proposed, as the gentleman from Iowa seems to think, that this river should be revetted from Cairo to its mouth. The river needs improvement only at specific localities along it, mainly at these six reaches I have referred to. And even if it cost double the $18,000,000, what is that when we come to consider the great importance of deepening and improving a great parent water way like the Mississippi River from Cairo to the Gulf, with the possibility, and even probability, of great ocean steamships penetrating to the great cities on its banks in the far interior?

I say, therefore, Mr. Chairman, that the reports of the Mississippi River Commission, if carefully and impartially studied, as they seem not to have been by the gentleman from Iowa, will be found to contain an abundance of material going to show that the great bugaboo which he conjures up does not exist; that it will not take $75,000,000, it will not take $50,000,000, it will not take $30,000 to improve the river, and that his assertion to the contrary is merely an assertion.

It thus appears that I have some very excellent support of the views expressed by me, both as to the theory of the plan and the probable cost of its execution.

I therefore again express the opinion, the wonderful maze of figures and footings dished out by the gentleman from Arkansas to the contrary notwithstanding, that a good navigable channel from Cairo to the Gulf can be obtained, the floods restrained, and deterioration of the river substantially arrested for $30,000,000.

Under all the circumstances the most gratifying success has attended the labors of the commission.

The works at Lake Providence and Plum Point, covering about 60 miles of the worst and shoalest portion of the river below Cairo, have deepened the channel through those reaches from 6 to 13 and 15 feet at the very lowest stage of water, and swept away the shoals and bars which for years had endangered and threatened commerce.

In due course the other reaches of bad navigation, which are much less formidable than the two named, will receive proper treatment, and then navigation will be uninterrupted from one end of the year to the other. With help, judiciously furnished, levees throughout the length of the river will be erected and maintained and the floods of high water will be restrained and compelled by scouring out the bed of the river to make for themselves a rapid and easy passage to the sea instead of expending their energies in ravaging the magnificent plantations along the banks and creating in the shape of bars and shoals new and ever-increasing impediments to navigation and commerce.

It is most sincerely hoped that whether its membership be changed or not this great work will continue in the hands of a commission.

As has been pointed out by the very able Senator from Louisiana [Mr. GIBSON], nearly all the important rivers in Europe have been improved through the agency of commissions organized for the purpose. Struck with the utility of such an agency, he introduced the bill in Congress which resulted in the creation of the Mississippi River Commission.

It is of the utmost importance in dealing with such works that they shall be in charge of those specially designated to study them, thus securing not only the benefit of practical experience but uniformity of plan and treatment, so that no matter in what locality work may be done its effect not only at the given spot but upon the whole river will be kept steadily in view.

This was regarded by Captain Eads as a matter of the greatest importance. In explaining, in his separate report for 1881, why he could not join in the recommendation of the commission that the methods employed by Captain Ernst in improving the river between the mouths of the Missouri and Ohio Rivers should be continued, after stating that he had not had the opportunity to examine those methods, he said:

Before I would feel justified in giving my approval to detail plans for the improvement of any portion of the river it would be necessary for me to carefully consider them, not merely in the light of the immediate results which the works might be expected to accomplish, but also as to their effect upon other parts of the river. It would also be necessary to know whether the plans proposed for the special locality were in full accord with the general plan of improvement recommended by the commission, and assuming the plans to be correct, whether they were to be carried out with due regard to economy in the expenditure of money.

Under the act of Congress creating the commission it is charged with the responsibility of reporting plans for the improvement of the entire river, and it alone is responsible for them. I do not believe the public expectation will be met by exempting so extensive and important a section of the river as this 200 miles from the supervision of the commission. This was done by a clause in the last appropriation of $600,000 for this part of the river, and the effect of the present recommendation is to encourage the disbursement of a like sum without any control of the works by the commission.

Whatever defect may exist in the methods of work is not to be attributed to the fact that it is being done by a commission. Nothing can be clearer than this, and in my opinion whenever the Mississippi River Commission ceases to exist the cause of the great river will have received a severe blow. The intimation of the gentleman from Arkansas that the inhabitants of the Valley have sought to improperly influence or control the action of the commission is without justification or excuse. He has not pointed out any word spoken or act done by them upon which such an insinuation could be based.

They are an intelligent and high-minded people, who would not, if they could, have the commission to swerve one hair's breadth from the strict performance of their duties under the law. One of the members of the commission (General Ferguson) resides in my district. In the course of his remarks, the gentleman from Arkansas [Mr. BRECKINRIDGE] said:

If gentlemen choose to stand by their constituents, personal friends, and favorites on the commission they can do so; but I protest that their eyes are being blinded to what is best for the river and the public interests.

And again:

The gentleman from Mississippi [meaning myself] * * * is hardly expected to be the first to see fault in his friend and influential constituent who is on the commission, or in those that that gentleman stands up for.

If this language means anything it means that I have not spoken candidly or honestly upon this question, but have shaped my course to please my friend and constituent. It is not necessary for me in this House, where no member, I trust, has excelled me in modesty of demeanor, or in the display of proper respect and regard for the rights and views of others, to say that there is no foundation for so disrespectful an insinuation. I am quite content to have the motives which have actuated the gentleman from Arkansas and myself compared by any one who will take the trouble to read his remarks and mine.

NOTE.—When the present bill reached the Senate the words of limitation as to revetment work, upon which the gentleman from Arkansas [Mr. BRECKINRIDGE] has endeavored to make a point against me, were modified so as to read as follows: "That no work of bank protection or revetment shall be executed in said reaches or elsewhere unless in the judgment of the commission the completion of the permeable contracting works and the establishment of a uniform width of the high-water channel will not secure the desired stability of the river banks." And the bill with this modification afterwards passed the House.

This modification is understood to have been made at the suggestion of Senator GIBSON, who is undoubtedly as well informed upon all matters pertaining to the Mississippi River as any man in Congress, and knows how to deal with them practically as well as theoretically.

---

APPENDIX.

[House of Representatives, Forty-ninth Congress, second session, Ex. Doc. No. 66.]

*Letter from the Secretary of War, transmitting a communication from the Mississippi River Commission in reference to the works of protection to the banks of that river; also to the failure to make provision for the expenses of the commission.*

WAR DEPARTMENT, WASHINGTON CITY, *January* 5, 1887.

The Secretary of War has the honor to transmit to Congress a copy of a communication of November 27, 1886, from the Mississippi River Commission, submitting remarks upon the conditions imposed by the river and harbor act of August 5, 1886, upon works of bank protection on that river, and calling attention to the deterioration of the works construed at Plum Point and Lake Providence reaches for want of appropriations, and also to the fact that Congress had failed to make provision for the commissioners' expenses.

WM. C. ENDICOTT,
*Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

---

OFFICE OF MISSISSIPPI RIVER COMMISSION,
*Saint Louis, Mo., November* 27, 1886.

SIR: The river and harbor act of August 5, 1886, imposed on the Mississippi River Commission the condition—

"That no works of bank protection or revetment shall be executed in said

reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks."

This limitation is based, it is believed, on the theory that a river, if once regulated, will not scour its natural banks. The commission is somewhat familiar with the opinions and writings of hydraulic engineers, and, so far as it is advised, this theory is totally unrecognized by any authoritative writer on hydraulics. It is universally recognized by such writers that in general when a large obstruction is placed on one bank of a river a corresponding wearing away of the opposite bank occurs in consequence.

"There is no evidence that a regulated river will not cave its banks, and in most cases it is impossible to build permeable contracting works or secure any narrowing of the channel by them without holding the banks in their immediate neighborhood while the work is going on; the unprotected banks would recede while the contracting works were being built."

These general views are fully confirmed by the experience of the commission on the Mississippi River.

The contraction works at Gold Dust, Plum Point, Duncansby, and Baleshed have been followed by caving on the opposite bank, whose immediate result is, by again enlarging the cross section of the river, to destroy any beneficial results the contraction works might otherwise produce.

That such works may secure any valuable permanent contraction, the opposite bank must in general be held by protection works.

In the opinion of the commission the idea that the Mississippi River can be permanently improved by contraction works alone is purely visionary and theoretical, contradicted by experience and not supported by any good authority. To adopt such a system is, in the opinion of the commission, to waste public money. Holding these views, the commission, as engineers, can not recommend to Congress so futile an undertaking.

In the work which has been done in the Plum Point and Lake Providence reaches, the plan which has been so frequently and explicitly recommended by the commission in previous reports, and which embraced the combination of permeable contracting works and bank protection as means of narrowing and deepening the channel, has been applied.

The work has been conducted under difficulties which can justly be called extraordinary. Since its commencement a succession of floods has occurred without precedent, by which the work has been greatly interfered with, and large expense and losses incurred.

On two occasions the annual appropriations have failed entirely, and in no case except one has it reached the amount recommended. During long intervals of time the works have remained in an unfinished condition, exposed to injuries which under favorable conditions might have been prevented.

Nevertheless the deepened channel through the improved portions of these reaches has been maintained continuously. The present season has been one of extraordinary low water—the lowest since 1879. In many parts of the river the depth has fallen to 6 feet and under. But in the improved parts of these reaches there has been at all times a navigable channel of ample depth.

Before these works were begun these reaches were the worst places on the river. It was for that reason that their improvement was undertaken first in order. They are now good.

These successful and gratifying results have been obtained by the combination of permeable contracting works and bank protection, each supplementing and aiding the other, and, in the opinion of the commission, could not have been obtained by permeable contracting works alone. In the act of August 5, 1886, certain restrictions already referred to, not entirely free from ambiguity, are laid upon the use of bank protection or revetment as means of channel improvement. In the recommendations made for the expenditure of this appropriation the commission have regarded these restrictions, and have recommended no work of bank protection or revetment that does not seem to them to be absolutely necessary to save from destruction costly work already done or valuable results already attained, leaving to yourself, at the same time, the final question of the full meaning and intent of the law.

The commission would call the attention to the fact that Congress having failed at its last session to make any provisions for payment of its expenses, and the Attorney-General having decided that such expenses could not be paid from the appropriation, it has been impossible to make such inspections of the work as are much to be desired.

The commission would also call attention to the fact that the works at Plum Point and Lake Providence have seriously deteriorated during the absence of appropriations for carrying them on, and hence that the appropriations asked for in the annual report should be granted, as the works on these reaches are still incomplete, and funds are not available for their completion.

Q. A. GILLMORE,
*Colonel Engineers, Brevet Major-General U. S. A.,*
*President Mississippi River Commission.*
C. B. COMSTOCK,
*Lieutenant-Colonel Engineers and Brevet Brigadier-General.*
CHAS. R. SUTER,
*Major Engineers, U. S. A.*
HENRY MITCHELL,
*Coast and Geodetic Survey.*
R. M. HARROD.
R. S. TAYLOR.
S. W. FERGUSON.

The SECRETARY OF WAR.
(Through the Chief of Engineers.)

---

ARMY BUILDING, NEW YORK, *December* 22, 1886.

I concur very generally with the views expressed in the foregoing letter, and have accordingly signed it as president of the commission, with the following reservation on the subject of bank protection: The revetment of a caving bank with mattresses or other similar device is perhaps the quickest way to afford protection, for the reason that it interposes a covering capable of resisting the wearing and undermining action of impinging water. But the most complete and efficacious method requires that the current be turned away from the threatened bank. This can best be done usually by permeable dikes placed above the point in danger and requiring protection, having their lengths severally adjusted to the object in view.

Q. A. GILLMORE,
*Brevet Major-General, President Mississippi River Commission.*

---

[House of Representatives, Forty-ninth Congress, second session, Ex. Doc. No. 99.]

*Letter from the Secretary of War, transmitting a communication from the Mississippi River Commission, together with a report and accompanying maps, showing the bank lines of the Plum Point and Lake Providence reaches.*

WAR DEPARTMENT,
*Washington city, January* 19, 1887.

The Secretary of War has the honor to transmit to the House of Representatives, for the information of the Committee on Rivers and Harbors, the inclosed communication of the 12th instant from the Mississippi River Commission, together with a report and accompanying maps, showing the bank lines of the Plum Point and Lake Providence reaches.

As the maps are originals and of great value, it is respectfully requested that they be returned to the Department when no longer needed by the committee.

WM. C. ENDICOTT,
*Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

---

THE MISSISSIPPI RIVER COMMISSION, PRESIDENT'S OFFICE,
ARMY BUILDING, 33 WEST HOUSTON STREET,
*New York, January* 12, 1887.

SIR: I have the honor to transmit herewith maps of Plum Point and Lake Providence reaches, with accompanying report prepared by the secretary of the commission in compliance with a resolution passed by the commission September 20, 1886:

"That the secretary of the commission be directed to prepare maps of the Plum Point and Lake Providence reaches on a scale of 1:4000, showing the bank lines of the original surveys, all bank lines subsequently run, and the present bank lines; also all dike and revetment work. To both the shore lines and lines of work dates of construction shall be attached. These maps shall be accompanied by a statement of the effect, if any, of the dike work in arresting caving."

The resolution further provided that—

"The maps and accompanying statements shall form part of the next report to enable Congress to judge as to the advisability of repealing the instructions in the last river and harbor bill concerning the construction of revetment works."

These maps could not be prepared in time to be embodied in the annual report of the commission for 1886, but it is requested that they may be brought to the attention of Congress in connection therewith.

It is requested that these maps may be ultimately returned to the secretary of the commission, as he has been able to retain only tracings of them.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
*Colonel of Engineers, Brevet Major-General, U. S. A.,*
*President Mississippi River Commission.*

The SECRETARY OF WAR.
(Through the Chief of Engineers.)

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
*January* 18, 1887.

Respectfully forwarded to the Secretary of War, with recommendation that the papers and accompanying maps be transmitted to the Speaker of the House of Representatives for the information of the Committee on Rivers and Harbors.

As the maps are originals and of great value, it is further recommended that their return to the War Department be requested when the committee has done with them.

J. C. DUANE,
*Brigadier-General, Chief of Engineers.*

---

REPORT TO ACCOMPANY MAPS SHOWING BANK LINES OF THE PLUM POINT AND LAKE PROVIDENCE REACHES, DECEMBER, 1886.

(Letter.)

OFFICE MISSISSIPPI RIVER COMMISSION,
*Saint Louis, Mo., January* 5, 1887.

GENERAL: I have the honor to transmit herewith maps of the Plum Point and Lake Providence reaches of the Mississippi River, compiled in pursuance of a resolution of the commission of September 20, 1886, and containing the information required by the same. The report of Mr. Ockerson, herewith, gives all information as to the data for the preparation of the maps and in detail the changes in bank lines since the survey of 1879.

The resolution of the commission, referred to, required a statement of the effect, if any, of the dike work in arresting caving, and directed that these maps and the accompanying statements shall form part of the next report, to enable Congress to judge of the advisability of repealing the instructions in the last river and harbor bill concerning the construction of revetment works.

In Fletcher's Bend (Plum Point reach) the bank receded a maximum distance of 275 feet in 1879-'81, but it was almost stationary in 1881-'82. Immediately upon the construction of the Gold Dust dikes the bank receded rapidly. Caving was accelerated, too, upon Craighead Point upon the construction of the Plum Point dikes.

We find the same result at Mayersville Island (Lake Providence reach) subsequent to the construction of the Cottonwood dikes.

The recession of the bank opposite the Baleshed dikes may undoubtedly be ascribed to them, as also the carrying away of the Elton dikes, and the caving of the banks at Elton.

So far as the construction of dikes relates to the caving of banks, those so far built have only initiated such caving or accelerated it.

Pursuing the matter somewhat further, the caving of the bank above the Duncansby dikes (Lake Providence reach) seems to be a consequence of the recession of the bank near Pilcher's Landing, as the reduction of Stack Island and the caving at Ben Lomond similarly seem to proceed with the caving at Elton, and following the change at Ben Lomond we have the very rapid caving below Lake Providence.

The action at all these points—Fletcher's, Craighead, Duncansby, Mayersville Island, Elton, Ben Lomond, and the bend below Lake Providence—is indicative of a relation between it and the direction of approach of the volume of the river towards the bank.

Following the attack above them and proceeding with it, the Duncansby dikes have been carried away, and the channel is now down through the locality where these dikes formerly were.

Very respectfully, your obedient servant,

THOMAS TURTLE,
*Captain of Engineers, Secretary Mississippi River Commission.*

General Q. A. GILLMORE,
*Corps of Engineers, U. S. A., President Mississippi River Commission.*

# INDEX

TO THE

# APPENDIX TO THE CONGRESSIONAL RECORD.


**Aldrich**, *Nelson W.* (*a Senator from Rhode Island*)
Interstate commerce 15.

**Allen**, *John M.* (*a Representative from Mississippi*)
Diplomatic and consular appropriation bill 80.

**Anderson**, *John A.* (*a Representative from Kansas*)
Telegraph monopoly of the South, West, and Pacific 137.

**Bayne**, *Thomas M.* (*a Representative from Pennsylvania*)
Washington Cable Railway 59.

**Bennett**, *Risden T.* (*a Representative from North Carolina*)
Polygamy 143.

**Blanchard**, *Newton C.* (*a Representative from Louisiana*)
Legislative, executive, and judicial appropriation bill 191.
Transportation of mails to foreign lands 151.

**Brady**, *James D.* (*a Representative from Virginia*)
Agricultural experiment stations 120.
Improvement of Erie and Oswego Canals 10.

**Breckinridge**, *Clifton R.* (*a Representative from Arkansas*)
River and harbor improvements—the Mississippi River 170.

**Brown**, *William W.* (*a Representative from Pennsylvania*)
Death of John A. Logan 88.

**Buck**, *John R.* (*a Representative from Connecticut*)
Duties on tobacco 7.

**Cabell**, *George C.* (*a Representative from Virginia*)
Legislative, executive, and judicial appropriation bill 150.

**Call**, *Wilkinson* (*a Senator from Florida*)
Florida Railroad land grant forfeiture 194.

**Campbell**, *James E.* (*a Representative from Ohio*)
Interstate commerce 27.

**Catchings**, *Thomas C.* (*a Representative from Mississippi*)
Mississippi River improvement 205.

**Culberson**, *David B.* (*a Representative from Texas*)
Agricultural Department 24.

**Daniel**, *John W.* (*a Representative from Virginia*)
Abolition of internal-revenue system 61.

**Dibble**, *Samuel* (*a Representative from South Carolina*)
Charleston (S. C.) public building 23.

**Evans**, *I. Newton* (*a Representative from Pennsylvania*)
Interstate commerce 48.

**Frederick**, *Benjamin T.* (*a Representative from Iowa*)
Pleuro-pneumonia 99.

**Gallinger**, *Jacob H.* (*a Representative from New Hampshire*)
Honest elections—New England *vs.* Georgia 107.

**Glass**, *P. T.* (*a Representative from Tennessee*)
Agricultural Department 75

**Grosvenor**, *Charles H.* (*a Representative from Ohio*)
Death of John A. Logan 87.
Interstate commerce 49.
Muskingum River improvement 60.
Pensions 130.

**Grout**, *William W.* (*a Representative from Vermont*)
Agricultural experiment stations 112.

**Hammond**, *N. J.* (*a Representative from Georgia*)
Free ships 140.
War taxes as set-offs against States 127.

**Hanback**, *Lewis* (*a Representative from Kansas*)
Interstate commerce 22.

**Hepburn**, *William P.* (*a Representative from Iowa*)
Charleston (S. C.) public building 21.
Interstate commerce 43.
Rivers and harbors 133.

**Hermann**, *Binger* (*a Representative from Oregon*)
Interstate commerce 33.

**Holman**, *William S.* (*a Representative from Indiana*)
Interstate commerce 147.
Pacific railroads investigation 26.
Why a great Navy? 96.

**Johnston**, *Thomas D.* (*a Representative from North Carolina*)
Internal-revenue laws 130.

**King**, *J. Floyd* (*a Representative from Louisiana*)
Levees on the banks of the Mississippi River 198.
Sugar-making by diffusion—Government experiments 152.

**La Follette**, *Robert M.* (*a Representative from Wisconsin*)
Agricultural experiment stations 146.
Interstate commerce 184.

**Laird**, *James* (*a Representative from Nebraska*)
Pre-emption of public lands 164.

**Little**, *John* (*a Representative from Ohio*)
Interstate commerce 72.

**Lore**, *Charles B.* (*a Representative from Delaware*)
Consolidation of naval bureaus 161.

**McMillin**, *Benton* (*a Representative from Tennessee*)
Death of William H. Cole 168.

**McRea**, *Thomas C.* (*a Representative from Arkansas*)
Tax or duty on raw cotton 76.

**Mahoney**, *Peter P.* (*a Representative from New York*)
Death of Abraham Dowdney 109.

**Muller**, *Nicholas* (*a Representative from New York*)
Death of Abraham Dowdney 95.

**Oates**, *William C.* (*a Representative from Alabama*)
Agricultural experiment stations 124.

**O'Neill**, *John J.* (*a Representative from Missouri*)
Death of Lewis Beach 152.
Interstate commerce 169.

**Payne**, *Sereno E.* (*a Representative from New York*)
Revenue reduction 113.

**Plumb**, *Preston B.* (*a Senator from Kansas*)
Post-Office appropriation bill 167.

**Randall**, *Samuel J.* (*a Representative from Pennsylvania*)
Trade-dollar 120.

**Ranney**, *Ambrose A.* (*a Representative from Massachusetts*)
War taxes as set-offs against States 89.

**Rowell**, *Jonathan H.* (*a Representative from Illinois*)
Pensions 67.

**Seney**, *George E.* (*a Representative from Ohio*)
Bankruptcy system 3.
Education 102.

**Spooner**, *John C.* (*a Senator from Wisconsin*)
Interstate commerce 36.

**Springer**, *William M.* (*a Representative from Illinois*)
Pleuro-pneumonia 119.

**Stone**, *William J.* (*a Representative from Missouri*)
Diplomatic and consular appropriation bill 93.

**Taylor**, *Ezra B.* (*a Representative from Ohio*)
Revenue and tariff laws 188.

**Thomas**, *Ormsby B.* (*a Representative from Wisconsin*)
Interstate commerce 58.

**Thompson**, *Albert C.* (*a Representative from Ohio*)
Portsmouth (Ohio) public building 100.

**Throckmorton**, *James W.* (*a Representative from Texas*)
Tariff taxation 68.

**Townshend**, *Richard W.* (*a Representative from Illinois*)
Diplomatic and consular service: our commercial relations with China 81.
Mexican war pensions 183.

**Wallace**, *N. D.* (*a Representative from Louisiana*)
Post-Office appropriation bill 129.

**Ward**, *James H.* (*a Representative from Illinois*)
Oklahoma 117.

**Weaver**, *Archibald J.* (*a Representative from Nebraska*)
Veto message: Simmons W. Harden 109.

**Wilson**, *William L.* (*a Representative from West Virginia*)
District of Columbia appropriation bill 170.

**Wise**, *George D.* (*a Representative from Virginia*)
Internal revenue 204.

**Worthington**, *Nicholas E.* (*a Representative from Illinois*)
Interstate commerce 57.

O